# TECHNICIAN EEO COMPLAINTS

## EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS

**NGR (AR) 690-600/NGR (AF) 40-1614, National Guard Civilian Discrimination Complaint System**

<table>
<thead>
<tr>
<th>Filed Against</th>
<th>National Guard</th>
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<tbody>
<tr>
<td>Applies To</td>
<td>Federal National Guard Technicians (excepted, non dual status and applicants for employment)</td>
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</table>
| **Directives & Regulations** | 29 CFR 1613/1614 Federal Sector EEO  
DOD DIR 1440.1 DOD Civilian EEO Program  
NGR (AR) 690-600/NGR (AF) 40-1614, National Guard Civilian Discrimination Complaints System (Title VII)  
EEO MD 110 Complaint Processing Manual  
TAG Policy Memo 01-03 |
| **Laws** | 42 USC 2000e - 16. Title VII, CRA of 1964 (amended by EEO Acts of 72, 78 and 91)  
5 USC 7121d CRA OF 1978  
29 USC 633a. ADEA of 63 (amended by FLSA of 4 & 78)  
29 USC 201 et seq. FLSA of 1938  
29 USC 206 (d) Equal Pay Act of 63  
29 USC 2601-2654, Family/Medical Leave Act |
| **Alternate Dispute Resolution (ADR)** | Must be offered & may be implemented at any time |
| **Basis** | Race, Color, Religion, Gender (Includes Sexual Harassment), National Origin, Age, Disability, Retaliation (based on EEO activity). |
| **Time Limits** | 45 calendar days |
| **Informal Stage** | An aggrieved person must contact a counselor within 45 calendar days from date of alleged discrimination or personnel action when complainant should have known. 29 CFR 1614.105 (a) (1) |
| **Pre-Complaint Counseling 30 calendar days** | - Individual complainant must Contact an EEO counselor  
- EEO counselor attempt resolution, gather facts regarding allegations  
- If not resolved in 30 days, may extend 30-60 days |
| **Formal Stage** | EEO counselor will assist complainant:  
- Prepare NGB Form 713-5-R, National Guard Bureau Formal Complaint of Discrimination  
- Formal complaint must be filed with SEEM within 15 days of final counseling |
| **Written Complaint 15 calendar days** | NGB will conduct a fact-finding or send an investigator to conduct an investigation  
Complainant will receive report within 180 days of filing complaint 29 CFR 1614.108 |
| **Inquiry Or Investigation** | - Request NGB Decision  
- Decision w/out a hearing will be issued w/in 60 days |
| **Agency Decision** | 29 CFR 1614.108(f) |
| **Final Decision** | - Hearing and Decision  
- EEOC administrative judge provides recommendations to NGB within 180 days |
| **Appeal Process** | - Appeal to EEOC  
- 29 CFR 1614.401/402 |
| **End Administrative** | 29 CFR 1614 |
| **Appeal Judicial Process** | - Federal District Court |
| **Note:** Military & Non-Dual Status (NDS) Technicians | All time is measured in calendar days  
- Entitled to a representative throughout the entire EEO process  
- Extension of timelines accepted if complainant agrees to request in writing with justifiable reasons and is approved, signed and dated  
- Alternative dispute resolution (ADR) may be applied at any time of the complaint process with exception to the final decision stage  
- Coordinate all conflict resolution requests through the State Equal Employment Manager (SEEM) |
| **Point of Contact** | State Equal Employment Manager (SEEM)  
1Lt Passion Julinsey  
(253) 512-8348  
passion.julinsey@ng.army.mil |