

City of Niagara Falls

Equal Employment Opportunity Plan

INTRODUCTION

The City of Niagara Falls is committed to furthering the principles of equal employment opportunity of all employees and applicants for employment without regard to age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, religion, disability, predisposing genetic characteristics, marital status, military status, or domestic violence victim status. The City also acknowledges its legal and ethical obligation to protect the right of all persons to work in an environment free from discrimination, harassment and retaliation. Accordingly, the City of Niagara Falls will promote the realization of equal employment opportunity through the adoption of specific practices designed to ensure that all employment decisions shall be non-discriminatory, 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 City's commitment and comply with the requirements of Executive Order 11246, Title 41 CFR Section 60 and Section 503 of the Rehabilitation Act of 1973. The plan will ensure employment processes are non-discriminatory and that every good faith effort is made to address any problem areas through outreach and action-oriented programs.

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PURPOSE

The City's Equal Employment Opportunity Plan declares the City of Niagara Falls' commitment to diversity and to the goal of creating and maintaining a work environment free of all forms of discrimination and bias. This plan reaffirms the City's recognition that proactive and planned measures must be undertaken for the following purposes:

To recruit, hire, develop and retain qualified and diverse individuals for City employment;

To remedy the effects of possible past discrimination that may manifest themselves in under-representation of certain groups in the work force, and

To foster a work environment where employees from diverse backgrounds can and do reach their potential.

This plan proposes the following general strategies to attain the above goals:

- Identify and maximize recruitment, hiring and retention methods that have yielded success, and eliminate or minimize barriers in all these areas over which the City or its agents have control.
- Compare the City's current workforce demographics to the relevant and qualified labor market to accurately determine areas of significant underrepresentation.
- Review department and overall City performance in attaining goals on an annual basis and hold department heads responsible for a good faith effort to meet the goals established.
- Implement a management training program for prevention and early resolution of EEO concerns.

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PLAN OBJECTIVES AND STRATEGIES

The plan has multiple strategies and techniques that are to be implemented. The following objectives provide the framework for the plan:

Objectives

- (1) Conduct ongoing statistical analysis of the City's workforce. Take steps to remedy under-utilization to promote full participation at all levels of employment.
- (2) 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, creed, color, national origin, sex, sexual orientation, gender identity or expression, religion, disability, predisposing genetic characteristics, marital status, military status, or domestic violence victim status.
- (3) Take proactive measures to ensure that people with disabilities are considered for employment, promotion, transfer and training without regard to physical, mental or sensory disability, and initiate steps to provide an interactive process to evaluate requests for reasonable accommodation.
- (4) Take proactive measures to ensure that qualified veterans are considered for employment, promotion, transfer and training without regard to their veteran status.
- (5) Take proactive measures to eradicate the present effects of past discrimination, if any, and prevent all forms of illegal discrimination against any employee of the City.
- (6) Develop positive and productive relations with community groups, social service agencies, educational institutions and cultural organizations that serve racial

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minorities, women, persons with disabilities and veterans to facilitate targeted recruitment.

Strategy 1

Identify successful recruitment strategies and develop effective strategies in departments where under-utilization is identified:

- (1) Evaluate present recruitment methods to determine whether they yield qualified applicants from under-represented groups or whether corrective measures are needed.
- (2) Develop recruitment priorities by department based upon projected vacancies and level of under-utilization.
- (3) Evaluate and revise job posting distribution lists and recruitment strategies as needed, based on the identified under-utilized groups for targeted recruitment efforts.

Strategy 2

Reduce barriers to recruitment of qualified applicants where the presence of such barriers is within the City's control:

- (1) Evaluate options for recruitment in the City's civil service environment.
- (2) Identify personnel rules or practices that may be barriers to hiring individuals from underrepresented groups.
- (3) Develop proposals for revising or removing rules or contractual provisions that impede hiring and promoting underrepresented groups.
- (4) Identify barriers to the training and upward mobility of under-represented groups.
- (5) Develop strategies to address identified barriers

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Strategy 3

Utilize technology to accurately track effectiveness of recruitment, hiring, retention and promotional strategies and training of management and supervisory personnel in EEO policies and procedures.

- (1) Develop, gather and analyze employment data - applicants, interviews, hires, performance evaluations.
- (2) Conduct annual internal audits of the EEO Plan to measure effectiveness and revise and update as necessary.
- (3) Conduct annual review of departmental progress and report status to Mayor, City Administrator, department heads, and City Council.
- (4) Utilize technology to develop on-line and electronic options for ongoing training of management and supervisory personnel

Strategy 4

Develop EEO policies and training, and develop programs and practices necessary to promote a bias-free work environment:

- (1) Disseminate the City's Equal Employment Opportunity Plan policy statement.
- (2) Maintain a comprehensive EEO management training program to improve skills in preventing and responding to EEO complaints.
- (3) Provide refresher courses and training as applicable laws or policies change or as needed.
- (4) Evaluate exit interviews to track reasons for employee separations from employment.
- (5) Ensure understanding of the EEO Plan by department heads and supervisors.

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- (6) Incorporate EEO training at orientation sessions for new employees.
- (7) Implement continuing EEO training that can be tailored to meet specific needs of City departments or divisions, as needed.
- (8) Train all management and supervisory staff in the proper response to complaints and enforcement of the City's policies against discrimination, harassment and retaliation.

Strategy 5

Enhance community awareness of opportunities for employment with the City of Niagara Falls:

- (1) Partner with apprenticeship programs and community volunteer opportunities.
- (2) Provide training opportunities that could lead to opportunities for permanent employment with the City.
- (3) Develop long-term outreach programs with community organizations that encourage development of a pool of qualified potential employees.

UTILIZATION ANALYSIS

The City of Niagara Falls will produce an annual Utilization Analysis report which includes the following elements per requirements of Executive Order 11246, Title 41 CFR Section 60 and Section 503 of the Rehabilitation Act of 1973:

- (1) Organizational profile- The profile will provide an overview of the workforce that may assist in identifying staffing patterns and organizational units where women and/or minorities are underrepresented or concentrated. The profile will also assist in determining whether barriers to equal employment opportunity exist within the City.

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- (2) Job group analysis – Combines job titles within the City’s organization. Jobs with similar content, wage rates, and opportunities are combined to form job groups per EEO categories. Similarity of content refers to the duties and responsibilities of the job titles which make up the job group. Similarity of opportunities refers to training, transfers, promotions, pay, mobility, and other career enhancement opportunities offered by jobs within the job group.
- (3) Placement of incumbents in job groups – This analysis will reflect the percentage of minorities and the percentage of women the City employs in each job group.
- (4) Availability Analysis – Estimates the number of qualified minorities or women available for employment in a given job group, expressed as a percentage of all qualified persons available for employment in the job group.
- (5) Comparison of incumbency to availability – Compares the percentage of minorities and women in each job group with the availability for those job groups. When the percentage of minorities or women employed in a particular job group is less than reasonably expected given their availability percentage in that particular job group, the EEO Office will establish a placement goal in accordance with federal guidelines.
- (6) Placement goals – These goals will serve as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of the program work. Placement goals are also used to measure progress toward achieving equal employment opportunity. The City’s determination that a placement goal is required does not constitute a finding or an admission of discrimination.

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Placement goals may not be rigid and inflexible quotas, which must be met, nor are they to be considered as either a ceiling or a floor for the employment of particular groups. Quotas are expressly forbidden.

In all employment decisions, the City must make selections in a nondiscriminatory manner. Equal opportunity programs do not require the City to hire a person who lacks qualifications to perform the job successfully, or hire a less qualified person in preference to a more qualified person.

DESIGNATION OF RESPONSIBILITY

Ruby A. Pulliam, the Equal Employment Opportunity Officer, is the designated official responsible for overseeing continued compliance in equal employment opportunity matters and the designated officer with responsibility for implementation of the EEO Plan.

The Role of the EEO Officer:

- (1) Offer recommendations on the recruitment methods, management and employee training, personnel rule changes and policy revisions that support the objectives of the plan.
- (2) Gather and report statistical information on the City's workforce and applicant pools.
- (3) Periodically evaluate screening and hiring practices, including interviewing questions, job descriptions and postings, to ensure compliance with equal employment opportunity laws and guidelines. Recommend changes as needed to meet the objectives of the plan.

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- (4) Develop, revise, conduct or contract as appropriate, training for diversity, discrimination and harassment prevention and EEO policies as required.
- (5) Coach and advise department heads and supervisors on appropriate methods of promptly and equitably addressing complaints of discrimination, harassment and retaliation.
- (6) Serve as the City's primary community liaison regarding EEO matters.
- (7) Investigate and respond to complaints of discrimination, harassment or retaliation filed by employees or applicants.
- (8) Monitor the implementation of the plan and provide periodic reports to the Mayor, City Administrator and others on the City's progress in meeting the plan's objectives.
- (9) Monitor changes in the local labor market, employment law and EEOC guidelines and recommend periodic updates to the plan to reflect changes.

The Role of the Mayor and City Administrator:

- (1) Implement and be accountable for the EEO Plan for the City.
- (2) Act as chief administrators for implementing the plan, including identification and designation of resources as needed.
- (3) Review the progress of each city department in implementing the strategies outlined in the plan.
- (4) Hold departments accountable through an annual performance review process for compliance with the plan including recording and as necessary reporting their efforts to seek a diverse applicant pool for classified and exempt openings.
- (5) Support efforts to see a diverse candidate pool when recruiting for administrative and management positions.
- (6) Consider recommendations made by the EEO Office.

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The Role of the Department Heads, Managers & Supervisors:

- (1) Act as chief administrators for implementing the plan within their specific departments/units.
- (2) Hold managers and supervisors accountable for implementing the plan within their assigned areas through an annual performance review process. Schedule periodic staff meetings to review the department's progress and responsibilities under the plan.
- (3) Hold managers and supervisors accountable for disseminating and posting the plan and the City's anti-discriminatory policies where they may be easily reviewed and read by all employees within their work groups.
- (4) Hold managers and supervisors accountable for demonstrating reasonable efforts to recruit a diverse candidate pool for openings to the extent allowed by civil service rules or union contract.
- (5) Hold managers and supervisors accountable for enforcing anti-discrimination policies and for taking appropriate remedial action to address complaints of discrimination.
- (6) Hold managers and supervisors accountable for preventing retaliation against people who bring forward complaints of discrimination.
- (7) Participate in and take responsibility for disciplinary decisions involving employees found engaging in discriminatory conduct or retaliation.
- (8) Hold managers and supervisors accountable for cooperating with decisions to make reasonable accommodations to employ and retain persons with disabilities.
- (9) Require new managers and supervisors to attend and complete training in EEO, diversity and discrimination/harassment prevention as necessary.

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The Role of Managers and Supervisors:

- (1) Disseminate and post the EEO Policy Statement and related material in locations where it may be reviewed and read by all employees within areas of supervision.
- (2) Enforce and follow the City's anti-discrimination and retaliation policies and procedures.
- (3) Take appropriate action to address complaints of discrimination, harassment and retaliation.
- (4) Attend training in EEO, diversity, discrimination and harassment prevention.
- (5) Hold lead workers or all employees designated to supervise the work of any other employees accountable for enforcing and following anti-discrimination and harassment policies and procedures and for properly documenting and reporting complaints of discrimination, harassment and retaliation.
- (6) Require all employees to complete City mandated training in EEO, diversity, and discrimination and harassment prevention.
- (7) Actively seek a diverse candidate pool for positions to the extent allowed by union contract and civil service rules.
- (8) Take steps to diversify interviewing panels for job openings within their work group.

The Role of Human Resources:

- (1) Provide support in efforts to recruit, promote, train and retain employees in accordance with the City's plan.
- (2) Encourage the support of labor unions in approving and promoting the acceptance of the plan among their members.

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- (3) Maintain accurate and complete statistical information on applicants, new hires, promotions, transfers and termination of City employees as required by the plan.
- (4) Follow through on findings and recommendations of EEO investigations.
- (5) Assist EEO Office in developing and providing periodic reports of the City's progress in meeting the objectives of the plan.
- (6) Periodically evaluate recruitment and screening processes, certification and selection processes, testing methods and promotional practices to ensure that potential artificial barriers to recruiting, hiring and promoting under-represented groups are identified and eliminated as appropriate.
- (7) Incorporate EEO policies and material in new hire orientation.

The Role of the City Council:

- (1) Review and adopt the basic policy under the City's EEO Plan.
- (2) Enact legislation and funding provisions as necessary to support implementation and enforcement of the plan.
- (3) Consider a diverse candidate pool when considering City Council appointees to City commissions, boards and other government positions and entities.
- (4) Consider the recommendations of the Mayor for further actions as needed.
- (5) Monitor City compliance with the plan on an annual basis.
- (6) Refer public comments about the plan to the EEO Office for review and comment.

The Role of the Civil Service Commission:

- (1) Work with City management to reduce or eliminate identified barriers to employment, retention and promotion.

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The Role of the Human Rights Commission:

- (1) Offer recommendations to the EEO Office on improvements or revisions to the plan that promote accomplishment of the plan objectives.
- (2) Assist the EEO Office with developing and maintaining liaisons with community groups that can assist with the City's recruitment efforts.
- (3) Designate representatives to assist the EEO Office in developing targeted recruitment programs, curriculum development and specific training designed to increase awareness of workforce issues facing under-represented groups; training may include such topics as sexual harassment, equal pay, pregnancy discrimination and women in non-traditional jobs.

IDENTIFICATION OF PROBLEM AREAS

Identification and analysis are necessary prerequisites to the successful development and implementation of the City's EEO Plan. As such, the EEO Office will convene an internal ad hoc committee including representatives from Human Resources, Corporation Counsel, Department of Public Works, Fire Department, and the Police Department to assist in the identification of any problem areas inherent in the utilization or participation of all qualified persons in employment phases (recruitment, interviews, selection and promotion). The committee will be charged with the following responsibilities:

- (1) Review recruitment and employment selection practices and procedures, such as position requisitions, job descriptions, application forms, recruitment methods

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and sources, interview procedures, and final selection methods to ensure that equal opportunity is being afforded in all job group categories.

- (2) Review seniority and bidding practices, promotion procedures, lateral and vertical transfer procedures, performance evaluation practices, and formal and informal training programs to ensure that equal opportunity is being afforded to all qualified individuals.
- (3) Review civil service rules and personnel policies and procedures to determine if revisions should be made or special waivers granted regarding the hiring, promotional and recruitment practices to ensure equal opportunity and access are being afforded to all qualified individuals.

Upon completion of recommendations, the ad hoc committee will be expanded to include representatives from the City Council, Civil Service Commission and unions.

ACTION-ORIENTED PROGRAMS

Specific action-oriented programs and steps will be incorporated in the EEO Plan upon review, comment, and approval where appropriate, of recommendations submitted by the ad hoc committee. Action steps may include:

- Revisions of policies where appropriate
- Enhancement of outreach and recruiting efforts, including preparatory sessions for civil service exams
- Development of formal training and/or apprenticeship programs
- Utilization of workforce management and applicant tracking technology
- Development of print, electronic and online training programs & material
- Creation of EEO Policy Booklet

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- Development of on-line orientation for all supervisors
- Development of ongoing awareness and training program for employees on anti-discriminatory policies, rights and responsibilities of employees, conflict resolution, diversity, etc.

INTERNAL AUDIT & REPORTING SYSTEM

Through the use of available software and technology and coordination with the Human Resources Department, the EEO Office will periodically measure the effectiveness of the City's EEO Plan by monitoring records of all personnel activity including placements, transfers, promotions, terminations and compensation, at all levels to ensure nondiscrimination.

The EEO Office will analyze departmental reports to determine if equal employment opportunity and organizational objectives are attained and review report results with all levels of management.

The EEO Office will produce quarterly reports of EEO complaints by department for review by the Mayor and City Administrator.

The EEO Office will analyze data and provide updates on the City's progress under the plan to interested parties, including the City Council, as requested.

The EEO Office will advise management of program effectiveness and submit recommendations to improve performance.

DISSEMINATION OF EEO PLAN

The successful implementation of the City's EEO Plan depends in large measure on the extent to which applicants, employees and residents are aware of and embrace the

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objectives of the plan. Therefore, the EEO Plan and related documents will be disseminated using the following methods:

A. Internal Dissemination

- (1) Scheduling periodic training with department heads and supervisory personnel to review the Plan and appropriate policies and documents.
- (2) Notifying employees of the Plan and anti-discriminatory policies during staff meetings and management meetings.
- (3) Posting the EEO Plan and related material, including the EEO notice poster in conspicuous locations throughout City facilities.
- (4) Disseminating the EEO Plan and/or summation thereof, and related material to all City employees via payroll system and new employee orientation.
- (5) Posting the EEO Plan and related material on the City's website.

B. External Dissemination

- (1) Providing a copy of the EEO Plan to the City Council, Civil Service Commission, Human Rights Commission, collective bargaining units and all contractors with the City.
- (2) Providing a copy of the EEO Plan to organizations, agencies, educational institutions and community groups identified through recruitment processes.
- (3) Providing a copy of the EEO Plan to the media upon request.
- (4) Including the language that the City is an Equal Employment Opportunity Employer on all job announcements and classified advertisements.
- (5) Providing copies of the EEO Plan for review in City Hall and the Public Library.
- (6) Posting the EEO Plan and related material on the City's website.

Adopted January 2011