

Introduced by the County Services Committee of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO ADOPT A REVISED EQUAL OPPORTUNITY
EMPLOYMENT PLAN**

RESOLUTION # 13 - 368

WHEREAS, Ingham County has been committed and maintains its commitment to equal opportunity and non-discrimination for all persons; and

WHEREAS, this commitment is reflected in an Equal Opportunity Employment Plan; and

WHEREAS, the current Equal Opportunity Employment Plan was last reviewed in 2007; and

WHEREAS, the Equal Opportunity Committee has devoted time and effort in developing a proposed updated and revised Equal Opportunity Employment Plan; and

WHEREAS, changes to the proposed revised Equal Opportunity Employment Plan have been made based on suggestions from the Equal Opportunity Committee and review by legal counsel; and

WHEREAS, the revised plan re-emphasizes the Ingham County Board of Commissioners' goal to recruit and maintain a highly qualified and diverse workforce; and

WHEREAS, the Ingham County Board of Commissioners urges the support of this plan by all offices and agencies of the County.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners hereby adopts the attached revised Equal Opportunity Employment Plan.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners directs that all county departments and agencies under the jurisdiction of the Board of Commissioners shall be bound by this plan and work to further the achievement of the stated goals.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners requests and encourages all county wide elected officials and Chief Judges to voluntarily adopt this plan and to work to further the achievement of stated goals, as they have done with prior plans.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners commends the Equal Opportunity Committee for its time and effort devoted to revising and updating this plan.

COUNTY SERVICES: Yeas: Koenig, Holman, Celentino, Nolan, Tsernoglou, Crenshaw, Maiville
Nays: None **Absent:** None **Approved 9/17/13**

INGHAM COUNTY EQUAL OPPORTUNITY EMPLOYMENT PLAN

2013

TABLE OF CONTENTS

PREAMBLE AND PURPOSE	2
I. THE INGHAM COUNTY EQUAL OPPORTUNITY PLAN	2
II. EQUAL OPPORTUNITY COMMITTEE (EOC)	3
III. HIRING AND PROMOTION PROCESS	3
IV. HUMAN RESOURCES DEPARTMENT REPORTS	7
V. EMPLOYMENT PRACTICES	8
VI. ENFORCEMENT OF THE PLAN	8
VII. SEXUAL HARASSMENT	10
VIII. PURCHASING AND CONTRACTING	12

INGHAM COUNTY
EQUAL OPPORTUNITY EMPLOYMENT PLAN
PREAMBLE AND PURPOSE

It is the goal of Ingham County (hereinafter referred to as the "County") to recruit and maintain a diverse workforce in an effort to provide the highest quality of service to its constituents, as well as to provide equal opportunity in its employment on the basis of merit and fitness, regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, height, weight, marital status, age or political affiliation (except where age, sex or lack of disability constitutes a bona fide occupational qualification). The County shall pursue an aggressive recruitment and personnel development program in order to maintain a highly qualified and diverse work force.

I. THE INGHAM COUNTY EQUAL OPPORTUNITY EMPLOYMENT PLAN

Based on the above-stated goal, the County does hereby adopt the Ingham County Equal Opportunity Employment Plan (hereinafter referred to as the "EOE Plan" or "Plan"). This Plan is an integral part of the total Human Resources management program. The County shall pursue a program of recruitment, hiring and promotions of highly qualified employees and applicants, and may consider training projects based on available resources.

This Plan assigns responsibilities and provides for the presentation of reports and annual evaluations. The Plan requires the County to ensure that all Human Resources related decisions are based upon an individual's ability to meet the requirements of the job, and that the County shall monitor and eliminate, if possible, any barriers that interfere with equal opportunity in all segments of the Human Resources program. This Plan precludes quotas and reductions in job related qualifications to increase employment of women, minorities and individuals with disabilities. The Ingham County Equal Opportunity Committee (*hereinafter referred to as the "EOC"*) may recommend adjustments to job-related qualifications after an investigation and determination is made by the Ingham County Equal Opportunity Committee that the recommended job-related qualifications are appropriate, and does not violate Proposition 2. The goals should not be construed as quotas, which must be met, or ceilings that will prevent the hiring or promotion of the most qualified people. Therefore, the County shall hire and promote the most qualified individuals regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, height, weight, marital status, age, or political affiliation (except where age, sex, or lack of disability constitutes a bona fide occupational qualification), in order to meet the labor force demands of the County.

New County employees shall be provided a copy of the Plan, and all County employees will receive a copy of any updated version of the Plan. The Plan will also be made available to all applicants for County employment or any interested parties upon request.

Pursuant to state law, the Board of Commissioners acknowledges the fact that this Equal Opportunity Employment Plan is not enforceable to Department Heads who are elected officials.

However, the Board of Commissioners will use all of its persuasive abilities to encourage elected officials to concur with the Equal Opportunity Plan.

II. EQUAL OPPORTUNITY COMMITTEE (EOC)

The Ingham County Board of Commissioners (hereinafter referred to as the "Board of Commissioners") has appointed a committee consisting of interested citizens to act under the terms of the Plan. This committee will be known as the Ingham County Equal Opportunity Committee (hereinafter referred to as the "EOC"). The EOC is an advisory committee. The EOC will perform the following functions:

- Serve as advisors to the Board of Commissioners on matters that will ensure equal opportunity for all County employees, as well as applicants for County employment.
- Make recommendations to the County Services Committee and/or the Board of Commissioners as necessary to carry out the County's commitment to equal opportunity.
- Review reports submitted by the Human Resources Director.
- Verify **annually** that banks or other savings institutions holding County funds are equal opportunity employers and lenders.
- Verify **annually** that possible County purchasing is done from equal opportunity employers.
- Review periodic reports and annual evaluations of the ethnic and gender status of the County's employee base solely for the purpose of determining a need for further inquiry to ascertain whether there has been specific prior discrimination in hiring practices to evaluate applicable hiring criteria to ensure that they are reasonably job-related and do not arbitrarily exclude members of the underutilized group, or to indicate the need for inclusive outreach efforts to ensure that members of the underutilized group have equal opportunity to seek employment with the affected department.
- Provide an annual report to the County Services Committee based on its work during the previous calendar year.
- Review the Plan for its continued relevance at least every **three (3) years or as necessary**.

All meetings of the EOC are open to the public and provide for an opportunity for limited public comment. However, the EOC reserves the right to limit access to its meetings at those times when the facts involved in a complaint against the County are being discussed, subject to the requirements of the Michigan Open Meetings Act.

III. HIRING AND PROMOTION PROCESS

It is the position of the County that it is an Equal Opportunity Employer.

The Human Resources Department will evaluate and monitor the interview and selection process of each County department to ensure that the Plan is adhered to and no person is denied employment or promotional opportunities because of their race, color, religion, sex, sexual orientation, gender identity, national origin, disability, height, weight, marital status, age, or political affiliation (except where age, sex, or lack of disability constitutes a bona fide occupational qualification).

The Board of Commissioners recognizes that by law, County elected officials may choose to use an alternate process for their confidential administrative staff. Example, chief deputies.

A. Recruitment

All advertisement for open positions will identify the County as an Equal Opportunity Employer. The County will implement a program of intensive recruitment of qualified individuals directed toward the community-at-large; making sure no segment of the community is excluded from County job opening notifications. Internal dissemination of the EOE Plan in meetings with Department Heads and the Human Resources Department representative shall also be made on a semi-annual basis. At these meetings, Department Heads shall be advised of the EOE Plan and their responsibilities under it.

A bi-weekly listing of open positions is transmitted to the community organizations for information purposes. The job listing shall be displayed in County buildings and offices. Additionally, the posting is sent to local United States Post Offices, state unemployment offices in Lansing, and the Placement Offices of Michigan State University, Lansing Community College and other local agencies such as community and ethnic organizations and federal or state-funded employment and training programs. The County will also list all openings on the County's Internet site and Intranet site. Notices of openings may be placed in local newspapers including local foreign language publications, and out-of-town newspapers when positions may be difficult to fill.

At least annually a Human Resources Representative will contact and work with local educational institutions in an effort to encourage graduates to apply for open County positions.

At least annually, or as directed by EOC, and after reviewing hiring data, Human Resources will undertake efforts to assure that advertising and recruiting efforts provide equal opportunity, non-discrimination and diversity and continues to enhance the County's recruitment strategies to put forth best faith efforts to attracting a qualified and diverse applicant pool .

Recruitment and interviews may be conducted at the offices of various agencies within the Community which provide facilities and programs for employment.

The County will continue and, whenever possible based on available resources allocated by the Board of Commissioners for such purposes, expand the practices of student internships and work-study programs that may encourage students to consider County government employment.

B. Job Openings

The Human Resources Department will be informed of any job openings through the use of a Personnel Action Request and Job Requisition form completed by a Department Head.

The Human Resources Department will post the current job opening in the Ingham County Job Opportunity Bulletin, as well as other venues. Each position will be posted for two *business* weeks, unless insufficient applications are received, at which time the job posting can remain active at the discretion of the Human Resources Department.

C. Application Process

All applicants will apply for County positions through the Human Resources Department. The Human Resources Department will make the appropriate effort to accommodate all applicants in regard to any special needs the applicant may have. Applications are available in the Human Resources Office or by request through the U.S. Mail. Applications are also available "on line" at the County's Internet site (www.ingham.org) in a real time mode, or a printable format using Adobe Acrobat reader.

D. Interviews and Hiring

The Human Resources Department will be responsible for:

- Developing hiring policies and procedures for County agencies.
- Posting job descriptions.
- Reviewing job applications **and to proceed with those that** meet the minimum qualifications.
- Referring the most qualified applicants, based on established screening criteria, to the hiring department for review.
- Reviewing department's employment package for compliance with Human Resources Department guidelines, prior to hire.

The hiring department will be responsible for developing an employment package that includes:

1. A job description.
2. An interview panel.
3. The interview panel rating forms and standardized job related questions; for example:
 - a. Knowledge of job to be performed
 - b. Education and experience
 - c. Special training that is job related
 - d. Interpersonal skills
 - e. Communication skills
 - f. Personal demeanor
4. **A guide of** how each interview question is weighted in the overall scoring.
5. An interview rating sheet on qualified applicants referred by the Human Resources Department.
6. The interview panel recommendation on the top candidate(s) to the hiring supervisors. The hiring supervisor will make the final decision.
7. Submit the total employment package with the recommended hiring decision to the Human Resources Department for review prior to any job offer.

Department heads are required, and elected officials are highly encouraged, to use interview panels which reflect the diversity of the County's population.

The Human Resources Department shall assist departments in achieving compliance with this EOE Plan. The Human Resources Director is to report to the County Services Committee where there is concern regarding the efforts of departments to comply with this plan.

E. Unsuccessful Applicants

An applicant not hired into the position for which she/he has applied shall be considered an unsuccessful applicant. Only applicants that are referred by the Human Resources Department and interviewed but not hired by the hiring department will be notified of the hiring department's decision.

Applications of unsuccessful applicants will be placed in the active application file for a period of 1 year. During this year, the applicant may be considered for any other position that they feel they are qualified for by simply submitting a cover letter for a designated position if the Human Resources Department receives the same by the end of the business day Friday of the deadline week.

At the end of the 1st year for an application and at the start of the 2nd year, all applications are placed into an inactive status and removed to a separate storage area where they will be held for a period of 1 additional year. During this second year, an application may be reactivated, although a new application would be required to be completed and attached to any existing applications for the applicant. After this second full year of the application and on a yearly basis all applications 2(+) years of age shall be shredded for security and confidentiality reasons and then properly recycled.

For purposes of recruitment only and in specific instances where normal advertisement and Job Vacancy Bulletin Posting do not adequately draw a reasonable number of applications, applicants from previous related positions with similar job classifications may be notified through use of a database system.

The use of this database would be to notify all applicants from the previous related position(s) applied for that there is a similar opening. It would then be the applicant's responsibility to notify the Employment Office through the use of a cover letter or a new application (when necessary) that they wish to be considered for the existing vacancy. Upon receipt of their request they would again be considered along with all other applicants for the existing vacancy and thus, the process would repeat itself again.

F. Promotions

All open County employment vacancies will be listed in the Ingham County Jobs Opportunity Bulletin. Current employees who apply shall be screened and may be interviewed. The procedure of referring the best candidates shall be consistently followed. Department Heads are encouraged to communicate to the Human Resources Department current employees whom they feel would qualify for open positions. Career ladder referrals are made in accordance with the appropriate collective bargaining agreement.

Among the positive factors to be considered in the promotion of supervisors and managers is their record at efforts in complying with this Equal Opportunity Employment Plan.

IV. HUMAN RESOURCES DEPARTMENT REPORTS

The Human Resources Department will compile:

- Demographic characteristics of the County's population as a whole.
- Demographic characteristics of the County's employee base.
- County's internal applicant flow, and
- Current department demographic representations, to compare the relative proportion of the protected classes in the County's employee base to the County's population as a whole.

These reports will be reviewed for indications of discrimination or barriers to the employment opportunities of individuals covered under the Plan. The County population demographics will be determined using the most current U.S. Census data.

Data interpretation that does not appear discriminatory in intent, but which may have a discriminatory effect, are also subject to review. There is, however, a limit to the responsibility of the Human Resources Department. It is paramount to discover and document the basis for any perceived discrimination and justify any action taken based on the perception. The responsibility of showing that there is no actual discrimination, rests within that department. Therefore, documentation is essential.

V. EMPLOYMENT PRACTICES

A. Development and Training

The County may provide opportunities for training to current employees by continuing its policy of reimbursing the cost of tuition and related expenses for employees who pursue further education and training related to their current or advanced County employment on their own time as budget resources allow. The County may also allow and encourage its employees to participate in seminars, workshops and the like at County expense and time, based on budgeted resources and the work load demands of the office.

B. In-service Training

The Human Resources Department will conduct periodic in-service training consisting of employment practices and issues for Department Heads, manager, supervisors, and elected officials. The County Services Committee and EOC shall assist and give input to the Human Resources Department in developing appropriate in-service training.

C. New Employee Orientation

During the first week of their employment, all new employees must attend an orientation session at the Human Resources Department office, which will include, among other things, receiving a copy of the Plan.

D. Compensation

All County positions have salary ranges established by the Human Resources Department and approved by the Board of Commissioners. These salary ranges are on file at the Human Resources Department office. Persons hired begin at the starting salary as determined by the appropriate collective bargaining agreement in affect for the new hire.

Since 1973, positions within the County are classified according to systems adopted by various collective bargaining units and approved by the Board of Commissioners.

VI. ENFORCEMENT OF THE PLAN

A. Filing a Complaint

1. Applicants

If an applicant for employment believes that he/she has not been treated fairly, or been discriminated against in any way, in the hiring process by any segment of Ingham County Government, he/she has the right to contact the Human Resources Department or the EOC about such treatment. Any such complaints must be in writing and signed by the claimant. The complaint must contain at least a current telephone number and/or address that will allow the Human Resources Department or the EOC to contact the claimant. Any complaints received by the EOC will be referred to the Human Resources Department for review and investigation. The Human Resources Department will report to the EOC the status of any complaints. Complaints brought directly to the Human Resources Director will be reported to the EOC. Any complaints against the Human Resources Director will be referred to the County Controller. The County Controller will also keep the EOC informed of the status of any complaints handled by that department.

Please note that the Plan does not preclude any other legal rights available to any claimant.

2. Current Employees

All County collective bargaining agreements prohibit discrimination and have appropriate grievance procedures to process a complaint. However, every County

employee can also avail himself or herself of the complaint procedure outlined thereafter.

Please note that the Plan does not abrogate any other legal rights available to any claimant.

B. Complaint Procedural Steps

A representative of the Human Resources Department will contact the claimant as soon as reasonably possible after receipt of the complaint to ascertain and establish the facts of the complaint. All such contact between the Human Resources Department will be kept as confidential as possible for as long as practicable. All investigations will be made in a timely manner.

The representative of the Human Resources Department will submit a report to the EOC.

C. Corrective Action

Where there are demonstrated concerns regarding compliance with this plan, the Board of Commissioners may, through the County Services Committee or the Human Resources Department, where appropriate and as provided by law, take the following action or actions including but not limited to:

1. Direct the appropriate Department Head, manager, and/or employee(s) to address the facts of the complaint in person at a County Services Committee meeting.
2. Impose or extend a hiring delay.
3. Require the Human Resources Department to participate in the final interview and hiring process of the employment vacancy complained of. Additionally, the County Services Committee may designate one of its members or authorize an EOC member to be present.
4. Have final approval of the hiring decision.
5. Discipline those Department Heads, managers, and/or employees who violate state, federal, or local discrimination laws or ordinances. Such discipline, where appropriate, may include termination of employment.

A. Reprisal or Retaliation

The County will not permit or tolerate any form of reprisal or retaliation against a County employee or applicant reporting any legitimate incident prohibited by this policy. Any County employee doing so will be subject to corrective action, up to and including, termination, as determined by the Employer in accordance with the appropriate collective bargaining agreement, if any.

VII. SEXUAL HARASSMENT

A. The County regards sexual harassment as a very serious matter and prohibits it in the workplace by any person and in any form. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when any of these three criteria are met:

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

B. The following are examples of prohibited unwanted conduct. This list is only for illustrative purposes, and is not intended to be a complete list of prohibited conduct.

- Demanding sexual favors in exchange for favorable hiring, reviews, assignments, promotions, continued employment or promises of the same.
- Continued or repeated sexual jokes, language, epithets, flirtation, advances, innuendo, or propositions.
- Verbal communication of a sexual nature.
- Graphic verbal commentary about an individual's body, sexual prowess, or sexual deficiencies.
- Sexually degrading or vulgar words to describe an individual.
- Leering, whistling, touching, pinching, brushing the body, assault, coerced sexual acts or suggestive, insulting, or obscene comments or gestures.
- The display in the workplace of sexually suggestive objects, pictures, graffiti, posters, or cartoons.
- Name calling, relating stories, gossip, comments, or jokes that may be derogatory toward a particular sex, sexual orientation, or gender identity.
- Retaliation against associates for complaining about such behaviors.
- Asking questions about sexual conduct, sexual orientation, or gender identity.

C. Sexual Harassment Away From Work

The prohibition of sexual harassment is not limited to unwanted conduct in the workplace and may include conduct outside the work environment.

D. Reporting Sexual Harassment

1. Any County employee who believes he or she has been subjected to sexual harassment shall report the alleged misconduct as soon as possible to their

Department Head who shall immediately investigate same and try to resolve the complaint. The Department Head shall notify the Human Resources Director or his/her designee of the complaint. If the matter is not resolved by the Department Head, the following process, (2), shall be utilized. However, if the complaint is against the Department Head, the below process shall be used.

2. Any County employee or applicant for County employment who believes he or she has been subjected to sexual harassment should report the alleged misconduct as soon as practicable to the Ingham County Human Resources Department, the Human Resources Director (hereinafter referred to as the "Director"), or his or her designee, if not resolved by the Department Head. Any complaints against the Human Resources Director will be referred to the County Controller. Although the complaint does not have to be in writing initially, the Human Resources Department may require that the facts of the complaint be memorialized in writing and signed by the claimant. Any such complaint provided to anyone associated with the Human Resources Department will be provided as soon as practicable to the Director or his or her designee. The claimant must provide at least a current telephone number and/or address that will allow the Director or his or her designee to contact the claimant.

This sexual harassment policy shall only apply to those complaints of sexual harassment against a currently-employed County employee at the time of the complaint. The same procedure will be used for complaints against all employees, regardless of an employee's status as a Department Head or a supervisor.

If a current County employee or applicant for County employment is unsure of the nature of the alleged harassment, they should contact the Human Resources Department.

- E. Investigation of Sexual Harassment Complaints by the Human Resources Director or his/her designee.

Any complaint will be discreetly investigated as promptly as is practicable. The Director or his/her designee, may request to discuss the facts of the complaint with the respondent party, any other County employee, or any others that may have relevant information about the complaint. The process of any such interview will be left strictly to the discretion of the Director.

Upon completion of the investigation by the Director, the findings will be provided to the appropriate party to take appropriate action, which could include, but is not limited to, counseling, reprimand, suspension, or dismissal of the County employee engaging in such conduct, made in accordance with the

appropriate collective bargaining agreement or employment plan. The appropriate party is based on the following criteria:

- If the complaint was against a County employee, then the finding will be provided to the employee's Department Head and/or the Human Resources Director, where applicable;
- If the complaint was against a Department Head reporting directly to the County Controller, then the findings will be provided to the County Controller;
- If the complaint was against a Department Head appointed by the Board of Commissioners, the findings will be provided to the County Services Committee.
- If the complaint was against an elected official, the findings will be provided to the County Services Committee, who will respond in whatever manner it determines appropriate.

The Equal Opportunity Committee shall be informed on an ongoing basis of all sexual harassment investigations.

F. Reprisal or Retaliation

The County will not permit or tolerate any form of reprisal or retaliation against a County employee or applicant reporting any legitimate incident prohibited by this policy. Any County employee doing so will be subject to corrective action, up to and including, termination, as determined by the Employer in accordance with the appropriate collective bargaining agreement, if any.

G. Non-employment Related Sexual Harassment

This prohibition of sexual harassment applies to any County employee against anyone the County serves in its various capacities as the government of Ingham County.

H. Confidentiality

Any complaints filed, including all information and documents pertaining to the complaint, shall remain confidential as long as practicable.

VIII. PURCHASING AND CONTRACTING

It is the policy of the County that all vendors who provide goods and services to the County will, as a condition of providing such goods and services, adhere to all Federal, State, and Local laws, ordinances, rules, regulations, and policies, if applicable, prohibiting discrimination in regard to persons to be served and employees and applicants for employment by such vendor. These laws, ordinances, rules, regulations, and policies include, but are not limited to, the following:

- The Elliot-Larsen Civil Rights Act, 1976 PA 453, as amended.
- The Persons with Disabilities Civil Rights Act, 1976 PA 220, as amended.
- Section 504 of the Federal Rehabilitation Act of 1973, PL 93-112, 87 Stat 355, as amended, and rules adopted thereafter.
- The Americans with Disabilities Act of 1990, PL 101-336, 104 Stat 327 (42 USCA 12101 et seq.), as amended, and regulations promulgated there under.
- Title 7 of the Civil Rights Act of 1964.

Furthermore, all vendors will, as a condition of providing goods and services, as required by law and/or this Plan, not discriminate against persons to be served or an employee or applicant of any such vendor with respect to hire, tenure, terms, conditions or privilege of employment, or a matter directly or indirectly related to employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, height, weight, marital status, age or political affiliation (except where age, sex or lack of disability constitutes a bona fide occupational qualification).

Please see the attached for the latest Board resolution dealing with Purchasing and Contracting dated December 10, 2002 which may be amended from time to time.