

AFFIRMATIVE ACTION STATEMENT

of the

Northeastern Pennsylvania Alliance

1151 Oak Street, Pittston, PA 18640

In Compliance with

EDA Regulations (13 CFR 311.69)

Revised July 15, 2003

## Section 1. Equal Employment Opportunity Policy

In compliance with Title IV of the Civil Rights Act of 1964 (P.L. 88-352) it is the policy of the Northeastern Pennsylvania Alliance (hereinafter referred to as Alliance), to provide equality of opportunity in employment in the Alliance for all persons; to prohibit discrimination because of race, color, religion, sex, or national origin in all aspects of its personnel policies, programs, practices, and operations and in all its working conditions and relationships with employees and applicants for employment, through continuing programs of affirmative actions in the Alliance.

## Section 2. Affirmative Action Program

The Board of Directors shall direct the establishment, maintenance and implementation of an affirmative action program to promote equal opportunity in every aspect of employment policy and practice which shall include assuring that the President and other employees in the Alliance involved in recruiting, hiring and other employment actions shall carry out such activities in accordance with the requirements of equal opportunity laws and policy; that notification of existing job vacancies and recruitment for such vacancies will be in accordance with this policy; that the name(s) of the Equal Opportunity Counselor designated by the Board of Directors as provided in this section shall be posted in conspicuous places; and that the contents of this section are brought to the attention of every employee in the Alliance and to prospective employees.

### Section 2.1 Personnel and Procedures for Implementing Equal Opportunity Policy

A. Equal Opportunity Review Board. The Alliance designates the voting members of the Board of Directors as the Alliance's Equal Opportunity Review Board (EOR Board). In all cases involving employment actions authorized to be taken by the President or any of his representatives, the decision of such EOR Board, upon review of proceedings carried out in accord with the procedures established by this section, shall be final.

B. District Equal Opportunity Appeals Panel. In cases involving alleged discrimination in violation of the Alliance's equal opportunity policies, where the employment action giving rise to the complaint of discrimination was taken by the Board of Directors, final review of such complaints shall be made by an Equal Opportunity Appeals Panel which shall consist of three members: (a) one designated by the Board of Directors, (b) one designated by the complainant, and (c) one selected by the panel members chosen under (a) and (b).

C. Equal Opportunity Counselor. The Board of Directors will designate one person on the Alliance's Board of Directors as Equal Opportunity Counselor. It shall be the duty of such counselor to provide advice to employees, or other persons, concerning their rights under the equal opportunity policy established in Section 1, and other pertinent laws and regulations to conduct initial investigations as provided in this section; and to see conciliation of such complaints with the appropriate Alliance officials.

D. Equal Opportunity Hearing Officer. In appropriate cases, the Equal Opportunity Review Board (or the EO Appeals Panel) shall designate a disinterested person to conduct formal investigations and hearings on complaints of discrimination brought in the manner provided in this section.

Section 2.2 Procedures for Conciliation, Investigation, and Resolution of Complaints of Discrimination.

A. Discrimination in Actions Taken by the President or Representative.

(1) Any person who believes that he or she has been discriminated against by reason of race, color, religion, sex, creed, or national origin, in connection with any personnel action taken or to be taken by the President or any representative of the President, shall be advised of his or her rights under this section, including his or her right to seek advice and conciliation through the Equal Opportunity Counselor.

(2) The aggrieved party shall, within 15 days of the action giving rise to his/her complaint, submit his/her complaint in writing to the Equal Opportunity Counselor.

(3) The EO Counselor shall conduct such investigation as deemed appropriate in the circumstances, and shall seek to conciliate the complaint with the President or such other representative.

(4) If the EO Counselor is unable to effect a satisfactory resolution of the matter through conciliation, the EO counselor shall complete an initial investigation and forward his recommendations to the EOR Board.

(5) The EOR Board shall refer the report of the Counselor's initial investigation and recommendations to the EDA General Counsel, who shall review the evidence in the file and the recommendations in light of the policy in Section 1, and pertinent laws and regulations, and submit a review and recommendations to the EOR Board. Such recommendations by the EDA General Counsel may include recommendations as to matters of fact, law, and appropriate actions to be taken.

(6) The EOR Board shall review the initial report and recommendations of the EO Counselor and the EDA General Counsel's review and recommendations thereon, and take one of the following actions:

(a) render a decision in favor of the complainant and direct the President to take necessary corrective action.

(b) determine that further investigation of the matter is required and refer the matter to the Hearing Officer for formal investigation; or

(c) render a decision against the complainant and advise complainant of his or her right to a hearing.

(7) If the complainant requests a hearing, the EOR Board will refer the matter to a Hearing Officer designated pursuant to Section 2.1 for formal investigation

(8) The EO Hearing Officer shall conduct a hearing on complaint cases referred, to discover all pertinent facts bearing on the complaint of discrimination. The complainant shall have the right to be represented at the hearing by the counsel of his choice and expense. During the hearing, the rules of evidence will be relaxed; however, irrelevant or unduly repetitious evidence will be excluded. The complainant, his or her representative, and representatives of the Alliance shall be given the opportunity to cross-examine witnesses who appear and testify. Testimony will be under oath or affirmation. A complete and appropriate record of the proceedings shall be made.

(9) The Hearing Officer will weigh the evidence presented before him or her, findings of facts, conclusions of law, and a recommended decision, including appropriate corrective action, if any is indicated. The findings of facts, conclusions of law, and recommended decision shall be forwarded to the EDA General Counsel for review, recommendation, and subsequent submission to the EOR Board.

(10) The EDA General Counsel shall review for legal sufficiency the record of the proceedings and the officer's findings of facts, conclusions of law, and recommended decision, and shall prepare his or her advice and recommendation for the EOR Board and submit the entire file to the EOR Board for its final decision.

(11) The EOR Board shall review the record of the proceedings, the hearing officer's findings of facts, conclusions of law and recommended decision, and the EDA General Counsel's advice and recommendations thereon, and make a final decision on the complaint. Such decision of the EOR Board shall be in writing, shall determine whether discrimination has occurred, and shall direct such remedial actions as it deems to be required to effectuate the policy in Section 1.

(12) A copy of the decision shall be furnished to the complainant.

#### **B. Cases Involving Employment Actions by Board of Directors**

(1) Any person who believes that he or she has been discriminated against, by reason of race, color, religion, sex, creed, or national origin, in connection with any personnel action taken by the Board of Directors, shall be advised of his or her rights under this section and of his or her right to seek advice and conciliation through, or submit a complaint to, the EO Counselor as provided in A(1).

(2) Such aggrieved party must submit a complaint as prescribed in A(2).

(3) The EO Counselor shall take action in such a case as provided in A(3), except that, if the EO Counselor is unable to conciliate the matter with the Board of Directors, the EO Counselor shall complete the investigation as provided in such section and submit it to an Equal Opportunity Appeals Panel selected in accordance with Section 2 (1B).

(4) The EO Appeals Panel shall refer to the EO Counselor's report to the EDA General Counsel for review in the same manner prescribed in A(5), and the EDA General Counsel shall review the initial investigation and make recommendations in the manner prescribed in A(5).

(5) Upon consideration of the EO Counselor's investigation and recommendation and the EDA General Counsel's review and recommendations thereon, the Appeals Panel shall render a decision in one of the alternatives prescribed in A(6).

(6) Thereafter, all further proceedings on such complaint shall be in accord with the procedure established in A above, with the exception that the duties and responsibilities of the EOR Board shall, in such cases, be carried out by the EO Appeals Panel.

Section 2.3 Contractors or Grantees of Federal financial assistance under the program of the Public Works and Economic Development Act of 1968 shall comply with Title VI of the Civil Rights Act of 1964, and the following standard provisions on equal employment opportunity shall be a part of the contract or agreement with the Alliance.

A. Non-Discrimination – During the term of this Contract; the CONTRACTOR agrees as follows:

(1) The CONTRACTOR will not discriminate against any employee or applicant for employment because of race, sex, creed, color, or national origin. The CONTRACTOR will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, sex, creed, color, or national origin.

Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The CONTRACTOR agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination article.

(2) The CONTRACTOR, will, in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR, state that all qualified applicants will receive consideration for employment without regard to race, sex, creed, color, or national origin.

(3) The CONTRACTOR will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a

notice advising the said labor union or workers' representative of the CONTRACTOR's commitments under this non-discrimination article, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) In the event of the CONTRACTOR's noncompliance with the nondiscrimination article of this contract or with any of the said rules, regulation or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the CONTRACTOR may be declared ineligible for contracts.

(5) The CONTRACTOR will include the provisions of paragraphs (1) through (5) in every subcontract or purchase order.

#### Section 2.4 Board of Directors Representation.

A. To reflect the interests of all residents, including low-income and minority groups, in the decision-making processes of the Alliance; it shall be assured that the Board of Directors has the fullest possible representation from the minority groups.

(1) The percentage of the minority representation within the total membership of a Board of Directors shall equal the percentage of minority population within the entire area served by the Alliance.

(2) The profile of population composition of the Region based on the most recent decennial census undertaken by the U.S. Census Bureau and the current Board member's biographies are appended hereto and made part of this affirmative action plan.

(3) The minority representative(s) to the Board of Directors shall be selected in conformance with the minority representation ratio as specified in Section 2.4A(1).