



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of February 11, 2012**

DATE: January 24, 2012

SUBJECT: Adopt advertised changes to Chapter 31 of the Arlington County Code to merge the Equal Employment Opportunity Advisory Commission and the Human Rights Commission.

C. M. RECOMMENDATIONS:

1. Adopt the proposed amendments to Chapter 31 of the Arlington County Code, also known as the Human Rights Ordinance, as written in attachment A.
2. Rescind the November 17, 1984 Board Resolution creating the Equal Employment Opportunity Commission (see attachment B for content of the 1984 Board Resolution).

ISSUES: County Board approval is needed to amend the Human Rights Ordinance and merge two County Board Advisory commissions. There are no known outstanding issues.

SUMMARY: This is a request for adoption of proposed changes to Chapter 31 of the Arlington County Code, also known as the Human Rights Ordinance, to make the Equal Employment Opportunity Advisory Commission a standing committee of the Human Rights Commission. The proposed changes will transfer to the Human Rights Commission reporting responsibilities now vested in the Equal Employment Advisory Commission. When the Equal Employment Opportunity Commission becomes a standing committee of the Human Rights Commission, there will be no need for the continued existence of an independent Equal Employment Opportunity Advisory Commission. Therefore, the Board Resolution that created the Equal Employment Opportunity Advisory Commission should be rescinded.

BACKGROUND: The Equal Employment Opportunity Advisory Commission (EEOAC) was created by a Board Resolution dated November 17, 1984, with the mission of overseeing the implementation of Arlington County's Equal Employment Opportunity Policy adopted in June 16, 1984. The EEOAC's membership was set at seventeen (17) members. Ten (10) of the members are citizens and seven (7) are Arlington County government employees. It has been a challenge to recruit and maintain enough members in the EEOAC to effectively carry out these responsibilities. The proposed changes will address this challenge by making the EEOAC a

County Manager:

County Attorney:

Staff: Raul Torres, CMO

13.

standing committee of the Human Rights Commission (HRC). The proposed changes reflect discussions held and input given by both the EEOAC and the HRC. If the County Board approves these amendments to the Ordinance, the Board Resolution dated November 17, 1984, which created the EEOAC, should be rescinded upon adoption of the Code revisions. (Attachment B is the November 17, 1984, Board Resolution adopting the EEOAC.)

DISCUSSION: Both the EEOAC and the HRC have agreed, through their respective Chairs, that any proposed changes to the status of the EEOAC should preserve its existing core mission and maintain employee representation. Proposed changes are aimed at maintaining all of the EEOAC objectives and responsibilities with the most efficient use of available resources.

The specific changes are enumerated as follows:

1. **Amend Section 31-2** by adding a definition of “Arlington County workforce” as employees of Arlington County government.
2. **Amend Section 31-4** to increase the membership of the HRC from 9 to 12 members to address the added responsibilities and work of the EEOAC.
3. **Amend Section 31-4** by creating subsections D1, D2, D3, E and F. Subsection D establishes the standing committee on equal employment opportunity with a membership between 5 and 11 members; sets the standing committee’s membership composition, appointments, and quorum composed of a majority of standing committee members with a majority of the quorum constituted by HRC members, and clarifies that employee members appointed by the County Manager do not have to be residents of Arlington County. Subsection E authorizes the County Board to appoint a Vice-Chair of the Human Rights Commission who will chair the standing committee. Subsection F states that service on the standing committee shall be without compensation.
4. **Amend Section 31-6** by creating subsection Q and R. Subsection Q addresses the scope of work of the standing committee mirroring the existing charter and sets the committee meetings at not less than two or more than four per year. Subsection R clarifies that the creation of the committee does not expand the jurisdiction of the HRC over the County as an employer, meaning that the HRC continues to be without jurisdiction to investigate complaints alleging discrimination filed against the County by Arlington County employees.
5. **Rescind the Board Resolution dated November 17, 1984, as amended, that established the Equal Employment Opportunity Commission** because the changes to the Ordinance, if approved, will create a standing committee with these responsibilities. This action would be taken at the time the Board approves the proposed amendments.

FISCAL IMPACT: There are no fiscal impacts as a result of these proposed amendments.

RESOLUTION TO RATIFY AND AUTHORIZE THE ADVERTISEMENT OF PUBLIC HEARINGS TO CONSIDER AMENDING, REENACTING AND RECODIFYING THE ARLINGTON COUNTY CODE, CHAPTER 31, AT THE FEBRUARY 11, 2012 COUNTY BOARD MEETING, IN ORDER TO CREATE A STANDING COMMITTEE OF THE HUMAN RIGHTS COMMISSION TO PROVIDE ADVICE TO THE COUNTY BOARD ON EQUAL EMPLOYMENT OPPORTUNITY ISSUES WITHIN THE ARLINGTON COUNTY GOVERNMENT WORKFORCE.

The County Board of Arlington County hereby resolves to ratify and authorize advertisement of public hearings to consider amending, reenacting and recodifying Arlington County Code provisions within Chapter 31, Human Rights, at the February 11, 2012 County Board Meeting, in order to create a standing committee of the Human Rights Commission to provide advice to the County Board on equal employment opportunity issues within the Arlington County Government workforce.

Proposed amendments are shown as follows:

- Text denoted with underline or ~~strike through~~ is text proposed to be added or ~~deleted~~, respectively.

**ARLINGTON COUNTY CODE
Chapter 31**

HUMAN RIGHTS

§ 31-2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Arlington County workforce” means employees of Arlington County government.

§ 31-4. Human Rights Commission Created; Composition; Terms; Chairman; Compensation.

A. The Commission shall consist of ~~nine~~ twelve (912) members, all of whom shall reside in the County of Arlington. The members shall be appointed by the County Board and shall be broadly representative of the community, to the extent practicable, with respect to race, sex, sexual orientation, color, ethnicity, age, disabilities and marital status and with respect to areas of expertise pertinent to the areas of coverage of this chapter gained through education and/or paid, volunteer or life experience.

D. The Members of the Commission shall establish a standing committee to provide advice to the County Board on equal employment opportunity issues in the Arlington County workforce.

1. Composition of the standing committee.

a. The standing committee shall be comprised of five (5), seven (7), nine (9) or eleven (11) members – a number to be determined by the Human Rights Commission at the beginning of each calendar year.

b. One of the members of the standing committee must be the Vice Chairman of the Commission.

- c. The majority of the members of the standing committee must be members of the Human Rights Commission.
- d. The balance of standing committee membership must be selected from the Arlington County workforce.
2. The County Manager shall make all Arlington County workforce appointments to the standing committee; such members are not required to be County residents and shall represent the general interests of the Arlington County workforce.
3. In order for the standing committee to transact business, a quorum of the membership must be present. A quorum is defined as a majority of the members of the standing committee, so long as the majority of the quorum is constituted by Human Rights Commission members.
- E. The County Board shall designate one (1) member of the Commission to act as Vice Chairman whose responsibility it is to lead the standing committee on equal employment opportunity issues in the Arlington County workforce.
- DE. Members of the Commission and any standing committee shall serve without compensation, but funds may be provided by the County Board in the annual budget for reasonable and necessary expenses incurred by the Commission.

§ 31-6. Functions and Powers of the Commission.

- Q. The primary responsibilities of the Commission's standing committee, executed with Human Rights Commission concurrence, on equal employment opportunity issues shall include, but not be limited to the following:
1. Advise the County Board on equal employment opportunity issues in the Arlington County workforce;
 2. Review the implementation and progress of equal employment under the provisions of the Equal Employment Opportunity Policy, Affirmative Action Plan and relevant statutes and legislation;
 3. Stimulate community interest and participation in the implementation of equal employment opportunity objectives;
 4. Conduct joint annual reviews, in consultation with appropriate advisory bodies and staff, on the status of equal employment opportunity within County employment;
 5. Maintain liaison with other interested advisory commissions for the review of items of special interest to equal employment objectives;
 6. Propose recommendations to the County Board to promote and enhance equal employment opportunity in County employment;
 7. Submit an annual report to the County Board within sixty (60) days after the closing of each fiscal year outlining the activities of the standing committee;
 8. The standing committee shall meet at least two (2) times a year but not more than four (4) times a year on dates to be determined by the standing committee.

R. The creation of this standing committee does not expand the Commission's authority to employment issues in the Arlington County workforce as Arlington County is not an employer under the definition of this Chapter.

EQUAL EMPLOYMENT OPPORTUNITY ADVISORY COMMISSION

PREAMBLE

On June 16, 1984, the County Board adopted a revised comprehensive Equal Employment Opportunity Policy to provide the full and equitable utilization of human resources in County employment. The policy should result in increased representation of minorities and women in all occupations at all levels in the Arlington County workforce.

Under the policy, employment decisions and actions that work to the disadvantage of members of a particular racial, gender or ethnic group will be reduced and systematically eliminated. In addition, an Affirmative Action Plan will identify impediments to equal employment and will, provide goals and timetables along with strategies for achieving equal employment objectives within Arlington County.

To implement effectively the equal employment opportunity policy, an active partnership must be created between Arlington County citizens and employees. This shared commitment to equal employment opportunity, expressed by knowledgeable, active participation in the implementation process, will help to ensure an equitable and effective personnel system which will benefit the community and employees.

The adoption of the revised Equal Employment Opportunity Policy establishes the Equal Employment Opportunity Advisory Commission as an advisory body to the County Board and the County Manager to oversee the effective implementation of the policy.

FUNCTIONS

The primary responsibilities of the Commission shall include, but not be limited to the following:

1. Advise the County Board on equal employment opportunity issues;
2. Review the implementation and progress of equal employment under the provisions of the Equal Employment Opportunity Policy, Affirmative Action Plan and relevant statutes and legislation;
3. Stimulate community interest and participation in the implementation of equal employment opportunity objectives;
4. Conduct joint annual reviews, in consultation with appropriate advisory bodies and staff, on the status of equal employment opportunity within County employment;
5. Maintain liaison with other interested advisory commissions for the review of items of special interest to equal employment objectives;
6. Propose recommendations to the County Board to promote and enhance equal

employment opportunity in County employment;

7. Submit an annual report to the County Board within sixty (60) days after the closing of each fiscal year outlining the activities of the Commission.

ORGANIZATION

The Commission shall be composed of 17 members as follows: 10 citizens appointed by the Board, including a- Chairman and at least one member of the Civil Service Commission, and seven employees appointed by the County Manager. Initially the citizen members shall be appointed as follows: three for 1 year, three for 2 years, and four for 3 years. The employees will be appointed as follows: two for an initial 1 year term, three for 2 years and two for 3 years. Beginning with the second year and thereafter, each succeeding member shall be appointed for a term of 3 years. Members to the Commission shall be representative of the interests of the groups covered by the County's Equal Employment Opportunity Policy. A proper balance of these various interests shall be maintained on the Commission at all times.

The Chairman shall be designated annually in December by the County Board.

Vacancies shall be filled by the County Board or the County Manager for unexpired terms as they occur.

The Commission shall meet at least quarterly and at such other times as the Chairman or any three of the members shall request.

Staff support shall be provided by the County Manager.

ADOPTED ON NOVEMBER 17, 1984
AMENDED ON OCTOBER 18, 1986 (Organization)
AMENDED ON JANUARY 20, 1996 (Organization)