

FILED

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ORDINANCE NO. 2297

**PHILIP J. SCHROEDER
CITY CLERK
CITY OF MICHIGAN CITY**

AN ORDINANCE TO ASSUME A PROGRAM OF AFFIRMATIVE ACTION IN CITY GOVERNMENT

WHEREAS, the City of Michigan City is desirous of having an Affirmative Action plan, and

WHEREAS, said Affirmative Action plan shall embody the procedures necessary for the institution of equal treatment of persons for employment without discrimination because of race, color, religion, national origin, sex, age, or handicap.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City that said City resolves to assume a program of Affirmative Action with regard to City employment.

SEC. 1. PURPOSE AND POLICY

A. In order to effectuate a policy of the employment of City personnel without regard to race, color, religion, sex, age, national origin, or handicap, the City of Michigan City heretofore voluntarily resolves to assume a program of Affirmative Action with respect to City employment.

The Michigan City Affirmative Action program is a set of specific and result-oriented procedures to which the City is committed. The procedures coupled with our good-faith efforts will insure equal opportunity.

It should be emphasized that the Affirmative Action program for the City of Michigan City is a plan of inclusion rather than exclusion, and such plan does not encourage or anticipate preferential treatment for minority or women employees.

B. An integral part of this policy is to provide equal employment opportunity to all persons for employment and to recruit and administer hiring, working conditions, benefits and privileges of employment, compensation, training, appointments for advancements including upgrading and promotion, transfers and terminations of employment including layoffs and recalls for all employees without discrimination because of race, color, religion, national origin, sex, age, or handicap.

Through this program, the City carries out the requirements of Federal Executive Orders 11246 and 11375, Civil Rights Act of 1964, Equal Employment Act 1972, State Civil Rights Act, City Human Rights Ordinance, and Mayor's Executive Order A-1, and indicates its active support of the principle of equal opportunity in employment.

C. The Equal Employment objective for Michigan City is to achieve, within a reasonable period of time, an employee profile, with respect to race and sex in each major job category, which is an approximate reflection of proper utilization.

This objective calls for achieving full utilization of minorities and women at all levels of management and non-management and by job category to prohibit discrimination in employment because of race, color, religion, national origin, sex, age, or handicap, and to have a work environment free of discrimination.

The major thrust of our efforts to reach our stated objective will be through our Affirmative Action program. An integral part of our program is goals, intermediate targets, and time frames designed to change the race and sex profile, particularly in those areas where there has been underutilization of women and minority group persons.

We are assuring the full realization of our stated objective through a continuous procedure of monitoring and reporting.

It should again be emphasized that the Michigan City Affirmative Action program is a plan of inclusion rather than exclusion.

D. Four months following initiation of the program, a progress report covering the areas of minority progress, women's progress, and recruitment programs will be made. This will commence the policy of quarterly progress reports to be made throughout the initial year of the program, and semi-annually thereafter.

SEC. 2. DEFINITIONS.

a) "Discrimination" shall mean the exclusion of any person by the City of Michigan City from equal job opportunities on the basis of race, color, religion, sex, age, national origin, or handicap.

b) "Director" shall mean the Director of the Michigan City Human Rights Commission.

c) "Employee" includes any person employed by the City of Michigan City for wages or salary.

d) "Complaint" shall mean any written grievance filed by a City employee for what he feels is discriminatory employment practices or working conditions.

e) "Sex" - the term shall apply to segregation or separation in all types of employment by the City, provided, however, that (1) it shall not be a discriminatory practice to maintain separate restrooms or dressing rooms; and that (2) it shall not be unlawful employment practice for the City of Michigan City, a contractor awarded a City contract, or for an employment agency to classify, or refer for employment any individual, or for a labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program on the basis of sex in those certain instances where sex is a bona fide occupational requirement.

f) "Age", as it applies to segregation or separation, shall apply to all types of employment; provided, however, that this ordinance shall not supersede those lawful state and federal statutes and state and federally approved programs which provide for certain age requirements and limitations.

g) "Handicap" - any physical or mental handicap unrelated to a person's ability to perform a particular job or position available for him for hire or promotion.

h) "Job category" - a class or divisional breakdown within the employment structure of the City.

i) "Minority" - any racial group smaller than and differing from the larger, controlling racial group within the community of Michigan City.

j) "Goals" - a percentage of minorities and women in the Michigan City governmental workforce that should be at least equal to the availability of minorities and/or women having requisite skills in an area in which the City can reasonably recruit.

k) "Timetable" - the time that is projected in the Affirmative Action program to reach an established goal.

l) "Affirmative Action" - a good-faith effort to effectuate the proper utilization of minorities and women in the City employment workforce, at the rate beyond that which would normally occur.

SEC. 3. POLICY DISSEMINATION: INTERNAL AND EXTERNAL

A. The City's policy of equal opportunity will be included in the procedure manual to be distributed to all City department heads. Each of these individuals will be responsible for communicating the policy to each of the employees under his control.

A continuing program of communication will be accomplished to demonstrate that minorities and women are important parts of the City's workforce. This program will include letters from officials and managers and other communications which may be needed to clearly define the City's position.

The policy and suggested methods of implementing the policy will be discussed at appropriate managerial conferences. Changes or clarifications of EEO legislation rulings or regulations will be publicized to make sure that each supervisor is aware of these changes.

B. All recruiting sources will be informed of the City's policy. These sources will be instructed to actively recruit and refer minority and female applicants for all positions listed. Minority organizations, community agencies, schools, labor organizations, community leaders, and other sources of minority applicants will be notified in the City's policy.

The City will include a civil rights clause and contract compliance agreement in all labor and contract agreements. Written copies of this plan will be provided to each union which represents employees and contractors. The City will require all unions and contractors (both primary and secondary) to abide by the plan and contract compliance agreements at all times.

SEC. IV. RESPONSIBILITY

A. General Delegation. The City of Michigan City Executive Director of Human Rights Department shall be charged with the overall responsibility, administration, and implementation of the Affirmative Action program for the City of Michigan City. The City of Michigan City Mayor's office shall appoint an Equal Employment Officer (EEO) who shall act under the authority and direction*, by and with the advice and consent of the Council,

of the Mayor and the Human Rights Executive Director. The officer for EEO shall assist the Executive Director of Human Rights in the administration and implementation of the Affirmative Action program.

B. Duties and Responsibilities of the Officer for EEO. The officer for EEO is specifically charged with the responsibility of ensuring that all necessary action with respect to the administration and implementation of the plan is taken at all levels of City employment in order to effectuate the City's equal employment objectives. These responsibilities include, but are not limited to:

- 1) Continuing to develop the City's Affirmative Action plan;
- 2) Ensuring that the City's policies regarding equal employment opportunity are in fact communicated to all levels of employment within each department within City employment and to the community at large as well;
- 3) Monitoring the City's performance through audit and reporting systems to assure the effectiveness of the plan;
- 4) Ensuring that hiring, promotion, and salary administration practices are fair and fully consistent with the City's non-discrimination policy;
- 5) Identifying problem areas and establishing programs and remedies to aid in problem solving;
- 6) Working in cooperation with the Human Rights Commission to take all steps which are required to ensure compliance by the City with this plan.

C. Equal Employment Opportunity Coordinators. The head of each department of the City of Michigan City and its affiliate agencies, corporations, commissions, and authorities, hereinafter referred to as Departments, shall appoint one EEO coordinator from existing departmental personnel. The coordinators shall be located in and specifically assigned to their respective departments but for the purpose of the implementation of this plan, they shall be responsible to the officer for EEO. It shall be the responsibility of such coordinators to monitor the implementation of the plan within that department and to act as liaison between the department head and the EEO. In particular, the coordinators will advise the department head about departmental EEO problems, propose appropriate corrective action, and receive informal EEO complaints and forward them to the officer for EEO. Furthermore, a record of all such action taken by the EEO coordinators with respect to employment practices and policies for that department shall be kept by the department coordinator and shall be available for inspection.

The appointment of departmental EEO coordinators shall be made from among qualified persons presently within city employment and such coordinators shall serve on a non-fulltime basis without additional pay. The appointment of EEO coordinators shall be made by department heads and subject to approval by the officer for EEO, the Mayor, and the Executive Director of Human Rights.

SEC. 5. PLAN OF ACTION

A. Prologue. The City of Michigan City views the Affirmative Action program as a results-oriented program designed to enhance the opportunities of all groups represented in the plan. The City recognizes that the ultimate success of this undertaking will be largely the result of the good-faith efforts detailed in the Plan of Action section of this document.

B. Utilization Analysis. Upon being supplied by the head of each City department, a list and specific characterization of each job category in City employment, the officer for EEO shall conduct a detailed and specific utilization analysis of minority residents of the City.

Such utilization analysis shall include, although not be limited to, five (5) stages:

- 1) Determination of the characteristics of the workforce within the City's labor area.
- 2) Analysis of the requirements relating to City job description.
- 3) Based on the analysis in statement (2), a determination of the availability of minorities and women for employment within that category.
- 4) Analysis of the ethnic and sexual composition of the current workforce of City employment. This data shall be analyzed by job category and individual department.
- 5) Designation of any job category as "deficient" if the percentage of minorities or women available for that category exceeds the percentage of minorities and women employed in that category.

C. Preparation of Remedial Action Plan. Upon the determination of what job categories within City employment are underutilizing minorities and women, the officer of EEO shall submit a report to the Executive Director of Human Rights, the Mayor's office, City Council, and department heads.

Therefore, the officer for EEO, in conjunction with the Human Rights Executive Director, the Mayor's office, and department heads, shall prepare a remedial action plan, consisting of both short-term objectives and the long-term objectives based upon time schedules, in order to effectuate a proper utilization of minorities and women in City employment. Specifically, a long-term goal must be established for any job group in which underutilization exists and must be designed to completely correct the underutilization. For deficiencies identified, numerical goals for a term of one year shall be set, accompanied by a description of specific procedures to implement these goals. The goal should be stated as a percentage of the total employees in that job group and must be equal to the percentage of a parity level to the percentage of minorities or women available for that job group. Short-term goals shall be set in such a manner as to reach the ultimate objective within a minimum, reasonable time period. The remedial action plan shall be submitted to the Executive Director for his/her review and recommendations, and then the Mayor's final approval.

One year after the approval of a remedial action plan, and annually thereafter, the officer of EEO and EEO coordinators shall conduct a review of the remedial action plan and shall amend the

plan where they feel it is appropriate. The amended plan then shall be submitted to the executive director of Human Rights for his/her review and recommendations, and then to the Mayor's office for final approval.

D. Development of City Personnel Office. The Mayor of Michigan City shall delegate or appoint a director of City personnel who shall be responsible for, but not limited to, the following activities.

E. Recruiting. The City of Michigan City shall actively seek qualified minorities and women for existing and future employment, in order to improve recruitment and increase the flow of minority and women applicants. The director of personnel for Michigan City shall be charged with the primary responsibility of recruitment, with such duties including, but not limited to:

- 1) Informing prime recruiting sources verbally and in writing of the City's EEO policy and to maintain a file of sources notified and acknowledgment received;
- 2) Publicizing all position vacancies in area newspapers and radio stations with substantial minority and female distribution and audiences;
- 3) Regularly contacting, with respect to employment opportunities and policies, local, state and federal employment and minority referral agencies and women's agencies found within the local areas, secondary schools, and colleges with substantial minority and female enrollments, concerned community leaders and specialized placement agencies;
- 4) Regularly including in such notification to recruiting sources definitive explanations of current and projected job openings, job briefs and qualifications, explanations of the City's selection process, and other available recruiting literature;
- 5) Issuing specific instructions to the personnel staff and to any other persons within the City government who has authority to hire and/or discharge employees, which instructions shall state that established affirmative action goals are to be considered in the filling and creating of all vacancies;
- 6) Encourage minority and female employees to inform their friends of job vacancies.

F. Selection Procedures. All selection procedures (including written, performance, oral tests, education and experience ratings, structure interviews, reference vouchers and application forms) shall be administered and utilized in such a manner as to prevent discrimination.

In order to insure that all selection devices are objectively tailored to measure relevant job qualification requirements, and are adequately reliable and valid, it shall be the responsibility of the director of personnel to insure that all selection devices are:

- 1) Based upon careful job analysis to determine the

knowledges, skills and abilities, and other qualification requirements actually needed for the job;

- 2) Focused on abilities required upon entry to the job, or on potential for carrier advancement if job progression patterns are established;
- 3) Weighted according to their relative importance to the total job;
- 4) Reviewed and updated under systematic plan, with new procedures as needed, to assure current relevance;
- 5) Administered under standardized or uniform conditions with uncomplicated instructions;
- 6) All persons who are rejected for employment shall receive written notice of the reason for rejection and an invitation to discuss with the director of personnel, steps she or he can take to improve her or his qualifications.

G. Placement and Advancement. In placing or advancing all City employees, the director of personnel and any other person who has the authority to hire, advance, or discharge employees within City government shall be charged with the responsibility under the City's Affirmative Action plan to:

- 1) Avoid questions during the selection process which are asked only of women or minorities and which are not job related;
- 2) Re-examine suitability requirements involving police records and other factors which may be to the disadvantage of members of minority groups or women, and establish appropriate requirements for each class or position;
- 3) Fully inform applicants of the nature of the appointment process, so that they are in a position to know their respective rights and position from the beginning of the process;
- 4) Assure that all hiring authorities have a commitment to equal employment opportunity principles and are trained to assay objectively the ability of minority group applicants;
- 5) Follow up with minority employees during their first three months of employment to assure that they are properly placed and trained;
- 6) Use flexible and innovative approaches to appointments and advancements within the discretion permitted under merit principles.

H. Training. The City of Michigan City recognized the majority of minority and female applicants hired are qualified under regular selection criteria. The City of Michigan City, however, is committed to programs designed to upgrade the skills of underqualified persons, while such persons may comprise a small percentage of the employee body, they are an important portion of the commitment to better the community. Therefore, the City shall insure the implementation of duties, including but not limited to:

- 1) The director of personnel shall ensure that all levels of supervisors are trained in their program responsibilities, in problems that may arise in integrating minority employees or women into the workforce, and in possible solutions to these problems;

- 2) The director of personnel shall ensure that necessary skills are developed by new employees as well as regular employees, in order that such employees may perform adequately, may advance, and may fill positions which manpower planning projections have identified as likely to be available in the future;
- 3) The director of personnel shall be charged with the responsibility of coordinating all City employment training program with other public and private programs to eliminate duplication, maximize use of existing resources, and permit initiation of needed but unavailable training programs for minority group members;
- 4) The officer of EEO shall evaluate available training programs including methods used to select trainees, types of training techniques used relevant to the work situation, and progress of graduates;
- 5) The director of personnel shall establish the basis of selection for training on educational leave in a written policy to help assure that it is objective and not discriminatory, and additionally, bring training opportunities to the attention of all employees.

I. Appointed Positions. With respect to all employment positions which are filled by means of an appointment process, as opposed to hiring and normal advancement process, the appointing official shall consider the policy of the City's Affirmative Action program in appointing any individual to an employment position within City employment.

J. Work Environment. All work areas, rest and recreational areas and other City facilities are presently and shall continue to be maintained on a racially desegregated basis.

K. Program Evaluation. In order for the City of Michigan City to secure attainment of the state objective of achieving within a reasonable period of time, an employee profile with respect to race and sex in each major job classification which is an approximate reflection of proper utilization, a systematic approach shall be taken to monitor the results of the program by the reporting of the following data at quarterly intervals during the first year of the program, and semi-annually thereafter.

- 1) The officer of EEO shall prepare a summary of all progressive action taken by that office through that year with respect to the affirmative employment and advancement of minority groups and women;
- 2) The officer of EEO shall prepare for presentation an account of the relative progress in the employment of minority groups and women for each major job classification as provided by the director of personnel;
- 3) The officer of EEO shall prepare for presentation a summary of all complaints received for that year and action taken with respect thereto;
- 4) The director of personnel shall provide information pertaining to: (a) reasons for rejection of employment for minority group members and women applicants, and others; (b) reasons

for resignations and dismissals of minority group members and women; and (c) placements, upgrades and promotions of minority group members, women, and others.

L. Complaint Investigation. Complaints by persons alleging discriminatory treatment with respect to City employment may register such complaint with the proper EEO coordinator who will forward the complaint to the officer of EEO. The officer of EEO will then apply proper investigative and enforcement procedures. The complainant may also file said complaint with the Michigan City Human Rights Commission.

SEC. 6. This ordinance shall be in full force and effect after passage, approval by the Mayor, and publication as required by law.

INTRODUCED BY: Donald Z. Kowala

Passed by the Common Council of the City of Michigan City, Indiana, this 15th day of February, 1977.

Stanley J. Tombs, Sr.
President of the Council

Approved by me, this 16th day of February, 1977.

Joseph R. LaRocco
Mayor of Michigan City

ATTEST:

Philip J. Schroeder
city clerk

PROCESSED AT
COMMON COUNCIL

FEB 15 1977

PHILIP J. SCHROEDER
CITY CLERK
CITY OF MICHIGAN CITY