



**

**PLAN FOR AFFIRMATIVE ACTION
AND
EQUAL EMPLOYMENT OPPORTUNITY**

COUNTY OF CATTARAUGUS

STATE OF NEW YORK

**

ADOPTED: May 23, 2007

**CATTARAUGUS COUNTY
PLAN FOR AFFIRMATIVE ACTION AND
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

Section 1. Statement of Policy

Cattaraugus County provides equal employment opportunity for all individuals without regard to age, race, creed, color, national origin, religion, political or union affiliation, sexual orientation, gender, disability, predisposing genetic characteristics, marital status, military and Vietnam-era veteran status. The County will conduct all personnel actions in a non-discriminatory manner and in accordance with the New York State Human Rights Law, New York State Civil Service Law, Title VII of the Civil Rights Act of 1964 as subsequently amended, and Federal Equal Employment Opportunity guidelines.

Section 2. Recruitment & Application

Cattaraugus County recognizes the importance of employing the most appropriately qualified individuals for positions in county government. To this end, recruitment activities will be non-discriminatory.

1. All job postings, examination announcements, and advertisements for positions will be placed so that all individuals who are interested in County employment have an opportunity to respond.
2. All job postings, examination announcements, and advertisements for positions will be monitored to assure that there is no discriminatory language. All such postings, announcements, and advertising will contain language stating that Cattaraugus County is an Equal Opportunity Employer.
3. All applications received will be reviewed in a non-discriminatory manner and in accordance with New York State Civil Service Law.
4. Any individual who is eligible for employment and meets the established minimum qualifications of a position will be considered for employment.
5. The age or gender of an individual will only be considered if there is a legal and/or bona fide reason that such factors should be considered.
6. Cattaraugus County will provide reasonable accommodations in the recruitment process to otherwise qualified disabled individuals and those requiring accommodations of religious beliefs and practices, if applicable and if such accommodations would not constitute an undue burden.

Section 3. Civil Service Examinations & Eligible Lists

Many positions in Cattaraugus County government require passage of a competitive Civil Service examination for placement.

1. Civil Service examinations will be conducted by the Human Resources Department in a non-discriminatory manner and in strict adherence to New York State Civil Service Law.
2. After the examination is scored, the names of individuals who have passed the test will be placed on an eligible list in conformance with New York State Civil Service Law.
3. The eligible lists will be maintained by the Human Resources Department in a non-discriminatory manner and in accordance with New York State Civil Service Law. The list will be used to fill appropriate vacancies as they occur.

Section 4. Review of Physical and Mental Job Qualification Standards

1. It shall be the responsibility of the Cattaraugus County Civil Service Commission to prepare and maintain an accurate and up-to-date job classification plan that ensures that established minimum qualifications are consistent with business necessity and do not otherwise screen out qualified individuals with disabilities or qualified disabled veterans.

Section 5. Placement, Promotion, and Transfer

Cattaraugus County will not discriminate against any individual when filling positions. The appointing authority responsible for hiring a certain position will make a good faith effort to hire the most appropriately qualified applicant in a non-discriminatory manner.

1. All promotions and transfers will be completed in accordance with the Rules of the Classified Service of Cattaraugus County and any applicable collective bargaining agreement.
2. Cattaraugus County will not discriminate against any individual when making promotion and transfer decisions.
3. Reasonable accommodation will be made for disabled individuals in order for them to perform the essential functions of their positions provided that such accommodations do not constitute an undue burden or hardship for the County.

Section 6. Reduction in Force, Leave of Absence, and Termination

Cattaraugus County will not discriminate against any individual when terminating employment.

1. All necessary reductions in force will be conducted in accordance with New York State Civil Service Law, The Rules of the Classified Service of Cattaraugus County, and any applicable collective bargaining agreement.
2. Cattaraugus County will not discriminate against any individual when determining which areas of the workforce to reduce.

3. Cattaraugus County will not discriminate against any individual when granting leaves of absence.
4. Any necessary termination will be conducted in accordance with law and labor agreements in a nondiscriminatory manner.

Section 7. Employee Benefits and Compensation

Cattaraugus County acknowledges the importance of promoting pay equity when compensating employees.

1. There will be no disparity in compensation or benefits offered between employees within the same pay grade unless provided for in the applicable collective bargaining agreement.
2. Appointing authorities will not discriminate against any individual when issuing meritorious wage increases, or when considering grade or step changes in an employee's salary.
3. Cattaraugus County will not discriminate against any individual when making decisions regarding compensation and benefits offered to employees.

Section 8. Review of Plan For Affirmative Action And Equal Employment Opportunity

The Cattaraugus County Human Resources Department will periodically review personnel systems to assure that equal employment opportunity is offered.

1. Whenever a new position is created or an existing position is vacated, the job specification of that position will be reviewed for discriminatory language.
2. All job postings or examination announcements that are issued will be reviewed for discriminatory language.
3. Cattaraugus County will monitor the demographics of county employees in accordance with federal requirements. The County will submit a report describing the employees of the county in terms of age, gender, race, and type of work performed to the Federal Equal Employment Opportunity Commission upon the EEOC's request. This information will be reviewed by the Cattaraugus County Human Resources Department prior to submittal to the EEOC.
4. The Cattaraugus County Human Resources Department will administer Civil Service personnel actions with strict adherence to New York State Civil Service Law merit system.

5. The Human Resources Department will monitor any changes in regulations at the State level to assure that all individuals are afforded equal employment opportunity.

Section 9. Responsibility For Upholding Plan For Affirmative Action And Equal Employment Opportunity

The Cattaraugus County Human Resources Department will be responsible for maintaining the County's Plan For Affirmative Action And Equal Employment Opportunity.

1. The Human Resources Director is designated as the County's Equal Employment Opportunity Coordinator.
2. Department Heads and appointing authorities will be familiar with the Plan For Affirmative Action And Equal Employment Opportunity and be responsible for its implementation when making personnel decisions in their departments.

Section 10. Dissemination of Equal Employment Opportunity Plan

Cattaraugus County recognizes that effective dissemination of this policy is imperative in order to afford equal employment opportunity for the people.

1. This Plan For Affirmative Action And Equal Employment Opportunity (AA/EEO) will be distributed to all County Departments. The plan will be kept on file in all County Departments and will be readily available for all County employees to review.
2. The AA/EEO plan will be distributed to all incoming employees at their New Employee Orientation session.
3. The AA/EEO plan will be available to the public by contacting the Human Resources Department and requesting such in writing.

Section 11. Reporting Incidents of Discrimination

If any individual feels that a discriminatory personnel action is being executed, he or she has have the right to report the incident and receive resolution. The reporting process is as follows:

1. The aggrieved individual will submit written notification, within 30 days of the action giving rise to their complaint, to the Human Resources Department describing the discriminatory action.
2. The EEO Coordinator will conduct an investigation into the possible discriminatory action and attempt to resolve the situation with the appropriate appointing authority.
3. If the EEO Coordinator is unable to reach a satisfactory resolution to the issue, then the result of the initial investigation will be forwarded to the County

Attorney for review and recommendation. The County Attorney will review the case in terms of this AA/EEO plan as well as all applicable laws and regulations that may apply to the case. After review, the County Attorney will make a recommendation to the EEO Coordinator regarding appropriate action to be taken.

4. The EEO Coordinator will review the report of the County Attorney and take one of two actions:
 - a. Render a decision for the complainant and require the offending party to remedy the situation; or
 - b. Render a decision against the complainant and advise the individual on his or her right to further review under New York State Human Rights Law or Federal Equal Employment Opportunity regulations.

Section 12. Minority & Women's Business Enterprise

Article 15A of the New York State Executive Law is intended to ensure that minority group members and women are afforded equal opportunities in employment, bidding and contracting as well as employment with contract agencies of Cattaraugus County. In keeping with the spirit and intent of the law, Cattaraugus County will make every reasonable effort to assure the meaningful participation of M/WBE firms in contracting, and the meaningful participation of minorities and women in the workforce associated with contracted projects, by the process of including M/WBE firms in the solicitation for and the procurement of any incidental services required by the County.

Section 13. Contractor's Compliance

All contractors doing business with Cattaraugus County must take lawful and adequate steps to assure that positions within their organization are genuinely and equally accessible to qualified person regardless of age, race, creed, color, national origin, religion, political or union affiliation, sexual orientation, gender, disability, predisposing genetic characteristics, marital status, military and Vietnam-era veteran status.

All contractors doing business with Cattaraugus County shall take the lawful action to ensure that employees are hired, employed and treated during employment, without regard to age, race, creed, color, national origin, religion, political or union affiliation, sexual orientation, gender, disability, predisposing genetic characteristics, marital status, military and Vietnam-era veteran status.

Contractors shall furnish all information and reports required by Cattaraugus County to ensure their compliance with this policy. Contractors who fail to abide by, or comply with, this policy may be denied contracts with Cattaraugus County or have their contracts terminated.

Section 14. Conclusion

Nothing in this policy should be construed to diminish the prerogative of Cattaraugus County to conduct its business in any way it sees fit providing any actions taken are nondiscriminatory and in accordance with law as well as any applicable collective bargaining agreement.

Section 15. Adoption

This Plan For Affirmative Action And Equal Employment Opportunity is adopted jointly by the County of Cattaraugus and its operating agencies and the Cattaraugus County Civil Service Commission, the local Merit System Agency.

Crystal J. Abers, Chairman
Cattaraugus County Legislature

Don B. Winship, Chairman
Cattaraugus County Civil Service Commission