

## EEO PROCESS VS. NEGOTIATED GRIEVANCE PROCEDURE

ISSUE	EEO PROCESS	NEGOTIATED GRIEVANCE PROCEDURE
<b>Who has standing to file?</b>	Applicants for employment, employees, and former employees.	Bargaining unit employees.
<b>What actions are covered?</b>	Any action based on the EEO statutes: statutes cover bases such as race, sex, religion, color, national origin, age, disability, reprisal. Matters involving discrimination can go through either the EEO process or the grievance procedure but <b>not both</b> .	Covers employment matters that may or may not be due to discrimination, <u>See</u> Article 24 of the MLA, Section 2. Scope.
<b>How are time frames calculated?</b>	Calendar days.	Working days.
<b>What are the stages/ steps of the process?</b>	<ol style="list-style-type: none"> <li>1. Applicant/employee/former employee must contact a counselor or EEO official within <u>45 calendar days</u> of the discriminatory event or the effective date of the personnel action. Applicant/employee may be given a choice of continuing in traditional counseling or ADR.</li> <li>2. If <b>ADR</b>, parties have <u>90 days</u> from the date of contact with the counselor/EEO official to complete the process. If agreement reached, case closed. If no agreement, applicant/employee receives notice of right to file a formal complaint.</li> <li>3. If <b>traditional counseling</b>, counselor has <u>30 days</u> to gather information and attempt informal resolution. Thirty days can be extended for 60 more days if applicant/employee agrees (total counseling period can not exceed 90 days). Complaint can either resolve in counseling or</li> </ol>	<ol style="list-style-type: none"> <li>1. <b>Step 1:</b> Written grievance to immediate manager within <u>20 working days</u> of the date the employee became aware of the occurrence of an incident/event. Manager listens to employee's oral presentation, upon request, reviews the written grievance, conducts an investigation, and attempts to adjust it as quickly as possible. Manager gives written decision within <u>10 days</u> of receipt of the grievance or oral presentation, whichever is later. Employee has <u>5 days</u> from the step 1 to request step 2.</li> <li>2. <b>Step 2:</b> Official is one level higher than step 1 manager. Official should have authority to resolve the grievance. Official meets with employee if an oral presentation is requested. Written decision prepared within <u>10 days</u> of date employee chose step 2 or oral presentation, whichever is later. Step 2 decision is the final agency grievance decision.</li> </ol>

	<p>the applicant/employee/former employee will receive a final interview and right to file a formal complaint.</p> <ol style="list-style-type: none"><li>4. Applicant/employee has <u>15 days</u> from receipt of <b>final interview/notice of right to file a formal complaint</b> to actually file a formal complaint.</li><li>5. Agency acknowledges receipt of formal complaint. <b>Claims are accepted and/or dismissed.</b> Accepted claims are sent to a contractor for <b>investigation.</b> Investigation completed - applicant/employee/former employee receives report of investigation, applicant/employee <b>notified of rights; hearing before an Equal Employment Opportunity Commission (EEOC), Administrative Judge, Final Decision from the Agency, or ADR.</b></li><li>6. If <b>ADR</b>, the parties have 90 days to complete the process. If an agreement is reached, the case is closed. If no agreement is reached, the case continues on with the applicant/employee having the opportunity to request a hearing or a final agency decision.</li><li>7. If <b>final agency decision</b> is requested, applicant/employee/former employee receives the decision and has appeal rights to the EEOC.</li><li>8. If a <b>hearing</b> is requested, OGC assigns an attorney and the attorney represents the Agency before the Commission. AJ makes a decision - parties can appeal.</li><li>9. Right to file a <b>civil action.</b></li></ol>	<p>If decision not acceptable, employee/union can refer the matter to <b>arbitration.</b></p>
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