

**CITY OF PORTSMOUTH**  
**ADMINISTRATIVE POLICY**

**#20**

**June 2000**

**SUBJECT: Equal Employment Opportunity (EEO) Plan**

- I. Policy:** It is the policy of the City of Portsmouth to maintain and promote Equal Employment Opportunity (EEO) for all employees and applicants for employment without regard to race, political affiliation, creed, color, sex, age, religion, national origin, disability, or other non- job-related factors. The policy affects all aspects of employment practices including, but not limited to, recruitment, hiring, training, promotions, compensation, working conditions, terminations, transfers, and other personnel actions.
- A. Employment Practices:** This policy will ensure that any practices that impede equal employment opportunity within the City's employment system are identified and eliminated.
- B. Sexual Harassment:** Sexual harassment in the workplace is a form of discrimination. The City of Portsmouth has an affirmative duty to maintain a workplace free of sexual harassment and intimidation. Sexual harassment has been identified as a violation of Title VII of the Civil Rights Act of 1964. The City has issued an Administrative Policy (AP #23) on this issue officially stating that sexual harassment will not be tolerated under any circumstances.
- C. Disability Accommodations:** Disabled applicants or disabled employees will not be denied employment or promotional opportunities on the basis of a lack of reasonable physical accommodations unless the provision of such accommodations places an undue hardship on the City, in accordance with the American With Disabilities Act of 1990.
- II. Purpose:** The purpose of this EEO Plan is to ensure the citizens of Portsmouth the best governmental services possible through the recruitment, employment, promotion, and retention of qualified persons to render such services. This is a legal and economic necessity for the City of Portsmouth. Successful implementation of this plan will provide positive benefits for the City by means of greater utilization and development of our human resources.
- III. Scope:** The EEO Plan of the City of Portsmouth will apply to all City departments, agencies, and work units that report to the City Manager or where head of the department or agency or work unit is appointed by the City Council.

The offices of Constitutional Officers are excluded from this Plan.

**IV. Definitions:**

**A. General:**

1. **Equal Employment Opportunity (EEO)** is an employer's position that all personnel activities will be conducted in a manner to assure equal opportunity for all. Such activities will be based solely on individual merit and fitness of applicants and employees related to the specific jobs and without regard to race, color, religion, sex, national origin, disabled status, or other non-merit factors. This is mandated by Title VII of the Civil Rights Act of 1964.
2. **Affirmative Action** is a planned, aggressive, coherent, management program to provide for equal employment opportunity.
3. **Disabled Individual** - one who:
  - a. has a physical or mental impairment which substantially limits one or more of such person's major life activities,
  - b. has a record of such impairment, or
  - c. is regarded as having such impairment.
4. **Protected Class** - A general term to identify one or more of the race/ethnic categories listed in Title VII, females, disabled, and/or persons over age 40.

**B. EEO-4 Job Categories:**

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 City's operations.
2. **Professionals** - Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience.
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.
4. **Protective Service Workers** - Occupations in which workers are entrusted with public safety, security, and protection from destructive forces.
5. **Paraprofessionals** - Occupations in which workers perform some of the duties of a professional or technician in a supportive role and which usually require less formal training and/or experience normally required for professional or technical status.
6. **Administrative Support** - Occupations in which workers are responsible for internal and external communications, recording and retrieving data and/or information and other paperwork required in an office.
7. **Skilled Craft Workers** - Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience.

8. **Service and Maintenance** - Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene, or safety of the building facilities or grounds of public property.

**C. Race/Ethnic Categories:**

1. **White (not of Hispanic origin)** - All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
2. **Black (not of Hispanic origin)** - All persons having origins in any of the Black racial groups of Africa.
3. **Hispanic or Spanish Surname American** - All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
4. **Asian or Pacific Islander** - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.
5. **American Indian or Alaskan Native** - All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
6. **Other** - All persons that are not in the above categories.

**V. Equal Employment Opportunity Goals:** The following goals have been established to actively pursue equal employment opportunities in our work force:

- A. To ensure equal opportunity in all personnel policies and procedures.
- B. To assess underutilization of Protected Classes at all levels of employment, and to work toward greater utilization of these classes throughout the work force.
- C. To develop, coordinate, and/or present employee training programs which are designed to assist supervisors and employees in learning how to comply and work effectively with equal employment and affirmative action provisions.
- D. To encourage movement of qualified minorities and females into non-traditional jobs and management positions.
- E. To continue to monitor the hiring process as established in the Employee Selection Review Procedure.
- F. The City will take steps to ensure that recruiting, testing, hiring, training, promotions, terminations, working conditions, and pay are free of discrimination based on race, sex, religion, national origin, color, or disability.

**VI. Responsibilities:** All City employees are responsible for promoting and supporting the continued operation and proper maintenance of the EEO Plan. To ensure the City's commitment, the following individuals will be ACCOUNTABLE for the following tasks, but have the right to delegate the RESPONSIBILITY:

**A. City Manager:**

1. Announce, support, and affirm the City's commitment to equal employment and affirmative action in accordance with law.
2. Assume responsibility for the City's EEO Plan.
3. Delegate responsibilities as necessary to key employees to ensure a high degree of program success.
4. Report the Plan's progress to City Council, citizens of Portsmouth, and City employees periodically and ensure that appropriate and effective monitoring mechanisms are established.
5. Require active participation of Department Heads, supervisors, and other employees in the Plan's goals and objectives.
6. Designate the Human Resource Management Director to administer and coordinate the EEO Plan.
7. Ensure funding is available for training activities related to promoting equal employment opportunities.

**B. Human Resource Management Director:**

1. Assume responsibility for the overall administration of the EEO Plan as delegated by the City Manager.
2. Monitor progress of the EEO Plan and periodically recommend changes and improvements to eliminate elements that may have an adverse effect on Protected Class applicants and current employees, to the City Manager, Civil Service Commission, or other appropriate City government organizations.
3. Provide for the dissemination of the EEO Plan to Department Heads and keep these individuals as well as the City Manager informed of the latest developments in the area of EEO and Affirmative Action. All City employees will receive a copy of this Plan in accordance with law.

4. Ensure that personnel program objectives and procedures provide equal access and opportunities to all applicants and employees. Such systems and procedures shall include, but not necessarily limited to, the following: recruitment, testing, selection, compensation, employee relations, and training procedures.
5. Assist Department Heads in the identification and resolution of problems relative to any provision of the EEO Plan.
6. Prepare the EEO-4 Report and related reports concerning the City's work force by race, sex, and other Protected Classes.
7. Investigate complaints of discrimination by applicants and employees; maintain records of such complaints.
8. Assist in resolution of these complaints, whether through the City's Grievance Procedure or other appropriate agencies.
9. Make appropriate reports to City Manager and Department Heads concerning the findings and recommendations of complaints investigated.
10. Provide quarterly reports concerning selection procedure for hirings and promotions.
11. Serves as a liaison between the City and minority organizations, community action groups, and enforcement agencies.

**C. Department Heads:**

1. Promptly respond to all questions asked by employees concerning these policies.
2. Review, evaluate, and monitor departmental employment and other personnel practices to ensure the provision of a workplace free of racial and sexual intimidation and Sexual Harassment.
3. Evaluate all supervisory personnel on their efforts in support of the Plan as part of their annual performance evaluation.
4. Make appropriate budget requests to carry out the provisions of the EEO Plan.
5. Assist in resolving all EEO complaints which affect their department.
6. Attend training sessions, and ensure that their employees attend applicable EEO training sessions offered by the City.

**D. Supervisors:**

1. Keep informed of and gain adequate knowledge of laws, rules, and regulations affecting EEO, and remain abreast of changes and developments.
2. Ensure that a non-discriminatory atmosphere exists in the working environment through support of and commitment to the City's EEO Plan.
3. Ensure that selection of new employees is based upon job-related criteria and is consistent with EEO laws.
4. Ensure that employees receive an equal opportunity to train for promotional positions with developmental needs identified and met.
5. Give early attention to and thorough investigation and documentation of potential grievances and official complaints from employees.
6. Provide prompt answers to EEO complaints and questions and seek resolution, making appropriate and timely referrals to the City's Human Resource Management Department.

**VII. Action Program:** Individuals who have primary responsibility for these actions will be held accountable, but have the right to delegate the responsibility.

**A. RECRUITMENT**

<u>Action Item</u>	<u>Accountable Executive</u>	<u>Responsible Delegate</u>
Use the phrase - "An Affirmative Action/ Equal Opportunity Employer" in all recruitment literature.	Human Resource Management (HRM) Director	HRM. Specialist/ Assistant EEO Officer
Ensure that recruitment advertisements which contain photographs include photos of Protected Classes.	HRM Director	EEO Officer HRM Specialist/ Assistant
Utilize communications media, including minority communications media, to publicize City employment opportunities.	HRM Director	EEO Officer HRM Specialist/ Assistant
Maintain contact with schools and colleges including schools and colleges with predominantly minority or female enrollment and include these schools in recruitment advertising.	HRM Director	EEO Officer HRM Specialist/ Assistant

Ensure that vacancies are listed and posted in conspicuous places for a reasonable length of time.	HRM Director Dept. Heads	HRM Specialist/ Assistant Supervisors
Include Protected Class, social, political and religious organizations on mailing list for information concerning available position vacancies.	HRM Director	HRM Specialist/ Assistant
Advertise position vacancies without regard to the sex of applicants.	HRM Director	HRM Specialist/ Assistant
Review the mailing list quarterly to ensure that proper coverage is being maintained.	HRM Director	HRM Specialist/ Assistant
Encourage minority groups, disabled, and women employees to make employment referrals.	HRM Director Dept. Heads Supervisors	EEO Officer
Ensure that all legal notices related to Equal Employment Opportunities are posted in conspicuous places.	HRM Director Dept. Heads	EEO Officer
Review City application and other employment forms to ensure compliance with EEO legislation.	HRM Director	EEO Officer
Provide assistance to disabled and other individuals where required (blind, deaf, illiterate) in completing the application for employment.	HRM Director	HRM Specialist/ Assistant
Provide HRM staff to make speeches to community groups and discuss the City's recruiting and employment opportunities.	HRM Director	HRM Staff
Ensure that all applicants receive friendly and courteous reception.	HRM Director	HRM Staff

**B. SELECTIONS AND PROMOTIONS**

<b><u>Action Item</u></b>	<b><u>Accountable Executive</u></b>	<b><u>Responsible Delegate</u></b>
Administer only selection procedures which measure knowledge, skills, and abilities required for the position.	HRM Director Dept. Heads	HRM Specialist/ Assistant Supervisors

Periodically review class specifications for all positions to ensure that they are based on actual job requirements.	HRM Director	HRM Assistant Director
Conduct continuing review of all positions to ensure that requirements are not discriminatory.	HRM Director	HRM Assistant Director
Ensure proper class specifications are available to all supervisory personnel involved in recruiting, screening, selecting, and the promotional process.	Human Director	HRM Assistant Director
Provide supervisors who conduct employment interviews with training in conducting interviews which lead to objective assessments of the ability of applicants.	Dept. Heads	HRM Coordinator
Develop and review standards for interviews and specify the scope of inquiry in order to avoid questions that are not job-related.	HRM Director	HRM Specialist/ Assistant EEO Officer
Include women and members of minority groups in panel interviews for employment.	Dept. Heads	Supervisors
Provide rejected applicants with counseling upon request to improve their chances for employment with the City.	HRM Director	HRM Staff
Provide career counseling to all present employees upon request to point out promotional opportunities, identify training needs, and encourage them to apply for better jobs.	HRM Director	HRM Staff
Provide an internal listing for all promotional opportunities to encourage promotion from within.	HRM Director	HRM Specialist/ Assistant
Where possible, provide qualified disabled applicants with reasonable accommodations to enable them to compete in the testing and selection process.	HRM Director	HRM Specialist/ Assistant
Review selected new hires to ensure that they are in accordance with this Plan and the City's employment goals and in accordance with Administrative Policy #22.	HRM Director Dept. Heads	EEO Officer

Require Department Heads to state specific reasons for applicant rejection.

City Manager  
HRM  
Director

EEO Officer

**C. TRAINING**

<b><u>Action Item</u></b>	<b><u>Accountable Executive</u></b>	<b><u>Responsible Delegate</u></b>
Provide appropriate training opportunities to all employees on a non-discriminatory basis.	HRM Director Dept. Heads	HRM Coordinator Supervisors
Ensure that Department Heads are trained in EEO and Sexual Harassment.	City Manager HRM Director	EEO Officer
Provide on-the-job training to prepare employees for upward mobility.	Dept. Heads	Supervisors
Include EEO and Sexual Harassment Training in departmental management and supervisory training sessions.	HRM Director	EEO Officer HRM Coordinator
Encourage employees by means of career counseling and financial assistance to participate in educational programs leading to high school equivalency, college certification, or other formal training programs.	HRM Director	HRM Coordinator
Provide workplace literacy classes when necessary to enhance all employees' opportunity for promotion.	HRM Director	HRM Coordinator
Identify training needs of Protected Classes.	Dept. Heads	Supervisors
Analyze participation rates (by race and sex) of employees taking advantage of training opportunities.	HRM Director	HRM Coordinator
Provide an orientation program for all new employees which includes information on EEO and Sexual Harassment.	HRM Director	HRM Coordinator
Ensure that all EEO training includes the disabled as a protected group.	HRM Director	EEO Officer HRM Coordinator

Provide quarterly general supervisory training to include EEO and Sexual Harassment information.

HRM  
Director

HRM  
Coordinator

Provide appropriate workshops to enhance personal and career development.

HRM  
Director

HRM  
Coordinator

#### **D. COMPENSATION**

##### **Action Item**

##### **Accountable Executive**

##### **Responsible Delegate**

Provide equal pay for equal work regardless of race, sex, age, disability, religion, national origin, or political affiliation.

HRM  
Director

HRM Assistant  
Director

Conduct periodic review of all positions to ensure that pay and classification are in accordance with job requirements.

HRM  
Director

HRM Assistant  
Director

Establish more entry level and trainee positions, when funding is available, to attract and increase the utilization of minorities and women.

City Manager  
Dept. Heads  
HRM  
Director

HRM Assistant  
Director

#### **E. WORKING CONDITIONS**

##### **Action Item**

##### **Accountable Executive**

##### **Responsible Delegate**

Review all practices, both formal and informal, affecting assignments and transfers.

Dept. Heads  
HRM  
Director

Supervisors

Provide an annual Meet and Discuss Procedure in which employees may talk with management about working conditions, wages, and hours.

HRM  
Director

HRM Assistant  
Director

To provide a work place free of racial slurs and harassing working conditions.

Dept. Heads

Supervisors

To provide a workplace free of Sexual Harassment.

Dept. Heads

Supervisors

**F. OTHER PERSONNEL ACTIONS**

<b><u>Action Item</u></b>	<b><u>Accountable Executive</u></b>	<b><u>Responsible Delegate</u></b>
Establish and maintain a comprehensive grievance and appeal procedure.	HRM Director	HRM Assistant Director
Ensure that working assignments and working conditions are without regard to race, sex, national origin, or disability.	Dept. Heads	Supervisors
Establish a objective performance evaluation system for all City employees.	HRM Director	HRM Coordinator
Review allegations of discrimination from applicants and employees without regard to race, sex, national origin, or disability.	HRM Director	EEO Officer

**G. MISCELLANEOUS**

<b><u>Action Item</u></b>	<b><u>Accountable Executive</u></b>	<b><u>Responsible Delegate</u></b>
Notify all subcontractors, vendors, and suppliers, in writing, of the City EEO Plan and Affirmative Action Plan in accordance with law, requesting appropriate supporting action on their part.	Purchasing Agent City Attorney	HRM Director
Include an EEO clause in all purchase orders, contracts, leases, etc., with revocation clauses for non-compliance as required by federal legislation.	Purchasing Agent City Attorney	HRM Director
Evaluate all Affirmative Action Plans of contractors and subcontractors, as required under HUD Rules and Regulations.	Purchasing Agent City Attorney	HRM Director

**VIII. Complaint Procedure:** The City of Portsmouth's Grievance Procedure expressly includes complaints of discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin, or sex, and violations of the City's Harassment Policy, AP #23.

A. **City Employee:** Any City employee who believes he/she has been discriminated against in violation of the City's EEO Plan, Harassment Policy, or any related legislation, may file a grievance under the City of Portsmouth's Grievance Procedure, or request an investigation by the Human Resource Management Department.

Whenever the City deems necessary, the Human Resource Management Department will designate staff to conduct investigations regarding EEO or Harassment cases.

- B. **Applicants for City Employment**: Applicants for employment with the City of Portsmouth, who believe they have been denied employment in violation of this EEO Plan, federal or state law, may contact the Human Resource Management Department for assistance in resolving their complaints. Such complaints will be investigated and a report will be made by the Human Resource Management Director to the City Manager.

Information regarding the state and federal Equal Employment Opportunity Offices will be made available to applicants upon request.

- IX. The time tables for the Goals and Action Items identified in this plan are deemed to be continuing.