

BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS
Equal Employment Opportunity Plan (“EEOP”)
October 2007 (reissue)

Introduction:

This policy shall encompass the County of Burlington’s re-issuance of its Equal Employment Opportunity Plan (“EEO” or “EEOP”) which is currently embodied in many forms throughout the County’s workplaces, to include policy memoranda issued by the County Administration; posters that inform employees of their rights pursuant to the anti-discrimination statutes; anti-discrimination policy statements in all labor agreements; affirmative action provisions in all County contracts; training programs for all department heads, managers and supervisors about the importance of diversity in the workplace; workplace diversity training programs; and other County practices.

Application:

The EEOP shall apply to all persons employed by the County of Burlington and all applicants for employment with the County.

General Statement:

The County prohibits the practice of discrimination toward any or all employees and candidates for employment on the basis of any legally protected class, to include but not limited to gender, age, nationality/national origin, race, religion, creed, color, marital or familial status, sexual orientation or preference, gender expression (as defined by New Jersey State Law), handicap/physical condition, or any other legally protected class.

The County as an employer and public agency shall continue to discourage bias, prejudice and bigotry, and foster understanding of others in the workforce regardless of gender, age, nationality/national origin, race, religion, creed, color, marital or familial status, sexual orientation or preference, gender expression, handicap/physical condition or any other legally protected class.

Equal Employment Opportunity:

The County shall not discriminate against any employee or applicant for employment because of gender, age, nationality/national origin, race, religion, creed, color, marital or familial status, sexual orientation or preference, gender expression (as defined under NJ State law), handicap/physical condition, or any other legally protected class. Where applicable, the County will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their status in a legally protected

class. Such actions shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The County shall continue to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

The County shall, in all solicitations or advertisements for candidates for employment placed by or on behalf of the County, state that all qualified applicants will receive consideration for employment without regard to an applicant's status as being a member of a legally protected class as described above.

The County, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the County's commitments under this policy and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The County, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964, as Amended.

The County agrees to make good faith efforts to employ minority and women workers consistent with the applicable County employment goals established in accordance with N.J.A.C. 17:27-5.2 or a binding determination of the applicable county employment goals determined by the New Jersey Division on Civil Rights, pursuant to N.J.A.C. 17:27-5.2.

Exceptions to this policy shall be made only in situations where a State agency has approved the use of a bona-fide occupational qualification (BFOQ) such as gender specific jobs.

Review of Hiring, Retention, Promotion and Transfer protocols:

On a bi-annual basis, or such shorter time periods as required by law, the County shall analyze its practices to ascertain the success of its efforts to recruit qualified minority and female candidates, to retain such candidates in employment, to promote and/or advance the careers of such candidates with the employer and to ensure that transfer procedures, where applicable, are followed. Such analyses shall assess the organizational chart for each department based upon employees' (and applicants') race, gender and national origin, and shall encompass the following topics:

- Job titles, position in the chain-of-command and pay rates;
- In twenty-four hour/seven day per week facilities, the employees assigned to each shift and facility, where applicable;
- Number and type of Disciplinary actions (from reprimand through termination);
- Applicants for employment and comparison of persons hired;
- Procedures for recruiting or selecting applicants (any testing used should indicate the type of test administered);

- Procedures for Promotions and Transfers;
- The effect of seniority systems upon promotional or advancement opportunities;
- All terminations (disciplinary, resignations, retirements, abandonment, etc.);

On a bi-annual basis, or such shorter time periods as required by law, the Human Resources Department shall analyze the following materials in relation to employees' (and applicants') race, gender and national origin:

- Demographic statistics related to population and labor data;
- The County's existing employment practices policies;
- The County's general practices for recruiting candidates to entail how positions are advertised to minority constituents and minority groups;
- The County's practices for posting and distributing its EEOP or policies to employees, applicants and the general public (as the case may be);
- The County's designation of individuals to monitor the County's efforts to comply with the EEOP.

Such analyses shall encompass recommendations for improvements to attract, promote, or retain female and minority employees and applicants and improve. The HR Department shall use the NJ Department of Labor and Workforce Development's website (through the One Stop Career Center), as a reference for demographic and employment data and to identify any inhibitions to the employment of minorities or females due to insufficient housing or transportation systems. (See Generally):

<http://www.wnjin.net/OneStopCareerCenter/LaborMarketInformation/lmi02/index.html#county>

EEOP Guidelines and Distribution:

All County department heads shall be responsible for implementing the EEOP in their respective departments. Department heads shall, on an annual basis and in conjunction with the Personnel Budget process, analyze the factors expressed in the first portion of the section labeled, "Review of Hiring, Retention, Promotion and Transfer protocols" for the preceding year. With respect to applicants for employment, each department head shall first assess whether a job vacancy exists (and may be filled) and if so, whether an applicant meets the minimum criteria for an open position. If the applicant's race, gender or national origin is unknown, the department head should make a notation documenting that fact on the application and resume. All applications received for the year under review should be maintained for a period of two (2) years after the date of receipt.

Department heads shall submit a written analysis for all of the above factors to the Director of Human Resources on an annual basis at the time the Personnel budget requests are due (generally in October, but no later than October 31st for the preceding fiscal year). The Human Resources Department shall assist department heads by providing data available through the County's payroll system or, if necessary, making Personnel Action forms available to departments. The HR department shall also ensure that all department heads comply with their

annual reporting requirement. HR shall maintain the department specific analyses for the period required by law or grant fund regulations. Within the HR Department, the Payroll unit shall continue to collect data and complete EEO-4 reports.

By way of supplementation to the County's and departments' hiring practices, each department shall provide prospective applicants with an EEO statement that duplicates the section labeled "General Statement" above. If candidates for employment complete an application through the Human Resources Department, HR shall furnish such statement. All newly hired employees, upon orientation, shall receive a copy of the County's EEOP.

The Human Resources Department shall continue to include the County's EEO practices in the cultural diversity/ sensitivity training program that is administered to all employees on a periodic basis. Additionally, the County's website shall contain both the "General Statement" heretofore described and a copy of this policy on the HR Department's webpage. HR shall also conduct an annual inventory of all County work locations to ensure that posters embodying the County's EEO policy are noticeable to employees and members of the public.

In all advertisements or job announcements for positions with the County, department heads must include a statement that the County is an Equal Employment Opportunity Employer. The County's EEOP shall also be distributed upon request to anyone seeking a copy.

Complaint Procedure:

Employees and candidates for employment are encouraged to report unlawful discrimination. Individuals should report such incidents promptly to enable County management to take corrective action. Complaints shall include at a minimum, the following information: the parties involved (including the complainant, the person[s] subjected to the discrimination [if other than the complainant], the person who purportedly violated this policy, and any and all witnesses); the location, date and time of the incident[s]; an account or description of the prohibited conduct; any statements or comments made by any person during or in relation to the incident.

An employee or candidate for employment who reasonably believes that he or she has been subjected to discrimination, should report the same to the respective County department head (or designee). Employees who observe other employees being subjected to discrimination should also report such incidents. If an employee or candidate for employment feels that the department head is discriminating against him/her, or that, due to the circumstances, the department head will be compromised in his/her ability to remedy the situation, the employee or candidate for employment should promptly contact the Human Resources Department. Complaints shall be accepted and received by all supervisors, department heads and designees at any and all times. All supervisors have a duty to report complaints of discrimination to the department head or assistant department head within twenty-four (24) hours of receiving the complaint. The department head or designee shall notify (in writing) the Department of Human Resources within forty-eight (48) hours of receiving the complaint.

Once a complaint has been received, the department head or designee shall conduct a confidential interview of the complainant. The Freeholder Board and County Administrator, upon recommendation from the Director of Human Resources, may, in their sole discretion, determine to retain a qualified outside party to conduct the investigation in lieu of the department head, designee or other County personnel.

The complainant shall be interviewed within three (3) working days (if possible) from the time that the department head or designee receives the complaint. The interviewer shall inform the complainant that the subject matter of the interview shall be kept confidential to the extent permitted by law. The interviewer shall also ask the complainant to provide a written statement that sufficiently explains the nature of the complaint.

After the complainant has been interviewed, the department head or designee shall conduct a confidential investigation of the incident. The investigation shall be thorough and objective. The department head or designee shall have the authority to interview the victim of the prohibited conduct even if that person did not report the incident or complain about the conduct. The department head or designee must also interview any other witnesses to event, and is further authorized to gather any documents or materials which substantiate or refute the complaint including email messages, telephone records, logs, and any other documents or communications.

The department head or designee shall ask the person accused of the prohibited conduct for a statement of the incident. If the person accused is an employee of Burlington County, that person shall be required to submit a written statement regarding the accusations. The department head or designee upon receipt of the accused's written statement shall conduct an interview of the accused. The accused shall be permitted to request union representation (where applicable). The accused shall be permitted to present his/her version of the alleged incident[s] along with any evidence that corroborates his/her account. The accused shall be interviewed within seven (7) working days from the date that the department head or designee received the complaint, provided that, the complainant and/or intended victim of the offensive conduct has been previously interviewed.

The department head or designee shall prepare an initial written report of the incident[s] within fifteen (15) working days from his/her receipt of the complaint. Additional time may be permitted for subsequent or supplemental reports due to the complexity of the alleged conduct or the number of witnesses involved. Prior to completing the written report, the interviewer shall follow up with the complainant to determine whether the complainant has observed or been subjected to any further incidents or reprisal. The written report shall be a confidential report that shall be delivered to the County Administrator and to the Director of Human Resources. The report shall contain findings of fact regarding the complaint and recommendations for remedial and/or disciplinary action.

Upon review of the confidential written report by the Freeholder Board, and upon the determination that discrimination has or may have occurred, the Board shall direct the department head or designee to institute remedial action and disciplinary action, if it is deemed

necessary. Disciplinary action shall be taken pursuant to the applicable New Jersey law including, but not limited to the New Jersey Department of Personnel regulations and/or collective bargaining agreement provisions and shall be proportionate to the severity of the alleged offensive conduct. Disciplinary action shall range from an unpaid suspension to termination of employment and may also include sensitivity training.

Upon completion of the investigation, the complainant shall be notified of the results, including any remedial action to be taken and whether disciplinary action has been imposed upon the accused. The records pertaining to the complaint, investigation, report and remedial/disciplinary action shall be maintained by the Department of Human Resources. Where discipline is imposed upon an accused, a record of the disciplinary action shall be placed in the accused personnel file, but the names of the complainant and witnesses shall be redacted from such documentation.

Retaliation or Reprisal:

Individuals who report suspected incidents of discrimination or violations of the County's EEOP shall not be subject to any adverse consequences or reprisal for reporting such incidents, so long as it is determined that the reporting person has a good faith belief that he or she has been subjected to prohibited conduct, has been exposed to such conduct even if not the intended subject, or where the person reports an incident whereby another person was subjected to such conduct.

Questions about the EEOP:

Questions or concerns about this policy shall be directed to department heads or assistant department heads. If department heads or assistant department heads are unable to satisfactorily answer questions or concerns about this policy, the question or concern shall be forwarded to the Department of Human Resources for a formal response.