

EEO COMPLAINT PROCESS:

WHAT IT IS:

The EEO Complaint Process is designed for use solely by government employees and job applicants who believe they have experienced discrimination on the basis of race, color, sex, religion, national origin, age (over 40), physical or mental disability, reprisal (for having participated in an activity protected by civil rights statutes), or sexual orientation.

INFORMAL STAGE

Pre-complaint counseling is a prerequisite to the filing of a formal EEO complaint of discrimination. The aggrieved person must contact the EEO Office or an EEO Counselor within 45 calendar days of the alleged discriminatory act, 45 calendar days from the effective date of a personnel action, or 45 calendar days from the time the complainant became aware of the discriminatory action. Counseling and an attempt to informally resolve the matter should be completed within 30 calendar days of the initial interview with the Counselor unless both parties agree to an extension of 60 calendar days. If the aggrieved person is participating in the Alternative Dispute Resolution process (Mediation), then the counseling period may be further extended, but may not exceed, 90 calendar days. If informal resolution fails, the aggrieved person has a right to file a formal EEO complaint.

FORMAL STAGE

A formal EEO complaint must be submitted in writing to the EEO Manager within 15 calendar days upon receipt of the "Notice of Final Interview" issued by the EEO Counselor at the conclusion of the informal counseling stage. The EEO Manager will then inform the aggrieved of the basis (es) and issue(s) accepted for investigation and if appropriate, that the complaint, or portion of it, will be dismissed. An EEO Investigator will then be assigned to investigate the complaint. Witnesses have an affirmative duty to fully cooperate with the EEO Investigator. The Investigator will develop the facts and make a written investigative report. The agency has 180 days from the date the complaint was filed to complete the investigation. Attempts to resolve the issue(s) will be made throughout the entire complaint process. The final decision on the complaint (finding of discrimination or no discrimination) is rendered by the DOI's Office of Civil Rights.

ROLES

The EEO Counselor's responsibility is to informally resolve potential complaints of discrimination. The Counselor will inquire into the facts of a discrimination allegation and attempt to find a satisfactory solution to the aggrieved person and management. The Counselor is an impartial/neutral; he/she is not an advocate for management or the aggrieved person. All offices and employees are expected to cooperate with the EEO Counselor in the course of an inquiry.

The EEO Manager's role during the counseling process is to provide technical advice, guidance, and procedural assistance to Counselors, management, aggrieved persons and their representatives. Resolution agreements are approved and signed by the EEO Manager before it is presented to the aggrieved person and management.

EMPLOYEE GRIEVANCE PROCESS:

WHAT IT IS:

The Administrative Grievance Process is for employees who seek personal relief concerning a matter of concern or dissatisfaction or alleges that coercion, reprisal or retaliation has been practiced against him/her. These allegations or concerns cannot involve allegations of discrimination based on race, color, sex, religion, national origin, age, disability, or sexual orientation.

INFORMAL STAGE

An Administrative Grievance is normally initiated with the employee's first line supervisor at the informal stage. The supervisor has seven (7) days from the date the grievance was presented to formulate and propose a resolution. The response time can be extended depending on the complexity of the issue(s) presented. The grievant will be advised of the necessary extension. A grievance concerning a continuing practice or condition may be presented at any time. A grievance concerning a particular incident must be presented within 15 days of the date the employee becomes aware of the incident. If resolution cannot be accomplished, the employee is advised of his/her right to request further consideration under formal procedures.

FORMAL STAGE

If an employee is not satisfied with the resolution proposed at the informal stage, a formal procedure is available. A formal grievance must be presented to the Human Resources Officer within five (5) days of the date the informal response is received. The HR Officer makes a procedural review for acceptability. At the formal stage the grievance must be presented in writing and personal relief directly benefiting the grievant specified. A deciding official will be appointed to review the Official Grievance File and gather any additional information necessary to make a thorough and informed decision. If the proposed resolution is still unacceptable, the grievance is forwarded to the Office of Hearings and Appeals in Washington D.C. An Administrative Law Judge will be appointed to recommend a final decision. If all information necessary to make a recommendation is submitted and if the issue is relatively simple, the judge may make a ruling based on a review of the file. More elaborate procedures, including formal hearings, are conducted to resolve complex issues.

ROLES

The Employee Relations Specialist is responsible for providing complete, accurate and confidential advice and assistance to employees on the grievance procedures. They cannot, however, be an advocate for, or represent employees in grievance matters.

SPECIAL NOTE

If you work in the Nevada State Office (NSO), please review the Negotiated Agreement between NSO and National Federation of Federal Employees (NFFE), Local 2174, Article XII, or contact a Local 2174 official or steward for your negotiated grievance procedure. The Administrative Grievance Procedure only applies to non-bargaining unit employees.

Contact Employee Relations at (775) 861-6579/6525
Contact EEO at (775) 861-6584/6510

Employees needing assistance are sometimes confused whether to contact the Personnel Office or EEO. Each office provides a variety of services designed to assist employees with special needs, and each office offers a program to ensure the protection of rights for all BLM employee and job applicant. Below is a comparison of EEO's Complaint Process and Personnel's Employee Grievance Process. This is not an all inclusive explanation of these processes, but rather a starting point in explaining the different processes.