

EEO Anti-Discrimination and Anti-Harassment Policy and Reporting Procedures

Central Service Agency

Policy #:	CSA -01
Legal Reference:	ORC 124.04, Chapter 4112; OAC 123:1-49; DAS HR-14; Executive Order 2019-05D
Effective Date:	1/18/2022
Origin:	New
Supersedes:	N/A
History:	06/01/2018
Review Date:	10/01/2021

1.0 Authority

For those state agencies who are too small to have a full-time equal employment opportunity officer (EEO Officer), Rule 123:1-49-03(B) of the Ohio Administrative Code allows such agencies to name one equal employment opportunity officer to represent a group of participating agencies. To that end, the Central Service Agency (CSA) has designated the HR Manager to act as the EEO Officer for all CSA-participating boards and commissions that accept the plan.

2.0 Purpose

The State of Ohio is a diverse, inclusive, and equal opportunity employer. The purpose of this policy is to emphasize that **discrimination**, **harassment**, and/or **retaliation** will not be tolerated in the workplace and to establish procedures for state employees and applicants for state employment to report claims of discrimination, harassment, and retaliation.

This policy aligns with State of Ohio Administrative Policy, HR-14 Anti-Discrimination and Anti-Harassment (previously HR-D-14), incorporating Governor DeWine's Executive Order 2019-05D Anti-Discrimination Policy in State Government.

This policy is not intended to be a complete statement of federal and/or state law, or an employee's rights regarding discrimination, harassment, and retaliation. As always, an employee should seek the counsel of an attorney for questions regarding the law and the rights thereby accorded. Bargaining unit employees may also be represented by their unions.

3.0 Policy

It is the policy of the Central Service Agency and the Boards and Commissions (CSAB&C or the Agency) to maintain a working environment free from discrimination, harassment, and retaliation.

CSAB&C prohibits discrimination and harassment of applicants and employees due to race, color, religion, gender/sex, gender identity or expression, national origin (ancestry), military status, disability, age (40 years of age or older), genetic information, sexual orientation, status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, or status as a foster parent as those terms are defined in applicable Ohio law, federal law and any effective Executive Order, in making any employment-related decisions including, but not limited to hiring, layoff, transfer, termination, promotion, demotion, discipline, rate of compensation, eligibility for in-service training programs, or terms and conditions of employment.

Moreover, CSAB&C may not retaliate against anyone who exercises a protected right under equal employment opportunity (EEO) laws, including, but not limited to, making a complaint or participating in an investigation.

3.1 Methods and Timelines for Reporting

An employee or applicant for state employment who believes they have experienced harassment, discrimination, or retaliation may report the incident(s) to their manager, CSA HR Office, EEO Officer, or the Ohio Department of Administrative Services, Human Resources Division, Office of Diversity, Equity, & Inclusion (ODEI).

- A. Employee Discrimination Complaint Procedure:
 - a. Any employee who has experienced harassment or discrimination should promptly call 614-728-8233 to speak with the Human Resource Office in the Central Service Agency.
 - b. The HR designee shall attempt to informally resolve the problem or assist the employee in filing a formal complaint. A formal complaint may be filed through one or all the entities listed below.
 - c. The individual has thirty (30) calendar days after the alleged discriminatory act in which to file a formal complaint with CSA.
 - d. Every attempt is made by the EEO Officer to ensure the total processing time, including an investigation, takes no longer than sixty (60) calendar days.

An employee or applicant for state employment may also file a complaint with one or all of the following:

Complaints regarding State of Ohio EEO policy may be filed with:

- *Department of Administrative Services, Office of Diversity, Equity, & Inclusion*
File within 30 days of the incident
www.das.ohio.gov/inclusion
614-466-8380

Complaints regarding EEO law:

- *Ohio Civil Rights Commission*
File within two years of the incident
www.crc.ohio.gov
614-466-7742
- *U.S. Equal Employment Opportunity Commission*
File within 300 days of the incident
www.eeoc.gov
800-669-4000

3.2 Responsibility

Manager/Supervisor: A manager or supervisor who receives a report of discrimination, harassment, or retaliation must immediately report the complaint to the CSA EEO Officer. While the report cannot be kept strictly confidential, the information reported shall only be communicated as necessary to investigate and take appropriate action.

Employees: Employees shall assist in the Agency's effort to achieve equal employment opportunity and to maintain a harassment and discrimination free environment. Any employee who believes that they have been subject to harassment is encouraged to inform the potential harasser that their conduct is unwelcome, directly or indirectly, as soon as practical and safe.

CSA EEO Officer: The CSA EEO Officer will conduct a prompt, thorough, and objective investigation, including interviews of witnesses and formal written reports or findings. While the information obtained cannot be kept strictly confidential, the information reported shall only be communicated as necessary to investigate and take appropriate action.

CSA and the Boards and Commissions: CSAB&C will promote equal employment opportunity and maintain a harassment and discrimination free environment. The CSAB&C is required to adopt an internal policy and procedures outlining a process for reporting and resolving claims of EEO violations.

3.3 Enforcement

Discrimination, harassment, and retaliation will not be tolerated. Such conduct is subject to discipline, up to and including termination.

Supervisory employees are advised that they may be subject to personal liability for acts of discrimination, harassment, and/or retaliation and may be responsible for providing their own legal defense.

This policy will be disseminated to all employees annually and included in all new hire orientation materials and the employee handbooks.

This policy supersedes any CSA board or commission EEO Policy and is enforced by CSA as a result of statutory authority or agreement.

4.0 Inquiries

Direct inquiries about this policy to:

Janine Burnside
Human Resources Manager/EEO Officer
Central Service Agency
30 E. Broad St., 35th Floor
Columbus OH 43215
614-728-8233
Janine.Burnside@das.ohio.gov

Office of Diversity, Equity & Inclusion
Ohio Department of Administrative Services
30 E. Broad St., 40th Floor
Columbus, Ohio 43215
614-466-8380

Appendix A – Definitions

- A. Discrimination.** Discrimination occurs when an adverse employment action is taken based on the employee or applicant's status as a member of a protected class. There are two forms of discrimination:
- a. Disparate Treatment** – Disparate treatment occurs when an employer intentionally treats an employee differently because of their protected class.
 - b. Disparate Impact** – Disparate impact occurs when an employment policy, although neutral on its face, adversely impacts persons in a protected class.
- B. Harassment.** Unwelcome conduct based on a protected class, such as race, sex, religion, etc. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment can be verbal and/or physical and can include name calling, slurs, jokes, gestures, leering, stalking, grabbing, and/or assault. This is not an exhaustive list of all harassing behaviors.
- C. Retaliation.** The act of punishing an employee or applicant for asserting their rights under EEO laws to be free from employment discrimination, including harassment. This includes retaliation against an individual who requested an accommodation; filed, testified, or participated in a discrimination investigation, proceeding, or lawsuit; or opposed employment practices that they reasonably believed discriminate against individuals. A claim of retaliation is based on objective and non-discriminatory criteria.
- D. Complainant.** An individual who makes the discrimination, harassment, or retaliation complaint.

Appendix B – Resources

Resource Name
EEO Complaint Process, including contact information regarding where to file a complaint: http://das.ohio.gov/Divisions/EqualOpportunity/AffirmativeActionEqualEmploymentOpportunity/DiscriminationComplaintManagement.aspx