

	STANDARD OPERATING PROCEDURE <small>State Form 39870 (R/S-06)</small>	Reference Number IIS-003
	Subject Equal Employment Opportunity	
	Special Instructions Replaces PST-005 dated December 3, 2012	Effective Date January 15, 2015

I. PURPOSE

Establish guidelines for reporting, investigating, and resolving employee or applicant discrimination complaints.

II. POLICY

The Department shall provide equal employment opportunities to employees and candidates for employment and shall investigate complaints or allegations concerning employment discrimination based on race, sex, religion, national origin, color, age, or disability; in accordance, with the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, the Age Discrimination in Employment Act (ADEA), and the Americans with Disabilities Act (ADA).

III. ACTIONS THAT CONSTITUTE DISCRIMINATION

- A. Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects employment opportunities for the applicant or employee.
- B. Participating in a contractual or other arrangement or relationship that subjects an employer’s qualified applicant or employee to discrimination.
- C. Denying employment opportunities to a qualified individual because the individual has a relationship or association with a person in a protected class.
- D. Refusing to make reasonable accommodation(s) to the known physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would pose an undue hardship on the Department.
- E. Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out applicants or employees, unless they are job related and necessary to conduct business.
- F. Failing to use employment tests in the most effective manner to measure actual abilities. Tests must accurately reflect the skills aptitude or other factors being measured and not the impaired sensory, manual, or speaking skills of an employee or applicant (unless those are the skills the test is designed to measure).
- G. Retaliation against an individual because the individual has opposed an employment practice of the employer or filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing to enforce provisions of the Act.

H. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or on the basis of one's sex 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; and/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.

I. Creating a hostile work environment on the basis of race, sex, religion, age, color, national origin, or disability status.

IV. DEFINITION

Equal Employment Opportunity – Administering all terms and conditions of employment without regard to race, sex, religion, national origin, color, age, or disability.

V. RESPONSIBILITIES

- A. The ultimate responsibility for equal employment within the Department is that of the Superintendent.
- B. The EEO Officer (Commander of the Internal Investigation Section) has the responsibility to ensure that all necessary action is taken by all levels of command to achieve equal employment opportunity.
- C. Each commander and supervisor is designated the personal responsibility to provide equal opportunity for all of their personnel with regard to work assignments, training, transfers, advancements, and other terms, conditions, or privileges of employment.
- D. Commanders and supervisors must ensure that matters concerning equal employment opportunities that require action beyond normal supervision are properly brought to the attention of the Department's EEO Officer.

VI. PROCEDURE

- A. Department personnel who believe they have been the subject of discriminatory employment practices and wishes to file a formal complaint shall contact the Department's EEO Officer directly, by telephone, in writing, or by email without having to follow the normal chain of command.

B. The EEO Officer shall determine whether or not the filed complaint has legal standing under applicable civil rights law.

1. If it is determined that the written complaint does not meet EEO complaint guidelines, the complainant shall be informed of any other available options.

2. When a prima facie complaint has been received, a written memorandum, from the EEO Officer, shall be directed to the Superintendent advising of the complaint, the general nature of the complaint, and who filed the complaint.

3. Subsequent to review, the Superintendent shall notify the appropriate Primary Staff member or major subordinate commander of the complaint.

C. The utilization of any member of the Department for an EEO investigation shall be requested, through the Superintendent, and coordinated with the appropriate Primary Staff member or major subordinate commander.

1. All interviews of Department members shall be recorded.

2. Interviews shall take place at a location designated by the lead investigator or EEO Officer, preferably a state police installation. The interview shall take place when the Department member is on-duty unless circumstances dictate otherwise. If a Department member is required to interview during off-duty time, the individual shall be compensated for said time in accordance with Department rules, regulations, and standard operating procedures.

3. If a Department member is required to leave their normal location of permanent or temporarily assignment to report for an interview, the commander of that location/entity shall be promptly notified.

4. All members of the Department who are being interviewed in relation to an EEO administrative investigation shall be informed of the general nature of the investigation. Department personnel may not refuse to answer pertinent questions that are specifically and narrowly related to the complaint in question.

D. The EEO Officer shall submit the written findings and recommendations for resolving the complaint directly to the Superintendent for final disposition following the completion of the investigation. Subsequent to disposition, the appropriate Primary Staff member or major subordinate commander shall be notified of the finding, recommendation, and disposition by the Superintendent.

E. A Department member who is the victim in an EEO matter shall be informed of results of the investigation. This shall be done only after the Superintendent has reviewed the investigation and has made a final disposition.

F. All EEO administrative investigations are confidential and Department personnel shall not divulge to any source (except legal counsel) the nature of the investigation. However, this policy

shall not restrict the complaining party from discussing the nature of the investigation for the purposes of furthering the investigation; nor, shall this policy restrict an employee from discussing the terms and/or conditions of their employment.

G. All investigations shall be conducted with the utmost cooperation possible with the commander involved and under the authority of the Superintendent.

H. Department members shall not knowingly interfere with or impede cases assigned to other members for EEO investigations.

I. An EEO complaint must be filed with the EEO Officer within one (1) year of the alleged EEO violation(s).

J. Responsibilities of the EEO Officer:

1. To advise any victim/complainant of the administrative and judicial avenues available for pursuing a civil rights complaint and the relevant statutes of limitations; and

2. If remedial action is ordered by the Superintendent to ensure compliance with said order.

K. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies, and procedures.