

RESOLUTION NO. 87-101

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIDGECREST ADOPTING AN EQUAL
EMPLOYMENT OPPORTUNITY POLICY AND
AFFIRMATIVE ACTION PLAN.

WHEREAS, It is the desire of the City Council to adopt a policy to be fair and equitable in all its relations with its employees and applicants for employment without regard to race, color, religion, creed, sex, age, national origin, ancestry, handicap, or marital status; and

WHEREAS, The City Council of the City of Ridgecrest continues to be committed to the concepts of equal employment opportunity as a necessary element of basic merit system principles and that all persons shall be afforded equal access to positions in public service, limited only by their ability to do the job;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ridgecrest to hereby adopt Policy No. 87-05 entitled "Equal Employment Opportunity Policy and Affirmative Action Plan" attached hereto and marked as Exhibit "A".

APPROVED AND ADOPTED this 7th day of October, 1987, by the following vote:

AYES: Mayor Mower, Councilmembers Wiknich, Condos, and Corlett.

NOES: None.

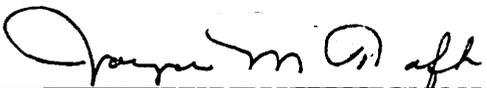
ABSTAIN: None.

ABSENT: Councilmember Bergens.



Michael R. Mower, Mayor

ATTEST:



Joyce M. Taft, City Clerk

CITY OF RIDGECREST

POLICY NO. 87-05

EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PLAN

I. Policy Statement

It is the policy of the City of Ridgecrest to be fair and equitable in all its relations with its employees and applicants for employment without regard to race, color, religion, creed, sex, age, national origin, ancestry, handicap, or marital status.

The Ridgecrest City Council continues to be committed to the concepts of Equal Employment Opportunity as a necessary element of basic merit system principles, and that all persons shall be afforded equal access to positions in the public service, limited only by their ability to do the job. Equal opportunity can best be effected through definitive programmed Affirmative Action. If progress toward achieving equal employment opportunity is to be made, every City citizen and employee must realize that policies to remove inequalities cannot be merely passive. Positive steps must be taken to remove conditions which could result in unlawful employment discrimination.

The major emphasis of this Equal Employment Opportunity and Affirmative Action Plan is to continue to remove artificial employment practices that could operate disadvantageously for an identifiable protected group of persons, and to apply good faith efforts to seek out, employ, train, and promote under-represented protected group members within and into the City work force. The City Council believes that an effective Affirmative Action Plan not only benefits those who could have been denied equal employment opportunity, but also will benefit those City departments, programs and services which could have underutilized useful talents, resources and skills especially among women, minorities, handicapped, and other protected group persons.

The City Council, through adoption of the Equal Employment Opportunity Policy and Affirmative Action Plan commits the City and all its operating departments to a result-oriented personnel program aimed at achieving equal employment opportunity in all occupational levels of the City's service.

II. Objectives

A. To achieve and maintain employment levels for protected group members throughout the classes of positions in the City service in proportion to their availability in the relevant labor force. This will be achieved through targeted recruitments and increased hiring, promotion and training of these protected groups.

B. To prevent arbitrary, unnecessary and artificial practices affecting protected group members by examining personnel transactions and enforcing the use of validated employment practices.

C. To assign responsibility and accountability for Affirmative Action progress. The most crucial parts of policy implementation are at the Department Head and Supervisory levels where decisions affecting hiring, assignment, training, promotion, compensation and disciplinary action are made.

D. To promote harmonious employee relations by providing training regarding City personnel policies and fair employment practices to supervisory employees, increasing employee awareness and acceptance of race/cultural, sex and handicapped differences among employees and prohibiting unlawful harassment of employees in the workplace.

III. Affirmative Action Requirements

The City shall make a good faith effort to recruit and hire minorities and women as vacancies occur by implementing an action-oriented program with goals and timetables designed to eliminate obstacles to equal opportunity for women and minorities in recruitment, hiring, promotion and training. These efforts shall include, but not be limited to:

1. Where an insufficient flow of minority and female applicants (less than the percentage available) is indicated by the appropriate analysis, a good faith effort to increase the flow of minority and female applicants through the development or reaffirmation of an equal employment opportunity policy, and dissemination of that policy internally and externally.
2. Written and personal contacts with minority and women's organizations, community agencies and leaders, news media, and high schools and colleges and employment and training programs to inform them that the City is an Equal Employment Opportunity employer, and encourage the application of minorities, women, handicapped and other protected group members.
3. The Affirmative Action Officer and Personnel Analysts will disseminate employment information, seek and counsel prospects, provide information on the Affirmative Action Plan, and in general assure that every possible contact is made which can be judged to assist the Affirmative Action effort.

IV. Notices

The City will provide appropriate EQUAL EMPLOYMENT OPPORTUNITY and AFFIRMATIVE ACTION Notices to its employees and applicants for employment, through posters and appropriate notices and policy statements.

V. Reports

The City shall keep on file for a period for three years, or for the period during which the relevant federal financial assistance is made

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available, whichever is longer, the necessary reports, records and affirmative action plans, if applicable, which will enable the Office of Civil Rights to determine if there has been compliance with this policy and with the requirements of Federal law.

The City shall annually prepare a statistical report on form EEO-4 of the Equal Employment Opportunity Commission, or any superseding EEO Form.

VI. Appendixes

Appendix I - Definitions

As used in this policy:

AFFECTED CLASS -- Member of an applicant group who, by virtue of past discrimination, continue to suffer the present effects of that discrimination (race, religion, color, creed, national origin, age, handicap, and sex).

AFFIRMATIVE ACTION -- A set of specific and result oriented procedures, allied with commitment and good faith, designed to enlarge the opportunity for selection of candidates for hiring and upgrading to include members of the minority community and women. AFFIRMATIVE ACTION is a kind of "roadmap" to achieve the goal of Equal Employment Opportunity.

EQUAL EMPLOYMENT OPPORTUNITY -- A condition under which all employment practices including selection, transfer, promotion, termination, compensation, and other benefits are implemented on the basis of valid, job-related requirements without regard to race, creed, national origin, color, religion, age, physical handicap or sex.

JOB RELATED QUALIFICATIONS -- Requirements that are realistically related to the actual duties of the job. These requirements consist of the actual knowledge and skill required to perform those duties determined by a thorough job analysis.

SAMPLE HARASSMENT IN EMPLOYMENT POLICY¹

PURPOSE:

To define and issue to all employees the Agency's policy on the prohibition of harassment in employment.

POLICY:

Harassment of an applicant or employee by a supervisor, management employee or co-worker on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age will not be tolerated.

Disciplinary action up to and including termination will be instituted for behavior described in the following definition of harassment.

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DEFINITION:

Harassment includes, but is not limited to:

- (1) Verbal Harassment - For example, epithets, derogatory comments or slurs on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
- (2) Physical Harassment - For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
- (3) Visual Forms of Harassment - For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical conditions, marital status, sex or age.
- (4) Sexual Favors - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonable interferes with an individual's work performance or creates an offensive work environment.

1/ This policy should be modified, where necessary, to fit the structure and needs of the agency.

PRE-GRIEVANCE PROCESS:

An employee who has been harassed on the job should inform the employer, its agents or supervisors of the aggrivement. To accommodate the unique nature of harassment complaints, a pre-grievance process is provided for the primary purpose of resolution of a complaint at the earliest possible date. Elements of this process are:

Complaint Advisors - The agency's Personnel Office will be available to receive harassment complaints. Function of these counselors will include but not be limited to:

1. Counsel the employee and outline the options available.
2. Obtain a factual written statement of the complaint for the affected department head.

3. Assist in follow-up investigation, interview accused, witnesses and supervisors as appropriate, and recommend disposition of the complaint.

Department Head and/or Personnel Officers - Authorizes investigation of the complaint, reviews factual information collected to determine whether the alleged conduct constitutes harassment, giving consideration to the record as a whole and the totality of circumstances, including the nature of the verbal, physical, visual or sexual favor aspect of the advance and the context in which the alleged incidents occurred. Takes and/or authorizes appropriate action.

Confidentiality - Effort will be made to protect the privacy of parties involved in a complaint. Files pertaining to complaints handled under the pre-grievance process will not be made available to the general public.

FORMAL GRIEVANCE PROCESS:

Formal grievance procedures of the Agency are available for resolution of complaints alleging harassment if the complaint is not adjusted to the satisfaction of the employee in the pre-grievance process.

Extension of Time Requirements - Time limits specified in the formal grievance procedures may be extended if pre-grievance procedures for harassment complaint were initiated within the applicable time limits for filing a formal complaint. In these instances, if the complaint is not adjusted to the satisfaction of the employee, the time limits for filing a formal grievance should begin as of the date of notification of action taken by the Department Head.

If the employee did not initiate pre-grievance procedures within the time limits of the applicable formal grievance procedure, the Agency's Personnel Officer may recommend extension of the filing deadline for a formal complaint. It should be reemphasized that the Agency wishes to know of any complaint alleging harassment as soon as possible after it occurs.

Waiver of Informal Step - Preliminary informal steps to resolve a grievance may, depending on circumstances of the complaint, be waived and the formal grievance initiated at an appropriate higher step in the process.

Dissemination of Policy - All employees, supervisors and managers shall be sent copies of this Policy and this Policy shall be posted in appropriate places.

PLEASE NOTE: Harassment as defined above, violated Title VII of the Civil Rights Act of 1964, the California Government Code, and regulatory guidelines of the Equal Employment Opportunity Commission, and the California Fair Employment and Housing Commission.

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Violation of this policy shall generally constitute just and reasonable cause for discipline, up to including termination.

AYES: Mayor Mower, Councilmembers Wiknich, Condos and Corlett.
NOES: None.
ABSTAIN: None.
ABSENT: Councilmember Bergens.


Damon B. Edwards, City Administrator