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

I. PURPOSE

The purpose of these procedures is to:

- Establish and implement guidelines and instructions to ensure the Department is in continuing compliance with this procedure and with other applicable provisions of the law in addressing complaints of discrimination filed against the Department by its clients.
- Define the process a client must follow when filing a complaint of discrimination against the Department.
- Identify responsibilities and required actions of Assistant Directors, Deputy Assistant Directors, Program Administrators, Managers, and Supervisors.

II. PROCESS

A. Filing a Complaint with the Director's Office of Equal Opportunity

1. Any client may file a complaint of alleged discrimination against the Department. Complaints shall be filed with the Director's Office of Equal Opportunity (DOEO) immediately or no later than 60 calendar days after the alleged discriminatory incident. The process for submitting a discrimination complaint is summarized on the *Client Discrimination Complaint Process* (J-098) form. Clients are encouraged to review the J-098 form prior to initiating the complaint process.

2. Clients may utilize the *Client Discrimination Complaint 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.

3. Complaints may be filed using the *Client Discrimination Complaint* (J-020-FF) form. When the J-020-FF form is not used, the complaint shall contain all of the following information:

    a. Name, address, and daytime telephone number of the complainant.

    b. Name, job title, address, and daytime telephone number of the specific respondent against whom the allegations are made.

c. The alleged discrimination or unequal treatment shall specify at least one of the following as a basis:

i. Race.

ii. Color.

iii. National origin.

iv. Religion.

v. Sex/Pregnancy/Sexual Harassment.

vi. Disability.

vii. Disabled, Recently Separated, Other Protected, and Armed Forces Service Medal Veterans.

viii. Age.

ix. Retaliation.

x. Genetics.

xi. Political beliefs.

xii. Other: Specify.

d. Complaints must also include the following information:

i. Specific facts regarding the alleged act.

ii. Date or dates when the alleged act occurred.

iii. Full name and daytime telephone number of any other person who was present, or who may have direct knowledge of the act, or who should otherwise be interviewed during DOEO's investigation.

iv. Any concurrent or prior filing of a related complaint with a federal or other agency.

4. All complaints shall be submitted in writing and may be filed using any of the following methods:

a. In person at 1717 W. Jefferson, Room 109, Phoenix, AZ.

b. By mail to:

Director's Office of Equal Opportunity
Attn: DES Complaint Coordinator
P.O. Box 6123, Site Code 049Z
Phoenix, AZ 85007

c. By FAX to (602) 364-3982.

B. Resolution of Complaints Filed with the Director's Office of Equal Opportunity

1. The DOEO shall log and date the complaint on the day it is received. The DOEO will determine the timeliness of the complaint and make a determination of jurisdiction.

2. If, during the investigation, subsequent acts of alleged discrimination occur, the complainant may add these allegations to the original complaint.

3. If an investigation is conducted, the complainant may be contacted by the DOEO employee assigned to investigate the complaint.

4. If an investigation will not be conducted, the DOEO shall inform the complainant.

5. The DOEO shall notify the appropriate entities of information concerning the allegation as follows:

    a. The appropriate Assistant Director or Program Administrator shall be notified of receipt of the complaint, be provided the identity of the complainant and, if an investigation is conducted, shall be informed of the identity of the DOEO employee assigned to investigate the complaint.

    b. The Director, or Director's designee, shall be notified of the substance of the allegation and identity of the complainant.

    c. If an investigation is conducted, the Chief Counsel of the Child and Family Protection Division of the Attorney General's Office, or designee, shall be informed of the identity of the complainant and given a copy of the complaint.

6. At any point of the investigation, the DOEO employee may meet with the appropriate Assistant Director or Program Administrator to discuss the allegations, the evidence, any significant issues uncovered during the investigation, and, if appropriate, the recommended corrective action and due date.

    a. Corrective action may be taken regardless of whether there is a finding of possible discrimination.

    b. If DOEO makes corrective action recommendations, the Division shall provide written follow-up regarding the implementation of the recommendation(s) to the appropriate Deputy Director and the DOEO within 30 days of receipt of the notice of recommendation(s).

7. The complainant shall be notified by the DOEO when the investigation has been completed.

8. If the complainant is not satisfied with the DOEO's decision, the DOEO shall guide the complainant to the appropriate federal entity to elevate the complaint.

C. Handling of Complaints Filed With Other State and Federal Agencies

1. If the complainant files a lawsuit, charge, or complaint with another state or federal agency concerning the same acts of alleged discrimination as the complaint filed with the DOEO, either before or after they filed with the DOEO, the complaint may be accepted, and the DOEO shall inform the complainant that the investigations may be conducted simultaneously.

2. The DOEO shall respond for the Department and coordinate the resolution and/or settlement of discrimination complaints filed with other state and federal agencies.

3. The DOEO will consult with the Attorney General's Office in resolving complaints.

4. Upon request, the DOEO shall send the acknowledgment of the complaint and other relevant information to the appropriate Assistant Director or Program Administrator and to the appropriate Deputy Director.

III. FORMS INDEX

Client Discrimination Complaint (J-020-FF)
Client Discrimination Complaint Process (J-098)
Client Discrimination Complaint Screening Tool (J-098-A)