

Business Use Case EEO.L1.01 Alternative Dispute Resolution and Final Agency Decision Requested	
Business Scenario(s) Covered	
<ul style="list-style-type: none"> • L1.02 Alternative Dispute Resolution (ADR) Requested • L1.03 Complaint Accepted • L1.05 Final Agency Decision (FAD) Requested 	
Business Actor(s):	
Aggrieved Person/Complainant; Agency EEO Office; Agency EEO Counselor; Agency EEO Investigator; EEO ADR Coordinator; EEO ADR Mediator; Agency Office (against which the complaint is filed)	
Synopsis	
<p>Alleged discriminatory incident(s) is reported to an Agency EEO Counselor by an Aggrieved Person before expiration of the incident reporting period. A description of alleged discriminatory incident(s) is received and documented in a pre-complaint file. The date the Aggrieved Person contacts the Agency EEO Counselor is documented in the pre-complaint file as the pre-complaint processing start date. An initial counseling session is scheduled and conducted to notify the Aggrieved Person of their rights and responsibilities, and to identify and document additional information related to the alleged discriminatory incident(s) in the pre-complaint file. A limited inquiry is conducted, and claim(s) and basis(es) are documented in the pre-complaint file. A determination is made and documented that the claim(s) is amenable to ADR. A notification that resolution may be attempted through ADR or pre-complaint counseling is provided to the Aggrieved Person.</p> <p>Participation in ADR is elected by the Aggrieved Person and the pre-complaint processing end date is identified and documented in the pre-complaint file. The pre-complaint file is provided to the EEO ADR Coordinator. Appropriate ADR techniques (e.g., mediation, facilitation, settlement conferences) are reviewed, and mediation is selected. Sources of neutrals are reviewed and an EEO ADR Mediator is selected. The pre-EEO ADR meeting is conducted to provide information about the ADR proceeding and address preliminary matters. The ADR proceedings are conducted and documented. Resolution is not successful. The ADR outcome of an unsuccessful resolution is documented, and the ADR proceedings and outcome information are provided to the Agency EEO Counselor for inclusion in the pre-complaint file. An EEO Counselor Report is developed and included in the pre-complaint file. The final interview is conducted and the notice of the right to file a formal complaint is provided to the Aggrieved Person before the end of the pre-complaint processing period.</p> <p>A formal complaint is received by the Agency EEO Office within the regulatory period. The complaint file (previously, the pre-complaint file) is updated to include the formal complaint, and notification of receipt of formal complaint is provided to the Complainant (previously, the Aggrieved Person). The EEO Counselor Report is updated, if necessary, and provided to the Complainant. The formal complaint information, along with the complaint file, is reviewed and claims are identified and documented in the complaint file. The formal complaint is accepted for investigation and the complaint investigation period is identified and documented in the complaint file. The complaint file is provided to an Agency EEO Investigator. Notification of acceptance of the formal complaint is provided to the Complainant.</p> <p>An investigative plan is developed by the Agency EEO Investigator to initiate the investigation of the formal complaint. Documentation and testimonial evidence are requested from the Complainant, Agency Office (against which the complaint is filed), and relevant witnesses. Documentation and testimonial evidence are received, included in an investigative file, and reviewed by the Agency EEO Investigator. The investigative summary is developed and included in the investigative file. The investigative file is provided to the Complainant for review before the end of the investigation period, and no deficiencies are identified. The investigative file is included in the complaint file. A notification of the right to request a hearing before an EEOC administrative judge (AJ) or final agency decision (FAD) is provided to the Complainant, and the selection period is identified and documented in the complaint file.</p>	

A request for a FAD is received from the Complainant, and the FAD period is identified and documented in the complaint file. The complaint file is reviewed by the Agency EEO Office. The FAD, including the notice of the right to appeal, is developed, included in the complaint file, and issued to the Complainant.

Assumptions and Dependencies

General FIBF

- 1.1 There is no presumption as to which events are executed by which business actor.
 - 1.2 There is no presumption as to which events are automated, semi-automated, or manual.
 - 1.3 There may or may not be automated (near/real-time or batch) interfaces between service areas/functions/activities and between provider solutions/systems.
- All predecessor events required to trigger the Initiating Event have been completed.

Business Use Case Specific

- The EEO complaint process is the same regardless of whether the Aggrieved Person/Complainant is an applicant, employee, or former employee.
- 2.2 An Aggrieved Person becomes a Complainant when the formal complaint is received.
- A legal sufficiency review will be performed on all EEO documents leaving the Agency by a conflict free resource in the Agency EEO Office. If the legal sufficiency review is performed outside the EEO Office, it must be handled by individuals that are separate and apart from the Agency's defensive function.
- All EEO activities are performed within regulatory timeframes.
- 2.5 The Agency EEO Counselor and Investigator are part of the Agency's EEO Office.
 - 2.6 An official with settlement authority is included in the EEO ADR proceedings.

General Records Management

- 3.1. The types of digital objects received or created during EEO events (Business Use Case Inputs or Outputs) that are considered EEO Federal records (ERM.010.010, ERM.010.020) are specified with a superscript (FR). EEO Federal records are managed as temporary Federal records unless agency personnel designate a specific EEO federal record as having permanent value because of high dollar value, media attention, historical value, research value, or other extenuating circumstances.
- 3.2. EEO Federal records are retained for a period of 7 years from the EEO event date if the retention period for a specific type of EEO Federal record has not been established in the National Archives General Records Schedules (GRS) (ERM.010.030). If special circumstances occur such as an order, law, or business justification, the temporary Federal record's retention period is changed (ERM.030.040) or the permanent Federal record's retention period is extended (ERM.040.040).
- 3.3. During the retention period of an EEO Federal record: appropriate access levels are maintained (ERM.020.010); associated metadata (e.g., record identifier, creator, creation date, security classification, access rights) and an audit trail of changes to Federal record content, metadata, and access level are maintained (ERM.020.020); if a records hold is placed, the Federal record is locked down until the records hold is lifted to ensure no changes can be made (ERM.020.030); if needed to satisfy a Freedom of Information Act, Congressional, or e-discovery request, the Federal record is made available (ERM.020.040); and if needed because of technology obsolescence, the Federal record is converted to an acceptable format and/or migrated to another repository to serve out its retention period (ERM.020.050).
- 3.4. Once an EEO Federal record has met its records retention period, it is approved for disposal and disposed (ERM.030.010, ERM.030.020, ERM.030.030) or prepared for transfer, transferred to NARA, and removed from the EEO solution (ERM.040.010, ERM.040.020, ERM.040.030).

Initiating Event	Incident(s) have occurred.
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BUSINESS USE CASE EEO.L1.01 ALTERNATIVE DISPUTE RESOLUTION AND FINAL AGENCY DECISION REQUESTED				
Typical Flow of Events				
#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
1	a. Receive description of alleged discriminatory incident(s) from an Aggrieved Person b. Identify incident reporting period and verify incident(s) is reported before expiration of incident reporting period c. Document alleged discriminatory incident information in a pre-complaint file d. Identify and document the pre-complaint processing start date in the pre-complaint file e. Schedule initial counseling session (EEO.080.010 Federal Agency EEO Pre-Complaint Processing)		<ul style="list-style-type: none"> Alleged discriminatory incident(s) information 	<ul style="list-style-type: none"> Pre-complaint file, including alleged discriminatory incident information and pre-complaint processing start date ^(FR) Initial counseling session date
2	a. Conduct initial counseling session and provide notification to the Aggrieved Person of their rights and responsibilities b. Identify and document additional information related to the incident(s) in the pre-complaint file c. Schedule limited inquiry session(s) (EEO.080.010 Federal Agency EEO Pre-Complaint Processing)		<ul style="list-style-type: none"> Pre-complaint file, including alleged discriminatory incident information and pre-complaint processing start date Initial counseling session date 	<ul style="list-style-type: none"> Notification of rights and responsibilities Pre-complaint file, updated with additional incident information Limited inquiry session date(s)
3	a. Conduct limited inquiry session(s) b. Discuss and document claim(s) and basis(es) in the pre-complaint file (EEO.080.010 Federal Agency EEO Pre-Complaint Processing)		<ul style="list-style-type: none"> Pre-complaint file, updated with additional incident information Limited inquiry session date(s) 	<ul style="list-style-type: none"> Pre-complaint file, updated with claim(s) and basis(es) information ^(FR)
4	a. Review the ADR Program information and pre-complaint file and determine the claim(s) is amenable to ADR b. Develop and provide notification that resolution may be attempted through ADR or pre-complaint counseling (EEO.080.010 Federal Agency EEO Pre-Complaint Processing)		<ul style="list-style-type: none"> Pre-complaint file, updated with claim(s) and basis(es) information ADR Program information 	<ul style="list-style-type: none"> Notification that resolution may be attempted through ADR or pre-complaint counseling ^(FR)

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Typical Flow of Events				
#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
5	a. Receive election to participate in ADR (EEO.080.020 Federal Agency EEO Alternative Dispute Resolution (ADR)) b. Identify and document pre-complaint processing end date in the pre-complaint file c. Provide the pre-complaint file to the EEO ADR Coordinator (EEO.080.010 Federal Agency EEO Pre-Complaint Processing)		<ul style="list-style-type: none"> Election to participate in ADR Pre-complaint file, updated with claim(s) and basis(es) information 	<ul style="list-style-type: none"> Pre-complaint file, updated with pre-complaint processing end date
6	a. Review appropriate ADR techniques and select mediation b. Review sources of neutrals and select an EEO ADR Mediator c. Schedule pre-EEO ADR meeting (EEO.080.020 Federal Agency EEO Alternative Dispute Resolution (ADR))		<ul style="list-style-type: none"> Pre-complaint file, updated with pre-complaint processing end date Information on ADR techniques Information on sources of neutrals 	<ul style="list-style-type: none"> Mediation selection information Pre-EEO ADR meeting date
7	a. Conduct pre-EEO ADR meeting to provide information about the ADR proceeding and address preliminary matters b. Determine and document planned ADR proceedings (EEO.080.020 Federal Agency EEO Alternative Dispute Resolution (ADR))		<ul style="list-style-type: none"> Pre-EEO ADR meeting date 	<ul style="list-style-type: none"> Planned ADR proceedings information
8	a. Conduct and document the ADR proceedings b. Document the ADR outcome of an unsuccessful resolution c. Provide ADR proceedings and outcome information to the Agency EEO Counselor for inclusion in the pre-complaint file (EEO.080.020 Federal Agency EEO Alternative Dispute Resolution (ADR))		<ul style="list-style-type: none"> Planned ADR proceedings information 	<ul style="list-style-type: none"> ADR proceedings and outcome information
9	a. Receive ADR proceedings and outcome information and update the pre-complaint file (EEO.080.020 Federal Agency EEO Alternative Dispute Resolution (ADR)) b. Develop EEO counselor report and include in the pre-complaint file c. Schedule final interview (EEO.080.010 Federal Agency EEO Pre-Complaint Processing)		<ul style="list-style-type: none"> ADR proceedings and outcome information Pre-complaint file, updated with pre-complaint processing period 	<ul style="list-style-type: none"> EEO Counselor Report ^(FR) Pre-complaint file, updated with ADR proceedings and outcome information and EEO Counselor Report Final interview date

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Typical Flow of Events				
#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
10	a. Conduct final interview and provide notice of right to file a formal complaint b. Identify and document end of pre-complaint processing period in the pre-complaint file (EEO.080.010 Federal Agency EEO Pre-Complaint Processing)		<ul style="list-style-type: none"> Pre-complaint file, updated with ADR proceedings and outcome information and EEO Counselor Report Final interview date 	<ul style="list-style-type: none"> Notice of right to file a formal complaint Pre-complaint file, updated with pre-complaint processing end date ^(FR)
11	a. Receive a formal complaint within the regulatory period and include in the complaint file (previously, the pre-complaint file) b. Provide notification of receipt of formal complaint to the Complainant (previously, the Aggrieved Person) c. Update the EEO Counselor Report, if necessary, and provide to the Complainant (EEO.080.030 Federal Agency EEO Complaint Review)		<ul style="list-style-type: none"> Pre-complaint file, updated with pre-complaint processing end date Formal complaint information EEO Counselor Report 	<ul style="list-style-type: none"> Complaint file, updated with formal complaint information Notification of receipt of formal complaint Updated EEO Counselor Report ^(FR)
12	a. Review the formal complaint information with the complaint file and identify and document claims in the complaint file b. Accept the formal complaint c. Identify and document the complaint investigation period in the complaint file d. Provide the complaint file to an Agency EEO Investigator e. Provide notification of acceptance of the formal complaint (EEO.080.030 Federal Agency EEO Complaint Review)		<ul style="list-style-type: none"> Complaint file, updated with formal complaint information Formal complaint information 	<ul style="list-style-type: none"> Complaint file, updated with claims and complaint investigation period Notification of acceptance of the formal complaint ^(FR)
13	a. Receive and review the complaint file b. Develop investigative plan c. Request documentation and testimonial evidence from the Complainant, Agency Office (against which the complaint is filed), and relevant witnesses (EEO.080.040 Federal Agency EEO Investigation)		<ul style="list-style-type: none"> Complaint file, updated with claims and complaint investigation period 	<ul style="list-style-type: none"> Investigative plan information Request for documentation and testimonial evidence ^(FR)

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Typical Flow of Events				
#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
14	a. Receive and review documentation and testimonial evidence and include in the investigative file b. Develop the investigative summary and include in the investigative file c. Provide the investigative file to the Complainant for review before the end of the investigation period d. Update the complaint file to include the investigative file e. Provide notification of the right to request a hearing before an administrative judge (AJ) or final agency decision (FAD) to the Complainant f. Identify selection period and document in the complaint file (EEO.080.040 Federal Agency EEO Investigation)		<ul style="list-style-type: none"> Documentation and testimonial evidence 	<ul style="list-style-type: none"> Investigative file, including documentation and testimonial evidence and investigative summary information Complaint file, updated with investigative file and selection period Notification of the right to request an AJ hearing or FAD
15	a. Receive request for a FAD b. Identify FAD period and document in the complaint file (EEO.080.050 Federal Agency EEO Final Agency Decision)		<ul style="list-style-type: none"> Request for FAD Complaint file, updated with investigative file and selection period 	<ul style="list-style-type: none"> Complaint file, updated with FAD period
16	a. Review the complaint file b. Develop FAD, including the notice of the right to appeal, and include in the complaint file c. Issue FAD to the Complainant (EEO.080.050 Federal Agency EEO Final Agency Decision)		<ul style="list-style-type: none"> Complaint file, updated with FAD period 	<ul style="list-style-type: none"> FAD information Complaint file, updated with FAD information ^(FR)

BUSINESS USE CASE NUMBER AND TITLE HERE
Operational Capability Demonstration (OCD) Observations

BUSINESS USE CASE NUMBER AND TITLE HERE
[Relevant Event Number(s)] [Observation]