

## EEO/Anti-Discrimination and Harassment Policy

POLICY NUMBER: 500-01	EFFECTIVE DATE: 10/01/2021	APPOINTING AUTHORITY APPROVAL: 
REPLACES POLICY DATED: 09/17/2021	AUTHORITY: Title VII, Civil Rights Act of 1964 (as amended 1991); Age Discrimination in Employment Act of 1967 as amended 1986; Americans with Disabilities Act 1990; Equal Pay Act 1963; Immigration Reform & Control Act of 1986; Title II Genetic Information Non-discrimination Act of 2008; ORC 4112; ORC 5903.01; OAC 123:1-49; Executive Order 2019-05D Anti-Discrimination in State Government; HR-14 Anti-Discrimination and Anti-Harassment Policy; applicable bargaining unit contracts.	

### I. PURPOSE

The Ohio Department of Administrative Services 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, 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.

### TOPICAL INDEX

1.0	EEO Policy
2.0	Methods and Timelines for Reporting
3.0	Responsibility
4.0	Enforcement
Appendix A	Definitions

II. POLICY

**1.0 EEO Policy**

- 1.1 GENERAL: It is the policy of the Ohio Department of Administrative Services (DAS) to maintain a working environment free from discrimination, harassment, and retaliation.
- 1.2 PROTECTED CLASSES: DAS 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.
- 1.3 RETALIATION: DAS shall 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.

**2.0 Methods and Timelines for Reporting**

- 2.1 WHO TO CONTACT: DAS employees or applicants who believe they have been subject to employment discrimination, harassment (including sexual harassment), or retaliation are encouraged to advise the offending individual, if they are comfortable doing so, that the action is not welcome. Additionally, they may report the incident to their supervisor; the DAS EEO Manager; the DAS Human Resources Administrator; or the DAS Human Resources Division (HRD), Office of Diversity, Equity, & Inclusion (DEI). Managers and Supervisors must immediately report such complaints to the DAS EEO Manager or the DAS Human Resources Administrator.
- 2.2 FILING A COMPLAINT: An employee or applicant for state employment may also file a complaint with the agencies listed below.
  - Ohio Department of Administrative Services, EEO Manager or DAS HRD Office of DEI within 30 days of the most recent incident of the alleged discrimination or harassment. Please contact (614) 752-9271 to reach the DAS EEO Manager, or (614) 466-8857 to reach the DAS HRD Office of DEI. Filing can also be done online at: [www.das.ohio.gov/inclusion](http://www.das.ohio.gov/inclusion).
  - The Ohio Civil Rights Commission (OCRC) within (6) six months or (180) one hundred eighty days of the most recent incident of the alleged discrimination or harassment. Please contact (614) 466-7742 or visit [www.crc.ohio.gov](http://www.crc.ohio.gov).
  - The U.S. Equal Employment Opportunity Commission (EEOC) within (300) three hundred days of the most recent incident of the alleged discrimination or harassment. Please call (800) 669-4000 or visit [www.eeoc.gov](http://www.eeoc.gov).

## 500-01 EEO/Anti-Discrimination and Harassment Policy

- 2.3 INTERNAL PROCESS: If an internal complaint is filed with the DAS EEO Manager or DAS HRD Office of DEI, the complaint will be evaluated to determine if it is jurisdictional. The complaint must be filed within (30) thirty calendar days of the last alleged incident.
- 2.3.1 If the complaint is determined to be jurisdictional, it will be formally investigated by the DAS EEO Manager within (60) sixty days from the date of filing. The investigation timeline may be extended, depending on extenuating circumstances or availability.
  - 2.3.2 If the DAS EEO Manager is not available, or there is a conflict of interest, another investigator may be assigned, which may include external investigators from other state agencies.
  - 2.3.3 After completion of the investigation, the DAS EEO Manager shall issue a determination letter that renders whether there is probable cause to believe a violation of policy has occurred. DAS will take appropriate action, based on the investigation and probable cause finding.
- 2.4 INTERNAL APPEAL RIGHTS: If the complainant is not satisfied with the agency's determination the complainant has the right to request an appeal.
- 2.4.1 The appeal request must be submitted in writing within fifteen (15) calendar days of receipt of the agency's determination. The request can be mailed, emailed, or faxed to the DAS HRD Office of DEI.
  - 2.4.2 The DAS HRD Office of DEI Deputy Director will determine either to accept the determination of the agency, to remand the investigation to the agency for further investigation, order a hearing or deny the appeal request.
  - 2.4.3 If a hearing is granted, DAS HRD Office of DEI will select a hearing officer to preside over and render a determination on the case. The DAS Human Resources Administrator or DAS EEO Manager shall have thirty (30) days to act on the determination of the hearing officer, if any action is required.
  - 2.4.4 If the appeal request is denied, the complainant will be notified in writing and the complaint will be closed.
  - 2.4.5 If the complainant is not satisfied with the hearing officer's determination, the complainant may request a final review and determination from the DAS HRD Office of DEI Deputy Director. This determination is final and binding.
  - 2.4.6 Once the investigation and/or appeal process is complete. The DAS HRD Office of DEI Deputy Director will notify the DAS EEO Manager that the complaint has been closed. The DAS EEO Manager will send written notification of determination and closure to the complainant.

### 3.0 Responsibility

- 3.1 MANAGER/SUPERVISOR: A manager or supervisor who receives a report of discrimination, harassment, or retaliation must immediately report the complaint to the DAS EEO Manager. While the report cannot be kept strictly confidential, the

## 500-01 EEO/Anti-Discrimination and Harassment Policy

information reported shall only be communicated as necessary to investigate and take appropriate action.

- 3.2 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.
- 3.3 DAS EEO Manager: The DAS EEO Manager 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.
- 3.4 REQUIRED SIGNAGE: DAS will promote equal employment opportunity and maintain a harassment and discrimination free environment. DAS will display all required EEO posters, including posters from the Ohio Civil Rights Commission (OCRC) and the U.S. Equal Employment Opportunity Commission (EEOC), as well as those required by the Genetic Information Non-discrimination Act of 2008 (GINA).  
The Agency is required to adopt an internal policy and procedures outlining a process for reporting and resolving claims of EEO violations.

### 4.0 Enforcement

- 4.1 DISCIPLINE: Harassment (including sexual harassment), discrimination, retaliation and related behavior in the workplace are inappropriate and will not be tolerated. Such conduct is subject to discipline, up to and including termination. DAS employees are requested to assist in the effort to achieve equal employment opportunity.
- 4.2 RETALIATION: There shall be no retaliation against an employee or applicant for filing a complaint or reporting discrimination or harassment (including sexual harassment), or any other inappropriate behavior or for participating as a witness in an investigation. Retaliatory actions will also be subject to investigation and possible discipline.
- 4.3 PERSONAL LIABILITY: Supervisory employees are advised that they may be subject to personal liability for acts of discrimination and harassment (including sexual harassment) and may be responsible for their own legal defense.
- 4.4 ACCESS TO THIS POLICY: This policy is available to all employees on the DAS website and will be included in orientation materials.

### IV. REVISION HISTORY

Date	Description of Change
04/18/2004	Original Policy Release
01/25/2008	Update for Executive Order 2007-10S

## 500-01 EEO/Anti-Discrimination and Harassment Policy

06/02/2008	Add "military status" as a protected class (ORC 4112.02); "Filing a Formal Complaint" section revised
03/08/2010	Add "genetic information" as protected class.
03/08/2011	Update for Executive Order 2011-05K
02/07/2020	Update and combine EEO Policy 500-01 and Anti-Discrimination/Anti-Harassment Policy 500-02
09/17/2021	New Appointing Authority
10/01/2021	Update to complaint filing URL; Equal Opportunity Division updated to HDAS HRD Office of Diversity, Equity, & Inclusion (DEI)

### V. CONTACT INFORMATION

Any employee or applicant who believes he or she has been a victim of discrimination, harassment (including sexual harassment) and/or retaliation or to obtain a copy of the EEO Affirmative Action Plan, a copy of this policy or who may have questions should contact:

Bobbi Bell Bartholomew, EEO Manager  
Department of Administrative Services  
Office of Employee Services  
30 E. Broad Street, 40<sup>th</sup> Floor  
Columbus, Ohio 43215  
Telephone (614) 752-9271  
Email: [bobbi.bell-bartholomew@das.ohio.gov](mailto:bobbi.bell-bartholomew@das.ohio.gov)

## 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:
- **Disparate Treatment** – Disparate treatment occurs when an employer intentionally treats an employee differently because of their protected class.
  - **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.