

§ 29.6 Requirement for exhaustion of internal administrative remedies provided by the Architect of the Capitol.

(a) *General.* Under the provisions of the Architect of the Capitol Human Resources Act, any employee of the Architect of the Capitol who wishes to pursue a claim of discrimination or retaliation before the Board must first file an internal complaint with the Architect of the Capitol and exhaust the procedures for resolving such complaints. The procedures for filing such complaints are at present set forth in the Equal Employment Opportunity Procedures Manual issued by the Architect of the Capitol. The internal procedures for resolving complaints of discrimination or retaliation will be considered exhausted when either of the following occurs:

- (1) The employee receives a final decision by the Architect of the Capitol on his or her complaint of discrimination or retaliation; or
- (2) 150 days have passed after the filing of an internal complaint of discrimination or retaliation and the Architect of the Capitol has not issued a final decision on the complaint.

(b) *Class claims.* An employee of the Architect of the Capitol who wishes to seek relief before the Board for a class of employees shall first file an internal complaint of discrimination or retaliation with the Architect of the Capitol and exhaust the internal remedies for resolution of such complaints as described in paragraph (a) of this section. It is not necessary that the employee raise class allegations in his or her internal complaint in order to be able to pursue the matter as a class action before the Board.

(c) *Filing a charge with the Board's General Counsel following exhaustion of administrative remedies.* If, following the exhaustion of internal administrative remedies as described in paragraphs (a) or (b) of this section, an employee of the Architect of the Capitol wishes to pursue the matter before the Board, the employee may file a charge with the Board's General Counsel. The procedures for filing such a charge are set forth in § 29.8.

[59 FR 59106, Nov. 16, 1994, as amended at 60 FR 35119, July 6, 1995]

§ 29.7 Notice of appeal rights.

(a) The Architect of the Capitol shall be responsible for ensuring that employees are routinely advised of their appeal rights to the Board. Any final decision on an internal complaint of discrimination shall include a notice of the complainant's right to pursue the matter before the Board including:

- (1) The time limits for appealing to the Board;
- (2) The address of the Board;
- (3) The employee's right to representation before the Board;
- (4) The availability of a hearing before the Board where factual issues are in dispute; and
- (5) The employee's right to a reasonable amount of official time for the preparation and presentation of his or her appeal.

(b) A copy of the Board's regulations shall be attached to the notice required by paragraph (a) of this section. The notice shall also be accompanied by proof of service.

§ 29.8 Filing a charge with the General Counsel.

(a) *Who may file.* Any employee of the Architect of the Capitol who claims that he or she has been subjected to unlawful discrimination or retaliation (as defined in § 29.3) may file a charge with the Board's General Counsel. One or more employees may file a charge as representative of a class of employees of the Architect of the Capitol.

(b) *When to file.* A charge by an employee of the Architect of the Capitol must be filed at either of the following times:

- (1) Within 30 days after the receipt of a final decision by the Architect of the Capitol on the employee's internal complaint of discrimination or retaliation; or
- (2) At any time after the passage of 150 days following the filing of an internal complaint of discrimination or retaliation, if the Architect of the Capitol has not yet issued a final decision on the internal complaint.

(c) *How to file.* Charges may be filed with the General Counsel in person or by mail. Please note that the address to be used differs for the two kinds of filing.