

GLOUCESTER COUNTY

EQUAL EMPLOYMENT
OPPORTUNITY-
WORK-FORCE
DEVELOPMENT PLAN

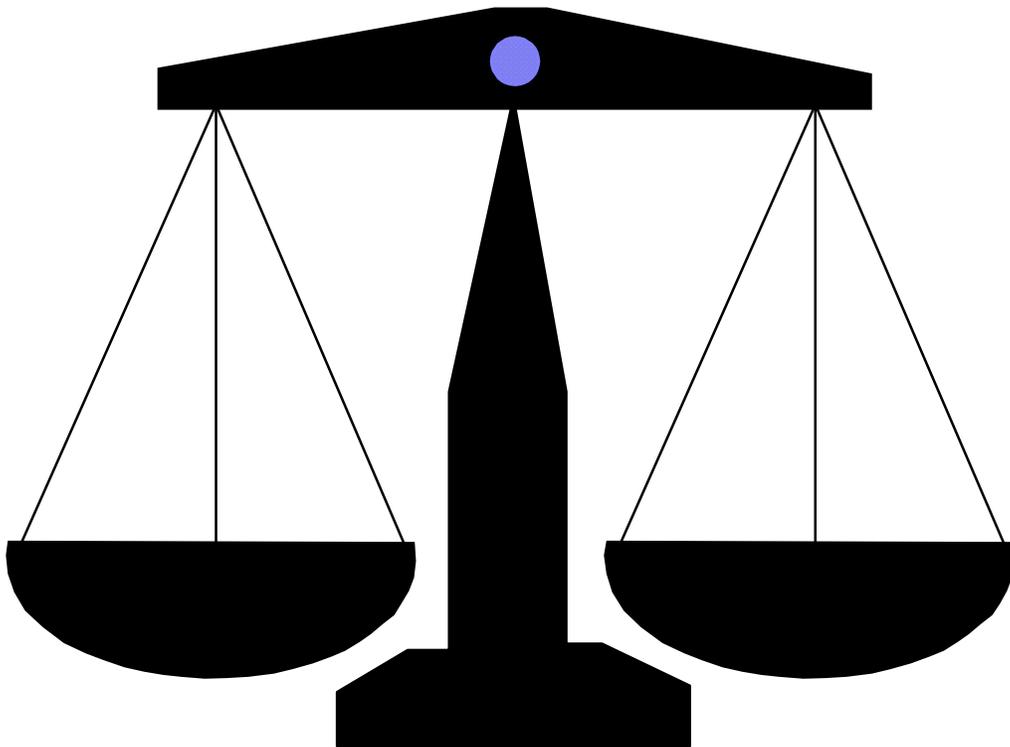


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COUNTY OF GLOUCESTER

PO Box 337
2 South Broad Street
Woodbury, NJ
08096

The information presented in this plan covers full-time
County employees beginning July 1, 2011

This plan is prepared in the Office of Equal Employment Opportunity
by:

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EEO Officer

Robert M. Damming
Freeholder Director

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INTRODUCTION TO THE EQUAL EMPLOYMENT OPPORTUNITY AND WORKFORCE DEVELOPMENT PLAN

A major factor contributing to an efficient and effective County government is the proper and thoughtful utilization of human resources. One of the crucial areas of human resource management is the selection process. In the County of Gloucester the Board of Chosen Freeholders have long embraced equal employment practices and are committed to a governmental workforce representative of all groups within our society.

If a workforce is not representative, then corrective measures by the Department of Human Resources may be necessary. Once concerns are identified and corrective actions defined, interim goals will need to be established. Well defined, evaluative tools must also be established to monitor progress. The best way to accomplish these objectives is through the preparation and implementation of an Equal Employment Opportunity Plan (from this point forward will be referred to as “EEO”).

The County of Gloucester understands that the essential elements of an effective EEO Program must have a commitment from management. The Freeholders and top level County management are committed to EEO and have determined that departmental adherence to the plan will be an element of performance evaluation. With the County management team working together, our EEO Program can lead to a representative County workforce. A representative County workforce will ultimately enhance the operational efficiency and effectiveness of County government.

COUNTY OF GLOUCESTER OFFICIALS

Board of Chosen Freeholders

Robert M. Damminger	Freeholder Director
Giuseppe (Joe) Chila	Deputy Freeholder Director
Lyman Barnes	Freeholder
Daniel Christy	Freeholder
Frank J. DiMarco	Freeholder
Jim Jefferson	Freeholder
Heather Simmons	Freeholder

County of Gloucester Officials

Chad M. Bruner	Administrator / Human Resources Director
Gerald A. White	Deputy County Administrator
Matthew Lyons	Chief County Counsel

Equal Employment Officer

Milton W. Hinton, Jr.
254 County House Road
Clarksboro, NJ 08020
(856) 384-6903
mhinton@co.gloucester.nj.us

DEFINITIONS

WHITE	All persons having origins in any of the original people of Europe, North Africa, or the Middle East.
BLACK or AFRICAN AMERICAN	All persons having origins in any of the black racial groups in Africa.
HISPANIC or LATINO	All persons of Cuban, Mexican, Puerto Rican, South or Central America, or other Spanish culture of origin regardless of race.
AMERICAN INDIAN OR ALASKAN NATIVE	All persons having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community recognition.
ASIAN	All persons having origins in any of the original peoples of the Far East, Southeast Asia, and the Indian Subcontinent including for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
NATIVE HAWAIIAN OR OR OTHER PACIFIC ISLANDER	All persons having origins in any of the original peoples of Hawaiian, Guam, Samoa, or other Pacific Islands.
OTHER RACE	Combination of any above defined race/ethnic group.
DISABLED	Means physical disability, infirmity, malformation, or disfigurement, which is caused by bodily injury, birth defect, or illness including epilepsy or other seizure disorders, and which shall include, but not be limited to any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a service or guide dog, wheelchair or other remedial appliance or device, or any mental psychological, or developmental disability resulting from anatomical, psychological, physiological, or neurological conditions which prevents the normal exercise of any bodily or

mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean Aids or HIV infection.

EEO PLAN

This is used as abbreviation of Equal Employment Opportunity Plan as adopted by the Board of Chosen Freeholders of the County of Gloucester. This shall supersede in whole and in a part, all previously adopted Equal Employment Opportunity Plans.

INSTITUTIONAL COVERAGE OF PLAN

The provisions of the Equal Employment Opportunity plan shall apply countywide to all departments and divisions of the County.

Businesses and Vendors of the County of Gloucester

The County affirms and extends its strict policy of non-discrimination on the basis of the characteristics defined in Title VII and the New Jersey Law Against Discrimination in the provision of all goods, services and employment afforded to the public by institutions within its jurisdiction control.

The County strictly prohibits discriminatory practices by officers, agents or employees of the County, against the general public, vendors, and contractors. The County strictly prohibits discriminatory practices by the general public, vendors, or contractors as against officers, agents or employees of the County.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The County of Gloucester is committed to providing every County employee with a workplace free from discriminatory harassment, including sexual harassment and/or a hostile work environment. The County of Gloucester has a no-tolerance policy towards all forms of unlawful employment discrimination based upon race, creed, color, national origin, ancestry, nationality, marital or domestic partnership or civil union status, sex, gender identity or expression, disability, liability for military service, affectional or sexual orientation, atypical cellular or blood trait, or genetic information (including the refusal to submit to genetic testing).

Section I: *It shall be the policy of the County of Gloucester to establish, administer and enforce practices in accordance with the law, which will achieve a working environment where discrimination shall be strictly prohibited.*

Section II: *The EEO Plan shall proscribe conduct in areas of recruitment and all personnel actions including, but not limited to hiring, promotion, demotion, discipline, termination, and any other term or condition of employment. Other areas of applicability include business transactions by employees, the conduct of all employees, and the administration of general policies of the County of Gloucester.*

Section III: *This policy, the EEO Plan and subsequent procedures related thereto, shall apply to all County officers, agents, and employees. Non-compliance with this policy, the EEO Plan and any of its subsequent procedures by any County official or employee will result in disciplinary action ranging in severity from a verbal warning to termination.*

Section IV: *The letter and spirit of the Equal Employment Opportunity policy shall also apply to all individuals, corporations, entities, or businesses, acting as vendors or contractors with the County of Gloucester.*

Section V: *Complaint Procedure. Complainant must strictly comply with the EEO Complaint Procedure as outlined in the EEO policy of the County of Gloucester.*

DISCRIMINATORY HARASSMENT POLICY

All complaints, grievances, concerns or questions regarding discriminatory harassment, which includes sexual harassment, shall be directed to Milton Hinton (856) 384-6903. A copy of the discriminatory harassment policy may be obtained by contacting the aforementioned individual.

In accordance with the Gloucester County Human Resources Manual Chapter 7, Section 7, the policy regarding the “Prohibition of Discrimination, Harassment of Hostile Work Environments in the Workplace” is as follows:

- I. The County of Gloucester is committed to providing every County employee with a workplace free from discriminatory harassment, including sexual harassment and/or a hostile work environment. The County of Gloucester has a no-tolerance policy towards all forms of unlawful employment discrimination based upon race, creed, color, national origin, ancestry, nationality, marital or domestic partnership or civil union status, sex, gender identity or expression, disability, liability for military service, affectional or sexual orientation, atypical cellular or blood trait, or genetic information (including the refusal to submit to genetic testing).

Unlawful discriminatory harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. This policy applies to all employees and applicants for employment with the County. The County of Gloucester has a no-tolerance position towards harassment or discrimination by anyone in the workplace including supervisors, co-workers, or non-employees. This policy applies to conduct which occurs in the workplace as well as that which occurs at any location that can be reasonably regarded as an extension of the workplace, such as any field location, any off-site business-related social function, or any facility where County business is being conducted and discussed.

This policy also applies to third party harassment. Third party harassment is unwelcome behavior of a sexual, racial or derogatory nature regarding any protected category that is not directed at an individual but is a part of that individual's work environment. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

This policy pertains to all employment practices including hiring, promotion, transfer, demotion, termination, salary, benefits, other privileges, conditions or terms of employment, layoff, internships, apprenticeships, training programs, fringe benefits, working conditions and career development.

II. Discriminatory Harassment Based on Race, Creed, Color, Age, Ancestry, Nationality, Marital or Domestic Partnership or Civil Union Status, Sex, Gender Identity or Expression, Disability, Liability for Military Service, Affectional or Sexual orientation, Atypical Cellular or Blood Trait, Genetic Information (including the refusal to genetic testing is Unlawful and is Prohibited).

It is a violation of this policy to engage in any employment practice or procedure which treats an employee less favorably based upon a person's race, creed, color, national origin, age, ancestry, nationality, marital or domestic partnership or civil union status, sex, gender identity or expression, disability, liability for military service, affectional or sexual orientation, atypical cellular or blood trait, and genetic information (including refusal to submit to genetic testing) which have the effect of harassing an employee or creating a hostile work environment. Discriminatory Harassment or the creation of a hostile work environment can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of Behaviors That May Constitute Prohibited Workplace Discrimination or Harassment Include, But Are Not Limited To:

- Discriminating against an individual with regard to terms and conditions of employment because of that individual's race, gender, age, religion, disability, affectional or sexual orientation, gender identity or expression, place of origin, or his or her ancestor's place of origin.
- Treating an individual differently because of race, gender, age, religion, disability, affectional or sexual orientation, gender identity or expression, place of origin, or his or her ancestors' place of origin, or because an individual has the physical, cultural or linguistic characteristics of a racial or national origin group.
- Treating an individual differently because of marriage to or association with persons of a racial, religious or national origin group; or due to membership in or association with an organization identified with the interests of a racial, religious or national origin group; or because an individual's name or spouse's/civil union partner's name is associated with a racial, religious or national origin group.
- Calling another by an unwanted nickname which refers to one or more of the above characteristics, or telling ethnic jokes which harasses an employee or create a hostile work environment.
- Using derogatory references regarding any of the above characteristics in any job-related communication.
- Engaging in threatening, intimidating, or hostile acts, in the workplace, based on the foregoing classifications.

- Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning, based upon any of the foregoing classifications.

III. SEXUAL HARASSMENT

As part of the Employee Conduct and Performance Policy it is a violation of same to engage in sexual harassment of any kind. For the purposes of this policy, sexual harassment, with or without sexual conduct, is defined, as in the Equal Employment Opportunity Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Harassment generally falls into two categories: quid pro quo and hostile work environment harassment:

A. Quid Pro Quo Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct based on the gender of the affected employee when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment; or (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions. It shall be a violation of this policy for any person to use his or her authority to make any sexual advance toward an individual over whom the person is authorized to make, recommend or otherwise to influence personnel actions; to grant, recommend, or refuse to take personnel action on the basis of an employee's gender or sexual orientation, gender identity or expression, or in exchange for sexual favors; or to take or fail to take a personnel action as reprisal against any employee for rejecting or reporting a sexual advance. Sexual advances or requests for sexual favors can be in the form of either expressed or implied comments, writings, or actions.

B. Hostile Work Environment Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Gender-based harassment may give rise to a claim of a hostile environment whether or not sexual activity or language is involved, if it has the purpose or effect of abusing, devaluing or subordinating the members of one sex and it adversely affects an individual's employment opportunities.

C. Third party sexual harassment is unwelcome behavior of a sexual nature or based on sex that is not directed at an individual but is a part of an individual's work environment.

Examples of Prohibited Behaviors That May Constitute Sexual Harassment Include, But Are Not Limited To:

- Generalized gender-based remarks and comments.
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement.
- Verbal or written sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, invitations, gestures or inappropriate comments about a person's clothing.
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals.
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention.
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluations or promotional opportunity.
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

IV. EMPLOYEE RESPONSIBILITIES

Any employee who believes that she or he has been subjected to any form of prohibited discriminatory harassment, including sexual harassment, or who witnesses others being subjected to such harassment or discrimination is required and expected to promptly report the incident(s) to either their Supervisor, the County's Equal Employment Opportunity Officer, or the NJ Division of Civil Rights. All employees are required and expected to cooperate with investigations undertaken pursuant to this policy. Failure to cooperate in an investigation may result in disciplinary action, up to and including termination.

V. DEPARTMENT HEAD AND SUPERVISOR RESPONSIBILITIES

Department Heads and Supervisors are required to maintain a work environment free from any form of prohibited, unlawful discriminatory harassment. Supervisors and Department Heads are required to take all allegations of discrimination/harassment, including sexual harassment, seriously, and to immediately refer the matter (whether reported by an employee or observed

directly) to the County's Equal Employment Opportunity Officer. All complaints will be reviewed, and prompt and appropriate remedial action will be taken to address any substantiated claim. Department Heads and Supervisors shall adhere to the County's no tolerance policy towards discriminatory harassment, including sexual harassment.

VI. COMPLAINT PROCESS

The Gloucester County Equal Employment Opportunity Officer is the designated representative to investigate, determine, and mediate claims of discriminatory harassment. In order to facilitate prompt, thorough and impartial investigation, all complainants should fill out a Complaint Processing Form (available from supervisors/department heads, on the internet and in the County Human Resources Department). All investigations of discrimination/harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. The investigations shall be conducted in a prompt, thorough and impartial manner. The Equal Employment Opportunity Officer will make a final determination as to whether a violation the Gloucester County Conduct and Performance Policy and/or the New Jersey Law Against Discrimination has occurred. Where discrimination/harassment is found to have occurred, the County shall take prompt and appropriate remedial action to stop the discrimination/harassment and deter its reoccurrence. The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment.

Any employee can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with external agencies indicated below are provided for information purposes only. An employee should contact the specific agency to obtain exact time frames. The deadlines run from the last date of unlawful harassment or discrimination, not from the date that the internal workplace discrimination/harassment complaint to the employer is resolved. Employees may file complaints with the agencies listed on the following page.

Division on Civil Rights N. J. Department of Law & Public Safety 180 days for violation of State law			
South Shore Regional Office	Southern Regional Office	Northern Regional Office	Central Regional Office
(609)441-3100 (609)441-7648 (TTY)	(856)486-4080 (973)648-4678 (TTY)	(973)648-2700 (973)648-4678 (TTY)	(609)292-4605 (609)292-1785 (TTY)
United States Equal Employment Opportunity Commission (EEOC) 300 days			
Philadelphia District Office The Bourse Building, Suite 400 21 S. Fifth Street Philadelphia, PA 19106-2515 (215) 444-2600		Newark District Office 1 Newark Center 21st Floor Newark, NJ 07102-5233 (973) 645-6385	

VII. PROHIBITION AGAINST RETALIATION

Retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, or against any employee who provides information in the course of an investigation into claims of unlawful discrimination/harassment in the workplace is prohibited by this policy. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall not be subjected to adverse employment consequences based upon such involvement or be the subject of retaliation.

VIII. FALSE ACCUSATIONS AND INFORMATION

If any employee knowingly makes a false accusation of unlawful discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline.

Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.

IX. CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation it may be necessary to discuss the claims with the alleged harasser and other persons who may have relevant knowledge. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in disciplinary action.

X. DISCIPLINARY ACTION

Any employee found to have violated this policy may be subject to appropriate disciplinary action which may include: reprimand, suspension, reassignment, or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

XI. TRAINING

All County departments should provide employees with information regarding the prevention of unlawful discrimination/ harassment and the complaint procedure to be followed in filing complaints when unlawful harassment/discrimination has occurred. All County departments should provide supervisors and managers with training that will inform them of the appropriate steps to be taken to address complaints of unlawful discrimination/harassment.

**Discrimination Complaint
Form (See Exhibit F)**

DISSEMINATION OF POLICY

A. Internal Dissemination

The Equal Employment Opportunity Policy of the County of Gloucester shall be disseminated internally by the following methods:

1. The Freeholder Director, County Administrator/Deputy, EEO Officer and the Department Head (hereinafter referred to as DEEO) shall, through written communication, reaffirm the commitment of the County in fostering a pro-active equal employment opportunity environment;
2. An EEO poster and the policy statements shall be posted on bulletin boards, near time clocks, employees' cafeteria and snack bars, and in the employment/personnel office.
3. The EEO policy shall be included in employee handbooks, reports, manuals, and union contracts.
4. Part of the Administrative Code and on the County web page.

B. External Dissemination

The Administration and the Equal Employment Opportunity Officer shall conduct "External Dissemination" of the EEO policy for the County of Gloucester. The sources include, but are not limited to:

1. All advertisements for personnel should include a statement that the County of Gloucester is an "EEO employer";
2. Recruitment Sources, including job/career fairs, minority, disabled;
3. Public facilities;
4. Meeting periodically with groups and organizations representing disabled persons, women and other employees for the purpose of addressing Equal Employment Opportunity policies, programs and issues that concern diversity in the workplace;
5. EEO policy statements shall be included on all recruitment literature.
6. Part of the Administrative Code and on the County web page.

RESPONSIBILITY FOR IMPLEMENTATION

A. Board of Chosen Freeholders

All Freeholders are responsible for exercising personal leadership in establishing, maintaining and executing a continuing Equal Employment Opportunity Program designed to promote Equal Employment Opportunity in all aspects of their operations and will:

- ◆ Provide sufficient resources to administer the EEO Plan in an efficient, effective and positive manner;
- ◆ Assure that all employees in the agency are informed of the EEO Plan and enlist their cooperation;
- ◆ Engage in activity and professional conduct consistent with the EEO Plan.

B. County Administrator

The County Administrator has responsibility for overall administration, monitoring and evaluation of the EEO Plan for the County of Gloucester. The County Administrator will assess the program to determine which elements are most effective and make recommendations regarding those areas which require modification and increased efforts.

C. Equal Employment Opportunity (EEO Officer)

The EEO Officer has responsibility for assisting the Human Resources Director in all efforts mandated by the EEO Plan of the County of Gloucester. This shall include, but is not limited to the following:

- ◆ Provide guidance and set forth guidelines for their Equal Employment Opportunity efforts;
- ◆ Assure that every manager, supervisor and employee in the County of Gloucester is made aware that furthering the EEO Plan is an integral part of his/her responsibility;
- ◆ Maintain ongoing review of all aspects of the personnel system of the County so as to detect impediments with regards to employment utilization, and to make recommendations for eliminating any impediments discovered;
- ◆ Participate in the recruitment, training and advancement of the goals as established by the EEO Plan through the administration of local, state and federal guidelines and policies;
- ◆ Serve as a liaison between the County and Federal regulatory agencies, disabled, minority and women's groups and other organizations concerned with the advancement of Equal Employment Opportunity;

- ◆ Plan programs to address the unique problems, concerns and interests of women, minority, disabled persons and other underutilized groups;
- ◆ Maintain a comprehensive complaint system to assure that allegations of discrimination will receive prompt, fair and impartial consideration and disposition with recommendations for corrective action as appropriate; and
- ◆ Report to the County Administrator, Board of Chosen Freeholders and County Counsel on all actions and programs relative to the regulation of nondiscrimination and Equal Employment Opportunity in County employment.

D. Department Heads

1. Departmental EEO Inspections (DEEO)

The EEO Officer shall conduct Departmental EEO Administrative Inspections pursuant to the following guidelines:

- ◆ Under normal circumstances, departmental EEO training shall be conducted on a cycle of twelve (12) months.
- ◆ Specific departmental responsibilities shall include, but are not limited to the following:
 - a) Assessment of attendance at EEO training sessions mandated or suggested by the Equal Employment Opportunity Officer;
 - b) Participation in the County's overall effort to foster an Equal Employment Opportunity work environment consistent with the EEO Plan.

All agency heads, department heads and office directors have ultimate responsibility for ensuring EEO and Workforce Development Plan results in their operations.

2. Unsatisfactory Departmental Progress

EEO initiatives will be established annually by departments, in conjunction with the EEO Officer. Failure to make satisfactory progress toward meeting policy objectives and failure to comply with the mandates of the EEO Plan will result in administrative actions consistent with the following guidelines:

- a) A determination of whether EEO performance has been "satisfactory" or "unsatisfactory" will be based on the administration of the EEO Plan, good faith efforts in meeting the EEO goals, and successful performance of the duties and responsibilities as outlined in the EEO Plan as adopted by the County of Gloucester.

WORKFORCE Development

Gloucester County Government undertakes a vigorous program of recruitment for all persons regardless of race, color, creed, national origin, nationality, ancestry, age, sex, gender, sexual or affectional orientation, religion, marital or domestic partnership or civil union status, atypical cellular or blood trait, genetic information (including the refusal to submit to genetic testing), liability for military service in the armed forces of the United States, or mental or physical disability, including AIDS, HIV, or HIV related illnesses, subject only to conditions and limitations applicable alike to all job classifications, particularly, where individuals possessing such characteristics have been under represented utilized or under the same.

Gloucester County's Workforce Development Plan includes, but shall not be limited to, the following specific actions:

A. Notice of Job Vacancy/Posting Procedures

1. The Notice of Job Vacancy will be on the Bulletin Boards within County facilities by the Human Resources Department. If needed, newspapers, website and posted in other public areas within the jurisdiction of Gloucester County Government.
2. The Notice of Job Vacancy must be posted for a minimum of five (5) working days to allow all interested parties to apply for positions.

B. Career Development and Upward Mobility

1. The County is governed by the rules and regulations of the State of New Jersey, Civil Service Commission. Consistent with the following provisions;
 - a. New Jersey Civil Service Commission promotional examinations will continue to be used as vehicles for advancement as required by law.
 - b. The County adheres to the merit system and all New Jersey Civil Service Commission rules and regulations governing promotions.
 - c. Promotions and other upward mobility or lateral shifting of titles or responsibilities will be monitored by the Equal Employment Opportunity Officer and the NJ Civil Service Commission to ensure that equal employment opportunity is provided to all employees.

2. To assure that all individuals are given equal access to all positions within Gloucester County Government, the following procedural considerations shall apply:
 - a. All employees are entitled to apply for transfers and promotional opportunities in the County without prior notice to their present supervisors.
 - b. All out stationed County departments shall post all existing job opportunities in visible locations, so that employees (in that department) may apply for new positions. This measure will afford employees an opportunity to be made aware of job vacancies, promotional opportunities and other personnel actions.
 - c. The EEO Officer will be kept apprised of all promotions, terminations and lateral changes within a department. On an annual basis, the EEO Officer shall engage in a comprehensive career development review within the County.
 - d. The Equal Employment Officer will recommend remedial solutions if minorities and women do not advance or are limited to certain job titles.

APPENDIX

LEGAL BASIS

- A. **Title VII of the Civil Rights Act of 1964**, as amended by the Equal Employment Opportunity Act of 1972, prohibits discrimination because of race, creed, color, national origin, nationality, ancestry, age, sex/gender, sexual or affectional orientation, religion, marital status, atypical cellular or blood traits, liability for service in the armed forces of the United States, or mental or physical disability, including AIDS/HIV, or HIV related illnesses, subject only to conditions and limitations applicable alike to all persons.
- B. **The Civil Rights Act of 1991** amends Title VII an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex, or national origin was a motivating practice.
- C. **The Equal Pay Act of 1963** prohibits employers from discriminating on the basis of sex, by paying wages to employees at a rate less than the rate at which he/she pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar conditions, except where such payment is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential based on any other factor other than sex an employer who is paying a wage differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.
- D. **The Rehabilitation Act of 1973** (as amended in 1992) establishes federal policy to eliminate discrimination against any qualified employee or applicant because of a disability. The policy encompasses and includes all employment practices such as employment, promotion, demotion, transfer, recruitment, layoff, termination, compensation and training.
- E. **The Americans with Disabilities Act of 1990** bars discrimination against a qualified individual with a disability because of the disability of such individual in regards to job training, and other terms, conditions, or privileges or employment.
- F. **The Age Discrimination in Employment Act of 1967** (as amended in 1978) prohibits employers from failing or refusing to hire or to discharge any individual or otherwise

discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges or employment, because of an individual's age.

G. New Jersey Laws Against Discrimination New Jersey Law Against Discrimination protects states that it is illegal to discriminate against an individual on the basis of race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy and sexual harassment), marital status, domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information liability for military service, or mental or physical disability, including AIDS and HIV related illnesses. The LAD prohibits intentional discrimination based on any of these characteristics. Intentional discrimination may take the form of differential treatment or statements and conduct that reflect discriminatory animus or bias.

