



**Q. What is EEO?**

**A.** Equal Employment Opportunity (EEO) is fair treatment in employment, promotion, training, and other personnel actions without regard to race, color, religion, sex, age, national origin, and physical or mental disability. Certain laws and regulations were issued to make sure all Federal employees and applicants for employment with the Federal Government are provided this opportunity. An EEO complaint process has been established for Federal agencies which regulates the manner in which federal EEO complaints are conducted.

**Q. What is employment discrimination?**

**A.** Discrimination is unfair treatment or denial of access to engage in fair competition for employment opportunities because of an individual's membership in a protected group. A key concept in civil rights law is the requirement that a complainant be aggrieved (harmed) by an action of the employer. An aggrieved employee or applicant is one who believes he/she has been discriminated against because of membership in a protected class who suffers harm or loss with respect to a term condition or privilege of employment.

**Q. What is a protected group/class?**

**A.** A protected group/class member is an individual who falls within a group that is qualified for protection under anti-discrimination and equal employment laws. Federal law protects employees from discrimination or harassment based on sex, race, age, disability, color, religion, national origin, or reprisal.

**Q. Who may file an EEO Complaint?**

**A.** "Was I discriminated against because of a protected category?" should be one of the first questions asked before considering initiating an EEO complaint. Individuals who believe that they have been discriminated against, to include current Federal employees, former Federal employees and applicants for Federal employment. In some instances, private contractors may be able file a Federal EEO complaint depending upon the working relationship between the contractor and the agency.

**Q. What is the difference between an EEO complaint and a grievance?**

**A.** The EEO Complaint Process is designed for government employees and job applicants who believe they have experienced discrimination on the basis of race, color, sex, religion, national origin, age (over 40), physical or mental disability, reprisal (for having participated in an activity protected by civil rights statutes), or sexual orientation. The Administrative Grievance Process is for employees who seek personal relief concerning a matter of concern or dissatisfaction or alleges that coercion, reprisal or retaliation has been practiced against him/her. These allegations or concerns cannot involve allegations of discrimination based on race, color, sex, religion, national origin, age, disability, or sexual orientation. For questions and guidance regarding the administrative grievance process, contact (301) 504-1349 or [PALS-REE@ars.usda.gov](mailto:PALS-REE@ars.usda.gov).

**Q. Can I file an EEO complaint and a grievance on the same issue or at the same time?**

**A.** No, persons covered by collective bargaining agreements which permit allegations of discrimination to be raised in the grievance procedure, and who wish to file a complaint or grievance on an allegation of employment discrimination, must elect to continue either under the procedures of 29 C.F.R. Part 1614 (Federal Sector Equal Employment Opportunity) or the negotiated grievance procedures, but not both (29 C.F.R. Part 1614.301(a)).

**Q. How long after a discriminatory incident/event occurs do I have to file a complaint? What are my options?**

**A.** An aggrieved individual should make contact with the EEO office or EEO official not later than 45 calendar days from the alleged discriminatory event or at a point when the aggrieved became reasonably aware that she/he has experienced illegal discrimination. You may request: (a) traditional counseling (counseling must be completed within 30 calendar days of the request for counseling); or (b) Alternative Dispute Resolution (ADR)-Mediation (ADR must be completed within 90 calendar days of the request.) At the end of counseling, or if ADR-Mediation is unsuccessful, the individual has the option to file a formal complaint – a formal complaint must be filed within 15 calendar days of receipt of the Notice of Right to File.

**Q. What is Alternative Dispute Resolution (ADR)?**

**A.** ADR is an effective tool for employees, managers and supervisors to use to resolve employee conflicts and disputes. Although preferred as an early intervention alternative to traditional methods (e.g., Administrative/Negotiated Grievance Processes, EEO Informal/Formal Complaint Processes), ADR may be used at any time. Alternative Dispute Resolution (ADR) is defined as any procedure that parties agree to use, instead of formal adjudication, to resolve workplace related issues in controversies. The EEO ADR process begins when an employee contacts an EEO official who explains available ADR options. ADR can: (a) improve working relationships between managers, supervisors and employees; (b) make it easier for the employee to perform the agency's work in the most efficient and professional manner; and (c) help the parties involved to seek a mutually acceptable resolution of the issues.

The function of the Cooperative Resolution Program (CRP) is to improve communication, cultivate understanding and foster cooperation for **non-EEO** related issues. CRP offers a variety of services to address workplace conflicts and seek resolution at its earliest stage. Like ADR, CRP provides employees the opportunity to resolve workplace disputes in a collaborative way. For questions and guidance regarding CRP, contact (202) 720-6161.

**Q. How long does it take to get resolution after filing an EEO complaint?**

**A.** The EEO office cannot provide you a specific resolution date, time, and/or scenario. The complexity of an EEO matter varies according to the issues brought forth by the individual; nevertheless, there are time restrictions and limits set forth by regulation regarding filing and processing of an EEO complaint.

**Q. Am I allowed “official time” to work on an EEO complaint?**

**A.** If the complainant is an employee of the agency, he/she shall have a reasonable amount of official time, if otherwise on duty, to prepare the complaint and to respond to agency and EEOC requests for information. Official time is measured in hours, not in days. Requests for official time must be approved by management. Management works with the employee to determine the appropriate amount of official time reasonably allowed under the circumstances.

**EEO PROCESS OVERVIEW**



