

MMCA AFFIRMATIVE ACTION PLAN WITH CITY OF ST. PAUL HUMAN RIGHTS DEPARTMENT

MINNESOTA MECHANICAL CONTRACTORS ASSOCIATION  
ST. PAUL PIPEFITTERS LOCAL 455  
ST. PAUL PLUMBERS LOCAL 34

I. The Affirmative Action Plan contained herein is by and between the City of St. Paul Human Rights Department (herein called the Department) and the Minnesota Mechanical Contractors Association (MMCA), the St. Paul Pipefitters Local 455 and St. Paul Plumbers Local 34.

RECEIVED

II. EEO/AA POLICY

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The policy of MMCA and St. Paul Pipefitters Local 455/St. Paul Plumbers Local 34 is to provide equal opportunity to all employees, union members, and applicants for apprenticeship and/or employment in accordance with all applicable equal employment opportunity and affirmative action laws, directives, and regulations of federal, state, and local governing bodies and agencies thereof, specifically including Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment.

HUMAN RIGHTS

St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 will not discriminate against any member or applicant because of race, color, creed, religion, ancestry, disability, national origin, sex, age, marital status, sexual orientation, familial status or status with respect to public assistance. MMCA members will not discriminate against any employee or applicant because of race, color, creed, religion, ancestry, disability, national origin, sex, age, marital status, sexual orientation, familial status or status with respect to public assistance.

St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 will take affirmative action to ensure that all membership practices are free of such discrimination. Such membership practices include, but are not limited to, the following: recruitment, referral, and selection for training including apprenticeship. MMCA members will take affirmative action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 prohibit the harassment of any member or applicant because of protected class status, including sexual harassment. MMCA members prohibit the harassment of any employee or applicant because of protected class status, including sexual harassment.

MMCA and St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 will commit the necessary time and resources, both financial and human, to achieve the goals of equal opportunity and affirmative action.

MMCA members will evaluate the performance of their management and supervisory personnel on the basis of their performance in achieving these equal opportunity and affirmative action objectives as well as any other criteria the organization uses. Any MMCA members who do not comply with the equal employment opportunity policies and procedures set forth in this document will be subject to adverse action. Any subcontractor not complying with all applicable equal employment opportunity/affirmative action laws, directives, and regulations of the federal, state, and local governing bodies, or agencies thereof, specifically including Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment, will be subject to appropriate legal sanctions.

MMCA has appointed its Director of Employment Services as Equal Employment Opportunity (EEO) Coordinator to assist the equal employment opportunity program. That person is Steve Pettersen, MMCA, 830 Transfer Road, St. Paul, MN 55114, 651-646-2121. If there is any personnel change in this position, MMCA must notify the Director of the St. Paul Department of Human Rights of the change immediately and in writing. Responsibilities will include monitoring all affirmative action and equal employment opportunity activities of the MMCA member companies and reporting the effectiveness of these activities as required by federal, state, and local agencies. If any employee of a member company believes she or he has been discriminated against, they may contact the EEO Coordinator for MMCA, in addition to pursuing the matter through channels established by the member company internally. MMCA's members listed on attached Appendix A shall at all times be considered the contracting parties for purposes of affixing responsibility for compliance with this affirmative action plan. MMCA and its staff shall function solely in a representative capacity and shall bear no responsibility for noncompliance by member employers.

### III. RESPONSIBILITIES OF EEO COORDINATOR

The following are the responsibilities of MMCA's employer members. The duties of the EEO Coordinator are to provide advice and assistance to member companies in meeting their responsibilities and to serve as a central clearinghouse for information concerning member companies' compliance with these responsibilities. The duties of the EEO Coordinator are to:

- A. Assist member companies in developing and updating written affirmative action plans and policies consistent with the Affirmative Action Plan.
- B. Implement affirmative action plan, including internal and external dissemination of the policy and plan.
- C. Coordinate recruitment and employment of women, people of color, and qualified disabled persons.

- D. Serve as a liaison between MMCA, its member companies, St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34, and the City of St. Paul.
- E. Conduct and/or coordinate EEO training and orientation of MMCA members' supervisors, and managers to inform them of their responsibilities pursuant to the affirmative action plan.
- F. Ensure that managers and supervisors understand that it is their responsibility to take action to prevent harassment of protected class employees and applicants for employment.
- G. Ensure that all MMCA member employees of color, female employees and employees with disabilities are provided equal opportunity as related to employer sponsored training programs, recreational/social activities, benefit plans, pay, and other working conditions without regard to race, sex, color, handicap, etc.
- H. Receive, investigate, and attempt to resolve any and all EEO complaints, and assist members with complaints as requested.
- I. Monitor and measure the progress toward affirmative action goals, and report results to MMCA members and management.
- J. Compile EEO reports and records of MMCA members as necessary and make them available to appropriate enforcement agencies.
- K. Coordinate the implementation of necessary remedial actions to meet compliance requirements and goals.
- L. Hold regular discussions with member companies, project managers, supervisors and employees to ensure that the equal employment policies of MMCA are being followed.

#### IV. DISSEMINATION OF AFFIRMATIVE ACTION POLICY AND PLAN

##### A. Internal Dissemination

- 1. The policy statement will be permanently and conspicuously displayed in areas such as association, union, and employee bulletin boards and lunch areas, and will be printed in MMCA and St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 newsletters and other publications.
- 2. All members and their employees will be furnished a copy of the policy statement and will be notified of location and availability of the affirmative action plan. This policy will be made available to all employees, including part time, temporary, or seasonal employees.

3. MMCA and the St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 will conduct orientation/training sessions to thoroughly inform members and employees, including apprentices, of the industry's EEO/AA commitment. The St. Paul Department of Human Rights will provide assistance as requested.

B. External Dissemination

1. MMCA and the St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 will notify all recruitment sources of their equal opportunity policy and encourage them to refer women, persons of color and persons with disabilities to assist in achieving the affirmative action objectives.
2. MMCA shall include on all stationery, letterhead, and advertisements, specific statements relating to its representation of EEO employers.
3. St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 shall include on all stationery, letterhead, and advertisements, specific statements relating to their commitment to pursuing equal employment opportunity and affirmative action for their members.

C. Construction Projects

1. MMCA members will participate in pre-bid, pre-award, and pre-construction conferences at which the company's affirmative action commitment and the subcontractor's responsibilities regarding affirmative action are discussed. In all such forums the city's construction goals for minority and female representation in the workforce on city-assisted projects shall be stressed, and MMCA shall obtain a commitment from all member participants that they will take affirmative action to meet those goals.
2. For each city-assisted project, MMCA members will notify their subcontractors, vendors, and suppliers in writing of the affirmative action policy and the project goals that require their supportive action. A copy of the St. Paul Human Rights Affirmative Action Contract Specifications must also be attached (Exhibit B).

## V. RECRUITMENT AND RETENTION OF EMPLOYEES

A. Recruitment of Qualified People of Color, Females, and Persons with Disabilities.

1. MMCA and St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 will develop contacts with employee development and referral organization(s) and will work with said organization(s) to

obtain qualified people of color, female and persons with disabilities for this purpose.

2. MMCA and St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 are committed to encouraging and supporting the retention of all qualified applicants by MMCA's member companies, so that people of color, females and persons with disabilities will have an equal opportunity to become part of the permanent work force in the mechanical (plumbing and pipefitting trades).

B. Construction Projects.

1. MMCA and its members will encourage contractors/subcontractors to use agencies/organizations that refer women, people of color, and people with disabilities for employment.
2. MMCA members will contact and involve, prior to and throughout construction, employee development and referral organizations or other like resources and organizations for the purpose of recruiting and employing qualified persons of color, women, and persons with disabilities into their workforce. MMCA and its members will require utilization of recruitment resources provided by the City of St. Paul and will disseminate and encourage use of the resources by subcontractors. Records will be maintained of all the utilization required in this paragraph.
3. The respective Joint Apprenticeship Committees will notify the St. Paul Human Rights Department of apprenticeship openings, in writing, as they arise.

C. Retention.

A committee of member representatives from MMCA, the Labor Unions, and the City will make efforts and work with appropriate agencies and organizations to increase retention of employees who are women, people of color, or those with disabilities.

A good faith effort will be made by member firms to increase their internal workforce to meet goals consistent with availability of persons of color and females, by job group, as determined by the most recent census data.

## VI. INTERNAL EEO COMPLAINT PROCEDURES

MMCA has attached as Exhibit C to this plan in outline format, the internal EEO complaint procedures that they have assisted members in developing.

## VII. GOALS

MMCA and the St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 will make good faith efforts to attain a workforce that ultimately meets goals of 6% females and 11% persons of color on City-assisted construction projects. MMCA members will also set internal workforce and non-city-assisted workforce goals based on the most current census data. This data is available from MMCA or the St. Paul Human Rights Department.

To this end, MMCA and St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 have established contacts with employee development and referral organizations to assist them in recruiting and obtaining qualified persons of color and females for their workforces. MMCA and St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 plan to meet or exceed the goals set forth herein as follows:

A. Pipefitting and Plumbing Apprenticeships. MMCA and St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 will work with community based groups who are current members of the Coalition for Diversity in the Construction Trades, sponsored by the St. Paul Human Rights Department and others to place qualified\* people of color and females into their apprenticeship programs annually. MMCA will work with their members and respective Unions to make affirmative good faith efforts to hire qualified\* persons from community agencies, specifically those listed below:

St. Paul Urban League	Summit Academy OIC
Women Venture	St. Paul Brownsfield
Goodwill-Easter Seals	Ramsey Action Programs
MN B.U.I.L.D.	MN OIC Hispanic/Latino
American Indian OIC	Community Outreach
JobConnect	

B. MMCA Sponsored Pipefitting and Plumbing Scholarships. The Service Pipefitting trade has a one-year vocational/technical educational requirement before one can be accepted into apprenticeship. MMCA and St. Paul Pipefitters Local 455, plan to affirmatively address this by committing \$7500.00 annually for scholarships to assist women and people of color to enter a Pipefitting certificate program, or other equivalent or better at St. Paul College. The scholarship amount will be reviewed annually and adjusted accordingly to account for increases in tuition.

MMCA and St. Paul Pipefitters Local 455/ Plumbers Local 34 will work with the above mentioned employee development and referral organization(s) to coordinate the scholarship program. MMCA will set the scholarship qualification criteria and coordinate administration with the St. Paul College Foundation. MMCA will report annually to the City's Department of Human Rights, the status of the scholarship program.

Likewise, MMCA and Plumbers Local 34 will set an annual scholarship in the amount of \$2000.00 to assist women and people of color enter into Local 34's plumbing apprenticeship program. This scholarship will be coordinated with the Joint

Apprenticeship Committee to award first year apprentices with a scholarship to encourage their continuation and completion of the program.

Nothing herein shall be understood to prohibit MMCA and/or St. Paul Pipefitters Local 455/ St. Paul Plumbers Local 34 from establishing and working with other employee development and referral organizations, or from taking other measures in order to obtain qualified\* people of color and female applicants.

All Minnesota Mechanical Contractors Association (MMCA) member contractors will make good faith efforts to recruit, hire, promote and retain qualified women, minorities and disabled persons as available in the labor market for all non-construction trade positions. When in the need to hire additional employees MMCA members will notify the St. Paul Department of Human Rights and recruitment organizations listed in this agreement. MMCA members will perform and provide the Department an annual report of each member's recruitment, hiring, promoting and retention efforts. Each member covered by this agreement is subject to provide additional information as needed by the Department to determine compliance with Chapter 183 of the Saint Paul Human Rights Ordinance and rules.

MMCA members, overall, will maintain good faith, efforts to employ females and persons of color based on goals established by the City of St. Paul on all City-assisted projects.

C. Office Personnel Goals (MMCA members only)

MMCA members will set internal affirmative action hiring/retention goals for office personnel. MMCA is not responsible for the make-up of Pipefitters Local 455 and Plumbers Local 34 office personnel. The goals are based on the 2000 U.S. Census availability calculations for all industries in the 13 County Minneapolis/St. Paul Metropolitan Statistical Area. These goals are as follows:

<u>Job Group</u>	<u>Minority Goal</u>	<u>Female Goal</u>
Officials/Managers	6.4%	38.4%
Professionals (Const. Mgrs.)	2.6%	7.1%
Sales Workers (Cost Estimators)	2.1%	13.2%
Office and Clerical	7.4%	84.6%
Skilled Craft (Field employees)	11%	6%

\*Qualified people are those who have followed and met all application, testing and interview requirements to be placed on the ranked hiring list for each program annually.

## VIII. INTERNAL AUDIT AND REPORTING SYSTEM

MMCA has the contractual responsibility to submit in a timely manner Annual Reports to the Department in January of each year. These reports will include (in narrative form) a description of their efforts to increase the number of women and people of color in the mechanical construction trades, and (in numerical form) their progress towards that end.

As deemed necessary, the Department will conduct audits/reviews of the Agreement to ensure compliance with its provisions. The Signatory parties will meet to review audit results and take corrective action where necessary.

MMCA members will have the contractual responsibility to submit to the Department and MMCA the Affirmative Action Registration Forms on an annual basis in January of each year (attached as Exhibit D).

When performing City-assisted work, MMCA member companies will be contractually responsible to submit in a timely manner, all Construction Project Monitoring Forms as required by the City, including:

1. Identification of Lower Tier Subcontractors and Major Material Suppliers form,
2. Project Employment Utilization projection form,
3. Monthly Employment Utilization form for each month work is performed on the project,
4. Good Faith Effort information concerning the member's diversity on the project, as requested by the Department, and
5. The referenced information from the member's lower tier subcontractors.

## IX. SUBCONTRACTOR RESPONSIBILITIES

MMCA members will notify subcontractors of their responsibilities for equal opportunity and affirmative action under this plan, and will require them to comply.

## X. UPDATING MEMBERSHIP INFORMATION

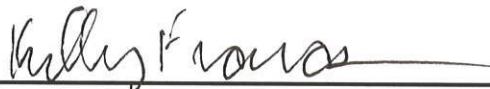
MMCA will notify the St. Paul Department of Human Rights, in writing, of any new members that are added to their roles, and that become party to this agreement. MMCA will make an updated membership list available to the St. Paul Department of Human Rights via MMCA's website to verify those members who are party to this agreement.

XI. SIGNATURES TO AGREEMENT

Upon execution of the signatures below, MMCA members will be certified as meeting the requirements for Affirmative Action Plan approval by the City of St. Paul for a four-year period from the date of the signatures, subject to annual review by the City of St. Paul. Failure to make a Good Faith effort to comply with the specifications of this plan may result in the imposition of sanctions pursuant to the St. Paul Human Rights Ordinance and the Rules Governing Affirmative Requirements in Employment.

Date 4/12/2011

  
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Luz Maria Frias, Director, St. Paul Human Rights & Equal Economic Opportunity

  
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Kelly Francis, Contract Compliance Supervisor, St. Paul Human Rights & Equal Economic Opportunity

  
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Steve Pettersen, Executive Director, MN Mechanical Contractors Association

  
\_\_\_\_\_  
Gary Erlander, Business Manager, St. Paul Pipefitters, UA Local #455

  
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Stan Thies, Business Manager, St. Paul Plumbers, UA Local #34



**CITY OF SAINT PAUL**

*Christopher B. Coleman, Mayor*

*280 City Hall/Court House  
15 West Kellogg Boulevard  
Saint Paul, MN 55102-1681*

*Telephone: (651) 266-8900  
Facsimile: (651) 266-8919*

**AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS  
CONSTRUCTION CONTRACTS**

Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment set forth the Affirmative Action Requirements which are to be incorporated into and made a part of every contract entered into by the City of Saint Paul. These documents are available on the Saint Paul Department of Human Rights and Equal Economic Opportunity's website, at the Department's office at 280 City Hall in Saint Paul, or by calling the Department at (651) 266-8900.

The Saint Paul Department of Human Rights and Equal Economic Opportunity is responsible for monitoring the Contract Compliance Program to determine whether or not persons or firms doing business with the City are complying with Section 183.04 of the Saint Paul Legislative Code, as well as the Rules Governing Affirmative Action Requirements in Employment.

As stated in Section 183.04, the contractor will not discriminate against any employee or applicant for employment because of race, creed, religion, sex, sexual or affectional orientation, color, national origin, ancestry, familial status, age, disability, marital status, or status with regard to public assistance.

Employers who contract with the City of Saint Paul must do more than merely avoid discriminatory practices. They must adopt and implement affirmative action programs to employ women, minorities, and people with disabilities.

The contractor must also include the Affirmative Action provisions of the Saint Paul Ordinance and the Rules in every subcontract, purchase order, or agreement with any subcontractor (including material suppliers and subcontractors who enter into a contract with another subcontractor or material supplier), with stipulations that the subcontractor is bound by the terms thereof.

A contractor's good faith affirmative action efforts in the employment of women, minorities, and people with disabilities will be taken into consideration in the awarding of a contract. It is the contractor's responsibility to become familiar and comply with the City's requirements and to ensure that their subcontractors comply with them.

**THE FOLLOWING DOCUMENTATION MUST BE SUBMITTED TO THE SAINT PAUL DEPARTMENT OF HUMAN RIGHTS AND EQUAL ECONOMIC OPPORTUNITY FOR APPROVAL BEFORE A CONTRACT WILL BE AWARDED:**

**AFFIRMATIVE ACTION PROGRAM REGISTRATION**

Every contractor or subcontractor, whose total accumulated City contract/subcontract awards over the preceding twelve months has met or exceeded \$50,000, must complete and submit to the Department an Affirmative Action Program Registration for analysis. The contractor must certify that it has developed and has implemented an effective Affirmative Action Program, substantially similar to the Department's Model Affirmative Action Program, which shall include hiring goals for the employment of women, minorities, and people with disabilities in the contractor's workforce.

Once the Affirmative Action Program Registration form is completed and accepted by the Saint Paul Department of Human Rights and Equal Economic Opportunity, the contractor will be notified by letter. This Registration is valid for two (2) years, during which time the contractor will be required to submit Semi Annual Compliance Reports to the Department every six months. At the end of the two-year period, the contractor may complete and submit a new Registration form.

A Model Affirmative Action Program is available from the Saint Paul Department of Human Rights and Equal Economic Opportunity by calling (651) 266-8900. A Model Modified Affirmative Action Program is available for contractors with twenty (20) or fewer employees.

Contractors, subcontractors, and major material suppliers are also required to submit to the Saint Paul Department of Human Rights and Equal Economic Opportunity all of their job openings in the eleven (11) county Minneapolis/Saint Paul Metropolitan Statistical Area (Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, Wright in Minnesota and Pierce and St. Croix counties in Wisconsin) when they are posted or advertised. Contractors must also submit these openings to Job Connect, a website maintained by Workforce Solutions, a department of Ramsey County). Contractors must commit to use the City's Job Connect system located at [www.jobconnect.com](http://www.jobconnect.com) as their first source of hiring, which will also qualify as a Good Faith Effort toward achieving affirmative action requirements.

Equal Employment Opportunity Posters must be publicly posted in the offices of the contractor. These posters, also available in Spanish, can be obtained from the Saint Paul Department of Human Rights and Equal Economic Opportunity.

### **CONSTRUCTION PROJECT GOALS:**

The employment utilization goals for construction workers are:

- 6 % Female skilled plus laborer work hours,**
- 11 % Minority skilled craft work hours, and**
- 11 % Minority laborer work hours.**

Contractors must actively demonstrate their good faith efforts to meet or exceed these goals.

### **CONSTRUCTION CONTRACTORS AND SUBCONTRACTORS WILL ALSO BE REQUIRED TO SUBMIT THE FOLLOWING DOCUMENTATION, AND OTHER INFORMATION AND REPORTS AS REQUESTED, TO THE SAINT PAUL HUMAN RIGHTS DEPARTMENT:**

#### **IDENTIFICATION OF PRIME CONTRACTORS AND SUBCONTRACTORS**

The Identification of Prime Contractors, Subcontractors, and Major Material Suppliers form must include all lower tier subcontractors and material suppliers. The names, addresses, telephone numbers, start date, completion date and nature of work must be listed for the prime contractor, as well as all subcontractors (including all major material suppliers). The Identification of Prime Contractors, Subcontractors, and Major Material Suppliers form must be submitted prior to the start of construction and updated as new subcontractors are added.

#### **PRECONSTRUCTION AND/OR PROJECT UTILIZATION CONFERENCE**

After the contract has been awarded, but before construction begins, the developer and prime contractor and all subcontractors that have been selected to work on the project will be required to meet (at a Preconstruction Conference and/or Project Utilization Conference) with the Human Rights Specialist that has been assigned to monitor the project. This conference will be held to discuss the utilization goals for minority and female workers, how the goals will be met, and any problems that may affect the project's ability to achieve the goals.

#### **PROJECT EMPLOYMENT UTILIZATION (PEU) FORMS**

The prime contractor and each subcontractor will complete and submit to the Human Rights Specialist the Project Employment Utilization form (PEU) indicating the Total Number of Project Work Hours they anticipate it will take to complete their portion of the work on the construction project, the Total Female Work Hours, Total Skilled Work Hours, Total Minority Skilled Work Hours, Total Laborer Work Hours, and the Total Minority Laborer Work Hours. The contractor and subcontractors must indicate on the bottom of the PEU form how they will meet the goals, through their internal work force or by hiring additional employees. If they are unable to meet the goals they must indicate the reason of the bottom of the PEU form and include the name, job title, race, gender and hire date for all current employees in the job categories which will be used on this project. These forms must be collected, totaled and submitted by the Prime Contractor to the Department as near to the start of the project as possible for as many subcontractors as you have hired. They must also be submitted as you hire additional subcontractors during the project.

#### **MONTHLY EMPLOYMENT UTILIZATION REPORTS**

The contractor and all subcontractors performing work on a construction project must submit Monthly Employment Utilization (MEU) reports to the Department by the 7<sup>th</sup> of each month. The MEU reports must indicate the number of minority and female work hours performed on site, the number of individuals on site who are minority and female, and the

names and employment dates of the minorities and females. Each month, the MEU forms must be collected and put in the form of a summary spreadsheet by the Prime Contractor. The monthly summary spreadsheet must be cumulative, including the project work hours from the previous months. The summary spreadsheets are due by the 7<sup>th</sup> of each month.

**WEEKLY REPORT OF SUBCONTRACTORS ON JOB SITE**

For specified projects, these reports should be completed by the project foreman and submitted along with the monthly employment utilization reports and summary spreadsheets.

**EQUAL EMPLOYMENT OPPORTUNITY POSTERS** must be posted at the construction site and also in the offices of the contractor and all subcontractors. These posters can be obtained from the Saint Paul Department of Human Rights and Equal Economic Opportunity, and are also available in Spanish.

**ON SITE REVIEWS**

Once the project has begun, the Department of Human Rights and Equal Economic Opportunity staff will conduct periodic, unannounced on-site inspections at the project site in order to verify the employment of minority and female employees.

**DEVELOPER AND CONTRACTOR RESPONSIBILITY:**

The developer and prime contractor has the contractual responsibility to ensure that the project achieves the utilization goals. However, each subcontractor that the prime contractor hires to work on the project must assist the prime contractor to meet the project's goals. Consequently, each subcontractor is also required to achieve or make every good faith effort to achieve the respective utilization goals in proportion to the number of construction hours they anticipate it will take to complete their portion of the construction.

**CONTRACTOR COMPLIANCE REVIEWS:**

The Department of Human Rights and Equal Economic Opportunity staff will monitor the contractors and subcontractors' affirmative action efforts and results. On-Site Compliance Reviews will be conducted on the work force of contractors, their subcontractors and material suppliers that enter into contractual agreements with the City of Saint Paul. The purpose of the review is to determine the contractors' compliance with the rules, regulations and orders of Section 183.04 of the Saint Paul Ordinance. On-site reviews include, but are not limited to, reviewing the implementation of the contractor's Affirmative Action Program, personnel policies and procedures.

Contractors and subcontractors may be required to provide additional documentation in order to determine whether or not they are making measurable improvements in the hiring of minority, female and disabled persons, including, but not limited to:

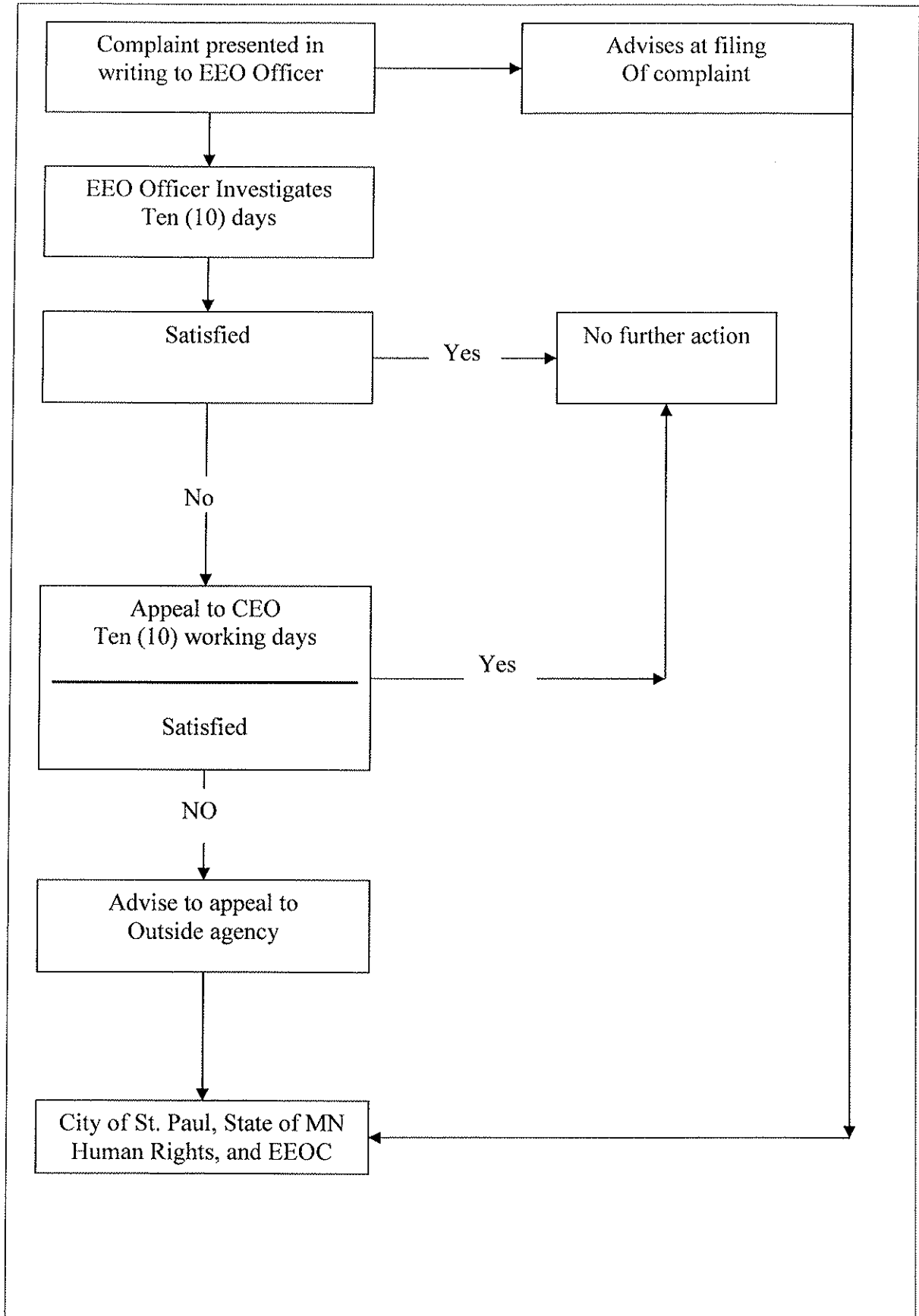
1. Good Faith Efforts Questionnaire
2. Applicant Flow Data
3. Employee Turnover Data
4. Documentation Supporting Dissemination and Implementation of EEO/AA Policies.
5. Documentation Supporting Recruitment Efforts.

Failure to comply with any of the requirements set forth above is sufficient grounds for disciplinary or remedial actions provided for under Article IV of the Rules; namely:

1. Termination of the contract;
2. Suspension of the contract until corrective steps are taken;
3. Continuation of the contract subject to the imposition of conditions to correct the noncompliance;
4. Declaration that the contractor shall be ineligible to bid on future contracts either permanently or for a stated time; or
5. A combination of the above.

It is imperative that contractors who are being considered for contracts of \$50,000 or more contact the Department of Human Rights and Equal Economic Opportunity to obtain copies of the requirements and documents in order to expedite the Affirmative Action reviewing process. If you have any questions, please contact a Contract Compliance Officer at (651) 266-8900.

# EEO Complaint Procedure





**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

280 City Hall/Court House  
15 West Kellogg Boulevard  
Saint Paul, MN 55102-1681

Telephone: (651) 266-8900  
Facsimile: (651) 266-8919

### **AFFIRMATIVE ACTION PROGRAM REGISTRATION**

We hereby certify that we have developed and are implementing over the next two years an effective Affirmative Action Program which complies with Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment. Our AAP includes, but is not limited to, the provisions listed below:

#### **DISSEMINATION OF AA/EEO POLICY STATEMENT**

1. The policy statement and non-discrimination posters will be permanently posted and conspicuously displayed in areas available to employees and applicants for employment. All employees and contractors will be furnished a copy of the AA/EEO policy statement. This policy will be made available to all employees including part-time, temporary or seasonal.
2. We will include the statement "Affirmative Action, Equal Opportunity Employer" on company letterhead, employment applications, contracts and subcontracts, and in advertisements recruiting employees and contractors.
3. We will include non-discrimination clauses in all union agreements, and we will review all contractual provisions to ensure that they are non-discriminatory. We will inform all union officials of the AA/EEO policy and request their cooperation.
4. We will personally meet with women, minority and people with disabilities recruitment resources and, if applicable, with labor union representatives. We will utilize women, minority and people with disabilities media resources. We will inform the recruitment and media resources, and labor union representatives, of our AA/EEO policies and encourage them to actively recruit and refer minorities, women, and people with disabilities, in order to assist us in achieving our affirmative action goals.
5. We will include the Saint Paul Affirmative Action/Equal Employment Opportunity Contract Specifications in all bid specifications and contracts on City of Saint Paul-assisted contracts. We will include these Contract Specifications in all lower tier contracts for materials and construction work on City-assisted contracts.

#### **RECRUITMENT OF EMPLOYEES**

1. All solicitations and advertisements for employees placed by us or on our behalf will state that we are an Affirmative Action, Equal Opportunity Employer. Copies of advertisements for employees will be kept on file for review by the Saint Paul Human Rights And Equal Economic Opportunity Department.
2. We will meet with and use, and encourage our subcontractors to meet with and use, agencies and organizations which refer women, minorities and people with disabilities, such as the employment recruitment resources provided by the Department.

#### **UNDERUTILIZATION ANALYSIS & GOALS AND TIMETABLE**

1. We will conduct an analysis of our employee workforce to determine present levels of employment of women, minorities, and people with disabilities in our workforce to identify areas of underutilization of such persons and to determine the causes of such underutilization. We will maintain a statement of the goals and timetables to remedy any underutilization of women, minorities and people with disabilities.
2. We will set an employment goal of 10% people with disabilities for our non-construction workforce.

**AGREEMENT**

1. We agree to maintain a current effective Affirmative Action Program (AAP), to implement all provisions of that AAP during the next two years, and to comply with Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment. Our AAP is now available for inspection and will be submitted to the Department at any time upon its request.
2. We agree to keep records of all personnel actions such as applicant flow, hiring, firing, lay-off, promotions, and actions taken to affirmatively recruit and hire women, minorities and people with disabilities. We agree to submit to the Department during the next two years AA/EEO Semi-Annual Compliance Reports detailing these personnel activities and affirmative action efforts.
3. During the next two years we agree to provide, as requested by the Department, proof of compliance with Section 183.04 and its implementing Rules, including documentation of our good faith efforts to recruit and hire women, minorities and people with disabilities.
4. For City-assisted construction projects of \$50,000 or more, we agree to make every good faith effort to meet the city's utilization goals for women and minorities and to provide the project monitoring documentation requested by the Department.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Signature of AA/EEO Manager

{Enter Contractor's name in blanks unless otherwise indicated}

**AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY (AA/EEO) POLICY STATEMENT**

This statement is to affirm \_\_\_\_\_ policy on providing Equal Employment Opportunity (EEO) to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof, specifically including Section 183.04 of the Saint Paul Legislative Code (Human Rights Ordinance) and the Rules Governing Affirmative Requirements in Employment.

\_\_\_\_\_ will not discriminate against any employee or applicant for employment because of race, creed, religion, sex, sexual or affectional orientation, color, national origin, ancestry, familial status, age, disability, marital status or status with regard to public assistance.

\_\_\_\_\_ will maintain zero tolerance for harassment of or by any employee or applicant for employment because of race, creed, religion, sex, sexual or affectional orientation, color, national origin, ancestry, familial status, age, disability, marital status or status with regard to public assistance, will maintain an internal complaint procedure for complaints of such harassment, and will provide employees with contact information for federal, state and local enforcement agencies.

\_\_\_\_\_ will take Affirmative Action (AA) to ensure that all employment practices are free of such discrimination and harassment. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

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

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

\_\_\_\_\_ will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Equal Employment Opportunity and Affirmative Action objectives as well as other established criteria.

Any employee of \_\_\_\_\_ or subcontractors to \_\_\_\_\_ who do not comply with the Equal Employment Opportunity and Affirmative Action (EEO/AA) Policies and Procedures set forth in this Statement and plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State and Local governing bodies or agencies thereof, specifically including Section 183.04 of the Saint Paul Legislative Code and the Rules Governing Affirmative Requirements in Employment, will be subject to appropriate legal sanctions.

\_\_\_\_\_ has appointed \_\_\_\_\_ as EEO/AA Manager to manage the Equal Employment Opportunity Program. His/Her responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Plan (AAP), as required by Federal, State and Local agencies. He/she will be given the necessary top management support and staffing to fulfill his/her job duties. The Chief Executive Officer of \_\_\_\_\_ will receive and review reports on the progress of the plan. If any employee or applicant for employment believes he/she has been discriminated against, please contact \_\_\_\_\_ at this address \_\_\_\_\_ or call \_\_\_\_\_.

\_\_\_\_\_  
Chief Executive Officer (Please print)

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Date

**DESCRIPTION OF CONTRACT:**

**ALL CONTRACTORS:**

A. \_\_\_\_\_  
Company Name E-mail Address

B. \_\_\_\_\_  
Address City State Zip Code

C. \_\_\_\_\_  
Phone No. Fax No.

D. \_\_\_\_\_  
Chief Executive Officer Telephone No.

E. \_\_\_\_\_  
AA/EEO Manager Telephone No.

F. Nature of Business \_\_\_\_\_

G. Description of Contract \_\_\_\_\_  
\_\_\_\_\_

H. Estimated Dollar Amount of Contract \_\_\_\_\_

I. Estimated Contract Start Date \_\_\_\_\_

J. Estimated Contract Completion Date \_\_\_\_\_

K. Description of City-assisted Construction Project \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

L. Type of Construction to be Performed \_\_\_\_\_

M. \_\_\_\_\_  
Name of Project's Developer Contact Name and Telephone No.

N. \_\_\_\_\_  
Name of Project's Prime Contractor Contact Name and Telephone No.

**(Note: Sections K. through N. should only be completed by Developers and Construction Contractors involved with a City-assisted construction project.)**

EMPLOYMENT DATA AS OF \_\_\_\_\_

EMPLOYER: \_\_\_\_\_ AA/VEEO MANAGER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

TELEPHONE: ( \_\_\_\_\_ ) \_\_\_\_\_ FAX NUMBER: ( \_\_\_\_\_ ) \_\_\_\_\_ E-MAIL: \_\_\_\_\_

ALL EMPLOYEES (FULL-TIME, PART-TIME, TEMPORARY AND SEASONAL)

JOB CODE	JOB CATEGORIES	PEOPLE WITH DISABILITIES	MALE					FEMALE				TOTAL (A - J)			
			WH (A)	BL (B)	HI (C)	AP (D)	AA (E)	WH (F)	BL (G)	HI (H)	AP (I)		AA (J)		
01	OFFICIALS & MANAGERS														
02	PROFESSIONALS														
03	TECHNICIANS														
04	SALES WORKERS														
05	OFFICE & CLERICAL														
06	CRAFT WORKERS (SKILLED)														
07	OPERATIVES (SEMI-SKILLED)														
08	LABORERS (UNSKILLED)														
09	SERVICE WORKERS														
10	CURRENT TOTAL EMPLOYMENT														
11	TOTAL EMPLOYMENT IN LAST REPORT														

WH: WHITE      HI: HISPANIC      AA: AMERICAN INDIAN/ALASKAN NATIVE  
 BL: BLACK      AP: ASIAN/PACIFIC ISLANDER

I affirm that the information entered on this form and on all attachments are accurate and true to the best of my knowledge.

(Signature)

(Title)

(Date)

# Underutilization Analysis

(To be completed by firms with twenty (20) or more employees)

Company Name \_\_\_\_\_ Date \_\_\_\_\_

Job Group	Total	Women			Minorities			Number Under-Utilized				
		Utilization		Availability		Utilization			Availability			
		Number	%	Number	% *	Number	%		Number	% *		
Column #	#1	#2	#3	#4	#5	#6	#2	#3	#4	#5	#6	
Officials & Managers												
Professionals												
Technicians												
Sales												
Office/Clerical												
Skilled Craft												
Operatives												
Laborers												
Service Workers												
Column #		#1	#2	#3	#4	#5	#6	#2	#3	#4	#5	#6

\* Percentage for availability should be in decimal form for ease of calculation

**Instructions:**

1. Column 1 = total in job group
2. Column 2 = total # of women or minorities in job group
3. Column 3 = Column 2 ÷ Column 1
4. Column 4 = Column 5 x Column 1 (If result is greater than 1, round up or down to nearest whole number. If result is between 0 and 1, round up to one.)
5. Column 5 = Availability (See below for explanation of source)
6. Column 6 = Column 4 - Column 2 (If result is negative, enter 0.)

You may submit your own Underutilization Analysis and Goals and Timetables forms in lieu of these forms. If you need availability data, go to [www.deed.state.mn.us/lmi/publications/aap.htm](http://www.deed.state.mn.us/lmi/publications/aap.htm). The Department's Web Page is: [www.stpaul.gov](http://www.stpaul.gov) or call (651) 266-8900 for copies of forms or for more information.

# Goals and Timetables

(To be completed by firms with twenty (20) or more employees)

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

Job Group	Current Work Force				Underutilization (#)		* A. H. O.		Annual Goals		Ultimate Goals	
		Total	Male	Female	Minority	Female		Minority	Female	Year	Minority	Female
1	#											
	%											
2	#											
	%											
3	#											
	%											
4	#											
	%											
5	#											
	%											
6	#											
	%											
7	#											
	%											
8	#											
	%											
9	#											
	%											
	#											
	%											

\* A.H.O. = Anticipated Hiring Opportunities (including all attrition plus possible expansion.)

**Utilization Goals for People with Disabilities**  
 (To be completed by all firms)

Company Name \_\_\_\_\_ Date \_\_\_\_\_

Total Employees in Non-Construction Job Groups	Percentage Available	Numerical Goal
_____ x	0.10 =	_____