

Policy 0505

From Human Resources

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PERSONNEL POLICY

MANUAL

MoDOT Personnel Policy Title: Equal Employment Opportunity

Policy Number: 0505 **Chapter Title:** Employment

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Approved By: Micki Knudsen, Human Resources Director

(Signature on file)

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POLICY STATEMENT

The department is committed to equal opportunity, affirmative action, diversity and inclusion.

It is the department's intention to provide fairness to all employees in all personnel management transactions including recruiting, hiring, training and development, job assignments, promotions,

transfers, personnel policy administration, benefits, demotions, terminations, rate of compensation, and discipline.

Discrimination or harassment based on race, sex, age, religion, color, national origin, ancestry, sexual orientation, gender identification, veteran status, disability, or genetic information is prohibited and will not be tolerated.

Retaliation against any employee who complains about discrimination or harassment is also prohibited and will not be tolerated.

DEFINITIONS

Disability: Refer to Personnel Policy 0506, “Physical or Mental Disability,” for this definition.

Discrimination: An adverse job action taken against an employee including, but not limited to, disciplinary action, work assignments, performance evaluation, or promotion denial based on race, sex, age, religion, color, national origin, ancestry, disability, sexual orientation, gender identification, veteran status, or genetic information.

Harassment: Includes, but is not limited to, verbally or physically abusive, insulting, hostile, or intimidating behavior or conduct toward an individual or group based on race, sex, age, religion, color, national origin, ancestry, sexual orientation, gender identification, veteran status, or disability.

Sexual Harassment: Any behavior of a sexual or sexist (gender-based) nature that is unwelcomed and creates a hostile, offensive, or intimidating work environment, including, but not limited to, sexual advances, requests for sexual favors, sexual or sexist comments, physical touching, obscene, lewd, or derogatory material that is posted or circulated (electronically or otherwise) within the workplace and any other unwelcome behavior of a sexual or sexist nature.

Retaliation: An adverse job action taken against an employee, including, but not limited to, disciplinary action, reduction of duties, change of work assignment, negative performance evaluation, negative reference, or promotion denial as a direct result of an employee’s opposition to unlawful employment practices, or because the employee filed a charge, testified, assisted, or participated in a proceeding, investigation, or litigation regarding discrimination, sexual harassment or harassment.

Intimidation: Refer to “Prohibited Behavior” in Personnel Policy 2512, “Workplace Security.”

Inclusion/Inclusive: An environment that invites participation and encourages mutual respect and sensitivity for everyone.

PROVISIONS / REQUIREMENTS

1. Any employee found to have engaged in discrimination, harassment, sexual harassment, or retaliation will be subject to discipline, up to and including termination.
2. In an effort to prevent sexual harassment, the department prohibits any consensual social relationship between a management level employee or supervisor and an employee in his/her line of authority. See Personnel Policy 2513, "Workplace Relationships."
3. The Missouri Department of Transportation's Diversity Plan is the Affirmative Action Plan. The plan is a set of results-oriented policies, programs, and procedures designed to prevent discrimination and to promote employment opportunities for minorities and females. The procedures included in the plan, coupled with good faith efforts, are designated to ensure equal employment opportunity. The Diversity Plan serves as a directive to all supervisory and administrative personnel, who are accountable for familiarity with the contents of the plan, for carrying out their responsibilities in accordance with the plan, and ensuring that all employees and applicants are provided with their right to be free from unlawful discrimination in the hiring and promoting process. Employees can contact their local Human Resources Manager if they would like to view the plan.
4. When a job vacancy is to be staffed, refer to Personnel Policy 0517, "Staffing of Department Vacancies." An attempt should be made to ensure a diverse applicant pool, especially for those positions for which the department's workforce shows underutilization.
5. Supervisory personnel will be evaluated on and held accountable for demonstrating support for the department's commitment to equal opportunity and diversity. Demonstrated support for the department's commitment to equal opportunity and diversity includes, but is not limited to, the following:
 - A. Taking immediate action to stop or prevent any occurrences of reported or observed incidents of discrimination, harassment, sexual harassment, retaliation, or non-inclusive behavior within the workplace.
 - B. Immediately reporting allegations, observations, reports of discrimination, harassment, sexual harassment, retaliation, or any other inappropriate behavior to a local human resource representative. Any allegations involving the workplace must be reported even if they were discovered outside of the workplace. Human resources representatives are responsible for notifying the Audits and Investigations Division of reported potential violations of this policy.
 - C. Cooperating in any investigation of harassment, sexual harassment, or discrimination, including providing signed, sworn statements regarding the allegations.
 - D. Making good faith efforts to employ, promote, and train females and minorities in the MoDOT workforce.
 - E. Being respectful and inclusive at all times in personal actions and personal communications while conducting MoDOT business.

Failure to demonstrate support for the department's commitment to equal opportunity and diversity may result in disciplinary action, up to and including termination.

CROSS REFERENCES

Personnel Policy 0506, "Physical or Mental Disability"

Personnel Policy 0517, "Staffing of Department Vacancies"

Personnel Policy 2512, "Workplace Security"

Personnel Policy 2513, "Workplace Relationships"

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