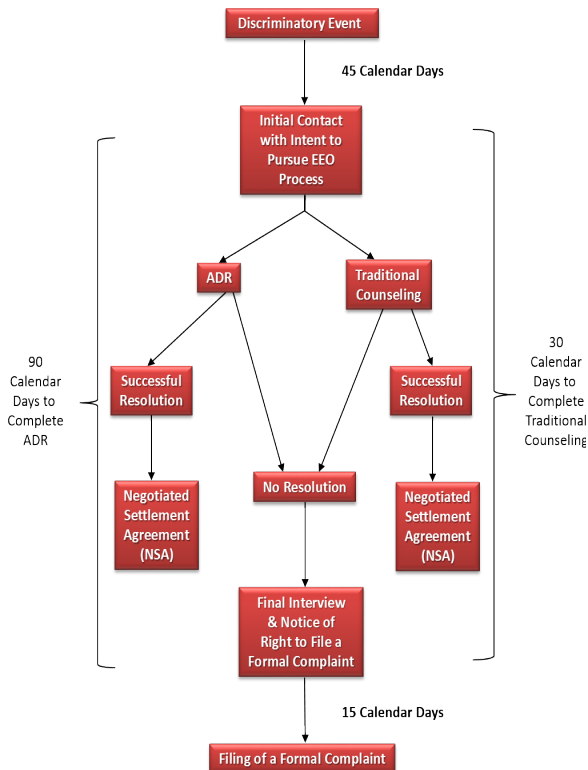


## What if Traditional Counseling or ADR Doesn't Resolve the Matter

- The counselor must conduct a final interview with the aggrieved if the problem was not resolved by the end of the counseling period.
- The counselor or the EEO office will give the aggrieved a Notice of Right to File a Formal Complaint after counseling.
- If ADR was elected but unsuccessful, the EEO office will conduct the final interview and issue the aggrieved the Notice of Right to File.
- The Notice of Right to File provides information on how to file a formal complaint along with the names and addresses of persons authorized to receive complaints.
- An aggrieved has **15 calendar days** after receiving the Notice of Right to File in which to file formal EEO complaint with the appropriate official.



## EEO Office

### Points of Contact

**Michelle Johnson**

*EEO Officer*

(580) 442-2017

**Darone Dawsey**

(580) 442-7773

**David Douthwaite**

(580) 442-4024

**Sherry Bradford**

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**EEO mailbox:**

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For additional information visit our website

<https://sill-ww.army.mil/usag/eeo/>

## Fires Center of Excellence And Fort Sill

### USAG Equal Employment Opportunity Office



**Temporary Address:**

**Bldg 1616 NE Side**

**Fort Sill, Oklahoma**

**73503**

**Office: (580) 442-4024**

## The EEO Precomplaint Process

## Informal EEO Complaint (Precomplaint)

### Discrimination

- If you are an employee or job applicant, you are protected by law from discrimination based on race, color, national origin, sex (including sexual harassment), religion, genetics, age (40+), disability (mental or physical), or reprisal for prior participation in the EEO process.
- Federal statutes and regulations—Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act, the Fair Labor Standards Act (Equal Pay Act), and 29 C.F.R. Part 1614—are in place to offer relief if you feel you have been subjected to discrimination.
- An allegation of discrimination may result from any employment issue or action—hiring, promotion, time and attendance, work environment, training, appraisal, discipline, firing, layoffs, or other terms, privileges, conditions, and benefits of employment.

### What to Do

- To act upon the feeling of having been discriminated against, you must contact an EEO official within **45 calendar days** of an alleged discrimination action, or when you became aware of the alleged discriminatory action to initiate a precomplaint.
- Discuss the situation that caused you to initiate a precomplaint with the EEO official.
- Choose between two types of precomplaint processes: Traditional Counseling, or if offered, Alternative Dispute Resolution (ADR).
- When an individual initiates a precomplaint, s/he becomes **“the aggrieved”**.

- If you wish to remain anonymous, your name will be kept confidential during the informal stage (all efforts will be made by the EEO Counselor to ensure your anonymity).

### Traditional EEO Counseling

- Provides channels of communication through which you may raise questions, discuss allegations, get timely information, and seek solutions.
- Inquiry about the alleged discrimination is conducted within **30 calendar days** following the initial intake interview unless the aggrieved agrees to extend the 30-day time limit not exceed **90 calendar days**.
- If resolution is achieved, a Negotiated Settlement Agreement (NSA) will be drafted and signed by both parties.
- If resolution is not achieved, a final interview is conducted and you will be advise of your right to file a formal complaint of discrimination.

### What Counselors Do

- Interview persons and review documents that can provide firsthand information about the matters.
- Inquire into the specific incidents and actions identified by the aggrieved during the intake interview.
- Submit a counselor’s report to the EEO office after counseling is completed.

### Counselors **DO NOT**

- Act as advocates either for you or for management.
- Determine if discrimination has occurred.

## Alternative Dispute Resolution (ADR)

- ADR is the name used to describe a variety of approaches to resolving EEO disputes rather than adversarial methods or traditional adjudicatory methods such as litigation, hearings, and agency administrative processing and appeals.
- ADR offers the parties the opportunity for an early, informal resolution of disputes in a mutually satisfactory fashion. Mediation is an informal process in which a trained mediator assists the parties to reach a negotiated resolution of a charge of discrimination. The mediator does not decide who is right or wrong and has no authority to impose a settlement on the parties. Instead, the mediator helps the parties to jointly explore and reconcile their differences.
- The Department of the Army’s preferred ADR method is **mediation**.
- Mediation is one of several approaches to settling disputes without going to court and is a strategy for producing winners on both sides of a conflict.

### Why Choose ADR

- It promotes the early resolution of EEO disputes.
- It promotes lasting solutions and reduces the potential for future conflict by facilitating the active participation of the parties to the conflict in the problem solving process.
- It fosters an environment of teamwork and cooperation among employees, supervisors, and managers.
- If ADR fails, your rights to traditional administrative redress and due process systems are preserved.