



SAN JOAQUIN COUNTY EQUAL EMPLOYMENT OPPORTUNITY OFFICE

Informational Guidelines For Employees On The Process Of Filing A Complaint Under Civil Service Rule 20

On December 11, 2012, the Board of Supervisors adopted revisions to the process for filing employment discrimination complaints pursuant to Civil Service Rule 20.

The following guidelines are an equal opportunity resource for County employees and job applicants. Its purpose is to provide a summary of the Civil Service Rule 20 process of complaints filed by an employee or job applicant, and to provide some answers to questions you may have regarding what steps can be taken both internally and externally to resolve a discrimination complaint.

The information contained in these guidelines is designed to address Civil Service Rule 20 complaints only. Nondiscriminatory complaints or other workplace grievances and issues that are not addressed by Civil Service Rule 20 need to be directed to an appropriate source (e.g., Appointing Authority, Labor Relations, Human Resources, Risk Management, etc.) for handling.

***Note:** The informational guidelines are only a summary. Complete details necessary for filing employment discrimination complaints are contained in "Civil Service Rule 20." Copies of all documents referenced within, including Civil Service Rule 20, Discrimination Complaint forms, Civil Service Commission Request for Appeal forms, and a Civil Service Rule 20 Flowchart are available in the County Equal Employment Opportunity Office or may be obtained from your designated Department EEO Coordinator. If you are unsure who your Department EEO Coordinator is, please either consult with your supervisor or manager, or contact the County EEO Office at (209) 468-3374. All of the above-referenced documents including a listing of Department EEO Coordinators is also available online and can be accessed via the EEO Office Website at www.sjgov.org/eoo/ or by contacting the EEO Office.*

What Is Civil Service Rule 20?

Civil Service Rule 20 is the process for all San Joaquin County employees or job applicants seeking employment with the County to present allegations of employment discrimination. Civil Service Rule 20 is a three-step process: Informal, Formal and Appeal. Each process is summarized within these guidelines.

Who May File A Civil Service Rule 20 Complaint?

A complaint may be filed by **any** County employee or job applicant seeking employment in the County who believes that he or she has been discriminated against on the basis of age, ancestry, color, creed, gender, gender expression, gender identity, genetic information, marital status, medical condition (cancer or genetic characteristics), national origin, physical or mental disability, political affiliation or belief, pregnancy, race, religion, sex, or sexual orientation.

What Is The Time Limit For Filing A Complaint?

A complaint must be filed within **60 calendar days** of the date the alleged discrimination occurred.

How Do I Start The Rule 20 Complaint Process?

A. INFORMAL COMPLAINT PROCESS

- The informal complaint process is the initial first step in resolving discrimination complaints. The primary purpose of the informal process is to attempt early resolution of the complaint as expeditiously and informally as possible.
- In order to initiate the informal complaint process, an employee reports his or her concern to the Department EEO Coordinator. **Department EEO Coordinators** are employees who are neutral third parties and serve as a liaison between the employee and management in order to attempt informal resolution of discrimination issues at the department-level.
- An employee who believes that he/she has been discriminated against must contact the Department EEO Coordinator (Coordinator) within **60 days** of the alleged discriminatory action. Job applicants must report concerns directly to the County Equal Employment Opportunity (EEO) Office within **60 days** of the alleged discriminatory action. A person who brings forward the claim is referred to as the **“Complainant.”** The person or department against whom a claim is made is called the **“Respondent.”**
- Upon being notified of a possible discriminatory issue, the Coordinator will schedule a meeting with the Complainant within **10 days** of the date that the concern is brought to his/her attention in order to understand the nature of the complaint, determine if the complaint has a qualifying basis to be processed as a Rule 20 complaint, and to explore effective options for an early informal resolution. Complaints that are not based on the types of discrimination cited in the Rule will not be processed as a Rule 20 complaint and the Coordinator will direct the employee to the proper channels for resolution.
- At any time during the informal process an employee may be accompanied by an individual of his or her choice for support.
- The Coordinator will provide written notice to the Complainant and Respondent of the results of the informal process and will also inform the Complainant of his/her right to file and appeal.
- Unless there is mutual agreement between the Coordinator and Complainant to extend the timeframe, the informal complaint process will be concluded within **30 days** of the Coordinator’s initial meeting with the Complainant.

What Is The Next Step After The Informal Complaint Process?

If the complaint is not resolved, or if the Complainant is not satisfied with the results of the informal complaint process, the Complainant may elect to file a formal complaint.

B. FORMAL COMPLAINT PROCESS

- The formal complaint process is the second step in resolving discrimination complaints. The primary purpose of the formal process is to investigate the Complainant's allegations to determine whether a violation of the Rule occurred.
- A formal written complaint by a Complainant must be filed with the EEO Office within **15 days** of notice of the results of the informal complaint process preferably by completing the County's Discrimination Complaint form.
- Once the EEO Office has received the written complaint, an investigation will be initiated if the complainant discloses enough information to determine the facts, and is timely filed. The complaint must contain details of the allegations, by providing names of the involved parties, including witnesses, if any and the dates the events occurred. The Complainant should identify whom the complaint is against. The Complainant should also provide his or her requested remedy to resolve the complaint.
- If the complaint meets the criteria outlined in the Rule, the EEO Office will conduct a full and impartial investigation. The EEO Office is neutral, objective and does not act as an advocate for any of the involved parties. An EEO Office investigator will interview the Complainant, Respondent and any witnesses, if applicable, and will review any relevant documentation during the course of the investigation.
- At any time during the formal complaint process, an employee or job applicant may be accompanied by an individual of his or her choice for support.
- Within the 60-day timeframe, the EEO Office will complete the investigation and notify the Complainant, Respondent and Appointing Authority whether the alleged violation of the Rule was substantiated or unsubstantiated. The Complainant will also be notified of his or her right to request an appeal before the Civil Service Commission.
- If a complaint is substantiated, the EEO Office may provide advisory recommendations to the Appointing Authority that are designed to deter further violation of the Rule or recommend remedial or restorative action.
- Unless there is mutual agreement between the EEO Office and Complainant to extend the timeframe, the formal complaint process will be concluded within **60 days** of the EEO Office's initial meeting with the Complainant.

What Is The Next Step After The Formal Complaint Process?

C. APPEAL HEARING PROCESS

- The appeal hearing process is the third step in resolving discrimination complaints.
- If at the conclusion of the formal complaint process the EEO Office concludes (1) that the allegation of discrimination under Rule 20 has not been substantiated, or (2) concludes that a violation has been substantiated; however, the Appointing Authority disagrees with that conclusion and indicates that he/she will not take any or all remedial or restorative action(s), a Complainant has the right to submit a written request for an appeal before the Civil Service Commission (Commission).
- All appeal requests must be filed on the Commission's Request for Appeal form and submitted to the County EEO Office within **15 days** following receipt of the written notification from the EEO Office of the results of the Appointing Authority's decision.
- The Complainant will be notified whether or not the Commission will hear the appeal. If the appeal is heard, the Commission will provide written notice to the Complainant, Respondent, Appointing Authority and EEO Office of its decision within **30 days** following the completion of the hearing.
- If the decision of the Commission is that the alleged act(s) constitute discrimination under Rule 20, the Commission shall issue an order requiring the person who has committed the discrimination to cease and desist from such action in the future. The Commission may also order appropriate remedial or restorative action(s).
- The Appointing Authority must implement the Commission's decision within **10 days** from the receipt of the Commission's decision. The Appointing Authority must notify the EEO Office, Complainant and Respondent within **3 days** of the implementation of the action taken as outlined in the Commission's order.

Is Rule 20 A Confidential Process?

The EEO Office will make every effort to safeguard privacy of the parties involved during the processing of Rule 20 complaints but cannot guarantee absolute confidentiality. Confidentiality will be protected and honored to the extent legally possible. Individuals will be informed of confidentiality issues at the beginning of the informal and formal complaint process.

Can I File A Complaint With A Federal Or State Agency After Filing A Rule 20 Complaint?

Individuals alleging discrimination in violation of Rule 20 have the right to file a complaint with the federal Equal Employment Opportunity Commission (EEOC), (800) 669-4000, or the state Department of Fair Employment and Housing (DFEH), (888) 848-5306, at any time before, during, or after the Rule 20 process. EEOC charges must be filed within **300 days** of the alleged

discriminatory act and DFEH charges must be filed within **365 days** of the alleged discriminatory act.

D. Additional Information

For more information about the process for filing employment discrimination complaints under Civil Service Rule 20, employees and job applications are encouraged to contact the County EEO Office or the appropriate Department EEO Coordinator for assistance.

The following information can be obtained through the EEO Web site at www.sjgov.org/eoo/, or by contacting the County EEO Office at (209) 468-3374.

- Civil Service Rule 20
- County Discrimination Complaint form
- Civil Service Commission Request for Appeal form
- Listing of Department EEO Coordinators
- County Equal Employment Opportunity Policy
- County Policy for Maintaining A Harassment Free Work Environment

E. Employee Assistance Program

Options is an Employee Assistance Program paid for by San Joaquin County to provide its employees with free, confidential and professional assistance to assess and resolve problems affecting personal life or job performance. Options is confidential and voluntary and designed to allow employees to seek help on their own. For more information or to schedule an appointment, please call (209) 953-8900.