Pre-complaint Counseling Incident Occurrence You must contact an EEO counselor within 45 days of the incident. If you request traditional counseling, the EEO counselor will have 30 days to attempt resolution. The **30-day** counseling period may be extended no more than 60 days if you and the the agency agree to such an extension in writing. If you choose traditional counseling and a successful resolution is not reached, the EEO counselor will issue a notice of the right to file a formal complaint. You will have 15 days to file a formal complaint. You may request to participate in DMA's Alternative Dispute Resolution Program (i.e., Mediation Program), in which case the Agency will have up to 90 days to resolve the matter. If you choose mediation, precomplaint counseling will not occur. If

mediation is not successful and a resolution is not reached within 90 days, the EEO counselor will issue a notice of the right to file a formal complaint. You will have 15 days to file a formal complaint.

If mediation is successful within 90 days, the DMEO Director will inform the EEO counselor that the claim was resolved.

Formal Complaint Process

EEOC regulations require that you seek pre-complaint counseling before filing a formal complaint.

You must file a formal complaint within 15 days of receiving the notice of the right to file a formal complaint. DMEO will acknowledge receiving the formal complaint and notify you of the claims accepted for investigation. If the claims asserted and those accepted for investigation differ, DMEO will explain the reasons for such differences, including whether the agency is dismissing the entire complaint, or in part.

DMEO will assign an investigator to develop impartial and appropriate factual information on the claims accepted for processing. DMEO must complete the investigation, within 180 days of the date the formal complaint was filed.

After the investigation is completed, you will receive a copy of the investigation report. DMEO will notify you of the right to request a hearing before an Equal Employment Opportunity Commission (EEOC) Administrative Judge(AJ), receive a final agency decision without a hearing, or withdraw your complaint.

The Director of EEO will issue a final agency decision within 60 days of receiving notice of the request for a final agency decision.

If you are not satisfied with the agency's final decision, you may appeal to EEOC within 30 days of receipt.

You may request an EEOC hearing within **30** days of receiving the report of investigation.

An EEOC AJ will make a decision about the matter.

Within 40 days of receiving the AJ's decision, the agency must issue a final order.

If you are not satisfied with EEOC's appellate decision, you may file a request for reconsideration or you may file in Federal district court within 90 days of receipt.

If you are not satisfied with the agency's final order, you may appeal to EEOC within 30 days of receipt.