

RESOLUTION NO. 2014-10

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST MELBOURNE, FLORIDA, ADOPTING THE CITY'S CDBG AFFIRMATIVE ACTION PLAN FOR THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM, AND ADOPTING AN UPDATED EQUAL EMPLOYMENT OPPORTUNITY PLAN, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City of West Melbourne, Florida, is experiencing a need to provide community improvements that benefit low and moderate income residents of the City, and;

WHEREAS, the City of West Melbourne, Florida, has made application to the State of Florida's Small Cities Community Development Block Grant Program, and;

WHEREAS, the City of West Melbourne, Florida, is required to establish the necessary policies and procedures for implementation and administration of the Community Development Block Grant Program;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WEST MELBOURNE, FLORIDA:

Section 1. That the CDBG AFFIRMATIVE ACTION PLAN is adopted as the City's guiding policy and procedure to be utilized as applicable in connection with Community Development Block Grant Projects and for any Small Cities Community Development Block Grant Program that the City may seek, so long as this policy remains consistent with the State and Federal Requirements of the CDBG program.

Section 2. That the City's Equal Employment Opportunity Plan, attached hereto as Appendix A and made a part hereof, is hereby adopted.

Section 3. That this Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST MELBOURNE, BREVARD COUNTY, THIS 3rd DAY OF JUNE 2014.

Hal Rose

Hal J. Rose, Mayor



Sue Frank
Sue Frank, City Clerk

Approved as to form and content:

James P. Wilson
James P. Wilson, City Attorney

CITY OF WEST MELBOURNE

CDBG AFFIRMATIVE ACTION PLAN

The City of West Melbourne, Florida, is committed to eliminating discrimination because of race, color, religion, sex, handicap, familial status or national origin and will comply with Section 3 (Use of Small and Disadvantaged Businesses and Hiring Lower Income Residents of the Project Area), Equal Employment Opportunity Act of 1978 (In-House Equal Employment Opportunity), Executive Order 11246, as amended by Executive Order 11375 (Equal Employment Opportunity on Federal Assisted Construction Contracts), and Executive Order 11625 (Minority Entrepreneurship).

Notice of the policy will be placed in plain sight on the job location for the benefit of interested parties and all contractors and sub-contractors so notified. All Equal Opportunity Posters will be displayed as required.

Responsibility

The City Manager for the City of West Melbourne, Florida with offices located at 2240 Minton Road, West Melbourne, FL 32904 has been appointed as Equal Opportunity Officer to coordinate the City's efforts to advise and assist key personnel and staff, to officially serve as focal point for complaints, and to submit required reports as needed.

Local Government Workforce Provisions

At present there are 113 persons employed by the City, and of those employed 39% reside within the corporate limits, while 61% reside outside the corporate limits. As vacancies occur and/or new positions are created, the City will make every effort to maintain at least the present percentage level of employees working for the City and residing within the corporate limits.

- A. Projected Vacancies and Training: The City anticipates an annual employee turn-over of 5%, or at least one employee. As turn-over occurs, every effort will be made to upgrade employees from lower classification positions. A registry will be maintained to screen all applicants and, to the greatest extent feasible, to fill vacancies with qualified lower income residents.

The City will encourage all of the unskilled employees to better themselves through training programs administered by any approved training program. Upon completion of said training program, the City will make every effort to upgrade the employee with regards to job classification and responsibilities.

- B. As of the date of adoption of this policy, the City has 14 minority employee(s) or 12% minority employment. Women make up 36% of the work force, or 41 employee(s). As positions become available through termination and attrition, the City will make every effort to increase both its employment of minorities and women.

Percentage goals established by the City are as follows:

Less than ten (10) employees: +/- 2% of the census percentage

More than ten (10) employees: +/- 1% of the census percentage

All personnel actions of the City shall be made on a non-discriminatory basis without regard to race, color, religion, sex or national origin.

Contracting and Sub-Contracting Provisions

In that the City of West Melbourne will continuously seek to administer programs funded in part or in total by allocations directly or indirectly from the U.S. Department of Housing and Urban Development, the City desires to enhance the opportunities for small and minority businesses and local businesses to participate in Community Development Block Grants with the City.

To accomplish this objective, the City Council of West Melbourne, Florida, establishes and implements the following steps to facilitate the deployment of affirmative action in expenditures for contractual services, commodities and construction contracts on Community Development Block Grant federally funded projects:

1. To utilize the news media, State Office of Supplier Diversity list of small, women owned or minority business concerns, local advertising services, citizens advisory boards, regional planning Commissions, listings by federal agencies, and other appropriate sources to identify small, women owned and minority business concerns for possible involvement with the City Community Development Block Grant federally funded contracts.
2. To maintain and update the listing of small, women owned and minority business concerns and notify them of Community Development Block Grant federally funded contracting opportunities with the City.
3. To maintain records (copies of memoranda, general correspondence, etc.) to document that all steps in the action plan have been followed.
4. To establish or utilize an existing position to function as the equal opportunity officer to coordinate the implementation of the Affirmative Action Plan with operators of Community Development Block Grant federally funded City administered projects and programs.

Prior to execution for any Community Development Block Grant federally funded contract that utilizes subcontractors, the prime contractor shall document efforts to obtain participation from Minority and Women-Owned Business Enterprises (MBE/WBE). Specifically, prior to execution of a contract with the prime contractor, the contractor must be able to document contacting MBE/WBE firms and why none were used, such as: quote was higher than non- MBE/WBE firm, MBE/WBE firm did not respond, or responded that they were too busy to work on project. Further, if any additional subcontractors are brought on the project following contract execution, the prime contractor shall provide documentation showing efforts to obtain MBE/WBE participation.

Provisions for Section 3

All advertisements for bids and contracts involving Federal funds will contain the required Section 3 language as follows:

- A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the City and contracts for work in

connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the City corporate limits.

- B. The parties to this contract will comply with the provisions of said Section 3 and the regulation issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- D. The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR, and will not let any subcontract unless the subcontractor has first provided it with the requirements of these regulations.
- E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR, and all applicable rules and orders of the Department, issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

The City will use the HUD Business Registry as far as possible to fill subcontracting needs. The City shall also seek out businesses within the City limits and inform them of their need to be on the HUD Business Registry.

1. The City shall inform each contractor of the affirmative action requirements and ensure compliance.
2. The City will submit all required reports on time and will ensure that all contractors and subcontractors submit required reports as needed.
3. The prime contractor will assume responsibility for submission of both the prime contract and sub-contract Affirmative Action Plans.
 - * The subcontractors' Affirmative Action Plan should be reviewed for adequacy by the prime contractor and evidenced in writing prior to submitting for approval.
 - * The prime contractor and subcontractor shall set forth a method for the review of workforce needs, goals and recruitment methods.
 - * Workforce recruitment methods shall be in compliance with the goals of the Section 3 clause regarding Equal Opportunity and notice of this policy will be placed in plain view on the job location for the benefit of all interested parties.
 - * The prime contractor will specify all subcontractors indicating anticipated dollar amounts and set forth goals and objectives, and where feasible award

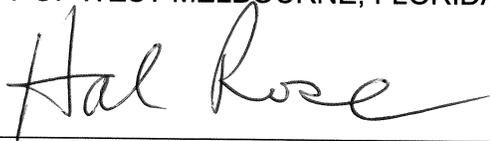
- subcontracts to small and disadvantaged businesses from the City, the prime contractor and subcontractor will to the maximum extent feasible notify qualified businesses of the City of all pending contracts and/or subcontracts.
- * The prime contractor and subcontractors shall determine the approximate manpower needs on the basis of crafts needed for the completion of various projects and through special outreach efforts make these needs known to public and private recruitment services and to the maximum extent feasible use lower income residents as trainees and workers (if qualified) to complete various projects.
 - * All personnel actions on the part of the prime contractor and subcontractor shall be made on a nondiscriminatory basis without regard to race, color, religion, sex or national origin. Racial mix of the total workforce will, to the extent possible, reflect the racial mix of the City.

Lower Income Clarification

A family who resides in Brevard County and whose income does not exceed 80% of the median family income for their household size is considered by the State to be a lower income family. In determining whether a household will be considered as a lower income family the City will use the most recently available HUD Income Limits for the Section 8 Program.

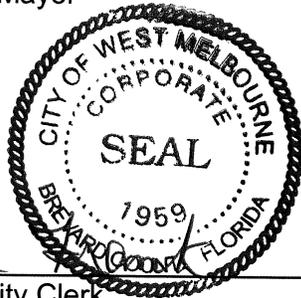
PASSED AND ADOPTED at the Regular Council Meeting of the City of West Melbourne, in Brevard County, Florida on the 3rd day of June, 2014.

CITY OF WEST MELBOURNE, FLORIDA



Hal J. Rose, Mayor

ATTEST:




Sue Frank, City Clerk

APPENDIX A

CITY OF WEST MELBOURNE EQUAL EMPLOYMENT OPPORTUNITY PLAN

I. PURPOSE OF THE EQUAL EMPLOYMENT OPPORTUNITY PLAN

The purpose of the City's Equal Employment Opportunity Plan is to attain a meritorious work force that mirrors the gender, ethnic and racial composition of the employable area population;

To ensure that gender, ethnic and racial diversity can exist throughout all occupational levels of the City's work force;

To achieve a work environment that is free from discrimination based on race, color, religion, national origin, gender, genetics, marital status, age, disability, or any other non-job related factor;

To provide a process for the investigation of complaints of discrimination or harassment and the prompt remediation of such complaints;

To provide a systematic procedure to analyze and evaluate the City's effectiveness in accomplishing a non-discriminatory work environment;

To ensure employee interactions with members of the general public are done with courtesy and respect free from discrimination or harassment;

To enhance the understanding and support of equal opportunity among all the officers and employees of the City;

To ensure all current and future employees, elected officials, board members receive training in areas concerning Equal Employment Opportunity; and

To communicate the City's Equal Employment Opportunity Policy to the City's internal and external communities.

II. ROLES AND RESPONSIBILITIES FOR IMPLEMENTATION OF THE EQUAL EMPLOYMENT OPPORTUNITY PLAN

A. The City Manager, as the chief appointed official of the City, shall provide direction and establish the climate of the City's commitment to equal opportunity employment.

The City Manager shall:

1. Annually review the status of the Equal Employment Opportunity Plan and the status of the resolution of complaints of discrimination or harassment when appropriate;
 2. Adopt modifications to the Equal Employment Opportunity Plan as necessary to ensure its effectiveness;
 3. Assign appropriate resources to achieve a diverse and non-discriminatory work environment;
 4. Delegate the specific responsibility for program implementation to the Human Resources Specialist;
 5. Demonstrate a commitment to the principles of equal employment opportunity through his/her own example;
 6. Approve updates of the Equal Employment Opportunity Plan at least once every two years;
 7. Evaluate, through regular performance appraisals, the participation by Department Heads in the implementation of these policies and day-to-day management of the policies in their departments;
 8. Formulate, amend and approve periodic plan modifications to achieve the goals and objectives of the Equal Employment Opportunity Plan; and
 9. Appoint the Human Resources Specialist as the Equal Employment Opportunity Officer, appoint the Deputy City Manager as the City's Americans with Disabilities Act Policy Compliance Officer and appoint the City's Building Official as the Americans with Disabilities Act Facilities Compliance Officer.
- B. The Human Resources Specialist shall be responsible for compliance with the laws, principles and practices related to equal employment opportunity and the Deputy City Manager shall be responsible for compliance with Americans with Disabilities Act. They shall assist the City Manager in the maintenance of a personnel system which assures equal consideration for employment and advancement, free of discrimination or harassment, to all qualified individuals based on job related criteria.
- C. The Human Resources Specialist, as the Equal Employment Opportunity Officer, shall:
1. Develop, initiate and monitor procedures to carry out the City's equal employment objectives;

2. Develop updated goals as part of each update of the Equal Employment Opportunity Plan;
3. Develop and distribute information regarding the City's equal employment objectives to all City employees within the organization and throughout the community;
4. Investigate, along with the City Attorney when required, complaints of unlawful employment discrimination or harassment and recommend appropriate remedies to the City Manager;
5. Report at least annually to the City Manager as to progress of Equal Employment Opportunity compliance and efforts;
6. Assist the City Manager in developing training for administrators, supervisors, current and new employees, elected officials, and volunteer board members on topics related to equal opportunity, non-discrimination, sexual harassment and other subjects designed to promote an understanding of and sensitivity to various ethnic, cultural and gender issues;
7. Serve as liaison between the City, government regulatory agencies, minority and women's organizations, educational institutions, veteran's organizations and other community groups which might assist in the recruitment of employees;
8. Assist the City Manager in maintaining an equitable classification system which provides for the merit-based upward mobility of all employees;
9. Assist the City Manager in coordinating and implementing outreach recruitment to enhance the representation of employees reflective of the representation of local labor statistics.
10. Assist the City Manager in ensuring eligible veterans, disabled veterans or eligible members of their families receive appropriate preference in hiring as mandated by law; and
11. Assist the City Manager in determining whether reasonable accommodations for a position vacancy can be made for applicants with disabilities.
12. Annually conduct a comparison between the diversity of the City's workforce and the local available labor market to:
 - a. Ascertain whether under-/over-representation exists in established occupations;

- b. Determine whether institutional or other barriers have contributed to under-representation;
 - c. Implement affirmative action to eliminate existing barriers and target recruiting/hiring efforts in order to remediate areas of under-representation; and
 - d. Document factors relative to the local labor market which may preclude achieving equity in established occupations.
- D. The Deputy City Manager, as the Americans with Disability Act Compliance Officer, shall ensure that the City complies with the Americans with Disabilities Act.
- E. The Building Official, as the Americans with Disabilities Act Facilities Compliance Officer, shall ensure that all facilities and structures that are owned, operated or maintained by the City are ADA compliant.

The Building Official shall:

- 1. Coordinate and conduct an annual City-wide inspection of facilities to ensure compliance with The Americans with Disabilities Act and report deficiencies to the Deputy City Manager for remediation.
 - 2. Review all new facility plans to ensure they will be ADA compliant.
- F. Department Heads shall implement actions to ensure equal employment opportunities within their own departments.

Each Department Head shall:

- 1. Actively demonstrate an effort and commitment to equal employment opportunity and adhere to the objectives of this Plan;
 - 2. Ensure the effectiveness of departmental equal employment actions;
 - 3. Evaluate supervisory staff on their compliance with equal employment opportunity principles;
 - 4. Take appropriate action to prevent or remedy unlawful employment discrimination or harassment;
 - 5. Immediately report discrimination or sexual harassment complaints to the Deputy City Manager or City Manager;
 - 6. Establish and maintain a bias-free and productive work environment for all employees;

7. Periodically review work center policies for their assigned area to determine if current policies, employment decisions, or any other factors may contribute to under-representation in recruiting, hiring, training, assignments, transfers or promotions. If any barriers are found to exist that prevent equal advancement opportunities, coordinate with the Deputy City Manager to determine what can be done to mitigate the situation.
- G. All supervisors shall develop and maintain knowledge of the purpose of the City's Equal Employment Opportunity Plan and its implications within their divisions.

Each Supervisor shall:

1. Periodically review the qualifications of all subordinate employees to ensure that every employee is being given equal opportunities for training, assignments, transfers and promotions;
 2. Advise and counsel all subordinate employees on training and promotional opportunities;
 3. Take pro-active steps to prevent discrimination or harassment of any employee; and
 4. Take immediate and strong disciplinary action to prevent acts of retaliation against any employee(s) involved in the filing or investigation of discrimination or harassment complaints.
- H. All City employees, as representatives of the City, shall demonstrate sensitivity to and respect for other employees and members of the public.

City employees shall:

1. Treat all employees and the general public equally and with respect;
2. Assist in the identification of equal opportunity problems or concerns; and
3. Refuse to engage in or tolerate discriminatory, offensive, intimidating, harassing, or retaliatory actions or comments in the workplace.

As indicated in this plan, the City Manager, Deputy City Manager, Human Resources Specialist, Department Heads, supervisors and employees are responsible for implementing the provisions of equal opportunity employment. Failure to comply with the intent and/or

provisions of this plan or City policies may be cause for appropriate corrective and/or disciplinary action.

III. DISTRIBUTION OF EQUAL EMPLOYMENT OPPORTUNITY INFORMATION

The Equal Employment Opportunity Officer is responsible for providing information both internally and externally about the City's Equal Employment Opportunity Policy. To carry out this function, the Equal Employment Opportunity Officer will conduct, but not be limited to, the following activities:

- A. Post copies of the City's Equal Employment Opportunity Plan, along with required State and Federal posters, on all appropriate bulletin boards throughout the City's work centers.
- B. Distribute copies of the Equal Employment Opportunity Plan to Council Members, the City Manager, Deputy City Manager, Department Heads, supervisors and employees.
- C. A copy of the EEO Plan will also be provided to each new employee during new employee orientation. A copy will also be provided, upon request, to any interested individual or group. Copies will also be maintained by the Human Resources Specialist.
- D. A copy of the City's Equal Employment Opportunity Plan will be posted on the City's web site.
- E. The Deputy City Manager, Human Resources Specialist, and Department Heads shall also:
 - 1. Ensure all current contractors and contractor organizations seeking to do business with the City are informed of the City's non-discrimination policy and contracts between the City and those organizations are reviewed to ensure they are non-discriminatory.
 - 2. Include a statement of the City's Equal Employment Opportunity Policy in brochures given to potential job applicants and recruiting sources.
 - 3. Include the phrase "Equal Employment Opportunity Employer: Women, minorities and persons with disabilities are encouraged to apply" on all examination announcements and City employment applications.
- F. City-sponsored publications will include pictures that showcase the diversity of current employees, when appropriate.
- G. All recruiting methods, such as posters and ads, will state that the City is an Equal Employment Opportunity Employer.

IV. RECRUITMENT AND RETENTION OF EMPLOYEES

The City Manager, Deputy City Manager, Human Resources Specialist, and Department Heads are responsible for implementing the following provisions for the recruitment of employees:

A. Equal Employment Outreach Methods

1. Review recruitment mailing lists to ensure inclusion of all potential candidates regardless of race, color, religion, national origin, gender, marital status, age, disability, or any other non-job related factor.
2. Implement regional and state-wide recruitments by including advertising in publications and professional journals oriented toward ethnic groups including minorities, women and persons with disabilities.
3. Utilize community-based and professional organization advertising. Enlist the assistance of recruiting sources for persons with disabilities to include veterans' organizations, women and minority populations.
4. Review this Equal Employment Opportunity Plan prior to conducting a recruitment and consult with the respective Department Head to determine the recruitment strategy to be utilized.
5. Maintain and distribute up-to-date recruitment brochures to provide interested candidates information about the selection process.
6. Staff members shall be available to speak before community groups to provide information on employment opportunities.
7. Establish mentoring opportunities between individuals desiring a career with the City and an employee in that occupation.

The City Manager and Human Resources Specialist are responsible for implementing the following provisions for the retention and training of employees:

B. Classification

1. Create training and mentoring programs to assist interested employees in advancing to higher level positions.
2. Maintain a broad classification system in which opportunities for lateral movement for training and career development are maximized.

3. Conduct job analyses on a periodic basis to insure that the description of job duties and minimum requirements remain valid.

C. Training

1. Ensure that all individuals who conduct selection interviews have attended training in that function.
2. Provide training and written guidelines to supervisors on effective, objective non-discriminatory performance evaluations.
3. Revise supervisory performance evaluation forms to include an evaluation category for meeting equal employment opportunity objectives in conformance with non-discriminatory guidelines within this Plan.
4. Conduct regular programs for new employees and new supervisors to present the City's equal employment efforts and their responsibilities in supporting that effort.
5. Arrange for refresher training and/or updated training on equal opportunity for current employees as necessary.
6. The City Manager's office will coordinate training in equal employment opportunity, grievance handling, hiring, interviewing, employee discipline, intercultural relations and other appropriate classes for supervisory personnel.
7. Non-discrimination shall be an integral part of new employee orientation and supervisory training.
8. Opportunities for training shall be made available to all City employees regardless of race, color, religion, gender, marital status, national origin, age, or other non-job-related criteria.
9. The City shall provide information about and encourage eligible employees to participate in the tuition reimbursement program.
10. The Equal Employment Opportunity Officer shall prepare periodic orientation/training sessions for Department Heads which update and reinforce their awareness of non-discrimination, objectives and equal employment opportunity.

The City Manager and Human Resources Specialist are responsible for implementing the following conditions for the examination and selection of employees:

D. Examination and Selection

1. Include minorities and females on interview panels when feasible.
2. Job requirements and testing procedures will be reviewed each time an examination is opened to ensure that they are related to the duties of the position and are not discriminatory or biased.
3. Selection interview questions shall not be based on race, color, religion, gender, marital status, national origin, age, disability, or medical condition (unless directly related to ascertain whether physical requirements of the position or reasonable accommodation can be met), of the candidate interviewed.
4. All members of an oral examination panel will be given an orientation in proper interviewing techniques, including equal opportunity employment guidelines.
5. Eligible candidate applications shall be referred to the hiring department in alphabetical order and not on the basis of characteristics or disabilities.
6. The EEO Survey section of applications will not be forwarded to the hiring department.

E. Reporting

1. Biennially, the Human Resources Specialist will file an EEO-4 Report as required by federal guidelines. The last report was submitted in July 2012.
2. Annually:
 - a. The annual Equal Employment Opportunity progress report will be provided to the City Manager and, upon request, to other interested individuals and community groups.
 - b. The Human Resources Specialist will prepare departmental utilization analyses for each Department Head.

V. SUPERVISOR AND MANAGEMENT RESPONSIBILITIES IN HANDLING CASES OF DISCRIMINATION AND HARASSMENT

Be familiar with City policies and procedures referencing Equal Employment Opportunity and the prohibition of discriminating practices.

Understand the roles of the Equal Employment Opportunity Commission (EEOC) and Department of Fair Employment and Housing (DFEH) pertaining to discrimination and harassment.

If a complaint is received or if an incident of discrimination or harassment becomes apparent, immediately contact the Deputy City Manager, Human Resources Specialist or City Manager who will contact the City Attorney's Office, if needed, for a coordinated effort to investigate and bring the matter to a final determination.

Management should also pursue the following steps in the initial contact with the complainant:

1. Attempt to fully discuss the matter with the employee.
2. Assure the employee that the matter is being taken seriously.
3. Maintain objectivity while discussing the following:
 - What happened?
 - Who is (are) the alleged discriminator(s) or harasser(s)?
 - Where did the incident take place?
 - When did the incident take place?
 - How was your work affected?
 - Are there others in the Department who treat you this way?
 - Did anyone else witness the incident?
 - Is this the only incident, or have there been other incidents?
 - What did you do?
 - Did you inform the individual(s) that his/her/their actions/comments were unwelcome and need to stop?
 - Do you have written documentation or other evidence related to the complaint?
 - What were your feelings at the time? Now?
 - Did you talk to anyone else about it?
 - Do you know if this person or persons have a history of harassing or discriminating against others?
 - What remedy do you suggest? Immediately? In the future?
 - Do you feel threatened or fear for your safety?
 - Has anyone threatened you with retaliation concerning this complaint?
4. Advise the complainant that the matter will be investigated and/or coordinated for investigation by the Human Resources Specialist for appropriate action.
5. Take any immediate and appropriate steps necessary to separate the complainant and accused person.
6. Attempt to determine if any of the allegations are criminal in nature, such as sexual assault. If so, contact the appropriate law enforcement agency immediately.

7. Attempt to determine complainant's emotional state and remind him/her that confidential counseling is available through the Employee Assistance Program (EAP) at no charge if they desire to speak to a trained and neutral professional about the situation.
8. Maintain confidentiality, to the extent permitted by federal and state laws, and fully document the entire process. In the event that the harassment is criminal in nature, advise the complainant that confidentiality of personal information must be requested in writing pursuant to Florida Statute 119.
9. Seek to prevent any acts of retaliation against those reporting discrimination or harassment.
10. Bring swift disciplinary action against any employee(s) found to have engaged in retaliatory conduct against those reporting discrimination or harassment.

VI. CITY COMPLAINT PROCEDURE

The following complaint procedure shall supersede any and all other department guidelines or procedures for investigating discrimination or harassment complaints.

A. Reporting Complaints of Discrimination or Harassment

1. Any employee who feels that he/she has been the victim of discrimination or harassment should contact his/her immediate supervisor or Department Head within thirty days from the date the employee recognizes any such discrimination or harassment. (See Section 2 below.)
2. Where employee(s) does not feel comfortable reporting the conduct pursuant to Section 1 above, they may seek out a representative of choice to report their complaint.
3. Similarly, complaints regarding discrimination or harassment may be directed to the Deputy City Manager, Human Resources Specialist, or City Manager pursuant to guidelines established by the Equal Employment Opportunity Plan.
4. There shall be no retaliation against any complainant or witness under the Equal Employment Opportunity Plan. Retaliation against any person complaining under the policy may result in severe disciplinary measures up to and including termination.

B. Investigation Process

1. Any discrimination or harassment complaint should, if possible, be reported within thirty days from the date of occurrence or recognition and shall be promptly and thoroughly investigated by the Human Resources Specialist, who shall be responsible for coordinating the investigation with the City Manager, City Attorney and the department, or appropriate work unit, in question. The investigation shall:
 - a. Evaluate the totality of the circumstances pertaining to the alleged discrimination or harassment;
 - b. Identify all involved persons, including witnesses;
 - c. Identify all behaviors between the complainant and the alleged perpetrator of discriminatory or harassing conduct which may be material to the investigation;
 - d. Evaluate the evidence of discrimination or harassment while identifying and analyzing corroborative evidence;
 - e. Determine, where necessary, if a workplace is "hostile". In this regard, it should be noted that in order to meet this standard, discriminatory or harassing conduct must be sufficiently pervasive or severe to create an abusive or offensive work environment.
 - f. Determine whether alleged actions appear to violate criminal laws and immediately report the allegation(s) to the appropriate law enforcement agency.
2. The following factors should also be included in the investigation:
 - a. If the conduct was verbal, visual, physical or a combination;
 - b. How frequently the conduct was repeated;
 - c. If the conduct was patently offensive or hostile;
 - d. If the person alleged to have engaged in discrimination or harassment was a coworker, supervisor or customer/citizen;
 - e. If the discrimination or harassment was directed at more than one employee.
3. Confidentiality of the investigation as well as witnesses, statements, etc. shall be maintained to the maximum extent afforded by law.
4. Where applicable, all relevant procedural protections under Florida Statutes shall be observed in the course of investigations conducted by the City of West Melbourne Police Department or other investigating law enforcement agency.
5. Upon completion of an investigation, the Human Resources Specialist, in consultation with the City Attorney, Department Head and City Manager (where applicable), will determine whether discrimination or harassment occurred and what action will be taken, if any.

If it is determined that discriminatory or harassing conduct occurred, appropriate disciplinary or remedial action up to termination shall be taken subject to procedures of the City's Personnel Policies manual. The severity of any discipline will be determined by the severity and/or frequency of the offense.

Disciplinary action taken under this procedure may be appealed, with or without representation, subject to procedures indicated in applicable the City's Personnel Policies. In compliance with EEOC guidelines, a summary of findings from the investigation shall be provided to any victim under this policy upon completion of the City's investigation. Periodic investigation status reports will also be provided to victims in cases involving prolonged investigations or as determined by the Human Resources Specialist.

VII. OTHER COMPLAINT OPTIONS

Employees or job applicants who believe that they have been victims of unlawful discrimination or harassment may, within one year of the incident, file a complaint of discrimination or harassment with the Department of Fair Employment and Housing (DFEH). The DFEH serves as a neutral fact-finder and attempts to help parties voluntarily resolve disputes. If the DFEH finds evidence of discrimination or harassment and settlement efforts fail, the DFEH may file a formal accusation against the employer (City) and the discriminator or harasser. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on behalf of the complainant by the Department. If the Commission determines that discrimination or harassment has occurred, it can order remedies, including fines or damages from each employer or discriminator/harasser charged. In addition, the Commission can order hiring, reinstatement, back pay, promotion, or changes in policies/practices by the City.

As an alternative, employees or job applicants who believe they have been victims of unlawful discrimination or harassment may also file a complaint directly with the Equal Employment Opportunity Commission.

The Florida Commission on Human Relations is located at the following address:

325 John Knox Road
Building F, Suite 240
Tallahassee, Florida 32303

The Equal Employment Opportunity Commission is located at the below address:

One Biscayne Tower 2
South Biscayne Boulevard, Suite 2700
Miami, Florida 33131

VIII. RESPONSIBILITY FOR REVIEW

The Equal Opportunity Officer shall review this directive as necessary, but not less than once every two years.

Last Updated: May 27, 2014

FY 2014-2015 EEO Goals

1. Distribute the Equal Employment Opportunity Plan to all current and new employees and also post it on the City's web site.
2. Continue training for employees on expectations under the Equal Employment Opportunity Plan, as well as subjects such as Sexual Harassment, Racism, American with Disabilities Act, and other pertinent topics.
3. Maintain employee evaluation forms to include evaluation criteria for supervisors on support and enforcement of equal employment opportunity initiatives.
4. Research local labor market demographics and compare the data with current City employment demographics to determine occupational areas that may be over- or under-represented.
5. Maintain a record of all employees on race and ethnic data to conform to the race/ethnic categories contained in the Equal Employment Opportunity Commission's EEO-4 report. The categories are: White (non-Hispanic origin), Black or African American, Hispanic or Latino, Native American or Alaska Native, Asian, Native Hawaiian or Pacific Islander, and Two or more races.
6. Maintain the City's Employment Application Form, EEO Survey section, to reflect the categories listed in 5 above.