



Office of Equal Employment Opportunity (OEEEO)



Rights and Responsibilities

This is to notify you that you have the following rights and responsibilities in connection with the processing of your EEO complaint.

You have the right to:

- When EEO counseling is selected, receive in writing within **30 calendar days** from the date of initial contact (unless you agree in writing to an extension of not more than an additional 60 calendar days) a Notice terminating EEO counseling and informing you of the right to file a formal complaint with OEEEO.
- **Anonymity** during the EEO counseling phase of the pre-complaint process, unless waived. Should you elect anonymity, the request must be in writing.
- **Representation** throughout the EEO complaint process. You must immediately inform the agency in writing of such representation or any change in representation.
- Choose between the agency's [alternative dispute resolution](#) (ADR) process and EEO counseling, (if the agency offers ADR in the particular case), and receive information about each process. When you agree to participate in ADR, the written notice terminating the EEO counseling period will be issued upon completion of ADR or within 90 calendar days of the date of initial contact with the EEO counselor, whichever is earlier.
- Elect between a **negotiated grievance procedure** and the EEO complaint process where the agency is covered by Title 5 United States Code (U.S.C.) § 7121(d) and where the negotiated procedure and the statute cover the alleged discrimination. You can file a grievance or a formal EEO complaint, **but not both**.
- Elect to file an EEO complaint or an appeal with the **Merit Systems Protection Board** (MSPB) when the alleged discrimination involves an action appealable to the MSPB; *i.e.*, mixed case. You can file a formal EEO complaint or an appeal with the MSPB, **but not both**.
- File a complaint within **15 calendar days** of receipt of the EEO Counselor's Notice of Right to File a Formal Complaint in the event you wish to file a formal EEO complaint at the conclusion of EEO counseling or ADR. Only those claims raised during the pre-complaint process or claims that are like, or related to, those raised may be the subject of the formal complaint.
- **Amend** a formal complaint after it has been filed with claims that are like or related to those raised in the pending EEO complaint. All requests to amend must be in writing and submitted to the agency within 45 calendar days of the alleged discriminatory event.
- Receive notice when the agency **consolidates** two or more complaints you have filed. The notice will advise you that the agency will complete its investigation within the earlier of 180 calendar days after the filing of the last complaint or 360 calendar days of the filing of the first complaint, and that you may file a request for a hearing any time after 180 calendar days have elapsed.
- Request a **hearing** before an administrative judge of the Equal Employment Opportunity Commission (EEOC) in a non-mixed case, either after 180 calendar days have elapsed from the date of filing a formal complaint or after completion of the investigation, whichever comes first. The agency's letter acknowledging receipt of your formal complaint will identify which EEOC office the request must be sent to, as well as which agency official must receive a copy of the request. After requesting a hearing, any requests to amend the complaint are filed with the EEOC.
- An immediate **final decision without a hearing** after an investigation by the agency in accordance with Title 29 Code of Federal Regulations (C.F.R.) §1614.108(f).
- File a **civil action** in US district court after 180 calendar days have elapsed from filing a formal complaint or an appeal with the EEOC.

- File a **notice of intent to sue** when age is alleged as a basis for discrimination and of the right to file a lawsuit under the Age Discrimination in Employment Act (ADEA) instead of an administrative complaint of age discrimination, pursuant to 29 C.F.R. § 1614.201.
- When alleging sex-based wage discrimination under the **Equal Pay Act (EPA)**, immediately file a civil action in US district court without exhausting the administrative process. If you file an administrative complaint of sex-based wage discrimination under the EPA, you must file a civil action within two (2) years of the date of the occurrence, or within three (3) years of the date, if the violation is alleged to be willful. The time for filing a civil action is not tolled when an administrative complaint has been filed. Additionally, such claims are recognizable under Title VII of the Civil Rights Act.

You have a duty to:

- **Mitigate damages.** In general, you must deduct interim earnings, or amounts that you could earn, from an award of back pay.
- **Keep the agency, and where applicable, EEOC, informed** of your current mailing address and serve copies of any appeal papers on the agency.

You have a responsibility to:

- Comply with all relevant **time frames** associated with the EEO complaint process.
- Respond to an agency's **offer of resolution** made pursuant to 29 C.F.R. § 1614.109(c) within 30 calendar days of receipt. Rejecting the offer may result in the limitation of the agency's payment of attorney's fees or costs.
- Inform the EEO counselor if you wish to file a **class complaint** and be advised of the procedures and responsibilities of a class agent.

Contacts

For further information on your role in the EEO process, please contact OEEO at 770-488-3210 or EEOComplaints@cdc.gov.