

**Taylor County Board of County
Commissioners**



**EQUAL EMPLOYMENT
OPPORTUNITY PLAN**

Effective Dates:
May 20, 2011 until May 19, 2013

Approved by the
Taylor County Board of County Commissioners

BY: *Donna Hendry*
Chairperson

07/19/11
Date

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Taylor County Equal Employment Opportunity Program

GENERAL

A. Purpose

This procedure is a statement of equal employment opportunity policies implementing federal and state mandated elements and providing the Taylor County Board of County Commissioners' procedures for developing, implementing and maintaining the Board's Equal Employment Opportunity Program.

B. Equal Employment Opportunity Program

The Equal Employment Opportunity Program is governed by federal and state regulations. Taylor County has adopted an Equal Employment Opportunity Policy that subscribes to those regulations established by federal and state law. They include the following:

- Title VII of the Civil Rights Act of 1964 forbids discrimination in all areas of the employer/employee relationship, from advertisements for help through termination or retirement on the basis of race, color, gender, religion or national origin. The 1972 amendment to this law extended coverage to employees of state and local government units.
- Florida Civil Rights Act of 1992 (Sections 760.01-760.11 and 509.092, F.S.) mirrors the federal law but is expanded to include freedom from discrimination to all individuals on the basis of age, handicap or marital status.
- Executive Order 11246 requires affirmative action by those agencies who receive federal funds. Under this order, employers are instructed to conduct a utilization analysis and write an affirmative action plan that includes goals and timetables for increased utilization of minorities and females in various job classes.
- The Age Discrimination in Employment Act of 1967 makes it unlawful to discriminate against employees or job applicants on account of age when they are over 40. However, Florida law does not stipulate age.
- The Americans with Disabilities Act of 1990 prohibits discrimination against qualified individuals with disabilities or excluding them from the services, programs or activities of public entities. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee,

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unless doing so would impose an undue hardship on the operation of the employer's business.

- The Americans with Disabilities Act Amendments Act (ADAAA) is a civil rights law that was originally passed by Congress in 1990 (as the Americans with Disabilities Act-ADA) and protects individuals with disabilities from discrimination in the workplace, as well as school and other settings. The ADA was amended in 2008 and became effective January 1, 2009.
- The Pregnancy Discrimination Act amended Title VII to make it unlawful to discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.
- The Equal Pay Act of 1963 (EPA) makes it unlawful to pay different wages to men and women if they perform equal work in the same workplace.
- Sections 102 and 103 of the Civil Rights Act of 1991 among other things, this law amends Title VII and the ADA to permit jury trials and compensatory and punitive damage awards in intentional discrimination cases.
- Sections 501 and 505 of the Rehabilitation Act of 1973 prohibits the discrimination against a qualified person with a disability in the federal government. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.
- The Genetic Information Nondiscrimination Act of 2008 (GINA) was made effective in November 21, 2009. This law makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e. an individual's family medical history).

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Objectives of Taylor County Board of County Commissioners' (BCC) Equal Employment Opportunity Program.

The Taylor County Board of County Commissioner's equal opportunity goal is to provide equal employment opportunity through the recruitment, employment and promotion of individuals at all levels within the County's employment structure without regard to race, color, creed, religion, national origin, age, disability, marital status, political affiliation, gender, or genetic information.

The major objectives of the Equal Employment Opportunity Program (EEO):

- To employ a greater number of qualified minorities, women, aged, and disabled persons in those jobs and position classes where underutilization exists.
- To prevent discrimination and retaliation.
- To create a workforce more reflective of the population composition in the available labor market.
- To ensure compliance with all applicable federal and state laws, rules, regulations, and executive orders relative to the EEO program.

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REFERENCES OF AUTHORITY:

- a. Code of Federal Regulation (CFR)
- b. Florida Statutes
- c. Florida Administrative Code
- d. US EEO Commission

DEFINITIONS

- a. Accommodation – The employer’s obligation to make reasonable changes in the work environment or reasonable modification in work assignments and scheduling to provide “qualified individuals” employment opportunities through appropriate assistive devices and work modification.
- b. Affirmative Action – An active program, with specific goals and timetables, that gives minorities, women, and disabled persons the opportunities in hiring, promotion, and other areas that such groups have missed in the past because of discriminatory patterns, practices, and policies.
- c. Basis – Cause of discrimination alleged in discrimination complaint based on a person’s age, color, disability, marital status, national origin, race, religion, sex, gender, or retaliation for a person’s opposition to an act made unlawful by the Civil Rights Act of 1964 or similar civil rights laws.
- d. Board and/or BCC– Taylor County Board of County Commissioners
- e. Complainant (Charging Party) – A person filing a complaint of discrimination alleging a violation of federal or state civil rights (equal opportunity/nondiscrimination) laws or policies.
- f. Discrimination – With regard to employment practices, the denial or equal treatment to a person in comparison with other, similarly situated, based on that person’s rights as defined under the Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination Act of 1978, and other applicable laws.
- g. Formal Complaint – Any complaint alleging discrimination filed with the Human Resource Director using the Taylor County Board of County Commissioners’ Charge of Discrimination or Harassment form.
- h. Genetic Information- The information about an individual’s genetic tests and the genetic tests of an individual’s family members, as well as information about the manifestation of a disease or disorder in an individual’s family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is

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often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future.

- i. Informal Complaint – Any oral or written statement alleging discrimination filed by a complainant with a manager, supervisor or the Human Resource Director.
- j. Issues – The violations alleged in the complaint or the nature of the charge of discrimination; e.g. failure to hire; discharge ; failure to promote; layoff; harassment; or other terms and conditions of your employment.
- k. Retaliation – Prohibit action taken against complainants or person assisting in a complaint of discrimination as a direct result of their participation in the complaint or their opposition to alleged unlawful employment practices prohibited by state and federal laws and Board policies.
 - i. It is an unlawful employment practice to retaliate against any individual because he or she has opposed any discriminatory practice, made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under Title VII.
 - ii. To establish a retaliation complaint, complainant must establish:
 - 1. The basis, i.e., shows that there was statutorily protected participation or opposition.
 - 2. The issue, i.e., an adverse employment activity, such as discharge, demotion, failure to hire or other forms of discriminatory action.
 - 3. A causal connection between the participation and opposition (basis) and the adverse employment action (issue).

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C. Equal Employment Opportunity (EEO) Policy

The Taylor County Board of County Commissioners supports equal employment opportunity in all of its policies regarding recruiting, testing, hiring, transfers, promotions, terminations, compensation, benefits, training, layoff, and recall practices. These functions are administered without regard to race, color, creed, religion, national origin, age, disability, marital status, political affiliation, gender, except where gender is a bonafide occupational qualification.

- All recruitment, hiring training, and promotion of persons employed by Taylor County in all positions are accomplished without regard to race, color, creed, religion, national origin, age, disability, marital status, political affiliation or gender.
- Employment decisions are made consistent with the principle of EEO.
- Units of Taylor County Government comply with all federal, state, and other applicable laws prohibiting discrimination in employment based on race, color, creed, religion, national origin, age, disability, marital status, political affiliation or gender.
- All personnel, managerial and supervisory employees are responsible for supporting this policy and for the furtherance of the principle of EEO in all Human Resource matters.
- Goals and objectives for the furtherance of the principles of EEO have been developed and are monitored periodically.
- The principle of EEO is applied to all other Human Resource activities including compensation, benefits, transfers, reassignments, promotions, demotions, layoffs, separations and disciplinary actions, as well as to education, training, social and recreational programs sponsored by Taylor County Government.

It is the responsibility of each member of management to give the EEO policy full support by leadership and personal example. In addition, it is the duty of every BCC employee to create a job environment that is conducive to our non-discrimination policies. Overall BCC responsibility for the direction of the equal employment policy, programs, and practices is with the Human Resources Director.

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HARRASMENT POLICY

The Board is committed to maintaining a work environment free of harassment based on race, color, creed, religion, national origin, age, disability, marital status, political affiliation or gender. The Board will not tolerate the harassment of any of its employees, supervisors, coworkers, vendors or customers. All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. The BCC is committed to promptly and thoroughly investigating all complaints of harassment. After a thorough investigation, if it is determined that harassment has occurred, immediate and appropriate disciplinary action, up to and including discharge, will be taken to end the harassment.

Unwelcome sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature is sexual harassment and may include but is not limited to, instances wherein:

- Submission to the conduct is an explicit or implicit term or condition of employment or continued employment.
- Submission or rejection of the conduct is basis for employment decisions that affect an employee, such as promotion, demotion or evaluation.
- The conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.
- Sexual harassment may include, but is not limited to:
 - Unwelcome sexual propositions
 - Sexual innuendos
 - Sexually suggestive remarks
 - Vulgar or sexually-explicit comments, gestures or conduct
 - Sexually-oriented kidding, teasing or practical jokes
 - Physical contact such as brushing against another's body, pinching or patting.
- The publication of documents (including pictures and text) in the workplace that contains any material that is of a sexual nature.

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- Use of the computer to access any website, news group, CD, floppy disk or any other resource that contains material that is of a sexual nature.
- Sexual harassment may occur when conduct is not offensive to the intended target of the conduct, but others might reasonably find the conduct to be intimidating, hostile or abusive.

Unlawful harassment is verbal or physical conduct that shows hostility or aversion toward an individual and may include race, color, creed, religion, national origin, age, disability, marital status, political affiliation or gender when any may include, but is not limited to:

- Creates an intimidating, hostile or offensive working environment.
- Unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive environment.
- Adversely affects an individual's employment opportunities
- Unlawful harassment includes, but is not limited to, the following:
- Epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts that related to political affiliation, race, color, national origin, religion, marital status, disability, age, gender or creed.
- Any written or graphic material that shows hostility toward an individual or group because of race, color, creed, religion, national origin, age, disability, marital status, political affiliation, gender and genetic information placed on walls, websites, bulletin boards, or elsewhere on the Board's premises, or circulated in the workplace. This also includes acts that purport to, or meant to be "jokes" or "pranks," but is hostile or demeaning, such as hate mail, threats, defaced photographs or other conduct.

All employees are responsible for maintaining a workplace that is free of harassment and intimidation. Any person experiencing or witnessing harassment in the workplace has an affirmative obligation to report such conduct to his/her supervisor, department head or the County Administrator in writing. A report of an incident of this nature will be investigated. If this investigation determines the harassment has occurred and any

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employee(s) failed to fulfill their affirmative obligation to report such conduct, that failure may be grounds for discipline.

Retaliation against an employee for either filing a complaint of harassment or providing information regarding such complaints is prohibited. Any employee found to be engaging in such retaliation shall be subject to discipline up to and including dismissal.

Supervisors are responsible for immediately reporting any complaints, observations, or concerns of harassment to an individual designated above. Failure to take that action may be grounds for discipline. When receiving a claim of harassment, supervisors should instruct the claimant employee that, *"Anything you say will be reported to the investigating officials."*

CLAIMS PROCEDURES

Equal Employment Opportunity & Harassment Claims

Claims of discrimination & harassment are encouraged to be reported and submitted in writing to a direct supervisor. Employees are encouraged to report claims to their immediate supervisor in order to afford the opportunity to handle at the lowest level. Claims of discrimination & harassment may also be filed directly with the HR Director. The Board will not tolerate harassment. All discrimination & harassment claims reported to a supervisor or any other management member shall be forwarded to the HR Director. The HR Director will work with management to investigate all the facts of the situation.

An analysis of the facts shall be completed by the HR Director with the results going to the HR Director, the department/division director(s) and the County Administrator. Should a recommendation(s) for corrective action be included, with the approval of the County Administrator, the HR Director will work with the department/division director in implementing changes, and when appropriate disciplinary measures will be taken.

In all cases, the final results will be provided to all involved parties.

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DISSEMINATION OF POLICY

The BCC recognized that knowledge and understanding of the equal employment opportunity and Prohibition of Harassment Policy is crucial to the effective implementation of the program. Therefore, the BCC will take steps to disseminate to the workforce and the community its policy regarding EEO and harassment policy as follows:

INTERNAL

- Each new employee will receive a copy of the Board's Equal Employment Opportunity & Harassment policy and sign a confirmation form showing they have received and reviewed the policies.
- Annually, all employees will attend related training and which will be documented by virtue of a sign in sheet of those attending the class.
- Policies will be continually advertised and emphasized through internal communications, union agreements, internal communication media, management and supervisory staff meetings, and through employee orientation programs.

EXTERNAL

In those instances when the BCC conducts active recruiting, recruitment sources will be informed of the EEO policy. The BCC will file a copy of its EEO and Harassment policy with the Clerk of Court and the local Taylor County Employment Opportunity Center. All county job applications will mention the EEO policy. The policy will be posted on the BCC website for review.

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IMPLEMENTATION OF THE POLICY

ASSIGNMENT OF RESPONSIBILITIES

Human Resource Director - responsible for overall coordination of EEO activities.

- Maintain EEO data relative to employees/applicants by race, sex, classification, pay grade, age, disabilities, and other information as required.
- Assist with preparation of EEO report, data bases and other related information.
- Provide current and new employees with EEO information and complaint procedures.
- Develop an active recruitment program designed to recruit persons in identified underutilized classes.
- Monitor EEO program functions.
- Investigate complaints of alleged discrimination.
- Participate in and facilitate appropriate EEO training to include sexual harassment, ADA and other related training.
- Maintain EEO records as required.
- Provide appropriate training to the EEO board on EEO related laws, policies, rules and regulations.
- Attend all EEOA committee meetings and provide technical assistance, as needed.

Department/Division Directors – Ensure EEO compliance by implementing, maintaining and monitoring affirmative action efforts in their respective department to include:

- Personnel under their supervision are in compliance with applicable laws, rules, regulations and procedures.
- Personnel under their supervision attend EEO training and functions when scheduled.
- Ensure the appropriate EEO material is displayed in their respective workplace for all employees to view.

Equal Employment Opportunity Advisory (EEOA) Committee

The (EEOA) committee will consist of one representative from each department and staff section appointed by the department/division director(s) and approved by the County Administrator. The EEOA committee will be fully representative of the County's labor force to include minorities, women, and disabled persons. All members of the EEOA committee will serve one year. The EEOA committee will:

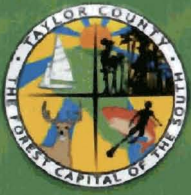
- Annually review the status of the Board's Affirmative Action Plan.
- Advise the County Administrator of its findings and recommendations.
- Assist the EEO Coordinator with investigating alleged discrimination complaints, as required.
- Actively work within respective department/division to address EEO related issues and concerns.
- Act as liaison for employees within their respective department/division and bring issues of concerns to the EEO committee meetings.

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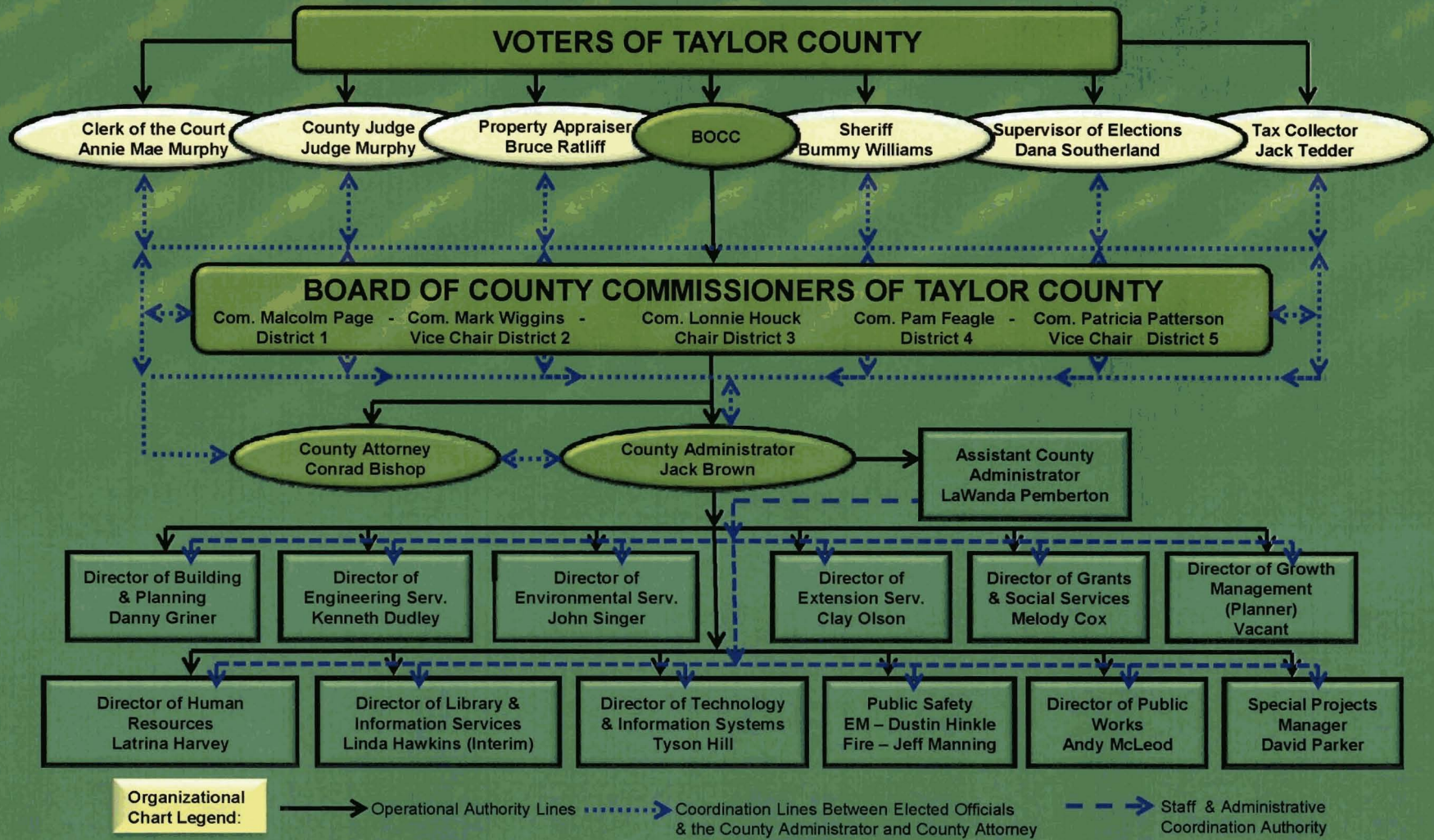
- Ensure that the Board's policy statement, federal EEO posters, and other related materials are displayed in appropriate areas for employees and the public.

County Administrator will ensure that:

- Affirmative action efforts are implemented, maintained and monitored in their respective department/division.
- Personnel under their supervision are in compliance with applicable laws, rules, regulations and procedures.
- Personnel under their supervision attend EEO training and functions as scheduled.



Taylor County Organization Chart 2011



Taylor County Board of County Commissioners – Organization Chart as March 21,, 2011