



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)

Effective Date:
12-16-06

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: [0-1.1](#) (Mission/Values Statement)
[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: Employee Services

Approved:

Robert S. Jester, Director

I. PURPOSE:

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

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's Values statement and policies articulate the agency's intent and commitment to integrate cultural competency throughout the entire agency and to create a diverse work force. Selecting, training, supporting, and empowering a competent and diverse workforce is a tangible expression of the agency's mission.

It is also the policy of the OYA that its workforce will be free from discrimination, intimidation, and harassment (refer to policy 0-3.0 Harassment Free Work Place).

IV. GENERAL STANDARDS:

A. Staff responsibilities

Supervisors/Managers 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 recruitment, hiring, benefits, training, promotions, transfers and terminations will be made without regard to race, color, religion, ancestry, age, sex, marital status, national origin, sexual orientation, 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 Work Place).
4. Any Supervisor/Manager who witnesses or becomes aware of conduct that could be construed as harassment or discrimination will notify Employee Services and in concert with Employee Services, take immediate and appropriate corrective/remedial action.
5. It is the responsibility of each staff 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. The 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 and that will meet EEO reporting requirements.
9. All contracts between the 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. The 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. The OYA fulfills the mission of the agency by selecting, training, supporting and empowering a competent and diverse workforce. It is the responsibility of every Supervisor/Manager to ensure the suitability of applicants before they are hired by the OYA.
2. Interview panels should be diverse and contain, at a minimum, 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. The OYA has the burden of proof as to the appropriateness of the selection process.
4. Unequal treatment of candidates during the interviewing 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 should 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. Complaint Processes regarding Discrimination or Harassment

1. Informal Complaint Process

A staff may notify Employee Services of an issue or concern regarding discrimination in order to raise awareness or to put the agency on alert without filing a formal complaint requiring an investigation. In these situations:

- a) The staff may ask Employee Services to keep the matter and identity of the staff confidential.

The OYA will comply with the request, if possible.
- b) The 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) Employee Services 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) Employee Services 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 the OYA may file a complaint within 30 calendar days of the alleged incident.

- a) Represented staff may file a complaint either through the Collective Bargaining Agreement grievance procedure or by using the procedures described below.
- b) Staff may submit a written complaint to Employee Services 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) Employee Services will review/investigate the complaint and provide the complainant written notification of the findings within 15 days.
 - (1) 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;
- 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