

Process for Title VII Complaints of Discrimination or Retaliation

1. Introduction

These procedures have been established for processing Title VII complaints, as it relates to the South Carolina Department of Transportation (SCDOT) External Equal Opportunity (EEO) Program. It is the responsibility of SCDOT to investigate EEO complaints filed against a construction contractor awarded a federal-aid contract, while ensuring due process for complainants.

SCDOT will promptly and thoroughly investigate the merit of each complaint in a professional and confidential manner. Every effort will be made to obtain early resolution of complaints at the lowest level possible and with the guidance of the Federal Highway Administration (FHWA). If the investigator finds that a contractor/subcontractor has engaged in discriminatory practices, they will be deemed in noncompliance with EEO requirements and shall be required to promptly take corrective action or be subject to contract sanctions.

These procedures do not preclude the contractor from investigating complaints brought to its attention, nor does it prohibit the complainants from filing a report of discrimination with South Carolina Human Affairs Commission (SCHAC), Equal Employment Opportunity Commission (EEOC), or any other investigative organization or agency. Likewise, this process does not prevent the Complainant from attempting to informally resolve the complaint.

2. Definitions

- a) Discrimination: any action or inaction, whether intentional or unintentional, in any program or activity of a Federal-aid recipient, sub-recipient, or contractor which results in:
 - Disparate (unfavorable or unequal) treatment,
 - Disparate impact, or
 - Perpetuating the effects of prior discrimination based solely on the person's race, color, sex, national origin, age, or disability (in the case of disability, failure to make reasonable accommodation is included as a potential basis for discrimination) toward any person in the United States.
- b) Retaliation: any actions or inaction directed toward a person who has filed a complaint of discrimination, regardless of whether that complaint was found to be with merit, if that action/inaction resulted in a negative impact on that person. These procedures cover retaliation as a ground of discrimination and are covered under these procedures also.
- c) Contractor: Any contractor who is a prime contractor on any SCDOT project on which federal money pays for all or part of the project, and any contractor who

holds a subcontract (either first tier or any other tier) on any SCDOT project on which federal money pays for all or part of the project.

- d) Employee: Any person employed either part-time or full-time by the contractor against whom the complaint is reported.

3. Submission of Complaints

Any person or any specific class of persons who believe they have been subjected to discrimination or retaliation, prohibited by any of the Civil Rights Authorities, is eligible to file a complaint. The bases covered by these authorities are race, color, sex, age, national origin, or disability.

A complaint may be reported during interviews associated with Stage-Type Inspections; In-Depth Equal Opportunity Compliance Reviews; or to any representative of SCDOT. Any person, who feels that they may have been retaliated against as a result of reporting a complaint of discrimination, is also eligible to file a complaint.

Complaints shall be in writing; dated and signed by the Complainant(s).

4. Timeframe

A complaint of discrimination must be filed no later than one hundred and eighty (180) calendar days following:

- The date of the alleged act of discrimination;
- The date when the Complainant(s) became aware of the alleged discrimination; or,
- The date on which the alleged act of discrimination continued or the latest instance of the conduct.

SCDOT shall complete its investigation within sixty (60) calendar days from receipt of the written complaint. If circumstances arise that require additional time, SCDOT will request an extension from the South Carolina Federal Highway Division Office prior to the sixty (60) day deadline.

Persons interested in filing a Title VII complaint with SCDOT may contact:

**Cassandra Fletcher
External EO and OJT Program Coordinator
Office of Civil Rights Programs
Post Office Box 191
Columbia, South Carolina 29202
Phone: 803-737-1723
Fax: 803-737-2021**

CONTACT INFORMATION FOR OTHER AVENUES OF RECOURSE

Complainant(s) may also contact the following agencies if he/she would like to pursue other avenues of recourse and/or is not satisfied with the results of an investigation conducted by SCDOT:

1. South Carolina Human Affairs Commission (SCHAC)
1026 Sumter Street, Suite 101
Columbia, South Carolina 29201
Phone: 803-737-7800
Toll-free phone: 800-521-0725

2. Office of Federal Contract Compliance Programs (OFCCP)
1835 Assembly Street, Room 608
Columbia, South Carolina 29201
Phone: 803-251-4680
Fax: 803-251-4690

3. Equal Employment Opportunity Commission (EEOC) – **Greenville Office**
301 North Main Street, Suite 1402
Greenville, South Carolina 29601-9916
Toll-free phone: 800-669-4000
Fax: 864-241-4416

(The **Greenville Local Office** has jurisdiction over the state of South Carolina Counties of Abbeville, Aiken, Anderson, Calhoun, Cherokee, Chester, Chesterfield, Clarendon, Darlington, Dillon, Edgefield, Fairfield, Florence, Greenville, Greenwood, Horry, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and York.)

4. Equal Employment Opportunity Commission (EEOC) – **Atlanta District Office**
Sam Nunn Atlanta Federal Center
100 Alabama Street, SW, Suite 4R30
Atlanta, Georgia 30303
Toll-free phone: 800-669-4000
Fax: 404-562-6909

(The **Atlanta District Office** has jurisdiction over the state of South Carolina Counties of Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Jasper, and Williamsburg.)