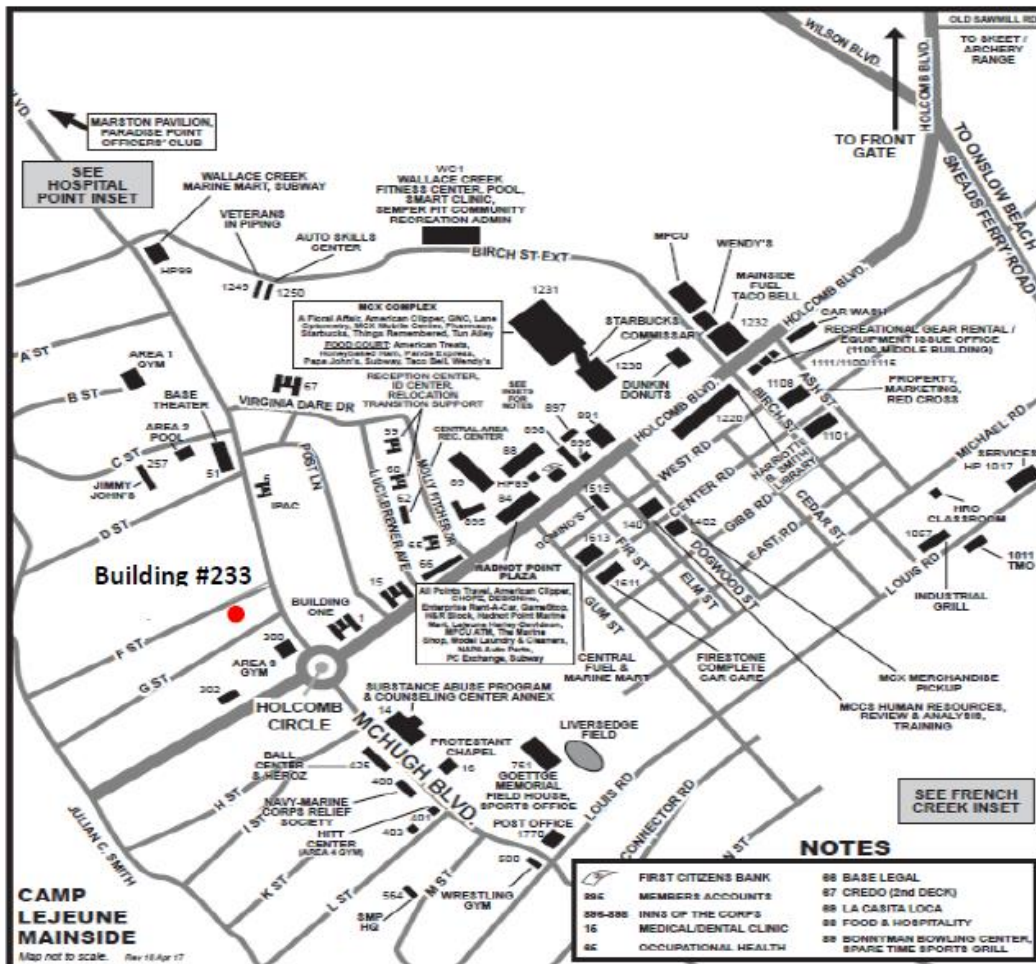


How to File a Complaint



Physical Location: F-Street, Building #233

How to File and EEO Complaint?

To initiate the 29 CFR Part 1614 Federal EEO complaint process, aggrieved persons must contact an EEO counselor or official in the MCIEAST EEO office and initiate pre-complaint procedures within 45 calendar days of:

- 1) The action or practice alleged to be discriminatory;
- 2) The effective date of the personnel action alleged to be discriminatory; or
- 3) The time the aggrieved person became aware of the alleged discriminatory action or practice.

Individuals may choose between participation in an alternative dispute resolution (ADR) process or traditional counseling. If both parties agree to ADR, arrangements will be made to mediate the dispute within ninety (90) calendar days.

Mediation is an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of the issue(s). Mediation gives the parties the opportunity to discuss the issues raised in the EEO complaint, clear up misunderstandings, determine the underlying interests or concerns, find areas of

agreement and, ultimately, to incorporate those areas of agreements into solutions. A mediator does not impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution. If elected, EEO Counselors will arrange for mediation through the Investigations and Resolution Division (IRD) of the Civilian Personnel Management Service, Department of Defense (DoD). If both parties agree to mediate, a mediation session with a trained and experienced mediator is scheduled. While it is not necessary to have an attorney or other representation in order to participate in Mediation, either party may choose to do so. Information shared in the mediation conference is confidential. No report will be developed on the substance of the mediation conference. The only written documentation resulting from the mediation conference will be the actual agreement, if any, and the minutes of the conference which shall only state the following: the participants in the conference, the conference facilitator, the date and length of time, and whether or not an agreement was reached. If mediation is unsuccessful, the aggrieved person will receive a Notice of Right to File a Formal complaint of Discrimination within fifteen (15) calendar days of receipt of such notice.

If **traditional EEO counseling** is elected, an EEO Counselor will be assigned and will attempt to resolve the issue(s) at hand within thirty (30) calendar days from the initial contact or 90 days if an extension is granted. Depending upon the facts and circumstances of the case, an aggrieved person may have options other than Part 1614 procedure available in pursuit of a discrimination claim. The individual, in some cases, may have to elect the process s/he wishes to pursue. Election options apply in age discrimination complaints, mixed case complaints, Equal Pay Act complaints, and claims where certain negotiated grievance procedures apply. In addition, procedures may be available through the OSC or the MSPB.

Individuals may choose to remain anonymous only during the informal stage of the EEO complaint process and only if they are not alleging discriminatory harassment, including sexual harassment. Individuals also have the right to representation. Once the EEO Counselor has determined the basis(es) and claim(s), he/she will conduct a limited inquiry. While the scope of the inquiry will vary based on the complexity of the claims, the inquiry is intended to be limited and is not intended to substitute for the in-depth fact-finding required in the investigative stage of the formal complaint process. When the aggrieved individual and an EEO Counselor engage in resolution efforts, they may decide that they need additional time to reach an agreement. If the aggrieved person consents, the EEO office may extend the counseling period an additional period up to but not exceeding 60 days. If, during the course of the limited inquiry, the agency and the aggrieved person agree to an informal resolution of the dispute, the terms of the resolution must be reduced to writing, clearly identify the claims resolved, and be signed by both parties to help ensure they have the same understanding of the terms of the resolution.

If the issue(s) is/are not resolved upon completion of the counseling process, the EEO counselor will conduct a final interview. During this interview, individuals are provided with full information about further options available. Once EEO counseling is complete, the counselor will provide a Notice of Right to File a Formal Complaint of Discrimination.

From this point in time, individuals have fifteen (15) calendar days from the Notice of Right to File a Formal Complaint of Discrimination. Only the matter (s) raised during informal counseling (or issues like or related to issues raised during informal counseling) may be alleged in a subsequent formal complaint filed with the EEO Office. The issues in the formal complaint and matter giving rise to the complaint must be sufficiently precise to describe the action (s) or practice (s) that forms the basis of the complaint.
