

FLOWCHART OF THE EEO COMPLAINT PROCESS

PRE-COMPLAINT COUNSELING

Incident Occurrence

You must contact an EEO counselor in the Office of Equal Employment and Minority Affairs (OEEMA) within **45 calendar days** of the incident. You may request traditional counseling or Alternative Dispute Resolution (ADR).

The **30-day** counseling period may be extended no more than **60 calendar days** if you and the Smithsonian Institution (SI) 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 Right to File a Formal Discrimination Complaint.

If you participate in ADR and resolution is not reached within **90 calendar days**, the EEO counselor will issue a Notice of Right to File a Formal Discrimination Complaint.

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 calendar days** of receiving a Notice of Right to File a Formal Discrimination Complaint. OEEMA 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, OEEMA will explain the reasons for such differences, including whether the agency is dismissing the entire complaint, or in part.

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

After the investigation is completed, you will receive a copy of the investigation report. OEEMA will notify you of the right to either request a hearing before an EEOC Administrative Judge (AJ) or receive a final SI decision without a hearing.

OEEMA will issue a final SI decision within **60 calendar days** of receiving notice of the request for a final SI decision.

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

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

An EEOC AJ will make a decision about the matter.

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

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

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