

NOTICE OF RIGHTS AND RESPONSIBILITIES

IN THE EEO COMPLAINT PROCESS

29 C.F.R. Part 1614

On November 9, 1999, EEOC revised its regulations governing processing of complaints filed by federal applicants and employees. Your rights and responsibilities under the revised regulations include the following:

- a. Prior to filing a formal complaint, you have the right to anonymity.
- b. You have the right to representation throughout the complaint process including the counseling stage. The EEO Counselor is not an advocate for either the aggrieved person or the agency.
- c. You have the right to choose between Alternative Dispute Resolution (ADR), or EEO counseling, where the agency agrees to offer ADR. ADR will be offered in accordance with the USACE Equal Employment Opportunity Claims and Alternate Dispute Resolution Program.
- d. You may be required to choose between a negotiated grievance procedure and the EEO complaint procedure. Consult your EEO Counselor for clarification.
- e. You may be required to choose between the EEO complaint procedure and an appeal to the Merit Systems Protection Board (MSPB). Consult your EEO Counselor for clarification.
- f. You are required to file a complaint within 15 calendar days of receipt of the Counselor's Notice of Right to File a formal complaint in the event that you wish to file a formal complaint at the conclusion of counseling or ADR.
- g. You may file a notice of intent to sue and file a lawsuit under the ADEA instead of an administrative complaint of age discrimination when age is alleged as a basis for discrimination, pursuant to CFR 1614.201(a).
- h. You have the right to go directly to a court of competent jurisdiction on claims of sex-based wage discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII.
- i. You have the right to request a hearing before an EEOC Administrative Judge (except in a mixed case) after completion of the investigation or 180 calendar days from the filing of a formal complaint, whichever comes first. Your request should be made directly to the appropriate EEOC office, and you must notify the responding agency of your hearing

request. Consult the EEO Office for information on where a request for a hearing and notice to the agency should be sent.

- j. You have the right to an immediate final decision after an investigation by the agency in accordance with CFR 1614-108(f).
- k. You have the right to go to U.S. District Court 180 calendar days after filing a formal complaint if no final action has been taken on the complaint, or 180 days after filing an appeal if no decision has been issued on the appeal.
- l. You must mitigate damages, i.e., you must look for other appropriate employment, and you must seek treatment for any injury you claim.
- m. You must keep the agency and EEOC informed of your current mailing address and serve a copy of the hearing request and appeal papers on the agency.
- n. Where counseling is selected, 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.
 - (3) Your duty to immediately inform the agency if you retain counsel or a representative.
- o. Where you agree to participate in an established ADR program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within ninety (90) calendar days of the first contact with the EEO Counselor, whichever is earlier.
- p. Only claims presented during the counseling stage or claims that are like or related to them may be the subject of a formal complaint, or an amendment to a complaint after it has been filed.
- q. Your rejection of an agency's offer of resolution made pursuant to CFR 1614.109(c) may limit the amount of attorney's fees or costs you can recover.
- r. If you have filed two or more complaints, the agency must consolidate them after appropriate notice to you pursuant to CFR 1614.606. When a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 calendar days of the filing of the first complaint.