

ADMINISTRATIVE ORDER NUMBER 2-33

SUBJECT: Equal Employment Opportunity Plan and Policy

Responsible Department: Personnel Services

Date Issued: 01/23/2018

Approved: *(Signature on File)*

PURPOSE

The purpose of the Equal Employment Opportunity Plan and Policy (EEO) is to provide equal employment opportunity (EEO) to all persons by ensuring all City employment practices and transactions, including recruitment, hiring, promotions, terminations, transfers, layoffs, classifications, compensation, and treatment of employees, will comply with applicable laws to the fullest extent possible. The overall goal of the City is to obtain and maintain a diverse workforce reflective of its community wherein employees are selected, managed, and retained, based on merit consistent with federal and state EEO laws and regulations as well as City policy. This policy reinforces the concept of equal employment opportunity throughout every level of the City as an organization.

POLICY

Employment opportunities will be based on an individual's ability and job performance in all aspects of employment without regard to race, color, ancestry, national origin, sex, gender, gender identity, gender expression, religious creed, disability (physical or mental), medical condition, marital status, sexual orientation, age, genetic information, military or veteran status, or any other classification protected by law. The City shall further its EEO efforts and maintain the EEO in order to discourage and eliminate employment discrimination, retaliation, and all types of harassment by:

- ✓ Complying with all applicable City, federal and state EEO discrimination laws, statutes, regulations, ordinance and policies.
- ✓ Providing EEO training to City department heads, senior management, supervisors and staff consistent with mandated training regarding their legal obligations, duties and responsibilities.
- ✓ Providing reasonable, comprehensible and accessible channels for reporting, filing and resolution of complaints.
- ✓ Ensuring prompt, thorough, and fair investigation of complaints.
- ✓ Ensuring appropriate and corrective remedial actions.
- ✓ Posting required federal and state laws prohibiting employment discrimination for employees and job applicants throughout City departments.
- ✓ Posting the City's EEO commitment on the City's website.

ACCOUNTABILITY & RESPONSIBILITY

The City Manager has the overall responsibility to establish City administrative policies, including the EEOP. Successful implementation of the EEOP requires a continuous effort on the part of the City's leadership and all employees. Responsibility for the daily administration, maintenance and implementation of the EEOP has been delegated to the Director of Personnel Services, who is the City's designated EEO Officer and can be contacted at 559-621-6950, 2600 Fresno Street, Fresno, CA 93721-3600.

To ensure the success of the EEOP, the City Manager shall:

- ✓ Ensure that designated personnel responsible for the EEOP are given the authority and support necessary to successfully accomplish their objectives and assigned responsibilities.
- ✓ Ensure that all department heads and appointees comply with the EEOP.
- ✓ Review and approve the EEOP.

The Director of Personnel Services shall:

- ✓ Serve as the Equal Employment Opportunity Officer, with the responsibility for the implementation and successful functioning of the EEOP.
- ✓ Engage in outreach with other agencies, community organizations and partners, as necessary to accomplish the objective and purpose of the EEOP.
- ✓ Review harassment, discrimination, and retaliation complaints, and, in cooperation with the appointing authority, take corrective action where necessary to ensure a work environment free of such wrongdoing.
- ✓ Continually review the application of EEO policies, employment practices and procedures, and make recommendations to achieve EEO compliance.
- ✓ Conduct an annual analysis of the City workforce to determine the effectiveness of the policy.
- ✓ Actively identifying and remedying problem areas regarding EEO policies.
- ✓ Ensure complaints of EEO discrimination are investigated, including the hiring of an independent investigative officer if determined to be in the best interest of the EEOP.

Management and supervisory staff shall:

- ✓ Become familiar with and enforce this policy within their respective areas.
- ✓ Achieve progress towards the goals and objectives of the EEOP and ensure all employees within their span of control comply with the EEOP.
- ✓ Actively identify and remedy problems within their area of responsibility regarding EEO policies.
- ✓ Report allegations of harassment, discrimination, and retaliation, immediately to their supervisor/manager/department head timely.
- ✓ Ensure all employment decisions, within their scope of responsibility, including development of job knowledge and skill requirements, interviews, offers of employment, assignments, training and evaluation, and employee relations are consistent with the City's personnel policies and practices, EEO principles, and federal as well as state law.

- ✓ Adhere to the spirit of fair and equal treatment of all employees and those encountered in their employment.

It is the responsibility of all City employees to:

- ✓ Recognize and accept the responsibility to ensure compliance with the EEOP.
- ✓ Treat all individuals encountered in the performance of one's duties in a courteous, professional, and respectful manner.
- ✓ Report allegations of harassment, discrimination, and retaliation, immediately to their supervisor/manager/department head timely.
- ✓ Adhere to the spirit of fair and equal treatment of all employees and those encountered in their employment.

WORKFORCE ANALYSIS

The Personnel Services Department is responsible for preparing annual EEO Utilization reports which provide an analysis of the City's workforce. Workforce data is a breakdown of the EEOC's required reporting job categories which includes classification by gender within each race/ethnicity. The analysis compares the City's workforce with labor workforce statistics obtained through the U.S. Census Bureau for the entire City of Fresno.

The Utilization Analysis report is used to determine if, and in what, job categories, women and/or minorities are under-represented within the workforce. However, mere underutilization is not sufficient for a City to conclude that employment discrimination has occurred and that action must be taken.

PLAN OF ACTION

The Personnel Services Department, in collaboration with all other City Departments will consistently review recruitment, hiring, promotional, and other employment related practices to ensure EEO for all. The following are specific objectives that support the City's commitment to achieve a workforce reflective of the community it serves to the greatest extent possible.

- ✓ Annual evaluation of employment practices to determine underutilization in job categories identified in EEO reports.
- ✓ Develop and implement outreach strategies to reach qualified individuals in job categories where underutilization has been identified.
- ✓ Promote employer employee relations between management and all employees to ensure equal employment opportunity are consistently applied and enforced.
- ✓ Disseminate the EEOP to all employees and make publicly available through the City website.

The following specific steps will be taken to achieve plan objectives and address underutilized areas in the City's workforce.

- ✓ Continue the review of recruitment efforts, selection processes, and applicant flow data to assist in identifying areas that may be disproportionately eliminating protected groups.

- ✓ Identify specific recruitment issues experienced by departments in recruiting for hard-to-fill positions.
- ✓ Evaluate data regarding promotions and the hiring of new employees by gender and ethnicity to ensure that no gender or ethnic group has been adversely impacted by personnel processes.
- ✓ Maintain appropriate recruitment and advertising practices to ensure employment opportunities reach as many groups as possible.
- ✓ Develop and implement recruitment and advertising strategies to contact underutilized groups.
- ✓ Conduct annual reviews to measure EEO progress through an analysis of statistical data and update strategies to reduce underutilization.
- ✓ Review and update City policies and procedures pertaining to EEO so they reflect current laws.
- ✓ Maintain an ongoing practice of reviewing classification specifications and job titles to ensure they accurately reflect job functions and are non-discriminatory.
- ✓ Provide training regarding the EEOP and the responsibilities of all employees.

DISSEMINATION

The Director of Personnel Services is assigned the responsibility to dissemination of the EEOP. Fresno City's dissemination processes shall include, but are not limited to, the following:

EEOP Availability – The EEOP shall be distributed to each department head that will ensure that all employees receive or have direct access to a copy of the EEOP. Copies of the EEOP shall be available in each department, the Personnel Services Department, and also available on the City of Fresno's website.

New & Existing Employee Training – The City's EEOP policies shall be included in the new hire orientation packets and communicated to all new employees during new hire training, as well as to existing employees during regularly scheduled mandated anti-discrimination/harassment training.

Management Responsibility – Managers and supervisors are expected to generate a positive environment for employee understanding of EEO through staff meetings which include discussion of this policy.

Posting of Federal and State EEO Laws – Departments are required to post applicable EEO laws in a visible location within their department to ensure employees are aware of the laws and their rights. This policy is to be posted in the same location.

Utilization Reports – Upon completion of annual EEO Utilization reports, the Personnel Services Department shall distribute copies to departments.

Advertising - Job bulletins, announcements, brochures and job applications, as well as advertisements in publications, shall include the following statement: "The City of Fresno is an Equal Opportunity Employer."

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Contracting – The City of Fresno shall inform outside contractors, sub-contractors, vendors and suppliers of their obligations to comply with the City of Fresno’s EEO and non-discrimination policies.

Community Outreach – Personnel Services staff in cooperation with other Departments will provide community outreach, wherever possible, consistent with the EEOP.