

TITLE 10: CIVIL SERVICE COMMISSION

Subpart F - Government Employment Equal Opportunity Policy

§ 10-20.2-476 Government Employment Equal Opportunity Policy

(a) It is the policy of the government that there shall be no discrimination based on such factors as race, creed, color, ancestry, membership in a labor organization, political affiliation, place of origin, physical handicap, sex, religion, age, and similar matters not related to merit and fitness. Also, as stated in 1 CMC §§ 8101, et seq.:

"It is hereby declared to be the purpose of this Act to establish a system of personnel administration based on merit principles and generally-accepted methods governing the classification of positions and the employment, conduct, movement and separation of public officials and employees.

"It is also declared to be the purpose of this Act to build a career service which will attract, select and retain the best-qualified civil servants on merit who shall hold their offices or positions free from coercion, discrimination, reprisal or political influences, with incentives in the form of genuine opportunities for promotions in the public service, to provide competent and loyal personnel to render such service, according to the dictates of ethics and morality. In order to achieve these purposes, it is declared to be the policy of the Commonwealth that the personnel system hereby established be applied and administered in accordance with the following merit principles:

"A. Equal opportunity for all regardless of age, race, sex, religion, political affiliation or place of origin;

B. Impartial selection of the ablest person for government service by means of competitive tests which are fair, objective and practical;

C. Just opportunity for competent employees to be promoted within the service;

D. Reasonable job security for the competent employee;

E. Systematic classification of all positions through adequate job evaluation;

F. Fair and reasonable grievance procedures for all employees pertinent to condition of employment; and

G. Proper employer-employee relations to achieve a well-trained, productive and happy work force."

(b) All employees, and especially supervisors and managers, are expected to implement the equal employment opportunity policy at all times. Discrimination for or against any employee on the basis of age, race, color, religion, sex, national origin, place of origin, marital status, political affiliation, disability, or any other basis prohibited by federal or Commonwealth law shall not be tolerated. All agencies shall maintain every workplace free from unlawful harassment, including sexual harassment. Any employee or official who engages in any act of discrimination or harassment on the basis of any of the above factors violates government policy, and such misconduct will subject an employee to corrective action ranging from counseling to adverse action up to and including termination. Such harassment by a non-employee (for example, a client or contractor) is also prohibited. Supervisors and management officials shall not tolerate any such outside harassment and shall take necessary action to prevent its continuation or recurrence.

(c) Any employee who feels that he or she has been discriminated against on the basis of any of the above factors, or sexually or in any other manner harassed, should immediately report such incidents to a supervisor at any level without fear of reprisal. Confidentiality will be maintained to the extent permitted by the circumstances.

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(d) A supervisor who receives a claim of discrimination or harassment in violation of this policy shall take such complaint seriously; assure that it is investigated promptly, privately, and with as much confidentiality as possible consistent with the need to determine the facts; and document the investigation. Any person accused of a violation shall be allowed the opportunity to rebut the charges.

(e) After determining the facts, the appropriate supervisor shall take any corrective action required by the circumstances. This may include counseling any employee, whether or not a violation has occurred; imposing an appropriate sanction, including adverse action; making sure that this policy is reiterated to all employees or any group thereof; referral to the Civil Service Commission, Attorney General, or Public Auditor; or any other action necessary or likely to remedy the problem and prevent future discrimination or harassment. A supervisor who does not take appropriate action also violates this policy and exposes the Commonwealth government to liability.

(f) Except as noted below, every department or other agency shall designate at least one person as Equal Employment Opportunity Officer (EEO Officer) as part of that person's regular duties. The Governor may designate a single EEO Officer for two or more agencies of fewer than 50 employees each. Agencies that do not report to the Governor may voluntarily group themselves together and designate a single EEO Officer, and may seek the assistance of the Civil Service Commission in making such arrangements.

(g) EEO Officers shall advise employees, including managers and other supervisors, regarding their rights and responsibilities under this policy and applicable federal and Commonwealth laws and shall be provided with appropriate training for such purpose.

Modified, 1 CMC § 3806(g).

History: Amdts Proposed 26 Com. Reg. 22953 (Aug. 26, 2004); Amdts Adopted 19 Com. Reg. 14894 (Jan. 15, 1997); Amdts Emergency and Proposed 18 Com. Reg. 14357 (Oct. 15, 1996); Amdts Adopted 10 Com. Reg. 5436 (Feb. 15, 1988); Amdts Proposed 9 Com. Reg. 5294 (Dec. 15, 1987); Adopted 5 Com. Reg. 2502 (Nov. 15, 1983); Proposed 5 Com. Reg. 2286 (Aug. 31, 1983).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (g).

The 1997 amendments added new subsections (b) through (g). See also the commission comment to § 10-20.2-401.

In subsection (b), the Commission corrected the spelling of "supervisors." The Commission inserted a comma after the word "age" in subsection (a) pursuant to 1 CMC § 3806(g).