

A Guide to Filing an Equal Employment Opportunity Complaint

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A Guide to Filing an Equal Employment Opportunity Complaint

If you are a current employee of the Court Services and Supervision Agency, a former employee, or an applicant for employment and you believe that you have been discriminated against in a personnel practice or in a term, condition, or privilege of your employment, you may file an EEO complaint.

Federal law states that an employer cannot discriminate against any employee on the basis of race, color, religion, sex, sexual harassment, age, national origin, mental or physical disability, genetics, reprisal (protected former EEO activity), or sexual orientation.

The EEO discrimination complaint process is one possible forum to resolve individual employment problems relating to issues involving race, color, religion, sex, national origin, age (40+), disability, genetics, or reprisal. You must first contact an EEO Counselor or the EEO Office at (202) 442-1680.

What is equal employment opportunity?

Equal employment opportunity 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. One of the main misconceptions of EEO is that EEO is only for protected groups. EEO is for everyone; it is the law!

Am I covered by the EEO program?

All employees, including supervisors and managers, former employees, and applicants for employment of the Court Services and Offender Supervision Agency are covered by the EEO Program, regardless of grade level or position.

Under what conditions can I file a complaint?

The Federal sector EEO process covers employment-related matters. For example, if an employee has been injured or aggrieved by personnel actions of the agency, or in the terms, conditions or privileges of his or her employment, that employee may file a complaint. The types of personnel matters covered include:

- hiring and firing
- compensation, assignment, or classification of employees
- transfer, promotion, reduction-in-force (RIF)
- job vacancy announcements

- recruitment
- testing
- use of agency facilities
- training and apprenticeship programs
- fringe benefits
- pay and leave
- other terms and conditions of employment

What other protection do I have?

Discriminatory practices under these laws also include:

- harassment on the basis of race, color, religion, sex, national origin, disability, genetics, or age;
- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain genetic background, sex, race, age, religion, ethnic group, or individuals with disabilities; and
- denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability.

What types of discrimination are prohibited by Equal Opportunity Employment laws?

[Title VII of the Civil Rights Act of 1964](#) (Title VII) protects individuals against employment discrimination on the bases of race, color, national origin, sex, and religion. Title VII applies to the federal government, employment agencies, and labor organizations.

Race or Color Discrimination

It is unlawful to discriminate against any employee or applicant for employment because of his/her race or color in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. Title VII prohibits both intentional discrimination and neutral job policies that have an adverse impact on any protected group and that are not job related.

National Origin Discrimination

Any employee or job applicant, regardless of that person's ancestry, is entitled to the same employment opportunities as anyone else. EEOC enforces the federal prohibition against national origin discrimination in employment under Title VII of the Civil Rights Act of 1964.

Sex-Based Discrimination

It is unlawful to discriminate against any employee or applicant for employment because of his or her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of sex and that are not job related.

Religious Discrimination

It is unlawful for employers to discriminate against individuals because of their religion, or their lack of religious belief in hiring, firing, and other terms and conditions of employment. For example, an employer may not refuse to hire individuals of a certain religion, may not impose stricter promotion requirements for persons of a certain religion, and may not impose more or different work requirements on an employee because of that employee's religious beliefs or practices.

Age Discrimination

The [Age Discrimination in Employment Act of 1967 \(ADEA\)](#) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including but not limited to hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

Genetic Discrimination

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits health insurers and health plans from denying coverage to a healthy individual or charging that person higher premiums based solely on their genetic predisposition in the future. It also prohibits employers from using an individuals' genetic information when making decisions to hire, fire, promote or make job assignments.

Disability Discrimination

Discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment is prohibited by the Americans with Disabilities Act of 1990. Section 501 of the Rehabilitation Act prohibits unlawful discrimination against federal employees.

Reprisal

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on compensation or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII, ADEA, ADA or the Equal Pay Act.

Equal Pay and Compensation Discrimination

Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment. The [Equal Pay Act of 1963](#) requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal.

Pregnancy Discrimination

The Pregnancy Discrimination Act of 1978 is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII. The Pregnancy Act also applies to employment agencies and to labor organizations, as well as to the federal government. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Sexual Orientation

[Executive Order 13087](#), issued on May 28, 1998, prohibits discrimination based upon sexual orientation within Executive Branch civilian employment. The Executive Order states this policy uniformly by adding sexual orientation to the list of categories for which discrimination is prohibited. For additional information on procedures to address allegations of discrimination based on sexual orientation and gender identity, employees should consult OPM's publication, [Addressing Sexual Orientation and Gender Identity Discrimination in Federal Civilian Employment \(rev. June 2015\)](#). Employees also should contact the Office of Special Counsel at (202) 653-7188 and/or the U.S. Merit Systems Protection Board at (202) 653-6772 to determine whether they have a prohibited personnel practice complaint under 5 U.S.C. 2302(b)(10).

What laws do the Equal Employment Opportunity Commission enforce?

- Title VII of the Civil Rights Act of 1964
<https://www.eeoc.gov/laws/statutes/titlevii.cfm>
- Age Discrimination in Employment Act of 1967
<https://www.eeoc.gov/laws/statutes/adea.cfm>
- Sections 501 and 505 of the Rehabilitation Act of 1973
<https://www.eeoc.gov/laws/statutes/rehab.cfm>
- Equal Pay Act of 1963
<https://www.eeoc.gov/laws/statutes/epa.cfm>
- The Americans with Disabilities Act of 1990 and its Amendment in 2008.
<https://www.eeoc.gov/eeoc/publications/fs-ada.cfm>
- Genetic Information Non-Discrimination Act of 2008

- <https://www.eeoc.gov/laws/types/genetic.cfm>; and
- Pregnancy Act of 1978
<https://www.eeoc.gov/eeoc/publications/fs-preg.cfm>

What is the EEO complaint process?

The Equal Employment Opportunity (EEO) discrimination complaint process provides a means of resolving individual employment problems or class actions relating to issues involving race, color, religion, sex, sexual orientation, gender identity, national origin, age (40+), disability, genetics, and/or reprisal. When an issue is first raised, the EEO Office will try to resolve it informally. If the issues raised are not resolved through an informal process, the employee(s) may progress to the formal stage, which may involve sworn testimony and result in a decision as to the merits of the case.

In the informal process, any employee or applicant for employment who believes he or she has been discriminated against should contact CSOSA's EEO Office at:

Court Services and Offender Supervision Agency
Office of Equal Employment Opportunity, Diversity and Special Programs
800 N. Capitol Street, NW, Suite 745
Washington, DC 20002
Phone: (202) 442-1680

within 45 days of the alleged offense. The case may be referred to an EEO Counselor who is trained to resolve issues quickly at the lowest possible organizational level.

At the initial interview, the counselor will listen to the issues, clarify the basis of the complaint, inform the employee of his or her rights, and provide information on the options available for seeking resolution.

An Alternative Dispute Resolution (ADR) process is available as an alternative process for EEO complaint resolution. If the EEO counseling or the ADR options do not result in a resolution of the issues raised, the employee may file a formal EEO complaint.

The formal process must be initiated within 15 days of the receipt of the notice of rights to file a formal complaint. The EEO Counselor will provide a form and specific information needed to file. The complainant or a representative, who has been designated in writing, can file the complaint with CSOSA's EEO Office. If the complaint is accepted, the EEO Office will initiate a full investigation of the issues.

The process associated with class action complaints is different from that for individual complaints. If you are considering filing a class action complaint, please contact the EEO Office directly.

If you would like more information on the EEO complaint process, please contact the EEO Office at (202) 442-1680 or an EEO Counselor.

If EEO counseling or the ADR process does not result in a resolution of the issues raised, the employee may file a formal EEO complaint. The formal process must be initiated within 15 days of the termination of the informal process. The EEO counselor will provide a Formal Complaint Form and specific information needed to file. The complainant or a representative, who has been designated in writing, can file the complaint with CSOSA's EEO Office.

If the complaint is accepted, the EEO Office will initiate a full investigation of the issues. The complainant will receive a copy of the investigative report and may then request an agency decision on the merits of the case, or request a hearing before an Administrative Judge of the Equal Employment Opportunity Commission.

Complaints may be filed by U.S. Mail, Federal Express, Hand Delivery, or via e-mail to:

Director, Office of Equal Employment Opportunity,
Diversity & Special Programs
Court Services and Offender Supervision Agency
800 N. Capitol Street, NW, Room 745
Washington, DC 20002
Phone: (202) 442-1680

Vern Best, Director
vern.best@csosa.gov

Frequently Asked Questions

CSOSA is committed to providing equal employment opportunity; to eliminating discrimination in employment because of race, color, religion, gender, age, national origin, disability, or sexual orientation;* to maintaining a work environment which is free from any form of unlawful discrimination, including sexual harassment; to promoting a progressive affirmative action program for achieving a representative workforce; and to providing a prompt, fair, and impartial review and adjudication of discrimination complaints.

How do I file a complaint?

First, you must contact an EEO Counselor through the CSOSA/PSA's Office of Equal Employment Opportunity, Diversity and Special Programs (OEEO).

How soon after the discriminatory act do I have to contact a counselor?

You must contact the OEEO within 45 calendar days of the alleged discriminatory act.

How do I contact an EEO Counselor?

Call or come by the OEEO located at 800 North Capitol Street, N.W., Washington, DC (202) 442-1680. The OEEO will put you in contact with an EEO Counselor.

May I bring a representative?

You have the right to be accompanied, represented and advised by a representative of your choice throughout the complaint process. However, the EEO Counselor and certain other agency employees cannot serve as your representative.

Do I have to disclose my identity?

You may remain anonymous during the counseling process. If you file a formal complaint, however, your complaint is not confidential and you lose the right to anonymity.

How long does the informal process take?

Informal counseling is required to be completed within 30 days, unless extended for not more than 60 days.

What happens during the counseling stage?

Your EEO Counselor will attempt to resolve your complaint by fact-finding, gathering information and reviewing any documentation, if necessary. He or she may also interview management officials and any other witnesses.

Do I have any other alternatives?

Yes. You may choose to have your concerns resolved through a process called Alternative Dispute Resolution (ADR). ADR utilizes a number of techniques including mediation and facilitation as a means of discussing and resolving your complaint. If you choose ADR, then you will have 90 days to complete the process before having a final interview with the EEO Counselor. Your EEO Counselor can tell you more about the ADR program. If a covered employee, you may also be entitled to have your concerns addressed through the Agency's negotiated grievance process as outlined in the collective bargaining agreement. You also have the option of filing an administrative grievance.

What happens if I am dissatisfied with the outcome of EEO counseling or ADR?

If your concern is not resolved, you may file a formal EEO complaint within 15 calendar days of your receipt of the final interview notice from your EEO Counselor.

How and where do I file a formal complaint?

You may obtain a formal Discrimination Complaint form from your EEO Counselor or from the EEO Office. Complaints may be filed by U.S. Mail, Federal Express, Hand Delivery or via e-mail (scanned copy) to:

Director, Office of Equal Employment Opportunity,
Diversity and Special Programs
800 N. Capitol Street, NW, Room 745
Washington, DC 20002

Email complaint form to:
Vern Best, Director
vern.best@csosa.gov

What happens after I file a formal complaint?

If the allegations in your complaint are accepted, an independent investigation will occur within 180 days of your filing a complaint. You may then choose between receiving a final agency decision or requesting a hearing before the Equal Employment Opportunity Commission.

What is information EEO counseling?

To file an EEO complaint under CSOSA's EEO informal process, current and former employees or applicants **MUST** contact the Office of Equal Employment Opportunity, Diversity and Special Programs (EEO) or an EEO Counselor within 45 days of the matter alleged to be discriminatory, or, in the case of a personnel action, within 45 days of the effective date of the action.

Once you contact the EEO Office or an EEO Counselor:

- You may elect traditional EEO counseling or participate in Alternative Dispute Resolution (ADR), e.g., mediation, to resolve your complaint.
- Informal counseling must be completed within 30 days, unless extended for not more than 60 days.
- If you choose ADR, then you will have 90 days to complete the process before having a final interview with the EEO Counselor.
- You have the right to be accompanied, represented and advised by a representative of your choice throughout the complaint process including the counseling stage.

Remember: The EEO Counselor is not an advocate for either the aggrieved person or the agency.

If you choose to have a representative, you must give CSOSA's Office of Equal Employment Opportunity, Diversity & Special Programs written notice of your representative's name and address by submitting a Designation of EEO Representative form. During counseling, you have the right to remain anonymous. If you file a formal complaint, however, your identity is not confidential.

To request an EEO Counselor, contact the EEO Office:

Court Services and Offender Supervision Agency
Office of Equal Employment Opportunity, Diversity and Special Programs
800 N. Capitol Street, NW, Room 745
Washington, DC 20002
Phone: (202) 442-1680

What is a “class complaint?”

A class complaint consists of a cause of action where the number of complainants is so numerous that a consolidated complaint is impractical and there are questions of common

fact. A complainant may move for class certification at any reasonable point in the process when it becomes apparent that there are class implications to the claim raised in an individual complaint.

If you wish to file a class complaint, you must first seek EEO counseling.

Appendix

Forms

EEO Information Inquiry Intake Form <https://www.csosa.gov/about/employment/eo/eo-informal-inquiry-intake-form.pdf>

Complaint of Discrimination Based on Race, Color, Religion, Sex, National Origin, Age, Disability, and/or Reprisal <https://www.csosa.gov/about/employment/eo/eo-complaint-form-april2010-rdext.pdf>