



EQUAL EMPLOYMENT OPPORTUNITY

The Equal Employment Opportunity (EEO) laws and regulations of today are based on principles set forth in the Constitution and the Bill of Rights. Individuals are entitled to an equal opportunity to enjoy benefits of democracy and the protection of its laws. It is incumbent upon all personnel to support the EEO program and to strive to identify, prevent and eliminate policies and practices that impact or prevent individuals from achieving their utmost potential. Everyone has the inherent right to fair treatment, equal employment opportunities and a workplace that is free of unlawful discrimination or harassment (sexual and non-sexual). Persons assigned to Marine Corps Installations East (MCIEAST)/Marine Corps Base (MCB) Camp Lejeune, Marine Corps Air Station (MCAS New River) and serviced tenant commands have the right of reporting or filing a discrimination complaint under the procedures described below.

WHO MAY FILE A COMPLAINT?

According to the Code of Federal Regulations (CFR), Title 29, Part 1614 (Federal Sector Equal Employment Opportunity), Sections 1614.101(a) and 1614.105, all federal employees, applicants for employment and former employees have the right to file complaints of discrimination or unlawful harassment on the bases of race, color, sex, religion, national origin, age (40 years and older), physical or mental disability, genetic information or reprisal for either participation in previous EEO activities or opposition to any practice made unlawful under Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Sections 501 and 505 of the Rehabilitation Act of 1973, Titles I and V of the Americans with Disabilities Act of 1990 (ADA), Title II of the Genetic Information Non-discrimination Act (GINA), and the Civil Rights Act of 1991.

EXPLANATION OF STATUTES AND REGULATIONS

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination based on race, color, religion, sex, and national origin. It also prohibits reprisal or retaliation for participating in the discrimination complaint process or for opposing any employment practice that the individual reasonably and in good faith believes violates Title VII. Title VII's prohibition against sex discrimination includes discrimination on the basis of pregnancy, sexual orientation and gender identity including transgender status. Lesbian, gay and bisexual individuals alleging sex-stereotyping may also state a claim of discrimination based on sex under Title VII. As such, these types of complaints will be processed under 29 C.F.R. Part 1614 as claims of sex discrimination, unless complainant specifically requests to use a different process. Employees claiming discrimination based on sexual orientation may seek redress from the Merit Systems Protection Board (MSPB), the Office of Special Counsel (OSC), or the Administrative Grievance Procedure.

Federal employees under the supervision of a commanding officer or officer in charge may use Title 10, United States Code, Section 1561 as an alternate procedure for raising allegations of sexual harassment. This procedure is separate from the aforementioned EEO complaint process and does not waive the time limits for filing an EEO complaint nor exhausts the administrative remedies under 29 CFR 1614. However, the two procedures may be pursued simultaneously.

The Age Discrimination in Employment Act of 1967, as amended (ADEA) prohibits discrimination in employment on the basis of age (40 years or older). It also prohibits retaliation against individuals

exercising their rights under the statute. Unlike Title VII and the Rehabilitation Act, the ADEA allows persons claiming age discrimination to go directly to court, after giving the Commission 30 days' notice of the intent to file such an action, without utilizing an agency's administrative complaint procedures. If, however, an individual chooses to file an administrative complaint, he/she must exhaust administrative remedies before proceeding to court. As with Title VII complaints, a complainant exhausts administrative remedies 180 days after filing a formal complaint, if the agency has not taken a final action, or 180 days after filing an appeal with the Commission if the Commission has not issued a decision.

The Rehabilitation Act of 1973, as amended prohibits discrimination on the basis of mental and physical disabilities, as well as retaliation for exercising rights under the Act. This Act requires that agencies make reasonable accommodations to the known physical or mental limitations of an applicant or qualified employee with a disability unless the agency can demonstrate that the accommodations would impose an undue hardship on the operation of its program. Amended in October 1992, the Act provides the standards used to determine whether non-affirmative action employment discrimination has occurred as per Title I of the Americans with Disabilities Act. The Rehabilitation Act was amended again in 2008 by the American with Disabilities Act Amendments Act (ADAAA) by introducing broad interpretations of the definition of disability by adding "major bodily functions" as a major life activity and by directing that the determination of whether an impairment substantially limits a major life activity should be determined based on the impairment's effect in its active state (for impairments that are episodic or in remission) and should be determined without taking into account the ameliorative effects of mitigating measures, such as medication.

The Equal Pay Act of 1963 (EPA) prohibits sex-based wage discrimination. It prohibits federal agencies from paying employees of one sex lower wages than those of the opposite sex for performing substantially equal work. Substantially equal work means that the jobs require equal skills, effort, and responsibility, and that the jobs are performed under similar working conditions. Sex-based claims of wage discrimination may also be raised under Title VII; individuals so aggrieved may thus claim violations of both statutes simultaneously. EPA complaints are processed under Part 1614. In the alternative, an EPA complainant may go directly to a court of competent jurisdiction on the EPA claim. The EPA also prohibits retaliation for exercising rights under the Act.

The Lilly Ledbetter Fair Pay Act of 2009 amended Title VII of the Civil Rights Act of 1964 to provide that an individual subjected to compensation discrimination under Title VII, the Age Discrimination in Employment Act of 1967, or the Americans with Disabilities Act of 1990 may file a complaint within forty-five (45) days of any of the following:

1. When a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted;
2. When the individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or
3. When the individual's compensation is affected by the application of a discriminatory compensation decision or other discriminatory practice, including each time the individual receives compensation that is based in whole or in part on such compensation decision or other practice.

The Act also has a retroactive effective date of May 28, 2007, and applies to all claims of discriminatory compensation pending on or after that date.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits discrimination by federal agencies based on an individual's genetic information, which includes the results of genetic tests to determine whether the individual is at increased risk of acquiring a condition in the future, as well as an

Individual's family medical history. Specifically, the law prohibits the use of genetic information in making employment decisions, restricts the acquisition of genetic information by federal agencies, imposes strict confidentiality requirements, and prohibits retaliation against individuals who oppose actions made unlawful by GINA. The remedies available under GINA are the same as those available under Title VII and the Rehabilitation Act.

The Equal Employment Opportunity Commission (EEOC) has issued regulations that address the application of federal nondiscrimination law to the federal government. The regulations governing the processing of federal sector discrimination complaints are contained in Title 29 of the Code of Federal Regulations (C.F.R.), Part 1614. Other Commission regulations and guidelines address the substantive provisions of federal nondiscrimination law. For example, 29 C.F.R. Part 1630 sets forth Commission regulations applicable to the Rehabilitation Act.

ADDITIONAL AVENUES OF REDRESS

There are other avenues available to address issues outside of the protected bases under applicable EEO laws, such as the Chain of Command and/or the Administrative Grievance Procedure. Bargaining unit employees (BUEs) may address grievances under the Master Labor Agreement (MLA). When doing so, BUEs should contact their Union Representatives as they have exclusive representation of all BUEs in all matters concerning any grievance, any personnel policy or practice, any general condition of employment and related workplace conditions.

Additional information is available to all employees by calling the MCIEAST/MCB Camp Lejeune EEO Office at 910-451-5272. MCCS employees may also call 910 451-9676. The EEO Office is located on F-Street in Building #233 (Mainside). Supplemental informational tri-folds are available at the Civilian Human Resources Office-East, 33 Holcomb Boulevard and MCCS Human Resources Office, 1401 West Road, in Camp Lejeune NC.

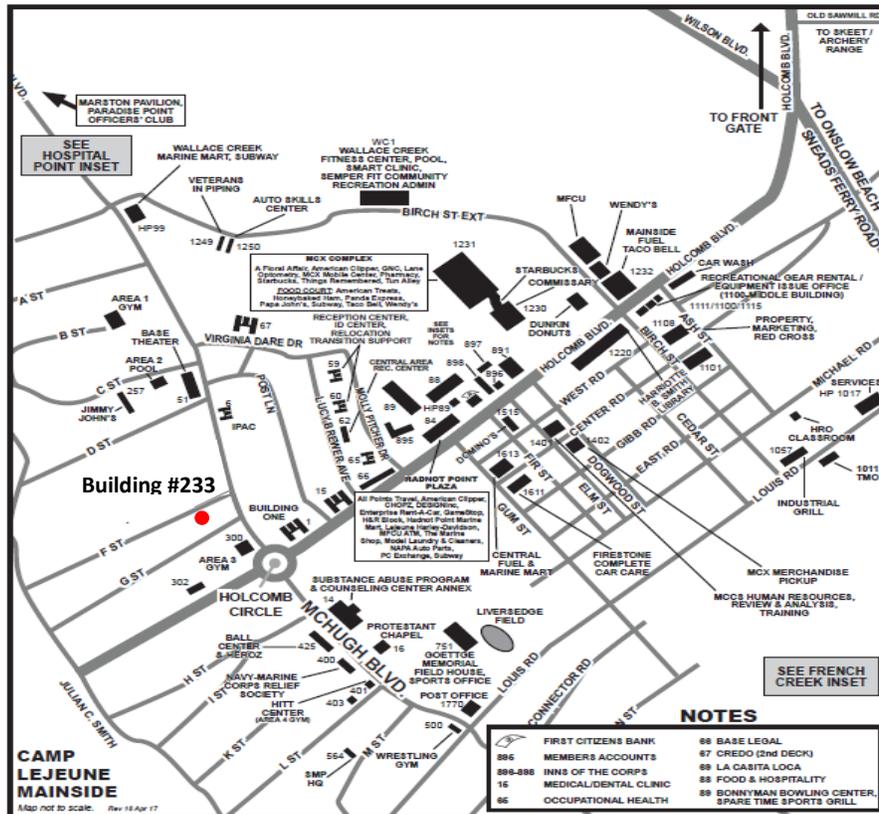
WHERE TO FILE A COMPLAINT? Aggrieved persons may initiate the pre-complaint process by contacting an EEO Counselor or EEO Official within the MCIEAST/MCB Camp Lejeune's EEO Office.

Mailing Address:
United States Marine Corps
MCIEAST/MCB Camp Lejeune
Equal Employment Opportunity Office
PSC Box 20005
Camp Lejeune, NC 28542-0005

DSN: (94) 451-5272/5083/5365
Commercial: (910) 451-5272/5083/5365 or 910 450-6819.
DSN FAX: (94) 451-9740
FAX Commercial: (910) 451-9740

MCCS Employees may also call: DSN (94) 451-9676; Commercial: (910) 451-9676

Directions: Turn right at the Holcomb traffic circle and turn left on F-Street. Building #233 is the first building on the left hand side. Handicap parking is available and the building is accessible to individuals with disabilities.



Physical Location: F-Street, Building #233

HOW TO FILE A COMPLAINT?

To initiate the 29 CFR Part 1614 Federal EEO complaint process, aggrieved persons must contact an EEO counselor or official in the MCIEAST EEO office and initiate pre-complaint procedures within 45 calendar days of:

- 1) The action or practice alleged to be discriminatory;
- 2) The effective date of the personnel action alleged to be discriminatory; or
- 3) The time the aggrieved person became aware of the alleged discriminatory action or practice.

Individuals may choose between participation in an alternative dispute resolution (ADR) process or traditional counseling. If both parties agree to ADR, arrangements will be made to mediate the dispute within ninety (90) calendar days.

Mediation is an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of the issue(s). Mediation gives the parties the opportunity to discuss the issues raised in the EEO complaint, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, to incorporate those areas of agreements into solutions. A mediator does not impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution. If elected, EEO Counselors will arrange for mediation through the Investigations and Resolution Division (IRD) of the Civilian Personnel Management Service, Department of Defense (DoD). If both parties agree to mediate, a mediation session with a trained and experienced

mediator is scheduled. While it is not necessary to have an attorney or other representation in order to participate in Mediation, either party may choose to do so. Information shared in the mediation conference is confidential. No report will be developed on the substance of the mediation conference. The only written documentation resulting from the mediation conference will be the actual agreement, if any, and the minutes of the conference which shall only state the following: the participants in the conference, the conference facilitator, the date and length of time, and whether or not an agreement was reached. If mediation is unsuccessful, the aggrieved person will receive a Notice of Right to File a Formal complaint of Discrimination within fifteen (15) calendar days of receipt of such notice.

If traditional EEO counseling is elected, an EEO Counselor will be assigned and will attempt to resolve the issue(s) at hand within thirty (30) calendar days from the initial contact or 90 days if an extension is granted. Depending upon the facts and circumstances of the case, an aggrieved person may have options other than Part 1614 procedure available in pursuit of a discrimination claim. The individual, in some cases, may have to elect the process s/he wishes to pursue. Election options apply in age discrimination complaints, mixed case complaints, Equal Pay Act complaints, and claims where certain negotiated grievance procedures apply. In addition, procedures may be available through the OSC or the MSPB.

Individuals may choose to remain anonymous only during the informal stage of the EEO complaint process and only if they are not alleging discriminatory harassment, including sexual harassment. Individuals also have the right to representation. Once the EEO Counselor has determined the basis(es) and claim(s), he/she will conduct a limited inquiry. While the scope of the inquiry will vary based on the complexity of the claims, the inquiry is intended to be limited and is not intended to substitute for the in-depth fact-finding required in the investigative stage of the formal complaint process. When the aggrieved individual and an EEO Counselor engage in resolution efforts, they may decide that they need additional time to reach an agreement. If the aggrieved person consents, the EEO office may extend the counseling period an additional period up to but not exceeding 60 days. If, during the course of the limited inquiry, the agency and the aggrieved person agree to an informal resolution of the dispute, the terms of the resolution must be reduced to writing, clearly identify the claims resolved, and be signed by both parties to help ensure they have the same understanding of the terms of the resolution.

If the issue(s) is/are not resolved upon completion of the counseling process, the EEO counselor will conduct a final interview. During this interview, individuals are provided with full information about further options available. Once EEO counseling is complete, the counselor will provide a Notice of Right to File a Formal Complaint of Discrimination.

From this point in time, individuals have fifteen (15) calendar days from the Notice of Right to File a Formal Complaint of Discrimination. Only the matter (s) raised during informal counseling (or issues like or related to issues raised during informal counseling) may be alleged in a subsequent formal complaint filed with the EEO Office. The issues in the formal complaint and matter giving rise to the complaint must be sufficiently precise to describe the action (s) or practice (s) that forms the basis of the complaint.

FORMAL COMPLAINT PROCESS

The agency may accept, dismiss or partially dismiss the formal complaint of discrimination. If the complaint is accepted, it will be investigated. The agency is required to conduct a complete and fair investigation of the complaint within 180 days of the filing of the complaint, unless the parties agree in writing to extend the investigation. Complainants will receive a copy of the investigative file and have an opportunity to request an immediate final agency decision or a hearing before an Equal Employment Opportunity Commission (EEOC) Administrative Judge. If the complaint is dismissed in its entirety, individuals will have the right to appeal the dismissal and will receive a separate written notice advising

them of their appeal rights. If some, but not all of the issues in your complaint are dismissed, those issues will not be investigated. A determination on the dismissed portion will be made by an Administrative Judge if a hearing is requested on the remainder of the complaint. The dismissed portion is not appealable until a final agency decision is received on the accepted portion of the complaint. If a settlement of the complaint is reached, the terms of the settlement will be stated, in writing, and a copy of such settlement will be provided. If a settlement of the complaint is not reached, you will be notified, in writing, of your right to request a decision by the Secretary of the Navy, with or without a hearing.

Requests for hearing must be made within 30 calendar days after receiving the investigative file. A copy of the request for hearing must be submitted to the Deputy Equal Employment Opportunity Officer (DEEOO). The hearing will be conducted by an EEOC Administrative Judge who will issue a decision to both parties. The Secretary of the Navy will have 40 days to issue a final order notifying you whether or not the agency will fully implement the decision. If the decision is not fully implemented, the agency must simultaneously file an appeal with EEOC. If a decision without a hearing is elected, the Secretary of the Navy will issue a final Department of the Navy (DON) decision based on the information in the existing complaint file. To request a decision without a hearing, complainants must notify the DEEOO in writing within 30 calendar days after receiving the investigative file.

If within 30 calendar days after receipt of the investigative file, a complainant fails to request a final decision from the Secretary of the Navy, with or without a hearing, a final DON decision will be issued. If a complainant is dissatisfied with the final DON decision, s/he may file a notice of appeal to the EEOC Office of Federal Operations (OFO) within 30 calendar days after receiving the final decision. A copy of the appeal must be provided to the DEEOO, MCIEAST/MCB Camp Lejeune. In or attached to the appeal to the EEOC, appellants must certify the date and method by which service was made on the Department of the Navy, MCIEAST/MCB Camp Lejeune's EEO Office. An appellant may submit a brief or statement in support of the appeal to OFO within 30 calendar days after filing the notice of appeal. At the same time, an appellant must furnish a copy of the supporting brief or statement to the DON.

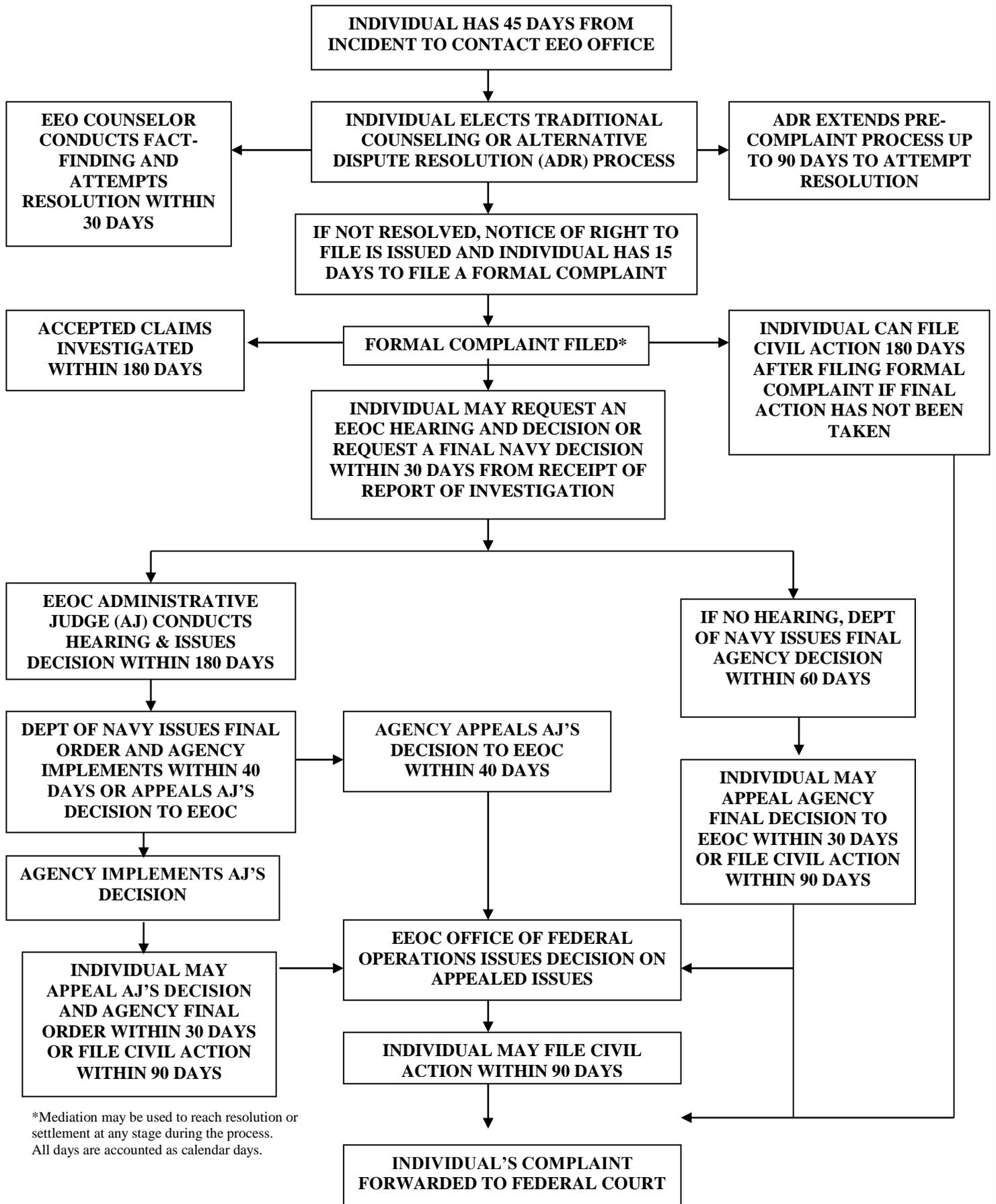
Instead of filing an appeal to the EEOC, individuals may file a civil action in an appropriate U. S. District Court within 90 calendar days after receiving the final DON decision or, if the DON has not issued a final decision on the complaint, after 180 calendar days from the date the formal complaint was filed. Filing a civil action will result in termination of administrative processing of the discrimination complaint on the same issue raised in the civil action.

When filing a civil action under Title VII of the Civil Rights Act of 1964, as amended, or the Rehabilitation Act of 1973, as amended, and an individual does not have, or is unable to obtain the services of a lawyer, s/he may request the court to appoint a lawyer to represent them. In such circumstances as the court may deem just, the court may appoint a lawyer and may authorize the commencement of the action without the payment of fees, costs, or security. Any such request must be made within the above referenced 90 calendar-day time limit for filing suit and in such form and manner as the court may require. Filing a request for an attorney does not extend the time in which to file a civil action. Both the request and the civil action must be filed within 90 calendar days from the date s/he receive this final decision/action. If an individual decides to appeal to the EEOC, OFO, s/he will still have an opportunity to file a civil action in a federal district court within 90 calendar days after receiving the EEOC's final decision, or 180 calendar days after the date of your initial appeal to the Commission if EEOC has not rendered a final decision.

DISTRIBUTION: A, B, and C
TO BE POSTED ON OFFICIAL BULLETIN BOARDS

Last Revision: Jun 2017

INDIVIDUAL DISCRIMINATION COMPLAINT PROCESS



*Mediation may be used to reach resolution or settlement at any stage during the process. All days are accounted as calendar days.