

Business Use Case EEO.L1.03 Dismissed Complaint is Appealed by Complainant
Business Scenario(s) Covered
<ul style="list-style-type: none"> • L1.04 Complaint Dismissed • L1.07 Appeal Filed by Complainant • L1.08 Complaint Settled
Business Actor(s):
Complainant; Agency EEO Office; Agency EEO Investigator; Agency Office (against which the complaint is filed); EEOC OFO: Agency Office of General Counsel
Synopsis
<p>A formal complaint is received by the Agency EEO Office. The formal complaint is included in the complaint file, and notification of receipt of the formal complaint is provided to the Complainant. The EEO Counselor Report is updated, if necessary, and provided to the Complainant. The formal complaint is reviewed and dismissed. The notification of dismissal of the formal complaint is provided to the Complainant, along with the notice of their right to file an appeal.</p> <p>An appeal for the dismissed complaint is received by the EEOC Office of Federal Operations (OFO) and Agency EEO Office from the Complainant before expiration of the appeal submission period. The complaint file is provided by the Agency EEO Office to the EEOC OFO within the required time period. A notification acknowledging receipt of the appeal, including appeal docket information and instructions for the optional submission of a brief or statement in support of the appeal, is provided to the Complainant and Agency EEO Office by EEOC OFO.</p> <p>A brief(s) or statement(s) in support of the appeal is received by the EEOC OFO and Agency EEO Office from the Complainant before the expiration of the brief submission period. A brief(s) or statement(s) in opposition to the appeal is developed and provided to the EEOC OFO and the Complainant by the Agency Office of General Counsel before expiration of the brief submission period. The appeal information, including briefs and statements, and the complaint file are reviewed by the EEOC OFO. An appellate decision to remand the dismissed complaint and an order to process the remanded claim and conduct an investigation is developed and issued to the Agency EEO Office and Complainant.</p> <p>The appellate decision is reviewed by the Agency EEO Office and included in the complaint file. 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. 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. Upon review of evidence, a request to engage in settlement negotiations is developed and provided to the Complainant. A response to attempt resolution through settlement is received, and the settlement terms are negotiated. A settlement agreement is developed and provided to the Complainant by the Agency EEO Office. The settlement agreement is accepted by the Complainant, executed by the Agency EEO Office, and included in the complaint file.</p>
Assumptions and Dependencies
<p><u>General FIBF</u></p> <p>1.1 There is no presumption as to which events are executed by which business actor.</p> <p>1.2 There is no presumption as to which events are automated, semi-automated, or manual.</p> <p>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.</p> <p>All predecessor events required to trigger the Initiating Event have been completed.</p>

Business Use Case Specific

- 2.1 The EEO complaint process is the same regardless of whether the Aggrieved Person/Complainant is an applicant, employee, or former employee.
- 2.2 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.
- 2.3 An official with settlement authority is included in the EEO settlement 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

Aggrieved Person files a formal complaint.

BUSINESS USE CASE EEO.L1.03 DISMISSED COMPLAINT IS APPEALED BY COMPLAINANT

Typical Flow of Events

#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
1	a. Receive a formal complaint and include in the complaint file b. Provide notification of receipt of the formal complaint c. Update 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 fileEEO Counselor ReportFormal complaint information	<ul style="list-style-type: none">Complaint file, updated with formal complaint information ^(FR)Notification of receipt of formal complaintUpdated EEO Counselor Report ^(FR)

BUSINESS Use CASE EEO.L1.03 DISMISSED COMPLAINT IS APPEALED BY COMPLAINANT				
Typical Flow of Events				
#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
2	a. Review and dismiss the formal complaint b. Identify and document the appeal submission period in the complaint file c. Provide notification of dismissal of the formal complaint to the Complainant (EEO.080.030 Federal Agency EEO Complaint Review)		<ul style="list-style-type: none"> Complaint file, with formal complaint information Formal complaint information 	<ul style="list-style-type: none"> Complaint file, updated with appeal submission period ^(FR) Notification of dismissal of the formal complaint ^(FR)
3	a. Receive and review appeal information and include in the complaint file b. Provide complaint file within the required time period (EEO.100.010 Federal Agency EEO Appeal Processing)		<ul style="list-style-type: none"> Notice of appeal information 	<ul style="list-style-type: none"> Complaint file, updated with notice of appeal information ^(FR)
4	a. Receive and review appeal information c. Receive and review complaint file d. Develop and provide notification of receipt of the appeal, including appeal docket information and instructions for the optional submission of a brief or statement in support of the appeal (EEO.010.040 Federal Sector Equal Employment Opportunity Appeals)		<ul style="list-style-type: none"> Notice of appeal information Complaint file, updated with notice of appeal information 	<ul style="list-style-type: none"> Notification of receipt of appeal
5	a. Receive and review brief(s) or statement(s) in support of appeal b. Develop and provide brief(s) or statement(s) in opposition to the appeal (EEO.100.010 Federal Agency EEO Appeal Processing)		<ul style="list-style-type: none"> Brief(s) or statement(s) in support of appeal information 	<ul style="list-style-type: none"> Brief(s) or statement(s) in opposition to the appeal information

Typical Flow of Events

#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
6	a. Receive and review brief(s) and statement(s) in support and opposition to the appeal b. Review complaint file c. Determine and document appellate decision to remand the dismissed complaint d. Develop an order to process the remanded claim and conduct an investigation e. Issue appellate decision and order (EEO.010.040 Federal Sector Equal Employment Opportunity Appeals)		<ul style="list-style-type: none"> Brief(s) or statement(s) in support of appeal information ^(FR) Brief(s) or statement(s) in opposition to the appeal information ^(FR) Complaint file, updated with notice of appeal information 	<ul style="list-style-type: none"> Appellate decision information ^(FR) Order information ^(FR)
7	a. Receive and review the appellate decision, and include in the complaint file (EEO.100.020 Federal Agency EEO Appeal Decision)		<ul style="list-style-type: none"> Appellate decision information Complaint file, updated with notice of appeal information 	<ul style="list-style-type: none"> Complaint file, updated with appellate decision information
8	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 complaint file to an Agency EEO Investigator e. Provide notification of acceptance of the formal complaint to the Complainant (EEO.080.030 Federal Agency EEO Complaint Review)		<ul style="list-style-type: none"> Formal complaint information Complaint file, updated with appellate decision information 	<ul style="list-style-type: none"> Complaint file, updated with claims and complaint investigation period Notification of acceptance of the formal complaint

Typical Flow of Events

#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
9	a. Receive and review the complaint file f. Develop investigative plan g. 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 complaint investigation period 	<ul style="list-style-type: none"> Investigative plan information Request for documentation and testimonial evidence
10	a. Receive and review documentation and testimonial evidence and include in the investigative file b. Update the complaint file to include the investigative file (EEO.080.040 Federal Agency EEO Investigation) c. Develop and provide request to engage in settlement negotiations (EEO.080.060 Federal Agency EEO Settlement)		<ul style="list-style-type: none"> Complaint file, updated with complaint investigation period Documentation and testimonial evidence 	<ul style="list-style-type: none"> Investigative file, including documentation and testimonial evidence ^(FR) Complaint file, updated with investigative file information Request to engage in settlement negotiations
11	a. Receive response to the request to engage in settlement negotiations d. Develop and document settlement terms, including non-monetary and monetary relief d. Provide settlement terms to the Complainant and request response (EEO.080.060 Federal Agency EEO Settlement)		<ul style="list-style-type: none"> Response to request to engage in settlement negotiations 	<ul style="list-style-type: none"> Settlement terms information Request for response to settlement terms

Typical Flow of Events

#	EEO Event	Non-EEO Event	Input(s)	Output(s) / Outcome(s)
12	a. Receive and review response to settlement terms e. Document negotiated settlement terms f. Develop and document settlement agreement g. Provide settlement agreement to the Complainant and request response (EEO.080.060 Federal Agency EEO Settlement)		<ul style="list-style-type: none"> • Response to settlement terms 	<ul style="list-style-type: none"> • Settlement agreement information • Request for response to settlement agreement
13	a. Receive acceptance of the settlement agreement b. Execute settlement agreement, and update complaint file (EEO.080.060 Federal Agency EEO Settlement)		<ul style="list-style-type: none"> • Response to settlement agreement • Complaint file, updated with investigative file information 	<ul style="list-style-type: none"> • Executed settlement agreement information ^(FR) • Complaint file, updated with settlement agreement information ^(FR)

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