

MILITARY or COMPETITIVE TECHNICIANS

**EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS
NGR (AR) 690-600/NGR (AF) 40-1614
NATIONAL GUARD CIVILIAN DISCRIMINATION COMPLAINT SYSTEM**

FILED AGAINST	The Agency						
APPLIES TO	Federal National Guard Technicians (excepted and competitive and Applicants for employment 29 CFR 1613/1614 Federal Sector EEO						
DIRECTIVES & REGULATIONS	DOD DIR 1440.1 DOD Civilian EEO Program NGR (AR) 690-600/NGR (AF) 40-1614, Discrimination Complaints System Vol I, II NGB Investigators Manual EEO MD 110 Complaint Processing Manual TAG Policy Memo 01-03						
LAWS	42 USC 2000e - 16. Title VII, CRA of 1964 (amended by EEO Acts of 72, 78 and 91) 5 USC 7121d CRA OF 1978 29 USC 633a. ADEA of 63 (amended by FLSA of 4 & 78) 29 USC 791 & 794a. Rehab Act of 73 (ADA 1990) 29 USC 201 et seq. FLSA of 1938 29 USC 206 (d) Equal Pay Act of 63 29 USC 2601-2654, Family/Medical Leave Act						
Alternate Dispute Resolution (ADR) Must be offered & may be implemented at any time							
BASIS	Race, Color, Religion, Gender (Includes Sexual Harassment), National Origin, Age, Handicap, Retaliation (based on EEO activity).						
TIME LIMITS	An aggrieved person must contact a counselor within 45 calendar days from date of alleged discrimination or personnel action when complainant should have known. 29 CFR 1614.105 (a) (1)						
INFORMAL STAGE Pre-Complaint Counseling	<ul style="list-style-type: none"> • Contact an EEO counselor 29 CFR 1614.105 • EEO Counselor attempts resolution gathers facts regarding allegations of discrimination • Counselor holds initial interview within 5 days of call from complainant • If not resolved in 30 days, use alternate dispute resolution (ADR) (Extend 30-60 days). • (EEO counselor notifies the SEEM and immediate supervisor a complaint needs to be processed within 30 days.) 						
FORMAL STAGE Written Complaint	EEO counselor will assist complainant: <ul style="list-style-type: none"> • Prepare NGB Form 713-5-R, National Guard Bureau Formal Complaint of Discrimination • Formal complaint must be filed within 15 days of final counseling with SEEM. 						
INQUIRY or INVESTIGATION	NGB will conduct a fact-finding or send an investigator to conduct an investigation. Complainant will receive report within 180 days of filing complaint. 29 CFR 1614.108						
AGENCY DECISION	<ul style="list-style-type: none"> • Request NGB Decision 29 CFR 1614.108(f) • Decision w/out a hearing will be issued w/in 60 days 						
FINAL DECISION	<ul style="list-style-type: none"> • Hearing and Decision 29 CFR 1614.109 • EEOC administrative judge provides recommendations to NGB within 180 days 						
APPEAL PROCESS	<ul style="list-style-type: none"> • Appeal to EEOC 29 CFR 1614.401/402 • Federal District Court 						
NOTE: Military and civilian employees	<ul style="list-style-type: none"> • Time is measured in calendar day 29 CFR 1614.604 • Entitled to a representative throughout the entire EEO process 29 CFR 1614.605 • Extension of timelines accepted if complainant agrees to request with justifiable reasons and is approved, signed and dated in writing • Alternative dispute resolution (ADR) may be applied at any time of the complaint process with exception to the final decision stage • Coordinate all conflict resolution requests through the State Equal Employment Office (SEEM) 						
POINTS of CONTACT	<table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"></td> <td style="width: 60%;">State Equal Employment Manager (SEEM)</td> <td style="width: 30%; text-align: right;">916-854-3646</td> </tr> <tr> <td></td> <td>State EEO Office</td> <td style="text-align: right;">916-854-3421</td> </tr> </table>		State Equal Employment Manager (SEEM)	916-854-3646		State EEO Office	916-854-3421
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