

FEDERAL EMPLOYEES & JOB APPLICANTS:

HOW TO FILE A COMPLAINT OF DISCRIMINATION



If you are a federal employee, former federal employee, or job applicant for a federal job, and you believe that a federal agency has discriminated against you with regard to employment, you have a right to file a complaint. To initiate the process, you must contact an EEO Counselor where you work, worked, or where you applied for a job within 45 days from the day discrimination occurred though some exceptions may apply. Each agency is required to post information about how to contact the [agency's EEO Office](#) at MCIWEST Regional EEO Office; 760-725-3845; 760-725-4301; NAF 760-725-9810.

DISCRIMINATORY INCIDENT



CONTACT AN EEO COUNSELOR

Within 45 days from the day the discrimination occurred. If the discrimination involved a personnel action (for example, a demotion or firing), you generally must contact the EEO Counselor within 45 days of the day the personnel action takes effect. Note that some exceptions may apply.



COUNSELING PROCESS

EEO Counselor must explain the complaint process; identify the claims; conduct limited inquiry; and seek a resolution at the lowest level possible.



EEO ALTERNATIVE DISPUTE RESOLUTION (ADR)

An alternative approach to resolve the dispute and avoid the adversarial process.

MATTER IS NOT RESOLVED

Agency Issues a Notice of Right to File a Formal Complaint



FILE A FORMAL COMPLAINT

Within 15 days from the day you received the Notice of Right to File a Formal Complaint, you must submit a signed statement with your contact information, name of the responsible agency, and a short description of the discriminatory actions and the basis of discrimination (e.g., race, color, sex, disability, etc.).



AGENCY NOTIFICATION

The Agency will send you notification to acknowledge that your complaint was received, inform you of the date on which your complaint was filed, and tell you which claims, if any, are accepted for investigation and which claims, if any, are dismissed.

ACCEPTED/PARTIAL DISMISSALS

Listing which claims were accepted for investigation and which were dismissed. There is no immediate right to appeal.

DISMISSALS

If all your claims are dismissed, and you are not satisfied with the agency's reasons for dismissal you may appeal to the EEOC.



INVESTIGATION OF YOUR COMPLAINT

Generally, an EEO investigator must complete an official investigation within 180 days of the filing date of the formal complaint. If the investigation is not completed within the time limit, the agency must send you a notice informing you that the investigation is not complete with a statement of your rights, including your right to request a hearing or to file a case in federal district court.

At the conclusion of the investigation, you will receive a copy of the Report of Investigation for your review. The agency must give you a notice of your right to request a hearing with an EEOC Administrative Judge (AJ), or the right to request a final agency decision by the agency.

When a Hearing Is Requested - the AJ has full responsibility for the adjudication of the complaint; the AJ might conduct a hearing or issue a decision without a hearing. The agency must issue a decision accepting or rejecting the AJ's decision.

When a Final Agency Decision is Requested - the agency will issue a decision addressing all claims in the complaint, including its rationale for dismissing claims, and/or its findings of whether discrimination occurred; when discrimination is found, a decision will also include appropriate remedies.



APPEAL RIGHTS

If you are not satisfied with the agency's final action, you have the [right to appeal](#) to the EEOC Office of Federal Operations (OFO). The agency can also appeal the AJ's decision.

If you do not agree with the EEOC's decision on your appeal, you can [request reconsideration](#) of that decision. The EEOC's decision on a request for reconsideration is final.

You may [file a civil action](#) in an appropriate U.S. District Court where you will have a new opportunity to present your case before a judge. You also can file a civil action after 180 days from the date you filed your complaint, if no appeal has been filed and no final action on your complaint has been issued.