

# Jefferson County

## Employee Administrative Rules & Regulations

### Equity and Inclusion



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|---------------------------|---------------|
| <b>Rule Number:</b>       | <b>5.1.17</b> |
| Date Established:         | 6/10/2014     |
| Date of Last Revision:    | 6/08/2019     |
| Date of Current Revision: | 9/11/2020     |

#### **1.0**    **PURPOSE**

The Jefferson County Commission is an equal opportunity employer. In accordance with anti-discrimination laws, it is the purpose of this Rule to effectuate these principles and mandates. Jefferson County Commission prohibits discrimination and harassment of any type and affords equal employment opportunities to employees and applicants without regard to race, color, religion, age, sex (including sexual identity, sexual preference, and pregnancy), national origin or ancestry, genetic make-up, disability status, protected veteran status, equal pay or any other characteristic protected by law. The County conforms to the spirit as well as to the letter of all applicable laws and regulations.

The County believes that all employees have the right to work in an environment free of unlawful discrimination or harassment. The County is committed to provide equal employment opportunity to all employees. As such, it is the County's Rule to recruit, hire, train, promote and compensate individuals, and to administer personnel actions in accordance with applicable laws. The County will not tolerate any unlawful discrimination, harassment or retaliation and any such conduct is prohibited by County employees as further described in the County's Harassment Rule 5.3.4.

#### **2.0**    **RULE**

The Rule of equal employment opportunity and anti-discrimination applies to all aspects of the relationship between Jefferson County Commission and its employees, including:

- Recruitment
- Employment
- Disciplinary actions
- Promotion
- Reassignment
- Training
- Working conditions
- Wage and salary administration
- Employee benefits and application of policies

The County continues to develop a work environment that is built on the premise of equity and inclusion that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Work/life balance through flexible work schedules to accommodate employees' varying needs.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for diversity.

All County employees have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other county-sponsored and participative events. All employees are also required to attend and complete annual equity and inclusion awareness training to enhance their knowledge to fulfill this responsibility.

### **3.0 DISSEMINATION AND IMPLEMENTATION OF RULE**

The Equity & Inclusion Division (EID) facilitates compliance with all policies, including the Equity and Inclusion Rule, the Harassment Rule (5.3.4), related Personnel Board of Jefferson County (PBJC) Rules and Regulations, and federal and state laws.

All County officials, managers and supervisors are responsible for implementing equal employment practices within each department. The EID is responsible for overall compliance and will maintain appropriate records in compliance with applicable laws and regulations.

### **4.0 PROCEDURES**

Violations of this Rule, regardless of whether an actual law has been violated, will not be tolerated. Jefferson County Commission's EID will promptly, thoroughly and fairly investigate every issue that is brought to its attention in this area and will recommend appropriate corrective action as warranted by the outcome of the investigation. Violation of this Rule, as well as the Harassment Rule, may lead to disciplinary action up to and including termination.

Jefferson County Commission is committed to enforcing the Equity and Inclusion Rule by:

- Creating an inclusive culture of top talent that cultivates diverse backgrounds, perspectives, and intellectual contributions.
- Being transparent in communications and inclusive with effective programs and services.
- Posting all required notices regarding employee rights under EEO laws in areas highly visible to employees.
- Advertising for job openings with the statement "*We are an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, age, sex (including sexual identity, sexual preference, and pregnancy), national origin or ancestry, genetic make-up, disability status, protected veteran status, or any other characteristic protected by laws and regulations.*"
- Posting all required job openings with the appropriate state agencies.
- Forbidding retaliation against any individual who files a charge of discrimination, opposes a practice believed to be unlawful discrimination, reports harassment, or assists, testifies or participates in an EEO agency proceeding.

- Requiring employees to report to a member of management, the EID or the County Attorney's Office any apparent discrimination or harassment.
- Promptly notifying the EID of all incidents or reports of discrimination or harassment and taking all appropriate measures to resolve the situation.

## **5.0 PROTECTED COMMUNICATIONS**

County employees have the right to contact their supervisor, department head, the Human Resources Director or the EID at any time to report suspected wrongdoing or mistreatment. No one may *restrict* an employee from contacting the EID or reporting wrongdoing to a supervisor or more senior official. When an employee reports suspected wrongdoing to a supervisor, senior official or the EID, it is recognized as a *protected communication*. Restriction occurs when an employee is *prevented* from contacting the EID, a supervisor or other senior official, in order to complain or make any allegation of wrongdoing. Restriction also occurs when an employee is required to report through the chain of command, *prior* to making a protected communication. Restriction denies an employee the effective use of the EID or access to senior County officials, such as the Human Resources Director and the County Manager.

A *protected communication* is any complaint regarding wrongdoing, violations of rules, law or policy, accusations of fraud, waste and abuse, or other misconduct, made by an employee to the EID, a supervisor, department head or any other County official.

It is the Rule of the County that any employee has the right to contact the EID at any time or complain or point out wrongdoing to any County official at any time (i.e., make a protected communication). However, the employee should first consider (though it is not mandatory) to try and handle complaints at the lowest supervisory level or through normal personnel or chain of command channels.

Information regarding an allegation of discrimination or harassment and the parties involved is kept as confidential as possible and is shared only with those who have a legitimate need to know. This includes those individuals who may be interviewed during informational fact finding or those who may be called upon as witnesses.

## **6.0 INFORMAL RESOLUTION/NON-GRIEVABLE ISSUES AND/OR ACTIONS**

All complaints will be handled in a timely and confidential manner. It is the desire of the County to resolve complaints informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. The complaint and investigative files shall be confidential except where necessary to pursue investigation of the allegations and question necessary witnesses. However, it is recognized that there will be complaints that will be resolved only after a formal complaint and review.

The following are examples of non-grievable issues and/or actions:

- Oral and/or written reprimand or performance appraisal
- Work assignments which are within established job descriptions and qualifications

- Established or revised wage, salaries, position classifications or benefits
- Annual Leave Without Pay (ALWOP) not exceeding five working days (see PBJC Rule 13.20c)
- Requests for discipline of another employee

## **7.0 FORMAL COMPLAINT PROCEDURES**

Any employee who suspects that a violation of this policy has occurred is encouraged to inform the Chief Equity & Inclusion Officer immediately. Other employees not themselves directly experiencing such conduct are also encouraged to report any suspected violations of this Rule to the Chief Equity & Inclusion Officer. Any employee working in a supervisory capacity is required to report any actual or suspected violations of this Rule to the Chief Equity & Inclusion Officer.

Dr. Lisa Burroughs, Chief Equity & Inclusion Officer

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716 Richard Arrington Blvd. North, Suite A600, Birmingham, AL 35203

Hours: Monday – Friday 8:00 AM – 5:00 PM

Employees who believe that they have been subjected to illegal discrimination or workplace harassment based on race, color, religion, age (40 and over), sex (including gender identity, sexual preference and pregnancy), national origin or ancestry, genetic make-up, disability status, protected veteran status, retaliation, pay equity or any other characteristic protected by law, may **file a complaint within 45 days of the alleged harm**. As an exception, there are no filing limitations for Sexual Harassment complaints.

The EID was established to investigate complaints and accusations of wrongdoing against and/or by County employees. When a citizen or an employee makes a complaint, they will be interviewed by an EID representative. The EID may attempt resolution via mediation of the complaint if it is appropriate and both parties are willing. If resolution is not possible, the EID will investigate the complaint. If another employee is named in the complaint in any manner, he/she may be called to an interview. All employees must be completely honest in the interview process and must give complete information as requested. The employee will be advised not to discuss the interview or the case with any other employee. Failure or refusal to honestly give information or divulging information about the interview or case can lead to disciplinary action up to and including termination in accordance to PBJC Rule 12.2.

### **7.1 Action Plans**

The EID has the authority to conciliate complaints and issue Action Plans. The EID will identify and initiate resolutions of any violations of County Rules or regulations through the use of an Action Plan issued to the Department Head. Action Plans are developed to address any issues revealed through a case investigation that require resolution. If there was a violation, EID will consult with the department's appropriate leadership to develop an Action Plan to resolve the violation. The EID and the department will review the terms, make any appropriate modifications and establish a deadline by which the department will fulfill the issued Action Plan. In some instances where there is no violation, EID may identify best practices as a proactive approach to improve a matter that may have been revealed during the investigation. Action Plan examples may include but are not limited to coaching/counseling an

employee, providing specific training in an effort to improve the behavior or performance, creating or revising a departmental policy or process, and holding employees/leadership accountable for their actions. As appropriate, as in cases of holding leadership accountable for their actions, EID will submit Action Plans to the County Manager and/or the County Attorney's Office for review. Failure to adhere to the Action Plan process may result in disciplinary action by the County Manager.

## **7.2 Other Potential Resolutions**

Attempting resolution first through the EID does not limit an employee's ability to proceed further with a complaint. In addition, County employees may pursue resolution of complaints of discrimination through the Equal Employment Opportunity Commission (EEOC). However, allegations addressed in an EEOC complaint for resolution will not be investigated through the EID.

If a resolution is not possible, there is a formal grievance process (Rule 15) and appeal procedure available for full-time classified employees through the PBJC. Terminated merit employees may appeal their termination to the PBJC in accordance with Rule 12.4 – Appeal Procedure.

## **8.0 WITHDRAWAL**

Either complainant or respondent may submit a voluntary complaint resolution or proposal for resolution prior to or during an EID investigation. The complainant may also, at any time, withdraw their complaint by completing a voluntary complaint withdrawal form in EID. EID may have a business responsibility to continue investigating certain types of complaints, even if the complaint is withdrawn and will do so where applicable.