

Sample Written Notice of Rights and Responsibilities

1. Precomplaint counseling initiated on, will end in 30-days on, when I shall issue a Notice of Final Interview (NOFI). (An extension of precomplaint counseling, not to exceed 60-days, may be granted only upon written permission from the Equal Employment Opportunity Officer.) You have the right to file a formal complaint of discrimination within 15-days after I issue the NOFI.
2. The primary purpose of the precomplaint counseling which began on is to seek a solution to the matters which you brought to my attention. As the assigned EEO Counselor, I am not your advocate in this endeavor, nor am I an advocate for the Department. I will make necessary inquiries and counsel you concerning the issues in the matters you may raise.
3. You have the right to be represented by a person of your choice at any time during administrative complaint procedures, including this precomplaint counseling. If you obtain representation, you must notify the appropriate EEO Office, in writing, of the name and address of your representative, immediately upon obtaining the representative. Failure to so notify this office may result in loss of attorney's fees to which you may otherwise have been entitled.
4. You have the right to remain anonymous during this period of precomplaint counseling unless you give me specific written permission to reveal your identity. The matters you brought to my attention may be more readily resolved if you permit the use of your name during this precomplaint counseling.
5. If you believe that you have been subjected to unlawful discrimination because of your race, color, national origin, religion, handicapping condition, sex, sexual orientation¹ or reprisal for participation in activity protected by the Equal Employment Opportunity Act or the Rehabilitation Act; you must first follow administrative complaint processing procedures before you appeal to the Equal Employment Opportunity Commission (EEOC), Merit Systems Protection Board (MSPB*), or file a civil action in a U.S. District Court. [Note: "Filing a civil action under § 1614.408 or § 1614.409 shall terminate Commission processing of the appeal. If private suit is filed subsequent to the filing of an appeal, the parties are requested to notify the Commission in writing." 29 CFR 1614.410]
6. You are entitled to a reasonable amount of official time to present your complaint pursuant to 29 C.F.R. § 1614.605(b). In order to receive official time it must be requested and in order to be eligible to receive official time, you must be in an active duty status with the Agency.

7. Allegations of discrimination grounded in acts or events occurring more than 45-days prior to _____ may be dismissed as untimely filed by the Director, Office for Equal Opportunity pursuant to 29 CFR 1614.107 (b).
8. Allegations of discrimination grounded in acts, events or matters which you have initiated through an internal grievance procedure, negotiated grievance procedure, a previously filed EEO Complaint, filed in U.S. District Court, appealed to the MSPB*, etc., will be dismissed by the Director, Office for Equal Opportunity pursuant to 29 CFR 1614.107 (d).
9. If the matters which you bring to my attention are not resolved to your satisfaction, you may file a formal complaint of discrimination no later than 15-days after I issue the NOFI.
10. I will prepare a Counselor's Report at the conclusion of pre-complaint counseling and submit it to the Chief Counselor or the Equal Employment Opportunity Officer.
11. You may file a formal complaint only on those matters which you specifically bring to my attention during these 30-days of precomplaint counseling. Other matters may be dismissed by the Director, Office for Equal Opportunity pursuant to 29 CFR 1614.107 (b).
12. If you file a formal complaint of discrimination and the Department of the Interior fails to issue a Final Decision within 180-days of filing your formal complaint, you may file a civil action in U.S. District Court.
13. If you believe that you have been subjected to unlawful age discrimination (over 40), you may, 30-days after filing a "notice of intent to sue" with the EEOC, file a civil action in U.S. District Court without going through administrative complaint procedures. If you choose to pursue allegations of age discrimination administratively, you must first exhaust administrative procedures, including appeals to the EEOC or MSPB, before filing a civil action in U.S. District Court.
14. Your formal complaint will be acknowledged.
15. If your formal complaint, or any portion thereof, is dismissed the Director, Office for Equal Opportunity will inform you in writing of your appeal rights.
16. If your formal complaint is accepted for processing, the acceptance letter will specifically state your allegation[s] of discrimination, and provide specific information regarding the processing of your complaint and appeal rights. You will receive a copy of the Counselor's Report, and your complaint will be investigated. The Department of the Interior must issue the report of investigation no later than 180-days after you file your complaint. [29 CFR 1614.108(f)]

17. Upon completion of the investigation, the Investigator will prepare a Report of Investigation, a copy of which will be provided to you by the Equal Employment Opportunity Officer.
18. Upon receipt of the Report of Investigation, you may request a hearing before an EEOC Administrative Judge or a final decision without a hearing. Your written request must be made to Director, Office for Equal Opportunity within 30-days of your receipt of the report of investigation. If you make no request, you will receive a final decision without a hearing within 90-days of your receipt of the report of investigation
19. If you request a decision without a hearing, you should receive a final decision within 60-days of your request.
20. If you request a hearing, a hearing will be conducted by an Administrative Judge from the Equal Employment Opportunity Commission in accordance with 29 CFR 1614.109.
21. The Administrative Judge will send copies of findings, conclusions, and orders along with the entire record, by certified mail, return receipt requested, to you and to this agency within 180-days of the Commission's receipt of your request for a hearing.
22. After the hearing, the Administrative Judge will issue a "recommended decision" which the Director, Office for Equal Opportunity may adopt, modify or reject in the Final Decision. The Administrative Judge's findings of fact, conclusions of law and orders for relief become the final decision 60-days after receipt unless rejected or modified in writing by this agency in a final decision. The Final Decision closes administrative processing of your complaint within the Department.
23. If you are not satisfied with the Final Decision, you may appeal the matter to the EEOC, or you may file a civil action in U.S. District Court. The final agency decision will give you detailed information necessary to exercise appeal rights.
24. If you appeal to EEOC and are dissatisfied with the appellate decision, you may request that the Commission reconsider its decision, or you may file a civil action in U.S. District Court.
- * If your formal complaint raises allegations within the appellate jurisdiction of the Merit Systems Protection Board (such as termination of employment, denial of within grade increase, demotion, RIF, suspension for more than 14-days, furlough for less than 30-days, "constructive discharge," etc.), it is known as a mixed case complaint. The following procedures apply to mixed case complaints: (See 5 CFR 1201 for details.)
 1. You may file a mixed case appeal of the matter (including allegations of unlawful discrimination) directly to the MSPB without filing a formal complaint of

discrimination and going through the administrative complaint process. Mixed case appeals must be filed no later than 20-days after the effective date of the matter giving rise to the appeal. The MSPB decision will be binding on all parties.

2. If you file a mixed case complaint, processing will follow steps 12-17 above, and your appeal rights will be to the MSPB, not to the EEOC.
3. The Final Decision to your mixed case complaint will be issued without a hearing. You may appeal the Final Decision of a mixed case complaint to the MSPB, or file a civil action in U.S. District Court. The MSPB will conduct a hearing if your appeal is timely filed and alleges unlawful discrimination.
4. If you are not satisfied with the MSPB decision to your mixed case complaint, you may file a petition with EEOC, or file a civil action in U.S. District Court.

I have been informed of the employee's/applicant's rights by the EEO Counselor on

_____.

Signature [Aggrieved] Date