



OREGON YOUTH AUTHORITY

Policy Statement

Part 0 – Mission, Values, Principles



Subject:

Equal Employment Opportunity and Affirmative Action

Section – Policy Number:

0-3.1

Supersedes:

0-3.1 (12/18)
0-3.1 (01/13)
0-3.1 (07/10)
0-3.1 (12/06)
I-D-1.0 (01/96)

Effective Date:

02/01/2021

Date of Last

Revision/Review:
None

Related Standards and References:

- [U.S. Equal Employment Opportunity Commission](#)
- [ORS 659A \(Unlawful Discrimination in Employment, Public Accommodations\)](#)
- [ORS 243.305 \(Policy of affirmative action and fair and equal employment opportunities and advancement\)](#)
- [OAR 105-040-0001](#) (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*; 4-JFC-6C-02 (Equal Employment); 4-JCF-6D-07 (Reasonable Accommodation)
- Department of Administrative Services (DAS) statewide policy: [50.020.10](#) ADA and Reasonable Accommodation in Employment, [50.010.01](#) Discrimination and Harassment Free Workplace
- [OYA policy](#): 0-3.0 (Harassment-free Workplace)
- [OYA form](#): YA 8012 (Equal Opportunity Statistical Information) YA 8600 (Complaint Form)
- Collective Bargaining Agreements ([SEIU](#), [AFSCME](#) Local 191)


Related Procedures:

- None

Policy Owner:

Human Resources Manager

Approved:



Joseph O’Leary, Director

I. PURPOSE:

This policy expresses OYA’s commitment to principles of equal employment, affirmative action, diversity, and inclusion. 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 having 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. 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.

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. (See OYA policy 0-3.0 Harassment-free Workplace).

4. It is each staff member's responsibility to promote a positive, affirming workplace environment free from intimidation, harassment and discrimination.
5. Staff must complete training on preventing sexual harassment and maintaining a harassment-free and professional workplace annually.
6. Absolutely no retaliation or adverse action in any form will be taken against a staff because they have filed a complaint alleging discrimination or harassment.
7. 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.
8. 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.
9. OYA will establish and maintain a process to review applicant and employee complaints and grievances of 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 must be diverse in gender, race, and ethnicity. If diversity of the panel is not possible to achieve, the rationale for continuing the process must be documented by the hiring manager. 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 primary questions. At least one of the questions must include assessing the candidates for their demonstrated commitment to diversity, equity, and inclusion.

This does not prevent the interviewer from asking follow-up questions related to the candidates' responses and application materials provided.
 - c) An interview documentation file must be maintained on every filled position in accordance with Secretary of State, Archiving Division, Records Retention Schedules.
 - (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 information obtained from the reference checks.

C. Discrimination or Harassment Complaint Process

1. Internal complaint process

Staff may follow the complaint process described in OYA policy 0-3.0 Harassment-free Workplace if they feel they have been subjected to unlawful discriminatory actions by OYA.

2. External complaint process

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

- a) Governor's Office of Diversity & Inclusion/Affirmative Action
Telephone: (503) 378-6833
Website: www.oregon.gov/gov/GovAA;

- b) Civil Rights Division of the Bureau of Labor and Industries
Telephone: (971) 673-0761
Website: www.oregon.gov/boli;
- c) U.S. Equal Employment Opportunity Commission
Telephone: (206) 220-6883
Website: www.eeoc.gov; or
- d) U.S. Department of Justice/Civil Rights Division, for
complaints under the Americans with Disabilities Act only
Telephone: (800) 514-0301
Website: www.ada.gov.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO