



ALLEGANY COUNTY
HUMAN RESOURCES DEVELOPMENT
COMMISSION, INC.

AFFIRMATIVE ACTION PLAN
FY 2020

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INTRODUCTION

PURPOSE OF HRDC'S AFFIRMATIVE ACTION PLAN (AAP)

The purpose of this Affirmative Action Plan (AAP) is to affirm Allegany County Human Resources Development Commission (HRDC) commitment to equal opportunity by establishing goals and objectives that correct any deficiencies and continue HRDC to equal opportunity/affirmative action.

Policies and procedures dealing with personnel issues are an integral part of any AAP. HRDC has incorporated its equal opportunity/affirmative action personnel policies and procedures into its "Personnel Policy" Manual. Therefore, to save space and to avoid duplication of language, the personnel procedures section will not be repeated in this document. The reader is requested to read HRDC's Personnel Policy" Manual.

The AAP will be reviewed and revised annually to reflect current statistics, and to establish new goals and objectives based on that *information*.

For applicability to union employees, see also Article VI of the Collective Bargaining Agreement with the United Food and Commercial Workers Union, Local #27.

SOURCES OF INFORMATION

Statistical information for Allegany County comes from the EEOC's 2017 U.S. Census Demographic Data, U. S. Census Bureau 2017 Estimates (using years 2013 – 2017 data and samples).

HRDC statistical information comes from an analysis of calendar year 2019 utilizing ADP Human Resources and Benefits reports.

I. POLICY STATEMENT

The Allegany County Human Resources Development Commission, Inc. (HRDC), a private non-profit agency, hereby declares that no applicant, client or employee shall, on the grounds of race, color, creed or religion, ancestry or national origin, political affiliation, sex, age marital status, sexual orientation, gender identity or disability be excluded from participation in, be denied the benefit of, or otherwise be subject to discrimination in any program or activity HRDC operates.

HRDC is committed to equal employment opportunity for all persons regardless of race, color, creed or religion, ancestry or national origin, political affiliation, sex, age, marital status, sexual orientation, gender identify or disability unrelated in nature and extent as to reasonably preclude the performance of employment. The commitment affects all conditions and privileges of employment including (but not limited to) recruiting, hiring, training, promotion, and compensation. Equal Employment Opportunity (EEO) is a legal, social and economic necessity for this agency.

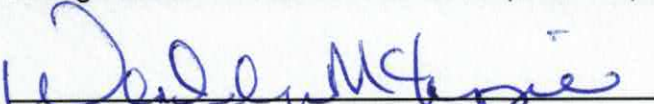
No person with responsibilities in the operation of a program receiving federal financial assistance will discriminate because of race, color, creed, national origin, political affiliation, sex, disability or age. It is our policy that, in order to advocate for institutional change, we will restrict our business dealings, when feasible, to contractors, vendors and suppliers of service to this agency who are equal opportunity employers.

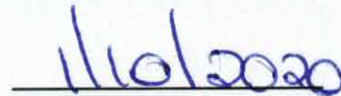
The Executive Director has appointed the Human Resources Director the responsibility to develop and monitor affirmative action and other equal employment opportunity programs. However, management personnel at every level must share in the responsibility for promoting affirmative action and equal employment opportunity to ensure compliance is achieved.

For non-discrimination within the agency to become a reality, goal-setting programs with measurement and evaluation factors have been developed. It is expected that all employees become familiar with the Agency's AAP and complaint procedures. All administrative and management personnel share in the responsibility of implementing this plan. Performance in this area will be evaluated, as is performance in other areas. All personnel will be held accountable for complying with the AAP.

Any applicant, client, or employee who feels he/she has been discriminated against in any condition of their affiliation at HRDC should immediately notify HRDC's Personnel Department of the incident. There shall be no discrimination or retaliation of any kind against an employee because of opposition to any practice declared unlawful under Title VII of the Civil Rights Act of 1964, as amended, or because of a charge, giving testimony or assistance or participation in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended or under the provisions of Maryland law.

Successful performance on Affirmative Action goals will provide positive benefits to the agency through effective utilization and development of previously underutilized human resources.


Wendolyn McKenzie, Executive Director


Date

II. APPLICABILITY

The Affirmative Action Plan shall apply to all programs of HRDC. The AAP also applies to all levels and phases of personnel administration such as recruitment, training, promotion, transfer, leave, rates of pay, selection, and employee benefit programs.

III. LEGAL MANDATES

- A. The Equal Pay Act of 1963, as amended in 1974 – Makes it unlawful to pay workers of one sex at a different rate from that paid to the other sex for the same work.
- B. Civil Rights Act of 1964, Title VI – Nondiscrimination in Federally Assisted Programs: Prohibits discrimination on the basis of race, color, or national origin in all programs and activities receiving or benefiting from federal financial assistance; prohibits discrimination on the same basis in employment practices when the object of the federal financial assistance is to provide employment.
- C. Civil Rights Act of 1964, Title VII – Equal Employment Opportunity: Forbids employers with 15 or more employees from discrimination against any individual with respect to compensation, terms, conditions, or privileges of employment because of that individual's race, color, religion, sex, or national origin.
- D. Executive Order No. 11246 – Requires Federal contractors and (subcontractors) to develop and implement written affirmative action programs for women and minority group members.
- E. Age Discrimination in Employment Act of 1967, as amended in 1973 – Makes it unlawful to discriminate against employees or job applicants on account of age when they are between the ages of 40 and 70.
- F. Rehabilitation Act of 1973, as amended in 1973, Sections 503 and 504 – Bars employment discrimination against disabled persons in federally assisted programs and requires affirmative action for the disabled.
- G. Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended in 1976 – Requires employers with federal contracts (or subcontracts) to take affirmative action in hiring and promoting Vietnam era veterans as well as disabled veterans of all wars.
- H. The Americans with Disabilities Act (ACA) of 1990 – Gives civil rights to people with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, state, and local government services and telecommunications.
- I. The Civil Rights Act of 1991 – Provides for jury trials in discrimination cases. Requires employers to demonstrate specific job requirements as reasons for disparate impact cases on protected classes. Reversed many U.S. Supreme Court decisions, which had lessened the employer's burden of proof over recent years.
- J. State and Local Fiscal Assistance Act of 1972 – Prohibits discrimination on the grounds of race, color, national origin, sex, age, disability, and religion in all programs and activities of state and local governments receiving funds under the Act.

- K. Article 20 Section 602 of the State Government Article of the Annotated Code of Maryland, as amended, prohibits discrimination in all areas of the employer-employee relationship on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender, identity or disability unrelated in nature and extent so as to reasonably preclude performance of the employment, and to that end, to prohibit discrimination in employment by a person or employer.

IV. DISSEMINATION OF POLICY

Allegany County Human Resources Development Commission (HRDC) recognizes the importance of communicating its EEO policies and procedures to employees and prospective employees. To ensure the dissemination of these policies, the agency has taken the following action:

A. Internal Dissemination

1. Written communication from the agency's Executive Director reemphasizing HRDC's commitment to Equal Employment Opportunity and Affirmative Action.
2. A copy of HRDC's Policy Statement is included in HRDC's Personnel Manual, which is available to all employees at each work location and on the Agency website. The Personnel Policy is regularly reviewed and revised to assure equal opportunity in all employment practices. The Human Resources Director will monitor and revise, as necessary with the Board of Directors' approval, the Personnel Policies to incorporate any new equal opportunity legislation or directives.
3. Bulletin boards bear the appropriate federal and state EEO posters.
4. The progress of the Affirmative Action Plan is reviewed and reported on an annual basis to HRDC's Board of Directors.

B. External Dissemination

1. The agency's major recruitment source (The Maryland One Stop Job Center) is aware of HRDC's Equal Opportunity Policy and recruits and refers candidates to us in a manner that represents the agency's policy.
2. HRDC works with local government and community agencies to ensure that females and minorities are aware of employment opportunities.
3. An Equal Opportunity clause is included in all position vacancy announcements.

V. RESPONSIBILITIES

A. HRDC Board of Directors:

1. Has the legal and fiscal responsibility for the Affirmative Action Plan and guides and directs the implementation of the Plan through the Executive Director.
2. Reviews the determinations and recommendations of the Human Resources Director regarding any complaints of discrimination.

B. Executive Director

1. Has overall authority and responsibility for establishing, maintaining, and implementing HRDC's Affirmative Action Plan as directed by the Board of Directors.
2. Has the responsibility to promote equal opportunity in every aspect of the Agency's practices.

C. Human Resources Director

1. Has operating responsibility for the design, implementation and evaluation of the Affirmative Action Plan.
2. Has the responsibility to promote equal opportunity in every aspect of the Agency's practices.

D. Head Start Policy Council:

1. Has the responsibility to approve any policies and procedures dealing with Head Start personnel.

E. Department and Program Directors:

1. Have the responsibility to identify and report problem areas to be used in establishing agency goals and objectives.
2. Have the responsibility to promote equal opportunity in every aspect of Program Department operation.
3. Have the responsibility to counsel and inform employees to assure understanding and compliance with EEO policies.

VI. IMPLEMENTATION OF PLAN

A. The Human Resources Director:

1. Has the responsibility for designing, implementing, and administering the Affirmative Action Plan and annually reviews the agency's organizational structure, positions, and qualification requirements for determining compliance with current equal opportunity laws and regulations. In addition, the Human Resources Director is charged with the responsibility of increasing employment and promotional opportunities for the protected classes where possible.
2. Monitors new equal opportunity/employment legislation and directives and, based on these developments, recommends revisions to HRDC's Personnel Policy.
3. Assures understanding and compliance with the Affirmative Action Plan by including information on the Affirmative Action Plan in new employee orientations. Insures that copies of both Personnel Policy and the Affirmative Action Plan are placed at each Agency worksite for the employee's reference and use.
4. Serves as a liaison between HRDC, Civil Rights enforcement agencies, and minority group organizations.

5. Assures that periodic training programs, regarding legal requirements of equal opportunity/affirmative action, are developed and presented to key staff and Board Members as appropriate.

B. HRDC's Policy Making and/or Advisory Bodies:

1. HRDC has two policymaking and/or advisory bodies that advise either a program of HRDC, or HRDC as a whole. They will be informed of the Agency's AAP by the Agency's internal reporting system and by appropriate orientation training programs. They are:
 - a. HRDC's Governing Board
 - b. HRDC's Head Start Policy Council

C. Evaluation of Internal Operations and EEO Programs:

1. A review of the AAP will be made annually. Any changes in policies or procedures will be implemented promptly following approval of HRDC's Governing Board and Head Start Policy Council.

VII. INTERNAL AUDIT AND REPORTING SYSTEM

To assure that the agency's Affirmative Action Program is fully implemented and is progressing towards accomplishing its goal, the following internal audit system has been established:

A. All employment activities are monitored, including but not limited to the following:

1. Applicant Log
2. Pre-hire Checklist
3. Selection/Hiring Rate
4. Transfers/Promotions
5. Salary Actions
6. Disciplinary Actions
7. Terminations

VIII. DISCRIMINATION COMPLAINTS

- A. Policy:** It is the policy of HRDC to treat all people equitably and fairly in all matters concerning employment or participation in our programs. Any person (employee, program participant, eligible non-participant, or applicant for employment) will be provided ample opportunity to understand and resolve matters affecting their employment or participation, which the person believes, is unjust or discriminatory on the basis of race, color, and national origin, religion, sex, age disability, or political affiliation. The complaint procedure shall be made available to any person (employee, program participant, and applicant for employment) and the presentation of any complaint shall be considered the right of each person without fear of reprisal.
- B. Discrimination Complaint Procedures**
1. The purpose of the Agency complaint process is to resolve and conciliate the complaint as soon as possible to the satisfaction of all the parties involved.

2. Any complaint of discrimination shall take priority in the assigned duties of the Human Resources Director. Once the complaint is filed, it is to be acted upon immediately.
3. Submission of an Equal Opportunity Complaint.
 - a. Any person (employee, program participant, eligible non-participant, and/or applicant for employment) who believes he/she has encountered discrimination because of race, color, creed, sex, national origin, age, political affiliation, beliefs or disability may first file a complaint with the Human Resources Director of HRDC within 180 calendar days, or when the person became aware of said act. The complainant will complete HRDC's Discrimination Complaint Form.
 - b. A complainant also has the right to file a complaint directly with other appropriate Federal, State, and Local Civil Rights agencies. Any complaint filed directly with another agency, however, will not usually be processed until the local procedure has been exhausted, or a valid reason is offered for bypassing the local process. If the complainant is an HRDC union employee, the complainant also has the right to file a complaint directly with the union. The Human Resources Director shall inform the complainant of these rights.
 - c. A complainant may file a complaint with the understanding that she/he will be free from any reprisals, threats, intimidation, coercion or other forms of discrimination, because she/he has filed a complaint, testified, assisted, or participated in any manner throughout the complaint process, or after the complaint has been resolved. All matters pertaining to complaint shall be treated confidentially. Except for relevant parties associated with a complaint, the Human Resources Director shall not identify the aggrieved person who has come to her/him for consultation.
4. Resolution and Decision by HRDC
 - a. The Human Resources Director shall make every effort to resolve the complaint informally.
 - b. In attempting to resolve the complaint, the Human Resources Director shall be given any information from other HRDC personnel necessary to resolve the complaint, including access to files and records. The Human Resources Director shall be free from any reprisals, threats, coercion, or intimidation.
 - c. At her/his own expense, the aggrieved person has the right to be accompanied, represented and advised by a representative of their choosing. If the aggrieved is an employee of the agency, he/she shall be given a reasonable amount of working time to prepare and present his/her request for a resolution of the complaint. The respondent (or agency) has the right to be represented by an attorney; however, the Agency proceedings will be informal.
 - d. The Human Resources Director has thirty (30) days to investigate the complaint, formulate a recommendation, and present that recommendation to the Executive Director and the Board of Directors. Once a recommendation is approved, the aggrieved is informed as to the outcome of the investigation. This will occur no more than forty-five (45) working days after a complaint has been filed.
 - e. The Human Resources Director informs the complainant of their right to appeal the Board's decision to the appropriate Local, State, and/or Federal agency.

IX. JOB ANALYSIS AND STATISTICAL DATA

HRDC employed 206 unduplicated individuals during the calendar year of 2019. HRDC continues to be an Equal Opportunity Employer and continues to screen applicants to find the most qualified individuals available for each open position.

GENDER

Male= 41			Female= 165				
White	Black	Bi-Racial	White	Black	Bi-Racial	Hispanic	Asian
38	1	2	156	5	3	1	0

Allegany County

Male 52.1%
Female 47.9%

HRDC

Male 20.0%
Female 80.0%

ETHNICITY

Allegany County

White 88.5%
Minority 11.5%

HRDC

White 94.0%
Minority 6.0%

MEDIAN AGE

Allegany County

41 years, 5 months

HRDC

44 years, 5 months

HRDC had the following Personnel activity during the calendar year **2019**:

New Hires	48	Female: 35 Male: 14
Terminations	14	
Resignations	22	
Retirements	1	
Permanent Riffed	8	
Death	0	

The majority of HRDC employees are hired from the Allegany County Area. Allegany County's available civilian labor force to the existing HRDC work force expressed in percentages reveals the following:

	Male	Female	Minority	Non-Minority
Allegany County	52.1%	47.9%	11.5%	88.5%
HRDC	20.0%	80.0%	6.0%	94.0%

APPLICANTS

A total of 2,385 applications were screened to ensure they met the minimum requirements for any/all positions posted or advertised during the calendar year of 2019 (duplicate applicants occurred). Due to the added position/application announcement on Indeed, most applicants are unable to complete the Affirmative Action Form, which encompasses Veteran Status provided in all HRDC applications. 99 applicants identified as non-veteran status; and 6 identified as veteran status.

X. IDENTIFICATION OF PROBLEM AREAS AND CORRECTIVE ACTIONS

A. Identification and Correction of Problem Areas

Identified Problem Areas

1. An imbalance exists in the male/female ratios but is typical within Community Action Agencies.

HRDC's male/female ratio is typical within Community Action and Human Service agencies in general and there is no need for a Corrective Action Plan at this time.

2. Within major job categories, there is a lack of minority employees in the Executive/Senior Level Official's, First/Mid-Level Officials/Manager, Professionals or Administrative Support categories.

Corrective Action:

HRDC continues to recruit qualified applicants regardless of race or gender. For insurance purposes, all HRDC new hires **must** be at least 21 years of age.

To assure that minorities are aware of all job openings within the agency, the agency will continue to advertise all vacancies. All vacancy announcements will include all required qualifications, specific and general job responsibilities, working conditions, and general agency information using the following resources:

1. The Maryland One Stop Job Center
2. Veterans Commission through the Maryland One Stop Job Center
3. HRDC's agency website at www.alleganyhrdc.org
4. Indeed, Job Search tool
5. Appropriate form of Social Media such as Facebook
6. Area newspaper(s) (As needed)
7. Continue to attend area job fairs

All recruitment ads will continue to state ***"Equal Opportunity Employer" and "Veterans Are Encouraged to Apply."***

By Whom:

The Human Resources/Personnel Department is charged with the responsibility of advertising all position vacancies.

Timetable:

Ongoing

XI. COMPLIANCE WITH GENDER DISCRIMINATION GUIDELINES

HRDC complies with all local, state, and federal laws regarding nondiscrimination. This agency reaffirms its commitment to give attention to the special concerns associated with:

- A. Recruitment: Applicants of both genders will be sought for all vacancies;
- B. Personnel Policy: The agency ensures that women are treated equally with men in all aspects of employment. All written personnel policies and job practices related to opportunities, pay rates, hours, or other working conditions will be gender neutral and written with the intent that no employee will be discriminated against based on gender;
- C. Compensation and Promotions: All employees will be paid and promoted on the basis of job-related skill, effort and responsibility required, as well as the working conditions, competitive market forces, and performance factors. Gender will not be considered in pay and promotion decisions. In addition, no seniority list or system will be maintained based solely on gender;
- D. Pregnancy and Related Medical Conditions: The agency will not discriminate against employees on the basis of pregnancy or related medical conditions; and
- E. Sexual Harassment: The agency prohibits discrimination on the basis of sex, including sexual harassment. The agency will make every effort to see that this policy is communicated to supervisors and employees and that it is properly enforced.

XII. AFFIRMATIVE ACTION PLAN FOR THE DISABLED

- A. General: HRDC supports community programs to provide employment opportunities for the disabled. Recognizing that disabled individuals are a valuable human resource, the agency has formalized its support of these programs via current program practices.
- B. Definition of Disabled Applicants and Employee: The law defines "Handicapped Individual" as any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment. For purposes of this plan, a disabled individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability. The terms "handicapped" and "disabled" are intended to have the same meaning within this Plan.
- C. Consideration of Qualifications: All applicants applying for employment with this agency are invited to voluntarily identify themselves as disabled and indicate any reasonable accommodation that can be made to enable them to perform a job that they would not otherwise be able to do.
- D. Physical and Mental Requirements
 - 1. Selection processes involved in hiring, promotions, and training opportunities are continually reviewed to ensure that no qualified disabled individual is screened out.

2. Job requirements are reviewed and updated periodically to ensure that they are realistic and do not contain unnecessary qualifications which serve to screen out disabled individuals.
- E. Accommodations to Physical and Mental Limitations of Employees: HRDC will make every effort to reasonably accommodate the physical and mental limitations of qualified, disabled applicants, and/or employees to ensure that each one is afforded equal opportunity for employment and advancement. In determining the degree of accommodations that may be reasonably undertaken, business necessity and expenses will be considered with other related factors such as: efficiency, health and safety, the essential functions of each specific job, etc. Each decision regarding accommodations will be determined on an individual basis.
 - F. Compensation: When offering employment or promotion to a qualified disabled person, this agency will not consider disability income, pension income, or other benefits received by the applicant or employee as relevant to the determination of his/her salary.

XIII. AFFIRMATIVE ACTION PLAN FOR DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

- A. General: HRDC supports community programs designed to provide employment opportunities for disabled veterans and veterans of the Vietnam Era. Recognizing that veterans are a valuable human resource, the agency has formalized its support of these programs via current program practices.
- B. Definition of Disabled Veterans and Veterans of the Vietnam Era
 1. The law defines "disabled veteran" as a person entitled to disability compensation under laws administered by the Veterans' Administration for disability rated at thirty percent (30%) or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.
 2. The law defines "Veteran of the Vietnam Era" as a person (1) who served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975, and was discharged or released with other than a dishonorable discharge, or (2) who was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975.
- C. Consideration of Qualifications: Each applicant applying for employment with this agency is invited to voluntarily identify him/herself as a disabled veteran or veteran of the Vietnam Era and to indicate any reasonable accommodation that can be made to enable him/her to perform a job that he/she would not otherwise be able to do.
- D. Physical and Mental Requirements
 1. Selection processes involved in hiring, promotions, and training opportunities are continually reviewed to ensure that no qualified disabled veteran is screened out.

2. Job requirements are reviewed and updated periodically to ensure that they are realistic and do not contain unnecessary qualifications which would serve to screen out qualified disabled veterans.
- E. Compensation: When offering employment or promotion to a disabled veteran or veteran of the Vietnam Era, this agency will not consider disability income, pension income, or other benefits received by the applicant or employee as relevant to determination of his/her salary.

XIV. GOALS AND OBJECTIVES 2020

A. Outreach and Recruitment Methods

1. Identify/Expand job placement notification methods:
 - a. Use of job fairs such as Allegany College of Maryland, Frostburg State University or Maryland One Stop Job Center, Garrett Community College, Potomac State, etc. Target: Throughout the year.
 - b. Meet with advocacy groups supporting Veterans and disabled individuals. Target: Throughout the year
 - c. Use radio as a media outlet to promote job openings. Target: Throughout the year.
 - d. Work closely with Directors on their staff needs and obtain input on how to recruit and retain. Meet regularly and have them participate in job fairs when available. Target: Throughout the year.
2. System Utilization
 - a. Use the HR system to its full capacity from manual tracking systems primarily excel spreadsheets to integrated applications provided by ADP or other third party payroll/HR systems.
3. Education/Training
 - a. Increase the general knowledge and understanding of affirmative action issues, diversity, inclusion and all forms of discrimination with new hires and current staff through onsite training.
4. Continue utilizing the current Job Performance Evaluation system and improve as needed.
 - a. Managers and directors will be trained as needed on the performance evaluation forms, and reviewing the job performance of each employee will be completed to assess whether personnel actions are justified based on the employee's performance of his or her duties and responsibilities.