



AMERICAN JAIL ASSOCIATION
1135 Professional Court
Hagerstown, MD 21740-5853
301-790-3930
Fax 301-790-2941
aja.org

SUPPORTING INDIVIDUALS WORKING IN OUR NATION'S JAILS

American Jail Association Resolution

Gender-Specific Recruitment Utilizing Bona Fide Occupational Qualification (BFOQ)

- WHEREAS,** Gender may be a BFOQ for jail correctional officer positions due to gender-specific supervision being a factor in increasing security, decrease sexual abuse, and protect the privacy rights of inmates, and
- WHEREAS,** Jails may be required by individual State law and local institutional policies to hire and retain gender-specific staff to—at times—supervise inmates of the same sex, whether male or female, and
- WHEREAS,** The United States Department of Justice Final Rule of the National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) requires gender-specific supervision of inmates in specified circumstances to meet the standards as set forth by the Federal Government, and
- WHEREAS,** Jails not only vary in size and population, but many are located in rural or suburban communities where finding qualified applicants may be limited, and
- WHEREAS,** BFOQ's are employment qualifications that employers may consider when making decisions about hiring and retention of employees, and
- WHEREAS,** a BFOQ, when lawfully permitted, is an exception and complete defense to Title VII of the Civil Rights Act of 1964, which protects employees from discrimination based on religion, sex, age, national origin, race, and color at the workplace.
- THEREFORE BE
IT RESOLVED
THAT** The American Jail Association supports efforts by our Nation's jails to evaluate whether a BFOQ exists for gender-specific recruitment for the privacy, safety, and security of staff and inmates.

Adopted by the AJA Board of Directors on January 13, 2017.