

DEPARTMENT OF HUMAN RESOURCES
EMPLOYMENT POLICY:

AFFIRMATIVE ACTION PLAN POLICY

The City of Pittsfield has established its Equal Employment Opportunity/Affirmative Action Program in accordance with the intent of the rules, regulations and guidelines of the various federal and state laws and agencies having oversight in the equal employment opportunity area.

City of Pittsfield recognizes that contributions from all of the residents of the city, currently and historically comprised of men and women from a variety of ethnic backgrounds, have enriched the character and quality of life in Pittsfield. Therefore, to best serve all residents, the government of the City of Pittsfield hereby affirms its moral commitment to ensure that, as an employer, it will promote, as well as respect and accommodate, diversity in its workforce.

Any employment or personnel practice that intentionally or unintentionally discriminates against any of our employees or applicants for employment is to the detriment of the City of Pittsfield, and will not be permitted. The City, as an employer, strives to be a civic leader in programs and practices which create and maintain equal employment opportunities for those who are currently under-utilized, underrepresented, and/or disadvantaged and cut of the economic and cultural mainstream.

It is the policy of the City of Pittsfield not to discriminate against any employee or applicant for employment because of age, race, color, religion, sex, marital status, sexual orientation, gender identity, national origin, disability, or veteran status.

This non-discrimination policy affects all personnel policies of the City of Pittsfield, which includes, but is not limited to the following: recruitment; hiring; working conditions; benefits and privileges of employment; compensation; training; opportunities for advancement, including upgrades and promotions; transfers; discipline; and termination of employment, including disciplinary discharge and layoffs.

In addition, it is try policy of the City of Pittsfield that goods and services shall be purchased from agencies or companies which have exhibited an established policy and practice of nondiscrimination in employment or in the provision of services.

In order to affirm and fulfill its leadership role in this area, and to provide the best possible service to its residents, the City has and will undertake affirmative efforts to ensure that its employees, at all levels of employment, and in all types of positions reflect the race, sex, disability and protected group status of labor markets from which the employees are drawn. Furthermore, the City will take affirmative steps to train and develop its workforce, in order to improve employees' opportunities to participate in higher level employment, with emphasis in job classifications, where members of protected groups such as minority groups and women are under-utilized and under-represented.

The City will adhere to the provisions of all federal, state and local laws and regulations governing equal opportunity in employment.



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The City will, without regard to circumstances of race, color, religion, sex, marital status, sexual orientation, gender identity, national origin, age, disability, or veteran status:

- Hire persons who are qualified to perform the defined duties and responsibilities of the position to be filled.
- Promote and transfer employees on a non-discriminatory basis.
- Provide all employees with an equal opportunity to participate in applicable training and development programs.
- Compensate all employees based upon the principle of equal pay for equal work.
- Establish and/or maintain all employees' facilities on a non-discriminatory basis.

The City will not limit, segregate, or classify its employees in any way which would deprive any individual of opportunities, or adversely affect their status as an employee because of such employee's race, color, religion, sex, marital status, sexual orientation, gender identity, national origin, age, disability, or veteran status.

The City will not discharge any employee because of race, color religion, sex, marital status, sexual orientation, gender identity, national origin, age or disability, or Veteran status. The City shall continue to make reasonable accommodations for physical and/or mental limitations of any employee or applicant.

The City will continue to administer all personnel activities such as compensation, benefits, transfers, training, social and recreational programs, without regard to race, color, religion, national origin, sex, marital status, sexual orientation, gender identity, age, disability, or veteran status.

The City is committed to equal opportunity and affirmative action and will use a variety of methods of recruiting applicants for employment in order to meet its commitment to equal opportunity and affirmative action, and to maintain and encourage a diverse workforce.

The City will take affirmative steps to develop the talents, skills, and abilities of its workforce and other local resources so that under-utilized and under-represented groups within the population may have the opportunity to advance to higher level positions.

OBJECTIVES/PURPOSE

EMPLOYMENT

The City of Pittsfield will continue its efforts to establish a diverse municipal workforce. The City of Pittsfield acknowledges that employment opportunities will be provided through affirmative action to all present and prospective employees regardless of



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race, color, age, religion, national origin, sex, sexual orientation, gender identity, disability, or veteran status. This affirmative action policy applies to all personnel action including, but not limited to: recruitment, hiring, compensation, promotions, demotions, transfers, termination, and recall from lay-offs. To enable Pittsfield to accomplish its objectives, the City has embarked on a series of affirmative and innovative recruitment activities, aimed at ensuring that all protected groups are appropriately represented in the municipal workforce.

This affirmative action policy applies to all personnel action including, but not limited to: recruitment, hiring, compensation, promotions, demotions, transfers, termination, and recall from layoffs, consistent with the provisions of collective bargaining agreements.

The City of Pittsfield is adopting an Affirmative Action Program whose purpose is to outline and implement procedures to effectively recruit and employ individuals available to the City, and, to achieve parity within the municipal workforce for protected groups.

The City's affirmative action efforts will include recruitment, training and promotions. The City of Pittsfield will accomplish affirmative action employment goals by methods of:

- Workforce Analysis: An analysis of the City's workforce to establish a measurable baseline standard for the City's affirmative action efforts.
- Goals and Timetables: Establish annual and long-term goals for the hiring and promotion of all individuals who are a member of a protected group, including women, minorities, disabled persons and veterans at all levels of City government.
- Recruitment and Employment: Promote recruitment and employment programs designed to support affirmative action goals.
- Internal Review & Reporting Systems: Continue an internal reporting, monitoring and enforcement procedure to achieve compliance goals, timetables, and employment programs.
- Distribution of Policy: Explain the process to distribute the City's affirmative action policy and plan.
- Anti-Harassment Policy: Promote and implement a harassment policy which is aimed at preventing the creation of barriers to employment and participation within the City's workforce.
- Grievances: Explain a grievance process to handle employee allegations formally and informally, and in accordance with Collective Bargaining Agreements.
- Informal: an internal resolution process to employee allegations.



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Formal: an external resolution process to employee allegations administered under local, state, and federal agencies.

LABOR UNIONS

To expand efforts in areas affecting affirmative action, the City recognizes the importance of union cooperation. Management shall work with union representatives to enlist their commitment to the goals of the Affirmative Action Plan.

Unions include Police, Fire, Teamsters 404, Berkshire Athenaeum, & Supervisory and Professional Association.

Management will initiate discussions with union representatives to ensure that: Non-discriminatory clauses are included in all agreements, all provisions in each collective bargaining agreement are non-discriminatory, & issues affecting AA and EEO are addressed promptly.

The Affirmative Action Officer/Human Resources Director has sole responsibility to ensure cooperative labor/management efforts in all areas of Affirmative Action and Equal Employment Opportunity

DISTRIBUTION OF POLICY

To ensure a successful non-discriminatory employment program, the City of Pittsfield's Affirmative Action Program includes procedures for external and internal distribution of the Affirmative Action Plan. The primary objective is to ensure awareness and understanding in order to achieve and maintain the goal of equal opportunity in every area of employment within the City of Pittsfield. Distribution of the Affirmative Action Plan and Program will ensure that sufficient resources are available to appointing authorities in the diligent demonstration of their affirmative action responsibilities of recruiting, hiring, retaining and promoting all qualified members of a protected group, including minorities, women, disabled, and veteran employees.

A successful and effective distribution of the program will communicate the benefits of the Affirmative Action Plan to ensure support for the program, thus achieving equal opportunity at every level of employment within the City of Pittsfield.

The following actions shall be taken:

INTERNAL

- The Affirmative Action Policy Statement will be provided to all employees within the City.
- The Affirmative Action Policy Statement will be posted in each department where all employees have access.
- A copy of the Affirmative Action Policy will available for review in the Human Resources Departments, City Clerk's Office, and the Public Library.



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- The affirmative Action Policy will be emphasized to those who are involved with making recommendations concerning the appointment, transfer, and promotion of City Personnel.
- All administrators, managers, and supervisors will be required to attend AA training sessions presented under the direction of the Affirmative Action Office/Human Resources Departments.
- Discuss the Affirmative Action Policy thoroughly during employee orientation.
- The Affirmative Action Officer will maintain active liaison status with city employee organizations and bargaining units.
- The Human Resources Departments will regularly update all Affirmative Action--Equal Employment Opportunity bulletin boards in City departments and buildings.

EXTERNAL

- The Affirmative Action Plan will be on file for review at the Pittsfield Public Library, City Clerk's Office, and the Human Resources Departments.
- In all employment advertisements or communications, the City will refer to our EEO-AA-M/F/H/V policy and state the City's encouragement for all members of a protected group, including minorities, women, disabled and veterans to apply for municipal positions.
- Publicize the Affirmative Action Policy to organizations within the community whose membership represent minorities, women and disabled individuals or other targeted groups. Organizations contacted will be informed of our Affirmative Action
- Policy commitment to meeting minority, female and disabled hiring goals, as well as hiring goals for all other members of a protected group through notification of current openings, encourage applicants from targeted groups to apply. Continuous contact with community and recruitment organizations will be maintained by the Affirmative Action Officer and Human Resources Departments.
- Ongoing efforts to cultivate and increase additional recruiting sources will be emphasized, expressing our desire to hire and retain all members of a protected group, including minorities, women, disabled individuals, and veterans.
- The City of Pittsfield's Affirmative Action Policy Statement will be included in all contracts, subcontracts, purchase orders, leases and other documents and/or correspondences covered by Executive Order 11246 and other related state and federal statutes.
- Send written notification of Pittsfield's Affirmative Action Program to all subcontractors, vendors, and suppliers requesting appropriate action on their part.
- The Human Resources Departments will provide information to community media sources to publicize results of the City's Affirmative Action Program.



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RESPONSIBILITY AND ACCOUNTABILITY

THE RECEIVER

The Receiver has ultimate responsibility for the overall administration of the Affirmative Action Plan. The Receiver will provide direction on the development of policy to ensure implementation and effectiveness of the Equal Employment Opportunity/Affirmative Action Programs. The Receiver will also ensure that appointing authorities, department heads, managers and supervisory personnel are held accountable for compliance with and achievement of department affirmative action goals and timetables by administratively supporting affirmative action employment, training and promotional objectives, consistent with the collective bargaining agreements and with the City's personnel policies.

AFFIRMATIVE ACTION OFFICER

The Receiver has delegated the Affirmative Action Officer/Human Resources Director with the responsibility of development, review, implementation and administration of the Affirmative Action Plan. The Affirmative Action Office reports directly to the Receiver and is accountable for all phases of the program.

The Affirmative Action Officer will prepare, maintain and coordinate the preparation, dissemination, implementation, revision and monitoring of the City of Pittsfield's Affirmative Action Plan and Policy.

The Affirmative Action Officer will prepare information and act as staff person for the Receiver's Office. Other duties and responsibilities include but are not limited to:

EDUCATE

- Distribute, publicize and explain the Affirmative Action Plan, including policy and program-related activities, internally, to city employees and externally, to the community in general and to specific groups and target populations.
- Protected group members shall be encouraged to apply for training programs.
- Provide technical assistance and training to all City departments, agencies, boards, and commissions to plan and implement EEO and Affirmative Action programs, initiatives and activities; and to ensure understanding, support and compliance from all supervisors.
- Assist in the development of training programs to improve the skills of existing employees to maximize their opportunities for internal promotion and career advancement within the city.



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- Encourage an atmosphere of acceptance and inclusion among city workers with diverse backgrounds, to promote and encourage productivity in harmonious working relationships and improve retention and job satisfaction.
- Work with the City's Law Department to establish a process collecting and disseminating significant developments in affirmative action and equal employment laws, policies, regulations, court decisions and rulings.

MONITOR

- Develop goals and timetables for various types of positions in the departments of the City.
- Develop and maintain a system for internal program
- Evaluation including data collection and analysis.
- Develop implementation guidelines for the Affirmative Action Plan, applicable to all staff and participants.
- Audit and monitor all personnel practices, particularly: recruitment, hiring, promotion, transfer, termination, and training patterns to ensure compliance with law and policy.
- Prepare quarterly EEO/AA reports to the receiver and the Affirmative Action Advisory Committee.
- Maintain records of all Affirmative action activities.
- Report to the Receiver on any failures to comply with any EEO/AA regulations, including recommendations for appropriate corrective action, including discipline, up to and including discharge.
- Act as the Receiver's liaison with the Massachusetts Commission Against Discrimination (MCAD), the regional Equal Employment Opportunity Commission (EEOC) office and other regulatory oversight agencies, disseminating information from those agencies on current legislation and court decisions or other policy guidelines concerning EEO and Affirmative Action.

MEDIATE

- Work with department heads in solving EEO problems which may arise and continually attempt to prevent the occurrence of such problems.
- Attempt to mediate interpersonal disputes or conflicts with EEO implications whenever possible and appropriate.
- Develop an employee and applicant grievance mechanism to resolve complaints alleging discrimination/harassment in hiring, firing, promotion, demotion, lay-off, training, and denial of reasonable accommodation.
- Provide prompt, fair and impartial processing of complaints of discrimination; provide prompt, fair and impartial EEO counseling as needed.



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RECRUIT

- Assist the Human Resources Departments and other departments with generalized and targeted recruiting to ensure a diverse mix of applicants for consideration in selection and hiring. In those job categories where under representation is evident, extensive outreach recruitment will be done to ensure that eligible lists submitted to departments consistently contain a representative number of all members of a protected group, including minorities, women, disabled individuals, and veterans.
- Participate in community efforts to improve conditions which affect employability and serve as a liaison with various community groups.

DIRECTOR OF HUMAN RESOURCES/AFFIRMATIVE ACTION OFFICER

The Director of Human Resources/Affirmative Action Officer plays a primary role in ensuring that the City's personnel policies are and remain non-discriminatory in design, impact and implementation. The Director of Human Resources/Affirmative Action Officer reports directly to the Receiver and sets the administrative tone of encouraging equal employment opportunities for employees and applicants. The Director will emphasize a desire to hire and retain all members of a protected group, including minorities, women, disabled individuals, and veterans.

The Director of Human Resources/Affirmative Action Office shall:

- Oversee the administration of the City's recruiting, hiring, training, promotion, and discipline process consistent with Equal Employment Opportunity and supportive of affirmative action.
- Assist the affirmative action function in monitoring progress in meeting departmental and overall city goals and timetables in affirmative action.
- Work closely with appointing authorities, department heads, and managers providing technical assistance helping them meet affirmative action goals.
- Establish and conduct a recruitment program to ensure a multicultural mix of qualified applicants for city positions.
- Identify and make recommendations to the Receiver on the use of available certification methods, such as Personnel Administration Rule 10, section 47A Massachusetts General Laws, and selective certification where the underutilized of minorities, women, disabled persons and Vietnam-Era Veterans is documented.
- Assist in career development efforts for employees.
- Maintain all central personnel records in a manner consistent with applicable employment practices, laws and regulations.
- Provide other assistance necessary in helping the City achieve and maintain its affirmative action goals.



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DEPARTMENT HEADS/MANAGERS

The success of the City's Affirmative Action Plan hinges upon the support of each management employee responsible for hiring and/or supervision functions. A key responsibility for department heads and managers is to gain support for affirmative action by educating their employees with the goals and objectives of the program, discussing affirmative action with a positive attitude and by demonstrating concern that the City's Affirmative Action Program succeeds.

- Each department head shall have direct responsibility for effective affirmative action within their department and shall be held accountable to the Receiver for the attainment of specific departmental goals. Department heads have the responsibility for making recommendations on decisions as to who to appoint or promote from a group of eligible candidates. If a particular department fails to meet Affirmative Action goals and timetables, the Department Head must submit to the Human Resources Director/Affirmative Action Officer written documentation of reasons for failure to meet the goals and timetables,
- Where under-utilization exists and there are eligible candidates belonging to a protected class, any request to hire a non-protected group candidate in such a job category will not be approved without written explanation as to why the protected group individual not hired.
- The Receiver will review the EEO/AA record of each department annually with the department head and other managerial staff as appropriate and if necessary take corrective action.
- The Department Heads' EEG/AA record will be taken late account when reviewing possible promotion or reassignment, compensation retention and term of employment.
- Department Heads are responsible for encouraging an atmosphere of acceptance, tolerance, and openness to diversity within their department, in order to foster productivity, harmonious working relationships, job satisfaction, and improved retention within a diverse workforce.
- Department Heads are responsible for assisting in identifying training needs of individuals within their departments for whom training would be helpful in developing improved skills useful in career development.
- Managerial employees are required to attend an annual EEO/AA training program developed, sponsored or approved by the Human Resources Director/Affirmative Officer.

RECEIVER'S AFFIRMATIVE ACTION ADVISORY COMMITTEE

The Receiver shall appoint an Affirmative Action Advisory Committee. The Committee shall consist of citizens, union representatives, and city officials, including individuals representing each of the major racial minority groups in the Pittsfield area with expertise in the areas of affirmative action, civil service, staff development, training and broader areas of civil and human rights.



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This Committee shall meet quarterly to hear the report of the City's Affirmative Action Officer on progress in affirmative action.

In the development of its role as an integral part of the Affirmative Action Plan it is the responsibility of the Committee to monitor the Affirmative Action Program and to make recommendations to the Affirmative Action Officer and the Receiver regarding affirmative action progress.

The Committee mission statement is as follows:

“The Pittsfield Affirmative Action Committee exists to protect and expand equal opportunity in the City of Pittsfield. We seek this goal as a matter of equity for individuals and in the conviction that the entire community will be better served by it.

We believe that the City will be more responsive to its citizens when it functions as an employer, appointing authority, or purchaser of goods and services with an awareness of and sensitivity to people's differences.

Thus, our concerns include but are not limited to:

- *The Receiver's appointments*
- *Recruitment and hiring*
- *Promotion and career development*
- *Contracts and purchasing*
- *Education and training*
- *Accurate and timely personnel information*
- *Redrafting and implementation of the AA/EEO Plan*
- *Overall functioning of city government*

We are an advisory and advocacy group. We will assist the City departments in general and the Human Resources Departments in particular, at the same time we will function independently of them.”

EMPLOYEES

The success of the Affirmative Action Plan depends on the support of each person employed by the City of Pittsfield. Employees must demonstrate sensitivity to and respect for individual differences, promoting an atmosphere and a sense of mutual belonging and fellowship when working with other employees and with the public.



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Employees are encouraged to recommend new and creative ways to attract employees to work for the City of Pittsfield and to inform established groups of openings for the City of Pittsfield. Employees may submit suggestions for strengthening the City's Affirmative Action Programs, and are encouraged to do so. It is through maximum cooperation from all employees that this Affirmative Action Plan will succeed.

THE AFFIRMATIVE ACTION OFFICE

The office of affirmative action was established in accordance with the Receiver's Executive Order, dated . It reads as follows:

I HEREBY ORDER, PURSUANT TO ST. 1991, C. 200, SECTION 8(3), THERE SHALL BE WITHIN THE DEPARTMENT OF PERSONNEL, AN AFFIRMATIVE ACTION OFFICE TO BE HEADED BY AN AFFIRMATIVE ACTION OFFICER WHO SHALL BE APPOINTED BY THE CHIEF EXECUTIVE OFFICER AND SHALL SERVE AT HIS PLEASURE. SAID AFFIRMATIVE ACTION OFFICER SHALL BE RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING AN AFFIRMATIVE ACTION PLAN FOR THE RECRUITMENT AND PLACEMENT OF QUALIFIED MINORITY, FEMALE AND HANDICAPPED APPLICANTS FOR EMPLOYMENT INTO APPROPRIATE POSITIONS WITHIN THE SEVERAL CITY DEPARTMENTS. FOR THE PURPOSE OF THIS SECTION, THE PERSONNEL DIRECTOR MAY ALSO SERVE AS THE AFFIRMATIVE ACTION OFFICER.

The receiver appointed the City's Personnel Director to serve as the Affirmative Action Officer.

RECRUITMENT

The City of Pittsfield seeks to hire or promote the individual best qualified for all vacant positions. Preferential hiring on the basis of a protected group status, such as minority status or sex, is unlawful and is not a means of addressing under-utilization in the workforce.

To assure complete conformance with collective bargaining agreements, civil service procedures, Affirmative Action Programs, and state and federal law, the following procedures have been adopted:

1. The employment function is centralized in the Human Resources Departments and all employment contacts will be originated by representatives of that department.
2. When an opening exists or is contemplated, the Department Head will complete the requisition form and forward to the Director of Human Resources.



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3. Once the requisition has been approved by the receiver, a job posting will be prepared from information contained on the requisition.
4. The job opening will be posted for current employees and applications for the position will be accepted for at least five (5) working days, consistent with the City's Human Resources Office procedures and collective bargaining agreements.
5. The job opening will be posted in conspicuous places in every municipal building for a period of five (5) working days.
6. Postings of all positions will be distributed to concerned agencies that are resources for employees from underrepresented groups and the Human Resources Office will update and maintain an active listing of recruiting sources.
7. In cases where no acceptable candidates are found from within the department or current workforce, Human Resources will assist Department Heads in obtaining the appropriate civil service list when appropriate, the Human Resources Office shall recommend the use of Personnel Administration Rule 10 or selective certification. In the case of non-civil service positions or for positions for which no civil service list exists, Human Resources will place the appropriate advertisement.
8. This policy is for every position within City government -regardless of classification.

INTERNAL

Pursuant to civil service law and union contract, all vacancies shall be posted in each municipal building, Department Heads shall encourage the hiring of all protected group applicants, including minority, female, disabled, and veterans, or those in other under-represented groups to bid for positions.

Individuals from under-represented groups shall be notified of job openings and encouraged to apply with the state's Department of Personnel Administration (DPA to fill civil service classifications.) The City will work with DPA to review job requirements for city employment. The City's Human Resources Departments will recruit for specific entry-level promotional exams.

EXTERNAL

The Affirmative Action Officer shall develop a recruitment program to work closely with outside agencies and organizations to recruit protected group members.

The Affirmative Action Officer will continue recruitment plans for open or promotional examinations where special efforts to increase representation of all members of a protected group, including minorities, women, disabled, and veterans are needed.



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The Affirmative Action Office/ Human Resources Departments will participate in "career days", job fairs, high school programs and college activities to recruit protected group members.

The Office of Affirmative Action/ Human Resources Departments will utilize all available sources to reach protected group members. The City will continue efforts to recruit, including emphasis on recruiting economically disadvantaged persons. Steps to achieve these objectives shall include:

- Direct contact with organizations specifically concerned with equal opportunity in employment for all members of a protected group, including minorities, women, disabled, and veterans.
- Direct contact with employment officers at colleges, secretarial schools or other bodies or institutions with predominantly minority or female enrollment.
- Direct contact with community and neighborhood action groups who can be helpful in referring applicants for employment.
- Free media contact with publications, newspapers, cable televisions and other media sources that reach out to all members of a protected group, including minorities, women, disabled, and veteran members of the community.
- An active listing of recruiting sources will be identified and maintained together with a continuous effort to use, expand, and update the list.

SELECTION /PROCEDURES

To ensure that the selection process is job-related, and to eliminate discriminating barriers to equal employment opportunity uniform, hiring procedures will be strictly adhered to for all positions. The City of Pittsfield uses a standard application form in an effort to eliminate subtle discrimination which can occur with a reliance on resumes alone. In addition, use of the standard form ensures that applications do not include questions which are not job-related and which have shown to disproportionately reject members of a protected group, including minorities, women, disabled, and veterans.

To assist persons responsible for interviewing and hiring city personnel in achieving the goals of this program, the following actions will be taken:

1. The Human Resources Departments will review and evaluate all phases of the personnel selection process (application/forms, types of test, routing procedures, job qualifications, etc.) to ensure that artificial barriers are eliminated.
2. An affirmative action record in the form of an Applicant Flow Log (AFL) will be kept for each position filled. A record of persons interviewed, accepted, or refused for each new hire and promotion showing race, sex, disability, and veteran, or other



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3. under-utilized group status should be maintained and may be reviewed by MCAD. In cases of under-utilization, if a member of a protected group is not hired, a reason for this shall be supplied.
4. The Affirmative Action Office will provide affirmative action and equal employment opportunity training to persons involved in the employment process.
5. The Affirmative Action Officer will assure that an appropriate number of protected group members, including minorities, women, disabled, and veteran employees, are represented on hiring committees.
6. The Office of Affirmative Action will develop a list of interview questions to avoid asking because of their discriminatory impact.
7. In conjunction with the 504 Coordinator/Disabilities Commission, the Affirmative Action Officer will review all medical standards and application forms to ensure that they are job-related and do not present artificial barriers.
8. The Affirmative Action Office/Human Resources Director will confer periodically on hiring processes and related documents to assure that they follow established non-discriminatory guidelines.
9. Where the Human Resources Department has demonstrated an under- utilization of protected groups within civil service job classifications, the Human Resources Director shall recommend the utilization of the following to the Receiver:
 - Personnel Administration Rule (PAR) 10 where applicable
 - Section 47A of Chapter 31 of the Massachusetts General Law
 - Advertise in publications directed towards protected group members, including minorities, women, disabled persons and veterans.
 - Where under-utilization exists and there are eligible members of a protected group, including minorities, women, disabled persons, and veterans available, any request to hire a non-member of a protected group in such a job category will not be approved by the Appointing Authority without written explanation from the hiring manager as to why a candidate from the protected group status was not hired.

TRAINING/UPWARD MOBILITY

The Affirmative Action Office will insure that protected group members who are already employed are aware of the opportunities and programs for training and career development. Our responsibility does not stop at recruitment but carries on with training so that we may (in order to) retain and prepare protected groups for promotional opportunities.

To aid in the preparation of protected group members, including minority, women, disabled and veteran employees, the following actions shall be taken:



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1. Protected group members shall be encouraged to apply for training programs.
2. In conjunction with appropriate city department, the Human Resources Director/Affirmative Action Officer will work toward developing internal, identifiable employee promotional ladders.
3. The Director of Human Resources /Affirmative Action Officer will establish relations with outside agencies which can provide city employees with remedial education to obtain GED certificates.
4. Appropriate City departments will develop relationships with area colleges to assist employees with access to career development programs.

PROMOTIONS

The City is committed and will insure that a fair promotion procedure is established which benefits all employees. Therefore, pursuant to State and Federal Laws and Collective Bargaining Agreements, all current job vacancies shall be posted well in advance of the application deadline in order to ensure that all employees are aware of job vacancies.

Where under-utilization has been identified, the Human Resources Director/Affirmative Action Officer will develop and aggressively utilize a remedial action file for those protected group members, including minorities, females, disabled persons, and veteran employees, who wish to be included in the file and who are eligible for promotion to one or more positions within the City.

The remedial action file will be established within three months from the effective date of this document and will be updated periodically. During the compilation of this file the City will interview protected group members who wish to be included in the file.

The Human Resources Director/Affirmative Action Officer shall:

1. Review and update records on the individual's qualifications, education, experience, seniority, and performance on the job.
2. Identify individuals who appear to be working at jobs that are below their ability.
3. Upon request, consult with each individual to assess his/her opportunities for advancement

TERMINATION, DISCHARGE AND DISCIPLINE

The Human Resources Director/Affirmative Action Officer will work to ensure that termination procedures comply with affirmative action policies and are pursuant to and in accordance with State and Federal laws and Collective Bargaining Agreements.

In the event of termination of a protected group employee, the Human Resources Director/Affirmative Action Officer will conduct



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an exit interview to determine if proper procedure was followed and affirmative action rights upheld.

In case of lay-offs, employees shall be laid off so that affirmative action principles are preserved and are in accordance with State and Federal Law. The Human Resources Director/Affirmative Action Officer will initiate discussions with labor representatives connecting issues affecting lay-offs and affirmative action principles.

CONTRACT COMPLIANCE

The City shall make every effort to contract only with equal opportunity Employees and shall achieve this goal through the following means and statements:

1. Inclusion of Pittsfield's Equal Employment Opportunity Policy Statement in all contracts, subcontracts, leases, and other documents and/or correspondence covered by Executive Order 11246 of September 24, 1956, as amended, and its implementing regulations, and section 503 of the Rehabilitation Act of 1973 and the Vietnam Era Veteran's Act
2. The contractor shall not discriminate against any employee or applicant for employment because of race, religion, sex, marital status, sexual orientation, gender identity, national origin, age, disability or veteran status.
3. City contractors shall not discriminate in any stage of contract, from contract award to completion in employment practices, selection/retention of subcontractors, procurement of material and rental of equipment expected by contractors.
4. The contractor will send to each labor union or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, legal commitments under Section 202 of Executive Order Number 11246 of September 24, 1965, and shall post copies of the; notice in conspicuous places at worksites and make them available to applicants and employees.
5. The contractor will be required, to the greatest extent feasible, to give employment and on-site training opportunities to residents, lower-income, and protected group members of the community, and to abide with labor agreements in regards to affirmative action hiring.
6. The contractor will award business contracts including subcontracting businesses, when possible, to wholly and majority owned Minority Business Enterprises (MBE) and Women Business Enterprises (WBE). It shall be a material breach of any contract resulting from any practice which violates any provisions of M.G.L. c. 151B, relative to discrimination in hiring, discharge, compensation or terms, conditions or privileges of employment because of race, color, religious creed, national origin, sex, sexual orientation, gender identity, age, or ancestry.



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UTILIZATION

In determining whether protected groups are properly utilized in any job classification within the City of Pittsfield, the following factors will be considered:

- The composition of the minority/women population within the City.
- The percentage of the minority/women workforce as compared with the total workforce within the City. (State standard).
- The percentage of the minority/women population of the area surrounding the City (Primary Metropolitan Statistical Area, PMSA).
- The availability of minority/women seeking employment in the local labor or recruitment area.
- The size of minority/women unemployment and overall unemployment force in the local labor area.
- The general availability of minority/women that have the requisite skills from our recruiting area.
- The availability of promotable and transferable minority/women within City employment, with procedures in accordance with Collective Bargaining Agreements.

UNDER UTILIZATION

Under-utilization means having fewer protected group members in a particular job classification than would reasonably be expected by their availability in the workforce or recruitment area (301 CMR: 50.18, section 1.2) In general, an overall analysis of the City's labor force shows general under-utilization of all minority groups in all categories.

UTILIZATION BY EEO CATEGORY

- Office and Administration Professionals/Supervisory Technicians
- Protective Service
- Paraprofessional
- Administrative Support Skilled
- Craft
- Service Maintenance

There will be a brief description of each EEO job category along with a workforce analysis comparing the city percentage to local labor percentages.



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MONITORING PERFORMANCE/REPORTING

The City of Pittsfield acknowledges that employment opportunities will be provided through affirmative action to all present and prospective employees regardless of race, color, age, religion, national origin, sex, sexual orientation, gender identity, disability, or veteran status. To ensure that the City's Affirmative Action Program is effectively implemented, the City will monitor and report all personnel actions including, but not limited to: recruitment, hiring, compensation, promotions, demotions, transfers, terminations and recalls from lay-offs.

In January and July of each year, the Human Resources Director/Affirmative Action Officer will evaluate the City's progress towards compliance with the established goals and timetables.

The Human Resources Director/Affirmative Action Officer will maintain the following records to support its evaluation:

Applicant flow by race, sex, national origin and source of applicants; hires by race, sex, national origin and job classification; transfers, demotions, and promotions by race, sex, national origin, position, and department from which transferred, demoted or promoted, and position and department to which transferred, demoted or promoted; voluntary and involuntary terminations by race, sex, national origin, job classification, type of termination and reason therefore.

The Human Resources Director/Affirmative Action Officer will submit annual reports as required by law to the Massachusetts Commission Against Discrimination (MCAD) and the Equal Employment Opportunity Commission (EEOC) Office.

The Human Resources Director/Affirmative Action Officer shall review the numerical and programmatic accomplishments of each department, and make recommendations for strengthening and revising departmental programs, and further develop strategies to address unrealized goals.

GOALS AND TIMETABLES

The City of Pittsfield has set goals for hiring and promotions in job categories where the utilization analysis shows and under-utilization of minorities and women, so that in the future its workforce resembles the local labor market.

Goal setting is intended to assure that job-related criteria is used in the selection and promotion process and that artificial barriers to employment and promotion of minorities and women are removed. Goals are not quotas which restrict employment by setting limits on the number of people hired but represent a level to be achieved and not the ultimate target.

The City of Pittsfield is setting goals in a good faith effort to ensure equal employment opportunity.



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There are many internal and external circumstances, such as budgetary restraints and availability of persons with requisite skills, which may hinder efforts to achieve the desired workforce composition in a short period of time. The City recognizes that the plan will face challenges and re-adjustments due to the fluctuations in the fiscal situation, and the slow attrition rate prevalent in municipalities.

The City of Pittsfield has set both a long-range and short-range goals to ensure that the objective is on track.

ANTI-HARASSMENT POLICY

The City of Pittsfield fully supports the right of all persons to hold employment in or enjoy access to the City of Pittsfield without suffering sexual, racial, disability-related or other forms of harassment or discrimination. The primary focus of the City's Anti-Harassment Policy is to eradicate present forms of harassment and discrimination, and to prevent the creation of barriers and behavior that interfere with a harmonious and inclusive work environment. This policy applies to all phases of employment including, but not limited to: recruitment, hiring, transfer, promotion, salary negotiations, training, and termination. Harassment or discrimination by managers, supervisors, employees', members of the public who use City facilities, vendors and contractors will not be tolerated. The Anti-Harassment Policy and its grievance procedure system is to encourage and promote employees full participation within the City's workforce.

Employees of the City and applicants for City employment have the right to file a grievance on any action, procedure, or practice in the selection or employment process which they believe to be in violation of the Affirmative Action Plan, which constitutes racial, sexual or disability-related harassment, discrimination, or which is in retaliation for having filed a discrimination or harassment grievance

DEFINITIONS

- Sexual Harassment: See existing City Policy.
- Racial Harassment: Words, actions or other verbal, written or physical conduct which are offensive because of their racial connotation, prejudice, stereotyping or bigotry; constitutes racial harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- Disability-Related Harassment: Harassment on the basis of an individual's disability is a violation of the City's Affirmative Action Plan. Conduct which ridicules, scorns, mocks, intimidates, threatens, or coerces any individual due to his/her physical or mental disability or which has the effect of unreasonably interfering with the work performance or creating an offensive environment will be considered disability-related harassment.



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- Other Harassment: Harassment on the basis of an individual's age, color, religion, national origin, sex, sexual orientation, gender identity, disability, or veteran's status is a violation of the City's Affirmative Action Plan and work rules. Conduct which ridicules, scorns, mocks, intimidates, threatens or coerces any individuals due to such status or which has the effect of unreasonably interfering with the work performance or creating an offensive environment will be considered such harassment.

Supervisory personnel are responsible for ensuring that conduct between fellow employees does not rise to the level of racial, sexual or disability related harassment. Supervisory personnel will be held responsible for conduct which is known or should have been known to have created or could create racial, sexual or disability-related harassment whether perpetrated by an employee or a third party (regardless of control), unless immediate and appropriate corrective action has been taken.

Supervisory personnel must take all steps necessary to prevent racial, sexual or disability-related harassment from occurring. Such steps include trouble-shooting within the department, expressing strong disapproval for harassment or developing appropriate corrective action.

GRIEVANCE PROCEDURES

Informal/Internal

The grievance procedure is designed to create an accessible, simple, prompt and expeditious internal review, coupled with fair and equitable resolution to alleged violation of the Affirmative Action Plan based on sexual, racial, disability-related and/or other forms of harassment or discrimination. The City encourages employees who feel they have witnessed or experienced harassment or discrimination to pursue the matter first within the City, with the confidence and expectation that the matter will be handled quickly, fairly and with prudent sensitivity.

All employees must be able to freely seek information, advice, or call attention to any work condition which the employee feels needs to be changed, without fear of retaliation. No applicant, employee, supervisor or manager shall be retaliated or discriminated against in any way for making a complaint of harassment and/or discrimination or for assisting in the investigation of such a complaint.

Collective Bargaining Agreements (Union)

There are a number of collective bargaining units and non-union groups each with different grievance procedures. Even though there are similarities among them, there is no one system which will satisfy all those concerned.



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Each member of a bargaining unit has the right to address their grievance through whatever grievance procedure system their chooses to follow be it union, non-union, formal or informal, EEO/AAP or directly to state or federal organizations. If an employee chooses to follow their own collective bargaining grievance procedure, that procedure has certain grievance steps with accompanying authority levels which must be followed up to and including arbitration. If the employee elects to pursue their grievance through that unions' grievance procedure, the matter will be adjudicated through that bargaining unit agreement.

A negotiated grievance procedure is not subject to variation or interpretation and must be followed as negotiated and agreed upon affected only by precedent, past practice, demonstrated intent of the negotiating parties and guided by arbitration awards.

Affirmative Action Grievance Procedures (Non-Union)

The grievance procedure provides the individual an opportunity to present, to an impartial party, issues regarding violations of the Affirmative Action Plan, harassment or discrimination. The Affirmative Action Officer will provide managers and employee's advice and counsel regarding appropriate remedies which may be used. The grievant controls whether the issues raised are investigated or whether the conference is solely for advice and consultation.

Nothing in this procedure shall restrict the right of an employee or applicant to file a formal/external complaint with any City, State or Federal agency responsible for the enforcement of anti-discrimination laws. Throughout the grievance process, in order to protect his/her rights, the grievant can file an external formal complaint with the appropriate federal or state agency or court of law without its jeopardizing his/her rights to use this procedure.

The Affirmative Action Grievance Procedures System covers allegations in:

- violation of the City's Affirmative Action Plan
- instances of racial, sexual or disability-related harassment
- instances of discrimination

The grievance procedure shall be available to all non-school municipal employees except those who have utilized another City, State or Federal grievance, complaint or appeal processes to resolve issues.

No action will be taken by the Human Resources Director/Affirmative Action Officer without a signed grievance form. Though the following procedure involves filing a written complaint, the Human Resources Director/Affirmative Action Officer encourages employees to turn to the Human Resources Office for information or counseling as soon as the need arises. If the employee wishes merely to inform the department head about a violation, harassment or the potential for such while keeping his/her identity confidential, the Human Resources Director/Affirmative Action Officer, at his/her discretion, will assist the grievant by speaking informally with the Appointing Authority.



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The internal/informal grievance procedure may be processed through three steps:

1. The employee should first discuss his/her grievance with his/her immediate supervisor.
2. If the grievance remains unresolved, he/she may bring it to the attention of his/her department head for discussion and review.
3. If grievance circumstances prevent using Step 1 and 2, or if the department head does not resolve the grievance within five (5) working days, the employee may bring the grievance to the Human Resources Director/Affirmative Action Officer.

Alternative/Optional Actions

1. If the aggrieved employee feels more comfortable with directly referring the grievance to the Human Resources Director/Affirmative Action Officer, he/she may do so without first moving through Step 1 and Step 2 of the grievance procedure.
2. If, after discussions with the Human Resources Director/Affirmative Action Officer, both the Director/Officer and the employee agree that the matter best may be directed back to another level Director/Affirmative Action Officer will be empowered to do so, but only with the concurrence of the grievant involved.
3. If the grievance involves the Director/Affirmative Action Officer, then the aggrieved employees may refer the grievance directly to the appointing authority.

Investigation

After a written grievance form is submitted the Affirmative Action Officer will request from the immediate supervisor and/or the party alleged with violations of the Affirmative Action Plan a written statement answering the allegations. The response shall be returned to the Human Resources Director/Affirmative Action Officer within three (3) working days of receipt.

If the Human Resources Director/Affirmative Action Officer determines that the complaint is one of sexual harassment, the Human Resources Director/Affirmative Action Officer shall advise the complainant of options available under the City of Pittsfield's Sexual Harassment Policy and Procedure. The Human Resources Director/Affirmative Action Officer will give the complainant a copy of that Policy and Procedure.

The Human Resources Director/Affirmative Action Officer shall attempt to resolve the issue which generated the complaint within four weeks of the interview. In this process the Director/Officer shall privately interview relevant parties, examine appropriate documents and gather other essential information relevant to the complaint. The individual being interviewed may have a



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representative of his/her choice at the interview. During this process, the Director/Officer shall maintain confidentiality to the extent possible.

All employees are expected to cooperate in any investigation conducted by the Human Resources Director/Affirmative Action Officer. Witnesses and relevant parties may be asked to sign written statements of their accounts. Should complainants express a desire that witnesses or other relevant parties not be interviewed they shall sign a statement explaining the desire to waive that part of the investigation.

Department heads, managers, and supervisors shall make every effort to allow the grievant sufficient time, with pay, to meet with Human Resources Director/Affirmative Action Officer through the investigatory stage.

Within five (5) working days after interviews are conducted, the Human Resources Director/Affirmative Action Officer shall submit written findings of fact and remedies to the grievant, the Receiver, Chief of Staff, and all other affected parties.

If the grievance resulted from a violation of personnel policy, the Affirmative Action Plan, or of employment law, the Human Resources Director/Affirmative Action Plan, or of employment law, the Human Resources Director/Affirmative Action Officer shall take or direct appropriate administrative steps to enforce the policy, the plan or law and to resolve the grievance immediately.

If the grievance involves a question of judgment or opinion not covered by personnel policy, the plan, collective bargaining agreements, or employment law, the Human Resources Director/Affirmative Action Officer shall counsel with the employee, the supervisor and/or department head to resolve the grievance if possible.

Various methods of grievance resolution may be explored with the concurrence of the parties involved. Alternatives such as mediation, informal mediation or conciliation and any other avenues available for settling matters by agreement may be explored by the Human Resources Director/Affirmative Action Officer and the participants. An ancillary consideration which must be kept in mind is that if these alternative techniques are employed in such agreements, those so achieved may not contravene or invalidate any provisions of an existing collective bargaining agreement then enforce to which the grievant is subject.

Formal/External

The filing of a grievance with the Human Resources Director/Affirmative Action Officer is not the same as filing a discrimination complaint with the Massachusetts Commission Against Discrimination (MCAD) and/or the Equal Employment Opportunity Commission (EEOC) The filing of a grievance with the Human Resources Director/Affirmative Action Officer is a quick, informal method to resolve disputes without the necessity of litigation. A dispute filed as a formal complaint with an agency



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empowered to enforce anti-discrimination is adjudicated under specified laws, regulations and procedures with the purpose of determining legal responsibility for acts.

If grievance resolution fails through the informal/internal procedure, the grievant and/or Human Resources /Affirmative Action Officer may use established procedures under local, state and federal agencies by filing a case with the MCAD, the EEOC or exercise their rights in a court of law.

MCAD - Employees have three hundred (300) days from the date which the alleged violation occurred to file a complaint with the Massachusetts Commission Against Discrimination. Their offices are located at:
Massachusetts Commission Against Discrimination One Ashburton Place - Room 601
Boston, Ma 02108
(617) 727-3990

EEOC - Employees may also file with the federal antidiscrimination agency; their offices are located at:
Equal Employment Opportunity Commission One Congress Street
10th Floor - Room 1001
Boston, MA 02114
(617) 565-3200

Under current arrangement between the EEOC and the MCAD, the agency you file with first has primary responsibility for investigating and resolving your case. This makes it important to know how the agencies operate.

Retaliatory Action:

Any retaliatory action of any kind taken against the grievant as a result of that person's seeking redress under these procedures, cooperating in an investigation, or otherwise participating in any activities under these procedures is prohibited and shall be regarded as a separate and distinct grievable matter under this procedure.

Human Resources/Affirmative Action Director - Scope of Authority:

The Human Resources/Affirmative Action Director is granted the authority to carry out the following activities:

1. To receive and attempt to resolve complaints on an informal basis;
2. To provide aggrieved persons with information and advice on equal opportunity procedures, including local, state and federal redress procedures, including proper notification and filing for affirmative action complaints. The Personnel Director/Affirmative Action Officer shall inform the grievant of his/her right to sue in court;



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3. To take any other steps which may assist in the resolution of the problem, prior to filing a formal complaint;
4. To assist in preparing a formal complaint to MCAD, EEOC, etc., of alleged discrimination based on race, color, sex, religion, national origin, age, sexual orientation, gender identity, disabled, or veteran status;
5. The aggrieved person and the Personnel Director/Affirmative Action Officer shall be free from restraint, interference, coercion, discrimination, or reprisal in connection with the program or grievance. The Personnel Director/Affirmative Action Officer shall not reveal the identity of any aggrieved person who comes for consultation, except when authorized to do so by the aggrieved person;
6. The Personnel Director/Affirmative Action Officer shall make every effort to resolve the problem informally. To this end, he/she shall, if requested by the grievant, assist in discussion with the supervisor, or any other party to the problem, and may take other steps which may assist in the resolution of the problem;
7. The grievant has the right to be accompanied, represented and advised by a representative or attorney of his/her choice. If the aggrieved person and /or his/her representative is an employee of the City, they shall be given a reasonable number of working hours to prepare and present a request for a solution of the grievance;
8. The Personnel Director/Affirmative Action Officer shall have twenty (20) working days to resolve the grievance before the grievant may file a formal complaint; and
9. Nothing contained herein shall be construed to deny a grievant the right to make a direct complaint to MCAD/ EEOC, etc.



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DEFINITIONS

AAP: Affirmative Action Plan

Accessibility: A barrier-free environment in which the mobility of disabled persons is not inhibited by external forces such as architectural design.

Affected Class: Those who have suffered and continue to suffer effects of past discrimination.

Affirmative Action: Demonstrated commitment to the recognition, development and utilization of the abilities of minorities, women, disabled persons and Vietnam-era veterans. It is a process to achieve the purpose of anti-discrimination

Affirmative Action Plan: A written document outlining those steps to be taken to bring about affirmative action. The execution of the plan will assure measurable yearly improvements in hiring, training and promotions for minorities and women and promotions for minorities and women and development of an employment program for Vietnam-era veterans and disabled employees. It is a result-oriented program designed to achieve equal employment opportunity rather than simply a policy to assure anti-discrimination

Affirmative Action Policy Statement: A written declaration of police of an appointing authority to initiate positive steps to rectify patterns of institutional discrimination.

Alternative Certification Programs: Programs administered through the Department of Personnel Administration Certification which use the Civil Service selection procedures to reach targeted protected classes.

Application Flow: The process of records of hiring, promotions and other employment actions for the purpose of monitoring. Applicant flow analysis assures that the employer's employment practices and procedures of the affirmative action plan.

Applicant Pool: Total of those persons who have applied for a particular position (or who have applications on file) from which an employee may be selected

Artificial Barrier: A requirement placed on a job or on an individual's performance within the job which is neither job-related nor consistent with merit principles.

Candidate: An individual who has applied for and has been interviewed for a City-posted job opening.

Complaint: A pleading by which a legal action is commenced under Federal or State courts or administrative agencies.



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The complainant applies to the courts or agencies for legal redress.

Disabled person: Any person who has a physical or mental impairment which physically limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such impairment.

Disabled veteran: Any veteran who (1) has a continuing service incurred disability of not less than 10% based upon wartime service for which he/she is receiving or entitled to receive compensation from the veterans administration or, provided that such disability is a permanent physical disability, for which he has been retired from any branch of the armed forces and is receiving or is entitled to receive a retirement allowance, or (2) has a continuing service-incurred disability based on wartime service for which he is receiving or is entitled to receive a statutory award from the veterans administration.

Discrimination: The failure to treat equals equally; in equal opportunity/affirmative action parlance the unequal treatment or categorizing either based on race, sex, sexual orientation, gender identity, religion, age, physical or mental disabilities, or has the effect of disparate treatment of any of that class which is unlawful.

Disparate Impact: The result of an employer action or policy not unlawful on its face which affects one or more classes of employees differently than other classes of employees. In anti-discrimination law, concern with disparate impact deals with unequal treatment received by members of a protected class or classes. For example, a policy requiring that all applicants for employment possess no greater than two years' experience, while not unlawful on its face, could have a disparate impact on persons over 40.

Disparate Treatment: Differential treatment of employees or applicant on the basis of their race, age, color, religion, sex, sexual orientation, gender identity, national origin, disability, or veteran's status.

Equal Employment Opportunity: An employer's posture that all personnel activities will be conducted in a manner to assure equal opportunity for all. Such activity be based solely on individual merit.

EEO-1 Report: (also termed Standard for 100) The Equal Employment Opportunity Employment Information Report, an annual report filed with the joint Reporting Committee (composed of OFCCP and EEOC) by employers subject to the Executive Order or to Title VII of the Civil Rights Act of 1964, as amended. This report details the race, ethnic, and sex composition of an employer's work force by job category.

EEO-4 Report: The Equal Employment Information Report, an annual report filed by State and Local governments with the State and Local Reporting Committee (composed of EEOC, HEW, HUD, DOT, OPM and OFCCP). It set forth the race ethnic, and sex composition of their work force by activity and job classification.



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Goals: A numerical objective, fixed realistically, based on the number of vacancies expected and the number of qualified applicants available to the job market.

Good Faith Efforts: A term used to describe honest attempts to reach affirmative action goals.

Grievance Procedures: Established process to resolve allegations of harassment and discrimination with appropriates.

Informal Grievance: Procedures are internally processed and resolved. Formal Grievances: Procedures are externally processed and resolved through the Massachusetts Commission Against Discrimination, the EEOC or exercising a grievant's right in a court of law.

Job Categories: The nine designated categories of the EEO-1 report: officials and manager, professionals, technicians, sales workers, office and clerical craft workers (skilled) operatives (semi skilled), laborers (unskilled), and service workers.

Job related: Aspects of a job which are essential to the performance of the specific task.

MCAD Report: Massachusetts Commission Against Discrimination, A report following MCAD guidelines that monitors racial and sex composition by salary level in regards to hiring, training, promotions, and full-time employees.

Minority: The following terms are defined as referenced in Massachusetts General Law Chapter 221B, section 9 and Chapter 7,s section 40N:

- Black - All persons having origins in any of the Black racial groups of Africa.
- Hispanic - All persons of Puerto Rican, Dominican, Cuban, Mexican, Central or South America or other Spanish culture or origin, regardless or race.
- Asian - All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-Continent, or the Pacific Islands.
- Native American - All persons having origins in any of the original peoples of North America excluding Mexico, and who maintain cultural identification through tribal affiliations or community recognition.
- Eskimo & Aleutian: All persons having origin in any of the original peoples of Northern Canada, Greenland, Alaska or Eastern Siberia

Parity: Equality. The ultimate goal of affirmative action programming is to achieve parity in the participation of women in the City government comparable to their participation within the general work force and for minorities based on their population statistics within Pittsfield. The goal is for representation in every job category and at every level within the work force.



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Term stands for Primary Metropolitan Statistical Areas, those enumeration district designated by the Federal Office of Management and Budget (OMB) for statistical purposes.

Promotion: Any personnel action resulting in movement to a position affording higher pay, or greater rank, and/or provides for greater skill or responsibilities, or the opportunity to attain such.

Protected Groups: Legally identified groups that are specifically protected by the statute against employment discrimination.

Qualified Disabled Person: A disabled person who is capable of performing essential functions of a particular job, or who would be capable of performing the essential functions of a particular job with reasonable accommodation.

Reasonable Accommodation: The changing of environments or schedules, or the requirement to adapt to the known physical or mental limitations of qualified disabled applicant or employee. The accommodation may include, but would not be limited to, job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provisions of readers or interpreters, or other similar actions.

Remedy: Whatever is required to "make the charging party whole", that is, whatever would have (or would not have) happened, had a violation not occurred.

Special Civil Service Certification:

- 47 Certification: (Massachusetts General Law Chapter 31, section 47A): A state federal training program certificate used for placement on special registration list for entry level job titles within the labor service if a person meets both of the following two requirements: 1) Low Income guidelines, and 2) (a) member of one of the following ethnic/racial groups: Black, Hispanic, American Indian, Asian and Cape Verdean, or (b) lack high school education or equivalency, or (c) under 21 - over 45 years of age, or (d) handicapped.
- Personnel Administration Rule Ten (PAR10): An official service certification based on race, color, national origin or sex,
- Selective Certification: A civil service appointment calling for persons having special qualifications, in addition to the general qualifications tested by an examination. The three types are: Bilingual Selective Certification; EMT Selective Certification; and Gender-Based Selective Certification.

Terms and Conditions of Employment: The entirety of the environment in which an employee works. The term encompasses all aspects of an employee's relationship with their employer and fellow employees, including: compensation, fringe benefits, physical environment, work-related rules, work assignments, training and education, and opportunities to serve on committees and decision-making bodies.



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Timetables: The time-frame (in years) set for attaining measurable goals in an affirmative action program.

Under-Utilization: Having minorities, women, disabled persons or Vietnam-era veterans in a particular job classification less than would reasonably be expected by their availability in the work force or recruitment area.

Utilization: The listing and examination of the presence of protected group members employed by the City.

Vietnam-era Veteran: A Person who has served on active duty for a period of more than 180 days, any part of which occurred between February 1, 1955, and August 4, 1964, and 90 days, and part of which occurred between August 5, 1964, and June 4, 1979, and was discharged or released with other than a dishonorable discharge.

Workforce: The total strength of persons employed by the applicant in various occupations, trades, professions, vocations in its business or operations.

Workforce Analysis: A detailed listing (by specified categories) of job classifications and levels by department or other organizational unit.

