

HUMAN RESOURCES SERVICE CENTER EUROPE
EQUAL EMPLOYMENT OPPORTUNITY OFFICE
NAPLES, ITALY

EEO DISCRIMINATION COMPLAINT PROCESS

Equal Employment Opportunity Commission (EEOC) regulations provide for the processing of complaints from employees, former employees, and/or applicants for employment who believes that he/she has been discriminated against on the basis of **race, color, religion, sex, national origin, age (40 years and above), disability, or reprisal based on prior EEO activity.**

1. **Informal Stage:** An individual (aggrieved) who believes that he or she has been discriminated against must initiate contact with an EEO Counselor **within 45 days** of the date of the matter alleged to be discriminatory, or in the case of personnel action, **within 45 days** of the effective date of the action.

An EEO Counselor will advise the aggrieved that he or she must elect to have their dispute(s) informally resolved through the agency's Alternative Dispute Resolution (ADR) procedure or pursue resolution through the EEO complaint process. If the EEO complaint process is elected, the Counselor will make necessary inquiries into the matter to facilitate an informal resolution between the parties. The EEO Counselor is required to complete counseling with the aggrieved **within thirty (30) calendar days** of the initial contact. When counseling is completed and the final interview has been held, the EEO Counselor will issue a Notice of Right to File a Discrimination Complaint to the aggrieved individual.

If ADR is elected, the pre-complaint processing period shall be **ninety (90) calendar days**. If the matter is not resolved within a 90-calendar day period or ADR continues beyond the 90-calendar day period, the EEO Counselor will issue a Notice of Right to File a Discrimination Complaint on the 90th day.

2. **Formal Complaint Stage:** A formal complaint must be submitted in writing, preferably on the EEO Formal Complaint of Discrimination form, signed by the complainant, and submitted to the local EEO office **within 15 calendar days** of receipt of the Notice of Right to File a Discrimination Complaint.
3. **Investigative Stage:** If a complaint is accepted for investigation, an Investigator will be assigned to the case. The investigator is authorized to take statements from witnesses under oath and gather pertinent documents and records. The investigator will assemble the file and prepare a report, which summarizes the evidence gathered.

EEO DISCRIMINATION COMPLAINT PROCESS (cont.)

4. **Advisement of Rights:** When the investigation is completed, the complainant will be provided a copy of the investigative file and advised of his/her rights to request an EEOC hearing or final agency decision rendered by Naval Office of EEO Complaints Management and Adjudication (NAVOECMA).

5. **Hearing Stage:** If a complainant elects a hearing, the investigative file will be transferred to the nearest EEOC District Office. An Administrative Judge may conduct a hearing. If a hearing is conducted, it will be recorded and transcribed verbatim. Witnesses may be called to testify and may be cross-examined by the complainant and an agency representative. All documents submitted by the parties and accepted by the Administrative Judge will be entered into the record. The Administrative Judge will issue a decision **within 180 days** of receiving the investigative file from the agency and will transmit the decision and file to the Agency.

6. **Final Agency Decision Stage:** After receiving the Administrative Judge's decision, the agency will implement the decision **within 40 days**, or appeal the decision to EEOC. If the complainant is dissatisfied with the Administrative Judge's decision or the final action taken by the Agency, he/she may appeal to EEOC's Office of Federal Operations. If there has been no hearing, NAVOECMA will address all issues in the complaint; find discrimination or find no discrimination; and advise the complainant of his/her right to appeal the decision to EEOC's Office of Federal Operations, or to file a civil action in Federal District Court.

7. **Appeal Stage:** If the complainant disagrees with the Agency's final action (dismissals and Final Agency Decisions) he/she may file an appeal with EEOC's Office of Federal Operations, **within 30 calendar days** of receipt of the Agency's final action. If the appeal is timely, EEOC will adjudicate the complaint. The EEOC's appellate decision is final and binding on both parties, unless either party timely requests reopening and reconsideration by members of the Commission (i.e., the Presidential appointed EEOC and Commissioners).

If you believe that you have been discriminated against because of race, color, national origin, religion, sex, age, disability or reprisal, you must contact an EEO Counselor within 45 calendar days of the alleged discriminatory act or personnel action.

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