



# BAXTER COUNTY GOVERNMENT

## NOTICE TO APPLICANTS

### 1. COUNTY POLICY

It is the County's policy to provide equal opportunity for all qualified persons; to prohibit unlawful discrimination in employment practices, compensation practices, personnel procedures, and the administration of benefit plans; and to otherwise provide the same or similar treatment and opportunities to all persons similarly situated.

### 2. CONSTITUTIONALLY PROTECTED CONDUCT

- A. It is the policy of this county not to violate the Constitution or the laws of Arkansas or the United States.
- B. Should any applicant contend that he or she has been unlawfully discriminated against because of the race, color, religion, gender, national origin, or disability or that he or she has been unlawfully punished for the exercise of a constitutionally protected liberty right (e.g., free speech, free association, political patronage, access to courts, privacy, etc.) or treated in any other unlawful or unconstitutional manner, the applicant shall request, in the time and manner set forth in this county employment policy, a "liberty right" hearing before the county grievance committee to provide the county's final policymaker with authority an opportunity to learn of the alleged unlawful discrimination or unlawful punishment and to thereby have an opportunity to voluntarily conform the conduct of county officials and county employees to the requirements of county policy.

### 3. GRIEVANCE HEARING PROCEDURE

**CAVEAT:** *The purpose of this Grievance Hearing Procedure is to establish a required procedure to resolve applicant grievances, and to thereby enable the county to voluntarily conform the conduct of county officials and county employees to the requirements of county policy. If the applicant does not follow this affirmatively required county grievance procedure, the county will raise waiver and estoppel as affirmative defenses to any claims against the county filed by the applicant via any administrative or judicial procedures otherwise available to redress grievances.*

#### A. Timely Requests for Grievance Hearing

1. The applicant's grievance hearing request shall be delivered to the County Grievance Committee in care of the County Judge no later than four-thirty o'clock (4:30) p.m. on the third full business day (weekends and holidays excluded) after any claimed deprivation for which a grievance hearing is requested.
2. The Grievance Committee shall respond in writing to all timely submitted Grievance Hearing Requests stating:
  - a. the time and place of the hearing, if the hearing request is granted, and
  - b. the reason for denial, if the hearing request is denied.

#### G. Hearing Issues and Burdens of Proof:

1. **Claims of discrimination due to race, color, religion, gender, or national origin.**
  - a. The grieving applicant has the burden of proving by a preponderance of the evidence that he or she is being treated or affected differently than another person who, other than for race, color, religion, gender, or national origin, is similarly situated with the applicant or the employee.
  - b. Where the applicant meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven inequality of treatment is necessary to effectuate a compelling county objective.
2. **Claims of Discrimination Due to a Disability**
  - a. The grieving applicant has the burden of proving by a preponderance of the evidence that he or she is a qualified individual with a disability who, because of the disability, is being treated or effected differently than another person in regard to job application, procedures, advancement, dismissal, compensation, training, or other terms, conditions, or privileges of employment.

- b. Where the applicant meets his or her burden of proof, the supervisory official has the burden of proving by a preponderance of the evidence that the proven difference in treatment or effect is job-related and necessary to effectuate a legitimate county objective, that performance of the job cannot be accomplished by reasonable accommodation, or that the needed accommodation would result in undue hardship on the county.

4. The following definitions apply to claims of discrimination due to a disability.

- A. "Disabled" or "disability": A physical or mental impairment that substantially limits one or more of the major life activities of an individual; hearing a record of such an impairment; or being regarded as having such an impairment.
- B. "Regarded as having such an impairment": Includes those with conditions such as obesity or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.
- C. "Discrimination" includes:
1. Limiting, segregating, or classifying a job applicant or employee in a manner that adversely affects his or her opportunities or status;
  2. Participating in contractual or other arrangements that have the effect of subjecting individuals with disabilities to discrimination;
  3. Using standards, criteria, or methods of administration in such a manner that results in or perpetuates discrimination;
  4. Imposing or applying tests and other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the test or selection criteria are job-related and consistent with business necessity;
  5. Failing to make reasonable accommodations to the known limitations of a qualified individual with a disability unless the covered entity can demonstrate that an accommodation would impose an undue hardship on the operation of the business; or
  6. Denying employment opportunities because a qualified individual with a disability needs reasonable accommodations.
- D. "Reasonable accommodation" examples include:
1. Making existing facilities used by employees readily accessible to the disabled;
  2. Job restructuring;
  3. Flexible or modified work schedules;
  4. Reassignments to other positions; and
  5. The acquisition or modifications of equipment or devices.
- E. "Undue hardship": an action requiring "significant difficulty or expense," considering:
1. The overall size of the county with respect to the number of employees, number and type of facilities, and size of the budget;
  2. The type of operation maintained by the county including the composition and structure of the work force of that entity; and
  3. The nature and cost of the accommodation needed.
- F. "Qualified individual with a disability": an individual with a disability who, with or without reasonable accommodation, can perform the "essential functions" of the employment position held or desired.
- G. "Essential functions": job tasks that are fundamental but not marginal (not every job task is to be included in determining the essential functions).



# BAXTER COUNTY GOVERNMENT

EQUAL OPPORTUNITY EMPLOYER

## APPLICATION FOR COUNTY EMPLOYMENT

Date of Application \_\_\_\_\_

Last Name

First Name

Middle Name

Street Address (Include City, State and Zip Code) Telephone No. (Inc. Area Code)

Are you at least 18 years of age?  Yes  No  
Proof of age will be required upon employment.

Have you worked for a county or municipality before?  Yes  No      Where      When

Position/general work area for which you are applying:      Date you can start work  
Rate of pay expected

Full Time       Part-time       Temporary

List friends/relatives employed by the county:

Why do you want to work for the county?

### EDUCATION

SCHOOL	NAME	LOCATION	COURSE	DEGREE
High School				
College or University				
Graduate Study				
Technical Institute				
Business School				
Other				

If you have any special skills or qualifications that you want us to know about, please describe them here.

Are there any known workplace accommodations you would like for the county to consider at this time?  Yes  No  
If yes, please explain: \_\_\_\_\_

### U.S. MILITARY RECORD:

Have you served in the United States Armed forces?  Yes  No

If yes, please give the dates of service: From \_\_\_\_\_ to \_\_\_\_\_ Branch: \_\_\_\_\_

Have you ever been convicted of a felony?  Yes  No

If yes, please explain: \_\_\_\_\_

