

YOUTH SERVICES POLICY

Title: Equal Employment Opportunity	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.47
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References: Refer to Attachment A.2.47(a) for References	
STATUS: Approved	
Approved By: Otha "Curtis" Nelson, Jr., Deputy Secretary	Date of Approval: 01/26/2023

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary's commitment to Equal Employment Opportunities (EEO) for all employees, applicants and candidates for employment.

III. APPLICABILITY:

All applicants, candidates, visitors, employees and units of YS.

IV. DEFINITIONS:

Age Discrimination in Employment Act (ADEA) - A law passed by Congress to protect individuals 40 years of age and over from arbitrary discrimination in employment practices, unless age is a bona fide occupational qualification.

Americans with Disabilities Act (ADA) - A comprehensive law passed by Congress to protect disabled persons from discrimination in employment, hiring, transportation, access to public facilities and services, and telecommunications. The ADA was amended in 2008 with an effective date of January 1, 2009 and is now also referred to as the American with Disabilities Act Amendments Act (ADAAA). (Refer to YS Policy Nos. A.2.10).

Applicant - A person who has applied for a job and whose qualification for such is unknown.

Candidate - A person who has successfully passed the required test(s), if any, and/or meets the Civil Service minimum qualifications for the job sought.

Equal Employment Opportunity (EEO) - The operation of a system of human resource administration which ensures an environment that will provide an equal opportunity for public employment to all segments of society based on individual merit and fitness of applicants without regard to race, color, religion, sex, sexual orientation, gender identity, age, national origin, political affiliation or disability (except where sex, age or physical requirements constitute a bona fide occupational qualification necessary to the proper and efficient operation of the agency/organization).

Equal Employment Opportunity Commission (EEOC) - The federal regulatory body for EEO related complaints and charges.

Essential Functions – Basic job duties that an employee/applicant must perform, with or without reasonable accommodation.

Family Medical Leave - Leave for which an employee may be eligible under the provisions of the Family and Medical Leave Act (FMLA) of 1993. (Refer to YS Policy No. A.2.5 for eligibility criteria.)

Unit Head - For the purposes of this policy, the Unit Head consists of the Deputy Secretary, Facility Directors and Regional Managers.

YS Central Office (CO) - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, Probation and Parole Program Director, Youth Facilities Director – Statewide, Executive Management Advisor, General Counsel, Regional Directors, and their support staff.

V. POLICY:

It is the Deputy Secretary's policy to assure equal opportunities to all employees, applicants and candidates for employment without regard to race, religion, political beliefs, color, national origin, sex, sexual orientation, gender identity, disability, age, veteran's status, or any other non-merit factor. Discrimination and harassment undermine the integrity of the employment relationship, compromise equal employment opportunity, and significantly interfere with the effective accomplishment of the mission of YS.

YS' policy against discrimination and harassment is applicable to all employment practices, including recruitment, selection, hiring, placement, promotions, detail assignments, transfers, layoffs, terminations, career development and training, performance evaluations, awards, and working conditions. Each employee shall comply with the provisions of this policy.

YS shall continue to work towards a discrimination and harassment free work environment by support of and commitment to EEO.

Exceptions:

- Where age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient operations; and/or
- Where statutes and regulations, such as those prohibiting nepotism (refer to YS Policy No. A.2.38) and the hiring of ex-offenders, restrict such employment or employment opportunity.

THIS POLICY SHALL BE POSTED IN CONSPICUOUS LOCATIONS AT ALL YS FACILITIES AND OFFICES.

VI. PROCEDURES:

- A. It is the responsibility of each employee to support and comply with the EEO laws and policies in a manner commensurate with their level of responsibility and delegated authority. Each unit of YS is responsible for taking appropriate actions to adhere to this policy.
- B. Each employee shall be fully informed regarding their rights to fair and equal treatment in all matters relating to their work and employment. To assure this end, Unit Heads shall ensure that each employee has access to a copy of this policy and Attachment A.2.47 (a), which includes the text of the referenced laws and regulations.
- C. The Deputy Undersecretary shall be designated as YS' EEO Coordinator. Questions regarding this policy should be directed to the YS EEO Coordinator.
- D. All YS employees shall cooperate with the EEOC and other federal agencies in the investigation of allegations of discriminatory treatment.

VII. ADDITIONAL INFORMATION:

Additional information regarding this policy is available in each unit's Human Resources (HR) Liaisons office, and in the Department of Public Safety HR (DPS/HR) office.

Previous Regulation/Policy Number: A.2.47
Previous Effective Date: 01/13/2021
Attachments/References: A.2.47 (a) References January 2023.doc

References

Laws:

La. R.S. 42:1119; La. R.S. 42:341 et seq., Prevention of Sexual Harassment; 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services - Final Rule; Code of Ethics for Public Officials, Section 1119 (Nepotism); Title VII of the Civil Rights Act of 1964 and 1991; Equal Employment Opportunities Commission Guidelines; Equal Pay Act of 1963; Age Discrimination in Employment Act of 1967 (ADEA); Title I and Title V of the Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008; United States Code TITLE 42 - Chapter 126 - EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES, Sec 12101 et seq.; La. Employment Discrimination Law (La. R.S. 23:301 et seq.); Sections 501 and 505 of the Rehabilitation Act of 1973; Vietnam Era Veterans Readjustment Assistance Act of 1974, 38 U.S.C. 4212; and La. Senate Concurrent Resolution No. 107 of the 2012 Regular Session of the Legislature.

State Civil Service:

Louisiana State Civil Service General Circular Number 2012-022 "Preventing Sexual Harassment"; and Civil Service Handbook Guidelines for Preparing Affirmative Action Plans.

ACA Standards:

ACA Standards 2-CO-1C-09, 2-CO-1C-09-1, 2-CO-1C-10, 2-CO-2B-04 (Administration of Correctional Agencies); 4-JCF-6C-01, 4-JCF-6C-02, 4-JCF-6D-06, 4-JCF-6D-07 (Performance-Based Standards of Juvenile Correctional Facilities); 2-7032 (Standards for Juvenile Probation and Aftercare Services).

YS Policies:

YS Policy Nos. A.2.1 "Employee Manual", A.2.5 "Family and Medical Leave of Absence", A.2.8 "Sexual Harassment", A.2.13 "Americans with Disabilities Act - (Employees, Applicants, Candidates, Visitors)", A.2.28 "Return to Work", A.2.38 "Ethics for Public Employees: Nepotism, Prohibited Relations, Gifts, Ethics Opinions", A.2.46 "Employee Grievance Procedure" and A.2.57 "Prohibited Harassment and Discrimination".