

Class Action Information for the EEO Complaints web page.

Class Action [Note: Keep the hyperlink to EEOC MD 110, Chapter 8 in the header that is already there.]

A class action complaint of discrimination differs from an individual complaint by definition, time requirements and method of processing. The Equal Employment Opportunity Commission (EEOC) defines a class action complaint as a group of employees, former employees, or applicants for employment with NARA who are alleged to have been adversely affected by an agency personnel policy or practice which discriminates against the group on the basis of their common race, color, religion, sex, national origin, age, genetic information, or disability. It is a written complaint of discrimination filed on behalf of the class by the agent of the class, alleging that the class is so numerous that a consolidated complaint by the members of the class is impractical, that there are questions of fact common to the class, that the claims of the agent of the class are typical of the claims of the class, and that the agent of the class and, if represented, the representative will fairly and adequately protect the interests of the class. 29 C.F.R. §1614.204

A class action complaint of discrimination is structured different from that of an individual complaint. There are four stages to processing a class action complaint.

- Stage 1 is the establishment of a class complaint. At this stage, the class agent is required to seek counseling from an agency EEO Counselor and file a complaint.
- Stage 2 is a determination from an EEOC Administrative Judge (AJ), subject to agency final action, implementing or appealing the AJ's decision on class certification.
- Stage 3, assuming that the complaint has been certified as a class action, involves a final decision from an Administrative Judge on the merits of the class complaint. The agency can either fully implement or appeal. If the agency appeals the Administrative Judge's final decision, it only has to appeal the parts of the decision that it is contesting.
- Stage 4, where there has been a finding of class-based discrimination, is the determination of the claims for relief of the individual class members.

For more information, please contact the Office of Equal Employment Opportunity Programs **WITHIN 45 CALENDAR DAYS** following the alleged discriminatory act at NEEO@nara.gov.