

ST. LAWRENCE COUNTY INDUSTRIAL DEVELOPMENT AGENCY
 Governance Committee: June 19, 2012 (Adopted)
 Governance Committee: August 25, 2017 (Revised)
 Resolution No. 17-09-24
 September 29, 2017

AUTHORIZING AMENDMENTS TO THE AFFIRMATIVE ACTION PLAN

WHEREAS, it is the policy of the St. Lawrence County Industrial Development Agency to provide equal employment opportunity to all people without regard to race, color, creed, military status, genetic predisposition or carrier status, marital status, sex or sexual orientation, religion, age, national origin, disability or Vietnam Era Veteran status, and

WHEREAS, the St. Lawrence County Industrial Development Agency wishes to provide an expanded and clarified policy for its current and future employees and for all jobs within the St. Lawrence County Industrial Development Agency, and

NOW, THEREFORE, BE IT RESOLVED that the St. Lawrence County Industrial Development Agency authorizes the amendments to the attached Affirmative Action Plan.

Move:	Blevins			
Second:	Hall			
VOTE	AYE	NAY	ABSTAIN	ABSENT
Blevins	X			
Hall	X			
LaBaff	X			
McMahon				X
Hooper	X			
Staples	X			
Weekes				X

I HEREBY CERTIFY that I have compared this copy of this Resolution with the original record in this office, and that the same is a correct transcript thereof and of the whole of said original record.

Lori Sibley
September 29, 2017

Policy Guidance:
Affirmative Action Plan

1. Affirmative Action Policy Statement

It is the policy of the St. Lawrence County Industrial Development Agency (the "SLCIDA") to provide equal employment opportunity to all people without regard to race, color, creed, military status, genetic predisposition or carrier status, marital status, sex or sexual orientation, religion, age, national origin, disability, or Vietnam Era Veteran status. As Chairman of the St. Lawrence County Industrial Development Agency, I am personally committed to assuring that the SLCIDA will act affirmatively to develop avenues of entry and mobility for protected group members through the following activities:

- Development of programmatic approaches to the elimination of any unjust exclusionary employment practices, policies and consequences
- Development of educational and training programs for all employees, with due emphasis on our goal of providing advancement opportunities for protected group members; and
- Development of mechanisms for swift and judicious resolution of problems of human rights discrimination consistent with our policy, the Governor's executive orders and other applicable legal statutes

To effectuate this policy, we have designed a plan, which conforms to all relevant Federal and State non-discrimination and affirmative action regulations and further includes our policy on the Americans with Disabilities Act. It applies equally to all jobs within the SLCIDA. It governs all of our employment policies, practices and actions including but not necessarily limited to: recruitment, employment, disciplinary actions, rate of pay, or other compensation, advancement, reclassification, reallocation, promotion, demotion, and all employee benefits. Reasonable accommodations will be made for individuals having disabilities.

To assist me in this responsibility, I shall appoint the Administrative Services Coordinator as the SLCIDA's Affirmative Action Officer, who shall be responsible for the day-to-day implementation of necessary programs and policies as outlined in the Affirmative Action Plan. I will see that sufficient resources necessary for the execution of the program responsibilities will be provided.

The mission of SLCIDA is to ensure the fulfillment of our policy to provide equal employment opportunity for all - the right of every person to be employed and to advance on the basis of merit, ability, and potential. Affirmative action considerations will be an integral part of all SLCIDA activities performed in the furtherance of our mission and in meeting our responsibilities to the County's citizens.

The SLCIDA will take positive action to ensure equal opportunity in the conduct of all its business activities without regard to race, color, creed, military status, genetic predisposition or carrier status, marital status, religion, national origin, age, sex or sexual orientation, disability or Vietnam era status.

The activities will include advertising, recruitment, interviewing, testing, employment, training, transfers, compensation, promotion, termination, employee benefits, supplier relations, and the maintenance of all St. Lawrence County IDA facilities on a non-segregated basis.

The SLCIDA will employ all necessary procedures to ensure that this policy continues to be fully supported and expects that all employees and board members, in all activities, undertake a personal commitment to assure themselves that the principles of equal opportunity are fully implemented in every action they take.

Signed By:

Brian W. Staples, Chairman /
St. Lawrence County Industrial Development Agency

Date:

9/29, 2017

Policy Guidance:
Affirmative Action Plan

2. Dissemination of Policy and Plan

The St. Lawrence County Industrial Development Agency will disseminate its Affirmative Action/ Equal Employment Opportunity Plan (the “Plan”) as follows:

- A Master Copy of the Plan shall be maintained and available for inspection in the office of the St. Lawrence County Industrial Development Agency Affirmative Action Officer.
- A copy of the Affirmative Action Statement shall be posted on the bulletin board of the SLCIDA maintained specifically for such documents.
- The Affirmative Action Statement shall be maintained on the SLCIDA.com website.
- All SLCIDA employees shall receive a copy of the Affirmative Action Statement, which shall include directions regarding accessing Affirmative Action Plan detailed documents.
- The SLCIDA shall, wherever applicable, indicate that the SLCIDA is an Equal Opportunity / Affirmative Action Employer.

<p>Policy Guidance: Affirmative Action Plan</p>

3. Implementation Responsibilities

Chairman, St. Lawrence County Industrial Development Agency

Consistent with applicable laws, rule and regulations, ultimate responsibility for the achievement of equal opportunity through the St. Lawrence County Industrial Development Agency (the “SLCIDA”) Affirmative Action Plan lies with the Chairman of the St. Lawrence County Industrial Development Agency.

Affirmative Action Officer

The Affirmative Action Officer directs the daily administration of the SLCIDA Affirmative Action Plan. It shall be Affirmative Action Officer’s responsibility to create, maintain and update dialog with the SLCIDA Chairman and SLCIDA Chief Executive Officer on all critical issues.

The SLCIDA’s Administrative Services Coordinator shall act in the capacity of the Affirmative Action Officer. The Affirmative Action Officer shall serve in a non-compensatory capacity.

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

- Direct the development and implementation of policies and procedures necessary to comply with the Affirmative Action Plan.
- Develop an internal discrimination complaint procedure.
- Inform complainants of their rights and external avenues of redress.
- Investigate and attempt to resolve complaints of discrimination by employees and applicants who are members of protected classes.
- Monitor the effectiveness of SLCIDA’s Affirmative Action Plan through the compilation of Federal EEO-4 Reporting requirements, among others things.
- Conduct an annual review of the SLCIDA’s Affirmative Action Plan; recommend and implement revisions and directives, when necessary based in laws, rules, regulations and court decisions impacting the SLCIDA’s Affirmative Action Plan; and disseminate the information to SLCIDA employees.
- Develop, conduct and participate in Affirmative Action training programs, and participate in conferences, meetings, forums, etc. concerned with Affirmative Action, Equal Employment Opportunity
- Assure the provision of reasonable accommodation to all known qualified disabled applicants and employees.
- Maintain all personnel records in a manner consistent with applicable laws and regulations, as well as the requirements of the Affirmative Action Plan.
- Review, as needed, benefit packages, leave policies, training and career development and other employment practices to ensure that all such practices conform with current legal and regulatory requirements, and the SLCIDA’s Affirmative Action Plan.
- Ensure all employees have equal access to all employment and training opportunities available.

Policy Guidance:
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4. Vietnam Era Veterans

Policy Statement:

Vietnam Era Veterans are a protected class and are due the same considerations as the other protected classes under the SLCIDA's Affirmative Action Plan. Therefore, all policies and procedures outlined in this plan apply to Vietnam Era Veterans, as well as to the other protected classes.

SLCIDA will take affirmative action to employ and advance in employment disabled veterans and veterans of the Vietnam era. Such action applies to employment practices, including but not limited to, the following: Hiring, promotion, demotion, transfer, recruitment or recruitment advertising, rates of pay or other forms of compensation, as well as selection for training.

Reasonable accommodation will be made for physical and mental impairment of disabled veterans (See Exhibit A: "Accommodation Request Form").

Definitions

For the purpose of compliance with this plan, a Vietnam Era Veteran is considered to be: Any person who served on active duty, in the Armed Forces of the United States, or any part of which occurred between January 1, 1963 and May 7, 1975 and was discharged or released under honorable conditions. A member of the National Guard or Reserve component of the Armed Forces cannot be afforded the designation as a Vietnam Era Veteran unless the service resulted from a federalization of the Guard or the Reserve duty was for other than training purposes.

For compliance with this Plan, reasonable accommodation is considered to be: Any accommodation, such as making facilities accessible, modifying equipment, providing readers, and use of job restructuring, part-time or modified work schedules, which does not cause an undue hardship.

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5. Disabled Persons

Policy Statement:

Pursuant to Section 503 of the Federal Rehabilitation Act of 1973, as Amended, as well as Title I of the Americans with Disabilities Act, the SLCIDA will take affirmative action to employ and advance in employment qualified disabled individuals. Such action applies to employment practices, including but limited to: Hiring, promotion, demotion, transfer, recruitment or recruitment advertising, rates of pay or other forms of compensation, as well as selection for training.

While applicants and employees who have a disability are members of one of the protected classes included under the provisions of the Affirmative Action Plan, this section addresses additional affirmative action concerns unique to them.

The Affirmative Action Officer shall assist covered applicants or employees or supervisors who need advice regarding the specific ways that the Affirmative Action Plan affects disabled persons.

Covered Individuals

For purposes of coverage under this Affirmative Action Plan, a disabled person is one who (i) has a physical or mental impairment which substantially limits one or more major life activities; (ii) has a record of such impairment; or (iii) is regarded as having such an impairment.

The term “substantially limits” means the degree to which the impairment affects employability. A disabled individual who is likely to experience difficulty in securing, retaining, or advancing in employment will be considered substantially limited. This SLCIDA Affirmative Action Plan is focused on those people who are qualified disabled persons, i.e. those who with or without reasonable accommodations, can perform the essential functions of the job in question.

Self-Identification of Disabled Employees and Applicants

The St. Lawrence County Industrial Development Agency will take affirmative action with respect to those applicants or employees of whose disability the SLCIDA has actual knowledge.

In order to include all qualified disabled individuals in the SLCIDA’s Affirmative Action Plan, the SLCIDA shall invite all applicants and employees who believe they are disabled, as defined above, to identify themselves. Under all circumstances self-identification is to be made voluntary. There shall be no adverse treatment if an individual chooses not to participate in a self-identification survey.

All information regarding an individual’s disabilities shall be kept confidential by the Affirmative Action Officer and kept in files separate and distinct from personnel files. If an employee wishes to benefit from the Act or when a disabled applicant is hired, with his/her consent the information regarding the disability may be shared as follows: Supervisors and managers may be informed regarding restrictions on the work or duties of disabled individuals and regarding necessary accommodations; First aid and safety personnel may be informed when and to the extent practicable, if the condition might require emergency treatment; Government officials investigating compliance with affirmative action statutes shall be informed; and these individuals must keep the information confidential.

SLCIDA encourages all employees to participate in a self-identification survey so that records will be accurate. The Affirmative Action Officer will ensure survey forms are available to all new employees, to all newly-disabled employees and to employees who wish to change their identification.

Reasonable Accommodations

Pursuant to Title III of the Americans with Disabilities Act of July 1992, which states that if it is determined that an applicant is qualified to perform the essential functions of the job in question with some accommodations, such accommodation will be provided within reason. A qualified candidate will not be rejected for examination, appointment or promotion solely because some reasonable accommodation would need to be in place to accommodate the limitations of the individual. Should an applicant be unable to

perform the job duties required even with accommodation, the SLCIDA is not required to employ the individual in that position.

Assuring reasonable accommodation is a shared responsibility, and therefore it is important for the employee to inform the SLCIDA, as soon as possible, of the type of reasonable accommodation needed. Completion of an "Accommodation Request Form" (see Exhibit A: Accommodation Request Form) will ensure a record of the employee's request is filed with the SLCIDA.

For compliance with this Plan, reasonable accommodation is considered to be: Any accommodation, such as making facilities accessible, modifying equipment, providing readers, and use of job restructuring, part-time or modified work schedules, which does not cause an undue hardship.

Retention of Disabled Employees

The St. Lawrence County Industrial Development Agency will make every effort to retain employees who acquire disabilities while in the SLCIDA's employ. Before an employee is terminated as being too disabled to continue work, the Affirmative Action Officer shall be informed to ensure that every alternative opportunity can be examined before the employee actually leaves service.

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6. Discrimination Complaint Procedure

Introduction

Equality of opportunity is a civil right. Every employee and applicant for employment has the right to seek employment and to be employed in a climate that is free from restraint, intimidation, harassment or coercion.

This Discrimination Complaint Procedure has been devised to provide for uniformity and equity in the resolution of allegations of discrimination in employment. It shall be well-publicized throughout the SLCIDA.

Purpose

This procedure has been designed to allow the St. Lawrence County Industrial Development Agency the opportunity resolve complaints internally. **It is in no way intended to duplicate or circumvent options available to claimants through any of the following: Employee organizations; the New York State Division of Human Rights; the Equal Employment Opportunity Commission; the United States Justice Department / Office for Civil Rights; any compliance agency designated under Section 503 or 504 of the Rehabilitation Act of 1973; other regulating agencies as may be appropriate; and the judicial system.** Use of the judicial system will not suspend any time limitations for filing complaints otherwise set by law, rule or regulation.

Any person wishing to file a complaint of discrimination may contact:

Director, Civil Rights Center
United States Department of Labor
200 Constitution Avenue, NW
Washington DC 20210
(800) 397-6251 (toll free)
(202) 693-1337 (TTY)

New York State Department of Human Rights
One Fordham Plaza, 4th Floor
Bronx NY 10458
(718) 741-8400
(888) 392-3644 (toll free)
www.dhr.ny.gov

US Equal Opportunity Commission
(800) 669-4000 (toll free)
(800) 669-6820 (toll free TTY)
www.eeoc.gov

This procedure applies to all complaints of discrimination in employment based on race, color, national origin, creed, age, sex, sexual orientation, marital status, relation, mental or physical disabilities, Vietnam Era Veteran status. Any employee or applicant for employment can use it. Complaints may be based on any alleged act or omission in the nature of discrimination including but not limited to the following:

Interviewing	Hiring	Shift Assignment
Promotion	Transfer	Job Assignment
Discipline	Dismissal	Working Conditions
Performance Evaluations	Harassment	Training Opportunities
Agency policies and other terms or conditions of employment		Payment of Wages

Each employee has the right to representation of his/her choosing.

Definitions

Discrimination is defined as the unlawful consideration or treatment of a person or group (either intention or unintentional) based on race, color, national origin, creed, age, sex, sexual orientation, marital status, religion, mental or physical disability(ies), military status, genetic predisposition or carrier status, arrest record, or Vietnam Era Veteran status.

Discrimination in Employment includes:

- Situations where the failure or refusal to hire, promote or train any individual or otherwise treat the individual equally with respect to compensation, terms, conditions or privileges of employment would not have occurred but for race, color, national origin, creed, age, sex, sexual orientation, marital status, religion, mental or physical disabilities, military status, genetic predisposition or carrier status, arrest record, or Vietnam Era Veteran status.
- Efforts to limit, segregate, or classify employees in such a way as to deprive or tend to deprive an individual of employment opportunities on the basis of the person's race, color, national origin, creed, age, sex, sexual orientation, marital status, religion, mental or physical disabilities, military status, genetic predisposition or carrier status, arrest record, or Vietnam Era Veteran status.

Discrimination Complaint Procedure

▪ ***The Process:***

1. Any person with a complaint of discrimination should contact the St. Lawrence County Industrial Development Agency Affirmative Action Officer or the St. Lawrence County Industrial Development Agency Chief Executive Officer. Complaints should be made within sixty (60) working days of the occurrence of the event giving rise to the complaint. If the deadline is missed because of circumstances beyond the complainant's control, the Affirmative Action Officer shall make the determination as to the reasonableness of requests and may extend the period to file to a maximum of one year.
 2. The Affirmative Action Officer shall advise the complainant, explain the internal procedure, explain other options available to the employee including time limitation for filing complaints with the State or Federal compliance agencies and assist in completing a complaint form (See Exhibit B: "Complaint Form").
 3. The Affirmative Action Officer shall interview the complainant and study relevant documents.
 4. The Affirmative Action Officer shall interview witnesses and further investigate the situation. At each opportunity, the Affirmative Action Officer shall seek conciliation or an informal settlement that is satisfactory to the parties concerned.
 5. The Affirmative Action Officer shall discuss any remedies that are proposed with the SLCIDA's General Counsel as to the appropriateness, feasibility and legality of the remedy(ies).
 6. Upon completion of the investigation, the Affirmative Action Officer shall prepare a written report for the Chief Executive Officer of the St. Lawrence County Industrial Development Agency. Said report shall contain General Counsel-reviewed recommendations of the Affirmative Action Officer (See Exhibit C: "Affirmative Action Officer's Report of Investigation").
 7. The Chief Executive Officer of the St. Lawrence County Industrial Development Agency shall prepare in writing, for the concerned parties, a "Notice of Final Action" and recommendation(s).
 8. The decision of the Chief Executive Officer is final. Should the complainant not be satisfied with the attempts to resolve the problem, the claimant may seek remedy through other sources.
 9. At any point during the procedure, the claimant may withdraw the charge by submitting a written statement to the Affirmative Action Officer.
- ***Timeframe*** The Affirmative Action Officer shall submit a written report including recommendations within forty-five (45) working days beginning from the date on which the written complaint is filed. The Chief Executive Officer of the St. Lawrence County Industrial Development Agency shall reach a decision and provide written recommendations to all parties within fifteen (15) working days, beginning from the date the Affirmative Action Officer's report is received. Any elements of the timeframe may be waived for good cause by written mutual consent of the parties.
 - ***Confidentiality*** The substance of the investigation shall remain confidential. No party or employee shall disclose the results of the investigation or parts thereof. When warranted, the Affirmative Action Officer shall inform all charged parties of the factual allegations and provide them opportunity to respond to all charges and evidence.

- **Accessibility** The St. Lawrence County Industrial Development Agency will provide such assistance as may be necessary to enable a complainant to understand and participate in the complaint process. This may include sign language interpreters, wheelchair attendants, Braille copiers, sound amplification equipment, or foreign language interpreters.
- **Retaliation** The St. Lawrence County Industrial Development Agency shall not retaliate against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.
- **Outcomes** The outcome of an investigation is either dismissal of the complaint or remedial action. The complainant shall be notified, in writing, of the outcome.
- **FollowUp** The Affirmative Action Officer shall maintain a log and file of complaints received. Six weeks from the date of a decision under bullet 7 (above), the Affirmative Action Officer will determine whether the Chief Executive Officer's directives have been carried out, or whether the case needs to be reopened. The findings will be reported to the Chairman for appropriate action or closure.
- **Recordkeeping** The St. Lawrence County Industrial Development Agency shall maintain a record of the status and determination of all complaints for a least three (3) years. Unresolved cases or cases subject to external reviews shall be maintained indefinitely or until they are resolved. The record copy of these complaints, reports, or investigations/decisions rendered shall be kept in the office of the Human Resources Coordinator, but segregated from the individual's official personnel record. This should not be construed to indicate that records of disciplinary action will be excluded from the official personnel records of those concerned.
- **Appeal** If the resolution offered to the complainant or his/her representative is not satisfactory to the complainant, the complainant or his/her representative may, within 30 days of the date on which the Notice of Final Action is issued, file a complaint with the Chairman of the St. Lawrence County Industrial Development Agency, who may extend the thirty-day time limit for good cause shown:

Chairman, St. Lawrence County Industrial Development Agency
Ernest J. LaBaff Industrial Building
19 Commerce Lane, Suite 1
Canton, New York 13617

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Accommodation Request Form

Date of Request: _____

Employee Name: _____

Employee Address: _____

Phone Number (Work): _____

Phone Number (Home): _____

Identify your disability:

Identify your specific problematic job tasks:

Identify your accommodation ideas:

If you have not already provided medical documentation establishing the existence of your disability, please include documentation with this form. Return the completed form to the Affirmative Action Officer.

Employee Signature: _____

For Office Use Only:

Date completed form received: _____

Signature of Affirmative Action Officer _____

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Affirmative Action/Equal Employment Opportunity Complaint Form

Instructions:

1. Describe the circumstances of the complaint
2. List all witnesses.
3. Complete the form in its entirety, including signature, printed name, telephone number and email address.
4. Return (either in person, via email, or via facsimile) the document to the Affirmative Action Officer.
5. Use additional sheets, if necessary.

Date of Complaint:

On _____ the following events/situation occurred:

Signature:

Printed Name:

Phone Number:

Email Address:

For Office Use Only:

Date completed form received:

Signature of Affirmative Action Officer

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Report of Investigation

Date of Initial Complaint: _____

Complaint Number: _____

(1) Investigation Remarks Date:

(1) Investigation Remarks:

(2) Investigation Remarks Date:

(2) Investigation Remarks:

(3) Investigation Remarks Date:

(3) Investigation Remarks:

Final Report Remarks Date:

Final written Report of Investigation for St. Lawrence County Industrial Development Agency
Affirmative Action Complaint provided to St. Lawrence County Industrial Development Agency
Chief Executive Officer (Use additional sheets, if necessary)

Signature of Affirmative Action Officer
Date and Time of Release of Report:

For Office Use Only:

Date completed form received:
Signature of Chief Executive Officer
