

GUAM DEPARTMENT OF LABOR (FEPA)

Fair Employment Practice Division

DISCRIMINATION CHARGE PROCESSING

When an employment Discrimination Complaint is received by FEPA, it is logged into the EEOC (IMS) system. Next, the FEPA staff conducts and documents an Intake Interview with the Charging Party and prepares a Charge Assessment on the complaint. After a summary of the Charge of Discrimination is formalized, the employer is notified that the charge has been filed and is provided with the name and contact information of the investigator assigned to the case. The employer is asked to submit a Statement of Position, which is an opportunity for the employer to tell their side of the story.

During the investigation, the employer and the Charging Party will be asked to provide information, as needed. The investigator will evaluate the information submitted to determine whether unlawful employment discrimination has taken place. The employer may be asked to:

- Respond to a Request for Information (RFI). The RFI may ask for submission of copies of personnel policies, Charging Party's personnel files, the personnel files of other individuals, and other relevant information.
- Participate in a Fact-Finding Conference.
- Conduct an On-Site Visit. Experience has been that such visits greatly expedite the fact-finding process and may help achieve quicker resolutions.
- Provide contact information for or have employees available for Witness Interviews.

Once the investigator has completed the investigation, FEPA will discuss the evidence with the Charging Party or employer, as appropriate. FEPA will make a determination on the merits of the charge, as follows:

- If FEPA determines that there is no reasonable cause to believe that discrimination occurred, the Charging Party will be issued a Dismissal Letter. The employer will also receive a similar document officially closing the charge because the evidence presented did not meet the legal criteria for establishing that discriminatory acts occurred. The Charging Party will also receive a Notice of Right to Sue from EEOC and may file a lawsuit in federal court within 90 days.
- If FEPA determines there is reasonable cause to believe discrimination has occurred, both parties will be issued a Letter of Determination stating that there is reason to believe that discrimination occurred and inviting the parties to join the agency in seeking to resolve the charge, through an informal process known as Conciliation.
- Where conciliation fails, EEOC has the authority to enforce violations of its statutes by filing a lawsuit in federal court. If the EEOC decides not to litigate, the Charging Party will receive a Notice of Right to Sue from EEOC and may file a lawsuit in federal court within 90 days.

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