FROM THE DESK OF DR. KENDRICK B. ROBERSON | AFGE NATIONAL VICE PRESIDENT, WFP

FEDERAL EEO CASE FLOW & OFFICIAL TIME ESTIMATES

A practical AFGE member guide of case milestones, what members should expect, and planning estimates for official time.

CASE STAGE	TIME	WHAT TO EXPECT / DO	CASE STAGE	TIME	WHAT TO EXPECT / DO
1. EEO COUNSELING	**2–4 hrs**	Contact the EEO Counselor within 45 calendar days of the event or when you became aware of it. Identify dates, protected bases, responsible officials, witnesses, and harm. Preserve records.	**10. REVIEW AGENCY DISCOVERY RESPONSES**	**4–7 hrs**	Review responses and identify documents that could be used as part of the case.
2. PREPARE FORMAL COMPLAINT	**3–8 hrs**	If issue is unresolved, file within 15 calendar days after the Notice of Right to File. Clearly identify each claim and basis; check that the complaint captures the matters raised in counseling.	**11. MOTION TO COMPEL**	**2–4 hrs**	Meet and confer over deficient/missing responses and identify documents needed and draft and file Motion to Compel by deadline.
3. INVESTIGATIVE MEETING / AFFIDAVIT	**4–8 hrs**	Prepare for and participate in investigator interviews or written questions. Give a chronological, fact-specific account; identify witnesses and records; review corrections before signing.	**12. REVIEW AGENCY Motion for Summary Judgment (MSJ) or Notice of Intent to Dismiss (NOID)**	**2–8 hrs**	Review the agency's motion for summary judgment or notice of intent to dismiss. Analyze each asserted fact, cited exhibit, legal theory, and claimed absence of evidence.
4. REVIEW REPORT OF INVESTIGATION (ROI)	**4–12 hrs**	Review the ROI, and identify omitted witnesses, missing documents, inaccurate statements, and gaps. Organize concerns and evidence. The agency generally has 180 days to investigate, subject to exceptions. Request for a hearing or Final Agency Decision due within 30 days of receiving ROI.	**13. OPPOSITION TO MSJ / DISMISSAL**	**8–20 hrs**	Prepare a point-by-point response supported by record citations, declarations, deposition excerpts, and evidence. Review Agency's Undisputed Material Facts, identify which of the agency's facts are in dispute and state why each fact is in dispute. Identify any additional material facts in dispute, and state why a hearing is required.
5. INITIAL AJ CONFERENCE CALL	**1–3 hrs**	Prepare for the AJ's discussion of accepted claims, issues, discovery, deadlines, settlement, witnesses, and hearing logistics. Have a concise case theory and disputed-fact list.	**14. PRE-HEARING REPORT + REVIEW**	**4–10 hrs**	Review claims, stipulations, disputed facts, witnesses, exhibits, and legal issues. Confirm all necessary witnesses and exhibits are identified by the AJ's deadline.
6. DISCOVERY REQUESTS	**4–12 hrs**	Prepare focused interrogatories, document requests, and admissions tied to claims and defenses, including policies, decision records, comparators, communications, and relevant personnel records.	**15. PRE-HEARING CALL**	**1–3 hrs**	Prepare for discussion of hearing issues, witness order and time of testimony, exhibit objections, accommodation needs and prepare to address any outstanding issues.
7. DEPOSITION PREPARATION	**4–8 hrs per deposition**	Identify necessary witnesses and topics; review records and exhibits; prepare questions and follow-ups. Coordinate notice and any AJ approval required by the scheduling order.	**16. HEARING PREPARATION**	**12–40 hrs**	Prepare witness questions and cross examination, order of witnesses, and exhibit binders. Prepare complainant and nonmanagement witnesses for their testimony. Outline opening statement and draft closing argument.
8. DEPOSITION ATTENDANCE	**Actual time + 1–2 hrs**	Attend and participate in the deposition for the time period stated. Additional time covers reasonable setup and wrap-up as applicable; travel time is not included in this estimate.	**17. CLOSING / POST-HEARING BRIEF**	**4–15 hrs**	If permitted or directed, connect evidence to each legal element. Cite transcript and admitted exhibits, address defenses and credibility issues, explain harm suffered, and state requested relief.
9. DISCOVERY RESPONSES	**6–8 hrs**	Review and answer requests fully and on time; gather records, identify objections, and organize production. Identify documents that can be used to respond to a motion or can be used at hearing.			

OTHER PARALLEL ACTIVITIES — REQUEST ADDITIONAL TIME AS NEEDED

MEDIATION PREPARATION	MEDIATION ATTENDANCE	MEDICAL EVIDENCE / ACCOMMODATION
2–6 hrs	**4–8 hrs**	**Case-specific; request as needed**
Prepare chronology, key evidence, strengths/risks, requested remedies, and settlement range. May occur during counseling or later in the formal process.	Attend the mediation session. Actual time varies with session length and follow-up. Review every term before signing a settlement or withdrawal.	Time may be needed to identify records, obtain provider statements, organize evidence, and assess privacy/scope. No fixed estimate was supplied in the planning schedule.

AFTER THE HEARING Review AJ Decision and Order: 1–4 hrs • Prepare and file appeal brief: 2–8 hrs • Prepare and file appeal reconsideration brief: 2–4 hrs

IMPORTANT: Under 29 C.F.R. § 1614.605, the complainant and designated EEO representative, who is also an agency employee, are entitled to a reasonable amount of official time, if otherwise on duty, to prepare the complaint and to respond to Agency and EEOC requests for information.

MEMBER REMINDERS:
Preserve original records; meet all deadlines even during settlement talks; promptly report new incidents or retaliation; keep copies of notices, filings, and orders. AJ orders control discovery and hearing schedules.

DISCLAIMER:
These are planning recommendations, not guaranteed entitlements, caps, or automatic approvals. Request a reasonable amount in advance, identify the task and estimated hours, and seek additional time when reasonably required. Actual time depends on complexity, claims, witnesses, depositions, record volume, deadlines, and AJ orders. This is general information, not case-specific legal advice.