

CHAPTER: 500
Personnel/Human Resources

DEPARTMENT ORDER:
502 – Equal Opportunity

OFFICE OF PRIMARY
RESPONSIBILITY:
DIR

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September 3, 2021

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ACCESS

Contains Restricted Section(s)

Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

David Shinn, Director

TABLE OF CONTENTS

EXPECTED PRACTICES	1
PURPOSE	1
APPLICABILITY	1
PROCEDURES	1
1.0 DEVELOPMENT OF THE EQUAL OPPORTUNITY PLAN	1
2.0 COMPLIANCE WITH THE EQUAL OPPORTUNITY PLAN	1
DEFINITIONS/GLOSSARY	2
AUTHORITY	2

EXPECTED PRACTICES *[Revision – September 3, 2021]*

American Correctional Association (ACA) Expected Practices: 5-ACI-1C-06

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. Private prisons 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

1.0 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.

2.0 COMPLIANCE WITH THE EQUAL OPPORTUNITY PLAN

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

2.1.1 Ensure all personnel transactions are based upon the principles outlined in Arizona Revised Statute (A.R.S) §41-742, without regard to race, color, national origin, religion, age, disability, genetic information, sex, sexual orientation, pregnancy, military or veteran status, or any other status protected by federal law, state law or regulation, except when one of these has been identified by the Employment Unit as an existing bona fide occupational qualification. {5-ACI-1C-06} *[Revision – September 3, 2021: Sections 2.1.1 and 2.1.1.1]*

2.1.1.1 When deficiencies are identified regarding the employment of minority groups and women at a particular location, the Employee Relations/Equal Opportunity Unit can document the implementation of an affirmative employment program that is approved by the Deputy Director and can document annual reviews and the changes needed to keep the program current.

2.1.2 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.

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

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms for the following:

- Bona Fide Occupational Qualifications
- Employment Discrimination
- Equal Opportunity Liaison
- Equal Opportunity Officer
- Equal Opportunity Plan
- Hiring/Approving Authorities
- Personnel Transaction (Employment Decision)

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

28 CFR, Chapter I, Part 42, Nondiscrimination; Equal Employment Opportunity; Policy and Procedures, Subpart E, Equal Opportunity Program Guidelines

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