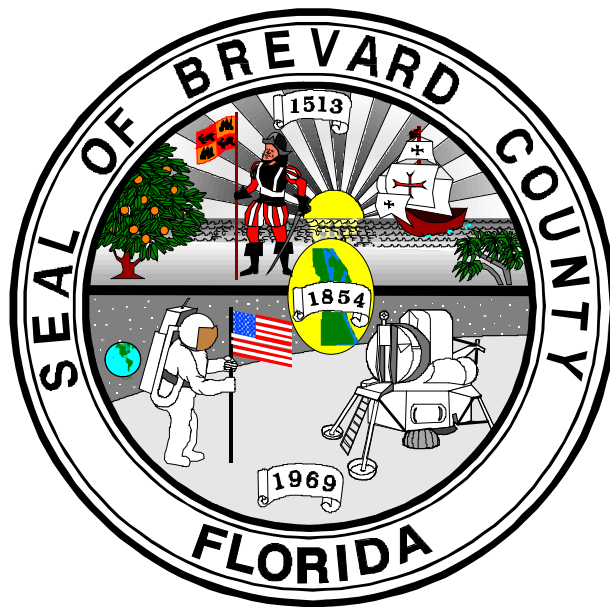


EQUAL EMPLOYMENT OPPORTUNITY PLAN

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS



2021

Table of Contents

Introduction	5
A. Personnel Management/Operations Overview:.....	5
B. Grant Information:.....	5
Equal Employment Opportunity Policy.....	6
The Equal Employment Opportunity Plan	7
A. Purpose:.....	7
B. Objective:.....	7
C. Efforts:.....	8
D. Progress:	8
Current Status.....	9
Utilization.....	12
Achieving Equal Employment Opportunity Plan Objectives.....	13
A. Recruiting:.....	13
B. Employment and Selection:.....	13
C. Promotions:.....	14
D. Community Action:.....	14
E. Facilities:.....	14
F. Other:	14
G. Performance Evaluations:.....	14
H. Exit Interviews:	14
Internal Audit and Reporting	15
A. Equal Employment Opportunity (EEO) Reports:.....	15
B. Office of Human Resources Reviews:	15
Compliant Resolution Procedures	16
A. Formal Complaint Procedure:.....	16
B. Steps:.....	16
Discriminatory Harassment Policy	18
A. Policy:.....	18
B. Definition:	18
C. Directives:	18
Sexual Harassment Policy	20
A. Policy:.....	20

B. Considerations: 20

Americans with Disabilities Act (ADA) 22

 A. Proper consideration of qualifications: 22

 B. Physical and mental qualifications:..... 22

 C. Reasonable accommodation:..... 22

Policy Dissemination 24

 A. Internal Policy Dissemination: 24

 B. External Policy and Job Opportunities Dissemination: 24

 C. Equal Employment Opportunity Posters: 24

Minority Recruitment Mailing List 25

Introduction

Brevard is a 72 mile-long, 1,019-square-mile County of about 550,000 people. Brevard County, Florida is located in East Central Florida on the “Space Coast” off the Atlantic Ocean, east of Orlando, Florida.

Brevard County is divided into five electoral districts and the five Brevard County Board of County Commissioners oversee County government. The Commissioners rely on the County Manager and Director of Human Resources for personnel management and day-to-day government operations. Brevard County Government employs close to 2,500 personnel. The Brevard County Government Center is located at 2725 Judge Fran Jamieson Way, Building B., Viera, Florida 32940; phone: (321) 633-2034.

A. Personnel Management/Operations Overview:

Brevard County Office of Human Resources provides quality support services and benefits administration to employees of the Board of County Commissioners and other County agencies. Program and services include, Personnel Services, Employee Relations, Employee Benefits, Risk Management, Safety, Health and Wellness.

Operations of County government fall under a Board of County Commissioners; County Attorney Office; and a County Manager—responsible for twenty-two directorates/offices.

B. Grant Information:

Sheriff’s Office

Brevard County is a recipient agency under the following criteria—has 50 or more employees, receives a total of \$25,000 or more in grants/sub-grants, and has 3 percent or more minorities in service population. *The direct recipient agency in Brevard County is the Brevard County Sheriff’s Office—receiving grant revenue from U.S. Department of Justice.

Grant Identification – Prisoner Transportation/Booking System Improvement Program XVI-2022-JAGC-BREV-1-3B-130 \$131,689.

Grant Identification – FY 19 Edward Byrne Memorial Justice Assistance Grant – 2019-DJ- BX-0757 \$55,079. FY 20 Edward Byrne Memorial Justice Assistance Grant-2020-DJ-BX-0837 \$48,482. FY 2021 Edward Byrne Memorial Justice Assistance Grant-15PBJA-21-GG-01319-JAGX \$51,990.

Contact Information:

Mr. Joann Elmiger
Brevard County Sheriff’s Office
Grant & Contract Coordinator
Phone: (321) 264-5206
Fax: (321) 264-5324
E-mail: joann.elmiger@bcso.us

*Note: The Sheriff is a separate elected official who has his own personnel office—they are a charter office of county government—and do not fall under the jurisdiction of the County Manager.

Equal Employment Opportunity Policy

It is the continuing policy of the Board of County Commissioners of Brevard County, State of Florida, to promote the concepts of equal opportunity for all of its employees and applicants for employment.

The County shall continue to recruit, hire, train, and promote, on merit principles, persons in all job classifications without regard to race, color, religious creed, national origin, ancestry, age, gender, genetics, marital status, or a disability which does not preclude the performance of the essential functions of the job, with reasonable accommodation(s) provided as necessary.

Decisions on employment shall be based on the principles of equal employment opportunity.

Decisions regarding promotions shall be in accordance with the principles of the merit system, which affords equal opportunity by imposing only valid requirements for promotion.

All personnel actions; such as, compensation, benefits, transfers, layoffs, return from layoff, County sponsored training, education, and social and recreational programs shall be administered without regard to race, color, religious creed, national origin, ancestry, gender, genetics, age, marital status, or disability.



Frank B. Abbate
County Manager
Brevard County
Board of County Commissioners



Date

Employees or applicants who have questions about the County's Equal Employment Opportunity Policy or who have complaints of unlawful discrimination, including sexual harassment, are advised to contact supervision or the County's EEO Officer, Juanita Craig, to have their concerns addressed. Ms. Craig may be reached at (321) 633-2034 or Building B, Human Resources Office, 2725 Judge Fran Jamieson Way, Viera, FL 32940.

The Equal Employment Opportunity Plan

A. Purpose:

The purpose of this Equal Employment Opportunity (EEO) Plan is to implement the Equal Employment Opportunity (EEO) Policy of the Brevard County Board of County Commissioners (hereafter known as County). The practices and procedures outlined herein coupled with our good faith efforts will ensure equal employment opportunities within County Government.

B. Objective:

The equal employment opportunity objective of the Brevard County Board of County Commissioners is to achieve, within a reasonable period of time, an employee profile which is an appropriate reflection of the relevant labor market availability, with respect to race, gender and other protected groups in each major job category.

This objective calls for achieving full utilization of minorities, women and members of other protected groups at all levels of County government employment, as well as the absence of discrimination in employment because of race, color, religious creed, national origin, ancestry, gender, age, marital status, or disability. The objective also calls for a work environment free of unlawful discrimination.

The major thrust of the County's efforts to reach the stated objective is through the implementation of an Equal Employment Opportunity Plan. An integral part of the Plan is the goals designed to change the race and gender profile in those areas where there has been underutilization of protected groups. This is being done by directing; through the adoption of this plan, appointing authorities to meet goals for the inclusion of women and/or minorities who are substantially equally qualified to other applicants for vacancies in targeted job categories.

The County is assuring the full realization of the stated objectives through a continuous procedure of monitoring and reporting. It should be emphasized that the County's Equal Employment Opportunity Plan is a plan of inclusion rather than exclusion.

The goals provided in this Equal Employment Opportunity Plan shall not continue beyond a period reasonably required to eliminate any existing under-representation. Additionally, this Plan seeks to harmonize the need to correct the effects of prior discrimination with the need to protect all individuals from the discrimination prohibited by non-discrimination laws. This Plan is designed to use the least restrictive programs and is designed to be remedial.

No employee or witness shall be retaliated against because of his/her having filed an internal complaint, or a complaint with an outside agency, or for having voiced opposition to an act he/she believes to be discriminatory, or for having cooperated with an investigation of a discrimination complaint.

C. Efforts:

We have continued to provide equal employment opportunity training to supervisory level employees. We continue to mandate training for all supervisors to promote the concepts of equal opportunity, which includes the following courses: Hiring in an Equal Employment Opportunity (EEO) Environment, Supervision and Discipline and Managing Diversity.

In addition, we continually emphasize equal employment opportunity awareness to our general employee population through mandatory training classes, such as, New Employee Orientation and Discriminatory Harassment class, which includes Sexual Harassment Awareness and Prevention.

We have an Employee Relations Manager/EEO Officer position to attempt to proactively address employee issues and concerns before the employee decides to take more formal measures. The Employee Relations Manager utilizes workplace assessments and effective communication and mediation skills to broker positive employee relations and conflict resolution in the workplace.

All departments have EEO data readily available to them through our Human Resources software package (SAP).

For recruiting purposes, we continue to send the weekly Job Opportunities publication to all minority and female organizations on our mailing list. We also place our Job Opportunity announcements on the County's Job Opportunities Internet website and on our telephone "Job line". Both provide 24-hour access to all potential applicants. We have invested in multiple recruiting services to target specific demographics to include women, minorities, and veterans. We have also continued our recruiting efforts with attendance to several virtual college job fairs and virtual Recruit Military events while navigating through the COVID pandemic which has limited our ability for in-person job fairs.

The appropriate Targeted Protected Group from the Equal Employment Opportunity Plan are notated for each particular position on the corresponding List of Applicants.

All complaints brought forward since 2019 were investigated. When requested or as appropriate, reasonable accommodations were made under the Americans with Disabilities Act (ADA).

A review of each selected candidate is performed by Personnel Officers to confirm that the selected candidate meets the requirements for the position as advertised.

D. Progress:

The results of our equal employment opportunity efforts continue to show progression of various targeted groups that were not (in the last reporting period) on parity with or surpassing the labor market statistics but now matches or surpass labor market statistics. The following pages show the current status of our EEO efforts – which shows where each targeted group exceeded, matched, improved substantially, or was underutilized in each job category.

The Equal Employment Opportunity Plan Appendix is a separate available Excel document which contains the following: Current Workforce by Race, Sex, National Origin and Job Category for permanent full and part time employees, Available Workforce “Community” by Race, Sex, National Origin and Job Category, Comparison of Agency to “Community” Workforce by Race, Sex, National Origin and Job Category.

Current Status

(Shows our Efforts and Progress)

As a result of our efforts, our employee profiles exceed the race/gender profile of the labor market availability for the following targeted areas:

*This Targeted Group was derived from the percent of total females compared to the percent of the total for both genders.

Job Category	Targeted Group
Officials/Managers	White Female; Hispanic Female; Black Female; Hispanic Male; Total Females*
Professionals	Black Male; White Female; Hispanic Female; Asian/Pacific Islander Female; Total Females*
Technicians	Hispanic Male; American Indian or Alaskan Native Female; White Female; Total Females*
Protective Services	Hispanic Male
Para-Professional	Black Both Genders; White Female; Hispanic Both Genders; Total Females*
Administrative Support	Black Both Genders; White Female; Hispanic Female; Total Females*
Skilled Craft	Black Male; Asian/Pacific Islander Male; American Indian or Alaskan Native Male
Service Maintenance	Black Male; Hispanic Male; American Indian or Alaskan Native Male

In addition, our employee profiles match the race/gender profile of the labor market availability for the following targeted areas:

Job Category	Targeted Group
Officials/Mangers	American Indian or Alaskan Native Both Genders; Asian/Pacific Islander Both Genders
Professionals	American Indian or Alaskan Native Both Genders; Black Female; Hispanic Male; Asian/Pacific Islander Male
Technicians	American Indian or Alaskan Native Male; Hispanic Female; Asian/Pacific Male
Protective Service	Asian/Pacific Islander Both Genders; American Indian or Alaskan Native Both Genders

Job Category	Targeted Group
Para-Professional	American Indian or Alaskan Native Both Genders
Administrative Support	American Indian or Alaskan Native Both Genders; Asian/Pacific Islander Both Genders; Hispanic Male
Skilled Craft	Asian/Pacific Islander Female; American Indian or Alaskan Native Female; Hispanic Male
Service Maintenance	Asian/Pacific Islander Male; American Indian or Alaskan Native Female

In the two years since our last comparison with the relevant labor market, the following job categories have undergone substantial improvements:

Job Category	Targeted Group
Officials/Managers	Black Male
Professionals	Hispanic Male; Asian/Pacific Islander Male
Technicians	Not Applicable
Protective Service	Black Male
Para-Professional	Hispanic Female; Black Male
Administrative Support	Hispanic Female
Skilled Craft	Not Applicable
Service Maintenance	Black Male; Hispanic Male

While we have made progress toward our objective of reflecting the relevant labor market, we recognize that there are targeted areas that are underutilized and need additional attention:

*This Targeted Group was derived from the percent of total females compared to the percent of the total for both genders.

Job Category	Targeted Group
Officials/Managers	Not Applicable
Professionals	Not Applicable
Technicians	Asian/Pacific Islander Female; Black Both Genders
Protective Service	Black Both Genders; White Female; Hispanic Female; Total Females*
Para-Professional	Asian/Pacific Islander Both Genders
Administrative Support	Not Applicable
Skilled Craft	Hispanic Female; White Female; Black Female; Total Females
Service Maintenance	White Female; Black Female; Hispanic Female; Asian/Pacific Islander Female; Total Females*

We will continue our efforts to match the labor market's race/gender profile by identifying the above areas as targeted positions for such underutilized protected group members where candidates are substantially equally qualified compared to other candidates.

Utilization

(Goals)

The Utilization Analysis conducted compares the most recent data available of the relevant labor market from the Census 2010 Data Tool—Equal Employment Opportunity (EEO) Residence Data Results for Brevard County by occupational category with the Board of County Commissioners workforce of all permanent employees as of July 2019.

The following groups are included in the Board of County Commissioners' workforce:

- * County Manager's Office
- * Development & Environmental Services Group
- * Support Services Group
- * Community Services Group
- * Public Safety Group

A comparison with the relevant labor market indicates underutilization of some targeted protected groups in the following job categories:

*This Targeted Protected Group was derived from the percent of total females compared to the percent of the total for both genders.

Job Category	Targeted Protected Group
Officials/Managers	Not Applicable
Professionals	Not Applicable
Technicians	Asian/Pacific Islander Female; Black Both Genders
Protective Service	Black Both Genders; Hispanic Female; White Female; Total Females*
Para-Professional	Asian/Pacific Islander Both Genders
Administrative Support	Not Applicable
Skilled Craft	Hispanic Female; White Female; Black Female; Total Females*
Service Maintenance	White Female; Black Female; Hispanic Female; Asian/Pacific Islander Female; Total Females*

Under this equal employment opportunity plan, by identifying targeted protected groups, the County shall attempt to increase the representations of those targeted. This shall be accomplished by directing, through the adoption of this plan, appointing authorities to meet goals for the inclusion of women and/or minorities who are substantially equally qualified to other applicants for vacancies in targeted job categories.

Achieving Equal Employment Opportunity Plan Objectives

(EEO Procedures)

The County considers its Equal Employment Opportunity Plan (EEO) a results-oriented program designed to enhance the opportunities and numbers of employees who are minority, female, or members of other protected groups. The ultimate success of this undertaking is largely the result of the good-faith efforts detailed in these Equal Employment Opportunity Plan procedures. In this section the substantive procedures/steps, which are used to convert commitments to measurable progress, are outlined. The following procedures are intended to help achieve our EEO objectives:

A. Recruiting:

The County shall actively seek minorities, females and members of other protected groups for employment. In order to improve recruitment and increase the flow of minority and female applicants, the Office of Human Resources shall regularly contact local minority/female organizations and local, state and federal employment agencies (see Minority Recruitment Mailing List). The County shall inform these recruiting sources of the County's Equal Employment policy through distribution of the weekly Job Opportunity Announcement, which states that we are an Equal Opportunity Employer.

B. Employment and Selection:

The minority/gender identities of applicants and new hires shall be reviewed periodically to assure that sufficient numbers are applying for jobs and to assure that the selection process is not adversely impacting upon the County's ability to meet its Equal Employment Opportunity (EEO) program goals.

All employees engaged in rendering hiring and promotion decisions shall be trained to assure nondiscrimination in decision-making. The hiring and promotion results shall be reviewed periodically to ensure that non-discrimination is a fact.

All screening mechanisms used shall be for purposes of determining an individual's suitability for the particular job sought or to meet other lawful purposes. The County shall not use any non-job-related screening mechanism that has an adverse impact on minorities, females and members of other protected groups.

The County's employment application form shall contain a notice that the County is an Equal Opportunity Employer (EOE).

Information, which is collected for EEO purposes only, regarding applicants who have protected group membership, shall be maintained separate from applications.

Appointing authorities will be notified in writing on each list of candidates issued, when that position is a targeted position in accordance with this plan.

C. Promotions:

Where a concern of unequal consideration or opportunity arises, applications of employees shall be reviewed by the Office of Human Resources to assure that qualified individuals are given equal consideration and opportunities for upgrades, promotions, and transfers.

Where additional training and experience would be helpful for advancement, the Employee Relations Manager will counsel and assist employees. Members of underrepresented groups shall be given preference, when substantially equally qualified, for all developmental training designed to enhance an employee's ability to assume targeted positions.

D. Community Action:

It is imperative that a good working relationship exists between the County and the community in order to inform the minority, female and disabled persons of the employment opportunities in the County. Positive relationships result in creating mutual respect and cooperation.

E. Facilities:

All work areas, lunchrooms, snack bars, recreational areas and other County facilities shall be maintained on a racially desegregated basis.

F. Other:

1. A copy of the policy statement signed by the County Manager shall be posted on Human Resources bulletin boards and issued to all employees.
2. The EEO Officer and American with Disabilities Act (ADA) Coordinator shall be available on request to speak with any employee concerning work-related problems of discrimination or unequal treatment. [See Merit System Policies XIII, "Employee Grievances and Appeals" and Merit System Procedure XIII, "Employee Grievances and Appeals."]

G. Performance Evaluations:

All annual performance evaluations for the County Manager, the Assistant County Managers, Department/Office Directors, and supervisory personnel shall evaluate each employee's commitment to equal employment opportunities by promoting workforce diversity. The appraisal of equal employment opportunity efforts and results, along with any other criteria necessary, will be used to evaluate whether a manager's job performance is acceptable.

H. Exit Interviews:

Any employee separating from County Employment may request and shall be afforded the opportunity of an exit interview. Exit Interviews shall be offered and conducted by the Office of Human Resources and include a discussion of the employee's perception of Equal Employment Opportunity in County government and any comments they may have in this area.

Internal Audit and Reporting

In order for the County government to assess its objective of achieving, within a reasonable period of time, an employment profile with respect to protected groups in each job category, a systematic approach must be taken to monitor the results of the County's program. The systematic approach described below should enable the County to evaluate results and to plan for the future.

A. Equal Employment Opportunity (EEO) Reports:

The following reports shall be generated at least biennially, or as requested, and include EEO-4 race and gender designation:

- Permanent Full-Time Employees
- Permanent Part-Time Employees
- Permanent Full-Time Employees grouped by Occupational Category and by Salary Level
- New Hires
- Employment
- Disciplinary Actions

B. Office of Human Resources Reviews:

The Office of Human Resources shall be responsible for the following reviews:

- Analysis of progress toward goals and objectives (numerical and non-numerical).
- Review of effectiveness of programs designed to assist in obtaining goals and objectives.
- Analysis of merit reviews, promotions, transfers, disciplines, terminations, and exit interviews of minorities, females, and other protected classes to determine whether or not disparate treatment or adverse impact exists.
- Review of advertisement wording, newspaper placement, and other recruitment, referral and employment records.
- Review of training, educational, and supervisory development programs.

Compliant Resolution Procedures

It shall be the objective of the County to resolve issues of discrimination and/or disparate treatment and/or harassment of members of the protected groups on an informal basis by involving the immediate supervisor and/or the Employee Relations Manager/Equal Employment Opportunity (EEO) Officer. The Employee Relations Manager/EEO Officer is responsible for mediating complaints of discrimination at the early stages by counseling employees in matters of discrimination in employment, disparate treatment, adverse impact, sexual harassment, etc., and by advising or assisting management in the complaint resolution process before a formal grievance is filed by an employee.

A. Formal Complaint Procedure:

The County has implemented such EEO practices, including the Complaint Resolution Procedures outlined below, to resolve complaints of discrimination and/or disparate treatment and/or harassment of members of protected groups in-house. However, employees should note that nothing in the County's Equal Employment Opportunity Plan or Complaint Resolution procedures prevents an employee from initiating a discrimination complaint, at any time, with any civil rights agency, nor are time limits for such agencies waived by any of the County's procedures or EEO Policies.

B. Steps:

Responsibility	Step	Action
Originator -Employee with complaint or Supervisor to whom complaint was reported	1	Reports complaint to EEO Officer as soon as possible after the alleged act of unlawful discrimination, disparate treatment or sexual harassment.
EEO Officer	2	Consults with County Attorney's Office to determine if complaint should be addressed through this complaint resolution process or referred to an outside third party for investigation.

Responsibility	Step	Action
EEO Officer	3	When determined that the complaint will be handled internally, confers with employee and other concerned parties, as appropriate and attempts to resolve the complaint by conducting a thorough investigation as expeditiously as possible after request for investigation. Provides proposed findings and recommends course of action to Human Resources Director for review.

Complaints are handled on a case-by-case basis and variations in complexity will impact the time it takes to complete the investigation and recommend a course of action.

Discriminatory Harassment Policy

A. Policy:

It is the policy of the Brevard Board of County Commissioners to maintain a work environment that respects the dignity and worth of each individual, and permits employees to feel free from intimidation, coercion, unlawful harassment or retaliation. Any form of unlawful discrimination against an individual on the basis of race, color, sex, national origin, religion, age, disability, pregnancy, veteran status, marital status or any other characteristic protected by applicable law is a form of employee misconduct which undermines the integrity of employment relationship and shall not be condoned.

Discriminatory harassment, including but not limited to racial harassment, sexual harassment, harassment based on national origin, religion, age, disability, pregnancy, veteran status or marital status, infringes on an individual's right to a work environment that is free from intimidating or offensive behavior, and will not be tolerated.

B. Definition:

Discriminatory Harassment/Other Prohibited Harassment—unwelcome (verbal or physical) conduct relating to an individual's race, color, gender, age, religion, national origin, disability, veteran status, marital status or other characteristic protected by law that has the purpose or effect of unreasonably interfering with or creating an offensive or hostile work environment is prohibited.

It is impossible to identify all of the conduct that could constitute other prohibited harassment. The following are examples of conduct that can constitute such harassment:

- Using epithets or slurs;
- Mocking, ridiculing, or mimicking another's-culture, accent, appearance, color or customs;
- Threatening, intimidating, or engaging in hostile or offensive acts that focus on an individual's race, color, gender, age, religion, national origin, disability, veteran status, marital status, or any other characteristic protected by law;
- Offensive jokes or pranks;
- Posting offensive material on walls, bulletin boards, or elsewhere on County property;
- Circulating offensive material in the workplace-in writing, by electronic means, or otherwise.

C. Directives:

1. Discriminatory harassment is not acceptable and will not be tolerated. All employees are expected to comply with this policy demonstrating sensitivity and respect for others.
2. Any employee who believes he or she has experienced discriminatory harassment is strongly encouraged to immediately report the situation to his or her supervisor or appropriate authority. If an employee is being harassed by a supervisor, he or she is strongly encouraged to report the situation to his or her next level of supervision, including his or her Department or Office Director.

3. Employees may also contact the Employee Relations Manager/Equal Employment Opportunity (EEO) Officer, Personnel Manager or Human Resources Director to report their concerns concerning discriminatory harassment or any other form of unlawful employment discrimination.
4. Managers and supervisors are responsible to fully and fairly investigate and address any concerns or complaints of discriminatory harassment promptly. Managers and supervisors are also responsible to fully and fairly investigate and stop harassment that comes to their attention through observation or other sources of information, even if there is no formal complaint.
5. As soon as the investigation is concluded and an evaluation made of the results of the investigation, appropriate action will be taken. If it is concluded that discriminatory harassment has occurred, appropriate corrective action will be taken immediately to rectify the situation. The type of action to be taken depends on, among other things, the kind and degree of harassment, the employment status and level of responsibility of the offending individual, any past finding of inappropriate conduct, and the extent of the offending individual's cooperation in the investigation. The action taken may include, but is not limited to, verbal or written counseling, referral to professional counseling, disciplinary suspension or probation, or immediate termination from employment.
6. Retaliation against an individual for reporting discriminatory harassment or cooperating in the investigation of such a report is considered a serious offense, as it undermines the integrity of this policy. As a result, any form of retaliation against an individual for making report of harassment or for assisting in the investigation of such a report is strictly prohibited.
7. Reports of perceived retaliation should be made promptly, and can be made in the same manner as reports of discriminatory harassment. Those reports will be investigated and resolved in the same manner as reports of discriminatory harassment. If it is concluded that retaliation has occurred, appropriate action will be taken to immediately correct the situation. Appropriate action may include immediate termination from employment.
8. Discriminatory harassment is a serious breach of the County's policy and may be a violation of the law. As a result, a report of such harassment is an extremely serious matter that could have a very damaging effect on an accused individual's professional and personal reputation, career and personal life. A report of discriminatory harassment should not be used to address complaints for something other than discriminatory harassment, or made to achieve some purpose other than the eradication of discriminatory harassment.

Sexual Harassment Policy

A. Policy:

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 an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, (3) 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 (4) such conduct has the purpose or effect of unreasonably interfering with, or creating an offensive or hostile environment for, a non-employee.

Sexual harassment is a form of employee misconduct that undermines the integrity of the employment or County business relationship. All persons must be provided an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment debilitates morale and interferes with the productivity of its victims and coworkers. Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to performance in a particular job category; such as, the taking of or refusal to take personnel action, including promotion of employees who submit to sexual advances or who refuse to protest sexual overtures.

In recognition of the employee's individual rights and dignity, the County does not tolerate the harassment of individuals with words or signs relating to sexual activities. Requests for sexual favors are forbidden. Employees found to be harassing other persons sexually will be disciplined up to and including termination.

There shall be no retaliation against or the suffering of any adverse effects for reporting any complaint of sexual harassment.

B. Considerations:

The following considerations govern the County's sexual harassment policy:

1. A man, as well as, a woman may be the victim of sexual harassment, and a woman, as well as, a man may be the harasser.
2. The harasser does not have to be the victim's supervisor. She/he may also be an agent of the County, a supervisory employee who does not supervise the victim, a non-supervisory employee (co-worker), a subordinate, or, in some circumstances, even a non-employee.
3. The harassed does not have to be a county employee. She/he may also be a client/customer or agent of the County or a person providing unpaid/volunteer service to the County.
4. The act at issue is unwelcome sexual advances; the gender of the parties is not the issue.
5. The victim does not have to be the person to whom the unwelcome sexual conduct is directed. She/he may be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one female (or male) employee may create an intimidating, hostile, or offensive working environment for another female (or male).

6. Victims are requested to report the act of sexual harassment immediately to their supervisor or appropriate authority. If an employee is being harassed by a supervisor, he/she should contact the Equal Employment Opportunity (EEO) Officer, personnel manager, or Human Resources Director. The County will not be held responsible for the act unless the proper authority knew or should have known that the act occurred and failed to take appropriate corrective action.
7. Managers and supervisors should understand it is their responsibility to investigate and stop harassment that comes to their attention through observation or information of the work place, even if there is no formal complaint.
8. All personnel, including directors, administrators, supervisors, and professionals, are covered by the provisions of the Sexual Harassment Policy.

A finding of unlawful sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment when they unreasonably interfere with the victim's work or create a harmful or offensive work environment.

Americans with Disabilities Act (ADA)

A. Proper consideration of qualifications:

The ADA Coordinator and the Human Resources Director shall periodically review the County's employment procedures to assure that job qualifications are based upon essential job functions.

B. Physical and mental qualifications:

The Employment & Compensation Section of the Office of Human Resources shall review with line management and supervisors all job qualification requirements to ensure that such requirements are related to essential job functions and consistent with business necessity and the safe performance of the job.

When job requirements have the effect of screening out otherwise qualified individuals with disabilities as defined by the Americans with Disabilities Act (ADA) in the selection of applicants for employment or employees for changes in employment status; such as promotion or training, the County shall ensure that the requirements are related to the essential functions of the specific job(s) for which the individual is being considered.

Information obtained from an applicant/employee concerning a disability as defined by the ADA shall be kept confidential, except that:

1. Supervisors and managers may be informed regarding possible accommodations to be made or restrictions on work or duties.
2. An employee's supervisor(s) and area safety coordinator may be informed when and to what extent, if appropriate, any condition might require emergency treatment.
3. Government officials investigating compliance with the Equal Employment Opportunity (EEO) laws will be provided documentation that is focused and tailored to produce information relevant to the investigation.

C. Reasonable accommodation:

The County shall make reasonable accommodations for employees or applicants, with disabilities as defined by the ADA, to the extent that such accommodation does not impose an undue hardship on the conduct of County business.

Reasonable accommodation shall be defined as any adjustment to a job or work environment that permits an applicant or employee with a disability, as defined by the ADA, to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules,

- reassignment to a vacant position,
- adjusting or modifying examinations, training materials or policies,
- providing readers and interpreters, and
- making the workplace readily accessible to and usable by people with disabilities.

Reasonable accommodations shall also be made to enable individuals with disabilities to participate in the application process and to enjoy benefits and privileges of employment equal to those available to other applicants.

The ADA Coordinator with the assistance of Human Resources Department, shall assist departments/offices to evaluate requests for reasonable accommodations and other situations where reasonable accommodations are appropriate.

[See Administrative Order #AO-02: The ADA Employee Accommodation Request.]

Policy Dissemination

A. Internal Policy Dissemination:

1. A description of the County's Equal Employment Opportunity (EEO) policy shall be incorporated into the County's Personnel Handbook under the section entitled "You and Your Job."
2. The County's EEO Policy and Equal Employment Opportunity Plan shall be discussed at employee orientation programs.
3. The County's EEO policy shall be displayed in areas where employees or applicants have access to review the policy. Copies of the policy shall also be available in the Office of Human Resources. The County's EEO Policy and Plan shall also be located on the County's Intranet website.
4. All directors and supervisory level employees shall become thoroughly familiar with the County's EEO Policy. Training sessions on EEO shall include a statement from the County Manager reaffirming his support of the program. In addition, individual supervisory responsibility for program effectiveness shall be precisely outlined in the training sessions.
5. The County's EEO Policy shall be communicated to all County employees.
6. The County's EEO Policy and Equal Employment Opportunity Plan shall be public records.
7. Any types of publications by the County, which feature pictorial presentations of groups of County employees shall include pictures of minorities and non-minorities, women and members of other protected groups.
8. Management and supervisors engaged in the county's hiring process shall receive training on the applicable State and Federal EEO laws.
9. Copies of the County's Equal Employment Opportunity Plan shall be available in the Office of Human Resources and at all County public libraries for all employees to review and utilize.

B. External Policy and Job Opportunities Dissemination:

1. The EEO policy and the County's Equal Employment Opportunity Plan shall be provided to organizations identified within the community whose membership includes significant members of minorities, women and other protected groups.
2. All sources used for recruitment including minority and women's organizations, community agencies and community leaders shall be informed in writing, through distribution of the weekly Job Opportunity publication, of the County's EEO policy. The Job Opportunities is disseminated by electronic means through Brevard Workforce. These sources shall be encouraged to actively recruit and refer minorities, women and members of other protected groups for all positions within the County.
3. All employment advertisements shall contain the phrase, An Equal Opportunity Employer.

C. Equal Employment Opportunity Posters:

Any posters required by Title VII, Fair Labor Standards Act, Americans with Disabilities Act, etc., concerning equal employment, age discrimination, equal pay, and the disabled, as well as, the County's internal EEO Policy shall be displayed in a conspicuous place in the Office of Human Resources.

Minority Recruitment Mailing List

Business Name	Business Address	Business Email Address
AARP Foundation	17 East Hibiscus Boulevard #211 Melbourne, Florida 32901	nheller@aarp.org
Brevard Achievement Center	1845 Cogswell Street Rockledge, Florida 32955	msampieri@bacbrevard.com
Department of Family and Children Services	6100 Minton Road Suite 201 Palm Bay, Florida 32907	Sally.wouters@myfamilies.com
Division of Blind Services	1185 Dunn Avenue Daytona Beach, Florida 32114	Patricia.curtis-paulk@dbs.fldoe.org
Division of Blind Services	1970 Michigan Avenue Building A-2 Cocoa, Florida 32922	communications@DBS.fldoe.org
National Association for the Advancement of Colored People, North Branch	Post Office Box 957 Titusville, Florida 32780	Northbrevard.naacp@yahoo.com
National Association for the Advancement of Colored People, Central Branch	Post Office Box 516 Cocoa, Florida 32922	Whipple8340@bellsouth.net
National Association for the Advancement of Colored People, South Branch	Post Office Box 2031 Melbourne, Florida 32902	Dj0287@yahoo.com
Space Coast Center for Independent Living	571 Haverty Court, Suite W Rockledge, Florida 32955	dmorgan@scil.net
United Third Bridge Incorporated	2293 Aurora Road Melbourne, Florida 32904	mrsisabelwright@aol.com
Vocational Rehabilitation	1049 Eber Boulevard Suite 101 Melbourne, Florida 32904	Jane.morgan@vr.fldoe.org
Vocational Rehabilitation	1970 Michigan Avenue Building A-1 Cocoa, Florida 32922	Laura.koursaris@vr.fldoe.org
Women's Center	1425 Aurora Road Melbourne, Florida 32935	mfallon@womenscenter.net
Women's Center	400 Julia Street Titusville, Florida 32796	cmiles@womenscenter.net
Women's Center	1565 Sarno Road Suite A Melbourne Florida 32935	lbennett@womenscenter.net
Circa	1000 N Water St Suite 1200 Milwaukee, Wisconsin	Eric.Kempf@CircaWorks.com