

## Equal Employment Opportunity Plan

### Introduction

This policy shall encompass the County of Salem's issuance of its Equal Employment Opportunity Plan ("EEO" or EEOP") which is currently embodied in many forms throughout the County's workplaces, to include policy memoranda issued by the County Administration; posters that inform employees of their rights pursuant to the anti-discrimination statutes; anti-discrimination policy statements in all labor agreements; affirmative action provisions in all County contracts; training programs for all department heads, managers and supervisors about the importance of diversity in the workplace; workplace diversity training programs; and other County practices.

### Application

The EEOP shall apply to all persons employed by the County of Salem and all applicants for employment with the County.

### General Statement

The County of Salem maintains a strong policy of equal employment for all employees and applications for employment. The County hires, trains, promotes and compensates employees on the basis of personal competence and potential for advancement without regard for race, color, creed, ancestry, religion, sex, sexual orientation, national origin, age, marital status, disability, citizenship, veteran status, as well as other classifications protected by applicable federal or state laws, unless required by a bona fide occupational qualification.

### Equal Employment Opportunity

The County shall not discriminate against any employee or applicant for employment because of gender, age, nationality/national origin, race, religion, creed, color, marital or familial status, sexual orientation or preference, gender expression (as defined by New Jersey State Law), handicap/physical condition, or any other legally protected class. Where applicable, the County will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their status in a legally protected class. Such action shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The County shall continue to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of the nondiscrimination clause.

The County shall, in all solicitations or advertisements for candidates for employment placed by or on behalf of the County, state that all qualified applicants will receive consideration for employment without regard to an applicant's status as being a member of a legally protected class as described above.

The County, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the County's commitments under this policy and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The County, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A.10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964, as amended.

The County agrees to make good faith efforts to employ minority and women workers consistent with the applicable County employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the New Jersey Division on Civil Rights, pursuant to N.J.A.C. 17:27-5.2.

Exceptions to this policy shall be made only in situations where the State agency has approved the use of a bona-fide occupational qualification (BFOQ) such as gender specific jobs.

#### Review of Hiring, Retention, Promotion and Transfer protocols

On a bi-annual basis, or such shorter time periods required by law, the County shall analyze its practices to ascertain the success of its efforts to recruit qualified minority and female candidates, to retain such candidates in employment, to promote and/or advance the careers of such candidates with the employer and to ensure that transfer procedures, where applicable, are followed. Such analyses shall assess the organizational chart for each department based upon employees' (and applicants') race, gender and national origin, and shall encompass the following topics:

- Job titles, position in the chain-of-command and pay rates;
- In twenty-four hour/seven day per week facilities, the employees assigned to each shift and facility, where applicable;
- Number and type of Disciplinary actions (from reprimand through termination);
- Applicants for employment and comparison of persons hired;
- Procedures for recruiting or selecting applicants (any testing used should indicate the type of test administered);
- Procedures for Promotions and Transfers;
- The effect of seniority systems upon promotional or advancement opportunities;
- All terminations (disciplinary, resignations, retirements, abandonment, etc.);

On a bi-annual basis, or such shorter time periods as required by law, the Human Resources Department shall analyze the following materials in relation to employees' (and applicants') race, gender, and national origin:

- Demographic statistics related to population and labor data;
- The County's existing employment practices and policies;

- The County's general practices for recruiting candidates to entail how positions are advertised to minority constituents and minority groups;
- The County's practices for posting and distributing its EEOP or policies to employees, applicants and the general public (as the case may be);
- The County's designation of individuals to monitor the County's efforts to comply with the EEOP.

Such analyses shall encompass recommendations for improvement to attract, promote, or retain female and minority employees and applicants. The Humans Resources Department shall use the NJ Department of Labor and Workforce Development's website (through the One Stop Career Center) as a reference for demographic and employment data and to identify any inhibitions to the employment of minorities or females due to the insufficient housing or transportation systems.

#### EEOP Guidelines and Distribution

All County department heads shall be responsible for implementing the EEOP in their respective departments. Department heads shall, on an annual basis and in conjunction with the Personnel Budget process, analyze the factors expressed in the first portion of the section labeled, "Review of Hiring, Retention, Promotion and Transfer protocols" for the preceding year. With respect to applicants for employment, each department head shall first assess whether a job vacancy exists (and may be filled) and if so, whether an applicant meets the minimum criteria for an open position. If the applicant's race, gender or national origin is unknown, the department head should make a notation documenting that fact on the application and resume. All applications received for the year under review should be maintained for a period of two (2) years after the date of the receipt.

Department heads shall submit a written analysis for all the above factors to the Director of Human Resources on an annual basis at the time Personnel budget requests are due (generally in October but no later than October 31<sup>st</sup> for the preceding fiscal year). The Human Resources Department shall assist department heads by providing data available through the County's payroll system or, if necessary, making Personnel Action forms available to departments. The Human Resources Department shall also ensure that all department heads comply with their annual reporting requirement. Human Resources shall maintain the department specific analyses for the period required by law or grant fund regulations. The Human Resources Department shall continue to collect data and complete EEO-4 reports.

By way of supplementation to the County's and departments' hiring practices, each department shall provide prospective applicants with an EEO statement that duplicates the section labeled "General Statement" above. If candidates for employment complete an application through the Human Resources Department, HR shall furnish such statement. All newly hired employees, upon orientation, shall receive a copy of the County's EEOP.

The Human Resources Department shall continue to include the County's EEO practices in the cultural diversity/sensitivity training program that is administered to all employees on a periodic basis. Additionally, the County's website shall contain both the "General Statement" heretofore described and a copy of this policy on the Human Resources Department's webpage. Human Resources shall also conduct an annual inventory of all County work locations to ensure that posters embodying the County's EEO policy are noticeable to employees and members of the public.

In all advertising or job announcements for positions with the County, department heads must include a statement that the County is an Equal Employment Opportunity Employer. The County's EEOP shall be distributed upon request to anyone seeking a copy.

### Complaint Procedure

Employees and candidates for employment are encouraged to report unlawful discrimination. Individuals should report such incidents promptly to enable County management to take corrective action. Complaints shall include, at a minimum, the following information: the parties involved (including the complainant the person(s) subjected to the discrimination [other than the complainant], the person who purportedly violated this policy, and any and all witnesses); the location, date and time of the incident(s); an account or description of the prohibited conduct; and any statements or comments made by any person during or in relation to the incident.

An employee or candidate for employment, who reasonably believes that he or she has been subjected to discrimination, should report the same to the Director of Human Resources. Employees who observe other employees being subjected to discrimination should also report such incidents. Alternatively, any employee who feels he or she has been subject to discrimination should report the incident directly to the Administrator/Clerk of the Board or the County's Labor/Litigation Counsel. The Administrator/Clerk of the Board or the County's Labor/Litigation Counsel will ask the employee to complete a Harassment/Discrimination Complaint Form. Employees, however, are not required to complete the complaint form to initiate a discrimination complaint under this policy.

Any individual uncomfortable reporting an incident to the Director of Human Resources, Administrator/Clerk of the Board or the County's Labor/Litigation Counsel should feel free to go to any management representative which he or she feels most comfortable to relay the problem. When any management representative learns of a violation of this policy, the management representative shall assist the victim in reporting the alleged incident(s) of discrimination. Alternatively, the management representative shall report the matter to the Director of Human Resources, Administrator/Clerk of the Board, or the County's Labor/Litigation Counsel.

The County shall conduct an investigation into the discrimination complaint to determine the merits of the allegations. The Director of Human Resources, the Administrator/Clerk of the Board County's Labor/Litigation Counsel shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include the Director of Human Resources, Administrator/Clerk of the Board, the County's Labor/Litigation Counsel or any third

party deemed appropriate. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused. If the County determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective bargaining agreements, Civil Service Commission regulations and applicable due process safeguards.

Upon completion of the investigation, the entire file shall be maintained in a secure location in the Human Resources Office.

In the event that the County determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the employee who caused the complaint to be filed.

#### Retaliation or Reprisal

Individuals who report suspected incidents of discrimination or violations of the County's EEOP shall not be subjected to any adverse consequences or reprisal for reporting such incidents, so long as it is determined that the reporting person has a good faith belief that he or she has been subjected to prohibited conduct, has been exposed to such conduct even if not the intended subject, or where the person reports an incident whereby another person was subject to such conduct.

#### Questions about EEOP

Questions or concerns about this policy shall be directed to department heads or supervisors. If department heads or supervisors are unable to satisfactorily answer questions or concerns about this policy, the question or concern shall be forwarded to the Department of Human Resources for a formal response.