Agency-wide Procedures for Complaints of Discrimination and Retaliation
DOR-1020-016C

Non-Discrimination Policy

Effective Date
10/12/2016

Purpose
The purpose of these procedures is to provide Revenue managers, supervisors, and employees with guidance on how to report complaints of alleged discrimination and retaliation and to document the process for reviewing and responding to such complaints.

Procedures
All Revenue employees should be able to identify discriminatory behavior and take individual action to stop the behavior, whether they feel they are the target of the discriminatory behavior or whether they witness discriminatory behavior directed against someone else. Employees who believe they have been discriminated or retaliated against, or who witness discriminatory behavior, should:

- tell the harasser the conduct is unwelcome and offensive and must stop.
- document the behavior by recording the date, time, location, witness names, and a detailed description of the incident and reaction from the alleged harasser.
- promptly report the matter (see A. Filing Internal Complaints, below) at the earliest stage possible to prevent escalation.

Employees should contact their immediate supervisor, higher level manager, or Revenue’s Discrimination Intake Officer if they have questions about these procedures.

A. Filing Internal Complaints
Employees who believe they have been discriminated or retaliated against may make an internal complaint of discrimination or retaliation:

- to their immediate supervisor.
- to a higher level manager.
- to Revenue’s Discrimination Intake Officer.
- by using Ethics Link.

Anonymous complaints will not be accepted. Ethics Link does not accept anonymous reports from employees. Likewise, the Discrimination Intake Officer does not accept anonymous reports or complaints.
Internal complaints of discrimination or retaliation must be filed within 365 calendar days of an alleged discriminatory or retaliatory act. Generally, internal complaints must be submitted to the Discrimination Intake Officer in writing (hard copy or electronic). Submission of a complaint using Ethics Link meets the “in writing” requirement. Any supporting documentation should be included with the complaint. Verbal allegations will be processed only when the Discrimination Intake Officer determines failure to investigate the complaint would negatively impact Revenue’s policy to provide a discrimination-free workplace.

The Discrimination Intake Officer may request that employees filing a complaint complete Revenue’s Discrimination/Sexual Harassment Complaint Form. If so, they will be given 15 working days to complete and return the complaint form along with any documentation to support their allegation(s).

Complainants can withdraw their complaint and request that records of the complaint remain confidential. However, Revenue reserves the right to pursue its own review of the allegations. If Revenue does pursue a review of the allegations, all records relating to the original allegation(s) of discrimination will remain confidential and exempt from disclosure as a public record.

If a supervisor or higher level manager receives a complaint of discrimination or retaliation, he or she shall promptly report it through Ethics Link or in writing directly to the Discrimination Intake Officer. The supervisor or manager reporting it will make no determination regarding accuracy or truthfulness of the complaint.

Employees can file complaints with the appropriate external state or federal agency at any time, regardless of whether they pursue Revenue’s internal procedure for filing complaints.

**B. Review of Internal Complaints**

Upon receipt of an Ethics Link report or other complaint, the Discrimination Intake Officer will perform a preliminary review of the report or complaint for:

- timely submission.
- sufficient information to conduct a full review of the allegations.
- determination if acts reported, if proven to be true, constitute a violation of this policy and controlling laws.

For a complaint of retaliation to be considered, the employee filing the complaint must have engaged in a protected activity. Employees who have engaged in a protected activity as described in these procedures may file an internal complaint of retaliation by contacting the Discrimination Intake Officer or through Ethics Link.

If the information is insufficient to support a possible violation of the Non-Discrimination Policy or controlling laws, the Discrimination Intake Officer will close the complaint. The Discrimination Intake Officer may refer the complaint to other Revenue authorities, including the Office of General Counsel, the Office of Inspector General, the Ombudsman, or the appropriate Program Director, for further action.
If the information in the complaint is sufficient to support a possible violation of the Non-Discrimination Policy and controlling laws, the Discrimination Intake Officer, in consultation with the Office of General Counsel, will refer the complaint to the Office of Inspector General’s Internal Investigations section for further investigation.

If a violation of the Non-Discrimination Policy or controlling laws, or Revenue’s Standards of Conduct, is found to have occurred, Employee Relations and the Office of General Counsel will determine the appropriate corrective or remedial action to be taken and coordinate such action with the Program Director.

C. Filing External Complaints
The filing of an internal complaint, regardless of disposition, does not preclude an employee from also filing an external complaint with the U.S. Equal Employment Opportunity Commission (EEOC), the Florida Commission on Human Relations (FCHR), or other governmental entity with investigative authority.

According to EEOC regulations, employees may file a complaint of discrimination or retaliation with the EEOC within 300 calendar days of an alleged discriminatory employment practice.

According to FCHR rules, employees may file a complaint of discrimination or retaliation with the FCHR within 365 calendar days of an alleged discriminatory employment practice.

Upon receipt of notice of an employee filing with an external agency, the matter will be referred to Employee Relations and the Office of the General Counsel for review.

Any employee who receives a complaint of discrimination or retaliation or correspondence from the U.S. Equal Employment Opportunity Commission (EEOC), the Florida Commission on Human Relations (FCHR), or other governmental entity about a peer or co-worker shall forward it immediately to the Discrimination Intake Officer. NOTE: This only applies to allegations involving Revenue.

D. External Complaints from Outside Sources
If a customer, job applicant, or potential vendor makes a complaint of discrimination against a Revenue employee or employees, employees shall immediately forward the complaint or correspondence to the service center manager, process manager, or manager in charge. The service center manager, process manager, or manager in charge will immediately inform the Discrimination Intake Officer of the complaint and forward all information received from the complainant. The manager reporting it will make no determination regarding accuracy or truthfulness of the complaint.

Definitions
Allegation – A verbal or written statement made by an employee or reported by management that asserts that an act of discrimination or retaliation may have occurred.

Complainant – Any person who has made a written complaint of discrimination or retaliation.
Complaint of Discrimination – Written allegations or statements of beliefs and feelings, not necessarily established facts or truths, that allege discrimination or retaliation.

Customer – A party doing business with Revenue. Examples include taxpayers, taxpayers’ representatives, custodial or non-custodial parents and their counsel, or county tax officials.

Employee(s) – Any Department of Revenue employee, including Other Personal Services (OPS) employees.

Job Applicant – Any person who applies for, inquires about, or interviews for employment with Revenue.

Potential Vendor – Any person who interacts with Revenue personnel in order to sell products or services to Revenue.

Protected Activity – Opposition to a practice believed to be unlawful discrimination, including but not limited to making a complaint of discrimination, participation in an employment discrimination investigation or proceeding, or requesting a reasonable accommodation based on disability or religious practices.

**Authority/References**

Section 24(a), Article 1 of the State Constitution
Sections 20.055, Florida Statutes
Sections 110.112 (5) & (6) Florida Statutes
Section 110.1221 Florida Statutes
Section 110.124 Florida Statutes
Section 110.227 (1), Florida Statutes
Section 112.043, Florida Statutes
Section 112.044, Florida Statutes
Sections 119.071 (2)(g), Florida Statutes
Section 760.01-11, Florida Statutes
Rule 60L-40.001, Florida Administrative Code
Rule 60Y-5.001, Florida Administrative Code
Title VII of the Civil Rights Act
The Equal Pay Act
The Age Discrimination in Employment Act
Title I of the Americans with Disabilities Act
Section 504 of the Rehabilitation Act
The Genetic Information Nondiscrimination Act
Equal Employment Opportunity Commission
Florida Commission on Human Relations
Non-Discrimination Policy
Standards of Conduct
Equal Employment Opportunity/Affirmative Action
## Communication and Training

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<thead>
<tr>
<th>Audience</th>
<th>Actions To Be Taken</th>
<th>Expected Implementation Date</th>
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<tbody>
<tr>
<td>All Employees</td>
<td>News You Can Use</td>
<td>October 2016</td>
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<tr>
<td>All Supervisors</td>
<td>Supervisors’ Edition of News You Can Use</td>
<td>October 2016</td>
</tr>
<tr>
<td>All Employees</td>
<td>Non-Discrimination Policy Acknowledgment</td>
<td>November 2016</td>
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</tbody>
</table>
Key Agency Contact
Employee Relations Manager
Office of Workforce Management
850-617-8370
EmployeeRelations@dor.state.fl.us

Discrimination Intake Officer
Office of Workforce Management
850-617-8370
EmployeeRelations@dor.state.fl.us

Revision History  “If you think this policy should be revised please complete the “Request for Waiver of Requirements, Clarification of Exemption, or Policy Revision form”: http://dorweb01/library/EXEC/strategy/RequestForWaiverOfRequirements.doc

<table>
<thead>
<tr>
<th>Origination Date</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>October 2016</td>
<td>Created separate procedures document and separated from policy. Deleted references to Discrimination Review Board.</td>
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