

CITY OF MINNEAPOLIS
DEPARTMENT OF CIVIL RIGHTS

MODIFIED
AFFIRMATIVE ACTION PLAN
GUIDEBOOK

For
Development Projects, Construction Projects
And
Professional Goods and Services Contracts
(Companies with 20 or fewer employees)

INSTRUCTIONS

The following pages are intended to be a guide for development of a Modified Affirmative Action Plan. This document refers to the term “Contractor”, which means any entity individual with a prospective contract with the City of Minneapolis. Businesses located outside the 7 county metro area may use this template or develop their own company plan for review and approval. It is important to keep a copy for business reference and documentation.

Under Minneapolis Code of Ordinances 139.5 the City of Minneapolis shall not close on any contract until a written Affirmative Action Plan from the recipient of assistance and any business with a prospective contract in excess of \$50,000.00 has been approved by the Director or the Director’s designee and until the department has conducted a pre-award compliance review.

After the plan has been approved, the Minneapolis Department of Civil Rights will provide an approval letter authorizing business with the City of Minneapolis for 3 years.

The expectation is that all businesses take affirmative steps to recruit and retain a diverse workforce. Businesses may be asked to submit records documenting their recruitment and retention efforts and other personnel related matters. This plan may be compared to documentation previously submitted to ensure that the businesses is making continuous efforts to take affirmative action in their recruitment and hiring.

CONTACT INFORMATION

When completed, please email for review and approval to the Contract Compliance Officer assigned to the contract, in this format:

Firstname.lastname@minneapolismn.gov

Or mail to:

Minneapolis Department of Civil Rights
350 South 5th Street, Room 239
Minneapolis, MN 55415

Or fax it to: 612-673-2599

If you have questions, or need further technical assistance, please call 612-673-3012.

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

General Contractor / Developer

Project Name

Project Address

Type of Construction

Contact Person

Telephone Number

E-mail Address

MODIFIED AFFIRMATIVE ACTION PLAN 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.

(b) *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 IN THE WORKPLACE 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.

CITY GOALS ON CONSTRUCTION PROJECTS

For every construction project of \$50,000 or more, the following project goals will apply:

6% of the total project hours are to be completed by FEMALES

32% of the crafts/trades project hours are to be completed by MINORITIES

WORKFORCE ANALYSIS

The following Workforce Analysis table identifies the Contractor's present levels of employment of women, minorities and disabled persons in both construction and non-construction positions. The Contractor will conduct a Work Force Analysis by race, gender, and disability pursuant to and consistent with Minneapolis Code of Ordinances Chapter 139 to determine present employment levels. The Contractor will use the information in the table to evaluate its workforce and to complete and commit to the goals and timetables that follow.

Minority Group Identification

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.

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.

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

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.

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

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 PROVIDE AN EMPLOYEE ROSTER CONSISTENT WITH WORKFORCE ANALYSIS TABLE

GOALS AND TIMETABLES

The statement of goals and timetables is used to remedy any underutilization of women, minorities or persons with disabilities. If one of the options below fits your circumstance, circle the number of the option that applies. If none of the options apply, prepare one that does.

1. Contractor does not have minority, female, or a qualified disabled employee. If in the next three (3) years Contractor has hiring opportunities Contractor will make a good faith effort to recruit and hire a minority, a female and/or qualified disabled person.
2. Contractor has minority, female, and disabled employees and will make a good faith effort to retain current minority, female, and disabled employees.
3. Contractor has female employee(s) but does not have either a minority or qualified disabled employee. If in the next three (3) years Contractor has hiring opportunities Contractor will make a good faith effort to retain current female employee(s) and recruit and hire a minority and/or qualified disabled person.
4. Contractor has disabled employee(s) but no minority or female employees. If in the next three (3) years Contractor has hiring opportunities Contractor will make a good faith effort to retain current disabled employee(s) and recruit and hire minority and/or female employees.
5. Contractor has minority employee(s) but no disabled or female employee(s). If in the next three (3) years Contractor has hiring opportunities Contractor will make a good faith effort to retain current minority employee(s) and recruit and hire a disabled and/or female employee(s).
6. Contractor has minority and female employee(s) but no qualified disabled employee(s). If in the next three (3) years Contractor has hiring opportunities Contractor will make a good faith effort to retain current minority and female employee(s) and recruit and hire a qualified disabled person.
7. Contractor has female and disabled employee(s) but no minority employee(s). If in the next 3 (three) years Contractor has hiring opportunities Contractor will make a good faith effort to retain current female and disabled employee(s) and recruit and hire a minority employee.

8. _____

EMPLOYEE ROSTER

Please provide an employee roster consistent with workforce analysis table.

DOCUMENTATION OF COMPLIANCE

The Contractor will include the provisions of Chapter 139.50 subsection (a) paragraphs (1) through (7) 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 Chapter 141 of Title 7, so that such provisions will be binding upon each subcontractor or vendor.

Contractor agrees to maintain and implement an approved Modified Affirmative Action Plan during the next three years, and to comply with Chapter 139.50 of the Minneapolis Code of Ordinances and Rules and Regulations.

Contractor agrees to keep records of all personnel actions such as hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training and actions taken to affirmatively recruit and hire women, minorities and people with disabilities as stated in Minneapolis Code of Ordinances Chapter 139.50.

During the next three years Contractor agrees to provide, as requested by MDCR proof of compliance with Section 139.50 and its implementing rules and regulations, including documentation of Contractor's efforts to recruit and retain a diverse workforce.

Company Name

Signature of Owner / Chief Executive Officer

Date

Signature of AA/EEO Manager

Date