

PROCEDURE

Series: **HR-Practices** **COA: HR 5.01; RPM 2.01**
CFOP:

Procedure Name: Legal and Fair Employment Practices

Procedure Number: HR 2220

Revision #/Date: (2) 03/07 (3) 08/11/2014, (4) 7/3/19

Reviewed Date: 1/18/2013, 12/1/2015

Effective Date: 9/04

Applicable to: All Brevard Family Partnership Family of Agencies (BFP FOA) Staff, Applicants, Independent Contractors, Volunteers, Interns and Temporary Employees

PURPOSE: To ensure a workplace that is free from all illegal acts and discrimination in employment. To create a positive and compliant work environment to further the reputation of the agency, to comply with the governing laws and to create a positive and productive workplace for staff.

References: HR 2201 EEO, HR 2202 ADA, HR 2303 Anti-Harassment

Definitions:

PROCEDURE:

The BFP FOA fully complies with all federal, state, regulatory and statues impacting applicants, clients and employees as well as independent contractors, volunteers, interns and temporary staff. The agency is committed to ensuring legal compliance. To that end, specific policies and procedures exist to ensure understanding and the agency's commitment to uphold the highest standards of compliance with these laws including but not limited to:

Equal Opportunity Employer Policy -Title VI and VII of Civil Rights Act of 1964
Americans With Disabilities Policy – Section 503 of the Rehabilitation Act of 1973
Anti-Harassment Policy
Family & Medical Leave Act -Employee Handbook
Consolidated Omnibus Budget Reconciliation Act -COBRA
Executive Order 12246
Civil Rights Act of 1991
Occupational Health & Safety Act (OSHA)
Fair Labor Standards Act- Employee Handbook
Equal Pay Act – Employee Handbook
Age Discrimination in Employment Act of 1967

Guidelines

The BFP FOA prohibits any and all discrimination against a qualified individual with a disability. This includes, but is not limited to, discrimination with respect to hiring, assignment, transfer, promotion, discharge, compensation, benefits, training, and all other terms and conditions of employment.

1. Definitions of Terms used in this section:
 - (a) Disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual;
 - (b) A disabled individual is a person who has such impairment, has a record of such impairment, or is regarded as having such an impairment;
 - (c) A qualified person with a disability means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or has applied for.
2. The BFP FOA prohibits any discrimination against an employee because the employee has a family member with a disability.
3. The BFP FOA seeks reasonable accommodation for qualified individuals with disabilities that do not result in undue hardship on its business operations. Examples of some of the factors to be considered in determining whether a proposed accommodation creates an undue hardship are:
 - The nature and cost of the accommodation;
 - The overall financial resources of the facility and the agency at which the reasonable accommodation is necessary;
 - The number of persons employed at that facility;
 - The overall financial resources of the agency. Other factors can have bearing on whether an accommodation would create an undue hardship.
4. The Chief Executive Officer, Executive Director, and appropriate executive level staff along with the Human Resources Manager will make the determination of whether an accommodation creates an undue hardship.
5. Every job description is determined by its essential job functions. Each year, the Human Resources Manager and the Division Directors review job descriptions to ensure that essential functions of a position are kept up to date.
6. All employees shall always comply with safety rules. The BFP FOA makes every effort to place applicants and employees in positions for which they are qualified. However, employees and job applicants are not placed in positions where, with or without a reasonable accommodation, they would create a direct threat to the safety or health of themselves or others. The determination that an individual poses a direct safety or health threat must be confirmed by an opinion in writing from a physician or other appropriate professional.
7. Any applicant or employee who believes that there has been a violation of the agency procedure or any applicable law relating to Section 504 of the Rehabilitative Act of 1973 and/or the Americans with Disabilities Act of 1990 or other federal and state laws should immediately contact the Human Resources Manager who serves as the EEO Officer for the company. The report may be made orally or in writing. A prompt, confidential (to the extent practicable) and impartial investigation of the alleged discriminatory conduct will be undertaken. If the agency finds that inappropriate conduct occurred, prompt, corrective action will be taken against all



responsible individuals. This will be done at the sole discretion of the agency and may include discipline up to and including termination.

8. No employee shall be retaliated against, harassed, intimidated, threatened, coerced, or discriminated against for making a charge, testifying, assisting or participating in any manner in an investigation, proceeding or hearing for opposing alleged unlawful discriminatory practices prohibited by state and federal laws.
9. Additionally, any person who believes that he or she has been discriminated or retaliated against in violation of Section 504 of the Rehabilitative Act of 1973 and/or the Americans with Disabilities Act of 1990 may file a complaint with the Florida Commission on Human Rights (FCHR) or with the Department of Children & Families, Office of Civil Rights, 1317 Winewood Blvd., Tallahassee, FL 32399-0700 within 365 days of the alleged violation. Complaints can also be filed with the United States Equal Employment Opportunity Commission (EEOC) at 2 South Biscayne Blvd, One Biscayne tower, Suite 2700, Miami FL 33131 or by calling (305) 536-4491 within 300 days of the alleged violation. Complaints may also be filed with the U.S. Department of Health and Human Service, Office for Civil Right in Washington, D.C. 20201 or by calling (202) 619-0403.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:

A handwritten signature in blue ink that reads "Philip J. ScarPELLI".

MR. PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership Family of Agencies

APPROVAL DATE: 1/21/2020