



ROCKLAND COUNTY EQUAL EMPLOYMENT OPPORTUNITY POLICY



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County Executive

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Department of Law
JJF/VDW/mgt

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EXECUTIVE ORDER 2004-4

By this Executive Order we are superseding and reaffirming the County of Rockland's Equal Employment Opportunity Policy (Executive Order 99-7) issued November 22, 1997.

I. STATEMENT OF POLICY.

1. The County of Rockland provides for and promotes equal opportunity in employment, compensation and other terms and conditions of employment without discrimination on the basis of age, alienage, citizenship, color, creed, disability, gender, marital status, national origin, prior non-job related record of conviction, race, religion, sexual orientation or military status. It is the policy of the County of Rockland to provide qualified persons with disabilities an equal opportunity to participate in and receive the benefits, services, programs and activities of the County of Rockland and to provide such persons with reasonable accommodations and modifications as are necessary to enjoy such equal opportunity, including accommodation in the examination process. Further, it is the policy of the County of Rockland to provide reasonable accommodation for religious observances and practices. Contractors doing business with the County of Rockland must meet equal employment opportunity standards. The County of Rockland Equal Employment Opportunity Policy complies with all Federal and New York State Human Rights Laws.

2. The County of Rockland is committed to hiring and maintaining access to employment and advancement for qualified individuals regardless of their age, alienage, color, citizenship, creed, disability, gender, marital status, national

origin, prior non-job related record of conviction, race, religion, sexual orientation, or military status. To that end, all County Department Heads will, in accordance with law, actively recruit and promote individuals in an effort to reflect from within the County workforce, the basic composition of Rockland County's general labor force. The County of Rockland will continually examines its job specifications to eliminate illegal or inappropriate barriers to employment or advancement, and seeks to maximize the development of all members of the work force through training and development.

3. The County Executive has the responsibility for operating an effective Equal Employment Opportunity Program. However, the responsibility for coordination, implementation and administration of the County's Equal Employment Opportunity Policy shall be vested in the Director of Employee Rights and Equity Compliance (formerly the Coordinator of Affirmative Action). The Director of Employee Rights and Equity Compliance shall *ensure* compliance with all Federal and New York State Human Rights Laws, as well as County laws and policies pertaining to equal employment opportunity, whether expressed by Legislative Act or Executive Order. The Director of Employee Rights and Equity Compliance shall also be responsible for the education and training of all County employees with respect to this policy and related subjects including, but not limited to, sexual harassment prevention and diversity education and training. [Top](#)

II. POLICY OBJECTIVES.

1. This policy has as its primary objective the development of programmatic approaches to the elimination of discriminatory employment practices, policies and their consequences as they affect certain classes, which are enumerated herein (See Section I, 1) in all phases of application and employment.

2. In order to meet this objective, the Director of Employee Rights and Equity Compliance shall monitor and evaluate the following activities on an ongoing basis:

SECTION A. Recruitment.

1. A pro-active recruiting program shall include, but is not limited to:

- (a) expansion of recruitment contacts and sources to underrepresented groups including females, people of color/non-whites, military, mature workers and disabled individuals;
- (b) maintenance of active contacts with community, civic, professional and multi-lingual organizations and institutions of higher learning;
- (c) posting and advertising of available job and promotional opportunities in a conspicuous, public and timely fashion;
- (d) establishing ongoing contact with guidance and vocational personnel within local school districts to provide information about career opportunities, counseling and information relative to employment preparation and training with the County of Rockland;
- (e) composing and designing recruitment literature to reflect the diversity of the County's population;
- (f) arranging for local media to broadcast public service announcements and preparing interviews or materials regarding career opportunities in local government for public dissemination;
- (g) reviewing job descriptions and turnover rates to determine vacancy patterns in order to plan appropriate recruitment efforts; and
- (h) reviewing methods and techniques used in interviewing job applicants.

SECTION B. Selection, Appointment, Assignment.

1. An affirmative selection, appointment and assignment process shall include, but is not limited to:

- (a) increasing employment opportunities for the disabled by adopting specific, non-competitive positions in accordance with provisions of Section 55a of the Civil Service Law when appropriate for the County;
- (b) expanding access to employment in order to afford non-professional staff the opportunity for promotions into technical and professional positions;
- (c) analyzing reasons for non-selection of qualified job applicants within the enumerated classes;
- (d) reviewing job criteria and physical requirements to ensure that they are not discriminatory (inherently racist or sexist) and that job qualifications are relevant to job performance and duties; and
- (e) conducting post-examination reviews of test questions to identify possible discriminatory impact upon enumerated classes and advising the New York State Department of Civil Service of identified items.

SECTION C. Skilled Enhancement and Upward Mobility.

1. An affirmative skill enhancement and upward mobility program shall include, but is not limited to:

- (a) re-examining competitive job specifications that primarily involve the utilization of practical skills in the operation of equipment to determine whether a non-written non-competitive test may provide greater opportunities for the employment of otherwise qualified individuals who speak English as a second language;
- (b) developing training programs within each Department to increase skills, proficiency and diversity knowledge of County employees;
- (c) developing a long-range program of career counseling, guidance, position redesign and the establishment of "career ladders";
- (d) reviewing positions/job descriptions/classifications for possible classification or reclassification in order to ensure that promotional lines are sufficient, that the number of "dead-end" jobs are significantly reduced, if not entirely eliminated, and that positions, particularly at the entry level, are filled by trainees in order to provide a less restrictive recruitment base;
- (e) continuing to utilize, wherever feasible, promotional examinations to facilitate the upgrading of the present workforce and to facilitate and

implement specific career opportunities for lower level employees who are in positions or occupational series, which do not enable them to realize their full work potential;

(f) utilizing collateral as well as direct promotional lines and inter-departmental promotional examinations to increase opportunities, especially for employees in smaller departments; and

(g) continuing to review and modify, if necessary, civil service job opportunities to provide realistic related minimum requirements and maximum promotional opportunities.

SECTION D. Termination, Resignation and Retirement.

1. A program to monitor terminations, resignations, and retirements shall include, but not be limited to, conducting exit interviews to determine any patterns of discrimination. As a part of this program the Office for Employee Rights and Equity Compliance will maintain qualitative/quantitative data regarding terminations, resignations and retirements.

SECTION E. Other Personnel and Managerial Actions.

1. Including but not limited to:

(a) evaluating policies relating to the granting of leaves, the transfer of employees to other work sites, and the standard of job performance and conduct; and

(b) reassessing the role of the supervisor and the quality and the sensitivity of supervision. [Top](#)

III. Responsibilities.

SECTION A. County Executive.

1. The County Executive shall have ultimate authority to *ensure* the fulfillment of the objectives of the County of Rockland Equal Employment Opportunity Policy and the enforcement of Federal and State equal employment opportunity laws within County government. These responsibilities include, but are not limited to:

- (a) establishing an office of Employee Rights and Equity Compliance within the Office of the County Executive and appointing its Director;
- (b) overseeing the development and revisions to the Equal Employment Opportunity Policy and related programs, with the authority to approve or reject policy and action taken by the Director;
- (c) reviewing reports from the Director on the progress of the implemented programs;
- (d) conducting at least one yearly meeting of Department Heads for general discussion of the progress made and the problems encountered in implementing the equal employment opportunity plans of the County, and;
- (e) delegating the authority for the day-to-day oversight of the equal employment opportunity plan to the Director of Employee Rights and Equity Compliance.

SECTION B. Director of Employee Rights and Equity Compliance.

1. The Director shall have general responsibilities for the development, implementation and administration of the County's Equal Employment Opportunity Policy, plans and programs. The Director reports directly to the County Executive and to the County Executive's Deputy/Chief of Staff. The responsibilities of the Director of Employee Rights and Equity Compliance include, but are not limited to:

- (a) overseeing and coordinating the implementation of the County's Equal Employment Opportunity Plan;
- (b) assisting Department Heads, upon request, in the development and/or modification of the Department's own equal employment opportunity plan;
- (c) collecting and analyzing relevant statistical data with respect to the County's population, labor force and work force;
- (d) disseminating information with respect to current Federal and State statutes or regulations affecting equal employment opportunity;
- (e) maintaining a positive relationship with the community (for example, by disseminating information) and participating in community activities;
- (f) serving as a resource person for human rights and equal employment

opportunity matters for all County Departments, offices and agencies;

(g) monitoring the progress made by the County toward its equal employment opportunity goals and identifying problem areas and barriers in the way of full and meaningful implementation;

(h) recommending solutions to problem areas and barriers to achieving equal employment opportunity goals;

(i) organizing and/or conducting appropriate educational training programs in the field of equal employment opportunity;

(j) organizing and/or conducting appropriate educational training programs for all County employees with respect to this policy and related subjects including, but not limited to, prejudice reduction/diversity training, and sexual harassment prevention;

(k) ensuring equity, enforcement and compliance with all Federal and New York State statutes, rules and regulations;

(l) investigating and resolving any complaints of violation of this policy;

(m) representing the County Executive at various public commissions, meetings, or forums where appropriate;

(n) performing such other functions to further equal employment opportunity as the County Executive may direct.

SECTION C. Department Heads.

1. Each Department Head shall have general responsibility for insuring that the County's Equal Employment Opportunity Policy is fully implemented within their Department. Their responsibilities include, but are not limited to:

- (a) adhering to and taking all necessary steps to implement the County's equal employment opportunity plan with respect to Departmental operations, whether or not specifically noted herein;
- (b) reviewing, on a continuing basis, all policies, practices, procedures and criteria used in the Department's operations to ascertain their discriminatory impact, if any;
- (c) reviewing the composition of Departmental personnel in light of both the County workforce and the County population, in general, to ascertain whether the distribution or the composition of the workforce reflects possible discriminatory actions;
- (d) maintaining equal employment opportunity principles in making appointments and promotions falling under their jurisdiction, especially provisional appointments made in the absence of civil service eligible lists and to non-competitive positions;
- (e) developing and maintaining an annual Equal Employment Opportunity Plan for the Department in order to confirm that effective steps are being taken to correct matters brought to light by the review of the Department's policies and practices or of the composition of agency personnel;
- (f) assuring that all Departmental employees, particularly those in management and supervisory positions, are aware of the equal employment opportunity policy, plans, programs, principles and the County's commitment thereto;
- (g) facilitating in-house or other appropriate training of personnel in coordination with the Director of Employee Rights and Equity Compliance and Department of Law where appropriate;
- (h) requiring adherence to and active support of equal employment opportunity principles as a factor in the determination of merit salary increases (increments) for each employee. [Top](#)

IV. GENERAL ANTI-DISCRIMINATION AND HARASSMENT PROTECTION.

1. The County of Rockland is an equal opportunity employer committed to compliance with federal, state and local laws prohibiting employment discrimination. The County is also committed to providing a work-atmosphere conducive to maintaining the dignity of all its employees. Any act of discrimination or harassment, whatever the basis, undermines the integrity of

the employment relationship and is detrimental to a positive, productive work environment.

2. Employment decisions at the County of Rockland shall be made on the basis of merit, fitness and equality of opportunity and without unlawful discrimination on the basis of age, alienage, color, creed, disability, gender, marital status, national origin, prior non-job related record of conviction, race, religion, sexual orientation or military status.

3. No officer, manager, supervisor, or other employee, contractor, volunteer, or other non-employee shall engage in any act of discrimination on the basis of age, alienage, color, creed, disability, gender, marital status, national origin, prior non-job related record of conviction, race, religion, sexual orientation or military status.

4. In addition to providing protections on the basis of the enumerated protected classes, some federal, state and local laws protect persons who are discriminated against because they are perceived to be in a protected class. Discrimination based on a persons perceived protected class is absolutely prohibited by this policy, as well as, any form of harassment based on a person's actual or perceived protected class is also absolutely prohibited.

5. Anti-discrimination protections apply to all of the terms and conditions of employment including, but not limited to: advertisement, recruitment, testing, hiring, work assignments, salary and benefits, performance evaluations, promotions, training opportunities, transfers, discipline, discharge and working conditions.

6. This policy applies to all county officers, managers, supervisors and other employees and to all contractors, volunteers or other non-employees of the County. Depending upon the extent of the exercise of control, this policy may be applied to the conduct of those who are not officers or managers, supervisors, other employees, contractors or volunteers of the County with respect to an illegal discrimination or illegal harassment of County officers, managers, supervisors other employees, volunteers, applicants, contractors or other non-employees in the workplace.

7. All officers, managers, supervisors, other employees, volunteers, contractors or other non-employees will be expected to comply with this policy and take appropriate measures to insure that discrimination or harassment does not occur. When discrimination or harassment is suspected, employees and non-employees are encouraged to use the complaint and investigation procedures set forth in this policy. Department Heads, managers and supervisory personnel must take immediate and, if authorized, appropriate corrective action when allegations of illegal discrimination or harassment come to their attention to

assure compliance with this policy. If a manager or supervisor is not authorized to take corrective action, the matter should be referred to an individual having that authority. In addition each manager or supervisor has a special duty to maintain the workplace free of discrimination or harassment. This duty includes discussing this policy with subordinates and other employees or non-employees and assuring them that they are not to endure insulting, degrading or exploitive discrimination or harassment in the workplace.

8. Any person found to be engaging in discriminatory conduct or practices, harassment or other inappropriate behavior (including the failure of a manager or supervisor to report allegations, act appropriately upon them, or discharge their duty to discuss this policy and discourage violation) will be subject to disciplinary action in accordance with the provisions of a negotiated labor agreement or state law as may be appropriate. Based upon the seriousness of the offense, discipline may include a written reprimand, suspension without pay, demotion, transfer, fine, termination and any other measures calculated to eliminate illegal or inappropriate behavior. In addition to implementing such disciplinary action, the County shall take such steps as may be necessary to address the impact that any unlawful discrimination has had upon the complainant.

9. Any employee, non-employee or applicant who believes that they have been discriminated against or harassed should immediately contact their supervisor, any other supervisor with whom the employee feels comfortable, their Department Head, or the Office of Employee Rights and Equity Compliance for consultation and/or to file a complaint. All complaints will be handled confidentially, which means that information obtained from a person who seeks assistance will not be discussed with other personnel except as necessary to investigate and/or resolve a complaint or other matter. Disclosure will be made only on a "need to know" basis for purposes of properly processing complaints.

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V. SEXUAL HARASSMENT.

SECTION A. Introduction.

1. Sexual harassment is a form of employment discrimination based upon gender, which is prohibited by law. The County of Rockland, as part of its continuing equal employment opportunity efforts and pursuant to guidelines on sex discrimination issued by the Equal Employment Opportunity Commission, fully supports federal and state laws which protect and safeguard the rights and opportunities of all people to seek, obtain and hold employment without subjugation to sexual harassment or discrimination of any kind in the workplace. It is the policy of Rockland County to provide an environment free of sexual harassment.

2. The County of Rockland expects that all of its employees as well as its volunteers, contractors and other non-employees will treat each other and our customers with courtesy, dignity and respect. Just as we do not tolerate violations of other laws in our workplace, we do not tolerate violations of the laws prohibiting sexual harassment. No officer, manager, supervisor or other employee, volunteer, contractor or other non-employee shall engage in any act of sexual harassment.

SECTION B. Definition of Sexual Harassment.

1. Unwelcome sexual advances; requests for sexual favors; sexual demands or other verbal, physical, or visual conduct of a sexual nature will constitute sexual harassment when:

(a) submission to the conduct is either an explicit or implicit term or condition of employment;

(b) subjection to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct;

(c) the conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creating an intimidating, hostile or offensive work environment; in third party situations, an individual is offended by the sexual interaction, conduct or communications between others.

2. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. Sexual harassment refers to conduct that is not welcomed, that is personally offensive, that fails to respect the rights of others, that lowers morale, and that, therefore interferes with an individual's work performance and effectiveness or conduct that creates an intimidating, hostile or offensive working environment.

3. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other specific forms of behavior that The County of Rockland considers to be sexual harassment include, but are not limited to, the following:

(a) **Verbal Harassment**. Abusive verbal language related to a persons gender including sexual innuendoes, sexual advances, slurs, profanity, suggestive, derogatory, lewd, demeaning or insulting comments or sounds, lewd whistling or other inappropriate noises, jokes of a sexual nature, sexual propositions or threats. Included in prohibited conduct would be any sexual advance that is unwelcome or any demand for sexual favors;

(b) **Non-verbal Harassment**. Abusive written language; writings or documents showing or displaying pornographic or sexually suggestive or explicit objects or pictures; graphic commentaries; leering or obscene gestures. Also included are demeaning, insulting, intimidating or sexually suggestive written, recorded or electronically transmitted messages; and physical violations (without touching) of an individual's personal space;

(c) **Physical Harassment**. Any physical contact and/or gesture which is not welcome including sexual flirtations, touching, petting, pinching, brushing up against a persons body, coerced sexual intercourse and assault.

(d) **Favoritism**. Preferred treatment of another employee due to a romantic consensual relationship.

4. Sexual harassment can occur between individuals of different genders or of the same gender. It may be overt or subtle. Some behavior, which is appropriate in a social setting, may not be appropriate in the workplace. But whatever form it takes - verbal, non-verbal, or physical - sexual harassment can be insulting and demeaning to the recipient in the workplace.

SECTION C. Absolute Prohibition

1. Sexual harassment by any officer, manager, supervisor or other employee, volunteer, contractor or other non-employee will not be tolerated. All employees and non-employees will be expected to comply with this policy and to take appropriate means to ensure that such conduct does not occur. In addition each supervisor has a special duty to maintain the workplace free of sexual harassment. This duty includes discussing this policy with subordinates, other employees and non-employees and assuring them that they are not to perpetrate or endure insulting, degrading or exploitive sexual treatment.

2. Upon being brought to the attention of a person's supervisor, any other supervisor with whom the person feels comfortable, their Department Head, or the Office of Employee Rights and Equity Compliance, disciplinary action in accordance with the provisions of a negotiated labor agreement or state law as may be appropriate will be taken against employee or non-employee who violates this policy. Based upon the seriousness of the offense, disciplinary

action may include a written reprimand, suspension without pay, demotion, transfer, fine, termination and any other measures calculated to eliminate the illegal or inappropriate behavior. [Top](#)

VI. DISABILITIES.

1. Discrimination or harassment against a person based upon that person's actual or perceived disability, record of disability, or that person's relationship with a person with a disability is prohibited by federal, state, and local laws and will not be tolerated by the County of Rockland. Disabilities are physical, medical, mental or psychological impairments of body systems, which limit one or more major life activities of a person. A record of such impairment includes, for example, a history of cancer, which is currently in remission. A relationship with a person having a disability includes not only having a family member with a disability, but also having a cooperative or supportive relationship at work (such as assisting a colleague who has a disability). Disabilities may be temporary or permanent.

2. In addition to taking aggressive actions against those who discriminate or harass persons with disabilities (or perceived disabilities), the County of Rockland will take appropriate action to encourage employment of, and promotional opportunities for, qualified applicants and employees with disabilities.

3. Anyone believing s/he has been discriminated against or harassed on the basis of disability should contact their supervisor, any other supervisor with whom the employee feels comfortable, their Department Head, or the Office of Employee Rights and Equity Compliance for a consultation and/or filing of complaint. The County of Rockland will make reasonable accommodations for qualified employees and applicants with disabilities, unless providing such accommodations would create undue hardship for the Department. Whether an accommodation is reasonable generally depends upon the circumstances of each situation. Some examples of accommodations which have been found reasonable include: job restructuring, making facilities physically accessible to and usable by persons with disabilities; modifying work schedules; providing or modifying equipment or devices; and providing auxiliary aides and services.

4 Employees with disabilities requesting reasonable accommodations to perform essential job functions should follow the County's reasonable accommodation procedure set forth in Article X hereinbelow. [Top](#)

VII. ANTI-RETALIATION.

1. It is unlawful to retaliate or threaten to retaliate against or harass any person for filing a discrimination, harassment or retaliation complaint in good faith;

seeking a reasonable accommodation for a disability or for a religious accommodation; or for cooperating in the investigation of a discrimination, harassment or retaliation complaint. The County of Rockland will not tolerate retaliation or threatened retaliation. Any person who believes s/he is being retaliated against, or who has received a retaliation threat for having made a complaint, or for requesting an accommodation based upon disability or religious accommodation, or for cooperating in an investigation is urged to file a retaliation complaint with the Office of Employee Rights and Equity Compliance. Any employee, contractor, or volunteer who engages in such retaliation or threatens retaliation will be subject to formal discipline in accordance with the provisions of a negotiated labor agreement or state law as may be appropriate.

2. The County of Rockland views retaliation or the threat of retaliation as a serious offense, which, if unaddressed, threatens the County's commitment to keep the workplace free of all other forms of discrimination and harassment. Accordingly, the County will seek demotion, resignation, or termination as may be appropriate against any employee or non-employee including but not limited to board members, volunteers or contract agents against whom a charge of retaliation, or threatened retaliation is established. [Top](#)

VIII. COMPLAINT AND INVESTIGATION PROCESS.

SECTION A. How to File a Complaint.

1. An employee, non-employee or applicant for employment should consult with a representative of the Office of Employee Rights and Equity Compliance (hereinafter referred to as "Employee Rights Office") if s/he believes that s/he is being or has been discriminated against, sexually harassed, retaliated against, or otherwise harassed by an officer, manager, supervisor or other employee, or by a volunteer, independent contractor or other non-employee of the agency because of actual or perceived age, alienage or citizenship status, color, creed, disability, gender, marital status, national origin, prior non-job related record of conviction, race, religion, sexual orientation or veterans status. The Employee Rights Office representative will assist the person to determine whether the issue s/he raised is appropriate for resolution through the complaint process. Employees, non-employees or applicants will not be retaliated against for consulting with an Employee Rights Office representative about a suspicion of discrimination, harassment or retaliation or for filing a complaint or for cooperating with an investigation.

2. Federal, state and county laws prohibit the following type of discrimination based on your actual or perceived membership in a protected group:

(a) Discriminatory treatment of employees or applicants in hiring, testing, work assignments, working conditions, salary and benefits, evaluation, promotions, training, transfers, discipline, termination, and any other term and condition of employment.

(b) Policies that have a disproportionate impact on group protected by law, unless they are justified by business necessity;

(c) Failure to make a reasonable accommodation for an employee with a disability, or for an employee's religious accommodation; or

(d) Discriminatory harassment, intimidation, ridicule or insults.

3. Officers, managers and supervisors who witness prohibited acts or who become aware of allegations of discrimination, harassment or retaliation must immediately report said acts or allegations to their Department Heads. Department Heads must immediately refer reports of any such acts or allegations to the Employee Rights Office. Department Head's must not investigate such allegations on their own and, if requested, must facilitate and cooperate with any Employee Rights Office investigation, which may be initiated.

SECTION B. Initial Meeting with the Employee Rights Office

Representative.

1. Any person who wishes to talk about a question or problem related to the County's Equal Employment Opportunity Policy or to file a complaint of discrimination, harassment or retaliation should contact a representative of the Employee Rights Office. An employee has the right to meet privately with an Employee Rights Office representative during office hours, however, the employee should obtain approval from his/her supervisor before leaving his/her work assignment/post. An employee need not disclose the details or the purpose for the meeting. Reasonable requests to meet with an Employee Rights Office representative during work hours cannot be denied by supervisors. Managers and supervisors should allow employees to meet with an Employee Rights Office representative at the earliest practicable time consistent with the operational needs of their units. At the employee's request, arrangements may also be made to hold the meeting before or after office hours, or during the employee's lunch period.

2. At the initial meeting, the Employee Rights representative will review the County's Equal Employment Opportunity Policy, provide the employee or applicant with a copy of the formalized complaint procedure, discuss the complaint and investigation process, and advise the employee or applicant of

their respective rights under this policy. Allegations will then be discussed and determinations will be made as to whether allegations set forth any human rights violations of this policy. Non-human rights matters will be referred to other internal agencies such as the respective Department Head or Administrator, the Department's Personnel Office, Union (the appropriate bargaining unit), the County of Rockland Department of Personnel, or other appropriate outside agencies.

3. Informing a representative of the County, such as an official, Department Head, supervisor or Employee Rights representative of wrongdoing or potentially illegal conduct makes the County responsible for taking corrective action. Accordingly, attempts will be made to obtain any human rights complaint in writing. However, it may be necessary for the Employee Rights representative to investigate the alleged discriminatory, harassing or retaliatory behavior even if the employee, non-employee or applicant either wishes not to file a complaint or refuses to put the complaint in writing.

SECTION C. Representation.

1. An employee, non-employee or applicant may bring a representative of his/her choice to attend only that part of the initial meeting where the Employee Rights representative reviews, policy, procedure and rights. Any representative will be asked to leave the meeting room before any substantive allegations of discrimination, harassment or retaliation are discussed. An employee or applicant must notify the Employee Rights Office in advance if s/he wishes to bring a representative with him/her.

2. If the employee, non-employee or applicant files a complaint, the Employee Rights representative will meet or speak with him/her throughout the process in order to keep him/her informed of the progress of the investigation.

3. No complainant or witness shall have any right to representation (by anyone) throughout the investigation process unless that person is the probable subject of a formal disciplinary action and either a statute or negotiated labor agreement grants a right of representation. If such event occurs and involves an employee and the employee's Union will be given written notice of any meeting by the Employee Rights representative and shall be afforded such rights to representation as are consistent with the provisions of a negotiated labor agreement or state law as may be appropriate.

4. This policy shall not be construed to create any right of representation of any kind. Rights to representation will be honored where same are independently created by statute or by negotiated labor agreement. Accordingly, most non-permanent civil servants and most appointed and at will employees will have no right of representation of any kind pursuant to this policy.

5. This policy shall not be construed to create any right of representation by an attorney. Rights to representation by an attorney will be honored when same are independently created by statute or by negotiated labor agreement. Terms such as "union representation" are not intended to permit representation by a union appointed attorney or representation by an attorney serving as a union representative.

SECTION D. Confidentiality.

1. All human rights matters will be handled under the supervision of the Director of Employee Rights and Equity Compliance in consultation with the Department of Law where appropriate. The Employee Rights representative will treat complaints and other information provided by employees, non-employees or applicants confidentially, which means that information obtained from a person who seeks assistance will not be discussed with other personnel except as necessary to investigate and resolve a complaint or other matter. Information will only be discussed with others on a "need to know" basis for purposes of properly processing complaints. This means that information obtained from a person who seeks the assistance of the Employee Rights Office or who talks to an Employee Rights representative in the course of an investigation will not be discussed with other personnel except as necessary to investigate or resolve a complaint or other matter.

SECTION E. Complaint Procedure.

1. A person may file a formal written complaint of discrimination, harassment or retaliation at any time with the Department of Employee Rights and Equity Compliance. A copy of the complaint form is attached. Every effort will be made to accommodate people with special needs.

2. The Director of Employee Rights and Equity Compliance (hereinafter referred to as the "Director") may also determine that another form of communication, such as telephone call or letter should be handled as a complaint. In such event, or when a person who has a disability which precludes his/her completion of the complaint form seeks to file a complaint, the Director shall complete a complaint form and provide any additional accommodations or assistance as may be necessary. The Director shall also complete a complaint form when s/he initiates an investigation on his/her own initiative.

3. All complaints will be handled in a timely and confidential matter. (Refer to Section VIII. C. hereinabove). The purpose of this provision is to protect the confidentiality of the complainant; to encourage the reporting of any incidents of discrimination, harassment or retaliation; and to protect the reputation of an individual which has been wrongfully charged with discrimination, harassment or retaliation.

4. All investigations will be conducted in a full, fair and impartial manner.
5. An investigation will normally include conferring with the parties involved and any named or apparent witnesses. No person interviewed in the course of an investigation shall have a right to representation unless the person is the probable subject of a formal disciplinary action and either a statute or negotiated labor agreement grants a right of representation. A written notice of meeting informing of any right to representation will be given to the Respondent, their respective Union and Department Head in such cases. [See Paragraph VIII. C. 3 hereinabove (witnesses) or Paragraph VIII. F.4 herein below (Respondents)].
6. The particular facts of the allegation will be examined individually with a review of the nature of the behavior and the context in which the incident or incidents occurred.
7. A person named as the Respondent in the complaint shall receive a copy of the complaint and shall have the opportunity to respond to it in writing. The Respondent will be afforded a reasonable opportunity to offer and present any information and witnesses relevant to the complaint.
8. A person who participates in this procedure may do so without fear of retaliation. All employees, non-employees (including but not limited to board members, volunteers, and contract agents) or applicants shall be protected from actual or threatened coercion, harassment, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation. Any such actual or threatened retaliation by employees will result in formal disciplinary action, which may result in termination of employment. (See Article VII hereinabove.) Any such actual or threatened retaliation by a non-employee or applicant, will result in termination of their relationship with the County of Rockland.
9. If the investigation finds that the complaint is valid, the Director will recommend to the appropriate Department Head that actions such as training, counseling, education, remediation, disciplinary and/or other actions be taken immediately to stop the discrimination, harassment or retaliation; to address the impact that the unlawful conduct had upon the complainant; and to prevent recurrence of such conduct.
10. The Director should endeavor to report the findings and recommendations of the investigation to the appropriate Department Head within ninety (90) business days from the receipt of a formal complaint. The complainant and the respondent will be notified in writing of the outcome of the investigation and of any action taken.

11. At any point in this process, with the consent of the complainant, an attempt may be made at resolving the complaint on an informal basis. If the parties agree to a resolution of the situation and any action needed to resolve the matter has received the necessary approvals, the Director shall prepare a written Notice of Resolution confirming the agreement. All parties shall sign the Notice of Resolution and copies of the final contract provided to them.

12. The County of Rockland recognizes that false accusations of discrimination, harassment or retaliation can have serious adverse affects on innocent individuals. We trust that all employees of the County of Rockland will continue to act responsibly in maintaining a pleasant working environment free of discrimination. False accusations will be considered grounds for disciplinary action against the accuser.

13. Nothing in this policy should be construed to limit an individual's existing right to file a complaint with the New York State Division of Human Rights or the U.S. Equal Employment Opportunity Commission or to take any legal action, which he or she may deem necessary and/or appropriate.

SECTION F. Investigation Procedure.

1. Once a complaint is received an investigation will be conducted by the Director of Employee Rights and Equity Compliance (hereinafter referred to as the "Director") or by a representative acting under the supervision of the Director. An investigation shall be initiated within fifteen (15) days of receiving a complaint. The party filing the complaint shall be referred to as the "complainant". The accused party shall be referred to as the "respondent".

2. Upon receipt of a complaint, the Director shall inform the respondent's Department Head of the alleged violation.

3. While investigating the complaint, depending upon the seriousness of the allegations and other circumstances, (such as threats to the safety and security of the complainant, respondent and/or other employees or clients of the County of Rockland) the respondent may be placed on administrative leave (suspension with pay) at the discretion of the Department Head.

4. The Director or Representative shall meet with the Respondent to inform him/her of the allegations and to request the identity of any witnesses or other pertinent information the respondent would like considered during the course of the investigation. Because formal disciplinary action may be taken against the respondent as a result of the investigation, the Director or representative shall give respondent written notice of the meeting and afford the respondent and the respondent's union such rights to representation as are consistent with this policy and with the provisions of a negotiated labor agreement or state law as

may be appropriate.

5. The allegations shall be investigated based upon information obtained from the complainant, respondent, department and any other source. Reasonable cause to support the allegations may or may not be found.

6. The nature and extent of the investigation depends upon the circumstances of the case but may include but not be limited to:

(a) Personnel records or other documentary review;

(b) Interview of all witnesses and obtaining of written statement from same (may require the order of a Department Head were the witness is reluctant);

(c) Administrative review (policies, processes, etc.);

(d) Investigation of other violations, which may be discovered in the course of investigating the original complaint.

7. If no probable cause is found to support the allegations set forth in the complaint, the Department Head, complainant and respondent shall be informed in writing. The Director for the Department Head shall prepare a written report. Educational and/or remedial action may still be recommended depending upon the circumstances of the case. The Department Head shall decide what, if any, action is taken.

8. If probable cause is found to support the allegations set forth in the complaint, the Director shall advise the Department Head and the complainant in writing. The Department Head shall advise the respondent in writing. The respondent, consistent with the provisions of a negotiated labor agreement or state law as may be appropriate, may be formally questioned regarding the matter. Any follow-up investigation based upon the questioning of the respondent shall then be conducted. The Director shall then report findings and recommendations in writing to the Department Head that shall decide what, if any, action is to be taken. Recommendations are based upon the circumstances of the case and may include but not be limited to:

- (a) Conciliation;
- (b) Reasonable accommodation;
- (c) Conflict resolution;
- (d) Proactive educational remedy;
- (e) Administrative policy changes;
- (f) Informal or formal disciplinary action;
- (g) Precautions against retaliation;
- (h) Precautions against recurrence;
- (i) Redress for the impact of the unlawful conduct upon the complainant;

9. A person found to have committed an act of discrimination, harassment or retaliation will be subject to disciplinary action at the discretion of the Department Head in accordance with the provisions of a negotiated labor agreement or state law, as may be appropriate.

10. The Director shall inform the County Executive or his designee of the progress of the investigation and recommendation.

SECTION G. Withdrawing Complaints.

1. The person who filed the complaint may withdraw a complaint of discrimination at any time in writing. When the complaint has been withdrawn the Director of Employee Rights and Equity Compliance may, in such circumstance, find it appropriate to end the investigation. However, prior to making the determination to end the investigation, the Director with the assistance of the County Attorney and in accordance with Federal and State law, must determine whether evidence has been gathered which requires the Department to take corrective action to prevent or eliminate an illegal or inappropriate situation. If there is such information, the Director will continue the investigation until she/he is prepared to recommend whether or not the Department should take corrective action. [Top](#)

IX. ACCOMMODATION FOR SINCERELY HELD RELIGIOUS OBSERVANCE OR PRACTICE.

1. The County of Rockland will make a bona fide effort to reasonably accommodate the sincerely held religious observance or practice of employees or prospective employees.

2. The obligation of the County of Rockland to make religious accommodations is, however, limited to situations in which such an accommodation will not impose "undue hardship" to the employer. As used in this policy, "undue hardship" shall mean an accommodation requiring significant expense or difficulty (including a significant interference with the safe or efficient operation of the workplace) or result in a violation of a bona fide seniority system. An

accommodation other than absence from work will also constitute an undue hardship if it will result in the inability of an employee to perform an essential function of the position of which s/he is employed.

3. Except in cases of undue hardship, no employee shall be required to remain at his/her place of employment during any day or days or portions thereof that, as a requirement of his/her religion, he or she is observing as his or her Sabbath or other holy day, including, reasonable time prior and subsequent thereto for travel between his or her place of employment and his or her home, provided, however, that any such absence from work shall, whenever practicable, in the reasonable judgment of the Department Head, be made up by an equivalent amount of time and work at some mutually convenient time or shall be charged against any leave with pay ordinarily granted, other than sick leave provided, however, that any such absence not so made up or charged, may be treated as leave taken without pay.

4. No employee shall be entitled to premium wages or premium benefits for work performed during hours to which such premium wages or premium benefits would ordinarily be applicable if the employee is working during such hours only as an accommodation to his/her sincerely held religious requirements. [Top](#)

X. REASONABLE ACCOMMODATION FOR DISABILITY.

SECTION A. Introduction.

1. Employers (officers, managers, supervisors, employees) and non-employees (contractors or volunteers) cannot discriminate against people with disabilities in regard to any employment practices or terms, conditions, and privileges of employment. This prohibition covers all aspects of the employment process including, but not limited to: application, testing, hiring, assignments, evaluation, disciplinary actions, training, promotion, medical examinations, layoff/recall, termination, compensation, leave or benefits.

2. The County of Rockland will make reasonable accommodations to qualified applicants and employees with disabilities to enable them to perform the essential functions of their jobs and to enjoy the equal benefits and privileges of employment, unless providing such accommodation would impose an undue hardship to the County of Rockland. The requirement to provide reasonable accommodation applies to disabilities that are known, obvious or should have been known, to the employer. The reasonable accommodation process, including a description of key terms, is set forth below and should be followed by applicants and employees requesting reasonable accommodations for disability.

SECTION B. Key Terms.

1. **A disability** is (1) a physical, medical, mental or psychological impairment of a bodily system that substantially limits a major life activity, or (2) a history or record of such an impairment, or (3) being regarded as having such an impairment.

2. **A qualified applicant or employee** is an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of a position and who, with reasonable accommodation (if needed), or without accommodation (if none is needed), can perform the essential functions of that position.

3. **Essential functions** are duties that are fundamental to a position including, among others, those for which the position exists, those that only a limited number of employees are available to perform, or those that cannot be delegated. Evidence of what constitutes an essential function may include, but is not limited to: the employer's judgment; written job descriptions, if any; the amount and/or proportion of time spent performing the function; the consequences of not requiring a function; the terms of a collective bargaining agreement; the work experience of people who have performed the job in the past; the work experience of incumbents; the nature of the work operation and its organizational structure.

4. **Undue hardship** is an action that requires significant difficulty or expense in relation to the size of the employer, the resources available, and the nature of the operation. More specifically, undue hardship is an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of an employer's business.

5. **Reasonable accommodations** are modifications or adjustments to the application process, work environment, or to the manner of circumstances under which an essential job function is customarily performed that promote equal employment opportunity for an individual with a disability. Reasonable accommodation enables a qualified applicant or employee with a disability to be considered for a position or to perform its essential functions, or to enjoy benefits and privileges of employment that are equal to those enjoyed by similarly situated employees without disabilities. Accommodations are not reasonable if they impose an undue hardship on the employer.

SECTION C. Effective Communication and Other Assistance.

1. Every Department Head shall designate an ADA officer within their Department.

2. The Department ADA officer shall be responsible for working with the Office

for People with Disabilities and the Office of Employee Rights in order to *ensure* effective communication between applicants or employees and Department staff at every stage of the reasonable accommodation process. Effective communication may require arranging for sign language interpreters, providing assistive listening equipment, arranging for alternative formats for people with visual impairments, or other approaches. Said offices shall also be responsible for providing such other reasonable assistance as is requested by applicants, employees and supervisors throughout the reasonable accommodation request and appeal processes.

SECTION D. Confidentiality.

1. Department personnel must comply with employee confidentiality. All documentation and information concerning the medical condition or health/ medical history of an employee requesting an accommodation must be collected on forms separate from other personnel-related forms and must be maintained by each Department in separate confidential medical files. The information shall be treated as confidential medical records, except to the extent that:

- (a) Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations;
- (b) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in case of fire or other emergency evacuation;
- (c) Government officials investigating compliance with the ADA and other Federal and State Laws prohibiting discrimination on the basis of disability should be provided relevant information on request;
- (d) Relevant information may be provided to State Workers' Compensation Offices or "second injury" funds, in accordance with State Workers' Compensation Laws;
- (e) Relevant information may be provided to insurance companies where the company requires a medical examination in order to provide health or life insurance for employees;
- (f) Other Federal or State laws and regulations also may require disclosure of relevant medical information.

SECTION E. The Reasonable Accommodation Process.

(1) Overview.

1. The reasonable accommodation process should be flexible and interactive, involving both the employer and the applicant or employee requesting reasonable accommodation. The process generally involves four steps. Each Department must *ensure* that the application, interviewing and testing procedures are accessible by reasonably accommodating applicants with disabilities. Although the Department must not inquire whether an individual has a disability, it may inquire whether an accommodation is needed, particularly where a disability is apparent or suspected.
2. Although the process is described in terms of "steps," it should always be interactive and flexible. It is characterized by close coordination and cooperation between an applicant or employee, the respective Department, the Office for People with Disabilities and the Office of Employee Rights and Equity Compliance with the common goal of moving the process forward as expeditiously as possible.
3. The Office for People with Disabilities provides information to people with disabilities (applicants, employees and members of the general public) and advocates for them in order to ensure that they are afforded equal rights under the law. The Office for People with Disabilities is available to help any employee or applicant with a request for an accommodation and/or to advocate for them at any stage in the accommodation process. Said office can also advocate for them in the wider Rockland community.
4. The Office of Employee Rights and Equity Compliance has responsibility for the implementation and administration of the County's Equal Employment Opportunity Policy, plan and programs. With respect to the accommodation process, as with the implementation of all other human rights laws, said office *ensures* equity and compliance with all Federal and State statutes and regulations as well as the uniform application of the accommodation process throughout County of Rockland Departments. The Office is also responsible for the investigation and resolution of any complaints of violation.

(2) Procedure.

(a) Step 1: Applicant or Employee Requests Reasonable Accommodation; Initial Consultation.

1. An employee or job applicant should complete a Reasonable Accommodation Request form (attached), and submit it to his/her Department ADA officer. (The form should be made available to applicants at the first possible opportunity in the application process.) If a request for reasonable accommodation is made by an applicant to facilitate the application process, it should be submitted to the

ADA officer supervising the application process. The Department ADA officer receiving the request shall acknowledge it by signing and dating the form in the space provided. One copy is to be returned to the applicant or employee. A second copy is to be filed with the Department. Additional copies shall be forwarded to the Office for People with Disabilities and the Office of Employee Rights and Equity Compliance. The submission by an applicant or employee of a request for reasonable accommodation shall not preclude the submission of subsequent requests.

2. Generally, it is the responsibility of the individual with the disability to inform the Department of the need for an accommodation. The Department must reasonably accommodate disabilities that are known to it, or that should have been known to it or that are obvious.

3. Where the need for a requested accommodation is not apparent, the Department ADA officer may ask an applicant or employee to provide documentation in support of the request. In limited circumstances, medical examinations or more detailed medical documentation may be required to determine whether an employee can perform the essential functions of the position and what accommodations may be appropriate. However, because the circumstances under which such examinations or documentation may be required in the context of a reasonable accommodation request are narrow and fact specific, Department officials *must* consult with the Department of Law and with the Office of Employee Rights and Equity Compliance before requesting them. After review and consultation with the Department of Law and Office of Employee Rights and Equity Compliance, the Department Head should either (1) provide or implement the request and document the accommodation or (2) proceed to step 2 of this procedure.

(b) Step 2: Analysis of Job to Determine its Purpose and Essential Functions.

1. Upon receipt of a request for reasonable accommodation, the Department ADA Officer, in consultation with the Department of Law, Office of Employee Rights and Equity Compliance, and Department of Personnel, should examine the job description to determine its purpose and essential functions. Identifying which job functions are essential is necessary to determine whether an employee with a disability is "qualified" for a position. With respect to applicants for employment, the Department must make the application; interview and testing process accessible, unless doing so would create an undue hardship.

2. Essential functions are the fundamental job duties of a position, excluding marginal functions. A job function can be deemed an essential function for a variety of reasons including, but not limited to, whether (1) the position exists to perform the function; (2) a limited number of employees are available to whom the function can be assigned; and/or (3) whether the function is so highly

specialized that it must be held by an employee selected for the ability to perform that function. Evidence of what constitutes the essential functions of a position includes the following:

- (a) the employer's judgment;
- (b) written job descriptions, if any;
- (c) the amount and proportion of time spent performing a function;
- (d) the consequences of not requiring the employee to perform a function;
- (e) the terms of a collective bargaining agreement;
- (f) work experience of prior employees in the same position;
- (g) work experience of current employees in the same position; and
- (h) other relevant evidence.

The essential function inquiry, is to ensure equity in the accommodation process.

(c) Step 3: Consultation with the Employee.

1. Using a collaborative, open and flexible approach, the Department ADA Officer in conjunction with the Office of Employee Rights and Equity Compliance and employee or prospective employee (where a conditional offer of employment has been extended) should consider how any job-related limitations can be overcome, discuss possible reasonable accommodations and assess the effectiveness of each. The employer must consider an applicant's or employee's preferences, along with what is reasonable under the circumstances for the work environment, in deciding upon a reasonable accommodation. The Department is not required to provide an accommodation that imposes undue hardship. The same type of open and collaborative approach also should be undertaken in identifying reasonable accommodations to the application process for a disabled individual who requests it.

2. After evaluating the position to determine its essential functions, the Department ADA Officer in conjunction with the Office of Employee Rights and Equity Compliance should consult with the applicant or employee requesting the accommodation to assess the limitations that the disability imposes on the performance of each essential function. If reasonable accommodation is requested for the application process itself, the Department ADA Officer supervising the process should consult with the applicant to determine how the process may reasonably be made accessible to the individual with a disability.

(d) What Accommodations are Reasonable?

1. Reasonable accommodations may include, but are not limited to, those listed below. The reasonableness of an accommodation will depend upon the circumstances of each individual case.

(a) making facilities readily accessible to and usable by people with disabilities (e.g., providing ramps, restroom grab bars, and appropriate signage);

(b) job restructuring (e.g., reallocating or redistributing non-essential typing, telephone or other clerical assignments among employees, assignment of non-essential tasks to others, elimination of non-essential tasks.);

(c) modifying work schedules (e.g., permitting alternative starting and ending times);

(d) providing or modifying equipment, devices or materials (e.g., raising a desk on boards for an employee who uses a wheelchair, providing flashing lights and volume controls on intercoms and telephones, installing text telephones [TTYs], providing large-print computer display programs, or materials in alternative formats, including Braille, audio tape or enlarged print);

(e) providing qualified readers, interpreters, or other support services during application, interview, testing processes, and during training and other employment and employment-related activities;

2. The Department is not required to provide personal items to employees that are needed both on and off the job. Such items include, but are not limited to, hearing aids, prosthetic limbs, wheelchairs or eyeglasses. However, such items may constitute reasonable accommodation where they are specifically designed to meet job-related as distinguished from personal needs. For example, eyeglasses designed to enable an employee to view a computer monitor, but which are not otherwise needed by the employee outside the office, may constitute a reasonable accommodation.

(e) Step 4: Select and Implement an Appropriate Reasonable Accommodation.

1. Within sixty (60) business days of an employee or applicant's submission a request for reasonable accommodation: (1) the Director of Employee Rights and Equity Compliance shall have made a recommendation to the Department, and (2) the Head of the Department to whom it was submitted shall have either granted or denied the request in writing in the space designated for that purpose on the Request for Reasonable Accommodation form. Where an accommodation will be provided, the Department shall have provided or begun to implement the accommodation. Where the provision or implementation of a

reasonable accommodation takes longer than sixty (60) business days, the steps taken to carry out the accommodation shall be documented and discussed with the employee or applicant. In all instances, however, the Department ADA Officer shall act as expeditiously as possible to provide a reasonable accommodation. Employees or applicants may request the assistance of the Office of People with Disabilities in expediting this process. The Department ADA Officer and the Office of Employee Rights and Equity Compliance shall monitor implementation of reasonable accommodations to be provided by the Department.

2. Department Heads may make decisions concerning ADA accommodation requests only after consultation with the Director of Employee Rights and Equity Compliance and the Department of Law.

SECTION F. Appeal to the County Executive's Office.

1. An applicant or employee may appeal to the County Executive's Deputy/Chief of Staff any action or failure to act included to this procedure by which the applicant or employee believes s/he has been "wronged" or aggrieved. Within thirty (30) business days of receipt of the appeal, the Deputy/Chief of Staff shall:

- (a) obtain and review all documentation relating to the request for reasonable accommodation;
- (b) meet with the Department ADA Officer and the applicant or employee;
- (c) consult with the Department of Law, Department of Personnel and/or the Office of Employee Rights and Equity Compliance and Office for People with Disabilities;
- (d) review the essential job functions, job-related limitations of the applicant or employee and possible accommodations;

2. Within fifteen (15) business days of receipt of the appeal, the County Executive's Deputy/Chief of Staff shall issue a written determination on the request for reasonable accommodation, specifying what accommodation shall be provided, if any, and directing the Department to implement such accommodation promptly. The Department ADA officer and the Office of Employee Rights and Equity Compliance shall monitor implementation of any the reasonable accommodation provided by the Department.

SECTION G. Discrimination Complaints.

1. This reasonable accommodation procedure is intended to ensure equal employment opportunities for employees with disabilities, but shall not impede the right of any employee or applicant to file a complaint with the County's Office of Employee Rights and Equity Compliance, the Equal Employment Opportunity Commission, the New York State Division of Human Rights or any other federal, state or local agency having jurisdiction over such matters, or in any court of competent jurisdiction.

SECTION H. For Further Guidance.

1. Throughout the reasonable accommodation process, employees or agency officials may seek guidance by contacting the Office for People with Disabilities (845) 364-2758 or (845) 354-1037 (TTY), or the Office of Employee Rights and Equity Compliance (845) 364-3406, or the Department of Personnel (845) 638-5200, or the Department of Law (845) 638-5180. [Top](#)

XI. IMPLEMENTATION OF POLICY.

1. General responsibility for the enforcement and implementation of this Equal Employment Opportunity Policy lies with the County Executive. The County Executive has delegated to the Director of the Office of Employee Rights and Equity Compliance the direct responsibility for compliance with, and administration of, the County of Rockland's Equal Employment Opportunity Policy. Under the coordination of the Director of the Office of Employee Rights and Equity Compliance, each Department Head and Supervisor will be responsible for implementing the policy in their respective Departments.

2. The County shall disseminate the policy as follows:

- (a) Distribute a copy of the Equal Employment Opportunity Policy to all present and prospective employees, consultants, volunteers and contractors;
- (b) Each recipient of the policy shall be required to sign a form acknowledging that the policy has been received by him/her;
- (c) Review the content of the policy and the individual Department's responsibility, at staff and other Departmental meetings;
- (d) Department Heads and Supervisors shall be required to attend an annual training seminar designed to review their role in preventing and addressing any illegal discrimination/harassment/retaliation;
- (e) Discuss the policy and employee orientation at supervisory training

programs;

(f) Publicize the policy in any Departmental report and other County media as appropriate;

(g) Post the policy on County bulletin boards and on the County's web site and distribute elsewhere as appropriate. [Top](#)

XII. Evaluation and Review Mechanism.

SECTION A. Director of Employee Rights and Equity Compliance.

1. Primary responsibility for the evaluation and review of the Equal Employment Policy lies with the Director of Employee Rights and Equity Compliance (hereinafter referred to as "Director").

SECTION B. Department Head.

2. Each Department Head is responsible for creating and implementing an annual Departmental program designed to achieve the objectives of the County's Equal Employment Opportunity Policy. S/he will assign an individual to carry out the program and make progress reports to the Department Head and to the Director of Equal Rights and Equity Compliance. Each program will include the following:

(a) A statement of support from the Department Head;

(b) An analysis of any under-utilization of persons of protected classes including underrepresented groups and female employees in all job classifications. Under-utilization is having fewer persons from the protected classes and females in a job category than can reasonably be expected by their presence in the labor market for that category;

(c) A program to correct deficiencies in the protected classes;

(d) A projection of anticipated vacancies combined with a program designed to recruit under utilized groups.

3. These programs will be submitted to the County Executive along with annual Departmental accomplishments, goals and initiatives. The Director will be available to all Department Heads to provide any technical assistance for the

preparation of these plans.

SECTION C. Annual Reports.

1. The Director will submit regular reports to the County Executive outlining the progress of and any deficiencies with this policy. In addition there will be an annual report to the County Executive, which will include an assessment of the progress made in achieving the goals of this policy.

**THIS EXECUTIVE ORDER SHALL TAKE EFFECT THIS 17th DAY OF
NOVEMBER, 2004.**

C. SCOTT VANDERHOEF
COUNTY EXECUTIVE

XIII. FORMS.

Form A Acknowledgment of receipt of copy of County's Equal Employment Opportunity Policy and receipt of related training.

Form B Complaint of discrimination, harassment or retaliation.

Form C Notice of withdrawal of a complaint of discrimination, harassment or retaliation.

Form D Notice of resolution of a complaint of discrimination, harassment or retaliation.

Form E Request for reasonable accommodation.

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