




# TOWN OF MOORESVILLE ADMINISTRATIVE POLICY

<b>Title: Equal Employment Opportunity</b>	<b>Staff Affected: All</b>
	<b>References: None</b>
<b>Approved By:</b>   <b>Town Manager</b>	<b>Approved: June 16, 2023</b>  <b>Effective: June 16, 2023</b>  <b>Rescinds: Policy #2 Equal Employment Opportunity, July 1, 2011</b>  <b>Policy Index #: AP-HR-014</b>

## 1.0 SUPPLEMENTS

- [Title VII of the Civil Rights Act of 1964 \(Title VII\)](#)
- [The Equal Pay Act of 1963 \(EPA\)](#)
- [The Age Discrimination in Employment Act of 1967 \(ADEA\)](#)
- [Title I of the Americans with Disabilities Act of 1990 \(ADA\)](#)
- [Sections 102 and 103 of the Civil Rights Act of 1991](#)
- [Sections 501 and 505 of the Rehabilitation Act of 1973](#)
- [The Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
- [The Pregnancy Discrimination Act](#)

## 2.0 DEFINITIONS

Protected Class- Applicants, employees and former employees are protected from employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability and genetic information (including family medical history). (EEOC.gov)

Protected Activity- The EEO laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. Participating in a complaint process is protected from retaliation under all circumstances. Other acts to oppose discrimination are protected as long as the employee was acting on a reasonable belief that something in the workplace may violate EEO laws, even if he or she did not use legal terminology to describe it. (EEOC.gov)

Retaliation- any adverse employment action taken against an individual because the individual engaged in Protected Activity

Adverse Employment Action- is conduct that materially affects the terms and conditions of an employee's employment status or that is reasonably likely to deter the employee from engaging in Protected Activity

### **3.0 POLICY**

It is the policy and practice of the Town of Mooresville to assure that no person will be discriminated against in-or be denied the benefit of-any activity, program, or employment process, in any area of employment, including but not limited to recruitment, advertising, hiring, promotion, transfer, demotion, lay off, termination, rehiring, rates of pay, benefits, development opportunities, and/or other compensation. The Town is strongly committed to non-discrimination and equal opportunity in all employment actions for qualified persons without regard to race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability and genetic information (including family medical history).

It is the policy of the Town to provide a workplace that is free of harassment due to membership in a protected class, and furthermore, the Town prohibits retaliatory action for any protected activity.

Required workplace EEO posters shall be placed and maintained in conspicuous locations.

#### **3.1 Equal Opportunity in Recruitment**

3.1.1 The Town shall consider all qualified applicants for available positions without regard to on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability and genetic information (including family medical history).

3.1.2 All recruitment advertisements will include the Town's commitment to Equal Employment Opportunity, and job descriptions shall be reviewed periodically and updated as appropriate to properly identify job-related requirements.

#### **3.2 Equal Opportunity in Employment Actions**

3.2.1 Advancement to positions of greater responsibility shall be based on an individual's demonstrated performance.

3.2.2 Compensation, benefits, job assignments, layoffs, employee development opportunities, and discipline shall be administered consistent with federal and state laws, and without bias to race, color, religion, national origin, sex (including sexual orientation, pregnancy or gender identity), age, genetic information, political affiliation or disability.

#### **3.3 Town Responsibilities**

3.3.1 The Town is committed to upholding this policy and ensuring practices that align with its intent.

3.3.2 The Town will ensure that employees and applicants are not subjected to intimidation and/or harassment, retaliation, threats, coercion, or discrimination because they have filed a complaint, assisted or participated in an investigation or any other activity, or opposed any unlawful act or practice.

3.3.3 The Town will promote inclusion and diversity in all levels of the workforce.

3.3.4 The Town Manager or designee will investigate claims of discrimination and unlawful harassment in the workplace.

3.3.5 The Town will maintain, update and review its Equal Employment Opportunity Plan (EEOP) annually.

3.3.6 The Town will make the EEOP available to any employee upon request.

#### **3.4 Management Responsibilities**

3.4.1 Any and all claims of discrimination whether verbal or in writing shall immediately be reported to the Human Resources Director for investigation. All claims shall be investigated solely by the HR department.

- 3.4.2 Executive, managerial, and supervisory level employees are responsible for upholding and implementing this policy and ensuring conformance by staff.
- 3.4.3 Executive, managerial and supervisory level employees will ensure that they are fostering an environment of inclusion and respect.
- 3.4.4 Requests for reasonable accommodation by qualified applicants or employees should be addressed and brought to the attention of Human Resources in a timely manner.

### **3.5 Employee Responsibilities**

- 3.5.1 Employees are expected to refrain from discrimination or unlawful harassment based on an individual's membership in a protected class.
- 3.5.2 As stated in our core values, employees are expected to treat every individual with dignity and respect.
- 3.5.3 Any employee that feels that they have been discriminated against shall report that claim immediately to the Human Resources Director.

### **3.6 Noncompliance**

- 3.6.1 Any Town employee who engages in discrimination of a member of a protected class, or unlawful harassment, may be subject to appropriate discipline up to and including termination.
- 3.6.2 Any executive, managerial or supervisory employee who knows of unlawful discrimination or harassment in the workplace and fails to report the claim to Human Resources and take immediate and appropriate corrective action, may be subject to disciplinary action up to and including termination.

## **4.0 ATTACHMENTS**

None.