



SCDC POLICY/PROCEDURE

NUMBER: ADM-11.20

TITLE: EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

ISSUE DATE: JULY 1, 2004

RESPONSIBLE AUTHORITY: OFFICE OF BUDGET AND RESOURCE MANAGEMENT

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: ADM-11.20 (May 17, 2001)

RELEVANT SCDC FORMS/SUPPLIES:

ACA/CAC STANDARDS: 3-ACRS-1C-04, 3-ACRS-1C-04-1, 3-4053, 3-4053-1

STATE/FEDERAL STATUTES: Federal Equal Employment Opportunity Act (Title VII, Civil Rights Act, including subsequent amendments)

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE: To ensure equal employment opportunity to all present and prospective employees and to provide guidelines for taking affirmative steps in order to improve equal employment opportunity progress within the Agency.

POLICY STATEMENT: The South Carolina Department of Corrections (SCDC) recognizes and assumes responsibility for Equal Employment Opportunity and all federal and state regulations prescribing equal employment opportunities and affirmative action. The management of this Agency reaffirms its policy of equal employment opportunity by maintaining an Affirmative Action Program to ensure that all personnel actions including, but not limited to, recruitment, selection, hiring, classification, promotion, transfer, training, leave, compensation, benefits, layoffs, and recall from layoffs, as well as educational, social, or recreational programs of this Agency, will be administered without regard to race, color, sex, creed, religion, age, national origin, physical disability, or political affiliation. (3-ACRS-1C-04, 3-ACRS-1C-04-1, 3-4053, 3-4053-1)

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1. RESPONSIBILITIES:

1.1 Office of Budget and Resource Management: A designee in the Office of Budget and Resource Management has been designated as the SCDC Equal Employment Opportunity (EEO) Compliance Officer responsible for monitoring Agency compliance with the requirements of the EEO and Affirmative Action Acts. In addition to his/her monitoring activities, s/he will also be responsible for: (3-ACRS-1C-04, 3-ACRS-1C-04-1, 3-4053, 3-4053-1)

1.1.1 ensuring that the Agency's program is specifically designed and implemented to locate, solicit, and encourage the recruitment and employment of women, the disabled, and members of minority groups at all Agency levels, reviewing recruitment and selection activities to ensure that there is not any reflection of race, sex, or other artificial barriers in employment decisions, and analyzing any problem areas and attempting to provide resolution to the same;

1.1.2 developing (and/or designating another individual to assist in the development of) individual institutional affirmative action plans to be updated and distributed at each institution/division; (3-ACRS-1C-04, 3-4053)

1.1.3 designating other employees throughout the Agency to assist in the monitoring efforts of the EEO Compliance Officer;

1.1.4 compiling and presenting to the Agency Director any and all data, pertinent documentation, analyses, or reports necessary to ensure uniformity in the application and/or implementation of the Agency's Affirmative Action Plan; (3-ACRS-1C-04, 3-4053)

1.1.5 continually informing *members of the Director's Staff* of any and all progress and/or problems in the EEO program and providing reports of the same as may be required to document the progress of the program; (3-ACRS-1C-04, 3-4053)

1.2 Division of Human Resources: A designee in the Division of Human Resources will be responsible for implementing the Agency's Affirmative Action Plan, to include the development of specific goals and timetables;

1.3 Office of General Counsel: A designee in the Office of General Counsel will be responsible for:

1.3.1 ensuring that employee complaints and grievances pertaining to violations of the Equal Employment Opportunity Act (Title VII, Civil Rights Act, including subsequent amendments) are filed and processed under SCDC Policy/Procedure ADM-11.02, Employee Grievances and Appeals" or other appropriate processes; and

1.3.2 ensuring that employees are protected from retaliation for opposing any practice made unlawful by this act, or because an employee made a charge, testified, assisted, or participated in any manner in an investigation.

1.3.3 assisting the Division Director of Human Resources in investigating employee requests for reasonable accommodation when disability or illness is covered under the Americans With Disabilities Act; (3-ACRS-1C-04-01, 3-4053-1)

1.4 *Members of the Director's Staff*: Each *member of the Director's staff* will assume overall responsibility for the implementation of the Agency's Affirmative Action Program throughout all levels of his/her respective areas of responsibility, to include, but not be limited to, the following:

1.4.1 keeping all *members of the Director's staff*, Division Directors, and Wardens informed of developments in the EEO area and their explicit responsibility for carrying out the spirit as well as the intent of the program among the employees they supervise;

1.4.2 discussing the Affirmative Action Program periodically (at least annually) in regularly scheduled meetings of managers and employees to ensure that the program is understood and that progress is reported;

1.4.3 advising the *Office of Budget and Resource Management* of any EEO related problems promptly;

1.4.4 encouraging all employees, including women, minorities, and disabled persons to apply for promotional vacancies and assisting such persons in acquiring the skills necessary for advancement; (3-ACRS-1C-04-01, 3-4053) and

1.4.5 continuing analysis of related Agency policies and procedures submitted to him/her for review to ensure that these procedures are being fully adhered to by persons under his/her respective areas of management responsibility.

1.5 Wardens and Division/Members of the Director's Staff: Each Warden, Division Director, and *members of the Director's staff* will be responsible for:

1.5.1 encouraging all employees, including women, minorities, and disabled persons to apply for promotional vacancies and assisting such persons in acquiring the skills necessary for advancement; and (3-ACRS-1C-04, 3-4053)

1.5.2 ensuring that managers and supervisors under his/her responsibility are aware of the existence of their Affirmative Action Plan, monitoring continued progress in meeting goals and objectives, and implementing corrective procedures to ensure compliance with EEO and affirmative action plans and programs.

2. REQUIREMENTS:

2.1 Managers, supervisors, and employees are expected to comply with and fully support this program. (See SCDC Policy/Procedure ADM-11.06, "Employee Performance Management System," for additional information on the requirement for all management/supervisory employees to be required to be rated on the characteristic, "Promoting Equal Opportunity." Willful or negligent failure by managers, supervisors, and other employees to comply with this program will be interpreted as non-compliance; will be considered (and will be a mandatory item) in their job evaluation; and will make them subject to corrective action up to, and including, termination. Corrective action will generally be administered in accordance with Agency policies and procedures related to employee corrective action; however, circumstances may require deviation from the same.

2.2 Any paid advertisements for positions in the media will include the statement that the "South Carolina Department of Corrections is an Equal Opportunity Employer, M/F/H." No advertisements for positions will be placed in periodicals that segregate their advertisements.

2.3 No person or organization which promotes discrimination will be permitted to use the name of, be sponsored by, or use facilities of the Agency if state or federal funds are involved.

2.4 The Agency will not engage in business transactions with any vendor, contractor, sub-contractor, or private business enterprise which federal and state authorities have determined is not in compliance with guidelines for equal employment opportunity.

2.5 The Agency will not make shift, post, or duty assignments based on race, creed, religion, age, national origin, sex, or disability except as follows:

2.5.1 SCDC will normally not assign an employee to a post where a significant part of the post job description requires the employee to routinely or regularly supervise inmates of the opposite sex while they are being strip searched; (3-ACRS-1C-04, 3-4053)

2.5.2 SCDC will not assign employees with a permanent disability to security posts where their disability would significantly interfere with their ability to perform duties which are required by their posts and would be likely to jeopardize security procedures; and (3-ACRS-1C-04-1, 3-4053-1)

2.5.3 At the employee's request, SCDC will not assign a female who is pregnant to a security post in a hospital or infirmary where a patient with an infectious disease, which may be harmful to the fetus, is also housed. (3-ACRS-1C-04, 3-4053)

(NOTE: The Agency will not knowingly allow a pregnant employee on the firing range during her pregnancy. Arrangements will be made following the birth or termination of pregnancy to allow the said employee on the range for purposes of requalification, provided such arrangements can be made in compliance with the Agency's training policy, i.e., completed prior to obtaining 12 months of State and Agency service.)

3. DEFINITIONS: None

SIGNATURE ON FILE

s/Jon E. Ozmint, Director

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