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Office of Equal Opportunity

THE INVESTIGATIVE PROCESS



The right of access to and the full and equal enjoyment of places of public accommodation, adequate housing, employment, and fair credit without discrimination on the basis of sexual orientation, race, color, gender, age, religion, national origin, marital status, disability or gender identity is a matter of concern to the citizens of the city and more particularly of concern to the city in providing for the health, welfare, safety and morals of the citizens of the municipality.

CITY COMMISSION DECLARATION

The city commission hereby declares the policy of the city to be, ... to prohibit discrimination in the access to and equal enjoyment of places of public accommodation, to ensure equal opportunity to all persons to live in decent housing facilities, to prohibit discrimination in the extension of credit and to prohibit employment discrimination against persons regardless of sexual orientation, race, color, gender, age, religion, national origin, marital status, disability or gender identity....

THE COMMITMENT OF OFFICE OF EQUAL OPPORTUNITY

The Office of Equal Opportunity is committed to carrying out the mandates of the City Commission in a fair, equitable and just manner.

We take swift and deliberate action in the investigation of complaints of discrimination while remaining a neutral third party.

We are diligent and thorough in our investigations and we seek to resolve complaints as expeditiously as possible while maintaining the integrity of the process.

ROLE OF OFFICE OF EQUAL OPPORTUNITY

- **Proactive Prevention/Training**
 - ❖ Educate through Diversity and Inclusion Training
 - ❖ Employment Law Seminar
- **Advocacy/Outreach**
 - ❖ Advocate for equality and equity & diversity within our organization & the Community
 - ❖ Tabling Events (Downtown Arts, 5th Ave Arts, Pride Festival, etc.)
 - ❖ Dismantling Racism & Other Prejudices & Biases Initiative
- **Investigative/Enforcement**
 - ❖ Office of Equal Opportunity is a Neutral 3rd party

City Ordinance Chapter 8 - Discrimination

JURISDICTION

Any business or entity within City limits of Gainesville with five (5) or more employees during the calendar year

NO JURISDICTION

County, State & Federal Agencies
e.g. University of Florida
(State–Florida Commission on Human Relations)

Any business outside of City limits
(Alachua County Office of Equal Opportunity)

City Ordinance Chapter 8 - Discrimination

TIMELINE

The complaint must be filed within 180 days after the date the alleged unlawful practice has occurred (within 1 year, if housing)

City of Gainesville EO Policies EO-1

The City of Gainesville recognizes its responsibility to the citizens and employees to ensure equal opportunity and access to City services, programs, activities, and employment for all qualified persons and to work to ensure diversity in its employment, services, programs, and activities. The implementation of this Equal Opportunity Policy is intended to identify programs and strategies to bring about positive and proactive change in the workplace and work at ensuring diversity.

City of Gainesville EO Policies EO-1

The City of Gainesville has and will continue to develop policies to afford equal opportunity and access to appropriate City services, programs, and activities for all qualified persons to prohibit discrimination in employment because of race, color, religion, gender, national origin, marital status, sexual orientation, age, disability, or gender identity and to ensure the full realization of equal opportunity and diversity through a positive continuing program of equal opportunity throughout the City.

City of Gainesville EO Complaint Policy EO-8

The City is committed to maintaining a workplace free of discrimination, harassment, and inappropriate behavior on the basis of race, color, gender, age, religion, national origin, marital status, sexual orientation disability, or gender identity (protected characteristics). The City is responsible for ensuring that all actions dealing with personnel and employment practices will be in accordance with equal employment laws, policies, and procedures and that services, programs and activities will be in accordance with applicable laws, policies, and procedures.

PROTECTED CLASSES

- Sexual Orientation
- Race
- Color
- Gender
- Age
- Religion
- National Origin
- Martial Status
- Disability
- Gender Identity

Complaint Filing and Investigation Process

INQUIRY

- An individual contacts the Office of Equal Opportunity regarding possible discrimination

INTAKE

- Intake interview appointment is scheduled as quickly as possible
- Intake interview conducted
 - May take initial information via phone
 - Complainant is provided with general information regarding the investigative process (i.e., filing options, mediation, 180 day deadline, etc.)
- Intake and formal (official) complaint drafted (within 48 hours of interview)
- File created and forwarded to EO Director for review and assignment to Investigator

Complaint Filing and Investigation Process

FILING A COMPLAINT

- EO Director assigns Complaint to Investigator upon receipt of file via Case Management System
- Investigator contacts Complainant and schedules “counseling session”
- Counseling session appointment scheduled
 - As quickly as possible, contingent upon Complainant availability

Complaint Filing and Investigation Process

COUNSELING SESSION

- Complainant reviews Formal Complaint as drafted by EO Office and makes changes as necessary
- Complainant signs Formal Complaint
 - *A Complaint is not an “officially filed complaint,” until it has been signed and notarized
- Complainant is provided notice of filing rights with other agencies, witness form(s) and Mediation Options
- File is assigned a case number and the investigation begins

Complaint Filing and Investigation Process

INVESTIGATION OF COMPLAINT

- Official notice is sent to the Respondent and a response to allegation(s) is due within two weeks of receipt of notice
- Respondent is provided a copy of the Complaint and a Mediation Options

Complaint Filing and Investigation Process

MEDIATION

- If both parties agree to mediation, Investigation is suspended
 - If either party declines mediation, Investigation continues
- Certified Florida State Mediator brought in to mediate case
- If both parties agree to settlement, Investigation/Case is closed
 - If an agreement/settlement is not reached, Investigation resumes

Complaint Filing and Investigation Process

INVESTIGATION

- Information/Evidence is diligently gathered and thoroughly analyzed through interviews, questionnaires, and/or affidavits (*shifting burdening of proof*)
- Upon completion of investigation, Investigator drafts Final Investigative Report
- Internal Complaint Findings with recommendations by the Office of Equal Opportunity are submitted to the respective Charter Officer and a response is due within fifteen (15) work days

Complaint Filing and Investigation Process

HUMAN RIGHTS BOARD (HRB)

- External cases are scheduled to be heard at a future Human Rights Board (HRB) meeting
- All Parties and Board Members are provided a copy of the Final Investigative Report in advance of HRB meeting
- HRB hears a summary of the Case(s), discusses, deliberates and votes to either uphold the findings (Cause or No Cause) of the Office of Equal Opportunity or by three-fourths majority vote ask that more information be gathered and case be brought back at a future meeting

Complaint Filing and Investigation Process

HUMAN RIGHTS BOARD (HRB)

- Findings
 - If the board supports a cause finding, Complainant may:
 - Request an Administrative Hearing within 35 days after the finding of cause
 - OR
 - File a civil action under the Federal Civil Rights Act of 1991 and be commenced no later than one (1) year after the date of the finding cause

If the board supports a no cause finding, the case is closed and all parties are notified.

Some Causes for Delay(s) in Investigations

→ **EXTENSION REQUESTS BY RESPONDENT**

→ **MEDIATION**

→ **CONTACT WITH COMPLAINANT**

- Witnesses
- No Show(s) to appointments
- Change of contact information/address
- Subpoena(s)

→ **UNABLE TO MAKE QUORUM AT HUMAN RIGHTS BOARD**

→ **(4 MEMBERS)**

Timeline for Completion of Cases

The Office of Equal Opportunity received approximately 151 inquiries concerning possible discrimination during the last two fiscal years

EXTERNAL CASES

- FY 13 to Present, The Office of Equal Opportunity closed 29 External Cases
- FY 13 to Present, the average lifetime of an External Complaint filed with The Office of Equal Opportunity was 88 days

INTERNAL CASES

- FY 13 to Present, The Office of Equal Opportunity closed 31 Internal Cases
- FY 13 to Present, the average lifetime of an Internal Complaint filed with The Office of Equal Opportunity was 111 days

Other Agencies

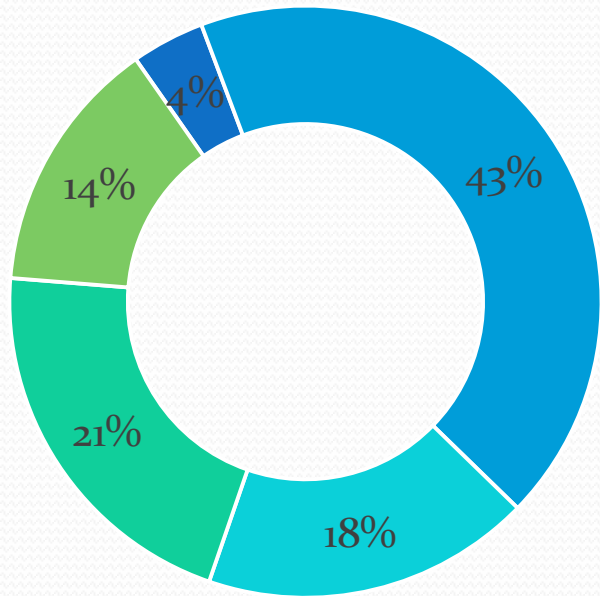
AGENCIES

AVERAGE LIFETIME OF CASES

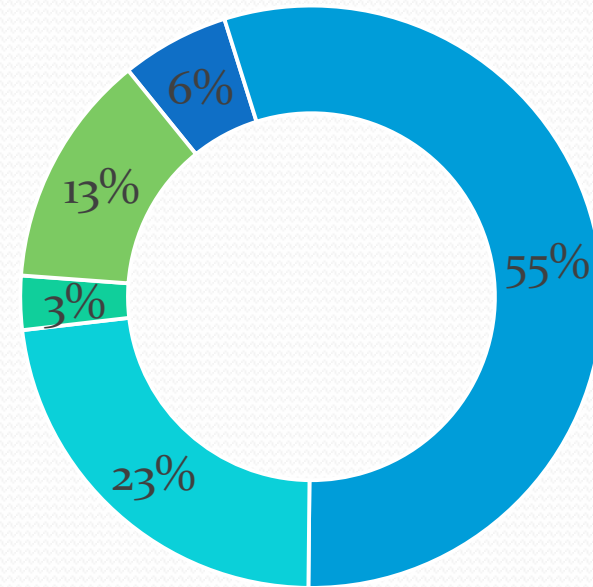
- Hillsborough County (3 Investigators) → 90 to 180 Days
- City of Orlando (3 Investigators) → HUD 100 Days/Employment 180 Days
- FL Commission of Human Relations → 139 Days
- Alachua County (2 Investigators) → Up to 9 Months
- City of Jacksonville (4 Investigators) → 9 to 18 Months
- Miami-Dade (3 Investigators) → Up to 18 Months

Outcome of Cases (FY 13 – Present)

EXTERNAL CASES



INTERNAL CASES



■ CAUSE ■ NO CAUSE ■ WITHDRAWN ■ SETTLED ■ DISMISSED ■ CAUSE ■ NO CAUSE ■ WITHDRAWN ■ SETTLED ■ DISMISSED

NOTE: Federal Equal Employment Opportunity Commission Cause findings between 2 and 3 percent

Moving Forward

- The Office will continue to provide a high level of customer service and will continue to be a resource to the community.
- The Office will implement procedures which will as best possible, streamline Complaints and Investigations, but will not sacrifice the integrity of the process. These procedures shall include:
 - ❖ Both an oral & written document will be provided to the Complainant & the Respondent outlining the investigative process
 - ❖ “Standardized” timelines will be established at each step of the process
 - ❖ Checks & Balances will be ensured at each step of the process
 - ❖ Provide case status updates to both complainant/respondent on a regular basis
 - ❖ Ensure that the process is followed as prescribed by policy and ordinance
 - ❖ Research ways in which a Complainant may access the status of his/her case confidentially online without sacrificing the integrity of the case
- The Office will continue to provide training and education on Diversity and Inclusion, through events and seminars.

CURRENT STAFF

- INTERIM EQUAL OPPORTUNITY DIRECTOR
- SENIOR EQUAL OPPORTUNITY SPECIALIST (vacant)
- EQUAL OPPORTUNITY SPECIALIST (*Investigator*)
- SMALL & MINORITY BUSINESS PROCUREMENT COORDINATOR
- EQUAL OPPORTUNITY OFFICE COORDINATOR
- EQUAL OPPORTUNITY TECHNICIAN
- CONTRACTOR(s) (Trainer, Investigator, AA)
- TEMPORARY FRONT OFFICE ASSISTANT
- TEMPORARY PROFESSIONAL

FULLY STAFFED

- EQUAL OPPORTUNITY DIRECTOR
- SENIOR EQUAL OPPORTUNITY SPECIALIST
- EQUAL OPPORTUNITY SPECIALIST (Investigator)
- SMALL & MINORITY BUSINESS PROCUREMENT COORDINATOR
- EQUAL OPPORTUNITY OFFICE COORDINATOR
- EQUAL OPPORTUNITY TECHNICIAN
- CONTRACTOR(s) (Trainer, Investigator)
- INTERNS (when available for credit)

PROPOSED INCREMENT

- **EQUAL OPPORTUNITY SPECIALIST (INVESTIGATOR) (FY 16)**
- **EQUAL OPPORTUNITY TECHNICIAN (FY 16)**



QUESTIONS