

SERIES: General Agency Operations (SRCA-100)

NUMBER: SRCA-103

TITLE: Equal Employment Opportunity

PURPOSE:

This policy is promulgated pursuant to the provisions of Title VII of the Civil Rights Act of 1964, as amended; Title I and Title V of the Americans with Disabilities Act of 1990, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963, as amended; Title II of the Genetic Information Nondiscrimination Act of 2008; and the New Mexico *Human Rights Act*, [Sections 28-1-1 through 28-1-15 NMSA 1978].

Its purpose is to ensure equal employment opportunity to all persons regardless of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, genetic information, spousal affiliation, sexual orientation, or gender identity.

SCOPE:

The provisions of this policy apply to all employees of the State Records Center and Archives (SRCA).

DEFINITIONS:

"Equal Employment Opportunity Commission" (EEOC) means the Federal investigative agency of the United States Department of Justice, which regulates and enforces equal employment opportunity laws, regulations, guidelines and standards.

"New Mexico Human Rights Commission" (NMHRC) means a division within the NM Department of Workforce Solutions (formally the NM Department of Labor) charged with the receipt and investigation of allegations and enforcement of the New Mexico Human Rights Act and other State law prohibiting discrimination in employment.

A. GENERAL PROVISIONS:

Equal employment opportunity is mandated by federal and state law. All SRCA employment actions, including but not limited to, recruitment, hiring, promotion, demotion, compensation, terms, conditions, or privileges shall be based on bona fide occupational qualifications and merit and shall not be discriminatory based on race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, genetic information, spousal affiliation, sexual orientation, or gender identity.

It is also the policy of the SRCA to prohibit any form of harassment based on an individual's race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, genetic information, spousal affiliation, sexual orientation, or gender identity and to prohibit retaliation against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

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Department of Cultural Affairs

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All employees of the SRCA are to be governed by the intent of this policy, which is to encourage diversity in recruitment, selection, placement, and upward mobility of personnel. All supervisors and managerial personnel are responsible for supporting and ensuring compliance with this policy.

B. RESPONSIBILITY FOR COMPLIANCE

The SRCA human resources manager shall be responsible for the following:

- Orientation of all new employees and distributing a copy of the EEOC policy to all employees within thirty days of hire.
- Posting the required NMHRC and EEOC informational posters/notices on bulletin boards that are easily accessible at each SRCA facility.
- Being knowledgeable in NMHRC and EEOC laws and providing guidance to managers, supervisors, and employees.
- Providing annual training for all staff regarding the provisions of the EEOC policy and the requirements of federal and state laws related to equal employment opportunity.
- Promptly notifying all managers, supervisors, and employees of changes in the EEOC policy.

All managerial and supervisory personnel are responsible for the following:

- Acquainting themselves with the contents of the EEOC policy.
- Complying with the provisions of the EEOC policy in the exercise of their duties to ensure that equal employment opportunity laws are followed.
- Taking reasonable measures to ensure that their employees understand equal employment opportunity and the right to file complaints either informally or formally.

All employees are responsible for the following:

- Acquainting themselves with the contents of the EEOC policy.
- Complying with the provisions of the EEOC policy in the exercise of their duties
- Contacting the SRCA human resources manager to report any violations, and perceived violations, of the EEOC policy. Employees may, at their discretion, contact the NMHRC or the EEOC.

C. COMMITMENT TO PERSONS WITH DISABILITIES

The NMHRC defines an individual with a disability as “any person who has a physical or mental impairment which substantially limits one or more of an individual’s major life activities as defined in Section 28-1-2 (1) of New Mexico Statutes Annotated, 1978, or has a record of such an impairment, or is regarded as having such an impairment.”

The SRCA, in order to advance equal employment opportunity for persons with disabilities, hereby adopts a policy of ensuring that all qualified persons with disabilities are given full consideration in recruiting, promotion, and all other employment practices.

[12/21/2012 adopted; 01/21/2016 revised; 04/23/20 revised]

APPROVED:



Rick Hendricks, Ph.D.
State Records Administrator

EFFECTIVE DATE:

April 23, 2020

