In light of the National Emergency declared by the President due to the Coronavirus (COVID-19), the U.S. Equal Employment Opportunity Commission's (EEOC) Office of Federal Operations (OFO) is issuing the following instructions regarding the processing of federal sector EEO complaints covered by 29 CFR Part 1614.

- Information about the EEOC's processing of complaints during the COVID-19 crisis.

Resolution & Compliance

The DODEA EEO Office administers the informal and formal EEO Complaint Process which may be used by DODEA employees and applicants for employment to raise issues of discrimination based on the following:

- Age (40 and over)
- Disability
- Equal Compensation
- Genetic Information
- National Origin
- Pregnancy
- Race/Color
- Retaliation
- Religion
- Sex
- Sexual Harassment
*Note that Sex includes being male or female, as well as being lesbian, gay, bisexual, transgender, non-binary and gender identity.

The federal Equal Employment Opportunity (EEO) process is governed by the regulations, management directives, guidance, and case law of the Equal Employment Opportunity Commission (EEOC), as well as applicable federal court cases. The EEO process consists of three parts, which are detailed below.

1. Informal Complaints of Discrimination

The informal process, also called EEO Counseling, provides an opportunity to define the employee’s concerns, obtain information necessary to address the issues, and attempt to resolve the issues at the lowest possible level. This process is administered by the Area EEOP EEO Counselors and Team Leads. You must complete EEO counseling before filing a formal complaint.

- There is a time limit for contacting an EEO representative, which is within 45 calendar days from the date of or becoming aware of the discriminatory act.
- Employees and applicants should contact the EEOP EEO Counselor or Team Lead for complaint counseling. After filling out an intake form the EEOP Counselor will serve as an impartial third party.
- Counselors seek resolution through facilitation and initiate a limited fact-finding inquiry into the discrimination allegations. Inquiries include talking with individual(s) alleged to have discriminated and witnesses with possible knowledge of the complaint issue(s). These limited inquiries are not investigations, but are intended to gather basic facts of the allegations. With this information, the EEO Counselor will attempt to find the common ground between parties to attempt to resolve the issues. The counseling process should conclude within 30 days but may extend to 90 days due to extenuating circumstances.
- Should the aggrieved opt to use the Alternative Disputes Resolution (ADR) process, the EEO Counselor will locate a third-party neutral to mediate the issues. The ADR process is a more formalized attempt to resolve the issues between parties. The ADR process not only works to resolve the complaint, but also to find a long-term solution and heal the work relationship.
- Should an informal complaint not be resolved, the EEO Counselor will issue the aggrieved employee or applicant a Notice of Final Interview and Right to File Formal.
- The Resolution and Compliance staff do not make discrimination findings or decide whether complaints have merit.
- Within 15 calendar days of the final interview, a formal written complaint that specifically details the claim(s) the complainant raised in EEO Counseling and that the complainant wishes to pursue should be submitted. The formal written complaint must be signed by the complainant or the complainant's attorney.

2. Formal Complaints of Discrimination

- The formal EEO complaint process is a legal procedure for the consideration of claims of employment discrimination.
- Formal complaints of discrimination may only be filed after a complainant completes EEO Counseling.
- If a complaint meets procedural requirements established by regulation, an investigation is conducted within 180 calendar days but may extend to 360 days if additional claims are raised and accepted for amendment.
In most cases, employee will have 30 days upon receipt of the report of investigation to elect to have a hearing before an EEOC Administrative Judge or request an agency decision based solely on the record supported by EEOC case law.

If the employee elects a Final Agency Decision (FAD) on the complaint, the Agency, in most cases, must issue the FAD within 60 days of the FAD election.

If the employee elects an EEOC hearing, the complaint is no longer in the Agency’s jurisdiction.

3. The Appeal Process

The appeal process allows complainants to appeal procedural dismissals of claims not accepted for investigation, EEOC hearing decisions and FADs to the Equal Employment Opportunity Commission (EEOC).

- The time for a complainant to appeal is 30 days from receipt of the decision or dismissal.
- Click here to review the EEO Notice of Appeal/Petition.
- Merit decisions in mixed case complaints, which are complaints involving personnel decisions that are appealable to the Merit Systems Protection Board (MSPB) -- are first appealed to the MSPB.

Four federal civil rights laws are enforced through the EEO complaint process:

- Title VII of the Civil Rights Act of 1964, as amended
- The Equal Pay Act of 1963
- The Rehabilitation Act of 1973, as amended; and
- The Age Discrimination in Employment Act of 1967, as amended
- Genetic Information Nondiscrimination Act of 2008

Alternative Dispute Resolution

EEO Mediation Process

The EEO Alternative Dispute Resolution (ADR) process is available throughout both the informal and formal complaint processes, if the complaint is determined to be suitable for ADR.

Alternative Dispute Resolution, commonly referred to as ADR, is a term which covers many alternatives to traditional methods for resolving conflicts or disputes. ADR has been used as a tool in resolving workplace disputes arising from poor communication, personality conflicts, or alleged discrimination. At DODEA, ADR is offered as an alternative method for resolving workplace disputes instead of the traditional equal employment opportunity (EEO) informal counseling, or formal complaint process.

DoDEA has chosen mediation as the primary ADR method in resolving EEO disputes because it empowers the parties themselves to reach an acceptable resolution of the conflict.

Please contact our ADR Manager for more information about the ADR process.
Sexual Orientation Discrimination Complaints

Sexual orientation discrimination complaints may not be processed under the complaint procedures established by the Equal Employment Opportunity Regulation (29 C.F.R. 1614), "Federal Sector Equal Employment Opportunity." However, DODEA employees and applicants may use the applicable administrative or negotiated grievance procedures to address issues of sexual orientation discrimination.

For more information, see the OPM booklet, Addressing Sexual Orientation in Federal Civilian Employment: A Guide to Employee's Rights.

To file claims of sexual orientation contact your local Human Resources office.

Resources

- [Executive Order 11478](#)
- [Executive Order 13087](#)

Information About Other Avenues of Redress for Sexual Orientation Discrimination

- Office of Special Counsel (OSC) booklet - [Your Rights as a Federal Employee Enforced by the Office of Special Counsel](#)

Related Links:

- [Office of Personnel Management](#)
- [Merit Systems Protection Board](#)
- [U. S. Office of Special Counsel](#)
Non EEO Complaints

There are other avenues to address workforce concerns not covered by Title VII for employees, applicants, and former employees.

In addition, the Department of Defense Education Activity's Center for Early Dispute Resolution provides confidential, impartial assistance to address and resolve concerns and differences encountered at DoDEA that are non-EEO issues, both by working with individuals and through processes involving impartial third party mediators or facilitators.

The Civil Rights

Discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs (Executive Order 13160)

Point of Contact:

The DoDEA District Chief of Staff serves as the DCP District Coordinator for their District.

At DoDEA-HQ, contact the DCP Lead Coordinator at Civil.Rights@dodea.edu

Office of the Inspector General

Promotes the integrity, accountability, and performance of the DoDEA programs and provides oversight on issues regarding waste, fraud, abuse, and mismanagement.

Point of Contact:

Hotline telephone: 571-372-7410
Hotline DSN: 312-372-7410
Hotline Email: OIGHOTLINE@dodea.edu

Labor Relations
Union related issues, negotiated agreement grievances

**Point of Contact:**

**DoDEA Americas:** Personnel Staffing Specialist  
703-696-3104 Ext. 2629

**DoDEA Europe:** Personnel Advisor, Europe Region  
011-49-611-380-7376

**DoDEA Pacific:** Personnel Division, Pacific Region  
011-81-611-745-2293

**Authority:**  
5 USC 7101, et seq.

**Employee Relations**

Issues appealable to the U. S. Merit Systems Protection Board, administrative grievances/procedures (e.g., performance appraisals, adverse personnel actions, complaints regarding sexual orientation harassment, political affiliation, marital status or discrimination)

**Point of Contact:**

**DoDEA Americas:**  
703-696-3104 Ext 2629

**DoDEA Europe:** Personnel Advisor, Europe Region  
011-49-611-380-7376

**DoDEA Pacific:** Personnel Division, Pacific Region  
011-81-611-745-2293

**Authority:**  
5 U.S.C. 2302  
5 U.S.C. 7501, et seq.  

**General Counsel**

Issues regarding Standards of Conduct/Ethics (e.g., outside employment, post-employment, financial
disclosure requirements, political activities, gifts between employees, gifts from outside sources, fund raising activities, and relationships with non-federal organizations)

General Counsel website

Point of Contact:

Edwin Daniel, General Counsel
571-372-0906

Authority:


Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. 2635 (Office of Government Ethics Rules).


U. S. Office of Special Counsel

Issues regarding whistleblowing, prohibited personnel practices, Hatch Act

Point of Contact:

Complaints Examining Unit
U.S. Office of Special Counsel
1730 M Street, NW, Suite 300
Washington, DC 20036-4505

Telephone: 800-872-9855 or (202) 653-7188
Fax: 202-653-5151

Authority:
5 U.S.C. §1216, 2301, 2302(b), 7321, et seq.