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NON-DISCRIMINATION POLICY

The Arizona Department of Veterans' Services is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunity and prohibits discriminatory practices, including harassment. Therefore, the Arizona Department of Veterans' Services commits itself to the attached non-discrimination policy.

- The Arizona Department of Veterans' Services has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation.

- The Arizona Department of Veterans' Services will make every reasonable effort to ensure that all concerned are familiar with this policy and aware that any complaint of violation of such policies will be investigated and resolved appropriately.

- The Arizona Department of Veterans' Services will post our non-discrimination policy throughout departmental facilities. This policy is also accessible to employees at http://www.azdvs.gov/administration/hr.aspx.

- All employment announcements shall include the phrase:

  "The State of Arizona is an EOE/ADA Reasonable Accommodation Employer"

As Director of the Arizona Department of Veterans' Services, I am committed to the principles of equal employment opportunity. To ensure the dissemination and implementation of the equal opportunity policy throughout all levels of the Department, Michelle Cummins, Human Resources Manager shall serve as the Equal Opportunity Administrator for the Arizona Department of Veterans' Services. Ms. Cummins may be contacted at mcummins@azdvs.gov or 602-234-8414.

Joey Strickland
Director

2/19/2013
Date

Any employee who has any questions or concerns about this policy should talk with the agency Human Resources Manager/Equal Opportunity Administrator or the Governor's Office of Equal Opportunity, http://azgovernor.gov/eop/index.asp or 602-542-3711.

ARIZONA DEPARTMENT OF VETERANS' SERVICES

INTERNAL MANAGEMENT POLICY 87-02

SUBJECT: **EMPLOYEE COMPLAINT PROCESS – ALLEGATIONS OF UNLAWFUL DISCRIMINATION OR HARASSMENT**

EFFECTIVE DATE: December 6, 2012 (Supersedes IMP 87-02, 10/1/99, 4/1/99, 10/30/96, 5/5/92 and 8/3/87)

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

SCOPE

This policy applies to all Arizona Department of Veterans' Services (ADVS) employees.

AUTHORITY

A.R.S. § 41-1401 et seq., Arizona Civil Rights Act (ACRA)
Civil Rights Act of 1991, as amended
R2-5A-104, Prohibition Against Discrimination, Harassment and Retaliation
R2-5A-501, Standards of Conduct
R2-5A-901, Complaint System
R2-5A-902, Complaint Procedures
Title VII of the Civil Rights Act of 1964, as amended

DEFINITIONS

"ADVS Complaint Coordinator" means the individual within the Department who is responsible for receiving complaints, determining applicability under the complaint system, investigating or assigning the complaint to the appropriate individual within the agency for review or investigation, and tracking the processing of complaints.

"Disability" refers to:

- A physical or mental impairment that substantially limits one or more major life activities of an individual;
- Having a record of such an impairment; or
- Being regarded as having such an impairment.

"Discrimination" includes, but is not limited to:

- Preferential treatment of one individual or group over another similarly situated individual or group because of the individual's or group's race, color, religion, sex, pregnancy, age, national origin, genetic information or disability;
- Sexual harassment;
- Harassment of any individual because of the individual's race, color, religion, sex, pregnancy, age, national origin, genetic information or disability; and
- Failure or refusal to provide a reasonable accommodation to a qualified person with a disability.

"Discrimination because of disability" refers to:

- Treating an individual with a disability less favorably than a similarly situated person without a disability;
- Favoring a person with one disability over a person with a different disability; and
- Refusing to provide a reasonable accommodation which is necessary to enable a qualified individual with a disability to perform the essential functions of his or her job.

"Harassment because of race, color, religion, sex, pregnancy, national origin, age, genetic information or disability" involves unwelcome and unsolicited conduct which is predicated upon an individual's race, color, religion, sex, pregnancy, national origin, age, genetic information or disability when (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an employee is used as a basis for an employment decision affecting the employee; or (3) the conduct has the purpose or effect of substantially interfering with an employee's work performance and creating a hostile, intimidating or otherwise offensive working environment. Prohibited harassment includes, but is not limited to:

- Derogatory comments, epithets or slurs directed at an individual because of that individual's race, color, religion, sex, pregnancy, national origin, age, genetic information and/or disability;
- Posting or circulating written or graphic materials, including but not limited to, cartoons, pictures, posters, or calendars containing derogatory comments, epithets or slurs based upon an individual's race, color, religion, sex, pregnancy, national origin, age, genetic information and/or disability; and
- Abusive or derogatory remarks or conduct targeted at identifiable groups which are identified based upon their race, color, religion, sex, pregnancy, national origin, age, genetic information and/or disability.

"Sexual Harassment" means unwelcome and unsolicited conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an employee is used as a basis for an employment decision affecting the employee; or (3) the conduct has the purpose or effect of substantially interfering with an employee's work performance and creating a hostile, intimidating or otherwise offensive working environment. Examples of conduct that can violate this policy include, but are not limited to:

- Explicit sexual behavior by a supervisor, manager, coworker, visitor, client or other entity with whom the employee interacts during the course of employment
- Implicit request for sex
- Direct or indirect pressure for dates or sexual activity
- Pinching, patting or other unwelcome touching
- Leering or gawking
- Posting or circulating of sexually graphic materials including, but not limited to, cartoons, pictures, posters or calendars
- Sexually derogatory comments, including slurs, jokes and other inappropriate remarks
- Reprisals or threats after a negative response to sexual advances
- Unwelcome sexual advances
- Conditioning favorable terms and conditions of employment upon a positive response to abusive remarks or conduct targeted at only one sex, even if the context of the abusive remarks is not sexual

POLICY

The Arizona Department of Veterans' Services (ADVS) is committed to the prohibition against unlawful discrimination, harassment and retaliation in the workplace. It is the policy of ADVS that all ADVS employees shall comply with all federal and state anti-discrimination laws. ADVS and its employees shall not unlawfully discriminate against any individual with regard to the terms and conditions of employment, including hiring, pay, leave, insurance benefits, retention, and rehiring. All allegations of discrimination shall be promptly investigated, and any employee who engages in conduct in violation of this policy may be disciplined or separated from state employment.

Equal Employment Opportunity

ADVS shall provide equal employment opportunity for all individuals regardless of race, color, national origin, religion, age, disability, genetic information, sex, pregnancy, military or veteran status or any other status protected by federal law, state law, or regulation. It is the policy of ADVS that all individuals are treated in a fair and non-discriminatory manner throughout the application and employment process.

Harassment Prohibited

Harassment of a sexual nature or harassment based on race, color, national origin, religion, age, disability, genetic information, sex, pregnancy, military or veteran status, or any other status protected by federal law, state law, or regulation is prohibited. ADVS prohibits the unlawful harassment of any employee in the course of the employee's work by supervisors, coworkers, or third parties such as vendors or customers. Any ADVS employee who engages in unlawful harassment may be disciplined or separated from state employment.

Protection from Retaliation

ADVS does not permit or tolerate retaliation against anyone for raising a concern about, assisting in an investigation of, or filing a complaint in good faith concerning unlawful discrimination or harassment. Any ADVS employee found to have engaged in retaliation against another individual for reporting or assisting in the investigation of any allegation of unlawful discrimination may be disciplined or separated from state employment.

Reporting Allegations of Unlawful Discrimination, Harassment or Retaliation

It is the responsibility of all ADVS employees to promptly bring any allegation of unlawful discrimination, harassment or retaliation to the attention of the Department. Any complaint alleging unlawful discrimination, harassment or retaliation must be submitted in accordance with the procedures described in this policy and **not** under ADVS's Covered Employee Grievance Process Policy (IMP 89-06).

This policy does not affect other rights and remedies under federal and state statutes prohibiting employment discrimination. Employees who believe that they have been subjected to discrimination because of their race, color, religion, sex, pregnancy, age, national origin, genetic information or disability may also file charges of employment discrimination with the Arizona Attorney General's Civil Rights Division and with the Equal Employment Opportunity Commission. Charges filed with the Arizona Civil Rights Division must be filed within 180 days following the most recent act of discrimination; charges filed with the Equal Employment Opportunity Commission must be filed within 300 days following the most recent act of discrimination. The filing of an internal complaint of discrimination pursuant to this policy shall not impact those statutes of limitations. No employee of this Department who elects to file a charge with either the Arizona Attorney General's Civil Rights Division or the Equal Employment Opportunity Commission or who testifies in an investigation by either of those agencies shall be retaliated against or denied internal rights or remedies on account of that charge filing or testimony.

Matters Subject to the Complaint Procedure

1. Summary

   This procedure shall be used by an employee to file a complaint with the ADVS Complaint Coordinator within 180 days of the action giving rise to the complaint and to clearly outline the allegations to be addressed, including whether the basis of the complaint is:

   a. Unlawful discrimination based on race, color, religion, sex (including pregnancy), age, national origin, genetic information or a disability.
   b. Allegation of sexual harassment or other form of harassment.
   c. Retaliation for filing a complaint.
   d. Retaliation or intimidation for exercising any right under state or federal law.

2. Preparation

   A complainant shall not be allowed the use of 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 and the operational needs of the unit, a complainant may request available compensatory or annual leave for this purpose.

3. Multiple Complaints

   Multiple complaints by an employee may be consolidated into a single complaint. Separate complaints filed by two or more employees regarding the same issue or issues may be consolidated into a group complaint. Employees having a common complaint may submit one group complaint, identifying one complainant as the selected spokesperson for the group. Employees who choose to file a group complaint are prohibited from filing separate complaints on the same issue.

4. Amendments

   Once a complaint is submitted to the ADVS Complaint Coordinator, it may not be amended. If additional documentation is submitted by the complainant after the initiation of the complaint, the reviewing or investigating official may remand the complaint to the complainant for reconsideration and resubmission.

PROCEDURES

1. An employee who has an allegation of or becomes aware of a situation involving unlawful discrimination, harassment or retaliation shall report the allegation or complaint by submitting an Employee Complaint Form to the ADVS Complaint Coordinator. The ADVS Complaint Coordinator can be reached at (602)234-8414 or Human Resources, 3839 N. 3rd Street, Suite 209, Phoenix, AZ 85012.

2. The complaint shall include all facts and circumstances involved in the alleged violation including the following information:

   a. Description of the incident(s),
   b. Name(s) of individual(s) involved,
   c. Name(s) of witness(es),
   d. The date(s) the discrimination or harassment occurred (if known),
   e. Resolution sought, and
   f. Federal or state law alleged to have been violated.

3. The ADVS Complaint Coordinator shall:

   a. Notify the Director of the complaint upon receipt of the complaint.
   b. Acknowledge receipt of the complaint in writing to the complainant not later than five business days after receipt of the written complaint.
   c. Initiate an investigation into the alleged complaint or assign the complaint to a qualified individual within the agency for review or investigation within 10 business days. The review or investigation shall be completed within 60 business days of receipt of the written complaint. If extenuating circumstances exist, an extension shall be requested through the ADVS Complaint Coordinator.
   d. Forward a written recommendation to the Director within 10 business days of completion of the review or investigation barring resolution of the complaint by agreement of the parties.

4. The Director or designee shall review the findings and recommendations and issue a decision in writing to the complainant. A copy of the response shall be provided to the ADVS Complaint Coordinator.

5. If the complainant is not satisfied with the Director's response to a complaint alleging unlawful discrimination, harassment or retaliation, he/she may elevate the complaint to the ADOA Director within five business days after the receipt of the agency Director's response.

6. The ADOA Director shall furnish a copy of the final decision to the agency head and the complainant within 20 business days following receipt of the complaint by the ADOA Director. The 20 business days may be extended by the ADOA Director with the concurrence of the complainant. The decision of the ADOA Director is the final step in the complaint procedure. The response shall refer the employee to the appropriate entity if the employee is dissatisfied with the final step of the complaint procedure.

IMPLEMENTATION

This policy shall be implemented without change on the effective date.

Joey Strickland, Director

Attachment: Employee Complaint Form, 12-6-12