

**2008
LANCASTER COUNTY
AFFIRMATIVE ACTION
PROGRAM**

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INTRODUCTION

Lancaster County's commitment to fair employment practices encompasses the belief that equal employment opportunity is a vital element of the basic merit system. The merit system maintains that all persons should be afforded equal access to public service opportunities limited only by their ability to do the job.

Affirmative Action is one of the methods through which equal employment opportunity is realized. Equal opportunity cannot be fully achieved until inclusiveness is a priority. If we are going to make progress in providing complete equal opportunity, the means by which we seek to remove disparities must not be merely passive.

Affirmative Action is the comprehensive term for all the programs in which the County actively participates to attain the status of equal employment opportunity. The Lancaster County's Affirmative Action Program is a guide to assist Departments in the revision, implementation and improvement of their employment procedures to assure fairness. This Program confirms the Lancaster County's commitment to equality and serves as an outline of the strategy the County will use to achieve the desired results.

Since affirmative action is a process, it is susceptible to change. Shifting requirements, reinterpretation by the courts, new legislation and re allocations of responsibility all dictate revisions in processes. Therefore, this program will require annual review and revision.

This Affirmative Action Program has been designed to permit flexibility in its application by County Departments with diverse needs. Consequently, Departments are requested to approach these objectives with innovation and creativity. Equal employment opportunity is the law. Effective affirmative action is the means for fulfilling lawful responsibility and it must be a shared concern.

The Lancaster County Board and the Affirmative Action Office call upon every person in the County involved in recruitment, hiring and promotions to exert their best efforts to achieve the goals set forth in the affirmative action plan and to engage wholeheartedly in the effort to ensure a wholly nondiscriminatory process of recruiting, hiring and promoting women, members of minority groups, qualified individuals with disabilities, and Veterans at all levels of employment throughout the County.

During this period of transition we will continue to follow this affirmative action plan. It is also our goal to review, revise and update this plan by the end of 2008. Any member of the public or person employed by the County who wishes to make recommendations or suggestions concerning this County Affirmative Action Program is encouraged to do so. Please address inquiries to:

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SECTION I

COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

It has been, and will continue to be, the policy of Lancaster County to be an equal opportunity employer.

In keeping with this policy, Lancaster County has designed and agreed to implement an Affirmative Action Program in accordance with all the relevant Federal, State and local non-discrimination and affirmative action laws, regulations and their amendments which pertain to the legal basis for affirmative action and equal opportunity, including but not limited to: the Fourteenth Amendment to the U.S. Constitution, the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Nebraska Fair Employment Practice Act, and Rule 2, section 2.5 of the County Personnel Rules.

In accordance with state and federal law, discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures, or any other aspect of employment or personnel administration because of race, color, religion, sex, disability, national origin, age, marital status, political opinions or affiliations or other unlawful basis is prohibited. Discrimination on the basis of age, sex or disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient administration.

This Affirmative Action Program recognizes and will coordinate all affirmative action efforts with the applicable collective bargaining agreements, the Lancaster County Personnel Rules adopted pursuant to the county civil service system, NEB.REV.STAT. §23-2517 to §23-2533, and the sheriff merit system, NEB.REV.STAT. §23-1721 to §23-1737.

Affirmative Action Program Objectives

- I. The administration of Lancaster County is morally, ethically, and legally committed to a policy of fairness and equity for all employees and affirms that Lancaster County is obligated to provide every employee the opportunity to achieve maximum potential as an employee. In accomplishing these objectives, Lancaster County shall:
 - A. Encourage and assist all persons without regard to race, color, religion, sex, disability, national origin, ancestry, age, marital status or political opinions or affiliations, to realize their full potential.
 - B. Strive to achieve realistic goals of full participation of minorities, women, and

persons with a disability in all levels of County employment which might reasonably be expected in proportion to the number of such potentially qualified persons available for a given type of job in the area's work force.

C. Comply with both the spirit and the letter of the law guaranteeing equal opportunity and freedom from discrimination in any terms or conditions of employment.

D. Continually analyze all County jobs and position classifications to identify any imbalance caused by any and all artificial barriers resulting in disproportionate classifications. This will include amending driver's license requirements to include language such as "or the ability to provide independent transportation" where driving is not an essential function of the job.

II. The purpose of Lancaster County's Affirmative Action Program is to provide fair and equal employment opportunities for both employees and applicants for employment on the basis of individual merit and fitness to be ascertained through fair and practical methods of selection of applicants and promotion without regard to race, color, religion, sex, disability, national origin, ancestry, age, marital status, and, as related to classified status, political opinions or affiliations. It is also the purpose of the Affirmative Action Program to outline and implement procedures to effectively maximize the utilization of the county's available human resources by applying sound management and merit principles, and available statistical data reflecting job market conditions and availability of persons possessing requisite skills. All departments of the County will make a good faith effort to eliminate all disparity in the employment of minorities, women and persons with a disability in Lancaster County's work force. Employment parity in the Lancaster County work force and in job classifications will be accomplished by a thorough review of the departments' procedures and the County's total personnel administration system by the Affirmative Action Officer and the Personnel Director. This will be done through the following components of our Affirmative Action Program:

A. Recruitment

- (1) Affirmative recruitment of minorities, women, and persons with a disability for County job and position classifications for which they are qualified with emphasis on positions of greater responsibility;

While the Personnel Department is responsible to provide a list of eligible applications, it is the responsibility of the hiring department, with guidance from the Affirmative Action Office to participate with the Personnel Department in attracting protected group members to Lancaster County's applicant pool.

- (2) When employees are pictured in materials or advertising, minority and non-minority women and men and persons with a disability will be shown where possible.

B. Classification/Upward Mobility

- (1) Academic experience and skill requirements shall be reviewed to ensure that

such requirements do not constitute inadvertent discrimination. Qualifications shall also be reviewed to ensure consistency for the same job titles throughout the County and/or Personnel Department to ensure they are free from bias with regard to race, color, religion, sex, disability, national origin, ancestry, age, marital status, or political opinions or affiliations.

- (2) Counseling and assisting employees in identifying appropriate career ladders in the county government.

C. Training of Department Heads, Elected Officials, and Managers in affirmative action procedures and equal employment policies including training which develops a bias free work environment;

D. Conducting work force analyses to determine if any deficiencies exist. Where under-utilization exists in County employment, the Department Head or designate, with the guidance of the Affirmative Action Office, shall make good faith efforts to reach out to diverse applicants.

Designated Protected Classes

- I. *Lancaster County will make a good faith effort to attract qualified minority group members and women to each department, in all job levels.*

“Minority” persons: As defined by the Federal Equal Employment Opportunity Commission, minority persons are members of racial or ethnic groups which have encountered, or now encounter, employment or other discrimination in our society because of such membership or affiliations. Those racial and ethnic groups are defined by the EEOC as follows:

- Black (not Hispanic origin), African American: All persons having origins in any of the Black racial groups of Africa.
 - Hispanic/Latinos: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
 - 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.
- Native American 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.

Women: Further, women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes.

II. *Lancaster County will encourage and assist all persons and comply with both the spirit and the letter guaranteeing equal opportunity and freedom from discrimination in any terms or conditions of employment in the above classes (I) as well as the following classes:*

- Persons with a disability.
- National origin.
- Color.
- Ancestry: Lineage.
- Age: Persons over 40 years of age or in accordance with such age requirements as may be promulgated by law or applicable regulation.
- Marital Status: A legal condition of marriage whether married or unmarried.
- Religion.

Persons With a Disability

It is the policy of Lancaster County to seek and employ qualified personnel and to provide equal employment opportunities for all applicants and employees in recruiting, hiring, placement, training, compensation and benefits, promotion, transfer, and termination. To achieve this, Lancaster County will take affirmative action to employ and advance in employment qualified individuals with disabilities and will administer all personnel actions without regard to disability and base all such decisions on valid job requirements. Employees and applicants shall not be subject to unlawful harassment.

Individual with a disability means any person who:

Has a physical or mental impairment which substantially limits one or more of such person's major life activities;

Has a record of such impairment; or

Is regarded as having such an impairment.

Qualified individual with a disability means:

An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position, EXCEPT,

The terms *individual with a disability* and *qualified individual with a disability* do not include individuals currently engaging in the illegal use of drugs, when the employer acts on the basis of such use. An individual is not a qualified individual with a disability if his or her employment would pose a direct threat to the health or safety of the individual or others.

Substantially limits means:

Unable to perform a major life activity that the average person in the general population can perform; or

Significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

With respect to the activity of working, “substantially limits” means significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills, and abilities. The inability to perform a single, particular job does not constitute a substantial limitation in the activity of working.

Major life activities include but are not limited to:

Functions such as caring for oneself, performing manual tasks that are of central importance to most people’s daily lives, walking, seeing, hearing, speaking, breathing, and learning.

Reasonable Accommodations

1. Lancaster County will make reasonable accommodation to the known physical and mental limitations of an otherwise qualified individual unless it can demonstrate that the accommodation would impose an undue hardship on the operation of its business.
2. If an employee with a known disability is having significant difficulty performing his or her job, and it is reasonable to conclude that the performance problem may be related to the known disability, such employee’s supervisor will confidentially notify the employee of the performance problem and inquire whether the problem is related to the employee’s disability. If the employee responds affirmatively, the County shall confidentially inquire whether the employee is in need of a reasonable accommodation, such that the employee may perform the job in accordance with those standards established by the supervisor for all employees in the same or similar position.

Review of Physical and Mental Qualifications

1. Lancaster County departments will continually review the physical and mental qualifications of County jobs to assure they are appropriately job-related.
2. Lancaster County administers medical examinations only when conditional job offers are made. Medical examinations are required only for those positions in which there is a bona fide job-related physical requirement.

3. Information obtained about any applicant's or employee's medical condition or history shall be collected and maintained on separate forms and in separate files.

These files will be treated as confidential except:

- (i) Supervisors and Managers may be informed regarding necessary restrictions on the work or duties of the applicant or employee and necessary accommodations;
- (ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- (iii) Government officials engaged in enforcing the Americans with Disabilities Act shall be provided relevant information on request.

Information obtained regarding the medical history or condition of any applicant or employee shall not be used for any purpose inconsistent with the law.

HARASSMENT IN EMPLOYMENT

- I. **Policy Statement.** It is the policy of the Lancaster County that all employees are entitled to a workplace free of harassment and that all employees will treat each other with courtesy, dignity and respect. Harassment in the workplace is a form of discrimination and is prohibited by state and federal law. This policy addresses harassment based upon race, color, national origin, religion, age, disability and sex, as well as harassment resulting from an individual's opposition to discrimination or participation in complaint proceedings. All harassment complaints will be taken seriously and will be investigated appropriately. Corrective action will be taken as warranted by the facts.
- II. **Scope.** This policy applies to all County employees in the classified and unclassified service. This policy also applies to members of the public, contractors, customers or other persons conducting business with the County or on County owned or leased property.
- III. **Harassment Defined.** Harassment is conduct towards another person or identifiable group of persons including, but not limited to, unwelcome comments or other conduct that unreasonably interferes with an individual's work or creates an intimidating, hostile, or offensive working environment. Such conduct does not have to be addressed toward the complaining party. In third party situations, the victim does not have to be the person harassed but could be anyone affected by the offensive conduct of others.
 - A. **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature constitute sexual harassment when:
 1. Submission to such conduct is either an explicit or implicit term or condition of employment; or

2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the person involved; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Hostile environment sexual harassment is defined as unwelcome sexual conduct that is sufficiently severe or pervasive that it alters the conditions of employment and creates an environment that a reasonable person would find intimidating, hostile, offensive or humiliating. This definition goes beyond casual, infrequent or isolated instances.

B. Sexual Intimidation. Unreasonable behavior, verbal or non-verbal, which has the effect of subjecting members of either sex to humiliation, embarrassment or discomfort because of their gender.

Examples of sexual harassment or behavior that constitutes a hostile working environment based on gender include, but are not limited to the following: verbal harassment, abuse or teasing of a sexual nature, including the use of sexually offensive language, characterizations or humor; subtle pressure or requests for sexual activity; unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing up against another employee's body; leering or ogling at an individual; requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment status; or requesting or demanding sexual favors accompanied by implied or overt promise of preferential treatment with regard to an individual's employment status.

C. Harassment Based on National Origin, Race, Color, Religion, Disability, or Age. This type of harassment consists of conduct that creates or perpetuates a hostile working environment based on national origin, race, color, religion, disability or age. A hostile working environment is defined as vicious, offensive, frequent and reprehensible instances of harassment constituting a concerted pattern of harassment. This definition goes beyond casual, infrequent or isolated instances. Examples of conduct which may create a hostile working environment may include such actions as verbal harassment or abuse, posting or distributing derogatory bulletins, pictures, or cartoons, or offensive language, characterizations or humor.

IV. Harassment Prohibited. Any conduct which constitutes harassment in the workplace or which contributes to the existence of a hostile working environment as defined herein is hereby expressly prohibited. Any County employee who engages in such conduct shall be subject to disciplinary action including, but not limited to, suspension, demotion, or termination of employment.

V. Reporting. Individuals who believe they have experienced or witnessed harassment or related retaliation, should report it to his/her supervisor or department head immediately. Individuals who do not feel comfortable reporting harassment to their supervisors or department heads should report the harassment or related retaliation to the City-County Personnel Director, the Affirmative Action Officer, County Board

Member, or other person of authority if those listed are unavailable. Complaints may be either written or verbal.

Allegations of harassment or related retaliation shall be investigated and dealt with in a fair, unbiased and timely manner. If the complaint is found to be invalid, all involved parties will be so notified. If the complaint is found to have merit, corrective action will be implemented. Such action shall include but is not limited to eliminating any prohibited conduct or conditions, and imposing appropriate disciplinary sanctions up to and including suspension, demotion, or termination of employment.

- VI. Duty to Report. Supervisors and administrators who knowingly condone, fail to report, or fail to take action to remedy incidents of harassment or retaliation may themselves be subject to discipline.
- VII. Confidentiality. Confidentiality is required so individuals feel free to come forward and so that reputations may be protected. Confidentiality is important to the fair investigation of a harassment complaint and all parties to the complaint are encouraged to maintain confidentiality at all times.

However, complete confidentiality cannot be guaranteed in all instances. In order to conduct an effective investigation and, when necessary, to impose appropriate sanctions, it may be necessary to reveal information regarding the complaint to the alleged harasser and potential witnesses. Appropriate supervisors will be informed about the progress of the complaint and/or investigation strictly on a need to know basis.

- VIII. Retaliation Prohibited. This policy is intended to encourage individuals to report incidents of harassment. Retaliation against an individual for reporting or complaining of harassment or enforcing this policy is strictly prohibited. For purposes of this policy, retaliation means adverse actions against individuals because they have, in good faith, reported instances of harassment or alleged harassment, or participated in or have been witnesses in any procedure to redress a complaint of harassment.

Filing an Internal Allegation of Discrimination or Harassment

- 1. Policy Statement. It is the policy of Lancaster County that all employees are entitled to a workplace free of harassment and that all employees will treat each other with courtesy, dignity and respect. Any employee of Lancaster County, or applicant for employment, who believes himself or herself to be the subject of any discriminatory act or harassment by Lancaster County, or its officers or employees, on the basis of race, color, religion, sex, disability, national origin, ancestry, age, marital status may register a complaint.
- 2. Scope. This policy applies to any employee of Lancaster County or applicant for employment with Lancaster County.

3. Complaint Process. Employees or applicants for employment wishing to file a complaint of discrimination or harassment may file the complaint with the Affirmative Action Office, located at 440 South 8th Street, Suite #101, (402) 441-3871. Complaints received by a county official, department head or the City-County Personnel Director pursuant to County Personnel Policy Bulletin No. 2001-2, "Harassment in Employment", may also be forwarded to the Affirmative Action Officer for investigation.

Complainants shall file complaints within 60 days of the date of the alleged discriminatory act or harassment, however, the time of filing may be extended for good cause shown.

4. Investigation Process. Upon receiving a complaint, the Affirmative Action Officer will request that the Complainant complete an EEO Complaint Intake Form stating the name of the Complainant, a description of the act(s) considered to be discriminatory, the name and office of the individual(s) alleged to have committed the discrimination and/or harassment, the date(s) on which the act(s) allegedly occurred, and other information which is relevant to the investigation and resolution of the complaint. The Affirmative Action Office does not investigate matters that do not involve discrimination or harassment.
5. Confidentiality. The Affirmative Action Officer will promptly conduct, or commission, a prompt investigation of all complaints of discrimination and harassment. In the course of an investigation, the Affirmative Action Officer will interview the Complainant and the accused, as well as witnesses deemed relevant to the subject of the complaint. The confidentiality of harassment and discrimination complaints will be protected to the extent possible.
6. Retaliation. Retaliation against an employee, or applicant for employment, who registers a good faith complaint of discrimination on the basis of race, color, religion, sex, disability, national origin, ancestry, age, marital status or political opinions or affiliations, is a violation of Lancaster County's employment policy and the law and will not be tolerated. Retaliation against any employee who provides truthful information in connection with an investigation is likewise prohibited.

Complaint Procedures

1. The Complainant reports alleged discriminatory act or harassment to the Department Head, the Personnel Director, or the Affirmative Action Office, located at 440 South 8th Street, Suite #101, (402) 441-3871.
2. The Affirmative Action Officer informs the Complainant of the County's internal procedure as well as the option of filing his or her complaint with agencies such as the Nebraska Equal Opportunity Commission, the Federal Equal Employment Opportunity Commission, or the courts.
3. The Complainant completes the EEO Complaint Intake Form.
4. The Affirmative Action Officer determines whether the complaint is jurisdictional.

5. The Affirmative Action Officer conducts or commissions a prompt investigation to be completed, if possible, within thirty (30) days. (Note: depending on the individual circumstances, some matters may be resolved by means short of an investigation.)
6. Where a complaint contains incomplete information, the Affirmative Action Officer promptly seeks the information from the Complainant. If the information is not furnished by the Complainant within a reasonable time, the case may be closed.
7. Upon completion of the investigation, the Affirmative Action Officer will submit to the Personnel Director a written report which includes the allegations, a summary of the evidence gathered during the investigation, and any findings, conclusions, and/or recommendations resulting from the investigation. The Personnel Director will review the report and, with the Department Head, take or facilitate any further action that is appropriate.

Veterans Preference Law

(Reference County Personnel Rule 5.8)

The Personnel Officer shall grant veteran's preference to all entry level applicants who are otherwise eligible for County employment and who request such preference on their applications. In order to receive preference, the veteran must submit a copy of his discharge papers and, for disability credit, proof from the United States Veterans' Administration that the disability is at least ten (10) percent. To the passing score of veteran candidates, ten (10) point shall be added to a disabled veteran and five (5) to all other veterans.

Contract Compliance

Each Prospective bidder doing business with Lancaster County must agree that they will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, national origin, age, ancestry, or marital status. In the employment of persons, the bidder shall take affirmative action to ensure that applicants are employed and treated during employment without regard to race, color, religion, sex, disability, national origin, age, ancestry, or marital status.

SECTION II

DISSEMINATION OF EO/AA POLICY

I. Internal Dissemination:

Lancaster County will continue to make its equal employment opportunity/affirmative action policy known internally by:

- A. Posting an EEO policy statement in all facilities.
- B. Disseminating a memorandum from the County Board of Commissioners to all Departments.
- C. Including the policy in the County Personnel Rules and web site.
- D. Explaining the policy in new employee orientation and management training programs.
- E. Conducting periodic meetings with management and supervisory personnel to explain the intent of the policy, the County's commitment, and individual responsibilities for effective implementation.
- F. Publicizing the policy in Lancaster County publications and other media.
- G. Publishing in Lancaster County publications articles covering EEO events, promotions of women and minorities, and special action programs.
- H. Picturing both minority and non-minority men and women and persons with disabilities in publications in which employees are featured.
- I. Conducting periodic meetings with non-supervisory employees to discuss the policy.
- J. Making current employees aware of the existence of the Affirmative Action Program and the benefits available to them.
- K. Meeting with union officials to discuss the policy and to request their continued cooperation.
- L. Assuring inclusion of a non-discrimination clause in all union agreements and reviewing all contractual provisions to ensure that they are non-discriminatory.

II. External Dissemination

Lancaster County will make its policy known externally by:

- A. Incorporating the equal employment opportunity clause in purchase orders, leases, and contracts.
- B. Informing recruiting sources of the County's policy and requesting that the sources actively recruit and refer women and minorities for all positions for which they refer applicants.
- C. Showing both minority and non-minority men and women when employees are pictured in help-wanted or other advertising.
- D. Informing prospective employees of the existence of the County's Affirmative Action Program and the benefits available to them under the Program.
- E. Including the Lancaster County Affirmative Action Program and EO policy on the County website.

SECTION III

DESIGNATION OF RESPONSIBILITY

The Affirmative Action Officer is an official of Lancaster County and has responsibility for equal employment opportunity compliance and for the implementation of the Affirmative Action Program. (S)he has the authority and the resources to ensure effective implementation. (S)he has access to and the support of the Lancaster County Board of Commissioners and the County's Department Heads.

The Director of Personnel is charged with maintaining all records and implementing all recruitment and selection policies as they have been approved.

County Elected Officials, Department Heads and Managers have the ultimate responsibility for decisions affecting progress toward achieving equal opportunity.

Each Department Head or Elected Official may designate an individual as an affirmative action representative.

Duties of the Affirmative Action Officer include:

1. Updating the Affirmative Action Program each year.
2. Developing policy statements, affirmative action programs, and internal and external communication techniques.
3. Designing and implementing auditing and reporting systems to measure the effectiveness of County EEO programs, indicate any need for remedial action, and determine the degree to which the County's objectives are being attained.
4. Recruitment, including affirmative outreach as appropriate, of potential applicants without regard to race, color, religion, sex, disability, national origin, age, marital status, or political opinions or affiliations.
5. Assuring that Department Heads, Managers, and Supervisors of Lancaster County understand they are responsible for and will be held accountable for making all employment decisions in accordance with County policy and without regard to unlawful factors.
6. Assuring that the County uses only job-related criteria for selection for hire, promotion, transfer, training, compensation and all other employment opportunities.
7. Investigating and responding to potential problem areas, including those identified by County employees and supervisory staff.
8. Assuring the proper display of EEO posters and County EEO policy statements.

9. Assuring that facilities Lancaster County maintains for the use and benefit of its employees are, in fact, desegregated, both in policy and in use, and that facilities such as locker rooms and rest rooms are comparable for both sexes.
10. Assuring that all employees, including minority, female, and employees with disabilities, are encouraged to participate in all County-sponsored educational, training, recreational, and social activities.
11. Assuring that Lancaster County prohibits and prevents harassment of employees on account of race, color, religion, sex, disability, age, marital status, or national origin.
12. Serving as liaison between the County and minority organizations, women's organizations, and community action groups concerned with employment opportunities of minorities, women and persons with disabilities.
13. Assisting in encouraging participation of Women's Business Enterprises, Minority Business Enterprises, and Disabled Persons's Business Enterprises in competing for County goods and services.
14. Keeping management informed of the latest developments in the equal opportunity area.
16. Preparing, coordinating, and conducting training for County departments in the areas of equal employment opportunity, affirmative action, and the Americans with Disabilities Act.

In addition, the Affirmative Action Officer will serve as a resource to all Lancaster County Elected Officials, Department Heads, and Managers who are charged with responsibility and accountability for equal employment opportunity and implementation of establishment Affirmative Action Programs. In that capacity (s)he will assist departments with personnel matters which have EO/AA implications, conduct oversight visits, and establish periodic internal audit requirements for all Lancaster County Departments.

Duties of Department Heads and Managers include:

1. Assisting the Affirmative Action Officer in the identification of problem areas and in the establishment of department goals and objectives.
2. Seeking involvement with local minority organizations, women's organizations, persons with disabilities organizations, community action groups and community service programs.
3. Performing periodic audits of training programs, and hiring and promotion patterns to isolate impediments to the attainment of goals and objectives.
4. Monitoring front-line supervisors and employees to assure the County's policies are being followed.

5. Reviewing the qualifications of all employees to ensure that minorities, women, and employees with disabilities are given full opportunities for transfers and promotions.
6. Providing career counseling for all employees.
7. Performing periodic audits to ensure that: (a) EEO posters are properly displayed; (b) all facilities which the County maintains for the use and benefit of its employees are in fact desegregated; and (c) that any facilities are comparable for both sexes.
8. Where possible, posting open positions to the public, rather than relying on internal posting, where there is evidence of underutilization.
9. Where exceptional circumstances do not exist, extending advertisement of external job postings to be no less than two weeks to allow for adequate recruiting efforts and, where possible, using diverse advertising avenues to assist in the expansion of the potential applicant pool.
10. Where evidence of underutilization exists, making additional creative recruiting efforts to assure a diverse pool of candidates for an open position.

SECTION IV

IDENTIFICATION OF PROBLEM AREAS

BY JOB GROUP

Lancaster County has conducted an in-depth analysis of its total employment process to determine whether and where any impediments to equal employment opportunity exist by job group.

Problems of minority or female utilization by Job Group:

Lancaster County compares the incumbency of minorities and women in each job group to determine if the availability for a job group is greater than incumbency in an effort to determine if there are any job groups in which the percentage of minorities or women employed in the job group is less than would reasonably be expected given their availability percentage for that particular job group. If such a situation exists, Lancaster County will make a good faith effort to close the gap.

Problems of minority or female distribution/placement by Job Group:

We have identified no impediments to equal employment opportunity in the placement of women or minorities in the different jobs in any Job Group. To the extent a goal has been established for minorities or women in any Job Group, any problem areas will be addressed by our good faith efforts to meet such goal. See also the discussion of action-oriented programs in Section VIII of the AAP and internal monitoring in Section IX of the AAP.

SECTION V

IDENTIFICATION OF PROBLEM AREAS

PERSONNEL ACTIVITY

Lancaster County conduct analyses of its total employment process to determine whether and where any impediments to equal employment opportunity exist based on its evaluation of personnel activity.

These analyses are done periodically and statistical compilations will be performed at least annually for selection decisions made in the prior AAP Year.

Applicant Flow:

Lancaster County does not encourage unsolicited applications. Applications submitted to the general file and not for a specific open position will be kept on active file for six months but must be activated by the job seeker in order for that person to be considered for a specific open position and thus be identifiable as an “applicant.” We maintain data on all applicants. Applicants of identifiable race, ethnicity, and sex are those that either 1) voluntarily complete a self-identification form; 2) are visually identified during interview; or 3) are current employees. Records are kept for each selection decision, if any, for which the applicant was considered. This allows us to complete required analyses, by job title, of the selection rates of persons of identifiable race, sex, and ethnic group. These data and these analyses will be collected and performed at least annually.

Further, we will regularly compare the percentage of minorities and women who apply, by Job Group, with our estimate of availability for each Job Group. We hope that such a comparison will give us additional information about both the accuracy of our availability estimate and the results of our good faith efforts to invite minorities and women to apply for equal opportunities with Lancaster County.

Hires, promotions and other personnel actions:

- A. In order to be considered for any opportunity, a job seeker (whether internal or external) must make a timely submission expressing interest in the stated opportunity in the form required by Lancaster County. Each application must be signed and completely filled out or it will not be evaluated and no employment decision will be made.
- B. No question in any application form or in any examination will be so framed as to elicit any information concerning the political or religious opinions or affiliations or race of any applicant, nor will inquiry be made concerning such opinions or affiliations and all such disclosures thereof shall be discountenanced.
- C. Original appointment to the classified service is conducted on an open-competitive basis. The County will give public notice of all original appointment examinations

and shall make every reasonable effort to attract qualified persons to compete in examinations. The public notice will include the statement “an Equal Opportunity Employer.” In the event a sufficient number of qualified applicants has not made application for an examination, the Personnel Director may postpone, with the concurrence of the Department Head, the last filing date of examinations. Examinations may be limited to probationary and status employees in the classified service or within a single department where the Personnel Director, after consultation with the Department Head determines that there are a sufficient number of qualified candidates within the classified service to provide competition.

- D. Open-competitive examinations will be open to all applicants, will be prepared by or obtained under the Direction of the Personnel Director, and will include present standards or requirements regarding training, experience, minimum age, physical condition, and such other factors as may be held to relate to the ability of the candidate to perform with reasonable efficiency the duties of the position.
- E. Examinations shall be practical in nature and job related, constructed to reveal the capacity of the candidate for the particular class of positions for which (s)he is competing, and shall be rated impartially. All applicants for the same class of position shall be accorded uniform and equal treatment in all phases of the rating procedure.
- F. Prior to the certification to the eligible list, the Personnel Technician may conduct such investigations of the candidates’ education record and work history as is deemed necessary.
- G. To the total rating score on a promotional examination, .75 points for each year of continuous County service shall be added.
- H. Pursuant to *The Uniform Guidelines on Employee Selection Procedures* and Title VII case law, the County performs all analyses of employment decisions on the basis of all persons who sought or were considered for a specific job title or who were “tested” using the same selection device.

These analyses will be performed periodically, on at least an annual basis, for all opportunities filled in the AAP Year.

In addition, Lancaster County will record all personnel activity that is non-competitive in nature, such as changes which are a result of reclassifications or audits of employees whose jobs have changed as a result of reorganization, assumption of additional responsibilities or redistribution of work. There, advancement for one employee does not constitute a “denial” of any opportunity for any other employee. Such movements will not be commingled in our analyses of employment decisions made on the basis of comparative qualifications of applicants for a specific vacant position. These reclassifications are not from “among” any pool of persons from which we make a selection and they may not be commingled with competitive selections for analytical purposes. Nevertheless, the County reviews them to ensure that such reclassifications are not unlawfully based on race, color, religion, sex or national origin.

- G. Similarly, Lancaster County records, but does not include in an analysis of selections, personnel activity such as reinstatement to the prior job upon return from medical leave (long term or short term), reinstatement or placement as a result of settlement of a grievance, or those transactions that do not involve the selection of one job seeker and the rejection of another or others. Such personnel activities are not “opportunities.”

Terminations:

Voluntary Terminations:

There is no “pool” of persons who might choose to terminate employment voluntarily. By definition, such terminations do not involve an employer decision or “selection.” These are, therefore, not susceptible to any statistical analysis of “selection disparities.”

Involuntary Terminations:

There are a variety of reasons for which a person might leave the employment of the County other than by choice. There is no single “pool” of all persons who are involuntarily terminated.

While some involuntary terminations involve employer choice, some do not. For example, some employees die or do not return, as hoped or expected, from long term disability leave. While such terminations may not be “voluntary,” they do not involve a decision by this employer. Some terminations are planned for, such as the completion of a temporary assignment or expiration of an employment contract. There is no “selection decision” involved in such circumstances. It would be erroneous to include such terminations in any statistical computation of “selection disparities.”

Terminations for cause do involve an employer decision. However, there is no “pool” of persons who are considered for termination for the various policy infractions for which a person might be discharged. For example, the only persons who are considered for termination for poor performance are those who perform poorly. (The situation is similar for violations of attendance policy, insubordination, and the vast array of lawful reasons for which an employee might be involuntarily terminated.) A disparate treatment analysis or “selection rate” cannot be computed except with similarly situated people.

There is only one kind of involuntary termination for which Lancaster County can do an analysis of “selection disparities”: a reduction in force. Where the County must eliminate jobs, it does so by objective standards which vary according to the relevant labor contract but which decisions are made without regard to race, color, religion, sex, disability, national origin, ancestry, age, marital status, or political opinions or affiliations. In such circumstances we can measure any differences in selection rates to determine if there are statistical indicators of disparate treatment and/or measure the impact of any neutral selection criteria to determine if there is any adverse impact of that criteria. Lancaster County will routinely conduct such analyses whenever we have a reduction in force.

SECTION VI

IDENTIFICATION OF PROBLEM AREAS

COMPENSATION SYSTEMS

Lancaster County performs analyses of its total employment process to determine whether impediments to equal employment opportunity exist. We have identified no disparities based on unlawful factors such as gender, race, or ethnicity.

Lancaster County has written pay policies and standardized pay practices under the Step System. These policies and procedures are outlined in Rule 17 of the Lancaster County Personnel Rules and in the negotiated contracts of each employee union.

Lancaster County has collective bargaining agreements with the following unions: American Federation of State, County & Municipal Employees (AFSCME), Lancaster Deputy Sheriff's Association (LDSA), and Fraternal Order of Police/Correctional Officers (FOP). These agreements cover working conditions for all bargaining unit employees, including pay practices and rates of pay. There are no race-, gender- or ethnicity-based disparities in these practices or rates of pay.

The establishment of salary grades and the establishment of salary ranges of various breadths provide tools to Lancaster County to manage compensation in such a way as to attract and retain highly qualified employees. While it is typically more expensive for an employer to attract a new hire than to retain a current employee, these ranges provide sufficient flexibility to meet both these essential needs and produce no disparities based on unlawful considerations.

The relative position of each employee within the salary range is based on considerations such as level of performance, degree of responsibility; starting salary (which is influenced by considerations such as relevant education and experience at time of hire); length of service, contributions made or increased skills and proficiencies acquired since the last adjustment, the amount of previous salary increases and the employee's salary level as compared to that of similarly situated employees.

Many decisions affecting compensation are made by employees (e.g., whether to compete for a posted opportunity, relative qualifications for such opportunities, performance, and a decision to acquire additional education or training, etc.). Some decisions affecting compensation are made by the employer, always without regard to race, color, religion, sex, disability, national origin, ancestry, age, marital status, or political opinions or affiliations.

SECTION VII
PROBLEM IDENTIFICATION
PERSONNEL PROCEDURES

As part of Lancaster County's on-going self-audit to identify problems or potential problems, we conduct analyses of the personnel procedures component of the total employment process.

I. Requisitions, Position Descriptions and Job Specifications

A. All vacancies in the classified service are filled by re-employment, promotion, original appointment, transfer, or demotion. When a vacancy in the classified service is to be filled other than by transfer or demotion the department head must submit a requisition to the Personnel Director. The requisition must be completed and approved prior to the commencement of recruitment for any new position or for any replacement. This requisition states the class title, the number of positions to be filled, and other appropriate information. In addition, desirable special qualifications for the position under consideration may be indicated and the reasons therefor. A Personnel Technician is assigned and is responsible for contacting the selecting department to carefully review the job specifications before posting, to ensure that they are congruent with the written position description on file and are otherwise job related.

B. All position descriptions will be continuously reviewed, with changes made where necessary, to accurately reflect current job duties. Position descriptions will establish job-related and non-discriminatory requirements.

C. We will continue to examine our recruitment process, including requisitions, review of position specifications, solicitations of applications and acceptance of same from job seekers for potential impediments to equal employment opportunity.

II. Selection Procedures

A. To fill a vacancy by an open-competitive examination, the Department Head shall submit a request for certification to the Personnel Director upon forms prescribed by him/her.

B. Upon receipt of a requisition for filling an open position, the Personnel Director shall certify in writing five (5) names of eligibles if available, in the case of one (1) vacancy with two (2) additional names for each additional vacancy, plus the names of all individuals who have the same whole number ranking as the individual ranking lowest on the certificate.

C. After each open-competitive examination, the Personnel Director shall certify and submit in writing to the Department Head a list of persons who are best qualified and eligible for the position. Certification of eligibles for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the highest ranking available and eligible candidates.

D. Hiring decisions are made according to merit and fitness. The selecting official does not have access to information on the race, sex, age or ethnicity of the applicant.

III. Promotion/Transfer procedures

- A. Vacancies in the classified service shall be filled by promotion whenever practical and in the best interest of the service. Promotions shall be based upon merit. Appropriate consideration will be given to the qualifications, performance appraisals, conduct, and seniority of applicants for promotion. In filling a vacancy by promotion, the Personnel Officer shall administer a competitive examination which shall be open to all employees of the County who meet the necessary requirements and who are serving in an appropriate class as determined by the Personnel Director. A promotional examination may include employees in specific classes in all departments or may be limited to a single department as determined by the Personnel Director. The Personnel Director shall prepare an eligible list and shall supply the Department Head with the names of all persons in accordance with a formula which limits selection by the hiring department from among the highest ranking available and eligible candidates.
- B. Positions may be filled by lateral transfer, promotion with a change in work location, promotion without a change in work location, or even demotion if this is the desire of the internal applicant. Employees are not transferred involuntarily. Selections are made on the basis of knowledge, skills, and abilities without regard to race, color, religion, sex, disability, national origin, ancestry, age, marital status, or political opinions or affiliations. We have determined that there are no impediments to equal opportunity in these practices.
- C. Employees may also be promoted non-competitively. Typically this comes about as a result of reclassifying the position that the employee holds. This reclassification may come about as a result of the employee “growing into” the job and taking on more responsibility over time. Or it may come about as the result of the employee assuming some or all of another employee’s duties as a result of an economic lay-off, hiring moratorium, or reorganization. It would be inappropriate to competitively recruit in these situations, as there is no real “vacancy” or opportunity for anyone but the incumbent. However, we recognize that such ad hoc transitions might operate, intentionally or unintentionally, to the advantage of one group over another. Consequently, we are especially careful to monitor these transactions to ensure there are no disparities based on race, sex or ethnicity.

Lancaster County has evaluated its promotion procedures to determine whether they operate as impediments to equal employment opportunity. Our promotion

procedures do not discriminate on the basis of race, sex, age, ethnicity or other prohibited bases, and are applied in a non-discriminatory fashion.

SECTION VIII
ACTION-ORIENTED PROGRAMS

These actions are additional good faith efforts intended to assure equal opportunity and in the employment of minorities and women in the Lancaster County Workforce.

We have developed the following action-oriented programs to assure equal access to County job opportunities for minority group/female representation in the group identified, if vacancies occur, and to document our good faith efforts to do so.

By Job Group and Organizational Unit:

Lancaster County has identified those Job Groups in which the incumbency of minorities and/or women is less than that which would reasonably be expected based on their availabilities in the relevant labor pool per the most current census data available.

Personnel Procedures Action Plan:

1. The Affirmative Action Officer will periodically form reevaluate the Lancaster County selection processes, including the current application and supplementary questionnaire forms, to ensure they are nondiscriminatory and with the purpose of improving accessibility to County employment for diverse applicants.
2. The Affirmative Action Officer will provide personnel having any part in the selection process with anti-discrimination training.
3. The Personnel Department will disseminate exit questionnaires to full-time employees leaving County employment for reasons other than termination.
4. The Affirmative Action Officer will periodically form Employment Task Forces for racial/ethnic groups that have been historically under represented in the County work force, women, and individuals with disabilities, in order to determine how to increase interest in County employment and improve accessibility for all people.
5. The Personnel Department will provide translated versions of appropriate employment materials.

**Personnel Activity
Applicant Flow, Hires, Promotions, Terminations and
Other Personnel Transactions Action Plan:**

1. The Personnel Director will ensure that affirmative action efforts are part of the performance standards for Managers and Supervisors.
2. The Affirmative Action Officer will provide Elected Officials, Department Heads, Managers, and Supervisors with anti-discrimination training.
3. Elected Officials and Department Heads will make minority, female, and employees with disabilities available for participation in career fairs and related activities in the community.
4. The Affirmative Action Officer will make a special effort at secondary schools, junior colleges, and colleges (especially those with high minority or female enrollment) to interest minorities and women in County employment.
5. The Affirmative Action Officer will establish ties with minority student groups at secondary schools, junior colleges, and colleges with high minority or female enrollment.
6. Those involved in the selection process will use existing minority and women networks such as current employees and past employees and managers to assist in making personal contact with affirmative action candidates.
7. The Personnel Office will keep a file of prospective protected group candidates to refer as applicants for future vacancies.
8. Lancaster County Departments will conduct reviews of the position descriptions as position vacancies occur, to assure that the description accurately reflects the position functions.
9. Those involved in the employee selection process will recognize that although all job qualifications must be based on bona fide job requirements, the following factors should be considered along with traditional requirements: related experience that may not be conventional, cultural awareness and experiences, ability to speak other languages, or overcoming adversity.
10. The Affirmative Action Officer will establish ties with community agencies and organizations that provide employment training for individuals with disabilities.
11. Unless exceptional conditions exist, Elected Officials and Department Heads will post jobs for a minimum of two weeks, and where underrepresentation exists and time and budget allows, advertise in newspapers, publications, and the internet sites of women and minority networks.

SECTION IX
INTERNAL AUDITING AND REPORTING SYSTEM

The Affirmative Action Officer is responsible for the design and implementation of the auditing and reporting system. (S)he audits personnel activity on at least a semi-annual basis in order to measure the effectiveness of the affirmative action program. The reporting and auditing system provides for:

- (1) Monitoring of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the nondiscriminatory policy is carried out.
- (2) Advising top management of program effectiveness and submitting recommendations to improve unsatisfactory performance.

SECTION X

METHODOLOGY FOR AAP NUMERICAL ANALYSES AND ESTABLISHMENT OF GOALS

Lancaster County has combined all job titles into Job Groups, grouping them by the Equal Opportunity Employment Commission's EEO-4 Job Classifications. Because the Affirmative Action Program is organized by department, the EEO-4 classifications most suitably delineate like clusters of employees. Size of incumbency is an appropriate factor to consider in designation of Job Groups, as Job Groups should be sufficient in size to permit meaningful analysis of utilization.

Following is a list of the Job Groups for this AAP:

(1) **Officials and Administrators (01)**: 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, directions, deputy directors, controllers, wardens superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire A.B.C. Board, license , dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

(2) **Professionals (02)**: Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: Personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dieticians, lawyers, system analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains, and lieutenants, librarians, management analysts, airplane pilots and navigators, and kindred workers.

(3) **Technicians (03)**: 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, drafters, surveyors, licensed practical nurses, photographers, radio operations, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.

(4) **Protective Service Workers (04)**: Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, fire fighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals,

harbor patrol officers game and fish wardens, park rangers (except maintenance), and kindred workers.

(5) **Paraprofessionals (05)**: Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/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. Includes: research assistants, medical aids, child support workers, policy auxiliary welfare service aides, recreation assistants homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

(6) **Office and Clerical (06)**: Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists, stenographers, court transcribers, hearing reports, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operator, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

(7) **Skilled Craft Workers (07)**: Occupations in which workers perform jobs which require special manual skill and a through and comprehensive knowledge of the processes 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 machine occupations, carpenters, compositors and typesetters, power plant operators water and sewage treatment plant operators and kindred workers.

(8) **Service-Maintenance (08)**: 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 and grounds keepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

*NOTE: The definitions used to classify employees for affirmative action purposes differ from definitions found in other employment related statutes (such as the Fair Labor Standards Act). These definitions and classifications are not to be used for any purpose other than affirmative action.

Workforce Analysis See Section X.

Lancaster County has separately determined the availability of minorities and women for each Job Group.

Lancaster County has used the most current statistical information available to derive external availability data. In an effort to estimate availability as accurately as possible, we have accessed 2000 census data for occupational classifications for our reasonable recruiting area. In determining “requisite skills,” Lancaster County identified those Standard Occupational Classifications (SOCs) reported in the Census that were most representative of the skills required for the positions being analyzed.

Comparing Incumbency to Availability

Comparing incumbency to availability, we will make a good faith effort to close the gap in any job group having fewer women or minority full-time employees than might reasonably be expected given their availability. An appropriate measure of “reasonably expected” is statistical probability: that is, if the difference between availability and actual participation is statistically significant, the current incumbency is not “reasonably expected.” To determine availability, we look not at the entire population of a given racial/ethnic group or gender, but the representation of minorities and women among those qualified or readily qualifiable for employment in a given job group in the City’s workforce.

Placement Goals by Job Group

Our goal for every Job Group, whether there is a placement goal or not, and our objective for every organizational unit, is to continue to take affirmative action to ensure that our employment policies and practices are, in fact, non-discriminatory.