



MANAGEMENT DIRECTIVE

[RETURN TO TABLE OF CONTENTS](#)

CHAPTER NO.: 200 – Personnel Practices & Procedures

PAGES: 2

SUBJECT: 210 – Discrimination Complaint Procedure

DATE: August 28, 1986

Revised: October 1, 1999

Reviewed: February, 2001

211 - Purpose

The purpose of this directive is to provide a procedure for the administrative investigation, review, decision and action relative to allegations of unlawful discriminatory employment practices or acts.

212 - Scope

The Discrimination Complaint Procedure is available to employees or applicants for employment who allege unlawful discrimination affecting the complaint based upon race, sex (includes sexual harassment), physical handicap, religion, color, age, national origin, ancestry, marital status, medical condition or other non-merit factors. Complaints shall be processed in accordance with steps delineated in the following sections.

213 - Informal Procedure

Fresno County has an Affirmative Action staff which is available for informal consultations and resolutions when an individual feels that discrimination has or may have occurred. Such consultation is normally the beginning step in resolving differences which arise from alleged discriminatory practices. If the results of the informal process are not satisfactory to the complainant, or if a complainant initially wishes to file a formal complaint, the steps outlined below will be used.

214 - Formal Procedure

214.1 Form of Complaint - Complaints must be in writing on a form available at the Employee Relations Office.

214.2 Filing of Complaint - The formal complaint must be filed within 30 calendar days of the incident which causes the complaint. Complaints must be filed at:

Fresno County Employee Relations
2220 Tulare Street, 14th Floor
Fresno, California 93721
(559) 488-3048

Office Hours: Monday - Friday, 8:00 a.m. - 5:00 p.m.

214.3 Review of Complaint – The County Administrative Officer, or designee, will determine the adequacy of the grounds for the complaint. If the grounds are sufficiently clear and concrete, the County Administrative Officer, or designee, will conclude an investigation of the alleged discriminatory practice or act within 60 days. If the findings affirm the complainant's allegation of discrimination, the

SUBJECT:
Discrimination Complaint Procedure

NUMBER:
210

DATE:
August 28, 1986
Revised: October 1, 1999
Reviewed: February, 2001

PAGE:
2 of 3

County Administrative Officer, or designee, will attempt to resolve the complaint by conference or conciliation. If unsuccessful in resolving the complaint, or if the findings are that there has been no discriminatory practice or act, the County Administrative Officer or designee will notify the complainant in writing of the right to pursue the complaint through a hearing mechanism within the County structure or to file a complaint with the California Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission. The complainant will be provided with information regarding the procedure in pursuing any of these options.

This procedure shall not apply if the same complaint is filed with state and federal enforcement agencies. In this instance, complaints will be processed in accordance with the procedural requirements of those agencies and the internal processing of the complaint will be stopped regardless of the stage of the complaint.

If the complainant chooses to have a hearing, the complainant must submit a written request to the Employee Relations Office within 10 calendar days of the County Administrative Officer, or designee's, written decision. The County Administrative Officer, or designee, will select one of the following hearing mechanisms to hear the complainant's appeal:

- County appointed hearing officer.
- State hearing officer retained by the County under contract.

The role of the hearing officer will be to make a finding as to whether or not discrimination, as specified above under Section 212, Scope, has occurred. If a finding of discrimination is made, the hearing officer may issue a binding cease and desist order pertaining to the specific discriminatory action and may recommend additional corrective actions.

215 - Alternate Procedures

- 215.1 The County Administrative Officer, or designee, may elect to eliminate either or both of the steps in the above process for any given complaint and refer it directly to the hearing officer.
- 215.2 Upon consent of the County Administrative Officer, or designee, and the complainant, a complaint may be resubmitted to a lower step in the procedure for reconsideration.

216 - Complaint Timeliness

If a complaint is not filed within the 30-day limit set forth above, the right to file a complaint is waived and no complaint will be deemed to exist. Any complaint not carried to the next step in the process by the complainant within the prescribed time limits shall be deemed resolved upon the basis of the previous disposition.

SUBJECT:
Discrimination Complaint Procedure

NUMBER:
210

DATE:
August 28, 1986
Revised: October 1, 1999
Reviewed: February, 2001

PAGE:
3 of 3

217 - Civil Service Commission's Role

The above procedures apply in all instances of alleged discrimination except those associated with an allegation of discrimination with respect to rejection during probation. In this latter instance, the Civil Service Commission has jurisdiction in accordance with Section 5024 and Section 1041 of the Personnel Rules.