

Withdrawal SOP# 300

Employment Discrimination Bureau
North Carolina Department of Labor

Procedure approved by: Tiffany Lathan, Bureau Chief

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Date: *7/22/14*

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Date: *7/16/14*

STANDARD OPERATING PROCEDURE MANUAL

1. PURPOSE and SCOPE

1.1. Purpose

This SOP establishes the procedure used to close a case when a Complainant wishes to withdraw his/her complaint. This procedure has the following goal(s):

- To ensure that the record properly reflects the Complainant's desire to withdraw the complaint;
- To ensure that the closure is relayed properly to the parties.

1.2. Scope

This SOP outlines the necessary steps involved in a withdrawal closure, including the way the request is preserved in the record and notification to the parties. For Occupational Safety & Health (OSH) cases, also 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 for the most up-to-date rules and laws):

- 1.3.1. [13 NCAC 19.0602](#);
- 1.3.2. [Article 21 of NCGS 95 \(NCGS §95-240, et al\)](#); and
- 1.3.3. [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
Investigator	<ul style="list-style-type: none"> • The investigator must ensure that all withdrawal requests are in writing. • The investigator must properly record the withdrawal via a closure notice and memorandum to file; • The investigator must notify Respondent of the withdrawal.

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 request to withdraw is received from the Complainant.

4.2. Primary Procedure

- 4.2.1. When a Complainant indicates that he/she wishes to withdraw his/her REDA complaint, the investigator must make sure that the request is made in writing via fax, mail, or email. The request may be made by Complainant's attorney as long as a letter of representation is on file.
- 4.2.2. The investigator must prepare a memorandum to file to record the withdrawal request and case closure. The memo must state the date of the written request for withdrawal and that the withdrawal request is granted. The memo will be kept in the file.
- 4.2.3. The investigator must conduct a closing conference with the parties notifying them of the case closure due to the withdrawal request. The investigator must explain that no further action will be taken by EDB in this matter and **no right-to-sue letter will be issued**. The investigator should confirm the mailing addresses for a closure notice.
- 4.2.4. The investigator shall mail a closure notice to the Complainant and a copy of the letter to Respondent. The notice shall state that the complaint was withdrawn and that the case is being closed as a result. A copy of the letter must be retained on file. Refer to Exhibit 300-1 for closure notice.

4.3. Alternative Procedures – N/A

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
Public (Complainants and Respondents)	Clear communication, both in writing and verbally, is a must so that the parties understand all information being discussed. It is necessary to remain courteous and respectful when dealing with the public, even in the face of frustration. Though the investigator must remain professional at all times, verbal abuse from a party or witness will not be tolerated, and the investigator may end a conversation in such circumstances.

6. DATA AND RECORD MANAGEMENT

6.1. Data Entry in Oracle

- 6.1.1. After a withdrawal request is granted and the case is closed per the procedures above, the investigator must enter the following information into Oracle. Refer to Exhibit Oracle for screenshot.
- a. Investigator
 - b. Assigned Date
 - c. Received
 - d. R Contact
 - e. C Contact
 - f. Completed (date the withdrawal request was granted and case closed)
 - g. Inv Finding (Withdrawn)
 - h. Closure date (the date the withdrawal request was granted and case closed)

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, the written request for withdrawal, the complaint form, questionnaire, emails, any evidence submitted by the Complainant or Respondent, and the closure notice.

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 300-1 (sample closure notice)
- 7.1.2. Exhibit Oracle (screenshot of Oracle)