



**PROCEDURES FOR PROCESSING INDIVIDUAL COMPLAINTS OF DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX (WHETHER OR NOT OF A SEXUAL NATURE AND INCLUDING SAME-GENDER DISCRIMINATION), NATIONAL ORIGIN, AGE, PHYSICAL OR MENTAL DISABILITY, SEXUAL ORIENTATION (AND GENDER IDENTITY) AND REPRISAL**

**EMPLOYEES/APPLICANTS/FORMER EMPLOYEES**

1. The **AGGRIEVED** must contact the **Office of Workplace Diversity (OWD)** or an Equal Employment Opportunity (**EEO**) **Counselor** within 45 calendar days of the alleged discriminatory personnel action/act or within 45 calendar days of becoming aware of the alleged discrimination. The Aggrieved has the option to choose between Alternative Dispute Resolution or traditional counseling. The **Counselor** has 30 calendar days to attempt informal resolution.
2. If informal resolution fails, the **AGGRIEVED** may file a formal complaint, with the Director, Office Workplace Diversity, within 15 calendar days of final interview with the **Counselor**.
3. The Agency accepts the formal complaint or dismisses all or part of it.
4. If the Agency accepts the formal complaint, **OWD** assigns an investigator.
5. The **AGGRIEVED** is provided a copy of the Report of Investigation (ROI) upon completion of the investigation, with notice of options. The **AGGRIEVED** has 30 calendar days to request a hearing at the Equal Employment Opportunity Commission (EEOC) or a Final Agency Decision (FAD) from FCC without a hearing on the record.
6. If the **AGGRIEVED** does not request a hearing or decision on the record within 30 calendar days, the Agency will issue a Final Agency Decision (FAD). The **AGGRIEVED** may appeal the FAD by filing an appeal with the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 19848, Washington, DC 20036, or by personal delivery or facsimile (202) 663-7022. A copy of the appeal and any supporting brief or statement must be furnished to FCC, **OWD**.
7. If the **AGGRIEVED** requests a hearing, he/she must send a written request directly to EEOC, Washington Field Office, 1400 L Street, NW, Suite 200, Washington, DC 20005. An **ADMINISTRATIVE JUDGE (AJ)** will be assigned to the case.
8. The **ADMINISTRATIVE JUDGE** reviews the file, schedules and conducts the hearing. The AJ issues a recommended decision to the Agency with findings and conclusions detailing the appropriate action to be taken.

9. The Agency renders a Final Agency Decision, providing the **AGGRIEVED** with a copy of the **ADMINISTRATIVE JUDGE'S** recommended decision.
10. The **AGGRIEVED** has the right to file a notice of appeal with EEOC's Office of Federal Operations within 30 calendar days of receipt of the FCC's notice of final decision.
11. The **AGGRIEVED** has the right to file a civil action in an appropriate **United States District Court:**
  - a. within 90 calendar days of his/her receipt of the notice of the final Agency decision or dismissal.
  - b. after 180 calendar days from the date of filing a formal complaint if no appeal to EEOC and no final action.
  - c. after 180 calendar days from the date of filing an appeal with EEOC if no EEOC decision, or
  - d. within 90 calendar days of receiving the EEOC's decision.

**OFFICE OF WORKPLACE DIVERSITY CONTACT:**

Ms. Linda T. Miller, EEO Program Manager

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