

CITY OF MINNEAPOLIS
DEPARTMENT OF CIVIL RIGHTS

AFFIRMATIVE ACTION PLAN
GUIDEBOOK

For
Development Projects, Construction Projects
And
Professional Goods and Services Contracts

(Companies with more than 20 full time permanent employees)

Revised: 7/31/2012

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CONTRACTOR INFORMATION

Company Name

Address

Telephone Number

Fax Number

E-mail Address

CEO/Owner

Telephone Number

EEO/AA Manager

Telephone Number

Nature of Business

DESCRIPTION OF CONTRACT

Contract Amount

Start Date

Completion Date

Goods and/or Services Provided

Name of the City Department/Agency Requesting the Work or Service

DESCRIPTION OF CONSTRUCTION PROJECT (if applicable)

General Contractor / Developer

Project Name

Project Address

Type of Construction

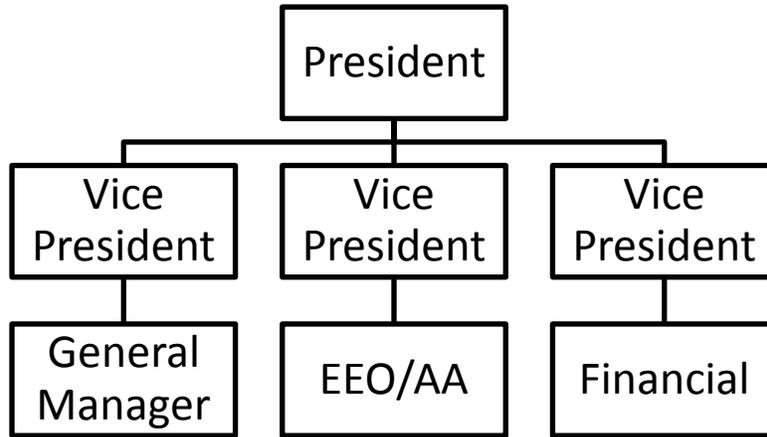
Contact Person

Telephone Number

E-mail Address

ORGANIZATIONAL DIAGRAM

Include your EEO/AA person on your organization chart.



EEO/AA POLICY STATEMENT

_____ (*Referred to as “Contractor”*) is
Company Name

committed to providing Equal Employment Opportunity (EEO) to all employees and applicants for employment, in accordance with all applicable Equal Employment Opportunities/Affirmative Action (EEO/AA) laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof, specifically including Section 139.50 of the Minneapolis Civil Rights Ordinance and Rules and Regulations as set forth below. To accomplish this goal, Contractor agrees to the following:

- (1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, disability, age (forty (40) to seventy (70)), marital status, or status with regard to public assistance. The Contractor will take affirmative action to ensure that all employment practices are free of such discrimination. Such employment practices include but are not limited to the following: Hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Minneapolis Department of Civil Rights (“MDCR”) setting forth the provisions of this nondiscrimination clause.
- (2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor; state that it is an equal opportunity or affirmative action employer.
- (3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the MDCR, advising the labor union or workers’ representative of the Contractors’ commitments under section 139.50 of the Minneapolis Code of Ordinances, and shall post copies of the notice in conspicuous places available to employees and applicants for employment
- (4) The Contractor will comply with all provisions of Title 7 of the Minneapolis Code of Ordinances, and with all rules and regulations issued by the Director of the MDCR (“Director”) or the Minneapolis Commission on Civil Rights.
- (5) The Contractor will furnish and cause each of its subcontractors to furnish all information and reports by section 139.50 of the Minneapolis Code of Ordinances, and by the rules and regulations of the Director or of the Commission, and will permit access to its books, records and accounts by the director, the Director’s agent, or the Commission, for purposes of investigation to ascertain compliance with the rules, regulations and provisions of Title 7.
- (6) The Contractor shall take affirmative action to afford business enterprises owned and controlled by women and minorities and certified by the MDCR, or the MDCR’s agent, the maximum feasible opportunity to participate in the performance of this contract and resulting subcontracts. As used in this contract, the term “business enterprise owned and controlled by women and minorities” means a business, at least fifty-one (51) percent of which is owned and controlled by minority group members or women. For the purposes of this definition, “minority group members” are Black, Hispanic, Asian-Americans, and American Indians and Alaskan natives. This provision is not intended to limit in any manner the right of a Contractor to enter into a

contract with a subcontractor whose status as a business enterprise owned and controlled by women and minorities has not been determined by MDCR.

- (7) **In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or provisions of Title 7, this contract may be cancelled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible by the Minneapolis City Council for further City contracts in addition to other remedies as provided in Title 7.** In addition, the Contractor shall be liable for any costs or expenses incurred by the City of Minneapolis in obtaining the goods or properties to be furnished or delivered to the City under this contract and for administrative costs incurred in seeking compliance. The City shall have the right to specific performance of this contract. **Further, in the event there is probable cause to believe the Contractor is in noncompliance with the nondiscrimination clauses of this contract or with any applicable rules or regulations, the City shall withhold up to fifteen (15) percent of said contract amount** until such time as the Contractor is found to be in compliance or in the event that withholding a portion of the contract amount is not a feasible alternative, then liquidated damages of five hundred dollars (\$500.00) per day for each day that the Director shall determine that there is probable cause to believe that the Contractor is in noncompliance with this section shall be imposed, or is otherwise adjudicated to be in compliance.

(a) *Noncompliance.* When the Director or the Director's designee shall have probable cause to believe that the Contractor is not in compliance with any provision of subsection (a) paragraphs (1) through (7) or with the implementing rules, regulations, provisions, or plans thereto, the Director or the Director's designee shall notify the City department administering said contract and shall engage the Contractor and the administering department in conciliation and persuasion to try to eliminate the acts or practices giving rise to such belief.

SEXUAL HARASSMENT POLICY

It is the policy that sexual harassment of our employees and applicants for employment is forbidden.

Sexual harassment for the purposes of this policy is defined as follows:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct, or communication of sexual nature when:

- (1) submission to the conduct, or communication, is made a term or condition, either explicitly or implicitly, of obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution, or;
- (2) Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual in obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution, or;

- (3) That conduct or communication has the purpose or effect of substantially interfering with an individual in regard to, or creating an intimidating, hostile or offensive environment in regard to the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution.

Sexual harassment is a violation of our Company's Equal Employment/Affirmative Action Policy, the Minneapolis Civil Rights Ordinance, the Minnesota Human Rights Act, Title VII of the Civil Rights Act of 1964, and may further result in liability to our Company and individual employees.

COMPLAINT REPORTING PROCEDURE

Any employee who believes that he or she has been subject to harassment or discrimination covered under this plan should report the incident immediately to any supervisor, manager, or Human Resources representative.

Any supervisor or manager who receives such notice or who otherwise becomes aware of alleged harassment or discrimination will notify the appropriate Human Resources representative who then will conduct a prompt and confidential investigation.

Complaint determinations will be made on a case-by-case basis, depending on the circumstances, including the nature of any sexual advances, the context in which they occurred, and any other facts deemed relevant to the determination.

Any notes, reports or records generated and all information gathered during the investigation will be treated as confidential with disclosure limited to those with a need to know.

It is the responsibility of our Company to uphold the law in preventing and correcting sexual harassment and discrimination in our workplace. This will be done in a manner that ensures the protection of the rights of all employees.

This policy is not intended to prohibit purely consensual romantic relationships between employees outside of the workplace. Consensual romantic relationships, although not prohibited, are discouraged from being acted out in the workplace, particularly where a supervisor/subordinate relationship exists. Such actions may be construed as favoritism towards employees in that relationship and hence may fit the definition of unlawful sexual harassment.

REASONABLE ACCOMMODATIONS STATEMENT

Contractor shall make reasonable accommodations to the physical and/or mental limitations of an employee or applicant, unless such accommodations would impose an undue hardship on the function of the business.

STATEMENT OF FAIR COMPENSATION

In offering employment or promotions to disabled individuals, Contractor shall not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.

PRE-EMPLOYMENT MEDICAL EXAMINATION

Contractor may require a person to undergo a physical examination, which may include a medical history, for the purpose of determining the person's capability to perform available employment functions, provided that an offer of employment has been made. This offer would be contingent on the condition that the person meets the physical or mental requirements of the job and, that the examination tests only for essential job-related abilities. Information obtained in response to such inquiries or examination shall be kept confidential. Exceptions to the confidentiality rule may be when: (a) supervisors and managers need to be informed regarding restrictions on the work or duties of disabled individuals because of reasonable accommodation needs; (b) first aid and safety personnel may need to be informed where, and to the extent appropriate, the condition might require emergency treatment; and, (c) officials, employees, representatives, or agents of the local, federal and state human rights agencies shall be informed when an investigation of compliance is being conducted in accordance with the local Ordinance or federal and state rights statutes.

RESPONSIBILITIES OF THE EEO/AA COORDINATOR

The EEO Coordinator for Contractor is _____ (person's name). Their responsibilities are the following:

- A. Develop and update the Affirmative Action Plan.
- B. Implement the Affirmative Action Plan including internal and external dissemination.
- C. Coordinate the recruitment and employment of women, minorities and persons with disabilities.
- D. Serve as a liaison between the company, its contractors and the City of Minneapolis.
- E. Serve as a liaison between the company and protected class groups.
- F. Conduct and/or coordinate EEO training and orientation of company supervisors, managers, and subcontractors informing them of their responsibilities pursuant to their Affirmative Action Plan.
- G. Ensure that managers and supervisors understand it is their responsibility to take action to prevent the harassment of protected class employees and applicants for employment.
- H. Ensure that all minorities, women, and people with disabilities are provided equal opportunity as it relates to company sponsored training programs, recreation/social activities, benefit plans, pay and other working conditions without regard to race, sex, color, disability, etc.
- I. Review the qualifications of all employees to ensure that minorities, women and qualified disabled individuals are given full opportunity for transfers and promotions.
- J. Audit the training programs, and the hiring and promotion practices ensuring that the Affirmative Action Plan's goals and objectives are in compliance.
- K. Design, implement, and maintain annual EEO audit, reporting, and record systems which will measure the effectiveness of the employer's AAP program and determine whether or not the employer's goals and objectives have been attained. The records and reports will be made available to the appropriate enforcement agencies.
- L. Identify any problem areas and recommend solutions.
- M. Keep management informed of the latest developments in the area of EEO.
- N. Receive, investigate and attempt to resolve all EEO complaints.
- O. Coordinate the implementation of necessary remedial actions to meet compliance requirements and goals.
- P. Hold regular discussions with project managers, supervisors and employees to ensure the company's equal employment opportunity policies are being followed.
- Q. Monitor subcontractors and work sites to ensure compliance in the following area:
 - 1. Employment of women, minority and disabled employees.
 - 2. EEO posters properly displayed.

3. Working conditions exist free of harassment and intimidation.
- R. Coordinate the review of job descriptions to eliminate job requirements that may discriminate against people with disabilities.

DISSEMINATION OF EEO/AA POLICY AND PLAN

Internal Dissemination

The Contractor will permanently and conspicuously display the policy statement in areas such as employee bulletin boards, lunch areas and construction sites. The Contractor, as an equal opportunity employer, should print the policy statement in the Contractor newsletter and other publications.

The Contractor will provide all employees and contractors a policy statement and notify same of location and availability of the affirmative action plan. This policy will be made available to all employees including part time, temporary or seasonal employees.

The Contractor's EEO/AA policies will be included in the policy manual.

The Contractor will review their EEO/AA policies with all employees and management at least once a year.

The Contractor will also conduct orientation and training sessions to thoroughly inform staff and management of the Contractor's EEO/AA commitment.

The Contractor will develop internal communication outlining the Contractor's obligation to engage in affirmative action efforts to employ qualified disabled individuals, women and minorities. This will be done in order to foster acceptance, understanding and support between all employees, to include executive level, management, supervisory, administrative and line workers; and to encourage such persons to take the necessary action to aid the Contractor in meeting this obligation.

External Dissemination

The Contractor will include non-discrimination clauses in all union agreements and will review all contractual provisions to ensure that they are nondiscriminatory. The Contractor will also meet with union officials to advise them of their EEO/AA policies and enlist their cooperation.

The Contractor will notify recruitment sources including those listed in Appendix D, of their EEO/AA policy and encourage them to refer women, minorities and disabled individuals to assist the Contractor in achieving their affirmative objectives. The Contractor will include the statement, "Equal Opportunity Employer/Contractor," or "Affirmative Action Employer/Contractor," on all Contractor stationary and letterhead, and in advertisements when recruiting employees and subcontractors.

RECRUITMENT OF EMPLOYEES

A. Contractor uses "protected class" when advertising new openings. Sufficient time is allowed after the publication of the ads to ensure that protected class applicants will have time to reply.

B. All solicitations or advertisements for employees placed by or in behalf of Contractor or our subcontractors will state that all qualified applicants will receive consideration for employment, regardless of their race, color, creed, religion, ancestry, national origin, sex, affectional preference, disability, age (over 40), marital status or status with regard to public assistance. Copies of advertisement for employees must be maintained on file for review by enforcement agencies.

C. Contractor will contact unions and community organizations to request minority, female and disabled employees. When seeking to fill specific openings we will give the agencies a reasonable amount of time to locate and refer applicants to us. Contractor will use the Recruitment Resources List (Appendix D) to locate protected class employees.

D. Contractor will encourage our current minority, female and disabled employees to recruit other minorities, females and persons of disability, and, where reasonable, provide after school, summer and vacation employment to minority, female and persons of disability, both onsite and in other areas of the workforce.

E. Contractor will take appropriate steps to give encouragement to minority, female and persons of disability to increase their skills and job potential through participation in available training and educational programs, including supervisory training classes.

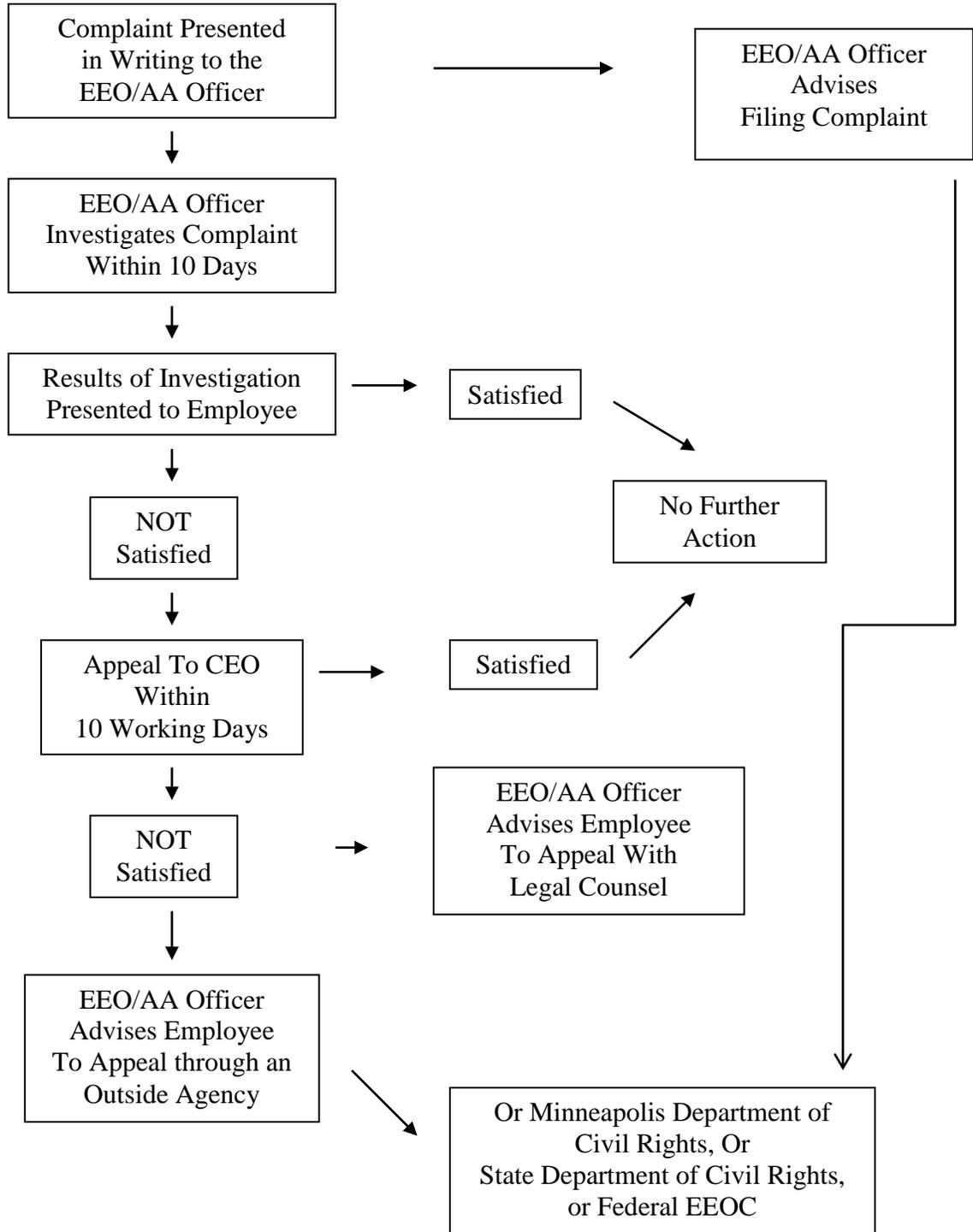
F. Contractor and our subcontractors will make job opportunity information equally available to potential applicants from both protected and non-protected class groups, unless there is a bona fide occupational requirement for a particular job. Contractor will not indicate, in help-wanted advertisements, any preference, limitation or specification based on gender, unless gender is a bona fide occupational qualification for a particular job involved.

G. Active recruitment programs, where applicable, will be carried out at secondary schools, community colleges and colleges with predominantly minority and female enrollments. Recruitment efforts at all schools will incorporate efforts to reach female, minority and persons with disabling conditions.

H. Recruitment brochures pictorially presenting work situations will include minority, female and disabled members of the workforce.

I. Special efforts should be made to include minority, female and disabled employees on personnel/human resources staff.

INTERNAL EEO COMPLAINT PROCEDURE



FOR PLANS INITIATING FROM CONSTRUCTION CONTRACTS

Project Goals

The following project goals have been set for all City-assisted construction projects receiving \$50,000 or more of City funds:

Of the **total project** hours, **6%** are expected to be **Female** labor hours

Of the **total project** hours, **32%** are expected to be **Minority** labor hours

Pre-Construction Meeting

Prior to the start of a City-assisted construction project, the developer, prime contractor, and subcontractors may be required to attend a pre-construction phase meeting to be conducted by the Department to address the following:

1. To determine how to comply with the goals of 6% of the total project hours for female employees, 32% of total project hours for minority employees.
2. To provide the contractors with information regarding the monitoring and reporting procedure requirements for the project.
3. To inform the contractors of the Department's reporting procedures and penalties.

SIGNATURES

We have prepared this Affirmative Action Plan, and agree to its terms and conditions.

_____, _____, _____
Signature Title Date

Work Force Analysis

EEO-1 Category	Total Employees	Total By Sex		Caucasian		Black		Hispanic		Native American		Asian/Pacific Islander		Total Minority	Disabled
		M	F	M	F	M	F	M	F	M	F	M	F		
Officials & Managers															
Professional															
Technical															
Sales															
Office Clerical															
Craft															
Operative															
Labor															
Service Worker															
TOTAL															

-PLEASE INCLUDE AN EMPLOYEE ROSTER-

Availability Analysis

By
Major Job Group

Census Data Source:	Area(s):	Date of Analysis:	Census Data Source:	Area(s):	Date of Analysis:
EEO-1 Job Category:	Major Job Group:	Occupation Code #:	EEO-1 Job Category:	Major Job Group:	Occupation Code #:

AREAS NEW PEOPLE WILL COME FROM WHEN FILLING OPEN POSITIONS	FEMALE			MINORITY			AREAS NEW PEOPLE WILL COME FROM WHEN FILLING OPEN POSITIONS	FEMALE			MINORITY		
	A ×	B =	C	A ×	B =	C		A ×	B =	C	A ×	B =	C
Requisite skills in the immediate labor area							Requisite skills in the immediate labor area						
Requisite skills in the recruitment area							Requisite skills in the recruitment area						
Promotable and transferable within organization							Promotable and transferable within organization						
Other							Other						
AVAILABILITY	100%		%	100%		%		100%		%	100%		%

Utilization Analysis

JOB GROUP	FEMALES				MINORITIES			
	Percent & Number in Group	Percent Available	Under Utilization Yes or No	Under Utilization Amount	Percent & Number in Group	Percent Available	Under Utilization Yes or N	Under Utilization Amount

Goals and Timetables
For
Race and Sex

Job Group		Current Work Force				Percent Available		Under Utilization		Anticipated Hiring Opportunity	2 Year Goal		
		Total	Male	Female	Minority	Female	Minority	Female	Minority			Female	Minority
	#										#		
	%										%		
	#										#		
	%										%		
	#										#		
	%										%		
	#										#		
	%										%		
	#										#		
	%										%		
	#										#		
	%										%		
	#										#		
	%										%		

Goals and Time Tables
 For
 People with a Disability

Total Employees		Current Work Force			Availability	Under Utilization	Anticipated Hiring Opportunity		2 Year Goals
		Total	Total Disabled	Total Non-Disabled	Disabled Persons	Disabled Persons			Disabled Persons
	#							#	
	%				8%			%	

APPENDIX A-INSTRUCTIONS

The next several sections will assist in completing the workforce analysis tables (Form 1 of 6 through Form 6 of 6) from which hiring goals for females, minorities and people with disabilities will be derived.

Obtaining Census Data

2000 Census Data can be found on the internet at:

http://www.positivelyminnesota.com/Data_Publications/Data/Workforce/Affirmative_Action_Statistics.aspx for Minnesota employers or <http://www.census.gov/eo2000/> (US Census Bureau).

The information is broken down by state, county, metropolitan area or cities with populations over 50,000. The Minneapolis/St. Paul Metropolitan statistical area (MSA) comprises 7 counties (Anoka, Dakota, Hennepin, Ramsey, Scott, Sherburne, and Washington).

The Minneapolis Civil Rights Department can also provide census data assistance. If you need help or have questions when using the data to complete the calculations, please call 612-673-3012 for technical assistance.

WORK FORCE ANALYSIS INSTRUCTIONS (FORM 1 of 6)

Completing the Work Force Analysis (Form 1 of 6) is the first step in evaluating the Contractor's work force as groups of similar job categories. List the current, full time, permanent employees when filling out the form. Indicate only the total number of disabled employees, in the bottom cell of the final column.

The Minority Group Identification definitions listed on the next page explain the different ethnic groups. The Job Group Identification definitions group employees into classifications that will be used when filling out form 1 of 6.

Minority Group Identification

Caucasian - (Not of Hispanic origin) includes persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Black African – (Referred to in the table as “Black”) all persons having origins in any of the Black African racial groups not of Hispanic origin.

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

American Indian or Alaska Native – (Referred to as “Native American”) People having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition. An American Indian is any person who is an enrolled member of an Indian tribe, or who is a descendent in the first or second degree of any such member, or who is recognized as an Indian by the Secretary of the Interior.

Asian and/or Pacific Islanders - All persons having origin in any of the original peoples of the Far East, Southwest Asia, the Indian subcontinent, or the Pacific Islands.

Disabled – A person who has a physical or mental impairment that substantially limits one or more of his or her major life activities, or has a record of or is regarded to as having impairment. “Substantially limiting” causes difficulty in securing, retaining or advancing in employment.

Job Group Identification

Managers and Administrators – (Referred to in the table as “Officials & Managers”) Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operation. This includes officials, executives, middle managers, plant managers, department managers, superintendents, salaried supervisors who are members of management, purchasing agents and buyers. Job group identification does not include owners.

Professionals – Professionals are considered to be persons working in occupations requiring either a college degree or experience of such type and amount as to provide a comparable background.

Technicians - Technicians are those whose work requires a combination of basic scientific knowledge and manual skill which can be obtained through about two years of post high school education, such as is offered in many technical schools and community colleges, or through equivalent on the job training.

Sales Workers – Occupations engaged wholly or primarily in direct selling including advertising agents and sales agents, insurance agents and brokers, real estate agents and brokers, sales agents and sales clerks, grocery clerks, and cashiers.

Office and Clerical – All clerical-type work regardless of the level of difficulty, where the activities are predominantly non-manual, though some manual work not directly involved with altering or transporting the products is included. It includes bookkeeper, cashiers, collector, messenger, office helper, office machine operator, shipping and receiving clerk, stenographers, typist, administrative assistant, and telephone operator.

Skilled Crafts – Manual workers of a high skill level, having a thorough and comprehensive knowledge of the processes involved in their work. They exercise considerable independent judgment and usually receive an extensive period of training. They are building trades workers, hourly paid foreman and lead people who are not members of management, mechanics and repair people, skilled machinery occupations, and electricians.

Operatives (Semi-skilled) - (Referred to as “Operative”). Workers who operate machinery or processing equipment or perform other factory-type duties of an intermediate skill level which can be mastered in a few weeks and requires only limited training. They include apprentices, operatives, attendants, delivery and route drivers, truck and tractor drivers, dressmakers, weavers and welders.

Laborers (Unskilled) - (Referred to as “Labor”). They are workers in manual occupations. They perform elementary duties which may be learned in a few days and which require the application of little or no independent judgment. They are garage laborers, car washers, gardeners, lumber workers, laborers performing lifting, digging, mixing, loading and pulling operations.

Service Workers - (Referred to as “Service Worker”). They are workers in both protective and non-protective service occupations. They include attendants, cleanup workers, janitors, guards, waiters and waitresses.

WORK FORCE ANALYSIS BY MAJOR JOB GROUPS INSTRUCTIONS
(FORM 2 OF 6)

The Work Force Analysis by Major Job Groups Form groups the work force specifically to jobs that exist in the company. If the workforce has multiple job titles with different wages, duties and opportunities within the same EEO-1 job group, first establish sub-classifications under that group, then complete form 2 of 6.

Example

Officials & Managers	Craft
General Manager	Carpenter
Construction Manager	Mason

“Officials & Managers” would be divided into different categories because of differences in upward mobility, wage range and/or job responsibility. The job group “Craft persons” would be divided into specific trades because of some of the differences but also because the availability of females and minorities can vary between the trades.

Work Force Analysis by Major Job Group

JOB GROUP	TOTAL EMPLOYEES			MINORITY EMPLOYEES								TOTAL MINORITIES			
				BLACK		HISPANIC		NATIVE AMERICAN		ASAIN/PACIF. ISLANDER					
	TOTAL	M	F	M	F	M	F	M	F	M	F	M	F		
<i>General Manager</i>	4	3	1	1										1	
<i>Construction Manager</i>	4	2	2												
<i>Office Clerical</i>	4		4												
<i>Carpenter</i>	39	39	0	1		2								3	
<i>Masons</i>	5	5													
<i>Glaziers</i>	3	2	1												
<i>Operative</i>	9	9			1			1		1				2	1
<i>Labor</i>	8	5	3	1	1									1	1
TOTAL	76	65	11	3	2	2		1		1				7	2

AVAILABILITY ANALYSIS BY MAJOR JOB GROUPS INSTRUCTIONS
(FORM 3 OF 6)

Availability Analysis by Major Job Groups – Instructions for top portion

The Availability Analysis by Major Job Groups form helps determine the availability of minorities and females for each of the company's job groups identified in the previous form. Complete one form for each of the Contractor's job groups. For each job group enter the relevant census data along with the geographic area of recruitment from which it was obtained. See the sample form on the next page.

Availability Analysis by Major Job Groups – Instructions for bottom portion

Column A

This column allows companies to personalize the importance of various geographic areas to fit the company's hiring practices. This number is a percentage (totaling 100%) and should reflect where the company finds new employees (from either the immediate labor area, the recruitment area, from within the company or other). For instance, when hiring a person requiring basic skills, the immediate labor area would probably suffice. When seeking a person with a more unique set of skills a wider geographical area may be used. More than one area may be used. See the example on page 23.

The following are a list of the areas with an explanation for that area. Use these considerations when asking "Where will this new person come from?"

1. Requisite Skills in Immediate Labor Area. This number is found in the Census Data. Use the geographic area that fits and the job title to find the utilization numbers for minority and female workers. The immediate labor area is defined by the Contractor completing the analysis. The area would be close to the Contractor's facility. It could include 1 or 2 counties.
2. Requisite Skills in Recruitment Area. This number is found in the Census Data. Use the geographic area that fits and the job title to find the utilization numbers for minority and female workers. The recruitment area is defined by the Contractor completing the analysis. This area would be broader than the immediate labor area. It might be the 7 county area or the state or the nation.
3. Promotable and Transferable within Organization. The number for this factor is generated from internal workforce data and is used for job classifications primarily filled by promotion/transfer. This factor would be determined by the feeder group, and percents of minorities and females would have to be calculated for each company.
4. Other. Unions would be included in this consideration. If the company only hires from the union, unions would have to be contacted to determine their minority and female participation.

Column B

Column B is the percentage of female and minority workers available for the selected area. The number is found in the census data.

In the example, the Contractor chose to consider Anoka County its "Immediate Labor Area" and the 7 County MSA (Metropolitan Statistical Area) its "Recruitment Area."

Column C

Once Column B has been filled in, multiply the two numbers for each factor and place into Column C. Column C is the total percent available for females and minorities for that particular job classification.

Reminder: When multiplying a number that is a %, convert the number from % to decimal prior to multiplying the number. To do that conversion, move the decimal point 2 places to the left and drop the % sign.

Example

(A) 15% × (B) .68% ⇒ .15 × .0068 = (C) .00102 (rounded to .0010)

If more than one area was considered, add all the numbers under column 'C' to get the total percent available.
.0010

.0127
.0137 ⇒ 1.37% availability

Availability Analysis by Major Job Groups

Census Data Source: 2000	Area: -Anoka County -7 County Area, MSA	Date of Analysis: May, 2008
EEO-1 Job Category: All Construction and Extraction Occupations	Major Job Group: Carpenters	Occupation Code #: 623

AREAS NEW PEOPLE WILL COME FROM WHEN FILLING OPEN POSITIONS	FEMALE			MINORITY		
	A ×	B =	C	A ×	B =	C
Requisite skills in the immediate labor area	15%	.68%	.0010	15%	3.38%	.0051
Requisite skills in the recruitment area	85%	1.49%	.0127	85%	6.85%	.0582
Promotable and transferable within organization						
Other						
AVAILABILITY	100%		1.37%	100%		6.33%

UTILIZATION ANALYSIS INSTRUCTIONS (FORM 4 OF 6)

The Utilization Analysis form helps determine the number of minority and female employees underutilized in each job classification (by comparing the information from the Availability Analysis and the Work Force

Analysis by Major Job group, and by doing the following calculations, it's possible to compare the Contractor's work force to one that reflects the existing female and minority workers in the census data.).

The resulting numbers become the "hiring goals" as positions become available. Refer to the examples, read through the instructions, and then complete form 4 of 6. The list of jobs in the job group column should be the same as the list on the Work Force Analysis, form 2 of 6. Only a few selected jobs were chosen for the example.

Percent in Group

To calculate the percent of females and/or minorities in the group, refer to form 2 of 6. Divide the number of females in the group by total number of employees in the same group. Do the same calculation for the minority population.

Reminder: To change decimal to percent, move the decimal point 2 places to the right. To change percent to decimal, move the decimal point 2 places to the left.

Example

1. 0 females in the Carpenters Group, and 39 total employees in the group
 $0 \div 39 = 0$ or 0% of the group are females
2. 3 minorities in the Carpenters Group, and 39 total employees in the group
 $3 \div 39 = .0769$ or 7.69% of the group are minorities.

Percent Available

These numbers were calculated and reported on the Availability Analysis by Major Job Group Form on page 16. The numbers that will be transferred in this example are 1.37% female and 6.33% minority.

Utilization

Determine if the number is an over utilization or an under utilization.

Under Utilization Amount

1. Convert total percentage available to a decimal.
2. Multiply the total percent available for females and minorities in the job group, by the total number of positions in the job group.
3. Subtract this total from the number of females or minorities in the job group.

Example:

Female availability is 1.37%, converted to decimal, .0137.

.0137	Total percent available for females in the job group
× <u>39</u>	Total number of employees ALREADY in the job group
.5343	Females needed
– <u>0</u>	Females already in the group
.5343	Numbers of females needed or number under utilized

Minority availability is 6.33%, converted to decimal, .0633.

.0633	Total percent available for minorities in the job group
× <u>39</u>	Total number of employees ALREADY in the job group
2.469	Minorities needed

$$- \frac{3}{0}$$

Minorities already in the group
 Numbers of minorities needed or number under utilized

If the % in the group meets or exceeds % availability there is no under utilization.

Utilization Analysis – Partial Form

JOB GROUP	FEMALES				MINORITIES			
	Percent in Group	Percent Available	Under Utilization Yes or No	Under Utilization Amount	Percent in Group	Percent Available	Under Utilization Yes or N	Under Utilization Amount
<i>Carpenters</i>	0%	1.37%	<i>Yes</i>	.53	7.69%	6.33%	<i>No</i>	
<i>Masons</i>	0%	.51%	<i>Yes</i>	.02	0%	6.23%	<i>Yes</i>	.31
<i>Glaziers</i>	33%	5.3%	<i>No</i>		0%	8.82%	<i>Yes</i>	.26
<i>Laborers</i>	62.5%	4.13%	<i>No</i>		25%	9.6%	<i>No</i>	
TOTAL				.55				.51

GOALS & TIME TABLES BY RACE AND SEX INSTRUCTIONS (FORM 5 OF 6)

The Goals & Time Tables by Race and Sex form helps determine the goals that must be set to address all identified under utilization that was found in the Utilization Analysis. Refer to the examples, read through the instructions, and then complete form 5 of 6.

Job Group & Current Work Force

To the far left of the form, transpose the job groups from the Work Force Analysis by Major Job Group, form 2 of 6. Place the data for each job group in the upper squares noted as “#” of the Numeric Goals & Timetables by Race & Sex, form 5 of 6. In the lower square noted as “%” show the percent that number is of the total employees.

Example:

Job Group	Current Work Force			
	Total	Male	Female	Minority

<i>Carpenters</i>	#	39	37	2	3
	%	100%	95%	5%	7.7%
<i>Mason</i>	#	5	5	0	0
	%	100%	100%	0%	0%
<i>Glaziers</i>	#	3	2	1	0
	%	100%	66.7%	33.4%	0%
<i>Laborers</i>	#	8	5	3	2
	%	100%	62.5%	37.5%	25%

Calculations:

% of Total $(37 \div 39) = 95\%$

% of Total $(0 \div 39) = 0\%$

% of Total $(3 \div 39) = 7.7\%$

Availability and Utilization

Copy the “percent available” and the “under utilization” amount from form 4 of 6, to the same columns on form 5 of 6.

Job Group	Availability		Under Utilization	
	Female	Minority	Female	Minority
<i>Carpenter</i>	1.37	6.33	.53	
<i>Masons</i>	.51	6.23	.02	.31
<i>Glaziers</i>	5.3	8.82		.26
<i>Labors</i>	4.13	9.6		

Anticipated Hiring Opportunity and 3 Year Goals

Anticipated Hiring Opportunity refers to future openings that might occur, such as an employee retirement or leaving the company or company growth. A reasonable assumption may be made by looking at the job group turn over in the company for the last five years.

In order to establish hiring goals, choose any of the following:

- a specific goal if you know there will be openings
- make a three year goal which addresses all under utilization identified in the job groups
- opportunity goals can be set in the narrative goal section if work force change is unknown

Job Group	Anticipated Hiring Opportunity	3 Year Goal		
			Female	Minority
<i>Carpenter</i>		#	1	
		%		
<i>Mason</i>		#	1	1
		%		

<i>Glazer</i>	#		1
	%		
<i>Labors</i>	#		
	%		
<i>TOTAL</i>	#	2	2
	%		

GOALS & TIMETABLES FOR PEOPLE WITH A DISABILITY
INSTRUCTIONS (FORM 6 OF 6)

The Numeric Goals & Timetables for People with a Disability form provides a place to record goals for hiring individuals with a disability. The City of Minneapolis, after conducting a survey, found it reasonable to expect that 8% of a total work force be people with a disability. Refer to the example, read the instructions, and then complete form 6 of 6.

If you have questions relating to employees with a disability please refer to the Equal Employment Opportunity Commission web site:

www.eeoc.gov/laws/types/disability.cfm

The “Total”, “Total Disabled”, and “Total Non-Disabled” columns should be completed reflecting the numbers that exist in the company. Calculate appropriate percentages.

The “Availability” column indicates the 8% availability figure set by the City of Minneapolis. The “Utilization” column indicates the difference between what should be and what is. The upper cell would show the number and the lower column would show the percent.

The “Anticipated Hiring Opportunities” column indicates the number of openings that might occur within the next three years. Goals should be set for the hiring of persons with a disability. The most reasonable assumption of turnover can be determined by averaging yearly turnover that has occurred in the company for the past five years.

“3-year Goals” is the setting of the commitment to hire people with a disability in the next three years. For example, the commitment can be made either by number (2) or as a percent (2.6%) under the “3-year Goals” or as an “opportunity goal” in the Narrative Goals and Timetables section of the plan.

Goals & Timetables for People with a Disability – Form

Total Employees		Current Work Force			Availability	Under Utilization	Anticipated Hiring Opportunity	3 Year Goals
		Total	Total Disabled	Total Non-Disabled				
76	#	76	4	72	6	2	2	2
100	%	100	5.3%	94.7%	8%	2.6%	2.6%	2.6%

NARRATIVE FOR MEETING GOALS & TIMETABLES FOR RACE, SEX AND DISABILITY

In the Narrative for Meeting Goals and Timetables for Race, Sex and Disability sections of the affirmative action plan, goals for hiring and/or promoting individuals in job classifications where it has been determined that females and/or minorities and/or people with a disabling condition are underutilized based on the census availability data will be explained.

The hiring goals will be the numbers determined by the calculations that were completed in the Availability Analysis, the Utilization Analysis and the Goals and Timetables form. If less than 8% of the total workforce are employees with a disabling condition there must also be a goal set of 8% of the workforce for hiring employees with a disabling condition.

Goals for hiring/promoting female, minority, and employees with disabling conditions must be established even if there is no expectation that a position(s) will become available, as job opportunities cannot be known with certainty three years in advance. The "goal" is a pledge that the company will make a good faith effort to recruit and hire enough females, minorities, and employees with disabling conditions to have a representative number from each group in job categories where under utilization has been determined.

While the goal is not a guarantee that it will be achieved, it is a commitment that must be taken seriously. Companies that do not meet their goals are required to demonstrate the good faith efforts they made to hire female, minority and employees with disabling conditions, or they may be sanctioned.

In addition to stating hiring goals for underutilized job categories, a company's analysis of why these underutilizations have initially occurred must be provided. An example might be too few applicants or a disproportionate number of terminations from the underutilized job groups, seniority provisions that affect placement of employees who are underutilized in certain job categories, etc. For each problem identified, describe actions that will be taken to address the problem in the future.

The following are employment hiring goals, showing good faith efforts.

Female Employees

Example #1

Based on Census Availability Data, we are currently underutilized with female employees in the following job classifications:

Professionals:	1 employee
Sales:	2 employees
Managers, Operatives & Service Workers combined:	2 employees

In the event we hire employees for any of the above job classifications, we will make a good faith effort to meet our goals for female employees.

Example #2

Based on Census Availability Data, we are currently underutilized by a total of 3 females in our five job classifications combined. Though we are underutilized by a percentage in each job classification, when each percent is added together, our total workforce is short 2.54% or the equivalent of 3 female employees. In the event we do any hiring, we will make a good faith effort to hire 3 female employees.

Minority Employees

Example #1

Based on Census Availability Data, the company is currently underutilized by less than 1 minority employee in the job classifications of Managers, Professionals, Operatives, Laborers and Service Workers. However, when the percent underutilized in each classification is added together, we are short a total of 1 minority employee:

In the event the company hires employees for any of the job classifications previously mentioned, we will make a good faith effort to meet our goals for minority employees.

Example #2

We currently employ no minorities in any of our five job classifications. Based on Census Availability Data, we are underutilized by less than 1 full time employee in each of these classifications. However, when the percent for each job category is added together, our total workforce is short .72 or the equivalent of one minority employee. In the event we do any hiring, we will make a good faith effort to hire one minority employee, whenever a position in any job category becomes available.

Employees with Disabling Conditions

Example #1

We currently employ 1 employee with a disabling condition. If job openings occur in any job category, we will attempt to hire 2 additional persons with disabling conditions to meet the established 8% availability goal.

Example #2

We currently do not have any employees with disabling conditions. If job openings occur in any job category, we will make a good faith effort to hire employees with disabling conditions at 8% of our workforce.

Multiply the number of employees times .08, and then round up to the next highest number. Example: for 19 employees, the goal would be 1.52 and round up to 2 employees. The rule of thumb is that percent in the group must meet or exceed availability. In this sample there is no such thing as 1.52% of a person so rounding up to 2 meets and exceeds availability.

ANALYSIS AND IDENTIFICATION OF DEFICIENCIES

Consider the following areas for analysis. If problems are indicated, state what they are and list the steps that will be taken for corrective action, along with deadlines for completion.

1. Workforce composition
2. Applicant flow composition
3. Total selection process in hiring
4. Transfer and promotion practices
5. Company facilities and company sponsored activities
6. Seniority practices and union contract provisions
7. Apprenticeship programs
8. Company training programs
9. Workforce attitude
10. Poster, applications, retention and subcontractor notification

Sample problem areas are listed below:

1. Under utilization of minorities, women or disabled persons in specific job groups
2. Selection process eliminates minorities, women or disabled persons at a higher rate than non-protected class applicants
3. Application forms not in compliance with laws
4. Inaccurate job descriptions
5. Invalidated selection procedures
6. Higher application rejection rate of minorities, women and disabled people
7. Exclusion of minorities, women and disabled employees from company sponsored programs/activities
8. Employees at all levels not supporting company's affirmative action policy
9. Lack of formal evaluation of the EEO program's effectiveness
10. EEO clause not on purchase orders; EEO posters not displayed
11. Under representation of minorities, women and disabled persons in training programs
12. Application and testing facilities not accessible to disabled people

INTERNAL AUDIT AND REPORTING SYSTEM

Records

Records will be maintained, by race, sex and disability for personnel actions which include applicant flow, new hires, promotions, transfers, training, demotions, layoffs, recalls and terminations.

Progress Reports

The following suggestions may be used to describe the internal reporting methods.

A written report will be prepared and forwarded to the company president within 20 days of the end of each quarter. The report includes the following:

1. Statistical summary of personnel actions by race, sex and disability
2. A narrative explanation of progress toward each goal established in the affirmative action plan under goals and timetables
3. A narrative explanation for any goal not met.
4. Summary of any other affirmative action efforts
 - a. Minority, female and disability resources contacted, date of contact and results
 - b. Participation in EEO related community activities
 - c. Counseling of minorities, female and persons with disabling conditions.
 - d. Participation of minorities, females, and employees with disabling conditions in training programs and tuition reimbursement.

Meetings

Program effectiveness and recommendation for improvement will be discussed at least quarterly during staff meetings with high level officials. Meetings will also be held at least quarterly to inform all other levels of management of progress made and/or continued deficiencies.

APPENDIX B

Definitions

Affirmative Action is a specific goal-oriented activity designed to enhance employment and business opportunities for minorities, women and persons of disability.

Affirmative Action Plan is a document designed to remedy any effects of under utilization and past discrimination after an analysis of the workforce is conducted. The plan establishes two-year hiring goals for minorities, females and persons of disability for any underutilized job group. The company will make a good faith effort to achieve these goals when hiring for open positions.

Affirmative Action Program is a written document outlining the procedures the company will follow to accomplish the remedial affirmative action results in areas where discriminatory effects/deficiencies have been identified.

Bona Fide Occupational Qualification (BFOQ) is a legitimate reason for limiting employment on the basis of race, sex, national origin, religion, etc.

Chapter 139 refers to the discrimination/civil rights provisions of the City of Minneapolis Ordinance, which contains, in part, Findings, Declaration of Policy/Purpose, Definition of Terms, Exemptions, Acts of Discrimination Specified, Provisions Required in Contracts with the City (Contract Compliance Unit), etc.

City is defined as the City of Minneapolis.

Commission is defined as the Minneapolis Commission on Civil Rights.

Compliance is a determination that a contractor is adhering to the City's affirmative action and non-discrimination requirements.

Contract is defined as any contract, agreement, purchase order or any other understanding, written or otherwise, for the procurement or granting of anything of service or value.

Contractor is defined as any person(s), including a subsidiary or affiliate, who is bidding on, intends to bid on, or has been awarded a contract by the City or any of its contracting agencies, as a result of participating in a competitive bidding procedure, negotiation, application for City funds, or other means.

Contracting Agency is defined as any office, department, board, agency, commission or other entity of the City, responsible for awarding contracts on behalf of the City.

Department refers to the Department of Civil Rights.

Director refers to the Executive Director or designee of the Minneapolis Department of Civil Rights.

Disabled person is defined as any person who:

- a. has a physical or mental impairment which substantially limits one or more major life activities; or,
- b. has a record of such an impairment, or,
- c. is regarded as having such an impairment

Equal Opportunity/Affirmative Action Clause refers to the provisions required in contracts with the City set forth in Chapter 139.50 (a)(1-V) of the Minneapolis Code of Ordinances.

Letter of Intent refers to a letter from the contractor to its subcontractors stating their intent to enter into a binding contract with them upon award of the contract, stating dollar amounts of the contracts.

Minority/Minorities are defined as any person of color who is Black, Hispanic, Asian/Pacific Islander, and American Indian/Alaskan Native.

Non-Compliance is a determination that a contractor is not adhering to the City's affirmative action and non-discrimination requirements.

On-Site Review is defined as an examination of the company's employment and/or subcontracting procedures. A Contract Compliance Officer conducts this review at the company's location, to determine compliance with Chapter 139.

On-Site Visit is defined as a visit to a construction site to monitor compliance with EEOC and/or payroll reporting requirements.

Person refers to all persons, corporations, partnerships or unincorporated associations.

Pre-Award refers to the time period prior to the actual award of the contract.

Qualified Disabled Person is defined as:

- a. with respect to employment, a disabled person who, with a reasonable accommodation, can perform the essential functions required of all applicants for the job in question; and,
- b. with respect to services and programs, a disabled person who, with physical and program accessibility, meets the essential eligibility criteria required of all applicants for the program or service in question.

For the purposes of this subdivision, "disability" excludes any condition resulting from alcohol or drug abuse which prevents a person from performing the essential-functions of the job in question or constitutes a direct threat to property or the safety of others.

Reasonable Accommodation refers to steps taken to accommodate the known physical or mental limitations of a qualified disabled person. "Reasonable Accommodation" may include but is not limited to:

- a. making facilities readily accessible to and useable by disabled persons
- b. job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and the provision of aides on a temporary or periodic basis

Subcontract is defined as any agreement, arrangement or understanding, written or verbal, between a City contractor and any person (where the parties have no employer/employee relationship):

1. For the furnishing of supplies or services or for the use of real or personal property; including lease arrangement which, in whole or in part, is utilized in the performance of one or more contracts with the City; or,
2. Under which any portion of the contractor's obligation under one or more contracts with the City is performed, undertaken or assumed.

Under utilization is defined as having fewer minorities, women and disabled persons in a particular job classification, job title, job category, or overall workforce than would be reasonably expected based upon their availability in the Census data.

APPENDIX C

Penalties for Non-Compliance

139.50 - MINNEAPOLIS CIVIL RIGHTS ORDINANCE

Provisions required in contracts with the City - unless exempted by the City, all developers and contractors shall include in every bid spec/contract the following provisions, specifically or by reference:

During the performance of this contract, the contractor or developer agrees as follows:

7. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or provisions of Title 7, this contract may be canceled, terminated or suspended, in whole or in part, and the contractor may be declared ineligible by the Minneapolis City Council for further City contracts in addition to other remedies as provided in Title 7. In addition, the contractor shall be liable for any costs or expenses incurred by the City of Minneapolis in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under this contract and for administrative costs incurred in seeking compliance. The City shall have the right to specific performance of this contract. Further, in the event there is probable cause to believe the contractor is in noncompliance with the nondiscrimination clauses to this contract or with any applicable rules or regulations, the City shall withhold up to 15% of said contract price until such time as the contractor is found to be in compliance; or in the event that withholding a portion of the contract price is not a feasible alternative, then liquidated damages of \$500.00 per day for each day the director shall determine there is probably cause to believe the contractor is in noncompliance with this section shall be imposed, or is otherwise adjudicated to be in compliance.
8. When the official empowered to monitor any affirmative action provision of any contract or part of any contract under Section 139.50 shall have probable cause to believe the contractor is not in compliance with any provision of paragraphs 1 through 7 or with the implementation rules, regulations, provisions or plans thereto, said official shall notify the department administering said contract and shall engage in conciliation and persuasion to try to eliminate the acts or practices giving rise to such belief.
9. The contractor will include the provisions of paragraphs 1 through 8 in every subcontract or purchase order, specifically or by reference, unless exempted by rules, regulations or orders, of the Director or the Commission, issued pursuant to Section 139.90, so such provision will be binding upon each subcontractor or vendor.
 - B. The City of Minneapolis shall not enter into contracts or subcontracts in excess of \$50,000, including contracts and agreements entered into and performed pursuant to powers granted by Minnesota Statutes, Section 273.71 to 273.78, know as the Minnesota Tax Increment Financing Act (Minnesota Statutes, Chapter 472A, sometimes known as the Municipal Development District Act, and Minnesota Statutes, Chapter 474, known as the Minnesota Industrial Development Act 474), with any bidder, prospective prime contractor or proposed subcontractor until a written affirmative action plan has been provided to the director or the director's designee and until a pre-award compliance review has been conducted and the director or the director's designee has reported on the ability of the bidder, prospective prime contractor or proposed subcontractor to comply with the provisions of subsection (a) of this section. The Director or Director's designated City staff shall examine evidence of the past performance of the bidder, prospective prime contractor or proposed subcontractor (entity under

review) regarding compliance with the provisions of subsection (a) of this section which should include, but not be limited to the following factors: The record of the entity under review regarding observance of the City of Minneapolis contract compliance rules and regulations, the books, records, payrolls and other relevant documents including a list, separated by construction project or work site, of all protected-class employees who worked for the entity under review during the period to be reviewed; documentary evidence of the implementation of each of the affirmative action standards set forth in the specifications; and evidence demonstrating whether or not the entity under review has complied with subsection (a) (1) of this section, or similar equal opportunity clause in contracts with any other governmental body or any other entity. The Director or Director's designated City staff shall have 30 days after receiving notice of the proposed contract to report to City Council.

APPENDIX D

Recruitment Resources

Construction:

Union Apprenticeship opportunities: <http://www.constructioncareers.org/>

Summit Academy OIC
935 Olson Memorial Hwy.
Minneapolis, MN 55405
612.377.0150 <http://www.saoic.org>

Minneapolis Urban League
2220 16th Avenue North
Minneapolis, MN 55411
612.302.3100 <http://www.mul.org>

Goodwill Easter Seals
553 Fairview Avenue North
St. Paul, MN 55104
651.379.5800 <http://www.goodwilleasterseals.org>

Minneapolis Community and Technical College
1501 Hennepin Avenue
Minneapolis, MN 55403
612.659.6000 <http://www.minneapolis.edu>

Dunwoody College of Technology
818 Dunwoody Blvd.
Minneapolis, MN 55403
612.374.5800 <http://www.dunwoody.edu>

Property Maintenance:

Emerge Community Development
1101 West Broadway Avenue,
Suite 200
Minneapolis, MN 55411
612.529.9267
<http://www.emerge-mn.org>

Resource Inc.
1900 Chicago Avenue South
Minneapolis, MN 55404
612.752.8001 <http://www.mrc-mn.org/MRC-TC-Training-Education>