

RESOLUTION R-24-141

A RESOLUTION AMENDING AND REAFFIRMING THE MANATEE COUNTY EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PLAN ADOPTED ON APRIL 9, 2013, AND PERIODICALLY REAFFIRMED THEREAFTER; AUTHORIZING THE CHAIRPERSON AND COUNTY ADMINISTRATOR TO EXECUTE RELATED DOCUMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it has long been the policy of the Board of County Commissioners of Manatee County, Florida, to provide equal opportunity in its employment function on the basis of merit without discrimination based on race, color, religion, sex, national origin, age, marital status, political affiliation, or a disability that does not preclude the performance of the essential functions of a job, with or without a reasonable accommodation; and

WHEREAS, in furtherance of that policy, the Board last revised, updated, and adopted its Affirmative Action Plan on April 9, 2013 (hereinafter referred to as the "AA Plan"), and periodically reviews and re-affirms the AA Plan; and

WHEREAS, during a recent review it was discovered that the Plan must be amended to include Section VI. Conflict of Interest Mitigation Plan in compliance with the Federal Transit Administration (FTA) required by 49 U.S.C. Chapter 53 and other Federal requirements.

WHEREAS, in conjunction with the Plan, the Board further desires to reaffirm its Equal Employment Opportunity (EEO) Policy, which serves as confirmation of the Board's commitment to equal employment opportunity in its employment function.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

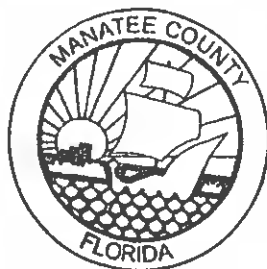
1. The Board of County Commissioners hereby adopts Section VI. Conflict of Interest Mitigation Plan into the Manatee County's Affirmative Action Plan ensuring equal opportunity in employment to all persons and to provide placement, employment, training, promotion, and salary opportunities without regard to race, color, religion, sex, national origin, age, marital status, political affiliation, or a disability which does not preclude the performance of the essential functions of the job, with or without a reasonable accommodation.

2. The current Manatee County EEO Policy and AA Plan, adopted by Resolution R-13-71, on April 9, 2013, and most recently by Resolution R-19-146, are hereby readopted and reaffirmed.
3. The Chairman and the County Administrator are hereby authorized to execute documents as may be required to confirm or implement this statement of policy.
4. The provisions of this Resolution shall supersede the provisions of any other rule, policy, or Resolution that is in conflict with and cannot be harmonized or reconciled with the provisions of this Resolution.
5. If any one or more of the provisions of this Resolution should be held contrary to law or public policy, or should for any reason whatsoever be held invalid or unenforceable by a court of competent jurisdiction, then such provision or provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution, which remaining provisions shall continue in full force and effect, provided that the remaining provisions can be given legal effect absent the invalid portions.
6. This Resolution shall be effective immediately upon its adoption.

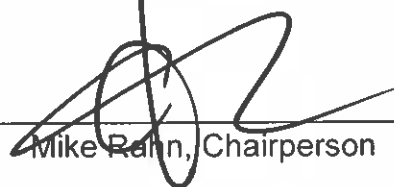
DULY ADOPTED with a quorum present and voting this 17th day of October,

2024.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**



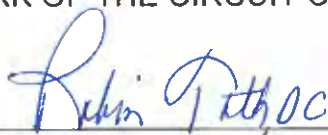
By: _____


Mike Rahn, Chairperson

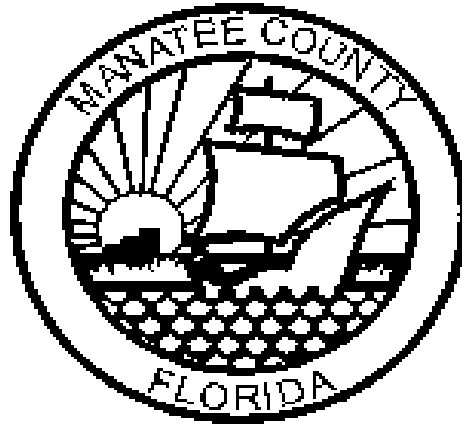
ATTEST:

ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT

By: _____


Deputy Clerk

MANATEE COUNTY



EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PLAN

EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PLAN

I.	EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT	3
II.	PURPOSE AND OBJECTIVE	2
	A. PURPOSE OF THE AFFIRMATIVE ACTION PLAN	2
	B. THE OBJECTIVE	2
III.	DEFINITIONS.....	3
	A. AFFIRMATIVE ACTION (AA)	3
	B. ADVERSE IMPACT	3
	C. COMPLAINT.....	3
	D. DISABLED INDIVIDUAL.....	3
	E. DISCRIMINATION.....	3
	F. DISPARATE TREATMENT	3
	G. EQUAL EMPLOYMENT OPPORTUNITY (EEO).....	4
	H. GOALS.....	4
	I. KEY POSITIONS.....	4
	J. LABOR FORCE	4
	K. LABOR FORCE AVAILABILITY	4
	L. MINIMUM REPRESENTATION (MR).....	4
	M. MINORITY	4
	N. NON-TRADITIONAL POSITION.....	4
	O. RELEVANT LABOR MARKET AREA	5
	P. UNDERUTILIZATION	5
	Q. WORK FORCE.....	5
	R. WORK FORCE ANALYSIS	5
IV.	POLICY DISSEMINATION	6
	A. INTERNAL DISSEMINATION.....	6
	B. EXTERNAL POLICY DISSEMINATION.....	6
	C. EQUAL EMPLOYMENT OPPORTUNITY POSTERS	6
V.	RESPONSIBILITY	7
	A. BOARD OF COUNTY COMMISSIONERS	7
	B. THE COUNTY ADMINISTRATOR.....	7
	C. HUMAN RESOURCES DIRECTOR	7
	D. DEPARTMENT DIRECTORS	11
VI.	CONFLICT OF INTEREST	12

VII.	PLAN OF ACTION.....	14
A.	RECRUITING	14
B.	EMPLOYMENT AND SELECTION	14
C.	PROMOTIONS.....	14
D.	TRAINING FOR ADVANCEMENT	15
E.	COMMUNITY ACTION	15
F.	FACILITIES	15
G.	OTHER.....	15
H.	EXIT INTERVIEWS	15
VIII.	EQUAL EMPLOYMENT OPPORTUNITY PRACTICES AND PROCEDURES FOR DISABLED PERSONS	16
A.	PROPER CONSIDERATION OF QUALIFICATIONS.....	16
B.	PHYSICAL AND MENTAL QUALIFICATIONS.....	16
C.	REASONABLE ACCOMMODATIONS UNDER THE ADA.....	16
D.	COMPENSATION	17
IX.	ILLEGAL DISCRIMINATION PROHIBITED	18
A.	POLICY	18
B.	DUTIES OF THE ADMINISTRATION.....	18
C.	COMMUNICATION OF POLICY.....	18
D.	DUTY OF ALL COUNTY EMPLOYEES.....	18
X.	UTILIZATION	19
A.	UTILIZATION STUDY.....	19
B.	UTILIZATION ANALYSIS	19
C.	EMPLOYMENT GOALS CRITERIA	20
D.	STATE AND FEDERAL REGULATIONS.....	20
XI.	JOB CATEGORIES	21
A.	OFFICIALS/ADMINISTRATORS	21
B.	PROFESSIONALS	21
C.	TECHNICIANS	21
D.	PROTECTIVE SERVICE	21
E.	PARA-PROFESSIONALS	21
F.	ADMINISTRATIVE SUPPORT.....	22
G.	SKILLED CRAFT	22
H.	SERVICE/MAINTENANCE.....	22

I. EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT




It is the continuing policy of the Board of County Commissioners of Manatee County, State of Florida, to promote equal opportunity for all its employees and applicants for employment. To this end, the County will continue to recruit, hire, train, and promote, the most qualified persons in all job classifications without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, gender, age, marital status, disability, or genetic information.

Employees or job candidates who are or become disabled within the meaning of the Americans with Disabilities Act will be reasonably accommodated if such accommodations will otherwise permit the employee or candidate to perform the essential functions of the job which the employee holds, or the candidate seeks.

Employment and promotional decisions will be made in accordance with the principles of the merit system, which affords equal opportunity by imposing only valid, job-related tests and requirements for employment or promotion.

All personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, County sponsored training, education, discipline, and evaluation will be administered without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, gender, age, marital status, disability or genetic information.

Employees or job candidates who allege that they have been illegally discriminated against should complain in writing to the Human Resources Director or a manager-level employee in the Human Resources Department, 5213 4th Avenue Circle East, Bradenton, Florida, 34208, (941) 748-4501, Ext. 3865.

	
Chairperson	County Administrator
	
<u>10/17/2024</u>	<u>10/17/2024</u>
Date	Date
ATTEST: MANATEE COUNTY CLERK OF CIRCUIT COURT AND COUNTY COMPTROLLER	
BY: <u>Ruth T. H. OC</u>	
DEPUTY CLERK	

II. PURPOSE AND OBJECTIVE

A. PURPOSE OF THE AFFIRMATIVE ACTION PLAN

The purpose of this Affirmative Action (AA) Plan is to implement the Equal Employment Opportunity (EEO) Policy of the Manatee County Board of County Commissioners (County). The practices and procedures outlined herein coupled with our good faith efforts will ensure equal employment opportunities within County Government.

B. THE OBJECTIVE

The equal employment opportunity objective of the County is to achieve, within a reasonable period of time, an employee profile which is an appropriate reflection of the relevant labor market availability, with respect to race, gender and other protected groups in each major category.

This objective calls for achieving full utilization of minorities, women, and members of other protected groups at all levels of County government employment, as well as the absence of discrimination in employment because of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, gender, age, marital status, disability, or genetic information.

The major thrust of the County's efforts to reach the stated objectives will be through the implementation of an Affirmative Action Plan. An integral part of the Plan is the goals designed to change the race and gender profile in those areas where there has been underutilization of minorities, women, and members of other protected groups, and where that underutilization is due to the past historical discriminatory practices of the County.

The County will assure the full realization of the stated objectives through a continuous procedure of monitoring and reporting. It should be emphasized that the County's Affirmative Action Plan is a plan of inclusion rather than exclusion. Any preferences provided in this Plan shall not continue beyond a period reasonably required to reverse the effects of the County's past historical discriminatory practices and must be based upon a valid and current utilization analysis. At all times, the County will employ the least restrictive means to achieve the remedial aims of the Plan and will include in its efforts policies designed to prevent future discriminatory practices. Prior to establishing any preferences under the Plan, the County must demonstrate that it has tried and failed to use means less restrictive than the granting of preferences, and that the preferences established are narrowly tailored to achieve the limited goal of remedying the County's demonstrated historical discriminatory practices.

Employees must, and other witnesses are encouraged to raise any concerns regarding discriminatory treatment or policies in whatever internal or external forums which may from time to time be established and will not be retaliated against for having done so.

III. DEFINITIONS

The following words and terms, when used in the AA Plan, shall have the following meanings unless the context clearly indicates otherwise:

A. AFFIRMATIVE ACTION (AA)

An organized effort by an employer in which it first analyzes its work force against the relevant labor market (usually through statistical analysis) to determine whether any protected groups are underrepresented in any segment of the work force as the result of the organization's own historical discriminatory conduct, and then modifies its recruitment, hiring, training, and/or promotion policies to remedy the under-representation.

B. ADVERSE IMPACT

Discrimination resulting from neutral employment policies and practices which are applied evenhandedly to all employees and applicants, but which disproportionately affect, in an unfavorable manner, minorities or members of other protected groups. Adverse impact is justifiable when there is a clear legitimate business necessity for the practice which cannot be achieved by less restrictive means.

C. COMPLAINT

A report of alleged discrimination to the persons identified in the County's personnel policies authorized to receive discrimination complaints for the County. For the County to properly investigate and remedy discrimination allegations, complaints must be reduced to writing, and must state with specificity all alleged instances of discrimination and provide dates, times, and witness names where applicable.

D. DISABLED INDIVIDUAL

For purposes of this Plan, a disabled individual is a person defined as a person with a disability, as defined by the Americans with Disabilities Act.

E. DISCRIMINATION

Unequal treatment based upon a person's race, color, religion, national origin, gender, age, marital status, or disability.

F. DISPARATE TREATMENT

The intentional commission of an adverse employment action based on an employee's race, color, religion, national origin, gender, age, marital status, or disability, where similarly situated employees of a different race, color, religion, national origin, gender, age, or marital status, or without a disability are not adversely treated for the same conduct.

G. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

A recruiting and working environment wherein employment decisions affecting applicants for employment and employees at all levels are based on individual merit and ability to perform a given job, without regard to race, color, religion, national origin, gender, age, marital status, or disability.

H. GOALS

Flexible targets for employee representation of minorities, women, and members of other protected groups in the work force. Such goals will be established based upon the relevant labor markets and shall only be established upon the completion of a valid, current disparity study which reveals a statistical disparity within County employment based upon the County's historical discrimination. Goals will be suggested targets rather than mandatory quotas.

I. KEY POSITIONS

A category of jobs targeted for special attention under the Affirmative Action Plan. Key positions are determined by comparing the actual work force composition to the availability in the relevant labor market. The comparison is performed by department, office or group and addresses the following types of job categories: Officials/Administrators, Professionals, Technicians, Protective Service, Paraprofessionals, Administrative Support, Skilled Craft and Service/Maintenance. A work force composition comparison which is less than four-fifths or 80% of the ratio available in the relevant labor market will be categorized as key positions for that department, office, or group.

J. LABOR FORCE

Those persons of legal working age within the statistically relevant geographic area who are ready, willing, and able to perform a particular job. General labor markets will not be analyzed when promotions are restricted to internal candidates.

K. LABOR FORCE AVAILABILITY

The number or percent of employable persons within the relevant labor market area ready, willing, and able to perform the job in question.

L. MINIMUM REPRESENTATION (MR)

A numerical indicator reflecting goals for the work force within a given race, gender or other protected group based on the current availability in the relevant labor market.

M. MINORITY

Persons who are a race other than Caucasian.

N. NON-TRADITIONAL POSITION

A position not normally held by women.

O. RELEVANT LABOR MARKET AREA

The geographic area which is deemed as the statistically significant labor market for the position being examined.

P. UNDERUTILIZATION

A statistically significant disparity between members of a legally protected group in a particular job category and the number expected to be incumbents in the job given the relevant labor market, and which is the actual or statistically probable result of the County's historical discrimination.

Q. WORK FORCE

The number of all employees employed by the County in the particular job being measured.

R. WORK FORCE ANALYSIS

The computation of the number of positions in each job category in each department, office, and group by race, gender, and other protected groups by job classification.

IV. POLICY DISSEMINATION

A. INTERNAL DISSEMINATION

1. The County's EEO Policy and AA Plan shall be incorporated into the County's Personnel Policy Manual.
2. The County's EEO Policy and AA Plan shall be discussed at employee orientation programs.
3. The County's EEO Policy and AA Plan will be displayed on bulletin boards, and other areas where employees or applicants have access to review the policy. Copies of the EEO Policy and AA Plan shall also be available in the Human Resources Department for all employees to review and shall be posted on the County's official web page.
4. All management employees shall become familiar with the County's EEO Policy and AA Plan. Training sessions on EEO shall include a statement from the County Administrator reaffirming his/her support of the EEO Policy and AA Plan. In addition, individual supervisory responsibility for policy effectiveness will be outlined in the training sessions.
5. The County's EEO Policy and AA Plan shall be communicated to all County employees.
6. Management and other employees engaged in employment, placement, training transfer or promotion processing shall receive training on applicable State and federal EEO laws.
7. The Director of the Human Resources Department will meet with union officials to inform them of the County's EEO Policy and AA Plan and request their cooperation.

B. EXTERNAL POLICY DISSEMINATION

1. The County's EEO Policy and AA Plan shall be publicized to organizations within the community whose membership includes significant members of minorities, women, and other protected groups.
2. All major recruiting sources, including minority and women's organizations, community agencies, community leaders, high schools, vocational and technical schools, colleges, and junior colleges shall be informed of the County's EEO Policy and AA Plan. These sources shall be requested to actively recruit and refer minorities, women, and members of other protected groups for all positions within the County.
3. All employment advertisements shall contain the phrase, "An Equal Opportunity."

C. EQUAL EMPLOYMENT OPPORTUNITY POSTERS

Any posters required by Title VII, Fair Labor Standards Act, Americans with Disabilities Act, etc., concerning equal employment, age discrimination, equal pay, and the disabled, as well as the County's internal complaint procedures shall be displayed in conspicuous places within the Departments.

V. RESPONSIBILITY

It is the responsibility of each department head of the Manatee County Board of County Commissioners to encourage and increase diversity in employment and maintain an atmosphere conducive to sound human relations through personal example. All supervisory staff are encouraged to take an active interest in the EEO Policy and AA Plan. If the AA Plan is to successfully eliminate all barriers to affirmative action and equal employment opportunity, it must be one that is a product of total commitment and input from all levels to be affected.

A. BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners shall have final authority and responsibility for the development and enforcement of the Equal Employment Opportunity Program.

B. THE COUNTY ADMINISTRATOR

The County Administrator shall be responsible for the execution of the County's EEO Policy and AA Plan to further such affirmative action objectives using available County resources and personnel.

The County Administrator shall specify those categories targeted as key for improvement by each department, office and group and notify management personnel of such determinations.

With Board approval, establish and publish a formal and effective procedure whereby employees or applicants may make internal complaints of alleged illegal discrimination, harassment, or retaliation.

C. HUMAN RESOURCES DIRECTOR

The Human Resources Director shall have the following responsibilities:

1. The Human Resources Director is responsible for coordinating and monitoring the implementation of the provisions of this EEO Policy and AA Plan, and who shall be the primary contact with state and federal regulatory agencies regarding this Plan.
2. Provides oversight, through the classification description process, to ascertain and remove all artificial barriers or non-job-related requirements which may exist in job class descriptions, and which would have a discriminatory effect upon applicants or employees.

3. Assist other management and supervisory personnel in the identification of problem areas and the development of solutions to implement equal employment opportunity.
4. With the assistance of the County Attorney, oversee the preparation and distribution of such educational materials as may be necessary to adequately inform all employees of their rights and responsibilities as provided in the plan, including the directives issued by the County Administrator.
5. Coordinate the development and conduct of ongoing training programs for managerial and supervisory personnel to ensure understanding of the EEO Policy and AA Plan, and their responsibilities thereunder.
6. Assist line management in resolving equal employment issues when they are discovered.
7. With the aid of the County Attorney, keep the County Administration informed of the latest developments and requirements regarding equal employment laws.
8. Annually review and modify as necessary the County's AA Plan, including goals for hiring and promotion and recommend means for accomplishing such goals.
9. Maintain all statistics and data relative to labor market availability and appropriate census data.
10. Perform a work force analysis annually recommending to the County Administrator reclassification of job categories as key positions, as necessary.
11. Disseminate and administer the County's EEO Policy and AA Plan.
12. Identify existing and potential equal employment issues and develop and recommend solutions to implement affirmative action and equal employment opportunities.
13. Act as liaison for the County in explaining the goals of the EEO Policy and AA Plan to the community.
14. Inform appropriate Directors of the ongoing effectiveness of their Department's/Office's efforts toward affirmative action and recommend improvements as necessary.
15. Develop and monitor a review process of the appointment and promotion of qualified individuals to those job categories which have been identified as key positions throughout various Departments and Offices.

16. Submit an annual statistical report to the County Administrator detailing the status of the County's efforts to comply with the EEO Policy and AA Plan.
17. Keep and maintain statistics on applicant flow including tracking applicants who were rejected for positions.
18. Conduct a continuous review of class descriptions to ensure job relatedness and eliminate factors that would have an adverse impact on minorities, women, and members of other protected groups.
19. Counsel all employees expressing any equal employment concerns and take appropriate steps to correct any problems discovered.
20. Develop or otherwise obtain appropriate training programs designed to familiarize department directors and key supervisory personnel with the legal status, goals, objectives, and methodologies involved in EEO Policy and AA Plan development and implementation.
21. Develop and disseminate hiring and promotion application and interview procedures which allow for the selection of the most qualified person regardless of protected status.
22. Develop and use supplemental forms to aid in monitoring and evaluating equal employment efforts. Such supplemental forms (application or otherwise) will be used exclusively by the Human Resources Department and will, to the extent allowed by law, be confidential.
23. Class specifications will be reviewed, evaluated, and revised, as needed, to assure that requirements are job related. All revisions in existing class specifications will be based on a job analysis. The qualifications required will be the minimum needed for entrance into a class rather than desired standards attainable with experience in the class. Discriminatory or non- work-related restrictions on age, gender, physical characteristics, or experience will be deleted.
24. A job analysis will be completed on positions where age and/or gender is a requirement to ascertain whether such requirement is a bona fide occupational qualification. Documentation regarding the reasons for such requirements will be maintained in the Human Resources Department for public review.
25. In cooperation with the departments, pre-professional or bridge classes will be established to the maximum extent possible to serve as an intake point for persons with a limited amount of formal education.
26. Career ladders and lattices will be identified and/or established to assist movement of capable lower-level employees to positions of greater responsibilities as they develop.

27. The classification process will be coordinated closely with the applicant screening process in the operating departments to determine the most valid and practicable type of selection device.
28. Where possible, classification will be restructured to eliminate "dead-end" jobs by combining lower-level routine duties with jobs requiring greater skills and performance.
29. Recruitment activities based on attaining established employment goals shall be performed by the Human Resources Department.
30. Application forms will be reviewed and revised as necessary to request only legal, permissible, and relevant information.
31. Emphasis shall be placed on recruiting qualified minorities, women, and persons with disabilities for supervisory, administrative, technical, service, and skilled positions.
32. Procedures for selecting applicants will be reviewed, evaluated, and revised as necessary to assure that they are:
 - a. *Based on job analysis to determine the knowledge, skills and abilities and other qualifications required are necessary for job performance.*
 - b. *Validated by technically appropriate methods when practicable.*
 - c. *Administered under standardized or uniform conditions with uncomplicated instructions.*
 - d. *Administered by interview panels with diverse membership where possible.*
33. Procedures for promotional examinations and selection will be monitored to determine whether minority groups and women are adversely affected, and revision will be made as necessary.
34. Certification procedures will be utilized whereby only qualified applicants shall be referred to the department for interviewing and hiring.
35. In evaluating candidates for potential interview, a department will assess each candidate based on the same criteria. Unless waived by the Human Resources Director, where the number of qualified candidates referred to a department is five or less, all candidates must be offered an interview. A panel of candidates referred to a department for interview cannot be rejected in whole unless the department director certifies that none of the candidates met the qualifications for the job.

36. Formal and on-the-job training programs shall be developed to provide an opportunity for employees to develop skills and abilities which will improve their promotability and productivity.
37. Training selection methods and records of participants shall be evaluated to assure that they are nondiscriminatory and are preparing women and minorities for promotions in accordance with goals and objectives of the EEO Policy and AA Plan.
38. Exit interviews may take the form of an in-person meeting with or may be conducted by use of a written separation survey developed by the Human Resources Department. Exit interviews should include an opportunity for the employees to make his or her suggestions for improvement to the County's equal employment opportunity efforts.

D. DEPARTMENT DIRECTORS

The following are the responsibilities of Department Directors:

1. Employees shall be apprised of promotional opportunities, training programs, and tuition expenses paid by the County.
2. Reviews of work areas, work schedules, job placement and work assignments will be analyzed to assure there are no undue inequities, as related to equal employment opportunity.

VI. CONFLICT OF INTEREST

The County has an EEO discrimination complaints process that is implemented by the HR Director and HR personnel, including the EEO Officer. The *Manatee County Personnel Policy, Rules and Procedures Manual* includes examples of conduct that constitutes discrimination and retaliation and a complaint process for employees to utilize in the event of discriminatory treatment or retaliation. The HR Director and HR personnel implement EEO requirements contained in the *Manatee County Personnel Policy, Rules and Procedures Manual* by providing information and assistance to employees who seek to file a complaint, by investigating complaints in a thorough and timely manner, by providing reasonable accommodations to employees with disabilities, by training employees in EEO laws, and by complying with anti-discrimination laws.

The Human Resources Director serves as the designated Manatee County EEO Officer. In matters involving the EEO program, the EEO Officer will report directly to, and be directly responsible to, the County Administrator, who is the chief executive officer for Manatee County Board of County Commissioners.

Conflict of interest mitigation is essential for ensuring fairness, transparency, and integrity within our Equal Employment Opportunity (EEO) plan. As such, it is imperative that all personnel involved in the implementation, monitoring, and decision-making processes of this plan adhere to the highest standards of ethical conduct.

To mitigate potential conflicts of interest, all individuals entrusted with EEO responsibilities must disclose any personal, financial, or professional interests that may directly or indirectly influence their decision-making or compromise the objectives of our EEO initiatives.

1. Financial interests in any entities that may benefit from decisions under the EEO plan.
2. Personal relationships that could potentially influence impartial judgment or create bias.
3. Professional affiliations that may pose a conflict between organizational objectives and personal interests.

Furthermore, individuals in positions of authority within the EEO framework must recuse themselves from any decision-making processes where a conflict of interest exists or may be perceived. Failure to disclose conflicts of interest or appropriately manage them may result in disciplinary action, up to and including termination of employment.

1. EEO discrimination complaints against employees of the Human Resources Department shall be reviewed and investigated by a neutral outside agent (public or private), with results of the investigation provided to the County Administrator and the County Attorney.

2. EEO discrimination complaints against the County Administrator or Deputy County Administrators shall be reviewed and investigated by a neutral outside agent (public or private), with results provided to the Chairperson of the Manatee County Board of County Commissioners and the County Attorney.
3. EEO discrimination complaints against the County Attorney or Assistant County Attorneys shall be reviewed and investigated by a neutral outside agency (public or private), with results provided to the Chairperson of the Manatee County Board of County Commissioners and the County Administrator.
4. The County Attorney's Office will recuse itself from representing the County in any EEO complaints where it has previously provided legal guidance or advice to the EEO Officer regarding that specific case.

VII. PLAN OF ACTION

The County considers its AA Plan a results-oriented program designed to enhance the opportunities and numbers of employees who are minority, women, or members of other protected groups. The ultimate success of this undertaking will be largely the result of the "good-faith efforts" detailed in this "Plan of Action" section. In the following pages, the substantive procedures/steps which shall be used to convert commitments to measurable progress are outlined.

A. RECRUITING

The County will actively seek minorities, women, and members of other protected groups for employment. To improve recruitment and increase the flow of minority and women applicants, the Human Resources Department will contact local minority/women organizations and local, state and federal employment agencies. Recruiting sources will be informed verbally and/or in writing at least annually of the County's Equal Employment policy and a file of sources notified and acknowledgments received will be maintained.

Specialized visit will be made to school/colleges for career days, job fairs, etc. to target potential protected class applicants. Write up (when done) in trade journals and community papers will feature minorities and women in non-traditional jobs.

B. EMPLOYMENT AND SELECTION

The sex and race of applicants and new hires will be reviewed periodically by Human Resources and records will be maintained to provide the ability to conduct periodic historical analysis of application and hiring demographics. All employees engaged in rendering hiring and promotion decisions shall be trained to assure nondiscrimination while making decisions.

The County will not use any pre-screening mechanism which would have a demonstrated disparate impact on minorities, women, or members of other protected groups. All screening mechanisms used will be for purposes of determining an individual's suitability for the job sought or to meet other lawful purposes.

The County's employment application form will contain a notice that the County is an equal employment opportunity employer and applicant demographic information shall be collected for equal employment opportunity purposes only and shall be maintained in a file separate from applications and within the Human Resources Department.

C. PROMOTIONS

Applications of employees who are minority, women, or members of other protected groups shall be reviewed by the Human Resources Department to assure that qualified individuals are given equal consideration and opportunities.

for upgrading, promotions and transfers. Where additional training and experience would be helpful for advancement, personnel officers shall counsel and assist minority and women employees, as set forth in D. below.

In addition to other criteria used to evaluate supervisory/professional employees, the County shall measure equal opportunity performance within individual departments and this evaluation will be considered when reviewing a director's job performance.

D. TRAINING FOR ADVANCEMENT

Members of underrepresented protected classes shall be given full access to all developmental training offered by the County to enhance employees' ability to assume positions of greater responsibility.

E. COMMUNITY ACTION

It is imperative that a good working relationship exist between the County and the community to inform the minority, women and disabled communities of the employment opportunities in the County. Positive relationships will result in creating mutual respect and cooperation.

F. FACILITIES

All work areas, lunchrooms, snack bars, recreational areas and other County facilities shall be maintained on a racially desegregated basis.

G. OTHER

1. A copy of the County's anti-discrimination policy shall be posted on Human Resources and department bulletin boards, published on the County's web site, and issued to all new and current employees.
2. The County Administrator, Human Resources Director, or designee of each shall be available on request to speak with any employee concerning alleged work-related discrimination.

H. EXIT INTERVIEWS

Any employee separating from County employment may request and will be afforded the opportunity of an exit interview. Exit interviews may take the form of an in-person meeting with or may be conducted by use of a written separation survey developed by the Human Resources Department. Exit interviews should include an opportunity for the employees to make suggestions for improvement to the County's equal employment opportunity efforts.

VIII. EQUAL EMPLOYMENT OPPORTUNITY PRACTICES AND PROCEDURES FOR DISABLED PERSONS

A. PROPER CONSIDERATION OF QUALIFICATIONS

The Human Resources Department shall periodically review the County's employment and training procedures, and job descriptions to assure careful, thorough, and systematic consideration of known disabled applicants for County employment, promotion, and training opportunities.

B. PHYSICAL AND MENTAL QUALIFICATIONS

The Human Resources Department shall review with individual departments all physical and mental job qualification requirements to ensure that such requirements are job related and consistent with business necessity and the safe performance of the job.

When physical or mental job qualification requirements are used to screen out otherwise qualified disabled persons in the selection of applicants for employment or employees for changes in employment status, such as promotion or training, the County shall ensure that the requirements are related to the specific job(s) or employment status for which the individual is being considered.

Information obtained from an applicant/employee concerning a physical or mental condition shall be kept confidential, except that:

1. Supervisors and managers may be informed regarding disabilities for the purposes of exploring possible accommodations, or to prevent or address an actual danger to the employee or others.
2. Government officials investigating compliance with EEO laws will be provided documentation which is focused and tailored to produce information relevant to the investigation.
3. Personnel who coordinate the administration of Family and Medical Leave Act (FMLA), leave, or other benefits or programs may have needed access to medical information.

C. REASONABLE ACCOMMODATIONS UNDER THE ADA

The County shall make reasonable accommodations for the physical and mental disabilities of employees or applicants, to the extent that such accommodation does not impose an undue hardship on the conduct of County business or create a danger to the employee/applicant or others.

The following factors shall be utilized to assess the reasonableness of an accommodation:

1. The overall size of the program with respect to the number of employees, number and type of facilities and size of budget.
2. The type of operation, including the composition and structure of the work force; and
3. The nature and cost of the accommodation needed.

Undue hardship would exist if physical or mental limitations of employees or applicants would require assigning other employees to perform many of the position's duties or would require a modification of the essential nature of the position.

The County will build or use buildings that are easily accessible for disabled persons, including access to restroom facilities and mobility requirements within the buildings.

D. COMPENSATION

In offering employment or promotions to disabled persons, the County will not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from other sources.

IX. ILLEGAL DISCRIMINATION PROHIBITED

A. POLICY

In recognition of its employees' individual reasonable expectation to work in a workplace which is respectful and professional, and which is free of illegal discrimination, Manatee County will not tolerate illegal discrimination against, or harassment of, any of its employees. Employees found to have engaged in conduct which constitutes illegal discrimination or harassment expose the County to liability and damage workplace operations and will, therefore, receive significant discipline, including termination.

B. DUTIES OF THE ADMINISTRATION

The County Administrator or appropriate designee shall work with the County Attorney to create for Board adoption a comprehensive policy regarding illegal discrimination and harassment. The policy shall, at a minimum, include 1) a general policy statement consistent with this Policy, 2) definitions and examples of illegal harassment and discrimination, 3) a description of how and to whom employees must report allegations of illegal discrimination and harassment, 4) a description of the procedures to be used to investigate the allegations, 5) information regarding the outcome of the investigation, including possible discipline for engaging in discrimination or for making false reports, 6) information which advises that employees making good faith allegations will not be retaliated against, 7) a statement which informs the complaining employee that he or she will be provided with a copy of any final report.

The Human Resources Department shall ensure that the discrimination policy is periodically reviewed for compliance with current legal and regulatory requirements regarding such policies.

C. COMMUNICATION OF POLICY

Once the Commission approves the illegal discrimination policy, it shall be posted on the County intranet and on department message boards and other appropriate common areas in all County owned or occupied buildings where personnel are assigned. The policy shall also be included as a section of the County's Personnel Policies and shall be distributed to each new and current County employee.

D. DUTY OF ALL COUNTY EMPLOYEES

It is the duty of every employee of Manatee County to be familiar with and abide by the County's policies regarding illegal discrimination and harassment. Each employee is charged with the duty to report suspected illegal discrimination or harassment to the appropriate persons, even if it is being practiced against another employee.

X. UTILIZATION

A. UTILIZATION STUDY

The County shall prepare an annual utilization analysis which shall contain an analysis of all major job groups in the County and shall show current utilization of minorities (by individual race) and women in each job group (job group meaning a group of jobs having similar content, wage rates, and opportunities). In preparing a utilization analysis, such analysis shall be conducted separately for minorities and women. In determining whether underutilization exists in any job group, the following factors shall be considered:

1. Minority and women availability for the County's relevant labor market area.
2. The percentage of minority and women employees in the County work force as compared with the availability of minorities and women in the relevant labor market area.
3. The general availability of minorities and women having requisite skills in the relevant labor market area.
4. The availability of promotable minorities and women within the County government, department, or other relevant applicant pool.

B. UTILIZATION ANALYSIS

The utilization analysis shall be conducted by comparing the County's current work force composition with the availability of whites, blacks, Hispanics, and other races in the relevant labor market. The first analysis will compare the current utilization in the County's work force of members of both genders in each group compared with the relevant labor market availability. The second analysis will compare the current utilization in the County's work force of women in each group compared with the relevant labor market.

The statistics will be followed in the utilization analysis of the County's current work force composition by department, office, or organization group. Only those budgeted positions which are currently filled in each organization group will be counted in the utilization analysis.

These utilization analyses will compare, by organization group, the current work force composition of the County with the relevant labor market availability to determine, by job classification and group (i.e., race, gender, and other protected classes), whether the County's composition is below or above the availability in the relevant labor market.

Finally, the utilization analysis will provide the basis for targeting key positions. In those instances where the utilization analysis indicates that the County's work

force composition is less than 80% of the ratio available in the relevant labor market for a particular protected group.

C. EMPLOYMENT GOALS CRITERIA

In determining level of employment goals, the EEO Officer shall utilize the following criteria:

1. The Human Resources Director and the County Administrator shall be invited to participate in goal setting.
2. The utilization analysis (including the work force/relevant labor market availability comparison and the minimum 80% representation ratio).
3. Goals shall not consist of rigid and inflexible quotas which must be met but shall be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire equal employment opportunity program work.
4. Anticipated expansion, contraction, and turnover of the work force shall be considered when establishing timetables to meet goals and commitments.
5. The County shall establish and set forth, where deemed necessary, specific goals separately for each protected group.
6. Such goals, with supporting data and the analysis thereof, shall be a part of the County's written EEO Policy and AA Plan and shall be maintained in the Human Resources Department.
7. Support data for the required analysis and program shall be compiled and maintained as part of the County's EEO Policy and AA Plan.

D. STATE AND FEDERAL REGULATIONS

To the extent that any provision of the Code of Federal Regulations or Florida Administrative Code requires different or additional EEO/AA provisions as a condition to the receipt of state or federal grant funds, the County Administrator shall draft such addendums or department-specific provisions as may be required and present same to the Board of County Commissioners for adoption. All such addendums or provisions shall be reviewed by the County Attorney prior to being presented to the Board.

XI. JOB CATEGORIES

A. OFFICIALS/ADMINISTRATORS

Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. The positions include - department heads, bureau chiefs, divisions chiefs, directors, deputy directors, controllers, superintendents, fire chiefs, inspectors, and kindred workers.

B. PROFESSIONALS

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. The positions include - personnel and labor relations workers, social workers, psychologists, registered nurses, economists, lawyers, systems analysts, accountants, engineers, employment counselors, teachers or instructors, fire captains and lieutenants and kindred workers.

C. 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. The positions include - computer programmers, drafters, survey and mapping technicians, radio operators, technical illustrators, technicians (highway, electronic, physical sciences), fire sergeants, inspectors (production or processing inspectors) and kindred workers.

D. PROTECTIVE SERVICE

Occupations in which workers are entrusted with public safety, security, and protection from destructive forces. The positions include - firefighters, guards, and kindred workers.

E. PARA-PROFESSIONALS

Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience than 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. The positions include - library assistants, research assistants, welfare service aides, recreation assistants, homemaker aides, home health aides and kindred workers.

F. ADMINISTRATIVE SUPPORT

Occupations in which workers are responsible for internal and external communications, recording and retrieval of data and/or information and other paperwork required in an office. The positions include - bookkeepers, messengers, office machine operators, clerk typists, stenographers, statistical clerks, dispatchers, license distributors and kindred workers.

G. SKILLED CRAFT

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 or through apprenticeship or other formal training programs. The positions include - mechanics and repair positions, electricians, heavy equipment operators, skilled machinery occupations, carpenters, compositors and typesetters and kindred workers.

H. SERVICE/MAINTENANCE

Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene, or safety of the public or which contributes to the upkeep and care of buildings, facilities, or grounds of public property. Workers in this group may operate machinery. The positions include - truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, construction laborers and kindred workers.



Approved in Open Session 10/17/24
Manatee County
Board of County Commissioners

October 17, 2024 – Land Use Meeting

Subject

Adoption of Resolution R-24-141, authorizing the Equal Employment Opportunity Policy and Affirmative Action Plan

Category

CONSENT AGENDA

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Kate Barnett, Human Resources Director, x 3859

Action Requested

- Adoption of Resolution R-24-141; and
- Authorization for the Chairman and County Administrator to execute documents as may be required to confirm or implement this statement of policy.

Enabling/Regulating Authority

Background Discussion

Manatee County is subject to federal and state laws that prohibit discrimination against both employees and job applicants. The Federal Transit Authority (FTA) recently conducted their Triennial and State Management Review and found that our Policy must include a conflict of interest mitigation plan. This update to the plan ensures that we remain impartial when processing a complaint.

Attorney Review

Formal Written Review (Opinion memo must be attached) Fields

Instructions to Board Records

Please forward executed copy to kate.barnett@mymanatee.org
Distributed 10/24/24, RT

Cost and Funds Source Account Number and Name

0010003700

Amount and Frequency of Recurring Costs

NOTE: Document signed by County Administrator on 10/22/24, RT

From: [Deanne Fields](#)
To: [Kate Barnett](#)
Cc: [Florence Wong](#); [Janet Gable](#); [Pamela DAgostino](#); [Scott Sharp](#); [Edrick Sweeting](#); [Courtney DePol](#)
Subject: Response to re-opened RLS 2024-0286, Equal Employment Opportunity Conflict of Interest
Date: Friday, August 30, 2024 9:26:34 AM

On August 20, 2024, this office responded to your Request for Legal Services (“RLS”) to review the conflict-of-interest mitigation plan that will be included in the County’s Equal Employment Opportunity Plan. Pursuant to our receipt of your revised EEO Policy and conflict-of-interest mitigation plan, the matter has been re-opened. Our original response to your RLS informed you that the following changes needed to be made to your EEO Plan to ensure that the County complied with the action contained in the Triennial and State Management Review (Review) conducted by the Federal Transit Authority (FTA).

- Naming the HR Director/EEO Officer as the point of contact with state and federal regulatory agencies regarding the EEO Plan.
- All internal and external communication regarding our EEO Plan should list the name and contact information for the EEO Officer. Currently, our internal website names management level staff appointed by the HR Director as the point of contact regarding our EEO Plan.
- The conflict-of-interest policy should prohibit the attorney who provides legal advice to the EEO Officer in the investigation of a case from representing the County in an EEO complaint arising from that same case. This addition to the policy complies with the FTA’s Guidance Circular on Civil Rights (FTA C 4704.1A).

Your revised EEO Policy and conflict-of-interest mitigation plan has made the above-requested changes to the EEO Plan. The County Attorney’s Office reminds you of the need to ensure that all internal and external websites list the name and contact information for the person named as the EEO Officer in the EEO Plan. I have no objection from a legal standpoint to the revisions to the EEO Plan and conflict-of-interest mitigation plan. I have not reviewed the documents for thoroughness, accuracy, typographical errors, or ADA accessibility.

This completes my response to your RLS. Please contact me if you have any questions or if I can be of assistance.

Deanne Fields
Assistant County Attorney
Manatee County Government
1112 Manatee Avenue West, Suite 969
Bradenton, Florida 34205
deanne.fields@mymanatee.org
Phone: 941-745-4501 ext 3738
Fax: 941-749-3089