

# EEO Frequently Asked Questions

## **What is discrimination as defined by Title VII of the Civil Rights Act of 1964?**

An unlawful employment practice that occurs when an employer fails or refuses to hire, discharges, or otherwise discriminates against any individual with respect to compensation, terms, conditions, or privileges of employment; limits, segregates or classifies employees or applicants for employment in any way that deprives or tends to deprive any individual of employment opportunities or otherwise adversely affects his/her status as an employee because of their race, pregnancy, gender identity, sex (including sexual orientation), color, national origin, age (over 40), religion, disability, genetic information, or retaliation.

## **How do I file a complaint of discrimination?**

Contact the Equal Opportunity (EO) office at (478) 926-2131 or (DSN) 468-2131.

## **Can I file my discrimination complaint directly with the Equal Employment Opportunity Commission?**

No, aggrieved persons who believe they have been harassed or discriminated against on the basis of race, sex (including sexual orientation), pregnancy, gender identity, color, religion, national origin, age (40 or older), genetic information, disability (mental and physical), or prior equal opportunity activity must file with a consult a Counselor first to try to resolve the matter informally.

## **Are there any time frames involved with filing a complaint of discrimination?**

Yes, an aggrieved person must contact the EO office within 45 calendar days from the date the alleged discriminatory action occurred.

## **Do the EEO Counselors determine if discrimination has taken place?**

No, the EEO Counselor is a neutral, fact finder in the complaint process. The Counselor is responsible for ensuring the aggrieved person understands his/her rights and responsibilities in the EEO process, determines the claim(s) and basis(es) raised by the complainant, advises the complainant about the EEO complaint process, explains the Alternate Dispute Resolution program, and seeks a resolution of the dispute at issue at the lowest possible level.

## **What are the regulations and guidelines that govern discrimination and the complaint process?**

The Air Force Instruction that tells Commanders and EEO Counselors how to process complaints of discrimination is AFI 36-2710. The Equal Employment Opportunity Commissions' directive on the Commission's policies and procedures, and guidance relating to the processing of employment discrimination complaints is Management Directive (MD) 110.

# Equal Employment Opportunity



**78 ABW/DEH**

**706 Ninth Street Bldg. 936**

**Robins Air Force Base, GA 31098**

**(DSN) 468-2131 (Phone)**

**(DSN) 468-3281 (Fax)**

## Informal Process

<p>An employee, applicant, or former employee claims harassment, sexual harassment or unlawful discrimination based on race, pregnancy, gender identity, sex (including sexual orientation), color, national origin, age (over 40), religion, disability, genetic information, or retaliation.</p>	<p>An employee, applicant, or former employee must contact the EO Office within 45 days of the alleged discriminatory event or within 45 days of the effective date of a personnel action.</p>	<p>The Equal Opportunity Specialist (EOS) conducts an initial interview in the informal/pre-complaint stage and explains the informal and formal processes to the complainant.</p>	<p>The complainant elects either Alternative Dispute Resolution (ADR) or Traditional Counseling in the informal stage. The EOS has 30 days (90 days if ADR is selected or an extension is granted) to attempt resolution.</p>
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## Traditional Counseling

<p>If traditional counseling is elected, the EOS will conduct a limited inquiry into the claims.</p>	<p>The EOS has 30 days unless the complainant grants an extension of 60 days to conduct an informal inquiry, acquire pertinent information, interview the complainant and management witnesses, explore settlement options and prepare a report.</p>	<p>If a resolution is reached, a negotiation settlement agreement will be signed.</p>	<p>If no resolution is reached, the EOS will issue the complainant a Notice of Right to File.</p>
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			<p>The complainant has 15 days from the receipt of the Notice of Right to File to file a formal complaint.</p>
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## Alternative Dispute Resolution (ADR)

<p>If ADR (mediation) is elected by the complainant, the EOS will conduct a limited inquiry into the claims. A mediator is assigned to the case.</p>	<p>If the mediation session is successful, the complaint is closed and no further action is taken.</p>	<p>If the complaint is not resolved, the EOS holds a final interview with the complainant.</p>	<p>The complainant is provided a Final Interview and is given his/her right to file a formal complaint.</p>
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## Formal Process

<p>The complainant must file his/her formal complaint within 15 days of receiving the Notice of Final Interview.</p>	<p>The formal complaint must be signed by the complainant and filed in writing to the EO Director or Installation Commander.</p>	<p>The EOS writes a detailed counselor's report of the claims presented in the informal process.</p>	<p>All actions, either acceptance or dismissal letters, are issued within 30 days of receipt of the formal complaint.</p>
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<p>The EO Director accepts the formal complaint or the installation Commander dismisses or partially dismisses the complaint.</p>	<p>The EO Director provides a copy of the counselor's report to the complainant within 15 days of receiving the formal complaint.</p>	<p>The EO Director sends the file to the Investigation Resolution Division (IRD) requesting an investigator for issues accepted.</p>	<p>The EO Director requests an investigator within 30 days of receipt of the formal complaint of discrimination.</p>
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<p>If the complaint is totally dismissed, the complainant may file an appeal to EEOC/OFO within 30 days of receipt of the formal complaint.</p>	<p>The investigator forwards the ROI to AFCARO. AFCARO sends an electronic version of the ROI to 78 ABW/DEH and a final copy to the complainant and the complainant's representative, if any.</p>	<p>If the complaint is accepted, the investigator completes the investigation and issues a Report of Investigation (ROI) within 180 days of the filing of the formal complaint of discrimination.</p>	<p>If the complaint is partially dismissed, the complainant can request EEOC administrative judge hear the dismissed issues during the hearing stage of the process.</p>
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<p>Within 30 days of receipt of the ROI, the complainant must be given his/her right to request an EEOC hearing or a Final Agency Decision (FAD).</p>	<p>A complainant must request a hearing w/in 30 days of receipt of the ROI. A hearing request must be in writing to EEOC with a copy to 78 ABW/DEH and AFCARO.</p>	<p>If a hearing is requested, it is held and the findings or recommendations are sent to 78 ABW/DEH and AFCARO.</p>	<p>The FAD will contain notice of the right to appeal the final action to the EEOC/OFO and the right to file a civil action in federal district court.</p>
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<p>If the complainant elects a FAD without a hearing. The agency will issue the FAD within 60 days of receiving the request.</p>	<p>The Agency will take final action on the complaint by issuing an order within 40 days of the date of receipt of the judge's decision.</p>		
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