

ORDINANCE NO. 1348 AC CMS

AN ORDINANCE ESTABLISHING A CITY AFFIRMATIVE ACTION
PROGRAM

WHEREAS, the City of Oberlin recognizes that equal employment opportunity in the City government can only be fully achieved with a firm commitment to the concept of affirmative action, and

WHEREAS, the City of Oberlin recognizes not only a legal obligation but also a moral obligation to achieve equal employment opportunity within the City government, not only for the sake of fair employment practices, but also for the sake of meeting the economic needs of its minority population, and

WHEREAS, the enactment of programs calling for affirmative action to assure the quality of opportunity is essential to promote the full realization of the rights of all citizens consistent with the ability to participate in the economic life of the City.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Oberlin, Ohio, a majority of all members elected thereto concurring:

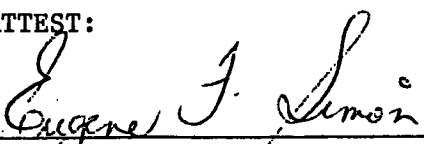
SECTION 1. That the City of Oberlin does hereby reaffirm its policy to insure equal opportunity employment for all persons to prohibit discrimination in employment because of race, religion, color, creed, age, sex, ancestry, handicap, marital status or national origin and to promote the full realization of equal employment opportunity through a continuing intensive affirmative program in each department of the City and to be an integral part of every aspect of personnel policy and practice in the employment, development, advancement and treatment of employees of the City of Oberlin to the maximum extent possible.

SECTION 2. That the City of Oberlin, as evidence of its intent to comply with basic policies and procedures necessary for effective, uniform and judicious enforcement of equal employment opportunity standards, does hereby adopt the attached affirmative action program.

SECTION 3. That this Ordinance shall take effect at the earliest period allowed by law.

PASSED: 1st reading - January 16, 1978
2nd reading - February 6, 1978 (amended)
3rd reading - February 20, 1978 (amended-Emergency)

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: February 21, 1978

OBERLIN AFFIRMATIVE ACTION PROGRAM
APPROVED BY ORDINANCE NO. 1348 AC CMS

AFFIRMATIVE ACTION DISCUSSED

The term "affirmative action" can best be understood in relation to the phrase "equal employment opportunity". Equal employment opportunity is a condition and affirmative action is the means by which the condition is achieved.

Affirmative action thus includes all of the appropriate methods through which equal employment opportunity for minority group citizens is made a reality. Underlying the concept of affirmative action is the recognition that positive action is required both to insure against discrimination in employment and to remedy the negative effects of past employment practices.

It should be stated that phrases such as "best qualified" or "best man for the job" may be incompatible with the goals and intent of affirmative action. For an employer to insist that entry level positions must be filled by individuals who are the "best qualified" is in fact to rule out in advance many minority applicants.

GENERAL POLICY

In all of its employee relationships, including but not limited to internal employment and job training and career advancement, the City Government of Oberlin prohibits any discrimination on the basis of race, religion, color, creed, age, sex, ancestry, marital status, handicap, or national origin, where such discrimination continues to perpetuate in the City a minority population disadvantaged in job skills and knowledge. To this end it shall be the policy of the City Government to increase by affirmative action minority employment in all City departments in order to eliminate the imbalance between employment of minority groups in City Government and the percentages of minority groups in the population of Oberlin.

DEFINITIONS

Affirmative Action

The active and aggressive recruitment and preferential consideration for employment of qualified minorities in order that the percentage of minorities employed in all City departments is in reasonable balance with the percentage of the minorities in Oberlin.

Qualified

Possessing the minimum skills required to adequately perform a job at each state of employment. For entry level positions it is understood that where new employees can learn the job skills in a reasonable period of time, they are to be considered qualified.

Minority Groups

Where used in this plan for either statistical or affirmative action reasons, minority groups will be defined as:

- A. Black/Negro American
- B. Spanish (surname) American
- C. Oriental/Asian American
- D. Native Indian/Native American

All statistical information and affirmative action efforts shall identify women and the handicapped as target groups for equal employment opportunity.

AFFIRMATIVE ACTION PLAN COMPONENTS

JOB STRUCTURING AND UPWARD MOBILITY

- Job specifications shall be reviewed and revised as needed to assure that all the requirements are job related. Qualifications required shall be only the minimum needed for entrance into any given job classification rather than the desired standards of qualifications attainable only after some experience. Unnecessary restrictions on age, sex or physical characteristics shall be deleted.
- Educational requirements for entry level positions shall be kept to a minimum except for those job classifications in which it is clearly established that a formal education program is required. Unnecessary educational requirements which preclude advancement of para-professionals to professional or technical positions after satisfactory job experience shall be removed.

JOB STRUCTURING AND UPWARD MOBILITY (Continued)

- All City positions shall be so defined and described as to limit the range of responsibilities in each pay level thereby permitting the establishment of several levels, providing a career ladder.
- Career ladders shall be established to permit the movement of qualified lower level employees to positions of greater responsibility as the employees develop.

RECRUITING

- The City shall initiate and maintain communications with minority member community leaders to develop mutual understanding of needs. During these recruitment contacts, nondiscrimination as a basic element of City personnel administration shall be emphasized. The assistance of leaders from minority groups, women's organizations and organizations dealing with the handicapped shall be sought in structuring and maintaining a positive recruitment program.
- Publications such as recruiting announcements shall be reviewed to insure that language or photographs do not imply inequality between men and women.
- Referrals shall be requested from the State employment office, the Lorain County Welfare Department, the Lorain County Rehabilitation Department, poverty program agencies and community and youth organizations.
- The City shall furnish recruitment literature to organizations which have frequent contact with minority individuals and women and which can provide recruitment assistance.

SELECTION

All selection procedures shall be designed to prevent discrimination against minority groups, women and the handicapped. These will include written or oral tests; education and experience ratings; structured interviews

SELECTION (Continued)

and application forms. All selection devices shall be objectively tailored to measure relevant job qualification requirements and are reliable and valid.

They shall be:

- * Based on careful job analysis to determine the knowledge, skills, abilities and other qualification requirements actually needed for the job.
- * Focused on abilities required upon entry to the job.

APPOINTMENT AND PLACEMENT

- All department heads shall certify that recommendations for appointments are made on a non-discriminatory basis. There shall be a periodic review of the quality of these statements.
- Non-merit factors such as marital status shall not be considered during consideration of applicants.
- All department heads and supervisors taking part in the interview and appointment process shall be trained to objectively determine the abilities of minority job applicants, who may be less expressive due to differences in language or conversational style.
- All department heads shall provide for follow-up with minority employees during the initial months of employment to guarantee proper placement and training.

AUTHORITY AND RESPONSIBILITY

CITY COUNCIL

The Council of the City of Oberlin has the authority to enact an affirmative action plan and direct the City Manager to implement the plan.

CITY MANAGER

A. The City Manager shall direct, by a written statement, all employees to comply with the spirit and obligations of the Affirmative Action Plan. The statement will include, but not necessarily be limited to:

1. Equal Employment Opportunity for all persons, regardless of race, color, religion, creed, sex, ancestry, handicap,

CITY MANAGER (Continued)

national origin, marital status, or age is a fundamental City policy. Equal employment opportunity is a legal, social, moral and economic necessity to the City of Oberlin.

2. The requirement of affirmative action by all City employees to overcome effects of past discrimination.
3. The statement that affirmative action is not a "neutral" policy, but requires goal setting techniques that can be measured and evaluated. Accountability for goal achievement is necessary to assure that affirmative action is equal in importance to other City program goals.

B. The City Manager shall have the responsibility to: (1) Report all City job opportunities to the affirmative action officer. These will include: (a) vacancies, (b) new positions, (c) promotions and (d) re-assignments. (2) Report to the affirmative action officer all appointments before officially notifying the candidate. (3) Create a career ladder to demonstrate upward mobility within each department. (4) Review all job descriptions, classifications and salary levels to insure that affirmative action requirements are being complied with. (5) Work closely with the affirmative action officer to insure compliance with the plan. (6) Assist in recruiting, placing, promoting, training and/or retaining of minorities, women and the handicapped. (7) Notify the affirmative action officer prior to all termination of employment.

C. The City Manager will write personal letters to all recruitment sources as employment needs develop. The letter will include copies of the employment policy and state an interest in interviewing and hiring previously under-represented groups for all positions. The City Manager will also contact appropriate media, public and private employment agencies, educational institutions and community organizations. Recruitment sources shall be informed that the City of Oberlin cannot use their services if they do not refer applicants on a non-discriminatory basis, and that referrals of women and minority applicants to all jobs, at all levels, are expected. The City Manager will inform the media that "help wanted" advertisements shall not be placed in segregated columns. The statement that the City of Oberlin is an affirmative action/equal opportunity employer shall be included in all advertisements.

CITY MANAGER (Continued)

D. A continuous effort shall be made to establish contact with referral agencies for minorities, women and the handicapped.

AFFIRMATIVE ACTION OFFICER

The code administrator of the City of Oberlin shall function as the affirmative action officer, and report directly to the city manager.

The affirmative action officer will maintain a skill-bank file for possible placement in City employment. The city manager will consult this file before any job placement.

The affirmative action officer shall periodically review, evaluate and, if necessary, recommend revision to the City's selection procedure, including but not limited to: (1) Application forms, (2) Physical requirements, (3) Oral interviews, (4) Job descriptions, (5) Job requirements, (6) probationary periods, (7) Tests and examinations.

The affirmative action officer shall report to City Council each year at the Council meeting immediately following the anniversary date of the passage of Ordinance No. 1348 AC CMS on the degree to which the City has met the affirmative action goals herein described.

BOARDS AND COMMISSIONS

All City Boards and Commissions will cooperate in the spirit and objectives of this Affirmative Action Plan.

DEPARTMENT HEADS AND SUPERVISORS

Department heads and supervisors shall have the responsibility to: (1) Implement the Affirmative Action Plan in their departments. (2) Complete the appropriate forms required by the Affirmative Action Plan. (3) Analyze the specific employment needs and patterns of their departments and supervisors. (4) Cooperate completely with the affirmative action officer and city manager in fulfilling the requirements of the plan. (5) Evaluate along with the affirmative action officer, the efforts and achievements in accordance with the Affirmative Action Plan.

Department heads and supervisors will be expected to implement the Affirmative Action Plan as a part of their prescribed duties. Their successes

DEPARTMENT HEADS AND SUPERVISORS (Continued)

in implementation will be considered by the city manager in the periodic evaluation of their overall performance.

CITY EMPLOYEES

All City employees will comply with the spirit and the letter of the Affirmative Action Plan. Any employee of the City of Oberlin who willfully violates the intent of this plan, shall be subject to appropriate disciplinary action, including reprimand, suspension and/or dismissal.

COMPLAINT REVIEW

Any employee or individual affected by this Affirmative Action Plan may register a written complaint with the affirmative action officer within ten (10) days of the occurrence of the action for which the complaint is made.

The affirmative action officer shall within thirty (30) days after receipt of the written complaint investigate the personnel action or incident in question. The results of the investigation with recommendations for action shall be submitted to the city manager.

The recommendations and findings of the affirmative action officer shall be made known to all parties of the complaint.

The city manager shall review the recommendations made by the affirmative action officer and take whatever action the manager deems necessary. In the event disciplinary action is taken against an employee, said disciplinary action shall conform with the appropriate Oberlin and State of Ohio civil service procedures.

GOALS

A Goal shall be used as a measurement of how the City of Oberlin assimilates racial minorities into its work force. It is recognized that there are many variable factors which will affect the attainment of any goal within any specified period of time.

Turn over rate, creation of new positions, availability of applicants and the need to follow established civil service procedures are examples of these

GOALS (Continued)

variables. Efforts will be made to assure that these factors have a minimum negative impact on the attainment of the goals set by the Affirmative Action Plan.

The 1970 Census indicated the population of the City of Oberlin to be 8,761. The aggregate figures by race were as follows:

White	6421	73.3%
Black	2227	25.4%
Other (including Native American and Spanish Surname)	<u>113</u>	<u>1.3%</u>
	8761	100.0%

Approximately 26.7% of the total City population, therefore, was non-white. However, when these census figures are adjusted to eliminate the Oberlin College student enrollment, the minority population of the City of Oberlin is thirty-five (35%) percent. For the purposes of its affirmative action program, the City government shall establish as its goal effective upon passage of Ordinance No. 1348 AC CMS to implement personnel employment and selection procedures so as to achieve at least a thirty-five (35%) percent level of minority representation in the City work force. In so far as possible, this goal shall be attained on a department by department basis and shall apply to supervisory as well as non-supervisory positions.

It is understood that this goal of thirty-five (35%) percent is not a quota but is, in fact, a criterion of measurement to be used when comparing the City government employment statistics with the overall City population.