

**POLICY STATEMENT ON EQUAL OPPORTUNITY EMPLOYMENT  
AND  
AFFIRMATIVE ACTION**

The City of Ames affirms its commitment to providing Equal Employment Opportunity for all employees and applicants of the City. No personnel decision or action shall be unlawfully influenced in any manner by consideration of an individual's race, sex, color, creed, religion, national origin, ancestry, age, disability, sexual orientation, or gender identity.

The City of Ames also affirms its commitment to attaining work force that represents the available population work force. The City seeks to do this in three ways:

1. Strict enforcement of laws against discrimination based on protected class in terms, conditions, or privileges of employment.
2. Analysis of the City of Ames work force to identify areas which do not reflect the available qualified population in their gender and racial makeup.
3. The implementation of an Affirmative Action Plan to eliminate those deficiencies.

## **PRIMARY ROLES AND RESPONSIBILITY**

### City Council

1. The City Council shall be responsible for the adoption of an Affirmative Action Policy
2. The City Council shall provide sufficient resources for the development and implementation of the Affirmative Action Plan.
3. The City Council shall ensure that all boards, commissions, and agencies under the control of the Council carry out their mission in accordance with the City's Affirmative Action Policy
4. The City Council will evaluate all council decisions in terms of their impact on affirmative action objectives.
5. The City Council shall include affirmative action activities and results as criteria in the performance evaluation of the City Manager.

### Civil Service Commission

In accordance with the Code of Iowa and the principle of merit, the Commission shall ensure that no applicant or employee is unlawfully discriminated against because of his or her race, sex, color, creed, religion, national origin, age disability, sexual orientation, or gender identity.

### City Manager

The City Manager, as the highest administrative official within the City, has overall responsibility for proactively promoting the principles of Equal Employment Opportunity and Affirmative Action in all official City affairs.

### Department Heads, Managers, and Supervisors

Each department head, manager, and supervisor is responsible for proactively promoting the principles of Equal Opportunity and Affirmative Action within their realm of authority in accordance with the Personnel Policies and the Affirmative Action Plan.

### Human Resources Director

1. The Human Resources Director will ensure that all employment policies and practices of the City are administered without regard to race, sex, color, creed, religion, national origin, age, disability, or sexual orientation consistent with applicable laws.

2. The Human Resources Director will be responsible for the development of an affirmative action plan and will provide general direction, coordination, and assignment of responsibility for the operation and implementation of programs established under the Affirmative Action Plan.
3. The Human Resources Director shall appoint a staff member to act as Affirmative Action Officer.
4. The Human Resources Director may at his/her discretion assume any or all of the duties or responsibilities of the Affirmative Action Officer. The Human Resources Director may, with the approval of the City Manager, designate, appoint, or engage a person or persons to conduct any investigation under the provisions of this Chapter.
5. If, in the judgment of the City Manager there would be a conflict of interest in the roles of the Human Resources Director, Affirmative Action Officer, or the City Manager in conducting any investigation or performing other functions under this Chapter, the City Manager may designate, appoint, or engage a person or persons to conduct the investigation or perform other such functions as the City Manager may deem appropriate.

#### Affirmative Action Officer

1. The Affirmative Action Officer is responsible for monitoring and implementing the City's Affirmative Action Plan on a day-to-day basis.
2. The Affirmative Action Officer is available to each employee and to each applicant for employment for the purpose of providing information, counseling, or assistance on any matter relating to the Affirmative Action Plan or City employment.
3. The Affirmative Action Officer will update the Affirmative Action Plan annually and submit it to the Human Resources Director for approval.
4. City department heads, managers, and supervisors are responsible for proactively promoting the principles of Equal Employment Opportunity and Affirmative Action within their realm of authority in accordance with these policies and the Affirmative Action Plan.

## **AFFIRMATIVE ACTION PLAN**

It is the goal of this Affirmative Action Plan to guard against illegal discrimination through appropriate review of the City's Personnel policies, to allow qualified individuals the opportunity to enter non-traditional occupations, and to achieve a work force that reflects the available qualified population in gender and racial makeup

The Affirmative Action Plan is available in the Human Resources Department to any employee, applicant, or member of the public.

The Affirmative Action Plan shall consist of the following components:

### Analysis

On an annual basis, the Affirmative Action Officer shall perform the following analysis in order to identify those areas of the work force where under-representation exists and to determine the effectiveness of current affirmative action efforts:

1. Utilization Analysis
  - a. Analysis of the gender and minority characteristics of the current City work force.
  - b. Analysis of the salary levels of current employees according to gender and race.
2. Availability Analysis
  - a. Analysis of the gender and minority characteristics of the state, county and local population.
  - b. Analysis of the gender and minority characteristics of relevant segments of the national, state, and county labor markets.
3. Goals and Timetables
  - a. Analysis of the gender and minority characteristics of all separations and appointments over the previous year.
  - b. Determination of the extent to which progress toward Affirmative Action goals has been realized.
  - c. Determination of those job categories and other relevant areas of the current work force that do not reflect the available qualified population in terms of gender and race. Under-representation shall be determined to exist whenever the gender and minority characteristics of the available qualified population are not reflected in the City work force within a given job category.
  - d. Determination of hiring, promotional, and other appropriate employment goals toward the elimination of under-representation.

## Recruitment

The City shall actively recruit qualified protected class persons. Efforts to do so will include, but not be limited to:

1. Including the EOE/AA statement in advertisements for vacant positions.
2. Including the phrase "Women, minorities and persons with disabilities encouraged to apply" on all postings.
3. Identification of individuals or organizations that may represent protected classes with specific job-related skills when appropriate.
4. Dissemination of open/entry postings to individuals and organizations that represent the protected classes; and placing postings for promotional openings in prominently visible areas.
5. Encouraging employees to refer protected class applicants for employment and promotion.

## Selection

1. Selection standards and criteria shall reflect the qualifications needed to perform the functions of the job as identified through job analysis.
2. Efforts shall be made to ensure that all tests, pre-employment inquiries and other selection practices are job-related and designed to assess the candidate's ability to perform the job. Attempts shall be made to eliminate or modify practices, which have the effect of illegally discriminating against protected class members.
3. City personnel who have responsibility for selection and hiring shall be held responsible for using legal interviewing and selection techniques and criteria.
4. When possible, the City shall involve subject matter experts who are members of under-represented classes in the selection process.
5. Subject matter experts who assist with the selection process shall be informed of the City's policy of equal employment opportunity, and shall be advised on the use of proper interviewing and selection techniques and criteria.

### Classification and Pay Administration

1. The Human Resources Department shall maintain responsibility for determining the appropriate classification and rate of pay for those positions included in the merit pay system. Such decisions shall be based on the skill, effort, responsibility and working conditions required by the position(s), as determined by job analysis, and shall not be influenced by the protected class status of the incumbent(s).
2. City employees assisting in the classification or pay evaluation of a position shall be held responsible for providing accurate information that shall not be influenced by the protected class of the incumbent(s)

### Conditions of Employment

All conditions of employment and personnel policies shall not unlawfully discriminate against members of protected classes. Conditions of employment include, but are not limited to, hours of work, overtime opportunities, assignment of duties, compensation, availability of benefits, training opportunities, working conditions, performance evaluation, complaint resolution procedures, disciplinary actions, and termination.

### Reduction of Force

In the event of a reduction of force, the City shall follow the procedures described in Chapter 400 of the Code of Iowa, and outlined in the City Civil Service and Personnel Policies. Employees who are covered by a collective bargaining agreement shall be subject to the procedures contained within the respective contract.

### Training and Development

- I. Department and division heads are responsible for ensuring that training and career development opportunities are available to all employees equally without regard to protected class.
2. Department and division heads shall assist employees in identification of career objectives, available opportunities to meet these objectives, and actions which the employee may need to take in order to realize these objectives. While this is an ongoing process, it may be addressed in written form during the performance appraisal process.
3. The Human Resources Department shall provide training on relevant Equal Employment Opportunity and Affirmative Action issues as appropriate.

### Labor Agreements

The City shall ensure that an effective non-discrimination clause is included in all negotiated labor agreements. This shall affirm that the parties agree not to discriminate against applicants or employees on the basis of race, sex, color, creed, religion, national origin, age disability, sexual orientation, or gender identity.

## **DISCRIMINATION COMPLAINT AND INVESTIGATION PROCEDURE**

1. It is the policy of the City of Ames to provide employees and applicants a viable process for resolution of a discrimination complaint. The following complaint procedures will be followed:
  - a. An employee of the City alleging illegal discrimination may report the violation to his/her supervisor, his/her department head, or to the Affirmative Action Officer. An applicant alleging illegal discrimination should report the violation directly to the Affirmative Action Officer.
  - b. Any department head or supervisor who receives a discrimination complaint, or who has reason to believe that illegal discrimination is occurring, will report it to the Affirmative Action Officer immediately.
  - c. The Affirmative Action Officer will work in conjunction with department management to plan and initiate an investigation appropriate to the nature of the complaint.
  - d. Upon completion of the investigation the Affirmative Action Officer will submit a report of findings and recommendations to the Human Resources Director. This report will be considered confidential and will remain in the custody of the Director. The release of this report to any person is within the reasonable discretion of the Director.
  - e. When a discrimination complaint is found to be justified, proper corrective measures will be recommended by the Affirmative Action Officer to the City Manager, along with recommendations for resolution.
2. Retaliation against an employee for placing a discrimination complaint or participating in a complaint investigation is strictly prohibited and will be treated as serious misconduct.
3. All City collective bargaining agreements contain a provision prohibiting illegal discrimination. Employees covered by these agreements have the option of pursuing a discrimination complaint through the grievance procedures provided by the respective contracts. Employees should be aware that the grievance procedures have specified time limits.
4. Under some circumstances, a discrimination complaint may involve Civil Service rights and may be appealed to the Civil Service Commission. Employees and applicants should be aware that these procedures have specified time limits.

## **HARASSMENT POLICY**

1. The City of Ames is committed to achieving and maintaining a working environment that is free of illegal discrimination in the form of harassment based on race, creed, color, religion, gender, national origin, ancestry, age, disability, sexual orientation, or gender identity; to sensitizing employees to issues and forms of harassment; and to taking appropriate corrective measures in those cases where harassment based on protected class has been reported and substantiated.
2. Harassment is a form of unlawful discrimination and is defined as verbal or physical conduct that denigrates, or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, disability, sexual orientation, or gender identity; or that of his/her relatives, friends, or associates, and that:
  1. has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
  2. has the purpose or effect of unreasonably interfering with an individual's work performance; or
  3. otherwise adversely affects an individual's employment opportunities
3. Sexual harassment is a specific form of illegal gender-based discrimination and is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
  3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive work environment
4. Harassment based on race, creed, color, religion, gender, national origin, ancestry, age, disability, sexual orientation, or gender identity, as well as all other forms of illegal discrimination, is a form of employee misconduct which undermines the integrity of the employment relationship by interfering with the morale and productivity of its perpetrators, its victims and other co-workers. As such, this conduct is unacceptable in the workplace and will not be condoned or tolerated. Employees who engage in this behavior will be disciplined to the same degree as for any other form of serious misconduct. Retaliation for filing a complaint is expressly forbidden and will also be treated as serious misconduct.
5. Even if no objection or complaint has been made, verbal or physical behavior that is harassing or sexual in nature, according to the definitions in this chapter, will be considered a violation if it is deemed by management to create or have the potential of creating, an intimidating, hostile or offensive working environment.

## **HARASSMENT COMPLAINT AND INVESTIGATION PROCEDURES**

1. An employee who feels subjected to harassment based on his/her race, creed, color, religion, gender, national origin, ancestry, age, disability, sexual orientation, or gender identity, should clearly state to the harasser that the behavior is unwelcome and ask that it be stopped. This will accomplish two things. First, it will clearly communicate that the impact on the victim is negative. Second, a clear objection will help establish the legal element that the behavior is unwelcome.
  
2. If the objectionable behavior continues the victim should pursue the complaint procedures outlined in *Discrimination Complaint and Investigation Procedures* section.