

NATIONAL SCIENCE FOUNDATION
INITIAL INTERVIEW FORM

PRIVACY ACT STATEMENT (6 USC 552a)

Authority: Public Law 92-261
Principle Purpose: Formal filing of allegation of discrimination because of race, color, religion, disability, age, national origin, or reprisal.
Routine Uses: This form and the information on this form may be used (a) as data source for complaint information for production of summary descriptive statistics and analytical studies of complaints processing and resolution efforts and may also be used to respond to general requests for information under the Freedom of Information Act, (b) to respond to legitimate outside individuals or agencies (e.g., Members of Congress, The White House, and the Equal Employment Opportunity Commission (EEOC) regarding the status of the complaint or appeal, and (c) to adjudicate complaint or appeal.
Disclosure: Voluntary, however, failure to complete all appropriate portions of this form may lead to rejection of complaint on the basis of inadequate data on which to determine if complaint is acceptable.

NOTE: This form ***must be completed at first meeting with the aggrieved.*** After completion and signatures for sections I and II, copies must be provided to the aggrieved. A copy must also be included in the Final EEO Counseling Report.

I. AGGRIEVED'S INFORMATION

1a. AGGRIEVED'S NAME: _____

1b. AGGRIEVED'S SSN: _____ DOB: ____/____/____

1c. AGGRIEVED'S RNO: _____ AGGRIEVED'S SEX: _____

2a. PAY PLAN/ SERIES/GRADE: _____

2b. JOB TITLE: _____

3. TELEPHONE NUMBERS: (W) _____ (Fax) _____

4. E-MAIL ADDRESS: _____

5a. HOME ADDRESS: _____

5b. HOME TELEPHONE: _____

6. ORGANIZATION (complete address * including Directorate/Division):

7. DATE OF INITIAL CONTACT WITH COUNSELOR: _____

8. DATE OF MOST RECENT ALLEGED DISCRIMINATORY ACT:

9. BASIS (please specify, e.g., race, color, reprisal (for previous EEO activity), disability, age, national origin, gender, or religion):

10. ISSUE/ALLEGED DISCRIMINATORY ACTION (be specific as to who, what, when, and where) Additional pages may be added if needed:

II. Responding Management Official (RMO)

11a. RMO NAME: _____

11b. RMO'S RNO: _____ RMO'S SEX: _____

11c. JOB TITLE: Pay Plan/ Grade/Series: _____

11d. DIRECTORATE/DIVISION:

11e. TELEPHONE NUMBER: (W) _____ (Fax) _____

11f. WORK ADDRESS: _____

11g. E-MAIL ADDRESS: _____

III REQUESTED RELIEF: _____

INTAKE OFFICIAL

AGGRIEVED

DATE

DATE

**OFFICE OF EQUAL OPPORTUNITY PROGRAMS
NATIONAL SCIENCE FOUNDATION
4201 WILSON BLVD., Room 255
ARLINGTON, VA 22230**

AGGRIEVED PERSON'S RIGHTS AND RESPONSIBILITIES

1. The purpose of this memorandum is to advise you of your rights and responsibilities in pursuing an EEO complaint.

2. Rights

a. If you believe that you have been discriminated against because of your race, color, religion, sex, national origin, age, physical or mental disability and/or subjected to reprisal in an employment matter subject to the control of NSF, you may have the choice of more than one route to file a complaint and to have it resolved.

(1) Options for employees outside of a bargaining unit. If you are not a member of a bargaining unit covered by a union contract, you have the right to select one of the following options:

(a) You may pursue a discrimination complaint under the procedures covered by 29 CFR 1614 and EEOC Management Directive 110. Your first step under this procedure is to contact the Office of Equal Opportunity Programs (OEOP) within 45 calendar days of the date of the matter alleged to be discriminatory or, in the case of a personnel action, within 45 days of the effective date of the action. OEOP will then arrange for an EEO Counselor. If the EEO counselor cannot resolve the problem to your satisfaction, you may file a formal EEO complaint. The counselor will tell you with whom to file your complaint and will explain complaint procedures. These include an investigation, a hearing by the Equal Employment Opportunity Commission (EEOC) if a non-mixed case, and if you so choose, and a final decision.

(b) You may pursue a discrimination complaint under the Merit Systems Protection Board (MSPB) appeal procedure. This procedure is available to you only if the alleged discriminatory action can be appealed to the MSPB. Examples of personnel actions that are appealable to the MSPB include, but are not limited to, removal

Aggrieved Person's Rights and Responsibilities

or suspension for more than 14 days of a non-probationary competitive service employee. If you are subject to a personnel action that is appealable to the MSPB, you will be notified in writing of your right to appeal to the MSPB. The time limit for appeal to the MSPB is 20 calendar days after the effective date of the personnel action which you believe discriminated against you. Under such an appeal, you are entitled to a hearing by the MSPB. In addition, you may petition the EEOC to review the final decision of the MSPB on the allegation(s) of discrimination.

(2) Options for employees within a bargaining unit. If you are a member of a bargaining unit covered by a union contract, and if the negotiated grievance procedure in that contract does not specifically exclude discrimination issues, you have the right to select one of the following options:

(a) You may pursue a discrimination complaint under the procedures covered by 29 CFR 1614 and EEOC Management Directive 110 as described in paragraph 2a (1) (a) above.

(b) You may pursue a discrimination complaint under the Merit Systems Protection Board (MSPB) appeal procedure as described in paragraph 2a (1) (b) above.

(c) You may pursue a discrimination complaint under the negotiated grievance procedure. Your union contract outlines the grievance steps including review by the EEOC. Note that decisions in actions covered by 5 USC Section 7512 or 4303 cases are not appealable to the Federal Labor Relations Authority (FLRA). In actions not covered by 5 USC Section 7512 or 4303, but otherwise appealable to MSPB, you have access to the MSPB procedures only if such actions are excluded from the grievance procedure. If they are covered by the negotiated grievance procedure, the option is between the discrimination complaint procedure, under Title VII of the Civil Rights Act of 1964, as amended, hereinafter referred to as EEO complaint procedure, or the negotiated grievance procedure. A bargaining unit employee who raises a claim of discrimination in connection with an appealable Reduction in Force (RIF) action may choose to appeal to the MSPB. Note that in actions not appealable to the MSPB, but covered by the negotiated grievance procedure, you may choose between the grievance procedure or the EEO complaint procedure under 29 CFR 1614 and EEOC Management Directive 110.

(d) You may not seek redress under the EEO complaint procedure and the negotiated grievance procedure. When you select the negotiated grievance procedure by filing a written grievance, your decision is considered to be final and you cannot seek redress under the EEO complaint procedure.

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(e) A grievance under the negotiated procedure will be rejected if you have filed a timely appeal with the MSPB or if you have filed a formal discrimination complaint under the EEO complaint procedure.

(f) Allegations of discrimination that are subject to final administrative review by the EEOC may not be raised by an employee in the administrative grievance procedures.

(3) Additional option for age discrimination complainants (age 40 and over). In addition to filing a complaint under this regulation, a mixed case appeal with MSPB (if applicable) or a negotiated grievance (if applicable) as described above, you may elect to bypass the administrative procedure and file a civil action directly in an appropriate U.S. District Court, after first filing a written notice of intent to file a civil action with the EEOC within 180 calendar days of the date of the alleged discriminatory action. Once a timely notice of intent to sue is filed with the EEOC, you must wait at least 30 calendar days before filing a civil action.

You must be aware that if you elect to file an administrative complaint rather than filing directly in U.S. District Court you must exhaust your administrative remedies before you can file a civil action. You will have exhausted your administrative remedies when one of the following occurs: 90 calendar days after receiving notice of the final decision on your complaint, if no appeal has been filed; or, after 180 calendar days from the date you filed your complaint and no final decision has been made and no appeal has been filed; or 90 calendar days after receiving the EEOC's final decision on your appeal; or after 180 calendar days from the date you filed an appeal with the EEOC and the EEOC has not issued a final decision on the appeal.

(4) Equal Pay Act Option. If you are alleging sex-based wage discrimination under the Equal Pay Act (EPA), you have the right to go directly to the U.S. District Court even though such claims are also cognizable under Title VII. A civil action must be filed within 2 years of the date of the occurrence, or within 3 years of this date if the violation is alleged to be willful. The filing of an administrative complaint does not toll the time for filing a civil action.

b. You have the right to remain anonymous during the counseling. The counselor will refrain from revealing your identity except by your authorization.

c. You have the right to a representative of your choice throughout the complaint process including counseling. This right to choice of representation is limited when there would be a conflict of interest as defined in 29 CFR 1614 and EEOC Management Directive 110.

Aggrieved Person's Rights and Responsibilities

d. You have the right to a hearing before an EEOC administrative judge in a non-mixed case after 180 calendar days from the filing of a formal complaint or after completion of the investigation, whichever comes first.

e. You have the right to go to U.S. District Court 180 calendar days after filing a formal complaint or 180 calendar days after filing an appeal with EEOC.

f. You have the right to receive in writing within 30 calendar days of the first counseling contact (unless you agree in writing to an extension) a notice terminating counseling and informing you of: (1) the right to file a formal individual or class complaint within 15 calendar days of receipt of the notice, (2) the appropriate official with whom to file a formal complaint, and (3) your duty to immediately inform the agency if you retain counsel or a representative. Any extension of the counseling period may not exceed an additional 60 calendar days. Where notice is not provided and no extension is secured, you have the right to file a formal complaint after the 30th day. Exception: Where you agree to participate in an established alternative dispute resolution program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within 90 calendar days of the first contact, whichever is earlier.

3. Responsibilities

a. You are responsible for cooperating with the EEO counselor, the Office of Equal Opportunity Programs, and investigator in processing your EEO complaint.

b. You are responsible for ensuring that the Office of Equal Opportunity Programs is advised, in writing, of your current mailing address at all times during the processing of your EEO complaint in this administrative procedure. Failure to keep the agency informed of your current address may result in dismissal of your complaint.

c. If you file a formal complaint, you are responsible for informing the Office of Equal Opportunity Programs if you are represented, by whom and the address and telephone number of same. You must also inform the Office of Equal Opportunity Programs of any change in representation.

d. You must also be aware that you have a legal obligation to mitigate damages, regardless of whether it is later determined that you were a victim of unlawful discrimination. A successful complainant claiming back pay will be paid the amount he/she would have earned had it not been for discrimination, less any amount he or she actually earned or could have earned with due diligence, plus interest. Interest on back pay is not payable to Federal employees or applicants who prevail on employment discrimination claims brought under the ADEA or the EPA.

Aggrieved Person's Rights and Responsibilities

e. You are responsible for informing the Office of Equal Opportunity Programs of your election of redress. Whichever formal action you file first (a MSPB mixed case appeal, a discrimination complaint under the EEO complaint procedure, or a written grievance under the negotiated grievance procedure) is considered to be an election to proceed only in that forum as to the alleged discrimination. Thus you should be aware that:

(1) An appeal to the MSPB will not be accepted if you have filed a timely formal complaint in writing under the EEO complaint procedure or a timely written grievance under the negotiated procedure.

(2) A discrimination complaint filed under the EEO complaint procedure will be dismissed if you have filed a timely appeal to the MSPB or a timely-written grievance under the negotiated procedure on the same matter.

f. You are responsible for filing a formal EEO complaint within 15 calendar days of receipt of the counselor's notice of right to file a discrimination complaint in the event that you wish to file a formal complaint at the conclusion of counseling.

g. You are responsible for serving notice of appeal and a copy of the brief (if any) on the agency should you elect to appeal an agency decision to the EEOC, Office of Federal Operations.

h. Should you elect to bypass the administrative procedure in an age discrimination complaint set forth in section 2a (3) above, you are responsible for providing the following information in your notice of intent to sue:

(1) The date prepared.

(2) Statement of intent to file a civil action under Section 15(d) of the Age Discrimination in Employment Act of 1967 (ADEA), as amended.

(3) Your name, address, and telephone number.

(4) Name and address, and telephone number of your designated representative, if any.

(5) Name and location of the federal agency or installation where the alleged discriminatory action occurred.

(6) Statement of the nature of the alleged discriminatory action(s).

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(7) Date(s) the alleged discriminatory action occurred.

(8) Your signature or the signature of your designated representative.

i. Notices of Intent to Sue under the ADEA must be submitted to the EEOC at the following address:

Equal Employment Opportunity Commission
Office of Federal Operations
Federal Sector Programs
P.O. Box 19848
Washington, DC 20036

4. You are advised that only matters raised in pre-complaint processing or issues like or related to issues raised in pre-complaint processing may be alleged in a subsequent formal complaint.

5. If you have any other questions on this matter, please contact our office at (703) 292-8020.

**OFFICE OF EQUAL OPPORTUNITY PROGRAMS
NATIONAL SCIENCE FOUNDATION
4201 WILSON BLVD., Room 255
ARLINGTON, VA 22230**

CERTIFICATION OF RECEIPT OF AGGRIEVED PERSON'S
RIGHTS AND RESPONSIBILITIES

1. I certify that I have been advised of the rights and responsibilities available to me under 29 CFR 1614 and EEOC Management Directive 110, and have received a copy of same. I also certify that I have been advised of:

- a. my right to anonymity during the counseling stage,
- b. my right to be accompanied, represented and advised during counseling and administrative processing of my complaint by a representative designated in writing, and
- c. my responsibilities during the administrative processing of my complaint.

2. At this time (check one):

_____ I give permission for my name to be used in the inquiry.
(anonymity waived)

_____ I request anonymity during counseling.

_____ I do not have a representative at this time.

_____ I have a representative who is/is not (circle the correct response) an attorney and whose name and address is provided below.

Name _____

Address _____

City/State/Zip _____

Telephone(s) _____

Certification of Receipt of Rights and Responsibilities

3. If I later choose to have representation (attorney or non-attorney), I will inform the Office of Equal Opportunity Programs immediately, and provide the address and phone number of that person.
4. I understand that payment of attorney's fees, if I am successful in a formal complaint, requires prompt notification to the Office of Equal Opportunity Programs of such representation.
5. I understand that if my representative is an attorney, all official correspondence, documents and decision(s) will be served on my attorney, and not on me.
6. If my representative is not an attorney, all official correspondence will be served on me with a copy to my non-attorney representative; the case file, report of investigation, hearing transcript(s) and the administrative judge's findings and conclusions will be served on me and not my non-attorney representative.
7. I also understand that I must inform the Office of Equal Opportunity Programs of a change of address immediately, and that my failure to do so may be a basis for dismissal of my complaint.

(Signature of Aggrieved Person)

Date

**NATIONAL SCIENCE FOUNDATION
OFFICE OF EQUAL OPPORTUNITY PROGRAMS
4201 WILSON BOULEVARD, Room 255
ARLINGTON, VA 22230**

MEMORANDUM

TO: _____

FROM: Director
Office of Equal Opportunity Programs

SUBJECT: Offer of Informal Counseling/Alternative Dispute Resolution (ADR)

1. I certify that I have been advised of:
 - (a) my right to anonymity during informal counseling only. I understand anonymity will not apply should I elect to participate in the ADR program instead of informal counseling. The EO Specialist (initial only one) ___ has or ___ does not have permission to use my name.
 - (b) my right to representation during all phases of the complaint process. I understand that I must designate my representative by separate letter to the Director, Office of Equal Opportunity Programs (OEOP). I understand that if I identify a non-attorney representative, all official correspondence, documents and decision(s) shall be served on me, with a copy to my non-attorney representative. I also understand that if my representative is an attorney all documents will be served on the attorney and not me. If there is any change in representation during the process, I understand that I must notify the OEOP immediately in writing.
 - (c) my responsibility to keep OEOP and the Equal Employment Opportunity Commission informed of a change of address immediately, and that my failure to do so may be a basis for dismissal.
2. I certify that an EO official has explained the difference between informal (traditional) counseling and the procedures for use of the ADR program. The time period for the ADR process is 90 days, the time may be extended for an additional 90 days.
3. I have elected to use (initial only one) _____ informal counseling or _____ ADR process.

4. I understand that the matters identified on the Initial Contact with an EO Specialist or Counseling Session for Informal Complaint of Discrimination with a contract EEO Counselor will be the subject of the EEO counselor's inquiry, should I elect traditional counseling.
5. I understand that if I elect to use the ADR process, an EEO counselor's report will be completed. I also understand that if my complaint is not resolved using the ADR process, the ADR Official will so advise the OEOP which must issue a Notice of Right to File a Formal Complaint of Discrimination to me.
6. I understand that if additional matters are disclosed during either the ADR process or traditional counseling, I must execute an Addendum to the Initial Contact and/or Counseling Session for Informal Complaint of Discrimination. These could be used by the OEOP Director in determining whether or not to accept or dismiss any subsequent filing of a formal complaint of discrimination. I further understand that any written note taking or audio recording by me during the ADR process is prohibited.
7. I certify that I have received a copy of this memorandum.

_____	_____	_____	_____
Aggrieved Person	Date	EO Official	Date

		Title of EO Official	

OFFICE OF EQUAL OPPORTUNITY PROGRAMS
User Survey

Thank you for your participation in the various programs offered by OEOP. To assist us in providing better customer service to you as our customer, please take a few moments to complete this brief, confidential survey.

1. The Office of Equal Opportunity Programs provides various services to ensure equal opportunities and fair treatment of all our customers. These services are listed below. Please circle all service(s) you participated in.

- a. Traditional EEO Counseling (filing an individual EEO complaint)
- b. Mediation
- c. Reasonable Accommodations
- d. Training
- e. Request for Information only

2. Please indicate your satisfaction with the services you received.

- a. Outstanding b. Very Good c. Satisfactory d. Minimal Satisfactory e. Poor

3. Please provide any additional comments: _____

Name: _____
(Optional)

Date: _____