



City of Grand Island

Tuesday, July 24, 2007

Council Session

Item G23

#2007-172 - Approving City of Grand Island Affirmative Action Plan

Staff Contact: Brenda Sutherland

Council Agenda Memo

From: Brenda Sutherland, Human Resources Director

Meeting: July 24, 2007

Subject: Affirmative Action Plan

Item #'s: G-23

Presenter(s): Brenda Sutherland, Human Resources Director

Background

The City of Grand Island has for many years had a formal statement about affirmative action and equal employment opportunity in its Personnel Rules. The City has in recent years began to aggressively pursue federal grant dollars to assist with projects throughout the community. When applying for federal grant dollars, the entity needs to show proof of its affirmative action plan. While the City has had a policy in place, it is time to adopt a more formal policy that will help us to meet the requirements for grant applications.

Discussion

Administration is proposing a formal Affirmative Action Policy that will provide not only guidelines for the City to follow in its hiring and employment practices but also show its commitment to being an equal opportunity employer. This Affirmative Action Plan does not require the City to meet quotas but instead to outreach to women and minorities in its recruitment processes. The plan calls for training individuals who are involved in the hiring process and a review process to help identify areas of opportunity for outreach in recruiting. A formal plan is needed to help the City maintain compliance with the federal government in the grant application process.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the Affirmative Action Plan.

Sample Motion

Motion to approve the Affirmative Action Plan.

CITY OF GRAND ISLAND

2007
AFFIRMATIVE ACTION
PROGRAM

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INTRODUCTION

The City Of Grand Island's commitment to fair employment practices encompasses the belief that equal employment is a vital element of the basic merit system. The merit system maintains that all persons should be afforded equal access to public service opportunities limited only by their ability to do the job.

Affirmative Action is one of the methods through which equal employment opportunity is realized. Equal opportunity cannot be fully achieved until inclusiveness is a priority. If we are going to make progress in providing complete equal opportunity, the means by which we seek to remove disparities must not be merely passive.

Affirmative Action is the comprehensive term for all the programs in which the City actively participates to attain the status of equal employment opportunity. The City Of Grand Island's Affirmative Action Program is a guide to assist Departments in the revision, implementation and improvement of their employment procedures to assure fairness. This Program confirms the City Of Grand Island's commitment to equality and serves as an outline of the strategy the City will use to achieve the desired results.

Since affirmative action is a process, it is susceptible to change. Shifting requirements, reinterpretation by the courts, new legislation and reallocations of responsibility all dictate revisions in processes. Therefore, this program will require periodic review and revision.

This Affirmative Action Program has been designed to permit flexibility in its application by City Departments with diverse needs. Consequently, Departments are requested to approach these objectives with innovation and creativity. Equal employment opportunity is the law. Effective affirmative action is the means for fulfilling lawful responsibility and it must be a shared concern.

The Mayor and the City Council call upon every person in the City involved in recruitment, hiring, and promotions to exert their best efforts to achieve the goals set forth in the affirmative action plan and to engage wholeheartedly in the effort to ensure a wholly nondiscriminatory process of recruiting, hiring, and promoting women, members of minority groups, qualified individuals with disabilities, and Veterans at all levels of employment throughout the City.

Any member of the public or person employed by the City who wishes to make recommendations or suggestions concerning this City Affirmative Action Program is encouraged to do so. Please address inquiries to:

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SECTION I

COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

It has been, and will continue to be, the policy of the City of Grand Island to be an equal opportunity employer.

In keeping with this policy, the City of Grand Island has designed and agreed to implement an Affirmative Action Program which is consistent with all the relevant Federal, State and local non-discrimination and affirmative action laws, regulations and their amendments which pertain to the legal basis for affirmative action and equal opportunity, including, but not limited to: the Fourteenth Amendment to the U. S. Constitution, the Civil Rights Acts of 1964 and 1991, the Age Discrimination in Employment Act, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Nebraska Fair Employment Practice Act, and the Grand Island Municipal Code.

The City will continue to recruit, hire, train, and promote into all job levels the most qualified persons without regard to race, color, religion, sex, disability, national origin, ancestry, age or marital status. These and other personnel matters such as compensation, benefits, transfers, layoffs, City-sponsored training, education, tuition assistance, and social and recreational programs will continue to be administered in accordance with the applicable City of Grand Island Municipal Code, union contracts, and personnel rules.

All employment decisions are based on job related standards and must comply with the principles of equal employment opportunity.

Affirmative Action Program Objectives

I. The administration of the City of Grand Island is morally, ethically, and legally committed to a policy of fairness and equity for all employees and affirms that the City of Grand Island is obligated to provide every employee the opportunity to achieve maximum potential as an employee. To accomplish these objectives, the City of Grand Island will endeavor to:

A. Encourage and assist all persons without regard to race, color, religion, sex, disability, national origin, ancestry, age, or marital status to realize their full potential.

B. Strive to achieve realistic goals of full participation of minorities, women, and persons with a disability in all levels of employment which might reasonably be expected given the proportion of such potentially qualified persons available for a given type of job in the area's work force.

C. Comply with both the spirit and the letter of the law guaranteeing equal opportunity and freedom from discrimination in any terms or conditions of employment.

D. Continually analyze all City jobs and position classifications to identify any imbalance caused by any and all artificial barriers resulting in disproportionate classifications.

This will include amending driver's license requirements to include language such as "or the ability to provide independent transportation" where driving is not an essential function of the job.

II. The purpose of the City of Grand Island's Affirmative Action Program is to provide fair and equal employment opportunities for both employees and applicants for employment on the basis of individual merit and fitness to be ascertained through fair and practical methods of selection and promotion without regard to race, color, religion, sex, disability, national origin, ancestry, age, or marital status. It is also the purpose of the Affirmative Action Program to outline and implement procedures to effectively and fairly use the city's available human resources. The City will apply sound management and merit principles using available statistical data reflecting job market conditions and availability of persons possessing requisite skills.

All departments of the City will make a good faith effort to eliminate all disparity in the employment of minorities, women and persons with a disability. Employment parity in the City work force and in job classifications will be accomplished by ongoing review of the departments' procedures and the City's total personnel administration system. This will be done through the following components of our Affirmative Action Program:

A. Recruitment

(1) Affirmative recruitment of minorities, women, and persons with a disability for City jobs and position classifications for which they are qualified with emphasis on positions of greater responsibility;

It is the responsibility of the hiring department to participate with the Human Resources Department in attracting protected group members to the City of Grand Island's applicant pool.

B. Classification/Upward Mobility

(1) Academic experience and skill requirements shall be reviewed to ensure that such requirements do not constitute inadvertent discrimination. Where possible, equivalencies will be accepted in addition to conventional experience or education. Job qualifications shall also be reviewed to ensure consistency and to ensure they are free from bias with regard to race, color, religion, sex, disability, national origin, ancestry, age, or marital status.

(2) Counseling and assistance will be provided to interested employees to help identify appropriate career ladders in municipal government.

C. Department Directors and Supervisors will be offered training in affirmative action procedures and equal employment policies including training which develops a bias-free work environment;

D. The City will conduct EEO-4 reports to determine if any deficiencies exist. Where under-utilization exists in City employment, the Department Director or designate, with the guidance of Human Resources, shall make good faith efforts to address the under-utilization.

E. The City will develop periodic department recruiting plans by identifying personnel requirements and objectives consistent with the Affirmative Action Program.

Designated Protected Classes

I. The City of Grand Island will attempt to keep accurate information regarding the following federally defined categories and to achieve full utilization of qualified minority group members and women in each department at all job levels.

A. Black (not Hispanic origin), African American: All persons having origins in any of the Black racial groups of Africa.

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

C. Asian or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

D. Indian American or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

E. Women, whether or not affected by pregnancy, childbirth, or related medical conditions, shall be treated the same for all employment-related purposes.

II. The City of Grand Island will encourage and assist all persons to comply with both the spirit and letter of the law guaranteeing equal opportunity and freedom from discrimination in the above classes as well as the following classes:

- National origin
- Persons with a disability
- Ancestry
- Marital Status: a legal condition of marriage whether married or unmarried
- Age: Persons 40 years of age or older, consistent with such age requirements as may be promulgated by law or applicable regulation

Persons with a Disability

It is the policy of the City of Grand Island to provide equal employment opportunities for all qualified applicants and employees in recruiting, hiring, placement, training, promotion, transfer, discipline, termination, compensation, and benefits. To achieve this, the City of Grand Island will take affirmative action to employ and advance in employment, qualified individuals with disabilities and will administer all personnel actions without regard to disability and base all such decisions on valid job requirements when reasonable accommodation can be made.

Individual with a disability means any person who:

Has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of such impairment; or is regarded as having such impairment.

Qualified individual with a disability means:

An individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position, EXCEPT,

The terms *individual with a disability* and *qualified individual with a disability* do not include individuals currently engaging in the illegal use of drugs, when the employer acts on the basis of such use. These terms also do not include an individual who is an alcoholic whose current use of alcohol prevents such individual from performing the essential functions of the employment position such individual holds or desires or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or to the health or safety of the individual or others.

Substantially limits means:

Unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner, or duration under which an individual can perform a particular major life activity as compared to the condition, manner, or duration under which the average person in the general population can perform that same major life activity.

With respect to the activity of working, "substantially limits" means significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills, and abilities. The inability to perform a single, particular job does not constitute a substantial limitation in the activity of working.

Major life activities include, but are not limited to: Functions such as caring for oneself, performing manual tasks that are of central importance to most people's daily lives, walking, seeing, hearing, speaking, breathing, and learning.

Reasonable Accommodations

1. The City of Grand Island will make reasonable accommodation to the known physical and mental limitations of an otherwise qualified individual unless the accommodation would impose an undue hardship on the operation of its business.
2. If an employee with a known disability is having significant difficulty performing his or her job, and it is reasonable to conclude that the performance problem may be related to the known disability, such employee's supervisor will confidentially notify the employee of the performance problem and inquire whether the problem is related to the employee's disability. If the employee responds affirmatively, the City shall confidentially inquire whether the employee is in need of a reasonable accommodation, such that the employee may perform the job in accordance with those standards established by the supervisor for all employees in the same or similar position.

Review of Physical and Mental Qualifications

1. The City of Grand Island will make an ongoing effort to review the physical and mental qualifications of all City jobs to assure they are job related.
2. The City of Grand Island administers physical examinations only post offer/pre-employment. Physical examinations are not given to all applicants/employees, but rather to each applicant offered an opportunity in a particular job title.
3. Information obtained about any applicant's or employee's medical condition or history shall be collected and maintained on separate forms and in separate files. These files will be treated as confidential except as necessity and the law permit and shall not be used for any purpose inconsistent with the law.

Harassment in Employment

(Reference Personnel Rules and Regulations, October 1, 2006)

The City of Grand Island is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, or disability will not be tolerated. All men and women are to be treated equally with dignity and respect.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This form of employee misconduct undermines the integrity of the workplace and will not be tolerated. The following is a partial list of examples of sexual harassment:

- Unwelcome sexual advances – physical or verbal.
- Offering employment benefits in exchange for sexual favors.
- Making threats after a negative response to sexual advances.
- The use of derogatory comments, epithets, slurs, or jokes.

If an employee experiences or witnesses sexual or other unlawful harassment in the workplace, it should be reported immediately to his/her supervisor and the Director of Human Resources. All allegations of sexual harassment will be quickly and discreetly investigated. Any supervisor or Director who becomes aware of possible sexual or other unlawful harassment is to report it immediately to the Human Resources Director. If the Human Resources Director is not available, report to the City Attorney.

An employee shall not suffer retaliation for coming forward with a complaint of harassment. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination. Retaliation against someone that makes a complaint of harassment is strictly forbidden. Employees who feel that they have been retaliated against for coming forward with a complaint should make their supervisor and the Human Resources office aware of it immediately. Should the Human Resources Director be unable to handle the complaint, it should be forwarded to the Legal Department.

Veterans Preference Law

As between applicants whose qualifications are otherwise substantially equal, veterans shall be given preference in the matter of employment when required by Federal or Nebraska State law applicable to the City of Grand Island.

Contract Compliance

The City of Grand Island Purchasing Division will add the following statement to its website and other pertinent materials: *The City of Grand Island Purchasing Division provides equal opportunity for all bidders and encourages minority businesses and women's business enterprises to participate in our bidding process.* Instructions to bidders should include language stating the City's commitment to EEO and affirmative action.

Each successful bidder doing business with the City of Grand Island must agree that they will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, national origin, age, ancestry, or marital status. In the employment of persons, the bidder shall take affirmative action to ensure that applicants are employed and treated during employment without regard to race, color, religion, sex, disability, national origin, age, ancestry, or marital status.

1. Each contractor, vendor, or supplier, upon acceptance of a bid must confirm they are an equal opportunity employer.
2. The City may grant a contractor, vendor, or supplier a reasonable period of time to comply with this requirement.

3. If a contractor, vendor, or supplier is not willing to comply or the executive official of such contractor, vendor, or supplier does not wish to cooperate:

- (a) Efforts will be made by the City to determine the objections of the contractor, vendor, or supplier;
- (b) The City will then attempt to resolve these objections by negotiation and conciliation to reach a solution in conformance with the affirmative action policy of the City of Grand Island;
- (c) If objections are not resolved by such negotiations, the City will use appropriate means to encourage compliance;
- (d) If compliance is still not secured, a written notification will be sent to the executive official of such contractor, vendor, or supplier stating that until such time as the company agrees to comply, the City may debar them. The contractor, vendor, or supplier may appeal any debarment as set forth in the procurement ordinance.

SECTION II

DISSEMINATION OF EO/AA POLICY

I. Internal Dissemination

The City of Grand Island will continue to make its equal employment opportunity/affirmative action policy known internally by:

- A. Providing a copy of this policy to all city facilities either electronically or by hard copy.
- B. Having the policy approved by the Mayor and City Council by resolution.
- C. Explaining the policy in new employee orientation and management training programs.
- D. Conducting periodic meetings with management and supervisory personnel to explain the intent of the policy, the Mayor's commitment, and individual responsibilities for effective implementation.
- E. Conducting periodic meetings with non-supervisory employees to discuss the EO and AA policy, including employee responsibilities as well as the benefits available to them at management's request.
- F. The policy will be available to all employees electronically on the City's intranet website.

II. External Dissemination

The City of Grand Island will make its policy known externally by:

- A. Incorporating the equal employment opportunity clause in written leases and contracts.
- B. Informing recruiting sources of the City of Grand Island's policy and requesting that the sources actively recruit and refer women and minorities to the City for employment.
- C. Informing prospective employees of the City of Grand Island's status as an Affirmative Action and Equal Opportunity Employer.
- D. Including information regarding the City of Grand Island's Affirmative Action Program and EO policy on the City website.

SECTION III

DESIGNATION OF RESPONSIBILITY

The Human Resources Director has responsibility for equal employment opportunity compliance and for the implementation of the Affirmative Action Program and is charged with maintaining all records and implementing all recruitment and selection policies as they have been approved.

City Department Directors have the ultimate responsibility for decisions affecting progress toward achieving equal opportunity.

Duties of the Human Resources Director include:

- 1. Updating the Affirmative Action Program periodically.
- 2. Developing policy statements, affirmative action programs, and internal and external communication techniques.
- 3. Designing and implementing systems for auditing and reporting in order to measure the effectiveness of City EEO/AA programs, indicate any need for remedial action, and determine the degree to which the City's goals and objectives are being attained.
- 4. Overseeing and assisting the City's recruitment of potential job applicants, including affirmative outreach as appropriate.
- 5. Assuring that directors and supervisors of the City of Grand Island understand they are responsible for their department's employment decisions and will be held accountable for decisions that are not in accordance with City policy.

6. Assuring that the City uses only job-related criteria for hiring, promotion, transfer, training, compensation and all other employment opportunities.
7. Identifying potential problem areas and investigating and responding to potential problem areas identified by City employees.
8. Assuring the proper display of EEO posters and City EEO policy statements.
9. Assuring that facilities the City of Grand Island maintains for the use and benefit of employees are, in fact, desegregated, both in policy and in use and those facilities such as locker rooms and rest rooms are comparable for both sexes.
10. Assuring that all employees, including minority, female, and employees with disabilities, are encouraged to participate in all City-sponsored educational, training, recreational, and social activities.
11. Assuring that the City of Grand Island prohibits and prevents harassment of employees on account of race, color, religion, sex, disability, age, marital status, or national origin.
12. Serving as liaison between the City and minority organizations, women's organizations, and community action groups concerned with employment opportunities of minorities, women and persons with disabilities.
13. Assisting in the encouragement of Women's Business Enterprises, Minority Business Enterprises, and Disabled Persons' Business Enterprises to participate in the competitive process for City goods and services vendors and contractor status.
14. Keeping management informed of the latest developments in the equal opportunity area.
15. Assuring that all Directors are aware that their individual work performance is being evaluated on the basis of equal employment opportunity efforts and results, as well as other criteria.
16. Preparing, coordinating, and conducting training for City departments in the areas of equal employment opportunity, affirmative action, and the Americans with Disabilities Act.

In addition, the Human Resources Director will serve as a resource to all City of Grand Island directors and supervisors who are charged with responsibility and accountability for equal employment opportunity and implementation of established Affirmative Action Programs. In that capacity (s)he will assist departments with personnel matters having EO/AA implications, conduct oversight visits, and may establish periodic internal audit requirements for all City of Grand Island Departments.

Duties of the Department Directors include:

1. Establishing department goals and objectives and identifying problem areas.
2. Making a good faith effort to be actively involved with local minority organizations, women's organizations, and persons with disabilities organizations, community action groups and community service programs.
3. Performing periodic audits of training programs, and hiring and promotion patterns to isolate impediments to the attainment of goals and objectives.
4. Monitoring front-line supervisors and employees to assure the City's policies are being followed.
5. Reviewing the qualifications of all employees to ensure that minorities, women, and employees with disabilities are given full opportunities for hiring and promotions.
6. Providing career counseling for all employees when requested.
7. Performing periodic audits to ensure that: (a) EEO posters are properly displayed; (b) all facilities which the City maintains for the use and benefit of its employees are in fact desegregated; and (c) that any facilities are comparable for both sexes.
8. Performing the director's duties with the understanding that work performance will be evaluated on the basis of equal opportunity efforts and results, as well as other criteria, and that inadequate cooperation or obstruction of the program will be considered a serious matter and such conduct may be grounds for disciplinary action.
9. Where possible, posting open positions to the public, rather than relying on internal posting.
10. Where exceptional circumstances do not exist, extending advertisement of external job postings to be no less than two weeks to allow for adequate recruiting efforts and, where possible, using diverse advertising avenues to assist in the expansion of the potential applicant pool.
11. Where evidence of underutilization exists, making additional creative recruiting efforts to assure a diverse pool of candidates for an open position.

SECTION IV

IDENTIFICATION OF PROBLEM AREAS

PERSONNEL ACTIVITY

The City of Grand Island will review its total employment process to determine whether and where any impediments to equal employment opportunity exist based on its evaluation of personnel activity.

Applicant Flow:

The City of Grand Island does not encourage unsolicited applications. Applicants of identifiable race, ethnicity, and sex are those that either 1) voluntarily complete a self identification form; 2) are visually identified during interview; or 3) are current employees.

We believe that our review of the EEO-4 forms will provide a comparison that will give us additional information about both the accuracy of our availability estimate and the results of our good faith efforts to invite minorities and women to apply for job opportunities.

Hires, promotions and other personnel actions:

A. In order to be considered for any opportunity, a job seeker (whether internal or external) must make a timely submission expressing interest in the stated opportunity in the form required by the City of Grand Island. Each application must be completely filled out or it will not be evaluated and no employment decision will be made.

B. Application forms and examinations shall not inappropriately elicit any information concerning the political or religious opinions or affiliations or race of any applicant.

C. All appointments to positions shall be made according to *merit and fitness*. Merit and fitness may be ascertained, in part, by examinations which shall be prepared by or under the direction of the Human Resources Director and shall relate to those matters which will test fairly the capacity and fitness of candidates to discharge efficiently the duties of the positions for which examinations are held. Admittance to such examinations may be limited to regular employees in the city service when the Human Resources Director, after consultation with the department director concerned, determines that there are a sufficient number of qualified candidates to provide competition.

D. Examinations designed to establish eligible lists shall be open to all citizens of the United States, regardless of residence, registered aliens, and persons who have obtained working papers from the federal government who may be lawfully appointed to a position in the class concerned, and who appear to meet the qualifications and other requirements for the class as set forth in the vacancy announcement.

E. Promotional examinations shall be open to any employee who appears to meet the qualifications. Admission to promotional examinations may be restricted by the Human Resources Director to employees of a specific division or department when such action is in the best interest of the City.

F. The City of Grand Island performs all analyses of employment decisions on the basis of persons who sought or were considered for a specific job title or who were “tested” using the same selection device.

Advancement for one employee does not necessarily constitute a “denial” of an opportunity for any other employee such as changes which are a result of reclassifications or audits of employees whose jobs have changed as a result of reorganization, assumption of additional responsibilities or redistribution of work. Similarly, personnel activity such as reinstatement to a prior placement as a result of settlement of a grievance does not involve the selection of one job seeker and the rejection of another or others. Such personnel activities are not “opportunities”.

Terminations:

Voluntary Terminations:

There is no “pool” of persons who might choose to terminate employment voluntarily. By definition, such terminations do not involve an employer decision or “selection”. These are, therefore, not susceptible to any statistical analysis of “selection disparities”.

Involuntary Terminations:

There are a variety of reasons for which a person might leave the employment of the City of Grand Island other than by choice. There is no single “pool” of all persons who are involuntarily terminated.

While some involuntary terminations involve employer choice, some do not. For example, some employees do not return, as hoped or expected, from long term disability leave. While such termination may not be “voluntary”, they do not involve a decision by this employer. Some terminations are planned for, such as the completion of a temporary assignment or expiration of an employment contract. There is no “selection decision” involved in such circumstances. It would be erroneous to include such terminations in any statistical computation of “selection disparities”.

Terminations for cause do involve an employer decision. However, there is no “pool” of persons who are considered for termination for the various policy infractions for which a person might be discharged. For example, the only persons who are considered for termination for poor performance are those who perform poorly. (The situation is similar for violations of attendance policy, insubordination, and the vast array of lawful reasons for which an employee might be involuntarily terminated.) A disparate treatment analysis or “selection rate” cannot be computed except with similarly situated people.

There is only one kind of involuntary termination for which the City of Grand Island can do an analysis of "selection disparities": a reduction in force. Where the City must eliminate jobs, it does so by objective standards which vary according to the relevant labor contract but which decisions are made without regard to race, color, religion, sex, disability, national origin, ancestry, age, or marital status. In such circumstances we can measure any differences in selection rates to determine if there are statistical indicators of disparate treatment.

SECTION V

IDENTIFICATION OF PROBLEM AREAS

COMPENSATION SYSTEMS

The City of Grand Island performs analyses of its total employment process to determine whether impediments to equal employment opportunity exist. We have identified no disparities based on unlawful factors such as gender, race, or ethnicity.

The City of Grand Island has written pay policies and standardized pay practices outlined in the Personnel Rules and Regulations and in the negotiated contracts of each employee union.

The City of Grand Island has collective bargaining agreements with the following unions: American Federation of State, County, and Municipal Employees, Local 251 (AFSCME), Fraternal Order of Police Grand Island Lodge No. 24 (FOP), International Association of Firefighters Local 647 (IAFF), and the International Brotherhood of Electrical Workers Local 1597 (IBEW). These agreements cover working conditions for all bargaining unit employees, including pay practices and rates of pay. There are no disparities based on race, gender, or ethnicity in these practices or rates of pay.

The establishment of salary grades and the establishment of salary ranges of various breadths provide tools to the City of Grand Island to manage compensation in such a way as to attract and retain qualified employees. While it is typically more expensive for an employer to attract a new hire than to retain a current employee, these ranges provide sufficient flexibility to meet both these essential needs and produce no disparities based on unlawful considerations.

The relative position of each employee within the salary range is based on considerations such as level of performance, degree of responsibility; starting salary (which is influenced by considerations such as relevant education and experience at time of hire); length of service, contributions made or increased skills and proficiencies acquired since the last adjustment, the amount of previous salary increases and the employee's salary level as compared to that of similarly situated employees.

Many decisions affecting compensation are made by employees (e.g., whether to compete for a posted opportunity, relative qualifications for such opportunities, performance, and a decision to acquire additional education or training, etc.). Some decisions affecting compensation are made by the employer, always without regard to race, color, religion, sex, disability, national origin, ancestry, age, or marital status.

SECTION VI

PROBLEM IDENTIFICATIONS

PERSONNEL PROCEDURES

As part of the City of Grand Island's on-going self-audit to identify problems or potential problems, we conduct analyses of the personnel procedures component of the total employment process.

I. Requisitions, Position Descriptions and Job Specifications

A. All vacancies are filled by re-employment, promotion, original appointment, transfer, or demotion. When a vacancy is to be filled other than by transfer or demotion, the department director must submit a written request to the Human Resources Director. The request must be completed and approved prior to the commencement of recruitment for any new position or for any replacement. This request should state the class title, the number of positions to be filled, and other appropriate information. In addition, desirable special qualifications for the position under consideration may be indicated... A Human Resources Specialist is assigned and is responsible for contacting the selecting department to carefully review the job specifications before posting to ensure that they are consistent with the written position description on file and are otherwise job related.

B. All position descriptions will be periodically reviewed with necessary changes made to accurately reflect current job duties. Position descriptions will establish job-related and non-discriminatory requirements.

C. The City will continue to examine its recruitment process, including requisitions, review of position specifications, solicitation and acceptance of applications from job seekers for potential impediments to equal employment opportunity.

II. Selection Procedures

A. Applicants for posted opportunities may be either internal employees or job seekers not currently employed by the City. Both are treated the same in the selection process. Both internal and external applicants are asked to submit a completed application form.

B. The assigned Human Resources Specialist reviews and screens all applications and supplementary questionnaires as they are received. All must be received or postmarked by any posted deadline in order to be evaluated. Depending on the number of qualified applicants, the Specialist may refer all or only a portion of the applications received.

C. Where appropriate or whenever required by City Code or policy, the Human Resources will oversee the creation of a list of eligible applicants for a vacancy consistent with law and the goals of this Affirmative Action Plan.

D. Hiring decisions are made according to *merit and fitness*. The selecting official does not consider information on the race, sex or ethnicity of the applicant.

III. Promotions/Transfers procedures

A. Employees of the City who are candidates for promotion will be evaluated and ranked according to merit and fitness in a manner consistent with the goals of this Affirmative Action Program.

B. Positions may be filled by lateral transfer, promotion with a change in work location, promotion without a change in work location, or even demotion consistent with the Personnel Rules, Union Contracts, and City Ordinance. Selections are made on the basis of knowledge, skills and abilities without regard to race, color, religion, sex, disability, national origin, ancestry, age, or marital status. We have determined that there are no impediments to equal opportunity in these practices.

C. Employees may also be promoted non-competitively as a result of reclassifying the position that the employee holds. It would be inappropriate to competitively recruit in these situations, as there is no real “vacancy” or opportunity for anyone but the incumbent. However, we recognize that such ad hoc transitions might operate, intentionally or unintentionally, to the advantage of one group over another. Consequently, we are especially careful to monitor these transactions to ensure there are no disparities based on race, sex or ethnicity.

The City of Grand Island has evaluated its promotion procedures to determine whether they operate as impediments to equal employment opportunity. Our promotion procedures do not discriminate on the basis of race, sex, ethnicity or other prohibited bases, and are applied in a non-discriminatory fashion.

SECTION VII

ACTION-ORIENTED PROGRAMS

These actions are individual good faith efforts intended to assure equal opportunity and to increase in the future the employment of minorities and women in the City of Grand Island workforce.

We are developing the following action-oriented programs with the intention that their proper execution will result in an increase in the minority group/female representation in the group identified, if vacancies occur, or document our good faith efforts to do so.

Personnel Procedures Action Plan:

1. The Human Resources Director will periodically reevaluate the City of Grand Island's selection processes, including the current application and supplemental questionnaire forms, to

ensure they are nondiscriminatory and with the purpose of improving accessibility to City employment for diverse applicants.

2. The City will provide personnel having any part in the selection process with anti-discrimination training.

3. The Human Resources Department will disseminate exit questionnaires to full-time employees leaving City employment for reasons other than termination.

4. The Human Resources Director will be sensitive and open to racial/ethnic groups that have been historically under represented in the City work force, women, and individuals with disabilities, in order to determine how to increase interest in City employment and improve accessibility for all people.

**Personnel Activity
Applicant Flow, Hires, Promotions, Terminations and
Other Personnel Transactions Action Plan**

1. The Human Resources Director will ensure that affirmative action efforts are a part of the performance standards for Directors and Supervisors.

2. Department Directors will review the process to be followed for each departmental job opening, the purpose of which is to encourage qualified diverse applicants.

3. The City will provide Supervisors with anti-discrimination and adversity training.

4. Department Directors will encourage minority, female, and employees with disabilities to participate in career fairs and related activities in the community.

5. City Departments will conduct reviews of the position descriptions as position vacancies occur, to assure that the description accurately reflects the position functions.

6. Those involved in the employee selection process will recognize that although all job qualifications must be based on bona fide job requirements, the following factors should be considered along with traditional requirements: related experience that may not be conventional; cultural awareness and experiences; ability to speak other languages; or overcoming adversity.

7. The Human Resources Department will establish ties with community agencies and organizations that provide employment training for individuals with disabilities.

SECTION VIII

ANALYSIS AND PLACEMENT GOALS

Workforce Analysis

The City of Grand Island has separately determined the availability of potentially qualified minorities and women. The City of Grand Island has used the most current statistical information available to derive external availability data. In an effort to estimate availability as possible, we have accessed 2000 census data for occupational classifications for our reasonable recruiting area. In determining "requisite skills," the City of Grand Island identified those Standard Occupational Classifications (SOCs) reported in the Census that were most representative of the skills required for the positions being analyzed.

Comparing Incumbency to Availability

Comparing incumbency to availability, we will make a good faith effort to close the gap in any job group having fewer women or minority full-time employees than might reasonably be expected given their availability. An appropriate measure of "reasonably expected" is statistical probability: that is, if the difference between availability and actual participation is statistically significant, the current incumbency is not "reasonably expected." To determine availability, we look not at the entire population of a given racial/ethnic group or gender, but the representation of minorities and women among those qualified or readily qualifiable for employment in a given job group in the City's workforce.

Placement Goals by Job Group

Our goal for every Job Group, whether there is a placement goal or not, and our objective for every organization unit, is to continue to take affirmative action to ensure that our employment policies and practices are, in fact, non-discriminatory.

Passed and adopted this _____ day of _____ 2007 by the Mayor and City Council of Grand Island, Nebraska.

Mayor

Attest: _____
City Clerk

RESOLUTION 2007-172

WHEREAS, the City of Grand Island currently has a formal statement about affirmative action and equal employment opportunity in its Personnel Rules; and

WHEREAS, it is appropriate to adopt an affirmative action plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the city adopt the affirmative action plan presented by the Human Resources Director and authorize and direct the Mayor to sign the same.

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Adopted by the City Council of the City of Grand Island, Nebraska, July 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk