

## Equal Employment Opportunity (EEO)

<b>Objective:</b>	To provide and promote equal opportunity employment opportunities to all individuals, including minorities, women, persons with disabilities, and veterans, and to prohibit discrimination in employment on the basis of classes protected by law.	<b>Policy/Procedure Number:</b>	02-46
<b>Reference:</b> (All applicable federal, state, and local laws)	Title VII of the Civil Rights Act of 1964 (as amended); Equal Pay Act of 1963; Age Discrimination in Employment Act of 1967; Americans with Disabilities Act of 1990 (ADA); Rehabilitation Act of 1973, Sections 501-505; Genetic Information Nondiscrimination Act of 2008; Equal Employment Opportunity Commission; Executive Order 11246, as amended - Equal Employment Opportunity; NYS of Division of Human Rights, NY Human Rights Law; Agreements between the County of Tompkins and Tompkins County Collective Bargaining Units; Civil Service Rules for Tompkins County; New York State Civil Service Law	<b>Effective Date:</b>	May 19, 2020
		<b>Responsible Department:</b>	Human Resources
		<b>Modified Date (s):</b>	
		<b>Resolution No.:</b>	2020-93
		<b>Next Scheduled Review:</b>	May 2025

**Legislative Policy Statement:** Tompkins County is an equal opportunity employer and prohibits discrimination and harassment of any kind. Tompkins County is committed to the principle of equal employment opportunity for all employees and to providing employees with a work environment free of discrimination and harassment. Diversity, inclusion, and an environment free from discrimination are central to the mission of the County.

### General Information:

#### I. Definitions:

**Discrimination** - Any adverse employment action (termination, failure to hire, demotion, transfer, layoff, rates of pay or other forms of compensation, selection for training, failure to promote, etc.) taken on the basis of sex (with or without sexual conduct, and including gender identity, gender expression or transgender status), race, color, religion, national origin, age, disability, genetic information or predisposing genetic characteristic, marital status, familial status, military status, domestic violence victim status, and any other class protected by law.

**Equal Employment Opportunity (EEO)** - A right every job applicant and employee has throughout a hiring process. It refers to the protection job candidates have against discrimination on the basis of their race, religion, sex, national origin or other protected classes, among other qualified characteristics.

**Harassment** - Verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; (iii) subjects an individual to inferior terms, conditions, or privileges of employment; or (iv) otherwise adversely affects an individual's employment opportunities.

**Protected Classes** - A group of individuals possessing some common characteristics who are safeguarded from discrimination in employment on the basis of those characteristics. Protected groups include, but are not limited to race, color, national origin, religion, sex, age, sexual orientation, gender identity, gender expression, veteran status, disability, or any other group protected by law.

**Retaliation** - Any adverse action taken by an individual or employer against an employee or former employee because they exercised their rights under anti-discrimination laws, spoke out or made a complaint in good faith against discrimination or harassment, assisted in the investigation of such a complaint, or assisted someone in exercising their rights.

**II. Policy:**

- A.** Tompkins County will provide and promote equal opportunity employment, compensation, and other terms, conditions, or privileges of employment without unlawful discrimination on the basis of any category protected by law.
- B.** Tompkins County will recruit, employ, retain, promote, and provide equality in pay and benefits to employees as required by law and without regard to any legally prohibited categories in accordance with Federal, State and Local laws. Discrimination is prohibited in any employment practice or action that may have the effect of discrimination against individuals because of their protected class(es).
- C.** Tompkins County will provide equal access to vendors and contractors to all contracting, procurement, and program activities with the County. Additionally, Tompkins County will promote equality in economic opportunity for minority and women business enterprises within the County.
- D.** Tompkins County will provide all persons with equal opportunity to participate in and receive all the benefits, services, programs and activities of the County. Reasonable accommodations will be provided when appropriate to such qualified persons with disabilities as are necessary to provide such equal opportunity to individuals with disabilities, individuals observing religious practices/beliefs, employees who have pregnancy-related conditions, or employees who are victims of domestic violence if it does not result in an undue hardship on the operations of the County.
- E.** While the County recognizes English as the primary language of the workplace and encourages its mastery, it also acknowledges the fact that other languages are both necessary and welcome in providing the best service possible to the residents of our County (*See Administrative Policy 02-45: Limited English Proficiency & Language Assistance*). For employees for whom English is a second language, the County affirms the right to speak another language freely without threat of discrimination or reprisal. It is important, however, that the right to speak a language other than English is not used as a tool to exclude or demean co-workers or the public we serve.
- F.** Tompkins County will commit to maintaining a workplace where unlawful discrimination and harassment are prohibited, and complaints are appropriately investigated. Employees are encouraged to express their complaints or concerns and seek resolution without fear of retribution. Retaliation for reporting or opposing discrimination, or cooperating with an investigation of a discrimination complaint is prohibited. Disciplinary action, up to and including termination, shall be taken against individuals in violation of any provision of this policy.
- G.** Tompkins County will maintain policies on discrimination, harassment, and whistleblower protections, as well as a robust reporting process to address complaints of discrimination or harassment (*See Administrative Policies 11-45: Whistleblower Provisions and False Claims Acts and 02-43: Discrimination and Harassment Prevention*). The County is committed to addressing discrimination and retaliation complaints promptly, consistently and fairly.

H. This policy shall be made available to all individuals on the County website and electronic or hardcopies will be provided upon request. A copy of the Equal Employment Opportunity policy also will be posted conspicuously whenever possible at all County facilities.

### **III. Procedure:**

#### **A. Routine EEO Operations and Practices**

Tompkins County will take the following appropriate neutral steps to maximize the employment opportunities of all qualified individuals:

##### *1. Personnel Practices*

- a. Employment benefits and information will be available for all employees in the Department of Human Resources section of the County website.
- b. Notification that Tompkins County is an Equal Opportunity Employer is stated on examination announcements, employment applications, and in advertising.
- c. Job postings and Civil Service exam announcements will be distributed to all County departments and available on the Tompkins County website.
- d. Tompkins County will engage in an interactive process with any employee or applicant requesting accommodations as defined by Federal or New York State law.

##### *2. Recruiting Opportunities*

- a. Viable contact with protected class recruitment sources will be demonstrated through appropriate outreach and recruitment activities.
- b. All recruiting resources, including New York State employment agencies, educational institutions, and social service agencies will be informed of the County's policies concerning the employment of underrepresented individuals and those identified in protected classes.
- c. The Tompkins County Department of Veterans Services will be a dedicated County resource for assisting veterans and carrying out the County's mission to make our veterans an economic force in education, employment, and business development.
- d. Interns or apprentice programs will be utilized and increase the County's efforts to build a diverse workforce of knowledge, skills, and abilities.

#### **B. Reporting**

1. The Commissioner of Human Resources (and if necessary, in conjunction with the County Compliance Officer) shall monitor and report at a minimum of annually to the County Administrator on how the County is upholding EEO and ADA activities governed by the provisions of Federal law, NYS Civil Service Law, and any applicable collective bargaining agreements.

2. The following governed activities must be reviewed continuously to ensure compliance with the law and to ensure that these activities are free from discrimination or stereotyping of underrepresented individuals:

- Job application procedures;
- Hiring, promotions, upgrading, layoffs, and recalls from layoffs;
- Rates of pay, including fringe benefits;
- Job assignments, job classifications, job descriptions, seniority lists;
- Paid leave benefits; and
- Any other term, condition, or privilege of employment.

**Note:** Employees and applicants are invited to voluntarily identify themselves in terms of race and ethnicity to assist in the evaluation and reporting of the County's efforts relative to Equal Employment Opportunities.

### C. Responsibilities

#### 1. *Employee Responsibilities*

All County employees (including managers and supervisors) have the responsibility to:

- a. Understand and abide by the County's Equal Employment Opportunity Policy and comply with its terms.
- b. Respect the differences of others.
- c. Contribute to a discrimination and harassment-free environment by acting and behaving in an appropriate, respectful, and professional manner.
- d. Immediately report any violations of this policy that they personally observe or have knowledge of.
- e. Cooperate completely in any investigation of violations of this policy.

#### 2. *Department Head/Supervisor Responsibilities*

All Managers and Supervisors have additional responsibility to:

- a. Foster a work environment free of discrimination and harassment.
- b. Eliminate personal biases based on EEO protected classifications from employment decisions and practices.
- c. Ensure employment, performance, or conduct decisions and practices are based on a consistent set of criteria that is applied equally to all employees and not based on non-job-related factors.
- d. Ensure that tradition and stereotypes do not create barriers to advancement of persons historically excluded from middle and upper management positions.

- e. Keep consistent documentation on all employees.
- f. Take each complaint concerning violations of the EEO policy seriously.
- g. Ensure that all employees are aware of this policy and the procedures for communicating a complaint.
- h. Assist in or conduct investigations of potential violations of this policy and take corrective action whenever an investigation results in a finding that this policy has been violated.
- i. Resolve or assist in resolving complaints of alleged discrimination or harassment in accordance with Tompkins County's policy on Discrimination and Harassment Prevention.
- j. Prohibit retaliation against an employee or applicant who has complained of a violation of this policy, or who has participated in an investigation of complaints.
- k. Inform the Department of Human Resources of any issues that impede the attainment of the County's Equal Employment Opportunity goals and initiatives, or any problems that could lead to complaints of discrimination or harassment.

3. *Human Resources Responsibilities*

The Department of Human Resources has the responsibility to:

- a. Provide consultation and/or training, as needed, to Department Heads and Supervisors on how to meet their responsibilities under the County EEO policy.
- b. Build relationships with community partners and organizations for the purpose of recruiting a diverse group of applicants.
- c. Routinely review benefits and compensation, personnel practices and procedures, training and other employment practices to assure that all such practices promote equal employment opportunity.
- d. Review information from exit interviews in an ongoing effort to improve retention and EEO practices and procedures.
- e. Periodically prepare workforce analysis and utilization reports to monitor progress in meeting the County's goal of maintaining a diverse and inclusive workforce.
- f. Ensure that EEO information is current and posted centrally for employees at their work location.