

What is “EEO”?



EEO means Equal Employment Opportunity. The process allows for a person to file a discrimination complaint if they believe that they have been disadvantaged in some way with regard to working conditions due to race, color, sex, age, National origin, disability (physical or mental), religion, genetic information, or reprisal for prior EEO activity.

In the Complaint process a person must prove

- 1) that something bad happened to them which affected a condition of their employment
- 2) that bad thing was unjust unfair or illegal AND
- 3) that it was motivated by a discriminatory bias listed above. Sometimes, a person can prove that something happened but not that it is connected to any discriminatory bias. In that case the Agency may prevail.

The process begins with the aggrieved filing an informal allegation of a Title 7 violation with a Navy EEO counselor. The EEO counselor completes a limited fact finding, and reveals his/her findings to the aggrieved. If not satisfied, the aggrieved may then file a formal complaint with the Equal Employment Opportunity Commission (EEOC). If the formal EEO complaint is accepted, an investigation is conducted by a Department of Defense investigator. Upon receipt of the

results the aggrieved has the right to request a hearing by an Equal Opportunity Commission judge or a Final Agency Decision (FAD) from the Department of the Navy. Once the hearing/FAD process is exhausted, the aggrieved may file an action in civil court if desired.

An employee or applicant has no more than 45 calendar days from the date of incident, of a personnel action, or the date a person knows they have been discriminated against to file a timely complaint. Failure to file a timely complaint could result in dismissal of the complaint at the formal stage.

Is Alternative Dispute Resolution Appropriate in Every Case?

Just as different types of ADR might be appropriate for different disputes, sometimes litigation is the preferred method of conflict resolution. If the DON needs a precedential decision or the issue involves a very significant policy, ADR might not be appropriate. Likewise, if the rights of third parties cannot be addressed by using ADR or if full public participation is important, than other methods probably should be used. But most controversies do not involve lofty issues of public policy, and regardless of the subject matter, every issue in controversy is a potential candidate for ADR.

ADR offers the parties the chance to control their own destiny.

What is Mediation?

Mediation, a form of ADR, is a process in which a neutral person facilitates discussions between two or more parties to help them arrive at a resolution of the dispute. The Mediator has no decision making authority and cannot impose a decision on either party. Mediation involves working with both parties to improve their working relationship and communication, clarifying and interpreting data, identifying key issues to be discussed, uncovering hidden agendas, facilitating an effective negotiation process, generating possible settlement options, and helping to identify and formulate areas of agreement.

How do I file an EEO complaint? Or Request mediation?

You may call (619)532-1816 to initiate contact or for information. You may also call this number and ask for a member of the Alternate Dispute Resolution staff to assist you.



Why use ADR?

The three best reasons to use ADR (Mediation) are:

1. It increases the parties' control over the result,
2. It reduces the cost of resolution,
3. It WORKS!

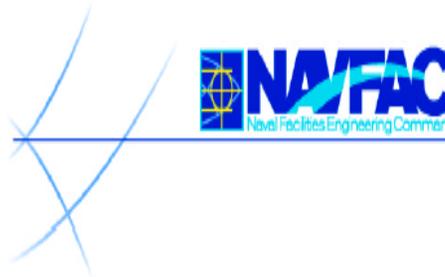


Department of the Navy EEO Complaint Process

NAVFAC SW EEO Office
1220 Pacific Highway
San Diego CA 92132-5190
Intake: (619)-532-1816

Navy policy states:

“ADR techniques shall be used as an alternative to litigation...to the maximum extent practicable... Every conflict and issue in controversy, regardless of subject matter, is a potential candidate for ADR.”



NAVFAC SW EEO Office

1220 Pacific Highway

San Diego, CA

Phone/ Intake line 619.532.1816

EEO Provides an avenue for addressing discrimination;

Protects employee's rights to fair treatment;

ADR increases likelihood of resolution;

