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| STATE OF MISSISSIPPI<br>DEPARTMENT OF EDUCATION | TOPIC: EQUAL EMPLOYMENT OPPORTUNITY  |
| EMPLOYEE PROCEDURES MANUAL                      | <u>SECTION: 3.0</u> <u>PAGE 1 OF 8</u><br><u>EFFECTIVE DATE:</u> <u>MAY 1, 2000</u><br><u>REVISION #3:</u> <u>NOV. 1, 2023</u> |

### EQUAL EMPLOYMENT OPPORTUNITY POLICY

The MDE continually works toward improving recruitment, employment, training, promotional opportunities, retention, and participation in all phases and levels of departmental programs for each significant segment group in the labor force of the State of Mississippi.

The specific goals of the policy are as follows:

- To prevent discrimination because of race, color, political affiliation, religion, age, disability, national origin, genetic information or sex.
- To ensure that equal employment opportunities and promotional practices for all minorities are carried out within the MDE.
- To ensure equality of participation in programs by persons without regard to race, color, religion, age, disability, national origin, genetic information or sex, or any other non-merit factor.
- Through training and upward mobility to assist all employees in achieving career goals to the extent possible.

This Equal Employment Opportunity Policy is not limited to the MDE; this policy also applies to the selection of suppliers, grantees, sub-contractors, vendors, and contractors where applicable. The specific laws that are applicable to this policy are:

- Title VI and the Civil Rights Act of 1964;
- Title VII and the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972;
- Age Discrimination in the Employment Act of 1967 (Public Law 90-202);
- Age Discrimination Act of 1975 (Public Law 94-135);
- Rehabilitation Act of 1973 (Public Law 93-112);
- Equal Pay Act of 1963;
- Americans with Disabilities Act;
- Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA); and
- Pregnant Workers Fairness Act.

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## IMPLEMENTATION/RESPONSIBILITY

### Equal Employment Opportunity (EEO) Coordinator (Human Resources Manager)

The EEO Coordinator has primary responsibility for coordinating and implementing the MDE's EEO Policy. The EEO Coordinator will be the Office of Human Resources Manager and will work closely with MDE leadership and staff to accomplish the objectives of this policy. The overall objectives and functions of the EEO Coordinator encompass assisting in arriving at the following:

#### Objectives

1. A representative work force in all position levels and placement within the MDE.
2. Development and promotion of employees to fill vacancies that occur.
3. Ensure that personnel actions are in compliance with the EEO Policy.

#### Duties and Responsibilities

1. Administering the implementation of the EEO Policy and making recommendations to the State Superintendent to achieve the stated goals.
2. Assisting in the development and review of the MDE's EEO policies and procedures as needed or required.
3. Hearing EEO complaints per the established grievance procedure, and providing assistance to resolve EEO problems or complaints.
4. Coordinating and assisting supervisory personnel in recognizing problem areas, by collecting and analyzing data as required by law. The following types of analyses will be conducted: work force analysis; availability analysis; utilization comparison; turnover analysis; salary analysis; promotion analysis; and, training analysis.
5. Reviewing performance ratings to determine equity of treatment.



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Employment Policy (continued)

The MDE is committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with a person with a disability. The MDE will follow any state or local law that provides individuals with disabilities greater protection than the Americans with Disabilities Act.

This policy is neither exhaustive nor exclusive. The MDE is committed to taking all other reasonable actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the Americans with Disabilities Act and all other applicable federal and state laws.

Reasonable Accommodation

Under the Americans with Disabilities Act, an individual is considered a “qualified individual with a disability” if the individual can perform the essential functions of the position held or desired with or without a reasonable accommodation. It is the policy of the MDE to provide reasonable accommodations. If an applicant for, or an employee in a position with the agency, requests a reasonable accommodation to perform the essential functions of the job, contact the Office of Human Resources Manager.

ANTI-HARASSMENT POLICY

The MDE is dedicated to providing the best possible services and products to its customers. To fully realize this goal, the MDE is committed to ensuring that its employees are provided with a work environment of professionalism, free from adverse working conditions and any forms of harassment. The MDE is committed to assuring that job-related actions including promotions and pay raises are based on job performance.

The MDE expects all employees to perform their duties in a professional, business-like manner with particular consideration for the well-being of colleagues, customers, guest, vendors, and the public. To implement this philosophy, the MDE makes a firm commitment to swiftly and effectively address all known conditions of harassment in the workplace.

Scope of Policy in General

The MDE prohibits any harassment with regard to race, creed, color, age, religion, sex, national origin, disability or genetic information. This prohibition includes, but is not limited to remarks,



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Sexual Harassment (continued)

Specifically, sexual harassment may include, but is not limited to:

- Repeated offensive sexual flirtations,
- Repeated request for dates,
- Advances or propositions,
- Verbal abuse of sexual nature,
- Graphic or degrading comments about appearance,
- Display of sexually suggestive objects, appearance, pictures or images,
- Offensive or degrading cartoons or jokes, or
- Offensive or degrading e-mail or electronic images.

No employee shall imply, suggest, or threaten an applicant's or employee's cooperation of a sexual nature (or refusal thereof) will have any effect on the individual's employment status, including, but not limited to assignment, compensation, advancement or other condition of employment.

Sanctions for Violations

Violations of this policy will be addressed in a manner pursuant to the MSPB personnel provisions. Violators will be subject to disciplinary action up to and including termination.

ANTI-HARASSMENT GRIEVANCE PROCEDURE

This procedure supplements Chapter 10 of the MSPB Policy and Procedures Manual.

Complaints of harassment will be given high priority status, and the MDE is committed to conducting a prompt, thorough, and fair investigation on each and every complaint of harassment.

Any permanent state service employee, probationary state service employee, non-state service employee in, or applicant for, an authorized employment position in an agency which employs state service employees, may file a grievance in accordance with the anti-harassment grievance procedure.

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ANTI-HARASSMENT GRIEVANCE PROCEDURE (continued)

Any applicant or employee alleging harassment may:

1. File a grievance with the immediate supervisor in accordance with the standard grievance procedural steps;
2. If the source of the harassment is the employee's supervisor, the employee may skip a level of management by proceeding to Step Two and filing the grievance directly with the harassing supervisor's supervisor; or
3. File the grievance with the agency Human Resources Director, Deputy Superintendent, General Counsel, or State Superintendent.

Regardless of outcome, all grievances alleging harassment shall be forwarded to the appointing authority.

Acts or statements of a retaliatory nature against employees who file grievances based upon harassment and who utilize the grievance procedure outlines and referenced above are strictly prohibited.

In addition to the agency Human Resources Director, the designee of the State Personnel Director shall be available to advise and counsel employees on the grievance procedure. In such cases,

1. The agency Human Resources Director or staff designee of the State Personnel Director may be advised to assist in the filing and resolution of a grievance; or
2. In cases of wide spread harassment, the employee may be advised to file an appeal directly with the Employee Appeals Board without exhausting agency level remedies.

Informal Redress of Complaints

In addition to the grievance procedure referenced above, employees are encouraged, where feasible, to communicate directly with one another to assure the prompt discontinuation of behavior found to be offensive. The MDE respects and supports the right of each employee to communicate directly with other employees to request that any offensive conduct be discontinued. However, informal redress of complaints is not required and a complaining party may proceed to file a grievance in any situation in which informal redress is not feasible or desirable.

