



City of Virginia Beach

OFFICE OF THE CITY AUDITOR
(757)-385-5870
FAX (757) 385-5875
TTY (757) 385-4305

VBgov.com
MUNICIPAL CENTER
BUILDING 1, ROOM 344
2401 COURTHOUSE DRIVE
VIRGINIA BEACH, VA 23456-9012

TO: James K. Spore, City Manager

FROM: Lyndon S. Remias, City Auditor *LSR*

DATE: August 28, 2015

SUBJECT: Audit of City's Discrimination Complaint Process

We have completed the planning phase of our audit of the City's discrimination complaint process. It was our intention to review the City's process for investigating employee complaints of discrimination in the workplace to ensure the City's compliance with laws and regulations related to complaints of discrimination and that adequate procedures were in place to ensure complaints are addressed in a proper and timely manner. However, based on the results of our preliminary work, we have decided to defer the remainder of the audit for the following reasons:

- The City's *Equal Employment Opportunity Policy and Complaint Procedure* (HR Policy 6.06) is currently under revision. The revised policy will change how the City handles discrimination complaints. Most notably, the proposed revisions address policy applicability, departmental reporting requirements and mandated employee training.
- Human Resources currently tracks *only* formal discrimination complaints. A formal complaint is one in which an employee has submitted and/or signed a written statement regarding the alleged incident to Human Resources and has expressed a desire to file a formal, rather than an informal, complaint. Informal complaints are handled by the individual City departments with or without guidance from Human Resources. Currently, there is not a central repository for information related to discrimination complaints handled using the informal process. In 2014, there were two formal complaints.

In the meantime, we offer the following recommendations for management's consideration while finalizing and implementing the proposed revisions to the City's policy:

- 1.1 Establish a central point of contact to ensure that **all** complaints of discrimination are logged and their status and disposition is monitored. Management should regularly review and communicate this information to ensure complaints are addressed in a timely manner and to identify possible trends and issues that may need to be addressed by a particular department or from a citywide prospective.
- 1.2 Ensure employees responsible for investigating complaints of discrimination and/or harassment are qualified to handle such investigations and are trained in proper investigative procedures and techniques. These employees should also be comfortable handling the investigations.
- 1.3 Provide investigative guidelines to ensure consistency and completeness of complaint investigations. At a minimum these guidelines should include intake procedures, investigative prompts, and reporting/concluding standards.

Once the changes have been finalized, management should:

- 2.1 Ensure the revised policy and training opportunities are distributed to all employees as well as temporary workers and volunteers.

Management's response to our preliminary recommendations is attached.

We plan to revisit this area once the policy revisions are finalized and implemented.

If you have any questions regarding these items please contact me at 757-385-5872 or via e-mail at lremias@vbgov.com.

Lsr/gwh

c: City Council Members
Audit Committee Members
Cindy Curtis, Deputy City Manager
Regina Hilliard, Director, Human Resources
Melissa Bowers, Employee Relations Manager



City of Virginia Beach

DEPARTMENT OF HUMAN RESOURCES
DIRECTOR'S OFFICE
(757) 385-8374
(757) 427-2731 FAX
(757) 427-8383 TDD

VBgov.com
MUNICIPAL CENTER
BUILDING 18
2424 COURTHOUSE DRIVE
VIRGINIA BEACH, VA 23456-9056

INTER-OFFICE MEMORANDUM

DATE: August 14, 2015
TO: Lyndon Remias, City Auditor
FROM: Regina S. Hilliard, Director of Human Resources
SUBJECT: Response to Preliminary Audit Recommendations

We have reviewed your recommendations and provide the following responses:

- 1.1 Establish a central point of contact to ensure that all complaints of discrimination are logged and their status and disposition is monitored. Management should regularly review and communicate this information to ensure complaints are addressed in a timely manner and to identify possible trends and issues that may need to be addressed by a particular department or from a citywide prospective.**

Human Resources-Employee Relations (ER) Division has been established as the central point of contact to ensure that all complaints of discrimination are logged and their status and disposition is recorded. Currently, ER tracks and maintains a spreadsheet for internal EEO complaints and another for EEOC complaints. The ER Manager is responsible for reviewing this information and ensuring that internal complaints are addressed in a timely manner. The City attorney's office is responsible for the official records related to EEOC complaints.

The ER Manager as well as ER Staff look for departmental and citywide trends. The City's Strategic Workforce and Employment Plan provides another framework for identifying possible trends and issues that may need to be addressed by a particular department or from a citywide prospective.

1.2 Ensure employees responsible for investigating complaints of discrimination and/or harassment are qualified to handle such investigations and are trained in proper investigative procedures and techniques. These employees should also be comfortable handling the investigation.

ER Analysts are required to have the knowledge, skills and ability to investigate complaints of discrimination and/or harassment. Candidates for ER Analysts are required respond to questions related to their knowledge of EEO regulations and experiences associated with investigating related complaints. Once employed as an ER Analysts, individuals are provided information related to the City's EEO policy and process for handling related complaints. Relevant training to enhance skills is provided when available and/or needed.

1.3 Provide investigative guidelines to ensure consistency and completeness of complaint investigations. At a minimum these guidelines should include intake procedures, investigative prompts and reporting/concluding standards.

Employee Relations will develop an intake form to document the initial contact with the complainants. This form will include pertinent information about the complainant such as name, department, job title, date of hire, and a description of the complaint. Additionally, the form will include investigative prompts and next steps/resolution. This form will be developed in conjunction with the revised Equal Employment Opportunity Policy and Complaint Procedure.

Following the approval of the revisions to the Equal Employment Opportunity Policy and Complaint Procedure management should:

2.1 Ensure the revised policy and training opportunities are distributed to all employees as well as temporary workers and volunteers.

We anticipate that the new policy will be distributed to all employees, temporary workers and volunteers with an acknowledgment of receipt. EEO training for members and supervisors is included in the City's training catalog. Additionally, ER staff provides department specific EEO training by request.