

TRADITIONAL EEO COUNSELING PROCEDURE

Traditional EEO counseling is one of the resolution options available to an aggrieved party or Complainant in the EEO complaint process. Traditional EEO Counseling is designed to provide both parties an opportunity to express and resolve their issues, interests and concerns in an informal and non-adversarial environment. The process is divided into several stages. Each stage provides each party with more information to better assist them in making an informed decision.

1. Initial Contact and Informal Inquiry Stage:

Contact with the WO Civil Rights Office or an EEO Counselor located in one of the four Regional Employment Complaints Program (ECP) Centers should be made within 45 days of an alleged discriminatory action. The EEO Assistant or Counselor will gather general information from the Complainant. Their concerns are then referred for case assignment.

EEO Counselor, a neutral party, is assigned and conducts initial interview with the Complainant. This is done to clarify the Complainant's concerns, determine their interest, and advise on all possible options, rights, entitlements, etc. The goal being to provide the Complainant with enough information to decide how they wish to pursue resolution of their concerns. (Appendix A of MD 110, App. A-5 to A-7)

The Counselor conducts a limited informal inquiry into the allegations agreed on during the initial interview. The purpose is: (1) to obtain information on jurisdictional questions and a fact pattern to aid decision making; and (2) to obtain information for resolution or settlement purposes. The counselor is obligated to advise the person identified (Responding Official) as causing the concerns of the allegation and to obtain their response. Depending on the allegation additional data/information gathering may be necessary.

The Counselor is now obligated to discuss their findings with the Complainant and the Responding Official. The purpose of this step is to facilitate understanding of undisputed facts, each party's perceptions about disputed facts, and interests of each party. Once this information is shared, the parties should now have sufficient information to decide how they choose to seek resolution.

Counselor must not indicate whether discrimination complaint has merit. EEO counseling inquiries are conducted informally and do not involve sworn testimony or extensive documentation, therefore EEO Counselor (1) cannot make findings on the claim of discrimination; and (2) should not imply to the AP that Counselor's interpretation of the claims of the case constitute an official finding of the agency on the claim of discrimination. Counselor must tell AP that if dispute has not been resolved to his/her satisfaction s/he has the right to pursue the claim further through the formal complaint procedure.

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