Discrimination Complaint Processing Form

New Jersey Department of Personnel

INSTRUCTIONS: This complaint form should be filed with the Equal Employment Opportunity/Affirmative Action Officer or the alternate designee for the State department, agency, commission, or State college/university where you work or applied for employment.

For detailed information on the complaint process, see the State of New Jersey Model Procedures for Processing Internal Complaints Alleging Discrimination in the Workplace (Model Procedures) on Page 2 of this form.

1. Name:	2. Name of State Dept., Agency, Commission or College:	3. Telephone (Work):
4. Job Title:	5. Division / Office / Facility:	6. Telephone (Home):
7. Home Address:	8a. Full name, title, and telephone number of person(s) you believe discriminated against you:	
8. Date(s) of discriminatory action(s):		

8c. Complainant's Status *(Check applicable box):*

☐ Employee ☐ Job Applicant ☐ Vendor/Contractor ☐ Other *(Please specify)* _____

9. Basis of Discrimination:

- ☐ Age
- ☐ Affectional/Sexual Orientation
- ☐ Ancestry
- ☐ Atypical Hereditary Cellular or Blood Trait
- ☐ Color
- ☐ Creed
- ☐ Disability
- ☐ Domestic Partnership Status
- ☐ Familial Status
- ☐ Gender Identity or Expression
- ☐ Genetic Information (including refusal to submit to or provide results of a genetic test)
- ☐ Liability for Military Service
- ☐ Marital /Civil Union Status
- ☐ Nationality
- ☐ National Origin
- ☐ Race
- ☐ Religion
- ☐ Sex/Gender (including pregnancy)
- ☐ Sexual Harassment
- ☐ Retaliation (for having filed a discrimination complaint, participating in a complaint investigation, or for opposing a discriminatory practice)

10a. Explain why you feel you have been discriminated against: ☐ CHECK IF ADDITIONAL SHEETS ARE ATTACHED

10b. Were the actions or behavior you are complaining about directed at, or said to, you ☐ and/or another party ☐ (third party harassment)?

10c. Was the incident reported to anyone? **Yes** ☐ **No** ☐ If yes, who and when?

10d. What remedy or resolution are you seeking?

10e. If appropriate, as determined by the EEO Officer, are you willing to attempt to resolve your complaint through mediation or another alternative dispute resolution (ADR) process? ☐ **YES** ☐ **NO**

10f. Complainant's Signature: _____ Date: _____

11. Have you filed a discrimination complaint with the

- N.J. Division on Civil Rights? ☐ **YES** ☐ **NO**
- U.S. Equal Employment Opportunity Commission? ☐ **YES** ☐ **NO**

12. Have you filed a grievance on the issues / personnel actions described? ☐ **YES** ☐ **NO**

13. Completion of this part is voluntary. The Information is to be used only for State and Federal record keeping and reporting requirements:

SEX: ☐ Male ☐ Female

RACE: ☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander ☐ White

ETHNICITY: ☐ Hispanic or Latino ☐ Not Hispanic or Latino

Note: In addition to filing an internal complaint, a complainant has a right to use external complaint filing procedures available under state law (with the NJ Division on Civil Rights) and federal law (with the US Equal Employment Opportunity Commission). Detailed information is contained in the Model Procedures found on Page 2 of this form.

DO NOT WRITE BELOW THIS LINE

EEO/AA Officer Signature: _____ Date Received: _____

New Jersey Department of Personnel

NEW JERSEY STATE
MODEL PROCEDURES FOR INTERNAL COMPLAINTS ALLEGING DISCRIMINATION IN THE WORKPLACE

Each State department, commission, State college or university, agency and authority (hereafter referred to in this section as "State agency") is responsible for implementing this model procedure, completing it to reflect the structure of the organization, and filing a copy of the completed procedure with the Department of Personnel, Division of EEO/AA.

1. All employees and applicants for employment have the right and are encouraged to immediately report suspected violations of the State Policy Prohibiting Discrimination in the Workplace, N.J.A.C. 4A:7-3.1.

2. Complaints of prohibited discrimination/harassment can be reported to either (Name of Officer), the EEO/AA Officer, or to any supervisory employee of the State agency. Complaints may also be reported to (Authorized Designee).

3. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.

4. Supervisory employees shall immediately report all alleged violations of the State of New Jersey Policy Prohibiting Discrimination in the Workplace to (Name of Officer), EEO/AA Officer. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.

5. If reporting a complaint to any of the persons set forth in paragraphs 2 through 4 above presents a conflict of interest, the complaint may be filed directly with the Department of Personnel, Division of EEO/AA, P.O. Box 315, Trenton, NJ 08625. An example of such a conflict would be where the individual against whom the complaint is made is involved in the intake, investigative or decision making process.

6. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a New Jersey Department of Personnel Discrimination Complaint Processing Form (DPF-481). An investigation may be conducted whether or not the form is completed.

7. Each State agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate. A copy of all complaints (regardless of the format in which submitted) must be submitted to the Department of Personnel, Division of EEO/AA, by the State agency's EEO/AA Officer, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed the complaint and, if applicable, the complaint notification letter sent to the person(s) against whom the complaint has been filed. If a written complaint has not been filed, the EEO/AA Officer must submit to the Division of EEO/AA a brief summary of the allegations that have been made. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court also must be submitted to the Division of EEO/AA.

8. During the initial intake of a complaint, the EEO/AA Officer or authorized designee will obtain information regarding the complaint, and determine if interim corrective measures are necessary to prevent continued violations of the State's Policy Prohibiting Discrimination in the Workplace.

9. At the EEO/AA Officer's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.

10. An investigatory report will be prepared by the EEO/AA Officer or his or her designee when the investigation is completed. The report will include, at a minimum:

a. A summary of the complaint;
b. A summary of the parties' positions;
c. A summary of the facts developed through the investigation; and
d. An analysis of the allegations and the facts.

The investigatory report will be submitted to (State agency head or designee) who will issue a final letter of determination to the parties.

11. The (State agency head or designee) will review the investigatory report issued by the EEO/AA Officer or authorized designee, and make a determination as to whether the allegation of a violation of the State's Policy Prohibiting Discrimination in the Workplace has been substantiated. If a violation has occurred, the (State agency head or designee) will determine the appropriate corrective measures necessary to immediately remedy the violation.

12. The (State agency head or designee) will issue a final letter of determination to both the complainant(s) and the person, against whom the complaint was filed, setting forth the results of the investigation and the right of appeal to the Merit System Board as set forth in Paragraphs 13 and 14, below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Division of EEO/AA, Department of Personnel shall be furnished with a copy of the final letter of determination.

a. The letter shall include, at a minimum:

1. A brief summary of the parties' positions;
2. A brief summary of the facts developed during the investigation; and
3. An explanation of the determination, which shall include whether:
   I. The allegations were either substantiated or not substantiated; and
   ii. A violation of the State's Policy Prohibiting Discrimination in the Workplace did or did not occur.

b. The investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint referred to in Paragraph 8, above, is completed.

c. The time for completion of the investigation and issuance of the final letter of determination may be extended by the State agency head for up to 60 additional days in cases involving exceptional circumstances. The State agency head shall provide the Division of EEO/AA and all parties with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension.

13. A complainant who is in the career, unclassified or senior executive service, or who is an applicant for employment, who disagrees with the determination of the (State agency head or designee), may submit a written appeal, within twenty days of the receipt of the final letter of determination from the (State agency head or designee), to the Merit System Board, PO Box 312, Trenton, NJ 08625. The appeal shall be in writing and include all materials presented by the complainant at the State agency level, the final letter of determination, the reason for the appeal and the specific relief requested.

a. Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The Commissioner may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in this section or a combination of procedures as the Commissioner deems appropriate. See N.J.A.C. 4A:2-1.7.

b. The Merit System Board shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate. See N.J.A.C. 4A:2-1.1(d).

c. The appellant shall have the burden of proof in all discrimination appeals brought before the Merit System Board.

14. In a case where a violation has been substantiated, and no disciplinary action recommended, the party (ies) against whom the complaint was filed may appeal the determination to the Merit System Board at the address indicated in Paragraph 13 above, within 20 days of receipt of the final letter of determination by the State agency head or designee.

a.The burden of proof shall be on the appellant.

b. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.

c. If disciplinary action has been recommended in the final letter of determination, the party(ies) charged may appeal using the procedures set forth in N.J.A.C. 4A:2-2 and 3.

15. The Director of the Division of EEO/AA shall be placed on notice of, and given the opportunity to submit comment on, appeals filed with the Merit System Board of decisions on discrimination complaints, regardless of whether or not the complaint was initially filed directly with the Director of EEO/AA.

16. Any employee or applicant for employment can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with external agencies indicated below are provided for informational purposes only. An individual should contact the specific agency to obtain exact time frames for filing a complaint. The deadlines run from the date of the last incident of alleged discrimination/harassment, not from the date that the final letter of determination is issued by the State agency head or designee.

Issued: December 16, 1999
Revised: June 3, 2005
Revised: August 20, 2007
See *N.J.A.C.* 4A:7-3.2

Employees may file complaints with the following agencies:

Division on Civil Rights
N.J. Department of Law & Public Safety
Within 180 days of the discriminatory act.

Trenton Regional Office
140 East Front Street
6th Floor - P.O. Box 090
Trenton, New Jersey 08625-0090
(609) 292-4605

Camden Regional Office
One Port Center
2 Riverside Drive, Suite 402
Camden, NJ 08103
(856) 614-2550

Paterson Regional Office
100 Hamilton Plaza, Suite 800
Paterson, NJ 07505
973-977-4500

Atlantic City Satellite Office
26 Pennsylvania Avenue
Atlantic City, NJ 08401
(609) 441-3100

Newark Regional Office
31 Clinton Street
P.O. Box 46001
Newark, NJ 07102
(973) 648-2700

United States Equal Employment Opportunity Commission (EEOC)
Within 300 days of the discriminatory act.

Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
(215) 440-2600
National Call Center
(800) 669-4000

Newark District Office
1 Newark Center 21st Floor
Raymond Boulevard McCarter Highway (Rt 21)
Newark, NJ 07102-5233
(973) 645-6385
National Call Center
(800) 669-4000