Flowchart of EEO Complaint Process for Dual

and Non-Dual Status Technicians

Pre-complaint Counseling

Incident Occurrence

You must contact an EEO counselor within **45 days** of the incident. If you request traditional counseling, the EEO counselor will have **30 days** to attempt resolution.

The **30-day** counseling period may be extended no more than **60 days** if you and the Agency agree to such an extension in writing. If you choose traditional counseling and a successful resolution is not reached, the EEO counselor will issue a notice of the right to file a formal complaint. You will have **15 days** to file a formal complaint.

You may request to participate in the Agency Alternative Dispute Resolution Program (i.e., Mediation Program), in which case the Agency will have up to **90 days** to resolve the matter. If you choose mediation, pre-complaint counseling will not occur. If mediation is not successful and a resolution is not reached within **90 days**, the EEO counselor will issue a notice of the right to file a formal complaint. You will have **15 days** to file a formal complaint.

If mediation is successful within **90 days**, the Director of EEO will inform the EEO counselor that the claim was resolved.

Formal Complaint Process

EEOC regulations require that you seek pre-complaint counseling before filling a formal complaint.

You must file a formal complaint within **15 days** of receiving the notice of the right to file a formal complaint. The Director of EEO will acknowledge receiving the formal complaint and notify you of the claims accepted for investigation. If the claims asserted and those accepted for investigation differ, the Director of EEO will explain the reasons for such differences, including whether the agency is dismissing the entire complaint, or in part.

The Director of EEO will assign an investigator to develop impartial and appropriate factual information on the claims accepted for processing. The Org must complete the investigation, within **180 days** of the date the formal complaint was filed.

After the investigation is completed, you will receive a copy of the investigation report. The Director of EEO will notify you of the right to either request a hearing before an EEOC administrative Judge (AJ) or receive a final Agency decision without a hearing.

The Director of EEO will issue a final Agency decision within **60 days** of receiving notice of the request for a final Agency decision.

If you are not satisfied with the Agencies final decision, you may appeal to EEOC within **30 days** of receipt.

You may request an EEOC hearing within **30 days** of receiving the report of investigation.

An EEOC AJ will make a decision about the matter.

Within **40 days** of receiving the AJ's decision, the Agency must issue a final order.

If you are not satisfied with Agency final order, you may appeal to EEOC within **30 days** of receipt.

If you are not satisfied with EEOC's appellate decision, you may file a request for reconsideration or you may file in Federal district court within **90 days** of receipt.