

FEDERAL SECTOR EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT PROCESS

Initial Contact

NRC employee or applicant initiates administrative EEO complaint process

(Aggrieved individual/counselee contacts SBCR, Collateral Duty EEO Counselor, or eFile Portal, **within 45 calendar days** of the alleged discriminatory event or in the case of a personnel action, **within 45 calendar days** of the effective date of the action)

Counseling¹

0 – 30 days after making initial contact

(0-90 days if aggrieved individual or counselee agrees to an extension.)
EEO Counselor assist aggrieved individual/counselee and the Agency in resolving the pre-complaint informally (29 CFR § 1614.105(c))

Alternative Dispute Resolution (ADR)²

0-90 days if aggrieved individual or counselee agrees to an extension

(Aggrieved individual/counselee elects to participate in ADR to resolve the pre-complaint informally (29 CFR § 1614.105(b)(2))

Final Interview and the Notice of Right to File a Formal Complaint

EEO Counselor conducts final interview and issues the aggrieved individual/counselee a Notice of Right to File a Formal Complaint (29 CFR § 1614.105(d))

Aggrieved individual/counselee has **15 calendar days** after to file a Formal Complaint after receiving the Notice of Right to File.

When an aggrieved individual is covered by a collective bargaining agreement that permits claims of discrimination to be raised in a negotiated grievance procedure, the employee must elect to file an EEO complaint or a grievance but not both. An aggrieved employee who has a choice of forums in which to proceed cannot go forward in more than one forum (29 C.F.R. § 1614.301(a))

Formal Complaint Filed

Upon receipt of the formal EEO complaint, the Agency shall acknowledge receipt of the formal EEO complaint in writing and inform the Complainant of the date on which the complaint was filed.

Complaint Investigated and Report of Investigation (ROI) Issued

Agency shall investigate the formal EEO complaint **within 180 days**. The Complainant, however, may agree to extend the processing time of the investigation up to 90 days. If the formal EEO complaint is amended, the Agency shall complete the investigation within the earlier of 1) 180 days after last amendment or 2) 360 days after the original formal EEO complaint filing date (29 C.F.R. § 1614.108)

Beginning on the 181st day after the formal EEO complaint is filed

The Complainant may: 1) request a final agency decision (FAD); 2) request a hearing before an EEOC administrative judge [provide EEOC link] (29 C.F.R. § 1614.108(f)); or 3) file a lawsuit in Federal District Court (29 C.F.R. § 1614.407)

Report of Investigation

After Issuing Report of Investigation (ROI), Complainant will have **30 days** to provide rebuttal comments, and elect a Final Agency Decision (FAD) or Request an EEOC hearing.

Request Final Agency Decision (FAD)

Pursuant to 29 C.F.R. § 1614.108(f), you have the right to elect an immediate final decision from the Agency based on the information in the Report of Investigation (ROI)

(a Final Agency Decision (FAD), the decision, including appeal rights, will be issued to you **within 60 calendar days** from receipt of your request)

Request an EEOC Hearing

Pursuant to 29 C.F.R. § 1614.108(f), you have the right to elect a hearing before an EEOC Administrative Judge (29 C.F.R. § 1614.110(a)(b))

(If elected, you may request a hearing directly with the EEOC through their public portal at <https://publicportal.eeoc.gov/Portal/Login.aspx>)

Appeals

You may file an appeal with the EEOC's Office of Federal Operations (OFO) **within 30 calendar days** of 1) receipt of an Agency's Notice of Final Action; 2) Notice of Dismissal; 3) Notice of Final Agency Decision (FAD); and 4) Notice of Final Order or Final Determination

(You may file an appeal with the EEOC's Office of Federal Operations (OFO) through their public portal at <https://publicportal.eeoc.gov/Portal/Login.aspx>)

Civil Actions

You have the right to file a civil action in an appropriate United States District Court **within 90 calendar days** from the date that you receive your Decision. If you file a civil action, you must name as the defendant the person who is the official Agency head or department head, identifying that person by his or her full name and official title. The action should be captioned as:
Your Name v. Christopher T. Hanson, Chairman, U.S. Nuclear Regulatory Commission.

¹ During the pre-complaint (informal) stage, the aggrieved individual/counselee is advised of their "Right to File a Formal Grievance". As an alternative to filing a formal complaint, aggrieved individual's/counselee's have the option of filing a formal grievance through the NRC/NTEU Collective Bargaining Agreement (CBA) negotiated grievance procedure (CBA Article 46, Grievance Procedures). However, you **do not** have a right to file a formal complaint, an MSPB appeal, and a formal grievance on the same matters.

² Alternative Dispute Resolution (ADR) is generally available at all stages of the EEO complaint process.

*29 CFR § 1614 – Federal Sector Equal Employment Opportunity (EEO)

**EEOC Management Directive (MD) 110 (Rev. August 5, 2015)