



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES
AGENCY POLICY STATEMENT**

**SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY AND
PROHIBITED WORKPLACE HARASSMENT**

INDEX NUMBER: 210.00

EFFECTIVE DATE: 1 September 2021

PURPOSE: To establish and communicate the Division of Administrative Services Prohibited Workplace Harassment policy to all Division employees, independent contractors, or volunteers. This policy is meant to supplement the Division of Personnel's (DOP) existing rule, policies, and guidance documents, and in cases where this policy is contrary to any DOP rule, policy, or guidance document, the DOP rule, policy, or guidance document will control.

REFERENCE: West Virginia Code §15A-2-1, §15A-2-2, §15A-2-4, DOP Administrative Rule 143CSR1, and DOP's Prohibited Workplace Harassment policy.

RESPONSIBILITY: None.

CANCELLATIONS: Any previous written or verbal instruction on this subject.

APPLICABILITY: All Division of Administrative Services employees (including executive, administrative, classified, non-classified, exempt, and temporary employees), independent contractors, and volunteers.

DEFINITIONS: Definitions of terms relevant to this policy shall be those found in DOP's Administrative Rule 143CSR1, DOP's Prohibited Workplace Harassment policy, other relevant DOP policies, or guidance documents issued in support of said rule, all of which may be found at DOP's website. To the extent a conflict may exist between this policy and W.Va. Code §29-6-1, et seq., the DOP Administrative Rule, or any policies adopted under such laws or rules, such other law, rule or policy controls.

POLICY:

- I. The Division of Administrative Services (hereinafter referred to as "Division") is an equal opportunity employer.
- II. All Division employees, independent contractors, and volunteers, regardless of classification status or assignment, have the responsibility to further the implementation of, and to comply with, this policy. The Division and its employees, independent contractors, and volunteers will comply with DOP's Prohibited Workplace Harassment Policy and related state or federal law, rules, and policies. Any Division employee who violates this policy, or who witnesses such violation(s)

and fails to take immediate and appropriate action to report the violation may be subject to disciplinary action. Any independent contractor or volunteer who violates this policy, or who witnesses such violation(s) and fails to take immediate and appropriate action to report the violation may be subject to immediate removal from the workplace.

- III. The Division will not tolerate illegal harassment based upon sex (with or without sexual conduct), race, color, religion, national origin, ancestry, age, disability, protected activity, or status explicitly defined as protected under applicable State and Federal law as well as nondiscriminatory hostile workplace harassment.
- IV. The Division will not unlawfully discriminate regarding any aspect of employment, including, but not limited to, recruitment, consideration for employment, hiring, compensation, or disciplinary action based on any criteria set forth herein.
- V. The Division's Employee Relations Unit Supervisor within the Division's Human Resources Section is appointed as the Division EEO Coordinator, and concerning these duties reports directly to the Division Director. The EEO Coordinator is responsible for ensuring the training of Division employees designated as EEO Counselors and for posting their names and contact information on all employee bulletin boards.
- VI. Any employee, independent contractor, or volunteer who believes they have been subject to behavior that is prohibited by this policy may contact an EEO Counselor or the EEO Coordinator to file a complaint, except in the case of nondiscriminatory hostile workplace harassment claims (refer to section VI concerning nondiscriminatory hostile workplace harassment claims.)
- VII. An employee, independent contractor, or volunteer must address nondiscriminatory hostile workplace harassment claims with their direct supervisor or manager, unless the direct supervisor or manager is the alleged harasser, in which case the employee, independent contractor, or volunteer may proceed directly to the next higher level of management.
- VIII. Retaliation is prohibited by any person subject to this policy against any employee, independent contractor, or volunteer who files a complaint or provides evidence regarding complaints or investigations made or conducted under this policy. Retaliation may be cause for disciplinary action or removal from the workplace.
- IX. Investigations conducted under this policy are confidential to the extent required by law, rule, or policy. Investigative reports shall be submitted to the Division Director, or an appropriate individual as designated by the Director for review and appropriate action. Provided, that if the Director is the alleged harasser, the investigative report will be submitted to the Cabinet Secretary.

