


Equal Employment Opportunity

Louisiana Department of Health (LDH)	
	Policy Number
	34.2
	Content
	Policy statements on Equal Employment Opportunity and Procedures for Title VII Complaint Investigations
	Effective Date
	July 20, 2016
	Inquiries to
	Office of Management and Finance Division of Human Resources, Training & Staff Development P.O. Box 4818 Baton Rouge, Louisiana 70821 - 4818 (225) 342-6477 FAX (225) 342-6892

If there is a discrepancy between an LDH Policy and a Program Office or facility policy, the LDH policy shall govern/override/supersede the conflicting section within the Program Office or facility policy.

I. PURPOSE

This policy states the Louisiana Department of Health (LDH) position on equal employment opportunity, affirmative action responsibilities and the responsibility of management to ensure compliance with federal, state and local governmental regulations concerning equal employment opportunity and nondiscrimination.

This policy and procedure provides a uniform approach to the investigation and resolution of discrimination complaints stemming from the employment practices of LDH. This procedure shall apply to all offices of LDH and its subordinate elements, its employees, and any applicant for employment.

This policy is not intended to replace or supplant the authority of any other regulatory agency designated to investigate such charges. Nothing in this policy or the attendant procedures shall limit the right of a complainant to file his/her complaints with any other agency designated to

operate in such a manner, e.g., Department of Civil Service, Commission on Human Rights, Equal Employment Opportunity Commission, or Federal Civil Rights Offices at the regional and

national levels. This procedure is designed primarily to accommodate the internal processing of discriminatory complaints within LDH.

II. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

LDH and all offices under its jurisdiction reaffirm the policy for Equal Employment Opportunity (EEO) by hereby stating that no person shall, on the basis of race, color, religion, sex, age, national origin, disability, veteran's status or any other non-merit factor, be discriminated against in any employment practice. LDH is committed to this policy because it is morally right and is legally required by Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, the Rehabilitation Act of 1973, as amended, the Vietnam Era Veteran's Readjustment Assistance Act of 1974, the Civil Rights Act of 1991, and the Americans with Disabilities Act of 1990 (PL 101-336).

This policy is intended to apply to recruiting (both advertising and selection), hiring, promotion, demotion, transferring, training and development, education, compensation, benefits, layoff, terminations, and all other privileges, terms and conditions of employment.

The LDH Secretary has overall responsibility for the reaffirmation of policy. The responsibility to implement this policy for each LDH office rests with its corresponding appointing authority. Persons who fail to adhere to the EEO policy may be subject to disciplinary action.

III. EFFECTIVE DATE

The effective date of this policy is July 20, 2016.

IV. POLICY GUIDELINES

- A. Basic guidelines and methods of achieving the goals of EEO will be set forth in Affirmative Action Plans (AAP). The Louisiana Department of Health, Division of Human Resources, Training and Staff Development shall complete an acceptable AAP annually.
- B. This policy must be communicated to all employees and all levels of management. For new employees, this must be done during employee orientation sessions. Federal and state government nondiscrimination posters and the LDH EEO policy statement must be displayed prominently in all LDH locations in conspicuous places where notices to employees and applicants are customarily displayed.
- C. All personnel actions, including but not limited to appointment,

compensation, transfer, promotion, demotion, termination and layoff shall be administered on a nondiscriminatory basis.

- D. All employee benefits will be provided without discrimination.
- E. Full consideration shall be given to employing disabled persons in areas of work in which they are qualified.
- F. References in notices, advertisements, forms and specifications relating to employment shall not indicate any preference, limitation or discrimination based on race, color, religion, national origin, marital status, disability, veteran status, age or sex except where there is a bona fide occupational qualification. All LDH recruitment advertisements shall include the phrase "An Equal Opportunity Employer."

V. EEO COMPLAINT PROCEDURE

- A. Every employee is allowed to report any action that may violate this policy to the agency's Human Resources Director.
- B. The report may be made verbally or in writing and should include the name of the person against whom the complaint is made, when and where the alleged unlawful discrimination occurred, what action was allegedly discriminatory, what the complainant did or said in reaction, the names of any witnesses and any other relevant information. For convenience, complainants may use the "EEO Complaint Form" that can be located in the LDH Policy Manual.
- C. It is a violation of this policy for an individual to make an intentionally false or malicious accusation of unlawful discrimination. Any individual who is found to have made an intentionally false or malicious accusation will be subject to disciplinary action, up to and including dismissal from employment. This provision is not intended to discourage complaints when there is a sincere belief that unlawful discrimination has occurred. Retaliation against an employee utilizing this policy is strictly prohibited and may subject the perpetrator to disciplinary action up to and including dismissal from employment.
- D. Upon receiving a complaint, the Human Resources Director shall immediately notify the Appointing Authority and the LDH Bureau of Legal Services that a complaint of unlawful discrimination has been made.
- E. In cooperation with the Appointing Authority and the Bureau of Legal Services the Human Resources Director shall investigate the matter thoroughly or assign a staff member to investigate the matter.

- F. The Human Resources Director shall report his/her findings and recommendations to the Appointing Authority and the Bureau of Legal Services who will determine the appropriate action to be taken and ensure that the employee is notified of the result of the investigation.

VI. DISCIPLINARY ACTIONS

Any employee who violates this policy may be subject to disciplinary action up to and including dismissal from employment.

VII. REFERENCES

EEO Complaint Form

Title VII of the Civil Rights Act of 1974

Equal Employment Opportunity Act of 1972

Rehabilitation Act of 1973, as amended

Vietnam Era Veteran’s Readjustment Assistance Act of 1974

Civil Rights Act of 1991

Americans with Disabilities Act of 1990 (PL 101-336), as amended

VIII. REVISION HISTORY

Date	Revision
August 1, 1977	Policy created
March 31, 1981	Policy revised
August 1, 1989	Policy revised
June 1992	Policy revised
October 1, 1994	Policy revised
June 5, 2001	Policy revised
December 18, 2014	Policy revised (housekeeping changes only)
July 20, 2016	Policy revised
January 28, 2020	Policy reviewed – no changes