




UPSHUR COUNTY, TEXAS

2017 EQUAL EMPLOYMENT OPPORTUNITY PLAN

FILED
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COUNTY CLERK
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BY  UP SHUR COUNTY, TX.
DEPUTY

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Policy Statement:

Upshur County, Texas, will take affirmative action to see that all qualified applicants enter and advance in employment on the basis of demonstrated merit and fitness as ascertained through fair and practical methods of selection and promotion without regard to race, age, religion, color, handicap, national origin, sex, political affiliation or belief, or any other non-merit factor. In carrying out this equal employment opportunity policy, the county will comply with statements of national and state policy concerning equal employment opportunity, including Title VI and VII of the Civil Rights Act of 1964, as amended; the Age Discriminating in Employment Act of 1967, as amended; the Rehabilitation Act of 1973, as amended; Executive Order No. 11246, as amended; all other applicable laws or orders, and all related rules and regulations.

Scope of the Policy

This policy extends to all employees and applicants for employment in all aspects of the employment relationship, including but not limited to the following: job structuring recruitment or recruitment advertising, examination, selection, appointment, placement, training, upward mobility discipline, demotion, transfer, layoff or termination, rates of pay or other forms of compensation, selection for training including apprenticeship, and any other aspect of personnel administration.

Responsibilities

All employees will carry out the spirit and intent of this policy. The application and effectiveness of the policy are the responsibility of department heads, the EEO Officer, and all supervisory personnel.

Procedures

Personnel decisions will be made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job, without regard to race, age, religion, color, handicap, national origin, sex, political affiliation or belief, or any other non-merit factor.

Facilities will continue to be maintained on a non-segregated basis. Social activities and all other employee benefits will offer equal opportunities to all, without regard to race, color, religion, sex, age, handicap, or national origin.

Prompt resolution will be made of any efforts to impede or prevent compliance with this policy.

An applicant must meet the minimum standards for the position being filled, or must be capable of meeting such standards within a reasonable time, or that applicant cannot be considered for employment, regardless of any preference that may apply.

Upshur County is committed to complying with all applicable federal, state, and local civil rights laws that pertain to employment. Any person employed by Upshur County who fails to comply with this policy is subject to disciplinary action.

The elected officials and supervisory employees of Upshur County hereby affirm that:

- Upshur County will provide equal employment opportunity for all persons, regardless of race, color, creed, national origin, sex, or age;
- Upshur County will maintain an affirmative action program, including goals and timetables, to overcome the effect of past discrimination;
- Upshur County will make reasonable accommodation for physical or mental limitations of qualified individuals with disabilities, unless such accommodation would impose an undue hardship on the conduct of Upshur County business.
- Applicants and employees have the right to file complaints alleging discrimination with the appropriate official;
- Applicants and employees shall not be subjected to any harassment, threats, coercion, intimidation, or discrimination because they have requested reasonable accommodation; filed a complaint; assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state or local law requiring equal employment opportunity; opposed any act or practice made unlawful by any federal, state or local law requiring equal opportunity; or exercised any other right protected by federal, state or local law requiring equal employment opportunity;
- All Upshur County management personnel share in this responsibility and will work to maintain compliance; and
- Successful achievement of EEO goals will provide benefits to Upshur County through the fuller utilization and development of previously underutilized human resources.

The adoption of this EEO plan by the Upshur County Commissioners Court is a reaffirmation of adherence to and promotion of the policy of nondiscrimination in all actions affecting Upshur County employees. The guidelines and objectives contained in this plan are designed to assist Upshur County and all its employees in adhering to that policy.

Equal Employment Opportunity Program

PURPOSE

The purposes of the Equal Employment Opportunity / Affirmative Action Program are to:

- Establish policy and commitment to equal employment opportunities;
- Identify jobs and departments where minorities and females are underrepresented;
- Set specific, measurable, attainable hiring and promotion goals (including target dates);
- Monitor job descriptions and hiring criteria to ensure they communicate actual job needs only;
- Locate minorities and women who qualify or can become qualified to fill goals.

AFFIRMATIVE ACTION PLAN

All Upshur County staff, potential employees, and applicants are entitled to equal employment opportunities and will not be discriminated against because of race, religion, color, national origin, disability, age or sex, providing they are otherwise qualified and meet requirements established by the County for the job they seek.

Upshur County will do the following, as a minimum effort, to increase the participation of minorities and women in all levels of the workplace and in all parts of our workforce:

- Post job openings in locations frequently utilized by protected classes, such as the Work in Texas website, Unemployment Office, etc.
- Announce job openings in local media, to include minority newspapers.
- Encourage minorities and women to apply for open positions.
- Promote minorities and women who are qualified or can become qualified into open positions, if the promotion supports needed diversity in the workplace.

EEO Officer: General Responsibilities

The Equal Employment Opportunity Officer for Upshur County will be responsible for implementing and managing the EEO program. Individuals who would like to discuss this policy, and/or file a complaint alleging discrimination, should contact the EEO Officer.

The EEO Officer will perform the following duties:

- Develop and recommend EEO policy, a written EEO program, and internal and external communication procedures;
- Assist management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals;

- Design, implement, and monitor internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed;
- Serve as liaison between Upshur County and all federal, state, and local governments; regulatory agencies; minority, handicapped and women's organizations; and other community groups;
- Assure that current legal information affecting affirmative action is disseminated to responsible officials;
- Assist in recruiting minority, handicapped and women applicants and establishing outreach sources for use by hiring officials; and
- Process employment discrimination complaints.

The responsibilities assigned to Upshur County Managers and Supervisors are:

- Assist in identifying problem areas and establishing unit goals and objectives;
- Be actively involved with local minority organizations, women's and handicapped groups, community action organizations and community service programs designed to promote EEO;
- Actively participate in periodic audits of all aspects of employment, to identify and remove barriers obstructing the achievement of goals and objectives;
- Conduct regular discussions with other managers, supervisors, and employees to assure the County's policies and procedures are being followed;
- Review the qualifications of all employees to assure that minorities, handicapped persons, and women are given full opportunities for transfers, promotions, training, salary increases, and other forms of compensation;
- Participate in the review and investigation of complaints alleging discrimination;
- Conduct and support career counseling for all employees; and
- Participate in periodic audits to ensure that each unit is in compliance (e.g., EEO posters are properly displayed on all employee bulletin boards).

Review and Revision of Employment Practices

Recruitment and Testing

- All job openings will be posted on the Upshur County website, the website associated with Workforce Solutions East Texas (WorkinTexas.org), placed in the local newspaper when needed, and an internal job posting will be placed in locations available to all Upshur County staff.
- All job postings will contain the following statement. "An Equal opportunity / Affirmative Action Employer."

- When testing is performed for a position, it is done to ensure that the applicant has the minimum level of knowledge, skill or ability required for the position. Identical testing materials and conditions will be provided to every applicant interviewing for the specific job.

Position Descriptions

- All position descriptions will be developed using a job information questionnaire that includes the job duties, educational requirements, minimum number of years of experience required, skills and abilities needed to perform the work, and all physical requirements of the position.
- These detailed requirements will be included in the posting on the Upshur County website. Each additional posting method used will direct applicants to the Upshur County website to view the full job description for each position.

Transfer procedures

- The leadership team will focus on one's ability to perform assigned tasks and duties, rather than longevity.
- Employees' application or resumes and employee files will be reviewed prior to selection.

Interview procedures

- At least two people from the leadership team (and in some cases a panel) will perform interviews.
- One interviewer will be of a different gender, race, or both, when possible.

Promotion

- No applicant will be denied a promotion based on race, gender, age, or any other prohibited criteria.
- Applicants will be given a trial on the job to prove their capability, if they are otherwise eligible for the promotion.

Wage Procedures

- All wages for new employees, transfers and promotions must meet the budgetary requirements of the department, division or unit.
- No individual will receive higher or lower wages based on race, gender, age, or any other prohibited criteria.

Salary Level and other Benefits

- Salaries for a position are determined based on the responsibilities contained in the job requirements and the scope of services required of the position.

- The benefits available to an employee are based on their employment status with Upshur County (e.g., full-time, part-time).
- The benefits offered to employees are always included in the Upshur County Personnel Policies which are set and approved by the Upshur County Commissioners Court.

Disciplinary Procedures

- Upshur County adheres to a progressive discipline structure, which is outlined in the Upshur County Personnel Policies.

Termination and Layoff

- Employee terminations and layoffs are based on Upshur County policy and documented job performance.

Training

- Training programs shall be designed to upgrade the skills of employees so that they can improve performance in their present position.
- On-the-job training will be designed so that employees have an opportunity to acquire skills needed to qualify for a better position with Upshur County.
- Employees with managerial ability will be encouraged to acquire skills on-the-job or through more formalized training prior to their advancement into a management position.

Goals and Timetables

The Upshur County Judge, who is the EEO Officer, shall annually perform the following activities necessary to prepare and update the goals and timetables of the Affirmative Action Plan for Equal Opportunity:

- Analyze the Upshur County workforce to set appropriate goals for the employment of women and minorities.
- Review the progress of the Upshur County Affirmative Action Program and determine any necessary revisions to the goals and timetables.
- Maintain and review the EEO logs, which contain the name of each applicant, date applied, how referred, gender, race, and veteran status.

Any goals not met will be explained or justified at the end of the year as requested by appropriate agencies.

EEO Complaint Process

Individuals who would like to discuss and/or file a complaint alleging discrimination should contact the EEO Officer. **The EEO Officer should be contacted immediately, if you believe you have been discriminated against.** The following procedures will be used to process discrimination complaints:

Counseling

The first step in resolving discrimination complaints is counseling. The purpose of counseling is to determine whether there is a problem, and if there is, to correct it as soon as possible. Emphasis at this point is on early resolution.

The EEO Officer is responsible for clarifying the problem and attempting to resolve it to everyone's satisfaction. The EEO Officer will:

- Clarify the issues;
- Identify whether the problems are covered by the EEO Office's Discrimination Complaint Process;
- Outline alternative procedures;
- Identify options;
- Attempt to work out a resolution agreeable to all concerned, if possible;
- Provide information on external enforcement agencies (*i.e.*, the EEOC, the Texas Commission on Human Rights, FTA and the DOT).

The Complainant must sign the EEO Discrimination Complaint Form issued by the EEO Officer before an informal process can begin. The EEO Officer has fifteen (15) working days to counsel and make efforts to resolve the issue informally. If, at the end of this time, resolution has not been achieved, the Complainant will be informed of their right to proceed with a formal complaint. If the Complainant wishes to initiate a formal investigation, the Complainant may file a formal complaint within five (5) working days.

Filing a Formal Complaint

The Complainant must sign the Internal Discrimination Complaint Form issued by the EEO Officer before a formal investigation can begin. The Complainant should be prepared to support any allegations of discrimination, by furnishing all pertinent evidence: letters, memos, dates, times, and/or witnesses to the claim alleged in the complaint. A mere allegation of discrimination is not sufficient; some form of evidence is required. A formal investigation will be initiated, once clear basic information is provided. The purpose of such an investigation is to establish the facts relevant to any complaint.

Rejecting a Complaint

If the EEO Officer decides to reject a complaint, the Complainant will be notified in writing within ten (10) working days after a formal complaint is filed.

The EEO Officer may reject any claim, if the officer determines that the allegations are not within the realm of the discrimination guidelines. If the EEO Officer makes this determination, the notice of rejection will be final and cannot be appealed unless new evidence can be presented which falls within the discrimination guidelines of race, color, creed, religion, national origin, disability, sex or age.

Investigation

If a formal complaint is accepted, the EEO Officer will investigate it. The investigation will be completed within twenty-five (25) working days of receiving the formal complaint. An investigation may be extended beyond the twenty-five (25) working days if it is deemed necessary to conduct a more thorough, in-depth investigation. The EEO Officer will conduct interviews, take affidavits from the Complainant and other apparent witnesses, and will gather any other pertinent information from all available sources.

Proper investigation of any allegation of discrimination requires that any employee with relevant knowledge assist in the investigation. Such participation may be in the form of verbal communications, written statements, or providing other records that may be relevant. Any employee deemed to have relevant knowledge of the allegations shall participate to the best of his or her ability during these investigations.

Informal Resolution

During and at the conclusion of the investigation, the EEO Officer, when feasible and consistent with Upshur County policies and procedures, will continue to attempt to resolve the complaint on an informal basis. The Complainant must sign and date any resolution offered that has been accepted. Such acceptance constitutes settlement of the complaint; however, any resolution offered and accepted does not constitute an admission of any wrongdoing by Upshur County or any of its agents.

One of the major objectives of the complaint process is fairness and early resolution of complaints. Consequently, Upshur County regards the efforts made by all parties in early resolution attempts as crucial to the integrity and intent of this process.

Complaint Disposition

At the conclusion of the investigation, the EEO Officer will issue findings of fact and conclusions, and will make recommendations for corrective action, if required, or other resolutions. The Complainant will be contacted to receive and sign their acknowledgment of receipt of the EEO Officer's disposition of their complaint. Thereafter, the accused person will be notified of the EEO Officer's recommendations.

Appeal of Disposition

If the Complainant is not in agreement with the EEO Officer's findings and determination contained in the disposition, he or she may appeal the EEO Officer's decision in writing within ten (10) working days, to the Commissioners Court.

The Commissioners Court will then investigate the alleged violation and review relevant facts, and upon completion of this investigation, the Court will issue a decision within ten (10) working days, in consultation with the EEO Officer.

The Complainant will be advised that if the final decision is unacceptable, an appeal may be made to the EEOC or to the Texas Commission on Human Rights.

Special Provision

If any allegation of discrimination arises with the EEO Officer and/or against the EEO Officer, such allegations will be referred to the County Judge to process and investigate accordingly. Any attempts at resolution will follow the above stated procedures.

For more information regarding Upshur County Equal Opportunity policy, please contact:

EEOP Officer: Dean Fowler
Upshur County Judge
903-843-4003
dean.fowler@countyofupshur.com

Upshur County ☆ P.O. Box 730 ☆ Gilmer, Texas 75644

2017 EEO Workforce Utilization Analysis:

The Upshur County Judge, County Commissioners, Criminal District Attorney, Treasurer, and other staff members and consultants reviewed the 2017 Utilization Analysis (comparing Upshur County's workforce to the relevant labor market), and noted the following:

1. White males are significantly under-represented (-16.1%) in the Professionals job category, and (-9.2%) in the Protective Service Workers (law enforcement) category. White males appear significantly over-represented (+48.5%) in the Service Workers (other than law enforcement) category, but with only 6 employees represented, the sample is too small to be representative of the entire labor pool.
2. White females are significantly over-represented (+14.8%) in the top job category of Officials / Administrators, and in the Administrative Support category (+14.3%); conversely, white females are significantly under-represented in two categories: Skilled Craft (-6.8%) and Service Workers (other than law enforcement) (-58.3%), but with only 6 employees represented, the sample for that group is too small to be representative of the entire labor pool.
3. Black males are significantly over-represented in two categories: Professionals (+5.5%) and Skilled Craft (+17.8%). Black males are not significantly under-represented in any category. This indicates that **Upshur County is doing a good job of hiring and retaining black males.**
4. Black females are significantly over-represented in both categories of Service Workers (+7.4% in law enforcement and +17.3% in other) but with only 6 employees represented in the Service Workers (other than law enforcement) category, the sample is too small to be representative of the entire labor pool. In all other categories, the number of black females is appropriate to the number of potential applicants available in the local labor pool. This indicates that **Upshur County is doing a good job of hiring and retaining black females.**
5. Only three Hispanic / Latino males are presently employed by Upshur County; however, in comparison to the relevant labor market, any under-representation is less than 5% in all categories.

6. Hispanic / Latina females are somewhat over-represented (6.8%) in the Professionals category and somewhat under-represented (-5.5%) in the category of Protective Service Workers (law enforcement; in all other categories the deviation is less than 4%.

7. All other ethnic groups comprise such a small part of our county's general population and workforce that no such group can be said to be significantly under-represented in any Upshur County employment category; all negative deviations are less than 3%.

Conclusions: Upshur County apparently does a good job in the recruitment and retention of black workers in all categories, both male and female. Upshur County also appears to have a commendable diversity of ethnicity and gender in every job category. Efforts should be continued to recruit additional Hispanic / Latin employees, and members of other minority ethnic groups, of either gender, for any available positions.

Objectives and Steps to be Taken:

To encourage Hispanic / Latin applicants in all job categories: Upshur County will enhance outreach efforts that target Hispanic applicants (e.g., presentations at regional professional conferences, trade associations, job fairs, and educational institutions; advertising openings in local Spanish-language media outlets).

Upshur County shall continue to adhere to this EEO plan: The statement on EEO policy will remain posted in conspicuous locations so that employees, applicants, and the general public are cognizant of Upshur County's EEO commitment.

Dissemination: Formal communication mechanisms shall be established to publicize and disseminate Upshur County's EEO policy, as well as appropriate elements of the program, to its employees, applicants, and the general public.

Internal Dissemination:

1. Upshur County will post a PDF file of the EEOP Policy and Utilization Report, that any user may access and download, on its intranet system for all employees.
2. Upshur County will keep two bound copies of the EEOP Policy and Utilization Report on display in the County Courthouse, and will provide a copy to each department head.

3. Upshur County will include a written notice in the standard Employee Handbook, explaining the EEOP and how employees may obtain a copy of the EEOP Utilization Report.
4. At each Upshur County job site and office, Upshur County will post a written notice on the bulletin boards in employee break areas, providing information on the EEOP and how employees can obtain a copy of the EEOP Utilization Report.

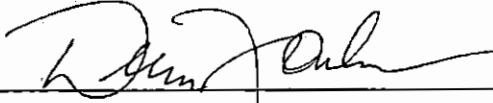
External Dissemination:

1. Upshur County will post on its public website a PDF file of the EEOP and Utilization Report that any user may access and download.
2. All advertisements for open positions for Upshur County will include a statement that the County is an 'Equal Opportunity Employer.' This includes any advertisements in public media sources, such as radio and TV, newspapers, magazines, and association journals.
3. All Upshur County employment applications shall include a statement that the agency is an 'Equal Opportunity Employer.'
4. Upshur County will provide written notice to all job applicants, vendors and contractors that they may obtain a copy of the EEOP and current Utilization Report by downloading it from the Upshur County website, or upon request.
5. Upshur County will provide its EEOP and Utilization Report to all regular recruitment sources, including Texas Workforce Commission, as well as any local groups or organizations such as minority groups, women's groups, civil rights groups, disabled advocates, community groups, unions, or other employment organizations.

I understand the regulatory obligation under 28 C.F.R. §§42.301-.308 to collect and maintain extensive employment data by race, national origin, and sex, even though our organization may not use all of this data in completing the EEOP Utilization Report.

I have reviewed the foregoing EEOP Utilization Report and certify the accuracy of the reported workforce data and our organization's employment policies.

By signing below as the EEO Officer, I certify and agree to adhere to the Upshur County EEO Policy and Affirmative Action Plan, and Circular UMTAC 4704.1 in its entirety.



Hon. Dean Fowler
Upshur County Judge

FEBRUARY 7, 2017

Date

APPENDIX A: 2017 UPSHUR COUNTY UTILIZATION ANALYSIS CHART

Utilization Analysis Chart

Relevant labor market: Upshur County, Texas

Job Categories	Male												Female												Total Male and Female
	White		Hispanic or Latino		Black or African American		American Indian or Alaska Native		Asian or Pacific Islander		Two or More Races		White		Hispanic or Latina		Black or African American		American Indian or Alaska Native		Asian or Pacific Islander		Two or More Races		
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Official/Admin																									
Upshur County	10	55.6%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	8	44.4%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	18
Labor Market	930	57.4%	65	4.0%	30	1.9%	30	1.9%	0	0.0%	40	2.5%	480	29.6%	10	0.6%	15	0.9%	0	0.0%	0	0.0%	20	1.2%	1,620
Utilization %		-1.9%		-4.0%		-1.9%		-1.9%		0.0%		-2.5%		14.8%		-0.6%		-0.9%		0.0%		0.0%		-1.2%	
Professionals																									
Upshur County	5	19.2%	0	0.0%	2	7.7%	0	0.0%	0	0.0%	0	0.0%	15	57.7%	2	7.7%	1	3.8%	1	3.8%	0	0.0%	0	0.0%	26
Labor Market	735	35.3%	4	0.2%	45	2.2%	0	0.0%	10	0.5%	0	0.0%	1,200	57.6%	19	0.9%	45	2.2%	25	1.2%	0	0.0%	0	0.0%	2,083
Utilization %		-16.1%		-0.2%		5.5%		0.0%		-0.5%		0.0%		0.1%		6.8%		1.7%		2.6%		0.0%		0.0%	
Admin Support																									
Upshur County	6	11.8%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	43	84.3%	0	0.0%	2	3.9%	0	0.0%	0	0.0%	0	0.0%	51
Labor Market	398	15.1%	10	0.4%	55	2.1%	15	0.6%	0	0.0%	0	0.0%	1,850	70.0%	90	3.4%	85	3.2%	65	2.5%	45	1.7%	30	1.1%	2,643
Utilization %		-3.3%		-0.4%		-2.1%		-0.6%		0.0%		0.0%		14.3%		-3.4%		0.7%		-2.5%		-1.7%		-1.1%	
Skilled Craft																									
Upshur County	26	70.3%	0	0.0%	9	24.3%	0	0.0%	0	0.0%	0	0.0%	2	5.4%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	37
Labor Market	1,650	71.9%	65	2.8%	150	6.5%	0	0.0%	0	0.0%	20	0.9%	280	12.2%	54	2.4%	45	2.0%	0	0.0%	30	1.3%	0	0.0%	2,294
Utilization %		-1.7%		-2.8%		17.8%		0.0%		0.0%		-0.9%		-6.8%		-2.4%		-2.0%		0.0%		-1.3%		0.0%	
Service Workers																									
Law Enforcement																									
Upshur County	40	57.1%	3	4.3%	4	5.7%	0	0.0%	0	0.0%	0	0.0%	16	22.9%	1	1.4%	6	8.6%	0	0.0%	0	0.0%	0	0.0%	70
Labor Market	335	66.3%	0	0.0%	10	2.0%	0	0.0%	0	0.0%	4	0.8%	115	22.8%	35	6.9%	6	1.2%	0	0.0%	0	0.0%	0	0.0%	505
Utilization %		-9.2%		4.3%		3.7%		0.0%		0.0%		-0.8%		0.1%		-5.5%		7.4%		0.0%		0.0%		0.0%	
Other																									
Upshur County	4	66.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	33.3%	0	0.0%	0	0.0%	0	0.0%	6
Labor Market	395	18.1%	60	2.8%	40	1.8%	0	0.0%	0	0.0%	0	0.0%	1,270	58.3%	65	3.0%	350	16.1%	0	0.0%	0	0.0%	0	0.0%	2,180
Utilization %		48.5%		-2.8%		-1.8%		0.0%		0.0%		0.0%		-58.3%		-3.0%		17.3%		0.0%		0.0%		0.0%	
																									9,145

US Census Bureau estimates of available workers residing in Upshur County as of latest (2015) estimate (last accessed 2/4/17 at factfinder.census.gov)

FILED
TERRI ROSS
COUNTY CLERK