

Glossary of Terms for “External Discrimination Complaints”

- Complainant:** Person filing or lodging the claim or complaint
- Respondent:** Person or entity named as liable or responsible in the complaint
- NYSDHR:** New York State Division for Human Rights
- EEOC:** The Equal Employment Opportunity Commission (federal)

CASE DETERMINATIONS

- Founded:** Cases that have been determined to have merit and resulted in corrective or disciplinary action
- Resolved:** Cases that have been resolved or conciliated, with no formal finding that discrimination has occurred
- Unfounded:** Cases that do not meet the definition of employment discrimination, sexual harassment, intimidation or harassment
- Unsubstantiated:** Cases that do not provide enough evidence to proceed with investigation or further investigation

What is discrimination?

Bias against someone because of his or her:

- Race
- Color
- Gender
- Disability
- Sexual Harassment
- Sexual orientation
- Marital status
- Vietnam-era veteran status
- Religion
- National origin
- Age
- Arrest record

Title VII of the 1964 Civil Rights Act

- Prohibits employment discrimination based upon race, color, religion, sex, or national origin

1967 Age Discrimination In Employment Act

- Protects individuals 40 years of age or older

1963 Equal Pay Act

- Protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination

The 1990 Americans with Disabilities Act

- Titles I and V prohibit employment discrimination against qualified individuals with disabilities in the private sector AND state and local governments

The 1973 Rehabilitation Act

- Sections 501 and 505 prohibit discrimination against qualified individuals with disabilities who work in the federal government

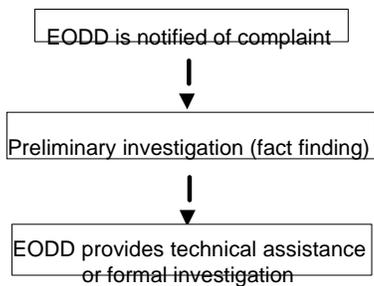
NYS Human Rights Law

- Prohibits discrimination in employment based on race, creed, color, national origin, sex, disability, genetic predisposition or carrier status, marital status, religious observance requirements or arrest record.

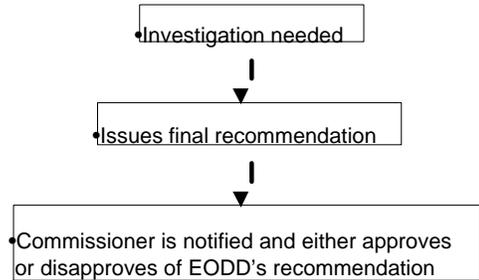
NYS Civil Service Law

- Pursuant to Section 106, it is a misdemeanor to obstruct the civil service rights of any person.

Internal Process:



Formal Process



Externally...

- EODD formally responds to external complaints on behalf of the agency itself in addressing the complaint with NYS DHR/ EEOC

External Complaints:

- Respondents notified in writing
- Mediation opportunity
- If mediation does not succeed, EODD works with program area in formatting a response to complaint
- Response MUST be submitted to external agency within 15 days

External Complaints:

- External agency sets a pre-conference hearing for fact-finding
- External agency makes a determination
- If probable cause is found, case is set for a hearing

External Complaints

- If no probable cause is found, case is dismissed
- If claim was filed concurrently with EEOC, case is usually dismissed within a few months
- Claimant is notified of right to sue in civil court

~~Good Management Practice Includes:-~~

- Be fair with ALL employees
- When appropriate, document interaction factually, progress reports, employee concerns, etc.
- Address employee concerns/ issues ASAP
- Call on EODD for guidance if necessary

SDHR Case # 9S-E-OS-03XXX-E:

- I am a female and I was discriminated against based on my gender
- I was hired on the same date for the same position as Mr. X as a XXXX
- My responsibilities include XXX, but I am assigned the following tasks: making coffee, getting lunch, answering phones...

SDHR Case # 9S-E-OS-03XXX-E:

- Although my 6-month evaluation was satisfactory in July of 2002, I was confused because I was not actually doing the tasks I was hired for
- On September 13th, I spoke to my supervisor and was told I needed to be a team-player and not complain about the work

SDHR Case # 9S-E-OS-03XXX-E:

- On December 5th of 2002, I received a counseling memo for not giving my supervisor a phone message, but I failed to do because of the complicated nature of the message. I had wanted to deliver it in person, but never saw her come in that day

**SDHR Case #
9S-E-OS-03XXX-E:**

- On December 12th 2002, I received another counseling memo for unprofessional conduct with a co-worker. I was on hold with an outside agency when my other line rang. I asked Mr. X to answer the incoming call and he replied that it wasn't his job, it was mine. I was told by other staff that he didn't get a counseling memo, while I did

**SDHR Case #
9S-E-OS-03XXX-E:**

- Based on the foregoing, I charge the above-named respondent with an unlawful discriminatory practice related to employment by denying me equal terms, conditions, and privileges of employment because of my gender and opposition to discrimination, in violation of NYS Human Rights Law

For Further Information:

EODD: 518-474-3715