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Governor

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Director

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Bureau of Human Resources

Telephone (207) 289-3761

MEMORANDUM

October 21, 1992

TO: Department Heads, Personnel Officers and  
Affirmative Action Officers

FROM: Nancy J. Kenniston, Director  
Bureau of Human Resources

SUBJECT: Corrected Copy of Civil Service Bulletin 13.3A

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Attached is a corrected copy of Civil Service Bulletin 13.3A on the State Discrimination Complaint Procedure.

Please note the removal of the requirement to suspend the internal procedure if a complaint is filed with the Maine Human Rights Commission. Although this is often the desired course of action, there are circumstances when an internal investigation must be completed. It is necessary to make this decision on a case-by-case basis.

If you have any questions, please call Laurel Shippee, State Affirmative Action Coordinator, at 287-4425.

Nancy J. Kenniston, Director  
BUREAU OF HUMAN RESOURCES

NJK/mg

Attachment

Corrected Copy  
October 21, 1992

STATE OF MAINE  
BUREAU OF HUMAN RESOURCES

November 4, 1991

CIVIL SERVICE BULLETIN 13.3A

TO: Department/Agency Heads, Personnel Officers and  
Affirmative Action Officers

SUBJECT: State Discrimination Complaint Procedure

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**PURPOSE**

These procedures are adopted to provide a prompt and equitable resolution of complaints alleging discrimination, including harassment, on the basis of race, color, religion, sex, age, national origin, ancestry, physical or mental disability, disabled or Vietnam Era veterans status, ex-patient or ex-offender status. Applicants for employment and State employees, regardless of status, may utilize these procedures.

**INTERNAL COMPLAINT PROCEDURE**

Employees

Although employees are encouraged to follow the procedure as outlined if it is comfortable to do so, the option of contacting the agency Affirmative Action Officer or the State Affirmative Action Coordinator as a first step is always available.

**Step A.** Any employee who believes he or she has been discriminated against has 180 calendar days from the date of the alleged discriminatory act to verbally notify the immediate supervisor or agency Affirmative Action Officer. If the supervisor is considered to be the person participating in or condoning the objectionable conduct, the employee may notify another management person over the supervisor. The supervisor has seven working days to respond to the complainant. If the complainant is not satisfied with the supervisor's response, or if, after 7 working days, the complainant has not received a response, he/she may file a written complaint with the agency Affirmative Action Officer.

**Step B.** The agency Affirmative Action Officer upon receipt of a verbal or written complaint shall investigate and attempt an informal resolution.

**Step C.** If the Affirmative Action Officer is unable to reach an informal resolution, he/she will forward the findings and recommendations to the agency head for a resolution. The agency head will provide a written response to the complainant. If the complainant is not satisfied with the agency decision, he/she may file a written complaint with the State Affirmative Action Coordinator in the Bureau of Human Resources.

**Step D.** The State Affirmative Action Coordinator shall review the agency findings and attempt an informal resolution. If deemed necessary, he/she may conduct an investigation. If informal resolution is not possible, the State Affirmative Action Coordinator will forward the findings and recommendations to the Director, Bureau of Human Resources for a final resolution. The Director will provide a written response to the complainant.

### Applicants

Applicants for State employment may utilize the above complaint procedure in the following manner:

1. If the alleged discrimination occurred at the agency level (i.e., interview process), an applicant should proceed to Step B by filing a written complaint with the Agency Affirmative Action Officer.
2. If the alleged discrimination occurred in the centralized recruitment, testing, certification process within the Bureau of Human Resources, an applicant should proceed to Step D by filing a written complaint with the State Affirmative Action Coordinator.

In addition to these internal complaint procedures, employees covered by collective bargaining may file a grievance through the applicable grievance procedure within 15 days of the alleged violation. A discrimination complaint may also be submitted to the Maine Human Rights Commission at any time within 180 days of the alleged discriminatory incident. If such a complaint is filed, the internal complaint procedure is suspended. It is not required that any of the above procedures be utilized first or in any sequence nor is it required that any procedure be exhausted before the other is used.

  
Nancy J. Kenniston, Director  
BUREAU OF HUMAN RESOURCES