

2008



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## ***Policy Statement***

It is the policy of the Board of County Commissioners (the Board) to provide equal opportunity and equal access to County employment, programs and services for all qualified persons and to prohibit discrimination in employment because of race, color, religion, sex, national origin, age, disability, sexual orientation or political affiliation. Equal Opportunity, however, can only be achieved through committed leadership and administration of a viable Equal Opportunity Program. The County shall promote equal employment opportunity through non-discriminatory practices by:

- recruiting, hiring, training and promoting persons in all job classifications without regard to race, color, religion, sex, national origin, age, disability, sexual orientation or political affiliation,
- ensuring that employment decisions are in accordance with both County equal employment policy and state and federal equal employment laws and regulations,
- ensuring that all personnel actions and benefits are administered in a non-discriminatory manner, and
- ensuring that programs and services provided are administered in a non-discriminatory manner.

The County will make a good faith effort to identify, recruit and employ qualified applicants including women, minorities, persons with disabilities, veterans and older workers to increase the number of qualified members of diverse groups represented within its workforce. This is not intended to imply that anyone who lacks the required qualifications can be employed under this policy.

## ***Policy Statement***

The Board, through its administrative staff, shall disseminate its policy through resources such as the employee handbook, the internet, the public library and by posting required federal and state notices. The County Manager has ultimate responsibility for the implementation of the County's Equal Opportunity Program (EOP). Administrative responsibility for developing and implementing a comprehensive equal opportunity program and enforcing policies, shall be given to the Equal Opportunity (EO) Manager, as directed by the County Manager. The Equal Opportunity Office monitors employment practices, conducts training on equal opportunity laws and investigates complaints of discrimination.

## ***PART 1***

### ***Program Administration***

#### ***Section One***

**County Manager** - As the chief Administrating Official for the County Commission, the County Manager is ultimately responsible for the administration, direction and implementation of the Equal Opportunity Program. The County Manager shall:

- a. Confirm the appointment of the Equal Opportunity (EO) Manager.
- b. Meet with the EO Manager on an as needed basis to discuss concerns related to the EOP.
- c. Monitor departments for adherence to EOP policies and procedures through the performance review process.
- d. Render decisions on formal charges of discrimination filed by employees, in accordance with the Alachua County Employee Policies.

#### ***Section Two***

**Equal Opportunity Manager**—is responsible for the development and administration of a comprehensive Equal Opportunity Program. This is a full-time position that is hired by the Administrative Services Manager and confirmed by the County Manager. The EO Manager shall:

- a. Direct the activities and operations of the EOP by developing policies and procedures that are in compliance with federal and state EO laws and Board policy.
- b. Assist in the recruitment of diverse applicants to ensure diversity of the applicant pool.
- c. Review employee policies and procedures for compliance with Federal equal employment opportunity guidelines (job descriptions, recruitment, testing, selection, etc.).
- d. Review personnel actions such as hires, transfers, promotions and discipline for compliance with the EOP.
- e. Develop internal training programs on equal opportunity laws and fair employment practices.

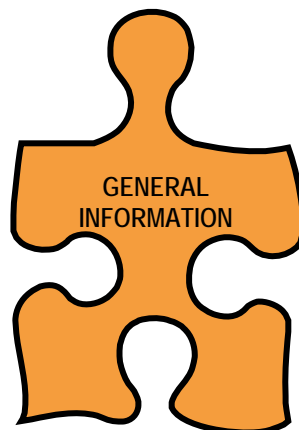
# ***PART 1***

## ***Program Administration***

### ***Section Two***

#### **Equal Opportunity Manager**

- f. Receive and investigate employee complaints of discrimination and report findings directly to the County Manager. Coordinate the response to discrimination complaints filed with external agencies against the County.
- g. Provide technical assistance to departments that have EO responsibilities beyond the County's EOP (such as may be required under federal or state grants).
- h. Compile EO reports required by state and federal agencies.
- i. Establish contact with local, state and federal agencies which may provide information to facilitate EOP development and implementation.
- j. Administer the County's Disability Accessibility Program and serve as the County's ADA Coordinator.
- k. Develop and implement a Small Business Enterprise Program (in conjunction with the Purchasing Manager) to foster growth and development of local small businesses. Ensure a diverse supplier/vendor pool.
- l. Direct all facets of a comprehensive EOP, including enforcing the County's Human Rights Ordinance.



# ***PART 1***

## ***Program Administration***

### ***Section Three***

**Equal Opportunity Advisory Committee (EOAC)**—this committee may be jointly made up of County and Library District employees (during the term of the inter-local agreement with the Alachua County Library District). The County Manager will appoint County employees and the Library Manager will appoint Library District employees. The committee shall consist of at least nine (9) members, one of whom will be designated as chair. The vice-chair will be a representative of the other agency to ensure leadership roles from both organizations. Every attempt will be made to ensure diversity on the committee. The EOAC will meet no less than semi-annually. The committee will provide an advisory function to the EO Manager on matters relating to equal opportunity in employment. The primary duties of the Equal Opportunity Advisory Committee shall be to:

- a. Promote diversity in the workplace.
- b. Provide recommendations on equal opportunity issues presented to them by the EO Manager.
- c. Assist in the ongoing review of the EO Handbook, recommending changes as needed.
- d. Relay pertinent information discussed in committee meetings to supervisors and coworkers.





## ***PART 2***

### ***Program Objectives***

The overall objective of the program is to ensure equal opportunity for all qualified persons seeking employment with the County, ensure equal access for citizens to County programs and services, and create for employees a work environment free from discrimination and harassment.

The EO Program may use the following and other appropriate means to promote and foster equal employment/access throughout the County:

#### ***Section One***

**Expanded Recruitment Program**—A periodic review of the County's workforce will be conducted to determine any areas of under-representation, based on federally established guidelines. The County's workforce will be compared to the relevant qualified civilian labor force, using current census data. Areas of under-representation will be identified and used to determine the recruitment efforts needed to achieve a more diverse workforce. Program activities include:

- a. Conducting expanded recruitment efforts aimed at increasing the diversity of the applicant pool;
- b. Notifying hiring supervisors of applicants in the qualified pool who fall in the groups under-represented in the County's workforce demographics and
- c. Monitoring the hiring and selection process.

#### ***Section Two***

**Upward Mobility**—The Board of County Commissioners encourages employee growth and development for the purpose of facilitating upward mobility. Criteria for participation in internal training programs will be non-discriminatory and will encourage the participation of women, minorities and older workers.

## ***PART 2*** ***Program Objectives***

### ***Section Three***

**Employment Access for Persons with Disabilities**—The EO Program shall ensure that qualified applicants are not screened out of the employment process because of a disability and make reasonable accommodations for an applicant's or employee's disability, in accordance with the Americans with Disabilities Act (ADA). Applicants and employees with disabilities will be employed and advanced in employment in a non-discriminatory fashion.

### ***Section Four***

**Veterans Preference**—Preference will be given to eligible veterans in accordance with Florida Statutes.

### ***Section Five***

**Complaint Resolution Process**—See Part 6 of this handbook.



## ***PART 3***

### ***Dissemination of the Policy***

The following procedures for dissemination of the Equal Employment Opportunity (EEO) Policy shall be used:

1. Publication—The EO Manager will develop and publish a handbook on the Equal Opportunity Program.
2. Distribution—The handbook will be available online on the Intranet and on the Internet on the Equal Opportunity web page. Copies of the handbook will be distributed to all department heads who will be responsible for distributing the document to their employees who do not have computer access.
3. Reference—The County Manager's Office, Equal Opportunity Office, County departments and all branches of the Alachua County Library District will maintain copies of the handbook.
4. Recruitment—Applicants will receive policy information via the appropriate printed and electronic media, public service announcements and expanded recruitment mailing lists.
5. Bulletin Boards—Department Managers will maintain current EEO posters on bulletin boards in conspicuous areas where employees gather in their respective worksites. Posters will be provided and inspected annually by EO staff.
6. Documented training will be held for managers and supervisory staff, as well as employees at all levels, on equal opportunity laws and fair employment practices.
7. Job announcements and County stationery will include the statement, "Equal Opportunity Employer".
8. EO staff will provide a general overview of the EO Program (with emphasis on the County's Workplace Harassment policy) and distribute copies of the handbook to new employees during New Employee Orientation.

## ***PART 4***

### ***Disability Accessibility Program***

In accordance with Section 504 of the Rehabilitation Act of 1973, and the 1990 Americans with Disabilities Act (ADA), no otherwise qualified individual with a disability shall be excluded from participation in, be denied the benefits of, or be subject to discrimination under any County program, service or activity because of a disability.

#### ***Section One***

**Access**—It is the policy of the Board to ensure that County programs, services, communications and facilities are accessible and usable by persons with disabilities to the greatest extent possible. In no case will an accommodation request be denied below the County Manager's level.

#### ***Section Two***

**Service Animals**— Any person accompanied by a service animal is allowed to enter County owned or occupied buildings with the animal, and is allowed access to whatever areas the public is generally allowed, in accordance with the 1990 Americans with Disabilities Act. Persons with disabilities accompanied by service animals are not required to carry documentation of their disability or identification of the animal.

#### ***Section Three***

**Employment**—Alachua County government is an equal opportunity employer and no qualified individual shall be subjected to discrimination in our recruitment, selection or employment practices, on the basis of a disability. Applicants and employees with disabilities are covered under the equal employment policies outlined in this document.

## ***PART 4***

### ***Disability Accessibility Program***

#### ***Section Four***

##### **Requesting an Accommodation for a Disability**

**(Employment)**—Applicants for employment may request an accommodation for a disability during the hiring process, either to the hiring supervisor or to the Equal Opportunity Office. Such requests may include: more time to take written tests, giving verbal instead of written responses, having a job coach or interpreter present during the interview.

An employee determined to be a “qualified individual with a disability” as defined under Title 1 of the ADA, may request an accommodation for a disability. Whenever possible, the request should be made in writing to the employee’s supervisor. The County may request medical documentation to support the appropriateness of the request under the ADA. The supervisor must inform the EO Manager of a request for an accommodation or regarding a personnel matter that may have ADA implications. Supervisors may make accommodations that are simple or readily achievable. However, if the issue is more complicated the EO Manager will work with the department and Human Resources to find an accommodation that is reasonable and effective. Information related to the request for an accommodation will be kept strictly confidential.

All “reasonable accommodation” determinations are made on a case-by-case basis. Only the Administrating Official may deny an accommodation request on the basis of undue hardship to the organization.

#### ***Section Five***

**Grievance**—A person who wishes to file a complaint, based on employment or access concerns, under Section 504 of the Rehabilitation Act of 1973 or the ADA, will use the complaint procedures outlined in Part 6 of the handbook.

## ***PART 4***

### ***Disability Accessibility Program***

#### ***Section Six***

**Citizens Disability Advisory Committee (CDAC)**—The CDAC shall be responsible for assisting the EO Manager in complying with Section 504 of the Rehabilitation Act of 1973, and the 1990 Americans with Disabilities Act. This committee is made up of citizens appointed by the County Manager, and recruitment efforts will seek to have various disabilities represented on the committee. The CDAC will review County programs, services, communications and facilities for accessibility. The EO Manager, or designee, will act as a liaison to organizations that advocate the needs of persons with disabilities.

#### ***Section Seven***

**Public Notices and Assurances**—In accordance with the requirements of the 1990 Americans with Disabilities Act, the EO Manager will be responsible for the posting of non-discrimination notices in County buildings. The EO Manager will issue public assurances (through posting of notices and advertisements) that the County operates in compliance with laws pertaining to persons with disabilities.

## ***PART 5***

### ***Workplace Harassment Policy***

It is the policy of the Board of County Commissioners to provide a workplace that is free from harassment. Harassment is a form of employee misconduct which undermines the integrity of the employment relationship. We will not tolerate any conduct or behavior which interferes with the reasonable expectations of our employees to a workplace that is free from rude, offensive, intolerant, or otherwise inappropriate comments, actions or materials. Any employee determined to have violated this policy will be disciplined in accordance with the disciplinary procedures set forth in the Alachua County Employee Policy Manual, and in accordance with Title VII of the 1964 Civil Rights Act (as amended). Sexual harassment is a form of prohibited harassment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors or unwanted sexual attention from a coworker, supervisor, subordinate, agent of the County or vendor doing business with the County. Harassment may include threats to the terms or conditions of employment or may serve to create a hostile, intimidating or offensive work environment.

This policy also applies to vendors, customers or others who enter our workplace. All managers and supervisors are held responsible for taking immediate action to address such behavior in their work areas.

## ***PART 5***

### ***Workplace Harassment Policy***

#### ***Section One***

**Prohibited Behavior**—Offensive conduct or harassment that is of a sexual nature, or based on race, color, religion, age, sex, national origin, disability, sexual orientation or political affiliation is prohibited. Conduct that has the purpose or effect of creating an intimidating, hostile or offensive work environment or that unreasonably interferes with an individual’s work performance is considered harassment and is strictly prohibited. Such conduct includes, but is not limited to:

- Unwelcome touching
- Unwelcome attention of a sexual nature
- Requests for, or expectations of, sexual favors
- Sexual, racial, ethnic jokes, innuendos or profanity
- Offensive written or spoken language, or physical gestures
- Offensive posters, cartoons, jokes or slurs
- Name-calling or nicknames that may be offensive
- Jokes that demean another individual or a group of individuals
- Offensive verbal, visual or physical conduct
- Any type of “bullying” behavior

#### ***Section Two***

**Disciplinary Action**—Harassment is a form of employee misconduct. This type of misconduct is grounds for disciplinary action, up to and including termination. The county holds supervisory employees to a higher standard of conduct and makes them responsible for ensuring that the work environment is free from harassment. Violators of the County’s non-harassment policy will be subject to appropriate disciplinary action in accordance with the Employee Policy Manual.



## ***PART 5***

### ***Workplace Harassment Policy***

#### ***Section Three***

**Responsibility to Report**—Any employee who feels that he or she is the victim of harassment based on race, color, religion, sex, national origin, age, disability, sexual orientation or political affiliation, must report the harassment to the supervisor, division or department head, or to the EO Manager immediately.

Any employee who has knowledge of such behavior also has the responsibility to report it to a supervisor, division or department head or to the EO office. An employee filing a complaint under this policy is not required to report through the normal chain of command, but may go directly to the EO office. Complaints may be submitted verbally or in writing; whoever receives a verbal complaint must document the report as completely as possible. A supervisor who is aware of an incident of harassment must immediately notify the EO Manager. The EO Office will respond to reports from employees and supervisors, conduct an investigation and advise the department head regarding the recommended corrective action, if warranted.

#### ***Section Four***

**Retaliation**—Retaliation against any person for bringing an allegation forward, filing a complaint or participating in an investigation of alleged harassment or discrimination is strictly prohibited. Complaints made in good faith will not be held against an employee. Any employee who feels that he or she is being retaliated against for filing a complaint or participating in an investigation must report the retaliation to the EO Manager immediately.

## ***PART 6***

### ***Internal Complaint Procedure***

All information received, solicited or compiled during the course of an internal investigation will remain confidential to the extent possible that provides for a fair and complete investigation of the charges. The EO Manager will submit a final investigative report directly to the County Manager.

#### ***Section One***

**Jurisdiction**—Complaints received by the EO Office are first reviewed for jurisdiction based on alleged violations of federal or state law, or County anti-discrimination policy. The complaint must be based on at least one of the protected categories: race, color, religion, sex, national origin, age, disability or sexual orientation, and political affiliation to be accepted by the EO Office as a formal complaint of unlawful discrimination.

While all acts of discrimination are unfair, not all unfair treatment is unlawful discrimination. However, County policy also addresses workplace behavior and mutual respect expected of all employees. The EO Office will assist to the extent possible in the resolution of employee concerns brought to its attention, which may not formally fall under the jurisdiction of EO.

#### ***Section Two***

##### **Formal Complaint Procedure**

- a. Employees, applicants or citizens who believe they have been discriminated against by a County program or service will be asked to complete a discrimination complaint form in the EO Office within 180 days of the complainant's knowledge of the alleged act of discrimination.
- b. An investigator will be appointed by the EO Manager to investigate the charges, which will include interviewing the persons involved as well as other employees who may have witnessed the alleged discriminatory acts.

## ***PART 6***

### ***Internal Complaint Procedure***

#### ***Section Two***

- c. The complainant and the responding party (the accused) may give a list of witnesses for testimony in support or denial of the charges. Also, any documents related to or pertinent to the allegation(s) may be submitted to the EO Office.
- d. Within 90 days of receiving a formal complaint, the EO Manager will submit a final investigative report to the County Manager. Under extenuating circumstances, this time frame may be extended by the County Manager.
- e. The County Manager will meet with the EO Manager to review the report, and will issue a determination in writing to the complainant and the respondent within 15 days of receipt of the final investigative report.

#### ***Section Three***

**Informal Complaint Procedure**— Any employee, applicant or citizen may bring an informal complaint to the EO Manager. The complaint will be reviewed and resolved informally or, if necessary, be investigated according to the process outlined in the formal complaint procedure.

#### ***Section Four***

**Retaliation**—Retaliation against any person for bringing an allegation forward, filing a complaint or participating in an investigation of alleged unlawful discrimination is strictly prohibited. Complaints made in good faith, even if determined to be unfounded, will not be held against an employee. Under no circumstances will an employee be penalized for reporting improper conduct. Any employee who feels that he or she is being retaliated against for filing a complaint or participating in an investigation must report the retaliation to the EO Manager immediately.

## ***PART 6*** ***Internal Complaint Procedure***

### ***Section Five***

**Mediation**—Conflicts that are left unresolved have a negative effect on employee productivity and morale. The Equal Opportunity Office offers mediation as an option to help resolve employee conflicts or disputes. Mediation provides a structured setting for disputing parties to meet and, with the assistance of a neutral third party, hear and understand each other and find mutually acceptable solutions. Participants in mediation must understand and consent to the process in order for it to be effective. Mediation is voluntary, collaborative, impartial and confidential.



## ***PART 7***

### ***Equal Opportunity—External Program***

#### ***Section One***

**Human Rights Ordinance**—The Equal Opportunity Office administers the County’s Human Rights Ordinance, Chapter 111 of the Alachua County Code of Ordinances. The Human Rights Ordinance prohibits discrimination in employment, housing, and public accommodations based on race, color, national origin, religion, sex, marital status, age or disability (and familial status in housing complaints). It provides for a comprehensive complaint resolution process that includes complaint intake, counseling, investigation or mediation/conciliation. The EO Office conducts public education and outreach on anti-discrimination laws.

The Human Rights Ordinance is applicable in the unincorporated areas of Alachua County, but does not apply to other governmental entities.

#### ***Section Two***

**Small Business Enterprise Program**—The Equal Opportunity Office administers the County’s Small Business Enterprise Ordinance which is designed to foster the growth and development of local small businesses by encouraging their participation in the County’s purchasing and procurement process.

\* Additional information on the programs and services of the Equal Opportunity Office, and other helpful links, can be found on our website at:

<http://www.alachuacounty.us/government/depts/as/eo/>.

## *Diversity Standard*

Alachua County government embraces diversity and values the unique distinctions among our employees and the people we serve.

Our goal is to create an environment that supports a legacy of respect for people and place.





**Alachua County  
Equal Opportunity Office**

105 SE First Avenue, Suite 1  
Gainesville, FL 32601  
Voice: 352-374-5275  
Fax: 352-338-3205

URL: <http://www.co.alachua.fl.us/government/depts/as/eo/>