

Business Use Case EEO.L1.02 Pre-Complaint Counseling and AJ Hearing Requested	
Business Scenario(s) Covered	
<ul style="list-style-type: none"> • L1.01 Pre-Complaint Counseling Requested • L1.03 Complaint Accepted • L1.06 Administrative Judge (AJ) Hearing Requested 	
Business Actor(s):	
Aggrieved Person/Complainant; Agency EEO Office; Agency EEO Counselor; Agency EEO Investigator; Agency Office (against which the complaint is filed); EEOC Hearings Unit; EEOC Administrative Judge (AJ); Agency Office of General Counsel	
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 not amenable to ADR. A notification that resolution may be attempted through pre-complaint counseling is provided to the Aggrieved Person.</p> <p>Participation in pre-complaint counseling is elected by the Aggrieved Person and the pre-complaint processing end date is identified and documented in the pre-complaint file. Pre-complaint counseling activities are conducted, and the pre-complaint counseling information and outcome of an unsuccessful resolution are documented in the pre-complaint file by the EEO Counselor. An EEO Counselor Report is developed and included in the pre-complaint file. The final interview is conducted and the notice of 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> <p>A request for a hearing before an EEOC AJ is received by the EEOC Hearings Unit and Agency EEO Office from the Complainant. The AJ hearing period is identified and documented in the complaint file and the complaint file is provided by the Agency EEO Office to the EEOC Hearings Unit within the required</p>	

time period. A notification acknowledging receipt of the hearing request and complaint file is provided to the Complainant and Agency EEO Office by the EEOC Hearings Unit. An EEOC AJ is selected and documented in a hearing record. The complaint file is evaluated by the EEOC AJ and Acknowledgement Orders are developed, documented in the hearing record, and issued to inform the Agency Office of General Counsel and Complainant of next steps in the hearing process. An order scheduling the initial conference to address discovery and case management matters is developed, documented in the hearing record, and issued. The initial conference is conducted and an initial conference order with discussions and rulings made is developed, documented in the hearing record, and issued. A determination is made by the EEOC AJ that authorization to seek discovery is not required, and AJ orders to produce evidence are developed, documented in the hearing record, and issued to the Complainant and Agency Office of General Counsel.

Evidence is documented by the Agency Office of General Counsel and Complainant and provided to the EEOC AJ. Evidence is evaluated by the EEOC AJ, and a determination that summary judgment is not appropriate is made and documented in the hearing record. A Hearing Scheduling Order is developed, documented in the hearing record, and issued to the Complainant and Agency Office of General Counsel.

Pre-hearing statements are documented by the Agency Office of General Counsel and Complainant and provided to the EEOC AJ. Pre-hearing statements are reviewed and the pre-hearing conference is scheduled and conducted. A Pre-Hearing Conference Order is developed, documented in the hearing record, and issued to the Agency Office of General Counsel and Complainant. The liability hearing is scheduled, conducted, and recorded. A finding that the Agency (against which the complaint is filed) has discriminated against the Complainant is determined, documented in the hearing record, and issued. A remedial/damages hearing to address the Complainant's entitlement to relief is scheduled and conducted. The remedial/damages decision and Order Entering Judgment are determined and documented in the hearing record. An itemized billing statement is received from the Complainant and a Decision on Attorney's Fees and Costs is developed, documented in the hearing record, and issued. The hearing record, including AJ hearings information (e.g., recordings, transcripts, and exhibits), AJ decisions, and Order Entering Judgment, is provided to the Complainant and Agency Office of General Counsel before the end of the AJ hearing period. The AJ hearings information, AJ decisions, and Order Entering Judgment are reviewed by the Agency and included in the complaint file. The final agency order to fully implement the AJ decisions, 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.
- The Agency EEO Counselor and Investigator are part of the Agency's EEO Office.

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.L1.02 PRE-COMPLAINT COUNSELING AND AJ HEARING 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 the 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)

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Typical Flow of Events				
#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(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 not amenable to ADR b. Develop and provide notification that resolution may be attempted through 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 pre-complaint counseling ^(FR)
5	a. Receive election to participate in pre-complaint counseling b. Identify and document pre-complaint processing end date in the pre-complaint file c. Determine and document pre-complaint counseling activities (EEO.080.010 Federal Agency EEO Pre-Complaint Processing)		<ul style="list-style-type: none"> Election to participate in pre-complaint counseling 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 Pre-complaint counseling activities information
6	a. Conduct and document the pre-complaint counseling activities b. Document the pre-complaint counseling outcome of an unsuccessful resolution 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 pre-complaint processing end date Pre-complaint counseling activities information 	<ul style="list-style-type: none"> Pre-complaint file, updated with pre-complaint counseling activities and outcome information
7	a. 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"> Pre-complaint file, updated with pre-complaint counseling activities and outcome information 	<ul style="list-style-type: none"> EEO Counselor Report ^(FR) Pre-complaint file, updated with EEO Counselor Report Final interview date
8	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 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)

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#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
9	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. Updated 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)
10	a. Review the formal complaint information with the complaint file and identify and document claims in the complaint file b. Accept the formal complaint d. Identify and document the complaint investigation period in the complaint file e. Provide the complaint file to an Agency EEO Investigator f. 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)
11	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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#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
12	a. Receive and review documentation and testimonial evidence and include in an 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 ^(FR) Complaint file, updated with investigative file and selection period Notification of the right to request an AJ hearing or FAD
13	a. Receive request for AJ hearing b. Identify AJ hearing period and document in the complaint file c. Provide the complaint file to EEOC Hearings Unit (EEO.090.010 Federal Agency Participation in EEO Administrative Judge (AJ) Discovery)		<ul style="list-style-type: none"> Request for AJ hearing Complaint file, updated with investigative file and selection period 	<ul style="list-style-type: none"> Complaint file, updated with AJ hearing period ^(FR)
14	a. Receive request for AJ hearing b. Receive the complaint file within the required time period c. Develop and provide notification acknowledging receipt of hearing request and complaint file d. Review list of potential AJs and select AJ e. Provide the complaint file and hearing record to AJ (EEO.010.030 Federal Sector Equal Employment Opportunity Administrative Judge (AJ) Hearings)		<ul style="list-style-type: none"> Request for AJ hearing Complaint file, updated with AJ hearing period Information on potential AJs 	<ul style="list-style-type: none"> Notification acknowledging receipt of hearing request and complaint file Hearing record, including information on selected AJ ^(FR) Complaint file

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Typical Flow of Events				
#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
15	a. Evaluate the complaint file and develop and issue Acknowledgement Orders for next steps in the hearing process b. Develop and issue order scheduling initial conference (EEO.010.030 Federal Sector Equal Employment Opportunity Administrative Judge (AJ) Hearings)		<ul style="list-style-type: none"> Complaint file Hearing record, including information on selected AJ 	<ul style="list-style-type: none"> Hearing record, updated with Acknowledgement order information and Order scheduling initial conference information Acknowledgement Order information ^(FR) Order scheduling initial conference information ^(FR)
16	a. Conduct initial conference to discuss the case, the need for discovery, the production of evidence and witnesses, the possibility of settlement, and other related matters b. Develop and issue initial conference order with discussions and rulings made f. Determine authorization to seek discovery is not required g. Develop and issue AJ orders to produce evidence (EEO.010.030 Federal Sector Equal Employment Opportunity Administrative Judge (AJ) Hearings)		<ul style="list-style-type: none"> Hearing record, updated with Acknowledgement order information and Order scheduling initial conference information 	<ul style="list-style-type: none"> Hearing record, updated with Initial conference order information and AJ orders to produce evidence information Initial conference order information ^(FR) AJ orders to produce evidence information ^(FR)
17	a. Receive AJ orders to produce evidence b. Document and provide evidence (EEO.090.010 Federal Agency Participation in EEO Administrative Judge (AJ) Discovery)		<ul style="list-style-type: none"> AJ orders to produce evidence information 	<ul style="list-style-type: none"> Evidence supporting the Agency (against which the complaint is filed)
18	a. Receive and evaluate evidence and determine that summary judgment is not appropriate b. Develop and issue Hearing Scheduling Order (EEO.010.030 Federal Sector Equal Employment Opportunity Administrative Judge (AJ) Hearings)		<ul style="list-style-type: none"> Hearing record, updated with Initial conference order information and AJ orders to produce evidence information Evidence supporting the Agency (against which the complaint is filed) Evidence supporting the Complainant 	<ul style="list-style-type: none"> Hearing record, updated with summary judgment determination information, evidence, and Hearing Scheduling Order ^(FR) Hearing Scheduling Order ^(FR)

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#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
19	a. Receive Hearing Scheduling Order b. Develop and provide pre-hearing statement (EEO.090.010 Federal Agency Participation in EEO Administrative Judge (AJ) Discovery)		<ul style="list-style-type: none"> Hearing Scheduling Order 	<ul style="list-style-type: none"> Agency (against which the complaint is filed) pre-hearing statement information
20	a. Receive and review pre-hearing statement information b. Conduct pre-hearing conference and document results c. Develop and issue Pre-Hearing Conference Order for the liability hearing (EEO.010.030 Federal Sector Equal Employment Opportunity Administrative Judge (AJ) Hearings)		<ul style="list-style-type: none"> Hearing record, updated with summary judgment determination information, evidence, and Hearing Scheduling Order Agency (against which the complaint is filed) pre-hearing statement information Complainant pre-hearing statement information 	<ul style="list-style-type: none"> Hearing record, updated with results from pre-hearing conference information and Pre-Hearing Conference Order Pre-Hearing Conference Order, including pre-hearing statement information ^(FR)
21	a. Conduct and record the liability hearing and document transcripts and exhibits b. Determine and issue finding of discrimination c. Develop and provide notification of remedial/damages hearing d. Schedule remedial/damages hearing to address the Complainant's entitlement to relief (EEO.010.030 Federal Sector Equal Employment Opportunity Administrative Judge (AJ) Hearings)		<ul style="list-style-type: none"> Hearing record, updated with results from pre-hearing conference information and Pre-Hearing Conference Order Hearing Scheduling Order Pre-Hearing Conference Order 	<ul style="list-style-type: none"> Hearing record, updated with liability hearing information (e.g., recording, transcript, and exhibits), finding of discrimination issuance information, and remedial/damages hearing date Finding of discrimination issuance information ^(FR) Notification of remedial/damages hearing

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Typical Flow of Events				
#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
22	a. Conduct and record the remedial/damages hearing and document transcripts and exhibits b. Determine and document remedial/damages decision and Order Entering Judgment (EEO.010.030 Federal Sector Equal Employment Opportunity Administrative Judge (AJ) Hearings)		<ul style="list-style-type: none"> Hearing record, updated with liability hearing information (e.g., including recording, transcript, and exhibits), finding of discrimination issuance information, and remedial/damages hearing date 	<ul style="list-style-type: none"> Hearing record, updated with remedial/damages hearing information (e.g., including recordings, transcripts, and exhibits), remedial/damages decision information, and Order Entering Judgment information Remedial/damages decision information ^(FR) Order Entering Judgment information ^(FR)
23	a. Receive itemized billing statement information and develop and issue a Decision on Attorney's Fees and Costs b. Provide hearing record, including information on the AJ hearings, AJ decisions, and Order Entering Judgment (EEO.010.030 Federal Sector Equal Employment Opportunity Administrative Judge (AJ) Hearings)		<ul style="list-style-type: none"> Itemized billing statement information Hearing record, updated with remedial/damages hearing information (e.g., including recordings, transcripts, and exhibits), remedial/damages decision information, and Order Entering Judgment information 	<ul style="list-style-type: none"> Decision on Attorney's Fees and Costs information ^(FR) Hearing record, updated with billing statement information and decision on attorney's fees and costs information ^(FR)
24	a. Review the AJ hearings information, AJ decisions, and Order Entering Judgment and include in the complaint file b. Develop the final agency order to fully implement the AJ decision and include in the complaint file c. Issue the final agency order, including the notice of the right to appeal (EEO.090.010 Federal Agency Participation in EEO Administrative Judge (AJ) Discovery)		<ul style="list-style-type: none"> Hearing record Complaint file, updated with AJ hearing period 	<ul style="list-style-type: none"> Final agency order information ^(FR) Complaint file, updated with hearing record information and final agency order information ^(FR)

BUSINESS Use CASE NUMBER AND TITLE HERE
Operational Capability Demonstration (OCD) Observations
[Relevant Event Number(s)] [Observation]