

CITY OF LACONIA
ADMINISTRATIVE REGULATION

**EQUAL EMPLOYMENT OPPORTUNITY &
AFFIRMATIVE ACTION PROGRAM**

REVISED JUNE 1983
REVISED NOVEMBER 1998

I. POLICY

- A. It is the policy and practice of the City of Laconia to provide equal opportunity to all employees and applicants for employment without regard to age, sex, pregnancy, race, color, religion, national origin, marital status, physical or mental disability, sexual orientation or status as a veteran. Efforts shall be taken to ensure the implementation of this policy in all areas of City employment. This policy includes:
1. Recruitment, advertising or solicitation for employment.
 2. Selection, placement, upgrading, transfer, promotion or demotion.
 3. Rates of pay or other forms of compensation.
 4. Selection for training.
 5. Layoff or termination.
 6. Terms and conditions of employment.
 7. All other aspects of personnel administration.
- B. This program applies to all City job applicants and employees of the City of Laconia. This document becomes effective February 1, 1976 and shall continue in effect until a revised plan is issued.
- C. This policy means that:
1. Everyone is encouraged to apply for jobs, seek further training, compete for promotions, and all will be afforded equal opportunity for development and advancement.
 2. Competition among individuals for a specific job, training opportunity, or promotion will be based on qualifications and demonstrated ability.
 3. Supervisors at all levels will insure that all actions affecting employees and job applicants will be accomplished within equal employment opportunity guidelines.

- D. This policy is designed not only to ensure against practices of discrimination based on age, sex, pregnancy, race, color, religion, national origin, marital status, physical or mental disability, sexual orientation or status as a veteran, but is designed to accomplish a positive, continuing equal opportunity program for all employees and applicants for employment. Equal employment opportunity works hand in hand with merit principles to provide the City of Laconia with its goal of a fully integrated work force.
- E. The Personnel Specialist, Department Heads and Supervisors will take positive steps to ensure that the Classification and Compensation Plan is complied with in all terms, conditions and privileges of employment. The following policy statements are intended to be guides for the Personnel Specialist and Department Heads in assuring non-discrimination in all terms, conditions, and privileges of employment.

1. Employment of persons without regard to race or color:

It shall be an unfair or discriminatory practice to fail or refuse to hire, to discharge an employee, or to accord adverse or unequal treatment to any person or employee with respect to application, hiring, training, tenure, promotion, upgrading, compensation, layoff, or any term or condition of employment because of race or color.

2. Employment of persons without regard to religion or creed:

It shall be an unfair or discriminatory practice to fail or refuse to hire, to discharge an employee, or to accord adverse or unequal treatment to any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, or any term or condition of employment because of religion or creed.

The duty to not discriminate because of religion or creed includes an obligation on the part of the City to make reasonable accommodations to the religious needs of employees where such accommodations can be made without undue hardship to the City's operations.

3. Employment of persons without regard to sex:

It shall be an unfair or discriminatory practice to fail or refuse to hire, to discharge an employee, or to accord adverse or unequal treatment to any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, or any term or condition of employment because of sex, including pregnancy and medical conditions which result from pregnancy. The duty not to discriminate because of pregnancy shall include, in accordance with New Hampshire State Law, allowing an individual to work so long as she is physically able to do her job; the entitlement to maternity leave for the period that she is physically disabled; the holding of her job or making a comparable job available upon return to work; and, in all other ways, treating pregnancy the same as any other temporary physical disability. The duty shall also include allowing leave for pregnancy in accordance with the Family and Medical Leave Act of August 5, 1993.

The principle of non-discrimination requires that individuals be considered on the basis of - job related qualifications.

4. Employment of persons without regard to national origin:

It shall be an unfair or discriminatory practice to fail or refuse to hire, to discharge an employee, or to accord adverse or unequal treatment to any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, or any term or condition of employment because of national origin or ancestry.

Unfair or discriminatory employment practices with regard to national origin or ancestry include: requirements that applicants and employees read, write, and/or speak English where English language skill is not a requirement of the work to be performed; denial of equal opportunity because of membership in lawful organizations identified with or seeking to promote the interests of national groups; denial of equal opportunity to persons married to or associated with persons of a specific national origin or ancestry; denial of equal opportunity because of attendance at schools or churches commonly utilized by persons of a given national origin or ancestry; denial of equal opportunity to persons who as a class of persons tend to fall outside national norms for height and weight where such specifications are not necessary for performance of the work involved.

5. Employment of persons without regard to disability:

No otherwise qualified disabled individual with a physical or mental disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, be excluded from employment in, or be subjected to discrimination under any program or activity of the City of Laconia. For these purposes, the term “disabled individual” means any person who (1) has a physical or mental impairment which substantially limits one or more of such person’s major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

Applicants for employment who need special accommodation to apply for a position will be assisted by the Personnel Specialist.

Department Heads shall cooperate with the Personnel Specialist in assessing the ability of disabled job applicants and employees, who are otherwise qualified, to perform the duties of the position. Recommendations for reasonable accommodation shall be submitted by the Personnel Specialist to the City Manager for approval.

Refusal to hire disabled individuals due to assumptions regarding the physical or mental limitation of individuals’ specific disabilities is discriminatory.

6. Employment of persons without regard to age:

Discrimination on the basis of age is prohibited except where specific age requirements constitute demonstrated and bona fide occupational qualifications necessary for effective work performance.

7. Employment of disabled veterans and veterans of the Vietnam Era:

The Personnel Specialist will assure compliance with Personnel Rules and Regulations, in employing veterans.

In assuring compliance with the New Hampshire Veterans' Preference in Employment Act and the Vietnam Era Veterans Readjustment Act of 1974, the City of Laconia will: (1) list with the Department of Employment Security all City position vacancies for which recruitment is taking place, (2) where qualifications are equal, veteran status will serve as a tie breaker.

NOTE: Any disabled veteran or veteran of the Vietnam Era who believes the City of Laconia has refused to comply with the provisions relating to the employment of veterans, may file a complaint with the Veterans' employment Service of the U.S. Department of Labor.

II. ADMINISTRATION OF THE AFFIRMATIVE ACTION PROGRAM

A. City Manager

- - Lend the full support of his/her office to achieve equal employment opportunity in the City of Laconia.
- - Appoint an EEO Officer for the City of Laconia. The current EEO Officer for the City of Laconia is the Personnel Specialist.
- - Direct the formulation, implementation and evaluation of the City's affirmative action program.

B. Department Heads

- - Provide program support and take all positive steps needed to assure and advance equal employment opportunity.
- - Assure that all persons are treated fairly and given equal opportunity in selection, training, promotion, performance evaluations, work assignments, classification and compensation, assignments of overtime and additional duties, and all other terms and conditions of employment.

- - Assure that grievance procedures are strictly adhered to without retaliation or reprisals against any person filing a discrimination complaint, or against any person giving testimony or aiding in the resolution of a complaint.

C. All Supervisors

- - Assure equal employment opportunity in all aspects and conditions of employment.

D. Personnel Specialist

- - Ensure that equal employment opportunity policies are vigorously carried out at all levels.
- - Have responsibility for developing, implementing and evaluating the City affirmative action plan.
- - Investigate any complaint of discrimination, and if necessary, institute procedures to correct such discrimination.
- - Periodically review the City of Laconia's Affirmative Action Program and initiate and establish as necessary, changes to assure that the Program does fulfill the City's obligation to establish a workable Affirmative Action program.
- - Work with available local community agencies to ensure that minorities and females are aware of job openings and are submitting applications. All advertisements for job opening display the City's commitment to equal employment opportunity by utilizing EOE/ADA.
- - Ensure that the entire recruiting process is carried out without bias, including advertising, review of applications, interviewing and selection.

E. Dissemination of Policy

A copy of the City of Laconia's Affirmative Action Plan is provided to each employee upon hire and is maintained by each City department. Bulletin boards display Federal and State posters.

III. DISCRIMINATION COMPLAINT APPEAL PROCEDURE FOR EMPLOYEES

1. Action causes employee to feel discriminated against on basis of age, sex, pregnancy, race, color, religion, national origin, marital status, physical or mental disability, sexual orientation or status as a veteran.
2. Employee initiates grievance procedure within time limits established in Personnel Rules and Regulations or Collective Bargaining Agreement on grounds of discrimination. First step is to discuss action(s) with immediate supervisor.
3. City or Collective Bargaining agreement grievance procedure is followed through to final step, within time limits established for each phase of the procedure.
4. A complaint may be filed with the Personnel Advisory Board by employees for discrimination listed in Step 1. One cannot file with the Advisory Board if they have previously filed in accordance with Step 3.
5. Personnel Advisory Board holds hearing and renders decision ten (10) working days after hearing.
6. If employee is not satisfied with internal City procedure, a complaint may be filed with:

New Hampshire Commission for Human Rights
163 Loudon Road
Concord NH 03301
603-271-2050

U.S. EEO Commission
1 Congress Street, 10th Floor
Boston MA 02114
617-565-3200

IV. DISCRIMINATION COMPLAINT APPEAL PROCEDURE FOR JOB APPLICANTS

1. If Applicant is not satisfied with results of recruitment process, a complaint may be filed with the City Manager.
2. If Applicant is not satisfied with internal City procedure, a complaint may be filed with:

New Hampshire Commission for Human Rights
163 Loudon Road
Concord NH 03301
(603) 271-2050

U.S. EEO Commission
1 Congress Street, 10th Floor
Boston MA 02114
(617) 565-3200

V. RECRUITMENT

- A. All City bulletin boards shall prominently display “Equal Employment Opportunity” posters.
- B. The Personnel Office shall advertise all job vacancies in such a manner that prospective applicants are aware that recruitment is taking place.
- C. The Personnel Specialist and Department Heads shall assure that the evaluation of applicants takes into consideration only job related criteria. All selection instruments, including written, performance, or oral tests, education and experience ratings, personal interviews, application forms and reference checks, must be designed to assure equal opportunity.
- D. All recruiting literature shall meet the standards listed below:
 - 1. Emphasis is placed on the City as an equal opportunity employer.
 - 2. Language or photographs do not imply inequality between the sexes.

VI. JOB STRUCTURING AND UPWARD MOBILITY

- A. All departments shall insure that job classifications utilized do not include factors that discriminate against any one group or class of persons in favor of another group or class of persons.
- B. Job specifications shall be reviewed and evaluated periodically, and revised as needed, to assure that hiring requirements are related.
- C. Employees shall be assisted in developing their careers to the fullest extent feasible for the department concerned. Employees should be given as much assistance as possible in the form of counseling, job coaching, and training from his or her supervisor, fellow employees, and the Personnel Office.

VII. EDUCATION AND TRAINING

- A. Managers shall assure that all training is provided on an impartial basis to all levels of employees.
- B. Available training programs will be advertised in such a manner that employees are aware that training is available.
- C. All managers and supervisors shall receive training which will make them aware of equal employment opportunity guidelines and their responsibilities under the various laws and executive orders.

VIII. PROMOTIONS

- A. Affirmative action in the recruitment and placement of employees depends on the qualifications and experience. Promotions to vacant positions shall be filled through normal recruiting procedures.

EFFECTIVE DATE: NOVEMBER 19, 1998

Daniel E. McKeever, City Manager

Date