



TOM HORNE
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
ADMINISTRATIVE SERVICES DIVISION

DEBBIE JACKSON
HUMAN RESOURCES SECTION

NON-DISCRIMINATION POLICY

The Arizona Attorney General's Office (AGO) 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 Attorney General's Office commits itself to the attached Non-Discrimination policy.

- The Arizona Attorney General's Office has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation.
- The Arizona Attorney General's Office will make every reasonable effort to ensure that all concerned are familiar with this policy and aware that any complaint or violation of such policies will be investigated and resolved appropriately.
- The Arizona Attorney General's Office will post our Equal Opportunity Policy Statement. This policy is available on the AGO Employee Intranet: <https://sharepoint.azag.gov/default.aspx>; in the display windows located in front of the Human Resources Section in the Law Building (1275 W. Washington, Phoenix, AZ 85007), in the first floor of the Capital Center (15 S. 15th Avenue, Phoenix, AZ 85007) and in the third floor of the Tucson 400 W. Congress Building (400 W. Congress, Suite 315, Tucson, AZ 85701); and on the Arizona Attorney General's website: www.azag.gov.
- All employment announcements shall include the phrase:

"Arizona State Government is an EOE/ADA Reasonable Accommodation Employer"

As the Director of the Arizona Attorney General's Office, 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, Debbie Jackson shall serve as the Equal Opportunity Administrator for the Arizona Attorney General's Office. Debbie Jackson may be contacted at (602) 542-8050 or Debbie.Jackson@azag.gov.

Tom Horne, Attorney General

Date

Any employee who has any questions or concerns about this policy should talk with, the AGO Human Resources Section, at humanresources@azag.gov, 602-542-8056 or the Governor's Office of Equal Opportunity, <http://azgovernor.gov/eop/index.asp>, 602-542-3711.

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This policy does not create a contract for employment between any Attorney General's Office (AGO) employee and the Agency. Nothing in this policy changes the fact that all uncovered AGO employees are at-will employees and serve at the pleasure of the appointing authority.

All AG employees are required to electronically sign each new and updated guideline and procedure issued, acknowledging that they have read and understand each policy.

I. PURPOSE

The purpose of this guideline is to outline the policy for Complaints alleging unlawful discrimination or harassment for employees at the Attorney General's Office (AGO). Please refer to the Department of Administration State Personnel System Rules Article 9 for further details on Complaints.

II. SCOPE

This policy applies to all AGO employees.

III. 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

IV. DEFINITIONS

"AGO Complaint Coordinator" means the Ombudsman within the Agency who is 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 a major life function of an individual;
- Having a history of such an impairment; or
- Being regarded as having such 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 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

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- Failing or refusing 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, co-worker, 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

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- 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

V. POLICY – COMPLAINTS (Allegations of Unlawful Discrimination or Harassment)

The Office of the Attorney General 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.

The AGO is committed to the prohibition against unlawful discrimination, harassment and retaliation in the workplace. It is the policy of the AGO that all AGO employees shall comply with all federal and state anti-discrimination laws. AGO 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 will be promptly investigated, and any employee who engages in conduct in violation of this policy may be disciplined or separated from state employment.

A. Equal Employment Opportunity

AGO 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 ADOA that all individuals are treated in a fair and non-discriminatory manner throughout the application and employment process.

B. 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. AGO 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 AGO employee who engages in unlawful harassment may be disciplined or separated from state employment.

C. Protection from Retaliation

AGO 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 AGO 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.

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It is the responsibility of all AGO employees to promptly bring any allegation of unlawful discrimination, harassment or retaliation to the attention of their Section Chief and the AGO Complaint Coordinator, Debbie Jackson. Additionally, any complaint alleging unlawful discrimination, harassment or retaliation must be submitted in accordance with the procedures described in this policy and not under the AGO Employee Grievance Policy.

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 Governor's Office of Equal Opportunity and the Equal Employment Opportunity Commission (EEOC). Charges filed with the EEOC 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 will not impact those statutes of limitations. No employee of the AGO who elects to file a charge with the Governor's Office of Equal Opportunity or the EEOC, or who testifies in an investigation by the Governor's Office of Equal Opportunity or the EEOC, will be retaliated against or denied internal rights or remedies on account of that charge filing or testimony.

VI. PROCEDURE

A. Matters Subject to the Complaint Procedure

This procedure shall be used by an employee to file a formal complaint with the AGO Complaint Coordinator, Debbie Jackson, within 180 calendar days of the action giving rise to the complaint. An employee who does not initiate the complaint within the 180 calendar date period waives the right to file that complaint. The complaint must clearly outline the allegations to be addressed, including whether the basis of the complaint is based on:

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

B. Preparation

A complaint shall not be allowed the use of state time or state property to prepare a complaint, prepare for a meeting with agency management or to 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.

C. 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.

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Employees who choose to file a group complaint are prohibited from filing separate complaints on the same issue.

D. Amendments

Once a complaint is submitted to the AGO 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.

E. Complaint Procedure

The AGO encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their Section Chief and the AGO Complaint Coordinator.

In addition, the Office of the Attorney General encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his or her behavior is unwelcome and request that it be discontinued. The AGO recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as a reprimand, suspension without pay or termination, as the AGO believes appropriate under the circumstances. Responsive action may also include a reassignment or transfer.

- *Informal Procedure*

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should promptly notify his/her Section Chief and the AGO Complaint Coordinator, Debbie Jackson. The AGO Complaint Coordinator can be reached at 602-542-8056 or Debbie.Jackson@azag.gov. The AGO Complaint Coordinator will notify the Attorney General, the Chief of Staff and the appropriate Division Chief of the verbal complaint. An individual reporting harassment, discrimination or retaliation should be aware, however, that the AGO may decide it is necessary to take formal action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. The informal procedure is not a required first step for the reporting individual.

- *Formal Procedure*

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 AGO Complaint Coordinator, Debbie Jackson. The AGO Complaint Coordinator can be reached at

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Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

False complaints of harassment, discrimination or retaliation as opposed to complaints that, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action

VII. RELATED FORMS

Employee Complaint Form

VIII. CORRESPONDING POLICIES

AGO Non Discrimination Policy

IX. CONTACT

If you have any questions related to this policy, please contact the Human Resources Section.