



Office of Resolution Management, Diversity and Inclusion (ORMDI)

EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT PROCESS OVERVIEW

The Office of Resolution Management, Diversity and Inclusion (ORMDI) is responsible for providing 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, ORMDI accomplishes these responsibilities through a nationwide network of district and satellite offices.

FREQUENTLY ASKED QUESTIONS

Who can initiate a discrimination complaint?

A VA 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 ORMDI EEO counselor within 45 days of the date of the alleged act of discrimination by calling 888-566-3982 or visiting your local ORMDI District Office.

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

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.

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 ORMDI District Office. You must submit your formal complaint within 15 calendar days of your receipt of the Notice of Right to File a Discrimination Complaint.

What happens when ORMDI receives my formal complaint?

Your complaint will be reviewed to determine if it meets the 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

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



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 ORMDI 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 ORMDI prior to the conclusion of the investigation to amend your complaint.

What should I do if I believe the terms of my EEO settlement were breached?

You must contact the Deputy Assistant Secretary for Resolution Management, Diversity & Inclusion or the Policy, Compliance & Oversight Manager **in writing within 30 days from the date you knew or should have known that a breach occurred.**

The preferred method of contacting ORMDI to allege a breach is by email to ORMDIOPCINQUIRY@va.gov. You may also send your breach claim in writing to:

Deputy Assistant Secretary for Resolution Management, Diversity & Inclusion
Department of Veterans Affairs
Office of Resolution Management (08)
810 Vermont Avenue, N.W.
Washington, DC 20420

or

Policy, Compliance & Oversight Manager
Office of Resolution Management (08B)
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, DC 20420

EEO COMPLAINT PROCESS



Contact an ORMDI EEO Counselor within 45 calendar days of the incident

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



EEO counseling completed within 30 calendar days, or up to 90 calendar days if alternative dispute resolution (ADR) is elected

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



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

- Claims are investigated or dismissed based on EEOC regulations.
- Claims which are dismissed may be appealed to EEOC once final action is taken on your complaint.



Accepted claims are investigated within 180 days, or up to 360 days if amended

- 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 on your complaint.



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

- EEOC's Administrative Judge issues a decision which the agency may implement or appeal; or
- VA's Office of Employment Discrimination Complaint Adjudication (OEDCA) issues a Final Agency Decision which may be appealed to EEOC.
- If you do not agree with the final action issued on your complaint, you may file a civil action in Federal District Court.

Note: 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 ORMDI

888-566-3982

For the hearing impaired
1-888-626-9008 (TDD)

<http://www.va.gov/ormdi>

ORMDI District Office Locations

Continental District
Houston, TX

Midwest District
Westchester, IL

North Atlantic District 1
Lyons, NJ

North Atlantic District 2
Washington, DC

Pacific District
Los Angeles, CA

Southeast District
St. Petersburg, FL

VA Central Office, VACO District
Washington, DC