

**U.S. DEPARTMENT
OF THE
INTERIOR**

***EQUAL EMPLOYMENT
OPPORTUNITY PROGRAM***

**EEO COUNSELING
PROGRAM**

EMPLOYEE GUIDE

**FILING AN EEO
COMPLAINT**

**How do I file an EEO
Complaint?**

If you believe you have been discriminated against on the basis of race, color, national origin, sex, age, religion, disability, sexual orientation¹ or reprisal, you must contact an EEO Counselor to start the initial informal complaint process. You have 45 calendar days from the date of the alleged discriminatory act (or personnel action) to contact the EEO Counselor.

**How do I contact an EEO
Counselor?**

You can find a list of EEO Counselors on your Bureau's employee bulletin boards, electronic web sites, or from the Equal Opportunity Office. Every Bureau has a cadre of EEO Counselors who are available to assist you.

**Do I have to see the EEO
Counselor who works in my
organization?**

You can go to any EEO Counselor in your Bureau. Sometimes, EEO Counselors from other Bureaus may assist in providing EEO counseling services. However, it is best to use a Counselor from your Bureau because they are more familiar with the organizational structure and policies of the Bureau.

**What is the role of the
Counselor?**

The EEO Counselor is there to hear your concerns, conduct a limited inquiry into the issues, discuss them with appropriate management officials, and attempt early resolution.

**Why can't the Counselor
represent me? Is it because he
or she represents the
management?**

No. The EEO Counselor does not represent anyone. He or she is to remain impartial and neutral at all times.

**Will the Counselor conduct an
investigation?**

No. EEO Counselors do not conduct investigations. The Counselor conducts a limited inquiry sufficient to attempt informal resolution. He or she is not an investigator and does not take statements or collect documents.

**My Counselor called me on the
telephone to discuss my case.
Doesn't the Counselor have to
meet with me face to face?**

All counseling sessions are not conducted in person. Many counseling sessions are conducted by telephone, and some through the Intranet.

¹Sexual orientation complaints are processed pursuant to 373 DM 7

Do I have to meet face to face with my supervisor during the counseling?

No. However, sometimes meeting face to face can facilitate communication between you and your supervisor. Your supervisor may be better able to understand your issues and discuss resolution if you discuss them directly.

Can the EEO Counselor get me copies of documents involving other people?

No. The informal complaint process is confidential and the Counselor must respect your privacy as well as the privacy of others. You may request copies of agency records through the Freedom of Information Act (FOIA). The FOIA Officers will respond accordingly.

Why didn't the Counselor resolve my complaint?

Every complaint may not be resolved during the informal counseling process. The EEO Counselor tries his or her best to attempt resolution. However, the decision to resolve your claim is up to the supervisor or manager who has the authority to resolve the issues.

Can the Counselor give me a copy of the Counselor's report?

Once completed, the EEO Counselor's Report is given to the Equal Opportunity Officer. The Equal Opportunity Officer will issue a copy of the EEO Counselor's Report to you after you have filed a formal complaint of discrimination against the agency.

My Counselor knows that I've been discriminated against. Why won't he or she put this in the Counselor's Report?

The EEO Counselor only records summaries of what he or she has been told by the people he or she talks to. He or she does not make decisions as to the merits of the claim and cannot make such assessments in the EEO Counselor's Report.

When can I file a formal EEO Complaint?

If the EEO Counselor is not successful in resolving your complaint, he or she will issue you the Notice of Final Interview and Right to File a Discrimination Complaint. You will have 15 days from receipt of this Notice to file a formal complaint against the agency.