

Discrimination complaint and civil litigation process



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The ruling put in force by Equal Employment Opportunity Commission (EEOC) make it against the law to discriminate against employees on the bases of race, color, religion, sex, national origin, disability, reprisal/retaliation, sexual orientation or age. An individual who files a complaint or takes part in an investigation of an Equal Employment Opportunity (EEO) complaint, or who go up against an employment practice made illegal under any of the laws enforced by EEO Counselor, is protected from retribution. Individuals who think they have been discriminated upon, must contact an agency EEO Counselor.

First the individual must contact an EEO Counselor within 45 days of the professed incident or effective date of the act. This time limit can be extended if the distressed individual gives details that he or she was not advised of the time limits and was not aware of them. The complainant can also choose an alternative dispute resolution of which is conducted within 30 to 90 days. With EEO counseling, counseling must be completed within 30 days of the date the distressed individual contacted the agency's EEO office to apply for counseling. The 30 day counseling period may be extended for an additional 60 days if the individual agrees to this extension in writing. If the matter is not decided upon in that time period, the counselor must inform the distressed individual in writing of the right to file a discrimination complaint.

The Notice of Final Interview must inform the individual that a complaint must be filed within 15 days of receipt of the notice. When a complaint is filed the EEOC must submit a written report to the agency's EEO office concerning the issues discussed and the actions taken during counseling. A <https://assignbuster.com/discrimination-complaint-and-civil-litigation-process/>

complaint must be filed with the agency that allegedly discriminated against the plaintiff within 15 days of receipt of the Notice of Final interview. The complaint must be a signed statement from the plaintiff or the plaintiff's attorney. The agency must accept receipt of complaint in writing and inform the plaintiff of the date of which the grievance was filed and that the agency must investigate the grievance within 180 days of the filing date. The agency must complete the examination within the earlier of (1) 180 days after the last revision of the complaint; or (2) 360 days after the filing of the original grievance.

In the formal stage, an EEOC tries to resolve the complaint by conducting an informal inquiry and presenting the facts to management and the plaintiff for resolution. The time limit to resolve is within 30-60 days. In the formal stage, once a complaint is accepted an investigator from the Department of Defense, Office of Complaint Investigation, conducts a formal investigation. The investigator issues a Report of Investigation, conducts a formal investigation.

The investigator issues a Report of Investigation; in some cases the plaintiff may then request a hearing before the EEOC or a final decision without a hearing from the component or agency. An EEOC Administrative Judge conducts a hearing or complainant requests a final decision without a hearing within 180 days. The complainant must notify agency of hearing request. The Agency must forward file to EEOC within 15 days of notification.

The EEOC Administrative Judge issues a final decision 180 days from the complainant's request for a hearing. The agency has 40 days to put into

action the decision or file an appeal. The agency must tolerate by the appeal decision. The complainant may appeal within 30 days with 30 additional days to submit a statement. If there are no appeals, the decision becomes final after 40 days.

If decision finding discrimination is issued, agency must provide interim relief including placing complainant in the position, pay and benefits must be provided to the complainant pending agency appeal to EEOC. The agency may not restore complainant if unduly disruptive but must provide prospective pay and benefits. The Administrative Judge will come to a decision in regards to attorney fees and compensatory damages. References Discrimination Complaint System.

19 May 2005. http://www.cpms.osd.mil/cip/per_data/27.html Federal EEO Compliant Processing Procedures.

20 May 2005. <http://www.eeoc.gov/federal/fedprocess.html>