

HUMAN RESOURCES DEPARTMENT
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Date: March 10, 2010
To: Dee F. Bruemmer, County Administrator
From: Mary J. Thee, Human Resources Director/Asst. County Administrator
Subject: Human Resources Policy Updates

I am recommending the following changes to the Administration Policies:

Human Resources Policy B "Equal Employment Opportunity and Affirmative Action" updates adds the following language "or other protected class". We were informed that this language is necessary to comply with the grant requirements for the Violence Against Women grant. This language would simply require that we not violate state or federal law related to established protected classes.

B. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

GENERAL POLICY

It is the policy of Scott County to provide equal treatment to all County employees and applicants for County employment without regard to race, creed, color, national origin or ancestry, age, sex, sexual orientation, marital status, religion, political affiliation, mental or physical handicap (~~except as a bona fide occupational qualification~~) or any other protected class. This policy applies to all Human Resources actions and procedures including, but not limited to: recruitment, selection, training, compensation, benefit programs, promotion, demotion, transfer and termination of employment.

SCOPE

This policy is applicable to the following:

All employees responsible to the Scott County Board of Supervisors;

All employees responsible to a county elected office holder including the elected office holder and deputies;

All employees not directly responsible to either the Board of Supervisors or an elected office holder and whose governing body and the Board of Supervisors has certified its applicability.

Whenever the provisions of this policy are in conflict with the Code of Iowa, or with a collectively-bargained agreement between the County and a certified bargaining unit, the provisions of the collectively-bargained agreement and/or the Code of Iowa will prevail.

OBJECTIVES

The primary objectives of Scott County's equal employment opportunity and affirmative action program are:

1. To assure non-discrimination in the application of hiring procedures and employment practices;
2. To strive for an integrated work force that includes minority and female representation in all major occupational categories equivalent to the actual availability of qualified minorities and females in the relevant labor market area;
3. To provide adequate training for department managers and supervisors involved

in the selection process to assure the use of objective standards in filling all position vacancies;

4. To ensure compliance with federal, state and local laws and regulations related to equal employment opportunity, and to provide an internal complaint procedure for the resolution of EEO-related complaints.

While the County recognizes the importance of taking affirmative steps to achieve the objectives defined herein, these shall not unreasonably infringe upon the County's goal of providing efficient and productive service to the citizens of Scott County.

RESPONSIBILITY FOR IMPLEMENTATION

Ultimate responsibility for achievement of EEO objectives is assigned to the Board of Supervisors under both the law and principles of sound administration.

Scott County's Human Resources Department shall be responsible for administering this policy and monitoring the County's compliance with EEO laws. The Assistant County Administrator shall be Scott County's EEO Officer.

Department heads and supervisory personnel are responsible for complying with all aspects of this policy, for distributing and discussing this policy with departmental staff as necessary, and for cooperating with the County's EEO Officer in providing information relevant to departmental selection procedures and employment practices.

DUTIES OF THE EEO OFFICER

In general, the duties of the EEO Officer include, but are not limited to:

1. Develops and administers an affirmative recruitment program with special emphasis in occupational categories where the County's minority or female representation is significantly below the actual availability of qualified minorities or females in the relevant labor market area;
2. Assists departments in developing objective selection criteria and techniques that do not adversely impact on minorities or other protected classes;
3. Maintains an up-to-date list of recruitment sources for seeking qualified minority and female applicants;
4. Monitors compliance with federal, state and local laws regarding EEO/Affirmative Action, including preparation of annual reports to the EEOC, Board of Supervisors, and other reports as required;
5. Provides periodic staff training on EEO-related topics; observes the interview and

selection process for any or all County positions, and provides appropriate feedback to department heads and supervisors;

6. Conducts periodic review of County employment practices and related documents (e.g. job announcements and descriptions, application forms, employment and promotional tests, etc) to assure non-discriminatory effect;
7. Maintains EEO-related data on the County's regular workforce and applicants for regular County positions;
8. Investigates and attempts to resolve EEO-related complaints.
9. Provides staff assistance to the Scott County Civil Service Commission as may be needed in the area of EEO compliance.

VETERAN'S PREFERENCE

It is the policy of Scott County to provide equal employment opportunities to all Veterans of the United States armed forces.

In accordance with Chapter 70 of the Code of Iowa, Veterans of any war in which the United States has been engaged are entitled to preference in County employment over other applicants of equal qualifications.

AIDS IN THE WORKPLACE

The following policy statement and guidelines are established to prevent unlawful discrimination and to address concerns regarding the possible presence of AIDS (Acquired Immune-Deficiency Syndrome) in the workplace.

Information provided by the U.S. Public Health Service Centers for Disease Control (CDC) indicates that AIDS is not a disease that can be transmitted through casual contact. The kind of nonsexual interpersonal contact that an employee would normally have with co-workers and other individuals in the course of his/her employment activities does not pose a risk for the transmission of Human Immunodeficiency Virus (HIV), the virus that causes AIDS.

Accordingly, it is the policy of Scott County that it will not discriminate against any employee or applicant for employment because he/she may have tested HIV positive, have AIDS or an AIDS-related condition. Such individuals will be treated in accordance with the County's legal responsibility to provide equal employment opportunities for persons with a physical and/or mental disability.

In addressing workplace concerns regarding AIDS, the County will base its actions on guidelines established by the CDC. In addition, the following specific guidelines are

established:

1. To promote better understanding of the AIDS issue throughout the County workforce, the Health Department and the Human Resources Department are responsible for developing relevant employee training and educational material.
2. An employee who tests HIV positive, has AIDS or an AIDS-related condition may continue to work provided he/she is able to meet departmental standards of work performance and attendance, and medical evidence indicates that the employee's presence on the job is not a threat to him/herself or others.
3. The County recognizes that co-workers of employees who have AIDS or an AIDS-related condition may have concerns for their own health safety. In the event a department becomes aware that an employee has AIDS or an AIDS-related condition, the department will review the situation, with assistance from the Scott County Health Department, to ensure that the health safety of co-workers and the public is protected. Where it has been determined that there is no significant health safety risk, co-workers will be required to perform their normal duties. As needed, co-workers who continue to feel threatened by the work environment will receive additional AIDS education.
4. The County further recognizes that certain employees, due to the nature of their work, are more likely to encounter individuals who may have AIDS or an AIDS-related condition. To ensure that these employees are able to perform their job without undue risk of exposure, the affected departments shall develop appropriate work procedures with the assistance of the Scott County Health Department.
5. No employee will be required to submit to any test to determine whether he/she is HIV positive as a requirement to obtain or maintain employment with the County except as may be allowed under Iowa law. Employees who believe that they may be infected with the AIDS virus are encouraged to consult their personal physician or the Scott County Health Department for confidential counseling and possible testing.
6. While the County has a right to know the reasons for an employee's absence from work, it recognizes that an employee's health condition is a confidential matter. In the event an employee is absent from work because of an AIDS-related illness, the same confidentiality requirements that apply to any medical condition will be enforced. Reasonable steps will be taken to protect such information from being disclosed inappropriately.

COMPLAINT PROCEDURE

In the interest of resolving EEO-related complaints internally, the following complaint procedure is established.

Any employee or applicant alleging discriminatory practice by the County on the basis of race, sex, etc. may file a complaint with the County EEO Officer. All employees or applicants shall have the right to file a complaint without fear of reprisal.

Step 1. The complainant shall meet and discuss any alleged violation of this policy with the County EEO Officer within 30 days following its occurrence in an effort to resolve the problem in an informal manner. The EEO Officer shall respond orally to the complainant no later than seven days after this initial discussion. Every effort will be made to resolve a problem at Step 1.

Step 2. If the Step 1 response fails to resolve the matter, the complainant shall have seven days in which to file a formal, written complaint with the County Administrator. The complaint must be legible and must include: the name, address and telephone number of the complainant; the date of filing; the name(s) of those against whom the complaint is lodged; a clear and concise description of the facts related to the alleged discriminatory practice; and the remedy or solution requested by the complainant. All such complaints must be signed and dated by the complainant.

Upon receipt of a formal written complaint, the County Administrator (or his/her designee) shall, within 10 days following receipt of the complaint, meet with the interested parties to more fully discover the facts related to the complaint. Within 10 days following said meeting, the County Administrator (or his/her designee) shall respond to the complainant in writing.

Step 3. If the County Administrator's decision does not resolve the complaint, the complainant may, within 10 days following the date of the answer in Step 2, forward the written complaint to the Scott County Board of Supervisors. The Board shall arrange to meet within 30 days following receipt of the complaint with the complainant and all interested parties. Within 10 days following this meeting, the Board shall issue a written decision.

ADMINISTRATIVE PROCEDURES

1. Relevant Labor Market

For the purpose of administering this policy, the relevant labor market for all occupational categories, except the professional and administrative, will be the area known as the Davenport-Rock Island-Moline, Standard Metropolitan Statistical Area (SMSA). For the professional occupational category, the relevant labor market will be the state of Iowa SMSA. For the administrative category, the relevant labor market will be the national SMSA.

2. Definition of Under-Utilized Position

An "under-utilized" position is defined as one existing in an occupational category in which the representation of minorities or females in the County workforce is less than 80% of the relevant labor market representation.

Equal Employment Opportunity and Affirmative Action

It is the policy of Scott County to provide equal treatment to all County employees and applicants for County employment without regard to race, creed, color, national origin, age, sex, marital status, religion, political affiliation, mental or physical handicap, except as bona fide occupational qualifications may require otherwise. This policy applies to all Human Resources actions and procedures including, but not limited to: recruitment, selection, training, compensation, benefit programs, promotion, demotion, transfer and termination of employment.

Scott County's EEO Officer is Mary J. Thee who can be reached at 563.326.8740.

A complete copy of this policy can be found in the Scott County Policy Manual. This manual can be found on the intranet, or a hard copy is available in all departments, or Human Resources.

Employees Copy

I have received a copy of the following information for my records:

It is the policy of Scott County to provide equal treatment to all County employees and applicants for County employment without regard to race, creed, color, national origin, age, sex, marital status, religion, political affiliation, mental or physical handicap, except as bona fide occupational qualifications may require otherwise. This policy applies to all Human Resources actions and procedures including, but not limited to: recruitment, selection, training, compensation, benefit programs, promotion, demotion, transfer and termination of employment.

Scott County's EEO Officer is (current name is filled in) who can be reached at (phone #).

I can find a complete copy of the EEO Policy in the Scott County Human Resources Policy Manual Section B, which I can get from the Intranet, my department or in Human Resources.

Name _____

Signature _____

Date _____

THE COUNTY AUDITOR'S SIGNATURE CERTIFIES
THAT THIS RESOLUTION HAS BEEN FORMALLY
APPROVED BY THE BOARD OF SUPERVISORS ON

DATE

SCOTT COUNTY AUDITOR

RESOLUTION

SCOTT COUNTY BOARD OF SUPERVISORS

March 18, 2010

APPROVING CHANGES TO HUMAN RESOURCES POLICY B "EQUAL
EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION" BY ADDING OTHER
PROTECTED CLASSES

BE IT RESOLVED BY the Scott County Board of Supervisors as follows:

Section 1. That Human Resources Policy B. "Equal Employment Opportunity and Affirmative Action" is hereby modified to add "other protected classes" to comply with the requirements of a state grant.

Section 2. This resolution shall take effect immediately.