

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 131.01

DATE: 14 December 2020

**SUBJECT: EQUAL EMPLOYMENT
OPPORTUNITY AND
AFFIRMATIVE ACTION**

POLICY DIRECTIVE

PURPOSE:

To affirm the West Virginia Division of Corrections and Rehabilitation's commitment to equal employment opportunity in all aspects of employment, regardless of race, color, religion, national origin, political affiliation, disability, sex, ancestry, marital status, cultural identification, personal connection or age.

REFERENCE:

Executive Order 11246, as amended; Title VII of the Civil Rights Act of 1973; Title I of the Americans with Disabilities Act, the West Virginia Human Rights Act; and State of West Virginia Executive Order No. 6-90.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 131.00, dated 01 January 2004; DOC Policy Directive 131.01, dated 01 July 2015; DJS Policy 148.00, dated 01 July 2017; and RJA Policy 3041, dated 06 October 2009.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is to be reviewed in all employee orientation, on-the-job, basic and in-service training. This Policy is available for general distribution.

DEFINITIONS:

Employee: For the purpose of this Policy, this includes full time, part-time, temporary, provisional, probationary, and permanent status employees of the State of West Virginia; contractors and their employees; and volunteers.

Equal Employment Opportunity (EEO) Counselor: An employee appointed by the Superintendent or work unit supervisor/director to advise employees and management concerning proper EEO procedures and to function as a liaison with the Department of Homeland Security (DHS) EEO Director.

POLICY:

- I. The DCR is fully committed to Policy of the United States and West Virginia State Governments to provide equal employment opportunity for all qualified persons.
 - A. The DCR will not discriminate against any employee or prospective employee based on race, color, religion, national origin, political affiliation, disability, sex, ancestry, marital status, cultural identification, personal connection, or age.
 - B. The DCR will ensure that all personnel actions relating to employment, compensation, transfers, promotion, training, educational opportunities, and terminations will be made in a nondiscriminatory manner.
 - C. Discrimination or harassment of any type, to include sexual and racial harassment, will not be tolerated in the Division.
- II. Under Title VII of the Civil Rights Act of 1964, sexual harassment is a form of sexual discrimination. The DCR is committed to ensuring all employees are provided a work atmosphere free from sexual harassment.
- III. The DCR does not discriminate against any applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era. This applies to all employment practices including recruitment, selection, compensation and benefits, promotion, demotion, transfer, layoff, termination, training and other terms, conditions, and privileges of employment.
- IV. Physical job qualifications are applied in the selection of employees for hire, promotion and transfer only if they are directly related and consistent with business necessity and the safe performance of the job. Reasonable accommodations, such as equipment, job restructure or other accommodations will be made for employees and applicants provided the accommodation does not impose an undue hardship on the Division.
- V. The DCR has established the following action-oriented programs to help achieve specific affirmative action goals.
 - A. Making job descriptions available to receiving sources and all members of management involved in the recruiting, screening, selection and promotion processes.

- B. Evaluating the selection process to ensure freedom from bias through:
1. Reviewing job applications and pre-employment forms to ensure information requested is job-related.
 2. Training human resource and management staff on proper interview techniques.
 3. EEO training for management and supervisory staff.
- C. Using the following techniques to improve recruitment and increase the flow of qualified minority, female, persons with disabilities, and covered veteran applicants.
1. Ensuring "Equal Opportunity/Affirmative Action Employer" is included on all printed employment advertisements.
 2. Ensuring employment advertisements, when appropriate, are provided to local minority and women's interest media sources.
 3. Disseminating information on job opportunities to organizations representing minorities, women, and employment development agencies when job opportunities occur.
 4. Encouraging all employees to refer qualified applicants.
 5. Actively recruiting at junior colleges, colleges and universities with minority or female enrollment, and applicable employment events.
- D. Ensuring that all employees are given equal opportunity for promotion by:
1. Posting promotional opportunities.
 2. Offering guidance to assist employees in identifying promotion opportunities, training programs to enhance promotions and opportunities for job rotation or transfer.
 3. Evaluating job requirements for promotions.
- VI. Suggestions or concerns regarding the Division's EEO policies, procedures or practices should be directed to the facility or work unit EEO Counselor or the Department of Homeland Security's EEO Director.

ATTACHMENT(S): None.

APPROVED SIGNATURE:


Betsy C. Jividen, Commissioner

12-2-20
Date