DEPARTMENT OF HOMELAND SECURITY

INDIVIDUAL COMPLAINT OF EMPLOYMENT DISCRIMINATION

FOR OFFICIAL USE ONLY
DEPARTMENT CASE NUMBER
FILING DATE

(USE IIIIS	orni for original complaints and a	menuments.)			
	PART I COMPLAI	NANT IDENTIFICATION			
1. NAME (Last, First, Middle Initial)		NAME AND ADDRESS OF ORGANIZATION WHERE YOU WORK (If a Department of Homeland Security Employee)			
2. TELEPHONE/FAX (Include Area Code)		Bureau or Component			
Home	Fax				
Work	Fax	Office and Organization	nal Unit		
		Street Address			
 HOME ADDRESS (You must notify the Department of any change of address while complaint is pending, or your complaint may be dismissed.) IF YOU ARE A CURRENT OR FORMER EMPLOYEE OF THE FEDERAL GOVERNMENT, LIST YOUR RECENT TITLE, SERIES, AND GRADE. Title 		City	State	Zip Code	
		6. EMPLOYMENT STATU	6. EMPLOYMENT STATUS IN RELATION TO THIS COMPLAINT		
		Applicant Prol	☐ Applicant ☐ Probationary ☐ Career/Career Conditional		
		☐ Uniformed Service Member			
		Former Employee/Member Date Left Department			
		Retired		·	
Series	Grade	I Netired	_ D	ate of Retirement	
		Other (Specify)			
7. I certify that <u>all</u> state belief.	ements made in this complaint are tru	e, complete, and correct to	the best of my	knowledge and	
SIGNATURE OF CO	MPLAINANT OR ATTORNEY REPRESE	ENTATIVE	DATE		
	PART II DESIGNATI	ON OF REPRESENTATIV	 E		
REPRESENTATIVE REPRESENTATIVE	ENT YOURSELF IN THIS COMPLAINT DOES NOT HAVE TO BE AN ATTORNE AT A LATER DATE, BUT YOU MUST N MUST INCLUDE THE SAME INFORMA	OR YOU MAY CHOOSE SON EY. YOU MAY CHANGE YOU OTIFY THE DEPARTMENT II	MEONE TO REI JR DESIGNATI MMEDIATELY I	ON OF A	
"I hereby designate	(Please Print Name)			to serve	
as my representativ on my behalf."	e during the course of this complaint.	I understand that my repre	esentative is au	ithorized to act	
Is the representative an attorney?		☐ YES ☐	\square YES \square NO		
9. REPRESENTATIVE'S MAILING ADDRESS		10. REPRESENTATIVE'S	10. REPRESENTATIVE'S EMPLOYER (If Federal Agency)		
FIRM/ORGANIZATIO	DN				
STREET ADDRESS		11. REPRESENTATIVE'S Telephone	11. REPRESENTATIVE'S TELEPHONE/FAX (Include Area Code) Telephone Fax		
CITY, STATE, & ZIP CODE		12a. COMPLAINANT'S S	IGNATURE	12b. DATE	

PART III ALLEGED DISC	CRIMINATORY ACTIONS			
13. NAME OF PERSON OR DHS COMPONENT WHO TOOK THE ACTION AT ISSUE.	14. ARE YOU WILLING TO PARTICIPATE IN MEDIATION OR OTHER AVAILABLE TYPES OF ALTERNATIVE DISPUTE RESOLUTION TO RESOLVE YOUR COMPLAINT?			
FIRM/ORGANIZATION	REGOESTION TO REGOEVE FOOR GOMINE ANY !			
STREET ADDRESS	☐ YES ☐ NO			
CITY, STATE, & ZIP CODE				
15. A. Describe the action taken against you that you believe was o	L discriminatory.			
 B. Give the date when the action occurred, and the name of ea C. Describe how you were treated differently from other employ Item 16. D. Indicate what harm, if any, came to you in your work situation 	ch person responsible for the action. vees, applicants, or members for any of the reasons listed in			
attach extra sheets.)E. If the basis of your complaint is parental status or sexual orie and will follow separate, parallel process.	entation, use this form, but your complaint is not statutorily based			
16. Mark below ONLY the bases you believe were relied on to take	the actions described in Item 15.			
RACE (Specify)	AGE (Date of Birth)			
COLOR (Specify)	PHYSICAL OR MENTAL DISABILITY (Describe)			
	RETALIATION/REPRISAL (Dates of Prior EEO Activity)			
RELIGION (Specify)	GENETIC INFORMATION			
NATIONAL ORIGIN (Specify)	SEXUAL ORIENTATION			
SEX (Specify)	PARENTAL STATUS			
pregna <i>ncy</i>				
17. WHAT REMEDIAL OR CORRECTIVE ACTION ARE YOU SEE	KING TO RESOLVE THIS MATTER			
18. ON THIS SAME MATTER, HAVE YOU FILED A GRIEVANCE	OR APPEAL UNDER:			
Negotiated grievance procedure	☐ YES ☐ NO			
Agency grievance procedure	☐ YES ☐ NO			
Merit Systems Protection Board appeal procedure	☐ YES ☐ NO			
If you filed a grievance or appeal, provide date filed, case numb				
DADT IV	CONTACT			
PART IV CONTACT EEO/EO Counseling is not required if you are requesting amendment of an existing, open complaint. Complete items 24 and 25, even if you did not contact a counselor.				
19. DATE YOU CONTACTED AN EEO COUNSELOR	20. NAME AND TELEPHONE NUMBER OF EEO COUNSELOR			
	Name Phone			
21. DID YOU DISCUSS ALL ACTIONS RAISED IN ITEM 15 WITH AN EEO COUNSELOR? (If NO, explain on attached sheet)	22. DATE YOU RECEIVED YOUR "NOTICE OF RIGHT TO FILE"			
☐ YES ☐ NO				
23. IF YOU ARE REQUESTING AMENDMENT OF AN EXISTING, OPEN, FORMAL COMPLAINT (OR PROVIDING ADDITIONAL EVIDENCE), INDICATE THE COMPLAINT CASE NUMBER OF THAT COMPLAINT.				
24. DATE OF MOST RECENT DISCRIMINATORY EVENT	25. DATE YOU FIRST BECAME AWARE OF THE ALLEGED DISCRIMINATION			

OMB No. 1610-0001 Expiration Date: 6/30/11

DEPARTMENT OF HOMELAND SECURITY

DHS FORM 3090-1, INDIVIDUAL COMPLAINT OF EMPLOYMENT DISCRIMINATION FORM INSTRUCTIONS

(Read the following instructions carefully before you complete this form.)

(Please complete all items on the complaint form.)

GENERAL: This form should be used only if you, as an applicant for employment with the Department of Homeland Security (DHS), or as a present or former Department of Homeland Security employee:

- believe you have been discriminated against because of your race, color, religion, sex, national origin, age (40 years or older at the time of the event giving rise to your claim), physical or mental disability, genetic information or in reprisal for opposition to activities protected by civil rights statutes, or participation in proceedings to enforce those statutes; or
- 2. believe you have been discriminated against because of your **parental status or sexual orientation**. Your claim is not covered under statutory basis, but will be processed under a parallel procedure, **and**
- 3. have presented the matter for informal resolution to an Equal Employment Opportunity (EEO) Counselor within 45 days of the event giving rise to your claim, or within 45 days of first becoming aware of the alleged discrimination. If you are amending or providing additional evidence to an existing open complaint, the form should be used, but EEO counseling is not required.

IMPORTANT NOTE: In certain situations, the information provided in Part III of the attached complaint form may be used in lieu of an affidavit in the investigation of your complaint. Accordingly, the information you provide in this part should be brief, clear, and complete.

<u>WHEN TO FILE:</u> In accordance with 29 CFR 1614.106, your formal complaint must be filed within **15 calendar days** of the date you received the "Notice of Right to File a Discrimination Complaint" from your EEO Counselor. You must sign and date your complaint. If you are represented **by an attorney**, the attorney may sign the complaint on your behalf.

These time limits may be extended:

- 1) if you show that you were not notified of the time limits and were not otherwise aware of them, or
- 2) if you were prevented by circumstances beyond your control from submitting the matter within the time limits, **or**
- 3) for other reasons considered sufficient by the Department.

REPRESENTATION: You may have a representative of your own choosing at all stages of the processing of your complaint. However, your representative will be disqualified if such representation would conflict with the official or collateral duties of the representative. No EEO Counselor, EEO Investigator or EEO Officer may serve as a representative. (Your representative need not be an attorney, but only an attorney representative may sign the complaint on your behalf.)

WHERE TO FILE: In accordance with 29 CFR 1614.106(c), your written complaint must be signed by you or your attorney. The complaint should be filed with the EEO Director of the Department of Homeland Security component where the alleged discrimination occurred. (Filing instructions are contained in the "Right to File" form, which was provided by your Counselor.) Keep a copy of the completed complaint form for your records.

PRIVACY ACT STATEMENT

- 1. <u>FORM/TITLE/DATE:</u> Department of Homeland Security (DHS) DHS Form 3090-1, **Individual Complaint of Employment Discrimination** with the Department of Homeland Security.
- **2. AUTHORITY:** 42 USC 2000e; 29 USC 633a; 5 USC 1303 and 1304; 5 CFR 5.2 and 5.3; 29 CFR 1614.105 and 1614.107; and Executive Order 11478, as amended.
- 3. PRINCIPAL PURPOSES: The purpose of this complaint form, whether recorded initially on the form or taken from a letter from the Complainant, is to record the filing of a formal written complaint of employment discrimination with the Department of Homeland Security on the grounds of race, color, religion, sex, national origin, age, physical or mental disability, protected genetic information, or retaliation. Information provided on this form will be used by DHS to determine whether the complaint was timely filed and whether the allegations in the complaint are within the purview of 29 CFR Part 1614, to provide a factual basis for investigation of the complaint, and to reach a decision on the complaint. It also records an amendment or additional evidence to an open, pending complaint.
- **4. ROUTINE USES:** Other disclosures may be:
 - a. to respond to a request form from a Member of Congress regarding the status of the complaint or appeal;
 - b. to respond to a court subpoena and/or to refer to a district court in connection with a civil suit;
 - c. to disclose information to authorized officials or personnel to adjudicate a complaint or appeal; or
 - **d.** to disclose information to another Federal agency or to a court or third party in litigation when the Government is party to a suit before the court.
- 5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY, AND EFFECT OF NOT PROVIDING
 INFORMATION: Formal complaints of employment discrimination must be in writing, signed by the Complainant (or attorney representative), and must identify the parties and action or policy at issue. Failure to comply may result in the Department of Homeland Security dismissing the complaint. It is not mandatory that this form be used to provide the requested information.

OMB STATEMENT

In accordance with the Paperwork Reduction Act, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB Control Number for this information collection is 1610-0001. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.