

*Bargaining Unit employees should review their appropriate Collective Bargaining Agreement (CBA) to determine if this policy applies to them. In case of a conflict between the applicable CBA and these policies, the provision in the CBA controls.*

Policy No.: 4-6

Effective: 09/24/2013

Revision No. 3

Review Date: 09/24/2014

## **Equal Employment Opportunity**

**OVERVIEW:** This policy defines the County's commitment to equal employment opportunity for all persons employed by the County.

**SCOPE:** This policy applies to all persons employed by the Board of County Commissioners.

### **PROVISIONS:**

#### **1. Policy**

- a. The Board of County Commissioners will provide a work environment that is free from discrimination and harassment based on race, color, age, sex, religion, national origin, marital status, disability, sexual orientation, gender identity or expression or political affiliation, including such conduct from vendors, customers or others who enter our workplace.
- b. This policy is further explained in the Workplace Harassment Policy Statement below in 4-6, 2.
- c. Discrimination against any person in recruitment, examination, appointment, training, promotion or any other employee action because of political opinions or affiliations or because of race, color, age, sex, religion, national origin, marital status, disability, sexual orientation, gender identity or expression is prohibited.
- d. Veterans' Preference shall be given to eligible veterans in accordance with Florida Statutes.

#### **2. Workplace Harassment Policy Statement**

It is the policy of the Board of County Commissioners to provide a workplace that is free from harassment. Harassment is a form of employee misconduct which undermines the integrity of the employment relationship. We will not tolerate any conduct or behavior which interferes with the reasonable expectations of our employees to a workplace that is free from rude, offensive, intolerant or otherwise inappropriate comments, actions or material. Harassment based on race, color, age, sex, religion, national origin, marital status, disability, sexual orientation, gender identity or expression or political affiliation is prohibited. Any employee determined to have violated this policy will be disciplined in accordance with the disciplinary procedures set forth in the Alachua County Employee Policy Manual.

### **What is Sexual Harassment?**

Sexual harassment is a form of sex discrimination that violates Title VII of the 1964 Civil Rights Act. It is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct is used as a basis for

employment decisions, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

**Sexual harassment includes but is not limited to: obscene jokes, lewd comments, rumor/gossip of a sexual nature, repeated unwelcome requests for dates, unwelcome touching, unwelcome attention of a sexual nature or employment decisions based on gender.**

### **What is Gender Identity Harassment?**

Gender identity harassment is a form of harassment that violates Alachua County Policy. It is unwelcome comments, verbal or physical conduct based on an individual's gender identity or expression that unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Gender Identity harassment includes, but is not limited to: verbal and/or physical harassment (including threats), deliberate misuse of appropriate forms of address and pronouns, failure to make reasonable accommodations and/or denial of access to rest rooms that are appropriate to the employee's gender identity as presented.

### **What Should You Do?**

Any employee who feels that he/she is a victim of harassment or is aware of or suspects any prohibited harassment must report the harassment to the supervisor, department or division head or the Equal Opportunity Manager immediately. Every employee has the right and opportunity to report harassment directly to the Equal Opportunity Manager. All complaints of unlawful harassment will be promptly investigated and kept confidential to the extent possible. No employee will suffer retaliation for having made such a report or complaint in good faith.

### **Retaliation**

Retaliation against any person who brings an allegation forward, files a complaint or participates in an investigation of harassment is strictly prohibited. Any employee who feels that he/she is being retaliated against for filing a complaint or participating in an investigation must report the retaliation to the EO Manager immediately.

Contact: Equal Opportunity Manager  
Alachua County Equal Opportunity Office  
105 SE 1st Avenue  
Gainesville, FL 32601  
(352) 374-5275

### **3. Prohibited Behavior**

- a. Offensive conduct or harassment that is of a sexual nature, or based on race, color, age, sex, religion, national origin, marital status, disability, sexual orientation, gender identity or expression or political affiliation is prohibited.
- b. Conduct that has the purpose or effect of creating an intimidating, hostile or offensive work environment or that unreasonably interferes with an individual's work performance is considered harassment and is strictly prohibited. Such conduct includes, but is not limited to:
  - i. Unwelcome touching,
  - ii. Unwelcome attention of a sexual nature,
  - iii. Requests for, or expectations of, sexual favors,

- iv. Sexual, racial, ethnic jokes, innuendoes or profanity,
- v. Offensive written or spoken language, or physical gestures.
- vi. Offensive posters, cartoons, jokes and slurs,
- vii. Name calling or nicknames that may be offensive,
- viii. Jokes that demean another individual or a group of individuals,
- ix. Offensive verbal, visual or physical conduct,
- x. any type of "bullying" behavior.

#### **4. Disciplinary Action**

- a. Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. This type of misconduct is grounds for disciplinary action, up to and including termination.
- b. The County holds supervisory employees to a higher standard of conduct and makes them responsible for ensuring that the work environment is free from harassment.
- c. Violators of the County's prohibition against unlawful discrimination or harassment will be subject to prompt, appropriate disciplinary action.

#### **5. Responsibility to Report**

- a. Any employee who feels that he or she is the victim of harassment based on race, color, age, sex, religion, national origin, marital status, disability, sexual orientation, gender identity or expression or political affiliation must report the harassment to the supervisor, department or division head, or the EO Manager immediately.
- b. Any employee who has knowledge of such behavior also has the responsibility to report it to a supervisor, department or division head, or directly to the EO Office. An employee filing a complaint under this policy is not required to report through the normal chain of command, but may go directly to the EO Office. Complaints may be submitted verbally or in writing; whoever receives a verbal complaint must document the report as completely as possible.
- c. A supervisor who is aware of an incident of harassment must immediately notify the EO Manager. The EO Office will respond to reports from employees and supervisors, conduct an investigation and advise the department director regarding the recommended corrective action, if warranted.

#### **6. EEO Complaint Procedures**

- a. Any employee or applicant for employment shall have the right to file a discrimination complaint.
- b. Complaints received by the Equal Opportunity Office are reviewed for jurisdiction before being accepted for formal investigation, i.e., the alleged discriminatory act must be based on race, color, age, sex, religion, national origin, marital status, disability, sexual orientation, gender identity or expression or political affiliation, (as covered under these Regulations).
- c. However, upon request, the Equal Opportunity office will assist to the extent possible in the resolution of any employee concern or complaint brought to its attention, and offers mediation as another option for resolving employee conflicts.

#### **7. EEO Complaint Process**

- a. Employees, and applicants for employment, must file a complaint of discrimination with the EO office within 180 days of the alleged discriminatory act, or Complainant's (person filing complaint) knowledge of the alleged discriminatory act.
- b. The Complainant and the Respondent (the accused) may provide a list of witnesses for testimony in support or denial of the charges, and submit any documents related to or pertinent to the allegations.
- c. An investigation of the charges will be conducted, which may include an informal hearing of the persons involved and/or on-site interviews of potential witnesses. This hearing shall not be bound by formal rules of evidence.
- d. Within 90 days of receiving a formal complaint, the EO Manager will submit a final investigative report directly to the Administrating Official.
  - i. In extenuating circumstances the Administrating Official may grant an extension for the submittal of the final investigative report.
- e. Within 15 days of receiving the final investigative report the Administrating Official will issue a written response to both the Complainant and the Respondent.
- f. This response shall either offer a remedy or relief, or dismiss the charges.
- g. Complaints, investigations and reports shall be kept confidential unless disclosure is required by law.

#### **8. Retaliation**

- a. Retaliation against any person for bringing an allegation forward, filing a complaint or participating in an investigation of alleged unlawful discrimination is strictly prohibited.
- b. Complaints made in good faith, even if determined to be unfounded, will not be held against an employee.
- c. Under no circumstances will an employee be penalized for reporting unlawful or improper conduct prohibited by these policies.
- d. Any employee who feels that he or she is being retaliated against for filing a complaint or participating in an investigation must report the retaliation to the EO Manager immediately.

#### **9. Equal Opportunity Advisory Committee (EOAC)**

- a. The Administrating Official shall establish an Equal Opportunity Advisory Committee which shall act in an advisory capacity to the EO Manager on matters relating to equal opportunity in employment.
- b. This committee shall consist of at least nine employees, (and may be jointly made up of County and Library District employees) one of whom shall be designated as chair, and shall meet not less than semi-annually. The primary duties of the EOAC shall be to:
  - i. Promote diversity in the workplace,
  - ii. Provide recommendations on equal opportunity issues presented to them by the EO Manager,
  - iii. Assist in the on-going review of the EO Handbook, recommending changes as needed, and
  - iv. Relay pertinent information discussed in committee meetings to supervisors and co-workers.

#### **10. Equal Opportunity Program**

- a. It shall be the responsibility of all employees to be aware of and comply with the County's Equal Opportunity Program. The program is intended to promote equal employment opportunity through non-discriminatory practices by:
  - i. Recruiting, hiring, training and promoting persons in all job classifications without regard to race, color, age, sex, religion, national origin, marital status, disability, sexual orientation, gender identity or expression or political affiliation,
  - ii. Ensuring that employment decisions are in accordance with both County equal employment policy and state and federal equal employment laws and regulations.
  - iii. Ensuring that all personnel actions and benefits are administered in a non-discriminatory manner, and
  - iv. Ensuring that programs and services provided are administered in a non-discriminatory manner.
  - v. Providing the BoCC with an annual report that includes a breakdown by department and EO category all hiring, reclassifications, bonuses, raises, promotions, separations, transfers and training. The annual report will include a summary of EO contacts, complaints and corrective actions.
- b. The Equal Opportunity Program includes an Expanded Recruitment Plan, which is a voluntary effort by the Board of County Commissioners to address areas of underutilization (low representation) of women and minorities within the County's workforce, based on federally established guidelines. Program activities include:
  - i. Developing and presenting to the BoCC a bi-annual Equal Employment Opportunity Plan,
  - ii. Conducting expanded recruitment efforts aimed at increasing the diversity of the applicant pool,
  - iii. Notifying hiring supervisors of applicants in the qualified pool who fall in the groups under-represented in the County's workforce demographics, and
  - iv. Monitoring the hiring and selection process,
  - v. Reviewing and commenting on the recruitment and selection process prior to an offer being made to ensure that departments have demonstrated a good faith effort to achieve the goals and objectives of the current Equal Employment Opportunity Plan, and
  - vi. Developing and presenting to the BoCC a quarterly hiring activity report containing all employee actions; i.e. hire, separations, raises, promotions, disciplines, etc. by department and EO category. The quarterly report will include a status update on the current Equal Employment Opportunity Plan.

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County Manager

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County Attorney