

OEOC AFFIRMATIVE ACTION PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY FOR LOCALLY FUNDED CONSTRUCTION CONTRACTS

This OEOC Affirmative Action Plan (AAP), establishes the general work plan that the Office of Equal Opportunity in Construction (OEOC), will employ to implement Affirmative Action Requirements approved by the Sacramento Housing and Redevelopment Agency, the City of Sacramento, and the County of Sacramento for building and construction contracts.

DEFINITIONS

Affirmative Action

Affirmative action is a positive and concrete action by an employer to assure that current practices and procedures are designed to effectuate and promote the equal opportunities for employment, retention and advancement of minorities and women residing in a specified area.

Affirmative Action Requirements

Affirmative action requirements are the specifications adopted by an Awarding Agency that stipulate the categorical actions to be taken by a contractor on a construction project that will ensure equal employment opportunity for minorities and women in order to achieve Agency's minority and women hiring goals.

Affirmative Action Plan

An affirmative action plan is a set of specific and results-oriented procedures established by a contractor to implement the Awarding Agency's affirmative action requirements.

Awarding Agency

The Awarding Agency is the entity which specifies the requirements that will apply on the applicable construction projects and is responsible for the enforcement of the policy when a determination of contractor noncompliance is made.

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RESOLUTION NO.: **94-004**
DATE ADOPTED: **MAY 31 1994**

OEOC

The OEOC is the Office of Equal Opportunity in Construction which was formed to assist and monitor a contractor's performance in meeting the affirmative action contract requirements stipulated by an Awarding Agency. The role of the OEOC is as follows:

- Recruit and refer eligible minority and women candidates to state-approved training programs and where applicable pre-apprenticeship programs.
- Assess the contractor's affirmative action plan for meeting the hiring goals of the Awarding Agency and provide technical assistance to the contractor in implementing that plan.
- Recruit and refer minority and female job-ready employment candidates to the contractor to meet minority and women hiring goals.

Goals

Goals are established by the Awarding Agency and specify the percentage of a contractor's total construction trade workforce that would be representative of the available minority and women within a specified project area.

**ASSESSMENT OF CONTRACTOR'S
AFFIRMATIVE ACTION PROGRAM**

1. The Contractor will be required to provide the following documentation to the OEOC as specified by the Awarding Agency's contract document:
 - A. A copy of the contractor's current affirmative action plan that describes its equal opportunity employment practices for recruiting, hiring, training, retaining, promoting, transferring, and terminating of the members of its workforce.
 - B. A list of the contractor's current workforce in the County of Sacramento in accordance with the requirements and in the form specified by the Awarding Agency.
 - C. A list of the projected workforce that will be required for the contract award in accordance with the form provided by the

Awarding Agency or the OEOC.

2. The OEOC will then make the following assessments:

A. The extent to which the contractors affirmative action plan will provide an effective mechanism to meet the Awarding Agency's goals and requirements.

If needed, OEOC will provide the contractor with recommendations that would improve the program's effectiveness. Examples of that assistance, includes, but is not limited to:

- (1) Establishing attainable goals and timetables to realize the workforce goals.
- (2) Developing a policy statement and plan to implement procedures.
- (3) Assisting in a job classification utilization analysis to identify problem areas or deficiencies that may exist in a contractor's workforce.
- (4) Assisting in developing an outreach and recruitment program.
- (5) Assisting in developing on-the-job training programs.
- (6) Assist in the reaffirmation of the contractor's equal employment opportunity policy in all personnel actions.

B. The degree to which the contractor is meeting the Awarding Agency's contract requirements in terms of minority and female hiring goals.

OEOC will determine the number minority and female hires that the contractor needs to attain Awarding Agency's goals, and provide, to the extent possible, referrals of job-ready candidates for the contractors consideration by trade and skill level.

C. If the Awarding Agency's goals are not being met, the extent to which the progress towards the goals can be made using the current construction contract award.

OEOC would determine how new hires within the projected workforce would provide the hiring opportunities to make progress towards or to meeting the goals.

RECRUITMENT AND REFERRAL

The OEOC will take the following actions to recruit and make referrals:

1. Coordinate and establish linkages with community-based organizations, State Employment Development Department, Sacramento Tradeswomen, and local employment programs, to recruit minorities and women for employment and training by trade and skill level.
2. Coordinate with the contractor to interview and assess the capabilities of off-the-street minority and females who inquire or submit applications at the job site.
3. Develop and maintain a data base that incorporates a community network of available minorities and women tradespersons, who are either located within Unions or Apprenticeship training programs, pre-apprenticeship programs, or are semi-skilled/skilled and seeking employment.
4. Coordinate with the contractor to make referrals from the employment pool.
5. Coordinate referrals to local union halls and apprenticeship programs on behalf of the contractor.
6. In the event that OEOC is unable to provide a minority or female, OEOC shall cooperate with the Division of Apprenticeship Standard's training programs and unions to assist with the referral of a minority or female.

COMPLIANCE MONITORING

The OEOC will determine if the contractor is in compliance with the Awarding Agency's requirements by making the determinations below. Examples given are intended to provide general guidelines and are not considered an all-inclusive listing.

1. Does the contractor provide the required documentation to the OEOC

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in accordance with this AAP and Awarding Agency's requirements?

Example

The contractor is required by the Awarding Agency to provide workforce utilization statistical reports to OEOC and fails to do. The contractor will be deemed in noncompliance.

2. Is the contractor implementing its affirmative action plan to meet the Awarding Agency's goals? If not, has the contractor accepted the assistance of OEOC when offered to implement that plan?

Example

The contractor does not have an affirmative action plan to meet the Awarding Agency's goals and refuses to accept the assistance of the OEOC to establish such a plan. The contractor will be deemed in noncompliance.

3. If the Awarding Agency's goals are not being met, has the contractor worked with the OEOC to receive minority and women referrals to meet those goals. If not, the contractor will be deemed in noncompliance.

Example

The contractor is not meeting the Awarding Agency's goals. The OEOC contacts the contractor and wishes to refer minority and women employment candidates to assist the contractor in meeting the goals. The contractor refuses to or fails to interview these candidates. The contractor will be deemed in noncompliance.

4. When OEOC referrals are accepted, does the contractor provide good cause in writing to the OEOC when a employment candidate is not hired, or hired and subsequently terminated?

Example

The contractor interviews an OEOC employment candidate and the candidate is not hired. The contractor fails to provide in writing the reason(s) why the candidate was not hired. The contractor will be deemed in noncompliance.

Examples of good cause for not hiring a candidate include:

- A. Referral fails to meet the job classification requirements.
- B. Referral does not possess the required tools necessary to perform the work.
- C. Referral cannot obtain the necessary transportation to report to the job site.

Example

The contractor hired an OEOC employment referral and the employee is later terminated. The contractor fails to provide in writing the reason(s) why the employee was terminated. The contractor will be deemed in noncompliance.

Examples of good cause for terminating an OEOC-referred employee include:

- A. Employee fails to demonstrate appropriate skill level required.
- B. Employee fails to report to work on the days and times required.
- C. Employee exhibits inappropriate work habits that endangers himself or other workers at the job site.
- D. Employee's work production is below the production of other employees performing the same work.
- E. The work assignment has been completed.

REPORTS TO AWARDING AGENCIES

The OEOC will provide, at a minimum, quarterly reports to Awarding Agency regarding the following:

1. Status of recruitment and number of referrals made to contractors.
2. Number of hires, dates of those hires, employing contractors, and places of work
3. Number of employment terminations and the reasons for those terminations.

4. Number and types of technical assistance provided to contractors.
5. Number of referrals to training programs, pre-apprentice programs, classroom vocational training.
6. Status reports on the progress made by contractors to comply with contractual commitments, as requested by the Awarding Agency or the public.
7. Upon reviewing a contractor's performance and a determination that the contractor deviated substantially from the contract specifications of the Awarding Agency, OEOC shall provide documentation to the Awarding Agency for enforcement.

SOLICITATION OF INFORMATION FROM AWARDING AGENCIES

From time to time, the OEOC will solicit contractor information from the Awarding Agencies for administrative purposes. Such information may include:

1. Schedules of construction project pre-bid and pre-construction conferences. OEOC will brief contractors on its services and the implementation of this AAP.
2. Contract award information necessary for OEOC to make contact with contractors to implement this AAP.

CONTRACTOR'S RESPONSIBILITY TO SUBCONTRACTORS

The Prime Contractor is responsible for informing each subcontractor, regardless of tier, in writing, of the subcontractor's obligations within the Awarding Agency's affirmative action requirements and this AAP.

RIGHTS OF APPEAL

The Contractor has the right to appeal any actions taken by the OEOC with the Awarding Agency as stipulated in the construction contract document.

Revision Date 3/7/94
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RESOLUTION NO.: **94-004**
DATE ADOPTED: **MAY 31 1994**

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ADOPTED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO

ON DATE OF MAY 31 1994

AFFIRMATIVE ACTION PROGRAM

BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF SACRAMENTO:

Section 1: The Affirmative Action Plan for the Office of Economic Opportunity in Construction attached as Attachment III is adopted to direct the compliance efforts related to the affirmative action policies of Housing Authority of the City of Sacramento.


CHAIR

ATTEST


SECRETARY

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