
PARDON AND PAROLE BOARD

Policy 115 – Equal Employment Opportunity and Prohibited Discrimination, Harassment and Retaliation

POLICY:

It is the policy of the Pardon and Parole Board (PPB) that no employee or applicant shall be discriminated against because of political or religious opinions or affiliations, race, creed, gender, sexual orientation, color, age, national origin, or physical handicap so long as the physical handicap does not render the employee unable to perform the essential function of the position for which the person is employed.

It is the policy of PPB not to discriminate in its employment practices. Any form of unlawful discrimination will not be tolerated. The principals of equal employment opportunity apply to all employment practices and personnel actions throughout the agency including but not limited to: recruiting, hiring, promotions, demotions, transfers, reductions in force, compensation, benefits and all other terms and conditions of employment.

No employee shall be harassed in the work place. Harassment may involve actions or statements related to a person's protected class, including offensive remarks or physical aggression, among other behaviors. Harassment is not limited to sexual behaviors. No employee shall be harassed because of his/her protected class. Harassment can include comments, graphic materials, or writings that are not flattering or are unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability or appearance, or political affiliation. Harassment is not allowed when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in and adverse employment decision. While it is not illegal to tease or make offhand comments or have isolated incidents that are not serious PPB require all employees to treat one another with dignity and respect at all times.

No employee shall be fired, demoted, harassed or otherwise "retaliated" against because they filed a charge of discrimination, complained to PPB about discrimination on the job, or participated in an employment discrimination proceeding (investigation or lawsuit). We define retaliate as acting in revenge or getting even. Therefore, any individuals who give information about a complaint, including all supervisors mandated to report directly to Civil Rights Officer or Grievance Manager and individuals who participate in an investigation are also protected from any reprisals.

The following are definitions and categories of protected classes from discrimination, harassment and retaliation:

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1. Age

Age Discrimination involves treating someone (applicant or employee) less favorably because of his/her age. The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. PPB does not tolerate discrimination and/or harassment due to his/her age.

2. Disability

Disability discrimination occurs when an employer treats an employee or applicant with a disability unfavorably because he or she has a disability or is perceived to have a disability. Not everyone with a medical condition is protected by the law. In order to be protected, a person must be qualified for the job and have a disability as defined by the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act, as amended (ADAAA).

A person can show that he or she has a disability in one of three ways:

- a. A person may be disabled if he/she has a physical or mental condition that substantially limits a major life activity, such as walking, talking, seeing, hearing, or learning.
- b. A person may be disabled if he/she has a history of a disability.
- c. A person may be disabled if he is believed to have a physical or mental impairment that is not short-term and minor.

The PPB does not discriminate due to applicants/employees disability. Reasonable accommodation shall be provided to an employee or applicant with a disability, unless doing so would cause undue hardship to PPB. A reasonable accommodation is any change in the work environment to help a person with a disability apply for a job or perform the duties of a job. Undue hardship means that the accommodation would be too difficult or too expensive to provide, in light of PPB's size, financial resources, and its business needs.

3. Genetic Information

PPB will not discriminate against employees because of genetic information. PPB will not use genetic information in making employment decisions. Nor will it request, require, or purchase genetic information for the purpose of making employment decisions.

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4. **National Origin**

PPB does not discriminate against employees unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be a certain ethnic background. This also prohibits treating people unfavorably because they are married to or associated with a person of a certain national origin or because of their connection with an ethnic organization or group.

5. **Pregnancy**

PPB does not discriminate against women, employees or applicants, because of pregnancy, childbirth, or a medical condition relate to pregnancy or childbirth. The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment including hiring, firing, pay, job assignments, promotions, reductions in force, training, and any other term or condition of employment.

6. **Race/Color**

PPB does not discriminate employees due to race or color. Race discrimination involves treating an applicant or employee unfavorably because he/she is a certain race or because of personal characteristics associated with race. Color discrimination involves treating someone unfavorably because of skin color complexion.

7. **Religion**

PPB does not discriminate employees due to his/her religious beliefs. The agency will reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the Board. However, the Board will not accommodate an employee's religious beliefs or practices if doing so creates an undue hardship. This includes but not limited to, cost, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work. Absolutely no PPB employee will be forced to participate or not to participate in a religious activity as a condition of employment.

8. **Gender**

PPB does not discriminate employees due to that person's sex or gender. No employee/applicant shall be harassed due to gender. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal physical harassment of a sexual nature. Harassment does not have to be a sexual

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nature; it can include offensive remarks about a person's sex or favoring employment decisions based on a person's gender.

9. Sexual Orientation

PPB does not discriminate employees based on that person's sexual orientation. Sexual orientation is defined as homosexuality, bisexuality, or heterosexuality, whether, such orientation is actual or perceived, and includes association with another individual of a particular sexual orientation.

10. Sexual Harassment

PPB is committed to providing a workplace that is free from sexual harassment. Sexual harassment in the workplace is against the law and will not be tolerated. When PPB determines that an allegation of sexual harassment is credible, it will take prompt appropriate corrective action. (PPB Policy and Procedure 003 and 003.2)

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. An employment decision affecting that individual is made because the individual submitted to or rejected the unwelcome conduct; or
2. The unwelcome conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment.

Conditioning promotions, awards, training or other job benefits upon acceptance of unwelcome actions of a sexual nature are strictly prohibited by PPB. Unwelcome actions can be inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment, including but not limited to:

1. Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or electronically;
2. Verbal abuse of a sexual nature;
3. Touching or grabbing of a sexual nature;
4. Repeatedly standing too close to or brushing up against a person;
5. Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should not pressure their employees to socialize);

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6. Giving gifts or leaving objects that are sexually suggestive;
7. Repeatedly making sexually suggestive gestures;
8. Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
9. Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

A victim of sexual harassment can be a man or a woman. The victim can be the same sex as the harasser. The harasser can be a supervisor, co-worker, other PPB employees, or a non-employee who has business with PPB.

Retaliation is prohibited. Any individual who reports, complains, or provides information about sexual harassment will be considered as having participated in a protected activity and will not be retaliated against.

PPB takes all necessary steps to prevent sexual harassment from occurring which include, but are not limited to:

1. Providing training and disseminating written policy to all employees.
2. Affirmatively raising the subject and expressing strong disapproval; and
3. Developing appropriate sanctions and taking corrective action.
4. Holding all executive staff, supervisors and employees of PPB accountable for reporting all concerns or complaints of sexual harassment.

Any concerns or complaints of discrimination, harassment or retaliation shall be reported to the PPB Civil Rights Coordinator (identified in PPB employee handbook), PPB Grievance Manager (identified in PPB handbook), Oklahoma Merit Protection Commission, Oklahoma Office of Attorney General, and /or the Equal Employment Opportunity Commission (EEOC). The filing of a complaint with one of these entities does not prohibit the filing or appeal to another one of these entities. Simultaneous filings are permitted. (PPB Procedure 003.2)

BASIS FOR POLICY:

- A. To establish Pardon and Parole Board's definition of a protected class and unlawful prohibited conduct as it relates to Equal Employment Opportunities, Discrimination, Harassment and Retaliation.

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- B. To ensure compliance with federal and state laws, rules and regulations in Title VII of the Civil Rights Act of 1964; 74 O.S. § 840-2.9 and 954, Merit Rules 260:25-3-2 and 260:25-3-3:

The Age Discrimination Act (ADEA); The Americans with Disabilities Act (ADA) and ADA as amended; Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA); and The Pregnancy Discrimination Act (PDA).

Approved: September 21, 2015
Revised: June 13, 2016, Replaces Policy 003.1
Revised: August 13, 2018