



Division of Personnel Instructional Guide

Guide to the Equal Employment Opportunity (EEO) Complaint Process and Alternative Dispute Resolution for State of West Virginia EEO Counselors and Coordinators

Disclaimer

This Guide is written with the understanding that the West Virginia Division of Personnel (DOP) is not engaged in rendering legal services. If legal advice or assistance is required, the services of legal counsel should be sought. Agencies should also refer to the policies, rules, and regulations, as well as consult with the human resources office within their respective agency. The general information contained should not be construed to supersede any law, rule, or policy. In the case of any inconsistencies, the statutory and regulatory provisions shall prevail.

For technical assistance concerning specific situations, contact the DOP Employee Relations section at (304) 414-1853.

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Definitions and Responsibilities

- A. Agency - Any authority, board, bureau, commission, division, or other entity of state government, however designated, transferred to, or incorporated in one of the departments created in W. Va. Code § 5F-1-2, as well as any affiliated county or municipal agencies. Provided that individual districts, offices, regions, sections, and units within the same agency, however designated, shall not be considered a separate agency.
- B. Alternative Dispute Resolution - A process, including informal counseling or mediation, where a neutral third party helps resolve employment disputes (discrimination or harassment claims) prior to the filing of a formal complaint.
- C. Appointing Authority - The executive or head of a department or agency who is authorized by statute to appoint employees in the classified or classified-exempt service.
- D. Complainant - An individual, either an employee or applicant, alleging illegal discrimination or harassment during the employment process (application through dismissal), not to include retirement benefits or workers' compensation.
- E. Department - The departments of the executive branch of state government provided in W. Va. Code § 5F-1-2.
- F. EEO Complaints - Complaints alleging illegal harassment or discrimination in the workplace because of race, color, sex, age (40 and above), pregnancy, religion, national origin, ancestry, disability, or retaliation for engaging in a protected activity (i.e., opposition to prohibited discrimination or participation in the complaint process) or other protected status explicitly defined under applicable State and federal law.
- G. EEO Coordinator - An individual appointed by an agency or department to coordinate the EEO activities of that agency or department. The EEO Coordinator may provide guidance to EEO Counselors and advise the agency's Appointing Authority on EEO matters and to ensure EEO complaints are appropriately addressed. The Coordinator may also serve as an EEO Counselor.
- H. EEO Counselor - An individual appointed by an agency to serve as a resource for employees to raise their EEO concerns. The EEO Counselor is trained to advise employees and management on proper EEO procedures, perform agency investigations, and is responsible for reporting EEO complaints to the appropriate agency designated representative.
- I. Mediation - A process in which a trained neutral third party assists in resolving a dispute, or at least narrowing and clarifying issues, in a manner that is acceptable to both sides.
- J. Party or Parties - Individuals, groups or organizations directly involved and have an interest in the outcome of a complaint, negotiation, agreement or investigation.
- K. Respondent - Individual(s) accused of discriminatory or harassing conduct.

Introduction

State agencies are responsible for ensuring workplaces are free from illegal harassment and discrimination, and an effective means of redress is available to employees alleging such conduct. In addition to enforcing the Division of Personnel (DOP) *Prohibited Workplace Harassment* policy (DOP-P6), agencies are strongly encouraged to develop policies and practices to respond to complaints of illegal harassment and discrimination to ensure that formal EEO complaints are thoroughly investigated and that appropriate action may be taken to address violations.

The purpose of this Guide is to serve as a reference and procedural resource for West Virginia State agencies' Equal Employment Opportunity (EEO) Counselors and Coordinators during the Alternative Dispute Resolution (ADR) stage when responding to EEO complaints. The information this Guide contains is specific to the response and resolution of EEO complaints from applicants and employees within State agencies. This Guide may be used in conjunction with the DOP [Prohibited Workplace Harassment](#) policy (DOP-P6) and the DOP [Workplace Investigations Guide](#).

EEO Counseling

The EEO Counselor is an individual appointed by an agency to meet with individuals alleging illegal discrimination or harassment in the workplace, to obtain information about the allegations, and to inform the employee about the discrimination and harassment laws enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and the WV Human Rights Commission (HRC). If authorized by the agency, the EEO Counselor may also attempt to resolve complaints through the ADR stage and, when appropriate, perform agency EEO investigations. To fulfill the duties of the EEO Counselor, the appointed individual must;

- Understand the protected classes and laws that established them under the EEOC;
- Explain a Complainant's rights and responsibilities under State and federal EEO laws, rules, and policies.
- Explain the stages of the EEO process, including Informal Resolution, Mediation, filing a formal EEO complaint with the agency for investigation, and filing directly with the HRC and the EEOC (dual filing).

State and Federal Laws Enforced by the EEOC and/or the HRC

Below is a summary of key laws that protect individuals from discrimination and harassment based on protected characteristics. These workplace protections are enforced by the EEOC and the HRC. Please note that this list is not exhaustive.

Federal Laws

Age, Race, Color, Religion, Sex, Gender, or National Origin

- The Equal Pay Act of 1963 ([29 U.S.C. 206](#)) amended the [Fair Labor Standards Act](#) to abolish wage disparity based on sex. The law requires that men and women in the same establishment who perform substantially equal work be paid equally.
- Title VII of the Civil Rights Act of 1964, as amended ([Pub. L. 88–352](#), 78 [Stat. 241](#)), is a federal law that prohibits discrimination based on race, color, religion, sex (including pregnancy), gender, or national origin. It prohibits discrimination in public accommodations, federally funded programs, and employment. The Act also established the Equal Employment Opportunity Commission (EEOC).
- The Age Discrimination in Employment Act of 1967 (ADEA) ([29 U.S.C. § 621](#) to [29 U.S.C. § 634](#)). The ADEA prevents age discrimination against anyone, at least 40 years of age, in employment and provides equal employment opportunity under the conditions that were not explicitly covered in Title VII of the Civil Rights Act of 1964.
- The Pregnancy Discrimination Act of 1978 ([Pub. L. 95–555](#)) amended [Title VII of the Civil Rights Act of 1964](#) to "prohibit sex discrimination on the basis of pregnancy."

Disability

- The Rehabilitation Act of 1973 ([Pub. L. 93–112](#), 87 [Stat. 355](#)) requires affirmative action in employment by the federal government and by government contractors and prohibits discrimination on the basis of disability in programs conducted by federal agencies, in programs receiving federal financial assistance, in federal employment, and in the employment practices of federal contractors.
- The Americans with Disabilities Act of 1990, as amended (ADA) ([42 U.S.C. §§ 12101](#)), prohibits discrimination based on disability. It affords similar protection against discrimination as the Civil Rights Act of 1964. Unlike the Civil Rights Act, the ADA also requires covered employers to provide [reasonable accommodations](#) to employees with disabilities.
- The Pregnant Workers Fairness Act of 2022 ([29 CFR Part 1636](#)) is a federal law that prohibits discrimination and ensures workplace accommodations for workers with known limitations related to pregnancy, childbirth, or a related medical condition.

Genetic Information

- The Genetic Information Nondiscrimination Act of 2008 ([Pub. L. 110–233 \(text\) \(PDF\)](#), 122 [Stat. 881](#)) prohibits the use of genetic information in employment and health insurance. It prohibits employers from using individuals' genetic information in employment decisions and health insurers from denying coverage to a healthy individual

or charging that person higher premiums based solely on a genetic predisposition to developing a disease in the future.

Retaliation

- An employer cannot retaliate and punish the employee with termination or some other adverse action when that employee has taken a protected activity, such as reporting or refusing to participate in something with the reasonable belief the activity is illegal; participating in a protected reporting and investigation process; notifying the employer of a medical condition or disability. The [Equal Employment Opportunity Commission](#) (EEOC) protects employees when reporting workplace discrimination or harassment.

State Law

Age, Race, Color, Religion, Sex, Gender, National Origin, or Disability

- The West Virginia Human Rights Act (WVHRA) of 1961 ([West Virginia Code § 16B-17-1et seq.](#)) prohibits discrimination in employment, housing, and public accommodations based on certain protected characteristics. It aims to eliminate discrimination and promote understanding among all citizens of West Virginia. The West Virginia Human Rights Commission enforces the WVHRA.
- Equal Pay for Equal Work for State Employees ([West Virginia Code § 21-5E-1 et seq.](#)) 1998 prohibits discriminatory wage differentials between equivalent jobs based on gender.
- The White Cane Law of 1969 ([West Virginia Code § 5-15-1 et seq.](#)) establishes rights and protections for individuals who are blind or have other disabilities in public spaces. It also addresses issues related to fraudulent representation of disability and service animals.

Anti-discrimination Laws Not Enforced by the EEOC or HRC

Military Service

- The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (or VEVRAA) was enacted to prohibit employment discrimination against Vietnam-era veterans, disabled veterans, and any other veterans who served active duty time in a war event that qualifies for a campaign badge.

The law now applies to any veteran who served on active duty during a war, including the Vietnam War and the Gulf War, which is defined as beginning on August 2, 1990,

with no fixed end date. The [U.S. Department of Labor, Office of Federal Contract Compliance Programs](#) (OFCCP) administers and enforces VEVRAA. To file a complaint or pre-complaint inquiry visit [OFCCP Complaint Process](#).

- The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) ([Pub. L. 103–353](#)), codified as amended at ([38 U.S.C. §§ 4301–4335](#)) protects the civilian employment of active and reserve military personnel called to active duty. The law applies to all uniformed services and their respective reserve components. USERRA clarifies and strengthens the Veterans’ Reemployment Rights (VRR) Statute by protecting civilian job rights and benefits for veterans, members of reserve components, and even individuals activated by the President of the United States to provide Federal Response for National Emergencies. USERRA complaints must be filed with the [U.S. Department of Labor, Veterans Employment and Training Service](#) (DOL-VETS). If you are considering filing a USERRA complaint or simply want to learn more, contact the [Employer Support of the Guard and Reserve](#) (ESGR). ESGR is an agency within the Department of Defense established expressly to help resolve USERRA issues.

Emergency Medical Service Attendants, or Personnel and Volunteer Firemen

- The West Virginia Wage Payment and Collection Act ([§ 21-5-17](#)) 1987 ([§ 21-5-18](#)) 1989 prohibits employers from discharging employees for time lost as emergency medical service attendants, or personnel or volunteer firemen.

Tobacco Use

- Discrimination for use of tobacco products prohibited ([West Virginia Code § 21-3-19](#)) 1991, prohibits employers from discriminating against employees or job applicants based on their use of tobacco products off the employer's premises during non-working hours. This means an employer cannot refuse to hire, discharge, or otherwise disadvantage someone solely because they smoke or use tobacco products outside of work.

Political Affiliation

- First Amendment to the United States Constitution. Supreme Court Decision [Branti v. Finkel, 445 U.S. 507 \(1980\)](#) held that First Amendment rights limit political patronage dismissals in government employment. Public employees cannot be discharged solely because of their political beliefs or affiliations, unless political affiliation is an appropriate requirement for the job.

Best Practices

The following best practices are intended to support EEO Coordinators and Counselors in carrying out their responsibilities. Before responding to allegations of workplace discrimination or harassment, agencies should carefully review the applicable policies, rules, and regulations, and seek guidance from their human resources office. The forms and letters referenced in this guide are provided as examples.

Agencies may develop their own documents and materials as needed. Definitions, sample forms and letters are included at the end of this guide.

Receipt of the Complaint

Initial Contact Interview: During the initial contact interview, the EEO Counselor's objectives are to:

1. Obtain pertinent information from the Complainant. Ascertain if the Complainant's claim(s) fall under the purview of EEO.
2. If the Complainant's allegations appear to fall within the purview of EEO, record all pertinent information using the EEO Counseling Intake Form (EEO-2).

If the basis for the complaint is not protected under EEO (e.g., nondiscriminatory hostile workplace harassment), advise the Complainant of the available options to address their concerns, such as speaking to the agency's human resources office or, if applicable, pursuing a complaint through the West Virginia Public Employees Grievance Procedure.

If, after being advised, the complaint does not fall under the purview of EEO, and the Complainant still desires to file a formal state or federal EEO complaint, they should be directed to the State HRC and/or EEOC, as appropriate. The EEO Counselor should avoid any action that may appear as interference with the Complainant's right to complain about illegal discrimination or harassment.

3. Explain the agency EEO complaint process and cover the *Notice of Rights and Responsibilities* (EEO-1). Retain a copy of the signed form for your records.
4. Provide the Complainant a copy of the *Alternative Dispute Resolution (ADR) FAQ* and explain the difference between Informal Resolution and *if available*, Mediation. Ask the Complainant if they would like to attempt to address the matter through the ADR process.
5. Advise the individual of their right to file a Formal Complaint and cover the investigation options, process, and time limits to file.
6. Provide the Complainant the *EEO Notice of Rights/Formal Complaint* form (EEO-3).

Initial Contact Sample Documents: *EEO Intake Form* (EEO-2), *Notice of Rights & Responsibilities Form* (EEO-1), *Alternative Dispute Resolution FAQ*, *EEO Notice of Rights/Formal Complaint* form (EEO-3).

Note: *EEO Counselors should confer with the department EEO Coordinator in cases alleging discrimination in hiring, termination, salary, or promotion, or in cases where a supervisor has taken an illegal tangible employment action prior to attempting to resolve the complaint through the ADR process.*

Paths to Remediation

Following the initial contact interview, the EEO Counselor should notify the department EEO Coordinator or other designated authority that a complaint has been received and whether the Complainant has agreed to an Informal Resolution, Mediation, or desires to file a formal EEO complaint with the agency for investigation, or directly with the HRC and/or the EEOC. If elected by the Complainant and authorized by the agency, the EEO Counselor may attempt Informal Resolution by encouraging a solution satisfactory to all parties, or if elected by the Complainant and agreed to by the Respondent, arrange for a Mediation by a trained agency mediator or third-party.

NOTE: *Agencies are encouraged to resolve the matter through ADR. If necessary and if elected by the Complainant, the agency may also conduct a formal internal investigation to resolve the complaint. However, it is the Complainant's right to refuse these attempts at resolution and file a formal complaint directly with the HRC and the U.S. EEOC at any time.*

Informal Resolution:

If the Complainant elects an Informal Resolution, obtain the parties' signatures on the *Agreement to Informal Resolution Form* (EEO-IR1). The EEO Counselor may attempt an Informal Resolution with only the consent of the Complainant. However, the Respondent's willingness to enter into an agreement is a good indicator of the resolution outcome.

An EEO Counselor seeks an Informal Resolution by encouraging a solution to the situation that is satisfactory to both parties (or all parties involved). This may be accomplished by two methods:

1. Conducting individual interviews with the Complainant and the Respondent. Acting in the role of intermediary by carrying information between the Parties, the EEO Counselor will conduct one or more interviews with the Parties separately; or
2. Facilitating meeting(s) between the Parties, with the EEO Counselor acting as a neutral facilitator during the meeting or meetings to encourage an agreed-upon solution.

If a solution can be agreed upon, the EEO Counselor will:

1. Document the agreed-upon terms on the *Agreement to Informal Resolution Form* (EEO-IR1) and obtain all Parties' signatures affirming their agreement to the terms and that the matter has been resolved;
2. Provide all Parties with a copy of the signed form;
3. Complete the *EEO Counselor's Report Form* (EEO-4); and
4. Submit the completed *EEO Counselor's Report Form* to the department EEO Coordinator or designated agency representative.

If a solution cannot be agreed upon, the EEO Counselor will:

1. Inform all Parties that the Informal Resolution process is terminated, and send the Complainant the *Failure of Informal Resolution/Notice of Final Interview Letter*.
2. Conduct a Final Interview with the Complainant, during which the EEO Counselor will:
 - a. Determine the Complainant's interest in a Mediation proceeding or filing a formal EEO complaint for formal investigation by the agency or filing a formal complaint with the HRC and/or EEOC, and,
 - b. Provide the Complainant the *EEO Notice of Rights/Formal Complaint* form (EEO-3).
3. Submit to the EEO Coordinator or designated agency representative the;
 - a. *Rights & Responsibilities* (EEO-1)
 - b. *Initial Contact Interview Form* (EEO-2)
 - c. *EEO Notice of Rights/Formal Complaint* form (EEO-3)
 - d. *EEO Counselor's Report Form* (EEO-4)

Informal Resolution Sample Documents: *Agreement to Informal Resolution Form* (EEO-IR1), *Failure of Informal Resolution/Notice of Final Interview Letter*.

Mediation

Mediation must be conducted by a trained Mediator and requires the consent of both parties before commencing. If the Complainant and Respondent elect mediation, the Appointing Authority or designated representative must obtain a trained agency Mediator or third-party Mediator to facilitate the mediation. Follow your agency's policy or policies concerning mediation for EEO complaints. If no such policy is in place, the following guidance may be applied:

1. Explain the mediation process and provide the *Alternative Dispute Resolution FAQ* to all Parties.
2. Schedule the mediation and obtain signatures of all Parties on the *EEO Agreement to Enter into Mediation Form* (EEO-M1)

If the mediation is successful, the EEO Counselor will:

1. Obtain the completed *Mediation Agreement Form* (EEO-M2) from the Mediator documenting the terms and conditions of the agreement with the signatures of all Parties and witnesses;
2. Prepare a closure letter using the *Mediation Letter of Agreement/Closure Letter*, documenting the terms and conditions agreed to during the Mediation.

3. Obtain signatures and provide signed copies of the agreement to all Parties; and
4. Submit a copy of the EEO Counselor's Report Form (EEO-F4) and a copy of the signed *Mediation Letter of Agreement/Closure Letter* to the agency EEO Coordinator or designated agency representative.

If the mediation was unsuccessful, the EEO Counselor will:

1. Inform all Parties that the mediation process is terminated; and
2. Issue the EEO *Notice of Final Interview - Failed Mediation Letter* to the Complainant.
3. Conduct a Final Interview with the Complainant, during which the EEO Counselor will:
 - a. Determine their interest in proceeding with a formal EEO Complaint for investigation by the agency, or filing a formal complaint with the HRC and/or EEOC, and;
 - b. Provide an *EEO Notice of Rights/Formal Complaint* form (EEO-3)
4. Submit the following to the designated agency representative:
 - a. *Rights & Responsibilities* (EEO-1)
 - b. *Intake Form* (EEO-2)
 - c. Notice of Final Interview - Failure to Mediate Letter
 - d. *EEO Notice of Rights/Formal Complaint* form (EEO-3)
 - e. *EEO Counselor's Report Form* (EEO-4)

Mediation Sample Documents: *Agreement to Enter into Mediation Form* (EEO-M1), *Mediation Agreement Form*, (EEO-M2), *Failed Mediation Letter*, *Mediation Letter of Agreement/Closure Letter*

Formal Complaints and Investigations

Filing Complaint to HRC and/or EEOC

If a Complainant elects to file a formal EEO complaint, the EEO Counselor will:

1. Obtain the completed *EEO Notice of Rights/Formal Complaint* form (EEO-3) from the Complainant, indicating if they are electing to file for an internal Agency investigation or whether the Complainant has elected to file a Formal Complaint for investigation by the agency, or to file directly with the HRC and/or the EEOC.
2. Notify the department's EEO Coordinator or other designated agency representative of the receipt of the formal complaint for further instruction.

3. If the Complainant has elected to file directly with the HRC and/or the EEOC, the EEO Counselor should explain the “Dual Filing” arrangement between the HRC and the EEOC. It is not necessary for the Complainant to file with both agencies.
4. If the Complainant has elected to have a formal agency investigation, the Appointing Authority or designated agency representative should appoint two (2) investigators, typically one male and one female, to perform the EEO investigation. The Appointing Authority or its designee should acknowledge receipt of the complaint in writing to the Complainant.

Formal Agency Investigation

Follow your agency’s policy or policies concerning the investigation of formal EEO complaints. If your agency has no such policy, refer to the [DOP Workplace Investigations Guide](#) for investigation guidance, reports, and sample correspondence necessary for the formal investigation process.

Following the formal agency investigation, the agency EEO Counselor or Coordinator must:

1. Inform the Complainant and Respondent of the outcome of the investigation. Specific details of the investigation findings are confidential. The *Investigative Results Notice to Complainant* should include investigation closure language advising the Complainant of their right to file a formal complaint with the HRC and/or the EEOC if the investigation does not resolve their complaint. Sample Investigative Results Notice letters may be found in the [DOP Workplace Investigations Guide](#).
2. Conduct a Final Interview with the Complainant to determine if the results of the investigation resolved the issue to the Complainant's satisfaction, or confirm their interest in pursuing a Formal Complaint with the HRC and/or EEOC.

Formal Investigation Documents, Forms, and Letters are available in the [DOP Workplace Investigations Guide](#)

Record Keeping

Securely retain the *Confidential Investigative Findings Report* (completed by the investigators), all documentation, witness statements, reports, and evidence for a period no less than five (5) years or until the final disposition of any subsequent legal proceedings in accordance with State and agency retention schedules.

EEO Sample ADR Forms and Letters

EEO Notice of Rights and Responsibilities (EEO-1).....14

EEO Complaint Intake Form (EEO-2) 16

EEO Notice of Rights/EEO Formal Complaint Form (EEO-3) 20

EEO Counselor’s Report Form (EEO-4)..... 25

Alternative Dispute Resolution FAQ..... 27

Agreement to Informal Resolution Form (EEO-IR1)30

EEO Failure of Informal Resolution/Notice of Final Interview Letter 32

EEO Agreement to Enter Into Mediation Form (EEO-M1)33

EEO Mediation Agreement Form (EEO-M2)..... 35

EEO Failed Mediation/Notice of Final Interview Letter 38

EEO Mediation Letter of Agreement/Closure Letter (Long and Short) 39

RIGHTS AND RESPONSIBILITIES FOR INDIVIDUALS SEEKING EEO COUNSELING

Individuals who seek EEO counseling should be aware of their rights and responsibilities under the law, which include, at a minimum, the following:

1. The **right** to anonymity when discussing options concerning a potential workplace harassment or discrimination with an EEO counselor or coordinator, and that related information will be held strictly confidential, except in circumstances as required by law to governmental authorities.
2. The **right** to know that the EEO counselor is not an advocate for either the aggrieved party or the agency, but acts strictly as a neutral party in the EEO process.
3. The **right** to participate in resolving the EEO problem through the alternative dispute resolution (ADR) process, including informal resolution conducted by the EEO counselor, or mediation by a neutral third-party selected by the agency.
4. When ADR is elected and a resolution is not reached, the **right** to receive notification of the termination of informal resolution or mediation attempts, and of:
 - A. The **right** to file a Formal EEO Complaint with the agency for consideration and, if appropriate, a formal agency investigation.
 - B. The **right** to file a Formal EEO Complaint with the WV Human Rights Commission and, within **180 days** of the alleged harassment, with the U.S. Equal Employment Opportunity Commission (EEOC); and
 - C. The **right** to information concerning the appropriate process for filing the Formal EEO Complaint.
5. Upon receipt of the EEO Complaint, the agency administrator or appointed authority will be **responsible** for determining if the complaint falls under EEO purview. If it is determined that the alleged conduct may be in violation of State and/or federal law, investigators will be assigned by the agency.
6. If it is determined that the complaint does not fall within the parameters of EEO law, the aggrieved party has the **right** to address their supervisor or manager directly or pursue the matter through the West Virginia Public Employees Grievance Procedure. However, it is the **responsibility** of the aggrieved party to take affirmative steps to address the complaint in these forums, including understanding differing time frames or timeliness requirements for other state agencies.
7. The **right** to go directly to a court of competent jurisdiction on claims of illegal discrimination or harassment in the workplace.
8. The **responsibility** to keep the agency abreast of any changes to the counselee's current mailing address, email address, and telephone number(s).
9. The **responsibility** to know that only those claims raised at the counseling stage or claims that are like or related to those that were raised may be the subject of any formal EEO complaint.
10. The **responsibility** to provide true and complete information, whether verbal or written, to counselors and coordinators.

RIGHTS AND RESPONSIBILITIES FOR INDIVIDUALS SEEKING EEO COUNSELING

I affirm that I have read and understand the above statements. By signing below, I certify that the statements made by me during this and any future proceedings are made in good faith.

Attested to by:

Individual Counselee

Date

The respective "Rights and Responsibilities" listed above have been reviewed with, and explained to, the individual who has sought EEO Counseling by the EEO Counselor on this date.

EEO Counselor

Date

EEO COUNSELING INTAKE FORM

COUNSELEE PERSONAL INFORMATION

Counselee Name: _____

Address: _____

Phone: _____

Cell: _____

Email: _____

WORK INFORMATION

Employing Agency: _____

Counselee's Job Title: _____

Work Address: _____

Work Telephone: _____

May Counselor call Counselee at work? Yes No

Work Email: _____

May Counselor contact you through email? Yes No

Supervisor's Name: _____

Supervisor's Job Title: _____

Supervisor's Telephone Number: _____

Supervisor's Email Address: _____

Has the Counselee reported incident(s) to his/her supervisor? Yes ____ No ____

INCIDENT(S)

Basis of Complaint (check all that apply):

- ☐ Age (40 years of age or older)
- ☐ Color
- ☐ Disability or related accommodation
- ☐ Genetic information (*including family medical history or participation in genetic services like counseling, education, or testing*)
- ☐ National origin or ethnicity
- ☐ Race
- ☐ Religion or related accommodation
- ☐ Sex (including sexual orientation or transgender status)
- ☐ Pregnancy (including childbirth or related medical condition) or related accommodation
- ☐ Retaliation - Complained to the EEOC and/or the HRC about job discrimination, harassment, or retaliation

SAMPLE- Click Link For Google Doc Copy

EEO COUNSELING INTAKE FORM

- ☐ Retaliation - Complained to employer or another government agency about job discrimination, harassment, or retaliation
- ☐ Retaliation - Helped with or was a witness to someone else's complaint about job discrimination, harassment, or retaliation.

Date of Alleged Discrimination/Harassment Incident(s):

Reason for Delayed Contact Beyond 45 days (if applicable):

Summary of Alleged Discrimination/Harassment Incident(s):

_____ [Add additional pages, if needed]

Names of persons who participated in alleged incident(s):

Witnesses to alleged incident(s):

SAMPLE- Click Link For Google Doc Copy

EEO COUNSELING INTAKE FORM

Counselee's or witnesses response to the incident:

How have the alleged incident(s)/conduct impacted you personally or at work?

Names of anyone Counselee has told about the alleged incident(s):

Location of alleged incident(s):

Documents or evidence relating to the incident(s), if any:

COUNSELING DETAILS

Counselor's Name: _____

Place Where Counseling Occurred: _____

Date: _____ Time: _____

Does Counselee Wish to Remain Anonymous Currently? Yes ____ No ____

Will the Counselee agree to the EEO Counselor attempting an Informal Resolution to resolve this case?

Yes ____ No ____

Will the Counselee agree to Mediation in attempting to resolve this case? Yes ____ No ____

SAMPLE- Click Link For Google Doc Copy
EEO COUNSELING INTAKE FORM

The Counselee agrees that the information contained in this Intake Form is true and accurate to the best of the Counselee's knowledge and recollection.

Counselee

Date

The EEO Counselor attests that this is a true and accurate representation of the Initial Counseling Session with the above-named Counselee.

EEO Counselor

Date

Witness or Representative (If applicable)

Date

SAMPLE- Click Link For Google Doc Copy
[Department/Agency]
EEO NOTICE OF RIGHTS/FORMAL COMPLAINT FORM

If you believe you have been harassed or discriminated against in the workplace on the basis of your age, color, disability, genetic information, national origin, race, pregnancy, religion, sex, or retaliation for participating in a protected workplace activity, it is your RIGHT to file a formal EEO complaint with the WV Human Rights Commission (HRC), U.S. Equal Employment Opportunity Commission (EEOC) or the [Department].

An employee or applicant who believes they have been subjected to unlawful workplace discrimination or harassment is urged to discuss Alternative Dispute Resolution (ADR) with an EEO Counselor before filing a formal EEO complaint with the agency, HRC, or the EEOC. ADR is designed to attempt resolution of an EEO dispute through Informal Resolution or Mediation, more quickly than the formal complaint and investigation process. However, it is your right to forego both Informal Resolution and Mediation.

Please fill out this form as thoroughly as possible using additional sheets of paper as needed. Please contact the agency EEO Counselor or the Division of Personnel's Employee Relations section if you have questions regarding the form or its completion.

PERSONAL INFORMATION

Name _____

Home Address _____

Home Telephone _____ Cell Phone _____

Email _____

WORK INFORMATION

Agency Where You Work: _____

Work Address: _____

Work Telephone: _____ May we contact you at this number? Yes ____ No ____

Supervisor's Name: _____ Supervisors Title: _____

SAMPLE- Click Link For Google Doc Copy
[Department/Agency]
EEO NOTICE OF RIGHTS/FORMAL COMPLAINT FORM

COMPLAINT DETAILS

Which of the following best describes why you believe you were discriminated against or harassed:

- ☐ Age (40 years of age or older)
- ☐ Color
- ☐ Disability or related accommodation
- ☐ Genetic information (including family medical history or participation in genetic services like counseling, education, or testing)
- ☐ National origin or ethnicity
- ☐ Race
- ☐ Religion or related accommodation
- ☐ Sex (including sexual orientation or transgender status)
- ☐ Pregnancy (including childbirth or related medical condition) or related accommodation
- ☐ Retaliation - Complained to the EEOC and/or the HRC about job discrimination, harassment, or retaliation
- ☐ Retaliation - Complained to employer or another government agency about job discrimination, harassment, or retaliation
- ☐ Retaliation - Helped with or was a witness to someone else's complaint about job discrimination, harassment, or retaliation.

On what date(s) did the alleged discrimination/harassment take place?

If there was continuing discrimination/harassment, what is the date of the most recent occurrence?

Please provide the name(s) of the person(s) you allege engaged in discrimination or harassment.

Name: _____ Job Title: _____

Work Address: _____

Work Telephone: _____ Relationship to you: _____

Name: _____ Job Title: _____

Work Address: _____

Work Telephone: _____ Relationship to you: _____

SAMPLE- Click Link For Google Doc Copy
[Department/Agency]
EEO NOTICE OF RIGHTS/FORMAL COMPLAINT FORM

Explain the events that occurred. How were you treated differently from other individuals at your workplace? You may attach a statement or explanation separately if you need more space. You may also attach any written documentation pertaining to this matter, such as emails, letters, or relevant notes.

Are there any witnesses you believe have direct knowledge of your allegation with whom we may contact for additional information to support or clarify your complaint?

What resolution do you seek?

SAMPLE- Click Link For Google Doc Copy
[Department/Agency]
EEO NOTICE OF RIGHTS/FORMAL COMPLAINT FORM

EXPLANATION OF EEO INVESTIGATION PROCESS AND FILING OPTIONS AVAILABLE TO YOU

Electing an internal agency investigation does not interfere with your right to file a formal complaint directly with the HRC and/or the EEOC during or following the outcome of the agency investigation. If you elect to file a formal EEO complaint for investigation by [Department/Agency], the [agency appointing authority or designee] will [Enter agency-specific process or consider the following: appoint two trained investigators to investigate the complaint. Investigators will schedule interviews with you and any witnesses you identify who may have direct knowledge of the harassment or discrimination. Parties and witnesses involved in the investigation may provide evidence (documents, reports, emails, texts) to support their statements to investigators.]

Upon completion of the investigation, a completed EEO Investigative Report will be provided to [the agency's appointing authority or appointed designee] for consideration and, if appropriate, corrective action.

You and the individual(s) you believe discriminated against you, also known as the Respondent(s), will be notified in writing the results of the investigation.

- Substantiated – *The allegation is supported by the evidence.*
- Substantiated in part – *Some of the allegations are supported by the evidence.*
- Unsubstantiated – *Sufficient evidence to support the claim was not found.*
- Inconclusive – *Conflicting evidence, unclear outcome.*

In either case, you will not be given specific details of any employment action taken against any Respondent(s) as a result of this investigation, as employment actions are protected under the federal Privacy Act.

If you choose to file a formal complaint with the HRC and/or the EEOC, you must do so within the time limits provided below.

The West Virginia Human Rights Commission

Online at <https://hrc.wv.gov>

Or by telephone toll-free at 888-676-5546.

Complaints must be filed within 365 calendar days of the alleged violation.

U.S. Equal Employment Opportunity Commission

1000 Liberty Avenue, Suite 1112

Pittsburgh, PA 15222

Online at <https://www.eeoc.gov/filing-charge-discrimination>

Or by telephone at 1-800-669-4000

For Deaf/Hard of Hearing callers:

1-800-669-6820 (TTY)

1-844-234-5122 (ASL Video Phone)

Complaints must be filed within 180 calendar days of the alleged violation.

SAMPLE- Click Link For Google Doc Copy
[Department/Agency]
EEO NOTICE OF RIGHTS/FORMAL COMPLAINT FORM

FILING OPTIONS

- ☐ I am filing a formal EEO Complaint with the [Department/Agency] for investigation.
- ☐ I intend to file a formal EEO Complaint with the HRC
- ☐ I intend to file a formal EEO Complaint with the EEOC.

If you file a charge with the HRC, it will automatically be "dual-filed" with EEOC if federal laws apply. You do not need to file with both agencies.

I, the undersigned, attest that the information provided in this formal EEO complaint is true and accurate to the best of my knowledge.

Signature of Complainant

Date

Please remit this form to [Name], [Department/Agency] EEO Coordinator by mail or email to:

[Department/Agency]
Attention [Name], EEO Counselor
[Address]
[Address]

[Email Address]

EEO COUNSELOR'S REPORT FORM

REPORTING AGENCY INFORMATION

Agency: _____ Address: _____

Agency Counselor: _____ Phone Number: _____

COUNSELING DETAILS

Counselee: _____

Counselee's Job Title: _____

Name of Counselee's Supervisor: _____

Supervisor's Job Title: _____

Agency: _____

Basis of Complaint (check all that apply):

- ☐ Age (40 years of age or older)
- ☐ Color
- ☐ Disability or related accommodation
- ☐ Genetic information (including family medical history or participation in genetic services like counseling, education, or testing)
- ☐ National origin or ethnicity
- ☐ Race
- ☐ Religion or related accommodation
- ☐ Sex (including sexual orientation or transgender status)
- ☐ Pregnancy (including childbirth or related medical condition) or related accommodation
- ☐ Retaliation - Complained to the EEOC and/or the HRC about job discrimination, harassment, or retaliation
- ☐ Retaliation - Complained to employer or another government agency about job discrimination, harassment, or retaliation
- ☐ Retaliation - Helped with or was a witness to someone else's complaint about job discrimination, harassment, or retaliation.

EEO COUNSELOR'S REPORT FORM

Date of Initial Complaint to EEO Counselor: _____

Date of Alleged Discrimination/Harassment Incident(s): _____

Summary of Alleged Discrimination/Harassment Incident(s):

CONCLUSION (PLEASE CHECK ONE)

- ☐ Informal counseling was successful, and the issue has been resolved.
- ☐ Informal counseling was declined.
- ☐ Informal counseling was unsuccessful.
- ☐ Mediation was declined.
- ☐ Mediation was successful, and the issue has been resolved.
- ☐ Mediation was unsuccessful.
- ☐ An internal agency EEO investigation was performed, with the finding:
 - ☐ Substantiated – The allegation is supported by the evidence.
 - ☐ Substantiated in part – Some of the allegations are supported by the evidence.
 - ☐ Unsubstantiated – Sufficient evidence to support the claim was not found.
 - ☐ Inconclusive – Conflicting evidence, unclear outcome.
- ☐ Actions taken to remediate the issue were successful, and the matter has been closed.
- ☐ The counselee chose to file directly with the HRC and/or the U.S. EEOC.

SAMPLE- Click Link For Google Doc Copy

[Agency]

EEO COUNSELOR'S REPORT FORM

EEO Counselor/Coordinator

Telephone Number

Date

Record Retention: Please retain this report and supporting documentation, witness statements, reports, or other relevant information in accordance with State, federal, and agency retention schedules.

SAMPLE- Click Link For Google Doc Copy
EEO COMPLAINTS ALTERNATIVE DISPUTE RESOLUTION FAQ

INFORMAL RESOLUTION FAQ

What is the Equal Employment Opportunity (EEO) informal resolution?

Informal resolution is the process in which an EEO counselor seeks to resolve a complaint of illegal workplace harassment (EEO) by interviewing both the complainant(s) and the respondent(s), either separately or together.

Is informal resolution required?

No. Participation in informal resolution is strictly voluntary. However, unlike mediation, only the complaining party may elect informal resolution, and the respondent's agreement is not required, although it is every employee's right to refuse to speak with an EEO counselor. It is the complainant's right to proceed directly to mediation (which requires the consent of both parties), a formal EEO complaint for investigation by the agency, or filing a formal complaint directly with the U.S. Equal Employment Opportunity Commission (EEOC), or filing a suit in circuit court rather than entering informal resolution.

Is informal resolution confidential?

Yes. Attempts at reaching an informal resolution will remain between the EEO counselor and the parties (although some agencies may require that someone other than the EEO counselor perform informal resolutions). Informal resolution meetings are not tape-recorded or transcribed.

Are resolutions reached during informal resolution binding?

Yes. If an agreement is reached, a letter of agreement will be prepared for all parties' signatures. The EEO counselor will retain a copy for her/his files, and a copy of the agreement letter will be provided to the designated agency recipient. Once all the parties sign an agreement reached during informal resolution, the agreement is binding and legally enforceable on all parties.

How long does the informal resolution process take?

Usually less than five days. Informal resolution attempts are normally quite quick. The EEO counselor will meet with both parties and can usually ascertain in that first meeting if informal resolution is possible. Successful informal resolutions avoid time-consuming formal investigations.

Can information revealed during an unsuccessful informal resolution be used during a subsequent mediation or formal investigation?

No. Once informal resolution attempts are unsuccessful, the entire process is restarted from the beginning. Information revealed by the parties during informal resolution is not recorded or used either for or against the parties.

What happens if a complaint is not resolved during informal resolution?

If not resolved during informal resolution, the complaint may then be resolved using mediation or investigated using the formal EEO investigatory procedures by your agency or by the procedures adopted by your State agency. Complainants may also file a formal complaint with the U.S. EEOC.

SAMPLE- Click Link For Google Doc Copy
EEO COMPLAINTS ALTERNATIVE DISPUTE RESOLUTION FAQ

MEDIATION FAQ

What is EEO mediation?

Mediation is a process in which a trained mediator assists parties to reach a negotiated resolution to a charge of illegal harassment or discrimination. The mediator does not decide who is right or wrong and has no authority to impose a resolution on the parties. Mediation provides a neutral and confidential setting where both parties can openly discuss information about the underlying dispute.

Is mediation required?

No. Participation in mediation is strictly voluntary. If either party declines to participate in mediation, then it may not go forward. It is your right to proceed directly to a formal EEO with your agency or with the WV Human Rights Commission (HRC) and the U.S. Equal Employment Opportunity Commission (EEOC) or circuit court rather than enter mediation.

Is mediation confidential?

Yes. The mediator, the agency, and the parties must sign an Agreement to Mediate form that includes confidentiality provisions. The mediation session(s) are not tape-recorded or transcribed. Notes taken during the mediation by the mediator are destroyed.

Who attends mediation sessions?

The complainant(s), respondent(s), and mediator attend the mediation session.

How long does the mediation process take?

Mediation is efficient and saves time and money. Most mediations last three to four hours. Successful mediations avoid a time-consuming investigation and achieve prompt resolution of the complaint.

Are the resolutions reached during mediation binding?

Yes. Once all the parties sign a mediation agreement, which provides a summary of the agreed-upon terms, the agreement is binding and legally enforceable on all parties.

Can information revealed during a mediation be used during an investigation if mediation is unsuccessful?

No. The entire mediation process is confidential. Information revealed during the mediation cannot be used during any subsequent investigation.

What happens if a complaint is not resolved in mediation?

If not resolved in mediation, the complainant may choose to file a Formal complaint with their employing agency for investigation, or with the HRC and the EEOC. It is not necessary to file a formal complaint with both the HRC and the EEOC. The agencies exchange information for “dual filing.”

SAMPLE- Click Link For Google Doc Copy
AGREEMENT TO INFORMAL RESOLUTION

SECTION 1: AGREEMENT TO INFORMAL RESOLUTION

This Agreement confirms the intent of the undersigned to voluntarily participate in an informal resolution process with a sincere desire to reach a mutually acceptable resolution concerning an Equal Employment Opportunity (EEO) matter brought to my attention on [date] regarding [allegations].

The undersigned agrees to participate in an [in-person or telephonic] session facilitated by [EEO Counselor's Name] on [date] at [time]. The session shall begin at [time] and end no later than [time]. **[Be sure to provide the location of the meeting or the telephone number for the conference call.]**

OR

The undersigned desires individual sessions and requests that [EEO Counselor's Name] act as an intermediary. **[If the parties do not want to discuss the matter with each other, the Counselor may meet with each party individually and communicate the suggested resolution to the other party.]**

The provisions of this agreement are as follows:

1. The Counselor is a neutral third-party facilitator who will guide the Parties through a process designed to help them reach a mutual agreement.
2. It is understood that the informal resolution process is voluntary, and any Party may withdraw at any time. It is agreed that if one or more Parties decide to withdraw, a good-faith effort will be made to discuss this decision with both Parties.
3. If the Counselor determines that it is not possible to resolve the issues through informal resolution, the process can be terminated and confirmed in writing.
4. If an agreement is reached, a summary of the agreed-upon terms will be provided in Section 2 for the Parties' acceptance and signature, and the matter will be closed.

I have read, understood, and agreed of my own free will and without coercion to each of the provisions of this agreement.

[NAME] Party #1

Date

[NAME] Party #2

Date

[Name], EEO Coordinator

Date

SECTION 2: INFORMAL RESOLUTION AGREEMENT

SAMPLE- Click Link For Google Doc Copy

AGREEMENT TO INFORMAL RESOLUTION

The undersigned agreed to participate in the informal resolution process with the intent to reach a resolution concerning the aforementioned EEO matter. Held on [date(s)], this process has resulted in a mutually acceptable resolution, outlined as follows:

[Insert a clear summary of agreed-upon terms.]

Your signature below affirms that the matter has been resolved and that you agree to the terms stated above.

I have read, understood, and agreed of my own free will and without coercion to each of the provisions of this agreement.

[NAME] Party #1

Date

[NAME] Party #2

Date

[Name], EEO Coordinator

Date

SAMPLE- Click Link For Google Doc Copy
EEO FAILURE OF INFORMAL RESOLUTION/NOTICE OF FINAL INTERVIEW LETTER

[Date]

[Name]
[Address]

Via [Hand Delivery]

Dear [Mr./Ms. Last Name]:

I appreciate your participation in the State Equal Employment Opportunity (EEO) informal resolution process regarding your complaint dated [Date]. This letter serves as your *Notice of Final Interview* concerning the EEO matter, which you initially discussed with me in my capacity as an EEO Counselor.

Unfortunately, attempts at an informal resolution conducted on [date/or period] were not successful and failed to resolve the dispute. As a result, your complaint will now proceed to the next step in the State EEO process.

If you wish to pursue this matter further, we must meet for a final interview. Please contact me within 15 calendar days from the date of this letter to schedule a time to meet with me personally or by phone.

If you no longer wish to continue with this matter, or if you fail to contact me within 15 calendar days from the date of this letter regarding your intent to continue, your file will be administratively closed with no further action taken.

Please contact me at your earliest convenience so that we may proceed accordingly.

Sincerely,

[Name],
EEO Counselor
[Agency]

SAMPLE- Click Link For Google Doc Copy
EEO - AGREEMENT TO ENTER INTO MEDIATION FORM

This Agreement confirms the intent of the undersigned to voluntarily enter into mediation concerning an EEO matter brought to the attention of [Counselor's Name] on [date]. The Parties agree to enter into mediation in good faith, and with a sincere desire to reach a mutually acceptable resolution of their differences regarding [allegations].

The undersigned agrees to participate in an [in-person or telephonic] session facilitated by an impartial Mediator beginning on [date] at [time]. The undersigned agree to set aside [# of days] full days for the mediation sessions. The session shall begin at [time] and end no later than [time].

The parties will attend the mediation session [at the address or by calling].

Provisions

The provisions of this agreement are as follows:

1. While all Parties intend to continue with mediation to reach an agreement, it is understood that mediation is voluntary, and any Party may withdraw from mediation at any time. It is agreed that if one or more Parties decide to withdraw from mediation, good faith efforts will be made to discuss this decision in the presence of both Parties and the Mediator.
2. The Mediator is a neutral third-party facilitator who will guide the Parties through a process designed to help them reach their own agreement. Mediators do not offer legal advice, nor do they provide legal counsel. Each party is advised to consult with appropriate attorneys for legal advice and about their right to legal representation.
3. It is understood that full disclosure of all relevant information is essential to the mediation process. Accordingly, the Parties agree to provide complete and honest disclosure of relevant information and/or evidence to support their position. Accordingly, all written and oral communication, negotiations, and statements made in the course of mediation will be treated as privileged discussions and are confidential.

Therefore:

- a. The Mediator will not reveal to anyone the names of the Parties or anything discussed in mediation unless expressly requested to do so by the Parties.
- b. It is understood that the Mediator is not required to maintain confidentiality if they have reason to believe that any party is in danger of bodily or egregious psychological harm, or if criminal activity is being committed.
- c. The Parties agree that they will not at any time before, during, or after mediation, call the Mediator as a witness in any legal or administrative proceeding concerning this dispute.

SAMPLE- Click Link For Google Doc Copy
EEO - AGREEMENT TO ENTER INTO MEDIATION FORM

- d. The Mediator will destroy any records, notes, work product, or the like developed during the mediation process (except for a written resolution agreement, if one is reached).
4. All Parties agree to refrain from pursuing resolution through any alternative forum, including filing a formal complaint, initiation of the administrative grievance process, or legal action while mediation is ongoing.
5. The Parties' employing agency agrees not to take or propose any formal action which could adversely affect any Party to this mediation prior to completion of mediation, unless one or more of the Parties' conduct so seriously violates acceptable standards as to require immediate action.
6. If the Mediator determines that it is not possible to resolve the issues through mediation, the process can be terminated once this has been conveyed to the Parties and confirmed in writing.
7. If an agreement is reached, the Mediator will complete a written *Mediation Agreement Form (EEO-M2)* documenting the terms and conditions agreed upon by the parties to be finalized in a joint session with the Parties, if elected. Parties may independently seek representative or legal counsel before the agreement is placed in final form. Prior to signing, each Party will have 48 hours for technical review by a representative or legal counsel, if appropriate.
8. The ways in which any agreement arising out of this mediation may be used will be defined as a provision of the agreement. The Parties agree that all future uses of their written agreement will adhere to the provisions of this agreement.
9. The Parties agree that the following individuals may be present during the mediation.

I have read, understood, and agreed of my own free will and without coercion to each of the provisions of this mediation agreement.

_____ [NAME], Party #1	_____ Date
_____ [NAME], Party #2	_____ Date
_____ [Name], Mediator	_____ Date
_____ [Name], EEO Coordinator	_____ Date
_____ [Name], Appointing Authority	_____ Date

SAMPLE- Click Link For Google Doc Copy

Mediator: This form is intended to be used during the mediation to document the agreed upon terms and conditions.

Date of Mediation: _____

MEDIATOR INFORMATION

Mediator Name: _____

Mediator Organization (if applicable): _____

Contact Info: _____

PARTIES INVOLVED

Party 1 (Name & Contact Info):

Party 2 (Name & Contact Info):

Additional Parties, if applicable:

STATEMENT OF DISPUTE/COMPLAINT SUMMARY *(Brief summary of the nature of the complaint)*

[illegible]

MEDIATION AGREEMENT FORM - AGREEMENT TO SETTLE A DISPUTE

Mediator: This form is intended to be used during the mediation to document the agreed upon terms and conditions.

TERMS AND CONDITIONS OF THE AGREEMENT *(Clearly outline all terms, responsibilities, and timelines each party agrees to. Attach additional pages if necessary)*

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

CONFIDENTIALITY

The parties agree that the terms of this mediation and the discussions held during the mediation session are confidential unless disclosure is required by law or both parties agree to disclose.

- ☐ Yes, the mediation and agreement are confidential.
- ☐ No, the mediation and agreement are not confidential.

SIGNATURES OF ALL PARTIES

By signing below, the parties affirm that they voluntarily agree to the terms and conditions set forth above and intend to abide by this agreement.

Party 1 Signature: _____
Printed Name: _____

Date: _____

Party 2 Signature: _____
Printed Name: _____

Date: _____

Mediator Signature: _____
Printed Name: _____

Date: _____

SAMPLE- *Click Link For Google Doc Copy*

MEDIATION AGREEMENT FORM - AGREEMENT TO SETTLE A DISPUTE

Mediator: This form is intended to be used during the mediation to document the agreed upon terms and conditions.

FOLLOW-UP (IF APPLICABLE)

☐ A follow-up session is scheduled for: _____

☐ No follow-up session planned.

SAMPLE- Click Link For Google Doc Copy
EEO NOTICE OF FINAL INTERVIEW - FAILED MEDIATION LETTER

[Date]

[Name]
[Address]

Via [Hand Delivery]

Dear [Mr./Ms. Last Name]:

I appreciate your participation in the State Equal Employment Opportunity (EEO) mediation process regarding your complaint dated [Date]. This letter serves as your *Notice of Final Interview* concerning the EEO matter, which you initially discussed with me in my capacity as an EEO Counselor.

Unfortunately, the mediation conducted on [mediation date] was not successful and failed to resolve the dispute. As a result, your complaint will now proceed to the next step in the State EEO process.

If you wish to pursue this matter further, we must meet for a final interview. You have 15 calendar days from the date of this letter to file a formal complaint. I will gladly provide you with the form and assist with its completion; however, our final interview must take place within this 15 calendar day period.

If you no longer wish to continue with this matter, or if you fail to contact me within 15 calendar days from the date of this letter regarding your intent to continue, your file will be administratively closed with no further action taken.

Please contact me at your earliest convenience so that we may proceed accordingly.

Sincerely,

[Name],
EEO Counselor
[Agency]

SAMPLE- Click Link For Google Doc Copy
EEO MEDIATION LETTER OF AGREEMENT/CLOSURE LETTER (SHORT)

[Date]

[Name]

[Address]

Via [Hand Delivery]

Dear [Mr./Ms. Last Name]:

I appreciate your participation in the State Equal Employment Opportunity (EEO) mediation process regarding your complaint dated [date]. This letter serves as your *Letter of Agreement*, indicating formal confirmation of the resolution reached through mediation and reflecting your agreement with the outcome discussed during informal counseling in my role as EEO Counselor.

On [date of initial counseling session], you alleged [brief synopsis of the complaint]. The basis for the discrimination/harassment you alleged was [legally protected class or statutory basis].

In response, a mediation was held on [date] and [location], with the following individuals in attendance: [Name of all parties present], and [Mediator Name], serving as Mediator. This process has resulted in a mutually acceptable resolution, outlined as follows:

[Insert a clear summary of agreed-upon terms.]

Your signature below affirms that this matter has been addressed in accordance with established State EEO procedures and that you agree to the resolution stated.

Sincerely,

[Name],
EEO Counselor
[Agency]

I acknowledge receipt of this letter and confirm that I have read, understood, and agree to the resolution outlined above.

Signature

Date

SAMPLE- Click Link For Google Doc Copy
EEO MEDIATION LETTER OF AGREEMENT/CLOSURE LETTER (LONG)

[Date]

[Name]
[Address]
[Address]

Delivered via [Hand Delivery, Mail, Email]

Dear [Mr./Ms. Last Name]:

I appreciate your participation in the State Equal Employment Opportunity (EEO) process regarding your complaint dated [Date]. This letter serves as your *Letter of Agreement*, indicating formal confirmation of the resolution reached and reflecting your agreement with the outcome discussed during the mediation process.

On [date of initial counseling session], you alleged [brief synopsis of the complaint]. The basis for the discrimination/harassment you alleged was [legally protected class or statutory basis].

In response, I conducted an EEO inquiry consistent with established protocols. This included [insert brief summary of the actions taken], as well as communication with responsible management officials and/or the individuals alleged to have engaged in the discriminatory or harassing conduct.

On [date findings were communicated], I informed you of my findings. You have subsequently [Choose one of the following outcomes]:

1. elected not to pursue further action on this matter; **or**
2. indicated that you are satisfied with the outcome of the Informal State EEO counseling and ensuing actions.

As an agreement has been reached by all relevant parties, please indicate your acknowledgement by signing below and returning this letter to me by [date]. Once received, a fully executed copy of this agreement will be provided for your records.

Sincerely,

[Name],
EEO Counselor
[Agency]

SAMPLE- Click Link For Google Doc Copy

EEO MEDIATION LETTER OF AGREEMENT/CLOSURE LETTER (LONG)

I acknowledge receipt of this letter and confirm that I have read, understood, and agree to the resolution outlined above.

Name (Employee)

Date

Party #1

Date

Appointing Authority

Date