



AFFIRMATIVE ACTION PLAN

County of Cumberland
164 W. Broad Street
Bridgeton, NJ 08302

February 28, 2023
Supersedes plan dated March 1, 2020

INTRODUCTION

The term “Affirmative Action” was coined in Presidential Executive Order No. 11246, signed by President Lyndon B. Johnson on September 28, 1964. This Order prohibited discrimination in federal government employment.

In that same spirit, it is the declaration of the Cumberland County Board of County Commissioners, the County Administrator, all Department Heads, Elected Officers, and Appointed Officers of Cumberland County government that there shall be Equal Employment Opportunity in all areas of recruitment, selection, hiring, training, promotion, transfer, work environment, layoff, return from layoff, compensation, and fringe benefits in accordance with N.J.A.C. 4A:7-1.1. To that end, there shall be equal employment opportunity for all applicants and employees of the County of Cumberland, regardless of race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), affectional or sexual orientation, gender identity or expression, age, marital status, civil union status, domestic partnership status, familial status, religion, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability, except where a particular qualification is specifically permitted and is essential to successful job performance.

It is the policy of Cumberland County Government to provide equal opportunity to all applicants for employment and to administer all Human Resource policies and practices in a manner which does not discriminate on the basis of race, religion, creed, color, national origin, ancestry, age, marital status, sexual orientation, or sex of any individual, Vietnam-era veterans, service in the Armed Forces of the United States, disability, or any other recognized protected classification. Any employee who believes this policy has been violated should report such violation in the manner outlined in this Affirmative Action Plan. Retaliation for filing such a

complaint or participating in a resulting investigation will be prohibited. Cumberland County Government employs personnel exclusively on the basis of organizational needs, budget appropriation and the applicant's qualifications and Civil Service requirements. This policy applies to all phases of employment including: recruitment, hiring, placement, and promotion. Additional Equal Employment Opportunity information is in Policy 1.01, which is included herein for reference.

This Plan hereby incorporates existing and applicable laws and County policies regarding equal employment and shall be effective February 28, 2023. It shall supersede, in whole or in part, all previously adopted Affirmative Action plans adopted by the County of Cumberland. It will be regularly reviewed, updated and/or supplemented by the Affirmative Action Officer, as the law in this area develop and as organizational needs require.

CUMBERLAND COUNTY OFFICIALS

Board of County Commissioners

Douglas A. Albrecht	Commissioner Director
Antonio Romero	Deputy Commissioner Director
John Capizola, Jr.	Commissioner
Victoria Groetsch-Lods	Commissioner
Carol Musso	Commissioner
Donna Pearson	Commissioner
Joseph Sileo	Commissioner

Administration

Harold U. Johnson	County Administrator
Luz Vasquez	Deputy County Administrator

Affirmative Action Officer

Paige Desiere	Personnel Director
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EQUAL EMPLOYMENT POLICY STATEMENT

It is the policy of the County of Cumberland not to discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, age, sex, or marital status. In fulfillment of this policy, affirmative action shall be taken to ensure that applicants and employees are treated equally and without regard to any protected class, including but not limited to race, religion, color, national origin, ancestry, age, disability, sex, sexual orientation, marital status or military service. Such affirmative action shall include, but not necessarily be limited to the application of equal opportunity without discrimination in recruiting, hiring, assigning, training, transferring, establishing seniority, compensating, providing benefits, promoting and implementing educational and social programs.

Consistent with applicable Civil Service requirements, only ability, performance and job fitness shall be considered, in consonance with sound management practices, in evaluating employment. Considerations based on any protected class are specifically excluded from the evaluation of employment.

In order to ensure the consistency and propriety of the affirmative action plan of the County of Cumberland, the position of the County Affirmative Action Officer will be responsible for implementing the County of Cumberland Equal Employment Opportunity Policy through the development, implementation, administration and coordination of the County Affirmative Action plan, including training employees and supervisors regarding the relevant laws and County policies against discrimination.

It is the responsibility of every supervisor employed by the County to ensure the affirmative implementations of this policy and the responsibility of each employee to adhere to this policy.

Failure of an employee to perform in a manner consistent with this policy may constitute grounds for discipline including reprimand, suspensions, demotion or dismissal. In the event disciplinary action is necessary, the procedural action taken will be in accordance with the appropriate Civil Service regulations, where applicable.

The County of Cumberland, New Jersey

Douglas A. Albrecht
Director
Board of County Commissioners

AFFIRMATIVE ACTION OUTLINE

The Cumberland County Board of County Commissioners and the County Administrator shall:

1. ***Appoint an Affirmative Action Officer:***
 - a. In accordance with County Personnel Policy 1.01, Section III (D).

2. ***Establish Guidelines for Affirmative Action Plan Implementation in the Following Areas:***
 - a. Employment, including:
 - i. Recruitment.
 - ii. Selection.
 - iii. Hiring.
 - iv. Training.
 - v. Promotion.
 - vi. Transfer.
 - vii. Layoff.
 - viii. Return from Layoff.
 - ix. Compensation; and
 - x. Fringe Benefits.

 - b. Operations, including:
 - i. Education and Training Programs.
 - ii. Work Environment and Conditions.
 - iii. Program Development and Execution.
 - iv. Data Collection and Reporting; and
 - v. Promulgation of Affirmative Action Goals.

 - c. External Relationships, including:
 - i. Non-Discrimination Clauses on purchase orders.
 - ii. Non-Discrimination Compliance by vendors and contractors.
 - iii. Non-Discrimination in professional organization membership; and
 - iv. Non-Discrimination in County sponsored programs.

3. Distribution of federal, state and local non-discrimination policies and procedures via:
 - a. Conspicuous public postings as required by law.
 - b. County Employee handbook.
 - c. Harassment and Discrimination Training for employees and supervisors.
 - d. Intranet postings; and
 - e. EEO Statement on job postings.

Laws Prohibiting Discrimination

Federal Laws

Title VII of the Civil Rights Act of 1964: Title VII prohibits employment discrimination based upon an individual's race, color, sex religion or national origin.

Pregnancy Discrimination Act (PDA): The PDA is an amendment to Title VII of the Civil Rights Act of 1964. It prohibits discrimination based upon pregnancy, childbirth, or related medical conditions. This Act requires women who are pregnant, or affected by related conditions, be treated in the same manner as other applicants or employees with similar abilities or limitations.

The Age Discrimination in Employment Act of 1967 (ADEA): The ADEA prohibits employment discrimination against qualified individuals with disabilities.

Title I and Title V of the Americans with Disabilities Act (ADA): The ADA prohibits employment discrimination against qualified individuals with disabilities.

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing all of the federal laws listed above.

State Laws

New Jersey Civil Union Act: Effective February 19, 2007, the law provides for the legal recognition of a civil union established by two eligible individuals of the same sex. Parties to a civil union are entitled to the same benefits and protections, and are subject to the same responsibilities as spouses in a legal marriage.

New Jersey Law Against Discrimination (LAD): The LAD prohibits unlawful employment discrimination based on an individual's race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), familial status, marital/civil union status, religion, domestic partnership status, affectional or sexual orientation, gender identity and expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability (including perceived disability, and AIDS or HIV status).

New Jersey Conscientious Employee Protection Act: The CEIPA prohibits employers from taking adverse employment actions against employees who disclose, object to or refuse to participate in certain actions that the employee reasonably believes to be either illegal or in violation of public policy.

New Jersey Domestic Partnership Act: This law went into effect on July 10, 2004. It protects same sex couples who have entered into domestic partnerships and heterosexual couples over the age of 62 under the New Jersey Law Against Discrimination. It also affords those covered with various tax, health, pension and retirement benefits.

New Jersey Equal Pay Act: The NJEPA prohibits employers from discriminating against employees with respect to the rate or method of pay on the basis of the employees' sex.

New Jersey Smoking Law: This law provides that employers may not refuse to hire or otherwise discriminate against employees or job applicants because they do or do not smoke, unless the action is related to the requirements of the job.

**APPLICATION OF PLAN TO BUSINESSES AND VENDORS OF THE
COUNTY OF CUMBERLAND**

The County affirms and extends its strict policy of non-discrimination on the basis of the characteristics defined in Title VII and the New Jersey Law Against Discrimination in the provision of all goods, services and employment afforded to the public by institutions within its jurisdictional control.

The County strictly prohibits discriminatory practices by officers, agents or employees of the County, against the general public, vendors, and contractors. The County strictly prohibits discriminatory practices by the general public, vendors, or contractors as against officers, agents or employees of the County.

The County further prohibits any discrimination pursuant to applicable state and federal public contracting laws.

EMPLOYEE RESPONSIBILITIES

Cumberland County Government is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual and other unlawful harassment. It is Cumberland County Government's firm policy that all employees are responsible for ensuring that the workplace is free from all forms of harassment, including sexual harassment. Harassment in the workplace is a form of discrimination which violates Title VII of the Civil Rights Act of 1964. Harassment in any form, including sexual, will not be tolerated. The New Jersey State Law prohibiting discrimination in the workplace provides additional information and definitions related to workplace harassment.

Harassment is any verbal or physical conduct related to an individual's race, color, creed, ancestry, religion, sex, age, national origin, marital status, familial status, sexual orientation, veteran's status or disability, source of lawful income used for rental or mortgage payments, or any other classification protected by federal, state, or local law which interferes with or adversely affects an individual's work performance or creates and intimidating, hostile, or offensive work environment.

All employees must avoid any action or conduct which could be viewed as harassment, including unwelcome advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. This includes sexual flirtations, propositions, and the display of sexually graphic pictures or objects, unnecessary touching, including patting, pinching, repeated brushing against another person's body, unwelcome sexually oriented "kidding" or "teasing" or sexually oriented practical jokes, suggestive or obscene written comments in notes, letters, invitations, e-mail or other electronic media, offensive visual contact such as staring, leering, gestures, or inappropriate or suggestive comments about another person's physical appearance or dress. This includes actions occurring during non-business hours.

Although sexual harassment may be perceived as involving a male supervisor and a female subordinate, it can come from a person of either sex against a person of the opposite or same sex and from peers as well as supervisors and visitors to the workplace. Sexual harassment is that conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment or where the submission to or rejection of such conduct is used as the basis for employment decisions affecting such individuals.

In addition to prohibiting sexual harassment, the County prohibits the harassment or intimidation of an individual based on his or her race, creed, color, religion, national origin, ancestry, marital status, sexual orientation, familial status, sex, age, disability, veteran status, gender identity or expression, source of lawful income used for rental or mortgage payments or any other classification protected by federal, state, or local law. Harassment can be written, verbal, or physical conduct – including, but not limited to slurs, remarks, epithets, jokes, intimidating or hostile acts based on an employee's protected class, when such conduct has the purpose or effect of: 1) Substantially interfering with an individual's work performance, or creating and intimidating, hostile, or offensive work environment; 2) Otherwise adversely affecting an individual's employment opportunities, or; 3) Unreasonably interfering with an individual's work

performance. Such behavior is unacceptable in the workplace and anywhere work is conducted, including, but not limited to, business trips, conferences, work-related travel and business related social events. It includes contacts over the telephone, voice mail, regular mail, facsimile machine or any other electronic communication device.

Any employee who feels that they have been the object of sexual harassment or other unlawful harassment or discrimination by anyone, including supervisors, co-workers, or visitors must immediately bring the problem to the attention of their Department Head, Deputy County Administrator, or the Director of Personnel and Human Resources. If the complaint involves someone in the employee's direct line of command, or if the employee feels uncomfortable in doing so, the employee must report the problem to the County Administrator and or County Counsel.

No employee is required to directly confront the person(s) who is (are) the source of the harassment before notifying any of the above individuals. No management or other employees may retaliate or discriminate against any employee for filing a complaint. Any employee acting in this manner will be subject to discipline, up to and including, discharge from employment.

All complaints will be taken seriously and promptly investigated. Where an investigation confirms the allegation of sexual harassment or other unlawful harassment or discrimination, the County will act promptly to eliminate the offending conduct and disciplinary action based on the severity of the findings will be taken, up to and including immediate termination of employment. Cumberland County has adopted a zero tolerance policy concerning this conduct.

To the fullest extent possible, the privacy of all parties involved will be respected. However, the individual accused of sexual harassment or other unlawful harassment or discrimination may be informed, under certain circumstances, who is making the accusation so that the accused can respond to the allegations. Retaliations or reprisals against anyone for bringing a complaint of sexual harassment or other unlawful harassment or discrimination in good faith, or participating in the investigation of such a complaint, are strictly prohibited.

SUPERVISOR RESPONSIBILITIES

Supervisors shall make every effort to maintain a work environment that is free from any form of unlawful harassment or discrimination. Supervisors shall immediately refer allegations of unlawful harassment or discrimination to the County's Affirmative Action Officer, or any other individual designated by the County to receive complaints of workplace discrimination/harassment. A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination of employment. A supervisor is defined broadly to include any manager or other individual who has authority to control the work environment of any other staff member.

DISSEMINATION

The County shall maintain this policy on the County Intranet site. It shall be distributed to all newly hired employees. The policy, or summarized notice of it, shall also be posted in conspicuous

locations throughout the County buildings and grounds (that is, on bulletin boards or on the County's intranet site). The County shall distribute the policy to vendors/contractors with whom the County has a direct relationship.

Internal Dissemination

The Affirmative Action Policy of the County of Cumberland shall be disseminated internally by the following methods:

1. The Commissioner Director, County Administrator/Deputy, EEO Officer and the Department/Division heads shall, through written communication, reaffirm the commitment of the County in fostering a pro-active equal employment opportunity environment.
2. An EEO poster and the policy statements shall be posted on a digital poster monitor, bulletin boards, near time clocks, or employees' cafeteria and snack bars, and in the County Personnel Office.
3. The EEO policy shall be included in employee handbooks, reports, manuals and union contracts.
4. Part of the County Policies and Procedures and on the County Intranet.

External Dissemination

The Administration and the Equal Employment Opportunity Officer shall conduct external dissemination of the EEO Policy for the County of Cumberland. The sources include, but are not limited to:

1. All advertisements for personnel should include a statement that the County of Cumberland is an "EEO Employer"
2. Recruitment Sources, including job/career fairs, minority, disabled;
3. Public facilities.
4. Meeting periodically with groups and organizations representing disabled persons, women and other employees for the purpose of addressing Equal Employment Opportunity policies, programs and issues that concern diversity in the workplace;
5. EEO Policy statements shall be included on all recruitment literature.
6. Part of the County Policies and Procedures and on the County webpage.

COMPLAINT PROCESS

The County Affirmative Action Officer is responsible for designating an individual or individuals to receive complaints of discrimination/harassment, investigating such complaints, and recommending appropriate remediation of such complaints. All investigations of discrimination/harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. The investigations shall be conducted in a prompt, thorough and impartial manner. The results of the investigation shall be forwarded to the Affirmative Action Officer to make a final decision as to whether a violation of the policy has been substantiated. Where a violation of this policy is found to have occurred, the County shall take prompt and appropriate remedial action to stop the behavior and deter its reoccurrence. The County shall also

have the authority to take prompt and appropriate remedial action, such as moving two employees apart, before a final determination has been made regarding whether a violation of this policy has occurred. The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment. The County shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate.

Any employee can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with external agencies indicated below are provided for information purposes only. An employee should contact the specific agency to obtain exact time frames. The deadlines run from the last date of unlawful harassment or discrimination, not from the date that the internal workplace discrimination/harassment complaint to the employer is resolved. Employees may file complaints with the agencies listed below:

Division on Civil Rights N. J. Department of Law & Public Safety 180 days for violation of State law
South Shore Regional Office (609)441-3100 (609)441-7648 (TTY) Southern Regional Office (856)486-4080 (973)648-4678 (TTY)
United States Equal Employment Opportunity Commission (EEOC) 300 days
Philadelphia District Office The Bourse Building, Suite 400 21 S. Fifth Street Philadelphia, PA 191062515 (215) 444-2600

PROHIBITION AGAINST RETALIATION

Retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, provides information during an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation. Following are examples of prohibited actions taken against an employee because the employee has engaged in activity protected by this subsection:

- Termination of an employee.
- Failing to promote an employee.

- Altering an employee's work assignment for reasons other than legitimate business reasons.
- Imposing or threatening to impose disciplinary action on an employee for reasons other than legitimate business reasons; or
- Ostracizing an employee (for example, excluding an employee from an activity or privilege offered or provided to all other employees).

FALSE ACCUSATIONS AND INFORMATION

An employee who knowingly makes a false accusation of prohibited discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, may be subjected to administrative and/or disciplinary action, up to and including termination of employment. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.

CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment.

ADMINISTRATIVE AND/OR DISCIPLINARY ACTION

Any employee found to have violated any portion or portions of this policy may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

TRAINING

The County shall provide all new employees with training on the policy and procedures set forth in this section within a reasonable period of time after each new employee's appointment date. Refresher training shall be provided to all employees, including supervisors, within a reasonable period of time. The County shall also provide supervisors with training on a regular basis regarding their obligations and duties under the policy and regarding procedures set forth in this section.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of Cumberland County Government to provide equal opportunity to all applicants for employment and to administer all Human Resource policies and practices in a manner which does not discriminate on the basis of race, religion, creed, color, national origin, ancestry, age, marital status, sexual orientation, or sex of any individual, Vietnam-era veterans, service in the Armed Forces of the United States, disability, or any other recognized protected classification. Any employee who believes this policy has been violated should report such violation to the Director of Personnel and Human Resources. Retaliation for filing such a complaint or participating in a resulting investigation will be prohibited. Cumberland County Government employs personnel exclusively on the basis of organizational needs, budget appropriation and the applicant's qualifications and Civil Service requirements. This policy applies to all phases of employment including: recruitment, hiring, placement, and promotion. Additional Equal Employment Opportunity information is in Policy 1.01.

REASONABLE ACCOMMODATIONS

Subject to being able to perform the essential tasks and functions of your position, certain employees of Cumberland County Government with specific needs are eligible for reasonable accommodations to maintain their employment. The American with Disabilities Act (ADA) covers all employees. It requires an interactive process to determine a person to be disabled and what accommodations may be considered. Persons with disabilities shall include any person who has a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological, or developmental disability resulting from anatomical, psychological, physiological, or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection. The NJ Pregnant Worker's Fairness Act (PWFA) protects pregnant women and requires that employers treat them the same as other employees with medical conditions. The Fair Labor Standards Act (FLSA) requires employers to provide reasonable break time for an employee to express breast milk for their nursing child for one year after the child's birth each time such employee has need to express the milk. If you believe that you have a disability that may be reasonably accommodated, please disclose to the Cumberland County ADA Coordinator. Unpaid leaves of absence may qualify as a reasonable accommodation.

VIOLENCE IN THE WORKPLACE

Violence or the threat of violence will not be tolerated in any Cumberland County work location and will subject employees/offenders to disciplinary action, including termination of employment. Cumberland County Government shall work with law enforcement to aid in the prosecution of anyone outside the organization who commits violent acts against employees. No

employee acting in good faith, who reports real or implied violent behavior will be subject to retaliation or harassment based upon their report. County Government is committed to providing a coordinated and rapid response to such incidents. Please reference the Cumberland County Violence in the Workplace Policy (Policy 4.20) when faced with a violent situation.