

**PEACE CORPS OF THE UNITED STATES (PEACE CORPS)
DISCRIMINATION COMPLAINT PROCESSING PROCEDURES
UNDER 29 CFR 1614**

The regulations which govern the processing of discrimination complaints filed against the Peace Corps can be found at Title 29, Code of Federal Regulations, Part 1614, and any amendment thereto.

All references to days in this document will be in calendar days.

In the event there is a discrepancy between this summary and the EEOC regulations set forth at 29 CFR 1614, the EEOC regulations will apply.

I. PRE-COMPLAINT PROCESSING

The time limits for EEO Counseling may be extended for an additional period of 60 days if you agree in writing to postpone the final interview. Where the agency has an established dispute resolution procedure and you agree to participate in the procedure, the EEO Counseling period shall be 90 days.

The 15 calendar days for filing your complaint may be extended if you show that you were not notified of the time limit or were not otherwise aware of it, or that you were prevented from filing your complaint in a timely manner by circumstances beyond your control. Failure to contact the EEO Counselor within the 45-day time limit, or failure to file your complaint within the 15-day time limit may result in the dismissal of your complaint.

If you need help in the preparation of your complaint you may contact your EEO Counselor or you may secure help from a representative of your choice. Your written complaint should be filed by you or your designated representative with the Equal Opportunity Manager or the Director of the Peace Corps within 15 days of receipt of the notice of final interview or the notice of their right to file. A decision to accept or dismiss your complaint will be issued by the Peace Corps with appropriate Appeal Rights.

You may have a representative of your choice at all stages of the processing of your complaint. However, you must designate your representative in writing, giving full name, address and telephone number.

II. FORMAL COMPLAINT PROCESSING

If your complaint is accepted for processing you will be notified in writing. If your complaint is dismissed and you do not agree with this decision you will be able to file an appeal with the Equal Employment Opportunity Commission. Information regarding your Appeal Rights is provided later on in this document.

Investigation

When your complaint is accepted for processing, you will have an opportunity to have your complaint investigated and you will be able to present all the facts which you believe show discrimination.

Within 180 days from the filing date of your complaint the Peace Corps will notify you that the investigation has been completed and provide you with a copy of the Investigative Record. This time period may be extended by not more than 90 days by written agreement between you and the agency. Should the Peace Corps fail to issue the investigative record within the specified time period, you may request a hearing from the Equal Employment Opportunity Commission.

Hearing

Upon receipt of your investigation, you will have 30 calendar days in which to request a hearing before an Administrative Judge or request an immediate final decision from the Peace Corps. The hearing will be conducted by an Administrative Judge from the Equal Employment Opportunity Commission and you will be provided the opportunity to present witnesses and other evidence in your behalf. The Administrative Judge will issue findings of fact and conclusions of law within 180 days.

Final Decision

If you do not request either a hearing or a final decision within the 30 day time period, the Peace Corps will process your complaint for a final decision. The Peace Corps will issue a final decision 60 days from receipt of your notice that you wish an immediate final decision. The final decision of the Peace Corps will consist of findings on the merits of each issue in your complaint and when discrimination is found, appropriate remedies and relief in accordance with the regulations. If a hearing is held on your complaint the Administrative Judge will provide the Peace Corps with a recommended decision for your complaint. The Peace Corps will have 60 days to reject or modify or use the recommended decision in arriving at its final decision. If the Peace Corps does not issue a final decision within 60 days of receiving the Administrative Judge's recommended decision, the findings and conclusions of the Administrative Judge will become the Peace Corps' final decision.

Also, you may file a civil action after 180 days has elapsed from the filing of your individual complaint if a final decision has not been issued or you have not appealed the final decision.

You may also file a civil action any time after from the date of filing an appeal with the Commission, if there has been no final decision by the Commission.

It is important to note that 29 CFR 1614.410 provides that "Filing of 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."

III. SPECIAL PROCESSING PROVISIONS

There are special provisions in the regulations with respect to related processes, such as, mixed case complaints, negotiated grievance procedures, class complaints, civil actions, etc. For further information pertaining to the processing of complaints of discrimination you may wish to consult Title 29 of the Code of Federal Regulation, Part 1614 (see attachment A).