

## **Complaint Involving Employment Discrimination by a Federal Government Contractor or Subcontractor**

### **Instruction Sheet**

Use this complaint form to file an employment discrimination or retaliation complaint under any of the three laws enforced by the Office of Federal Contract Compliance Programs (OFCCP):

- Executive Order 11246, as amended;
- Section 503 of the Rehabilitation Act of 1973, as amended; and
- the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

These laws make it illegal for companies doing business with the Federal Government to discriminate against applicants and employees based on race, color, religion, sex, national origin, disability status or status as a protected veteran. This includes discrimination with regard to rates of pay or other forms of compensation. Executive Order 11246 also prohibits federal contractors from discriminating against applicants and employees for inquiring about, discussing, or disclosing compensation.

In addition, it is illegal for companies doing business with the Federal Government to retaliate against applicants and employees by taking adverse actions against applicants and employees for:

- Filing a complaint; or
- Engaging in other protected activities, for example, providing information during a compliance evaluation.

#### **General Instructions:**

Print or type the information when filling in the form. Tell us what happened to you that you believe is discrimination or retaliation, and who did it to you. Also, tell us where and when these things happened, who saw it, and who may have information about what happened to you.

When describing what happened on page two of the form, tell us how it changed your work. For example, let us know if it caused you not to be hired for a job; caused you to be fired, laid-off, demoted, lose a promotion, lose seniority, or have your job assignment changed; or were you paid less than others doing the same or similar work. We also want to know if what happened involved training, pregnancy leave, harassment, accommodation for a disability or for religious observances, segregation of facilities, or recall back to work.

You can use a separate piece of paper to continue telling us what happened to you if you need more space. Remember to attach the extra piece of paper to the complaint form when you are done.

If you are filing a complaint of discrimination because of your veteran status, remember to attach your Certificate of Release or Discharge from Active Duty (also known as DD Form 214). If one is not provided, we will ask you to provide one later.

**Where to file the complaint?**

You should send the completed form to the OFCCP regional office that covers the state where the alleged discrimination happened. Send OFCCP your form by U.S. mail, fax, or email. A list of regional offices and the states that each office covers can be found at:

<http://www.dol.gov/ofccp/contacts/regkeyp.htm>.

**When to file a complaint?**

Complaints based on your race, color, religion, sex/gender, or national origin, must be filed within **180 days** after the last act taken by your employer that you think was either discrimination or retaliation.

Complaints based on your disability or status as a protected veteran must be filed within **300 days** from the last act taken by your employer that you think was either discrimination or retaliation.

Only the director of OFCCP can extend these deadlines.

**Non-Retaliation**

OFCCP regulations, Title VII and the ADA require employers to take all necessary steps to ensure that there is no retaliation against any person who files a complaint or assists in its investigation or assists in a compliance evaluation. This includes any intimidation, threat, coercion or discrimination.

**Privacy Act Statement**

Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212), Title VII of the Civil Rights Act of 1964 (Title VII), as amended, and Title I of the Americans with Disabilities Act of 1990 (ADA), as amended, authorize the collection of this information. OFCCP uses this information to process complaints and conduct investigations of alleged violations of the above laws. OFCCP will provide a copy of this complaint to the employer against whom it is filed, and when the matters alleged are covered by Title VII and/or the ADA, to the U.S. Equal Employment Opportunity Commission (EEOC). The information collected may be: 1) verified with others who may have knowledge relevant to the complaint; 2) used in settlement negotiations with the employer or in the course of presenting evidence at a hearing; or 3) disclosed to other agencies with jurisdiction over the complaint.

Providing this information is voluntary; however, failure to provide the information may delay or prevent OFCCP from investigating your complaint and, for matters covered by Title VII or the ADA, may affect your right to sue under those laws.

**Public Burden Statement**

The estimated time to complete this form is 1 hour, including time for reviewing instructions, filling out the form and sending it to OFCCP. Please note that you are not required to respond to this collection of information unless it displays a currently valid OMB Control Number.

If you have comments regarding the estimated burden or any other aspect of this complaint form, including suggestions for reducing the burden, send them to the OFCCP Policy Division (1250-0002), 200 Constitution Avenue, N.W., Room C3325, Washington, D.C. 20210. Please do not send the completed complaint form to this address.

**Definitions:**

**Protected Veteran Status**<sup>1</sup> includes the following categories of veterans protected under the non-discrimination and affirmative action provisions of VEVRAA:

Disabled Veteran - A veteran of the United States military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or a veteran who was discharged or released from active duty because of a service-connected disability.

Recently Separated Veteran - Any veteran who was discharged or released from active duty in the U.S. military ground, naval, or air service three years or fewer from the date of the alleged discriminatory or retaliatory activity.

Active Duty Wartime or Campaign Badge Veteran - A veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

Armed Forces Service Medal Veteran - A veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded.

Pre-JVA Veteran - A veteran who is an employee of or applicant to a contractor with a contract of \$25,000 or more entered into prior to December 1, 2003 and unmodified since to \$100,000 or more, and who is a special disabled veteran, veteran of the Vietnam era, pre-JVA recently separated veteran, or other protected veteran as defined below:

Special Disabled Veteran - A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Department of Veterans Affairs for a disability: rated at 30 percent or more; or rated at 10 or 20 percent in the case of a veteran who has been determined under 38 U.S.C. 3106 to have a serious employment handicap; or a person who was discharged or released from active duty because of a service-connected disability.

Veteran of the Vietnam Era - A veteran who: served on active duty for a period of more than 180 days, and was discharged or released with other than a dishonorable discharge, if any part of such active duty occurred in the Republic of Vietnam between February 28, 1961 and May 7, 1975, or between August 5, 1964 and May 7, 1975, in all other cases; or was discharged or released from active

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<sup>1</sup> 41 CFR 60-300.2

duty for a service-connected disability if any part of such active duty was performed in the Republic of Vietnam between February 28, 1961 and May 7, 1975, or between August 5, 1964 and May 7, 1975.

Pre-JVA Recently Separated Veteran - A pre-JVA veteran separated during the one-year period beginning on the date of the pre-JVA veteran's discharge or release from active duty.

Other Protected Veteran - A veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.