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EXECUTIVE ORDER 2017-01

To: All Elected Officials, Department Heads, Division Chiefs, Independent Agencies, Authorities, Boards, Commissions and Councils

From: Lenny Curry, Mayor

Subject: Mayor's Equal Opportunity/Equal Access Program

By virtue of the authority vested in me as Mayor by the Charter of the City of Jacksonville, and as Chief Executive Officer, it is ordered as follows:

Section 1. Purpose. The purpose of this Executive Order and the policies and procedures contained herein is to promote a work environment which will attract and retain qualified employees who represent the broadest possible spectrum of society, which includes, but is not restricted to, women, minorities, and individuals with disabilities. The City of Jacksonville will not tolerate discrimination or harassment on the basis of any of the prohibited factors listed in Title XI, Chapter 400 of the Jacksonville Municipal Code. As provided for in the City of Jacksonville's Equal Opportunity/Equal Access Program established by Title XI, Chapter 400 of the Jacksonville Ordinance Code, this Executive Order reaffirms that employment and advancement with the City of Jacksonville shall be based solely upon job-related qualifications and merit.

Section 2. Scope. This Executive Order replaces Executive Order 03-03 and Executive Order 07-08 in their entireties and its policies and procedures shall apply to all employees of the City of Jacksonville.

Section 3. Policy. The City of Jacksonville will provide equal employment opportunity to all employees and applicants. There shall be no discrimination or harassment against any person on the basis of any of the prohibited factors listed in Title XI, Chapter 400 of the Jacksonville Ordinance Code in recruitment, hiring, compensation, training, placement, promotion, discipline, demotion, transfer, lay off, recall, termination, working conditions, and related terms and conditions of employment.

All management and supervisory personnel of the City of Jacksonville share the responsibility of ensuring compliance with and continued implementation of this policy, which is consistent with the objectives of the Civil Rights Act of 1964, Florida Statute 760, Title XI, Chapters 400 and 402 of the Jacksonville Municipal Code, and Executive Order 11246.

All employees of the City of Jacksonville should be made aware of the spirit and principles of equal employment opportunity and cooperate fully to assure the success of the City of Jacksonville's Equal Opportunity/Equal Access Program.

Specific obligations considered by the City of Jacksonville in promulgating this policy were based on the following laws and regulations:

Title VII of the Civil Rights Act of 1964, as amended.

Prohibits discrimination in employment on the basis of race, color, religion, national origin, or gender and covers state and local governments, private employers, and educational institutions that employ 15 or more employees. These laws also cover employment agencies, labor organizations, and joint-labor management committees.

The Equal Pay Act of 1963, as amended.

Prohibits discrimination in wages on the basis of sex for men and women who perform substantially equal work in the same establishment.

The Age Discrimination in Employment Act of 1967, as amended.

Prohibits discrimination on the basis of age against persons 40 years of age or older and covers state and local governments, private employers, labor organizations, and joint-labor management committees with twenty (20) or more employees.

Title VI of the Civil Rights Act of 1964, as amended.

Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

Executive Order No. 11246 of September, 1965 as amended by Executive Order No. 11375 of 1967.

Prohibits discrimination in employment on the basis of race, color, religion, national origin, or gender. Covers institutions that are the recipients of over \$10,000 in federal contracts or subcontracts.

U. S. Department of Labor, Office of Federal Contract Compliance, Revised Order #4, December, 1971.

Amends Chapter 60 of Title 41 of the Code of Federal Regulations by adding sections setting forth requirements for affirmative action programs for federal contractors and subcontractors.

Section 504 of the Rehabilitation Act of 1973.

Provides that no qualified individual with a disability shall be subject to discrimination in employment under, or denied access to, any program or activity receiving federal financial assistance.

Provides that no qualified individual with a disability shall be subject to discrimination in employment under, or denied access to, any program or activity receiving federal financial assistance.

The Vietnam Era Veterans' Readjustment and Assistance Act of 1974.

Requires all institutions with a federal contract of \$10,000 or more for procurement of personal property and non-personal services (including construction) to take affirmative action to employ and to advance in employment qualified disabled veterans, veterans of the Vietnam Era, recently separated veterans, and other protected veterans.

The Americans with Disabilities Act of 1990, as amended.

Prohibits employment discrimination against individuals with disabilities and requires public services and accommodations to be usable and accessible. The law covers state and local governments, labor organizations, and employers with 15 or more employees.

The Immigration Reform and Control Act.

Prohibits hiring of individuals who are not legally authorized to work in the United States and prohibits employers of four or more workers from discriminating on the basis of citizenship or immigration status and national origin.

Executive Order 11141 (1964).

Prohibits age discrimination in general by federal contractors.

Florida Statute 760.

Prohibits discrimination in employment based on race, color, religion, gender, national origin, age, handicap, and marital status.

The Genetic Information Non-Discrimination Act

Prohibits employers from discriminating against employees based on their genetic information.

Section 4. Definitions.

Action-Oriented Strategies: good-faith efforts implemented to meet goals and objectives of the Equal Opportunity/Equal Access Program.

Applicant Flow Data: a statistical compilation of employment applicants showing the specific number of persons in each racial, ethnic, and sex group who applied for each job class (or group of job classes requiring similar qualifications) during a specified time period.

Community Labor Statistics or CLS: the geographical area from which the City may reasonably expect to recruit employees.

Equal Employment Opportunity (EEO): the right of all persons to be recruited, employed, and promoted on the basis of qualifications and merit, without regard to any of the prohibited factors listed in Title XI, Chapter 400 of the Jacksonville Municipal Code.

Harassment: for the purposes of this Executive Order, unwelcome verbal or physical conduct on the basis of any of the prohibited factors listed in Title XI, Chapter 400 of the Jacksonville Municipal Code.

Job Categories: the occupational categories designated by the Equal Employment Opportunity Commission which are for state and local government reporting.

Underutilization: a condition in which the percentage of persons of a protected group in the workforce, occupational category, job group, or job class is less than the percentage of such persons in the pool of available candidates within the labor market.

Utilization Analysis: comparison of current workforce with the pool of available candidates within the labor market.

Section 5. Dissemination of Equal Opportunity/Equal Access Policy.

The City of Jacksonville has and will continue to disseminate its policy as follows:

A. Internal Dissemination

1. The Office of the Mayor shall disseminate the principles of this Executive Order to all Elected Officials, Department Heads, Division Chiefs, Independent Agencies, Authorities, Boards, Commissions, and Councils.
2. Each newly-hired employee shall be informed of the City's Equal Opportunity/Equal Access Program as part of the City of Jacksonville's New Employee Orientation Process.
3. The principles of this policy shall be posted on bulletin boards along with required Federal EEO posters and publications in City facilities.
4. The principles of this policy shall be posted on the City's Intranet and internal websites.
5. All employees of the City of Jacksonville should attend four hours of Equal Employment Opportunity and diversity training every three years which shall include information about the City's Equal Opportunity/Equal Access Program and Policy.
6. The Equal Opportunity/Equal Access Office shall conduct on-going Equal Employment Opportunity and diversity training sessions and workshops to ensure that all managers, supervisors, and employees are thoroughly familiar with the City's policy and understand the laws and regulations that apply in valuing our diverse workforce.

B. External Dissemination

The City of Jacksonville will:

1. Maintain an Internet website for the City's Equal Opportunity/Equal Access Program;

2. Disseminate an annual equal opportunity progress report to various groups and organizations representing women, minorities, and other protected groups;
3. Inform recruitment sources of the policy; and
4. Make the policy available upon request to applicants, citizens, or any equal employment opportunity interest groups or parties.

Section 6. Responsibility for Implementation of Policy.

The Equal Opportunity/Equal Access Office, managed by the Manager of Equal Opportunity, who will report to the Executive Director of the Jacksonville Human Rights Commission, shall oversee administration of the City's Equal Opportunity/Equal Access Program in conjunction with the Director of Employee Services and other City Officials.

The responsibilities of the Manager of Equal Opportunity shall include, but are not limited to:

1. Setting goals and objectives to increase the diversity of the City's workforce pursuant to the Statement of Policy in Section 400.101(b) and the Statement of Goals in Section 400.221 of the Jacksonville Municipal Code;
2. Designing and implementing internal monitoring and reporting systems that measure the effectiveness and progress of the Equal Opportunity/Equal Access Program;
3. Assisting the City in collecting and analyzing employment data, identifying problems, suggesting solutions to those problems, and reviewing programs;
4. Supporting the reporting and monitoring systems in implementing all aspects of the City of Jacksonville's Equal Opportunity/Equal Access Program;
5. Keeping City Departments/Agencies informed of developments and progress in meeting their annual goals and objectives;
6. Providing guidance to affected City Departments/Agencies in the conduct of their equal opportunity/equal access efforts;
7. Providing on-going Equal Employment Opportunity and diversity training for all City of Jacksonville employees;
8. Maintaining an impartial discrimination complaint process;
9. Developing a handbook that includes, but is not limited to, identification of specific roles and responsibilities to be disseminated to all affected Departments/Agencies/Authorities within the City of Jacksonville;

10. Serving as a liaison between City Departments/Agencies and the U.S. Equal Employment Opportunity Commission and other Federal and State Enforcement Agencies;
11. Making its services available to the affected City Department or Agency and the Office of General Counsel in preparation and review of document productions and position statements and facilitating amicable resolutions of complaints of discrimination when possible. In connection therewith, receiving copies of all notices of final action from the Office of General Counsel or the City Department/Agency when OGC was not involved; and
12. Reporting the results of the Equal Opportunity/Equal Access Office's diversity efforts to the Jacksonville City Council in March of each year.

The Director of Employee Services shall be responsible for ensuring that the employment policies and practices he/she oversees are in compliance with local, state and federal laws, rules, regulations and guidelines and that minorities, females, veterans, individuals with disabilities and all employees and applicants are afforded full opportunity and access.

The Employee Services Department's responsibilities include, but are not limited to:

1. Recruiting – Developing recruitment processes and procedures that are designed to attract qualified applicants representative of the available labor market;
2. Classification – Developing class specifications that accurately describe training and experience requirements and the work to be performed by each class of positions, and, where appropriate, delineate the line of progression;
3. Applicant Tracking, Selection and Appointment – Developing and administering selection devices that comply with applicable federal, state, and local laws, rules, and regulations governing equal employment opportunity, including the federal Uniform Guidelines on Employee Selection Procedures; and
4. Guidance and Technical Assistance - Providing guidance and technical assistance to Officials, Managers, Supervisors and others participating in the City's selection processes on compliance with established procedures consistent with applicable federal, state, and local laws, rules, and regulations governing equal employment opportunity.

The City's Appointed Officials/Employees, Managers and Supervisors shall be responsible for complying with the Equal Opportunity/Equal Access Program and ensuring that the principles of equal employment opportunity are applied in all terms and conditions of employment.

All Department/Agency/Authority Directors are responsible for exercising personal and direct leadership in establishing, maintaining, and executing a continuing proactive

Equal Opportunity/Equal Access Program that promotes equal opportunity throughout all aspects of their operations. In addition, they will ensure that all managers and supervisors are aware that furthering equal opportunity is an integral part of their job responsibilities as agents or representatives of City Government. Said responsibilities include, but are not limited to:

1. Submitting an annual report identifying Department/Agency/Authority strategies and objectives to remedy problem areas and underutilization;
2. Engaging in regular discussions with Division Chiefs, Managers, Supervisors and employees to ensure compliance with the Equal Opportunity/Equal Access Program and established annual strategies and objectives;
3. Ensuring that required City, State, and Federal EEO posters and publications are appropriately displayed in the unit;
4. Ensuring that all employees of their respective Departments/Agencies/Authorities attend 4 hours of Equal Employment Opportunity and diversity training every three years;
5. Taking action to prevent the harassment of employees and to prevent any retaliation against employees who avail themselves of the internal complaint process and/or file a complaint with a federal, state, or local enforcement agency;
6. Maintaining records of complaints filed at their level for a period of no less than two years. Such records shall be deemed confidential and stored in a secure file separate from personnel records; and
7. Providing copies of any complaints filed against the Department/Agency/Authority with a federal, state, or local enforcement agency by immediately forwarding a copy of the charge to the Equal Opportunity/Equal Access Office located at 117 W. Duval Street, Suite 350, City Hall - St. James Building, Jacksonville, Florida 32202.

Section 7. Utilization Analysis.

The City of Jacksonville's Equal Opportunity/Equal Access Office shall, on an annual basis, perform and report its assessment of possible problem areas in the workforce by Department/Agency/Authority and job group.

Section 8. Action Oriented Strategies.

The City of Jacksonville shall engage in good faith efforts to ensure compliance with the spirit and intent of this Executive Order by engaging in various initiatives and activities including, but not limited to, the following:

1. Posting all external civil service job openings on its Web page (www.coj.net) and with WorkSource;
2. Ensuring that minorities and women are included as part of the decision-making selection process;
3. Offering on-going Equal Employment Opportunity and diversity training to the entire workforce;
4. Maintaining records documenting Equal Employment Opportunity and diversity training;
5. Disseminating Equal Opportunity/Equal Access grievance procedures to all employees;
6. Developing recruitment strategies that attract the broadest possible spectrum of society;
7. Conducting on-site visits to Departments/Authorities/Agencies to ensure posting of required posters and removal of items that would create an offensive, threatening, or hostile environment; and
8. Providing technical assistance to Departments/Agencies/Authorities with regard to reports, EEO matters, etc. (Equal Opportunity/Equal Access Office).

Section 9. Internal Auditing and Reporting.

Departments/Agencies/Authorities shall provide the Equal Opportunity/Equal Access Office with annual reports containing strategies and objectives to ensure diversity and equal employment opportunity. Annual reports for each fiscal year are due on or before the 31st of October.

The Equal Opportunity/Equal Access Office will assess annual and quarterly reports and provide feedback on progress and any need for additional strategies to accomplish established goals and objectives.

Section 10. Record Keeping.

Documentation of personnel activities pertaining to the Equal Opportunity/Equal Access Program is vital and necessary, not only to measure the progress of each Department's/Agency's/Authority's annual goals and objectives, but also to demonstrate that progress to interested federal agencies during investigations and compliance reviews.

To the extent that records containing information related to race, color, gender, religion, political affiliation, national origin, disability, age, marital status, veteran status, and other legally protected categories exist, such shall be utilized for the sole purpose of monitoring progress and preparing required reports.

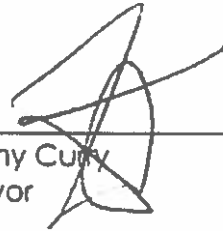
All records, reports and documents pertaining to complaints and investigations shall be preserved for a minimum of two years from the date of any final disposition of the matter.

Approved as to conforming
with sound fiscal policy:



Michael Weinstein
Director of Finance

Approved and Issued:

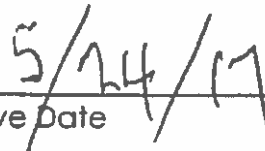


Lenny Cury
Mayor

Approved as to form:



Jason R. Gabriel
General Counsel



Effective Date

