Policy 2100

From Human Resources

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(diff) ←Older revision | Current revision (diff) | Newer revision→ (diff)

PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Equal Employment Opportunity Complaint Procedure **Policy Number**: 2101 **Chapter Title**: Grievances and Complaints **Effective Date**: January 17, 2012 **Supersedes Policy Number**: 2101 **Dated**: April 1, 2004
Approved By: Micki Knudsen, Human Resources Director (Signature on file)

PURPOSE

To ensure and promote equal employment opportunity, and to provide an orderly and systematic process for employees to adjust differences concerning equal employment opportunity.

POLICY

1. Employees who allege unlawful discrimination on the basis of race, sex, age, religion, color, national origin or disability, with regard to the terms or conditions of employment, or retaliation for opposing a practice forbidden by Personnel Policy 0505, "Equal Employment Opportunity," may file an Equal Employment Opportunity (EEO) complaint in writing directly with the Audits and Investigations Director, Missouri Department of Transportation, P.O. Box 270, Jefferson City, Missouri 65102. Employees in the Audits and Investigations (AI) Division who want to file an EEO complaint should write to the Equal Opportunity and Diversity Division (EOD) director

at this same address. The EOD director will follow the same procedure as identified for the AI director throughout the remainder of this policy.

2. Salaried and permanent part-time employees who have successfully completed their initial probationary period, who feel they have been terminated as a result of unlawful discrimination or retaliation, may elect to have their appeal handled by the AI Division or the EOD Division (if the termination was the result of an investigation by AI Division) or heard as a formal hearing pursuant to Personnel Policy 2103, “Formal Termination Hearings,” and Procedure 2103, “Formal Termination Hearing Procedure.”

Employees listed in paragraph 6 of Personnel Policy 2103 are not eligible to use the formal termination hearing procedure.

3. An EEO complaint must be filed within 30 calendar days of the alleged discrimination or retaliation. The opportunity to file a complaint of unlawful discrimination or retaliation will be denied if it is filed more than 30 calendar days after the act, occurrence, or omission leading to the complaint, unless a determination is made that the act, occurrence, or omission could not reasonably be detected by the employee until a later date. In such circumstances, the complaint must be filed within 30 calendar days from the date the act, occurrence, or omission could have reasonably been detected by the employee. The individual filing an EEO complaint should explain the basis for the complaint, present all facts which caused the complaint to arise, and describe the corrective action expected.

4. The AI director (or EOD director) will conduct whatever investigation is necessary to establish or validate the facts of the case. The investigation may include, but will not be limited to, the scheduling of a meeting and/or interviews for the purpose of gathering information from the employee, the supervisor(s), or other employees involved in the matter.

While the AI director (or EOD director) is interviewing the employee who filed the complaint, the employee will have the option of having another person of his or her choice present. However, this individual will not be allowed to represent the employee, including providing legal counsel, or participate during the interview.

5. After reviewing the circumstances leading to the complaint with the director, department of transportation, a summary of the information regarding the complaint will be presented to the Missouri Highways and Transportation Commission (Commission) at a subsequent meeting for review and final disposition. The AI director (or EOD director) will notify the employee and supervisors in writing of the Commission's final disposition and any corrective action that will be taken as soon as practical.

6. All steps should be carried out within a reasonable time period unless there are extenuating circumstances, such as extended absence of personnel involved, etc. The employee will be kept generally informed of the status of the EEO complaint.

7. Any investigation, correspondence, etc., involved in the proceedings of an EEO complaint handled by the AI director (or EOD director) should be treated as confidential information to minimize publicity and embarrassment to all parties concerned; however, anonymity cannot be

promised to persons (public or employees) who provide information as part of the investigation. The identity of persons who provide information and the information provided shall only be disclosed to those who have a legitimate need to know. Intimidation, coercion, or retaliation of any kind against individuals who exercise their rights to file a complaint or against those individuals who assist in the investigation of a complaint will not be tolerated.

8. The Commission and appointed officials of the Missouri Department of Transportation hold a responsibility to fairly and effectively carry out designated functions, and nothing in this procedure precludes this responsibility or authority to do so.

CROSS REFERENCES

Personnel Policy 0505, Equal Employment Opportunity

Personnel Policy 2103, Formal Termination Hearings

Procedure 2103, Formal Termination Hearings (http://hr.modot.mo.gov/index.php/Procedure_2103)

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