



ADMINISTRATIVE POLICY

POLICY NUMBER
2.05

TITLE:	Equal Opportunity (EO) Policy
RESPONSIBLE OFFICE:	Bureau of Human Resource Management, Office for Civil Rights, Office of the General Counsel
EFFECTIVE DATE:	May 13, 2013

I. PURPOSE/SCOPE

To provide information and guidance to all DEO employees, including OPS and volunteers; to ensure compliance with the provisions of applicable federal and state nondiscrimination laws and regulations.

II. SUMMARY/INTRODUCTION

It is the policy of the Department to provide equal opportunity in employment, services, and benefits, without regard to race, color, religion, sex, national origin, age, disability, marital status, genetic information, or political affiliation or belief, in compliance with federal and state laws, orders, and regulations.

III. REVISION INFORMATION

N/A

IV. AUTHORITY

Section 188 of the Workforce Investment Act of 1998 (WIA)
 29 CFR Part 31, U. S. Department of Labor regulations implementing Title VI of the Civil Rights Act of 1964, as amended
 29 CFR Part 32, Subparts A, B, C, D and E, and Appendix A, of the Department's regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended
 Title VI and Title VII of the Civil Rights Act of 1964, as amended
 Presidential Executive Order 11246, as amended
 Sections 503 and 504 of the Rehabilitation Act of 1973, as amended
 Americans with Disabilities Act of 1990, as amended
 Equal Pay Act of 1963, as amended
 Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended
 Age Discrimination Act of 1975, as amended

Title IX of the Education Amendments of 1972, as amended
Age Discrimination in Employment Act of 1967, as amended
Immigration and Nationality Act, as amended
Chapter 760, Florida Statutes (Florida Civil Rights Act of 1992)
Sections 110.105, 110.112, 112.043-112.044, 553.501-553.514 and 760.01-760.11, Florida
Statutes
Rules 60Y-5 and 60L-33.007, Florida Administrative Code

V. DEFINITIONS

- A. Department – the Department of Economic Opportunity
- B. Discrimination – unlawful treatment on the grounds of race, color, religion, sex, national origin, age, disability, marital status, genetic information, or political affiliation or belief
- C. Employee – any employee of the Department, regardless of pay plan. As used in this Policy, this term also includes OPS and volunteer workers
- D. Executive Director – the Executive Director of the Department of Economic Opportunity
- E. OCR – the Office for Civil Rights for the Department of Economic Opportunity

VI. PROCEDURES/POLICY

- A. Policy – It is federal and state policy to prohibit retaliation against an individual because such person has, in good faith: opposed any offense involving a violation of this policy; made a charge or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing involving an alleged violation of this policy. An individual who feels he or she has been subjected to retaliatory actions, following the filing of a discrimination allegation, may file a complaint to that effect with the OCR, the Florida Commission on Human Relations (FCHR) or, for programs receiving federal financial assistance under the Workforce Investment Act, with the Civil Rights Center (CRC) of the U.S. Department of Labor.
- B. Notice and Communication of Policy – The Department makes information regarding its Equal Opportunity Policy available to applicants for services and/or employment, Department employees, and supervisory or management personnel through the following means:
 - 1. A copy of the *Policy Statement on Nondiscrimination* is part of the new-employee information provided at the time of initial hire.
 - 2. The *Policy Statement on Nondiscrimination* is available on the Department's website.

3. This Equal Opportunity Policy is available on the Department's website.

C. Complaint Procedures – Any Department employee or applicant for employment or services who believes that he or she has been discriminated against may request that the issues be mediated by, or may file a formal complaint of discrimination with, the OCR within 180 days of the action causing the complaint. The Discrimination Complaint form is available on the Internet, or may be requested by mail, email, or telephone from the OCR. The completed complaint form must be forwarded to either the mailing or email address on the form. Anonymous complaints that cannot be verified or clarified may not be accepted for formal investigation. An internal investigation of the charges will be conducted in accordance with the Department's Discrimination Complaint Procedures.

Individuals who do not wish to file a complaint with the Department may have the option of filing with the U. S. Equal Employment Opportunity Commission (EEOC) or the Florida Commission on Human Relations (FCHR) regarding employment discrimination. If the allegation of discrimination involves a program or activity of the Department that receives federal financial assistance under the Workforce Investment Act of 1998, the individual may also file a complaint with the CRC in Washington, D.C. Contact information for the EEOC, FCHR, and CRC is available from the OCR by phone or by email. The filing of a complaint pursuant to Department procedure, regardless of disposition, shall not preclude an individual from also filing a complaint with the FCHR, EEOC, or CRC.

D. Responsibilities

1. Employees – It is the responsibility of all Department employees to be familiar with this EO Policy and to abide by the Department's commitment to comply with the relevant federal and state mandates.
2. Managers and Supervisors – It is the responsibility of all Department managers and supervisors to respond promptly and appropriately and to report any allegation of discrimination brought by a person under their area of responsibility. If a complaint is investigated, it is the supervisor's responsibility to cooperate and assist in resolution of the investigation as expeditiously as practicable.
3. Vendors – It is a requirement of vendors that contract with the Department to comply with the provisions of state and federal nondiscrimination laws and with state contracting policies and guidelines.
4. OCR – In compliance with section 110.112, Florida Statutes, and Rule 60L-33.007, Florida Administrative Code, the Department must develop an affirmative-action plan. Included in the plan is a comparison of the Department's workforce to the state's available labor market as well as a report of hirings, terminations, and other personnel actions for the previous year.

The OCR's responsibilities include determining annual goals, monitoring agency compliance, and providing consultation to managers regarding progress, deficiencies, and appropriate corrective action. The OCR must provide timely and complete responses to any complaint of discrimination brought against the Department. The OCR makes independent determinations regarding complaint allegations and reports directly to the Executive Director.

VII. FORMS/ATTACHMENTS

None

VIII. RESOURCES

- **Office for Civil Rights**
Department of Economic Opportunity
107 East Madison Street, MSC 150
Tallahassee, Florida 32399-4129
Telephone: (850) 921-3205
Via the Florida Relay Service (TTY): 711
Email address: Civil.Rights@deo.myflorida.com

- **Bureau of Human Resource Management**
Telephone: (850) 245-7165

- **Office of the General Counsel**
Telephone: (850) 245-7150