



## OFFICE OF THE MAYOR

**JOHN PEYTON**  
MAYOR

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JACKSONVILLE, FLORIDA 32202

### EXECUTIVE ORDER 07-08

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

**From:** John Peyton, Mayor

**Subject:** Mayor's Equal Opportunity/Equal Access Program

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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 policies and procedures contained herein, is intended to create 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 race, color, gender, religion, political affiliation, national origin, disability, age, marital status, veteran status, personal characteristics or any provisions provided for in the City of Jacksonville's Equal Opportunity/Equal Access Program established by Title XI, Chapter 400 of the Jacksonville Municipal Code. This Executive Order reaffirms that employment and advancement with the City of Jacksonville shall be based solely upon job-related qualifications.

**Section 2. Scope.** This Executive Order 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 opportunity to all employees and applicants for employment. There shall be no discrimination or harassment against any person with regard to race, color, gender, religion, political affiliation, national origin, disability, age, marital status, veteran status, personal characteristics or any other impermissible factor 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 assuring 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 salaries 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 of persons age 40 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 employers from discrimination in employment on the basis of race, color, religion, sex, or national origin.

**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.

### **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 special disabled veterans, veterans of the Vietnam Era, recently separated veterans, and other protected veterans.

### **The Americans with Disabilities Act of 1990.**

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. Prohibits employers of four or more workers from discriminating on the basis of citizenship status or 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.

### **Section 5. 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 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:** the right of all persons to be recruited, employed, and promoted on the basis of qualification, without regard to race, color, gender, religion, political affiliation, national origin, disability, age, marital status, veteran status, personal characteristics or any other impermissible factor.

**Harassment** – for the purposes of this executive order, unwelcome verbal or physical conduct related to an individual's race, sex, religion, national origin, color, disability, age, marital status, political affiliation or any other provisions provided for in the City of Jacksonville's Equal Opportunity/Equal Access Program established by 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 where the percentage of representation 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 6. 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 EEO policy 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. All employees of the City of Jacksonville should attend four hours of Equal Employment Opportunity/Diversity training every three years which shall include information about the City's Equal Opportunity/Equal Access Program and Policy.
5. The Equal Opportunity/Equal Access Division shall conduct on-going Equal Employment Opportunity/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.
4. Make the policy available upon request to applicants, citizens or any equal employment opportunity interest groups or parties.

## **Section 7. Responsibility for Implementation of Policy.**

The Equal Opportunity/Equal Access Division, managed by the Assistant Director, and reporting 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 Human Resources and other City Officials.

The Equal Opportunity/Equal Access Division's responsibilities include, but are not limited to:

1. Designing and implementing internal monitoring and reporting systems that measure the effectiveness and progress of the Equal Opportunity/Equal Access Program.
2. Assisting the City in collecting and analyzing employment data, identifying problems, suggesting solutions to those problems, and reviewing programs.
3. Supporting the reporting and monitoring systems in implementing all aspects of the City of Jacksonville's Equal Opportunity/Equal Access Program.
4. Keeping Departments/Agencies informed of developments and progress in meeting their annual goals and objectives.
5. Providing guidance to affected City Departments/Agencies in the conduct of their equal opportunity/equal access efforts.
6. Providing Human Resources Department and City Departments/Agencies/Authorities with independent hiring authority data reflecting hiring trends, patterns and problem areas.

7. Providing on-going Equal Employment Opportunity/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 Department or Agency and the Office of General Counsel in preparation and review of document productions and position statements and facilitation of an amicable resolution of the complaint of discrimination when possible. In connection therewith receiving copies of all notices of final action from the Office of General Counsel or Department/Agency when OGC has not been involved.

The Director of Human Resources shall be responsible for insuring that 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 Human Resource 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, 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 and affirmative action, including the federal Uniform Guidelines on Employee Selection Procedures.
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 and affirmative action.

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 operation. 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 Department/Agency/Authority attend 4 hours of Equal Employment Opportunity/Diversity training every three years.
5. Ensuring that reports, including, but not limited to, annual and quarterly reports, required by the Equal Opportunity/Equal Access Division are prepared and submitted as programmed and directed.
6. Appointing a designated EEO Representative to serve as the Department/Agency/Authority liaison, prepare required EEO reports, handle complaints at the unit level and attend EEO specific meetings and training. Additionally, appointing EEO Assistants to assist them by representing each division or unit within the Department/Agency/Authority.
7. Communicating the role of EEO Representatives and Assistants to Division Chiefs, Managers, Supervisors and employees and securing full cooperation and support in their role and efforts to resolve complaints at the Department level.
8. 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 compliance agency.
9. 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.

10. Providing copies of any complaints filed against the Department/Agency/Authority with a federal, state or local compliance agency by immediately forwarding a copy of the charge to the Equal Opportunity/Equal Access Division located at 117 W. Duval Street, Suite 350, City Hall - St. James Building, Jacksonville, Florida 32202.

#### **Section 8. Utilization Analysis.**

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

#### **Section 9. 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. Requiring Departments/Agencies/Authorities to provide EO/EA Annual Reports containing strategies and objectives;
2. Requiring Departments/Agencies/Authorities to provide Quarterly Personnel Activity Reports;
3. Posting all external civil service job openings on its Web page ([www.coj.net](http://www.coj.net)) and with WorkSource;
4. Ensuring that minorities and women are included as part of the decision-making selection process;
5. Offering on-going Equal Employment Opportunity/Diversity training to the entire workforce;
6. Maintaining records documenting Equal Employment Opportunity/Diversity training;
7. Disseminating Equal Opportunity/Equal Access grievance procedures to all employees;
8. Requiring and maintaining records and reports of annual 24-hours training requirements and Equal Employment Opportunity/Diversity training;
9. Developing recruitment strategies that attract the broadest possible spectrum of society;
10. 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;



11. Providing technical assistance to Departments/Agencies/Authorities in regards to reports, EEO matters, etc. (Equal Opportunity/Equal Access Division).

#### **Section 10. Internal Auditing and Reporting.**

Departments/Agencies/Authorities shall provide the Equal Opportunity/Equal Access Division 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 31<sup>st</sup> of October. Quarterly reports will be provided to document progress and good faith efforts on meeting established goals and objectives. Quarterly Reports are due on or before the 10<sup>th</sup> of the month that follows each quarter. Due dates are: January 10<sup>th</sup>, April 10th, July 10<sup>th</sup> and October 10<sup>th</sup>.

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

#### **Section 11. Record Keeping.**

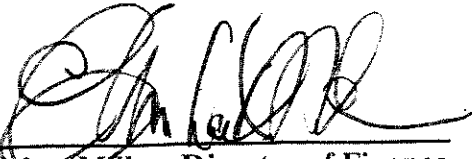
Documentation of personnel activities pertaining to the Equal Opportunity/Equal Access Program is vital and necessary, not only to measure progress of each Department/Agency/Authority's annual goals and objectives, but also to demonstrate that progress to interested federal agencies during investigations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

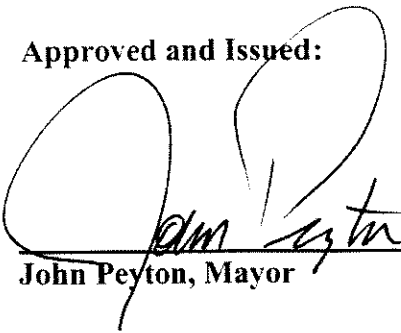
All records, reports and documents pertaining to complaints and investigations shall be preserved for a minimum of two years from the date of any final disposition of the matter.

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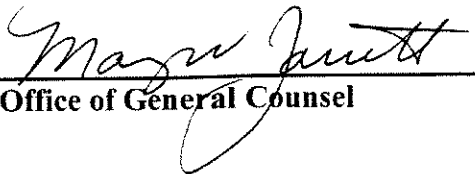
Approved as to conform  
with sound fiscal policy:

  
Mickey Miller, Director of Finance

Approved and Issued:

  
John Peyton, Mayor

Approved as to form:

  
Office of General Counsel

8-22-07  
Approval Date

8-22-07  
Effective Date