

THE EEO INFORMAL INQUIRY PROCESS

Filing a Complaint of Unlawful Discrimination, Harassment, or Retaliation

Step 1: Prepare a Written Complaint. Complainants alleging unlawful discrimination, harassment, or retaliation must first file a complaint with NCDOT's EEO Manager within **15 calendar days** of the alleged act of discrimination, harassment, or retaliation that is the basis for the complaint. The complaint must be filed in writing. We recommend that the complainant use the EEO Informal Complaint Intake Form available at <http://www.ncdot.gov/programs/eoo/> to file the complaint.

Step 2: Deliver the Complaint within 15 Calendar Days: Unlawful discrimination, harassment, or retaliation complaints must be delivered within **15 calendar days** of the alleged act of discrimination, harassment, or retaliation that is the basis for the complaint using one of the following methods:

- A. **Mail** - The complaint may be mailed to the mailing address or physical address and must be received by the deadline.

Mailing Address

NC Department of Transportation
Office of Civil Rights
1511 Mail Service Center
Raleigh, NC 27699-1511

Physical Address

NC Department of Transportation
Office of Civil Rights
Raney Building
104 Fayetteville Street
Raleigh, NC 27601

- B. **FTS** – NCDOT employees may use the File Transfer System (<https://fts.dot.state.nc.us>) to submit the written complaint form to jweley@ncdot.gov by the deadline.
- C. **Fax** – The complaint may be faxed to 919-508-1814 and the fax delivery date must meet the deadline.
- D. **Hand Delivery** – The complaint may be hand delivered to the Office of Civil Rights and the date of delivery must meet the deadline.
- E. **E-Mail** - The complaint may be e-mailed to EEOManager@ncdot.gov and the date emailed must meet the deadline.

External Filing of a Discrimination Charge: A charge of unlawful discrimination, harassment, or retaliation may also be filed directly with the Equal Employment Opportunity Commission (EEOC) in addition to or instead of filing through the internal grievance process. Information about filing an EEOC charge and deadlines for filing the charge can be found at: <http://www.eeoc.gov/employees/charge.cfm> or by calling the EEOC at 1-800-669-4000. Information about filing through the Civil Rights Division of the Office of Administrative Hearings can be found at: <http://www.ncoah.com/civil/> or by calling 919-431-3036. You may not, however, file a contested case with the Office of Administrative Hearings if the internal process has not been completed.

How a Complaint of Unlawful Discrimination, Harassment, or Retaliation is Investigated

If the written complaint of discrimination is timely filed and the complainant alleges facts that would constitute unlawful discrimination, harassment, or retaliation, the following steps will occur:

Step 1: The complaint will be assigned to an EEO investigator.

Step 2: The complainant will be contacted to confirm receipt of the complaint, to seek clarification of the complaint, and to inform the employee of the EEO Informal Inquiry Process.

Step 3: A notification letter will be sent to the alleged discriminating official's chain of command informing him or her of the filing, which will include a copy of the EEO Informal Intake Form and the complaint.

Step 4: The investigation must be completed within **45 calendar days** of receipt of the complaint, unless an extension is agreed upon by the complainant. Any extension will not exceed **15 calendar days**.

Step 5: Once the investigation is concluded, a final investigative report will be submitted to the EEO Manager for review and concurrence.

Step 6: Upon concurrence, the outcome of the investigation will be communicated to the complainant and the appropriate manager. If the outcome of the investigation indicates reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred, management will take appropriate action to resolve the matter. If the complaint is successfully resolved, the employee will sign a letter of agreement with the NCDOT detailing the terms of the agreement. If the complaint is not successfully resolved, then the complainant may file a formal internal grievance within **15 calendar days** of his or her receipt of the EEO Informal Inquiry response.

Advisory Note: Refer to the OSHR Policy, Section 7 at: <https://oshr.nc.gov/policies-forms/discipline-appeals-grievances/employee-grievance-policy> for the complete Agency Employee Grievance Policy.