

Fairfax County Office of Human Rights Complaints

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This article involves an overview of the Fairfax County Office of Human Rights and Equity Programs, Human Rights Division ([HRD](#)). The purpose of HRD is to examine and investigate complaints by employees who have claimed discrimination on the basis of race, color, sex, religion, national origin, marital status, age, familial status or disability involving employment, housing, public accommodations, private education, and credit. Pursuant to the [Fairfax County Human Rights Ordinance](#) located in Chapter 11 of the County Code, the HRD evaluates complaints by employees who believe they have been subjected to discrimination and harassment by an employer in Fairfax County.

Filing a Complaint with HRD

Generally, an employee must file a complaint with the HRD in person or by telephone within 365 days of the alleged discrimination. Complaints can also generally be filed at the Equal Employment Opportunity Commission ([EEOC](#)). The HRD and EEOC often cooperate with each other and in some cases a discrimination complaint will be considered cross-filed with both agencies. Some of the reasons for filing a discrimination complaint include:

- Denial of a promotion due to race, color, age, or disability;
- Gender-based salary discrimination;
- Termination due to pregnancy; or
- Termination after contesting an act of discrimination.

Resolving Complaints at HRD through ADR

The HRD provides alternative dispute resolution (ADR) methods such as mediation, settlement, or conciliation, which allow the employee and employer to avoid future litigation. There can be substantial benefits and cost savings to both an employee and employer in resolving a matter without litigation.

Steps in an HRD Investigation

The HRD takes a number of steps in order to investigate an employee's complaint. These steps include the following:

- (1) submitting document requests to an employer relating to the alleged discrimination;
- (2) conducting witness interviews regarding the alleged discrimination; and

(3) taking site visits to the employer regarding the alleged discrimination.

Following the investigation, HRD will determine whether there is probable cause to find discrimination. A finding of no probable cause can be appealed to the Fairfax County Human Rights Commission. The Commission can reverse the HRD determination, find probable cause, and grant a public hearing. If the Commission does not find probable cause, the employee can utilize the EEOC or court process to advance his or her dispute.

Public Hearing

If a public hearing is granted for an alleged case of discrimination, the case proceeds much like in civil court where information can be sought by the employee and witnesses can be examined. A pre-hearing is conducted to work out evidentiary and witness issues, after which a trial-type hearing is conducted. Following the public hearing, the Commission will determine whether a violation has occurred.

If the Commission finds a violation, it refers the matter to the Fairfax County Board of Supervisors for review and evaluation to determine whether the County Attorney should file a claim against an employer for violating the Fairfax County Ordinances on discrimination. If the claim is dismissed, employees can proceed with the court process.

Conclusion

We represent employees and employers in employment law matters before HRD. If you need assistance with an employment law issue, please contact our office at (703) 668-0070 or at www.berrylegal.com to schedule a consultation. Please also visit and like us on Facebook at www.facebook.com/BerryBerryPllc.

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