

DEPARTMENT OF GENERAL SERVICES

POLICY TITLE: Equal Employment Opportunity
POLICY NUMBER: HR-3
REVISION NUMBER: 1
APPROVED BY: _____,

DATE: 09/08/06
EFFECTIVE DATE: 09/08/06
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DGS Director

I. PURPOSE

To establish, promote, and support a work environment with equal employment opportunity for agency employees and applicants for employment. To educate employees in the recognition and prevention of illegal workplace discrimination. To establish the process for reporting, investigating, and applying corrective action when individuals believe they have been denied equal employment opportunity.

II. REFERENCES

The Governor's Executive Order on Equal Opportunity
DHRM Policy 1.60, Standards of Conduct
DHRM Policy 2.05, Equal Employment Opportunity
DGS Policy HR-4, Workplace Harassment

III. DEFINITIONS

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| Disability | An individual is considered to have a disability if that individual either (1) has a physical or mental impairment which substantially limits one or more of his or her major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. |
| DGS Employees | Any person in a classified (covered), "at will", wage, contract, or volunteer capacity performing work for DGS. |
| Division Directors | The Director of any of the following DGS divisions: Consolidated Laboratory Services, Engineering and Buildings, Purchases and Supply, or Real Estate Services. |
| Staff Directors | The Director of any of the following staff units: Communications, Fiscal Services, Human Resources, Information Systems Services, Management Audit and Review Services, Office of Fleet Management Services, Office of Graphic Communications, or Procurement Services. |
| Retaliation | Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy. |

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IV. POLICY

- A. DGS is committed to practices of equal employment opportunity. All aspects of the hiring process and employment practices shall be conducted without regard to race, sex, color, national origin, religion, sexual orientation, age, veteran status, political affiliation, or disability in accordance with the Governor's Executive Order on Equal Opportunity and state and federal laws. The prohibition against employment discrimination applies to the following activities:
- hiring, demotion, promotion, role change, in-band adjustment, layoff, and transfer;
 - application of performance management and employee development;
 - application of corrective actions, including disciplinary actions; and
 - compensation, pay practices, and other terms, conditions, and privileges of employment.
- B. DGS employees are responsible for conducting themselves in a manner consistent with the Governor's Executive Order on Equal Opportunity and this policy. Employees whose actions are found to be contrary to this policy shall be subject to disciplinary action under the DHRM Policy 1.60, Standards of Conduct. Also, incidents involving non-DGS employees will be investigated, and appropriate action will be taken to ensure a discrimination-free work environment.
- C. DGS employees are responsible for reporting any employment practice they believe to be discriminatory to their division's or staff's management or to Human Resources management.
- D. Agency supervisors are responsible for compliance with this policy, and for the consistent application of this policy. Supervisors shall take actions which demonstrate equal treatment in the employment and advancement of all qualified individuals. Support of equal opportunity principles shall be considered in the evaluation of each supervisor's job performance.
- E. Supervisors are required to immediately report any complaints of discrimination or knowledge of discrimination in any work units to their division's or staff's management and to Human Resources management.
- F. Retaliatory actions taken against an employee or applicant because he/she made allegations of violations of EEO policies, opposed an unlawful employment

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practice, or participated in an investigation are in violation of the Governor's Executive Order on Equal Opportunity and this policy. Any employees engaging in retaliatory actions will be subject to disciplinary action as outlined in DHRM Policy 1.60, Standards of Conduct.

- G. Supervisors who are aware, or who should have been aware through the normal course of their employment, of discriminatory or retaliatory actions and who allow it to continue or fail to take appropriate corrective action will be considered a party to the offense, even though they may not have personally engaged in such activities. They may be subject to disciplinary action under DHRM Policy 1.60, Standards of Conduct.

V. RESPONSIBLE STAFF DIRECTOR

Human Resources Director

VI. CONTACT FOR INTERPRETATION

Employees desiring clarifications, explanations or other interpretations should contact their supervisors or respective division/staff management.

Members of the DGS Management Team needing interpretations should contact the DGS Human Resources Director, (804) 786-3221.

VII. POLICIES SUPERSEDED

DGS Policy HR-3, Equal Employment Opportunity, rev. 1, May 16, 2000

VIII. EXCEPTIONS

Requests for exceptions to these procedures or for division/staff office specific procedures shall be submitted in writing by the appropriate Division or Staff Director to the DGS Human Resources Director for review and subsequent routing with recommendations to the DGS Director, who is authorized to grant exceptions. Requests for exceptions may be submitted by fax, e-mail, or conventional paper (hard copy) correspondence.

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IX. PROCEDURES

A. NOTIFICATION OF VIOLATIONS

1. Any DGS employee who believes that he or she has been discriminated against as a result of an unlawful employment practice should notify their immediate supervisor. Applicants for employment should notify Human Resources management.
2. If an employee believes the immediate supervisor is responsible for the discriminatory action(s), the employee should notify the next higher level supervisor in the division or staff unit.
3. If an employee believes that the division's or staff unit's management is responsible for the discriminatory action(s), then the employee should notify the Human Resources Director or a Human Resources Manager.
4. Supervisors must immediately notify their respective management and Human Resources management upon becoming aware of any action or practice that may be discriminatory, whether it is formally reported or not and whether it involves the supervisor's division or another division. Discriminatory actions or practices involving third parties must also be reported.
5. Although employees are strongly encouraged to follow the agency's procedures when filing complaints, other organizations and avenues that are available to receive and investigate complaints are listed below. The DGS Director of Human Resources can provide guidance in contacting these agencies.
 - (a) The employee or applicant may file a formal complaint with the Office of Equal Employment Services (OEES) at the Department of Human Resource Management.
 - (b) Eligible employees may use the Commonwealth's Grievance Procedure, which is administered by the Department of Employment Dispute Resolution. Employees may not pursue both an OEES complaint and a grievance on the same matter.
 - (c) Employees and applicants for Commonwealth employment may file a formal complaint with the federal Equal Employment Opportunity Commission (EEOC).

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B. INVESTIGATION OF REPORTED VIOLATIONS

1. The Human Resources Director or designee will conduct an investigation into allegations of workplace discrimination. Upon completion of the investigation, recommendations will be made to the appropriate division or staff director, as well as to the agency director. If the allegations are substantiated, the agency will take appropriate disciplinary action as outlined in DHRM Policy 1.60, Standards of Conduct. Actions will include steps to prevent any recurrence.
2. Investigations of incidents reported to agencies outside DGS will be conducted by the outside agency.
3. Information obtained during the investigation will be treated with the utmost sensitivity, maintaining confidentiality as much as possible.

C. RETALIATION

If an individual who has filed a discrimination complaint or participated in a related investigation believes retaliation has occurred, he/she should report the retaliation to the Human Resources Director.

D. COMMUNICATION AND ENFORCEMENT

1. Every supervisor is responsible for the communication and enforcement of this policy to all employees under their direct or indirect supervision.
2. Training on this policy will be provided by the Human Resources Office to all new agency employees when they begin employment and periodically to employees and supervisors.

X. EFFECTIVE DATE, DISTRIBUTION METHOD, AND EXPIRATION DATE

This policy shall be distributed through normal distribution channels. This policy shall be effective September 8, 2006.