

U.S. Fish and Wildlife Service

EEO Workshop for Managers and Supervisors

Part 1 of 4

“The EEO Complaint Process: What is Covered”

Presenter:

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## Objectives

- Understanding the EEO process and what is covered
- Learning about new Developments in law and cases
- Recognizing how to do it right and to avoid pitfalls

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## The Bases of Discrimination

### The Civil Rights Act of 1964

1. Race
2. Color
3. Religion
4. Sex
5. National Origin

### The Age Discrimination in Employment Act

6. Age

### The Rehabilitation Act / Americans With Disabilities Act

7. Physical or Mental Disability

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## The Bases of Discrimination (Cont'd)

### The Fair Labor Standards Act - Equal Pay Act

8. Equal Pay

### Genetic Information Nondiscrimination Act

9. Genetic Information (to include family history information)

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## The Bases of Discrimination (Cont'd)

### All five laws have non-retaliation provisions

10. Retaliation
  - \* Participation
  - \* Opposition

### Executive Orders

- [11. Sexual Orientation]
- [12. Status as a Parent]

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## Overview of EEO Process

### Counselor Contact

- When?

### Conventional Counseling or ADR

- How long?

### Notice of Right to File Formal Complaint

- When?
- How long to file?

### Acceptance or Rejection Letter

- When?

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## Overview of EEO Process (Cont'd)

### Investigation

- How long?

### EEOC Hearing or Final Agency Decision?

### Appeal to OFO

### District Court

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## Remedies / What you can get if you win?

### Employee Remedies

#### Monetary Remedies

Back Pay  
Front Pay  
Compensatory Damages  
Attorney Fees And Cost

Reinstatement or the position denied

### Remedies Directed At The Offending Employees Or Supervisors

Training

### Other Remedies

Expungement  
Loss of leave

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## ***TRUE OR FALSE QUIZ***

Answer the following questions True or False by circling the appropriate letter

- T F 1. Discrimination under the Civil Rights Act can be generally defined as unfair treatment
- T F 2. Before I can file an EEO complaint, I must first contact a counselor
- T F 3. The agency's obligation to disabled employees is to treat them the same as non disabled employees
- T F 4. When an employee is found to have been discriminated against, she/he is entitled only to back pay.
- T F 5. "Consistency of Treatment of Applicants/Employees" is the fundamental guide for avoiding discrimination

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***TRUE OR FALSE QUIZ (Cont'd)***

- T F 6. White men are not protected by EEO laws
- T F 7. A person can be discriminated against by someone who is a member of the same group as they are
- T F 8. A 62 year old man who is replaced by a 42 year old man cannot file an age discrimination complaint, because both men are in the class protected by the Age Discrimination in Employment Act
- T F 9. You can only claim religious discrimination if you are a member of an established, formal religion.
- T F 10. If a person is disabled, you must accommodate them.
- T F 11. Atheism can be a kind of religion.