

EEO DISCRIMINATION COMPLAINT FORM (ADM 4400) INSTRUCTIONS

Box 1: Provide your name: last, first and middle initial.

Box 2: Provide your office telephone number.

Box 3: Provide your home address.

Box 4: Provide your home telephone number.

Box 5: If we may correspond with you by e-mail, provide an address.

Box 6: Check if you are presently working for the State of Ohio and provide the name of the agency.

Box 7: Check the area(s) in which you believe you have been discrimination against based on race, color, religion, sex, gender, national origin/ancestry, disability, age (over 40), military status, veteran status, sexual orientation and genetic information.

Box 8: Check the area(s) in which you believe you have been **discriminatorily harassed**. Harassment based on race, color, religion, sex, gender, national origin/ancestry, disability, age (over 40), military status, veteran status, sexual orientation and genetic information.

Box 9: Check if you believe you are experiencing **retaliation** based on involvement with a discrimination complaint (i.e., filed a discrimination complaint, provided information for an investigation, provided testimony for a hearing, etc.); you previously filed a discrimination complaint; or you witnessed discriminatory behavior and reported it.

Box 10: Providing race data is optional and may be used for statistical purposes.

Box 11: Providing sex data is optional and may be used for statistical purposes.

Box 12: Provide the name and location of the agency you believe discriminated against you.

Box 13: Provide the name(s) and title(s) of the person(s) you believe discriminated against you.

Box 14: Check if you have filed a complaint with the federal Equal Employment Opportunity Commission (EEOC) about the same issues.

Box 15: Check if you have filed a complaint with the Ohio Civil Rights Commission (OCRC) about the same issues.

Box 16: Check if you have filed a union grievance about the same issues.

Box 17: Provide the most recent date the alleged discrimination, discriminatory harassment or retaliation occurred.

Box 18: Provide the name of the state agency you were employed with at the time of the alleged discrimination and your classification.

Box 19: Provide an explanation of how you believe you were discriminated against

Box 20: Provide your signature.

Box 21: Provide the date you filed the complaint.

EEO DISCRIMINATION COMPLAINT DEFINITIONS

Discrimination: A biased action often based on prejudicial attitudes against an individual or group based on race, color, religion, sex, gender, national origin/ancestry, disability, age (over 40), veteran or military status, sexual orientation and that results in unequal treatment.

Discriminatory Harassment: Unlawful harassment on all covered basis. The rule regarding vicarious liability applies to harassment by supervisors based on race, color, sex (whether or not of a sexual nature), religion, national origin, protected activity, age, or disability. Thus, employers should establish anti-harassment policies and complaint procedures covering all forms of unlawful harassment. (EEOC – Enforcement Guidance: Vicarious Liability Rule 915.002)

Discrimination, discriminatory harassment or retaliation based on **Race** is discrimination based on physical, tribal, ancestral, cultural, geographic or linguistic characteristics common to a specific ethnic group or stock including but not limited to Whites, Blacks, Asians, Latinos, Arabs, Native Americans, Native Hawaiians and Pacific Islanders, multi-racial individuals or persons of any other race, color or ethnicity.

Discrimination, discriminatory harassment or retaliation based on **Color** is discrimination based on skin-tone. Equal employment opportunity cannot be denied any person because of his/her racial group or perceived racial group, his/her race-linked characteristics (e.g., hair texture, color, facial features), or because of his/her marriage to, or association with, someone of a particular race or color.

Discrimination, discriminatory harassment or retaliation based on your **National Origin and Ancestry** is discrimination based on birthplace, ancestral, cultural, family descent or lineage; linguistic characteristics common to a specific nationality, marriage or association with persons of a national origin group; membership or association with organizations identified with or promoting the interests of national origin groups attendance or participation in schools, churches, temples or mosques generally associated with a national origin group; or a surname associated with a national origin group.

Discrimination, discriminatory harassment or retaliation based on **Religion** is discrimination based on the religious nature of a practice or belief (Code of Federal Regulations Title 29, Part 1605.1). Religious practices include moral or ethical beliefs as to what is right or wrong, which are sincerely held with the strength of traditional religious views.

Discrimination, discriminatory harassment or retaliation based on **Disability** is discrimination based on a physical or mental impairment that substantially limits one or more of the major life activities of such individual including a record of such impairment or being regarded as having such impairment. (42 U.S.C. Section 12102 (2))

Discrimination, discriminatory harassment or retaliation based on **Age** is discrimination based on years of age (40 years or over). (EEOC – SEC. 631.Section 12)

Discrimination, discriminatory harassment or retaliation based on **Sex** (gender) is discrimination against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Decisions based on stereotypes and assumptions about abilities, traits or the performance of individuals on the basis of sex is also considered discrimination.

Discrimination, discriminatory harassment or retaliation based on **Sexual Harassment** occurs when unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.

Discrimination, discriminatory harassment or retaliation based on **Sexual Orientation** occurs when individuals are discriminated against based on actual or perceived sexual orientation, homosexuality, bisexuality, or heterosexuality, by orientation or practice, by and between adults who have the ability to give consent.

Discrimination, discriminatory harassment or retaliation based on **Veteran or Military Status** (past, present and future) refers to *service in the uniformed services*, which is defined under Section 5903.02(A) of the Ohio Revised Code as performance of a duty, on a voluntary or involuntary basis, in a uniformed service under competent authority. This includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency, and performance of duty or training by a member of the Ohio organized militia, and the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty in a uniformed service. Ohio law prohibits discrimination on the basis of an individual's past, current or future military status in hiring, promotion, tenure, discharge, pay, fringe benefits, job training, classification, referral, terms, conditions and privileges of employment, or any other matter directly or indirectly related to employment.

Discrimination, discriminatory harassment or retaliation based on **Genetic Information** occurs when individuals are treated differently as a result of information learned concerning personal genetic tests or that of a family member as well as information about any disease, disorder, condition or medical history. The law prohibits the use of genetic information in making employment decisions, restricts acquisition of genetic information by employers and other entities covered under Title II, and strictly limits the disclosure of genetic information.

Legal Authority:

- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Ohio Administrative Code 123:1-49-01-47
- Americans with Disabilities Act of 1990
- Ohio Revised Code 4112
- Title II of the Genetic Information and Nondiscrimination Act of 2008
- Executive Order 2011-05K: Establishing an Anti-Discrimination Policy in State Government Employment