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Division of Equal Employment Opportunity

2013 Year in Review

The County of Erie, Division of Equal Employment Opportunity (Division of EEO) is, in part charged with developing and administering Equal Employment and Affirmative Action Programs pursuant to Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 and in accordance with the laws of New York State and the County of Erie. Services and programs are provided for the benefit of all County residents without regard to 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.

Mission Statement

The mission of the Division of EEO is to help build and inclusive workforce in an environment that fosters dignity and respect for the individual through a diverse workforce that reflects a changing world and marketplace. The Division of EEO monitors business and economic development opportunities for minority and women owned businesses.

There are two major EEO services: (1) complaint counseling and investigation; (2) affirmative action administration.

Complaint Counseling and Investigation

Informal and formal procedures have been developed to insure fairness and consistency in the County of Erie's employment program with its employees.

Program and Service Objective #I: Effectively implement informal and formal procedures to insure fairness and consistency in EEO counseling and complaint processing. These procedures are designed for the opportunity to resolve complaints internally. In no way duplicates or circumvent other options available to claimants.

Outcome of Service Objective #I: The Division of EEO has provided information to all Departments on updated complaint procedures and has delivered an Affirmative Action Plan to all Departments (hard copy) plus has the most current updated Affirmative Action Plan posted on the County of Erie, Department of EEO website.

Program and Service Objective #II: Counsel and investigate harassment, discrimination and retaliation complaints and those arising out of personnel problems that relate to equal employment opportunity. Support and encourage departments to utilize Labor Relations, union complaint processes and training of managers/supervisors. Maintain confidential, efficient case files and electronic documentation.

Outcome of Service Objective #II: The Division of EEO provides effective and timely processing of EEO pre-complaints and when needed effective and timely investigation of EEO formal complaints. The number of informal complaints processed within the 30 to 60 day time frame for the year 2013 equal 24. There were 19 informal complaints where the complainant was provided a notice of right to file a formal complaint and they elected to not file a formal complaint. One informal complainant elected to utilize their option to file a complaint with the EEOC. One informal complainant elected to retract their complaint altogether. The number of formal complaints timely accepted and processed, compared to the number received equal 4. The Division of EEO issued 4 Agency Decisions – Dismissals and one complainant elected to continue their complaint using the New York State Division of Human Rights process. The Division of EEO has identified 9 complaint investigations that were concluded prior to May 2012 with no agency decision issued. We issued 5 agency decisions – dismissals with 4 still under review for a final agency decision. The Division of EEO has assisted the County Attorney's office with supporting documentation when an EEO complaint is received from outside organizations (i.e. New York State Division of Human Rights and/or the Equal Employment Opportunity Commission). Feedback from County Attorney's office has been favorable and appreciative. The Division of EEO maintains confidential, efficient case files and electronic documentation.

Program and Service Objective #III: Collect, compile and record data, provide information and file required reports to federal, state and local authorities pertaining to the statistical profile of Erie County Workforce and when needed EEO complaints.

Outcome of Service Objective #III: The County of Erie, New York electronically submitted its EEO4 report on September 23, 2013. The EEO-4 reporting center acknowledged receipt and updated their records. The County of Erie reported the following statistics relative to its workforce as of June 30, 2013:

Total Full- Time Workforce: 4058/100%

Males: White = 1821/ 44.9%; Black = 112 / 2.8%; Hispanic = 48/1.2%; Asian = 6/0.15% and American Indian = 11/0.25%.

Females: White = 1730/42.6%; Black = 243/6.0%; Hispanic = 70/1.7%; Asian = 11/0.25% and American Indian = 6/0.15%.

Other than Full Time Employees (Including Temporary Employees): 955/100%

Males: White = 311/32.6%; Black = 65/6.8%; Hispanic = 10/1.0%; Asian = 3/0.3%; and American Indian = 0/0%.

Females: White = 491/51.5%; Black = 59/6.2%; Hispanic = 10/1.0%; Asian = 2/0.2%; American Indian = 4/0.4%.

New Hires during Fiscal Year (Permanent full time only as of June 30): 184/100%

Males: White = 83/45.1%; Black = 5/2.7%; Hispanic = 2/1.1%; Asian = 1/0.6%; and American Indian = 0/0%.

Females: White = 72/39.1%; Black = 16/8.7%; Hispanic = 3/1.6%; Asian = 2/1.1% and American Indian = 0/0%

The Statistical Profile of Erie County EEO complaints are:

County employees submitted a total of 24/100% complaints (informal and formal) in 2013.

20/83.3% complaints ended at the informal-complaint stage and of that number:

- 18/90% informal-complainants received a Notice of Right to File a Formal Complaint but did not take any action with the County or outside agency as of this report.
- 1/5% informal-complainant received a Notice of Right to File a Formal Complaint and did so with the U.S. Equal Employment Opportunity Commission.
- 1/5% informal-complainant withdrew their complaint via letter.

4/16.7% formal complaints were received and of that number:

- 4/100% Agency Decisions (Dismissals) were issued.
    - 1/25% complainant received their Agency Decision and then went outside to the New York State – Division of Human Rights.

Agency Decisions on Past Complaints:

The County Attorney requested that Phillips Lytle, LLP conduct a review of Erie County's Affirmative Action Plan and it was completed in March 2013. The results were that "the County has an extensive internal EEO complaint process, which is in compliance with the guidelines and spirit of current regulations. The Affirmative Action Plan promulgated by the County not only illustrates compliance with federal and state law, but it also reflects the process of how the County will deal with its legal obligation to promptly and thoroughly investigate issues of harassment and discrimination." It was recommended that the County prepare and issue agency decisions regarding any outstanding EEO complaints albeit even after an extended period of time. They said, "Issuing determinations and properly closing out the files ensures that the County is investigating and taking actions with every complaint, a situation that would be helpful in case of an audit by the Office of Federal Contract Compliance Programs."

There were 9 past complaints from previous administrations, of that number 5 have been officially closed with agency decisions to dismiss and 4 are pending review for agency decisions.

Key Performance Indicator Measures

Number of informal complaints processed within the 30 – 60 day timeframe compared to the number received. Performance goal of 88% was met and exceeded.

Number of formal complaints timely accepted and processed compared to the number received. Performance goal of 93% was met.

Agency decision issued within the 180 – 210 day timeframe. Performance goal of 93% was met and exceeded.

Provide EEO and diversity briefings to department supervisors and managers. Performance goal of 100% was partially met*. *(Partially met: indicates that at least half the activities targeted for completion were achieved and we are still working on scheduling the remainder for completion.)

Priorities for 2014 are:

- Provide information to all Departments on updated procedures; provide effective and timely processing of EEO pre-complaints; provide effective and timely investigation of EEO formal complaints; and provide required refresher training for investigators.

These priorities are being addressed and are on scheduled to be achieved for calendar year 2014.

Affirmative Action Administration

Program Description

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. The Affirmative Action Plan for Equal Employment Opportunity is established to affirm, strengthen and reinforce the County of Erie's commitment to equal opportunity. 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. The Division of EEO 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.

Program and Service Objectives

Program and Service Objective #I: Implement and monitor the Erie County Affirmative Action Plan. Assure that County of Erie residents receive equal treatment when seeking employment or attempting to do business with the County.

Outcome of Service Objective #I: The County of Erie's Affirmative Action Plan is being received and implemented at the Department levels. The Director of EEO continues to hold meetings with Department supervisors and managers to discuss the AAP goals and objectives. The Division of EEO continues to assist Departments in their efforts to cast the wide net when seeking applicants for employment and provide assistance when Erie County residents are attempting to do business with Erie County.

Program and Service Objective #II: Assist minority and women owned business enterprises in acquiring County construction, purchase and service contracts and expand their business participation in County contracts. Monitor the utilization of bona fide minority and woman owned businesses on County contracts for professional, technical and other consultant services.

Outcome of Service Objective #II: The Division of EEO issues notices of bid opportunities to minority and women owned businesses identified in the County of Erie data base. Business owners are reminded that their efforts to seek out opportunities are critical and should be a recurring step in their business plan. The Division of EEO conducted at least 70 job site visits during the 2013 construction season to monitor the utilization of minority and women owned

businesses and apprentices on County contracts. We monitored the use of minority and women businesses on professional, technical and consultant services contracts too.

Program and Service Objective #III: Monitor the County of Erie 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.

Outcome of Service Objective #III: The Director of EEO makes every effort to address this matter with department heads and make recommendations for casting a wide net when searching for job candidates and making decisions based on legal job qualifications and an opportunity for diversity. Individual department reviews are conducted using the EEO-4 statistics to identify and document areas of conspicuous absences.

Priorities for 2014

- Take proactive steps to create a model EEO program within the County of Erie.
- Continue to hold advisory board meetings.
- Market the joint County/City MWBE Certification Program, highlight features and advantages.
- Ensure timely preparation and issue of quarterly reports to NYS Environmental Facilities Corporation for Division of Sewer Management.

Key Performance Indicator Measures

Number of meetings to monitor good faith compliance of County Affirmative Action Plan and EEO related matters. The goal of 70 meetings was well exceeded by up to another 10 meetings for a yearly total of 80.

Number of new MWBE certified businesses with the County of Erie and City of Buffalo Joint Certification Process. There was a 15% increase in the number of MWBEs during the year 2013. We started with 253 certified MWBEs and ended at 290 certified MWBEs. There are currently 287 certified MWBEs.

Percentage of County contracts received by Minority and Women Business Enterprises:

The Department of Purchase reports 2013 Minority & Women Vendor Usage as:

Minority Vendors $1,150,087.50/4.6% and Women Vendors $2,082,853.30/8.4%; there is a value of $514,796.00 for Veteran Vendors. Total Purchase Department POs for 2013 equals $24,753,716.52.

The Department of Public Works reports 2013 Capital Projects for Highways as:

Projects completed in 2013 as 4 projects total value $4,853,831.00 with 7.27% minority participation and 1.69% women business participation.

Projects bid but uncompleted in 2013 have a total value of $5,410,628.00 with 9.10% minority participation and 3.81% women business participation.

The Department of Public Works reports 2013 Capital Projects for Building and Construction as:

Projects completed in 2013 as 15 projects total value $19,988,376.30 with 8.89% minority participation and 2.14% women business participation.

Contracts with values at or above $250,000.00 require that there be 10% apprenticeship participation in the project workforce. This requirement is being achieved.

The Ralph Wilson Stadium lease project is on target to achieve the goal of 23% minority and women participation. The current report as of March 11, 2014 show 34.05% minority and women business participation on bids totaling $93,300,000.00.

Projects for 2014 include the Annual Capital Improvement Allowance projects paid for under the old lease for target of $1,355,000 at Erie County W/MBE requirements for 2%/10% and projects paid under the New Lease (NYS W/MBE requirements for 10%/13%) which total $3,750,000.

The Erie Community College (ECC) Science, Technology, Engineering and Math (STEM) Building project is currently on hold, I understand, however; I am working with the Dormitory Authority State of New York (DASNY) Opportunity Programs Group (Mr. Clay) and Erie County, Deputy Commissioner, Department of Environment and Planning (DEP) Mr. Thomas Dearing on the part of that contract that deals with opportunity programs.

Reports:

The snapshot of who takes exams for County positions that are advertised:

We reviewed a total of 18,723 civil service exam reports of that number the following race and ethnicity picture was identified:

White: 15276 exams = 81.6%

Black: 1789 exams = 9.6%

Asian: 132 exams = 0.7%

American Indian: 97 exams = 0.5%

Hispanic: 537 exams = 2.9%

2 or more: 69 exams = 0.4%

Other: 52 exams = 0.2%

Blank: 771 exams = 4.1%

Some of the high visibility jobs were: Clerk Typist, Case Worker, Public Safety Dispatcher, Court Clerk, Nursing Staff Office Clerk, Deputy Sheriff, Document Clerk, Public Safety Officer, Employment Counselor, and Computer Support Tech.

News of achievement:

The Department of EEO was selected by the Small Business Administration (SBA) as the **Buffalo District SBA Minority Small Business Champion of the Year.**

Other Activities:

- Teaching for the County's supervisory training program
- ECC Stem Building Project
- MWBE participation for Ralph Wilson Stadium Project
- Implementation of the Apprenticeship Training Law
- SUNY Buffalo State MWBE Prep. Program Speaker

- 2014 ESD MWBE REGIONAL EVENT PLAN
  Event: Western NY – MWBE OPPORTUNITIES EXPO, Thursday, April 24, 2014, University of Buffalo – Allen Hall

The County of Erie continues its efforts to achieve a Model EEO Program. A program that values:

- Demonstrated commitment from its leadership
- Management and program accountability
- Integration of EEO into its Strategic Plan
- Proactive prevention of unlawful discrimination
- Efficiency
- Responsive and meets legal compliance

Affirmative action on County Contracts is still a goal stipulated by the laws in Erie County. The MWBE Advisory Board continues to work and identify avenues for greater MWBE participation.