



Equal Employment Opportunity Plan

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SECTION 1 PURPOSE

The Equal Employment Opportunity (EEO) Officer for the City of Gunnison has established this Equal Employment Opportunity Plan. This document is intended to be a guide for a plan of action and reference resource.

- A. Reaffirm the City's commitment to equal employment opportunity and diversity and inclusion in its employment practices, program operations, and service delivery systems.
- B. Outline goals and action steps to:
 - (1) Attract and retain a diverse workforce that is reflective of the community;
 - (2) Increase inclusion among employees of differing identities and backgrounds to promote a welcoming and productive workforce that responds to the needs of the community;
 - (3) Promote a work environment that is free from all forms of discrimination and harassment, including unfair treatment based on sex, pregnancy, childbirth or related medical conditions, race, veteran status, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, gender (including gender identity and gender expression), sexual orientation, use of family medical leave, genetic testing, or any other basis protected by federal or state law; and
 - (4) Provide opportunities for career development and advancement for all employees, and identify barriers and challenges to diversity and inclusion and remove them or develop solutions.
- C. Recognize that the success of the City's equal employment opportunity and diversity and inclusion programs depends on City leadership support, along with a commitment from department heads, managers, supervisors, and employees to advance these goals.

SECTION 2 RESPONSIBILITIES

To assure support and success of the Equal Employment Opportunity Plan, the following responsibilities are given to these officials:

- A. Finance Director - The Finance Director is the dedicated EEO Officer, and is responsible for general administration of the Plan and will review all personnel policies, employment practices and procedures, and make recommendations on steps to ensure equal employment opportunity.

- B. Human Resources Generalist – The Human Resources Generalist, under direction of the Finance Director, is responsible for submission of Certification Reports, Utilization Reports, or other reports to comply with EEO Regulations.
- C. City Manager - The City Manager, as Personnel Director, is responsible for providing executive leadership and oversight to ensure that department heads take action as necessary to achieve and implement the Plan's goals and objectives.
- D. Department Heads - Department Heads will adhere to the City's Equal Employment Opportunity Plan. Specifically, the department heads will:
 - (1) Participate with the Finance Director and Human Resources Generalist in identifying challenges and obstacles and working with departmental managers and staff to address problem areas, and;
 - (2) Ensure that all employment decisions, including interviews, offers of employment and compensation commitments, assignments, training, development of job-related knowledge and skills, evaluation, and employee relations, are consistent with the City's personnel practices and equal employment opportunity principles.
- E. Managers and Supervisors - City managers and supervisors are responsible for the following:
 - (1) Ensuring that all staff understand and work within City policies and procedures and relevant laws dealing with equal employment opportunity programs and policies, and;
 - (2) Initiating steps to foster and maintain a work climate that is conducive to achieving equal employment opportunities and a workplace free from discrimination and harassment.
- F. City Employees - City employees are responsible for supporting a work climate that is conducive to achieving equal employment opportunities and that is free of any form of discrimination or harassment.

SECTION 3 STATEMENT OF POLICY

- A. Equal Employment Opportunity - The City is dedicated to the principles of equal employment opportunity in any term, condition, or privilege of employment. We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race, sex, gender, color, religion, national origin, disability, military status, familial status, genetic information, or any other status protected by applicable state or local law.
- B. Harassment - It is the City's policy that all employees are entitled to work in an environment free of harassment as defined below. Unlawful harassment will not be

tolerated. A prompt investigation of all claims and complaints of unlawful harassment will be undertaken, and effective and appropriate corrective action, up to and including termination, will be taken when warranted, based on the investigation. The City prohibits harassment of its employees in any form by supervisors, co-workers, or the general public. All employees are expected to treat one another with respect and courtesy.

- (1) Unlawful harassment means unwelcome conduct, including physical, verbal, or written conduct, that constitutes harassment based on a status under the equal employment opportunity laws, including but not limited to protection against retaliation for activities such as opposing a practice made unlawful by an equal employment opportunity law or participation in an investigation or other proceeding under the equal employment opportunity laws, or association with a protected individual.
- (2) Examples of "unlawful harassment" include but are not limited to: slurs, jokes, degrading comments, degrading pictures, degrading symbols, or other written, verbal, or physical conduct, based on race/color, national origin, gender, sex, religion, disability, age, or marital/family status, which has the purpose or effect of unreasonably interfering with an individual's work performance, creates an intimidating, hostile or offensive work environment, results in a tangible employment action, or is sufficiently severe or pervasive to alter the conditions of employment.

- C. Sexual Harassment - Sexual Harassment is prohibited as defined below and constitutes grounds for disciplinary action and possible termination. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of employment; (2) submission to or rejection of such conduct by an employee is used as a basis for personnel actions affecting the employee; or (3) such conduct has the purpose of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Conduct that may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- (1) Written form: Cartoons, posters, calendars, notes, letters, emails, etc.
- (2) Verbal form: Comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates, etc.
- (3) Physical form: Physical gestures and other non-verbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging and brushing up against another's body, blocking the way of another person in the workplace, etc.

Such behavior must be reported immediately to the supervisor, Department head, or one of the following individuals:

- (1) EEO Officer (Finance Director)
- (2) HR Generalist
- (3) City Manager

An investigation will be conducted and corrective action will be taken when warranted.

- D. Retaliation - Retaliation is not permitted. No employee shall be subjected to reprisal or retaliation for making a notification of discriminatory conduct or prohibited harassment. The employee should report immediately any incidents of reprisal, retaliation, or harassment, which occurs as a result of making such a notification.

SECTION 4 COMMUNICATION AND DISSEMINATION

- A. Internal Dissemination - All City of Gunnison employees shall have access to the City's EEO Plan. EEO information shall be disseminated in the following ways:

- (1) During new employee orientation, each employee shall be made aware of the EEO program and how to view the EEO plan;
- (2) Finance Department staff shall inform all employees of the EEO Complaint procedure and answer any questions related to this process;
- (3) Information regarding EEO laws will be posted in conspicuous areas throughout the city by Finance Department staff

- B. External Dissemination - The public shall be informed of the Department's position on equal employment opportunities as follows:

- (1) City of Gunnison will actively recruit from a variety of sources to achieve a diverse and inclusive workforce that meets the needs and demands of the City;
- (2) The City will conduct targeted recruitment where underutilized groups are identified and disseminate information regarding the Department's EEO Plan; and
- (3) The City's job advertisements shall include the statement, "An Equal Opportunity Employer."

SECTION 5 PLAN OBJECTIVES AND ACTIVITIES

In its continuing efforts to ensure Equal Employment Opportunity and to increase diversity and inclusion within its workforce, the City of Gunnison will focus its energy in the areas noted below.

- A. Recruitment - One of the City's goals is to become a great place to work. With that in mind, the City will place a heavy emphasis on recruitment. Effective recruitment will play a significant role in having a diverse, representative applicant pool and is crucial to overcoming underutilization. The following actions will be taken on an ongoing basis:
- (1) The city utilizes a variety of outlets to advertise open positions including nationally recognized website, legal newspapers of record, and the City's website thus allowing the city to attract large numbers of applicants of all demographics.
 - (2) Place an emphasis on attracting and recruiting members of the underrepresented for positions with supervisory authority and/or management-related responsibilities.
- B. Selection- To ensure the selection procedures, hiring standards and placement process remain free of discrimination based on race, color, religion, sex, age, national origin, disability, genetic information, Veterans, and political affiliation; the following activities have been established:
- (1) The Finance Department is responsible for ensuring that the selection process is based on relative consideration of qualifications using fair and valid selection criteria.
 - (2) Monitor the qualified applicant pools to ensure discrimination was not involved in the decision. This includes monitoring the entire process, beginning with the initial advertisement of the position to the offer of hire.
 - (3) Encourage hiring managers to interview members of underutilized groups. Underutilized groups should be interviewed based upon their qualifications and not because they are members of a protected class.
- C. Compensation and Benefits - The City of Gunnison Finance Department, in conjunction with various departments, divisions, facilities and offices have the authority to see that all employees, regardless of race, color, religion, sex, age, national origin, disability, and genetic information are treated fairly and equitably.

Appropriate analysis processes are in place to ensure that salary recommendations take into account related education, training, experience as well as the salaries of current employees performing similar duties and responsibilities. This is to ensure that all benefits and conditions of employment are equally available without

discrimination to all employees. This includes leave policies, retirement plans, insurance programs, and other terms, conditions and privileges of employment. The City will continue to look at creative ways to ensure diversity and inclusion in all areas of employment including, but are not limited to, employee assistance program, and reasonable accommodation for disability or religious reasons.

SECTION 6 COMPLAINT PROCEDURES

- A. Any employee of the City who believes he or she has suffered a violation of his/her rights as protected under the Fair Labor Standards Act, Americans with Disabilities Act, Family and Medical Leave Act, Age Discrimination in Employment Act, Title VII, the Civil Rights Acts of 1870, 1871 and/or 1964, the First Amendment, the Colorado Anti-Discrimination Act or any other legally protected right, shall immediately report the incident and may file a complaint.

We encourage the resolution of complaints to occur at the most base level possible. The procedure below outlines the general steps preferred to resolve any issues or complaints. If, however, an employee is not comfortable with any of these steps, **the employee may, at any point, as promptly as possible, present the complaint in person or in writing to the EEO Officer, HR Generalist or City Manager, who will make careful inquiry into the facts and circumstances of the complaint.** The City of Gunnison also utilizes an anonymous reporting hotline, hosted by Ethical Advocate, that may be used when appropriate to report any issues or complaints:

Ethics Line
888-528-0637
<https://gunnison.ethicaladvocate.com/>

The Finance Department will seek to resolve the problem promptly and thoroughly, and communicate conclusions and results to the employee as soon as possible. For most complaints, the steps below should be followed:

- (1) An employee should first present the complaint promptly after the incident, in person or in writing, to the Supervisor, who will work with the Finance Department to make careful inquiry into the facts and circumstances of the complaint. The Supervisor will seek to resolve the problem promptly and thoroughly, and communicate conclusions and results to the employee as soon as possible. If necessary, the employee may begin the process with step 2 or 3.
- (2) If the Supervisor's resolution of the complaint proves unsuccessful, or if the employee is uncomfortable presenting the complaint directly to the Supervisor, the employee may promptly present the complaint, in person or in writing, to the Department Head. After a personal discussion with the employee and completion of an investigation in partnership with the

Finance Department, the Department Head will attempt to resolve the issue/complaint. The Department Head will render a written statement of conclusion to the employee as soon as possible once the investigation is complete.

- (3) If Department Head resolution of the complaint proves unsuccessful, or the employee is uncomfortable with any of the prior steps, the employee may promptly present the complaint, in person or in writing, to the EEO Officer, HR Generalist or City Manager within five (5) calendar days of the issuance of the Department Head's statement. After completion of an investigation by the Finance Department, the Finance Department will attempt to resolve the problem in partnership with the City Manager. The Finance Department, in partnership with the City Manager may solicit or gather information. The Finance Department will render a written statement of conclusion to the employee as soon as administratively possible once all findings have been considered. In all respects, the decision of the City Manager will be final.

- B. Timeliness of Filing a Complaint - It is important to file a complaint as soon as possible in order to facilitate the best outcome. Failure to file a complaint in a timely fashion may delay and/or limit the City's ability to effectively resolve the issue. We encourage employees to bring any and all issues to the City's attention as soon as possible to allow the City an opportunity to resolve issues and keep them from growing in size or continuing.
- C. External Agencies - In addition to the above, or in place of the above procedure, employees and applicants have the option of filing a complaint with either, or both, the state and federal external compliance agencies. The address and phone numbers for each agency are listed below:

Denver Field Office
303 E. 17th Avenue Suite 410
Denver, Colorado 80203
1-800-669-4000

-OR-

The Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Ave. NW, Room N-4123
Washington, DC 20210

-OR-

Electronically as directed on the CRC website at www.dol.gov/crc

SECTION 7 MONITORING AND REPORTING

The City of Gunnison utilizes EEO reports to monitor EEO Activities. The EEO Officer will communicate with all City employees to ensure they have knowledge and an understanding of the EEO goals and objectives. At various times, the Human Resources Generalist will evaluate the overall plan for the city to ensure compliance and to note any trends that need to be addressed to the Finance Director. In addition, the Human Resources Generalist shall provide management with information regarding the progress of the plan.