



EQUAL EMPLOYMENT OPPORTUNITY PLAN

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I. INTRODUCTION

The Equal Employment Opportunity (“EEO”) Plan (“Plan”) establishes the policy and procedures set forth by the Town of Leland to prohibit discriminatory practices and behavior in all personnel matters, to promote a work environment free from bias and prejudice and where all employees may attain their full potential based solely on merit and ability, to designate oversight and administration of the Plan, and to inform employees on all aspects of the Plan.

Equal employment opportunity is consistent with the basic merit principles that all persons be afforded equal access to positions in public service, based on their ability to do the job. Employment decisions shall be made on the basis of merit and in conformity with laws relative to equal employment opportunity and the Americans with Disabilities Act. These commitments also apply to job assignment, promotion, demotion, transfer, termination, and disciplinary action. The Town will maintain all records and follow all procedures necessary to achieve equal employment.

In the event of a conflict, the policies contained in this plan supersede any and all prior Town employment policies. This Plan is effective upon initial approval by the Town Council, with future modifications and updates authorized by the Town Manager. The Plan is to be reviewed periodically to ensure it is current and in compliance with the Equal Employment Opportunity laws and practices.

II. PURPOSE OF THE EQUAL EMPLOYMENT OPPORTUNITY PLAN

The purpose of the Town’s Equal Employment Opportunity Plan is:

1. To attain a meritorious workforce that mirrors the gender, ethnic, and racial composition of the employable area population;
2. To ensure that gender, ethnic, and racial diversity can exist throughout all occupational levels of the Town’s work;
3. To provide equal employment opportunities to all employees and applicants for employment and to prohibit discrimination and harassment of any type disregarding race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state, or local laws;
4. To provide a process for the investigation of complaints of discrimination or harassment and the prompt remediation of such complaints;
5. To provide a systematic procedure to analyze and evaluate the Town’s effectiveness in accomplishing a non-discriminatory work environment;
6. To ensure employee interactions with members of the general public are done with courtesy and respect free from discrimination or harassment;

7. To ensure all current and future employees, elected officials, and board members, receive training in areas concerning Equal Employment Opportunity; and
8. To communicate the Town's Equal Employment Opportunity Policy to the Town's internal and external communities.

III. ROLES AND RESPONSIBILITIES

A. Town Manager

As the chief appointed official of the Town, the Town Manager shall provide direction and establish the climate of the Town's commitment to Equal Opportunity Employment. The Town Manager shall:

1. Annually review the status of the Plan and the status of the resolution of complaints of discrimination or harassment when appropriate;
2. Adopt modifications to the Plan as necessary, but no less than once every two (2) years;
3. Assign appropriate resources to achieve a diverse and non-discriminatory work environment;
4. Delegate the specific responsibility for program implementation to the Human Resources Director;
5. Demonstrate a commitment to the principles of equal employment opportunity through his/her own example;
6. Evaluate, through regular performance appraisals, the participation by Department Heads in the implementation of these policies and day-to-day management of the policies in their departments;
7. Formulate, amend, and approve periodic Plan modifications to achieve the goals and objectives of the Plan;
8. Appoint the Human Resources Director as the Equal Employment Opportunity Officer and the Americans with Disabilities Act Compliance Officer; and
9. Appoint the Chief Building Official as the Americans with Disabilities Act Facilities Compliance Officer.

B. Human Resources Director

The Human Resources Director shall be responsible for compliance with the laws, principles, and practices related to equal employment opportunity and the Americans with Disabilities Act. He/She shall assist the Town Manager in the maintenance of a personnel system which assures

equal consideration for employment and advancement, free of discrimination or harassment, to all qualified individuals based on job related criteria.

C. Equal Employment Opportunity Officer

The Human Resources Director serves as the Equal Employment Opportunity Officer. He/She shall:

1. Develop, initiate, and monitor procedures to carry out the Town's equal employment objectives;
2. Develop updated goals as part of each update of the Plan;
3. Develop and distribute information regarding the Town's equal employment objectives to all Town employees within the organization and throughout the community;
4. Investigate, along with the Town Attorney when required, complaints of unlawful employment discrimination or harassment and recommend appropriate remedies to the Town Manager;
5. Report, at least annually, to the Town Manager the progress of Equal Employment Opportunity compliance and efforts;
6. Assist the Town Manager in developing training for administrators, supervisors, current and new employees, elected officials, and volunteer board and committee members on topics related to equal opportunity, non-discrimination, sexual harassment, and other subjects designed to promote an understanding of and sensitivity to various ethnic, cultural, and gender issues;
7. Serve as a liaison between the Town, government regulatory agencies, minority and women's organizations, educational institutions, veteran's organizations, and other community groups which might assist in the recruitment of employees;
8. Assist the Town Manager in maintaining an equitable classification system which provides for the merit-based upward mobility of all employees;
9. Assist the Town Manager in coordinating and implementing outreach recruitment to enhance the representation of employees reflective of the representation of local labor statistics;
10. Assist the Town Manager in ensuring eligible veterans, disabled veterans, or eligible members of their families, receive appropriate consideration in hiring as mandated by law;

11. Assist the Town Manager in determining whether reasonable accommodations for a position vacancy can be made for applicants with disabilities; and
12. Annually conduct a comparison between the diversity of the Town's workforce and the local available labor market to:
 - a) Ascertain whether under/over representation exists in established occupations;
 - b) Determine whether institutional or other barriers have contributed to under-representation;
 - c) Implement appropriate action to eliminate existing barriers and target recruiting and hiring efforts in order to remediate areas of under-representation; and
 - d) Document factors relative to the local labor market which may preclude achieving equity in established occupations.

D. Americans with Disabilities Act Compliance Officer

The Human Resources Director serves as the Americans with Disability Act Compliance Officer. He/She shall ensure the Town complies with the Americans with Disabilities Act.

E. Americans with Disabilities Act Facilities Compliance Officer

The Chief Building Official serves as the Americans with Disabilities Act Facilities Compliance Officer. He/She is to ensure all facilities and structures owned, operated, or maintained by the Town are ADA compliant. He/She shall also:

1. Coordinate and conduct an annual Town-wide inspection of facilities to ensure compliance with The Americans with Disabilities Act and report deficiencies to the Town Manager for remediation.
2. Review all new Town-owned facility plans to ensure they will be ADA compliant.

F. Department Heads

Department heads shall implement actions to ensure equal employment opportunities within their own departments. Each department head shall:

1. Actively demonstrate an effort and commitment to equal employment opportunity and adhere to the objectives of the Plan;
2. Ensure the effectiveness of departmental equal opportunity action;

3. Evaluate supervisory staff on their compliance with equal employment opportunity principles;
4. Take appropriate action to prevent or remedy unlawful employment discrimination or harassment;
5. Immediately report discrimination or sexual harassment complaints to the Human Resources Director or Town Manager;
6. Establish and maintain a bias-free and productive work environment for all employees; and
7. Periodically review work center policies for their assigned area to determine if current policies, employment decisions, or any other factors may contribute to under-representation in recruiting, hiring, training, assignments, transfer, or promotions, and if any barriers are found to exist that prevent equal advancement opportunities, coordinate with the Human Resources Director to determine what can be done to mitigate the situation.

G. Supervisors

All supervisors shall develop and maintain knowledge of the purpose of the Town's Equal Employment Opportunity Plan and its implications within their divisions. Each Supervisor shall:

1. Periodically review the qualifications of all subordinate employees to ensure every employee is being given equal opportunities for training, assignments, transfers, and promotions;
2. Advise all subordinate employees on training and promotional opportunities;
3. Take pro-active steps to prevent discrimination or harassment of employees; and
4. Take immediate and strong disciplinary action to prevent acts of retaliation against any employee(s) involved in the filing or investigation of discrimination or harassment complaints.

H. Town Employees

Town employees, as representatives of the Town, shall demonstrate sensitivity to and respect for other employees and members of the public. Town employees shall:

1. Treat all employees and the general public equally and with respect;
2. Assist in the identification of equal opportunity problems or concerns; and

3. Refuse to engage in or tolerate discriminatory, offensive, intimidating, harassing, or retaliatory actions or comments in the workplace.

As indicated in this plan, the Town Manager, Human Resources Director, Public Building Official, Department Heads, Supervisors, and Employees are responsible for implementing the provisions of equal opportunity employment. Failure to comply with the intent and/or provisions of this Plan or Town policies may be cause for appropriate corrective and/or disciplinary action.

IV. DISTRIBUTION OF EEO INFORMATION

The Equal Employment Opportunity Officer is responsible for providing information both internally and externally about the Town's Equal Employment Opportunity Plan. To carry out this function, the Equal Employment Opportunity Officer will conduct, but not be limited to, the following activities:

1. Post copies of the Town's Equal Employment Opportunity Plan, along with required State and Federal posters, on all appropriate bulletin boards throughout the Town's work centers.
2. Distribute copies of the Equal Employment Opportunity Plan to Council Members, the Town Manager, Assistant Town Manager(s), Department Heads, Supervisors, and Employees.
3. Provide a copy of the Plan to each new employee during orientation.
4. Provide a copy of the Plan, upon request, to any interested individual or group.
5. Maintain copies of the Plan by the Human Resources Director.
6. Post a copy of the Plan on the Town's web site.
7. Ensure that Town-sponsored publications include pictures that showcase the diversity of current employees, when appropriate.
8. Ensure that all recruiting methods, such as posters and ads, state that the Town is an Equal Employment Opportunity Employer.

The Town Manager, Assistant Town Manager(s), Human Resources Director, and Department Heads shall also:

1. Ensure all current contractors and contractor organizations seeking to do business with the Town are informed of the Town's non-discrimination policy, and ensure contracts between the Town and those organizations are reviewed to ensure they are non-discriminatory.
2. Include a statement of the Plan in brochures given to potential job applicants and recruiting sources.

3. Include the phrase “Equal Employment Opportunity Employer: Women, minorities, and persons with disabilities are encouraged to apply” on all examination announcements and Town employment applications.

V. RECRUITMENT AND RETENTION OF EMPLOYEES

A. Equal Employment Outreach Methods

The Town Manager, Human Resources Director, and Department Heads are, where reasonably feasible to do so, responsible for implementing the following provisions for the recruitment of employees:

1. Review recruitment lists to ensure inclusion of all potential candidates regardless of race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state, or local law.
2. Implement regional and state-wide recruitments by including advertising in publications and professional journals oriented toward ethnic groups, including minorities, women, and persons with disabilities.
3. Utilize community-based and professional organization advertising.
4. Enlist the assistance of recruiting sources for persons with disabilities to include veterans’ organizations, women, and minority populations.
5. Review this Plan prior to conducting a recruitment process and consult with the respective Department Head to determine the recruitment strategy to be utilized.
6. Maintain and distribute up-to-date recruitment brochures to provide interested candidates information about the selection process.
7. Authorize appropriate staff members to speak before community groups to provide information on employment opportunities.
8. Establish mentoring opportunities between individuals desiring a career with the Town and an employee in that occupation.

B. Classification

The Human Resources Director is responsible for implementing a position classification system and the following provisions for the classification of training and career programs:

1. Create training and mentoring programs to assist interested employees in advancing to higher level positions.

2. Maintain a broad classification system in which opportunities for lateral movement for training and career development are maximized.
3. Conduct job analyses on a periodic basis to ensure the description of job duties and minimum requirements remain valid.

C. Training

The Town Manager and Human Resources Director are, where reasonably feasible to do so, responsible for implementing the following provisions for the retention and training of policies:

1. Ensure that all individuals who conduct selection interviews have attended training in that function.
2. Provide training and written guidelines to supervisors on effective, objective, non-discriminatory performance evaluations.
3. Maintain supervisory performance evaluation forms that include an evaluation category for meeting equal employment opportunity objectives in conformance with non-discriminatory guidelines within this Plan.
4. Conduct regular programs for new employees and new supervisors to present the Town's equal employment efforts and their responsibilities in supporting that effort.
5. Arrange for refresher training and/or updated training on equal opportunity for current employees, as necessary.
6. Ensure that the Town coordinates training in equal employment opportunity, grievance handling, hiring, interviewing, employee discipline, intercultural relations, and other appropriate classes for supervisory personnel.
7. Ensure that non-discrimination is an integral part of new employees' orientation and supervisory training.
8. Ensure that opportunities for training are made available to all Town employees, regardless of race, color, religion, gender, marital status, national origin, age, or other non-job related criteria.
9. Ensure that the Equal Employment Opportunity Officer prepares periodic orientation/training sessions for Department Heads which update and reinforce their awareness of non-discrimination, objectives, and equal employment opportunity.

D. Examination and Selection

The Town Manager and Human Resources Director are responsible for implementing the following conditions for the examination and selection of employees:

1. Include minorities and females on interview panels when reasonably feasible.
2. Job requirements and testing procedures will be reviewed each time an examination is opened to ensure they are related to the duties of the position and are not discriminatory or biased.
3. Selection interview questions shall not be based on race, color, religion, gender, marital status, national origin, age, disability, or medical condition, unless directly related to ascertain whether physical requirements of the position or reasonable accommodation can be met, of the candidate interviewed.
4. All members of an oral examination panel will be given an orientation in proper interviewing techniques, including equal opportunity employment guidelines.
5. Eligible candidate applications shall be referred to the hiring department in alphabetical order and not on the basis of characteristics or disabilities.

E. Reporting

The Human Resources Director will file all EEO Reports as required by federal guidelines.

VI. HANDLING ALLEGATIONS OF DISCRIMINATION AND/OR HARASSMENT

All Town staff must be familiar with Town policies and procedures referencing Equal Employment Opportunity and the prohibition of discriminating practices. Each employee should understand the roles of the Equal Employment Opportunity Commission (EEOC) and Department of Fair Employment and Housing (DFEH) pertaining to discrimination and harassment.

If a complaint is received or if an incident of discrimination or harassment is reported or otherwise becomes apparent, an employee shall immediately contact the Human Resources Director or Town Manager who will contact the Town Attorney, if needed, for a coordinated effort to investigate the matter, make a determination as to the validity of the allegations, and take appropriate corrective action.

Management should also pursue the following steps in the initial contact with the complainant:

1. Attempt to fully discuss the matter with the employee.
2. Assure the employee the matter is actively being investigated.
3. Maintain objectivity while discussing the following:
 - a) What happened?

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- b) Who is (are) the alleged discriminator(s) or harasser(s)?
 - c) Where did the incident take place?
 - d) When did the incident take place?
 - e) How was your work affected?
 - f) Are there others in the Department who treat you this way?
 - g) Did anyone else witness the incident?
 - h) Is this the only incident, or have there been other incidents?
 - i) What did you do?
 - j) Did you inform the individual(s) that his/her/their actions/comments were unwelcome and need to stop?
 - k) Do you have written documentation or other evidence related to the complaint?
 - l) Did you talk to anyone else about it?
 - m) Do you know if this person or persons has a history of harassing or discriminating against others?
 - n) What remedy do you suggest now? In the future?
 - o) Do you feel threatened or fear for your safety?
 - p) Has anyone threatened you with retaliation concerning this complaint?
4. Advise the complainant the matter will be investigated and/or coordinated for investigation by the Human Resources Director for appropriate action.
 5. Take any immediate and appropriate steps necessary to separate the complainant and accused person.
 6. Attempt to determine if any of the allegations are criminal in nature, such as sexual assault. If so, contact the appropriate law enforcement agency immediately.
 7. Attempt to determine the complainant's emotional state and remind him/her that confidential counseling is available through the Employee Assistance Program (EAP) at no charge if they desire to speak to a trained and neutral professional about the situation.
 8. Maintain confidentiality, to the extent permitted by federal and state laws, and fully document the entire process.
 9. Seek to prevent any acts of retaliation against those reporting discrimination or harassment.
 10. Bring swift disciplinary action against any employee(s) found to have engaged in retaliatory conduct against those reporting discrimination or harassment complaints.

VII. TOWN COMPLAINT PROCEDURE

The following complaint procedure shall supersede any and all department guidelines or procedures for investigating discrimination or harassment complaints.

A. Reporting Discrimination and/or Harassment

1. Any employee who feels that they have been the victim of discrimination or harassment should immediately notify their supervisor or Department Head.
2. Where a(n) employee(s) does not feel comfortable reporting the conduct pursuant to Item 1 above, they are encouraged to seek out a representative of choice to report their complaint.
3. Similarly, complaints regarding discrimination or harassment may be reported to the Assistant Town Manager(s), Human Resources Director, or the Town Manager.
4. There shall be no retaliation against any complainant or witness. Retaliation against any person complaining, pursuant to the guidelines set out in this Plan, is subject to discipline up to and including immediate termination.

B. Investigation Process

Any discrimination or harassment complaint should, if possible, be reported within thirty (30) days from the date of occurrence or recognition. Once reported, the complaint shall be promptly and thoroughly investigated by the Human Resources Director, who shall be responsible for coordinating the investigation with the Town Manager, Town Attorney, and the department, or appropriate work unit, in question. The investigation, to the extent possible, shall:

1. Evaluate the totality of the circumstances pertaining to the alleged discrimination or harassment.
2. Identify all persons allegedly involved, including witnesses.
3. Identify all behaviors between the complainant and the alleged perpetrator of discriminatory or harassing conduct, which may be material to the investigation.
4. Evaluate any and all evidence of the alleged discrimination or harassment while identifying and analyzing corroborative evidence.
5. Determine, where necessary, if a workplace is "hostile". In this regard, it should be noted that in order to meet this standard, discriminatory or harassing conduct must be sufficiently pervasive or severe to create an abusive or offensive work environment.

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6. Determine whether alleged actions appear to violate criminal laws and if so, immediately report the allegation(s) to the appropriate law enforcement agency.
7. The following factors should also be included in the investigation:
 - a) If the alleged conduct was verbal, written, visual, physical, or a combination thereof.
 - b) How frequently the alleged conduct was repeated.
 - c) If the conduct was patently offensive or hostile.
 - d) If the person alleged to have engaged in discrimination or harassment was a coworker, supervisor, or customer/citizen.
 - e) If the alleged discrimination or harassment was directed at more than one employee.
8. Confidentiality of the investigation as well as witnesses, statements, etc. shall be maintained to the maximum extent afforded by law.
9. When applicable, all relevant procedural protections under state and federal law shall be observed in the course of investigations conducted by the Town.
10. Upon completion of an investigation, the Supervisor, in consultation with the Human Resources Director and Town Attorney, if applicable, will determine whether discrimination or harassment occurred and what action will be taken, if any.

If it is determined that discriminatory or harassing conduct occurred, appropriate disciplinary or remedial action, up to termination, shall be taken in accordance with the Town's Personnel policy. The severity of any discipline will be determined by, and commensurate with, the severity and/or frequency of the offense.

Disciplinary action taken under this procedure may be appealed in accordance with Article IX, Section 4 of the Town's Personnel Policy Handbook.

VIII. RESPONSIBILITY FOR REVIEW

The Town Manager, in consultation with the Human Resources Director, shall review this Plan as necessary, but not less than once every two (2) years.

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1. Distribute the Equal Employment Opportunity Plan to all current and new employees and post it on the Town's web site.
2. Conduct training for employees on expectations under the Equal Employment Opportunity Plan, as well as subjects such as Sexual Harassment, Racism, Americans with Disabilities Act, and other pertinent topics, as determined by the Human Resources Director.
3. Review and revise employee evaluation forms to maintain inclusion of evaluation criteria for supervisors on support and enforcement of equal employment opportunity initiatives.
4. Research local labor market demographics and compare the data with current Town employment demographics to determine occupational areas that may be over or under represented.
5. Maintain a record of all employee race and ethnic data to conform to the race/ethnic categories contained in the Equal Employment Opportunity Commission's EEO-4 report. Currently, the categories include: White (Non-Hispanic origin), Black or African American, Hispanic or Latino, Native American or Alaska Native, Asian, Native Hawaiian, or Pacific Islander, and two or more races.
6. Prepare a Utilization Analysis. The Town will compile an annual Utilization Analysis report which includes the following elements per requirements of Executive Order 11246, Title 41 CFR Section 60 and Section 503 of the Rehabilitation Act of 1973:
 - a. Organizational Profile – The profile will provide an overview of the workforce that may assist in identifying staffing patterns and organizational units where women and/or minorities are under-represented or concentrated. The profile will also assist in determining whether barriers to equal employment opportunity exist within the Town.
 - b. Job Group Analysis – Combines job titles within the Town's organization. Jobs with similar content, wage rates, and opportunities are combined to form job groups per EEO categories. Similarity of content refers to the duties and responsibilities of the job titles which make up the job group. Similarity of opportunities refers to training, transfers, promotions, pay, mobility, and other career enhancement opportunities offered by jobs within the job group.
 - c. Placement of Incumbents in Job Groups – This analysis will reflect the percentage of minorities and the percentage of women the Town employs in each job group.
 - d. Availability Analysis – Estimates the number of qualified minorities or women available for employment in a given job group, expressed as a percentage of all qualified persons available for employment in the job group.
 - e. Comparison of Incumbency to Availability – Compares the percentage of minorities and women in each job group with the availability for those job groups. When the percentage of

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minorities or women employed in a particular job group is less than reasonably expected given their availability percentage in that particular job group, the Town will establish a placement goal in accordance with federal guidelines.

- f. Placement Goals – These goals will serve as objectives or targets reasonably attainable by means of applying a good faith effort to make the aspects of the program work. Placement goals are also used to measure progress toward achieving equal employment opportunity. The Town’s determination that a placement goal is required does not constitute a finding or an admission of discrimination.

Placement goals may not be rigid and inflexible quotas, which must be met, nor are they to be considered as either a ceiling or a floor for the employment of particular groups. Quotas are expressly forbidden.

In all employment decisions, the Town must make selections in a nondiscriminatory manner. Equal employment opportunity programs do not require the Town to hire a person who lacks qualifications to perform the job successfully, or hire a less qualified person in preference to a more qualified person.