

# INSTRUCTIONS FOR COMPLETING AN ADM 4400 EEO DISCRIMINATION COMPLAINT FORM

**Box 1.** Name of complaint, last, first and middle initial;

**Box 2.** Complainant's office telephone number;

**Box 3.** Complainant's home telephone number;

**Box 4.** Are currently working for the state of Ohio? (**Yes** or **No**)  
If you are currently working for a state agency provide, the name of the agency.

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

**Box 5.** Check the area (s) in which you believe you have been discriminated against based on race, color, religion, sex, national origin/ancestry, disability, age (over 40), military status, veteran's status (Vietnam era, disabled, and Desert Shield/Storm), sexual orientation or gender identity.

**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);

**Box 5a.** Check the area(s) in which you believe you have been discriminatorily harassed. Harassment based on your race, color, religion, sex, national origin, ancestry, disability, age (over 40), military status, veteran's status (Vietnam era, disabled, and Desert Shield/Storm), sexual orientation or gender identity;

**Box 5b.** 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.);

**Box 6.** Providing this information is optional, complainant may or may not check their race and sex (for statistical data);

**Box 7.** Provide the name and location of the agency you believe has discriminated against you;

**Box 8.** Provide the name(s) and title(s) of the person(s) you believe has discriminated against you;

**Box 9.** Have you filed with the federal Equal Employment Opportunity Commission (EEOC), the Ohio Civil Rights Commission (OCRC) or a union grievance? (**Yes** or **No**);

**Box 10.** Provide the date of the alleged discrimination occurred;

**Box 11.** Provide the name of the state agency that you are/were employed with at the time of the alleged discrimination and the complainant's classification;

**Box 12.** Provide an explanation of how you believe you were harassed or discriminated against;

**Box 13.** The date you filed the complaint;

**Box 14.** The signature of the complainant;

## **Terms and Conditions Box - For Official Use Only**

The agency EEO officer or the Ohio Department of Administrative Services EEO Enforcement Officer(s) will complete this section. Based on the content of the allegation described in Box 12, determine what the terms and conditions of the complaint involve (i.e., discipline, training, suspension, failure to hire, promotion, demotion, transfer, removal, disparate treatment or probationary removal).

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Listed below are EEO discrimination complaint definitions:

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 **Veterans Status** refers to disabled, Vietnam Era or Desert Shield/Storm veterans who are discriminated against on the basis of their disability or veteran status in any employment practice including, but not limited to, promotion, transfer, demotion, layoff, termination, training or any type of compensation.

Discrimination, discriminatory harassment or retaliation based on **Sex** 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 and Gender Identity** occurs when individuals are discriminated against based on actual or perceived sexual orientation or gender identity association. Individuals are protected pursuant to Gubernatorial Executive Order 2007-10S entitled Establishing Policy against Discrimination Based on Sexual Orientation or Gender Identity.

Discrimination, discriminatory harassment or retaliation based on **Military Status** refers to *service in the uniformed services*, which is defined under Section 5903.01(G) 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

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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.

## **Sexual Orientation and Gender Identity Defined**

- a. Sexual Orientation: A person's actual or perceived homosexuality, bisexuality, or heterosexuality, by orientation or practice, by and between adults who have the ability to give consent.
- b. Gender Identity: The gender of a person associates with him or herself, regardless of the gender others might attribute to that person.

Discrimination, discriminatory harassment or retaliation based on **Marital Status** occurs when you treat someone differently because of his or her marital or relationship status. In other words, because the person is married, widowed, divorced, single or unmarried with a same-sex or opposite-sex partner (whether a legally recognized domestic partner or not).

Marital status discrimination can be accompanied by other forms of discrimination, such as parental status, pregnancy or sex discrimination.

Discrimination, discriminatory harassment or retaliation on the basis of **Pregnancy**, childbirth, or related medical conditions constitutes unlawful sex discrimination under The Pregnancy Discrimination Act which is an amendment to Title VII of the Civil Rights Act of 1964. Title VII, which covers employers with 15 or more employees, including state and local governments, employment agencies, labor organizations, as well as the federal government. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

## **Legal Authority:**

- Ohio Revised Code: 4112
- Ohio Administrative Code: 123:1-49-01-47
- Title VII of the Civil Rights Act of 1964
- Gubernatorial Executive Order 2007-10S, Establishing Policy against Discrimination Based on Sexual Orientation or Gender Identity
- Code of Federal Regulations Title 29: Labor