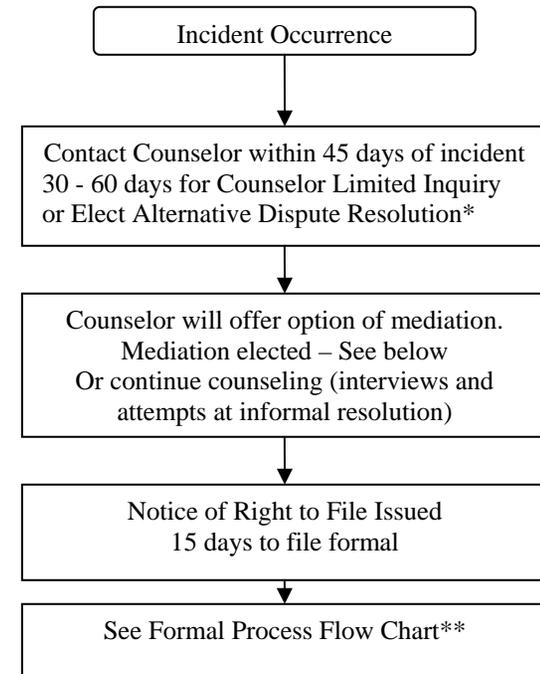
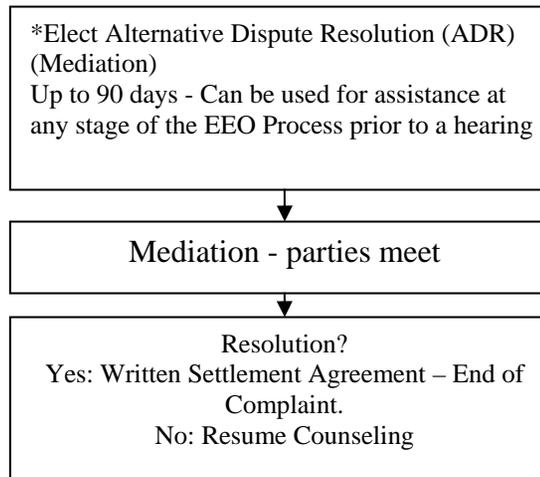


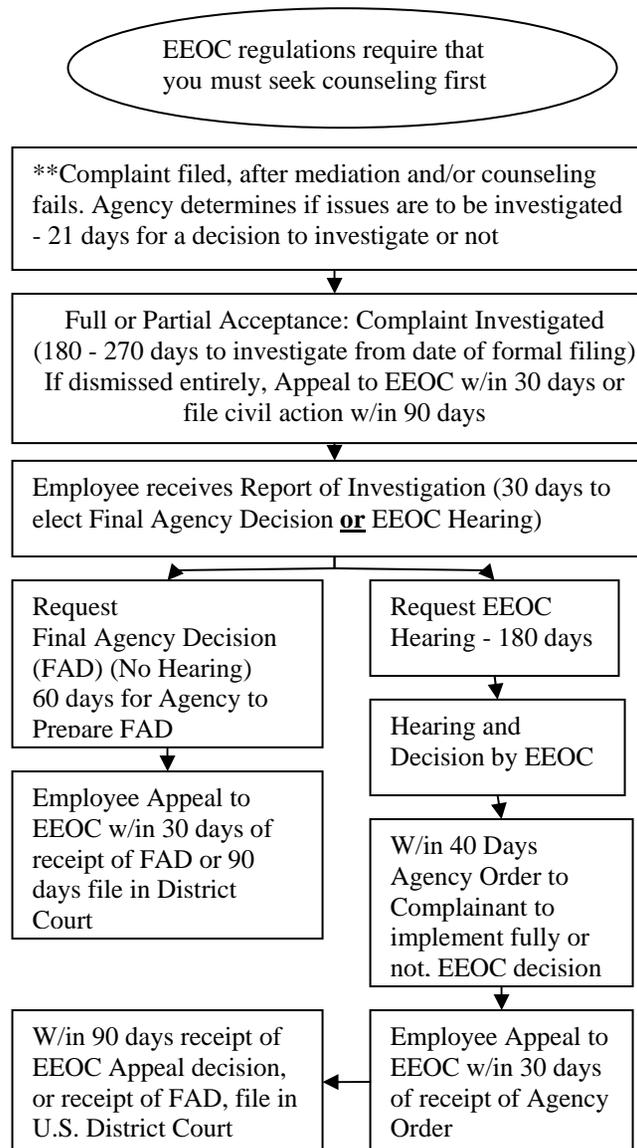
## INFORMAL PROCESS - COUNSELING



## MEDIATION PROCESS



## FORMAL COMPLAINT PROCESS



EEO & Diversity Office

<http://www.doeal.gov/eo/>

(505) 845-5517 (505) 845-4963 (Fax) 1-866-872-1011 TTY

*EEO and Diversity: Collaborating for Mission Success*

National Nuclear Security Administration  
Service Center – EEO and Diversity Office

## EEO COMPLAINT PROCESS

### EEO POLICY

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

The Department is committed to providing equal employment opportunity; eliminating 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.



## EEO PROCESS

An NNSA employee or applicant for Federal employment may institute an EEO complaint if that employee or applicant believes that he/she has 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)  
SEXUAL ORIENTATION\* *Prohibited by DOE Order*

*The U.S. Equal Employment Opportunity Commission (EEOC) does not enforce the protections that prohibit discrimination and harassment based on sexual orientation<sup>1</sup>, status as a parent<sup>2</sup>, marital status<sup>2</sup> and political affiliation<sup>3</sup>.*

<sup>1</sup>Prohibited by DOE policy and Federal Executive Order; <sup>2</sup>Prohibited by Federal Executive Order; <sup>3</sup>The Civil Service Reform Act also prohibits employment discrimination in the federal government based on marital status, political affiliation and conduct which does not adversely affect the performance of the employee, none of which are within EEOC's jurisdiction, employees filing under marital status or political affiliation should consult the Merit Systems Protection Board (MSPB).

### 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 an 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 web page:

<http://www.doeal.gov/eo/counselors.html>

At the initial counseling session, the complainant must elect either traditional EEO Counseling or Mediation. If the employee elects Mediation, the election must be in writing. If the employee elects Mediation, the EEO Counselor will complete the intake functions of counseling which is obtaining 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 (Settlement Agreement). The EEO office will retain a copy of the Settlement Agreement and notify 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 complaint 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 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 NNSA Service Center will insure 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 agency's 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 and 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 report 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.