NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES
POLICY AND PROCEDURE DIRECTIVE

SUBJECT: NON-DISCRIMINATION IN EMPLOYMENT

NUMBER: NN-HR-10

ORIGINAL DATE: 03/18/92

REVIEW/REVISE DATE: 08/26/92, 01/26/94, 07/05/95, 11/19/98, 07/01/99, 08/05/99, 09/19/02, 04/06/06, 1/22/09 , 6/17/10

APPROVAL: Rosalyne Reynolds {s} , Agency Director

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I. PURPOSE

The purpose of this policy is to define the practices which must be adhered to in order for this facility to fully comply with Title VII of the Civil Rights Act of 1964, Age Discrimination Act of 1975, Americans With Disabilities Act (ADA) of 1990, Nevada Revised Statues, Nevada Administrative Code, and the Division of Mental Health and Developmental Services Policy 5.027 (Non-Discrimination in Employment). All personnel shall be fully informed of these policies and practices and they are expected to adhere to them without exception. All employees have the right to work in an environment free from all forms of unlawful discrimination and conduct which can be considered harassing, coercive, or disruptive.

II. POLICY

1. In keeping with Title VII of the Civil Right Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Nevada Revised Statues, Nevada Administrative Code, Division of Mental Health and Developmental Services policies, and the Americans with Disabilities Act, NNAMHS does not unlawfully
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discriminate in employment practices or provisions of services on the basis of race, color, religion, age, national origin, sex, political affiliation, disability (including AIDS and AIDS-related conditions).

2. NNAMHS has a zero tolerance for any type of discrimination and will take immediate action on all reports.
3. This applies to all levels of employment and all personnel practices, including but not limited to the following: recruitment, hiring, promotions, disciplinary actions, forms of compensation, benefits, transfers, terminations, and education and training programs.

III. DEFINITION

Unlawful employment practice-Failure or refusal to hire or to discharge any individual,or otherwise unlawfully discriminate against any individual with respect to his/her compensation, terms, conditions or privileges of employment because of such individual's race, color, religion, age, national origin, sex, political affiliation, disability (including AIDS and AIDS-related conditions). See NRS 613.310 et. seq.

IV. REFERENCE

1. Title VII of the Civil Right Act 1964.
2. The Civil Rights Act of 1991.
3. Age Discrimination in employment Act of 1967.
4. Americans with Disabilities Act of 1990.
5. Nevada Revised Statues 613.310 to 613.435, inclusive; EMPLOYMENT PRACTICES-Equal Opportunities for Employment.
6. Division of Mental Health & Developmental Services Policy #5.021, " Sexual Harassment" .
7. Nevada Administrative Code 284 ADJUSTMENT OF GRIEVANCES.
8. NAC 284.696 Unlawful Discrimination
9. NAC 284.771 Sexual Harassment
10. Equal Pay Act of 1963
11. NRS 281.370 Action concerning personnel to be based on merit and fitness; discrimination prohibited.
12. MHDS Policy 5.027 Non-Discrimination in Employment

13. Pregnancy Discrimination Act of 1978

V. PROCEDURE

1. Any employee who feels they have been a victim of unlawful discrimination or any conduct, which can be considered harassing, coercive, or disruptive, should adhere to the following procedure:

   a. Immediately inform the person believed to be engaging in the act of unlawful discrimination that the conduct was unwelcome, undesirable, and/or offensive.

   b. If, for whatever reason, the employee is unwilling to follow the above initial attempt to settle the dispute, or if the conduct persists after an objection, the employee a timely manner, file a complaint utilizing the NEATS incident reporting system forwarding it first to their immediate supervisor. The employee may also notify the agency personnel representative or Agency Director.

      (i) The complaint should be processed following the appropriate procedure outlined in NAC 284.658 through 284.696, which is available in the agency personnel office.

   c. If the immediate supervisor or a higher authority is the cause of the alleged unlawful discrimination, the employee should file a complaint with their personnel representative or with the next highest level of authority within the Agency or Division of Mental Health/Developmental Services.

   d. All proceedings involving the unlawful discrimination complaint shall be confidential.

   e. Any employee who has complained of discrimination and who is dissatisfied with the resolution of the case may contact outside counsel at their expense, or the Nevada Equal Rights Commission. DHHS Investigation Protocol for Complaint of Employment Discrimination and MHDS Investigation guidelines. Alternatively employees may report incidents of sexual harassment or discrimination directly to the Department of Personnel Sexual Harassment/Discrimination Hotline @ 1-800-767-7381.

   f. If the complaint of unlawful discrimination is found to be valid, the appointing authority shall determine the form of discipline to be administered to the employee. This discipline will be as prescribed by the Department of Health and Human Services-

Incompatible Activities, Prohibitions and Penalties, Division of Mental Health/Developmental Services, NAC and NRS.

g. Upon receipt of a complaint involving unlawful discrimination, the Appointing Authority or his/her designee, will notify the MHDS Administrator and the Attorney General for the Division of Mental Health and Developmental Services.

2. This policy shall be posted on the NNAMHS bulletin boards outside the Personnel Office, in the agency mailroom, in the inpatient staff areas, and in the Service Coordination staff areas.
3. All supervisors will complete the mandatory EEO class within twelve months of hire as a supervisor.
4. All employees will participate in the Prevention of Sexual Harassment training for new hires within 6 months of hire and complete the Sexual Harassment Revisited class biannually thereafter.

VI. NON-RETALIATION

1. This policy prohibits retaliation against employees who bring unlawful discrimination charges or assist in investigating those charges. Any employee bringing an unlawful discrimination complaint or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment, nor discriminated against, discharged, or disciplined because of the complaint.
2. Complaints known by the accuser to be groundless may not be protected.