

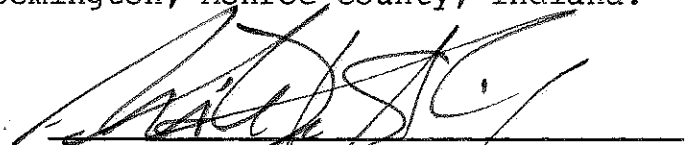
RESOLUTION 75-23

WHEREAS, it is the public policy of the City of Bloomington, Indiana, to provide equal employment opportunity to all individuals regardless of race, religion, color, sex, national origin and ancestry, and

WHEREAS, it is the public policy of the City of Bloomington, Indiana, to provide for such equal employment opportunity to all municipal employees,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, that the Common Council hereby approves the attached Affirmative Action Plan submitted by the Mayor of the City of Bloomington as the Affirmative Action Plan of the City of Bloomington, Indiana.

Passed and adopted this 4 day of September, 1975 by the Common Council of the City of Bloomington, Monroe County, Indiana.



Brian C. De St. Croix, President
Bloomington Common Council

Passed this 11 day of Sept, 1975 by the Mayor.



FRANCIS X. McCLOSKEY, Mayor
City of Bloomington

CITY OF BLOOMINGTON - AFFIRMATIVE ACTION PLAN

I. WHEN EFFECTIVE - AMENDMENTS

This Affirmative Action Plan for the City of Bloomington shall become effective when presented by the Mayor of the City of Bloomington to the Common Council of the City of Bloomington, and adopted by the Council in the form of a resolution, pursuant to Chapter 2.60.050 (b) of the Municipal Code of the City of Bloomington.

Amendments to this plan shall become effective when presented to the Common Council by the Mayor, and adopted by the Council in the form of a resolution.

II. LAWS AND ORDERS REQUIRING EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

A. Executive Order 11246 (as amended by Executive Order 11325)

Requires specified contractors and subcontractors using federal funds to prevent discrimination based upon race, religion, color, sex or national origin, and to develop and implement written affirmative action programs for their employment policies and practices.

B. Title VII of the 1964 Federal Civil Rights Act (as amended by the Equal Employment Opportunity Act of 1972)

Prohibits private and public employers from discriminating on the basis of race, religion, color, sex, and national origin with regard to any term, privilege or condition of employment, if they have fifteen (15) or more employees.

C. Indiana Civil Rights Law

Prohibits private and public employers from discriminating on the basis of race, religion, color, sex, national origin and ancestry with regard to any term, condition or privilege of employment, if they have six (6) or more employees.

D. Bloomington Human Rights Ordinance

Prohibits private and public employers from discriminating on the basis of race, religion, color, sex, national origin and ancestry with regard to any term, condition or privilege of employment, if they have six (6) or more employees.

E. Federal Equal Pay Act of 1963 (as amended)

Requires all employers covered by the Fair Labor Standards Act, and others, to provide equal pay for equal work, regardless of sex.

F. Federal Age Discrimination in Employment Act of 1967 (as amended)

Prohibits private and public employers with twenty (20) or more employees from discriminating against persons between 40 and 65 years of age, on the basis of age. The Discrimination On Account of Age Act prohibits similar discrimination in the State of Indiana.

G. Title VI of the 1964 Federal Civil Rights Act

Prohibits recipients of any federal financial assistance from discriminating against, denying benefits of, or excluding from participation any person, in any program or activity so funded because of their race, color or national origin.

H. State and Local Fiscal Assistance Act of 1972

Prohibits discrimination on grounds of race, color, national origin and sex with regard to participation in and the benefits of any program or activity, funded in whole or part, by Revenue Sharing.

I. U.S. Constitution - 14th Amendment

Prohibits states from depriving any person of life, liberty or property without due process of law and prohibits states from denying any person within their respective jurisdictions the equal protection of the laws. A similar prohibition appears in the Indiana Constitution.

J. Rehabilitation Act of 1973

Prohibits Specified Contractors and any recipient of federal assistance from discriminating against or denying benefits to, or excluding from participation in any federally funded program or activity, otherwise qualified individuals, because of physical or mental handicaps.

K. Vietnam Era Veterans Readjustment Act of 1974

Requires Specified Contractors to take affirmative action to employ qualified disabled veterans and veterans of the Vietnam Era.

III. DEFINITIONS

A. Minorities

Minorities shall be identified by the following definitions set by the Federal Equal Employment Opportunity Commission:

Black--Includes Americans of black African origin or descent as well as those of the black race identified as Jamaican, Trinidadian, and West Indian.

Spanish Surnamed (Latino)--Includes all persons of Mexican, Puerto Rican, Cuban, Latin American or Spanish descent including all persons whose native language, cultural heritage, and/or ancestry are rooted in Spain or Latin America.

American Indian--Includes persons who identify themselves or are known as such by virtue of tribal associations or consider themselves native Americans.

Asian American--Includes persons of Japanese, Chinese, Korean, or Filipino descent or whose appearance reveals East Asian or Polynesian origins (but not Pakistani and East Indians, who are classified along with all persons of Indo-European descent as White).

Other--Includes Aleuts, Eskimos, Mayayans, Thais and others not covered by the specific categories on the form.

B. Handicapped Individuals

Handicapped individuals covered under this Plan include any persons with physical or mental conditions which create temporary or permanent disabilities, which disabilities are unrelated to their ability to perform a particular job.

C. Veterans

Veterans covered under this Plan include all veterans classified by an agency of the federal government as being "disabled" to any degree; as long as the specific "disability" is unrelated to such person's ability to perform a particular job; and all veterans of the Vietnam Era, as that Era is defined by rulings or orders of the President of the United States.

D. The City of Bloomington

The City of Bloomington shall mean all departments, boards, units, branches and subdivisions of the City of Bloomington, or any other quasi-independent institutional arrangements created by the City of Bloomington, including but not limited to the Utilities Service Board, all authorities, all agencies and all commissions. All non-elected employees of the City of Bloomington who earn any wages or salary from the City of Bloomington and who are, furthermore, not members of the personal staff of any elected official, are covered under this plan, as are all applicants for employment with the City of Bloomington for any of the covered positions.

E. Disadvantaged Groups

As established by the U.S. Department of Labor, Disadvantaged groups will be said to include the following: poor persons who do not have suitable employment and who are either: 1) school dropouts, 2) under twenty-two (22) years old, 3) forty-five (45) years or older, 4) handicapped, or 5) subject to special obstacles to employment.

IV. GENERAL POLICY

The City of Bloomington, pursuant to this Affirmative Action Plan, shall implement its personnel policies and procedures in conformity with the following affirmative action principles:

1. Hiring and promotion of individuals shall be based upon job-related skills and qualifications and not upon race, religion, color, sex, national origin, ancestry, age, handicaps, or disadvantages.
2. Recruitment shall be done on a basis which reasonably notifies all qualified applicants of position openings; and extra recruitment efforts shall be directed toward veterans and groups traditionally under-represented in the workforce in general, or in particular areas of the workforce.
3. The skills and potential of all present employees shall be utilized and developed to the fullest extent possible; including but not limited to the creation of opportunities for training, transfer and promotion.

4. All employees and applicants for employment shall be informed of their avenues for redress of any grievances concerning race, religion, color, sex, national origin, ancestry, age, handicaps or disadvantages, and no retaliatory action whatsoever shall be taken against any individual who utilizes said avenues of redress. Furthermore, informal and internal grievance procedures covering the same areas of concern shall be established and made available for employees and applicants for employment, with no retaliation or penalty of any type being imposed for the use of such procedures.

5. Every effort shall be made to provide employees, including management and supervisory personnel, with counseling and information regarding equal employment opportunity and the duties and responsibility incumbent upon them as a result of this Affirmative Action Plan and personnel policies and practices established pursuant to this plan.

6. No employee shall suffer any unequal treatment with regard to any aspect of the employment situation, including but not limited to placement, use of facilities, duties, discharge, layoff, reprimands, etc., on the basis of race, religion, color, sex, national origin, ancestry, age, handicaps or disadvantages.

7. Contractors and bidders for contracts with the City of Bloomington which are covered under the official Contract Compliance Regulations of the Bloomington Human Rights Commission shall submit and comply with written Affirmative Action Plans, as well as comply with contractual promises and the procedures of the Bloomington Human Rights Commission under those regulations, when those regulations become effective upon the adoption of Resolution 75-4 by the Common Council of the City of Bloomington.

8. The City of Bloomington shall refrain from participating in or entering into any associations, contracts or institutional arrangements with any unit, agency or institutional arrangement of a regional, county, state or national nature, which is not an Equal Opportunity Employer or does not have an Affirmative Action Plan for its individual employees until the City has made a good faith effort to persuade such units, agencies and

institutions to pursue Equal Employment Opportunity and Affirmative Action. This policy shall hold in all cases except when the strongest possible attempts have been made to have these units, agencies or institutions adopt Equal Opportunity and Affirmative Action plans have failed, and the associations, contracts and arrangements to be entered into are overriding in importance.

9. This Affirmative Action Plan and all goals and timetables established pursuant to this plan, shall be publicized to the general community and shall be available for inspection and duplication by any member of the public.

V. RESPONSIBILITIES

A. Office of the Mayor

The Mayor, as chief executive officer of the City, shall bear final responsibility for the success of the Affirmative Action Plan. The Mayor has the responsibility of promulgating the plan and shall initially, and thereafter periodically review the plan's success, with special emphasis placed upon the achievements of: (1) the elimination of discriminatory employment practices or policies; (2) the meeting of established goals and timetables under the plan; (3) providing the necessary fiscal, legal and moral support of his or her office to the operation of the Plan.

The Mayor shall bear ultimate responsibility for setting of goals and timetables, shall appoint members of the Advisory Board (some with the advice and consent of the Common Council), and shall hear and determine all appeals from the internal grievance procedure; or designate a representative to hear and determine said appeals.

The Mayor shall also make a written and public response to all recommendations of the Advisory Board.

B. The Common Council

The Common Council shall effectuate this Plan by adopting it in resolution form, and shall effectuate all amendments to this Plan in the same fashion. The members of the Common

Council shall provide the necessary fiscal, legal and moral support of their offices to the successful operation of the Plan, and shall be presented with a detailed report on the success of the Plan at least annually, by the Equal Opportunity Officer. The Council shall also give their advice and consent to several appointments to the Advisory Board, when appropriate.

C. Personnel Department

The Personnel Director shall be a member of the Advisory Board and shall be responsible for the collection and maintenance of all statistical data necessary for the informed deliberation of the Advisory Board. The Personnel Director shall also be responsible for furnishing all employment information required by law to the Equal Employment Opportunity Commission.

All personnel policies established pursuant to this Plan or required by law shall be implemented by the Personnel Director. The Personnel Office shall prepare and maintain (including updating) a written statement of all such personnel policies, which policies shall be distributed to all managerial, supervisory and other employees of the City of Bloomington, the Mayor, and the Advisory Board, the Equal Opportunity Officer and the Common Council, and which shall be available in reasonable quantity for any member of the general public at the Personnel Office.

D. The Equal Opportunity Office

The Equal Opportunity Officer shall be Chairman of the Advisory Board and shall have all of the powers, duties, and responsibilities listed in the Official Contract Compliance Regulations of the Bloomington Human Rights Commission.

Specific responsibilities of the Equal Opportunity Officer include:

1. Arbitrator at the initial stage of the internal grievance procedure.
2. Providing counseling and information to all employees, supervisory and otherwise, concerning the Affirmative Action Plan and how to implement personnel policies created pursuant to the Plan.

3. Enforcement responsibility for equal opportunity mandates imposed by the federal government under any and all of the federal laws, orders or regulations dealing with equal opportunity and affirmative action in the use of federal funds.
4. External publicity of the City's equal opportunity and affirmative action efforts, and cooperative liaison responsibilities with community groups, including those groups representing the interests of minorities, women, the aged, veterans, the disadvantaged and the handicapped.
5. Responsibility for day-to-day implementation of policies (other than those under the Personnel Department) and the meeting of goals and timetables established pursuant to this Plan.
6. Responsibility to formally present the Mayor with recommendations of the Advisory Board.

E. The Advisory Board

The Advisory Board shall consist of the following members:

1. Mayor's Representative (appointed solely by the Mayor);
2. Council Representative (appointed solely by the Common Council);
3. The Equal Opportunity Officer (who shall be Chairman);
4. The Director-Attorney of the Bloomington Human Rights Commission.
5. The Chairman of the Bloomington Human Rights Commission (or a Commissioner thereof, appointed by the Chairman).
6. The Personnel Director.
7. Representative of Line Management (appointed by the Mayor with the advice and consent of the Common Council);
- 8 & 9. One woman and one minority representative of the workforce not in Line Management (appointed by the Equal Opportunity Officer with the advice and consent of the Common Council);
10. One other representative of the workforce not in Line Management (appointed by the Equal Opportunity Officer with the advice and consent of the Common Council).

The Advisory Board shall be a body which initiates recommendations on the policies (personnel and otherwise) to be followed by the City of Bloomington as part of this Affirmative Action Plan, as well as initiating recommendations as to specific goals to be met within designated time periods. They shall meet as called by the Equal Opportunity Officer, who will be Chairman, but at least quarterly per calendar year. All recommendations shall be made in writing in a public document and shall be adopted by a majority of a quorum at a public meeting. All meetings shall be public, but executive sessions may also be held. Minority opinions of members shall also be in writing and in public documents.

All recommendations of the Advisory Board shall be presented to the Mayor formally by the Chairman of the Board, and the Mayor shall respond to each recommendation in writing in a public document. All recommendations adopted by the Mayor shall become a part of this Affirmative Action Plan, and the Equal Opportunity Officer and Personnel Director shall be responsible for the implementation, updating and information dissemination of any such additions.

The Advisory Board, upon the request of a majority of a quorum at a public meeting, shall be provided with any and all information necessary to make an informed deliberation upon any aspect of equal employment opportunity or affirmative action, by any employee of the City of Bloomington. The Mayor shall be responsible for insuring that said request for information is complied with promptly and completely.

Members of the Advisory Board, as well as any member of the general public, may sponsor legislation dealing with personnel and other policies, and which proposed ordinances shall be dealt with in the same fashion as are all other proposed ordinances under the Indiana Code and Municipal Code of the City of Bloomington.

VI. INTERNAL GRIEVANCE PROCEDURE

All employees of or applicants for employment with the City of Bloomington who believe that they have been denied an equal employment opportunity (i.e., hiring, firing, pay, promotion, benefits, working

atmosphere and any other term, condition, or privilege of employment) in any manner because of race, religion, color, sex, national origin, ancestry, age, handicap or disadvantage, any make use of the internal grievance procedure without any retaliation or penalty for utilizing this procedure.

Employees or applicants who wish to make use of this procedure should contact the Equal Opportunity Officer.

The Equal Opportunity Officer shall be responsible for informing all individuals who wish to make use of the internal grievance procedure that such procedure in no way intends to bypass other legal avenues of redress, and that the complaining individual, if the charge is one of race, color, religion, sex, national origin or ancestry, has a right to file a complaint with the Bloomington Human Rights Commission within ninety (90) days of the act complained of, within ninety (90) days from the conclusion of the internal grievance procedure, or at anytime during the processing of the internal grievance. Such Officer shall also be responsible for informing all individuals who wish to use the internal grievance procedure that if they are members of the union they have a right to use the union grievance procedure for any matter covered by that procedure in the collective bargaining agreement. The Equal Opportunity Officer shall also inform individuals who inquire about the use of the internal grievance procedure that they are free to inquire about any other legal avenues of redress they may have and shall direct them to the Director-Attorney of the Bloomington Human Rights Commission for such purposes. The Equal Opportunity Officer shall not encourage or discourage the use of any avenue of redress any grieving individual may wish to utilize, nor shall such officer omit any of the above information from the presentation described above.

The grievance procedure shall remain private and confidential in nature, provided that the Advisory Board shall have access to any written decisions of the Equal Opportunity Officer or the Mayor, and may discuss such decisions in Executive Session.

The Equal Opportunity Officer shall be the initial arbiter in the internal grievance procedure and may call in and question any employee of the City of Bloomington that such officer believes will have information necessary to reach a fair resolution of the dispute. Such

officer shall also have free access to any written information or records of the City of Bloomington which are necessary to reach a fair resolution of the dispute. The format of the initial stage of the grievance shall be of an informal and private nature, and shall be concluded within seven (7) days from the date the grievant initiates the process, by a written decision of the Equal Opportunity Officer, stating his or her evaluation of the merits of the complaint and what action should be taken, if any, to correct the situation. A copy of this decision shall be given to the grievant and the head or supervisor of the department in question, either of which may appeal the decision to the Mayor within two (2) days of the receipt of the opinion; otherwise the decision shall be final and binding upon the grievant and the City of Bloomington for purposes of this procedure.

Should an appeal be undertaken by the grievant or the department head, there will be an appeal meeting of an informal and private nature between the Mayor or his representative, the department head, the grievant, the Equal Opportunity Officer and any employee of the City of Bloomington the Mayor believes must attend to reach a fair resolution of the dispute. Such a meeting shall be called within three (3) days of the notification to the Mayor's Office that an appeal has been made, and the Mayor shall issue a written decision, which shall be final and binding upon the parties for purposes of this procedure within three (3) days of the holding of the meeting described above, which decision shall address the merits of the complaint and what action, if any, is necessary to fairly resolve the dispute.

The Mayor shall be responsible for insuring that his final decisions or those of the Equal Opportunity Officer are complied with; and shall be responsible for the cooperation of all employees of the City of Bloomington with the Mayor and the Equal Opportunity Officer under this grievance procedure. It shall further be the Mayor's responsibility for insuring that no retaliatory action or penalty shall be imposed upon the grievant, for utilizing this grievance procedure, by any employee of the City of Bloomington.

VII. UNION AGREEMENTS

In all collective bargaining agreements effective between the City of Bloomington and any union, there shall be a non-discrimination clause

prohibiting both the City of Bloomington and the union from denying any employee covered under the terms of the agreement, an equal employment opportunity in any terms, conditions or privileges of employment opportunity in any terms, conditions or privileges of employment, because of race, religion, color, sex, national origin, ancestry, age, disadvantage, or handicap.

The terms of such a clause in such a collective bargaining agreement shall have the same meaning as they have in this Affirmative Action Plan.

VIII. SPECIFIC ISSUES TO BE ADDRESSED IMMEDIATELY

All of the groups and individuals having responsibilities listed in this Plan, under (V.) of this Plan, shall immediately address themselves to the following issues and take all steps necessary to deal with said issues in a manner consistent with the principles of equal employment opportunity, affirmative action, merit employment and the mechanics of this Plan;

1. Equal Treatment of All Applicants

In order to insure that any and all intentional and unintentional barriers to equal employment opportunity are eliminated, a routinized procedure for hiring should be instituted. Application forms should be studied to determine if any questions elicit information which is not demonstrably related to work to be performed, and information which would have a detrimental effect upon the employment of any identifiable group if used in evaluation. The interviewing process should be standardized as much as possible, so that all candidates may present the full extent of their talents and qualifications and be judged upon identical and relevant criteria. Job descriptions and minimum qualifications should be instituted, adhered to, and kept up to date. Tests should be scrutinized with scientific care prior to utilization.

2. Equal Opportunity for Advancement

Establishing a system of job classification will assist in maintaining equity for purposes of both advancement and pay. Jobs may be classified by degree of difficulty, skill, expertise and responsibility, and may provide for merit increases within as well as between classifi-

fications. The feasibility of performance evaluations should be addressed to assist in not only the evaluation of performance, but also to reduce the inequity arising from personality conflicts between employees and some supervisors as well as the inequity of varying standards of performance among the many supervisors. Training and education programs and opportunities should be available on some basis to encourage the development and use of all employees to their maximum potentials.

3. Recruitment

Advertising should be undertaken for each entry-level opening and all advanced positions which cannot be filled by transfer and promotion from within. Special referral sources should be developed and regularly utilized when soliciting applicants. Such referral sources should include but not be limited to veterans' groups, vocational rehabilitation centers, minority and women's groups, and organizations for the elderly and disadvantaged. Recruitment, should initially focus on soliciting qualified applicants from Bloomington and the Monroe County area, prior to seeking them from other geographical locations.

4. Record Keeping

Detailed and complete records should be maintained on all aspects of employment, not only for purposes of responding to the legal requirements of federal agencies, but also for purposes of internal use by responsible groups and individuals listed under part (V.) of this Plan. Such record keeping is essential if problem areas are to be identified and solutions proposed to any inequities or unlawful discriminations.

5. Benefits and Working Conditions

Pay should be equal for substantially equal work. Opportunities for transfer and re-assignment should be clearly stated and available for all employees on an equal basis. Impediments to the employment of women and the handicapped, which are due to the inadequacy of facilities must be eliminated. Income protection plans, sick leave, credit unions, vacations, retirement plans, and the like must be examined to make certain that they afford full coverage and benefits, on an equal basis and do not operate to the unjustifiable detriment of any group, identifiable in whole or part on the basis of their race, religion, color, sex, national origin, ancestry, age,

handicap or disadvantage.

6. Special Programs

Whenever possible, special programs should be instituted and aimed at those groups in the population who have been victimized, intentionally or unintentionally, by traditional personnel and other employment practices of employers, or whose special needs have been traditionally neglected by such policies and practices. A brief list of examples, not meant to be exclusive, include: (a) architectural or job-duty rearrangement to accommodate certain handicaps; (b) special arrangements to accommodate beliefs and practices of minority religions; (c) integration of the use of languages other than English in the dissemination of important information; (d) on-the-job training programs and release-time for educational advancement previously denied because of economic status or prejudice; (e) sensitivity training for supervisors and other employees, focusing upon understanding how to work among those with other social and cultural beliefs and values, in harmony and efficiency.

7. Goals and Timetables

Along with all recommendations for policies, personnel and otherwise, which shall be made for inclusion into this Plan, goals and timetables shall be set for the implementation of such recommendations; and such goals and timetables shall be specifically addressed, along with all recommendations, by the Mayor, in conformity with the mechanics of this Plan. The Personnel Director (with regard to information which is not specifically on the City of Bloomington) shall be responsible for the acquisition of all data and statistics necessary for an analysis of the workforce, to be made by the Advisory Board. Such analysis will not only attempt to identify problem areas in the City of Bloomington with regard to equal employment opportunity, but will also focus on the current hiring and job placement of all workers, broken down by race, religion, color, sex, national origin and ancestry (as those breakdowns are reflected in the EEO-4 Reports filed by the City of Bloomington with the Equal Employment Opportunity Commission)-and, where feasible, will include information on age, military status, handicap and disadvantage. The latter focus will be for the purposes of setting hiring and placement goals for such groups in relation to particular jobs or working divisions, as well as with reference to the City workforce in the entirety; with such

goals to be met within reasonably estimated time limits. The purpose behind such goals will be an attempt to reflect full utilization of such groups in the workforce of the City of Bloomington, proportional to their representation in the geographical area from which they are solicited. Such goals are not to be regarded as quotas, but as reasonably based estimates of progress to be made. Each board, department, unit, branch and subdivision of the City of Bloomington shall be responsible for making a good faith effort to meet all goals and timetables established, and may be called upon by the Mayor or may be called upon by the Advisory Board, to demonstrate the good faith efforts undertaken to meet such goals and timetables, whether or not they have been successful.

8. Publicity and Dynamics

The Personnel Director (see point V. (C) of the Plan) and the Equal Opportunity Officer (see point V. (D) of this Plan) are primarily responsible for the publicity of this Plan among the workforce of the City of Bloomington and throughout the general community. Without extensive publicity the Plan will lose much effect, as the rights and benefits of the Plan may be unclaimed - so those individuals should make maximum efforts in this respect. An Affirmative Action Plan is not a dead letter, but a growing and changing document, which must remain responsive to needs and dynamic in form. Therefore, as recommendations are realized, they should conscientiously be appended to this document, widely publicized by the responsible individuals, and immediately implemented by those with the authority to do so.