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## **COUNTY OF SARATOGA**

### **EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN**

REVISED: April 19, 2016

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**AFFIRMATIVE ACTION OFFICER**

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## I. STATEMENT

Saratoga County does not discriminate due to race, creed, color, national origin, citizenship, age (with provisions), sex, religion, marital status, pregnancy, nondisabled or disabled veteran's status, arrest record, disabled/handicapped impairments, limited English proficiency, low income status, political affiliation or belief or employment, its programs, or activities.

Saratoga County requires all departments to reasonably accommodate the known physical and mental limitations of candidates and employees whenever necessary to permit the individual to perform the essential functions of the job in question so long as the accommodation does not impose an undue burden. This shall include the provision of assistance in test administration and the completion of forms and applications, as well as, when necessary, the acquisition, modification, redesign or relocation of equipment, furniture, partitions, etc.; or where necessary and feasible, job adaptation.

Saratoga County's programs are accessible to all as required by 45 FR 84.22 (b).

If anyone has a disability for which one may wish accommodation in visiting a County office or in receiving County services, contact the appropriate department or unit to arrange assistance.

## II. COUNTY OF SARATOGA

### EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

It is the policy of Saratoga County to prevent and eliminate discrimination on the basis of race, color, national origin, age, sex and disability in all of its operations and services as well as all aspects of employment. Saratoga County complies fully with all EEO/Affirmative Action laws, rules, regulations and definitive court decisions; to provide equal opportunity in employment for all qualified persons; to prohibit sexual, racial and national origin discrimination; to prohibit unlawful harassment and other discrimination as required by Federal, State and local statutes; to promote the full realization of equal employment opportunity through a positive, continuing program for the County as a whole and each constituent department of the County.

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1. Applies to all persons without regard to race, creed, color, citizenship, national origin, age (with provisions), sex, disability/handicap, religion, nondisabled or disabled veteran's status, marital status, pregnancy, arrest record, or political affiliation or belief, limited English proficiency, or low income. Saratoga County does not discriminate on the basis of handicap in admission or access to or treatment or employment in its programs or activities.
2. Applies equally to all job classifications and titles in the County and to all types of appointments under County jurisdiction, whether a full-time employee, part-time employee or temporary employee.
3. Governs all County employment policies, practices and actions including, but not necessarily limited to: Recruitment, employment, rate of pay or other compensation, advancement, upgrading, promotion, demotion, termination, leave, training and employee benefits of whatever nature.
4. Ensures individuals and communities affected by federally funded programs and activities receive the services, benefits and opportunities to which they are eligible without regard to race, color, national origin, age, sex, disability, low income or limited English proficiency.
5. Applies equally to all County organization departments.

It is the policy of Saratoga County to observe and comply with the Civil Rights Act of 1964 (Titles VI& VII) as amended by the EEO Act of 1972 and by the Pregnancy Disability Amendment of 1978; the State and Local Fiscal Assistance Act; the Federal Equal Pay Act of 1963 as amended in 1972; Executive Order 11246, amended by Executive Orders 11375 and 12086; the Age Discrimination Act Amendment; the Age Discrimination Act of 1975, Amended by 1978 by Section 401 of Public Law 95-478; the Vocational Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990 (ADA), Amended by the ADA Amendments Act of 2008 (P.L. 110-325); Executive Order 13166; the Vietnam Era Veterans Readjustment Act; the New York State Human Rights Law; Environmental Justice and other discrimination laws and regulations to which the County is subject.

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### III. IMPLEMENTATION AND RESPONSIBILITIES

The Affirmative Action Officer shall be responsible for overseeing the implementation of Saratoga County's Civil Rights program activities to ensure equal opportunity for all. This individual shall develop and coordinate the Equal Opportunity Program for Saratoga County as an employer and as a municipal Civil Service Commission, monitor and report to the State and Federal governments on the progress of the County's Equal Opportunity program. The Affirmative Action Officer in Saratoga County shall be the Director of Personnel.

The duties of the Affirmative Action Officer shall include, but are not limited to:

1. Determining causes of disparate treatment or effect, as well as workforce under-utilization or over-concentration.
2. Developing new or revised programs or procedures to eliminate problems in such areas as recruitment, job qualifications, job interviewing standards and techniques, job progression and upward mobility, program and building accessibility and other employment and personnel procedures and programs that are consistent with employee hiring requirements set forth in Civil Service Law.
3. Developing and implementing EEO/Affirmative Action training for County officials.
4. Developing and monitoring internal auditing procedures to measure and evaluate the progress of the EEO/AA Program.
5. Researching and studying the statistical make-up of the area labor market and the County workforce.
6. Researching the constantly changing requirements of Federal, State and local civil rights and EEO/AA laws, court cases and regulations thereof which affect Saratoga County and ensuring the County's employment policies and procedures conform with these constantly changing requirements.
7. Assisting Department Heads and other appointing authorities in any manner necessary to further the County Affirmative Action Program. This includes, but is not limited to, recruiting for job openings, administering training programs and assisting in creating job ladders to promote upward mobility.
8. Maintaining accurate records and data on Equal Opportunity/Affirmative Action Policies and Programs.
9. Serving as advisor to the Chairman, the County Board of Supervisors, and the County Administrator on matters pertaining to Equal Opportunity/Affirmative Action.

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Each County Department Head will be responsible for using his/her best efforts to ensure that this Affirmative Action Policy and its objectives are successfully implemented within his/her department.

In support of this policy, the County of Saratoga affirms its right to take appropriate action if it or other duly constituted authority should determine that applicable Federal and State Equal Employment Opportunity laws and regulations have been violated, or that the effect or intent of this policy has been willfully or habitually abrogated.

#### IV. COMMUNICATION AND PUBLICATION

The following communication and publication procedures will be adhered to regarding dissemination of Equal Employment Opportunity/Affirmative Action policies:

##### Internally

- A. Department Heads and other departmental contacts shall be informed by:
- Written communications from County Administrator, and/or EEO/AA Officer.
  - Affirmative Action Plan shall be posted on Saratoga County Intranet Site.
  - Special meetings or conferences.
  - Distribution of educational materials.
  - Training sessions/seminars.
- B. All employees are informed by:
- Bulletin board or memorandum from EEO/AA Officer.
  - Including EEO/AA information in employee orientation.
  - Copies of Affirmative Action Plan available on Saratoga County Intranet Site.
  - EEO posters will be posted on general information bulletin boards throughout the County government offices.
  - Nondiscrimination training shall be provided to all employees a minimum of every three years.

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Externally

- A. Affirmative Action Policy shall be available on the Saratoga County website.
- B. Job application and job test announcements shall include the EEO/AA statement.
- C. News media – EEO/AA Policy news releases shall be disseminated to TV, radio and newspapers.
- D. Equal Employment Opportunity posters shall be displayed as required by Title VII, the Age Discrimination Act, Section 504 Regulations and the Human Rights Law.
- E. Nondiscrimination clauses are included in contracts and agreements between outside vendors and Saratoga County.
- F. Saratoga County will enlist the assistance and support of recruiting sources such as:
  - The local veterans' employment representative or his or her designee in the State Employment Service Office nearest to the County, and any other offices of national and local veterans' groups active in the County.
  - Organizations who are likely to assist the County in identifying qualified individuals with disabilities for consideration in filling any vacancies which may arise.
  - Other organizations or agencies likely to refer qualified women, minorities, individuals with disabilities, disabled veterans and veterans of the Vietnam area for consideration in filling any vacancies which may arise.

V. RECRUITMENT FOR SARATOGA COUNTY EMPLOYEES

Saratoga County is committed to total effort in ensuring equal employment opportunity for all. Federal requirements, court decisions and the Saratoga County Affirmative Action Plan require minority, female and disabled job candidates.

The County shall take the following actions to ensure equal employment opportunities for minority, women and disabled persons:

1. Recruitment and selection procedures shall be continuously reviewed and analyzed to identify and remove artificial barriers and discriminatory effects.
2. Civil Service test announcements will be sent to a large and diversified number of agencies and organizations which have a large number of minority clients, including female and disabled candidates.

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3. Job recruitment listings will also be sent to other agencies when requested in order that maximum recruitment notice can be accomplished.
4. Recruitment will include notice to current employees so that recruitment can be accomplished from within.
5. Participation in job fairs, career days, seminars, etc., will be encouraged.
6. All persons involved in recruitment are to use objective job related selection standards and to support Saratoga County's Affirmative Action Policy.
7. Job announcements will be made readable and in plain English. Application completion assistance will be provided where appropriate.
8. Saratoga County's Affirmative Action Officer will be available to assist Department Heads and other appointing officers in any of the above procedures.
9. All Saratoga County job opportunity notices shall be posted on the Saratoga County website.
10. All job and exam announcement and advertising will include the phrase "Saratoga County is an Equal Opportunity Employer".

## VI. SELECTION PROCEDURES FOR EMPLOYEES FOR SARATOGA COUNTY

Saratoga County is dedicated to all aspects of Affirmative Action and Equal Employment Opportunity as it applies to equitable, fair, lawful and job-related hiring standards and procedures.

The following procedures will be adhered to when determining selection of candidates:

1. Selection procedures are to be reviewed and updated on a regular basis. Elimination of artificial barriers which may inhibit the employment and upward mobility of minorities, women, and the disabled, the aged and other disadvantaged persons will be the focus of this procedure.
2. All applications, forms, job interview questions and other selection criteria are to be job related, nondiscriminatory and in compliance with Federal, State and local laws and rulings.
3. All pre-employment questions are to be determined necessary and essential to measure job performance. This information is to be obtained in confidence with privacy the standard. For example, generally there cannot be different interview, application or test questions for different candidate groups, i.e., disabled, non-disabled, women, men, minorities, whites, young, old, etc.
4. Job specifications are written to eliminate all non-essential and unreasonable education and experience requirements. Qualifications will be set at the lowest possible level which ensures minimum competence and ability to perform the duties and responsibilities of the position.

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5. All Civil Service tests are written by and validated to be job related by the New York State Department of Civil Service in accordance with requirements of the Uniform Federal Guidelines on employee selection procedures.
6. All persons involved in job interviewing and selection are to use objective, job related selection standards and shall support Saratoga County's Affirmative Action Policies.
7. Department Heads and departmental personnel involved in employment selection will be trained and assisted by the EEO/AA Officer in proper nondiscriminatory selection and pre-employment procedures.

## VII. UTILIZATION

A receptive climate is the foundation which supports equal opportunity. Saratoga County will provide and secure orientation, instruction and strategies for County officials to promote equal employment opportunities for all. Instructional policies and memoranda will be prepared and distributed to County Department Heads to facilitate and further clarify equal employment opportunity laws, regulations and responsibilities.

The County will utilize the following strategies, among others, to promote and ensure equal opportunity in County employment:

1. In future planning, training and coordination the County will interface to develop unique strategies to further equal employment opportunity and affirmative action.
2. The County, through the Director of Personnel, encourages County employees to develop their skills further by attending college part-time to enhance their prospects for promotion.
3. Avenues to identify dead-end jobs, over-representativeness, etc., will be utilized to preclude job stagnation and position closure so that minorities, women and the disabled will be afforded maximum opportunities to move upward within the public section organization.
4. For many positions, when allowed, Saratoga County has eliminated the absolute requirement for a Baccalaureate Degree and has established work experience as an additional viable avenue to employment. This will provide avenues for upward mobility and foster competition among County employees.
5. In certain job classifications Saratoga County has, except where prohibited by law, removed the requirement for a high school diploma, in order to eliminate another possible barrier to employment.

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6. The Department of Personnel has developed a formal employee evaluation program, based upon nondiscriminatory objective, measurable factors.

#### VIII. ADMINISTRATION/AUDIT OF TESTING AND PERSONNEL ACTIONS

The EEO/AAO Officer shall:

1. Monitor Civil Service testing. The race, sex, age and disabilities of all applicants tested will be collected, reported in the aggregate and analyzed by the Officer.
2. Identify the number and percentage of minority, female and disabled employees employed, to ensure that sex, race, age, disabilities, salary and job descriptions are updated periodically, and reported in aggregate.
3. Monitor all personnel transactions to ensure that EEO/AA guidelines are being followed.
4. In order to ensure an up-to-date program and compliance with Federal and State laws, regulations and court decisions, the Affirmative Action Officer will review the EEO/AA Plan periodically for progress evaluation and will take necessary actions to revise plan if required.

#### IX. DATA COLLECTION, PLANNING AND PUBLIC OUTREACH

Saratoga County promotes full and fair participation by all segments of the population including minority, low-income communities and populations that are limited English proficient.

Public meetings are to be held in ADA accessible locations. Where possible, meetings are planned in locations that align with public transportation route schedules.

Minutes to all public meetings will be available on the Saratoga County website ([www.saratogacountyny.gov](http://www.saratogacountyny.gov)).

If a member of the public requests assistance with reading the minutes, understanding the content of the meeting or providing information for project planning and development, the individual should be referred to the Affirmative Action Officer who will then make the necessary arrangements

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X. SARATOGA COUNTY PROCEDURE FOR PROCESSING  
DISCRIMINATION GRIEVANCES

It is the intent of this procedure to promote and provide for a mutually satisfactory procedure for the peaceful settlement of discrimination grievances from a Saratoga County employee or a member of the public.

- a. Every individual has the right to present his or her grievance to the County free from interference, coercions, restraint, discrimination or reprisal.
- b. All complaints must be filed within 180 days of the alleged violation.
- c. The time limits set forth in this procedure are of the essence. They may, however, be extended by mutual written agreement between the grievant and the Director of Personnel or an authorized designee. Failure by the grievant to proceed within the time limit set forth shall terminate the grievance at that step. Failure by the County to answer within the time limit set forth will advance the grievance to the immediate next step of the procedure, upon written notice to the County's representative at the next step of the grievance procedure.
- d. Each specific and separate grievance filed may not be initiated more than once through the grievance procedures of Saratoga County.
- e. This procedure and its use does not supersede or interfere with the right of employees to file complaints with the Employees Bargaining Unit (CSEA), New York State Division of Human Rights, Equal Employment Opportunity Commission, the U.S. Department of Labor or any other agency. The use of this procedure neither extends nor changes the time limits established by these agencies for the filing of complaints.
- f. This procedure and its use does not supersede or interfere with the right of individuals to file complaints with New York State Division of Human Rights, Equal Employment Opportunity Commission, the U.S. Department of Labor or any other agency. The use of this procedure neither extends nor changes the time limits established by these agencies for the filing of complaints.

I. DEFINITIONS

As used herein, the following terms shall be defined as follows:

- a. County shall mean the County of Saratoga government.
- b. Employee shall mean any person employed by the County of Saratoga.
- c. Immediate Supervisor shall be that person of the next higher level of authority, regardless of title, who normally assigns, supervises, evaluates and approves the employee's work, The County may designate the immediate supervisor in a particular department if it so desires.
- d. Department Head means the person so designated pursuant to the County Law, local law, Administrative Rule and /or Code or by resolution of the County Board as the head of a department.
- e. Authorized Designee means the person so designated by the department head within his or her department, institution, division, bureau and/or other administrative units for the purpose of handling grievances.
- f. Work Days means all days other than Saturday, Sunday or legal holidays as celebrated by the County. Saturdays, Sundays and legal holidays shall be excluded in computing the number of legal days in which action must be taken in any step of the grievance procedure.
- g. Discrimination Grievance means a claimed violation in terms of conditions of employment of any nondiscrimination law and/or regulation to which the County is subject, the prohibitions of which include, but are not necessarily limited to sexual, racial, or national origin harassment and other unlawful discrimination based upon race, religion, creed, color, citizenship, national origin, sex, age, disability, pregnancy, marital status, arrest record, disabled or nondisabled veteran's status (including Vietnam era veterans), political affiliation or belief, limited English proficiency, or low income status.

II. PROCEDURE

A. EMPLOYEES

Step 1:

- a. Any grievance under this procedure between any employee and the County shall be initiated in the first instance by the aggrieved employee in writing to the department head,

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or the department head's authorized designee. The County shall make available Complaint of Discrimination forms for use by County employees when initiating a discrimination complaint. To the extent possible, the complaint must contain the grieving's name, the date and time of the alleged act, who was involved, including witnesses, where the alleged act took place, and a detailed description of the alleged act.

A grievance submitted in writing shall be answered in writing within five (5) days from the time the grievance was received by the department head or his or her designee.

- b. A grievance shall not be initiated later than ten (10) work days after the grievant becomes aware of the event constituting the alleged grievance. Such limitation can be raised at any step throughout the grievance procedure.

Step 2:

In the event the grievance is not adjusted under Step 1, the aggrieved employee may notify in writing the County through the Personnel Department within ten (10) working days from the date of the Step 1 answer. Thereafter, the Director of Personnel or an authorized designee shall schedule and conduct a meeting within ten (10) working days to be attended by the aggrieved employee, the County Attorney, and the Director of Personnel (Affirmative Action Officer). The County Attorney and Director of Personnel will investigate the complaint, review all the relevant information, and interview witnesses and other parties involved, if necessary. Within ten (10) working days after the conclusion of their investigation, the Director of Personnel or an authorized designee shall render a decision in writing setting forth the County's final determination relative to the employee's grievance.

Step 3:

If the aggrieved employee is dissatisfied with the decision, he/she may file a complaint with the appropriate State or Federal agency.

When the complaint is filed with a State or Federal enforcement agency, or when court action is initiated, this internal grievance procedure need not be used. Grievances must be filed with EEOC or OCR (Federal Agencies) within 300 days of the alleged violation; complaints must

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be filed by the Division of Human Rights (State Agency) within one year of the alleged violation.

Equal Employment Opportunity Commission  
Office For Civil Rights (OCR)  
NYS Division of Human Rights

1-800-669-4000  
1-800-368-1019  
518-474-2705 (Albany)

B. NON-EMPLOYEES

Step 1:

- a. Members of the public may file a signed, written complaint within 30 days from the date of the alleged discrimination violation. Information on filing a complaint, including the complaint form can be accessed at the Saratoga County website: [www.saratogacountyny.gov](http://www.saratogacountyny.gov).
- b. In the event the complainant is unable to complete a signed, written complaint, the Director of Personnel should be notified for assistance.
- c. Discrimination complaints must be in writing, signed by the complainant or representative, and must include the complainant's name, address and telephone number. When completed, the complaint must be sent to:

Director of Personnel  
Saratoga County Personnel Department  
40 McMaster Street  
Ballston Spa, NY 12020  
Phone: (518) 885-2225  
Fax: (518) 884-4752

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Step 2:

- a. The complainant of the County's receipt of the complainant's complaint in writing is notified within 10 business days of County's receipt of the complaint.
- b. The complaint will then be investigated with all pertinent documents obtained and interviews conducted within 60 days of the date of receipt of the complaint.
- c. The complainant will be notified of the final decision in writing by the Director of Personnel (Affirmative Action Officer).

Step 3:

If the aggrieved member of the public is dissatisfied with the decision, he/she may file a complaint with the appropriate State or Federal agency.

When the complaint is filed with a State or Federal enforcement agency, or when court action is initiated, this grievance procedure need not be used. Grievances must be filed with EEOC or OCR (Federal Agencies) within 300 days of the alleged violation; complaints must be filed by the Division of Human Rights (State Agency) within one year of the alleged violation.

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