

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 16-09</p>	<p align="center">Policy # 3.20</p>
<p>Applicability: {x} All DJJ Staff {x} Administration {x} Community Services {x} Secure Facilities (RYDCs and YDCs)</p>	<p>Related Standards & References: Title VII of the Civil Rights Act of 1964, as amended, by the Civil Rights Act of 1991 Section 504 of the Rehabilitation Act of 1973 Americans With Disabilities Act (ADA) Amendments Act of 2008 Age Discrimination in Employment Act of 1967 Pregnancy Discrimination Act Genetic Information Non-Discrimination Act of 2008 Lily Ledbetter Fair Pay Act of 2009 Fair Employment Practices Act O.C.G.A. §45-19-21 et all ACA Standards: 3-JDF-1C-01; 3-JDC-1C-05 & 06; 3-JDC-1C-05-2, 4-JCF-6C-01 & 02, 4-JCF-6D-01, 4-JCF-6D-04, 4-JCF-6D-06, 4-JCF-6D-07 State Personnel Board Rule 478-1-03 DJJ 3.21, 3.22, 3.24</p>	
<p>Chapter 3: PERSONNEL</p>	<p>Effective Date: 7/15/16</p>	
<p>Subject: NON-DISCRIMINATION IN THE WORKPLACE</p>	<p>Scheduled Review Date: 7/15/17</p>	
<p>Attachments: A – EEO Notice</p>	<p>Replaces: 7/1/15 Human Resources Department APPROVED:  _____ Avery D. Niles, Commissioner</p>	

I. POLICY:

The Department of Juvenile Justice is an equal opportunity employer and shall not unlawfully discriminate on the basis of race, color, religion, sex, national origin, age, disability, pregnancy, childbirth or related medical conditions, genetic information, or sexual orientation. It is the policy of the Department to resolve complaints of unlawful discrimination and sexual harassment internally whenever possible. The Department shall comply with all applicable federal and state laws, rules, and regulations.

II. DEFINITIONS:

Essential Job Function: A fundamental job duty of a position, as opposed to a marginal function of that position. The reason the position exists is to perform the “essential functions” of that position.

Reasonable Accommodation: Any modification or adjustment to a job or the work environment that will enable an employee to perform the essential functions of the employee’s job duties.

Accommodations may include specialized equipment, facility modifications, and adjustments to work schedules or job duties.

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Undue Hardship: An accommodation requiring significant difficulty or expense when considered in light of the following factors:

- The nature and cost of the accommodation;
- The overall financial resources of the organization(s) involved in the provision of the reasonable accommodation;
- The number of employees affected by the accommodation; and
- The impact of such accommodation upon the operation of the organization.

III. GENERAL PROCEDURES:

- A. The Assistant Commissioner and each Deputy Commissioner will ensure that the managers and supervisors within his/her chain of command are familiar with the provisions of this policy and the application of this policy to employment issues.
- B. The Office of Human Resources (OHR) manages all employment-related unlawful discrimination issues involving applicants and DJJ employees. OHR will provide guidance, coordination, and technical assistance to Department managers and supervisors on the application of this policy, equal opportunity diversity training, monitoring, and corrective action of unlawful discrimination management activities.
- C. Managers will direct any questions concerning Equal Employment Opportunity issues to the Manager of the Employee Relations/EEO Section or the Director of Human Resources.
- D. Each facility/office/program will display the Equal Employment Opportunity Notice (Attachment A) on the official bulletin board.
- E. Information regarding the Americans with Disabilities Act Amendments Act may be found in DJJ 3.21, Americans with Disabilities.

IV. RELIGIOUS ACCOMMODATIONS FOR EMPLOYEES:

- A. The Department will attempt to provide a reasonable accommodation for religious beliefs and practices of the employee if to do so does not interfere with the employee's ability to perform the essential functions of the position or impose an undue hardship on the employee's work unit.
- B. Employees must request a religious accommodation, in writing, and submit it to the employee's immediate supervisor or the next level manager in the absence of the immediate supervisor.

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- C. The employee may be required to provide documentation supporting his/her need for accommodation.
- D. The supervisor will meet with the employee, and document the conversation. The supervisor will not formally commit to an accommodation request at this informal discussion.
- E. The supervisor will forward the request to the Manager of the Employee Relations/EEO Section who will then consult with the Office of Legal Services.
- F. The Manager of the Employee Relations/EEO Section will make a determination as to the approval or denial of the request and discuss the available options with appropriate levels of management.
- G. The Office of Human Resources will communicate the final determination to the employee, in writing. The Employee Relations/EEO Section will maintain the written confirmation.

V. EMPLOYEE COMPLAINT PROCESS:

Complaints of unlawful discrimination will be handled by the Manager of the Employee Relations/EEO Section.

- A. Employees are encouraged to use internal procedures to address any complaint concerning equal employment opportunity issues. Complaints may be filed in accordance with the following policies, as applicable:
 - DJJ 3.22, Harassment; and
 - DJJ 3.23, Employee Complaint Procedures.
- B. Employees may also file claims of unlawful discrimination with external agencies such as the Georgia Commission on Equal Opportunity (GCEO) or the Equal Employment Opportunity Commission (EEOC).
- C. All litigation involving claims of unlawful discrimination will be handled by the Office of Legal Services.

VI. LOCAL OPERATING PROCEDURES REQUIRED: NO