

COMPLAINTS NOT MEETING EEO CRITERIA

1425

(No. 26 January 2013)

CAL FIRE is committed to maintaining a professional and respectful work environment. A complaint that includes allegations of “discrimination”, “harassment”, and/or “retaliation” absent a protected class or activity will be redirected to the appropriate venue for resolution. Redirection may include, but is not limited to:

- **Grievance** – This process is used to address a dispute relative to the terms and conditions of a Memorandum of Understanding (MOU) or bargaining issue. Concerns should be directed to the Unit Administrative Officer, Headquarters’ Labor Relations Office or their collective bargaining group or steward.

CAL FIRE’s internal EEO complaint process does not replace the current grievance process, but provides a separate and distinct avenue to have concerns addressed. If an EEO issue arises during a grievance review, the grievance process will terminate and the issues related to EEO will be addressed by the internal EEO complaint process. An employee is not entitled to parallel review and may not file concurrent complaints under both the grievance and EEO complaint process based on the same facts.

- **CAL FIRE Examination Appeal** – An employee may file a complaint regarding the administration of an examination by filing an appeal directly with the State Personnel Board (SPB), Appeals Division (SPB Rules 172.10, 190, 202, 203.5, and 213.6).
- **Merit Issue** – An employee may pursue a complaint regarding possible violation of civil service laws or rules. This requires that the initial complaint be filed with the Department’s Chief of Human Resources identifying the alleged unfair act or decision. If dissatisfied with the Department’s response, the employee may file an appeal with the SPB, Appeals Division (SPB Rule 66.1).
- **Management Review** – Complaints involving matters not under the jurisdiction of California Department of Human Resources, SPB, or EEO policy or not covered by a MOU will be referred to the appropriate level of management (i.e., Region Chief, Unit Chief, and/or program Deputy Director) for review.

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