

# *EMCBC EEO Complaints Process Procedure*

**Effective Date:** September 2005

**Point of Contact:** Bartley A. Fain, Assistant Director

## **Applicability**

This information applies to all federal Consolidated Center Business (CBC) and customer sites employees.

## **Required Procedure**

<b>Step #</b>	<b>Description</b>	<b>Performer</b>	<b>Support</b>
<b>Step 1</b>	<p>Contact immediate supervisor, if appropriate, if there is an alleged Title VII, sexual harassment or sexual orientation discriminatory action. (If contact is not appropriate or issue is not resolved satisfactorily, proceed to step 2).</p> <p><b>Note:</b> Note: An individual who believes he or she has experienced sexual harassment has the option to first attempt to resolve the problem directly by talking to the harasser and asking him or her to stop the behavior.</p> <p><b>Note:</b> Age discrimination complaints have the option of proceeding to step 14.</p>	Employee	N/A
<b>Step 2</b>	<p>Contact an Equal Employment Opportunity (EEO) counselor concerning the alleged Title VII discriminatory action.</p> <p><b>Note:</b> Contact must be made within 45 days of the alleged discriminatory action or within 45 days of the effective date of a personnel action or within 45 days of employee's</p>	Employee or applicant	N/A

	<p>initial knowledge of the alleged discriminatory action.</p> <p><b>Note:</b> If a bargaining unit represents the complainant, he/she has the option to file a grievance under the <u>Collective Bargaining Agreement</u> and the EEO complaint process ends.</p>		
<b>Step 3</b>	<p>Offer mediation. If mediation is accepted, refer to <u>Employee Concerns Program</u> crosscutting process.</p> <p><b>Note:</b> If complainant elects mediation, the Pre-Complaint Stage may be extended up to a total of 90 days.</p> <p><b>Note:</b> If mediation is unsuccessful, the Mediator is asked to submit a report and the complainant is referred back to the EEO counselor for the right to file a formal complaint.</p> <p><b>Note:</b> The Pre-Complaint Stage is <u>not</u> re-instated after mediation and complainant proceeds to step 6.</p> <p><b>Note:</b> If mediation is rejected, proceed to step 4.</p>	EEO SME	EEO Supervisor
<b>Step 4</b>	<p>Conduct informal inquiry.</p> <p><b>Note:</b> Within 30 days, unless time is extended by complainant, but not more than 90 days total.</p>	EEO SME	CBC staff
<b>Step 5</b>	<p>Present informal resolution to complainant, and management if appropriate.</p>	EEO SME	CBC staff
<b>Step 6</b>	<p>Accept or reject the informal</p>	Employee or applicant, and	N/A

	<p>resolution.</p> <p><b>Note:</b> If complainant accepts the informal resolution, the process ends.</p> <p><b>Note:</b> If the complainant rejects the informal resolution, the EEO Counselor advises the complainant of the right to file a formal complaint. If the complainant decides to file a formal complaint, proceed to step 7.</p>	supervisor, if appropriate	
<b>Step 7</b>	<p>File a formal complaint.</p> <p><b>Note:</b> Must be filed within 15 days after receipt of notice of right to file a formal complaint.</p>	Employee or applicant	N/A
<b>Step 8</b>	<p>Provide the complainant a required written notice of their rights under the formal complaint process.</p>	EEO SME	N/A
<b>Step 9</b>	<p>Investigate formal complaint if complaint is accepted by agency official.</p> <p><b>Note:</b> Investigation must be completed within 180 days from date complaint was filed.</p> <p><b>Note:</b> If complaint is determined to be valid, go to step 12.</p> <p><b>Note:</b> If the complaint is dismissed, the complainant may appeal to the Equal Employment Opportunity Commission's Office of Federal Operations (OFO) (see step 10) or the complainant has 90 days to file a civil action.</p>	EEO SME	Diversity Manager
<b>Step 10</b>	<p>File appeal with OFO within 30 days.</p>	Employee or applicant	N/A
	<p>Communicate OFO decision to</p>	OFO Director	N/A

<p><b>Step 11</b></p>	<p>complainant.</p> <p><b>Note:</b> If complainant accepts decision, the process stops.</p> <p><b>Note:</b> If complainant does not accept the decision, he/she has 90 days to file a civil action.</p>		
<p><b>Step 12</b></p>	<p>Present a written proposed resolution to complainant and agency officials.</p> <p><b>Note:</b> If the parties to the complaint accept the proposed resolution, the process ends.</p> <p><b>Note:</b> If the parties to the complaint reject the findings of the proposed resolution, proceed to step 13.</p>	<p>EEO SME</p>	<p>Diversity Manager</p>
<p><b>Step 13</b></p>	<p>Request a hearing or a final agency decision without a hearing.</p> <p><b>Note:</b> Request must be made within 30 days after receipt of notice of final agency notice.</p>	<p>Employee or applicant</p>	<p>N/A</p>
<p><b>Step 14</b></p>	<p>Review complaint.</p>	<p>EEO SME</p>	<p>Diversity Manager</p>
<p><b>Step 15</b></p>	<p>Recommend a written final agency decision to Headquarters.</p>	<p>Diversity Manager</p>	<p>N/A</p>
<p><b>Step 16</b></p>	<p>Present a written final agency decision to complainant.</p> <p><b>Note:</b> If complainant accepts the final agency decision, the process ends.</p> <p><b>Note:</b> If the complainant rejects the final agency decision, proceed to step 17 or 18.</p>	<p>EEO SME</p>	<p>Diversity Manager</p>
<p><b>Step 17</b></p>	<p>Appeal to the EEO Commission's Office of Federal Operations.</p>	<p>Employee or applicant</p>	<p>N/A</p>

	<b>Note:</b> The appeal must be made within 30 days after receipt of the agency's final decision.		
<b>Step 18</b>	File a civil action suit in the appropriate U.S. District Court.  <b>Note:</b> Suit must be filed within 30 days after receipt of agency's final decision.	Employee or applicant	N/A

## Suggested Guidelines

EEO MD-110 Federal Sector Complaints Processing Manual

Title 29 Code of Federal Regulations, Part 1614

DOE G 426.1-1 *Recruiting, Hiring, and Retaining High Quality Technical Staff*

The EEO Complaints exhibit contains a pictorial view of this procedure.

The Federal Employee's Guide to EEO, Second Edition