

FILING DISCRIMINATION COMPLAINT

SUMMARY

All employees or applicants for County employment, who believe they have been discriminated against in the terms, conditions or benefits of employment, including but not limited to recruitment, hiring, promotion, training, compensation or discipline because of race, color, national origin, ancestry, sex, pregnancy, religion, disability, age, marital or familial status, or sexual orientation may file a complaint through the Human Resources Department/Office of Human Rights and Fair Employment Practices (OHRFEP).

PROCEDURE

1. A complainant (employee or applicant) should contact OHRFEP or the Department's Fair Employment Practices Liaison (FEPL), to file a complaint of unlawful employment discrimination or harassment.
2. Resolution to a complaint may be addressed through an informal inquiry, a formal fact-finding investigation or alternative dispute resolution (mediation).
3. The FEPL will notify OHRFEP of any complaint filed directly with the department. The FEPL will also notify the complainant of the option to file a complaint directly with OHRFEP. The FEPL will make every effort to resolve the complaint internally.
4. If the complaint is filed directly with OHRFEP, and no potential conflict of interest exists, the Director or designee of the complainant's department may be notified of receipt of the complaint and the investigative process.
5. OHRFEP will conduct a timely, impartial, fact-finding investigation to determine whether a violation has occurred and prepare a report containing its findings. The investigation may involve interviews of witnesses, supervisors, other employees and interview panels, and an analysis of personnel documents and other records. Complaints may be resolved through conciliatory approaches, including inquiries and mediation.
6. If violations of policy are found to have occurred, the OHRFEP Director may make recommendations to the complainant's Department Director for prompt corrective action, including remedial relief for the victim and appropriate disciplinary action against the respondent, as appropriate. If no violations are found, the Office of Human Rights and Fair Employment Practices may still make recommendations that it believes will improve the work environment.
7. After concluding an investigation, OHRFEP will have the discretion to conduct further fact-finding if it learns of additional documents or information that was not known at the time of the initial investigation.
8. If a person files a complaint with OHRFEP, s/he may still choose to file a complaint with the Equal Employment Opportunity Commission, the Florida Human Rights and/or seek the counsel of a private attorney.
9. Where a Deputy Mayor or Department Director seeks to review a department to assess for fairness and inclusion in the department's employment practices, the Deputy Mayor or Department Director shall:
 - Prepare a written request to OHRFEP that will list the department (or any section or division

- thereof) for which review is sought. The written request shall outline the specific areas of concern and the purpose of the request.
- Within a reasonable time following OHRFEP's receipt of such written request, the OHRFEP Director will contact the requesting Deputy Mayor or Department Director to confidentially discuss any concerns, next steps or specific focus of the request. During this meeting there will be discussion of preliminary investigative plans, staff and document availability requirements and processes for accomplishing resolution should corrective action be required. Upon completion of the OHRFEP review, final recommendations will be made in consultation with the requesting Deputy Mayor/Department Director. In all cases OHRFEP recommendations will be based on results of investigation within the scope of its responsibility and jurisdiction.
 - Written report of OHRFEP findings shall be provided to the requestor and other appropriate parties, on a "need to know" basis, in order to protect the confidentiality of witnesses, employees and others who may participate in any investigation conducted under this procedure.
 - Within 30 days of receipt of written OHRFEP findings and as a part of any resolution process, departments may provide written response to the OHRFEP review. Such responses should include implementation plans and schedules for corrective action and will be subject to follow up review for compliance.
10. To the extent practicable, confidentiality of all parties involved in an investigation will be protected. Nothing in this procedure may be used to retaliate against any individual or to compromise the integrity of an investigation pursued under this process. Any person who feels they have been subjected to retaliation for filing a complaint of discrimination or participating in an investigation should contact OHRFEP immediately.

CONTACT(S):

Department/Division

Human Resources Department/Office of Human Rights and Fair Employment Practices