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## Privacy Act Statement

**AUTHORITY:** 29 U.S.C. § 206(d); 29 U.S.C. § 791; 42 U.S.C. § 2000e; 42 U.S.C. § 2000ff-(2); 29 U.S.C. § 633a; 5 U.S.C. § 1303-1304; 5 CFR § 5.2-5.3; 29 CFR § 1614.105, .107; Executive Order 11478, as amended; and Executive Order 13152 and Management Directive 110 (August 2015).

**PRINCIPAL PURPOSE(S):** This information is being collected for the sole purpose to record a pre-complaint allegation of employment discrimination with the Department of the Treasury on the grounds of race, color, religion, sex (including pregnancy), national origin, age, disability, protected genetic information, parental status, or reprisal. An employee or applicant must participate in pre-complaint EEO counseling to informally resolve the allegation(s) per § 1614.105, prior to filing a formal EEO complaint of discrimination. Information provided on this form will be used to inform the employee or applicant of his/her rights and responsibilities in the pre-complaint/formal EEO complaint of discrimination process. The information captured on this form will be used by the Department of the Treasury to ensure the employee or applicant has been informed of their rights and responsibilities in the pre-complaint/formal EEO complaint of discrimination process.

**ROUTINE USE(S):** The information on this form may be disclosed as generally permitted under 5 U.S.C. §552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in Treasury .013--Department of the Treasury Civil Rights Complaints and Compliance Review Files – 81 FR 78266 (Nov. 7, 2016).

**PAPERWORK REDUCTION ACT STATEMENT:** In accordance with the Paperwork Reduction Act of 1995, The Department of the Treasury may not conduct or sponsor, and the respondent is not required to respond to this collection of information unless it displays a valid OMB Control Number. The valid OMB Control Number for this information collection is 1505-0262. The collection of this information is voluntary. However, the information is necessary to determine if your complaint of employment discrimination is acceptable for further processing in accordance with EEOC, 29 C.F.R. §1614. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the form. Send comments regarding this burden estimate or any other aspects of this collection, including suggestions for reducing this burden, to Department of the Treasury, Office of Civil Rights and EEO, 1500 Pennsylvania Avenue, N.W., Washington, DC 20220.

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Space left blank for bureau name

Name of the Aggrieved: \_\_\_\_\_ Pre-Complaint Number: \_\_\_\_\_

## Notice of Rights and Responsibilities Federal Sector Equal Employment Opportunity Regulations 29 CFR Part 1614

Use of the EEO complaint process is voluntary. However, pre-complaint EEO counseling is a mandatory requirement for filing a formal EEO discrimination complaint under the Equal Employment Opportunity Commission (EEOC) Regulations at 29 CFR Part 1614. The regulations also require that individuals seeking EEO counseling be advised, in writing, of their rights and responsibilities. This "Notice of Rights and Responsibilities" is provided in compliance with the regulations. If you do not pursue EEO counseling after the initial inquiry, no further action will be taken with respect to the matters discussed. If you do receive further EEO counseling or pursue an Alternative Dispute Resolution (ADR) procedure, and the matter is not resolved, you will be given a "Notice of the Right to File a Formal Discrimination Complaint" form as explained below.

### Anonymity

- You have the right to remain anonymous during informal EEO counseling. However, anonymity may restrict the EEO Counselor from achieving informal resolution of the claim(s) you have raised. If you choose to remain anonymous, your name will appear on the EEO Counseling Report. Only the EEO Counselor, EEO Office or Resolution Program Manager will have a copy of the report, unless you file a formal complaint [§1614.105(g)].
- If your informal complaint includes allegations of sexual harassment or hostile work environment, you have the right to maintain your anonymity. Please refer to your bureau's Anti-Harassment Policy and Procedures for additional guidance.
- If you file a formal EEO discrimination complaint, you will have no right to anonymity, and your filing of a formal EEO discrimination complaint will not be confidential [§1614.105(g)].

I wish to remain anonymous

I do not wish to remain anonymous

### Representation

- You have the right to be accompanied by a representative of your own choosing at every stage in the processing of your complaint, including the EEO counseling stage, as long as there is no conflict of interest or position. The EEO Counselor is not an advocate or representative for either party, but acts strictly as a neutral party in the EEO process [§1614.605(a) and (c)].

If you wish to be represented, it is your responsibility to complete the "Designation of Representative" form that may be obtained from the EEO Counselor. You must sign this form and return it to the EEO Counselor, or to Treasury's Office of Civil Rights and EEO if a formal EEO discrimination complaint is filed. You should read this form carefully, discuss it with your representative, and come to a clear understanding of the terms and conditions specified on the form. If you later wish to proceed without representation, or if you wish to change your representative, you must file a written notice with the EEO Counselor or Treasury's Office of Civil Rights and EEO [§1614.605(a)].

### Freedom from Reprisal

- You, your representative, and your witnesses shall be free from reprisal in the presentation and processing of a complaint, including EEO counseling, or at any time thereafter [§1614.101(b)].

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## **Election of Process**

- If the agency agrees to offer Alternative Dispute Resolution (ADR) in your particular case and you agree to voluntarily participate, the traditional EEO counseling process will not be used [§1614.105(b)(2)].
- If ADR is not offered or not accepted, the EEO counseling process will take place for 30 days in an attempt to resolve your claims informally. You may grant an extension for EEO counseling up to an additional 60 days, at which time you will receive your Notice of Right to File a Formal EEO Discrimination Complaint.
- If you are covered by a collective bargaining agreement that permits claims of discrimination to be raised, you may elect to proceed either under the EEOC regulations or under the negotiated procedure, but not both. The filing of a written complaint in either forum indicates an election. Use of the pre-complaint process does not constitute an election to proceed under the regulations [§1614.301].
- If an action taken is appealable to the Merit Systems Protection Board (MSPB) and you raise the issue of discrimination during the processing of that action, you have the right to file either a “mixed case complaint” with the agency or a “mixed case appeal” with MSPB. You have 30 days from the date of the action to file an appeal with MSPB and 15 days from the date of the “Notice of Right to File a Formal EEO Discrimination Complaint” or 30 days after the initial interview to file a formal EEO discrimination complaint with the agency. If you file a mixed case complaint, your appeal rights will be to MSPB (not EEOC). You may not file both a mixed case appeal with MSPB and a mixed case complaint on the same matter. The process selected first is deemed the elected process [§1614.302].

## **Filing a Formal Complaint**

- Prior to or at the end of the 30-day EEO counseling period, unless you agree to a 60-day extension and do not engage in ADR, a final interview will be conducted and you will be given a “Notice of Right to File a Formal EEO Discrimination Complaint”. If an extension is granted or you engage in ADR, you will be given a Notice of Right to File a Formal EEO Discrimination Complaint not later than 90 days from the date EEO counseling was first sought [§1614.105(d)].
- The Notice of Right to File a Formal Discrimination Complaint shall inform you of:
  - ★ the right to file a formal individual or class complaint within fifteen (15) calendar days of receipt of the Notice;
  - ★ the appropriate official with whom the complaint should be filed; and
  - ★ your duty to immediately inform the agency if you obtain representation.
- The EEO formal discrimination complaint must be in writing and signed by you, or your designated representative, if she/he is an attorney. Your complaint must be precise and describe the actions or practices which form the basis of the complaint. The Notice of Right to File provides you with the link/web address for the complaint form and instructions for filing a formal EEO discrimination complaint, along with information where and with whom the formal complaint must be filed [§1614.106].
- Only issues or claims raised at the EEO counseling stage, or claims that are like or related to those that were raised, may be the subject of a formal complaint, or an amendment to a complaint [§1614.105(b)(1) and §1614.106(d)].

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- If you have filed two or more EEO complaints, the agency must consolidate them after appropriate notice. When a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days from the filing of the first complaint. You may request a hearing before an EEOC Administrative Judge at any time after 180 days from the filing of your EEO complaint [§1614.606].

## **Processing of Formal Complaints**

- After you have filed a formal EEO discrimination complaint, you will receive notification from the Office of Civil Rights and EEO regarding the receipt and acceptance of your complaint. If your complaint is accepted, an investigation will be conducted. If your complaint is not accepted, you will be given appropriate appeal rights.
- After the investigation is conducted, you and your representative will be provided a copy of the investigative file, and notified of your right to request a hearing (in a non-mixed complaint) before an EEOC Administrative Judge or an immediate final agency decision by the agency:
  - ★ The investigation shall be completed within 180 days from the date of filing the formal complaint;
  - ★ If the complaint was amended, the investigation shall be completed within the earlier of 180 days after the last amendment or 360 days after the filing of the original EEO complaint;
  - ★ Upon mutual written agreement, the parties may voluntarily agree to an extension of the investigation for a period of not more than an additional 90 days [§1614.108(f)].
- You may request a hearing before an EEOC Administrative Judge (in a non-mixed case) at any time after 180 days of the filing of the formal EEO discrimination complaint, or within 30 days of receipt of the investigative file, whichever comes first. If your complaint has been consolidated, you may request a hearing 180 days after the filing of the first complaint. If you elect an EEOC hearing, your request should be made, in writing, directly to the appropriate EEOC office. You must notify the Office of Civil Rights and EEO of your hearing request [§1614.108(f)].
- If you do not elect a hearing, you have the right to request a final agency decision on the record from the agency after completion of the investigation and within 30 days from receipt of the investigative file [§1614.110].

## **Sexual Harassment**

- If you raise a claim of sexual harassment, you have the right to bring that issue to the attention of the bureau head and the appropriate Inspector General.

## **Parental Status**

- If you raise a claim of parental status, these non-statutory claims are processed through an administrative procedure, where you will receive a final agency decision. However, there is no right to a hearing by, or an appeal to, the Equal Employment Opportunity Commission.

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## **Other Rights and Responsibilities**

- You are entitled to a reasonable amount of official time to prepare your EEO complaint and respond to agency or EEOC requests for information. If your representative is an agency employee, the representative shall also be entitled to a reasonable amount of official time [§1614.605(b)].
- You have a duty to mitigate damages, e.g., interim earning or amounts that could be earned by the individual with reasonable diligence generally must be deducted from an award of back pay [§1614.105(b)(1)].
- You are required to keep the agency and EEOC informed of your current mailing address [§1614.105(b)(1)].
- You are required to serve copies of hearing requests and appeal papers on the agency [§1614.105(b)(1)].

## **Class Complaints**

- If you wish to file a class complaint, the procedures for filing and the responsibilities of a class agent will be explained to you by the counselor [§1614.105(b)(1)]. Note: You are required to participate in the EEO counseling process first.

## **Right to File a Civil Action in Non-Mixed Cases**

- You may file a civil action in an appropriate United States District Court:
  - (a) After 180 days from the effective date of filing the formal EEO discrimination complaint, if a final decision has not been issued, and appeal has not been filed;
  - (b) Within 90 days of receipt of the EEOC's final decision on an appeal; or
  - (c) After 180 days from the date of filing an appeal with the EEOC, if there has been no final decision by the EEOC [1614.407].

## **Right to File Civil Action in Mixed Cases**

- If your formal EEO discrimination complaint concerns a matter appealable to the Merit Systems Protection Board (MSPB) (a "mixed case"), you may file a civil action in United States District Court:
  - (a) Within 30 days of receipt of a final decision by the agency unless an appeal is filed with MSPB;
  - (b) Within 30 days of receipt of notice of the final decision or action taken by the MSPB if you do not file a petition for consideration with the EEOC;
  - (c) Within 30 days of receipt of notice that the EEOC concurs with or has determined not to consider the decision of the MSPB;
  - (d) If the EEOC issues a decision different from the decision of the MSPB, within 30 days of receipt of notice that the MSPB concurs in and adopts the decision of the EEOC;
  - (e) If the MSPB does not concur in the decision of the EEOC, reaffirms its initial decision, or reaffirms its initial decision with a revision, within 30 days of receipt of notice of the decision of the Special Panel;

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- (f) After 120 days from the date of the filing of the formal complaint if there is no final agency action or appeal to the MSPB;
- (g) After 120 days from the date of filing an appeal with MSPB, if the MSPB has not made a decision; or
- (h) After 180 days from the date of filing a petition for consideration with EEOC, if there is no decision by the EEOC, reconsideration decision by the MSPB, or decision by the Special Panel [§1614.310].

## **Right to File a Civil Action Under the Age Discrimination in Employment Act (ADEA)**

- If you believe that you have been subjected to prohibited age discrimination, as an alternative to filing a complaint under the EEOC regulations, you may file a civil action in an appropriate U.S. District Court at any time within 180 days of the unlawful discriminatory incident, act, event, decision or personnel action, provided that you give the EEOC notice of intent to sue at least 30 days in advance of filing suit [§1614.201(a)].

## **Right to File a Civil Action under the Equal Pay Act**

- If you believe you have been subjected to prohibited sex-based wage discrimination, you may file a civil action in an appropriate U.S. District Court under the Equal Pay Act simultaneously with claims raised under Title VII and processed under 29 CFR Part [§1614.408].

## **Right to a Court Appointed Attorney**

- If you elect to file a civil action, under Title VII or the Rehabilitation Act, and you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or security.

## **Use of Complaint Form**

- You may use the individual complaint form to file your complaint of discrimination. Use of the form is not required, but is recommended. However, if you do not submit the complaint form, you must provide sufficient information to demonstrate that your complaint is acceptable under applicable laws and regulations governing complaint processing in Federal agencies [§1614.106(c)].

I have been advised of my rights and responsibilities and have received a copy of this Notice on this date.

\_\_\_\_\_  
**Signature of Aggrieved/Representative**

\_\_\_\_\_  
**Date**