

CHAPTER 14

AFFIRMATIVE ACTION

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14.01 POLICY. It is the policy of the County:

(1) To provide equal employment opportunities, free from discrimination on the basis of age, race, color, national origin, religion, sex or handicaps when such considerations are not pertinent to the job.

(2) To employ minorities in proportion to their representation in the local population, according to statistics which shall be on file in the office of the County Clerk.

14.02 RELATED LAWS AND ACTS. Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972; Presidential Executive Order 11246; Revised Order No. 4, OFCC Affirmative Action Guidelines; and Title XXIX, Chapter 1607 of the Code of Federal Regulations, establishing in substance the elimination of discriminatory employment practices based upon race, color, national origin, religion and sex and conferring upon the Justice Department and the Equal Employment Opportunity Commission the responsibility for elimination of discrimination on state and local levels, are adopted by reference and incorporated herein as though set forth in full.

14.03 PROGRAMS REQUIRING IMPLEMENTATION OF AFFIRMATIVE ACTION. The following programs, without limitation by enumeration, require affirmative action by participating governments:

(1) Revenue Sharing.

(2) Omnibus Crime Control Act.

(3) Department of Health and Social Services Programs.

(4) United States Public Health Service Grants.

(5) United States Civil Service Commission Sponsored Programs.

(6) Public Employment Program (EEA).

(7) Any other program, federally funded in whole or in part, in which the County now participates or may in the future participate; for example, Lakeview Health Center.

14.04 DEFINITIONS. In the interpretation and enforcement of this chapter, the following definitions shall apply:

(1) AFFIRMATIVE ACTION OFFICER. That person who is assigned the responsibility of establishing, implementing and maintaining an affirmative action program.

AFFIRMATIVE ACTION 14.04(2)

(2) AFFIRMATIVE ACTION COMMITTEE. A group of persons appointed to provide advice and counsel to the Affirmative Action Officer, or to the County Board, in the maintenance of an affirmative action program.

(3) MINORITY GROUP OR PERSON. As defined by federal Equal Employment Opportunity Commission guidelines, or State guidelines when applicable.

14.05 AFFIRMATIVE ACTION OFFICER. (1) DESIGNATED. The Affirmative Action Officer shall be the County Personnel Director.

(2) DUTIES. The Affirmative Action Officer shall be responsible for the development and implementation of the affirmative action program and its maintenance.

(3) POWERS. The Affirmative Action Officer may review all departmental policies and procedures, rules and regulations and shall have access to all personnel files, documents, investigative reports and any documents or information pertinent to the maintenance of the affirmative action program. Such Officer may participate in any programs or policies relative to the training, promotion, transfer or discipline of any person in the employ of the County.

14.06 PERSONNEL SELECTION STANDARDS. (1) TESTS. All tests, either written or other performance prediction types, shall be job-related. Such tests shall be validated and demonstrated to be free of bias in accordance with EEOC guidelines.

(2) CRITERIA TO BE REALISTIC. Selection criteria shall be in accordance with realistic job requirements, and arrest records or minimal education shall not be the sole reason for disqualifying an applicant.

(3) REJECTION OF QUALIFIED APPLICANTS. All qualified applicants not selected for employment shall be notified of the reason for rejection.

14.07 RECRUITING AND ADVERTISING. (1) RECRUITMENT. The County shall make every effort to recruit from under-utilized categories of minority groups, and females, and shall maintain any records necessary to evaluate the recruitment efforts in accordance with the intent of the County's affirmative action program.

(2) ADVERTISING. Advertising for applicants shall reflect the County's intent to recruit minority or female applicants, including the appropriate phraseology indicating that the County is an Equal Opportunity Employer or Affirmative Action participant.

14.08 PROMOTION, UPGRADING AND TRAINING. Promotion and upgrading of all employees shall be accomplished as follows:

AFFIRMATIVE ACTION 14.08(1)

(1) A skills inventory shall be established and maintained to provide the widest range of job opportunities for minority and female employees. Skills and training shall be recorded on the employee's history record card.

(2) In-service training opportunities shall be afforded to personnel in all levels of employment to assist in advancement, to prepare for other employment opportunities or to remedy deficiencies resulting from lack of educational opportunities.

(3) Job descriptions and classification plans shall be developed to provide career progression in recognition of increased proficiency through appropriate training and experience.

(4) Procedures shall be developed to establish career progression between entry level, non-management and management, particularly for women and minority groups.

14.09 REPORTS. (1) AFFIRMATIVE ACTION OFFICER RESPONSIBLE. All reporting and necessary documentation shall be the responsibility of the Affirmative Action Officer.

(2) REQUIRED. Reports required shall include the following, without limitation because of enumeration:

(a) Turnover and employment reports, which shall indicate classification, salary, sex and applicable minority group.

(b) Master employment listing or files showing classification, salary, sex and applicable minority group.

(c) Filing of the EEO-4 report form as required by the Equal Employment Opportunities Commission.

(d) Numbers of referrals and applicants for all job openings, enumerating the reasons for rejection of any qualified applicants referred.

14.15 PENALTY. Any person who shall violate any provision of this chapter or any regulation, rule or order made hereunder shall be subject to a penalty as provided by ss. 25.04 of this Code of Ordinances.