

Complaint Process FAQs

How do I file an EEO Claim?

Contact the Informal Complaints Manager to begin EEO Intake. The manager will then assign an EEO counselor if one elects to begin the EEO process.

What are the time limits for filing?

Complaints must be filed not later than 45 calendar days following an alleged discriminatory incident, act, or event; the effective date of an alleged discriminatory personnel action; or the date that the Complainant knew, or reasonably should have known, of the event or personnel action.

Are my EEO activities documented in my personal files?

No. The EEO process is an administrative process that is separate from your employment roles and functions and is therefore not a part of your personnel records.

Can an employee file an EEO complaint and a grievance on the same matter?

No. An employee cannot file both a formal complaint and a grievance on the same matter. However, a person who has filed a grievance can receive EEO counseling. An election of the EEO process is considered to have been made at the point the formal complaint is filed.

Is it necessary to go through the informal complaint process before a formal complaint can be filed?

Yes. Federal sector regulations require that all EEO complaints proceed through EEO counseling. Counseling provides agencies an opportunity to resolve complaints at the lowest level.

What happens if a formal complaint is filed?

Formal complaints may be filed with the EEO Office within 15 days of the final interview with the EEO counselor. The EEO Officer accepts or dismisses the complaint within 15 days and an investigator is requested. The aggrieved may file an appeal if the EEO officer does not accept the complaint. After the complaint is investigated, a Report of Investigation (ROI) is sent to the complainant with a summary of appeal rights. A request for a hearing may be submitted to the Equal Employment Opportunity Commission (EEOC).

How long does it take to process a complaint?

Federal agencies have 180 days from the filing date of a formal complaint to investigate the complaint and issue an ROI to the complainant.

What is discrimination?

Discrimination is disparate treatment or denial of privileges because of an individual's membership in a protected group.

What groups are protected from discrimination?

Everyone is protected from discrimination. Your protection status is referred to as the basis(es)

for discrimination. Illegal bases for discrimination include: race, color, national origin, sex (sexual orientation, pregnancy and equal pay), age, religion, disability (mental and physical), genetic information, and reprisal.

Is the complaint process confidential?

The EEO staff, including counselors, may not divulge the name of a person until the individual signs a release. Any employee or applicant may speak to a counselor in confidence. It is difficult to inquire about problems without releasing information, however, complaints are held in strict confidence.

Is it possible to have a complaint processed anonymously?

During the informal stage, an aggrieved person may request and receive anonymity. However, during the formal stage, anonymity cannot be granted.

Can a complainant have a representative?

A complainant has the right to a representative at any point in the complaint process. This may be a relative, friend, co-worker, or attorney. However, EEO counselors, EEO assistants, EEO specialists, EEO managers, or any employee whose official position may create a conflict of interest cannot be a representative. Reimbursement for attorneys' fees is possible only for formal complaints and only after supporting documentation is approved.

Who is authorized to process informal complaints?

The office of Civil Rights and EEO Informal EEO Complaints Manager.

What action can management take against an employee who files an EEO complaint?

Section 704a of Title VII of the Civil Rights Act, as amended, prohibits an employer from retaliating against an employee for filing an EEO complaint.

Must an employee use his/her leave to attend complaint related meetings?

No. An employee involved in the complaint process (as the aggrieved, a representative, or witness) is entitled to a reasonable amount of official time. However, this time must be requested before the meeting or appointment.