



SCHENECTADY COUNTY

EQUAL EMPLOYMENT OPPORTUNITY

AND

AFFIRMATIVE ACTION PLAN

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POLICY STATEMENT

Schenectady County strongly endorses the use of Equal Employment Opportunity and Affirmative Action mechanisms to ensure equal opportunities for all employees, job applicants, and contract vendors. It is the policy of Schenectady County to fully comply with all equal employment opportunity and affirmative action laws, rules, regulations and applicable court decisions; to guarantee County programs are accessible to all as required by the Americans with Disabilities Act; to prohibit unlawful discrimination age, gender, religion, race, disability, creed, genetic predisposition, marital status, veteran status, national origin, and all other unlawful discrimination in employment; and to promote the full realization of equal opportunity for the County as a whole and within each department of the County.

Schenectady County will provide equal employment and contract opportunities to all applicants regardless of race, creed, color, gender, age, national origin, citizenship, sexual orientation, religion, genetic predisposition, marital status, veteran status, or disability. To accomplish this Schenectady County will:

- Engage in personnel practices and policies that will assist the County government in achieving a workforce reflecting the demographic diversity of the County;
- Actively recruit members of protected classes for County employment;
- Strongly enforce Equal Employment Opportunity and Affirmative Action guidelines in vendor contracts.

In order to achieve these goals, Schenectady County hereby adopts the Schenectady County Equal Employment Opportunity and Affirmative Action Plan (“the Plan”) which conforms to Federal and State non-discrimination and affirmative action regulations. This Plan applies to all job classifications and titles in the County and all types of appointments under the County’s jurisdiction. It governs County practices and actions such as recruitment, employment, disciplinary actions, compensation, advancement, reclassification, reallocation, promotion, demotion, and employee benefits.

The County Affirmative Action Manager is responsible for day-to-day implementation of the programs and policies outlined in the Plan, and is directly answerable to the County Manager.

DEFINITION OF PROTECTED CLASS

For Plan purposes the term “protected class” includes individuals of color, women, individuals over the age of 40, veterans, and disabled persons.

ESTABLISHMENT OF EMPLOYMENT GOALS

It is a goal of Schenectady County to increase hiring from the protected classes to reflect the diversity of the County. Employment goals are generally guided by a comparison of County government workforce demographics to the demographics of the overall Schenectady County labor force as reported in the most recent U.S. Census data. Whenever underrepresentation of a protected class exists, a target goal shall be specified to help bring the current number of County government employees into parity with the available County-wide labor force. In certain instances and for certain job classifications the County may set target goals over and above the representation of the County-wide labor force.

The establishment of employment goals represents a good faith objective by the County to fully utilize the assets of our diverse Schenectady County population. These goals are not quotas, and the County explicitly rejects the use of quotas.

DISSEMINATION OF POLICY

The County will disseminate its Equal Employment Opportunity and Affirmative Action Policy in the following ways:

1. The Policy will be made available to the public upon request and will be posted on the County website.
2. A copy of the Policy will be available in every department. All new hires will receive a copy at the time of hiring.
3. The County will ensure all advertisements for employment and bidding opportunities indicate that the County is an Equal Employment Opportunity / Affirmative Action employer.
4. Protected class employees who consent to their inclusion will be represented in brochures, publications, manuals, reports and advertisements which depict the County work force.
5. Managers from all County departments will attend regular meetings with the Affirmative Action Manager to review and discuss Policy goals and objectives, and report progress on meeting these goals and objectives.
6. Union officials will be informed of the Policy and union cooperation will be sought.
7. The Policy will be made available to job applicants, vendors, bidders, suppliers, and recruitment sources, including those accessible to individuals having disabilities.

PLAN RESPONSIBILITIES

County Manager

The County Manager has ultimate responsibility for realizing Plan goals and objectives.

Affirmative Action Manager

The County Affirmative Action Manager has day-to-day programmatic responsibility for Plan implementation.

Duties of the Affirmative Action Manager include:

- planning, developing, implementing and monitoring the County Plan;
- working with the Director of Human Resources and Personnel Administrator in the County's job recruitment and examination program;
- maintaining resume files;
- consulting, developing and participating in Affirmative Action training programs;
- researching, compiling and analyzing data related to the representation of protected class employees in the County's workforce;
- monitoring progress toward employment targets;
- developing an internal discrimination complaint procedure;
- investigating and resolving complaints of discrimination;
- Reviewing and making recommendation on personnel policies;
- Administering ADA Policy and Procedure; and

- Continuous development, updating and monitoring of policies.

Director of Human Resources and Personnel Administrator

The Human Resources Director and the Personnel Administrator shall maintain a close working relationship with the Affirmative Action Manager and shall develop and maintain procedures in a manner consistent with Plan objectives.

Managers and Supervisors

County managers and supervisors are to adhere to Plan objectives in day-to-day operations and in hiring practices. This includes maintaining open lines of communication with the Affirmative Action Manager regarding Plan issues, participating in Equal Employment Opportunity and Affirmative Action training, and providing requested information to the Affirmative Action Manager.

PLAN PROCEDURES

Recruitment

The County recognizes that active recruitment of protected class individuals is vital to the success of the Plan. Special emphasis is placed on increasing the number of protected class members taking competitive exams and applying for non-competitive, temporary, provisional, exempt, and labor positions. To accomplish this:

1. Exam announcements will be posted on the County website and in the Civil Service Office.
2. **Job Opportunities** will be posted on the County website and in the Civil Service Office.
3. The Affirmative Action Manager will maintain a directory of protected class organizations and disperse timely job vacancy and civil service examination information to these organizations.
4. The County will publish targeted job advertisements and exam announcements in local newspapers and publications available to members of protected classes.
5. The Affirmative Action Manager will actively engage in recruitment efforts with community groups and organizations having ties to protected class members.
6. The Affirmative Action Manager will maintain a database of resumes submitted by members of protected classes.
7. The Affirmative Action Manager will provide County Department Heads and the County Manager with protected class candidates when vacancies occur, to the extent that such candidates exist.

Hiring

The following hiring procedures apply to all competitive, non-competitive, provisional, exempt, and labor vacancies:

1. All vacant positions approved for hiring by the County Manager shall have an authorized Request to Fill form. These forms shall be filed in the Civil Service Office and shall be maintained in a central location for access by the Affirmative Action Manager.
2. All exam announcements will be available in the Civil Service Office for access by the Affirmative Action Manager.

3. Job listings and exam announcements will include title, salary, job description, and minimum qualifications.
4. The Affirmative Action Manager will review job notice information and forward resumes of qualified protected class candidates to the hiring department head or appropriate staff person prior to the application deadline.
5. The Affirmative Action Manager will work directly with the County Manager and Department Heads to conduct targeted outreach and recruitment strategies.
6. The County will consistently monitor progress toward meeting Plan goals.

CONTRACTED SERVICES

STANDARD CONTRACT LANGUAGE

All contracts for services shall include the following language:

“In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability or marital status.

The Contractor will comply with the provisions of Section 291-299 of the Executive Law and the Civil Rights Law and the Governor’s Code of Fair Practice, and any amendments and rules and regulations pursuant thereto, will furnish all information and reports deemed necessary by the State Division of Human Rights under the law, and will permit access to its books, records and accounts by the State Division of Human Rights, the Attorney General and the Industrial Commissioner for the purpose of investigation to ascertain compliance with the non-discrimination clauses, the Executive Law and Civil Rights Law.”

MINORITY AND WOMEN-OWNED BUSINESS UTILIZATION

It is the policy of Schenectady County that Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) are afforded maximum opportunities to participate in the performance of contracts let by the County and its agencies. The Schenectady County Equal Employment Opportunity and Affirmative Action Plan is dedicated to ensuring that MBE and WBE qualifications are considered in awarding County contracts for public works and construction. It is the policy of Schenectady County that contractors and subcontractors utilize minority and female labor in performance of County public works contracts, to the extent possible, as set forth herein.

Bid Specification Levels and Requirements

Bid specifications prepared by the Schenectady County Purchasing Department for construction contracts in excess of \$200,000 will be subject to Affirmative Action performance targets as follows:

- 5% of the dollar value of the contract will be awarded to state-certified MBEs
- 5% of the workforce participation on the project will be minority
- 5% of the dollar value of the contract will be awarded to state-certified WBEs
- 5% of the workforce participation on the project will be female

Some federally-assisted and/or state-assisted County projects may include workforce participation goals for minorities and females that differ from the County goals above. In such cases Schenectady County will strive to reach the higher of the workforce participation goals.

Bid specifications prepared by the Schenectady County Purchasing Department in excess of \$200,000 also carry a requirement for utilization of apprenticeship programs as set forth in County Resolution. The County encourages bidders to facilitate the participation of minority and female workforces in apprenticeship programs. Bid specifications requiring apprenticeship requirements will be designated as such in the bid.

For plan purposes, state certified MBEs and WBEs are defined as those certified as such by the New York State Empire Development Agency (ESD).

Role of the Affirmative Action Manager

The County Affirmative Action Manager is responsible for recruiting MBEs and WBEs to bid on County contracts, including those contracts that do not meet the minimum value thresholds for automatically triggering MBE and WBE performance targets. To achieve this, the Affirmative Action Manager will obtain access to and/or maintain a database of minority and female enterprises, contractors, and laborers; establish positive working relationships with community groups to build these applicant pools; and serve as a resource for contract bidders to help fulfill their contract obligations under this Plan.

The Affirmative Action Manager will identify Schenectady County-based minority and women-owned business enterprises seeking MBE and/or WBE state certification and assist these enterprises through the state certification process.

The Affirmative Action Manager will also work closely with other entities in a position to increase minority and women contract participation rates including, but not limited to, labor unions, the Schenectady County Job Training Agency, other County agencies, and community groups.

Vendor Compliance

Schenectady County will monitor vendor compliance with the Plan via monitoring provisions such as:

- Regular submission of employment and payroll reports
- MBE and WBE participation forms
- Subcontract utilization and participation reports

The County MBE and WBE goals will be included in all County construction contracts greater than \$200,000. Contract solicitations will specify that the successful bidder is required to submit MBE and WBE participation information and that as a condition of receiving the contract the bidder must meet the County MBE and WBE goals or demonstrate to the County that it made good faith efforts to do so.

In the event that a successful bidder is a state-certified MBE or WBE it is deemed that the appropriate minority (for MBEs) or female (for WBEs) project participation goal has been met. If the successful bidder is not a state-certified MBE or WBE then the bidder shall provide the County the following information regarding MBE and WBE participation in the project:

- Name and address of each participating MBE and WBE
- Description of the work to be performed by each MBE and WBE firm
- Contracted dollar value of the work to be performed by each MBE and WBE firm

MBE and WBE participation information will be required prior to committing the County to award the contract to the apparent successful bidder.

If the contracted goals are not met the bidder must demonstrate to the County that it made good faith efforts to meet the County goals. These efforts may include:

- Whether the bidder contacted the County Affirmative Action Manager regarding certified MBE and WBE firms
- Whether the bidder advertised subcontracting opportunities in general circulation, trade association, or minority-focused media
- Whether the bidder provided written notice to MBE and WBE firms soliciting these firms' interest in participation prior to contract implementation
- Whether the bidder provided interested MBEs and WBEs with adequate information about the plans, specifications, and requirements of the contract
- Whether the bidder negotiated in good faith with interested MBE and WBE firms
- Whether the bidder engaged in community outreach with local organizations in a position to recruit and provide assistance to MBE and WBE firms

Successful bidders will be required to submit subcontractor utilization and participation reports and employment and payroll reports to the County on a regular basis. The County may also engage in other activities it deems appropriate to ensure bidder compliance with respect to meeting targeted MBE and WBE goals. For example, the County may utilize desk audits, on-site reviews, and/or subcontractor interviews.

Should the County find that successful bidders have not complied with County MBE and WBE requirements, including failure to make a good faith effort at meeting these requirements, the bidder will be promptly notified that it has been found noncompliant with details of the noncompliance made available. In such cases, the County reserves the right to take actions to remedy the situation that may include withholding of future contract payments, disqualification from future contracting opportunities, or cancellation of the contract and declaration of forfeiture of any performance bond.

Waivers

In certain instances it may be impossible or impracticable for a bidder to comply with County MBE and WBE requirements. Examples of this may be:

1. That the successful bidder on a contract does not require additional labor to perform the work
2. The lack of qualified MBE or WBE firms available.

In such cases a successful bidder may submit a MBE/WBE Waiver Request to the County Purchasing Agent asking to be released from County MBE and WBE requirements.

DISCRIMINATION COMPLAINT PROCEDURES AND RESPONSIBILITIES

Introduction

Equality of opportunity is a civil right in New York State under the provisions of Article 15 of the New York State Executive Law (Human Rights Law), the Civil Rights Act of 1964 as amended, the Rehabilitation Act of 1973, and the Vietnam Era Veteran's Readjustment Act of 1974. Every employee and applicant for employment in Schenectady County has the right to seek employment and to be employed in a work environment that is free from restraint, intimidation, harassment or coercion.

The following complaint procedure has been devised to provide for uniformity and equity in the resolution of allegations of discrimination in employment. It will be well publicized throughout the County.

Purpose

This procedure has been designed to allow the County the opportunity to resolve complaints internally. It is in

no way intended to duplicate or circumvent options available to claimants through other options. Use of this procedure will not suspend any time limitations for filing complaints otherwise set by law, rule or regulation.

This procedure applies to all complaints of discrimination in employment based on race, color, national origin, sexual orientation, creed, age, gender, marital status, genetic predisposition, carrier status, religion, disability or Vietnam Era Veteran status. It can be used by an employee or applicant for employment. Complaints may be based on any alleged act or omission in the nature of discrimination including, but not limited to:

County Policies	Job Assignment
Discipline	Promotion
Dismissal	Shift Assignment
Harassment	Training Opportunities
Hiring	Transfer
Interviewing	Working Conditions

County Manager

The County Manager is responsible for the implementation of this complaint procedure.

If it is determined that a person has been subjected to an unlawful act of discrimination, the County Manager will issue instructions for remedial action including disciplinary action where appropriate.

Affirmative Action Manager

When directed by the Director of Human Resources or the County Attorney's Office, the Affirmative Action Manager is responsible for coordinating complaint proceedings.

Other Staff

All County employees must cooperate with the Affirmative Action Manager in the investigation of complaints. Failure to do so may lead to disciplinary actions, in accordance with respective bargaining agreements, taken against the uncooperative employee.

COMPLAINT PROCESS

- 1.** Any person with a complaint of employment discrimination should contact the Affirmative Action Manager. Complaints should be made within sixty (60) working days of the occurrence of the event which gave rise to the complaint. However, a complaint may be made up to one year after an incident occurs.
- 2.** The Affirmative Action Manager or his/her designee will explain the internal procedure, explain the other options available to the employee (including time limitations for filing complaints with state and Federal compliance agencies), and assist in completing the complaint form if necessary.
- 3.** Upon receipt of complaint, the Affirmative Action Manager will immediately forward a copy of the complaint to the Director of Human Resources, County Manager, and County Attorney. An immediate review of the allegations will be taken, and the County Manager will take any interim actions necessary.
- 3.** The investigating entity, which may include the Affirmative Action Manager and/or the County Attorney's Office, will interview the complainant and review relevant evidence.
- 4.** The investigating entity will interview witnesses and further investigate the allegations made in the complaint. At each opportunity, the investigating entity will seek conciliation or an informal settlement that is satisfactory to the parties concerned.

5. When the investigation is complete, the investigating entity shall prepare a written memorandum, outlining the investigation and making recommendations to the County Manager.

6. The County Manager shall issue the final decision and direct the Affirmative Action Manager to issue recommendations in writing to the parties concerned.

7. The decision of the County Manager is final. If the complainant is not satisfied with the decision, the complainant may seek redress through other sources.

8. At any point in the procedure, the complainant may withdraw the charge under this procedure by notifying the Affirmative Action Manager in writing.

Time Frame

All efforts will be made by the County to reach a decision within sixty (60) working days beginning from the date on which the written complaint is received.

Confidentiality

The substance of the investigation will remain confidential. No party or staff member shall disclose the results of the investigation or parts thereof.

The Affirmative Action Manager or his/her designee will inform all charged parties of the factual allegations and give them an opportunity to respond to all charges and evidence.

Accessibility

The County will provide such assistance as 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

Retaliation, real or implied, against an employee who has filed a discrimination complaint is strictly forbidden and will result in disciplinary action.

Time Accruals

There will be no charge to accruals for time taken in conjunction with this procedure.

Outcomes

A discrimination complaint investigation will result in either dismissal of the complaint or appropriate remedial action as determined by the County Manager based on the merits of each case. The complainant will be notified in writing of the outcome.

Fraudulent Complaints

The County reserves the right to take disciplinary action against an employee determined to have engaged in a fraudulent discrimination complaint.

Follow-up

The Affirmative Action Manager will maintain a log and file of complaints received. Six weeks after a decision, the Affirmative Action Manager will determine if the directives of the County Manager have been carried out or if the case needs to be re-opened. These findings will be reported to the County Manager for appropriate action.

Record Keeping

The County will keep a record of the status and determination of all complaints for at least two years. Cases that are unresolved and subject to external review will be maintained indefinitely or until resolution.

APPENDIX I

LAWS AND ORDERS REQUIRING EOUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

Age Discrimination in Employment Act of 1975 (as amended)

ADEA prohibits employers of 25 or more persons from discriminating against persons 40-70 in any area of employment because of age. The New York State Human Rights Law extends this coverage to individuals 18-65.

Americans with Disabilities Act of 1990

Prohibits discrimination in all employment practices including, job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

Equal Employment Opportunity Act of 1972

Strengthened the powers and expanded the jurisdiction of the Equal Employment Opportunity Commission (EEOC) in enforcement of this law.

As amended, Title VII now covers:

- All private employers of 15 or more persons
- All educational institutions, public and private
- State and local governments
- Public and private employment agencies
- Labor unions with 15 or more members
- Joint labor-management committees for apprenticeship and training

Equal Pay Act of 1963

This act requires all employers subject to the Fair Labor Standards Act (FLSA) to provide equal pay for men and women performing similar work. In 1972, coverage of this Act was extended to include additional executive, administrative and professional employees (including academic, administrative personnel, and teachers in elementary and secondary schools) and outside salespeople.

Executive Order 11246 (as amended by Executive Order 11375)

This order, issued by the President in 1965, requires Affirmative Action Programs by all Federal contractors and subcontracts and requires that firms with contracts over \$50,000 and 50 or more employees develop and implement written programs which are monitored by an assigned agency.

Specific requirements for such "result-oriented" programs are detailed in Revised Order No. 4 issued by the Office of Federal Contract Compliance, U.S. Department of Labor. These requirements include identifying areas of minority and female "underutilization", numerical hiring and promotion goals, and other actions to increase minority and female employment in job classifications where they are currently underutilized.

Firms found not in compliance with Revised Order No.4 may face termination or cancellation of contracts or they may be barred from future contracts.

Requirements of Revised Order No.4 are similar to court interpretations of Title VII requirements.

Flynn Act

This law amends the New York State Human Rights Law prohibiting discrimination on the basis of disability, where such disability does not affect job performance.

Public Employees Fair Employment Act (Taylor Law)

Discrimination on the basis of race, religion, or national origin may violate rights arising under the Taylor Law. It may be unlawful for employers to participate with unions in the commission of any unlawful discriminatory practices, or to practice discrimination in a manner which gives rise to racial or other divisions among employees, to the detriment of organized union activity; or for unions to unlawfully exclude individuals from union membership opportunities, to discriminate in the representation of union members or non-members in collective bargaining agreements, in processing of grievances, or in other respects, or to cause or attempt to cause employers to enter into unlawful discriminatory agreements or otherwise discriminate against union members or non-members.

New York State Human Rights Law

This State Law prohibits discrimination, including Vietnam era and disabled veterans, on the basis of race, gender, religion, color, age, national origin, disability, sexual orientation, marital status, or genetic predisposition or carrier status in all matters of employment.

Rehabilitation Act of 1973

Section 503 of this law requires that employers holding Federal contracts take Affirmative Action to hire the handicapped.

Section 504 of the law requires that public buildings and educational institutions be made barrier-free. An official must be designated as the compliance officer and a grievance procedure must be established.

Title VI of the Civil Rights Act of 1964 & 1991

Prohibits discrimination based on race, color, or national origin in all programs or activities which receive Federal aid. Employment discrimination is prohibited if the primary purpose of Federal assistance is provision of employment (such as training, apprenticeship, work study, or similar programs). Revised Guidelines in 1973 by 25 Federal agencies prohibit discriminatory employment practices in all programs if such practices cause discrimination in services provided to program beneficiaries. Title VI does not explicitly bar sex discrimination.

Title VII of the Civil Rights Act of 1964 (as amended by the Equal Opportunity Act of 1972)

Title VII prohibits discrimination including Vietnam era and disabled veterans, because of age, race, creed, color, national origin, sex, or disability or marital status, in any term, condition or privilege of employment.

Title IX Education Amendments Act of 1972

Title IX extends coverage of the Equal Pay Act and prohibits discrimination on the basis of sex against employees or students of any educational institution receiving Federal aid. Provisions covering students are similar to those of Title VI of the Civil Rights Act of 1964.

Vietnam Era Veterans' Readjustment Assistance Act of 1974

This Federal Law contains many of the provisions already afforded veterans under New York State Civil Service Law regarding veterans' preference.

Other Laws

Courts have also ruled employment discrimination to be prohibited by the Civil Rights Acts of 1866 and 1870 and the Equal Protection Clause of the 14th Amendment to the Constitution. Action under these laws on behalf of individuals or groups may be taken by individuals, private organizations, trade unions and other groups.

New York State Civil Service Law

All affirmative action efforts must be taken within the legal framework provided by the New York State Civil Service Law.

APPENDIX II DEFINITIONS

The following definitions are based on New York State Human Rights Laws which are broader and more inclusive than federal statutes and regulations. These definitions are applicable to requests for reasonable accommodations.

Person with a Disability: A person with "a physical, mental or medical impairment" who, upon provision of reasonable accommodation if needed, is able to perform in a reasonable manner the activities involved in the job or occupation sought or held.

Individuals with a disability also include persons who have a record or history of impairment even if they do not currently have impairment(s). Persons who have a condition regarded by others as an impairment, or who are incorrectly perceived as having an impairment, are also protected from discrimination.

The law also protects from bias those individuals who do not themselves have a disability, but who are discriminated against on the basis of their association with an individual with a disability.

Physical, Mental or Medical Impairment: Any impairment "resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques."

Reasonable Performance: New York State Human Rights Law protects from discrimination those who can reasonably perform the job, with reasonable accommodation, if needed, despite the person's impairment. Reasonable performance is not perfect performance or performance unaffected by the disability, but reasonable job performance reasonably meeting the County's needs to achieve its business goals. Ability to reasonably perform the "activities involved in the job or occupation" means the ability, with or without accommodation, to meet the minimum acceptable performance of essential job functions as established by the County. The County's judgment as to what is minimum acceptable performance will prevail, so long as standards for performance are applied equally to all employees in the same position. Such standards for satisfactory performance may include minimum productivity standards or quotas.

Essential Job Functions: Essential functions are those fundamental to the position; a function is essential if not performing that function would fundamentally change the job or occupation for which the position exists. What is an essential function is a factual question to be resolved by all relevant evidence. Factors indicating essential functions include, but are not be limited to:

- the employer's judgment, particularly where so indicated in a pre-existing written job description;
- how often the function is actually performed by other employees in the position;
- how many other employees are available to whom the function could be reallocated by job restructuring;
- the direct and specific consequences to the employer's business if the function is not performed by the particular disabled individual;
- the terms of a collective bargaining agreement.

Qualified Person with a Disability: A person with a disability who, as defined above, can reasonably perform the essential functions of the job and who satisfies the requisite skill, experience, education and other job-related requirements of the position.

DEFINITION OF SPECIFIC CATEGORIES FOR REPORTING PURPOSES

American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

Asian or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

Black: (Not of Hispanic origin) - All persons having origins in any of the Black racial groups of Africa.

Disabled Person: Any person who has a substantive physical or mental impairment or has a record of such impairment.

Hispanic: All persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Vietnam Era Veteran: A person who served on active duty for a period of 180 days, any part of which occurred between January 1, 1963 and March 29, 1973, and was discharged and released with other than a dishonorable discharge. A person who served on active duty for a period of less than 180 days, and part of which occurred between January 1, 1963 and March 7, 1975, and was discharged by reason of disability incurred in the line of duty.

White: (Not of Hispanic origin) - All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Women: Females who are not otherwise classified under a protected group.

ADDITIONAL DEFINITIONS

Discrimination: Unlawful consideration or treatment of a person or group (either intentionally or unintentionally) based on race, color, national origin, sexual orientation, creed, age, gender, marital status, genetic predisposition, carrier status, religion, disability, or Vietnam Era Veteran status.

Discrimination in Employment:

1. 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 based on that individual's race, color, national origin, sexual orientation, creed, age, gender, marital status, genetic predisposition, carrier status, religion, disabilities, or Vietnam Era veteran status;
2. The limitation, segregation or classification of 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, sexual orientation, creed, age, gender, marital status, genetic predisposition, carrier status, religion, disabilities, or Vietnam Era veteran status.

APPENDIX III: VENDOR COMPLIANCE FORM
MINORITY AND/OR WOMAN OWNED BUSINESS COMPLIANCE FORM
 Schenectady County Purchasing Department

PART A

 Name of Bidder

 Contract Number

 Address

 Project Name

 Phone Number ; Fax Number

Is this bidder a NYS certified MBE/WBE contractor? YES _____ NO _____

 Notes

LIST ALL NYS CERTIFIED MBE/WBE SUBCONTRACTORS USED FOR CONTRACT COMPLIANCE (attach additional sheets if necessary):

Name, Contact Person, Address, Phone, Federal Tax ID Number	Minority and /or Woman Owned	Scope of Work/Services	Est. Start Date	Est. Comp Date	Amount of Contract	% of Bid

We will enter into formal agreements with the MBE/WBE firms listed above as part of a contract execution with Schenectady County.

 Signature

 Date

Name of Bidder

Contract Number

BIDDERS COMPLETE *PART B* OR *PART C*

PART B

_____ We have met the MBE/WBE contract goals specified by Schenectady County.

_____ We have NOT met the MBE/WBE contract goals specified by Schenectady County (see below).

If MBE/WBE contract goals have NOT been met, in the box below specify the good faith efforts made in an attempt to meet the contract goals. Also attach copies of any information showing that due diligence was performed in soliciting NYS certified MBE/WBE contractors to bid on the project. Examples of such information might include legal advertisements, solicitation letters to MBE/WBE contractors, phone logs, etc.

PART C

REQUEST FOR WAIVER

We request a waiver from the MBE/WBE contract goals specified by Schenectady County because:

_____ We are a sole proprietorship, not a NYS certified MBE/WBE, and will not use subcontractors.

_____ Meeting the MBE/WBE contract goals will cause undue financial hardship (explain below).