

Affirmative Action Plan
For Equal Employment Opportunity

EFFECTIVE: October 4, 2005

City of Portland, Maine
389 Congress Street
Portland, ME 04101

EQUAL EMPLOYMENT /AFFIRMATIVE ACTION POLICY STATEMENT

The Policy of the City of Portland is to provide equal opportunity to all in its role as an employer. The City does not discriminate on the basis of race, color religion, sex, sexual orientation, national origin, citizenship status, age, physical or mental disability, or veterans status in any areas of its employment activities. The City will provide reasonable accommodation required by law for physical or mental disabilities. The City further prohibits harassment based upon race, color religion, sex, sexual orientation, national origin, citizenship status, age, physical or mental disability, or veterans status. In addition, the City will take affirmative action to recruit and hire qualified women and minorities in accordance with the goals outlined in this Plan and the attached Utilization Analysis.

Affirmative action is quality management. Through its commitment to equal employment opportunity and affirmative action, the City will benefit by developing and utilizing all available human resources. The City of Portland is a service organization. Our success in meeting customers' needs is determined by our employees. Our overall goal is to have a diversified workforce in order to best meet all of our customers' needs. This Affirmative Action Plan outlines both the specific goals and the methods of their attainment for the City.

Affirmative action will be taken to recruit women and minorities for all job openings where under representation exists. Applicants and employees who are members of protected groups will be invited to identify themselves so that Human Resources can monitor personnel actions to ensure that it is able to meet its Equal Employment Opportunity/Affirmative Action responsibilities. In the selected areas designated for affirmative action by this Plan, screening committees will take all necessary steps to create as large and diverse a pool of applicants as possible and, when choosing among applicants with comparable qualifications, will give special consideration to qualified women and minority candidates for openings where under representation exists.

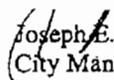
All departments and all personnel are responsible for implementing and following this policy within the scope of their individual job responsibilities. The achievement of affirmative action goals is the professional responsibility of each administrator and supervisor.

In order to ensure compliance with equal employment opportunity and affirmative action, the Director of Human Resources and the Equal Employment Opportunity/Affirmative Action Officer are responsible for monitoring and coordinating compliance with the City Affirmative Action Plan, and for keeping the City Manager informed of personnel actions and progress in this area. All employees have access to informal and formal complaint procedures for review of personnel actions which they believe to be discriminatory. Employees are encouraged to contact the Equal Employment Opportunity/Affirmative Action Officer or the Director of Human Resources with any complaint of discrimination.

The text of this Plan and information about applicable goals will be distributed to all designated supervisors. Representatives of the bargaining units also will receive the text of the Plan. This policy statement will be distributed to all employees. The availability of the Plan will be announced internally and externally. A copy of the Plan has been placed in the Portland Public Library. The Plan also will be provided to employees and other interested persons upon request for a reasonable copying fee. Requests should be directed to the Equal Employment Opportunity/Affirmative Action Officer or Human Resources.

As City Manager, I firmly support this policy. It is my responsibility to ensure that equal opportunity and affirmative action are realities. This plan will assist the City in meeting its responsibilities.

Signed October, 2005 Joseph E. Gray Jr.

 Joseph E. Gray, Jr.
City Manager

October, 2005

**CITY OF PORTLAND, MAINE
AFFIRMATIVE ACTION PLAN**

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I. INTRODUCTION

The City of Portland is an equal employment opportunity employer. It is committed to non-discrimination in all aspects of employment and does not discriminate against persons on the basis of race, color, religion, sex, sexual orientation, national original, age, physical or mental disability or veterans status in any of its employment practices. Reasonable accommodation required by law is provided for qualified individuals with a disability. A complete copy of the City's Equal Employment Opportunity/Non-Discrimination Handbook is available in a separate document, as is the City's Policy Against Harassment.

Separate from, and in addition to our equal employment/non-discrimination policy, the City is an "Affirmative Action Employer." Affirmative steps as outlined herein will be taken to recruit and hire qualified women and members of minority groups (as defined by the Equal Employment Opportunity Commission (EEOC) in Appendix A) to City positions in which they are currently under-represented, as reflected in the City's Utilization Analysis which is attached. Affirmative action is more limited and more targeted than our Equal Employment/Non-discrimination policy; it applies only to women and minorities. When there is a statistical disparity between availability in the civilian labor force of qualified women and minorities and their employment in the City by EEOC occupational category, this constitutes underutilization, and a hiring goal is established. These goals are to be reviewed regularly and revised or terminated when necessary.

II. BASIS FOR AFFIRMATIVE ACTION

With 65,000 residents, the City of Portland is Maine's largest city. Historically, Portland has been rich in ethnic, religious and cultural diversity. In recent years, as a refugee resettlement city, Portland has become a multicultural city, with an increase in its Hispanic population, and its African

and Asian populations. Our 65,000 residents now speak more than 52 languages and practice most of the world's major religions. This has created the need and desire to assimilate a diverse citizenry into our school system, our work force and the full life of our community.

Local government must have credibility with its citizens in order to operate efficiently, fairly and effectively. The City needs a diverse work force in order to provide quality public services to a multicultural community; enhance the confidence of all of its citizens in its local government, and improve cooperation and participation in public life.

Finally, as one of the State's largest employers, the City should be a leader in developing affirmative actions to increase employment opportunities for women and minority group members who, as a result of historical and cultural factors, may have been excluded from consideration in the past.

In order to affirm and fulfill its leadership role in this area, and to provide the best possible services to its residents, the City will undertake affirmative efforts to ensure that its employees reflect the diversity of its community and to increase the employment of women and minorities in positions in which they are currently under-represented. The City will take further affirmative steps to train and develop its employees in order to improve their opportunities for promotion, with emphasis in positions where members of minority groups and women are under represented.

Affirmative action is quality management. Through its commitment to equal employment opportunity and affirmative action, the City and its citizens will benefit by developing and utilizing all available human resources.

III. LEGAL NOTICE

The City of Portland has prepared this Affirmative Action Plan voluntarily as a reaffirmation

of its commitment to equal employment opportunity and affirmative action. In the preparation of this plan, the terminology used in Executive Order 11246 and its implementing regulations has been used as a guide. Therefore, the use of such terms as "underutilized," should not be construed as an admission that in fact either minorities or women have been or are presently being discriminated against in any way in violation of federal, state, or local fair employment practice laws. Further, nothing contained in this plan or its supporting data should be construed as an admission by the City of Portland that it has contravened any such federal, state, or local employment practice laws.

In developing and implementing this Plan, the City of Portland has been guided by its established policy of providing equal employment opportunity. Any goals which are established herein are not intended as rigid, inflexible quotas that must be met, but rather as goals reasonably attainable by a good faith effort in implementing this Plan. The use of goals in this Plan is not intended to discriminate against any individual or group of individuals with respect to any employment opportunity for which they are qualified on the grounds that they are not the beneficiaries of affirmative action themselves. Nothing herein is intended to sanction illegal discriminatory treatment of any person. Thus, this Plan has been developed in strict reliance upon the Guidelines on Affirmative Action issued by the Equal Employment Opportunity Commission (29 C.F.R. Part 1608).

IV. STATEMENT OF INTENT; SCOPE OF PLAN

The City of Portland's Affirmative Action Plan is a positive plan designed to increase the utilization of women and minorities to ensure their equal participation in all segments of the City's work force. This Plan applies to recruiting, hiring, training and promotion of all full-time municipal employees.

V. GOALS

The City of Portland will seek to accomplish its affirmative action goals by:

1. Conducting an annual workforce analysis to determine whether under-representation of minorities or women exist in certain job classifications and revise affirmative action goals as necessary (2005 Utilization Analysis with affirmative action goals for 2006 is attached as Appendix B);
2. Designating resources necessary for the effective implementation of Affirmative Action, including training and educational programs for City personnel, with annual training on the hiring process provided. A copy of the City's Hiring Process is attached as Exhibit C;
3. Enhancing all of the City's recruitment efforts to provide a qualified and diverse applicant pool for all City vacancies, with special emphasis upon vacancies where women and/or minorities are under-represented as shown in the City's Utilization Analysis:
 - a) The City strongly encourages applicants and employees who are members of protected groups (i.e., women and minorities) to identify themselves so that the City can monitor personnel actions and enable it to meet its Affirmative Action goals;
 - b) The City will provide its employment advertisements to a diverse group of organizations;
 - b) The City will, whenever possible, use diverse screening and hiring committees;
 - c) The City will encourage screening and hiring committees to create as large and diverse a pool of candidates as possible and to interview minority or women applicants for positions in which they are under-represented;

4. Periodically, or upon request, conducting exit interviews of women and minority employees in order to identify any perceived barriers or obstacles to full participation in all employment opportunities;
5. Making available to all employees access to informal and formal complaint procedures for review of personnel actions which they believe to be discriminatory;
6. Designing and implementing internal review and reporting systems and assigning responsibility and accountability for the implementation of the Affirmative Action Plan;
7. Developing affirmative remedial programs, as may be appropriate, such as on-the-job training, internships, job shadowing, tutoring and mentor programs;
8. Ensuring consistency between our collective bargaining agreements with the City's Equal Employment Opportunity Handbook and Affirmative Action Plan;
9. Posting notices of this Plan as well as those required by federal and state law (e.g. "Equal Opportunity is the Law" poster) in central locations throughout all public buildings and facilities and on the City's website; and
10. Ensuring compliance with all EEO/AA requirements by all of the City's contractors and consultants. An Equal Employment Opportunity/Affirmative Action statement will be incorporated, either by reference or in its entirety, into all contracts, subcontracts, purchase orders, leases and other documents and/or correspondence covered by Executive Order 11246, as amended.

This Plan and the Utilization Analysis will be reviewed and updated annually. It is the City's intent that the Affirmative Action Plan remain in effect until the City's workforce reflects the diversity appropriate to its available labor force.

VI. RESPONSIBILITY FOR IMPLEMENTATION

The City Manager of the City of Portland has ultimate responsibility for the implementation and effectiveness of the City's affirmative action and equal employment opportunity policies, procedures, and commitments. The City Manager shall provide direction on the development of policy to ensure equal employment opportunity and affirmative action. The City Manager will also ensure that appointing authorities, department heads, managers and supervisory personnel are held accountable for affirmative action goals by administratively supporting affirmative action to meet employment, training and promotional objectives.

Responsibility for the coordination of the City's Affirmative Action Program has been delegated to the Director of Human Resources and the EEO/AA Officer. Inquiries concerning the application of these regulations and our grievance procedures for resolution of complaints alleging discrimination may be referred to the Director of Human Resources at 207-874-8624 (voice) or the EEO/Affirmative Action Officer at 389 Congress Street, Portland, ME 04101, Telephone (207) 874-8689 (Voice) or (207) 874-8936 (TDD).

All departments and all personnel are responsible for implementing and following this Plan within the scope of their individual job responsibilities. The achievement of applicable affirmative action goals is the professional responsibility of each Department Head and manager.

VII. DISSEMINATION OF PLAN

The text of this Plan and information about applicable Affirmative Action goals will be distributed to all Department Heads for discussion and dissemination to their appropriate departmental staff. Representatives of the bargaining units will also receive the text of the Plan. A copy of the Plan will be placed in the Portland Public Library. It will also be provided to interested

persons upon request for a reasonable copying fee.

The City of Portland will take the following specific steps to ensure the dissemination of its Affirmative Action Plan.

1. Internal Dissemination:

- a) A copy of this Affirmative Action Plan will be available at the City Manager's Office, the Human Resources Department and within each department for review by all employees, along with a statement with the name of the EEO/AA Officer and information on how to contact that person;
- b) Human Resources and the EEO/AA Officer will hold periodic meetings with all department heads, and management and supervisory personnel to explain the intent of the policy and to clarify individual responsibilities necessary for the effective implementation of the policy;
- c) The City's Affirmative Action Plan will be discussed in new employee orientation sessions and management training programs;
- d) Human Resources will conduct periodic meetings with union officials to discuss the EEO/AA policies and encourage their continued cooperation with the City's goals. A nondiscrimination clause is contained in all labor agreements; and

2. External Dissemination:

- a) The Affirmative Action Plan shall be made available to the public upon request to either the City's Office of EEO/Affirmative Action or Human Resources Department;

- b) The Affirmative Action Plan will be disseminated externally to individuals and organizations that address the needs of minorities and women in particular, related interest group organizations and community agencies, and secondary schools and colleges. These individuals and groups will be encouraged to refer qualified applicants for open City positions;
- c) All advertising for employment or other communications in regard to recruitment, jobs, interviews and employment will contain the phrase "The City of Portland is strongly committed to diversity in its work force. Women and minorities are encouraged to apply. We are an Affirmative Action/Equal Employment Opportunity Employer"; and
- d) City employment applications will include a statement that the City is an equal opportunity/affirmative action employer.

VIII. RECRUITMENT

The foundation of any Affirmative Action employment plan is successful recruitment of qualified women and minority applicants for City positions. Without effective recruitment efforts, the City's effort to create a diverse work force which reflects our community cannot succeed.

While recruitment efforts will be made in every department, they will be particularly emphasized in the area of Police and Fire where hiring is done through a uniform Civil Service process, and for other non-civil service positions in which women and minorities are under-represented as shown by our Utilization Analysis. General recruitment efforts will include the following:

1. The EEO/AA Officer will develop a recruitment program to assist departments in

identifying and recruiting protected group members;

2. The EEO/AA Officer, Human Resources and City Departments will participate in "career days" or "job fairs" when deemed appropriate depending on the level and number of positions available at the time;

3. The EEO/AA Officer will develop a minority and women employment data bank to seek out qualified individuals and encourage them to apply for City positions;

4. Community leaders will be encouraged to refer candidates and submit suggestions on how best to do outreach in their respective communities. Current employees will also be encouraged to refer applicants for City positions;

5. The EEO/AA Officer will conduct on-going community outreach efforts, including but not limited to conducting community based applicant meetings to be held in locations familiar to women and minorities not currently in the work force, such as the Refugee Resettlement Program, YWCA, Portland Public Library, Adult Based Education Office (ABLE), PROP and other appropriate sites. The EEO/AA Officer will contact organizations specifically concerned with employment opportunities for women and minorities and with employment offices at educational institutions with significant minority or female enrollment. Information on City openings, filling out applications, and the City hiring process will be provided to these community agencies and organizations. In addition the EEO/AA Officer will maintain current copies of the appropriate national recruitment directories in order to target specific individuals and/or organizations for those positions that require a national search;

6. In appropriate cases, the City will advertise in newspapers and other media sources

which have a significant minority or female subscription/audience;

7. All open positions will be posted in the City's Human Resources Department, EEO/AA Office, Treasury, City Clerk's Office, City website and other departments or areas with high public interaction for maximum exposure of available employment opportunities;

8. Human Resources and the EEO/AA Officer will work with the Police and Fire Departments on advertising and conducting a pre-test information night, with an emphasis on improving the opportunities of women and minority candidates interested in public safety employment; and

9. Human Resources will periodically review union contracts, personnel policies and the Civil Service Ordinance and Rules to ensure equal access of all women and minorities to employment, training and job assignments.

IX. HIRING PROCESS

The hiring process will be carried out through Departmental personnel, with guidance and assistance from Human Resources and the EEO/AA Officer. The City Manager will approve all permanent hiring decisions before they are final, unless he or she delegates that authority to the Director of Human Resources. The Department Head will sign off on all temporary or seasonal hires. Voluntary self-identification will also be used for temporary or seasonal hires. The City Manager reserves the right to review any hiring decision and is the final City decision-maker for all hiring.

The steps in the hiring process are outlined in detail in Appendix C. The priorities are to have a diverse hiring committee, and to expand the pool of applicants interviewed who are identified as a female or minority applicant for any position which is underrepresented in either or both of

those groups.

1. The Department sends Human Resources a transaction form with the Authority to Hire section completed. Human Resources will send a copy of the Authority to Hire to the EEO/AA Director as advance notice of vacancies that will be advertised in the next several weeks so that they may be raised at appropriate meetings or sent to our recruitment resources;
2. The Department will refer to the Utilization Analysis to see if their vacancy falls within an EEO category where under-representation of minorities or women exists. If under-representation exists, the Department will contact the EEO/Affirmative Action Officer and discuss special outreach efforts that can be jointly made. The Department will communicate their special recruitment efforts with Human Resources before Human Resources begins advertising;
3. The Department will review non-union job descriptions before the recruitment process begins. Essential job duties need to be included and the requirements of work need to be analyzed to guarantee that they are not unnecessarily specialized, which adversely impacts the size of the qualified pool of applicants. Human Resources and the hiring Department will agree on the revised job description before recruitment begins. Union-covered position descriptions which have a significant change in job duties should also be reviewed in the same manner;
4. The Department will submit selection criteria to Human Resources along with any revisions to the job descriptions prior to recruitment. Human Resources will review the criteria and descriptions and provide any comments to the Department, if necessary;

5. Applicants may apply via regular or electronic mail, telefax or in person in Human Resources or submit an application through the EEO/Affirmative Action Officer. As applicants apply for an advertised vacancy, Human Resources will ask women and minorities to voluntarily identify themselves. All applications will be kept in Human Resources until after the closing date for applications;
6. Applications will be sent to Departments without any voluntary identifications. Departments will review applications against selection criteria and categorize the applications as Yes for interview, Maybe, or No, based upon the selection criteria. The Department will then call Human Resources and ask if there are women or minority applicants in the Maybe category. Women or minority applicants in the Maybe category will be added to the Yes category for interviews even if the number of interviews is increased substantially;
7. The EEO/AA Officer may participate in or observe any interview process he/she elects to review;
8. Interview questions will be developed by the Department and/or the interview panel. In appropriate cases, questions addressing the applicants' experience in working in an inclusive and multicultural work environment and/or experience in living in and serving diverse communities may be included;
9. The Department will select an interview panel that is as diverse as possible (age, gender, race, education level) and knowledgeable about the vacancy. External members of interview panels are encouraged, particularly for positions at a mid-management level or above. The panel will recommend the candidate who best meets the needs of the

organization based upon resume, interview(s), reference check, any specialized training, and the City's Affirmative Action goals;

10. The Department will send a hiring recommendation to Human Resources. The recommendation will include a Memorandum which provides a record of the number of persons who applied, the persons interviewed, the questions asked of all applicants, the selection criteria for the position and the reasons for the recommendation as to both the person hired and those not hired. Human Resources will approve the request or request a meeting with the Department in the event of questions. The EEO/AA Officer may participate in this meeting or may request such a meeting involving Human Resources and a Department. The City Manager will be the final approval for any hiring recommendation, unless delegated to the Director of Human Resources; and

11. When choosing among applicants with comparable qualifications, the hiring committee is expected to give special consideration to qualified women and minority candidates for positions which have been identified as being in a category in which women or minorities are under-utilized.

Human Resources will keep a record of persons interviewed, accepted, or refused for each new hire and promotion showing sex or minority group status (if such is known). The Director of Human Resources and the EEO/AA Officer will regularly review hiring processes and related documents to assure that they follow established guidelines as stated in this document and other City policy.

X. TRAINING

Training of employees at all levels of the City organization is critical to the success of this

Affirmative Action Plan. Training will utilize both internal and external resources and will focus upon "training of trainers", i.e. developing in-house personnel to do additional training throughout the organization. Initial training will be done with Department and Division Heads, managers who regularly hire City employees, and Principal Administrative Officers in the Departments. This training will focus upon the Affirmative Action Plan, its purposes, and the process for its implementation. Future training will focus upon Diversity Awareness training for all employees. Training will be done through Human Resources in coordination with the EEO/AA Officer.

Training in the initial phases will include the following:

1. Training regarding this Affirmative Action Plan and use of the Utilization Analysis in determining positions which are under-represented as to women and/or minorities;
2. Training in review of job descriptions to determine essential job functions and ensure that requirements are objective and job related; and
3. Training in hiring processes, e.g. development of selection criteria and selection of persons for interviews; development of questions and permissible areas of inquiry; and interviewing techniques. Training will also be included in the identification of EEO/AA issues which arise in the workforce and in related issues, including reasonable accommodation of disabilities (ADA) and limited English proficiency (Title VI) issues.

XI. COMPLAINT RESOLUTION

The City of Portland is committed to protecting the rights of each individual in our organization. Each employee has the right to fair, prompt, and impartial consideration of all complaints related to equal opportunity in employment. The City encourages employees to bring internal complaints so that the City can work to resolve legitimate discrimination related issues

which arise in our work force. In order to provide assurance of fair and equitable treatment, employees may choose from a variety of procedures to pursue a claim.

An employee who believes he/she has been discriminated against may bring that concern to the Department supervisor, Principal Administrative Officer, Division Head, Department Head or Union steward, if a union represented position. In addition, any employee may contact Human Resources or the EEO/AA Officer in regard to such issues. Many issues can be resolved by Human Resources and/or the EEO/AA Office through an informal procedure and discussion. If not so resolved, the employee may file a formal complaint with the City, which must be filed within thirty (30) days of when the alleged discrimination occurred or when the employee first knew of such discrimination, even if informal procedures are still taking place. Once a formal complaint has been filed by the employee, the following procedures will be used to process that complaint:

1. In the case of non-Union employees, the grievance procedure in Personnel Policies will be followed; and
2. In the case of Union employees, the grievance procedure of their collective bargaining agreement will be followed, provided that only those complaints which are covered by the terms of the collective bargaining agreement may be appealed to arbitration. The City Manager's decision in regard to all other complaints will be final.

Applicants for employment may file an informal or formal complaint with the Director of Human Resources or the EEO/AA Officer. The Director of Human Resources will make the initial determination as to the complaint, and the applicant may appeal that determination to the City Manager. The City Manager's decision will be final.

In addition to the above-described internal procedures, any employee or applicant for

employment may contact the Maine Human Rights Commission at (207) 624-6050, Fax: (207) 624-6063; TDD: (207) 624-6064, if they believe they have been illegally discriminated against by the City in their employment or application for employment.

XII. INTERNAL AUDIT AND REPORTING SYSTEMS

The Human Resources Department is responsible for maintaining records, reports, and documents relating to recruitment and hiring in order to comply with State and Federal recordkeeping requirements as well to evaluate the City's progress in reaching its Affirmative Action goals.

The City of Portland believes that one of the most important elements in effectively implementing its EEO/AA policies is maintaining an adequate system of self-inspection and record keeping. Through such a system, personnel activity can be analyzed, and progress towards the achievement of goals and objectives can be measured. For this purpose, the organization has established the following internal procedures:

1. Records are maintained for each job title, by job group and by organizational unit, by race including minority subgroup (when known), and by sex, for all applicants, offers to hire, hires, transfers, promotions, and terminations;
2. Reports of these activities are compiled on a regular basis to assess the progress made toward established goals and objectives for departmental units and job groups;
3. Human Resources and the EEO/AA Officer periodically review the progress reports with appropriate department staff to determine the success of City recruitment efforts in meeting the City's Affirmative Action goals; and
4. Human Resources and the EEO/AA Officer advise the City Manager and department

heads of the effectiveness of the Affirmative Action Plan, and recommend changes to improve its effectiveness.

XIII. UTILIZATION ANALYSIS

A Utilization Analysis will be conducted annually in order to identify areas of under-representation for the purpose of setting forth goals and time tables designed to recruit, hire, train, and promote women and minority group members so that such employees are fairly represented in the work force. City job classifications will be grouped using the Equal Employment Opportunity Commission "Job Categories" in the Utilization Analysis. The Utilization Analysis will then be done comparing the City's actual employment of women and minorities to that which would be expected based upon availability in the labor market and upon an internal City "feeder" group, if appropriate. (The City "feeder" group would be the EEOC Job Category or Categories from which promotions have historically been made for a particular vacancy).

The numerical goals in the Utilization Analysis have been established in an effort to increase the number of women and minorities in job groups where they are not adequately represented relative to both external and internal labor force availability. The goals established in the plan are based upon the expected percentage of women and minorities in Maine's labor force and/or the City's workforce who possess the relevant qualifications for the respective positions. The City will actively pursue these affirmative action goals until women and minorities are represented in our workforce consistent with labor force availability. For these under-represented positions, race or gender may be a factor in the hiring decisions when done pursuant to this Plan to remedy such under-representation and to meet the City's compelling interest in having a workforce which better reflects its community and its available labor force. Such consideration is not intended to affect the

rights of other employees who are not in protected classes or create an absolute bar to their advancement and such consideration is to be temporary until the City's goals have been substantially met.

XIV. RELATED POLICIES

In addition to this Affirmative Action Policy, the City has several related policies in effect, including:

1. Nondiscrimination Employment Handbook and a statement of the City's Nondiscrimination/Equal Employment policy;
2. Policy against Harassment;
3. Minority/Disadvantaged Business Enterprise Policy for Federal Contractors
4. Policy against Discrimination in Programs and Services; and
5. Limited English Proficiency Policy.

APPENDIX A

DEFINITIONS OF RACIAL/ETHNIC GROUPS

AMERICAN INDIAN OR ALASKAN NATIVE:

A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

ASIAN OR PACIFIC ISLANDER:

A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Indian, Japan, Korea, the Philippines Island, and Samoa.

BLACK:

A person having origins in any of the black racial groups of Africa who is not of Hispanic origin.

HISPANIC:

A person of Mexican, Puerto Rican, Cuban, South American, or other Spanish culture or origin, regardless of race.

WHITE:

A person having origins in any of the peoples of Europe, North America, or the Middle East who is not of Hispanic origin.

**APPENDIX B
UTILIZATION ANALYSIS**

I. Overview

This Utilization Analysis provides statistical information for the City’s Affirmative Action Plan. It compares the City’s work force in regard to minority and female employees with the availability of these two groups in the area labor force. In addition, the City has historically made some promotions from within its own work force, and an adjustment is made to reflect that in-house “labor force” as part of the labor force availability. (1)

According to the year 2000 Equal Employment Opportunity (EEO) Residence data for the Portland, Maine Metropolitan Statistical Area (Attachment A), the civilian labor force (2) is composed of 3.7% minority individuals, and 48.6% females. The 2000 data further breaks down the availability of minority and female employees in the civilian labor force by EEOC categories. This 2000 EEO data in Attachment A is the basis for this Utilization Analysis.

II. Summary of Results

The following summarizes the results of the Utilization Analysis based upon the City’s workforce on October 4, 2005:

A. City-wide analysis based on total civilian labor force:

Hiring Goal	
<u>Minority</u>	<u>Female</u>
At or above goal	119

1 It is important to note that this analysis necessarily represents a “snapshot in time” both as to City employment and as to the area civilian labor force. The Utilization Analysis is intended only to provide guidance; it is not to be interpreted in any way as setting “quotas” for minority and female employment.

2 An explanation of what constitutes the “civilian labor force” is in Attachment D.

B. City-wide analysis based on EEOC occupational categories:³

	Hiring Goal	
	<u>Minority</u>	<u>Female</u>
Officials and Managers	1	12
Professionals	*	*
Technicians	*	14
Protective Services (Sworn)		
Entry Level	*	*
Promotions	1	6
Protective Services (Non-Sworn)	*	11
Administrative Support	*	*
Skilled Craft Workers	1	4
Service Maintenance	*	*

* City is at or above goal.

III. Methodolgy

As noted above, this Utilization Analysis is based upon the following established EEOC categories:

- 01 Officials and Managers
- 02 Professionals
- 03 Technicians
- 04 Protective Service Workers: Sworn
- 05 Protective Service Workers: Non-Sworn
- 06 Administrative Support
- 07 Skilled Craft Workers
- 08 Service Maintenance

The City's job classifications were divided among these EEOC occupational categories using the EEOC definitions (City classification/position breakdown by EEOC category is Attachment B).

The City then took the EEO Residence Data Results for Portland, Maine MSA (Attachment C) from

³ The total civilian labor force figures are not broken down by EEOC categories, and the City's labor force does not include all of the job categories in the total civilian labor force, hence, the City's underutilization per EEOC categories differs from the overall numbers for the total labor force.

the 2000 Census figures. These represent the Portland metropolitan labor force availability of the minority groups and females for each of the above occupational categories. The percent of the labor force which is white/non-hispanic persons was subtracted from 100%, leaving a total figure for the percent of labor force which represents the minority group availability in the labor force. The census data includes the male/female percentages for each occupational category. An estimate was then made as to how many hires were likely to come from the outside labor force, versus how many hires were likely to come from an identified in-house City “feeder” group for that category. Thus, for example, in the case of Officials and Managers, it was estimated that approximately 80% of any new hires would come from the general labor force (“labor force availability”), while approximately 20% would come from the City’s Professionals occupational group (“feeder group availability”).

The following calculations were then done to establish the goals for the Officials and Managers:

A. Labor Force Availability

1. $100 - 97.8 = 2.2\%$ minority labor force (See Attachment C)
2. Multiply this percent (2.2%) by the percent of persons likely to be hired from the labor force (80%) = 1.8% availability from labor force
3. Multiply this percent (1.8%) by the number of employees in the Officials and Managers category (58) = 1.04 (minimum goal of minority employees to be hired from the labor force for this category).

B. Feeder Group Availability - Professionals

1. Divide the number of minorities in the feeder group (10) by the total number of employees in the feeder group (188) = .053
2. Multiply this percent (6%) by the percent of persons likely to be hired from the feeder group (20%) = 1.2% feeder group availability.
3. Multiply this percent (1.2%) by the number of employees in the Officials and Managers category (58) = .70 (minimum goal of minority employees to be hired from the feeder group for this category).

C. Total

1. Add the number obtained under A.3 (1.04) and B.3 (.70) together: 1.74 rounded to 2.
2. This establishes a goal of 2 for minority employees in the Officials and Managers occupational category, based upon 80% hiring from the labor force and 20% hiring from a feeder group.

The above methodology was applied to each of the occupational categories, both for minorities and for male/female affirmative action goals, and compared to the City's actual minority and female employees in that occupational group. The split between the outside labor force and in-house feeder group hiring was modified when appropriate to reflect historical hiring patterns, varying from 80/20 to 100% labor force availability.

Sworn Public Safety positions (Police and Fire) were also divided between entry level positions and promotional positions; Police and Fire entry level employees are all hired from the outside labor force, while Police and Fire promotional positions are always hired in-house from entry level positions.

The details of the Utilization Analysis are attached. This updated Utilization Analysis is incorporated into the City's Affirmative Action Plan.

CITY WIDE STATISTICS
(Based upon Total Civilian Labor Force for Portland, Maine MSA)

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	53*	71	At or above goal
Female	693*	574	119

The Minority calculation is based upon 3.7% minority population in the civilian labor force; the Female calculation is based upon 48.6% female population in the civilian labor force. The City's total work force is 1,425 employees, as of October 4, 2005.

The total civilian labor force and the City's labor force compare as follows on a percentage basis:

	Civilian Labor Force	City Labor Force
Minority	3.7%	4.98%
Female	48.6%	40.28%

* These numbers are based upon the following calculations: $.037 \times 1,425 = 53$ and $.486 \times 1,425 = 693$

O1 OFFICIALS AND MANAGERS

Total Number of Employees Currently in Category: 58

Feeder Group: 02 - Professionals – 188 employees

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	2	1	1
Female	27	15	12

Calculation of Minority Goal

1. Labor Force availability: 80%
 - a. Percent of minorities in labor force: 2.2% ($100 - 97.8 = 2.2$)
 - b. Availability for hire from labor force: 1.8% ($.022 \times .80 = .018$)
 - c. Goal for hire from labor force: 1 person ($.018 \times 58 = 1.04$)
2. Feeder Group (Professionals) availability: 20%
 - a. Percent of minorities in feeder group: 6% ($10 \div 188 = .55$)
 - b. Availability for hire from feeder group: 1.2% ($.05 \times .20 = .012$)
 - c. Goal for hire from feeder group: 1 person ($.01 \times 58 = .58$)
3. Total: 2 minority goal ($1.08 + .58 = 1.66$)

Calculation of Female/Male Goal

1. Labor Force availability: 80%
 - a. Percent of females in labor force: 41.6%
 - b. Availability for hire from labor force: 33.3% ($.416 \times .80 = .333$)
 - c. Goal for hire from labor force: 19 persons ($.33 \times 58 = 19.1$)
2. Feeder Group (Professionals) availability: 20%
 - a. Percent of females in feeder group: 66% ($121 \div 188 = .64$)
 - b. Availability for hire from feeder group: 13% ($.64 \times .20 = .128$)
 - c. Goal for hire from feeder group: 8 persons ($.13 \times 58 = 7.54$)
3. Total: 27 female goal ($19 + 8 = 27$)

02 PROFESSIONALS

Total Number of Employees in Category: 188

Feeder Group: 06 - Administrative Support – 235 employees

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	7	10	At or above goal
Female	107	121	At or above goal

Calculation of Minority Goal

1. Labor Force availability: 95%
 - a. Percent of minorities in labor force: 3.3% ($100 - 96.7 = 3.3$)
 - b. Availability for hire from labor force: 3.3% ($.033 \times .95 = .031$)
 - c. Goal for hire from labor force: 6 persons ($.031 \times 188 = 5.8$)
2. Feeder Group (Admin. Support availability): 5%
 - a. Percent of minorities in feeder group: 7% ($19 \div 235 = .081$)
 - b. Availability for hire from feeder group: .4% ($.08 \times .05 = .004$)
 - c. Goal for hire from feeder group: 1 person ($.004 \times 188 = .75$)
3. Total: 7 minority goal ($6 + 1 = 7$)

Calculation of Female/Male Goal

1. Labor Force availability: 95%
 - a. Percent of females in labor force: 55.3%
 - b. Availability for hire from labor force: 52.5% ($.553 \times .95 = .525$)
 - c. Goal for hire from labor force: 99 persons ($.525 \times 188 = 98.7$)
2. Feeder Group (Admin. Support availability): 5%
 - a. Percent of females in feeder group: 75% ($177 \div 235 = .75$)
 - b. Availability for hire from feeder group: 4% ($.75 \times .05 = .037$)
 - c. Goal for hire from feeder group: 8 persons ($.04 \times 188 = 7.52$)
3. Total: 107 female goal ($99 + 8 = 107$)

03 TECHNICIANS

Total Number of Employees in Category: 86

Feeder Group: 08 - Service Maintenance – 400 employees

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	3	5	At or above goal
Female	52	38	14

Calculation of Minority Goal

1. Labor Force availability: 95%
 - a. Percent of minorities in labor force: 3.4% ($100 - 96.6 = 3.4$)
 - b. Availability for hire from labor force: 3.2% ($.034 \times .95 = .032$)
 - c. Goal for hire from labor force: 3 persons ($.032 \times 86 = 2.75$)
2. Feeder Group (Service Maintenance) availability: 5%
 - a. Percent of minorities in feeder group: 8% ($30 \div 400 = .075$)
 - b. Availability for hire from feeder group: .4% ($.08 \times .05 = .004$)
 - c. Goal for hire from feeder group: 0 ($.004 \times 86 = .34$)
3. Total: 3 minority goal ($3 + 0 = 0$)

Calculation of Female/Male Goal

1. Labor Force availability: 95%
 - a. Percent of females in labor force: 60.7%
 - b. Availability for hire from labor force: 58% ($.607 \times .95 = .577$)
 - c. Goal for hire from labor force: 50 persons ($.58 \times 86 = 49.8$)
2. Feeder Group (Service Maintenance) availability: 5%
 - a. Percent of females in feeder group: 44% ($176 \div 400 = .44$)
 - b. Availability for hire from feeder group: 2% ($.44 \times .05 = .022$)
 - c. Goal for hire from feeder group: 2 persons ($.02 \times 86 = 1.7$)
3. Total: 52 female goal ($49 + 2 = 51$)

04 PROTECTIVE SERVICES - SWORN (Entry Level Only)

Number of Employees in Group: 266 (Sworn Positions)

No Feeder Group

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	2	3	At or above goal
Female	21	23	At or above goal

(Note: there are 266 entry level positions and 117 promotional positions⁴ out of 383 sworn positions. Entry level positions are virtually 100% outside hires, while promotional positions are always in-house hires. Because of this difference between entry and promotional positions, we have calculated each separately for Protective Services).

Calculation of Minority Goal – Entry Level

1. Labor Force availability: 100%
 - a. Percent of minorities in labor force: .7%
 - b. Availability for hire from labor force: $.007 \times 266 = 1.86$
 - c. Goal for hire from labor force (entry): 2 minority goal

Calculation of Female/Male Goal – Entry Level

1. Labor Force availability: 100%
 - a. Percent of females in labor force: 7.8%
 - b. Availability for hire from labor force: $.078 \times 266 = 20.7$
 - c. Goal for hire from labor force: 21 female goal

⁴ Assignments which may be filled by persons in entry level positions, but not until after they have been with the department for a period of time, have been counted as promotional positions, e.g. police detectives; fire training and prevention officers.

04 PROTECTIVE SERVICES - SWORN (Promotional Level Only)

Number of Employees in Group: 117 (Sworn Promotional Positions)

Feeder Group: Entry Level Sworn Positions – 266 Employees

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	1	0 (below goal)	1
Female	11	5 (below goal)	6

Calculation of Minority Goal – Promotional Level

1. Feeder Group Availability (Entry Level): 100%
 - a. Percent of minorities in feeder group: 1% ($3 \div 266 = .01$)
 - b. Availability for hire from feeder group: $.01 \times 117 = 1.17$
 - c. Goal for hire from labor force (entry): 1 minority goal

Calculation of Female/Male Goal – Promotional Level

1. Feeder Group Availability (Entry Level): 100%
 - a. Percent of females in feeder group: 8% ($23 \div 266 = .086$)
 - b. Availability for hire from feeder group: $.09 \times 117 = 10.53$
 - c. Goal for hire from feeder group: 11 female goal

O5 PROTECTIVE SERVICES – NON-SWORN

Total Number of Employees in Group: 47

No Feeder Group

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	3	3	At or above goal
Female	29	18	11

Calculation of Minority Goal – Entry Level

1. Labor Force availability: 100%
 - a. Percent of minorities in labor force: 6.2%
 - b. Availability for hire from labor force: $.062 \times 47 = 2.91$
 - c. Goal for hire from labor force (entry): 3 minority goal

Calculation of Female/Male Goal – Entry Level

1. Labor Force availability: 100%
 - a. Percent of females in labor force: 62.5%
 - b. Availability for hire from labor force: $.625 \times 47 = 29.37$
 - c. Goal for hire from labor force: 29 female goal

**06 ADMINISTRATIVE SUPPORT
(Formerly Office and Clerical)**

Total Number of Employees in Group: 235

No Feeder Group

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	7	19	At or above goal
Female	154	177	At or above goal

Calculation of Minority Goal

1. Labor Force availability: 100%
 - a. Percent of minorities in labor force: 3.1%
 - b. Availability for hire from labor force: $.031 \times 235 = 7.285$
 - c. Goal for hire from labor force: 7 minority goal

Calculation of Female/Male Goal

1. Labor Force availability: 100%
 - a. Percent of females in labor force: 65.7
 - b. Availability for hire from labor force: $.657 \times 235 = 154.4$
 - c. Goal for hire from labor force: 154 female goal

07 SKILLED CRAFT

Total Number of Employees in Group: 28

Feeder Group: 08 - Service Maintenance – 400 Employees

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	1	0	1
Female	5	1	4

Calculation of Minority Goal

1. Labor Force availability: 80%
 - a. Percent of minorities in labor force: 4.2% ($100 - 95.8 = 4.2$)
 - b. Availability for hire from labor force: 3.4% ($.042 \times .80 = .034$)
 - c. Goal for hire from labor force: 1 person ($.034 \times 30 = 1.02$)

2. Feeder Group (Service Maintenance) availability: 20%
 - a. Percent of minorities in feeder group: 7% ($30 \div 400 = .075$)
 - b. Availability for hire from feeder group: 1.6% ($.08 \times .20 = .016$)
 - c. Goal for hire from feeder group: 0 ($.016 \times 28 = .45$)

3. Total: 1 minority goal ($1 + 0 = 1$)

Calculation of Female/Male Goal

1. Labor Force availability: 80%
 - a. Percent of females in labor force: 6.8%
 - b. Availability for hire from labor force: 5.4% ($.068 \times .80 = .054$)
 - c. Goal for hire from labor force: 2 persons ($.054 \times 28 = 1.5$)

2. Feeder Group (Service Maintenance) availability: 20%
 - a. Percent of females in feeder group: 43% ($176 \div 400 = .44$)
 - b. Availability for hire from feeder group: 9% ($.44 \times .20 = .09$)
 - c. Goal for hire from feeder group: 3 persons ($.09 \times 28 = 2.52$)

3. Total: 5 female goal ($2 + 3 = 5$)

08 SERVICE MAINTENANCE

Total Number of Employees in Group: 400

No Feeder Group

	Affirmative Action Goal	Current Employees	Hiring Goal
Minority	23	30	At or above goal
Female	175	176	At or above goal

Calculation of Minority Goal

1. Labor Force availability: 100%
 - a. Percent of minorities in labor force: 5.7% ($100 - 94.3 = 5.7$)
 - b. Availability for hire from labor force: $.057 \times 400 = 22.8$
 - c. Goal for hire from labor force: 23 minority goal

Calculation of Female/Male Goal

1. Labor Force availability: 100%
 - a. Percent of females in labor force: 43.7%
 - b. Availability for hire from labor force: $.437 \times 400 = 174.8$
 - c. Goal for hire from labor force: 175 female

LIST OF ATTACHMENTS TO UTILIZATION ANALYSIS

Attachment A: Census 2000 EEO Residence Data Results for Portland, ME MSA (Overall)

Attachment B: City of Portland EEO Report (City Positions by Occupational Categories)

Attachment C: Census 2000 EEO Residence Data Results for Portland, ME MSA (by Occupational Categories)

Attachment D: Civilian Labor Force and Unemployment: Definitions