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Federal Sector EEO Complaint Processing Guide

The following guide provides an overview of the time periods for filing an equal employment opportunity complaint for most federal employees and applicants for federal employment.

Informal Complaint Processing

In most cases, contact must be initiated with an EEO Counselor within 45 days from date an individual reasonably suspects discrimination. The complaint is now in the informal stage. The complaint remains in the informal stage for 30 days, unless the parties agree to extend counseling. Counseling can be extended for an additional 60 days. Following informal counseling, or ADR in some cases, the complainant will receive the notice of right to file a formal complaint. The formal complaint must be filed within 15 days thereafter.

Formal Complaint Processing

Once a formal complaint is filed, the complaint is either accepted for investigation, dismissed, or accepted in part and dismissed in part. If the complaint is accepted, the Agency typically has 180 days to complete the investigation. This time period can be extended by mutual agreement or where the complaint has been amended. Once the investigation is completed, the complainant will have 30 days to request a hearing before the EEOC or a final agency decision. If a complaint is dismissed, the complainant has 30 days to appeal the dismissal to the EEOC. Complaints that are accepted in part and dismissed in part proceed to investigation on the accepted issues in the time frame described above. The portion of the claim that is dismissed can be challenged once the case is before the EEOC.

Appeals to the EEOC

After a decision is issued from an EEOC administrative judge, the Agency has 40 days to issue a final order on the decision. Thereafter, the complainant has 30 days to appeal the Agency's final order to the EEOC. If the complainant has not elected a hearing before the EEOC and instead decided to request a final agency decision, the complainant will have 30 days to appeal the final agency decision to the EEOC. If the complainant does not agree with the EEOC's decision on the appeal, a request for reconsideration can be filed 30 days thereafter. Requests for reconsideration are only granted where there is a mistake about the facts of the case or the law applied to the facts.

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Civil Action

Complainants or class agents can file a civil action within 90 days of receipt of a final action on an individual or class complaint if no appeal has been filed; 180 days after filing a complaint if an appeal has not been filed and final action has not been taken; within 90 days after receiving the Commission's decision on an appeal; or 180 days after the date of filing an appeal with the Commission if no final decision by the Commission has been issued. Claims filed under the Equal Pay Act can be filed in civil court within two years of the date of alleged violation or three years in the case of a willful violation.

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