

**INTERNAL DISCRIMINATION COMPLAINT PROCESS**  
(FEBRUARY 2004)

**1406**

CAL FIRE's discrimination complaint process encourages early intervention and resolution with multiple points of contact for receiving discrimination complaints. EEO Counselors are available in each unit to meet with employees who have EEO concerns and to direct intake information to Region and Sacramento EEO staff for review and appropriate action. Discrimination complaint investigations are performed by trained EEO Investigators and are managed by Sacramento Headquarters EEO staff.

**KEY EEO PROGRAM STAFF**  
(JANUARY 2008)

**1406.1**

When an employee has concerns about discrimination, harassment and /or retaliation, the employee may contact any supervisor, Equal Employment Opportunity Counselor, Regional Equal Employment Opportunity Manager, or CAL FIRE's Equal Employment Officer at Headquarters.

Northern Region Kathy Niederberger EEO Manager 6105 Airport Road Redding, CA 96002 (530) 224-2458	Southern Region Debbie German EEO Manager 1234 East Shaw Ave. Fresno, CA 93710 (559) 243-4105	Headquarters Karen Cohen EEO Officer PO Box 944246 Sacto., CA 94244-2460 (916) 651-8717
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**EQUAL EMPLOYMENT OPPORTUNITY COUNSELORS**  
(NO. 20 MARCH 2010)

**1406.2**

When an employee has a concern about a possible violation of CAL FIRE's EEO policy, the employee is encouraged to use the internal discrimination complaint process for early intervention and resolution. An employee may begin the process by contacting:

- 1) a supervisor or manager,
- 2) an EEO Counselor,
- 3) a Region EEO Manager or
- 4) the EEO Officer.

Once an employee contacts one of these individuals, arrangements are made for the employee to meet with one of CAL FIRE's trained EEO Counselors to discuss issues of concern related to discrimination, harassment, and/or retaliation. Sometimes the employee and the EEO Counselor discuss the matter by telephone rather than in person. After the discussion with the employee, the EEO Counselor contacts the Region EEO Manager and the EEO Officer who determine the best actions for resolving the matter.

EEO Counselors are identified and listed by Region and Unit on the CAL FIRE Intranet. To locate them, click on "Employee Info." Then click on "EEO Counselors Listing" under the Equal Employment Opportunity heading, on the right side of the screen. Employees may select any EEO Counselor on the list.

Employees are not required to contact their supervisors or to go through the chain of command to use the informal discrimination complaint process.

Employees are not required to confront the person(s) engaged in the objectionable conduct either before or after using the discrimination complaint process.

EEO staff makes follow-up contact with employees who have met with EEO Counselors in the discrimination complaint process.

### **DISCRIMINATION COMPLAINT PROCESS INTERNAL OPTIONS** **1406.3** **(JANUARY 2008)**

An employee may make a discrimination complaint by:

1. completing CAL FIRE Form [AA-8](#)  
(This form is accessible on the Intranet and from EEO Counselors) or
2. preparing a memorandum or letter or
3. discussing an EEO matter with a CAL FIRE supervisor or manager, EEO Counselor, Region EEO Manager or the Sacramento HQ EEO Officer.

Within 365 days of the last discriminatory act, the discrimination complaint may be submitted to any of the following parties:

1. CAL FIRE supervisor or manager
2. EEO Counselor
3. Region EEO Manager, North or South
4. EEO Officer, Sacramento Headquarters

The complaint contact persons for Region and Headquarters are:

<u>Northern Region</u>	<u>Southern Region</u>	<u>Headquarters</u>
Kathy Niederberger EEO Manager 6105 Airport Road Redding, CA 96002 (530) 224-2458	Debbie German EEO Manager 1234 E. Shaw Road Fresno, CA 93710 (559) 243-4105	Karen Cohen EEO Officer P.O. Box 944246 Sacto., CA 94244-2460 (916) 651-8717

No employee is required to contact his or her supervisor or to go through the chain of command to make a discrimination complaint.

No employee is required to confront the person(s) engaged in the objectionable conduct either before or after filing a discrimination complaint.

Discrimination complaints are managed by the EEO Program staff at headquarters who:

1. Perform intake analyses.
2. Determine if the complaints are within the Department's jurisdiction.
3. Determine if the complaints meet EEO criteria.
4. Assign complaints for investigation to trained investigators.
5. Provide feedback on case status to the affected region/program staff.

At intake, the EEO Headquarters staff briefs the complainant's Region Chief and Unit Chief. This enables the Region Chief and Unit Chief to take immediate and effective action to address issues of improper/objectionable conduct. The actions may include reassignment or relocation of employees, corrective counseling, or other appropriate measures. Mediation may also be offered.

At the completion of the investigation, the investigation report is submitted to the EEO Officer. The investigation report is reviewed by the EEO Officer and Legal Counsel. When warranted, the EEO Officer and Legal Counsel recommend remedial action to the appropriate Region Chief and Unit Chief. No remedial action will be initiated until the above review by the EEO Officer and Legal Counsel is concluded. Case closure letters are submitted to the complainant, respondent(s), Region EEO Manager, and Region Chief and Unit Chief by the EEO Officer.

### Appeal Process

If the complainant is dissatisfied with the results of the Department's investigation, he or she may appeal to the State Personnel Board within 30 days of receipt of the Department's letter of closure.

## **DISCRIMINATION COMPLAINT PROCESS – EXTERNAL OPTIONS**

If the employee does not want to file an internal complaint with the Department, the employee may file with:

1. Department of Fair Employment and Housing (DFEH) - state agency
2. State Personnel Board (SPB) - state agency
3. Equal Employment Opportunity Commission (EEOC) - federal agency

The timelines for filing formal external complaints are:

1. DFEH - 365 days from the last discriminatory act
2. SPB - 180 days from the last discriminatory act
3. EEOC - 300 days from the last discriminatory act

Complaints filed with any of these three entities, must identify CAL FIRE's point of contact as:

CAL FIRE  
Equal Employment Opportunity Officer, Karen Cohen  
P.O. Box 94426  
Sacramento, CA 94244-2460

## **DISCRIMINATION COMPLAINT GRIEVANCE OPTION**

Members of bargaining units 1, 4, 11, and 15 may file a formal complaint through the grievance process. Union representatives for these bargaining units are the contact persons for this process.

### **CAL FIRE'S AA8 INTERNAL DISCRIMINATION COMPLAINT FORM 1406.4** **(September 2001)**

The [CAL FIRE Form AA8 \(Int. DC Form\)](#) can be accessed through the CAL FIRE Intranet.

[\(see HB Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)