



# **City of Worcester**

## ***Affirmative Action Plan***

Chief Diversity Officer & Human Resources Department

455 Main St., Worcester, MA 01608

[www.worcesterma.gov](http://www.worcesterma.gov)

TABLE OF CONTENTS

**EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION AND AFFIRMATIVE ACTION POLICY STATEMENT**..... P3

**SCOPE OF THE PLAN**..... P4

**AFFIRMATIVE ACTION PLAN**..... P6

**RESPONSIBILITY AND ACCOUNTABILITY**..... P6

        City Manager

        Chief Diversity Officer

        Director of Human Resources

        Department Heads

        Managers, Supervisors and Directors

        Diversity Officers and Diversity Liaisons

        Diversity and Inclusion Advisory Committee

**DISSEMINATION**..... P8

        Internal Dissemination

        External Dissemination

**IMPLEMENTATION**..... P9

**RECRUITMENT & OUTREACH**..... P9

**HIRING PROCESS**..... P10

**RETENTION & WORK ENVIRONMENT**..... P11

**CONTRACTING AND PURCHASING**..... P13

**UTILIZATION ANALYSIS**..... P13

**COMPLAINT AND RESOLUTION PROCEDURE**..... P14

**EE0-4 JOB CATEGORY**..... P15

**GLOSSARY**..... P17

**EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION AND AFFIRMATIVE ACTION POLICY STATEMENT**

It is the policy of the City of Worcester to ensure non-discrimination in all its employment decisions. The City prohibits discrimination on the basis of race, color, religion, gender, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, sexual orientation, gender identity and expression, genetic information, and any other class of individuals protected from discrimination under state or federal law, in all aspects of employment by the City, including, but not limited to: recruitment, selection or hiring, compensation and benefits, leave, professional development and training, promotion, transfer, demotion, internships, in-service or apprenticeship training programs, layoff, and termination. The City's personnel policies and practices are designed to provide equal opportunity for all persons. However, affirmative action in employment decisions is required in order to address under-representation of members from Protected Groups in the City's workforce. If any person from the above mentioned Protected Groups believes they have been discriminated against, they have the right to file a complaint in accordance with the procedures that shall be enacted by the City.

An objective of the City is to become the civic leader in programs, permanent jobs and activities which enhance equal employment opportunities, as well as awareness and sensitivity to all Protected Groups. The City strives to recruit, train, retain, and promote a workforce that mirrors the City's population. To that end, each department of the City, its administrators, and its employees shall take all reasonable and necessary steps to ensure affirmative action and equal opportunity in the affairs of the City government, including in their relationships with the public and any persons or entities doing business with the City. All City personnel will be expected to comply with the Affirmative Action Plan, and any other related City policies and documents so we may together reach our diversity and inclusion goals.

\_\_\_\_\_  
Edward M. Augustus, Jr., City Manager

Date: \_\_\_\_\_

## **SCOPE OF THE PLAN**

The City of Worcester hereby establishes its Affirmative Action Plan (“the Plan”) in accordance with the intent of the rules, regulations, and guidelines of the requirements of Mass General Laws Chapter 151 B; Equal Pay Act of 1963; Titles VI and VII of the Civil Rights Act of 1964 as amended; Age Discrimination in Employment Act of 1967; Equal Employment Opportunity Act of 1972; Civil Rights Act of 1991; Sections 503 and 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Vietnam Era Veterans Readjustment Act of 1974; The Pregnancy Discrimination Act of 1978; Massachusetts Pregnant Workers Fairness Act of 2018; Genetic Information Nondiscrimination Act of 2008 (GINA); regulations and executive orders as they pertain; and the Revised Ordinances of the City of Worcester. In furtherance of the Plan, the City will do the following:

The City will adhere to the provisions of all federal, state, and local laws and regulations, governing equal opportunity and non-discrimination in employment.

The City will provide all employees with the privileges and benefits associated with employment.

The City will promote the most qualified employees, with a preference for promoting members of Protected Groups that are underrepresented in the applicable City division/department.

The City will provide all employees with an equal opportunity to participate in applicable training and development programs.

The City will compensate all employees based upon the principle of equal work.

The City will establish and/or maintain all employee facilities on a non-discriminatory basis.

The City will not limit, segregate, or classify its employees in any way which would deprive any individual of opportunities, or adversely affect his or her status as an employee because of such employee's status as a member of a Protected Group.

The City will not discharge any employee because of their status as a member of a Protected Group.

Where requested, the City will provide reasonable accommodations to job applicants with disabilities where necessary to enable such applicants to complete the job application process.

The City will also provide reasonable accommodations to employees with disabilities where requested and necessary to enable such employees to perform the essential functions of their jobs.

The City will administer all personnel activities such as recruitment, hiring, promotions, downgrading, layoffs, discipline, compensation, benefits, transfers, and training, equally among employees, with the goal of elevating members of underrepresented Protected Groups and in accordance with civil service regulations.

The City will take affirmative steps, including the establishment of goals and timetables, to ensure that the City workforce, at all levels and in all types of positions, reflects the demographics of the City.

The City will use non-traditional sources and methods of recruiting applicants for employment in order to re-affirm its commitment to equal employment opportunity and affirmative action, and to maintain and encourage a diverse workforce.

The City will take affirmative steps to develop the talents, skills, and other abilities of its workforce and ensure that members of underrepresented Protected Groups have equal opportunity for advancement.

The City will not utilize tests or selection criteria or other procedures in hiring or promotion that are not validated as appropriate or necessary for evaluating ability to perform the essential functions of the job.

The City will not tolerate stereotypical characterizations based on race, color, religion, gender, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, sexual orientation, gender identity and expression, or genetic information.

The City will establish and maintain job descriptions that accurately reflect the essential functions, qualifications, and duties.

The City will invite all employees to participate in all City sponsored activities such as training programs, professional development opportunities, tuition waiver program, team building activities, and social or recreational activities.

All City personnel must comply with the procedures set forth in the Plan. The purpose of the Plan is to set forth goals and timetables designed to recruit, employ, retain, train, and promote members of Protected Groups to the extent that such employees are fully utilized. The Plan is applicable to all employment actions taken by the City, including but not limited to recruitment, interviewing, selection, hiring, training, promotions, demotions, and termination.

## **AFFIRMATIVE ACTION PLAN**

### **RESPONSIBILITY AND ACCOUNTABILITY FOR THE PLAN**

#### *City Manager*

Appointed by the City Council, the City Manager is the chief administrator of the City and is responsible for the administration of all departments, boards and commissions, and agents/officers of the City. All appointments and hiring decisions are made by the City Manager with the exception of City Clerk and the City Auditor whom are appointed by the City Council. The City Manager has the ultimate responsibility for achieving and maintaining equal employment opportunity and the affirmative action goals set forth in this Plan. The City Manager designated the Chief Diversity Officer and Human Resources Director as the individuals responsible for the implementation and enforcement of the Plan Citywide.

#### *Chief Diversity Officer*

Appointed by and reporting directly to the City Manager, the Chief Diversity Officer (CDO) is responsible for overseeing the development and implementation of the Plan and ensuring that the City is in compliance with all federal, state, and local laws and policies related to equal employment and affirmative action. The Chief Diversity Officer's will be responsible to:

- Prepare and maintain the Plan for the City.
- Distribute, promote and explain the Plan, policy, programs and related activities to employees and the public.
- Develop goals and timetables for implementing the Plan.
- Develop and monitor recruiting, hiring, training, promoting, and retaining strategies to increase the representation of people from underrepresented groups.
- Review and approve any potential hire(s) to ensure that equal employment opportunity and the Plan are maintained.
- Coordinate recruiting efforts both broad based and tailored to ensure qualified diverse applicant pools that reflect the availability of the labor market.
- Work with the Director of Human Resources to develop strategies for targeted recruitment.
- Work with the Diversity and Inclusion Advisory Committee to review and update the Plan when appropriate.

#### *Director of Human Resources*

The Director of Human Resources is responsible for ensuring that Protected Groups are informed of employment opportunities within the City and that recruitment sources for Protected Groups are fully utilized for vacancies. The Director of Human Resources will be responsible to:

- Implement and monitor recruiting, hiring, training, promoting, and retaining strategies to increase the representation of people from underutilized Protected Groups.

- In partnership with the CDO, offer assistance to department heads in establishing goals and timetables to address underutilization and underrepresentation of Protected Groups in any given EEO category.
- Monitor recruiting efforts both broad based and tailored to ensure qualified diverse applicant pools that reflect the availability of the labor market.
- Recommend the use of extraordinary certification devices, such as personnel Administration Rule Par.10, Section 47A, Massachusetts General Laws, and selective certification.
- Accept and investigate complaints of discrimination per current City ordinances, personnel rules and policies.

#### *Department Heads*

- Department heads shall be responsible for the implementation of the Plan at the department level by consulting with the CDO and Director of Human Resources on employment decisions.
- Accountable to the City Manager for attainment of department's specific employment goals.
- With the assistance of the Director of Human Resources and the Chief Diversity Officer establish recruitment strategies and campaigns for underrepresented Protected Groups.
- At the direction of the CDO, a Department head shall designate a Diversity Officer/Diversity Liaison within their department to assist with the attainment of affirmative action goals.

#### *Managers, Supervisors and Directors*

- Empowered to act to assist the City in achieving its goal of providing their subordinate employees fair and equitable treatment.
- Counseling and/or disciplining employees who engage in activities exhibiting unlawful bias, including but not limited to, verbal, written or pictorial expressions of said bias.
- Report to their Department head any and all conduct that may constitute a violation of any of the City's EEO policies, whether they observe the conduct first hand, or learn of it from another employee.

#### *Diversity Officers and Diversity Liaison*

- Develop and monitor recruiting, hiring, training, promoting, and retaining strategies to increase the representation of underrepresented Protected Groups in their department.
- Coordinate recruiting efforts both broad based and tailored to ensure qualified diverse applicant pools that reflect the City's population.
- Analyze employment demographic information of the department's workforce and provide an annual report.

*Diversity and Inclusion Advisory Committee*

- Advise the City Manager and Chief Diversity Officer on affirmative action and equal opportunity.
- Advise the Chief Diversity Officer and the Director of Human Resources in the areas of recruitment, hiring, promoting and retaining.
- Make recommendations for the revision and/or updating of the Plan.

DISSEMINATION OF THE PLAN

*Internal Dissemination*

A copy of the Plan will be disseminated to all Cabinet Members, Department Heads, and Appointing Authorities; each Cabinet Member, Department Head and Appointing Authority shall ensure that their staff is briefed on the Plan and the contents of the Plan.

The Plan will be posted on the City's Intranet.

The Affirmative Action Plan will be posted on all bulletin boards where official notices are displayed as well as on the City's Intranet and Internet sites.

Training meetings for Cabinet Members, Department Heads, managers and supervisors will be conducted to explain the intent of the policy and plan, including goals, timetables, and responsibilities necessary for implementation.

The Plan shall be discussed thoroughly in employee orientation, where copies will be distributed to new employees.

All policy decisions concerning Affirmative Action will be given the widest possible dissemination within department programs, activities, projects, etc.

*External Dissemination*

The Plan is a public record that will be made available to the public upon request. A copy will be made available to view in the City Clerk's office. Also, a copy will be placed on the City's website.

The Plan will be posted on the City's website.

The Scope Of The Plan will be posted where the City posts other employment related policies.

All communication with the public in regard to recruitment, jobs, interviews, and employment shall state that the City of Worcester is an Equal Opportunity and Affirmative Action employer; an EEO and AA statement will be affixed to all official publications that describe city services, programs and activities.

The City of Worcester employment applications shall include a statement that the City of Worcester is an Equal Opportunity and Affirmative Action employer.

### IMPLEMENTATION

It is the City's goal to have a diverse and competent workplace. To achieve this goal, the City of Worcester will always seek the best, qualified candidates for openings, based upon job required knowledge, skills and abilities, job related education or training, relevant experience, and who will contribute to the diversity goals of the City. In the circumstance where there is more than one equally qualified applicant for an open job or promotion in City employment and one of the applicants is a member of an underrepresented group in a Department, the City shall hire or promote such individual from the underrepresented group.

### RECRUITMENT & OUTREACH

To achieve affirmative action goals, the City will actively recruit individuals in Protected Groups by reaching out to traditional and non-traditional sources of support, such as community agencies, ethnic societies, and advocacy groups, as well as develop new referral networks. The affirmative action recruitment efforts shall include both promotion from within and the hiring of new staff. To assist departments in identifying and recruiting individuals from underrepresented Protected Groups City employment, the following actions will be taken:

- The Chief Diversity Officer, in conjunction with the Director of Human Resources, will develop a recruitment program to work closely with outside agencies and organizations to recruit Protected Group members.
- The Chief Diversity Officer, in conjunction with the Director of Human Resources and other City departments, will conduct recruitment plans for open positions or promotional examinations where special efforts to increase representation are needed, i.e. police and fire.
- The Chief Diversity Officer will regularly participate in job fairs, career days, high school programs and college activities to recruit members of Protected Groups.
- The Chief Diversity Officer will maintain a list of affirmative action recruiting sources and contacts.

Steps to achieve recruitment objectives will include:

- Direct contact with organizations specifically involved with equal opportunity in employment of Protected Groups.
- Direct contact with employment officers at colleges, vocational and technical schools, or other institutions with significant Protected Group number enrollment.
- Direct contact with community and neighborhood agencies that can assist in referring applicants for employment.
- Paid and free media contact with publications, newspapers, and other media sources that reach out in particular to Protected Group members.
  - Prominently displaying employment opportunities within the City and distributing lists externally, with job titles, requirements, minimum qualifications, salary, closing date and civil service status indicated.

- Posting of all positions in a wide variety of places such as the City website, public City bulletin boards, local and community agencies so that current qualified employees can apply for promotion/lateral transfer and external applicants will have easy access to information about positions.
- In conjunction with those in executive management and leadership positions, encouraging qualified employees from underrepresented Protected Groups to apply for open positions.
- Notifying individuals from underrepresented groups of job openings and encouraging them to apply with the State's Human Resource Division (HRD) to fill Civil Service classifications. Human Resources will work with HRD to review job requirements for City employment and to recruit candidates for specific entry-level and promotional exams.
- The Chief Diversity Officer and Human Resources will utilize all available sources to reach Protected Group members. Efforts will be made to ensure that the skill requirements are job related and are consistent with business necessity and the safe performance of the job. Recruiting sources will be identified, updated and disseminated within the City with the goal of utilizing these sources to attract qualified Protected Group members. The Chief Diversity Officer and the Director of Human Resources may undertake additional extended outreach if an applicant pool is deemed inadequate.
- A confidential record separate from the application will be maintained of those applicants who have voluntarily self-identified their membership in a protected group.

### HIRING PROCESS

All hiring standards will adhere to all legal requirements and be reasonable, objective, and job related. A description of the qualifications and required skills will be based on valid job requirements only. The City will strive to hire qualified candidates by adopting a policy that welcomes applicants from historically underrepresented Protected Groups. In order to achieve this goal, all department heads and managers involved in employment activity will share in the responsibility of consistent hiring practices by adhering to the following:

- Application forms will be free of all discriminatory practices. Questions such as those concerning Protected Group status are not allowed. Application forms will comply with all legal requirements.
- Supervisory personnel will receive training in interviewing techniques and information regarding avoiding discriminatory practices. Supervisory personnel will be trained to identify issues of equal opportunity and affirmative action within their specific departments.
- Interviews for employment should not include discriminatory questions such as those concerning Protected Group status. No questions should be asked of Protected Groups that would not, under usual circumstances, be asked of all persons seeking employment. All questions will be job related.
- To ensure that the hiring and promoting of employees of the City of Worcester are handled in an open, timely, consistent manner while in compliance with state and federal guidelines all City Departments will follow the Plan and other related City policies. The Chief Diversity Officer will regularly review hiring processes and

related documents for discriminatory content to ensure that all hiring processes follow established guidelines as stated in this document and other City policies. Input and review by the Diversity and Inclusion Advisory Committee on hiring processes will be sought periodically.

- The Human Resources Department and Chief Diversity Officer will identify qualified applicants of Protected Groups that should be given careful consideration, up to and including, final selection. The Human Resources Department and Chief Diversity Officer may review all applicants that were screened out of the hiring process to ensure that the hiring process meets all Affirmative Action and Equal Employment Opportunity (EEO) guidelines and practices.
- In instances where the Human Resources Department has identified an underutilization of Protected Groups within a Civil Service designation, the Director of Human Resources may recommend to the City Manager the utilization of the following:
  - Personnel Administrative Rule (PAR10) where applicable to civil service lists and to negotiate with affected bargaining units concerning promotional opportunities.
  - Selective certification where applicable.
  - Sections 47A of Chapter 31 of the Massachusetts General Laws.
  - Advertise in publications of special interest to Protected Groups and other underrepresented groups to attract a diverse pool of applicants.

#### RETENTION & WORK ENVIRONMENT

An environment where all employees feel included and valued results in a stronger and motivated workforce. The diversity of the City's workforce and the inclusive work environment are key attractions to candidates for employment. The following affirmative steps of retention will be taken:

##### *On Boarding*

- The Human Resources Department, in partnership with the CDO, will provide a timely employee orientation which will include a general introduction to becoming a City employee, and may also include an overview of the City workforce structure, employee benefits, and ways to get involved and build community within the City's workforce.
- The supervisor of the new employee will be proactive and engaged in facilitating the employee's successful integration into the department.

##### *Training/Professional Development*

- Trainings and professional development will be offered at the individual, departmental, and city-wide levels to all employees. These trainings aim to establish an inclusive workplace culture. Some training may be mandatory while others can be requested by the individual employee, the department or at the request of the City Manager for the entire workforce.
- The Chief Diversity Officer in collaboration with the Coordinator of Training and Department Heads will ensure that all employees attend a Diversity and Inclusion

training that enhances respect for diversity in the workplace.

- Department heads, managers and supervisors will receive information and resources periodically on how to work with staff to enhance job satisfaction and to further career development.
- The Chief Diversity Officer shall ensure that Protected Groups who are employed with the City are informed of opportunities and programs for training and career development.
- The Disabilities Commission and Director of Disabilities (ADA Coordinator) in partnership with the Chief Diversity Officer and the Director of Human Resources will work with all departments to identify and remove barriers that may unfairly limit disabled employees from reaching their professional potential.
- The Chief Diversity Officer will review and assess information from exit interviews with employees to solicit information from which action plans will be developed and implemented to promote a more harmonious and diverse workforce.
- The Coordinator of Training will regularly distribute a Training Series Schedule and Tuition Waiver Program opportunities to employees.

#### *Inclusive Workplace Culture*

- Department heads, managers, and supervisors should provide support to their staff in pursuit of professional development and career goals by inviting them to participate in all relevant City sponsored activities.
- Training will be provided for department heads and supervisory personnel on issues that embrace diversity and promote positive working relationships among staff. Training topics may include but not be limited to the following: "Managing a Diverse Workforce," "Sexual Harassment," "Conflict Resolution" and "Communicating about Differences."
- The following Diversity and Inclusion best practices may include:
  - Mentorship programs;
  - The creation of Affinity Groups (also known as Employee Resource Groups and/or Identity Based Groups);
  - Workplace climate study and/or assessment;
  - Creating a newsletter highlighting the work of Diversity and Inclusion which discusses current issues;
  - The use of social media, website, and other media sources to highlight the work of Diversity and Inclusion;
  - Departmental team building exercises;
  - Wellness and mental health wellbeing; and
  - City wide cultural competence and skills development trainings.

#### *Promotions*

The City will ensure that a fair promotion procedure is established and followed.

Accordingly, all promotional job vacancies should be publicized in all appropriate locations and publications. Criteria for candidate selection will be reviewed to verify the validity of job requirements. Upon request, the Chief Diversity Officer, in conjunction with the Director of

Human Resources, will consult with individual employees to assess and review their opportunities for advancement in areas where there is underrepresentation.

#### *Discipline*

Discipline or downgrade actions will be reviewed by the Director of Human Resources and the Chief Diversity Officer.

#### *End of Employment*

- Layoffs: In the event of layoffs, employees shall be laid off on a nondiscriminatory basis so that equal employment opportunity guidelines are maintained, consistent with the law.
- Termination: The Chief Diversity Officer shall work in conjunction with the Director of Human Resources to ensure that termination procedures comply with the Plan and actions are consistent with the law.

### CONTRACTING AND PURCHASING

When selecting contractors, suppliers, and vendors of goods and services, including good and services secured in connection with construction projects, the City of Worcester will offer equal opportunity to all qualified persons and entities and will not discriminate on the basis of protected class. The City's goal is to promote and encourage the use of small, Worcester-based businesses in addition to Minority, Women and Veteran-owned companies whenever and wherever feasible while maintaining quality and contractual integrity. The City of Worcester shall use reasonable efforts to attract and encourage bid proposals from qualified minority and female contractors, subcontractors, vendors and suppliers. The City of Worcester will identify businesses primarily operated by members of such protected classes with the help of agencies, such as the Supplier Diversity Office.

The City of Worcester has engaged a third party organization to conduct a Construction Industry Disparity Study. The study will identify the population of qualified and interested workers that are underrepresented, including women and people of color, in the City of Worcester and the region, providing data-driven support for establishing workforce participation, hiring goals, and workforce diversity goals.

### UTILIZATION ANALYSIS

The City of Worcester, in an effort to provide equal employment opportunity, shall maintain quarterly applicant flow data, on new hires, promotions, and departures. The City shall also maintain yearly data on projected vacancies by department due to retirement, leaves of absence, resignation, termination, and/or newly created positions.

The City shall, through annual assessment of its workforce, identify areas where underutilization of minorities, people of color, persons with disability, and women exist and project annual hiring goals timetables accordingly. "Underutilization" or "underrepresentation" is defined as having fewer minorities, people of color, women, or

persons with a disability in a particular job classification than would reasonably be expected by their availability.

The Human Resources Department shall provide each City Department Head and the Chief Diversity Officer a Department Demographics Report (DDR) once every two years. The DDR shall include an analysis of the department's demographics for the past five (5) years, including statistical information of employees in that department that belong to a Protected Group as well as the recent EE0-4 Report.

Where underutilization or underrepresentation is apparent, the options provided by use of temporary and/or provisional appointments to civil service positions, special certification (PAR.10), and any other method that can be used to facilitate affirmative action efforts, will be used in the implementation of the Plan.

### COMPLAINT AND RESOLUTION PROCEDURE

The City has designated a Protected Class Harassment Grievance Officer. If any individual believes he or she has been subject to protected class harassment on the basis of his/her protected class, the individual should initiate a complaint by contacting the Protected Class Harassment Grievance Officer as soon as possible. The individual should file the complaint promptly following any incident of protected class harassment. The current Protected Class Harassment Grievance Officer is Pam Callahan, Coordinator of Training, Development and Wellness, Department of Human Resources. She can be reached at 455 Main St., Room 109 and her telephone number is 508-799-1030.

On receiving the complaint, the Protected Class Harassment Grievance Officer or the Alternate Protected Class Harassment Grievance Officer will promptly have a review made into the matter. If, after the completion of this review, it is determined that there is a reasonable basis for finding a violation of this policy, the City will conduct an investigation.

The City will endeavor to speak with all individuals who have information related to the matter, including the employee charged with the violation, who will be provided with an opportunity to respond to the complaint. The investigation will be made to the extent appropriate in each case. This process will be confidential to the extent consistent with an effective investigation, subject to the business needs of the City. The Protected Class Harassment Grievance Officer may seek the advice of the city solicitor at any time during any investigation.

After the investigation is completed, the City will review the information it has gathered and make a final decision. If the City finds that the allegations in the complaint have been established by the investigation, the City will initiate discipline of the charged individual. Discipline will be appropriate to the offense and employees involved, and may include discharge. The complainant will be notified of the disposition of the investigation.

The aggrieved person has the right to file a complaint simultaneously with the Massachusetts Commission Against Discrimination (MCAD), 1 Ashburton Place, Boston, MA 02108 and

436 Dwight Street, Springfield, MA 01103, and/or the U.S. Equal Employment Opportunity Commission (EEOC), JFK Federal Office Building, Government Center, Room 475, Boston, MA 02203. A complaint to the MCAD must be filed within 300 days. A complaint under the federal law should be filed within 180 days, but under certain circumstances, a federal complaint may be filed within 300 days.

An employee, who seeks relief from an alleged discriminatory situation through the complaint and resolution procedure, or through any procedure created under State or Federal laws, shall not be subjected to retaliation, intimidation, or harassment in any terms, conditions, or privileges of employment or retention.

#### **EEO-4 JOB CATEGORY**

**Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and- housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

**Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.

**Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants , inspectors (production or processing inspectors, testers and weighers), and kindred workers.

**Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.

**Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training

and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a “New Career” concept. Includes: research assistants, medical aides, child support workers, policy auxiliary welfare service aides, recreation assistants, homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

**Administrative Support (Including Clerical and Sales):** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

**Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

**Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

## GLOSSARY

**Accessibility**, Readily accessible and usable by individuals with disabilities. Barrier-free environment in which the mobility of physically disabled person is not inhibited by external forces, such as, architectural design.

**Adverse Impact (Effect)**, Applying uniformly to all applicants or employees certain personnel policies that have the effect of denying employment or advancement to a member of protected class.

**Adverse Treatment**, Action that would in any way deprive an individual of employment or negatively affected a member's protected class status

**Affected Class**, Any employee group, such as minorities and women, that has suffered and continue to suffer the effects of unlawful discrimination.

**Affirmative Action**, A demonstrated commitment to the recognition, development and utilization of the abilities of protected groups, including minorities, women, persons with disabilities, and veterans. It is a process to achieve the purpose of anti-discrimination laws.

**Affirmative Action Plan (AAP)**, A written document outlining those steps to be taken to bring about affirmative action as described above. The execution of the plan will assure measurable outcomes, early improvement in hiring, training and promotions for minorities, women, people with disabilities, and veterans in all parts of an organization. It is a program designed to achieve equal opportunity, rather than just simply a policy to assure non-discrimination. As an ongoing management program, it requires periodic evaluation and updating.

**Applicant Flow**, The process of records of hiring, promotions, and other employment actions for the purpose of monitoring to assure the employer's employment procedures are accomplished in accordance with the policies and guidelines of the Affirmative Action Plan.

**Disability**, A physical or mental impairment which substantially limits one or more major life activities, a record of such impairment, or regarded as having such impairment.

**Discrimination**, The failure to treat equals equally. The unequal treatment or categorizing that is based on protected class, such as, race, sex, religion, age, physical or mental disability or has the effect of disparate treatment for any member of a protected class, which is unlawful

**Disparate Effect**, See Adverse Impact

**Equal Employment**, An employer's posture that all personnel activities will be conducted in a manner as to assure equal opportunity for all.

**Equal Employment Opportunity, Non-Discrimination and Affirmative Action Policy,** A written declaration of an appointing authority to initiate positive steps to assure equal employment opportunity and non-discrimination.

**Grievance,** As used in this Plan, the filing of allegations with the Human Resources Department with the purpose of addressing a harassing or discriminatory situation in an expeditious manner.

**Minority:** A group comprising less than half of a population and differing from a larger, predominant group, as in race, religion, political affiliation.

### **Minority Categories,**

**American or Alaskan Native:** All persons having origins in any of the original peoples of North and South America (including Central America), and who maintain cultural identification through tribal affiliation or community recognition.

**Asian:** All persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

**Black, African or African American:** All persons having origins in any of the Black racial groups of Africa.

**Hispanic or Latino:** All persons of Puerto Rican, Dominican, Cuban, Mexican, Central or South American or other Spanish culture or origin, regardless of race.

**Native Hawaiian or Other Pacific Islander:** All persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Two or More Races:** All persons who primarily identify with more than one race/ethnicity categories.

**Nepotism,** The practice of showing favoritism to relatives or close friends of other employees over other applicants applying for positions. Nepotism has been found discriminatory to minorities because the practice and systems associated resulted in keeping minorities out of the work force.

**Parity,** Equality the ultimate goal of affirmative action is to achieve “parity” in the workforce for underrepresented groups, such as minorities and women, in every job category of a workforce based on the same proportion as the underrepresented group is available in the labor market.

**Protected Groups (Protected Class):** Legally identified groups that are specifically protected by the statute against employment discrimination. Unlike “Affected Class” which must be demonstrated, protected class status is automatically conferred upon recognized

minority group members, such as females, etc., by virtue of the law.

**Qualified Person with a Disability,** A disabled person who is capable of performing the essential functions of a particular job, or who would be capable of performing the essential functions of a particular job with reasonable accommodation to their disability.

**Reasonable Accommodation,** The changing of environments or schedules, or the requirement to adapt to the known physical or mental limitations of qualified disabled applicant or employee. The accommodation may include, but not be limited to, job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provisions of readers or interpreters, or other similar actions.

In determining whether an accommodation would impose an undue hardship on the conduct of the employer's

- a) The overall size of the employer's business with aspect to the number of employees, number and type of facilities, and size of budget or available assets;
- b) Type of employer operation, including the composition and structure of the employer's workforce; and the nature and cost of the accommodation needed.

**Systemic Discrimination,** a pattern of discrimination throughout a place of employment (or program) that is the result of pervasive, interrelated actions, policies, or procedures.

**Underutilization (Underrepresentation),** Having fewer protected group members, such as, minorities, women, people with disabilities, or veterans in a particular job classification than would reasonably be expected by their availability in the workforce or recruitment area.

**Utilization Analysis,** The enumeration and examination of the presence of protected group members employed by the City.

### **Veteran Status Categories,**

**Armed Forces Service Medal Veteran,** Any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 FR 1209)

**Disabled Veteran,** A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or a person who was discharged or released from active duty because of a service-connected disability.

**Other Protected Veteran,** A veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

**Recently Separated Veteran,** Any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval or air service.

**Vietnam Era,** A person who has served on active duty for a period of more than 90 days, any part of which occurred between August 5, 1964 and May 7, 1976, and was discharged or released from there with other than a dishonorable discharge; or was discharged or released from active duty for a service connected disability if any part of such active duty was performed between August 5, 1964, and May 7, 1976.

**White,** all persons having origins in any of the original people in Europe, North Africa, or the Middle East.