

## CHAPTER 6

### AFFIRMATIVE ACTION PROGRAM

#### 6.01 PREAMBLE AND PURPOSE

Whereas, it shall be the policy of Door County to provide employment, training, and advancement opportunities for ethnic minority groups, employment disadvantaged, disabled and women of the county, and

Whereas, it shall also be the policy of Door County to provide equal opportunity in service delivery in that no otherwise qualified person shall be excluded from participation in or be denied the benefit of, or otherwise subjected to discrimination under any program or activity which receives or benefits from assistance through the Division of Community Services of the State of Wisconsin, and

Whereas, the individual employees shall be representative of the population of communities served, and

Whereas, Door County shall not discriminate, nor shall it do business with any organization or person who discriminates in hiring practices or program participation against any individual or group because of race, creed religion, color, national origin or ancestry, sex, age, political belief, disability, arrest or conviction record, sexual orientation or marital status or criteria non-relevant to job performance, and

Whereas, the Affirmative Action Program for Door County shall be conducted in accordance with this Resolution and

Whereas, the Door County Board of Supervisors recognizes the principles and objectives of Title VII of the Civil Rights Act of 1964, Presidential Executive Order 11246, creating the Equal Opportunities Commission in July, 1965, the Office of Federal Contract Compliance created in September, 1965, and the Equal Employment Act of 1972, signed by the President on March 24, 1972, the Rehabilitation Act of 1973, The Americans With Disabilities Act of 1990 and

Whereas, the Office of Federal Contract Compliance is charged with seeing that where any governmental funds, federal, state, county, city or town are used, that the contract award is made to contractors who have Affirmative Action Programs and are complying with the principles of the Affirmative Action Program, and

Whereas, failure to comply with this requirement will result in corrective actions by the Office of Federal Contract Compliance which may include withdrawal of federal funds from programs administered or contracted by the county, this chapter is adopted.

#### 6.02 PROGRAM ESTABLISHED.

The Door County Board of Supervisors hereby establishes an Affirmative Action Program to improve the treatment and correct any inequities that may exist in recruiting, hiring, classifying, referring, assigning, training and retraining, fringe benefits, promotion, transfer, compensation, extending or assigning use of facilities, layoff, recall, and disciplinary action or any other terms, conditions, or privileges of employment in the County in order to assure that there shall be no discrimination in county employment on the basis of race, color, creed, religion, sex, age, arrest or conviction record, political beliefs, sexual orientation, or marital status, or national origin or ancestry.

Qualified persons, regardless of the aforementioned statuses, shall be sought for jobs at every level of Door County government.

#### 6.03 AFFIRMATIVE ACTION OFFICER.

The Human Resources Director is designated as the Affirmative Action Officer. It is the responsibility of that officer, with the cooperation of the Administrative Coordinator and the advice of the Affirmative Action Committee, as established below, to prepare and submit to said Committee recommendations for an Affirmative Action Program, on or before December 31 in each year. The

Affirmative Action Officer shall have a background which demonstrates knowledge of and commitment to affirmative action. The Affirmative Action Officer shall have full access to all departmental policies and procedures, rules and regulations, including personnel files, documents of information relating to the employment training, promotion, transfer, termination or discipline of personnel in the County of Door.

#### **6.04 AFFIRMATIVE ACTION COMMITTEE.**

The Door County Board of Supervisors hereby establishes an Affirmative Action Committee, consisting of the Administrative Committee of the Door County Board of Supervisors. The Affirmative Action Committee encourages any individual who believes they have been discriminated against based the reasons mentioned above to submit their complaints using the established grievance procedures. It shall conduct hearings when necessary to attempt to resolve all grievances which are not resolved at an earlier step in the grievance procedure.

#### **6.05 AFFIRMATIVE ACTION PROGRAM.**

The following constitutes Door County's Affirmative Action Program:

##### **A. Policy**

Door County will recruit, and hire employees based on merit and achievement, and treat all employees in regard to compensation, training, and opportunities for advancement, including upgrading, promotion, and transfer in a non-discriminatory manner. Door County will continue to give preference to present employees who are qualified for vacant positions. Promotion shall be based solely on performance or potential to perform.

##### **B. Goals**

The goals of the county are to insure equal employment opportunity for ethnic minority groups and the employment disadvantaged, disabled and women. Also to encourage their advancement on the basis of merit and achievement. These goals will be based on one of two factors:

1. Making the work force representative of the population being served by a particular agency or
2. Making the work force representative of the County's population mix. Action will be taken to assure that all these goals are achieved as soon as possible. The employment functions which shall be reviewed and addressed where necessary to meet these goals are:
  - a. Recruitment;
  - b. Testing, Selection and placement;
  - c. Training programs;
  - d. Up-grading;
  - e. Promotions;
  - f. Transfers;
  - g. Compensation;
  - h. Facilities;
  - i. Lay-off;
  - j. Recall;
  - k. Disciplinary;
  - l. Creation of a productive harassment-free atmosphere for minority group members and women.

##### **C. Implementation**

Door County will continue administering its Affirmative Action Program by informing the community that employment opportunities are available on the basis of individual merit and educational achievement. Door County will encourage all its employees to strive for advancement on the basis of merit and achievement. Door County will seek and maintain communication avenues with potential minority applicants through such sources as the State

Employment Service, schools and colleges, community agencies, community leaders, minority organizations, publications and other referral sources. Door County will also determine the extent by which minorities, disabled, and women have been referred by those sources in the past and discuss with those referral sources that do not send minority applicants as requested why the use of other sources is preferred.

Referral sources will be informed about employee recruitment and selection procedures, provided with complete and accurate job descriptions, and of the requirements of the positions being recruited. Employment advertisements will be placed with the State Employment Service, in newspapers, professional publications, and such other appropriate recruitment media. All recruitment materials will include the statement "Equal Opportunity Employer" in a noticeable place.

Requirements of each job will be reviewed to assure that selection criteria such as education, experience, aptitude, and physical demands, are essential to the needs of the job. Careful attention will be given to proper selection techniques, and any improper practices will be discontinued. All position descriptions will accurately reflect the position's essential functions and all specifications shall be consistent with job performance criteria. All applicants will be informed about the nature of the selection process when requested.

D. Discrimination Complaints

The Affirmative Action Officer has the authority and responsibility to receive and attempt to resolve equal opportunity complaints. The Affirmative Action Officer will provide counseling and information on complaint procedures to any person alleging discrimination in employment practices, participation and enjoyment of benefits based on the statuses mentioned above. The Affirmative Action Officer has the authority and responsibility to convene conciliation panels, when requested by the complainant, and is responsible for maintaining confidential records of the panel proceedings and of actions taken by the Affirmative Action Officer in efforts to secure resolution of equal opportunity problems and complaints.

E. Complaint Process

Complaints Related to Employment: any employee or applicant can file a complaint if the person feels that he or she was discriminated against in employment on the basis of age, race, religion, color, disability, sex, national origin, ancestry, sexual orientation, arrest or conviction record, or marital status.

1. When to File a Complaint

A complaint should be filed as soon as possible after the incidence but not later than thirty (30) days after the incident.

2. How to File A Complaint

Internal: An "Equal Opportunity Complaint Form" can be requested from the Affirmative Officer during regular business hours. Assistance to complete the form may be arranged with the Affirmative Action Officer. Complaints may be mailed or hand delivered to the Human Resources Office.

External: A complaint may be directly filed with any of the following agencies:

- a. Equal Rights Division  
Department of Workforce Development  
219 East Washington Avenue  
P.O. Box 8928  
Madison, WI 53708
- b. Equal Employment Opportunity Commission  
310 West Wisconsin Avenue  
Milwaukee, WI 53203
- c. Office for Civil Rights  
U.S. Department Of Health and Human Services  
300 South Wacker Drive  
Chicago, IL 60606

d. Department of Health and Family Services  
Affirmative Action/Civil Rights Compliance Office  
P.O. Box 7850  
Madison, WI 53702

3. Records Retention

The records and reports relating to a complaint will be retained for two years from the date of final disposition of the complaint by the Administrative Coordinator

4. Right of Appeal

If the complainant is not satisfied with the resolution of the complaint, there is a formal right of appeal to any of the state and/or federal agencies listed in #2 above.

5. Non-retaliation

No complainant will be intimidated, harassed or subjected to any other form of adverse action because of the filing of a complaint of discrimination. Staff members who are witnesses of knowledgeable parties are urged to cooperate in the complaint investigation process without fear of adverse action retaliation.

F. Reporting System

The Door County Affirmative Action Committee shall receive an annual report from the Affirmative Action Officer indicating the progress towards achieving the Affirmative Action goals. The report shall include but not be limited to the following:

1. Summary of Affirmative Action goals as well as any special projects tied to this program.
2. Totals of all persons hired, promoted, transferred, demoted, suspended, terminated, and interviewed and rejected, indicating sex and ethnic group.
3. A description of recruitment and training programs instituted to achieve the objectives of this Affirmative Action Program.
4. A summary of supportive programs to resolve and prevent problems.

G. Conclusion

Equal opportunity involves reviewing and redesigning recruitment programs where required, validating testing procedures, analyzing present and projected employment needs, and setting goals for the employment and advancement of women and minority employees in each job classification where under representation occurs. To implement this program, the following responsibilities shall be established:

1. County Board of Supervisors.
  - a. Recognizing that both government and union negotiators are obligated to operate under the provisions of federal and state civil rights laws, the Board will instruct its union bargaining team to act in the best interest of the County in removing any existing contract provisions that restrict the Affirmative Action Program.
  - b. Upon the request of department heads or appointing authorities and upon the recommendation of the oversight Committee provide monies for training programs for employees as may be required to develop the knowledge and skills essential to help develop each employee to their fullest potential, as related to their employment and in the interests of the County.
2. County Affirmative Action Committee.
  - a. To insure compliance with any new laws, regulations and court decisions that impact the County's Affirmative Action Program.
  - b. Shall have the authority and responsibility of reviewing the design and implementation of the Affirmative Action Program and making recommendations thereon to the Door County Board of Supervisors.
  - c. Shall hold hearings to investigate any and all allegations of discrimination based on the statuses mentioned in 6.02 in the recruiting, hiring, promotion, transfer, discipline,

- or any other employment practice affecting bona fide applicants and employees at any level in the county service and report its findings to the person or and public body in direct supervision of the person or and the person or public body who has engaged in discrimination.
- d. To establish and monitor employee training programs.
  - e. To direct the Affirmative Action Officer in the recruitment of applicants, as may be necessary to enlarge the number of under represented persons seeking employment in all positions with Door County.
  - f. To assure that all written examinations are job related.
3. Purchasing Department.
    - a. To make every assurance possible that all suppliers doing business with Door County are Equal Opportunity Employers.
      - (1) Revise, as may be necessary, County Purchase Orders and Requisitions declaring that suppliers must be Equal Opportunity Employers.
      - (2) Provide for periodic monitoring of major suppliers to assure Door County that such suppliers are Equal Opportunity Employers.
      - (3) Prior to the purchase of any goods or services the Purchasing Agent will notify any known minority business, dealing in that goods or service, of Door County's need to purchase such goods or services and encourage them to submit an estimate of cost for such items.
  4. Highway Department.
    - a. To make every assurance possible that all providers of professional engineering services and suppliers of materials and equipment doing business with Door County are Equal Opportunity employers.
      - (1) Revise, as may be necessary, all contracts for professional engineering services and suppliers of material and equipment declaring that they are an Equal Opportunity Employer.
      - (2) Prior to the contracting for professional engineering services or purchasing materials and equipment, the Highway Commissioner shall contact any known minority firm providing such professional services or materials and equipment and encourage them to submit a proposal for such services or materials and equipment.
  5. Affirmative Action Officer.
    - a. To fulfill all of the responsibilities set forth in the Resolution.
    - b. To keep all personnel records as may be required by the Affirmative Action Program.
    - c. To assist the Affirmative Action Committee in any of their duties that pertain to Affirmative Action as may be deemed necessary by the County Board of Supervisors and the Affirmative Action Committee.
    - d. To review and up-date all job descriptions for County employment for compliance with applicable laws and regulations and obtain the approval of the Administrative Committee.
    - e. To assist department heads, and appointing authorities in carrying out the Door County Affirmative Action Program.
    - f. To monitor state and federal agency regulations that affect the County Affirmative Action Program and if necessary, advise the Affirmative Action Committee when such regulations are not in compliance or are in conflict with County policy or procedure, and assist as may be necessary to implement changes in such regulation that benefit minority, disabled and female applicants for employment with Door County.
    - g. To assist the Affirmative Action Committee in carrying out their duties and responsibilities.
    - h. To solicit citizen input for Affirmative Action Programs and evaluation of said programs. Such solicitation shall include, but not be limited to, minority groups, women's groups, governmental agencies and departments having a vested interest in the progress of Affirmative Action as it affects Door County.

6. Department Heads and Appointing Authorities.
  - a. To comply with the Door County Affirmative Action Program and accomplish its purposes, department heads and appointing authorities will have responsibility to:
    - (1) Interview each applicant certified without regard to race, sex, color, national origin, disability, marital status, sexual orientation, arrest or conviction record or age.
    - (2) To certify to the Affirmative Action Committee the individual best qualified for the vacant position consistent with Affirmative Action goals and timetables.
    - (3) To submit to the Human Resources Department, at a point in time of not less than 2 months at 4 months after the starting date of each new employee, except those employees requiring a 12 month probationary period, then at 4 months and 8 months, a Probationary Period Progress Report and a Final Report of the new employee's probation period progress.
    - (4) To conduct an annual Performance Planning and Review session with each employee to discuss and evaluate:
      - a) Quality of each employee's work and performance as prescribed in their job descriptions.
      - b) Recognized achievements.
      - c) Performance areas which require improvement.
      - d) Career goals and the implementation of those goals.
    - (5) Submit copies of the annual employee Performance Planning and Review report to the Human Resources Director as well as those persons normally requiring such information.
    - (6) Assist the Affirmative Action Committee and the Affirmative Action Officer in the recruitment of new employees with emphasis on (1) minorities, (2) women, (3) employment disadvantaged and (4) disabled persons.
    - (7) Advise employees of known sources of training for specialized skills which are needed by employees.
    - (8) Provide the Affirmative Action Officer with any recommendation they deem appropriate to improve the Affirmative Action Program.
    - (9) Population Analysis. Statistics are based on census figures available from the Wisconsin Employment Service.

*(Old Chapter 6 was adopted from Res. No. 86-75 approved 12/18/75.)*  
(Ord. 2-97; 2/25/97)

This ordinance shall take effect upon passage and the day following publication by the Door County Board of Supervisors.