Flowchart of the Sexual Orientation Anti-Discrimination Complaint Process

Pre-complaint Counseling Incident Occurrence You must contact an EEO counselor within 45 days of the incident. You may request

traditional counseling, in which case the EEO

counselor will have 30 days to attempt

resolution.

The **30-day** counseling period may be extended no more than **60 days** if you and the FTC agree to such an extension in writing. If you choose traditional counseling and a successful resolution is not reached, the EEO counselor will issue a notice of the right to file a formal complaint. You will have **15 days** to file a formal complaint.

You may request to participate in the FTC's Alternative Dispute Resolution Program (i.e., *Mediation Program*), in which case the FTC will have up to **90 days** to resolve the matter. If you choose mediation, pre-complaint counseling will not occur. If mediation is not successful and a resolution is not reached within **90 days**, the EEO counselor will issue a notice of the right to file a formal complaint. You will have **15 days** to file a formal complaint.

If mediation is successful within **90 days**, the Director of EEO will inform the EEO counselor that the claim was resolved.

Formal Complaint Process

EEOC regulations require that you seek pre-complaint counseling before filing a formal complaint.

You must file a formal complaint within **15 days** of receiving the notice of the right to file a formal complaint. The Director of EEO will acknowledge receiving the formal complaint and notify you of the claims accepted for investigation. If the claims asserted and those accepted for investigation differ, the Director of EEO will explain the reasons for such differences, including whether the agency is dismissing the entire complaint, or in part.

The Director of EEO will assign an investigator to develop impartial and appropriate factual information on the claims accepted for processing. The FTC must complete the investigation, within **180 days** of the date the formal complaint was filed.

After the investigation is completed, you will receive a copy of the investigation report. You and your manager will be given **30 days** in which to make a final attempt at an informal resolution. If at any time during this **30-day** period, the parties agree that no informal resolution can be reached, they may submit any evidence, not collected by the investigator, to the Director of EEO.

You do not have the right to request an EEOC hearing.

The Director of EEO will issue a final FTC decision on the merits regarding each issue in the complaint within **30 days**. You may not appeal a final FTC decision issued by the Director of EEO.