

Facts About Federal Sector Equal Employment Opportunity Complaint Processing Regulations (29 CFR Part 1614)

PROTECTION FROM DISCRIMINATION

The statutes enforced by EEOC make it illegal to discriminate against employees or applicants for employment on the bases of race, color, religion, sex, national origin, disability, or age. A person who files a complaint or participates in an investigation of an EEO complaint, or who opposes an employment practice made illegal under any of the statutes enforced by EEOC, is protected from retaliation.

In addition to laws that EEOC enforces, there are federal protections from discrimination on [other bases](#) including sexual orientation, status as a parent, marital status, political affiliation, and conduct that does not adversely affect the performance of the employee.

REMEDIES

EEOC's policy is to seek full and effective relief for each and every victim of discrimination. The remedies may include:

- posting a notice to all employees advising them of their rights under the laws EEOC enforces and their right to be free from retaliation;
- corrective or preventive actions taken to cure or correct the source of the identified discrimination;
- nondiscriminatory placement in the position the victim would have occupied if the discrimination had not occurred;
- compensatory damages;
- back pay (with interest if applicable) and lost benefits; and
- stopping the specific discriminatory practices involved.

FILING A COMPLAINT WITH A FEDERAL AGENCY

The following gives you an overview of the complaint process. For a more detailed description of the process, see [Federal Sector Complaint Processing Procedures](#).

Employees or applicants who believe that they have been discriminated against by a federal agency have the right to file a complaint with that agency. The first step is to contact an EEO Counselor at the agency within 45 days of the discriminatory action. The individual may choose to participate in either counseling, or in ADR when the agency offers ADR. Ordinarily, counseling must be completed within 30 days and ADR within 90 days. At the end of counseling, or if ADR is unsuccessful, the individual may then file a complaint with the agency.

The agency must conduct an investigation of the complaint, unless the complaint is dismissed. If a complaint is one containing one or more issues that must be appealed to the Merit Systems Protection Board (MSPB), the complaint is a "mixed case." It is then processed under the Board's procedures. For all

other EEO complaints, once the agency finishes its investigation the complainant may request a hearing before an EEOC administrative judge or an immediate final decision from the agency.

In cases where a hearing is requested, the administrative judge issues a decision within 180 days and sends the decision to both parties. Where discrimination is found, the administrative judge orders appropriate relief. If the agency does not issue a final order within 40 days after receiving the administrative judge's decision, the decision becomes the final action of the agency. If the agency issues an order notifying the complainant that the agency will not fully implement the decision of the administrative judge, the agency also must file an appeal at the same time.

An individual, acting as a class agent, also may file a class complaint with an agency. Class complaints must be certified by an EEOC administrative judge in order to be accepted for processing.

FILING AN APPEAL WITH EEOC

A dissatisfied complainant may appeal to EEOC an agency's final action within 30 days of receipt. The agency may appeal a decision by an EEOC administrative judge within 40 days of receiving the administrative judge's decision.

On class complaints, a class agent may appeal an agency's final decision on the merits of the class complaint within 30 days from receipt, or a class member may appeal the final decision on his or her claim for individual relief within 30 days from receipt of the final decision.

If the complaint is a "mixed case," the complainant may appeal the final agency decision to the MSPB or ask the Board for a hearing. Once the Board issues its decision on the complaint, the complainant may petition EEOC for review of the Board decision concerning the claim(s) of discrimination.

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