



# EEO INFORMAL COMPLAINT PROCESS AT A GLANCE

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## Policy

The State is committed to ensuring the administration and implementation of all human resources policies, practices and programs are fair and equitable. State agencies, departments and universities shall be accountable for administering all aspects of employment, including hiring, dismissal, compensation, job assignment, classification, promotion, reduction in-force, training, benefits and any other terms and conditions of employment in accordance with federal and State EEO laws and policies.

## Key Terms

<i>Term</i>	<i>Definition</i>
Equal Employment Opportunity (EEO)	An office within Human Resources (HR) that ensures the protection of all applicants, employees, and former employees from discrimination, retaliation, and harassment based on protected characteristics.
Equal Employment Opportunity Commission (EEOC)	A federal agency that is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, childbirth, or related conditions, transgender status, and sexual orientation), national origin, age (40 or older), disability or genetic information.
Employee Relations (ER)	An office within HR that works with employees and management to develop and maintain harmonious and effective working relationships throughout the department by addressing applicant, employee, and former employee grievances.
Agency	A State department, office, board, or commission.
Applicant for State Employment	A person who submits an application for initial hire, promotion or reemployment for a position in a state agency.
Career State Employee	A State employee who is in a permanent position with a permanent appointment and has been continuously employed by the State of North Carolina or a local entity as provided in G.S. 126-5(a)(2) in a position subject to the North Carolina Human Resources Act for the immediate 12 preceding months. Employees who are hired by a State agency, department or university in a sworn law enforcement position and who are required to complete a formal training program prior to assuming law enforcement duties with the hiring agency, department or university shall become career State employees only after being employed by the agency, department or university for 24 continuous months.

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Exempt Managerial Employee	An employee who holds a position delegated with significant managerial or programmatic responsibility essential to an agency's operations, such that applying standard disciplinary procedures to the employee could cause serious disruption to the agency.
Probationary State Employee	A state employee who is exempt from the provisions of the North Carolina Human Resources Act only because the employee has not been continuously employed by the State for the time period required to become a career State employee.
Complainant	An applicant, probationary state employee, former probationary state employee, career state employee or former career State employee who initiates an informal complaint through the Equal Employment Opportunity (EEO) Informal Inquiry process.
Unlawful Discrimination	The unfair treatment of an individual due to their belonging to any of the Federal and State protected characteristics or categories, including, but not limited to: race, color, ethnicity, pregnancy, sexual orientation, political affiliation, genetic information, religion, national origin, sex, gender identity or expression, age (40 and older), national guard or veteran status, or disability.
Harassment	Unwelcome conduct that is based on race, color, national origin, ethnicity, religion, sex, pregnancy, gender identity or expression, sexual orientation, age (40 or older), political affiliation, National Guard or veteran status, disability or genetic information. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.
Retaliation	Any adverse action taken against an individual for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit related to discriminatory employment practices based on race, religion, color, national origin, sex, age (40 or older), disability, genetic information, political affiliation or because of opposition to employment practices in violation of the unlawful workplace harassment policy.
Acceptance of the EEO informal Inquiry	Timely filed and alleged facts that would constitute unlawful discrimination, harassment, or retaliation.
Untimely Filed	Beyond the prescribed 15 calendar days for filing complaint.

## EEO Informal Complaint Process at a Glance



For additional information on the EEO Informal Complaint Process please refer to section six of the Employee Grievance Policy. For any questions you may reach out via email: [EEODandI@dhhs.nc.gov](mailto:EEODandI@dhhs.nc.gov).

## Complainants and Complaints

Any employee, regardless of whether they are exempt from the State Human Resources Act (SHRA), may utilize the EEO Informal inquiry process to raise three types of EEO complaints: (1) Unlawful Workplace Harassment, (2) Discrimination, or (3) Retaliation. If the complainant lists **discrimination, harassment, or retaliation** as the grievable issue, the grievant has three options further detailed below:

Option 1: EEO Informal Inquiry for Unlawful Discrimination, Harassment or Retaliation	Option 2: External Filing of a Discrimination Charge	Option 3: Simultaneous Internal and External Filing of a Discrimination Charge
<p>If the complainant files an informal complaint with the agency alleging facts that would constitute unlawful discrimination, harassment, or retaliation as prohibited by law, the complaint will be investigated as a part of the agency’s EEO Informal Inquiry. The complainant shall first file a complaint with the agency’s Equal Employment Opportunity (EEO) Officer or other designated personnel within <b>15 calendar days</b> of the alleged discriminatory or retaliatory act that is the basis of the complaint.</p>	<p>A complaint may bypass or discontinue the EEO Informal Inquiry or the formal internal employee grievance process and externally file a charge directly with the Equal Employment Opportunity Commission (EEOC); however, the complainant may not file a contested case with the Office of Administrative Hearings if the internal process has not been completed. Information about filing an EEOC charge and deadlines for filing the charge can be found at: <a href="https://www.eeoc.gov/filing-charge-discrimination">https://www.eeoc.gov/filing-charge-discrimination</a> and the EEOC Public Portal at <a href="https://publicportal.eeoc.gov">https://publicportal.eeoc.gov</a> or by calling the EEOC regional offices located in Raleigh, Greensboro and Charlotte at 1-800-669-4000.</p>	<p>A complainant may file simultaneously with the EEOC at any point in either the EEO Informal Inquiry or the formal internal employee grievance process.</p>

## Complaint Process: EEO Informal Inquiry Complaint

Process Order	Action Item	Action Item Description	Typical Duration	Responsible Party
1.	File a written EEO Informal Inquiry complaint.	The complaint alleging unlawful discrimination, harassment or retaliation must be filed <b>within 15 calendar days</b> of the alleged act with the EEO Director, Affirmative Action officer, or designee within the agency in accordance with the <a href="#">Employee Grievance Policy</a> .	≤ 15 calendar days	Complainant
2.	Intake and Acknowledgement of Receipt of Complaint.	If it is determined that the complaint is timely filed, and the complaint alleges facts that would constitute unlawful discrimination, harassment or retaliation as prohibited by law, the EEO Director, or designee, prepares the Acknowledgement of Complaint informing the complainant that the complaint is being accepted for the EEO Informal Inquiry Investigative process.	≤ 75 calendar days after receipt of the complaint to investigate. <i>A mutual written agreement by the complainant and agency may be granted but the extension shall not exceed 15 calendar days.</i>	EEO Director or designee

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<b>Process Order</b>	<b>Action Item</b>	<b>Action Item Description</b>	<b>Typical Duration</b>	<b>Responsible Party</b>
<b>3.</b>	Acceptance and Assignment:	The EEO Director, or designee, assigns the complaint to an EEO Investigator after accepting the written complaint.	≤ 75 calendar days after receipt of the complaint to investigate.	The EEO Director or designee.
<b>4.</b>	Complainant Interview.	The EEO Investigator contacts the complainant for an initial interview.		The EEO Investigator and Complainant.
<b>5.</b>	Management Contact.	The EEO Director, or designee, informs management of the complaint filed. The EEO Investigator then explains the process and reminds management of the confidentiality and “as need to know basis” clauses and that retaliation is prohibited.		The EEO Director or designee, EEO Investigator, and Management.
<b>6.</b>	Initial Contact with the Point of Contact (POC) and/or Appropriate Management.	The EEO Investigator contacts the POC to initially explain the process and ask for information to shed light on the allegations.		The EEO Investigator and the POC.
<b>7.</b>	Witness Interviews.	The EEO Investigator prepares the interview questions and conducts the interviews.		The EEO Investigator and Witnesses.
<b>9.</b>	Investigative Report and Determination.	EEO designee submits the Cause/No Cause determination (as appropriate) to the complainant and a separate determination notification to appropriate management. The complainant will also receive information regarding applicable appeal rights.		EEO designee and Complainant.

**Total Time to Complete Process:** ≤ 90 Calendar days

\*Note: After the Determination the complainant is able to appeal to file a formal employee grievance with HR Services.

## Resources

Organization	Telephone	Email	Address	Relevant Documents
<b>EEO</b>	<b>Office Telephone:</b> (984) 332-4605 <b>Fax:</b> (984) 687-9582	<a href="mailto:EEO@dhhs.nc.gov">EEO@dhhs.nc.gov</a>	DHHS Office of Equal Employment Opportunity 2001 Mail Service Center Raleigh, NC 27699-2001	<ul style="list-style-type: none"> <li>• <a href="#">EEO Informal Complaint Intake Form</a> (electronic submission)</li> <li>• <a href="#">EEO Informal Complaint Intake Form</a> (fillable pdf)</li> </ul>
<b>ER</b>	<b>Fax:</b> (984) 687-9580	<a href="mailto:DHHS.ER@dhhs.nc.gov">DHHS.ER@dhhs.nc.gov</a>		<ul style="list-style-type: none"> <li>• <a href="#">Grievance Filing Form</a> (electronic submission)</li> <li>• <a href="#">Grievance Filing Form</a> (fillable pdf)</li> <li>• <a href="#">Employee Grievance Policy</a></li> <li>• <a href="#">Employee Grievance Process at a Glance</a></li> </ul>
<b>Agency ADA HR Contact</b>	<b>Fax:</b> (984) 687-9580	<a href="mailto:Accommodation@dhhs.nc.gov">Accommodation@dhhs.nc.gov</a>		<ul style="list-style-type: none"> <li>• <a href="#">ADA Resources</a></li> </ul>

<p><b>OAH:</b>  <b>Civil Rights Division Telephone:</b> (984) 236-1850  <a href="#">Civil Rights Division (CRD) Investigations and Services</a></p>	<p><b>EEOC:</b>  <b>Regional Office Telephone:</b> 1-800-669-4000  <a href="#">Filing A Charge of Discrimination With the EEOC</a>  <a href="#">U.S. Equal Employment Opportunity Commission Public Portal</a></p>
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