

### **Procedure for Non-Employee Discrimination Complaints**

The PA Fish & Boat Commission (PFBC) does not discriminate on the basis of race, color, religious creed, ancestry, gender, sexual orientation, gender identity or expression, national origin, disability, age, sex, AIDS or HIV status, or disability in the administration of its programs or activities, as required by applicable laws and regulations. The Commission is responsible for coordination of compliance efforts and receipt of inquiries concerning the non-discrimination requirements of Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; Title II of the Americans with Disabilities Act of 1990; and other applicable federal non-discrimination laws.

This document outlines complaint procedures relating to the PFBC's provision of programs and services. PFBC's EEO Officer shall be responsible for the coordination and oversight of said procedures. The EEO Officer will receive and review complaints, communicate with complainants, investigate complaints, or arrange for the investigation of complaints, issue letters and notices, and perform other actions necessary to fulfill PFBC's obligations under nondiscrimination statutes. This document is posted on our public website for notification to the general public.

Any person who believes he/she has been discriminated against with respect to a PFBC program or activity may file a complaint using the below procedures. An appropriate, prompt, and impartial investigation of allegations filed will be conducted, and a preponderance of the evidence standard will be applied during the analysis of the complaint.

Any individual who files a complaint or testifies, assists, or participates in a non-discrimination investigation, proceeding, or hearing may not be intimidated or retaliated against by the Commission for the purpose of interfering with any right or privilege guaranteed by the Civil Rights Act of 1964, Section 504, or other civil rights statutes.

The PFBC's procedures for non-employee discrimination complaints and retaliation complaints are as follows:

1. Any person who believes that he/she has been subjected to discrimination may file a written complaint with the PFBC's EEO Officer. Complaints must be filed within 180 days from the last alleged incident.
  - a. Complainants also have the right to complain directly to the appropriate state or federal agency; however, the complainant must do so within the below noted days of the last alleged incident.

2. The complainant may request the complaint form from the EEO Officer. In lieu of the complaint form, the complainant may submit to the EEO Officer a written statement that contains all the information identified in Sections 3a through 3g below.
3. The complaint must include the following information:
  - a. Name, address, and telephone number of the complainant.
  - b. The basis of the alleged discrimination (i.e., race, color, national origin, sex, age, or disability).
  - c. The date or dates on which the alleged discriminatory event or events occurred.
  - d. Description of the alleged incident, including what led complainant to feel discrimination was a factor.
  - e. Names, addresses, and telephone numbers of persons who may have knowledge of the event.
  - f. If a complaint has been filed with another agency or court, the agency or court where it was filed and contact name.
  - g. Complainant's signature and date.
4. The complaint must be delivered to the EEO Officer:

Craig Miller  
EEO Officer  
1601 Elmerton Avenue  
Harrisburg, PA 17110  
Phone Number: (717) 705-7824  
E-mail Address: [cramiller@pa.gov](mailto:cramiller@pa.gov)

5. PFBC will make reasonable accommodations which are necessary to allow a person with disabilities full access to the complaint filing and investigative process. Such accommodations may include, but not be limited to, using a contracted vendor relay service to communicate with a complainant who is deaf or has a hearing impairment or assisting the complainant in preparing his or her written complaint.
6. PFBC will make reasonable accommodations which are necessary to allow a person who does not speak or has limited English language proficiency full access to the complaint filing and investigative process. Such accommodations are provided by a contracted vendor through the Commission's EEO Officer.
7. Once a complaint is filed, an acknowledgement letter will be issued to the complainant within five (5) business days.
8. PFBC's Chief Counsel will review the complaint and determine whether it has jurisdiction to investigate the issues presented. If the PFBC does have jurisdiction, the complainant will be issued an acceptance letter within five (5) business days of said determination. If the PFBC does not have jurisdiction, the complainant will be issued a no jurisdiction letter within five (5) business days of said determination.

9. The PFBC has up to one-hundred eighty (180) days to investigate the complaint. If more information is needed to resolve the case, the EEO Officer may contact the complainant. The complainant has thirty (30) days to send requested information to the investigator assigned to the case.
10. If the EEO Officer is not contacted by the complainant or does not receive the additional information within thirty (30) days, the PFBC may administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue his/her case.
11. After the Chief Counsel reviews the complaint, one of two letters will be issued to the complainant:
  - a.) a closure letter, or
  - b.) a letter of determination.
12. A closure letter summarizes the allegations, states that there was not a Title VI violation, and states that the case will be closed. A determination letter summarizes the allegations and the interviews regarding the alleged incident, states what type of violation was found to have occurred, and explains whether any disciplinary action, additional training of staff involved, or other action(s) will occur.
13. If the complainant wishes to appeal the decision, he/she has twenty (20) days after the date of the closure letter or the determination letter to do so. Appeals will be decided by PFBC's Human Resource Office Director.

These procedures do not limit or deny the complainant's right to file a formal complaint with an outside enforcement agency. In addition to the procedures above, any person who feels that he/she has been discriminated against with respect to a PFBC program or activity may contact the appropriate state or federal agency listed below:

Pennsylvania Human Relations Commission [www.phrc.pa.gov](http://www.phrc.pa.gov)  
Harrisburg Regional Office Voice: 717.787.9784; TTY: 717.787.7279  
Philadelphia Regional Office Voice: 215.560.2496; TTY: 215.560.3599  
Pittsburgh Regional Office Voice: 412.565.5395; TTY 412.565.5711

Time Frame: 180 days from date of alleged discrimination

U.S. Equal Employment Opportunity Commission [www.eeoc.gov](http://www.eeoc.gov)  
Nationwide Voice: 800.669.4000; TTY: 800.669.6820  
Philadelphia District Office Voice: 215.440.2601; TTY: 215.440.2610  
Pittsburgh District Office Voice: 412.395.5902; TTY: 412.395.5904

Time Frame: 300 days from date of alleged discrimination