ARLINGTON COUNTY'S EEO POLICY

In agreement with existing laws and national policies, the Arlington County Board voluntarily updated its Equal Employment Opportunity Policy on June 24, 1995. The policy guarantees that County employees and applicants for employment with the County will not be discriminated against on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or marital status. This has led to the policy being made a key part of all the County's employment practices. As a result, Managers and Supervisors must carry out the EEO policy in recruitment, hiring, transfers, promotions, training, disciplinary action, and other employment matters.

The primary goal of the EEO policy is the provision of the most efficient, effective and productive services possible to every part of the community. This can only be accomplished through the removal of barriers to Equal Opportunity in County government employment. Implementation of the County’s EEO policy is everyone’s responsibility.
ARLINGTON COUNTY GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY POLICY

Adopted by the Arlington County Board
on June 24, 1995

I. PREAMBLE

A. STATEMENT OF INTENT

Arlington County Government (hereafter “County”) has long recognized the importance of its heterogeneous population and human resources as the keys to effective community support and service delivery. The County strengthens its commitment to effective human resource management through the adoption of a comprehensive policy on equal employment opportunity (EEO) and affirmative action.

The Arlington County Board (hereafter “County Board”) includes equal employment opportunity as a critical part of the organization’s total mission and necessary for the full utilization of human resources and effectiveness of operations. As such, the County Board pledges ongoing support to EEO through allocation of resources, maintenance of required structures for achieving EEO, and appropriate use of management authority and responsibility.

B. GENERAL POLICY

Consistent with existing laws, the County Board hereby establishes this Equal Employment Opportunity Policy (hereafter “Policy”) for County employees and applicants for employment with the County.

1. Employment opportunities shall not be restricted, abridged, or otherwise adversely affected on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability or marital status.

2. The County Manager must consider affirmative action in all personnel actions and agencies whenever there is a finding of adverse impact or underutilization. Affirmative action shall be undertaken in accordance with all applicable laws.

C. GOVERNING STATUTES

This Policy is governed by and consistent with the provisions of all applicable federal and state statutes mandating equal employment opportunity and barring discrimination.

D. SCOPE OF POLICY

This Policy shall apply to and be incorporated in all employment practices including, but not limited to, recruitment, hiring, transfers, promotions, training, compensation, benefits, layoffs and discrimination.

E. POLICY GOAL

The goal of this Policy shall be to provide the most efficient, effective, and productive services to every part of the community. Execution of this Policy and the achievement of its goals and objectives are inherent responsibilities of management and supervi
II. EQUAL EMPLOYMENT OPPORTUNITY IN PERSONNEL AND HUMAN RESOURCE MANAGEMENT

A. RECRUITMENT

Active recruitment designed to achieve applicant pools that are diverse on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability or marital status shall occur on a continuing basis. Recruitment efforts will be carried out in a manner which assures that potential candidates from underutilized groups are provided ample opportunity to become part of the applicant pool. The recruitment process shall include:

1. An annual assessment of underutilization;
2. An analysis of barriers which may exclude underutilized groups from participation;
3. A set of strategies designed to reach underutilized groups; and
4. A procedure for evaluation and revision of the recruitment process, if necessary.

B. APPLICATION PROCESS

1. The Personnel Department shall identify areas of recruitment efforts based on underutilization for each vacancy.
2. Advertisement of vacancies shall be given the widest possible dissemination to ensure that all identified groups are reached.
3. The Personnel Department shall establish a distribution list for information about job opportunities which shall include, but not be limited to:
   a. Local places of worship and community organizations;
   b. Local high schools and adult learning centers, vocational and technical schools;
   c. Community colleges, colleges, and universities, including those with large enrollments of minority and women students and students with disabilities located in Virginia, Maryland and the District of Columbia;
   d. Professional associations and other organizations; and
   e. The Arlington Employment Center and other appropriate County offices and facilities.
4. The Personnel Director shall take actions to ensure that job announcements are designed to provide a clear message to all potential applicants, that time frames and expiration dates are realistic, and that clear instructions on requesting direct personal assistance are provided. This includes assistance to individuals with disabilities and to persons whose primary language is not English.
C. Screening and Testing for Appointment, Including Promotion

1. All screening and testing procedures and instruments shall be subject to the requirements of all applicable laws. Additionally, the adverse impact potential of any previously invalidated screening and testing procedure or instrument shall be monitored prior to the development of a final eligible list. Where adverse impact or potential adverse impact is found, the Personnel Department may take steps to eliminate or reduce the adverse impact as follows:
   a. Eliminate the use of or manner of use of the screening and testing procedure that caused the adverse impact or;
   b. Modify or expand the use or manner of use of screening and testing procedure, which may include retesting all or some applicants or;
   c. Demonstrate that the screening and testing instrument is job-related for the position in question and consistent with business necessity.

In addition to the steps described above, the County may evaluate testing procedures by examining their job-relatedness, conducting statistical analyses of test results, or by other means involving reasonable exercise of professional judgment.

2. Selections must be consistent with the County’s Affirmative Action Plan.

3. When rating panels are used, efforts shall be made to include, if possible, representatives of diverse groups.

4. All job opportunities shall be posted for a length of time that ensures that an adequate number of underutilized group members are informed of the opportunity to be in the applicant pool. This may include extending the length of time for which a job announcement is posted.

5. With regard to appointment by promotion:
   a. When the internal workforce in the job category of the vacancy is not reflective of the appropriate qualified civilian or outside labor force based on underutilization analysis, an open recruitment shall be held. County employees may apply for such vacancies along with outside applicants.
   b. When the County Manager determines there is gross disparity with respect to an underutilized group in a position customarily filled via promotion, preferential consideration may be utilized when appropriate under the terms of this Policy and the AAP.

6. In no situation shall a screening and testing procedure be used to make a selection decision without going through the process outlined in Section 1 above.

7. Screening and testing procedures shall provide for reasonable accommodation of individuals with disabilities.
D. Selective Placement

1. The County shall undertake efforts to ensure that all individuals with disabilities receive equal consideration in obtaining employment for which they qualify. Individuals with disabilities can be hired competitively or by using special appointment procedures when legally permissible. The County will assure that any funding necessary for making reasonable accommodation is available to County agencies and departments, and a statement to this effect will be provided to each hiring official at the time the certified list is provided for interviews.

2. The County shall maintain a selective placement program to facilitate the employment of individuals with disabilities. The program shall include limited competition for designated positions or, in occasional instances where there is evidence that open or limited competition is not practical, non-competitive selective placement.

3. Employment selection procedures shall reflect job-related knowledge, skills, and abilities.

4. Selective placement procedures shall include:
   a. Surveying individuals with disabilities present in the workforce;
   b. Identification of, and steps for the elimination of, barriers to equal employment opportunity, including but not limited to nonessential job requirements and architectural, transportation, communication, and attitudinal barriers; and
   c. Other measures called for under the Affirmative Action Plan or the Americans with Disabilities Act, including reasonable accommodation.

5. Selective placement efforts will be evaluated at least annually to ascertain the results of two major objectives:
   a. Employment of individuals with disabilities in a broad range of grade levels and occupational series commensurate with their qualifications;
   b. Review to ensure that County practices and procedures do not exclude individuals with disabilities because of non-essential job functions or architectural, transportation, communication, or attitudinal barriers.

E. Career Development and Training

1. The County shall ensure that all employees are provided equal opportunity to acquire the requisite skills, commensurate with their knowledge, ability, and potential, necessary to compete for promotional opportunities. These efforts may include the development of job-related training experiences, career ladders, bridge positions, trainee positions, intern positions, upward mobility, or a system of job rotation and career-enhancing assignments.
2. Efforts shall be focused on eliminating areas of underutilization. Supervisors shall support these efforts by providing career counseling through the performance appraisal system. Career development and training shall be evaluated annually to ensure compliance with this objective. Selection for training shall be evaluated annually for adverse impact. Findings of adverse impact on minorities, women, and individuals with disabilities shall be followed by review of career development and training procedures to determine whether corrective measures are necessary to assure an equal distribution of training experiences and opportunities.

F. CLASSIFICATION AND COMPENSATION

The County shall establish wages and compensation free from unlawful discrimination and shall operate its job evaluation and compensation plans in full compliance with all applicable laws;

1. The County classification plan shall be based on job evaluation and compensation plans that systematically measure and compensate jobs on content for skill, effort, responsibility, and the conditions under which they are performed. The job evaluation and compensation plans shall utilize standardized evaluation methodologies that are job-related and that eliminate and prevent unlawful discrimination.

2. The County shall periodically examine and eliminate from the classification plan those qualification requirements that have the effect of denying equal employment opportunity and cannot be shown to be essential to the performance of the job. Specifically, if education levels or experience requirements in the classification plan are unnecessary or excessive, and tend to disqualify a disproportionate number of persons on the grounds of race, sex or ethnic groups, these requirements shall be examined for job-relatedness and eliminated or modified as appropriate.

3. Annual pay comparability analyses shall be included in the Affirmative Action Plan annual report. These analyses shall clearly depict any pay disparity among minority groups and between women and men, and show the distribution of pay (i.e., salary, premium pays, bonuses, and other direct compensation received). Where pay disparity (i.e., differing compensation for protected classes) exists, action shall be taken to examine the basis of pay differences and to take action to eliminate inequities as appropriate.

III. WORK ENVIRONMENT

The County shall maintain a workplace free from harassment and other unlawful employment practices, conducive to maximum productivity, with clear goals, mutual support and opportunities for continuous learning. The County shall strive continually to eliminate all vestiges of prejudicial actions and perceptions of such actions in the work environment.

A. CULTURAL EXPRESSION

The suppression of legitimate cultural expression shall not be tolerated. Acceptable behavior shall be defined in terms of efficiency, effectiveness, and productivity and not in gender, cultural or ethnic terms. Managerial and supervisory training shall include sections dealing with information on cross-cultural issues and other goals and objectives which support this policy.
B. HARASSMENT

1. Harassment on any protected basis as defined in I.B.1. of this policy shall not be tolerated. Harassment is defined as conduct that has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, or any other conduct defined as harassment by regulations of the Federal Equal Employment Opportunity Commission.

2. Sexual harassment shall not be tolerated. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
   a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
   b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual,
   c. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment, or
   d. any other conduct defined as sexual harassment by regulations of the Federal Equal Employment Opportunity Commission.

3. Managers and supervisors shall participate in training and orientation programs that outline responsibilities for the elimination and prevention of harassment.

C. COMPLAINT PROCESS

Procedures for determining possible disciplinary action in instances where an employee believes that the provisions of this section have been violated shall include a complaint process for aggrieved employees. Procedures shall provide specifically that whenever an employee believes that the employee’s immediate supervisor has harassed the employee or otherwise violated these provisions, the employee may discuss the situation and file a complaint, if appropriate, with the County EEO Office or Employee Relations staff rather than with the immediate supervisor.

IV. AFFIRMATIVE ACTION PLAN

A. AFFIRMATIVE ACTION PLAN REQUIREMENT

The County Manager shall implement a comprehensive Affirmative Action Plan (hereafter “AAP”) to recruit, employ, and promote members of groups that are underutilized in the County workforce. Annually, the County will develop specific strategies to expand employment opportunities for these groups.
B. Scope of AAP

1. The AAP shall include comprehensive outreach efforts to recruit underutilized groups in the County workforce.

2. The AAP shall include criteria for giving preferential consideration to women or members of a minority group when there is a strong basis in evidence for doing so, such as a gross statistical disparity and when legally permissible. Procedures for taking into consideration an employee’s or applicant’s gender or membership in a minority group shall be used as a last resort after all other means of assuring non-discrimination have been exhausted, and shall be narrowly tailored. Any such procedure shall cease promptly once the justification for the procedure is eliminated.

D. Internal and External Dissemination of Information Under the AAP

1. The EEC Policy statement shall be distributed to all locations of County employment for posting on official bulletin boards so as to be readily available to all employees.

2. Information on the AAP shall be available at all locations at which applications for employment are accepted.

3. The Policy shall be discussed in each orientation session for new employees.

4. Implementation of the Policy and AAP shall be publicized regularly in County newsletters, annual reports, and other official publications.

5. The County shall conduct special training with executive, management, and supervisory personnel to explain the intent and individual responsibility for effective implementation of the Policy and AAP.

6. The County shall inform all employees of the Policy and AAP and individual employee responsibilities under them by including them in the employee handbook.

7. Annual reports on the Policy and AAP shall be published for community and employee review.

V. Complaints of Discrimination

The County shall provide all employees and applicants prompt, fair, and impartial consideration and disposition of complaints of discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status or retaliation.

The County shall maintain a formal grievance procedure for all employees, including temporary and probationary employees, who have a complaint that concerns prohibited discrimination. It shall also maintain an informal complaint procedure administered by the EEO staff in the Office of the County Manager for use by employees and applicants. Pursuant to Chapter VI, Section 6-22 of the County Code, applicants may also file an appeal concerning discrimination in the recruitment process directly with the County Civil Service Commission. Copies of the procedures shall be made available by the EEC staff in the Office of the County Manager and the Employee Relations staff of the Personnel Department.
VI. EQUAL EMPLOYMENT OPPORTUNITY ADVISORY COMMISSION

The County Board shall maintain an Equal Employment Advisory Commission (hereafter "Commission") Citizens of the County, appointed by the County Board, shall comprise the majority of the Commission. The Commission shall include employees designated by the County Manager and representative of the interests of the groups covered by the Policy. The primary responsibilities of the Commission shall include, but not be limited to, the following:

A. Advise the County Board and County Manager on EEC issues;

B. Review implementation of and progress under the provisions of the EEC Policy and the AAP;

C. Provide the channel for citizen and community participation;

D. Review the functioning of the discrimination complaints process;

E. Within sixty (60) days after the closing of the calendar year, submit to the County Board and County Manager an annual report outlining the activities of the Commission and making recommendations if appropriate; and

F. In consultation with representative advisory bodies, conduct an annual review of the status of EEO in the County and make recommendations if appropriate.

VII. ROLES AND RESPONSIBILITIES FOR IMPLEMENTATION

A. COUNTY MANAGER

The County Manager shall exercise leadership in maintaining and implementing the Policy in the employment, development, advancement, and treatment of employees. The County Manager shall ensure that:

1. The Policy is implemented in a positive and effective manner based on resources allocated by the County Board.

2. There is a continuing campaign to eradicate every form of prejudice or discrimination based on race, color, religion, sex, sexual orientation, national origin, age, disability or marital status from the County’s personnel policies and practices and working conditions. This includes taking the necessary disciplinary action against employees who engage in discriminatory practices.

3. The present skills of all employees are utilized to the fullest extent, and opportunity is provided to all employees to enhance their skills so that they may perform at their highest potential, advance according to their abilities, and maximize contributions to organizational effectiveness.

4. Information on the Policy, AAP, and employment needs is communicated on a continuing basis to all sources of candidates for recruitment assistance.

5. All management and supervisory officials are evaluated annually on the critical job performance element of EEC effectiveness.
6. Management officials and employees who demonstrate superior accomplishment in EEO will be recognized. Outstanding performance in EEO shall be considered as one factor along with other factors in the award of merit pay or bonuses. Appropriate measures necessary to, and resulting in, progress toward achieving the Policy’s objectives shall be recognized.

7. Employees and applicants who believe they have been discriminated against receive counseling for informally resolving matters raised by them.

8. There is a system for periodically evaluating the effectiveness of the County’s overall EEO effort.

9. EEO training is conducted for all managers and supervisors.

B. MANAGERS AND SUPERVISORS

1. The responsibilities of managers and supervisors, whose active involvement is essential to achieving the goals and objectives of the Policy, include the following:

   a. Instituting standards of managerial behavior to assure a work environment free from bias, prejudice, sexual or other forms of harassment or other discriminatory treatment based on race, color, religion, sex, sexual orientation, national origin, age, disability or marital status;

   b. Being directly involved in the recruitment, hiring, and promotion processes to ensure effective outreach to underutilized groups at all levels;

   c. Being directly involved in selective placement, including initiating actions to remove barriers that limit the access of otherwise qualified individuals with disabilities;

   d. Building job-related skills to prepare individuals for more responsible or complex job assignments and assuring career advancement opportunities free from discriminatory treatment; and

   e. Being directly involved in EEO planning and evaluation.

2. The Policy requires definitive program actions to achieve EEO goals and objectives and is the responsibility of all managers and supervisors reporting to the County Manager. All managers and supervisors share with key management officials the responsibility for ensuring that management policies and practices are nondiscriminatory and for furthering the principles of EEO in all employment decisions and practices.

3. In addition, the responsibilities of managers and supervisors at all levels include the following:

   a. Monitoring the performance appraisal and evaluation system to ensure that it is fairly and objectively used;

   b. Monitoring the awards program to ensure nondiscrimination; and
c. Monitoring disciplinary and adverse actions to ensure non-discrimination.

C. **SPECIAL ASSISTANT FOR EEO**

1. The Special Assistant for EEO shall administer, coordinate, and monitor the implementation of the Policy, shall report directly to the County Manager, and shall be staff to the Commission.

2. The Special Assistant for EEO shall be responsible for:

   a. Providing EEO staff support and status reports to the County Manager in response to County Board requirements;

   b. Assisting managers and supervisors in resolving problems related to any provision of this Policy and,

      (1) Jointly with the Personnel Director, implementing audit and reporting systems and,

      (2) Conducting periodic studies of employment decisions to ensure that provisions of the Policy are met;

   c. Serving as a liaison with minority, women’s, employee, and community groups and;

   d. Managing the EEC office role in the complaint process.

D. **PERSONNEL DIRECTOR**

1. The Personnel Director has a key role in implementing the Policy.

2. The Personnel Director shall be responsible for monitoring a recruitment program free from discrimination that strives to ensure diverse pools of qualified applicants, and monitoring employment decisions and practices for possible adverse impact.

E. **COUNTY EMPLOYEES**

Employees share in the effective application and implementation of Policy. Employee responsibilities include:

1. Attending orientation and training sessions on the Policy and the AAP;

2. Conducting interactions with co-workers in a manner which respects the right of others and is free from discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability or marital status;

3. Conducting interactions with co-workers in a manner which is free from sexual or other forms of harassment;
4. Participating in special projects to improve employment opportunities in the County and;

5. Using the discrimination complaint processes responsibly.
VIII. GLOSSARY OF TERMS

ADVERSE IMPACT: A substantially different rate of selection in hiring, promotion, or other employment decisions that work to the disadvantage of members of a race, sex, or ethnic group.

AFFIRMATIVE ACTION: Includes, but is not limited to, validation of selection, assessment, and promotion procedures; special focus outreach and recruitment; programs for career development and training; emphasis on work environment issues; strategies for elimination and prevention of harassment in the workplace; and giving preferential consideration to women and minorities when legally permissible, as provided by this Policy and the AAP.

APPLICANT: Includes an individual who has filed an application for County employment.

APPLICANT POOL: All types of listings from which selections may be made, including but not limited to promotion lists, competitive certifications, and applicant files.

COMPLAINANT: An employee, applicant or group of employees or applicants filing a written complaint under this Policy.

COMPLAINT: A request by an employee, applicant, or by a group of applicants or employees acting on behalf of a class of individuals, for personal or class relief in a matter of employment discrimination, based on one’s race, color, religion, sex, sexual orientation, national origin, age, disability or marital status.

COUNTY MANAGER: The County Manager or his or her designee.

GROSS DISPARITY: The situation in which women or members of a minority group are underutilized in a specific job category in comparison with the availability of qualified individuals in the appropriate labor force by a factor of greater than four standard deviations as substantiated by statistically significant data and written findings.

INDIVIDUAL WITH A DISABILITY: A person who has:

1. A physical or mental disability impairment that substantially limits one or more major life activities;
2. A record of such an impairment or;
3. Is regarded as having such an impairment.

MINORITY: Refers only to those groups classified as minority for purpose of data collection by the Office of Personnel Management and the EEOC in furtherance of Federal equal employment opportunity policies. The term minority is intended to include only the following racial and ethnic categories: Black, Hispanic, Asian American/Pacific Islander, and American Indian/Alaskan Native.
**PREFERENTIAL CONSIDERATION:** Taking into account an employee's or applicant's gender or, membership in a minority group.

**QUALIFIED INDIVIDUAL WITH A DISABILITY:**

A person with a disability who satisfies the requisite skill, experience, education and job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

**RACE, SEX, OR ETHNIC GROUP:**

Any group of persons identifiable on the grounds of race, color, sex, or, national origin.

**RECRUITMENT:**

The total process that locates, identifies, and assists in the employment of qualified applicants, including internal and external recruitment actions and processes.

**RETAIATION:**

Adverse action reasonably related to protected opposition to discrimination.

**UNDERUTILIZATION:**

The situation in which the number of women or members of a minority group within a category of employment constitutes a statistically significant lower percentage of the total number of employees within the employment category than the percentage of women or the relevant minority within the appropriate qualified available labor force.