

Discrimination Complaints

When and How to File

If you are an employee or job applicant and believe you have been discriminated against because of your race, color, national origin, religion, sex (including sexual harassment), age, physical or mental handicap, or as reprisal for your participation in protected EEO activity, you **must** first seek relief through the informal counseling process. If resolution is not reached during counseling, you may then decide to file a complaint of discrimination.

If you file a complaint of discrimination, you must:

- P** Limit the complaint to matters discussed in EEO Counseling.

- P** State to your best knowledge, and belief what personnel matter or action occurred in which you were treated differently from others not in your protected group (e.g., race, sex) and when it happened.

- P** File **within 15 days** of receiving the Notice of Final Interview from your Counselor.

- P** Submit the complaint in writing.

- P** Be sure it is signed by you or your attorney.

The Bureau encourages you to file your complaint using the form, U. S. Department of the Interior Complaint of Discrimination (Form DI-1892); but use of the form is not required. Your EEO Counselor can supply the form and even help you complete it. You then mail or hand deliver your complaint to the EEO Manager. If you prefer, you may file it with the Director of the Office of Fire & Aviation, the Bureau EEO Group Leader, the BLM Director, the Department Office for Equal Opportunity, or the Secretary of the Interior. If you chose to file with the latter, the complaint will normally be returned to the EEO Manager for processing.

The Process

When you file a complaint, the Department must decide to either reject or accept it. If the Department rejects your complaint, you may appeal the decision to the Equal Employment Opportunity Commission (EEOC) within 30 days or file a civil action within 90 days.

If your complaint is accepted, the BLM has 180 days to process the complaint. The EEO Manager assigns an investigator, who interviews witnesses and examines relevant documents. Attempts at finding resolution will also continue during the investigative period. When the investigation is complete, you will receive a copy of the Record of the Investigation that includes witness statements and documents collected as exhibits.

Once you have received the Report of Investigation, you have 30 days to request either an immediate decision by the Department (which they will make within 60 days) or a hearing before an Administrative Judge from EEOC. If you request a hearing, the Administrative Judge will issue findings of fact and conclusions within 180 days and provide the

Department with a recommended decision. The Department has 60 days to reject or modify or accept the recommended decision.

If you are dissatisfied with the Department's decision, you have 30 days to appeal to the EEOC, after you receive it.

FYI

The Right to File Suit – There are times in the discrimination complaint process when you may elect to file a civil action; but you must act within regulatory limits.

Age Discrimination Complaints – For complaints based on age, you may choose to skip the complaint process and go directly to court. When the you intend to sue in District Court, you must advise the EEOC 30 days before you file.

Reprisal – You, your representatives, witnesses, EEO Officers, investigators, and counselors are protected from reprisal–restraint, interference, coercion, discrimination–at all stages of an EEO complaint. If reprisal occurs, a discrimination complaint may be filed.