

The Federal Equal Employment Opportunity (EEO) Discrimination Complaint Process at Joint Base San Antonio (JBSA)

Title VII of the Civil Rights Act of 1964, as amended, prohibits employment discrimination based on race, color, national origin, age (40 and over), religion, sex, sexual harassment, pregnancy, gender identity, sexual orientation, physical or mental disability, genetic information (GINA), as well as reprisal or retaliation against a person who files a complaint, participates in the EEO process or opposes an unlawful employment practice.

Joint Base San Antonio appropriated and non-appropriated fund Army and Air Force civilian employees, and applicants for employment have the right to file a discrimination complaint with the EO Discrimination Complaints Office within **45 calendar days** of an event they believe was discriminatory. Bargaining unit employees may elect to file under the negotiated grievance procedure within **20 calendar days of the date of the alleged discriminatory incident if assigned to Ft Sam Houston, 21 calendar days if**

assigned to Lackland, and 15 work days if assigned to Randolph; however, an employee may not file a grievance **and** a formal EEO complaint on the same issues.

The EEO process operates under the authority of the Equal Employment Opportunity Commission (EEOC) and is regulated by 29 Code of Federal Regulations (CFR), Part 1614. There are two main steps in the discrimination complaint administrative process: pre-complaint and the formal complaint. After the exhaustion of the complaint process, and final agency decision the complainant has an option to appeal and file a civil action in a U.S. District Court.

In the informal stage of the EEO process, the aggrieved person has the right to remain anonymous and can choose between pre-complaint counseling or the Alternative Dispute Resolution (ADR) process. At any stage of the EEO process, the aggrieved person has the right to have a representative.

Pre-complaint (Informal) Process

- The aggrieved person contacts their respective EO Office for information on the EO process, ADR, and other possible options available in resolving their concern. The EO counselor assigned to process informal complaints are either full-time EO counselors or permanent JBSA employee volunteers trained and appointed by the Commander on a collateral-duty basis. Some ADR Mediators are volunteers and others are contracted and all have been trained in ADR techniques. Neither Counselors nor Mediators are advocates for management **or** the complainant, but serve as an impartial third party.
- Counselors seek resolution through informal fact-finding inquiries into the discrimination claim. The counselor's inquiry includes talking with individual(s) alleged to have discriminated and witnesses with possible knowledge of the complaint issues. The Mediator seeks resolution through a formal mediation with the parties involved in the claim.
- If resolution is not reached through counseling or ADR, the employee receives a notice, including their rights, to file a formal complaint if desired.
- The EO Office does not make discrimination findings or decide whether or not complaints have merit.

Formal Complaint Process

- Within 15 calendar days of receipt of the notice of right to file, a formal written complaint can be filed with your respective operating location EO office.
- Accepted claims and amendments to the claim will be investigated by DoD Investigations and Resolutions Division (IRD).
- Dismissals can be appealed to EEOC.
- IRD provides a report of investigation with an analysis of the complaint.
- The complainant can request a hearing by an EEOC Administrative Judge or a final Air Force/Army decision.
- The Administrative Judge or the Agency will issue a final decision, which can be appealed to EEOC.
- After appeals are exhausted, the complainant can file a civil action.

Please call your respective EO contacts for more information about the EEO/ADR process or to file a complaint.

JBSA 502 ABW/Ft Sam Houston EO-2428 Stanley Rd, Fort Sam Houston, TX 78234-(210)221-7798

JBSA 502 ABW/Lackland EO-1701 Kenly Ave, Ste 138N, Lackland AFB TX 78236-(210)671-4284

JBSA 502 ABW/Randolph EO-355 B Street West, Ste 3, Randolph AFB TX 78150-(210)652-3749

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