

**Ordinance 2016-10**

**An Ordinance to Readopt the City of Martinsburg Equal Employment Opportunity Plan/Affirmative Action Plan Including Updated Utilization Statistics**

Be it ordained by the City Council of the City of Martinsburg, West Virginia:

That the Council adopt the City of Martinsburg Equal Employment Opportunity Plan (EEO)/Affirmative Action Plan as required through the Department of Justice using the seven-step design and development of the Plan.

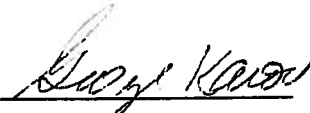
This plan shall remain in effect, upon adoption, until one year from date of adoption, at which time the utilization charts shall be updated and the Plan shall be reviewed.

This ordinance shall repeal any previous Equal Employment Opportunity Plan or Affirmative Action Plan adopted by the City Council of the City of Martinsburg.

Introduced: May 12, 2016

Adopted: June 9, 2016

  
Gena Long, City Recorder

  
George Karos, Mayor

**CITY OF MARTINSBURG  
EEO SHORT FORM**

**Policy Statement:**

The City of Martinsburg is an equal opportunity employer. It is hereby reaffirmed that it is the policy of the City of Martinsburg to provide equal employment opportunity in all aspects of the employer-employee relationship including recruiting, hiring, upgrading, and promotion, conditions and privileges of employment, company-sponsored training, compensation, benefits, transfers, discipline, layoffs and termination of employment, to all employees without discrimination because of race, color, religion, national origin, ancestry, sex, age, veteran status, handicap, sexual orientation, or gender identity.

Equal employment opportunity, as defined by law and governmental regulations, requires affirmative steps to insure the full utilization of minorities and women in our work force. It is the intention of the City of Martinsburg to adhere to both the letter and spirit of these laws and regulations.

The term "Affirmative Action" can best be understood in relationship to "Equal Opportunity." Equal is the condition, and affirmative action is the means by which the condition is achieved.

As appointing Authority, I hereby direct that this policy be implemented in accordance with the City of Martinsburg's Equal Employment Opportunity Plan.

  
\_\_\_\_\_  
Signature

MAYOR  
Title

6/28/16  
Date

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**Step 2: Agency's Workforce**

Please see attached chart.

**Step 3: Community Labor Statistics (CLS)**

Please see attached chart.

**Step 4.a: Utilization Chart**

Please see attached chart.

## **Step 4b: Narrative Utilization Analysis**

The City of Martinsburg has compared the current levels of total minority and female employment, as set forth in the Utilization Chart. The term “underutilization” means that fewer women and minorities are employed in job groups than would be expected, given their availability (with the requisite skills to perform the job) in the relevant labor pools. As a general rule, a variance of greater than ten percentage points between the available female or minority group and the City’s workforce percentage will be viewed as an underutilization. As a result of this comparison, the City’s workforce by job category indicates no racial minority underutilization. However, females have been deemed to be underutilized in five of the eight job categories as follows:

Official/Administrators

Technicians

Protective Services – Sworn

Para-professional

Service/Maintenance

The three job categories wherein the City of Martinsburg is not underutilized for females is the Office/Clerical category, the Skilled Craft category, and the Protective Services-Not Sworn category.

The declaration of “underutilization” does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith of affirmative action efforts. Rather, “underutilization” is a technical targeting term used exclusively by affirmative action planners who seek to apply good faith efforts to increase the percentage utilization of minorities and women in the workforce. The Community Labor Statistics (CLS) indicates a need to establish corrective goals and objectives to address this underutilization of females in the aforementioned job categories.

The City of Martinsburg is comprised of three Police Civil Service Commissioners and three Fire Civil Service Commissioners, who establish the testing guidelines for hiring in all civil service positions in those departments. While the data indicates an underutilization, such underutilization is not so extreme that the City needs, nor is it permitted, to establish any type of “quotas.” As such, the Utilization Chart indicates the City needs to establish a collaborative effort with the Commissioners to overcome the underutilization issues identified.

## **Step 5: Objectives**

The objective of the City of Martinsburg’s Affirmative Action Program is to ensure that all applicants, and employees, receive equality of opportunity limited only by desire and ability. The objective calls for a work environment free of discrimination in employment because of race, color, religion, national origin, ancestry, gender, age, veteran status, disability, sexual orientation

gender identity. The City of Martinsburg is assuring the full realization of the stated objective through a continuous procedure of monitoring and reporting.

In addition, it is the policy of the City of Martinsburg that applicable local, state and federal laws and regulations, executive orders implementing national equal employment opportunity objectives shall be fully complied with, not only by meeting the letter of the law and contractual requirements, but by carrying out the full spirit of equal opportunity.

The City of Martinsburg further pledges itself to a program of affirmative action aimed at assuring true equality of employment and work environment without discrimination. As opportunities for transfers, advancement of promotion occur, including promotions into and within management, periodic reviews and analysis of personnel records will be conducted to ensure that all persons continue to receive equal consideration and that only valid requirements are imposed for these opportunities.

As the nature of our business grows more complex, the very best skills and talent will be required to meet the needs of the citizens. Therefore, the City's affirmative action efforts are designed to be the quickest possible and least disruptive paths to the objective of complete equality of opportunity for all individuals at every level of the City.

The City of Martinsburg is totally and irrevocably committed to a good faith effort to meet its goals so as to provide the opportunity for all applicant, and employees, to perform at full capacity in accordance with their qualifications and interests.

#### **Step 6: Steps to Achieve Objectives**

By applying the following procedures, the City of Martinsburg's objective is to increase representation by the identified underutilization:

1. The City of Martinsburg is actively seeking minorities and women for existing and future employment. In order to attract qualified minority and female applicants, the City of Martinsburg will use all major recruiting sources, minority and women's organizations, community agencies, concerned community leaders and specialized placement agencies.
2. The City of Martinsburg informs prime recruiting sources in writing at least annually of the EEO policy and maintains a file of sources notified and acknowledgments received.
3. The City's interview process will include the underutilized class, whenever possible.
4. The City of Martinsburg will promote non-traditional positions of both males and females.
5. Active recruiting programs will be carried out at job fairs conducted throughout the community.
6. Employment advertising is placed on an ongoing basis with news media having minority audiences.

7. All civil service testing vendors are reviewed by the City Manager or his/her designee to ensure compliance and acceptable EEO efforts. In addition, all civil service examinations are tested for biases by the vendor and must be validated.
8. The City Manager, Human Resources Director, or other designee will continue auditing employment practices and procedures at least annually to ensure compliance with the City's employment policies.
9. The City Manager, Human Resources Director, or other designee will meet with Department Heads individually at least annually to make certain the EEO policies are being followed.
10. The City Manager, Human Resources Director, or other designee will provide training at least annually to Supervisors, Department Heads and Managerial employees on EEO policies, processes, documentation, and employment requirements.
11. The City Manager, Human Resources Director, or other designee will continue to include a statement of "women and minorities are encouraged to apply" on all non-traditional job vacancies.
12. The City Manager is charged with the overall responsibility for the effective implementation and maintenance of the EEO/Affirmative Action Plan.
13. The Human Resources Director will have the responsibility for the day-to-day implementation of the EEO/Affirmative Action Plan as the EEO/Affirmative Action Officer.

#### **Step 7: Dissemination**

##### **Internal Policy Dissemination**

1. The City of Martinsburg's Equal Employment Opportunity Policy has been incorporated into all employee handbooks.
2. A copy of the Affirmative Action Program will be available in the Human Resources Director's Office.
3. Each Department Head will meet with the City Manager and/or the Human Resources Director, or other designee at least one time per year to discuss affirmative action compliance and plans.
4. Each Department Head, in conjunction with the City Manager and/or the Human Resources Director, or other designee and supervisory personnel, will conduct a staff meeting or seminar to introduce and explain Affirmative Action to his/her respective staff members.
5. The City of Martinsburg's Equal Employment Opportunity policy is posted in a conspicuous place in all buildings in which employees are located and/or each department head of the City.

## **External Dissemination**

1. All major recruiting sources, including minority and women's organizations, community agencies, community leaders, high schools, vocational and technical schools and colleges are informed in writing of the City of Martinsburg's Equal Employment Opportunity Policy.
2. Placement of advertisements for employment in the news media include media with minority audiences. When employees are featured in employment advertisements, both minority and non-minority men and women are pictured. All employment advertisements contain the phrase "An Equal Employment Opportunity Employer. Women and minorities are encouraged to apply."
3. The City's EEO Policy will be posted on the City's webpage.
4. During all interviews for employment, the City of Martinsburg will remind applicants that the City of Martinsburg is an Equal Opportunity Employer and will not discriminate against any applicant on the basis of race, color, religion, national origin, ancestry, gender, age, veteran status, disability, sexual orientation or gender identity.
5. Through its bidding process documentation, the City of Martinsburg will remind all bidding vendors, suppliers and contractors that the City is an Equal Opportunity Employer, and in turn, will require all bidding vendors, suppliers and contractors to confirm that they too are Equal Opportunity Employers.
6. The City of Martinsburg may have a Human Relations Committee to advise the City on equal opportunity and affirmative action issues.

## **HUMAN RELATIONS COMMITTEE**

The Human Relations Committee of the City of Martinsburg, West Virginia, is composed of at least 5 citizens who are appointed by the Mayor and City Council. These citizens are selected because they reflect the diversity of the population of the City, and because of their knowledge and expertise in the areas which may be the subject of equal opportunity and affirmative action.

The purpose of the Committee is to advise the City on equal opportunity and affirmative action issues and in matters relating to overall community relations. It will also monitor and review the implementation of the plan, and keep the Mayor, City Council, and City Officials advised on an on-going basis. It will provide an overall report to the City on at least an annual basis.