# State of New Jersey
## Division of Equal Employment Opportunity and Affirmative Action
### Discrimination Complaint Processing Form

**INSTRUCTIONS:** This complaint form should be filed with the Equal Employment Opportunity/Affirmative Action Officer or the alternate designee for the State department, agency, commission, or State college/university where you work or applied for employment.

For detailed information on the complaint process, see the State of New Jersey Model Procedures for Processing Internal Complaints Alleging Discrimination in the Workplace (Model Procedures) on Page 2 of this form.

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<th>1. Name:</th>
<th>2. Name of State Dept., Agency, Commission or College:</th>
<th>3. Telephone (Work):</th>
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<th>7. Home Address:</th>
<th>8a. Full name, title, and telephone number of person(s) you believe discriminated against:</th>
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8. Date(s) of discriminatory action(s):

8c. Complainant's Status (Check applicable box):
- [ ] Employee
- [ ] Job Applicant
- [ ] Vendor/Contractor
- [ ] Other (Please specify)

9. Basis of Discrimination:
- [ ] Age
- [ ] Affectional/Sexual Orientation
- [ ] Ancestry
- [ ] Atypical Hereditary Cellular or Blood Trait
- [ ] Color
- [ ] Creed
- [ ] Disability
- [ ] Domestic Partnership Status
- [ ] Familial Status
- [ ] Gender Identity or Expression
- [ ] Genetic Information (including refusal to submit to or provide results of a genetic test)
- [ ] Liability for Military Service
- [ ] Marital/Civil Union Status
- [ ] Nationality
- [ ] National Origin
- [ ] Race
- [ ] Religion
- [ ] Sex/Gender (including pregnancy)
- [ ] Sexual Harassment
- [ ] Retaliation (for having filed a discrimination complaint, participating in a complaint investigation, or for opposing a discriminatory practice)

10a. Explain why you feel you have been discriminated against:
- [ ] CHECK IF ADDITIONAL SHEETS ARE ATTACHED

10b. Were the actions or behavior you are complaining about directed at, or said to, you ___ and/or another party___ (third party harassment)?

10c. Was the incident reported to anyone? Yes ___ No ___ If yes, who and when? ____________________________________________

10d. What remedy or resolution are you seeking?

10e. If appropriate, as determined by the EEO Officer, are you willing to attempt to resolve your complaint through mediation or another alternative dispute resolution (ADR) process? Yes ___ No ___

10f. Complainant's Signature: ___________________________ Date: __________________

11. Have you filed a discrimination complaint with the
- [ ] N.J. Division on Civil Rights? Yes ___ No ___
- [ ] U.S. Equal Employment Opportunity Commission? Yes ___ No ___

12. Have you filed a grievance on the issues / personnel actions described? Yes ___ No ___

13. Completion of this part is voluntary. The Information is to be used only for State and Federal record keeping and reporting requirements:

SEX: [ ] Male [ ] Female
RACE: [ ] American Indian or Alaska Native [ ] Asian [ ] Black or African American [ ] Native Hawaiian or Other Pacific Islander [ ] White
ETHNICITY: [ ] Hispanic or Latino [ ] Not Hispanic or Latino

**Note:** In addition to filing an internal complaint, a complainant has a right to use external complaint filing procedures available under State law (with the NJ Division on Civil Rights) and federal law (with the US Equal Employment Opportunity Commission). Detailed information is contained in the Model Procedures found on Page 2 of this form.

**DO NOT WRITE BELOW THIS LINE**

EEO/AA Officer ___________________________ Date __________________
Signature: ___________________________ Received: __________________

New Jersey Department of the Treasury
Division of EEO/AA
Revised 03-05-10

P.O. Box 315
Trenton NJ 08625-0315
609-777-0919
eeoaa@treas.state.nj.us
Each State department, commission, State college or university, agency and authority (hereafter referred to in this section as "State Agency") is responsible for

3. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.

4. Supervisory employees shall immediately report all alleged violations of the State Policy Prohibiting Discrimination in the Workplace to the State Agency's EEO/AA Officer. Such a report shall include both alleged violations reported to the supervisor, and those alleged violations directly observed by the supervisor.

If reporting a complaint to any of the persons set forth in paragraphs 2 through 4 above presents a conflict of interest, the complaint may be filed directly with the Division of EEO/AA.

5. In order to facilitate a prompt, thorough and impartial investigation, all complainants are encouraged to submit a Department of the Treasury Discrimination Complaint Processing Form. An investigation may be conducted whether or not the form is completed.

6. Each State Agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate. A copy of all complaints (regardless of the format in which submitted) must be submitted to the Department of the Treasury, Division of EEO/AA, by the State Agency's EEO/AA Officer, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed the complaint and, if applicable, the complaint notification letter sent to the person(s) against whom the complaint has been filed. If a written complaint has not been filed, the EEO/AA Officer must submit to the Division of EEO/AA a brief summary of the allegations that have been made. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or with the court system must also be submitted to the Division of EEO/AA.

8. During the initial intake of a complaint, the EEO/AA Officer or authorized designee will obtain information regarding the complaint and determine if interim corrective measures are necessary to prevent continued violations of the State's Policy Prohibiting Discrimination in the Workplace.

9. At the EEO/AA Officer's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.

10. An investigatory report will be prepared by the EEO/AA Officer or his or her designee when the investigation is completed. The report will include, at a minimum:

   a. A summary of the complaint;
   b. A summary of the parties' positions;
   c. A summary of the facts developed through the investigation; and
   d. An analysis of the allegations and the facts.

11. The State Agency head or designee will review the investigatory report issued by the EEO/AA Officer or authorized designee, and make a determination as to whether the allegation of a violation of the State's Policy Prohibiting Discrimination in the Workplace has been substantiated. The State Agency head or designee will issue a final letter of determination to the parties. If a violation has occurred, the State Agency head or designee will determine the appropriate corrective measures necessary to immediately remedy the violation, including the imposition of discipline, if warranted.

12. The final letter of determination will set forth the results of the investigation and the right of appeal to the Civil Service Commission (CSC) as set forth in Paragraphs 13 and 14, below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Division of EEO/AA shall be furnished with a copy of the final letter of determination.

   a. The final letter of determination shall include, at a minimum:

      1. A brief summary of the parties' positions;
      2. A summary of the facts developed during the investigation; and
      3. An explanation of the determination, which shall include whether:
         i. The allegations were either substantiated or not substantiated; and
         ii. A violation of the State's Policy Prohibiting Discrimination in the Workplace did or did not occur.

   b. The investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint referred to in Paragraph 8, above, is completed.

   c. The time for completion of the investigation and issuance of the final letter of determination may be extended by the State Agency head or designee when the investigation is extended, including the imposition of discipline, if warranted.

13. A complainant who is in the career, unclassified or senior executive service, or who is an applicant for employment, who disagrees with the determination of the State Agency head of designee, may submit a written appeal within 20 days of the receipt of the final letter of determination, to the CSC, P.O. Box 312, Trenton, NJ 08625-0312. The appeal shall be in writing and include all materials presented by the complainant at the State Agency level, the final letter of determination, the reason for the appeal and the specific relief requested.

Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The CSC Chair may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in this section or a combination of procedures as the CSC Chair deems appropriate. See N.J.A.C. 4A:2-1.7.

The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.

If disciplinary action has been recommended in the final letter of determination, the party(ies) charged may appeal using the procedures set forth in N.J.A.C. 4A:2-2 and 3.

The Director of the Division of EEO/AA shall be placed on notice of, and given the opportunity to submit comment on, appeals filed with the CSC of decisions on discrimination complaints, regardless of whether or not the complaint was initially filed directly with the Director of the Division of EEO/AA.

15. Any employee or applicant for employment can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with external agencies indicated below are provided for informational purposes only. An individual should contact the specific agency to obtain exact time frames for filing a complaint. The deadlines run from the date of the last incident of alleged discrimination/harassment, not from the date that the final letter of determination is issued by the State Agency head or designee.