



## U.S. Customs and Border Protection

### OFFICE OF DIVERSITY AND CIVIL RIGHTS EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINTS MANAGEMENT PROGRAM OVERVIEW

#### **EEO COMPLAINT PROCESS:**

U.S. Customs and Border Protection (CBP) has delegated authority from the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) for implementing the Equal Employment Opportunity Commission's (EEOC) regulations set forth in 29 CFR Part 1614 with regard to processing complaints of discrimination stemming from agency actions. DCR is committed to assisting parties in resolving complaints of discrimination at the earliest possible point in the complaint process.

**Discrimination:** In civil rights matters, discrimination refers to unfavorable or unequal treatment of a person or class of people because of the following factors (called protected classes): race, color, sex, sexual orientation, age, religion, national origin, physical or mental disability, genetic information, status as a parent, or reprisal for participation in the EEO complaint process or for opposing discriminatory practices. It also includes harassment because of a protected class and failure to reasonably accommodate one's religion or disability. Additionally, federal law prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions.

**Informal Stage:** When an employee believes he or she has been discriminated against as a result of one or more protected bases, the first step is to seek informal EEO counseling by:

- Contacting the Office of Diversity and Civil Rights (DCR) EEO Complaint Intake Hotline at 1-877-MY-EEO-HELP (1-877-693-3643) or;
- Submitting their complaint to the "[CBP EEO Complaint Filing](#)" mailbox accessed internally through Microsoft Outlook or externally at [cbpeeocomplaintfiling@dhs.gov](mailto:cbpeeocomplaintfiling@dhs.gov); or
- Contacting a [local DCR Officer](#).

To preserve the right to file a formal EEO complaint, individuals who believe they have been subjected to unlawful discrimination must seek informal EEO counseling within 45 calendar days of the alleged discriminatory act. At the initial interview, the EEO counselor will explain the EEO complaint process and the option to participate in mediation.

#### **MEDIATION:**

Mediation is a process for resolving conflicts in which a mediator assists the parties to discuss their issues and reach a mutually acceptable resolution.

**Mediator:** The mediator is an impartial third party, with no personal interests in the resolution and no preconceived bias regarding how the dispute should be resolved. Mediators help parties clarify the issues in the dispute, identify interests, and explore potential solutions acceptable to all. Mediators have no authority to make or impose a decision or judge the merits of the dispute.

DCR utilizes CBP mediators - employees located throughout CBP who have volunteered to accept mediation as a collateral duty and who have received training in mediation and conciliation techniques. Mediators are also obtained externally, from either another federal agency or private organizations when there is no CBP mediator available.



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### EEO COMPLAINTS MANAGEMENT PROGRAM OVERVIEW *continued*

**Resolution:** If the parties agree to resolve the issues presented during mediation, the mediator will ask the parties to enter into a tentative agreement. The terms of agreement will be captured by the mediator, reviewed with the parties, and sent to the EEO Counselor to draft a settlement agreement. All parties will be given an opportunity to review the agreement and after the parties sign the final agreement, the complaint is resolved and no further processing is required.

**No Resolution:** If the issues are not resolved through mediation, the mediator will instruct the parties that the matter will be referred back to the assigned EEO Counselor. The EEO Counselor will hold a final interview with the complainant. At this point, the complainant has the option of withdrawing the informal complaint or requesting a Notice of Right to File a Discrimination (NORTF) Complaint. If the complainant wishes to proceed to the formal complaint stage, the EEO Counselor will issue the complainant a NORTF within 15 calendar days.

**Formal Stage:** Formal complaints are filed with and investigated by CBP's Complaints Processing Center in Oakland, California.

**Complaint Investigation:** Within 180 days from the filing of the complaint, or where a complaint was amended, within the earlier of 180 days after the last amendment to the complaint or 360 days after the filing of the original complaint, within the time period contained in an order from the EEOC, Office of Federal Operations, on an appeal from a dismissal, or within any period of extension provided for in paragraph (e) of this section, the agency shall provide the complainant with a copy of the investigative file, and shall notify the complainant that, within 30 days of receipt of the investigative file, the complainant has the right to request a hearing and decision from an administrative judge or may request an immediate final decision pursuant to 1614.110 from the agency with which the complaint was filed.

**Final Agency Decision:** When an administrative judge has issued a decision under 1614.109(b), (g) or (i), or the complainant has requested a final agency decision without a hearing, the agency shall take final action on the complaint by issuing a final order within 40 days after receipt of the administrative judge's decision, or within 60 days of a request of a final agency decision without a hearing. The final order shall notify the complainant of his or her right to appeal to EEOC, the right to file a civil action in federal district court, the name of the proper defendant in any such lawsuit and the applicable time limits for appeals and lawsuits.

For additional information, employees should contact their [local DCR Officer](#) or visit the DCR Web Site at [www.cbp.gov/eo](http://www.cbp.gov/eo).