



U.S. General  
Services Administration

# *Equal Employment Opportunity Complaint and Resolution Process*



# Welcome

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Associates of or applicants for a job with the U.S. General Services Administration (GSA) are entitled to equal employment opportunity (EEO) regardless of race, color, religion, sex, national origin, age, or disability. Associates and applicants are also entitled to a workplace free from discrimination, harassment, or retaliation for initiating or participating in the EEO process. GSA is demonstrating its commitment to EEO by disseminating this brochure, which is for any GSA associate or job applicant with a question about GSA's EEO complaint resolution process.

The rights of an aggrieved person are defined and protected by Civil Rights laws, Equal Employment Opportunity Commission (EEOC) regulations (Title 29, Code of Federal Regulations, Part 1614, effective October 1, 1992, and revised November 9, 1999), and GSA orders on EEO policies and procedures. All of these prohibit employment discrimination and set procedures and timeframes for:

- Seeking counseling about EEO-related incidents
- Resolving and processing informal complaints
- Resolving and processing formal complaints

GSA is committed to upholding the EEO rights of its associates and applicants. GSA officials place a high priority on achieving early and fair resolution of complaints through GSA's EEO alternative dispute resolution (ADR) program and prompt processing of EEO complaints.

The brochure has two main parts, a flowchart outlining the process and a summary of rights and responsibilities. Any associate or job applicant may also consult a GSA EEO official about questions concerning the complaint resolution process.

An "aggrieved person," one who believes he or she has been discriminated against or subjected to retaliation, should review the flow chart on the inside of this brochure and follow the procedures and timetables described in it. The chart sets out the procedures, timeframes, and options regarding informal complaint resolution, formal complaint resolution, appeals before the EEOC's Office of Federal Operations, and civil actions.

Open the next fold of this brochure to review the information on rights and responsibilities. These lists will help aggrieved persons better understand their roles during the EEO complaint resolution process and will assist managers and supervisors fulfill their responsibilities. The brochure also contains an explanation of GSA's ADR program.

For more information regarding particular types of complaints, such as age complaints, equal pay complaints, disability complaints, class complaints, amended and/or consolidated complaints or related processes, such as mixed case complaints (those appealable to the Merit Systems Protection Board) and negotiated grievances, an EEO official may be consulted.

Similarly, information related to the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Public Law 107-174," commonly known as the NO FEAR Act, which is intended to make Federal agencies more accountable for violations of antidiscrimination and whistleblower laws, and how the NO FEAR Act applies to GSA, may be found on the GSA website, [www.gsa.gov/civilrights](http://www.gsa.gov/civilrights). GSA associates are also able to access an on-line training module on the NO FEAR Act via the website's On-Line University campus.

## *Rights of Aggrieved Persons*

An aggrieved person who believes he or she has been discriminated against because of race, color, religion, sex (including sexual harassment), national origin, age, or disability, or who believes he or she has been subjected to reprisal for participating in protected EEO activity or opposing unlawful EEO practices, has the right to:

- Initiate informal complaint procedures by reporting a matter to an EEO official and seeking EEO counseling or ADR
- Remain anonymous during the counseling period
- Request to participate in GSA's EEO ADR program during any stage of the complaint process
- Obtain representation by an attorney or other advisor of his or her choice (not an agency representative) at any stage of the EEO complaint resolution process
- Be informed of other venues (e.g., Merit Systems Protection Board, Negotiated Grievance Procedure, or United States District Court) in which he or she may elect to pursue his or her complaint
- File a written formal complaint
- Receive written notice on whether GSA accepts or dismisses the formal complaint, and, if the complaint is accepted, the specific claims GSA has accepted for investigation
- Review the investigative summary before the report of investigation is issued
- Receive a report of investigation regarding the accepted claims within 180 days after the formal complaint was filed or within 270 days if the parties have agreed, in writing, to an extension. The timeframe may be extended if a formal complaint has been amended and/or the agency must sanitize the complaint file
- Request a hearing before and a decision from an EEOC administrative judge or request a final decision from GSA on the merits of each accepted claim and on the decision to dismiss claims
- Appeal GSA's final decision or final order (on an administrative judge's decision) to the EEOC if unsatisfied with GSA's final decision or final order

- File a civil action in United States District Court if unsatisfied with the GSA or EEOC decisions or
- File a civil action in United States District Court if a decision has not been issued within 180 days from the date a complaint is filed

Remedies may be available if discrimination is found. Such remedies could include equitable relief, such as job reinstatement, placement in a similar job, promotion, back pay, or other terms and conditions. Compensatory damages and reasonable attorney's fees and costs could also be awarded.

## *Responsibilities of Aggrieved Persons*

To help the complaint resolution process run smoothly, aggrieved persons have the responsibility to:

- Identify specifically the incident(s) or action(s) that led to the complaint
- Follow the timetable described in the flow chart for informal and formal complaint resolution and appeal procedures
- Cooperate fully with GSA EEO officials, counselors, investigators, ADR facilitators, EEOC officials, and any other official involved in the complaint process
- Notify GSA EEO officials of changes to contact information (e.g., address, phone number)
- Notify the EEO counselor of changes that may arise during the counseling process of the claim(s)
- Maintain confidentiality about witnesses who have provided statements, testimony, or documentation about the complaint
- Provide GSA with written notice identifying a chosen attorney or representative
- Mitigate damages

## ***Rights of Other Witnesses***

Any witness, including a manager or supervisor, has the right to:

- Be represented, in his or her personal capacity, by an attorney or other advisor of his or her choice (not an agency representative) at any stage of the EEO complaint resolution process
- Receive information or documents regarding a complaint where an investigator determines that the disclosure is necessary to obtain information from the witness
- Be reimbursed for travel expenses related to processing of an EEO complaint
- Be deemed in duty status when his or her presence is authorized or required by agency or EEOC officials in connection with an EEO complaint

## ***Responsibilities of Other Witnesses***

To help the complaint resolution process run smoothly and quickly, all witnesses, including a manager or supervisor, must:

- Respond fully and in a timely manner to all EEO inquiries, including providing an explanation for the actions that gave rise to a complaint
- Cooperate fully with GSA EEO officials, counselors, investigators, ADR facilitators, EEOC officials, and any other official involved in the complaint process
- Avoid retaliation against any associate or applicant involved in the complaint process

Additionally, a manager or supervisor witness should be willing to participate in informal discussions to try to resolve a complaint

## ***GSA's EEO Alternative Dispute Resolution (ADR) Program***

GSA's EEO ADR program is available to help resolve EEO complaints in an informal, cooperative, and nonjudgmental way. This voluntary process uses a neutral third party to help resolve a complaint in a way that is acceptable to all parties. ADR can resolve a complaint quickly, foster a better working relationship for the parties, and save a great deal of time and money. ADR is available at any stage of the GSA informal complaint or formal complaint process.

Before ADR takes place, it is important that all parties think about:

- How they will present their viewpoints regarding the dispute
- The logic of their proposed solutions
- What solutions might appeal to the other parties
- A minimum acceptable resolution of the dispute

The success of ADR requires that all parties are willing to:

- Listen to and try to understand each other's viewpoints
- Be flexible
- Be open to innovative solutions
- Compromise

The steps in the ADR process are:

- The aggrieved person notifies a GSA EEO official that he or she chooses ADR instead of participating in traditional EEO counseling
- Management agrees to participate in ADR
- If the aggrieved person opts for mediation, GSA's preferred ADR technique, he or she will be asked to sign an agreement to mediate and a release so that all those involved in mediation can share information
- The EEO official selects a neutral third party, sometimes a contractor, who will then contact all of the parties to explain GSA's EEO ADR process and schedule a meeting
- If ADR is successful, all of the parties involved will sign a written resolution agreement
- If ADR is not successful, the aggrieved person has the right to continue in the EEO process

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## Informal Procedures

GSA can extend the time allowed for reporting a matter if the aggrieved person can show he or she was not notified of and was unaware of the time limits or if he or she was prevented by circumstances beyond his or her control from promptly contacting a GSA EEO official or for other reasons considered sufficient by GSA or the EEOC

If the aggrieved person agrees, in writing, the counseling (informal complaint) period can be extended by **60 days** to a total of **90 days**

If the aggrieved person chooses to participate in an alternative dispute resolution (ADR) procedure, such as mediation, to seek early resolution of the claim, the informal complaint period is **90 days**

**START**

Incident

Within **45 days**, an aggrieved person must report the matter alleged to be discriminatory to a GSA EEO official

Within **30 days** of the date the aggrieved person contacted the GSA EEO official, the informal complaint will be assigned to an EEO counselor to conduct an inquiry, attempt informal resolution of the alleged discriminatory matter(s), and provide written notification of the aggrieved person's rights and responsibilities

The informal complaint is resolved and removed from the EEO process **STOP**

OR

The informal complaint process ends without resolution and a notice of right to file a discrimination complaint is issued to the aggrieved person by the EEO counselor or EEO official and the formal complaint process can begin

## Formal Complaint Procedures

Within **15 days** of receipt of the notice of right to file a discrimination complaint, the aggrieved person may file a formal complaint with GSA by submitting a form (Formal Complaint of Discrimination, GSA Form 3467) or a letter to a regional or central office GSA official

Within **180 days** of filing of the formal complaint, GSA will advise the complainant, in writing, that it has received the formal complaint and will inform the complainant of the issues GSA has dismissed or accepted for investigation, conduct an impartial and appropriate investigation of the accepted issues raised in the formal complaint, and notify the complainant of his or her rights, responsibilities, and options via a dismissal letter or a report of investigation notification letter

Within **30 days** of receipt of a report of investigation notification letter, the complainant may request a hearing before an EEOC administrative judge or a final agency decision on the record by GSA (For "mixed cases," those involving personnel actions that may be appealed to the Merit Systems Protection Board, consult a GSA EEO official for processing guidelines)

OR

If the complainant requests a final agency decision on the record (or if he or she fails to make an election within **30 days**), GSA will issue a final agency decision on the complaint within **60 days** and notify the complainant of his or her right to file an appeal with the EEOC or a civil action in United States District Court

No Appeal **STOP**

OR

Appeal and continue

If the complainant and GSA agree in writing, the investigation period can be extended by **90 days** to a total of **270 days**

The investigation period can also be extended **180 days**, up to a total of **360 days**, if the formal complaint has been amended or consolidated. Also, upon notifying the parties, GSA can extend the investigation period by **30 days** where the agency must sanitize the complaint file

If the complainant has not received a dismissal letter or report of investigation notification by the end of the **180 days** (or **270 days** if the parties have executed a written extension agreement or the expiration of the extended amendment or consolidation period), the complainant may request a hearing before the EEOC

If the complainant requests a hearing before an EEOC administrative judge, the complainant shall notify GSA of his or her choice and proceed without delay. Following a hearing, the administrative judge will issue a decision

Within **40 days** of receipt of the administrative judge's decision and the hearing file, GSA will issue a final order notifying the complainant whether the agency will implement or appeal the administrative judge's decision and notifying the complainant of his or her right to file an appeal of GSA's final order with the EEOC or a civil action in United States District Court

## EEO Appeal and Civil Action Procedures on EEO Complaints

Within **30 calendar days** of receipt of GSA's final agency decision on the merits or dismissing the complaint or final order on the formal complaint or determination letter on an allegation of non-compliance with the terms of a settlement agreement, the complainant may file an appeal with the EEOC

OR

If the complainant has not filed an appeal with the EEOC, within **90 days** of receipt of GSA's final agency decision or final order on the formal complaint, the complainant may file a civil action in United States District Court  
or  
Within **90 days** of receipt of EEOC's decision, the complainant may file a civil action in United States District Court

OR

If the complainant has not filed an appeal with the EEOC and GSA has not issued a final agency decision or final order on the formal complaint, after **180 days** from the date the formal complaint was filed, the complainant may file a civil action in United States District Court  
or  
If EEOC has not issued a decision on the appeal, after **180 days** from the date an appeal was filed with EEOC, the complainant may file a civil action in United States District Court

Under the Age Discrimination in Employment Act, if the complainant has not filed a formal complaint concerning age discrimination, the complainant may commence a civil action in United States District Court after providing EEOC with at least **30 days** written notice of his or her intent to file suit.

**The Mission of the GSA Office of Civil Rights** is to assist GSA in creating a world-class workplace and to ensure that GSA complies with all laws, regulations, and policies governing unlawful discrimination, focusing on prevention and enforcement.

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## **Equal Employment Opportunity Web Sites**

For information about GSA's Equal Employment Opportunity program and policies and a list of GSA's EEO officials, please visit GSA's website at:

***[www.gsa.gov/civilrights](http://www.gsa.gov/civilrights)***

For additional information about Equal Employment Opportunity laws and regulations, visit:

***[www.eeoc.gov/federal](http://www.eeoc.gov/federal)***

## **Contact Information**

Telephone: 202-501-0767  
Toll Free: 1-800-662-6376  
TDD: 1-888-267-7660  
Federal Relay: 1-800-877-8339

**U.S. General Services Administration**  
Office of Civil Rights  
Office of Equal Employment Opportunity  
1800 F Street, NW  
Washington, DC 20405

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*This brochure is available in alternative formats. Please use the above contact information in making a request for alternative format.*