

STATE OF RHODE ISLAND  
AFFIRMATIVE ACTION PLAN  
FOR  
DEPARTMENT OF CORRECTIONS  
40 HOWARD AVENUE  
CRANSTON, RI 02920

July 1, 2013 – June 30, 2014

A.T. Wall

Ashbel T. Wall II, Director

12/30/13

Date

Accepted by:

Raymond Lambert

For the State Equal Opportunity Office

11/14/13

Date

## PREFACE

Rhode Island General Law §28-5.1-3 requires the State Equal Opportunity Office to establish the criteria and deadlines for State Agency Affirmative Actions Plans. The plans apply to employees and applicants for employment. This manual fulfills that requirement. The plans are intended to assist in ensuring equal employment opportunity and eliminating the present effects of past discrimination for racial minorities, women and persons with disabilities.

Because objectives may vary from agency to agency, the Affirmative Action Plan should be developed according to the needs of the individual agency. However, each written plan contains the requirements outlined in this manual.

The success of equal employment opportunity in Rhode Island State Government depends largely upon effective Affirmative Action Plans being implemented and the commitment, support and mutual cooperation from Agency Directors, Managers and Staff. The most important measure of an Affirmative Action Program is its RESULTS.

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*PART I*

*STATE MANDATES*

# TITLE 28

## Labor and Labor Relations

### CHAPTER 28-5.1

#### Equal Opportunity and Affirmative Action

##### SECTION 28-5.1-1

§ 28-5.1-1 **Declaration of policy.** – (a) Equal opportunity and affirmative action toward its achievement is the policy of all units of Rhode Island state government, including all public and quasi-public agencies, commissions, boards and authorities, and in the classified, unclassified, and non-classified services of state employment. This policy applies in all areas where the state dollar is spent, in employment, public service, grants and financial assistance, and in state licensing and regulation.

(2) All policies, programs, and activities of state government shall be periodically reviewed and revised to assure their fidelity to this policy.

(3) Each department head shall make a report to the governor and the general assembly not later than September 30 of each year on the statistical results of the implementation of this chapter and to the state equal opportunity office; provided, that the mandatory provisions of this section do not apply to the legislative branch of state government.

(b) The provisions of this chapter shall in no way impair any contract or collective bargaining agreement currently in effect. Any contract or collective bargaining agreements entered into or renewed after July 6, 1994 shall be subject to the provisions of this chapter.

##### SECTION 28-5.1-2

§ 28-5.1-2 **State equal opportunity office.** – (a) There shall be a state equal opportunity office. This office, under the direct administrative supervision of the director of administration/human resources, shall report to the governor and to the general assembly on state equal opportunity programs. The state equal opportunity office shall be responsible for assuring compliance with the requirements of all federal agencies for equal opportunity and shall provide training and technical assistance as may be requested by any company doing business in Rhode Island and all state departments as is necessary to comply with the intent of this chapter.

(b) The state equal opportunity office shall issue any guidelines, directives or instructions that are necessary to effectuate its responsibilities under this chapter, and is authorized to investigate possible discrimination, hold hearings, and direct corrective action to the discrimination.

##### SECTION 28-5.1-3

§ 28-5.1-3 **Affirmative action.** – (a) The state equal opportunity office shall assign an equal opportunity officer as a liaison to agencies of state government.

(b) Each state department or agency, excluding the legislative branch of state government, shall annually prepare an affirmative action plan. These plans shall be prepared in accordance with the criteria and deadlines set forth by the state equal opportunity office. These deadlines shall provide, without limitation, that affirmative action plans for each fiscal year be submitted to the state equal opportunity office and the house fiscal advisor no later than March 31. These plans shall be submitted to and shall be subject to review and approval by the state equal opportunity office.

(c) Any affirmative action plan required under this section deemed unsatisfactory by the state equal opportunity office shall be withdrawn and amended according to equal opportunity office criteria, in order to attain positive measures for compliance. The state equal opportunity office shall make every effort by informal conference, conciliation and persuasion to achieve compliance with affirmative action requirements.

(d) The state equal opportunity office shall effect and promote the efficient transaction of its business and the timely handling of complaints and other matters before it, and shall make recommendations to appropriate state officials for affirmative action steps towards the achievement of equal opportunity.

(e) The state equal opportunity administrator shall serve as the chief executive officer of the state equal opportunity office, and shall be responsible for monitoring and enforcing all equal opportunity laws, programs, and policies within state government.

(f) No later than July 1 each state department or agency, excluding the legislative branch of state government, shall submit to the state equal opportunity office and the house fiscal advisor sufficient data to enable the state equal opportunity office and the house fiscal advisor to determine whether the agency achieved the hiring goals contained in its affirmative action plan for the previous year. If the hiring goals contained in the previous year's plan were not met, the agency shall also submit with the data a detailed explanation as to why the goals were not achieved.

(g) Standards for review of affirmative action plans shall be established by the state equal opportunity office, except where superseded by federal law.

(h) For purposes of this section, "agency" includes, without limitation, all departments, public and quasi-public agencies, authorities, boards, and commissions of the state, excluding the legislative branch of state government.

(i) The state equal opportunity office shall continually review all policies, procedures, and practices for tendencies to discriminate and for institutional or systemic barriers for equal opportunity, and it shall make recommendations with reference to any tendencies or barriers in its annual reports to the governor and the general assembly.

(j) Relevant provisions of this section also apply to expanding the pool of applicants for all positions where no list exists. The equal opportunity administrator is authorized to develop and implement recruitment plans to assure that adequate consideration is given to qualified minority applicants in those job categories where a manifest imbalance exists, excluding those job categories in the legislative branch of state government.

### **SECTION 28-5.1-3.1**

#### **§ 28-5.1-3.1 Appointments to state boards, commissions, public authorities, and quasi-public corporation. —**

(a) The general assembly finds that, as a matter of public policy, the effectiveness of each appointed state board, commission, and the governing body of each public authority and quasi-public corporation is enhanced when it reflects the diversity, including the racial and gender composition, of Rhode Island's population. Consequently, each person responsible for appointing one or more individuals to serve on any board or commission or to the governing body of any public authority or board shall endeavor to assure that, to the fullest extent possible, the composition of the board, commission, or governing body reflects the diversity of Rhode Island's population.

(b) During the month of January in each year the boards, agencies, commissions, or authorities are requested to file with the state equal opportunity office a list of its members, designating their race, gender, and date of appointment.

(c) Of the candidates considered for appointment by the governor and the general assembly, the governor and the general assembly shall give due consideration to recommendations made by representatives of Rhode Island's minority community based organizations through the Rhode Island Affirmative Action Professionals (RIAAP). The human resources outreach and diversity office shall act as the RIAAP's liaison with state government and shall forward the recommendations to appointing authorities.

(d) The appointing authority, in consultation with the equal employment opportunity administrator and the human resources outreach and diversity administrator within the department of administration, shall annually conduct a

utilization analysis of appointments to state boards, commissions, public authorities and quasi-public corporations based upon the annual review conducted pursuant to § 28-5.1-3.

(e) The equal employment opportunity administrator shall report the results of the analysis to the Rhode Island commission for human rights and to the general assembly by or on January 31 and July 31 of each year consistent with § 28-5.1-17. The report shall be a public record and shall be made available electronically on the secretary of state's website.

### **SECTION 28-5.1-3.2**

**§ 28-5.1-3.2 Enforcement.** – (a) The state equal opportunity administrator is authorized to initiate complaints against any agencies, administrators, or employees of any department or division within state government, excluding the legislative branch, who or which willfully fail to comply with the requirements of any applicable affirmative action plan or of this chapter or who or which fail to meet the standards of good faith effort, reasonable basis, or reasonable action, as defined in guidelines promulgated by the federal Equal Employment Opportunity Commission as set forth in 29 CFR 1607.

(b) Whenever the equal employment opportunity administrator initiates a complaint, he or she shall cause to be issued and served in the name of the equal employment opportunity office a written notice, together with a copy of the complaint, requiring that the agency, administrator, agent, or employee respond and appear at a hearing at a time and place specified in the notice. The equal employment opportunity office shall follow its lawfully adopted rules and regulations concerning hearings of discrimination complaints.

(c) The equal employment opportunity office shall have the power, after a hearing, to issue an order requiring a respondent to a complaint to cease and desist from any unlawful discriminatory practice and/or to take any affirmative action, including, but not limited to, hiring, reinstatement, transfer, or upgrading employees, with or without back pay, or dismissal, that may be necessary to secure compliance with any applicable affirmative action plan or with state or federal law.

(d) A final order of the equal employment opportunity office constitutes an "order" within the meaning of § 42-35-1(j); is enforceable as an order; is to be rendered in accordance with § 42-35-12; and is subject to judicial review in accordance with § 42-35-15.

### **SECTION 28-5.1-4**

**§ 28-5.1-4 Employment policies for state employees.** – (a) Each appointing authority shall review the recruitment, appointment, assignment, upgrading, and promotion policies and activities for state employees without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. All appointing authorities shall hire and promote employees without discrimination.

(b) Special attention shall be given to the parity of classes of employees doing similar work and the training of supervisory personnel in equal opportunity/affirmative action principles and procedures.

(c) Annually, each appointing authority shall include in its budget presentation any necessary programs, goals and objectives that shall improve the equal opportunity aspects of their department's employment policies.

(d) Each appointing authority shall make a monthly report to the state equal opportunity office on persons hired, disciplined, terminated, promoted, transferred, and vacancies occurring within their department.

### **SECTION 28-5.1-5**

**§ 28-5.1-5 Personnel administration.** – (a) The office of personnel administration of the department of administration shall prepare a comprehensive plan indicating the appropriate steps necessary to maintain and secure the equal opportunity responsibility and commitment of that division. The plan shall set forth attainable goals and target dates based upon a utilization study for achievement of the goals, together with operational assignment for each element of the plan to assure measurable progress.

(2) The office of personnel administration shall:

(i) Take positive steps to insure that the entire examination and testing process, including the development of job specifications and employment qualifications, is free from either conscious or inadvertent bias, and

(ii) Review all recruitment procedures for all state agencies covered by this chapter for compliance with federal and state law, and bring to the attention of the equal opportunity administrator matters of concern to its jurisdiction.

(3) The division of budget shall indicate in the annual personnel supplement progress made toward the achievement of equal employment goals.

(4) The division of purchases shall cooperate in administering the state contract compliance programs.

(5) The division of statewide planning shall cooperate in assuring compliance from all recipients of federal grants.

(b) The office of labor relations shall propose in negotiations the inclusion of affirmative action language suitable to the need for attaining and maintaining a diverse workforce.

(c) There is created a five (5) member committee which shall monitor negotiations with all collective bargaining units within state government specifically for equal opportunity and affirmative action interests. The members of that committee shall include the director of the Rhode Island commission for human rights, the equal opportunity administrator, the personnel administrator, one member of the house of representatives appointed by the speaker, and one member of the senate appointed by the president of the senate.

## SECTION 28-5.1-6

**§ 28-5.1-6 Commission for human rights.** – The Rhode Island commission for human rights shall exercise its enforcement powers as defined in chapter 5 of this title and in this chapter, and shall have the full cooperation of all state agencies. Wherever necessary, the commission shall, at its own initiative or upon a complaint, bring charges of discrimination against those agencies and their personnel who fail to comply with the applicable state laws and this chapter. This commission also has the power to order discontinuance of any departmental or division employment pattern or practice deemed discriminatory in intent by the commission, after a hearing on the record, and may seek court enforcement of such an order. The commission shall utilize the state equal opportunity office as its liaison with state government. The Rhode Island commission for human rights is authorized to make any rules and regulations that it deems necessary to carry out its responsibilities under this chapter, and to establish any sanctions that may be appropriate within the rules and regulations of the state.

## SECTION 28-5.1-7

**§ 28-5.1-7 State services and facilities.** – (a) Every state agency shall render service to the citizens of this state without discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. No state facility shall be used in furtherance of any discriminatory practice nor shall any state agency become a party to any agreement, arrangement, or plan which has the effect of sanctioning those patterns or practices.

(b) At the request of the state equal opportunity office, each appointing authority shall critically analyze all of its operations to ascertain possible instances of noncompliance with this policy and shall initiate sustained, comprehensive programs based on the guidelines of the state equal opportunity office to remedy any defects found to exist.

## SECTION 28-5.1-8

**§ 28-5.1-8 Education, training, and apprenticeship programs.** – (a) All educational programs and activities of state agencies, or in which state agencies participate, shall be open to all qualified persons without regard to race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. The programs shall be conducted to encourage the fullest development of the interests, aptitudes, skills, and capacities of all participants.

(b) Those state agencies responsible for educational programs and activities shall take positive steps to insure that all programs are free from either conscious or inadvertent bias, and shall make quarterly reports to the state equal opportunity office with regard to the number of persons being served and to the extent to which the goals of the chapter are being met by the programs.

(c) Expansion of training opportunities shall also be encouraged with a view toward involving larger numbers of participants from those segments of the labor force where the need for upgrading levels of skill is greatest.

### **SECTION 28-5.1-9**

**§ 28-5.1-9 State employment services.** – (a) All state agencies, including educational institutions, which provide employment referral or placement services to public or private employees, shall accept job orders, refer for employment, test, classify, counsel and train only on a nondiscriminatory basis. They shall refuse to fill any job order which has the effect of excluding any persons because of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability.

(b) The agencies shall advise the commission for human rights promptly of any employers, employment agencies, or unions suspected of practicing unlawful discrimination.

(c) The agencies shall assist employers and unions seeking to broaden their recruitment programs to include qualified applicants from minority groups.

(d) The department of labor and training, the governor's commission on disabilities, the advisory commission on women, and the Rhode Island economic development corporation shall fully utilize their knowledge of the labor market and economic conditions of the state, and their contacts with job applicants, employers, and unions, to promote equal employment opportunities, and shall require and assist all persons within their jurisdictions to initiate actions which remedy any situations or programs which have a negative impact on protected classes within the state.

### **SECTION 28-5.1-10**

**§ 28-5.1-10 State contracts.** – The division of purchases shall prepare any rules, regulations, and compliance reports that shall require of state contractors the same commitment to equal opportunity as prevails under federal contracts controlled by federal executive orders 11246, 11625 and 11375. Affirmative action plans prepared pursuant to those rules and regulations shall be reviewed by the state equal opportunity office. The state equal opportunity office shall prepare a comprehensive plan to provide compliance reviews for state contracts. A contractor's failure to abide by the rules, regulations, contract terms, and compliance reporting provisions as established shall be ground for forfeitures and penalties as established by the department of administration in consultation with the state equal opportunity office.

### **SECTION 28-5.1-11**

**§ 28-5.1-11 Law enforcement.** – The attorney general, the department of corrections, and the Rhode Island justice commission shall stress to state and local law enforcement officials the necessity for nondiscrimination in the control of criminal behavior. These agencies shall develop and publish formal procedures for the investigation of citizen complaints of alleged abuses of authority by individual peace officers. Employment in all state law enforcement and correctional agencies and institutions shall be subject to the same affirmative action standards applied under this chapter to every state unit of government, in addition to applicable federal requirements.

### **SECTION 28-5.1-12**

**§ 28-5.1-12 Health care.** – The state equal opportunity office shall review the equal opportunity activity of all private health care facilities licensed or chartered by the state, including hospitals, nursing homes, convalescent homes, rest homes, and clinics. These state licensed or chartered facilities shall be required to comply with the state policy of equal opportunity and nondiscrimination in patient admissions, employment, and health care service. The compliance shall be a condition of continued participation in any state program, or in any educational program licensed or accredited by the state, or of eligibility to receive any form of assistance.

## SECTION 28-5.1-13

§ 28-5.1-13 **Private education institutions.** – The state equal opportunity office shall review all private educational institutions licensed or chartered by the state, including professional, business, and vocational training schools. These state licensed or chartered institutions shall at the request of the board of regents of elementary and secondary education be required to show compliance with the state policy of nondiscrimination and affirmative action in their student admissions, employment, and other practices as a condition of continued participation in any state program or of eligibility to receive any form of state assistance.

## SECTION 28-5.1-14

§ 28-5.1-14 **State licensing and regulatory agencies.** – State agencies shall not discriminate by considering race, color, religion, sex, sexual orientation, gender, identity or expression, age, national origin, or disability in granting, denying, or revoking a license or charter, nor shall any person, corporation, or business firm which is licensed or chartered by the state unlawfully discriminate against or segregate any person on these grounds. All businesses licensed or chartered by the state shall operate on a nondiscriminatory basis, according to equal employment treatment and access to their services to all persons, except unless otherwise exempted by the laws of the state. Any licensee, charter holder, or retail sales permit holder who fails to comply with this policy is subject to any disciplinary action that is consistent with the legal authority and rules and regulations of the appropriate licensing or regulatory agency. State agencies which have the authority to grant, deny, or revoke licenses or charters will cooperate with the state equal opportunity office to prevent any person, corporation, or business firm from discriminating because of race, color, religion, sex, sexual orientation, gender, identity or expression, age, national origin, or disability or from participating in any practice which may have a disparate effect on any protected class within the population. The state equal opportunity office shall monitor the equal employment opportunity activities and affirmative action plans of all such organizations.

## SECTION 28-5.1-15

§ 28-5.1-15 **State financial assistance.** – State agencies disbursing financial assistance, including, but not limited to, loans and grants, shall require recipient organizations and agencies to undertake affirmative action programs designed to eliminate patterns and practices of discrimination. At the request of the state equal opportunity office, state agencies disbursing assistance shall develop, in conjunction with the state equal opportunity office, regulations and procedures necessary to implement the goals of nondiscrimination and affirmative action and shall be reviewed for compliance according to state policy.

## SECTION 28-5.1-16

§ 28-5.1-16 **Prior executive orders – Effect.** – All executive orders shall, to the extent that they are not inconsistent with this chapter, remain in full force and effect.

## SECTION 28-5.1-17

§ 28-5.1-17 **Utilization analysis.** – (a) The personnel administrator, in consultation with the equal employment opportunity administrator, and the human resources outreach and diversity administrator within the department of administration, shall annually conduct a utilization analysis of positions within state government based upon the annual review conducted pursuant to §§ 28-5.1-3 and 28-5.1-4.

(2) To the extent the analysis determines that minorities as currently defined in federal employment law as Blacks, Hispanics, American Indians (including Alaskan natives), Asians (including Pacific Islanders), are being underrepresented and/or underutilized, the personnel administrator shall, through the director of administration, direct the head of the department where the under-representation and/or under-utilization exists to establish precise goals and timetables and assist in the correction of each deficiency, to the extent permitted by law and by collective bargaining agreements.

(3) The initial analysis shall be directed toward service oriented departments of the state, state police, labor and training, corrections, children, youth and families, courts, transportation, and human services.

(4) The equal employment opportunity administrator shall be consulted in the selection process for all positions certified as underrepresented and/or underutilized and shall report the results of progress toward goals to the governor and to the general assembly by January 31 and July 31 of each year. A copy of these results which shall be referred to the Rhode Island commission for human rights which may, in its discretion, investigate whether a violation of chapter 28-5 has occurred. The results shall be a public record and shall be made available electronically on the secretary of state's website.

(b) In the event of a reduction in force, the personnel administrator, in consultation with the equal employment opportunity administrator and director of the department(s) where the reduction is proposed, shall develop a plan to ensure that affirmation action gains are preserved to the extent permitted by law and by collective bargaining agreements. A copy of this plan shall be referred to the Rhode Island commission for human rights which may, in its discretion, investigate whether a violation of chapter 28-5 has occurred. The plan shall be a public record and shall be made available electronically on the secretary of state's website.

(2) The equal employment opportunity administrator shall report the results of the plans and their subsequent actions to the governor and to the general assembly by January 31 and July 31 of each year, to the Rhode Island commission for human rights. The report shall be a public record and shall be made available electronically on the secretary of state's website. Consistent with § 28-5.1-6, the Rhode Island commission for human rights shall have the power to order discontinuance of any department or division employment pattern or practice deemed discriminatory in intent or result by the commission.

(3) The equal opportunity administrator shall notify the commission of reports and results under this chapter

**TITLE 28**  
**Labor and Labor Relations**

**CHAPTER 28-5**  
**Fair Employment Practices**

**SECTION 28-5-41.1**

**§ 28-5-41.1 Right to fair employment practices – Gender identity or expression.** – Whenever in this chapter there appears the terms "race or color, religion, sex, disability, age, country of ancestral origin, or sexual orientation" there shall be inserted immediately thereafter the words "gender identity or expression."



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State of Rhode Island and Providence Plantations  
State House, Room 224  
Providence, Rhode Island 02903  
401-222-2080

SECRETARY OF STATE  
*JM*

Lincoln D. Chafee  
Governor

EXECUTIVE ORDER

13-05

May 9, 2013

PROMOTION OF DIVERSITY, EQUAL OPPORTUNITY AND  
MINORITY BUSINESS ENTERPRISES IN RHODE ISLAND

WHEREAS, Rhode Island was founded on the principles of tolerance and diversity;  
and

WHEREAS, for generations, minority populations have enriched the fabric of our  
State, strengthened our economy, and made Rhode Island a better place to live; and

WHEREAS, it is vitally important for the State to acknowledge the changing  
demographics of our population and actively recruit minority talent to the workforce; and

WHEREAS, it is a priority of the Chafee Administration to reflect these changing  
demographics through substantial minority employment in State government and  
increased opportunities for minority business enterprises to participate in State  
procurement and construction projects; and

WHEREAS, by drawing from the entire pool of human resources and talent, and by  
creating a culture that values diversity and inclusion, we strengthen our collective  
performance as a State workforce and thereby improve the State's ability to serve the  
people of Rhode Island; and

WHEREAS, over the past 30 years, Rhode Island's population has increased from  
seven percent (7%) to twenty-four percent (24%) people of color. In addition, in just the  
last decade, Rhode Island's Latino population grew forty-four percent (44%), adding  
almost 40,000 residents. The Asian-American and African-American populations also grew  
by twenty-eight percent (28%) and twenty-three percent (23%), respectively, over the  
same time period; and

WHEREAS, by the year 2040 the population of the State as a whole is projected to be forty-one percent (41%) people of color; and

WHEREAS, R.I. Gen. Laws § 37-14.1-1 *et seq.*, enacted in 1986, declared a State policy by which minority business enterprises (MBEs), which include minority-owned, women-owned and disadvantaged business enterprises, shall be awarded a minimum of ten percent (10%) of all dollars in State procurement and construction projects and a preference in State contracts and subcontract awards; and

WHEREAS, R.I. Gen. Laws § 28-5.1-1 *et seq.*, the Equal Opportunity and Affirmative Action Act, enacted in 1988, declared a policy of affirmative action to achieve equal opportunity in all units of State government, and established a State Equal Opportunity Office within the Department of Administration.

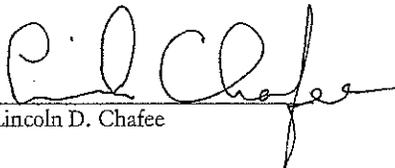
NOW, THEREFORE, I, LINCOLN D. CHAFEE, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. The Director (Director) of the Department of Administration (Department), shall review all divisions and offices within the Department charged with facilitating equal opportunity employment and MBEs, including, but not limited to, the Division of Human Resources, the State Equal Opportunity Office, the Human Resources Outreach and Diversity Office, the Division of Purchases, and the MBE Program, and shall make recommendations to the Governor to improve collaboration between these offices and all executive departments to ensure these programs are more effective. These recommendations shall encourage measures of quality and accountability in equal opportunity and affirmative action hiring and MBE procurement as allowed by law. In addition, these recommendations shall include strategies for recruiting, hiring, promoting and retaining a more diverse workforce. The Director shall submit these recommendations to the Governor for approval on or before August 1, 2013. All executive departments shall comply with the Director's recommendations and shall cooperate fully with taking steps to increase minorities in the State's workforce and increase the usage of MBEs with State contracts.
2. Every State agency, in partnership with the Office of Equal Opportunity, shall track and maintain hiring data as part of the agency's performance management functions. Each agency shall provide the Office of Equal Opportunity, which shall coordinate with the Office of Management and Budget's Office of Performance Management and the Office of Outreach and Diversity, with a plan for improving minority hiring no later than October 1, 2013.

3. The Division of Purchases MBE Compliance Office shall identify State contracts and sub-contracts that could increase the number of minority-owned businesses participating in State work where strategic efforts can be undertaken. Each agency shall provide a list of contracts and sub-contracts that should be reviewed for MBE recruiting potential as part of the plan which shall coordinate with the Office of Management and Budget's Office of Performance Management and the Division of Purchases MBE Compliance Office on or before December 1, 2013.
4. The Director shall prepare an annual report to the Governor due on August 1, 2013 and every August 1 thereafter, for the prior fiscal year, demonstrating the State's progress in minority employment and MBE procurement and any recommendations for continued improvements in these programs. This report shall take into account the Affirmative Action Plans that are submitted by every State agency on an annual basis, as required under R.I. Gen. Laws Chapter 28-5.1.
5. The Department and the Human Resources Outreach and Diversity Office shall develop and conduct a diversity training program within one year of the effective date of this Order. For future hires, such training may be part of the standardized orientation provided to new employees.

This Order shall take effect immediately.

So Ordered:



Lincoln D. Chafee

# PUBLIC LAW 97-118

## AN ACT

### RELATING TO SEXUAL HARASSMENT, EDUCATION AND TRAINING IN THE WORKPLACE

#### CHAPTER 51 SEXUAL HARASSMENT, EDUCATION AND TRAINING IN THE WORKPLACE

§ 28-51-1. Definitions. — (a) As used in this chapter the term “sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when submission to such conduct or such advances or requests is made either explicitly or implicitly a term or condition of an individual’s employment.

(b) As used in this chapter, the term “employer” means any entity employing fifty (50) or more employees.

§ 28-51-2. Adoption of workplace policy and statement. — (a) All employers and employment agencies shall promote a workplace free of sexual harassment.

(b) Every employer shall:

(1) adopt a policy against sexual harassment which shall include:

(i) a statement that sexual harassment in the workplace is unlawful;

(ii) a statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment;

(iii) a description and examples of sexual harassment;

(iv) a statement of the range of consequences for employees who are found to have committed sexual harassment;

(v) a description of the process for filing internal complaints about sexual harassment and the work addresses and telephone numbers of the person or persons to whom complaints should be made; and

(vi) the identity of the appropriate state and federal employment, as amended, discrimination enforcement agencies, and directions as to how to contact such agencies as amended.

(2) provide to all employees a written copy of the employer’s policy against sexual harassment; provided, however, that a new employee shall be provided such a copy at the time of his or her employment.

- (c) Employers are encouraged to conduct an education and training program for new employees and members, within one (1) year of commencement of employment or membership, which includes at a minimum the information set forth in this section. Employers are encouraged to conduct additional training for new supervisory and managerial employees within one (1) year of commencement of employment which shall include at a minimum the information set forth in subsection (b), the specific responsibilities of supervisory and managerial employees and the methods that such employees should take to ensure immediate and appropriate state agencies are encouraged to cooperate in making such training available.
- (d) Employers shall provide amended copies of their written policies on sexual harassment to all employees upon their request on or before September 1, 1997.

§ 28-51-3. Education and training programs. — Employers are encouraged to conduct an education and training program on sexual harassment consistent with the aims and purposes of this chapter for all employees, including, but not limited to the supervisory or managerial personnel, on or before September 1, 1997.

(2003)

## State of Rhode Island SEXUAL HARASSMENT GUIDELINES

*Harassment on the basis of sex is a violation of RIGL 28-5.1 and Executive Order No. 05-01. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either 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 such individual; or, (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.*

*In determining whether alleged conduct constitutes sexual harassment, the State Equal Opportunity Office will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and at the legality of a particular action. A determination of what constitutes sexual harassment will be made from the facts, on a case-by-case basis.*

*The appointing authority is responsible for the acts of its agents and supervisory employees with respect to sexual harassment, regardless of whether or not the specific acts complained of were authorized or even forbidden by the appointing authority and regardless of whether or not the appointing authority knew or should have known of their occurrence. The State Equal Opportunity Office will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether or not the individual is serving in either a supervisory or agency capacity.*

*With respect to persons other than those mentioned in the previous paragraph, an appointing authority is responsible for acts of sexual harassment in the workplace where that appointing authority or its agents or supervisory employees knew or should have known of the conduct. An appointing authority may rebut apparent liability for such acts by showing that it took immediate and appropriate corrective action.*

*Prevention is the best tool for the elimination of sexual harassment. An appointing authority should take all steps necessary to prevent sexual harassment from occurring such as affirmatively raising the subject of sexual harassment, expressing strong disapproval, developing appropriate sanctions, informing the employees of their right to raise and how to raise the issue of harassment and developing methods to sensitize all concerned.*

*If any State Employee believes that they have been sexually harassed, they may contact:*

**RI STATE EQUAL OPPORTUNITY OFFICE  
ONE CAPITOL HILL PROVIDENCE, RI 02908-5865  
PHONE (401) 222-3090 FAX (401) 222-2490 RI Relay: 711  
Revised (2005)**

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF HUMAN RESOURCES  
STATE EQUAL OPPORTUNITY OFFICE**

**GUIDELINES FOR UNBIASED WORK ENVIRONMENTS**

Rhode Island General Law 28-5.1, Executive Order No. 05-01 of the State of Rhode Island and Title VII of the 1964 Civil Rights Act, mandates employers to maintain a working environment free of discriminatory insults, intimidation and other forms of harassment. Both an employee's psychological and economic well being are protected. While an employer cannot be held accountable for the prejudices of its workers clientele, it must take reasonable measures to control or eliminate the overt expression of those prejudices in the workplace. Prompt action by an employer to prevent or correct discriminatory harassment can go a long way in lessening employer liability.

Perhaps the most common type of harassment to which workers are subjected is verbal abuse. Racial and ethnic epithets, slurs or jokes directed at or made in the presence of minority group employees, are not to be tolerated. An example of unlawful race and sex bias in the work environment is the use of the diminutive term "boys" when referring to minority male employees and "girls" when referring to female employees.

Another common type of verbal abuse is either spreading rumors or joking about an employee's assumed sexual preference or orientation. One's personal preference does not determine how one performs at his or her job and therefore, this type of bias does not belong in the workplace.

An employer is under a two-pronged duty to maintain a working atmosphere free of national origin bias. First, the employer itself must refrain from ridicule or harassment on the basis of national origin. Second, an employer should not tolerate such behavior by its employees. Ethnic slurs or jokes based on national origin are unlawful.

An employer is also under obligation to maintain a work environment free of religious bias. Permitting a supervisor to espouse his or her beliefs to employees while at work may amount to religious discrimination.

Any unwelcome sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature is unlawful sexual harassment when the response or reaction to the advances or requests is permitted to affect the employment decisions. It is also illegal for an employer to permit any conduct that is sexually offensive, intimidating, hostile or interferes with an individual's work performance. Sexual advances by co-workers who have no control over a person's employment may be unlawful if it has such an intimidating effect that job status is affected.

(2005)

**Division of Human Resources  
Office of Personnel Administration  
State Equal Opportunity Office**

**Racial / Ethnic Designations  
Minority Group**

An employee may be included in the group by which he or she appears to belong, identifies with or is regarded in the community as belonging. However, no person should be counted in more than one racial/ethnic group.

**BLACK/AFRICAN AMERICAN** (not of Hispanic Origin): All persons having origins in any of the Black Racial Groups of Africa.

**HISPANIC/LATINO**: All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race. Only those persons of Central or South American Countries who are of Spanish origin, descent or culture should be included in this classification. Persons from Brazil, Guyana, Surinam or Trinidad, for example, would be classified according to their race and would not necessarily be included in the Hispanic classification. In addition, this classification does not include persons from Portugal who should be classified according to race.

**ASIAN OR PACIFIC ISLANDER**: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. This area includes, for example, China, Japan, Korea the Philippine Islands and Samoa. The Indian subcontinent takes in the countries of India, Pakistan, Bangladesh, Sri Lanka, Nepal, Sikkim and Bhutan.

**AMERICAN INDIAN or ALASKAN NATIVE**: A person having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

**WHITE (not of Hispanic origin)**: All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

**Standards adopted by the United States Equal Employment Opportunity Commission and  
the office of Federal Contract Compliance Program.**

## APPLICABILITY

Each agency listed below is referred to as a "Plan-Covered State Agency". The "Plan-Covered" state agencies will develop an Affirmative Action Plan which will identify the areas of under representation of minorities, women and individuals with disabilities by job categories and include an explanation, as well as specific actions for improvement.

Administration  
Attorney General  
Board of Regents — Elementary & Secondary Education  
Business Regulation  
Children, Youth & Families  
Coastal Resources Management Council  
Community College of Rhode Island  
Corrections  
Davies School  
Economic Development Corporation  
Elderly Affairs  
Environmental Management  
Executive  
Governor's Office, E-91 1, State Police,  
Executive Military Staff, Emergency Management Agency  
Health  
Higher Education Assistance Authority  
Human Services  
Judicial  
Labor & Training  
Behavioral Healthcare, Developmental Disabilities & Hospitals  
Narragansett Bay Commission  
Public Defender  
Public Utilities Commission  
Revenue  
Rhode Island Airport Corporation  
Rhode Island College  
Rhode Island Housing & Mortgage Finance Corporation  
Rhode Island Resource Recovery Corporation  
RI Telecommunications Authority  
Rhode Island Public Transit Authority  
Secretary of State of Rhode Island  
Transportation  
Treasury  
Turnpike & Bridge Authority  
University of Rhode Island

State Agencies with less than twenty (20) full-time employees shall certify, in a written policy statement to the State Equal Opportunity Office that they are in compliance with and committed to the policies and practices of Equal Opportunity and Affirmative Action. In addition, the statistical report entitled, "Affirmative Action Progress" is to be completed and submitted along

with the policy statement. The State Equal Opportunity Office will maintain copies of all such policy statement and reports.

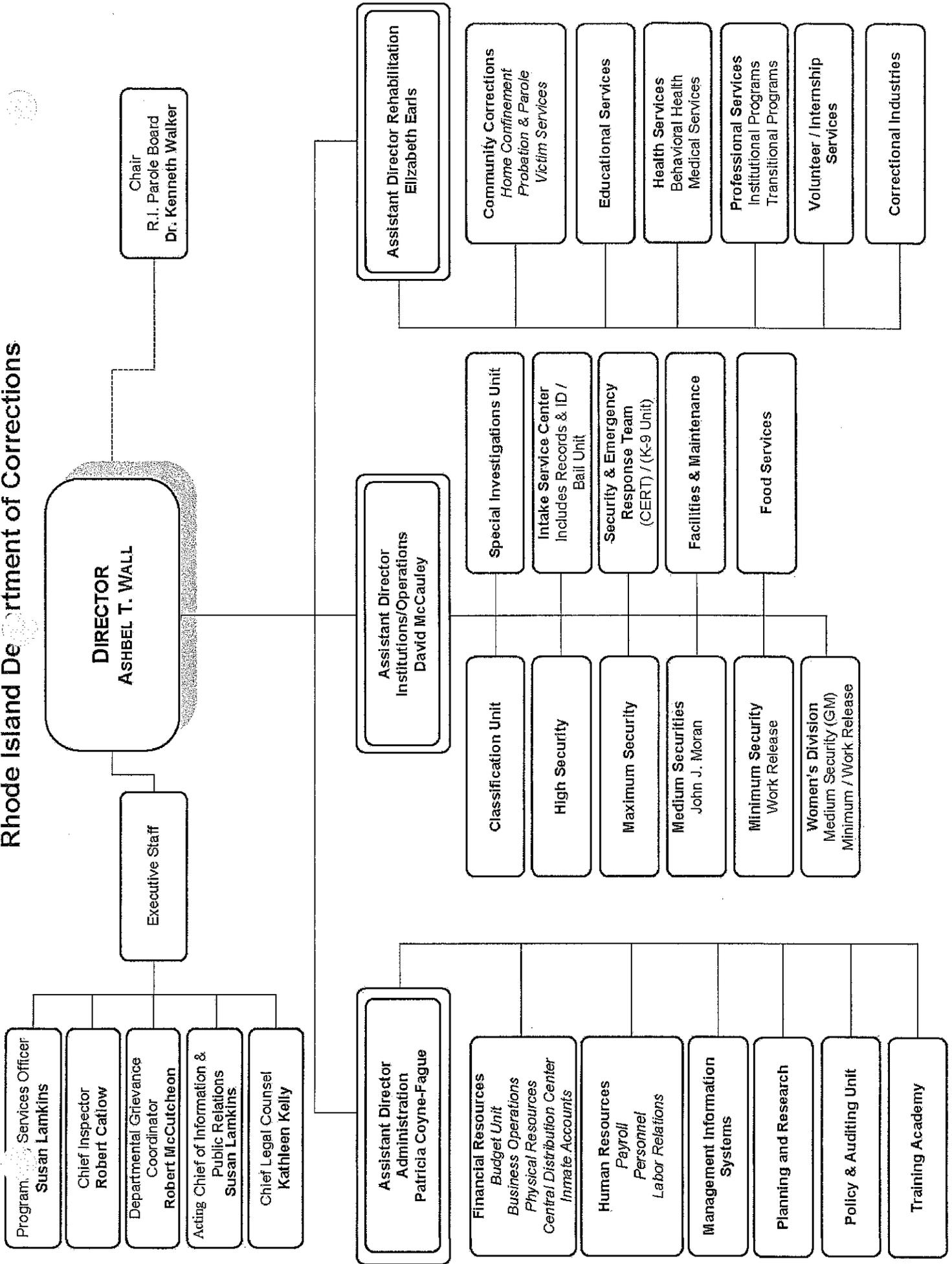
Board of Elections  
Board of Engineers  
Board of Governors – Office of Higher Education  
Child Advocate  
Mental Health Advocate  
Personnel Appeal Board  
Rhode Island commission for Human Rights  
RI Convention Center  
RI Council on the arts  
Rhode Island Ethics Commission  
Rhode Island Public Building Authority  
Water Resources Board

All State agencies that have written Affirmative Action Plans, as a result of compliance with Federal legislation, will submit their plans for review before such plans are undertaken by Federal Agencies. The State Equal Opportunity Office will be present during all such reviews.

***PART II***

**AGENCY ORGANIZATION AND STRUCTURE**

# Rhode Island Department of Corrections



## Department of Corrections Mission Statement

The purpose of the Rhode Island Department of Corrections is best described by the departmental Mission Statement, which states:

“The mission of the Rhode Island Department of Corrections (RIDOC) is to contribute to public safety by maintaining a balanced correctional system of institutional and community programs that provide a range of control and rehabilitative options for criminal offenders.”

The following are the Department of Corrections Guiding Operational Philosophy statements<sup>1</sup>:

1. We shall maintain appropriate safe, secure, and humane correctional environments while providing for community-based management, supervision, and intervention services for criminal offenders.
2. We shall demonstrate the highest ethical and professional standards in all our operations.
3. We are accountable to the public for our operations and shall maintain cooperation and open communications with law enforcement agencies, governmental entities, and members of the community.
4. We seek to foster a spirit of teamwork, unity, and dedication. We actively strive to maintain a diverse and culturally aware workforce. We shall provide staff with opportunities for personal and professional growth through staff development, recognition of staff achievements, and encouragement.
5. Outcomes need to be measured; the results should direct policy and planning.

The activities of the Corrections Department are organized to fulfill this mission. The Department provides a comprehensive correctional program for all adult offenders requiring incarceration or other forms of supervision. The population under departmental jurisdiction includes all pretrial detainees, sentenced inmates and offenders on probation, parole, and home confinement.

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<sup>1</sup> from RIDOC Policy # 1.02-1, revised 12/01/2003

***PART III***

***PLAN ADMINISTRATION***



**Department of Corrections**

Ashbel T. Wall, II, Director  
40 Howard Avenue  
Cranston, RI 02920

Tel: (401) 462-2611  
Fax: (401) 462-2630  
TDD: (401) 462-5180

July 1, 2013

**POLICY STATEMENT**

The Department of Corrections is actively committed in promoting the principle of Equal Employment Opportunity and Affirmative Action.

It is the policy of the Department of Corrections to assure and protect all applicants and employees against discrimination on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law in the posting of all vacancies, recruitment, hiring, work assignments, training, promotion, transfer, discharge, compensation, demotion, appointment, discipline, layoffs, recalls, benefits, salaries/wages, leave, and other terms and conditions and privileges of employment. All employment discussions will promote the principles of Equal Opportunity.

Executive Order 05-01 has become an important aspect of our Equal Opportunity Program in order to assure that sexual harassment or harassment is not tolerated.

The Department of Corrections accommodates the religious observance and practices of employees or applicants unless such accommodation creates undue hardship on the Department.

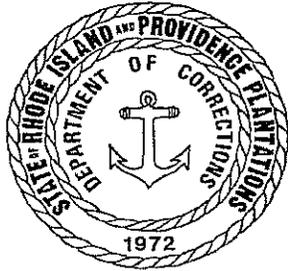
The Department of Corrections is firmly committed to the concepts of Equal Opportunity and Affirmative Action for qualified persons with disabilities and will provide a reasonable accommodation for persons with disabilities.

The Department of Corrections is committed to providing fair and equitable service to the public and does not discriminate in any program or activity on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law

Responsibility for the Department's Equal Opportunity Program and the Americans with Disabilities Act of 1990/504 is assigned to Jane Ryan, Human Resources Analyst I.

Ashbel T. Wall, II Director

# RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE



**POLICY NUMBER:**  
3.03-6 DOC

**EFFECTIVE DATE:**  
02/27/12

PAGE 1 OF 9

**SUPERCEDES:**  
3.03-5 DOC

**DIRECTOR:**

*Arthur T. Wall II*

**SECTION:**  
PERSONNEL

**SUBJECT:**  
EQUAL EMPLOYMENT  
OPPORTUNITY/AFFIRMATIVE  
ACTION

**AUTHORITY:** Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; § 28-5.1-1 et seq., Equal opportunity and Affirmative Action; § 28-5-1 et seq., Fair Employment Practices; § 36-4-1 et seq., State Merit System Law; Americans with Disabilities Act of 1990; Executive Order 05-01, Promotion of Equal Opportunity and the Prevention of Sexual Harassment in State Government; Veterans' Employment Emphasis Under Federal Contracts 38 U.S.C. § 4212, § 29 U.S.C., § 794, Nondiscrimination under Federal grants and programs; State Personnel Rules and Regulations, PR-3.092 - 3.096; Rhode Island Constitution Article 1, Section 2, Family and Medical Leave Act 1993; Uniform Services Employment and Reemployment Rights Act (USERRA); Equal Pay Act of 1963; Age Discrimination in Employment Act; Genetic Information Non-discrimination Act of 2008.

**REFERENCES:** ACA Standards # 4-4053 (Equal Employment Opportunity); 4-4054 (Reasonable accommodation); RIDOC policy # 3.06-3 DOC, Selection, Retention, and Promotion; 3.05-5 DOC; Sexual Harassment; 3.22 DOC, Union Representation in Employee Investigatory Interviews; 3.27 DOC, Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict and/or Violence; 3.29 DOC, Workplace Conflict/Violence; 4.03-2 DOC, Orientation and Entrance Level Training for Non-Correctional Officer Employees; Executive Order 05-02, Promotion of a Diverse State Government Workforce

**INMATE / PUBLIC ACCESS?**  YES

**AVAILABLE IN SPANISH?**  NO

**I. PURPOSE:**

To specify guidelines and procedures for administering a program of equal employment opportunity and affirmative action consistent with all governing Federal and State statutes, rules, regulations, and executive orders.

**RECEIVED**

Public Notice:

12/14/11

Public Hearing: Not Requested

FEB 09 2012

RI SECRETARY OF STATE  
ADMINISTRATIVE RECORDS

II. POLICY:

- A. The Rhode Island Department of Corrections (RIDOC), in accordance with Rhode Island General Law §28-5.1-1 et seq. has established an Equal Employment Opportunity/Affirmative Action policy. This policy applies in all areas where the Department dollar is spent.
- B. RIDOC does hereby reaffirm its policy of equal employment opportunity for all qualified applicants and employees regardless of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law. All programs, training, activities, management practices, all phases of employment—including recruitment, selection, retention, placement, salary/wage, leave, lay-offs, transfers, recall from lay-offs, promotions, and discipline—and all other personnel actions by RIDOC are administered in a manner consistent with the intent of this policy.
- C. RIDOC, in accordance with Executive Order 05-01 (Promotion of Equal Opportunity and the Prevention of Sexual Harassment in State Government), reaffirms its commitment to demonstrating positive results in the employment, appointment, and delivery of services to racial/ethnic minorities, women, and the disabled. In addition, RIDOC continues to strive to prevent and eliminate harassment, sexual harassment, or discrimination by supervisors or co-workers on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability or other status protected by law.
- D. All managers and supervisors, and ultimately the Corrections Director, are directly responsible for the implementation of this policy.

III. PROCEDURES:

A. Equal Employment Opportunity Officer:

An Equal Employment Opportunity Officer (hereinafter referred to as EEOO Coordinator) is appointed by the Corrections Director. S/he reports to the Director or designee. The EEOO Coordinator assists in the annual development, semi-annual review, and enforcement of RIDOC's Affirmative Action Plan and overall commitment to equal employment opportunity/affirmative action. (For specific duties of EEOO Coordinator, see sections III.C. and D.)

The designated EEOO Coordinator shall annually attend one (1) Equal Employment Opportunity Training Session.

B. State Equal Opportunity Office Liaison:

The State Equal Opportunity Office of the Rhode Island Department of Administration assigns an Equal Opportunity Officer as Liaison to RIDOC. S/he serves as a resource and advisor to RIDOC in all matters pertaining to Equal Employment Opportunity and Affirmative Action, including the development, review, and enforcement of RIDOC's Affirmative Action Plan and overall commitment to equal employment opportunity/affirmative action.

C. Equal Opportunity Advisory Committee:

An Equal Opportunity Advisory Committee (hereinafter referred to as the Committee) is established, consistent with State Equal Opportunity Office policy. The Committee is responsible for assisting in the preparation and review of RIDOC's Affirmative Action Plan, as well as making recommendations to the Director or designee regarding improvements to RIDOC's ongoing equal employment opportunity/affirmative action efforts.

1. Application Process:

- a. Membership is voluntary.
- b. RIDOC's EEOO Coordinator informs all managers of the application period. Managers are responsible for disseminating this information to all subordinates.
- c. Interested persons complete Equal Opportunity Advisory Committee Application Forms (Attachment 1), available from RIDOC's Office of Human Resources, and forwards them to the EEOO Coordinator.
- d. The EEOO Coordinator sends a consolidated list of Committee applicants to the Director or designee for review and approval.
- e. Once approved, the EEOO Coordinator sends a memorandum to all managers and Committee members informing them of Committee appointments.

2. Membership:

- a. The members of this Committee serve 2-year terms.

- b. Memberships are not limited to any specific number of terms. Interested employees may reapply for membership as often as they desire.
  - c. Committee members may be removed by the Corrections Director for reasons including, but not limited to, those found in the Committee's by-laws.
3. Functions/Duties:
- a. The EEOO Coordinator and the State Equal Opportunity Officer Liaison serve as resources and advisors to the Committee.
  - b. The Committee confers with the Director or designee, the EEOO Coordinator, and the State Equal Opportunity Officer Liaison on all matters pertaining to Equal Opportunity and Affirmative Action.
  - c. The Committee elects a Chairperson, whose duties include maintaining order, assuring fair participation from all members, and ensuring the Committee adheres to the agenda.
  - d. The Committee elects a Secretary, who is responsible for preparing and distributing an agenda prior to each meeting and maintaining minutes of meetings.  
  
The Secretary sends meeting minutes to all Committee members, the State Equal Opportunity Office, and Corrections Director.
  - e. The Committee convenes as required to develop an Affirmative Action Plan in accordance with RIGL § 28-5.1-3 and State Equal Opportunity Office guidelines, evaluate the progress of the goals/objectives stated in the Plan, and discuss any other equal opportunity issues within RIDOC which may impact the Affirmative Action Plan. (See section III.E. Affirmative Action Plan.)

D. Comprehensive Equal Opportunity/ Affirmative Action Program:

RIDOC's Affirmative Action Committee and EEOO Coordinator are responsible for developing, implementing, and monitoring a comprehensive Equal Opportunity and Affirmative Action Program. In accordance with State Merit System Law and Personnel Rules and Regulations, and in keeping with the goals/objectives of the Affirmative Action Plan, RIDOC takes affirmative steps to recruit and refer members of protected groups for Departmental vacancies.

1. The EEOO Coordinator, in consultation with the Equal Opportunity Advisory Committee, is responsible for developing RIDOC's Affirmative Action Plan, as described in section III. E. below.
2. In addition, the EEOO Coordinator is also responsible for:
  - a. Posting notices of training sessions and encouraging employees to participate.
  - b. Publicizing internally the State's policy and procedures for processing discrimination grievances.
  - c. Investigating discrimination complaints and following them through to satisfactory resolutions.
  - d. Counseling employees regarding their equal employment opportunity/affirmative action rights and responsibilities under governing Federal and State statutes, as well as RIDOC policies and procedures.
  - e. Serving as a resource for employees regarding upward mobility/career ladders.
  - f. Notifying the State Equal Opportunity Office Liaison of all job vacancies.
  - g. Reviewing Federal and State equal opportunity laws, rules and regulations to ensure compliance in all phases of employment activities.
  - h. Communicating/reporting monthly and annually to the State Equal Opportunity Office, R.I. Department of Administration, regarding personnel actions, including persons hired, disciplined, terminated, promoted, transferred, and vacancies occurring within the Department.

E. Affirmative Action Plan:

1. RIDOC prepares an annual Affirmative Action Plan (AAP), in accordance with the criteria and deadlines set forth by the State Equal Opportunity Office, R.I. Department of Administration.

All managers and supervisors are responsible for working with the Department's Equal Opportunity Advisory Committee, Office of Human Resources, the State Equal Opportunity Liaison, and the EEOO Coordinator in the development of goals and timetables for affirmative actions.

2. The responsibility for coordinating the overall AAP rests with the EEOO Coordinator and Equal Opportunity Advisory Committee. S/he will:
  - a. Develop a policy statement and AAP based on the current work force analysis, which is provided by the Office of Human Resources.
  - b. Implement and monitor the AAP.
  - c. Monitor and evaluate the AAP on an ongoing basis for attainment of goals/objectives.
  - d. Make suggestions to the Director or designee regarding possible improvements to the Department's equal employment opportunity/affirmative action efforts.
3. The Committee convenes as required to develop the Department's AAP in accordance with RIGL §28-5.1-3 and State Equal Opportunity Office guidelines.

The Department's EEOO Coordinator and the State Equal Opportunity Office Liaison regularly attend Committee meetings and serve in a resource and advisory capacity.

4. Once the AAP is developed, the Committee Chairperson submits a draft of the AAP to the Director or designee for review and approval.

The Director retains ultimate responsibility for the contents of the AAP and may override the Committee's recommendations/decisions at any time.

5. In accordance with RIGL §28-5.1-3 and State Equal Opportunity Office guidelines, the Department's AAP for the upcoming fiscal year is submitted to the State Equal Opportunity Office and the State House Fiscal Advisor. In addition, a copy of the AAP is forwarded to the Speaker of the House's Office, as directed annually by the State Equal Opportunity Office.

In accordance with RIGL §28-5.1-3, the Evaluation portion of the AAP contains sufficient data so as to enable the State Equal Opportunity Office and the House Fiscal Advisor to determine whether RIDOC has attained the hiring goals contained in its AAP for the previous fiscal year.

6. The Committee continues to meet as required to prepare and submit (a) progress report(s) to the Director or designee on the attainment of goals/objectives stated in the Affirmative Action Plan.

F. Formal Grievances/Complaints Regarding Discrimination:

1. RIDOC accepts complaints and employee grievances regarding issues of harassment, sexual harassment, or discrimination that are based on race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law.
2. It is an employee's or applicant's prerogative to file **either** an internal (RIDOC) complaint or one with an appropriate external agency.
3. For procedures relating to complaints of discrimination, please see policy 3.27 DOC, Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict and/or Violence, or a successive policy.
4. For procedures relating to complaints of sexual harassment, please see policies 3.05-5 DOC, Sexual Harassment, and 3.27 DOC, Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict and/or Violence or successive policies.
5. For procedures relating to complaints that do not relate to status in a protected class, please see policies 3.29 DOC, Workplace Conflict/Violence, and 3.27 DOC, Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict and/or Violence or successive policies.
6. Internal Complaints
  - a. The aggrieved employee may opt to submit a written complaint to:
    - (1) his/her immediate supervisor; or
    - (2) next level in the chain of command (if complaint is against immediate supervisor); or
    - (3) Department's EEOO Coordinator.

- b. Applicants (i.e., persons not already employed by RIDOC) must file (internal) complaints with RIDOC's EEOO Coordinator.
- c. While initial notification may be verbal, written reports are required of all complainants and witnesses, as soon as practicable.
- d. Any supervisor or manager who receives a complaint must take preventive or corrective action without delay, to include recommending disciplinary action.
- e. The supervisor/manager who receives such a complaint notifies the facility/unit/program manager unless that manager is the accused.
- f. The Human Resources Administrator, the Executive Counsel, and/or their designees assist supervisors/managers, as requested.
- g. The supervisor/manager conducts an investigation into the alleged incident/conduct. S/he:
  - (1) References policy 3.22 DOC, Union Representation in Employee Investigatory Interviews or a successive policy.
  - (2) References policy 3.27 DOC, Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict, and/or Violence or a successive policy.

7. External Complaints

- a. Once a complainant files a formal complaint with an external agency (such as the RI Commission for Human Rights), that external agency notifies RIDOC of the complaint, and RIDOC cooperates with the external agency in an attempt to resolve the issue. The external agency is the higher authority relative to the final legal resolution of the complaint. Any communications relative to the filing of external complaints are forwarded to RIDOC's Office of Legal Counsel.
- b. Said complaint may be filed formally with any one of the following agencies external to the Department:
  - (1) The Rhode Island Department of Administration's State Equal Opportunity Office, One Capitol Hill, Providence, Rhode Island, 02908, (401) 222-3090, fax (401) 222-2490, or Relay service 711 within ten (10) working days from the knowledge

of the alleged incident of discrimination, unless the discrimination is ongoing.

Complainant files a complaint by completing the Office of Personnel Administration's Complaint Information Form, RIEOO-03-87 Revised 2003 (Attachment 2) available from the State Equal Opportunity Office or the Department's Office of Human Resources.

- (2) The Rhode Island Commission for Human Rights, 180 Westminster Street, 3<sup>rd</sup> Floor, Providence, Rhode Island, 02903 (401) 222-2661, or Relay service 711 .

Complainant contacts the Commission for Human Rights via telephone. An Information Officer takes the complaint over the telephone and forwards a Discrimination Questionnaire to the complainant.

- (3) Governor's Commission on Disabilities, 41 Cherry Dale Court, Cranston, Rhode Island, 02920. Telephone number (401) 462-0100, fax number (401) 462-0106, or Relay service 711 .
- (4) The Federal Equal Employment Opportunity Commission (EEOC), Boston Area Office, JFK Federal Building, 475 Government Center, Boston, Massachusetts, 02203 (617) 565-3200 or 1-800-669-4000, <http://info@eeoc.gov>, TTY 1-800-669-6820.

G. Training

The RIDOC Training Academy offers training on this policy to managers, existing staff (in-service) and new employees [new employee orientation (NEO)].

RECEIVED

FEB 04 2012

RI SECRETARY OF STATE  
ADMINISTRATIVE RECORDS

**Rhode Island Department of Corrections  
EQUAL OPPORTUNITY ADVISORY COMMITTEE**

**APPLICATION FORM**

*The Equal Opportunity Advisory Committee is dedicated to establishing the Rhode Island Department of Corrections as an area of equal opportunity for all employees.*

*The Committee appreciates and values your interest in the future of this Department.*

*Be advised that as a Committee member, you will be asked to attend Committee meetings in addition to submitting reports to the Committee at various times.*

*Please complete the information listed below. You will be notified when to attend a Committee meeting.*

**INFORMATION**

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

POSITION: \_\_\_\_\_

WORK TELEPHONE #: \_\_\_\_\_

Please give a brief description of reason(s) why you desire to become a Committee member:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Person: Human Resources Administrator  
39 Howard Avenue  
462-5122



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## COMPLAINT INFORMATION FORM

(Continued)

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10. Explain as briefly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. Also attach any written material pertaining to your case.

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11. Why do you believe these events occurred?

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12. Have you brought this charge to anyone else's attention?

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13. Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint.

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\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Interviewing Officer

## EQUAL OPPORTUNITY ADVISORY COMMITTEE

### MISSION:

TO PROVIDE TWO-WAY COMMUNICATION AND SUGGESTIONS ON VARIOUS ASPECTS OF THE EQUAL OPPORTUNITY PROGRAM TO THE AGENCY HEAD AND EQUAL OPPORTUNITY COORDINATOR IN AN AGENCY IN STATE GOVERNMENT.

### 1. ESTABLISHING THE COMMITTEE:

- A. All employees should be informed of opportunities to serve on the committee.
- B. Agency head appoints the committee from a list of volunteers.
- C. Volunteers
  - 1. Each Division of Agency
  - 2. Various job levels
  - 3. Minorities, women and the handicapped

### 2. STRUCTURE:

- A. Terms of membership
- B. Elections of officers
- C. How many members
- D. Alternates
- E. Sub-committees
- F. Meetings
- G. Minutes

### 3. FUNCTIONS (ROLE):

- A. Advise – not perform
- B. Develop short-term objectives
- C. Identify areas of possible discrimination
- D. Assist the designee of the agency head with preparing the affirmative action plan
- E. Monitor the progress of the action goals and programs, if necessary, make recommendations to improve
- F. Review monthly progress reports
- G. Issue a progress report to agency head quarterly

4. **CHAIRPERSON (DUTIES)**

- A. Prepare agenda for meeting
- B. Preside over committee meetings
- C. Submit any committee recommendations to the agency head

5. **SECRETARY (DUTIES)**

- A. Preside over meeting in absence of Chairperson
- B. Record minutes of the meeting
- C. Prepare minutes for distribution

6. **EQUAL OPPORTUNITY COORDINATOR:**

Ex-Officio  
Advisor

7. **EQUAL OPPORTUNITY OFFICER/LIASON:**

Ex-Officio  
Advisor

8. **AGENCY HEAD:**

Should make a commitment that all recommendations will be reviewed and acknowledged

9. **EMPLOYEES SHOULD BE INFORMED OF AGENCY POLICY:**

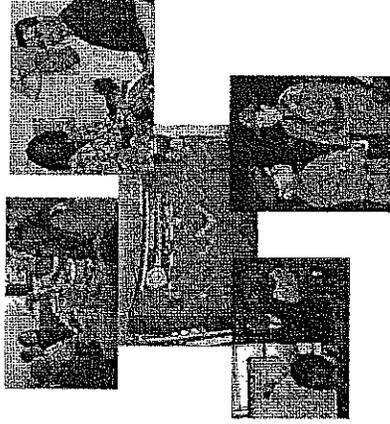
- 1. Newsletter
- 2. Pay envelopes
- 3. Employee handbooks
- 4. The Affirmative Action Plan with policy statements are on the Department's web page

10. **THE STATE EQUAL OPPORTUNITY OFFICE MAY ISSUE SUCH GUIDELINES, DIRECTIVES OR INSTRUCTIONS AS NECESSARY TO CARRY OUT RI GENERAL LAW 28-5-1.**

**Department of Corrections**  
**EEO Committee Membership**

<b>Name</b>	<b>Race/Sex</b>	<b>Position</b>	<b>Location</b>
Ray Lambert	Black/M	State EEO Officer	DOA
Lois Hayes	White/F	Human Resources Administrator	ADB
Arthur Bedard	White/M	Business Management Officer	ISC
Michele Berkeley	Black/F	Act. P & P Supervisor	Woonsocket
Danilo Claros	Black/M	Correctional Officer	MED
Dantes Carrasco	Black/M	Correctional Officer	MED
Chuck Dawson	White/M	Clinical Psychologist	MED
Deborah Davis	White/F	Public Health Education Specialist	MED
Thomas Doyle	White/M	Correctional Officer Lt.	HSC
Suzanne Glucksman	White/F	Clerk Secretary	CDC
Tiffini Isom	Black/F	Correctional Officer	MED
Robert McCutcheon	Black/M	Department Grievance Coordinator	ADA
Mike Moore	White/M	Correctional Officer Captain	WOM
Ernie Myers	Black/M	Work Rehabilitation Program Supervisor	MIN
Laura Nevadonski	White/F	Reconciliation Clerk	CDC
Maria Palomares	Hispanic/F	C.O. Training Instructor	PIN
Robin Rego	White/F	Correctional Officer Lt.	MED
Audra Russo	Black/F	Implementation Aide	ADB
Jane Ryan -Chair	White/F	Human Resources Analyst I	ADB
Pat Threats	Black/F	Princ. Public Health Promotion Specialist	ISC
Effuah Wariebi-Harris	Black/F	Probation & Parole Officer	PSC
Dot Wiencis	White/F	Asst. Administrator Financial Management	ADB
Karen Zambarano – Vice Chair	White/F	Human Resources Analyst I	ADM

# EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION



The RIDOC is firmly committed to maintaining a workplace free from discrimination, sexual harassment, hostility, intimidation, and reprisal of any kind.



Rhode Island  
Department of Corrections

## OFFICE OF HUMAN RESOURCES

Department of Corrections Tel (401) 462-3250  
39 Howard Avenue Fax (401) 462-2685  
Cranston, RI 02920 TTY 711

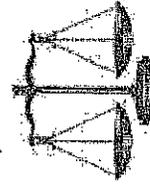
### The purpose of this brochure is to:

Communicate the RIDOC's commitment to equal employment opportunity for all qualified applicants regardless of race, color, creed, religion, age, sex, ethnicity, national origin, veteran status, marital status, sexual orientation, gender identity, or the presence of a sensory, mental, or physical disability, or other status protected by law. (RIDOC Policy 3.03-4a)

Protect all employees from discrimination and harassment to ensure a work environment free from antagonistic, intimidating, menacing, humiliating, threatening and/or harassing behaviors and physical attacks. (RIDOC Policy 3.29)

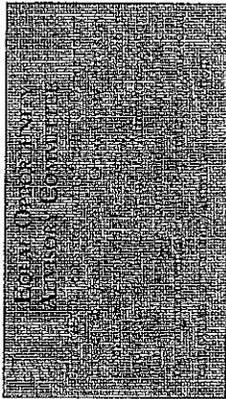
Educate and guide all employees on the RIDOC's policies and procedures for reporting complaints of alleged discrimination, sexual harassment, discrimination, workplace conflict, and/or violence. (RIDOC Policy 3.27)

Communicate the policy of the RIDOC, consistent with the Americans with Disabilities Act, to provide reasonable accommodations to qualified applicants and employees with disabilities in order to enable them to reasonably perform the essential functions of their jobs. (RIDOC Policy 3.30)



Referenced policies are available on the Intranet at: <http://webserver.doc.state.ri.us/local/policies/index.asp>

08/11



### Current EOAC membership includes:

- Ray Lambert - State EEO Officer
- Paul Mancini - Human Resources Administrator
- Arthur Bedard - Inmate Accounts
- Michelle Berfley - Woonsocket Probation & Parole
- Danilo Charo - J.J. Moran Facility
- Dantes Carrasco - J.J. Moran Facility
- Charles Dawson - J.J. Moran Facility
- Deborah Davis - J.J. Moran Facility
- Thomas Doyle - High Security Center
- Suzanne Glacksman - Correctional Industries
- Tara Igwe - Kent County Superior Court
- Tiffani Ison - Donald Price Facility
- Robert McCutcheon - Admin.-A
- Linda Milner - Human Resources, EOAC Advisor
- Jacqueline Ming - Superior Court
- Michael Moore - Women's Facilities
- Ernest Myers - Minimum Security
- Laura Nevadonski - Central Distribution Center
- Maria Palomares - Training Academy
- Joseph Rhodes, Secretary - Pinet Building
- Audra Russo - Admin.-A
- Jane Ryan, Chair - Admin.-B
- Patricia Thurais - J.J. Moran Facility
- Effiah Wainibeli-Harris - Providence Superior Court
- Dot Wiencis - Admin.-B Building
- Karen Zambazano, Vice Chair - Admin.-B

### EEO Review Panel

This six-member panel, created by the Director, affords applicants for hire or promotion a forum for airing allegations of employment discrimination. Anyone who interviews for a position in the Department and wishes to lodge a complaint should contact Linda Milner, Human Resources, (401) 462-5412. (RIDOC Policy 3.03-5)

## PROHIBITED CONDUCT

### Harassment

Language, written communications, or gestures which are intended to antagonize, intimidate, menace, ridicule, taunt, embarrass, insult, provoke, threaten (explicitly or implicitly), frighten, or harm another person for reasons including, but not limited to race, ethnicity, national origin, religion, gender, age, handicap, or sexual orientation. (RIDOC Policy 3.03-5)

### Sexual Harassment

Any unwelcome sexual advances or requests for sexual favors and/or other verbal or physical conduct if made either explicitly or implicitly a term or condition of an individual's employment or when submission or rejection is used as a basis for employment decisions. Any conduct so infused with hostility towards members of one sex that it alters the conditions of employment, interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment (RIDOC Policy 3.03-5).

### Violence

**Assault** - Any willful attempt or threat to inflict injury upon another may be committed without actual touching, striking, or doing bodily harm to another.

**Battery** - Intentional and wrongful contact with a person without his or her consent that entails some injury or offensive touching.

**Physical Attack** - Unwanted and/or hostile physical contact, including but not limited to hitting, fighting, pushing, shoving, and the throwing of objects.

**Threat** - Expression of present or future intent to cause harm. (RIDOC Policy 3.29)

*The above specified behavior(s) constitute workplace violence and shall be immediately referred to the RIDOC Office of Inspections at (401) 462-2551.*

## FORMAL COMPLAINTS

### Complaints of Discrimination or Sexual Harassment

It is an employee's prerogative to file a complaint either internally (within the RIDOC) or with an appropriate external agency. Internally, an aggrieved employee may opt to submit a written report to his/her immediate supervisor, next level in the chain of command (if the complaint is against the immediate supervisor) or the Department's EEO/ADA Coordinator at (401) 462-5112. Complaints may also be filed externally with the RI Department of Administration's State EEO Office (401) 222-3090, the Rhode Island Commission for Human Rights at (401) 222-2661, the Governor's Commission on Disabilities (401) 462-0100 (TTY 713), or the Federal EEO Commission 1-800-669-4000. (RIDOC Policy 3.03-5)

### Resolving Workplace Conflict

~An employee who experiences or witnesses (either on duty or off duty) actions, conduct, behavior, and/or communication that contribute or may contribute to workplace conflict must immediately inform his/her supervisor.

~Aggrieved employees are encouraged to communicate directly, either verbally or in writing, with the other employee in an effort to resolve the situation.

If both parties are members of the same bargaining unit, the aggrieved employee is encouraged to contact his/her union representative for assistance and intervention.

~If the aggrieved employee is unwilling to communicate directly with the other employee, or if such efforts have failed, s/he should attempt to resolve the situation at the first level in his/her chain of command or skip a level of command if the immediate supervisor is the accused.

~If for any reason, a staff member fears that such information would place her/himself at risk or personal harm, s/he may skip a level in the chain of command or report information directly to the Director or the Assistant Director who oversees the respective work unit.

~Initial notification may be verbal, but written reports are required of all complainants and witnesses, as soon as practicable. (RIDOC Policy 3.27)  
~The Department takes all allegations seriously, conducts prompt and thorough investigations, and takes immediate and appropriate corrective action as warranted. In certain circumstances, employees are offered a Dispute Resolution Process under which an impartial facilitator promotes communication between employees to resolve a dispute.

## AMERICANS WITH DISABILITIES ACT (ADA)

### Reasonable Accommodations

Applicants who seek reasonable accommodation during the interview and selection process must contact the RIDOC's ADA Coordinator at (401) 462-5112 and explain their need for accommodation at least five (5) business days prior to the interview or other activity at which they would need an accommodation.

Applicants seeking a reasonable accommodation who have been extended a "conditional offer of employment," when accepting that offer, shall be given a "Reasonable Accommodation Request Form" (CS-388A) for completion and must return it to a Human Resources support staff member who will forward the request to the ADA Coordinator.

Current employees who are seeking a reasonable accommodation may obtain a "Reasonable Accommodation Request Form" (CS 388A) from the ADA Coordinator or Personnel Office. The form must be returned to the ADA Coordinator for processing.

Employees may be asked to provide reasonable documentation necessary to establish that they have a qualifying disability under the ADA. It is the policy of the RIDOC to provide reasonable accommodations to qualified applicants and employees with disabilities that do not pose a safety/security risk or an undue hardship to the Department. (RIDOC Policy 3.30)

**DIVISION HEADS, SUPERVISORS, PERSONNEL,  
HUMAN RESOURCES OFFICERS**

It shall be the responsibility of all Assistant Directors, Wardens, Supervisors, and personnel to enforce the Department's commitment to Affirmative Action and Equal Employment Opportunity in the administration and application of Department policies, rules and practices.

In addition, all managers and supervisors are responsible for working with the Department's Affirmative Action Officer/Human Resources Analyst, in the development of goals and practices for affirmative action, and for demonstrating positive results in employment, appointment, and delivery of services while assisting in the Equal Opportunity and Affirmative Action Program for the Department. Such monitoring includes direct responsibility such as conducting training sessions, taking positive steps in preventing the harassment of employees, communicating to employees the importance of the agency's EEO and Affirmative Action policies, and review of agency's programs to remove impediments to goal attainment.

All employees are reminded that it is their responsibility to apply all laws, rules, regulations, policies and procedures fairly and impartially to all persons, without regard to race, color, sex, age, national origin, sexual orientation or gender identity or expression, physical or mental disability, religious affiliation or political opinion or affiliation.

In addition, all employees are expected to exhibit an attitude of respect, courtesy and cooperation towards fellow employees and the public. Employees are expected to aid supervisors and managers in carrying out their responsibilities with regard to equal employment opportunity and affirmative action, and should be familiar with the Department's Affirmative Action Plan and, in a good faith effort, adhere to their assigned responsibilities within the plan.

## **AA/EO/ADA PROGRAM COORDINATOR**

The assignment of responsibility for coordination of the overall Affirmative Action Plan and Equal Opportunity Program is delegated to Jane Ryan, Human Resources Analyst I. The following duties and responsibilities will be effectively maintained by the Human Resources Analyst I:

1. Implementation and monitoring the Affirmative Action Plan, development of a policy statement and AA plan based on the work force analysis.
2. Evaluating the Plan for effectiveness and making recommendations where appropriate.
3. Publicizing internally the State's Policy and procedures for processing discrimination complaints and follow them through to a satisfactory resolution.
4. Counsel employees regarding Equal Employment Opportunity.
5. Recruiting and referring minorities, the disabled and women for vacancies.
6. Notifying the State EO Office regarding job vacancies.
7. Reviewing Federal and State EO laws, rules and regulations in order to stay informed to ensure compliance in all phases of employment activities.
8. Reporting monthly and semi-annually to the State EO Office on all personnel actions.
9. Inform and advise the department regarding its obligations under the Americans with Disabilities Act of 1990 and 504 of the Rehabilitation Act of 1973.

## **DISSEMINATION OF EQUAL OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PLAN**

The Equal Opportunity Policy and Affirmative Action Plan for the Department of Corrections will be publicized both internally and externally. Internally, it will be made available to all employees via Department Intranet. Employees will be notified of their rights and the availability of equal opportunity counseling by the Affirmative Action Officer, who will assist them in understanding the Plan, grievance procedures, and other matters concerned with affirmative action and equal opportunity.

The Director has assigned the staff to ensure total agency commitment to affirmative action and equal opportunity. All agency Administrators, Wardens and personnel officers, will be kept abreast of all current equal opportunity policies. All information regarding equal opportunity will be transmitted to staff, and bulletin boards will also be utilized.

Reports on appointments, promotions, transfers, and terminations will be recorded on a regular basis. There shall be a formal system for processing grievances and appeals alleging discrimination due to race, color, sex, age, religion, national origin, disability status, sexual orientation/preference or gender identity or expression.

Communication of Equal Opportunity policy and of counseling programs available is made by posted notices, internal memorandum and personnel contact by the Office of Human Resources to EO Office.

The exit interview procedure determines if employees are leaving the department due to discriminatory circumstances.

Externally, we will disseminate, as necessary and appropriate, the Department's affirmative action plan, policies and procedures to all those providing contractual services to the Department, other organized and interested organizations, all other appropriate persons, agencies in the Federal, State or municipal service, members of the general citizenry, those who may be interested in employment within the Department and those who may assist in our recruitment efforts.

**GRIEVANCE PROCEDURE**  
Rhode Island Equal Opportunity Office  
Telephone (401) 222-3090      TTY 711

The State Equal Opportunity Office will accept, from both State Employees and applicants for State employment, complaints of discrimination that are based on of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law and sexual harassment.

1. A complaint must be filed formally on the "Complaint Information Form", available through the State Equal Opportunity Office within ten (10) working days from the knowledge of the alleged incident of discrimination, unless it is an ongoing discrimination. All complaints will remain confidential except to the extent necessary to conduct a review of the facts.
2. An Equal Opportunity Officer will be assigned to investigate the complaint.
3. The Agency Director (Responder) will be notified of the alleged charge.
4. Upon completion of the investigation, the State Equal Opportunity Office will make a determination as to the probable cause based on the summary of facts.
5. When probable cause is not evident, the parties are so informed by the State Equal Opportunity Office.
6. When there is probable cause of discrimination, the State Equal Opportunity Office will try to conciliate the complaint.
7. If an agreement between the parties is not reached, a formal hearing will be scheduled and a Hearing Officer will be assigned by the State Equal Opportunity Office.
8. If and when it has been determined by the Hearing Officer that discrimination exists, the Hearing Officer will advise the State Equal Opportunity Office in writing. The State Equal Opportunity Officer will then, by written notification, present findings and recommended corrective action to both parties.

If corrective action is not implemented within a specified time frame, the State Equal Opportunity Office will notify the Governor.

An individual may also file a complaint with RI Human Rights Commission, or the Equal Employment Opportunity Commission. The State Equal Opportunity Office will defer to either the Commission for the investigation and any resolution and/or prosecution of the charge.

(Revised 2003)



**Department of Corrections**

Ashbel T. Wall, II, Director  
40 Howard Avenue  
Cranston, RI 02920

Tel: (401) 462-2611  
Fax: (401) 462-2630  
TDD: (401) 462-5180

July 1, 2013

**DISCRIMINATION GRIEVANCE PROCEDURE**

It is the policy of the Department of Corrections to prohibit any form of discrimination on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law. Therefore, any employee of the Department of Corrections who wishes to make a complaint of discrimination on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law will follow the procedure set forth below:

1. Complainant shall submit a written complaint to:
  - a) his/her immediate supervisor; or
  - b) next level in the chain of command (if complaint is against immediate supervisor); or
  - c) Department's EEO/AA Officer
2. Upon receipt of any such complaint, the investigating official is required to conduct an investigation and is required to draft a full report including a response to the accused, details of investigation, support documentation, conclusions on whether or not discrimination or a false accusation occurred.
3. The full report is forwarded to the Director, affected Assistant Director(s). The impacted employees will receive outcome letters generated by Human Resources staff.
4. Alternatively, the Human Resources Administrator may refer the matter to the Dispute Resolution Coordinator for appropriate action in accordance with policy 3.27-1 DOC.
5. All information gathered and any decisions pertaining to complaint resolution will be kept strictly confidential.

The Department of Corrections recognizes that some persons may, for a variety of reasons, be reluctant to follow the procedures outlined above. Therefore, the following resources are available to provide assistance and information to both State employees and applicants for State employment.

**Rhode Island Equal Opportunity Office**  
One Capitol Hill  
Providence, RI 02903

Telephone Number: (401) 222-3090    Relay Service 711    Fax Number: (401) 222-2490

**RI Commission for Human Rights**

180 Westminster Street, 3rd Floor Providence, RI 02903-3768

Telephone Number: (401) 222-2661    Relay service 711    Fax Number: (401) 222-2616

  
\_\_\_\_\_  
Ashbel T. Wall, II

DEPARTMENT OF ADMINISTRATION  
DIVISION OF HUMAN RESOURCES  
Office of Personnel Administration  
**Equal Opportunity**

# COMPLAINT INFORMATION FORM

1. **Complaint Information:**  
State your name and address:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- City State Zip Code
- Telephone Number(s)
- Work: \_\_\_\_\_
- Home: \_\_\_\_\_
2. **Name of Department:**
- \_\_\_\_\_
3. **Name of Immediate Supervisor**
- \_\_\_\_\_
4. **Respondent Information:**  
Name and address of agency involved:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- City State Zip Code
5. **Name and Title of person(s) charged:**
- \_\_\_\_\_
6. **Date of Alleged Violation:**
- \_\_\_\_\_
7. **Place of Alleged Violation:**
- \_\_\_\_\_

8. **Basis of Alleged Complaint:**
- \_\_\_ Race/Color: Specify \_\_\_\_\_
- \_\_\_ Sex: \_\_\_ Male \_\_\_ Female
- \_\_\_ Age: Date of Birth \_\_\_\_\_
- \_\_\_ National Origin: Specify \_\_\_\_\_
- \_\_\_ Disability
- \_\_\_ Religion: Specify \_\_\_\_\_
- \_\_\_ Sexual Harassment
- \_\_\_ Sexual Orientation
- \_\_\_ Gender Identity or Expression
9. **Nature of Charge:**
- \_\_\_ Hiring
- \_\_\_ Compensation
- \_\_\_ Job Classification
- \_\_\_ Discharge/Termination
- \_\_\_ Promotion
- \_\_\_ Training
- \_\_\_ Demotion
- \_\_\_ Qualifications/Testing
- \_\_\_ Layoff
- \_\_\_ Recall
- \_\_\_ Seniority
- \_\_\_ Intimidation/Reprisal
- \_\_\_ Harassment

( \_\_\_\_\_ )  
Case Number

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# COMPLAINT INFORMATION FORM

(Continued)

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10. Explain as briefly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. Also attach any written material pertaining to your case.

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11. Why do you believe these events occurred?

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12. Have you brought this charge to anyone else's attention?

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13. Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint.

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Complainant Signature

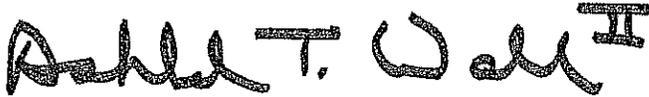
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Date

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Interviewing Officer

# RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	<b>POLICY NUMBER:</b> 3.27-1 DOC	<b>EFFECTIVE DATE:</b> 08/27/12	PAGE 1 OF 13
	<b>SUPERCEDES:</b> 3.27 DOC	<b>DIRECTOR:</b> <span style="float: right; font-size: small;">Please use BLUE ink.</span> 	
<b>SECTION:</b> PERSONNEL		<b>SUBJECT:</b> SUPERVISOR/MANAGER RESPONSE TO COMPLAINTS OF ALLEGED DISCRIMINATION, SEXUAL HARASSMENT, WORKPLACE CONFLICT, AND/OR VIOLENCE	
<b>AUTHORITY:</b> Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; Title VII of the Civil Rights Act of 1964 (42 USC 2000e); RIGL § 28-51-1 et seq., Sexual Harassment, Education and Training in the Workplace			
<b>REFERENCES:</b> ACA # 4-4056 (prohibiting sexual harassment); RIDOC policy # 3.03-6 DOC, Equal Employment Opportunity/Affirmative Action (filing complaints); 3.05-5 DOC, Sexual Harassment; 3.13-1 DOC, Personnel Records; 3.14-2 DOC, Code of Ethics and Conduct; 3.16-3 DOC, Departmental Peer Support Program; 3.22-1 DOC, Union Representation in Employee Investigatory Interviews; 3.29 DOC, Workplace Conflict/Violence; 5.01-3 DOC, Management of Semi-Active and Archival Records; Executive Order 05-01, Promotion of Equal Opportunity and the Prevention of Sexual Harassment in State Government			
<b>INMATE/PUBLIC ACCESS?</b>		X NO	
<b>AVAILABLE IN SPANISH?</b>		X NO	

**I. PURPOSE:**

- A. To communicate the Rhode Island Department of Corrections' (RIDOC's) procedures for RIDOC supervisors/managers to follow when responding to complaints regarding, but not limited to, discrimination, sexual harassment, workplace conflict, and/or violence.

Supervisor/Manager Response to Complaints of Alleged  
Discrimination, Sexual Harassment, Workplace Conflict,  
and/or Violence

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- B. To encourage employees to resolve disputes informally, either through dialogue with one another, their union representative, immediate supervisors, others in their chains of command, and/or the appropriate Human Resources representative. In cases where informal efforts do not resolve employees' disputes, affected supervisors/managers or aggrieved employees may submit complaints to the Dispute Resolution Coordinator in accordance with the procedures outlined herein.

II. POLICY:

- A. RIDOC has established written policies and procedures regarding the definitions of:
1. Equal employment opportunities/affirmative action (3.03-6 DOC, or a successive policy);
  2. Sexual harassment (3.05-5 DOC, or a successive policy); and/or
  3. Workplace conflict/violence (3.29 DOC, or a successive policy).

NOTE: Incidents of workplace violence are referred to the Office of Inspections.

- B. This policy applies to any and all employees, contractors, students, interns, and volunteers of RIDOC, including but not limited to all personnel covered by the Merit System Law, Personnel Rules, regulations, and/or union contracts employed and/or contracted by RIDOC.
- C. This policy does not limit the ability of an employee to file a complaint with any governmental agency nor does this policy replace RIDOC policies relevant to equal employment opportunity/affirmative action (3.03-6 DOC, or a successive policy), sexual harassment (3.05-5 DOC, or a successive policy), and/or workplace conflict/violence (3.29 DOC, or a successive policy). Management has a continuing responsibility to report violations consistent with the aforementioned policies.
- D. All employees are prohibited from harassing another for submitting a complaint or participating in the dispute resolution process as a party, witness, or otherwise.

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Any employee having knowledge of such harassment must immediately report said retaliation/harassment consistent with policy 3.29 DOC, or a successive policy.

- E. RIDOC conducts prompt and thorough investigations of each and every allegation regarding the aforementioned topics and takes immediate and appropriate corrective action as warranted by the results of said investigations.
- F. Nothing in this policy precludes the Director from taking matters out of the Dispute Resolution process and proceeding with discipline according to the Code of Ethics and Conduct.
- G. Employees are subject to disciplinary action up to and including termination for violation of this policy.
- H. Contractors/vendors risk contract termination for violation of this policy.

### III. PROCEDURES:

#### A. Definitions:

1. Dispute Resolution - a process under which an impartial person (facilitator) promotes communication between employees to resolve a dispute. (See Attachment 3 for more detailed information.)
2. Dispute Resolution Coordinator - a RIDOC Human Resources staff member responsible for triage and administrative functions associated with the dispute resolution process, to include contacting/assigning a Facilitator, when appropriate.
3. Employee - full- or part-time staff member, temporary worker, contractor, volunteer, student and/or intern.
4. Facilitator - the individual (who may be assigned by the Dispute Resolution Coordinator) who is responsible for promoting communication between employees to resolve a dispute. S/he is an advocate; the aggrieved and accused employees are responsible for negotiating their own settlement.

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5. Investigation – The response of a supervisor/manager to an allegation of any form of discrimination, sexual harassment, workplace conflict, and/or violence is critical. (For more information regarding workplace violence, please refer to policy 3.29 DOC, or a successive policy.)

B. Formal Complaints

It should be understood that an individual filing a complaint of discrimination, sexual harassment, workplace conflict, and/or violence may be referred to as any one of the following terms: aggrieved employee, complainant, accuser, or grievant. These terms are used interchangeably throughout this policy.

C. Supervisor/Manager Responsibilities

Any supervisor or manager who receives a complaint of or has reason to suspect discrimination, sexual harassment, workplace conflict, and/or violence is occurring or may occur, must take preventive or corrective action without delay, to include imposing disciplinary action up to and including termination, following a proper investigation.

1. The supervisor/manager who receives such a complaint notifies the facility/unit/program manager(s) unless that manager is the accused.
2. In cases where grievant and accused are from different chains of command, the supervisor /manager must report the situation to the other affected supervisor/manager and contact the Human Resources Administrator or designee to determine who will conduct the investigation.
3. In accordance with policy 3.29 DOC, Workplace Conflict/Violence, the following acts/behaviors are immediately referred to the Office of Inspections:
  - a. threats
  - b. physical attacks
  - c. violence
  - d. assaults

- 
- e. battery
4. The Human Resources Administrator, Executive Counsel, or their designees assist supervisors/managers, as requested.
  5. The supervisor/manager, unless the subject of the complaint, conducts an investigation into the alleged incident/conduct. A supervisor/manager conducting an investigation into such allegations should:
    - a. reference policy 3.22-1 DOC, Union Representation in Employee Investigatory Interviews, or a successive policy.
    - b. act promptly and document all actions taken in response to the complaint.
    - c. be neutral. S/he should simply gather facts without making judgments or commenting about the employee's allegations. There are two sides to every story.
    - d. get the answers to "who, what, when, where, why, and how." Supervisors/managers conducting investigations are advised to seek specifics, regardless of how embarrassing such conversations may be.
    - e. treat the claim as valid, even if it appears frivolous, until it is established otherwise.
    - f. limit the number of persons who have access to this information and advise the complainant that the facts will not be discussed with anyone who does not need to know them, except to the extent that both parties agree otherwise in writing, as may be appropriate in any subsequent proceeding between the parties or may otherwise be appropriate in response to a governmental agency or legal process.
    - g. explain to the complainant that the charges are taken seriously and that the Department will conduct a thorough investigation before reaching any conclusions.

- 
- h. avoid making any statement relative to the accuser's character, job performance, and/or family life.
  - i. find out what the complainant wants and how s/he wants the situation resolved.

**NOTE:** The Supervisor's/Manager's Interview Guide, found at Attachment 1, should be used by the supervisor/manager conducting an investigation into allegations of any form of discrimination, sexual harassment, workplace conflict, and/or violence.

6. Resolving Internal Complaints

- a. If the investigating supervisor/manager determines that, based on reasonable belief, the **allegations are true** and the facts show that the behavior in question met the definition of discrimination, sexual harassment, workplace conflict and/or violence, as defined in RIDOC policies, swift and appropriate action should be taken, to include progressive discipline, in consultation with the Office of Human Resources.
- b. There may be occasions where it is **not possible to determine whether the allegations are true or untrue**, and thus insufficient evidence exists to support a complaint. In such situations, the supervisors/managers must document that the:
  - (1) complaint was investigated;
  - (2) complaint was responded to;
  - (3) accused was warned about the severity and consequences of such alleged conduct and reminded of RIDOC's concerted commitment to prevent discrimination, sexual harassment, workplace conflict, and/or violence.
  - (4) matter was referred to the Human Resources Administrator for closure via an Outcome Letter which is generated by the Dispute Resolution Coordinator.

- 
- c. Another possible finding would include a conclusion that the **accusation was false**, that the complainant acted in bad faith by either knowing the allegation was reckless, false or malicious.

In such cases, the supervisor/manager evaluates the facts of the situation to determine whether disciplinary action against the complainant is warranted.

- d. The supervisor/manager conducting the investigation drafts a full report, to include the following:
- (1) alleged incident(s) of discrimination, sexual harassment, workplace conflict, and/or violence;
  - (2) response of accused to the complaint;
  - (3) details of the investigation, including the names of all interviewees, what each interviewee said, and how each acted;
  - (4) supporting documentation including signed reports from affected employees and witness(es);
  - (5) conclusions on whether or not discrimination, sexual harassment, workplace conflict, and/or violence or a false accusation occurred.
- e. Copies of the full report are forwarded to the Human Resources Administrator or designee.

The aggrieved employees (i.e., complainant and accused) receive outcome letters from the Human Resources Administrator or designee.

- f. The complete report which includes the Departmental response is forwarded to the Director and affected Assistant Directors.

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7. Alternative Responses

- a. Not all incidents of alleged discrimination, sexual harassment, workplace conflict, and/or violence are resolved at the investigating official's level. In such cases, the Human Resources Administrator or designee reviews all information/materials submitted by the investigating official and:
- (1) refers the matter back to the supervisor/manager if the information is incomplete or indicates the investigating official did not fulfill his/her responsibilities with respect to investigation and/or documentation; or
  - (2) refers the matter to the Dispute Resolution Coordinator for appropriate action.
- b. The Dispute Resolution Coordinator may conduct an independent investigation into the allegations, to include a review of the supervisor's/manager's written report and interviews with the complainant and accused, if appropriate. His/her investigation and report should follow the guidelines established above and in Attachment 1.
- c. The Dispute Resolution Coordinator may determine a referral to one, or any combination, of the following programs/services is appropriate:
- (1) Employee Assistance Program;
  - (2) RIDOC's Peer Support Unit (see policy #3.16-3 DOC, or a successive policy);
  - (3) Dispute Resolution;
  - (4) Training on relevant subject matter;
  - (5) Referral back to supervisor/manager for disciplinary action.

- 
- d. Dispute resolution is a process available (at no cost) to employees and managers in an attempt to resolve certain employment-related complaints/disputes.
  - e. The supervisor/manager or Dispute Resolution Coordinator initiates this process.
8. Offering Dispute Resolution - The supervisor/manager or Dispute Resolution Coordinator contacts aggrieved employees (complainant and accused) and offers them the opportunity to participate in a dispute resolution session.
- a. If one or both employees reject the offer to participate, the supervisor/manager informs the Dispute Resolution Coordinator
  - b. The Dispute Resolution Coordinator may recommend that the supervisor/manager *require* participation in a dispute resolution session if s/he believes dispute resolution is in the best interest of the Department.
  - c. The Supervisor/manager directs one or both employees to attend a Dispute Resolution Meeting.
9. Scheduling the Dispute Resolution Session - The supervisor/manager or Dispute Resolution Coordinator schedules the session within a reasonable time [but no later than ten (10) working days after s/he is notified by the supervisor/manager].
- a. If the employees (complainant and accused) *voluntarily* accept the offer to participate in dispute resolution, the supervisor/manager /or Dispute Resolution Coordinator verbally notifies them, the Facilitator, and the appropriate supervisor/manager of the date, time, and location of the session.
  - b. If the employees have been *directed* to participate in dispute resolution by a supervisor/manager, the Dispute Resolution Coordinator verbally notifies the supervisor/manager and Facilitator of the date, time, and location of the session.

- 
- The supervisor/manager notifies the aggrieved employees (complainant and accused).
- c. The supervisor/manager does *not* attend the session unless s/he is the designated Facilitator or the respondent (accused).
  - d. Witnesses are not allowed to attend the session.
  - e. Union representatives are not allowed to attend the session unless by agreement of all parties including the Facilitator and/or Dispute Resolution Coordinator.
  - f. After verbally notifying all affected parties, the Dispute Resolution Coordinator mails an informational packet to participating employees. This packet consists of:
    - (1) Dispute Resolution Notification (Attachment 2)
    - (2) Dispute Resolution Information (Attachment 3)
    - (3) Dispute Resolution Consent (Attachment 4)
    - (4) Agreement (Attachment 5)
10. Dispute Resolution Process - Participating employees should enter the dispute resolution process with a desire to reach a mutually acceptable agreement.
- a. Participating employees are expected to conduct themselves in a professional manner throughout the session.
  - b. Recording devices (e.g., audio and/or video recorders, stenographic recordings) are not permitted in the dispute resolution session.
  - c. All verbal and written information exchanged during the dispute resolution session remains private and is not provided to the supervisor/manager or other RIDOC employees.

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- d. At the conclusion of the session, the Facilitator collects all notes taken during the session and destroys them before leaving the session.
  - e. Formal written documentation, such as an Agreement or Impasse, is retained by the Dispute Resolution Coordinator or designee in accordance with the established Records Retention Schedule (see policy 5.01-3 DOC, or a successive policy).
11. Agreement Reached - If an agreement is reached in the dispute resolution session, the Facilitator puts the terms of the agreement in writing.
- a. The employees sign the Agreement Form.
  - b. The Facilitator also signs the Agreement Form.
  - c. Each of the participating employees receives a copy of the Agreement Form with original signatures, and each is required to abide by the Agreement.
  - d. The Dispute Resolution Coordinator informs the supervisor/manager by telephone if the participating employees sign an Agreement in the dispute resolution session.
- NOTE:** If the supervisor/manager is tasked with monitoring aggrieved employees' conduct, the Dispute Resolution Coordinator forwards him/her a copy of the Agreement.
12. Impasse - If the dispute resolution session results in an impasse, the Facilitator documents this fact.
- a. The participating employees sign the Dispute Resolution Impasse form (Attachment 6).
  - b. The Dispute Resolution Coordinator notifies the supervisor/manager by forwarding him/her a copy of the Dispute Resolution Impasse form.

- c. The Dispute Resolution Coordinator or designee retains the original Impasse documentation in accordance with the established Records Retention Schedule (see policy # 5.01-3DOC, or a successive policy).
- d. The Dispute Resolution Coordinator contacts the participating employees and discusses other options for resolving the complaint and notifies the Director, affected Assistant Director(s) and Human Resources Administrator for further action.

D. External Complaints:

1. Once a complainant files a formal complaint with an external agency listed in this section and the external agency notifies RIDOC of the complaint, RIDOC cooperates with the external agency in an attempt to resolve the issue. The external agency is the higher authority relative to the final legal resolution of the complaint. Any communications relative to the filing of an external complaint are forwarded to RIDOC's Office of Legal Counsel.
2. Said complaint may be filed formally with any one of the following agencies external to the Department.
  - a. The Rhode Island Department of Administration's State Equal Opportunity Office, One Capitol Hill, Providence, Rhode Island 02908, (401-222-3090), within ten (10) working days from the knowledge of the alleged incident of discrimination and/or sexual harassment, unless the discrimination and/or sexual harassment is ongoing.

Complainant files by completing the Office of Personnel Administration's Complaint Information Form RIBOO-03-87 Revised 2003, available from the State Equal Opportunity Office or RIDOC's Office of Human Resources.

- b. The Rhode Island Commission for Human Rights, 180 Westminster Street, 3<sup>rd</sup> Floor, Providence, Rhode Island 02903, (401) 222-2661.

Complainant contacts the Commission for Human Rights via telephone. An Information Officer takes the complaint over the

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telephone and forwards a Discrimination Questionnaire to the complainant.

- c. Governor's Commission on Disabilities, 41 Cherry Dale Court, Cranston, Rhode Island 02920. Telephone number (401) 462-0100, fax number (401) 462-0106, TTY (401) 462-0101.
- d. The Federal Equal Employment Opportunity Commission (EEOC), Boston Area Office, JFK Federal Building, 475 Government Center, Boston, Massachusetts 02203, (617) 565-3200 or 1-800-669-4000.

Complainant may file charge(s) in person, by mail, or by telephone.

E. Training

RIDOC's Training Academy will offer training on this policy to managers, existing staff (in-service training), and new employees [New Employee Orientation (NEO)].

RHODE ISLAND DEPARTMENT OF CORRECTIONS  
SUPERVISORS'/MANAGERS' INTERVIEW GUIDE

Interview with the Employee (Complainant)

A supervisor/manager conducting an interview with the employee (complainant) should inform the employee that his/her written report is a required component of this process/investigation and then inquire and ascertain the following:

- What happened?  
How were you made aware of it (e.g., first party, third party, etc.)?  
What was said or done by whom which gave rise to the complaint?
- When and where did the alleged offense take place?  
How long a period of time elapsed between the alleged offense and the complaint?  
Was it during working hours, on break, at lunch, on or off the work premises?
- Has the alleged offense occurred before?  
When and where?  
Has the complainant complained in the past about similar alleged occurrences?  
If so, what were the circumstances?
- Were there any witnesses?  
If so, who are they?  
Interview and obtain written statements from all witnesses identified by the complainant and/or the alleged harasser.
- What did complainant do or say before and after the alleged offense?
- Did the complainant's supervisor know, or should the supervisor have known, of the alleged offense or of previous occurrences?
- How did the alleged offense affect the complainant?

Interview with the Alleged Harasser (Accused)

A supervisor/manager conducting an interview with the alleged harasser should meet privately with the alleged harasser and inform him/her of the details of the complaint. The supervisor/manager should inquire and ascertain the following:

- What is the alleged harasser's response to the charge?

Supervisors'/Managers' Interview Guide - cont'd.

- o If the alleged harasser admits the conduct alleged in the complaint and agrees the statement is accurate, the investigating supervisor/manager shall finish the interview, direct the (accused) employee to submit a written report/statement, and take appropriate action, including disciplinary measures.
  
- o If the accused denies the allegations or otherwise has a different description of the incident, the investigating supervisor/manager shall take a complete statement from the accused, using the questions posed to the complainant (found on the previous page) as a guide.

RHODE ISLAND DEPARTMENT OF CORRECTIONS  
DISPUTE RESOLUTION NOTIFICATION

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear Mr./Ms.: \_\_\_\_\_

**SUBJECT: Dispute Resolution Session**

The purpose of this letter is to notify you of your scheduled dispute resolution session at the below-listed date, time, and location.

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

Please review the information contained in the documents prior to the session as your signature may be required on the Dispute Resolution Consent and Agreement forms.

Should you have any questions, please contact me.

Sincerely,

RIDOC Dispute Resolution Coordinator

RHODE ISLAND DEPARTMENT OF CORRECTIONS

DISPUTE RESOLUTION

General Information

The purpose of dispute resolution is to provide a process for employees to resolve employment-related disputes in a fair and timely manner. Dispute resolution is a process through which an impartial person (Facilitator) promotes communication between the affected parties in an attempt to reach a mutually acceptable agreement.

The Associate Director of Human Resources or designee contacts the Dispute Resolution Coordinator. S/he reviews all available information and determines whether the dispute resolution process is an option. If so, s/he contacts the Facilitator.

All participants in a dispute resolution session should strive for an agreement; however, if no agreement is reached during the session, the Dispute Resolution Coordinator reviews other resolution options with the impacted employees.

RIDOC utilizes the dispute resolution process as an informal means of resolving work-related disputes. These sessions are very sensitive, and employee cooperation in maintaining a high degree of privacy is appreciated.

RIDOC policy prohibits harassment, discrimination, and retaliation. In addition, RIDOC policy requires employees to be truthful, accurate, and provide complete information of events to which they are a witness or about which they have knowledge, in order to facilitate a favorable outcome for both parties.

## RIDOC Dispute Resolution - continued

### Participants' Roles

Parties involved in the dispute resolution process are responsible for negotiating their own settlement. The Facilitator is an advocate for settlement and promotes communication.

Employees should enter the dispute resolution session with a desire to reach a mutually acceptable agreement. Employees are required to follow ground rules, i.e., no speaking as others are speaking, no name-calling.

The Facilitator has no authority to make a decision or determine right and wrong. His/her role is to aid the employees in productive communication so the employees may work toward a mutually agreeable outcome. S/he is not a legal advisor and will not provide legal advice.

### Privacy of Dispute Resolution

Dispute resolution sessions are private. The only individuals who attend sessions are: (1) the disputing employees; and (2) the Facilitator.

Electronic recording devices may not be used during the session, and all notes taken during the session are collected and destroyed by the Facilitator at the conclusion of the session.

## RIDOC Dispute Resolution - continued

### Closure

At the conclusion of the session, if the employees are able to agree on one or more issues, the Facilitator assists the employees in writing a settlement agreement. Each employee receives a copy of the Agreement. Consistent with item III.C.10.d. NOTE of policy 3.27 DOC, if the supervisor/manager is tasked with monitoring impacted employees' conduct, the supervisor also receives a copy of the Agreement. The Agreement does not constitute or create a contract of employment, and does not create a legally enforceable interest on behalf of the employee against the agency or limit management's authority to enforce the Code of Ethics or any other RIDOC policy.

The Facilitator may declare an impasse in the process and terminate the session if the session becomes unproductive.

RHODE ISLAND DEPARTMENT OF CORRECTIONS

DISPUTE RESOLUTION CONSENT

I understand and agree to the following:

- (1) The Facilitator is not a legal advisor and shall not provide legal advice.
- (2) Electronic recording devices may not be used during the session, and all notes taken during the session shall be collected and destroyed by the Facilitator at the conclusion of the session.
- (3) I agree that any statements made during the session will be treated as attempts to resolve a dispute and will not be used toward possible litigation.

Employee:

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PRINTED NAME:	LAST	FIRST	MI	SIGNATURE	DATE (MO/DAY/YR)
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Employee:

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PRINTED NAME:	LAST	FIRST	MI	SIGNATURE	DATE (MO/DAY/YR)
---------------	------	-------	----	-----------	------------------

Facilitator:

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PRINTED NAME:	LAST	FIRST	MI	SIGNATURE	DATE (MO/DAY/YR)
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RHODE ISLAND DEPARTMENT OF CORRECTIONS

AGREEMENT

On this, the \_\_\_\_\_ day of \_\_\_\_\_, the matter  
MONTH YEAR  
between \_\_\_\_\_ and \_\_\_\_\_  
was resolved through dispute resolution. The session was conducted at the \_\_\_\_\_  
LOCATION  
from \_\_\_\_\_ until \_\_\_\_\_.  
TIME BEGINNING TIME FINISH

*This Agreement does not constitute or create a contract of employment between the employee and RIDOC. This Agreement does not create any legally enforceable interest on behalf of the employee against the Department or Department management or staff.*

The employees agreed to the following: (may be continued on page 2)

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Employee:

PRINTED NAME:	LAST	FIRST	MI	SIGNATURE	DATE (MO/DAY/YR)
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Employee:

PRINTED NAME:	LAST	FIRST	MI	SIGNATURE	DATE (MO/DAY/YR)
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Facilitator:

PRINTED NAME:	LAST	FIRST	MI	SIGNATURE	DATE (MO/DAY/YR)
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RHODE ISLAND DEPARTMENT OF CORRECTIONS

DISPUTE RESOLUTION IMPASSE

On this, the \_\_\_\_\_ day of \_\_\_\_\_, the matter between  
(DAY) (MONTH) (YEAR)

\_\_\_\_\_ and \_\_\_\_\_  
(EMPLOYEE) (EMPLOYEE)

was not resolved through dispute resolution. The session was conducted at the \_\_\_\_\_  
(LOCATION)

from \_\_\_\_\_ until \_\_\_\_\_. These employees, if they choose, may  
(TIME BEGINNING) (TIME FINISH)

seek alternative agency remedies.

Employee:

\_\_\_\_\_  
PRINTED NAME: LAST FIRST MI SIGNATURE DATE (MO/DAY/YR)

Employee:

\_\_\_\_\_  
PRINTED NAME: LAST FIRST MI SIGNATURE DATE (MO/DAY/YR)

Facilitator:

\_\_\_\_\_  
PRINTED NAME: LAST FIRST MI SIGNATURE DATE (MO/DAY/YR)

*PART IV*

*COMPLIANCE WITH SEX DISCRIMINATION  
GUIDELINES*



**Department of Corrections**

Ashbel T. Wall, II, Director  
40 Howard Avenue  
Cranston, RI 02920

Tel: (401) 462-2611  
Fax: (401) 462-2630  
TDD: (401) 462-5180

July 1, 2013

**POLICY**

**Compliance with Sex Discrimination Guidelines**

The Department of Corrections is committed to comply with the following procedure and practices.

1. The Department of Corrections will under no circumstances express a preference of a particular sex in an effort to recruit by utilizing the print or electronic media.
2. The Office of Human Resources will under no circumstances express a preference of a particular sex in an effort to recruit by utilizing the print or electronic media.
3. The Department of Corrections will not tolerate any form of sexual harassment in the workplace. All written policies and procedures concerning sexual harassment will be posted on all departmental bulletin boards and will be emphatically enforced.
4. The Department of Corrections through the Human Resources Office guarantees that employees and applicants of both sexes shall have an equal opportunity to be placed in any position for which they are qualified.
5. There will be no distinction based upon sex in any cases of employment opportunities, wages, hours of work, employee benefits or any other conditions of employment.
6. Pregnancy leaves of absence for female employees are granted on an individual basis, depending on an individual's physical condition, under the Department's leave of absence policy. When female employees meet the minimum length of service requirement for leave time, she is granted a childbearing leave.
7. Where seniority lists or lines of progression are used they shall not be based on any employee's sex.
8. Salaries and wage schedules will not be based on an employee's sex.

9. As openings occur, the Department will take affirmative action to recruit and place women in those jobs in which we have determined that females are under utilized.
10. Women will have equal opportunity to participate in training programs sponsored by the Department, and special efforts will be made to include women in any management training programs that are offered.
11. The Department recognizes its obligation to provide a work atmosphere free of harassment and intimidation. Any forms of sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature, will not be tolerated. Violations of this policy will be handled appropriately as part of the Department's disciplinary procedures and its posted policy letter in support of the federal guidelines on sexual harassment.



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Ashbel T. Wall, II  
Director

# RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	<b>POLICY NUMBER:</b> 3.05-5 DOC	<b>EFFECTIVE DATE:</b> 08/28/06	<b>PAGE 1 OF 6</b>
	<b>SUPERCEDES:</b> 3.05-4 DOC	<b>DIRECTOR:</b> <span style="float: right;">Please use BLUE ink.</span> 	
<b>SECTION:</b> PERSONNEL		<b>SUBJECT:</b> SEXUAL HARASSMENT	
<b>AUTHORITY:</b> Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director			
<b>REFERENCES:</b> ACA # 3-4054-1 (prohibiting sexual harassment); RIDOC policy # 3.03-3 DOC, Equal Employment Opportunity/Affirmative Action (filing complaints); 3.22 DOC, Union Representation in Employee Investigatory Interviews; 3.27 DOC; Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict and/or Violence; 3.29 DOC, Workplace Conflict/Violence; <u>Showalter v. Allison Reed Group, Inc.</u> , 767 F.Supp. 1205 (D.R.I. 1991)			
<b>INMATE / PUBLIC ACCESS?</b>		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<b>AVAILABLE IN SPANISH?</b>		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

I. **PURPOSE:**

To communicate the Rhode Island Department of Corrections' (RIDOC's) zero-tolerance policy regarding sexual harassment.

II. **POLICY:**

A. RIDOC's zero-tolerance policy is based upon:

1. State law: Sexual harassment in the workplace is unlawful.
2. RIDOC's affirmative commitment to maintain a workplace free from sexual harassment, hostility, intimidation, and reprisal of any kind.

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- a. It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint of sexual harassment.
  - b. Consistent with RIDOC's Code of Ethics and Conduct, if, for any reason, staff fear that providing such information to their supervisors may place them at risk of personal harm, they may report this information directly to the Director or to the Assistant Director who oversees their respective work units. In addition, any employer/staff member engaging in any form of retaliation (employer)/harassment (staff member) for such reporting (thereby contributing to conflict in the workplace), however subtle, shall be subject to discipline up to and including termination. (See policy 3.29 DOC, or a successive policy.)
- B. This policy applies to any and all employees, contractors, students, interns, and volunteers of RIDOC, including but not limited to all personnel covered by the Merit System Law, Personnel Rules, regulations, and/or union contracts employed and/or contracted by RIDOC.
  - C. Sexual harassment may involve persons of the opposite or same sex and may occur in any employment relationship.
  - D. RIDOC conducts a prompt and thorough investigation of each and every allegation of sexual harassment and takes immediate and appropriate corrective action as warranted by the results of said investigation. (See policy 3.27 DOC, or a successive policy.)
  - E. Any individual covered by this policy who engages in or condones implicit or explicit sexual behavior to control, influence, or affect another employee's advancement, employment relationships, or working environment commits sexual harassment (see item III.B. for definition).
  - F. Employees are subject to disciplinary action for violation of this policy, up to and including termination.
  - G. Contractors/vendors risk contract termination for violation of this policy.

III. PROCEDURES:

- A. It should be understood that an individual filing a complaint of sexual harassment may be referred to as any one of the following terms: aggrieved employee, complainant, accuser, or grievant. These terms are used interchangeably throughout this policy.
- B. For purposes of this policy, Sexual Harassment is defined/described as:
1. Any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when submission to such conduct or such advances or requests is made either explicitly or implicitly a term or condition of an individual's employment;
  2. An unwelcome sexual advance, request for sexual favors, and/or other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
  3. Advances are considered unwelcome or unwanted if they were uninvited and offensive or unwarranted from the standpoint of the individual to whom they were made.
  4. Conduct so infused with hostility towards members of one sex that it alters the conditions of employment, interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
- C. Examples of Sexual Harassment (verbal, physical, visual, and sexual favors) include, but are not limited to:
1. unwanted sexual advances;
  2. unwelcome gifts, letters, telephone calls, faxes, e-mails, or materials of a sexual nature;
  3. unwelcome pressure for dates;
  4. demands for sexual favors in exchange for favorable treatment or continued employment;

5. repeated sexual jokes or humor with sexual overtones;
  6. unwanted /unwelcome flirtations;
  7. verbal abuse of a sexual nature;
  8. graphic or verbal commentary about an individual's body, sexual prowess or sexual deficiencies;
  9. leering, whistling, pinching, or other inappropriate touching;
  10. unnecessary touching or brushing against another's body;
  11. attempted or actual kissing or fondling;
  12. implied or overt sexual threats;
  13. sexual assault, coerced sexual acts or rape;
  14. suggestive, insulting, obscene, or demeaning comments or gestures of a sexual nature; and/or
  15. display in the work place of sexually suggestive objects, pictures, posters, or cartoons.
- D. It is a Violation of this Policy for Anyone to:
1. make any false allegation of sexual harassment.
  2. retaliate/harass or threaten to retaliate/harass (for protesting about harassing conduct) or for making a complaint about such behavior.
- E. In Accordance with Executive Order 05-01:
1. It is the responsibility of a departmental Human Resources staff member to incorporate a statement of policy prohibiting sexual harassment in the workplace into the Department's Affirmative Action Plan.
  2. All supervisory personnel are briefed on the problems and consequences of sexual harassment and their role in taking corrective action through the Department's New Employee Orientation Program and through the

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Department's In-Service Training Program offered by the RIDOC Training Academy.

3. The Director encourages all employees to voluntarily attend sexual harassment orientation sessions provided by the State Equal Opportunity Office.

F. Formal Complaints Regarding Sexual Harassment

RIDOC encourages aggrieved employees to seek relief by filing complaints and employee grievances regarding issues of harassment that are based on race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, country of ancestral origin, or other status protected by law and sexual harassment. It is an employee's or applicant's prerogative to file **either** an internal (RIDOC) complaint or one with an appropriate external agency.

1. Internal Complaints

- a. The complainant may file either a verbal or written grievance through the appropriate chain of command. If a complainant is an applicant, however, he/she must file a complaint with a departmental Human Resources staff member.

- (1) While initial notification may be verbal, written reports are required of all complainants and witnesses as soon as practicable.

- (2) The complainant may skip a level in the chain of command if the complaint is against his/her immediate supervisor.

- b. The aggrieved employee may opt to submit a written complaint to:

- (1) his/her immediate supervisor or facility/unit/program manager;

- (2) next level in the chain of command (if complaint is against immediate supervisor or facility/unit/program manager); or

- (3) a departmental Human Resources staff member who ensures the affected supervisor or facility/unit/program manager is

aware that a complaint was filed unless the complaint was filed against said supervisor/manager.

- c. The supervisor/manager who receives such a complaint follows the procedures specified in policy 3.27 DOC, or a successive policy, when conducting investigations into the aforementioned complaints.
- d. Any supervisor or manager who receives a complaint of, has reason to suspect, or otherwise learns (i.e., from a third party) that alleged sexual harassment is occurring or may occur in the workplace, he/she must take preventive or corrective action without delay, to include imposing disciplinary action, up to and including termination.
- e. Allegations that constitute possible criminal activity (e.g., sexual assault) will immediately be referred to the Office of Inspection for investigation.

2. External Complaints

Staff or applicants wishing to file external complaints should refer to policy 3.27 DOC, or a successive policy.

3. Training

RIDOC's Training Academy will offer training on this policy to managers, existing staff (in-service training), and New Employee Orientation (NEO).

*PART V*

*COMPLIANCE WITH GUIDELINES ON  
DISCRIMINATION BECAUSE OF RELIGION OR  
NATIONAL ORIGIN*



**Department of Corrections**

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July 1, 2013

**COMPLIANCE WITH RELIGION AND NATIONAL  
ORIGIN DISCRIMINATION GUIDELINES**

The Department of Corrections accommodates the religious observance and practices of employees or applicants unless such accommodation creates undue hardship on the Department.

All employees are granted four (4) personal days a year according to Personnel Rules which can be utilized for religious observances.

**NONDISCRIMINATION**  
41 C.F.R. § 60-50.5 (1983)

The Department of Corrections will not discriminate against any employee or applicant because of race, color, sex, religion, age, national origin, disability, sexual orientation/preference or gender identity or expression in implementing its Equal Opportunity policy.

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Ashbel T. Wall, II  
Director

*PART VI*

*PROGRAM SELF-EVALUATION*

## PROGRAM EVALUATION SUMMARY

The Rhode Island Department of Corrections, under the administration of Director, Ashbel T. Wall, is committed to the Affirmative Action/Equal Opportunity Program of the Department of Corrections.

A review of the 2012/2013 Affirmative Action Plan statistical summary reflects that the Department met its Affirmative Action goals of hiring females in the Professional and Protective Services category, and partially met its goal of hiring minorities in the Protective Services category. The Department did not meet its goals in the hiring of minorities in the Paraprofessional category, and the Skilled Craft category due to limited or no hiring in these categories. The department currently employs 18% Minorities, 25% Females and .43% Disabled.

The Director and the Office of Human Resources continues to utilize an interviewing process, which involves the selection of an Affirmative Action Interview Panel (4 members with at least one female and one minority) who will interview the prospective candidates for the position in question; reach a consensus and recommend a qualified candidate to the Director. In addition, the Director has made a strong commitment to hiring individuals who possess special language capabilities to reflect the Department's client population.

In the areas of training, work environment, personnel policies and practices, the department maintains a strong commitment to alleviate discrimination and harassment. The Department's Training Division provides all staff with training that is both directly related to their job responsibilities and broader workplace diversity issues.

Confidential Exit Interview Surveys are given to all employees who terminate their employment. The State EO Liaison reviews the primary reasons why employees are terminating their services and informs the EOAC and Human Resources.

The Department shall continue to make a good faith effort to meet all state and federal reporting requirements in a timely fashion.

**EQUAL EMPLOYMENT OPPORTUNITY/CIVIL RIGHTS  
COMPLAINT PROFILE**

COMPLAINT			STATUS		
Date Filed	Type (Internal or External)	Basis (Race, Sex, etc.)	Pending	Under Investigation	Resolved
July-2012	Internal	Harassment			X
Aug-2012	Internal	Harassment	X		
Sept-2012	Internal	Harassment			X
Oct-2012	Internal	Disability			X
Nov-2012	Internal	Sex. Harassment			X
June -2000	External	Gender	X		
May-2001	External	Disability/Race			X
Sept-2003	External	Race			X
June-2005	External	Race		X	
Aug-2005	External	Gender/Race	X		
May -2006	External	Gender			X
May-2006	External	Harassment			X
June - 2007	External	Race			X
March- 2008	External	Race			X
May-2008	External	Sex			X
May-2011	External	Harassment	X		

# TRAINING PARTICIPATION SUMMARY

AGENCY: Department of Corrections

DATE: 7/1/2012 - 6/30/2013

EEO Job Categories	Total Trainees	Number Disabled	Number Minority	Number Female	Male						Female								
					White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan	%	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan	%			
Officials/Managers Administrators	23	0	3	1	83%	3	13%	0	0	0%	0	0%	0	0%	0%	0	0%	0%	0%
Professionals	727	12	27	41	93%	0	13	0	0	2%	0	0%	0	0%	2%	0	0	0%	0%
Technicians	2	0	0	1	50%	0	0%	0	0	0%	0	0%	1	50%	0	0	0	0%	0%
Protective Services	6043	0	1171	758	71%	605	10%	312	39	5%	1	1%	12	9%	91	89	22	1	0%
Para-Professionals	2	0	0	2	0%	0	0%	0	0	0%	0	0%	0	100%	0	0	0	0	0%
Administrative Support	4	0	2	4	0%	0	0%	0	0	0%	0	0%	0	50%	2	0	0	0	0%
Skilled Craft	8	0	0	0	100%	0	0%	0	0	0%	0	0%	0	0%	0	0	0	0	0%
Service Maintenance	15	0	0	0	100%	0	0%	0	0	0%	0	0%	0	0%	0	0	0	0	0%
Totals	6824	12	1203	807	74%	608	9%	325	39	5%	12	1%	588	9%	106	89	23	1	0%

Total Percent:

Minority: 18%  
 Female: 12%  
 Disabled: 0%

**DISCIPLINARY ACTION**

DISCIPLINARY ACTION TAKEN	White		Black		Hispanic		Asian/Pacific Islander		American Indian Alaskan Native		Disabled	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Suspension (Indefinitely)	0	0	0	0	0	0	0	0	0	0	0	0
Suspension (Specified Time)	37	3	7	5	9	0	1	0	0	1	0	0
Loss of Pay	0	0	0	0	0	0	0	0	0	0	0	0
Written Reprimand	24	8	5	2	2	0	3	0	0	0	0	0
Duty On Off Days	0	0	0	0	0	0	0	0	0	0	0	0
Oral Reprimand	31	5	6	0	4	1	2	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Counseling	96	35	15	0	8	0	0	0	0	0	0	0
<b>TOTAL</b>	188	51	33	7	23	1	6	0	0	1	0	0

The disproportionate treatment of any class should be a warning to an administrator that counseling of supervisors is necessary.

Oral reprimands, if noted in supervisors' ratings or written reprimands, should be included in the graph.

# APPLICANT DATA

AGENCY: Department of Corrections

DATE: 7/1/2012 - 6/30/2013

Applicants														
Classification	Position Number	EEO Category	Union	Non-Union	List	No List	White Male	Minority	Female	Disabled	Hire	Promotion	Transfer Within	Grade
Adult Counselor	506	B	x			x	3	1	11	0	5M			27A
Assistant Dir Rehab Services	1	A		x		x	10	4	8	0	5F			44A
Inspector, Office of Inspections	6	A		x		x	11	1	0	0	1M			36A
Programming Services Officer	469	B		x		x	0	0	11	0		5F		31A
Senior Word Processing Typist	116	F	x			x	0	2	7	0	1F			12A
Fiscal Management Officer	25	B	x			x	0	0	2	0		5F		28A
Chief of Motor Pool & Maintenance	1	H	x			x	6	1	0	0		5M		26A
Correctional Officer Lt.	538	B	x		x		8	0	1	0		5M		26A
Correctional Officer Lt.	789	B	x		x		8	0	1	0		5M		26A
Correctional Officer Lt.	1117	B	x		x		8	0	1	0		5M		26A
Correctional Officer Lt.	1124	B	x		x		8	0	1	0		5M		26A
Probation & Parole Officer I	195	B	x		x		5	6	5	0		5M		27A
Probation & Parole Officer I	199	B	x		x		5	6	5	0	5F			27A
Senior Word Processing Typist	112	F	x			x	0	2	7	0	5F			12A
Electrician (Corrections)	69	G	x			x	2	1	0	0	5M			18G
Sr. Legal Counsel	1	B		x		x	11	1	5	0	5M			34A
Sr. Legal Counsel	8	B		x		x	11	1	5	0	5M			34A
Fiscal Management Officer	31	B	x			x	0	0	2	0		5F		26A
Inspector, Office of Inspections	5	A		x		x	3	0	2	0	5M			36A
Information Aide	9	E	x			x	3	9	30	0	5F			15A
Community Program Counselor	500	B	x			x	0	0	3	0			5F	27A
Teacher (Academic)	10	B	x			x	0	1	3	0	5F			1
Principal Planner (Corr)	502	B		x		x	1	0	6	0		5F		31A
Deputy Assistant Director (Warden)	532	A		X		X	4	1	5	0		5M		40A
Deputy Assistant Director (Warden)	9	A		X		X	4	1	5	0		5M		40A
Building Maintenance Supervisor	531	A	X			X	2	0	1	0			5M	20A
Corr. Officer Hospital II	558	D	X			X	6	4	16	0	5F			51A
Correctional Investigator II	1	D	X			X	6	0	1	0		5F		28A
Admin. Asst./Confidential Secretary	468	F		X		X	0	1	7	0		5F		24A
Legal Assistant	16	F		X		X	1	2	12	0	5F			19A
Correctional Officer Lt.	542	B	x		x		8	0	0	0		5M		26A
Correctional Officer Lt.	334	B	x		x		8					5M		26A
Correctional Officer Lt.	545	B	x		x		8					5M		26A
Probation & Parole Officer I	198	B	x		x		2	0	3	0		5F		27A
Probation & Parole Officer I	200	B	x		x		2	0	3	0		5F		27A
Probation & Parole Officer I	201	B	x		x		2	0	3	0		5F		27A
Senior Word Processing Typist	15	F	x			x	1	2	13	0	1F			12A
Member-Parole Board	503	A		X		X		1			2M			310F
Property Control and Supply Officer	31	H	X			X	1	1	1	0		5M		17A
<b>Totals</b>			0	0	0	0	158	49	184	0	0	0	0	

**EEO Category**

- A - Officials/Managers/Administrators
- B - Professionals
- C - Technicians
- CF - Faculty
- D - Protective Services

**Race/Ethnic Code**

- E - Paraprofessionals
- F - Administrative Support
- G - Skilled Craft
- H - Service Maintenance
- 1 - Black
- 2 - Hispanic
- 3 - American Indian/ Alaskan Native
- 4 - Asian American/ Pacific Islander
- 5 - White

**Gender Code**

- F - Female
- M - Male

**Disability Code**

- D - Disabled

### Applicant Flow Data

TOTAL APPLICANTS	MALE							Female						
	WHITE (NHO)	BLACK (NHO)	HISPANIC	ASIAN PACIFIC ISLANDER	AMER. INDIAN/ALASKAN NATIVE	**DISABLED		WHITE (NHO)	BLACK (NHO)	HISPANIC	ASIAN PACIFIC ISLANDER	AMER. INDIAN/ALASKAN NATIVE	**DISABLED	
<b>APPLICANTS</b>														
OFFICIALS/ADMINISTRATORS	63	33	1	1	0	0	0	13	3	3	0	0	0	
PROFESSIONALS	179	97	4	2	0	0	0	63	9	4	0	0	0	
FACULTY	0	0	0	0	0	0	0	0	0	0	0	0	0	
TECHNICIANS	0	0	0	0	0	0	0	0	0	0	0	0	0	
PROTECTIVE SERVICES	28	12	0	0	0	0	0	12	4	0	0	0	0	
PARA-PROFESSIONALS	32	3	0	0	0	0	0	20	3	6	0	0	0	
ADMINISTRATIVE SUPPORT	53	2	0	0	0	0	0	37	3	2	1	0	0	
SKILLED CRAFT	3	2	1	0	0	0	0	0	0	0	0	0	0	
SERVICE/MAINTENANCE	10	7	1	0	0	1	0	1	0	0	0	0	0	
<b>TOTAL</b>	<b>368</b>	<b>156</b>	<b>7</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>146</b>	<b>22</b>	<b>15</b>	<b>1</b>	<b>0</b>	<b>0</b>	
<b>HIRES</b>														
OFFICIALS/ADMINISTRATORS	5	2	1	0	0	0	0	2	0	0	0	0	0	
PROFESSIONALS	5	4	0	0	0	0	0	1	0	0	0	0	0	
FACULTY	0	0	0	0	0	0	0	0	0	0	0	0	0	
TECHNICIANS	0	0	0	0	0	0	0	0	0	0	0	0	0	
PROTECTIVE SERVICES	1	1	0	0	0	0	0	0	0	0	0	0	0	
PARA-PROFESSIONALS	1	0	0	0	0	0	0	1	0	0	0	0	0	
ADMINISTRATIVE SUPPORT	3	0	0	0	0	0	0	2	1	0	0	0	0	
SKILLED CRAFT	1	1	0	0	0	0	0	0	0	0	0	0	0	
SERVICE/MAINTENANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>TOTAL</b>	<b>16</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>PROMOTIONS</b>														
OFFICIALS/ADMINISTRATORS	5	2	0	0	0	0	0	3	0	0	0	0	0	
PROFESSIONALS	16	8	0	0	0	0	0	8	0	0	0	0	0	
FACULTY	0	0	0	0	0	0	0	0	0	0	0	0	0	
TECHNICIANS	0	0	0	0	0	0	0	0	0	0	0	0	0	
PROTECTIVE SERVICES	1	0	0	0	0	0	0	1	0	0	0	0	0	
PARA-PROFESSIONALS	0	0	0	0	0	0	0	0	0	0	0	0	0	
ADMINISTRATIVE SUPPORT	2	0	0	0	0	0	0	1	1	0	0	0	0	
SKILLED CRAFT	0	0	0	0	0	0	0	0	0	0	0	0	0	
SERVICE/MAINTENANCE	2	2	0	0	0	0	0	0	0	0	0	0	0	
<b>TOTAL</b>	<b>26</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>TERMINATIONS</b>														
OFFICIALS/ADMINISTRATORS	8	5	0	0	0	0	0	3	0	0	0	0	0	
PROFESSIONALS	6	3	0	0	0	0	0	2	0	0	0	1	0	
FACULTY	0	0	0	0	0	0	0	0	0	0	0	0	0	
TECHNICIANS	0	0	0	0	0	0	0	0	0	0	0	0	0	
PROTECTIVE SERVICES	25	17	1	0	0	1	0	5	1	0	0	0	0	
PARA-PROFESSIONALS	1	0	0	0	0	0	0	0	0	1	0	0	0	
ADMINISTRATIVE SUPPORT	3	0	0	0	0	0	0	2	1	0	0	0	0	
SKILLED CRAFT	0	0	0	0	0	0	0	0	0	0	0	0	0	
SERVICE/MAINTENANCE	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>TOTAL</b>	<b>43</b>	<b>25</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>12</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	

\*\*Also Includes disabled in appropriate job categories.

2011 RECRUITMENT APPLICATIONS				
Race	F	M	U	Total
Asian	21	63	0	84
Black	196	432	0	628
Hispanic	296	563	0	859
Indian	15	30	0	45
Refused	41	132	35	208
White	461	1750	0	2211
Total	1030	2970	35	4035

**NOTE:**

Academy Classes 79 & 80 derived from the 2011 recruitment were not included in last years 2011 - 2012 EEO Plan.

NOT ELIGIBLE FOR EXAM				
Race	F	M	U	Total
Asian	0	0	0	0
Black	8	17	0	25
Hispanic	7	17	0	24
Indian	0	2	0	2
Refused	0	6	3	9
White	9	53	0	62
Total	24	95	3	122

RESIGNATIONS BEFORE EXAMS				
Race	F	M	U	Total
Asian	1	2	0	3
Black	1	0	0	1
Hispanic	2	2	0	4
Refused	0	1	1	2
White	9	13	0	22
Total	13	18	1	32

NO SHOW EXAM				
Race	F	M	U	Total
Asian	12	20	0	32
Black	103	175	0	278
Hispanic	158	252	0	410
Indian	8	13	0	21
Refused	16	55	31	102
White	252	764	0	1016
Total	549	1279	31	1859

On Military Leave for Exam			
Race	F	M	Total
Asian			
Black			
Hispanic			
Indian			
Refused		1	1
White		6	6
	0	7	7

TOTAL WHO TOOK EXAMS			
Race	F	M	Total
Asian	8	41	49
Black	84	240	324
Hispanic	129	292	421
Indian	7	15	22
Refused	25	69	94
White	191	914	1105
	444	1571	2015

TOTAL FAIL COGNITIVE			
Race	F	M	Total
Asian	0	6	6
Black	11	44	55
Hispanic	33	57	90
Indian	0	1	1
Refused	1	9	10
White	5	26	31
	50	143	193

TOTAL FAIL VIDEO			
Race	F	M	Total
Asian	4	25	29
Black	34	84	118
Hispanic	54	132	186
Indian	2	5	7
Refused	10	25	35
White	68	280	348
	172	551	723

PASSED BOTH EXAMS			
Race	F	M	Total
Asian	4	10	14
Black	39	112	151
Hispanic	42	103	145
Indian	5	9	14
Refused	14	35	49
White	118	608	726
	222	877	1099

Reserve List Rank 510 - 1099			
Race	F	M	Total
Asian	3	6	9
Black	17	61	78
Hispanic	27	78	105
Indian	3	6	9
Refused	8	18	26
White	64	299	363
	122	468	590

**Scheduled for PT Test 1-509**

Race	F	M	Total
Asian	1	4	5
Black	22	51	73
Hispanic	15	25	40
Indian	2	3	5
Refused	6	17	23
White	54	309	363
	100	409	509

**Resigned before PT**

Race	F	M	Total
Asian			
Black	1		1
Hispanic		1	1
Indian			
Refused	1		1
White	2	3	5
	4	4	8

**PASS PT**

Race	F	M	Total
Asian	0	2	2
Black	4	26	30
Hispanic	4	10	14
Refused	3	6	9
White	21	127	148
Total	32	171	203

**FAIL PT**

Race	F	M	Total
Asian	1	1	2
Black	10	13	23
Hispanic	6	8	14
Indian	1	0	1
Refused	0	8	8
White	15	84	99
Total	33	114	147

**NO SHOW PT**

Race	F	M	Total
Asian	0	1	1
Black	7	11	18
Hispanic	5	6	11
Indian	1	3	4
Refused	2	3	5
White	14	92	106
Total	29	116	145

PT Request Waitlist			
Race			
Asian			
Black	0	1	1
Hispanic			
Indian			
Refused			
White	2	3	5
Total	2	4	6

FAIL BCI/NCIC AFTER PT TEST			
Race	F	M	Total
Black	0	3	3
Hispanic	1	0	1
Refused	0	2	2
White	1	14	15
Total	2	19	21

RESIGNED BEFORE FINAL INTERVIEW			
Race	F	M	Total
Asian			
Black		1	1
Hispanic			
Refused			
White	2	4	6
Total	2	5	7

Next Class to be Interviewed			
Race	F	M	Total
White	0	1	1
Total	0	1	1

NO SHOW FINAL INTERVIEW			
Race	F	M	Total
White	1	1	2
Total	1	1	2

UNABLE TO CONTACT FINAL INTERVIEW			
Race	F	M	Total
White	0	1	1
Total	0	1	1

FAILED BACKGROUND INVESTIGATION			
Race	F	M	Total
White	0	1	1
Total	0	1	1

Interviewed 170

FAILED FINAL INTERVIEW			
Race	F	M	Total
Black	0	5	5
Hispanic	1	2	3
Refused	1	0	1
White	3	35	38
Total	5	42	47

PASS FINAL INTERVIEW			
Race	F	M	Total
Asian	0	2	2
Black	4	17	21
Hispanic	2	8	10
Refused	2	4	6
White	14	70	84
Total	22	101	123

RESIGNED AFTER FINAL INTERVIEW			
Race	F	M	Total
Black		1	1
Refused	1		1
White		2	2
Total	1	3	4

COH OR AL COH CLASS 79			
Race	F	M	Total
Asian	0	1	1
Black	4	12	16
Hispanic	2	6	8
Refused	1	3	4
White	12	30	42
Total	19	52	71

PASSED FINAL WAITLISTED TO CLASS 80			
Race	F	M	Total
Asian	0	1	1
Black	0	4	4
Hispanic	0	2	2
Refused	0	1	1
White	2	38	40
Total	2	46	48

RESIGNED AFTER COH			
Race	F	M	Total
Black	1		1
Refused	1		1
White		2	2
Total	2	2	4

FAILED URINE			
Race	F	M	Total
Refused		1	1
Total		1	1

No Show Psychological			
Race	F	M	Total
White		1	1
Total		1	1

Fail Psychological			
Race	F	M	Total
Black		1	1
White		1	1
Total		2	2

Fail Fingerprint*			
Race	F	M	Total
White		1	1
Total		1	1

\*recent arrest and pending charge discovered at Records and ID on Orientation Day that was not disclosed by candidate while he was having his fingerprints taken or all day of his attendance at Orientation.

Deferred to Class 80 after start of Class 79			
Race	F	M	Total
Black		1	1
Hispanic		1	1
Refused			
White		1	1
Total		2	3

Resigned Class 79			
Race	F	M	Total
White		1	1
Total		1	1

Failed Final PT Class 79			
Race	F	M	Total
White		1	1
Total		1	1

Injury - Not Medically Cleared			
Race	F	M	Total
White		1	1
Total		1	1

Class 79 Graduates			
Race	F	M	Total
Asian		0	1
Total		1	1

Black	2	11	13
Hispanic	2	5	7
Refused	0	2	2
White	8	25	33
Total	12	44	56



# Annual Affirmative Action Statistical Summary

AGENCY: Department of Corrections

Date: 7/1/2012 - 6/30/2013

EEO-4 Job Categories	CURRENT				LAST YEAR'S WORKFORCE				DIFFERENCE +/-				HIRING GOALS		GOALS MET	
	TOTAL EMPLOYEES	WHITE MALE	MINORITY	FEMALE	DISABLED	TOTAL EMPLOYEES	WHITE MALE	MINORITY	FEMALE	DISABLED	TOTAL EMPLOYEES	WHITE MALE	MINORITY	FEMALE	MINORITY	FEMALE
Officials/Managers Administrators	55	30	6	21	0	55	32	5	20	0	0	-2	1	1	0	1 A
Professionals	275	125	48	133	0	261	120	45	125	0	14	5	3	8	0	1 A
Faculty	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1 A
Technicians	7	4	0	3	0	7	4	0	3	0	0	0	0	0	0	0
Protective Services	1001	711	192	142	0	952	690	169	133	0	49	21	23	9	0	3 A+
Para-Professionals	9	0	2	9	0	11	0	2	11	0	-2	0	0	-2	0	1 N
Administrative Support	63	4	8	59	0	68	4	7	64	0	-5	0	1	-5	0	1
Skilled Craft	16	14	2	0	0	16	14	2	0	0	0	0	0	0	0	0
Service Maintenance	30	29	1	0	0	29	28	1	0	0	1	1	0	0	0	1 A
<b>Total Employees</b>	<b>1456</b>	<b>917</b>	<b>259</b>	<b>367</b>	<b>0</b>	<b>1399</b>	<b>892</b>	<b>231</b>	<b>356</b>	<b>0</b>	<b>57</b>	<b>25</b>	<b>28</b>	<b>11</b>	<b>0</b>	<b>0</b>

Current Workforce: As of June 30th, 2013  
 Last Year's Workforce: As of June 30th, 2012  
 Difference: Increases or Decreases  
 Goals: Numerical projections, July 1st, 2013 To June 30th, 2014 for employment of minorities and women.

**Termination Percent**  
 14% Minority  
 28% White Female  
 58% White Male

**Total Current Workforce Percent**  
 18% Minority  
 25% Female  
 0% Disabled

**Percent**  
 13% Minority Applicants  
 13% Minority Hiring

**Percent**  
 50% Female Applicants  
 44% Female Hiring

**Goals Met**  
 A = Achieved  
 A+ = Achieved Plus  
 N = Did Not Achieve  
 P = Partially Achieved

*PART VII*

*JOB GROUP ANALYSIS*

# **DESCRIPTION OF JOB CATEGORIES**

## **OFFICIALS AND ADMINISTRATORS:**

Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies or direct individual departments or social phases of the agency's operations or provide specialized consultation on a regional, district or area basis. Includes: Department heads, Bureau Chiefs, Division Chiefs, Directors, Deputy Directors, Controllers, Wardens, Superintendents, Sheriffs, Police and Fire Chiefs and Inspectors, Examiners (Bank, Hearing, Motor Vehicle, Warehouse), Inspectors (Construction, Building, Safety, Rent-and-Housing, Fire, A.B.C. Board, License, Dairy, Livestock, Transportation), Assessors, Tax Appraisers and Investigators, Coroners, Farm Managers and kindred workers.

## **PROFESSIONALS:**

Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: Personnel and Labor Relations workers, Social Workers, Doctors, Psychologists, Registered Nurses, Economists, Dieticians, Lawyers, Systems Analysts, Accountants, Engineers, Employment and Vocational Rehabilitation Counselors, Teachers or Instructors, Police & Fire Captains and Lieutenants, Librarians, Management Analysts, Airplane Pilots and Navigators, Surveyors & Mapping Scientists and kindred workers.

## **TECHNICIANS:**

Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: Computer Programmers, Drafters, Survey and Mapping Technicians, Licensed Practical Nurses, Photographers, Radio Operators, Technical Illustrators, Highway Technicians, Technicians (Medical, Dental, Electronic, Physical Sciences), Police and Fire Sergeants, Inspectors (Production or Processing Inspectors, Testers and Weighers) and kindred workers.

## **PROTECTIVE SERVICE WORKERS:**

Occupations in which workers are entrusted with Public Safety, Security and Protection from destructive forces. Includes: Police Patrol Officers, Fire Fighters, Guards, Deputy Sheriffs, Bailiffs, Correctional officers, Detectives, Marshals, Harbor Patrol Officers, Game and Fish Wardens, Park Rangers (except Maintenance) and kindred workers.

## **PARAPROFESSIONALS:**

Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience that is normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes: Research Assistants, Medical Aids, Child Support Workers, Policy Auxiliary, Welfare

Service Aids, Recreation Assistants, Homemakers Aides, Home Health Aides, Library Assistants and Clerks, Ambulance Drivers and Attendants and kindred workers.

**ADMINISTRATIVE SUPPORT:**

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: Bookkeepers, Messengers, Clerk Typists, Stenographers, Court Transcribers, Hearing Reporters, Statistical Clerks, Dispatchers, License Distributors, Payroll Clerks, Office Machine and Computer Operators, Telephone Operators, Legal Assistants, Sales Workers, Cashiers, Toll Collectors and kindred workers.

**SKILLED CRAFT WORKERS:**

Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: Mechanics and Repairers, Electricians, Heavy Equipment Operators Stationary Engineers, Skilled Machining Occupations, Carpenters, Compositors and Typesetters, Power Plant Operators, Water and sewage Treatment Plant Operators and kindred workers.

**SERVICE/MAINTENANCE:**

Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene of safety of the general public or which contribute to the upkeep and care of group may operate machinery. Includes: Chauffeurs, Laundry and Dry Cleaning Operatives, Truck Drivers, Bus Drivers, Garage Laborer, Custodial Employees, Gardeners and Groundskeepers, Refuse Collectors and Construction Laborers, Park Ranger Maintenance, Farm Workers (except Managers), Craft Apprentices/Trainees/Helpers and kindred workers.

# JOB GROUP ANALYSIS SUMMARY

Agency: Department of Corrections

DATE: 30-Jun-13

EEO Job Categories	Total Employees	Total Minorities	%	Male						Female													
				White	%	Black	%	Hispanic	%	Asian/ Pacific Islander	%	American Indian Alaskan	%	White	%	Black	%	Hispanic	%	Asian/ Pacific Islander	%	American Indian Alaskan	%
Officials/Managers/Administrators	65	6	11%	30	56%	3	5%	1	2%	0	0%	0	0%	19	35%	1	0.02	1	2%	0	0%	0	0%
Professionals	275	48	17%	125	45%	9	3%	6	2%	2	1%	0	0%	102	37%	21	0.08	9	3%	1	0%	0	0%
Technicians	7	0	0%	4	57%	0	0%	0	0%	0	0%	0	0%	3	43%	0	0	0	0%	0	0%	0	0%
Protective Services	1001	192	19%	711	71%	91	9%	49	5%	6	1%	2	0%	98	10%	23	0.02	19	2%	2	0%	1	0%
Para-Professionals	9	2	22%	0	0%	0	0%	0	0%	0	0%	0	0%	7	78%	1	0.11	1	11%	0	0%	0	0%
Administrative Support	63	8	13%	4	6%	0	0%	0	0%	0	0%	0	0%	51	81%	5	0.08	2	3%	1	2%	0	0%
Skilled Craft	16	2	13%	14	88%	1	6%	1	6%	0	0%	0	0%	0	0%	0	0	0	0%	0	0%	0	0%
Service Maintenance	30	1	3%	29	97%	1	3%	0	0%	0	0%	0	0%	0	0%	0	0	0	0%	0	0%	0	0%
<b>GRAND TOTAL</b>	<b>1456</b>	<b>299</b>	<b>18%</b>	<b>917</b>	<b>63%</b>	<b>105</b>	<b>7%</b>	<b>57</b>	<b>4%</b>	<b>8</b>	<b>1%</b>	<b>2</b>	<b>0%</b>	<b>280</b>	<b>19%</b>	<b>51</b>	<b>0.04</b>	<b>31</b>	<b>2%</b>	<b>4</b>	<b>0%</b>	<b>1</b>	<b>0%</b>



JOB GROUP ANALYSIS

EEO Job Category: Professionals

DATE: 30-Jun-13

JOB TITLE	GRADE	TOTAL EMPLOYEES	TOTAL MINORITIES	Male							Female																				
				%	Total Male	White	Black	Hispanic	%	Asian/Pacific Islander	Indian/Alaskan	%	Total Female	White	Black	Hispanic	%	Asian/Pacific Islander	Indian/Alaskan	%											
Adult Detainer (Corrections)	2A	22	0	0%	6	6	27%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%						
Assistant Administrator Financial Management	3A	2	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%				
Assistant Director Management Office	3A	4	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%		
Business Management Officer	2A	2	0	0%	1	1	50%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%		
Classified Counselor (Corrections)	2A	2	0	0%	2	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%		
Clinical Psychologist	7A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%		
Clinical Social Worker	7A	11	2	18%	2	2	18%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Community Program Counselor	7A	4	1	25%	2	1	25%	1	25%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Coordinator of Education	2A	2	0	0%	2	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Correctional Officer Captain	3A	14	1	7%	13	13	93%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Correctional Officer Hospital Supervisor	2A	4	1	25%	3	2	50%	0	0%	1	25%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Correctional Officer Jailmen	2A	59	1	2%	58	58	98%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Counseling Services Coordinator	3	1	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Departmental Services Coordinator	2A	1	1	100%	1	0	0%	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Deputy Computer Administrator (Adult Prob P)	3A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Director of General Nursing Services	4A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Environmental Health Coordinator (Don)	3A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Executive Secretary Peace Board	2A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Fiscal Management Officer	2A	3	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Human Resources Coordinator	3A	1	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Interdepartmental Project Manager	2A	2	0	0%	1	1	50%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Librarian (Corrections)	2A	2	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Public Cost Officer	7A	1	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Physician Extender (Corrections)	2A	2	1	50%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Physician (General)	6A	3	2	67%	2	1	33%	0	0%	1	33%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Principal Planner (Corrections)	3A	2	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Principal Public Health Promotion Specialist	3A	1	1	100%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Principal Research Scientist	7A	1	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Probation & Parole Officer	2A	8	1	13%	2	2	25%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Probation & Parole Officer II	2A	72	28	39%	22	13	18%	6	8%	2	3%	1	1%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Probation & Parole Supervisor	3A	9	5	56%	1	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Professional Services Coordinator	3A	1	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Public Health Education Specialist (Cor)	3A	1	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Records & Identification Officer Captain	3A	2	0	0%	1	1	50%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%

JOB GROUP ANALYSIS

JOB TITLE	GRADE	TOTAL EMPLOYEES	TOTAL MINORITIES	%	Total	White	Black	Hispanic	Asian/Pacific Islander	%	American Indian/Alaskan	%	Total	White	Black	Hispanic	Asian/Pacific Islander	%	American Indian/Alaskan	%		
																					%	%
Records & Identification Officer	24A	7	0	0%	6	6	86%	0	0	0%	0	0%	1	1	14%	0	0	0%	0	0%	0	0%
Lieutenant		1	0	0%	0	0	0%	0	0	0%	0	0%	1	1	100%	0	0	0%	0	0%	0	0%
School Social Worker		1	0	0%	0	0	0%	0	0	0%	0	0%	1	1	100%	0	0	0%	0	0%	0	0%
Senior Accountant	25A	1	0	0%	0	0	0%	0	0	0%	0	0%	1	1	100%	0	0	0%	0	0%	0	0%
Senior Legal Counsel	33A	2	0	0%	2	2	100%	0	0	0%	0	0%	0	0	0%	0	0	0%	0	0%	0	0%
Special Education Director	37A	1	0	0%	1	1	100%	0	0	0%	0	0%	0	0	0%	0	0	0%	0	0%	0	0%
Special Projects Coordinator	27A	1	0	0%	0	0	0%	0	0	0%	0	0%	1	1	100%	0	0	0%	0	0%	0	0%
Substance Abuse Coordinator	30A	1	0	0%	0	0	0%	0	0	0%	0	0%	1	1	100%	0	0	0%	0	0%	0	0%
Supervising Clinics Psychologist	24A	1	0	0%	0	0	0%	0	0	0%	0	0%	1	1	100%	0	0	0%	0	0%	0	0%
Teacher Academic		10	1	10%	5	5	50%	0	0	0%	0	0%	5	4	40%	1	10%	0	0	0%	0	0%
Teacher Academic (Exp/Ed III ESU - GPA)		1	1	100%	1	0	0%	1	100%	0	0	0%	0	0	0%	0	0%	0	0%	0	0%	0%
Teacher Academic (non-unib. Arts)		1	0	0%	1	1	100%	0	0	0%	0	0%	0	0	0%	0	0%	0	0%	0	0%	0%
Teacher Academic (Special Ed)		3	0	0%	0	0	0%	0	0	0%	0	0%	3	3	100%	0	0%	0	0%	0	0%	0%
Work Rehabilitation Program Supervisor	26A	1	1	100%	1	0	0%	1	100%	0	0	0%	0	0	0%	0	0%	0	0%	0	0%	0%
<b>SUBTOTAL</b>		<b>275</b>	<b>48</b>	<b>17%</b>	<b>142</b>	<b>125</b>	<b>45%</b>	<b>9</b>	<b>3%</b>	<b>6</b>	<b>2%</b>	<b>1%</b>	<b>133</b>	<b>102</b>	<b>37%</b>	<b>21</b>	<b>8%</b>	<b>9</b>	<b>3%</b>	<b>1</b>	<b>0%</b>	<b>0</b>

# JOB GROUP ANALYSIS

EEO Job Category Protective Services

DATE: 30-Jun-13

JOB TITLE	GRADE	TOTAL EMPLOYEES	TOTAL MINORITIES	Male							Female														
				%	Total Male	White	%	Black	%	Hispanic	%	Asian/Pacific Islander	%	American Indian Alaskan	%	Total Female	White	%	Black	%	Hispanic	%	Asian/Pacific Islander	%	American Indian Alaskan
Correctional Officer	21A	914	175	19%	806	665	73%	86	9%	47	5%	6	1%	2	0%	108	74	8%	16	2%	15	2%	2	0%	1
Correctional Officer (Caring)	24A	2	0	0%	2	2	100%	0	0%	0	0%	0	0%	0	0%	0	0	0%	0	0%	0	0%	0	0	0
Correctional Officer Armorer	24A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0	0%	0	0%	0	0%	0	0	0
Correctional Officer Hospital	24A	9	1	11%	2	2	22%	0	0%	0	0%	0	0%	0	0%	7	6	67%	1	11%	0	0%	0	0	0
Correctional Officer Hospital II	21A	33	9	27%	12	9	27%	2	6%	1	3%	0	0%	0	0%	21	15	45%	6	18%	0	0%	0	0	0
Correctional Officer Investigator I	24A	6	0	0%	5	5	83%	0	0%	0	0%	0	0%	0	0%	1	1	17%	0	0%	0	0%	0	0	0
Correctional Officer Investigator II	23A	1	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%	1	1	100%	0	0%	0	0%	0	0	0
Correctional Officer Security Specialist	23A	3	0	0%	3	3	100%	0	0%	0	0%	0	0%	0	0%	0	0	0%	0	0%	0	0%	0	0	0
Correctional Officer Steward	24A	20	3	15%	20	17	85%	2	10%	1	5%	0	0%	0	0%	0	0	0%	0	0%	0	0%	0	0	0
Correctional Officer Trainee	15A	1	1	100%	1	0	0%	1	100%	0	0%	0	0%	0	0%	0	0	0%	0	0%	0	0%	0	0	0
Correctional Officer Training Instructor	24A	7	2	29%	5	5	71%	0	0%	0	0%	0	0%	0	0%	2	0	0%	0	0%	2	29%	0	0	0
Field Investigator (Corrections)	20A	3	1	33%	1	1	33%	0	0%	0	0%	0	0%	0	0%	2	1	33%	0	0%	1	33%	0	0	0
Fire Safety Technician (Corrections)	19A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0	0%	0	0%	0	0%	0	0	0
<b>SUBTOTAL</b>		<b>1001</b>	<b>192</b>	<b>19%</b>	<b>859</b>	<b>711</b>	<b>71%</b>	<b>91</b>	<b>9%</b>	<b>49</b>	<b>5%</b>	<b>6</b>	<b>1%</b>	<b>2</b>	<b>0%</b>	<b>142</b>	<b>98</b>	<b>10%</b>	<b>23</b>	<b>2%</b>	<b>16</b>	<b>2%</b>	<b>2</b>	<b>0%</b>	<b>1</b>

JOB GROUP ANALYSIS

EEO Job Category Technicians

DATE: 30-Jun-13

JOB TITLE	GRADE	TOTAL EMPLOYEES	TOTAL MINORITYES	Male						Female									
				%	Total Male	White	Black	Hispanic	Asian/Pacific Islander	American Indian/Alaskan	%	Total Female	White	Black	Hispanic	Asian/Pacific Islander	American Indian/Alaskan	%	
Locksmith	20A	2	0	0%	2	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Senior Inspector (Dw/ Purchas)	14A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Senior X-Ray Technician Corrections	20A	1	0	0%	0	0	0%	0	0%	0	0%	0	0%	1	100%	0	0%	0	0%
Supervisor Correctional Officer Training	27A	2	0	0%	1	1	50%	0	0%	0	0%	0	0%	1	50%	0	0%	0	0%
Systems Support Technician I	18A	1	0	0%	0	0	0%	0	0%	0	0%	0	0%	1	100%	0	0%	0	0%
<b>SUBTOTAL</b>		<b>7</b>	<b>0</b>	<b>0%</b>	<b>4</b>	<b>4</b>	<b>57%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>3</b>	<b>43%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>

JOB GROUP ANALYSIS

EEO JOB Category Para-Professionals

DATE: 30-Jun-13

JOB TITLE	GRADE	TOTAL EMPLOYEES	TOTAL MINORITIES	Male							Female													
				%	Total Male	White	%	Black	Hispanic	%	Asian/ Pacific Islander	American Indian Alaskan	%	Total Female	White	%	Black	Hispanic	%	Asian/ Pacific Islander	American Indian Alaskan	%		
Assistant Administrative Officer	21A	1	0	0%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%
Dental Assistant (Correction)	6A	2	0	0%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%
Implementation Aide	22A	3	2	67%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%
Information Aide	16A	2	0	0%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%
Pharmacy Aide	16A	1	0	0%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%	0	0	0%	0	0%
<b>SUBTOTAL</b>		<b>9</b>	<b>2</b>	<b>22%</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0%</b>

# JOB GROUP ANALYSIS

EEO JOB Category Administrative Support

DATE: 30-Jun-13

JOB TITLE	GRADE	TOTAL EMPLOYEES	TOTAL MINORITIES	Male							Female							TOTAL	%							
				White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan	%	White	Black	Hispanic	Asian/Pacific Islander	American Indian Alaskan	%											
Administrative Assi./Confidential Secretary	24A	1	0	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%			
Clerk Secretary	16A	5	0	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%		
Data Control Clerk	16A	8	1	13%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	13%	7	8	75%	1	0%	0%	0%	0%	0%	0%	
Executive Assistant	18A	6	1	17%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	17%	5	5	83%	0	0%	0%	0%	0%	0%	0%	
Information Services Tech II	20A	1	0	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1	1	100%	0	0%	0%	0%	0%	0%	0%	
Legal Assistant	18A	1	0	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1	1	100%	0	0%	0%	0%	0%	0%	0%	
Medical Records Clerk	11A	4	2	50%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	50%	2	2	50%	1	25%	1	25%	0	0%	0%	0%
Medical Records Technician	20A	1	0	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	1	1	100%	0	0%	0%	0%	0%	0%	0%	
Office Manager	20A	3	1	33%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	33%	2	2	67%	1	33%	1	33%	0	0%	0%	0%
Probation & Parole Aide	16A	12	0	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	12	12	100%	0	0%	0%	0%	0%	0%	0%	0%
Senior Reconciliation Clerk	14A	3	0	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	3	3	100%	0	0%	0%	0%	0%	0%	0%	0%
Senior Teller	16A	1	0	0%	0%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0	0	0%	0	0%	0	0%	0	0%	0%	0%
Senior Word Processing Typist	12A	16	3	19%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	19%	13	12	75%	2	13%	1	8%	1	6%	0	0%
Supervisor Central Mail Services (DOA)	16A	1	0	0%	0%	100%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0	0	0%	0	0%	0	0%	0	0%	0%	0%
<b>SUBTOTAL</b>		<b>63</b>	<b>8</b>	<b>13%</b>	<b>4</b>	<b>6%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>13%</b>	<b>55</b>	<b>57</b>	<b>81%</b>	<b>5</b>	<b>8%</b>	<b>2</b>	<b>3%</b>	<b>1</b>	<b>2%</b>	<b>0</b>	<b>0%</b>

# JOB GROUP ANALYSIS

EEO JOB Category Skilled Craft

DATE: 30-Jun-13

JOB TITLE	GRADE	TOTAL EMPLOYEES	TOTAL MINORITIES	Male										Female						%					
				%	Total Male	White	%	Black	Hispanic	%	Asian/Pacific Islander	American Indian Alaskan	%	Total Female	White	%	Black	Hispanic	%		Asian/Pacific Islander	American Indian Alaskan			
Automobile Body Shop Supervisor (Corr)	24A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Automobile Service Shop Supervisor (Corr)	21A	1	1	100%	1	0	0%	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Carpenter Supervisor (Corrections)	20A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Electrician (Corrections)	18G	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Electrician Supervisor (Corrections)	22A	2	0	0%	2	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Furniture Upholstery Repair Shop Supervisor	22A	2	0	0%	2	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Garment Shop Supervisor (Corrections)	21A	1	1	100%	1	0	0%	0	0%	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Horticulture Shop Supervisor (Corrections)	22A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Meta Stamping Shop Supervisor (Corrections)	21A	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Plumber (Corrections)	18G	2	0	0%	2	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Plumber Supervisor (Corrections)	22G	1	0	0%	1	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Printing Shop Supervisor (Corrections)	23A	2	0	0%	2	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
<b>SUBTOTAL</b>		<b>16</b>	<b>2</b>	<b>13%</b>	<b>16</b>	<b>14</b>	<b>88%</b>	<b>1</b>	<b>6%</b>	<b>1</b>	<b>6%</b>	<b>1</b>	<b>6%</b>	<b>1</b>	<b>6%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>



*PART VIII*

*DETERMINING UNDER REPRESENTATION*

H. **DETERMINING UNDERREPRESENTATION: (attached under rep)  
(Numerical Goal Setting)**

The procedure outlined in this paragraph applies specifically to the determination of under representation within the agency for affirmative action planning purposes and will lead to the establishment of affirmative action goals. Under representation, for the purpose of these guidelines, is determined by comparing the number of minorities and women within an EEO-4 job category and/or classification in an agency with the number which would exist given equal representation with the distribution of the same group found in the civilian labor force, according to the latest census.

It should be noted that under-representation as defined here, does not necessarily imply the existence of discrimination. The law does not require rigid statistical balance of parity between an agency's workforce and the civilian labor force. However, where representation of minorities or women differs substantially from the civilian labor force representation in any job category and/or classification, there is a strong legal presumption that discriminatory practices may be responsible.

The State of Rhode Island's civilian labor force which reflects those who are currently employed, available, and are able to work shall be used as the basis for all comparisons with the agency workforce. The following demonstrates the way in which under-representation is established for affirmative action purposes. For the purpose of these guidelines, the figures to be used in calculating your under-representation analysis are:

Minority: 21.7%  
Female: 49.0%

1. 2 of the 50 persons in the professional job category in agency "A" are minorities.
2. 21.7% of the State's labor force are minorities.
3. The number of minorities who would be professionals in agency "A" if there was equal representation with the labor force would be 11.

$$.217 \times 50 = 10.85$$

4. The agency, in this case, is underrepresented by 9 minority professionals.
5. All partial numerical figures that contain 0.5 or more shall be rounded upward and 0.49 or less shall be rounded downward to the nearest whole number.

An Under representation Analysis will be conducted for each category.

**NUMERICAL GOAL SETTING:** At this point, it has been determined if any underutilization of minorities or females exists. Now is the time to make tentative projections that are reasonable, attainable and measurable for a quantifiable workforce to eliminate possible employment discrimination.

# DETERMINING UNDERREPRESENTATION & GOAL SETTING

AGENCY: Corrections

DATE: 6/30/2013

EEO-4 Job Categories	CURRENT WORKFORCE				UNDERREPRESENTATION		AAP HIRING GOALS		
	TOTAL EMPLOYEES	MINORITY	FEMALE	DISABLED	MINORITY	FEMALE	MINORITY	FEMALE	DISABLED
Officials/ Managers Administrators	55	6	21		6	6	1	1	
Professionals	275	48	133		12	2	2	1	
Faculty					0	0			
Technicians	7	0	3		2	0			
Protective Services	1001	192	142		25	348	10	4	
Para-Professionals	9	2	9		0	-5			
Administrative Support	63	8	59		6	-28	1		
Skilled Craft	16	2	0		1	8	1		
Service Maintenance	30	1	0		6	15	1		

***PART IX***

***IDENTIFICATION AND ANALYSIS OF  
PROBLEM AREAS***

I. **IDENTIFICATION AND ANALYSIS OF PROBLEM AREAS:**

In this section you must examine all personnel practices and under representation statistics. Deficiencies found in your self-audit should be identified, discussed with appropriate managers and the corrective action to be taken clearly detailed. The following area must be covered.

- Workforce Composition by Minority Group Status and Sex
- Posting of Positions
- Employment and Selection Process
- Applicant Flow
- Transfer and Promotion Practices
- Training Programs
- Technical Compliance
- Workforce Attitude
- Exit Interviews
- EEO Performance

## **WORKFORCE COMPOSITION**

In order to complete the 2013 - 2014 Affirmative Action Plan, the Department performed an under representation analysis of minorities and females for all EEO Job Categories. The Department's deficiencies have improved in most EEO Job Categories. Reality is that hiring goals are influenced by many factors including budgetary constraints. However, utilizing the recommendations listed below we hope to try to meet our goals.

To achieve greater equity within the workforce the following recommendations have been made:

- Job vacancy notices should continue to be sent to all agencies identified on the Minority Referral List and the Rhode Island Minority Legislator's Caucus.
- The Minority Referral List should be continuously updated to foster more effective recruitment.
- The Department should continue to advertise for vacancies in a variety of minority newspapers and professional publications.
- Advertisements placed by the Department should continue to include the statements "an equal opportunity employer" and "females and minorities are encouraged to apply".

## **POSTING OF POSITIONS**

The Equal Opportunity Advisory Committee has reviewed the practices and procedures of the Office of Employee Relations and recommends that all vacancies, including "Acting" "Temporary" & 'Vacant' positions be posted by the Department.

Job vacancy notices should continue to be posted at all Departmental work sites.

The Warden of each facility will utilize the locked bulletin boards to post jobs and Civil Service testing notices to ensure the continued availability of such notices.

The Committee also suggested that as civil service examinations are announced for positions within the Department, the Office of Human Resources and Committee members should help to recruit and explain the system/process in greater detail to potential candidates.

## **EMPLOYMENT AND SELECTION PROCESS**

The Department must continue to aggressively recruit minorities and females to those positions for which no civil service list or union contract exists and to retain those individuals in order to afford these candidates promotional opportunities.

The department should continue to reinforce the efforts currently being made by the Director and the Office of Human Resources to bring equity into the interview process by maintaining the interview panel concept for vacancies within the department.

The Office of Human Resources should provide information regarding job categories in which minorities and females are underrepresented and the Affirmative Action Plan Hiring Goals to members of the interview panel.

The individuals who participate in the interview process will continue to be aware of the interviewing process and receive a copy of the interviewing techniques handbook.

The department should continue attending job fairs and other means of recruitment for qualified minorities and women to be employed within the department in all areas.

The department currently has an Equal Opportunity Review Panel, which has been designed to afford applicants a forum for presenting allegations of employment discrimination.

## **APPLICANT FLOW**

The Equal Opportunity Advisory Committee has examined the composition of applicants who have applied for positions within the Department of Corrections and has discovered that 13 % were minority and 50% were female.

Every individual who is interviewed by the Department is requested to complete the RIEEO-3-78 Card. The cards for applicants not selected for various positions should be submitted to the State Equal Opportunity Office on a monthly basis.

**INTER-OFFICE MEMORANDUM**

**TO:** ALL INTERVIEW PANEL CHAIRPERSONS

**FROM:** Ashbel T. Wall, II  
Director

NTW

**DATE:** July 1, 2013

**SUBJECT: AFFIRMATIVE ACTION SELECTION & HIRING PROCESS**

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I have made an unwavering commitment to Affirmative Action within the Rhode Island Department of Corrections. If you have not made yourself familiar with the Department's Affirmative Action Plan, I strongly suggest that you become familiar with said document, which is available in the Office of Human Resources, on the Department's Intranet and the Department's Web Page.

The following protocol in the selection and hiring process remains in effect. When scheduling an Interview Panel for promotion and/or entry level hiring of individuals within the Department of Corrections, the Interview Panel must include a minority representative and a woman. The size of the panel should be no less than four (4) individuals, inclusive of the two protected group categories that are mentioned above.

If you have any questions or comments regarding this directive, please feel free to contact the Office of Human Resources.

TO: ALL INTERVIEWED CANDIDATES  
FROM: ASHBEL T. WALL, II. **ATW**  
DIRECTOR  
DATE: JULY 1, 2013  
SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY REVIEW PANEL

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I am firmly committed to assuring equal employment opportunities for all individuals who seek positions or promotions in this Department, regardless of race, national origin, ethnicity, creed, gender, age, handicap, sexual orientation or gender identity or expression.

In conjunction with this commitment, several years ago an Equal Employment Opportunity Review Panel was created. The current membership is as follows:

Jane Ryan	Human Resources Analyst I
Robert McCutcheon	Departmental Grievance Coordinator
Silma-del Langley	Deputy Warden, Minimum Security
Sergio DeSousarosa	Warden, Medium Security
Shelley Cortese	Asst. Probation & Parole Administrator
Raymond Lambert	Department of Administration EEO Office

This committee is designed to afford applicants for hire or promotion a forum for airing allegations of employment discrimination. Although every individual will retain the option of either lodging his/her original complaint or any appeal of the panel's decision to the Human Rights Commission, it is my hope that the panel will provide a mechanism for resolving these matters at the departmental level.

Anyone who interviews for a position in the Department and wishes to lodge a complaint of discrimination should do so by contacting Jane Ryan, Human Resources Analyst I at 462-5119. Ms. Ryan will convene the committee.

In addition, I am directing that the Interview Officials provide a copy of this memo to all individuals who participate in interviews for positions at the Department of Corrections.

## **TECHNICAL COMPLIANCE**

All policies and procedures pertaining to Equal Opportunity and Affirmative Action are posted throughout the Department of Corrections.

All materials received from the State Equal Opportunity Office concerning discrimination and sexual harassment are posted in all work areas within the Department of Corrections by the Equal Opportunity Advisory Committee. All position vacancy notices are posted in accessible areas in each facility within the Department.

The Department of Corrections continues to maintain all employment applications for a period of two (2) years.

## **WORKFORCE ATTITUDE**

RIDOC employees need to be sensitized to the fact that harassment and discrimination on the basis of race, sex, national origin, religion, age, disability, or any other protected status is a crime, and is strictly forbidden and punishable under the policy of the Department of Corrections.

1. The Department continues to make it mandatory for all employees of the department to attend seminars specifically defining the nature of such unlawful conduct, in efforts to sensitize and educate employees. Knowledgeable speakers and instructors are located from outside the department. Mandatory training is done in conjunction with the training of new employees, as well as sessions for existing employees.
2. Complaint procedures are illustrated in bold and conspicuous communications and posted in each building department-wide.
3. DOC staff continues to train employees on Cultural Awareness and Racial Sensitivity.

## **EXIT INTERVIEWS**

The Department of Corrections, Human Resource Office will continue to provide all employees who terminate from the department, the opportunity to fill out an Exit Interview form. This form is done in private by the employee and sent in a sealed envelope to the State Equal Opportunity Office for review.

The Department has all terminating employees sign a form certifying that they have received the Exit Interview form from the Human Resource Office.

***PART X***

***AFFIRMATIVE ACTION FOR INDIVIDUALS WITH  
DISABILITIES, DISABLED VETERANS AND  
VIETNAM ERA VETERANS***



**Department of Corrections**

Ashbel T. Wall, II, Director  
40 Howard Avenue  
Cranston, RI 02920

Tel: (401) 462-2611  
Fax: (401) 462-2630  
TDD: (401) 462-5180

July 1, 2013

The Department of Corrections is firmly committed to concepts of Equal Opportunity and Affirmative Action for qualified persons with disabilities, disabled veterans, Vietnam Era Veterans and Persian Gulf War Veterans, as provided for in the Americans with Disabilities Act of 1990, in Rhode Island General Law 28-5.1, Executive Order 92-9 and in the Vietnam Era Veterans Readjustment Act of 1974. The Department also provides equal and accessible services to all persons including persons with disabilities.

Jane Ryan, who has been designated as the A.D.A. (Americans with Disabilities Act), Coordinator by me, will ensure that these undertakings are carried out for the Department of Corrections.

Internally, the staff will receive a copy of the Affirmative Action Policy for individuals with disabilities, disabled veterans and Vietnam Era Veterans.

Externally, the Department of Corrections will correspond with the Vietnam Era Veterans Association when vacancies occur, informing them of the office's commitment to equal employment opportunity for the disabled, disabled veterans, and Vietnam Era Veterans. A copy of the vacancy notice will be attached.

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Ashbel T. Wall, II  
Director

## PRACTICES AND PROCEDURES

The Department will continue to take affirmative steps in the recruitment of individuals with disabilities and Vietnam Era Veterans by sending all job postings to agencies and organizations which serve this population.

Job specifications and qualifications will be reviewed to ensure that they are job-related and would not adversely affect any applicant because of physical or mental qualifications.

The Department is committed to the creation of a barrier free work environment for all of its employees.

### Reasonable Accommodations:

The Department will seek to meet the particular identified need of its current staff with regard to modifying the job site. Counseling to assist the employee in the job will be available.

Special equipment, such as a TDD Telephone, will be made available to any employee who may need it.

The job will be restructured, when possible, to meet the employee's special needs.

All new employees during their "orientation" will be requested to complete the "Employee Self-Identification of Disability and Request for Reasonable Accommodation" form. We will institute the Americans with Disabilities/504 Grievance Procedures and this procedure will be posted throughout the Department. The Department will evaluate all facilities to ensure compliance with the Americans with Disabilities Act of 1990.



**Procedure for an Individual with a Disability  
to Request a Reasonable Accommodation for  
Services from the**



**Rhode Island Department of Corrections**

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A qualified individual with a disability (who meets all the prerequisites for performing the essential functions of a job or eligibility requirements for services) except any that cannot be met because of a disability, is entitled to a reasonable accommodation\* if there is a reasonable accommodation that will enable the individual to perform the essential functions of a job or participate in this agency's services.

The reasonable accommodation must be an effective accommodation.

The reasonable accommodation obligation applies only to accommodations to reduce barriers to employment or agency services related to a person's disability, it does not apply to accommodation that a person with a disability may request for some other reason.

A reasonable accommodation need not be the best accommodation available, as long as it is effective for the purpose, that is, it gives the person with a disability an equal opportunity to be considered for a job, to perform the essential functions of a job, or to enjoy equal benefits and privileges of the job or agency services.

This agency is not required to provide an accommodation that is primarily for personal use, imposes an undue hardship on the nature of operations or resources of the Department, or infringes on the rights of other staff members.

\* Includes the modification of agency policies or the provision of auxiliary aids and services, such as and interpreter for the deaf, audiotapes of printed material, etc.

To request a reasonable accommodation, either related to employment at this agency or to participate in this agency's services contact either:

Contact for Personnel

Jane Ryan  
Office of Human Resources  
[voice] (401) 462-5119  
[tty] (401) 462-5180  
[fax] (401) 462-2685  
[e-mail] [Jane.Ryan@doc.ri.gov](mailto:Jane.Ryan@doc.ri.gov)

Contact for the Offender Population

Joseph Marocco, Assoc. Director  
Health Care Services  
[voice] (401) 462-1163  
[fax] (401) 462-3222

Governor's Commission on Disabilities

John O. Pastore Center, 41 Cherry Dale Court, Cranston, RI 02920-3049  
[voice] (401) 462-0100  
[tty] (401) 462-0101  
[fax] (401) 462-0106  
[e-mail] [disabilities@gcd.ri.us](mailto:disabilities@gcd.ri.us)  
[website] [www.disabilities.ri.gov](http://www.disabilities.ri.gov)

For users of TTY telephones, contact may also be made via the RI Relay 711.

**AFFIRMATIVE ACTION POLICY  
FOR INDIVIDUALS WITH DISABILITIES,  
DISABLED VETERANS AND VIETNAM ERA VETERANS**

**PRACTICES AND PROCEDURES**

**OUTREACH RECRUITMENT:**

A vacancy notice will be sent to all Veteran Associations who request copies of vacancy announcements.

**PHYSICAL AND MENTAL QUALIFICATIONS:**

Disabled persons, disabled veterans and Vietnam Era veterans with minimum physical and mental abilities to perform a job will be given equal consideration with other applicants for positions.

**WORK ENVIRONMENT:**

The workplace will be free of discriminatory insults, intimidation, or any other forms of harassment. A copy of the Americans with Disabilities/504 Grievance procedure will be posted on the bulletin boards throughout the Department.

**REASONABLE ACCOMMODATIONS:**

The Department of Corrections will provide a reasonable accommodation to a disabled employee with a workable job site.

The Department of Corrections will offer reasonable support services as needed.

The Department of Corrections will obtain reasonable and necessary equipment.

The Department of Corrections, if reasonable and necessary, will restructure the job to fit the particular talents and abilities which the employee possesses.

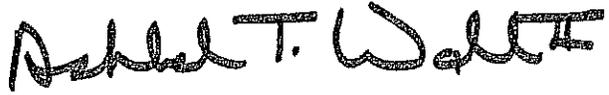
**REPORT ON LAST YEAR'S ACTIVITIES:**

During the past year, we continued to review all of our work locations to insure accessibility for the handicapped/disabled. We have added handicap parking spaces, identified RI Relay Service for the hearing impaired, ordered ergonomic evaluations, and provided technical support and job modifications disabled employees.

**REPORT ON THIS YEAR'S PLAN:**

Individuals with disabilities on staff will be informed that should they require any modifications, support services, special equipment, or job restructuring they should contact Ms. Jane Ryan in the Office of Human Resources. Discrimination against such individuals will not be permitted. Implementation of this policy will be the responsibility of Ms. Jane Ryan.

# RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	<b>POLICY NUMBER:</b> 3.30 DOC	<b>EFFECTIVE DATE:</b> 12/17/2007	<b>PAGE 1 OF 9</b>
	<b>SUPERCEDES:</b> N/A	<b>DIRECTOR:</b> <span style="float: right;">Please use BLUE ink.</span> 	
<b>SECTION:</b> PERSONNEL		<b>SUBJECT:</b> REASONABLE ACCOMMODATION	
<b>AUTHORITY:</b> Rhode Island General Laws (RIGL) § 42-56-10 (22), Powers of the director			
<b>REFERENCES:</b> RIGL § 28-5-1, State Fair Employment Practices Act; Americans With Disabilities Act of 1990; RIDOC policy 3.06-3 DOC, Selection, Retention, and Promotion			
<b>INMATE / PUBLIC ACCESS?</b>		<input checked="" type="checkbox"/> YES	
<b>AVAILABLE IN SPANISH?</b>		<input checked="" type="checkbox"/> NO	

**I. PURPOSE:**

To delineate the Rhode Island Department of Corrections' (RIDOC's) policies and procedures regarding the provision of reasonable accommodations to qualified applicants and employees with disabilities, which enable them to reasonably perform the essential functions of their jobs, and enjoy the equal benefits and privileges of employment.

**II. POLICY:**

A. Consistent with the Americans With Disabilities Act (ADA) of 1990, it is the policy of the RIDOC to provide reasonable accommodations to qualified applicants and employees with disabilities that are known, or should have been known to the employer, in order to enable them to reasonably perform the essential functions of their jobs, and to enjoy equal benefits and privileges of employment.

B. The Department provides equal opportunity in hiring and all other aspects of employment to all qualified applicants and employees with disabilities. In addition, the Department provides the aforementioned individuals with

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Public Hearing: 09/10/07

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reasonable workplace accommodations that do not impose undue hardship on the Department.

III. PROCEDURES:

A. Americans with Disabilities/Vietnam Era Veterans:

As provided for in the Americans with Disabilities Act of 1990, RIGL §28-5.1 et seq., and the Veterans' Employment Emphasis Under Federal Contracts, the Department is further firmly committed to equal opportunity/affirmative action concepts for qualified persons with disabilities, disabled veterans, and Vietnam Era Veterans. RIDOC also provides equal and accessible employment services to all persons including persons with disabilities.

B. Recruitment of Individuals with Disabilities and Vietnam Era Veterans:

RIDOC continues to take affirmative steps in the recruitment of individuals with disabilities and Vietnam Era Veterans, in accordance with State Merit System Law and State Personnel Rules and Regulations, by sending all job postings to agencies and organizations which serve these populations.

C. Reasonable Accommodations:

It is the policy of the RIDOC to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment in accordance with Personnel Rule 3.096 regarding Reasonable Accommodations (Attachment 1).

1. The Director of the RIDOC shall designate an ADA Coordinator. The ADA Coordinator is responsible for the implementation of Personnel Rule 3.096 within the Department.
2. Requesting Reasonable Accommodation
  - a. **Applicants** who seek reasonable accommodation during the interview and selection process must contact RIDOC's ADA Coordinator and explain their need for accommodation at least five (5) business days prior to the interview or other activity at which they would need the accommodation. (See policy #3.06-3 DOC, Selection, Retention, and Promotion, or a successive policy.)

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- b. **Applicants** who seek a reasonable accommodation and who have been extended a "conditional offer of employment" by the Department, when accepting that offer, shall be given a "Reasonable Accommodation Request Form" (CS-388A) (Attachment 2) by Human Resources Support Staff to complete and return to the Human Resources Support Staff member. (See policy #3.06-3 DOC, Selection, Retention & Promotion, or a successive policy.) Human Resources Support Staff shall forward the completed request to the Department's ADA Coordinator.
- c. **Current employees** who seek reasonable accommodation, including those who are or have been collecting Workers' Compensation benefits, may obtain a "Reasonable Accommodation Request Form" (CS-388A) from the Department's ADA Coordinator or from the Department's Personnel Office. The completed form must be returned to the ADA Coordinator for processing. A copy is placed in a confidential medical file, separate and apart from the employee's personnel or medical file, retained by the ADA Coordinator.
- d. The ADA Coordinator may make job related medical inquiries to assess abilities, limitations and accommodation options of an **employee**. The ADA Coordinator may request a medical examination to address evidence of problems related to job performance or safety, or to determine fitness for duty.
- e. When a disability is not obvious, reasonable documentation of the disability will be requested.
- (1) Reasonable documentation is information necessary to establish that an individual has a disability that is an ADA qualified disability, nothing more.
  - (2) The individual may be asked to sign a release of information allowing the medical caregiver to respond to the Department.
  - (3) If the individual refuses to provide reasonable documentation, his/her request cannot be processed and a determination under ADA cannot be addressed.

3. Procedures to Determine Reasonable Accommodation

- a. The ADA Coordinator and the employee's immediate supervisor (or applicant's prospective immediate supervisor) meet, look at the particular job involved, and determine the job's purpose and its essential functions.
- b. The employee/applicant identifies, to the agency's ADA Coordinator and supervisor, his/her specific abilities and limitations as they relate to the essential job functions, identifies the barriers to job performance, and communicates how these barriers could be overcome with an accommodation.
- c. In consultation with the employee/applicant, the agency's ADA Coordinator and supervisor identify potential accommodations and assess how effective each would be in enabling the employee/applicant to perform the essential job functions. If this consultation does not identify an appropriate accommodation, it is the responsibility of the ADA Coordinator to contact the Governor's Commission on Disabilities, and/or Department of Human Services' (DHS's) Office of Rehabilitative Services, to seek technical assistance.
- d. If there are several effective accommodations that would provide equal employment opportunity, the ADA Coordinator must consider the preference of the employee/applicant and select the accommodation that best serves the needs of both the employee/applicant and the Department.
- e. If more than one accommodation would be effective, or if the employee/applicant would prefer to provide his/her own accommodation, the ADA Coordinator may give the employee/applicant's preference first consideration. However, the State is free to choose among effective accommodations and may choose one that is less expensive or easier to provide.

Should the employee/applicant for any reason be unable or unwilling to continue to provide the accommodation, s/he shall notify the Department's ADA Coordinator or Human Resources Support Staff, who will notify the Department's ADA Coordinator. The ADA Coordinator shall initiate discussion with the employee/applicant and the immediate supervisor to determine

whether a reasonable accommodation can be provided by the Department.

- f. The Department is not required to provide an accommodation if it will pose undue hardship, which is defined as excessively costly, extensive, substantial, disruptive or that poses a safety or security risk.

4. Purchase of Equipment or Devices (Auxiliary Aids)

If the accommodation requires obtaining equipment or devices (auxiliary aids), the ADA Coordinator:

- a. Contacts the Governor's Commission's subcommittee on Disabilities, Information and Assistive Technology Committee, to determine if equipment in the pool meets the need of the employee/applicant. If the equipment is available, the ADA Coordinator arranges to have that equipment assigned to the employee/applicant.
- b. Determines the cost of purchase or modifying the equipment. If the cost is in excess of the current cap determined by the Governor's Commission on Disabilities, the ADA Coordinator forwards a request, in writing, to obtain or modify equipment/devices to the Chairperson, Information and Assistive Technology Committee, Governor's Commission on Disabilities.
  - (1) The Information and Assistive Technology Committee reviews the request with all concerned persons: the employee/applicant; appropriate agency personnel; and the DHS's Office of Rehabilitative Services.
  - (2) Once there is agreement by all parties, the Information and Assistive Technology Committee arranges for its purchase.
  - (3) The Governor's Commission on Disabilities (and not the Department) obtains or modifies equipment or devices.
- c. The Information and Assistive Technology Committee purchases or modifies equipment that exceeds a cap determined by the Governor's Commission on Disabilities.

5. Use of the Auxiliary Aid (Equipment or Devices)

- a. The auxiliary aid is used by the employee while the employee/applicant is employed by the Department, or until the employee's job can no longer be accommodated with that auxiliary aid.
- b. If the auxiliary aid was purchased by the Governor's Commission on Disabilities (and not the Department) and the employee transfers to another job in another state agency, the Department's ADA Coordinator notifies the Governor's Commission on Disabilities that the employee and the auxiliary aid have been transferred to the new agency.

The ADA Coordinator makes arrangements with the new employing agency's ADA Coordinator to physically transfer the auxiliary aid.

- c. If the auxiliary aid was purchased by the Governor's Commission on Disabilities and the employee leaves state employment, the Department's ADA Coordinator arranges to have the auxiliary aid transferred back to the Governor's Commission on Disabilities.
- d. If the auxiliary aid was purchased by the Department and the employee leaves state employment, the ADA Coordinator arranges for the auxiliary aid to be declared "surplus property" and transfers title of that auxiliary aid to the Governor's Commission on Disabilities.

6. Alteration of Facilities for Reasonable Accommodation

- a. If the accommodation requires making facilities "readily accessible to and usable by" the employee/applicant and costs more than the amount the Department is authorized to purchase through a direct purchase order, the ADA Coordinator contacts the Governor's Committee on Disabilities, Accessibility Committee, which would be responsible for making those renovations or alternations. The ADA Coordinator forwards requests in writing to the Chairperson of the Accessibility Committee, and Governor's Commission on Disabilities. The Accessibility Committee has the authority to designate bonds and/or capital funds, based on priorities determined by the Accessibility Committee for renovations projects.

- b. If the accommodation requires making facilities "readily accessible to and usable by" the employee/applicant and costs less than the amount the agency administrator is authorized to purchase through a direct purchase order, the Department not the State Governor's Commission on Disabilities) makes those renovations or alterations. The ADA Coordinator is responsible for coordinating and purchasing such alterations.

7. Consultation with Collective Bargaining Unit Representatives

- a. If the accommodation requires restructuring a job by reallocation or redistribution of marginal job functions; OR altering when or how an essential job function is performed; OR reassignment to a vacant position within the control of the agency; AND a collective bargaining agreement would be affected by that reasonable accommodation, the Department's ADA Coordinator and the employee shall consult with representatives of the affected collective bargaining unit before implementing the accommodation.
- b. The ADA Coordinator or designee notifies the Department of Administration's Office of Labor Relations of any reasonable accommodations that affect existing collective bargaining agreements.

8. Process to Resolve Disagreements With Regard to the Provision of Reasonable Accommodation

- a. Applicants and employees who disagree with the ADA Coordinator's recommendations regarding the type of reasonable accommodation to be provided may appeal the ADA Coordinator's decision.
- b. If and when the ADA Coordinator determines that no agreement will be reached to the applicant/employee's satisfaction, or upon the applicant/employee's request, the ADA Coordinator provides the applicant/employee with form CS-388B, "Reasonable Accommodation Appeal Form" (Attachment 3). The applicant/employee returns the completed CS-388B to the ADA Coordinator. The ADA Coordinator contacts the Governor's Commission on Disabilities and/or the Administrator of the DHS's Office of Rehabilitative Services, to arrange for a job analysis to be performed by the Office of Rehabilitative Services or their approved

vendor. The results of that job analysis are presented to the employer within sixty (60) calendar days of the appeal of the ADA Coordinator's decision by the DHS's Office of Rehabilitative Services.

- (1) If the results of the job analysis demonstrate that the ADA Coordinator's recommendation would not enable the employee to perform the essential functions of the job, the ADA Coordinator arranges for the reasonable accommodation recommended by the DHS's Office of Rehabilitative Services or their vendor.
- (2) If the results of the job analysis demonstrate that the ADA Coordinator's recommendation would provide an effective accommodation that would provide equal employment opportunity, the ADA Coordinator arranges for that reasonable accommodation.

9. Establishing Job-Related Qualification Standards

- a. The ADA does not restrict an employer's authority to establish needed job qualifications, including requirements related to:
  - (1) Education;
  - (2) Skills;
  - (3) Work experience;
  - (4) Licenses or Certification;
  - (5) Physical and mental abilities;
  - (6) Health and safety; or
  - (7) Other job-related requirements, such as judgment, ability to work under pressure and interpersonal skills.
- b. An employer may establish physical or mental qualifications that are necessary to perform specific jobs (for example, jobs in the transportation and construction industries; police and firefighter jobs; security guard jobs) or to protect health and safety. However, as with

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other job qualification standards, if physical or mental qualification standards screen out an individual with a disability or a class of individuals with disabilities, the employer must be prepared to show that the standard is:

- (1) job-related; and
- (2) consistent with business necessity.

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3.096 REASONABLE ACCOMMODATION RULE

I. STATEMENT OF PURPOSE

It is the policy of the State of Rhode Island to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. The State of Rhode Island will adhere to all applicable federal and state laws, regulations and guidelines with respect to providing reasonable accommodations as required to afford equal opportunity to qualified persons with disabilities. Reasonable accommodations shall be provided in a timely and cost-effective manner.

II. REQUESTING A REASONABLE ACCOMMODATION

(a) For applicants who are seeking a reasonable accommodation during the interview and selection process, they contact the agency's appointing authority, personnel officer, or ADA Coordinator and explain their need for an accommodation at least five (5) business days prior to the interview or other activity at which they would need the accommodation.

(b) For applicants who have been extended a "conditional offer of employment" by the state, when accepting that offer, shall complete the "Reasonable Accommodation Request" Form (CS-388A) and return it to the appointing authority, or her/his designee who will forward it to the agency's ADA Coordinator.

(c) For current employees (including those collecting workers compensation benefits), they contact their agency's ADA Coordinator and complete the "Reasonable Accommodation Request" Form (CS-388A). The ADA Coordinator may assist the employee complete this form.

III. PROCEDURES FOR ACCOMMODATING EMPLOYEES WITH DISABILITIES

State agencies must follow the procedures for determining the appropriate accommodation and implementing that accommodation contained in the State of Rhode Island Personnel Policy Manual.

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CS-388A

### REASONABLE ACCOMMODATION REQUEST FORM

(Please forward initially to the ADA Coordinator of your Agency)

Name:  Day Phone # (VOICE)    
 Please print-Last Name, First Name, MI (TDD/TT) Social Security Number

Current Title in State Government (if applicable):   
 Classification Title (Offered):

I am an applicant/employee for the position named above and may require a "reasonable accommodation" to perform the essential function(s) of the job. I hereby request that the ADA Coordinator and/or other individuals identified in the Reasonable Accommodation Policy of the State of Rhode Island contact me regarding this need for reasonable accommodations and authorize them to verify this request. I do hereby waive my rights of confidentiality of information (medical/personnel or otherwise) so that pertinent information will be forwarded to other departments for processing. I understand that I have a right to appeal the decision of the ADA Coordinator noted below. Upon appeal, a job analysis by the Office of Rehabilitative Services or its designated vendor, will be completed and a recommendation made within 60 calendar days of the receipt of such request.

PLEASE DESCRIBE BELOW THE ACCOMMODATION YOU MAY NEED:

I AUTHORIZE  TO RELEASE MY MEDICAL RECORDS TO VERIFY MY NEED FOR  
 (Health Professional's Name) A REASONABLE ACCOMMODATION DUE TO MY DISABILITY.

Health Professional's Name:  Phone #:   
 Address:

Applicant/Employee Signature  Date

Union Official's Signature/Title (if necessary)  Date

DO NOT WRITE BELOW THIS LINE

1. Agency ADA Coord./Appt. Auth. Response:  Approved  Not Needed  Denied  
  
 Authorized Name (Print)  Authorized Signature  Date

2. Office of Rehabilitative Services Response:  Approved  Not Needed  Denied  
  
 Authorized Name (Print)  Authorized Signature  Date

3. ADA Equipment Committee Response:  Approved  Not Needed  Denied  
  
 Authorized Name (Print)  Authorized Signature  Date

4. If Workers' Compensation Disability:  
 Workers' Compensation Response:  Approved  Not Needed  Denied  
  
 Authorized Name (Print)  Authorized Signature  Date

PLEASE COMPLETE REVERSE SIDE ONCE ACCOMMODATION HAS BEEN APPROVED

Description of Approved Reasonable Accommodation

[Large empty rectangular box for description of accommodation]

APPROVED BY: [ ]  
Appointing Authority

[ ]

Name (Please Print)

[ ]

Agency (Please Print)

[ ]

Signature

[ ]

Date

ACCEPTED BY:  
Employee/Applicant

[ ]

Name (Please Print)

[ ]

Signature

[ ]

Date

[ ]

Union Official Signature/Title (if necessary)

[ ]

Date

Forward a copy of the Approved Reasonable Accommodation Form to:

State ADA Coordinator  
Governor's Commission on Disabilities  
41 Cherry Dale Court  
Cranston, RI 02920-3049

**EACH SIGNATORY MUST RECEIVE A SIGNED ORIGINAL**

Agency ADA Coordinator shall retain the signed original in a confidential file

REASONABLE ACCOMMODATION APPEAL FORM

3.30 DOC  
Attachment 3  
Page 1 of 1

Name: \_\_\_\_\_ Day Phone #: (VOICE) \_\_\_\_\_  
*Please print-Last Name, First Name, Middle Initial* (TDD/TT) \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Current Classification Title (If Applicable): \_\_\_\_\_

Classification Title (Offered): \_\_\_\_\_

I wish to appeal the decision rendered by the ADA Coordinator concerning my need for reasonable accommodation(s) to perform the essential functions of the class identified herein. It is my request that a Job Analysis be undertaken, by the Office of Rehabilitative Services (ORS) or its designated vendor, to determine the appropriate accommodation.

\_\_\_\_\_  
Applicant / Employee Signature Date

\_\_\_\_\_  
Union Official Signature / Title (if necessary)

----- DO NOT WRITE BELOW THIS LINE -----

Office of Rehabilitative Services / Vendor:  
Job Analysis Results: (additional sheets may be attached)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Accommodation Suggested: (additional sheets may be attached)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Analyst Name (please print) Analyst Signature Date

\_\_\_\_\_  
Agency / Vendor Name (please print)

Attach this form to the Reasonable Accommodation Request Form.

# Employee Self-Identification of Disability Form and Request for Reasonable Accommodation

## CONFIDENTIAL

In accordance with the Americans with Disabilities Act of 1990, Rhode Island General Laws §28-5.1 et. seq., and Executive Order #92-2, the State Equal Opportunity Office invites a qualified individual with a disability to self-identify to be provided reasonable accommodations if necessary to perform the essential function for the desire position.

NAME: \_\_\_\_\_ AGENCY: \_\_\_\_\_

JOB TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_

Please Check  the category that best describes your disability. (Upon request, verification of disabling condition must be obtained from your physician.)

Disabling conditions include, but are not limited to:

- AIDS
- Alcoholism
- Blindness or Visual Impairment
- Cancer
- Cerebral Palsy
- Deafness or Hearing Impairment
- Diabetes
- Drug Addiction
- Epilepsy
- Heart Disease
- Mental Retardation
- Mental or Emotional Illness
- Multiple Sclerosis
- Muscular Dystrophy
- Orthopedic
- Perceptual Disabilities such as: Dyslexia, Minimal Brain Dysfunction, Development Aphasia or Speech Impairment
- Other

Yes, I request a Reasonable Accommodation Needs Assessment Review

No Reasonable Accommodation is needed at this time

Additional Comments:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

RIEEO 5/09A

REVISED 7/02/2002

RI SEEO (401) 222-3090

# AMERICANS WITH DISABILITIES/ 504 GRIEVANCE PROCEDURES

Rhode Island Department of Corrections has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by (ADA/504).

Complaints should be addressed to Jane Ryan, Office of Human Resources, who has been designated to coordinate ADA/504 Compliance efforts.

**A complaint should be filed in writing or verbally. They should contain the name and address of the person filing the complaint and a brief description of the alleged violations of the regulation.**

A complaint should be filed within ten (10) days after the complainant becomes aware of the alleged violation.

An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by Jane Ryan. These rules contemplate informal but thorough investigations affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

A written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by Jane Ryan and a copy forwarded to the complainant no later than fourteen (14) days.

The ADA/504 Coordinator will maintain the files and records relating to the complaints filed.

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**AFFIRMATIVE ACTION POLICY  
FOR INDIVIDUALS WITH DISABILITIES,  
DISABLED VETERANS AND VIETNAM ERA VETERANS**

# GRIEVANCE PROCEDURE

**RHODE ISLAND EQUAL OPPORTUNITY OFFICE**  
**TELEPHONE (401) 222-3090      TTY: RI Relay 711**

The State Equal Opportunity Office will accept, from both State Employees and applicants for State employment, complaints of discrimination that are based on race, color, religion, sex, age, national origin, disability, sexual orientation, gender identity or expression and sexual harassment.

1. A complaint must be filed formally on the "Complaint Information Form", available through the State Equal Opportunity Office within ten (10) working days from the knowledge of the alleged incident of discrimination, unless it is an ongoing discrimination. All complaints will remain confidential except to the extent necessary to conduct a review of the facts.
2. An Equal Opportunity Officer will be assigned to investigate the complaint.
3. The Agency Director (Responder) will be notified of the alleged charge.
4. Upon the completion of the investigation, the State Equal Opportunity Office will make a determination as to probable cause based on the summary of facts.
5. When probably cause is not evident, the parties are so informed by the State Equal Opportunity Office.
6. When there is probably cause of discrimination, the State Equal Opportunity Office will try to conciliate the complaint.
7. If an agreement between both parties is not reached a formal hearing will be scheduled and a Hearing Officer will be assigned by the State Equal Opportunity Office.
8. If and when it has been determined by the Hearing Officer that discrimination exists, the Hearing Officer will advise the State Equal Opportunity Office in writing. The State Equal Opportunity Office will then, by written notification, present findings and recommended corrective action to both parties.

If the corrective action is not implemented within the specified time frame, the State Equal Opportunity Office will notify the Governor.

An individual may also file a complaint with the RI Human Rights Commission or the Equal Employment Opportunity Commission. If a charge has been filed, either simultaneously or at a later date, with the RI Human Rights Commission or the Equal Employment Opportunity Commission, the State Equal Opportunity Office will defer to either Commission for the investigation and any resolution and/or prosecution of the charge.

(Revised 2003)

*PART XI*

*APPENDIX*

***PRIVATE EMPLOYMENT,  
STATE AND LOCAL GOVERNMENTS,  
EDUCATIONAL INSTITUTIONS***

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN:**

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits, and other aspects of employment, on the basis of race, color, religion, sex or national origin.

The law covers applicants to and employees of most private employers, state and local governments and public or private educational institutions. Employment agencies, labor unions and apprenticeship programs also are covered.

**AGE:**

The Age Discrimination in Employment Act of 1967, as amended, prohibits age discrimination and protects applicants and employees 40 years of age or older from discrimination on account of age in hiring, promotion, discharge, compensation, terms, conditions, or privileges of employment. The law covers applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations.

**SEX (WAGES):**

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act (see above), the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment. The law covers applicants to and employees of most private employers, state and local governments and educational institutions. Labor organizations cannot cause employers to violate the law. Many employers not covered by Title VII, because of size, are covered by the Equal Pay Act.

**DISABILITY:**

The Americans with Disabilities Act of 1990, as amended, prohibits discrimination on the basis of disability, and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, and other aspects of employment. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship. The law covers applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations.

## **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

### **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN:**

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

### **INDIVIDUALS WITH HANDICAPS:**

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits job discrimination because of handicap and requires affirmative action to employ and advance in employment qualified individuals with handicaps who, with reasonable accommodation, can perform the essential functions of a job.

### **VIETNAM ERA AND SPECIAL DISABLED VETERANS:**

38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 prohibits job discrimination and requires affirmative action to employ and advance in employment, qualified Vietnam era veterans and qualified special disabled veterans.

Applicants to and employees of companies with a Federal government contract or subcontract are protected under the authorities above. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under Executive Order 11246, as amended, Section 503 of the Rehabilitation Act or 38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP) Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-9368, or an OFCCP regional or district office, listed in most directories under U.S. Government, Department of Labor.

## **PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

### **RACE, COLOR, NATIONAL ORIGIN, SEX:**

In addition to the protection of Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal assistance.

If you believe you have been discriminated against in a program of any institution which receives Federal assistance, you should contact immediately, the Federal agency providing such assistance.

### **INDIVIDUALS WITH HANDICAPS:**

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of handicap in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against handicapped persons who, with reasonable accommodation, can perform the essential functions of a job.

## **STATE EXECUTIVE ORDERS**

### **EXECUTIVE ORDER #05-01**

Prevention of Sexual Harassment in State Government

### **EXECUTIVE ORDER #95-11**

Establishes the Sexual Harassment Policy for units in State Government

### **EXECUTIVE ORDER #92-2**

Compliance with the Americans with Disabilities Act

### **EXECUTIVE ORDER #92-4**

Re-establishes the Minority Business Enterprise Program

### **EXECUTIVE ORDER #93-1**

Equal Opportunity and Affirmative Action Policy for units in State Government

### **EXECUTIVE ORDER #85-16**

Designates the State 504 Coordinator to create policies, practices and programs regarding accessibility of State buildings and properties to handicapped persons

### **EXECUTIVE ORDER #86-10**

Establishes the Refuge Policy for the State



**Department of Corrections**

Ashbel T. Wall, II, Director  
40 Howard Avenue  
Cranston, RI 02920

Tel: (401) 462-2611  
Fax: (401) 462-2630  
TDD: (401) 462-5180

July 1, 2013

**POLICY**

**CONTRACTS**

The Department of Corrections complies with RIGL 37 Chapter 14.1 and Executive Order 92-4 and is in compliance with the rules and regulations promulgated by the Director of Purchasing regarding contractual agreements.

The Department will further continue to seek out and promote the inclusion of minority owned businesses in its procurement process. This policy shall be posted on all bulletin boards and will be continued as standard operating procedures for the Department of Corrections. Please contact Joanne Hill, Associate Director of Financial Resources at (462-2555) for further information.

Ashbel T. Wall, II  
Director

## CONFIDENTIAL EXIT-INTERVIEW FORM

1. The purpose of this form is to record information concerning reasons why employees are terminating/transferring from State Service.
2. The form asks specific questions concerning:
  - A. Employment
  - B. Career Opportunities
  - C. Fair Treatment
  - D. Future Employment with State Government
  - E. If you feel you were discriminated against
3. The form is completed by the employee who is terminating or transferring. Person is interviewed by the Equal Opportunity Officer.
4. The Equal Opportunity Officer should be notified at least five (5) working days before the employee terminates or transfers.
5. The form is voluntary and confidential.



**Department of Corrections**

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July 1, 2013

**SERVICES DELIVERY**

**PROGRAM SERVICES**

The Department of Corrections is committed in providing fair and equitable service to the public. The Department will not discriminate in any program or activity on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law. The policy of Program Services will be posted on all bulletin boards in an area available to employees and the public.

The Department of Corrections does hereby reaffirm its policy of fairness and non-discrimination in the control in inmate behavior. No person in the employ of the Department shall engage in any practice that is discriminatory, unfair or excessive while managing or in the process of controlling inmates and/or inmate behavior. Employment in the Department and all its facilities shall be subject to the same affirmative action standards applied under R.I. General Law 28-5.1 to every state unit of government, in addition to applicable federal requirement. Please contact Jane Ryan, Human Resources Analyst I, for additional information.

Ashbel T. Wall, II  
Director

## RETALIATION OR COERCION

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Any employee or agent of State Government who shall discriminate against an individual through the use of retaliation, coercion, intimidation, threats or other such action because such individual has filed a complaint, testified or participated in any way in any investigation proceeding or hearing regarding discrimination in employment or public service or because such individual has opposed any act made unlawful under the Americans with Disabilities Act (ADA) or Rhode Island Fair Employment Practices Act or any rules and regulations issued pursuant to either, shall be subject to disciplinary action. Said action made include suspension from employment or dismissal where the discrimination is found to be willful or repeated.