

**YOUTH CORRECTIONAL CENTER
NORTH DAKOTA
DEPARTMENT OF CORRECTIONS AND REHABILITATION**

2010 AFFIRMATIVE ACTION PROGRAM



Prepared By
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**YOUTH CORRECTIONAL CENTER
AFFIRMATIVE ACTION PLAN**

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Policy Statement-Equal Employment Opportunity for Individuals with Disabilities and Protected Veterans

It is the policy of the State, and the Youth Corrections Center (YCC), not to discriminate against any employee or applicant on the basis of race, color, religion, sex, national origin, age, protected veteran, (ie disabled veteran, Armed Forces service medal veteran, recently separated veteran, or other veteran who served during a time of war or in a campaign) the presence of any mental or physical disability, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during non-working hours which is not in direct conflict with the essential business-related interests of the employer, to prevent and eliminate discrimination in employment relations, public accommodations, housing, state and local government services, and credit transactions; and to deter those who aid, abet, or induce discrimination, or coerce others to discriminate.

It is the policy of the Youth Corrections Center (YCC) to take affirmative action to employ and advance in employment, all persons regardless of their status as individuals, protected veterans, individuals with physical or mental disability as long as they meet the valid job requirements and the agency complies with the law in the hiring or promotion process. This policy applies to all employment actions including but not limited to recruitment, hiring, promotions, transfers, demotions, reductions in force, terminations, and rates of pay. The YCC gives preference to veteran and disabled veteran applicants with regards to hiring practices as mandated by State and Federal law.

Employees and applicants at YCC will not be subject to harassment in any manner including but not limited to disability or any other protected characteristics which includes a disabled veteran. Retaliation, intimidation, threats or coercion of any employee or applicant because that employee or applicant has filed a complaint of discrimination, participated in an internal investigation, objected to discrimination, or obtained their legal rights under law is prohibited and is not tolerated by YCC or its Director.

The Director of YCC, a unit of the ND Division of Juvenile Services, is committed to ensuring the principles of Affirmative Action and Equal Employment Opportunity (EEO). The ND Department of Corrections Human Resource Officer assigned to YCC will continue to enhance and audit EEO procedures within YCC.

Affirmative Action and EEO policy's will continue to be reviewed and enhanced as part of the Affirmative Action Program within YCC in order to ensure that its policy of nondiscrimination and affirmative action for qualified individuals with disabilities and other individuals with protected characteristics is accomplished.

The Affirmative Action Plan will be available for review by any employee, applicant, or citizen upon request from the YCC human resource representative and can be viewed online at www.nd.gov/docr.

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Review of Personnel Processes

Human Resource personnel at the Youth Correction Center (YCC) review hiring practices each time applications are being taken for open positions or internal promotions. Applications are reviewed and applicants are interviewed if they meet the minimum qualifications of the job based upon a screening process. Careful consideration is given to those applicants that have known disabilities or are protected veterans under the guidelines established by state law, federal law, ADA, and policy within YCC.

Revisions to the various position qualifications are reviewed annually for possible changes to minimum qualifications allowing equal opportunity for a larger applicant pool. Qualifications changes will be analyzed and considerations given to make sure those changes do not jeopardize the security of the Youth Correctional Center.

When determining qualifications of veteran's and disabled veterans for positions posted externally, consideration and preference is given to those applicants that meet the minimum qualifications for the position. Documentation is required for proof that the applicant is an honorably discharged veteran (DD214) or a disabled veteran (DD214) and letter stating disability status.

These processes are periodically reviewed and YCC personnel will modify these processes when necessary to allow for equal employment opportunity. The Affirmative Action Plan will be reviewed annually to ensure the possibility of adding new procedures to the plan.

Review of Physical and Mental Job Qualifications Standards

Each time a position is filled, YCC HR personnel review the job description to assure the needs of the agency are met and the qualifications for the position match those needs. YCC will continue to periodically review the position information questionnaire (PIQ) and qualifications with the North Dakota Division of Human Resource Management Services to revise qualifications, if appropriate, to encourage a broader number of eligible applicants. These reviews will ensure that established minimum qualifications do not screen out qualified individuals with disabilities or qualified disabled veterans. Revisions to the position qualifications will be consistent with business practices and safe performance of the job.

Job qualification requirements have been reviewed by Human Resource personnel at YCC and those requirements were found to be job-related. No pre-employment physical examination or questionnaires are used by YCC.

Reasonable Accommodations

The policy of the Youth Correctional Center (YCC) is to ensure complete compliance with the ADA and provide reasonable accommodations to qualified applicants or employees with known physical or mental impairment that substantially limits one or more major life activity.

Managers and HR personnel identify the essential functions and physical/mental demands of a position before beginning any recruiting effort. The Director of YCC in conjunction with Human Resources has the final decision whether a request for an accommodation poses an undue hardship.

YCC managers commit to engaging in an interactive process if a request for accommodation is made by applicants or employees. YCC personnel discuss with the applicant and employee an appropriate accommodation. The discussion identifies the barriers to performance and includes discussion regarding how an accommodation might overcome these barriers. The Director of YCC and Human Resources personnel determine the feasibility of the requested accommodation and provide an effective accommodation that would not be an undue hardship of significant difficulty or expense on YCC.

If informal discussions do not result in a resolution or the proposed accommodation seems significantly difficult, unduly costly, extensive, substantial or disruptive, or will fundamentally alter the business of the division, a more formal analysis is required.

Harassment Prevention and Retaliation

The Youth Corrections Center (YCC) prohibits harassment of employees or applicants on the basis of race, color, religion, age, gender, disability or any other protected characteristic. YCC adheres to the philosophy that employees have the right to work in an environment free from harassment and that individuals making application for employment with YCC must be allowed to do so in an environment free from harassment.

Harassment is a prohibited personnel practice at YCC. Any employee or applicant who believes that they have been subject to harassment have the responsibility to contact their supervisor, any manager, or human resources personnel and advise them of their complaint of harassment. All employees or applicants can file a written grievance with YCC authorities if they believe harassment has taken place against them. The Director of the YCC will make a determination if any harassment complaint warrants an investigation by DOCR authorities.

Any employee who engages in conduct determined to be harassment, either as a result of investigation by the agency or as a result of an appeal hearing through the Human Resource Management Services, will be subject to disciplinary action administered by the director or designee, up to and including discharge from employment.

Retaliatory action against any employee or applicant who files a harassment complaint is prohibited. Any person who engages in retaliatory action will be subject to disciplinary action, up to and including discharge from employment.

New employees employed at YCC review all policies at orientation and sign an acknowledgment form which is kept in their personnel file. Employees of YCC will receive electronic notification of Department of Corrections/YCC policy and their updates. YCC employees can review policies on the DOCR internal webpage (Intranet).

External Dissemination of Policy and Recruitment

All personnel forms and recruitment materials (ads, notices, job announcements and applications) include the phrase “Equal Opportunity Employer” and the non-discrimination statement.

Contractors and subcontractors at YCC have a written non-discrimination clause included in the contract which also includes compliance statements of all applicable laws, rules, regulations, policies, accessibility, and civil rights.

The YCC AAP will be made available to any individual upon request and will be posted on the external DOCR website.

YCC annually advertises its status as an Equal Opportunity employer in several national minority publications through Diversity Life Magazine publications.

Agency Human Resource (HR) representatives and managers will continue to contact the State Veteran Service Officer, placement officers and admission personal within the higher education system in ND to encourage qualified applicants apply for positions within the Youth Correctional facility.

HR personnel will maintain contact with collateral state agencies such as the ND Department of Commerce and the ND Job Service enhancing recruiting efforts of possible applicants with or without disability or other applicants with protected characteristics. These agencies will be informed of the YCC Affirmative Action Plan (AAP).

HR personnel or designee will continue to attend various career fairs to inform possible applicants with or without disability or other applicants with protected characteristics of opportunities within YCC and to encourage them to pursue careers in occupations employed by YCC.

The agency will continue to advertise job openings on the Internet through the use of a State Employment Opportunities web site provided by the ND Division of Human Resource Management Services. The agency will continue to utilize other resources to advertise positions such as but not limited to; ND Job Service, University Systems web based job listing (team.org), ND Department of Commerce web fair career building database, and the ND DOCR external and internal webpage postings database. The YCC AAP will be posted on the DOCR internal and external website.

YCC will encourage professional development at all levels and has developed an employee mentoring initiative to enhance employee skills to manage and function in our workforce.

Internal Dissemination of Policy

Copies of the Youth Corrections Center's (YCC) AAP will be made available for inspections to any employee upon request and will be posted on the YCC-DOCR internal website and bulletin boards in staff working areas through-out the facility.

All YCC policies are reviewed by employees and managers annually and the AAP is re-emphasized to managers and encouraged to aid in YCC's affirmative action efforts to ensure an effective program.

Briefing sessions are conducted as changes occur with managers and supervisors to review changes in regulations and to discuss affirmative action measures including training and other accommodations.

YCC will continue to advertise internal job announcements on the internal website and by email attachment.

YCC managers will encourage professional development at all levels for all employees including those with protected characteristics by a mentoring initiative to enhance employee skills to manage and function in our workforce.

The YCC AAP will be reviewed annually and updates made accordingly.

Applicants are invited to identify themselves as an individual with a disability, as defined in section 503 of the Rehabilitation Act of 1973 and/or as an applicant with protected characteristics under the EEOP of the Vietnam Era Veterans Readjustment Assistance Act of 1974. The invitation has been posted on bulletin boards throughout the facility work areas and employees may self identify at any time.

Audit and Reporting

Human Resource personnel at the Youth Corrections Center and its managers are responsible for the effective implementation of the AAP within YCC. YCC human resource personnel and its managers are responsible for developing documents for an effective audit program of the AAP

The audit and reporting program is designed to:

- Document personnel activities within YCC in recruiting disabled persons or protected veterans
- Identify areas in the plan where improvements can be made
- Determines if YCC goals have been met which include:

- a) Procedures of recruitment, job announcement advertising and job application procedures
- b) Procedures of hiring, promotion, termination
- c) Pay for all employees including benefits
- d) Job classifications and descriptions

YCC's audit system will include a report annually documenting YCC's efforts in complying with its EEO/AAP responsibilities. Managers within YCC will review the AAP and at the time of the report indicate any problem area with EEO and can make any suggestions for solutions to the personnel manager.

Personnel managers will discuss the contents of the audit report and any suggested changes to the AAP with the Division Director for approval and an effective implementation of the AAP.

Responsibility for Implementation of AAP

Human Recourse personnel and managers within the Youth Correctional Facility have the responsibility for designing and ensuring effective implementation of YCC's AAP. These duties include:

Development of the AAP for individuals with disabilities and protected veterans, policy statements, personnel policies and procedures, internal and external dissemination of policy, and monitoring the effectiveness of these actions.

Review personnel actions, policies, procedures, ensuring compliance with YCC's AAP obligations.

Review qualifications of all applicants, employees, promotion procedures, and terminations to ensure individuals are treated in a nondiscriminatory manner.

Monitor the effectiveness of the program by implementing audit procedures including identifying problem areas within the AAP and develop solutions to problems. This process includes making sure that up-to-date AAP information is posted internally and externally for individuals to review. (bulletin boards, web site posting etc..)

Keep Managers and the Director of YCC informed of the AAP progress within YCC and providing progress reports.

Provide managers training on the AAP including reviewing the program with them on an annual basis to ensure they are meeting the responsibilities of the plan.

Serve as the liaison for YCC between enforcement agencies, individuals with disabilities, protected veterans, public, and collateral agencies.

Manager and Supervisor Responsibilities

Managers and supervisors will have initial training on the AAP plan and will be updated on changes to the plan annually. The purpose of the training and updates is to ensure managers and supervisors of their responsibilities in enforcing YCC's AAP. Their obligations are not limited to:

Reviewing the Affirmative Action Program document on the DOCR Intranet website for individuals with disabilities and protected veterans with subordinate supervisors to ensure they are aware of the policy and understand their obligations to comply with the plan.

Assist HR personnel in identifying problem areas and solutions to those problems in order to accomplish the goals of the AAP.

Assists HR personnel in reviewing qualifications of all applicants and employees ensuring qualified individuals are treated in a nondiscriminatory manner when hiring, promoting, or terminating individuals.

Training of Personnel

Training on the AAP is provided to all employees in the Youth Correctional Center that assist in recruiting, screening, hiring, promoting, and disciplinary process of individuals. Training sessions will be arranged on an ongoing basis.

Invitation to Self-Identify for Protected Veterans

Note: The regulations at 60-300.42 and 60-250.42 permit the contractor to invite applicants to inform the contractor whether the applicant believes that he or she is a disabled veteran during the employment process. The invitation extends to an applicant after the contractor has made and offer of employment but before the applicant begins their employment.

Definitions:

Recently separated veteran refers to any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty.

Other protected veteran refers to a person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, under laws administered by the Department of Defense.

Armed Forces service medal veteran refers to any person who, while serving on active duty in the Armed Forces service medal was awarded pursuant to Executive Order 12985 (62 FR 1209).

Disabled veteran refers to a veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Secretary of Defense, or was discharged or released from active duty because of a service-connected disability.

1. Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (VEVRAA) requires government contractors to take affirmative action to employ and advance veterans in employment. VEVRAA prohibits discrimination and requires affirmative action in all personnel practices regarding protected veterans. The statute covers disabled veterans, Armed Forces service medal veterans, recently separated veterans, and other veterans who served during a war, or in a campaign or expedition for which a campaign badge has been authorized.
2. **An invitation to veterans:** If you are recently separated veteran, other protected veteran, or Armed Forces service medal veteran, we would like to include you under our affirmative action program. If you would like to be included under the affirmative action program, please tell us.

An invitation to disabled veterans only: If you are a disabled veteran, we would like to include you in our affirmative action program. If you would like to be included under the affirmative action program, please tell us. This information will assist us in placing you in an appropriate position and in making any necessary accommodations for your disability.

An invitation to both: If you are a disabled veteran, recently separated veteran, or Armed Forces service medal veteran, we would like to include you under our affirmative action program. If you would like to be included under the affirmative action program, please tell us.

3. You may inform us of your desire to benefit under the program at this time and/or anytime in the future.

4. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.
5. The information you submit will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if you have a condition that might require emergency treatment; and (iii) Government officials engaged in enforcing laws administered by OFCCP, or enforcing the Americans with Disabilities Act, as amended, may be informed.
6. It is the policy of the Youth Corrections Center (YCC) to take affirmative action to employ and advance in employment, all persons regardless of their status as individuals, including protected veterans as long as they meet the valid job requirements. A written copy of this Affirmative Action Program is available for inspection by any employee or applicant for employment during normal business hours. Interested persons should contact: Tim Tausend, Human Resource Officer II at: Youth Correctional Center, 701 16th Avenue SW, Mandan ND 58554. (Phone 701-667-1465).
7. If you are a disabled veteran it would assist us if you tell us about (i) any special methods, skills, and procedures that qualify you for positions that you might not otherwise be able to do because of your disability so that you will be considered for any positions of that kind, and (ii) any accommodations that we could make that would enable you to perform the job, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, provision of personal assistance services or other accommodations. This information will assist us in placing you in an appropriate position and in making accommodations for your disability.