



**L.E. Phillips Memorial
Public Library**

Number: 5
Category: Human Resources

Policy Title: DIVERSITY AND INCLUSION
Date adopted: 11/19/09
Date amended: 06/20/13; 05/16/19
Date last reviewed: 07/16/26

The L.E. Phillips Memorial Public Library is committed to creating an equitable, diverse, and inclusive work culture where all contributions are valued, respected, and appreciated. We believe that a workforce which is representative of our diverse community is aligned with the library's success and sustainability as a public institution.

The Library is committed to providing equal employment opportunities and strictly prohibits any form of unlawful discrimination in all personnel, employment and service delivery matters.

Therefore, be it resolved by the Board of Trustees of the L.E. Phillips Memorial Public Library that the Board of Trustees hereby approves and adopts the accompanying policy statement of the City of Eau Claire hereto entitled "Equal Opportunity and Affirmative Action" and "Resolution Utilizing People-First Language in Official City of Eau Claire Oral and Written Communications, Documents and Publications."

Equal Opportunity and Affirmative Action

Policy Statement

July 28, 2010

CITY OF EAU CLAIRE
L.E. PHILLIPS MEMORIAL PUBLIC LIBRARY
EAU CLAIRE CITY/COUNTY HEALTH DEPARTMENT
HOUSING AUTHORITY OF THE CITY OF EAU CLAIRE

Adopted: 1973
Affirmative Action Committee Structure Change: 1983
Policy Revised: 1989
Policy Revised: 1999
Policy Revised: 2010

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EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY STATEMENT

OVERVIEW

We, the agencies listed below, are committed to providing equal employment opportunities, affirmative action programs and an equitable service delivery system. We strictly prohibit any form of unlawful discrimination in all personnel, employment and service delivery matters. We intend this document to be easily understood and applied. The terms that we use shall be given their ordinary meanings. However, if a legal definition exists for any term, the then most recent legal definition shall substitute for our term. We will comply with all applicable equal opportunity/affirmative action laws. We believe that this is good government and good economics. In the event that a deficiency is found in our organizations, we will establish goals to correct the deficiency. Our policies, procedures and management practices reflect this commitment.

Statement of Principles

We are committed to and will affirmatively implement the following principles:

1. We will provide equal opportunity in all personnel actions, including, but not limited to, recruiting, hiring, apprenticeships, training, transfers, promotions, disciplinary actions, fringe benefits, compensation, terms of employment, working conditions, and terminations without unlawfully considering one's age, race, creed, color, religion, physical or mental impairment, marital status, military service, gender, pregnancy, ancestry, use or non-use of lawful products off of our premises during non-working hours, national origin, sexual orientation, arrest record or conviction record.
2. If appropriate, specific affirmative steps will be taken to address unlawful discrimination. We will conduct an analysis of our workforce and use our analysis as a foundation for developing affirmative action efforts and recruiting goals.
3. Our affirmative action efforts will include reviewing and analyzing personnel policies, procedures and practices to determine if they are necessary, job-related and lawful.
4. We are committed to providing an equitable service delivery system. Services shall be provided without unlawfully discriminating against clients/recipients. We require our agencies, vendors, contractors, sub-contractors, and companies to share our commitment to affirmative action and equal opportunity. Employees, agents, vendors, contractors, companies, and client/service recipients shall notify us of any actual or suspected discrimination or unlawful harassment.

5. We are committed to developing and maintaining an environment free of sexual harassment.
6. We will maintain an Equal Opportunity/Affirmative Action (EO/AA) Citizen's Advisory Committee.
7. We will promptly investigate allegations of unlawful discrimination and unlawful harassment. We shall retain records of our investigations. When practicable, we will seek to maintain the confidentiality of the investigation.

Investigating Complaints

Filing Complaints

All individuals with information concerning a possible violation of this Policy Statement, including Complainants, shall file a written complaint with the AA/EO Officer, Director of Human Resources or Agency Director within 30 days of the alleged violation. At their discretion, the AA/EO Officer, Director of Human Resources or Agency Director may extend the 30 day period if the Complainant so requests.

AA/EO complaints shall provide specific details of the alleged violation and offer a recommended solution. The AA/EO Officer, Director of Human Resources or the Agency Director (or designee) shall promptly initiate an investigation of all AA/EO complaints. Investigations will be commenced within 10 business days unless extenuating circumstances exist. Investigators shall consider privacy concerns when conducting investigations. Investigators will ordinarily question individuals having knowledge of either the specific allegation or similar matters. Investigators should promptly conduct, complete the investigation and document their findings and recommendations.

After completing the investigation, the Officer/Director shall promptly notify the Complainant in writing of the investigator's findings and recommendations. The findings and recommendations will ordinarily be provided within 10 business days unless extenuating circumstances exist.

Retaliation Prohibited

We will not retaliate against any individual for opposing practices that violate this Policy Statement or for filing a complaint, testifying or participating in any way in an investigation, proceeding or litigation. If an employee or client/service recipient believes that he or she is being retaliated against, that employee/client/service recipient shall follow the complaint and appeal process detailed above.

Review and Record-keeping

Each year the AA/EO Officer will consider the effectiveness of this Policy Statement and evaluate the need for change. The AA/EO Officer will evaluate whether changes will promote nondiscrimination in employment/delivery of services. The AA/EO Officer shall maintain, for three years, records showing complaints filed, reviews conducted, investigations, decisions reached, corrective actions taken and the reason(s) for the decision. Annually, the AA/EO Officer will provide a summary report of all complaints filed under this policy to the Affirmative Action Committee. The Affirmative Action Officer will encourage our employees to incorporate the standards of this plan in their daily work practices.

Employment Relationship

Nothing contained in this Policy Statement is to be construed by any employee as establishing, creating or constituting a written, oral or implied contract of employment. Furthermore, nothing herein shall be construed as a guarantee of continued employment nor as a guarantee of any benefits or conditions of employment.

The provisions set forth in this Policy Statement supersede prior personnel policies and procedures, whether written or established by past practice. Because this Policy Statement is based on operational policies and procedures, federal and state mandated policies and procedures, and present employee fringe benefit programs which are subject to change, this manual is also subject to change.

We reserve the right to revise, add, subtract, correct, delete or update any part or all of the materials in this Policy Statement.

Any changes made in this Policy Statement will be brought to the attention of all employees by employee meetings, posting of the change on the employee bulletin boards, or corrections in the Policy Statement itself.

Agencies' Endorsement and Commitment

We, the undersigned representatives, are firmly committed to providing equal employment opportunities, affirmative action, and an equitable service delivery system. The undersigned agencies, their departments and personnel are responsible for implementing this policy.

We commit ourselves and our agencies to equal opportunity, affirmative action and an equitable service delivery system. We pledge to support and oversee the implementation of this equal opportunity/affirmative action policy statement in an equitable and fair manner.

We agree that the City of Eau Claire's Equal Opportunity/Affirmative Action Officer shall serve as our EO/AA Officer. The EO/AA Officer shall develop, implement and maintain our EO/AA plans and programs.

Dated: 10/27/10 City of Eau Claire
By: Dale Peterson

Dated: 10/08/2010 L. E. Phillips Memorial Public Library
By: John Honderby

Dated: 10/8/2010 Eau Claire City/County Health Department
By: Richard D. Dume

Dated: 10-8-2010 Housing Authority of the City of Eau Claire
By: Keith D. Johnathan

Equal Opportunity/Affirmative Action Officer's Endorsement

As the City's Equal Opportunity/Affirmative Action Officer, I pledge to implement this EO/AA policy statement, in a lawful, equitable and fair manner. I pledge to make this Policy Statement available to all employees, client/service recipients, groups, agencies, vendors, contractors, subcontractors and companies within the community. I also agree to serve as the EO/AA Officer for the agencies listed above.

Dated: 11-5-2010

Jan M. Dole

(Printed name of Equal Opportunity/Affirmative Action Officer)

Jan M. Dole
(Signature)

AFFIRMATIVE ACTION POLICY

Our affirmative action efforts are intended to prevent unlawful discrimination of employees and client/service recipients.

Hiring

We will identify ourselves as equal opportunity employers. We will use selection criteria, policies, and tests that indicate job skills, knowledge, aptitudes, and other job-related information. Our selection procedures will not unlawfully exclude applicants by age, race, creed, color, religion, physical or mental impairments, marital status, military service, gender, pregnancy, ancestry, use or non-use of lawful products off of our premises during non-working hours, national origin, sexual orientation, arrest record or conviction record.

We will seek to maintain the confidentiality of information collected for affirmative action/equal opportunity (AA/EO) purposes. It may, however, be used to document our affirmative action efforts, to inform supervisors and managers of work restrictions or necessary accommodations, to alert first aid or safety personnel to any conditions that require special emergency treatment, to help government officials investigate compliance with applicable regulations or any other non-discriminatory purpose.

Promoting and Transferring

In promoting, transferring and making other employment-related decisions, applicants and employees will not be unlawfully discriminated against because of their age, race, creed, color, religion, physical or mental impairment, marital status, military service, gender, pregnancy, ancestry, use or non use of lawful products off of our premises during non-working hours, national origin, sexual orientation, arrest record or conviction record.

Filing Complaints

All individuals with information concerning a possible violation of this Policy Statement, including Complainants, shall file a written complaint with the AA/EO Officer, Director of Human Resources or Agency Director within 30 days of the alleged violation. At their discretion, the AA/EO Officer, Director of Human Resources or Agency Director may extend the 30 day period if the Complainant so requests.

AA/EO complaints shall provide specific details of the alleged violation and offer a recommended solution. Upon receiving a complaint, the AA/EO Officer, Director of Human Resources or the Agency Director (or designee) shall promptly initiate an investigation of all AA/EO complaints. Investigations will be commenced within 10 business days unless extenuating circumstances exist. Investigators shall consider privacy concerns when conducting investigations. Investigators will

ordinarily question individuals having knowledge of either the specific allegation or similar matters. Investigators should document their findings.

After completing the investigation, the Officer/Director shall promptly notify the Complainant in writing of the findings of the investigation and the proposed resolution, if applicable. The findings and recommendations will ordinarily be provided within 10 business days unless extenuating circumstances exist.

Retaliation Prohibited

We will not retaliate against any individual for opposing practices that violate this Policy Statement or for filing a complaint, testifying or participating in any way in an investigation, proceeding or litigation. If an employee or client/service recipient believes that he or she is being retaliated against, that employee/client/service recipient shall follow the complaint and appeal process detailed above.

Review and Record-keeping

Each year the AA/EO Officer will consider the effectiveness of this Policy Statement and evaluate the need for change. The Affirmative Action Officer will evaluate whether changes will promote nondiscrimination in employment/delivery of services. The AA/EO Officer shall maintain, for three years, records showing complaints filed, reviews conducted, investigations, decisions reached, corrective actions taken and the reason(s) for the decision.

WORKFORCE ANALYSIS

Biennially, we shall conduct a workforce analysis of the ethnic and sexual composition of our workforce. We shall list every job title according to the applicable collective bargaining agreement or our payroll records and rank each job from the lowest-paying to the highest-paying. We will create a table showing, for each job title, the wage rate, and our current workforce by gender, race, and national origin. After conducting the workforce analysis, we will conduct an availability analysis, based on the then most recent census statistics to determine the availability of females and minorities in the appropriate labor market for each job group. Specifically, we will determine the availability of minorities and females for each job group by examining and quantifying the following factors:

1. The minority population of the labor area in which we are located and the availability of females seeking employment in the labor area;
2. The percentage of minorities and females who are unemployed in our area.
3. The percentage of the minority and female workforce as compared with the local workforce in our area;
4. The availability of minorities and females possessing the requisite skills in our area;
5. The availability of minorities and females possessing the requisite skills in an area in which we can reasonably recruit;
6. The availability of promotable and transferable minorities and females in our organization;
7. The existence of training institutions capable of training persons in the requisite skills; and
8. The degree of training which we can reasonably be expected to provide in order to open additional job classifications to minorities and women.

After conducting the availability analysis, we will determine whether women or minorities are underutilized in any of the job groups in our work force. Underutilization exists if any of the job groups contain fewer minorities or women than would reasonably be expected considering their availability in the local labor market area.

If underutilization exists in any of our job groups, we will establish goals designed to correct such underutilization. We will set specific goals, designed to match the percentage representation of minorities and females to their availability for each of the job groups. We will also set timetables for achieving these goals and disseminate this information to our employees and the general public.

SEX DISCRIMINATION POLICY

We will not unlawfully discriminate on the basis of gender. We adopt and agree to comply with the Equal Employment Opportunity Commission's guidelines on sex discrimination. These guidelines overrule any of our pronouncements or policies which are inconsistent with the Commission's guidelines or other laws or regulations. Our sex discrimination policy applies to all phases of employment and delivery of services.

Job Classification

We will not classify jobs by gender or establish gender based lines of progression or seniority. We will not use classifications to disguise sex discrimination. Personnel involved in employment decisions will not unlawfully express gender-based preferences, limitations or specifications.

Bona Fide Occupational Qualification

When gender is a bona fide occupational qualification, we may confine consideration of applicants to those of a specific gender. We will not refuse to hire an applicant because of his or her sex based on comparative employment characteristics of men or women, characteristics of the sexes or on consideration of the preferences of co-workers, supervisors, clients or client/service recipients.

Advertising Job Opportunities

When advertising a position we will not indicate a gender preference, limitation or specification, unless gender is a bona fide occupational qualification for that position. Unless a position has a bona fide occupational qualification for a specific gender, we will not use employment agencies which refuse to represent both men and women.

Fringe Benefits

In the event that we decide to provide a fringe benefit, we will provide male and female employees with comparable fringe benefits. The same benefits will be provided for spouses and families of employees, regardless of their sex or whether the cost of benefits for members of one gender is greater than for the other. Our fringe benefit programs, funds, and insurance will comply with the Equal Employment Opportunity Commission's then most recent guidelines.

Policies Relating to Pregnancy and Childbirth

Impairments relating to pregnancy, childbirth, or other related medical conditions will be treated in the same way as other medical conditions. We will not discriminate against applicants or employees because of pregnancy, childbirth, or related medical conditions.

Filing Complaints

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After completing the investigation, the Officer/Director shall promptly notify the Complainant in writing of the findings of the investigation and the proposed resolution, if applicable. The findings and recommendations will ordinarily be provided within 10 business days unless extenuating circumstances exist.

Retaliation Prohibited

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Review and Record-keeping

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UNLAWFUL HARASSMENT AND SEXUAL HARASSMENT POLICY

We oppose sexual discrimination, sexual harassment and unlawful harassment on the basis of age, race, creed, color, religion, physical or mental status, military status, gender, pregnancy, ancestry, use or nonuse of lawful products off our premises during non-working hours, national origin, sexual orientation, arrest record, or conviction record in any area of employment or delivery of services. We prohibit verbal, physical, visual and sexual harassment. Verbal harassment includes racial, sexual, or ethnic jokes or insults. Physical harassment includes unwelcome touching, grabbing and pinching. Visual harassment includes sexually suggestive pictures, posters, photographs, or cartoons, as well as materials intended to reflect negatively on an individual's race, national origin, ancestry or sexual orientation.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man.
- The victim does not have to be of the opposite sex.
- The harasser can be another employee, the victim's supervisor or a supervisor in another area.
- The victim does not have to be the person harassed but can be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Here are some examples of sexual harassment which we prohibit:

1. Explicit or implicit promise of career advancement in return for sexual favors (e.g., promotion, training, awards, job assignments, lax time-keeping, lower standards of performance);

2. Explicit or implicit threats that the victim's career will be adversely affected if the sexual demands are rejected (e.g., nonpromotion, poor performance appraisal, reassignment to a less desirable position/location);
3. Deliberate, repeated, unsolicited verbal comments, gestures or physical actions of a sexual nature (e.g., touching, pinching, or patting another person.)
4. Displaying sexually explicit photographs or making sexually explicit jokes.

We forbid our agents, supervisors, and employees from engaging in any form of sexual harassment. Substantiated violations may result in disciplinary action, including dismissal. Conduct or actions that arise out of a personal or social relationship that are not intended to have a discriminating employment affect may not be viewed as harassment. We reserve the right to determine whether such conduct constitutes sexual harassment, based on a review of the facts and circumstances of each situation. The AA/EO Officer will oversee a program informing employees of this policy. As part of this program, the policy will be posted and supervisory personnel will be specifically informed that they are responsible for working to prevent such unlawful harassment and to take appropriate action if it does occur.

Filing Complaints

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After completing the investigation, the Officer/Director shall promptly notify the Complainant in writing of the findings of the investigation and the proposed resolution, if applicable. The findings and recommendations will ordinarily be provided within 10 business days unless extenuating circumstances exist.

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AGE DISCRIMINATION POLICY

We will not use age as a basis to unlawfully discriminate against employees, job applicants or client/service recipients. In all other employment matters, applicants and employees will not be unlawfully differentiated by age. Applicants may be asked on application forms whether they are at least 18 years of age. No other inquiries shall be made regarding age and no age restrictions shall be placed upon a job unless the inquiry or restriction directly relates to a bona fide occupational qualification.

Programs and Activities

Individuals will not be excluded from, denied the benefits of, or subjected to discrimination on the basis of age under a program or activity which receives Federal or State financial assistance, nor shall they be denied or limited in their opportunity to participate in such a program or activity. We may, however, offer special programs for older persons or for children.

Filing Complaints

All individuals with information concerning a possible violation of this Policy Statement, including Complainants, shall file a written complaint with the AA/EO Officer, Director of Human Resources or Agency Director within 30 days of the alleged violation. At their discretion, the AA/EO Officer, Director of Human Resources or Agency Director may extend the 30 day period if the Complainant so requests.

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After completing the investigation, the Officer/Director shall promptly notify the Complainant in writing of the findings of the investigation and the proposed resolution, if applicable. The findings and recommendations will ordinarily be provided within 10 business days unless extenuating circumstances exist.

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Review and Record-keeping

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Individuals will not be excluded from, denied the benefits of, or subjected to discrimination on the basis of age under a program or activity which receives Federal or State financial assistance, nor shall they be denied or limited in their opportunity to participate in such a program or activity. We may, however, offer special programs for older persons or for children.

Filing Complaints

All individuals with information concerning a possible violation of this Policy Statement, including Complaints, shall file a written complaint with the AA/EO Officer, Director of Human Resources or Agency Director within 30 days of the alleged violation. At their discretion, the AA/EO Officer, Director of Human Resources or Agency Director may extend the 30 day period if the Complaint is requested.

AA/EO complaints shall provide specific details of the alleged violation and offer a recommended solution. After receiving a complaint, the AA/EO Officer, Director of Human Resources or the Agency Director (or designee) shall promptly initiate an investigation of all AA/EO complaints. Investigations will be commenced within 10 business days unless extenuating circumstances exist. Investigators shall consider privacy concerns when conducting investigations. Investigators will ordinarily question individuals having knowledge of either the specific allegation or similar matter. Investigators should document their findings.

After completing the investigation, the AA/EO Officer shall promptly notify the Complaintant in writing of the findings of the investigation and the proposed resolution, if applicable. The findings and recommendations will ordinarily be provided within 10 business days unless extenuating circumstances exist.

Retaliation Prohibited

We will not retaliate against any individual for opposing practices that violate this Policy Statement or for filing a complaint, testifying or participating in any way in an investigation proceeding or litigation. If an employee or contractor has reported a belief that he or she is being retaliated against, that employee/contractor/complainant shall follow the complaint and appeal process outlined above.

PERSONS WITH PHYSICAL OR MENTAL IMPAIRMENTS POLICY

We will not unlawfully discriminate against qualified persons with physical and/or mental impairments. Our employment practices and service delivery systems will comply with all applicable governmental regulations. We will not refuse to hire or otherwise discriminate against a job applicant with an impairment who is capable of performing the essential functions of the job with or without reasonable accommodations.

In employing persons with physical or mental impairments, we will emphasize ability, relate employment to job performance, and seek to reasonably accommodate the physical needs of our employees. We will not use selection criteria, policy or tests that disadvantage applicants with physical or mental impairments unless the procedures are directly related to the position's essential functions. The criteria, policy, and tests will measure job skills and aptitudes, or other relevant factors, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills, except where those are the skills intended to be measured.

Applicants may be required to submit to medical examinations or evaluations, provided that such procedures are part of our regular employment procedure. Only job-related medical criteria will be considered in any job decision. Employees may voluntarily identify any impairment they have after they have been hired.

We will consider providing appropriate auxiliary aids to applicants, employees and clients/service recipients with impaired sensory, manual, or speaking skills when such aids are necessary to prevent a qualified person with a physical or mental impairment from being subjected to discrimination, being excluded from participating in, or being denied the benefits of a program or activity.

Clients/service recipients with a physical or mental impairment may receive a different or separate aid, benefit, or service only when such action is necessary to provide the individual with benefits or services provided to others. This does not mean, however, that the aid, benefit, or service must provide the client/service recipient with the identical result as persons without such impairments.

Reasonable Accommodation

Unless an accommodation would impose an undue hardship, we will make reasonable accommodation for the known physical and mental limitations of qualified applicants or employees. We will consider a range of possible accommodations to provide individuals the opportunity to perform the essential functions of a job. We are not required to create new job positions (i.e. a "light duty" position).

Filing Complaints

All individuals with information concerning a possible violation of this Policy Statement, including Complainants, shall file a written complaint with the AA/EO Officer, Director of Human Resources

or Agency Director within 30 days of the alleged violation. At their discretion, the AA/EO Officer, Director of Human Resources or Agency Director may extend the 30 day period if the Complainant so requests.

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After completing the investigation, the Officer/Director shall promptly notify the Complainant in writing of the findings of the investigation and the proposed resolution, if applicable. The findings and recommendations will ordinarily be provided within 10 business days unless extenuating circumstances exist.

Retaliation Prohibited

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Review and Record-keeping

Each year the AA/EO Officer will consider the effectiveness of this Policy Statement and evaluate the need for change. The Affirmative Action Officer will evaluate whether changes will promote nondiscrimination in employment/delivery of services. The AA/EO Officer shall maintain, for three years, records showing complaints filed, reviews conducted, investigations, decisions reached, corrective actions taken and the reason(s) for the decision.

APPENDIX

RESOLUTION

RESOLUTION UTILIZING PEOPLE-FIRST LANGUAGE IN OFFICIAL CITY OF EAU CLAIRE ORAL AND WRITTEN COMMUNICATIONS, DOCUMENTS, AND PUBLICATIONS.

WHEREAS, in the interest of the use of respectful language when referring to people; and

WHEREAS, to recognize the power of language and the importance of using it responsibly;
and

WHEREAS, to minimize negative connotations regarding people who experience conditions differing from others, whether they be a “disability,” “poverty” or any other categorical verbiage of people; and

WHEREAS, use of people-first language, which puts the person before the category (person with a disability or person experiencing poverty as opposed to disabled or poor person), promotes more respectful language and can create a positive change in the process.

THEREFORE, BE IT RESOLVED by the City Council of the City of Eau Claire that use of people-first language be utilized in official City of Eau Claire oral and written communications, documents, and publications.

BE IT FURTHER RESOLVED that the City review and update its website to utilize people-first language in its Transit and Housing webpages, active forms, brochures and applications by approximately October 1, 2018 and such other official City webpages, active forms, brochures and applications by approximately May 1, 2019.

BE IT FURTHER RESOLVED that the City review and update its City Code of Ordinances when ordinances come forward for amendment and as needed upon a comprehensive review of the Code for use of people-first language, except when necessary to cite to specific legislation or utilize statutory terminology (e.g. “motor vehicle used by a physically disabled person” as a defined term s. 346.503 (1), Wis. Stats.), conversion by approximately May 1, 2020.

BE IT FURTHER RESOLVED that the City Manager be directed to implement these above policy changes and provide such training, guidelines and encouragement in their good-faith application by City employees as determined necessary and proper.

Adopted,
June 12, 2018

(SEAL) _____
Vice President Andrew F. Werthmann

(SEAL) _____
City Manager Dale Peters

(ATTESTED) _____
City Clerk Carrie L. Riepl