

Date _____

DA Docket Number _____

MEMORANDUM FOR _____

SUBJECT: Offer to Mediate

1. The purpose of this memorandum is to offer you the opportunity to participate in mediation as a means to facilitate resolution of the claim(s) you presented during the pre-complaint intake interview. At this time, you have the option to elect either participation in ADR or pre-complaint counseling, and your election to proceed through counseling or ADR is final. You have the right to representation during mediation. If you are represented, you must advise the EEO officer, in writing, of such representation. Your election to mediate constitutes a waiver of your right to anonymity during the counseling process.

2. If you elect to participate in mediation, the pre-complaint process period shall be extended to a period not to exceed 90 calendar days from (insert date), the date of your initial contact with the EEO office. The claim(s) and incident(s) as discussed and recorded during the pre-complaint intake interview will be provided to the mediator.

3. If resolution is achieved, the terms of the agreement will be set forth in writing and must be signed by you and the designated agency official. If resolution is not achieved, you will receive a final interview and advised, in writing, of your right to file a formal complaint. Nothing said or done during attempts to resolve the complaint through mediation can be made the subject of an EEO complaint.

I _____ accept/do not accept the offer to mediate my EEO complaint.

Aggrieved's signature

Figure 3-2 Sample Offer to Mediate