

**Affirmative Action Plan**

**Approved by  
Board of Commissioners  
September 7, 2004**

*(Amended August 15, 2006, to include  
change to Personnel Policy 2.01)*

(Supercedes March 19, 1991)

**AFFIRMATIVE ACTION PLAN**

**COUNTY OF KALAMAZOO**

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**RESOLUTION**  
Adopted September 7, 2004

WHEREAS, Equal Opportunity for all is an American principle and ideal;

WHEREAS, Serious commitment to Affirmative Action which aggressively seeks to provide opportunity for all is needed.

WHEREAS, Significant progress has been made in removing the legal basis for intentional discrimination, work remains to be done to untangle the legacy that permeates the societal and institutional systems of the United States.

WHEREAS, The purpose of this Affirmative Action Plan is to reaffirm and expand the County of Kalamazoo's commitment to achieve an effective equal employment opportunity program that includes building a structure and organizational culture that fights against racism, sexism and other barriers to inclusion and diversity.

THEREFORE LET IT BE RESOLVED, That the County of Kalamazoo shall not only comply with all State and Federal legislation, but it shall also be the intent of the County of Kalamazoo to actively recruit, hire, train and manage its employees with equality of opportunity for all individuals based solely upon an individual's qualifications as related to requirements of the job without conscious, unconscious, intentional or unintentional discrimination.

FURTHER, LET IT BE RESOLVED, that a positive Affirmative Action Plan and its associated Personnel Policies is fully endorsed by the Kalamazoo County Board of Commissioners and maintained and monitored by the County Human Resources Department; and the County of Kalamazoo will strive to build a structure and organizational culture that removes barriers to inclusion and diversity.

## **INTRODUCTION**

Kalamazoo County Government is a sizable employer in Kalamazoo County. This Affirmative Action Plan represents the reaffirmation of the County Board of Commissioners' intent to eliminate any potential unlawful discrimination in employment, to proactively fight against discrimination, and to provide an example to the Community in this effort.

The Affirmative Action Plan is a set of procedures which are specific and result oriented to which Kalamazoo County Government pledges to apply every good faith effort.

## **AFFIRMATIVE ACTION DEFINED**

The term "affirmative action" can best be understood in relationship with two other words—"equal opportunity." Equal opportunity is a condition, and affirmative action is the means to achieve that condition.

Equal employment opportunity is the right of all persons to work and to advance on the basis of nothing other than ability, merit, and potential. It is an employment system in which neither intentional nor unintentional discrimination operates.

Affirmative action is the set of positive steps that employers use to promote equal employment opportunity and to eliminate discrimination. It means presenting employment opportunities to qualified, underrepresented individuals where possible; but more than that, it means building an organizational structure and culture that removes barriers to inclusion and diversity.

## **PURPOSE**

In developing and updating the Affirmative Action Plan, it is the purpose of Kalamazoo County Government to provide an equal opportunity employment system through the method of affirmative action. Such affirmative actions will be taken to eliminate systemic, whether intentional or unintentional, discrimination on the basis of race, color, sex, age, religion, national origin, marital status, a person's political affiliation, sexual orientation or gender identity, height, weight, disability, or any other factor that is not considered to be legitimately job-related. Individual characteristics not related to the job will not be considered in employment matters.

## HISTORICAL PERSPECTIVE

### 1940's and 1950's

State Fair Employment Laws and Presidential Orders initially established the legal basis for the prohibition of discrimination.

### 1963

The Equal Pay Act of 1963 required all employees, subject to the Fair Labor Standards Act to provide equal pay for men and women performing similar work.

### 1964

Congress provided Federal Enforcement for equal employment in the Civil Rights Act of 1964. Title VII of the Act specifically prohibited discrimination because of race, color, religion, sex, or national origin, in any term, condition, or privilege of employment.

### 1965

Executive Order 11246, Lyndon Johnson. This order required affirmative action programs by all Federal contractors and subcontractors. It also required firms with contracts over \$50,000 and 50 or more employees to implement written programs which are monitored by Federal Compliance Agencies.

### 1967

The Age Discrimination and Employment Act of 1967 prohibited employers of 25 or more from discriminating against persons aged 45 to 65 in any area of employment because of such age.

### 1968

Executive Order 11375, Lyndon Johnson. This order amended Executive Order 11246 and provided penalties for non-compliance including termination of contracts and boycotting such contractors pending compliance.

## **Historical Perspective (continued)**

1972

The Equal Employment Opportunity Act of 1972 strengthened the power and expanded the jurisdiction of the Equal Employment Opportunity Commission. Governments, governmental agencies and other political subdivisions were expected to comply.

1975

In April, the Kalamazoo County Board of Commissioners unanimously adopted an Affirmative Action Statement.

1976 - Amended 1980, 1990, amended to comply with American's with Disabilities Act

Michigan Handicappers' Civil Rights Act which defines the civil rights of individuals who have handicaps and prohibits discriminatory employment and promotional practices, policies, and customs based on an applicant's or employee's handicaps.

1976 - Amended 1982

Elliott-Larsen Civil Rights Act - The Michigan Fair Employment Practice Act was repealed in 1976 by the passage of the Elliott Larsen Civil Rights Act which prohibits discriminatory employment and promotional practices, policies, and customs based upon religion, race, color, national origin, age, sex, height, weight, or marital status. The Act also provides for the preservation of the confidentiality of records regarding arrest, detention, or other dispositions in which a conviction does not result.

## **Historical Perspective (continued)**

1990

Americans with Disabilities Act of 1990 (ADA) - ADA prohibits employers from discriminating against “qualified individuals with a disability with respect to all terms, conditions and privileges of employment.” The Act applies to employers with 15 or more employees. It also covers public accommodations and services, telecommunications and transportation. A “qualified individual with a disability” is defined as a person with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position desired. A “disability” is a physical or mental impairment that substantially limits one or more of the major life activities of the individual. The ADA further requires that covered employers make reasonable accommodations for a qualified individual with a disability, unless doing so would impose an undue hardship on the employer.

Persons with Disabilities Civil Rights Act – This act is the state counterpart to the Americans with Disabilities Act of 1990 and defines the civil rights of persons with disabilities and prohibits discriminatory practices, policies, and customs in the exercise of those rights in the areas of employment, housing and other real estate, public accommodations, public services and educational facilities.

The Michigan Civil Rights Commission enforces state laws comparable to the federal laws enforced by the Equal Employment Opportunity Commission (EEOC) and U.S. Department of Housing and Urban Development (HUD). It is responsible for administration and enforcement of the Elliott-Larsen Civil Rights Act and the Persons with Disabilities Civil Rights Act. The Michigan Civil Rights Commission is made up of eight commissioners appointed by the Governor.

The EEOC is the agency responsible for the administration and enforcement of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the ADA, and the Equal Pay Act. It is a five person, presidentially appointed independent commission.

## **AFFIRMATIVE ACTION PLAN**

1. The County will seek to raise the number of underrepresented minority, female, and disabled employees in County service to reflect the current population standard in each County department and in each job category, as defined by the Equal Employment Opportunity Commission.
2. Responsibility for implementing and ensuring compliance of the Plan will be assigned to the County's Human Resources Director. This office will proceed to take the following steps and procedures to ensure a successful program.
  - a. Report through the Workplace Diversity Team to the County Board of Commissioners on at least a quarterly basis of the progress being made in the Affirmative Action Plan and goals.
  - b. Structure personnel programs to ensure the effective implementation of the Plan to include job restructuring as deemed necessary and/or appropriate.
  - c. Monitor recruitment and selection procedures to encourage and bring in more qualified candidates from underrepresented groups to Kalamazoo County Government.
  - d. Develop any other procedures deemed necessary to comply with the policies and programs established by the County Board of Commissioners to ensure that such policies and programs are successful to the utmost of our ability.
3. The County will take necessary steps to improve, expand, and encourage on-the-job training programs to provide employees from underrepresented groups an improved upward mobility or career ladder pattern.
4. The County will analyze internal policies, procedures, and practices and develop short-term and long-term measurable strategies for dismantling institutional and systemic racism and other barriers to inclusion to continue building an anti-racist organization which values the cultural differences of its employees.
5. The County will continue the Workplace Diversity Team as designated by the County Board of Commissioners. The Committee will be composed of one or two members of the Board of Commissioners, members of management and employee representatives.

## **POLICY DISSEMINATION**

The policies of the Affirmative Action Plan shall be communicated to all County employees and representative unions and associations, as well as to the community.

Internal policy dissemination shall take place through the following means:

1. A statement of Equal Employment Opportunity and Affirmative Action shall be included in County personnel policies.
2. Dissemination of the Affirmative Action Plan to all County department heads, court administrators, and union representatives.
3. The meaning of the Affirmative Action Plan will be explained to management and supervisors, along with instruction on achieving the goals established through this Plan.
4. A copy of the Affirmative Action Plan will be available in every department.
5. An EEO Compliance Officer will be available to answer questions of individual employees.
6. Affirmative Action awareness training of appropriate County employees will be provided through workshops offered by the Human Resources Department.

The Affirmative Action Plan shall also be announced and publicized to the community through several channels:

1. Posters stating basic equal employment policies shall be posted throughout County buildings.
2. Notice summarizing the Affirmation Action Plan will be sent to recruiting sources in the community.
3. All advertisements for County positions will include the following statement to designate: "Equal Opportunity Employer" or the "EOE" abbreviation is acceptable where a cost savings would result.

## **MONITORING AND REPORTING PROCEDURES**

In order to report the progress being made toward the attainment of the Affirmative Action goals, the Human Resources Department in conjunction with the Workplace Diversity Team will prepare and distribute annual reports to the Board of Commissioners and to County department heads and court administrators.

The following information will be included on the reports:

1. Number of vacancies by underutilized EEO job categories.
2. Number of positions filled by promotion by EEO job category group and by population group.
3. Number of positions filled by new employees by EEO job category group and by population group.
4. Number and type of termination by EEO job category group and population group.
5. Number of grievances filed based upon charges of discrimination internally or externally upheld by population group.
6. Overall evaluation of Plan during reporting period.

The Workplace Diversity Team shall review this data and recommend procedures and action if necessary to attain the goals set forth.

The Workplace Diversity Team shall prepare and distribute an annual update to this initial Affirmative Action Plan. The update shall include an evaluation of the County's affirmative action efforts during the preceding year, a re-adjustment of goals and/or policy and procedure revisions.

NOTE: See Appendix C for the Annual Evaluation.

## **RESPONSIBILITIES**

The success of any Plan is dependent upon the placement of authority and accountability; therefore, the following definition of responsibility is of paramount importance.

### Board of Commissioners

In the approval of the Affirmative Action Plan, the Commissioners commit themselves separately and collectively to observe the procedures of the plan and pledge to support affirmative action through positive behavior and attitude.

### Equal Employment Opportunity Compliance Officer

The Deputy County Administrator shall be the EEO Compliance Officer. The Compliance Officer is responsible for:

1. Serving as a source of information to assist and advise individuals, including assisting employees or applicants in following the appropriate procedures when filing a grievance.
2. Assisting the in the investigation of complaints.
3. Reviewing proposed policies for equal opportunity compliance.
4. The maintenance of this Plan.
5. The prevention of harassment for filing a grievance of any employee on the basis of his or her protected status or for filing a grievance alleging discrimination.
6. Projecting a positive attitude in support of the Affirmative Action Plan.

### Human Resources Director

The Human Resources Director is responsible for:

1. Providing an annual report of efforts toward affirmative action goal attainment.
2. Enforcing this Plan.
3. Investigating complaints of discrimination and/or harassment on the basis of the spirit of this plan.
4. Providing a personnel system free of discrimination and supportive of affirmative action.
5. Providing grievance system for handling applicant and employee complaints.

6. Career counseling to new and current underutilized protected group members.
7. Identifying problem areas and developing solutions.
8. The prevention of harassment for filing a grievance of any employee on the basis of his or her protected status or for filing a grievance alleging such discrimination.
9. Coordinating and monitoring the Affirmative Action Plan and practices, policies, and procedures which may affect affirmative action.
10. Projecting a positive attitude and complying with the intent of the Affirmative Action Plan.
11. Complying with all pertinent laws governing affirmative action and equal opportunity employment.

#### Department Heads and Court Administrators

Department Heads and Court Administrators are responsible for:

1. Preventing harassment and discrimination in violation of the intent of this Plan.
2. Reviewing without bias the applications submitted to them and hiring qualified individuals.
3. Cooperating with the Human Resources Department in attempting to reach the goals recommended for their department.
3. Treating all employees with appropriate respect.
4. Cooperating in the investigation and resolution of problems and grievances.
5. Projecting a positive attitude in support of the Affirmative Action Plan.

#### Employees

All Kalamazoo County Government employees are responsible for:

1. Treating all other employees and citizens in a fair and equitable manner and with appropriate respect.
2. Assisting in identifying and reporting possible areas of discrimination to their supervisors, the Human Resources Department, or the EEO Compliance Officer.

## **AFFIRMATIVE ACTION GOALS**

An Affirmative Action Program is complete only with the establishment of measurable goals for achieving results which are indicated as desirable based upon a commitment to an Affirmative Action Plan. Setting goals requires the detailed analysis of the utilization study data to determine in which departments and/or job families underutilization or under representation of minority group members or females exists.

The establishment of goals should not be misunderstood as a quota system. Goals differ from quotas in a number of ways. Quotas are fixed numerical limits with a discriminatory intent of restricting a specified group for particular activity. Goals on the other hand, are numerical targets which the employer tries to achieve. The aim is not discriminatory, but affirmative, in its intent to help place population groups equitably in the organization.

The County shall make every "good faith effort" to ensure that County recruitment, posting, selection, and promotion practices do not discriminate against any population group. It is hoped that under such optimum conditions, normal processes of supply and demand will yield a County workforce that is representative of the community. The County recognizes that conditions are currently not optimum. In spite of great progress, the barriers of institutional and systemic racism and sexism continue to present obstacles. Recognizing the complex and multifaceted nature of these systems, the County will make every effort to remove obstacles.

### Limitations

Our ability to attract minority candidates may be dependent in part to the County's ability to pay competitive salaries within the market place and other budget factors. In addition, bargaining units may have seniority rights that limit opportunities.

### NOTE:

- For current detail on the minority and female workforce see Appendix A.
- Historical reports are under Appendix B.
- Current utilization analysis, annual evaluation, and goals are under Appendix C.

## **ACCOMMODATIONS FOR PERSONS WITH DISABILITIES**

The County is committed to reasonably accommodate disabled applicants and employees who are otherwise qualified for the essential functions of any position.

The County is committed to working with State and local agencies to assist in the employment of disabled individuals.

In addition, when appropriate, the County will take reasonable steps to ensure that applicants or customers with speech or sensory impairments will have a sign language interpreter or other translation device or means, such as Telecommunication Device for the Deaf (TDD), available.

NOTE: For current employment of persons with disabilities see Appendix A.

## **EXIT SURVEY**

All terminating County employees will be sent an Exit Survey. The Exit Survey will include questions pertaining to why the employee left the employment of the County and other questions designed to gather information on potential problem areas.

(See Exit Survey on following two pages)

# KALAMAZOO COUNTY GOVERNMENT EXIT SURVEY

**NAME:**

**HIRE DATE:**

**TERM DATE:**

**JOB TITLE:**

**DEPARTMENT:**

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Since your employment with Kalamazoo County recently ended, please take this opportunity to express your opinion about your County employment experience. Regardless of the reason you left the County, your input is valuable and can be a useful tool when planning for the future. Please take a moment to complete this exit survey and return it to the Human Resources Director, in the enclosed, self-addressed, stamped envelope. Thank you for your time and input.

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1. *Why did you leave County employment? (Please check all that apply.)*

Money    Benefits    Career Growth    Better hours    Layoff  
 Difficulty with Supervisor    Terminated    Other \_\_\_\_\_

2. *If you accepted a position with another employer, would you tell us the name of the employer?*

\_\_\_\_\_

3. *Would you recommend the County as an employer to others?*    Yes    No

Why? \_\_\_\_\_

4. *What would you change about the County as an employer?* \_\_\_\_\_

\_\_\_\_\_

5. *Do you feel you were informed about activities in your department?*

Always    Usually    Sometimes    Never

*Within the County?*

Always    Usually    Sometimes    Never

6. *Please rate the following sources of information and their relative usefulness to you on a scale from 1 to 5 (1 = very useful; 5 = not useful).*

Staff meetings    Supervisor    Co-workers    "County Connection"

Local news media    Memos from administration    Bulletin Boards

Other \_\_\_\_\_

(over, please)

7. *Please rate your supervisor's skills in the following areas on a scale from 1 to 5 (1 = Excellent; 5 = Poor).*

\_\_\_\_ Overall supervisory skills \_\_\_\_ Communication \_\_\_\_ Organization \_\_\_\_ Performance Appraisals  
\_\_\_\_ Handling of Disciplinary Action \_\_\_\_ Knowledge of Policies \_\_\_\_ Training

8. *Please rate your overall experience with the County on a scale from 1 to 5 (1 = Excellent; 5 = Poor).* \_\_\_\_

9. *Please describe what you liked about a typical day in your job at the County:* \_\_\_\_\_

\_\_\_\_\_

10. *Please describe what you disliked about a typical day in your job at the County:* \_\_\_\_\_

\_\_\_\_\_

11. *Please indicate your forwarding address if different from the one on this envelope (for payroll checks, W-2's, etc.):*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Please feel free to use space below for additional comments. Thank you.*

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Number - 2.00  
Date Approved 08/15/06  
Supersedes 9/07/04

## 2.00 EQUAL EMPLOYMENT OPPORTUNITY

- 2.01 It is the policy of the County of Kalamazoo to prohibit discrimination in matters of recruitment, employment, training, promotion, wages, or discipline because of race, color, sex, age, religion, national origin, marital status, a person's political affiliation, sexual orientation or gender identity, height, weight, or disability in accordance with all Federal, State or local regulations. Furthermore, the County of Kalamazoo will take affirmative action to ensure the fulfillment of this policy.
- 2.02 The County of Kalamazoo will not only comply with all applicable State and Federal legislation, but it will also be the intent of the County to actively recruit, hire, train and manage its employees with equality of opportunity for all individuals based solely upon what it considers to be legitimate job-related factors. Individual characteristics not related to the job will not be considered. The County will continue efforts toward building a structure and organizational culture that works to remove barriers to inclusion and diversity.

Number - 3.03  
Date Approved 07/07/98  
Supersedes 08/16/77

### 3.00 EMPLOYMENT POLICIES

#### 3.03 Pre-Employment Tests

As all tests for employment must be validated for job relatedness and non-discriminatory effect, the Human Resources Department shall be the only agent of the County to administer or approve tests for employment or promotion. As any qualification required of an applicant for employment is considered a test, minimum job requirements shall be approved by the Human Resources Department and periodically surveyed by Human Resources Department staff for appropriateness.

Number - 3.04  
Date Approved 07/07/98  
Supersedes 08/16/77

#### 3.04 Job Recruitment Policy

The purpose of the job recruitment and employee selection plan is to establish a viable system by which the County can meet its commitments to Federal, State, and local laws and regulations, as well as demonstrating to all present and potential future employees that equal employment opportunities for employment and advancement are realities within Kalamazoo County. The following policies apply to all job vacancies.

Number - 3.05

Date Approved 01/19/99

Supersedes 07/07/98

### 3.00 EMPLOYMENT POLICIES

#### 3.05 Job Posting

It is the policy of this County to encourage the upward mobility of County employees.

To meet these commitments the following procedures have been established. It is important that these procedures be carefully followed to avoid violations of governmental employment regulations and/or grievances filed by employees and applicants.

#### Employer Responsibilities

- A. If a position is to be filled by promoting a present employee from within the same department it is not necessary that the job be posted. Department heads and court administrators may choose to notify department employees of the opportunity and provide a competitive process for selection.
- B. If the vacancy is a bargaining unit position it shall be posted for bargaining unit members according to the bargaining unit agreement. If no bargaining unit member applies, or such applicants are determined unqualified for the position, it shall be posted for all County employees for five (5) days.
- C. If the vacancy is not a bargaining unit position and has not been filled by department promotion it shall be posted for all County employees for five (5) days.
- D. The position will be posted externally if there are no internal applicants or if such applicants are not qualified for the position.

In the interest of timely filling of the vacancy internal and external posting procedures may occur simultaneously.

- E. All internal applicants whose experience and/or training appear to make them qualified candidates for the position must be interviewed for the position. Internal applicants for the County Administrator or Court Administrator positions are not assured an interview.
- F. County Department managers may review the personnel file, discipline and attendance records of County employees applying for a transfer.

3.00 EMPLOYMENT POLICIES

3.05 Job Posting (cont.)

- G. A selection or non-selection determination must be made for each application considered by the Department Head or Court Administrator in writing and on the Transfer Application Form to the employee. (The original shall be sent to the Human Resources Department for filing and a copy returned to the employee.)

Employee Responsibilities

If a current employee is interested in transferring to another County position, the following procedures should be carefully followed to assure consideration.

- A. Be aware of opportunities in your department. Discuss your interest in promotion or transfer with the Managers and Supervisors that will make those decisions in the areas you are interested.
- B. If a vacancy is posted, submit a Transfer Application Form available from the Human Resources Department within the five (5) day posting period. Failure to submit a Transfer Application Form within the five (5) day posting period cancels any advantage as an internal applicant.
- C. Employees who have completed six (6) months of service in their current jobs may submit transfer bids without their Supervisor's approval. Employees with less than six (6) months of service may not transfer unless their Supervisor approves the application.

### 3.00 EMPLOYMENT POLICIES

#### 3.11 Training Programs

The rapid growth of information technology, the changing profile of the entry-level workers, the changing composition of the workforce along with its skills, values, work ethics, etc., necessitates a proactive approach to training and retraining of employees at Kalamazoo County.

It is the philosophy of the county that personal growth, development, and learning are lifelong and never ending endeavors. The County has an expectation that employees will continually seek to improve themselves, or organization and our community throughout their association with the County.

From time to time, training programs will be made available to County employees. The purpose is to enable employees to develop new skills, refine present skills, and be exposed to new concepts and practices.

All written, audio, and video materials distributed as part of a training program shall be the property of the County to be shared and made available for use by other employees. Said property may remain in the possession of the training attendee unless otherwise directed.

## 7.00 RULES

### 7.08 Sexual Harassment in the Workplace

It is the policy of the County that the working environment of every employee shall be free from verbal or physical sexual harassment by other County employees. The County will neither permit nor condone sexual harassment in the working environment, and employees who violate the policy will be subject to discipline including discharge.

Sexual harassment is defined as unwanted conduct or communications of a sexual nature which adversely affects the person's employment or working environment. Such conduct shall include, but not be limited to, an act of, request for, or threat of sexual relations or bodily contact. Such communication shall include, but not be limited to, repeated or continual words or actions which are sexually degrading or demeaning to the person or persons of that sex.

Such conduct or communication must negatively affect the person's employment, wages, advancement, tenure, assignment of duties or shifts, conditions of employment, or working environment.

The recipient of such behavior must assume responsibility for informing the alleged harasser that it is unwelcome and should report the incident(s) to the appropriate line of authority within the employee's department or to the Human Resources Department. The facts of each case will be investigated and appropriate discipline, if warranted, will follow.

A violation of this policy shall be considered misconduct and subject to discipline including discharge.

## 8.0 DISCIPLINE & DISCHARGE

### 8.01 Unacceptable Job Performance, Misconduct, Discharge

The maintenance of discipline is the responsibility of the management of the County. Disciplinary measures may be taken by such representatives of the County to maintain discipline, efficiency, and a safe work environment.

The County is committed to the concept of progressive discipline. Such concept is based upon the belief that each County employee is entitled to notice of his/her deficiencies and, when appropriate, will be given a reasonable period of time to correct such deficiencies. Progressive discipline may include verbal warnings, written reprimands, suspensions with or without pay, and termination of employment.

Unacceptable job performance is defined as the failure of an employee to perform his/her duties according to recognized standards for either quantity or quality of work.

Misconduct is defined as a violation of County rules, regulations or policies or a violation of generally accepted standards of conduct in the work place.

In all cases of discipline short of termination, the written notice to the employee shall set forth why the employee's performance or conduct is unacceptable and what the Supervisor expects from such employee. When appropriate, said notice shall also include a time period in which the Supervisor expects improvement in the employee's performance or conduct.

Copies of all notices of reprimand must be placed in the employee's personnel file.

An employee may be discharged under any of the following:

1. Upon receipt of a third written reprimand for the same or different offense(s).
2. When an employee has been suspended and, following said suspension, he/she is guilty of further misconduct or his/her job performance is deemed unacceptable.
3. When an employee's performance or act of misconduct has, in the opinion of the County, had significant negative impact on the efficient and effective operation of his/her department. In said cases, the employee may be subject to discharge without the protection of progressive discipline. In some cases of misconduct or unacceptable job performance having a significant negative impact upon the County, the employee may be suspended without pay pending an investigation before a possible discharge.

All discharges shall be in writing stating the date, facts, and reasons for discharge.

## 9.00 GRIEVANCE PROCEDURE

An employee of the County may initiate a grievance based upon an alleged or violation of the application or interpretation of the County Personnel Policies. Employees may also utilize the grievance procedure if they believe they have been discriminated against because of religion, race, color, sex, marital status, national origin, age, or height, weight, handicap. Action taken by the County Administrator that involves concurrence of the County Board of Commissioners is final and not subject to this Grievance Procedure.

A grievant must contact the EEO Compliance Officer prior to formally initiating the grievance for advisement purposes and/or explanation of the policy and procedures. The Compliance Officer does not have the authority or responsibility to resolve a grievance, but will assist the employee or applicant in following the appropriate procedures. A grievance must be filed in the following manner:

- A. The grievant should complete a standard grievance form and submit it to the appropriate Supervisor within thirty (30) days of the occurrence of the event upon which the grievance is based. The Supervisor shall respond in writing within five (5) working days of the receipt of the grievance, unless it is mutually agreed that a longer time period is necessary.
- B. If the response of the Supervisor is not satisfactory, the grievant may continue the grievance process and submit an appeal to the next level of supervision or Department Head within five (5) working days of the employee's receipt of the Supervisor's response (Step A). The Supervisor or Department Head shall have ten (10) working days from the date the appeal is received to respond in writing to the grievance, unless it is mutually agreed that a longer period is necessary.
- C. If the appeal is not resolved at Step "B", the grievant may continue the process by submitting the appeal form to the County Human Resources Director within five (5) working days of the receipt of the response from Step "B". The Human Resources Director shall, within ten (10) working days of the receipt of the appeal, respond in writing to the grievant, unless it is mutually agreed that a longer time period is necessary.
- D. If the grievance is not resolved at Step "C", the grievant may submit the appeal to the County Administrator. The appeal must be submitted within five (5) working days of the grievant's receipt of the response from Step "C". The County Administrator shall, within fifteen (15) working days of the receipt of the appeal, respond in writing to the grievant, unless it is mutually agreed that a longer time period is necessary. The decision of the County Administrator is final and binding on all parties.

Number - 9.00

Date Approved 07/07/98  
Supersedes 10/16/79

#### 9.00 GRIEVANCE PROCEDURE (cont.)

In an instance in which the County Administrator has been a respondent to a grievance at Step "A" or "B" of the grievance procedure, the grievant may submit the appeal to the Chairperson of the Board of Commissioners. The appeal must be submitted within five (5) working days of the grievant's receipt of the response from Step "C". The Chairperson of the Board of Commissioners or his/her designee shall respond in writing to the grievance within fifteen (15) working days of the receipt of the grievance, unless it is mutually agreed that a longer time period is necessary. The decision of the Chairperson of the Board of Commissioners or his/her designee is final and binding on all parties.

## CONTRACT COMPLIANCE

Affirmative Action Contract compliance excerpt from Kalamazoo County Purchasing Policy and Procedures Manual item c from 9.09 Compliance with Special Contract Provisions adopted by the Board of Commissioners, October 19, 1982. Amended September 15, 1998, and December 3, 2002. See also Minority Business Policy Chapter VIII which follows.

**BIDDER QUALIFICATION** - Vendors furnishing supplies and/or engaged in work for the County of Kalamazoo in excess of \$10,000 in a single contract or aggregate during a calendar year must provide employment statistics to show non-discrimination and affirmative action in hiring and promotion of employees. Before this contract is awarded the vendor must be qualified by the County as awardable to conduct business with the County. Failure to apply for qualification or to be determined unawardable by the County will result in rejection of the bid and the vendor's name will be removed from the County's bidders list until needed corrections are made. To be determined awardable, vendors shall do the following:

- a. If the firm has fewer than fifteen employees, sign the Request for Waiver & Affidavit of Non-Discrimination (form attached to bid).
- b. If the firm is currently certified as awardable by the County of Kalamazoo, insert your CCC # on the bid form in the space provided. A certificate from the State of Michigan will also be accepted.
- c. If the firm cannot meet a or b above, there are forms to be completed to be certified as awardable by the County of Kalamazoo. Please stop in to the Purchasing Department prior to bid submission to pick up these forms.

## CHAPTER VIII

### MINORITY BUSINESS POLICY

8.01 Statement of Goals: It shall be the policy of the County of Kalamazoo that minority business enterprises, as hereinafter defined, shall have the maximum feasible opportunity to participate in providing goods and services to the County.

8.02 Definition: For the purposes of this policy, a minority business enterprise shall include minority owned and operated businesses and women owned and operated businesses.

- a. A Minority Business Enterprise (MBE) is a business entity in which 51% or more of the voting shares and interest in the business is held by minority individuals, and that the minority owner(s) has an acceptable level of management, investment and control of the company, is involved in the day-to-day operations of the business and has the power to make policy decisions. An individual will be classified as a minority if that person is either black, Hispanic, American Indian or Alaskan native, or Asian or Pacific Islander and if that person is accepted as a member of the minority community.
- b. A Women Business Enterprise (WBE) is a business entity in which 51% or more of the voting shares and interest in the business is held by a female(s) and that the female(s) has an acceptable level of management, investment and control of the company, is involved in the day-to-day operations of the business and has the power to make policy decisions. A firm may not be classified as both a women owned and minority owned business enterprise.

8.03 Appointment of a Minority Business Enterprise Liaison Officer:

The Purchasing Manager of the County of Kalamazoo shall perform the duties of Minority Business Enterprise Liaison Officer (MBELO) and shall be responsible for implementing this policy. In all matters related to the functions as the MBELO, the Purchasing Manager shall report to the County Administrator.

8.04 Scope of Policy:

- a. This policy shall be in effect for the following:
  1. All purchases from County funds
  2. All grant-funded purchases
  3. All public works projects funded through the County Board of Public Works
  4. All Building Authority projects.

- b. When funds are received from the federal or state government for projects, the terms and conditions of these programs regarding minority business participation shall take precedence over this policy.

8.05 Implementation Process:

- a. The Purchasing Department shall maintain a file of minority business enterprises and the type of goods and services offered. A Directory of MBE's shall also be published, distributed and up-dated periodically.
- b. In order to be listed as an MBE or WBE, a Minority Business Enterprise Certification form shall be completed by the business and submitted to the Purchasing Manager for approval. This form shall contain sufficient information to make a determination that the business is a legitimate MBE or WBE. The determination of certification shall be made in accordance with regulations as published in 49 CFR Part 23, Code of Federal Regulations.
- c. If at any time the County has reason to believe that any person or firm has fully and knowingly provided incorrect information or made false statements in the filing of the MBE Certification in order to be qualified as an MBE or WBE, the firm shall be removed from the list of bidders and the matter may be referred to Corporation Counsel.
- d. The Purchasing Department will notify qualified minority business enterprises when bids or quotations are solicited. The MBE Directory will be made available to departments so that they may contact MBE's when they request telephone quotations.
- e. The Purchasing Department will work with minority business organizations to actively recruit MBE's for the bidders file and will provide assistance in methods and procedures for submitting bids.
- f. The Purchasing Department will make use of other Minority Business Directories in expanding the list of qualified minority bidders/ vendors. These shall include, but not be limited to: City of Kalamazoo's MBE Directory; State of Michigan's Minority Business Directory; Directory of Minority and Women Vendors, Western Michigan University; National Minority Business Directory (published by the National Minority Business Campaign).

8.06 Policy Review: Reports shall be prepared quarterly by the Purchasing Department of the actions taken in regard to this policy, said report to be made to the Deputy County Administrator. A report shall be made annually through the Affirmative Action Committee to the Board of Commissioners, who shall then review this report for possible further directions for this policy to take.

8.07 Subcontracting Goal: When contracts are let with subcontracting possibilities, the prime contractor will be encouraged to utilize minority subcontractors to a total of 10% of the contract amount. This information will be included in bid documents and the Purchasing Department will require contractors to submit the names of MBE subcontractors and the percent of the total contract awarded to MBE's before award of the contract is made.

8.08 Contact Organizations: The County shall maintain contact with any and all organizations involved with the recruitment of or promotion of minority businesses.