

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN RESOURCES**

**CHAPTER 1120-07
EQUAL EMPLOYMENT OPPORTUNITIES**

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1120-07-.01 STATEMENT OF POLICY. The State of Tennessee is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to illegal discrimination or illegal harassment in the workplace. It is the state's policy to provide an environment free of discrimination or harassment of an individual because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status, or any other category protected by state and/or federal civil rights laws.

Authority: T.C.A. §§ 8-30-101, 8-30-104, 8-30-105, 8-30-303, 8-30-307, 8-50-103, 8-50-104, 29 U.S.C. § 623, 29 U.S.C. § 794, 38 U.S.C. § 4311(a), 42 U.S.C. § 2000e, et seq., 42 U.S.C. 2000ff, et seq., 42 U.S.C. 12101, et seq., 20 C.F.R. Part 1002.210, 29 C.F.R. Parts 1600 through 1699. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 of the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-07-.02 AGENCY RESPONSIBILITIES. In demonstrating the agency's commitment to the equal employment opportunities policy, each Appointing Authority in state service shall:

- (1) Be held responsible for compliance with the state law, policy, and executive orders pertaining to equal employment opportunities (EEO), Americans with Disabilities Amendments Act (ADAAA), Affirmative Action (AA), and Uniformed Services Employment and Reemployment Act (USERRA);
- (2) Develop an equal employment opportunity compliance policy statement and inform employees of the agency's commitment to that policy;
- (3) Designate an employee to coordinate equal employment programs within that agency;
- (4) Inform supervisory personnel of their role in carrying out the agency's equal employment opportunities policies;
- (5) Maintain processes for internal investigations of workplace discrimination or harassment complaints conducted pursuant to the state's policy; and
- (6) Submit to the Commissioner a completed affirmative action plan annually in a manner prescribed by the Commissioner.

Authority: T.C.A. §§ 8-30-101, 8-30-104, 8-30-105, 8-30-303, 8-30-307, 8-50-103, 8-50-104, 29 U.S.C. § 623, 29 U.S.C. § 794, 38 U.S.C. § 4311(a), 42 U.S.C. § 2000e, et seq., 42 U.S.C. 2000ff, et seq., 42 U.S.C. 12101, et seq., 20 C.F.R. Part 1002.210, 29 C.F.R. Parts 1600 through 1699. **Administrative**

(Rule 1120-07-.02, continued)

History: (For history prior to January 2, 1988, see pages 1-2 of the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-07-.03 DEPARTMENT OF HUMAN RESOURCES' RESPONSIBILITIES.

- (1) The Commissioner shall represent the Governor in matters relating to equal employment opportunities in the state service;
- (2) The Department shall periodically review employment practices to insure that these practices are not discriminatory;
- (3) The Commissioner shall establish appropriate guidelines and procedures governing the preparation and submission of the affirmative action plan by each agency;
- (4) The Department shall provide training and technical assistance in the development, implementation and monitoring of agencies' affirmative action plans and equal employment programs;
- (5) The Department shall provide training and technical assistance to employees and agencies regarding compliance with EEO, ADA, AA and USERRA;
- (6) The Department shall inform any person claiming unlawful discrimination or harassment of the appropriate procedures for pursuing a complaint.
- (7) The Department shall report to the Governor the equal employment opportunity activities of each department, agency and commission in the state service; and
- (8) The Department shall inform the Governor when instances occur of non-compliance or failure to demonstrate good faith efforts under this rule.

Authority: T.C.A. §§ 8-30-101, 8-30-104, 8-30-105, 8-30-303, 8-30-307, 8-50-103, 8-50-104, 29 U.S.C. § 623, 29 U.S.C. § 794, 38 U.S.C. § 4311(a), 42 U.S.C. § 2000e, et seq., 42 U.S.C. 2000ff, et seq., 42 U.S.C. 12101, et seq., 20 C.F.R. Part 1002.210, 29 C.F.R. Parts 1600 through 1699. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 of the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994. Repeal and new rule filed December 14, 2010; effective May 31, 2011. Repeal and new rule filed July 5, 2012; effective October 3, 2012.

1120-07-.04 REPEALED.

Authority: T.C.A. § 8-30-202, 8-30-203, 8-30-204, 8-30-206, 8-30-207, 8-30-221, 8-30-222, T.C.A. 8-50-103 and 8-50-10(a). **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 of the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal filed December 14, 2010; effective May 31, 2011.

1120-07-.05 REPEALED.

Authority: T.C.A. § 8-30-202, 8-30-203, 8-30-204, 8-30-205, 8-30-206, 8-30-207, 8-30-221, 8-30-222 and 8-50-103(a). **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 of the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Repeal filed December 14, 2010; effective May 31, 2011.

1120-07-.06 REPEALED.

Authority: T.C.A. § 8-30-202, 8-30-203, 8-30-204, 8-30-205, 8-30-206, 8-30-207, 8-30-221, T.C.A. 8-30-222 and 8-50-103(a). **Administrative History:** (For history prior to January 2, 1988, see pages 1-2 of the Introduction at the beginning of the chapters.) Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed August 25, 1994; effective December 29, 1994. Amendment filed October 25, 1995; effective February 28, 1996. Repeal filed December 14, 2010; effective May 31, 2011.