



Office of Equal Employment Opportunity (OEEEO)



Responding to an EEO Complaint

A [Quick Reference Guide](#)  has been developed to provide guidance for navigating the equal employment opportunity (EEO) Complaints process when you respond to a complaint.

What Management Officers Need to Know in Responding to an EEO Complaint

As a management officer you are likely to be involved in employment decisions that affect the lives and careers of others. You are responsible for ensuring that your employment decisions are fair, equitable, and based on merit. During the course of deciding who gets hired, promoted, has opportunities to advance, etc., you might encounter objections to your decisions, including someone's belief that it was based on non-merit factors that violate EEO laws.

You are also responsible for the quality of the work environment, and must ensure that individuals are free from harassment. In addition to being responsible for your own actions, you are responsible for the interactions of other individuals in your workplace.

In the course of performing your official job duties as a management officer, you represent the agency. Your actions and decisions also have the potential to create liability for the agency. If an individual believes that your actions or decisions were based on illegal discrimination, they may choose to use the EEO complaint process to seek a remedy. This page offers information on what to expect if you are accused of discrimination.

If you are alleged to have discriminated:

- Avoid taking it personally. Do not alter your behavior toward the individual or your supervision of them in a negative way.
- Advise your supervisor that you are involved in an EEO case.
- Treat this as a highly confidential matter and limit your discussions of it accordingly.
- Do not retaliate or do anything that could be perceived to be retaliatory against the individual or any witnesses.
- Demonstrate a good faith effort in resolution/settlement attempts. Keep in mind that a settlement decision will be based on what is in the best interest of the agency.
- Answer questions to the best of your ability. Refer to your notes and supporting documentation, but if you do not know or cannot recall the answer, say so.
- You have the right to a personal representative at your own expense. The Office of General Counsel (OGC) represents the agency and cannot be your representative. In general, if you acted within the scope of your official job duties, you should not need a representative.
- [Contact OEEEO staff](#) if you have any questions or concerns about the EEO complaint process.

The federal EEO complaint process consists of two stages: a pre-complaint and a formal complaint stage. The aggrieved person must complete the pre-complaint process before they can file a formal complaint.

In the pre-complaint process, an EEO counselor will notify you of the allegations that require your response. The EEO counselor cannot reveal the identity of the aggrieved person, unless that person has authorized this disclosure.

In preparing for EEO counseling, you should:

- Be cooperative with the EEO counselor. The counselor has a neutral role to play, and does not represent either side.
- Be informative; the failure to do so may be reflected in the counselor’s report.
- Be willing to resolve the matter. It is often possible to find a resolution that both you and the aggrieved person can live with.
- Discuss the matter with your EEO staff and attempt early, informal resolution whenever possible.
- Be careful not to take any action or fail to take any action that might be considered as retaliatory toward any persons you believe might have contacted the counselor. Retaliation can be found even if there is no merit to the complaint.

Once a formal complaint is filed, OEEO assumes management of the case and provides a copy of the EEO counselor’s report to the complainant. The counselor’s report does not state whether discrimination occurred. Managers are not entitled to a copy of the formal complaint or the counselor’s report, but OEEO will advise them of the status of the allegations raised.

OEEO will send the complainant a letter stating the claim(s) asserted and to be investigated. OEEO will base this decision on jurisdictional and procedural criteria in accordance with EEOC regulations, not on the merits of the complaint.

Investigation: a certified investigator who is a neutral party assigned by the agency will conduct the investigation. The investigator is authorized to gather evidence and take sworn statements, but does not determine whether discrimination occurred. Some of the areas discussed during the pre-complaint process might be reexamined in the investigation.

All management officers and witnesses are required to cooperate, respond truthfully, and provide a signed, sworn affidavit. The affidavit must accurately reflect witnesses’ testimony and it should not be signed unless the witness is absolutely comfortable with it. If a witness does not know, or cannot recall specific information, it is acceptable to state this uncertainty. There are no “off the record” conversations with an investigator.

The investigator produces a Report of Investigation (ROI), which also does not judge whether discrimination occurred. EEOC regulations require that the investigator issues the ROI within 180 days from the filing of a formal complaint. The complainant will be given a copy of the entire ROI.

Witnesses and management officers who give statements are entitled to a copy of their individual affidavits, but are neither entitled to a copy of the ROI, nor copies of affidavits by any other witnesses.

If you are called to testify during the EEOC hearing, it is important to prepare. You’ll review documents related to the allegations and work with EEO staff on the preparation process.

If a resolution is reached at any point in the EEO complaint process, it will be detailed in a document signed by the individual and authorized agency officials. Settlements are not an admission of discrimination. A settlement might be in the best interest of the agency (for example, to avoid high litigation costs). The terms of the settlement are not subject to the approval of the individual managers involved in the complaint.

Contacts

For further information on your role in the EEO process, please contact OEEO at 770-488-1225 or EEOComplaints@cdc.gov.