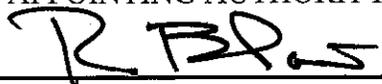


ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY

POLICY NUMBER: 500-02	EFFECTIVE DATE: 05/01/2011	APPOINTING AUTHORITY APPROVAL: 
REPLACES POLICY DATED: 3/8/2010	AUTHORITY: Title VII, Civil Rights Act of 1964 (as amended 1991); Age Discrimination in Employment Act 1967 (as amended 1986); Americans with Disabilities Act 1990; Equal Pay Act 1963; Title II Genetic Information Non discrimination Act of 2008; ORC 4112; ORC 5903.01; OAC 123:1-49-02; OCSEA Art. 2; Executive Order 2007-10S; Executive Order 2011-05K.	

I. PURPOSE

The Department of Administrative Services (DAS) is committed to providing a working environment free from discrimination, and to prohibit harassment of its employees and applicants, including sexual harassment. DAS will implement the policy to fully comply with applicable federal and state laws, rules, regulations and guidelines in the area of non-discrimination and harassment in employment.

II. POLICY

The Department of Administrative Services is an Equal Opportunity Employer. It is the policy of Ohio Department of Administrative Services (DAS) to prohibit discrimination and harassment of applicants and employees, due to race, color, religion, sex (including sexual harassment, sexual orientation) national origin, disability, age (40 years or older), genetic information (i.e. genetic tests information, family medical history, requests for or receipt of genetic services), veteran status or military status. Discrimination and/or harassment will not be tolerated in the Department of Administrative Services' workplace.

It is the policy of DAS to maintain a working environment free from discrimination and to prohibit harassment of its employees and applicants, including sexual harassment. Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a superior, subordinate or peer when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

III. PROCEDURES

A. REPORTING/HANDLING of DISCRIMINATION or HARASSMENT COMPLAINT

Anti-Discrimination and Anti-Harassment Policy 500-02

1. Any employee or applicant who believes that she or he has been discriminated against or subjected to harassment, including sexual harassment, should advise the offending individual that the action is not welcome and must stop.
2. The aggrieved individual must then report such incident(s) to either his or her supervisor, another supervisor/manager, the division's Human Resources Coordinator, the agency's EEO Manager, Human Resources Administrator or the Equal Opportunity Division.
3. Regardless of whether or not a written report is received from the alleged victim, managers and/or supervisors must immediately report such complaints to the EEO Manager or the Human Resource Administrator.
4. Any complaint or report received cannot be kept strictly confidential, however, information concerning allegations shall be managed discretely and communicated to others only as is necessary to investigate and take appropriate disciplinary action.
5. There shall be no retaliation against an employee for filing a complaint or report of discrimination or harassment, other inappropriate behavior or for participating as a witness in an investigation. Retaliatory actions will also be subject to investigation and possible discipline.

B. INTERNAL RESOLUTION OF A CLAIM

1. All allegations of discrimination or harassment will be taken seriously.
2. The DAS internal policy requires that complaints made to the EEO Manager or to the Human Resource Administrator will be reviewed to ensure jurisdiction.
3. All allegations and/or complaints of discrimination and harassment will be investigated promptly and thoroughly.
4. Formal complaints must be filed within 30 days of the most recent incident of alleged discrimination or harassment.
5. When appropriate, all efforts will be made to seek an internal resolution of claims.
6. A rapid determination will be made of what, if any, corrective action is warranted by possible violations of the Anti-Discriminatory and Anti-Harassment Policy.
7. The decision to pursue a remedy utilizing the agency's internal complaint process will be made in conjunction with the individual filing the allegations.
8. Incident reports by managers and supervisors should be made immediately.

C. FILING A FORMAL COMPLAINT

1. Formal complaints may be filed with any or all of the following enforcement agencies prior to the appropriate deadline for each.

- a. DAS Equal Opportunity Division
 - b. Ohio Civil Rights Commission
 - c. U.S. Equal Employment Opportunity Commission
2. Complaints filed with the Department of Administrative Services, Equal Opportunity Division (or EEO Manager, HR Administrator) should be within 30 days of the most recent incident of alleged discrimination or harassment.
- a. The EEO Manager shall then conduct a formal investigation of the complaint.
 - Within sixty (60) days from the filing of a complaint, the agency shall render a decision of whether or not there was probable cause and the appropriate remedy, if a remedy is required.
 - The investigation time may be continued, depending on extenuating circumstances.
 - b. If the complainant is not satisfied with the agency's decision and/or resolution she or he may request a hearing through the Ohio Department of Administrative Services, Equal Opportunity Division.
 - The Equal Opportunity Division will select a hearing officer to preside over and render a decision on the case.
 - The agency shall have thirty (30) days to act on the decision of the hearing officer, if any action is required.
 - The complainant may request a final review and decision from the State Equal Opportunity Coordinator if he or she is not satisfied with the decision of the hearing officer.
3. Complaints filed with the Ohio Civil Rights Commission must be filed within six months (180 days) of the most recent incident of alleged discrimination or harassment.
4. Complaints filed with the U.S. Equal Employment Opportunity Commission must be filed within 300 days of the most recent incident of alleged discrimination or harassment.

D. ENFORCEMENT

1. Harassment, discrimination, retaliation and related behavior in the workplace are inappropriate and will not be tolerated.
2. Such conduct is subject to discipline, up to and including termination.
3. Supervisory employees are advised that they may be subject to personal liability for acts of discrimination and harassment and may be responsible for their own legal defense.

Anti-Discrimination and Anti-Harassment Policy 500-02

4. This policy supports the objectives and practices of the state of Ohio and is in conjunction with applicable Federal and State laws and regulations as well as current Executive Orders.
5. This policy is available to all employees on the Office of Employee Services website and will be included in employee orientation materials.

IV. REVISION HISTORY

Date	Description of Change
4/18/2004	Original Policy Release
1/25/2008	Policy updated; update for Executive Order 2007-10S
6/02/2008	Add "military status" as a protected class (ORC 4112.02); "Filing a Formal Complaint" section revised
3/08/2010	Add "genetic information" as a protected class.
03/31/2011	Policy Updated for Executive Order 2011-05K

Any employee or applicant for employment with the Department of Administrative Services who believes she or he has been a victim of discrimination, discriminatory harassment, retaliation or who has questions concerning this policy should contact:

Nena Jackson
EEO Manager, DAS/OES
30 E. Broad Street, Room 4001
Columbus, Ohio 43215
Telephone: (614) 995-7589
Fax: (614) 728-4683
Email: nenajackson@das.state.oh.us