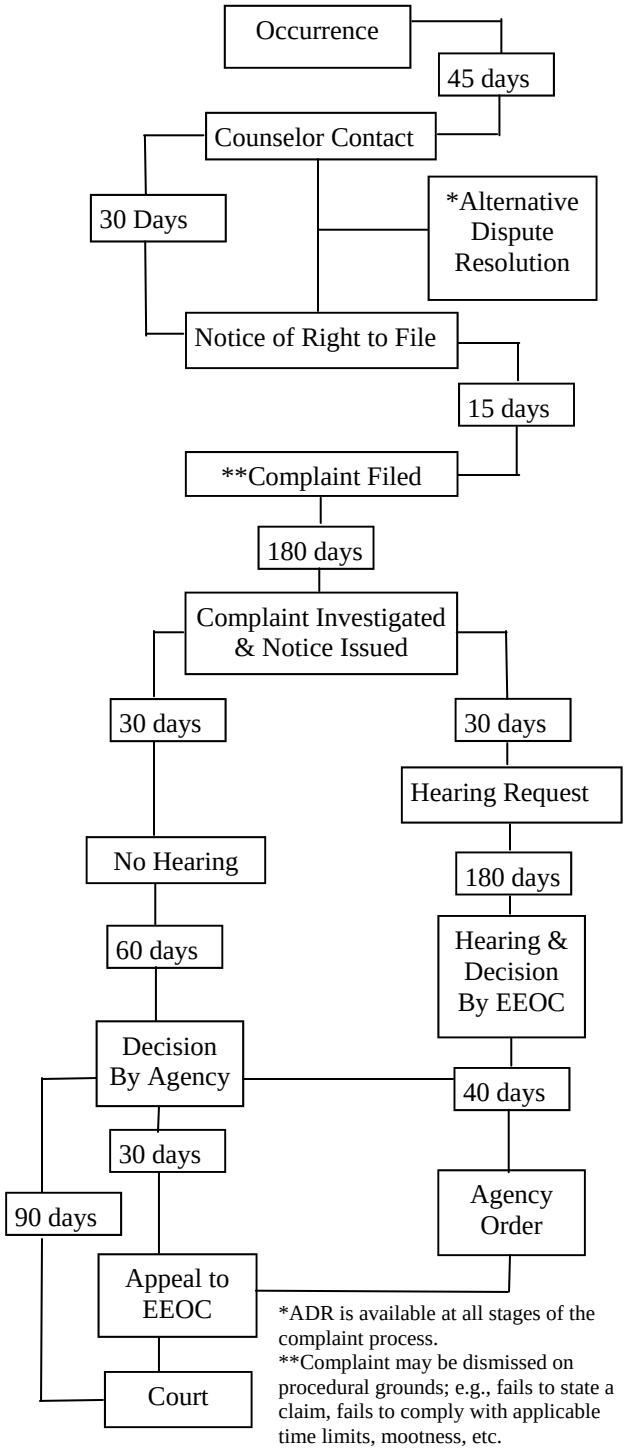
Process



*ADR is available at all stages of the complaint process.
**Complaint may be dismissed on procedural grounds; e.g., fails to state a claim, fails to comply with applicable time limits, mootness, etc.
(see 29 CFR Section 1614.107)

EEO Policy

The Department of Energy (DOE) does not discriminate on the basis of age, color, race, disability (physical or mental), national origin, reprisal, religion, sex (including sexual-harassment), sexual orientation, or any other non—merit factor. DOE is committed to equal employment opportunity principles and practices in all management decisions and personnel practices.

The department is committed to providing equal employment opportunity; illuminating discrimination in employment; and maintaining an environment that is free from any form of prohibited discrimination. The Department will provide a prompt, fair and impartial review, and adjudication of any allegation of discrimination.

Regina Neal-Mujahid
Assistant Director
Office of Civil Rights and Diversity
250 E. 5th St. Suite 500
Cincinnati, Ohio 45202
Phone: (513) 246-0495
Toll-free:1-800-224-8181
Fax: (513) 246-0526
www.emcbc.doe.gov/depts/diversity

U.S. Dept. of Energy
EM Consolidated Business Center

Office of Civil Rights and Diversity

EEO Complaint Process

EEO and Diversity Collaborating for Mission Success

Environmental Management
safety ❖ performance ❖ cleanup ❖ closure

EEO Process

An EMCBC employee or applicant for Federal employment may institute an EEO complaint if that employee or applicant believes that he/she had been discriminated against based on one or more of these factors:

- RACE
- COLOR
- SEX (INCLUDING SEXUAL-HARASSMENT)
- RELIGION
- NATIONAL ORIGIN
- AGE (OVER 40)
- QUALIFIED DISABILITY (PHYSICAL OR MENTAL)
- REPRISAL (FOR PREVIOUS EEO ACTIVITY)

Step One— Informal Complaint

If you believe that you have been the victim of discrimination in your work or through the employment process, you must contact in EEO Counselor within 45 calendar days of the occurrence of the alleged discrimination. A list of counselors is available at the EEO and diversity programs webpage: http://www.emcbc.doe.gov/office/civilrights . At the initial counseling session, the complaint must elect either traditional EEO counseling or Mediation. If the employee selects Mediation, the election must be in writing.

If the employee elects Mediation, the EEO counselor will complete the intake functions of counseling, which is obtained the information needed to determine the basis(es), claim(s), and timeliness.

If the dispute is resolved during the Mediation, it will be in writing (Settle Agreement). The EEO office will retain a copy of the Settlement Agreement and notified the EEO Counselor that an agreement has been reached.

If the EEO Complaint is not resolved within the 90 calendar day period authorized for Mediation, EEO will notify the EEO Counselor and the Counselor will issue the Notice of Right to File a Discrimination Complaint (Final Interview Letter) to the employee, and the EEO process will continue.

Step Two –Formal Complaint

After completing the informal process, you may decide to file a formal complaint. You must file your complaint within 15 calendar days of your receipt of the Notice of Final Interview. You may send your complaints to one of the individuals named in the Notice of Final Interview.

Your complaint must be specific, and limited only to those matters that you previously discussed with the EEO Counselor. You will receive a written acknowledgment of receipt of your complaint. It will inform you of the date that your complaint was filed. This date will be used for calculating the processing times relevant to the formal process

If your complaint is accepted for processing, an impartial investigation will be ordered. The EMCBC will ensure that it is a thorough and fair investigation and is completed within 180 days from the date you filed your formal complaint.

During this period the Department will also attempt to settle your complaint through mediation and will provide you with a copy of the investigative file.

Within 30 days of your receipt of the investigative file, you may request either an EEOC Hearing or an immediate Final Agency Decision (FAD) from the Department. If you request a hearing, the EEOC's Administrative Judge will issue the final decision. If you request a Hearing from the EEOC, an Administrative Judge will conduct a hearing and issue a decision on your complaint. The Judge must complete this process within 180 days from receipt of the agencies file.

The Department, within 40 days of its receipt of the Administrative Judge's decision, must issue its final order. The order must state whether or not the Department will fully implement the decision. If the order states that the Department will not, the Department must file an appeal with EEOC at the same time it issues its final order. If the Department does not take any action, the Judge's findings and any ordered relief become the Final Decision.

If you fail to respond or request an immediate Final Decision, the Department will issue a decision based on its review of the investigative reports and complaint file. The Department will issue its decision within 60 days of your request.

If you requested the Department to issue a Final Decision without a Hearing, you may appeal the Department's decision to the EEOC within 30 days of receipt. You may file a civil action in U.S. District Court within 90 days of your receipt of the Final Decision.