

# Office of Human Rights and Equity Programs

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LOB #88:

## **EQUAL OPPORTUNITY ENFORCEMENT - EQUITY PROGRAMS** **DIVISION**

### **Purpose**

The hallmark of every great organization is its capacity to attract and retain a diverse workforce. OHREP is committed to ensuring that the County's work environment is free from discrimination and dedicated to the principles of equity and diversity for all its employees.

### **Description**

#### **Education and Training**

OHREP provides County managers and employees with comprehensive EEO and diversity training. These trainings are mandatory and are designed to help managers and employees understand and prevent discrimination and harassment in the workplace by ensuring they know what is considered discrimination, how to report suspected discrimination, and that discrimination will not be tolerated. OHREP staff conduct the following live trainings:

- ADA Customer Service Workshop for Employees – this course is designed for frontline employees and focuses on the “Spirit of the ADA” and the County’s role and responsibility in providing good customer service to persons with disabilities.
- ADA Workshop for Managers and Supervisors – this two hour training course focuses on the “Spirit of the ADA” and the County’s role and responsibility related to the employment and the provision of services to persons with disabilities.
- Prevention of Sexual Harassment for Employees – this two hour workshop is designed to inform employees about the legal definition of sexual harassment and the responsibility of preventing and correcting this conduct.
- Prevention of Sexual Harassment for Managers and Supervisors – this two hour workshop is designed to inform managers about the legal definition of sexual harassment and management’s responsibilities in responding to complaints of sexual harassment.
- Overview of EEO laws and policies for Managers and Supervisors – this course focuses on managers’ and supervisors’ roles and responsibilities for identifying, eliminating and preventing discrimination in the workplace. The material outlines the federal laws and the County’s antidiscrimination policies.
- A Diversity Workshop – this two hour interactive workshop is designed to provide an overview of the principles and the definition of diversity. Participants also learn how a culturally diverse workforce affects everyone on a daily basis.

In 2015, and in collaboration with Human Resources’ Office of Development and Training, OHREP began offering online alternatives to its live mandatory trainings. This increased the number of County employees that received EEO and diversity training by 19 percent from 2,838 in FY2014 to 3,382 in FY 2015. OHREP continues to conduct live trainings for agencies seeking a more thorough understanding of EEO laws and principles. In FY 2015, OHREP conducted 55 live trainings for 1,311 County employees. OHREP also updates agency ADA and EEO representatives on any changes to antidiscrimination policies annually. Through comprehensive education and training, OHREP has been able to significantly reduce the number of non-sexual harassment complaints filed.

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## Narrative Reports and Statistical Analysis

OHREP analyzes EEO workforce distribution data to determine under representation and/or underutilization of diverse groups in the workforce. This includes identifying employment patterns, and uncovering problems/barriers that impede equal employment opportunities.

OHREP also maintains and provides ongoing assessment and evaluation of agency-specific diversity plans. The objective of diversity plans are to:

- Provide an analysis of the Department's workforce by race and gender for each of the eight EEO categories.
- Identify, analyze, develop, and implement goal setting target dates for action steps that will attempt to improve the equality and diversity of employment.

Goals include appropriate action steps addressing the underutilization of minorities and women, and the encouragement of workplace diversity.

The use of diversity plans have resulted in the recruitment and retaining of a workforce that more closely reflects the changing demographics of the customers served by the County.

Additionally, in accordance with reporting requirements under Title VII of the Civil Rights Act of 1964, OHREP reports to the EEOC biennially the County's employment totals, employees' job category and salary by sex and race/ethnic groups to indicate the composition of the County's work force by sex and by race/ethnic category.

## Investigations

OHREP conducts prompt, thorough, and impartial investigations of discrimination complaints filed by County employees, applicants and citizens. OHREP's anti-discrimination policies and complaint procedures identify the investigation process, including where to file the complaint, who will conduct the investigation, and who will make the decision for corrective action. OHREP investigative reports are written clearly and comprehensively, reflecting all of the evidence gathered and providing a basis for a determination. OHREP is aggressive in resolving EEO complaints; conducting an average of 25 EEO investigations, annually and closing nearly all of its investigations in less than 30 days.

## ADA-DOJ Compliance Efforts

OHREP leads the DOJ-ADA Compliance Team to support the County's efforts to improve access to all aspects of civic life for persons with disabilities. OHREP has effectively leveraged the ADA-DOJ Compliance Team's expertise and resources to make significant progress towards achieving full ADA compliance. The ADA-DOJ Compliance Team's many achievements include:

- Ensuring parking, routes into the building entrances, service areas and counters, restrooms, and drinking fountains accessible to individuals with disabilities.
- Implementing a comprehensive plan to improve the accessibility of the County's sidewalks and pedestrian crossings by installing accessible curb ramps throughout Fairfax County.
- Ensuring that the County's official website and other web-based services are accessible to individuals with disabilities.
- Ensuring equal, integrated access to emergency management for individuals with disabilities, including emergency preparedness, notification, evacuation, sheltering, response, clean up and recovery.
- Ensuring that County programs for victims of domestic violence and abuse are accessible to individuals with disabilities.

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- Providing accessible polling places, including curbside voting for seniors and individuals with disabilities pursuant to Virginia Code §24.2-649 and ensuring that individuals with disabilities also have the option of voting by absentee ballot pursuant to Virginia Code §24.2-700(4).
- Providing auxiliary aids and services to ensure effective communication with individuals who are blind, including publications in alternative formats (e.g. Braille, large print, audio formats).
- Providing auxiliary aids and services to ensure effective communication with individuals who are deaf or hard of hearing, including the use of sign language interpreters and/or assistive listening devices.

## Agency Guidance

- OHREP works closely with the Office of the County Attorney (OCA) and the Department of Human Resources (DHR) to provide agencies with leadership, guidance, and technical assistance on EEO workplace issues, including the County's policy and procedures for responding to reasonable accommodation requests from employees and applicants with disabilities to assure that agencies remain compliant with all EEO laws and the County's anti-discrimination policies.

## Grievances

OHREP works closely with DHR and OCA to timely respond to requests to grieve complaints before the Civil Service Commission.

## **Benefits**

An organization's success and competitiveness depends upon its ability to embrace diversity and realize the benefits. When organizations actively assess their handling of workplace EEO issues, and develop and implement diversity plans, multiple benefits are reported such as:

### Increased adaptability

Organizations employing a diverse workforce can supply a greater variety of solutions to problems in service, sourcing, and allocation of resources. Employees from diverse backgrounds bring individual talents and experiences in suggesting ideas that are flexible in adapting to fluctuating markets and customer demands.

### Broader service range

A diverse collection of skills and experiences (e.g. languages, cultural understanding) allows the County to identify, assess, and evaluate its customer's needs.

### Variety of viewpoints

A diverse workforce that feels comfortable communicating varying points of view provides a larger pool of ideas and experiences enabling the County to draw from that pool to meet its strategic needs and the needs of its customers more effectively.

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## More effective execution

Companies that encourage diversity in the workplace inspire all of their employees to perform to their highest ability. Company-wide strategies can then be executed; resulting in higher productivity, profit, and return on investment.

Additionally, preventing discrimination from occurring in the first place is preferable to remedying the consequences of discrimination. By addressing EEO issues before they happen or at the initial stages of a complaint, OHREP reduces litigation and court costs expended by the County to defend against civil actions. Moreover, failure to take strong action to address discrimination can reduce productivity when employees feel disheartened, resulting in a drop in morale, trust and confidence in employers. People with exceptional talents, skills, and abilities are not attracted to work at jobs where they may be subjected to discrimination.

## **Mandates**

### Fairfax County Policies and Procedures:

- Memorandum 39-01 Policy and Procedure of Sexual Harassment
- Memorandum 39-02 Policy and Procedure Relating to Pregnancy and Childbirth
- Memorandum 39-03 Policy and Procedure for Religious Accommodation in the Workplace
- Memorandum 39-04 Policy and Procedure for the Reasonable Accommodation Process in Employment
- Memorandum 39-05 Policy and Procedure for Reasonable Accommodation of Services and Devices
- Memorandum 39-06 Policy and Procedure on Harassment
- Memorandum 39-07 Equal Employment Opportunity Reporting Requirements

## **Trends and Challenges**

Taking full advantage of the benefits of diversity in the workplace is not without its challenges. Some of those challenges are:

- Communication - Perceptual, cultural and language barriers need to be overcome for diversity programs to succeed. Ineffective communication of key objectives results in confusion, lack of teamwork, and low morale.
- Resistance to change - There are always employees who will refuse to accept the fact that the social and cultural makeup of their workplace is changing. The “we’ve always done it this way” mentality silences new ideas and inhibits progress.
- Implementation of diversity in the workplace policies - This can be the overriding challenge to all diversity programs. Armed with the results of employee assessments and research data, they must build and implement a customized strategy to maximize the effects of diversity in the workplace for their particular organization.

Additionally, as Fairfax County continues to train employees, applicants, and citizens about their civil rights, it is anticipated that the number of complaints filed with OHREP will continue to increase. As a result, there will need to be a greater focus and allocation of resources towards resolving EEO issues including, requests for and issues surrounding ADA accommodations, including access to services, buildings, and public events.

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## Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
<b>LOB #88: Equal Opportunity Enforcement - Equity Programs Division</b>			
<b>FUNDING</b>			
<u>Expenditures:</u>			
Compensation	\$229,844	\$237,573	\$227,334
Operating Expenses	20,236	16,929	23,855
<b>Total Expenditures</b>	<b>\$250,080</b>	<b>\$254,502</b>	<b>\$251,189</b>
General Fund Revenue	\$0	\$0	\$0
Net Cost/(Savings) to General Fund	\$250,080	\$254,502	\$251,189
<b>POSITIONS</b>			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	3 / 3	3 / 3	3 / 3
<b>Total Positions</b>	<b>3 / 3</b>	<b>3 / 3</b>	<b>3 / 3</b>

## Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Employees trained	2,355	2,934	3,382	3,000	3,000
Training programs/sessions presented	94	96	61	20	20
Percentage satisfied with quality of training	N/A	98%	96%	85%	85%

### **LOB METRIC INDICATOR – EMPLOYEES TRAINED**

The number of employees trained increased from 2,934 (FY 2014 Actual) to 3,382 (FY 2015 Actual) in part because county employees now have easier access to take training classes online at their convenience.

### **LOB METRIC INDICATOR – TRAINING PROGRAMS/SESSION PRESENTED**

The number of training programs/sessions presented has decreased from 96 (FY 2014 Actual) to 61 (FY 2015 Actual). Online alternatives to the county’s live mandatory trainings were made available to county employees beginning on January 1, 2015. Consequently, many county employees opted to satisfy their mandatory training requirements by completing the online training. OHREP continues to provide agencies with live trainings when requested.

### **LOB METRIC INDICATOR – PERCENTAGE SATISFIED WITH QUALITY OF TRAINING**

The percentage of employees satisfied with the quality of training went from 98 percent (FY 2014 Actual) to 96 percent (FY 2015 Actual), but is still far above the targeted 85 percent level.