

# ***EEO Discrimination Complaint Manual***

*Diversity and Inclusion Unit*  
**Office of Workforce Engagement**  
**Department of Human Resource Management**  
**101 N. 14th Street, 12th Floor**  
**Richmond, VA 23219**  
**Toll Free 800-533-1414**  
**In the Metro Richmond Area 804-225-2136**  
**FAX 804-371-7401**  
**Web: [www.dhrm.virginia.gov](http://www.dhrm.virginia.gov)**  
**Email: [dei@dhrm.virginia.gov](mailto:dei@dhrm.virginia.gov)**

**EEO Discrimination Complaint Manual**

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## **General Information**

### ***§ 1.0 Authority***

The Office of Workforce Engagement (OWE) includes the Diversity and Inclusion Unit (D&I). Both offices are within the Department of Human Resources Management (DHRM). Collectively, each is dedicated to providing a broad range of leadership, services and guidance to the Commonwealth.

OWE enforces the Governor's Executive Order on Equal Opportunity and DHRM Policy 2.05, Equal Employment Opportunity.

### ***§ 1.1 Role***

Employees must first file a complaint with their respective agency by contacting their agency's Human Resource or EEO office for review and potential investigation. The D&I Unit assists with complaints of discrimination disputes by reviewing, on an appeals basis, complaints of discrimination after they are first adjudicated by the employing agency and a Final Agency Decision (FAD) is issued. This ensures that employee relations within agencies continue to be enhanced and an unwavering trust of the internal agency EEO process is built and maintained.

The EEO discrimination appeal procedure does provide an avenue through which employees may either appeal a FAD regarding discrimination allegations or file a discrimination complaint that qualifies due to a conflict of interest. D&I evaluates appeals and discrimination complaints for acceptance or rejection. If accepted, an investigation ensues as soon as administratively possible. If rejected, D&I's association with the matter concludes.

Evaluations of appeals and discrimination complaints due to a conflict of interest generally occur within six weeks. Investigations are generally concluded within 180 days of acceptance. Albeit rare, evaluations and investigations may exceed stated durations due to continued staff shortages and other unavoidable reasons.

D&I does not provide legal advice. Agencies should contact their assigned counsel at the Office of the Attorney General with any legal questions.

## ***§ 1.2 Contact Information***

Diversity and Inclusion Unit  
Office of Workforce Engagement  
Department of Human Resource Management  
101 N. 14th Street, 12 Floor  
Richmond, VA 23219  
Toll Free: 800-533-1414  
Metro Richmond Area: 804-225-2136  
Fax: 804-371-7401  
Web: [www.dhrm.virginia.gov](http://www.dhrm.virginia.gov)  
Email: [dei@dhrm.virginia.gov](mailto:dei@dhrm.virginia.gov)

## ***§ 1.3 Consultation***

Confidential advice regarding appeals and discrimination complaints are available via the contact information noted. See ***§ 1.2 Contact Information***.

Personnel will:

- Listen to your concerns.
- Explain relevant laws and policies.
- Advise regarding resolution options.
- Refer alternate state or federal agencies for assistance.
- Explain the filing process.

**Note: This Office does not provide legal advice. If the caller is an employee and needs legal advice, he or she should contact a private attorney. If the caller is calling on behalf of the agency and needs legal advice, he or she should contact his or her legal representative in the Office of the Attorney General.**

## **Appeals**

*The D&I Unit acts as an appeals body to review complaints of discrimination after they have been adjudicated by the employing agency first and a FAD has been issued. State employees alleging discrimination must first file a discrimination complaint with their agency for review and potential investigation. Please contact your agency's Human Resources Department to initiate the process*

## ***§ 2.0 Filing an Appeal to the FAD***

OWE has implemented a new online system\* to file an Appeal to the FAD issued by the agency. The D&I Unit will only accept forms that are timely and submitted online. See ***§ 2.1 Time Requirements for Filing an Appeal***. Please follow the instructions below to ensure that we receive your complaint.

1. Visit our [website](#) and follow the instructions for “How to File an Appeal”.
2. Click [here](#) to complete the EEO Appeal Form.

3. Complete all sections denoted with an asterisk (\*).
4. Please upload any Supporting Documentation that may assist us in determining acceptance of your complaint.
5. Please provide a signature to affirm that the information you shared is true to the best of your knowledge and belief.

Once your complaint has been submitted, no further action is required by you. Personnel from the D&I Unit will review your complaint and notify you of your complaint status. If you have questions, you may contact us at (804) 225-2136 or 1-800-533-1414. You can also email our Office at [dei@dhrm.virginia.gov](mailto:dei@dhrm.virginia.gov).

**Note: The complainant is reminded that they cannot present new evidence. The complainant must show that based on the evidence presented during the investigation, the agency should have found in their favor.**

**\* OWE will no longer accept mailed or paper complaint forms. All forms should be completed and submitted online. If you require assistance, please contact our Office.**

### ***§ 2.1 Time Requirements for Filing an Appeal***

An employee's appeal must be filed with D&I **within 15 calendar days** of the date of the FAD.

The date the appeal is filed is the date on which it is postmarked, hand delivered, submitted, or faxed to D&I.

Failure to timely file the appeal will result in the appeal being administratively closed and such failure will be excused only due to extraordinary circumstances.

## **Complaints Due to a Conflict of Interest**

### ***§ 3.0 Conditions***

D&I will directly receive discrimination complaints if any of the following conflict of interest issues are applicable:

1. The complaint is against an Agency Head.
2. The complaint is against an EEO Manager.
3. The complaint is against a HR Director.

D&I will evaluate such complaints for acceptance or rejection. D&I will promptly provide written notification of its decision. If accepted, an investigation ensues as soon as administratively possible. If rejected, D&I's association with the matter concludes.

### ***§ 3.1 Filing a Complaint Due to a Conflict of Interest***

Please use our online filing system\* and follow the instructions below to ensure that we receive your complaint.

1. Visit our [website](#) and follow the instructions for “How to File a Discrimination Due to a Conflict of Interest”.
2. Click [here](#) to complete **EEO Conflict of Interest**.
3. Complete all sections denoted with an asterisk (\*).
4. Please upload any Supporting Documentation that may assist us in determining acceptance of your complaint.
5. Please provide a signature to affirm that the information you shared is true to the best of your knowledge and belief.

Once your complaint has been submitted, no further action is required by you. Personnel from the D&I Unit will review your complaint and notify you of your complaint status. If you have questions, you may contact us at (804) 225-2136 or 1-800-533-1414. You can also email our Office at [dei@dhrm.virginia.gov](mailto:dei@dhrm.virginia.gov).

**\* OWE will no longer accept mailed or paper complaint forms. All forms should be completed and submitted online. If you require assistance, please contact our Office.**

*Please note that filing with the Commonwealth does not preclude you from filing a complaint federally with the U.S. Equal Employment Opportunity Commission (EEOC).*

*In the State of Virginia, an individual has 300 days from the date of alleged discriminatory incident(s) to file a charge with the EEOC against an employer with 15 or more employees for discrimination based on race, color, national origin, sex, religion, genetic information, and/or disability. In the State of Virginia, an individual has 300 days from the date of alleged harm to file a charge with the EEOC against a private, city or county employer with 20 or more employees for discrimination based on age.*

### ***§ 3.2 Time Requirements for Filing a Complaint Due to a Conflict of Interest***

All state employees, former state employees, and applicants for state employment may file a complaint of discrimination if they meet the requirements as outlined in § 3.0 Conditions.

Persons meeting the above requirements, may file a Discrimination Complaint with D&I unit within 180 calendar days of the last act of alleged discrimination.

The date the complaint is filed is the date on which it is submitted through the online system.

#### ***§ 4.0 Agency Responsibilities***

Agencies should have EEO Personnel that have received training in conducting EEO Investigations preferably by the Equal Employment Opportunity Commission's Training Institute.

Agencies are responsible for developing EEO Policy statements and informing employees of such policies.

Agencies should develop an EEO complaint process by which they can collect information related to allegations of discrimination. Agencies must inform employees and applicants of their EEO rights.

Agency Heads, Managers, and Supervisors should receive relevant EEO training. Agency Heads should have awareness of complaints within their agency.

Agencies must inform employees of their right to file an appeal to DHRM's Office of Workforce Engagement's Diversity, Equity, and Inclusion Unit, if they are not satisfied with the final agency decision issued by their employing agency.

To protect employee rights to appeal within 15 calendar days of the FAD, the FAD must be dated the same date it is presented to the employee.

If an employee appeals the FAD, the agency's Human Resource Office and/or EEO Office must provide a copy of the agency FAD with all attachments.

## **Other Resources**

### **§ 5.0 Equal Employment Opportunity Commission**

Filing with the Commonwealth does not preclude you from filing a complaint federally with the [U.S. Equal Employment Opportunity Commission \(EEOC\)](#). You are encouraged to visit the EEOC Public Portal to file a complaint.

The EEOC Richmond Local Office is located at:  
400 N. Eighth Street  
Suite 350  
Richmond, VA 23219  
Phone: 1-800-669-4000  
Fax: (804) 771-2224  
TTY: 1-800-669-6820  
ASL Video Phone: 844-234-5122

### **§ 5.1 Employee Dispute Resolution**

Some cases may be more suited for resolution through the Department of Human Resource Management's Office of [Employment Dispute Resolution](#) (EDR). EDR provides state agencies and their employees with a broad range of workplace dispute resolution tools that assure solutions to workplace conflict consistent with the Commonwealth's human resource policies and related law.

EDR does not advocate for employees or management, but, rather, provides impartial services to assist in the resolution of workplace disputes.

EDR administers both the **grievance** procedure and **mediation** process. Both are viable options for resolving workplace disputes.

For information regarding either the grievance procedure or mediation process, please contact the EDR [Advice Line](#).



## § 5.2 Office of the Attorney General

Filing a complaint with the Commonwealth does not preclude employees from filing with the Office of Civil Rights within the [Office of the Attorney General](#) (OAG). To file with the OAG, complete the [Complaint Questionnaire Form](#). For additional information or assistance, please contact OAG directly.

The OAG is located at:  
202 North Ninth Street  
Richmond, VA 23219  
Phone: (804) 225-2292  
Fax: (804) 225-3294  
Email: [CivilRights@oag.state.va.us](mailto:CivilRights@oag.state.va.us)

## **Revisions**

1. Version 1; Revision 1, March 8, 2022: Changed email address from [eesvcs@dhrm.virginia.gov](mailto:eesvcs@dhrm.virginia.gov) to [dei@dhrm.virginia.gov](mailto:dei@dhrm.virginia.gov) on pages 1 and 4. Replaced “Subject to future revisions” in footer with “V1, Revision 1.”
2. Version 2; Revision 2, December 13, 2023” Changed Diversity, Equity, and Inclusion to Diversity and Inclusion Unit. Changed O.W.E to OWE. Revised How to file section.