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1 Department of Economic Security	01 Director	
SUBJECT	DATE	REVISION
07 Director's Office of Equal Opportunity	September 29, 2012	6

DES 1-01-07
Director's Office of Equal Opportunity

This policy does not create a contract for employment between any employee and the Department. Nothing in this procedure changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the appointing authority.

I. POLICY STATEMENT

The Department is committed to establishing and maintaining the highest quality workforce. As a result, DES will not accept employment discrimination. The [Director's Office of Equal Opportunity \(DOEO\)](#) is established to facilitate the filing, investigation, and resolution of complaints of discrimination by DES employees.

II. APPLICABILITY

This policy applies to all Department of Economic Security (DES) covered and uncovered employees and contracted 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. To view this procedure, access the link below.

[DES 1-01-07-01](#) [Director's Office of Equal Opportunity Procedures: Employee Complaint Process](#)

IV. AUTHORITY

- [Age Discrimination in Employment Act \(ADEA\) of 1967](#)
- [Americans with Disabilities Act of 1990, as amended](#)
- [Arizona Civil Rights Act \(A.R.S. § 41-1463\), Discrimination; unlawful practices; definition](#)
- [Arizona State Personnel System \(ASPS\) Rules, Article 9, Complaints](#)
- [Equal Pay Act of 1963](#)
- [Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
- [Title I and Title V Americans with Disabilities Act \(ADA\) of 1990](#)
- [U.S. Civil Rights Act of 1964 – Title VII, Equal Employment Opportunity](#)
- [U.S. Civil Rights Act of 1964 – Title II, Injunctive Relief against Discrimination in Places of Public Accommodation](#)

V. DEFINITIONS

Applicant: Any individual, including a current DES employee, who applies for a Department vacant position.

Department: The Arizona Department of Economic Security (DES).

DES Complaint Coordinator: The DOEO employee designated to receive, investigate, and resolve, if possible, discrimination complaints filed with DOEO.

Director's Designee: For the purpose of this policy, the Administrative Director of DOEO.

Division: Functional sections of the Department that report to either an Assistant Director, or where there is no responsible Assistant Director, report directly to the Director or a Deputy Director.

DOEO: The Director's Office of Equal Opportunity.

VI. STANDARDS

A. General Statements

1. The DOEO reports directly to the DES Director, and on behalf of the Director, is responsible for coordinating and responding to charges of discrimination filed against the Department. Further, the DOEO is responsible for providing leadership and assistance in the development, implementation, and evaluation of the Department's equal opportunity plan and cooperation with other entities in the performance of activities relating to employment discrimination and equal opportunity employment. In compliance with state and federal laws, the Director, through the DOEO, has the responsibility to attest that:
 - a. No employee or job applicant shall be discriminated against on the basis of race, color, genetics, religion, national origin, sex, age, or disability with respect to hiring, promoting, disciplining, selecting, compensating, evaluating, testing, terminating, or any other employment practice.
 - b. Equal opportunity shall be taken to improve the work opportunities of women, racial and ethnic minorities, people with disabilities, and other protected classes.
 - c. No person shall be intimidated, harassed, threatened, retaliated against, coerced, or disciplined because he or she has filed a complaint, responded, made a statement, assisted, or otherwise participated in any manner in the discrimination complaint process.
2. The Department shall adopt a process to address employee complaints concerning discrimination or harassment in compliance with [ASPS R2-5A-901—902](#).
3. Employees shall have 180 days from the date of the alleged discrimination act to file a charge with the DOEO and shall clearly outline the allegations to be addressed, including whether the basis of the complaint is:
 - a. Unlawful discrimination based on race, color, national origin, religion, sex(including pregnancy and sexual harassment), age, genetic information, or disability.

- b. Retaliation for filing a complaint.
 - c. Retaliation or intimidation for exercising any right under state or federal law.
4. Employees shall not be allowed to use state time or state property to prepare a complaint, prepare for a meeting with agency management, or meet with a representative. Subject to supervisory approval, an employee may request appropriate leave for this purpose.
 5. In the course of the discrimination complaint process, all information received and the results are confidential and must not be released to any person unless authorized by this policy or provision of law.
 6. The use of the complaint process does not, in any way, preclude the complainant's right to pursue any other remedy allowed by law, including, but not limited to:
 - a. The Equal Employment Opportunity Commission (EEOC),
 - b. Any appropriate federal or state agency, or
 - c. For covered employees, the DES [Covered Employee Grievance](#) process. (Refer to DES 1-26-12).

However, the use of the discrimination complaint procedure does not, in any way, stay or suspend any timeliness requirements of those other processes and remedies.

B. Responsibilities

1. Responsibilities and Authority of the Director's Office of Equal Opportunity

The Director, in the furtherance of the Department's purposes, objectives, and programs, delegates the DOEO with the responsibility and authority to:

- a. Conduct appropriate technical studies to achieve the purpose of this policy to promote and ensure equal opportunity within the Department.
- b. Receive, investigate, and resolve, if possible, discrimination complaints filed with DOEO.
- c. Investigate, respond for the Department, and coordinate the settlement of discrimination complaints filed with other state and federal agencies.
- d. Access, examine, and copy relevant files, records, reports, and other property in the possession of the Department, and interview any person on relevant matters in conducting an investigation or making a study.
- e. Provide information and advice on DOEO procedures to DES employees.
- f. Provide training and technical assistance regarding discrimination and civil rights laws in compliance with this policy and other applicable provisions of law.
- g. Conduct compliance reviews of program operations, including entrance and exit meetings, responses, monitoring of corrective action, and implementation of other mandates of federal and state law.

- h. 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 the DOEO professional staff and avoids the appearance of impropriety.
- i. Provides the Director with statistical information regarding charges of discrimination received, such as the number received, categories, and recommendations for corrective action.

2. Responsibilities of the Director, Deputy Director, and [Executive Leadership](#)

- a. Submit a written response to the DOEO in response to charges of discrimination.
- b. Maintain confidentiality of the complainant and the DOEO employee(s) assigned to investigate the complaint.
- c. Implement procedures to ensure continuing compliance with this policy and with other applicable provisions of law.
- d. Assist DOEO in the development and implementation of the DES Equal Opportunity Plan.
- e. Identify and refer Equal Opportunity liaisons for DOEO training and technical assistance. Ensure that remaining employees are trained and aware of the DOEO.
- f. Ensure that Equal Opportunity posters are prominently displayed in both English and other languages, as appropriate, in all DES offices.
- g. The Director or his designee shall monitor all recommendations for corrective action submitted by the Deputy Director, Assistant Director, Deputy Assistant Director, or Program Administrator.

3. Responsibilities of DES Managers, Supervisors, and Employees

- a. Refer employees who want to file a complaint to the DOEO. The DOEO shall provide employees with the necessary forms.
- b. Utilize the [Employer Discrimination Process Screening Tool \(DES-1073A\)](#) to ensure that the complaint conforms to the definition of the Civil Rights Act of 1964, or applicable civil rights laws.
- c. Forward complaints of discrimination using the [Employee Discrimination Complaint Process \(DES-1074A\)](#) form as outlined in [DES 1-01-07-01.II.A.](#)

- d. Complete the [Employee Discrimination Complaint Questionnaire \(DES-1075A\)](#) form when necessary and forward it to the DOEO as outlined in [DES 1-01-07-01.II.A.](#)
- e. Keep discussions with DOEO employees confidential.
- f. Refrain from pressuring other employees to reveal the substance of their discussions with DOEO employees.