

# Government of the District of Columbia

## Department of Transportation



**TO:** All DDOT Employees

**From:** DDOT's Office of Transportation Equity and Inclusion

**SUBJECT:** Step-by-Step Procedures for Filing an EEO Complaint

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Employment discrimination on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, genetic information, disability, matriculation and political affiliation is prohibited in the District.

Discrimination can take several forms:

<b>Discrimination Issue</b>	<b>Defined</b>
Disparate Treatment	Disparate treatment is when an individual claims that he or she was treated differently because of his or her protected category (i.e. race, gender, etc.) with regard to an employment action (i.e. hire, promotion, discipline, termination, etc.), or term or condition of employment.
Harassment and Sexual Harassment – Hostile Work Environment	Harassment/hostile work environment (non-sexual) is any unwelcomed verbal or physical conduct based on one of the protected categories that is so objectively offensive as to alter the conditions of the employee's employment. The standard is met when: <ul style="list-style-type: none"><li>• The conduct culminates in a tangible employment action (i.e. demotion, termination, failure to promote) or;</li><li>• The conduct was sufficiently severe or pervasive to create a hostile work environment</li></ul> Sexual harassment is unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of the following is present: <ul style="list-style-type: none"><li>• Submission to such a conduct is made explicitly or implicitly a term or condition of employment</li><li>• Submission to or rejection of conduct is used as a basis of employment decisions</li><li>• Conduct has the purpose or effect of interfering or creating an intimidating, hostile, or offensive work environment.</li></ul>
Failure to provide a Reasonable Accommodations	A reasonable accommodation is any modification or adjustment to a job, employment practice, or the work environment, that makes it possible for an individual with a disability to enjoy equal employment opportunity and perform the essential function of his/her job.  An employer must provide a reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship on the agency.
Failure to offer DC FMLA	Family Leave: Eligible circumstances include the birth of a child, adopting a child, or caring for a child in foster care. Caring for a seriously ill family member is also eligible.  Medical Leave: Eligible circumstances include recovering from a serious illness rendering the employee unable to work during a 24 month period.  Employers with at least 20 employees must allow eligible employees to take up to 16 weeks (640 Hours) of family leave plus 16 weeks of medical leave in any 24-month period.

Retaliation	<p>Individuals are protected from retaliation or an adverse action by their agency if they are engaged in:</p> <ul style="list-style-type: none"> <li>• The EEO Complaint Process; or</li> <li>• Expressed opposition to a discriminatory employment practice</li> </ul>
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Current, former, or prospective DC Government employees who believe they have been subjected to discrimination in aspect of employment with the District of Columbia in violation of Title VII and/or the DC Human Rights Act (DCHRA) must:

**Step 1:** Report their claim to an EEO Counselor or Officer within **180 calendar days** of discrimination or discovery thereof in order to attempt resolving their claim(s).

- a) Employees may choose to file within the agency or any other District agency. A list of EEO Counselors is available on the DC Office of Human Rights (OHR) website ([www.ohr.dc.gov](http://www.ohr.dc.gov)).
- b) Employees have a right to representation.
- c) An exception is made for employees who want to file a sexual harassment complaint, which may bypass the Agency and be filed directly with the OHR.

DDOT's EEO Officer is Peach Pornjai Siribrahmanakul and can be reached by phone, 202.671.0630, and by e-mail, [peach.pornjai@dc.gov](mailto:peach.pornjai@dc.gov).

**Step 2:** Upon contacting the EEO Counselor or Officer, he or she will schedule an Initial Interview with the Complainant, review the claims, request documents, speak with witnesses, and attempt to resolve the case.

**Step 3:** The EEO Counselor or Officer will complete reviewing the case and schedule a Final Interview with complainant within **thirty (30) calendar days** of the initial date of contact with complainant; however, this time may be extended by 30 days for good cause.

**Step 4:** During the Final Interview, the EEO Counselor or Officer will provide the complainant with an Exit Letter outlining the claims reported to the counselor and the right to file a formal complaint with OHR.

**Step 5:** If the case was not resolved to complainant's satisfaction during the EEO Counseling process, complainant may file a formal complaint with OHR, but the complaint must be filed within **fifteen (15) calendar days** of receiving the Exit Letter.

**Step 6:** The Exit Letter may be requested if counselor does not conduct final interview with the thirty (30) calendar days.