

## PROCEDURES FOR FILING A DISCRIMINATION COMPLAINT

*Document Revised on May 20, 2015*

This discrimination complaint process provides all employees, job applicants, members of the public, and service recipients with a uniform procedure for voicing allegations and complaints of discrimination and assurance that such allegations and complaints receive prompt and impartial resolution. This discrimination complaint process does not take the place of the grievance process or prohibit employees from filing a complaint with the State Department of Fair Employment and Housing (DFEH), U.S. Equal Employment Opportunity Commission (EEOC), or the State Personnel Board (SPB). Any employee, job applicant, member of the public, or service recipient may voluntarily file a discrimination complaint at any time. Additionally, this discrimination complaint process may be used if an EEO Officer or employer becomes aware of sufficient allegations that, if true, could support a claim of discrimination or harassment on the basis of a protected characteristic.

1. An employee, job applicant, member of the public or service recipient who believes he or she has been discriminated against based on a protected characteristic (race, religion, age, sex, etc.) may file a verbal or written discrimination complaint. The [discrimination/harassment complaint form, EEOO-01](#) must clearly set forth the facts of the alleged discrimination including:

- Basis of the complaint (race, religion, age, sex, etc.)
- Names of individuals involved in discrimination
- Date(s) of discriminatory act(s)
- Names of witness(es)
- Describes the harm or type of discriminatory act(s) taken against you
- The remedy being requested

It should be noted that if an employee or job applicant files a complaint with DFEH or EEOC, a departmental investigation is still conducted in order to respond to the allegations.

2. The EEO Officer or an EEO investigator will conduct an investigation if there is sufficient information that, if true, would support a claim that an employee, job applicant, member of the public or a recipient of services has been subjected to harassment or discrimination based on a protected characteristic and in violation of department policy. The investigation will be conducted promptly.. Due to the sensitive nature of the discrimination complaint process, and in order to maintain its integrity, all individuals involved will be asked to maintain confidentiality during the investigation. As noted above, the EEO Officer or an EEO investigator may have an obligation to conduct an investigation to ensure its employees, applicants, and the public are adequately protected even if there is no formal complaint.

Every effort will be made to protect confidentiality to the greatest extent possible. An employee's right to due process and equitable treatment does not allow for absolute confidentiality. Confidential information may be released by the EEO Officer on a "need to know" basis. If corrective action results from the investigation, the respondent is entitled to due process, which will be handled by his or her supervisor through the Department's Human Resources Office.

3. Both the complainant and respondent may have a representative of his or her choice present during an investigative interview, providing the representative is not a party to the complaint. The representative cannot interfere with the interview or impede the discrimination complaint process.

4. At the conclusion of the investigation, a written report is prepared for the EEO Officer's review. Based on the findings of the investigation, the EEO Officer will work with the Human Resources Office staff and supervisor(s) of the complainant and respondent to bring the incident to resolution. This may require

corrective or disciplinary action, implementing a change in policy or practices in the workplace, or determining that there is not enough evidence to support the allegation(s) of discrimination.

5. Persons who participate in the discrimination complaint process are protected from retaliation. If a complainant or witness believes that he or she has been subjected to acts of retaliation, the EEO Office should be notified immediately at (916) 323-7053.