

CP # 56 / Equal Employment Opportunity and Affirmative Action

New York State Department of Environmental Conservation

DEC Policy

Issuing Authority: Joe Martens, Commissioner

Date Issued: July 17, 2013

Latest Date Revised:

I. Summary:

This Policy emphasizes the Department's commitment to ensuring equal opportunity in the workplace and provides guidance to Department staff regarding implementation of the Equal Employment Opportunity and Affirmative Action Plan in the Department's employment policies and practices.

II. Policy:

It is the policy of this Department to provide equal employment opportunity and a workplace free from unlawful discrimination to all individuals without regard to age, race, creed, color, national origin, military status, sex (includes gender, gender identity, sexual orientation, sexual harassment, sexual stereotype, and pregnancy), disability, predisposing genetic characteristics, marital status, domestic violence victim status, or prior arrests or criminal convictions¹. The Department is committed to ensuring that employment decisions regarding recruitment, hiring, promotion, compensation, layoffs, transfer, discipline, use of leave, training, and other decisions affecting the terms and conditions of employment are not negatively affected by unlawful discrimination. In furtherance of this commitment, the Affirmative Action Officer shall issue and periodically update an Equal Employment Opportunity and Affirmative Action Plan (Plan) for the Department.

III. Purpose and Background:

Federal and State law seek to encourage equal employment opportunity by providing broad protections against discrimination in the workplace. The purpose of this Policy is to emphasize the Department's commitment to those legal protections and to ensure that a person's age, race, creed, color, national origin, military status, sex (includes gender, gender identity, sexual orientation, sexual harassment, sexual stereotype, and pregnancy), disability, predisposing genetic characteristics, marital status, domestic violence victim status, or prior arrests or criminal

¹ This statutory protection applies to arrests not then pending, which have been resolved in favor of the accused. It also applies to prior criminal convictions, unless there is a direct relationship between the offense and the specific employment sought, or employment of the individual would involve an unreasonable risk to property or the public.

convictions are not barriers to equal employment opportunities. This Policy supplements but does not supersede CP-41 (Nondiscrimination in the Workplace) issued by former Commissioner Grannis on May 2, 2008, which established procedures for reporting and investigating allegations of unlawful discrimination, and delineated the roles and responsibilities of Department officials in implementing those procedures.

IV. Responsibility:

All staff are responsible for ensuring that the goals and principles articulated in this Policy and the Plan are implemented on a daily basis. In addition, staff with managerial or supervisory duties are responsible for adhering to those goals and principles in all personnel transactions including, but not limited to, recruitment, hiring, promotion, compensation, layoffs, transfers, discipline, use of leave, and training.

The Affirmative Action Officer has primary responsibility for interpreting and implementing this Policy and the Plan, and providing staff with appropriate training. Staff should consult the Affirmative Action Officer whenever questions or issues arise regarding the meaning or implementation of this Policy and the Plan. The Personnel Office and the Office of Employee Relations will cooperate and work with the Affirmative Action Officer to implement this Policy and the Plan.

V. Procedure:

The Affirmative Action Officer shall issue and periodically update an Equal Employment Opportunity and Affirmative Action Plan to assist in implementing this Policy. The Plan shall recommend: (i) the development of educational and training programs for all staff (full time, part time and seasonal) on topics such as affirmative action, diversity in the workplace and sexual harassment prevention; and (ii) the development of personnel policies and procedures to ensure equal employment opportunity.

VI. Related References:

This Policy and the Affirmative Action Plan are based on a number of Federal and State legal requirements including: Title VII of the Civil Rights Act of 1964; the Americans with Disabilities Act of 1990; the Rehabilitation Act of 1973; the Vietnam Era Veterans Readjustment of 1974; the Civil Rights Act of 1991; the State Human Rights Law; Corrections Law §752; Executive Order Number 6 issued by Governor Mario Cuomo on February 18, 1983 and continued by Executive Order Number 2 issued by Governor Andrew Cuomo on January 1, 2011; OAD-13 (“Appointment Process as Related to Protected Class Employment Consideration”); guidance developed by various agencies charged with implementation of those legal requirements; and the extensive body of case law developed as courts have interpreted those legal requirements.