

# YOUTH SERVICES POLICY

<b>Title:</b> Equal Employment Opportunity	<b>Type:</b> A. Administrative <b>Sub Type:</b> 2. Personnel <b>Number:</b> A.2.47
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<b>References:</b> Refer to Attachment A.2.47(a) for References	
<b>STATUS: Approved</b>	
<b>Approved By:</b> James Bueche, Ph.D., Deputy Secretary	<b>Date of Approval:</b> 03/02/2018

**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 2, 2009 and is now also referred to as the American with Disabilities Act Amendments Act (ADAAA). (Refer to YS Policy Nos. A.2.10 and A.2.13).

***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 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, age, veteran's status or any other non-merit factor, 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, with or without reasonable accommodation, an employee/applicant needs to be able to perform.

***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*** - Deputy Secretary, Facility Directors and Regional Managers.

***YS Central Office (CO)*** - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, 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, 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 transitional return-to-work plan shall also be applied in the same manner as required in this policy (refer to YS Policy No. A.2.28).

In addition, an aggrieved employee may file charges of sexual harassment with the Equal Employment Opportunity Commission (EEOC) even if the employee has not utilized the complaint procedure (refer to YS Policy No. A.2.8). However, the employee may wait and see if management corrects the harassment before filing a charge.

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 his 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. FILING A COMPLAINT:**

- A. When persons feel that they have experienced discrimination in any manner, they may seek redress through:
  - The YS grievance process (refer to YS Policies A.2.1 and A.2.46);
  - The EEOC for employment related complaints;
  - The U.S. Department of Justice (USDOJ) for issues not related to employment; and/or
  - The Louisiana Civil Service Commission.

- B. The YS EEO Coordinator, along with Legal Services, shall coordinate YS/OJJ response(s) to complaints and charges of discrimination regarding EEO matters.
- C. Persons are encouraged to use the internal procedures to address and resolve complaints to the extent possible. Use of these internal procedures does not restrict a person from filing with the appropriate federal agency prior to exhaustion of the YS/OJJ internal process.
- D. A charge may be filed by mail or in person at the nearest EEOC office:

EEOC District Office  
Hale Boggs Federal Building  
500 Poydras Street, Suite 809  
New Orleans, LA 70130

(800) 669-4000 (Voice)  
(504) 589-2958 (TDD)  
(504) 595-2884 (FAX),

Or with the Louisiana Commission on Human Rights:

Louisiana Commission of Human Rights  
Governor's Office  
P.O. Box 94004  
Baton Rouge, Louisiana 70804-94004

Physical Address: 1001 N. 23rd St., Suite 268  
Baton Rouge, Louisiana 70802  
Phone: (225) 342-6969 / TDD 1-888-248-0859  
Fax: (225) 342-2063

**VIII. AGENCY RESPONSE TO A FORMAL COMPLAINT:**

- A. For formal charges generated by the EEOC or the USDOJ, the Unit Head, a designated YS/OJJ attorney, other appropriate personnel, and the YS/OJJ EEO Coordinator shall develop the YS/OJJ response.

Any unit receiving a "Notice of Charge of Discrimination" document or similar notice from the EEOC or USDOJ shall forward the notice to the YS/OJJ EEO Coordinator within 24 hours of receipt. The YS/OJJ EEO Coordinator shall immediately forward the Notice to Legal Services.

- B. Responses to the charges shall be under the signature of the Deputy Secretary/designee.
- C. The Deputy Secretary's approval shall be required for acceptance or presentation of conciliation agreements or settlements.

**IX. ADDITIONAL INFORMATION:**

Additional information pertaining to EEO, ADA and the Age Discrimination in Employment Act (ADEA) 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:** 02/23/2017  
**Attachments/References:** A.2.47 (a) References June 2015.doc

## **References**

### **Laws:**

La. R.S. 42:1119, Sexual Harassment; 28 CFR Part 35), Nondiscrimination on the Basis of Disability in State and Local Services - Final Rule; Code of Ethics for Public Officials, Section 119 (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; 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 Act of 1974, 38 U.S.C. 4212; and 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, 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" and A.2.46 "Employee Grievance Procedure"