

Understanding the EEO Complaint Process

Before you file, silently ask yourself!



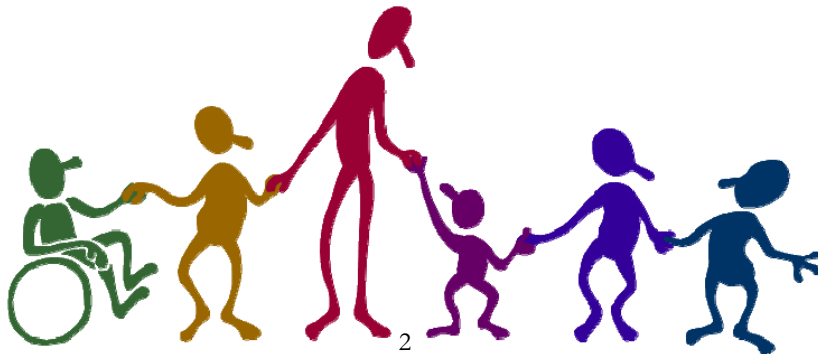
Equal Employment Opportunity Office
Building 1310, Pike Hall
Fort Knox, Kentucky 40121-5230



Equal Employment Opportunity

Mission Statement

The Equal Employment Opportunity (EEO) Officer advises the Commander and Staff on matters pertaining to federal civilian equal employment opportunity practices and policies. The EEO staff monitors the civilian workforce to ensure that employment decisions are made without regard to the age, race, national origin, color, gender, religion or disability of an employee or applicant for employment. The office is responsible for preparing reports and providing advice on the Affirmative Employment Plan, the Special Emphasis Program, including the Individuals with Disabilities Program, and the Discrimination Complaint Processing Program. We also provide training to the workforce and advice to management and employees on EEO matters.



What is the problem?

*Is the problem related to a matter dealing with my employment to
which Army has control?*

- | | |
|---------------------------|-----------------------------|
| a. Appointment | j. Pay (including overtime) |
| b. Promotion | k. Harassment |
| c. Reassignment | l. Sexual Harassment |
| d. Separation/Termination | m. Reprisal |
| e. Reprimand | n. Award |
| f. Evaluation/Appraisal | o. Training |
| g. Time and Attendance | p. Reinstatement |
| h. Retirement | q. Exam/test |
| i. Assignment of Duties | r. Work conditions |

When did the Incident or Action Occur?

Did it occur within the last **45 calendar days**?

Calendar Month

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>
<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	<u>20</u>	<u>21</u>
<u>22</u>	<u>23</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27</u>	<u>28</u>
<u>29</u>	<u>30</u>	<u>31</u>				
			<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>
<u>12</u>	<u>13</u>	<u>14</u>				



Who is involved?
Obviously YOU are?

As the aggrieved, are you:

- a. a current civilian employee (AF/NAF)
- b. a former civilian employee (AF/NAF)
- c. an applicant for employment

Who took or failed to take the action in question?

- a. a supervisor
- b. co-worker
- c. a visitor
- d. a contract worker
- e. a team leader
- f. other (identify)

How were you treated differently?
and
What harm have you suffered?

Were you denied a job benefit?

- a. Promotion
- b. Training
- c. Award
- d. Leave request
- e. Better Performance Evaluation
- f. Other

What harm have you suffered?

- a. adverse material in your personnel file
- b. adverse impact on performance rating/ appraisal
- c. treated unfairly – no one else was treated in the manner you were
- d. Other

Why do you feel that you were treated differently?

Discrimination **ALONE** is not against the law, but discrimination in Employment matters is...

Title VII of the law protects groups from discrimination in employment situations. The protected activity (group) forms the basis of your EEO Complaint.

Ask yourself, was the action taken against me because of my (listed below) and only because of my (listed below):

a. Race/Color:

Black

Hispanic

American Indian

Oriental/Asian Pacific Islander

White

None of the Above

b. Religion

c. Disability (Physical and/or Mental)

d. Sex

e. National Origin

f. Age (40+)

g. Genetics

h. Reprisal (have you previously engaged in the EEO process?)

Final approach to your questioning.

Now that you have taken all the information into **consideration, ask yourself:**

If it were not for my (race/color, sex, age, religion, national origin, disability, genetics, or reprisal)

would this action have been taken?

Am I better qualified than the person who was selected? If so, was it because of my (race/color, sex, age, religion, national origin, disability, genetics or reprisal) that I was not selected?

In a termination issue, are the reasons stated in the termination letter by management false? Did the incidents occur?

If the incidents did not occur, then why was I terminated? Was it because of my race/color, sex, age, religion, national origin, disability, genetics, or reprisal?

Who has to prove that discrimination occurred?

The *Burden of Proof* rests with the
Aggrieved/complainant to provide evidence that
Will sustain a reasonable inference of (sex, race, age,
religion, national origin, disability, genetics, or reprisal)
discrimination.

Once that occurs, management must only articulate a
legitimate, non-discriminatory reason for its action (s)

The Burden then shifts to the complainant to prove by a
preponderance of the evidence that management's ex-
planation (articulated reason) was merely a pretext
(mask or cover up for discrimination).

**PROCESSING INDIVIDUAL COMPLAINTS OF
DISCRIMINATION
(Informal Complaint Process)**

**Alleged Discriminatory Action Occurs
or
Personnel Action Become Effective**

**Within 45 Calendar days, aggrieved
contacts EEOO
Who attempts informal resolution and
EEO Counselor is assigned.**

EEOO offers mediation to aggrieved employee.

**Final Interview Between
Counselor and Aggrieved.
Final Interview Letter is given**

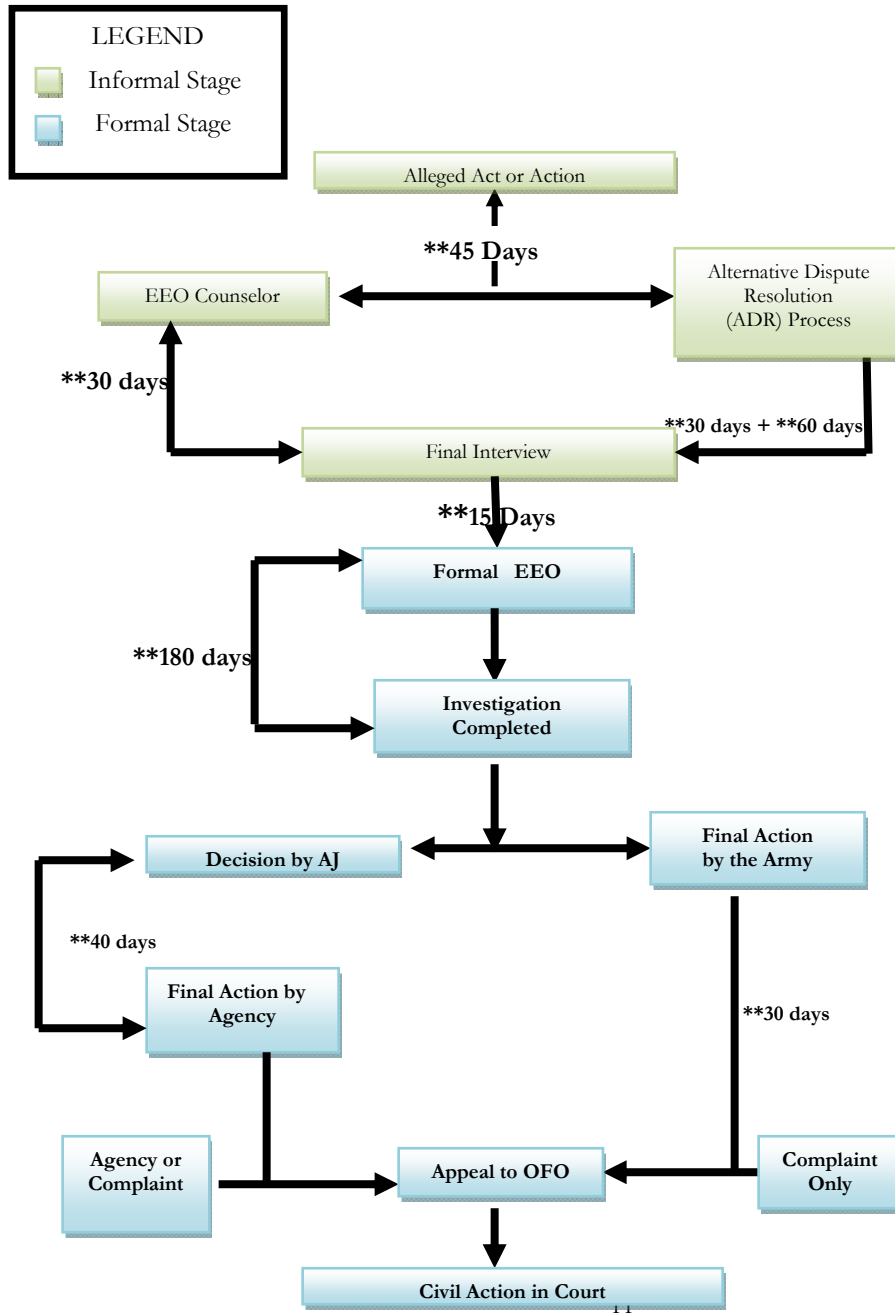
**Within 15 calendar days from
final interview, aggrieved
may file a formal complaint.**

ADDITIONAL INFORMATION

If efforts at informal resolution extend past 30 calendar days, the aggrieved must be notified of the right to file a formal complaint.

(The aggrieved may agree in writing ¹⁰prior to the end of 30-day period to postpone final interview for an additional period of no more than 60 days.)

COMPLAINT PROCESS



**** Note: All "Days" refer to calendar days.**

**If you decide to
file a complaint of
discrimination contact
Equal Employment Opportunity Office
Building 1310, Pike Hall
Fort Knox, Kentucky 40121-5230**

**24 Hour Line
Commercial (502) 624-2545
DSN: 464-2545**

**For further guidance and/or assistance,
Please contact Complaints Manager
Commercial: (502)624-6196
DSN 464-6196**

**TTY Phone Assistance:
Disabilities Specialist (502) 624-6042
Complaints Manager (502) 626-6230**