



DEPARTMENT OF THE ARMY
UNITED STATES DENTAL ACTIVITY - FORT LEWIS
TACOMA, WASHINGTON 98431-1100

REPLY TO
ATTENTION OF
AFZH-EEO

26 March 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Procedures for Filing an Equal Employment Opportunity (EEO)
Discrimination Complaint - For Civilians

1 References:

- a. Title 29, Code of Federal Regulations (CFR), Part 1614, amended 9 Nov 99.
 - b. Equal Employment Opportunity Commission (EEOC) Management Directive 10, dated 28 Oct 99.
2. The purpose of this memorandum is to disseminate to the civilian workforce guidance regarding the procedures to file an EEO discrimination complaint.
3. Individuals who believe they have been subjected to discrimination because of race, color, religion, sex (gender or sexual harassment), age, national origin, physical/mental disability, or reprisal in an employment matter, subject to the control of the Army, may use the EEO discrimination complaint procedures without fear of coercion, restraint, interference, harassment, intimidation, or reprisal. Complaints of discrimination based on age will be accepted only from employees or job applicants who are at least 40 years old at the time the discriminatory action or effective date of the personnel action is alleged to have occurred.
4. In order to file a timely complaint, an aggrieved person must initiate contact with the EEO Office or EEO counselor within **45 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**, Title 29 CFR, Section 1614.105, paragraph (a)(1). Failure to make contact with an EEO Counselor within 45 days may result in dismissal of a formal complaint on the basis of untimeliness.
5. Any person who believes he/she has been discriminated against in an employment matter, subject to the control of the Army, may file an EEO discrimination complaint. Complaints will be fully and impartially investigated and adjudicated by appropriate officials. Action will be expeditious at all levels. Complaints, their representatives, and witnesses will be free from restraint, interference, coercion, discrimination, harassment, intimidation, or reprisal at all stages in the presentation and processing of a complaint.

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AFZH-EEO

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6. Provided as Enclosures 1 and 2 are documents that identify the Civilian EEO Office Staff and outline the EEO discrimination complaint procedures:

- a. Encl 1 - Identification of Fort Lewis Civilian EEO Office Staff.
- b. Encl 2 - Steps in Individual Complaints of Discrimination.

7. If you need further information, the point of contact for EEO complaints is Mr. Terry Fisk, Equal Employment Manager, or Ms. Andrea Monahan, EEO Complaints Manager, at DSN 357-9078 or commercial (253) 967-9078. The fax number is DSN 357-4696 or commercial (253) 967-9646.

2 Encls


HENRY C. SEYMOUR
Colonel, Dental Corps
Commanding

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CIVILIAN EQUAL EMPLOYMENT OPPORTUNITY

Bldg 5164



In order to file a **timely** EEO discrimination complaint on the basis of national origin, age, race, reprisal, religion, color, sex (gender/sexual harassment), or physical/mental disability, you **must** contact an EEO counselor or the Complaints Manager **within 45 calendar days** of the alleged discriminatory act or personnel action or when you became aware or reasonably aware of the action. Failure to make contact within **45 calendar days** may result in the dismissal of a formal complaint on the basis of untimeliness.

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ENCL 1

STEPS IN INDIVIDUAL COMPLAINTS OF DISCRIMINATION

ACTION	TIME LIMITS
1. Army employee, former employee, or applicant for employment must contact an EEO counselor or an EEO official.	Within 45 calendar days of the date of the matter alleged to be discriminatory or within 45 calendar days of the effective date of the personnel action.
2. EEO Counselor makes inquiry, attempts informal resolution, conducts final interview, and if complaint is not resolved, gives complainant written Notice of Right to File a Formal Complaint of Discrimination.	Within 30 days after the date the complainant placed the activity on notice.
3. Complainant may agree in writing to extend informal counseling process up to an additional 60 days.	Within initial 30-day counseling period.
4. Complainant files formal complaint (DA Form 2590-R) in writing with EEO Officer or other designated official. Must advise EEO Officer if he/she obtains legal or other representation.	Within 15 days after receipt of the Notice of Right to File a Formal Complaint of Discrimination.
5. EEO Officer accepts or dismisses the formal complaint in whole or part. If complaint is dismissed, EEO Officer notifies complainant and representative. <p style="margin-left: 20px;">a. If dismissed in whole, complainant can appeal to EEOC, OFO.</p> <p style="margin-left: 20px;">b. If partially dismissed, complainant <u>cannot</u> appeal, but can raise dismissed issues at EEOC hearing.</p>	<p>Within five (5) working days after receipt of complaint.</p> <p>Within 30 days after receipt of dismissal.</p>
6. EEO Officer sends file to the investigating agency requesting assignment of an investigator if any part of complaint is accepted.	Within three (3) working days of acceptance.

ACTION	TIME LIMITS
7. The investigating agency completes investigation and sends investigative file to the agency.	The investigating agency will complete its investigation and issue an investigative file within 120 days of the date of receipt of the request for investigation so that the EEO Officer may issue the investigative report/file and notice of completion within 180 days of the filing of the complaint unless there has been an extension or EEOC specified a time frame in an order. In the event of noncompletion within 180 days of filing of complaint, complainant may request an EEOC hearing.
8. EEO Officer sends Notice of Post-Investigation Options and investigative report to complainant and representative.	See 7 above.
9. Complainant or representative may request EEOC hearing or issuance of a final Army decision without a hearing.	Within 30 days of receipt of Notice of Post-Investigative Options.
10. If complainant or representative fails to respond within 30 days, EEO Officer requests EO-CCR issue final Army decision.	36 days after issuing Notice of Post-Investigative Options.
11. If complainant or representative requests a final Army decision without a hearing, the EEO Officer sends complaint file to EO-CCR.	Within three (3) working days of receipt of complainant's or representative's election.
12. If complaint or representative requests EEOC hearing, EEO Officer sends complaint file to EEOC.	Within three (3) working days of receipt of complainant's or representative election.
13. EEOC Hearing held and findings and recommendations sent from EEOC administrative judge to EO-CCR.	Within 180 days of receipt of the request for a hearing.
14. Final Army decision by the Director of EEO, or designee, including issuance of appeal rights.	Within 60 days of EO-CCR's receipt that complainant has requested an immediate decision without a hearing; within 60 days of EO-CCR's receipt of administrative judge's findings and recommendations.

ACTION	TIME LIMITS
<p>15. Appeal to EEOC:</p> <p>a. Complainant or representative sends Notice of Appeal to EEOC with a copy to EEO Officer and to EO-CCR.</p> <p>b. Complainant or representative sends statement or brief to support appeal of final Army decision to EEOC with a copy to the EEO Officer and EO-CCR.</p>	<p>Within 30 days of receiving final Army decision.</p> <p>Within 30 days of filing Notice of Appeal.</p>
<p>16. Civil action by complainant or representative:</p> <p>a. Before final Army decision.</p> <p>b. After final Army decision if no appeal to EEOC.</p> <p>c. Before EEOC final decision or appeal decision.</p> <p>d. After EEOC final decision on appeal.</p>	<p>After 180 days of filing formal complaint if an appeal has not been filed and a final Army decision has not been issued.</p> <p>Within 90 days of receipt of final Army decision.</p> <p>After 180 days of filing an appeal to EEOC, if no decision from EEOC issued.</p> <p>Within 90 days of receiving EEOC final decision.</p>