



## **Affirmative Action Plan**

# **Scotts Bluff County: Governmental Employer**

**Scotts Bluff County, Nebraska**

**This plan is effective**

**February 20, 2010 to February 19, 2011**

**EEO Contact:**

Jerry Crable  
Affirmative Action officer  
Human Resources Director  
1825 10<sup>th</sup> Street  
Gering, Nebraska 69341

**Table of Contents**

<u>SECTION</u>	<u>TOPICAL HEADING</u>	<u>PAGE</u>
I	Equal employment opportunity/ Affirmative Action Statement	3
II	Foreword/Statement of Commitment	4
III	Designation of Responsibility	5
IV	Identification of Problem Areas	8
V	Action-Oriented Programs	8
VI	Reporting and Internal Auditing Systems	10
VII	Definition of Terms	11
VIII	Federal Laws influencing and regulating AAP	12

**SECTION I – SCOTTS BLUFF COUNTY EQUAL  
EMPLOYMENT/AFFIRMATIVE ACTION STATEMENT**

- SUBJECT: Affirmative Action Plan
- PURPOSE: To establish a comprehensive program to ensure Scotts Bluff County complies with state and federal equal employment opportunity and affirmative action guidelines.
- RULE: Scotts Bluff County is governed by a strong commitment to equal employment opportunity and affirmative action, and this commitment is clearly expressed in this Affirmative Action Plan.

**EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION STATEMENT**

It is the policy of Scotts Bluff County to provide employment, training, levels of compensation, transfer and promotion opportunities, demotions, layoffs, terminations, and other employment actions without regard to race, color, religion, gender, national origin, age, disability status, or status as a veteran, including disabled veterans and Vietnam era veterans. It has additionally been a longstanding policy of Scotts Bluff County to employ and promote qualified personnel without discrimination against any employee or applicant for employment because of his or her protected category or any other non-job related characteristics. With these principles in mind Scotts Bluff County now reaffirms its commitment to this policy of equal employment opportunity.

Equal Opportunity is in full compliance with: the Civil Rights Act of 1964, as amended; The Age Discrimination in Employment Act of 1967, as amended; the Rehabilitation Act of 1974; the Americans with Disabilities Act of 1990; the Equal Pay Act of 1963; and the Family and Medical Leave Act of 1993. It is the intent of this Plan to comply with all relevant provisions of the foregoing Federal statutes, and caselaw relative thereto, as well as applicable State statutes and caselaw. To the extent that any provisions contained herein are found to not comply with those statutes, rules, regulations or caselaw then the Plan shall be superseded by said law and modifications made to bring it into conformance with the same.

The Scotts Bluff County Board of Commissioners, directs all Officials, Department Heads, and staff members to commit themselves to support the following equal employment procedures, and rededicate themselves to the best possible service of the people of Scotts Bluff County. A copy of the Affirmative Action Plan may be inspected during normal business hours by contacting the Affirmative Action Officer: by calling (308)-436-6718; writing Affirmative Action Officer, 1825 10<sup>th</sup> Street, Gering, NE 69341; visiting the Personnel Department located at the above address, or by going to [www.scottsbluffcounty.org](http://www.scottsbluffcounty.org).

Mark J. Masterton  
Chairman of the Board

## SECTION II – STATEMENT OF COMMITMENT

In an effort to develop an effective action program, Scotts Bluff County hereby reaffirms and formalizes its commitment to the principle of equal employment opportunity. Furthermore, it has been a longstanding policy of Scotts Bluff County to employ and promote qualified personnel without discrimination against any employee or applicant for employment because of his or her protected category or any other non-job related characteristics.

In developing the Affirmative Action Program, Scotts Bluff County commits to:

- Recruiting, hiring, training, and promoting persons in all job classifications without regard to their protected category, or any other non-job related characteristic.
- Ensuring decisions regarding promotions are in accordance with equal employment opportunity requirements by imposing only valid, job related requirements for such promotions.
- Ensuring candidates representing all protected categories are reasonably recruited for job vacancies. Advertisements will not express a preference for applicants of a particular protected category.
- Ensuring related rules and procedures clearly include that there will be no discrimination on the basis of protected category status.

The Affirmative Action Plan (AAP) is organized into interdependent sections, with each sections set forth topically. For ease of accessibility, all sections are summarily listed, with page numbers, in the Table of Contents at the beginning of this document.

To ensure that every employee has a clear understanding of the key terms and key laws associated with Scotts Bluff County’s AAP, a “Definition of Terms” section has been included as a reference.

This document is **NOT** an employment contract between Scotts Bluff County and its current employees, or any future employees. However, Scotts Bluff County views the principle of equal opportunity as a vital element in the employment process and as a key to successful business.

To ensure that equal opportunity is achieved through good faith efforts, Scotts Bluff County has established various levels of responsibility to both direct and oversee its affirmative action efforts.

The Human Resources Director, **Jerry Crable**, has been designated as the Affirmative Action Officer (AAO) for Scotts Bluff County. The AAO is responsible for monitoring affirmative Action efforts, providing equal opportunity training, and recommending the use of outside resources, where applicable. An Equal Employment/Affirmative Action Committee (EEO/AAP) may be created if deemed necessary to assist the AAO in matters of overseeing affirmative action efforts.

Individual department heads and officials are responsible for ensuring that their employment decisions comply with the principles embodied in Scotts Bluff County's Equal Employment Opportunity/Affirmative Action Statement and with all state and federal laws. (see aforementioned AAO for questions regarding compliance)

Each employee is responsible for bringing to the attention of their Official, Department Head or the AAO, any employment decision that he or she feels conflicts with the Scotts Bluff County Equal Employment Opportunity/Affirmative Action Statement, or with the law.

As affirmed in the Equal Employment Opportunity/Affirmative Action Statement preceding this Foreword, the Scotts Bluff County Board of Commissioners bear the final responsibility for ensuring that equal employment and affirmative action receive a sufficient level of attention and managerial support.

### **SECTION III – DESIGNATION OF RESPONSIBILITY**

The Board of Commissioners are responsible for the implementation and administration of the AAP. As the chief administrator of the AAP, the Board of Commissioners has delegated to the Affirmative Action Officer, elected officials, appointed officials, department heads, and hiring supervisors the authority and responsibility for carrying out this plan at each corresponding level.

As specified in the Equal Employment Opportunity/Affirmative Action Statement, the Affirmative Action Officer (AAO) is charged with the administrative responsibility for ensuring compliance in both elected and appointed employment activities. In fulfilling these responsibilities the AAO will:

1. Serve as liaison between Scotts Bluff County and the Nebraska Equal Opportunity Office, and between Scotts Bluff County and outside regulatory/enforcement agencies;

**Scotts Bluff County  
Affirmative Action Plan  
February 20, 2010 – February 19, 2011**

2. Prepare the annual AAP;
3. Review, or ensure the review of, all employee hiring and promotion activities prior to job offers being extended, for compliance purposes;
4. Chair Scotts Bluff County's Equal Employment Opportunity/Affirmative Action Committee (EEO/AAC). A standing committee of the County, whose role is outlined in the section of AAP that immediate follows;
5. Require all non-elected Scotts Bluff County employees to complete an on-line discrimination training within the first calendar month of employment and once every two years there after;
6. Disseminate AAP statement, per the dissemination plan to all employees annually;
7. Recommend affirmative action goals to the Board of Commissioners;
8. Monitor personnel actions and determine the degree to which goals and objectives have been attained;

The Board of Commissioners must annually appoint an EEO/AAC, which is to be chaired by the AAO. The EEO/AAC, which reports directly to the Board of Commissioners, is responsible for assisting the AAO with:

1. Monitoring equal employment opportunity and affirmative action efforts at Scotts Bluff County;
2. Advising the AAO of needs and problems, that may occur with equal employment opportunity and affirmative action;
3. Implementing specific aspects of the AAP;
4. Developing policy statements, affirmative action program efforts, and internal and external communications;
5. Assisting Officials and supervisors arrive at solutions to identified problem areas;

**Scotts Bluff County**  
**Affirmative Action Plan**  
**February 20, 2010 – February 19, 2011**

6. Serving as liaison between the County and minority organizations, women's organizations, veteran's Groups, groups concerned with the disabled and community action groups concerned with employment opportunities for minorities, women and other protected classes.

Elected Officials, Appointed Officials, Department Heads, and hiring supervisors are responsible for:

1. Reviewing and affirming on an annual basis the principles of the County's AAP.
2. Ensuring that minority and female employees are encouraged and given equal opportunities for transfers and promotions.
3. Encouraging minorities and women employees to participate in all County on-line trainings;
4. Requiring shift supervisors take actions to ensure that employees in protected classes are not harassed.

Scotts Bluff County will ensure an appropriate work environment by:

1. Recognizing our obligation to provide a work atmosphere free from harassment and intimidation. Forms of sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature will not be tolerated;
2. Agreeing to make reasonable accommodations to the religious observances/practices of employees who regularly observe a religious holiday, and/or who observe certain religious holy days during the year, when such accommodations can be made without undue hardship to the regular business of the employee's respective County department;
3. Agreeing to make reasonable accommodations to ensure compliance with the Americans With Disabilities Act when an employee makes such a request. In determining the extent of the hardship such accommodations might make, the County will consider the following factors; (a) business necessity; (b) financial costs and expenses; and (c) resulting staffing problems;

4. Ensuring its' education and training programs provide equal access to all employees as we give employees the skills to make sound decisions regarding hiring and promoting without regard to protected status.

#### **SECTION IV – IDENTIFICATION OF POTENTIAL PROBLEM AREAS**

Scotts Bluff County will conduct a thorough analysis of its personnel practices (hiring, promoting, demoting, terminating) for the 12 month period during which this AAP is effective. Potential problems shall be identified, goals will be established, and affirmative actions will be taken as deemed appropriate.

The following Analyses will be conducted:

1. A Workforce Analysis – Scotts Bluff County will conduct a workforce analysis to identify employees by job title, gender, and race in each department.
2. Job Group Analysis – Scotts Bluff County will conduct comparability analyses of like paying positions, to determine if problems exist in terms of minority or female employment in any job groupings.
3. Personnel Activity Analysis – AAO will conduct an analysis of the applicant flow, hires, promotions, and terminations which occur in the 12 month period during which this AAP is effective.
4. Compensation Systems Analysis – AAO will conduct a compensation analysis, comparing the mean salaries for men and women, whites and minorities in each position. Seniority will be considered when conducting this analysis.

#### **SECTION V – ACTION ORIENTED PROGRAMS**

Scotts Bluff County shall implement several action-oriented programs to help prevent potential problem areas.

1. A yearly review of all the County job descriptions shall be conducted by the Personnel Department in conjunction with all department heads, to ensure descriptions accurately reflect the functions of the positions they describe, and do not discriminate against protected classes.

2. When new positions are established, or existing positions are reclassified, job requirements shall be reviewed to ensure academic qualifications, experience, and skills do not discriminate against protected classes.
3. Job descriptions shall be made available upon request to department heads and hiring supervisors, to utilize during the screening and selecting portions of the hiring process.
4. Job openings may be advertised in the following manner(s):  
(requirements per County Personnel Manual are bold)
  - a. **Advertising the job opening, no less than one day in the designated County newspaper (Star-Herald);**
  - b. **Posting job opening on County webpage ([www.scottsbuffcounty.org](http://www.scottsbuffcounty.org));**
  - c. **Posting job opening on various bulletin boards located in County facilities;**
  - d. **Posting “Help Wanted” signage at front of County offices with job opening, which have public foot traffic;**
  - e. Posting job opening on [www.wehavejobs.net](http://www.wehavejobs.net) & [www.nebraskaworkforce.com](http://www.nebraskaworkforce.com)
  - f. Place job postings on Western Nebraska Community College bulletin boards;
  - g. Advertising in various minority publications;
  - h. Advertising in bilingual and/or Spanish publications.

5. Dissemination Plan

The Affirmative Action Plan (AAP) and policies related to equal employment opportunities are considered to be open records, available for inspection. The County shall take steps to ensure the AAP is available for review. Some of the methods which shall be utilized are:

A. Internal Dissemination

- a. The AAP shall be on the County website and notice of its availability shall be sent to all employees by e-mail and departmental memo.
- b. Any supplemental affirmative action information during the 12 month period which the AAP is effective will be sent by e-mail, and shall be placed on the County web page, and shall be disseminated by memoranda to department heads or supervisors.

The AAP may be viewed at:

[www.scottsbluffcounty.org](http://www.scottsbluffcounty.org)

c. Scotts Bluff County's affirmative action efforts shall be incorporated into new employee orientation and various management trainings held throughout the year.

**B. External Dissemination**

- a. The AAP shall be on the County website;
- b. When advertising job openings all County ads will end with the statement: "Scotts Bluff County EOE/AA"
- c. The AAP shall be available be request from the Scotts Bluff County Personnel Department, either by e-mail, fax, or mail.

**SECTION VI – REPORTING AND INTERNAL AUDITING**

The Director of Human Resources/Affirmative Action Officer has the responsibility for developing and preparing the formal documents of the AAP. The Director of Human Resources/Affirmative Action Officer is responsible for the effective implementation of the AAP; however, each department manager and supervisor also has responsibility to the AAP. Scotts Bluff County's compliance process is designed to:

- Monitor the effectiveness of the AAP/EEO program;
- Monitor records of all personnel activities, including transfers, promotions, terminations and compensation at all levels;
- Identify problem areas where remedial action is needed;
- Determine the degree to which Scotts Bluff County's AAP goals and objectives have been obtained;
- Review results with all levels of management;
- Advise top management of program effectiveness and submit recommendations for improvement.

The following documents will be maintained and retained from this date forward (in accordance with legal statutes) as a component of Scotts Bluff County's internal audit process:

1. Employment applications;
2. Records pertaining to Scotts Bluff County's pay scale system;
3. Personnel files for current and past County employees,
4. Advertisements for Scotts Bluff County job openings.

## SECTION VII – DEFINITION OF TERMS

**Affirmative Action:** Actions, policies, and procedures to be undertaken by Scotts Bluff County in recruiting, hiring, promotion, and all other personnel actions that are designed to achieve equal employment opportunity, and if present eliminate effects of past discrimination. Affirmative action may require: (1) thorough, systematic efforts to prevent discrimination from occurring or to detect and eliminate it as promptly as possible; and (2) recruitment and outreach measures.

**Affirmative Action Officer (AAO):** designee responsible for monitoring affirmative action efforts, coordination equal opportunity training, and recommending the use of outside resources, where applicable. Charged with administrative responsibility for ensuring compliance in both elected and appointed departmental employment activities this individual also functions as Scotts Bluff County's custodian of employment records, ensuring that all reporting requirements necessary to comply with the Affirmative Action Plan are met.

**Affirmative Action Plan (AAP):** detailed set of objectives and plans designed to achieve prompt and full utilization of minorities and women at all levels and in all areas of the covered work force.

**Applicant:** Any individual who completes and submits a County application, while seeking county employment

**Disability:** individuals who have a physical or mental impairment that substantially limits one or more major life activities. One who has a record of, or is known to have, such impairment. And also, one who is regarded as having such impairment.

**Discrimination:** illegal treatment of a person or group of persons based on race, sex, or membership in another protected class.

**Equal Employment Opportunity/Affirmative Action Committee (EEO/AAC):** chaired by the AAO. Reports directly to the Scotts Bluff County Board of Commissioners. Responsible for monitoring equal employment opportunity and affirmative action efforts at Scotts Bluff County and advising the AAO of needs and problems in these areas; helping disseminate Scotts Bluff County's AAP; and assisting the AAO in implementing specific aspects of it.

**Equal Employment Opportunity Commission (EEOC):** federal commission which handles discrimination and harassment complaints, investigations, and legal action on behalf of employees.

**SECTION VIII - FEDERAL LAWS INFLUENCING AND REGULATING AAP:**

**1. Age Discrimination in Employment Act of 1967 (ADEA)**

Prohibits employers of 20 or more persons from discriminating against persons age 40 and over in any area of employment on account of age. Complaints are investigated by the EEOC.

**2. American with Disabilities Act (ADA) of 1990**

Targets discrimination against the disabled in employment (Title I), public services and transportation, and public accommodations and services operated by private entities. The main focus of Title I of the ADA is to prohibit discrimination against qualified individuals with disabilities. A “qualified individual with a disability” is “an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.”

**3. Civil Rights Act of 1866 (42 USC 1981)**

This law, known as section 1981, guarantees all persons the same right to make and enforce contracts that “white citizens” enjoy. Race is covered but gender and religion are not.

**4. Title VII, Civil Rights Act of 1964 (As Amended by the EEO Act, 1972)**

Prohibits discrimination on the basis of race, color, religion, gender, or national origin. Covers all employers with 15 or more persons, all educational institutions, both public and private, state and local governments, public and private agencies, labor unions with one or more members and joint labor-management committees for apprenticeship and training. Prohibits practices identified by statistically determined adverse impact as well as intentional unequal treatment.

Decisions concerning hiring, placement, training, promotion, termination and layoff are covered.

Title VIII established the EEOC (Equal Employment Opportunity Commission) to enforce the law. The amendment in 1972 enables the EEOC to enforce Title VII through court action.

**5. Civil Rights Act of 1991 (CRA)**

Provides additional remedies and protection, in addition to those previously available under Title VII, to applicants, employees, and former employees who contend they are victims of employment discrimination.

**6. Equal Pay Act of 1963**

Requires that all employers, subject to the Fair Labor Standard Act provide equal pay for men and women performing work substantially similar in skill, effort, responsibility, and working conditions, unless wage differentials are due to bona fide systems of seniority, merit, output or some business factor other than gender.

**7. Family and Medical Leave Act of 1993**

Eligible employees are entitled to a maximum of 12 weeks of leave during the fiscal year for the birth of a child, placement of a child for adoption or foster care, an employee's serious health condition, or caring for a spouse, child or parent with a serious health condition.

**8. Rehabilitation Act of 1973 (as amended)**

This act is designed to promote the employment of disabled individuals. It bans discrimination on the basis of visible and non-visible disabilities which substantially limit one or more major life activities. Further, employers must actively pursue opportunities to employ qualified disabled individuals and modify their facilities to accommodate them. Disabled individuals are defined as persons who have a record of physical or mental impairment, history of alcoholism, asthma, diabetes, epilepsy, and other diseases.

**9. Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended**

The law requires that employers with Federal contracts or subcontracts of \$25,000 or more provide equal opportunity and affirmative action for Vietnam era veterans, special disabled veterans, and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.