

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: Gender-Specific Post Assignments/Job Responsibilities

Policy Number: 104.08

Effective Date: 11/12/2020

Page Number: 1 of 3

Authority:
Commissioner

Originating Division:
Administration and Finance
Division (Human Resources)

Access Listing:
Level I: All Access

I. Introduction and Summary:

Within the scope of the provisions of Section 703(e) (1), Title VII, 1964 Civil Rights Act, the Department has elected to restrict certain individuals from performing selected job assignments within correctional facilities on the basis of their gender. These restrictions will be limited to those instances where the Department has a basis for believing that all, or substantially all, of the excluded individuals would be unable to perform the designated job responsibilities without violating offender bodily privacy rights and the PREA prohibition against cross-gender viewing and searches.

II. Authority:

- A. 1964 Civil Rights Act, Title VII, Section 703(e);
- B. 28 C.F.R. §115.15; and
- C. ACA Standard: 5-ACI-3A-07 (ref. 4-4181).

III. Definitions:

- A. **Gender-Specific Post Assignment/Job Responsibility** - A designated post assignment/job responsibility where the employee must be the same gender as the offender.
- B. **Appointing Authority** - The Commissioner is the Department's Appointing Authority in accordance with state law and the Rules of the State Personnel Board (SPB). SPB Rules permit the Appointing Authority to delegate certain responsibilities to others within the agency. For this SOP, the term Appointing Authority refers to both the Commissioner and those to whom the Commissioner has delegated certain Appointing Authority responsibilities as outlined in SOP 104.01, Delegation of Authority.

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IV. Statement of Policy and Applicable Procedures:

A. Identifying Designated Post Assignments/ Job Responsibilities:

1. Selected security post assignments/job responsibilities will be designated to require same gender contact and will be limited to those duty assignments requiring the greatest protection of offender's privacy interests.
2. Only a limited number of post assignments/job responsibilities should be identified by an Appointing Authority as requiring same gender contact.
3. Generally, officer duty assignments restricted to a "gender-specific" designation must be limited to posts or special security tasks which involve:
 - a. Routine or anticipated physical contact with unclothed offenders; or
 - b. Routine or anticipated observation of strip or body cavity searches unless observation is done merely by video monitor.

The mere fact that it is foreseeable that an emergency situation may require an officer to participate in the above does not provide a sufficient basis for classifying the post assignment/job responsibility as gender-specific. An emergency situation is a situation where death or serious bodily injury is likely to result. Only in emergency situations should staff members of the opposite gender become involved in strip or body cavity searches or otherwise have supervised contact with unclothed offenders of the opposite gender.

4. Post assignments/job responsibilities identified by an Appointing Authority as requiring a gender-specific designation should be extremely limited and meet the criteria set forth in 3(a) or (b) above.

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B. Obtaining Final Approval of Designated Gender-Specific Post Assignments/ Job Responsibilities:

1. Appointing Authorities must review all security posts to identify which assignments/ job responsibilities meet the criteria for “gender-specific” designation.
2. Identified Gender-Specific Post Assignments/Job Responsibilities must be thoroughly documented to justify a gender-specific designation.
3. The complete facility listing of Gender-Specific Post Assignments/Job Responsibilities must be forwarded to the Director of Facilities for review. Periodic on-site reviews for compliance will be the responsibility of the Region Directors.
4. The identified Gender-Specific Post Assignments/Job Responsibilities must be forwarded to the Director of Facilities and the Director of Human Resources for review and final approval.
5. Changes in the designated Gender-Specific Post Assignments/Job Responsibility must be approved through the same procedure described above.
6. Appointing Authorities must ensure each Gender-Specific Post Assignments/Job Responsibility is performed by the appropriate gender.

V. Attachments: None.

VI. Record Retention of Forms Relevant to this Policy: None.