



**ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

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

**I. POLICY STATEMENT**

The Department of Economic Security (DES or Department) 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, national origin, and political beliefs when applying for or receiving services from the Department. The Director's Office of Equal Opportunity (DOEO) is established to facilitate the filing, investigation, and resolution of complaints of discrimination by Department clients.

**II. APPLICABILITY**

This policy applies to all Department of Economic Security clients.

**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 1-01-14-01](#)      [Director's Office of Equal Opportunity Procedures: Client Complaint Process](#)

**IV. AUTHORITY**

- [Title II of the Americans with Disabilities Act \(ADA\) of 1990](#)
- [Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
- [Title VI of the Civil Rights Act of 1964, as amended](#)
- [Rehabilitation Act of 1973 – Sections 501, 503, and 504](#)
- [U.S. Department of Agriculture](#)
- [U.S. Department of Health and Human Services \(DHHS\)/Office of Civil Rights \(OCR\)](#)
- [U.S. Department of Justice \(DOJ\)](#)
- [U.S. Department of Labor \(DOL\)](#)

**V. DEFINITIONS**

Client: Any person who applies for, receives, or participates in a DES program, service, or activity.

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 cooperating with other entities in the performance of activities relating to discrimination. The DOEO has the responsibility to attest that:
  - a. Equal opportunity shall be taken to ensure the work opportunities for clients, regardless of race, ethnicity, disability, genetics, and other protected classes.
  - b. No client shall be intimidated, harassed, threatened, retaliated against, or coerced 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 during application or delivery of services or benefits.
2. The Department shall adopt a process to address client complaints concerning discrimination or harassment in compliance with state and federal laws.
3. Clients shall have 60 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/gender (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. 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.
5. The use of the complaint process does not, in any way, preclude the complainant's right to pursue any other remedy allowed by law with any appropriate federal or state agency. 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 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 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 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 the DOEO professional staff and avoids the appearance of impropriety.

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 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 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 clients who want to file a complaint to the DOEO. The DOEO 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 \(J-020-FF\)\*](#) form when necessary and forward it to the DOEO as outlined in [DES 1-01-14-01](#).
- e. Keep discussions with DOEO confidential when possible or practicable.
- f. Refrain from pressuring clients to reveal the substance of their discussions with DOEO employees.