

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 500 PERSONNEL/HUMAN RESOURCES</p>	<p>OPR: DIR</p>
	<p>DEPARTMENT ORDER: 502 <i>EQUAL OPPORTUNITY</i></p>	<p>SUPERSEDES: DO 502 (11/29/12)</p>
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PURPOSE

This Department Order establishes a standard for the Department to ensure qualified persons are recruited, selected and employed.

APPLICABILITY

This Department Order is not applicable to private prisons facilities. Private prisons facilities shall adhere to the Equal Opportunity requirements of their contract.

This Department Order does not create a contract for employment between any employee and the Department. Nothing in this Department Order changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the Appointing Authority.

PROCEDURES

502.01 DEVELOPMENT OF THE EQUAL OPPORTUNITY PLAN - The Equal Opportunity Officer shall, in consultation with the Employee Relations Administrator and executive staff, update and maintain the Department's Equal Opportunity Plan.

502.02 COMPLIANCE WITH THE EQUAL OPPORTUNITY PLAN

1.1 The Deputy Director, Division Directors, Assistant Director, Regional Operations Directors, Wardens, Deputy Wardens, Administrators, Bureau Administrators and Hiring Authorities shall:

1.1.1 Ensure all personnel transactions are based upon the principles outlined in Arizona Revised Statutes (A.R.S) § 41-742, without regard to race, color, sex, pregnancy, sexual orientation, religion, national origin, age, military or veteran status, disability, and genetic information, except when one of these has been identified by the Employment Unit as an existing bona fide occupational qualification.

1.1.2 Apply exceptions in the selection of employees in certain covered and uncovered positions when necessary and reasonable to do so in compliance with the Department's Equal Opportunity Plan.

1.1.3 Comply with hiring and promotion goals outlined in the Department's Equal Opportunity Plan.

DEFINITIONS

BONA FIDE OCCUPATIONAL QUALIFICATIONS - Defensible requirements for a position that are actual qualifications for performing the job (e.g., medical/physical standards, age, religion, sex or national origin). Bona Fide Occupational Qualifications are clearly announced, in writing, to all applicants for the position.

EMPLOYMENT DISCRIMINATION - Any personnel transaction/employment decision that has an adverse effect, whether intentional or unintentional, on an employee based on his/her race, color, sex (including pregnancy, sexual orientation and gender identity), religion, national origin, age, disability status, military obligation, veteran status, and genetic information, unless exceptions are made because of bona fide occupational qualifications.

EQUAL OPPORTUNITY LIAISON - Staff members designated by Wardens, Deputy Wardens and Bureau Administrators to be the Equal Opportunity Officer's liaison for local Equal Opportunity issues and complaints.

EQUAL OPPORTUNITY OFFICER - A position that reports to the Chief Human Resources Officer or designee, which assists, monitors and evaluates the Department's compliance with equal opportunity laws, guidelines, and policies to ensure employment practices and contracting arrangements give equal opportunity without regard to race, color, sex (including pregnancy, sexual orientation and gender identity), religion, national origin, age, disability status, military obligation, veteran status, and genetic information, unless exceptions are made because of bona fide occupational qualifications.

EQUAL OPPORTUNITY PLAN - The Department's Agreement to comply with the Equal Opportunity guidelines established by the Governor's Office of Equal Opportunity.

HIRING AUTHORITIES - Department employees to whom authority has been delegated to offer employment to qualified applicants, contractors, student interns and clerical pools.

PERSONNEL TRANSACTION (EMPLOYMENT DECISION) - A decision made or action taken regarding an employee, including but not limited to recruitment, hiring, placement, reclassification, training, licensing, transfer, promotion, demotion, rates of pay, layoff, termination, or reinstatement.

{Original Signature on File}

Charles L. Ryan
Director

AUTHORITY

A.R.S. § 41-742 et seq., State Personnel System
A.R.S. § 41-1461 et seq., Discrimination in Employment
A.R.S. § 41-1492, et seq., Public Accommodation and Services
A.A.C. R2-5A-104, Prohibition Against Discrimination, Harassment and Retaliation
A.A.C. R2-5A-901, Complaint System
A.A.C. R2-5A-902, Complaint Procedures
A.A.C. R2-5B-402, Grievance System
A.A.C. R2-5B-403, Grievance Procedures
28 CFR, Chapter I, Parts 35 and 36, Nondiscrimination on the Basis of Disability in State and Local Government Services
29 CFR, Chapter XIV, Part 1607, Uniform Guidelines on Employee Selection Procedures
29 CFR, Chapter XIV, Part 1625, Age Discrimination in Employment Act (ADEA)
Americans with Disabilities Act of 1990 (ADA), Titles I and V, as amended
Genetic Information Nondiscrimination Act of 2008
Pregnancy Discrimination Act of 1978 (42 U.S.C. §2000e(k))
U.S. Civil Rights Act of 1964, Title VII, 703, as amended, 42 U.S.C.2000e-2