



**ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

		POLICY NUMBER DES 1-01-14	Page 1
CHAPTER 1 Department of Economic Security	ARTICLE 01 Director		
SUBJECT 14 Office of Equal Opportunity: Client Complaints	DATE 8/29/2016	REVISION 2	

**DES 1-01-14  
Office of Equal Opportunity: Client Complaints**

**I. POLICY STATEMENT**

The Department of Economic Security (DES) strives to ensure that persons are protected by various laws, regulations, rules, and policies against unlawful discrimination on the basis of race, color, religion, disability, age, sex, genetics, sex stereotypes, gender identity, national origin, and political beliefs when applying for or receiving services from DES. The Office of Equal Opportunity (OEO) is established to facilitate the filing, investigation, and resolution of complaints of discrimination by DES clients.

**II. APPLICABILITY**

This policy applies to all DES clients and employees.

**III. PROCEDURES**

This policy is supported by a single departmental procedure, which identifies how action related to this policy will be conducted, including responsibilities, time frames, and required actions.

DES 1-01-14-01	Office of Equal Opportunity Procedures: Client Complaint Process
----------------	--

**IV. AUTHORITY**

ACA Section 1557	Nondiscrimination in Health Programs and Activities
P.L. 110-233	Genetic Information Non-discrimination Act of 2008
20 U.S.C. § 1681 – 1688	Discrimination Based on Sex or Blindness
29 U.S.C. § 701 et seq.	Rehabilitation Act of 1973, as amended
42 U.S.C. § 1981	Equal Rights Under the Law
42 U.S.C. § 1983	Civil Action for Deprivation of Rights

42 U.S.C. § 2000D et seq.	Federally Assisted Programs
42 U.S.C. § 12101 et seq.	Equal Opportunity for Individuals with Disabilities
42 U.S.C. § 6101-6107	Age Discrimination Act of 1975
28 CFR 35	Nondiscrimination on the Basis of Disability in State and Local Government Services
29 CFR 1635 et seq.	Genetic Information Nondiscrimination Act of 2008

## **V. DEFINITIONS**

Client: Any person who inquires about, seeks assistance with, applies for, receives, or participates in a DES program, service, or activity.

## **VI. STANDARDS**

### **A. General Statements**

1. OEO shall be responsible for coordinating and responding to charges of discrimination filed against DES. Further, OEO shall be responsible for providing leadership and assistance in the development, implementation, and evaluation of the DES equal opportunity plan and cooperating with other entities in the performance of activities relating to discrimination. OEO shall attest that:
  - a. Equal opportunity shall be provided by DES and DES employees for clients regardless of race, color, religion, disability, age, sex, genetics, sex stereotypes, gender identity, national origin, political beliefs, and other protected classes.
  - b. No client shall be intimidated, harassed, threatened, retaliated against, or coerced by DES or DES employees because he or she has filed a complaint or otherwise participated in any manner in the discrimination complaint process.
  - c. No client shall be discriminated against by DES or DES employees during application or delivery of services or benefits.
2. DES shall adopt a process to address client complaints concerning discrimination or harassment in compliance with state and federal laws.
3. DES shall provide clients 60 calendar days from the date of the alleged discrimination act to file a charge with OEO.

4. DES shall require that clients clearly outline the allegations to be addressed in the charge, including whether the basis of the complaint is:
  - a. Unlawful discrimination based on race, color, national origin, religion, sex/gender (including pregnancy and sexual harassment), age, genetic information, gender identity, sex stereotypes, political beliefs, or disability.
  - b. Retaliation for filing a complaint.
  - c. Retaliation or intimidation for exercising any right under state or federal law.
5. DES shall ensure that in the course of the discrimination complaint process, all information received and the results are confidential and shall not be released to any person unless authorized by this policy or provision of law.
6. DES shall ensure that clients are informed that the use of the complaint process does not preclude the complainant's right to pursue any other remedy allowed by law with any appropriate federal or state agency.
7. DES shall ensure that the use of the discrimination complaint procedure does not stay or suspend any timeliness requirements of other processes and remedies.

**B. Responsibilities**

1. OEO shall:
  - a. Conduct appropriate technical studies to achieve the purpose of this policy to promote and ensure equal opportunity within DES.
  - b. Receive, investigate, and resolve, if possible, discrimination complaints filed with OEO.
  - c. Investigate, respond for DES, and coordinate the resolution of discrimination complaints filed with other state and federal agencies.
  - d. Access, examine, and copy relevant client files, records, reports, and other property in the possession of DES, and interview any person on relevant matters in conducting an investigation or a study.
  - e. Provide information and advice on OEO procedures to DES clients.
  - f. Conduct itself at all times in a manner that:

- i. Ensures confidentiality when possible or practicable.
  - ii. Demonstrates respect for all parties.
  - iii. Represents all parties fairly and impartially.
  - iv. Seeks a fair resolution during settlement negotiations on complaints filed.
  - v. Avoids conflicts of interest.
  - vi. Promotes confidence in the integrity and impartiality of OEO professional staff and avoids the appearance of impropriety.
2. The Director, Deputy Director, and Division Management shall:
  - a. Submit a written response to OEO in response to charges of discrimination.
  - b. Maintain confidentiality of the complainant and the OEO employee(s) assigned to investigate the complaint when possible or practicable.
  - c. Establish procedures for compliance with this policy and with other applicable provisions of law as necessary.
  - d. Ensure that Equal Opportunity posters are prominently displayed in both English and other languages, as appropriate, in all DES offices.
  - e. The Director or their designee shall monitor all recommendations for corrective action submitted by the Deputy Director, Assistant Director, Deputy Assistant Director, or Program Administrator.
3. DES Managers, supervisors, and employees shall:
  - a. Refer clients who want to file a complaint to the OEO. The OEO shall provide clients with the necessary forms.
  - b. Utilize the *Client Discrimination Process Screening Tool* (J-098-A) to ensure that the complaint conforms to the appropriate definitions under the Civil Rights Act of 1964, or applicable civil rights laws.
  - c. Forward complaints of discrimination using the *Client Discrimination Complaint Process* (J-098) form as outlined in DES 1-01-14-01.

- d. Complete the *Client Discrimination Complaint-Clients, Applicants and Contractors* (J-020) form when necessary and forward it to the OEO as outlined in DES 1-01-14-01.
- e. Keep discussions with OEO confidential when possible or practicable.
- f. Refrain from pressuring clients to reveal the substance of their discussions with OEO employees.