

Management Participation in the Formal EEO Complaint

Will I be notified when there is a formal EEO complaint filed in my organization?

Yes. The EEO Manager will inform you when a formal EEO complaint has been filed. The EEO Manager will also keep you informed of the status of the complaint as it progresses through the process.

Will I be informed of the allegations in the complaint?

Yes. The EEO Manager will inform you of the allegations of the complaint. He or she will also inform you of the specific allegations involving you directly. Your knowledge of the allegations will help you to prepare for the investigation of the complaint and/or to consider resolution of the complaint.

Why do most complaints get accepted for investigation?

EEO complaints must meet the regulatory requirements to be accepted. While there are many procedural provisions for dismissing complaints, most complaints meet the procedural requirements. The Department is required to educate employees about the process and to inform them of their rights and responsibilities in pursuing complaints of discrimination.

Can I see the complaint files?

If you have questions about the complaint, you should contact your EEO Manager. The EEO Manager can discuss the complaint with you and answer any questions you might have. While there is no pledge of confidentiality in the formal EEO complaint process, care must be taken to protect the integrity of the process. **If you are a witness in the complaint, you should not have access to the complaint files.**

Who pays the cost of processing an EEO complaint?

There is no centralized budget for paying for the costs of EEO complaints. Thus, organizations where the complaint arose must bear the costs.

What is the purpose of the Investigation?

The purpose of the investigation is (1) to gather facts upon which a reasonable fact finder may draw conclusions as to whether the agency has violated a provision of the EEO laws and (2) if a violation is found, to have a sufficient factual basis from which to fashion a remedy.

Where do EEO Investigators come from?

Most Bureaus and Offices procure private contractors to conduct EEO investigations. Staffing limitations inhibit the EEO Offices' ability to conduct their own investigations.

What will happen after the Investigation is completed?

After the investigation, the EEO Manager will review the investigative file for completeness. A copy of the Report of Investigation will be issued to the complainant and his or her representative. The complainant will be provided guidance on the continued processing of the complaint. This will include an opportunity to request a hearing with the EEOC Administrative Judge or a final agency decision without a hearing.

Do I have to talk to the Investigator?

Yes, as a federal employee, you are obligated to talk to the investigator and to cooperate in the investigation of the complaint. Your statement to the Investigator is very important. As a witness, your statement is vital to responding to the allegations. Your failure to cooperate in the investigation of the complaint may negatively affect the outcome of the case.

Do I get a copy of the Report of Investigation?

No. A copy of the Report of Investigation is given to the complainant and his or her representative. The remaining copies are held in the EEO Office for use during the continued processing of the complaint. For example, a copy of the Report of Investigation will be given to the Administrative Judge and the attorney/advisor in the Solicitor's Office if the complainant requests a hearing, and a copy will be forwarded to the Equal Employment Opportunity Commission if the final agency decision of the complaint is appealed. Otherwise, the Report of

Investigation remains within the jurisdiction of the EEO Office.

I told the EEO Counselor what I knew. Why do I have to talk to the EEO Investigator?

The EEO Counselor conducts a limited inquiry into the issues of the complaint. The EEO Investigator will conduct a thorough investigation of the allegations of discrimination. The Investigator's job is to gather sufficient information (through sworn statements and collection of documents) to permit an analysis and/or a decision on the merits of the case.

Will I be notified in advance of the investigation?

Yes. The EEO Manager will inform you of the pending investigation. An administrative contact point may be established in your office to assist in the coordination of the investigation.

Can I suggest witnesses to the Investigator who can corroborate my statement?

Yes. You may provide a list of witnesses to the Investigator and indicate the relevant testimony the witnesses might be able to give. Keep in mind, however, that the Investigator must maintain a focus on the accepted allegations of the complaint; therefore, the Investigator will determine if the witnesses have relevant information.

For more information regarding the EEO complaint process, please contact (202) 208-5693; TDD (202) 208-5998; or call your EEO Office at (775) 861-6584/6510.

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**U.S. DEPARTMENT
OF THE
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***EQUAL EMPLOYMENT
OPPORTUNITY PROGRAM***

**MANAGEMENT
PARTICIPATION IN THE
FORMAL EEO COMPLAINT
PROCESS**

