



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

February 6, 2019

The Honorable Yvette D. Clarke  
U.S. House of Representatives  
2058 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congresswoman Clarke:

Thank you for your letter about the impact of the recent lapse in funding on the Commission's operations. You expressed particular concern about the 45-day period in which a complaint alleging employment discrimination must be filed.

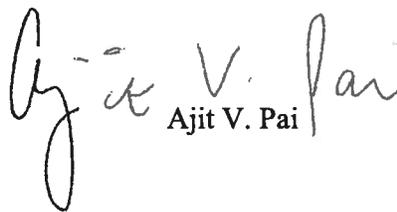
The FCC's Office of Workplace Diversity manages the Commission's Equal Employment Opportunity compliance program, which includes the processing of complaints alleging discrimination in employment matters. As such, the Commission adheres to Part 29 of the Code of Federal Regulations, which sets forth the principal set of rules and regulations governing discrimination in employment at federal agencies. Within those rules, section 1614.105(a)(2) provides that "the agency or the Commission shall extend the 45-day time limit when the individual shows that . . . despite due diligence he or she was prevented by circumstances beyond his or her control from contacting the counselor within the time limits, or for other reasons considered sufficient by the agency or the Commission." Under this provision, any FCC employee seeking to file a complaint could, if needed, seek a waiver of the 45-day deadline for "circumstances beyond his or her control," including a shutdown of the Commission's operations.

Moreover, section 1614.604(c) authorizes the Equal Employment Opportunity Commission (EEOC) to equitably toll all time limits. On January 31, 2019, the EEOC did so with the announcement that all deadlines falling between December 22, 2018 and January 25, 2019 would be extended for 40 calendar days.

The FCC is committed to ensuring for all of its employees a workplace free from unlawful discrimination. We provide equal employment opportunity for all persons regardless of race, color, religion, sex, age, disability, sexual orientation, or national origin.

Thank you for this opportunity to provide clarification regarding your inquiry about our handling of employment-related complaints.

Sincerely,

  
Ajit V. Pai