CITY OF GENEVA, ALABAMA

EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PLAN
EEOPP

EEO STATEMENT

The City of Geneva, Alabama (City) recognizes that it is a civil right to seek, obtain and hold employment without discrimination.

Through its Equal Employment Opportunity Policy and Plan (EEOPP) the City affirms its commitment to the principals and foundations of Equal Employment Opportunity (EEO) by ensuring a safe, non-discriminatory workplace and ensuring non-discrimination in all its employment practices.

It shall be the policy of the City of Geneva, Alabama to provide equal employment opportunities to all applicants for employment; current employees, including full-time, part-time, seasonal, contract, temporary, and all volunteers. The City's employment practices such as recruitment, selection, transfers, promotions, demotions, disciplinary action, terminations, compensation, benefits and other terms and conditions of employment will be administered in a manner designed to ensure that applicants and employees are not subjected to discrimination on the basis of age, race, color, sex, sexual orientation, national origin, ancestry, medical condition, disability, marital status, religious or political preferences or any other classification protected by law.

It shall also be the policy of the City of Geneva to provide a safe workplace by having a zero-tolerance policy on workplace harassment, intimidation, violence and retaliatory conduct.

Through its EEOPP, the City has established measures to ensure recruitment, hiring and personnel practices are performed in a nondiscriminatory manner; work environments are free from discrimination, harassment/bulling, sexual harassment and retaliation; a means for reporting violations is available; complaints are taken seriously and are promptly, thoroughly and impartially investigated; corrective actions established and taken; and appeals process available.

This policy is in accordance with State and Federal laws and reaffirms the City's continuing commitment to adhering to Equal Employment Opportunity laws and policies.

PUPROSE:

The purpose of the City's EEOPP is to set forth policies, procedures, and guidelines for the recruitment, employment, management and retention of individuals without bias, prejudice or discrimination, whereby individuals have the equal opportunity to contribute and succeed based on their merit, without regard to age, race, color, sex, sexual orientation, national origin, ancestry, medical condition, disability, marital status, religious or political preferences or any other classification protected by law.

To establish policies, procedures and guidelines strictly prohibiting workplace harassment, intimidation, violence and retaliatory conduct; provide reasonable, comprehensible and accessible

channels for reporting violations; prompt, thorough and impartial investigation of complaints; resolution of complaints; and establish an appeal process.

Through the implantation of this EEOPP, the City of Geneva strives to build and maintain a workforce that reflects the diversity of the community it serves. This EEOPP demonstrates the City's commitment to the principles of fairness, equality, and respect, and outlines strategies for promoting diversity, preventing discrimination, and achieving equitable outcomes in all aspects of employment.

EEO ADMINISTRATOR

Successful implementation of the EEOPP requires a continuous and cooperative effort on the part of the elected officials, department heads and all employees. To streamline the process, the City has designated an EEO Administrator which shall be the City Clerk/Treasurer.

RESPONSIBILITIES:

EEO Administrator:

- Daily administration, maintenance and implementation of the EEOPP
- Periodically review and recommend amendments to the EEOPP
- Answer EEOPP questions
- Ensure the EEOPP is publicly available to all applicants, employees, contractors, and public by providing copies, posting on City websites
- Include EEO wording in solicitations, job announcements, etc.
- Provide required federal and state laws prohibiting employment discrimination to departments for posting
- EEOPP reporting requirements as applicable
- Review, document, and investigate harassment, discrimination, and retaliation complaints, ensuring prompt, thorough, and fair investigation
- Prepare a finding report on complaints with recommend appropriate corrective and remedial actions in accordance with policy and see approved actions are carried out

Department Heads:

- Be familiar with this EEOPP policy
- Recommend EEOPP amendments to the EEO Administrator
- Post required federal and state laws prohibiting employment discrimination in a common area of the department accessible by all employees
- Actively identify and remedy problems within their area of responsibility regarding EEO policies
- Timely investigate, document and resolve allegations of harassment, discrimination, and retaliation, when an employee ask for resolution within the department and submit a copy of the report to the EEO Administrator
- Assist with any investigations as requested exercising confidentiality in a thorough and fair manner

- Ensure all employment decisions, within their scope of responsibility, including development of job knowledge and skill requirements, recruitment, interviews, offers of employment, assignments, training and evaluation, promotions, demotions, transfers, disciplinary action, termination and employee relations are consistent with the City's personnel policies and practices, EEO principles, and federal as well as state law.
- Accurately document and provide any department data necessary for EEOPP reporting requirements

Employees:

- Be familiar with and adhere to requirements of the City's EEOPP
- Treat all individuals and co-workers encountered in the performance of one's duties in a courteous, professional, respectful, fair and equal manner
- Timely report allegations of personal harassment, discrimination, and retaliation, immediately to their department head/EEO Administrator or other official as outlined in section
- Timely report potential incidents of harassment, discrimination, and retaliation, witnessed towards others immediately to their department head/EEO Administrator or other official as outlined in section.
- Cooperate honestly and forthright with any EEOPP investigation as requested
- Keep any details regarding participation in any investigation strictly confidential

Complainant:

- Notify your Department Head or EEO Administrator immediately after the alleged incident(s) of discrimination/ harassment/retaliation occurs
- Clearly state the alleged act(s) in question and any remedy sought
- Provide documentation and names of witnesses
- Meet and cooperate with the investigator and answer all questions honestly and fully
- Keep information confidential during the pendency of the investigation as needed to protect the integrity of the investigation or for other reasons necessary to conduct a fair and thorough review

Respondent:

- Meet and cooperate with the investigator and answer all questions honestly and fully.
- Be forthcoming with information and not be deceitful in any way.
- Keep information confidential during the pendency of the investigation as needed to protect the integrity of the investigation or for other reasons necessary to conduct a fair and thorough review.
- Not retaliate against individuals who participated in, or that are suspected of participating in, the investigation or encourage retaliation from others

City Attorney:

- Review the EEOPP for compliance with State and Federal Law
- Answer and provide guidance and interpretation of the contents of the EEOPP to the Mayor, Council, EEOPP Coordinator, Department Heads, and employees
- Review findings report on completed investigations and recommended corrective actions of complaints prepared by the EEO Administrator for compliance with the EEOPP and State and Federal Law

Mayor:

- Review completed findings report on investigations and recommended corrective actions for complaints prepared by the EEO Administrator and make the final decision on corrective action and appeals.

City Council:

- Review and approve an EEOPP for the City.

ALTERNATE EEO ADMINISTRATOR

In the event the EEO Administrator is the subject of a complaint, the Mayor will appoint someone to temporarily fill the position. This person can be a Department Head or Member of Council.

EMPLOYMENT OPPORTUNITIES AND PRACTICIES

Recruitment/Hiring/Promotions

To ensure that the applicant pool is representative of all segments of the community, job announcements for vacancies at a minimum should be posted in departments, published in the newspaper and on city websites. Job Fairs, community based and professional organizations and employment agencies may be used in recruitment efforts. All job advertisements should identify the City as an equal opportunity employer. The EEO Administrator will continue to search for alternative methods to help publicize vacancies for underutilized groups.

Vacancies should remain posted long enough to allow those interested in the position a reasonable opportunity to apply.

The City has adopted a Manning Document which contains job descriptions which establish minimum qualifications and requirements of a position. Job descriptions should be available to all applicants and employees.

All applications will be accepted during the recruitment process. All applications will be reviewed for meeting minimum qualifications. Applicants not meeting minimum qualifications will not be considered. The City will only use valid job-related content as the basis for applicant screening, testing, and interviewing in the selection of new hires and in promoting employees. All applicants for the same position will be equally screened and tested. When numerous applicants meet the

minimum qualifications of a position, the department may develop a standardized grading scale using points for education, experience, testing scores, etc. to minimize the number of qualified applicants to be interviewed. However, this scale must be uniform and applied uniformly for all applicants meeting minimum qualifications and made available on request. All applicants interviewed will be asked the same questions.

The City will only use valid job-related content in the final selection of a qualified applicant for hire or promotion.

Compensation/Benefits/Training

The City has adopted a Manning Document which outlines job classifications and starting pay rates. The City has adopted a personnel manual outlining benefits available to employees and eligibility requirements to obtain benefits.

Compensation will be determined by classification fairly and equally among like classifications.

These benefits will be available to all eligible employees as defined in the policy.

Training will be made available based on the type training required or needed and beneficial to the department. Only training relating to a job classification or duties of a position as outlined in the job description will be authorized. Departments may develop policies on training relating to requirements, needs, seniority, budget allocations, etc. Training will be made available equally to all positions under department policy.

Disciplinary Action/Termination

The City has adopted a personnel manual that outlines disciplinary action for certain offenses. Disciplinary action for like offenses should be applied consistently. The City's personnel policy outlines a process for appealing disciplinary action. All employees filing an appeal will be treated respectfully and fairly during the process and without fear of retaliation.

HARRASSMENT

The City is committed to providing a safe workplace free from harassment and bullying. Harassing and bulling behavior is disrespectful or unprofessional conduct that is unwelcome, unwanted and unsolicited by the person being harassed or bullied that offends, demeans, humiliates, embarrasses, intimidates, or otherwise causes the person distress. Harassment and bullying may constitute discrimination when based solely or in part on any protected characteristic under EEO policies, however, harassment and bullying violates this policy regardless of whether the applicant or employee actually has the protected characteristic or is merely perceived to have it.
Harassment can be:

- Verbal (such as slurs, jokes, insults, epithets, gestures, or teasing)
- Visual (such as posting or distributing offensive posters, symbols, cartoons, drawings, computer displays, or emails, staring, or leering)

- Physical (such as physically threatening another person, blocking someone's way, or making physical contact in an unwelcome manner)
- Psychological (such as intimidation and threats: Deliberate actions or statements aimed at causing fear an indication to cause harm or coercing an individual and Stalking: Unwanted, repeated attention that causes fear or distress)

Harassment and bulling will not be tolerated by the City.

SEXUAL HARRASSMENT

The City is committed to providing a safe workplace free from sexual harassment. The Equal Employment Opportunity Commission defines "sexual harassment" as unwelcome sexual advances, request for sexual favors, and other verbal and physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating hostile or sexually offensive work environment. (Title 29 Code of Federal Regulations Part 1604.11 (a).)

Sexual harassment may involve individuals of the same or different gender. Sexual Harassment may include a range of subtle and not so subtle behaviors and depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through text and e-mail); and other physical, verbal or visual conduct of a sexual nature. Sex-based harassment — that is, harassment not involving sexual activity or language may also constitute discrimination if it is severe and pervasive and directed at employees because of their sex.

The City has a zero-tolerance policy on sexual harassment.

COMPLAINTS

Any applicant or current employee that feels they have been discriminated against based on age, race, color, sex, sexual orientation, national origin, ancestry, medical condition, disability, marital status, religious or political preferences or any other classification protected by law; harassed or bullied; sexually harassed; or retaliated against under this EEOPP should file a complaint.

It is also the responsibility of any employee to report any activity that may be a violation of the EEOPP they have witnessed.

Complaints must be filed within 180 calendar days of the date of the alleged discriminatory behavior, harassment, or retaliatory action, or the date the individual should have first become aware of a violation.

Within the Department

An employee may wish to seek resolution within the department without fear of retaliation. In this case the employee can discuss the complaint/issue and seek a remedy with the employee's department head. If the complaint/issue is not resolved, or the behavior of the employee's department head is an issue, the employee is encouraged to pursue resolution by filing a formal internal complaint with the EEO Administrator.

Formal Internal Complaint

An employee may not wish to seek resolution within the department and may want to file a formal internal complaint. These complaints will be filed directly with the EEO Administrator without fear of retaliation or violation of breaking the chain of command.

External Agencies

In addition to or in place of the above procedures, employees and applicants have the option of filing a complaint with either, or both, the state and federal external compliance agencies.

The address and phone numbers for each agency are listed below:

Alabama Department of Labor

EEO Officer
649 Monroe Street
Montgomery, Alabama 36131
(334) 956-5835
TTY: Dial 711 for Alabama Relay Center
Fax: (334) 956-5835

United States Equal Employment Opportunity Commission
Mobile District Office

Location
63 South Royal Street
Suite 504
Mobile, AL 36602
Phone
1-800-669-4000
Fax
251-690-2581
TTY
1-800-669-6820

ASL Video Phone
844-234-5122
Online at Website: www.eeoc.gov

CONFIDENTIALITY

Information will be handled as confidentially as possible, but complete confidentiality is not promised or guaranteed. Details of complaints will only be shared with relevant parties involved in the reporting and investigation process. If it becomes necessary to disclose information to City Council it will be done in Executive Session. Interviews, complainants, responders and witnesses will be conducted in a discrete manner and any employee participating in an interview will be required to keep details of the interview confidential as a term of employment.

All copies of documents relating to EEOPP complaints will be kept in a file separate from personnel files and marked confidential.

INVESTIGATION

Once an allegation of discrimination has been filed, and an investigation is initiated with the potential for adverse findings, the Respondent has the right to notification of the nature of the allegations, respond to and rebut the allegations, and provide documents and witnesses to support the Respondent's perspective

When the employee seeks resolution within the department, the department head will promptly, thoroughly, and fairly investigate the complaint. Complaints are to be investigated as discreetly as possible. The department head may seek assistance from the EEO Administrator with the investigation. Upon completion of the investigation the department head will make a report outlining his/her opinion if the complaint is a violation of the EEOPP and corrective/disciplinary action taken to resolve the issue. The department head will submit a copy of the report to the EEO Administrator.

The EEO Administrator will investigate all internal formal complaints, promptly, thoroughly, and fairly. Complaints will be investigated as discreetly as possible. The EEO Administrator will make a report outlining his/her opinion if the complaint is a violation of the EEOPP and recommended corrective/disciplinary action. Upon completion of the investigation the EEO Administrator will submit his/her report to the City Attorney for review and compliance with the City's EEOPP. Upon Attorney review and recommendation/concurrence, the report will be sent to the Mayor for review and concurrence.

If during the course of an investigation it is discovered that employees not named in the complaint may have instigated or participated in behavior that is a violation of the EEOPP, those individuals will also be investigated for corrective/disciplinary action.

RESOLUTION

If the claims are substantiated, the Respondent will be proved with corrective and/or disciplinary action up to termination and advised of the appeals process.

Within the Department

If the employee chooses to seek resolution through the department, the department head will notify the Complainant and Respondent of his/her findings if the allegations are unfounded or substantiated upon completion of an investigation.

If the allegations are substantiated, the Respondent will be proved with corrective and/or disciplinary action up to termination and advised of the appeals process through the personnel manual.

If allegations are substantiated and the Complainant is satisfied with the results, the department head will file a copy of his/her report to the EEO Administrator and the complaint will be considered closed. If the Complainant is not satisfied with the resolution he/she may file an appeal.

If the complaint is unfounded and Complainant is not satisfied he/she may file a formal complaint with the EEO Administrator or outside agency.

Formal Internal Complaint

If a complaint is filed with the EEO Administrator, he/she will notify the Complainant and Respondent of his/her findings if the allegations are unfounded or substantiated upon completion of an investigation.

If the allegations are substantiated, the Respondent will be proved with corrective and/or disciplinary action up to termination and advised of the appeals process through the personnel manual.

If the complaint is unfounded and Complainant is not satisfied he/she will be advised of the appeals process. If the complaint is founded but the Complainant is not satisfied with the resolution he/she will advised of the appeals process.

The accused will be notified if the allegations are unfounded or substantiated. If the claims are substantiated, the offending party will be proved with corrective and/or disciplinary action up to termination and advised of the appeals process.

CORRECTIVE/DISCIPLINARY ACTION

Recommended corrective action may include, informal counseling, training, transfers, apologies, monitoring, etc. Disciplinary action will be in accordance with the City's Personnel Policy Manual.

APPEALS

Appeals to the any disciplinary action by a respondent will be under the appeals process of the City's Personnel Policy Manual.

For complaints that are unfounded, the complainant has seven (7) days from the date of notification to begin the appeals process. The employee should submit a letter requesting an appeal hearing to the Mayor who shall have final decision.

Where complaints are substantiated and the complainant is not satisfied with the corrective action, he/she has seven (7) days from the date of notification to begin the appeals process. The employee should submit a letter requesting an appeal hearing to the Mayor who shall have final decision.

RETALIATION

The City strictly prohibits retaliation against any individual who reports discrimination, harassment/bulling or instances of retaliation; cooperates with an investigation of reported discrimination or harassment; complains about discrimination or harassment; threatens to report discrimination or harassment; refuses to obey a directive the employee reasonably believes is discriminatory; pickets in opposition to discrimination; or requests a reasonable accommodation based on a disability or religious belief.

Accusations of retaliatory behavior will be investigated as a violation of this EEOPP.