



## MANAGEMENT DIRECTIVE

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CHAPTER NO.: 200 – Personnel Practices & Procedures

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SUBJECT: 210 – Discrimination Complaint Procedure

DATE: August 28, 1986

Revised: October 19, 2020

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### 211 - Purpose

The purpose of this directive is to provide a procedure for the administrative investigation, review, decision and action relative to allegations of unlawful discriminatory employment practices or acts.

### 212 - Scope

The Discrimination Complaint Procedure is available to employees or applicants for employment who allege unlawful discrimination or harassment including sexual harassment in any form (verbal, nonverbal, visual or environmental), affecting the complainant based upon any legally protected characteristic or status, including race (inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), color, religion, religious creed (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), national origin, ancestry, citizenship, disability (physical, mental, or special education), medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 years and older), sexual orientation, veteran and/or military status, leave from work protected under Federal and/or State law, domestic violence victim status, political affiliation, as well as any other basis protected by Federal or State law. Complaints shall be processed in accordance with steps delineated in the following sections.

### 213 - Informal Procedure

Fresno County has staff available in each department for informal consultations and resolutions when an individual feels that discrimination or harassment has or may have occurred. Such consultation is normally the beginning step in resolving differences which arise from alleged discriminatory practices. If the results of the informal process are not satisfactory to the complainant, or if a complainant initially wishes to file a formal complaint, the steps outlined below will be used.

214 - Formal Procedure

214.1 Form of Complaint - Complaints must be filed in writing on the Fresno County Discrimination Complaint Form available through the individual departments or on the Department of Human Resources website located here [https://www2.co.fresno.ca.us/1010/Discrimination\\_Portal.html](https://www2.co.fresno.ca.us/1010/Discrimination_Portal.html).

214.2 Filing of Complaint - The formal complaint must be filed at the Fresno County Department of Human Resources location listed below or through the online complaint form provided in subsection 214.1.

Fresno County Department of Human Resources  
Labor Relations Division  
2220 Tulare Street, 16th Floor  
Fresno, California 93721  
(559) 600-1840

Office Hours: Monday - Friday, 8:00 a.m. - 5:00 p.m.

214.3 Review of Complaint – The County Administrative Officer (CAO) or designee, will determine the adequacy of the grounds for the complaint. If the grounds are sufficiently clear and concrete, the CAO, or designee, will conduct an investigation of the alleged discriminatory practice or act within 60 calendar days of receipt of the complaint. If the findings affirm the complainant's allegation of discrimination, the CAO, or designee, will attempt to resolve the complaint by remediation.

214.4 Complaint Findings and/or Resolution - If the findings are that there has been no discriminatory practice or act or there is no success in resolving the complaint, the CAO or designee will notify the complainant in writing of their right to pursue the complaint through the following three options: 1) File a complaint with the California Department of Fair Employment and Housing (DFEH), 2) File a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), or 3) Request a review through a hearing mechanism within the County structure. EEOC and DFEH enforce anti-discrimination laws and have "work sharing agreements" in order to avoid duplication of efforts, while at the same time ensuring that a charging party's rights are protected under both Federal and State law.

This procedure shall not apply if the same complaint is filed with either DFEH or EEOC. In this instance, complaints will be processed in accordance with the procedural requirements of those agencies.

The contact information for DFEH is as follows:

Department of Fair Employment and Housing  
1277 E. Alluvial Avenue, Suite 101  
Fresno, CA 93720  
(800) 884-1684  
(800) 700-2320 (TTY)  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov)

The contact information for EEOC is as follows:

Equal Employment Opportunity Commission  
2500 Tulare St., Suite 2601  
Fresno, CA 93721  
(559) 487-5793  
(800) 669-4000  
(800) 669-6820 (TTY)  
[www.eeoc.gov](http://www.eeoc.gov)

If the complainant chooses to have a hearing, the complainant must submit a written request to the Labor Relations Division of the Fresno County Department of Human Resources within 10 calendar days of the CAO's, or designee's, written decision. The CAO, or designee, will select one of the following hearing mechanisms to hear the complainant's appeal:

- County appointed hearing officer; or
- State hearing officer retained by the County under contract

The role of the hearing officer will be to make a finding as to whether or not discrimination, as specified above under Section 212 - Scope, has occurred. If a finding of discrimination is made, the hearing officer may issue a binding cease and desist order pertaining to the specific discriminatory action and may recommend additional corrective actions.

### 215 - Alternate Procedures

- 215.1 The CAO, or designee, may elect to eliminate either one or both of the steps in the above process for any given complaint and refer it directly to the hearing officer.
- 215.2 Upon consent of the CAO, or designee, and the complainant, a complaint may be resubmitted to a lower step in the procedure for reconsideration.

### 216 - Civil Service Commission's Role

The above procedures apply in all instances of alleged discrimination except those associated with an allegation of discrimination with respect to rejection during probation. In the latter instance, the Fresno County Civil Service Commission has jurisdiction in accordance with Fresno County Personnel Rule 1 – Civil Service Commission Section 1041 – Hearings and Personnel Rule 5 – Probationary Periods Section 5024 – Appeal to Rejection During Probationary Periods.

The contact information for the Fresno County Civil Service Commission is as follows:

Fresno County Civil Service Commission  
P.O. Box 1962  
Fresno, CA 93718  
(559) 600-1833