



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

POLICY 2.05 EQUAL EMPLOYMENT OPPORTUNITY

APPLICATION: Full-time, quasi full-time, and part-time classified; probationary, "at will," and wage employees, and applicants for employment.

PURPOSE:

It is the policy of the Commonwealth that all aspects of human resource management be conducted without regard to race (or traits historically associated with race including hair texture, hair type, and protective hairstyles such as braids, locks, and twists); sex; color; national origin; religion; sexual orientation; gender identity or expression; age; veteran status; political affiliation; disability; genetic information; and pregnancy, childbirth, or related medical conditions.\* There shall be no retaliatory action against any person making allegations of violations of this policy.

\*These categories are subject to change. For the most current information, always refer to the Governor's Executive Orders and the U.S. Equal Employment Opportunity Commission. The Commonwealth's policies and practices foster non-discrimination and promote diversity and inclusion for these protected classes in the workforce and applicant pools.

POLICY SUMMARY:

The purpose of this policy is to provide guidelines for adherence to the Governor's Executive Order on Equal Opportunity and relevant state and federal laws.

AUTHORITY & INTERPRETATION:

Title 2.2 of the Code of Virginia

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. The Department of Human Resource Management reserves the right to revise or eliminate this policy.

RELATED POLICIES:

- 1.15, Employee Recognition and Engagement
1.30, Layoff
1.40, Performance Planning and Evaluation
2.10, Hiring
2.35, Civility in the Workplace
3.05, Compensation

POLICY HISTORY:

Table with 2 columns: EFFECTIVE DATE, DESCRIPTION. Rows include dates from 09-25-00 to 07-01-20 and descriptions of policy establishment and revisions.



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

ADMINISTRATIVE PROCEDURES

PROCEDURES

<b><i>Provisions of the Governor's Executive Order</i></b>	
Prohibits Discrimination	<ul style="list-style-type: none"><li>• Prohibits employment discrimination on the basis of the protected categories in the Governor's Executive Order State law, and as identified by the U.S. Equal Employment Opportunity Commission.</li><li>• State appointing authorities and other management principals are hereby directed to take affirmative measures, as determined by the Director of the Department of Human Resource Management, to emphasize the recruitment of qualified minorities, women, people with disabilities, people with different abilities, veterans, and older Virginians to serve at all levels of state government.</li><li>• Does not permit the lowering of bona fide job requirements, performance criteria, or qualifications in order to give preference to any state employee or applicant for state employment based on the above prohibitions.</li><li>• Prohibits all employees, including state appointing authorities, agency heads, other management principals, supervisors, and managers from taking retaliatory action against any person making allegations of violations of the Governor's Executive Order.</li><li>• Any state employee found in violation of this policy shall be subject to appropriate disciplinary action.</li></ul>
Emphasizes Recruitment Efforts  Refer to the <a href="#">Talent Acquisition</a> page for additional information.	Directs agency heads and managers to take measures to emphasize the recruitment, retention, development, and engagement of qualified persons in protected classes to serve at all levels of state government.
Provides Procedures for Alleging Violations of Executive Order	Any state employee or applicant for state employment may file an allegation of violation of the Governor's Executive Order with the Office of Workforce Engagement's Diversity, Equity, and Inclusion Unit in the Department of Human Resource Management.
Employment Practices Covered	The prohibition against employment discrimination applies to all aspects of the hiring process and employment practices, including: <ul style="list-style-type: none"><li>• hiring, demotion, promotion, role change, in-band adjustment, layoff, and transfer;</li><li>• performance management, employee development, and employee recognition; and</li></ul>

	<ul style="list-style-type: none"> <li>corrective actions, including disciplinary actions; compensation, pay practices, benefits, and other terms, conditions, and privileges of employment.</li> </ul>
<b>Executive Order Compliance</b>	
All Cabinet secretaries, agencies, and their employees are responsible for complying with the prohibition against workplace discrimination.	
Develop Policy Statement and Inform Employees	Each agency is required to develop an equal employment opportunity compliance policy statement, and to inform employees of the Governor’s Executive Order and the agency’s commitment to equal employment opportunity.
Individual Responsibility/Job Performance	<ul style="list-style-type: none"> <li>Agency heads, managers, and supervisors are responsible for their agencies’ compliance with this policy, and for the consistent application of this policy.</li> <li>Support of equal employment opportunity initiatives shall be considered in the evaluation of each manager’s job performance.</li> <li>All employees are responsible for conducting themselves in a manner consistent with the Governor’s Executive Order.</li> </ul>
Management/ Supervisory Training	Agencies are responsible for providing appropriate training opportunities covering all aspects of human resource management to ensure that policies, guidelines and pay practices are applied consistently to all employees. The Office of Workforce Engagement’s Diversity, Equity, and Inclusion Unit can assist agencies in the delivery or identification of training.
EEO Compliance Review	In accordance with guidelines issued by DHRM, agencies shall provide complete and accurate data via the State’s automated information system for the prior fiscal year to generate a statistical analysis report of employment related practices.
<b>DHRM Responsibilities</b>	
The Diversity, Equity, and Inclusion Unit of DHRM is responsible for ensuring compliance with the Governor’s Executive Order as outlined below.	
Distributes Executive Order	Distributes the Governor’s Executive Order to state agencies along with explanation of its provisions and the state employment discrimination prohibition.
<u>Investigates Charges</u>	<ul style="list-style-type: none"> <li>Investigates and resolves charges of unlawful discrimination or other violations of the Governor’s Executive Order.</li> <li>Resolutions will be within the scope of established federal and state law and, if applicable, have the concurrence of the Office of the Attorney General.</li> <li>Resolutions shall be in writing and may include recommendations for monetary awards as well as recommendations for corrective and disciplinary actions.</li> </ul>
Conducts Compliance Reviews	<ul style="list-style-type: none"> <li>Conducts EEO compliance reviews and mandates appropriate corrective action to ensure fairness and equity in all employment practices.</li> <li>Reviews will be within the scope of established federal and state law.</li> </ul>

	<ul style="list-style-type: none"> <li>• Corrective action shall be in writing and approved by the Director of the DHRM.</li> </ul>
<u>Provides Assistance to Agencies</u>	<p>Assists agencies in their compliance with the equal employment opportunity provisions of the Governor's Executive Order by:</p> <ul style="list-style-type: none"> <li>• Issuing guidelines, in accordance with <a href="#">Title 29, Part 1608 of the Code of Federal Regulations</a>, and other applicable federal and state laws, for agencies required to maintain affirmative action plans.</li> <li>• Investigating complaints of unlawful discrimination and conducting compliance reviews upon the request of the Governor's Office or agency head.</li> <li>• Conducting/coordinating training on equal employment laws and policies for state employees.</li> <li>• Maintaining current lists of agency EEO officers and of groups representing women, minorities, and others who may be affirmatively recruited and making such lists available to interested persons.</li> <li>• Acting as a reference source regarding information on equal employment opportunity for state government.</li> <li>• Ensuring that agencies maintain appropriate human resource data for EEO reporting purposes in the statewide automated data system.</li> </ul>
Serves As Liaison with Federal Agencies	<p>Serves as liaison between the Commonwealth and federal agencies concerned with equal employment opportunity by:</p> <ul style="list-style-type: none"> <li>• Assisting agencies in responding to federal inquiries regarding equal employment opportunity practices.</li> <li>• Reporting for the Commonwealth as required by any federal agency concerned with equal employment opportunity enforcement.</li> </ul>

**GLOSSARY**

**BFOQ** (Bona fide occupational qualification)-An exception to the restrictions of Title VII of the Civil Rights Act (1964) regarding discrimination on the basis of sex, religion, and national origin that, under certain conditions, legitimately may require an employer to require an individual of a specific sex, national origin or religious affiliation to staff a certain job.

**Disability** An individual is considered to have a disability if that individual either (1) has a physical or mental impairment which substantially limits one or more of his or her major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

**Related Medical Conditions due to Pregnancy and Childbirth** Any related medical condition including lactation (defined as a condition that may result in the feeding of a child

directly from the breast or the expressing of milk from the breast).