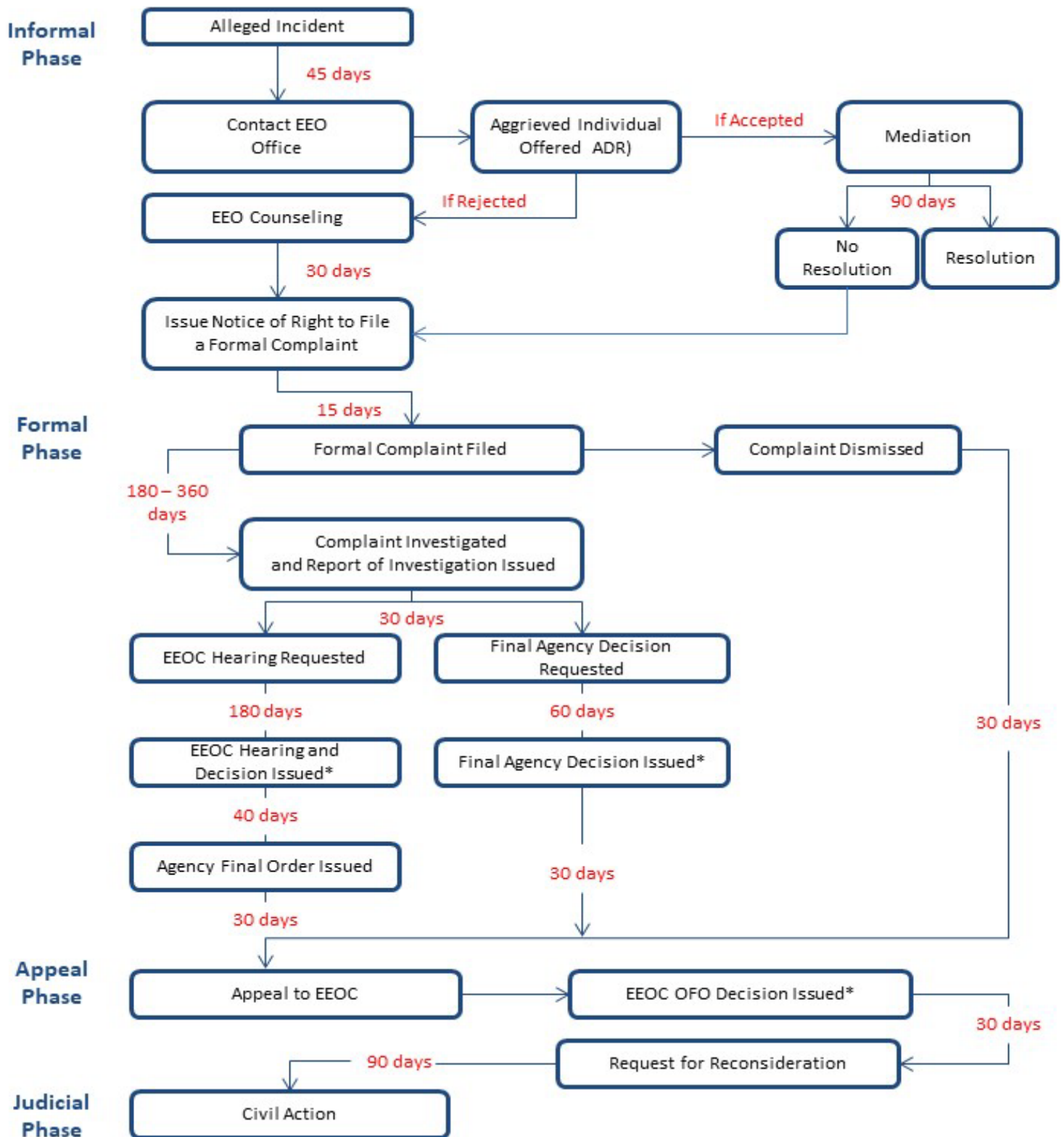


Rural Development Equal Employment Opportunity Complaint Process

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 (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 below.



Who can file? Any RD employee, former employee, or applicant for employment may file an EEO complaint.

Visitors, employees, and clients of organizations outside RD that receive Federal funding from RD may file a complaint through the program compliance complaint process, which is wholly distinct from the EEO complaint process.

Informal Stage of the EEO Complaint Process

You must begin the EEO complaint process by contacting an EEO Counselor within 45 calendar days of the date of the incident that gave rise to your complaint or, if it is a personnel action, within 45 calendar days of its effective date. You can contact a RD EEO Counselor at (202) 692-0090 (local); 1-800-787-8821, option number one (toll free); or RD-CRS@wdc.usda.gov. You may also initiate the informal stage by filing an employment complaint using the Agency's **eFile** Module. For your convenience, a **User Guide** is available to assist you.

The role of the EEO Counselor is to:

- Explain the EEO complaint process to you and advise you, in writing, of your rights and responsibilities;
- Listen and help you specifically identify your claims of employment discrimination;
- Inform you about Alternative Dispute Resolution (ADR);
- Conduct a limited inquiry into your allegations;
- Discuss your concerns with an appropriate Agency official who has authority to resolve your allegations;
- Attempt to resolve your concerns informally; and
- Report to the RD EEO Office about their activities. EEO Counselors will also discuss your allegations with appropriate officials, but they will use your name only with your permission. You have the right to remain anonymous during the informal stage.

You have the right to be represented at any stage of the process of your complaint, including the informal stage. Generally, you may select any person to represent you, including an attorney. You and your representative, if an employee of RD, are entitled to a reasonable amount of official time in preparing and presenting your complaint.

Your EEO Counselor has 30 calendar days from when you report your allegation to attempt an informal resolution of the matter. The 30-day period for EEO counseling may be extended up to an additional 60 calendar days if you agree in writing to such an extension.

You may wish to pursue an informal solution through the Alternative Dispute Resolution (ADR) process. The EEO Counselor will discuss this option with you. The goal of the EEO Counselor is to facilitate an informal resolution of the matter between the parties when possible. A trained mediator from either inside or outside RD will be assigned to mediate your claim. The mediator is a neutral, objective, and impartial problem solver who will be able to assist you and management in joint problem solving. If you agree to participate in ADR, the informal stage will be extended to a maximum of 90 calendar days. If your claim is not resolved during the informal stage or during ADR, the EEO Counselor will conduct a final interview and provide, in writing, you with a Notice of Right to File a Formal Complaint of Discrimination (NRF).

Formal Stage of the EEO Complaint Process

You have 15 calendar days from the date of your receipt of the NRF to submit your formal complaint in writing to the USDA Office of the Assistant Secretary for Civil Rights (OASCR).

It is important to know that if you do not file your formal complaint within the 15-day time limit, the OASCR can dismiss your complaint.

Your formal complaint must be specific and must be limited to the matters discussed with the EEO Counselor during the informal stage. The formal complaint should be filed by you or your representative, and mailed or hand-delivered to:

Delivery via United States Postal Service:

U.S. Department of Agriculture
Center for Civil Rights Enforcement
Chief, Employment Complaints Division
1400 Independence Avenue, SW, Mail Stop 9440
Washington, DC 20250-9440

Delivery via FedEx, UPS, DHL, etc.:

U.S. Department of Agriculture
Center for Civil Rights Enforcement
Chief, Employment Complaints Division
Patriot's Plaza III
355 E Street, SW, 7th Floor
Washington, DC 20250

Delivery via facsimile or electronic mail:

(202) 205-8206 or ECD@ascr.usda.gov

If your formal complaint is accepted, it will be investigated by an impartial investigator. However, if your complaint is dismissed, you will receive written notice of the determination, along with the appropriate appeal rights and instructions.

INVESTIGATION

The investigation will encompass all the information relevant to the accepted allegations and may, when appropriate, include comparative data on other individuals who were similarly situated. The investigation may be conducted by verbatim statements, interrogatories, or by other forms of fact finding. During the investigation, you will have an opportunity to present all the facts that you believe show unlawful discrimination.

RD has 180 calendar days from the date you filed your complaint to complete the investigation and provide you with the Report of Investigation (ROI). Extensions may be necessary to complete the investigation.

You have 30 calendar days from your receipt of the ROI to elect for either a Final Agency Decision (FAD) or a hearing before an Equal Employment Opportunity Commission (EEOC) Administrative Judge.

FINAL AGENCY DECISION

If you request a FAD, it will be issued within 60 calendar days after RD's receipt of your notice of election for a FAD. The FAD will be prepared by an adjudicator assigned to the OASCR.

If your complaint involves a matter appealable to the Merit Systems Protection Board (MSPB), you will be issued a written FAD, without a hearing, on the claim(s) appealable to the MSPB within 45 calendar days from the date of completion of the ROI.

The FAD will include an analysis on the merits of each claim accepted in your complaint or a decision to dismiss some or all of your claims. If a finding of discrimination is made, the FAD will also identify the corrective action to which you are entitled.

HEARING

If you request a hearing before an EEOC Administrative Judge, you will be allowed to present witnesses and evidence on your behalf to an Administrative Judge. The Administrative Judge will issue a decision on your complaint that will be subject to a final order by the OASCR. Once you have elected a hearing, the EEOC Administrative Judge will have full and complete authority over your complaint.

The Administrative Judge will issue a decision on your complaint which will become the final action of USDA unless USDA appeals the Administrative Judge's decision.

Appeal Stage

If you are dissatisfied with the FAD or the EEOC Administrative Judge's decision, you may, within 30 calendar days of your receipt of the FAD or final order after a hearing decision, submit an appeal to the Equal Employment Opportunity Commission, Office of Federal Operations via:

- Mail: P.O. Box 77960, Washington, D.C., 20013;
- Hand-delivered: 131 M Street, NE, Suite 5SW12G, Washington, DC 20507
- Facsimile: (202) 663-7022

You **must** also send a copy of the appeal to:

Delivery via United States Postal Service:

U.S. Department of Agriculture
Center for Civil Rights Enforcement
Chief, Employment Complaints Division
1400 Independence Avenue, SW, Mail Stop 9440
Washington, DC 20250-9440

Delivery via FedEx, UPS, DHL, etc.:

U.S. Department of Agriculture
Center for Civil Rights Enforcement
Chief, Employment Complaints Division
Patriot's Plaza III
355 E Street, SW, 7th Floor
Washington, DC 20250

Civil Action

In lieu of an appeal to the EEOC, you may, within 90 calendar days of your receipt of the FAD or final order after a hearing decision, file a civil action in the appropriate United States District Court. Also, you may file a civil action 180 calendar days after you filed your individual formal complaint if a FAD has not been issued and you have not appealed to EEOC.

If you file an appeal with the EEOC and are not satisfied with the EEOC's decision, you may file a civil action in the appropriate United States District Court within 90 calendar days of your receipt of the EEOC's decision or after 180 days from the date you filed the appeal if there has been no decision by the EEOC.

Authorities

The EEO complaint process for federal employees and applicants for employment is governed by regulations issued by the Equal Employment Opportunity Commission at 29 C.F.R. § 1614.