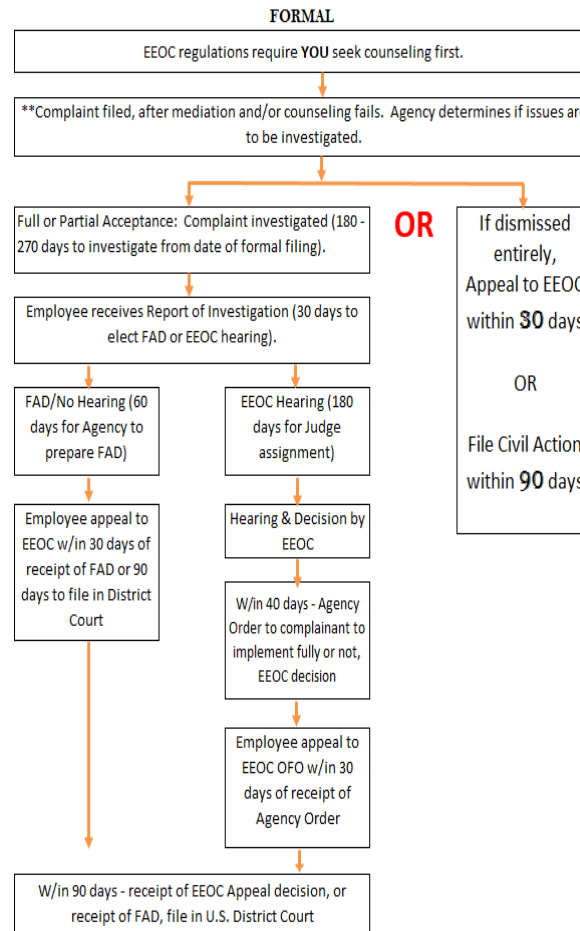
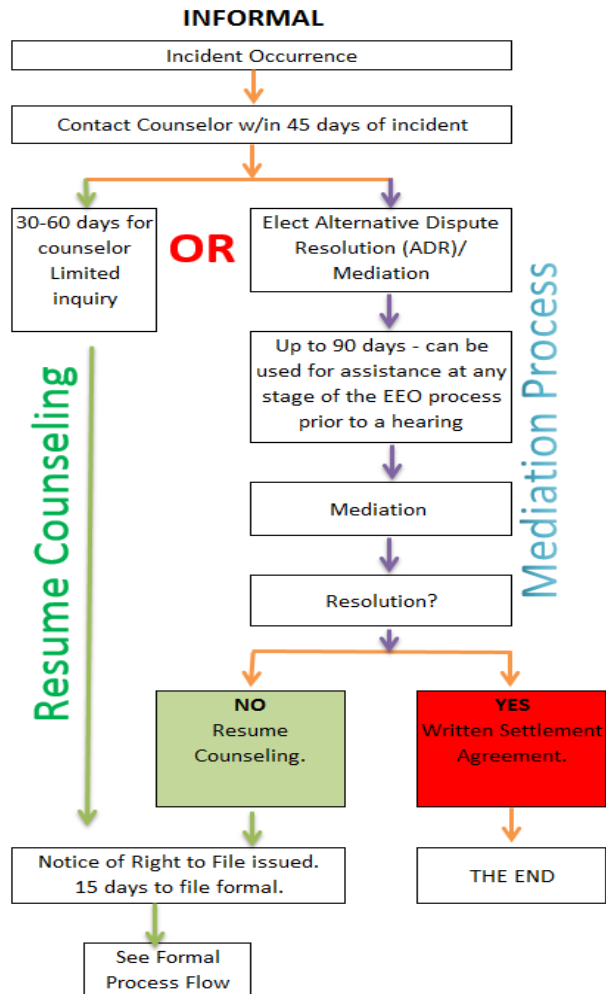


If you fail to respond to the ROI election or request an immediate Final Decision, the Department will issue a decision based on its review of the investigative report. The Department will issue its decision within **60 days** of your request.

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 or, you may file a civil action in U. S.

District Court within **90 days** of your receipt of the Final Decision.



NNSA OFFICE OF CIVIL RIGHTS NA-1.2
PO BOX 5400
ALBUQUERQUE, NM 87185

Phone: (505) 845-5517
Toll Free: (800) 825-5256
 (enter 845-5517 at prompt)
TTY: (866) 872-1011
Fax: (505) 845-4963

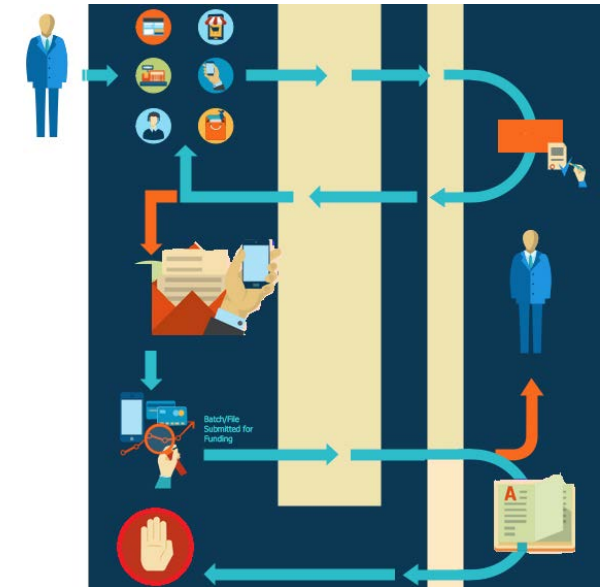
NNSA Enterprise Portal:
<http://nnsaportal.energy.gov/Pages/default.aspx>
OCR Internet: <http://nnsa.energy.gov/aboutus/ouoperations/managementandbudget/civrights>



US DEPARTMENT OF ENERGY
 NATIONAL NUCLEAR SECURITY
 ADMINISTRATION

OFFICE OF CIVIL RIGHTS NA-1.2

EEO COMPLAINT PROCESS



Equal Employment Opportunity:
Collaborating for Mission Success

THE DEPARTMENT OF ENERGY IS COMMITTED TO PROVIDING EQUAL EMPLOYMENT OPPORTUNITY; 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.

An NNSA employee or applicant for Federal employment may initiate an EEO complaint if that employee or applicant believes that he/she has been discriminated against based on one or more of these factors:

- AGE (40+)
- COLOR
- GENETIC INFORMATION
- RACE
- NATIONAL ORIGIN
- RELIGION
- REPRISAL (for previous EEO Activity)
- SEX
- DISABILITY
- PREGNANCY
- SEXUAL HARASSMENT
- SEXUAL ORIENTATION
- STATUS AS A PARENT

The U.S. Equal Employment Opportunity Commission (EEOC) does not enforce the protections that prohibit discrimination and harassment based on sexual orientation (prohibited by DOE policy and Federal Executive Order), status as a parent or marital status (prohibited by Federal Executive Order), and political affiliation (prohibited by 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 incident. A list of counselors is available at OCR Internet: <http://nnsa.energy.gov/aboutus/our-operations/managementandbudget/civrights>

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, then an EEO Counselor will complete the intake functions of counseling which is obtaining the information needed to determine the basis(es), issue(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 receiving your written Notice of Final Interview, 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 send your complaint to the NNSA Office of Civil Rights.

Your complaint must be specific, and limited only to those matters that you previously discussed with the EEO Counselor or addressed at mediation. You will receive written acknowledgement 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. NNSA will insure that it is a thorough and fair investigation and is completed within **180-270 calendar 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 calendar days** of your receipt of the investigative file (ROI), 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 EEOC has **180 days** from your election of hearing to assign a Judge. See EEOC.gov for additional hearing timeframes.

The Department, within **40 calendar 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 an 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.

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