



# Virginia Task Force 2

## Urban Search and Rescue

### Administrative Manual

3.06 EEO Discrimination  
Complaint

March 2019

## EEO Discrimination Complaint

### **ISSUE STATEMENT**

To insure that VA-TF2 follows the principals of equal opportunity and the practice of basing all employment decisions solely on job-related factors. VA-TF2 will not discriminate on the basis of an individual's sex, race, color, religion, age, disability, sexual orientation or ethnic or national origin.

### **REQUIRED ACTIONS**

#### **EEO DISCRIMINATION COMPLAINTS**

##### **PURPOSE**

To promote equal employment opportunities for VA-TF2 employees by providing a means for internal resolution of sexual harassment complaints, and/or discrimination complaints which are based on race, color, national origin, sex, age, religion, or disability.

##### **DEFINITIONS**

The following terms shall have the definitions set forth below:

- **DISCRIMINATION:** The demonstration of bias, whether intended or not, against an employee with respect to the terms and conditions of his/her employment on the basis of the employee's race, color, national origin, sex, age, religion, or disability. Such bias may be demonstrated by the actions of another employee, of a non-employee, or by the application of a VATF-2, departmental, divisional or other policy, practice, or procedure to an employee or group of employees.
- **SEXUAL HARASSMENT:** Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment
  - Submission to, or rejection of, such conduct by an employee is used as a basis for employment decisions affecting such employee; or
  - Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive working environment.
- **COMPLAINANT:** A VATF-2 employee who files a complaint of discrimination and/or sexual harassment with the Coordinator.



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- **RESPONDENT:** An individual named in a discrimination and/or sexual harassment complaint as having taken an action which is the basis for the complaint, or the individual responsible for drafting and/or implementing an allegedly discriminatory policy, practice, or procedure.

#### **ELIGIBILITY**

The EEO Discrimination Complaint Procedure, hereinafter referred to as the "Procedure", may be used by all VA-TF2 members.

#### **USE OF OTHER PROCEDURES**

An employee may use either the EEO Discrimination Complaint Procedure or an employee may choose to file a complaint with the Equal Employment Opportunity Commission.

#### **ADMINISTRATION OF THE PROCEDURE**

The Task Force Program Manager or EEO/AA Coordinator (hereinafter referred to as the "Coordinator") will be responsible for administration of the Procedure to assure compliance therewith. Any interpretation of the Procedure will be reviewed and approved by VA-TF2 Attorney, or designee, prior to its issuance.

#### **ASSURANCE OF CONFIDENTIALITY**

The identity of the Complainant, and all records developed during the investigation of the complaint, will be considered confidential and will not be released unless otherwise required by law. The Coordinator will be responsible for maintaining such confidentiality.

#### **INFORMAL PROCEDURE**

The Coordinator will encourage a Complainant to discuss the complaint with the Respondent. The Coordinator may be present during such discussions if either party requests such presence. If either the Complainant or the Respondent does not agree to discuss the complaint informally, or if the parties are unable to resolve the complaint through informal discussion, the Complainant may proceed to the formal procedure.

#### **FORMAL PROCEDURE**

A member who has a complaint of discrimination and/or sexual harassment may initiate a formal complaint by submitting a written statement to the Coordinator or by signing a written statement prepared by the Coordinator based upon information provided by the Complainant. The written statement will include the following information:



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- A description of the action, policy, practice or procedure upon which the complaint is based;
- If the complaint is based on an action(s), the date(s) and time(s) thereof;
- The name of the Respondent;
- The nature of the alleged discrimination or sexual harassment;
- A statement regarding whether or not the Complainant has informally discussed the matter with the Respondent or supervisor; and, if so, the results of the discussion(s); and
- A statement regarding whether or not the Complainant has filed a charge of discrimination with the EEOC.

#### **TIME FRAME FOR FILING A COMPLAINT**

When the complaint involves an action, the complaint will be submitted to the Coordinator within thirty (30) calendar days of the date upon which the action described in the complaint occurred. When the complaint involves a VA-TF2 policy, practice or procedure, the complaint may be submitted to the Coordinator at any time.

#### **RESPONSE TO THE COMPLAINT**

- Within ten (10) calendar days of receipt of the complaint, the Coordinator will conduct an interview with the Complainant.
- Within ten (10) calendar days of the Complainant's interview, the Coordinator will notify the Respondent that a complaint has been filed and that an interview has been conducted. Such notification will include a summary of the complaint.
- Within ten (10) calendar days of receipt of notification from the Coordinator, the Respondent will provide the Coordinator with a written reply to the complaint.

#### **INVESTIGATING A COMPLAINT**

When the Respondent's written reply has been received by the Coordinator, the Coordinator will:

- Provide an opportunity for the Complainant and Respondent to meet with the Coordinator to discuss the complaint;
- Interview all individuals whom the parties have identified as having pertinent information; and
- Review all relevant documents either provided or identified by the parties and any other documents the Coordinator deems to be relevant to investigation of the complaint.



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#### **CONCLUSION OF PROCEDURE**

- Within ten (10) calendar days of the date on which the investigation is concluded, the Coordinator will prepare a report of the investigation for submission to VA-TF2 Manager and will present copies of the report to the, VA-TF2 Program Manager and VA-TF2 Attorney for their approval.
- If the Coordinator determines that there is insufficient evidence to believe that discrimination and/or sexual harassment has occurred, the Coordinator will notify VA-TF2 Program Manager regarding this determination.
- If the Coordinator determines that there is sufficient evidence to believe that discrimination and/or sexual harassment has occurred, the Coordinator will recommend an appropriate remedy to VA-TF2 Program Manager.
- VA-TF2 Program Manager will review the Coordinator's recommended remedy and will uphold, reverse or modify the recommendation.
- VA-TF2 Program Manager's decision will be provided to the Complainant and the Respondent, in writing, within thirty (30) calendar days of the conclusion of the investigation.

#### **DEPARTMENT NOTIFICATION**

The Coordinator will maintain contact with the Complainant and Respondent for the purpose of providing information regarding the existence of, and status of, complaints filed under this Procedure. In the event that the Program Manager is the Complainant or Respondent, the information will be provided in accordance with the Procedure.

#### **EXTENSION OF TIME LIMITS**

The time limits referred to herein may be extended by the Program Manager for good cause.