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: A. 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?	X YES
AVAILABLE IN SPANISH?	X 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.

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Public Notice:	12/14/11	Public Hearing:	Not Requested

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 annuallyto 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, 3rd 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)].

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