



DEPARTMENT OF VETERANS AFFAIRS

OFFICE OF RESOLUTION MANAGEMENT (ORM)



EQUAL EMPLOYMENT OPPORTUNITY DISCRIMINATION COMPLAINT PROCESS

TOLL FREE LINE 1-888-737-3361

TDD 1-888-626-9008

In accordance with Equal Employment Opportunity Commission (EEOC) regulations, if you are a current employee, applicant for employment, or former employee and believe you have been discriminated against because of your race, color, religion, gender (sex), national origin, age (40 years and over), physical or mental disability, genetic information, and/or reprisal, you can use the Equal Employment Opportunity (EEO) discrimination complaint process.

Alternative Dispute Resolution (ADR) is an option at every step of the EEO process.

ADR affords you the opportunity to work with a neutral third party in an effort to find a mutually satisfactory outcome to the complaint.

Note:

Although EEOC does not have jurisdiction, the Department of Veterans Affairs prohibits discrimination based upon sexual orientation, gender identity, and parental status. ORM administratively processes these types of complaints and OEDCA renders the Final Agency Decisions.

Contact an EEO counselor within **45 calendar days** of the incident

- ◆ Contact can be anonymous.
- ◆ The counselor will conduct an informal inquiry and attempt resolution.

EEO counseling completed within **30 calendar days**, or up to **90 calendar days** if ADR is elected

- ◆ If resolution is not achieved, you will be issued a Notice of Right to File a discrimination complaint.

File a formal complaint within **15 calendar days** of receipt of Notice of Right to File

- ◆ Claims are investigated or dismissed based on EEOC regulations.
- ◆ Claims which are dismissed may be appealed to EEOC within 30 days of the final action on your complaint.

Accepted claims are investigated within **180 calendar days** of filing a formal complaint

- ◆ The investigator will obtain witness statements, other evidence, and prepare a Report of Investigation.
- ◆ You will be issued an Advisement of Rights notice and provided a copy of the Report of Investigation.

You may elect an EEOC hearing or Final Agency Decision within **30 calendar days** of receiving Advisement of Rights notice

- ◆ EEOC's Administrative Judge issues a decision which the agency may implement or appeal; or
- ◆ VA's Office of Employment Discrimination Complaint Adjudication (OEDCA) issues a Final Agency Decision which may be appealed to EEOC.
- ◆ If you do not agree with the final action issued on your complaint, you may file a civil action in Federal District Court.

Definitions:

- ◆ Gender Identity: Refers to an individual's self-identification as a man or woman.
- ◆ Genetic Information: Includes information about an individual or family member's genetic tests, as well as family medical history.
- ◆ Parental Status: Refers to an individual who believes they are treated differently because of their status as a parent.
- ◆ Sexual Orientation: Defined as homosexuality (gay, or lesbian), bisexuality, or heterosexuality, whether such orientation is real or perceived.