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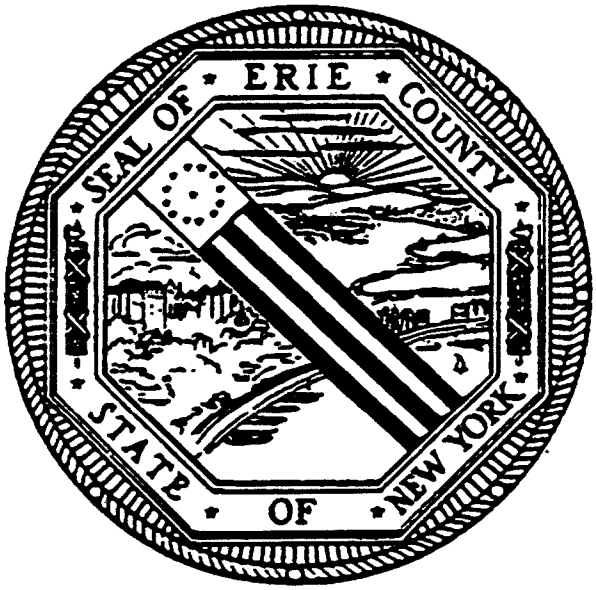
County of Erie, New York

AFFIRMATIVE ACTION PLAN

FOR

EQUAL EMPLOYMENT OPPORTUNITY

EFFECTIVE MAY 2012



County of Erie, New York

AFFIRMATIVE ACTION PLAN

FOR

EQUAL EMPLOYMENT OPPORTUNITY

EFFECTIVE MAY 2012

COUNTY OF ERIE

May 10, 2012

MARK C. POLONCARZ
COUNTY EXECUTIVE

The County of Erie, New York
Affirmative Action Plan
Executive Summary

A diverse workforce is a reflection of a changing world and marketplace. Respecting individual differences will benefit the County by creating a competitive edge and increasing work productivity. Diversity management benefits associates by creating a fair and safe environment where everyone has access to opportunities and challenges. The County's workplaces are made up of diverse cultures, so we need to learn how to adapt to be successful.

The affirmative action plan of the County has been adopted to ensure that no persons encounter discrimination based on race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity, or reprisal in any employment action including recruitment, hiring, advancement, promotion, compensation or termination.

In accordance with the requirements of Title VII of the Civil Rights Act of 1964, Executive Order 11246, Title 41 CFR Section 60, and Section 503 and 508 of the Rehabilitation Act of 1973 the County reaffirms is commitment to a program of affirmative action and equal employment opportunity. Through this affirmative action plan, guidance is given on how the County meets the goal of recruiting, retaining and advancing a diverse workforce. Part One of the plan states the County's commitment to provide and assure equal opportunity to all person's in employment and contracting matters. Part Two identifies three executive orders that address, EEO and Diversity, Prevention of Sexual Harassment in Erie County Government, and the County Executive's Statement on Reprisal. Parts Three and Four identifies the dissemination policy and the organizations and resources to administer the plan. Part five identifies program objectives and strategies recruitment, selection and placement and workforce diversity. Part Six outlines the auditing and reporting systems and Part Seven the employment goals. Part Eight delivers an improved EEO complaint procedure. Part Nine discusses the minority and women business enterprise utilization and Part Ten discusses the County's rules to comply with federal contract compliance regulations for monitoring and reporting purposes. Part Eleven is the conclusion and Part Twelve identifies the appendixes which include laws and orders requiring affirmative action, EEO organizational chart, the complaint procedures chart, the new formal complaint form, the EEO-4 reports and the workforce utilization analysis.

Data and Analysis Process

The Affirmative Action Plan data analysis is based on full and other than full time employees for the report period of February 22, 2012. The workforce was analyzed using the Erie County state and local government information EEO-4 report and the accompanying job category titles for EEO-4 classification. The groups applicable to Erie County include Official/Administrative, Professionals, Technicians, Protect/Services, Para/Professionals, Administrative Support and Service/Maintenance. Full time employees are separated from other than full time employees and the two groups are analyzed separately. The race/ethnicity analyses, for reporting in this report, was done on racial/ethnic minority groups as a whole rather than by specific subgroups. Due to the need to conduct a more in depth review of each department the reviews will be conducted on an on going basis with the most populous departments being reviewed first.

Workforce Analysis

The County of Erie has 4,319 employees as of February 22, 2012 of which 3,899 (90.3%) are full time and 420 (9.7%) are other than full time. Employees' racial/ethnic minority groups are 12.5% of the full time employees and 17.7% of the other than full time employees. The representation of racial/ethnic minorities is not evenly distributed across the Official/Administrative, Professionals, and Technical job categories. The range of racial/ethnic minorities is also not evenly distributed across the Protect/Services, Skill Craft and Service/Maintenance categories either. The executive workforce has 14.4% racial/ethnic minority representation they are either director or executive director positions. Females are 50.1% of all employees in the workforce. They are distributed across the categories as expected.

People with Disabilities

The current information received by the Division of EEO is that there are 30 County employees working under the 55A employment designation.

Job Group and Utilization Analysis

This analysis should be conducted by mid year. It will review job group and utilization for race/ethnic and gender of employees in EEO-4 job groups.

Hiring Pattern

Data for new hires as of February 22, 2012 show racial/ethnic minority groups at 24% of the 50 new employees hired and 34% of that group were females.

Compensation Analysis, Terminations, Promotions and Advancement analyses should be conducted by mid year. Special reports will be requested to receive this information from the EEO-4 report data base.

Progress and Goals

The County of Erie has made progress by initiating an executive order to revive and reestablish the County's Affirmative Action Plan including the issuance of three additional executive orders concerning EEO and Diversity, Prevention of Sexual Harassment and Freedom from Reprisal. Workforce trends showing further progress should be provided by third quarter following the job group and workforce utilization analysis.

Goals for 2012 and beyond are:

1. Take proactive steps to create a model EEO program within Erie County.
2. Conduct ongoing statistical analysis of the County's workforce. Take steps to remedy under-utilization and to promote full participation and diversity at all levels of employment.
3. Take proactive measures to ensure that applicants are considered for employment and employees are considered for promotion, transfer and training without regard to age, race, color, religion, sex, national origin, disability, sexual orientation, predisposing genetic characteristics, marital status, domestic violence victim status or retaliation.
4. Be proactive in hiring, training, and promotion of people with disabilities and without regard to sensory disability, and provide interactive process to evaluate requests for reasonable accommodations.
5. Develop positive and productive relations with community groups, educational institutions and cultural organizations that serve racial minorities, women, persons with disabilities and veterans to facilitate targeted recruitment.
6. Monitor the County's hiring and promotional activities for the purpose of maintaining a workforce in all job group categories which generally reflect the demographic characteristics of the County's population.

The County of Erie will continue to take aggressive affirmative action to increase the number of persons from racial/ethnic minority groups and females employed at the County. It will continue to ensure that no person who is employed or who seeks to be employed by the County is discriminated against in matters of recruitment, employment, compensation or termination. The County will ensure a fair process for all applicants, candidates and employees and will make sure that policies for reporting and addressing concerns are made public. The County will continue to provide professional development for all employees about discrimination and harassment according to the County policies and will assure that the policies are enforced.

Consistent with its mission, core values and strategic direction, Erie County will remain committed to the personal and professional growth of its workforce. The affirmative action plan provides guidance to the County as it meets the challenge set forth in the County's strategic plan.

AFFIRMATIVE ACTION PLAN

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PART I

INTRODUCTION

PART - I

INTRODUCTION

It is the County of Erie's commitment to provide and assure that equal opportunity is extended to all persons in employment and contracting matters without regard to race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity or reprisal. This Affirmative Action Plan for Equal Employment Opportunity is established to affirm, strengthen and reinforce the County of Erie's commitment to equal opportunity.

The County of Erie acknowledges its legal and ethical obligation to protect the rights of all persons to work in an environment free from discrimination, harassment, and retaliation. Accordingly, the County of Erie will promote the realization of equal employment opportunity through the adoption of specific practices designed to ensure that all employment decisions shall be nondiscriminatory, including decisions regarding recruiting, hiring, promotions, terminations, and other terms and conditions of employment.

The purpose of this plan is to delineate practices that confirm the County of Erie's commitment and comply with the requirements of Title VII of the Civil Rights Act of 1964, Executive Order 11246, Title 41 CFR Section 60, and Section 503 and 508 of the Rehabilitation Act of 1973. The plan is to create an atmosphere where employment processes are non-discriminatory and that every good faith effort is made to address any problem areas through outreach, recruitment and action-oriented programs.

Equal Employment Opportunity is the law.

PART II

EXECUTIVE ORDERS

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

Executive Order # 007
Equal Employment Opportunity and Diversity

WHEREAS, Erie County is commitment to achieving the goal of an inclusive and discrimination-free work environment that complements our mission; and.

WHEREAS, this includes maintaining an atmosphere in which employment opportunities are open to all candidates and all employees feel welcome and their presence is valued.

NOW, THEREFORE, I MARK C. POLONCARZ, Erie County Executive, by virtue of the authority vested in me by the Erie County Charter Sections 301 & 302, do hereby order as follows:

1. It is ordered that hiring decisions must be made on the basis of merit, without regard to race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity and without reprisal for engaging in a prior protected activity; and it is,

2. Further ordered that in addition to our actions to eliminate employment barriers, we must make efforts to eliminate discrimination and harassment in any form in Erie County; and it is,

3. Further ordered that employees and applicants who believe they have been discriminated against may exercise their right by contacting the Division of Equal Employment Opportunity; and it is,

4. Further ordered that any manager or supervisor who discriminates or retaliates against an employee is subject to disciplinary action.

GIVEN, under my hand and the Privy Seal of the County of Erie in the City of Buffalo this ninth day of March, in the year two thousand twelve.

County of Erie

By: _____
Mark C. Poloncarz
Erie County Executive

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

Executive Order # 008
Prevention of Sexual Harassment in Erie County Government

WHEREAS, sexual harassment is a form of sex discrimination and is an "unlawful employment practice" under Title VII of the Civil Rights Act of 1964, as amended;

WHEREAS, it is also prohibited under the County of Erie Harassment Policy, which prohibits all forms of harassment which includes any unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's gender, race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, age, sexual orientation, genetic predisposition, or any other basis protected by federal, state, or local law; and

WHEREAS, sexual harassment can occur when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

NOW, THEREFORE, I MARK C. POLONCARZ, Erie County Executive, by virtue of the authority vested in me by the Erie County Charter Sections 301 & 302, do hereby order as follows:

1. It is ordered that the policy of the County of Erie is that sexual harassment is unacceptable and will not be tolerated; and it is,

2. Further ordered that any employee who believes he or she is a victim of sexual harassment should report the allegation(s) to an appropriate county official, or contact the Division of Equal Employment Opportunity who will provide assistance and guidance; and it is,

3. Further ordered that it is the responsibility of management to investigate allegations of sexual harassment in a confidential manner and take necessary action to ensure that these allegations are addressed swiftly, fairly, and effectively; and it is,

4. Further ordered that managers and supervisors must be aware of what constitutes sexual harassment in order to explain sanctions for violations and must provide regular training sessions for all employees in the prevention of sexual harassment.

GIVEN, under my hand and the Privy Seal of the County of Erie in the City of Buffalo this ninth day of March, in the year two thousand twelve.

County of Erie

By: _____

Mark C. Poloncarz
Erie County Executive

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE

Executive Order # 009
County Employee's Freedom From Reprisal

WHEREAS, reprisal for participation in the Equal Employment Opportunity ("EEO") process is prohibited by EEOC Regulation, 29 CFR 1614, which provides, "No person shall be subject to retaliation for opposing any practices made unlawfully by Title VII of the Civil Rights Act, the Age Discrimination Employment Act, the Equal Pay Act, or the Rehabilitation Act of 1973, or for participating in any stage of administrative or judicial proceedings under those statutes;" and,

WHEREAS, reprisal, in addition to being illegal, has a negative effect on the productivity of work life, employee well-being and morale.

NOW, THEREFORE, I MARK C. POLONCARZ, Erie County Executive, by virtue of the authority vested in me by the Erie County Charter Sections 301 & 302, do hereby order as follows:

1. It is ordered that the policy of Erie County to ensure that employees are notified of their right to discrimination protection, which includes being free to use the EEO complaint process without fear of retribution; and it is,

2. Further ordered that supervisors and managers are expected to renew their commitment to respect employees' rights so that employees are empowered to report charges of discrimination without fear of reprisal; and it is,

3. Further ordered that any supervisor or manager who discriminates or retaliates against an employee is subject to disciplinary action; and it is,

4. Further ordered that any employee who wishes to file an EEO complaint of reprisal may contact the County of Erie, Division of Equal Employment Opportunity within 30 calendar days of the alleged occurrence(s) of retaliation discrimination.

GIVEN, under my hand and the Privy Seal of the County of Erie in the City of Buffalo this ninth day of March, in the year two thousand twelve.

County of Erie

By: _____
Mark C. Poloncarz
Erie County Executive

PART III

DISSEMINATION POLICY

DISSEMINATION POLICY

The County of Erie's Affirmative Action Plan for Equal Employment Opportunity shall be distributed internally and externally to inform all county employees and community segments of the County's policy for providing equal employment opportunity for all people.

A) Copies of the County of Erie's Affirmative Action Plan shall be distributed to all county departments for employees to review. The responsible official will be the Director of EEO.

B) The Equal Opportunity Policy Statement shall be distributed and posted conspicuously in all county departments. The responsible official will be the Director of EEO.

C) Equal Opportunity Posters shall be displayed in all county departments in a conspicuous place and various heavy traffic areas of county buildings. The responsible official will be the Director of EEO.

D) Special meetings will be held with department heads, supervisors and managers to fully explain the intent of Erie County's Affirmative Action Plan and policies. The responsible official will be the Director of EEO.

E) All new employees will attend regularly scheduled orientations to become familiar with our organization's equal employment opportunity policies and procedures. The responsible official will be the Director of EEO and the Department of Personnel's training officer or designated employee.

F) Copies of the Affirmative Action Plan shall be distributed to each county legislator and the countywide elected officials. The responsible official will be the Director of EEO.

G) Copies of the Affirmative Action Plan shall be distributed to each union representing County of Erie employees. The responsible official will be the Director of EEO.

H) Organizations that deal primarily with minorities, women, and disabled persons shall be made aware of County of Erie's commitment to provide equal opportunity to all persons and a copy of the Policy Statements shall be provided to those organizations. The responsible official will be the Director of EEO.

I) A copy of the complaint procedure shall be posted in all county departments and facilities. The responsible officials are County Department Heads and the Director of EEO.

J) All employment ads shall contain an equal opportunity statement. The responsible officials are the Commissioner of Personnel and County Department Heads.

K) Erie County's Affirmative Action Policy Statements shall be included in any Personnel Policy Procedure Handbooks. The responsible officials are the Commissioner of Personnel and Director of EEO.

L) All County employees shall be notified annually of the availability of the Equal Employment Opportunity Office for individual counseling. Notification shall be via broadcast email and for those without email their supervisors shall inform them. The responsible management official is the Director of EEO and Department Heads.

M) All County of Erie Contracts shall include an equal opportunity statement. The responsible management officials are the Erie County Department Heads, County Attorney and the Director of EEO.

N) All County of Erie purchase request shall include an equal opportunity statement. The Responsible management officials are the Director of Purchasing and Director of EEO.

O) Any Federal, State or Municipal governmental organizations requesting information regarding this plan shall be provided such. The responsible management official is the Director of EEO.

PART IV

ORGANIZATIONS AND RESOURCES TO ADMINISTER THE PLAN

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In order for the County of Erie's Affirmative Action Plan for Equal Employment Opportunity to be a success, elected officials, management, and appointed boards must actively pursue the goals of this plan. Passive implementation and acceptance will not provide equal employment opportunities.

A) The County Executive is the Chief Officer of Equal Employment Opportunity. The Director of the Division of Equal Employment Opportunity (Director of EEO) has the overall responsibility for the implementation of the Affirmative Action Program.

B) The Director of EEO shall be responsible for the development and assist in the implementation of the plan.

C) Each Department Head will be responsible for assuring that the County of Erie's equal opportunity policies and procedures are actively carried out in his/her department.

D) The Division of Equal Employment Opportunity shall implement the County of Erie's Affirmative Action Plan and monitor affirmative action efforts, recommend new or revised equal opportunity policies and undertake studies and research to improve affirmative action strategies.

E) Human and monetary resources allocated to conduct this program shall be reviewed and evaluated to determine if additional resources are required. The responsible management officials are the County Executive and the Director of EEO.

PART V

PROGRAM OBJECTIVES AND STRATEGIES

PROGRAM OBJECTIVES AND STRATEGIES

SECTION A

OBJECTIVES

(1) Take proactive steps to create a Model EEO Program within Erie County by having:
- Demonstrated commitment from Erie County Leadership.
- Management and program accountability.
- Integration of EEO into the County of Erie's Strategic Plan.
- Proactive prevention of unlawful discrimination.
- Efficiency.
- Being responsive and meeting legal compliance.

(2) Conduct ongoing statistical analysis of the County's workforce. Take steps to remedy under-utilization to promote full participation and diversity at all levels of employment.

(3) Take proactive measures to ensure that applicants are considered for employment and employees are considered for promotion, transfer and training without regard to race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity or retaliation.

(4) Be proactive in hiring, training, and promotion of people with disabilities and without regard to physical, mental or sensory disability, and provide interactive process to evaluate requests for reasonable accommodations.

(5) Develop positive and productive relations with community groups, educational institutions and cultural organizations that serve racial minorities, women, persons with disabilities and veterans to facilitate targeted recruitment.

(6) Monitor the County of Erie's hiring and promotional activities for the purpose of maintaining a workforce in all job group categories which generally reflect the demographic characteristics of the County's population.

SECTION B
RECRUITMENT STRATEGY

The purpose of our affirmative recruiting program is to establish steps to create a diverse applicant pool and improve recruitment of minorities, women, and persons with disabilities for county competitive exams and non-competitive, temporary, provisional exempt and labor positions.

1) A directory of predominately minority, women and persons with disabilities group agencies and organizations shall be maintained. The responsible official is the Director of EEO and the Executive Director of the Office of the Disabled.

2) Employment and position vacancy information shall be distributed to those agencies and organizations listed in the above referenced directory. The responsible official is the Director of EEO, the Executive Director of the Office of the Disabled and the Commissioner of Personnel.

3) Visits and presentations about employment opportunities in Erie County government shall be made to educational institutions and various organizations holding job fairs. Emphasis will be to those having large numbers of women, minorities and/or persons with disabilities. The responsible management officials are the Commissioner of Personnel and the Director of EEO.

4) When Departmental recruitments occur, practices and selection procedures will be reviewed to insure non-discrimination toward minorities, women and persons with disabilities. Each department will be required to submit a report (as requested) on the recruitment procedures used in their departments. The responsible management officials, the Commissioners and the Director of EEO.

5) Notify the Division of EEO in advance of positions to be filled during the recruiting period for which a civil service list is not utilized. The responsible management officials are the County Department Heads.

6) Departments are requested to notify the Division of EEO when vacancies occur within their departments wherein no competitive examination is required and wherein the position is not filled by contractually mandated promotion. The Division of EEO will assist in identifying a diverse applicant pool from which to select.

7) A member of the EEO Staff will serve on all search committees to locate top level officials. The responsible management official is the Director of EEO.

SECTION C
SELECTION AND PLACEMENT STRATEGY

Selection and placement procedures shall be reviewed to assure that employment policies and job criteria are not culturally, racially, or sexually based and that job qualifications are relevant to job duties and responsibilities.

1) All job descriptions with nonessential requirements shall be written to reflect actual valid job requirements. The responsible management officials are the Commissioner of Personnel and County Department Heads.

2) Career ladders will be designed, when possible, to provide upward mobility from entrance to mid-level and then through career development from mid-level to supervisory level. The responsible management officials are the Commissioner of Personnel and County Department Heads.

3) The County application forms will be periodically reviewed and updated to reflect compliance with the New York State Human Rights Law and various federal rulings. Inquiries which could adversely affect the hiring of minorities, females and persons with disabilities and which are not specifically job-related shall be eliminated. The responsible management officials are the Commissioner of Personnel and the Director of EEO.

4) Procedures for promotional examinations and selection will be monitored to determine whether minorities, females and persons with disabilities are adversely affected and revisions made as necessary. The responsible management officials are the Commissioner of Personnel and the Director of EEO.

5) The selection of applicants shall be based solely on the merit principle of non-discrimination. The responsible management official is the Appointing Official.

SECTION D
WORKFORCE DIVERSITY STRATEGY

Diversity is generally defined as acknowledging, understanding, accepting, valuing and celebrating differences among people with respect to age, class, ethnicity, gender, physical and mental ability, race, color, sex, sexual orientation, religion and national origin. A successful organization must recognize and use diversity to their advantage. Diversity should be an integral part of the County's planning and activities. This means that diversity management programs do not stand alone. They are recognized as being a critical link in achieving the County's specific mission or needs, relative to employees, customers, suppliers, and other stakeholders. This is the reason for valuing diversity.

The reason for valuing diversity has two significant elements. First, the labor market has become increasingly competitive. Erie County government must use every available source of candidates to ensure that each department has the high-quality workforce that it needs to deliver its mission to the Erie County public. Any department that fails to recruit among the full spectrum of the labor market is missing a strategic opportunity.

Second, the changing demographics of Erie County mean that the public served by the County is also changing. When departments recruit and retain an inclusive workforce – one that looks like the County it serves – and when individual differences are respected, appreciated, and valued, diversity becomes an organizational strength that contributes to achieving results. Diversity offers a variety of views, approaches, and actions for a department to use in strategic planning, problem solving, and decision making. It also enables a department to better serve the taxpayer by reflecting the customers and communities it serves. The following strategies for diversity management will be implemented:

- Diversity Training for Erie County Managers and Supervisors.
- Create a Diversity Council to serve as an advisory committee to the Erie County Director of Equal Employment Opportunity.
- Build accountability for hiring, retaining, and developing a diverse, high-quality workforce into the performance management systems for managers and supervisors.
- Create Erie County Executive Management Intern (EMI) Program. This two year internship program will be designed to attract to the County workforce outstanding and diverse graduate students (Bachelor's and Master's level) from a wide variety of academic disciplines who have an interest in and commitment to a career in the analysis and management of public policies and programs. Upon successful completion of the internship, EMIs will be eligible for conversion to a permanent county government position and further promotional opportunities.
- Celebrate success – Identify and reward champions, publicizing their accomplishments.

PART VI

AUDITING AND REPORTING SYSTEMS

AUDITING AND REPORTING SYSTEMS

Auditing and reporting systems have been developed to monitor employment activities by race, sex, and disability. These monitoring and reporting systems act as mechanisms to review, evaluate, and update Erie County's Affirmative Action Plan. They further indicate each department's active support and cooperation in carrying out the County's Affirmative Action Plan.

A) Pull on an annual basis the EEO4 report. This report will be used to monitor the employment activities of each county department; permanent full time new hires, part time, seasonal, temporary and provisional new hires, terminations, resignations, retirements, promotions, job vacancies and applicants interviewed. Where there appears to be a concern, a meeting will be held with the department head(s) and recommendations will be made for improvement in the area. The responsible management officials are the Commissioner of Personnel and the Director of EEO.

B) Meetings will be held quarterly with the County Executive to discuss the County's affirmative action and equal employment opportunity progress during the year. The responsible management official is the Director of EEO.

C) Management will be advised of any problems or concerns relative to the affirmative action plan and recommended actions will be provided. The responsible management official is the Director of EEO.

D) The Affirmative Action Plan will be reviewed and updated annually to evaluate progress and to revise and expand the goals of the plan in accordance with the current employment situation. The responsible management officials are the Commissioner of Personnel and the Director of EEO.

E) Where statistics reveal significant underutilization or concentration of minorities, women or persons with disabilities, corrective action to eliminate such practices will be employed. The responsible management officials are the Erie County Department Heads and the Director of EEO.

F) Federally required EEO-4 reports will be submitted as designated in a timely manner. The responsible management official is the Director of EEO.

G) Department Recruitment Activities shall be monitored. All efforts should be made to create a diverse workforce. Every effort should be made to include minorities, females and persons with disabilities in the recruitment process. The responsible management officials are the Erie County Department Heads and the Director of EEO.

PART VII

EMPLOYMENT GOALS

EMPLOYMENT GOALS

It is the goal of Erie County to increase its utilization of minorities, women, and disabled persons, particularly in those departments and occupational categories where they are underrepresented in relation to their presence in the County's population. The County shall endeavor to make full use of the skills of present employees who may be underemployed and underutilized by developing and implementing upward mobility programs and career ladders wherever feasible.

Such an intensive Affirmative Action Program shall not be construed, nor is it intended, to endanger the rights and privileges of any present or future employees.

Employment goals will be achieved in the following ways:

- By conducting ongoing statistical analysis of the County's workforce. Take steps to remedy under-utilization, promote full participation and diversity at all levels of employment.

- By developing positive and productive relations with community groups, educational institutions and cultural organizations that serve racial minorities, women, persons with disabilities and veterans to facilitate targeted recruitment.

- By conducting studies to determine areas where career ladders can be developed. The responsible management officials are the Commissioner of Personnel, Erie County Department Heads and the Director of EEO.

- Each department will review its positions and assess the feasibility of developing a career ladder or upward mobility position. This review should be forwarded to the Director of EEO and the Commissioner of Personnel.

- Each department will review its present utilization of minorities, females, and disabled persons. Where underutilization is identified, employment goals to increase representation shall be established. The department will also determine any barriers that may hinder their efforts for creating a diverse workforce and work with EEO and Personnel to make improvement in those areas.

PART VIII

COMPLAINT PROCEDURE

COMPLAINT PROCEDURE

Introduction
Informal and formal procedures have been developed to insure fairness and consistency in the Erie County's employment program with its employees. Any County employee or applicant for employment, who believes that he/she has been wrongfully denied equal benefits or privileges because of race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity or reprisal in any employment related matter caused by a County official or employee, may seek equal employment opportunity counseling or file a complaint.
No person seeking informal equal employment opportunity counseling or who files a formal complaint will be adversely affected in any manner because he or she utilizes these procedures.

Purpose
This procedure has been designed to allow the County of Erie the opportunity to resolve complaints internally. It is in no way intended to duplicate or circumvent options available to claimants through (1) employee organizations, (2) the New York State Division of Human Rights, (3) the Equal Employment Opportunity Commission, (4) U.S. Justice Department/Office for Civil Rights, (5) any compliance agency designated under Section 504 of the Rehabilitation Act of 1973, or the American with Disabilities Act, (6) Office of Federal Contract Compliance Programs, (7) other regulating agencies as may be appropriate, and (8) the judicial system. Use of this procedure will not suspend any time limitations for filing complaints otherwise set by law, rule or regulation.

Applicability
Any current employee or applicant for employment with the County of Erie, NY or anyone with an employment relationship is eligible to file an informal complaint.

Basis
If you believe that you have been discriminated against because of race, color, national origin, sex, religion, age (40 and over), disability, genetic information, sexual orientation, gender identity or reprisal (for previous EEO activity), you may file an informal complaint with the Division of Equal Employment Opportunity based on the time limit listed below.

Time Limit
An informal complaint must be filed within 45 calendar days of the alleged discriminatory incident that gave rise to the complaint; or if it is a personnel action, within 45 days of its effective date or the date that you knew or reasonably should have known, of the event or personnel action. If the deadline is missed because of circumstances beyond the complainant's control, the Director of EEO will make the determination as to the reasonableness of requests and may extend the period to file to a maximum of one year.

If you just need advice or help
You may contact the Division of Equal Employment Opportunity for early resolution assistance in addressing your concerns and questions. By working with the management official involved, EEO staff may attempt to address concerns or resolve your disputes at the lowest possible level. The intent is to encourage open communications by working together to help foster innovative and creative ideas in resolving workplace conflicts and disputes without using the EEO complaint process. EEO staff, during the early resolution stage, will identify and recommend early intervention techniques, including the use of EEO counseling which is designed to resolve disputes expeditiously. However if you believe your problem does not involve a basis covered by EEO laws and regulations, you should contact your Employee Relations Office or your Union Representative for assistance.

Steps to officially start the EEO Process:

1. To officially file an EEO pre-complaint, please complete the form on the County of Erie, NY Division of EEO website at http://www.erie.gov/depts/eeo/ . You may complete the required information and submit it on-line or print the form and walk it in to the Division of EEO Rath Building 6th Floor, Room 625, 95 Franklin Street Buffalo, NY 14202 or you may mail it to this address.
2. For walk in or on-site appointments please call EEO at 858 – 7542, regular business hours are from 8:00 a.m. until 4:00 p.m. Monday - Friday.
3. If you have questions regarding the intake form, please contact EEO staff. Once EEO receives your complaint form your complaint will be processed with the following procedures.

Counseling:
At the initial filing of your complaint, you will receive the traditional counseling process. The counseling process is as follows:

1. Counseling: An EEO counselor will be assigned to your pre-complaint to handle your case and attempt to resolve the matters. The EEO counselor will provide advice about the EEO complaint process and of your right to a formal discrimination complaint if attempts to resolve at the counseling stage fail. The EEO counselor will conduct an inquiry and fact finding to obtain enough information concerning the claim(s) and basis(es) so as to enable the agency to properly identify the legal claim raised if you file a formal complaint at the conclusion of the EEO counseling process. The EEO counselor will conduct a final interview within 30 days of the date the matter was brought to his or her attention. At the end of the counseling period and a resolution has not been established, then the EEO counselor will provide you with a Notice of Right to File a Formal Complaint.

The Formal Complaint Process:

1. If after pre-complaint counseling and there is no resolution of your complaint you will have 15 calendar days from the date of receipt of the Notice of Right to File a Formal Complaint to submit your formal complaint to the Division of EEO in writing.
2. Acceptance/Dismissal: Within 15 days of the receipt of the formal complaint, the Division of EEO will acknowledge receipt and issue the EEO Counselors report. If your complaint is accepted for investigation, you will be notified of the investigator assigned to your complaint. If the complaint is dismissed, you will be provided with instructions for appealing the dismissal.

The Formal Complaint Process continued:

3. Investigation: A thorough investigation will be conducted, encompassing all the information relevant to the accepted allegations and may, when appropriate, include comparative data on other individuals who were similarly situated. The investigation may be conducted with verbatim statements, interrogatories, position papers, or by other forms of fact finding. During the investigation, you will have an opportunity to present all the facts that you believe show unlawful discrimination. The County of Erie has 120 calendar days from the date you filed your complaint to notify you of the completion of the investigation. After the investigation is completed a Report of Investigation (ROI) and a summary of the ROI along with recommendations (as reviewed by the County Attorney) will be prepared for the Commissioner or Department Head.
4. The Commissioner or Department Head: The Commissioner or Department Head shall issue an agency decision on the merits and recommendations in writing (within 30 days) to the parties concerned. Note: If the complaint is against the Commissioner or Department Head then the Agency Decision will be issued by the Chief of Staff to the County Executive.
5. Appeal: If the complainant is not satisfied with the attempts to resolve the complaint, the complainant may seek remedy through other sources; (e.g. New York State Division of Human Rights or the Equal Employment Opportunity Commission.)
6. Civil Action: In lieu of an appeal with the New York State Division of Human Rights, you may within 90 calendar days of the date of your receipt of the Agency Decision or final order, file a civil action in an appropriate United States District Court.
7. Complaint withdrawal: At any point in the procedure, the claimant may withdraw the charge by submitting a written statement to the Director, Division of EEO.

Retaliation:
Any employee who participates in the procedure may do so without fear of retaliation. It will be made clear that retaliation against an employee who has filed a discrimination complaint will result in disciplinary action against the person who retaliated.

Follow-up:
The Director of EEO will maintain a log and file of complaints received. Six weeks from the date of a decision by the Commissioner or Department Head (or his/her designee), the Director of EEO will determine whether the Commissioner or Department Head's directives have been carried out, or whether the case needs to be re-opened. The findings will be reported to the Commissioner or Department Head for appropriate action or closure.

Record Keeping:
The County will keep a record of the status and determination of all complaints for at least seven years. Cases that are unresolved, and/or subject to external reviews, will be maintained indefinitely or until they are resolved. The record copy of these complaints, reports of investigation, and decisions rendered, will be kept in the Division of EEO.

PART IX

MINORITY / WOMEN BUSINESS UTILIZATION

PART IX

MINORITY / WOMEN BUSINESS UTILIZATION

Each county department which lets contracts for supplies, services or construction shall take affirmative steps to provide minority and women business enterprises every feasible opportunity to bid on county contracts.

A) Minority and women business directories shall be obtained from the EEO by each department that lets contracts. The responsible management officials are the Director of EEO, Director of Purchase, and Commissioner of Public Works.

B) Marketing the benefits of being on the County/City certification roster and bid lists shall be conducted via electronic messages, newspaper ads, print media and other means. This will assist minority and women businesses to understand the benefits of certification. The responsible management officials are Director of Purchase and the Director of EEO.

C) A top official in the Purchase Department shall be designated as a management adviser to minority and women owned business enterprises interested in doing business with Erie County. The responsible management officials are the Director of Purchase and the Commissioner of Personnel.

D) Monthly reports shall be forwarded to the Division of EEO regarding purchase orders or subcontracts that were awarded to minority and women owned business enterprises the previous month. The responsible management officials are the Director of Purchase and the Commissioner of Public Works.

E) The County Executive shall appoint a minority business enterprise and women owned business enterprise utilization board of nine (9) members consisting of county personnel, Legislators, minority contractors, female contractors and community and business representatives, which shall review program administration and implementation on a regular basis and shall submit an annual report to the County Executive and the County Legislature. The body shall be empowered to promulgate regulations to provide for the administration of Erie County M/WBE policies.

F) County of Erie, Local Law Number 9 Reporting Requirements:
By September 15th annually, every Department shall prepare and submit an initial plan for the utilization of bona-fide minority and women owned businesses on County contracts let by or on behalf of such Department for professional, technical, or other consultant services. The plan must include a goal of awarding to MBE's, directly or through subcontracts, in each fiscal year at least fifteen percent (15%) of the total value of all contracts intended to be let by the Department and a goal of awarding to WBE's at least five percent (5%) of the total value of all contracts intended to be let by the Department. The plan shall be submitted to the County of Erie, Division of Equal Employment Opportunity for review and approval by September 15th preceding; the calendar year covered by such plan.

On or before the 30th day of April, and quarterly thereafter, each Department head shall prepare a status report in such standard form as shall be periodically established by the Division of Equal Employment Opportunity, on the implementation and results of its utilization of minority owned businesses and women owned businesses during the three month period ending one month before the due date of the report. Each report shall be submitted to the Division of Equal Employment Opportunity.

As evidence of a Department's good faith efforts to attain the goals set forth in its annual policy, a Department seeking approval by the Legislature of a matter which may involve the County's utilization of professional, technical, or other consultant services, must attach to each such request, a copy of its current status report on its policy goals.

The Division of Equal Employment Opportunity shall: (1) monitor the achievement of the annual goals established by each Department and (2) prepare a quarterly report on each Department's goal achievement, including the good faith efforts. The report shall be submitted to each Department that submitted a report, the County Executive, and the Legislature.

The Division of Equal Employment Opportunity shall prepare an annual report to the County Executive and the Legislature on the compliance of Departments with the requirements of Local Law Number 9.

PART X

CONTRACT COMPLIANCE

CONTRACT COMPLIANCE

The County of Erie wishes to reaffirm its commitment to Equal Employment Opportunity in contract compliance programs. There shall be no discrimination against any employee or applicant for employment because of race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity or reprisal. This statement of policy applies to all contracts construction and service. The statement of policy includes but is not limited to:

- Recruiting, hiring, training and promotion, without discriminating against an individual employee or applicant for employment.
- Ensuring that all personnel actions shall be administered without regard to race, color, national origin, sex, age, religion, martial status, sexual orientation, disability or genetic information.

The County of Erie's Director of Equal Employment Opportunity (EEO) has the overall responsibility for implementation of the County of Erie's Affirmative Action Plan, with full cooperation and assistance of the appropriate staff and operating personnel and County agencies. The Director of EEO will evaluate the effectiveness of the County of Erie's Affirmative Action Plan and report findings with recommendations when necessary.

Definitions:
The following definitions shall apply to the following terms used in this Article.

Affirmative Action: means the taking of positive steps by a contractor or subcontractor to ensure that its practices and procedures will promote and cause the employment, retention and advancement of a particular class or category of employee, generally referred to as a minority group, including women and any person or group described by race, color, national origin, sex, age, marital status, sexual orientation, genetics or disability. The action may also involve the concept, when applicable, of remedying the continuing effects of past discrimination.

Contracting Agency: means any Department or Authority of the County of Erie or any authorized employee or officer of the County of Erie, including the Purchasing Agent of the County of Erie, who makes or enters into any contract or agreement on behalf of the County of Erie.

Contract: means any agreement, franchise, lease, or concession including agreements for an occasional professional or technical personal services, for the performance of any work or service, the provision of any materials or supplies, or the rendition of any service to the County of Erie or to the public, which is let, awarded, or entered into with, or on behalf of, the County of Erie or any awarding authority thereof.

Contractor: means any person, firm, corporation, partnership or any combination thereof, who submits a bid or proposal or enters into a contract with any contracting agency of the County of Erie.

Employment Practices: means any solicitation of, or advertisement for employees, employment, change in grade or work assignment, assignment or change in place of location of work, layoff, suspension or termination of employees, rate of pay or other form of compensation including vacation, sick and compensatory time, selection for training including apprenticeship programs, any and all benefits and activities, promotion, and upgrading and any and all actions taken to discipline employees for infractions of work rules or employer requirements.

Non-compliance: is the inability or unwillingness of an organization to meet and maintain the County of Erie's goals for minority manpower utilization at each level of its workforce.

EQUAL EMPLOYMENT OPPORTUNITY:
In performance of work under Erie County contracts or any sub-contract, no Contractor, sub-contractor, nor any person acting on behalf of such Contractor, or sub-contractor, in their employment practices, shall by reason of race, color, national origin, sex, age, religion, marital status, sexual orientation, genetics or disability discriminate against any citizen of the State of New York who is qualified and available to perform the work to which the employment relates; Reference Title VI of the Civil Rights Act of 1964 (42 USC 200d) and Executive Order 11246, 30 Federal Regulation 12319 (1965) (Equal Opportunity Clause).

During the performance of Erie County contracts, the Contractor agrees to the following:

A) The Contractor will not discriminate against any employee or applicant for employment because of race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, gender identity or reprisal. The Contractor will take affirmative action to ensure the applicants are employed and employees are treated equally during employment, without regard to their race, color, national origin, sex, religion, age, disability, genetic information, sexual orientation, or reprisal. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
B) The Contractor agrees to appoint an Equal Employment Opportunity (EEO) Officer whose function will be to assure that said Contractor participates fully and effectively in the County of Erie Affirmative Action Plan in compliance with the requirements of the County of Erie contract.
C) The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the EEO Office setting forth the provisions of this non-discrimination clause.

D) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor state that all qualified applicants will receive consideration for employment without regard to race, color, national origin, sex, age, religion, marital status, sexual orientation, genetics, or disability.

E) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the organization EEO Officer, advising the labor union or the workers' representative of the Contractor's commitment under Executive Order No. 11246. Copies of this notice shall be posted in conspicuous places available to employees and applicants for employment.

F) The Contractor will file, by the fifteenth day of each month with the Division of Equal Employment Opportunity and the Contracting Agency, a monthly manpower utilization report of his workforce on the Erie County project for the preceding month. The report shall identify racial groups, craft status, and job classification and include (a) the number of minority workers secured and (b) the type of on-the-job training provided on the Erie County project, the classification of said minority participants (i.e. apprentices, journeyman, and trainees), the specific crafts in which they have received training, and the number of hours they have worked.

G) The Contactor will comply with all provisions of Executive Order No. 11246 of September 24, 1965 and all relevant rules, regulations, and orders of an Erie County contract and the Erie County Affirmative Action Plan.

H) In the event of the Contractor's non-compliance with the non-discrimination clauses of an Erie County contract or with any such rules, regulations, or orders; the contract may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Erie County contracts in accordance with the procedures authorized in Executive Order No. 11246 or as otherwise provided by law.

I) The Contractor will include the provisions of paragraphs A through I in any subcontract or purchase order unless specifically exempted by the rules, regulations, or orders, of an Erie County contractual agreement, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such provisions including sanctions for non-compliance; provided, however; that in the event the Contractor becomes involved in, or is threatened with litigation with any subcontractor or vendor as a result of such direction by the Contracting Agency, the Contractor may request the County of Erie to enter into such litigations to protect the interests of the County of Erie.

MONITORING:

The Division of Equal Employment Opportunity has the responsibility of administering the monitoring program for the County of Erie and its Affirmative Action Plan. During the monitoring of an organization, the Division of EEO shall receive the full cooperation of the Contracting Agency in dealing with organizations needing improvements.

The objective of the County of Erie's Monitoring Program is a systematic review, by the Division of EEO, of the Contractor's performance in meeting the goals of minority utilization at each level of his work force. There will be two basic results from the County of Erie's monitoring process:

1) Acceptable achievement or progress, according to this program for construction contracts on County of Erie projects, toward the County of Erie's goal of 10.6% – 13.2% minority manpower utilization, and in addition, the County of Erie's goal for the utilization of women in the area of construction shall be in accordance with the U.S. Department of Labor's goal which is 6.9%, with the contract remaining intact.
2) Insufficient progress toward goals according to the program, if an organization is found to be unwilling to correct deficiencies after a recommended non-compliance investigation, the County of Erie may:
    A. Summon the Contractor to a hearing.
    B. Withhold progress payments in part or in full.
    C. Cancel the contract.
    D. Bar the award of future contracts until the Contractor can demonstrate that he will comply.

The County of Erie's Monitoring Program will consist of both Off-Site and On-Site monitoring.

Off-Site monitoring program shall consist of monthly employment utilization reports, standard form 257. Due to the regular turnover of the workforce of a construction contractor and because of Federal Compliance reporting requirements, all contractors and sub-contractors must submit these monthly reports to the County of Erie, Division of EEO and the Contracting Agency. These reports will state an employee's EEO identification, trade, classification, hours worked, and the percentage of completion for each County of Erie project for each reporting month.

On-Site monitoring, for the purpose of verifying these monthly reports, will be dependent on but not limited to:

1) The compliance status of each contractor for each County of Erie project.
2) Length of the contract, subcontract, or grant and its percentage of completion.
3) Size of the labor force of the organization.
4) Degree of employment opportunity the County of Erie contract, sub-contract, or grant will offer to minority workers.
5) Past record of affirmative action achievement of the organization.
6) Past record of affirmative action compliance performance under the Division of EEO.

The Division of EEO will have an ongoing master file identifying each contractor or subcontractor's participation in County of Erie construction projects. This file will reference the past performance of each contractor.

In the event any deficiencies are found during an Off-Site or On-Site analysis, organization officials shall receive a summary of these deficiencies and the audits made for each reporting month. Any violations found will be fully explained and discussed with the contractor or sub-contractor. During discussions with the Division of EEO and the Contracting Agency, alternative solutions to particular problems will be explored. At this time, attempts will be made to obtain the contractor's agreement to take action by specified dates and a duplicate copy of the agreement will be sent to the contractor or sub-contractor.

PART XI

CONCLUSION

CONCLUSION

A diverse workforce is a reflection of a changing world and marketplace. Respecting individual differences will benefit the County of Erie by creating a competitive edge and increasing work productivity. Diversity management benefits associates by creating a fair and safe environment where everyone has access to opportunities and challenges. The County of Erie's workplaces are made up of diverse cultures, so we need to learn how to adapt to be successful.

An effective affirmative action program benefits the County of Erie's workforce and the residents of the County of Erie. An effective Affirmation Action Program creates the goal for a more diverse workforce. There are several possible reasons that diversity can produce a competitive edge for the County of Erie. Such reasons may include: "better customer service, better problem solving, more tolerance of different ideas, valuing fairness and respect for individual contributions."*

Clearly, any organization that wants to be successful in today's world must recognize and use diversity to their advantage. Diversity should be an integral part of the County of Erie's business planning and performance activities. This means that diversity management programs do not stand alone. Instead, they are recognized as being a critical link in achieving the County of Erie's specific mission or business needs, relative to employees, customers, suppliers, and other stakeholders.

This Affirmative Action Plan can succeed by receiving support from County of Erie's top management, being integrated into the County of Erie's strategic plan, have program accountability, is efficient, responsive and meets legal compliance.

The County of Erie values diversity.

* (**Knouse, S. B.** (Summer, 2008, *Issues in diversity management.)*

PART XII

APPENDIX

APPENDIX (A)
LAWS & ORDERS REQUIRING AFFIRMATIVE ACTION

LAWS AND ORDERS REQUIRING EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

1. Title VII of the Civil Rights Act of 1964 (as amended by the Equal Opportunity Act of 1972.)
   Title VII prohibits discrimination because of race, color, religion, sex, or national origin, in any term, condition or privilege of employment.
   The Equal Employment Opportunity Act of 1972 greatly strengthened the powers and expanded the jurisdiction of the Equal Employment Opportunity Commission (EEOC) in enforcement of this law.
   As amended, Title VII now covers:
   - All private employers of 15 or more employees
   - All educational institutions, public and private
   - State and local governments
   - Public and private employment agencies
   - Labor unions with 15 or more members
   - Joint labor-management committees for apprenticeship and training

2. Executive Order 11246 (as amended by Executive Order 11375.)
   This order, issued by the President in 1965, requires Affirmative Action Programs by all Federal contractors and subcontractors and requires that firms with contracts over $50,000 and 50 or more employees develop and implement written programs which are monitored by an assigned agency.

   Specific requirements for such "results-oriented" programs are spelled out in Revised Order No. 4 issued by the Office of Federal Contract Compliance, U.S. Department of Labor. These requirements include identifying areas of minority and female "underutilization," numerical hiring and promotion goals and other actions to increase minority and female employment in job classifications where they are currently underutilized.

   Firms found not in compliance with Revised Order No. 4 may face termination or cancellation of contracts or they may be barred from future contracts.

   Requirements of Revised Order No. 4 are similar to court interpretations of Title VII requirements.

3. The Equal Pay Act of 1963 – Requires all employers subject to the Fair Labor Standards Act (FLSA) to provide equal pay for men and women performing similar work. In 1972, coverage of this Act was extended beyond employees covered by FLSA to include additional executive, administrative and professional employees (including academic, administrative personnel, and teachers in elementary and secondary schools) and outside sales people.

4. The Age Discrimination in Employment Act of 1967 (as amended) – Prohibits employers of 25 or more persons from discriminating against persons 40 or over in any area of employment because of age.

   The New York State Human Rights Law extends this coverage to individuals 18 – 65 years of age.

5. Title VI of the Civil Rights Act of 1964 – Prohibits discrimination based on race, color, or national origin in all programs or activities which receive Federal Aid. Employment discrimination is prohibited if the primary purpose of Federal assistance is provision of employment (such as training, apprenticeship, work study, or similar programs.) Revised Guidelines in 1973 by 25 Federal agencies prohibits discriminatory employment practices in all programs if such practices cause discrimination in services provided to program beneficiaries. Title VI does not explicitly bar sex discrimination.

6. New York State Human Rights Law

   This State Law prohibits discrimination based on race, color, sex, age, national origin, religion, disability, or marital status in all matters of employment.

7. The National Labor Relations Act and Related Laws
   Discrimination on the basis of race, religion, or national origin may violate rights arising under these laws. It may be unlawful for employers to participate with unions in the commission of any discriminatory practices unlawful under these Acts, or to practice discrimination in a manner which gives rise to racial or other divisions among employees, to the detriment of organized union activity; or for unions to exclude individuals discriminatorily from union membership, thereby causing them to lose job opportunities, to discriminate in the representation of union members or non-members in collective bargaining agreements, in processing of grievances, or in other respects, or to cause or attempt to cause employers to enter into discriminatory agreements or otherwise discriminate against union members or non-members.

8. Title IX, Education Amendments Act of 1972.

   In addition to extending coverage of the Equal Pay Act, this law prohibits discrimination on the basis of sex against employees or students of any educational institution receiving Federal aid. Provisions covering students are similar to those of Title VI of the Civil Rights Act of 1964.

9. Other Laws

   Employment discrimination has also been ruled by the courts to be prohibited by the Civil Rights Acts of 1866 and 1870 and the Equal Protection Clause of the 14th Amendment to the Constitution. Action under these laws on behalf of individuals or groups may be taken by individuals, private organizations, trade unions and other groups.

10. Flynn Act

    This is a State Law amending the New York State Human Rights Law which prohibits discrimination on the basis of disability, where such disability does not affect job performance.

11. Rehabilitation Act of 1973

    Section 503 of this law requires that employers holding Federal contracts take Affirmative Action to hire persons with disabilities. There is no provision for goals and quotas, simply the requirement that employers make Affirmative Action.

    Section 504 of the law requires that public buildings and educational institutions be made barrier-free by 1980, and that educational institutions make reasonable accommodations in academic requirements to ensure full opportunity to persons with disabilities. An official must be designated as the compliance officer and a grievance procedure must be established.

12. Vietnam Era Veterans' Readjustment Act of 1974
    This Federal Law contains many of the provisions already afforded veterans under New York State Civil Service Law regarding veterans' preference.

Reference: (Equal Employment Opportunity Commission, Affirmative Action and Equal Employment.)

13. County of Erie, Local Law Number 1 dated 1987
    This local law requires a minority business utilization and women-owned business utilization commitment by persons or firms contracting with the County of Erie.

14. County of Erie Local Law Number 9 dated July 6, 2005
    This local law relates to the utilization by County of Erie of minority-owned businesses and woman-owned businesses for professional, technical or other consultant services. It is know as the Erie County MBE/WBE Utilization Commitment Act.

15. The Genetic Information Nondiscrimination Act of 2008 (GINA) Effective – November 21, 2009. This law makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e. an individual's family medical history). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

16. The County of Erie, Executive Order # 007 Equal Employment Opportunity and Diversity. Issued on March 9, 2012 and states Erie County's commitment to achieving the goal of an inclusive and discrimination free work environment that complements our mission and includes maintaining an atmosphere in which employment opportunities are open to all candidates and all employees feel welcome and their presence is valued.

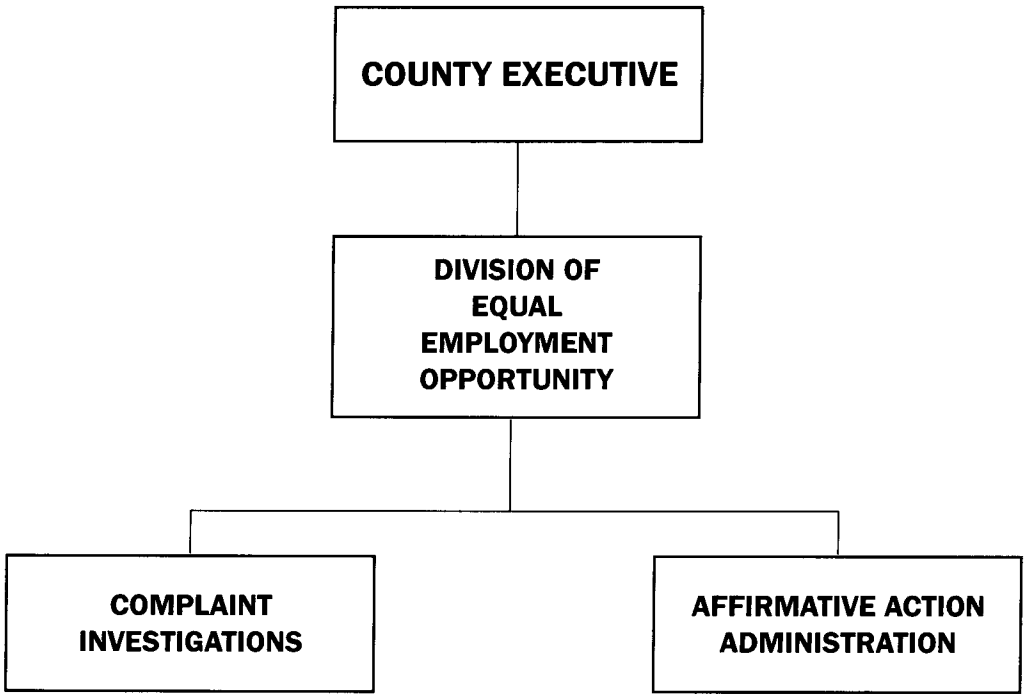
17. The County of Erie, Executive Order # 008 Prevention of Sexual Harassment in Erie County Government. Issued on March 9, 2012 and states sexual harassment is a form of sex discrimination and is an "unlawful employment practice" under Title VII of the Civil Rights Act of 1964 as amended and it is also prohibited under the County of Erie Harassment Policy.

18. The County of Erie, Executive Order # 009 County Employee's Freedom From Reprisal. Issued on March 9, 2012 and states reprisal for participation in the Equal Employment Opportunity ("EEO") process is prohibited by EEOC Regulation, 29 CFR 1614 and in addition to be illegal, has a negative effect on productivity of work life, employee well being and morale.

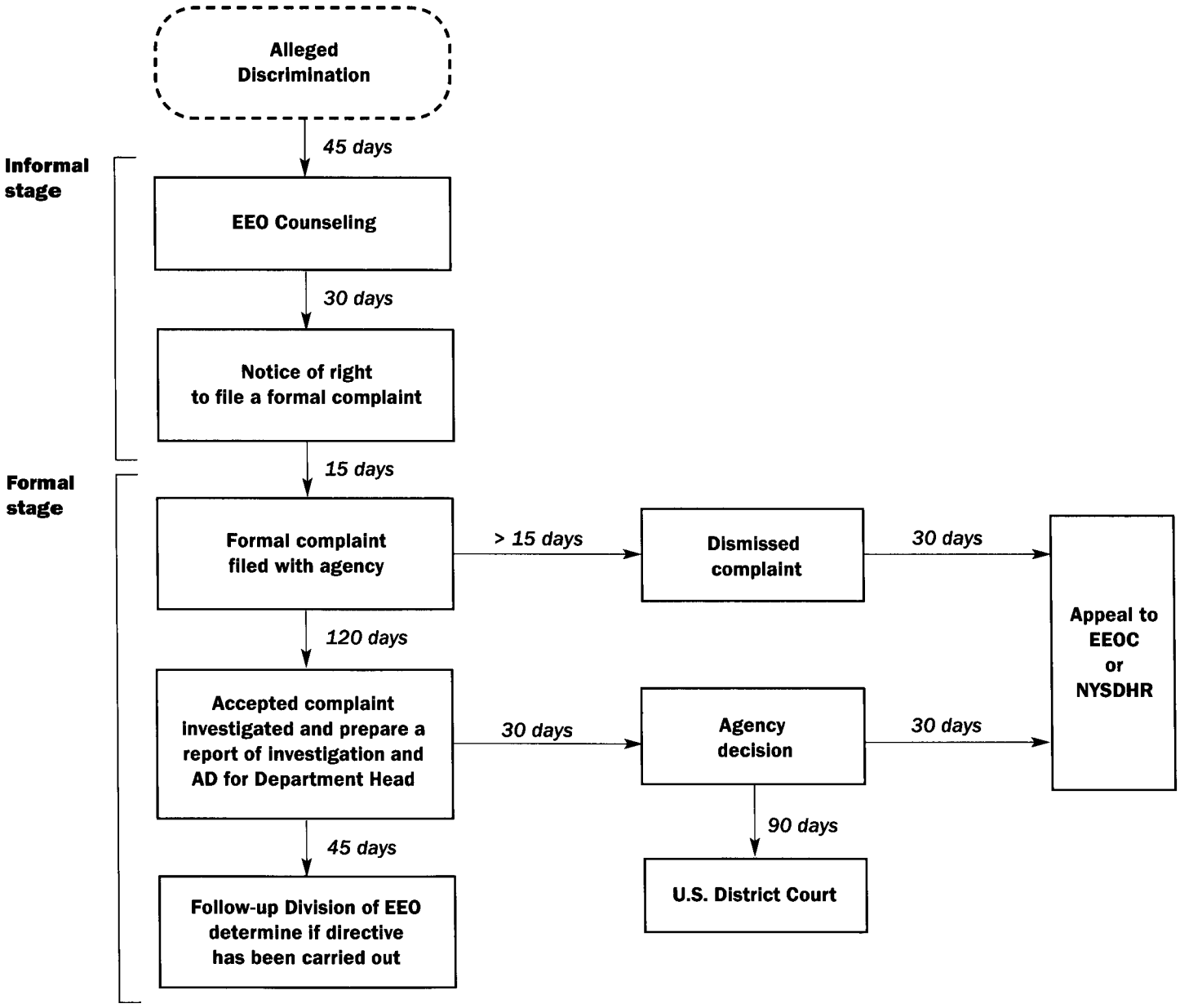
APPENDIX (B)

EQUAL EMPLOYMENT OPPORTUNITY ORGANIZATIONAL CHART

DIVISION OF
EQUAL EMPLOYMENT OPPORTUNITY



APPENDIX (C)
COMPLAINT PROCEDURES CHART


Alleged Discrimination
45 days
Informal stage
EEO Counseling
30 days
Notice of right to file a formal complaint
15 days
Formal stage
Formal complaint filed with agency
> 15 days
Dismissed complaint
30 days
Appeal to EEOC or NYSDHR
120 days
Accepted complaint investigated and prepare a report of investigation and AD for Department Head
30 days
Agency decision
30 days
90 days
U.S. District Court
45 days
Follow-up Division of EEO determine if directive has been carried out

APPENDIX (D)
FORMAL COMPLAINT FORM

EQUAL EMPLOYMENT OPPORTUNITY (EEO) FORMAL FORM

(This form is subject to the Privacy Act of 1974)

AUTHORITY: 42 U.S.C. 2000e-16(b) and (c); 29 U.S.C. 204(f) and 206(d); 29 U.S.C. 791; Reorg. Plan No. 1 of 1978, 43 FR 19607 (May 9 1978); E.O. 12106, 44 FR 1053 (January 3, 1979).

PRINCIPAL PURPOSE(S): Information is collected in order to counsel, investigate and adjudicate complaints of employment discrimination and related appeals brought by applicants and current and former county employees against the County.

ROUTINE USE(S): To disclose information, to a court, or to a party in litigation before a court or in an administrative proceeding being conducted by a county agency when the government is a party to the judicial or administrative proceeding. To provide information to disclose to an authorized appeal grievance examiner, formal complaints examiner, administrative judge, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint or appeal filed by an employee. To disclose, in response to a request for discovery of for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

DISCLOSURE: Voluntary; however, failure to complete all portions of this form may lead to dismissal of complaint on the basis of inadequate data on which to determine if complaint is acceptable for processing.

1a. I.D. Number (EEO Office use Only)	1b. EC Case Number (EEO Office use Only)	2. COMPLAINANT'S NAME (last, First, MI)

2a. Have you initiated any other EEO complaint at any time during this FY? ☐ YES ☐ NO	2b. If YES, EEO Office Location
3. GRADE/SERIES/TITLE	4. NAME & ADDRESS OF AGENCY WHERE ALLEGATION(S) AROSE (Include City, State, and Zip Code)
5. COMPLAINANT'S WORK PHONE	
6. COMPLAINANT'S HOME ADDRESS (Include City, State, and Zip Code)	7. COMPLAINANT'S HOME PHONE
	8. INITIAL CONTACT DATE (mm/dd/yyyy)
	9. COMPLAINANT INFORMED OF RIGHT TO REPRESENTATION ☐ YES ☐ NO
10. DATE ALLEGED ACT OF DISCRIMINATION OCCURRED	12. REPRESENTATIVE'S MAILING ADDRESS (Include City, State, and Zip Code)
11. REPRESENTATIVE"S NAME	
13. Representative's Work Phone / 13. Representative is a Lawyer ☐ YES ☐ NO	

15. COMPLAINANT INFORMED OF RIGHT TO REMAIN ANONYMOUS DURING INFORMAL STAGE OF COMPLAINT PROCESS AND
☐ Desires to remain anonymous ☐ Does **not** desire to remain anonymous

16A. REASON YOU BELIEVE YOU WERE DISCRIMINATED AGAINST *("X" below)* Complete only those items below that are applicable to your pre-complaint.

☐	a. RACE *(State your race)*	☐	g. DISABILITY *(Describe nature of your disability)* ☐ PHYSICAL _____ ☐ MENTAL _____
☐	b. COLOR *(State your color)*	☐	h. AGE *(State your date of birth)* / i. SEX ☐ MALE ☐ FEMALE
☐	c. RELIGION *(State your religion)*	☐	j. REPRISAL *(Date and nature of your participation in the processing of EEO complaint or other EEO related activity)*
☐	d. NATIONAL ORIGIN *(State your National Origin)*		
☐	e. SEXUAL ORIENTATION	☐	k. GENETIC INFORMATION *(GINA)*
☐	f. GENDER IDENTIFY	☐	l. OTHER *(Protected Class)*

EQUAL EMPLOYMENT OPPORTUNITY (EEO) FORMAL FORM

(This form is subject to the Privacy Act of 1974)

16B. Briefly state why you were discriminated against, including the date(s) the incident(s) occurred (mm/dd/yyyy). Use additional sheets, if necessary).

EQUAL EMPLOYMENT OPPORTUNITY (EEO) FORMAL FORM

(This form is subject to the Privacy Act of 1974)

17. ALLEGED RESPONSIBLE MANAGEMENT OFFICIAL(S)

NAME & TITLE	ORGANIZATION (Include address)	WORK PHONE

18. WITNESS TO BE INTERVIEWED WHO HAVE FIRST-HAND KNOWLEDGE

NAME	ORGANIZATION	WORK PHONE

19. CORRECTIVE ACTION DESIRED BY COMPLAINANT

☐ 20. COMPLAINANT RECEIVED COUNSELING ON THE STEPS IN THE ADMINISTRATIVE COMPLAINT PROCESS AS OUTLINED IN 29 CFR PART 1614. — DATE (mm/dd/yyyy)

21. COMPLAINANT PROVIDED WITH INFORMATION ON THE OTHER AVENUES OF REDRESS:

☐ U.S. EEOC ☐ NEGOTIATED GRIEVANCE PROCEDURE

☐ NEW YORK STATE DHR ☐ U.S. COURT OF APPEALS

22. COMPLAINANT'S SIGNATURE — DATE

APPENDIX (E)

EEO-4 REPORTS