

POLICY 3.05

4-D I recommend the Board adopt the proposed revisions to Policy 3.05, entitled "Equal Employment Opportunity Policy."

The proposed policy revision in line 8, are brought at the request of the Florida Department of Education Equal Educational Opportunity 2000-2001 Monitoring Work Plan. For additional information on this plan, contact Dr. Maryann DuPont, Assistant Superintendent, 434-8963.

The proposed policy revisions in lines 57, 62-64, 74, 77-78, 81, 87, 97-98, 102, 108-114, were proposed by Board members at the Special Board Meeting on August 6, 2001.

The Board approved the policy for development on December 3, 2001.

The proposed policy revisions in lines 109-110, were proposed by Board members at the Special Board Meeting on January 14, 2002.

PROPOSED REVISIONS TO POLICY 3.05

EQUAL EMPLOYMENT OPPORTUNITY POLICY

1
2
3
4
5
6 A 1. It is the policy of The School Board of Palm Beach County to prohibit discrimination
7 ~~of-on~~ the basis of religion, race, ethnicity, national origin, color, sex, marital status,
8 age, parental status or disability in all employment practices of the ~~D~~ D district. Such
9 employment practices include, but are not limited to, the recruitment, hiring,
10 compensation, assignment, training, promotion, demotion, discipline or dismissal of
11 employees.

12
13 B 2. The B board is committed to the principle of fostering diversity in order to enrich the
14 educational experiences of all students through exposure to adults from many
15 backgrounds, thereby providing educational settings that promote an understanding of
16 diversity and contribute to the quality exchange of ideas inherent in the educational
17 setting. The B board is also committed to remediating any significant under-
18 representation on the basis of a particular race, ethnicity, national origin or sex, within
19 appropriate ~~D~~ D district job categories, if it exists and where there have been past
20 employment practices that adversely affected current opportunities of individuals based
21 on race, ethnicity, national origin or sex.

22
23 C 3. To assist the B board in monitoring implementation of this ~~P~~ P policy, the S
24 superintendent, ~~or~~ designee, shall maintain records and shall submit to the B board an
25 annual report. The report shall provide the following information:

26
27 1 a. The composition of the entire workforce, in accordance with U.S. Equal
28 Employment Opportunity Commission ("EEOC") Guidelines found in 29 Code
29 of Federal Regulations ("CFR") 1607

30
31 2 b. The composition of the entire workforce, broken down by job category, in
32 accordance with EEOC Guidelines.

33
34 3 c. The composition of the workforce of each school and department, in
35 accordance with EEOC Guidelines.

36
37 4 d. The composition of the workforce of each school and department, broken down
38 by job category, in accordance with EEOC Guidelines.
39

40 5 e. The composition of the eligible applicant pool, where such pools exist, for each
41 job category and job position, in accordance with EEOC Guidelines.

42
43 6 f. The composition of the group of hired applicants as a whole and for each job
44 category and job position, in accordance with EEOC Guidelines.

45
46 7 g. The composition of the group of employees, who were promoted, in
47 accordance with EEOC Guidelines.

48
49 D 4. For the purpose of this policy, the EEOC Guidelines as specified in 29 CFR 1607.4(B)
50 referred to herein require employers to maintain records by sex; and by the following
51 races and ethnic groups:

52
53 1 a. American Indians (including Alaskan natives);

54
55 2 b. Asians (including Pacific Islanders);

56
57 3 c. Blacks (Negroes, African Americans);

58
59 4 d. Hispanic (including persons of Mexican, Puerto Rican, Cuban, Central or South
60 American or other Spanish-origin or culture regardless of race); and

61
62 5 e. Whites (Caucasians other than Hispanics); and

63
64 f. Blacks (Haitian Americans)

65
66 E 5. Upon receipt of the above data, the B board may authorize an outside consultant to
67 conduct a disparity study to determine if there is any statistically significant under-
68 representation in specific job categories on the basis of race, ethnicity, national origin
69 or sex and that may suggest that employment practices adversely affect the current
70 employment opportunities of these individuals and, further, to identify any job
71 opportunity barriers that may exist. Based on this study, the S superintendent shall
72 develop any strategies necessary for improving D district performance.

73
74 6. Grievance Procedure for Filing Complaints of Discrimination as Defined in Section 1

75
76 a. Supervisors and managers are responsible for assuring that no employee is
77 subjected to conduct that constitutes discrimination as defined in Section 1
78 herein.

79

80 b. Any employee, who believes that he/she has been the subject of discrimination
81 as defined in Section 1 herein by anyone at the district or by anyone who does
82 business with the district, should, and is encouraged to, bring the matter to the
83 attention of his/her supervisor or to the superintendent's designee for equal
84 employment opportunity pursuant to procedures outlined in Policy 3.31.

85
86 c. Any employee who is aware of behavior toward another employee which they
87 feel may constitute discrimination as defined in Section 1 herein shall also
88 report the matter to their supervisor or the superintendent's designee for equal
89 employment opportunity, 3300 Forest Hill Blvd., West Palm Beach, FL 33406.

90
91 d. If warranted, a prompt and thorough investigation of the alleged discrimination
92 will be conducted and appropriate corrective action will be taken. Complaints
93 of discrimination will be treated as confidential throughout the investigation.
94 Once the investigation is completed, confidentiality shall be determined by the
95 applicable state and federal laws.

96
97 e. Any individual found to have engaged in discrimination as defined in Section
98 1 herein will be disciplined up to and including termination.

99
100 f. The district will not retaliate against an employee, potential employee, or
101 former employee who, in good faith, makes a complaint or report of
102 discrimination as defined in Section 1 herein or participates in the investigation
103 of such a complaint or report. Retaliation against any individual for good faith
104 reporting of a claim of harassment or cooperating in the investigation will not
105 be tolerated and will itself be subject to appropriate discipline. Incidents of
106 retaliation shall be reported in the manner discussed above.

107
108 g. All employees must file the grievance pursuant to the procedure in Section 6
109 of this policy. The exception is the superintendent, internal auditor or chief
110 counsel to the school board, who must file the grievance/complaint with the
111 board chair.

112
113
114 STATUTORY AUTHORITY: §§ 230.23(17); 230.23005, Fla. Stat.
115

116 LAWS IMPLEMENTED: Age Discrimination in Employment, 29 U.S.C. § 621, et.
117 seq.; Americans with Disabilities Act, 42 U.S.C. § 12101
118 et. seq.; Title VII, 42 U.S.C. § 2000e et. seq.; § 230.23(5),
119 Florida Civil Rights Act § 760.02, et. seq. Fla. Stat.

120 HISTORY: 3/3/76; 8/17/77; 6/16/82; 1/8/86; 9/22/99; 1 / 02

Legal signoff

29 CFR1607.4 (page 1)

29CFR1607.4 (page 2)

Aronson memo dated 08/10/2001

Aronson memo (page 2)

proof of policy withdrawal

Proof of policy development

Proof of adoption notice

Estimated cost form