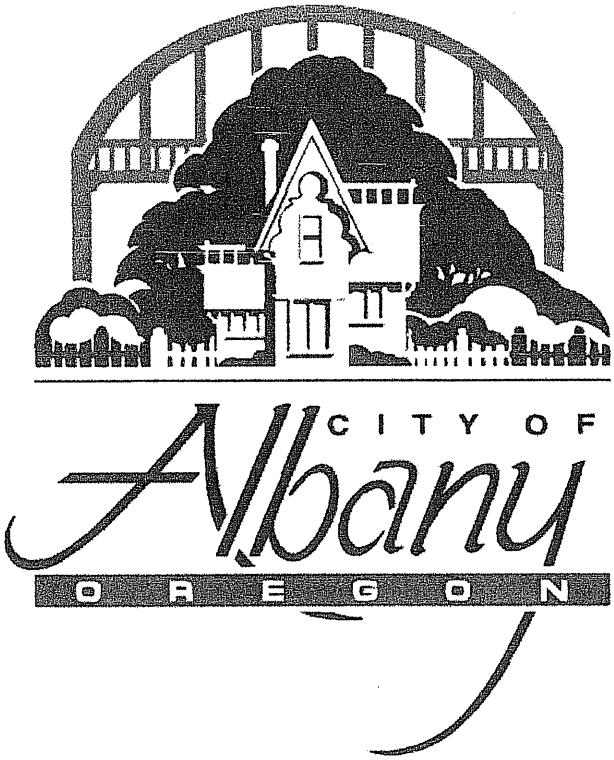

AFFIRMATIVE ACTION PLAN

Adopted by the Albany City Council on October 14, 2009
by Resolution No. 5846.

RESOLUTION NO. 5846

RESOLUTION ADOPTING AN UPDATED AFFIRMATIVE ACTION PLAN FOR THE CITY OF ALBANY, OREGON, AND REPEALING RESOLUTION NO. 3354

WHEREAS, the City of Albany is committed to nondiscrimination in all aspects of employment; and

WHEREAS, an Affirmative Action Plan is required of federal contractors by Executive Order 11246; and

WHEREAS, the City has been a federal contractor in the past and may desire to be a federal contractor in the future; and

WHEREAS, the City last updated its Affirmative Action Plan in April 1994.

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

BE IT FURTHER RESOLVED that Resolution No. 3354, which adopted the 1994 Affirmative Action Plan, is hereby repealed.

DATED AND EFFECTIVE THIS 14TH DAY OF OCTOBER 2009.

ATTEST:

Mayor

City Clerk

CITY OF ALBANY
AFFIRMATIVE ACTION PLAN

TABLE OF CONTENTS

INTRODUCTION..... 1

BASIS FOR AFFIRMATIVE ACTION..... 1

LEGAL NOTICE..... 3

STATEMENT OF INTENT / SCOPE OF PLAN..... 3

RESPONSIBILITY FOR IMPLEMENTATION..... 4

DISSEMINATION OF PLAN..... 5

RECRUITMENT..... 6

TRAINING..... 6

COMPLAINT PROCEDURE..... 7

INTERNAL AUDIT AND REPORTING SYSTEMS..... 8

UTILIZATION ANALYSIS..... 9

RELATED POLICIES..... 10

APPENDIX A: DEFINITIONS OF RACIAL / ETHNIC GROUPS 11

CITY OF ALBANY, OREGON
AFFIRMATIVE ACTION PLAN

I. INTRODUCTION

The City of Albany is an equal employment opportunity employer. It is committed to nondiscrimination in all aspects of employment and does not discriminate against persons on the basis of race, color, religion, gender, gender identity, sexual orientation, national origin, age, or disability in any of its employment practices.

Separate from, and in addition to our citywide commitment to equal employment opportunity (EEO) and nondiscrimination, the City is an "Affirmative Action Employer." Affirmative steps as outlined herein will be taken to recruit and hire qualified women and members of minority groups [as defined by the Equal Employment Opportunity Commission (EEOC) in Appendix A] to City positions in which they are currently underrepresented. Affirmative action is more limited and more targeted than either EEO or nondiscrimination policy; it applies only to women and minorities; it applies only to positions in which there is a statistical disparity between availability of qualified women and minorities and their employment in the City; and it is to be reviewed regularly and revised as its goals are/are not achieved.

II. BASIS FOR AFFIRMATIVE ACTION

With 48,770 residents, the city of Albany is Linn County's largest city, Benton County's second largest city, and the 11th largest city in the state of Oregon. The consistent growth in city population has created the need and desire to assimilate an increasingly diverse citizenry into communities and therefore, our workforce.

Local government must have credibility with its citizens in order to operate efficiently, fairly and effectively. The City strives for a diverse workforce in order to provide quality public service to an increasingly multicultural community; enhance the confidence of its citizens in its local government; and improve cooperation and participation in public life.

Finally, as one of the county's largest employers, the City acknowledges its responsibility to be a leader in developing affirmative actions to increase employment opportunities for women and minority group members who, as a result of historical and cultural factors, may have been underrepresented in the past.

In order to affirm and fulfill its leadership role in this area and to provide the best possible services to its residents, the City will undertake affirmative efforts to ensure that its employees reflect the diversity of the Linn County labor market and to increase the

employment of qualified women and minorities into positions where they may be underrepresented. The City will take further affirmative steps to train and develop its employees in order to improve their opportunities for promotion, with emphasis in positions where members of minority groups and women are underrepresented.

Affirmative action is quality management. Through its commitment to equal employment opportunity and affirmative action, the City will benefit by developing and utilizing all available human resources.

This Affirmative Action Plan is developed in accordance with the following governing legislation:

- **Executive Order 11246** (41 Code of Federal Regulations (CFR) 60-1), which includes (this list is not intended to be all-inclusive): Nondiscrimination, EEO clause, and notification requirements - includes Part 60-2 written Affirmative Action Plan requirements and 60-3 Employee Selection Procedures.
- **Americans with Disabilities Act** – (Titles 1 and 5) prohibiting discrimination in employment against qualified individuals with disabilities.
- **Section 503 of the Rehabilitation Act of 1973**, as amended, 29 USC Sec. 793 (1993), 38 USC 4211 and 4212 (29 CFR 60-250), which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities (this is not all-inclusive).
- **Title VII of the Civil Rights Act of 1964** - Title VII prohibits employment discrimination based on race, color, religion, gender, and national origin. If discrimination is found, EEOC could require payment of compensatory and punitive damages in cases of intentional violations of Title VII, the Americans with Disabilities Act of 1990, and section 501 of the Rehabilitation Act of 1973.
- **Vietnam Era Veterans' Readjustment Assistance Act of 1974**, as mandated (38 United States Code (USC) 4212, or VEVRAA), which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified special disabled veterans and veterans of the Vietnam era. Also requires a written Affirmative Action Plan, Postings, Notifications, Filing VETS-100 Reports (list not inclusive) NOTE: Public Law 107-288, November 7, 2002, provides additional requirements to the VETS-100 filing requirement.
- **Age Discrimination in Employment Act of 1967 (ADEA)**, which protects individuals who are 40 years of age or older.
- **Equal Pay Act of 1963 (EPA)** which protects men and women who perform substantially equal work in the same establishment from gender-based wage discrimination.

III. LEGAL NOTICE

The City of Albany has prepared this Affirmative Action Plan as a reaffirmation of its commitment to equal employment opportunity and affirmative action. In the preparation of this plan, the terminology used in Executive Order 11246 and its implementing regulations has been used as a guide. Therefore, the use of such terms as "underutilized," should not be construed as an admission that, in fact, either minorities or women have been or are presently being discriminated against in any way in violation of federal, state, or local fair employment practice laws. Further, nothing contained in this plan or its supporting data should be construed as an admission by the City of Albany that it has contravened any such federal, state, or local employment practice laws.

In developing and implementing this Plan, the City of Albany has been guided by its established policy of providing equal employment opportunity and by its commitment to the efficacy of a diverse workforce. Any goals which are established herein are not intended as rigid, inflexible quotas that must be met, but rather as targets, reasonably attainable by applying a good faith effort in implementing this Plan. The use of goals in this Plan is not intended to discriminate against any individual or group of individuals with respect to any employment opportunity for which they are qualified on the grounds that they are not the beneficiaries of affirmative action themselves. Nothing herein is intended to sanction illegal discriminatory treatment of any person. Thus, this Plan has been developed in according to the Guidelines on Affirmative Action issued by the Equal Employment Opportunity Commission (29 C.F.R. Part 1608).

IV. STATEMENT OF INTENT / SCOPE OF PLAN

The City of Albany's Affirmative Action Plan is a positive plan designed to increase the utilization of women and minorities to ensure their equal participation in all segments of the City's workforce.

This Plan applies to recruiting, hiring, training, and promoting of all regular, full-time and part-time City employees.

The City of Albany will seek to accomplish its affirmative action goals by:

1. Preparing initial and ongoing workforce analyses to determine whether under-representation of minorities or women exist in certain job classifications;
2. Implementing strategies and timelines to correct any identified deficiencies;
3. Designating resources necessary for the effective implementation of Affirmative Action, including training and educational programs for City personnel;
4. Tailoring the City's recruitment efforts to provide a qualified and diverse applicant pool for all City vacancies, with emphasis upon vacancies where women

and/or minorities are underrepresented as shown in the City's Utilization Analysis;

a) The City will, whenever possible, use diverse screening and interviewing panels.

b) The City will encourage recruitment, screening, and interview panels to create as large and diverse a pool of candidates as possible and, when choosing among applicants with equal qualifications, give consideration to the City's stated affirmative action goals in its decision-making.

5. Consistently conducting exit interviews for all employees who separate from City employment to identify any perceived barriers or obstacles to full participation in all employment opportunities;
6. Providing accessible informal and formal complaint procedures for review of personnel actions which any staff may believe to be discriminatory;
7. Developing affirmative programs, as may be appropriate, such as on-the-job training, job shadowing, and mentor programs;
8. Ensuring efforts toward consistency among our collective bargaining agreements with the City's Equal Employment Opportunity policy and Affirmative Action Plan;
9. Posting notices of this Plan as well as those required by federal and state law (e.g., "Equal Opportunity is the Law" poster) in central locations throughout all public buildings and facilities; and
10. Ensuring compliance with all EEO/AA requirements by all of the City's contractors and consultants. An Equal Employment Opportunity/Affirmative Action statement will be incorporated, either by reference or in its entirety, into all contracts, subcontracts, purchase orders, leases, and other documents and/or correspondence covered by Executive Order 11246, as amended.

This Plan and the Utilization Analysis will be reviewed and updated as necessary. It is the City's intent that the Affirmative Action Plan remain in effect until the City's workforce reflects or exceeds the diversity appropriate to the Linn County labor pool.

V. RESPONSIBILITY FOR IMPLEMENTATION

The City Manager has ultimate responsibility for the implementation and effectiveness of the City's affirmative action and equal employment opportunity policies, procedures, and commitments. The City Manager shall provide direction on the development of policy to ensure equal employment opportunity and affirmative action. The City Manager will also ensure that appointing authorities, department directors, managers, and supervisory personnel are held accountable for affirmative action goals by administratively supporting affirmative action to meet employment, training, and promotional objectives.

Responsibility for the coordination of the City's Affirmative Action Program will be delegated through the City Manager to the Human Resources Director and the Human Resources Generalist. Inquiries concerning the application of these regulations and/or the

grievance procedures for resolution of complaints alleging discrimination may be referred to the Human Resources Director or the Human Resources Generalist.

All departments and all personnel are responsible for implementing and following this Plan within the scope of their individual job responsibilities. The achievement of applicable affirmative action goals is the professional responsibility of each department director and each hiring manager.

VI. DISSEMINATION OF PLAN

The text of this Plan and information about applicable Affirmative Action goals will be distributed to all Department Directors for discussion and dissemination to their appropriate departmental staff. Representatives of the bargaining units will also receive the text of the Plan. A copy of the Plan will be placed in the Albany Public Library. It will also be provided to interested persons upon request for a reasonable copying fee.

The City of Albany will take the following specific steps to ensure the dissemination of its Affirmative Action Plan:

1. Internal Dissemination

a) A copy of this Affirmative Action Plan will be available to all employees on the city of Albany internal Intranet site;

b) A copy of this Affirmative Action Plan will be available at the Human Resources Department and within each department for review by all employees. The statement will include the name of the Human Resources Director and the Human Resources Generalist and information on how to contact those people;

c) The Human Resources Director will hold periodic meetings with all department directors and management and supervisory personnel to explain the intent of the policy and to clarify individual responsibilities necessary for the effective implementation of the policy;

d) The City's Affirmative Action Plan will be discussed in new employee orientation sessions and management training programs; and

e) The Utilization Analysis and its goals and timetables will be reviewed with the Human Resources Director, the Recruitment Coordinator, and by extension with all hiring managers.

2. External Dissemination

a) The Affirmative Action Plan shall be made available to the public upon request to either the City Manager's Office or the Human Resources Department;

b) The Affirmative Action Plan will be disseminated externally to individuals and organizations that address the needs of minorities and women in particular, related interest group organizations and community agencies, and secondary schools and colleges. These individuals and groups will be encouraged to refer qualified applicants for all positions available with the City;

c) The Affirmative Action Plan will be made available to the public through posting on the City's external Internet Web page; and

d) Each advertisement for employment will contain a statement that the City of Albany is an Equal Employment Opportunity / Affirmative Action employer.

VII. RECRUITMENT

The foundation of any Affirmative Action Plan is the successful recruitment of qualified women and minority applicants for City positions. Without effective recruitment efforts, the City's effort to create a diverse workforce which reflects our labor market cannot succeed.

All recruitments efforts are developed and administered in the Human Resources Department in accordance with federal and state regulations, City guidelines, and Collective Bargaining Agreements.

As a direct report to the Human Resources Director, the Recruitment Coordinator shall be responsible for working directly with all hiring managers to assure that all aspects of recruitment and selection are performed in accordance with the Equal Employment Opportunity policy, and the Affirmative Action Plan.

VIII. TRAINING

Training of employees at all levels of the City organization is critical to the success of this Affirmative Action Plan. Training will utilize both internal and external resources and will, when possible, focus upon "training of trainers," i.e., developing in-house personnel to do additional training throughout the organization. Initial training will be done with department directors and supervisors who regularly hire City employees. This training will focus upon the Affirmative Action Plan, its purposes, and the process for its implementation. Ongoing training will focus upon diversity awareness for all employees. Training will be conducted through the Human Resources Department.

Training in the initial phases will include the following:

1. Training regarding this Affirmative Action Plan and use of the Utilization Analysis in determining positions which are underrepresented as to women and/or minorities;
2. Training in review of job descriptions to determine essential job functions and ensure that requirements are objective and job related; and
3. Training in hiring processes, e.g., development of selection criteria and selection of persons for interviews; development of questions and permissible areas of inquiry; and interviewing techniques.

IX. COMPLAINT PROCEDURE

Any supervisor, manager, or department director who observes inappropriate behavior or receives a complaint of discriminatory behavior in violation of the dictates of this Affirmative Action Plan shall notify the Human Resources Director or her/his designee immediately.

Filing a Complaint

Any employee, client, customer, volunteer, contractor, or applicant who alleges to be a victim of discrimination or any person who objects to discriminatory workplace behavior in violation of this Affirmative Action Plan, may make a written complaint to their department director, or the Human Resources Director or her/his designee. Employees are encouraged to come forward with a complaint as soon as possible and to provide specific, factual information.

Review and dispensation of the Complaint: If a department director is notified of a complaint, he/she must notify the Human Resources Director or designee immediately. Human Resources shall conduct an initial investigation to make a preliminary determination as to whether there is any merit to the complaint. If no merit is found, the Human Resources Director may still meet with the parties involved to attempt to resolve the complaint or conflict between the parties. An informal resolution will be attempted whenever appropriate.

If after an initial investigation is conducted, it is determined that the complaint has merit, and if there is no resolution and/or no conciliation of the complaint, the Human Resources Director will conduct a formal investigation. Such investigation may include interviews with the complainant, the person(s) accused and any other persons determined by the Human Resources Director to possibly have relevant knowledge concerning the complaint. This may include victims of similar conduct.

Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes inappropriate behavior, giving consideration to all factual information, the totality of the circumstances including the nature and impact of the conduct and the context in which the alleged conduct occurred. The Human Resources Director may consult with the City Attorney as necessary during the course of the investigation.

The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant, the alleged harasser(s), the supervisor, and the department director as soon as practicable following the receipt of the response.

Disciplinary Action

If a violation of the dictates of this Plan is determined to have occurred, the Human Resources Director shall take and/or recommend to the appropriate supervisor or department director prompt and effective remedial action against the accused. The action

will be commensurate with the severity of the offense, up to and including discharge from employment, consistent with relevant collective bargaining agreements or City policy. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant unless authorized by the Human Resources Director.

Retaliation Prohibited
The City will not tolerate retaliation against any individual who reports discrimination, testifies, assists, or participates in any manner in an investigation, proceeding, or hearing regardless of the outcome of the complaint. Anyone caught in a retaliatory act against an employee involved in complaint proceedings may be subject to discipline up to and including discharge.

Confidentiality
Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state, and local law.

Limitations
The use of this procedure is limited to complaints related to the specific dictates of this Plan. All other complaints shall be handled through the employee grievance procedure, or the Workplace Discriminatory Harassment Procedure as established by the employee policy manual or union grievance procedure.

Represented-Employee Procedure
Employees represented by a bargaining unit must follow the dictates of their respective Collective Bargaining Agreements in filing any administrative grievance.

X. INTERNAL AUDIT AND REPORTING SYSTEMS

The Human Resources Department is responsible for maintaining records, reports, and documents relating to recruitment and hiring in order to comply with state and federal recordkeeping requirements as well to evaluate the City's progress in reaching its Affirmative Action goals.

The City of Albany believes that one of the most important elements in effectively implementing its EEO/AA policies is maintaining an adequate system of self-inspection and record keeping. Through such a system, personnel activity can be analyzed, and progress towards the achievement of goals and objectives can be measured. For this purpose, the organization has established the following internal procedures;

1. Records are maintained for each job classification by job group and by department, by race including minority subgroup (when known), and by gender for all applicants, contingent employment offers, hires, transfers, promotions, and terminations;
2. Reports of these activities are compiled on an annual basis to assess the

progress made toward established goals and objectives for departmental units and job groups;

3. Throughout the year, Human Resources shall review the progress reports with appropriate department staff to determine the success of City recruitment efforts in meeting the City's Affirmative Action goals; and

4. Human Resources shall advise the City Manager and department directors of the effectiveness of the Affirmative Action Plan and recommend changes to improve its effectiveness.

XI. UTILIZATION ANALYSIS

A Utilization Analysis will be conducted annually in order to identify areas of under-representation for the purpose of setting forth goals and time tables designed to recruit, hire, train, and promote women and minority group members so that such employees are fully represented in the workforce. City job classifications will be grouped using the Equal Employment Opportunity Commission "Job Categories" in the Utilization Analysis. The Utilization Analysis will then be done comparing the City's actual employment of women and minorities to that which would be expected based upon availability in the labor market.

Numerical goals in the Utilization Analysis will be established in an effort to increase the number of women and minorities in job groups where they are not adequately represented relative to both external and internal labor force availability. External labor force data is obtained from the state of Oregon Employment Department, WorkSource Oregon Division. The goals established in the plan are based upon the expected percentage of women and minorities in Linn County's civilian labor force and/or the City's workforce, who possess the relevant qualifications for the respective positions. The City will actively pursue these affirmative action goals until women and minorities are consistently represented in our workforce consistent with labor force availability. For underrepresented positions, race or gender may be a factor in hiring decisions involving candidates of equal skills / experience when done pursuant to this Plan, to remedy such underrepresentation and to meet the City's compelling interest in having a workforce which reflects its communities and its available labor force.

XII. RELATED POLICIES

In addition to this Affirmative Action Policy, the City has other related policies in effect, including:

1. HR-RS-03-003- Recruitment Selection Process
2. HR-ER-05-001- Workforce Discriminatory Harassment
3. HR-RS-01-002- New Employee Orientation

APPENDIX A

DEFINITIONS OF RACIAL/ETHNIC GROUPS

-Asian / Pacific Islander
A person having origins in any of the original peoples of the Far East, Southeast Asia, and the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

-Black or African American
A person having origins in any of the black racial groups of Africa.

-Hispanic or Latino
A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture of origin, regardless of race.

-Native American / Alaskan
A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community recognition.

-White
A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.