

Title VII Complaint Process

The Oklahoma Department of Transportation (ODOT) uses the following, detailed internal procedures for prompt processing and resolution of all Title VII complaints received under Title VII of the Civil Rights Acts of 1964.

Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination or retaliation prohibited by any of the Civil Rights Authorities has the right to file a complaint directly with:

- 1) ODOT's Civil Rights Division (CRD); or utilize
- 2) ODOT's Internal Agency Grievance Resolution Procedure process outlined in Administrative Order No. B-30-1(1).

The basis covered by these are: race, color, sex, religion, national origin, age, disability, retaliation, or genetic information. A complaint may also be filed by a representative on behalf of such a person.

Filing a Formal Discrimination complaint with the Civil Rights Division

1. Complaints filed directly with the CRD must be filed no later than one hundred and eighty (180) calendar days following:
 - The date of the alleged act of discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discovered.

The CRD may reasonably extend the time period up to 365 calendar days. Under the Appointing Authority's direction the agency will address incidents outside the required time frames.

2. Complaints shall be filed using the department's Title VII Complaint Form (available online or by contacting the Civil Rights Division). Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

Complaints should be directed to:
Oklahoma Department of Transportation
Civil Rights Division
Attention: Jenny K. Chong
200 N.E. 21st Street, Room 1-C1
Oklahoma City, OK 73105-3204

3. Upon receipt of the signed complaint form, the Title VII Coordinator will log-in the complaint, determine the basis of the complaint, and authority/jurisdiction. The complaint will then be investigated by the Title VII Coordinator and/or another Certified Discrimination Investigator.
4. The Title VII Coordinator reviews and determines the appropriate action regarding every Title VII complaint. The department will not proceed with or continue a complaint investigation if:

- a. The complaint is, on its face, without merit
 - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
 - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identify) has made it impossible to investigate further.
5. Within ten (10) business days, the Title VII Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s), and the complainant is advised of other avenues of redress available, such as the Equal Employment Opportunity Commission, Human Rights Commission, and/or the Oklahoma Merit Protection Commission. The filing of a complaint with one of these entities does not prohibit the filing to another one of these entities. The notification letter contains:
 - a. The basis of the complaint.
 - b. A brief statement of the allegation(s) over which the department has jurisdiction.
 - c. A brief statement of the department's jurisdiction over the recipient to investigate the complaint; and
 - d. An indication of when the parties will be contacted.
6. The Title VII Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, sex, age, national origin, religion, genetic information, disability/handicap, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. The Title VII Coordinator arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.
7. Within sixty (60) calendar days from the date the original complaint was received, the Title VII Coordinator will conduct and complete an investigation of the allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the Director, who shall issue a decision on the merits of the complaint. The Director reviews the findings and recommendation. He/she may affirm, set aside, or alter the recommendation, or any part thereof, as he/she deems proper under the circumstances. Such review shall be confined to the record.
8. Within ninety (90) calendar days of receipt of the complaint, the Title VII Coordinator will send notification of the discrimination complaint final written decision to the complainant.
9. The complainant is authorized to view the investigative report if he/she requests after the investigation has been completed. All investigative reports shall be maintained as property of the CRD in a confidential manner, separate and apart from personnel records. Fees may be charged for copying and document search in accordance with the Department's policy on Open Records Act.
10. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to the complainant at this stage and the report shall follow upon completion.

11. The CRD will follow-up on the “Recommendations” of the final written decision with the complainant and parties involved after ninety (90) calendar days.

Filing a Formal Discrimination Grievance

An employee who wishes to file a formal discrimination grievance must follow the procedures outlined in Administrative Order No. B-301-1-(1) for the filing of a formal grievance with the Grievance Manager.

1. Formal discrimination grievance must be filed within twenty (20) calendar days of the following:
 - The date of the alleged act of discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued.
2. Complaints shall be filed using the Internal Agency Grievance Resolution Form MPC Form 900. This form shall be available to employees in their Division Office and from the Grievance Manager. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination.

Complaints should be directed to:
Oklahoma Department of Transportation
Human Resources Division
Attention: Grievance Manager
200 N.E. 21st Street, Room 1-B5
Oklahoma City, OK 73105-3204
405-521-3958

3. Pursuant to Merit Rule 455:10-19-22 the Grievance Manager will, within seven (7) days of the receipt of an acceptable grievance, refer the grievance to the Civil Rights Division for a formal investigation.
4. Upon receipt of the grievance, the Title VII Coordinator will log-in the complaint, determine the basis of the complaint, and authority/jurisdiction. The complaint will then be investigated by the Title VII Coordinator and/or another Certified Discrimination Investigator.
5. The Title VII Coordinator reviews and determines the appropriate action regarding every Title VII complaint. The department will not proceed with or continue a complaint investigation if:
 - a. The complaint is, on its face, without merit
 - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
 - c. The complainant’s or injured party’s refusal to cooperate (including refusal to give permission to disclose his or her identify) has made it impossible to investigate further.

6. Within ten (10) business days, the Title VII Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s). The notification letter contains:
 - a. The basis of the complaint.
 - b. A brief statement of the allegation(s) over which the department has jurisdiction.
 - c. A brief statement of the department's jurisdiction over the recipient to investigate the complaint; and
 - d. An indication of when the parties will be contacted.
7. The Title VII Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, sex, age, national origin, religion, genetic information, disability/handicap, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. The Title VII Coordinator arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.
8. Within sixty (60) calendar days from the date the original complaint was received, the Title VII Coordinator will conduct and complete an investigation of the allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the Director, who shall issue a decision on the merits of the grievance. The Director reviews the findings and recommendation. He/she may affirm, set aside, or alter the recommendation, or any part thereof, as he/she deems proper under the circumstances. Such review shall be confined to the record.
9. Within ninety (90) calendar days of receipt of the complaint, the Grievance Manager will send notification of the end of the grievance and the final written decision or other disposition of the grievance to the employee and appropriate Department supervisors and personnel, as provided in Merit Rule 455:10-19-45.
10. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to the complainant at this stage and the report shall follow upon completion.

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors.