

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Anti-Discrimination Policy	PAGE <u> 1 </u> OF <u> 5 </u> NUMBER: 32-EEO-01
RULE/CODE REFERENCE: 42 U.S.C. 2000e; Title VII; ORC 4112	SUPERSEDES: 32-EEO-01 dated 10/12/11
RELATED ACA STANDARDS: 4-4053; 4-4054; 2-CI-6D-2; 2-CI-6D-3; 1-CTA-1C-03; 1-CTA-1C-03-1A; 2-1048; 2-1050; 4-APPFS-2G-01; 3E-05; 3E-07	EFFECTIVE DATE: February 13, 2015
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to communicate that discrimination on the basis of race, sex, creed, religion, color, national origin, disability, age, sexual orientation, political affiliation, genetic information, military, and veteran status throughout the employment process is prohibited.

III. APPLICABILITY

This policy applies to all employees and applicants for positions in the Ohio Department of Rehabilitation and Correction (DRC).

IV. DEFINITIONS

Women's Coordinator - An employee selected by the Appointing Authority of the institutions, regional offices of the Division of Parole and Community Services, and Operation Support Center who is an available source of support and disseminates information to female staff regarding health issues, educational opportunities, support groups, training, etc. The Women's Coordinator serves on the EEO Committee and provides quarterly reports of events to the Department's Women's Coordinator.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction that all employees and applicants shall be treated equally, without regard to their race, color, creed, religion, national origin, sex, sexual orientation, disability, age, political affiliation, genetic information, military, and veteran status. This includes providing a workplace free of harassment based on any of the above characteristics.

VI. PROCEDURES

A. EEO Strategic Plan (EEOSP)

The Managing Director of the Office of Human Resources/designee shall be responsible for developing and implementing an EEO Strategic Plan which shall be approved by the Department of Administration Services State Equal Opportunity Division (SEOD), Department of Administrative Services. This plan shall be updated internally and reviewed annually as required by the SEOD. This plan shall focus on identifying problem areas within the employment process and setting forth the particular actions necessary to correct such problem areas.

B. Dissemination of EEO Information and Training

1. Distribution and Posting

- a. The EEO Section of the Office of Human Resources shall coordinate the annual dissemination of EEO policies to all employees and recruitment sources.
- b. Each facility and the Division of Parole and Community Services shall maintain the Ohio Civil Rights Commission's (OCRC) and the Equal Employment Opportunity Commission's posters on its employee bulletin boards and in a public area.

2. Training

- a. All new employees and those providing services pursuant to independent contracts shall receive a copy of EEO policy statements and training in EEO issues.
- b. All training materials and/or lesson plans regarding EEO issues shall be prepared or approved by the EEO Section of the Office of Human Resources.

C. Agency EEO Committees

Each institution, Operation Support Center, and the Division of Parole and Community Services (DPCS) shall have an EEO committee to ensure equal opportunity in employment. The committee shall include a chairperson, women's coordinator, union representatives, and a minority business coordinator. The EEO committees shall reflect diversity in their membership. Members on the institutional committees shall be appointed by the Managing Officer. Operation Support Center committee members shall be appointed by the Deputy Director of Human Resources. DPCS committee members shall be appointed by the DPCS Deputy Director. The functions and responsibilities of the EEO chairperson, women's coordinator and union representatives include, but are not limited to:

1. Serving as a liaison between the EEO Section of the Office of Human Resources and institution/office staff;

2. Assisting and advising institutional/office management regarding EEO concerns and issues;
3. Assisting and counseling employees regarding EEO concerns and issues;
4. Increasing workforce awareness of the Department's policy regarding equal employment opportunity by providing in-service training including, but not limited to, sexual harassment and the American's with Disabilities Act (ADA) training.
5. Assisting in recruitment of qualified minorities and females; and
6. Conducting quarterly meetings, preparing minutes of such meetings and providing copies of said minutes to the EEO Section of the Office of Human Resources within ten (10) working days after such meetings.

D. EEO Contacts

1. Each facility and the Division of Parole and Community Services shall appoint one EEO contact person and one alternate EEO contact person. The individuals appointed must be separate and apart from the EEO committee. The EEO contacts shall be responsible for:
 - a. Locating and retrieving documentation required to respond to charges of discrimination;
 - b. Writing and preparing documentation for position statements in response to Ohio Civil Rights Commission (OCRC) and Federal Equal Employment Opportunity Commission (EEOC) cases;
 - c. Ensuring compliance with EEO deadlines.
2. The Women's Coordinator shall be responsible for:
 - a. Building networks that will address the needs and issues of fellow employees;
 - b. Reporting concerns or issues that may have a broad effect on the institution or office;
 - c. Networking with other coordinators to offer opportunities that can impact the development of employees.
3. For additional information or questions on EEO concerns please visit the DRC Intranet website page below.
<http://intra/index2.php?id=185>

E. Complaint Procedure

1. Reports of Discrimination
 - a. All allegations of discrimination shall be reported as soon as possible, in writing, in the manner customary for the reporting of incidents in that institution or office. (E.g., incident report, memorandum). Allegations of discrimination may also be reported to the following: administration at the involved institution or office, the women's

coordinator, an EEO representative at the involved institution or office, or the EEO Section of the Office of Human Resources at the Operation Support Center. All supervisory staff has an obligation to report incidents of alleged discrimination when brought to their attention. Failure to report knowledge of any discrimination may result in disciplinary action.

- b. When reports of this nature are made, the Managing Officer or designee shall be notified and immediately have the matter thoroughly investigated and take prompt corrective action when necessary. All attempts shall be made at this point to resolve the issue at the local level. The EEO Section of the Office of Human Resources may be contacted to assist in mediating disputes between the parties involved. In all cases, the reporting party shall be advised of the outcome of the investigation.
- c. Whenever administration, a women's coordinator, an EEO representative, or Office of Human Resources/EEO Section staff are contacted by an individual with a complaint of discrimination, regardless of attempts to resolve the issue at the local level, they shall ensure the individual is advised of his/her right to file a formal complaint with the SEOD, OCRC and/or the EEOC and of the respective timeframes for filing the complaint.

2. Formal Complaints of Discrimination

- a. To file a formal complaint of discrimination with Department of Administrative Services State Equal Opportunity Division (SEOD), an employee or applicant (hereinafter "Complainant") may obtain complaint forms from an EEO representative at the respective institution or office, from the EEO Section of the Office of Human Resources at Operation Support Center, or from the SEOD. For more information or to file a complaint with SEOD within 30 days of the alleged discriminatory incident the complainant can call 614-466-8380 or go to the website listed below:
<http://das.ohio.gov/Divisions/EqualOpportunity/AffirmativeActionEqualEmploymentOpportunity/EEOComplaintProcess.aspx#EEOComplaintProceduresstart>
- b. Once the complainant has filled out the form, it must be mailed to the EEO Section of the Office of Human Resources or the SEOD. Upon receipt and acceptance of the complaint, the matter shall be thoroughly investigated by the EEO Section of the Office of Human Resources, in accordance with OAC 123:1-49, *et al.*
- c. In all cases, the complainant shall be informed, in writing, of the outcome of the investigation. The complainant may review the investigation file and discuss the findings with the Operation Support Center EEO investigator.
- d. Complainants may also file formal complaints of discrimination with the Ohio Civil Rights Commission (OCRC) within six (6) months of the alleged discriminatory incident at <http://crc.ohio.gov>. Complainants may also file with the U.S. Equal Employment Opportunity Commission (EEOC) within 300 days of the alleged discriminatory incident at <http://www.eeoc.gov>. Information on how to file with

these agencies shall be available from any EEO representative or the EEO Section of the Office of Human Resources or the respected agencies.

F. Discipline

All staff are responsible for the prevention and elimination of discriminatory behavior and practices in the workplace. Participation in, or condoning discriminatory behavior by failing to correct or report such behavior, may be grounds for discipline.

G. Prohibition against Reprisals or Retaliation

Intimidation, coercion, threatening, taking reprisals, discriminating against or otherwise retaliating against any individual for reporting or filing a complaint of discrimination or acting as a witness in such a case is prohibited.