

Wood County Board of Developmental Disabilities

PROCEDURE

Procedure #: 02-ALL-ALL-0494 (HR) **Subject:** Complaint of Equal Employment Opportunity Discrimination

Effective Date: 10-31-95 **Last Revision:** 09-01-09

Person Responsible: Human Resources Coordinator

Approvals/Date: Brent Olson 12/7/12 _____
 Superintendent, WCBDD Date Department Director Date

1. A complainant may only file a single complaint based upon any given allegation of discrimination. Complaints shall be in writing and shall be filed with the EEO Coordinator. The complaint may be delivered in person or submitted by certified or registered mail. Contact the Human Resources Coordinator for EEO Coordinator and mailing address.
 2. The complainant will include the name, address, and telephone number (employment and residence) of the complainant; the name of the person(s) committing the alleged discrimination; a description by discriminatory; a statement as to any other action or proceeding instituted in any other form based upon the same facts as are alleged in the complaint, together with a statement to the status or disposition of such other action; any other pertinent information which will assist in the investigation and resolution of the complaint. The complaint shall be signed by the complainant.
 3. The complaint must be filed within 30 calendar days of the date of the matter causing complainant to believe he or she has been discriminated against. A complaint shall be deemed filed on the date postmarked (if validated by certified or registered mail), if addressed to an appropriate official designated to receive complaints. The agency shall acknowledge receipt of the complaint to the complainant in writing, explaining the grievance procedure as herein described, and notifying the complainant of his/her right to file a charge affidavit with the Ohio Civil Rights Commission or the Equal Opportunity Commission under Title VII of the Civil Rights Act of 1964, including the time limits imposed on the exercise of these rights. The Board shall extend the time limits in this section when the complainant proves that he or she was not notified of the time limits and was not otherwise aware of, or that he or she was prevented by circumstances beyond his or her control from submitting the matter within time limits, or for other reasons considered sufficient by the Board.
 4. At any stage in presentation of a complaint, the complainant shall have the right to be accompanied, represented, and/or advised by a representative of his or her own choosing. If the complainant is an employee of the Board and has designated another employee of the Board as his or her representative, the representative as well as the complainant shall be given reasonable time off from work to present the complaint.
 5. The EEO Coordinator, the Superintendent, and the Board may dismiss a complaint because of failure of the complaint. The decision letter shall inform the complainant of his or her right to file a charge with the Ohio Civil Rights Commission under ORC 4112 and the Equal Employment Opportunity commission under Title VII of the Civil Rights Act of 1964, including the time limits for filing such charges.
 6. When complaints are filed, the EEO Coordinator shall transmit a copy of the complaint to the Superintendent and the Boards within 15 days of the receipt. The EEO Coordinator shall counsel the aggrieved person concerning the issues in the matter, and attempt to resolve the matter informally prior to investigation. If the complaint is not resolved in this manner, the EEO Coordinator shall provide for a prompt investigation of the complaint. The investigation shall include a thorough review of the circumstances under which the alleged discrimination occurred and the treatment of members of the complainant's group identified by his complaint as compared with the treatment of other employees in the organization segment in which the alleged discrimination occurred. Information needed to apprise the complainant shall be recorded in this investigative file. The term "investigative file" shall mean the various documents and information acquired during the investigation under this procedure --- including affidavits of the complainant, of the alleged discriminating person or official, and of the witnesses and copies of, or extract from, records, policy statements, or regulations of the court --- organized to show their relevance to the complaint or the general environment out of which the complaint arose.
 7. The Board shall provide for informal adjustment of the complaint after they have reviewed the investigative file. The Board shall allow the complainant or the complainant's representative a reasonable amount of time off from work to review the investigative file promptly after the file is completed by the EEO Coordinator. If an informal adjustment of the complaint is arrived at, the terms of the adjustment shall be in writing and made part of the complaint file, with a copy of the terms of the adjustment provided to the complainant. If the Board does not carry out or rescind any action specified by the terms of the adjustment, the Board shall reinstate the complaint for further processing from the point at which processing ceased under the terms of the agreement. If satisfactory and informal adjustment of the complaint to both complainant, and the Board is not arrived at, the complainant shall be notified in writing by the EEO Coordinator:
 - A. of the proposed disposition of complaint, including dismissal based on the findings;
 - B. of his or her right either with or without a hearing of a decision by the Board and the EEO Coordinator if said complainant notifies the Board within 15 calendar days of the receipt of the notice that he/she desires a hearing.
- If a complainant fails to notify the Board of his or her decision within the 15-day period as described in the paragraph above, the Board shall notify the complainant by letter of the decision. This letter shall also inform the complainant of his or her rights to file a charge with the Ohio Civil Rights Commission under ORC 4112 and with the Equal Opportunity Commission under Title VII of the Civil Rights Act of 1964. The decision of the Board shall be subject to review by the State Personnel Board of Review.

7. Complainants, their representatives, and witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal at any state in the presentation and processing complaint.

8. The hearing of employee complaints of discrimination shall follow procedures set forth by the Ohio Department of Administrative Services and shall be conducted by the Board.

References: 01-ALL-ALL-0092

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