

# TITLE 10

## SPECIAL ORDINANCES, REGULATIONS, RULES, POLICIES, AND BARGAINING AGREEMENTS

### SUBTITLE 3 — POLICIES

#### POLICY 24

#### AFFIRMATIVE ACTION AND NONDISCRIMINATION PLAN

---

---

#### TABLE OF CONTENTS

*Section Title*

**I. GENERAL PROVISIONS**

**24.100 Policy statements**

**II. AA&ND PROGRAM**

**24.410 Responsibility for administration of plan**

**24.420 Workforce and labor market analysis**

**24.430 Goals**

**24.500 Accountability and reports**

**24.600 Communication**

**24.700 Complaint procedure; generally**

**24.710 Informal complaint procedure**

**24.720 Formal complaint procedure**

**24.800 Section 504 grievance procedure**

**References and Authorities**

**Legislative History of Policy 24**

**Appendix 1 — EEOC Non-discrimination Policy Statement**

**Appendix 2 — EEOC Job Categories**

**Appendix 3 — Full-time Career Work-force**

**Appendix 4 — Affirmative Action Goals – Minorities**

---

---

---

#### I. GENERAL PROVISIONS

---

#### 24.100 Policy statements

(A) It is the policy of the County to ensure that all of its employment activities are conducted on an equal opportunity basis, without discrimination as to race, color, religion, national origin, disability, sex or age (except where sex, age or non-disability are bona fide occupational qualifications) within all operations of the County.

(B) Further, as a recipient of Federal financial assistance, Linn County does not exclude, deny benefits to, or otherwise discriminate against any person on the ground of race, color, or national origin, or on the basis of handicap or age in admission to, participation in, or receipt of the services and benefits of any of its programs and activities or in employment therein, whether carried out by Linn County directly or through a contractor or any other entity with whom Linn County arranges to carry out its programs and activities. This statement of policy is intended to be consistent with requirements and objectives set forth by State and Federal laws relating to discrimination or delivery/receipt of services.

(C) The Board of Commissioners recognizes that for county government to represent all of its citizens, it is necessary to maintain an atmosphere in employment and delivery of program services and benefits which is nondiscriminatory. The Board also recognizes that it is not sufficient to merely proclaim nondiscrimination against women, minority groups, and the handicapped. Affirmative steps will be taken to assure the County's position as an equal opportunity em-

ployer and to ensure the fulfillment of objectives pursuant to this policy.

(D) The County's Affirmative Action effort is a positive program intended to provide equal opportunity and consideration to all persons who are seeking employment or who are employed by the County and to achieve a level of employment of women and minorities employed in all segments of the County's work force consistent with the percentages of these groups available in this County's job market. Such affirmative action will apply, but not be limited to, employment, promotion, demotion, transfer, recruitment, advertisement, layoff, termination, rates of pay, or other forms of compensation and selection for training.

(E) The County's Nondiscrimination effort is a positive program intended to insure that Linn County does not discriminate against any person in employment or in admission, treatment, or participation in its programs and benefits on the basis of race, color, national origin, creed, ability to speak English, handicap, sex, age, or marital status.

(F) The County will attempt to recognize employees', applicants', or clients' requests for accommodation because of religious beliefs or handicaps unless the request would place an undue hardship on the conduct of County business or have an adverse effect on the rights of other employees.

(G) County appointing and supervisory authorities are directed to follow this policy and to provide the opportunity for its implementation. A policy statement to this effect will be publicly posted.<sup>1</sup> Elected officials of Linn County may adopt and institute their own Affirmative Action – Non-discrimination Plan (AA&ND) Plans consistent with State and Federal law which apply solely in their departments. Until such alternative plans are adopted, the policies and procedures of this plan shall be followed.

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

---

<sup>1</sup>See Appendix 1.

---

## II. AA&ND PROGRAM

---

### 24.410 Responsibility for administration of plan

(A) Overall responsibility for implementation and administration of the AA&ND Plan, is with the Board of County Commissioners.

(B) The Board of Commissioners will provide the necessary administrative support for the AA&ND Policy that includes assistance in recruitment programs, development of selection procedures, job reclassification and restructuring, training programs and the development of report procedures to determine the results of personnel actions on women and minorities who are employees or employment applicants of the County.

(C) The County AA&ND Officer shall have responsibility and authority for the overall coordination and implementation of the plan and shall:

(1) Advise the Board of Commissioners on program and policy matters which relate to accomplishing the goals of AA&ND.

(2) Review programs and benefits in terms of admission, treatment, or participation. Shall also review recruitment, selection, testing and promotional practices and identify actions needed to eliminate discriminatory and artificial barriers to equal employment opportunity.

(3) Assist department heads to determine under-utilization of women and minorities and, if such exists, to recommend realistic goals, methods and timetables for corrective action.

(4) Prepare reports which reflect the progress of the County toward its AA&ND goals and objectives and which meet federal reporting requirements.

(5) Establish contact with community groups and organizations to inform them of the policy of the County and to obtain their support in recruitment efforts.

(6) Coordinate with County Legal Counsel in conducting investigations of alleged discrimination in response to employee use of the County's Civil Rights Complaint Procedure.

(7) Assist County Legal Counsel in responding to formal discrimination complaints

filed with the State Bureau of Labor, Civil Rights Division, Equal Employment Opportunity Commission, or the Courts.

(8) Department heads and supervisors have the responsibility to support and implement all aspects of the AA&ND Plan as they apply to their departments. Key performance areas for department head and supervisor evaluation will include Equal Employment Opportunity and AA&ND awareness, efforts and results.

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

#### **24.420 Workforce and labor market analysis**

(A) The County workforce shall be analyzed on a regular basis to determine the distribution of employees in each job category.<sup>2</sup> Workforce information for Linn County will be obtained from the State of Oregon Employment Division to determine the available workforce.<sup>3</sup> A comparison of the County's workforce with the available workforce will form the basis of employee utilization figures and determination of employment goals.

(B) An analysis of job applicant and appointment data will be made annually to determine the effectiveness of the County's recruitment and selection process in meeting Affirmative Action goals.

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

#### **24.430 Goals**

(A) The County shall establish goals based on the data described in LCP 24.420, for correcting under-utilization of minorities and women.

(B) Such goals shall be reviewed at least annually to assure that they are significant, measurable and attainable. They shall be attached to this Affirmative Action Plan and shall be considered a part thereof.<sup>4</sup>

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

---

<sup>2</sup>See Appendix 2 for definition of job categories.

<sup>3</sup>See Appendix 3.

<sup>4</sup>See Appendix 4.

#### **24.500 Accountability and reports**

(A) The Affirmative Action Officer and 504 Coordinator is William L. Offutt, Linn County Administrative Officer, who shall make an annual report to the Board of Commissioners indicating the status and progress toward achieving the overall Affirmative Action goals. These reports shall include but not be limited to the following:

(1) A summary of County Affirmative Action goals.

(2) Progress toward achieving employment goals with comparison for the previous year as appropriate.

(3) An analysis of the workforce showing career employees by race, sex, and their distribution among job categories.

(4) A description of programs and actions taken to achieve the program goals.

(B) The Board of Commissioners shall monitor all personnel transactions for the purpose of identifying those actions which could result in adverse impact on women and minorities. The Board shall counsel department heads and supervisors regarding such actions and will take corrective action.

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

#### **24.600 Communication**

##### *(A) Internal*

(1) The AA&ND Policy Statement will be included in all applicable County policy manuals.

(2) The policy statement and the plan will be discussed with each new employee.

(3) The AA&ND Plan will be distributed to all divisions and departments of the County. Meetings will be held at least annually with all supervisory personnel to explain the intent of the plan and each supervisor's individual responsibility for its effective implementation.

(4) A Nondiscrimination clause will be included in all Union agreements and purchasing contracts. All contract provisions will be reviewed to insure that they are nondiscriminatory.

(5) The AA&ND Policy Statement will be posted on employee bulletin boards in employee work areas.

(B) *External*

(1) Each of the recruiting sources used by the County shall be sent a copy of the AA&ND Policy Statement together with a request that these sources recruit and refer women, minorities, and the handicapped for all positions posted.

(2) All applicants for employment will be informed of the County's commitment to Equal Opportunity in Employment.

(3) The "Affirmative Action/Equal Opportunity Employer" clause will be included in all recruitment notices.

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

**24.700 Complaint procedure; generally**

(A) *Scope.* Employees or applicants for employment with complaints involving discrimination or other violations of the County's anti-discrimination policy in admission, treatment, or participation in its programs or benefits or because of the party's race, color, religion, national origin, handicap, sex or age, have available to them methods listed below to present their complaints to officials of the County and to seek resolution within the County itself.

(B) These procedures are in addition to any rights or methods of processing complaints provided by Oregon or Federal law.

(C) Complainants are encouraged to utilize County procedures prior to going to outside forums, since it is believed that most complaints can be satisfactorily resolved within the County.

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

**24.710 Informal complaint procedure**

(A) Complaints involving discrimination or other acts alleged to violate the policy of Equal Opportunity stated herein should be discussed within the department head within twenty-one (21) calendar days from the date of the action causing the complaint.

(B) Every effort should be made to resolve the complaint at this level through examination of the complaint, the basis for the complaint, and all matters relevant to the complaint, including conferences with department supervisors and administrative staff.

(C) The department head shall issue a written determination upon completion of the investigation within fifteen (15) calendar days of the first discussion.

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

**24.720 Formal complaint procedure**

(A) If the complaint cannot be resolved satisfactorily through the informal procedure, the complainant should file a charge in writing within seven (7) calendar days after the department head's determination is issued.

(B) The Complaint should set forth in clear, concise language the basis for the complaint and a summary of relevant facts including any relief requested.

(C) The complaint should be presented to the AA&ND Affirmative Action Officer who shall review the complaint, discuss the matter with the complainant, and with any other persons the complainant wishes to have present. The matter should also be discussed with any other persons who have knowledge of the facts of the complaint, and all available documents shall be examined in order to provide a complete investigation of the subject matter of the complaint.

(D) The investigation shall not be bound by formal rules or procedures, but all pertinent facts and evidence shall be gathered and reviewed to permit a full understanding and resolution of the problem.

(E) Within twenty-one (21) calendar days after receipt of the written complaint, the AA&ND Affirmative Action Officer shall prepare a written report, setting forth findings, conclusions, and recommendations to the department head concerned for action. A copy of all findings shall be submitted to the complainant.

(F) If the complainant is not satisfied with the findings of the AA&ND Affirmative Action Officer and decision of the department head, the matter may then be appealed to the Board of County Commissioners, in writing, within fifteen (15) calendar days after the AA&ND Affirmative Action Officer's recommendations are issued.

(G) This complaint should set forth reasons why the decision is thought to be improper.

(H) The appeal shall be heard by the Board of County Commissioners within thirty (30) calendar days after receipt of the request.

(I) Notice of time and place of hearing shall be mailed to the complainant not later than seven (7) calendar days before the hearing.

(J) All hearings shall be informal, and the Board of Commissioners may hear such testimony and receive such evidence as it deems necessary or desirable for a just and equitable determination of the appeal, except that all testimony shall be given under oath or affirmation.

(K) The Board shall conduct such investigation with respect to the appeal as it may deem necessary and all records pertinent to such investigation shall be made available to the Board.

(L) Within fifteen (15) days after the conclusion of the hearing, the Board shall certify its findings and issue an Order based on those findings.

(M) The findings and Order of the Board shall be final and binding on all of the parties.

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

#### **24.800 Section 504 grievance procedure**

(A) Linn County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Health and Human Services regulations (45 C.F.R. Part 84) Implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794).

(B) Section 504 states, in part, that “no otherwise qualified handicapped individual ... shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance...”

(C) The law and regulation may be examined in the office of William L. Offutt, Administrative officer, Linn County Courthouse, Room 201, 300 4th Avenue, SW, Albany, Oregon, telephone 541-

967-3825, who has been designated to coordinate the efforts of Linn County to comply with the regulations.

(D) A complaint should be in writing, contain the name and address of the person filing it, and briefly describe the action alleged to be prohibited by the regulations.

(E) A complaint should be filed in the office of the Section 504 Coordinator within a reasonable time after the person filing the complaint becomes aware of the action alleged to be prohibited by the regulations.

(F) The chairman, Linn County Board of Commissioners, or his designee, shall conduct such investigation of a complaint as may be appropriate to determine its validity. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

(G) The Board chairman, Linn County Board of Commissioners shall issue a written decision determining the validity of the complaint no later than 30 days after its filing.

(H) The Section 504 Coordinator shall maintain the files and records of Linn County relating to complaints filed hereunder. The Section 504 Coordinator may assist persons with the preparation and filing of complaints, participate in the investigation of complaints, and advise the chairman, Linn County Board of Commissioners concerning their resolution.

(I) The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person’s pursuit of other remedies, such as the filing of a Section 504 complaint with the Office for Civil Rights of the U. S. Department of Health and Human Services. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

(J) These rules shall be liberally construed to protect the substantial rights of interested persons, to meet due process standards, and to assure Linn County’s compliance with Section 504 and the regulations.

[Adopted 82-nnn eff 10/27/82; amd 86-nnn §nn eff 7/23/86]

---

---

**References and Authorities:**

ORS 203; U.S. Department of Health and Human Services regulations (45 C.F.R. Part 84) Implementing Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 794)

**Legislative History of Policy 24:**

Adopted 82-nnn eff 10/27/82

Amendments to 82-nnn:

#1 86-nnn eff 7/23/86

#2 none

---

---

**LINN COUNTY**  
IS AN  
**EQUAL OPPORTUNITY-  
NONDISCRIMINATORY  
EMPLOYER**

STATEMENT OF POLICY

IT IS THE POLICY OF THE BOARD OF COMMISSIONER FOR LINN COUNTY TO PROVIDE EQUAL EMPLOYMENT OPPORTUNITY TO ALL PERSONS IN MATTERS AFFECTING, BUT NOT LIMITED TO RECRUITMENT, COMPENSATION, BENEFITS, PROMOTIONS, TRAINING, DISCIPLINE, TRANSFER AND LAYOFF PRACTICES WITHOUT REGARD TO A PERSON'S RACE, COLOR, RELIGION, NATIONAL ORIGIN, DISABILITY, SEX AND AGE (EXCEPT WHERE SEX, AGE OR NON-DISABILITY ARE BONA FIDE OCCUPATIONAL QUALIFICATIONS).

LINN COUNTY IS AN EQUAL OPPORTUNITY INSTITUTION AND DOES NOT DISCRIMINATE AGAINST ANY PERSON IN ADMISSION, TREATMENT, OR PARTICIPATION IN ITS PROGRAMS AND BENEFITS ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, CREED, ABILITY TO SPEAK ENGLISH, HANDICAP, SEX, AGE, OR MARITAL STATUS. PERSONS ALLEGING UNEQUAL TREATMENT SHOULD CONTACT RALPH E. WYATT, ADMINISTRATIVE OFFICER, OFFICE OF LINN COUNTY BOARD OF COMMISSIONERS, ALBANY, OREGON, TELEPHONE (541) 967-3825.

IF YOU DESIRE ADDITIONAL INFORMATION RELATING TO THE COUNTY AFFIRMATIVE ACTION-NONDISCRIMINATION PROGRAM, PLEASE CONTACT THE LINN COUNTY BOARD OF COMMISSIONERS.

BOARD OF COMMISSIONERS  
LINN COUNTY

## Appendix 2 — EEOC Job Categories



## Appendix 3 — Full-time Career Work-force

## Appendix 4 — Affirmative Action Goals – Minorities

[This page is intentionally blank]