



## WHAT TO EXPECT WHEN FILING AN EEO COMPLAINT

### OBJECTIVE OF THE COMPLAINT PROCESS

The City and County of San Francisco (City) and your Department have an obligation to investigate claims of discrimination, harassment, and retaliation. We take all allegations of discrimination, harassment, and retaliation seriously.

The City has a discrimination complaint process, which is different from filing an external complaint with the United States Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH), or a lawsuit. The City's process for addressing Equal Employment Opportunity (EEO) complaints is to: (1) determine whether there has been discrimination, harassment, or retaliation in violation of the City's EEO Policy and if so, to ensure the conduct stops; (2) provide make-whole remedies for people who have been harmed by discrimination, harassment, or retaliation in violation of the City's EEO policy; and (3) promote a safe and productive work environment for employees.

Remedies available through the City's EEO complaint process differ from remedies available through the legal process (e.g., a lawsuit). Remedies available through the City's complaint process are make-whole remedies that do not include compensation for punitive damages, attorney's fees, or pain and suffering. Complainants can receive a remedy that puts them in the place they would have been if the wrongful conduct (such as discrimination or retaliation) had not occurred. Examples of make-whole remedies include, but are not limited to, restoration of leave balances or compensation for time off taken due to discrimination or harassment, corrective action for those who violate the EEO Policy, or appointment to a position denied due to discrimination or retaliation.

### PURPOSE OF THE INTERVIEW

Generally, additional information is needed to understand or clarify the allegations after you submit your complaint. An investigator will contact you for an intake interview to get clarifying information. Investigators serve as neutral factfinders and do not represent you or your department. The purpose of the intake interview is to determine whether the information requires further investigation or if your complaint should be administratively closed.

### WHAT TO EXPECT

You will be interviewed by an investigator in a private setting via video conference, phone call, or in person. The investigator will ask you questions about your allegations, such as the parties involved and the potential dates that the alleged incidents occurred. Investigators understand that it may be difficult for you to discuss your allegations, and you will be allowed time for breaks if needed. Additional information about the intake interview follows:

- Time Commitment
  - Interviews typically last from 1 to 3 hours depending on the number of allegations.
- Limited Confidentiality
  - Information discussed in this interview will only be shared with people with a legitimate need to know, such as human resources employees within the City or your department head. Complete confidentiality cannot be guaranteed. To ensure a fair process and protect you from potential retaliation, we ask that you not discuss that you are being interviewed, the questions asked, or answers given, or the existence of the investigation with others.
- You may have a representative present during the intake interview. However, the representative cannot answer questions on your behalf.

### **WHAT TO PROVIDE**

To ensure that the interview is productive and supports the investigation, we recommend you provide the following information and/or materials before or during the interview:

- Dates the alleged conduct occurred
- Names of witnesses
- Written materials, photos, or any other information and/or materials that would support the allegations and be helpful for a possible investigation

Please note that the interview may proceed without you providing this information and/or materials. However, it may be difficult to verify your allegations without support.

### **TYPES OF QUESTIONS YOU MIGHT BE ASKED**

- What happened?
- Who engaged in the alleged conduct? What is your relationship with that person(s)?
- Where did the alleged conduct occur? On what dates did the alleged conduct occur? How many times did the alleged conduct occur?
- Were there any witnesses? If so, what are their names and positions?
- Do you have any information and/or materials to support your allegations?
- Did you report the alleged conduct to anyone? If so, to whom and when?
- Do you believe this alleged conduct is related to your membership in a protected category/class? If so, why do you believe that?
- Do you believe this alleged conduct amounts to retaliation? If so, did you engage in a protected activity (i.e., did you report, complain of, or otherwise oppose conduct you reasonably believed to be unlawful discrimination, harassment or retaliation, or assist in the investigation of a discrimination complaint)?
- What was the impact of this alleged conduct?
- Did you suffer any adverse employment action (i.e., loss of pay or loss of benefits)?
- Have you taken any time off due to this alleged conduct?
- How would you like to resolve the complaint you have brought forth?

### **COMPLAINT INVESTIGATIONS**

- You will be notified whether your allegations will be investigated generally within one month of your interview.

- If it is determined that there will not be an investigation, we will contact you via telephone and send you a letter letting you know why the case will be closed. Your Department Head will generally be copied on administrative closure letter.
- If it is determined there will be an investigation:
  - We will notify you that your case will be investigated and summarize the allegations that will be investigated.
  - If some of your allegations will not be investigated, you will be notified of the allegations that will be closed without investigation.
  - We will notify your Department of your allegations and ask for a response.
  - Any person accused of discriminatory conduct will be notified of your allegations and given an opportunity to respond.
  - We will remind your Department and any accused persons that retaliation is prohibited.
  - The investigation may include witnesses interviews, site inspections, as well as a review of relevant materials.
  - During the investigation, we may contact you to clarify information learned, give you the opportunity to rebut information gathered, or provide additional information.

#### **CONCLUSION OF INVESTIGATION**

- DHR EEO's goal is to complete the investigation within 180 days of receiving your complaint. DHR EEO's ability to meet this goal will depend on the assigned investigator's caseload and other factors, such as the complexity of the matter and availability of witnesses.
- The Human Resources Director for the City is responsible for the review and resolution of all EEO complaints, excluding those made by employees of the San Francisco Municipal Transportation Agency (SFMTA). The SFMTA Director is responsible for the review and resolution of EEO complaints made by SFMTA employees. At the conclusion of the investigation, either the Human Resources Director or SFMTA Director will make a determination on the findings.
- You have the right to appeal the determination of the Human Resources Director or the SFMTA Director to the Civil Service Commission within thirty (30) calendar days of the notification from the Human Resources Director or SFMTA Director: <https://sfgov.org/civilservice/>.

An appeal to the Civil Service Commission must be in writing and received within the allowable appeal period. The Civil Service Commission's decision shall be final, and no reconsideration request shall be allowed.