



Department of Defense INSTRUCTION

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SUBJECT: DoD Civilian Personnel Management System: Investigation of Equal Employment Opportunity (EEO) Complaints

References: See Enclosure

1. PURPOSE

a. Instruction. This Instruction is composed of several Volumes, each containing its own purpose. The purpose of the overall Instruction is to establish and implement policy, establish procedures, provide guidelines and model programs, delegate authority, and assign responsibilities regarding civilian personnel management within the Department of Defense.

b. Volume. This Volume of this Instruction:

(1) Implements within the Department of Defense the policies governing investigation of formal EEO complaints of discrimination in accordance with References (a) through (j).

(2) Prescribes procedures and assigns responsibility for investigating EEO complaints or resolving them instead of investigating.

2. APPLICABILITY. This Volume:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter collectively referred to as the "DoD Components").

b. Does not cover complaints brought by active duty military members; National Guard Technicians administered pursuant to section 709 of Reference (a); DoD contractors, their current and former employees, or applicants for employment with contractors; current

or former employees of, or applicants for employment with, the Army and Air Force Exchange Service; or local nationals employed by the Department of Defense outside of the United States.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy in accordance with Reference (b) that:

a. Investigations of formal EEO complaints shall be processed promptly and impartially.

b. The Civilian Personnel Management Service (CPMS), a component of the DoD Human Resources Activity (Reference (c)), shall investigate discrimination complaints filed pursuant to Reference (d) as authorized by Reference (e) for the civilian employees of the organizations to which this Volume is applicable.

c. EEO complaints shall be resolved fairly and expeditiously, at the lowest level, and by the least formal method possible. Early resolution improves management-employee relations, reduces administrative costs significantly, and precludes the need for protracted litigation. Therefore, opportunities to resolve complaints during the investigative process shall be pursued.

d. With the consent of both parties to a given EEO complaint, CPMS shall pursue settlement and attempt resolution.

e. CPMS investigators shall select the method of investigation to be used, giving full consideration to the nature of the complaint and resource constraints within the activity. CPMS investigators shall defer to the activity's wishes and resource considerations as to funding transcriptions of verbatim testimony or fact-finding conferences. Methods of investigation include the collection of testimony through written interrogatories; interviews conducted on site, by telephone, or through video-teleconference (VTC) facilities; fact-finding conferences conducted on site or through VTC facilities; or any combination of these methods.

f. CPMS shall determine the relevance of documents and decide which documents will be included in the investigative file.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. See Enclosure 3.

7. RELEASABILITY. **UNLIMITED**. This Volume is approved for public release and is available on the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

8. EFFECTIVE DATE. This Volume is effective immediately.

Enclosures

1. References
 2. Procedures
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ENCLOSURE 1

REFERENCES

- (a) Title 32, United States Code, Section 709
- (b) DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (c) DoD Directive 5100.87, "DoD Human Resources Activity," June 29, 1998
- (d) Title 29, Code of Federal Regulations, Part 1614, "Federal Sector Equal Employment Opportunity"
- (e) Defense Management Report Decision 974, "Civilian Personnel Administration Efficiencies, Implementation Plan," Appendix F, "Complaint and Grievance Investigations," December 15, 1992
- (f) Equal Employment Opportunity Commission, Equal Employment Opportunity Management Directive 110, "Equal Employment Opportunity Management Directive for 29 CFR Part 1614," November 9, 1999
- (g) Under Secretary of Defense (Personnel and Readiness) Memorandum, "Mediation of Workplace Disputes," May 11, 1994
- (h) DoD Directive 5145.5, "Alternative Dispute Resolution (ADR)," April 22, 1996
- (i) Title 5, United States Code, Section 552a, Public Law 93-579, "The Privacy Act of 1974"
- (j) Title 29, Code of Federal Regulations, Part 1611, "Privacy Act Regulations"

ENCLOSURE 2

RESPONSIBILITIES

1. HEADS OF THE DoD COMPONENTS. The Heads of DoD Components or their designees shall:

- a. Request investigation of formal EEO complaints.
- b. Fund the travel and per diem necessary to conduct on-site investigations of formal EEO complaints.
- c. Ensure that employees cooperate fully with the investigative process.

2. CIVILIAN PERSONNEL MANAGEMENT SERVICE (CPMS). CPMS is responsible for:

- a. Managing the DoD program for investigating formal EEO complaints.
- b. Determining whether to conduct the investigation with internal investigators or contract investigators.
- c. Determining the method of investigation that will best develop a complete and impartial factual record of the matter(s) at issue in formal EEO complaints.
- d. Conducting impartial, thorough, and timely investigations of formal EEO complaints in accordance with References (d) and (f).
- e. Facilitating settlement of formal complaints of discrimination, in lieu of investigation, through a variety of alternative dispute resolution (ADR) techniques, with concurrence of the parties, as set forth in References (d), (g), and (b)).
- f. Providing reports of investigation (ROIs) that contain the legally sufficient evidence necessary to serve as a basis for an impartial decision on the case.
- g. Facilitating communication with the DoD Components and complainants by establishing feedback systems on investigative services and providing statistical information on investigations.

ENCLOSURE 3

PROCEDURES

1. FACILITATING INVESTIGATIONS

a. The Heads of the DoD Components or their designees shall assist the EEO complaint investigative process by:

(1) Supporting, communicating, disseminating, and implementing the policies governing EEO complaint investigation policies at all levels within their activities.

(2) Ensuring that management officials involved in the actions at issue participate in EEO complaint investigations in a fair, impartial, and timely manner in accordance with this Volume and the guidance in References (d) and (f).

(3) Allocating sufficient resources to implement procedures for EEO complaint investigations in accordance with the guidance in References (d) and (f). as set forth in paragraph 1.d. of Enclosure 2.

b. The activity EEO complaint program staff shall assist the EEO complaint investigative process by:

(1) Developing, communicating, disseminating, and implementing policy, guidance, information, and activities necessary to ensure fair and expeditious management and processing of EEO complaint investigations.

(2) Communicating the EEO complaint investigative process to employees and applicants for employment.

(3) Requesting investigation of an EEO complaint within 30 days of the formal filing.

(4) Facilitating investigations by providing administrative and logistical support. Such support may include, as requested:

(a) Identifying a point of contact at the site of the investigation.

(b) Providing a meeting room that will accommodate investigative requirements and ensure privacy.

(c) Contacting and scheduling appointments with witnesses.

(d) Providing assistance in collection of relevance documentation, including official personnel folders.

(e) Disclosing information and documentation to witnesses where necessary to facilitate the investigation.

(f) Promptly advising the appropriate CPMS Office of Complaint Investigations (OCI) regional office at Appendix 1 to this enclosure when 180 days have expired and a complainant requests a hearing before an Equal Employment Opportunity Commission administrative judge on a complaint that is currently under investigation.

(g) Notifying the appropriate OCI regional office when additional complaints are consolidated with complaints currently under investigation and promptly providing the files for those complaints.

(h) Forwarding to the appropriate OCI regional office copies of amendments to complaints currently under investigation.

(i) Advising the appropriate OCI regional office when a formal complaint currently under investigation has been settled, withdrawn, or dismissed because the complainant has filed a civil action.

c. Activity legal counsels and/or their designees shall assist the EEO investigative process by:

(1) Representing the activity at investigative meetings, including fact-finding conferences, if necessary.

(2) Drafting and reviewing proposed settlement agreements for legal sufficiency, as necessary.

2. REQUESTING INVESTIGATIONS. When preparing requests for investigation of formal EEO complaints, the activity EEO complaint program staff shall:

a. Ensure that all persons making claims accepted for investigation have been counseled with regard to their claim in accordance with Reference (d); that their claims are timely; that continuing violation allegations are identified; and that accepted claims identify, at a minimum, the alleged bases of discrimination, the specific management actions in dispute, and the date(s) of those actions.

b. Ensure that all claims stated in the formal complaint have been either accepted or dismissed.

c. Ensure that documentation is included showing that the complainant has been advised of the accepted and dismissed claims.

d. Ensure that claims that should not be considered in the EEO complaint process, as specified in Reference (d), have been dismissed in writing.

e. Forward EEO complaints to the appropriate servicing OCI regional office within 30 days of the date of the formal filing. Complaint files submitted for investigation must include:

- (1) Request for investigation.
- (2) Informal complaint, if filed in writing, and EEO counselor's report, which, at a minimum, contains:
 - (a) Date(s) of action(s) relevant to the accepted claims.
 - (b) Name, title, series, grade, and organizational location of management officials and individuals that have direct knowledge of the action(s) at issue.
 - (c) Reference to agency or activity procedures applicable to the situation.
- (3) Formal complaint and pertinent documentation as described in Reference (f). (See Appendixes 2 through 16 of this enclosure for suggested documents that may be applicable for review in certain matters.) Documentation forwarded should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. For summary data, the authenticating source should be indicated.
- (4) Notice of claims accepted and dismissed.
- (5) Reference to unusual circumstances, e.g., mixed case, continuing violation, multiple cases from the same complainant, or multiple cases concerning the same issues from different complainants.
- (6) Point of contact's name, address, organizational title, telephone and fax numbers, and e-mail address, if available.
- (7) Name and address of the official to whom the ROI should be sent.
- (8) Agency representative's name, address, telephone and fax numbers, and e-mail address, if available.
- (9) Complainant's representative's name, title, address, telephone and fax numbers, and e-mail address, if available.
- (10) Appropriate information to fund travel and per diem.

3. CONDUCTING INVESTIGATIONS

- a. Prior to conducting a formal investigation, OCI investigators shall pursue settlement through ADR procedures with the concurrence of the parties.
- b. To the extent feasible, OCI will schedule cases by date received, on a first-in, first-out basis. OCI will expedite cases that have been returned for additional investigation. OCI will consolidate for investigation cases filed by the same complainant or by different complainants at the same activity with the same accepted issues. When OCI consolidates cases for investigation, it will notify the requesting activity in writing of the consolidation.
- c. Investigations should be completed and reports issued within 120 days of case receipt by the servicing OCI regional office. When complaints are amended or additional complaints are consolidated with a complaint under investigation, investigations will be completed and reports issued within 120 days of the last amendment or consolidation.
- d. The ROI shall document the information collected during the investigation. It shall consist of an indexed investigative file of documents relative to the matter(s) at issue and a narrative report. The DoD Components may request that the narrative report be in one of these formats:
 - (1) A summary of the background of the matter(s) at issue, the evidence collected, and the testimony taken.
 - (2) A summary of the background of the matter(s) at issue, the evidence collected, and the testimony taken, with an analysis as to the implications of the evidence.
- e. On receipt of the ROI, activity EEO complaint program staff shall:
 - (1) Ensure the complainant's copy of the investigative file is sanitized pursuant to the References (i) and (j) prior to release to the complainant.
 - (2) Forward a copy of the ROI to the complainant, the complainant's representative, and any other office as required for further processing.
- f. The Heads of DoD Components, or their designees, will return the ROI to the appropriate OCI regional office with a request for additional investigation if it is determined that the report did not adequately address the accepted claims.

4. ALTERNATIVE DISPUTE RESOLUTION

- a. The DoD Components shall encourage and support the use of ADR throughout the various stages of an EEO complaint, up to the final agency decision, consistent with the requirements of References (d) and (b)) ADR saves time, money, and resources; mends, maintains, and improves relationships by focusing on mutual interests and concerns; opens

communication lines; and offers mutually acceptable solutions to the complaint. Therefore, opportunities to resolve complaints during the investigative process shall be explored.

b. ADR includes a broad spectrum of approaches for dealing with conflict and seeking solutions satisfactory to all parties. These techniques include but are not limited to problem solving, mediation, facilitation, conciliation, fact-finding, and settlement conferences. Most methods use a neutral who has received appropriate training to facilitate settlement of the complaint. Any of these methods may be used to attempt resolution during the investigation process.

APPENDIX 1 TO ENCLOSURE 3

OCI REGIONAL OFFICES AND JURISDICTION

HEADQUARTERS

Address: Office of Complaint Investigations, OCI-Rosslyn
1401 Wilson Boulevard, Suite 650
Arlington, VA 22209-5144
Mailing Address: 1400 Key Boulevard, Suite B200
Arlington, VA 22209-5144
Phone: Commercial (703)696-1594/DSN 426-1594
FAX: Commercial (703)696-7731/DSN 426-7731

REGIONAL OFFICES

OCI-ATLANTA

Address: Office of Complaint Investigations-Atlanta
The Atrium
2400 Herodian Way, Suite 240
Smyrna, GA 30080-8500
Phone: Commercial (404) 363-5801/DSN 797-5801
FAX: Commercial Only (770) 984-8737
Region: Alabama, Caribbean, Central America, Florida, Georgia, Mississippi, South
America, South Carolina

OCI-COLUMBIA

Address: Office of Complaint Investigations-Columbia
8850 Stanford Boulevard, Suite 3200
Columbia Corporate Park 1
Columbia, MD 21045-4753
Phone: Commercial Only (301) 621-5170
FAX: Commercial Only (301) 621-6359
Region: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts,
New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island,
Vermont, Virginia, West Virginia

OCI-DAYTON

Address: Office of Complaint Investigations-Dayton
2656 San Antonio Avenue
Wright-Patterson AFB, OH 45433-5650
Phone: Commercial (937) 257-5744/DSN 787-5744
FAX: Commercial (937) 257-0913/DSN 787-0913
Region: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, Canada

SATELLITE OFFICE-SECKENHEIM, GERMANY

Address: Office of Complaint Investigations-Seckenheim
Unit 29331
APO AE 09266
Phone: OCONUS 011-49-621-481-5614/DSN 375-6451 Local 0621-481-6451
FAX: OCONUS 011-49-621-481-5613
Region: Europe, Africa

OCI-SACRAMENTO

Address: Office of Complaint Investigations-Sacramento
801 "I" Street, Room 229
Sacramento, CA 95814-2510
Phone: Commercial Only (916)498-5332
FAX: Commercial Only (916)498-6527
Region: Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming

SATELLITE OFFICE-HONOLULU, HAWAII

Address: Office of Complaint Investigations-Honolulu
300 Ala Moana Boulevard, Room 6328
Honolulu, HI 96850-0001
Phone: Commercial Only (808)541-2640
FAX: Commercial Only (808)541-2641
Region: Asia, Hawaii, Pacific Islands, Australia

OCI-SAN ANTONIO

Address: Office of Complaint Investigations-San Antonio
1222 Stanley Road, Suite 2, Building 129
Fort Sam Houston, TX 78234-5082
Phone: Commercial (210)221-2889/DSN 471-2889
FAX: Commercial (210)221-2963/DSN 471-2963
Region: Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, Texas

APPENDIX 2 TO ENCLOSURE 3

NONSELECTION OR NONPROMOTION

1. GENERAL

a. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding nonselection or nonpromotion. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

b. In certain circumstances, other data may be relevant such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF NONSELECTION OR NONPROMOTION

a. Organizational chart for the work unit of activity in which the nonselection at issue occurred.

b. Data on employment within the organizational segment where the position at issue is located as of the date of the nonselection. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Data on selections (competitive) made within the organizational segment where the position at issue is located for the 2-year period prior to the selection. Provide the name and protected group(s) of selectee, position (title, series, and grade) for which selected, date of the selection, and the name, position, and protected group(s) of the selecting and approving official(s).

d. Data on promotions (noncompetitive) made within the organizational segment of the position at issue for the 2-year period prior to the complainant's nonpromotion. Provide the name and protected group(s) of the employee promoted, position held (title, series, and grade) before and after promotion, nature of the action resulting in promotion, date of promotion, and the name, position, and protected group(s) of the agency official(s) effecting promotion.

e. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s) and basis(es) where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

f. Request for Personnel Action, SF 52 (both sides), requesting recruitment for the position(s) at issue.

g. Job or position description for the position at issue.

h. Merit promotion or vacancy announcement for the position at issue.

i. Referral and selection instrument(s) for the position at issue annotated to reflect the candidates' protected group(s). The certificate should clearly identify the selectee(s) and the selecting and approving officials.

j. Notification of Personnel Action, SF 50(s), effecting the selection(s) at issue.

k. Applications and all other documents submitted for the position at issue by the complainant and the selectee.

l. Crediting plan used to evaluate qualifications and evaluate candidates for the contested position. (Crediting plans will not be included in the final ROI but will be returned to the activity for retention.)

m. Documentation designating the members and providing the panel instructions, if a panel was used in the selection process for the vacancy at issue.

n. Evaluation criteria and interview questions used by the panel, selecting official, or approving official. Include notes, score sheets, and matrices.

o. Documentation of all candidates' notifications of nonselection.

p. Regulatory guidelines concerning merit promotion that were in effect at the time of the nonselection at issue.

q. Pertinent article(s) of the negotiated union agreement, if applicable.
In certain circumstances, other data may be relevant such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

APPENDIX 3 TO ENCLOSURE 3

NONREFERRAL

1. GENERAL

a. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding nonreferral. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

b. In certain circumstances, other data may be relevant such as performance evaluations, disciplinary actions, attendance records, grievances and their dispositions, or other information pertinent to specific allegations in the complaint.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF NONREFERRAL

a. Organizational chart for the work unit of activity in which the nonreferral at issue occurred.

b. Data on employment within the organizational segment where the position at issue is located as of the date of the nonreferral. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis(es) where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

d. Request for Personnel Action, SF 52 (both sides), requesting recruitment for the position(s) at issue.

e. Job or position description for the position at issue.

f. Merit promotion or vacancy announcement for the position at issue.

g. Referral and selection instrument(s) for the position at issue annotated to reflect the candidates' protected group(s).

- h. Notification of Personnel Action, SF 50(s), effecting the selection(s) for the position at issue.
- i. Listing of all applicants identified by protected group.
- j. Applications and all other documents submitted for the position at issue by the complainant and the referred candidates, if there are 10 or fewer. If more than 10, submit these documents for the selectees; others will be reviewed by the investigator on site.
- k. Documentation identifying the personnel specialist who developed the referral list for the position at issue, and the rating panel members, if applicable.
- l. Crediting plan, if the complainant is qualified but not referred. (Crediting plans will not be included in the final ROI but will be returned to the activity for retention.)
- m. Rating sheets documenting eligibility of each applicant.
- n. Documentation of all candidates' notifications of nonreferral.
- o. Regulatory guidelines concerning merit promotion that were in effect at the time of the nonreferral at issue.
- p. Pertinent article(s) of the negotiated union agreement, if applicable.

APPENDIX 4 TO ENCLOSURE 3

CHANGE TO LOWER GRADE (CLG)

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding CLG. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF CLG

a. Organizational chart for the work unit of activity in which the CLG at issue occurred.

b. Data on employment within the organizational segment in which the CLG occurred as of the date of the action. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Data on CLGs effected within the organizational segment of the CLG at issue for the 2-year period prior to the action. Provide the name and protected group(s) of the employee and positions (title, series, and grade) to which assigned before and after the CLG, date of the CLG, reason for the CLG, and the name, position, and protected group(s) of the proposing and deciding official(s).

d. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis(es) where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

e. Applicable regulatory guidelines in effect at the time of the CLG at issue, e.g., discipline, performance, medical, reduction in force.

f. Request for Personnel Action, SF 52 (both sides), requesting the CLG at issue.

g. Notification of Personnel Action, SF 50, effecting the CLG at issue.

h. Notice of proposed CLG and supporting documentation.

i. Complainant's written reply to the proposed CLG. If an oral reply was made, provide any memoranda documenting the oral reply.

- j. Decision implementing the CLG and appeal correspondence, if applicable.
- k. Appropriate retention registers, if the CLG is due to reduction in force, annotated to include protected group(s).
- l. Performance plan and documentation relative to the performance improvement period, if the CLG is based on performance.
- m. Medical documentation, if the CLG resulted from medical disqualification.
- n. Job or position descriptions for the positions held before and after the CLG.
- o. If complainant's position before the CLG was subsequently filled, the SF-52 requesting and the SF-50 effecting placement annotated as to protected group(s) of the selectee.

APPENDIX 5 TO ENCLOSURE 3

HARASSMENT

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding harassment. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF HARASSMENT

a. Organizational chart for the work unit of the activity to which the complainant is assigned and, if the alleged harassment occurred elsewhere, for that work unit as well.

b. Data on employment within the organizational segment of the position to which the complainant was assigned as of the date of the action. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Appropriate data and documents for the specific action(s) at issue. (See separate data submission for each specific issue accepted.)

d. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis(es) where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of agency official(s) involved.

APPENDIX 6 TO ENCLOSURE 3

SEXUAL HARASSMENT

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding sexual harassment. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF SEXUAL HARASSMENT

a. Organizational chart for the work unit of the activity to which the complainant is assigned and, if the alleged harassment occurred elsewhere, for that work unit as well.

b. Appropriate data and documents for the specific action(s) at issue. (See separate data submission for each specific issue accepted.)

c. Activity's policy statement on sexual harassment that was in effect at the time of the alleged harassment.

d. Data on sexual harassment prevention training provided to employees, supervisors, and managers in the complainant's organizational segment. Include formal and informal training (such as briefings at staff meetings, commander's call, etc.), date of training, and list of attendees.

e. Publications, e.g., newsletter articles, bulletin board items issued by the activity on the prevention of sexual harassment.

f. Documentation, if any, showing whether the supervisor or any management official was made aware of the alleged incident of sexual harassment.

g. Documentation, if any, of corrective action(s) taken subsequent to alleged incident of sexual harassment.

h. Documentation of any management inquiry or investigation conducted based on the allegation.

APPENDIX 7 TO ENCLOSURE 3

PERFORMANCE RATING

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding performance rating. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF DISCIPLINARY PERFORMANCE RATING

a. Organizational chart for the work unit of the activity to which the complainant is assigned.

b. Data on employment within the organizational segment where the complainant performed the work that resulted in the rating at issue. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Performance ratings of the other employees within the organizational segment where the rating was issued, for the same period as the rating at issue, annotated with the protected group(s) of the employees.

d. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

e. Performance rating at issue and the performance plan(s) on which it is based.

f. Complainant's job or position description or statement of duties covered by the rating.

g. Documentation of performance discussions held with the complainant during the rating period.

h. Pertinent regulatory guidelines concerning the performance management program that were in effect at the time of the rating at issue.

i. Pertinent article(s) of the negotiated union agreement, if applicable.

APPENDIX 8 TO ENCLOSURE 3

DISCIPLINARY ACTIONS

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding disciplinary actions. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF DISCIPLINARY ACTION

a. Organizational chart for the work unit of the activity that issued the disciplinary action.

b. Data on employment within the organizational segment that issued the action as of the date the action was issued. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Data on disciplinary actions effected within the organizational segment for the 2-year period prior to the action at issue. Provide the protected group(s) of the employee, the position (title, series, and grade), offense, penalty, date of the action, and the name, position, and protected group(s) of agency officials taking the action.

d. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

e. Request for Personnel Action, SF 52 (both sides), requesting the disciplinary action at issue.

f. Notification of Personnel Action, SF 50, effecting the disciplinary action at issue.

g. Notice of proposed disciplinary action and supporting documentation, e.g., witness statements, report of any management inquiry or investigation conducted.

h. Complainant's written reply to the proposed action. If an oral reply was made, provide any memoranda documenting the oral reply.

- i. Decision effecting disciplinary action and the rationale used to determine the penalty.
- j. Documentation of any grievance or appeal of the action, if applicable.
- k. Pertinent regulatory guidelines concerning disciplinary actions that were in effect at the time of the action at issue.
- l. Complainant's job or position description at time the action was issued.

APPENDIX 9 TO ENCLOSURE 3

TIME AND ATTENDANCE

1. GENERAL. The list of recommended documents to be included in a request for investigation is proceeded to facilitate timely and thorough investigation of formal EEO complaints regarding time and attendance. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF TIME AND ATTENDANCE

a. Organizational chart for the work unit of the activity to which the complainant is assigned and, if the action occurred elsewhere, for that work unit as well.

b. Data on employment within the organizational segment effecting the action at issue as of the date of the action. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Data on leave use within the organizational segment effecting the action at issue for the 2-year period prior to the action. Provide the name, position (title, series, and grade), and protected group(s) of each employee, leave use, action taken based on leave use, date of the action, and the name, position, and protected group(s) of the agency official(s) effecting the action.

d. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

e. Complainant's leave request(s).

f. Time and attendance or leave records for the period in question for all employees in the organizational segment effecting the action at issue.

g. Documentation of any counseling provided concerning complainant's leave.

h. Pertinent regulatory guidelines concerning leave administration that were in effect at the time of the action at issue.

- i. Pertinent article(s) of the negotiated union agreement, if applicable.
- j. Listing of similar actions taken regarding other employees within the complainant's organizational unit.

APPENDIX 10 TO ENCLOSURE 3

MANAGEMENT-DIRECTED DETAIL OR REASSIGNMENT

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding management-directed detail or reassignment. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF MANAGEMENT-DIRECTED DETAIL OR REASSIGNMENT

a. Organizational chart for the work units of the activity to which the complainant was assigned before and after the action at issue.

b. Data on employment within the organizational segments involved in the action at issue as of the date of the action. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Data on management-directed details or reassignments within the organizational segments involved in the action at issue for the 2-year period prior to the action. Provide the name and protected group(s) of the employee, position (title, series, and grade or statement of duties) held before and after the action, data of the action, and the name, position, and protected group(s) of the agency official(s) effecting the action.

d. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

e. Request for Personnel Action, SF 52 (both sides), requesting the action at issue.

f. Notification of Personnel Action, SF 50, effecting the action at issue.

g. Documentation, if any, concerning the action at issue to include the notice, response, final decision letters, etc.

h. Pertinent regulatory guidelines concerning detail or re-assignment that were in effect at die time of the action at issue.

APPENDIX 11 TO ENCLOSURE 3

DENIAL OF REQUEST FOR TRAINING

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding denial of request for training. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF DENIAL OF REQUEST FOR TRAINING

a. Organizational chart for the work unit of the activity where the complainant was assigned at the time the requested training was denied.

b. Data on employment within the organizational segment where the complainant was assigned at the time the requested training was denied. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Data on training within the organizational segment to which the complainant was assigned at the time the requested training was denied for the 2-year period prior to the action at issue. Provide the name and protected group(s) of the employee, position (title, series, and grade), title of training, date of training, and the name, position, and protected group(s) of the agency official(s) involved in approving the training.

d. Data on training requests made within the organizational segment to which the complainant was assigned at the time the requested training was denied, for the 2-year period prior to the action at issue. Provide name and protected group(s) of each employee, position (title, series, and grade), date of request, title of training requested, date of training, action taken on request, date of denial or approval, reason for denial, and the name, position, and protected group(s) of the agency official(s) involved.

e. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

f. Complainant's request, if submitted in writing, concerning the action at issue.

- g. Management's denial of request, if made in writing, with any supporting documents.
- h. Complainant's job or position description at the time of the request.
- i. Written description of the course or training denied, if available.
- j. Pertinent regulatory provisions, if the training at issue is mandatory.

APPENDIX 12 TO ENCLOSURE 3

PERFORMANCE-BASED ACTIONS

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding performance-based actions. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF PERFORMANCE-BASED ACTION

a. Organizational chart showing the chain of command in the work unit of the activity which issued the action.

b. Data on employment within the organizational segment where the complainant was employed at the time the action was taken. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Data on performance-based actions effected within the organizational segment effecting the action at issue for the 2-year period prior to the action. Provide the name and protected group(s) of each employee, position (title, series, and grade), date of the action, and the name, position, and protected group(s) of the proposing and deciding official(s).

d. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

e. Complainant's performance rating and related performance plan.

f. Notice of opportunity to improve performance (performance improvement plan).

g. Documentation of negative level of competence determinations, if applicable.

h. Relevant portions of the performance management program guidelines that were in effect at the time of the action at issue.

i. Pertinent article(s) of the negotiated union agreement, if applicable.

- j. Request for Personnel Action, SF 52 (both sides), requesting the action at issue.
- k. Notification of Personnel Action, SF 50, effecting the action at issue.
- l. Notice of proposed action and supporting documentation.
- m. Complainant's written reply to the proposed action. If an oral reply was made, provide any memoranda documenting the oral reply.
- n. Decision effecting the action.
- o. Grievance or appeal correspondence, if applicable.
- p. Complainant's job or position description at the time of the action at issue.

APPENDIX 13 TO ENCLOSURE 3

CONSTRUCTIVE DISCHARGE

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding constructive discharge. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF CONSTRUCTIVE DISCHARGE

- a. Organizational chart for the work unit of the activity to which the complainant was assigned at the time the action occurred.
- b. Data on employment within the organizational segment to which the complainant was assigned as of the date of the action. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.
- c. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.
- d. Appropriate data and documents for the specific action(s) at issue. (See separate data submission for each specific issue accepted.)
- e. Complainant's job or position description at time of the alleged action.
- f. Request for Personnel Action, SF 52 (both sides), requesting the resignation or retirement.
- g. Notification of Personnel Action, SF 50, effecting resignation or retirement.
- h. The name and protected group of the selectee and date of appointment, if the complainant's position was subsequently filled.

APPENDIX 14 TO ENCLOSURE 3

TERMINATION OF TEMPORARY OR TERM APPOINTMENT

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding termination of temporary or term appointment. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF TERMINATION OF TEMPORARY OR TERM APPOINTMENT

a. Organizational chart for the work unit of the activity to which the complainant was assigned at the time of the action at issue.

b. Data on employment within the organizational segment of the position at issue as of the date of the action. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

c. Data on terminations or removals made within the organizational segment to which the complainant was assigned for the 2-year period prior to the action. Provide the name and protected group(s) of the employee, position (title, series, and grade), type of appointment, date of appointment, date of termination or removal, and the name, position, and protected group(s) of the agency official(s) effecting the action.

d. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis where an EEO complaint was filed or the complainant opposed discrimination, and the name and position of the agency official(s) involved.

e. Requests for Personnel Action, SF 52(s) (both sides), requesting recruitment and termination for position(s) at issue.

f. Notifications of Personnel Action, SF 50(s), effecting appointment and termination at issue.

g. Vacancy announcement and any other documentation citing the conditions of employment.

h. Documentation concerning the action at issue, including the proposal notice, response, and final decision notice, if available.

i. Complainant's performance standards, performance rating of record, and any documents related to counseling sessions, if the termination is related to performance.

j. Regulatory guidelines concerning termination of temporary or term appointments that were in effect at the time of the action at issue.

k. Pertinent article(s) of the negotiated union agreement, if applicable.

l. Complainant's job or position description for the position from which terminated.

m. Name and protected group(s) of the selectee and date of appointment, if the complainant's position was subsequently filled.

APPENDIX 15 TO ENCLOSURE 3

DISABILITY (INCLUDING FAILURE TO ACCOMMODATE AS A THEORY OF DISCRIMINATION)

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding disability. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF DISABILITY (INCLUDING FAILURE TO ACCOMMODATE AS A THEORY OF DISCRIMINATION)

- a. Appropriate data and documents for the specific action(s) at issue. (See separate data submission for each specific issue accepted.)
- b. Organizational chart for the work unit of the activity to which the complainant is assigned and, if the action occurred elsewhere, for that work unit as well.
- c. Medical documentation concerning physical or mental impairment.
- d. Medical documentation concerning accommodation requested.
- e. Documentation concerning nonduty or light duty status, including job or position description or statement of duties.
- f. Documentation concerning offer(s) of reassignment.
- g. Job or position description for the complainant's assigned position.
- h. Complainant's performance plan that was in effect during the period of impairment.
- i. Documentation showing activity vacancies at or below the complainant's current grade level for the period from the date the complainant first requested accommodation until the present, if the complainant cannot be reasonably accommodated in the position to which assigned. Annotate the list to show whether the complainant meets the requisite qualifications and medical requirements of the position.
- j. Survey or rough map of the complainant's work area, if work space accommodation is at issue.

- k. Pertinent regulatory guidelines that were in effect at the time of the action at issue.

APPENDIX 16 TO ENCLOSURE 3

DENIAL OF REQUEST FOR DETAIL OR REASSIGNMENT

1. GENERAL. The list of recommended documents to be included in a request for investigation is provided to facilitate timely and thorough investigation of formal EEO complaints regarding a request for detail or reassignment that was denied. The list is not all-inclusive, and all of the documents identified may not be required in every investigation. All copies submitted should be legible and dark enough to photocopy. Pages should be printed on one side only. 8 1/2 x 11-inch paper should be used. Summary data will be authenticated by its authorizing source. Questions about the submission of documents should be addressed to the responsible regional office as indicated in Appendix 1.

2. RECOMMENDED DOCUMENTS - REQUEST FOR INVESTIGATION OF DENIAL OF REQUEST FOR DETAIL OR REASSIGNMENT

a. Organizational chart for the work unit of the activity to which the complainant was assigned at the time the requested action was denied.

b. Organizational chart for the work unit of the activity to which the complainant requested to be detailed or reassigned at the time the requested action was denied.

c. Data on employment within the organizational segment where the complainant was employed at the time the requested action was denied. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, e.g., race, sex, and date of birth of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

d. Data on employment within the organizational segment where the complainant requested detail or reassignment at the time the requested action was denied. Provide the name, position (title, series, and grade), and protected group(s) relative to the basis(es) of the complaint, i.e., race, sex, and date of birth, etc., of all employees and supervisors. If reprisal is a basis, provide the complaint history for the organizational segment.

e. Data on requests for detail or reassignment made within the organizational segment to which the complainant was assigned at the time the requested action was denied, for the 2-year period prior to the action at issue. Provide the name and protected group(s) of the employee, position (title, series, and grade), date of the request, action taken on the request, date of approval or denial of the request, and the name, position, and protected group(s) of the agency official(s) effecting the action.

f. Complainant's previous protected activity, if reprisal is alleged. Include the nature of the activity, date(s) of the activity, issue(s), and basis where an EEO complaint was filed or the

complainant opposed discrimination, and the name and position of the agency official(s) involved.

- g. Complainant's Request, if submitted in writing, concerning the action at issue.
- h. Management's denial of the request, if made in writing, with any supporting documents.
- i. Complainant's job or position description at the time of the request and the job or position description of the position to which detail reassignment was requested.
- j. Pertinent regulatory guidelines concerning detail or reassignment that were in effect at the time of the action at issue.
- k. Pertinent article(s) of the negotiated union agreement, if applicable.

GLOSSARY

DEFINITIONS

ADR. A technique for resolving complaints of discrimination without resorting to formal EEO processing methods.

agency representative. An individual who has been delegated the authority to present the agency's position in investigative proceedings, appeal hearings and civil actions, and who may be delegated the authority to commit the agency to resolution of the complaint.

claim. The employment policy or practice being challenged in the complaint and the alleged basis for the discrimination, e.g., race, color, national origin, sex, religion, age (40 or older), mental or physical disability, or reprisal.

complainant. An employee, former employee, or applicant for DoD civil service or nonappropriated fund employment who files an EEO complaint of discrimination. The term also includes other individuals who file EEO complaints and who meet the legal test for "employee" status under references (d) and (i).

complaint history. Information needed when reprisal is the basis of an EEO complaint. It includes the number and date of EEO complaints previously filed, the basis for the complaints, the activity where they occurred, and the prior involvement of any management official involved in the complaint at hand.

continuing violation. A series of related acts that are recurring in nature and are linked by a common nexus or theme, provided one or more of such acts fall within the time limit to initiate informal EEO counseling. Continuing violation allegations require a determination of whether one or more of the complained-of acts fall within the 45-day time limit for initiating informal EEO counseling and whether the acts are similar in subject matter, frequency of occurrence, and degree of permanence.

disability. A term substituted for "handicap" as defined in 29 CFR 1614.203 (reference (d)).

discrimination. 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 because of race, color, national origin, religion, sex, age (40 or under), marital, or mental or physical disability. It also includes situations where an employer limits, segregates, or classifies employees or applicants for employment in any way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect his/her status as an employee because of race, color, religion, sex, national origin, age (40 or older), reprisal, or mental or physical disability.

fact-finding conference. An administrative procedure in which the investigator takes testimony from the witnesses in the presence of the complainant, the complainant's representative, and the agency representative. The testimony is recorded verbatim.

interrogatory. A set of questions designed to elicit responses that delineate a witness' testimony about disputed issues.

investigation. An official review or inquiry conducted by authorized personnel to gather all of the evidence necessary to render an impartial decision as to whether or not a violation of EEO law or regulation occurred and to determine what remedial action, if any, is appropriate.

investigator. A person authorized to conduct a review or inquiry into the matter(s) raised in an EEO complaint.

reprisal or retaliation. An adverse action taken against an individual for opposing discrimination on the basis of race, color, national origin, sex, religion, age (40 or older), or mental or physical disability, and/or for participating in any stage of administrative or judicial proceedings involving EEO complaints.

ROI. A report that documents the facts of the accepted issues in an EEO complaint. It consists of an investigative file containing documents and testimony relative to the issues and a narrative report.

verbatim testimony. A declaration or affirmation obtained from a witness that is recorded and transcribed as spoken and certified by the transcriber as accurate and complete.