

YOUR RIGHT TO EQUAL EMPLOYMENT OPPORTUNITY

Policy: It is the policy of the Department of the Army (DA) and the Department of Defense (DOD) to provide equal employment opportunity for all of its employees and applicants for employment in every aspect of their employment and working conditions. Important aspects of an effective equal employment opportunity program are a vigorous affirmative action program and a discrimination processing system, that facilitates the early informal resolution of complaints raised. This table provides specific information on how the administrative EEO process works. Complaints of discrimination may be filed by any DA or DOD employee or applicant for a DA or DOD job who believes he/she has been discriminated against on the basis of:

- Race
- Color
- Religion
- National origin
- Sex (includes harassment)
- Age (40 and over)
- Disability (physical & mental)
- Reprisal

1. Precomplaint Process:

Filing: Complainant (employee or applicant) must contact an EEO Counselor **within 45 calendar days** of an alleged discriminatory action. (Names of EEO Counselors may be obtained by assessing the counselor's page on this website.)

2. Counseling:

The EEO Counselor will try to resolve the matter informally within 30 calendar days from the date of the initial interview with complainant. Counseling may be extended up to 60 additional days, upon agreement of complainant and EEO office, or if an established Alternative Dispute Resolution (ADR) procedure is utilized.

3. Formal Complaint Process:

Filing: Complainant may file a written formal complaint with the EEO office, servicing EEO office or Agency Head, within 15 calendar days after the final interview with the EEO counselor.

4. Acceptance/Dismissal:

If the complaint is accepted by the EEO manager, an investigator will be assigned to collect relevant information pertaining to the complaint. If portion of the complaint is dismissed, the complainant will be provided, in writing, the reason(s) of dismissal and informed of his/her right to appeal the decision.

5. Investigation:

The Office of Complaints Investigation (OCI) is required to complete the investigation within 180 days from the filing of the formal complaint, with a possible extension of 90 additional days, upon mutual agreement. After the investigation, complainant may request a Final Agency Decision or a hearing by EEOC. (Complainant may also request a hearing after 180 days has elapsed from the filing of the complaint, if the investigation has not been completed.)

6. Agency Final Decision:

If complainant requests a Final Agency Decision, the DA Equal Employment Opportunity Compliance and Complaints Review Agency (EEOCCRA) or the applicable DOD Agency head will issue the Department's decision on the complaint. The decision, based on information in the investigative file, is issued within 60 days.

7. EEOC Hearing:

If complainant requests a hearing by EEOC, and EEOC Administrative Judge (AJ) conducts a hearing and submits his/her findings and conclusions, within 180 days of the request. If the agency does not issue a final order within 40 days of receipt of the AJ's decision, the AJ's decision shall become the final action of the agency.

8. Appeals:

Complainant, if dissatisfied with the Agency's Final Decision may appeal to EEOC Office of Federal Operations (OFO) on civil action in a U.S. District Court.

9. Right to file a civil action:

Complainant, if dissatisfied with OFO's decision, may request reopening and reconsideration by EEOC or may file a civil action in a U.S. District Court. Complainants who raise a claim under the Age Discrimination Act may bypass the administrative process by filing a notice of intent to sue with EEOC at least 30 days before filing a civil action in court.

10. EEO Process vs Union Process:

Employees covered by bargaining agreements (e.g. the Local 1178, AFGE; Local R4-27, NAGE; or Firefighters Association) may use the union grievance procedures or the EEO complaint process as applicable.

11. Class Complaints:

The EEO office will provide counseling in "class" complaints. The EEO manager will designate a counselor for "class" complaints as in the informal process. Formal Class Complaints will be processed by the agency's headquarters EEO office.

Additional Information:

Additional information pertaining to the EEO complaint process may be obtained from the EEO Office, 1721 Gruber Road, Fort Sill, Oklahoma 73503, and EEO Counselors

ALTERNATIVE DISPUTE RESOLUTION (ADR)

WHAT IS ADR?

Alternative Dispute Resolution (ADR) encompasses a broad range of joint problem solving processes; its basic purpose is to settle disagreements without litigation. ADR provides the parties involved in a dispute with the tools to creatively deal with conflict. Virtually all workplace disputes or dissatisfactions are candidates for ADR.

[Click here for ADR Presentation.](#)

WHAT IS MEDIATION?

The Alternative Dispute Resolution technique known as Mediation has become the most frequently used approach to resolving disputes.

Mediation is the intervention into a dispute by an impartial and neutral third party who assists the disputing parties in voluntarily reaching a settlement. The third party, called the mediator, assists in clarifying issues, identifying underlying causes, and arriving at appropriate remedies to resolve disputes. The mediator does not impose resolution on the parties, but works to improve communications to guide the parties toward voluntary resolution.

Mediation is a dispute resolution process which is non-adversarial in nature; mediation does not decide or declare winners or losers, but mediation attempts to bring reconciliation between disputing parties.

WHEN IS MEDIATION INITIATED?

Mediation may be invoked at any stage of the grievance or complaint process; however, it is most effective when attempted early – when the dispute is raised – preferably during the information step of the complaint procedure. The aggrieved is allowed a brief time in which to accept or reject the offer of mediation. If mediation is rejected, the EEO counseling process will continue. If mediation is accepted, the EEO counseling will be held in abeyance to allow the mediation process to take place. Mediation is voluntary for both parties, the aggrieved person and the agency.

WHO MAY PARTICIPATE IN MEDIATION

Department of Defense employees, applicants for employment, and former employees who allege discrimination on matters concerning their employment may be offered or may request mediation. Participation is voluntary.

WHY USE MEDIATION?

The advantage of mediation is that it gives the parties an opportunity to meet in a non-adversarial setting to resolve problems and reach an agreement. Mediation encourages free and open discussion and gives the parties the opportunity to explore a wider range of concerns, create more solutions, and develop better working relations for the future. Mediation results in a win/win/situation, especially where it results in a mutual and voluntary settlement to a dispute. Even if mediation does not result in resolution, open discussion often results in better understanding and better working relationships. By doing this, mediation saves valuable time, money, and related resources.

HOW DOES MEDIATION WORK?

First, the parties must have agreed to mediation; a mediator is selected from a list of trained/certified mediators. Most mediations are scheduled within two weeks of request;

However, EEO's goal is to provide mediation within 24 hours of the request. The mediator will review the process and ground rules. The mediator will answer any questions pertaining to the process. The parties will be led through the session.

The confidential discussion is led by the mediator. In other words, the mediator will open the session. Both parties present their side of the dispute (called opening remarks).

During mediation, parties will be provided the opportunity for joint discussion, as well as individual and confidential discussion with the mediator (called caucus). The focus is on finding the win/win/solution, where both parties mutually agree. If an agreement is reached it is binding and any formal dispute previously filed with the agency is withdrawn.

If an agreement is not reached, the aggrieved can continue to pursue his/her complaint through the formal EEO process.

With the exception of the settlement agreement, the mediator will not retain records of the mediation. The mediator will not willingly testify for or against either party in an administrative or court proceeding regarding information unique to the mediation conference. Unless obligated by law, such as in criminal activity, the mediator will not divulge information conveyed in confidence by either party.

WHAT HAPPENS WHEN MEDIATION IS COMPLETED?

If a dispute is resolved through mediation, a written settlement agreement will be signed by both parties and EEO counseling will be terminated. If a dispute is not resolved, EEO counseling will continue and the aggrieved will be provided the right to file a formal complaint.