

SECTION V

**EQUAL EMPLOYMENT
OPPORTUNITY**

EEO-First Adopted by Commission on 02-06-76

1.0 EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT 3
1.01 RESPONSIBILITY FOR ADMINISTRATION..... 5
2.0 EQUAL EMPLOYMENT OPPORTUNITY RECRUITMENT..... 6
3.0 MONITORING APPLICATION OF EQUAL EMPLOYMENT POLICIES..... 7
4.0 CLASSIFICATION REVIEW 8
5.0 CAREER DEVELOPMENT AND TRAINING 9
6.0 EQUAL BENEFITS 10
7.0 LEAVE POLICIES..... 11
8.0 DISABILITY ACCOMMODATION..... 12
9.0 GENERAL POLICIES..... 13
10.0 DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY 14
11.0 EEO AND ADA GRIEVANCE PROCEDURE 15
12.0 IMPLEMENTATION 17

1.0 EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of Rowan County to foster, maintain, and promote equal employment opportunity. The County shall select employees on the basis of the applicants' qualifications without regard to age, sex, race, color, religion, political affiliation, disability, veteran status, genetic information, family medical history, or national origin except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for job performance. Rowan County will make decisions regarding the terms and conditions of employment including the training, promoting and terminating of employees without discriminating on the aforementioned basis as defined by applicable state and federal equal employment and nondiscrimination laws. Fair treatment of applicants and employees will be ensured without regard to age, sex, race, color, religion, political affiliation, disability, veteran status, genetic information, family medical history, or nation origin and with proper regard for their privacy and constitutional rights as citizens.

Rowan County will continue to adhere to the following criteria in its effort to provide equal employment opportunities:

1. Recruitment procedures to attract a diverse pool of applicants to all occupational categories;
2. Disciplinary process designed to provide equal treatment for all employees in accordance with the County's disciplinary policy;
3. Selection procedures designed to ensure that all of the steps are non-discriminatory and job related;
4. Hiring process designed to include consistent information for new hires regarding employment conditions, type of employment, salary, etc.;
5. Promotional procedures designed to enhance upward mobility and fully utilize the skills of the existing workforce;
6. Training procedures designed to enhance employee development and advancement opportunities;
7. Compensation and benefits procedures designed to review benefits, monitor salaries, and analyze practices to ensure all employees receive compensation and benefits without discrimination;
8. Performance appraisal system to hold managers and supervisors accountable and to establish, maintain, and apply employee performance standards free from bias;
9. Grievance procedures to ensure fair and equitable review of complaints in accordance with County policies.
10. Ensure that all employees work in an environment free from discrimination, harassment, and sexual harassment;
11. Ensure that no retaliatory action is taken or administered against any employee for opposing employment practices which are prohibited by federal and North Carolina laws or by the County's own policies and procedures;
12. Compliance with expressed or implied obligations contained in Federal and North Carolina law relating to equal employment opportunity.

13. Will not discriminate on the basis of disability in the admission or access to, treatment or employment in, its programs or activities.

1.01 RESPONSIBILITY FOR ADMINISTRATION

The County Manager, with the assistance from the Human Resources Office, is responsible for the administration of the County's Equal Employment Opportunity Policy as adopted by the Board of Commissioners.

Department Directors and supervisors responsibilities shall include but are not limited to:

1. Assisting in the development and implementation of the EEO plan and program;
2. Assisting in the establishment of program objectives;
3. Maintaining a diverse workforce for the department, division, work unit, or section;
4. Assisting the EEO Office in periodic evaluations to determine the effectiveness of the EEO program;
5. Providing a work environment and management practices which support equal opportunity in all terms and conditions of employment;
6. Identifying and eliminating artificial barriers to equal employment and increasing a greater utilization of all persons; and
7. Conscientiously recognizing the dignity and value of individual employees and promoting a means of communication, participation, and understanding among all employees.

2.0 EQUAL EMPLOYMENT OPPORTUNITY RECRUITMENT

Human Resources will be responsible for publicizing opportunities for employment with the County including salary ranges and employment qualifications for positions to be filled. Individuals shall be recruited from a geographical area as wide as is necessary to insure that well-qualified applicants are obtained for County services. Employment advertisements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters.

Rowan County will conduct a program of open recruitment in positions to avoid the possible discriminatory effects of informal job networks and similar practices. Posting job vacancies within a department for internal promotion consideration will constitute open recruitment.

Rowan County's equal employment opportunity recruitment program may include, but is not limited to, the following specific actions:

- a) Open posting of vacancy announcements - vacancies for positions will be openly posted at places which are prominently visible to employees in departments, divisions, satellite agencies, etc. The posting period will be of sufficient duration to allow time for interested personnel to apply;
- b) Broad public announcement of vacancies - recruitment efforts may include classified advertisements in area newspapers, professional journals, use of the County's website, and the Employment Security Commission (ESC). In addition, copies of vacancy announcements will be provided to local colleges and agencies specializing in recruitment of minority and women applicants, as feasible;
- c) Within the limits of allocated funds, recruitment at minority and women's colleges and universities – colleges and universities whose enrollments are predominately minorities or women - will be included in the recruitment process.
- d) A statement that the County is an "Equal Opportunity Employer" will be included in advertisements for employment.

3.0 MONITORING APPLICATION OF EQUAL EMPLOYMENT POLICIES

a) Establishment of valid job qualifications - the Human Resources Department will continually review job descriptions and minimum experience and training requirements in order to detect those selection devices which may tend to adversely affect employment opportunities of any group on the basis of sex or minority status. As part of this review, the nature, frequency, physical demands and relative difficulty of each task actually performed by positions in each job classification will be analyzed in terms of those specific employee abilities, skill levels and knowledge necessary to perform that task. Job descriptions shall ensure that physical and mental requirements be job-related and accurately reflect job function as specified by applicable state and federal law pertaining to employment of the disabled. The Human Resources Director will take all necessary steps to suspend further use of those job descriptions or stated qualifications which are not directly related to actual job performance and which tend to discriminate against any population group. Selection devices related to job performance, which also have an adverse impact on the employment opportunities of any population group, will be eliminated and replaced by other selection devices which do not have an adverse effect, insofar as can be accomplished without unreasonable expense or burden to the operations of the County.

b) The Human Resources Department will monitor any recruitment efforts for compliance and make changes as deemed appropriate.

4.0 CLASSIFICATION REVIEW

Rowan County is committed to the principle consistent with law and governmental policy that individual employees should be compensated without discrimination on the basis of age, race, color, sex, religion, national origin, disability, or any other discriminatory criteria. In order to assure that similarly qualified individuals who are performing substantially the same work under comparable conditions are paid on an equal basis, Human Resources will take the following actions:

- a) Conduct periodic job analysis in order to identify positions that are improperly classified.
- b) Seek written justification from department directors for any unjustified disparity in classification that appears to exist.
- c) Recommend reclassification of any position determined to be classified at a lower or higher level than is consistent with the objectively determined value of the work being performed, giving particular attention to disparities which are patterned statistically on the basis of sex or minority status.

5.0 CAREER DEVELOPMENT AND TRAINING

To assure that members of all population groups are given equal opportunities to hold all positions for which they are qualified, the following policies and practices shall apply:

a) Initial referrals of applicants for vacant positions will be made consistent with the Equal Employment Opportunity Policy Statement under established recruitment procedures. Persons directly involved in the interviewing process and in decisions regarding assignments should be given specific orientation concerning these administrative guidelines.

b) Employees will be permitted to apply through transfer, promotion, or otherwise for employment in other positions classified at a higher level or viewed as offering greater advancement opportunity. Employees who are interviewed will be informed, in writing, of the status of their application when the selection process is completed.

c) Human Resources may provide counseling to employees on promotional opportunities and encourage minority and women employees to participate in career progression and development activities.

d) In-house training and similar programs will be reviewed periodically for possible modification or expansion to better achieve the purposes of this policy. Special efforts will be made to encourage participation in training programs by members to all population groups. Departments should post notices of training opportunities.

6.0 EQUAL BENEFITS

Human Resources will periodically review benefit programs provided for employees of Rowan County to assure that benefits are available to employees without discrimination on any prohibited grounds. These reviews will include medical, accident, life insurance, retirement, 401K, and other benefits provided by the County.

7.0 LEAVE POLICIES

Leave policies will be formulated and administered without discrimination on the basis of sex or other prohibited grounds. Pregnancy, miscarriage, childbirth and recovery there from will be considered by the County as temporary physical disabilities under the County's leave program. Leave granted for temporary physical disability would be granted without discrimination because of sex or other prohibited grounds. Further, the County will not maintain or act upon any written or unwritten policy, which excludes applicants or employees from employment with the County because of pregnancy. Moreover, employees who are pregnant will not be required to discontinue work except at such time as is specified by their personal physicians. Extended leaves of absence without pay, including long-term military leave, and childbearing leave will be granted without discrimination because of sex or other prohibited grounds.

8.0 DISABILITY ACCOMMODATION

Rowan County is committed to providing equal employment opportunities to individuals with disabilities or those regarded as having disabilities. Accordingly, the County does not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, benefits, training, or other terms, conditions and privileges of employment. Rowan County complies with all federal and state law concerning the employment of persons with disabilities and acts in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

Rowan County will engage in the interactive process to find reasonable accommodation for qualified individuals with a disability to enable them to perform the essential functions of a job, unless doing so causes an undue hardship to the County, or a direct threat to the individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation.

When an individual with a disability is requesting accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other employee or applicant.

9.0 GENERAL POLICIES

The Human Resources Director will review all general Human Resources policies for compliance with the intent of this plan. Revisions will be proposed accordingly and may be reviewed by the Personnel Board for adoption.

10.0 DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

This Equal Employment Opportunity Policy is a public document. Copies will be kept on file in the Human Resources Office and will be made available for review to any interested persons upon request. The Human Resources Director is responsible for disseminating the EEO Policy.

Human Resources Office employees having direct responsibilities in the selection process should be fully trained regarding the provisions of equal employment opportunity law, this policy, and implementation guidelines.

The Department Directors and principal supervisory personnel will be provided with copies of this Policy and guidelines, and periodic training to fully acquaint them with equal employment opportunity law and applicable local policies, state, and federal regulations. Training will be used in sensitizing managers and supervisors to the kinds of employment barriers and attitudinal stereotypes, which often hinder equal employment opportunity. These individuals, in turn, will be held responsible for communicating the EEO Policy and implementation guidelines to employees in their respective departments.

Employees may be informed of County policy through such means as:

- * County EEO policy statement and federal EEO posters placed on bulletin boards and in employment offices;
- * Policy inclusion in employee handbooks;
- * Presentation and discussion of the policy as part of employee orientation and training programs;
- * Copies of the policy statement and summary of key program elements provided to employees.

11.0 EEO AND ADA GRIEVANCE PROCEDURE

Rowan County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act and discrimination as defined by Title VII of the Civil Rights Act of 1964. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

Grievances alleging discrimination may be filed directly with the Human Resources Director or the County's Personnel Commission at 130 W. Innes Street, Salisbury, NC 28144. An allegation of discrimination must be presented to the Human Resources Director within 15 calendar days or the County's Personnel Commission within 30 calendar days of the alleged discriminatory action. If submitted directly to the Personnel Commission, a copy of the grievance must also be provided to the Human Resources Director.

For grievances alleging unlawful workplace harassment (including sexual harassment), the individual must have submitted a written complaint to the Human Resources Director and waited 60 calendar days for the Human Resources Director to take appropriate action. Unlawful workplace harassment is defined as unwelcome or unsolicited speech or conduct based upon race, sex, creed, religion, national origin, age, color, disabling condition, or veteran/military status or obligations that create a hostile work environment. A hostile work environment is one which a reasonable person would find hostile or abusive, one which an employee perceives workplace actions or behavior to be hostile or abusive, and/or which unreasonably interferes with an employee's work performance. To request a hearing with the Personnel Commission, the grievance must be filed no later than 30 calendar days after the 60 calendar day waiting period has ended.

1. A complaint should be filed in writing and contain the following:
 - a. Name, address, and telephone number of the person on whose behalf the complaint is being made,
 - b. The position held or applied for by the employee or applicant,
 - c. The number of years the employee has been continuously employed by the County,
 - d. The name of the department against whom the complaint is being brought,
 - e. The nature of the complaint (e.g. racial discrimination in promotion, transfer, hire, etc.)
 - f. A detailed statement of the facts or reasons to elicit understanding of the situation upon which the complaint is being based, and
 - g. A statement of the relief desired.

A County employee who feels that he or she has been discriminated against may request a hearing by the Commission or may pursue the matter through the grievance procedure. If an employee elects to utilize the grievance procedure, he or she shall follow the procedure of the County and, if dissatisfied with the Human Resources Director's decision, may appeal to the Commission within 30 calendar days after the receipt of notice of the Human Resources Director's decision. The request should be filed in writing through the County Manager's Office, 130 West Innes Street, Salisbury, NC 28144.

2. An investigation, as may be appropriate, shall follow a filing of complaint. The Human Resources Director or such person(s) appointed by the Personnel Commission shall conduct the investigation. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

3. The County's Personnel Commission will hear the case and conduct a hearing of the facts and issues. If following the investigation and hearing, a settlement is agreed to by both parties, the designated agent shall certify the settlement to the Commission. If following the investigation and hearing, there are issues and facts on which an agreement cannot be reached, the designated agent shall report the findings to the Commission with a recommendation.

4. The County's Personnel Commission is authorized to order the employment, promotion, transfer, or salary adjustment of any individual to whom it has been wrongfully denied or to direct other suitable action to correct the abuse. The decision reached by the County's Personnel Commission on discrimination cases will be binding.

5. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an EEO or ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

6. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that Rowan County complies with Title VII of the Civil Rights Act and ADA.

12.0 IMPLEMENTATION

The Human Resources Director will keep the County Manager informed of any area(s), which may deserve attention in the County's commitment to achieve the principles described in this EEO Policy.

Reports of progress of efforts to comply with policies such as EEO, FLSA, FMLA, and ADA provisions may be made to the County Manager.