

**ORDINANCE NO. 5394**

**AN ORDINANCE** of the City Council of the City of Bremerton, Washington, amending Chapter 2.28 of the Bremerton Municipal Code entitled “Equal Employment Opportunity Program”.

WHEREAS, the City Council desires to amend Chapter 2.28 of the Bremerton Municipal Code entitled "Equal Employment Opportunity Program" to update provisions of the chapter; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 2.28 of the Bremerton Municipal Code entitled "Equal Employment Opportunity Program" is hereby amended to read as follows:

**Chapter 2.28  
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

**2.28.010 EQUAL EMPLOYMENT OPPORTUNITY POLICY.**

(a) The Mayor, through City department heads, shall recruit, hire, upgrade, train, and promote in all position classifications, without regard to race, color, sex, age (40+), religion, marital status, national origin, sexual orientation/gender identity, political affiliation, military status, or the presence of any physical, mental or sensory disability, except where age and sex are essential bona fide occupational requirements, or where handicap is a bona fide occupational disqualification.

(b) All department heads shall ensure that all personnel actions are administered without regard to race, color, sex, age (40+), religion, marital status, national origin, sexual orientation/gender identity, political affiliation, military status, or the presence of any physical, mental or sensory disability except where age and sex are essential bona fide occupational requirements, or where handicap is a bona fide occupational disqualification.

(c) All department heads shall base employment decisions on the principles of Equal Employment Opportunity (EEO).

**2.28.020 EQUAL EMPLOYMENT OPPORTUNITY OFFICERS.**

(a) The Mayor shall appoint two City-wide EEO Officers as follows:

(1) One EEO Officer would oversee compliance with Title VI of the Civil Rights Act. Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance/grants/loans. This EEO Officer would also be responsible for processing complaints related to Title VI.

(2) The second EEO Officer would oversee compliance with Title VII of the Civil Rights Act. Title VII protects employees and applicants from discrimination based on race,

color, and national origin or religion. This EEO Officer would also be responsible for processing complaints related to Title VII.

(b) The Mayor will ensure the EEO Officers are properly trained and qualified. The EEO Officers will implement and coordinate compliance with the EEO Policy. Funds to support administrative training and costs will be placed in the General Miscellaneous section of the City's annual budget. The EEO Officers' responsibilities shall include:

(1) Monitoring the effectiveness of the Policy and making an annual report to the Mayor. The Mayor will make an annual report to the Council on Policy implementation.

(2) Determining and establishing goals and a realistic schedule for attainment.

(3) Establishing and maintaining a dialogue with minority and women's organizations to promote a viable recruitment program both within and external to the City area to achieve program goals.

(4) Work actively with department heads to achieve a climate of understanding and involvement toward employment of underrepresented groups.

(5) Work with the Civil Service Commission and Human Resources Manager in the dissemination of information and requirements of equal employment opportunity.

(6) Ensure that contractors and potential bidders comply with federal and state policy regulations where the City enters into contracts requiring compliance with state and federal law.

(7) Assure program understanding, support, and compliance. Training programs for supervisors and department heads will be scheduled and accomplished to ensure proper compliance with established rules, statutes, and regulations.

(8) The Title VI EEO Officer will be responsible for completing and submitting the Nondiscrimination Agreement to the Washington State Department of Transportation and any other documents required by Title VI.

(9) The Title VII EEO Officer will be responsible for completing and submitting the required EEO – 4 Report to the EEO Commission and any other documents required by Title VII.

#### **2.28.030 EQUAL EMPLOYMENT OPPORTUNITY COMMITTEE.**

(a) The Mayor will establish an EEO Committee with representatives from each of the following areas:

(1) Fire Department.

(2) Police Department.

(3) Department of Financial Services.

(4) Department of Community Development.

(5) Parks and Recreation Department.

(6) Office of the City Attorney.

(7) Bremerton Municipal Court.

(8) Department of Public Works and Utilities.

The representatives listed above shall be appointed by the department head. For the court, the appointment shall be made by the municipal court judge. The Mayor will establish procedures to ensure the EEO Committee contains the widest possible minority representation.

Representatives shall serve for a period of one (1) year. Appointments shall be made immediately following the effective date of this section and annually thereafter.

(b) The EEO Committee will assist the EEO Officers with EEO policy compliance and complaint resolution.

#### **2.28.040 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE.**

It is the intent of the City, and the purpose of this policy, to resolve all discrimination complaints fairly and expeditiously. To achieve this objective, an employee may, but is not required to, utilize the following procedure:

(a) Informal Review:

(1) Any employee who believes he or she has encountered discrimination may attempt to resolve the matter by meeting and discussing the problem(s) with their supervisor or the appropriate EEO Officer as soon as possible.

(2) Every effort will be made to resolve the matter internally within twenty (20) working days. Toward this end, the EEO Officer, if requested by the employee, will assist in the discussion of the problem with the employee's supervisor or department head, or any other party to the problem, and will take other appropriate steps which may assist in resolving the dispute.

(3) All complaints will be treated in the strictest confidence, except as necessary to investigate the allegations.

(4) The EEO Officer will have access to all appropriate documents and information necessary to provide the EEO Officer a basis for recommending action.

(5) If the EEO Officer is unable to resolve the complaint through conciliation, complainant may file a formal complaint with the Equal Employment Opportunity Commission.

(b) General Provisions, Reports and Record Maintenance:

(1) All steps will be taken to guarantee that the complainant is free from restraint, interference, coercion, retaliation or reprisal which may occur as a result of the employee exercising his/her rights as provided by this policy.

(2) In the event the complainant withdraws the complaint, the EEO Officer may pursue an independent investigation with or without the consent of the complainant, provided good cause exists to pursue the matter.

(3) All reports, correspondence, supportive information, and statements shall be maintained in a separate file classified as "Confidential".

(4) Access to confidential files will be limited to only the complainant and his/her representative, the Mayor, the EEO Officer, Human Resources and City Attorney staff, and any other party to the complaint, provided the complainant agrees and there exists valid reasons to furnish the information.

**SECTION 2. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener, clerical, typographical, and spelling errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**SECTION 3. Severability.** If any one or more sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the

validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 4.** *Effective Date.* This ordinance shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law. (Ord. 5394 §1 (part), 2020: Ord. 4165 §1, 1988. Formerly 2.28.050)