

RESOLUTION NO. 3354

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it hereby adopts the attached revised City of Albany Affirmative Action Plan.

BE IT FURTHER RESOLVED that any and all previously adopted plans are hereby repealed.

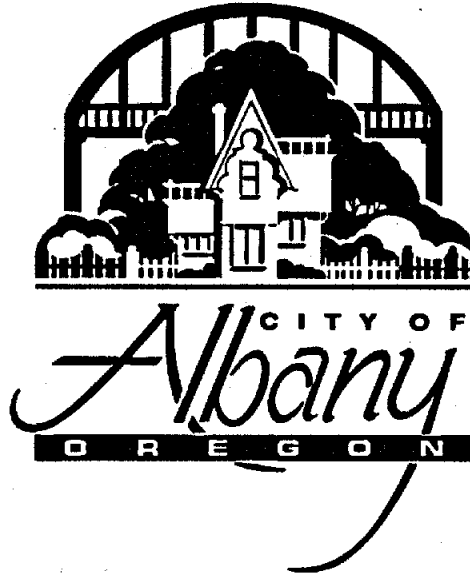
DATED this 13th day of April 1994.



ATTEST:

Norm C. Withers
Deputy City Recorder

[Signature]
Mayor



AFFIRMATIVE ACTION PLAN

ADOPTED BY THE ALBANY CITY COUNCIL APRIL 13, 1994, BY RESOLUTION NO. ____

POLICY STATEMENT

This document is the Affirmative Action Plan covering employment policies and practices for the City of Albany. The purpose of the plan is to ensure that the City has a goal-oriented program to facilitate equal employment opportunity as well as to review policies in terms of compliance with various federal and state nondiscrimination legislation. The nondiscrimination legislation covering employment practices includes, but is not limited to:

--EXECUTIVE ORDER 11246, as amended by EO 11375, prohibiting discrimination on the basis of race, color, religion, sex, and national origin;

--VIETNAM VETERANS READJUSTMENT ASSISTANCE ACT OF 1974, prohibiting discrimination against disabled Vietnam era veterans;

--SECTION 503 OF THE REHABILITATION ACT OF 1973, prohibiting discrimination on the basis of handicap;

--TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 as amended by the EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972, prohibiting discrimination on the basis of race, color, religion, national origin, and sex;

--EQUAL PAY ACT OF 1963, prohibiting discrimination on the basis of sex;

--AGE DISCRIMINATION IN EMPLOYMENT ACT of 1968 as amended by P.L. 98-369, effective January 1, 1985, prohibiting discrimination on the basis of age;

--ORS CHAPTER 659, prohibiting discrimination on the basis of race, religion, color, sex, marital status, national origin, age, mental or physical handicap, family relationship, or application for worker's compensation benefits;

--AMERICANS WITH DISABILITIES ACT 1991, prohibiting discrimination in employment and of services offered by the City on the basis of disabilities;

--CIVIL RIGHTS ACT OF 1991, prohibiting discrimination on the basis of race, color, national origin, and sex.

This plan, which supersedes all previous plans, serves to reaffirm the City's commitment to ensure equal employment opportunity. The ultimate goal for the City is to achieve a work force that is representative of the labor pool from which it hires its employees and to create a work environment that represents the breadth of the American culture.

As the responsibility for this policy rests with all members of the City's work force, the plan shall have appropriate dissemination so that all concerned shall be familiar of the policies and practices implementing our affirmative action effort. Ongoing education process will be maintained so that those concerned may understand the intent and the spirit as well.

I. HISTORY OF CITY OF ALBANY'S AFFIRMATIVE ACTION PLAN AND ITS RESULTS

In January of 1978, the City of Albany adopted its first formal Affirmative Action Plan. That plan provided the goal of increasing the numbers of qualified minorities and females employed at all levels and in all areas of city service to reflect, on a percentage basis, the minority and female composition of the labor market within Linn County.

During the period from 1975 to 1983, the City raised the employment of females from 21% of the work force to nearly 31% and the employment of minorities from 0.7% to 4.0%.

In 1984, the City updated its employment goals to reflect the changing availability pool. On a citywide basis, the goal to increase the percentage of females in the work force to 41.4% and the percentage of minorities to 5.6% was set. As of December 31, 1991, 36.7% of the City's work force were females and 5.5% were minorities.

While the City's efforts under this plan have been moderately successful as can be evidenced by our trend toward the previously established goals, recent federal legislation has now been enacted and offers us still further challenges and opportunities in achieving a work force that more truly reflects the minority, female, and disabled composition of the labor market within Linn County. With this plan, the policies, procedures, and action plans have been reevaluated, and sometimes revised, in an attempt to reemphasize the City's commitment and renew its determination to provide not only equal employment opportunity, but also to strive for a work force representative of the labor pool from which it hires.

II. REAFFIRMATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the City of Albany that discrimination on the basis of race, national origin, religion, sex, age, disability, or marital status shall not exist in any form in the operation of the City.

Specifically, in the area of employment, this policy is intended:

1. To offer equal opportunity in all aspects of the City's employment to all qualified persons, including members of racial/ethnic minority groups, women, disabled persons, and other protected classes. The commitment to equal opportunity shall be evidenced by all employment practices, including, but not limited to: recruitment, selection, and appointments; all personnel actions such as promotion, transfer, rate of pay and other forms or compensation, training, and termination.
2. To guarantee the prompt, impartial consideration of any discrimination complaint and the equitable resolution of any complaint that is found to have merit.
3. To assure that City purchases of goods and services will be provided only by contractors, suppliers, and vendors who comply with nondiscrimination requirements of federal and state laws and regulations.
4. To create an environment which is conducive to attracting women, minorities, and disabled applicants so that a balance will be reached in which the work force of the City is representative of the applicant pool from which it hires its employees.

III. INTERNAL AND EXTERNAL DISSEMINATION

The success of any affirmative action plan depends in a large part upon the understanding and support of the employees covered by the affirmative action policy; both the intent and procedures involved in its implementation need to be understood by all members of the organization. Therefore, the City shall take specific steps to ensure that all members of the organization are cognizant of and have access to the Affirmative Action Plan.

Internal Communication

1. Copies of the Affirmative Action Plan shall be kept on file in the City Manager/Employee Relations Office and the Albany Public Library.
2. The policy statement shall be published annually in the PAYDAY GAZETTE.
3. The policy statement shall be posted on appropriate bulletin boards throughout the City.
4. Affirmative action shall be an agenda item, at least annually, at the department head staff meeting.
5. The Employee Relations Manager shall distribute any information affecting affirmative action or equal opportunity programs to the appropriate parties in a timely fashion.
6. Each organization representing a bargaining unit within the City shall receive a copy of the Affirmative Action Plan and notification that the Employee Relations Manager is available to discuss the plan with the members of the organization.

External Communication

1. All regular recruiting sources shall be notified that the City is an equal employment opportunity/affirmative action employer.
2. All publications, including advertisements or announcements, shall contain a reference to the City's commitment to affirmative action and equal employment opportunity.
3. All applicants for employment shall be advised of the City's commitment to affirmative action and equal employment opportunity through the application process.
4. All media releases shall be made in a nondiscriminatory manner.

IV. RESPONSIBILITIES FOR IMPLEMENTATION OF THE PLAN

The City Manager has ultimate responsibility for the Affirmative Action Plan for the City of Albany. By appointment of the City Manager, the Employee Relations Manager is responsible for the coordination of the implementation of the program. The major responsibilities and authority of the Employee Relations Manager within this area include:

1. Primary responsibility for ensuring that the City's employee relations policies and practices conform to the spirit and requirements of the Affirmative Action Plan.
2. Responsibility to work with the City Manager and department heads to coordinate the goals for affirmative action.
3. Responsibility for monitoring compliance with affirmative action legislation.
4. Responsibility for reviewing all individual hiring actions and advising the appropriate parties regarding compliance with the policies and procedures of affirmative action and equal employment opportunity.
5. Responsibility, under the City's grievance procedure, to attempt resolution of grievances claiming discrimination and to make recommendations to the City Manager of action to be taken, if any.
6. Responsibility for serving as liaison with federal and state compliance agencies and responsibility of advising the City administration of the requirements of these agencies.
7. Responsibility for meeting the reporting requirements of any and all state and federal agencies.

In addition to the responsibilities of the Employee Relations Manager, the following personnel have specific responsibility in terms of implementation of the Affirmative Action Plan:

Department Heads and Other Supervisors have the responsibility to support and implement all aspects of the Affirmative Action Plan as they apply to their respective departments. All supervisors are subject to being evaluated on their responsibilities in the area of affirmative action and equal employment opportunity, both in terms of efforts and results, during their annual performance evaluations.

V. ESTABLISHED GOALS

The goals established by the City have been based on perceived underutilization within the female and minority populations of Linn County. It should be noted that these are considered to be realistic goals, not quotas. The ultimate goal, as stated previously, is to have a work force that is representative of the applicant pool from which we hire. The goals are also flexible and may be changed upon review if statistical data or other information indicate that changes should be made.

VI. ACTION-ORIENTED PROGRAMS TO ACHIEVE GOALS AND OBJECTIVES

It is difficult to know what barriers exist that keep the City from achieving a work force that is truly reflective of the labor market which exists in Linn County. However, the following objectives are proposed to help alleviate any existing barriers to equal employment opportunity and help to achieve the desired goals:

1. Explore alternative recruiting sources for females, minorities, disabled individuals, and veterans. In evaluating the applicant information provided on the confidential affirmative action portion of the City's application for employment forms, notations should be made regarding the apparent usefulness of these organizations as recruiting sources.
2. Offer training programs for management and supervisory staff with the objective of the attendees obtaining a working knowledge of the Affirmative Action Plan.
3. Implement, as a portion of new employee orientation, a segment on affirmative action.
4. Develop or refine record-keeping systems for ongoing monitoring of the affirmative action program.
5. Provide training opportunities for women and minorities and employees with disabilities to develop and enhance skills necessary for promotion.

VII. AFFIRMATIVE ACTION OBLIGATIONS REGARDING DISABLED WORKERS

In compliance with Section 503 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1991, the City of Albany shall take affirmative action in the employment and in the advancement of employment of qualified disabled persons. It is the policy of the City that discrimination on the basis of disability shall not exist in the operation of the City, including its personnel policies.

The City will periodically review job qualification requirements to ensure that, to the extent qualification requirements tend to screen out qualified disabled persons, they are based upon the essential functions of the position and that they are consistent with the operation of the City and the safe performance of that position.

The City is committed to making a reasonable accommodation to the limitations of an employee or applicant unless such accommodation would impose an undue hardship on the operation of the City.

VIII. GRIEVANCE PROCEDURE FOR DISCRIMINATION COMPLAINTS

The following procedure is to be used in resolving complaints alleging discrimination on the basis of race, national origin, religion, sex, age, disability, and marital status. (Complaints of harassment are to be addressed through the process outlined in Employee Relations Policy 1.14.)

For the purpose of this procedure, the following definitions shall be used:

1. **City Representative:** The person who is alleged to be responsible for the policy, practice, or act considered by the grievant to be discriminatory.
2. **Discrimination:** Any act or practice, either in form or operation, whether intended or unintended, that unreasonably differentiates among persons on the basis of race, religion, national origin, age, sex, marital status, or disability.
3. **Grievant:** Person initiating a complaint.
4. **Status:** Role of grievant at the time of the alleged discriminatory act, i.e., employee, applicant, etc.
5. **ADA/504 Coordinator:** The City's Employee Relations Manager.

A complaint alleging discrimination in employment by an individual in a protected class shall be processed as described below:

1. The grievant is encouraged to attempt to resolve the complaint with the City representative responsible for the policy, practice, or act considered discriminatory within 30 days of the allegedly discriminatory act. If due to the grievant status no such resolution attempt is practical or when resolution cannot be reached, a formal grievance may be filed.
2. To file a formal grievance, the grievant shall submit the complaint, in writing, within 60 days after the alleged discriminatory act. The grievant shall have access to all relevant records that are not protected under state and/or federal law. The complaint shall be addressed to the City's Employee Relations Manager and shall contain the following:
 - a. Grievant's name, address, status, and telephone number where the grievant may be contacted.
 - b. The date of the alleged act of discrimination and a detailed description of any alleged discrimination.
 - c. An outline of the attempts to resolve the grievance, including the name of the City's representative responsible for the alleged discriminatory act and the date(s) of the attempt at resolution.
 - d. All other information pertinent to the complaint.
 - e. Resolution proposed by the grievant.
 - f. Grievant's signature.
3. The Employee Relations Manager shall forward copies of the written complaint to the named City representative, the appropriate department head, and the City Manager.
4. The Employee Relations Manager shall request a statement from the City representative named in the complaint and/ or otherwise investigate the grievance and attempt resolution. If unable to resolve the grievance promptly, the Employee Relations Manager shall make a recommendation of the appropriate action to the City Manager, who shall order the correction of any noncompliance found to exist or to have occurred.
5. The final decision concerning the grievance shall be given to the grievant, in writing, by the City Manager, within sixty days after receipt of the written complaint by the Employee Relations Manager, unless additional time is mutually agreed to by the grievant and the City Manager. The named City representative, the appropriate department head, and the Employee Relations Manager shall be notified of the City Manager's decision.
6. The Employee Relations Manager may assist persons with the preparation and filing of the complaint, participate in the investigation of complaints, and advise the City Manager or her/his designee concerning their resolution.