

Chapter: At-Will Employment and Equal Employment Opportunity
Title: Equal Employment Opportunity

Effective Date: 12/1/11
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New

ACA Standard(s): 4-JCF-6C-02, 6D-06

(a) **Policy.**

The Texas Juvenile Justice Department (TJJD) is an equal opportunity employer and strives to provide a work environment free from discrimination based on race, color, religion, sex/gender (including sexual harassment), national origin, age, disability, or genetic information. TJJD managers and supervisors are responsible for basing all employment-related decisions on job-related, non-discriminatory factors, and for complying with all laws that apply to the employment relationship. TJJD employees are responsible for refraining from discrimination or harassment on the basis of race, color, religion, sex, age, or disability, and for promptly reporting any violations of this policy.

(b) **Procedures.**

(1) **Federal Compliance.**

The agency complies with all applicable federal employment laws, including but not limited to the following federal statutes:

- (A) **Title VII of the Civil Rights Act of 1964, as amended** – Prohibits discrimination in hiring, promotion, discharge, pay, benefits, job training, classification, referral, and other aspects of employment on the basis of race, color, religion, sex, or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.
- (B) **Age Discrimination in Employment Act (ADEA) of 1967, as amended** – Protects applicants and employees 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.
- (C) **Equal Pay Act of 1963, as amended** – Prohibits sex discrimination in payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility under similar working conditions, in the same establishment. This act is an amendment to the Fair Labor Standards Act (FLSA).
- (D) **Title I and Title V of the Americans with Disabilities Act (ADA) of 1990, as amended** – Protects qualified applicants and employees with disabilities from employment discrimination on the basis of disability. The Act requires that covered entities provide reasonable accommodations to qualified applicants and employees with disabilities, unless such accommodations would impose an undue hardship on the employer or result in a direct threat to safety.
- (E) **Pregnancy Discrimination Act of 1978** – Prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions. Women affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.
- (F) **Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA)** – Prohibits employment discrimination on the basis of past or present service in, or applications for membership in, the uniformed services (including non-career National Guard and Reserve members as well as active duty personnel).

(2) **State Compliance.**

The agency also complies with all state laws governing employment relationship, including Chapter 21, Texas Labor Code, which includes the following provisions:

- (A) Prohibits employment discrimination on the basis of race, color, disability, religion, sex, national origin, age (40 or over), or genetic information;
 - (B) Requires each employee of the agency to attend an employment discrimination training program no later than the 30th day after the date the employee is hired by the agency and supplemental training at least every two years. The training program must provide the employee with information regarding the agency's policies and procedures on employment discrimination and sexual harassment; and
 - (C) Requires the agency to analyze its workforce each biennium to determine whether African Americans, Hispanic Americans, or females are excluded from or underutilized in any job category. When necessary, the agency shall develop and implement a plan to increase the number of qualified applicants from the underutilized group. The plan will be published as part of the agency's workforce diversity program.
- (3) **Complaints of Alleged Discrimination or Retaliation.**
- (A) An employee should file a formal grievance in accordance with PRS.35.03 if he/she believes that discrimination has adversely affected his/her employment, assignment, compensation, advancement, career development or any other condition of employment.
 - (B) Retaliation will not be tolerated against a person who opposes a discriminatory practice, makes or files a charge, files a complaint, or testifies, assists, or participates in any manner in an investigation, proceeding, or hearing relating to an allegation of discrimination. Any employee who believes he/she has been subjected to retaliation in violation of this policy should file a formal employee grievance in accordance with PRS.35.03.
 - (C) Other options for an employee who believes that he/she has been subjected to employment discrimination or retaliation include filing a complaint with:
 - (i) the Texas Workforce Commission, Civil Rights Division (TWC-CRD); or
 - (ii) the Equal Employment Opportunity Commission (EEOC); or
 - (iii) the U.S. Department of Labor, Veterans Employment and Training Service, if the complaint relates to an alleged USERRA violation.
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