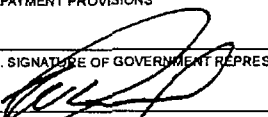
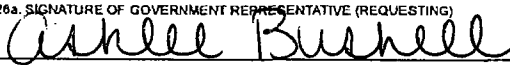


INTERAGENCY AGREEMENT		1. IAA NO NRC-27-07-302/M0010		PAGE OF 1 1	
2. ORDER NO.		3. REQUISITION NO.		4. SOLICITATION NO.	
5. EFFECTIVE DATE See Block 26c		6. AWARD DATE 07/01/2014		7. PERIOD OF PERFORMANCE 05/01/2007 TO 07/31/2017	
8. SERVICING AGENCY UNITED STATES POSTAL SERVICE USPS ALC: DUNS: +4: NATIONAL EEO INVESTIGATIVE SERVICES PO BOX 21979 TAMPA FL 33622 POC Vickye Byron TELEPHONE NO. (813) 735-2021			9. DELIVER TO ERIN DEEDS US NUCLEAR REGULATORY COMMISSION MAIL STOP T2C-2 WASHINGTON DC 20555		
10. REQUESTING AGENCY ACQUISITION MANAGEMENT DIVISION ALC: 31000001 DUNS: 040535809 +4: US NUCLEAR REGULATORY COMMISSION ONE WHITE FLINT NORTH 11555 ROCKVILLE PIKE ROCKVILLE MD 20852-2738 POC Ashlee Bushell TELEPHONE NO. (301) 287-0886			11. INVOICE OFFICE US NUCLEAR REGULATORY COMMISSION ONE WHITE FLINT NORTH 11555 ROCKVILLE PIKE MAILSTOP O3-E17A ROCKVILLE MD 20852-2738		
12. ISSUING OFFICE US NRC - HQ ACQUISITION MANAGEMENT DIVISION MAIL STOP 3WFN-05-C64MP WASHINGTON DC 20555-0001			13. LEGISLATIVE AUTHORITY Economy Act		
			14. PROJECT ID		
			15. PROJECT TITLE EEO INVESTIGATIVE SERVICES		
16. ACCOUNTING DATA N/A					
17. ITEM NO.	18. SUPPLIES/SERVICES	19. QUANTITY	20. UNIT	21. UNIT PRICE	22. AMOUNT
	The purpose of this modification is to revise the agreement to incorporate services for acceptance and dismissal of EEO complaints and final agency decisions of such complaints. See attachments for more information. Master IAA: N/A All other terms and conditions remain unchanged.				
23. PAYMENT PROVISIONS			24. TOTAL AMOUNT \$0.00		
25a. SIGNATURE OF GOVERNMENT REPRESENTATIVE (SERVICING) 			26a. SIGNATURE OF GOVERNMENT REPRESENTATIVE (REQUESTING) 		
25b. NAME AND TITLE William R. Caldwell		25c. DATE 7/2/14	26b. CONTRACTING OFFICER ASHLEE BUSHELL		26c. DATE 7/2/14

TEMPLATE - ADM001

SUNSI REVIEW COMPLETE

JUL 08 2014 ADM002

INTERAGENCY AGREEMENT
Between the
U.S. NUCLEAR REGULATORY COMMISSION
and the
UNITED STATES POSTAL SERVICE

I. PURPOSE

The U.S. Nuclear Regulatory Commission (NRC) and the United States Postal Service (USPS) hereby enter into an agreement for the USPS to provide EEO investigative services to the NRC.

II. BACKGROUND

The USPS currently contracts with private parties to perform investigations of claims of discrimination against the USPS under various federal statutes, as well as to prepare final decisions on such claims. The NRC desires to utilize these contractors to perform similar services regarding claims of discrimination against the NRC.

III. AUTHORITY

This agreement is made under the authority of 39 U.S.C. sec. 411, "Cooperation with other Government agencies."

IV. SERVICES

USPS will provide NRC with services to accept and/or dismiss, (including amending and consolidating claims of discrimination), and investigate complaints of discrimination under various federal statutes, as well as services to prepare final decisions on such complaints. These services will be provided pursuant to a Statement of Work for each service that is mutually agreed to by the parties. The Statement of Work may be revised by the parties at any time by mutual agreement.

NRC agrees to provide USPS information about the agency via teleconference to USPS staff that will work on NRC projects.

NRC also agrees to provide at least one contact point (with one back-up person designated in the event the principal contact person is unavailable) within NRC to assist USPS in resolving issues quickly and effectively should there be problems in receiving cooperation from any NRC employees regarding the provision of services under this agreement.

V. CANCELLATION POLICY

Acceptance and Dismissal:

If NRC cancels an Acceptance/Dismissal (A&D) Notice for any reason three days or less after USPS has accepted an order to write the A&D Notice, NRC will not be required to pay USPS the fee for writing the A&D Notice.

If NRC cancels an A&D Notice for any reason more than three days after USPS has accepted an order to write the A&D Notice, NRC will pay USPS the full fee for writing the A&D Notice as stated in the Interagency Agreement.

When an order to write an A&D Notice is cancelled, USPS will return the case file to NRC within 10 calendar days via Signature Confirmation or Delivery Confirmation mailing services.

Investigations:

An investigation can be cancelled at NRC's convenience for any reason. Cancellation for convenience will be paid on a graduated scale based on work performed:

- 20% if the Investigative Plan has been submitted or the complainant's affidavit has been requested;
- 30% if the Management Official affidavits and documents have been requested;
- 50% if draft Report of Investigation (ROI) has been submitted;
- In no event whatsoever will USPS be entitled to more than 50% of its fee should the agreement or any task order issued thereunder be cancelled prior to the approval of the draft Report of Investigation.
- 100% if draft Report of Investigation has been approved by NRC.

The percentage of payment of fee referred to above is and will be USPS's sole measure of recovery and USPS waives recovery of damages under any other factual or legal theory whatsoever.

When an order to conduct an investigation is cancelled, USPS will return the case file to NRC within 10 calendar days via Signature Confirmation or Delivery Confirmation mailing services.

Final Agency Decisions (FAD):

If NRC cancels a FAD for any reason three days or less after USPS has accepted an order to write the FAD, NRC will not be required to pay USPS the fee for writing a FAD.

If NRC cancels a FAD for any reason more than three days after USPS has accepted an order to write the FAD, NRC will pay USPS the full fee for writing a FAD as stated in the Interagency Agreement. When an order to write a FAD is cancelled, USPS will return the case file to NRC within 10 calendar days via Signature Confirmation or Delivery Confirmation mailing services.

VI. QUALITY COMMITMENT

USPS is committed to providing NRC with services under this agreement that are of the highest quality and timeliness possible. Pursuant to this commitment, USPS states that acceptance and dismissal of formal complaints will be provided to NRC within 35 days of the USPS's receipt of the request and formal complaint file; the investigative services provided under this contract will be furnished to NRC within 90 days of Investigative Plan approval by the parties; and that final decision services will be provided to NRC within 35 days of the USPS's receipt of the request and complete file from NRC.

VII. COST

The following will be the cost charged to the NRC for the services USPS will provide:

Separate Acknowledgement Letter	\$	[REDACTED]
Fee per Acceptance/Dismissal Notice (without amendments and consolidations)	\$	[REDACTED]
Fee per Amendment for Acceptance/Dismissal Notice	\$	[REDACTED]
Fee per Consolidation for Acceptance/Dismissal Notice	\$	[REDACTED]
Fee per response to OFO Appeal of Dismissal Notice	\$	[REDACTED]

Fee per investigation, one issue	[REDACTED]
Per additional issue	[REDACTED]
Fee per Investigation - Continuing Violation and/or Harassment or Hostile Work Environment Claim	[REDACTED]
*Per additional (discrete act) issue	\$ [REDACTED]
Fee first amendment one issue	\$ [REDACTED]
Per additional issue	\$ [REDACTED]
Fee per consolidated investigative case, one issue	\$ [REDACTED]
Per additional issue	\$ [REDACTED]
Continuing Violation	\$ [REDACTED]
Fee per supplemental investigation	\$ [REDACTED]
Additional Fee for expedited investigation (completed within 45 days of IP approval)	\$ [REDACTED]
Fee per final agency decision (FAD)	\$ [REDACTED]
Fee for consolidated FAD	\$ [REDACTED]
Fee for expedited FAD (completed within 10 days of receipt of file)	\$ [REDACTED]
Fee per response to OFO appeal of FAD	\$ [REDACTED]

*Harassment claims are priced as one claim of harassment except that claims or incidences of discrete acts are priced at [REDACTED] each.

All CDs containing electronic copies of documents and/or hard copies of documents will be charged as actual cost and are an additional charge.

Approved Contractor Travel Expenses: Travel expenses will be charged to NRC only in accordance with the following provisions:

Contractor travel expenses in connection with a Case will be reimbursable by USPS and charged to NRC if they are incurred for necessary travel that NRC has approved in advance, provided that the Postal Service has received NRC's notification of its approval before the travel occurs. Approved Contractor travel expenses will be eligible for reimbursement to the extent allowed under the Postal Service travel rules and policies in effect at the time the Case is assigned to the Contractor. Reimbursement of Contractor travel expenses will be based on the Contractor's submission to the Postal Service of appropriate expense documentation. Postal Service will notify NRC of the approved travel expenses incurred for a Case when NRC is notified that payment of fees is due for the Case. NRC may request and obtain from USPS documentation of the chargeable expenses. Payment for travel expenses is to be made in the same manner as payment of fees.

VIII. PAYMENT

Payment will be made to the USPS via IPAC. The NRC agrees to reimburse funds up to the dollar amount of this agreement, upon receipt of a properly executed Standard Form 1080 or 1081. The appropriate form must be executed in original and three (3) copies, be identified with agreement number and accounting data, and transmitted to the following office for funds action:

U. S. Nuclear Regulatory Commission
 Payment Team, Mail Stop: T-7-I-2
 ATTN: (NRC-27-07-302)
 Washington, DC 20555

IX. CONFIDENTIALITY

The parties to this agreement will adhere to Federal laws, regulations, and rules regarding the confidentiality of the EEO records generally, and of the information contained within, including but not limited to the provisions of the Privacy Act and its implementing regulations, as well as the confidentiality provisions of Title VII of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, and the Age Discrimination in Employment Act (ADEA), as amended, including the Older Worker's Benefit Protection Act (OWBPA).

X. INDEMNIFICATION

NRC agrees to indemnify and hold harmless USPS from any and all liability for any suit arising under or resulting from the services provided by USPS to NRC under this agreement.

XI. DISPUTES

In the event of any disputes between the parties arising from any provision of this agreement or any services provided to NRC under this agreement, the parties agree to submit such dispute to mediation to resolve such dispute. Should mediation of *the* dispute be unsuccessful the parties agree to submit *the* dispute to the United States Department of Justice for resolution, under the applicable regulations of the Department of Justice for resolving disputes between federal government entities.

XII. PERIOD OF AGREEMENT, MODIFICATION, AND TERMINATION

This agreement becomes effective upon signature by all parties. This agreement will remain in force and effect until it is terminated.

This agreement may be amended or modified at any time by mutual written agreement of the parties to the agreement.

This agreement may be terminated at any time by the mutual agreement of the parties. Additionally, either party may unilaterally terminate this agreement upon 30 calendar days written notice. If the agreement is terminated, the parties will, by mutual agreement, determine whether any existing requests for services will be completed or whether those requests will be returned to NRC.

STATEMENT OF WORK FOR ACCEPTANCE AND/OR DISMISSAL SERVICES FOR FORMAL COMPLAINTS OF DISCRIMINATION

1. GENERAL INFORMATION

1.1 INTRODUCTION

The United States Postal Service (Postal Service) shall provide the following acceptance and/or dismissal services for discrimination complaints for the U.S. Nuclear Regulatory Commission (NRC):

- preparing a written acknowledgement of the complaint,
- preparing acceptance and/or dismissal letters
- processing amendments,
- processing consolidations, and
- drafting responses to OFO appeals of dismissals.

The Postal Service shall provide these services in accordance with the terms, conditions and specifications of this Statement of Work (SOW).

1.2 BACKGROUND

The Nuclear Regulatory Commission is responsible for ensuring that discrimination complaints are processed fairly, promptly, thoroughly, and in strict compliance with the Equal Employment Opportunity Commission (EEOC) regulations. EEOC Regulations require that Nuclear Regulatory Commission identify the claims asserted and to be investigated or dismissed for complaints of discrimination.

EEO complaints of discrimination filed by current or former employees of Federal agencies or applicants for Federal employment are covered by Title 29 Code of Federal Regulations (C.F.R.) Part 1614 and any relevant statute, regulation, or directive and are included within the scope of this SOW. See Section 2 for a listing of applicable authorities and publications.

1.3 SCOPE OF WORK

The scope of work under this SOW covers several processes; acknowledgement letters, acceptance and/or dismissal letters, amendments and consolidations and OFO appeals of dismissals. Each process is addressed separately in this section.

Acknowledgement Letter

Each Acknowledgement Letter for the receipt of a formal complaint of discrimination shall provide the date the formal complaint was filed in accordance with the EEOC Management Directive 110, *Federal Sector Complaints Processing Manual*.

Acceptance Letter

Each Acceptance Letter should clearly and specifically state the claim(s) asserted in accordance with the EEOC Management Directive 110. Each Acceptance Letter must include:

1. The claims to be investigated
2. The challenge statement
3. The ADEA notice advising the Complainant that if his/her claim involves age discrimination, the Complainant has the right to consult an attorney before signing any agreement resolving the complaint
4. A statement of the agency's obligation to investigate the case in a timely manner
5. Identification of the Complainant's right to request EEOC hearing (for non-mixed cases)
6. Identification of the Complainant's right to request a final decision on the merits
7. Identification of the Complainant's right to appeal to OFO the agency's final decision
8. Identification of the Complainant's right to file a civil action

Partial Dismissal Letter

Each partial dismissal Letter should clearly and specifically state the claim(s) asserted in accordance with the EEOC Management Directive 110. Each partial dismissal Letter must include items 1 through 8 above and the following information:

1. The claims to be dismissed
2. The reason(s) for dismissing the claim(s)
3. Notification that the dismissed claim(s) will not be investigated
4. A statement that there is no immediate right to appeal a partial dismissal
5. A statement that the partial dismissal shall be reviewed by an EEOC AJ, if a hearing is requested, or reviewed by the Commission, if an appeal of a final decision is submitted

Dismissal Letter

Each Dismissal Letter should clearly and specifically state the claim(s) asserted in accordance with the EEOC Management Directive 110. Each Dismissal Letter must include:

1. The claims to be dismissed
2. The reason(s) for dismissing the complaint
3. Notification that the dismissed complaint will not be investigated
4. Identification of the Complainant's right to appeal the dismissal to OFO

5. Identification of the Complainant's right to file a civil action

The Postal Service shall also dismiss Spin-off complaints in accordance with the EEOC Management Directive 110, *Federal Sector Complaints Processing Manual*. The Postal Service will refer Spin-off complaints to Nuclear Regulatory Commission for further processing and inclusion into the record of the existing complained of complaint.

Amendment Letter

Each Amendment should clearly and specifically state the claim(s) asserted in accordance with the EEOC Management Directive 110. Each Amendment must include:

1. An acknowledgement of the receipt of the amendment
2. The date the amendment was filed
3. The claims to be investigated and/or the claims to be dismissed
4. The adjusted timeline to complete the investigation
5. Identification of the Complainant's right to request an EEOC hearing in 180 days from the filed formal date
6. A statement that there is no immediate right to appeal a partial dismissal (for partial dismissal of amended claims)
7. A statement that the partial dismissal shall be reviewed by an EEOC AJ, if a hearing is requested, or reviewed by the Commission, if an appeal of a final decision is submitted (for partial dismissal of amended claims)

Consolidation Letter

Each Consolidation should clearly and specifically state the claim(s) asserted in accordance with the EEOC Management Directive 110. Each Consolidation must include:

1. An acknowledgement of receipt of the consolidation.
2. The date on which the claim to be consolidated was filed
3. Identification of the lead case and secondary cases(s)
4. The claims to be investigated or partially dismissed
5. The adjusted timeline to complete the investigation
6. Identification of the Complainant's right to request an EEOC hearing in 180 days from the filed formal date
7. A statement that there is no immediate right to appeal a partial dismissal
8. A statement that the partial dismissal shall be reviewed by an EEOC AJ, if a hearing is requested, or reviewed by the Commission, if an appeal of a final decision is submitted

Response to an OFO Appeal of a Dismissal

Each response to an OFO appeal should clearly and specifically respond to the Complainant's challenge of the dismissal.

2. APPLICABLE AUTHORITIES AND PUBLICATIONS

Authorities and publications, including case authority developed under them, applicable to this SOW include the following:

- a. Title VII, Civil Rights Act of 1964, as amended
- b. Civil Rights Act of 1991
- c. Rehabilitation Act of 1973
- d. Age Discrimination in Employment Act of 1967
- e. Older Workers' Benefit Protection Act of 1990
- f. Pregnancy Discrimination Act
- g. Executive Order 11478 – Equal Opportunity in the Government
- h. 29 CFR Part 1614 - Equal Employment Opportunity in the Federal Government
- i. 5 CFR Part 1200 – Merit Systems Protection Board
- j. Equal Pay Act of 1963
- k. EEOC Management Directive 110 (EEOC MD 110)
- l. Americans with Disabilities Act (as applicable to the Federal Government)
- m. Americans with Disabilities Act Amendments Act of 2008
- n. Genetic Information Non-discrimination Act of 2008

3. SPECIFIC TASKS

3.1 CASE ASSIGNMENT AND MANAGEMENT

Each Acceptance, Partial Dismissal, or Dismissal Letter (A/D Letter) shall identify to the Complainant the claims asserted and to be investigated or dismissed or partially dismissed. The identified claims shall be based on the formal complaint and the Counselor's Report. The A/D Letter shall contain statements concerning the agency's obligations and the Complainant's rights.

Each Amendment or Consolidation Letter shall identify to the Complainant the claims asserted and to be investigated or dismissed or partially dismissed. Action on the amendment shall be based on the new claims and the existing open formal complaint. Action on the consolidation shall be based on the open formal complaints. The Amendment and Consolidation Letters shall contain statements concerning the agency's obligations and the Complainant's rights.

Each response to an OFO appeal of a dismissal shall be based on the Complainant's appeal brief, the complaint file and the Dismissal Letter.

3.2 FORMAL COMPLAINT FILE

The Postal Service shall receive a base file for each formal complaint to be accepted or dismissed or partially dismissed. The base file will contain the following items, where applicable:

- a. The written request for EEO counseling (pre-complaint) and any other supporting documentation for the request for counseling.
- b. A receipt signed by the Complainant for a publication or statement describing the EEO process and the Complainant's rights and obligations. (PS Form 3811 to show receipt, if delivered to the counselee by mail).
- c. Representation/Anonymity elections (when issued).
- d. A statement of rights and obligations with respect to discrimination based on age (when applicable and issued).
- e. An agreement to participate in an Alternate Dispute Resolution Process.
- f. An agreement to extend the 30-Day EEO Counseling Process.
- g. A withdrawal or settlement agreement of some of the issues raised in the request for pre-complaint counseling, if the case has been either partially withdrawn or partially settled.
- h. The Notice of Right to File a formal complaint (tracking documentation to evidence receipt, if delivered to the Complainant by mail).
- i. The Counselor's Report.
- j. Any documentation collected by the counselor.
- k. The Formal EEO Complaint.
- l. A copy of the Complainant's Form 50 or equivalent.
- m. Any correspondence to and from the Complainant.
- n. Contact information (i.e., name, title, work address, telephone number, email address if available, and schedule) of the Complainant, responding management official(s), and other witnesses, if any, interviewed by the Counselor during the pre-complaint process.
- o. If retaliation is alleged, an EEO tracking system printout for all prior cases filed by the Complainant.
- p. Copy of MSPB appeal if filed on a Mixed Case.

Not all base files will contain every item listed above. The Postal Service shall inform the ACP of missing vital documents within three (3) business days of delivery of the base file. For purposes of establishing the required delivery date for a case, the case assignment will not be considered received until a complete base file is received by the Postal Service.

3.3 APPEAL FILE

The Postal Service shall receive a complaint file for each OFO appeal of a dismissal to be processed. The dismissal file will contain where applicable:

- a. Dismissal Letter with appeal rights and EEOC Form 573
- b. Items in Section 3.2.1 a. through n. and p., if applicable
- c. Any statement or brief submitted by the complainant in support of the appeal
- d. Acknowledgement of the appeal from OFO containing the OFO docket number

4. PLANNING AND PREPARATION

4.1 NUCLEAR REGULATORY COMMISSION RESPONSIBILITIES

To ensure that acceptances/dismissals of discrimination complaints are processed as efficiently as possible, the Nuclear Regulatory Commission shall:

1. Forward the case assignment to the Postal Service by Signature Confirmation, which provides proof of receipt. The case assignment shall include the Letter of Authorization to the Postal Service and the complaint file.
2. Immediately notify the Postal Service when a new claim(s) is (are) raised by the Complainant or a new complaint is filed by the Complainant when an open formal complaint exists, if the Nuclear Regulatory Commission wants the new issue or complaint to be considered for amendment or consolidation to the existing complaint.
3. Review and approve the draft Acceptance/Dismissal Letter within two (2) business days of receipt by the Agency.
4. Immediately notify the Postal Service when the Nuclear Regulatory Commission receives an OFO appeal of a dismissal and forward the appeal file.

4.2 POSTAL SERVICE'S RESPONSIBILITIES

To process Acceptance/Dismissal Letters of discrimination complaints as efficiently as possible, the Postal Service shall:

1. Submit a draft A/D letter to the Agency within thirty (30) days of receipt of the complaint file.
2. After approval of the draft A/D letter by the Agency, the Postal Service shall transmit electronically the A/D letter to the Nuclear Regulatory Commission in MS Word within thirty-five (35) days of receipt of the complaint file.
3. Submit a brief in response to an OFO appeal of a dismissal to the Nuclear Regulatory Commission within twenty (20) days of the receipt of a copy of the Complainant's brief.
4. Submit a draft response to the Nuclear Regulatory Commission within ten (10) days of receipt of the Complainant's Challenge Letter opposing the accepted claim(s).

5. CHALLENGES TO ACCEPTANCE LETTERS

If the Complainant challenges the claims accepted for investigation, the Agency shall send the challenge to the Postal Service and the Postal Service shall respond to the challenge within ten (10) days from receipt of the challenge. The Postal Service shall submit its response to the challenge electronically to the Nuclear Regulatory Commission in MS Word and the challenge and response to the challenge will become part of the complaint file.

6. AMENDMENTS

Pursuant to 29 CFR 1614§ 106 (d) a Complainant may amend a pending EEO complaint to add claims that are like or related to those claim(s) raised in the pending complaint. The Nuclear Regulatory Commission shall immediately send the Postal Service new claims filed by the Complainant who has a pending complaint of discrimination; if the Nuclear Regulatory Commission wishes those claims to be handled as an amendment to the existing complaint. Within ten (10) days from receipt of the new claim(s) from the Nuclear Regulatory Commission, the Postal Service shall submit an amended Acceptance or Partial Dismissal Letter identifying the existing claim(s) and accepting or partially dismissing the new claim(s) for investigation as they are like or related to the pending complaint or return the new claim(s) for counseling as they are not like or related to the pending claim. The Acceptance or Partial Dismissal Letter will be sent to the Nuclear Regulatory Commission electronically in MS Word. If the new claim(s) are not like or related, the Postal Service shall send an electronic message to the Nuclear Regulatory Commission that the new claim(s) should be returned to counseling as they are not like or related to the pending complaint.

7. CONSOLIDATIONS

Pursuant to 29 CFR 1614.606 the agency shall consolidate two or more complaints filed by the same Complainant and may consolidate complaints filed by two or more Complainants if the complaints consist of substantially the same allegations of discrimination or relate to the same matter the Nuclear Regulatory Commission shall immediately send the Postal Service new complaint(s) filed by the Complainant who has a pending complaint of discrimination, if the Nuclear Regulatory Commission wishes them to be considered for consolidation. Within twenty (20) days from the receipt of the new complaint, the Postal Service shall submit an Acceptance or Partial Dismissal Letter consolidating the new complaint to the pending complaint. The Consolidation Letter will identify the oldest complaint as the lead complaint and the subsequent complaint(s) as secondary. The Consolidation Letter shall identify the claim(s) in the existing complaint and identify the claim(s) in the new complaint that are to be investigated or partially dismissed. The Postal Service shall send the consolidation letter to the Nuclear Regulatory Commission electronically in MS Word.

The Postal Service shall dismiss the new complaint if it meets the criteria in 29 CFR 1614.107 and the new complaint will not be consolidated with the pending complaint.

8. MIXED CASES

The Postal Service shall identify complaints of discrimination as mixed cases if the Complainant and claims meet the criteria for a mixed case. The Postal Service shall provide the appropriate statement of rights and obligations for mixed cases, which does

not allow the Complainant to receive an EEOC hearing. The Postal Service shall submit the A/D Letter, Amendment Letter or Consolidation Letter for a mixed case in accordance with the timelines previously stated for these letters.

9. REQUESTS FOR EXTENSION

The Nuclear Regulatory Commission may grant an extension requested by the Postal Service if requested at least ten (10) business days before the due date of an A/D Letter, Amendment Letter or Consolidation Letter. The Postal Service may request a twenty (20) day extension; if it issues the Complainant a 15-day letter to clarify his/her claim(s). The Nuclear Regulatory Commission shall approve the extension, if it agrees with the issuance of the 15-day letter.

10. COMPUTATION OF TIME

All time periods in this SOW stated in terms of days are calendar days, unless otherwise specified. The first day counted shall be the first business day after receipt of the case assignment or report, as applicable, and the last day of the time period shall be included, unless it falls on a Saturday, Sunday or Federal holiday, in which case the period shall be extended to the next business day.

11. DELAY OF WORK

If the performance of the work is delayed or interrupted by failure of the Agency or the Complainant to act within a reasonable time, the Postal Service shall advise the ACP after the initial effort proves unsuccessful. The ACP shall attempt to resolve the delay and shall advise the Postal Service on how to proceed. After three unsuccessful attempts within 15 business days, the Postal Service shall finalize the Acceptance/Dismissal Letter and send it to the ACP. The Acceptance/Dismissal Letter will not be considered deficient in quality and timeliness by the Nuclear Regulatory Commission on that basis.

12. CASE ANALYSIS

The Postal Service shall decide the appropriate technical approach for each specific Acceptance/Dismissal Letter, based on the circumstances of each case. Acceptable approaches include accepting the complaint in its entirety, partially dismissing the complaint, or dismissing the complaint in its entirety. The Postal Service may also recommend consolidating the new complaint with a pending complaint or amend a like or related new claim to a pending complaint. The specific process used shall be in accordance with Sections 1.3 and 13.3.

The Postal Service may request additional information from the ACP to support an Acceptance/Dismissal letter. The additional information may include, but is not limited to:

- affidavit documentation regarding the posting of EEO posters to support a dismissal on timeliness
- evidence on settlement to support a dismissal on mootness
- evidence of an MSPB appeal to support a dismissal on the Complainant's appeal to MSPB prior to filing a formal complaint of discrimination.

13. DELIVERABLES

13.1 DRAFT ACCEPTANCE/DISMISSAL LETTER

The Postal Service shall provide via email one (1) copy of the draft A/D Letter to the ACP within thirty (30) days from receipt of the case file. The ACP will have two (2) business days to review the draft A/D Letter and provide any comments to the Postal Service, specifying what is required to make the A/D Letter acceptable to the ACP. The Postal Service shall have ten (10) days after receipt of the ACP's comments to incorporate them into the final A/D Letter and return it to the ACP. In no cases can the Postal Service exceed the due date for the final A/D Letter, if corrections are required, unless an extension is approved by the ACP. If the Nuclear Regulatory Commission does not provide feedback within five (5) days of receipt of the draft A/D letter, the Postal Service may at its discretion deem the letter accepted and approved as submitted. If the Nuclear Regulatory Commission subsequently determines the A/D letter to be deficient, the corrections will be made at an additional cost.

13.2 FINAL ACCEPTANCE/DISMISSAL LETTER

One (1) A/D, Amendment or Consolidation Letter will be sent electronically in MS Word to the Nuclear Regulatory Commission.

13.3 ACCEPTANCE/DISMISSAL LETTER CONTENT AND FORMAT

The content and format of the Acceptance, Partial Dismissal or Dismissal (A/D) Letter shall be in accordance with EEOC MD 110 and the specific requirements in Section 1.3 and as described herein.

The A/D Letters shall be arranged as follows:

The first page shall be on the Nuclear Regulatory Commission letterhead. The title shall include:

- In bold capital letters U.S. Nuclear Regulatory Commission EEO EQUAL EMPLOYMENT OPPORTUNITY IN THE MATTER OF:
- The name and address of the Complainant v. the Head of the Agency.
- The Delivery Confirmation or Signature Confirmation tracking number for mailing the A/D Letter to the Complainant
- The Delivery Confirmation tracking number for mailing the A/D Letter to the Complainant's representative
- The agency case number
- The date the formal complaint was filed
- The type of letter in bold capital letters; i.e. ACCEPTANCE, DISMISSAL, etc.

The first page will acknowledge receipt of the formal complaint, if the Nuclear Regulatory Commission agrees to include the Acknowledgement Letter with the A/D Letter. If Nuclear Regulatory Commission wants a separate Acknowledgement Letter, the Postal Service will not acknowledge receipt of the formal complaint of discrimination in the A/D Letter.

The first page will also begin the statement of the claims to be accepted, partially dismissed or dismissed. If the case involves several claims, they will continue on the second page.

The remaining pages of the A/D Letter will follow the scope for each type of A/D Letter as stated in Section 1.3.

14. PERFORMANCE STANDARDS

The Postal Service shall meet or exceed the quality and timeliness standards set forth below.

14.1 QUALITY STANDARDS

A/D Letters shall be prepared and delivered in accordance with the quality standards contained in this SOW.

Acceptance Letters shall clearly identify the claim(s) to be investigated so as to define the scope of the investigation.

Partial Dismissal and Dismissal Letters shall be in accordance with EEOC Directive MD-110 and include citations to OFO decisions that support the reason(s) for dismissal and the appropriate appeal rights.

14.2 TIMELINESS STANDARDS

The Postal Service shall deliver the A/D Letters, including responses to OFO appeals of dismissals, within the timelines specified in this SOW. For cases involving delays and approved extensions, the Postal Service shall deliver the A/D letters in accordance with the deadlines established by the Nuclear Regulatory Commission as appropriate, unless another section of this SOW specifically provides for the computation of an extension of any delivery date.

Deliverable	Delivery Date
Draft Acceptance/Dismissal Letter	Within 30 days of receipt of case file
Final Acceptance/Dismissal Letter	Within 35 days of receipt of case file
Response to Challenge Letter	Within 10 days of receipt of the challenge
Response to OFO Appeal	Within 20 days of receipt of appeal file
Amendment	As computed by application of Section 6
Consolidation	As computed by application of Section 7

STATEMENT OF WORK FOR EEO FINAL AGENCY DECISIONS AND PREPARATION OF FINAL AGENCY DECISIONS

1. GENERAL INFORMATION

1.1 INTRODUCTION

The United States Postal Service (Postal Service) will prepare Final Agency Decisions (FAD) on the merits of discrimination complaints for the U.S. Nuclear Regulatory Commission. Each FAD will inform the complainant of the outcome of his/her claim(s) of discrimination and the rights to appeal the decision.

1.2 BACKGROUND

The Nuclear Regulatory Commission is responsible for ensuring that discrimination complaints are processed fairly, promptly, thoroughly; and in strict compliance with the Equal Employment Opportunity Commission (EEOC) regulations. EEOC Regulations require that the Nuclear Regulatory Commission take a final action on all EEO complaints of discrimination.

EEO complaints of discrimination filed by current or former employees of Federal agencies or applicants for Federal employment are covered by Title 29 Code of Federal Regulation (C.F.R.) Part 1614 and any relevant law, statute, regulation, or directive and are included within the scope of this SOW. See Section 2 for a listing of applicable authorities and publications.

1.3 SCOPE OF WORK

Each FAD written under this Interagency Agreement shall clearly and specifically identify the claim(s) in the complainant's complaint. The decision is to be issued on the merits of the case. Each FAD must include:

- a. Case Caption
- b. Introduction
- c. Statement of Claim(s)
- d. Case Chronology
- e. Applicable Law
- f. Background
- g. Prima Facie Case Analysis
- h. Management's Response
- i. Pretext
- j. Conclusion
- k. Statement of Relief
- l. Statement of Rights
- m. Dated Signature Block

2. APPLICABLE AUTHORITIES AND PUBLICATIONS

Authorities and publications, including case authority developed under them, applicable to this SOW include the following:

- a. Title VII, Civil Rights Act of 1964
- b. Civil Rights Act of 1991
- c. Rehabilitation Act of 1973
- d. Age Discrimination in Employment Act of 1967
- e. Older Workers' Benefit Protection Act of 1990
- f. Pregnancy Discrimination Act
- g. Executive Order 11478 – Equal Opportunity in the Government
- h. 29 CFR Part 1614 - Equal Employment Opportunity in the Federal Government
- i. 5 CFR Part 1200 – Merit Systems Protection Board
- j. Equal Pay Act of 1963
- k. EEOC Management Directive 110 (EEOC MD 110)
- l. Americans with Disabilities Act (as applicable to the Federal Government)
- m. Americans with Disabilities Act Amendments Act of 2008
- n. Genetic Information Non-discrimination Act of 2008

3. SPECIFIC TASKS

3.1 CASE ASSIGNMENT AND MANAGEMENT

Each FAD written under this Interagency Agreement shall be in accordance with EEOC MD 110 and the specific requirements of the Nuclear Regulatory Commission as described herein.

3.1.1 Performance Requirements

The Postal Service shall accomplish all work and services required by this SOW within the time frames specified in section 3.5 below. The Nuclear Regulatory Commission may grant extensions to these timeframes for good cause if requested at least ten (10) business days before the due date of a FAD. A request for an extension may not extend the date the FAD is due by more than 15 days, and no request for extension may exceed regulatory time limits for FADs, which is within 60 days of complainant's request for an immediate FAD, or within 60 days of the end of the 30-day period the complainant has to request a FAD or hearing.

3.1.2 Computation of Time

All time periods in this SOW stated in terms of days are calendar days, unless otherwise specified. The first day counted shall be the first business day after receipt by a party (i.e., the Postal Service or the Nuclear Regulatory Commission of one of the initiating or deliverable documents set out herein (i.e., a draft FAD, the Nuclear Regulatory Commission's comments on a draft FAD, or a revised FAD) as applicable. If the last day of a time period falls on a Saturday, Sunday or Federal holiday, the time period extends to the next business day.

3.2 FINAL AGENCY DECISION (FAD)

The Postal Service shall deliver, electronically in MS Word format, one (1) copy of a draft FAD to the COR within twenty-five (25) days after receipt of the case file. The Nuclear Regulatory Commission, within three (3) days, shall notify the Postal Service, electronically, that it either accepts the draft FAD as delivered, or provides any comments to the Postal Service, specifying what is required to make the FAD acceptable to the Nuclear Regulatory Commission. The

Postal Service shall have seven (7) days after receipt of the Nuclear Regulatory Commission's comments to revise the FAD consistent with the comments and electronically forward the final FAD to the Nuclear Regulatory Commission and by mailing via Priority Mail Signature Confirmation or Delivery Confirmation, the Postal Service will return the investigative file to the Nuclear Regulatory Commission. If the Nuclear Regulatory Commission does not provide feedback regarding the draft FAD within five (5) days of receipt of the draft, the Postal Service may at its discretion consider the FAD approved and appropriate for billing. If the Nuclear Regulatory Commission subsequently determines the FAD to be deficient the corrections will be made at additional cost to the Nuclear Regulatory Commission.

3.2.1 FINAL AGENCY DECISION CONTENT AND FORMAT

The content and format of the FAD shall be in accordance with EEOC MD 110 and the specific requirements of the Nuclear Regulatory Commission as described herein. Each FAD shall provide a concise conclusion setting forth the findings on the individual elements of the case.

Each FAD shall include the following elements:

Case Caption

Identifies the Agency, Complainant, Agency case number, and the date the formal complaint was filed.

Introduction

Identifies the regulations governing the issuance of the FAD, and requires the correct citation for mixed or non-mixed complaints.

Statement of Claim(s)

Clearly and specifically identifies the claim(s) raised in the complainant's complaint. Addresses any claim(s) which have been dismissed rather than accepted for investigation (partial dismissal) and states whether or not they were properly dismissed. If properly dismissed, states the dismissal decision is endorsed and incorporated into the FAD.

Case Chronology

Explains how the case reached the stage where a FAD is being issued. It includes the following, as applicable, with dates: formal complaint filed, investigation conducted and transmitted to the complainant, complainant requested immediate FAD or failed to respond to the notice or FAD written for a mixed case. The dates and outcomes of any previous activity on the claim(s) before the EEOC, Office of Federal Operations, should also be laid out here.

Applicable Law

Contains applicable law, including Federal statutes, regulations, and case law (EEOC case law where such exists and in the absence of relevant EEOC case law, Federal case law) relevant to the case.

Background

Outlines evidence in the record that describes the issues raised in the complaint and also includes any background information.

Prima Facie Case Analysis

Begins the legal analysis of the case concerning whether or not the complainant has established a *prima facie* case, including a discussion of comparators. The analysis tracks the elements of the complainant's burden of proof and must be supported with references to the evidence in the report of investigation; *i.e.* (ROI, Affidavit A) or (ROI, Exhibit 5). Includes all material and relevant facts needed to dispose of the case. Contains citations to the case file/record. Defines all acronyms used. Explains agency policy and procedures relevant to the claim(s) raised. Identifies and explains any gaps in the record. Applies the law to the facts of the case. Explains the legal/factual basis for the agency's decision in a manner understandable to the complainant. Legal analysis must be sufficient so that the complainant may meaningfully exercise his/her appeal rights.

Management's Response

Discusses whether or not management articulated a legitimate, nondiscriminatory reason for its actions. Supports the analysis with testimony from affidavits or transcripts and evidence of record and identifies the source and page number of the testimony and evidence.

Pretext

Discusses whether there is any evidence of pretext and includes references from testimony and documentary evidence that directly relates to pretext. Supports the analysis with testimony or references to exhibits and identifies the source and page number of the testimony or exhibit.

Statement of Conclusions

Sets forth the outcome of the legal analysis. **Example:** "The agency finds that the complainant established a *prima facie* case of race discrimination. However, the agency further finds that it has articulated a legitimate, nondiscriminatory explanation for his/her nonselection; to wit, that the selectee had greater relevant education and experience than the complainant. The agency finds that the complainant has not adduced evidence sufficient to show that the agency's explanation is a pretext for race discrimination. Accordingly, the agency finds that the complainant has not established his/her claim of race discrimination."

Statement of Relief

Explains what relief is awarded, or why no relief is awarded. **Example:** "Because the complainant has not prevailed on his/her claim of race discrimination, no relief is awarded."

Statement of Rights

Informs the complainant of his/her appeal rights. Accurately advises the complainant whether and within what time frame s/he may pursue the claim(s) further with the EEOC, MSPB, and/or a United States District Court, as applicable.

Dated Signature Block

Contains the printed name, title and signature of the individual issuing the FAD. Contains a date line on which the FAD will be signed/issued.

3.3 PERFORMANCE MEASUREMENTS

All FADs assigned to the Postal Service must be completed within the timeframes established by this SOW. The Postal Service's performance will be evaluated by the Nuclear Regulatory Commission based on the quality of the FADs and the timeliness of their completion.

If the Postal Service's performance is deemed unsatisfactory, the Nuclear Regulatory Commission will not assign further orders to the Postal Service. Existing orders also may be withdrawn from the Postal Service, without compensation, as the result of performance deficiencies. This section does not apply to FADs cancelled by the Nuclear Regulatory Commission in accordance with section V. of the Interagency Agreement.

3.4 PERFORMANCE STANDARDS

3.4.1 Quality Standards

Final Agency Decisions (FADs) shall be prepared and delivered in accordance with the standards outlined in 3.2. Each FAD must be securely delivered to the Nuclear Regulatory Commission in MS Word electronic format.

3.4.2 Timeliness Standards

The Postal Service shall deliver the FAD within the timelines delineated below. For cases involving approved extensions, which should be unusual, the Postal Service shall deliver the FAD in accordance with the deadlines established by the Nuclear Regulatory Commission as appropriate.

3.5 DELIVERABLES

Deliverable	Delivery Date
Draft Final Agency Decision	Draft FAD completed and delivered within 25 days of the Postal Service's receipt of case file from the Nuclear Regulatory Commission. The Nuclear Regulatory Commission has 3 days from receipt of draft to provide feedback to the Postal Service.
Final Agency Decision	The Postal Service has 35 days from receipt of case file from the Nuclear Regulatory Commission to submit final FAD to the Nuclear Regulatory Commission.
Investigative File and FAD Invoice Payment	Submitted to the Nuclear Regulatory Commission within 15 days of FAD approval.