

County of Lake
APPLICANT/CLIENT COMPLAINT PROCEDURE
FOR RESOLVING ALLEGATIONS OF DISCRIMINATION

In accordance with the requirements of existing federal and state laws the following complaint procedure will be utilized to provide for the prompt and equitable resolution of allegations of discrimination by persons applying for or using County services. It is the intent of these laws and this policy that no person shall on the basis of race, color, religion, national origin, age, sex, physical or mental handicap, or marital status be unlawfully denied the benefits of or be subject to discrimination in any County program or activity.

The existence of this procedure does not preclude the use of other grievance mechanisms established under law. Applicants for employment and employees are covered under separate grievance procedures.

1. GENERAL

An applicant/client or his/her representative may file a complaint of discriminatory treatment with either the County department involved or with the appropriate federal or state agency. The complaint must be received by the County no later than 30 days from the date of the alleged discriminatory act, unless the filing date is extended by the applicant or his designee upon a showing of exceptional circumstance. The complaint is to be presented in writing, preferably using the County form provided for that purpose. If, for some reason, the complainant is unable to present the complaint in writing, the County employee receiving the complaint shall interview the complainant, completing the standard form in the process.

It is preferable that the County's administrative procedure be exhausted prior to the complainant seeking remedy from federal/state agencies; this is not a requirement, however.

2. PROCEDURE FOR PROCESSING COMPLAINTS

All complaints of discriminatory treatment received by the Board of Supervisor's Administrative Analyst or designee will be referred to the appropriate department for investigation, and every attempt will be made to resolve the matters complained about at that level. The County must acknowledge, in writing, receipt of the complaint to the complainant and inform the complainant that an investigation of the complaint will be conducted. Such notification shall take place within 10 calendar days after the complaint is received. The complainant must be notified within 30 calendar days after the complaint is received by the County of the disposition of the case by the County and of the complainant's right to request, within 30 calendar days, an independent investigation and review by the Administrative Analyst or designee, should the complainant remain dissatisfied with the decision of the department. Within 30 calendar days after receipt of such a request, the Administrative Analyst or his designee shall have investigated the complaint, and upon completion of such investigation will seek resolution of the complaint by:

- 2.1 Directing the department to take remedial action, if the Administrative Analyst or designee's investigation indicates the department's decision was improper, and providing findings and reasons upon which this conclusion was based;
- 2.2 In the case of departments headed by elected officials, advising the department of the findings and recommendations of the Administrative Analyst or designee as to appropriate remedial action and reasons upon which this conclusion was based;
- 2.3 Advising the complainant that the Administrative Analyst or designee's investigation indicates that the department's decision was correct, and providing the findings and reasons upon which this conclusion was based. The complainant will be advised of his/her right to request the appropriate federal or state agency to make a further review, which may include an independent investigation.

3. RESPONSIBILITY FOR INVESTIGATION

Departments are responsible for investigation complaints of discrimination made by applicants or clients or by their authorized representatives, including complaints which are originally referred from the Administrative Analyst or designee, or from federal or state agencies.

- 3.1 The County shall appoint specific employees to act as investigators of complaints or discriminatory treatment. These employees shall be appropriately trained and informed as to pertinent laws, regulations, and official interpretations thereof. In no case will an employee be assigned to investigate a complaint involving any action taken by him/her or by an County employee under his/her immediate supervision.
- 3.2 When a complaint of discrimination is received by the County from an applicant/client, the following procedure shall be followed:

3.2.1 Interview with complainant

Arrangements shall be made for a personal interview with the complainant. The person assigned to investigate the case shall explain confidentiality requirements according to established departmental policies. The following information shall be obtained during the interview:

- (a) Complainant's name, address, and telephone number.
- (b) Name and location of the organization unit or the person who is alleged to have discriminated.
- (c) Nature of the action, decision, or conditions giving rise to the complaint.
- (d) Date and place of alleged discriminatory treatment.
- (e) Basis of alleged discrimination (age, sex, race, color, origin, handicap, marital status).

- (f) Identity of the individual or individuals responsible for the action, decision, or condition alleged to be discriminatory.
- (g) Relief sought by the complainant.
- (h) Information known to the complainant in support of his or her allegation.
- (i) Identity of persons whom the complainant wishes to have interviewed as possible witnesses.
- (j) Other information essential to review of the specific issue giving rise to the complaint.
- (k) Any indications of reprisal, intimidation, or harassment as a result of the complaint.

3.2.2 Interview with the official or employee alleged to have acted in a discriminatory manner

When the official or employee is identified, the investigator shall describe the nature of the complaint and the specific incident leading to the complaint, and identify the complainant. A statement shall be taken which gives the facts, as the official or the employee knows them, concerning the issues giving rise to the complaint. The official or employee shall be advised at the outset that his/her statements will be made available to the complainant as part of the County's effort to resolve the issues in question or as part of the investigation. This initial interview with the official or employee shall be used to obtain as much information as possible to assist in the investigation.

3.2.3 Review of issues specific to the complaint

In reviewing the issues involved in the applicant/client complaint, the investigator shall:

- (a) Review documents concerning the issues in the applicant/client complaint.
- (b) Interview witnesses suggested by the complainant or as may be indicated by surrounding circumstances or the nature or the allegation.
- (c) Review client's record if appropriate.
- (d) Determine the number and identity of the cases that will be reviewed to compare the treatment of members of the same group with cases selected from the general population served.

4. REPORT OF INVESTIGATION

The investigator shall carefully review all the investigation documents prior to writing the investigation report, to ensure that all issues raised by the complaint

If conflicts in the evidence cannot be resolved, the investigator shall ensure that both sides are fairly represented in the report.

A written report of the investigation and a statement of the investigator's findings must be submitted to the Administrative Analyst or designee within 45 calendar days after receipt of the complaint. The written record of the complaint together with a record of its disposition, including the investigation report required by this section, shall be retained by the agency for a minimum of five (5) calendar years.

5. NOTIFICATION TO COMPLAINANT OF FINDINGS

The County shall inform the complainant in an interview and in writing of the outcome of the investigation, and the basis for whatever findings are made, within 30 calendar days of receipt of the complaint. The complainant must also be informed of his or her right to request a further review by the County Board of Supervisors if he or she is dissatisfied with the findings.

6. INTIMIDATORY OR RETALIATORY ACTS PROHIBITED

No official or employee shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this policy or because he or she has made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing.

7. CONFIDENTIALITY OF INFORMATION

In accordance with established County policies, the identity of any complainant and the employee or official alleged to have discriminated and any information obtained as the result of an investigation are to be confidential to the extent feasible to carry out the complaint procedures, including the conduct of any hearing or judicial proceeding arising thereunder.

COMPLAINT FORM FOR RESOLVING
ALLEGATIONS OF DISCRIMINATION BY APPLICANTS & CLIENTS

COMPLAINANT'S FULL NAME:	TELEPHONE NUMBER HOME:
STREET ADDRESS:	WORK:

CITY:	ZIP CODE:
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WHICH DEPARTMENT/ORGANIZATION/OFFICE DO YOU BELIEVE DISCRIMINATED AGAINST YOU?

NAME AND TITLE OF PERSON(S) OR ACTION(S) CAUSING DISCRIMINATION:

DATE ON WHICH MOST RECENT ALLEGED DISCRIMINATION TOOK PLACE: MONTH DAY YEAR

CHECK BELOW WHY YOU BELIEVE YOU WERE DISCRIMINATED AGAINST:

<input type="checkbox"/> RACE OR COLOR _____	<input type="checkbox"/> MARITAL STATUS _____
<input type="checkbox"/> RELIGION _____	<input type="checkbox"/> SEX _____
<input type="checkbox"/> NATIONAL ORIGIN _____	<input type="checkbox"/> PHYSICAL OR METAL HANDICAP _____
<input type="checkbox"/> AGE _____	(Fill in explanation of category checked)

EXPLAIN HOW YOU BELIEVE YOU WERE DISCRIMINATED AGAINST (treated differently from other applicants or clients)

WHAT CORRECTIVE ACTION ARE YOU SEEKING?

SIGNATURE & ATTESTMENT OF COMPLAINANT:	DATE OF THIS COMPLAINT:
	RECEIVED BY: