

**City of Austin
500 4th Avenue NE
Austin, Minnesota 55912**

2021

AFFIRMATIVE ACTION PLAN CITY OF AUSTIN

TABLE OF CONTENTS

Policy Statement
Designation of Responsibilities
Plan Dissemination
Recruitment of Employees
Training Programs
Discrimination Complaints
Workforce Availability/Utilization/Underutilization Analysis
Goals
Deficiency Identification and Analysis
Internal Audit and Reporting System
Affirmative Action Plan for Individuals with Disabilities
Contractor Responsibilities
Appendix

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Austin is committed to providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of federal, state and local government bodies or agencies thereof, specifically Minnesota Statutes 363.

The City of Austin will not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, familial status or status with regard to public assistance.

The City of Austin will take Affirmative Action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation and selection for training including apprenticeship.

The City of Austin will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action. The City of Austin fully supports incorporation of non-discrimination and Affirmative Action rules and regulations into contracts.

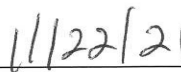
The City of Austin will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of this organization, or subcontractor to this employer, who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this statement and Plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State and Local governing bodies or agencies thereof, specifically Minnesota Statutes 363 will be subject to appropriate legal sanctions.

The City of Austin has appointed the Human Resources Director or his/her designee, to manage the Equal Employment Opportunity Program. His/Her responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as may be required by Federal, State, and Local agencies. The City Administrator of the City of Austin will receive updates on the progress of the program.

If any employee or applicant believes that she/he has been discriminated against, contact Craig Clark, City Administrator, 500 4th Avenue NE, Austin, MN 55021. Telephone number (507) 437-9941.



City Administrator



Date

DESIGNATION OF RESPONSIBILITIES

A. Mayor and City Council

Responsibilities: Set policy on affirmative action and equal employment opportunity.

Duties:

1. Set equal employment action policies that are consistent with actual employment opportunity and affirmative action principles embodied in all applicable federal and state laws and local ordinances.
2. Set policies that provide a work environment that is free of discrimination, including harassment.

B. City Administrator

Responsibilities: Provide overall administration of the City of Austin's equal employment opportunity/affirmative action program.

Duties:

1. Recommend affirmation action/equal opportunity policies to the Mayor and City Council.
2. Establish management/supervisory accountability for meeting affirmative action/equal opportunity objectives.
3. Authorize hiring in accordance with affirmative action goals and equal employment opportunity principles.
4. Make the final determination on discrimination complaints.

C. Human Resources Director

Responsibilities: Develop, recommend, and administer a personnel system that is consistent with and promotes employment opportunity/affirmative action objectives.

Duties:

1. Develop and recommend personnel policies, procedures and programs that are consistent with and promote equal employment action objectives.
2. Develop and recommend an annual affirmative action program to the City Administrator.
3. Coordinate the recruitment and employment of women and people of color.
4. Monitor the City of Austin's progress meeting its affirmative action goals and make periodic reports to the City Administrator.
5. Provide information to employees on the City of Austin's equal employment opportunity/affirmative action program and employee rights and obligations under federal, state and local laws and regulation.
6. Inform the City Administrator and management staff on matters of compliance with affirmative action and equal employment opportunity laws, rules, policies and procedures.
7. Ensure that the City of Austin's purchasing and procurement practices included affirmative action efforts to contract with women, minorities and persons with disabilities.
8. Receive and investigate complaints of alleged acts of discrimination by the City of Austin and report findings to the City Administrator.
9. Establish and maintain contacts between protected class groups and the City of Austin.

D. Department Staff

Responsibilities: Direct/manage the work unit in accordance with equal employment opportunity/affirmative action policies and procedures.

Duties:

1. Communicate the policies and spirit of the affirmative action plan to staff.
2. Conduct hiring process and make hiring recommendations in accordance with the City of Austin's affirmative action goals and equal employment opportunity principles.
3. Provide a work atmosphere for employees that is free of discrimination and harassment.
4. Respond to informal complaints of discrimination and immediately report such complaints to the City Administrator.
5. Develop employees, including those in protected classes, and assist employees in obtaining training and education so that they successfully perform the job and develop skills for career advancement.
6. Ensure that the City of Austin's purchasing and procurement practices include affirmative action efforts to contract with women, minorities and persons with disabilities.

PLAN DISSEMINATION

Dissemination of the City of Austin equal employment opportunity policy is essential to implementation of the affirmative action program. The policy will be communicated both internally and externally as follows:

A. Internal dissemination

1. The policy statement and non-discrimination posters will be permanently posted and conspicuously displayed in areas available to our employees and applicants for employment (such as employee bulletin boards) through City buildings.
1. The EEO/AA policy statement and discrimination complaint procedure are included on the City of Austin's employee Intranet site.
2. Department directors will receive a full copy of the new affirmative action plan and will be responsible for reviewing the plan with departmental employees.
3. Copies of the new affirmative action plan will be available to all employees at any time from the Human Resources office.
4. Employees will be apprised of changes to the affirmative action plan during each annual update.

B. External dissemination

1. Organizations that serve as sources for recruitment for employment of protected-class members will be notified of the City of Austin's equal employment opportunity policy and may obtain a copy of the plan upon request. To the extent practicable, the City of Austin will establish contact with two to three such organizations.
2. Information regarding the Board's adoption of the affirmative action plan will be included in appropriate City of Austin publications.
3. Advertisements, announcements of job openings, applications forms and contracts included an equal employment opportunity clause. City of Austin's employment application forms

also include a statement that the City of Austin is an Equal Opportunity/Affirmative Action Employer.

4. Contractors, vendors and suppliers who currently supply goods and services to the City of Austin will be informed of the City of Austin's policy.

RECRUITMENT OF EMPLOYEES

The City of Austin will continue to take affirmative steps to ensure the recruitment of women and people of color in order to achieve the affirmative action goals. When determining how to recruit for an opening, consideration will be given to whether external recruitment will be necessary in order to generate protected group applicants.

The Human Resources Director will maintain an up-to-date mailing list of recruitment resources, capable of referring protected group applicants, to which all City job openings that are externally recruited will be sent. Job advertisements are placed in audiences among protected classes. Job announcements include the job title, brief job description, essential qualifications starting salary, or salary range, application deadline and instructions on how to apply.

The Human Resources Director will establish contacts with agencies representing protected classes in order to familiarize those agencies with the City of Austin and the job opportunities available through the City.

TRAINING PROGRAMS

The City of Austin provides job-related training that is directly job-related and relevant to the performance of the employee's work responsibilities. The City of Austin regularly reviews participation to those programs to ensure that women, minority and employees with disabilities are given equal opportunity to participate. Women, minorities and employees with disabilities are actively encouraged to increase their skills and job potential through participation in training and educational programs.

DISCRIMINATION COMPLAINTS

The City of Austin provides an internal process for handling allegations of discrimination in City employment promises. (See Appendix A) Complaints of discrimination may be brought under this internal process by employees and job applicants. This use of this administrative process for bringing discrimination complaints will not limit the right of the charging party to file a complaint with the US Equal Employment Opportunity Commission, the Minnesota Department of Human Rights or a local human rights commission.

WORKFORCE AVAILABILITY/UTILIZATION/UNDERUTILIZATION ANALYSIS

The City of Austin has conducted an analysis of its workforce to determine if under-utilization of women and people of color exist.

In order to conduct a workforce analysis, all City job classes was assigned to one of the following job groups: (1) Official/Manager; (2) Professional; (3) Technician; (4) Office and Clerical; (5) Skilled Craft and (6) Service Workers. A list of job classes by job group and the total number of incumbents identified by race and gender are tracked as part of the City's EEOC required reporting.

GOALS

It is our annual goal to achieve an employment rate of women and minorities equal to the availability percentage in each group that we are underutilized.

DEFICIENCY IDENTIFICATION AND ANALYSIS

To determine if the City of Austin has any problem areas or deficiencies, we will monitor the following aspects of our human resources program and make changes as needed with:

- workforce composition
- applicant flow composition
- selection process
- transfer and promotion practices
- participation in training programs
- work environment

Job descriptions have been updated to reflect essential functions consistent with the requirements of the Americans with Disabilities Act (ADA). Updating of job descriptions will be an on-going process.

Training and professional development opportunities for City employees will be an on-going process which will include training for all employees on topics such as gender communication and diversity.

INTERNAL AUDIT AND REPORTING SYSTEM

Data and information will be collected to provide for periodic evaluation of the affirmative action program. Responsibility for collecting and maintaining data will be assigned to the Human Resources Director. Data on applicant flow, new hires, promotions, transfers and voluntary and involuntary separations will be collected for each protected group. For each category of data collected, information will be broken down by job group, sex, protected group status and disability status. This information will be contained in an internal filing system that will be maintained, reviewed and evaluated semi-annually. The Human Resources Director will meet periodically with the City Administrator to inform him/her of the progress made in achieving the City of Austin's affirmative action goals and to recommend strategies to address any problems that are revealed by the data.

AFFIRMATIVE ACTION PLAN FOR INDIVIDUALS WITH DISABILITIES

Individuals with Disabilities

The affirmative action plan also includes a plan for people with disabilities. The City of Austin will not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The City agrees to take affirmative action to employ, advance in employment and otherwise treat individuals with disabilities who are qualified to perform the essential positions of the job in question, without discrimination based upon their physical or mental disability to all employment practices such as the following: employment, upgrading, demotion, transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training.

The City of Austin agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

The City agrees to post in conspicuous places, available to employees and applicants for employment notices in a form to be prescribed by the Commissioner of the Minnesota Department of Human Rights. Such notices will state the City of Austin's obligation under the law to take affirmative action to employ qualified employees with disabilities, accept applicants for employment and identify the rights of the applicants and employees.

Schedule for Review

The City of Austin will review annually and as positions become vacant all physical and mental job requirements to the extent that these requirements could screen out qualified individuals with disabilities. It will be determined whether these requirements are related to the essential functions and consistent with business necessity and safe performance of the job.

Accommodations to Physical and Mental Limitations of Employees

The City of Austin will make a reasonable accommodation to the physical and mental limitations of an employee or applicant, such that an accommodation wouldn't impose an undue hardship on the conduct of the city business.

Medical Examination Statement

The City of Austin does require comprehensive medical examination for an employee or job applicant to whom a conditional offer of employment has been made or who asks the City to make a reasonable accommodation. A medical examination will be required for the purposes of determining an individual's capability to perform the job, determining the individual's need for accommodation, and/or identifying reasonable accommodations that can be made to enable the individual to perform the job. Information obtained in response to such an examination will be maintained as private data that is available only to the job applicant, employee or his/her representative, to persons within the City of Austin whose work assignments require access to it and to other entities and agencies who are authorized by federal law or state statute to gain access to the data.

Compensation

In offering employment to individuals with disability, the City will not reduce the amount of compensation offered because of any disability income, pensions, or other benefit the applicant or employee receives from another source.

Outreach, Positive Recruitment, and External Dissemination of Policy

The City of Austin will review employment practices to determine whether the personnel programs provide the required affirmative action for employment and advancement of qualified individuals with disabilities. Based upon the findings of such review, the City will undertake appropriate outreach and positive recruitment activities, such as those listed below.

1. Develop reasonable internal procedures to ensure that our obligation to engage in affirmative action to employ and promote qualified individuals with disabilities is being fully implemented.
2. Periodically inform all employees and prospective employees of our commitment to engage in affirmative action to increase employment opportunities for qualified individuals with disabilities.
3. Enlist the support of recruiting sources (including state employment security agencies, state vocational rehabilitation agencies or facilities, sheltered workshops, college placement offices, state education agencies, labor organizations of, or for, individuals with disabilities) to assist us in providing meaningful employment opportunities to qualified individuals with disabilities
4. Establish meaningful contacts with appropriate social service agencies, organizations of and for individuals with disabilities, vocational rehabilitation agencies or facilities, for such purpose as advice, technical assistance and referral to potential employees.

Internal dissemination of policy

The City recognizes the importance of internal dissemination of this policy to all employees, some of who may have had limited contact with persons with disabilities in the past, as a means of ensuring employee support, cooperation and participation in its implementation. Internal dissemination of the policy includes:

1. The policy is prominently displayed within departments of the City.
2. The policy is included as part of the City's Intranet site.
3. The policy will be discussed thoroughly at both employee orientation and training programs

Responsibility for Implementation

The City Administrator has been appointed to manage the City of Austin's equal employment opportunity program.

The Human Resources Director has been assigned responsibility for the following:

1. Develop and recommend personnel policies, procedures and programs that are consistent with and promote equal employment opportunity/affirmative action objectives and hold managers and supervisors accountable for meeting these objectives.

2. Monitor the City of Austin's progress in meeting its affirmative action goals and make periodic reports to the City Administrator.
3. Provide information to employees on the City of Austin's equal employment opportunity/affirmative action program and employee rights and obligations under federal, state and local laws and regulations.
4. Inform the City Administrator and management staff on matters of compliance with affirmative action and equal employment opportunity laws, policies, and procedures affecting individuals with disabilities.
5. Receive and investigate complaints of alleged acts of discrimination by the City of Austin and report findings to the City Administrator.
6. Establish and maintain contact with organizations of and for persons with disabilities.

Development and Execution of Affirmative Action Programs

The Affirmative Action plan for the City of Austin will be developed and executed as follows:

1. The review of job qualification requirements will be made available to all members of management involved in the commitment, screening, selection, and promotion process.
2. Evaluate the total selection process to ensure that persons with disabilities are not stereotyped in a manner which limits their access to all jobs for which they are qualified.
3. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes will receive training to ensure their commitment to implementation of the affirmative action program.
4. Efforts will continue to be made to participate in work study programs with rehabilitation facilities and schools which specialize in training or educating individuals with disabilities.

CONTRACTOR RESPONSIBILITIES

The City of Austin will notify contractors of their responsibilities for Equal Opportunity and Affirmative Action under this program and will hold them accountable. The following language will be included in City of Austin large contracts.

NON-DISCRIMINATION. During the performance of this contract, the Contractor shall provide a work environment that is free of harassment and shall not unlawfully discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, national origin, ancestry, disability, age, marital status, familial status, sexual or affectional orientation or public assistance status. The Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without unlawful discrimination.

APPENDIX A

Discrimination Complaints

Purpose: The purpose of this policy is to provide an internal administrative process for investigating charges that the City of Austin has illegally discriminated in employment. The policies and procedures which follow provide for a thorough internal administrative review and the determination of an appropriate course of action if a charge of discrimination is substantiated.

Policy: The City of Austin is committed to providing equal opportunity in all areas of employment including, but not limited to hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, lay-off, disciplinary action, termination, rates of pay or other forms of compensation and selection for training. The City shall not discriminate against any employee or job applicant on the basis of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, familial status or status with regard to public assistance.

Procedure: The following procedures outlined below will be followed when an employee or job applicant alleges that the City of Austin has engaged in a discriminatory act in violation of City policy, or federal, state or local non-discrimination laws:

1. The employee or job applicant (complainant) informs the City Administrator of the alleged discrimination within ninety calendar days of the alleged discriminatory act occurred or within ninety days of when the complainant could reasonably have expected to have such knowledge. (If the complainant believes that the City Administrator is the source of the alleged discriminatory act, the complainant may inform the City Council of the allegation.). The complainant is asked to describe the alleged discriminatory act and to state on what basis the alleged discrimination has occurred (race, sex, disability, etc.). The City Administrator explains the City of Austin's administrative policy for handling discrimination complaints and advises the complainant that use of this administrative policy does not limit his or her right to file a complaint alleging discrimination with the U.S. Equal Employment Opportunity Commission, the Minnesota Department of Human Rights or to seek private legal counsel.
2. Within 10 working days of the initial receipt of the complaint, the City Administrator documents the complaint and specific charges of discrimination and consults with legal counsel to determine if the complaint is properly one of discrimination, which falls within the purview of this policy. If it is determined that the complaint is one of discrimination, the City Attorney conducts an investigation of the charge(s) and submits a written report of the facts and findings and a recommended course of action to the City Administrator. If it is determined that the complaint is not one of discrimination, the complainant will be so advised.
3. Within 15 working days of the receipt of the initial complaint, the City Administrator meets with the complainant to review the findings and the recommended course of action. If the complainant is not satisfied with the recommended course of action, the City Administrator

advises him/her of the right to appeal to the City Administrator within 10 working days from the date of this meeting.

4. Within 10 working days of receipt of the appeal, the City Administrator makes a final determination on the complaint and notifies the complainant. If the complainant is not satisfied with the final determination, the City Administrator advises him or her of the right to file a complaint with the U.S. Equal Employment Opportunity Commission, the Minnesota Department of Human Rights and to seek private legal counsel.
5. If an investigation substantiates a claim of discrimination, an employee, supervisor manager found through the investigation to have acted in a discriminatory manner may be subject to disciplinary action, up to and including possible termination. Further, an employee, supervisor or manager who engages in retaliation against an individual who has brought a discrimination complaint of who has cooperated in a complaint investigation, will be subject to disciplinary action, up to and including possible termination.

Through this administrative procedure, the City demonstrates its commitment to providing equal opportunity in all areas of employment and ensuring a workplace that is free of discrimination.