

AMENDMENT TO RESOLUTION NO. 495

**AMENDING AND UPDATING THE AFFIRMATIVE ACTION POLICY FOR
THE COUNTY OF ALBANY IN ORDER TO STRENGTHEN THE COUNTY'S
COMMITMENT TO ELIMINATING DISCRIMINATION IN THE
WORKPLACE**

Introduced: 12/3/18

By: Ms. McKnight

The document as attached to Resolution No. 495 for 2018 shall be amended as follows:

Part VIII Minority Business Utilization and Contract Compliance 60-5.1 shall be amended as follows:

DELETE "\$250,000", and in its place

ADD: "\$100,000"

Part V Instructions for Completion shall be amended as follows:

DELETE: "LGBTQ – Only if indicated by employee"

Page 21 shall be amended as follows:

DELETE: "2010", and in its place

ADD: "1990"

Throughout the document, all variations of the abbreviation "LGBTQ" shall be amended to read "LGBTQ"

RESOLUTION NO. 495

AMENDING AND UPDATING THE AFFIRMATIVE ACTION POLICY FOR THE COUNTY OF ALBANY IN ORDER TO STRENGTHEN THE COUNTY'S COMMITMENT TO ELIMINATING DISCRIMINATION IN THE WORKPLACE

Introduced: 10/9/18

By: Ms. McKnight, Mr. Clay, Ms. Chapman, Messrs. Fein, Simpson, Ms. Willingham, Messrs. A. Joyce, Feeney, Mauriello, Beston, Bullock, Burgdorf, Clenahan, Commisso, Crouse, Ms. Cunningham, Messrs. Dawson, Domalewicz, Drake, Ethier, Grimm, Higgins, Hogan, R. Joyce, Mss. Lekakis, Lockart, Mr. Mayo, Ms. McLean Lane, Messrs. Miller, O'Brien, Ms. Plotsky, Messrs. Signoracci, Smith, Stevens, Touchette, Tunny and Ward

WHEREAS, The Albany County Legislature as well as the entire Albany County government has a moral and legal obligation to ensure that members of protected classes have sufficient safeguards available to them to protect them from discrimination in the workplace, and

WHEREAS, Pursuant to Resolution No. 26 for 1996, the County of Albany established and reinforced its commitment to its Affirmative Action policy in order to implement and create those safeguards for protected classes, and

WHEREAS, The applicable law in the United States as well as in New York State has evolved in the area of workplace protections since the Affirmative Action policy was initially implemented, and

WHEREAS, The Albany County Affirmative Action Policy is in need of amendments to provide updates which respond to changes in the legal and cultural landscape over the past twenty years so as to guarantee the continued protection of historically discriminated groups, now, therefore, be it

RESOLVED, That the Albany County Legislature hereby approves and adopts the updates to the Affirmative Action Policy as reflected in the document annexed hereto, and be it further

RESOLVED, That the updated Affirmative Action Plan shall take effect immediately, and that the Commissioner of Human Resources and Director of the Division of Affirmative Action are directed to implement the policies reflected in the updated language of the Affirmative Action policy immediately and on a County-wide basis, and be it

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Personnel Committee - 10/9/18

Favorable Recommendation Personnel Committee - 11/28/18



2018 ALBANY COUNTY AFFIRMATIVE
ACTION & EQUAL EMPLOYMENT
PLAN

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Part I

INTRODUCTION

Albany County hereby declares that it has a responsibility to act to assure that every individual who is under its employ is afforded an equal opportunity to enjoy a full and productive employment that is free from discrimination, prejudice, or intolerance. This policy has been implemented to insure that every individual who works for Albany County shall have an equal opportunity to participate fully in the full scope of their employment. Further, this policy is intended, to the greatest extent possible, to eliminate and prevent discrimination in the workplace.

Albany County is committed to providing for and assuring that an equal opportunity is extended to all persons in employment and contracting matters without regard to their race, color, religion, age, national origin, Vietnam Era Veteran Status, marital status, sex, sexual orientation, gender identity or expression, or physical or mental disability. The County of Albany's Affirmative Action Plan for Equal Employment Opportunity seeks to reaffirm, strengthen and reinforce its commitment to these principles.

Equal Employment Opportunity is the operation of a personnel management system which insures that policies and procedures will provide, to the maximum extent possible, the same placement, training, promotion and salary opportunities to all people. All aspects of the personnel program shall be based solely on individual merit and fitness of applicants and employees.

This program of Affirmative Action has been developed with the purpose of assuring equity in the employment of the protected classes to the maximum extent possible.

STATEMENT OF POLICY

As we are well into the 21st century, Albany County's vision is to ensure continued progress toward a diverse workforce, provide equal rights for all the employees and citizens of Albany County, and to eliminate occurrences of discrimination, prejudice, and sexual harassment.

To effectuate this policy, the updated Affirmative Action Plan conforms to all relevant Federal and State laws and regulations. Our goal is to provide equal employment opportunity to all persons without regard to their race, color, religion, age, national origin, Vietnam Era Veteran Status, marital status, sex, sexual orientation, gender identity, physical or mental disability, predisposing genetic characteristics, pregnancy related conditions, familial status, or status as a victim of domestic violence.

In accordance with the policy, the administrators, managers, supervisors and employees will continue to make diligent efforts to assure recruitment activities reach potential job candidates and enterprises; to encourage full utilization of the skills of each employee and to enhance their skills so they can perform at their highest potential and advance in accordance with their abilities; to provide equal access to contractual bids, hiring, training, promotion of minorities, women, individuals within the LGBTQ community, veterans, specifically Vietnam Era Veterans and veterans who have served in Afghanistan and Iraq, and the disabled. The familial status, marital status, pregnancy status or any predisposing genetic characteristics of

individuals seeking employment in the County of Albany shall not be considered as a relevant factor when being considered for employment.

The goals outlined in the Affirmative Action Plan can only be achieved with the commitment and cooperation of all County employees

DEFINITIONS

The County of Albany recognizes that there are several protected classes of individuals who encompass groups which have historically been discriminated against in the work place based on their race, color, religion, age, national origin, Vietnam Era Veteran Status, veteran status, marital status, sex, sexual orientation, gender identity, physical or mental disability, predisposing genetic characteristics, pregnancy related conditions, familial status, or status as a victim of domestic violence. The goal of the County's policy is to eliminate workplace discrimination against these groups.

Definition of Specific Categories for Reporting Purposes:

1. **Employee:** An individual employed by the County of Albany without regard to their part-time status, status as a seasonal worker, or whether or not they receive compensation for their services .
2. **Familial Status:** any person who is pregnant or has a child or is in the process of securing legal custody of any individual who has not attained the age of eighteen years, or (b) one or more individuals (who have not attained the age of eighteen years) being domiciled with:
 - (a) a parent or another person having legal custody of such individual or individuals;
 - (b) the designee of such parent.
3. **Gender Identity:** A person's perceived or actual self-image, appearance, behavior, or expression whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.
4. **Marital Status:** An person's state of being single, married, separated, divorced, or widowed.
5. **Physical or Mental Disability:** Applies to any person who (a) has a physical, mental, or medical impairment resulting from anatomical, physiological, genetic, or neurological conditions which prevents the exercise of normal bodily functions or which is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the person from performing in a reasonable manner the activities involved in the job or occupation sought or held.

6. Pregnancy Related Condition: Means a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; provided, however, that in all provisions of this article dealing with employment, the term shall be limited to conditions which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held; and provided further, however, that pregnancy-related conditions shall be treated as temporary disabilities for the purposes of this article.
7. Predisposing Genetic Characteristic: Means any inherited gene or chromosome, or alteration thereof, and determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or to be associated with a statistically significant increased risk of development of a physical or mental disease or disability.
8. Racial Minorities include categories B, C, D and E of the following groups:
 - a. White: (Not of Hispanic origin) - All persons having origins in any of the original of peoples of Europe, North Africa, or the Middle East.
 - b. Black or African American: persons having origins in any of the Black African racial groups not of Hispanic origin.
 - c. Hispanic: All persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
 - d. Asia or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Island. This area includes, but is not limited to, the peoples of China, Japan, Korea, Cambodia, India, Malaysia, Pakistan, Vietnam, the Philippine Islands, and Samoa.
 - e. American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America South America, or Central America, and who maintain cultural identification through tribal affiliation or community recognition.
9. Sexual Orientation: Means heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived. However, nothing contained herein shall be construed to protect conduct otherwise proscribed by law.
10. Vietnam Era Veteran: A person who served on active duty for a period of 180 days, any part of which occurred between January 1, 1963 and March 29, 1973, and was discharged and released with other than a dishonorable discharge. A person who served on active duty for a period of less than 180 days, and part of which occurred between January 1, 1963 and March 7, 1975, and was discharged by reason of disability incurred in the line of duty.

11. Veteran: Shall mean a person who served in and who has received an honorable or general discharge from, the United States army, navy, air force, marines, coast guard, and/or reserves thereof, and/or in the army national guard, air national guard, New York guard and/or the New York naval militia.
12. Victim of Domestic Violence: An individual who is a victim of an act which would constitute a family offense under §812 of the New York State Family Court Act .
13. Women: Persons of the feminine gender who are not otherwise classified under a protected group.

Description of Job Categories for reporting purposes:

1. Officials and Managers: Occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility of execution of these policies, and direct individual departments or special phases of the County's operations. Includes: officials, executives, middle management, managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, and other officers, farm operators and managers, and kindred workers.
2. Professionals: Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physical scientists, physicians, social scientists, teachers, surveyors, and kindred workers.
3. Technicians: Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through two years of post-high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers, drafters, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science), and kindred workers.
4. Office and clerical: Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual through some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, collectors (bills and accounts), messengers and office helpers, office machine operators (including computers), shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.
5. Operatives (semiskilled): Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and

parking), blasters, chauffeurs, delivery workers, sewers and stitches, dryers, furnace workers, heaters, laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (manufactured articles), photographic process workers, truck and tractor drivers, knitting, looping, taping and weaving machine operators, welders and flame cutters, electrical and electronic equipment assemblers, butchers and meat cutters, inspectors, testers and graders, hand packers and packagers, and kindred workers.

6. Laborers (unskilled): Workers in manual occupations which generally require no special training who perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washer and greasers, groundskeepers and gardeners, farm workers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.
7. Service workers: Workers in both protective and non-protective service occupations. Includes: attendants (hospital and other institutions, professional and personal service, including nurses aides, and orderlies), barbers, charworkers and cleaners, cooks, counter and fountain workers, elevator operators, firefighters and fire protection, guards, door keepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, amusement and recreation facilities attendants, guides, ushers, public transportation attendants, and kindred worker.

PART III

DISSEMINATION OF AFFIRMATIVE ACTION POLICY

The County of Albany's Affirmative Action Plan of Equal Employment Opportunity shall be made available to all individuals upon request. Additionally, the County of Albany shall ensure that its plan is widely distributed through means including but not limited to:

1. Making copies of the County of Albany's Affirmative Action Plan available to all County employees in the individual Departments in which they work.
2. Displaying the Affirmative Action Plan in a conspicuous place of all County-owned buildings including common areas and areas in each Department that have heavy foot traffic. The Commissioner of each Department has the discretion with regard to the placement of the Affirmative Action Plan.
3. Distributing copies of the Affirmative Action Plan to each County Legislator.
4. Distributing copies of the Affirmative Action Plan to each union representing Albany County personnel.
5. Notifying organizations that represent persons who are within the communities comprising minorities, women, the LGBTQ community, veterans, specifically Vietnam Era Veterans and veterans who have served in Afghanistan and Iraq, and the disabled persons of the existence of the Affirmative Action Plan, and providing a copy of the Affirmative Action Plan to those organizations upon request.

6. Ensuring that all employment ads and letterhead stationary shall contain an Equal Opportunity Statement.
7. Including Albany County's Affirmative Action Plan Statement in any Personnel Policy and Procedure and Procedure Handbooks.
8. Human resources will hold meetings with department heads and departmental Equal Opportunity Counselors on an as needed basis or when violations of this policy occur.
9. All County of Albany Contracts shall include an Equal Opportunity Statement.
10. Any Federal, State or Municipal governmental organizations requesting or requiring information regarding this plan shall be provided such when requested in writing.

Part IV

ADMINISTRATION

In order for the County of Albany's Affirmative Action Plan to accomplish the purpose of this policy, elected officials, management personnel and appointed boards must actively and continually pursue the goals of this plan.

1. The success and implementation of the Albany County Affirmative Action Plan is the joint responsibility of the County Executive and County Legislature.
2. The Affirmative Action Director shall work in cooperation with the Department of Human Resources Commissioner and its divisions of Civil Service, Employee Relations and Personnel Services to facilitate the coordination of all matters of Affirmative Action pertaining to County employees.
3. Department heads will be responsible for assuring that Albany County's Affirmative Action, Equal Opportunity Policies and Procedures are implemented and adhered to in their departments. The department head shall recommend an appropriate employee in their department to act as departmental equal opportunity liaison.
4. Departmental Equal Opportunity Liaisons shall:
 - a. Act as his/her departmental liaison to the Affirmative Action Office.
 - b. Assure that public posting of all job openings, promotional opportunities and EEO notices are done in a timely manner.
 - c. Keep their Department supervisors and employees informed and aware of equal opportunity and Affirmative Action issues.
 - d. Direct employees to the Affirmative Action Office when a complaint has not been resolved to the satisfaction of the aggrieved, or if the aggrieved wishes to file a formal written complaint.
 - e. Analyze monthly and quarterly reports regarding new hires; promotions; disciplinary action; terminations; complaints and other counseling activities.
 - f. Provide, upon occasion, other statistical documentation pertinent to the EEO function

The Commissioner of Human Resources will review and evaluate the staffing and financial resource needs to the Division of Affirmative Action to ensure equal opportunity functions are maintained as part of the annual budget process.

5. Meetings will be held at not less than twice per year with the Commissioner of Human Resources and Director of Affirmative Action to discuss the County's Affirmative Action and Equal Employment Opportunity progress during the year and to determine if the Affirmative Action plan or its goals need to be revised based on current employment data. A representative of the County Executive's Office shall be included in this process.
6. Management, high ranking officials and policy making officials will be advised by the Commissioner of Human Resources and or if and when problems arise and recommend action to be taken to alleviate those problems.
7. Where there is evidence of significant underutilization or concentration of protected classes, the Director of Affirmative Action will work with the Department Head or Commissioner to develop a plan of action to address the situation. The County Executive's Office will be kept informed regarding the progress or lack thereof of such efforts.
8. The Department of Human Resources and Director of Affirmative Action will review, on a bi-monthly basis, the placement of minorities, disabled Vietnam era Veterans, women, individuals within the LGBTQ community, veterans , veterans who have served in Afghanistan and Iraq, and the disabled to ensure utilization of a diversity educational backgrounds, skills and capacities for advancement.
9. The County of Albany's equal opportunity activities will include advertising, recruiting, interviewing, testing, employee training, transfer, compensation promotion, termination, provision of employee benefits, and the maintenance of accessibility to all county facilities on a non-discriminatory basis.
10. The Department of Human Resources and Director of Affirmative Action will continually examine its job specifications to eliminate any barriers to advancement on merit, and seek the maximum development of all members of the workforce through training and development.
11. The Director of the Affirmative Action Office has been designated as the Equal Employment Opportunity Administrative Officer and has overall responsibilities for the implementation of the Affirmative Action Program.

Affirmative Action guidance is available to all employees who request it. The County shall not be party to any agreement which violates any equal employment opportunity law or regulations.

PART V

PROGRAM ACTION ELEMENTS

SECTION A RECRUITMENT

The purpose of Albany County's Affirmative Action Recruiting Program is to establish steps to improve the effectiveness of protected class recruitment for county competitive exams and non-competitive, temporary, provisional exempt labor positions.

1. A directory of predominantly minority, women, LGBTQ, veterans, veterans who have served in Afghanistan and Iraq, Vietnam Era Veterans, and handicapped group agencies and organizations shall be maintained at the Division of Affirmative Action Office.
2. Job information shall be dispersed to those agencies and organizations listed in the above referenced directory.
3. Job advertisements shall be published in local newspapers and publications which reach minority groups, women, LGBTQ, veterans, veterans who have served in Afghanistan and Iraq, Vietnam Era Veterans, and handicapped group agencies and organizations.
4. A job bank of the protected class shall be maintained in the County's Division of Affirmative Action Office.
5. The Director of Affirmative Action will review County recruitment practices and selection procedures annually. As part of the centralization of Human Resources functions, we intend to make these practices consistent throughout County government.
6. All departments shall notify the Affirmative Action Office in advance of positions to be filled.
7. Departments are required to notify the Affirmative Action Office in advance of filling vacancies that occur where no competitive examinations are required (Resolution #161 of 4/12/93).
8. The Director of Affirmative Action will provide the Department Heads with minority and protected class candidates when vacancies occur.
9. The Committee to Fill Vacancies will consult with the Division of Affirmative action when affirmative action plan procedures have not been followed.

Recruitment specifically for non-competitive and exempt class employees. (See Resolution 161)

1. All vacancies that fall in the above categories
 - a. Affirmative Action must be given notice of the vacancy.
 - b. A description of the job.
 - c. At least three weeks recruitment time.
2. Prior to interview Affirmative Action will forward resumes of qualified candidates to department heads or appropriate staff person.
3. Interviewing department will:
 - a. Provide list of recommended candidates with resumes.
 - b. Resumes of protected class candidates not recommended.
 - c. Affirmative Action must sign off prior to commencement of interview process.
4. Upon completion of the interview process the Affirmative Action Office will be notified of the recommended candidate on the appropriate form.
 - a. Brief explanation of why the candidate was selected.
 - b. Explanation of reasoning for rejection of other candidates.
 - c. Affirmative Action must sign off prior to job offer.
5. Forms will be completed

FORM 1 PART V

TO:

FROM: Affirmative Action

SUBJECT: RESUMES / INTERVIEWS

DATE:

Attached are _____ resume(s) for your review.

Immediately return completed **SCREENING AND INTERVIEW REPORT** form(s) for **Disqualified Candidates**.

List below the applicants you **intend to interview**.

For **interviewed candidates**, promptly send us the completed **SCREENING AND INTERVIEW REPORT** form(s), the **Applicant Data Flow Chart, Reporting Applicant Evaluation, reference checks** plus your **recommendation**.

TO: Affirmative Action

FROM:

Here is an **intended** list of **CANDIDATES TO BE INTERVIEWED** for the position of

FORM 2 PART V

SCREENING AND INTERVIEW REPORT FORM

Name of Applicant _____ Position _____ Department _____

To be completed by person responsible for staffing recommendation (attach additional sheets if necessary):

_____ 1. Was the above applicant interviewed?
Yes No

A. If Yes: Date interviewed: _____ Place: _____

Person(s) present other than applicant _____

B. If No: Reason for not interviewing _____ (See box below)

_____ 2. Is applicant recommended for hire?
Yes No

A. If Yes: Job-related reason applicant is considered best qualified _____

B. If No: Job-related reason for negative recommendation: (See box below) _____

IN REGARD TO ITEMS 1.B and 2.B _____

The law does not require the selection of unqualified persons for job vacancies. It does require that selections are based on valid and job-related criteria and that these criteria are applied consistently to all applicants. Any of the following numbered statements, if applicable, would be suitable reasons for rejection as long as the selected candidate could not be ruled out by the same statement. Other appropriate job-related statements may also be used. Write in the appropriate number or indicate number 9, with your reason, in the spaces above (1.B and 2.B).

1. Does not meet minimum requirements.
2. Does not meet preferred requirements.
3. Cannot meet work schedule.
4. Cannot physically perform job duties. (Please Specify in attachments.)
5. Unrelated experience.
6. Less related experience than person(s) selected (specify).
7. Less related training/education than person(s) selected (specify).
8. Lower skill level than person(s) selected (document method of determination).
9. Other (specify) _____

Signature of Preparer _____

Date _____

INSTRUCTIONS FORM 3

PART V

REPORTING APPLICANT FLOW DATA

The Applicant Flow Data Report is to be completed for all interviews. This includes those conducted as a result of walk-ins, unsolicited telephone calls, word of mouth advertising or community referral, as well as those interviews conducted as a result of formal recruitment efforts, e.g. advertisements, postings, etc.

This form shall be completed and returned to the Affirmative Action Office at the completion of the interview process for each job opening which occurs. This report must be completed and returned to the Affirmative Action Office before any selection can be finalized within the Department.

UNDER NO CIRCUMSTANCES IS ANY APPLICANT TO BE ASKED FOR ANY INFORMATION REGARDING SEX, ETHNICITY OR DISABILITY. DATA IS GATHERED BY SIGHT ONLY. IF YOU ARE UNSURE, USE YOUR BEST JUDGEMENT IN COMPLETING THE FORM.

INSTRUCTIONS FOR COMPLETION

(Use one form for each job opening)

Department - enter name of Department in which job opening occurs.

Person..., Date of Interview, Name, Gender, Preferred Gender, - self explanatory

LGBTQ- Only if indicated by employee

Ethnic Category – to be determined by sight only

Disability - yes or no (to be determined by sight only)

Vietnam Era Veteran - yes or no

Veteran of Iraq or Afghanistan- yes or no

Comments - Specifically indicate why an applicant was not considered for a position. Delineate all pertinent facts that affected your decision regarding each candidate. If a candidate volunteers any information regarding mental/physical limitations or disability, enter this information also.

FORM 3 PART V

APPLICANT FLOW DATA REPORT

(Interviews)

(Title & Salary of Position to be Filled)

Department: _____

Person Conduction
Interview: _____

Location: _____

* Under no circumstances is any applicant to be asked for any information requested below.

Instructions	Ethnic Category	Referral Source	Disposition
1. Type or write legibly to I-Hired (include		0-White	A-From responses
2. List each interview anticipated appointment		1-Black	advertisement
3. Use only codes shown (etc)		2-Hispanic	B-From responses to
at right for ethnicity extended, but	3 - Asian or	posted announcement	J - Offer
4. Return copy of report to Affirmative Action Office	Pacific Islander	C - From within agency	refused
Indian or report	4 - American	D - Legislative referral	K - No offer
Alaskan contact		E - Affirm. Action/EEO	L - Did not
Native (explain)		office	M - Could not
5 - Other (Specify)		F - From another agency	N - Other
		G - Advocacy agency	
		H - Other / Unknown	

Date of Interview	Applicant Name	Sex	Ethnic Category	Disability	Veteran Status	Referral Source	Appt. Date	Comments on Disposition

Form 4 Part V

REPORTING APPLICANT EVALUATION

Candidate Name: _____ Interviewer(s): _____

Job Title: _____ Salary: _____

Date: _____

Specific Comments: Circle appropriate box in each category that apply, add written comments in space below.

Oral Presentation:	Very Articulate	Articulate	Adequate	Other
Personal Presentation:	Forceful	Reasonably Forceful	Controlled	Reserved
Appearance:	Excellent	Good	Average	Poor
Apparent Interest in the Job:	Very Interested	Interested	Average Interest	Indifferent
Knowledge of Job:	Excellent	Good	Average	Lacking

INTERVIEW: **Outstanding** (would hire without question)

Good (Solid Candidate, would consider hiring)

Not acceptable

SUMMARY COMMENTS:

SECTION B

SECTION AND PLACEMENT

Selection and placement procedures shall be reviewed annually to assure that employment policies and job criteria are not culturally, racially or sexually, or otherwise biased against the several aforementioned minority groups biased and that job qualifications are relevant to job duties.

1. The department of Human Resources and Director of Affirmative Action shall review all job descriptions (at least once every year) to eliminate all non-essential and unreasonable educational and experience requirements.
2. The Department of Human Resources and Director Affirmative Action shall review the County application forms periodically and update same to reflect compliance with both New York and Federal law.
3. Department of Human Resources and the Director of Affirmative Action will review instances where employment requirements in County Departments have adversely affect the hiring of minorities, women, veterans, members of the LGBTQ community, and disabled persons which are not specifically job-related.
4. All Civil Service Tests used as a basis to select from among candidates for hire, transfer, promotion and training shall be validated in accordance with Title VII of the Civil Rights Acts of 1964, as amended by the Equal Opportunity Act of 1972.
5. Procedures for promotional examinations and selection will be monitored to determine whether minorities, women veterans, members of the LGBTQ community, and disabled persons are adversely affected and revisions will be made if necessary.
6. The selection of applicants shall be based solely on the merit principle of non-discrimination.

SECTION C

INTERGROUP RELATIONS

In order to insure successful intergroup relations between the protected class, disabled employees, and their supervisors so that all understand the special difficulties confronting disabled persons and those of a different race, culture, or sex, gender identity, sexual orientation, familial status, marital status, emphasis shall be given on training to improve supervisor's sensitivity to these protected class employees, thereby, enabling and development of a better work environment for all employees.

1. Seminars and training programs shall be developed at least every two (2) years, for all department heads and supervisors to review policies, practices and behavior that promote and inhibit equal employment opportunities.
2. The Division of Affirmative Action can provide individualized guidance to Department Heads and Supervisors in resolving intergroup conflicts which may arise in their Departments.
3. Special efforts will be made to acquaint the Department Heads and Supervisors with the fact that women and disabled persons cannot be excluded from jobs because of non-merit factors, but must be judged solely on their individual ability to perform the job.

PART VI

EMPLOYMENT GOALS AND UTILIZATION EFFORTS

It is the goal of the County of Albany to increase the utilization of minorities, Vietnam era Veterans, women and disabled persons, especially in those departments and occupational categories where they are underrepresented, in relation to their presence in the labor pool population. Furthermore, the County shall endeavor to make full use of the skills of present employees who may be underemployed and underutilized by developing and implementing upward mobile programs and career ladders wherever feasible. The Affirmative Action Program shall not be construed, nor is it intended, to endanger the rights and privileges of any present or future employees.

The following is a projection of what Albany County plans to achieve over the next five years

TOTAL POPULATION ANALYSIS OF FULL-TIME EMPLOYEES

Utilizing the 2010 Census Affirmative Action data prepared by the department of labor as well as the April 2018 Equal Employment Opportunity Summary. The following is an analysis of Albany County full-time employees as of April 25, 2018.

Overall population of Albany County in 2018 is 304,204

COUNTY LABOR FORCE

<u>White</u>	<u>Minority</u>	<u>Total</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
125,902	34,827	160,729	80,370	80,359	160,729

The number of Vietnam Era Veterans and Disabled:

<u>Vietnam Era Veterans</u>	<u>Disabled</u>
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Representation of minorities, women, Vietnam era Veterans and the disabled in county government workforce as of April 25, 2018 was:

<u>Minority</u>	<u>Female</u>	<u>Veterans</u>	<u>Disabled</u>	<u>Total</u>
412	1,084			

GOAL FOR THE DISABLED 5%

According to the quarterly EEO report submitted 12/31/94 approximately 4% of the county workforce is disabled.

New York State Office of Advocate for the Disabled recommends a goal of almost 9% but to go so far in a few years would be impossible without discriminating against other groups in the process.

VIETNAM VETS GOALS 3%

Currently 3% of the County's workforce is Vietnam era veterans.

The number of veterans employed in the County is identical to the general population in Albany; however, Albany County will continue to include Vietnam era veterans in all our hiring practices.

THE GOALS FOR VIETNAM ERA VETERANS AND THE DISABLED ARE LISTED SEPARATELY. THEY ARE NOT INDIVIDUALIZED AS INDIVIDUAL CATEGORIES IN THE LABOR POOL STATUS FROM THE 2010 CENSUS.

PART VII

COMPLAINT PROCEDURE

Introduction

Equality of opportunity is a civil right in New York State under provisions of Article 15 of the New York State Executive Human Rights Law. Every employee has the opportunity to obtain employment without regard to their race, color, religion, age, national origin, Vietnam Era Veteran Status, marital status, sex, sexual orientation, gender identity, physical or mental disability, predisposing genetic characteristics, pregnancy related conditions, familial status, or status as a victim of domestic violence. A discrimination free working environment is essential to the proper functioning of Albany County Government and is hereby recognized as and declared to be a civil right.

Harassment on the basis of sex, gender, gender identity (whether actual or perceived), or sexual orientation is also a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes sexual harassment. Sexual harassment includes, but is not limited to the following:

- a. Submission to the conduct of a sexual nature is either explicitly or implicitly a term or condition of an individual's employment, or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. The conduct has the purpose of unreasonably interfering with an affected person's work performance, or creating an intimidating, hostile or offensive work environment.

To ensure that Albany County Employees work in a discrimination and sexual harassment free environment, the County of Albany has determined that the Discrimination Complaint Procedure detailed below must be followed by all employees. This procedure will afford all County of Albany employees and applicants a formal mechanism for lodging internal complaints concerning discriminatory and/or harassing acts which negatively impact on an individual's employment opportunities.

This complaint procedure is intended to provide for uniformity and equity in the resolution of allegations of discrimination in employment. This Complaint policy and procedure shall be made publically available to all employees throughout the County. The complaint procedures set forth herein shall not apply if they conflict with any applicable collective bargaining agreement or Civil Service law that is applicable at the time this policy is active.

Purpose

This process is designed to allow departments the opportunity to resolve complaints internally. It is in no way intended to circumvent options available to claimants through (1) employee organizations, (2) the New York State Division of Human Rights, (3) the Equal Employment Opportunity Commission, (4) U.S. Justice Department/Office for Civil Rights, (5) any compliance agency designated under the Americans with Disability Act, (6) Office of Federal Contract Compliance Programs, (7) other regulating agencies as may be appropriate, and (8) the judicial system. Use of this procedure will not suspend any time limitations for filing complaints otherwise set by Law, Rule or Regulation. While resolution of issues of discrimination using internal County procedures is encouraged, with respect to claims alleging discriminatory practices constituting violations of the law, any employee may seek redress of their grievance through any of the aforementioned avenues **at the outset** of the incident giving rise to the employees' complaint.

This procedure applies to all complaints of discrimination/harassment in employment of all persons including Vietnam era and disabled veterans, without regard to their race, color, religion, age, national origin, Vietnam Era Veteran Status; marital status, sex, sexual orientation, gender identity, physical or mental disability, predisposing genetic characteristics, pregnancy related conditions, familial status, or status as a victim of domestic violence. This procedure will serve as well for filing complaints under the Americans with Disabilities Act. It can be used by any ADA applicant for employment. Complaints may be based on any alleged act or omission in the nature of discrimination including, but not limited to:

INTERVIEWING	SHIFT ASSIGNMENT	HIRING
PROMOTION	DISMISSAL	TRANSFER
DISCIPLINE	WORKING CONDITIONS	
PERFORMANCE EVALUATIONS		TRAINING OPPORTUNITIES
HARASSMENT (Race, sex, color, national origin, etc.)		JOB ASSIGNMENTS
AGENCY POLICIES AND OTHER TERMS OR CONDITIONS OF EMPLOYMENT		

Informal and formal procedures have been developed to insure fairness and consistency in the County of Albany's employment program with its employees. Any County employee or applicant for employment, who believes that he/she has been wrongfully denied equal benefits of privileges including Vietnam era and disabled veterans benefits, without regard to their race, color, religion, age, national origin, Vietnam Era Veteran Status, marital status, sex, sexual orientation, gender identity, physical or mental disability, predisposing genetic characteristics, pregnancy related conditions, familial status, or status as a victim of domestic violence, in any employment related matter caused by a County official or employee, may seek equal employment opportunity counseling or file a complaint with the Affirmative Action Office. All Department Heads are required to cooperate in the investigation of complaints by the Affirmative Action Office. The Department Head will provide all pertinent personnel data as requested by with the Director of Affirmative Action or the Commissioner of Human Resources, and allow for the interviews of all witnesses identified by complaint or Affirmative Action Investigator.

1. Initially, the employee is encouraged to discuss the matter fully with his or her immediate supervisor as soon as possible after the event giving rise to the complaint. If the grievance remains unresolved for more than ten (10) business days, after informally speaking with the supervisor, the employee shall submit the grievance in writing to the supervisor. **Each employee may, at their discretion, file a written grievance with their supervisor at the outset of the incident giving rise to their claim of harassment or discrimination and choose to avoid this informal process.**
2. Once a formal written grievance is submitted, the supervisor shall then discuss the matter fully with the employee, obtain all pertinent information and speak with the employees involved in the alleged incident of discrimination or harassment. The supervisor shall issue a decision, which shall be provided to the employee who initiated the complaint, within ten (10) business days from the time the grievance was presented, with a full written explanation of the supervisor's decision. In the event the employee disagrees with the supervisors' decision, they may appeal to the department head and/or the Department of Human Resources.
3. The employee may, however, at any point in this process seek initial equal employment opportunity counseling at the Affirmative Action Office.
 - a. The Affirmative Action Office will seek to resolve the complaint informally.
 - b. The aggrieved individual will be informed of the options to immediately file a formal complaint with the Albany County Affirmative Action Office, as well as, the right to file a complaint with the New York State Division of Human Rights and/or the U.S. Equal Employment Opportunity Commission.
4. If the complaint individual wishes to file a formal Affirmative Action Complaint, the Affirmative Action Office will:
 - a. Assist the complainant in reducing their complaint regarding the discrimination and/or harassment to writing.
 - b. Investigate the alleged discriminatory practices within twenty (20) business days of receiving the complaint.
 - c. Submit a written a post investigation finding, within sixty (60) days of receiving the complaint, as to whether the investigation revealed discrimination and/or harassment against the complainant.
 - d. In the event that the Affirmative Action Office finds that there was no evidence to substantiate the claims of discrimination or harassment it shall issue a decision reflecting as much.
 - e. In the event that the Affirmative Action Office finds, by a preponderance of the evidence, that discrimination or harassment has occurred they shall schedule conciliation meeting with the persons accused of participating in the discrimination or harassment and the relevant department head within

- ten (10) days of the written decision finding that there has been discrimination or harassment.
- f. The Department Head, in conjunction with any recommendation from the Affirmative Action Office and/or Commissioner of Human Resources may take any action that is allowable by law to remedy the discrimination or harassment that has occurred.
5. If the complainant is dissatisfied with the determination made by the Affirmative Action Office they may request a hearing by the Grievance Committee through the Affirmative Action Officer.
6. The Legislative Grievance Committee will conduct a hearing based upon the investigatory file and testimony of any witness deemed necessary to call. Both the complainant and the subject of the complaint should be guaranteed the right to address the Grievance Committee, if they so choose.

**** Note:** If the complainant or complainants are not satisfied with the findings at any stage of the above procedure, they may further pursue the matter through the (1) New York State Division of Human Rights, or/and the U.S. Equal Employment Opportunity Commission, the Equal Employment Opportunity Commission, and the U.S. Justice Department/Office for Civil Rights. Every person involved has a right to legal representation throughout the entire process.**

Confidentiality

Confidentiality will be strictly maintained to the extent permitted by law and by the circumstances.

The Affirmative Action Officer will inform all charged parties of the factual allegations and give them an opportunity to respond to all charges and evidence.

Accessibility

The Department will provide such assistance as may be necessary to enable a complainant to understand and participate in the complaint process. This may include sign language interpreters, wheelchair attendants, Braille copiers, sound amplification equipment or foreign language interpreters.

Time Accruals

There will be no charge to employee accruals for time taken in conjunction with this procedure.

In case any provisions of this Affirmative Action Plan should be held contrary to, or invalid under, any federal or state law, such illegality or invalidity shall not affect in any way, any other provisions hereof, all of which shall continue, nevertheless, in full force and effect.

APPENDIX

LAWS AND ORDERS REQUIRING EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

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

Title VII prohibits discrimination including Vietnam era and disabled veterans, because of age, race, creed, color, national origin, sex, or disability or marital status, in any term, condition or privilege of employment.

The Equal Employment Opportunity Act of 1972 greatly strengthened the powers and expanded the jurisdiction of the Equal Employment Opportunity Commission (EEOC) in enforcement of this law.

As amended, Title VII now covers:

- All private employers of 15 or more persons
- All educational institutions, public and private
- State and local governments
- Public and private employment agencies
- Labor unions with 15 or more members
- Joint labor-management committees for apprenticeship and training

2. Executive Order 11246 (as amended by Executive Order 11375)

This order, issued by the President in 1965, requires Affirmative Action Programs by all federal contractors and subcontractors and requires firms with contracts over \$50,000 and 50 or more employees develop and implement written programs which are monitored by an assigned agency.

Specific requirements for such “result-oriented” programs are spelled out in Revised Order No. 4 issued by the Office of Federal Contract Compliance, U.S. Department of Labor. These requirements include identifying areas of minority and female “underutilization”, numerical hiring and promotion goals and other actions to increase minority and female employment in job classifications where they are currently underutilized. Firms found not in compliance with Revised Order No. 4 may face termination or cancellation of contracts or they may be barred from future contracts. Requirements of Revised Order No. 4 are similar to court interpretations of Title VII requirements.

3. The Equal Pay Act of 1963 - Requires all employers subject to the Fair Labor Standards Act (FLSA) to provide equal pay for men and women performed similar work. In 1972, coverage of this Act was extended beyond employees covered by FLSA to include additional executive, administrative and professional employees (including academic, administrative personnel, and teachers in elementary and secondary schools) and outside salespeople.
4. The Age Discrimination in Employment Act of 1975 (as amended) - Prohibits employers of 25 or more persons from discriminating against persons 40-70 in any area of employment because of age.
5. Title VI of the Civil Rights Act of 1964 & 1991 – Prohibits discrimination based on race, color, or national origin in all programs or activities which receive Federal aid. Employment discrimination is prohibited if the primary purpose of Federal assistance is provision of employment (such as training, apprenticeship, work study, or similar programs). Revised Guidelines in 1973 by 25 Federal agencies prohibit discriminatory employment practices in all programs if such practices cause discrimination in services provided to program beneficiaries. Title VI does not explicitly bar sex discrimination.
6. New York State Human Right Law

This State Law prohibits discrimination including Vietnam era and disabled veterans, because of age, race, creed, color, national origin, sex, or disability, or marital status, in all matters of employment.

7. The National Labor Relations Act and Related Laws

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

8. Title IX, Education Amendments Act of 1972

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

9. Other Laws

Employment discrimination has also been ruled by the courts to be prohibited by the Civil Rights Act of 1866 and 1870 and the Equal Protection Clause of the 14th Amendment to the

Constitution. Action under these laws on behalf of individuals or groups may be taken by individuals, private organizations, trade unions and other groups.

10. Flynn Act

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

11. Rehabilitation Act of 1973

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

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

12. Vietnam Era Veterans' Readjustment Assistance Act of 1974

This Federal Law contains many of the provisions already afforded veterans under New York State Civil Service Law regarding veterans' preference.

13. American Disabilities Act of 1990

Prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

** Most of this information was taken from Affirmative Action and Equal Employment, published by the Equal Employment Opportunity Commission.

PART VIII

MINORITY BUSINESS UTILIZATION

AND

CONTRACT COMPLIANCE

60-5.1 Purpose and Application

The following provisions shall be made conditions of all bid specifications prepared by the Albany County Purchasing Department which is estimated by the County to result in a contract exceeding \$250,000.00.

1. The purpose of the regulations in this Part is to achieve the objectives of Part IV of the Executive/ Legislative Order for the promotion and ensuring of equal opportunity for socially and economically disadvantaged businesses. The regulations in this part apply to all Albany County administering agencies awarding contracts for goods and services or construction.
2. The performance goals of these regulations are seven percent (7%) for Minority Business Enterprises (MBE's) and five percent (5%) for Women Business Enterprises (WBE's) who may also be Disadvantaged Business Enterprises (DBE's). From this point forward DBE will represent all minorities.
3. The workforce goals are also 7% Minority Business Enterprises and 5% women.

60-5.2 Definitions

For all purposes of these regulations the following definitions shall apply:

1. "Administering Agency" means any department or agency which administers a program involving County financial assistance including a grant, loan, insurance, tax abatement or guarantee.
2. "County" means Albany County.
3. "Director" means the Albany County Affirmative Action Director or his/her designee.
4. "Disadvantaged Business Enterprise" (DBE) means a business controlled by one or more socially or economically disadvantaged individuals and whose management and daily business operation are controlled by one or more socially or economically disadvantaged individuals who own it. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include, but are not limited to citizens of the United States (or lawfully admitted permanent residents) and who are African Americans, Puerto Ricans, Hispanic Americans, Asian-Pacific Americans, American Indians, Eskimos, Aleuts, Asian-Indians and Women.

5. “Small Business Enterprise” means a concern as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated thereto except that a small business concern shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals.
6. “Socially and Economically Disadvantaged Individual” means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indians and any other individuals found to be disadvantaged by the Small Business Administration pursuant to Section 8 (a) of the Small Business Act. The County shall make a rebuttable presumption that individuals in the following groups are socially and economically disadvantaged.
 - (1) “Asian-Indian Americans,” which includes persons whose origins are from India, Pakistan, and Bangladesh.
 - (2) “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas; and
 - (3) “Black Americans,” which includes persons having origins in any of the black racial groups of Africa;
 - (4) “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or American, or other Spanish or Portuguese culture or origin, regardless of race;
 - (5) “Native Americans,” which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
7. “State” means the State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the territories and possessions of the United States, and the Trust Territory of the Pacific Islands.

60-5.3 Administrative Responsibilities

(a) The Director, as he/she deems necessary or appropriate to enable him/her to better fulfill the responsibilities may—

1. With the participation of other County departments and agencies as appropriate, develop plans and specific program goals for the disadvantaged business enterprise program; establish regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of County support in achieving the objectives established by this program. The County Executive will approve any such plan.
2. Explain the DBE participation requirements at pre-bid conferences.
3. Maintain a file of successful bid documents from past procurements and permit DBE’s to review and evaluate these documents.
4. The Director of Affirmative Action will ensure the County makes periodic outreach to the DBE community. As part of this function the Director will work with the

Purchasing Department to provide information, advice, and technical assistance to DBE's interested in bidding County Contracts.

5. Provide DBE firms with information on future procurements and contracting schedules.

6. Provide information on certification procedures.

7. Send bid notices on DBE trade associations, technical assistance agencies, DBE economic development groups, and to DBE's with capabilities relevant to the bid notice, as identified by the County's DBE directory.

60-5.4 Responsibilities of Parties

(a) Purchasing will work in cooperation with Affirmative Action to ensure maximum opportunity for DBE participation. Such cooperation shall include at least but not limited to:

1. Providing information on contracting and leasing opportunities, together with a breakdown of subcontracting opportunities.
2. Consulting with Affirmative Action in establishing, design and size of bid packages.

(b) County Purchasing Agent. The Albany County Purchasing Director shall:

1. On a periodic basis, discuss with the Director means of structuring RFP's to facilitate DBE participation without increasing costs to the County.
2. Insure that solicitations contain clauses and goals required by this program.
3. Provide bidder with information and assistance to maximize vendor competition without respect to an owner's gender or minority status. In addition, with the assistance of the Director, the County Purchasing Agent will conduct periodic outreach to the DBE community to facilitate their participation in the bid and proposal process.
4. Place bid notices as required by Albany County Legislature Resolution #243 in the Dodge Bulletin, DBE trade association newsletters, major local newspaper, as well as periodicals of interest to the disadvantaged community.
5. Make bid specifications available to DBE contractor associations and technical assistance agencies.
6. Provide DBE's and DBE organizations with lists of majority firms bidding as prime contractors.
7. Use a lead time of at least 14 days, if allowable, for advertisements of all invitations for bid so that all firms have ample time to develop a complete bid package or proposal and secure necessary assistance.

60-5.6 Availability of the Directory of Certified DBE Firms

(a) The Albany County Affirmative Action Department will compile and maintain an updated DE Directory with copies located at the Albany County Affirmative Action Office. The

County will update the Directory periodically to include firms certified during the previous period.

The Directory will be made available to bidders and proposers to enhance their efforts to meet the DBE goals established by the County. The Directory will be used as a source for locating potential DBE contractors.

The County's Directory will list firms that are classified as performing contracting and other goods and/or services solicitations. The Directory will be organized by the type of work the contract desires to perform, i.e., general construction, lighting, marking, engineering, etc.

The Directory will include the firm's that have passed the County's own certification policy and those certified by other recognized agencies.

The Albany County Affirmative Action Office will certify the eligibility of DBE's and joint ventures involving DBE's that are named as competitors for contracts to be led by the County. The Director may also accept the certifications made by other government agencies which are in compliance with Albany's DBE policy.

60-5.7 Any business that desires to participate as a DBE with the County of Albany will be required to complete and submit an Application for Certification to the County. Any business that desires to participate as a joint venture DBE will, in addition, be required to complete a joint venture application. The schedules must be signed and notarized by the authorized representative of the business(es).

A firm seeking certification as a DBE may or may not be required to submit an application if either of the following applies:

1. The potential DBE contractor states in writing that it has submitted the same information to or has been certified by the State government or other Federal agency that uses essentially the same definition and ownership and control criteria as the County. In this case, the potential DBE must obtain the information and certification (if made) for the other agency and submit it to the County; or
2. The potential DBE contractor must fit the definition of the Small Business Administration to be owned and controlled by the socially and economically disadvantaged individuals under Section 8 (a) of the Small Business Act, as amended.

60-5.8 Certification of Standards

(a) The Albany County Affirmative Action Office will process the Application for Disadvantaged Business Enterprise Certification in the order received, unless, at the discretion of the Director, to do so undermines the overall objectives of the DBE program. Affirmative Action will take at least the following steps in determining whether a firm may be certified as a DBE.

- 1) When possible perform on-site visits to the offices of the firm and to any job sites on which the firm is working at the time of the eligibility investigation, except:

- (aa) When the County, at its discretion or/and in conformance with federal regulations, accepts the certification of another recipient.
 - (bb) When the County obtains the report of a site visit completed by another government agency which the County relies on. A firm applying for certification may be required to supply such report or cause the other government agency to supply it. The County will then draw its own conclusions regarding eligibility.
 - (cc) When the County recertifies a firm that it previously reviewed on-site, and eligibility issues (e.g., change in ownership) have not arisen that make a second visit necessary.
- 2) Analyze the ownership of stock in the firm, if it is a corporation.
 - 3) Receive the work history of the firm.
 - 4) Obtain a statement from the firm of the type of work it prefers to perform as part of the DBE program.
 - 5) Require the submission of additional information or verification when existing submittals render inconclusive finding.
 - 6) Notify the applicant of the Director's decision within 5 days of a determination.

60-5.9 Certification Procedures

(a) Qualifications. To qualify for certification, a firm must meet the definition of a disadvantaged business enterprise (DBE) as defined in Section 5.2 (d) of the Part.

(b) Determination of Business Size. The first step in the certification process is to make a determination of business size. If the applicant is not a "small business concern", as defined below, it will not be certified by the County, even though it may be owned and controlled by socially and economically disadvantaged individuals and eligible in all other respects. Even a firm certified by the Small Business Administration (SBA) under the 8 (a) program is not eligible if it is not small.

1. The size standards established by the SBA are used for making size determinations.
2. However, no firm is considered small if, including its affiliates, it averages annual gross receipts in excess of \$14 million over the previous three fiscal years.
3. Contractors will still be subject to applicable lower limits established by the SBA. For example, the SBA size limit for electrical contractors is \$7 million (average of annual gross receipts for three-year period). The \$7 million limit, rather than the \$14 million ceiling, governs in size determinations of these contractors.
4. For subcontractors of \$10,000 or less, a firm is small under the SBA regulations if, including its affiliates; it has no more than 500 employees.

5. For subcontractors over \$10,000 and prime contractors, a firm is small under the SBA regulations if, including its affiliates; it meets the applicable standard in terms of average gross receipts, number of employees, or other measure.
6. All affiliates of a firm, as well as the firm itself, are considered when determining gross receipts earned or numbered of persons employed. Affiliations exist if one firm controls or has the power to control the other, or a third party or parties control or has the power to control both firms.
7. Information on gross receipts earned by an applicant is obtained from its submission of the application.
8. If a firm applies for certification in more than one category (e.g., general construction and special trade subcontractor), the applicable (SIC) is the one that describes the work the firm will perform under the County contract.

(c) Socially and Economically Disadvantaged Individuals. The Director makes a “rebuttal presumption” that individuals as defined in Section 5.2 (f) of this Part are socially and economically disadvantaged individuals. The County will generally assume that business owners who fall into one of these groups are socially and economically disadvantaged. Their disadvantaged status may or may not be investigated. Any persons having a current 8 (a) certification from the Small Business Administration is considered to be socially and economically disadvantaged.

(d) Eligibility Standards. Albany County will use the following standards to determine whether a firm is owned and controlled by one or more socially and economically disadvantaged individuals.

1. Bona fide membership in a group of socially and economically disadvantaged individuals must be established on the basis of the applicant’s claim that he or she is a member of such group that is so regarded by the particular disadvantaged community. However, the County is not required to accept the claim if it is determined to be invalid.
2. Proof of ancestry alone is not conclusive evidence of membership in a group of socially and economically disadvantaged individuals. The fact that a person’s grandfather or other relative belonged to one of these groups does not necessarily qualify the applicant as a member for purposes of DBE certification.
3. An eligible DBE must be an independent business. The ownership and control by disadvantaged persons must be real, substantial, and continuing and must go beyond the pro forma ownership of the firm as reflected in its ownership documents. This disadvantaged ownership must enjoy the customary incidents of ownership and must share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance rather than form of arrangements. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition of as a DBE. In determining whether a potential DBE is an independent business, the County considers all relevant factors, including the date the business was established, the adequacy of its resources for the work of the contract, and the

- degree to which financial, equipment leasing, and other relationships with non-DBE firms vary from industry practice.
4. The owners must also possess the power to direct or cause the direction of the management and day-to-day, as well as major decisions on matters of management, policy, and operations. The firm must not be subject to any formal or informal restrictions which limit the customary discretion of the disadvantaged owners. There must not be restrictions through, for example, bylaw provisions, partnership agreements, or charter requirements for cumulative voting rights or otherwise that prevent the disadvantaged owners, without the cooperation or vote of any owner who is not socially and economically disadvantaged, from making a business decision of the firm.
 5. If the owners of the firm who are not socially and economically disadvantaged individuals are disproportionately responsible for the operation of the firm, then the firm is not controlled by socially and economically disadvantaged individuals and is not eligible. Where the actual management of the firm is contracted out to individuals other than the owner, the persons having the ultimate power to hire and fire the managers are considered as controlling the business.
 6. All securities which constitute ownership and/or control of a corporation for purposes of establishing it as a DBE must be held directly by socially and economically disadvantaged individuals. No securities held in trust, or by any guardian for a minor, shall be considered as held by socially and economically disadvantaged individuals in determining the ownership or control of a corporation.
 7. The contributions of capital or expertise by the socially and economically disadvantaged individuals to acquire their interests in the firm shall be real and substantial. Examples of insufficient contributions include: a promise to contribute capital, a note payable to the firm or its owners who are not socially or economically disadvantaged, or the mere participation as an employee, rather than as a manager.
 8. In addition to the above standards, special consideration is given to the following circumstances:
 - (aa) Newly formed firms and firms whose ownership and/or control have changed within the prior year are closely scrutinized to determine the reasons for the timing of the formation or change in the firm.
 - (bb) A previous and/or continuing employer-employee relationship between or among present owners is carefully reviewed to ensure that the employee-owner has management responsibilities and capabilities, as referenced above.
 - (cc) Any relationship between a DBE and a non-DBE which has an interest in the DBE is carefully reviewed to determine if the interest of the non-DBE conflicts with the requirements for ownership and control.
 9. A joint venture will be certified if the DBE partner of the joint venture meets the eligibility standards, is responsible for clearly defined portion of the work

- to be performed, and shares in the ownership, control, management responsibilities, risks, and profits of the joint venture
10. A joint venture is eligible to compete as a DBE contractor if the DBE partner of the joint venture meets the eligibility standards; the DBE partner's share in the ownership, control, management responsibilities, risks, and profits of the joint venture is at least 51 percent; and the DBE partner is responsible for a clearly defined portion of the work to be performed.
 11. A business applying for certification as a DBE or as a joint venture DBE must cooperate with the County in supplying any additional information which may be requested in order to make a determination. For example, the applicant may be required to provide income tax statements.
 12. The County safeguards from disclosure to unauthorized persons information that reasonably may be regarded as confidential business information, consistent with Federal, State, and local law.
 13. Firms are notified upon certification that a new application must be submitted whenever there is a change in the firm's ownership or control.
 14. The denial of certification by the County is final for the particular contract and any other contracts being let at the time of the denial (except when the Department of Transportation or other Federal agency reverses the denial, following an appeal). Firms denied certification may correct deficiencies in their ownership and control and reapply for certification after two years.

60-5.10 A Means to Ensure That Competitors Make Good Faith Efforts to Meet the DBE Goal.

(a) All solicitation for a contract will contain the DBE contract goal. The County will follow this procedure for non-constitution as well as construction projects. Thus, the appropriate goal will be included in all Invitations for Bids (IFB) for construction work and in Request for Proposals (RFP) for architectural, engineering, and other professional services.

The solicitation will include a statement that the apparent successful bidder will be required to submit DBE participation information and that as a condition of receiving the contract, the competitor must meet the DBE goal or demonstrate to the County that it made good faith efforts. The actual clause to be used is: "The bidder/proposer shall make good faith efforts, to utilize at least seven percent, MBE and five percent WBE of the dollar value of the prime contract to small business concerns certified as disadvantaged business enterprise. In the event that the bidder for this solicitation qualifies as a MBE or WBE, that percent of the contract goal shall be deemed to have been met. The apparent successful competitor will be required to submit information concerning the DBE's that will participate in the contract. The information will include: (1) the name and address of each DBE; (2) whether the firm is a WBE or MBE; (3) a description of the work to be performed by each named firm; and (4) the dollar value of the work of the contract. If the bidder fails to achieve the contract goal (s) stated herein, it will be required to provide documentation demonstrating that it made good faith efforts in attempting to do so. A bid that fails to meet these requirements will be considered "non-responsive". Priority shall be given to businesses located in the Capital District.

The DBE participation information will be required prior to committing the County to award the contract to the apparent successful bidder. A bidder may not meet the requirements of the bid specification by stating that it will accomplish all work of the contract using its employees. It, first, must demonstrate to the County's satisfaction, that it made good faith efforts to meet the goal, and despite those efforts, was unable to subcontract any of the work to DBE's.

(b) If the contract goal specified in the solicitation is not met, the apparent successful competitor will be required to submit documentations of the efforts it made. The County will then determine whether these are "good faith efforts". The following criteria will be used:

1. Whether the contractor attended any pre-solicitation or pre-bid meetings that are scheduled by the recipient to inform DBE's of contracting and subcontracting opportunities;
2. Whether the contractor advertised in general circulation, trade association, and minority-focus media concerning the subcontracting opportunities;
3. Whether the contractor provided written notice to a reasonable number of specific DBE's that their interest in the contract was being solicited, in sufficient time to allow the DBE's to participate effectively;
4. Whether the contractor followed up initial solicitations of interest by contacting DBE's to determine with certainty whether the DBE's were interested;
5. Whether the contractor selected portions of the work to be performed by DBE's in order to increase the likelihood of meeting the DBE goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);
6. Whether the contractor provided interested DBE's with adequate information about the plans, specifications, and requirements of the contract;
7. Whether the contractor negotiated in good faith with interested DBE's, not rejecting DBE's as unqualified without sound reasons based on a thorough investigation of their capabilities.
8. Whether the contractor effectively used the services of available minority community organizations, minority contractor groups; Local, State, and Federal minority business assistance offices, and other organizations that provide assistance in the recruitment and placement of DBE's.

(c) The following points apply to good faith efforts determinations:

1. Good faith efforts are those that could reasonably be expected to result in goal attainment by a bidder who aggressively and actively seeks to obtain DBE participation.
2. The above list of eight efforts are recommended by the County as ones that bidders may make to obtain DBE participation. It does not represent a mandatory checklist of required actions; no one or combination is required in all classes.
3. The list above is not intended to be exhaustive; other factors or efforts may be relevant in appropriate instances.
4. The County will examine the quantity and intensity of the efforts as well as the type of actions taken. Efforts that are merely pro forma are not sufficient, even though they may be sincerely motivated.

60-5.11 A Description of the Methods by Which Albany County Will Require Contractors, and Subcontractors to Comply with Applicable DBE Requirements.

(a) The County requires prime contractors to submit information on the subcontract awards made to DBE's and non-DBE's. The information must be reported within 5 days of the award and includes the firm's name, a description of the work to be performed, and contract amount.

Records of all progress payments made by prime contractors are required on a monthly basis. Prime contractors must also report to the County when a DBE is terminated for any reason.

These records are periodically verified by obtaining certified statements from DBE subcontractors.

(b) Other appropriate actions will be taken to ensure that prime contractors and subcontractors comply with the DBE provisions. These actions will include:

1. Desk audits to review all material and information concerning the contractor's compliance.
2. On-site reviews that include interviews, visits to project locations, and inspection of documents and/or information not available at the desk audit that pertains to the contractor's compliance.
3. Any additional investigation that may be called for by a lack of proper recordkeeping; failure of the prime contractor to cooperate; failure of DBE's to cooperate; visible evidence of unsatisfactory performance; other evidence as may warrant further investigation.

(c) The County will make prompt compliance determinations regarding its prime contractors. Documentation of noncompliance will include the specific areas in which the contractor failed to comply. In these instances, appropriate action consistent with the DBE and other contract provisions will be taken, and may include withholding future payments, under the contract involved, disqualification of the contractor from future contracting opportunities for a period not to exceed two years, and cancellation of the contract and declaration of forfeiture of performance bond.

A decision by the Director to invoke the above sanctions shall be issued in writing by registered mail. The contractor shall have ten days from receipt of the decision to appeal the MBE officer's decision to the Grievance Committee of the Albany County Legislature. Both sides of the dispute shall have the opportunity to be heard at a meeting of the Grievance Committee to be held within ten days of the receipt of an appeal, and the Committee shall send a final decision to both sides within ten days by registered mail (or hand delivery in the case of the Director's copy).

60-5.12 Counting DBE Participation Toward Meeting the Goals

Albany County will count DBE participation toward the goals in accordance with the guidelines outlined below. Although the language may suggest otherwise, when the contract is Federally funded or Federally assisted, only the Federal share of the contract amounts is counted toward the federal goal.

1. Once a firm is determined to be certified DBE the total dollar value of the contract awarded to the DBE is counted toward the DEB goal.
2. Albany County and its contractors will count toward the DBE goals a portion of the total dollar value of a contractor with a certified joint venture equal to the percentage of ownership and control of the DBE partner in the joint future.
3. The County and its contractors will count toward the DBE goals the total dollar value of a contract with a firm owned and controlled by two socially and economically disadvantaged individuals; each of whom has a 50% interest in the firm.
4. Only expenditures to DBE's that perform a commercially useful function in the work of a contract will be counted toward the DBE goals. A DBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a DBE is performing a commercially useful function, the County and its contractors will evaluate the amount of work subcontracted, industry practices, and other relevant factors.
5. Consistent with normal industry practices, a DBE may enter into subcontracts. If a DBE contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the DBE shall be presumed not to be performing a commercially useful function. The DBE may present evidence to the County to rebut this presumption.
6. Albany County and its contractors will count toward the DBE goals 60 percent of expenditures for materials and supplies required under a contract and obtained from a DBE regular dealer, and 100 percent of such expenditures obtained from a DBE manufacturer.
7. For purposes of this DBE program, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the County or a contractor.
8. For purposes of this DBE program, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contractor are brought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business, and its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment.
9. The County and its contractors may count toward the DBE goals the following expenditures to DBE firms that are not manufacturers or regular dealers:

(aa) The fees or commissions charged for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the contract, provided that the fee or commission is determined by the County to be reasonable and not excessive as compared with fees customarily allowed for similar services.

(bb) The fees charged for delivery of material and supplies required on a job site (but not the cost of the material and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer of or a regular dealer in the materials and supplies, provided that the fee is determined by the County to be reasonable and not excessive as compared with fees customarily allowed for similar services.

(cc) The fees of commission charged for providing any bonds or insurance specifically required for the performance of the contract, provided that the fee or commission is determined by the County to be reasonable and not excessive as compared with the fees customarily allowed for similar services

Appendix A :

Complaint Forms



DANIEL P. MCCOY
COUNTY EXECUTIVE

PHILIP F. CALDERONE, ESQ
DEPUTY COUNTY EXECUTIVE

COUNTY OF ALBANY
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF AFFIRMATIVE ACTION
112 STATE STREET - SUITE 900
ALBANY, NEW YORK 12207
(518) 447-7010 - FAX (518) 447-5560
WWW.ALBANYCOUNTY.COM

JENNIFER CLEMENT
COMMISSIONER

SARAH K. SEYMOUR
DEPUTY COMMISSIONER

Dear Employee:

Equality of opportunity is protected by Title VII of the Civil Rights Act of 1964 and 1991, the New York State Human Rights Law and Albany County laws that prohibit discrimination and/or harassment on the basis of race, color, age, sex, gender, religion, nation origin, sexual orientation, disability, genetic disposition or carrier status, and marital status. It is the policy of the County of Albany to provide and assure equal opportunity to applicants and employees in all areas of employment. The County adheres to strict anti-harassment and anti-retaliation policies to ensure your right to a safe, fair and productive work environment. The discrimination complaint process and EEO counseling are available to applicants and employees alleging discrimination.

The attached Affirmative Action Complaint Form is a legal instrument that permits an investigation of allegations of discrimination and harassment. Confidentiality is maintained to the extent permitted by law and the circumstances. A detailed description of each allegation is essential to conduct a thorough investigation to pursue a determination. If available, please provide documents to support your allegations. Equally important to your statement describing the remedy sought.

Upon notification by employees and applicants requiring an accommodation to participate in EEO Counseling or the discrimination complaint process, the Division will make appropriate arrangements. There will be no charge to employee accruals for time taken in conjunction with this procedure.

If you have any questions or require additional information, do not hesitate to contact the Division of Affirmative Action at (518) 447-7010.

Cordially,

Jennifer Clement
Commissioner

If you would like to file a complaint with the Division of Affirmative Action:

1. Please fill out this form, answering all of the questions.
2. After you fill out the form, please have this complaint form notarized (see Page 10). Please contact our office if you have questions about notarization. Notary services are available at the Division free of charge.
3. If available, attach copies of any documents that you think will help the Division investigate your case (letter of termination, performance evaluation, disciplinary notice, incident report, etc.).
4. Return the **original, signed and notarized** complaint form to the Department of Human Resources, located at 112 State St., Suite 900, Albany NY 12207. You may return the complaint form by mail or personal delivery.
5. Keep a copy of your complaint, and copies of any documents that you attach, for your own records.

The Division of Affirmative Action investigates complaints of discrimination based on:

- *Age (if you are at least 18 years of age)*
- *Arrest Record, including youthful offender record or sealed conviction record*
- *Conviction Record*
- *Creed/Religion (religious belief, practice, or observance)*
- *Disability (a physical or mental condition)*
- *Pregnancy-Related Condition (a medical condition related to pregnancy or childbirth)*
- *Domestic Violence Victim Status*
- *Familial Status (if you are pregnant or have children under age 18 in the household)*
- *Genetic Predisposition (information from a genetic test)*
- *Marital Status (single, married, separated, divorced, widowed)*
- *Military Status (including military reserves)*
- *National Origin (the country where you or your ancestors were born)*
- *Race/Color (because you are Asian, Black, White, etc.; includes ethnicity)*
- *Retaliation (if you previously filed a complaint or reported an issue)*
- *Sex (based on the fact that you are a male or female, sexual stereotyping, sexual harassment, or pregnancy discrimination)*

If you have any questions, want information, or need help filling out the form, please call the Division of Affirmative Action at (518) 447-7010 to speak with us or make an appointment for a personal meeting.



ALBANY COUNTY DEPARTMENT OF HUMAN RESOURCES
DIVISION OF AFFIRMATIVE ACTION
COMPLAINT FORM

YOUR INFORMATION

Name: _____

Address: _____ Apt or Floor #: _____

City: _____ State: _____ Zip: _____

Mailing Address (if different from above): _____ Apt./ Floor #: _____

City: _____ State: _____ Zip: _____

Phone Number: (_____) _____ ☐ home ☐ cell ☐ work

E-mail address: _____

Department/Division: _____

Job Title: _____

Work Location/Address: _____

Work Days & Hours: _____ Hire Date: _____

Special Accommodation

I am in need of: A translator (if so, which language?): _____

Accommodations for a disability: _____

Other: _____

I am filing a complaint against:

Person, Title, Department: _____

Work Location: _____ Phone Number: (_____) _____

Date of Discrimination:

The most recent act of discrimination happened on: _____

Date

BASIS OF DISCRIMINATION

Please tell us why you were discriminated against by checking one or more of the boxes below.

You do not need to provide information for every type of discrimination on this list. Before you check a box, make sure you are checking it only if you believe it was a reason for the discrimination. Please look at the list on Page 2 for an explanation of each type of discrimination.

Please note: Some types of discrimination on this list do not apply to all of the regulated areas.

I believe I was discriminated against because of my:

☐ Age Date of Birth:	☐ Genetic Predisposition Please Specify:
☐ Arrest Record Please Specify:	☐ Marital Status Please Specify:
☐ Conviction Record Please Specify:	☐ Military Status Please Specify:
☐ Creed/Religion Please Specify:	☐ National Origin Please Specify:
☐ Disability Please Specify:	☐ Race/Color or Ethnicity Please Specify:
☐ Pregnancy-Related Condition Please Specify:	☐ Sex Please Specify: ☐ Female ☒ Male ☐ Pregnancy ☐ Sexual Harassment
☐ Domestic Violence Victim Status Please Specify:	☐ Sexual Orientation Please Specify:
☐ Familial Status Please Specify:	☐ Retaliation Please Specify:

Before you turn to the next page, please check this list to make sure that you provided information only for the type of discrimination that relates to your complaint.

ACTS OF DISCRIMINATION

What did the person/company you are complaining against do? Please check all that apply.

- ☐ Refused to hire me
- ☐ Fired me/laid me off
- ☐ Did not call me back after a lay-off
- ☐ Demoted me
- ☐ Suspended me
- ☐ Sexually harassed me
- ☐ Harassed or intimidated me (other than sexual harassment)
- ☐ Denied me training
- ☐ Denied me a promotion or pay raise
- ☐ Denied me leave time or other benefits
- ☐ Paid me a lower salary than other workers in my same title
- ☐ Gave me different or worse job duties than other workers in my same title
- ☐ Denied me an accommodation for my disability
- ☐ Denied me an accommodation for my religious practices
- ☐ Gave me a disciplinary notice or negative performance evaluation
- ☐ Other:

DESCRIPTION OF DISCRIMINATION (for all complaints)

Please tell us more about each act of discrimination that you experienced. Please include dates, names of people involved and explain why you think it was discriminatory. **PLEASE TYPE OR PRINT CLEARLY.**

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. PLEASE DO NOT WRITE ON THE BACK OF THIS FORM.

Did you report or file a complaint about the discrimination to someone else or another agency? (If you told someone, filed a report or sent a letter about the discrimination, please indicate whether you went to a supervisor, a manager, your union, the police, etc.).

Date you reported or complained about discrimination: _____
month day year

What happened after you complained?

Was your complaint investigated? Was any action taken in response to your complaint? Did the Discrimination stop? Did you experience retaliation for complaining?

Did the person you are complaining against touch you, hurt you, or physically harm you?

Yes No

If yes, please explain:

What remedy and/or corrective action are you seeking?

WITNESSES:

The following people saw or heard the discrimination and can act as witnesses because they were present during the time of the incident.

Name: _____

Phone: _____ Relationship to me: _____

What did this person witness? _____

Name: _____

Phone: _____ Relationship to me: _____

What did this person witness? _____

Name: _____

Phone: _____ Relationship to me: _____

What did this person witness? _____

Name: _____

Phone: _____ Relationship to me: _____

What did this person witness? _____

If you have additional witnesses, please write their names and information on a separate sheet of paper and attach it to this form. Please do not write on the back of this form.

ADDITIONAL DETAILS:

Examples of other people who were discriminated against in the same way as you were:

(For example, people who were harassed by the same manager, disciplined or terminated for the same reasons, did not receive an accommodation for the same reasons, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, ages, religions, etc.

Examples of other people who were treated better than you were:

(For example, people who were not reprimanded for doing the same thing you were reprimanded for; people who were doing the same job but making more money, etc.). If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, ages, religions, etc.

NOTARIZATION OF THE COMPLAINT

I swear under penalty of perjury that I am the complainant herein; that I have read (or have had read to me) the foregoing complaint and know the contents of this complaint; and that the foregoing is true and correct, based on my current knowledge, information, and belief.

Sign your full legal name

Subscribed and sworn before me

This day of , 20

Signature of Notary Public

County: Commission expires:

Appendix B :
2018 EEO SUMMARY

EEO Summary 1st Quarter of 2018

Background

Title VII of the Civil Rights Act of 1964 prohibits discrimination with regard to any personnel action, or term, condition, or privilege of employment based upon race, color, religion, sex or national origin. Albany County passed subsequent laws and regulations to ensure that every individual shall have an equal opportunity to participate fully in the economic life of the County. Resolution 161 of 1993 established recruitment procedures for minority and female applicants. Resolution 26 of 1996 adopted the updated Affirmative Action Plan. Executive Order and Directive 12-02 of 2012 directs Department Heads and Appointing Authorities to create a work environment where no employee shall be discriminated against because of gender identity or expression including but not limited to, termination, retention, job appointment, promotion, tenure, recruitment and compensation.

The Division of Affirmative Action oversees the affirmative action program of EEO and its review and evaluation, including periodic reports of the County Workforce. In addition, the Division of Affirmative Action addresses efforts and accomplishments in recruitment, promotions, hiring, and other advancement opportunities.

Although the Division of Affirmative Action maintains direct oversight of EEO programs, all departments and divisions share responsibility for promoting affirmative action employment programs. The Division issues this report as part of its responsibility for the review and evaluation of the operation of EEO programs.

The report is based on data extracted from the MUNIS Software System. MUNIS generates a detailed statistical data report based on job and salary categories, departmental functions and race/gender classifications determined by the Equal Employment Opportunity Commission.

Albany County Demographic Data

The 2010 Census provided population and labor force data for Albany County. The Census reports the Albany County population at 304,204. By race, Whites (Non-Minorities) represent 78.2%, Blacks 12.69%, Hispanics 4.9%, Asians 4.79% and Native Americans (American Indians) represent 0.21% of the population, respectively. Females are 51.65 % of the population, while males are 48.35%.

Within the County population, the labor force for those 16 years and over totals 160,729. The percentage of Non-Minorities in the civilian labor force is 78.33% and the total percentage of Minorities within that population is 21.68%.

Labor force data for the Albany County Government shows that Non-Minority employees account for 82.21% of the workforce. Minority groups when combined total 17.79% of the workforce.

Table 1: Albany County Population based on Gender

Albany County Gender Population – 304,204		
Gender	Number	Percent
Male	147,076	48.35%
Female	157,128	51.65%

There are approximately 304,204 residents living in Albany County. Women represent 51.65% of the population.

Table 2: Albany County Ethnic Population

Albany County Population – 304,204		
Race	Number	Percent
White	237,873	78.2%
Black	38,609	12.7%
American Indian/Alaskan Native	654	0.2%
Hispanic	14,917	4.9%
Asian/Pacific Islander	14,677	4.8%

- $\pm$ 1% margin of error in county population (2526)

Of the 304,204 residents of Albany County, the largest racial group is White (Non-Minority), representing 78.2% of the population. Minorities when combined represent 22.6% of the general population of Albany County.

Table 3: Race and Gender for County Government Labor Force

Albany County Government Labor Force - 2316			
Race	Gender	Number	Percent
White	Male	1088	46.98%
White	Female	816	35.23%
Black	Male	112	4.84%
Black	Female	190	8.20%
American Indian/Alaskan Native	Male	1	0.04%
American Indian/Alaskan Native	Female	1	0.04%
Hispanic	Male	23	0.99%
Hispanic	Female	37	1.60%
Asian/Pacific Islander	Male	6	0.26%
Asian/ Pacific Islander	Female	38	1.64%
Two +	Male	2	0.09
Two +	Female	2	0.09

Within the labor force for Albany County Government in the January 1, 2018 through March 31, 2018, Non-Minority employees represented 82.21%: When combined Minority groups represent 17.79%. This is a decrease of -0.35%, from the Fourth Quarter of 2017. Looking back to 2012, this is an increase of 2.01% from 15.48%.

5 YEAR COMPARISON

Fourth Quarter	Minority-Combined	Non-Minority
2012	15.48%	84.52%
2013	16.46%	83.53%
2014	16.63%	83.37%
2015	17.27%	82.73%
2016	17.56%	82.31%
2018 First Quarter	17.79%	82.21%

Table 4: Albany County Civilian Labor Force 16 years and over-160,729

Albany County Civilian Labor Force – 16 years and over			
Race	Gender	Number	Percent
White	Male	63,720	39.64%
White	Female	62,182	38.69%
Black	Male	6,732	4.19%
Black	Female	9,030	5.62%
American Indian/Alaskan Native	Male	137	0.09%
American Indian/Alaskan Native	Female	257	0.16%
Asian	Male	3,815	2.37%
Asian	Female	3,079	1.92%
Pacific Islander	Male	0	0%
Pacific Islander	Female	14	0.01%
Hispanic	Male	3,282	2.04%
Hispanic	Female	3,324	2.07%

- There were racial categories factored into the U.S. Census that are not a part of the Albany County Government racial demographic. That population totaled 5,153 (3.21%).

Within the Albany County civilian labor force for those 16 years and over, Non-Minorities represent 78.33% whereas Minorities when combined represent 21.68%.

The County Workforce

The MUNIS System generates the EEO-4 Report from data collected and entered by the Personnel Division. Each job title is assigned a state and local job category and function code. The job category defines the nature of the work performed and basic skills required. The function code describes the department or agency where the position is located.

The data compiled for the First Quarter includes the period of January 1, 2018 through March 31, 2018. Albany County reports full and part time employees by race. Non-Minority employees total 1904 (82.21%) and Minority groups when combined total 412 (17.79%). There are 1084 female employees which is a decrease of -1.27% from 4th Quarter of 2017 report.

The employment percent of Minorities in the County of Albany government workforce is not equal to the Minorities available in the Albany County civilian labor force. The combined percentage of Minorities in the civilian labor force for the County is 21.68% whereas the combined percentage of Minorities in the County government workforce is 17.79%. In comparison, Non-Minorities represent 78.33% of the civilian labor force and 82.21% of the Albany County government labor force.

Female employment in the County Government workforce is also not equal to the available female labor force. The female civilian population labor force percentage is 51.75% versus 46.80% of the County government labor force.

Table 5: Total Albany County Workforce (full & part-time) 2316

By Race	Totals	By Gender	Totals
Non-Minority Employees	1904 (82.21%)	Male Employees	1232 (53.20%)
Minority Employees	412 (17.79%)	Female Employees	1084 (46.80%)

Table 6 and 7 show the County workforce broken down by job category, race and gender. See descriptions of job categories below.

Table 6: Race and Gender Distribution of Albany County Workforce by Job Category

Job Category		Males						Females					
	A: Grand Total	B: White Male	C: Black Male	D: Hispanic Male	E: Asian Male	F: American Indian Male	Two +	G: White Female	H: Black Female	I: Hispanic Female	J: Asian Female	K: American Indian Female	Two +
Officials/Administrators	149	86	9	1	0	0	0	42	7	2	2	0	0
Professionals	399	98	14	7	1	0	1	203	52	8	14	0	1
Technicians	99	49	4	1	1	1	0	29	10	2	2	0	0
Protective Service	657	492	28	4	1	0	1	116	11	3	1	0	0
Para-Professionals	438	104	13	2	0	0	0	222	69	17	10	0	1
Administrative Support	336	88	12	0	1	0	0	193	33	1	8	0	0
Skilled Craft	136	123	6	1	0	0	0	2	2	2	0	0	0
Service/Maintenance	102	48	26	7	2	0	0	9	6	2	1	1	0
Total	2316	1088	112	23	6	1	2	816	190	37	38	1	2

Table 7: Percentage of Gender Distribution by Job Categories

Job Category	Males		Females	
	Number	Percent	Number	Percent
Officials/Administrators	96	64.43%	53	35.57%
Professionals	121	30.33%	278	69.67%
Technicians	56	56.57%	43	43.43%
Protective Service	526	80.06%	131	19.94%
Para-Professionals	119	27.17%	319	72.83%
Administrative Support	101	30.06%	235	69.94%
Skilled Craft	130	95.59%	6	4.41%
Service Maintenance	83	81.37%	19	18.63%

The data in table 7 shows the percentage breakdown by job category and gender. Some jobs such as Protective Services and Skilled Crafts show an overwhelming number of men working in those job categories as oppose to women. The Professional and Para-Professional job categories are predominately held by women.

Table 8: New Hires by Race

Albany County New Hires - 105			
Race	Gender	Number	Percent
White	Male	49	41.53%
White	Female	30	25.42%
Black	Male	16	13.56%
Black	Female	13	11.02%
American Indian/Alaskan Native	Male	0	0%
American Indian/Alaskan Native	Female	0	0%
Hispanic	Male	2	1.69%
Hispanic	Female	6	5.08%
Asian	Male	0	0%
Asian	Female	2	1.69%
Two +	Male	0	0%
Two +	Female	0	0%

Table 9: Total New Hires for the Albany County Workforce 118

By Race	Totals	By Gender	Totals
Non-Minority Employees	79 (66.95%)	Male Employees	67 (56.78%)
Minority Employees	39 (33.05%)	Female Employees	51 (43.22%)

During January 1, 2018 through March 31, 2018, 118 new employees were hired. The percentage of Non-Minority employees hired was 66.95% and Minority was 33.05%. Of the 118 new hires 43.22% were male and 56.78% were female.

Appendix A

DESCRIPTION OF JOB CATEGORIES

1. **Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and- housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.
2. **Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.
3. **Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.

4. **Protective Service Workers:** Occupations in which workers are entrusted with public safety , security and protection from destructive forces. Includes: police patrol officers firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.
5. **Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included: research assistants, medical aides, child support workers, policy auxiliary welfare service aides, recreation assistants, homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.
6. **Administrative Support (Including Clerical and Sales):** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typist, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.
7. **Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

8. **Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundkeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.