

		<b>POLK COUNTY GOVERNMENT</b>				
		<b>Human Resources Department</b>				
		<b>Title/Subject:</b>		Equal Employment Opportunity/Affirmative Action/Anti-Discrimination Policy		
		<b>Applies to:</b>		All Polk County Employees, Applicants and Program Beneficiaries	<b>Effective Date:</b>	August 2020
		<b>End Date:</b>	N/A			
X	Policy	<b>Approved by:</b> Board of Supervisors		<b>Policy #</b>	300.010	
	Procedure			<b>Procedure #</b>		
	Other	<b>Instruction:</b>	Annual Review			
		<b>Number of Pages:</b>	3			

### I. General Statement of Policy

It is the official policy of Polk County to provide equal employment opportunity for all employees and applicants and equal access to programs/services for members of the public (program beneficiaries). This policy shall be in accordance with all applicable Equal Employment Opportunity/Affirmative Action statutes, directives and regulations of the federal government, State of Iowa and Polk County Board of Supervisors, including without limitation: the Equal Pay Act of 1963, as amended; Title VI and Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967, as amended; Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; Title I and Title II of the Americans with Disabilities Act of 1990 (ADA), as amended; the Iowa Civil Rights Act of 1965, as amended; Iowa Code chapter 216C; the Genetic Information Nondiscrimination Act (GINA) of 2008; the Vietnam Era Readjustment Assistance Act of 1974, as amended; Presidential Executive Order 11246 of 1965, as amended; any applicable sections of the State of Iowa Codes, and Polk County policies.

### II. Discriminatory Harassment in Violation of Applicable Law and Policy is Prohibited

Polk County shall not discriminate against or harass any applicant or employee on the basis of age, race, religion, color, creed, sex (including pregnancy or pregnancy-related condition), national origin, sexual orientation, gender identity, genetic information, disability, veteran or military status. Polk County shall take all actions necessary to ensure that the county's employment practices and other personnel actions are administered in an equitable and impartial manner. This includes, but is not limited to: terms and conditions of employment, advertising, recruitment, examinations, selection, promotions, demotions, transfers, classification decisions, layoffs, disciplinary action, termination, rates of pay and/or other forms of compensation, benefits, and selection for training.

Examples of discriminatory harassment based on an employee's protected status include without limitation:

- A. Abusing the dignity of an employee through insulting or degrading remarks or conduct.
- B. Threats, demands, or suggestions that an employee's work status is contingent upon submission to harassment.
- C. Subjecting an employee to demeaning or degrading activities in order to gain co-worker acceptance, e.g., hazing.

### III. Disability Discrimination in Violation of Applicable Law and Policy is Prohibited

Polk County will provide programs and facilities which are accessible to people with disabilities and administer its programs/services in a manner that does not discriminate against any person because of disability. A person with a disability is a person who has a physical or mental impairment that substantially limits a "major life activity," or has a record of such impairment, or is regarded as having such impairment. "Major life activities" include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. A "qualified" person with a disability is one who meets the legitimate job requirements and is able to perform the essential functions of the position with or without reasonable accommodations and without being a direct threat to the health or safety of themselves or others. Essential functions are absolute requirements for producing critical job results/outputs. Essential, by definition, means indispensable, vital, necessary, or related to the essence of the job. It does not include marginal functions or duties performed. As such, Polk County is not required to provide

reasonable accommodations that would result in fundamental alterations in the nature of the work to be performed.

Polk County and its employment practices, services and programs shall comply with the requirements of the ADA. The ADA requires, in part, that Polk County:

- A. Make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless fundamental alteration in the program or an undue hardship would result.
- B. May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.
- C. Provide programs and services in an integrated setting unless separate or different measures are necessary to ensure equal opportunity.
- D. Prohibit requirements that tend to screen out individuals with disabilities, such as requiring a driver's license as the only acceptable means of identification.
- E. Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless "necessary" to the provisions of the services, program or activity.
- F. Impose safety requirements only when they are necessary for the safe operation of the program in question, such as requirements for eligibility for drivers' licenses if they are based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.
- G. Ensure that individuals with disabilities are not excluded or limited from participation in services, programs, and activities because buildings are inaccessible.
- H. Provide services, programs, and activities offered in the facility to persons with disabilities through alternative methods, if physical barriers are not removed.

#### **IV. EO/AA Compliance and Administrative Support**

Polk County shall commit the necessary time and resources, both financial and human, to achieve the goals of EO/AA expressed in the EO/AA plan. This shall include evaluating the performance of its management and supervisory personnel on the basis of their support in achieving EO/AA objectives, as well as other established criteria. Any Polk County employees who do not comply with the EO/AA policies and procedures as set forth in this policy and/or the EO/AA plan shall be subject to disciplinary action.

Polk County fully supports incorporation of non-discrimination and EEO/AA regulations into all contracts and taking steps to ensure subcontractors comply with all applicable EEO/AA statutes, directives and regulations of the federal government and State of Iowa codes.

The County Board of Supervisors Chair and ADA Coordinators (employment) and (program and service accessibility) will receive and review reports on the progress of the program. This will include monitoring all EO/AA activities and reporting the effectiveness of the County's EO/AA program.

#### **V. Complaint Reporting Procedure**

Employees, applicants, and program beneficiaries who believe they have been discriminated against or who wish to file a complaint can do so by contacting the Labor Relations Counsel /ADA Coordinator for employment at (515) 286-3200, or the Risk Manager/ADA Coordinator for program and service accessibility at (515) 286-3200, or by writing to the Affirmative Action Program, Suite 390, Polk County Administration Building, 111 Court Avenue, Des Moines, Iowa 50309, without fear of reprisals. You should contact the U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll free) or the nearest EEOC field office. The EEOC office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section.

#### **VI. Investigation Procedure**

The Polk County Human Resources Department is responsible for conducting investigations regarding complaints alleging violation(s) of this policy. All complaints shall be promptly investigated. Polk County employees must cooperate fully with any investigation. Failure to cooperate with an investigation may result in discipline up to and including termination of employment.

#### **VII. Corrective Action**

The Polk County Human Resources Department will work with appropriate Polk County personnel to ensure corrective action is taken immediately to remedy violations of this policy. Corrective action may include

disciplinary action up to and including termination of employment for parties whose conduct violates this policy. A manager or supervisor who fails to properly act upon complaints or who has personal knowledge of a violation of this policy and fails to take appropriate action shall be subject to disciplinary action up to and including termination of employment.

### **VIII. Retaliation Prohibited**

Any form of discrimination or retaliation against an individual because he or she files a complaint or aids another individual in filing a complaint is prohibited. An employee who has reason to believe that he or she has been retaliated against because of participation in an investigation of a discrimination complaint may also file a complaint with the Polk County Human Resources Department, the Iowa Civil Rights Commission, or the U.S. Equal Employment Opportunity Commission, whichever is appropriate.

### **IX. Training**

Polk County Human Resources Department will facilitate training for Polk County employees on a periodic basis as approved by the Polk County Board of Supervisors.

### **X. Resources**

Any individuals needing assistance with respect to any aspect of this policy may contact the Polk County Human Resources Department.

Additionally, the Iowa Civil Rights Commission and the Equal Employment Opportunity Commission administer laws and regulations regarding employment discrimination and harassment, which include deadlines for filing discrimination complaints. For more information, these agencies may be contacted at the following:

#### **IOWA CIVIL RIGHTS COMMISSION**

Iowa Civil Rights Commission  
Grimes State Office Building, 400 E. 14th Street, Des Moines, IA 50319 515-281-4121; 800-457-4416  
(toll free); 515-242-5840 (fax) <http://icrc.iowa.gov>

#### **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

Reuss Federal Plaza 310 West Wisconsin Avenue, Suite 500  
Milwaukee, WI 53203-2292

Contact: Human Resources  
(515) 286-3200

Revised: October 2012  
August 2020