



DEFENSE SECURITY SERVICE
1340 BRADDOCK PLACE
ALEXANDRIA VA 22314

MEMORANDUM

Subject: Federal Employee Equal Employment Opportunity Procedure Rights and Responsibilities

If you believe that you have been discriminated against because of your race, color, religion, sex, national origin, age, physical or mental disability and/or reprisal for participation in the Equal Employment Opportunity process this is a notification to you of your rights and responsibilities under the procedures covered by 29 CFR 1614- Federal Sector Equal Employment Opportunity.

Responsibilities:

- a. Contact an EEO counselor or EEO official within 45 calendar days of the following :
 1. Date of the matter alleged to be discriminatory
 2. Effective date of the personnel action alleged to be discriminatory
 3. Date aggrieved became aware of the alleged discriminatory action
- a. Cooperate fully with those individuals involved in processing your complaint.
- b. Updating the agency and the EEOC, if applicable, of your current mailing address.
- c. Filing a formal EEO complaint within 15 calendar days after receipt of the counselor's notice of right to file should you wish to file a formal complaint.
- d. Electing your avenue of redress (if applicable):
 - a. Merit System Protection Board- MSPB
 - b. Equal Employment Opportunity Commission-EEOC

The regulations for Federal Sector Equal Employment Opportunity do not allow you to pursue allegations of discrimination on the same matter with both the MSPB and the EEOC. You must either file a mixed case with DSS or a mixed appeal with the MSPB. Whichever action is first filed shall be considered an election to proceed in that forum with regards to the allegation of discrimination.

A "mixed- case complaint" is a complaint of employment discrimination filed with a federal agency (DSS) based on race, color, religion, sex, national origin, age, disability, or reprisal for EEO activity related to or stemming from an action that may be appealed to the MSPB.

A “mixed case appeal” is an appeal filed directly with the MSPB that alleges that an appealable agency action was effected in whole or in part because of discrimination on the basis of race, color, religion, sex, national origin, disability, age or reprisal for EEO activity.

- e. Notifying the agency of the name, address and contact information for any person acting as your representative throughout the process.
- f. Mitigating damages such as back pay and out of pocket expenses. Interim earning or amounts that could be earned with reasonable diligence is generally deductible from an award of back pay.

Rights:

- a. To be anonymous during the counseling period. The counselor will refrain from revealing your identity except by your authorization. However if you choose to participate in the Alternative Dispute Resolution process, if available, you will not be able to remain anonymous.
- b. To be represented throughout the complaint process including the counseling phase.
- c. To choose between the agency’s alternative dispute resolution process, if offered, or the traditional EEO counseling process. Where you agree to participate in the established ADR program, the written notice terminating the counseling period will be issued upon completion of the dispute resolution process or within 90 calendar days of the first contact with the EEO Counselor, whichever is earlier.
- d. To receive in writing within 30 days of the initial contact (unless extended to maximum of 90 days) a notice of terminating the counseling and informing you of the following:
 - 1. Right to file a formal individual or class complaint within 15 calendar days
 - 2. Identification of the appropriate official with whom to file a complaint
 - 3. Description of your responsibility to notify the agency if you decide to retain a representative.
- e. To be notified in writing whether your complaint is accepted and/or dismissed and the basis for such decision as well as notification of your right to appeal entire dismissal decisions to the EEOC.
- f. To request a hearing before an EEOC Administrative Judge (except in a mixed- case complaint) after 180 calendar days from the filing of a formal complaint or after completion of the investigation whichever comes first.

- g. If no appeal is filed with the EEOC, you have the right to file in the US District Court within 90 days of receipt of the final agency decision or 180 calendar days after the filing of a formal complaint.
- h. If an appeal has been filed with the EEOC you can file in the US District Court within 90 days of receipt of the EEOC's final decision or 180 calendar days after filing an appeal if the EEOC has not issued a final decision.
- i. If you have filed two or more complaints you have the right to receive in writing a notice that the agency is consolidating your complaints; that the investigation will be completed within the earlier of 180- days after the filing of the last complaint or 360 days of filing of the first complaint; and that you may request a hearing with an administrative judge anytime after the filing of the original complaint.
- j. The right to amend the pending complaints to add additional incidents or claims that are like related to those raised in the pending complaint at any time prior to the completion of the investigation.
- k. The right to file a civil action in the US district court under the Age Discrimination in Employment Act against the head of the agency after giving the EEOC not less than 30 days notice of the intent to file such an action. The notice of intent to sue must be signed by you or your representative and include: date, name, address, telephone number of you and your representative (if applicable) ,name and location of the federal agency where the discrimination occurred, dates and statement of the nature of the discriminatory action. Notices of intent to sue under the ADEA must be submitted to the EEOC :
 - By mail to EEOC, Office of Federal Operations, P.O. Box 77960
Washington, D.C. 20013
 - By facsimile: 202-663-7022
 - By hand delivery: EEOC, OFO, One NOMA
131 M Street, N.E.
Washington, D.C. 20507
- l. The right to file a civil action if you are alleging sex-based wage discrimination under the Equal Pay Act even though such claims are cognizable under Title VII. This action must be filed within 2 years of the date of the occurrence or within 3 years of the date of the alleged violation (if alleged to be willful).

Thank you for your cooperation in this process, please do not hesitate to raise any questions about the EEO administrative complaint process with the EEO Counselor or the DSS Manager of Equal Employment Opportunity.

I acknowledge that I have a right to remain anonymous during the pre-complaint counseling phase, unless I agree to enter into the agency alternative dispute resolution process. I agree to

_____ remain anonymous

_____ waive my rights to remain anonymous.

_____ date _____

Aggrieved

_____ date _____

EEO Counselor