



FEMA

## YOUR RIGHT TO EQUAL OPPORTUNITY

**Policy:** It is the policy of the Federal Emergency Management Agency (FEMA) to provide equal opportunity for all employees and applicants in every aspect of their employment and working conditions. FEMA supports the concept of affirmative employment to ensure that personnel policies and practices provide equal employment opportunity without regard to race, color, religion, national origin, sex, age, disability, genetic information or retaliation/reprisal.

Complaints of discrimination may be filed by any FEMA employee, applicant for employment, who believes he/she has been discriminated against on the basis of one or more of the eight prohibited factors. Other protections (Sexual Orientation and Parental Status), are available but are not covered by Title VII and the Equal Employment Opportunity Commission (EEOC). Any decision regarding these protections will be rendered by the Department of Homeland Security, Office of Civil Rights and Civil Liberties (CRCL).

- Race
- Color
- National Origin
- Sex (Sexual Harassment)
- Age (40 and up)
- Disability
- Religion
- Genetic Information
- Retaliation/Reprisal
- \*Other Protections\*
- Sexual Orientation and Parental Status

### PRECOMPLAINT PROCESS:

1. **INITIAL CONTACT:** Employee or applicant for employment must contact the FEMA Office of Equal Rights within 45 calendar days of the alleged discriminatory incident for assignment of an EEO Counselor.

2. **COUNSELING:** The EEO Counselor will attempt to resolve the matter informally within 30 calendar days from the date of initial contact. Counseling may be extended up to 60 days if both parties agree. If the matter cannot be resolved, employees or applicants may file a formal complaint. Where applicable complainant may be offered Alternative Dispute Resolution (ADR) by the Agency. This technique is used to resolve matters at the lowest level possible. Pre-complaint processing may be extended up to 90 calendar days when utilizing ADR; however, ADR can be offered during any phase of the complaint process.

### FORMAL COMPLAINT PROCESS:

3. **FILING:** Employee or applicant for employment may file a written formal complaint with the Director, Office of Equal Rights within 15 calendar days after the final counseling interview.

4. **ACCEPTANCE/DISMISSAL:** If the complaint is accepted, an investigator collects all relevant information pertaining to the complaint. If the complaint is dismissed, in part or whole, the complainant is provided, in writing, of the reason(s) for dismissal and informed of the right to appeal the decision.

5. **INVESTIGATION:** The agency shall develop a complete and factual record upon which to make findings on the matters raised by the written complaint. The investigation must be completed and the file provided to complainant within 180 days from filing the complaint.

6. **HEARINGS:** Within 30 days of receipt of the investigative file the complainant has the right to request a hearing or request an immediate final decision from the Agency. Complainant may request a hearing at any time after 180 days have elapsed from the filing of the complaint. Hearings are conducted by an Administrative Judge (AJ) appointed by the EEOC. At the discretion of EEOC, a mediation session may be attempted to resolve the matter prior to

hearing. The AJ must issue a decision within 180 days of a request for a hearing.

7. **FINAL DECISION OR FINAL ORDER:** A final agency decision or final order is issued by DHS/CRCL within 60 days of receiving the request for a decision, or within 60 days of the end of the 30 day period for complainant to request a hearing/decision and complainant does not request either, or within 40 days from receipt of an AJ's decision.

8. **RIGHT TO APPEAL TO EEOC:** If Complainant is dissatisfied with an Agency or AJ's dismissal, final action, or decision, s(he) may appeal to EEOC within 30 days of receipt of the dismissal, final action, or decision.

9. **CIVIL ACTION IN U.S. DISTRICT COURT:** Complainant may file a civil action in an appropriate U.S. District Court: in one of the following ways: (1) within 90 days of receipt of final agency action on an individual complaint, or final decision on a class complaint, if no appeal has been filed; (2) after 180 days from the date of filing an individual or class complaint if no appeal has been filed, and no final action on an individual complaint or no final decision on a class complaint has been issued; (3) within 90 days after receipt of the EEOC's final decision on an appeal; or, (4) after 180 days from the date of filing an appeal with EEOC if there has been no final decision by the Commission.

10. **CLASS COMPLAINTS:** Information on class complaints may be obtained from the Office of Equal Rights.

11. **INFORMATION:** To file a complaint or obtain information pertaining to the EEO complaints process contact:

FEMA  
Pauline C. Campbell, Director  
Office of Equal Rights  
300 D Street, S.W.  
Washington, D.C. 20472 -3505  
(202)646-3535