EQUAL EMPLOYMENT OPPORTUNITY
COMPLAINT PROCEDURE

I. Filing a Complaint

Complaints may be submitted to an employee's immediate supervisor, any supervisor or manager within or outside the department, the department head, or the Director of Human Resources, within one (1) year of the date the alleged action occurred. Any City of Santa Cruz supervisor, manager, or department head who receives a discrimination/harassment complaint shall notify the Director of Human Resources as soon as possible after receiving the complaint. Complaints may be presented orally, or in writing.

If possible, written complaints should include the following information:

- The name, address, and telephone number of the complainant.
- The basis for the alleged discrimination or harassment (i.e., race, color, religion, age, sex, etc.).
- The specific discriminatory practice(s) or incident(s) that have occurred.
- The names of any persons thought to be responsible for the discrimination/harassment.
- The remedy the complainant is seeking as a result of the complaint.
- The name, address, and telephone number of the complainant's representative, if any.

If complainants wish to file the complaint in person and receive assistance, they may contact the Human Resources Department to schedule an appointment with a staff investigator.

II. Investigation and Resolution

After reviewing the discrimination/harassment complaint, the Director of Human Resources shall determine if an investigation is necessary to resolve the issues of the complaint and, if so, authorize and supervise the investigation of the complaint. The complainant will be contacted by the investigator upon the investigator's receipt of the complaint, and will be kept apprised of the status of the investigation. Every effort will be made to conclude the investigation within one hundred and twenty (120) calendar days of receipt of the complaint.

The Director of Human Resources will not proceed with the investigation of a complaint if the complaint contains no assertion that the alleged acts occurred based on one or more of the nineteen discriminatory bases; or, if a nexus cannot be established between the alleged act(s) and discrimination based on one of the nineteen protected categories.

When the investigation is completed, the Director of Human Resources will determine if there is sufficient evidence to substantiate a violation of the City's Discrimination/Harassment Policy, and if remedial action is necessary to resolve the issues of the complaint. The complainant, alleged

perpetrator/harasser, and department head will be notified of the Director's determination. If discipline is imposed, the discipline will not be communicated to the complainant.

If it would present a conflict (or the appearance of such) for the review and investigation of a complaint to be conducted by the Human Resources Department, the City Manager will be responsible for this process.

III. City Manager Review

Complainants who are not satisfied with the Human Resources Director's determination may request a review by the City Manager (or his/her representative), in writing, within ten (10) workdays following receipt of the Director of Human Resources' determination. The City Manager (or his/her representative) shall review the complainant's written appeal and the investigative findings, and shall render a written decision within thirty (30) workdays following the review.

IV. Additional Remedies

Current City employees covered by a memorandum of understanding that includes arbitration as the final step in the grievance process, may request that the matter be taken to arbitration in accordance with the specific procedures contained in the applicable memorandum of understanding.

In addition, all complainants may file complaints of discrimination or harassment with the State of California Department of Fair Employment and Housing and the Federal Equal Employment Opportunity Commission, whether or not complainants choose to use the City of Santa Cruz's complaint procedure. Time limits for filing complaints with State and Federal compliance agencies vary and those agencies should be contacted directly for specific information. The addresses and telephone numbers (as of the revision date of this procedure) are:

Department of Fair Employment and Housing
111 North Market Street, Suite 810
San Jose, California 95113-1102
Phone: (408) 277-1277 or (800) 884-1684

Equal Employment Opportunity Commission
San Jose Office
96 North Third Street, Suite 200
San Jose, California 95112
Phone: (408) 291-7352