

STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 WEST DUBLIN GRANVILLE ROAD
COLUMBUS, OH 43235-2789

TO: All State Employees

FROM:  11-4-11
Deborah A. Ashenhurst, Major General, The Adjutant General

SUBJECT: Equal Employment Opportunity Policy Statement

DATE: November 3, 2011

It is the policy of this agency to ensure equal employment opportunity in accordance with all applicable federal and state laws, rules, regulations, and guidelines. Discrimination against employees and applicants due to **race, color, religion, gender, national origin, military status, disability, age, genetic information, or sexual orientation** is illegal.

We have developed an Equal Employment Opportunity Plan in order to correct any existing problem areas and to improve our Equal Employment Opportunity program. Dissemination of this policy statement to employees as well as recruitment sources and displaying posters from the Ohio Civil Rights Commission and the Equal Employment Opportunity Commission are two methods of publicizing our commitment to equal employment opportunity.

Persons who believe that this agency has discriminated against them in employment may file a discrimination complaint. We shall then make every effort to resolve complaints within the timeframes established by the Administrative Rules.

All personnel of this agency are asked to assist in an effort to achieve equal employment opportunity. Any willful or deliberate violation of this policy by an employee of this agency will be cause for disciplinary action.

The EEO Officer has full authority for the administration of the program. If you would like more information, please contact:

Rhonda Brininger
Human Resources Administrator
The Adjutant General's Department
2825 W. Dublin-Granville Road
Columbus, Ohio 43235-2789
(614) 336-7151 or DSN 346-7151

STATE OF OHIO POLICY AGAINST SEXUAL HARASSMENT

Sexual harassment is prohibited by Federal law as a form of sex discrimination in the workplace in 42 U.S.C. 200e-2a. The Federal Equal Employment Opportunity Commission EEOC has also issued authoritative guidelines on sexual harassment under Title VII of the Civil Rights Act of 1964, as amended.

Any employee or applicant who believes that he/she is a victim of sexual harassment through unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of a sexual nature by a supervisor, subordinate, or peer, should immediately report such incident(s) to either the agency EEO Officer or the State of Ohio Equal Opportunity Division. The EEO Officer will provide CONFIDENTIAL counseling in order for the aggrieved individual to explain the matter and to determine whether a formal complaint should be filed.

A sexual harassment complaint shall be filed with any or all of the following entities: (1) the State Equal Opportunity Division or the agency EEO Officer within thirty days (30 days); (2) the Ohio Civil Rights Commission within six (6) months; and/or (3) the Federal Equal Employment Opportunity Commission within three hundred (300) days.

In the event the aggrieved individual opts to file a formal complaint within the jurisdiction of the State of Ohio, the complaint shall be filed with the agency EEO Officer or with the State of Ohio Equal Opportunity Division within thirty (30) days of the most recent incident of sexual harassment. The EEO Officer of the appropriate agency shall then conduct a formal investigation of the complaint. Within sixty (60) days from the filing of this complaint, the agency shall render a decision of whether there was probable cause and the appropriate remedy, if a remedy is required.

It is the policy of the State of Ohio to maintain a working environment free from any discrimination, and to prohibit sexual harassment among its employees, including discriminatory sexual advances or harassment adversely affecting an employee's terms and conditions of employment either directly or indirectly.

Sexual harassment is defined as any unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of the following criteria is met:

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

Sexual harassment depends on how the person being harassed is affected, not on the harasser's intent. It can come from any individual in the work place, including a supervisor, a coworker, a customer, or a supplier. Sexual harassment can also take many forms. It may be: (1) verbal (i.e., threats, offensive or suggestive comments); (2) non-verbal (i.e., suggestive gestures or looks, staring or leering); or (3) physical (i.e., rape or attempted rape, cornering or trapping, pinching, grabbing or patting, or touching, hugging or kissing).

The complainant may request a hearing through the State of Ohio Equal Opportunity Division Coordinator if he/she is not satisfied with the agency's decision and/or resolution. 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 Division Coordinator if he/she is not satisfied with the decision of the hearing officer.

Sexual harassment and related behavior in the workplace is inexcusably inappropriate and will not be tolerated. This policy is consistent with the objectives and practices of the State of Ohio and is in conjunction with applicable Federal and State laws and regulations and **Executive Order 2011-05K**. This policy will be observed and adhered to by all state of Ohio departments and agencies.

Any employees or applicant for employment with the State of Ohio who believes he/she has been sexually harassed, or who has questions concerning this policy should contact:

Ohio Department of Administrative Services
Equal Opportunity Division
30 East Broad Street, 27th Floor
Columbus, Ohio 43215
Telephone: (614) 752-4741

The State of Ohio is an Equal Opportunity Employer

DISCRIMINATION COMPLAINT PROCEDURE

The State of Ohio's Equal Employment Opportunity program for state employees and applicants prohibits discrimination on the basis of race, color, religion, gender, national origin (ancestry), military status (past, present or future), disability, age (40 years of age or older), genetic information, or sexual orientation.

Employees or applicants who believe that they have been discriminated against (in regard to employment) by a state agency may:

1. Contact the agency's EEO Officer in order to discuss the matter, attempt to have the problem resolved informally, and/or to file a complaint.
2. Contact the State EEO to file a complaint, which will be promptly referred to the appropriate agency for investigation and possible resolution. The Division may be contacted at:

**Ohio Department of Administrative Services
The State Equal Opportunity Division
30 East Broad Street, 18th Floor
Columbus, Ohio 43215**

Telephone: (614) 466-8380

Whether a formal complaint is filed with the agency or with the State EOD, the complainant only has thirty calendar days after the alleged discriminatory act in which to file. After filing, every attempt is made to ensure that the total processing time, including an investigation and a hearing (if requested), is no longer than 120 calendar days. (See sections 123:1-49-01 through 123:1-49-47 of the Administrative Rules for additional information.)

Complainants may also wish to file charges with organizations, which are outside of the state's internal process. They may do so by contacting the following agencies:

The Ohio Civil Rights Commission – Contact within **six months** of the alleged discriminatory incident(s).

Akron	(330) 643-3100	Columbus	(614) 466-5928
Cincinnati	(513) 352-2466	Dayton	(937) 285-6500
Cleveland	(216) 787-3150	Toledo	(419) 245-2900

The Equal Employment Opportunity Commission – Contact within **300** days of the alleged discriminatory incident(s).

District Office 1-800-669-4000

STAGES IN THE PROCESSING OF A DISCRIMINATION COMPLAINT

Confidential Counseling

The EEO Officer or the State EEO Division provides confidential counseling in order for the aggrieved person to explain the matter and to determine whether or not to file a discrimination complaint.

Investigation

Once a case is filed formally, an investigation is performed by the EEO Officer of the appropriate agency. When probable cause is found, remedies are set forth so that an attempt may be made to satisfactorily settle the case.

Hearing

If the complainant is not satisfied with the agency's decision and/or resolution, he/she may request a hearing through the State EEO Division. The Division will select a Hearing Officer to preside over the case, explain the procedures to the complainant, and arrange for the hearing.

Final Order

After the Hearing Officer has issued an opinion and the agency has issued its decision, the complainant, if not satisfied, may ask the State EEO Coordinator to issue a Final Order (which is binding upon all parties concerned).

Note: Every attempt is made to satisfactorily resolve the matter at the initial stages; however, further action (as previously noted) is available if needed. Throughout the entire process, complainants and witnesses are free from reprisal, retaliation or interference.

SANCTIONS AND DISCIPLINES

Any manager, supervisor, or employee who violates this policy either by engaging in the conduct or by allowing the conduct to go unaddressed will be disciplined. Forms of discipline will be dependent upon the terms of any applicable union contract and the severity of the incident. Such discipline may include counseling, reprimands, suspension and/or removal.