



## Equal Employment Opportunity

Policy Type: Human Resource Management

Responsible Office: Human Resource Office

Effective Date: January 15, 2018

### POLICY STATEMENT AND PURPOSE

All aspects of human resource management will be conducted without regard to race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics or disability in accordance with the Governor's Executive Order on Equal Opportunity and state and federal laws.

It is the policy of the Department of Criminal Justice Services (DCJS) to assure equal opportunity in all aspects of operation. This policy specifically prohibits discrimination on the basis race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics or disability or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans as contemplated by state and federal law.

The agency takes appropriate measures, as determined by the Director of the Department of Human Resource Management (DHRM), to emphasize the recruitment and appointment of qualified minorities, veterans, women, disabled persons, and older individuals. State directives do not in any way permit nor require the lowering of any job requirements, performance standards, or qualifications to give preference to any state employee or applicant for state employment.

Allegations of violations of this policy shall be brought to the attention of the Director or appropriate authority as provided in this policy. No manager, supervisor, or employee shall take retaliatory actions against persons making such allegations.

This policy is applied in all aspects of human resource management including but not limited to recruitment, selection, promotional opportunities, termination, leave, benefits, transfers, position classification, compensation, and training.

Any Department of Criminal Justice Services employee found in violation of this policy shall be subject to appropriate disciplinary action.

The Department complies fully in its current policies and management practices with the [Governor's Executive Order on Equal Opportunity](#) and the [Department of Human Resource Management Policy No. 2.05, Equal Employment Opportunity](#).

### WHO SHOULD KNOW THIS POLICY

All Department of Criminal Justice Services classified and wage employees, supervisors, and managers are responsible for knowing and adhering to the contents and provisions of this policy.

### CONTACTS

This policy is issued in accordance with Department of Human Resource Management policy 2.05: *Equal Employment Opportunity* and is subject to change. The Director of the Department of Human Resource Management is responsible for the official interpretation of DHRM policy pursuant to the authority provided in [§2.2-1201 of the Code of Virginia](#). DHRM reserves the right to revise or eliminate policy 2.05: *Equal Employment Opportunity*, as necessary.

The DCJS Human Resource Office provides guidance on this policy. Please direct policy questions to the DCJS Human Resource Office.

## PROCEDURES

### Complaint Options

Employees and third parties should report allegations of discrimination as soon as possible after the incident occurs. ***Under no circumstances shall the individual alleging discrimination be required to file a complaint with the alleged offending party.***

While individuals are encouraged to use the DCJS complaint procedure, there are other options available to file a complaint.

- **DCJS Complaint Procedure:** Employees and applicants for employment seeking to remedy discrimination may file a complaint with the Director, Chief Deputy Director, Division Director or Human Resource Manager. Refer to the Department of Criminal Justice complaint procedure below for details.
- **State Complaint Procedure:** The employee or applicant may follow the Commonwealth Employees' Discrimination Complaint Procedure, which is administered by the Office of Equal Employment and Dispute Resolution in the Department of Human Resource Management: (804) 225-2136 or toll free at (800) 533-1414.
- **Grievance Procedure:** Eligible employees also may use the State Employee Grievance Procedure, which is administered by the Department of Human Resource Management Office of Equal Employment and Dispute Resolution (OEEEDR), to address discrimination. (804) 786-7994 or toll free at (888) 232-3842.
- **Federal Complaint Process:** Individuals may file a complaint with the Federal Equal Employment Opportunity Commission (800) 669-4000.

Additional resources available to employees not listed in the complaint options above include:

[Division of Human Rights, Office of the Attorney General](#)  
**900 East Main Street**  
**Richmond, VA 23219**  
(804) 225-2292 [human\\_rights@oag.state.va.us](mailto:human_rights@oag.state.va.us)

**Assurance Against Retaliation:** Employees and third parties who make complaints of discrimination, or provide information related to such complaints, will be protected against retaliation. If retaliation occurs, the employee(s) should report the retaliation through the complaint procedure.

### Department of Criminal Justice Services Complaint Process

Any staff, manager, supervisor, intern, student, volunteer, or affiliated individual who believes that he or she has been subjected to discrimination should immediately report any incident(s) of discrimination to the Director, Chief Deputy Director, Division Director, or the agency Human Resource Manager.

***Under no circumstance shall the individual alleging discrimination be required to file a complaint with the alleged offending party.***

Any administrator, supervisor, manager or other Department official to whom a complaint of discrimination is made or who otherwise is made aware of incidents which might constitute discrimination, shall report the incident in accordance with this policy.

Complaints of discrimination should be filed as soon as possible following the event or occurrence giving rise to the complaint to ensure a complete investigation and prompt resolution of the problem.

Complaints will be handled expeditiously. It should be noted that filing a complaint with the agency does not affect the time frame in which one must file a complaint with any applicable federal or state agency to comply with the rules for timely filing with such federal or state agency.

### **DCJS Reporting Requirements and Investigation**

Complaints of discrimination should be filed in writing with the Director, Chief Deputy Director, Division Director, or the Human Resource Manager using the *DCJS Discrimination Complaint Form*.

Allegations of violation of the Governor's Executive Order on Equal Opportunity shall be brought to the attention of the Equal Employment Services of the Department of Human Resource Management.

Upon receipt of a complaint, an individual appointed by the Director will undertake an investigation into the complaint. Alternatively, the complaint may be referred to the Office of Equal Employment Services of the Department of Human Resource Management for investigation.

The findings will be provided to the Director and/or designee for consideration and action.

### **Management, Supervisor, and Employee Responsibilities**

In accordance with this policy, all employees are prohibited from discrimination on race, sex, color, national origin, religion, sexual orientation, gender identity, age, veteran status, political affiliation, genetics or disability.

Employees, managers and supervisors at all levels within the Department are responsible for preventing discrimination in the workplace. This responsibility includes immediately reporting conduct by anyone, whether a co-worker, supervisor, or non-employee, that may constitute workplace discrimination, even if the conduct was sanctioned and regardless of how awareness of conduct was gained. Managers and supervisors must immediately report any allegation of workplace discrimination to the Director, Chief Deputy Director, Division Director, or Human Resource Manager.

The Director or his designee shall authorize investigation of all allegations of discrimination. Management must take immediate action to ensure all allegations of workplace discrimination are addressed fairly, effectively and promptly.

Managers and supervisors are responsible for communicating this policy to their employees and third parties as applicable, including:

- Educating their employees to the types of behavior that can be considered workplace discrimination;
- Stopping any workplace discrimination of which they are aware, whether or not a complaint has been made;
- Stopping any observed acts that may be considered workplace discrimination, and taking appropriate steps to intervene;
- Taking immediate action to prevent retaliation towards the complaining party or a participant in an investigation; and,
- Taking immediate action to eliminate any discrimination where there has been a substantiated complaint.

### **Policy Violations**

A range of disciplinary actions may be used to address policy violations or to address investigative findings including a warning, counseling, training, suspension, or dismissal as warranted by the circumstances, and administered by the appropriate supervisor or manager.

**Engaging in discrimination or inappropriate conduct:** Any Department of Criminal Justice Services employee found in violation of this policy shall be subject to appropriate disciplinary action, which may include discharge from employment.

**Allowing discrimination to continue:** Managers and/or supervisors who allow workplace discrimination to continue or who fail to take appropriate corrective action upon becoming aware of the discrimination, may be considered a party to the offense, even though they may not have engaged in such behavior, and shall be subject to appropriate disciplinary action, which may include discharge from employment.

**Failure to respond:** Managers and/or supervisors who allow discrimination to occur or who fail to take appropriate action shall be subject to corrective action as appropriate, which may include discharge from employment.

## FORMS

- *DCJS Discrimination Complaint Form*

## RELATED DOCUMENTS

- [Governor's Executive Order on Equal Opportunity](#)
- [Department of Human Resource Management Policy No. 2.05: Equal Employment Opportunity](#)

## REVISION HISTORY

This policy supersedes the following policy: *Equal Employment Opportunity* issued March 22, 2010.



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Shannon Dion  
*Director*

## DCJS Discrimination Complaint Form

1. Name (Complainant):	2. Phone:	3. Home address (street #, city, state, zip):
4. Name of person(s) that you believe discriminated against you:		
5. Location and position of person(s) if known:		6. Date of alleged incident:
<p>7. Discrimination because of (check all categories that apply to the act(s) of discrimination):</p> <p><input type="checkbox"/> Race / color (Please check the racial or ethnic group with which you identify)</p> <p style="margin-left: 20px;"><input type="checkbox"/> White (Not of Hispanic Origin) – A person having origins in any of the original peoples of Europe, North Africa or Middle East.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Black (Not of Hispanic Origin) – A person having any origins in any of the Black racial groups of Africa.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Asian or Pacific Islander – A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or Pacific Islands. The areas include for example, China, Japan, the Philippine Islands, and Samoa.</p> <p style="margin-left: 20px;"><input type="checkbox"/> Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South America or other Spanish culture or origin, regardless of race.</p> <p style="margin-left: 20px;"><input type="checkbox"/> American Indian or Alaskan Native – A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Male</p> <p><input type="checkbox"/> Female</p> <p><input type="checkbox"/> Sexual Harassment</p> <p><input type="checkbox"/> Retaliation</p> <p><input type="checkbox"/> Disability (Briefly describe the disability):</p> <p><input type="checkbox"/> Age (Please indicate age):</p> <p><input type="checkbox"/> National Origin (Please indicate National Origin):</p> <p><input type="checkbox"/> Religion (Please indicate religion):</p> <p><input type="checkbox"/> Political Affiliation (Please indicate affiliation):</p>		
<p>8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Also, attach any written material pertaining to your case. <i>Attach additional sheets if needed.</i></p>		
<p>9. What other information do you think is relevant to the investigation?</p>		
<p>10. How can this/these issue(s) be resolved to your satisfaction?</p>		

11. Please list below any person(s) we may contact for additional information to support or clarify your complaint. (witnesses, fellow employees, supervisors, others) Please provide a brief statement what information you believe this witness can provide. *Attach additional sheets if needed.*

Name:	Job title:	Address:	Phone number:
Brief Statement:			

Name:	Job title:	Address:	Phone number:
Brief Statement:			

Name:	Job title:	Address:	Phone number:
Brief Statement:			

Name:	Job title:	Address:	Phone number:
Brief Statement:			

I affirm that the above information is true to the best of my knowledge, information, and belief.			
Signature:			Date:

I also give permission to the agency against which I filed this complaint to release to the investigators any and all personnel records, including background investigations and medical records, deemed necessary to investigate this case.			
Signature:			Date:

## **SUMMARY OF DCJS EQUAL EMPLOYMENT OPPORTUNITY POLICY AND ACKNOWLEDGEMENT OF POLICY RECEIPT**

### **SUMMARY**

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Department of Criminal Justice Services employee found in violation of this policy shall be subject to appropriate disciplinary action.

Specific employee responsibilities and complaint options are contained in the full policy.

The entire DCJS Policy on Equal Employment Opportunity is posted on the agency intranet and a copy may be obtained from the Human Resource Office.

### **CERTIFICATE OF RECEIPT**

Your signature below indicates your receipt of the DCJS policy on *Equal Employment Opportunity*. Your signature is intended only to acknowledge receipt, it does not imply agreement or disagreement with the policy. If you refuse to sign this certificate of receipt, your supervisor will be asked to initial this form indicating that a copy has been provided to you.

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_