VA | U.S. Department of Veterans Affairs

Office of Resolution Management (ORM)

Equal Employment Opportunity Discrimination Complaint Process

In accordance with Equal Employment Opportunity Commission (EEOC) regulations, if you are a current employee, applicant for employment, or former employee and believe you have been discriminated against because of your race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age (40 years and over), physical or mental disability, genetic information, and/or retaliation, you can use the Equal Employment Opportunity (EEO) discrimination complaint process.

Alternative Dispute Resolution (ADR) is an option at every step of the EEO process.

ADR affords you the opportunity to work with a neutral third party in an effort to find a mutually satisfactory outcome to the complaint.

Contact an **EEO** counselor within **45 calendar days** of the incident

- Contact can be anonymous.
- The counselor will conduct an informal inquiry and attempt resolution.

EEO counseling completed within **30 calendar days**, or up to 90 calendar days if **ADR** is elected

- If resolution is not achieved, you will be issued a Notice of Right to File a discrimination complaint.

File a formal complaint within **15 calendar days** of receipt of Notice of Right to File

- Claims are investigated or dismissed based on EEOC regulations.
- Claims which are dismissed may be appealed to EEOC once final action is taken on your complaint.

Accepted claims are investigated if complaint is not amended within **180 calendar days** of filing a formal complaint

- The investigator will obtain witness statements, other evidence, and prepare a report of investigation.
- You will be issued an Advisement of Rights Notice and provided a copy of the Report of Investigation on your complaint.

You may elect an **EEOC** hearing or Final Agency Decision within **30 calendar days** of receiving Advisement of Rights Notice

- EEOC's Administrative Judge issues a decision which the agency may implement or appeal; or
- VA's Office of Employment Discrimination Complaint Adjudication (OEDCA) issues a Final Agency Decision which may be appealed to EEOC.
- If you do not agree with the final action issued on your complaint, you may file a civil action in Federal District Court.

NOTE: Although EEOC does not have jurisdiction, the Department of Veterans Affairs prohibits discrimination based on parental status. ORM administratively processes this type of complaint and OEDCA renders the Final Agency Decision.

DEFINITIONS:

- **Gender Identity:** Refers to an individual's self-identification as a man or woman.
- **Genetic Information:** Genetic information includes information about an individual or family member's genetic tests, as well as family medical history.
- **Parental Status:** An individual who believes they are treated differently because of their status as a parent.
- **Sexual Orientation:** Is defined as homosexuality (gay, or lesbian), bisexuality, or heterosexuality, whether such orientation is real or perceived.

Toll Free Line: 1-888-737-3361
TDD: 1-888-626-9008
http://www.va.gov/orm

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