

# FEDERAL EEO ROADMAP

## A STEP-BY-STEP GUIDE TO NAVIGATING DISCRIMINATION CLAIMS & DEADLINES

### A Guide for Federal Employees

*Missing a deadline is the #1 reason federal cases are lost.*



The federal EEO process is rigid. Missing a single deadline by 24 hours can result in your case being dismissed forever. We have simplified the complex regulations into four distinct phases to help you stay on track.

Below, we break down exactly what happens in each of these four phases.

## PHASE 1: THE INFORMAL STAGE (The "Pre-Complaint")

**The Trigger:** An incident of discrimination, harassment, or a personnel action (like a termination or denial of promotion) occurs.



**DEADLINE ALERT (45 DAYS):** You must contact an EEO Counselor within **45 days** of the discriminatory event. If your case is based on harassment as opposed to a discrete act like a termination or suspension, only one harassing act must be within the 45 days as older allegations will generally be considered timely as a continuing violation.

**Solomon Law Tip:** *Do not wait. Even if you are trying to resolve it internally, contact the counselor to "stop the clock."*

**Counseling:** The EEO Counselor has 30 days to attempt an informal resolution. You may be asked to extend this to 90 days if you agree to Alternative Dispute Resolution (ADR).

**The Notice:** If the matter is not resolved, you will receive a "Notice of Right to File a Formal Complaint".

## PHASE 2: THE FORMAL COMPLAINT



**DEADLINE ALERT (15 DAYS):** You have exactly **15 days** from receiving the Notice to file your Formal Complaint.

**💡 Solomon Law Tip:** *This document must be precise. If you fail to state a claim under the EEO statutes, your case can be dismissed immediately.*

**The Investigation:** Once filed, the Agency has **180 days** to investigate your claim and produce a "**Report of Investigation**" (ROI).

**Amendments:** You may file an amendment to your claim if it is "**like or related**" to the existing claim(s). The Agency will then have 180 days from the amendment to complete the investigation or one year from the filing of the formal complaint, whichever is earlier.

## PHASE 3: THE CROSSROADS (The ROI is Issued)

*Once the 180 days pass (or you receive the ROI), you face a critical strategic choice:*

### OPTION A

#### **Request a Final Agency Decision (FAD)**

You ask the Agency to decide the case based only on the documents collected.

- *Warning: The Agency rarely finds against itself. This path often leads to a quick "no discrimination" finding.*

### OPTION B

#### **Request a Hearing (Recommended)**

You request a hearing before an EEOC Administrative Judge. This moves the power away from your agency and to a neutral judge.

### OPTION C

#### **Commence Action**

If 180 days elapses since the filing of the formal complaint, commence action in U.S. District Court.

## PHASE 4: THE LEGAL BATTLE

**The Hearing:** An EEOC Administrative Judge manages discovery (evidence exchange), depositions, and motions.

*Warning: Not every case will make it to hearing. An agency can file a summary judgment motion asking the case to be thrown out without a hearing. Legal expertise is usually needed to withstand such a challenge.*

**The Decision:** The Judge issues a decision, including remedies and attorneys' fees if you win.

**The Appeal:** If you lose, you have **30 days** to appeal to the EEOC Office of Federal Operations (OFO).

**Federal Court:** Alternatively, you can file a lawsuit in U.S. District Court after exhausting your administrative remedies (e.g., after 180 days if the Agency hasn't acted).

## DON'T MISS A DEADLINE

The federal EEO process is rigid. Missing a single deadline by 24 hours can result in your case being dismissed forever.

Please use our **FEDERAL EEO DEADLINE TRACKER** on the next page to stay up-to-date.



## FEDERAL EEO DEADLINE TRACKER

Missing a deadline is the #1 reason federal cases are lost. Log your dates below.

### 1. THE 45-DAY RULE (INITIATING CONTACT)

**Date of Discriminatory Act:** \_\_\_\_\_

**Deadline to Contact EEO Counselor:** \_\_\_\_\_ (Add 45 Days)

*Action: Did you contact the counselor?*  Yes  No

*Note: If you are late, you must prove you were unaware of the time limit.*

### 2. THE 15-DAY RULE (FILING THE COMPLAINT)

**Date You Received "Notice of Right to File":** \_\_\_\_\_

**Deadline to File Formal Complaint:** \_\_\_\_\_ (Add 15 Days)

*Action: Did you file the formal complaint?*  Yes  No

### 3. THE 180-DAY RULE (THE INVESTIGATION)

**Date Formal Complaint Filed:** \_\_\_\_\_

**Investigation Expiration Date:** \_\_\_\_\_ (Add 180 Days)

*Solomon Tip: If you have not received your Report of Investigation (ROI) by this date, you have the right to request a hearing immediately.*

### 4. THE 30-DAY RULE (THE APPEAL)

**Date of Final Agency Order/Decision:** \_\_\_\_\_

**Deadline to File Appeal to EEOC:** \_\_\_\_\_ (Add 30 Days)

*Note: Filing an appeal stops the clock on filing a lawsuit.*

# SOLOMON LAW EEO ROADMAP

*Navigating the Federal Sector Complaint Process*

## PHASE 1: THE INFORMAL STAGE

**Discriminatory Event Occurs**

**CONTACT EEO COUNSELOR  
(Within 45 Days)**

**Counseling or Mediation  
(30-90 Days)**

## PHASE 2: THE FORMAL COMPLAINT

**Receive Notice of  
Right to File**

**FILE FORMAL COMPLAINT  
(Within 15 Days)**

**Agency Investigation  
(180 Days)**

## PHASE 3: THE CROSSROADS

**Option A:  
Request Final Agency Decision  
(Riskier)**

**Option B:  
Request Hearing (AJ)  
(Recommended)**

**Option C:  
Commence Civil Action  
(If 180 days passed w/ no decision)**

## GLOSSARY OF KEY TERMS

**ADR (Alternative Dispute Resolution):** Mediation or facilitation used to settle complaints early.

**ROI (Report of Investigation):** The evidence file collected by the investigator. You are entitled to a copy.

**FAD (Final Agency Decision):** The agency's official ruling on whether discrimination occurred.

**AJ (Administrative Judge):** An independent judge from the EEOC who presides over hearings.

**OFO (Office of Federal Operations):** The appellate body of the EEOC in Washington, D.C.

## PROTECT YOUR FEDERAL CAREER

Going through the EEO process without guidance can be risky. The deadlines are strict, and the agency has a team of attorneys defending them. You deserve an advocate in your corner.

**Contact Us Today:** [www.fedemploylaw.com](http://www.fedemploylaw.com) | 202-980-2326

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