THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
5000 W. CAREFREE HIGHWAY
PHOENIX, AZ 85086-5000
(602) 942-3000 • WWW.AZGFD.GOV

GOVERNOR
DOUGLAS A. DUCEY
COMMISSIONERS
CHAIRMAN, ROBERT E. MANSELL, WINSLOW
KURT R. DAVIS, PHOENIX
EDWARD "PAT" MADDEN, FLAGSTAFF
JAMES R. AMMONS, YUMA
J.W. HARRIS, TUCSON
DIRECTOR
LARRY D. VOYLES
DEPUTY DIRECTOR
TY E. GRAY

NON-DISCRIMINATION POLICY

The Arizona Game and Fish Department 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 Game and Fish Department commits itself to the attached Non-Discrimination policy.

- The Arizona Game and Fish Department has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation.
- The Arizona Game and Fish Department will make every reasonable effort to ensure that all concerned are familiar with this pol icy and aware that any complaint of violation of such policies will be Investigated and resolved appropriately.
- The Arizona Game and Fish Department will post our Equal Opportunity Policy Statement. This policy is available on the Employee Intranet: http://myazgfd/, the bulletin board in Phoenix Headquarters break room, and in Required Posting Binders placed in common areas for other Arizona Game and Fish facilities.
- All employment announcements shall include the phrase.

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

As Director of the Arizona Game and Fish Department, 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, Diana Angulo-Shaffer shall serve as the Equal Opportunity Administrator for the Arizona Game and Fish Department. Diana Angulo-Shaffer may be contacted at dshaffer@azgfd.gov or (623) 236-7326.

Ty E. Gray (for) — 2/11/15

Larry D. Voyles, Director — Date

Any employee who has any questions or concerns about this policy should talk with, the Department Human Resources Branch Chief, ADOA Employer Relations Staff, or the Governor's Office of Equal Opportunity, http://azgovernor.gov/eop/index.asp, 602-542-3711.

POSTING LOCATIONS

Headquarters – 5000 West Carefree Highway, Phoenix, AZ 85086
Region 1 – 2878 East White Mountain Boulevard, Pinetop, AZ 85935
Region 2 – 3500 South Lake Mary Road, Flagstaff, AZ 86001
Region 3 – 5325 North Stockton Hill Road, Kingman, AZ 86409
Region 4 – 9140 East 28th Street, Yuma, AZ 85365
Region 5 – 555 North Greasewood Road, Tucson, AZ 85745
Region 6 – 7200 East University, Mesa, AZ 85207
Ben Avery Shooting Facility (Main Range and Clay Target Center) – 4044 West Black Canyon Boulevard, Phoenix, AZ 85086
Canyon Creek Hatchery – Forest Lakes, AZ
Tonto Creek Hatchery – Payson, AZ
Page Springs Hatchery – 1600 North Page Springs Road, Cornville, AZ 86325
Bubbling Ponds Hatchery – 1925 Page Springs Road, Cornville, AZ 86325
Silver Creek Hatchery – White Mountain Lake, AZ
Sterling Springs Hatchery – 13271 North Highway 89A, Sedona, AZ 86336
Robbins Butte Wildlife Area- 14005 South 283rd Avenue, Buckeye, 85343
Horseshoe Ranch- 22600 East Bloody Basin Road, Mayer, AZ 86333

C1.3 Non-discrimination/Anti-harassment

Effective: 07/25/2014
Policy Process Owner: DOHR Branch Chief

This policy does not create a contract for employment between any Game and Fish employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at will employees and serve at the pleasure of the appointing authority.

The Department is committed to the prohibition against unlawful discrimination, harassment and retaliation in the workplace. It is the policy of the Department that all employees shall comply with all federal and state anti-discrimination laws. The Department 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. Scope: This policy applies to all Arizona Game and Fish Department employees.

B. Definitions: For the purpose of this policy, the following definitions shall apply:

1. **"Complaint Coordinator"** means the Department's Human Resources Branch Chief who is responsible for receiving complaints, determining applicability under the complaint system, investigating or assigning the complaint to the appropriate individual within the Department for review or investigation, and tracking the processing of complaints.
2. **"Department"** means the Arizona Game and Fish Department.
3. **"Disability"** means:
   a. A physical or mental impairment that substantially limits a major life function of an individual;
   b. Having a history of such an impairment; or
   c. Being regarded as having such impairment.
4. **"Discrimination"** means, but is not limited to:
   a. Preferential treatment of one individual or group over another similarly situated individual or group because of the individual's or group's race, color, religion, sex, pregnancy, age, national origin, genetic information or disability;
   b. Sexual harassment;
   c. Harassment of any individual because of the individual's race, color, religion, sex, pregnancy, age, national origin, genetic information or disability; and
   d. Failing or refusing to provide a reasonable accommodation to a qualified person with a disability.
5. **"Discrimination because of disability"** means:
   a. Treating an individual with a disability less favorably than a similarly situated person without a disability;
   b. Favoring a person with one disability over a person with a different disability; and
   c. 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.

6. **"Harassment because of race, color, religion, sex, pregnancy, national origin, age, genetic information or disability"** means, but is not limited to, unwelcome and unsolicited conduct which is predicated upon an individual's race, color, religion, sex, pregnancy, national origin, age, genetic information or disability when:
   a. Submission to the conduct is made either explicitly or implicitly a term or condition of employment;
   b. Submission to or rejection of such conduct by an employee is used as a basis for an employment decision affecting the employee; or
   c. 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.
7. **"Prohibited harassment"** means, but is not limited to:
   a. 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;
   b. 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
   c. 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.
8. **"Sexual Harassment"** means unwelcome and unsolicited conduct of a sexual nature when:
   a. Submission to the conduct is made either explicitly or implicitly a term or condition of employment;
   b. Submission to or rejection of such conduct by an employee is used as a basis for an employment decision affecting the employee; or
   c. 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.
   d. Examples of conduct that can violate this policy include, but are not limited to:
      i. Explicit sexual behavior by a supervisor, manager, co-worker, visitor, client or other entity with whom the employee interacts during the course of employment;
      ii. Implicit request for sex;
      iii. Direct or indirect pressure for dates or sexual activity;
      iv. Pinching, patting or other unwelcome touching;
      v. Leering or gawking;
      vi. Posting or circulating of sexually graphic materials including, but not limited to, cartoons, pictures, posters or calendars;
      vii. Sexually derogatory comments, including slurs, jokes and other inappropriate remarks;
      viii. Reprisals or threats after a negative response to sexual advances;

ix. Unwelcome sexual advances;
x. 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;
xi. Use of the Department's computer system for the purpose of viewing, displaying, or disseminating material that is sexual in nature.

C. Equal Employment Opportunity: The Department 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 the Department that all individuals are treated in a fair and non-discriminatory manner throughout the application and employment process.

D. 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.

1. The Department 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.
2. Any Department employee who engages in unlawful harassment may be disciplined or separated from state employment.
3. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting, such as offsite business trips, business meetings and business-related social events.

E. Protection from Retaliation: The Department 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 Department employee found to have engaged in retaliation against another individual for reporting or assisting in the investigation of any allegation of unlawful discrimination may incur disciplinary action, up to and including separation from State employment.

1. It is responsibility of ***all*** Department employees to promptly bring any allegation of unlawful discrimination, harassment or retaliation to the attention of the Department. Any complaint alleging unlawful discrimination, harassment or retaliation must be submitted in accordance with the procedures described in this policy. The procedures outlined under the Department's Employee Grievance Policy ***do not apply*** to complaints for unlawful discrimination, harassment or retaliation.
2. This policy does not affect other rights and remedies under federal and state statutes prohibiting employment discrimination. Department employees who believe 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 Arizona Attorney General's Civil Rights Division and with the Equal Employment Opportunity Commission. The filing of an internal complaint of discrimination pursuant to this policy will not impact those statutes of limitations. No employee of this Department who elects to file a charge with either the

Arizona Attorney General's Civil Rights Division or the Equal Employment Opportunity Commission, or who testifies in an investigation by either of those agencies, will be retaliated against or denied internal rights or remedies on account of that charge filing or testimony.

a. Charges filed with the Arizona Civil Rights Division must be filed within 180 days immediately following the most recent act of discrimination;
b. Charges filed with the Equal Employment Opportunity Commission must be filed within 300 days immediately following the most recent act of discrimination.

F. Reporting an Incident of Harassment, Discrimination or Retaliation:

1. The Department encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position.
   a. An employee who believes they have been the victim of such conduct should discuss their concerns with their immediate supervisor, manager, another individual in their chain of command, another supervisor/manager or a member of the Department's Human Resources staff;
   b. A supervisor or manager, not in the employee's chain of command, who becomes aware of an act of alleged discrimination, harassment or retaliation, shall report the incident to the Complaint Coordinator.
2. The Department also encourages an employee, who believes they are being subjected to such conduct, to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. However, the Department recognizes that an employee may not wish to address their concerns directly with the offender. In this case the individual should utilize the formal complaint procedures provided below.

G. Matters Subject to the Complaint Procedure: The following procedure shall be used to file a complaint with the Complaint Coordinator within 180 days of the action giving rise to the complaint and to clearly outline the allegations to be addressed, including whether the basis of the complaint is based on unlawful discrimination, harassment or retaliation.

1. **Preparation:** A complainant 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.
2. **Multiple complaints:**
   a. Multiple complaints by an employee may be consolidated into a single complaint;
   b. Separate complaints filed by two or more employees regarding the same issue or issues may be consolidated into a group complaint;
   c. Employees having a common complaint may submit one group complaint, identifying one complainant as the selected spokesperson for the group;
   d. Employees who choose to file a group complaint are prohibited from filing separate complaints on the same issue.
3. **Amendments:** Once a complaint is submitted to the 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.
4. **Complaint Procedure:** 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 a policy C1.3 Employee Complaint Form, available on the Form Directory, to the Human Resources Branch Chief (HRBC). The Arizona Game and Fish Department HRBC can be reached at (623) 236-7316 or 5000 West Carefree Highway, Phoenix, AZ 85086.

a. The complaint shall include all facts and circumstances involved in the alleged violation, including the following information:
   i. Description of the incident(s);
   ii. Name(s) of individual(s) involved;
   iii. Name(s) of witness(es);
   iv. The date(s) the discrimination or harassment occurred (if known),
   v. Resolution sought;
   vi. Federal or state law alleged to have been violated.
b. The HRBC shall:
   i. Notify the AZGFD Director, or designee, of the complaint upon receipt of the complaint;
   ii. Acknowledge receipt of the complaint in writing to the complainant no later than five (5) business days after receipt of the written complaint;
   iii. Initiate an investigation into the alleged complaint or assign the complaint to a qualified individual for review or investigation within 10 business days. The review or investigation shall be completed within 60 business days of receipt of the written complaint. If extenuating circumstances exist, an extension shall be requested through the HRBC;
   iv. Forward a written recommendation to the Director within 10 business days of completion of the review or investigation barring resolution of the complaint by agreement of the parties.
c. The Director or the Director's designee shall review the findings and recommendations and issue a decision in writing to the complainant. A copy of the response shall be provided to the Complaint Coordinator.

5. **Review by Director of the Arizona Department of Administration (ADOA):**
   a. If the complainant is not satisfied with the AZGFD Director's decision on a complaint alleging unlawful discrimination, harassment or retaliation, the complainant may elevate the complaint to the Director of ADOA within five business days after receipt of the Department Director's decision;
   b. The ADOA Director will furnish a copy of the ADOA Director's decision to the AZGFD Director and the complainant within 20 business days following receipt of the complaint by the ADOA Director. The 20 business days may be extended by the ADOA Director with the concurrence of the complainant;
   c. The decision of the ADOA Director is the final step in the complaint procedure;
   d. The ADOA Director's response will refer the employee to the appropriate entity if the employee is dissatisfied with the final step of the complaint procedure.

H. Confidentiality: The Department recognizes that confidentiality is important. Those responsible for implementing this policy will respect the confidentiality and privacy of individuals reporting or accused of sexual harassment to the extent reasonably possible.

I. Training: Training for the prevention of harassment in the workplace shall be provided as follows:

1. New Employee Orientation will include a review and explanation of this policy including measures for reporting any harassing conduct.
2. Within 30 days of an employee's hire date, the employee shall complete the harassment prevention training provided by ADOA, which is required for all State of Arizona employees.
3. All Department employees shall complete the mandatory harassment prevention training provided and coordinated by the Department's Training and Development program every three years

J. Contact: An employee who has any questions related to this policy may contact the Department's Human Resources Office at (623) 236-7326.

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