**INSTRUCTIONS FOR COMPLETING AND WRITING EEO SETTLEMENT AGREEMENTS**

Attached are settlement agreement templates for memorializing resolutions to EEO complaints of age and non-age discrimination. The applicable template should be customized to each situation.

* Check the case numbers and spelling of the party(ies)’s name(s). Confirm all names and applicable EEO case numbers to avoid confusion.
* Carefully describe the consideration for the agreement. Consideration requires new, future, clearly defined obligations by both parties to make the agreement legally binding. Review each party’s obligations to confirm that they are clearly described, not otherwise required, and must occur after the agreement is executed. Agreements too vague for enforcement, not imposing additional requirements on both parties, or for which obligations are met before execution, will lack sufficient consideration to constitute a legally binding agreement.
* Specify timeframes or deadlines for each obligation. Absence of timeframes requiring action, such as within “a reasonable period of time” may cause a failed agreement or an allegation of a breached agreement. Specific timeframes should be stated.
* Attach all related documents. Attach to the agreement and clearly describe letters of resignation, performance appraisals, award recommendations, etc., as appropriate. Terms calling for a neutral or clean letter of reference should be avoided. Instead, the parties should agree upon a letter of reference, indicate that it will be provided upon request, and attach it to the agreement.
* Confirm that the Authorized Agency Official (AAO) has authority to sign the agreement. Request the AAO to provide the reviewer a written designation (i.e., email) that states: (1) the AAO has the authority to commit the VA to a settlement agreement and (2) the scope of that authority (i.e., dollar amount, leave restoration limit, etc.).
* In all cases, VA Counsel should review the agreement for legal sufficiency. If VA Counsel has been personally involved in the matter, he or she will also opine on whether the terms of the proposed settlement agreement are in the best interests of the Agency.
* The highest ranking Agency signatory to the agreement is responsible for ensuring compliance: e.g., by following up with Human Resources and/or Fiscal, when appropriate.
* All required signatories must sign the agreement before it is effective. All required parties, including legal counsel, must sign the agreement before the agreement is fully executed and/or effective. If counsel is not present during negotiations, the agreement should be forwarded for counsel’s prompt review and concurrence.