



OREGON YOUTH AUTHORITY

Policy Statement

Part 0 – Mission, Values, Principles



Subject

Equal Employment Opportunity and Affirmative Action

Section – Policy Number:

0-3.1

Supersedes:

I-D-1.0 (01/96)
0-3.1 (12/06)

Effective Date:

07/15/2010

Date of Last

Review/Revision:
None

Related Standards and References:

- [U.S. Equal Employment Opportunity Commission](#)
- Presidential Executive Order 11246, Affirmative Action (9/24/65)
- [Presidential Executive Order 11478, EEO in Federal Government](#)
- [ORS 659A \(Unlawful Discrimination in Employment, Public Accommodations\)](#)
- [ORS 243.305 \(Policy of affirmative action and fair and equal employment opportunities and advancement\)](#)
- [OAR 105.040.001](#) (Equal Employment Opportunity and Affirmative Action)
- Governor's Executive Order No. EO-05-01, Affirmative Action: Review and Renewal ([Affirmative Action: Review and Renewal](#))
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 3-JTS-1C-01 (Personnel Policy Manual); 3-JTS-1C-07 (Equal Employment Opportunity)
- OYA policy: 0-3.0 (Harassment-free Workplace)
I-D-1.3 (Disability and Reasonable Accommodation)
- OYA form: YA 8012 (Equal Employment Information Letter)
- Collective Bargaining Agreements (SEIU, AFSCME Local 191)

Related Procedures:

- None

Interpretation:

Human Resources

Approved:

Colette S. Peters, Director

I. PURPOSE:

This policy expresses OYA's commitment to principles of equal employment, affirmative action, and diversity. The policy provides general standards for implementing equal employment opportunity and affirmative action efforts for OYA staff and applicants. A complaint process for OYA staff and applicants regarding alleged acts of unlawful discrimination or harassment is also addressed.

II. POLICY DEFINITIONS:

Harassment: A form of offensive treatment or behavior which to a reasonable person creates an intimidating, hostile or abusive work environment. Harassment may include, but is not limited to, verbal harassment, such as racial epithets, ethnic or sexual jokes, inappropriate use of sexually explicit language, demeaning and derogatory comments; physical harassment, such as unwanted touching, physical interference with normal work or movement, or assault; visual or audio harassment, such as derogatory or sexually or racially offensive posters, degrading songs, cartoons, or drawings in any form, including written, computer generated or telephonic; and sexual harassment.

Sexual harassment: Any advance, request for sexual favors or other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made whether 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 that individual; or
- (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Unlawful Discrimination: The act or behavior of treating people differently or adversely because of their race, color, national origin, religion, gender, or other factors protected by law.

III. POLICY:

The State of Oregon is committed to achieving a workforce that represents the diversity of the Oregon community and is a leader in providing its citizens fair and equal employment opportunity. OYA is committed to an affirmative action program that provides equal opportunities for all people regardless of race, color, religion, ancestry, sex, sexual orientation, familial status, national origin, marital status, age, or physical or mental disability. OYA's values and policies articulate the agency's intent and commitment to integrate cultural competency throughout the entire agency and to create a diverse workforce. Selecting, training, supporting, and empowering a competent and diverse workforce is reflective of the agency's mission.

OYA also maintains a workplace free from intimidation and harassment (refer to policy 0-3.0 Harassment-free Workplace).

IV. GENERAL STANDARDS:

A. Staff responsibilities

OYA management, supervisors, and staff will support this policy by the following actions.

1. All levels of management will actively support and pursue affirmative action recruitment efforts to ensure the organizational

growth and entry into the workforce of minorities, women, and persons with disabilities.

2. All aspects of employment including recruiting, hiring, benefits, training, promoting, transferring, and terminating will be made without regard to race, color, religion, ancestry, age, sex, marital status, national origin, sexual orientation, or mental or physical disability.
3. Harassment in any form including sexual, verbal, or physical harassment or harassment based on race, color, national origin, physical or mental disability, age, religion, sex, sexual orientation, and marital status will not be tolerated. (See OYA policy 0-3.0 Harassment-free Workplace).
4. Any supervisor/manager who witnesses or becomes aware of conduct that could be construed as harassment or discrimination will notify Human Resources and, in concert with Human Resources, take immediate and appropriate corrective/remedial action.
5. It is each staff member's responsibility to promote a positive, affirming workplace environment free from intimidation, harassment and discrimination.
6. Training on affirmative action, nondiscrimination, and a harassment-free workplace will be provided to all staff as part of ongoing staff development and new employee orientation.
7. Absolutely no retaliation or adverse action in any form will be taken against a staff because he/she has filed a complaint alleging discrimination or harassment.
8. OYA will develop, distribute and monitor an affirmative action plan and maintain an auditing and reporting system that will provide necessary statistical data and standardized reports for analysis that will meet EEO reporting requirements.
9. All contracts between OYA and its contractors will contain a clause of nondiscrimination by which contractors agree to comply with all applicable requirements of Section 504 of the Americans with Disabilities Act.
10. OYA will establish and maintain a process to review the appeals of individuals who believe they may have been subjected to discrimination or harassment.

B. Interviewing Applicants for Employment

1. OYA fulfills the mission of the agency by selecting, training, supporting and empowering a competent and diverse workforce.

It is every supervisor/manager's responsibility to ensure the suitability of applicants before the applicants are hired by OYA.

2. Interview panels should be diverse and include, when possible, one male, one female and at least one member of color. This will facilitate a broader, more diverse perspective of the applicants, and provide the hiring supervisor/manager with a more comprehensive hiring recommendation.
3. OYA has the burden of proof as to the appropriateness of the selection process.
4. Unequal treatment of candidates during the interview process is an example of discrimination.
 - a) All interview questions must be directly related to the position being filled.
 - b) The interviewer must ask each candidate the same questions.

This does not prevent the interviewer from asking other questions in response to answers provided by the candidates.
 - c) An interview documentation file must be maintained on every filled position.
 - (1) This becomes extremely critical in the event of an audit or investigation.
 - (2) The file should contain a position description, rating factors, scoring criteria, interview questions, and a copy of the certificate of eligibility as well as the information obtained from the reference checks.

C. Discrimination or Harassment Complaint Process

1. Informal Complaint Process

A staff may notify Human Resources of a discrimination issue or concern in order to raise awareness or put OYA on alert without filing a formal complaint requiring an investigation in these situations:

- a) Staff may ask Human Resources to keep the matter and identity of the staff confidential.

OYA will comply with the request, if possible.

- b) Staff will be asked to sign documentation stating that he/she wishes his/her identity to remain confidential.
- c) The discussion will be documented.
- d) Human Resources will review the information and notify management at a level sufficient to maintain confidentiality of the staff's identity when it is determined that action is necessary to correct the problem or to prevent a reoccurrence in similar situations.
- e) Human Resources will offer suggestions to management on preventative actions such as training and changes in environment.

2. Internal Complaint Process

Any individual who believes he/she has been subjected to unlawful discriminatory actions by OYA may file a complaint within 30 calendar days of the alleged incident. Staff may contact the OYA Affirmative Action representative at (503) 378-3568.

- a) Represented staff may file a complaint either through the Collective Bargaining Agreement grievance procedure or by using the process described below.
- b) Staff may submit a written complaint to Human Resources that explains the basis for the complaint, identifies the alleged discriminating party or parties, the date the discriminatory action(s) occurred, and specifies the relief requested.
- c) Human Resources will review/investigate the complaint and provide the complainant written notification of the findings within 15 days.

If additional time is needed for investigating the allegations or to issue a report of the findings, the complainant will be notified in writing of the need for additional time.

- d) If the investigation substantiates the complaint, appropriate corrective action will be initiated, including discipline if warranted.

3. External Complaint Process

A complaint alleging discrimination may be filed at any step in the complaint process with:

- a) Governor's Affirmative Action Office;
Telephone: (503) 378-3544; or

E-mail: affirmative.action@state.or.us

- b) Civil Rights Division of the Bureau of Labor;
- c) Equal Employment Opportunity Commission; or
- d) U.S. Department of Justice/Civil Rights Division, for complaints under the Americans with Disabilities Act only.

V. LOCAL OPERATING PROCEDURE or PROTOCOL REQUIRED: NO