

CHAPTER 22

**EQUAL EMPLOYMENT OPPORTUNITY AND
AFFIRMATIVE ACTION PLAN**

[Recreated 5/28/91]

22.01 PURPOSE

The purpose of this ordinance is to formally state the policies of the Town of Menasha (hereinafter referred to as "Town") on the issues of general employment, equal employment opportunity, affirmative action, and sexual harassment; to outline the procedures for the development, implementation, and review of the Town's Equal Employment Opportunity (EEO) / Affirmative Action Plan (AAP); and to set forth the procedures for resolving alleged acts of employment discrimination.

22.02 GENERAL EMPLOYMENT POLICY

The general employment policy of the Town shall be to identify and employ well-qualified individuals to perform the tasks and functions of the Town to the greatest benefit of the Town.

**22.03 EQUAL EMPLOYMENT OPPORTUNITY
POLICY**

- (1) The Civil Rights Act of 1964, Executive Order 11246, and Equal Employment Opportunity Act of 1972, and Americans with Disabilities Act of 1990 provide the legal basis for equal employment opportunity to all without regard to race, color, religion, sex, age, national origin, or disability status. It is the policy of the Town to treat each person with respect, dignity, and integrity due them as individuals and to prohibit discrimination in all phases of the employer-employee relationship. *[Amended 6/14/93]*
- (2) The Town will prohibit discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration for reasons of political or religious opinions or affiliations, because of race, color, national origin, physical disability, age (except where specific age, sex, physical requirements constitute a bonafide occupational qualification necessary to properly and efficiently function on the job) or any other non-merit factor.
- (3) It is the responsibility of the Town to ensure the opportunity for equal employment and to maintain a non-discrimination work environment.

22.04 AFFIRMATIVE ACTION POLICY

The Town will monitor regularly the composition of its work force and its service population area to determine if there exists a disparity between the representation of minorities or women in the work force in relationship to their representation in the service population area. The term affirmative action shall mean those actions appropriate to overcome the effects of past or present practices or other barriers to equal employment opportunity.

22.05 SEXUAL HARASSMENT POLICY

- (1) Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature that takes place under any of the following circumstances:
 - (a) When an individual submission to such actions is made either explicitly or implicitly a term or condition of that individual's employment; or
 - (b) When the individual's submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
 - (c) When the conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.
- (2) "Unwelcome verbal or physical conduct of a sexual nature" includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or comments, or the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes.
- (3) The EEOAC guidelines state that employers have an "affirmative duty" to prevent and eliminate sexual harassment and are responsible for acts of sexual harassment by supervisory or other personnel.
- (4) Any employee violating this sexual harassment policy will be subject to disciplinary action. All employees are encouraged to report any complaints to the Town Administrator. All employees also have the right to report any complaints through the grievance procedure.
- (5) The Town is an Equal Employment Opportunity Employer committed to the intent and spirit of this regulation and all applicable executive orders, including all federal and state civil rights legislation.

**22.06 EQUAL EMPLOYMENT
OPPORTUNITY/AFFIRMATIVE ACTION
PLAN**

- (1) The Town Administrator shall be responsible for the development, implementation, and review of the Equal Employment Opportunity/Affirmative Action Plan for the Town. Prior to implementation, this Plan shall be submitted by the Town Administrator to the Town Board for review and approval.
- (2) Copies of the Department Equal Employment Opportunity/Affirmative Action Plan shall be available, upon request, to all department heads, employees, job applicants, and citizens or other individuals.

**22.07 DISCRIMINATION COMPLAINT
RESOLUTION PROCEDURES**

- (1) The Town shall have an internal procedure for resolving alleged acts of employment discrimination. Employees or job applicants shall not be subject to retaliation or discrimination for having made a complaint, testified, or assisted in any manner in this procedure.
- (2) Employees. For all Town employees, all allegations of discrimination are subject to the rules and regulations of the Town Personnel Policy, and where appropriate, the Town Grievance Procedure.
- (3) Job Applicants. For all job applicants, allegations of discrimination arising out of the job selection process for open job positions are subject to the rules and regulations of the Town of Menasha Personnel Policy concerning recruitment.