

ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS

CATEGORY: Administration	CODE NUMBER: AC-1-4
TITLE: Lee County Affirmative Action Plan	ADOPTED: 5/28/86
	AMENDED: 3/8/89 1/4/95 5/29/96
	ORIGINATING DEPARTMENT: Equal Opportunity

PURPOSE/SCOPE:

Lee County affirms that it is fully committed, legally and morally, to provide a workforce free from discrimination and will take advantage of the diversity of human resources which exists in its general population. Employment opportunities offered by Lee County will be available to all persons based on their individual ability to perform, without regard to race, color, religion, national origin, sex, age, handicap, or marital status.

POLICY/PROCEDURE:

Lee County has adopted an Affirmative Action Plan as part of its Administrative Code to ensure equal opportunity and correct under-representation with respect to the provisions of services and programs to the Lee County Community.

The practices and procedures outlined herein, coupled with our good faith efforts, will ensure affirmative action measures and equal employment opportunities within Lee County Government.

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**LEE COUNTY GOVERNMENT
HUMAN RELATIONS POLICY**

HUMAN RELATIONS PHILOSOPHY

As we approach the beginning of the next millennium, we must become even more progressive. Especially important is our most vital resource - human beings, those who perform the operational tasks, and those whom we serve. We must heighten cross-cultural awareness along with mutual sensitivity and respect. We have had and will continue to experience challenges as we respond to an ever-changing environment. Therefore, it is critical for supervisors, at all levels, to fully understand and fulfill their duties where it concerns maintaining an environment sensitive to human relations. Management at all levels has the responsibility to take appropriate action whenever needed to enhance proactive equal opportunity. A proactive work place is a productive work place. We all must actively discharge this shared responsibility.

POLICY STATEMENT

Lee County affirms its commitment to providing a workplace free from discrimination in order to take advantage of the diversity of human resources which exists in its population. Employment opportunities offered by Lee County will be available to all persons based on their individual ability to perform without regard to race, color, religion, national origin, age, gender, marital status, or disability. This policy encompasses Equal Employment Opportunity, Affirmative Action, Harassment, and the overall concept of fair treatment wherein non-merit factors are not used as a basis to perpetuate discrimination.

Violations of this policy will be subject to disciplinary action, up to and including termination. Retaliation against anyone involved in an Equal Employment Opportunity Complaint or Equal Employment Opportunity activity is illegal and will not be tolerated. (Retaliation can form the basis of a separate complaint.)

EQUAL EMPLOYMENT OPPORTUNITY

It is the continuing policy of Lee County Government to promote the concepts of equal opportunity for all of its employees and applicants for employment. All decisions on employment will be based on the principles of Equal Employment Opportunity.

The County will continue to recruit, hire, train, and promote based on principles which afford equal opportunities by imposing valid requirements in all job classifications without regard to race, color, religion, national origin, age, gender, marital status, or a disability which does not preclude the performance of the essential functions of the job, with reasonable accommodations provided as necessary. All personnel actions; such as compensation, benefits, transfers, layoffs, return from layoffs, education, and county sponsored training will be administered without regard to race, color, religion, national origin, age, gender, marital status, or disability.

Lee County is an Equal Employment Opportunity Employer. In Lee County, the right to employment is only limited by one's ability and preparation for the job.

POLICY OBJECTIVES

The Equal Employment Opportunity objective of Lee County is to achieve, within a reasonable period of time, an employee profile which is a reflection of the relevant labor market availability, with respect to race, gender, and other protected groups in each major job category.

This objective calls for achieving full utilization of minorities, women, and members of other protected groups at all levels of county government employment, as well as the absence of discrimination in employment because of race, color, religion, national origin, age, gender, marital status, or disability.

This objective obviously requires a sustained working environment free from unlawful discrimination. In carrying out this policy, Lee County Government resolves to comply with all applicable local, state, and federal laws relating to employment and the provision of equal employment opportunity.

AFFIRMATIVE ACTION POLICY

To help achieve a workforce that is representative of our County's diversity and to promote equal employment opportunities Lee County has undertaken a voluntary program of affirmative action which good faith efforts will be directed to:

- * Determine whether, and to what extent, any protected group is underutilized within all county employment categories;
- * Identify and eliminate the specific cause(s) of any such underutilization;
- * *Identify and eliminate all employment practices which have an adverse impact on any protected group when business necessity for practices so identified has not been proven, or when alternative practice with less discriminatory impact is identified;*
- * Develop substantially diverse pools of qualified applicants, to ensure that all protected groups are represented in the county workforce in proportions approximating the level of diversity in the requisite labor market;
- * Remove all barriers to the employment of persons with disabilities and provide reasonable accommodations to allow for the achievement of successful job performance;
- * Establish programs, training, and systems to ensure the effective operation of this policy.
- * In carrying out the policy outlined above, Lee County Government resolves to comply with all applicable local, state, and federal laws relating to employment, and the provisions of public service.

Specifically, Lee County will comply with:

The Lee County Affirmative Action Plan

The Lee County Anti-Discrimination Ordinance

Chapter 706 of the Florida Statutes
The Florida Human Rights Act of 1977

Title VI and VII of the 1964 Civil Rights Act
(as amended by the Equal Opportunity Act of 1972 and the Pregnancy
Disability Act of 1978)

The Equal Pay Act of 1963

The Age Discrimination In Employment Act of 1967 as amended

The Rehabilitation Act of 1973

The Vietnam Era Veterans' Readjustment Act of 1972 and 1974 as amended
in 1980

The American With Disabilities Act of 1990

- The Civil Rights Act of 1991, as amended

Chapter 225 of the Florida Statutes Special Facilities for Physically Disabled

- All other applicable federal, state, or local laws related to employment.

AFFIRMATIVE ACTION COMMITTEE

The structure of Lee County Government, the Board of County Commissioners and appointing authorities, each of whom has hiring authority and administrative responsibility over a specific section of county government, necessitates the creation of an Affirmative Action Committee with the authority to oversee the development and implementation of an Affirmative Action Plan. Its function is to direct the development and implementation of the Affirmative Action Plan.

The committee may establish such bylaws and rules of procedure as it deems necessary, as approved by the Chair of the Board of County Commissioners and/or the County Administrator.

AFFIRMATIVE ACTION OFFICE (THE EQUAL OPPORTUNITY DIVISION)

The coordination and implementation of the Affirmative Action Program is assigned to the Equal Opportunity Division. This office shall consist of a Division Director, an Equal Opportunity Specialist assigned to the Equal Opportunity/Affirmative Action Program, and such staff as the Board of County Commissioners deem necessary and appropriate. The Equal Opportunity Division reports directly to the County Administrator or his/her designee.

The responsibilities of the Equal Opportunity Division include, but are not restricted to, the following:

1. Development of a written Affirmative Action Plan for Lee County and updating it accordingly to conform with all applicable laws and regulations.
2. General direction and/or coordination of programs established under the plan.
3. Collection, analysis, and proper publication of all statistical data called for in this plan and its guidelines for implementation.
4. Preparation of all government reports required with regard to equal employment opportunity in Lee County and to the operations of this plan.

5. Assistance to appointing authorities, department and division heads, and managers who need technical advice or administrative support in meeting their responsibilities under this plan and under applicable equal employment opportunities laws and regulations generally.
6. Establishment of liaison with minorities and women; maintenance and updating of a list of such organizations capable of producing qualified minority and women applicants for employment by Lee County, and regular evaluation of the effectiveness of such organizations.
7. Quarterly review of employment practices in Lee County of such related documents as job descriptions, application forms, job announcements, etc. to help assure that any such practices which may be discriminatory are eliminated or modified.
8. Assistance to responsible personnel in the hiring units in development of affirmative hiring programs to help achieve their goals under this plan.
9. Preparation of annual report on Affirmative Action in Lee County, for submission to the Affirmative Action Committee, for review and publication.
10. Receive and investigate complaints of discrimination on the basis of race, sex, national origin, age, or disability, conciliate such charges when appropriate, and establish a written procedure which shall govern such complaints.

UNDERUTILIZATION ANALYSIS

In compliance with applicable government regulations, the Equal Opportunity Division of Lee County will conduct a utilization analysis on a regular basis.

This analysis will be conducted for minority group members and women, and will be constructed to determine on a departmental and divisional basis the extent to which minority group members and women have been employed in major occupational categories by the county at rates which are consistent with their availability within the county's employment ranks and among the relevant recruitment areas.

Estimates of availability will be based on the presence of minorities, women, and others who are qualified for employment in each occupational category, under criteria which are validly related to job performance in each job category covered by the analysis.

AUDITS TO IDENTIFY DEFICIENCIES

The Human Resources Division, in conjunction with the Equal Opportunity Division, will examine all classifications, qualifications, recruitment, hiring, promotional and other employment practices to determine compliance with the Federal Executive Agency Guidelines established by the Equal Employment Opportunity Coordination Council and existing state and federal laws.

Specific practices to be examined include the following:

- The procedure by which job descriptions and minimum experience and training requirements are established for new positions.
- The recruitment system, including the procedures by which both the Equal Opportunity Division and Human Resources will assure affirmative action in recruitment.
- All application forms, and related applicant processing documents.
- All written pre-employment and promotional guidelines.
- All criteria such as arrest records, marital status, garnishments, and other criteria which may be applied as disqualifying factors for employment.
- All procedures and programs such as distribution of training benefits, and others which bear upon opportunities for advancement with Lee County.

In coordinating the review of those practices, the Equal Opportunity Division will work in close consultation with the Division Director of Human Resources. The results of these reviews, including any recommendations for changes in the employment practices of Lee County, will be stated in writing to the Affirmative Action Committee, the County Administrator, and the Board of County Commissioners, and shall become part of the Affirmative Action Plan when approved by the appropriate authorities.

AFFIRMATIVE RECRUITMENT

Lee County recognizes that preferential hiring on the basis of minority status or sex would be unlawful, even as a means of addressing underutilization of minorities or women.

Accordingly, Lee County, undertakes a vigorous program of affirmative recruitment for minority group members and women in all job categories in which they are found to have been underutilized.

Regardless of whether or not such underutilization currently exists, the county will conduct an expanded program of open recruitment in all positions to avoid the possible discriminatory effects of informal job networks and similar systems wherever sufficient applicant pools do not exist.

Lee County's affirmative recruitment program will include, but not be limited to, the following specific actions:

- Development of search strategies for qualified minorities and women for executive level appointments.
- Written affirmative recruitment plans.
- Use of media and organizational sources specializing in recruitment and referral of minority, women and handicapped applicants.
(Examples: Urban League, National Organization of Women, and the Paralyzed Veterans of America)
- High level monitoring of each recruitment.
- Broad public announcement of vacancies.

Additional measures may be added to these recruitment procedures accordingly by the Equal Opportunity Division and Human Resources for the purpose of achieving the goals of this plan.

Posters and announcement sheets will be distributed and posted in conspicuous places in the Human Resources Division and on all county bulletin boards.

All recruitment brochures will include the phrase, "An Equal Opportunity Employer."

Current minority, women and handicapped employees will be encouraged to solicit applicants for vacancies with Lee County.

JOB QUALIFICATIONS

The Division Director of Human Resources, in conjunction with the Equal Opportunity Division, will conduct an ongoing review of all job descriptions, minimum experience and training requirements, job qualifications, and written or oral tests to determine whether adverse effects in hiring on any group on the basis of sex or minority status exists.

All processes related to interviewing and selection will be subjected to validation studies according to professional standards and Federal government guidelines. The ultimate goal of such studies will be to establish validity.

Upon determination that any job description or set of qualifications does not comply with the Federal Executive Agency Guidelines established by the Equal Employment Opportunity Coordination Council, the Human Resources Division, in conjunction with the Equal Opportunity Division, will take such steps as are necessary to insure the job-relatedness of the qualifications in accordance with these guidelines.

Records relating to the analysis of jobs and job qualification will be available for review by the Equal Opportunity Division.

Selection devices shall be related to job performance. Validation of such will be ongoing.

Upon determining that a standard has an adverse impact on the employment opportunities of minorities or women, the hiring authority for the various units will take necessary steps for Lee County to determine if the criteria is job related.

CAREER DEVELOPMENT

To some extent achievement of equitable distribution of minorities and women throughout all job classifications in Lee County will be the result of initial assignments, subsequent transfers, promotions, and training.

To assure that minorities and women are given access, affirmatively, to all positions and all lines of progression within Lee County the following policies and practices shall apply:

- * Referrals to departments and divisions will be made with consideration of affirmative action goals.

- * All employees will be permitted and encouraged to apply, through transfer, promotion, or otherwise, for higher more favorable (from a career perspective) positions in Lee County, as provided in applicable personnel rules.
- * Those in charge of personnel matters in Lee County will assure that classifications will be job related and after careful job analysis shall not include discriminatory factors.
- * All existing specifications as well as new specifications will be reviewed, evaluated, and revised as needed to insure that discriminatory restrictions are deleted.
- * The qualifications required will be the minimum needed for entrance into a classification. An equivalent of training and experience may be substituted for the necessary minimum qualifications.
- * The Human Resources Division will insure that trainee and part-time positions will be established where practical, so as to place emphasis on potential for development.
- * Job classifications shall be constructed with career ladders where practical so as to insure opportunities for upward mobility for employees.
- * Particular attention will be given to upward mobility and promotional opportunities for minorities, women, and handicapped individuals.

EMPLOYMENT COMPLAINTS

The Equal Opportunity Division is responsible for all formal and informal complaints regarding alleged discrimination in Lee County Government.

Responsibilities will include, but are not restricted to, the following:

1. Investigating and researching charges of discrimination.
2. Compiling and preparing legally sufficient responses for EEOC (Equal Employment Opportunity Council) and FCHR (Florida Commission on Human Relations) discrimination charges.
3. Counseling and conciliating employee complaints and discrimination charges.

MENTSS IN THE WORKPLACE

It is the policy of Lee County Government to maintain a workplace environment that promotes dignity and respect for employees and members of the public. Thus, our offices will be free from harassment and intimidation. To this end, Lee County prohibits harassment in the workplace. This includes, but is not limited to, sexual harassment, racial harassment, or harassment based on an employee's disability.

The responsibilities of the Equal Opportunity Division will include responding to harassment in the workplace. It is the policy of Lee County Government to maintain a workplace free from harassment and intimidation.

If an investigation shows that an accused employee did engage in harassment, Lee County will take appropriate action which will include a warning that any continued harassment may result in a negative employment action including demotion and termination.

It is contrary to federal and state law for Lee County or an agent of the County to discriminate or retaliate against anyone who has made a complaint of harassment, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy.

SEXUAL HARASSMENT

Sexual harassment is a form of employment misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment is defined as unwelcome one-sided attention, sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature from supervisors, bosses, co-workers, or other individuals in the workplace.

The actions above will be considered sexual harassment when:

- (1) submission to such conduct is made either explicitly, or implicitly, a term or condition of an individual's employment;
- (2) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Disciplinary Action: Employers can be held liable for the acts of employees, supervisors, and agents. Therefore, Lee County will identify, investigate, and monitor the misconduct of its employees. Immediate and appropriate corrective action will be taken in sexual harassment complaints. If the investigation shows that the accused employee did engage in harassment, Lee County will take disciplinary action which will include a warning that any continued harassment may result in a negative employment action including termination.

RETALIATION

It shall be unlawful to retaliate against any employee or applicant for exercising his/her rights as outlined in this Policy.

It shall be unlawful to retaliate against anyone who has made a complaint of sexual harassment or discrimination, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this Policy.

TOP LEVEL SUPPORT AND RESPONSIBILITY FOR IMPLEMENTATION

Ultimate responsibility for achievement of equal employment opportunity in Lee County through this Affirmative Action Program and otherwise, rests with the elected public officials of Lee County and appointing authorities. The Board of County Commissioners and all departments and divisions under its jurisdiction, have the responsibility for the delivery of public services in Lee County and in turn the responsibility to see that these are carried out in an equitable manner. Each public official shall exercise responsibility under this program within the scope of the law and utilizing the principles of sound public administration.

STAFF ORIENTATION IN EQUAL EMPLOYMENT OPPORTUNITY

The Equal Opportunity Division, in conjunction with the Human Resources Division, will establish and conduct regularly scheduled training sessions for appointing authorities, department and division directors, and all supervisory personnel. These sessions will cover the provisions of this plan, as well as all other applicable laws and regulations.

All employees in the divisions of personnel who have any direct responsibilities in the interviewing and selection process will receive orientation regarding this Affirmative Action Plan and its guidelines, as well as general training with regard to the provisions of Equal Employment Law. Included among the topics will be the special obligations of the personnel staff members in assuring the success of Lee County's Affirmative Action Plan. Update sessions will be provided periodically.

Departmental and divisional supervisors will inform all employees under their direct supervision of any rights and obligations under this Affirmative Action Plan.

All new employees shall be informed of their rights and obligations under this plan at the time they are processed for regular employment with the county.

MONITORING PERFORMANCE

Under procedures developed by the Human Resources Division and Management Information Services, information will be made available which will permit the maintenance of at least the following records in support of this Affirmative Action Plan.

- * Applicant flow, by race, sex, handicap, and source of applicants (e.g. respond to vacancy announcements, word-of-mouth, advertising in newspapers. etc.)
- * Hires by race, sex and handicap.
- * Initial placement after hired, agency to which assigned, position and salary by race, sex, and handicap
- * Transfers and promotions, by race, sex, and handicap: position and agency from which transferred or promoted, and position and agency to which transferred or promoted.
- * Voluntary and involuntary termination by race, sex, and handicap; type of termination and reason thereof; if applicable.
- * The Human Resources Division shall make available to the Equal Opportunity Division all personnel transactions.
- * The Equal Opportunity Division shall update the workforce utilization analysis on a regular basis in order to chart the county's progress.
- * The Equal Opportunity Division will report progress to the Affirmative Action Committee on a regular basis. Results of these meetings will be recorded and posted for review by all county employees.

DISSEMINATION OF THE AFFIRMATIVE ACTION PLAN

This Affirmative Action Plan, including its guidelines for implementation and supporting data is a public document. One or more copies of each document will be kept on file at the public libraries, the Equal Opportunity Division, and the county's Human Resources Division for public inspection by interested persons upon request.

A copy of the Plan and Guidelines will be given to each responsible department, who shall be responsible for its implementation and dissemination within its units. A brief copy of the plan will be prepared by the Equal Opportunity Division and circulated to all present employees. New employees will receive a copy as they are hired. Feature articles and follow-up items will be included in the division newsletters.

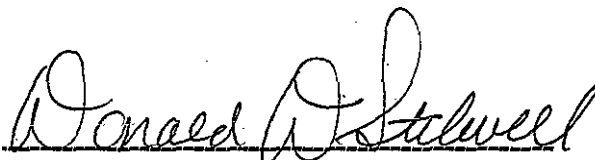
External recruitment sources used by Lee County, including colleges, universities, and organizations specializing in the recruitment of minorities and women, will be informed of the jurisdiction's nondiscrimination policy and Affirmative Action Plan.

Additional steps will be taken from time to time as deemed necessary by the Division of Equal Opportunity.

STATEMENT OF COMMITMENT

This Philosophy and Policy are an integral part of the County's Affirmative Action Program. The major thrust of the County's efforts to reach the stated goals of this Policy will be the responsibilities of all those employed by Lee County with management being held ultimately accountable. Lee County Government considers its Affirmative Action Program a results-oriented program designed to enhance the opportunities and numbers of employees who are minorities, women, or members of other protected groups, in non-traditional roles and job categories. The ultimate success of this undertaking will be largely the result of the good-faith efforts, as reflected in this Policy Document.

To this end, Lee County Government reaffirms and reinforces full commitment to the policies and practices of Equal Employment Opportunity and will cooperate fully in the implementation of the County's Affirmative Action Program and Equal Employment Opportunity Policy.



Donald D. Stilwell, County Administrator

5/29/96

Date