

## Complaint Process Appendix J

The Office of Management and Budget (OMB) is committed to the principles of Equal Employment Opportunity and Affirmative Action. There shall be no discrimination against any employee or applicant for employment with regard to race, color, religion, national origin, age, sex, mental or physical disability, sexual orientation, genetic information or status as a Vietnam Era Veteran. In accordance with Executive Order 8, any OMB employee or applicant who believes he or she was adversely affected by an employment decision resulting from bias, discrimination, or lack of equal employment opportunity has the right to file a complaint with one of the following offices:

Office of Management and Budget  
Personnel Office  
122 William Penn Street, Haslet Building  
Dover, DE 19901

Delaware Department of Labor  
Labor Law Enforcement  
4425 North Market Street  
Wilmington, DE 19802

An **informal** complaint is filed with the Personnel Office, Human Resources Manager or Affirmative Action Office within 15 days of the incident in which the allegation is based. The Human Resources Manager/Affirmative Action Officer's responsibility is to investigate the complaint and try to resolve the issue informally. This requires gathering facts and reporting to the employee or applicant within 30 days. If the employee or applicant still believes he or she was subjected to discrimination after hearing the Human Resources Manager's report, the person shall be advised of his or her right to meet with the Statewide EEO/AA Program Administrator or file a formal or external complaint with the Labor Law Enforcement Section of the Department of Labor or U.S. Equal Employment Opportunity Commission. If there is an apparent violation of Title VII of the Civil Rights Act of 1964 as amended, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967 as amended, Title I and Title V of the Americans with Disabilities Act of 1990, Sections 501 and 505 of the Rehabilitation Act of 1973 and Civil Rights Act of 1991, the Vietnam Era Veterans Readjustment Assistance Act of 1979, Federal Executive Order 11246 and State Executive Order 8, or Title 19 of the Delaware Code relating to discrimination in employment, the complainant shall be referred to the Labor Law Enforcement Section of the Department of Labor to file an external complaint.

A **formal** complaint is filed with the Personnel Office in accordance with Chapter 18 of the Merit System Rules within 14 calendar days of the date of the grievance matter or the date they could reasonably be expected to have knowledge of the grievance matter. The basis for this grievance can be due to a violation of the Merit Rules or any regulations or procedures established for the purpose of carrying out the Merit Rules. An employee may also appeal dismissals, demotions or suspensions directly to the Merit Employee Relations Board within 20 calendar days from the date of the action being imposed.

At the same time, an employee may file an **external** charge of discrimination with the Division of Industrial Affairs, Labor Law & Enforcement Section, Department of Labor within 120 days from the date of the alleged violation. The employee may file a charge with the U.S. Equal Employment Opportunity Commission within 300 calendar days from the alleged discrimination. With a complaint to the Labor Law Enforcement Section, a representative will review the employee's charge and decide whether there is a valid charge of discrimination. The Director of the Office of Management and Budget will receive a charge letter if the evidence

shows that a charge is valid. The Human Resources Manager will gather the facts, with assistance from the effected Director and prepare the response for approval by the Director of Human Resource Management and the Director of the Office of Management and Budget. This response is sent to the Department of Labor within 20 calendar days of receiving the charge letter.