



Audit Finance

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ADDENDUM #1

Addendum Issue Date: 05/18/23
Occupational Health Services
Bid # 023-23

Question

Page 13, Statement 3 requires submission of an affirmative action program. Is this a requirement for this contract? IF so, could you provide an example of what is acceptable to meet requirements? Thank you very much

Answer

A written affirmative action plan is a requirement for the RFP according to 13.3. Our document can be used as an example.

RESOLUTION NO. 96-36

A RESOLUTION ADOPTING THE COUNTY'S EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN.

WHEREAS, the Board of County Commissioners of the County of Shawnee, Kansas is committed to assuring equal opportunities for every citizen, regardless of race, sex, age, religion, color, national origin, ancestry, veteran status or disability, creed, and physical or mental disability—which is unrelated to the ability to perform a particular job or occupation, in all personnel actions and procedures including, but not limited to, recruitment, hiring, termination, training, transfer, promotion, compensation and other benefits in any field of work or labor for which that person is equally qualified; and

WHEREAS, the Board of County Commissioners of Shawnee County, Kansas is committed to conform to Title VII, Equal Employment Opportunity of the Civil Rights Act of 1964, and amendments thereto; the Equal Pay Act of 1963, and amendments thereto; the Age Discrimination in Employment Act of 1967 (ADEA) and amendments thereto; the Rehabilitation Act of 1973, and amendments thereto; the Americans With Disabilities Act of 1990, and amendments thereto, and the Civil Rights Act of 1991, and amendments thereto; and,

WHEREAS, the Board of County Commissioners of the County of Shawnee, Kansas is committed to complying with all Kansas laws pertaining to equal employment opportunity;

NOW THEREFORE, BE IT RESOLVED by The Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session on this 15th day of February, 1996, as follows:

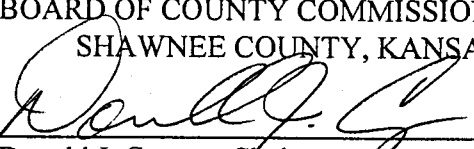
1. The Equal Employment Opportunity and Affirmative Action Plan of Shawnee County, Kansas, attached as "Exhibit A," is hereby adopted.

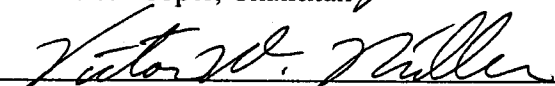
2. To the extent that this policy changes the existing equal employment opportunity policy or affirmative action plan, the instant policy will prevail and the former policies shall be rescinded.

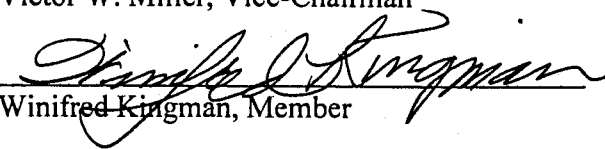
3. Shawnee County Resolution No. 89-71 is hereby rescinded.

4. This Equal Employment Opportunity and Affirmative Action Plan does not intend to unilaterally change the terms and conditions of employment negotiated with the several labor unions representing County employees. Therefore, if any of the terms of this Plan are in conflict with the terms and conditions of employment in any of the collective bargaining agreements between the Board of County Commissioners of Shawnee County and any of the unions representing its employees, the terms of the collective bargaining agreement will prevail over the terms of this policy as to the employees covered by that agreement.

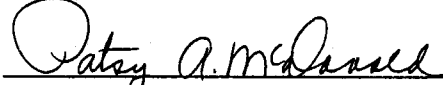
BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS


Donald J. Cooper, Chairman


Victor W. Miller, Vice-Chairman


Winifred Kingman, Member

ATTEST:


Patsy A. McDonald, County Clerk

Approved as to Legality

and Form: Date 2-12-96

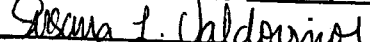

SHAWNEE CO. COUNSELOR

EXHIBIT "A"

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN OF SHAWNEE COUNTY, KANSAS

I. POLICY STATEMENT

It is the policy of Shawnee County, Kansas to take affirmative action to assure equal opportunities in employment to individuals regardless of race, sex, age, religion, color, creed, veteran status, physical or mental disability—which is unrelated to the ability to perform a particular job or occupation—national origin or ancestry, in all personnel actions and procedures including, but not limited to, recruitment, hiring, termination, training, transfer, promotion, compensation and other benefits in any field of work or labor for which that person is equally qualified.

It is the policy of Shawnee County to conform to Title VII, Equal Employment Opportunity of the Civil Rights Act of 1964, and amendments thereto; the Equal Pay Act of 1963, and amendments thereto; the Age Discrimination in Employment Act of 1967 (ADEA) and amendments thereto; the Rehabilitation Act of 1973, and amendments thereto; the Americans With Disabilities Act of 1990, and amendments thereto, and the Civil Rights Act of 1991, and amendments thereto. It is also the policy of Shawnee County to comply with all Kansas laws pertaining to equal employment opportunity.

Shawnee County will reserve the right to exempt positions from this Affirmative Action Plan where it is determined that the appointment thereto is of a confidential or policy determining character.

Housing. It is the policy of Shawnee County that no person shall, on the ground of race, sex, religion, age, color, creed, veteran status, mental or physical disability, national origin or ancestry be excluded for participation in, be denied the benefits of, or be subjected to discrimination in the sale and disposition of any property presently owned by the County or hereafter acquired by the County.

Contracts and Job Contracts. All contracts for purchasing materials, supplies, equipment, or for the construction, reconstruction or repair of any County building, facility or public improvement entered into by the County and authorized by resolution shall provide a statement of non-discrimination.

It is the policy of Shawnee County that all contracts entered into by the Board of County Commissioners shall include a statement that the contractor will not discriminate against

any employee or applicant for employment because of race, sex, age, religion, color, national origin, veteran status or disability.

It is the policy of Shawnee County not to exclude any contractor or subcontractor who meets bonding and insurance requirements as specified by local, state and federal regulations on the basis of race, sex, age, religion, national origin or ancestry, veteran status or disability.

Definition. The Equal Employment Opportunity and Affirmative Action Plan is a positive plan designed to insure that a good faith effort will be made to employ applicants and to treat employees equally without regard to race, religion, age, creed, color, sex, veteran status, physical or mental disability—which is unrelated to the ability to perform a particular job or occupation—national origin or ancestry. It is also a plan designed to assure equal opportunity in training, contracting and subcontracting by the County.

General Objectives

- (1) To intensify efforts to recruit minorities and women applicants for every level of responsibility;
- (2) To develop in-house training programs to qualify individuals for beginning level positions or for their advancement to higher positions;
- (3) To develop procedures for monitoring the application flow, final hiring and disposition of minorities and women.

Policy Dissemination. The Plan shall be featured in local newspapers, especially minority newspapers. Bulletins shall be published and be available to citizens, and to organizations, agencies and businesses that are affected by this Equal Employment Opportunity and Affirmative Action Plan.

II. EQUAL EMPLOYMENT AND AFFIRMATIVE ACTION PLAN IMPLEMENTATION

The Board of County Commissioners has overall responsibility for the Plan. The Board of County Commissioners or its designee will review this Plan for performance on an annual basis. All elected officials, administrative personnel and department heads will be responsible for carrying out all aspects of the Equal Employment and Affirmative Action Plan within their division or department. The Human Resources Department and the EEO Officer of the County Counselor's Office shall be responsible for development of recruitment and training programs to include employment goals for each County department.

Duties of the Equal Employment Opportunity Officer

The Equal Employment Opportunity Officer of the County Counselor's Office shall coordinate the County's efforts to implement its Equal Employment and Affirmative Action Plan. The EEO Officer's responsibilities include, but are not limited to:

- (1) Insuring that County policies regarding equal employment and affirmative action are communicated at all levels within the County organization.
- (2) Conducting periodic departmental reviews to determine compliance with the County's Equal Employment Opportunity and Affirmative Action Plan.
- (3) Identifying County problem areas and establishing programs to aid in problem solving.
- (4) Monitoring the County Equal Employment and Affirmative Action Plan for adherence and progress.
- (5) Preparing all state and federal government reports required for compliance with Equal Employment and Affirmative Action Laws.
- (6) Reporting to the Board of County Commissioners the results obtained from the County's application of the Equal Employment and Affirmative Action Plan, problems encountered, resistance or failure to implement the policy of the County, and recommend remedies.
- (7) Serving as a consultant to the Board of County Commissioners, the Human Resources Director, elected officials and department heads in the development of recruitment programs, selection procedures, training programs and any other personnel functions necessary to implement the County's Equal Employment and Affirmative Action Plan.

III. EMPLOYMENT PRACTICES

- (1) Objective. The objective of this section of the Equal Employment and Affirmative Action Plan is to approximate the County's employment force, at all levels, with the demographic composition of Shawnee County as a whole.
- (2) Internal Dissemination Policy.
 - (a) Current written statements of the County's equal employment policy will be distributed by the EEO Officer to all elected officials, department heads, training personnel and other employees in a position to implement this policy.

(b) The EEO Officer will meet with department heads, training personnel and other employees to explain the County's policy of non-discrimination and their individual responsibilities pertaining to that policy.

(c) The name, department, position and office phone number, as well as the responsibilities of the EEO Officer will be distributed in writing by the Board of County Commissioners to all of its employees.

(d) The name, department position, and office phone number and responsibilities of the EEO Officer will be posted in conspicuous places in the courthouse and all other County employment sites.

(3) Present goals (based on the Affirmative Action Report conducted by the Kansas Department of Human Resources in July, 1994):

(a) Maintain the level of participation of racial minorities in the County's work-force at a level commensurate with the Civilian Labor Force of the Topeka Metro area (attached).¹

(b) Maintain the present level of participation of women in the County's work-force at a level commensurate with the Civilian Labor Force of the Topeka Metro area. [See (a), above].

(c) Complete the racial inventory of the county employees by August 15, 1996, and compare ethnic totals with the 1990 census data information.

(d) Complete the racial inventory of County employees by August 15, 1996, which will designate personnel by category, according to the categories used nationwide, as described by form EEO-4.²

(e) Develop job descriptions for every position in the County work-force by August 15, 1996.

(f) Investigate and develop plans for solving special hiring and recruiting problems.

¹ A report compiled and published by the Kansas Department of Human Resources and Labor Market Information services. This report is intended to assist employers in the development of affirmative action plans and its data are based on 1990 census information.

² See Section IV, below, at page 8

Recruitment Practices

- (1) Objective. To recruit employees without regard to race, sex, age, religion, color, creed, veteran status, national origin or ancestry, or mental or physical disability—except where a bona fide occupational qualification applies.
- (2) Dissemination. The County will distribute its written non-discrimination statement to all recruiting sources. These sources include among others: Local trade schools, college, and private and state employment agencies within Shawnee County, Kansas.
- (3) Advertisements. All advertising for recruiting purchased by Shawnee County shall include a notification that the County is an equal opportunity employer.
- (4) Posting. The County will post notifications that Shawnee County is an Equal Opportunity Employer in conspicuous places in the courthouse and all other County employment sites.
- (5) Referral Resources. The EEO Officer shall keep a list of minority and women's organizations in Shawnee County, Kansas that are available to tap sources of qualified minority and female applicants. When there is an inadequate number of qualified women or minorities on file for a particular job opening, the EEO Officer will notify such organizations. This list will be updated annually by the EEO Officer.

Application Forms

Application forms shall be non-discriminatory in content and in intent. They will not be used for any discriminatory purpose.

Hiring

- (1) The County will hire employees solely on the basis of each applicant's qualifications, abilities and potential.
- (2) The EEO Officer will review the policy of non-discriminatory hiring with all persons responsible for hiring.
- (3) All persons responsible for making recommendations for hiring and persons responsible for hiring shall insure that qualified minorities and women have the opportunity to be employed at all levels within the County.

Tests

Any pre-employment tests which the County administers will be non-discriminatory and job related in nature and in content.

Rates of Pay, Other Compensation and Benefits

The County assures that rates of pay and other forms of compensation and all benefits will be administered in a non-discriminatory manner as provided by the Equal Pay Act.

Training

All of the County's training and educational programs will be conducted on a non-discriminatory basis. Developers of any such programs will insure all qualifiable employees of an equal opportunity to participate.

Promotions, Transfers and Reclassifications

- (1) Each department of the County will promote, advance and upgrade employees on the basis of the individual's performance, achievements, ability, potential and seniority/longevity.
- (2) In job categories where minorities and females are underutilized, persons in charge of promotions, advancements and upgradings will be certain to consider minorities and females on an equal basis.
- (3) The County assures that in any type of incentive upgrading there will be no discrimination.
- (4) All promotions, advancements and upgrading of employees will be reported to the EEO Officer. These records will be incorporated into the annual Employee Work-Force Analysis.

Discipline And Termination

- (1) The County assures that employees will not be terminated for reasons relating to race, sex, age, religion, color, national origin or ancestry, veteran status, or disability.
- (2) All disciplinary actions and separations from employment will be reported to the EEO Officer. These records shall be incorporated into the annual Employee Work-Force Analysis.

Audit Procedures

(1) The EEO Officer shall prepare an annual equal employment and affirmative action report, including all personnel within each department. This report will indicate numbers of persons employed, position of employment, including EEO category, date of employment, race, sex and age.

(2) A position interview record shall be completed by any hiring authority interviewing applicants for positions of employment indicating race, sex, source of recruitment and, if not hired, reasons for failure to employ. These records are to be maintained in the Human Resources Department.

(3) The EEO Officer shall compile and maintain an on-going report of new employees, transfers, promotions, and terminations indicating the personnel who have resigned, retired, were fired or released by reduction of work force; noting the race, sex, date of birth, and position of employment or position change. The report shall include all personnel of the County and should include a statistical summary of new employees, transfers, promotions and terminations by race, age, and sex. This report is to be maintained by the EEO Officer in the County Counselor's Office. It will be made available in part or in its totality to the State or Federal authorities authorized by law to require it.

Complaints of Discrimination

(1) **INFORMAL RESOLUTION** of a problem: It is the policy of the County to give individual employees an opportunity to discuss with supervision grievances or complaints involving alleged discrimination, in order to find mutually satisfactory solutions as rapidly as possible.

A grievance or complaint must be taken to the supervisor having control over the problem within five (5) work days following knowledge of the problem. If possible, the grievance shall be settled at that level through discussions with the involved parties. If discussions do not resolve the issue, the matter shall be reduced to writing by the employee or the employee's representative within three (3) work days following completion of discussions, and submitted to the next higher level supervisor or department head within this three- (3-) day time frame.

(2) **STEP ONE:** The supervisor or department head upon receiving a formal grievance shall review all of the pertinent facts and render a written response within three (3) work days. The employee shall have up to three (3) work days following receipt of the supervisor's or department head's response to either accept the answer or refer the matter to the next step;

(3) **STEP TWO:** [Skip to Step Three if department head was involved in Step One]. In the event Step One does not resolve the matter, and the department head was not

involved in Step One, the employee may forward the matter to the department head, who shall investigate the matter and render his/her decision within five (5) work days following receipt of the grievance. The employee shall have up to three (3) work days following receipt of the department head's decision to either accept the answer or refer the matter to the next step;

(4) **STEP THREE:** In the event Step Two does not resolve the problem, the employee may forward the matter to the Human Resources Director, who shall review and attempt to conciliate the matter. If conciliation by the Human Resources Director does not settle the issue, the Human Resources Director shall render a written opinion in the matter no later than ten (10) work days following receipt of the grievance.

Following receipt of the Human Resources Director's recommendation in the matter, both the department head and the employee shall have up to five (5) work days to either accept the recommendation, request further discussion of the matter, or issue a notice of intent to use an outside mediator. Such notice shall be sent to the Human Resources Director, who shall proceed to make appropriate arrangements for selecting a mediator and the mediator shall set the mediation session on the earliest possible date.

The mediator shall be selected from a pool of volunteer mediators from the community.

IV. DESCRIPTION OF JOB CATEGORIES

Although not all of the following position categories may be found in the County, these categories are consistent with the Equal Employment Opportunity Commission and therefore will be used here for the sake of harmony with equal employment literature, laws and regulations.

(1) **Officials and Administrators.** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, examiners, wardens, superintendents, sheriffs, police and fire chiefs, and inspectors and kindred workers.

- (2) **Professionals**. Occupations which require specialized and theoretical knowledge which is usually acquired through college training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, system analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers, or instructors, police and fire captains, lieutenants, and kindred workers.
- (3) **Technicians**. Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: Computer programmers and operators, drafters, surveyors, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), assessors, inspectors, police and fire sergeants, and kindred workers.
- (4) **Protective Service Workers**. Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, and kindred workers.
- (5) **Paraprofessionals**. Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included: library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare aides, service aides, recreation assistants, homemaker aides, home health aides, and kindred workers.
- (6) **Office and Clerical**. Occupations in which workers are responsible for internal and external communication, recording and retrieval of data or information, and other paperwork required in an office. Includes bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, and kindred workers.
- (7) **Skilled Craft Workers**. Occupations in which workers perform jobs which require special manual skills, and a thorough and comprehensive knowledge of the process involved in the work, which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors, typesetters, and kindred workers.
- (8) **Service-Maintenance**. Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene, or safety of the general

public, or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners, groundskeepers, refuse collectors, and construction laborers.

V. GLOSSARY OF TERMS

Some of the terms below may not appear in the text of this Plan. However, this section has listed them because they are commonly used in other EEO matters. Therefore, this section may serve as a reference guide.

Accessibility: The degree to which a program or architectural structure is available to the independent use of disabled persons.

Adaptive Device: Any tool or implement which facilitates greater efficiency by a disabled person in the performance of duties.

Affected Group: Any group of persons in the population who suffer the effects of past or present discrimination as ascertained through court decision or analytical determination.

Affirmative Action: Any activity or activities initiated by an employer which attempt to overcome underutilization of a protected group.

Assistive Device: *See* Adaptive Device, above.

Attendant: Any person who assists a disabled person in the performance of one or more of that person's major life activities.

Attitudinal Barrier: Any frame of mind which impedes the realization of a disabled person's full potential.

Availability Standard: A percentage figure depicting a protected group's availability for employment.

Barrier: Any obstacle to the realization of a person's full potential.

BFOQ: Bona Fide Occupational Qualification (BFOQ or BOQ). Any prerequisite which has been demonstrated valid as a qualification for employment.

Bona Fide Occupational Qualification: *See* BFOQ, above.

BOQ: *See* BFOQ, above.

Burden of Proof: The responsibility for demonstrating the truth of a claim.

Business Necessity: Any criterion which is *valid and necessary* in the operation of an employing agency.

Career Ladder: Any series of related job positions which increases in responsibility and status.

Civilian Labor Force: Persons classified as employed or unemployed in accordance with specific criteria established by the Bureau of Census.

Community Outreach: Activities designed to contact appropriate community groups and persons for the purpose of recruitment.

Compliance: Adherence to laws, court decisions, regulations, executive orders and other legal mandates governing affirmative action and equal employment opportunity.

Disabled Person: Any person who has a physical or mental impairment which substantially limits one or more of that person's major life activities, or one who has a record of such impairment or is regarded as having such an impairment.

Disability: Any sensorial, developmental or physical limitation, actual or presumed by others, which significantly impedes a major life activity.

Disadvantaged: A descriptive term referring to those individuals whose access to the benefits of society is severely restricted.

Discrimination: The effect of policies, procedures, attitudes and practices which deny equal opportunities to certain groups or individuals.

EEOC: Equal Employment Opportunity Commission.

Employment Parity: The point at which a protected group is represented in a work force at a rate equivalent to the group's availability for employment. This term addresses the entire work force, without delineating specific categories and is, therefore, a general measure.

Equal Employment Opportunity: The condition whereby all employment processes and circumstances operate to afford an equitable opportunity to all individuals, irrespective of non-merit principles such as race, color, sex, religion, national origin, ancestry, age and disability status (except when any of these factors *are* an existing bona fide occupational qualification).

Full-time Employee: Any employee working in a position in the County which requires forty (40) or more hours of work per week.

GED: See General Education Development, below.

General Education Development: A certificate which is recognized by the Kansas Department of Education as being equivalent to a high school diploma.

Goal: A projected estimate which will assist in overcoming underutilization and which an employer can reasonably expect to achieve within a given timetable.

Handicap: See Disability, above.

Harassment: Any statement, remark, or action which unfairly affects or addresses another person or group of persons.

Hearing Impairment: An aural dysfunction which significantly limits a major life activity.

Impairment: See Disability, above.

Labor Force: All persons classified in the civilian labor force plus members of the Armed Forces.

Learning Impairment: Any intellectual or cognitive limitation which significantly impedes a major life activity. Also known as Learning Disability.

Major Life Activity: Any biological, psychological, social, cognitive, developmental or educational process(es) which significantly contribute to a person's full potential and worth.

Objective: A statement of a program analysis goal which is to be accomplished through related action items.

Occupational Category: Any of eight (8) categories designated by the Federal Equal Employment Opportunity Commission, i.e., Officials/Administrators; Professionals; Technicians; Protective Services; Paraprofessionals; Office/Clerical; Skilled Crafts; and, Service-Maintenance.

Occupational Parity: The status in which a protected group's members are employed at a point which is equivalent to the availability standard for such persons in an occupational category.

OCR: Office for Civil Rights.

Part-Time Position: Any position of continuous employment which requires fewer than forty (40) hours of work per week and which affects the position limitation of an agency.

Permanent Authorized Position: Any classified full-time or part-time position which is included in an agency's position limitation; or any unclassified full-time or part-time position which is included in an agency's position limitation, except those unclassified positions specifically exempted by the appointing authority.

Physical Impairment: Any limitation of the trunk, head, limbs, central nervous system or glands which significantly impedes a major life activity.

Prima Facie: Unrebutted evidence which establishes a claim.

Probable Cause: A basis for legal action which is reasonable in light of the evidence, but not certain or proven (such legal action is usually resolved through pre-trial negotiation and conciliation).

Protected Group: Any legally recognized group that is specifically protected by statute from discrimination.

Qualifiable Disabled Person: A disabled person who would reasonably be expected to adequately perform a job after appropriate training.

Qualified Disabled Person: A disabled person possessing the requisite knowledge, skill, ability and education to perform the essential duties of a job.

Quota: Any fixed number or percentage of protected group of persons who are to be afforded preferential treatment in employment transactions without regard to such persons' qualifications (quotas can only be imposed through court decrees and Acts of Congress).

Reasonable Accommodation: Any modification made by an employer which increases the independence and efficiency of disabled persons through the elimination of barriers to employment.

Record of Impairment: Any legitimate record of a person's mental, sensorial, cognitive or physical disability, regardless of validity.

Relevant Area: The city or other geographical unit(s) comprising the primary recruitment area of an agency or organizational unit. In our case, Shawnee County.

Reliability: The extent to which an experiment, test, or measuring procedure, yields the same results on repeated trials.

Separation: Severance of an employment relationship (the action to separate from employment may be accomplished by the employer, the employee, or both).

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; or (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 or creating an intimidating, hostile, or offensive working environment.

Speech Impairment: A vocal dysfunction which significantly impedes a major life activity.

Substantially Limiting Condition: Any condition which impedes one or more major life activities. Major life activities include: communication, transportation, education, self-care, employment.

Substantially Limited: See Substantially Limiting Condition, above.

Underutilization: A lower representation of a group of persons in an occupational category's work force than would be expected by the group's availability for employment.

Upward Mobility: A system for training, educating or, otherwise preparing employees for more responsible, higher paying positions of employment.

Validity: The extent to which an instrument actually addresses those criteria it was designed to address.

Visual Impairment: An impairment to the visual system which significantly impedes a major life activity.

Work Environment: The social, physical, and psychological surroundings in which an employee works.

Work Force: The total of all permanent authorized positions within an agency. Such positions in the classified service include *only* permanent full-time and permanent part-time positions. Such positions in the unclassified service consist only of permanent full-time and permanent part-time positions, excluding those specifically exempted by the appointing authority.

VI. RACE CLASSIFICATIONS

White (not of Hispanic origin)

Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black (not of Hispanic origin)

Persons having origins in any of the black racial groups of Africa.

Hispanic (Spanish Surnamed Americans - SSA)

Persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

**American Indian/
Alaskan Native**

Persons having origins in the original people of North America and who maintain cultural identification through tribal affiliation or community recognition.

**Asian or
Pacific Islanders**

Persons having origins in any of the original peoples of the Far East, Southeast Asia, the subcontinent of India, or the Pacific Islands. This area includes China, Japan, Korea, the Philippines and Samoa.

13.3 EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION POLICY.

It is the policy of Shawnee County to take affirmative action to assure equal opportunities in employment to individuals regardless of race, sex, age, religion, color, creed, veteran status, physical or mental disability—which is unrelated to the ability to perform a particular job or occupation—national origin or ancestry, in all personnel actions and procedures including, but not limited to, recruitment, hiring, termination, training, transfer, promotion, compensation and other benefits in any field of work or labor for which that person is equally qualified.

It is the policy of Shawnee County to conform to Title VII, Equal Employment Opportunity of the Civil Rights Act of 1964, and amendments thereto; the Equal Pay Act of 1963, and amendments thereto; the Age Discrimination in Employment Act of 1967 (ADEA) amendments thereto; The Rehabilitation Act of 1973, and amendments thereto; the Americans With Disabilities Act of 1990, and amendments thereto, and the Civil Rights Act of 1991, and amendments thereto. It is also the policy of Shawnee County to comply with all Kansas laws pertaining to equal employment opportunity.

The basic EEO/Affirmative Action Policy was adopted by Shawnee County Home Rule Resolution No. 96-36, February 15, 1996. This Policy, as well as the required periodic updates to the plan, is to be posted in all Shawnee County offices so it is accessible to all employees. For this reason and to minimize changes to this Policy manual, the entire resolution, policy statement, and updates to the plan are not incorporated into this document. For additional information about the EEO plan, contact the EEO Officer in the County Counselor's office.

13.4 SEXUAL ORIENTATION.

The sexual orientation of any person shall not be a factor in the recruitment, hiring, training, transfer, promotion and termination and other forms of discipline. Any person that has a complaint relating to sexual orientation in the factors above shall use the complaint resolution process detailed in the section below.

13.5 COMPLAINT REPORTING AND INVESTIGATION.

Shawnee County is committed to diligently enforcing its harassment/discrimination policy by promptly and impartially investigating all complaints. When harassment or discrimination is discovered, Shawnee County shall take appropriate disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- A. Decide if the behavior alleged in the complaint took place and constitutes harassment/discrimination that violates federal and/or state law and County Policy; or constitutes harassment/discrimination in the form of inappropriate or offensive behavior that violates County Policy.
- B. Stop the offending behavior.
- C. Restore the complainant's working environment.
- D. Take steps to prevent retaliation and repetition of the harassment.

- E. Educate, sanction or discipline the harasser/discriminator consistent with the seriousness of the offense.

13.6 REPORTING AND INVESTIGATION PROCEDURES.

The following procedures are to be used for reporting and investigating harassment/discrimination complaints:

- A. Any employee who feels victimized by harassment/discrimination should report, verbally or in writing, the harassment/discrimination to his/her supervisor immediately. If the employee's immediate supervisor is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint, in writing, to the department head, Human Resources, or the County Counselor's office.
- B. Any supervisor or department head that learns of, or receives a complaint of harassment/discrimination is obligated to report it to Human Resources and the County Counselor's office.
- C. If the complaint alleges harassment/discrimination, Shawnee County will conduct a prompt and impartial investigation.
- D. Management, upon being informed about a harassment/discrimination complaint, shall take immediate and appropriate action to ensure any inappropriate behavior is not repeated during the investigation.
- E. The investigation shall be conducted by the Director of Human Resources or designee. The Director of Human Resources or designee may refer the investigation to the County Counselor's office and/or a qualified independent investigator.
- F. The investigation may include, but is not limited to, obtaining all factual evidence, conducting interviews and obtaining witness statements, determining whether a reasonable basis exists for the allegations of harassment, determining if there has been a violation of federal or state law and/or Shawnee County Policy, and affording the accused the opportunity to respond verbally or in writing to the allegations. The investigation should include a written report, if determined necessary by the County Counselor's office. If harassment is found to have occurred, recommendations for remedial action shall be made.
- G. The investigation should be conducted carefully and discreetly to protect all employees questioned and all information gathered. Confidentiality during an investigation is not guaranteed, but the investigator, to the extent possible, shall conduct the investigation to protect the privacy of those involved and relate facts only on a need-to-know basis. Every effort shall be made to conduct the investigation promptly so as to respect the rights of all individuals involved.
- H. Upon completion of the investigation and based upon the findings of the investigation and the conclusions of the investigator, Human Resources or designee shall promptly relay the results of the investigation to the accused and the complainant.

- I. If the investigation finds that harassment/discrimination has occurred, Shawnee County shall take appropriate corrective disciplinary action, which may include but not be limited to: verbal reprimand, written reprimand, suspension and/or termination. Shawnee County is obligated and shall take all steps necessary to effectively remedy harassment/discrimination that was found during an investigation.
- J. No employee shall be subject to any form of retaliation or discipline for pursuing a harassment/discrimination complaint. Shawnee County shall insure that complainants and witnesses shall suffer no retaliation as a result of their involvement in the investigation.
- K. If the investigation does not find that harassment/discrimination occurred or that the alleged incident(s) did not constitute harassment/discrimination, the matter shall be referred back to the department head or elected official for further appropriate action. For example, if workplace misconduct may have occurred but not harassment/discrimination, the department head or elected official shall act upon the findings of the Director of Human Resources.
- L. An employee found to have reported harassment/discrimination in bad faith or intentionally or willfully falsely reported harassment shall be subject to disciplinary action.

13.7 COUNTY POLICY COMPLAINT RESOLUTION.

It is the policy of Shawnee County to provide for an orderly process whereby employees may have their complaints considered as fairly and rapidly as possible without fear of repercussion. The complaint resolution procedure confined to violations of Shawnee County Policy is applicable only to situations affecting an individual complainant. Every effort shall be made to find an acceptable solution by informal means at the lowest possible level of supervision. The Director of Human Resources shall insure that all Shawnee County employees are educated on their rights and responsibilities. Further, the Director of Human Resources shall provide initial and recurring harassment and discrimination training for all Shawnee County employees. Appointing authorities shall insure all their personnel receive the training per Human Resources guidance.

13.8 COMPLAINT RESOLUTION PROCEDURE.

The complaint resolution procedure for employees is as follows:

- A. Shawnee County encourages employees to promptly report any complaint in writing to his/her immediate supervisor. In the event the employee cannot start with the immediate supervisor, he/she shall be entitled to commence the process at whatever level of supervision is most appropriate. The complaint shall refer to Shawnee County Policy alleged to have been violated, the remedy or correction requested and shall adequately set forth the facts pertaining to the alleged violation.
- B. The supervisor and/or department head should meet with the employee/employees involved and attempt to resolve the situation in the simplest and most direct manner and should respond in writing to the employee/employees with his/her decision within thirty (30) days.

- C. If no resolution is achieved within the department, within thirty (30) days, the complaining party may file the complaint in writing with Human Resources, who will conduct an investigation. The Director of Human Resources may refer the investigation to the County Counselor's office and/or a qualified independent investigator.
- D. The Director of Human Resources or designee shall review the complaint and all relevant materials and responses. The Director of Human Resources or designee may meet with the complainant to gather more information and/or to attempt to resolve the situation. If deemed necessary by the County Counselor's office, a written final decision as to the validity of the complaint and description of the recommended resolution, if any, shall be issued by the Director of Human Resources or designee within thirty (30) days of the conclusion of the investigation, and a copy forwarded to the department head or elected official and complainant. If the investigation finds that harassment/discrimination has occurred, Shawnee County shall take appropriate corrective action. Shawnee County is obligated and shall take all steps necessary to effectively remedy any unlawful harassment/discrimination that was found during an investigation.
- E. No employee shall be subject to any form of retaliation or discipline for pursuing a complaint. Shawnee County shall insure that complainants and witnesses shall suffer no retaliation as a result of their involvement in the investigation.
- F. An employee found to have reported discrimination in bad faith or intentionally or willfully falsely reported discrimination shall be subject to disciplinary action.