



U.S. General Services Administration (GSA)

## **GSA Manual: Civil Rights**

OCR 2300.1C

Office of Civil Rights

eeo@gsa.gov

### **Purpose:**

The purpose of this revision is to update the Civil Rights Manual to include GSA's updated civil rights policy statements and orders and to outline the internal and external civil rights programs managed by the Office of Civil Rights (OCR).

### **Background:**

The manual is reviewed and revised periodically by the Associate Administrator (AA) for OCR. It is updated to reflect changes to applicable civil rights and equal employment opportunity (EEO) policy statements, orders, laws, regulations, and executive orders. It is further updated to reflect adjustments made to the management or implementation of the civil rights and EEO programs for GSA.

### **Applicability:**

This Order applies to all GSA employees and contractors in the performance of their duties, with the following organizational exceptions:

1. The Office of Inspector General (OIG), due to its independence under the Inspector General Reform Act of 2008 (5 U.S.C. §§ 401-424); and
2. The Civilian Board of Contract Appeals, based on its independent authorities.

In addition, the provisions of this Manual relating to GSA's External Civil Rights Programs, apply to all participants in those programs, including entities that receive federal financial assistance through GSA.

### **Cancellation:**

This Manual supersedes OCR 2300.1B, dated June 27, 2025.

## Summary of Changes:

This order has been revised to reflect recent changes in federal policy:

- Additionally, in accordance with Executive Order 14251, *Federal Labor Relations-Management Relations Program*, references to negotiated grievance procedures, and labor unions have been removed.

## Roles and Responsibilities:

1. The AA is responsible for leading and executing all program areas of OCR, including issuing the GSA Civil Rights Manual in accordance with [GSA Delegations of Authority Manual 5450.39D ADM CHGE 1, Chapter 15 1\(a\)](#).
2. All GSA employees are responsible for abiding by this policy and cooperating fully in any investigations of alleged discrimination under applicable laws, regulations, executive orders, and policies.

## Signature

/S/  
Aluanda R. Drain  
Associate Administrator  
Office of Civil Rights

July 3, 2025  
Date

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## **Chapter 1 Introduction**

### **1.1 The Office of Civil Rights**

The mission of OCR is to protect civil rights, champion equal opportunity, and foster a fair workplace. OCR's vision is to be a trusted advisor to everyone we serve and to advance equal opportunity for all.

OCR oversees GSA's nationwide civil rights programs, including the development and administration of policies and procedures to ensure compliance with

- applicable federal laws
- regulations, executive orders and
- GSA policy statements.

### **1.2 Purpose and Description of the Manual**

The purpose of GSA's Civil Rights Manual (Manual) is to provide GSA employees with information on:

- (a) the applicable civil rights laws, regulations, executive orders, and policies requiring GSA to promote a work environment free of discrimination and to deliver GSA programs and services in a nondiscriminatory manner;
- (b) the operation of, and services provided by, the internal and external civil rights and EEO programs in OCR; and
- (c) the rights and responsibilities of GSA managers, supervisors, and employees to promote a work environment free of discrimination and to provide GSA's services in a nondiscriminatory manner.

The Manual provides GSA employees with a comprehensive explanation of the civil rights programs managed by OCR and the associated rights and responsibilities of GSA employees, managers, supervisors, as well as GSA's donees, recipients, and subrecipients, to:

- (a) promote and maintain a work environment free of unlawful discrimination; and
- (b) administer GSA's programs and services in a nondiscriminatory manner.

### **1.3 Applicability, Scope and Contents**

This Manual is updated periodically to provide current information, guidance, and resources concerning developments in civil rights laws, regulations, executive

orders, and policies; the operation of OCR's internal and external civil rights programs; and the responsibilities of GSA employees to external stakeholders accessing agency programs, services, and activities. It includes updated civil rights policies and orders issued by GSA and explains the overall operation of the civil rights and EEO programs.

## Chapter 2: The Legal and Programmatic Authorities for OCR

### 2.1 Laws

This section provides an overview of the various laws, executive orders, regulations, and policies related to OCR's mission areas discussed in this Manual. All of the laws cited below prohibit retaliation against individuals who exercise their rights under these laws.

#### **2.1.1 Randolph-Sheppard Act (Vending Facilities for Blind in Federal Buildings)**

Enacted in 1936, this law gives priority to licensed blind vendors to operate vending facilities on any federal property.

#### **2.1.2 Sec. 606 of the Federal Property and Administrative Services Act of 1949)**

Prohibits sex-based discrimination by any state participating in the State Agency for Surplus Property (SASP) Program or by any entity receiving federal financial assistance through the Federal Property Act.

#### **2.1.3 The Equal Pay Act of 1963 (Equal Pay Act)**

Prohibits sex-based wage discrimination between men and women in the same establishment who perform jobs that require substantially equal skill, effort, and responsibility under similar working conditions. The law applies equally to men and women.

#### **2.1.4 Title VI of the Civil Rights Act of 1964 (Title VI)**

Prohibits discrimination in GSA's federally assisted programs based on race, color, or national origin, such as the Federal Surplus Personal Property Donation Program.

#### **2.1.5 Title VII of the Civil Rights Act of 1964 (Title VII), as amended, Title 42 United States Code (USC) Sec. 2000e, et seq.**

Prohibits employment discrimination based on race, color, national origin, religion, and sex (including pregnancy and sexual orientation).

#### **2.1.6 The Age Discrimination in Employment Act of 1967 (ADEA), as amended**

Prohibits employment discrimination against individuals age 40 and over.

#### **2.1.7 Title IX of The Education Amendments Of 1972 (Title IX)**

Prohibits discrimination based on sex by entities receiving federal funding, including GSA's external programs.

#### **2.1.8 The Rehabilitation Act of 1973 (The Rehabilitation Act), as amended (Sections (Sec.) 501, 504 and Sec. 508)**

Prohibits discrimination based on disability against federal employees and in federally conducted programs.

#### **2.1.9 Age Discrimination Act of 1975 (Age Discrimination Act)**

Prohibits age-based discrimination by organizations that receive federal funding.

#### **2.1.10 The Pregnancy Discrimination Act of 1978 (PDA)**

Prohibits discrimination on the basis of pregnancy. Title VII now includes pregnancy, childbirth, or related medical conditions under the definition of sex discrimination.

#### **2.1.11 Civil Service Reform Act of 1978 (Civil Service Reform Act)**

Establishes a process for federal employees to file complaints based on marital status or political affiliation.

#### **2.1.12 Notification and Federal Employees Anti-Retaliation Act of 2002 (No FEAR Act)**

Requires federal agencies to provide annual notice to employees, former employees, and applicants regarding their rights and remedies under employment discrimination and whistleblower protection laws.

#### **2.1.13 The Genetic Information Nondiscrimination Act of 2008 (GINA)**

Prohibits discrimination in employment based on an employee's or applicant's genetic information or family medical history.

#### **2.1.14 Elijah E. Cummings Federal Employee Antidiscrimination Act of 2020 (Cummings Act)**

Promotes greater transparency in federal agencies by requiring public notice of findings of discrimination, including retaliation.



#### **2.1.15 [Pregnant Workers Fairness Act \(PWFA - 2023\)](#)**

Requires federal agencies to provide reasonable accommodations to qualified employees for known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would impose undue hardship.

#### **2.1.16 [Providing Urgent Maternal Protections Act \(PUMP Act\)](#)**

Requires federal agencies to provide break time and a private, clean lactation space free from intrusion to allow employees to express breast milk for up to one year after a child's birth.

### **2.2 Regulations**

#### **2.2.1 [Title 29 Code of Federal Regulations \(C.F.R.\) Part 1614](#)**

Issued by the U.S. Equal Employment Opportunity Commission, (EEOC), this regulation governs the federal EEO process and works in tandem with the EEOC's Management Directive 110. (See 2.3.1, below.).

#### **2.2.2 [Title 41 C.F.R. Subpart 101-6.2](#)**

Implements GSA's policy prohibiting discrimination based on race, color, or national origin in programs that receive federal financial assistance through GSA.

#### **2.2.3 [Title 41 C.F.R. Subpart 101-8.3](#)**

Implements GSA's policy prohibiting discrimination based on disability in its programs or in those that receive federal financial assistance through GSA.

#### **2.2.4 [Title 41 C.F.R. 101-8.7](#)**

Implements GSA's policy prohibiting age discrimination in its programs or in those that receive federal financial assistance through GSA.

### **2.3 [EEOC](#) Management Directives**

The EEOC enforces federal laws that prohibit discrimination against job applicants and employees based on race, color, religion, sex, national origin, age (40 or older), disability or genetic information. These laws apply to all aspects of employment, including hiring, firing, promotions, harassment, training, wages, and benefits.

#### **2.3.1 [EEOC Management Directive 110 \(MD-110\)](#)**

Provides federal agencies with guidance, policies, and procedures for processing employment discrimination complaints governed under Title 29 C.F.R. Part 1614.

### **2.3.2 [EEOC Management Directive 715 \(MD-715\)](#)**

Establishes policy guidance and standards for federal agencies to maintain effective affirmative EEO programs under Section 717 of Title VII and affirmative action programs under Section 501 of the Rehabilitation Act. It also sets forth general reporting requirements.

## **2.4 Executive Orders**

### **2.4.1 [Executive Order 11478](#) *Equal Employment Opportunity in the Federal Government***

Signed on August 8, 1969, this order established equal opportunity in the federal government for all individuals and prohibits discrimination in federal employment based on race, color, national origin, sex, religion, disability or age. It also requires executive departments and agencies to promote equal employment opportunity through a continuous affirmative program.

### **2.4.2 [Executive Order 13152](#), *Further amendments to Executive Order 11478***

Signed on May 2, 2000, this order prohibits discrimination in the federal workplace based on an individual's status as a parent.

### **2.4.3 [Executive Order 13160](#), *Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs***

Signed on June 23, 2000, this order prohibits discrimination based on race, color, national origin, religion, sex, disability, age, political affiliation, or parental status in federally conducted education and training programs available to the public.

### **2.4.4 [Executive Order 14224](#), *Designating English As the Official Language of the United States***

Signed on March 1, 2025, this order rescinded Executive Order 13166 and affirms the duty of federal agencies to uphold Title VI.

## **2.5 [2025 GSA Annual Administrator's EEO Statement](#)**

Communicates the GSA Administrator's commitment to EEO and a workplace free from discriminatory harassment.

## **2.6 GSA's Civil Rights Policies**

### **2.6.1 [GSA Policy Statement on EEO](#) (GSA EEO Order)**

This Order defines and prescribes GSA's policy on EEO and supports GSA's commitment to providing a workplace free from discrimination, harassment, and retaliation, in accordance with all applicable federal civil rights laws, executive orders, regulations, policies, and guidance. GSA's goal is to prevent and address workplace discrimination, harassment, and retaliation to create and maintain a fair and equitable workplace where all GSA employees, former employees, and applicants for employment have equal employment opportunities.

The EEO Order also provides the process for filing an EEO complaint. The most efficient way to initiate an EEO complaint is by using eFile (available at: [efile](#)). A complainant may also be initiated by contacting OCR by email ([eeo@gsa.gov](mailto:eeo@gsa.gov)), phone (202-501-4571), or Speech-to-Speech Relay (800-898-0740). To file an EEO complaint by mail, contact OCR.

### **2.6.2 [GSA Policy Statement on Harassment, Including Sexual and Non-sexual ADM 2325.8B](#)**

This Order defines and prescribes GSA's policy on harassment, including sexual harassment, non-sexual harassment, and sexual misconduct (Anti-Harassment Policy). It supports GSA's ongoing commitment to providing a workplace free from harassment. The policy ensures that GSA is taking all reasonable steps to prevent harassment and address such conduct before it becomes unlawful (i.e., severe or pervasive).

At GSA, employees may file a harassment complaint through GSA's Anti-Harassment Program, administered by the Office of Human Resources Management (OHRM), as well as through the EEO process. (See 2.8, below, for more information on the Anti-Harassment Program.) The two programs are distinct:

- The Anti-Harassment Program is designed to promptly stop unwelcome conduct and determine whether there has been a violation of GSA's Order on Maintaining Discipline. Only employees may file complaints under this program.
- The EEO process is intended to determine whether a violation of EEO laws has occurred. This process is available to applicants, employees, and former employees.

### **2.6.3 GSA Anti-Harassment Procedures in the Workplace**

Administered by GSA's OHRM, this policy establishes procedures to ensure a workplace free from unlawful harassment. It defines harassing, hostile, or abusive conduct, outlines employee rights and responsibilities; requires periodic training on harassment; and establishes accountability for maintaining a harassment-free workplace. This policy is part of GSA's broader effort to provide a model workplace for its employees.

### **2.6.4 GSA Policy on Nondiscrimination in Federal Financial Assistance Programs 2320.1A ADM**

This directive defines and prescribes GSA's policy and procedures on nondiscrimination in programs receiving federal financial assistance. GSA's policy is to ensure that individuals participating in such programs are treated equitably and without regard to race, color, national origin, sex, age, or disability, in accordance with the applicable federal civil rights laws, regulations, policies, and guidance.

## Chapter 3: The Programs of OCR

### 3.1 Purpose

This chapter describes OCR's programs and how they are administered. OCR is organized as follows: the Mission Delivery Office (MDO), the Adjudication & Compliance Team (A&C), and the Performance Management & Mission Support Office (PMMS). Within MDO, there are two branches—the Complaint Processing Branch (CPB) and the External Programs Branch (EPB)—as well as the Affirmative Employment Program (AEP). See [OCR Organization Chart](#).

### 3.2 Complaint Processing Branch

The CPB administers the informal and formal stages of EEO complaint processing from initial intake through completion of the formal complaint investigation, in accordance with [Title VII](#); [Title 29 C.F.R. Part 1614](#); and [MD-110](#).

### 3.3 Affirmative Employment Program

The AEP oversees the execution of programs and activities designed to achieve and maintain compliance with EEO laws, regulations, and EEOC guidance, and to proactively identify and eliminate discrimination, in accordance with [Title VII](#), the Rehabilitation Act, and [EEOC MD-715](#).

### 3.4 External Programs Branch

The EPB is responsible for processing complaints alleging noncompliance with various federal anti-discrimination laws, regulations and executive orders. It also manages the GSA Language Access Plan, which guides the provision of language access services, including translation and interpretation, to external stakeholders with limited English proficiency (LEP).

In addition, EPB oversees compliance monitoring to ensure that GSA's conducted and assisted programs, services, and activities are administered in a nondiscriminatory manner, consistent with relevant laws, regulations, and executive orders.

### 3.5 Adjudication & Compliance

The A&C team prepares final actions, such as final agency decisions (FAD), final orders (following a decision by EEOC administrative judges) and decisions on allegations of breach of settlement agreements, consistent with Title VII and MD 110. The A&C team is also responsible for ensuring agency compliance with settlement agreements and orders issued by OCR, the EEOC, and federal courts.

### **3.6 Performance Management & Mission Support Office**

The PMMS office supports OCR's mission by promoting management best practices and efficient government operations through technological innovation and performance management. PMMS coordinates OCR training and webinars for GSA employees and program offices on equal employment opportunity and external civil rights matters. The office also supports the development and implementation of contracts, interagency agreements, budgets, human resource management, and overall operational support for OCR.

## **Chapter 4: Roles and Responsibilities of GSA's Officials and Employees**

### **4.1. Purpose**

This chapter outlines the responsibilities of GSA's Officials and Employees in promoting a model work environment that is free from unlawful discrimination, including harassment, and that promotes equal opportunity for all.

### **4.2. Background**

GSA is required to maintain a civil rights program that promotes equal opportunity and identifies, addresses, mitigates, and/or eliminates discriminatory practices and policies in GSA's internal and external operations across the agency.

### **4.3 Responsible Officials and Employees**

The GSA officials responsible for administering and implementing the civil rights program include the following:

#### **4.3.1 GSA Administrator**

Responsible for establishing and maintaining a nationwide civil rights program to ensure nondiscrimination in GSA policies and practices relating to employment, personnel management, procurement, and other GSA programs and services.

#### **4.3.2 GSA Deputy Administrator**

Acts in the absence of the Administrator and performs individual responsibilities as assigned by the GSA Administrator.

#### **4.3.3 Associate Administrator, OCR**

Plans, develops, coordinates, and administers GSA's civil rights programs nationwide. Responsibilities include developing nondiscrimination policies (including anti-harassment), administering the EEO complaint process under Title 29 C.F.R. Part 1614, advising GSA leadership, tracking, and analyzing EEO statistical data, and overseeing all OCR program areas.

#### **4.3.4 Deputy Associate Administrator, OCR**

Acts in the absence of the AA and performs responsibilities as assigned by the AA.

#### **4.3.5 GSA Senior Leadership Officials**

Heads of staff offices (HSSO) and regional administrators must ensure that program operations are free from unlawful discrimination, including harassment.

#### **4.3.6 GSA Managers and Supervisors**

Must ensure that all GSA program operations are nondiscriminatory. Required to comply with the EEO complaint process in accordance with agency policies and procedures and support informal resolution efforts.

#### **4.3.7 GSA Employees**

Must treat others in a nondiscriminatory manner and cooperate with the EEO process in accordance with agency policies and procedures



## Chapter 5: The EEO Complaint Processing Program

### 5.1 Purpose

This chapter provides a detailed explanation of the processing of complaints of discrimination in accordance with the EEOC's regulations, management directives, and enforcement guidance; [Merit Systems Protection Board](#) (MSPB) regulations, GSA's Annual EEO Policy Statement; EEO Order; Anti-Harassment Policy; Anti-Harassment Procedures; and OCR's standard operating procedures.

### 5.2 Background

CPB administers the informal and formal stages of EEO complaint processing, from initial intake to the completion of a formal complaint investigation, in accordance with [Title 29 C.F.R. Part 1614](#) and [Title 5 USC Sec. 1201.151](#). See also, [GSA Policy Statement on EEO](#).

### 5.3 General Overview

The provisions of this chapter apply to all GSA employees, former employees, and applicants for employment who believe they have been subjected to unlawful discrimination in connection with GSA's employment policies and/or practices, unless otherwise specified.

Discrimination, including harassment, may be raised on the basis(es) of race, color, religion, sex, national origin, age (40 and over), disability (mental or physical), genetic information, and retaliation for protected EEO activity.

Claims of discrimination based on marital status, parental status, and political affiliation may be raised during the informal EEO process (see Sec. 4 of this chapter), but will not proceed through the formal EEO process. Instead, OCR staff will refer individuals to the [U.S. Office of Special Counsel](#) (OSC), or MSPB.

Aggrieved individuals alleging discrimination based on sexual orientation may file a complaint with [OSC](#) or [MSPB](#), which are also charged with investigating discrimination complaints; however, unless a referral to another agency is specifically requested, complaints will be processed through GSA's EEO complaint process.

All EEO complaint processing procedures derive from statutory requirements found in [Title 29 C.F.R. Part 1614](#); [EEOC MD-110](#); and [Title 5 United States Code \(U.S.C.\) Sec. 1201.151](#). The timeframes referenced in this Manual are expressed in calendar days.

### **5.3.1 Whistleblower Complaints**

In cases where an individual seeks protection from retaliation after disclosing allegations of wrongdoing, he or she should contact GSA's Office of Inspector General (OIG) [Hotline](#) or [OSC](#).

## **5.4 Key Roles in Processing EEO Complaints**

The OCR staff responsible for EEO complaint processing include the following:

1. CPB Branch Chief:

Oversees the daily functioning of CPB to ensure that branch operations are executed in an efficient and timely manner.

2. EEO Specialist:

Fulfills daily programmatic requirements as directed by OCR's leadership and supports the ongoing function of OCR's program areas. Common tasks include EEO complaint management, including EEO counseling, conducting training, advising and guiding other GSA offices on EEO and civil rights matters, and participating in agency-wide task forces and special projects as assigned.

3. EEO Counselor:

Meets with aggrieved individuals during the informal complaint process to advise them of their rights and responsibilities, conduct limited fact-finding, and facilitate resolution of the complaint. As the first point of contact with OCR, EEO counselors play a critical role in shaping perceptions of OCR through their conduct and professionalism.

4. EEO Investigator:

Responsible for conducting impartial investigations of discrimination claims. Investigators obtain sworn statements and relevant documents to compile a n impartial and complete report of investigation in accordance with EEOC MD-110.

## **5.5 The Informal EEO Complaint Process**

The first step in addressing allegations of discrimination is the informal stage, also referred to as the pre-complaint or EEO counseling stage. The procedures and timeframes for processing informal EEO complaints are outlined in this section.

### **5.5.1 Filing an Informal Complaint**

Informal EEO complaints may be filed via:

- Email: [eeo@gsa.gov](mailto:eeo@gsa.gov);

- Phone: (202-501-4571)
- Speech-to-Speech Relay: 800-898-0740,
- efile [Electronic filing complaint site](#) (available to current employees using GSA equipment only).

To file an EEO complaint by mail, contact OCR.

### **5.5.2 General Information About the Informal EEO Process**

1. An individual (aggrieved party [AP]) must first contact OCR, using one of the methods identified above, within 45 calendar days of the date the AP knew, or should have known of the alleged discriminatory act - or within 45 calendar days from the effective date of a personnel action. This timeframe may be extended in certain circumstances.
2. During the informal EEO process, an AP has the right to representation under Title 29 Sec. 1614.605 (a) and the right to remain anonymous. The AP may choose to seek resolution through traditional EEO counseling or GSA's EEO Alternative Dispute Resolution (ADR) process. (See 5.5.3, below and GSA's EEO ADR Order). Mediation is the agency's preferred method of ADR and is offered during both the informal and formal complaint processes. Per EEO policy and MD-110, managers must participate in mediation when the complainant elects mediation, unless the AA determines that ADR is inappropriate.
3. If the AP elects traditional EEO counseling, a 30-day period begins during which the EEO counselor conducts an informal inquiry into the allegation(s) to attempt resolution. This period may be extended for an additional 60 calendar days by mutual agreement between the AP and the agency.
4. If the AP elects to participate in ADR instead of traditional EEO counseling, the informal process is extended by 60 calendar days, resulting in a total of 90 calendar days for resolution.

### **5.5.3 Requesting ADR**

ADR may be requested at all stages of the administrative EEO process. During the informal stage, an AP has the right to representation. Management is also entitled to representation. If ADR is elected, an EEO Specialist (serving as the ADR manager) will:

1. Coordinate the scheduling of a mediation session with an independent mediator, the AP or complainant, and the appropriate management official (settlement official);
2. Ensure all ADR documents are signed;
3. Inform the parties that a mediator has been assigned;
4. Ensure mediation is scheduled and conducted before the end of the informal process;
5. Send mediation notifications, including the date, time, issues, bases, and remedies to be discussed;
6. Meet with settlement officials to discuss settlement options and mediation strategies;
7. Confer with the Office of General Counsel (OGC) on the issues, bases, and remedies;
8. Obtain fully executed settlement agreements (See Sec. 5.5.4, below);
9. Provide settlement agreements to A&C staff for compliance monitoring;
10. Explain before or during mediation that settlement agreements entered into knowingly and voluntarily are authorized and encouraged by the EEOC;
11. Clarify that settlement agreements typically do not imply fault or wrongdoing by GSA or its employees; and
12. Emphasize that matters discussed in mediation are confidential.

In formal complaints, once the investigation has been completed and a hearing is requested, the EEOC administrative judge (AJ) may order ADR before the hearing.

#### **5.5.4 When Resolution is Achieved**

If the parties agree to resolve the complaint, the terms are documented in a written settlement agreement signed by the AP, the AP's representative (if applicable), and the authorized management official(s). Once a settlement agreement is fully executed, the informal or formal complaint is considered resolved.

The A&C team is responsible for monitoring the implementation of the agreement's terms. Each agreement includes a clause allowing the complainant to allege breach of the settlement agreement if the agency fails to comply with the terms within the agreed timeframe. Breach allegations may be submitted to the AA using any method listed above. The AA will issue a decision on the breach allegation within 60 calendar days of receiving the allegation(s).

### **5.5.5 When Resolution Is Not Achieved during the Informal Process**

If the matter is not resolved within the 30-day period – or the 60-day extension-of the informal EEO process, the EEO counselor must issue the AP a Notice of Right to File (NORTF) a formal EEO. The NORTF informs the AP of the right to file a formal EEO complaint in writing within 15 calendar days of receipt.

Once a formal complaint is filed, the EEO counselor must provide a copy of the EEO counselor's report to OCR within 15 calendar days. At this point, the individual filing the complaint is referred to as a complainant.

## **5.6 The Formal Complaint Process**

### **5.6.1 Filing a Formal Complaint**

A complainant may file a formal complaint within 15 calendar days of receiving the NORTF.

Complaints may be submitted via:

- Email [eeo@gsa.gov](mailto:eeo@gsa.gov);
- Phone: (202-501-4571);
- Speech-to-Speech Relay: 800-898-0740.

To file an EEO complaint by mail, contact OCR directly.

### **5.6.2. Acknowledgement of the Formal Complaint**

Upon receipt of a formal complaint, the assigned EEO Specialist will issue an acknowledgement letter to the complainant confirming receipt of the complaint.

### **5.6.3 Acceptance and Dismissal of a Formal Complaint**

The EEO specialist will review the formal complaint and determine whether to accept, dismiss, or partially accept the complaint. OCR will notify the complainant in writing of its decision and the claim(s) accepted for investigation or dismissed. If a complaint is dismissed in its entirety, OCR will explain the reasons in writing and inform the Complainant of their appeal rights.

If a formal EEO complaint is accepted for investigation, OCR will notify the complainant in writing of the claims that will be investigated. The complainant will have an opportunity to review the letter and confirm whether the written issues accurately reflect the complainant's concerns.

#### **5.6.4 Dismissed Claims**

With a few exceptions, OCR must dismiss a complaint for the following reasons in accordance with Title 29 C.F.R. Sec. 1614.107:

1. Untimely EEO counseling contact;
2. Untimely filing of the formal complaint;
3. Failure to state a claim;
4. Mootness;
5. Complainant cannot be located;
6. Complainant fails to respond to a written request to provide relevant information or to proceed with the complaint;
7. Complainant files an appeal to the MSPB;
8. Duplicate of a pending or adjudicated civil action in U.S. District Court; ;
9. Dissatisfaction with the processing of a previously filed complaint;
10. Duplicate of a claim pending before the EEOC or previously adjudicated;
11. Patter of misuse of the EEO; or
12. Complaint concerns a proposed or preliminary personnel action unless it alleges retaliation.

If the complaint is partially accepted, OCR will identify which claims are accepted and which are dismissed. The dismissed claims will not be investigated, but appeal rights will be provided to the Complainant. Appeals of dismissed claims cannot be made until after a hearing is requested or a Final Agency Decision is issued.

#### **5.6.5 Accepted Claims**

For accepted claims, the EEO Specialist will arrange for an independent investigation. The investigator will obtain sworn statements and relevant documentation from the complainant, managers, and relevant witnesses.

#### **5.6.6 The Investigation**

Investigations must be completed within 180 calendar days of filing, unless there is a written agreement to extend the deadline by up to 90 calendar days.

If the complaint is amended or consolidated with another, the deadline becomes the earlier of:

- 180 calendar days from the most recent amendment or consolidation, or
- 360 calendar days from the original filing date.

Once the investigation is complete, the complainant may request either a FAD or a hearing before an EEOC AJ within 30 calendar days of receiving the Report of

Investigation (ROI). If no request is made, a FAD will be issued based on the ROI. The 60-day clock for a FAD begins after the 30-day decision window ends.

If the ROI is not received within 180 calendar days of the formal filing, the complainant may request a hearing before an EEOC AJ or file a lawsuit in U.S. district court.

### **5.6.7 Mixed Case Complaint**

A mixed case complaint is a formal EEO complaint arising from an adverse personnel action that is appealable to the MSPB. A complainant may elect to proceed through either GSA's EEO complaint process or the MSPB appeals process, but not both.

Actions appealable to the MSPB may include: removal, suspension of more than 14 calendar days, reductions in grade or pay, furloughs of 30 calendar days or less, reconsideration of denials of within-grade salary increases, reduction-in-force actions, involuntary resignations, and involuntary retirements.

If a mixed complaint is accepted for investigation, it must be completed within 180 calendar days of filing, unless there is a written agreement to extend the investigation period by up to 90 additional calendar days. The key distinction between mixed and non-mixed complaints is that, in a mixed case, if OCR does not issue a FAD within 120 calendar days of the formal filing, the complainant may appeal the matter to the MSPB or file a lawsuit in U.S. District Court at any time thereafter.

Upon completion of the investigation, OCR will issue the complainant a copy of the ROI along with a notice that OCR will issue a FAD within 45 calendar days. The notice will also advise that appeals must be filed with MSPB, **not the EEOC**. In a mixed case complaint, the complainant may not elect a hearing before an EEOC AJ.

For additional information about the formal EEO complaint process, follow this link: [Formal EEO Complaint Process](#). For more information on mixed case complaints, follow this link: [Mixed Case EEO Complaints](#).

## **5.7 The Adjudication Process**

### **5.7.1 Hearing Before an EEOC AJ**

If a complainant elects to have a hearing before an EEOC, the AJ takes over the case. At this point, OGC represents the agency, and OCR is no longer involved in the case.

The AJ will establish a schedule and may order the parties to exchange documents through a process called discovery. The AJ presides over the hearing, during which the parties may call witnesses and present documentary evidence. After the hearing, the AJ will issue a decision on whether discriminatory conduct occurred.

If the AJ finds no discrimination, the agency has 40 calendar days to issue a Final Order stating whether it will adopt and fully implement the AJ's decision. If GSA adopts the decision, the complainant has 30 calendar days to appeal the Final Order. (See Appeals in Section 8, below.).

If the AJ finds that discrimination occurred, they may order corrective action to compensate the complainant. For example, the AJ may order reinstatement, promotion, reasonable accommodation, restoration of leave, training, removal of adverse actions from personnel records, payment of attorney's fees, or other remedies. (See Corrective Action in Sec. 5.8 and Remedies in 5.13, below.).

The AJ's decision is sent to OCR. OCR then has 40 calendar days to issue a Final Order stating whether GSA agrees with the decision. If GSA notifies the EEOC that it disagrees, this means the agency will appeal the decision. (See Sec. 5.9, below.).

### **5.7.2 Final Agency Decisions**

A FAD is a written decision issued on behalf of the agency, based on the ROI. A FAD is prepared in the following circumstances: (1) the complainant elects to receive a FAD without requesting a hearing; (2) the complainant fails to elect either a hearing or a FAD; (3) the complaint is a mixed case requiring a FAD; or (4) the EEOC requests GSA to issue a FAD under specific conditions.

The FAD determines whether discriminatory conduct occurred, based solely on the information contained in the ROI. GSA may also issue a FAD in response to allegations of a breach of a settlement agreement. (See Sec. 5.5.4, above.).

If the FAD finds no discriminatory conduct, the complainant may exercise appeal rights included with the decision. If the FAD finds discriminatory conduct, it may order corrective action. (See Corrective Action in Sec. 5.8 and Remedies in 5.13, below.).

OCR must provide copies of the FAD to the complainant, the complainant's representative (if applicable), and the Agency's legal representative. A copy must also be sent to the EEOC AJ, if applicable.



**Special Circumstances:** Office of the Inspector General (OIG) and Senior Executive Service (SES).

If a complaint is filed against the OIG, the Deputy Administrator of GSA signs the FAD or Final Order. If the complainant is a member of the SES, the AA of OCR signs the FAD and notifies the Deputy Administrator.

## **5.8. Corrective Action and Compliance**

Corrective action may include restoration of leave, reinstatement to a position, back pay, front pay, revocation of an adverse personnel action, implementation of a reasonable accommodation, or any measure that remedies the discriminatory conduct. (See Sec. 5.13 for remedies.).

When corrective action is ordered, the AA will advise the head of the relevant service or staff office (or designee) in writing and provide implementation guidance.

The A&C team will monitor implementation and provide additional guidance to agency stakeholders as necessary.

## **5.9. Appeals**

If a complainant is dissatisfied with a Final Order (accepting or rejecting an AJ's decision), or a FAD, he or she may appeal to the EEOC's Office of Federal Operations (OFO) within 30 calendar days of receipt. The [EEOC Public Portal](#) is the preferred method for filing appeals.

Alternatively, the complainant may use the EEOC Form 573, Notice of Appeal/Petition, attached to the FAD or Final Order. While a supporting statement or brief is not required at the time of filing, any brief must be submitted to OFO within 30 calendar days of the appeal notice, per Title 29 C.F.R. Sec.1614.403(d).

A copy of the appeal and any supporting documentation must be provided to both the EEOC and the AA. For mixed case complaints, appeals must be filed with the **MSPB, not the EEOC**. (See Sec. 5.13, below.).

For additional information on non-mixed case appeals, visit: [EEOC Appeals](#). For additional information on mixed case appeals, visit: [MSPB Appeal Process](#).

## **5.10 Post Appellate Action**

If dissatisfied with the EEOC's appellate decision, a complainant may file a **request for reconsideration** with the EEOC within 30 calendar days of receiving the decision. The request must allege either a clearly erroneous interpretation of

material fact or law, or that the decision will substantially affect agency operations, policies, or practices.

The EEOC's decision on a request for reconsideration is final and may not be appealed further. For more details, visit : [Requests for Reconsideration](#).

### **5.11 Filing a Lawsuit in Federal Court on an EEO Complaint**

A complainant may file a lawsuit (civil action) in a U.S. district court under the following circumstances:

After 180 calendar days from filing the complaint with the agency, if no final decision has been issued and no EEOC appeal has been filed;

1. Within 90 calendar days of receiving the EEOC's final decision on appeal;  
or
2. After 180 calendar days from filing an appeal with the EEOC, if no decision has been issued;
3. For age discrimination claims under the ADEA or sex-based wage discrimination under the EPA, complainants may bypass the administrative complaint process and file directly in federal court. An intent-to-sue notice is required under ADEA but not under the EPA. For more information, visit [Filing a Lawsuit in Federal Court](#).
4. Within 90 calendar days of receiving the final decision or final order (FAD) if no appeal has been filed;

If a complainant files a lawsuit, GSA and/or EEOC will stop processing the administrative complaint or appeal.

### **5.12 Filing a Lawsuit in Federal Court on a Mixed Case Complaint**

A complainant may file a civil action in a U.S. district court in a mixed case under the following conditions:

1. Within 90 calendar days of receiving GSA's FAD, instead of appeal to the EEOC;
2. Within 90 calendar days of receiving the EEOC's decision on appeal, if the FAD was appealed;.
3. After 180 days from the filing of the formal complaint, if GSA has not issued a FAD;
4. After 180 calendar days from the filing of an EEOC appeal, if no decision has been issued.

### 5.13 Remedies and Relief

The appropriate remedy in employment discrimination cases is make-whole relief, which is corrective action that fully compensates the complainant for the discrimination. This may include reinstatement, hiring, promotion, back pay, and/or front pay.

Other forms of make-whole relief may include expunging disciplinary records, EEO training for responsible employees, reassignment, compensatory damages for expenses and emotional distress, and reimbursement of attorney's fees.

Non-attorney representatives are not eligible for such fees. All remedies are paid by the GSA organization against which the complaint was filed. For more information, see [EEOC's Guidance on Remedies](#).

### 5.14 Representatives

A complainant may have a representative at any stage in the complaint process. Representatives may include a relative, friend, co-worker, or an attorney. However, individuals whose duties pose a conflict – such as EEO, EEO counselors, EEO specialists, EEO managers, OGC attorneys, or OCR staff – may not serve as a representative.

Reimbursement of attorney's fees may be awarded upon a finding of discrimination. Non-attorney representatives are not eligible for attorney's fees.

GSA management may request that OCR disqualify a representative whose role conflicts with the duties of the representative. See [Title 29 C.F.R. Sec. 1614.605\(c\)](#). Managers and supervisors may also obtain their own personal representatives. OGC attorneys represent the agency only. See [Title 29 C.F.R. Sec. 1614.605\(c\)](#).

### 5.15 Official Time

Employees involved in the EEO complaint process, including APs, complainants, representatives, or witnesses, are entitled to a **reasonable** amount of duty time to prepare complaints and respond to OCR's or EEOC's requests for information. Official time must be requested and approved in advance by the individual's supervisor. See [Title 29 C.F.R. Sec. 1614.605\(b\)](#).

Reasonable time means sufficient time, based on the specifics of the case, to ensure complete responses. The number of hours may vary depending on the complexity of the complaint and the agency's operational needs. Time spent in meetings and hearings with the agency, the EEOC, or MSPB regarding EEO complaints is automatically deemed reasonable.

Managers and supervisors should consult with OCR (and/or with OGC as needed) before approving or denying requests. OCR staff will determine reasonable time based on experience but may adjust the time based on unique case circumstances. Managers or supervisors with questions concerning official time should either contact the assigned EEO Specialist or send an email to [eeo@gsa.gov](mailto:eeo@gsa.gov) for additional information.

### **5.16 Conflict of Interest Complaints**

A conflict of interest (COI) exists when an EEO complaint involves facts and/or allegations that are determined to pose an actual or perceived conflict between an individual's personal interest and GSA's obligation to ensure a fair and impartial complaint process.

Examples of COI complaints include those filed by OCR staff against other OCR staff or management, or complaints filed against senior GSA officials, such as the Administrator or Deputy Administrator.

When OCR identifies a COI, the conflict case manager will coordinate the complaint's processing, typically by another external federal agency. If no outside agency is available, an OCR EEO specialist may manage the case, using outside vendors for EEO services. COI complaints follow the same procedures and timeframes as other EEO complaints.

### **5.17 Class Complaints**

A class complaint is filed on behalf of a group of GSA employees, former employees, or applicants for employment, alleging that the group has been or is being adversely affected by GSA's personnel management policies and/or practices. The class must designate a class agent to file a written discrimination complaint on their behalf.

Once OCR receives a class complaint, it must forward the complaint and any supporting documentation to the EEOC, which will determine whether the class should be certified. The EEOC will consider whether the class agent has demonstrated that:

1. The class is so numerous that a consolidated complaint of all members is impractical;
2. There are questions of fact common to the class;
3. The claims of the class agent are typical of the claims of the class; and
4. The class agent, or the agent's representative, if represented, will fairly and adequately protect the interests of the class.

If the EEOC does not certify the class, OCR must process each complaint individually. (See 29 C.F.R. § 1614.204.)

If the EEOC certifies the class, any individual complaints raising claims that fall within the definition of the class claim will be subsumed within the class complaint. If the class claim proceeds to a hearing on the merits, those individual claims may be presented during the liability phase by the class agent or during the remedy phase by individual complainants.

If class-wide discrimination is not found, OCR will process each subsumed individual claim separately. (See 29 C.F.R. § 1614.204(l)(2).)

For more information, visit: [Class Complaints](#).

## **5.18. Harassment**

Harassment refers to unwelcome conduct, verbal or physical, that is so objectively offensive that it alters the terms or conditions of employment, or is sufficiently severe or pervasive to create a hostile work environment. GSA does not tolerate harassment or retaliation against individuals who report harassment.

GSA has two processes for addressing harassment, and individuals may pursue both simultaneously:

- The **Anti-Harassment Program**, administered by OHRM, is designed to take immediate corrective action if an inquiry finds harassment occurred.
- The **EEO complaint process**, administered by OCR, determines whether harassment violates federal anti-discrimination laws.

### **5.18.1 Filing a Harassment Complaint in OCR**

To file an EEO harassment complaint with OCR, an employee must contact OCR within 45 calendar days of the most recent harassment incident. (See, The Informal EEO Process, Sec. 5.5, above, [GSA Policy Statement on Harassment, Including Sexual and Non-sexual ADM 2325.8B](#) and [GSA Policy Statement on EEO](#)).

### **5.18.2 Filing a Harassment Complaint in OHRM**

In accordance with [GSA's Anti Harassment Procedures](#), employees who believe that they have experienced or witnessed harassment must promptly report the to:

1. Their first-line supervisor, another management official in the employee's supervisory chain; or

## 2. An [Anti-Harassment Coordinator](#)

Managers and supervisors who become aware of, or observe, harassment must initiate an inquiry within 10 calendar days, as required by GSA's Anti-Harassment Procedures. An Anti-Harassment Coordinator may also initiate or direct an inquiry into any report of harassment. (See [GSA's Anti Harassment Procedures](#).)

### 5.19 GSA Reporting Requirements

GSA must collect and report EEO complaint data through three major annual reports.

#### 5.19.1 No FEAR Act requirements

Under EEOC regulations implementing the [No FEAR Act](#), GSA must submit an annual report to Congress, the EEOC, and the U.S. Attorney General summarizing the number and nature of discrimination complaints filed. This report must include:

- Number of complaints filed, by issue and basis
- Number of complainants
- Disciplinary actions taken

GSA is also required to post and update, on a quarterly basis, statistical data on individual, class, and mixed complaints filed by employees, former employees, and applicants. ([See: No FEAR Act information on GSA InSite](#))

The report and posting must cover the five most recent fiscal years. If data for any of those years is unavailable, GSA must include data for the available years. The website must also include interim and year-end data for the current fiscal year.

#### 5.19.2 The [Cummings Act](#)

The Cummings Act amended the No FEAR Act by requiring additional transparency when discrimination is found.

- Once all appeals have been exhausted, GSA must post a notice of the finding on its public website. The notice must include the date of the finding, the law violated, and the dates of the discriminatory conduct. It must remain posted for at least one year.
- GSA must submit a disciplinary report to the EEOC after all appeals are exhausted, indicating whether disciplinary action was proposed, the type of action, and the reason for it.

- If disciplinary action is taken, GSA must annotate the employee's personnel record once all appeals are resolved. The EEOC may refer the matter to OSC if it determines that GSA did not take appropriate action.

See [No FEAR Act information on GSA InSite](#).

### **5.19.3 Annual Federal Statistical Report of Discrimination Complaints**

The EEOC requires GSA to collect and report data annually on discrimination complaints filed against the agency through the Annual Federal Statistical Report of Discrimination Complaints, which is known as the 462 Report. Report.

### **5.19.4 Federal Agency Annual EEO Program Status Report**

GSA must annually submit to the EEOC the Annual Agency EEO Program Status Report (MD-715), using the EEOC's [Instructions to federal agencies for EEO MD-715](#). This report documents GSA's progress in establishing and maintaining an effective EEO program.

For more information about MD-715, see chapter 6, below.

## Chapter 6: The Affirmative Employment Program

### 6.1 Purpose

This chapter outlines GSA's affirmative EEO responsibilities under [EEOC MD-715](#) and [Title 29 C.F.R. Sec. 1614.102](#).

### 6.2 Background

In accordance with [Title 29 C.F.R. Sec. 1614.102](#), GSA must maintain a continuing affirmative program to promote equal opportunity and proactively identify and eliminate discriminatory policies, procedures, practices, and conditions.

### 6.3 Overview

The AEP is responsible for implementing MD-715 through collaboration with agency officials, data collection, an annual assessment, barrier analysis and elimination, and annual reporting.

### 6.4 Effective EEO Program

[MD-715](#) provides the EEOC's policy guidance and standards for establishing and maintaining an effective affirmative EEO program. The EEOC also issues detailed *Instructions to Federal Agencies for EEO MD-715 (Instructions)*, which outline how to implement the directive's policies.

MD-715 assigns overall responsibility to GSA's Administrator to demonstrate leadership commitment and engagement, maintain effective human resources data systems, promote coordination between OHRM and OCR, and ensure compliance with the directive's requirements. GSA's major responsibilities are captured in the MD-715 Report framework.

### 6.5 Development and Submission of Annual Data

#### 6.5.1 Compiling Data

The AEP is responsible for compiling employee and applicant data in accordance with the EEOC's *Instructions* and submitting that data to the EEOC.

OHRM is responsible for collecting and maintaining accurate information on the race, national origin, sex, and disability status of GSA's employees. Per [MD-715](#),



II(E), OHRM must maintain a system that tracks applicant flow data, including applicant demographics and disposition, as well recruitment activities, to support analyses and identification of potential barriers to equal opportunity. See [Title 29 C.F.R. Sec. 1614.203\(d\)\(6\)](#) and [Title 29 C.F.R. Sec. 1614.601](#)

### **6.5.2. Annual and Recurring MD-715 Report Data**

OHRM provides the AEP with recurring report data on employees, applicants, career development programs, reasonable accommodations requests, harassment allegations, exit surveys, recruitment activities, and hires made under Title 5 C.F.R. 213.3102(u) [appointment authority \(Schedule A\) for individuals with intellectual disabilities, severe physical disabilities, or psychiatric disabilities](#).

OHRM is also responsible for providing the AEP with data related to organizational climate surveys, GSA Competitive Development Programs, and training compliance.

OHRM is also responsible for providing the AEP with all time-sensitive deliverables identified in prior year MD-715 Reports, such as plans to correct deficiencies, data on barrier elimination efforts, and narrative updates on recruitment, hiring, advancement, or retention activities related to persons with disabilities (PWD).

## **6.6 Special Program Plan**

The AEP is responsible for assessing the status of GSA's Special Program Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities (Part J of the MD-715 report), including progress in correcting deficiencies and eliminating barriers.

The AEP and OHRM share responsibility for implementing the Special Program Plan for PWD and PWTD, including developing outreach and recruitment initiatives targeting PWD and persons with targeted disabilities (PWTD)<sup>1</sup>.

OHRM must provide the AEP, by October 31 each year, with data and updates on planned and completed actions to increase employment of PWD and PWTD, to promote advancement opportunities, and support retention.

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<sup>1</sup> Targeted Disabilities are 12 specific disabilities identified on OPM's Standard Form (SF) 256 and tracked due to historical discrimination and employment-related issues, including developmental disabilities, traumatic brain injury, deafness, blindness, missing extremities, intellectual disabilities, seizure disorders, paralysis, psychiatric disorders, significant mobility impairments, dwarfism, and significant disfigurement.

## **6.7 Assessment of Agency Compliance**

The AEP must conduct an annual assessment of GSA's compliance with key EEO laws, regulations, and EEOC guidance.

## **6.8 Correction of Identified Deficiencies**

If the AEP finds GSA to be non-compliant, the agency must develop, implement, and corrective actions. Responsibility for timely correcting each identified deficiency rests with the relevant GSA management official overseeing that subject area. The AEP will collaborate with responsible management officials to support the development, tracking, and reporting of progress on planned corrective actions.

## **6.9 Barrier Investigation and Elimination**

Each year, the AEP analyzes data to identify “triggers” that may indicate potential barriers to employment opportunity in employment processes (e.g., recruitment, qualification, referral, interview, selection, hiring, promotion, discipline, awards and recognition, reasonable accommodation, and separation. *Example:* If women comprise 50 percent of applicants for a career development opportunity but only five percent of those selected, the disparity may signal an EEO barrier.

The AEP and OHRM are jointly responsible for investigating such triggers to determine the root cause(s) and whether those causes constitute EEO barriers. If a barrier is confirmed, they must develop a plan to eliminate it.

OHRM is responsible for supporting the AEP with relevant ad hoc data and information requests to support the investigation of prioritized triggers.

When a barrier is identified, responsibility for eliminating it is assigned to a relevant management official with oversight of the subject area. The AEP will collaborate with that official to develop, track, and report progress on elimination or mitigation plans, including follow-up assessments to evaluate effectiveness of the plan.

## **6.10 Development and Submission of the MD-715 Report**

The AEP and OHRM are jointly responsible for preparing the annual MD-715 report for approval by the GSA Administrator and submission to the EEOC by the annual deadline established by the EEOC.

The MD-715 report includes updates on GSA's Title VII and Rehabilitation Act obligations, future corrective actions, and barrier elimination plans. The MD-715 Report includes updates on agency efforts to proactively prevent discrimination and maintain compliance with key EEO-related laws and regulations.

Following approval and submission of the report, the AEP develops a “State of the Agency” briefing for GSA leadership outlining the agency’s progress in achieving an effective EEO program, including barrier analysis outcomes.

## **Chapter 7: The External Civil Rights Program**

### **7.1 Federally Conducted Programs**

#### **7.1.1 Purpose**

This chapter outlines GSA's responsibility to implement and monitor compliance with federal civil rights laws, regulations, executive orders, policies, and guidance related to its conducted programs, services, and activities.

#### **7.1.2 Background**

Federal laws and executive orders require that external stakeholders have equal opportunity to access and participate in GSA's programs, services, and activities free from unlawful discrimination.

#### **7.1.3 General Overview**

EPB is responsible for developing, implementing, and monitoring the agency's compliance with the civil rights laws, regulations, executive orders, and policies applicable to conducted programs, services, and activities. EPB also responds to and investigates complaints alleging civil rights violations in the execution of GSA's programs, services, and activities.

#### **7.1.4. Applicable Statutes**

(See chapter 2 for descriptions of the laws)

[Sec. 606](#);

[Title VI](#);

[Sec. 504 of the Rehabilitation Act](#); and

[Sec. 508 of the Rehabilitation Act](#).

#### **7.1.5. Applicable Executive Order**

[Executive Order 13160](#); and

[Executive Order 14224](#).

#### **7.1.6 The Complaint Process**

##### **7.1.6.1 Sec. 504 Complaints**

OCR is responsible for receiving and processing complaints arising under Sec. 504. Members of the public and employees of GSA's tenant agencies

may file complaints regarding disability access to GSA-owned or GSA-leased real property. Complaints must be filed within 180 calendar days of the alleged discrimination and will be processed in accordance with GSA's implementing regulation at Title 41 C.F.R. Sec. 105-8. Complaints should include specific details about the date, location, and program area(s) involved, as well as the nature of the noncompliance with Sec. 504.

#### **7.1.6.2 Sec. 508 Complaints**

OCR processes complaints arising under Sec. 508. Individuals with disabilities, including job applicants, federal employees, and members of the public, may file a complaint if GSA electronic and information technology (e.g., GSA-branded websites, documents) does not meet Sec. 508 accessibility standards. Complaints must be filed within 180 calendar days of the alleged discriminatory act and are processed per GSA's implementing regulations for Title VI. See Title 41 C.F.R. 105-8.170-4.

#### **7.1.6.3 Sec. 606**

Individuals may file complaints with OCR within 180 calendar days if they believe they have experienced sex-based discrimination in connection with GSA's activities related to public buildings, property, and works.

#### **7.1.6.4 Executive Order 13160**

OCR also processes complaints under Executive Order 13160, which covers federally conducted education and training programs. Complaints must be filed within 180 calendar days of the alleged discrimination and will be processed in accordance with Title 41 C.F.R. 105-8.170-4.

#### **7.1.6.5 Filing a Complaint Related to GSA's Programs, Services, and Activities**

To file a complaint, individuals may contact OCR at [civilrights@gsa.gov](mailto:civilrights@gsa.gov), 202-501-0767 or Speech-to-Speech Relay at 1-800-898-0740. Those wishing to submit a complaint via mail should contact OCR through the methods above for further instructions. If any GSA official other than OCR receives a complaint, it must be immediately forwarded to OCR.

### **7.2 Federally Assisted Programs**

#### **7.2.1 Purpose**

This chapter outlines GSA's policies and nondiscrimination requirements for external organizations or stakeholders receiving financial assistance from GSA.

## **7.2.2 Background**

GSA must ensure nondiscrimination in the programs, services, and activities of organizations that receive financial assistance. GSA programs or services providing federal financial assistance include the Surplus Personal Property Donation Program, real property conveyances for public purposes, the Computers for Learning program, space provided to blind vendors under the Randolph-Sheppard Act, and childcare centers.

## **7.2.3 General Overview**

EPB is responsible for ensuring civil rights compliance in assisted programs, services, and activities. EPB also responds to and investigates complaints related to GSA's assisted programs, services, and activities. (See [GSA Policy on Nondiscrimination in Federal Financial Assistance Programs 2320.1A ADM](#) in chapter 2.)

## **7.2.4 Laws and Implementing Regulations**

The following laws and regulations apply to GSA's federal financial assistance programs (See chapter 2 for descriptions of the laws and regulations):

- [Randolph-Sheppard Act](#);
- [Sec. 606](#);
- [Title VI](#);
- [Age Discrimination Act](#);
- [Sec. 504](#);
- [Title IX](#).; and
- [Executive Order 14224](#)

## **7.2.5. Compliance Reviews**

EPB conducts periodic civil rights compliance reviews of state agencies for surplus properties (SASP) that receive federal financial assistance through GSA programs. These reviews help ensure recipients comply with applicable civil rights laws and nondiscrimination requirements.

Reviews may be conducted in person or virtually and typically include an overview meeting, assessment of recipient operations and facilities, review of documentation, and training. After the review, EPB provides the SASP with findings, recommendations, and if necessary, technical assistance to support compliance.

### **7.2.6 SASP Training**

EPB conducts compliance training for SASPs via webinars, and distributes training materials to help SASPs train their donees and sub-recipients. Training topics include civil rights obligations under federal law and best practices for compliance.

### **7.2.7 Key Roles in the EPB**

The OCR staff responsible for the work of EPB include the following:

1. EPB Chief  
Oversees the daily functioning of EPB to ensure that branch operations are executed in an efficient and timely manner.
2. Equal Opportunity Specialist  
Fulfills daily programmatic requirements as directed by OCR's leadership and supports the ongoing function of EPB's program areas. Common tasks include complaint management and conducting training and compliance activities with GSA's recipients.

### **7.2.8 Complaint Procedures Related to Federal Financial Assistance Programs**

EPB is responsible for receiving and processing complaints alleging discrimination by recipients of GSA-administered federal financial assistance. Covered bases include race, color, national origin, sex, age, or disability. Complaints must be filed within the applicable timeframes unless an extension is granted by the AA or designee. EPB does not have authority to investigate employment discrimination complaints against recipients or donees.

Upon receiving a complaint, EPB first determines whether it has jurisdiction to investigate the matter. If it does not, EPB will refer the complaint to the appropriate agency and notify the complainant in writing.

If EPB has jurisdiction, it may attempt to resolve the matter informally. If informal resolution is unsuccessful, EPB will proceed with a formal investigation, which may include interviews, document review, and if necessary, a site visit (in person or virtual).

The identity of the complainant will be kept confidential during the investigation, except when disclosure is necessary to ensure a thorough and effective investigation.

Within 180 calendar days of receiving the complaint, EPB will issue a written determination of whether a violation of applicable civil rights laws or regulations has occurred. If a violation is found, the recipient will be given a specific period, typically 30 calendar days, to correct the violation or to submit a corrective action plan. Corrective actions may include changes in policy, provision of services, or written assurances of compliance. If the recipient fails to take appropriate corrective action, EPB may recommend enforcement, which can include termination of federal financial assistance to the recipient.

### **7.2.9 Appeals**

If a complainant disagrees with EPB's determination, they may appeal the decision to the AA within 30 calendar days by contacting OCR at:

- Email: [civilrights@gsa.gov](mailto:civilrights@gsa.gov)
- Phone: (202) 501-4571
- Speech-to-Speech Relay at 800-898-0740.

For appeals submitted via regular U.S. mail, complainants should contact OCR in advance using one of the methods above.

### **7.2.10 External Complaint Timelines**

#### [Title VI](#)

Individuals may file a complaint with OCR within 180 calendar days of the alleged discrimination based on race, color, or national origin (including limited English proficiency), if they believe they have been subjected to unlawful discrimination by an entity receiving federal financial assistance through one of GSA's programs.

#### [Age Discrimination Act](#)

Individuals may file a complaint with OCR within 80 calendar days of the alleged discrimination based on age by an entity that receives federal financial assistance through GSA.

#### [Sec. 504](#)

Individuals may file a complaint with OCR within 180 calendar days of the alleged discrimination based on disability by an entity that receives federal financial assistance through one of GSA's programs.



## [Title IX](#)

Individuals may file a complaint with OCR within 180 calendar days of the alleged discrimination based on sex by an entity that receives federal financial assistance through one of GSA's programs.

## [Sec. 606](#)

Individuals may file a complaint with OCR within 180 calendar days of the alleged discrimination based on sex by a SASP or any entity receiving federal financial assistance under the Federal Property Act.

### **7.3 Language Access**

#### **7.3.1 Purpose**

This chapter provides GSA employees with an overview of:

- (a) the civil rights laws, regulations, executive orders and policies requiring meaningful access to GSA programs, services, or activities for external stakeholders who are LEP;
- (b) the responsibilities of GSA's managers, supervisors and employees in providing language access services to support effective communication and meaningful access to GSA's conducted and assisted programs; and
- (c) the technical assistance and guidance available to help GSA's employees identify and use appropriate language services when engaging with LEP stakeholders.

#### **7.3.2 Background**

Title VI prohibits discrimination based on race, color, and national origin. For LEP individuals, language barriers may prevent access to critical benefits or services, understanding of rights, or compliance with responsibilities. Language discrimination can constitute national origin discrimination.

GSA is required to take reasonable steps to ensure that LEP individuals have meaningful access to its programs, services, and activities. EPB leads the Language Access Working Group (LAWG), which coordinates language access efforts across GSA in collaboration with internal and external stakeholders.

### **7.3.3. Overview**

EPB is responsible for monitoring the agency's compliance with requirements to provide language access services to individuals with LEP. These services help ensure meaningful access to GSA's programs, services, and activities. EPB's responsibilities include identifying and translating vital documents into the most frequently encountered languages, facilitating interpretation services where appropriate, and educating GSA employees on their obligation to provide language assistance when needed.

### **7.3.4 LAP**

GSA's current LAP offers comprehensive guidance on how to ensure access for external stakeholders who are LEP. It includes procedures for providing translation and interpretation services, as described above.

### **7.3.5 Language Access Services**

OCR coordinates translation (written) and interpretation (oral) services for use by GSA employees and in-house contractors when communicating with LEP individuals. These services, delivered through contracted vendors, support the agency's obligation to take reasonable steps to ensure meaningful access for LEP stakeholders.

For more information about language access services and GSA's LEP Guidance for Recipients, follow these links: [Office of Civil Rights Library](#) and [LEP Resources](#).

## Appendices

### Appendix A: References and Resources

- [OCR](#) on InSite

#### Relevant GSA Policies & Resources

- [GSA Policy Statement on EEO](#);
- [GSA Policy Statement on Harassment, Including Sexual and Non-sexual ADM 2325.8B](#);
- [GSA's Anti-Harassment Procedures](#);
- [GSA's Reasonable Accommodation Policy and Procedures](#);
- [GSA's Anti-Harassment Coordinators](#);
- [Reasonable Accommodation Coordinators](#);
- [GSA's Policy and Procedures for EEO Alternative Dispute Resolution](#); and
- [Flow Chart - GSA Federal EEO Discrimination Complaint Process](#)

#### Helpful Resources from the EEOC

- [Overview of the Federal Sector EEO Complaint Process](#);
- [EEOC Management Directive 110](#);
- [Title 29 Code of Federal Regulations \(C.F.R.\) Part 1614](#);
- [EEOC Enforcement Guidance on Reasonable Accommodation](#);
- [EEOC Enforcement Guidance on Retaliation and Related Issues](#);
- [EEOC Questions and Answers on Retaliation and Related Issues](#); and
- [Information on the Pregnant Workers Fairness Act](#)

#### Federal Civil Rights Laws

- [Randolph-Sheppard Act](#);
- [Sec. 606](#);
- [The Equal Pay Act of 1963](#);
- [Title VI of the Civil Rights Act of 1964, as amended](#);
- [Title VII of the Civil Rights Act of 1964, as amended](#);
- [The Age Discrimination in Employment Act of 1967, as amended](#);
- [The Rehabilitation Act of 1973, as amended](#);
- [Sec. 504 of the Rehabilitation Act](#);
- [Sec. 508 of the Rehabilitation Act](#);
- [Age Discrimination Act of 1975](#);
- [The Pregnancy Discrimination Act of 1978](#);
- [Civil Service Reform Act of 1978](#) (marital status and political affiliation);
- [No FEAR Act of 2002](#);

- [The Genetic Information Nondiscrimination Act of 2008](#);
- [The Cummings Act](#);
- [Pregnant Worker's Fairness Act](#); and
- [Providing Urgent Maternal Protections for Nursing Mothers Act](#) (PUMP Act)

### **Executive Orders**

- [E.O. 11478](#) (EEO in federal employment);
- [E.O. 13152](#) (Amended E.O. 11478 to add protections for parental status);
- [Executive Order 13160](#) *Nondiscrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs*; and
- [Executive Order 14224](#) (Rescinded Executive Order 13166).

### **Federal Regulations**

- [Title 29 Code of Federal Regulations Part 1614](#);
- [Title 41 C.F.R. Subpart 101-6.2](#);
- [Title 41 C.F.R. 101-8.7](#);
- [Title 41 C.F.R. Subpart 101-8.3](#);
- [Title 41 C.F.R. Subpart 105-8](#); and
- [Title 41 C.F.R. 101-4](#).

<b>OCR's Training Offerings</b>
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- **Basic EEO for Managers and Supervisors** - [OLU Link](#)

This course is a component of the managers' and supervisors' 3-year rotational training program. It is designed to provide managers and supervisors with a basic understanding of equal employment opportunity (EEO) laws and regulations. Duration: 1 hour

- **A Glimpse of Civil Rights** - [OLU Link](#)

During this training, participants will gain a basic understanding of what EEO is and how the federal EEO complaint process works. The training also highlights other civil rights programs and training opportunities. Duration: 1.5 hours

- **A Lesson in EEO for Supervisors** - [OLU Link](#)

This training provides an overview of what EEO is, why the Alternative Dispute Resolution (ADR) program is beneficial, what the roles, functions and expectations are for managers and supervisors, and discusses different scenarios of workplace behavior.

This training course does not replace the mandatory Basic EEO for Managers and Supervisors. Duration: 1.5 hours

- **Settlement Official Training** - [OLU Link](#)

When an EEO complainant indicates that he or she would like to participate in the ADR process, a settlement official is required to participate in the process on behalf of management. This training is designed for individuals who are or might be designated as a settlement official. Participants will gain an understanding of what their role is, the benefits of a productive mediation, and a discussion regarding real life scenarios. Duration: 1.5 hours

- **Fair Employment Rights and Responsibilities** - [OLU Link](#)

Fair Employment Rights and Responsibilities (FERR) helps supervisors at every stage of their careers develop skills proven to positively impact the workplace, further the GSA mission, and improve business outcomes. This highly interactive virtual discussion simulates some of the most important conversations supervisors have with their employees. The topics discussed include: welcoming employee concerns, a manager's duty to act, addressing inappropriate behavior, and modeling the behaviors that ensure an inclusive work environment. Duration: 3 hours

- **No FEAR Act** - [OLU Link](#)

This course explains employees' rights and responsibilities concerning equal employment opportunity (EEO) laws and regulations, EEO processes, Anti-Harassment & Reasonable Accommodation, and the Cummings Act. Duration: 45 minutes

## Appendix B: Glossary

**B 1.1. Administrative Process** – The complaint process prescribed by the EEOC for processing individual and class complaints of discrimination and retaliation.

**B 1.2. Allegation** – An assertion, declaration, or statement made in a complaint that sets out or identifies what the party expects to prove.

**B 1.3. Affirmative Employment** – Proactive steps taken by an employer to prevent and eliminate discrimination and/or to ensure equal employment opportunities for protected class members.

**B 1.4. Alternative Dispute Resolution** – Resolution of a dispute through negotiation, mediation, arbitration, or similar means rather than litigation.

**B 1.5. Barrier** - A policy, procedure, practice, or condition that limits, or tends to limit, employment opportunities for members of a particular group based on membership in a group protected by law, such as race, color, national origin, religion sex, age, disability status, genetic information, marital status, parental status, or political affiliation.

**B. 1.6. Basis** – The type of discrimination prohibited by statute or executive order, also referred to as protected classes, such as discrimination because of an individual's race, color, religion, sex (including pregnancy and sexual orientation), national origin, age, disability, genetic information, retaliation, parental status, marital status, and political affiliation.

**B. 1.7. Class Complaint/Class Action** – A complaint articulated or filed by a group of people who feel that personnel or management policies or practices discriminate against them as a class. Members of the class believe that a characteristic they share -- race, color, religion, sex, national origin, age, and/or disability is the basis for the discrimination. When a class complaint goes to court, it becomes a class action. As with complaints by individuals.

**B.1.8. Discrimination** - Discrimination within the meaning of this manual is any action taken based on an individual's membership in one or more groups because of one or more of the bases described above under Basis, above (B.1.6).

**B. 1.9. Disparate Treatment** – Inconsistent application of rules and policies to an individual or one group of people over another based on one or more protected classes. For example, disciplining Hispanic and Black or African American employees for tardiness, while ignoring tardiness among other employees. Disparate treatment is the most common form of discriminatory conduct.

**B. 1.10. Equal Employment Opportunity (EEO)** – When employment decisions are based exclusively on merit and fitness; and a workplace is free from any consideration of race, color, religion, sex (including pregnancy and sexual orientation), national origin, age, disability, genetic information, and/or retaliation.

**B. 1.11. EEO Complaint** – A document filed with OCR that alleges conduct believed to be based on one's membership in a protected class. See Basis, above.

**B. 1.12. EEO Investigator** – A person officially designated and authorized to conduct inquiries into claims raised in EEO complaints. The authorization includes the authority to administer oaths, gather documents, and to require employees to furnish testimony under oath or affirmation without promise of confidentiality. The EEO Investigator does not make or recommend a finding of discrimination.

**B. 1.13. MD-715 Report** – The EEO Program Status Report that each federal agency submits to the EEOC annually to report the status and progress of its activities undertaken pursuant to its affirmative employment obligations.

**B.1.14. Mediation** – An ADR technique that involves a confidential discussion among two or more parties in conflict, with at least one disinterested individual who facilitates the discussion in an attempt to reach a resolution that is acceptable to all parties.

**B. 1.15. Mediator** – An individual who conducts, leads, or facilitates an ADR session. The neutral has no personal interest in the outcome of the conflict, and performs the neutral duties impartially and without bias.

**B. 1.16. Responsible Management Official** – An individual who is identified in a complaint as having engaged in discriminatory conduct or who is responsible for ensuring correction of an identified compliance deficiency or elimination or mitigation of an identified barrier.

**B. 1.17. Settlements Agreements** – When parties reach a solution, the terms are documented in a written agreement that is reviewed by appropriate individuals, including agency attorneys, and signed by all parties.

**B. 1.18. Settlement Official** - The participating management official who represents the agency during mediation and attempts to resolve the EEO complaint by being an active listener while offering creative solutions to resolve the complaint.

**B. 1.19. Terms, conditions, and privileges of employment** - Refers to a wide range of activities or practices that occur in the workplace, such as work environment, duration of work, work rules and policies, job assignments, duties, production standards, job advancement, hiring, selection, pay, benefits, and

discipline. A prerequisite to an employment agreement that qualifies, restricts, or makes employment contingent upon some other occurrence that may or may not be expressly mentioned; a stated, implied, or presumed stipulation that suspends, rescinds, modifies, or destroys an employment agreement.

### **B.1.20 Types of Employment Discrimination**

**B. 1.20.a. Age** – Age discrimination under the ADEA is present if an individual who is 40 years of age or older is treated unfavorably in the terms and/or conditions of employment because he or she is 40 years of age or older. Additionally, the Age Discrimination Act of 1975 relates to age discrimination in federal programs and covers individuals of all ages.

**B. 1.20.b. Color** – Discrimination based on color occurs when individuals are treated less favorably than others who are similarly situated because of the color of their skin. This is a separately identifiable basis of discrimination, which can also occur in conjunction with race discrimination and national origin discrimination.

**B.1.20.c. Disability** - Disability discrimination occurs when decisions are made based on an individual's disability as defined by the Rehabilitation Act. Disability discrimination may happen in the workplace or in federally assisted and conducted programs and activities, including a failure to provide a reasonable accommodation when doing so does not create an undue burden.

**B.1.20.d. Genetic or Family Medical History** - Genetic discrimination occurs when an employment decision is made, such as denying health insurance because of an individual's family medical history.

**B. 1.20.e. National Origin** – National origin discrimination includes the denial of equal employment opportunity because of an individual's or his/her ancestor's country of origin or because an individual has the physical, cultural, or linguistic characteristics of a particular national origin group.

**B. 1.20.f. Race** – Racial discrimination is present when people are treated differently than others who are similarly situated because they are members of a specific race. Racial discrimination in employment can occur when employees are treated differently because of their relationship with individuals of other races.

**B. 1.20.g. Religion** – Religious discrimination occurs when an employment rule or policy conflicts with an individual's sincerely held religious beliefs, practice, or observance. The definition of "religion" is not restricted to the major religions and includes lesser known or unknown religions. Religious



discrimination also protects individuals who do not embrace any religion and includes failure to provide a religious accommodation when doing so does not create an undue burden.

**B.1.20.h. Sex** - Sex discrimination occurs when decisions are based on the sex or sexual orientation of an individual in employment actions and access to federally assisted and conducted programs and activities. Sex discrimination also includes pregnancy.

#### **B.1.21. Types of harassment and retaliation as forms of discrimination**

**B. 1.21.a. Harassment** – Unwelcome conduct, verbal or physical, based on an individual's membership in a group in **any** of the groups defined in Basis, above (B.1.6).

**B. 1.21.b. Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to such conduct is made either explicitly or implicitly a term condition of employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**B. 1.21.c. Sexual Misconduct** - Sexual harassment or any conduct of a sexual nature by or between employees that interferes with the performance of their official duties or the official duties of other employees, including conduct that results in or gives the appearance of favoritism in employment decisions concerning one of the participants.

**B. 1.21.d. Retaliation** – Retaliation (or reprisal) occurs when an individual is subjected to adverse action because they have engaged in protected activities such as filing a complaint of discrimination, serving as a witness in a discrimination complaint, opposing or rejecting discriminatory conduct, or requesting a reasonable accommodation based on disability or religion. The adverse action need not be an employment action as long as it would dissuade a reasonable person from engaging in EEO activity.

**B. 1.21.e. Retaliation *Per Se*** - Occurs when an act, possibly unintentional, has a chilling effect on an individual's willingness to participate in the EEO process, such as talking someone out of filing a complaint, sharing information about an individual's complaint with someone who does not have a business need to know about the complaint, failing to protect the confidential medical information of an individual who has participated in the EEO process.

**B. 1.21.f. Retaliatory Harassment** - Unwelcome conduct, verbal or physical, based on an individual's participation in protected EEO activity, such as filing an EEO complaint, supporting another individual's EEO activity; opposing conduct made unlawful by the anti-discrimination laws of GSA's EEO policies; or requesting a reasonable accommodation.

**B. 1.22. Withdrawal** – A complainant's election to end the EEO complaint process during the pre complaint or formal complaint stage.