



Casino Control Commission

Equal Employment Opportunity, Anti-Discrimination, Harassment, and Retaliation Policy

CCC-HR-04

Effective Date: September 20, 2019

Purpose

The State of Ohio is a diverse, inclusive, and equal opportunity employer. The purpose of this policy is to emphasize that discrimination, discriminatory harassment, and retaliation will not be tolerated at the Ohio Casino Control Commission ("Commission") and to establish procedures for reporting claims of discrimination, discriminatory harassment, and/or retaliation.

This policy aligns with State of Ohio Administrative Policy HR-14 and Executive Order 2019-05-D, both of which are incorporated herein and hyperlinked at the end. Each Commission employee is required to follow the standards established therein, unless the context clearly indicates otherwise.

This policy is not intended to be a complete statement of federal and/or state law, or an employee's rights regarding discrimination, harassment, and retaliation. As always, an individual should seek counsel of an attorney for questions regarding the law and the rights thereby accorded. Individuals represented by a bargaining unit may also consult with and be represented by their bargaining unit.

Scope

This policy applies to all Commission employees (full-time permanent, part-time permanent, part-time temporary, intern and intermittent), any person applying for employment.

1.0 Policy

It is the policy of the Commission to maintain a working environment free from discrimination, discriminatory harassment, and retaliation. Further, it is the policy of the Commission to prohibit discrimination, discriminatory harassment, and retaliation of employees and applicants due to race, color, religion, sex/gender, gender identity or expression, national origin (ancestry), military status (past, present, or future), disability, age (40 years of age or older), status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, status as a foster parent, genetic information, and/or sexual orientation as those terms are defined in applicable federal and state laws as well as any effective Executive Order, in making certain employment-related decisions including, but not limited to hiring, layoff, termination, transfer, promotion, demotion, discipline, rate of compensation, and/or eligibility for in-service training programs.

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Moreover, the Commission may not retaliate against anyone who exercises a protected right under equal employment opportunity (EEO) laws, including, but not limited to, making a complaint or participating in an investigation.

A. Definitions

- i. Discrimination. Discrimination occurs when an adverse employment action is taken based on the employee or applicant's status as a member of a protected class. There are two forms of discrimination:
 - a. *Disparate Treatment* – Disparate treatment occurs when an employer intentionally treats an employee differently because of their protected class.
 - b. *Disparate Impact* – Disparate impact occurs when an employment policy, although neutral on its face, adversely impacts persons in a protected class.
- ii. Discriminatory Harassment. Unwelcome conduct based on a protected class, such as race, sex, religion, etc. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create an environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment can be verbal and/or physical and can include name calling, slurs, jokes, gestures, leering, stalking, grabbing, and/or assault. This is not an exhaustive list of all harassing behaviors.
- iii. Retaliation. The act of punishing an employee or applicant for asserting their rights under EEO laws to be free from discrimination, including harassment. This includes retaliation against an individual who requested an accommodation; filed, testified, or participated in a discrimination investigation, proceeding, or lawsuit; or opposed employment practices that they reasonably believed discriminate against individuals. A claim of retaliation is based on objective and non-discriminatory criteria.

B. Reporting Requirements

- i. Any employee or applicant who believes that they have been discriminated

against or subjected to harassment, including sexual harassment, should, if they feel comfortable, put the offending individual on notice, as soon as is practical and safe, that the behavior/conduct is unwelcome, directly or indirectly. An employee or applicant, or member of the public who believes that they have been harassed or discriminated against can always report the behavior/conduct directly to Commission management or in the other methods described in provision 1.0(B)(ii) of this policy without having to give notice.

- ii.** If the behavior or conduct continues after putting the offending individual on notice, the aggrieved individual may then report such incident(s) to any of the following: 1) the employee's supervisor, 2) the Operations (Human Resources Administrator) or Legal Divisions, 3) any member of management who must then report it to the Operations and Legal Divisions, 4) Ohio Department of Administrative Services, Equal Opportunity Division, 5) Ohio Civil Rights Commission, and/or 6) the Federal Equal Employment Opportunity Commission.
- iii.** All allegations of discrimination or harassment will be taken seriously. Complaints made to the Commission will be reviewed by the Operations and Legal Divisions to ensure jurisdiction.
- iv.** All allegations and/or complaints of discrimination and/or harassment will be investigated promptly and thoroughly. Complaints must be filed within 30 days of the most recent incident of alleged discrimination or harassment.
- v.** Regardless if a written report is received from the alleged victim, managers and/or supervisors must immediately report such complaints to the Operations (Human Resources Administrator) and Legal Divisions.
- vi.** When appropriate, all efforts will be made to seek an internal resolution of claims. Not all complaints are investigated in the same method. Some complaints may be resolved through a discussion between all parties involved. The decision to handle complaints this way will be approved by the Executive Director and then confirmed with the aggrieved individual. This is done to ensure that the aggrieved individual agrees that the behavior/conduct can be resolved through good communication.
- vii.** Any complaint or report received cannot be kept strictly confidential; however, information concerning allegations shall be managed discretely and communicated to others only as is necessary to investigate and take the appropriate action.
- viii.** There shall be no retaliation against an employee or applicant for filing a complaint or report of discrimination or harassment, other inappropriate behavior, or for participating as a witness in an investigation. Retaliatory actions will be subject to discipline in accordance with the Commission's Conduct and Discipline Policy CCC-HR-06.
- ix.** It is everyone's responsibility to maintain a workplace free from harassment and to speak up if harassment is occurring.
- x.** Incident(s) reported to managers and supervisors are to be reported immediately

2.0 External Methods and Timeliness for Reporting

An employee or applicant for state employment who believes that they have experienced harassment, discrimination, or discriminatory retaliation may report the incident to one or all of the following:

- i. Filing with Ohio Department of Administrative Services, Equal Opportunity Division can be done through the Operations or Legal Divisions, by directly calling (614) 466-8380, or by visiting the Department of Administrative Services website at www.das.ohio.gov/Divisions/EqualOpportunity. This filing must occur no later than 30 days from the date of the last alleged discriminatory incident.
- ii. Filing with the Ohio Civil Rights Commission can be done by calling (614) 466-7742, by visiting www.crc.ohio.gov, or by mail to: 30 E. Broad Street, Fifth Floor, Columbus, Ohio 43215 or a regional office. This filing must occur no later than six months from the date of the last alleged discriminatory incident.
- iii. Filing with the Federal Equal Employment Opportunity Commission can be done by calling (800) 669-4000, by visiting www.eeoc.gov, or by mail to: 1240 E. 9th Street, Suite 3001, Cleveland, Ohio 44199. This filing must occur no later than 300 days from the date of the last alleged discriminatory incident.

3.0 Enforcement

Discrimination, discriminatory harassment, and retaliation will not be tolerated. Such conduct is subject to discipline, up to and including termination.

- i. Supervisory employees are advised that they may be subject to personal liability for acts of discrimination, discriminatory harassment, and/or retaliation and may be responsible for providing their own legal defense.
- ii. This policy supports the objectives and practices of the state of Ohio and is in conjunction with applicable Federal and State laws and regulations as well as current Executive Orders.

Authority

Title VII

Civil Rights Act of 1964 (as amended 1991)

Age Discrimination in Employment Act 1967 (as amended 1986)

Americans with Disabilities Act 1990

Equal Pay Act 1963

Title II Genetic Information Non-Discrimination Act of 2008

ORC 4112

ORC 5903.01

OAC123:1-49-02

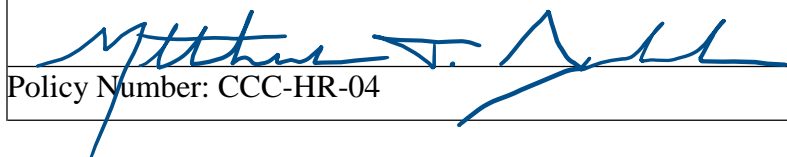
OCSEA Contract

State of Ohio Unit 2 Association

Executive Order 2019-05D
Code of Conduct

Hyperlinks¹

[State of Ohio Administrative Policy HR-14 Anti-Discrimination and Anti-Harassment](#)
[Executive Order 2019-05D](#)

	Date: 9/20/2019
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Previous Effective Dates

November 7, 2013

¹ If an error occurs while using hyperlink, please contact the Operations Division.