

**EEO POLICY**

The Department of Energy does not discriminate on the basis of age, color, disability (physical or mental), national origin, race, religion, reprisal, sex (including sexual harassment), sexual orientation, or any other non-merit factor. We are committed to equal employment opportunity principles and practices in all of our management decisions and personnel practices.

The Department is committed to providing equal employment opportunity; eliminating discrimination in employment; and maintaining an environment that is free from any form of prohibited discrimination. The Department will provide a prompt, fair and impartial review, and adjudication of any allegation of discrimination.

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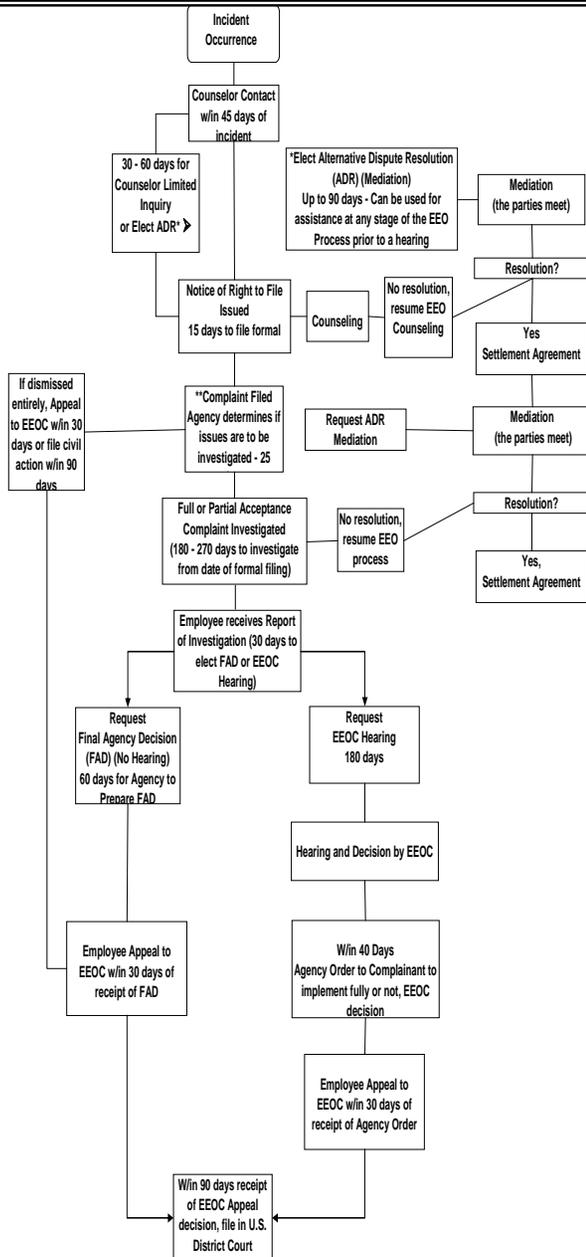
**For additional information, contact:**

**NNSA Service Center  
EEO & Diversity Office**  
<http://www.doeal.gov/eo/>  
**(505) 845-5517**  
**(505) 845-4963 (Fax)**

*EEO and Diversity Collaborating for Mission Success*

*National Nuclear Security  
Administration Service Center  
EEO & Diversity Office*

***EEO  
COMPLAINT  
PROCESS***



\*\*Complaint may be dismissed on procedural grounds; e.g., fails to state a claim, fails to comply with applicable time limits, mootness, etc. (see 29 CFR Section 1614.107)



## EEO PROCESS

An NNSA employee or applicant for Federal employment may institute an EEO complaint if that employee or applicant believes that he/she has been discriminated against based on one or more of these factors.

AGE  
COLOR  
DISABILITY (PHYSICAL OR MENTAL)  
NATIONAL ORIGIN  
RACE  
RELIGION  
REPRISAL  
SEX (INCLUDING SEXUAL HARASSMENT)  
SEXUAL ORIENTATION\*

### **STEP ONE** **INFORMAL COMPLAINT**

If you believe that you have been the victim of discrimination in your work or through the employment process, you must contact an EEO counselor within **45 calendar days** of the occurrence of the alleged discrimination. A list of counselors is available at the EEO and Diversity Programs web page: <http://www.doeal.gov/eo/counselors.html>

At the initial counseling session, the complainant must elect either traditional EEO Counseling or Mediation. If the employee elects Mediation, the election must be in writing. If the employee elects Mediation, the EEO Counselor will complete the intake functions of counseling which is obtaining the information needed to determine the basis(es), claim(s), and timeliness. If the dispute is resolved during the Mediation, it will be in writing (settlement Agreement). The EEO office will retain a copy of the Settlement Agreement and notify the EEO Counselor that an agreement has been reached.

If the EEO Complaint is not resolved within the 90 calendar day period authorized for Mediation, EEO will notify the EEO Counselor and the Counselor will issue the Notice of Right to File a Discrimination Complaint (Final Interview Letter) to the employee, and the EEO process will continue.

### **STEP TWO** **FORMAL COMPLAINT**

After completing the informal process, you may decide to file a formal complaint. You must file your complaint within **15 calendar days** of your receipt of the Notice of Final Interview. You may send your complaint to one of the individuals named in the Notice of Final Interview.

Your complaint must be specific, and limited only to those matters that you previously discussed with the EEO Counselor. You will receive written acknowledgment of receipt of your complaint. It will inform you of the date that your complaint was filed. This date will be used for calculating the processing times relevant to the formal process.

If your complaint is accepted for processing, an impartial investigation will be ordered. The NNSA Service Center will insure that it is a thorough and fair investigation and is completed within **180 days** from the date you filed your formal complaint.

During this period the Department also will attempt to settle your complaint through mediation and will provide you with a copy of the investigative file.

Within **30 days** of your receipt of these materials, you may request either an EEOC hearing or an immediate final agency decision from the Department. If you request a hearing, the EEOC's Administrative Judge will issue the final decision.

If you fail to respond or request an immediate final decision, the Department will issue a decision based on its review of the investigative report and complaint file. The Department will issue its decision within **60 days** of your request.

If you request a hearing from the EEOC, an Administrative Judge will conduct a hearing and issue a decision on your complaint. The Judge must complete this process within **180 days** from receipt of the agency's file.

The Department, within **40 days** of its receipt of the Administrative Judge's decision, must issue its final order. The order must state whether or not the Department will fully implement the decision. If the order states that the Department will not, the Department must file and appeal with EEOC at the same time it issues its final order. If the Department does not take any action, the Judge's findings and any ordered relief become the final decision.

If you requested the Department to issue a final decision without a hearing, you may appeal the Department's decision to the EEOC within **30 days** of receipt. You may file a civil action in U. S. District Court within **90 days** of your receipt of the final decision.

\*Prohibited by DOE policy