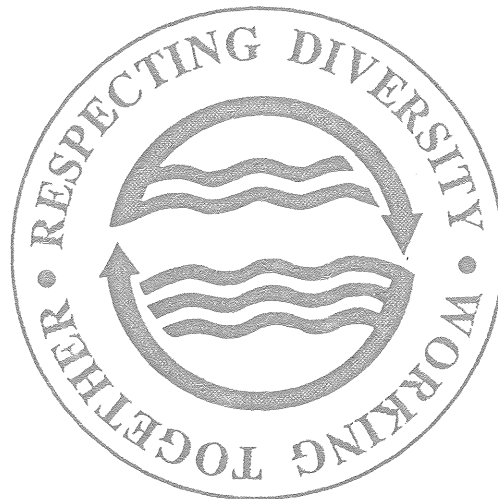


EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY AND PLAN

METROPOLITAN WASTE
CONTROL COMMISSION
230 EAST 5TH STREET
SAINT PAUL, MINNESOTA 55101
612-229-2007



SUBMITTED TO:
THE DEPARTMENT OF EMPLOYEE RELATIONS
REVISED: JANUARY 2, 1991
APPROVED: APRIL 4, 1991

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METROPOLITAN WASTE CONTROL COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY/
AFFIRMATIVE ACTION

POLICY AND PLAN

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INTRODUCTION

METROPOLITAN WASTE CONTROL COMMISSION

1. The Metropolitan Waste Control Commission (MWCC) was established by the Minnesota Legislature in 1969 to manage the wastewater of the Twin Cities' metropolitan area, and to protect the public health and environment.
2. The MWCC owns and operates the wastewater treatment system in the metropolitan area and treats 275 million gallons of wastewater per day. The system serves 105 communities and includes 11 treatment plants and 500 miles of interceptor sewer pipes (those pipes are shared by two or more communities that carry sewage from the communities to the MWCC plants for treatment). The MWCC is also responsible for new construction and maintenance within the system.
3. The MWCC has more than 1000 employees and an annual budget of \$128.5 million in 1991.
4. The MWCC has developed a 20-year Implement Plan, 1990-2010, which is updated every two years. The Implementation Plan describing the agency's goals, projections and strategies to meet future needs, is approved by the Metropolitan Council, the long-range planning and coordinating agency for the metropolitan area.
5. There is a nine-member board of commissioners responsible for policy-making at the MWCC. The Governor of Minnesota appoints the Chair, who serves at the governor's pleasure. The Metropolitan Council appoints the other eight members, who serve four-year terms. Day-to-day operations are administered by the MWCC staff and headed by the Chief Administrator.
6. To track the effectiveness of its treatment program, the MWCC

conducts 200,000 environmental lab tests per year, sampling air quality, raw sewage, groundwater, and receiving waters (waters that receive the MWCC's treated wastes).

7. In 1989, MWCC received more gold and silver awards from the Association of Metropolitan Sewerage Agencies (AMSA) than any other agency. The awards acknowledge the superior performance of treatment plants.
8. The U.S. Department of Energy presented the MWCC with a Special Recognition National Award for Energy Innovation for a solids processing/energy recovery system that is saving area taxpayers \$4 million annually.
9. In 1990, MWCC achieved 99 percent compliance with all federal and state regulatory requirements. Nine of MWCC's 11 plants achieved 100 percent compliance the last five months of the year.

TRANSMITTAL FORM
AFFIRMATIVE ACTION POLICY AND PLAN
Fiscal Year 1991
for
Metropolitan Waste Control Commission
(Agency or Agency Subdivision)

1. This annual review revealed underutilization of the following protected class groups(s) in the following goal units. (Each appropriate goal unit has been identified accordingly).

EEO Job Categories/Groups	Protected Class Needs		
	Minority Need	Female Need	**Disability Need
Officials/Administrators - Senior Management/Directors	0	0	X
Officials/Administrators - Division Managers	0	X	0
Officials/Administrators - Operations Managers	X	X	0
Officials/Administrators - Section Managers	0	X	0
Officials/Administrators - Area/Shift Managers	0	X	X
Professionals - Scientists	0	X	X
Professionals - Engineers	0	0	X
Professionals - Administration	0	0	0
Technicians - Engineering and Science	0	0	X
Technicians - Construction Inspectors	0	0	0
Technicians - Administration/Para-Professionals	0	X	0
Office/Clerical - Secretaries	0	N/A	X
Office/Clerical - Clerks	0	N/A	X
Skilled Craft - Plant Operators	0	X	0
Skilled Craft - Electricians	0	X	X
Skilled Craft - Machinist/Mechanics	0	X	X
Skilled Craft - Pipefitters	X	X	0
Skilled Craft - Stationary Engineers	0	X	X
Skilled Craft - Bricklayer, Painters	0	X	X
Skilled Craft - Interceptor II	0	X	0
Unskilled - Assistant Operators	0	X	0
Unskilled - Interceptor I	0	X	0

X - Need Exists
0 - No Need Exists

2. This annual plan is and will be available at all plant locations and the Central Office for any employee or applicant to have access and/or to be aware of the Commission's commitment towards affirmative action this year. Also, this plan will be communicated to all employees and be present in the offices and/or departments of Directors, Managers and Supervisors.
3. This plan contains an internal process for processing complaints of alleged discrimination received from employees and/or applicants. Each employee will be apprised of this internal process as well as the MWCC's Affirmative Action needs for this fiscal year.


Director of EO/AA

1/1/91
Date

4. This annual plan contains clear designations of those persons and groups responsible for implementing the attached Affirmative Action Policy and Plan as well as my personal statement of commitment to achieving the goals and objectives described herein.

Robert C. Jones
Chief Administrator

3/11/91
Date

5. This annual plan contains clear designations of those persons and groups responsible for implementing the attached Affirmative Action Policy and Plan, Chapter 20: 2 MCAR 2.290-2.999, and contains goals and timetables as well as methods for achieving them which are reasonable and sufficiently aggressive to deal with the identified disparities or underutilization.

Edward J. Berg
Equal Opportunity Division

4-2-91
Date

- * Refer to attached sheet describing which jobs are within the goal units.
- ** This information is based on the 8% goal required by DOER

FORWARD/PURPOSE AND SCOPE

Basic to the concept of Affirmative Action is the belief that efforts to recruit minorities, women, and persons with disabilities will be very beneficial to the Metropolitan Waste Control Commission.

The purpose of the MWCC's Affirmative Action Policy and Plan is:

1. To detail a plan to prevent discrimination against persons because of their protected class in all facets of MWCC employment;
2. To ensure that our most valuable resource, our employees, are protected from any form of discrimination or harassment at MWCC; and
3. To provide a method for increasing opportunities for minorities, women, and persons with a disability in the workforce.

This Plan covers all MWCC departments/offices, and applies to all personnel actions including, but not limited to: recruitment, hiring, testing, placement, transfer, promotion, upgrading, demotions, disciplinary actions, suspension, leaves, terminations, layoffs, recall, training, apprenticeships, working conditions, and compensation. This Plan covers all employees and applicants at MWCC.

The MWCC regularly contracts with vendors, contractors, consultants, and private corporations. These contractors are required to take Affirmative Action within their own work force and practices. In this regard, the Affirmative Action Plan covers persons who are not immediate MWCC employees but who have relationship with the MWCC through its contracting authority.

As intended by the MWCC, the scope of the MWCC's Equal Opportunity/Affirmative Action Policy and Plan is comprehensive.

Any concerns, interests, questions and/or problems regarding EO/AA laws or this Plan and the administration of the same may be addressed to:

METROPOLITAN WASTE CONTROL COMMISSION
Office of Equal Opportunity/Affirmative Action
230 East 5th Street
Saint Paul, Minnesota 55101
(612) 229-2007

METROPOLITAN WASTE CONTROL COMMISSION

TREATMENT OF EMPLOYEES AND APPLICANTS

NO. 2C3(A)

POLICY TYPE: EXECUTIVE

LIMITATIONS

With respect to treatment of staff and applicants for employment, the Chief Administrator may not cause or allow conditions which are unfair, unsafe, undignified or insufficiently compensatory of previous bias. Accordingly, she or he may not:

1. Discriminate or allow discrimination among employees or job applicants on the basis of race, sex, color, creed, religion, gender, national origin, sexual orientation or identity, marital status, or status with regard to public assistance, membership or activity in a local commission, disability, age, or veteran status.
REPORT TO THE BOARD MONTHLY
2. Fail to administer an Affirmative Action Program sufficient to meet Minnesota Department of Employee Relations standards.
INTERNAL REPORT: MONTHLY/EXTERNAL: DOER ANNUALLY
3. Fail to comply with federal, state, and local non-discrimination laws or to provide performance evaluations procedures for managers and supervisors which assist their enforcement of non-discrimination policy and their involvement in achieving affirmative action objectives.
PERSONNEL REPORT: ANNUALLY/COMPLIANCE & PERFORMANCE: MONTHLY

4. Subject staff to unsafe or unhealthy conditions as defined by OSHA standards.
REPORT: QUARTERLY
5. Withhold from staff a due-process, accessible, bias-free grievance procedure or impede staff from expressing grievances to the Commission.
REPORT: QUARTERLY
6. Fail to administer MWCC policies on treatment of employees and applicants.
7. Allow condition under which staff can abuse or mistreat other staff whether or not in a supervisory relationship.
REPORT: SEMI-ANNUALLY JANUARY & JULY
8. Fail to establish a professionally staffed Human Resource Department by December 31, 1990.

Resolution Number: 88-119

Statutory Reference: Minn. Stat.
Chapters 363 and 473
Corresponding Directive:

Approval Date: May 31, 1988

Effective Date: May 31, 1988

Amended: December 18, 1990



Charles Weaver
Acting Chair, MWCC

Note:

Employees or applicants who believe they have been discriminated against should contact Jacquelyn Cooper, Director, Office of Equal Opportunity/Affirmative Action, 230 East 5th Street, Mears Park Centre, St. Paul, MN 55101, (612) 229-2007.

Such conduct or communication constitutes sexual harassment, and employees are prohibited from engaging in such conduct or communication when:

1. Submission to such conduct or communication is made either explicitly or implicitly a term or condition of another individual's employment.
2. Submission to or rejection of such conduct or communication by an individual is used as a basis for decisions affecting that individual's employment.
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment.
4. Such conduct or communication has the effect of creating an intimidating, hostile or offensive work environment.

All complaints of sexual harassment shall be investigated in a timely, thorough and impartial manner. Information obtained through an investigation will be kept confidential to the degree possible and in accordance with the Minnesota Governmental Data Act. Employees shall be protected from retaliation of any kind because of reporting a suspected incident of harassment or cooperating in an investigation of a harassment charge.

An employee found through an investigation to have engaged in harassment of another individual in the performance of the employee's job shall be subject to disciplinary action up to and including discharge.

Any employee who feels that he or she has been subjected to sexual harassment, or who believes he/she has witnessed such harassment, is encouraged to report this information. Employees may bring concerns of harassment by reporting the alleged harassing behavior to the Office Of

METROPOLITAN WASTE CONTROL COMMISSION
RACIAL
HARASSMENT POLICY

I. POLICY

It is the policy and responsibility of MWCC to provide a work atmosphere for all of their employees which is free from racial harassment as defined and otherwise prohibited by federal, state and local human/civil rights laws.

Racial harassment constitutes illegal discrimination. MWCC management is committed to promoting a harassment-free work environment which celebrates diversity in all job categories and at all MWCC's facilities.

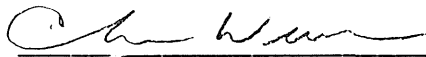
The MWCC further prohibits employees from engaging in the harassment of non-employees in the course of performing their job duties. MWCC expects all of their employees to accomplish their work in a business like manner with concern for the well being of their co-workers and customers. Any harassment on the basis of protected class status of employees, applicants or customers is not permitted regardless of the professional working relationship.

Racial harassment is defined as, but not limited to:

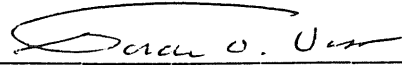
Verbal or physical conduct relating to another individual or groups' race that is derogatory, offensive and/or exploitive; or

Display or circulation of written materials and/or pictures which are derogatory to a persons race or ethnic group.

Such conduct or communication constitutes racial harassment, and employees are prohibited from engaging in such conduct or communication when:



Acting Chair, MWCC



Chief Administrator

1-1-91

Date

1-1-91

Date

1. Submission to such conduct or communication is made either explicitly or implicitly a term or condition of another individual's employment.
2. Submission to or rejection of such conduct or communication by an individual is used as a basis for decisions affecting that individual's employment.
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or use of public services.
4. Such conduct or communication has the effect of creating an intimidating, hostile or offensive work environment.

All complaints of disability harassment shall be investigated in a timely, thorough and impartial manner. Information obtained through an investigation will be kept confidential to the degree possible and in accordance with the Minnesota Governmental Data Act. Employees shall be protected from retaliation of any kind because of reporting a suspected incident of harassment or cooperating in an investigation of a harassment charge.

An employee found through an investigation to have engaged in harassment of another individual in the performance of the employee's job shall be subject to disciplinary action up to and including discharge.

Any employee or applicant who feel that he or she has been subjected to disability harassment, or who believes he or she has witnessed such harassment, is encouraged to report this information. Employees may bring concerns of harassment by reporting the alleged behavior to the Office Of EO/AA or to their manager. Employees who wish to file a formal written complaint of harassment are encouraged to use the MWCC's Equal Opportunity/Affirmative Action complaint procedures located in the Complaint Procedures section of this Plan.

METROPOLITAN WASTE CONTROL COMMISSION

PROTECTED CLASS HARASSMENT POLICY

I. POLICY

It is the policy of the Metropolitan Waste Control Commission (MWCC) to provide a work environment free of any form of HARASSMENT regardless of an employee's, race, sex, color, creed, religion, gender, national origin, sexual orientation or identity, marital status, status with regard to public assistance, membership or activity in a local commission, disability, age and veteran status as defined and otherwise prohibited by federal, state and local civil/human rights laws.

Furthermore, MWCC expects all employees to accomplish their work in a businesslike manner with concern for the well-being of their co-workers and clients. Any harassment of employees or applicants is not permitted, regardless of their professional working relationship.

Such harassment includes, but is not limited to, unsolicited remarks, gestures, jokes or physical contact; display or circulation of written materials or pictures derogatory to protected class persons.

All complaints of harassment based on a protected class shall be investigated in a timely, thorough and impartial manner. Information obtained through an investigation will be kept confidential to the degree possible and in accordance with the Minnesota Government Data Practices Act. Employees shall be protected from retaliation of any kind because of reporting a suspected incident of harassment or cooperating in an investigation of a harassment charge.


Any employee found through an investigation to have engaged in harassment of another individual in the performance of the employee's job shall be subject to disciplinary action up to and including discharge.

Any employee or applicant who feels that he or she has been subjected to harassment, or who believes he/she has witnessed harassment, is encouraged to report this information. Employees may bring concerns of

harassment by reporting the alleged behavior to the Office Of EO/AA or to their manager. Employees who wish to file a formal written complaint of harassment are encouraged to use the MWCC's Equal Opportunity/Affirmative Action complaint procedures located in the Complaint Procedures section of this Plan.



Acting Chair, MWCC



Chief Administrator

1-1-91

Date

1-1-91

Date

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

This is to affirm the Metropolitan Waste Control Commission's (MWCC) commitment to providing Equal Employment Opportunity to all employees and applicants for employment in accordance with all applicable Equal Opportunity/Affirmative Action laws, directives and regulations of federal, state and local governing bodies or agencies therefore, specifically Minnesota Statutes 363 and its implementing rules and regulations.

MWCC will not discriminate against or harass any employee or applicant for employment because of their race, sex, color, creed, religion, gender, national origin, sexual orientation or identity, marital status, status with regard to public assistance, membership or activity in a local commission, disability, age or veteran status.

MWCC will take steps to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, selection, promotions, upgrading, recruitment or recruitment advertising, demotions, transfers, layoff, disciplinary action, terminations, rate of pay or other forms of compensation, apprenticeships and training programs.

MWCC will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Opportunity/Affirmative Action.

MWCC fully supports incorporation of non-discrimination and affirmative action rules and regulations into contracts.

MWCC will evaluate the performance their managers on the basis of their involvement in achieving these Affirmative Action objectives and other established criteria.

Any MWCC employee, who does not comply with the Equal Employment Opportunity Policies and Procedures as set forth in this Plan, will be subject to appropriate disciplinary action. Any contractor or subcontractor not complying with all applicable Equal Opportunity and Affirmative Action laws, directives and regulations of the federal, state and local

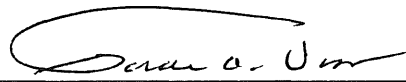
governing bodies or agencies thereof, specifically Minnesota Statutes 363, will be subject to appropriate legal sanctions.

MWCC has appointed Jacquelyn Cooper as Director of the Office of Equal Opportunity/Affirmative Action to manage the Equal Opportunity/Affirmative Action Policy and Plan. Her responsibilities include monitoring all Equal Employment Opportunity activities and implementing this Affirmative Action Policy and Plan. The Chair and the Chief Administrator of the MWCC will receive and review reports on the progress of implementing this Plan.

If any employee or applicant for employment believes he/she has been discriminated against or harassed, because of a protected class status, please contact Ms. Cooper, Director of the Office of Equal Opportunity /Affirmative Action, 230 East 5th Street, Saint Paul, Minnesota, 55101, or call 612-229-2007 or 772-7381.



Acting Chair, MWCC



Chief Administrator

1-1-91

Date

1-1-91

Date

CHAIR, METROPOLITAN WASTE CONTROL COMMISSION


EQUAL OPPORTUNITY/AFFIRMATIVE ACTION

COMMITMENT STATEMENT

The MWCC is committed to aggressively striving to insure the entry and growth of minorities, women, and persons with disabilities into our workforce until it is clear and understood, by all applicants and employees, that equality and opportunity at the MWCC is a fact as well as an ideal.

The Plan is only a starting point in the process of correcting workforce disparity. We must take it upon ourselves to design and implement programs that will meet the requirements set by this Plan and not focus solely on treating the symptoms of harassment and discrimination.

This commitment is both a responsibility and an opportunity to support MWCC in implementing the Affirmative Action Policy and Plan, and to provide a work environment free of discrimination, harassment, and intimidation. I whole-heartedly endorse and support the MWCC's Affirmative Action Policy and Plan.

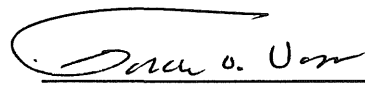


Charles Weaver
Acting Chair of the MWCC

1-1-91

Date

Your cooperation and support of this Affirmative Action Policy and Plan are essential to assuring equal opportunities in all MWCC operating facilities and immediate work environments.



Gordon Voss
Chief Administrator

1-1-91

Date

DIRECTOR

OFFICE OF EQUAL OPPORTUNITY/
AFFIRMATIVE ACTION

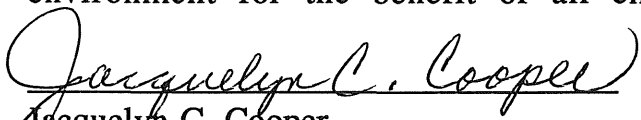
COMMITMENT STATEMENT

This Plan puts in writing the MWCC's commitment to take specific directed action to correct underutilization that may exist for minorities, women, and persons with disabilities.

Each department and office at MWCC is responsible for developing and implementing our Affirmative Action Policy and Plan. This responsibility may encompass active involvement by managers in the recruitment of protected class persons; the creation of internship/apprenticeship programs with potential for upward mobility; and encouragement of minorities, women, and persons with disabilities to seek training that will qualify them for MWCC jobs which increase challenge, responsibility and pay.

For Affirmative Action to be successful in any organization requires commitment from top management. This commitment must be regularly communicated by the Chair and/or Chief Administrator to the directors, managers, supervisors, employees and union representatives. Also, all staff must be actively involved in implementing this Plan. If this is not done, any attempts at attaining Affirmative Action hiring needs will fail.

The success of this plan will come only if you act upon your responsibility as an employee of MWCC to provide an atmosphere free of harassment and discrimination in the workplace, and create a diverse work environment for the benefit of all employees.


Jacquelyn C. Cooper
Director, Office of Equal Opportunity/
Affirmative Action

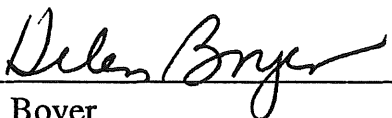
1/1/91
Date

DIRECTOR'S
EQUAL OPPORTUNITY/AFFIRMATIVE ACTION
STATEMENT

We will make every effort possible to attain the Metropolitan Waste Control Commission's Affirmative Action hiring needs as outlined in the MWCC's Affirmative Action Policy and Plan. We are committed to correcting underutilization of protected group members when we have position vacancies or promotional and internship opportunities. Furthermore, we are committed to working together as a team to carry out and clarify EO/AA and Human Resources policies and procedures and to recommend improvements to them.

Recognizing that Affirmative Action is the responsibility of each employee of the MWCC, we will encourage our managers, supervisors and employees to support this Affirmative Action Policy and Plan.

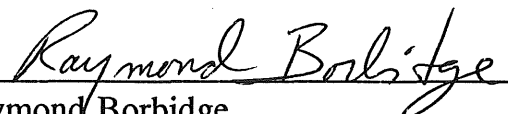
Sincerely,



Helen Boyer
Deputy Chief Administrator

1-1-91


Date



Raymond Borbidge
Director of Human Resources

1-1-91

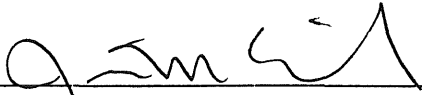
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Jacquelyn C. Cooper
Director, Office of EO/AA

1-1-91

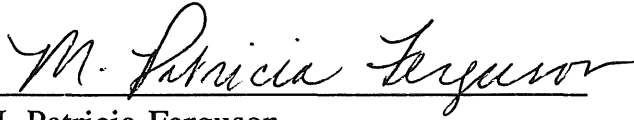
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Jean M. Erickson
Director of Administrative Services

1-1-91

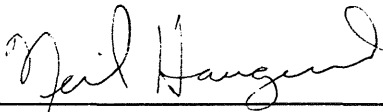
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M. Patricia Ferguson
Director, Office of Public and
Community Relations

1-1-91

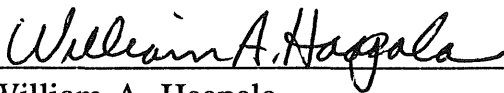
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Neil Haugerud
Director, Office of Government Relations

1-1-91

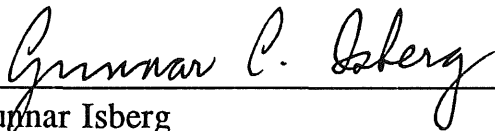
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William A. Haapala
Director of Operations and Maintenance

1-1-91

Date



Gunnar Isberg
Director, Office of Strategic Planning
and Management

1-1-91

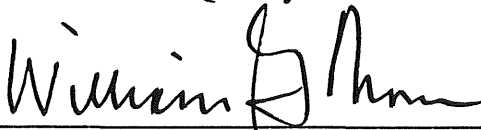
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Donald Madore
Director of Quality Control

1-1-91

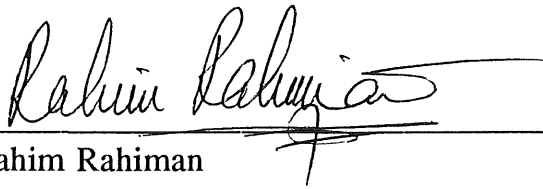
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William G. Moore
Director of Engineering and
Construction

1-1-91

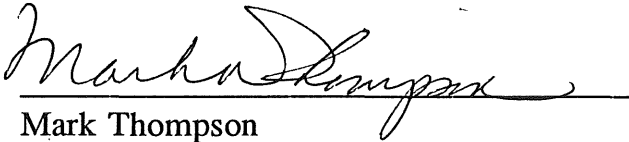
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Rahim Rahiman
Internal Auditor

1-1-91

Date



Mark Thompson
General Counsel

1-1-91

Date

RESPONSIBILITIES, DUTIES AND ACCOUNTABILITY FOR IMPLEMENTATION

Implementation of an Affirmative Action Policy and Plan (Plan) as comprehensive as this one occurs through active involvement of Commissioners, Chief Administrator, Deputy Chief Administrator, directors, managers, supervisors, non-supervisory employees, and union representatives. The responsibilities, duties and accountability for implementation of this Plan are as follows:

MWCC CHAIR

Responsibilities: To ensure compliance of this Plan with existing federal, state and local laws, rules and regulations.

Duties:

1. Reaffirm his/her commitment to Equal Employment Opportunity/Affirmative Action at the MWCC.
2. Provide leadership in creating an atmosphere at the MWCC which is free from discrimination and harassment.
3. Provide the necessary resources, both financial and human, needed to ensure success of this Plan.
4. Monitor the needs set forth in this Plan and take appropriate measures when needs are not being met.
5. Work with the Commissioners to ensure that this Plan is being implemented.

Accountability: Report to the Governor, Legislature and the Department of Employee Relations

MWCC BOARD OF COMMISSIONERS

Responsibilities: To assist the Chair in directing the MWCC's Affirmative Action efforts.

Duties:

1. Reaffirm his/her commitment to Equal Employment Opportunity/Affirmative Action at the MWCC.
2. Provide the Chair of the MWCC with the necessary support to implement this Plan.
3. As directed by the Chair, meet with the Chief Administrator to discuss matters that affect Affirmative Action.
4. Work with the Chair to ensure this Plan is implemented.

Accountability: Report to the Chair.

CHIEF ADMINISTRATOR AND DEPUTY CHIEF ADMINISTRATOR

Responsibilities: To ensure that all policies and procedures (not limited to, this Affirmative Action Policy and Plan) are implemented at the MWCC.

Duties:

1. Reaffirm his/her commitment to Equal Employment Opportunity Affirmative Action at the MWCC.
2. Take responsibility for making Affirmative Action policy recommendations to the MWCC.
3. Implement the MWCC's Treatment of Employees and Applicants policy to prevent discrimination and harassment.
4. Monitor each departments' or offices' adherence to this Plan.
5. Take appropriate action when it is determined that a department/office is not in compliance with this Plan.
6. Give full support and allocate necessary resources to implement programs that further the purpose of Equal Opportunity/Affirmative

Action within the MWCC.

7. Work with the Chair to ensure this Plan is implemented.

Accountability: Report to the Chair.

DIRECTORS

Responsibilities: To ensure compliance with the MWCC's Affirmative Action Policy and Plan.

Duties:

1. Reaffirm their Commitment to Equal Employment Opportunity/Affirmative Action at the MWCC.
2. Assume responsibility to the Chief Administrator or Deputy Chief Administrator for adherence to, and implementation of, this Plan in the respective departments/offices.
3. Answer inquiries of managers and employees regarding this Plan.
4. Establish Accountability/Result Factors (A/RF's) within each department/office that will include Affirmative Action activities and programs unique to its operation which are necessary to meet the needs set forth in this Plan.
5. Hold each manager and supervisor responsible for implementing this Plan.
6. Report quarterly to the Office of Equal Opportunity/Affirmative Action concerning efforts made to accomplish Affirmative Action needs/objectives.
7. Provide an environment in which employees and applicants know their complaints and concerns will be heard without bias or retaliation/reprisal.
8. Assure that working conditions throughout each department/office are conducive to the employment, development and retention of minorities, women, and persons with disabilities.

9. Report to the Office of Equal Opportunity/Affirmative Action all allegations of harassment or discrimination based on an employee's protected class status.
10. Implement disciplinary actions as necessary to enforce this Plan.

Accountability: Report to the Chief Administrator and Deputy Chief Administrator.

DIRECTOR OF THE OFFICE OF EQUAL OPPORTUNITY/ AFFIRMATIVE ACTION

Responsibilities: To administer the MWCC's Affirmative Action Policy and Plan.

Duties:

1. Develop a written Equal Opportunity/Affirmative Action Policy and Plan for the Metropolitan Waste Control Commission. Provide quarterly updates on the accomplishments and failures in implementing this Plan.
2. Assist in the identification of problem areas or barriers preventing full implementation of this Plan.
3. Assist management in creating solutions to identified problem areas.
4. Design and implement an auditing and reporting system that will:
 - a. Measure the effectiveness of this Plan.
 - b. Indicate the need for remedial action.
 - c. Determine the degree to which the MWCC goals and program objectives have been attained.
5. Serve as a liaison to organizations concerned with Equal Opportunity/Affirmative Action for minorities, women, and persons

with disabilities.

6. Provide management with the latest developments in the entire Equal Opportunity/Affirmative Action area.
7. Serve as an information resource to, and work closely with the Commissioners, Chief Administrator, directors, employees and union representatives on matters pertaining to Affirmative Action to ensure understanding and support in implementing this Plan.
8. Develop and maintain communication with agencies or organizations representing protected classes, including information about current job openings.
9. Work with the Human Resources Department and management on issues involving recruitment, selection, promotion and other employment programs to ensure compliance with this Plan.
10. Keep informed of current applicable federal, state and local civil/human rights laws regarding non-discrimination and affirmative action.
11. Review policies, procedures and practices, and make recommendations, if necessary, to the Chair and Chief Administrator to ensure compliance with current applicable federal, state, and local civil/human rights laws and this Plan.
12. Serve as liaison between the MWCC and governmental enforcement agencies; gather information and prepare reports as required by such agencies.
13. Make recommendations to the Chief Administrator regarding areas of underutilization of minorities, women or persons with disabilities.
14. Report the existence and disposition of internal/external complaints to the Chair, Chief Administrator, Deputy Chief Administrator, General Counsel, Responded, and other parties on a "need-to-know" basis.
15. Review case summaries and make determinations to ascertain if

allegations are substantiated or unsubstantiated by evidence.

16. Recommend appropriate action in resolving internal/external complaints.
17. Report any violation of this Plan to the Chair and Chief Administrator and recommend appropriate action.
18. Recruit protected class persons by notifying employees, resource organizations, and various other programs of job openings.
19. Provide training and information to management, supervisory and line employees.
20. Serve as staff liaison for the MWCC's Affirmative Action Employee Committee, Metro Plant Employee Awareness Committee and the Labor Relations subcommittee.

Accountability: Report to the Chair and Chief Administrator.

MANAGERS AND SUPERVISORS

Responsibilities: Provide assistance and support in implementing this Plan.

Duties:

1. Answer inquiries from staff regarding this Plan.
2. Cooperate with the Director of Equal Opportunity/Affirmative Action in the administration of this Plan.
3. Be aware of the hiring process with respect to positions that have Affirmative Action hiring needs, and whenever possible, strive to assist the Commission in achieving these needs.
4. Refer, whenever possible, qualified minorities, women and persons with disabilities for employment opportunities.
5. Ensure that all interviews are fair and job-related.

6. Ensure that qualifications for jobs are appropriate and do not unequally disqualify any particular group from consideration.
7. Provide a positive and professional environment, for employees which is free from harassment and discrimination.
8. Orientate all new employees to the MWCC's policies and procedures.
9. Coordinate EO/AA matters with the Office of Equal Opportunity/Affirmative Action.
10. Provide an environment in which employees and applicants know their complaints and concerns will be heard without bias or retaliation/reprisal.
11. Report to the Office of Equal Opportunity/Affirmative Action all allegations of harassment or discrimination based on protected class status.
12. Provide assistance and cooperate fully with the Office of Equal Opportunity/Affirmative Action in investigating and resolving discrimination and harassment complaints.

Accountability: Report to the Directors.

AFFIRMATIVE ACTION OFFICER

1. Establish and maintain data systems, including a utilization analysis, to monitor quarterly the implementation of this Plan
2. Prepare periodic status reports for the Chair, Chief Administrator and Director of EO/AA.
3. Receive and investigate complaints from employees or applicants alleging discrimination and recommend resolutions to the Director of EO/AA.
4. Conduct investigation of discrimination/harassment complaints and

Duties:

1. Identify barriers to Affirmative Action at the MWCC.
2. Monitor the accomplishments of Affirmative Action hiring needs and objectives.
3. Assist protected class persons in areas related to their rights and responsibilities as applicants and/or employees of MWCC.
4. Support managers and supervisors in implementing and adhering to this Plan.
5. Serve as a communication liaison to employees to convey activities, information and issues regarding this Plan.

Accountability: Report to the Director of the Office of Equal Opportunity/Affirmative Action.

8. The Office of EO/AA will be responsible for training Directors, Managers, and Supervisors on their Affirmative Action responsibilities.
9. The appropriate posters, provided by the Federal Department of Labor, Minnesota Department of Employee Relations and the Minnesota Department of Human Rights will be posted in all work areas and other locations accessible to all applicants for employment and employees.
10. Progress reports will be made quarterly by the Office of Equal Opportunity/Affirmative Action to the Chair and Chief Administrator. The reports are necessary to monitor progress toward achieving the goals, needs and objectives set forth in this Plan and will be submitted to the Minnesota Department of Employee Relations.

2. EXTERNAL

Dissemination of this Plan is a continuing process. The Office of EO/AA will work in cooperation with all departments/offices, unions, and community agencies to accomplish the external dissemination of the Policy and Plan.

1. In cooperation with the Purchasing Division, the Affirmative Action Policy and Plan will be communicated to all MWCC contractors, subcontractors, vendors, and suppliers.
2. The "Equal Opportunity/Affirmative Action Employer", legend, will be printed on all invoices, contracts, leases, purchase orders, job postings and stationery.
3. A non-discrimination clause will be included in all agreements between the Commission and organized labor groups.
4. Further external communication will be accomplished through liaison with community agencies concerned with Affirmative Action and through outreach recruiting in the community. This will be

accomplished in the following ways:

- a. Employment opportunities will be provided to, minority, women, and persons with disabilities recruitment sources and media.
 - b. Advertised job openings will include the "Equal Opportunity/Affirmative Action Employer" legend.
5. The Human Resources Department and the Office of Equal Opportunity/Affirmative Action shall ensure that all interviewers/interviewees are made aware of the MWCC's commitment to Equal Opportunity/Affirmative Action.
6. The Office of Equal Opportunity/Affirmative Action will provide area colleges and universities with the necessary information on potential jobs at the MWCC. This will include minority institutions nationwide, when appropriate, to meet established affirmative action hiring needs.

assistance, membership or activity in a local commission, disability, age and veteran status.

Commission policy prohibits retaliatory action against an employee or applicant for filing a discrimination complaint or for participating in the investigation of such a complaint. Employees and applicants who have concerns about reprisal/retaliation should immediately inform the Director of the Office of Equal Opportunity/Affirmative Action.

Employees and applicants also have the right to file a discrimination complaint with the Minnesota Department of Human Rights or the Federal Equal Employment Opportunity Commission or to pursue action in a civil suit.

NOTIFICATION

The Director of the Office of EO/AA notifies, in writing, the Chair, Chief Administrator, Deputy Chief Administrator, Respondent, and other parties on a "need to know" basis of the existence and determination of complaints filed internally.

RESPONDENTS

The Respondent employee (who is accused of discrimination) is informed of the complaint, and is provided with a copy of the signed summary of the facts of the complaint.

Neutrality of the investigator and the investigative process is explained to the Respondent. Respondents are afforded the opportunity to respond to the allegations, and to identify witnesses and/or documentation which he/she believes will support his/her position.

Respondents are advised of the charging party's right to file a discrimination complaint, and are informed of the charging party's protection against reprisal/retaliation (refer to Information Sheet for Witnesses/Respondents).

WITNESSES:

Potential witnesses may be identified by the Charging Party, Respondent,

or the Office of EO/AA. Every attempt will be made to interview witnesses identified by either the Charging Party or the Respondent.

Witnesses have the right to have a union steward present (if applicable) during the interviews, unless the steward is a party to the complaint. In such situations, another steward or union representative may be present. For employees who are not represented by a union, another person may be present at the discretion of the Affirmative Action Officer.

A written statement of the interview will be prepared for the witness' signature. Prior to signing, the witness may provide corrections or written clarifications which will be made part of the case file. Witnesses have the right to a copy of their statement.

Witnesses are instructed not to discuss the interview with other employees. Witnesses are also advised of their protection against, and/or protection from reprisal/retaliation (Refer to Information Sheet for Witnesses/Respondents).

INFORMAL PROCESS

The purpose of the informal process is to narrow the issues and attempt resolution of the complaint. The Office of EO/AA reviews the allegations of a complaint to determine if there is jurisdiction.

The first step of the complaint procedure is to attempt informal resolution prior to a formal investigation. Some complaints can be resolved informally through meetings with the charging party, the person charged and the Affirmative Action Officer. The role of the Office of EO/AA is to act in an objective manner to facilitate complaint resolution between the parties.

Efforts are made to complete informal complaint investigations within thirty (30) days of the date the signed discrimination intake form is received in the Office of EO/AA. If a satisfactory resolution is not achieved during the informal process, the Affirmative Action Officer will give the charging party written notice of their right to file a formal complaint.

FORMAL PROCESS

If a satisfactory resolution is not achieved during the informal process the Charging Party or the Office of EO/AA (in special situations) may elect to file a formal complaint.

Upon completion of the formal investigation, the Affirmative Action Officer will submit to the Director of EO/AA the summary of the case findings for review. The summary may include, but will not be necessarily limited to the following:

- Basis of the Complaint
- Background Information
- Respondent's Position
- Witness Information
- Findings
- Analysis
- Recommendation(s)

Efforts are made to complete formal complaint investigations within sixty (60) days of the date the signed formal complaint is received by the Office of EO/AA. An extension will be allowed if additional time is required to complete the investigation.

An investigation is completed when a recommendation on the basis of the allegations has been reached by the Affirmative Action Officer, and the case file with the summary and recommended disposition has been sent to the Director of EO/AA for review and final action.

DETERMINATION

The Director of EO/AA reviews the case file summary and based on the evidence makes a determination as to, whether the allegations are substantiated or unsubstantiated. The Charging Party, Respondent and other parties on a "need to know basis" are notified, in writing, of the determination and the findings from the investigation.

APPEAL PROCESS

When the Charging Party is not satisfied with the finding, the method of investigation, or conciliation efforts, he/she may submit, in writing a request to the Chief Administrator to review the matter. The Chief Administrator (or the Chair if required) is the final recourse internally for appealing the decision of an investigation.

ALTERNATE LEGAL ACTION

The charging party may file an external complaint with the federal Equal Opportunity Commission (EEOC), with the Minnesota Department of Human Rights (MDHR), or with the courts. Each regulatory agency has its own time limits for filing a complaint. It is the charging party's responsibility to verify time limits with the respective agency.

NOTICE OF REPRISAL/NON-RETALIATION

Any adverse action taken against an employee or applicant because he/she has filed or intends to file a complaint, or participates in an investigation is a violation and is prohibited under this Plan.

Additionally, the MWCC prohibits taking any retaliatory action against any employee or applicant because of an inquiry into his/her right to file a complaint under this Plan.

DOCUMENTATION/DATA PRACTICES

The Office of EO/AA keeps files and records of incidents and complaints of discrimination and harassment.

Case documentation includes the Charging Party's signed formal intake complaint, summary recommendation, correspondence, interviews, evidence and other relevant information to the investigation.

The charging party has access only to the information in the file which was submitted by the charging party. The Respondent has access only to the information in the file which was submitted by the Respondent.

- (1) Notify the Chair, Chief Administrator, Deputy Chief Administrator, General Counsel, Respondent and other parties on a "need-to-know" basis of the existence and disposition of all internal complaints.
- (2) Recommend resolution of complaints of discrimination and attempt conciliation when appropriate.
- (3) Review the case summary and make determination as to whether the evidence substantiates or unsubstantiates the allegations within the complaint.

D. MANAGERS/SUPERVISORS

- (1) Provide an environment in which employees and applicants know their complaints and concerns will be heard without bias or subjectivity.
- (2) Report to the Office of Equal Opportunity/Affirmative Action all allegations of discrimination on the basis of protected class status.
- (3) Provide assistance and cooperate fully with the Office of EO/AA in resolving discrimination complaints.

E. AFFIRMATIVE ACTION OFFICER

- (1) Conduct a full investigation of discrimination complaints and prepare a finding of facts, (summary) and a recommendation(s) (if applicable) for appropriate action to implement and resolve the complaint.
- (2) Convene a meeting between Charging Party and Respondent and their representatives (if applicable) to attempt resolution through conciliation as delegated by the Director of the Office of EO/AA.
- (3) Serve as the liaison between employees, applicants, supervisors, managers, and the Director of the Office of EO/AA on matters relating to discrimination.

F. EMPLOYEES AND APPLICANTS

- (1) Bring allegations of protected class discrimination to the immediate attention to the Director of the Office of EO/AA or to the attention of their manager or director.
- (2) Maintain a work environment free of discrimination and harassment.
- (3) Cooperate with the Office of EO/AA in the investigation of discrimination complaints.

EVALUATION PROCEDURE:

Review and analyze the feedback from the employee survey. Each employee will be able to voice concerns, and give suggestions which will be considered for the 1992 Plan, future training sessions, and to improve basic communications from the Office of EO/AA.

OBJECTIVE III:

Implement the Educational Employment Opportunities (EEO) Internship program with needs that relate to this Plan. Focus for the internship program will be in the professional/technical job categories.

ACTION STEPS:

The Human Resources Department will administer and give overall direction to the program.

The Office of Equal Opportunity/Affirmative Action will be responsible for the following: serve as a resource and technical liaison to the Human Resources Department, establish a recruitment network with protected group member organizations such as Minority Educators, Recruiters and Counselors (MERC), University of Minnesota School of Engineering, INROADS, and minority programs at in-state Universities, TVI's and Community Colleges.

ASSIGNMENT OF RESPONSIBILITY:

Human Resources Department in cooperation with the Office of Equal Opportunity/Affirmative Action are responsible for accomplishment of objective.

TARGET DATE FOR COMPLETION: December 31, 1991.

EVALUATION PROCEDURE:

Monitor and report problem areas regarding implementing of this internship program to the Chair, Chief Administrator, Deputy Chief Administrator and the Department of Employee Relations (DOER).

IV. PROCEDURES

A. Application.

The procedures set forth below apply in the following circumstances when the responsible manager is unable to determine an appropriate reasonable accommodation for an employee or applicant.

1. When an applicant for a position, with a known disability, is otherwise qualified except for those functions apparently limited by the individual's disability and the person responsible for hiring believes the applicant could not perform the essential functions of the position even with reasonable accommodation.
2. When a current employee, with a known disability, applies for a promotion to a position, and is otherwise qualified except for those function apparently limited by the individual's disability and the person responsible for hiring feels the applicant could not perform the essential functions of the position even with reasonable accommodation.
3. When a current employee is injured or becomes disabled either on or off the job, desires to return to his/her position, and the manager feels he/she is unable to do so because the employee is unable to carry out all the essential functions of the position because of the injury or disability.
4. When a current employee is proposed to be placed on the Limited Duty Program described in Section V, at the Chief Administrator's direction and it has been determined that the employee is unable to carry out all the essential functions of his/her regular position.

B. Submission to Review Panel.

The applicable Department or Office Director shall submit the following information to the Chair of the Review Panel promptly

upon becoming aware of any of the circumstances described in Section IV.

1. A description of the position and the essential functions of the position in question.
2. The nature of the person's disability.
3. The specific functions of the position which the Director feels the person with a disability cannot perform even with reasonable accommodation.
4. A list of accommodations that have been considered stating, in each case, the estimated costs thereof and whether they are considered to be reasonable or unreasonable or to constitute an undue hardship to the MWCC's business.

If the person with a disability is an applicant for a position, either as a new hire or for promotion, no final hiring decision shall be made on the position until the procedures in this Section IV are completed.

C. Response by Person with Disability.

The Chair of the Review Panel shall provide a copy of the appropriate Director's submission to the person with a disability who shall have the opportunity to respond within ten (10) days of receipt. Such response shall include the following information:

1. Areas in which the person disagrees with the Director's submission.
2. Additional types or methods of accommodation that the person feels would be reasonable and would enable him/her to carry out all the essential functions of the position.

The person with a disability shall be specifically notified that failure to respond will not prevent consideration of the matter by the Review Panel.

<u>REPORT</u>	<u>RESPONSIBILITY</u>	<u>FREQUENCY</u>
<u>1. EEO-4</u> Provide comprehensive breakdown of the MWCC's workforce composition.	Office of EO/AA	Annually
<u>2. Minorities, Women and Persons with a disability Utilization Report.</u> Provides complete breakdown of the MWCC employees by department/office, federal job category, job classification, and protected group status. Data is tallied and summarized.	Office of EO/AA	Quarterly
<u>3. Affirmative Action Need Progress Report</u> Shows progress each MWCC Department or Office has made toward increasing its number of minorities, women and persons with disabilities.	Office of EO/AA	Quarterly
<u>4. Applicant Flow</u> Statistical count of applicants by race, sex and disability.	Office of EO/AA	Quarterly
<u>5. Test Monitoring for Adverse Impact</u> Monitors written, oral and	Office of EO/AA	Quarterly

practical test pass and fail rates to detect adverse impact on minorities, women and persons with disabilities.

<u>REPORT</u>	<u>RESPONSIBILITY</u>	<u>FREQUENCY</u>
<u>6. Interview Report</u> Provides statistical data on minorities, women, and persons with disabilities. Interviewed by each department or office for hire or promotion.	Office of EO/AA	Quarterly
<u>7. Disciplinary Actions</u> Provides statistical data on suspensions, demotions, salary reductions, transfers, and other disciplinary actions on the basis of race, sex and disability by department or office.	Office of EO/AA	Quarterly
<u>8. Transfer and Promotion</u> Provides statistical data on suspension, demotions, salary reductions, transfers, and other disciplinary actions on the basis of race, race, sex and disability by department or office.	Office of EO/AA	Quarterly
<u>9. Termination</u> Provides statistical data of termination (layoff, dismissal, resignation, other) by department or office on the basis of race, sex and	Office of EO/AA	Quarterly

Office of EO/AA, as well as charges filed with enforcement agencies. Reports of patterns of EO/AA complaints and planned corrective actions are included.

<u>REPORT</u>	<u>RESPONSIBILITY</u>	<u>FREQUENCY</u>
<u>2. Workforce Analysis</u> Statistical report showing the average maximum/minimum salaries of employees by department/office, job classification, race, sex and disability.	Office of EO/AA	Quarterly
<u>3. Upward Mobility/Career Tracking Report</u> Showing the career mobility of women, minorities and persons with disabilities.	Office of EO/AA	Semi-annually
<u>4. Personnel and Policy</u> Periodic audits conducted of selected departments and offices to ensure these policies/procedures do not discriminate or have the affect of discriminating against any MWCC employee.	Office of EO/AA	Semi-annually

PRE-EMPLOYMENT AFFIRMATIVE ACTION REVIEW

The Office of Equal Opportunity/Affirmative Action (EO/AA) is responsible for monitoring personnel actions by department/office. Quarterly reports are submitted to Department of Employee Relations (DOER) to identify the progress towards achieving Affirmative Action hiring needs.

When there are affirmative action needs for jobs where underutilization exists, to ensure that minorities, females, and persons with disabilities are afforded every opportunity to be employed and/or promoted by the MWCC, the following steps will be followed:

1. The Office of EO/AA and Personnel will communicate information to each department/office, identifying open positions where underutilization exists. All directors receive from Personnel a weekly to bi-weekly update regarding job openings indicating if there are affirmative action needs for these jobs.
2. A list of eligible candidates, by job type and by protected class will be maintained by the Office of EO/AA through applicant flow data obtained from applicants.
3. During the pre-employment strategy sessions, the hiring representative(s) will be advised of the Affirmative Action hiring need(s) for the position and of their Affirmative Action responsibility.
4. Following the screening of applicants by the Human Resources (HR) representative and/or hiring representative, if there are Affirmative Action need(s) for the position, the HR representative will notify, in writing, the Director of EO/AA of the candidates who will be interviewed for the position.
5. The Director of EO/AA will review the applicant flow data and communicate this information to the HR Representative. The Director of EO/AA will determine if she/he concurs with the candidates selected for the interview. If the Director of EO/AA does not concur with the interview pool, the Director of EO/AA and the concerned parties will determine who will be the final candidates for the interview.

6. If a minority, female, or person with a disability (depending on where the underutilization exists) is not recommended for hire by the interviewing panel, and if such candidates were interviewed, the Personnel/Staffing Manager will submit a written recommendation for hire to the Director of EO/AA. The recommendation will explain why a minority, female, or person with a disability was not selected for this position.
7. The Director of EO/AA will review the rationale and either approve or deny the recommendation for not hiring a protected class person for a position where an Affirmative Action need exists. The Director of EO/AA will notify, in writing, the Chief Administrator, the Director of the Department or Office of the vacancy, and the Personnel/Staffing Manager of his/her decision.
8. If no consensus is reached between the Director of EO/AA, the Personnel/Staffing Manager and Director of the Department or Office, then the Chief Administrator will review the information and has the final approval. The Chief Administrator will notify, in writing, the Director of EO/AA, the Personnel/Staffing Manager and Director of the department or office, of his/her decision and final action.
9. No job offer will be made until either the Director of EO/AA or the Chief Administrator have submitted their written recommendation to the Personnel and Staffing Manager.

WEATHER AND EVACUATION PROCEDURE

In an effort to provide for the safety and well-being of all the MWCC employees, the Directive 87-8 and procedures related to Emergency Closure of the MWCC's Offices, and/or operating facilities, follows on the next several pages. This procedure not only addresses our responsibility for continuous and efficient operation, but recognizes the need to provide for the unusual and infrequent occurrences which warrant closure of our offices.

Supervisors are to consult with hearing impaired employees to insure that they are informed of emergency closures.

In addition to the Directive on Emergency Closure of the MWCC's Offices, and/or operating facilities the Office of Equal Opportunity/Affirmative Action is compiling a list, by facility, which specifies the person or persons in each facility responsible for assisting employees who have mobility or sensory impairments in the event of an evacuation.

METROPOLITAN WASTE CONTROL COMMISSION

EMERGENCY CLOSURE PROCEDURE

This procedure provides clearly defined directions to be followed during emergency situations which allow the Metropolitan Waste Control Commission to function effectively during natural or person-made emergencies.

- A. The following procedures apply to emergency closure of Commission offices due to severe weather or other emergency situations.
1. Emergency closures shall be declared only by the Chief Administrator, the Deputy Administrator, or designee.
 2. In the case of weather emergencies, an emergency closure will only be declared in extreme cases, when it would be literally impossible or hazardous for employees to travel to or from work. If severe weather or emergency conditions are local in nature and affect only specific facilities within the Commission system, an emergency closure may be requested only for those facilities directly affected.
 3. When a determination is made by the Chief Administrator, Deputy Chief Administrator, or designee, notice of an emergency closure will be given to WCCO radio station by 6:00 a.m. It is the responsibility of each individual employee to ascertain if an emergency closure has been declared.
 4. For the purpose of the Emergency Closure Procedure, employees who are directly responsible for the operation and maintenance of Commission facilities are considered "critical" employees and are expected to report to work in emergency situations unless directed otherwise. Critical employees include:

- a. All employees in the Operations & Maintenance Department represented by unions other than AFSCME Local 688, as well as Plant Managers and Maintenance Supervisors.
 - b. All employees in the Operations & Maintenance Department working in the interceptor system areas as interceptor workers, interceptor technicians or data loggers.
5. Critical employees who are unable to report to work or who report late due to the emergency situation may use accumulated vacation or annual leave for hours not worked. An "emergency closure dock" may also be used if approved by employee's supervisor.
 6. Employees who are not designated as "critical" are not required to report for work during emergency closures. For hours not worked, employees will use accumulated vacation or annual leave or may, with approval of their supervisors, use "emergency closure dock".
 7. All employees who report to work will be allowed to work.
 8. Payment will be made only for time actually at work and/or vacation or annual leave.
- B. Occasions may arise when weather is not severe enough to implement the Emergency Closure Procedure, but could cause plant operators to be late for reporting or even prohibit them from making it to work on that day.

The Plant Manager is to use reasonable judgement in granting emergency closure dock (not to be reflected in the personnel file) or emergency vacation when a severe weather condition exists. Employees are expected to follow labor agreement provisions regarding notification.

AFFIRMATIVE ACTION PLAN AND POLICY GLOSSARY

ADVERSE IMPACT:

A policy, practice or procedure has an adverse impact if the results are the disqualification of members of "protected class" (see definition) groups at a significantly higher rate than whites.

AFFIRMATIVE ACTION:

Positive steps employers take to ensure that employment or promotional opportunities for women, racial/ethnic minorities, persons with disabilities exist in the workplace.

AFFIRMATIVE ACTION PLAN AND POLICY:

The written plan by which an employer sets forth the specific actions that will be taken to eliminate past discrimination against underutilization of racial/ethnic minorities, women, and persons with disabilities. The plan will include "needs" and "timetables" for eliminating underutilization of these protected classes.

APPLICANT:

Person who applies to or who seeks a position with the MWCC.

ALLEGATIONS SUBSTANTIATED (Probable Cause):

Based on the investigation, the evidence was sufficient to establish that a violation of the MWCC's policies occurred. The Director of EO/AA will work with the charging party and other concerned parties to identify and implement appropriate remedies.

ALLEGATIONS UNSUBSTANTIATED (No Probable Cause):

Based on the investigation, the evidence did not support or was insufficient to support the Charging Party's allegation(s) of a violation of the MWCC's Policies. The Charging party has the right to appeal the determination to the Chief Administrator, to file an external complaint with federal or state regulatory agencies, or to initiate private action through the judicial system.

AVAILABILITY:

A term used in affirmative action planning to describe the number of women, racial/ethnic minorities and persons with disabilities present within the relevant job market for specific job categories.

CHARGING PARTY:

Person who initiates a complaint of discrimination or harassment.

DISABLED:

Individuals who have a physical or mental impairment which substantially limits one or more major life activities.

DISCRIMINATION:

In Equal Employment Opportunity (EEO) law, an act or practice which, regardless of its intent, has the effect of excluding or limiting the opportunities of an individual and for protected class groups.

DISPARATE TREATMENT:

Employment practices which are applied or administered in an inconsistent or unfair manner. For example, disciplining a minority employee for tardiness while ignoring the same conduct in a non-minority employee. Also referred to as "differential treatment".

DOER:

Department of Employee Relations which is the state agency that enforces Affirmative Action for all metro/state agencies.

EEO: (Equal Employment Opportunity)

Laws to ensure that individuals are recruited, selected, trained, promoted, transferred and compensated on the basis of merit and qualifications only.

EMPLOYEE:

One who provides service to the MWCC for wages and other compensation.

GOALS: (term outdated, see definition for "needs")

MINORITY:

A person having origins in: Mexico; Puerto Rico; Cuba; Central or South America or other Spanish cultures or origins regardless of race; Asian; Pacific Islands; American Indian, Alaskan Natives; black racial groups of Africa.

NEEDS: (previously referred to as "goals")

Numerical objectives based on underutilization of or systematic

discrimination against a particular "protected" group. Needs (goals) are part of a written affirmative action plan and indicate the minimum progress an employer believes it can make within a specific time frame (timetable) to increase employment opportunities for women, racial/ethnic minorities, and persons with disabilities.

OPPRESSION:

An unjust or cruel exercise of authority or power.

PROTECTED CLASS:

Legally identified groups that are specifically protected by law, and/or the MWCC's Policy, from employment discrimination. Those persons protected by law and/or the MWCC's Policy are: race, sex, color, creed, religion, gender, national origin, sexual orientation or identity, marital status, status with regard to public assistance, membership or activity in a local commission, disability, age and veteran status.

QUOTAS:

Court ordered hiring and/or promotions requirements of "protected class" persons to jobs or positions from which they have been excluded as a result of unlawful discrimination. Quotas are not needs (goals), are maintained by law and can only be imposed by a court.

RACIAL HARASSMENT: (see Racial Harassment section in this Plan)

Verbal or physical conduct relating to another individual's or group's race or ethnic background that is offensive, degrading or exploitive.

REMEDIES:

The means employed to enforce or rectify a wrongdoing.

REPRISAL:

Unfair discriminatory action taken against an employee or applicant because that employee or applicant has filed or participated in a lawsuit, charge of discrimination or allegation of discrimination against the MWCC. Includes , but is not limited to intimidation; retaliation; or harassment.

RESPONDENT:

Person or persons accused of discrimination in a complaint or charge of discrimination. One whom allegations are brought against.

SEXUAL HARASSMENT: (see Sexual Harassment section in this/ Plan)

An individual's unwelcomed sexual advances, requests for sexual favors , sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature.

SUPERVISORY EMPLOYEE:

A person who has the authority to undertake a majority of the following supervisory functions in the interests of the employer: hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other employees, direction of the work of other employees, or adjustment of other employees' grievances on behalf of the employer.

UNDERUTILIZATION:

Having fewer minorities, women and/or persons with disabilities in a particular job group than would reasonably be expected by their availability in the job market.

VETERANS:

Persons who served in active duty for more than 180 consecutive days, and therefore were released with other than a dishonorable discharge; or discharge or release due to a service related disability.

WITNESS:

One who gives evidence in a case being investigated. One who, having personal knowledge, is called upon to attest to fact, statement or event.

