

CHAPTER 5

DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCESS

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CHAPTER 5

DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT PROCESS

1. INTRODUCTION. A discrimination complaint is defined as an allegation of illegal discrimination, harassment, or retaliation of which the primary or partial basis of the complaint or cause is the employee's or applicant's protected characteristic(s) or protected activity. The discrimination complaint process, including timeframes, extensions, and representation issues are outlined in this chapter and include procedures established to respond to informal and formal Equal Employment Opportunity (EEO) complaints filed with the Department (internal) and other state or federal compliance agencies (external).

a. Objectives. The objectives of the Department's discrimination complaint process are to:

(1) Provide a uniform method for departmental employees and applicants to bring forward complaints which allege discrimination, harassment, and/or retaliation.

(2) Afford all employees and applicants the opportunity to express their concerns through both the informal and formal complaint processes.

(3) Allow the opportunity for complaints to be resolved at the lowest appropriate level.

(4) Provide management the opportunity to correct inappropriate behavior and practices through education, training, and corrective action.

b. Intent of the Process. The discrimination complaint process does not prohibit employees or applicants from filing a complaint with state or federal compliance agencies, or from filing an action with the appropriate court.

(1) The process is intended as a means of resolving complaints quickly, equitably, and at the lowest appropriate level using trained departmental EEO counselors and EEO investigators.

(2) Departmental EEO counselors and EEO investigators are available in each Division and receive initial and ongoing training to ensure the quality of the discrimination complaint process.

(3) The process is intended to ensure each complaint receives full consideration, an appropriate remedy when applicable, and a timely closure.

2. POLICY.

a. It is the policy of the California Highway Patrol (CHP) to provide an internal process to resolve complaints alleging discrimination, harassment, and/or retaliation in departmental employment practices related to recruitment, selection, appointment, compensation, promotion, transfer, training, and other terms and conditions of employment.

(1) This process pertains specifically to complaints alleging discrimination or harassment based on a protected characteristic(s), and retaliation against employees/applicants for participation in a protected activity. (Refer to Chapter 2 of this manual for detailed information on protected characteristics and protected activities.)

(2) The discrimination complaint process consists of an internal and/or an external process. Each of these processes is comprised of various steps and levels (refer to paragraphs 4. and 5. of this chapter for more detailed information). A complainant may discontinue the complaint at any point in the process. However, the Department may continue its review of the matter to ensure compliance with departmental EEO policies.

b. The establishment of this process does not diminish the Department's continuing cooperation with designated state and federal compliance agencies in attempts to resolve discrimination complaints filed with those agencies.

(1) The designated state agencies include the California Civil Rights Department (CRD), the Department of Industrial Relations (DIR), and the State Personnel Board (SPB).

(2) The designated federal agencies include the Equal Employment Opportunity Commission (EEOC) and the Department of Labor (DOL).

c. The discrimination complaint process shall ensure each complaint receives prompt and impartial consideration.

3. ROLES AND RESPONSIBILITIES.

a. Commissioner. As the appointing power, the Commissioner is ultimately responsible for ensuring the Department has an effective discrimination complaint process administered by the EEO officer, who is appointed by the Commissioner.

b. Deputy Commissioner. The Deputy Commissioner's responsibilities is to review complaints which have been appealed to ensure all facts relevant to the

case have been gathered, and authorize additional investigations, if warranted. The Deputy Commissioner is the final level of review and will render a final decision for internally filed discrimination complaint appeals.

c. Equal Employment Opportunity Officer.

(1) The EEO officer shall be appointed by the Commissioner, and reports EEO-related issues to the Commissioner. However, the EEO Officer may receive functional direction from the Deputy Commissioner.

(2) The role of the EEO officer is to provide oversight of the Department's EEO programs, including the discrimination complaint process.

(3) The EEO Officer confers with the EEO Investigations Unit and the Department's Office of Legal Affairs (OLA) on all formal complaints filed both internally and externally.

(4) The EEO officer is the final level of review for all formal complaints filed both internally and externally.

(5) The EEO officer is to provide external compliance agencies with a timely written response setting forth the Department's position to external discrimination complaints.

(6) The EEO officer will submit the Department's final decision to the Division commander for dissemination of closing documentation.

d. Division Commander.

(1) The role of the Division commander is to take immediate and appropriate action to resolve the discrimination complaint at the lowest appropriate level. When internally filed discrimination complaints are received, Division commanders are to:

(a) Accept all internal complaints which are submitted within the timeframes specified.

(b) Ensure EEO counselors and EEO investigators perform their duties without fear of reprisal, and complainants, respondents, and witnesses are not subjected to retaliation for involvement in the discrimination complaint process.

(c) Requests of additional training needs for, or the decertification of, EEO counselors who do not follow departmental policy regarding the

EEO counselor roles and responsibilities as outlined in paragraph 6. of this chapter may be made via e-mail to CHP-EEO-Complaints@chp.ca.gov.

(d) Ensure the Division Training Coordinator distributes the first and third quarter training materials provided by the EEO officer to all commands within their respective Division.

(e) Provide the complainant with a timely written response, inform the complainant of their rights to file a complaint with a state or federal compliance agency, and notify the respondent(s) of the Department's decision.

e. Area Commander.

(1) The Area commander is responsible for ensuring the EEO training material provided by the EEO officer is presented every first and third quarters of the calendar year to their respective command.

(a) An EEO counselor assigned to the command or, in the absence of an EEO counselor, the commander or designee, will present the training material in its entirety.

(b) The material may be presented during Area training days, Commander's Hour, all-staff meetings, or any other formal training forum.

(c) The command shall note the training date, attendees, and the topic. All training shall be entered into the Employee Training Records System under the preselected line entry, "EEO Semiannual Presentation."

(2) The role of the Area commander in the discrimination complaint process is to:

(a) Provide full support to the EEO counselor program.

(b) Ensure a suitable, private location is available for the complainant and other involved parties to discuss complaints with EEO counselors and/or investigators.

(c) Attempt to resolve informal complaints fairly and expeditiously by acknowledging receipt of the CHP 612C, Informal Discrimination Complaint Transmittal, from the Division commander and taking appropriate action if required.

(d) Caution the respondent(s) and complainant(s) that retaliation against anyone involved in the investigative process is prohibited and may result in adverse action.

(3) When addressing issues involving alleged discrimination, harassment, and/or retaliation not filed through the discrimination complaint process, Area commanders shall notify their Division commander.

f. Equal Employment Opportunity Investigations Unit.

(1) The EEO Investigations Unit is the overall administrator of the discrimination complaint process.

(2) The responsibilities of the EEO Investigations Unit include:

(a) Overseeing all discrimination, harassment, and retaliation complaint activity.

(b) Developing and providing training to EEO counselors and EEO investigators.

(c) Maintaining records and a complaint tracking system (refer to Chapter 7 of this manual for the retained records).

(d) Maintaining liaison with appropriate organizational units, state and federal compliance agencies, and/or individuals.

(e) Acknowledging receipt of all external charges and/or complaints.

(f) Providing approved written responses to state and federal compliance agencies for external complaints filed with those agencies.

(g) Providing information, guidance, and technical assistance to all parties involved, when applicable.

(h) Assigning EEO Investigations Unit staff to assist the EEO investigator assigned to a formal discrimination complaint investigation.

(i) Reviewing complaint files for completeness.

(j) Coordinating with OLA for legal counsel.

(k) Notifying the EEO officer when externally filed complaints are closed by a state or federal compliance agency.

- (l) Ensuring deadlines and target dates are met.
- (m) Assisting in adjudicating problems when called upon.
- (n) Maintaining appropriate discrimination, harassment, and retaliation complaint files.
- (o) Preparing and disseminating training materials to all commands through their respective Divisions on a semi-annual basis to provide an overview of the EEO counselor and investigator programs, their respective functions, and raise general awareness of EEO topics.

(3) The EEO Investigations Unit will coordinate with the Internal Affairs Section for serious misconduct reporting requirements pursuant to Section 13510.9 of the California Penal Code.

g. Office of Legal Affairs. The OLA provides legal counsel, represents the Department during administrative hearings, and renders informal opinions and advice regarding the legal aspects of discrimination, harassment, and retaliation complaints.

h. Office of the Attorney General. At the Department's request, the Attorney General provides legal counsel and representation, and renders opinions and advice regarding the legal aspects of discrimination, harassment, and retaliation complaints.

i. Equal Employment Opportunity Counselors.

(1) The role of the EEO counselor is to be an independent, accessible, and objective link between employees and management.

(2) The EEO counselors are responsible for the intake of informal discrimination, harassment, or retaliation complaints and may refer an employee to departmental policy regarding the discrimination complaint processes and definitions.

(3) The EEO counselor's role is to establish and provide an open channel of communication through which employees may raise questions, discuss concerns, receive answers, and obtain informal resolutions.

(a) The EEO counselors are objective resources for employees and are not to interject personal beliefs or opinions into the process. It is not the role of an EEO counselor to investigate or suggest possible remedies to potential complaints.

(4) The EEO Counselors, who are also supervisors, must be aware their primary role is that of a supervisor. If a supervisor is made aware of an EEO issue, the supervisor shall take appropriate action and shall make notification through their chain of command. After the supervisory duties have been satisfied, and with the concurrence of the Division Commander, the supervisor may continue with the delivery of EEO Counselor services.

(a) If the decision is made not to continue with the delivery of EEO counselor services, the supervisor should refer the employee to the EEO counselor list for their Division. The current EEO counselor list may be obtained via email at CHP-EEO-Complaints@chp.ca.gov.

(5) The EEO counselors serve at the discretion of the Division commander and are selected by, and are functionally responsible to, the appropriate Division commander when performing counselor duties.

(6) Employees who serve as employee representatives or alternate employee representatives in personnel actions may also serve as EEO counselors. However, the EEO counselor/representative shall not be a person subject to the same investigation or be a witness in the investigation.

j. Equal Employment Opportunity Investigators.

(1) An EEO investigator has the responsibility for inquiring into, and reporting findings of fact on, formal complaints alleging discrimination, harassment, or retaliation in departmental employment practices covering recruitment, selection, appointment, compensation, transfer, training, and other terms and conditions of employment. The EEO investigator's role is to:

(a) Assess the complaint to ensure it meets the established standards of prima facie, and the complaint is related to the complainant's protected characteristic(s) and/or protected activity.

(b) Ensure the charge(s) and allegation(s) accepted for investigation is/are investigated completely, impartially, and within the established timeframes.

(c) Ensure the Public Safety Officers Procedural Bill of Rights Act (POBR) provisions are strictly adhered to for all employees except cadets.

(d) Ensure employees interviewed are advised of the purpose of interview and that retaliation against anyone involved in the investigative process is prohibited and may result in adverse action.

- (e) Inform the complainant they have the right to be assisted by a representative of their choice.
 - (f) Prepare an Investigative Summary addressing each charge and allegation accepted for investigation. (Refer to Chapter 6, Discrimination, Harrassment, and Retaliation Complaint Investigations, of this manual for more details on the investigative process.)
 - (g) Not discuss the merits of the case with the parties involved in the investigation.
 - (h) Maintain the confidentiality of all aspects of the investigation, except with those determined to have a need to know (e.g., Division commander, the EEO Investigtions Unit).
- (2) The EEO Investigator shall not make a final decision about the merits of the complaint. The role of the EEO Investigator is to gather evidence and present the facts.
- (3) The assigned primary EEO Investigator shall be at least one rank higher than the involved employee, unless otherwise approved by the Division commander or appropriate Assistant Commissioner.

4. INTERNAL DISCRIMINATION COMPLAINT PROCESS. The Department's internal discrimination complaint process is available to departmental applicants and employees, including cadets. The discrimination complaint process contains two distinct levels: the informal level (EEO counselors) and the formal level (EEO investigators). It is in the best interest of the employee and the Department to have discrimination complaints resolved at the lowest appropriate level whenever possible.

a. Informal Level (Counseling).

(1) The complainant has three years from the last incident to contact an EEO counselor regarding discrimination, harassment, and retaliation related issues. However, employees are encouraged to timely raise concerns when they first arise as there may be time limitations in elevating a complaint.

(a) The current EEO counselor list may be obtained via e-mail to CHP-EEO-Complaints@chp.ca.gov. The complainant should indicate to the EEO counselor to what degree they desire the complaint to remain anonymous at the informal stage.

(b) It should be noted that if a complaint involves allegations of such an egregious nature, anonymity cannot be assured because of the Department's legal obligation to take immediate and appropriate corrective action.

(c) The EEO counselor shall be within the same Division as the complainant. If a complainant feels they would not be comfortable with an EEO counselor within their Division, approval to seek assistance from another Division shall be requested through the EEO Investigations Unit via e-mail at CHP-EEO-Complaints@chp.ca.gov or by memorandum.

(d) The EEO counselors must be separate from the formal complaint process.

(e) The EEO counselors have the option to decline requests for EEO counselor services whenever a situation involves a conflict of interest, a workload priority, or a time constraint. These situations can include: personal knowledge or involvement in the incident(s), personal association with the involved parties, personal opinions or reactions to the actions in question, work activities that have restricting timeframes for completion, work assignments that require absence from work location, vacations or medical treatment already scheduled, or any other activity that may impact the delivery of EEO counselor services.

(2) The EEO counselor shall:

(a) Inform their immediate supervisor of the receipt of an informal complaint and request the necessary time to deliver EEO counselor services.

(b) Listen to the complaint and advise the complainant they are entitled to an informal, confidential meeting with a trained EEO counselor to discuss the complaint while using a reasonable amount of state time.

(c) Inform the complainant their identity will remain anonymous at the informal stage if the complainant so desires; however, the respondent(s) shall be named.

1 When discussing anonymity and confidentiality, the EEO counselor will explain the differences:

a) Anonymity means the EEO counselor does not name or identify the complainant to anyone. Anonymity is only guaranteed at the informal level. Once a discrimination,

harassment, or retaliation complaint is escalated to the formal level, anonymity cannot be guaranteed.

b) Confidentiality means the names or identities of the complainant and respondent(s) will only be disclosed to parties who are a part of the resolution process or who have legal access to such information and have a legitimate need-to-know.

2 If the complainant elects to waive anonymity, obtain permission by having the complainant check the waiver of anonymity check box and initial on the CHP 612B, Informal Discrimination Complaint.

(d) Advise the complainant that if they are not satisfied by the conclusion of the informal process, they have a right to file a formal complaint.

NOTE: The EEO counselor shall not suggest remedies, nor shall they introduce or infer additional allegations. Additionally, the counselor shall not review employee personnel files, nor gather any information normally obtained through the investigative process.

(3) Documentation.

(a) Initial Meeting with the Complainant. All concerns brought to an EEO counselor by a complainant shall be documented on a CHP 612B. This includes concerns that do not meet the prima facie of an EEO complaint as well as instances when the complainant does not wish to pursue an EEO complaint. The CHP 612B shall be forwarded by the EEO counselor to the appropriate Division commander within five working days for review and action as necessary.

(b) Follow-up Meeting with the Complainant. The EEO counselor will explain the proposed remedy of the Division commander. The complainant will check the appropriate box regarding their satisfaction of the remedy and sign and date the CHP 612B. The EEO counselor will also sign and date the CHP 612B. After all signatures have been obtained, the original CHP 612B shall be forwarded to the appropriate Division commander within five working days for completion of the CHP 612C.

(4) The Division commander shall:

(a) Ensure a suitable location is provided for complainants to discuss concerns in private.

- (b) Communicate with the EEO Counselor and ensure the EEO counselor has logistical support, as applicable, while conducting a counseling session.
- (c) Ensure the affected commander's cooperation during the informal process.
- (d) Conduct an inquiry into the complainant's concern(s) and provide the proposed remedy to the EEO counselor within 14 days of receipt of the CHP 612B.
- (e) Complete a CHP 612C within five working days of receiving the completed 612B.
- (f) If the Division commander advises the EEO officer that resolution of the complaint is desirable at any time prior to the completion of an investigation, the EEO officer will perform an assessment of the complaint. Additional input from the Division commander will be sought, as appropriate.

b. Formal Level (Investigation). An employee who believes they have experienced discrimination, harassment, or retaliation by a CHP employee or by a departmental employment practice may forgo the informal discrimination complaint process and file a formal discrimination complaint on a CHP 612, Formal Discrimination Complaint. The complainant has three years from the last incident to file a CHP 612. Additionally, a complainant who disagrees with the results of the informal complaint process may file a formal discrimination complaint on a CHP 612 with the Division commander within ten working days from the date of receipt of the EEO counselor's CHP 612B. This does not preclude an employee from filing a formal discrimination complaint with an external compliance agency (refer to paragraph 5. of this chapter). The CHP 612 will be included in the final investigative file.

NOTE: Former employees, contractors, and vendors may also file a formal discrimination complaint with the Department or with an external compliance agency.

(1) Equal Employment Opportunity Investigations Unit. Consistent with Section 12946 of the California Government Code, employers are required to preserve relevant documents for at least four years from when a complaint is filed, through final disposition of all administrative, civil, appeals, and related proceedings. Upon notification of a formal EEO complaint, the EEO officer or designee shall send an e-mail to the affected command(s) with directions on the transmission of pertinent records.

(2) The Division commander shall:

(a) Coordinate with the EEO officer on the assignment of an impartial, trained, EEO investigator.

(b) When applicable, the respondent(s) should be informed the charge is being investigated.

(c) Contact the EEO officer if, at any time prior to the completion of the investigation, a resolution is possible.

(d) Contact the EEO officer when information is developed during an investigation that warrants consultation or advice from OLA.

c. Internal Discrimination Complaint Appeals.

(1) A complainant who is not satisfied with the investigation results in the Letter of Determination (LOD), may file an appeal with the Deputy Commissioner by emailing a CHP 612A, Discrimination Complaint Appeal, to CHP-EEO-Complaints@chp.ca.gov within ten working days of receipt of the LOD. The CHP 612A will be included in the final investigative file.

(2) If necessary, the Deputy Commissioner may authorize the EEO officer and/or the EEO Investigations Unit to conduct further investigation.

(3) The Deputy Commissioner, or designee, shall submit, in writing, the Department's decision to the complainant, and appeal rights, if applicable within 90 days.

(4) A complainant who is not satisfied with the Department's decision may file a complaint with an external compliance agency.

d. Amendments to Discrimination Complaints.

(1) Amendments to complaints may be allowed at any stage of the process by the appropriate reviewing authority until an appeal has been filed.

(a) New information completely unrelated to the original complaint will be considered the basis for a new discrimination complaint and will be treated as such; therefore, it will be necessary to contact a trained EEO counselor and file an informal discrimination complaint.

(2) All amendments shall be submitted in writing and made part of the original complaint file.

5. EXTERNAL DISCRIMINATION COMPLAINT PROCESS. A complainant (departmental employee, former departmental employee, applicant, volunteer, or vendor) who believes they have experienced discrimination, harassment, or retaliation by an employee of the Department may file a complaint with a state or federal compliance agency.

a. Externally Filed Discrimination Complaints. The state or federal compliance agency will notify the Department when a charge has been filed.

NOTE: The original complaint is normally submitted to the EEO officer for processing. If a Division or Area receives the original external compliance agency charge, it shall be forwarded immediately to the EEO officer for processing.

b. Equal Employment Opportunity Officer. The EEO officer shall coordinate with the affected Division Commander for the assignment of a trained EEO investigator.

c. Division Commander. The Division commander shall:

(1) Coordinate with the EEO officer on the assignment of an impartial, trained EEO investigator upon receipt of the external complaint from the EEO officer.

(2) Notify the affected commander and, if applicable, the named respondent(s) of the complaint.

(3) Contact the EEO officer when information is obtained during an investigation that warrants consultation, or advice, from OLA.

(4) When a final determination is received from the external agency via the EEO Investigations Unit, a copy of the notification is forwarded to the appropriate Division commander from the EEO officer. The Division commander then notifies the employee's commander and the respondent(s) within five working days of receipt of notification from the EEO officer of the external compliance agency's determination.

d. Equal Employment Opportunity Investigations Unit. The EEO Investigations Unit will prepare a response to the appropriate compliance agency based upon the findings of the investigation.

e. Timeframes and Basis for Externally Filed Discrimination Complaints. If a complainant believes they have been the subject of discrimination, harassment, or retaliation, they may elect to bypass the Department's internal discrimination complaint process and file a complaint externally. Information and timeframes regarding filing an external complaint can be found below:

(1) Equal Employment Opportunity Commission—Federal. For information regarding the discrimination complaint process for the Equal Employment Opportunity Commission (EEOC), refer to the EEOC's website at [Home | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](#).

(2) Civil Rights Department—State of California. For information regarding the discrimination complaint process for the Civil Rights Department (CRD), refer to the CRD's website at [CRD | Civil Rights Department \(ca.gov\)](#).

(3) State Personnel Board—State of California. For complaints regarding medical condition, mental or physical disability, and the denial of reasonable accommodation, refer to the State Personnel Board (SPB) website at [State Personnel Board \(ca.gov\)](#).

6. TRAINING OF EEO COUNSELORS AND EEO INVESTIGATORS.

a. All uniformed employees at the rank of lieutenant and above should receive EEO Investigator training. Uniformed employees at the rank of sergeant may receive the EEO Investigator training with approval from their respective Division commander.

b. Nonuniformed employees at the rank of manager and above may receive the EEO Investigator training with approval from their respective Division commander.

c. Personnel selected as EEO counselors and EEO investigators will receive either initial EEO counselor and/or initial EEO investigator training as appropriate.

d. All EEO counselors are trained to assist an employee in determining whether their complaint is based on the employee's protected characteristic(s), or for participating in a protected activity, or for utilizing a protected leave. An EEO counselor explains the principles of confidentiality and neutrality; advises the employee of their rights and responsibilities; and provides an environment for open dialogue. The EEO counselor acts with the goal of an early and informal resolution of a complaint before the filing of a formal complaint.

e. All EEO investigators are trained to act as neutral fact finders and are trained in the process of conducting investigations of formal discrimination complaints, whether filed internally or externally. The EEO investigator's primary responsibility is to gather sufficient evidence relevant to the complaint issue which would provide the basis for determining whether the action complained of was the result of an EEO policy violation.

f. All EEO counselors and EEO investigators shall attend recertification training at least once every 24 months.

(1) An EEO counselor or EEO investigator will be temporarily decertified for not attending recertification training during the 24-month recertification cycle.

(2) To be reinstated as an EEO counselor or EEO investigator, the Division commander must approve the reinstatement.

(a) An approved reinstatement of a decertified EEO counselor or EEO investigator will require the employee to take the recertification training within 12 months of the employee's decertification date.

(b) If more than 12 months have lapsed since the employee's decertification date, an approved reinstatement of a decertified EEO counselor or EEO Investigator will require the employee to retake the applicable training course (Initial EEO counselor or Initial EEO investigator).

(3) An EEO counselor who wishes to be deleted from the list of Division EEO counselors must submit their request via memorandum to their respective Division commander or via e-mail at CHP-EEO-Complaints@chp.ca.gov. When approved by a Division commander, the approving documents must be submitted to the EEO Investigations Unit. The EEO counselor will remain on the EEO counselor list through the end of the quarter.

7. COMPLAINTS NOT FILED THROUGH THE EEO COMPLAINT PROCESS.

a. If any employee believes they have witnessed discrimination, harassment, or retaliation against an employee or applicant, the employee may bring it to the attention of a supervisor and/or manager.

b. If any employee believes they have been discriminated, harassed, or retaliated against and brings it to the attention of a supervisor and/or manager, but does not wish to file a discrimination complaint, the supervisor/manager shall notify the affected commander. The commander shall determine if a formal complaint is warranted.

(1) The supervisor/manager is legally obligated to ensure the work environment is free of discrimination, harassment, and retaliation.

(2) All matters where no formal complaint has been filed should, if necessary, be investigated in accordance with HPM 10.12, Equal Employment Opportunity Manual.

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ANNEX A

DIVISION COMMANDER'S CHECKLIST FOR EXTERNALLY FILED DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINTS

- ✓ Immediately forward any original compliance agency charge and/or correspondence to the EEO officer for processing.
- ✓ Coordinate with the EEO officer on the assignment of an impartial, trained EEO investigator upon receipt of an external complaint from the EEO officer.
- ✓ Notify the affected commander and, if applicable, the named respondent(s) of the complaint.
- ✓ Ensure the investigation is completed by the assigned date.
- ✓ Contact the EEO officer when information is obtained during an investigation that warrants consultation with, or advice from, OLA.
- ✓ When a final determination is received from the external agency via the EEO Investigations Unit, a copy of the notification is forwarded to the appropriate Division commander from the EEO officer. The Division commander then notifies the employee's commander and the respondent(s) within five working days of receipt of notification from the EEO officer of the external compliance agency's determination.

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ANNEX B

DIVISION COMMANDER'S CHECKLIST FOR INTERNALLY FILED DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINTS

- ✓ Meet with the EEO counselor and provide support, as applicable, while conducting counseling.
- ✓ Provide remedies, when appropriate, for resolution of complaints outside the affected commander's authority.
- ✓ Ensure affected commander's cooperation during counseling sessions.
- ✓ Take appropriate action upon receipt of the EEO counselor's CHP 612B advising they were contacted regarding a discrimination, harassment, or retaliation issue where the complainant did not wish to file a complaint.
- ✓ Conduct an inquiry into the complainant's concern(s) and provide the proposed remedy to the EEO counselor within 14 days of receipt of the CHP 612B.
- ✓ Complete a CHP 612C within five working days after receiving the completed CHP 612B (complainants' signature on page 2).
- ✓ Forward the original discrimination complaint package, including the CHP 612B and/or CHP 612 along with the Division commander's CHP 612C, to the EEO Investigations Unit email at CHP-EEO-Complaints@chp.ca.gov and provide a copy to the affected commander.
- ✓ Coordinate with the EEO officer on the assignment of an impartial, trained EEO investigator upon receipt of an external complaint from the EEO officer.
- ✓ Contact the EEO officer at any time prior to the completion of the investigation when resolution is possible.
- ✓ Contact the EEO officer when information is obtained during an investigation that warrants consultation with, or advice from, OLA.
- ✓ Conduct a thorough review of the completed investigation.
- ✓ Submit the LOD to the complainant within five working days of approval from the EEO officer.
- ✓ Copies of the signed LOD shall be sent to the EEO Investigation Unit.
- ✓ Notify the respondent(s) with a Memorandum Of Findings (MOF) and the Department's findings within five working days of approval from the EEO officer.
- ✓ Copies of the signed MOF shall be sent to the EEO Investigations Unit.

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