

**STANDARD OPERATING PROCEDURES FOR ALTERNATIVE DISPUTE
RESOLUTION
I CORPS AND FORT LEWIS EQUAL EMPLOYMENT OPPORTUNITY OFFICE**

1. REFERENCES:

- a. Administrative Dispute Resolution Act of 1990 (Public Law 101-552).
- b. 29 Code of Federal Regulations (CFR) 1614, subject: Federal Sector EEO
- c. Army Regulation (AR) 690-600, EEO Discrimination Complaints.

2. PURPOSE: This SOP outlines and establishes responsibilities for implementation of an Alternative Dispute Resolution (ADR) procedure in the Equal Employment Opportunity (EEO) complaint process. This guidance covers all activities which are serviced by the Fort Lewis Civilian EEO Office. Fort Lewis will utilize mediation as the ADR process to resolve both informal and formal EEO complaints. The objectives of mediation are to:

- a. Create a nonadversarial process in which involved parties can attempt to resolve complaints themselves.
- b. Provide a nonthreatening environment intended to facilitate open communications.
- c. Allow for the intervention of an impartial third party to assist in identifying the underlying causes of either the informal or formal complaints and remedies for resolution.
- d. Prevent litigation and consequently save time and money.
- e. Teach people practical problem-solving techniques that can be utilized to resolve future disputes.
- f. Improve working relationships.

3. GENERAL:

- a. The policy of the Fort Lewis Civilian EEO Office is to use ADR to resolve EEO complaints at the earliest opportunity.
- b. Mediation allows optional use of an ADR method prior to the filing of a formal EEO complaint or at any stage in the administrative EEO process. Participation is voluntary for employees and mandatory for managers/supervisors unless the issues are determined to be unsuitable for mediation. While this SOP addresses mediation in the precomplaint stage, mediation can be employed at any stage of the EEO complaint.

c. Mediation is the most widely used ADR technique and will be used in the ADR process at Fort Lewis as described in this SOP. The mediator may be a fully trained mediator either from the local servicing area or from another Federal agency. Another source could be a mediator from the private sector.

4. ORGANIZATION, RESPONSIBILITIES AND FUNCTIONS: Participants and their roles are as follows:

a. The Equal Employment Manager (EEM) will administer the mediation process. The EEM will determine whether to offer mediation to the aggrieved. Once mediation is offered and if accepted, the EEM will select a mediator who is neutral, impartial, and skilled in conflict resolution. The mediator will assist in clarifying issues, identifying underlying causes, and arriving at appropriate solutions to resolve the dispute. The EEM will identify the commander or their designee who has authority to engage in settlement discussions and execute settlement agreements. If agreement is reached during mediation, the EEM will coordinate the review of the draft settlement agreement, as appropriate.

b. The Complaints Manager will conduct the initial interview providing Rights and Responsibilities letter and the Designation of Representative Form to the aggrieved. The Complaints Managers may schedule a 2nd interview with the aggrieved preparing Intake/Mediation Report. The Complaints Manager will conduct a brief inquiry into issue(s) attempting resolution. The EEM is briefed on issues presented during intake interview and inquiry. After the EEM makes the decision to offer ADR, the Complaints Manager notifies the aggrieved of their option to proceed with mediation or commence counseling under 29 CFR 1614 and AR 690-600. If mediation is accepted, the Complaints Manager will provide administrative support to the mediator. If mediation is not successful, the Complaints Manager will contact an EEO counselor to begin counseling according to 29 CFR 1614 and AR 690-600.

c. The Army's Representative will provide legal advice to EEM and settlement official. The Army's Representative will review settlement proposals.

d. The Civilian Personnel Advisory Center (CPAC) Representative will provide civilian personnel information to the EEM, settlement official, and mediator. The CPAC Representative will review settlement proposals.

e. The mediator will describe the mediation process to participants. The mediator will manage and will conduct mediation sessions. The EEM will be briefed by the mediator on proposed resolution, or alternatively notifies the EEM of no resolution and terminates the mediation process. After appropriate coordination, the mediator will oversee the signing of settlement agreement with the participating parties.

f. Settlement Official will be identified by the EEM as an official with authority to sign settlement agreement (i.e. the Principal Agency Witness, second or third-line supervisor, manager, director). The settlement official will participate in good faith in mediation, cooperate in settlement efforts, and if an agreement is reached that is satisfactory, sign the agreement.

g. Aggrieved Person will participate voluntarily in good faith in mediation, cooperate in settlement efforts, and if an agreement is reached, sign the agreement.

5. ADR PROCEDURES:

a. Aggrieved person presents issue(s) to the Complaints Manager or EEO official within 45 days of the alleged incident or discriminatory event. The Complaints Manager or EEO official will conduct an initial interview with the aggrieved. During the initial interview, the aggrieved will be given a copy of the Rights and Responsibilities Notice (APPENDIX D), the Designation of Representative Form, the Right to Anonymity Notice, and information on the ADR process (APPENDIX C). The Complaints Manager may schedule a 2nd Intake/Mediation interview with the aggrieved if required to clarify issue(s). During the initial interview or Intake/Mediation interview, the Complaints Manager will fill out the Intake/Mediation Report (APPENDIX A), and discuss the issue(s) with the EEM.

b. The EEM will determine if complaints should be mediated on a case-by-case basis. If it is decided that the issue(s) is not appropriate for mediation, it will be noted on the Intake/Mediation Report (APPENDIX A). At this time, the Complaints Manager will refer the matter to an EEO Counselor for the precomplaint counseling inquiry. The precomplaint counseling inquiry officially begins when the aggrieved person presents the issue(s) to the EEO Counselor. The EEO Counselor initiates the normal precomplaint inquiry in accordance with 29 CFR 1614 and AR 690-600.

c. If the EEM decides the case has the potential to be resolved through mediation, the EEM will extend an offer in writing to the aggrieved to participate in mediation at either the precomplaint or formal complaint stage. The aggrieved person may accept the offer to participate in mediation by signing an Agreement to Participate in ADR (APPENDIX B) and returning it to the EEM within 3 calendar days. If mediation is not accepted at the precomplaint stage, an EEO Counselor will be assigned who accomplishes informal counseling, conducts the final interview and issues the Notice of Right to File according to 29 CFR 1614 and AR 690-600. Counseling can be extended beyond the initial 30 days if the aggrieved person agrees to an extension of an additional 30 days. If mediation is not accepted at the formal complaint stage, the complaint will continue to be processed under the applicable regulatory provisions.

d. When the offer of mediation is accepted, the EEM selects a mediator. The EEM and the mediator should schedule the mediation as soon as possible. The mediator should conclude the mediation within 60 calendar days. If a settlement agreement is not reached, informal EEO counseling begins according to 29 CFR 1614 and AR 690-600.

e. The mediation should be concluded when one of the following occurs:

- (1) Withdrawal from the mediation by complainant;
- (2) Signing of a settlement agreement, or
- (3) Determination resolution is unlikely.

6. MEDIATION PROCESS:

a. A mediator is a neutral third party who assists the parties in reaching a mutually satisfactory resolution of an employment dispute. No person may serve as a mediator if that person was previously involved in the precomplaint processing or who has a personal or official duty relationship with either party.

b. The ultimate goal of mediation is to resolve an informal or formal EEO complaint at the lowest level and as expeditiously as possible. The actual mediation should take no longer than 4 – 8 hours. No written record or transcript of the process will be kept. The mediator decides on the participants for mediation. Participants typically include the aggrieved person and the settlement official. Each party may have a representative.

c. The mediator determines what documents and persons are necessary for the mediation. The mediator manages the mediation session(s) and may meet with the parties together or separately during this process.

d. The aggrieved person may be represented during the mediation by a designated representative, selected by the aggrieved person, at no cost to the Government provided the choice of the representative does not create a potential conflict of interest. However, persons should speak for themselves during the mediation session(s). The aggrieved always has the right to confer with their designated representative prior to the signing of any agreement if the representative is not present.

e. Mediation requires the voluntary participation of the aggrieved person. The aggrieved person may terminate the mediation with no resolution at any time.

f. Statements made during mediation are privileged and confidential and may not be subpoenaed or used in any way in connection with any subsequent proceedings between the parties. Furthermore, no party will subpoena or request as a witness the mediator in any subsequent proceedings between the parties.

g. The mediator will brief the EEM on the result of the mediation, the terms of any proposed settlement and the unresolved issues. The mediator will provide the EEM with the Unresolved Issue(s) after Mediation form.



TERRY M. FISK
Equal Employment Manager

- 4 Attachments
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APPENDIX A

INTAKE/MEDIATION REPORT

AGGRIEVED PERSON: _____
(Last, First, Middle Initial)

2. POSITION: _____
(Title, Grade, Series)

3. ORGANIZATION: _____ 4. WORK PHONE NO: _____
(Directorate/Division)

5. REPRESENTATIVE'S NAME/PHONE NO: _____

6. BASIS FOR ALLEGED DISCRIMINATION: (Specify all Alleged Bases)

Race _____	Age _____	Handicap _____
Color _____	Religion _____	Physical _____
Sex _____	National Origin _____	Mental _____
Sexual Harassment _____		Reprisal _____

7. ALLEGATION (S) OF DISCRIMINATION: (If more space is needed, please continue on bond paper).

8. PRINCIPAL AGENCY WITNESS(ES) (Name & Title):

9. RELIEF REQUESTED:

10. MEDIATION OFFERED? YES _____ NO _____
(If no, reason not offered)

11. DATE MEDIATION ACCEPTED: _____
DATE MEDIATOR SELECTED: _____
DATE MEDIATION STARTED: _____
NAME OF MEDIATOR: _____
WAS MEDIATION SUCCESSFUL YES _____ NO _____ PARTIALLY _____
ISSUES NOT RESOLVED _____

APPENDIX B

**AGREEMENT TO PARTICIPATE IN ADR
DURING THE PRECOMPLAINT STAGE**

This is an agreement, by the parties signing below, to participate in mediation and extend counseling for an additional 60 calendar days.

The parties understand that participation in mediation is voluntary for the aggrieved person and mandatory for management. The aggrieved person may terminate mediation at any time.

The parties further understand that the mediator has no authority to make decisions on issues raised nor act as an advocate or attorney for either party. The aggrieved person has the right to representation during the EEO process. The parties recognize the mediation process is not a formal discussion within the meaning of Civil Service Reform Act (CSRA). The aggrieved may consult with their designated representative for purpose of review prior to signing a settlement agreement.

Each party agrees not to subpoena or request as a witness any mediator, or request or use as evidence any materials (to include personal notes taken during mediation) by either party with the exception of the signed settlement agreement. In no event will the mediator voluntarily serve as a witness or testify on behalf of either party.

If there are unresolved issues at the close of mediation, the mediator and the aggrieved person may reduce those issues to writing during the final mediation session. The aggrieved person understands that any unresolved issues may continue to be processed through the discrimination complaint process. Resolved issues, as part of the settlement agreement, will be withdrawn from the complaint process. The settlement agreement will be included in the complaint file recording the withdrawal of the resolved issues.

AGGRIEVED PERSON (Signature/Date)

SETTLEMENT OFFICIAL (Signature/Date)

MEDIATOR (Signature/Date)

APPENDIX C

Alternative Dispute Resolution (ADR) Process For Precomplaints

For

I Corps and Fort Lewis And Tenant Activities

This policy outlines the procedures and establishes responsibility of personnel of I Corps and Fort Lewis and Serviced Tenant Activities under ADR or early resolution process for Equal Employment Opportunity (EEO) precomplaints. The Civilian EEO Office offers mediation as the alternative dispute resolution technique to resolve informal and formal EEO complaints. It is a fair, non-adversarial procedure that offers an alternative to litigation.

OBJECTIVES

- **Early resolution of EEO precomplaints.**
- **Establishes a fair, a non-adversarial process for such resolutions.**
- **Avoids litigation and consequently saves time and money.**
- **Teaches people practical problem-solving techniques that can be utilized to resolve future disputes.**
- **Improves working relationships through open communication and understanding.**

MEDIATION

What is MEDIATION?

MEDIATION is the alternative dispute resolution technique that will be used at Fort Lewis to resolve EEO precomplaints. Mediation involves the intervention of a neutral and impartial third party into the dispute. The mediator assists in clarifying issues, identifying underlying causes, and arriving at appropriate solutions to resolve the dispute. The mediator cannot impose a resolution on the parties and will protect the confidentiality of the process.

Who May Participate?

Department of the Army (appropriated and nonappropriated fund) employees, applicants for employment, and former employees, and certain contract employees who allege discrimination on matters concerning their employment may be offered or may request mediation. Participation is voluntary.

Who is Involved in MEDIATION?

Settlement Officials: Commanders or their designees who are authorized to engage in settlement discussions and execute settlement agreements.

Mediators: Neutral and impartial third parties who are skilled in conflict resolution techniques and have been certified to participate in the mediation process. Mediators may come from other Federal agencies or the private sector.

Aggrieved Person: A person who is alleging discrimination on matter(s) concerning his/her employment.

How Does MEDIATION Work?

During mediation, parties will be provided the opportunity for joint discussion, as well as individual and confidential discussion, with the mediator. With the exception of the settlement agreement, the mediator will not retain records of the mediation. The mediator will not willingly testify for or against either party in an administrative or court proceeding regarding information unique to the mediation conference. Unless obligated by law, such as in criminal activity, the mediator will not divulge information conveyed in confidence by either party.

1st Step: The EEO Complaints Manager conducts an initial intake/mediation interview with the aggrieved person, providing initial information on mediation along with the Rights and Responsibilities Notice.

2nd Step: The Equal Employment Manager determines whether the complaint has the potential to be resolved through mediation and offers the aggrieved person an opportunity to participate, usually within 20 days. The aggrieved person will be allowed a brief time in which to accept or reject the offer of mediation.

3rd Step: If mediation is accepted, EEO counseling will be held in abeyance to allow the mediation process to take place. If mediation is rejected, the EEO counseling process will continue.

4th Step: If a dispute is resolved through mediation, both parties will sign a written settlement agreement and mediation will be terminated. If a dispute is not resolved, the EEO counseling will continue and the aggrieved will be provided the right to file a formal complaint

HOW DOES MEDIATION BENEFIT ME?

- **MEDIATION** utilizes an impartial third party to assist the involved parties in resolving the dispute.
- **MEDIATION** encourages open communication, often improving or mending broken working relationships.
- **MEDIATION** allows parties to resolve disputes themselves, thereby avoiding lengthy and expensive litigation or administrative procedures.
- **MEDIATION** results in a win/win situation, especially where it results in a mutual and voluntary settlement to a dispute. Even if mediation does not result in resolution, open discussion often results in better understanding and better working relationships.

**For more information contact your Civilian Equal Employment Opportunity Office,
Building 5164 (Main Post) or (253) 967-9078.**

APPENDIX D

AFZH-HR (690-600)

MEMORANDUM FOR AGGRIEVED/COMPLAINANT

SUBJECT: Rights and Responsibilities Notice

1. The purpose of this letter is to advise you of your rights and responsibilities in pursuing an Equal Employment Opportunity (EEO) complaint.

2. Rights.

a. If you believe you have been discriminated against because of your race, color, religion, sex, national origin, age, physical or mental disability and/or subjected to reprisal in an employment matter subject to the control of the Army, you have a choice of options to pursue your complaint and have it resolved.

(1) Options for Employees Outside of a Bargaining Unit. If you are not a member of a bargaining unit covered by a union contract, you have the right to select one of the following options

(a) You may pursue a discrimination complaint under the procedures covered by Army Regulation (AR) 690-600. Your first step under this procedure is to contact the EEO Office within 45 calendar days of the date 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. The Complaints Manager will conduct an initial intake/mediation interview with you. After this interview, the Complaints Manager will attempt to resolve the problem to your satisfaction. If the Complaints Manager is unable to resolve your complaint, the Equal Employment Manager (EEM) may offer you the opportunity to participate in the Fort Lewis Alternative Dispute Resolution (ADR) process. This program offers mediation as the alternative dispute resolution technique to resolve EEO complaints at the informal level of the EEO Complaints processing system. Complaints at this stage are termed precomplaints. Mediation, simply stated, is the intervention of a neutral/impartial party into the process who, by bringing the complainant and management together, assists in clarifying issues, identifying underlying causes, and arriving at mutually agreed upon actions to resolve the matter at issue. A brochure explaining ADR is provided to you as an attachment to this memorandum. If you choose to participate in ADR, the precomplaint period is extended an additional 60 calendar days to accomplish mediation. If you choose not to participate in ADR or not all of your issues are resolved through mediation, an EEO Counselor will be assigned who will undertake the counseling inquiry as usual under EEO procedures outlined in AR 690-600. The EEO Counselor will gather the facts, conduct the final interview and issue the Notice of Right to File. You may file a formal complaint upon receipt of this Notice. The EEO Counselor will tell you with whom to file your complaint and will

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explain complaint procedures. These include an investigation by the Department of Defense Office of Complaint Investigations (OCI), a hearing by the Equal Employment Opportunity Commission (EEOC) if a nonmixed case and if you so choose, and a final decision by the Army.

(b) You may pursue a discrimination complaint under the Merit Systems Protection Board (MSPB) appeal procedure. This procedure is available to you only if the alleged discriminatory action can be appealed to the MSPB. Examples of personnel actions that are appealable to the MSPB include, but are not limited to, removal or suspension for more than 14 days of a non-probationary competitive service employee. If you are subject to a personnel action that is appealable to the MSPB, you will be notified in writing of your right to appeal to the MSPB. The time limit for appeal to the MSPB is 20 calendar days after the effective date of the personnel action that you believe discriminated against you. Under such an appeal, you are entitled to a hearing by the MSPB. In addition, you may petition the EEOC to review the final decision of the MSPB on the allegation(s) of discrimination.

(2) Options for Employees Within a Bargaining Unit. If you are a member of a bargaining unit covered by a union contract, and if the negotiated grievance procedure in that contract does not specifically exclude discrimination issues, you have the right to select one of the following options:

(a) You may pursue a discrimination complaint under the procedures covered by AR 690-600 as described in paragraph 2a(1)(a) above. This includes the option to participate in ADR during the precomplaint process if offered by the EEM.

(b) You may pursue a discrimination complaint under the Merit Systems Protection Board (MSPB) appeal procedure as described in paragraph 2a (1)(b) above.

(c) You may pursue a discrimination complaint under the negotiated grievance procedure. Your union contract outlines the grievance steps including review by the EEOC. Note that decisions in actions covered by 5 USC Section 7512 or 4303 cases are not appealable to the Federal Labor Relations Authority (FLRA). In actions not covered by 5 U.S.C. Section 7512 or 4303, but otherwise appealable to MSPB, you have access to the MSPB procedures only if such actions are excluded from the grievance procedure. If they are covered by the negotiated grievance procedure, the option is between the discrimination complaint procedure, under Title VII of the Civil Rights Act of 1991, hereinafter referred to as EEO complaint procedure, or the negotiated grievance procedure, you have the right to appeal the final decision, whether it is an Army decision, arbitration award, or FLRA decision, to the EEOC or MSPB as appropriate. A bargaining unit employee who raises a claim of discrimination in connection with an appealable Reduction in Force (RIF) action may choose to appeal to the MSPB. In actions not appealable to the MSPB, but covered by the negotiated grievance procedure, you may choose between the grievance procedure or the EEO complaint procedure under AR 690-600.

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(d) You may not seek redress under the EEO complaint procedure and the negotiated grievance procedure. When you select the negotiated grievance procedure by filing a written grievance, your decision is considered to be final and you cannot seek redress under the EEO complaint procedure.

(e) A grievance under the negotiated procedure will be rejected if you have filed a timely appeal with the MSPB or if you have filed a formal discrimination complaint under the EEO complaint procedure.

(f) Allegations of discrimination that are subject to final administrative review by the EEOC may not be raised by an employee in the Department of Defense (DoD) Administrative Grievance System (AGS) (see FL Regulation 690-10).

(3) Additional Option for Age Discrimination in Employment Act of 1967 (ADEA), as amended, Complainants (age 40 and over). In addition to filing a complaint under this regulation, a mixed case appeal with MSPB (if applicable) or a negotiated grievance (if applicable) as described above, you may elect to bypass the administrative procedure and file a civil action directly in an appropriate U.S. District Court, after first filing a written notice of intent to file a civil action with the EEOC within 180 calendar days of the date of the alleged discriminatory action. Once a timely notice of intent to sue is filed with the EEOC, you must wait at least 30 calendar days before filing a civil action.

(a) You must be aware that, if you elect to file an administrative complaint rather than filing directly in U.S. District Court, you must exhaust your administrative remedies before you can file a civil action.

(b) You will have exhausted your administrative remedies when one of the following occurs: 90 calendar days after receiving notice of the final Army decision on your complaint, if no appeal has been filed; or, after 180 calendar days from the date you filed your complaint with the Army and the Army has failed to issue a final decision and no appeal has been filed; or 90 calendar days after receiving the EEOC's final decision on your appeal; or after 180 calendar days from the date you filed an appeal with the EEOC and the EEOC has not issued a final decision on the appeal.

(4) Additional Option for Sexual Harassment Complaints. In addition to filing a complaint under this regulation, under Section 1561 of Title 10, United States Code, you have the option of also filing a sexual harassment complaint with the point of contact (POC) designated by the commander. Upon your request, the EEO counselor will provide you the name of the POC who will be able to explain the procedures required by Section 1561. You are reminded that, even if you elect to file a complaint under Section 1561, you may, at the same time, continue the processing of your sexual harassment complaint in the EEO Complaint Processing System.

(5) Equal Pay Act (EPA) Option. If you are alleging sex-based wage discrimination under the EPA, you have the right to go direct to the U.S. District Court even though such claims are also cognizable under Title VII. A civil action must be filed within 2 years of the date of the occurrence or within 3 years of this date if the violation is alleged to be willful. The filing of an administrative complaint does not toll the time for filing a civil action.

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b. You have the right to remain anonymous during informal counseling. The counselor will refrain from revealing your identity except by your authorization. The right of anonymity doesn't extend to ADR during the precomplaint stage if you choose to participate in the program.

c. You have the right to a representative of your choice throughout the complaint process including counseling. This right to choice of representation is limited when there would be a conflict of interest as defined in AR 690-600. Your right to representation is extended to the mediation process if you choose to participate in ADR. However, the mediator will decide the extent to which the representative actively participates in mediation. The complainant, nonetheless, will have sufficient time to discuss resolution and review any settlement with his/her representative prior to finalizing any agreement.

d. You have the right to a hearing before an EEOC administrative judge in a non-mixed case after 180 calendar days from the filing of a formal complaint or after completion of the investigation, whichever comes first.

e. You have the right to go to U.S. District Court 180 calendar days after filing a formal complaint or 180 calendar days after filing an appeal with EEOC.

f. You have the right to receive in writing within 30 calendar days of the first counseling contact (unless you agree in writing to an extension or you choose to participate in ADR) a notice terminating counseling and informing you of: (1) the right to file a formal individual or class complaint within 15 calendar days of receipt of the notice, (2) the appropriate official with whom to file a formal complaint, and (3) your duty to immediately inform the agency if you retain counsel or a representative. Any extension of the counseling period may not exceed an additional 60 calendar days. Where notice is not provided and no extension is secured, you have the right to file a formal complaint after the 30th day.

3. Responsibilities.

a. You are responsible for cooperating with the EEO counselor, the EEM, and investigator in processing your EEO complaint.

b. You are responsible for assuring that the activity EEO Office is advised, in writing, of your current mailing address and telephone number at all times during the processing of your EEO complaint in the administrative procedure. Failure to keep the agency informed of your current address may result in dismissal of your complaint.

c. If you choose to participate in ADR, you are responsible for notifying the EEM of your decision within 3 calendar days from the date of the offer and are responsible for cooperating with the mediator during the process.

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d. If you file a formal complaint, you are responsible for informing the EEM if you are represented, by whom and the address and telephone number of the representative. You must also inform the EEM of any change in representation.

e. You must also be aware that you have a legal obligation to mitigate damages, regardless of whether it is later determined that you were a victim of unlawful discrimination. A successful complainant claiming back pay will be paid the amount he/she would have earned had it not been for discrimination, less any amount he or she actually earned or could have earned with due diligence, plus interest. Interest on back pay is not payable to Federal employees or applicants who prevail on employment discrimination claims brought under the Age Discrimination in Employment Act (ADEA) of 1967, as amended, or the EPA.

f. You are responsible for informing the EEO Office of your election of redress. Whichever formal action you file first (an MSPB mixed case appeal, a discrimination complaint under the EEO complaint procedure or a written grievance under the negotiated grievance procedure) is considered to be an election to proceed only in that forum as to the alleged discrimination. Thus you should be aware that:

(1) An appeal to the MSPB will not be accepted if you have filed a timely formal complaint in writing under the EEO complaint procedure or a timely written grievance under the negotiated procedure.

(2) A discrimination complaint filed under the EEO complaint procedure will be dismissed if you have filed a timely appeal to the MSPB or a timely-written grievance under the negotiated procedure on the same matter.

g. You are responsible for filing a formal EEO complaint within 15 calendar days of receipt of the counselor's notice of right to file a discrimination complaint, in the event that you wish to file a formal complaint at the conclusion of counseling.

h. You are responsible for serving notice of appeal and a copy of the brief (if any) on the agency should you elect to appeal an agency decision to the EEOC, Office of Federal Operations.

i. Should you elect to bypass the administrative procedure in an age discrimination complaint, you are responsible for providing the following information in your notice of intent to sue:

(1) The date prepared.

(2) Statement of intent to file a civil action under Section 15(d) of the ADEA.

(3) Your name, address, and telephone number.

(4) Name and address, and telephone number of your designated representative, if any.

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(5) Name and location of the Federal agency or installation where the alleged discriminatory action occurred.

(6) Statement of the nature of the alleged discriminatory action(s)

(7) Date(s) the alleged discriminatory action occurred.

(8) Your signature or the signature of your designated representative.

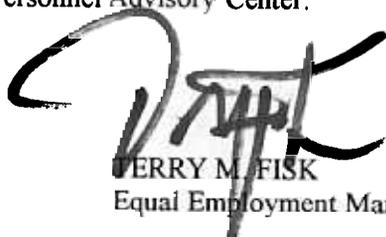
j. Notices of Intent to Sue under the ADEA must be submitted to the EEOC at the following address:

Federal Sector Programs
Equal Employment Opportunity Commission
1801 "L" Street, NW
Washington, D.C. 20507

4. You are advised that only matters raised in precomplaint processing or issues like or related to issues raised in precomplaint processing may be alleged in a subsequent formal complaint filed with Army. Matters that do not meet this requirement will be dismissed.

5. If you have any other questions on this matter, you may contact the Fort Lewis Civilian EEO Office, your union representative, or the Civilian Personnel Advisory Center.

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PERRY M. FISK
Equal Employment Manager

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ACKNOWLEDGEMENT OF RECEIPT:

Signature of Aggrieved

Date