
ARTICLE 19

Equal Employment Opportunity

Section 1 – General

The Department and the NCFLL agree to cooperate in providing equal opportunity for all qualified persons to prohibit discrimination because of age, sex, race, religion, color, national origin, disability, sexual orientation or status as a parent and to promote the full realization of equal employment opportunity through a positive and continuing effort.

Section 2 - No NCFLL Discrimination

It is agreed between the parties that in the policies and practices of the NCFLL there shall continue to be no discrimination against any employee on account of age, sex, race, religion, color, national origin, disability, sexual orientation or status as a parent and the NCFLL invites all employees to share in the full benefits of Union membership and organization.

Section 3 - Exchange of Information

Through the procedures established for labor management cooperation, each party agrees to advise the other of outstanding equal opportunity problems of which they are aware. The Department and the NCFLL will jointly seek solutions to such problems through personnel management procedures and programs provided in this Agreement and in Department regulations. This Section does not apply to individual complaints of discrimination.

Section 4 - EEO Committees

- A. In each Region, there may be a Regional EEO Committee whose membership shall include one representative from each NCFLL Local Union in the Region, who is a bargaining unit employee in that Region.
- B. The functions of these Committees shall include recommendation of necessary changes in new or revised EEO Plans; review of the effectiveness of applicable EEO Plans and Affirmative Action Programs in the Region; and recommendation of actions to remedy shortcomings in existing EEO Plans and Programs insofar as may be appropriate under the Civil Service Reform Act of 1978.

Section 5 - Special Emphasis Program Committees

Wherever Management meets with these Committees (for example, the Federal Women's Program, and Hispanic Employment Program Committees) concerning matters which affect personnel policy and practices

and other matters affecting working conditions of employees in the bargaining unit, the NCFLL shall be informed in advance and shall have an opportunity to be present and participate at such meetings.

Section 6 - Meetings with Outside Groups on EEO Matters

- A. Management may from time to time meet with groups or associations other than the NCFLL (for example the NAACP, Urban League, LULAC, GI Forum, IMAGE, NOW, FEW, and SER) concerning EEO matters that affect personnel policy and practices and other matters affecting working conditions of employees in the bargaining unit. The NCFLL shall be informed in advance and shall have an opportunity to be present at such meetings.
- B. Management may from time to time engage in consultation or dealings with religious, social, fraternal, professional, or other lawful associations, not qualified as a labor organization, with respect to matters or policies which involve individual applicability to it or its members provided that such consultation or dealings shall be so limited that they do not assume the character of formal consultation on matters of general employee-management policy covering employees in the bargaining unit, or extend to areas where recognition of the interests of one employee group may result in discrimination against or injury to the interests of other employees.
- C. This Section does not apply to meetings with individual employees concerning an individual complaint of discrimination.

Section 7 - EEO Counselors

- A. Management will appoint and train EEO Counselors selected from a list of nominees which shall include the names of any employees who have been nominated by the NCFLL.
- B. Counselors may not be NCFLL Stewards or Officers and may not be supervisors or Management Officials.

Section 8 - EEO Complaint Resolution

The NCFLL shall be notified of all proposed remedial or corrective actions, which impact on bargaining unit employees, to be taken as the result of informal or formal resolution of EEO complaints.

Section 9 - Reasonable Accommodation

- A. The Department shall provide reasonable accommodations for qualified individuals with disabilities as required by the Rehabilitation Act of 1973, as amended, (29 U.S.C. 791). In accordance with 29 C.F.R. 1630.2(o), the term reasonable accommodation means:
1. Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
 2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
 3. Modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.
- B. In accordance with 29 C.F.R. 1630.2(o), reasonable accommodation may include but is not limited to:
1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
 2. Job restructuring; part time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.
- C. Upon request, the Department shall provide visually disabled employees with access to this Agreement.
- D. When the results of a medical examination reveal that a disabled employee cannot satisfactorily perform his/her job, the Department will consider reasonable accommodation for the employee under the applicable regulations.