

**PENNSYLVANIA HOUSING FINANCE AGENCY
AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY PLAN
FOR ALL PHFA FUNDED PROJECTS**

Adopted by: _____

PHFA Project Owner: _____

PHFA Project: _____

Date: _____

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I. POLICY STATEMENT

As a participant in PHFA's housing programs, property owners must adhere to the laws, goals and aspirational principles of providing inclusive opportunities and practicing non-discrimination in the provision of housing. In furtherance of these principles, program participants must also conduct their own operations and affairs in manners that are consistent with these principles and goals. To that end, the Project Owner, identified above, hereinafter referred to as "Project Owner", reaffirms a policy of Equal Employment Opportunity and non-discrimination in the provision of housing to the public and reaffirms its commitment to the goals of affirmative action in its hiring practices and employment practices. The goals and protocols set forth in this plan (the "Plan") shall be implemented and followed by Project Owner to the greatest extent appropriate and applicable given its size of operation and number of employees.

A. EQUAL EMPLOYMENT OPPORTUNITY

The Project Owner will make decisions regarding recruitment, interviewing, hiring, promoting, training, and other terms and conditions of employment without discrimination on the grounds of any factor which cannot be lawfully used as the basis for an employment decision. These factors include all protections established at the federal, state and applicable local levels, as amended from time to time.

B. AFFIRMATIVE ACTION IN EMPLOYMENT

The Project Owner undertakes a program of affirmative hiring and employment practices, to which good faith efforts will be directed to:

- 1) Determine the extent to which minorities, women and persons with disabilities are under-utilized or have not had opportunities for either initial employment or for advancement and promotion;
- 2) Identify and develop strategies to eliminate the specific causes of such under-utilization;
- 3) Identify and eliminate employment practices which are not clearly related to job performance and which have an adverse impact on minorities, women, persons with disabilities, and other groups protected by applicable law;
- 4) Replace such practices with practices and strategies based on merit and valid job qualifications;
- 5) Develop applicant pools of validly qualified minorities, women, and persons with disabilities, conduct special recruitment efforts and other measures to ensure that sufficient numbers of these groups are included to help increase their participation in work opportunities;
- 6) Develop, through special recruitment efforts and other measures, applicant pools in which veterans are represented equitably and in which homeless individuals or persons returning from incarceration to the extent appropriate and supported by other programs may be offered opportunities for employment;
- 7) Project goals and timetables to include estimates of the representation of minorities, women and persons with disabilities and others likely to result from the operation of affirmative hiring practices;
- 8) Create monitoring practices to support the effective operation of the affirmative action program, achievement of its goals, and means for modification of the program as needed; and
- 9) Create and maintain a work site free of discrimination, bullying, intolerance and harassment (including sexual harassment).

C. NON-DISCRIMINATION IN HOUSING

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

D. COMPLIANCE WITH LAWS

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

- 1) Title VI of the Civil Rights Act of 1964;

- 2) The Rehabilitation Act of 1973, Section 504;
- 3) Title II of the Americans with Disabilities Act of 1990;
- 4) The Age Discrimination Act of 1975;
- 5) Section 109 of the Housing and Community Development Act of 1974;
- 6) Executive Order 11246;
- 7) Pennsylvania Human Relations Act; and
- 8) All other relevant laws and regulations affording protections at the federal state and applicable local levels as amended from time to time.

II. RESPONSIBILITY FOR IMPLEMENTATION

A. OVERALL RESPONSIBILITY

Ultimate responsibility for achievement of equal employment opportunity for the Project Owner, through this Plan and otherwise, is the Project Owner. Depending on size and scale of the Project Owner's operation, an **Equal Employment Opportunity (EEO) Director** may be designated to assist in carrying out this Plan. If so assigned, such person is identified on the signature page of this Plan.

B. DAY-TO-DAY RESPONSIBILITY

- 1) Develop a written affirmative hiring and equal opportunity plan for the Project Owner consistent with this Plan, and update it from time to time to conform with all applicable laws and regulations.
- 2) Coordinate activities under the Plan.
- 3) Collect, analyze, and prepare reports of all statistical data called for in the Plan as required.
- 4) Provide all reports required with regard to employment practices of the Project Owner and to the operations of the Plan.
- 5) Assist personnel who need technical advice or administrative support in meeting their responsibilities under the Plan and under applicable equal employment laws and regulations.
- 6) Establish a liaison with organizations serving minorities, women, persons with disabilities, the homeless, veterans and other specialized populations which may be underutilized in the workplace; maintain and update contacts with such organizations capable of producing qualified minority, women and applicants who are underutilized for employment by the Project Owner, and evaluate the effectiveness of outreach efforts.

- 7) Descriptions, Application Forms, Job Announcements, etc., to identify impediments to employment opportunities and assure that any discriminatory practices are eliminated or modified.
- 8) Assist responsible personnel in the development of recruitment programs to help achieve goals under this Plan.

C. **PERSONNEL RESPONSIBILITIES**

- 1) Maintain all central personnel records in a manner consistent with applicable employment practice laws and regulations and with the requirements of this Plan.
- 2) Develop and maintain all personnel directives in a manner that is consistent with applicable laws and regulations.
- 3) 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.

III. AFFIRMATIVE RECRUITMENT

The Project Owner recognizes that preferential hiring on the basis of minority status, gender or disability would be unlawful even as a means of addressing under-utilization of such groups, except as a numerical remedy ordered by a court. Project Owner will ensure affirmative recruitment for minority group members, women and persons with disabilities in any 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:

1. Develop and utilize search strategies for qualified minorities, women, and persons with disabilities for executive level appointments:
2. Prepare a written affirmative recruitment plans, setting forth the specific steps it will take to assure appropriate representation of minorities, women and persons with disabilities in its applicant pools.
3. Openly post vacancy announcements in places that are prominently visible to all employees in all offices, projects, etc. The posting period shall be of sufficient duration to allow ample time for interested personnel to apply.
4. Ensure public announcement of job vacancies in such media, including print, TV, radio and electronic, trade journals, major and minority newspapers, professional journals and publications, colleges and universities which specifically serve both broad audiences and also serve minorities, women and persons with disabilities and other special populations.

5. Outreach to media and organizational sources specializing in recruitment and referral of minority, women and applicants with disabilities when vacancies occur (or are anticipated) to allow broader candidate pools.
6. Maintain working relationships with specialized organizations, as provided elsewhere in this Plan to ensure access to larger pool of candidates.
7. Modify and adapt recruitment procedures as needed from time to time to better achieve the goals.

IV. JOB QUALIFICATIONS AND TESTING

The Project Owner shall ensure that all job descriptions, minimum experience and training requirements, job qualifications, and written and oral tests are reviewed regularly to determine which have an adverse effect in the hiring of any groups on the basis of sex, minority status or disability and any other protected classification of persons. No test which is not validated in accordance with applicable legal guidelines will be used in the selection of employees of the Project Owner. This analysis shall include an evaluation 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.

Upon determining that any job description or set of qualifications has an adverse effect on minorities, women, or persons with disabilities, but has not been proven to be related directly to job performance, the Project Owner will undertake to modify and correct so that the description is valid, neutral and nondiscriminatory. Selection devices related to job performance, which also have an adverse impact on the employment opportunities of minorities, women, or persons with disabilities, 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 will maintain records of the pass/fail rates, by race, sex, and disability of all individuals who take the tests. The records will be reviewed periodically by the Project Owner. Upon determining that a test has an adverse impact on the employment opportunities of minorities, women, or persons with disabilities, the Project Owner 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 law and guidelines.

V. CAREER DEVELOPMENT

To some extent, achievement of equitable distribution of minorities, women and persons with disabilities 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 access is given to all positions and all lines of progression in a way designed to affirmatively further the goals of this Plan, the following policies and practices shall apply:

1. Initial referrals for job interviews will be made with deliberate consideration of affirmative hiring and opportunity goals, under procedures developed in consultation with this Plan. All persons directly involved in the interviewing process and in decisions regarding assignments will be given specific orientation concerning this Plan.

2. 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 to the greatest extent feasible given size and nature of the Project Owner's operation.
3. All applicants not selected for such positions will be so informed in writing.

The Project Owner will develop, or maintain, specific career ladders, as a specific measure to help assure that minorities, women and persons with disabilities will not be improperly relegated to "dead end" jobs as well as a generally sound personnel management procedure.

VI. CLASSIFICATION REVIEW

The Project Owner is committed, consistent with federal, state and local laws and policies, to compensating individual employees according to the value of their work, without discrimination on any factors not related to that value. To ensure that employees are paid equitably, Project Owner shall undertake to do the following:

1. On the basis of job analyses conducted in the course of reviewing job qualifications, determine whether each employee is properly classified.
2. Seek written justifications from appropriate personnel for any disparities in classification which appear to exist.
3. Reclassify 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 any protected class.
4. Follow all federal and state laws regarding wage and hour requirements.

VII. EQUAL BENEFITS AND LEAVE POLICIES

1. The Project Owner will periodically review all benefits for employees.
2. 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 or family planning.
3. 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, gender, disability, or other covered grounds.
4. Project Owner must adhere to all provisions of federal, state and local laws regarding age discrimination.

5. All the leave policies of the Project Owner will be formulated and administered without discrimination on the basis of minority status, gender, disability, or any other prohibited ground.
6. All federal and state protections will be applicable to persons employed by Project Owner relating to pregnancy, miscarriage, therapeutic abortion, childbirth and recovery therefrom.
7. In the case of temporary disability, all classes of employees will be granted leave on a basis which does not discriminate on any prohibited grounds. Policies dictating usage of leave shall be in compliance with all mandated federal and state laws.
8. 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 medical professionals.
9. Extended leaves of absence without pay, including long-term military leave and childbearing leave, will be granted without discrimination because of minority status, gender, disability, or any other prohibited grounds.

VIII. GOALS AND TIMETABLES

1. The Project Owner will establish separate goals and timetables relating to the employment of minorities, women and persons with disabilities in each major job category in which they are underutilized.
2. The goals will be stated as projections of the likely representation of minorities, women, and persons with disabilities, which will exist on specified dates in covered positions as a result of the Project Owner's good faith efforts to achieve these affirmative employment results.
3. 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 any protected status.

IX. EXTERNAL RELATIONSHIPS: UNIONS, EMPLOYMENT AGENCIES, and CONTRACTORS

1. 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 any 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 Plan, and be advised of the responsibilities of all employees, including union members, under it.
2. All Project Owner's contractors will be required to abide by and include the provisions of Appendix A, set forth as an addendum to this Policy, in subcontractors under this program.

X. DISTRIBUTION OF THE PLAN

1. Responsible supervisory personnel will be given orientation sessions regarding the provisions of the Plan, applicable federal, state and applicable local regulations, and non-discrimination law generally, in addition to receiving copies of this Plan and any guidelines adopted for implementation. Training sessions may be periodically scheduled, as determined necessary by the Project Owner.
2. All employees who have any direct responsibilities in the hiring and selection process will receive training regarding this Plan and its guidelines, as well as general training with regard to the provisions of equal employment law. Follow-up training sessions will be held periodically as deemed necessary by Project Owner.
3. A copy of the Plan and guidelines will be given to each responsible employee. A summary of this Plan shall be posted in a conspicuous place at the Project Owner's work site. New employees will receive a copy as they are hired.
4. External recruitment sources used by the Project Owner including unions, colleges and universities, and organizations specializing in the recruitment of minorities, women and persons with disabilities, will be informed of the Project Owner's non-discrimination policy and this Plan. They will be provided with copies of the summary of the Plan and will be requested to refer minorities, women and handicapped persons for all positions listed by the Project Owner.
5. Additional steps in dissemination will be taken as appropriate, which may include inclusion on the Project Owner's website or public advertising. This Plan is a public document and shall be made available upon request to any inquiring entity.

XI. MONITORING PERFORMANCE

Project Owner must actively monitor success of this Plan.

- A. The Project Owner will maintain the following records in support of this Plan:
 - 1) Applicants for employment by race, color, religion, gender, national origin, ancestry, age, disability; and sources of applicants (e.g., response to media, vacancy announcement, word-of-mouth, advertising in journals, etc.).
 - 2) Job application test scores and rankings on eligibility lists, by race, color, religion, gender, national origin, ancestry, age and disability.
 - 3) Hires by race, color, religion, gender, national origin, ancestry, age and disability.
 - 4) Initial placement after hired, office/location to which the employee was assigned, and position by race, color religion, gender, national origin, ancestry, age and disability.
 - 5) Transfer and promotions by race, color, religion, gender, national origin, ancestry, age and disability; position and office/location from which transferred or promoted; and position and office/location to which transferred or promoted.

6) Voluntary and involuntary termination of employees by race, color, religion, gender, national origin, ancestry, age and disability; type of termination, and reason therefore.

B. The Project Owner will review the above records at least annually to assess performance under this Plan, and prepare an annual report for PHFA 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 applicable EEO Director, Project Owner, or other appropriate person, believes are necessary for the program to better achieve its purposes.

C. The annual report and any 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, Project Owner, or other appropriate person, will seek explanations for the deficiencies, and offer assistance in overcoming them where appropriate.

This Plan is acknowledged and adopted by the following:

OWNERSHIP ENTITY NAME: _____

OFFICER OF COMPANY: _____
(Print Name and Title)

(Signature)

Date: _____

DESIGNATED EQUAL OPPORTUNITY OFFICER (if applicable) _____

APPENDIX A

MANDATORY CONTRACT PROVISIONS- NON-DISCRIMINATION CLAUSE

The Project Owner has agreed to be bound to all of the following as part of its contract with PHFA for funding.

In addition, Project Owner must include the following Non-Discrimination Clause in all PHFA-funded contracts and Project Owner must also require that its contractors include this clause in all subcontracts.

The Project Owner, (or its Contractor) agrees:

In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the contract or any subcontract, the Project Owner (or Contractor), each subcontractor, or any person acting on behalf of the Project Owner or subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws, against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

1. Neither the Project Owner (or Contractor) nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, against or intimidate any employee involved in the manufacture of supplies, the performance of work, or any other activity required under the contract.
2. Neither the Project Owner (or Contractor) nor any subcontractor nor any person on their behalf shall in any manner discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the PHRA and applicable federal laws, in the provision of services under the contract.
3. Neither the Project Owner (or Contractor) nor any subcontractor nor any person on their behalf shall in any manner discriminate against employees by reason of participation in or decision to refrain from participating in labor activities protected under the *Public Employee Relations Act*, *Pennsylvania Labor Relations Act* or *National Labor Relations Act*, as applicable and to the extent determined by entities charged with such Acts' enforcement, and shall comply with any provision of law establishing organizations as employees' exclusive representatives.
4. The Project Owner (or Contractor) and each subcontractor shall establish and maintain a written non-discrimination and sexual harassment policy and shall inform their employees in writing of the policy. The Policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. **Posting this Non-discrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contracted services are performed shall satisfy this requirement for employees with an established work site.**

The Project Owner (or Contractor) and each subcontractor shall not discriminate by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of PHRA and applicable federal laws, against any subcontractor or supplier who is qualified to perform the work to which the contract relates.

6. The Project Owner (or Contractor) and each subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws, regulations and policies relating to non-discrimination and sexual harassment. The Project Owner (or Contractor) and each subcontractor further represents that it has filed a Standard Form 100 Employer Information Report (“EEO-1”) with the U.S. Equal Employment Opportunity Commission (“EEOC”) and shall file an annual EEO-1 report with the EEOC as required for employers’ subject to *Title VII of the Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Project Owner (or Contractor) and each subcontractor shall, upon request and within the time periods requested by PHFA and the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by PHFA and the Bureau of Diversity, Inclusion and Small Business Opportunities for purpose of ascertaining compliance with provisions of this Non-discrimination/Sexual Harassment Clause.
7. The Project Owner (or Contractor) shall include the provisions of this Non-discrimination/Sexual Harassment Clause in every subcontract so that those provisions applicable to subcontractors will be binding upon each subcontractor.
8. The Project Owner’s (or Contractor’s) and each subcontractor’s obligations pursuant to these provisions are ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Project Owner (or Contractor) and each subcontractor shall have an obligation to inform PHFA or the Commonwealth if, at any time during the term of the contract, it becomes aware of any actions or occurrences that would result in violation of these provisions.
9. PHFA may cancel or terminate the contract and all money due or to become due under the contract may be forfeited for a violation of the terms and conditions of this Non-discrimination/Sexual Harassment Clause. In addition, PHFA may proceed with debarment or suspension and may place the Project Owner (or Contractor) in the Contractor Responsibility File.