



HOW TO FILE A DISCRIMINATION, HARASSMENT, OR RETALIATION COMPLAINT

AUTHORITY:

The authority to investigate complaints of employment discrimination, harassment, and retaliation stems from the San Francisco Charter, Section 10.103, and Civil Service Commission Rules (Volume 1, Rule 103; Volume II, Rule 203; Volume III, Rule 303; Volume IV, Rule 403). The Human Resources Director is responsible for the review and resolution of complaints. The Director may designate personnel to investigate complaints and make recommendations for resolution.

The role of the Equal Employment Opportunity (EEO) investigator is that of an objective third party, representing neither the complainant (employee/applicant), nor the respondent (department).

COMPLAINT PROCESS:

Basis: Discrimination and harassment complaints submitted for investigation must be based on a violation of civil rights on account of one or more of the following: sex, race, age, religion, color, national origin, ancestry, physical disability, mental disability, medical condition (associated with cancer, a history of cancer, or genetic characteristics), HIV/AIDS status, genetic information, marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, or other protected category under the law.

Retaliation against any employee or applicant who reports, files a complaint of, or otherwise opposes conduct he or she reasonably believes to be unlawful discrimination, harassment, or retaliation, or assists in the investigation of a complaint, is also prohibited.

Issues: Actions complained of may include the following: Denial of Employment, Denial of Training, Denial of Promotion, Denial of Reasonable Accommodation (for disability or religion), Termination, Lay-Off, Constructive Discharge, Disciplinary Action, Harassment, Work Assignment, Sexual Harassment and Compensation. Other issues, such as a disagreement regarding Department rules or regulations affecting working conditions, may be subject to review through the Employee Grievance procedure.

Filing: Submit a letter or other document that describes your complaint. You may wish to contact your department EEO or Human Resources personnel, the City and County of San Francisco's (City's) Department of Human Resources, EEO Division, or your employee representative, to assist you in submitting a complaint. The telephone number for the City's Department of Human Resources EEO Helpline is (415) 557-4900 or (415) 557-4810 (TTY).

All complaints must be signed by the person making the complaint and sent to:

Director, Department of Human Resources
Attention: EEO Division
One South Van Ness Avenue, 4th Floor,
San Francisco, CA 94103

The letter of complaint should include the following:

1. Name, address and daytime phone number of the complainant;
2. If a current City employee, your Disaster Service Worker number, current Civil Service classification, and the department where you are employed;
3. The basis for the complaint: *i.e.*, race, religion, etc.;
4. The discriminatory, harassing, or retaliatory action(s): *i.e.*, denial of employment or reasonable accommodation, termination, inappropriate touching, etc.;
5. The date(s) the alleged discriminatory, harassing, or retaliatory action(s) took place;
6. The City department and work unit accused of discrimination, harassment, or retaliation;
7. The names of the individuals accused of discrimination, harassment, or retaliation;
8. The name of any witness to the alleged discriminatory, harassing, or retaliatory action(s);
9. A detailed explanation of the sequence of events which you believe to be discriminatory, harassing, or retaliatory; and,
10. The specific action you are seeking to correct the alleged discrimination, harassment, or retaliation.

FILING DEADLINE:

Letters of complaint must be filed within 180 calendar days of the date of the alleged discriminatory action, harassment, or retaliatory action, or the date the individual should have first become aware of a violation. Therefore, time is an important factor when filing a complaint.

INVESTIGATION:

The Human Resources Director may refer the complaint to an EEO investigator to review for timeliness and jurisdiction. The investigator will then contact the person filing the complaint, either by mail or phone, to schedule an intake interview. Intake interviews afford the investigator an opportunity to clarify the issues involved and also allow the person filing the complaint an opportunity to present the complaint in more detail.

The investigation may include reviewing and obtaining copies of relevant documents such as personnel files, attendance reports and performance evaluations; interviewing co-workers and supervisors; and other actions considered necessary in order to obtain relevant information. It is important to remember that the individual who brings the complaint is responsible for substantiating the charges. Therefore, it is necessary to cooperate with the investigator by providing any written material, names of individuals to interview or any other information that would assist the investigation.

Note: During the intake interview, the entire complaint process will be explained in more detail by the assigned investigator. Any questions regarding the process can be asked during the intake interview.

ALTERNATIVE DISPUTE RESOLUTION:

Complainants may be asked to consider resolving their complaint through an alternative dispute resolution process facilitated by trained staff.

HUMAN RESOURCES DIRECTOR'S ACTION AND APPEAL PROCEDURES:

The Human Resources Director will review the complaint and investigative report, and shall make a finding on the charges. The Director's determination will be sent to the complainant and respondent department and shall be final, unless it is appealed to the Civil Service Commission and is reversed or modified.

OTHER RESOURCES:

A complaint of employment discrimination, harassment, or retaliation may also be filed with the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment & Housing (DFEH). Contact these agencies for filing requirements and deadlines.