

*City of St. Louis Department of Personnel Administrative
Regulation NO. 103*

EQUAL EMPLOYMENT OPPORTUNITY POLICY AND COMPLAINT
PROCEDURE

Effective: April 11, 2011

This policy prohibits discrimination on the basis of race, color, national origin, ancestry, age (40 years and older), disability, religion, sex, sexual orientation, gender identity or expression, marital status or genetic information in connection with terms or conditions of employment covered by this administrative regulation. This policy prohibits retaliation against an employee who files a complaint and employees who report discrimination or who cooperate or participate in an investigation of a complaint of discrimination.

I. PURPOSE:

The Equal Employment Opportunity (EEO) Policy and Complaint Procedure serves the following functions:

- A. To establish a system to assist the City of St. Louis with identifying and remedying those conditions that could result in legitimate complaints of discrimination based on race, color, national origin, ancestry, age (40 years and older), disability, religion, sex, sexual orientation, gender identity or expression, marital status, genetic information and/or retaliation;
- B. To establish a procedure that will insure alleged acts of discrimination and/or retaliation are brought to the attention of supervisory and management personnel for timely investigation and resolution;
- C. To provide a means by which an employee in the classified service who believes he/she has experienced discrimination and/or retaliation can file a complaint.

It is the responsibility of supervisory and management personnel to identify and eliminate all situations and conditions that could result in legitimate complaints of discrimination on the basis of race, color, national origin, ancestry, age (40 years and older), disability, religion, sex, sexual orientation, gender identity or expression,

marital status, genetic information and/or retaliation. This complaint process provides alternate complaint routes, so that the complainant will have choices in reporting acts of alleged discrimination. The informal complaint procedure encourages management to resolve complaints at the department level, with immediate and appropriate corrective action taken in consultation with and oversight provided by the Department of Personnel. Alternatively, the formal complaint process provides for direct investigation and resolution rendered by the Department of Personnel.

II. GENERAL PROVISIONS:

A. The following definitions are applicable to the EEO Policy and Complaint Procedure:

1. Discrimination is unfair treatment based on race, color, national origin, ancestry, age (40 years and older), disability, religion, sex, sexual orientation, gender identity or expression, marital status or genetic information as it relates to terms or conditions of employment covered by this administrative regulation;
2. Complainant is a person who has filed a complaint of discrimination or retaliation under this regulation;
3. Employee Relations Section is the designated area in the Department of Personnel charged by the Director of Personnel with responsibility for administering the EEO Policy and Complaint Procedure;
4. Diversity Counselor is an employee of the classified service of the City of St. Louis who has been designated by his/her appointing authority to provide consultation to employees regarding the provisions of this policy and procedures, receive complaints of discrimination, report said complaints to the appointing authority/designee and to consult with the Employee Relations Section of the Department of Personnel as needed.

B. The following complaints are addressed by this procedure:

1. Allegations of discrimination based on race, color, national origin, ancestry, age (40 years and older),

disability, religion, sex, sexual orientation, gender identity or expression, marital status and genetic information;

2. Allegations of retaliation based on an employee's use or attempted use of this complaint process, participation or cooperation in the EEO complaint process or reporting of a violation of this policy;

3. Not encompassed by this regulation is the appeal of any disciplinary action(s) taken by the appointing authority against a complainant, prior to the receipt a complaint, which may or may not be under review by the Civil Service Commission. Nor is the appeal of an unsatisfactory service rating and Mandatory Improvement Plan appropriately addressed by this complaint process, in that there is an established service rating appeal process available to employees.

C. The responsibility and authority of the Director of Personnel (or his/her designee) includes the following:

1. To terminate a complaint at any step of the EEO Complaint Procedure, if it is not filed in a timely manner, if it is determined that the complaint is not within the scope of this procedure, or if it is determined that the complaint is unsubstantiated or without merit;

2. To combine complaints for the purposes of review and resolution in those instances where a pattern of discrimination is alleged to exist, or where there are a number of complaints regarding a common employment practice;

3. To examine personnel records and files, to question witnesses or other City employees who may have relevant information, to review all information gathered by the operating department during the investigation of a complaint and to take all other appropriate action necessary to thoroughly investigate a complaint.

III. PROCEDURE:

The EEO Complaint Procedure is available to all employees in the classified service. A complaint should be reported within ten (10) days of the occurrence which an employee determines to be discriminatory or retaliation for using or attempting to use the EEO Complaint Procedure; or, within the Formal Complaint Process, within ten (10) calendar days of the conclusion of an investigation conducted under the Informal Complaint Process when the results are determined by the complainant to be unsatisfactory.

All information, documentation and decisions pertaining to this procedure will be handled in as confidential a manner as possible. Any employee who violates this regulation, or any unwarranted breach of confidentiality regarding a complaint, will be considered a violation of the procedure and can result in disciplinary action up to and including dismissal.

Following are steps to be pursued in filing, investigating and resolving complaints under the EEO Complaint Procedure:

A. STEP 1 THE INFORMAL COMPLAINT PROCESS:

1. The complainant and/or his/her representative will report the complaint to one of the following verbally and/or in writing: The employee's immediate supervisor or the employee's appointing authority/designee or the diversity counselor in the employee's department;
2. Within three (3) calendar days of the receipt of a complaint, the appointing authority/designee should begin an investigation. The appointing authority/designee can consult with the Department of Personnel regarding any questions about the complaint and /or appropriate steps to take in the investigation;
3. The investigation should be completed within twenty-one (21) calendar days of the complaint being filed, unless an extension is requested and granted by the Director of Personnel. (If the extension is not granted, the complaint shall be forwarded to the Department of Personnel for completion of the investigation.);
4. The results of the appointing authority's investigation shall be shared with complainant and a written summary of the complaint, investigation and resolution shall be filed

with the Employee Relations Section in the Department of Personnel within thirty (30) calendar days of the complaint being filed.

B. STEP 2 THE FORMAL COMPLAINT PROCESS:

1. If the complaint is not resolved satisfactorily at Step 1 (because the complainant is dissatisfied with the resolution or because a resolution has not been proposed within twenty-one (21) calendar days of the complaint being filed or if the complainant prefers to file a formal written complaint directly with the Department of Personnel), he/she should fill out an EEO Complaint form, which can be obtained by contacting the Employee Relations Section in the Department of Personnel, the Internet, or from his/her supervisor or diversity counselor;

2. When completing an "EEO Complainant" form, employees are encouraged to provide as much detail as possible, including dates, times, witnesses, etc. in order to facilitate a prompt and thorough investigation. The form must include factual information and the reason(s) why the employee believes that the action(s) taken against him/her were in violation of this regulation. It must also include a recommendation for a resolution that is satisfactory to the complainant;

3. Upon receipt of the completed EEO complaint form, the Director of Personnel or his/her designee shall within five (5) calendar days notify the appointing authority in writing of the specific allegation(s) and request that a position statement be submitted within fifteen (15) calendar days. The Employee Relations Section shall then conduct an investigation and submit a summary and recommendation to the Director of Personnel for review and consideration within thirty (30) calendar days of the commencement of the investigation, unless an extension is granted by the Director of Personnel;

4. If the finding is that the complaint is substantiated, the Employee Relations Section will notify the Director of Personnel of the outcome and the Director of Personnel

will send a letter to the complainant, with a copy to the appointing authority, announcing the result and recommending that a resolution be pursued;

5. If agreement is reached, the complaint resolution will be reviewed by the Director of Personnel prior to signature by the appointing authority/designee, and the complainant. After these signatures have been affixed, the Director of Personnel or his/her designee will then sign the agreement verifying the stipulation. Copies of the agreement will be given to the signatories. The original document will be filed in the Employee Relations Section of the Department of Personnel, with a copy given to the Director of Personnel;

6. If the finding is that the complaint is unsubstantiated or cannot be resolved, the Employee Relations Section will notify the Director of Personnel of the outcome and the Director of Personnel will send a letter to the complainant with a copy to the appointing authority announcing the result.

C. Compensation: Employees who are required to participate in the investigation process by his/her appointing authority/designee or the Department of Personnel will be paid their salaries. If they are off duty and would be entitled to overtime pay under the compensation ordinance, they shall be paid accordingly.

IV. PROTECTION AGAINST RETALIATION:

The City of St. Louis prohibits retaliation against employees who file complaints of discrimination, as well as employees who report discrimination of another employee, or individual encountered in the workplace, such as a vendor, client or customer, or who cooperated or participate in an investigation of discrimination. Therefore:

A. Employees are required to immediately report any retaliation as defined above to the Employee Relations Section of the Department of Personnel;

B. Any complaint of retaliation will be handled in accordance with the formal complaint process set forth in Section III. B. of this regulation;

C. Any individual who retaliates against any person making a complaint under this procedure, reporting a violation of this regulation or assisting in a discrimination investigation will be subject to appropriate disciplinary action, up to and including dismissal.

V. RECORDS:

A. Written documentation of any investigation conducted under this procedure shall be kept for a minimum period of five (5) years;

B. Appointing authorities are required to issue a copy of this regulation to every employee under their authority. Issuance of the regulation must be documented by having the employee and issuing supervisor sign the attached "Acknowledgement" form. One copy of the form must be filed with the Department of Personnel, Employee Relations Section within five (5) working days of issuance. One copy should be retained by the operating department or agency, and one given to the employee.

Employees are prohibited from filing false discrimination or retaliation complaints, which if confirmed, will subject the employee to disciplinary action. Questions regarding the EEO Policy and Complaint Procedure should be referred to the Employee Relations Section of the Department of Personnel at 622-3563.

Richard R. Frank
Director of Personnel

April 11, 2011
Attachment

One copy to employee
One copy for department
Original to Department of Personnel-Employee Relations Section

ACKNOWLEDGEMENT

I, (Print Name) _____ HAVE READ AND RECEIVED A COPY OF THE EQUAL EMPLOYMENT OPPORTUNITY POLICY AND COMPLAINT PROCEDURE. I UNDERSTAND THAT AS A CONDITION OF EMPLOYMENT, I WILL REPORT ANY INCIDENT COVERED UNDER THE EEO POLICY AND COMPLAINT PROCEDURE THEREIN SPECIFIED.

SIGNED: _____ DATED:

DEPARTMENT: _____ DIVISION:

I certify that the employee named above was provided a copy of the City's Policy on EEO Policy and Complaint Procedure and a copy of this form on the date indicated above.

Supervisor's/Manager's Signature

Class Title

Department

Date

This Acknowledgement must be signed and dated by the employee and the issuing supervisor/manager and retained by the employee.

DOP 4/11

EEO Complaint Form