

City of Yuba City

Applies to City-Wide	Supersedes Equal Employment Opportunity Policy	Effective Date/Revision Date 9/1/05
Manual Standard Operating Procedures	Source Administration/Human Resources	Key Subject Policy
Title EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY		
Approved: By City council		

PURPOSE:

The purpose of the City’s Equal Employment Opportunity and Affirmative Action Policy (EEO/AA Policy) is to ensure that all people are provided equal opportunity in all employment decisions. The City of Yuba City (the City) takes its equal employment opportunity obligations seriously. The City is committed to providing equal employment opportunities for all employees and applicants. The City is committed to taking affirmative action to employ and advance in employment qualified women, minorities, veterans, and persons with disabilities.

Through this Policy and the City’s Affirmative Action Program, management will ensure compliance with federal regulations relative to affirmative action and non-discrimination in employment.

The City’s EEO/AA Program is designed to monitor the composition of the City’s workforce and provide strategies whereby the City takes steps to ensure that women and minority groups, including veterans and persons with disabilities, are notified of potential employment opportunities. The City shall conduct its Affirmative Action Program so as to work toward the goal that employment of persons in all classes shall be represented at all levels and categories of City employment. Thus, the City employee population should statistically reflect the diversity of the resident population of Yuba City, and the surrounding area.

POLICY:

The City of Yuba City is an equal opportunity employer and is committed to an EEO/AA Program. It is the stated policy of the City of Yuba City that all employees and applicants shall receive equal consideration and treatment. This policy prohibits making personnel decisions on any basis other than the applicant’s or employee’s knowledge, skills, and ability to perform the duties of their job or the job for which they are applying.

The objective of the City’s EEO/AA Program is, wherever possible, to actively recruit, and include for consideration for employment, members of minority groups, females, veterans, and the physically and mentally disabled. The City will make reasonable

accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is either an applicant or employee unless undue hardship would result. All decisions on every aspect of employment must be made solely on the individual's qualifications and ability to perform the essential functions of the job in consideration, with accommodation if required and feasible.

All management employees will take affirmative action to assure that applicants and employees are given equal opportunity in all personnel decisions, without regard to race, creed, color, religion, sex, national origin, age, veteran status or physical or mental disability. This shall apply to all aspects of pre-employment and post-employment.

Personnel actions shall be monitored and analyzed to ensure adherence to this policy. Periodic reports shall be submitted to the City Manager for review and evaluation of progress. To achieve the goals of our EEO/AA Program, it is necessary that each employee of the City understand the importance of the program and his or her individual responsibility to contribute toward its maximum fulfillment. Specifically, managers and supervisors efforts towards the success of this program will be evaluated, as is their performance on other company goals.

POLICY SCOPE:

The scope of this policy includes, but is not limited to the following:

- 1) All recruitment, hiring, placement, promotion, and transfer decisions will be on the basis of qualifications of the individual for the position being filled regardless of race, color, religion, ancestry, national origin, age (over 40 years), sex, marital status, medical condition, physical disability (including AIDS) or mental disability.
- 2) All recruitment processes will be analyzed to determine if adverse impact exists. Tests and testing procedures shall be evaluated to determine their job relatedness and fairness. In accordance with selection standards for oral board members, a sincere effort shall be made to include minority representation on employee selection panels.
- 2) The City pledges to provide training opportunities equally to all employees based on the needs of the individual and department, with regard for budgetary constraints. The City's tuition reimbursement program will be administered equitably.
- 3) Benefits are provided equally to all employees, based upon employment status, job classification, qualifications, and time in service. Benefits will not be decreased due to an employee's disability or veteran status.
- 4) Disciplinary actions and separations will be based upon performance criteria that are applied equally to all employees in the same job group.

- 5) The City will notify all vendors and referral agencies, of the City's EEO/AA Policy. A letter will be sent annually that includes the following commitment.

“The City of Yuba City is committed to the principle of equal employment opportunity and values diversity among all our team members. The City does not discriminate in employment decisions on the basis of race, color, religion, sex, national origin, veteran status, disability, age, marital status, medical condition, sexual orientation, or any other legally protected status. We welcome and encourage you to assign your qualified minority, female, veterans, and disabled clients to meet our staffing needs.”

- 6) All contracts with sub-contractors will include the OFCCP required language that requires all City sub-contractors maintain equal employment opportunity and affirmative action policies.

Those who feel this policy has been violated are encouraged to discuss it with their supervisor, manager, or the Human Resources Director. All complaints will be taken seriously and investigated promptly. The process is the same as that for any other complaint of discrimination. A copy of the Harassment/Discrimination/Retaliation Complaint Form is attached.

The City will update and reaffirm this EEO/AA Program Policy Statement as deemed necessary.

MERIT CONSIDERATION:

Nothing within the City's EEO/AA Policy or Program shall be construed to set quotas for the hiring of members of protected classes. However, the City will make every good faith effort to reach the placement goals set in the City's Affirmative Action Plan. The City's EEO/AA Policy and Program shall not be used to discriminate against any applicant or employee.

Nothing within the City's EEO/AA Policy or Program shall be construed as to state or imply that the City desires to depart from its established policy of only hiring or promoting those individuals who possess the minimum qualifications for any specific position; or the practice of employing or promoting that individual who possesses the best qualifications and experience without regard to political beliefs or affiliation, race, religion, color, sex, disability, age, national origin, veteran status, or any other non-merit factors, except where such factors are a valid occupational consideration.

RESPONSIBILITY FOR IMPLEMENTATION:

Specific responsibilities are outlined in the City's Affirmative Action Plan.

The Human Resources Director has been appointed the City's EEO Officer and is responsible for administering the City's EEO/AA Program.

Managers are responsible for ensuring that all internal candidates are provided equal opportunity for training, promotions, and transfers, if requested. They are to make good faith efforts to achieve the placement goals of the Affirmative Action Plan. They are also responsible for treating all employees equally with regard to compensation, evaluations, and disciplinary actions.

The Human Resources department shall provide training to all supervisory staff to ensure their full understanding of the City's dedication to providing equal employment opportunity and its commitments under the Affirmative Action Plan.

Questions regarding the EEO/AA Policy, the Affirmative Action Plan, or requests for accommodations may be directed to the Human Resources Analyst III who has been assigned the duties of Affirmative Action Coordinator.

AUDITING AND REPORTING PROCEDURES:

As outlined in the Affirmative Action Plan, it is the responsibility of all management and supervisory personnel to supply requested data, assist identifying problem areas, and actively participate in pursuing their solution. They shall report all personnel actions to the Human Resources Director.

The Human Resources staff shall regularly monitor the personnel records regarding referrals, placements, promotions, and other employment related actions to ensure non-discrimination.

The Affirmative Action Coordinator shall compile personnel transaction data annually, revise the Affirmative Action information, and report to senior staff on the progress toward attainment of goals.

The Human Resources Manager shall annually prepare a progress report on the status of the Affirmative Action Program and present it to the Department Heads, City Manager and City Council for review.

DEFINITIONS OF TERMS:

Action Oriented Programs – Programs designed to address instances where women, minorities, veterans, or persons with disabilities are being employed at a rate less than their availability in the relevant labor pool.

Accommodation – Changes in the way a job duty is performed or in the workplace equipment that enable an individual with a disability to perform the required work.

Adverse Impact – The selection of protected class members at a rate lower than that of other groups. A selection rate for any race, sex or group that is less than four/fifths (or 80%) of the selection rate for the group with the highest rate will generally be regarded by enforcement agencies as evidence of adverse impact.

Affirmative Action – Results-oriented actions a federal contractor is required to take to ensure equal employment opportunity. It refers to concrete steps taken in recruitment, hiring, and personnel decisions to eliminate discrimination. The purpose of affirmative action is to achieve equal employment opportunity.

Applicant Flow – The number of applicants for employment for a given job over a stated period of time, analyzed by sex and minority status.

Civil Rights Act of 1964 – The nation’s first comprehensive law making it illegal to discriminate on the basis of race, color, religion, sex, and national origin. Title VII of that law, which is enforced by the Equal Employment Opportunity Commission (EEOC), is specifically aimed at discrimination in employment.

Compliance – The degree to which federal contractors or subcontractors carry out the goals and commitments in their affirmative action plans or nondiscrimination clauses in their contracts.

Corrective Action – Correction of deficiencies identified during a compliance review of an affirmative action plan by a regulatory agency.

Debarment – A sanction that disqualifies a company or agency from bidding on future government contracts or sub-contracts and that may terminate current contracts or sub-contracts. A contractor can be debarred for failure to comply with nondiscrimination in employment legislation.

Disparate Impact – The result of a test or other employment practice which screens out or otherwise limits the employment opportunities of women or minorities at a greater rate than members of other groups.

Equal Employment Opportunity – A system of employment practices under which no individuals are excluded from consideration, or participation, or benefits because of their race, color, religion, sex, national origin, age, disability, or veteran status.

Executive Orders 11246, 11375, and 12086 – These federal orders require federal contractors with contracts of \$10,000 or more to agree to grant equal employment opportunity on the basis of race, color, religion, sex, and national origin. Additionally, the orders require those who employ 50 or more employees and who hold contracts of \$50,000 or more to develop written affirmative action plans.

Goals or Placement Goals – Referred to in the goals section of the affirmative action plan, a goal is a target for placing members of an underutilized group in those jobs where statistical analysis indicates under-representation. A federal contractor is required to make numerical projections of good-faith efforts to hire or promote members of protected classes in an effort to mirror the diversity of the surrounding recruitment area. Placement goals may not be rigid and inflexible quotas which must be met and thus, create possible discrimination. They are to be considered a guideline for employment.

Good Faith Efforts – Those actions that a contractor voluntarily develops and documents to achieve compliance with the contractor’s equal opportunity and affirmative action obligations. These efforts are measured by the contractor’s degree of adherence to goals. Good-faith efforts may excuse a contractor from failing to meet a goal or save the employer from sanctions. The basic components of good faith efforts are (1) outreach and recruitment measures to broaden candidate pools from which selection decisions are made to include more minorities and women and (2) systematic efforts to ensure that selections are made without regard to race, sex, or other prohibited factors.

Individual with a disability – Any person who (1) has a physical or mental impairment that substantially limits one or more of his or her major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. California law eliminated the word “substantially.”

Job Group – One or more positions having similar requirement, content, wage rates, and opportunities for advancement.

Minorities – All persons classified as black (African-American), Hispanic, Asian or Pacific Islander, or Native American (American Indian or Alaskan Native).

National Origin – The term refers not only to a persons place of birth, but to an ancestor’s place of birth as well.

Office of Federal Contract Compliance Programs (OFCCP) – An office with the U.S. Department of Labor that has the responsibility of administering Executive Order 11246 and its implementing regulations.

Protected Class – A group of people protected from employment discrimination under government regulations; specifically identified as women, blacks, Hispanics, Asians or Pacific Islanders, American Indians or Alaskan Native, people over age 40, disabled individuals, and disabled veterans, Vietnam era veterans, and other eligible veterans, as defined under the Vietnam Era Veterans’ Readjustment Assistance Act, as amended.

Reasonable Recruitment Area – The geographical area from which the contractor reasonably could seek workers to fill the open positions in question.

An expanded Glossary of Terms is added to the City’s Affirmative Action Plan.

DISSEMINATION OF EEO/AA POLICY:

1. The City’s EEO/AA Policy shall be posted at all job sites and on the City’s Intranet and Internet sites.
2. A copy of the City’s EEO/AA Policy and Affirmative Action Plan is available for review by residents, applicants, and employees in the Human Resources Department. Vendors, sub-contractors and officials of both state and federal agencies may receive a copy upon request from the Human Resources Department.