

# Overview of the EEO Complaint Process at NEH

If you are a federal employee or job applicant, the law protects you from discrimination because of your **race, color, religion, sex (including sexual orientation and pregnancy), national origin, age (40 or older), disability or genetic information**. The law also protects you from **retaliation** if you oppose employment discrimination, file a complaint of discrimination, or participate in the EEO complaint process (even if the complaint is not yours.)

There are also federal laws and regulations and Executive Orders (which are not enforced by EEOC) that prohibit discrimination on bases such as sexual orientation, marital status, parental status, or political affiliation.

If you are a federal employee or job applicant and you believe that a federal agency has discriminated against you, you have a right to file a complaint. NEH has contact information for its EEO staff posted in breakrooms and on its website: <https://www.neh.gov/about/equal-employment-opportunity>

## EEO Counselor

The first step is to contact an EEO Counselor. Generally, you must contact the EEO Counselor **within 45 days from the day the discrimination occurred**.

NEH's counselor:

Pamela Thompson:      pthompson@neh.gov  
606-8617

In most cases the EEO Counselor will give you the choice of participating either in EEO counseling or in an [alternative dispute resolution \(ADR\)](#) program, such as a mediation program. Counseling should be completed within **30 days**, but you can agree to extend it for 60 days by providing written permission.

If you do not settle the dispute during counseling or through ADR, you can file a formal discrimination complaint against NEH with NEH's EEO Office. You must file **within 15 days** from the day you receive the notice from your EEO Counselor about how to file. The notice will contain information about how to file the complaint, as well as information about your rights in the complaint process.

## Filing a Formal Complaint

Once you have filed a formal complaint, NEH will review the complaint and decide whether or not the case should be dismissed for a procedural reason (for example, your claim was filed too late).

If NEH doesn't dismiss the complaint, it will conduct an investigation through the National Equal Employment Opportunity Investigative Services Office. NEH has **180 days** from the day you filed your complaint to finish the investigation.

When the investigation is finished, NEH will issue a notice giving you two choices: either request a hearing before an EEOC Administrative Judge or ask the agency to issue a decision as to whether the discrimination occurred.

## Agency Issues a Decision (Final Action)

If you ask NEH to issue a decision and no discrimination is found, or if you disagree with some part of the decision, you can appeal the decision to EEOC or challenge it in federal district court.

## Requesting a Hearing

If you want to ask for a hearing, you must make your request in writing or via the EEOC Public Portal located at <https://publicportal.eeoc.gov/Portal/Login.aspx> where you can also upload hearing requests, and manage your personal and representative information within **30 days** from the day you receive the notice from the agency about your hearing rights. If you request a hearing, an EEOC Administrative Judge will conduct the hearing, make a decision, and order relief if discrimination is found.

Once the NEH receives the Administrative Judge's decision, the agency will issue what is called a final order which will tell you whether NEH agrees with the Administrative Judge and if it will grant any relief the judge ordered. NEH will have **40 days** to issue the final order. It will also contain information about your right to appeal to EEOC, your right to file a civil action in federal district court, and the deadline for filing both an appeal and a civil action.

## Filing an Appeal of the Agency's Final Order

You have the right to appeal an agency's final order (including a final order dismissing your complaint) to EEOC Office of Federal Operations. You must file your appeal **no later than 30 days** after you receive the final order. You may file your appeal using the EEOC's Public Portal located at <https://publicportal.eeoc.gov/> where you can also upload selected documents, and manage your personal and representative information.

EEOC appellate attorneys will review the entire file, including the agency's investigation, the decision of the Administrative Judge, the transcript of what was said at the hearing (if there was a hearing), and any appeal statements.

If NEH disagrees with any part of the Administrative Judge's decision, it must appeal to EEOC.

## Request for Reconsideration of the Appeal Decision

If you do not agree with the EEOC's decision on your appeal, you can ask for a reconsideration of that decision. A request for reconsideration is only granted if you can show that the decision is based on a mistake about the facts of the case or the law applied to the facts. You must ask for reconsideration **no later than 30 days** after you receive EEOC's decision on your appeal.

Once EEOC has issued a decision on the appeal, NEH also has the right to ask EEOC to reconsider that decision.

Once EEOC has made a decision on your request for reconsideration, the decision is final.

## Filing a Lawsuit

**You must go through the administrative complaint process before you can file a lawsuit.** There are several different points during the process; however, when you will have the opportunity to quit the process and file a lawsuit in court, including:

- After 180 days have passed from the day you filed your complaint, if NEH has not issued a decision and no appeal has been filed

- Within 90 days from the day you receive NEH's decision on your complaint, so long as no appeal has been filed
- After the 180 days from the day you filed your appeal if the EEOC has not issued a decision, or
- Within 90 days from the day you receive the EEOC's decision on your appeal.

## **Questions?**

If you have any questions about the EEO complaint process, please contact EEO Specialist Julia Nguyen at [jnguyen@neh.gov](mailto:jnguyen@neh.gov)/202-606-8213