

**RESOLUTION 2024-06R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA, ADOPTING THE TOWN OF HAVANA EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENTS AND CERTAIN PROCEDURES; ESTABLISHING THE TOWN MANAGER AS THE EEO COORDINATOR; ESTABLISHING QUANTIFIABLE GOALS; PROVIDING FOR PROCUREMENT OF GOODS AND SERVICES, INCLUDING REQUIREMENTS UNDER FEDERAL LAW, IF APPLICABLE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Havana (the "Town") is committed to ensuring and providing for the protection of its applicants and employees and the applicants and employees of its contractors, subcontractors, subrecipients, and consultants from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex, national origin, disability, age, or genetics;

**WHEREAS**, the Town is committed to eliminating discrimination based upon race, color, religion, sex, national origin, disability, age, or genetics;

**WHEREAS**, the Town will comply with the requirements of all applicable state and federal equal employment opportunity laws, regulations, and executive orders; and

**WHEREAS**, notice of this policy will be placed in plain sight on job locations for the benefit of interested parties and all contractors and subcontractors so notified. All equal employment opportunity posters will be displayed as required.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA, AS FOLLOWS:

Section 1. **Incorporation of Recitals.** The foregoing facts and recitations provided in the preamble of this resolution are hereby adopted and incorporated as by reference as if fully set forth in the following enumerated provisions of this resolution.

Section 2. **Adoption of Equal Employment Opportunity Policy.** The Town Council hereby adopts the following policies as the Town's applicable guiding policies and procedures for all present and future Community Development Block Grant ("CDBG") program opportunities and for any subsequent Community Development Block Grant program that the Town may seek, so long as these policies remain consistent with the State and Federal Requirements of the applicable CDBG program:

(a) To provide equal opportunity to all employees, applicants, employees of its contractors and program beneficiaries; to provide equal opportunity for advancement of employees; to provide program and employment facilities which are accessible to the handicapped and to administer its programs in a manner that does not discriminate against any person because of race, color, religion, sex, national origin, disability, age, or genetics.

(b) The Town Manager shall serve as the Town's "EEO Coordinator" and has ultimate responsibility for the overall administration of the equal employment opportunity/affirmative action program. The total integration of equal opportunity into all parts of personnel and program management is the Town Manager's responsibility. Such duties include coordinating local efforts in recruiting employees and soliciting bids, resolving complaints, and submitting required reports. The Town Manager will review all policies and procedures as they affect equal opportunity and affirmative action and ensure compliance with relevant federal and state statutes, in coordination with the Town Attorney.

(c) The right of appeal and recourse is guaranteed by the Town. Any person who feels that he or she has been denied employment opportunity or participation, representation, or services in any program administered by the City because of race, color, religion, sex, national origin, disability, age, or genetics has the right to file an equal opportunity complaint. Information and assistance relative to equal opportunity complaints shall be provided by the Town Manager who can be contacted at the Cecil G. Trippe Municipal Building, 711 North Main Street, Havana, Florida 32333, or by calling (850) 539-2820, Monday - Friday 8:30 a.m. to 5:00 p.m., excluding recognized holidays.

(d) The EEO Coordinator shall publish the contact information for the EEO Coordinator in a newspaper of general circulation in the Town or on the home page of the Town's website.

(e) The Town of Havana, Florida shall establish a system (spreadsheet) to log the following information:

- (1) The date and nature of each call or contact pursuant to section 2(c) of this resolution, above;
- (2) The action taken in response to the call or contact, and
- (3) The result of the action taken.

(f) The Town's employees and applicants shall not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in

or may engage in any of the following activities: (1) filing a complaint; (2) assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of section 503 or any other Federal, State, or local law requiring equal opportunity for individuals with disabilities; (3) opposing any act or practice made unlawful by section 503 or its implementing regulations in this part, or any other Federal, State or local law requiring equal opportunity for individuals with disabilities; or (4) exercising any other right protected by section 503 or its implementing regulations in this part.

This Equal Opportunity Policy of the Town of Havana, Florida shall be posted in conspicuous places within the Town's facility, distributed to all employees, contractors and to the persons of all advisory and policy-making groups.

**Section 3. Affirmative Employment Action.** The Town will encourage the employment of local residents and those who are female and/or of a minority racial/ethnic classification. This will be accomplished through the following procedures:

- (1) Current employees will be encouraged to improve their job skills and qualifications through training and education. Such improvements are to be considered for employee promotion.
- (2) The Town will cause its personnel processes to provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. The Town Manager shall provide for a schedule for the review of all physical and mental job qualification standards to ensure that, to the extent qualification standards tend to screen out qualified individuals with disabilities, they are job-related for the position in question and are consistent with business necessity. The Town Manager shall develop and implement procedures, as necessary, to ensure that Town employees are not harassed on the basis of disability.
- (3) The Town shall protect existing employees and persons that apply for job vacancies that have been advertised by the Town from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex, national origin, disability, age, or genetics.
- (4) All employment opportunities will be publicly advertised, including the Equal Opportunity/Affirmative Action employer designation. This is to provide an adequate opportunity for qualified individuals to apply for employment and to assure an adequate pool of qualified applicants (including minority persons) from which to hire.

- (5) When appropriate, notification of employment opportunities will be issued to organizations such as local schools, employment services, minority organizations, and social service agencies that may refer qualified individuals, including individuals with disabilities, for employment consideration.
- (6) Recruitment practices, including those described in clauses (4) and (5) of this section 3, will be conducted in an effort to include qualified minorities and females in all levels of responsibility and departments of Town government, in the percentage of the population or available workforce.
- (7) When applicants are equally qualified, preference will be given to hiring minorities and females in furtherance of the goal expressed in clause (6) of this section 3.

Section 4. **Establishment of Quantifiable Goals.** The Town of Havana, Florida will strive to maintain a minority employment percentage level for its staff that is the same or higher than the percent of minorities residing within Gadsden County, based on the minority percentage information utilized by the Florida Small Cities CDBG program for scoring grant applications.

Statistically, it may be difficult for the Town's workforce to mirror the Gadsden County percentage due to unique or specific needs of the Town, sample size differences, and other similar contributing factors. However, the Town of Havana, Florida is committed to providing employment opportunities to all of its citizens.

If a stated goal has been attained and one employee leaves the Town's employ, either voluntarily or involuntarily, the Town is not obligated to select another candidate of the same minority/majority status if that candidate is not the most qualified. In such an event, the stated goals would automatically be waived in the best interest of the Town and the effort to attain goals would be renewed with the next available vacancy.

Goals and procedures established in this resolution may be waived or amended by a vote of the Town Council with the results duly recorded in the Town Council meeting minutes.

If applicable under federal law, the Town shall cause its contractors to design and implement an audit and reporting system that will: (1) measure the effectiveness of the contractor's affirmative action program; (2) indicate any need for remedial action; (3) determine the degree to which the contractor's objectives have been attained; (4) determine whether known individuals with disabilities have had the opportunity to participate in contractor sponsored educational, training, recreational, and social activities; (5) measure the contractor's compliance with the affirmative action program's specific obligations; and (6) document the actions taken to comply with the obligations of 41 CFR § 60-

741.44(h)(1)(i) through (v), and retain such documents as employment records subject to the recordkeeping requirements of 41 CFR § 60-741.80 (Recordkeeping).

Section 5. **Procurement of Goods and Services.** The Town will encourage the utilization of small and minority owned businesses. This will be accomplished through the following procedures:

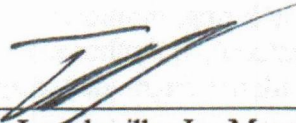
- (1) The Town shall require contractors that work for the Town and prospective Town contractors to affirm that they will refrain from actions that result in the discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex, national origin, disability, age, or genetics.
- (2) In situations where a prime contractor intends to use one or more subcontractors to successfully complete a Town sponsored project, the Town shall require the prime contractor to solicit minority and women owned firms as subcontractors from the list of certified minority and women owned businesses maintained by the State of Florida and provide documentation to the Town that such solicitation has taken place.
- (3) The Town will solicit certified minority and women owned businesses from the list of certified minority and women owned businesses maintained by the State of Florida. In soliciting bids for contractual services, the Town shall require contractors to solicit minority and female subcontractors.
- (4) Lists of local minority and female owned businesses, known to the Town, will be maintained for use in soliciting quotes and bids.
- (5) Where applicable, federal equal opportunity affirmative action language will be included in contracts and requests for bids (including incorporating the EEO/AA clause set forth in 41 CFR § 60-741.5(a) into any contracts or subcontracts that meet the definition of "Federally-assisted construction contract" in 41 CFR 60-1.3).
- (6) Contractors will be informed of equal opportunity affirmative action obligation requirements to ensure their compliance.

Section 6. **Effective Date.** This resolution shall take effect immediately upon its adoption.

ADOPTED, by an affirmative vote of a majority of a quorum present of the Town Council of the Town of Havana, Florida, at its meeting on this 14 day of May 2024.

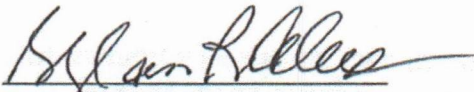
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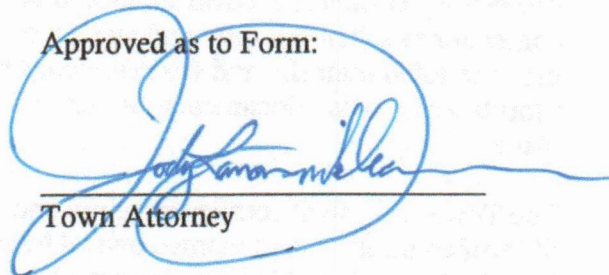
[SEAL]

  
\_\_\_\_\_  
Tim Loughmiller Jr., Mayor

Attest, By the Town Clerk of  
the Town of Havana, Florida:

Approved as to Form:

  
\_\_\_\_\_  
Town Clerk

  
\_\_\_\_\_  
Town Attorney