

ORDINANCE NO. 08-20 AC CMS

AN ORDINANCE AMENDING SECTION 157.10 OF THE CODIFIED ORDINANCES OF THE CITY OF OBERLIN THAT ESTABLISHED AN AFFIRMATIVE ACTION PROGRAM TO ESTABLISH AN EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That section 157.10 of the Codified Ordinances of the City of Oberlin, which created an Affirmative Action program for the City of Oberlin, is hereby amended to provide for an Equal Employment Opportunity Program, as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading – March 17, 2008
2nd Reading – April 7, 2008
3rd Reading – April 21, 2008 (Effective in 30 days)

ATTEST:



**Belinda B. Anderson
CLERK OF COUNCIL**



**David E. Sonner
PRESIDENT OF COUNCIL**

POSTED: 4/22/08

EFFECTIVE DATE: 5/20/08

Exhibit A**157.10 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

(a) The City does hereby reaffirm its policy to insure equal opportunity employment for all persons, to prohibit discrimination in employment, and to promote the full realization of equal employment opportunity through a continuing intensive program in each department of the City. Furthermore, equal employment opportunity shall be an integral part of every aspect of personnel policy and practice in the employment, development, advancement and treatment of employees of the City to the maximum extent possible.

(b) The City, as evidence of its intent to comply with basic policies and procedures necessary for effective, uniform and judicious enforcement of equal employment opportunity standards, does hereby adopt this program.

General Policy

In all of its employee relationships, including but not limited to internal employment and job training and career advancement, the City government of Oberlin prohibits any discrimination on the basis of race, religion, color, creed, age, sex, ancestry, marital status, disability, sexual orientation, national origin, political affiliation or veteran status. Equal employment opportunity for all persons is a fundamental City policy. Equal employment opportunity is a legal, social, moral and economic necessity to the City of Oberlin. To this end it shall be the desire of the City government to have the City workforce mirror the diversity of potential qualified individuals found in the community's labor pool.

Definitions

(1) "Equal Employment Opportunity Efforts" means the active and aggressive recruitment of qualified individuals so that the desire of the City that the percentage of qualified members of protected classes employed in all City departments is in reasonable balance with the percentage of potential qualified members of protected classes in Oberlin can be fulfilled.

(2) "Qualified" means possessing the minimum skills, training, certifications or licenses required to adequately perform a job at each stage of employment. For entry-level positions it is understood that if new employees can learn the job skills or obtain required training, certifications or licenses in a reasonable period of time after being hired, they are to be considered qualified, provided that such skills, training, certifications or licenses are acquired during the probationary period.

(3) "Members of protected classes" means persons protected from discrimination under federal, state or Oberlin law on the basis of race, religion, color, creed, age, sex, ancestry, marital status, disability, sexual orientation, national origin, political affiliation or veteran status.

Equal Employment Opportunity Efforts include:

Job Structuring and Upward Mobility

- (1) Job specifications shall be reviewed and revised as needed to assure that all the requirements are job related.
- (2) Educational requirements for all City positions will be evaluated to ensure that educational requirements are necessary and job-related.
- (3) All City positions shall be so defined and described as to limit the range of responsibilities in each pay level thereby permitting the establishment of multiple levels, providing a career ladder, whenever job families warrant this distinction.
- (4) Career ladders shall be established to permit the movement of qualified lower level employees to positions of greater responsibility as the employees develop.

Recruiting

- (1) The City shall initiate and maintain communications with leaders of organizations associated with or supportive of members of protected classes to develop mutual understanding of needs. During these recruitment contacts, nondiscrimination as a basic element of City personnel administration shall be emphasized. The assistance of leaders from racial minority groups, women's organizations, organizations dealing with the disabled, and organizations dealing with discrimination against Gay, Lesbian, Bisexual and Transsexual (GLBT) individuals on the basis of their sexual orientation shall be sought in structuring and maintaining a positive recruitment program.
- (2) Publications such as recruiting announcements shall be reviewed to insure that language or photographs do not imply inequality between men and women.
- (3) Referrals shall be requested from the State employment office, the Lorain County Job and Family Services Department, the Lorain County Board of Mental Retardation and Developmental Disabilities, poverty program agencies and community and youth organizations.
- (4) The City shall furnish recruitment literature to organizations which have frequent contact with members of protected classes and which can provide recruitment assistance.

Selection

All selection procedures and methods utilized by the City shall be reviewed to ensure they are valid and job-related, and that written/oral tests, interviews and applications are designed to prevent discrimination against members of protected classes. They shall be:

- (1) Based on careful job analysis to determine the knowledge, skills, abilities and other qualification requirements actually needed for the job.
- (2) Focused on abilities required upon entry to the job.

Appointment and Placement

- (1) All department heads shall certify that recommendations for appointments are made on a nondiscriminatory basis. There shall be a periodic review of the quality of these statements.

(2) Non-merit factors such as marital status shall not be considered during consideration of applicants.

(3) All department heads and supervisors taking part in the interview and appointment process shall be trained to fairly and impartially conduct interviews and selection.

(4) All department heads shall provide for follow-up with new employees during the initial months of employment to guarantee proper placement and training.

Authority and Responsibility

City Council:

The Council of the City of Oberlin has the authority to require Equal Employment Opportunity Efforts and directs the City Manager, with the assistance of other Council appointees, to implement such efforts.

- A. All employees shall comply with the spirit and obligations of this ordinance.
- B. Appointees of the City Council shall have the responsibility to ensure compliance with this ordinance relative to their respective areas of authority.
- C. The City Manager will designate an Equal Employment Opportunity Officer who will report directly to the City Manager and assist all Council appointees in implementing EEO efforts.

Equal Employment Opportunity Officer:

- A. The Equal Employment Opportunity Officer will write personal letters to all recruitment sources as employment needs develop. The letter will include copies of the employment policy and state an interest in interviewing and hiring previously under-represented groups for all positions. The Equal Employment Opportunity Officer will also contact appropriate media, public and private employment agencies, educational institutions and community organizations. Recruitment sources shall be informed that the City of Oberlin cannot use their services if they do not refer applicants on a nondiscriminatory basis, and that referrals of applicants from all protected classes to all jobs, at all levels are expected. The Equal Employment Opportunity Officer will inform the media that "help wanted" advertisements shall not be placed in segregated columns. The statement that the City of Oberlin is an equal employment opportunity employer shall be included in all advertisements.
- B. The Equal Employment Opportunity Officer will maintain contact with referral agencies for members of protected classes.
- C. The Equal Employment Opportunity Officer shall periodically review, evaluate and, if necessary, recommend revision to the City's selection procedure, including but not limited to: (1) application forms, (2) physical requirements, (3) oral interviews, (4) job descriptions, (5) job requirements, (6) probationary periods, (7) tests and examinations.
- D. The Equal Employment Opportunity Officer shall report to City Council each year on the success of the Equal Employment Opportunity Efforts.

Boards and Commissions:

All City Boards and Commissions will cooperate in the spirit and objectives of this ordinance.

Appointees of Council, Department Heads and Supervisors:

Appointees of Council, department heads and supervisors shall have the responsibility to: (1) Implement the Equal Employment Opportunity Efforts in their departments. (2) Complete the appropriate forms required by this ordinance. (3) Analyze the specific employment needs and patterns of their departments and supervisors. (4) Cooperate completely with the Equal Employment Opportunity Officer in fulfilling the requirements of the ordinance. (5) Evaluate along with the Equal Employment Opportunity Officer, the efforts and achievements in accordance with this ordinance.

Appointees of Council, department heads and supervisors will be expected to implement Equal Employment Opportunity Efforts as a part of their prescribed duties. Their successes in implementation will be considered by the respective appointing authority in the periodic evaluation of their overall performance.

City Employees:

All City employees will comply with the spirit and the letter of this ordinance. Any employee of the City of Oberlin who willfully violates the intent of this ordinance, shall be subject to appropriate disciplinary action, including reprimand, suspension and/or dismissal.

Complaint Review:

Any employee or individual affected by this ordinance may register a written complaint with the Equal Employment Opportunity Officer within thirty (30) days of the occurrence of the action for which the complaint is made.

The Equal Employment Opportunity Officer shall within thirty (30) days after receipt of the written complaint investigate the personnel action or incident in question. The results of the investigation with recommendations for action shall be submitted to the City Manager or respective Council appointee.

The recommendations and findings of the Equal Employment Opportunity Officer shall be made known to all parties of the complaint.

The City Manager, or respective Council appointee, shall review the recommendations made by the Equal Employment Opportunity Officer and take whatever action the appointee deems necessary. In the event disciplinary action is taken against an employee, said disciplinary action shall conform with the appropriate Oberlin and State of Ohio civil service procedures.