

## CHAPTER 37: AFFIRMATIVE ACTION PLAN

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### **§ 37.01 POLICY STATEMENT.**

(A) The recruitment, selection, employment and training of employees shall be without discrimination because of race, color, religion, national origin, sex, political affiliation and handicap.

(B) The town will take affirmative action to provide equal opportunity and will operate as required under federal and state laws and regulations governing equal employment opportunity.

(C) It is the policy of the Town of Liberty to affirmatively implement equal opportunity to all employees and all applicants for employment without regard to religion, creed, political affiliation, race, color, sex, age, national origin or handicap, and positive action shall be taken to ensure the fulfillment and continuation of this policy.

(D) Equal opportunity applies specifically to, but is not limited to the following:

- (1) Hiring, classification, promotion or demotion;
- (2) Recruitment, advertising or solicitation for employment;
- (3) Treatment and working conditions during employment;
- (4) Rates of pay and other forms of compensation; and
- (5) Layoff or termination.

(E) The Town of Liberty is an Equal Opportunity Employer.

(Ord. passed 4-24-1989)

### **§ 37.02 DUTIES OF EEO OFFICER.**

(A) The Town of Liberty ensures that contract requirements, fiscal responsibilities and administrative guidelines are satisfied fully and in a timely manner through the implementation of a well-planned monitoring system.

(B) The EEO Officer is charged with the overall responsibility of the Affirmative Action Program.

(C) The EEO Officer will monitor the program continuously for accomplishment of stated goals and consistency with program design, will assess activities and will be responsible for and constantly evaluate fiscal and other relevant procedures.

(D) The EEO Officer will evaluate program operation, fiscal control and participant performance on a quarterly basis.

(E) The EEO Officer is also responsible for:

- (1) Assisting in the development of the Affirmative Action Plan;
- (2) Assisting in collecting and analyzing employment data, identifying problem areas, setting goals and timetables and evaluating the program to achieve goals;
- (3) Handling complaints and grievances for staff and participants;
- (4) Assuring that current legal information is disseminated to responsible officials; and
- (5) Reporting to the Town Council on the progress of the Affirmative Action Program.

(F) The Town Manager is designated EEO Officer for the Town of Liberty.

(Ord. passed 4-24-1989)

### **§ 37.03 DISSEMINATION OF POLICY.**

(A) Supervisors will be fully informed by:

- (1) Written communication from the EEO Officer;
- (2) Inclusion of the Affirmative Action Program and policy in the personnel policy for the Town of Liberty; and
- (3) Special meeting held as needed to discuss the program, their individual responsibilities, and to review program.

(B) All supervisors will be informed that their performance on affirmative action goals will be rated along with other criteria in evaluation for promotions and merit increases, and that inadequate cooperation or obstruction of the program will incur penalties or possible termination.

(C) All employees will be informed of the Town of Liberty policy through means such as:

- (1) Town of Liberty EEO policy and federal EEO posters placed on the bulletin board and other conspicuous areas in the work place; and
- (2) Presentation and discussion of the program as part of the employee's orientation.

(Ord. passed 4-24-1989)

#### **§ 37.04 GRIEVANCE AND COMPLAINT PROCEDURE.**

(A) *The grievance procedure.*

(1) In establishing or enacting the following procedure, it is the intent of the Board of Council members to establish an informal process by which the desires and wishes of each and every employee of the town may be accommodated, insofar as possible.

(2) It is not the intent of the Board in enacting this provision to establish any legal procedure for the determination of rights, nor to create any legal rights or procedural rights which do not otherwise exist simply by reason of the fact of employment.

(3) The grievance procedure is designed to ensure an employee or group of employees of fair, impartial and prompt consideration of a problem or dissatisfaction without fear of reprisal. The procedure also encourages employees at all levels to express themselves regarding conditions of work.

(4) The grievance procedure is intended to promote better understanding of policies, practices and procedures; to instill confidence in employees that fair and impartial treatment will be received; and develop in supervisors a continuing sense of responsibility for maintaining effective working relationships with subordinate employees.

(5) All employees, including supervisors and department heads, are expected to discuss their problems and misunderstandings with their superiors. Open 2-way communication is a proven factor in reducing and resolving grievances.

(B) *Non-discrimination.*

(1) When an employee, or a group of employees, feels there is cause for a grievance to resolve a work-related problem, dissatisfaction or complaint, (where there is no allegation of discrimination because of age, sex, race, color, national origin, religion, creed, physical disability or political affiliation), he or she may initiate the grievance procedure.

(a) *Step 1: Informal discussion with immediate supervisor.*

1. An employee (or group) who feels he or she has a grievance shall first discuss his or her problem with his or her immediate supervisor.

2. The employee (or group) must tell the supervisor about his or her grievance as soon as possible but not later than 5 workdays following the incident or action that caused or revealed the problem.

3. It is a supervisory responsibility to encourage the subordinate to talk openly about his or her problem so as to promote understanding.

4. Most misunderstandings will be clarified and resolved during this free exchange of viewpoints. However, if the employee (or group) still feels his or her grievance is not resolved, he or she may proceed to the next step of this procedure.

(b) *Step 2: Appeal to department head.*

1. An employee (or group) may request a hearing with the department head to appeal an unresolved grievance. A request must be received by the department head in writing from the employee no later than 10 workdays following the decision of the supervisor in Step 1.

2. The department head shall promptly notify the employee (or group) and immediate supervisor of a date and time for the meeting which will be no later than 15 workdays after the problem causing event. The employee may choose 1 fellow employee to attend the hearing to help him or her present his or her case; and the immediate supervisor shall attend to explain his or her position.

3. The department head will open the meeting by encouraging an informal discussion of the problem and will explore possible solutions with those in attendance.

4. Every effort shall be made during this discussion to resolve the grievance to the satisfaction of all concerned. However, if the grievance cannot be resolved through this discussion, the parties will prepare written reports on the issues.

These reports shall be promptly submitted to the Town Manager for further consideration through the next step.

(c) *Step 3: Appeal to the Town Manager.*

1. The Town Manager shall review the written reports and may request additional information and documentation.
  2. The Manager shall notify all concerned of a time and date for a meeting to discuss facts about the grievance to take place as soon as possible but not later than 25 workdays after the problem causing event; or, the Manager may elect to refer the reports and documents to a special grievance committee for investigation and recommendation.
  3. The special grievance committee shall include 3 classified town employees; one to be appointed by the Town Manager; and one fellow employee appointed by the grievant (or group). The third member of the special grievance committee, who will act as Chairperson, shall be appointed by the first 2 appointees.
  4. If requested by the Manager, the committee shall meet with all parties concerned not later than 25 workdays after the problem causing event. At this meeting, the Grievance Committee shall review the grievance report and other documentation, make further investigations, if necessary; and promptly refer the committee recommendation to the Manager.
  5. Whether or not the Manager elects to engage a special grievance committee, he or she shall furnish written notice to the employee, the immediate supervisor, and the department head of his or her ruling. This notice shall be made not later than 30 workdays from the original date of the event that caused or revealed the problem.
- (2) The decision by the Town Manager shall be final. Any deviation from the above policy and procedure shall be subject to approval by the Manager.

(C) *Discrimination.*

- (1) Any applicant for town employment, town employee or former town employees who has reason to believe that employment, promotion, training or transfer was denied or that demotion, layoff or termination of employment was forced because of age, sex, race, color, national origin, religion, creed, political affiliation or physical disability except where specific bona fide occupational qualification necessary to proper and efficient administration existed shall have the right to appeal directly to the Town Manager.
- (2) A town employee who has completed the probationary period has the right to appeal using the grievance procedures outlined for nondiscrimination grievance by employee or applicant must appeal an alleged act of discrimination within 30 days of the alleged discriminatory action.

(Ord. passed 4-24-1989)

**§ 37.05 GOALS AND TIMETABLES.**

The Town of Liberty is committed to employ the most qualified applicant for a vacancy without regard to race, color, religion, national origin, sex, political affiliation and handicap. The above commitment will be implemented when positions are filled.

(Ord. passed 4-24-1989)

**§ 37.06 PERSON RESPONSIBLE FOR ASSURANCE OF GOALS MET.**

The EEO Officer will monitor the program for accomplishments of stated goals and consistency with program design.

(Ord. passed 4-24-1989)

**§ 37.07 EVALUATION AND REVIEW.**

(A) The Town of Liberty Affirmative Action Plan will be reviewed and updated annually by the EEO Officer.

(B) At this time any areas which are not being met to the best of this program's abilities will receive concentrated attention by all personnel to correct the problem area.

(Ord. passed 4-24-1989)