

## **AFFIRMATIVE ACTION PLAN**

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### **I. POLICY STATEMENT**

(\_\_\_\_\_), hereinafter referred to as “Project Owner”,  
Project Owner’s Name  
declares and reaffirms a policy of Equal Employment Opportunity and of non-discrimination in the provision of housing to the public.

#### **A. EQUAL EMPLOYMENT OPPORTUNITY**

The Project Owner will make all decisions regarding recruitment, interviewing, hiring, promoting, training, and other terms and conditions of employment without discrimination on the grounds of race, color, religion, sex, national origin, ancestry, age, handicap, or any other factor which cannot be lawfully used as the basis for an employment decision.

#### **B. AFFIRMATIVE ACTION IN EMPLOYMENT**

The Project Owner undertakes a program of Affirmative Action, to which good faith efforts will be directed to:

- Determine the extent to which minorities, women and handicapped persons are under-utilized in major categories;
- Identify and eliminate the specific causes of such under-utilization;
- Identify and eliminate all employment practices which have an adverse impact on minorities, women, handicapped persons, and other groups protected by applicable law and are not clearly related to job performance;
- Replace such practices by others which are based on merit and valid job qualifications;
- Develop substantial applicant pools of validly qualified minorities, women, and handicapped persons, special recruitment efforts and other measures to ensure that sufficient numbers of these groups are included to help reduce their under-utilization;
- Develop, through special recruitment efforts and other measures, applicant pools in which Vietnam Era Veterans are presented equitably;

- Project goals and timetables to include estimates of the representation of minorities, women and handicapped persons likely to result from the operation of the Affirmative Action Plan;
- Establish organizational structures and monitoring systems which will assure effective operation of the Affirmative Action program, achievement of its goals, and means for modification of the Plan as needed; and
- Create and maintain a work site free of discrimination and harassment (including sexual harassment).

C. NONDISCRIMINATION IN HOUSING

The Project Owner reaffirms its policy of nondiscrimination, on the basis of race, color, religion, sex, national origin, ancestry, age, handicap, or other impermissible grounds, in its provision of housing to the public.

The Project Owner commits itself to assure that unlawful discrimination does not occur in its provision of housing to the public.

D. COMPLIANCE WITH LAWS

Through the policies and programs set forth in this Plan, the Project Owner undertakes to fully comply with all applicable Federal, State and Local laws relating to Equal Employment Opportunity, Affirmative Action, and non-discrimination in its operation of ( \_\_\_\_\_ ),  
Name of Project  
hereinafter referred to as the “Project”.

This Plan specifically addresses the obligation of the Project Owner under the following laws and regulations:

- Title VI of the Civil Rights Act of 1964
- The Rehabilitation Act of 1973, Section 504
- The Age Discrimination Act of 1975
- Section 109 of the Housing and Community Development Act of 1974
- Executive Order 11246
- Pennsylvania Human Relations Act

**II. RESPONSIBILITY FOR IMPLEMENTATION**

**A. OVERALL RESPONSIBILITY**

Ultimate responsibility for achievement of Equal Employment Opportunity for the Project Owner, through this Affirmative Action Plan and otherwise, is assigned to the Equal Employment Opportunity (EEO) Director or Affirmative Action Officer (AAO) (\_\_\_\_\_)   
Name/Title of Person with Overall Responsibility

**B. DAY TO DAY RESPONSIBILITY**

(\_\_\_\_\_)   
Name/Title of Person with Overall Responsibility), who will serve as the Project's EEO Director or AAO, assigns responsibility for the day-to-day operations and implementation of this Plan to (\_\_\_\_\_)   
Name/Title of Person Responsible) The responsibilities of (\_\_\_\_\_)   
Name/Title of Person Responsible) include, among other things:

Development of a written Affirmative Action Plan for the Project Owner and updating of it from time to time to conform with all applicable laws and regulations.

- General direction and/or coordination of the Plan.
- Collection, analysis, and proper publication of all statistical data called for in this Plan and its guidelines for implementation.

Preparation of all reports required with regard to Equal Employment Opportunity practices of the Project Owner and to the operations of this Plan.

- Assistance to personnel who need technical advice or administrative support in meeting their responsibilities under this Plan and under applicable Equal Employment Opportunity laws and regulations.

Establishment of a liaison with nonprofit, minorities', women's and handicapped organizations which specialize in recruiting minorities, women and handicapped persons; maintenance and updating of a list of such organizations capable of producing qualified minority, women and handicapped applicants for employment by the Project Owner, and regular evaluation of the effectiveness of such organizations.

- Annual or more frequent review of employment practices by the Project Owner and of such related documents as Job Descriptions, Application Forms, Job Announcements, etc., to help assure that any discriminatory practices are eliminated or modified.

- Assistance to responsible personnel in the development of affirmative recruitment programs to help achieve goals under this Plan.
- Preparation of an annual report on Affirmative Action of Project Owner for submission to the Pennsylvania Housing Finance Agency.

C. PERSONNEL RESPONSIBILITIES

( \_\_\_\_\_ ) is responsible under this Plan to take

Name/Title of Person with Overall Responsibility

the following actions, in consultation with the EEO Director or AAO:

- Maintain all central personnel records in a manner consistent with applicable employment practice laws and regulations and with the requirements of this Plan.
- Develop and maintain all personnel directives in a manner that is consistent with applicable laws and regulations and this Plan.
- Periodically review the Project Owner's classification system or procedures, benefit packages, leave policies, training and career development programs, and other employment practices, to assure that all such practices conform with current legal and regulatory requirements and the provisions of this Plan.

**III. AFFIRMATIVE RECRUITMENT**

The Project Owner recognizes that preferential hiring on the basis of minority status, sex or handicap would be unlawful even as a means of addressing under-utilization of such groups, except as a numerical remedy ordered by a court.

Accordingly, the Project Owner will undertake a vigorous program of affirmative recruitment for minority group members, women and handicapped persons in all job categories in which they are found to have been underutilized.

Regardless of whether or not such under-utilization currently exists, the Project Owner will conduct an expanded program of open recruitment in all positions to avoid the possible discriminatory effects of informal job networks and similar systems.

the Project Owner's affirmative recruitment program will include, but not be limited to, the following specific actions:

- Development of search strategies for qualified minorities, women, and handicapped persons for executive level appointments. This will be a continuing function of the EEO Director or AAO.
- Written affirmative recruitment Plans. The Project Owner shall prepare a statement setting forth the specific steps it will take to assure appropriate representation of minorities, women and handicapped persons in its applicant pools.
- Open posting of vacancy announcements. All vacancies for all positions will be openly posted at places that are prominently visible to all employees in all offices, projects, etc. The posting period shall be of sufficient duration, but no fewer than ten working days, to allow time for interested personnel to consider applying.
- Broad public announcement of vacancies. The Project Owner will include public announcements in such media as help wanted columns of major and minority newspapers, professional journals and publications which specifically serve minorities, women and handicapped persons. As available, public service time will be utilized on TV and/or radio to insure that minorities, women and handicapped persons are reached.
- Sources of minority, women, and handicapped applicants. Media and organizational sources specializing in recruitment and referral of minority, women and handicapped applicants will be provided copies of vacancy announcements as determined practicable. The ( \_\_\_\_\_ ) will  
Name/Title of Person with Overall Responsibility
- also maintain working relationships with these non-profit organizations, as provided elsewhere in this Plan.
- Information and assistance in working with the organizations will be available to personnel responsible for hiring.
- Recruitment at minority and women's colleges and universities. In all positions in which college or university recruitment is a normal procedure, and in which minorities and women have been underutilized, colleges and universities whose enrollments are predominantly minorities or women will be included in the recruitment process.

- High-Level monitoring of each recruitment. Offers of employment in any professional or higher position shall not be made until a request to fill a vacancy has been submitted to (\_\_\_\_\_) and the  
Name/Title of Person with Overall Responsibility  
affirmative recruitment measures set forth in that request have been approved in writing.

Additions to, or modifications of, these recruitment procedures may be recommended from time to time for the purpose of better achieving the goals of this Plan.

#### IV. NEPOTISM POLICY *(Optional)*

The Project Owner will not prohibit employment of spouses, provided that neither spouse participates in making recommendations or decisions specifically affecting the appointment, retention, work assignments, promotion, demotion, salary or working conditions of the other spouse.

#### V. JOB QUALIFICATIONS AND TESTING

(\_\_\_\_\_), in consultation with EEO Director or  
Name/Title of Person with Overall Responsibility  
AAO, will conduct, or coordinate, a review of all job descriptions, minimum experience and training requirements, job qualifications, and written and oral tests to determine which have an adverse effect in the hiring of any groups on the basis of sex, minority status or handicap. No such test which is not validated in accordance with applicable federal government guidelines will be used in the selection of employees of the Project Owner.

In conducting, or coordinating, the review, (\_\_\_\_\_) will analyze each job by title or classification, in terms of the actual tasks performed, the frequency and difficulty of their performance, and the relative importance of specific employee traits and skill levels needed to perform those tasks.  
Name/Title of Person with Overall Responsibility

Upon determining that any job description or set of qualifications has an adverse effect on minorities, women, or handicapped persons, but has not been proven to be related directly to job performance, the (\_\_\_\_\_) will take such \_\_\_\_\_ steps  
Name/Title of Person with Overall Responsibility  
as are necessary to suspend further use of the qualification until it is validated in accordance with the law.

Records relating to the analyses of job and job qualifications will be available for review by the EEO Director or AAO, either one of which may make recommendations regarding the content of jobs and the impact of qualifications for them.

Selection devices related to job performance, which also have an adverse impact on the employment opportunities of minorities, women, or handicapped persons, will be eliminated and replaced by other valid selection devices which do not have an adverse effect, if that can be accomplished without unreasonable cost or burden to the operations of the Project Owner.

In order to assure that the adverse effects of any written tests used by the Project Owner are detected, the person responsible for administering tests, in consultation with the EEO Director or AAO, will maintain records of the pass/fail rates, by race, sex, and handicap of all individuals who take the tests. The records will be reviewed periodically by the EEO Director or AAO.

Upon determining that a test has an adverse impact on the employment opportunities of minorities, women, or handicapped persons, the EEO Director or AAO will take the necessary steps for the Project Owner to suspend further use of the test until it has been validated in accordance with applicable federal government regulations.

## **VI. CAREER DEVELOPMENT**

To some extent achievement of equitable distribution of minorities, women and handicapped persons throughout all job classifications, as projected in goals and timetables, will be the result of initial assignments, subsequent transfers, promotions and training.

To assure that minorities, and handicapped persons are given access, affirmatively, to all positions and all lines of progression, the following policies and practices shall apply:

- Initial referrals for job interviews will be made with deliberate consideration of Affirmative Action goals, under procedures developed in consultation with the EEO Director or AAO. All persons directly involved in the interviewing process and in decisions regarding assignments will be given specific orientation concerning this policy.
- All employees will be permitted to apply, through transfer, promotion, or otherwise, for higher or more favorable (from a career perspective) positions without advance approval by, or notice to, the present supervisor.
- All employees who apply and are not selected for such positions will be so informed in writing.
- A career counseling program will be established, or expanded, to assist lower level employees in achieving career advancement, with emphasis on advancement into positions in which minorities, women and handicapped persons have been excluded

or significantly undertaking represented. The program will be developed in consultation with the EEO Director or AAO. *(This paragraph is optional.)*

- In-house training, tuition reimbursement and refund, and similar programs will be reviewed periodically by the EEO Director or AAO for possible modification or expansion to better achieve the purposes of this Plan. *(This paragraph is optional.)*
- The Project Owner will develop, or maintain, specific career ladders, as a specific measure to help assure that minorities, women and handicapped persons will not be improperly relegated to “dead end” jobs as well as a generally sound personnel management procedure.

## **VII. CLASSIFICATION REVIEW**

The Project Owner is committed to the principle, consistent with law and governmental policy, that individual employees should be compensated according to the value of their work, without discrimination on the basis of race, color, religion, sex, national origin, ancestry, age, handicap, or other factors not related to that value.

In order to assure that similarly qualified individuals performing substantially the same work under comparable conditions are paid on an equal basis, (\_\_\_\_\_ ) will take the following actions:

Name/Title of Person with Overall Responsibility

- On the basis of job analyses conducted in the course of reviewing job qualifications, determine whether each employee is properly classified.
- Seek written justifications from appropriate personnel for any unjustified disparities in classification which appear to exist.
- Recommend reclassification of any employees who are determined to be classified lower than the level which is consistent with the objectively determined value of their work, with particular attention to disparities which are patterned statistically on basis of race, sex, or handicap.
- Review and make recommendations with regard to any employee’s request to have his or her classification adjusted, according to procedures established in consultation with the EEO Director or AAO.

## **VIII. EQUAL BENEFITS**

- A. The Project Owner will review periodically, at least annually, all benefits for employees.
- B. The Project Owner will not participate in any medical insurance program that discriminates unlawfully with regard to coverage of any illness or disability, including those related to pregnancy, miscarriage or therapeutic abortion and childbirth.
- C. The Project Owner will not participate in any retirement, pension, insurance, or other similar welfare program, unless either the benefits of the Project Owner's contributions are equal for all employees without unlawful discrimination because of minority status, sex, handicap, or other covered grounds.
- D. No group of employees in a class covered by this Affirmative Action Plan will be required or allowed to retire at any age different from the age at which other classes of employees are required to retire. The Project Owner will not pursue or maintain any retirement policy requiring employees to retire solely because they have attained an age of sixty-five (65) years or fewer.

## **IX. LEAVE POLICIES**

- A. All the leave policies of the Project Owner will be formulated and administered without discrimination on the basis of minority status, sex, handicap, or any other prohibited ground.
- B. Pregnancy, miscarriage, therapeutic abortion, childbirth and recovery therefrom will be considered by the Project Owner as temporary physical disabilities under the Project Owner's leave programs. Leave granted for any temporary physical disability will be granted without discrimination because of minority status, sex, handicap, or any other prohibited ground.
- C. In the case of temporary physical disability, including disabilities resulting from pregnancy and childbirth, all classes of employees will be granted leave on a basis which does not discriminate on prohibited grounds. Usage of leave shall proceed in the following order: All accrued sick leave, followed by use of all accrued annual leave, and finally leave without pay when the first two types of leave have been exhausted. All of these shall be granted without discrimination on prohibited grounds. Employees granted leave under these circumstances will retain all employment rights in their current positions at least until the authorized period without pay has expired.
- D. The Project Owner will not maintain or act upon any written or unwritten policy which excludes applicants or employees from employment because of pregnancy.

Moreover, employees who are pregnant will not be required to stop work at a time other than that specified by their personal physicians.

- E. Extended leaves of absence without pay, including long-term military leave and childbearing leave, will be granted without discrimination because of minority status, sex, handicap, or any other prohibited grounds. Childbearing leave will be granted on the same basis as long-term military leave.

**X. CHILD CARE** (*Optional*)

The Project Owner will survey the needs of employees with regard to child care facilities, including the level of employee interest in use of day care center or other child care facility and the financial feasibility of the Project Owner's developing or participating in the development of such a facility.

**XI. GOALS AND TIMETABLES**

- A. The Project Owner will establish separate goals and timetables relating to the employment of minorities, women and handicapped persons in each major job category in which they are underutilized.
- B. The goals and timetables will be stated as projections of the likely representation of minorities, women, and handicapped persons which will exist on specified dates in covered positions as a result of the Project Owner's good faith efforts to make all aspects of its Affirmative Action Plan work.
- C. The Project Owner's goals and timetables will not be developed or administered as quotas, nor will they be administered in a manner which discriminates in hiring, appointing, or promoting any individual on the grounds of race, color, religion, sex, national origin, ancestry, age, or handicap.
- D. Goals and timetables will be projected, for appropriate positions, for minorities, women and handicapped persons. Goals and timetables will not be projected and utilization analyses will not be conducted, on the basis of religion, age, or veteran status.

**XII. EXTERNAL RELATIONSHIPS: UNIONS, EMPLOYMENT AGENCIES, CONTRACTORS**

- A. Nothing in this Plan should be interpreted as invalidating any lawful provision of any contract existing between the Project Owner and a union, or other duly established bargaining agent of employees. Conversely, the Project Owner will not be party to collective bargaining agreement, or any provision thereof, which violates Equal Employment Opportunity laws and regulations to which the Project Owner is subject. The appropriate officials of all unions and bargaining agents, with whom the Project Owner has contracts, will be provided copies of this Affirmative Action Plan, and be advised of the responsibilities of all employees, including union members, under it.
  
- B. All construction contractors having contracts with the Project Owner who are subject to Executive Order 11246, as well as any applicable State or Local nondiscrimination law or regulation of the contractor's obligation thereunder, will be advised of the Project Owner's policy of nondiscrimination and the Project Owner will not enter into any contract in the knowledge or belief that the Contractor will discriminate on prohibited grounds in employment. In appropriate instances, the Project Owner will negotiate specific Affirmative Action measures in the applicable contract.

**XIII. STAFF ORIENTATION IN EEO**

- A. Responsible supervisory personnel will be given orientation sessions regarding the provisions of the Plan, applicable Federal, State, and Local regulations, and Equal Employment Opportunity law generally, in addition to receiving copies of this Plan and its guidelines for implementation as provided for in Section XIV. Training sessions will be periodically scheduled by the EEO Director or AAO.
  
- B. All employees who have any direct responsibilities in the selection process will receive training regarding this Affirmative Action Plan and its guidelines, as well as general training with regard to the provision of equal employment law. Included among the topics will be the Project Owner's Affirmative Action Plan. Follow-up training sessions will be held periodically.
  
- C. Special meetings or orientation sessions will be organized under procedures developed by the EEO Director, AAO, or other appropriate person, to inform non-supervisory personnel and employees of their rights and obligations under the Project Owner's Affirmative Action Plan.

**XIV. DISSEMINATION OF THE PLAN**

- A. This Affirmative Action Plan, including its guidelines for implementation and supporting data is a public document. One or more copies of each document will be kept on file and made available to interested persons upon request.
- B. A copy of the Plan and guidelines will be given to each responsible employee.
- C. A brief summary of the Plan will be prepared by the AAO, or other appropriate person, and circulated to all present employees. New employees will receive a copy as they are hired.
- D. Feature articles and follow-up items will be included in appropriate the Project Owner's newsletters.
- E. External recruitment sources used by the Project Owner including unions, colleges and universities, and organizations specializing in the recruitment of minorities, women and handicapped persons, will be informed of the Project Owner's nondiscrimination policy and Affirmative Action Plan. They will be provided with copies of the summary of the Plan and requested to refer minorities, women and handicapped persons for all positions listed by the Project Owner.
- F. Additional steps in dissemination may be taken from time to time by the AAO, or other appropriate person.

## **XV. MONITORING PERFORMANCE**

- A. The AAO, or appropriate person, will maintain at least the following records in support of this Affirmative Action Plan:
  - Applicants for employment by race, color, religion, sex, national origin, ancestry, age, handicap; and sources of applicants (e.g., response to vacancy announcement, word-of-mouth, advertising in journals, etc.).
  - Test scores and rankings on eligibility lists, by race, color, religion, sex, national origin, ancestry, age and handicap.
  - Hires by race, color religion, sex, national origin, ancestry, age and handicap.
  - Initial placement after hired, office/location to which the employee was assigned, and position by race, color religion, sex, national origin, ancestry, age and handicap.
  - Transfer and promotions by race, color, religion, sex, national origin, ancestry, age and handicap; position and office/location from which transferred or promoted; and position and office/location to which transferred or promoted.

- Voluntary and involuntary terminations by race, color, religion, sex, national origin, ancestry, age and handicap; type of termination, and reason therefore.
  
- B. The AAO, or other appropriate person, will review all of the above records at least annually to assure compliance with all aspects of this Plan, and prepare an annual report for the Project Owner or the Pennsylvania Housing Finance Agency regarding compliance with the Plan and progress toward its objectives. The annual report, and such other periodical reports as may be deemed appropriate, will include recommendations for any changes the EEO Director, AAO, or other appropriate person, believes are necessary for the program to better achieve its purposes.
  
- C. The Annual Report on Affirmative Action and other appropriate reports will be circulated to all supervisory and managerial personnel of the Project Owner who have responsibilities under the Plan. The EEO Director, AAO, or other appropriate person, will seek explanations for the deficiencies, and offer assistance in overcoming them where appropriate.

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Ownership Entity

By: \_\_\_\_\_

Time: \_\_\_\_\_

Date: \_\_\_\_\_

## NON DISCRIMINATION CLAUSE

The Project Owner must include the following Nondiscrimination Clause in all PennHOMES funded contracts. The project owner must also require that its contractors include this clause in all subcontracts.

- A. The ( \_\_\_\_\_ ), hereinafter referred to as the  
Name of Owner/Contractor/Subcontractor  
“Owner/Contractor/Subcontractor”, shall not discriminate against any employee, applicant for employment, independent contractor or any other person because of race, color, religious creed, ancestry, national origin, age or sex. The Owner/Contractor/Subcontractor shall take affirmative action to insure that applicants are employed and that employees or agents are treated during employment without regard to their race, color, religious creed, handicap, ancestry, national origin, age or sex. Such affirmative action shall include but is not limited to: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation and selection for training. The Owner/Contractor/Subcontractor shall post in conspicuous places available to employees, agents, applicants for employment and other persons, a notice to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.
- B. The Owner/Contractor/Subcontractor shall state in advertisements or requests for employment placed by it or on its behalf, that all qualified applicants will receive consideration for employment without regard to race, color, religious creed, handicap, ancestry, national origin, age or sex.
- C. The Owner/Contractor/Subcontractor shall send each labor union or worker’s representative with which it has a collective bargaining agreement or other contract or understanding, a notice advising said labor union or worker’s representative of its commitment to this nondiscrimination clause. Similar notice shall be sent to every other source of recruitment regularly utilized by the Owner/Contractor/Subcontractor.
- D. It shall be no defense to a finding of noncompliance with this nondiscrimination clause that the Owner/Contractor/Subcontractor had delegated some of its employment practices to any union, training program or other source of recruitment which prevents it from meeting its obligations. However, if the evidence indicates that the Owner/Contractor/Subcontractor was not on notice of the third-party discrimination or made a good faith effort to correct it, such factor shall be considered in mitigation in determining appropriate sanctions.
- E. Where the practices of a union or any training program or other source of recruitment will result in the exclusion of minority group persons so that the Owner/Contractor/Subcontractor will be unable to meet its obligations under this nondiscrimination clause, the Owner/Contractor/Subcontractor shall then employ and fill vacancies through other nondiscriminatory employment procedures.

- F. The Owner/Contractor/Subcontractor shall comply with all state and federal laws prohibiting discrimination in hiring or employment opportunities. In the event of the Owner/Contractor/Subcontractor's noncompliance with the nondiscrimination clause of this *CONTRACT* or with any such laws, this *CONTRACT* may be terminated or suspended, in whole or in part. Owner/Contractor/Subcontractor may be declared temporarily ineligible for further COMMONWEALTH contracts and other sanctions may be imposed and remedies invoked.
  
- G. The Owner/Contractor/Subcontractor shall furnish all necessary employment documents and records to, and permit access to its books, records and accounts by, the contracting agency for purposes of investigation to ascertain compliance with the provisions of this clause. If the Owner/Contractor/Subcontractor does not possess documents or records reflecting the necessary information requested, it shall furnish such information on reporting forms supplied by the contracting agency.
  
- H. The Owner/Contractor/Subcontractor shall actively recruit minority and women subcontractors or subcontractors with substantial minority representation among their employees.
  
- I. The Owner/Contractor/Subcontractor shall include the provisions of this nondiscrimination clause in every subcontract so that such provisions will be binding upon each subcontractor.
  
- J. The Owner/Contractor/Subcontractor obligations under this clause are limited to the Owner/Contractor/Subcontractor's facilities within Pennsylvania or, where the *CONTRACT* is for purchase of goods manufactured outside of Pennsylvania, the facilities at which such goods are actually produced.

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Ownership Entity

By: \_\_\_\_\_

Time: \_\_\_\_\_

Date: \_\_\_\_\_