

Sample Interrogatories

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
BALTIMORE FIELD OFFICE
10 South Howard Street
Baltimore, MD 21201

_____)	
Jane Doe,)	
)	
COMPLAINANT,)	EEOC NO. XXX-XXXX-XXXXXX
)	
vs.)	
)	AGENCY CASE NO.: XXXXX
Department of Defense,)	
Defense Contact Audit Agency)	
)	
AGENCY.)	
_____)	

COMPLAINANT'S INTERROGATORIES

Complainant, through her counsel, Snider and Fischer LLC, requests that the Agency respond to the following interrogatories. You are required to answer these interrogatories separately and fully in writing, under oath. You are required to respond to these interrogatories no later than thirty (30) calendar days after receipt of these interrogatories, to the undersigned at 104 Church Lane Suite 201, Baltimore, Maryland 21208.

INSTRUCTIONS

A. Each Interrogatory is to be answered fully on the basis of information which is in your possession.

B. In each of your answers to these Interrogatories, you are requested to provide not only such information as is in your possession, but also information as is reasonably available. In the event that you are able to provide only part of the information called for by any particular Interrogatory, please provide all the information you are able to provide and state the reason for your inability to provide the remainder.

C. If you object to or otherwise decline to answer any portion of an Interrogatory, please provide all information called for by that portion of the Interrogatory to which you do not object or to which you do not decline to answer. For those portions of an Interrogatory to which you object or to which you do not decline to answer, state the reason for such objection or declination.

D. Every Interrogatory herein shall be deemed a continuing interrogatory and information in addition to or in any way inconsistent with your initial answer to such Interrogatory.

E. If any of the following Interrogatories can be answered fully and completely simply by referring to an exhibit number, page, and paragraph of the investigative file compiled by the Agency and furnished to the Complainant by the Agency in connection with this administrative complaint of discrimination, such references, if adequately identified to inform the Complainant as to your response will serve as a satisfactory response to such Interrogatory.

DEFINITIONS

A. "Complainant" means Jane Doe.

B. "Agency," "you," "your," or "yourself," means the Department of Defense, Defense Contact Audit Agency, the named Agency in this case, and any and all of its agents, representatives, employees, servants, consultants, contractors, subcontractors, investigators, attorneys, and any other persons or entities acting or purporting to act on behalf of the agency.

C. "Person", "persons," "people", and "individual" means any natural person, together with all federal, state, county, municipal and other government units, agencies or public bodies, as well as firms, companies, corporations, partnerships, proprietorships, joint ventures, organizations, groups of natural persons or other associations or entities separately identifiable whether or not such associations or entities have a separate legal existence in their own right.

D. "Document," "documents," and "writing" means all records, papers, and books, transcriptions, pictures, drawings or diagrams or every nature, whether transcribed by hand or by some mechanical, electronic, photographic or other means, as well as sound reproductions of oral statements or conversations by whatever means made, whether in your actual or constructive possession or under your control or not, relating to or pertaining to or in any way to the subject matters in connection which it is used and includes originals, all file copies, all other copies, no matter how prepared and all drafts prepared in connection with such writing, whether used or not, including by way of illustration and not by way of limitation, the following; books; records; reports; contracts; agreements; expense accounts; canceled checks; catalogues; price lists; video, audio and other electronic recordings; memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts and activities); minutes; diaries; calendars; desk pads; scrapbooks; notes; notebooks; correspondence; drafts; bulletins; electronic mail; facsimiles; circulars; forms; pamphlets; notice; statements; journals; postcards; letters; telegrams; publications; inter- and intra- office communications; photostats; photographs; microfilm; maps; drawings; diagrams; sketches; analyses; electromagnetic records; transcripts; and any other documents within defendant's possession, custody or control from which information can be obtained or

translated, if necessary, by detection devices into reasonably usable form, i.e. typed in English prose.

E. "Communication" or "communications" means any and all inquiries, discussions, conferences, conversations, negotiations, agreements, meetings, interviews, telephone conversations, letters correspondence, notes telegrams, facsimiles, electronic mail, memoranda, or other forms of communications, including but not limited to both oral and written communications.

F. "Produce" and "provide" mean to provide either a legible true copy of the original or any document and/or communication.

G. "Relate to," "relating to," "concerning," "pertain," and "pertaining to," mean consisting of, referring to, reflecting or arising out of, evidencing or in any way legally, logically, or factually connected with the matter discussed, directly or indirectly.

H. "Identify," "identifying," and "identification" when referring to a person mean to provide an identification sufficient to give notice a deposition of such person and to serve such person with process to require his or her attendance at a place of examination and shall include, without limitation, his or her full name, present or last known address, present or last known business affiliation, home and business telephone number, title or occupation, each of his or her positions during the applicable period of time covered by any answer referring to such person and relationship, if any, to the agency.

I. "Identify," "identifying," and "identification" when used in reference to a writing or document mean to give a sufficient characterization of such writing or document to properly identify it in a request to produce and shall include, without limitation, the following information with respect to each such document:

1. The date appearing on such document, and if it has no date, the answer shall so state and shall give the date or approximate date such document was prepared;
2. The identity or descriptive code number, file number, title or label of such document;
3. The general nature and description of such document, and if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it;
4. The names of the person(s) to whom such document was addressed and the name of each person other than such addressee to whom such document or copies of it, were given or sent;
5. The name(s) of the person(s) having present possession, custody, or control of such document(s); and
6. Whether or not any draft, copy or reproduction of such document contains any postscripts, notations, changes or addendum not appearing on the document itself, and if so, the answer shall give the description of each such draft, copy or reproduction.

J. Subject position – Subject position is the position known as DCAA (JOA) #NE 2002-0030 covering GS-511-13 Supervisory Auditor Position.

In answering these interrogatories, the agency is requested to furnish not only such information as is available to the agency but also such information as is known to any of the agency's agents, representatives, employees, servants, consultants, contractors, subcontractors, investigators, attorneys, and any other person or entity acting or purporting to act on behalf of the agency.

In any matter responsive to any of the interrogatories the agency shall set forth completely the grounds for the asserted privilege, along with copies of the Privacy Act provisions or other written materials upon which such assertion is made. The agency shall identify as to each privileged communication or document:

1. its date;
2. its author(s);
3. the business title or position of its author(s);
4. its recipient(s);
5. the business title or position of its recipient(s);
6. its number of pages;
7. its stated subject matter;
8. the legal basis upon which the agency claims privilege;
9. the specific portion of the interrogatory or document to which the communication or document is responsive.

Documents are to be labeled to indicate the interrogatory to which they respond. In order to simplify the issues and resolve as many matters of fact as possible before hearing, if, following a reasonable and thorough investigation using due diligence, you are unable to answer any interrogatory, or any part thereof, in full, because sufficient information is not available to you, answer the interrogatory to the maximum extent possible, including any knowledge or belief you have concerning the unanswered portion thereof and the facts upon which such knowledge or belief is based. In addition, state what you did to locate the missing information and why that information is not available to you.

When an exact answer to an interrogatory is not known, state the best estimate available, state that it is an estimate, and state the basis for such estimate.

If documents once in your possession or under your control are requested or are the subject of an interrogatory, and such documents are no longer in your possession or under your control, state when such documents were most recently in your possession or under your control, and what disposition was made of them, including identification of the person now in possession of or exercising control over such documents. If the documents were destroyed, state when and where they were destroyed, and identify the person or persons who directed their destruction.

All of the following interrogatories shall be continuing in nature until the date of the hearing, and you must supplement your answers as additional information becomes known or available to you.

NOTE

IF ANY INTERROGATORY OR REQUEST IS OBJECTIONABLE, PLEASE CALL COUNSEL FOR THE COMPLAINANT BEFORE OBJECTING, IN ORDER TO ATTEMPT TO NARROW THE QUESTION OR AVOID THE OBJECTIONABLE PORTION OR ASPECT.

IDENTIFY ALL DOCUMENTS ASSOCIATED WITH EACH INTERROGATORY.

COMPLAINANT'S INTERROGATORIES

1. Identify all persons answering or supplying information used in answering these Interrogatories.
2. State the name, address, and business telephone number of each person with personal knowledge regarding the facts and circumstances surrounding the happenings of the occurrences referred to in the complaint.
3. State and describe in detail all evidence including documents, affidavits and/or statements not in the Report of Investigation upon which you intend to rely, or submit at the hearing.
4. Identify all individuals who had input into the decision to post the subject position and to select the Selectee, _____.
5. Describe the selection process in step by step detail as to how candidates were evaluated and selected for the subject position.
6. Explain fully the safeguards used, if any, employed and put into place by the Selecting and/or recommending officials and communicated to the supervisors/managers involved in the candidate selection for the purpose to protect against possible or potential bias or discriminatory actions prohibited by law in the selection process.
7. Identify and explain the stated criteria given by the Selecting Official and/or selection panel, either individually or jointly, or by and through the coordinating Selecting Official, to be used in selecting a candidate for the subject position.
8. Explain any changes that occurred within the last five years to the duties and responsibilities of the subject position and how those changes affected the selection process.

9. List in detail all reasons that the selectee, _____, was selected for the subject position.
10. List in detail all reason that Jane Doe was not selected.
11. List all information relied upon by all the managers and the selecting officials in selecting the selectee for the position in question.
12. Please list all information relied upon by all the managers and selecting officials to not select the Complainant for the position in question.
13. Explain why no interviews were given to any of the candidates.
14. Were all OPM and agency policies, rules and procedures in the selection process followed? If not, please state: (a) each policy, rule or procedure not followed; (b) the individual failing to follow the rule, procedure or policy; and (c) the reason for the rule, procedure or policy having been violated.
15. Under what legal authority (rule, procedure or policy) was the disallowance of 15 points from complainant's rating relied upon.
16. Identify all corporate cost audits that the Selectee performed and their locations upon which the Agency considered in his promotion to this position.
17. Was _____ aware that the Selectee had a statement of limited mobility in his career profile prior to recommending him for the position?
18. Was _____ aware that the Selectee had on file a statement of limited mobility when he selected him?
19. Did anyone from the agency speak with the Selectee prior to or following his selection regarding his limited mobility designation statement? If yes, identify: (a) the individual who spoke with Strong; (b) the date of such conversation; and (c) the sum and substance of the conversation.
20. Within the previous 5 years, identify all employees under the direct supervision (one step of command only) of _____. State the individual's name, gender, title and grade level.
21. Within the previous 5 years, identify all promotions or hirings to which _____ or _____ were either a recommending official, selecting official or had input into the decision. For each promotion or hire state: (a) the nature of the aforesaid employment decision; (b) whether _____ or _____ had the aforesaid input; (c) the names and genders of each competing candidate to which either _____ or _____ had an opportunity to recommend, select or have input into the decision some other way; (d) the nature of the input given and; (e) the name and gender of each candidate either recommended or selected.

22. List all charges, investigations and complaints of discrimination due to gender, race or age filed in the last ten years against anyone who had input in the final decision of who to promote to the subject position.

Respectfully Submitted,

Date: _____

Morris E. Fischer , Esq.
Attorney for Complainant