

# Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces Federal laws that protect you from discrimination in employment. If you believe you have been discriminated against at work or as an applicant for employment, contact the Office of Equal Employment Opportunity, Diversity, and Inclusion (EEOI).

## Who is Protected?

- Employees (current and former)
- Applicants for employment
- Contractors

## What Offices are Covered?

- Headquarters
- Telephone Centers
- Regional Offices
- Area/Local Census Offices

## What Types of Employment Discrimination are Illegal?

Under the EEOC's laws, an employer may not discriminate against you on the bases of:

- Race
- Religion
- Color
- Sex/Gender (including pregnancy, sexual orientation and gender identity)
- Pregnant Workers (limitations related to pregnancy, childbirth or related medical conditions)
- National origin
- Age (40 or older)
- Genetic information (including family medical history)
- Disability (mental or physical)
- Retaliation/Reprisal for filing a charge, opposing discrimination, or participating in a discrimination lawsuit, investigation, or proceeding.

## What Employment Practices can be Considered Discriminatory?

All aspects of employment, including:

- Hiring or promotion (Non-selection)
- Time and Attendance
- Termination
- Performance Appraisal
- Adverse Disciplinary Action
- Assignment of Duties
- Reassignment
- Suspension
- Duty Hours
- Work Conditions
- Harassment (Sexual)
- Harassment (Non-Sexual)
- Hostile Work Environment
- Failure to provide a reasonable/religious accommodation
- Requesting or disclosing medical information of employees
- Conduct that may discourage an individual from participating in the EEO process

## What can You Do if You Believe Discrimination or Retaliation has Occurred?

To preserve your rights under the law, you must contact the EEO Office within **45 CALENDAR DAYS** of the following:

- Becoming aware of the alleged discriminatory action.
- The alleged discriminatory action.
- The effective date of the personnel action.

For more information, contact:

**e-mail: [eeo.complaints@census.gov](mailto:eeo.complaints@census.gov)**

**e-Fax: 301-763-9590**

U.S. Census Bureau  
Office of Equal Employment Opportunity,  
Diversity, and Inclusion  
**Telephone: 301-763-2853 or 1-800-872-6096**

U.S. Census Bureau  
National Processing Center  
Office of Equal Employment Opportunity,  
Diversity, and Inclusion  
**Telephone: 812-218-3472 or 1-877-576-7740**



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## Alternative Dispute Resolution

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In 2000, the Equal Employment Opportunity Commission (EEOC) required all federal agencies to establish or make available an Alternative Dispute Resolution (ADR) program for any aggrieved in the pre-complaint and formal complaint stages of the EEO process. See, 29 C.F.R.1614.102(b)(2). In compliance with the EEOC's guidelines, the Census Bureau created the EEO ADR Program in order to attempt resolution of allegations of unlawful discrimination at the lowest level. The program is intended to preserve the integrity of ongoing work relationships through open dialogue with the help of a neutral third party, a mediator. The Census Bureau's preferred method of EEO ADR is mediation. Mediation is voluntary for the aggrieved, but mandatory for the Resolving Official. It is a confidential, and a neutral process.

After the agency has determined that a complaint is appropriate for EEO ADR, mediation is offered. EEO ADR is not suitable for cases involving allegations of harassment. If the aggrieved chooses to participate, the Census Bureau will provide settlement authority for the mediation. Through mediation, the parties meet with a neutral third-party who helps facilitate a mutual resolution of the issues. If a resolution is achieved, the terms agreed upon are forwarded to the Office of General Counsel, where a resolution agreement will be drafted for appropriate signatures. If a resolution is not achieved, the aggrieved will continue with the traditional EEO Complaint process where they will have the opportunity to file a formal complaint.

For more information, visit the Office of Equal Employment Opportunity, Diversity, and Inclusion sharepoint site at [https://uscensus.sharepoint.com/sites/EEODI/SitePages/Alternative-Dispute-Resolution-\(ADR\).aspx](https://uscensus.sharepoint.com/sites/EEODI/SitePages/Alternative-Dispute-Resolution-(ADR).aspx) or contact Cynthia Hall, ADR Coordinator, at (301) 763-5118 or [cynthia.l.hall@census.gov](mailto:cynthia.l.hall@census.gov).

### References

<https://www.eeoc.gov/federal-sector/management-directive/chapter-3-alternative-dispute-resolution-eeo-matters>

## Disability

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Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment by Federal contractors. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

## Protected Veteran Status

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The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

## Retaliation/Reprisal

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Retaliation is prohibited against a person who files a complaint of discrimination, participates as a witness in a complaint of discrimination or opposes discrimination.

**\*\*For more information, visit the websites for the Office of Equal Employment Opportunity, Diversity, and Inclusion (EEODI):**

<https://www.census.gov/eeodi> (external)

<https://uscensus.sharepoint.com/sites/EEODI/SitePages/Resolution-and-Equity.aspx> (internal)

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## Other Resources

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### Internal Options:

- **American Federation of Federal Employee - AFGE Local 2782**  
(301) 763-3175
- **Employee Assistance Program**  
Suitland Federal Center: (301) 763-1681  
Regional Offices: 1-800-222-0364  
Field Offices: 1-800-211-6015
- **Human Resources Labor Management Branch-Administrative Grievance Process**  
(301) 763-3737
- **Human Resources Employee Relations Branch-Harassment Investigations**  
(301) 763-3701
- **Office of the Ombudsman**  
All Locations: (301) 763-4824  
NPC Direct Line: (812) 218-3575

**For more information on filing a complaint, Diversity, Equity, Inclusion, and Accessibility (DEIA), or Special Emphasis Programs, you can also contact:**

David Donovan, EODI Director, (301) 763-3449, david.donovan@census.gov, or  
Stefanie L. Watson, Deputy EODI Director and Diversity and Inclusion Officer, (301) 763-8902,  
stefanie.l.watson@census.gov

### External Options:

- **Merit Systems Protection Board (MSPB)** <https://www.mspb.gov/index.htm>  
The Merit Systems Protection Board is for employees who have been removed from Federal Service, suspended for more than 14 days, subjected to reductions in grade or pay, furloughed for 30 days or less, or subjected to Office of Personnel Management (OPM) suitability determinations, the development and use of examinations, qualification standards, tests and other measurement instruments, denials of restoration of reemployment rights, and certain terminations of probationary employees, can appeal these actions to the Merit Systems Protection Board (MSPB).
- **Office of Special Counsel (OSC)** <https://osc.gov/>  
The Office of Special Counsel is for employees who believe they have been subjected to employment-related activities that are prohibited in the federal workforce because they violate the merit system or its principles, including discrimination based on marital status and political affiliation, coercing political activities, obstructing competition, granting unfair advantage, nepotism, affecting veteran's preference requirements, and imposing non-disclosure agreements that do not permit whistleblowing.
- **Office of Inspector General (OIG)** <https://www.oig.doc.gov/Pages/default.aspx>  
The Office of Inspector General is for employees who suspect that retaliation has occurred for whistleblowing.