
Ohio State Racing Commission

Equal Employment Opportunity, Anti-Discrimination, Harassment, and Retaliation, and Reporting Policy

No:

HR-14

Effective:

September 13, 2019

Issued By:



William Crawford Executive Director

1.0 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.

2.0 Policy

It is the policy of the **Ohio State Racing Commission** ("agency") to maintain a working environment free from discrimination, harassment, and retaliation.

Ohio State Racing Commission 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, **Ohio State Racing Commission** 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.

2.1 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 to their manager, Human Resource Department, EEO Officer, or the Ohio Department of Administrative Services, Equal Opportunity Division (EOD). The incident may also be reported to the Deputy Director

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:

- *Ohio Department of Administrative Services, Equal Opportunity Division (EOD):* Filing with EOD can be done through the Agency EEO Officer or directly by calling (614) 466-8380 or visiting www.das.ohio.gov/Divisions/EqualOpportunity. This filing must occur no later than thirty (30) days from the date of the last alleged discriminatory incident.

Complaints regarding EEO law:

- *Ohio Civil Rights Commission (OCRC):* Filing with OCRC can be done by calling (614) 466-7742, by visiting www.crc.ohio.gov, or by mail to: 30 E. Broad Street, Fifth Floor, Columbus, Ohio 43215 or a regional office. This filing must occur no later than six (6) months from the date of the last alleged discriminatory incident.
- *Federal Equal Employment Opportunity Commission (EEOC):* Filing with the EEOC can be done by calling (800) 669-4000, visiting www.eeoc.gov, or by mail to: 1240 E. 9th Street, Suite 3001, Cleveland, Ohio 44199. This filing must occur no later than three hundred (300) days from the date of the last alleged discriminatory incident.

2.2 Responsibility:

Manager/Supervisor: A manager or supervisor who receives a report of discrimination, harassment, or retaliation must immediately report the complaint to the Agency 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.

Agency EEO Officer: The Agency 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.

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

- 2.3 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.

3.0 Authority

ORC 124.04, Chapter 4112; OAC 123:1-49; DAS HR-D-14; Executive Order 2019-05D

This policy supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

4.0 Revision History

Date	Description of Change
12/1/2018	Last issue date.
09/13/2019	Updated and Reissued.

5.0 Inquiries

Direct inquiries about this policy to:

Michael Rzymek
77 South High Street 18th floor
Columbus, Ohio 43215

614-779-0270

Michael.Rzymek@racing.ohio.gov

Equal Opportunity Division
Ohio Department of Administrative Services
4200 Surface Road
Columbus, Ohio 43228

614.466.8380 | das-eod.aaeo@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. A claim of retaliation is based on objective and non-discriminatory criteria.

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