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# PROCEDURAL GUIDANCE ON EO/EEO INFORMAL PRE-COMPLAINT PROCESS

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## INTRODUCTION

This Procedural Guidance describes the steps that field and Headquarters Civil Rights Service Providers (CRSPs) take in implementing the informal discrimination complaint (counseling) process, as outlined in Chapter 3, Sections F.3 through F.5, of the Coast Guard Equal Opportunity Manual, COMDTINST M5350.4.B (EOM).

The Procedural Guidance has two components:

- I. Military Procedures and Timelines.
- II. Civilian Procedures and Timelines.

The Aggrieved Person must exhaust the informal discrimination counseling process before filing a formal discrimination complaint. The parties involved in a potential discrimination complaint have the option of requesting mediation at any stage of the discrimination complaint process.

All time frames stated in this Procedural Guidance are in calendar days.

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## OBJECTIVES

The objectives of the Informal Discrimination Counseling Process are to:

- Provide a forum for addressing discrimination allegations in a context that facilitates resolution at the lowest level.
  - Frame the issues of the allegations for more formal fact-finding, if informal resolution is unsuccessful.
  - Provide the first opportunity to request mediation.
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## PROCESS ADMINISTRATORS

CRSPs with essential roles in the Informal Discrimination Counseling Process include the servicing:

- Equal Opportunity Advisor (EOA—for military and civilian disputes).
- EEO Counselor (for civilian disputes).
- Civil Rights Officer (CRO).
- Area and Headquarters Civil Rights Directors (ACRDs and HCRD).
- Unit Collateral Duty Civil Rights Officer (Unit CRO)

**NOTE:** Servicing CRSPs are those serving the unit, District, MLC, or AOR where the decision or action alleged to be discriminatory was made or taken.

The role of the Unit CRO is limited to serving as an entry point for the military Aggrieved Person in the rare event that an EOA cannot be contacted. Under such circumstances, the Unit CRO should explain the

military informal pre-complaint process and provide the Aggrieved Person with the information and forms necessary for the Aggrieved Person's decision to enter it.

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**ROLE OF EOA/EEO COUNSELOR**

The role of the EOA or EEO Counselor is limited to providing information about the discrimination complaint process, conducting such inquiry as is necessary to resolve jurisdictional questions and to ascertain the prospects of informal resolution, and facilitating the parties' informal resolution efforts. The EOA or EEO Counselor is not authorized to:

- Make decisions or offer opinions about the outcome of the dispute.
- Grant extensions or otherwise modify filing periods.
- Exclude any individual from the informal counseling process.

The EOA or EEO Counselor should obtain and preserve information relating to the Aggrieved Person's ability to meet jurisdictional requirements; e.g., timeliness of initial contact or coverage under the Coast Guard's discrimination complaint program (see "COVERAGE ISSUES," below). The Aggrieved Person should be asked to explain apparent inabilities to meet those requirements. When a formal complaint is filed, the information obtained by the EOA or EEO Counselor will be transmitted to the ACRD or HCRD for consideration in determining whether to accept the complaint for investigation or recommend dismissal to the Department of Homeland Security Office for Civil Rights and Civil Liberties (DHS CRCL).

**NOTE:** EOA and EEO Counselor workload and coordination of assignments are not addressed in this Procedural Guidance, since those issues are within the servicing ACRD's or HCRD's purview.

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**COVERAGE ISSUES**

The EOA or EEO Counselor may not exclude any Aggrieved Person from the informal discrimination counseling process. However, whether the Coast Guard's discrimination complaint program covers the Aggrieved Person, either as a military member or as civilian employee of the Coast Guard, is a question to be addressed later in the complaint process by:

- The servicing ACRD or HCRD when determining whether to accept for investigation an Aggrieved Person's formal complaint based on the allegations being counseled.
- DHS CRCL when considering the Coast Guard's recommendation to dismiss an entire complaint without investigation.
- DHS CRCL or the Equal Employment Opportunity Commission's (EEOC) Administrative Judge when rendering a decision on an investigated complaint where the ACRD or HCRD accepted some, but not all, of the claims alleged in the complaint.

Issues likely to arise in this context include coverage of:

- Civilians working under terms of contracts with the Coast Guard.
- Members of other uniformed services assigned or detailed to duty at Coast Guard locations.
- Coast Guard military members assigned or detailed to duty at other uniformed services locations.
- Auxiliarists.

Contractors and employees of contractors are excluded from the federal sector employment discrimination prohibitions enforced by the EEOC, and thus not covered by the Coast Guard discrimination complaint program. They may resort to the complaint procedures provided under the statutory prohibitions against employment discrimination in the private sector, enforced by the EEOC, or under the statutory and Executive Order prohibitions against employment discrimination by government contractors, enforced by the Department of Labor's Office of Federal Contract Compliance Programs.

However, an individual who is nominally a contractor or an employee of a contractor may be employed under circumstances that more closely resemble employment by the Coast Guard. The EEOC's *Enforcement Guidance: Application of EEO Laws to Contingent Workers Placed by Temporary Employment Agencies and Other Staffing Firms* (EEOC NOTICE No. 915.002, 12/03/97) requires such individuals' employment status to be determined on the basis of 16 factors relating to control of the method, means, and outcome of the individuals' work.

The EOA or EEO Counselor should be aware that the Aggrieved Person's status as a contractor versus a Coast Guard employee is an issue if:

- The Aggrieved Person has checked the "Contract employee" box on the *EEO Informal Pre-Complaint Intake Form* (Part I of *EOA EEO Counselor's Report, Civilian*, Enclosure L).
- Management officials interviewed in the course of the informal inquiry indicate that the Aggrieved Person may be a contractor or an employee of a contractor.

If the Aggrieved Person's status as a contractor versus a Coast Guard employee is an issue, the EOA or EEO Counselor must:

- Limit the informal inquiry to information pertaining to the Aggrieved Person's contractor/employee status.
- Ascertain the identities of the Coast Guard Contracting Officer (KO), Contract Specialist, or Contracting Officer's Technical Representative (COTR) assigned to the contract in question; and the Coast Guard official(s) with responsibility for evaluating the work performed under the contract.

- Obtain a copy of the contract and statement of work from the KO, Contract Specialist, or COTR.
- Request answers to the *Employment/Contract Status Questionnaire* (Enclosure N) from the Aggrieved Person and the Coast Guard officials with responsibility for evaluating the work performed under the contract.
- Attach the contract, statement of work, and questionnaire answers to the *EOA/EEO Counselor's Report*.

As stated in the EOM, similar considerations should govern the coverage of other uniformed service members assigned or detailed to duty at Coast Guard locations and Coast Guard military members assigned or detailed to duty at other uniformed services locations.

Auxiliarists are subject to a separate discrimination complaint process administered by the Coast Guard Auxiliary in accordance with the Auxiliary Manual (COMDTINST M16790.1F). The EOA or EEO Counselor must refer an Auxiliarist to the servicing District, MLC, or HQ Units CRO for information about the nearest Auxiliary Civil Rights Coordinator.

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COVERED BASES  
OF ALLEGED  
DISCRIMINATION  
IN CIVILIAN  
EMPLOYMENT

The Coast Guard's policy against discrimination in civilian employment is derived from the statutory prohibitions enforced by the EEOC *and* by the Executive Order prohibitions that DHS has directed to be encompassed in its components' discrimination complaint programs. These include, in addition to claims alleging EEOC-covered bases of discrimination, claims based on:

- Sexual orientation.
- Parental status.
- Protected genetic information.

The Departmental directive is reflected in:

- *Department of Homeland Security Procedures for Processing Equal Employment Opportunity Complaints*.
- Coast Guard Equal Opportunity Manual (COMDTINST M5350.4B).
- ALCOAST Message 557-03 (December 2003).

Therefore, during informal counseling, EOAs and EEO Counselors should notify Aggrieved Persons alleging discrimination based on sexual orientation, parental status, or protected genetic information that they have the right to have:

- Such allegations processed by the Coast Guard and decided by CRCL as prohibited discriminatory practice claims; *and*
- Allegations of discrimination based on sexual orientation or parental status processed and decided by the Merit System Protection Board or the Office of Special Counsel as prohibited personnel practice grievances, in accordance with 5 C.F.R. Part 1800.

ANONYMITY

A civilian Aggrieved Person has the right to remain anonymous throughout the informal complaint process, unless the Aggrieved Person waives this right.

If command or management articulates a need to know as part of participating in informal resolution attempts, the Aggrieved Person must be informed and may either:

- Waive anonymity;
- Proceed directly to issuance of *Notice of Right to File a Discrimination Complaint*; or
- Withdraw from the discrimination complaint process.

If the Aggrieved Person is a military member, the right to anonymity only applies to the initial contact with a CRSP before the Aggrieved Person decides to notify the Chain of Command about the discrimination allegations. Military members have no right to anonymity after referral of discrimination allegations to the Chain of Command.

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CONFIDENTIALITY

To the greatest extent possible, any information provided to the EOA or EEO Counselor during counseling is considered confidential. The EOA or EEO Counselor may not share the information with others, without the consent of the person whose privacy interests would be violated by disclosure, unless an exception applies. Exceptions include disclosure to:

- The servicing District, MLC, or HQ Units CRO; ACRD or HCRD, Commandant (G-CR-4); command or management; and/or any other person involved in the complaint process with a clear need to know; of information needed to respond to allegations, attempt resolution, or otherwise advance the case through the complaint process; after the Aggrieved Person decides to proceed with informal resolution and pre-complaint activities.
- Appropriate authorities of information indicating criminal activity.
- A court, pursuant to subpoena, of information the court determines is necessary to prevent a manifest injustice, help establish a violation of law, or prevent harm to the public health or safety.

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CONTACT  
RECORDKEEPING  
AND REPORTING

Every initial contact between an Aggrieved Person and a CRSP for purposes of initiating or obtaining information about the discrimination complaint process will be recorded on an *EO/EEO Informal Contact Information Form* (Enclosure A). This form does not require any personally identifying information and will be used for capturing CRSP statistical/workload assessment information only.

Upon completion of the form, the CRSP should retain a copy and forward the original to the servicing District, MLC, or Headquarters Units CRO. The accumulated forms will serve as source data for the CRO's quarterly report to the servicing ACRD or HCRD on counseling activities.

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COUNSELORS'  
REPORTS

At the conclusion of the counseling process, the EOA or EEO Counselor will forward the *EOA Counselor's Report, Military* (Enclosure C) or the *EOA/EEO Counselor's Report, Civilian* to the servicing District, MLC, or Headquarters Units CRO, who will be responsible for maintaining custody and confidentiality of the report, subject only to the servicing ACRD's or HCRD's request in connection with the filing of a formal complaint. Counselor Report information requested by the ACRD or HCRD under any other circumstances must have all personal identifying information removed.

The CRO may brief the command or management on statistical trends based on non-personal information contained in Counselor's Reports. All records of counseling efforts must be retained for four years following the last contact with the Aggrieved Person or the final resolution of the matter, whichever is later.

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ESSENTIAL TERMS  
OF RESOLUTION  
AGREEMENTS

Any agreement to resolve discrimination allegations informally must be reduced to writing and contain, at a minimum, the following essential elements:

- The Aggrieved Person's name.
- Identification of the allegation(s) being resolved, by issue, basis, and date of initial contact with CRSP for informal counseling.
- The effective date of the agreement.
- The particular obligations to be undertaken by Coast Guard to resolve the allegation(s), with specific dates and timelines for implementation.
- The Aggrieved Person's agreement to withdraw the allegation(s) from the discrimination complaint process and promise not to initiate any complaint, grievance, lawsuit, or any other type claim based on the allegation(s) resolved in the agreement.
- Provision for review of resolution terms by appropriate legal counsel and personnel reviewing authorities for legal sufficiency and administrative practicability.
- If the allegations being resolved include age discrimination in civilian employment, acknowledgement of the civilian Aggrieved Person's right to consider the terms of the agreement for 21 days before signing it, and to revoke the agreement within seven days after signing it.
- Procedures for addressing alleged noncompliance with resolution terms.

In addition, such an agreement should contain the Aggrieved Person's and the Coast Guard's acknowledgement and agreement:

- That they voluntarily enter the agreement, without coercion or duress, and with full knowledge and understanding of its terms and conditions.
- That the resolution agreement does not constitute an admission of discrimination, reprisal, or wrongdoing on the Coast Guard's part.
- That the terms and conditions of the resolution agreement form the complete and final basis for settlement.
- That the resolution agreement establishes no precedent and may not be cited in any proceeding other than one to enforce the agreement.
- Not to disclose the resolution agreement or any matters discussed during informal resolution to anyone other than those with an official need to know.

A resolution agreement must not contain any term that:

- Waives prospective rights.
- Requires a concession from or creates an obligation for a party in exchange for something to which the party was already entitled.

**NOTE:** Appropriate CG legal counsel is:

- MLC Legal, for District, MLC, or area disputes.
- G-LGL, for CG Headquarters or HQ Unit disputes.

**NOTE:** The appropriate personnel reviewing authority is:

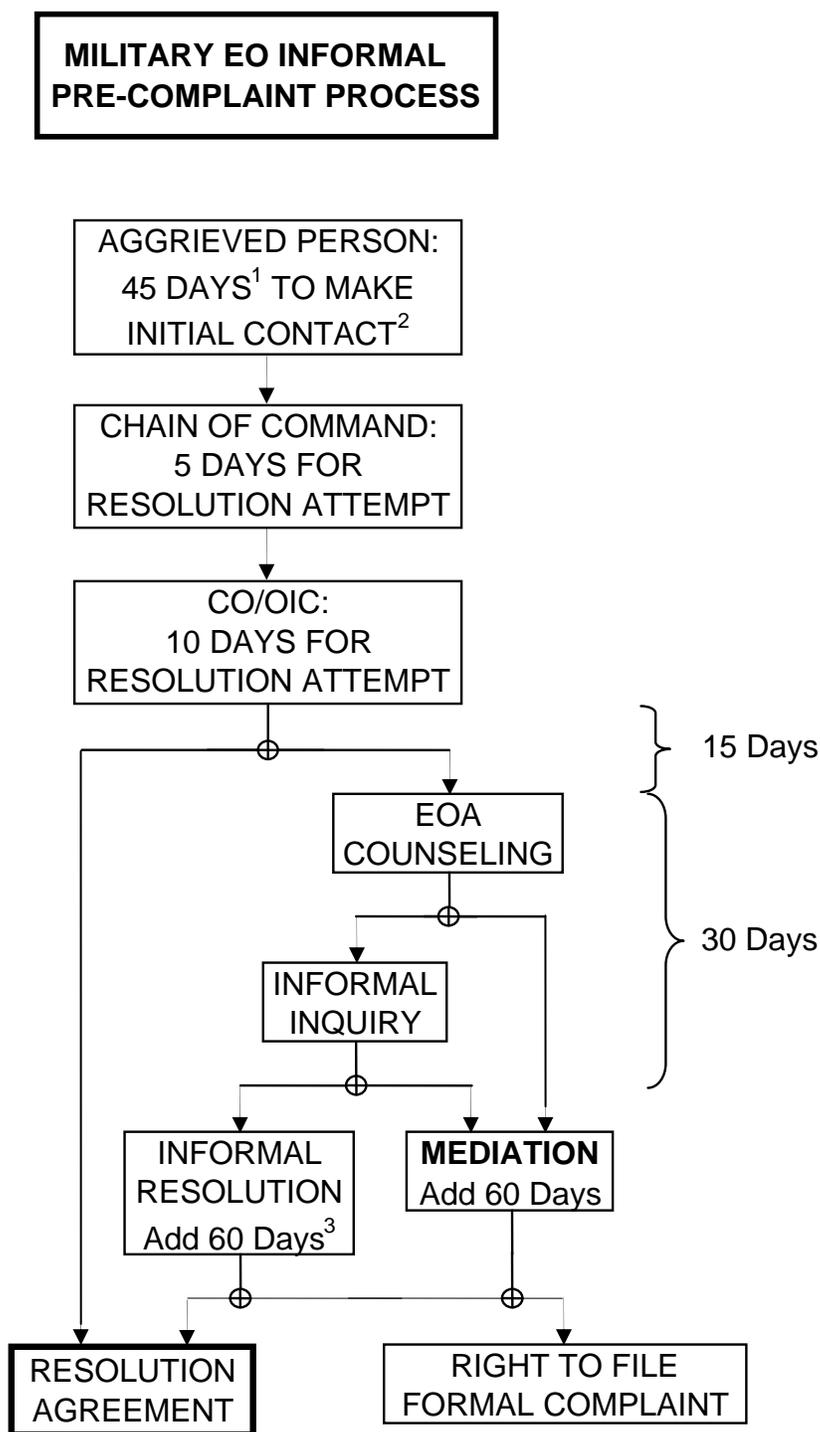
- The CO/OIC, for a military dispute.
- The servicing Command Staff Advisor or Human Resources Specialist, for a civilian dispute.

The servicing District, MLC, or HQ Units CRO must retain a copy of the agreement for one year following execution or until the CRO is certain that all the terms of resolution have been completely implemented.

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TECHNICAL  
ASSISTANCE

Any EOA or EEO Counselor needing technical assistance should consult the servicing full-time CRO at the District, MLC, or HQ unit level. In the absence of a servicing full-time CRO, the EOA or EEO Counselor should consult the servicing ACRD or HCRD. In the absence of a servicing ACRD or HCRD, the EOA or EEO Counselor should consult the Informal Discrimination Complaint Program Manager at Commandant (G-CR-4).



<sup>1</sup> After alleged discriminatory action.

<sup>2</sup> With EOA or Unit CRO (if EOA is not immediately available), for notification of CO/OIC and guidance through informal pre-complaint process.

<sup>3</sup> With AP's consent, if close to resolution.

## I. MILITARY PROCEDURES AND TIMELINES

STEP	WHO	WHAT	WHEN
1	AGGRIEVED PERSON	<p>Contacts servicing EOA.</p> <p><b>NOTE:</b> Oral notification to Chain of Command, CO/OIC, EOA, or other CRSP; without submission of completed <i>EO Informal Pre-Complaint Intake Form</i> (see steps 1d and 5); does <b>not</b> constitute initiation of EO Informal Pre-Complaint Process; and does not stop 45-day period from running.</p> <p><b>NOTE:</b> If servicing EOA is unknown or not accessible within 3 days:</p> <ul style="list-style-type: none"> <li>• Follows steps 1a through 1g.</li> </ul>	Within 45 days after alleged discriminatory action or reasonable discovery thereof.
1a	AGGRIEVED PERSON	<p>If servicing EOA is unknown or not accessible within 3 days:</p> <ul style="list-style-type: none"> <li>• Contacts Unit CRO.</li> </ul>	
1b	UNIT CRO	<p>If Unit CRO receives contact directly from Aggrieved Person and servicing EOA is not accessible within 3 days:</p> <ul style="list-style-type: none"> <li>• Completes <i>EO/EEO Informal Contact Information Form</i> (Enclosure A).</li> <li>• Provides Aggrieved Person with copy of completed <i>EO/EEO Informal Contact Information Form</i>.</li> <li>• Forwards original completed <i>EO/EEO Informal Contact Information Form</i> to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul>	
1c	UNIT CRO	<p>If servicing EOA is not accessible within 3 days:</p> <ul style="list-style-type: none"> <li>• Provides Aggrieved Person with information about: <ul style="list-style-type: none"> <li>—Complaint process.</li> <li>—Mediation (not available until EOA phase).</li> <li>—Forums for matters beyond scope of CG Discrimination Complaint Program.</li> </ul> </li> </ul>	

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
1d	UNIT CRO	<p>If servicing EOA is not accessible within 3 days:</p> <ul style="list-style-type: none"> <li>• Provides Aggrieved Person with:                             <ul style="list-style-type: none"> <li>– <i>Notice of Aggrieved Person’s EO Procedural Rights and Responsibilities, Military</i> (Enclosure B).</li> <li>– <i>Blank EO Informal Pre-Complaint Intake Form</i>.</li> </ul> </li> </ul> <p><b>NOTE:</b> <i>EO Informal Pre-Complaint Intake Form</i> is “Part I” of <i>EOA Counselor’s Report, Military</i> (Enclosure C). See <i>EOA Counselor’s Report, Military Instructions</i> (Enclosure D).</p>	Within 45 days after alleged discriminatory action or reasonable discovery thereof.
1e	AGGRIEVED PERSON	<p>If servicing EOA is not accessible within 3 days:</p> <ul style="list-style-type: none"> <li>• Decides either to:                             <ul style="list-style-type: none"> <li>– Proceed in informal pre-complaint process; or</li> <li>– Forgo further discrimination complaint processing.</li> </ul> </li> </ul>	
1f	AGGRIEVED PERSON	<p>If servicing EOA not accessible within 3 days and Aggrieved Person decides to proceed in the informal pre-complaint process:</p> <ul style="list-style-type: none"> <li>• Completes <i>EO Informal Pre-Complaint Intake Form</i>.</li> <li>• Submits completed <i>EO Informal Pre-Complaint Intake Form</i> to Unit CRO or point in Aggrieved Person’s Chain of Command with which he/she feels comfortable.</li> </ul> <p><b>NOTE:</b> Aggrieved Person may obtain assistance in completing <i>EO Informal Pre-Complaint Intake Form</i> from Unit CRO.</p> <p><b>NOTE:</b> Submission of completed <i>EO Informal Pre-Complaint Intake Form</i> ends 45-day period, and date of submission is considered date of initial contact</p>	

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
1g	UNIT CRO	<p>If servicing EOA not accessible within 3 days and Aggrieved Person decides to proceed in informal discrimination counseling process.</p> <ul style="list-style-type: none"> <li>• Notifies CO/OIC via Chain of Command about discrimination allegations.</li> <li>• Forwards completed <i>EO Informal Pre-Complaint Intake Form</i> to servicing EOA, <b>with copy to CO/OIC via Chain of Command.</b></li> <li>• Facilitates meeting between Aggrieved Person and Chain of Command.</li> </ul> <p><b>NOTE:</b> If person who allegedly took discriminatory action is in Aggrieved Person's Chain of Command:</p> <ul style="list-style-type: none"> <li>• Notifies next higher official.</li> </ul>	Upon receipt of completed <i>EO Informal Pre-Complaint Intake Form</i>
1h	OTHER CRSP	<p>If CRSP other than servicing EOA receives contact directly from Aggrieved Person:</p> <ul style="list-style-type: none"> <li>• Refers Aggrieved Person to servicing EOA, if known; otherwise to servicing District, MLC, or HQ Units CRO; or to ACRD/HCRD.</li> <li>• Completes <i>EO/EEO Informal Contact Information Form</i>.</li> <li>• Provides Aggrieved Person with copy of completed <i>EO/EEO Informal Contact Information Form</i>.</li> <li>• Forwards original completed <i>EO/EEO Informal Contact Information Form</i> to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul> <p><b>NOTE:</b> If servicing EOA is not accessible within 3 days and other CRSP receives contact directly from Aggrieved Person:</p> <ul style="list-style-type: none"> <li>• Refers Aggrieved Person to Unit CRO.</li> </ul>	Upon receipt of contact.

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
1i	CHAIN OF COMMAND or CO/OIC	<p>If Chain of Command or CO/OIC receives contact directly from Aggrieved Person:</p> <ul style="list-style-type: none"> <li>Ensures that EOA has been notified of contact.</li> </ul> <p><b>NOTE:</b> If servicing EOA is not accessible within 3 days and Chain of Command or CO/OIC receives contact directly from Aggrieved Person:</p> <ul style="list-style-type: none"> <li>Refers Aggrieved Person to Unit CRO.</li> </ul> <p><b>NOTE:</b> Chain of Command or CO/OIC is <b>not</b> precluded from addressing or attempting to resolve discrimination allegations brought to its attention in absence of written notification of allegations.</p>	Upon receipt of contact.
1j	AGGRIEVED PERSON	<p>If Aggrieved Person contacts EOA pursuant to referral by other CRSP:</p> <ul style="list-style-type: none"> <li>Presents copy of completed <i>EO/EEO Informal Pre-Complaint Contact Information Form</i> to EOA.</li> </ul>	During initial meeting with EOA.
2	EOA	<ul style="list-style-type: none"> <li>Completes or receives copy of completed <i>EO/EEO Informal Contact Information Form</i> for initial contact with Aggrieved Person.</li> <li>Forwards completed <i>EO/EEO Informal Contact Information Form</i> to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul>	Upon receipt of contact.
3	DISTRICT, MLC, or HQ UNITS CRO	Keeps completed <i>EO/EEO Informal Contact Information Form</i> on file for use in quarterly and annual reports.	Upon receipt of completed <i>EO/EEO Informal Contact Information Form</i> .
4	EOA	<p>Provides Aggrieved Person with information about:</p> <ul style="list-style-type: none"> <li>Complaint process.</li> <li>Mediation (not available until EOA phase).</li> <li>Forums for matters beyond scope of CG Discrimination Complaint Program.</li> </ul>	Within 45 days after alleged discriminatory action or reasonable discovery thereof.
5	EOA	<p>Provides Aggrieved Person with:</p> <ul style="list-style-type: none"> <li>Blank <i>EO Informal Pre-Complaint Intake Form</i>.</li> </ul>	

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
6	AGGRIEVED PERSON	Decides either to: <ul style="list-style-type: none"> <li>• Proceed with informal counseling; or</li> <li>• Forgo further discrimination complaint processing.</li> </ul>	Within 45 days after alleged discriminatory action or reasonable discovery thereof.
7	AGGRIEVED PERSON	If Aggrieved Person decides to proceed in the informal pre-complaint process: <ul style="list-style-type: none"> <li>• Completes <i>EO Informal Pre-Complaint Intake Form</i>.</li> <li>• Submits completed <i>EO Informal Pre-Complaint Intake Form</i> to EOA.</li> </ul> <p><b>NOTE:</b> Aggrieved Person may obtain assistance in completing <i>EO Informal Pre-Complaint Intake Form</i> from EOA.</p> <p><b>NOTE:</b> Submission of completed <i>EO Informal Pre-Complaint Intake Form</i> ends 45-day period, and date of submission is considered date of initial contact</p>	
8	EOA	If Aggrieved Person decides to proceed in informal discrimination counseling process. <ul style="list-style-type: none"> <li>• Notifies CO/OIC via Chain of Command about discrimination allegations.</li> <li>• Forwards completed <i>EO Informal Pre-Complaint Intake Form</i> to CO/OIC via Chain of Command.</li> <li>• Facilitates meeting between Aggrieved Person and Chain of Command.</li> </ul> <p><b>NOTE:</b> If person who allegedly took discriminatory action is in Aggrieved Person's Chain of Command:</p> <ul style="list-style-type: none"> <li>• Notifies next higher official.</li> </ul>	Upon receipt of completed <i>EO Informal Pre-Complaint Intake Form</i> .

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
9	CHAIN OF COMMAND	Conducts appropriate administrative inquiry as necessary to pursue informal resolution.	Within 5 days after Chain of Command's receipt of notification and completed <i>EO Informal Pre-Complaint Intake Form</i> .
9a	CHAIN OF COMMAND	<ul style="list-style-type: none"> <li>Obtains CO/OIC's review and approval of resolution options before presentation to Aggrieved Person.</li> <li>Offers options in attempt to reach informal resolution.</li> </ul>	
10	AGGRIEVED PERSON	Considers resolution options or offers alternatives.	<p><b>NOTE:</b> Chain of Command and CO/OIC may, in their discretion, agree to allocate the 5 and 10 day periods (see Step 12) as they see fit to accomplish informal resolution, PROVIDED that total time does not exceed 15 days.</p>
10a	CHAIN OF COMMAND	<p>If Aggrieved Person and Chain of Command reach an agreement in principle:</p> <ul style="list-style-type: none"> <li>Reduces agreement to writing, securing assistance of servicing District, MLC, or HQ Units CRO or ACRD/HCRD, if necessary.</li> <li>Notifies District, MLC, or HQ Units CRO of agreement in principle and need for coordination assistance in obtaining review of proposed resolution terms from appropriate CG legal counsel.</li> <li>Obtains review of proposed resolution terms from appropriate CG legal counsel for legal sufficiency.</li> <li>Secures parties' signatures on written resolution agreement.</li> <li>Provides copies to parties and forwards original to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul> <p><b>NOTE:</b> Chain of Command may use <i>Sample Resolution Agreement</i> (Enclosure E), or <i>Sample Resolution Agreement for Matters Raising Allegations of Discrimination Under the Age Discrimination in Employment Act of 1967</i> (Enclosure F), at its discretion. (See Enclosure G for detailed form-filling instructions.) If it elects not to do so:</p> <ul style="list-style-type: none"> <li>Ensures that resolution agreement contains essential elements described above in "Essential Elements of Resolution Agreements."</li> </ul>	
10b	ACRD/HCRD	Provides Chain of Command with coordination assistance, if necessary, in obtaining review and approval of proposed resolution terms from CO/OIC and appropriate CG legal counsel.	

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
10c	CHAIN OF COMMAND	<ul style="list-style-type: none"> <li>• Obtains CO/OIC's review and approval of proposed resolution terms.</li> <li>• Obtains review from appropriate CG legal counsel for legal sufficiency.</li> <li>• Secures parties' signatures on written resolution agreement.</li> <li>• Provides copies to parties and forwards original through EOA to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul>	Within 5 days after Chain of Command's receipt of notification and completed <i>EO Informal Pre-Complaint Intake Form</i> .
10d	DISTRICT, MLC, or HQ UNITS CRO	<ul style="list-style-type: none"> <li>• Keeps original resolution agreement on file.</li> <li>• Monitors compliance with resolution agreement in accordance with <u>PROCEDURAL GUIDANCE ON MEDIATION PROCESS</u>.</li> <li>• Notifies ACRD/HCRD of successful resolution.</li> </ul>	Upon receipt of resolution agreement.
10e	CHAIN OF COMMAND	<p>If informal resolution efforts are unsuccessful:</p> <ul style="list-style-type: none"> <li>• Forwards completed <i>EO Informal Pre-Complaint Intake Form</i> to CO/OIC.</li> <li>• Continues to cooperate with CO/OIC in efforts to resolve allegations informally.</li> <li>• Facilitates meeting between Aggrieved Person and CO/OIC.</li> </ul> <p><b>NOTE:</b> If person who allegedly took discriminatory action is Aggrieved Person's CO/OIC: Notifies next higher official.</p>	Within 5 days after receipt of notification and completed <i>EO Informal Pre-Complaint Intake Form</i> .

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
11	CO/OIC	<ul style="list-style-type: none"> <li>• Conducts appropriate administrative inquiry as necessary to pursue informal resolution.</li> <li>• Notifies District, MLC, or HQ Units CRO or ACRD/HCRD, of need for coordination assistance, if necessary, in obtaining legal review before presentation to Aggrieved Person.</li> </ul>	<p>Within 10 days after CO/OIC's receipt of completed <i>EO Informal Pre-Complaint Intake Form</i> from Chain of Command.</p> <p><b>NOTE:</b> Chain of Command and CO/OIC may, in their discretion, agree to allocate the 5 and 10 day periods (see Step 9) as they see fit to accomplish informal resolution, PROVIDED that total time does not exceed 15 days.</p>
11a	DISTRICT, MLC, or HQ UNITS CRO	Provides CO/OIC with coordination assistance, if necessary, in obtaining legal review of resolution options before presentation to Aggrieved Person.	
11b	CO/OIC	<ul style="list-style-type: none"> <li>• Obtains review of resolution options from appropriate CG legal counsel for legal sufficiency, if necessary, before presentation to Aggrieved Person.</li> <li>• Offers options in attempt to reach informal resolution.</li> </ul>	
12	AGGRIEVED PERSON	Considers resolution options or offers alternatives.	

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
12a	CO/OIC	<p>If Aggrieved Person and CO/OIC reach agreement in principle:</p> <ul style="list-style-type: none"> <li>• Reduces agreement to writing, securing assistance of servicing District, MLC, or HQ Units CRO or ACRD/HCRD, if necessary.</li> <li>• Notifies District, MLC, or Headquarters Units CRO of agreement in principle and need for coordination assistance in obtaining review of proposed resolution terms from appropriate CG legal counsel.</li> <li>• Obtains review of proposed resolution terms from appropriate CG legal counsel for legal sufficiency.</li> <li>• Secures parties' signatures on written resolution agreement.</li> <li>• Provides copies to parties and forwards original to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul> <p><i>NOTE:</i> CO/OIC may use <i>Sample Resolution Agreement</i> (or <i>Sample Resolution Agreement for Alleged Age Discrimination</i>) at its discretion. If CO/OIC elects not to do so:</p> <ul style="list-style-type: none"> <li>• Ensures that resolution agreement contains essential elements described above in "Essential Elements of Resolution Agreements."</li> </ul>	<p>Within 10 days after CO/OIC's receipt of completed <i>EO Informal Pre-Complaint Intake Form</i> from Chain of Command.</p>
12b	DISTRICT, MLC, or HQ UNITS CRO	<ul style="list-style-type: none"> <li>• Keeps original resolution agreement on file.</li> <li>• Monitors compliance with resolution agreement in accordance with <u>PROCEDURAL GUIDANCE ON MEDIATION PROCESS</u></li> <li>• Notifies ACRD/HCRD of successful resolution.</li> </ul>	<p>Upon receipt of resolution agreement.</p>

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
12c	CO/OIC	<p>If informal resolution efforts are unsuccessful,</p> <ul style="list-style-type: none"> <li>• Forwards completed <i>EO Informal Pre-Complaint Intake Form</i> to EOA when CO/OIC's initial resolution efforts are unsuccessful.</li> <li>• Continues to cooperate with EOA in efforts to resolve allegations informally.</li> </ul> <p><b>NOTE:</b> If person who allegedly took discriminatory action is servicing EOA or District, MLC, or HQ Units CRO:</p> <ul style="list-style-type: none"> <li>• Forwards matter directly to next higher official in Civil Rights reporting chain, for referral to alternate EOA.</li> </ul> <p><b>NOTE:</b> If person who allegedly took discriminatory action is servicing ACRD/HCRD:</p> <ul style="list-style-type: none"> <li>• Forwards matter directly to Commandant (G-CR-4), for referral to alternate EOA</li> </ul>	<p>Within 10 days after receipt of completed <i>EO Informal Pre-Complaint Intake Form</i> from Chain of Command.</p>
13	EOA	<p>Contacts Aggrieved Person to ascertain status of Chain or Command or CO/OIC resolution efforts.</p>	<p>Upon expiration of 30 days after date of submission of <i>EO Informal Pre-Complaint Intake Form</i>.</p>
14	EOA	<p>Contacts Aggrieved Person to arrange informal counseling interviews.</p> <p><b>NOTE:</b> Coast Guard policy prohibits EOAs from refusing to provide or complete counseling requested by Aggrieved Persons.</p>	<p>Within 15 days after receipt of completed <i>EO Informal Pre-Complaint Intake Form</i> from CO/OIC.</p>

MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
15	EOA	<ul style="list-style-type: none"> <li>• Reviews completed <i>EO Informal Pre-Complaint Intake Form</i> with Aggrieved Person</li> <li>• Provides Aggrieved Person with <i>EO Procedural Rights and Responsibilities, Military</i>.</li> <li>• Notifies Aggrieved Person of option to request mediation, and provides appropriate forms.</li> </ul> <p><b>NOTE:</b> Aggrieved Person should be aware that remedies available to military members do not include actual or compensatory damages, costs, attorney’s fees, promotions, or back pay.</p> <p><b>NOTE:</b> See <u>PROCEDURAL GUIDANCE ON MEDIATION PROCESS</u> for mediation forms and instructions.</p>	Within 30 days after contact with EOA to arrange informal counseling interviews.
16	AGGRIEVED PERSON	Decides whether to: <ul style="list-style-type: none"> <li>• Request mediation;</li> <li>• Proceed with informal counseling; or</li> <li>• Forgo further discrimination complaint processing.</li> </ul>	
16a	EOA	If Aggrieved Person decides to request mediation: <ul style="list-style-type: none"> <li>• See <u>PROCEDURAL GUIDANCE ON MEDIATION PROCESS</u>.</li> </ul>	

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
16b	EOA	<p>If Aggrieved Person decides to proceed with informal counseling:</p> <ul style="list-style-type: none"> <li>• Conducts appropriate informal inquiry as necessary to pursue informal resolution.</li> <li>• Notifies District, MLC, or HQ Units CRO of command's resolution options and need for coordination assistance in obtaining CO/OIC and legal review before presentation to Aggrieved Person.</li> <li>• Facilitates informal resolution discussions and exhausts informal resolution options.</li> </ul> <p><b>NOTE:</b> In conducting informal inquiry, EOA should be guided by EEOC MD 110, Ch.2 &amp; Appx.A. Informal inquiry includes:</p> <ul style="list-style-type: none"> <li>• Interviewing parties to determine issues.</li> <li>• Interviewing Aggrieved Person and/or CG officials to determine Aggrieved Person's CG and protected class membership status.</li> <li>• Interviewing Aggrieved Person to determine what remedy Aggrieved Person requires to be made whole.</li> <li>• Obtaining copies of personnel documents if personnel action is at issue.</li> </ul> <p><b>NOTE:</b> EOAs are not authorized to:</p> <ul style="list-style-type: none"> <li>• Develop or advocate specific resolution terms.</li> <li>• Sign settlement agreements for Coast Guard.</li> </ul>	Within 30 days after contact with Aggrieved Person to arrange informal counseling interviews.
16c	ACRD/HCRD	Provides command with coordination assistance, if necessary, in obtaining CO/OIC and legal review of resolution options before presentation to Aggrieved Person.	
16d	EOA	Ensures that command obtains CO/OIC's review and approval of resolution options, and review from appropriate CG legal counsel for legal sufficiency, before presentation to Aggrieved Person.	

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
16e	AGGRIEVED PERSON	Considers resolution options or offers alternatives.	Within 30 days after contact with Aggrieved Person to arrange informal counseling interviews.
16f	EOA	<p>If Aggrieved Person and command appear close to agreement in principle, but insufficient time remains in 30-day period to conclude agreement:</p> <ul style="list-style-type: none"> <li>• Requests Aggrieved Person’s written consent to extend period as needed, but no more than would extend EOA’s total 30-day informal counseling period to 90days.</li> </ul> <p><b>NOTE:</b> <i>Agreement to Extend Counseling Period</i> (Enclosure H), is provided for this purpose.</p>	
16g	EOA	<p>If Aggrieved Person and command reach an agreement in principle:</p> <ul style="list-style-type: none"> <li>• Reduces agreement to writing, securing assistance of servicing District, MLC, or HQ Units CRO or ACRD/HCRD, if necessary, and using <i>Sample Resolution Agreement</i> or <i>Sample Resolution for Alleged Age Discrimination</i>, as appropriate.</li> <li>• Notifies District, MLC, or Headquarters Units CRO of agreement in principle and need for coordination assistance in obtaining review of proposed resolution terms from appropriate CG legal counsel.</li> <li>• Obtains review of proposed resolution terms from appropriate CG legal counsel for legal sufficiency.</li> <li>• Secures parties’ signatures on written resolution agreement.</li> <li>• Provides copies to parties and forwards original to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul> <p><b>NOTE:</b> Any dates referenced in resolution agreement for completion of review by CO/OIC and CG legal counsel must be coordinated in advance.</p>	Within 30 days after contact with Aggrieved Person to arrange informal counseling interviews, or within period extended with Aggrieved Person’s written consent, whichever is longer.
16h	ACRD/HCRD	Provides EOA with coordination assistance, if necessary, in obtaining review and approval of proposed resolution terms from CO/OIC and appropriate CG legal counsel.	

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
16i	EOA	<ul style="list-style-type: none"> <li>Obtains CO/OIC's review and approval of proposed resolution terms.</li> <li>Obtains review from appropriate CG legal counsel for legal sufficiency.</li> <li>Secures parties' signatures on written <i>Resolution Agreement</i>.</li> <li>Provides copies to parties and forwards original to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul>	Within 30 days after contact with Aggrieved Person to arrange informal counseling interviews, or within period extended with Aggrieved Person's written consent, whichever is longer.
16j	DISTRICT, MLC, or HQ UNITS CRO	<ul style="list-style-type: none"> <li>Keeps original resolution agreement on file.</li> <li>Monitors compliance with resolution agreement in accordance with <u>PROCEDURAL GUIDANCE ON MEDIATION PROCESS</u>.</li> <li>Notifies ACRD/HCRD of successful resolution.</li> </ul>	Upon receipt of <i>Resolution Agreement</i> .
16k	EOA	<p>If informal resolution efforts are unsuccessful EOA provides Aggrieved Person with:</p> <ul style="list-style-type: none"> <li><i>Notice of Right to File Discrimination Complaint, Military</i> (Enclosure I).</li> <li><i>DHS Individual Complaint of Employment Discrimination Form &amp; Instructions</i> (Enclosure J).</li> </ul>	Within 30 days after contact with Aggrieved Person to arrange informal counseling interviews, or within period extended with Aggrieved Person's written consent, whichever is longer.
16l	AGGRIEVED PERSON	Decides whether to file formal complaint of discrimination in accordance with <u>PROCEDURAL GUIDANCE ON FORMAL COMPLAINT INTAKE AND COORDINATION</u> .	Within 15 days after receipt of <i>Notice of Right to File Discrimination Complaint</i> .

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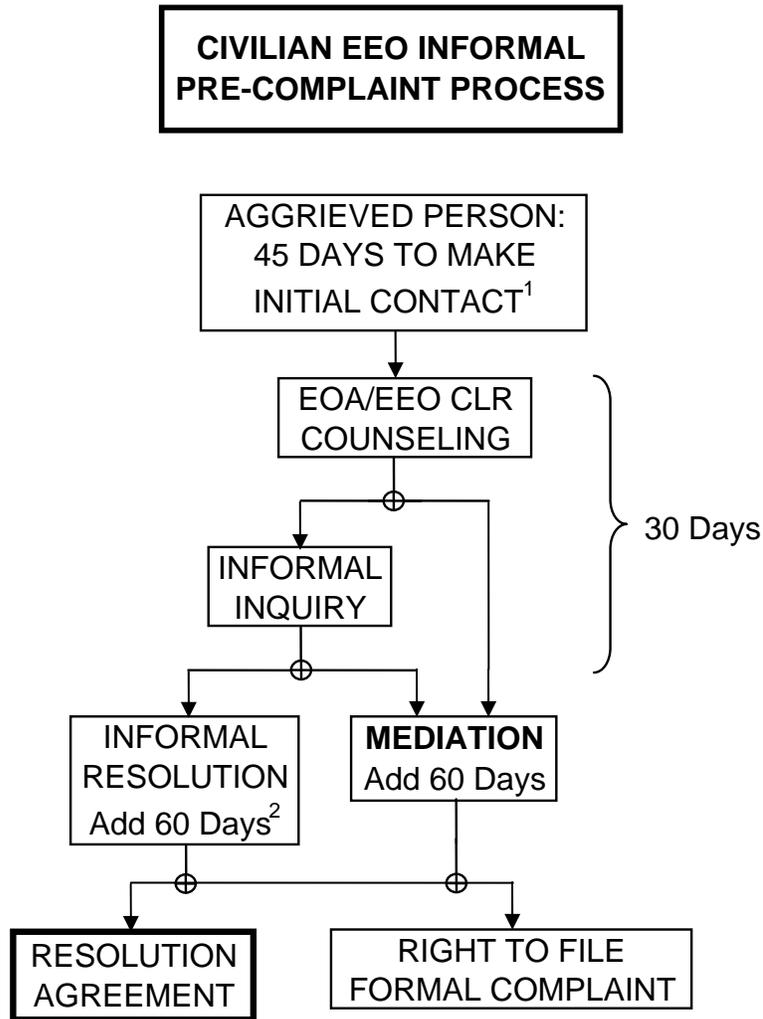
MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
17	EOA	<ul style="list-style-type: none"> <li>• Completes Part II of <i>EOA Counselor's Report, Military</i> (Enclosure C), whether or not formal complaint is eventually filed.</li> <li>• Submits <i>EOA Counselor's Report, Military</i> to servicing District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul> <p><b>NOTE:</b> <i>EOA Counselor's Report, Military</i> should include:</p> <ul style="list-style-type: none"> <li>• Informal initial contact and pre-complaint intake information, including the date counseling was initially requested.</li> <li>• Summary of Chain of Command, CO/OIC, and EOA administrative/informal inquiries and results.</li> <li>• Summary of Chain of Command, CO/OIC, EOA informal resolution and/or mediation efforts and results—<b>not including</b> contents of resolution offers, negotiations, and discussions.</li> <li>• Attachments--documents obtained during informal inquiries</li> </ul> <p><b>NOTE:</b> Date <i>EO Informal Pre-Complaint Intake Form</i> submitted will be considered date of initial contact.</p> <p><b>NOTE:</b> If informal resolution is successful:</p> <ul style="list-style-type: none"> <li>• <i>EOA Counselor's Report, Military</i> will only include such information called for as EOA has received in course of counseling up to point where resolution was achieved.</li> </ul> <p><b>NOTE:</b> Under no circumstances should EOA release <i>EOA Counselor's Report, Military</i> to anyone, including Aggrieved Person, other than servicing District, MLC, or Headquarters Units CRO, or to servicing ACRD/HCRD.</p>	Within 15 days after conclusion of final interview.

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MILITARY PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
18	DISTRICT, MLC, or HQ UNITS CRO	<ul style="list-style-type: none"> <li>• Reviews <i>EOA Counselor's Report, Military</i> for quality assurance.</li> <li>• Keeps <i>EOA Counselor's Report, Military</i> on file for transmission to servicing ACRD/HCRD upon request.</li> </ul> <p><b>NOTE:</b> Under no circumstances should CRO release <i>EOA Counselor's Report, Military</i> to anyone, other than ACRD/HCRD and Aggrieved Person upon ACRD/HCRD's request in connection with filing of formal complaint. <i>EOA Counselor's Report</i> information requested by ACRD/HCRD under any other circumstances must have all personal identifying information removed. CRO may brief command on statistical trends based on non-personal information contained in <i>EOA Counselors' Reports</i>.</p>	Upon receipt of <i>Counselor's Report, Military</i>



<sup>1</sup> After alleged discriminatory action.

<sup>2</sup> With AP's consent.

**II. CIVILIAN PROCEDURES AND TIMELINES**

STEP	WHO	WHAT	WHEN
1	AGGRIEVED PERSON	<p>Contacts servicing EOA or EEO Counselor.</p> <p><b>NOTE:</b> If person who allegedly took discriminatory action is servicing EOA or EEO Counselor:</p> <ul style="list-style-type: none"> <li>• Notifies servicing District, MLC, or HQ Units CRO and requests referral to alternate EOA or EEO Counselor.</li> </ul> <p><b>NOTE:</b> If person who allegedly took discriminatory action is servicing District, MLC, or HQ Units CRO:</p> <ul style="list-style-type: none"> <li>• Notifies servicing ACRD/HCRD and requests referral to alternate EOA or EEO Counselor.</li> </ul> <p><b>NOTE:</b> If person who allegedly took discriminatory action is servicing ACRD/HCRD:</p> <ul style="list-style-type: none"> <li>• Notifies Commandant (G-CR-4) and requests referral to alternate EOA or EEO Counselor.</li> </ul>	<p>Within 45 days after alleged discriminatory action or reasonable discovery thereof.</p>
1a	OTHER CRSP	<p>If CRSP other than servicing EOA or EEO Counselor receives contact directly from Aggrieved Person:</p> <ul style="list-style-type: none"> <li>• Refers Aggrieved Person to servicing EOA or EEO Counselor, if known; otherwise to servicing District, MLC, or HQ Units CRO; or to ACRD/HCRD.</li> <li>• Completes <i>EO/EEO Informal Contact Information Form</i> (Enclosure A).</li> <li>• Provides Aggrieved Person with copy of completed <i>EO/EEO Informal Contact Information Form</i>.</li> <li>• Retains copy of completed <i>EO/EEO Informal Contact Information Form</i>.</li> <li>• Forwards completed <i>EO/EEO Informal Contact Information Form</i> to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul> <p><b>NOTE:</b> If Aggrieved Person subsequently elects to proceed in informal pre-complaint process:</p> <ul style="list-style-type: none"> <li>• Date entered on <i>EO/EEO Informal Contact Information Form</i> may assist in verifying date of initial contact.</li> </ul>	<p>Upon receipt of contact.</p>

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CIVILIAN PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
1b	AGGRIEVED PERSON	If Aggrieved Person contacts EOA or EEO Counselor pursuant to referral by other CRSP: <ul style="list-style-type: none"> <li>• Presents copy of completed <i>EO/EEO Informal Contact Information Form</i> to EOA or EEO Counselor.</li> </ul>	During initial meeting with EOA or EEO Counselor.
2	EOA or EEO COUNSELOR	<ul style="list-style-type: none"> <li>• Completes or receives copy of completed <i>EO/EEO Informal Contact Information Form</i> for initial contact with Aggrieved Person.</li> <li>• Forwards completed <i>EO/EEO Informal Contact Information Form</i> to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul> <p><i>NOTE:</i> Servicing District, MLC, or HQ Units CRO or ACRD/HCRD should be notified of new counseling contacts, for CRSP workload assignment and coordination purposes.</p>	Upon receipt of contact.
3	DISTRICT, MLC, or HQ UNITS CRO	Keeps completed <i>EO/EEO Informal Contact Information Form</i> on file for use in quarterly and annual reports.	Upon receipt of completed <i>EO/EEO Informal Contact Information Form</i>
4	EOA or EEO COUNSELOR	Provides Aggrieved Person with information about: <ul style="list-style-type: none"> <li>• Complaint process.</li> <li>• Mediation.</li> <li>• Forums for matters beyond scope of CG Discrimination Complaint Program.</li> </ul> <p><i>NOTE:</i> EEOC regulations prohibit EEO Counselors from refusing to provide or complete counseling requested by Aggrieved Persons.</p> <p><i>NOTE:</i> EOA or EEO Counselor should refer Aggrieved Person to servicing Command Staff Advisor or Human Resources Specialist for information about such other forums as:</p> <ul style="list-style-type: none"> <li>• Civilian administrative grievance process.</li> <li>• Negotiated (collectively bargained) grievance processes.</li> <li>• CG Employee Assistance Program.</li> </ul>	During initial interview.

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CIVILIAN PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
5	EOA or EEO COUNSELOR	Provides Aggrieved Person with: <ul style="list-style-type: none"> <li>• <i>Notice of Aggrieved Person's EEO Procedural Rights and Responsibilities, Civilian</i> (Enclosure K).</li> <li>• <i>Blank EEO Informal Pre-Complaint Intake Form.</i></li> </ul> <p><b>NOTE:</b> <i>EEO Informal Pre-Complaint Intake Form</i> is "Part I" of <i>EOA/EEO Counselor's Report, Civilian</i> (Enclosure L). See <i>EOA/EEO Counselor's Report, Civilian Instructions</i> (Enclosure M).</p>	During initial interview.
6	AGGRIEVED PERSON	Decides either to: <ul style="list-style-type: none"> <li>• Proceed with informal counseling; or</li> <li>• Forgo further discrimination complaint processing.</li> </ul>	
7	AGGRIEVED PERSON	If Aggrieved Person decides to proceed in the informal pre-complaint process: <ul style="list-style-type: none"> <li>• Completes <i>EEO Informal Pre-Complaint Intake Form.</i></li> <li>• Submits completed <i>EEO Informal Pre-Complaint Intake Form</i> to EOA or EEO Counselor</li> </ul> <p><b>NOTE:</b> Aggrieved Person may obtain assistance in completing <i>EEO Informal Pre-Complaint Intake Form</i> from EOA or EEO Counselor.</p>	

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CIVILIAN PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
8	EOA or EEO COUNSELOR	<ul style="list-style-type: none"> <li>• Reviews completed <i>EEO Informal Pre-Complaint Intake Form</i> with Aggrieved Person</li> <li>• Notifies Aggrieved Person of option to request mediation, and provides appropriate forms.</li> </ul> <p><b>NOTE:</b> See <u>PROCEDURAL GUIDANCE ON MEDIATION PROCESS</u> for mediation forms and instructions.</p>	Within 30 days after initial contact.
9	AGGRIEVED PERSON	Decides whether to: <ul style="list-style-type: none"> <li>• Request mediation;</li> <li>• Proceed with informal counseling; or</li> <li>• Forgo further discrimination complaint processing.</li> </ul>	
9a	EOA or EEO COUNSELOR	If Aggrieved Person decides to request mediation: <ul style="list-style-type: none"> <li>• See <u>PROCEDURAL GUIDANCE ON MEDIATION PROCESS</u>.</li> </ul>	

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STEP	WHO	WHAT	WHEN
9b	EOA or EEO COUNSELOR	<p>If Aggrieved Person decides to proceed with informal counseling:</p> <ul style="list-style-type: none"> <li>• Conducts appropriate informal inquiry as necessary to pursue informal resolution.</li> <li>• Notifies District, MLC, or HQ Units CRO or ACRD/HCRD of command’s resolution options and need for coordination assistance in obtaining personnel and legal review before presentation to Aggrieved Person.</li> <li>• Facilitates informal resolution discussions and exhausts informal resolution options.</li> </ul> <p><b>NOTE:</b> In conducting informal inquiry, EOA or EEO Counselor should be guided by EEOC MD 110, Ch.2 &amp; Appx.A. Informal inquiry includes:</p> <ul style="list-style-type: none"> <li>• Interviewing parties to determine issues.</li> <li>• Interviewing Aggrieved Person and/or CG officials to determine Aggrieved Person’s CG and protected class membership status.</li> <li>• Interviewing Aggrieved Person to determine what remedy Aggrieved Person requires to be made whole.</li> <li>• Obtaining copies of personnel documents if personnel action is at issue.</li> </ul> <p><b>NOTE:</b> If Aggrieved Person’s status as employee vs. contractor is at issue, see discussion in “Coverage Issues,” above. <i>Employment/Contract Status Questionnaire</i> (Enclosure N) is provided as aid in interviewing Aggrieved Person and CG official responsible for evaluating work performed under contract in question.</p> <p><b>NOTE:</b> Command and management officials named in allegations are entitled to be notified of issues and bases in allegations and to have opportunity to respond. EOA or EEO Counselor should provide such notice and opportunity during first interview with command/management official.</p> <p><b>NOTE:</b> EOAs and EEO Counselors are not authorized to:</p> <ul style="list-style-type: none"> <li>• Develop or advocate specific resolution terms.</li> <li>• Sign settlement agreements for Coast Guard.</li> </ul>	Within 30 days after initial contact.

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CIVILIAN PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
9c	ACRD/HCRD	Provides command with coordination assistance, if necessary, in obtaining CSA or HR Specialist and legal review before presentation to Aggrieved Person of resolution options before presentation to Aggrieved Person.	Within 30 days after initial contact.
9d	EOA or EEO COUNSELOR	Ensures that command obtains review of resolution options, before presentation to Aggrieved Person, from: <ul style="list-style-type: none"> <li>• Servicing CSA or HR Specialist, for administrative practicability and compliance with applicable personnel regulations, collective bargaining agreements, and CG policy.</li> <li>• Appropriate CG legal counsel, for legal sufficiency.</li> </ul>	
9e	AGGRIEVED PERSON	Considers resolution options or offers alternatives.	
9f	EOA or EEO COUNSELOR	If Aggrieved Person and command appear close to agreement in principle, but insufficient time remains in 30-day period to conclude agreement: <ul style="list-style-type: none"> <li>• Requests Aggrieved Person’s written consent to extend period as needed, but no more than would extend 30-day informal counseling period to 90 days.</li> </ul> <p><i>NOTE: Agreement to Extend Counseling Period (Enclosure H), is provided for this purpose.</i></p>	
9g	EOA or EEO COUNSELOR	If Aggrieved Person and command reach an agreement in principle: <ul style="list-style-type: none"> <li>• Reduces agreement to writing, securing assistance of servicing District, MLC, or HQ Units CRO or ACRD/HCRD, and using <i>Sample Resolution Agreement</i> (Enclosure E) or <i>Sample Resolution for Alleged Age Discrimination</i> (Enclosure F), as appropriate..</li> <li>• Notifies District, MLC, or HQ Units CRO or ACRD/HCRD of agreement in principle and need for coordination assistance in obtaining review and approval of proposed resolution terms from CSA or HR Specialist and appropriate CG legal counsel.</li> </ul> <p><i>NOTE: Any dates referenced in Resolution Agreement for completion of review by CSA or HR Specialist and CG legal counsel must be coordinated in advance.</i></p>	Within 30 days after initial contact, or within period extended with Aggrieved Person’s written consent, whichever is longer.

CIVILIAN PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
<i>Continued on next page</i>			
9h	ACRD/HCRD	Provides EOA or EEO Counselor with coordination assistance, if necessary, in obtaining review and approval of proposed resolution terms from CSA or HR Specialist and appropriate CG legal counsel.	Within 30 days after initial contact, or within period extended with Aggrieved Person's written consent, whichever is longer.
9i	EOA or EEO COUNSELOR	<ul style="list-style-type: none"> <li>Obtains review from servicing CSA or HR Specialist for administrative practicability and compliance with applicable personnel regulations, collective bargaining agreements, and CG policy.</li> <li>Obtains review from appropriate CG legal counsel for legal sufficiency.</li> <li>Secures parties' signatures on written <i>Resolution Agreement</i>.</li> <li>Provides copies to parties and forwards original to District, MLC, or Headquarters Units CRO, as appropriate.</li> </ul>	
9j	DISTRICT, MLC, or HQ UNITS CRO	<ul style="list-style-type: none"> <li>Keeps original <i>Resolution Agreement</i> on file.</li> <li>Monitors compliance with <i>Resolution Agreement</i> in accordance with <u>PROCEDURAL GUIDANCE ON MEDIATION PROCESS</u>.</li> <li>Notifies ACRD/HCRD of successful resolution.</li> </ul>	Upon receipt of <i>Resolution Agreement</i> .
9k	EOA or EEO COUNSELOR	If informal resolution efforts are unsuccessful, EEO Counselor provides Aggrieved Person with: <ul style="list-style-type: none"> <li><i>Notice of Right to File Discrimination Complaint, Civilian</i> (Enclosure O).</li> <li><i>DHS Complaint of Employment Discrimination Form &amp; Instructions</i> (Enclosure J).</li> </ul>	Within 30 days after initial contact, or within period extended with Aggrieved Person's written consent, whichever is longer.
9l	AGGRIEVED PERSON	<ul style="list-style-type: none"> <li>Decides whether to file a formal complaint of discrimination in accordance with <u>PROCEDURAL GUIDANCE ON FORMAL COMPLAINT INTAKE AND COORDINATION</u>.</li> </ul>	Within 15 days after receipt of <i>Notice of Right to File Discrimination Complaint</i>

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CIVILIAN PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
10	EOA or EEO COUNSELOR	<ul style="list-style-type: none"> <li>• Completes Part II of the <i>EOA/EEO Counselor's Report, Civilian</i>, whether or not formal complaint is eventually filed.</li> <li>• Submits <i>EOA/EEO Counselor's Report, Civilian</i> to servicing District, MLC, or Headquarters Units CRO.</li> </ul> <p><b>NOTE:</b> <i>EOA/EEO Counselor's Report, Civilian</i> should include:</p> <ul style="list-style-type: none"> <li>• Informal initial contact and pre-complaint intake information, including the date that counseling was initially requested.</li> <li>• Summary of EOA or EEO Counselor informal inquiries and results.</li> <li>• Summary of EOA or EEO Counselor informal resolution and or mediation efforts and results—<b>not including</b> contents of resolution offers, negotiations, and discussions.</li> <li>• Attachments--documents obtained during informal inquiries</li> </ul> <p><b>NOTE:</b> Date entered on <i>EO/EEO Informal Contact Information Form</i> may assist in verifying date of initial contact.</p> <p><b>NOTE:</b> If informal resolution is successful:</p> <ul style="list-style-type: none"> <li>• <i>EOA/EEO Counselor's Report, Civilian</i> will only include such information called for as EOA or EEO Counselor has received in course of counseling up to point where resolution was achieved.</li> </ul> <p><b>NOTE:</b> Under no circumstances should EOA or EEO Counselor release <i>EOA/EEO Counselor's Report, Civilian</i> to anyone, including Aggrieved Person, other than servicing District, MLC, or Headquarters Units CRO, or to servicing ACRD/HCRD.</p>	Within 15 days after conclusion of final interview.

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CIVILIAN PROCEDURES & TIMELINES

STEP	WHO	WHAT	WHEN
11	DISTRICT, MLC, or HQ UNITS CRO	<ul style="list-style-type: none"> <li>• Reviews <i>EOA/EEO Counselor's Report, Civilian</i> for quality assurance.</li> <li>• Keeps <i>EOA/EEO Counselor's Report, Civilian</i> on file for transmission to servicing ACRD/HCRD upon request.</li> <li>• Briefs District/ MLC/CGHQ Commander as appropriate.</li> </ul> <p><b>NOTE:</b> Under no circumstances should CRO release <i>EOA/EEO Counselor's Report, Civilian</i> to anyone, other than ACRD/HCRD and Aggrieved Person upon ACRD's/HCRD's request in connection with filing of formal complaint. <i>EOA/EEO Counselor's Report</i> information requested by ACRD/HCRD under any other circumstances must have all personal identifying information removed. CRO may brief command on statistical trends based on non-personal information contained in <i>EEO/EOA Counselors' Reports</i></p>	Upon receipt of <i>Counselor's Report</i>

**FORMS AND INSTRUCTIONS**

- Enclosure A: EO/EEO INFORMAL CONTACT INFORMATION FORM
- Enclosure B: NOTICE OF AGGRIEVED PERSON'S EO PROCEDURAL RIGHTS AND RESPONSIBILITIES, MILITARY
- Enclosure C: EOA COUNSELOR'S REPORT, MILITARY
- EO INFORMAL PRE-COMPLAINT INTAKE FORM
  - EO COUNSELING ACTIVITIES
- Enclosure D: EOA COUNSELOR'S REPORT, MILITARY Instructions
- Enclosure E: SAMPLE RESOLUTION AGREEMENT
- Enclosure F: SAMPLE RESOLUTION AGREEMENT FOR ALLEGED AGE DISCRIMINATION
- Enclosure G: RESOLUTION AGREEMENT Instructions
- Enclosure H: AGREEMENT TO EXTEND COUNSELING PERIOD
- Enclosure I: NOTICE OF RIGHT TO FILE DISCRIMINATION COMPLAINT, MILITARY
- Enclosure J: DHS INDIVIDUAL COMPLAINT OF EMPLOYMENT DISCRIMINATION FORM & Instructions
- Enclosure K: NOTICE OF AGGRIEVED PERSON'S EEO PROCEDURAL RIGHTS AND RESPONSIBILITIES, CIVILIAN
- Enclosure L: EOA/EEO COUNSELOR'S REPORT, CIVILIAN
- EEO INFORMAL PRE-COMPLAINT INTAKE FORM
  - EEO COUNSELING ACTIVITIES
- Enclosure M: EOA/EEO COUNSELOR'S REPORT, CIVILIAN Instructions
- Enclosure N: EMPLOYMENT/CONTRACT STATUS QUESTIONNAIRE
- Enclosure O: NOTICE OF RIGHT TO FILE DISCRIMINATION COMPLAINT, CIVILIAN