
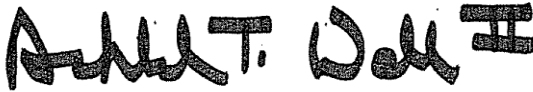


# RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	<b>POLICY NUMBER:</b> 3.03-7 DOC	<b>EFFECTIVE DATE:</b> 10/2/17	<b>PAGE 1 OF 7</b>
	<b>SUPERCEDES:</b> 3.03-6 DOC	<b>DIRECTOR:</b> 	
<b>SECTION:</b> PERSONNEL		<b>SUBJECT:</b> EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION	
<b>AUTHORITY:</b> Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; § 28-5.1-1 et seq., Equal opportunity and Affirmative Action; § 28-5-1 et seq., Fair Employment Practices; § 36-4-1 et seq., State Merit System Law; Americans with Disabilities Act of 1990; Executive Order 05-01, Promotion of Equal Opportunity and the Prevention of Sexual Harassment in State Government; Veterans' Employment Emphasis Under Federal Contracts 38 U.S.C. § 4212, § 29 U.S.C., § 794, Nondiscrimination under Federal grants and programs; State Personnel Rules and Regulations, PR-3.092 - 3.096; Rhode Island Constitution Article 1, Section 2, Family and Medical Leave Act 1993; Uniform Services Employment and Reemployment Rights Act (USERRA); Equal Pay Act of 1963; Age Discrimination in Employment Act; Genetic Information Non-discrimination Act of 2008.			
<b>REFERENCES:</b> ACA Standards # 4-4053 (Equal Employment Opportunity); 4-4054 (Reasonable accommodation); RIDOC policy # 3.06-3 DOC, <a href="#">Selection, Retention, and Promotion</a> ; 3.05-5 DOC; <a href="#">Sexual Harassment</a> ; 3.14 DOC, <a href="#">Code of Ethics and Conduct</a> ; 3.22 DOC, <a href="#">Union Representation in Employee Investigatory Interviews</a> ; 3.27 DOC, <a href="#">Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict and/or Violence</a> ; 3.29 DOC, <a href="#">Workplace Conflict/Violence</a> ; 4.03-2 DOC, <a href="#">Orientation and Entrance Level Training for Non-Correctional Officer Employees</a> ; Executive Order 05-02, Promotion of a Diverse State Government Workforce			
<b>INMATE / PUBLIC ACCESS?</b>		<b>X YES</b>	
<b>AVAILABLE IN SPANISH?</b>		<b>X NO</b>	

## I. PURPOSE

To specify guidelines and procedures for administering a program of equal employment opportunity and affirmative action consistent with all governing Federal and State statutes, rules, regulations, and executive orders.

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II. POLICY

- A. The Rhode Island Department of Corrections (RIDOC), in accordance with Rhode Island General Law §28-5.1-1 et seq. has established an Equal Employment Opportunity/Affirmative Action policy. This policy applies in all areas where the Department dollar is spent.
- B. RIDOC does hereby reaffirm its policy of equal employment opportunity for all qualified applicants and employees regardless of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law. All programs, training, activities, management practices, all phases of employment including recruitment, selection, retention, placement, salary/wage, leave, lay-offs, transfers, recall from lay-offs, promotions, and discipline and all other personnel actions by RIDOC are administered in a manner consistent with the intent of this policy.
- C. RIDOC, in accordance with Executive Order 05-01 (Promotion of Equal Opportunity and the Prevention of Sexual Harassment in State Government), reaffirms its commitment to demonstrating positive results in the employment, appointment, and delivery of services to racial/ethnic minorities, women, and the disabled. In addition, RIDOC continues to strive to prevent and eliminate harassment, sexual harassment, or discrimination by supervisors or co-workers on the basis of race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability or other status protected by law.
- D. All managers and supervisors, and ultimately the RIDOC Director (Director), are directly responsible for the implementation of this policy.

III. PROCEDURES

A. Equal Employment Opportunity Coordinator

The Equal Employment Opportunity Coordinator (Coordinator) is appointed by the Director. S/he reports to the Director or designee. The Coordinator assists in the annual development, semi-annual review, and enforcement of RIDOC's Affirmative Action Plan (AAP) and overall commitment to equal employment opportunity/affirmative action.

The designated Coordinator shall annually attend at least one (1) Equal Employment Opportunity Training Session.

B. Office of Diversity, Equity & Opportunity Liaison

The Office of Diversity, Equity & Opportunity (ODEO) of the Rhode Island Department of Administration assigns an Equal Opportunity Officer (Liaison) as Liaison to RIDOC. S/he serves as a resource and advisor to RIDOC in all matters pertaining to Equal Employment Opportunity and Affirmative Action, including the development, review, and enforcement of the AAP and overall commitment to equal employment opportunity/affirmative action.

C. Equal Opportunity Advisory Committee

An Equal Opportunity Advisory Committee (Committee) is established, consistent with ODEO policy. The Committee is responsible for making recommendations to the Director/designee regarding improvements to RIDOC's ongoing equal employment opportunity/affirmative action efforts, and participation in bi-annual meetings, training sessions and diversity presentations.

1. Application Process

- a. The Coordinator informs all managers of the application period. Managers are responsible for disseminating this information to all subordinates.
- b. Interested persons complete an [Equal Opportunity Advisory Committee Application Form](#) and forwards it to the Coordinator.
- c. The Coordinator sends a list of Committee applicants to the Director/designee for review and approval.
- d. Once approved, the Coordinator sends a memorandum to all managers and Committee members informing them of Committee appointments.

2. Membership

- a. Membership is voluntary.
- b. Members serve 5-year terms; however, memberships are not limited to any specific number of terms.

**NOTE:** Current members wishing to continue serving on the Committee must reapply every 5 years.

- c. Committee members may be removed by the Director for reasons including, but not limited to, violations of the most recent version of RIDOC Policy 3.14 DOC; [Code of Ethics and Conduct](#).

3. Functions/Duties

- a. The Coordinator and Liaison serve as resources and advisors to the Committee.
- b. The Committee confers with the Director/designee, the Coordinator and Liaison on all matters pertaining to equal employment opportunity and affirmative action.
- c. The Committee elects a Chairperson, whose duties include maintaining order, assuring fair participation from all members and ensuring the Committee adheres to the agenda.
- d. The Chairperson elects a Secretary, who is responsible for presiding over the meeting in the absence of the Chairperson, preparing and distributing an agenda prior to each meeting, and maintaining minutes of meetings.

**NOTE:** The Secretary sends meeting minutes to all Committee members, the ODEO and Director.

- e. The Committee convenes as required to discuss and review the Department's Affirmative Action Plan (AAP) in accordance with RIGL § 28-5.1-3 and ODEO guidelines, evaluate the progress of the goals/objectives stated in the AAP, and discuss any other equal opportunity/affirmative action issues within RIDOC which may impact the AAP. (See Section III.E. Affirmative Action Plan.)

D. Comprehensive Equal Opportunity/ Affirmative Action Program

The Committee and Coordinator are responsible for developing, implementing, and monitoring a comprehensive Equal Employment Opportunity and Affirmative Action Program. In accordance with State Merit System Law and Personnel Rules and Regulations, and in keeping with the goals/objectives of the AAP, RIDOC takes affirmative steps to recruit and refer members of protected groups for Departmental vacancies.

1. The Coordinator, is responsible for:
  - a. developing the AAP, as described in Section III.C.3e., in consultation with the Committee;
  - b. posting notices of training sessions and encouraging employees to participate;
  - c. publicizing internally the State's policy and procedures for processing discrimination grievances; and
  - d. communicating/reporting monthly and annually to the ODEO regarding personnel actions, including persons hired, disciplined, terminated, promoted, transferred, and vacancies occurring within the Department.
  - e. reviewing Federal and State equal opportunity laws, rules and regulations to ensure compliance in all phases of employment activities, in conjunction with the Office of Human Resources (HR).
  
- E. Affirmative Action Plan (AAP)
  1. RIDOC prepares an annual AAP, in accordance with the criteria and deadlines set forth by the ODEO.

All managers and supervisors are responsible for working with the Department's Equal Opportunity Advisory Committee, Office of Human Resources, the Departmental Liaison, and the Departmental Coordinator during the hiring process to help ensure the department is continuing to meet its affirmative action goals outlined in the AAP.
  2. The responsibility for coordinating the overall AAP rests with the Coordinator. S/he will:
    - a. Develop a policy statement and AAP based on the current work force analysis, which is provided by HR.
    - b. Implement and monitor the AAP.
    - c. Evaluate the AAP on an ongoing basis for attainment of goals/objectives.

- d. Make recommendations to the Director/designee regarding possible improvements to the Department's equal employment opportunity/affirmative action efforts.
3. The Department's Coordinator and Liaison regularly attend Committee meetings, and serve in a resource and advisory capacity.
4. Once the AAP is developed, the Coordinator submits a draft of the AAP to the Director/designee for review and approval.

**NOTE:** The Director retains ultimate responsibility for the contents of the AAP and may override the Committee's recommendations/decisions at any time.

5. In accordance with RIGL §28-5.1-3 and ODEO guidelines, the Department's AAP for the upcoming fiscal year is submitted to ODEO and the State House Fiscal Advisor. The evaluation portion of the AAP contains sufficient data so as to enable ODEO and the House Fiscal Advisor to determine whether RIDOC has attained the hiring goals contained in its AAP for the previous fiscal year.
6. The Committee continues to meet as required to prepare and submit progress report(s) to the Director/designee on the attainment of goals/objectives stated in the AAP.

F. Formal Grievances/Complaints Regarding Discrimination:

1. RIDOC accepts complaints and employee grievances regarding issues of harassment, sexual harassment or discrimination that are based on race, color, creed, religion, age, sex, ethnicity, national origin, military service, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, the presence of a sensory, mental, or physical disability, or other status protected by law.
2. It is an employee's or applicant's prerogative to file **either** an internal (RIDOC) complaint or one with the appropriate external agency.
  - a. For procedure relating to complaints of discrimination and sexual harassment, see the most recent version of RIDOC policies 3.05 DOC, [Sexual Harassment](#); 3.27 DOC, [Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict and/or Violence](#); and/or 3.29 DOC, [Workplace Conflict/Violence](#).

- b. For procedures relating to complaints other than to the status in a protected class, employees may also refer to the most recent version of RIDOC policies 3.22 DOC, [Union Representation in Employee Investigatory Interviews](#); and/or 3.29 DOC, [Workplace Conflict/Violence](#).

3. External Complaints

- a. Once a complainant files a formal complaint with an external agency (such as the RI Commission for Human Rights), that external agency notifies RIDOC of the complaint, and RIDOC cooperates with the external agency in an attempt to resolve the issue. The external agency is the higher authority relative to the final legal resolution of the complaint. Any communications relative to the filing of external complaints are forwarded to RIDOC's Office of Legal Counsel.
- b. Said complaint may be filed formally with any one of the external agencies referenced in policy 3.27 DOC, [Supervisor/Manager Response to Complaints of Alleged Discrimination, Sexual Harassment, Workplace Conflict and/or Violence](#).

G. Training

The RIDOC Training Academy provides copies of this policy to existing staff (in-service training) and new employees during New Employee Orientation (NEO).