

CF OPERATING PROCEDURE
NO. 60-10, Chapter 2

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, November 1, 2010

Personnel

INFORMAL DISCRIMINATION COMPLAINT PROCEDURE

2-1. Purpose. This operating procedure establishes procedures for processing informal discrimination complaints within the Department.

2-2. Scope. This operating procedure applies to all Career Service, Selected Exempt Service, Senior Management Service and Other Personal Services (OPS) employees in the Department.

2-3. Authority.

- a. Title VI of the Civil Rights Act of 1964, as amended.
- b. Title VII of the Civil Rights Act of 1964, as amended.
- c. Section 504 of the Rehabilitation Act of 1973, as amended.
- d. Section 508 of the Rehabilitation Act of 1973, as amended.
- e. Americans with Disabilities Act of 1990 (ADA), as amended (Title I and II).
- f. Americans with Disabilities Amendment Act of 2008 (ADAA).
- g. Florida Civil Rights Act of 1992.
- h. Chapter 760, Florida Statutes.

i. CFOP 60-10, Chapter 1, Americans with Disabilities Act (ADA) Accommodation Procedures for Applicants/Employees/General Public.

2-4. Definitions. See Attachment 1 to this chapter for definitions of the terms used in the chapter.

2-5. Policy. It is the policy of the Department that no person shall, on the basis of race, color, gender, national origin, religion, age, marital status or disability, be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination under any program or activity receiving or benefiting from federal financial assistance and administered by the Department. Each employee is entitled to work in an environment that is free from any form of harassment and retaliation.

2-6. Retaliation Prohibited. No person shall intimidate, threaten, coerce, or discriminate against any individual for the purposes of interfering with any right or privilege secured by the Civil Rights Act of 1964, Section 504 and Section 508 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 or other federal and state civil rights laws, or because he/she participated in any manner or who in good faith has opposed discrimination in an investigation under the provisions of this operating procedure.

This operating procedure supersedes CFOP 60-10, Chapter 2, dated June 2, 2008.

OPR: ASHRC

DISTRIBUTION: A

2-7. Notice. Each Department employee shall be given a copy of this operating procedure upon request and shall also be given the opportunity to discuss this operating procedure with a supervisor, trainer, or Civil Rights Officer, and to ask questions.

2-8. Filing Informal Complaints.

a. Any employee who believes they are the victim of discrimination as defined in this operating procedure may file an informal complaint with the Department within 30 calendar days of the date the alleged discriminatory act(s) occurred. An informal complaint may be filed with either a supervisor, an administrative authority, or Civil Rights Officer.

b. Information pertaining to filing formal complaints of discrimination may be obtained from the Civil Rights Officer.

2-9. Processing Informal Complaints.

a. The Departmental representative receiving an informal complaint will refer the complaint to the Office of Civil Rights immediately.

b. A Civil Rights Officer will discuss the complaint with the charging party and advise the charging party of the options available.

c. The Civil Rights Officer will notify the Supervisor, Regional Director, Circuit Administrator, Institutional Administrator, Program Director, or their designee of the complaint.

d. The Civil Rights Officer will discuss the complaint with the alleged discriminatory official and provide an opportunity to respond to the complaint.

e. The Civil Rights Officer, in conjunction with the Office of Civil Rights, and an appropriate administrator will determine what measures are required to resolve the complaint.

f. If the complaint is not resolved within 14 working days, the charging party may file a formal written complaint of discrimination within 365 days of the date the alleged discriminatory action occurred.

g. The Civil Rights Officer must submit a written summary to the Office of Civil Rights within 10 working days of completing the informal investigation.

2-10. Disciplinary Actions.

a. Any employee, supervisor or administrator who is found to have discriminated or retaliated against another employee is subject to disciplinary action.

b. Any supervisor or administrator who has received a complaint of discrimination or retaliation, either informally or formally, and does not take action in accordance with the Department's procedures, is subject to disciplinary action.

c. All disciplinary actions will be administered in accordance with the Department's Standards of Conduct.

BY DIRECTION OF THE SECRETARY:

(Signed original copy on file)

DENNISE G. PARKER
Human Resources Director

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

Minor changes have been made to align the operating procedure with the Department's current policy.

GLOSSARY OF TERMS

- a. Administrative Authority. The administrator or manager who has been delegated the authority to take disciplinary action.
- b. ADA/Section 504 Coordinator. Any individual charged with implementing the requirements of Titles I and II of the American with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, ensuring the provision of auxiliary aids and services for deaf or hard-of-hearing, Limited English Proficient clients, and clients with disabilities requiring aid essentials. Within the Department, Civil Rights Officers are designated ADA/Section 504 Coordinators.
- c. Alleged Discriminatory Official. An employee or supervisor who is alleged to have engaged in the discriminatory or retaliatory actions.
- d. Charging Party. An employee or applicant who is filing a complaint of discrimination or retaliation.
- e. Civil Rights Officer. The Office of Civil Rights staff assigned and responsible for Civil Rights activities within the Regions/Institutions and Headquarters.
- f. DCF or Department. Department of Children and Families.
- g. Discrimination. The denial of equal treatment based on a person's race, color, gender national origin, religion, age, marital status, or disability.
- h. Formal Complaint. A written complaint of discrimination.
- i. Harassment. Any behavior or form of communication having the effect of intimidating or frightening another person because of their race, color, gender, national origin, religion, age, marital status, or disability.
- j. Informal Complaint. An oral or written discrimination complaint made by any applicant or employee to the Department's Office of Civil Rights, or Civil Rights Officer.
- k. Office of Civil Rights. The Department's Office of Civil Rights is located at 1317 Winewood Boulevard, Building 1, Room 110, Tallahassee, Florida 32399-0700, Telephone (850) 487-1901 or TDD (850) 922-9220 or Florida Relay at 711, 1-800-955-8770 (English), 1-877-955-8773 (Spanish), 1-877-955-8707 (French Creole).
- l. Respondent. The Department of Children and Families.
- m. Retaliation. Any actions taken against a person who, in good faith, has participated in a discrimination complaint or who has opposed an unlawful employment practice or activity prohibited by state and federal laws and Department's policies.
- n. Sexual Harassment. Any form of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
- (1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.