

CITY OF CAMBRIDGE AFFIRMATIVE ACTION PROGRAM
YEARS 2003 through 2006



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I. PREAMBLE

The City of Cambridge affirms its commitment to the principles of affirmative action, non-discrimination and equal employment opportunity. It is our firm belief that any employment decision, policy or program, regardless of intent, which through its design, implementation or impact limits the full utilization of qualified individuals, injures the City of Cambridge. It is the policy of the City not to discriminate against any employee or applicant for employment in the terms, conditions, and benefits of employment because of race, color, religious creed, national origin, ancestry, sex, sexual orientation, Vietnam era veteran status, age or disability. The City's personnel policies and practices are designed to provide equal opportunity for all persons. All employment decisions and actions will be made without preference based on the aforementioned.

A policy of non-discrimination by itself, however, is not sufficient to erase the effects of past employment practices. In addition to vigilance over activities aimed at the elimination of discriminatory barriers to employment, the City of Cambridge undertakes positive measures (affirmative action) to ensure equal opportunity to members of protected classes, minorities, women, people with disabilities and Vietnam era veterans. The goal is to achieve the equitable participation of minorities, women, people with disabilities and Vietnam era veterans in all City departments and at all job levels.

Each City department has the responsibility to undertake affirmative action and promote the full realization of such through outreach and recruitment of under-utilized protected classes. The City has and will continue to take affirmative steps to train and promote employees to improve their opportunities to participate in higher level employment with emphasis in job classifications where members of protected classes are under-utilized and under-represented.

We celebrate the diversity of our organization and remain committed to affirmative actions, policies, procedures and attitudes necessary to continue to build and retain a workforce that is representative of the people we are here to serve.

III. History of Affirmative Action Policy in Cambridge

In January of 1979 City Manager, James Sullivan promulgated the first Affirmative Action program for the City of Cambridge modeled after the Commonwealth's Equal Employment Opportunity and Affirmative Action, (EEO and AA), plan. Madeleine Reynolds was appointed the first Affirmative Action Director to assist the City in attaining and monitoring parity goals. 1975 marked an important event that helped shape affirmative action in the City of Cambridge. In December of 1975 the Commonwealth of Massachusetts issued an administrative bulletin announcing that all future state or state assisted construction contracts would include an addendum to the Commonwealth's Equal Employment Opportunity/Anti-Discrimination and Affirmative Action Plan. To be eligible to compete for State and Federally funded grants (such as HUD and UDAG), contractors had to ensure compliance with Executive order # 74 as amended by Executive order # 116, dated May 1, 1975 and of chapter 151B as amended of the Massachusetts general laws. Such extraordinary steps were taken to eliminate any discriminatory barriers in the terms and conditions of employment on the grounds of race, color, religious creed, national origin, age or sex, and to eliminate and remedy any effects of such discrimination in the past. The Massachusetts Commission Against Discrimination, (MCAD) was officially designated as the Civil Rights Agency for the Commonwealth with the responsibility to review applications for state and federally assisted construction and development contracts. Since 1979, the City has regularly updated its Affirmative Action Plan both for compliance and to articulate and communicate its strongly held commitment to Affirmative Action. As we find ourselves in the new millennium, positive and aggressive affirmative steps to remove barriers to employment remains the cornerstone of our plan.

IV. The City of Cambridge as an organization

The City operates under the Council-Manager, also known as the Plan E, form of government. The legislative and policy-making body of the City is the nine-member City Council whose members are elected for two-year terms. The Council elects a Mayor and Vice Mayor from among its members; the Mayor serves as the Chair of the City Council and the School Committee.

CITY MANAGER

The City Manager is the chief executive officer for the City and carries out the policies of the City Council. With the assistance of the Deputy City Manager and staff, he coordinates the functions of the various city departments. The City Manager is appointed by the City Council.

MAYOR

The Mayor is the official head of the city for all ceremonial purposes and is recognized by the courts for the purpose of serving civil process and by the governor for military purposes. The mayor is the chair for the city council and for the school committee. The mayor serves a two-year term.

CITY COUNCIL

There are nine City Counselors elected by Proportional Representation (PR). Thereupon the city council, by a majority vote elect a mayor and a vice-mayor. They serve a term of two years. The City Council has and exercises all the legislative powers of the city except for those reserved by charter to the school committee and to the voters of the city.

V. STATEMENT OF POLICY

- A. The City of Cambridge has established its Equal Employment Opportunity/Affirmative Action program (EEO/AA) in accordance with the intent of the rules, regulations, and guidelines of the federal and state laws and agencies having oversight in the equal opportunity area. Including the requirements of Titles VI and VII of the Civil Rights Act of 1964, as amended, Federal Executive orders 11246 and 11375, as amended, Sections 503 and 504 of the Rehabilitation Act of 1973, Revised order No. 4, Americans with Disabilities Act of 1990, Age Discrimination Act of 1975, as amended, The Equal Pay Act of 1963, as amended, Massachusetts General Laws Chapter 151B and Commonwealth of Massachusetts Executive Order No. 74 as amended by Executive Order No. 116, No. 117, No. 227, No. 253, Executive Order No. 246, Executive Order No. 240, amending and revising Executive Order 200, and the Cambridge Human Rights Ordinance.
1. The City will adhere to the provisions of all federal, state and local laws and regulations governing equal opportunity in employment.
 2. The City will, without regard to circumstances of race, color, religion, sex, marital status, sexual orientation, national origin, age, disability, or Vietnam Era Veteran status:
 - Hire persons who are qualified to perform with or without reasonable accommodations the defined duties and responsibilities of the position to be filled.
 - Provide all employees with the privileges and benefits associated with employment.
 - Promote and transfer employees on a non-discriminatory basis.
 - Provide all employees with an equal opportunity to participate in applicable training and development programs.
 - Compensate all employees based upon the principle of equal pay for equal work.
 - Establish and/or maintain all employees facilities on a non-discriminatory basis.
- B. The City will not limit, segregate, or classify its employees in any way which would deprive any individual of opportunities, or adversely affect his or her status as an employee because of such employee's race, color, religion, sex, marital status, sexual orientation, national origin, age, disability, or Vietnam era veteran status.
- C. The City will not discharge any employee because of race, color, religion, sex, marital status, sexual orientation, national origin, age, disability, or Vietnam era veteran status.

- D. The City shall provide reasonable accommodations to employees with disabilities where necessary to enable such employees to perform the essential functions of their jobs. The City shall also provide reasonable accommodations to job applicants with disabilities where necessary to enable such applicants to complete the job application process.
- E. The City will continue to administer all personnel activities such as compensation, benefits, transfers, training, social and recreational programs, without regard to race, color, religion, national origin, sex, marital status, sexual orientation, age, disability, or Vietnam era Veteran status.
- F. The City will take affirmative steps, including the establishment of goals and timetables, to ensure that the City workforce reflects, at all levels, and in all types of positions the race, sex, disability, or other minority status of the labor markets from which such employees are drawn.
- G. The City will use non-traditional sources and methods of recruiting applicants for employment in order to re-affirm its commitment to equal employment opportunity and affirmative action, and to maintain and encourage a diverse workforce.
- H. The City will take affirmative steps to develop the talents, skills, and other abilities of its workforce and other local resources so that people from under utilized and under represented groups within the population may have the opportunity to advance to higher level positions within the City.

VI. DISSEMINATION OF AFFIRMATIVE ACTION POLICY

1. INTERNAL

- Within one month of approval by MCAD, the City Manager will direct department heads to post a copy of this plan in a highly visible place within each department.
- The EEO and AA policies will be included in the employee handbook.
- Training programs for department heads, managers and supervisors will be conducted with a focus on explaining the intent of the plan, goals, timetables, and responsibilities necessary for implementation. The training programs will be developed with the assistance of the Affirmative Action Advisory Committee.
- The AA Director and the Personnel Director will work with the Public Information Officer to:
 - a. Post a copy of the plan on the City's web page.
 - b. Write an announcement in the employee newsletter, "Cityline".
- Statement of Policy shall be included in employee orientation programs.
- Union Officials shall be informed of the policy.
- Non-discrimination clauses shall be included in all union agreements and contracts. Union contract provisions shall be reviewed to ensure they are non-discriminatory.

2. EXTERNAL

- Copies of the plan will be made available to the public upon request.
- The plan will be placed on the City's internet site.
- Notice to the public of the Statement of Policy through posting and publications shall be provided as required by law.
- Notification shall be made in writing to all recruitment sources, contractors, subcontractors and vendors of the existence of the Statement of Policy and Affirmative Action policy.
- All communication with the public in regard to recruitment, jobs, interviews, and employment shall state that the City of Cambridge is an Equal Opportunity/Affirmative Action employer.
- The City of Cambridge employment applications shall include a statement that the City of Cambridge is an Equal Opportunity/Affirmative Action employer.

VII. RESPONSIBILITY AND ACCOUNTABILITY FOR THE AFFIRMATIVE ACTION PLAN

CITY MANAGER

Appointed by the city council, the city manager is the chief administrator of the city and is responsible for the administration of all departments, commissions, boards and officers of the city. All appointments and hiring decisions are made by the city manager with the exception of city clerk and the city auditor whom are appointed by the city council. The City Manager has the ultimate responsibility for achieving and maintaining equal employment opportunity and the affirmative action goals set forth in this plan.

AFFIRMATIVE ACTION DIRECTOR

Appointed by the City Manager the Affirmative Action Director is responsible for overseeing the development and implementation of the City's Affirmative Action Plan. The AA Director ensures that the City is in compliance with all federal, state, and local Equal Employment Opportunity laws and policies and that the City's affirmative action goals and commitments are met. The Affirmative Action Director is accountable to the City Manager for all phases of the affirmative action plan.

Duties and responsibilities include:

- Prepare and maintain the written affirmative action policy, plan, and program for the City.
- Distribute, promote and explain the affirmative action plan, policy, programs and related activities to employees and the public.
- Develop goals and timetables for implementing the affirmative action plan.
- Cooperatively work with department heads in achieving their department specific goals while providing technical assistance and training.
- Investigate EEO complaints and provide technical assistance to employees and departments, and other personnel.

- Work with the personnel director and staff responsible for recruiting - assist in the development of targeted recruitment.
- With the Personnel Director and the City Manager oversee hiring campaigns to ensure fairness, accessibility and a diverse pool of qualified candidates in all 01 and 02 campaigns.¹

PERSONNEL DIRECTOR

- Develop and monitor recruiting, hiring, training, promoting and retaining strategies to increase the representation of people from under-utilized groups and enhance development.
- With the affirmative action director offer assistance to department heads in establishing goals and timetables to address under utilization of protected groups in any given EEO category.
- Coordinate recruiting efforts both broad based and tailored to ensure qualified diverse applicant pools that reflect the availability of the labor market.
- Recommend the use of extraordinary certification devices, such as personnel Administration Rule Par.10, Section 47A, Massachusetts General Laws, and selective certification.
- Assist on career development efforts for employees
- Conduct exit interviews

DEPARTMENT HEADS

- Direct responsibility for the implementation of the City's affirmative action plan on the department level
- Accountable to the City Manager for attainment of department specific affirmative action goals
- With the assistance of personnel and affirmative action establish recruitment campaigns

AFFIRMATIVE ACTION ADVISORY COMMITTEE

A citizen/employee advisory committee appointed by the City Manager to oversee the City's affirmative action program.

- Provide technical assistance in affirmative action areas, including goal setting.
- Advise the City Manager and affirmative action director on affirmative action and equal opportunity.
- Advise the affirmative action director and the personnel director in the areas of recruitment, hiring, promoting and retaining.
- Assist in the revision of the plan
- Monitor progress in attainment of goals and timetables.

¹ 01 - officials and administrators 02 - professional positions

VIII. Policy Purview

MINORITIES (PEOPLE OF COLOR)

The City of Cambridge recognizes that institutional patterns of discrimination, disadvantage and exclusion require race, gender and disability conscious measures to achieve equal opportunity. Census 2000 reports 32% of Cambridge residents are minorities (people of color).

As the demographics of this city change so will our workforce. The loss of rent control, the spike in property values and the ever-shrinking supply of affordable housing poses a threat to the diversity of the City of Cambridge. Plan years 2003-2005 will continue to focus on recruitment, hiring and promoting goals particularly in Officials and Administrator (01) positions and Professional (02) positions. Goals will be adjusted as Cambridge specific census 2000 data is released.

WOMEN

Across our organization under utilization of women is approximately 9%.

Women are under-represented in non-traditional positions such as protective services where women comprise only 11.8% of employees, and in skilled craft where the percentage is 1.4% whereas women make up 83.7% of administrative support positions and 64.8% of para-professional jobs. A priority for setting goals and timetables for women as we move forward is to eliminate barriers to non-traditional and usually more lucrative opportunities and career choices. Currently the Personnel Department, Affirmative Action Advisory Committee, Office of Workforce Development and the Community Learning Center collaborate with the Commonwealth of Massachusetts to brainstorm innovative and creative recruitment campaigns for each municipal fire fighter and police officer examination to encourage women and other protected classes to apply. In addition to this collaboration of City and community resources the City sponsors seminars to prepare applicants for the examinations. The examination for both opportunities is fiercely competitive and the only entrance to these exciting and rewarding careers. It is common to have over 15,000 competitors registered for the examination. Only the top scores are eligible to advance to the next level. Like a brick wall, Civil Service status and Veteran preference can and usually do place women at a devastating disadvantage after the examination is taken and the scores are tallied. A woman with a perfect score of 100% can find she has been placed behind the lowest scoring veteran. There are however measures we can utilize to attempt to level the playing field such as special certification procedures and remedies. Alternative certification procedures were designed to provide an affirmative action tool for appointing authorities to appoint members of protected groups from Civil Service eligible lists. If the Personnel Administrator for the Commonwealth of Massachusetts has determined that past personnel practices have discriminated against a particular group in the Civil Service workforce, PAR.10 (1) is implemented to provide increased opportunities to members of protected groups to be reached on the Civil Service eligible lists. This rule does not guarantee employment of any single member of a protected group,

but grants appointing authorities the discretionary authority to provide employment opportunities to members of protected groups.

The case made to the department of personnel administration has to be compelling and narrowly tailored to a specific protected class. It remains a source of frustration making a compelling argument for women firefighters.

PEOPLE WITH DISABILITIES

The City of Cambridge invites employees and applicants for employment with disabilities to self-identify for affirmative action purposes. The City takes affirmative action to employ and promote qualified persons with disabilities at all levels of employment. This includes taking affirmative action to ensure equal opportunity in the areas of:

- hiring
- promotion
- demotion
- transfer
- recruitment
- recruitment advertising
- termination
- training

Definition of a disability for affirmative action purposes

The ADA definition of disability

Title I of the Americans with Disabilities Act, (ADA), protects qualified individuals with disabilities from employment discrimination. Under the ADA, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment.

To be protected under the ADA, an individual must have, have a record of, or be regarded as having a substantial, as opposed to a minor impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for one's self, learning or working.

A "qualified" individual with a disability means an individual who is able to

- satisfy the job requirements for educational background, experience, skills, licenses, and any other qualification standards that are job related;
- perform those tasks that are essential to the job, with or without reasonable accommodation.

The City's definition of disability for affirmative action purposes

For the purpose of protected status the City uses the first two of the three categories the ADA uses (i.e. a person with a physical or mental impairment that substantially limits a major life activity, or a person with a record of a substantially limiting impairment, but not a person who is only regarded as having a substantially limiting impairment.)

Other definitions of disability

While the City's definition is used for affirmative action purposes, it is important to remember that the City may use a different definition to ensure it complies with the ADA, and when promoting diversity.

Purpose	Definition of disability	Possible actions by City
Offering Affirmative Action 'protected status' benefits	People with current / past substantially limiting impairment	Using disability as a factor in hiring decisions.
Complying with ADA	People with current / past substantially limiting impairment. People regarded as having a substantially limiting impairment.	Providing job related accommodations, avoiding discriminatory criteria when hiring. Providing ADA Training for managers.
Promoting diversity	All people with disabilities - no need for precise definition.	Promoting a positive image of disability within the City. Providing Disability Awareness Training for all staff.

Labor market statistics on disability

According to the 1990 U.S. Census, 5.5% of the population between the ages of 16 and 64 had a work disability (defined as a mental or physical health condition that has lasted for 6 or more months and which limits the kind or amount of work a person can do at a job or business.

This definition of disability is considered to be narrow. The Survey of Income and Program Participation (SIPP) uses a broader-based definition of disability that is closer to that used by the Americans with Disabilities Act (ADA), but figures are not available at the City level. The 1994/95 SIPP survey indicated that 18.7% of the U.S. population between the ages of 15-64 had a disability.

People with disabilities are less likely to be employed than their non-disabled counterparts, and are more likely to be unemployed or outside the labor market. The average earnings of people with disabilities in employment are lower than those of non-disabled people.

People with disabilities are significantly under-represented in the City's workforce

In response to a baseline survey conducted in 1998, 10 employees self-identified as having a disability. Even allowing for under-reporting (*see below*), the proportion of people with disabilities in the City's workforce is well below the proportion in the Cambridge population.

'Disability' is a complex term

There are many different types of disabilities, and the severity of a disability varies from person to person. There may be instances where one type of disability is accommodated by a department (e.g. wheelchair access), but another isn't (e.g. color-coding a filing system to enable someone with dyslexia to use it more efficiently).

Staff may be reluctant to self-identify

Some people may not wish to label themselves as having a disability - due to social stigma, internalized oppression and other factors. There are those who fit into the ADA definition of disability, but who would not consider themselves disabled; others may fear that disclosing a hidden disability (e.g. a mental health problem) might harm their career prospects. The more employees see that the City is genuine in its commitments to recruit and retain people with disabilities, the more likely they will feel confident about self-disclosing.

Action to increase proportion of city employees with disabilities

- Ensuring job descriptions and the application process don't exclude certain disabilities (e.g. require written application for job that does not involve writing).
- Training managers and staff on ADA and disability awareness.
- Encouraging more people with disabilities to apply for jobs (welcoming messages on job postings/advertisements, circulating job vacancy lists to disability organizations, outreach efforts)
- Working with (disability) employment agencies to identify vacancies in the City, or to work on creative solutions to enable people with disabilities to work for the city .
- Encouraging staff to feel comfortable about identifying their disability and asking for accommodations (
- Ensuring that reasonable accommodations are made effectively and efficiently.
- Promoting a positive image of disability throughout Cambridge (supporting disability arts events, including images of people with disabilities in promotional materials)
- Monitoring and evaluation. This would include periodic surveys of the numbers of employees with disabilities, and evaluating the success of initiatives taken by the city and individual departments.

VIETNAM ERA VETERANS

In accordance with Executive Order 235 the City of Cambridge will take affirmative action to employ and advance Vietnam era veterans in all levels of employment. The City ensures equal employment opportunity through the protections of this affirmative action plan in the areas of recruitment, hiring, transfer, compensation and benefits, promotions, terminations and training.

The City invites all Vietnam era veterans, employees and applicants, who wish to benefit under the affirmative action program to self identify and provide subsequent data for certification.

For employment purposes, through self - identification, Vietnam era veterans, (V.E.V.), are entitled to affirmative action benefits relating to hiring, retention, and advancement. A V.E.V. is any person, male or female:

- Who performed such wartime service during the period commencing August 5, 1964 and ending May 7, 1975, both dates inclusive, or
- Served at least 180 days of active service in the armed forces of the United States during the period between February 1, 1955 and August 4, 1964; provided, however, that for the purposes of the application of the provisions of M.G.L. ch. 31, it shall also include all active service between the dates May 7, 1975 and June 4, 1976; and provided, further, that any such person who served in said armed forces during said period and was awarded a service-connected disability or a Purple Heart, or who died in said service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his/her failure to complete 180 days of active service.
- Whose last discharge or release from his/her wartime service was under honorable conditions and
- Who served in the Army, marine Corps, Navy, Air Force or Coast Guard of the United States for not less than 90 days active service, at least one day of which was for wartime service, provided that person who so served in wartime and was awarded a service-connected disability or a Purple Heart, or who died in such service under conditions other than dishonorable, shall be deemed to be a veteran notwithstanding his/her failure to complete 90 days of active service.

IX. CITY OF CAMBRIDGE AND ITS WORKFORCE

CAMBRIDGE DEMOGRAPHICS

Cambridge is ethnically diverse and rich in culture. 68.1% of all residents are White; 11.9% are Black; 11.9% are Asian; and 3.6% are other races. 7.4% of all residents are of Hispanic background (Source: 2000 US Bureau of Census).² With an approximate population of 101,355, Cambridge is the seventh most densely populated City in the U.S. of Cities with a population over 75,000. It comprises 6.26 square miles.

WORKFORCE DEMOGRAPHICS

The City employs approximately 2,180 full time employees to staff 40 departments of varying size, (not including the School Department). Our workforce is seventy-four (74.5%) white and twenty-five (25.5%) people of color. Sixty (60%) male and forty (40%) female. 75% of our workforce is governed by collective bargaining agreements and / or subject to the rules and regulations of Civil Service. To analyze our workforce data we use the current U.S. census data (2000), as it is interpreted by the Massachusetts Institute for Social and Economic Research (MISER). MISER's work involves planning, strategy and forecasting, with a focus on social, economic and demographic issues. The data we obtain from MISER assists the Administration in establishing Affirmative Action Goals that reflect a direct relationship between the City's plan and the economy of Massachusetts and more specifically those communities in close proximity to Cambridge from which we can recruit. As the lead agency in the State Data Center (SDC) program, MISER is the liaison between the Commonwealth and the U.S. Bureau of the Census and houses all the latter's data on Massachusetts.

² source; 2000 data from U.S. Census P.L. 94-171 data file for Massachusetts, United States Bureau of the Census, March 2001.

ANALYSIS BY EEO-4 CATEGORY

OFFICIALS AND ADMINISTRATORS - 01

Officials and Administrators set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or sub-divisions to carry out policy and procedure. Included in this category are Deputy Directors, Commissioners and Department Heads. In October of 1998 a sub-committee to the City Manager's Committee on Diversity was formed to address recruiting, hiring, promoting and retaining strategies. This committee created a system to improve the hiring process with the goal of broadening the diversity in official, professional and managerial positions and to assure that hiring decisions are clearly defined, consistently applied, open and fair. In May of 2000 the City Manager implemented this process for hiring Officials and Administrators (01) and Professionals (02). CMSA data shows that 16.3% of the available labor market in this category are in protected classes. There are 107 positions in the Officials and Administrator category. Currently 17% are minority employees and 35.80% are women. Plan 2002 - 2004 will focus on establishing and monitoring goals and timelines for departments who are underutilized in this category, exploring innovative and extraordinary practices to attract and recruit women, people of color, (minorities), people with disabilities and other protected classes as well as developing and promoting from within our organization.

PROFESSIONALS - 02

Occupations requiring specialized and theoretical knowledge usually acquired through college training, work experience or other training that provides comparable knowledge. Includes personnel and labor relation positions, social workers, lawyers, systems analysts, accountants, engineers, police and fire lieutenants, librarians, management information system workers and youth program managers. There are 340 Professional positions. Fifty-seven, (18%) are minority and 48.40% are women. CMSA data reports 15.6% availability in this category. The City of Cambridge has become more involved with job fairs and outside recruiting sources such as traditional Black Colleges and Universities as well as posting opportunities on the World Wide Web. We maintain a resource database of community organizations and religious affiliations that are contacted on a regular basis and utilized for special recruitment campaigns like fire fighter and police exams. In addition, the Affirmative Action Advisory Committee, consisting of community residents and employees, receive current employment opportunities on a regular basis.

TECHNICIANS - 03

Occupations that require a combination of basic scientific or technical knowledge and manual skill obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes

computer programmers, drafters, survey and mapping technicians, highway technicians, police and fire sergeants, inspectors, food service managers, personnel analyst, assessment analyst, traffic coordinator, financial services manager, plumbing and gas inspectors, appraisal technician, budget analyst. There are currently one hundred and ninety-nine Technician -03 positions. 18% are minority employees and 44.70% are women. Our goal for plan years 2002 - 2004 is to reach and/or exceed the CMSA percentage of 20.7%. The City is underutilized in this category by 2.7%.

PROTECTIVE SERVICE - 04

Occupations in which workers are entrusted with public safety, security and protection from destructive forces. In addition to police patrol officers and fire fighters, this category includes emergency communications personnel, animal control officer, assistant hackney inspector, assistant license inspector, parking control officer, fire alarm operator. There are four hundred and ninety-three employees in the Protective Service 04 category. 25% are minority and 11.8% are female. CMSA statistics reflect a 25.5% available population. The majority of these positions are police officer and fire fighter. Both are subject to Civil Service rules and regulations. Written and physical examinations are required and are administered every two years, usually police one year, and fire the following year. To be eligible for a career in either of the choices applicants must take a highly competitive written examination. The City of Cambridge collaborating with the Commonwealth offers preparatory classes (at no cost to the applicant), in test taking skills, focusing on reading comprehension and memorization. Representatives from the Police and Fire Departments engage in discussions on challenges and rewards of a career in protective service. While the Commonwealth takes extraordinary measures to level the playing field for veterans, the reality of this preference is the affect it has on women who historically have been excluded. To address under utilization the Affirmative Action Advisory Committee works with the Affirmative Action Director and the Personnel Department to pursue new and creative avenues of outreach and recruitment to women. Strategies include outreach to women veterans. In addition to outreach the committee continues to work with members of the personnel department and the affirmative action director to address parity working within the guidelines of the Commonwealth of Massachusetts, Department of Personnel Administration, (DPA) utilizing affirmative action tools such as PAR.10 and selective certification as remedies. If approved these tools enable appointing authorities to appoint members of protected groups from Civil Service eligible lists. These tools were adopted by Civil Service as a result of growing evidence that the Commonwealth's personnel policies and procedures, as formulated, implemented, and practiced in the past, may have included discriminatory employment practices which were illegal under State and Federal Law. Believing that women are to be included in this excellent career coupled with this affirmative action tool has made a profound difference in hiring practices in other parts of the country. For example, the San Francisco Fire Department went from zero women in 1978 to seventy women in 1997. ³

³"we won't go back" - making the case for Affirmative Action
Charles Lawrence III
Mari J. Matsuda
Houghton Mifflin Company 1997

PARAPROFESSIONAL - 05

Occupations in which workers perform some of the duties of a professional or technician in a supportive role, usually requiring less formal training and/or experience normally required for professional or technical status. Includes research assistants, childcare workers, recreation assistants, and library assistants. There are 472 positions in this category. 306 or 64.8% are women. 169 or 36% are minority. A sub-committee to the City Manager's Committee on Diversity who's focus is on recruiting, hiring, promoting and retaining has been working with the personnel department and the affirmative action director to provide opportunities for employees to explore other departments and divisions for career growth. Many of our employees in this EEO-4 category have one or more years of college but no degree. With this in mind, the Personnel Department continues to build on avenues to strengthen and develop partnerships with institutes of higher education in and around Cambridge, adding incentives for employees to make the investment of continuing their education. Other efforts include:

- Expanding the tuition reimbursement program
- Summer 2000 walking tour series designed to broaden employees knowledge of City departments and services
- Interviewing skills and techniques

ADMINISTRATIVE SUPPORT - 06

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes bookkeepers, clerk-typists, statistical clerks, dispatchers, payroll clerks, computer operators, telephone operators, legal assistants and cashiers. There are 207 Administrative Support positions. 75 are minorities, (people of color) or 36%. 83.7% are women. Affirmative Action goals for 2002 - 2005 in this classification will concentrate on career development for women, people of color (minorities), and other protected classes.

SKILLED CRAFT WORKERS - 07

Occupations in which workers perform jobs, which require special manual skill and a thorough and comprehensive knowledge of the processes, involved in the work which is acquired through on the job training and experience or through apprenticeship or other formal training programs. Includes mechanics, repairers, electricians, heavy equipment operators, carpenters, water and sewage treatment plant operators. 145 jobs in this category. Only two are filled by women and twenty-five or 17% minority. CMSA reflects a goal of 16.4% for people of color (minorities). This category has historically been male dominated.

As more women enter apprenticeships and training programs the pool of available candidates will broaden. Affirmative Action goals include outreach and recruitment to protected classes.

SERVICE MAINTENANCE - 08

Occupations in which workers perform duties resulting in or contributing to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Employees in this category may operate machinery. Includes truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundkeepers, refuse collectors and construction laborers. 126 employees. 9 are women or 7.10%. 36 are people of color (minorities) or 29%. CMSA statistics report an eligible population of 25.5%.

DEPARTMENT DESCRIPTIONS

Mayor

Staff of 4

As the primary representative of the City, the Mayor is responsible for providing leadership to the community. The Mayor's office functions as a resource for citizens seeking the answers to numerous questions. The Mayor is the City's official receiver of visiting dignitaries and distinguished visitors. The Mayor serves a two-year period of tenure and is the Chairperson for both the City Council and the School Committee. The Mayor's office is often staffed with a mixture of employees on leave from other departments, including the school department.

Executive

Staff of 9

The City Manager is the Chief Administrative Officer of the City and is responsible for providing leadership to, and administration of, all City departments and services. The City Manager appoints department heads and members to various boards and commissions. The Manager recommends policies and programs to the City Council. The City Manager's Office enforces all laws and ordinances, submits the annual budget to the City Council, and responds to citizen inquiries and complaints regarding City services.

City Council

Staff of 2

The City Council authorizes public improvements and expenditures, adopts regulations and ordinances, levies taxes, controls the finances and property taxes of the City, and performs many related legislative tasks. There is an administrative staff supporting eight councilors and the Mayor. This office receives and directs constituent calls, arranges appointments, schedules and coordinates special events in addition to a variety of other business and services.

City Clerk

Staff of 9

Five of the nine positions are subject to Civil Service rules and regulations, and a collective bargaining agreement with the Teamsters Local 25.

The City Clerk's Office records, preserves and communicates vital information. Its responsibilities encompass providing documents and information regarding the vital statistics of citizens' individual lives and particular business records required by statute; providing records, information and parliamentary assistance to enable the City Council to fulfill its legislative purposes and to fully inform the public regarding City Council actions; and keeping the official records of the City and providing answers to the enormous variety of questions about the City which the public brings to the City Clerk's Office. The staff serves as "unofficial ombudsman" to provide general information regarding various municipal services to the public. The Clerk's Office also provides, through the City Clerk and the Deputy City Clerk, for the staffing of 14 City Council Committees, in addition to attendance at, and recording of, each meeting of the City Council.

Law

Staff of 12

Three of the support positions are subject to Civil Service rules and regulations.

The Law Department is charged with the prosecution and defense of all suits in which the City is a party. The Department now employs eight full time attorneys, one part-time attorney, an office manager, one administrative assistant, and one senior clerk-typist. The Department functions as a full-time law office, handling nearly all of the City's litigation in-house. In addition to this primary litigation function, department attorneys furnish legal opinions on a daily basis on matters referred to them by the City Manager, Mayor, City Council, School Committee, and department heads. Attorneys regularly attend meetings of the City Council and its sub-committees.

Finance

There are nine departments that comprise the Finance Division for budgetary purposes. They are: Administration, Budget, Revenue, Cash Management/Payroll, Personnel, Purchasing, Assessing, Auditing and Management Information Systems.

Administration
Staff of 3

The finance Department, under the direction of the Assistant City Manager for Fiscal Affairs, is responsible for the planning, implementation, oversight, integrity and reporting of the City's operating and capital finances.

Budget
Staff of 4

The primary responsibility of the Budget Office is to prepare the annual operating and capital budgets for submission by the City Manager. The Budget Department is also involved in the preparation of official statements and other related documents for bond sales, calculation of the tax rate, preparation of financial statements that are the basis for the Comprehensive Annual Financial Report (CAFR), and the preparation of the City's Annual Report. Office staff assist departments and members of the public providing financial information and advice.

Revenue Division
Staff of 8

The Revenue Division's responsibility is to collect and record the entire City's receivables in a timely and accurate manner and to provide a high level of customer service to taxpayers requesting assistance.

Cash Management/Payroll Division
Staff of 5

This division of Finance is responsible for the disbursement, investment and reconciliation of the City's cash, administration of the banking services and lock box contracts, and management of the City's payroll system. Other responsibilities include paying all debt service obligations on a timely basis.

Personnel
Staff of 13

The Personnel Department budget includes three separate cost centers. The Administrative unit serves the public through its effort to promote City employment opportunities and to provide information and guidance regarding Massachusetts Civil Service examination procedures. Comprehensive centralized human resource management services provided to all City departments includes oversight of employment activities to ensure compliance with the Affirmative Action Plan, State Civil Service procedures, Collective bargaining agreements, unemployment and worker's compensation law and sound personnel practices. The Insurance unit administers health and life insurance and deferred compensation programs for eligible employees and retirees. The Employee Benefits budget provides for coordination of citywide employee training programs.

**Purchasing
Staff of 7**

The Purchasing Office implements and administers the purchasing policies and practices of the City, ensuring that all purchases of goods and services are made in accordance with State law and City ordinance, and are open, fair, competitive and obtained at the lowest possible cost. The Purchasing Office encourages the participation of and outreach to minority businesses in the bidding process through the City's Minority Business Enterprise (MBE) program, and by including minority vendors in bid lists. The Purchasing Office also disposes of surplus property and oversees the Print Shop.

**Assessing
Staff of 16**

The Assessing Department establishes full and fair cash values for all Cambridge real estate, business and personal property. These values are the means for the distribution of the City's property tax levy on an equitable basis, as mandated by State law. The Department must discover and list all taxable property, maintaining accurate ownership and property information. The Assessing Department also administers the motor vehicle excise tax.

**Auditing
Staff of 7**

The City Auditor provides independent, timely oversight of the City's finances and operations and ensures that the City's programs are being executed legally, efficiently, and effectively. The office provides financial and other information to the City Council, City Manager, City Departments, the investment community, federal, state and other levels of government, and to the citizens of Cambridge. The Office also provides assistance to the City Council in its review of the proposed City budget.

**Management Information Systems
Staff of 15**

The M.I.S. Department provides centralized information technology to approximately 850 users working in 42 departments located in 40 municipal buildings. This Department develops and supports enterprise-wide municipal computer applications, including the Finance and Payroll systems. Other applications include personnel, customer service and permits. The Department has directed the installation of a fiber optic network and developed the technology to link hundreds of users with each other, with centralized applications, and with the World Wide Web. The M.I.S. Department acts as technical consultants to all City Departments.

General Services

Printing

Staff of 4

All four positions are subject to the rules and regulations of Civil Service.

Telephone

Staff of 1

Mailing

Staff of 1

General Services acts as a centralized point for budgeting the cost of telephone, mailing and printing expenses for all City Departments. The Electrical Department manages the Telephone budget; the Purchasing Department oversees Printing and Mailing.

Election Commission

Staff of 9

The Board of Election Commissioners is responsible for supervising federal, state and municipal elections for the City of Cambridge; providing for voter registration; certifying nomination papers and initiative petitions; conducting the annual census; administering municipal campaign and political finance reporting for the City; and implementing Chapter 2.118 of the Cambridge Municipal Code, also known as the "Ethics Ordinance". The Election Commission is composed of a Board and staff workforce. The Commissioners are each appointed by the City Manager from lists of three nominees elected by the City Committees of the Democratic and Republican parties. The five-member staff is responsible for day-to-day operations and consists of the following positions: executive director, assistant director, administrative assistant, and data entry clerks. None of the positions are governed by civil service rules or other hiring restrictions. The administrative assistant and data entry positions fall within collective bargaining agreements.

Public Celebration - Arts Council

Staff of 6

The Cambridge Arts Council's (CAC) mission is to serve the City through the arts. This is accomplished through arts programming and by providing services to artists, arts and cultural organizations, community groups, and the public.

Animal Commission

Staff of 3

The Animal Commission provides and facilitates programs concerning animal control and welfare. This vital department encourages responsible pet ownership in addition to managing the diverse population of wildlife that co-exists within the City of Cambridge.

Fire

Staff of 283

A majority of the positions are subject to civil service rules and regulations. Written and physical examinations are required.

Comprised of two Fire Suppression Divisions and several Staff or Support Divisions. Confining and extinguishing a fire in the building of origin without injury or loss of life is the paramount responsibility. The department provides a high level of emergency medical services, with every member of the department trained as a first responder and certified in the use of the automatic defibrillator. Entrance requirements for civil service rules and regulations govern firefighters. Applicants are required to take an open competitive examination that is held every two years. In addition there are medical and physical fitness standards.

Police

Staff of 309

Majority of positions are subject to Civil Service Rules and Regulations. Written and physical examinations are required.

Charged with Public Safety and law enforcement for the City of Cambridge, the staff and personnel of the Police Department are committed to using modern approaches and techniques to decrease crime and improve the delivery of service to the community. The written examination is administered every two years.

Traffic, Parking & Transportation

Staff of 84

Seventy-six positions are subject to the rules and regulations of Civil Service.

The Traffic, parking and Transportation Department is responsible for managing the public right of ways for safe vehicular and non-vehicular use, for allocating through regulation curb uses, and for enforcing and adjudicating these regulations. The department also manages the city owned off-street parking garages and lots. The Department's overall goals are to increase public safety, to support the needs of residents, businesses, institutions and other operations and procedures. There are three divisions: Traffic Control, Parking Control and Supporting Services.

Police Review and Advisory Board

Staff of 1

The primary function of the Board is to hear and decide citizen complaints of misconduct filed by persons against Cambridge Police Officers. The Police Review and Advisory Board consists of five civilian residents appointed from each of the following areas of the City: Cambridgeport/Riverside, East Cambridge, North Cambridge, Mid-Cambridge, and West Cambridge.

Inspectional Services.

Staff of 28. Twenty-three of the full time positions are subject to Civil Service rules and regulations. 35% of the employees are covered by collective bargaining agreements.

The Inspectional Services Department is responsible for all laws and related City Ordinances, which pertain to the State Building Code and certain articles of the State Sanitary Code. This department also enforces the City's Zoning Ordinance and provides administrative support for the Board of Zoning Appeal (BZA).

License Commission.

Staff of 11

Five positions are subject to Civil Service rules and regulations.

The Board, comprised of a civilian chairman, the Fire Chief and a Police Department representative, is responsible for issuing licenses and enforcing rules, regulations, local ordinances and state laws that regulate and pertain to the sale of alcoholic beverages, the operation of restaurants, innholders, lodging houses and dormitories, garages, shops and sales, hackney carriages and drivers, open air parking lots, entertainment, fortune tellers, raffles and bazaars, festivals and carnivals, used car dealers, peddlers and vendors, jitneys and livery/limousine as well as waste disposal companies operating within the City of Cambridge. It also houses the Consumer Commission. The Consumer Commission has two aspects to its structure: a citizen advisory board called the Consumer Advisory Commission and the staff function called the Consumers' Council. The Commission consists of five Cambridge citizens, the License Commission Chairperson and the Sealer of Weights and Measures.

Weights & Measures

Staff of one (1)

The Department of Weights and Measures, a one person Department, is charged with the responsibility of ensuring that equity and fairness prevails in the marketplace between the buyer and seller. The Department enforces all laws, ordinances and regulations relating to the accuracy of weight and measuring

devices used by local business establishments. These include taxi meters, gas station pumps, home heating oil truck meters, hospital and health clinic scales, truck scales, factory and pharmacy scales, and scales for the tipping of solid waste.

Electrical

Staff of 12. Ten positions are subject to the rules and regulations of Civil Service.

The Electrical Department oversees street lighting and the City fire alarm system in order to allow fire reporting directly to the Fire Department. The Department also provides electrical maintenance and construction services to all municipal buildings and provides lighting in all parks and outdoor recreational areas. In addition, this Department provides installation and repair of communications systems as well as overseeing the installation of cables, conduits and equipment by utilities and other contractors over and within all public ways.

Emergency Management

Staff of one

The primary duty of this Department is contingency planning for natural and other disasters and coordination of preparedness, mitigation, and response to and recovery from such emergencies.

Emergency Communications.

Staff of 38. Thirty-six positions subject to the rules and regulations of Civil Service.

The Emergency Communications Department operates the City's Combined Emergency Communications and 911 Center (ECC). The Center receives all calls for emergency service in the city and manages the coordinated dispatch of police, fire, emergency medical service (EMS) and other resources to meet any emergency that may occur.

Public Works

Staff of 214

178 positions subject to rules and regulations of Civil Service.

The overall responsibilities of the Department include maintaining the streets, sidewalks, sewer lines, storm water drain lines, 127 parks, playgrounds and public squares, 34 public buildings (excluding schools, hospitals and libraries), a collection of over 9000 tons of recyclables, maintenance of close to 300 vehicles and pieces of equipment, and care of 18,000 City trees. The Department also responds to weather emergencies and enforces applicable City ordinances. This Department provides 24-hour emergency services.

Water Department

Staff of 59

Forty-seven positions subject to the rules and regulations of Civil Service.

The Cambridge Water Department (CWD) is a municipally owned and operated water utility servicing approximately 98,000 permanent residents. The CWD operates under the general direction of the City Manager. Five members comprise the Water Board all of whom are appointed by the City Manager and serve in an advisory capacity to the City Manager and the Managing Director of the Water Department. The CWD is regulated by Federal and State drinking water codes and is comprised of five divisions: Administration; Engineering & Program Development; Watershed; Water Treatment Operations; and Transmission & Distribution. The mission of the CWD is to provide a safe, adequate and uninterrupted water supply of the highest quality to the citizens of Cambridge.

Community Development

Staff of 42

The Community Development Department is responsible for planning and managing physical change in a manner that best supports the overall diversity of the City. The Department works with the residential and business communities to improve the quality of life and living environment through supporting sustainable growth which contributes to the tax base, expands job opportunities for residents and insures a high level of services.

Historical Commission

Staff of 3

Established in 1963 to administer the City's historic and neighborhood conservation districts, to survey Cambridge's architecture and publish the findings, and to research and mark historic sites and buildings. Staff members provide technical assistance on preservation issues and administer preservation grants to low and moderate-income families.

Conservation Commission

Staff of 1

The Conservation Commission's purpose is to protect and enhance the City's natural resources through regulatory review, planning, environmental monitoring and education. The Commission administers the Massachusetts Wetlands Protection Act Regulations, related Storm-water Management Policy and standards for development projects located near sensitive resource areas. The seven members of the Conservation Commission are appointed by the City Manager to three-year terms and are served by one full-time staff person.

Peace Commission

Staff of 1

The Peace Commission's mission is to promote peace making within Cambridge, at the personal, neighborhood and city-wide level – in the lives of children, youth, families and across ethnic, racial and class lines.

Cable Television

Staff of 6

The Office of Cable Television is responsible for the television and audio production needs related to the programming of the City of Cambridge Municipal Television Channel. The Channel, operating within the Cambridge broadcast footprint, is a resource that provides both original and acquired programming drawn from and relating to the City of Cambridge. The Municipal Channel strives to provide its viewers with a sense of the overall vitality that is associated with the city in the areas including, but not limited to, education, culture, arts, health and human services and history. Established in 1982 as a vehicle for the sharing and celebration of the rich history and culture of the city, the Office of Cable Television's Municipal Channel has served as a liaison between the city government and the people of Cambridge. The Channel, on occasion, will also serve as a forum for addressing issues of immediate concern to the citizenry of Cambridge. The Office of Cable Television is also responsible for the oversight and administration of the contractual agreements and obligations of the City's cable licensees.

Library

Staff of 56

Six positions are subject to civil service rules and regulations

The Library provides both traditional library services such as book circulation and story hours as well as newer ones such as access to electronic information and literacy training. The principal roles of the system (main library and six branch libraries) include support of independent learning and formal education, children's services, reference services, and provision of popular materials. The staff is dedicated to promoting literacy, providing information resources in a variety of formats, offering an array of cultural and educational programs for all ages, and promoting library use in all neighborhoods of the City. Active cardholders now exceed 50,000.

Human Services

Staff of 181

This department provides direct services to the community. Services and residents served range from newborns to senior citizens. Services provided directly to the community include Community Schools, Recreation, Youth Centers, Fuel Assistance, the Council on Aging, Adult Basic Education,

Literacy, English as a Second Language, the Multi-Service Center for the Homeless, Haitian Services, substance abuse prevention programs, Child Care, and the North Cambridge Center for Families. The Department of Human Service Programs will continue providing staffing and leadership for major community collaborations, such as the Agenda for Children project and the Welfare Reform Task Force.

Commission on the Status of Women

Staff of 2

The powers and duties of the Commission are: "To insure the equal status of women in educational, economic, political, health, legal and social spheres; to design and implement programs that promote equality for women in the City; to recommend policy to all departments, divisions and agencies of the City, including the City Manager and City Council; to initiate, coordinate and monitor legislation; and to respond to incidents of discrimination against women."

Commission for Persons with Disabilities

Staff of 2

The Cambridge Commission for Persons with Disabilities (CCPD) is a program of the Department of Human Service Programs. Established in 1979, CCPD provides training and technical assistance to all City departments on a wide variety of disability-related topics, including:

- Assistance with disability-related AA/EEO concerns and problems
- Integrating disability concerns into larger workplace diversity initiatives
- Help with creating new policy, revising existing policy, and effective policy implementation
- Training for all City employees, ranging from basic ADA workshops for new City hires to customized training sessions for managers and supervisory staff
- Guidance on providing reasonable accommodations for applicants and employees with disabilities
- Assistance with architectural accessibility issues, from planning stages through construction
- Responding to requests for disability-related information and referral to appropriate resources
- Assistance with securing sign language interpreters, auxiliary communication aids, and other assistive technology

For a disability related request or question:

Cambridge Commission for Persons with Disabilities
51 Inman Street, second floor
Cambridge, MA 02139
(617) 349-4692 (voice)
(617) 492-0235 (TTY)
(617) 349-4766 (Fax)

Human Rights Commission

Staff of 4

The Cambridge Human Rights Commission was established in 1984 for the purpose of protecting the civil rights of the citizens of the City. The Commission investigates complaints of discrimination in the areas of employment, housing, public accommodation and Civil Rights Act violations. The staff educate the public about their rights and responsibilities under the law, advising city government about issues affecting City departments, and providing training to City workers.

Veteran's Services

Staff of 3

The Department of Veteran's Services serves as an advocate for all veterans and their dependents. DVS advises clients as to the availability of services, benefits and entitlements. In addition, DVS also provides emergency financial assistance to needy veterans and their dependents that have served honorably during wartime periods

X. IMPLEMENTATION

It is the City's goal to have a diverse and competent workforce. To achieve this goal, the City of Cambridge will always seek the best, qualified candidates for openings, based on job required knowledge, skills and abilities, job related education or training, relevant experience and who will contribute to the diversity goals of the City. The City also will undertake extraordinary efforts to recruit from those groups who traditionally have been excluded from the workforce.

1. Recruitment

To achieve affirmative action goals, the City will actively recruit individuals in protected groups by reaching out to traditional sources of support (such as community agencies, ethnic societies, and advocacy groups) as well as develop new referral networks.

To assist departments in identifying and recruiting minorities (people of color), women, people with disabilities, and Vietnam-era veterans for City employment, the following actions will be taken:

- a. The Affirmative Action Director, in conjunction with the Personnel Department, will develop a recruitment program to work closely with outside agencies and organizations to recruit protected group members.
- b. The Director of Affirmative Action, in conjunction with the Personnel Department and other City departments, will conduct recruitment plans for open or promotional examinations where special efforts to increase representation are needed, i.e. police and fire.
- c. The Affirmative Action Director and Personnel Department will regularly participate in job fairs, career days, high school programs and college activities to recruit members of protected groups.

Steps to achieve recruitment objective will include:

- Direct contact with organizations specifically involved with equal opportunity in employment of minorities (people of color), women, persons with disabilities, and Vietnam era veterans.
- Direct contact with employment officers at colleges, vocational and technical schools, or other institutions with significant protected group member enrollment.
- Direct contact with community and neighborhood agencies that can assist in referring applicants for employment.
- Paid and free media contact with publications, newspapers, cable television, and other media sources that reach out in particular to AA targeted groups.
- Prominently displaying employment opportunities within the City and distributing lists externally, with job titles, requirements, minimum qualifications, and salary, closing date and civil service status indicated.

- Posting of all positions in a wide variety of places such as the City website, public City bulletin boards, local and community agencies so that current qualified employees can apply for promotion/lateral transfer and external applicants will have easy access to information about positions.
- Encouraging department heads, managers, and supervisors to provide support to their staff in pursuit of professional development and career goals.
- In conjunction with those in leadership positions, encouraging qualified employees who are minority, female, disabled, and/or Vietnam era veterans to apply for open positions.
- Notifying individuals from under-represented groups of job openings and encouraging them to apply with the State's Human Resource Division (HRD) to fill Civil Service classifications. The City's Personnel Department will work with HRD to review job requirements for City employment and to recruit candidates for specific entry-level and promotional exams.

2. Outreach

The Office of Affirmative Action and the Personnel Department will utilize all available sources to reach protected group members. Efforts will be made to ensure that the skill requirements are job related and are consistent with business necessity and the safe performance of the job. Sources of recruitment will include, but not be limited to:

- Human Resource Department for the Commonwealth of MA.
- Department of Employment Security Job Bank Referral Office
- Employment Resources Incorporated, the Cambridge Employment Program and other community organizations with a focus on job readiness, placement and development.

Recruiting sources will be identified, updated and disseminated within the City with a goal of utilizing these sources to attract qualified protected group members. The Affirmative Action Director and the Personnel Director may undertake additional extended outreach if an applicant pool is deemed inadequate.

A confidential record separate from the application will be maintained of those applicants who have voluntarily self-identified their race, sex, certified Vietnam-era veterans status, or disability status.

B. Hiring Process

All hiring standards will adhere to all legal requirements and be reasonable, objective, and job related. A description of the qualifications and required skills will be based on valid job requirements only. The City will strive to reach parity by adopting a vigorous policy that welcomes applicants from traditionally under-represented groups. In order to achieve this goal, all department heads and managers involved in employment activity will share in the responsibility of following consistent hiring practices by adhering to the following:

- Application forms will be free of all discriminatory practices. Questions such as those concerning marital status, number and age of dependents, presence of a disability or medical condition and place of birth are not allowed. Application forms will comply with all legal requirements.
- Supervisory personnel will receive training in interviewing techniques and information regarding avoiding discriminatory practices. Supervisory personnel will be trained to identify issues of equal opportunity and affirmative action within their specific departments. Interviews for employment will not include potentially discriminatory questions such as those concerning marital status, age, number and age of dependents, presence of a disability or medical condition and place of birth. These questions are illegal and will not be asked of applicants. A pre-employment fact sheet will be available to all hiring panels so that all questions are in compliance with Massachusetts general Laws Chapter 151B, Section 4; 804 CMR3.01 et seq. (see pre-employment questions fact sheet page 51 in the appendix.)
- No questions should be asked of women, people of color (minorities), persons with disabilities, or Vietnam era veterans that would not, under usual circumstances, be asked of all persons seeking employment. All questions will be job-related.
- Use of tests and other selection criteria relating to hiring will apply to all applicants. The City will conduct no medical tests prior to a conditional offer of employment. In addition, no tests will be used that are not job related as appropriate or necessary for evaluating ability to perform the essential functions of the job, with or without reasonable accommodation. Where necessary, accommodations such as provisions of extra time, provision of a reader or interpreter, or other means will be taken to ensure that tests actually measure the abilities that they are intended to measure.
- No action may be taken to fill a vacancy until written approval is received from the Affirmative Action Director or his/her designee. The Affirmative Action Director will review vacancies to assess whether the provisions of this plan and all other appropriate laws have been followed and observed.
- The Affirmative Action Director will regularly review hiring processes and related documents for discriminatory content to ensure that all hiring practices follow established guidelines as stated in this document and other City policies. Input and review by the Affirmative Action Advisory Committee on hiring processes will be sought periodically.

In instances where the Personnel Department has identified an under-utilization of protected groups within a Civil Service designation, the Director of Personnel and Labor Relations may recommend to the City Manager the utilization of the following:

- Personnel Administrative Rule (PAR) 10 (Old rule 14) where applicable to civil service lists and to negotiate with affected bargaining units concerning promotional opportunities.
- Selective certification where applicable

- Sections 47A of Chapter 31 of the Massachusetts General Laws.
- Advertise in publications of special interest to people of color, women, people with disabilities and Vietnam-era veterans and other under utilized groups to attract a diverse pool of applicants

C. Work Environment

An environment where all employees feel included and valued results in a stronger and motivated workforce. Without a doubt the diversity of our organization is a key attraction to candidates for employment. A commitment to recruiting, hiring, developing and promoting a diverse workforce that mirrors the people who live and do business in the City of Cambridge is vital to our success. The following affirmative steps will be taken.

- Training will be provided for department heads and supervisory personnel on issues that embrace diversity and promote positive working relationships among staff. Training topics may include: "Managing a Diverse Workforce", "Conflict Resolution" and "Communicating about Differences".
- Supervisors will receive information on how to work with staff to enhance job satisfaction and to further career development.
- Training needs for jobs in departments affected by under utilization will be evaluated regularly.
- Training opportunities will be communicated to women, minorities, persons with disabilities and Vietnam era veterans to provide them with the requisite skills to seek advancement. Job required skills training may occur during paid work time.
- All City positions will be reviewed by the Affirmative Action Director and the Personnel Department with an eye towards expanding advancement opportunities.
- The Disabilities Commission, ADA Coordinator, Affirmative Action Director and Personnel Director will work with all departments to identify and remove barriers that may unfairly limit disabled employees from reaching their professional potential.
- The Personnel Department will conduct exit interviews with employees to solicit information from which action plans will be developed and implemented to promote a more harmonious and diverse workforce.

1. Training

The Affirmative Action Director, in fulfillment of affirmative action objectives, will ensure that protected group members who are already employed in the City are aware of opportunities and programs for training and career development. The City's Personnel Department will regularly distribute its Development and Learning Programs catalogue of training opportunities to benefited employees. Department Heads will notify staff of opportunities for training and career development. In support of affirmative action objectives, special effort will be made to encourage protected group members to apply for training and tuition reimbursement.

2. Promotions

The City will ensure that a fair promotion procedure is established and followed. Accordingly, all current job vacancies will be publicized throughout the City. Criteria for candidate selection will be reviewed to verify the validity of job requirements. Upon request the Affirmative Action Director, in conjunction with the Personnel Department will consult with individual employees to assess and review their opportunities for advancement in areas where there is under-representation.

The following action will be taken to prepare people of color (minorities), women, people with disabilities and Vietnam-era veteran employees for promotion:

- a. In conjunction with appropriate city departments, the Affirmative Action Director will work toward identifying and developing internal employee career and promotional opportunities.
- b. The Director of personnel will establish relationships with community based organizations and area colleges that provide remedial education to obtain GED certificates as well as continuing education towards degree or professional certificate completion.
- c. The City will also provide funds for tuition reimbursement and professional development for eligible employees.

3. Terminations

Lay-off

In the event of a lay-off, employees shall be laid off so that affirmative action principles are maintained, consistent with law. In the event of termination of a protected group employee, the Affirmative Action Director and Director of Personnel will assure that an exit interview is held to determine if affirmative action rights have been abridged.

Discipline

Discipline, lay-off, discharge or downgrade actions will be reviewed by the Director of Personnel. The Affirmative Action Director shall work in conjunction with the Director of Personnel to ensure that termination procedures comply with affirmative action policies. Subject to confidentiality requirements, the City's records of all disciplinary actions shall show race, sex, disability, and/or Vietnam-era veteran status, the formal charges, findings, and sanctions imposed.

XI. EEO/AA COMPLAINT RESOLUTION PROCESS

ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY

It is the duty and responsibility of the City of Cambridge to ensure that its work environment promotes equal employment opportunity for all employees and applicants regardless of race, color, national origin, ancestry, religion, creed, age, sex, sexual orientation, or disability.

The City of Cambridge is committed to maintaining a work environment that is free of illegal, discriminatory behavior (with regard to both hiring and the terms and conditions of employment including, but not limited to, promotions, terminations, transfers, job assignments and discipline), including behavior which creates a hostile, offensive, humiliating or intimidating work environment and sexual harassment, as defined by the state and federal anti-discrimination and sexual harassment laws.

The City of Cambridge will not tolerate and will take appropriate steps to prevent and eliminate illegal discrimination, harassment of any type and retaliation.

RESPONSIBILITIES

Each employee of the City of Cambridge is responsible for:

- Ensuring that (s)he does not discriminate against or sexually harass any other employee, applicant for employment, or other individual in the workplace, or any member of the public, when performing his or her job duties.
- Cooperating in the investigation of complaints of alleged discrimination, sexual harassment or retaliation by providing any information (s)he possesses concerning the matters under investigation; and
- Otherwise cooperating with the City's efforts to prevent and eliminate discrimination and sexual harassment.

Each Supervisory Employee of the City of Cambridge is responsible for:

- Taking action consistent with this policy if (s)he observes behavior which (s)he knows or should know constitutes discrimination, sexual harassment or retaliation;
- Enforcing disciplinary measures that have been imposed against a person who has been sexually harassing, discriminating or retaliating against another staff member; and
- Following the procedures set forth below under RESOLUTION PROCESS, in the event (s)he becomes aware of conduct that might constitute discrimination, sexual harassment, or retaliation.

PURPOSE AND EFFECT OF THIS POLICY

The policy and process in this memorandum are designed to identify and remedy instances of alleged discrimination and sexual harassment, but do not represent a contract. The City of Cambridge retains the sole right at all times to modify at any time the provisions of this policy and process. Employees will be informed of any modifications to this policy and process.

WHAT TO DO IF YOU HAVE AN AFFIRMATIVE ACTION COMPLAINT

RESOLUTION PROCESS

A. REPORTING PROCEDURES

1. Any employee who becomes aware of or who believes (s)he has experienced discrimination, sexual harassment or retaliation should report the allegation, as soon as possible, to his/her supervisor. On situations where an employee does not feel comfortable discussing the situation with her/his supervisor, (s)he may report the allegation directly to either her/his Department Head, The Director of Personnel, The Affirmative Action Director, Women's Commission, Commission for Persons with Disabilities, Veterans Commission or any other supervisor. Applicants for employment may also go to the Human Rights Commission.
2. Any Supervisor receiving such a report shall forward the information directly to the Personnel Director or the Affirmative Action Director. It will be within the discretion of the Personnel Director or the Affirmative Action Director as to whether the Manager and/or Department Head, having supervisory authority over the employee(s) involved in the report shall be notified of such report.
3. The Director of Personnel / Director of Affirmative action will determine who will respond to the complaint. In the event of a complaint alleging discrimination on the basis of disability, the Director of Personnel/Director of Affirmative Action may refer the matter to the Commission for Persons with Disabilities.
4. The Assigned investigator will discuss with the complainant the available procedures for resolving the complaint. The investigator will have the discretion to decide whether the informal procedure is an appropriate option based on the circumstances related to the complaint.
5. The names, addresses and telephone numbers of the Director of Personnel, Affirmative action Director, Women's Commission, Human Rights Commission, Commission for Persons with Disabilities, and the Veterans Commission are listed at the end of this section.

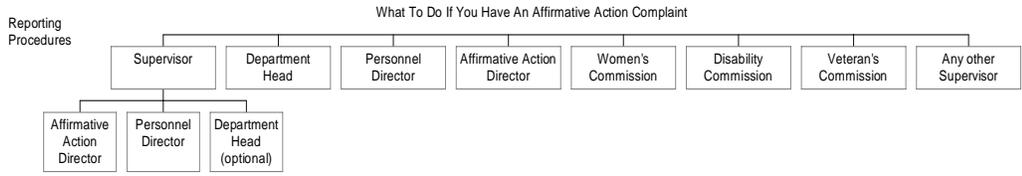
B. INFORMAL PROCEEDINGS

If the complainant wishes to pursue an informal approach, the investigator and/or her/his designee will promptly meet with the subject of the complaint. At this meeting the investigator will inform the subject of the nature of the complaint and if determined appropriate after adequate inquiry propose a resolution.

1. If the complainant and the subject of the complaint agree with the proposed resolution, the investigator will monitor the situation closely to determine whether the work climate changes or whether there are further incidents. If the complainant reports that the situation has not been rectified or if the complainant or the subject of the complaint declines to agree to the proposed resolution, the complainant will be encouraged to file a formal complaint under paragraph "C" "FORMAL PROCEEDINGS".

C. FORMAL PROCEEDINGS

1. If the complainant decides to pursue a formal complaint, (s)he must file a written complaint with naming the subject of the complaint, describing the incident(s), giving the time(s) and date(s), and naming any witnesses. In the case of a claim of disability discrimination, the ADA Coordinator may receive the formal complaint. A copy of the complaint shall be forwarded by the ADA Coordinator to the Director of the Cambridge Human Rights Commission. (see paragraph "E" "Alternative for Filing Complaints" below for exception to the requirement that complaints be in writing).
2. The complainant also retains the discretion to initiate formal proceedings if the complaint is of such a serious nature that formal proceedings appear warranted.
3. The Personnel Director/Affirmative Action Director, or his/her designee, will investigate the allegation, which will include obtaining a statement from the subject of the complaint. In appropriate circumstances, the designee for disability-related complaints will be the ADA Coordinator. The investigator will attempt to conclude investigations and determine the appropriate resolution of discrimination, harassment and retaliation complaints in a timely manner.
4. In a situation where the complainant and the subject of the complaint will still be working in the same general area or environment during or after the completion of the investigation, the investigator may find it necessary or appropriate to define the terms of the continuing professional interaction.
5. Any party aggrieved by the decision of the investigator or the ADA Director may seek review by the Personnel Director/Affirmative Action Director within 10 business days of receipt of the determination of the investigator or the ADA Coordinator. The determination of the investigator



shall be made after his/her receipt of a written request for review and shall represent the final action of the Office.

D. DISABILITY-RELATED RESOLUTION PROCESS

Anyone who wishes to file a complaint alleging discrimination on the basis of disability, in employment practices or policies or the provision of services, programs or activities by the City of Cambridge has the option of pursuing either the formal proceeding described in paragraph "C" "FORMAL PROCEEDINGS" above, or the informal proceeding described in paragraph "1" "INFORMAL PROCEEDING FOR DISABILITY-RELATED COMPLAINTS" below. These two procedures, which are intended to address all aspects of the employment relationship between the City of Cambridge and its employees, and all aspects of interactions between the City of Cambridge and the public, also serves as a "Grievance Procedure" as required by the Americans with Disabilities Act (ADA).

INFORMAL PROCEEDING FOR DISABILITY-RELATED COMPLAINTS

- (a) For employees or applicants alleging employment discrimination based on disability, or for members of the public with disabilities who allege wrongful treatment based upon their disability related to the services, programs or activities of the City of Cambridge, the complainant may file a complaint with either the ADA Coordinator or the Affirmative Action Director.
- (b) Under this procedure, the complainant must file a written complaint with the ADA Coordinator or the Affirmative Action Director. The written complaint must contain sufficient information about the alleged discrimination (such as complainant's name, address, and telephone number and the location, date and description of the problem or alleged violation) to clearly define the nature of the complaint and to conduct an investigation into the allegations. See paragraph "E" "Alternatives for Filing Complaints" below for exception to the requirement that complaints be in writing.
- (c) If a complainant chooses to file a complaint with the ADA Coordinator, the ADA Coordinator will communicate with the Affirmative Action Director to seek a determination if the matter is appropriate for an informal proceeding. If proceeding informally, after receipt of the informal complaint, the ADA Coordinator or Affirmative Action Director shall meet with the complainant, and, if determined appropriate after adequate inquiry, any other relevant personnel. The ADA Coordinator or AA Director will propose a resolution which (if any) will end the proceeding. If the complainant or the individual subject of the complaint declines to agree to the proposed resolution, the complainant will be encouraged to file a formal complaint under paragraph "C", "FORMAL PROCEEDINGS" above.

E. ALTERNATIVES FOR FILING COMPLAINTS

Wherever this policy requires that a complaint be submitted in writing, alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities whenever appropriate upon request.

F. DISCIPLINARY ACTION

Discrimination and sexual harassment in the workplace is unlawful. It is the policy of the City of Cambridge to effectively and promptly resolve any complaint regarding allegations of illegal discrimination or sexual harassment. Any employee found to have engaged in behavior in violation of this policy is subject to disciplinary action.

G. PROTECTION AGAINST RETALIATION

Retaliation by any City of Cambridge employee against any individual for reporting discriminatory behavior or sexual harassment, or against any individual who cooperates in an investigation of a discrimination or sexual harassment claim is illegal. The City of Cambridge will not tolerate such behavior and a retaliator will be subject to disciplinary action as described above. Any employee who knowingly provides false information regarding a complaint of discrimination or sexual harassment will be subject to disciplinary action as described above.

H. CONFIDENTIALITY

The City of Cambridge will maintain the confidentiality of the allegations of the complaint, to the fullest extent possible consistent with the need to conduct an investigation, and to ensure the safety and well-being of the complainant and other employees.

I. PROTECTION OF PARTIES

The City of Cambridge conducts investigations of discrimination and sexual harassment complaints in an effort to determine the facts. No complaint is considered frivolous; on the other hand, guilt is never presumed. The above procedures are intended to protect the rights of a falsely accused individual, as well as the rights of one who has been subjected to discrimination or sexual harassment.

J. OTHER LEGAL REMEDIES

Following the procedures outlined above does not preclude a complainant from seeking legal remedies outside this process. Sexual harassment, discrimination and retaliation may be actionable under one or more of the following statutes as prohibited discrimination in employment: Massachusetts General

Laws, Chapter 151B, Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, and the Family and Medical Leave Act of 1993.

Persons wishing to pursue other such remedies may file a complaint with the Massachusetts Commission Against Discrimination (MCAD) and/or the Equal Employment Opportunity Commission (EEOC). Complainants are cautioned, however, that following the procedures set out in the City of Cambridge Anti-Discrimination and Sexual Harassment Policy does not toll the statutes of limitations for filing discrimination, sexual harassment and retaliation complaints with these anti-discrimination administrative agencies. The statute of limitations for filing complaints with the MCAD is 180 days starting from the date of the incident.

EQUAL OPPORTUNITY and AFFIRMATIVE ACTION RESOURCE DIRECTORY

1. The United States Equal Employment Opportunity Commission (EEOC)
1 Congress Street - 10th Floor
Boston, MA 02144
(617) 565-3200 (617) 565-3204 (TTY)
2. The Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place, 6th Floor
Boston, MA 02108
(617) 727-3990 (617) 720-6054 (TTY)

AFFIRMATIVE ACTION OFFICE

Duane Brown, Director
(617) 349-4331 (voice)
(617) 349-4242 (TTY)

PERSONNEL

Michael Gardner, Director
(617) 349-4332 (voice)
(617) 349-4242 (TTY)

DISABILITY COMMISSION

Michael Muehe, Director
(617) 349-4692
(617) 492-0235 (TTY)

HUMAN RIGHTS COMMISSION

Quoc Tran, Director
(617) 349-4396 (voice)
(617) 492-0235(TTY)

WOMEN'S COMMISSION

Nancy Ryan, Director
(617) 349-4697 (voice)
(617) 492-0235 (TTY)

VETERANS SERVICES

Robert Stevens, Director
(617) 349-4761 (voice)
(617) 492-0235 (TTY)

DEFINITIONS OF HARASSMENT FOR AA PURPOSES

Racial Harassment

Words, actions or other verbal, written or physical conduct which are offensive because of their racial connotation, prejudice, stereotyping or bigotry constitutes racial harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Harassment

Un-welcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Disability-related Harassment

Words, actions or other verbal, written or physical conduct that ridicules, scorns, mocks, intimidates, threatens, or coerces any individual due to his/her disability will be considered disability-related harassment. Conduct which has the effect of unreasonably interfering with the work performance or creating an offensive environment will be considered disability-related harassment.

XII. MINORITY BUSINESS ENTERPRISE

In 1983 the City Council adopted an ordinance to establish a Minority Business Enterprise Program, (MBE). In cooperation with the Purchasing Department, the Office of Workforce Development and the Compliance Officer for the City of Cambridge, the Affirmative Action Office monitors construction contracts in excess of \$50,000.00 to ensure at least 10% of contract and sub-contract business is awarded to minority owned businesses. To comply with the requirements of the program a contractor needs to access the State Office of Minority and Women's Business Association (SOMWBA) directory, available in print or on-line. This directory lists minority owned businesses certified by the State. Only M.B.E. firms certified by S.O.M.W.B.A. are accepted by the City of Cambridge. Failure to comply with this ordinance may disqualify a contractor as a qualified bidder. Copies of the most recent directory may be obtained by contacting S.O.M.W.B.A. at (617) 727-8692 or on -line @ www.magnet.state.ma.us/somwba/. The Affirmative Action Director in conjunction with the Purchasing agent and Compliance Officer monitor this program.

XIII. APPENDICES

1. U.S. Census Data 2000

2. Glossary

3. Fact Sheets

4. Forms and Applications

Comment [MD1]: Cdd- cliff cook

GLOSSARY

Accessibility:	Readily accessible to and usable by individuals with disabilities.
Affirmative Action	A demonstrated commitment to the recognition, development and Utilization of the abilities of minorities , women, persons with disabilities and Vietnam-era veterans. It is a process to achieve the purpose of anti-discrimination laws.
Affirmative Action Plan (AAP)	A written document outlining those steps to be taken to bring about affirmative action. The execution of the plan will assure measurable yearly improvements in hiring, training and promotions for minorities, women, people with disabilities and Vietnam era veterans.
Alternative Programs:	Programs administered through the Department of Personnel Administration Certification which use the Civil Service selection procedures to reach targeted protected classes.
Applicant Flow:	The process of records of hiring, promotions, and other employment actions for the purpose of monitoring. Applicant flow analysis assures that the employer's employment practices and procedures are accomplished within the guidelines of the Affirmative Action Plan.
Artificial Barrier:	A requirement placed on a job or on an individual's performance within the job which is neither job-related nor consistent with merit principles.
Candidate for employment:	An individual who has applied for and has been interviewed for a City posted job opening.
Color	The hue or pigmentation of the human skin.
Complaint:	A pleading by which a legal action is commenced under Federal or State courts or administrative agencies. The complainant applies to the courts or agencies for legal redress.
Disability	a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or regarded as having such an impairment.
Equal Employment:	An employer's posture that all personnel activities will be conducted in a

manner to assure equal opportunity for all. Such activity based solely on individual merit.

Goals:	A numerical objective, fixed realistically, based on the number of vacancies expected and the number of qualified applicants available to the job market.
Grievance:	As used in this Plan, the filing of allegations with the Office of Affirmative Action with the purpose of addressing a harassing or discriminatory situation in an expeditious manner.
Job related:	Aspects of a job, which are essential to the performance of the specific task.
Institutional	An established principle, law, or usage.
Minority:	A group comprising less than half of a population and differing from a larger, predominant group, as in race, religion, political affiliation.
Black:	All persons having origins in any of the Black racial groups of Africa.
Hispanic:	All persons of Puerto Rican, Dominican, Cuban, Mexican, or Central or South America or other Spanish culture or origin, regardless of race.
Asian:	All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Sub-Continent, or the Pacific Islands.
Native American:	All persons having origins in any of the original peoples of North America excluding Mexico, and who maintain cultural identification through tribal affiliations or community recognition.
Eskimo & Aleutian:	All persons having origins in any of the original peoples of Northern Canada, Greenland, Alaska or Eastern Siberia.
Cape Verdean:	All persons having origin in any of the original peoples of Cape Verdean Island who are of Black Heritage.
Protected Groups:	Legally identified groups that are specifically protected by the statute against employment discrimination.

Qualified Person with a disability:	A person who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who,with or without ,reasonable accommodation, can perform the essential functions of such position.
Race	A subdivision of mankind having a relatively constant set of physical traits such as color of skin and eyes, stature, texture of hair. Any grouping of peoples according to geography, nation, etc.
Reasonable: Accommodation:	The changing of environments or schedules, or the requirement to adapt to the known physical or mental limitations of qualified disabled applicant or employee. The accommodation may include, but not be limited to, job restructuring, part time or modified work schedules, acquisition or modification of equipment or devices, the provisions of readers or interpreters, or other similar actions.
Timetables:	The time-frame (in years) set for attaining measurable goals in an affirmative action program.
Under utilization:	Having minorities, women, people with disabilities, or Vietnam era veterans in a particular job classification less than would reasonably be expected by their availability in the workforce or recruitment area.
Undue Hardship	Significant difficulty or expense.
Utilization Analysis:	The enumeration and examination of the presence of protected group members employed by the City.
Vietnam Era veteran:	A person who has serve on active duty for a period of more than 180 days, any part of which occurred between February 1, 1955 and August 4, 1964, and 90 days, and part of which occurred between August 5, 1964 and June 4, 1976 and was discharged or released with other than a dishonorable discharge.
Workforce Analysis:	A detailed listing (by specified categories) of job classifications and levels by department or other organizational unit.

**PRE-EMPLOYMENT QUESTIONS
FACT SHEET**

Massachusetts General Laws Chapter 151 B, Section 4; 804 CMR 3.01 et seq.

The Fair Employment Practices Law guarantees that no person shall be denied the right to work because of his or her race, color, religious creed, national origin, sex, sexual orientation, age (40 years and over), criminal record, mental illness, or disability. In order to comply with this law, an employer should generally not ask on a job application or during an interview any question that:

- Identifies a person on a basis covered by the Fair Employment Practices law; or
- Results in the disproportionate screening out of members of a covered group; or
- Is not a valid predictor or successful job performance.

The following table lists examples of questions that are and are not permitted to be asked on employment application forms or during employment interviews.

TOPIC	EMPLOYERS MAY ASK	EMPLOYERS MAY <u>NOT</u> ASK
Age	Are you a minor (under the age of 18)? May I have proof that you are 18 or over?*	When were you born? Are you over 40?
Criminal record	Have you ever been convicted of a felony? Within the last 5 years have you been convicted of, or released from incarceration for a misdemeanor that was <i>not</i> a first offense for drunkenness, simple assault, speeding, a minor traffic violation, an affray, or disturbing the peace? If you have been convicted of any criminal offense within the last five years, were you, at any point more than five years ago, convicted of any misdemeanor (not including a first conviction for first offense for drunkenness, simple assault, speeding, a minor traffic violation, an affray, or disturbing the peace).	Have you ever been arrested? Have you ever been convicted of a misdemeanor? Nor may an employer request a copy of your arrest or probation record. Cannot ask about any misdemeanor conviction more than five years ago, unless convicted of a subsequent offense within the last five years.
Education / Experience	What school, college, or	Questions about dates of

	vocational program did you attend? Graduate? What is your work experience?	graduation/work experience should not be used to determine applicant's age.
Handicap/Disability	Are you able to perform the essential functions of the position with or without reasonable accommodation? Can you describe how you would perform the following job functions (list specific essential functions of the job)? Can you describe how you would perform the following job functions (list specific essential functions of the job)? No other questions ** ***	Do you have any handicap/disability? Do you have any medical problems? Do you have any job related handicaps or limitations that would prevent you from doing the job? Have you ever received Worker's Compensation? Have you ever been hospitalized? Are you currently taking medication?
Immigrant Status	Are you legally authorized to work in the U.S.? The federal immigration Reform and Control Act of 1986 (IRCA) requires employers to ask all employees hired after Nov. 6, 1986 to produce documentation proving that they are authorized to work in the U.S. This information may be requested only after an offer of employment has been made. Employers must be careful to accept all types of documentation permitted under IRCA.	Information obtained through compliance with IRCA may not be used to discriminate on the basis of national origin, nor may it be kept with the employee's personnel records. Documentation proving work authorization must be requested of all new employees, not just those who are "foreign-looking"
Military Experience	Are you a U.S. veteran? What is your U.S. military service history?	Are you receiving a service-connected Disability pension? What is your foreign military service history? What was the nature of your discharge?
National Origin or Ancestry	No questions	What is your language ancestry, or national origin? Where were you born? Where are your parents or spouse from? What is the origin of your name? Are your parents or spouse

		citizens?
Race	No questions **	What is your race? Color? (Nor may an employer require that a photo accompany an application.)
Religion	No questions	To what religious denomination, church, or synagogue do you belong? What are your religious obligations? What religious holidays do you observe? Do you go to church regularly?
Sex	No questions * **	What is your maiden name? (or any question that pertains to only one sex). Do you have any children? Do you intend to have children? What child care arrangements have you made? No questions may be asked of only one sex.
Sexual Orientation	No questions	Are You gay / lesbian / bisexual / heterosexual? Why aren't you married? Questions about relationships or living arrangements should not be used to determine sexual orientation.

Note: Medical examinations can only be administered after a conditional offer of employment.

Of course there are other questions not listed above that could be construed as attempting to elicit information for the purpose of discriminating on the basis of a category covered under Massachusetts anti-discrimination laws. Consider and document only job-related factors.

If you require further information about the legality of pre-employment questions, contact the Personnel Department or Affirmative Action Office at 349-4332 (voice) or 349-4242 (TTY).

*Certain questions pertaining to age or sex may be permissible if they relate to a *bona fide occupational qualification*, which is a criterion for employment that the Massachusetts Commission Against Discrimination has ruled is a legitimate requirement for a particular position (for example, the sex of an applicant for an acting job (a role in a play) may be a *bona fide* occupational qualification). Questions about age may also be allowed if necessary to satisfy provisions of a state or federal law (for example, certain public safety positions presently have age limits for hiring and retiring).

Affirmative Action Facts and Myths

MYTH: Affirmative action is reverse discrimination, it gives preferential treatment to people of color and women.

FACT: Racism is power plus discrimination. The parameters of discrimination based on race are distinguished by the power dynamics. Reverse racism is not, therefore a reality if people of color are not in positions of power and perpetrating the discrimination. An Urban Institute study shows that less than 100 of 3000 cases could be considered reverse discrimination. Less than six of those cases were deemed by the court to be substantiated.

Affirmative action has been mislabeled "preferential treatment" for certain members of society. In reality it is a kind of social restitution and an attempt to create a more democratic society. President Johnson, in describing affirmative action, stated, "You do not take a person who for years has been hobbled by chains, liberate him and bring him to the starting line of a race and say, 'You are free to compete with others,' and still justly believe that you have been completely fair." Thus, it is not enough just to open the gates of opportunity: all must have the ability to walk through those gates. Affirmative action is an attempt to facilitate a more level playing field.

Affirmative action recognizes the interconnectedness of race, class, gender. Many of the symbolic gates are beyond reach due to economic disparity, which in turn is one of the effects of racism. We cannot divorce these interconnected issues from one another. Beginning with the consideration of race as permissible in university admissions, in the Regents of the University of California vs. Bakke, the court rejected the notion that the constitution prohibits considerations of race. In the UC system, race and ethnicity are not solely considered for admissions. Thus, there is no such thing as preferential treatment. Other criteria such as socio-economic level, state residency, special abilities, disabilities, familial ties and athletic ability are used in determining admissions. These supplemental criteria benefit everyone, not only people of color.

MYTH: Affirmative action benefits only a select few, and is a primarily Black vs. White issue.

FACT: If we as a society value equality and fairness, which is what affirmative action seeks to ensure, then we all benefit. Despite some of the gains made by affirmative action, discrimination still persists. We as a society have, as a result, not been able to fully benefit from affirmative action. We have barely begun to enjoy the benefits and increased diversity that affirmative action provides; in this light we can hardly consider dismantling the existing programs. National enrollment figures illustrate that enrollment of people of color has grown from negligible figures when schools were segregated to about 20% of the nation's post-secondary education students. 1993 figures show African Americans comprise 9.2% of enrollment, Chicano/Latinos are at 4.9%, Asian Americans also 4.9% and American Indians at 0.7% in four year institutions. However, yearly gains are minimal. It has taken twenty years to arrive at this point. Even though white women have advanced in some areas, white women managers and administrators earned only 65% as much as white men. Many reports on affirmative action in the public media have focused only on the aspect of African-Americans and affirmative action versus the "angry white male". Many articles fail to acknowledge

the multifaceted dynamics of affirmative action that incorporate race/ethnicity, gender, disability and Vietnam Era veteran status. In fact, studies show that white women tend to be the primary beneficiaries of affirmative action.

MYTH: Affirmative action hurts Whites and Asians.

FACT: Though affirmative action is believed to have harmed white men, this contradicts the reality that white men hold structural power in society today. For example, a *Washington Post* study shows that 95% of top corporate executives are white males. Asians benefit in many ways from affirmative action by making use of services provided by programs such as the Educational Opportunity Program, Upward Bound, and so on. It is another myth to believe that all Asians are a success story. A UCLA School of Urban Planning study shows that Pacific Islanders and SouthEast Asians have poverty rates, which are three times greater than white Americans. Other studies indicate enrollment of Filipinos in higher education is much closer to African-Americans and Latinos than other Asians. Asians, revered as the "model minority" includes Pacific Islanders, South East Asians and Filipinos, yet there are distinct disparities between say a third generation Chinese student and a first generation Cambodian refugee. Thus affirmative action can only help not hinder the Asian community.

MYTH: "I had a friend/brother/sister/____(fill in the blank) who was qualified for the job/college but didn't get it because the position went to a person of color or a woman.

FACT: Many of us have heard this statement or made it ourselves. It's a logical error to apply what happens to a few individuals to the entire society. On the societal level, systemic forces continue to keep people of color and women at a disadvantage. For example, Asians and Pacific Islanders who on average have higher percentages receiving bachelor's degrees - 38% compared to all other Americans - 20%, are not proportionately represented in the job market, specifically in areas of management and executive positions. The reality does not accurately reflect the numbers of qualified Asians and Pacific Islanders that enter the job market.

We must also question why race and gender are so hotly contested when other types of preferences are not being discussed. A 1991 report by Berkeley's Institute for the Study of Social Change noted "far more whites have entered the gates of the 10 most elite institutions through alumni preference than the combined number of all the Blacks, and Chicanos entering through affirmative action." For the past decade, Harvard's admission rate for "legacies" or the children of alumnus has ranged between 35-40%. Yet, there have been no attacks on these century old preferences based on family ties and perpetuating the "old-boy" networks.

MYTH: Affirmative action equals quotas.

FACT: Quotas, on one hand, are dismissible because they are illegal. What is permitted under current affirmative action instead are benchmarks, targets and goals. Goals and timetables are set by employers for the employment of minorities (people of color), women, people with disabilities, and Vietnam era veterans, along with time frames for achieving these goals. Employers are encouraged to make good faith efforts but there are no legal penalties if they make good faith efforts and are unable to meet the goals. Those who oppose affirmative action claim that this type of perspective still leads to quantification of proportions, making one's ethnicity equal a number. However, when ranges, targets, or goals are in place, their implementation always occurs in relation to a pool of already qualified applicants. No one is telling anyone to hire persons who are

unqualified; rather, employers are being told that when a pool of qualified applicants have been assembled, choices within it can take "minority" status into consideration in cases where gross, disparate under representation is obvious and long standing. There is, however, a misconception that affirmative action entails admitting or hiring unqualified people. **Affirmative action is intended to merely make opportunities available.** Retention and promotion are based on the achievements of the individual.⁴

D. Equal Employment Opportunity / Affirmative Action / Diversity - Valuing Differences

Equal Employment Opportunity	Affirmative Action	Diversity Valuing Differences
<ul style="list-style-type: none"> • A business issue • Commanded by legislation & City of Cambridge ordinance • To ensure equal employment opportunity for all employees and potential employees • Compliance with the law • Necessitated by our Nation's past history • Outcomes: To provide Due Process to assess and remedy In the event of discrimination 	<ul style="list-style-type: none"> • A business issue • Executive Order and City of Cambridge ordinance • Pro-active steps and measures: e.g. AA planning, Goal Setting Training & Development • Required to qualify for Government contracts • Outcomes: Programs and policies designed to insure parity at all levels in the workforce and eligibility for government contracts & grants 	<ul style="list-style-type: none"> • A business issue • Voluntary • Contributes to a work environment that is inclusive and free from harassment

⁴ Students of Color Strategy & Policy Development
 1413 K Street NW, 9th Floor
 Washington, D.C. 20005
 Ussasocd@

