

**Ohio Department of Public Safety**

Policy Number : DPS-501.39

**ADDRESSING COMPLAINTS OF EMPLOYMENT
DISCRIMINATION AGAINST ODPS GRANT RECIPIENTS**Date of Revision : **8/30/2011**Priority Review : **All Employees ; All Supervisors**Distribution : **All ODPS Divisions****Summary of Revisions**

New policy to ensure compliance with federal laws and regulations prohibiting employment discrimination.

Purpose

To provide guidelines and procedures that allow the Ohio Department of Public Safety (ODPS) to process and forward complaints alleging employment discrimination by employees or applicants of ODPS grant recipients.

Policy**A. STATEMENT OF POLICY**

1. It is the policy of ODPS to prohibit discriminatory employment practices against anyone employed by an ODPS grant recipient, and to ensure all employees have equal employment opportunity. It is the policy of the State of Ohio and ODPS to ensure a working environment free from any discrimination and to prohibit sexual harassment of applicants, customers, clients, and employees, including discriminatory sexual advances or harassment adversely affecting an employee's terms and conditions of employment either directly or indirectly. ODPS will ensure that grant recipients comply with all applicable federal laws regarding employment discrimination.

2. RETALIATION

- a. Persons who believe they have been discriminated against on basis of their membership in a protected class (race, color, religion, sex, national origin, disability, age, ancestry, or military status) shall not be retaliated against in terms and conditions of employment or services for exercising their right to file a discrimination complaint or inquiry.
- b. No person who participates in the investigation of a complaint, or is a witness in an investigation, or brings attention to a person in authority, of an alleged discrimination complaint shall be retaliated against.

B. DEFINITIONS

1. **Discrimination:** To make a distinction, show bias towards, or be prejudicial against, a person or thing on the basis of the group, class, or category to which the person or thing belongs, rather than according to actual merit.

2. **Civil Rights Complaint Coordinator:** Person designated by ODPS who is responsible for acknowledging discrimination complaints filed by employees or applicants of ODPS grant recipients and forwarding them to one of the following: U.S. Equal Employment Opportunity Commission (EEOC); the U.S. Department of Justice (DOJ), Office for Civil Rights (OCR); the Ohio Civil Rights Commission (OCRC); or other appropriate agency. The ODPS EEO Manager shall be the designated Civil Rights Complaint Coordinator.
3. **Grant Recipient:** An agency or organization that receives funding from a division within ODPS, whether it is federal pass-through funding or a state grant. ODPS divisions that provide grants to agencies and organizations include the Office of Criminal Justice Services (OCJS), Ohio Emergency Management Agency (EMA) and Ohio Homeland Security (OHS).
4. **Retaliation:** Occurs when adverse action is taken against an individual in a protected class because he or she engaged in protected activity.
5. **Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. §3789d(c)(1)):** Prohibits discrimination on the basis of race, color, religion, national origin, and sex, in regard to both employment practices and the delivery of services, in any program or activity receiving federal financial assistance under this statute as set forth in the DOJ implementing regulations (28C.F.R. Part 42, Subpart D).
6. **Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. §12132):** Prohibits discrimination against qualified individuals with disabilities, in regard to both employment and the delivery of services or benefits, in all programs, activities, and employment and the delivery of services or benefits, in all programs, activities, and services of public entities as set forth in DOJ implementing regulations (28 C.F.R. Part 35).
7. **Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794):** Prohibits discrimination on the basis of disability, in regard to both employment and the delivery or services or benefits, in any program or activity receiving federal financial assistance as set forth in the DOJ implementing regulations (28 C.F.R. Part 42, Subpart G).
8. **Title IX of the Education Amendments of 1972 (20 U.S.C. §1681):** Prohibits discrimination on the basis of sex, in regard to both employment and the delivery of services or benefits, in educational programs receiving federal financial assistance as set forth in the DOJ implementing regulations (20 C.F.R. Part 54).

C. COMPLAINT PROCEDURES

1. ODPS shall accept and acknowledge all discrimination complaints from employees or applicants of ODPS grant recipients. All discrimination allegations and complaints shall be referred to the designated ODPS Civil Rights Complaint Coordinator.
2. An employee or applicant of an ODPS grant recipient may file a complaint of discrimination via e-mail to the appropriate ODPS grant coordinator or via U.S. Mail directly to the attention of the ODPS Civil Rights Complaint Coordinator (1970 West Broad Street, Columbus, OH 43223). The complaint

should include the complainant's name, contact information, and a brief explanation of the alleged discrimination. If the complaint is sent to an ODPS Grant Coordinator, that employee shall forward it immediately to the ODPS Civil Rights Complaint Coordinator.

3. The Complaint Coordinator shall provide an acknowledgement of the complaint to the employee or applicant of the ODPS grant recipient via e-mail or in a letter confirming the complaint has been received. The contents of the acknowledgement response must include information specifying the external agency to which the complaint has been forwarded for investigation. If the complaint is against an ODPS grant recipient implementing funding from the DOJ and the ODPS is not forwarding the complaint to the OCR, the acknowledgement response shall also notify the complainant that he / she may file a complaint directly with the OCR at the following address:

**U.S. Department of Justice (DOJ)
Office of Justice Programs
Office for Civil Rights (OCR)
810 Seventh Street NW
Washington, D.C. 20531**

4. The Complaint Coordinator shall then forward the complaint to the EEOC, DOJ-OCR, OCRC, or other appropriate agency. The complaint shall be investigated by the appropriate agency.
5. All employees or applicants of ODPS grant recipients shall have access to these procedures at any time via the ODPS website (<http://publicsafety.ohio.gov>).
6. Any employee or applicant of an ODPS grant recipient may choose to file a complaint directly with the grant recipient, EEOC, DOJ-OCR (if the grant recipient receives funding from the DOJ), OCRC, or other appropriate agency as opposed to filing with ODPS. If a complaint is filed directly with the grant recipient or with an outside agency, once the grant recipient becomes aware of the complaint, the grant recipient must notify the ODPS Civil Rights Complaint Coordinator of the complaint and how it is being investigated.

D. TRAINING

1. ODPS shall provide annual training for agency employees on these complaint procedures. The training shall explain an employee's responsibility to refer discrimination complaints from employees or applicants of ODPS grant recipients to the Complaint Coordinator. This information shall be disseminated to new ODPS employees during new employee orientation training or as appropriate. The ODPS shall also disseminate a copy of these complaint procedures to ODPS grant recipients.
2. The current policy shall be evaluated annually to determine its effectiveness. ODPS shall make any necessary changes to ensure the complaint process is timely and efficient.

Current Form and Supplemental References

Department of Justice Informational Links:

- [Omnibus Crime Control and Safe Streets Act of 1968 \(42 U.S.C. §3789d\(c\)\(1\)\)](#)
- [Title II of the Americans with Disabilities Act of 1990 \(42 U.S.C. §12132\)](#)
- [Section 504 of the Rehabilitation Act of 1973 \(29 U.S.C. §794\)](#)
- [Title IX of the Education Amendments of 1972 \(20 U.S.C. §1681\)](#)

Standard References

None

Policy References

DPS-100.01	ADMINISTRATIVE INVESTIGATIONS
DPS-501.01	WORK RULES - NON-SWORN BARGAINING UNIT PERSONNEL
DPS-501.02	WORK RULES - SWORN PERSONNEL
DPS-501.03	WORK RULES - EXEMPT PERSONNEL
DPS-501.04	WORK RULES - TEMPORARY WORKERS, CONTRACT VENDORS, CONSULTANTS, NON-DPS STAFF
DPS-501.15	INITIAL EMPLOYMENT ORIENTATION TRAINING
DPS-501.29	DISCRIMINATION AND UNLAWFUL HARASSMENT
OSP-103.19	ADMINISTRATIVE INVESTIGATIONS - OSP EMPLOYEES
OSP-203.03	POWERS / DUTIES, AUTHORITY / CODE OF ETHICS / OATH / RULES AND REGULATIONS