



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET

MEMORANDUM

DATE: July 30, 2015

SUBJECT: EEO Complaint Process

While each agency is responsible for developing their own complaint process per Executive Order 8, the process below is the general standard. Individual agency complaint processes can be found on the HRM website at: <http://hrm.omb.delaware.gov/diversity/sdep.shtml>.

An **informal** complaint is filed with the Personnel Office, Human Resources Manager or Affirmative Action Office. The Human Resources Manager/Affirmative Action Officer's responsibility is to investigate the complaint and try to resolve the issue informally. This requires gathering facts and reporting back to the employee or applicant. If the employee or applicant still believes he or she was subjected to discrimination after hearing the Human Resources Manager's report, the person shall be advised of his or her right to meet with the Statewide EEO/AA Program Administrator or file a formal or external complaint with the Labor Law Enforcement Section of the Department of Labor or U.S. Equal Employment Opportunity Commission.

A **formal** complaint is filed with the Personnel Office in accordance with Chapter 18 of the Merit System Rules within 14 calendar days of the date of the grievance matter or the date they could reasonably be expected to have knowledge of the grievance matter. The basis for this grievance can be due to a violation of the Merit Rules or any regulations or procedures established for the purpose of carrying out the Merit Rules. An employee may also appeal dismissals, demotions or suspensions directly to the Merit Employee Relations Board within 20 calendar days from the date of the action being imposed.

At the same time, an employee may file an **external** charge of discrimination with the Division of Industrial Affairs, Labor Law & Enforcement Section, Department of Labor within 120 days from the date of the alleged violation. The employee may file a charge with the U.S. Equal Employment Opportunity Commission within 300 calendar days from the alleged discrimination. With a complaint to the Labor Law Enforcement Section, a representative will review the employee's charge and decide whether there is a valid charge of discrimination. Once a charge letter is received, the Human Resources Manager will gather the facts, with assistance from the impacted manager and prepare the response for approval by the Director of Human Resource Management and the Director of the Office of Management and Budget or their designee. This response is sent to the Department of Labor within 20 calendar days of receiving the charge letter.



HUMAN RESOURCE MANAGEMENT

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