

ORDINANCE NO. 16-38

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE REVISED BY AMENDING THE TITLE AND SECTIONS 94-71 DEFINITIONS, 94-72 PURPOSE, 94-73 AFFIRMATIVE ACTION COMMITTEE – CREATED; COMPOSITION; ORGANIZATION, 94-74 SAME – POWERS AND DUTIES, 94-75 CONTENTS OF PLAN AND 94-76 AFFIRMATIVE ACTION OFFICE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AMENDMENT OF PROPOSED ORDINANCE AT PUBLIC HEARING; PROVIDING FOR AREAS EMBRACED.

WHEREAS, CHAPTER 94, ARTICLE III OF THE PINELLAS COUNTY CODES CREATED THE AFFIRMATIVE ACTION COMMITTEE IN 1977; and

WHEREAS, SINCE THAT TIME, THE PINELLAS COUNTY SHERIFF'S DEPARTMENT NO LONGER PARTICIPATES IN HUMAN RESOURCE ADMINISTRATION THROUGH THE UNIFIED PERSONAL SYSTEM, AND A CONSENT AGREEMENT BETWEEN THE UNITED STATES AND PINELLAS COUNTY HAS BEEN PARTIALLY DISSOLVED AS IT RELATES TO PINELLAS COUNTY AND ITS APPOINTING AUTHORITIES WITHIN THE UNIFIED PERSONNEL SYSTEM; and

WHEREAS, IT IS ADVISABLE THAT THE NAME, MEMBERSHIP, AND DUTIES OF THE AFFIRMATIVE ACTION COMMITTEE BE CHANGED TO REFLECT THE AFOREMENTIONED DEVELOPMENTS, AS WELL AS THE CONTEMPORANEOUS OPERATIONS, DUTIES AND RESPONSIBILITIES OF THE PINELLAS COUNTY OFFICE OF HUMAN RIGHTS.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA IN A MEETING DULY ASSEMBLED THIS 21st DAY OF JUNE 2016, THAT:

ARTICLE III. - AFFIRMATIVE ACTION PLAN of the Pinellas County Code is hereby amended as follows:

Section 94-71. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the county human rights board.

Office means the county office of human rights.

Section 94-72. Purpose.

The county government exists to serve equally all people of Pinellas County. The purpose of this article is to express formally the policy of county government to provide equal employment opportunities to all citizens of the county and to ensure that all employment practices of the county government are free from discrimination based upon race, color, religion, national origin, age, disability, gender, sexual orientation, political affiliation and military status.

Section 94-73. Human rights board—Created; composition; organization; records.

- (a) There is hereby created the county human rights board.
- (b) The human rights board shall be composed of the following persons in county government:
 - (1) A member of the board of county commissioners;
 - (2) Clerk of the circuit court;
 - (3) Property appraiser;
 - (4) Supervisor of elections;
 - (5) Tax collector;
 - (6) County administrator,
 - (7) Chairperson of the unified personnel board;
 - (8) Director of human resources of the unified personnel system;
 - (9) Chairperson of the employee advisory council; and
 - (10) Chief Information Officer.
- (c) Each member of the human rights board is hereby authorized to appoint an individual to serve as an alternate member of the board in the absence of the

person by whom he was appointed. The designation of each alternate member shall be made in writing signed by the member making the appointment and shall be recorded in the minutes of the board. An alternate member shall have full authority to act in the absence of the member who appointed him, including but not limited to voting on any issue which may come before the board; provided, however, a member of the board shall be bound fully by action taken in his absence. An alternate member shall be appointed for a temporary duration only and shall not be recognized as a permanent member of the board.

- (d) The human rights board shall elect a chairperson and a vice-chairperson from its membership, whose terms shall coincide with the calendar year. The board shall meet on a regular basis. Special meetings may be called by the chairperson or by any two members of the board. A quorum shall consist of six members.
- (e) The human rights board may make such reasonable rules and regulations as it may deem necessary to establish its own procedures or to implement the provisions of this article, provided such rules and regulations shall not be inconsistent with this article.
- (f) Minutes of each meeting of the human rights board shall be taken and such minutes shall be preserved with the official records of the board of county commissioners.

Section 94-74. Same—Powers and duties.

The human rights board shall have the following powers and duties:

- (1) To develop and implement an affirmative action plan for all facets of county government
- (2) To direct the day-to-day operation and implementation of the affirmative action plan.
- (3) To receive complaints and to be the final authority for review of questions involving any alleged discrimination.
- (4) To conduct investigations concerning employment practices which may have an adverse impact on protected classes.
- (5) To hire the director of the office of human rights who shall serve at the pleasure of the board.
- (6) To recommend to the board of county commissioners a proposed budget for the funding of the county office of human rights.

- (7) To oversee and to review the actions of the office of human rights.
- (8) To establish monitoring systems as may be necessary for implementation of the affirmative action plan.

Section 94-75. Contents of plan.

The affirmative action plan shall comply with all federal requirements and shall provide for good faith efforts to:

- (1) Determine the extent to which minorities and women *are* underutilized in major categories.
- (2) Identify and eliminate the specific causes of such underutilization.
- (3) Identify and eliminate any employment practices which are not directly related to job performance and which may have an adverse impact on protected classes.
- (4) Rely exclusively upon employment practices which are based upon merit and other valid job related criteria.
- (5) Develop, through special recruitment efforts, substantial applicant pools of qualified women and members of minority groups.
- (6) Develop, through special recruitment efforts, applicant pools in which persons with disabilities are represented equitably.
- (7) Project goals and timetables which shall include estimates of the representation of minorities and women likely to result from the operation of the affirmative action plan.

Section 94-76. Office of human rights.

- (a) There is hereby established the county office of human rights, which shall be under the direction of the human rights board.
- (b) The office of human rights shall be headed by a director, who shall be appointed by and answerable directly to the human rights board.
- (c) The office of human rights shall be responsible for the day-to-day implementation of the affirmative action plan, including preparing reports, making recommendations, and conducting investigations, subject to direction from the human rights board.

Severability.

If any section, subsection, sentence, clause, phrase or provision of this subdivision is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this subdivision invalid or unconstitutional.

Inclusion in the Pinellas County Code.

The provisions of this subdivision shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Amendment of Proposed Ordinance at Public Hearing.

If any section, subsection, sentence, clause, phrase or provisions of this subdivision as proposed may be amended, added or deleted by majority vote of the Board of County Commissioners as a result of matters raised at the public hearing or in consultation with responsible authorities, then such amendments, additions, or deletions shall be validly adopted without additional advertisement or public hearing.

Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective June 24, 2016.


OFFICE OF COUNTY ATTORNEY
Approved as to Form