

Transcript of the Rural Development Equal Employment Opportunity Complaint Process Flow Chart

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 (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability, genetic information, sexual orientation, 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 (begin Flow Chart Process):

Informal Phase

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

If ADR mediation is not elected or is not offered, EEO Counseling will commence. The EEO Counselor will conduct a limited inquiry into the Aggrieved's claim(s) and attempt to resolve the complaint. Counseling must be completed within 30 calendar days. If the complaint is not resolved, the Aggrieved will be issued a Notice of Right to File a Formal Complaint and must file within 15 calendar days to proceed with the formal EEO process.

Formal Phase

If a formal complaint is filed, the EEO Office will accept or dismiss the complaint. If dismissed, 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 accepted, the complaint will be investigated and a Report of Investigation (ROI) will be issued to the Complainant (formally known as the Aggrieved) 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.

Appeal Phase

During the appeal 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) Within 90 days of receipt of the EEOC's final decision on the appeal.

This concludes the EEO Flow Chart Process.