

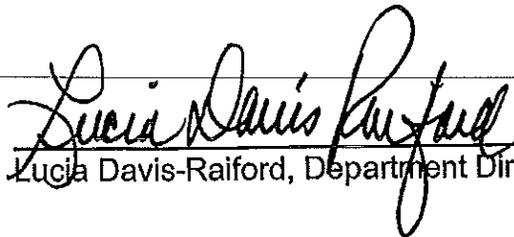


Office of Fair Employment Practices Business Plan

Fiscal Years: 2010 and 2011
(10/1/09 through 9/30/11)

Plan Date: December 28, 2009

Approved by:


Lucia Davis-Raiford, Department Director

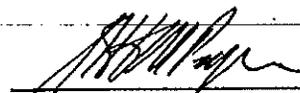

Howard Piper, Special Assistant
to the County Manager

TABLE OF CONTENTS

EXECUTIVE SUMMARY	Page 3
DEPARTMENT PURPOSE/MISSION	Page 4
STRATEGIC ALIGNMENT	Page 5
PERFORMANCE MEASURES AND TARGETS	Page 7
CRITICAL SUCCESS FACTORS	Page 7
INTERNAL SUPPORT REQUIREMENTS	Page 8
SUSTAINABILITY	Page 8
3 to 5 YEAR OUTLOOK	Page 8

Attachment 1

DEPARTMENTAL PROFILE

Table of Organization

Financial Summary

Capital Budget Summary

Business Environment

Attachment 2

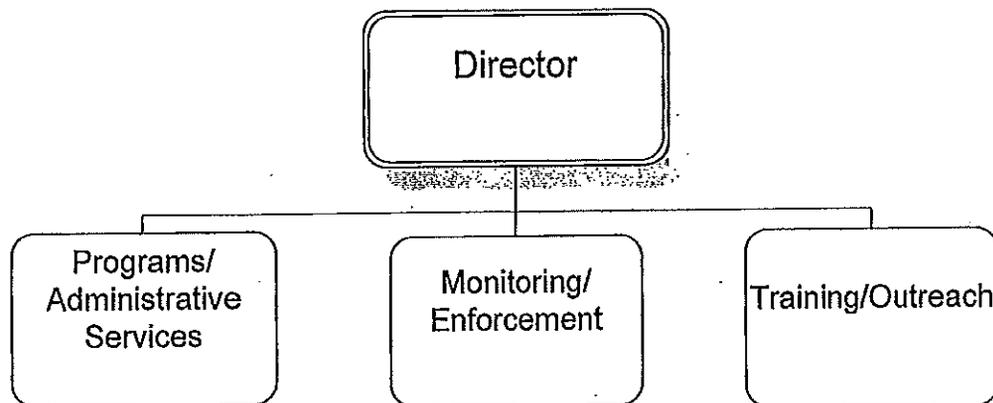
BUSINESS PLAN REPORT



EXECUTIVE SUMMARY

The Office of Fair Employment Practices has traditionally been a reactive rather than proactive department. It is the desire of this director to move the office beyond affirmative action to cultural diversity; provide training, and information/outreach to all employees as well as capture the quality of what we do.

During the current and next fiscal years, the Office of Fair Employment Practices will implement programs designed to educate and empower County employees. In three major categories – information/training, protocol and policy development, and the implementation and enforcement of the Domestic Violence Implementing Order. In addition, OFEP will continue to enhance the diversity management efforts of Miami-Dade County.



Key highlights include:

Domestic Violence: OFEP will promote adoption of the Domestic Violence in the workplace Implementing Order to heighten awareness and provide guidance on addressing impact of domestic violence on the workplace.

~~OFEP will create and implement enhanced domestic and workplace violence response countywide.~~

OFEP will develop policy and protocols for workplace and domestic violence to support a safe, secure, and healthy work environment for victims of domestic violence and County employees. These policies and protocols will minimize employees' risk of harm or injury from workplace and domestic violence or threat of violence.

Phoenix Project: *a Talent Pipeline for Workers with Disabilities* - OFEP will promote the inclusion of disabled persons in the County's career development initiatives and establish a Phoenix Council to provide an employee resource and advisory group to help identify barriers to employment and develop retention strategies for County employees with disabilities.

26

Diversity Survey and Benchmarking: OFEP has surveyed 100 public and private employers to identify and benchmark national best practices in diversity management, to ensure County delivery of cutting edge fair employment services. The results of the survey will be used to recommend future county programs, such as, employee network and affinity groups, focus groups and a diversity council. In addition, OFEP will continue to train employees in diversity related topics and require Miami-Dade County to develop a diversity action plan.

Budget and County Manager's Office support – success of County civil rights programs is directly linked to the resources allocated to them. Funding, staffing levels and top leadership commitment are critical determinants of their success. This Business Plan contemplates a budget adequate to support the program functions outlined herein.

DEPARTMENT PURPOSE/MISSION

The Office of Fair Employment Practices (OFEP) has responsibility for the development, implementation and monitoring of the County's employment practices to promote diversity, inclusion and equal access to employment without regard to race, sex, color, national origin, religion, age, disability, ancestry, marital status, pregnancy, or veteran's status of employees and applicants, and to prohibit unlawful discrimination on these bases.

As part of the Enabling Strategies strategic area, OFEP conducts administrative and field investigations of complaints of discrimination; conducts fact-finding conferences; provides mediation to resolve workplace conflicts; develops and administers training and information programs and designs and promotes strategies to insure diversity of thought, ideas and practice in the workplaces of Miami-Dade County.

The services provided by OFEP are available to Miami-Dade County employees and any applicants for employment. In furtherance of its mission, OFEP collaborates with all County departments and provides support to their efforts to insure a bias-free workplace. OFEP serves an internal customer base of 30,000 employees.

Additional departmental information can be found in the Departmental Profile (Attachment 1).



STRATEGIC ALIGNMENT

I. The Department's efforts align with the following Miami-Dade County Strategic Plan Goals:

1. Attract, develop and retain an effective, diverse and dedicated team of employees (ES5)

II. Department-related Strategic Plan Outcomes, Departmental Objectives, and Programs & Initiatives:

1.1. Workforce that reflects the diversity of Miami-Dade County (ES5-5)

1.1.a. Continue "*Diversity Matters*" program to focus on the elimination of barriers in the employment, retention and career development of persons with disabilities.

- Implement talent management strategies to ensure participation of persons in Miami-Dade County employment issues (starts in FY09-10).
- Ensures that all employees know their rights and responsibilities and know standards of appropriate conduct under County policy.
- Ensures that all employees know County policies and procedures for reporting employment discrimination and other workplace issues.
- Creates understanding that diversity is not limited to race and gender and the County will work to eliminate barriers to inclusion and will promote a bias-free workplace.

1.1.b. Ensure that Miami-Dade County reaches out to the disabled community to promote participation in professional opportunities.

- Implement *The Phoenix Project: a Talent Pipeline for Workers with Disabilities*, promoting the inclusion of disabled persons in the County's career development initiatives.
- Develop internship and mentoring program to focus on the recruitment strategies, retention and career development of differently-abled applicants and workers.
- Through the Phoenix Council, provide an employee resource and advisory group comprised of County employees with and without disabilities to help identify barriers to employment and develop retention strategies for County employees with disabilities and those who may become disabled.

1.1.c. Over two years, develop diversity metrics to analyze internal employment strategies (starts in FY10-12).

- Develop and implement comprehensive employee survey to better develop up-to-date diversity metrics and improve ability to forecast human and diversity capital needs.

Departmental Business Plan and Outlook

Department Name: Office of Fair Employment Practices

Fiscal Years: 2009-10 & 2010-11

1.1.d. Determine strategic areas of opportunity through Diversity and Inclusion Program.

- Surveyed 100 public and private employers during FY 2009 to identify and benchmark national best practices in diversity management, to ensure County delivery of cutting edge fair employment services.
- Use the results of the survey to recommend future county programs, such as, employee network and affinity groups, focus groups and a diversity council.
- Continue to train employees in diversity-related topics and require Miami-Dade County to develop a diversity action plan.
- Require Miami-Dade County departments to incorporate diversity goals into business plans and/or develop diversity action plans.
- Incorporate diversity standards into Management Performance Evaluations.
- Continue to develop diversity metrics.

1.2. Workforce skills to support County priorities (ES5-4)

1.2.a. Collaborate with the Department of Human Resources to develop additional training opportunities for employees and managers.

- Create a Countywide training approach with increased proficiencies in appropriate workplace conduct.
- Collaborate with County departments to incorporate equal employment opportunity training as part of daily work.
- Continue to provide training to all County employees in order to solve workplace problems at their source ("root cause").

1.2.b. Expand equal employment opportunity (EEO) and diversity educational tools for Miami-Dade County employees.

- Facilitate working group to explore remedial support for employees with mental/emotional health disabilities.
- Continue to enforce compliance with mandatory eLearning training program for County employees to provide equal employee access to information on County policies, procedures and standards of conduct in workplace diversity, sexual harassment, workplace violence, ADA and employment discrimination (on-going through FY09-10).
- Create value-added employee support programs by integrating "branded" fair employment practices within countywide and departmental agendas. This can be accomplished by remediating the environment through the launch of the Phoenix Project, requiring all employees to take the eLearning training and analysis of matrix and case data.
- Continue to promote the County's commitment to diversity, inclusion and employee rights by requiring that all employees view the "In all Fairness" training video during staff meetings, in-service employee training, new employee orientation and other training opportunities. To date, 1,596 employees have viewed the video.

Departmental Business Plan and Outlook

Department Name: Office of Fair Employment Practices

Fiscal Years: 2009-10 & 2010-11

- Provide EEO and fair employment reporting with an emphasis on diversity management, enhance annual report and prepare special reports periodically.

1.2.c Promote adoption of the Domestic Violence in the Workplace Implementing Order to heighten awareness and provide guidance on addressing impact of domestic violence on the workplace.

- Take initial steps to provide structure for its implementation with County departments.
- Provide formal notifications to all County Directors and solicit their support.

PERFORMANCE MEASURES AND TARGETS

For ease of reference, specific information regarding departmental objectives and performance measures including the targets for FY 2009-10 and FY 2010-11 can be found in Attachment 2 – Business Plan Report.

CRITICAL SUCCESS FACTORS

The primary issues surrounding the Department's ability to succeed are summarized below:

1. Continued collaboration with other departments

OFEP is an office that will maximize its very limited resources in order to serve a very large internal customer base. The department's overall mission is to collaborate with departments such as HR, ADA, GSA, CAO and ETSD to ensure diversity, inclusion and compliance with equal employment opportunity laws, policies and procedures. In order to meet this important goal, OFEP continue to create cutting-edge programs, such as, the value-added employee support programs and must ensure integrating fair employment practices in the County strategic plan and corporate agenda.

2. Obtain sufficient support to address mandate

Ensuring equality in the workplace is essential to the legal, social and operation of effectiveness of Miami-Dade County. Support and leadership in this area the County Executive Offices is imperative. Since FY 2003-04, there has been a 300% increase in the number of discrimination complaints filed. This indicates ongoing need for improved equal employment inclusion practices and dispute resolution initiatives. An increase in complaints may likely result if employees are impacted by constricting County budgets.

OFEP's ability to successfully meet its objectives is related to key success factors which are listed below:

Departmental Business Plan and Outlook

Department Name: Office of Fair Employment Practices

Fiscal Years: 2009-10 & 2010-11

- Attract, develop and retain an effective, diverse and dedicated team of employees (ES5)
 - OFEP will expand its Diversity Matters program to implement talent management strategies to employ people with disabilities, and ensure their participation in internship and mentoring programs. Use of non-traditional funding strategies is essential.

Upper management support for internal equity initiatives is critical to success.

INTERNAL SUPPORT REQUIREMENTS

1. Collaboration with departments such as GIC, ETSD and HR is important to the OFEP effort to disseminate new policy and program initiatives. Creative collaboration with ETSD will enhance OFEP's ability to efficiently collect and analyze data to measure effectiveness of County employment practices. OFEP must work with support from the Office of Grants Coordination and the Office of Strategic Business Management to ensure the required resources to achieve our objectives and to enhance long-term planning as new programs are brought on line.
2. The business plan goals also require creative and flexible collaboration with the Human Resources Department to ensure that review by anti-discrimination professionals is a part of the review and implementation of any human capital development initiatives. OFEP is chronically under-resourced and will continue to find means to promote program development and meet the demands of the increased number of employee disputes.

SUSTAINABILITY

The County is presently developing *GreenPrint: Our Design for a Sustainable Future* and OFEP employees will be required to make a Green Pledge to help sustainable efforts. Employees' behavior will be monitored to ensure that Green Pledges are being met.

3 to 5 YEAR OUTLOOK

OFEP anticipates that as new laws are passed and the scope of employee rights and responsibilities expand, it must prepare to handle complaints based on these new causes of actions.

OFEP must educate its staff and the employee population on the new laws and amendments to existing laws by offering on-going training opportunities and expanding training materials to include the same. OFEP will need additional resources in order to effectively educate the employee population.

Departmental Business Plan and Outlook

Department Name: Office of Fair Employment Practices

Fiscal Years: 2009-10 & 2010-11

Pursuant to Administrative Order 7-37, an employee may file a complaint with OFEP if he or she has been retaliated against for the "exercise of their constitutional or statutory rights." Legislative and regulatory actions are creating new causes of action for discrimination complaints which will impact OFEP and further stretch its resources, as the new laws provide additional statutory rights as summarized below:

- Effective November 21, 2009, the Genetic Information Nondiscrimination Act (GINA) of 2008, makes it illegal for employers to acquire, disclose, or make employment decisions based on genetic information.
- The National Defense Authorization Act of 2010 was signed into law by President Obama on October 28, 2010. Although the law deals mainly with defense appropriations, it also includes amendments to the Family and Medical Leave Act (FMLA) which affect the obligations of employers to provide leave for the families of military members. The amendments in this law are effective immediately upon passage.
- Congress is also considering the Paycheck Fairness Act (PFA) to amend the federal Equal Pay Act (EPA) of 1963 and strengthen its equal pay provisions. The PFA, among other changes, would narrow the defense that employers can use to demonstrate that a difference in compensation is not based on gender.
- The Florida Legislature passed new legislation that requires employers who have more than 50 employees to provide employees up to 3 days of leave in a twelve-month period if the employee or a family or household member is a victim of domestic violence. The new law became effective on July 1, 2007.
- Bills have been introduced in the Florida House and Senate that would amend the Florida Civil Rights Act of 1992. These bills would add sexual orientation and familial status as impermissible grounds for discrimination under Florida Act.
- In November 2007, the U.S. House passed the Employment Non-Discrimination Act which provides protection for employees discriminated against on the basis of sexual orientation. However, the bill did not pass the Senate. If passed, it would amend Title VII of the Civil Rights Act of 1964.
- On January 29, 2009, the Lilly Ledbetter Fair Pay Act (LLFPA) became law governing compensation claims. The law is retroactive to May 28, 2007, effectively reviving all claims of discrimination in compensation under Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 that are pending on or after that date.

32

Departmental Business Plan and Outlook

Department Name: Office of Fair Employment Practices

Fiscal Years: 2009-10 & 2010-11

- Effective January 1, 2009, the provisions of the Americans with Disabilities Amendments Act of 2008 (ADA Amendments Act) broaden the scope of protection originally provided by the Americans with Disabilities Act of 1990 (ADA). The ADA Amendments Act has changed the application and interpretation of the ADA's statutory terms in more broadly defining the term of "disability."

(33)

Attachment 1
DEPARTMENTAL PROFILE

Department Description

The Office of Fair Employment Practices promotes equal employment policies and practices; investigates complaints of discrimination; performs mediation to resolve workplace conflicts. OFEP develops and delivers preventative training programs with the goal of promoting a discrimination-free work environment. OFEP provides specialty training with other organizations and develops programs to prevent violence in the workplace. Services provided by OFEP are available to every Miami-Dade County employee and applicant for employment.

Table of Organization

FAIR EMPLOYMENT PRACTICES	
• Promotes equal employment policies and practices, investigates complaints of discrimination, and facilitates related conflict mediation	
<u>FY 08-09</u> 11	<u>FY 09-10</u> 9

FINANCIAL SUMMARY

(dollars in thousands)	Actual FY 07-08	Budget FY 08-09	Adopted FY 09-10
Revenue Summary			
General Fund Countywide	564	880	690
General Fund UMSA	253	377	264
Total Revenues	817	1,257	954
Operating Expenditures Summary			
Salary	608	937	716
Fringe Benefits	162	261	188
Other Operating	47	58	51
Capital	0	1	1
Total Operating Expenditures	817	1,257	954

(dollars in thousands) Expenditure By Program	Total Funding Budget FY 08-09	Total Funding Adopted FY 09-10	Total Positions Budget FY 08-09	Total Positions Adopted FY 09-10
Strategic Area: Enabling Strategies				
Fair Employment Practices	1,257	954	11	9
Total Operating Expenditures	1,257	954	11	9

CAPITAL BUDGET SUMMARY

(dollars in thousands)	PRIOR	FY 09-10	FY 10-11	FY 11-12	FY 12-13	FY 13-14	FY 14-15	FUTURE	TOTAL
Revenue									
Capital Outlay Reserve	100	0	0	0	0	0	0	0	100
Total:	100	0	0	0	0	0	0	0	100
Expenditures									
Strategic Area: Enabling Strategies									
Departmental Information Technology	94	6	0	0	0	0	0	0	100
Projects									
Total:	94	6	0	0	0	0	0	0	100

Current Business Environment

The Office of Fair Employment Practices serves approximately 30,000 internal customers. The office has responsibility for the development, implementation, and monitoring of the County's diversity management program and fair employment guidelines to ensure inclusion and equal employment opportunity without regard to race, sex, color, national origin, religion, age, disability, ancestry, marital status, pregnancy, or veteran's status, and to prohibit unlawful discrimination on such basis in any term or condition of employment within Miami-Dade County.

OFEP programs must be flexible, dynamic and preventative in order to support an-ever-changing work environment. Employee diversity is an asset that must be nurtured and managed in a supportive, creative, sustainable business environment.

Increased need for creative programming, continued training and outreach in the areas of harassment based on disability, gender, race, color and national origin, new laws and amendments to existing laws as well as whistleblower and retaliation issues is anticipated.

(5)