



ADMINISTRATIVE POLICIES AND PROCEDURES

No: 3.005

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

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Equal Employment Opportunity Policy Statement

The Department of Safety and Professional Services (DSPS) actively commits to and complies with all federal and state affirmative action and equal opportunity laws, executive orders, policies, rules and regulations. This commitment extends to all aspects of DSPS personnel management policies and practices. The Department further provides for the fair and equitable treatment of all employees and fair and equitable service to the public in accordance with federal and state laws and other applicable provisions. The Department actively pursues available means to ensure that women, persons with disabilities and racial/ethnic minorities are part of DSPS's business culture, and to ensure that discriminatory practices do not occur.

DSPS is committed to providing equal employment opportunity for all persons and will not discriminate in any program, activity or service on the basis of race, color, creed, gender, religion, national origin, ancestry, age, disability, political affiliation or beliefs, sexual orientation, arrest or conviction record, marital status, military service, or the use of legal products outside of work.

DSPS is also committed to providing equal opportunity in all terms, conditions and privileges of employment, including but not limited to: recruitment and examination, certification, job assignment, working conditions, fringe benefits, compensation, staff development, training, transfer, layoff, reinstatement, demotion, disciplinary action, termination, and promotion.

DSPS makes every reasonable effort to ensure physical accessibility to work environments for persons with disabilities and will provide reasonable accommodations to ensure equal access to employment and all benefits associated with employment. The Department also provides reasonable accommodations for religious observances and practices.

Affirmative Action Policy Statement

DSPS recognizes the need to take affirmative action in classified, limited term, project and unclassified positions where underutilization exists for women, persons with disabilities and racial/ethnic minorities. Hiring policies and procedures are designed to ensure that the most qualified candidate is selected to fill DSPS vacancies. It is not the intent of this policy to permit or require the lowering of bona fide job requirements or qualification standards to give preference to any employee or applicant for employment. However, DSPS will take positive affirmative measures in accordance with Federal, State and Local law, ordinance, or regulation to recruit minorities, females, and persons with disabilities to all levels within the agency. Goals for increasing the representation of women, persons with disabilities and racial/ethnic minorities are set by the Office of State Employment Relations. A DSPS affirmative action plan for achieving such goals will be developed and implemented

Prohibition of Harassment

DSPS is committed to providing a workplace free of sexual harassment, intimidation, threats, coercion or discrimination (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions) as well as harassment, intimidation, threats, coercion or discrimination based on such factors as race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, family care leave status, or veteran status.

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

Harassing conduct can take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures or cartoons regarding an employee's sex, race, color, national origin, religion, age, physical disability, mental disability, medical condition, ancestry, marital status, sexual orientation, family care leave status or veteran status. Sexually harassing conduct in particular includes all of these prohibited actions as well as other unwelcome conduct such as requests for sexual favors, conversation containing sexual comments and unwelcome sexual advances.

Complaint Procedure

The Department provides an employee complaint procedure for complaints of employment discrimination or sexual harassment. Human Resources is responsible for investigating complaints of discrimination or harassment. Reported complaints will be investigated thoroughly, promptly, and in a confidential manner. If harassment or discrimination is established, DSPS will take appropriate action against the offender. Appropriate action can range from verbal or written warnings, transfer, demotion or other disciplinary action up to and including termination, depending upon the circumstances.

Retaliation for opposing harassment or discrimination or for participating in an investigation regarding harassment or discrimination is illegal if the harassment is based on a legally protected status (such as sex or disability). DSPS will not tolerate retaliation against any employee who makes a complaint or who cooperates in an investigation.

Responsibilities

The Secretary assumes overall responsibility for the implementation of DSPS's EEO/AA programs, while senior executives are responsible for implementation within their areas and units.

Related References:

Equal Pay Act, 1963

Civil Rights Act 1964, Title VII

Age Discrimination and Employment Act, 1967

Americans with Disabilities Act 1990

<http://www.eeoc.gov/employees/>

Fair Employment Act, Wis. Stat. s. 111.31 through 111.39

Chapter ER 43, Wisconsin Administrative Code