

Online Human Resources Manual Policy

XXXX Equal Employment Opportunity

Policy Number

1010

Category

Equal Employment Opportunity

Subcategory

Discrimination Complaint Tracking System (DCTS)

Owned By

Division

Executive

Program

Office of Civil Rights

Audience

Department Directors
Equal Employment Opportunity Officers
Equal Employment Opportunity Investigators
Chief Counsels
Human Resource Chiefs
Personnel Officers

Synopsis

This policy:

- Describes the responsibility of agency Equal Employment Opportunity (EEO) Officers and Investigators to enter discrimination and harassment complaint information into the Discrimination Complaint Tracking System (DCTS).
- Establishes standards and criteria for user compliance within DCTS.
- Establishes an efficient method for the California Department of Human Resources Office of Civil Rights (CalHR) to collect, analyze, and report statewide discrimination and harassment complaint data.

Introduction

Each state agency is required to maintain an effective equal employment opportunity program, and CalHR provides statewide leadership in support of those programs by way of established guidelines, policies, and technical assistance. CalHR also has the responsibility for advocating, coordinating, enforcing and monitoring agency programs. The state takes the issues of harassment and discrimination complaints of all types very seriously and wants to better track how they are monitored and resolved. To address workplace harassment and discrimination in state agencies, it is crucial that reliable, detailed data on those complaints be collected statewide and CalHR is statutorily required to collect such statewide data.

Pursuant to its statutory mandate, CalHR has established the DCTS, which is a comprehensive cloud-based case management and tracking system that enables data collection of discrimination, harassment, and retaliation complaints, and denials of reasonable accommodation, by all state departments. The DCTS provides the capability to track complaints filed with state entities by capturing data such as discrimination/harassment complaint type, parties involved, dates of filing, investigation information and outcomes, and monetary costs related to judgments and settlements. Starting January 1, 2020 EEO Officers and Investigators will be required to log pertinent complaint data and upload files to the DCTS as a part of their statutory mandate to develop, implement, coordinate and monitor the agency's EEO program.

CalHR will utilize the DCTS to fulfill its mandate to advocate, coordinate, enforce, and monitor equal employment opportunity programs statewide (Gov. Code § 19790). CalHR will monitor and track data within the system and as patterns and/or concerns are identified, consult with state departments to implement action plans to resolve issues and remedy problems. CalHR will report statewide complaint data. Such reports shall not include any personally identifiable information.

Statement

Government Code section 18573 requires each appointing power to provide access to records and prepare reports as required by CalHR. Government Code section 19792, subdivision (k) requires CalHR to establish and maintain a tracking system that shall enable the collection of discrimination and harassment complaint data across state agencies as prescribed by CalHR. In accordance with these statutory mandates and this policy, effective January 1, 2020, all department EEO Offices shall utilize DCTS to report complaint data in a single and secure location. Departments maintaining a separate system of complaint tracking may continue to utilize internal systems; however, all information related to discrimination and harassment complaints (including Department of Fair Employment and Housing and Equal Employment Opportunity Commission complaints), complaints for a denial of a reasonable accommodation, related investigations, resolutions, and related post investigative actions such as

judgments and settlements resulting from administrative and court proceedings shall be entered into DCTS.

DCTS Access Requirements

The DCTS serves as the centralized mechanism to track discrimination and harassment complaints received by departments. System users will adhere to the standards outlined in this section:

- System users must read the DCTS Security and Access Guidelines, sign the DCTS Security Agreement, and complete the DCTS Access Request Form. EEO Officers must verify and approve the intended user role for each employee accessing the DCTS. Department Directors must approve EEO Officer access.
- System users shall be bona fide employees of the state and specifically of the requesting department assigned in the capacity of EEO Officer, EEO Investigator or EEO Manager. EEO Investigators and EEO Managers must report to the EEO Officer. Additional justification is required for individuals with no direct role in either investigations or supervision of investigations. Special arrangements for EEO Officer support of more than one agency must be verifiable at time of access approval.
- CalHR shall grant access only after the CalHR DCTS Security Agreement and DCTS Access Request form are fully executed and on file with CalHR. Access shall be denied based on one or more of the following instances, on a case-by-case basis:
 - User is not on staff in the EEO Office
 - User has no reporting relationship to the EEO Officer
 - User has neither a direct role in EEO investigations nor active supervision of EEO investigations
 - User EEO role and/or position vacated
 - No previous access to department discrimination complaint activity or investigatory process
 - No identified role or responsibility to input data
- CalHR shall grant permissions and access levels for only those areas of the DCTS that are determined necessary to perform assigned job duties. The CalHR DCTS Administrator should be contacted for any clarification needed regarding access.
- Misuse or unauthorized disclosure of login credentials by any user may result in the revocation of access to the DCTS and any appropriate disciplinary action by the applicable appointing authority.

Report Generation

Departments shall have the ability to generate a variety of reports containing complaint data such as number of cases received, complaint type and case type categories, outcomes, parties involved, and monetary costs related to judgments and settlements. EEO Officers may generate ad hoc reports to objectively assess and monitor departmental EEO programs, and related personnel policies and practices.

CalHR shall review, analyze and report on statewide complaint data. A formal analysis of the data will be reported beginning March 2021, and no personally identifiable information shall be included in that report.

Quarterly Reporting

In addition to entering complaint data into the DCTS, departments shall conduct quarterly reporting to CalHR via DCTS regarding complaints. Reporting shall include an acknowledgement that all complaints received during the given reporting period are entered, or a designation that no cases were received.

EEO Offices must retain all complaint files according to established legal standards and/or state retention schedule.

Privacy

CalHR adheres to the regulations and requirements as set forth in the California Information Practices Act of 1977 (IPA) and the Federal Privacy Act of 1974. The information collected for user access is pursuant to security access authority and protection of information, data, and systems of the State of California mandated by Government Code sections 19790 et seq., 11019.9, 11549, State Administrative Manual 5300, and Penal Code section 502. Department staff accessing DCTS data shall be familiar with these state and federal statutes.

All statewide discrimination and harassment complaint data collected within the DCTS is confidential and subject to state policy and data security standards. Information systems used to process/store confidential or sensitive information must protect data from unauthorized access. CalHR's complete [Privacy Policy](#) is located on the CalHR website.

Public Records Act (PRA) Requests

Government Code section 18573 provides that "each appointing power shall provide access to records and prepare reports as required by the board or the department [CalHR]. Information given to the board and the department [CalHR] by any person shall not be open to public inspection except under conditions prescribed by board rule, except that a person may inspect any record relating to his or her own services."

Application

Existing law provides that the EEO Officer is responsible for ensuring prompt and effective investigations of discrimination complaints. EEO Officers shall ensure that all complaints for the department are entered in the DCTS in accordance with this policy.

- Following the complaint intake process, the EEO Officer and/or assigned Investigator shall use DCTS to report the details of all discrimination, harassment, and retaliation complaints, and any complaints regarding a denial of reasonable accommodation, effective January 1, 2020.
- Complaint type, date received and the department name will be required data to initiate an open case.
- Upon acceptance for investigation, EEO Officers and/or Investigators shall enter complaint investigation details including date(s) of incident(s), case party data and other information into the DCTS.
- Complaints resolved through the informal process and complaints not accepted shall be documented in the DCTS and closed.
- All complaints and final investigative reports shall be uploaded to DCTS. Other relevant case documents may be uploaded.
- The EEO Officer and/or Investigator shall enter complaint outcome information prior to case closure.
- Post investigation activity information shall be entered into DCTS as it occurs. The EEO Officer must monitor and report filings with additional agencies or courts, including settlement and judgement terms and amounts.
- CalHR shall provide comprehensive training and ongoing support to EEO Officers and Investigators regarding use of the DCTS. Training shall be provided annually.
- Directors shall ensure that their department's EEO Officer and Investigator(s) follow security requirements of the DCTS. Directors shall ensure that all department complaints are entered and required information is uploaded by his/her department into the DCTS.
- CalHR shall monitor discrimination complaint activity statewide and consult with state departments regarding trends and patterns identified as a result of complaint data. CalHR shall collaborate with departments and make recommendations for effective action planning to improve EEO program practices and procedures.

Authorities

- [Government Code Section 18573](#) – Records provided to CalHR by a department, as required by CalHR, are not open to public inspection
- [Government Code Section 19790, et seq.](#) – CalHR monitoring of state EEO programs
- [Government Code Section 19792\(k\)](#) – CalHR establishment of statewide discrimination and harassment complaint tracking system
- [Government Code Section 19795](#) – EEO Officer responsibility to monitor
- [Government Code Section 7400, subdivision \(a\)\(1\)](#) California Constitution prohibits discrimination and preferential treatment on basis of race, sex, color, ethnicity or national origin.
- [Information Practices Act of 1977 \(California Civil Code, § 1798 et seq.\)](#)
- [The Federal Privacy Act \(Public Law 93-579\)](#)

Resources

- [1001 – Equal Employment Opportunity \(EEO\) Officer Role](#)
- DCTS User Guide
- DCTS Security and Access Guidelines
- DCTS Access Request Form

Webpage

- [Privacy Policy](#)

Contact Person

Discrimination Complaint Tracking and Monitoring Unit
Office of Civil Rights
Phone: 916-324-0970
Fax: 916-327-2349
Email: dcts@calhr.ca.gov

Authorized By

Glenna Wheeler
Chief, Office of Civil Rights