

**NEW YORK STATE  
OFFICE OF VICTIM SERVICES (OVS)**

**Victims of Crime Act (VOCA)  
Crime Victim Assistance Grant Program**

**EMPLOYMENT DISCRIMINATION COMPLAINT POLICIES AND PROCEDURES**

**Policy for Responding to Discrimination Complaints from  
Employees of OVS Sub-recipient Organizations under the  
VOCA Crime Victim Assistance Grant Program**

**I. PURPOSE**

The purpose of this policy and procedure is to prohibit employment discrimination and establish a written process for OVS employees to follow when they receive a complaint from the employees of VOCA Crime Victim Assistance sub-recipients, who receive U.S. Department of Justice federal grant funds from OVS. As the recipient of VOCA Crime Victim Assistance grant funds from the U.S. Department of Justice and as the State Administering Agency (SAA) for the VOCA Crime Victim Assistance grant funds, discrimination complaints from OVS employees and OVS job applicants, OVS and NYS procedures already in place will be followed.

**II. POLICY**

OVS supports the federal and state law prohibiting employment discrimination based on religion, race, color, national origin, age, sex, height, weight, marital status, disability, or genetic information. All employees have the right to work in an environment free of discrimination based on religion, race, color, national origin, age, sex, height, weight, marital status, disability, or genetic information.

Sub-recipients are required to comply with all applicable federal laws regarding discrimination as a condition of implementing funding from DOJ and certify compliance with the following statutes and regulations upon acceptance of the grant award:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in the delivery of services (42 U.S.C. & 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C.
- The Omnibus Crime Control and Safe Streets of Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the

delivery of services and employment practices (42 U.S.C. & 3789d(c)(1), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D.

- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. & 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G.
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. & 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35.
- Title I of the Americans with Disabilities Act of 1990 prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including State and local governments.
- Title II of the Americans with Disabilities Act of 1990 applies to State and local government entities, and, in subtitle A, protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. Title II extends the prohibition on discrimination established by section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of State and local governments regardless of whether these entities receive Federal financial assistance.
- Section 1407 of the Victims of Crime Act (VOCA) of 1984, which prohibits discrimination on the basis of race, color, national origin, religion, sex, or disability in VOCA funded programs or activities (42 U.S.C. § 10604).
- Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. & 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54.
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. & 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I.
- The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibits organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).

These laws prohibit any agency from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

### III. DEFINITIONS

Recipient: A non-federal entity that receives federal funding directly from a Federal awarding agency to carry out an activity under a Federal program.

Sub-recipient: A non-Federal entity that received a sub-award Agreement from the recipient to carry out part of a Federal program. Sub-recipient does not include an individual that is a beneficiary of such a program.

OVS Equal Employment Opportunity Officer (EEO Officer): The New York State Office of Victim Services (OVS) designated the Equal Employment Opportunity Officer (EEO Officer) as the designated Civil Rights Compliance Coordinator to handle the discrimination complaint process and maintain the files.

Complainant: An individual who alleges they are the subject of discrimination.

Accused: An employee or individual who allegedly committed the discriminatory behavior.

Discrimination: Refers to the treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.

Retaliation: An individual being treated differently, in a negative manner, as a result of being involved in a discrimination complaint process such as filing a complaint or being a witness to the complaint.

### IV. COMPLAINT PROCEDURES

Any applicant for an employment position or employee who has reason to believe that they have been unlawfully discriminated against or experienced discriminatory harassment based on religion, race, color, national origin, age, sex, height, weight, marital status, disability, or genetic information by the sub-recipients of federal funds may contact the OVS EEO Officer.

The following complaint policies and procedures will be adhered to:

OVS is an Equal Opportunity Employer, Services and Programs

- A. If an employee of a sub-recipient can file a discrimination/discriminatory harassment complaint with the sub-recipient or with the grantee (OVS). The employee shall use their employer's complaint form or prepare a written statement containing the name, address, and telephone number of the individual or authorized representative filing the complaint; a thorough and specific description of the situation, incident, or condition; indicate discriminatory factors such as race, sex, disability, genetic information etc.; identity of witnesses, if any; the resolution the individual is seeking; and the signature of the individual filing the complaint properly dated by the complainant.
- B. The OVS EEO-Officer will provide the complainant written acknowledgement of the complaint within three (3) business days of receiving the complaint.
- C. The OVS EEO Officer will promptly conduct a review of the issues involved in the complaint to ascertain whether or not an informal resolution of the complaint can be achieved. If an informal resolution is possible and mutually agreeable by the parties involved, the OVS EEO Officer will facilitate arrangement of the resolution and make a record of this agreement. If no informal resolution is possible, the OVS EEO Officer will forward the complaint to the appropriate federal or state enforcement agency such as the U.S. Equal Employment Opportunity Commission (EEOC) or the New York State Division of Civil Rights (NYSDCR). This process will occur within 30 days of receiving the complaint.
- D. Civil Rights Compliance Coordinator will notify employees of the sub-recipient and the sub-recipient in writing, if the complaint is forwarded to EEOC or NYSDCR.
- E. Civil Rights Compliance Coordinator will also inform the employee of the sub-recipient to follow-up with EEOC or OCR regarding their complaint.
- F. Civil Rights Compliance Coordinator will document complaint information in a database and/or file.

**G. Record Keeping:**

- a. Civil Rights Compliance Coordinator is to maintain records of all complaints received including complaints forms, supporting documentation, acknowledgement of complaint receipt letters and resolution letters. All complaint records will be filed in a secured cabinet and access will be restricted to the OVS EEO Officer.
- b. Civil Rights Compliance Coordinator shall preserve all records from all investigative steps for seven years (three years at the worksite and then four years in the archives) after the final decision is issued.
- c. Any requests for documents from the investigation file must be requested under the Freedom of Information Act (FOIA).

Send FOIA requests to:

NYS Office of Victim Services  
General Counsel  
A.E. Smith State Office Building  
80 South Swan Street, 2<sup>nd</sup> Fl  
Albany, NY 12210

**V. Contact:**

If you have any questions regarding this policy, you may contact:

Chet Fiske, Grants Director  
NYS Office of Victim Services  
A.E. Smith State Office  
80 South Swan Street, 2<sup>nd</sup> Fl  
Albany, NY 12210  
518.457.5001  
518.485.9294 (Fax)  
[www.ovs.ny.gov](http://www.ovs.ny.gov)