Opening a Complaint Case File
SOP# 100

Employment Discrimination Bureau
North Carolina Department of Labor

Procedure approved by: Tiffany Lathan, Bureau Chief

Signature: Tiffany Lathan **Date:** 7/22/14

Prepared by: Kathy Woodford

Signature: Kathy Woodford **Date:** 7/16/14

STANDARD OPERATING PROCEDURE MANUAL

1. PURPOSE and SCOPE

1.1. Purpose

This SOP establishes the procedure used to open a Retaliatory Employment Discrimination Act (REDA) case file. This procedure has the following goal(s):

- To ensure the proper screening of REDA complaints;
- To ensure the correct docketing of REDA complaints;
- To ensure consistent case file organization.

1.2. Scope

When a complaint is received by the Employment Discrimination Bureau (EDB), the complaint is typically given to the Complaint Processor, who will then review (screen) it for timeliness, jurisdiction, and completeness. A case file is then created containing all current complaint information, a file number is assigned, and the complaint information is entered into Oracle's database. This SOP is not intended to be used for any Occupational Safety & Health (OSH) case file. Refer to the OSH Discrimination Manual for specific OSH procedures.

1.3. Regulations

The following statutes, rules and/or codes must be followed while performing this SOP (click on the links to be directed to the most up-to-date rules and laws):

1.3.1. 13 NCAC 19.0301;

1.3.2. 13 NCAC 19.0302;

1.3.3. Article 21 of NCGS 95 (NCGS §95-240, et al); and

1.3.4. Department of Labor (DOL) Record Retention Policy

2. PERSONNEL RESPONSIBILITIES

The following is a list of people who participate in the procedure and the overall responsibilities of each role.

Role	Responsibilities
Complaint Processor	• Pick up mail from the mail room; • Date stamp incoming complaints; • Review complaints for completeness, timeliness, and jurisdiction; • Docket complaints in Oracle; • Create case files containing all current investigative information and a complaint form; • Notify Respondent of a docketed complaint.
Investigator	• Any complaint received by the Investigator must be date stamped and given to the Complaint Processor for screening and docketing; • May assist Complaint Processor in screening/reviewing the complaint, especially when the Complaint Processor has questions pertaining to jurisdiction; • After a complaint file has been opened and created, must date stamp and place any additional incoming documentation into the file folder.
Bureau Chief	• Any complaint received by the Bureau Chief must be date stamped and given to the Complaint Processor for screening and docketing; • May assist Complaint Processor in screening the complaint, especially when the Complaint Processor has questions pertaining to jurisdiction; • May assume all Complaint Processor responsibilities, when the Complaint Processor needs assistance or is not available; • After a complaint file has been opened and created, must date stamp and place any additional incoming documentation into the file folder.

3. HEALTH AND SAFETY ISSUES

Refer to the *Employee Safety and Health Program Policies*, the *Employee Safety and Health Manual*, and the *Employee Safety Rules* on the DOL Intranet for information related to safety matters affecting EDB personnel. For information related to the Americans with Disabilities Act, refer to the ADA Checklist on the Intranet as well. To access these policies and checklists, click on the links above or visit the DOL Intranet *Safety and Health Program* and the EDB *Standard Operating Procedures* pages.

4. PROCEDURE

4.1. Trigger

This procedure is triggered when a written complaint (Form EDB 1) is received by EDB.

4.2. Primary Procedure

4.2.1. EDB receives a written complaint via fax, email, or mail from a potential Complainant. Refer to Exhibit 100-1 for complaint form.

4.2.2. The complaint form is to be date stamped with the date the form was received and then shall be given to the Complaint Processor.

4.2.3. The Complaint Processor shall check Oracle to make sure the complaint has not been filed already. To perform this check, search in Oracle by the Complainant's name. Specifically, click "Search" or "Modify" and enter the name. Refer to Exhibit 100-2 for screenshot. If the complaint has been filed already, place the most recent copy of the complaint form in the already existing file. Do not create a duplicate file. Proceed no further.

4.2.4. The Complaint Processor shall review the complaint form prior to docketing the complaint and opening a file. During review/screening, the Complaint Processor must:

a. Ensure that the complaint form is complete. Each complaint form must have:

i. the Complainant's name and contact information;
ii. the Respondent's name and contact information;
iii. the allegation of an adverse employment action;
iv. the date of the alleged adverse employment action;
v. the alleged protected activity;
vi. the Complainant's signature.

If a complaint form is missing any of the information listed, the Complaint Processor shall contact the Complainant in order to obtain the relevant information. Upon obtaining the necessary information, the Complaint Processor may write in or correct some of the information on behalf of the Complainant (for example, the date of the alleged adverse employment action). However, the Complaint processor has the discretion to require resubmittal of the complaint form with the corrected / additional information instead. If the Complaint form is missing a *signature*, the Complainant *will be required to*

resubmit the complaint form with signature. For any missing information or signature, the Complaint Processor may mail the form back to the Complainant for completion.

b. Look to see that the complaint is covered by REDA and that the DOL has proper jurisdiction. To have coverage, the complaint must list a protected activity and adverse employment action *covered by REDA*. For instance, a complaint that lists racial discrimination would not be within DOL's jurisdiction, as racial discrimination is not a protected activity covered by REDA.

c. Look to see that the complaint form is timely. In order for a complaint form to be accepted, it must have been received by the NC Department of Labor within 180 days of the date of the alleged adverse employment action.

4.2.5. The Complaint processor must then "screen out" (i.e. reject) all complaints that remain incomplete (after attempting to gather the additional information), are not timely, *or* are not under the jurisdiction of REDA. When rejecting a complaint, the Complaint Processor shall:

a. Notify the Complainant in writing as to why the complaint is being rejected;

b. Refer the Complainant to another agency, if appropriate. For instance, if the complaint is in regards to racial discrimination, the Complainant should be told that he/she may contact the EEOC;

c. Place the complaint form in the designated "screened out" folder; and

d. Proceed no further.

4.2.6. When the Complaint Processor has reviewed the complaint and made a determination that it is timely, complete, and covered by REDA (in other words, that the complaint is NOT to be screened out), the Complaint Processor is to *docket* the complaint in Oracle. To docket, the Complaint Processor shall:

a. Assign a new case number. In Oracle, select "Reports" and then "Last File Number Assigned." Refer to Exhibit 100-3 for screenshot. The last number assigned will appear. File numbers are assigned manually and sequentially, so use the *next sequential* number for the file. The file number will be a number, then a dash, and the last two digits of the year. For instance, 123-11 for the 123rd case in 2011;

b. In Oracle, select "Initial File" and enter the new file number. Refer to Exhibit 100-4 for screenshot;

c. Complete the form information for Act Type (based on the protected activity), County, Event Date (the date of the alleged adverse employment action), File Date (date received by the DOL), and name, address, and contact information for both the Complainant and Respondent. Refer to Exhibit 100-5;

d. Click Save.

4.2.7. The Complaint Processor shall then copy the complaint form and stamp the complaint (and copy) with the assigned file number.

4.2.8. Once docketed, the Complaint Processor must notify the Respondent in writing that a complaint has been received. This letter must request a written response from the Respondent, which is referred to as the position statement.

a. To automatically generate this form letter, access the drive where the Respondent form letter is stored (contact IT for assistance in mapping to the drive) and fill in the form information that is requested, such as Respondent's address, etc. Click 'submit.'

b. Print the entire document—this will print the letter to Respondent, the envelope with Respondent's address, and the REDA Case History sheet (Refer to Exhibit 100-6 for the letter to Respondent and the Case History sheet.)

c. Print the first two pages of the same document again (this is the letter portion only). This will be used as the file copy of the Respondent's letter.

d. Mail the letter, a copy of REDA, and the *copy* of the complaint to the Respondent. Do *not* mail the Case History sheet—it's only for the file. Maintain the original complaint form in the file.

4.2.9. The Complaint Processor shall then create a case file for the new complaint. To set up a case file, the Complaint Processor shall:

a. Set up a case file folder containing all the case file documents possessed at the time and organize it as follows:

i. First Left Section: Envelope complaint was received in (or fax cover sheet from complaint form) *and* copy of the letter to the Respondent;
ii. First Right Section: REDA Case History sheet;
iii. Second Right Section: Original complaint form and other information submitted by Complainant, such as the Questionnaire.

b. Create a label with the Complainant's name (First and Last), File Number, and Respondent's name as follows and place the label on the outside file folder tab:

Complainant's Name	File #
Respondent's Name	

4.2.10. File the new case file in the complaint file cabinet or designated area.

4.2.11. Any additional information pertaining to the complaint that is received at a later date, such as Respondent's position statement, must be date stamped and placed loose-leaf in the file.

4.3. Alternative Procedures – Assisting the Complaint Processor

4.3.10. If the Complaint Processor is unavailable to perform the duties listed in 4.2, the Bureau Chief may act on the Complaint Processor's behalf and perform the same functions.

4.3.11. If the Complaint Processor only requires assistance in screening a complaint, the Investigator or Bureau Chief may screen the complaint and inform the Complaint

Processor as to how to proceed. The Complaint Processor will then either docket the case or screen out the complaint per the procedure set forth in 4.2.

4.4. Exception Procedures - N/A

5. CUSTOMER SERVICE REQUIREMENTS

The following table lists the customer service requirements that must be satisfied for each Customer of the procedure.

Customer	Requirements
Investigator	The investigator will receive the file created by the Complaint Processor. Proper organization assists the Investigator in beginning his/her investigation. Also, proper screening of a complaint limits the number of administrative case closures an Investigator will be required to do, and keeps the overall caseload down.
Public (Complainants and Respondents)	It is necessary to remain courteous and respectful when dealing with the public. Clear communication, both in writing and verbally, is a must so that the parties understand what is being asked of them.

6. DATA AND RECORD MANAGEMENT

6.1. Data Entry in Oracle

6.1.1. Refer to Procedure 4.2.6.

6.2. Record Retention

6.2.1. All records must be retained in the file and may not be destroyed, per the DOL Retention Policy. Records include, but are not limited to, complaint forms, questionnaires, emails, any evidence submitted by the Complainant or Respondent.

7. Exhibits

Exhibits are examples of forms, letters, checklists, reports or other documents that are used or created during the execution of this SOP. Exhibits referenced in this SOP are available for view on the SOP website.

7.1.1. Exhibit 100-1 (complaint)

7.1.2. Exhibit 100-2 (screen shot of search for Complainant name)

7.1.3. Exhibit 100-3 (screen shot of last case number assigned)

7.1.4. Exhibit 100-4 (screen shot for initial file)

7.1.5. Exhibit 100-5 (screen shot for new case information)

7.1.6. Exhibit 100-6 (notice to Respondent / Case History sheet)