

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)	
DIRECTIVES & REGULATIONS	29 CFR 1613/1614 Federal Sector EEO DOD DIR 1440.1 DOD Civilian EEO Program NGR (AR) 690-600/NGR (AF) 40-1614, Discrimination Complaints System Volume I & II NGB Investigators Manual EEO MD 110 Complaint Processing Manual TAG Policy Memo P-04-007, P04-009	
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, Disability, 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, Formal Discrimination Complaint In The National Guard Formal complaint must be filed within 15 days of final counseling with EEO Counselor/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	☎ State Equal Employment Manager (SEEM)	502-607-1274
	☎ Human Resources Officer	502-607-1100