

Supplement to EEO Flow Chart

Rural Development Equal Employment Opportunity Complaint Process

You may file an Equal Employment Opportunity (EEO) complaint with the Rural Development (RD) Civil Rights Office if you believe you have been discriminated against on one or more of the following bases: race, color, religion, sex, national origin, age (40 or older), disability, genetic information, marital status, parental status, political affiliation, as well as reprisal if you oppose employment discrimination, file a complaint of discrimination, or participate in the EEO complaint process (even if the complaint is not your own). The general procedures are outlined as follows:

Informal Phase

The Counselee has 45 calendar days from the date of the alleged incident to contact the EEO Office. The Counselee may be offered a choice between Alternative Dispute Resolution (ADR) Mediation, or Traditional EEO Counseling. If ADR is elected and accepted, ADR is elected and accepted, mediation must occur within 90 calendar days of the initial contact date. If ADR mediation is successful, a binding settlement agreement will be drafted and signed by all parties. If ADR mediation is unsuccessful, the Counselee will be issued a Notice of Right to File a Formal Complaint and they must file within 15 calendar days from the date of receipt if they wish to proceed with the formal EEO process.

If ADR mediation is not elected by the Counselee or is not offered by the agency, Traditional EEO Counseling will commence. The EEO Counselor will conduct a limited inquiry into the Counselee's claim(s) and attempt to resolve the complaint. Traditional Counseling must be completed within 30 calendar days of initial contact unless an extension of no more than 60 calendar days is agreed to in writing. If the complaint is not resolved, the Counselee will be issued a Notice of Right to File a Formal Complaint during their final interview and they must file within 15 calendar days from the date of receipt if they wish to proceed with the formal EEO process.

Formal Phase

Once a formal complaint is filed, and within 15 calendar days of receipt, the EEO Office will determine if there is a valid EEO protected basis(es) and nexus alleged to accept the complaint. If there is not, the complaint will be dismissed, and the Complainant has 30 calendar days to appeal the dismissal decision directly to the Equal Employment Opportunity Commission (EEOC).

If the claim(s) is/are valid, the complaint will be investigated, and a Report of Investigation (ROI) will be issued to the Complainant (formally known as the Counselee) within 180 calendar days. Should the Complainant amend their complaint while it is being investigated, a period of no more than 360 calendar days will be allotted to the investigator for the ROI to be produced. After the Complaint receives the ROI, they have 30 calendar days to elect either a hearing at the Equal Employment Opportunity Commission (EEOC) or Final Agency Decision (FAD).

If an EEOC Hearing is elected, the process is as follows: The EEOC has 180 calendar days to have a hearing and issue a decision. The agency then has 40 calendar days to issue a Final Agency Order on

the EEOC's decision. If the Complainant is dissatisfied with the outcome, they have 30 calendar days to appeal to the EEOC. *Please note, the EEOC is extremely backlogged, and hearings are often taking much longer than 180 calendar days, it may take a few years for a case to be heard.

If a FAD is elected, the process is as follows: The Agency has 60 calendar days to issue a Final Agency Decision. If the Complainant is dissatisfied with the outcome, they have 30 calendar days to appeal to the EEOC.

Appellate Phase

During the appellate phase, the EEOC's Office of Federal Operations (OFO) will issue a decision on the appeal. Once the decision is rendered, the complainant has 30 calendar days to request reconsideration if they're dissatisfied with the outcome.

Judicial Phase

There are certain points within the EEO process that a Complainant may file a civil action directly in a U.S. District Court, which are as follows:

- a) Within 90 days of receipt of the agency final action unless the Complainant has filed an appeal with the EEOC;
- b) 180 days after the complaint was filed if an appeal has not been filed and agency final action has not been taken;
- c) Within 90 days of receipt of the EEOC's final decision on the appeal;
- d) 180 days after the filing of the appeal if the EEOC has not issued a decision within that period.

This concludes the EEO Flow Chart Process.