

Fact Sheet About the EEO Complaint Process

Any NARA employee or applicant for employment may file an Equal Employment Opportunity (EEO) complaint of discrimination if he or she believes that they have been discriminated against based on one or more of these protected categories.

- Race
- Color
- Religion
- Sex (including pregnancy, sexual orientation, gender identity or transgender status)
- National Origin
- Age (40 and older)
- Disability (mental or physical)
- Genetic Information
- Retaliation (for engaging in prior EEO activity)

Informal Complaint Process

The employee or applicant must initiate contact with NARA's EEO Counselor within **45 calendar days** following the alleged discrimination act/incident or personnel action. The Counselor will advise the employee or applicant of their rights and will conduct an informal inquiry regarding the allegation(s). During this time, the Counselor will attempt to resolve the complaint.

The employee or applicant may have a representative of their choice at any stage of an EEO complaint, including the counseling process.

The employee may choose to participate in RESOLVE, NARA's Alternative Dispute Resolution (ADR) Program, during the EEO pre-complaint process. RESOLVE offers an alternative informal mediation process geared towards reaching resolution of the allegation(s) by the parties themselves.

The employee or applicant may opt to remain anonymous. The EEO Counselor will not reveal the identity of the employee or applicant who has come to him or her for consultation, except when authorized to do so by the employee or applicant.

If the allegation is not resolved through traditional counseling or the RESOLVE Program, the Counselor will conduct a Final Interview and issue a Notice of Right to File (NORTF) a formal EEO complaint within **30 calendar days** of the initial contact. The employee or applicant has **15 calendar days** from receipt of that NORTF to file a formal complaint of discrimination.

Formal Complaint Process

After completing the informal process, the employee or applicant may decide to file a formal complaint within **15 calendar days** of the NORTF. To do this, the employee or applicant must use the Formal Complaint of Discrimination Form provided to them by the EEO Counselor when they received the NORTF. The complaint may include a letter or any other supporting material with the complaint. The complaint must be specific and limited only to those matters that were previously discussed with the EEO Counselor.

The employee or applicant will receive written acknowledgement of the Office of Equal Employment Opportunity Programs (NEEO) receipt of the complaint. It will inform you of the date that your complaint was filed. This date will be used for calculating the length of time for processing all of the steps in the formal process.

If your complaint is accepted for processing, an impartial investigation will be conducted. The thorough and fair investigation must be completed within **180 calendar days** from the date the formal complaint was filed. If an extension is aggrieved upon, an additional **90 calendar days** is allowed. Amended complaints will be investigated within the earlier of **180 calendar days** after the last amendment to the original complaint or **360 calendar days** after the filing of the original complaint.

Upon completion of the investigation, the employee or applicant will receive a copy of the Report of Investigation (ROI) and a Notice of Further Rights. Within **30 calendar days** of receipt of the ROI, the employee or applicant may choose between receiving a Final Agency Decision (FAD) or requesting a hearing before an Administrative Judge at the Equal Employment Opportunity Commission (EEOC).

If the employee or applicant request a hearing from the EEOC, the AJ shall oversee discovery, conduct a hearing, and issue a decision on the complaint. The employee or applicant must also notify NEEO of their request a hearing. **Note:** NEEO no longer retains jurisdiction over the complaint.

If the employee or applicant elects a FAD, NARA is required by regulation to issue a decision based on the findings in the ROI within **60 calendar days** of the election. You will notified in writing of NARA's decision. Also, you will be provided with appeal rights if you wish to appeal the FAD.

If the employee or applicant fails to make an election, NARA will issue a FAD based on the findings in the ROI within **60 calendar days** after the 30-day election period.

If the employee or applicant is dissatisfied with a decision, they may appeal it to the EEOC within 30 calendar days of receipt. They may file a civil action in U.S. District Court within **90 calendar days** of receipt of a final order.