

Diversity, Equity, and Inclusion

EEO Appeals Manual

Diversity, Equity, and Inclusion
Office of Workforce Engagement
Department of Human Resource Management
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EEO Appeals Manual
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General Information

§ 1.0 Authority

The Office of Workforce Engagement (O.W.E.) includes the Diversity, Equity, and Inclusion Unit (DEI). 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 and its stakeholders.

O.W.E. enforces the [Governor's Executive Order Number One \(2018\)](#) which requires that agencies of state government provide equal employment opportunity (EEO) to employees and applicants for employment in all aspects of personnel management and employment practices without regard to race, color, national origin, religion, sex, sexual orientation, gender identity, age, physical or mental disability, genetic information, veteran's status, or political affiliation. The Executive Order also prohibits retaliation against persons filing an appeal or discrimination complaint, and persons participating in the investigation of either.

§ 1.1 Role

Employees must first file a complaint with their respective agency for review and potential investigation. The DEI 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 DEI 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. DEI evaluates appeals and discrimination complaints for acceptance or rejection. If accepted, an investigation ensues as soon as administratively possible. If rejected, DEI'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.

DEI 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, Equity, and Inclusion
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
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Email: 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.

Appeals

§ 2.0 Filing an Appeal

1. Complete the **Notice of Appeal - Complainant**. The DEI Unit will only accept forms that are timely. See *§ 2.1 Time Requirements for Filing an Appeal*
2. Return the completed and signed **Notice of Appeal - Complainant** form by email, Fax, U.S. mail (or similar delivery service) or hand delivery. An unsigned form will delay appeal evaluation.

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.

§ 2.1 Time Requirements for Filing an Appeal

An employee's appeal must be filed with DEI **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 DEI.

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

DEI 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.

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

§ 3.1 Filing a Complaint Due to a Conflict of Interest

1. Complete and ***sign*** the Discrimination Complaint Form (DCF). An unsigned form will delay evaluation of the complaint.
2. If applicable, complete the Complaint Witness Information Form (CWIF) that identifies witnesses relevant to the complaint.
3. Attach additional documentation, if applicable. Additional documentation includes information substantiating events and actions associated with alleged discrimination involving the following protected classes: race, color, national origin, religion, sex (including pregnancy), sexual orientation, gender identity, age, physical or mental disability, genetic information, veteran's status, or political affiliation.
4. Return the completed and signed DCF and CWIF form(s) by email, Fax, U.S. mail (or similar delivery service) or hand delivery. An unsigned form(s) will delay an evaluation.

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.

If you have any questions, please do not hesitate to contact us at (804) 225-2136 or 1-800-533-1414.

§ 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 DEI unit within 180 calendar days of the last act of alleged discrimination.

The date the DCF is filed is the date on which it is postmarked, hand delivered, submitted, or faxed to DEI.

§ 4.0 Agency Responsibilities

Agencies must inform employees they have the right to file an appeal to DHRM's Office of Workforce Engagement's Diversity, Equity, and Inclusion Unit.

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.

Agencies currently under a shared service and do not have an internal EEO office or function, may request to enter into a Service Level Agreement with DEI to conduct EEO investigations. This service will be at a cost.

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

Revisions

1. Version 1; Revision 1, March 8, 2022: Changed email address from eesvcs@dhrm.virginia.gov to dei@dhrm.virginia.gov on pages 1 and 4. Replaced “Subject to future revisions” in footer with “V1, Revision 1.”