

## What happens when ORM receives my formal complaint?

Your complaint will be reviewed to determine if it meets the Equal Employment Opportunity Commission's (EEOC's) requirements for acceptance and further processing.

## What happens if my complaint is accepted for processing?

An EEO investigator will be assigned to your case. The investigator will take statements from witnesses under oath and gather documents and records. The investigator will prepare a report summarizing the evidence gathered. You will receive a copy of the investigative file and be advised of your right to request either an EEOC hearing or a final agency decision (FAD) upon completion of the investigation.

## What happens if ORM does not accept my complaint for processing?

You will be advised of your right to appeal the decision to EEOC.

## Who will issue the final decision concerning my complaint?

VA's Office of Employment Discrimination Complaint Adjudication (OEDCA) issues FADs on the merits of discrimination complaints. OEDCA also takes final action on complaints that have been decided by EEOC administrative judges.

## What if I need to add issues to my initial complaint?

You should contact ORM prior to the conclusion of the investigation to amend your complaint.

## VA Pamphlet ORM 01

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## What should I do if I believe the terms of my EEO settlement agreement have not been honored?

You must notify the Deputy Assistant Secretary for Resolution Management, in writing, within 30 days of the alleged breach of the settlement. Send your notice to the Department of Veterans Affairs, Office of Resolution Management (08), 810 Vermont Ave N.W., Washington, DC 20420

### ORM Field Offices

**Continental District**  
Houston, TX

**Midwest District**  
Hines, IL

**Southeast District**  
St. Petersburg, FL

**North Atlantic District**  
Lyons, NJ  
Washington, DC

**Pacific District**  
Los Angeles, CA

To contact ORM call:  
**888-566-3982**

For the hearing impaired:  
**1-888-626-9008 - TDD**

Or visit our website:  
<http://www.va.gov/orm>

VA



U.S. Department of Veterans Affairs

Central Office

SharePoint Development Environment



## What is the Office of Resolution Management?

The Office of Resolution Management (ORM) is responsible for providing Equal Employment Opportunity (EEO) complaint processing services within the Department of Veterans Affairs (VA). The complaint process includes counseling, mediation, and investigation.

Under the leadership of the Deputy Assistant Secretary for Resolution Management, ORM accomplishes these responsibilities through a nationwide network of field and satellite offices.

## Who can initiate a discrimination complaint?

An employee, former employee, or applicant for employment, who believes discrimination occurred on the bases of race, color, religion, sex, national origin, age (over 40), physical or mental disability, genetic information,\* and/or reprisal for prior EEO activities, may initiate a discrimination complaint.

## What are the stages of the discrimination complaint process?

The discrimination complaint process consists of two phases: the **Informal Stage** and the **Formal Stage**.

### Informal Stage

You must initiate contact with an EEO counselor within **45** days of the date of the alleged act of discrimination by calling **888-566-3982** or visiting your local ORM Field Office.

\*Genetic Information includes information about an individual's or family member's genetic tests, as well as family medical history.

**Alternative Dispute Resolution (ADR) is an option at every step of the EEO process.**

**ADR affords you the opportunity to work with a neutral third party in an effort to find a mutually satisfactory outcome to the complaint.**

Contact an EEO counselor within 45 calendar days of the incident.

EEO counseling is completed within 30 calendar days, or up to 90 calendar days if ADR is elected.

File a formal complaint within 15 calendar days of receipt of a Notice of Right to File.

Accepted claims are investigated if the complaint is not amended within 180 calendar days of filing a formal complaint.

You may elect an EEOC hearing or Final Agency Decision within 30 calendar days of receiving an Advisement of Rights Notice.

• Contact can be anonymous. The counselor will conduct an informal inquiry and attempt resolution.

• If resolution is not achieved, you will be issued a Notice of Right to File a Discrimination Complaint.

• Claims are investigated or dismissed based on EEOC regulations.

• Claims that are dismissed may be appealed to EEOC once final action is taken on your complaint.

• The investigator will obtain witness statements, other evidence, and prepare a report of investigation.

• You will be issued an Advisement of Rights Notice and provided a copy of the Report of Investigation.

• If the EEOC hearing is elected, the EEOC administrative judge will issue a decision which the agency can implement or appeal. If a Final Agency Decision is elected (issued by VA's Office of Employment Discrimination Complaint Adjudication), the decision can be appealed to the EEOC.

• If you do not agree with the final action issued on your complaint, you may file a civil action in Federal District Court.

## What will happen during the informal process?

The goal of the informal process is to resolve disputes at the earliest possible level. The EEO counselor will advise you that you may pursue resolution through either EEO counseling or Alternative Dispute Resolution (ADR) if the issue is appropriate for ADR. The counselor will encourage the use of ADR and explain the benefits of using it to resolve disputes.

## What if I pursue my dispute through EEO counseling?

The EEO counselor will make inquiries to facilitate resolution between the parties. Counseling must be completed within **30** calendar days of your initial contact, unless an extension of time is granted and the complaint is not resolved through counseling. After completion of counseling, the EEO counselor will issue you a Notice of Right to File a Discrimination Complaint.

## What if I elect ADR?

The informal stage may be extended up to **90** calendar days if you elect ADR. If resolution is not reached within that period or ADR continues beyond that period, the EEO counselor will issue a Notice of Right to File a Discrimination Complaint.

***ORM strongly encourages parties to look for common ground and seek resolution at the earliest stage.***

## Formal Complaint Stage

If the informal stage does not result in the resolution of your dispute, you may file a formal complaint, in writing, preferably on VA Form 4939, and submit it to your local ORM Field Office. You must submit your formal complaint within **15** calendar days of your receipt of the Notice of Right to File a Discrimination Complaint.