

EEO Counseling

Discrimination

If you are an employee or job applicant, you are protected by law from discrimination based on race, color, national origin, sex (including sexual harassment), religion, age (40 years old or older), mental or physical handicap, or reprisal for your participation in the EEO process. Federal statutes and regulations—Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act, the Fair Labor Standards Act (Equal Pay Act), and 29 C.F.R. Part 1614—are in place to offer relief, if you are the victim of discrimination. Additionally, in the Department of the Interior, sexual orientation discrimination is counseled under the EEO process.

An allegation of discrimination may result from any employment issue or action—hiring, promotion, time and attendance, work environment, training, appraisal, discipline, firing, layoffs, or other terms, privileges, conditions, and benefits of employment.

What You Have To Do

If you believe you have been discriminated against, you must first contact an EEO Counselor in order to try to resolve the matter, informally. EEO Counseling provides channels of communication through which you may raise questions, discuss allegations, get timely information, and seek solutions. You have **45** calendar days following alleged discriminatory action to contact an EEO Counselor. If the matter concerns a personnel action, you have 45 days from the effective date of the action.

What Counselors Do

- # Determine the **issue** (actions the agency has taken that cause you to believe you have been discriminated against) and the **basis** (race, color, sex, religion, national origin, age, sexual orientation, handicap or reprisal) of the matter.
- # Conduct an inquiry in the **30** calendar days following the initial interview.
- # Seek resolution. A reasonable and timely solution acceptable to both you and management is the best outcome of the counseling process.
- # Document the resolution or advise you of your right to file a formal discrimination complaint.

What Counselors **DO NOT** Do

- # Act as advocates either for you or for management.
- # Determine if discrimination has occurred.

Alternative Dispute Resolution

The counseling period may be extended up to an additional 60 days, if you have agreed in writing to participate in an established agency alternative dispute resolution procedures.

When Counseling Doesn't Resolve the Matter

If the problem has not been resolved by the end of the counseling period, the Counselor must hold a final interview with you and issue a Notice of Final Interview. The Notice provides information on how to file a formal complaint along with the names and addresses of persons authorized to receive complaints. You then have **15** days to file a written formal complaint with the appropriate official.