



# GDOT Publications Policies & Procedures

**Policy:** 2840-3- Unlawful Discrimination Complaint  
Policy

**Section:** Employee Grievance

**Office/Department:** Office of EEO

**Reports To:** Division of Admin/Gen Counsel

**Contact:** 404-631-1000

The Georgia Department of Transportation (GDOT) is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex (including pregnancy, sexual orientation, and transgender status), national origin, or protected activity. All forms of harassment prohibited by law are strictly prohibited by the Department. GDOT is committed to a work environment reflective of the philosophy and values set forth in [Policy 2840-1](#), Equal Employment Opportunities Policy Statement.

It is the policy of GDOT to resolve complaints of unlawful discrimination and sexual harassment internally whenever possible. Such complaints will be addressed in a prompt and thorough manner as set forth in this policy. While employees are encouraged to utilize this internal mechanism for resolving complaints, nothing in this policy shall be construed to require an employee to file a complaint pursuant to this policy in lieu of seeking redress with other organizations.

A notice advising employees of the complaint procedure will be posted in prominent work locations as required by [Policy 2110-4](#), Workplace Notices.

## A. Definitions

For the purposes of this policy, the following terms and definitions apply:

A.1. "Commissioner" means the Commissioner of the Department of Transportation.

A.2. "Complaint" means a claim of unlawful discrimination submitted by an employee.

A.3. "[Complaint Form](#)" is the form to be used by GDOT employees for filing a claim of unlawful discrimination.

A.4. "Equal Opportunity Office" refers to both the Department's Office of Equal Opportunity and each of the seven District Equal Opportunity Offices.

A.5. "Equal Opportunity Division" refers to the GDOT Division of Equal Opportunity.

A.6. "Equal Opportunity Division Director" means the Director of the Department's Equal Opportunity Division, which is responsible for the Department's Equal Employment Opportunity (EEO) programs.

## B. Eligibility

All GDOT employees are eligible to file a complaint alleging unlawful discrimination as provided for in this procedure except as follows:

B.1. Classified employees under the State Merit System of Personnel Administration who have been notified of

termination or other adverse action and who have specific rights of appeal under the Rules of the State Personnel Board;

B.2. Unclassified employees who have been notified of suspension, demotion, disciplinary salary reduction or separation from employment; and

B.3. Employees who are seeking relief for the complaint through other administrative or judicial procedures.

A complaint filed by an eligible employee prior to becoming ineligible may be delayed but will not be otherwise affected, except that processing of the complaint will cease upon the employee's separation from employment. Further, if an employee also seeks administrative or judicial relief after initiating the employee complaint process, further investigation of the complaint will cease until a decision has been rendered in the administrative or judicial forum.

### C. Filing Procedure

Employees are encouraged to discuss and seek resolution to complaint issues with their supervisors prior to filing a formal complaint. If a resolution cannot be reached, the employee must initiate his or her complaint by filing a [Complaint Form](#) with the appropriate Equal Opportunity Office. **Copies of the completed Complaint Form and any attached documents will be provided to the management official(s) involved with the complaint.**

A complaint must be filed within ten (10) calendar days of the occurrence upon which the complaint is founded, or within ten (10) calendar days of the date the employee became aware or should have become aware of the problem through the exercise of reasonable diligence. The Equal Opportunity Division, in its sole discretion, may grant a waiver or extension of the filing deadline based on a justifiable explanation.

The complaint shall contain a statement of the issue(s) involved, how the complainant's employment has been unfavorably affected, the relief sought, and the date(s), if known, that the incidents or violations occurred. If the complaint involves the interpretation or application of rule or policy, the complaint shall identify the rule or policy at issue and describe the manner in which it was erroneously, arbitrarily, or capriciously interpreted or applied.

If the complainant fails to proceed within the time limits set forth for any step of the complaint, such failure shall constitute a waiver of the complainant's right to proceed further under this procedure unless an extension is granted by the Commissioner or his designee.

At the sole discretion of the complainant, a complaint may be voluntarily withdrawn at any point in the procedures. The complaint shall be considered terminated, and processing shall end.

If two or more employees have a common complaint, they may submit a group complaint, indicating up to two (2) participating complainants as spokespersons for the group. The filing of a group complaint eliminates the right of a complainant to pursue that complaint on an individual basis. The Commissioner or his designee may consolidate: (a) separate complaints filed by two or more employees regarding the same issues, or (b) multiple complaints, independent of their relatedness, filed by the same employee.

### D. Review and Investigation

Within ten (10) calendar days of receiving a complaint of alleged unlawful discrimination, the appropriate Equal Opportunity Office will review the complaint to determine if further review or investigation is warranted. If it is determined that no further review or investigation will take place, the Equal Opportunity Office will notify the complainant of the reason(s) for the determination. If it is determined that an investigation is warranted, the Equal Opportunity Office will so notify the complainant.

Investigations of claims of unlawful discrimination may be conducted by district EEO Review Officers, staff of the Equal Opportunity Office, a panel of investigators, or any other individual assigned by the Equal Opportunity Division who is qualified to conduct such investigations. The investigators may consult with legal counsel, if necessary.

When it is determined that a violation of EEO Policy or Human Resources Policy has occurred, a panel may further investigate the complaint. The panel will be comprised of: (1) a representative from the Equal Opportunity Division, (2) a representative from the Office of Human Resources, and (3) a Division Director who is outside of the complainant's chain of command.

The investigation will be confidential and all documents received in connection with the investigation will be considered confidential.

All GDOT employees are expected to fully cooperate in any investigation and to comply with all requests for information, interviews, etc.

#### **E. Determination**

Following the investigation, a Report shall be prepared by the Equal Opportunity Office and forwarded to the Office of Human Resources. The Office of Human Resources will either indicate concurrence with the report or will attach a dissenting opinion.

In the event that a panel conducted the investigation, one member of the panel will prepare the report, and all members the panel will indicate their concurrence with the conclusions and recommendations or will submit dissenting opinions.

The report will then be submitted to the Commissioner or Deputy Commissioner for review and disposition.

No adverse action or corrective action will be taken until a review and determination has been made by the Commissioner or Deputy Commissioner.

All investigations are to be completed within ninety (90) calendar days. In exceptional circumstances, the Equal Opportunity Division Director may authorize an extension of the investigation for an additional thirty (30) calendar days.

#### **F. Emergency Provisions**

In emergency situations, the Commissioner may suspend the right of complaint for all or part of the Department for a period not to exceed thirty (30) calendar days. Any complaint that would have been filed had the suspension period not been imposed must be filed within 15 calendar days after the period of suspension has expired.

### **References:**

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### **History:**

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