

**BROOKLINE HOUSING AUTHORITY
EQUAL EMPLOYMENT OPPORTUNITY POLICY
and
AFFIRMATIVE OUTREACH IN CONTRACTING POLICY
(the “Policy”)**

Pursuant to 760 CMR 4.07 – LHA Affirmative Action Plan

Approved by BHA Board of Commissioners, September 10, 2013

I. STATEMENT OF POLICY

- A. It is the policy of the Brookline Housing Authority to not discriminate in employment based on race, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions), age (40 and older), familial status, marital status, military service, political beliefs or affiliations, disability (physical or mental), sexual orientation, genetic information and gender identity with regard to all matters within its purview. This policy is intended to comply with state and federal law designed to promote equal employment opportunity and to address the effects of any past or present discrimination through affirmative action.

The Brookline Housing Authority will not discriminate against employees or applicants for employment in the terms, conditions or privileges of employment, including but not limited to:

- Recruitment, advertising, and processing applications for employment;
- Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, injury or illness, and rehiring;
- Rates of pay or any other form of compensation and changes in compensation;
- Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- Leaves of absence, sick leave or any other leave;
- Fringe benefits;
- Selection and financial support for training, professional meetings, conferences and related activities;
- Employer-sponsored activities.

Residency as a criteria: Residency within the Town of Brookline is prohibited as a prerequisite for employment except a residency requirement is permitted in the case of 24-hour on call maintenance personnel.

- B. It is the policy of the BHA to outreach to and encourage Woman Owned Business Enterprises (WBE) and Minority Owned Business Enterprises (MBE) to respond to solicitations for BHA contracts for goods and services and for construction, as such terms are defined in applicable state or federal law. It is also the policy of the BHA that contractors engaged by the BHA shall follow applicable federal law and regulation in regard to minority and women participation in such contracts.

II. EQUAL OPPORTUNITY OFFICER

The Executive Director is designated as the Equal Opportunity Officer and, as such, shall direct and monitor the Brookline Housing Authority's implementation of this Policy and coordinate efforts to comply with state and federal law. The Executive Director may designate another member of the BHA's senior staff to serve as the Equal Opportunity Officer, or to assist with the duties. The Equal Opportunity Officer, will have the following duties:

- Establishment of goals and objectives.
- Periodic review of hiring and promotion practices and decisions to ensure that goals and objectives are met.
- Review of the qualifications of all employees to ensure that employees protected by this Policy are given full opportunities pursuant to this Policy.
- Periodic review of job descriptions and personnel policies and alignment of such job descriptions and personnel policies with this Policy.
- Oversight of the activities involved in monitoring and reporting on equal employment opportunity activities.
- Notification of third party contractors of obligations with respect to equal employment opportunity.
- Serve as the recipient of complaints from all sources including monitoring agencies of the state or federal government pursuant to this Policy and applicable law.
- Receive, review and submit all required reports pursuant to this policy and applicable state and federal law.

III. IMPLEMENTATION

A. Establishment of Goals and Objectives

On an annual basis the Equal Opportunity Officer shall conduct a Utilization Analysis of the Brookline Housing Authority's work force, consisting of a breakdown of the representation and utilization of minority, female, veteran and disabled personnel in each of the following employment categories.

- Maintenance;
- Clerical;
- Managerial, technical and professional.

The Equal Opportunity Officer shall determine that where the percentage of minorities, females, veterans and disabled personnel in any job category does not reflect the percentage of members of these groups in the population of the Town of Brookline or the Standard Metropolitan Statistical Area, whichever percentage is greater, there is an Underutilization in the job category. If an underutilization is determined, the Equal Opportunity Officer will establish goals for improving the utilization of minorities, women, veterans and disabled individuals in each category for which the underutilization has been determined. The current Utilization Analysis and Goals are attached hereto as Appendix A.

B. Achieving the Goals

Where the Equal Opportunity Officer has determined that the Brookline Housing Authority has not reached a goal(s) in an Underutilization category for hiring established pursuant to paragraph III. A. above, then between equally qualified applicants from that Underutilization category, if one or more applicants are tenants, a tenant applicant shall be deemed more qualified than the non-tenant candidates.

If, notwithstanding the preference for tenants, there remain equally qualified candidates, the order of further consideration as to which candidate to hire shall be as follows:

1. Where an LHA has not reached a goal for employment of minorities, qualified minority candidates.
2. Where an LHA has not reached a goal for employment of people with disabilities, qualified candidates with disabilities.
3. Where an LHA has not reached a goal for employment of females, qualified female candidates.
4. Where an LHA has not reached a goal for employment of veterans, qualified veteran candidates.
5. Where a candidate qualifies in more than one category, this fact shall entitle him or her to receive the LHA's further consideration before other candidates, in the highest category for which he or she qualifies.

Notwithstanding the foregoing provisions of this Section VI, the Authority shall fill open positions within bargaining units represented by recognized labor unions in accord with applicable collective bargaining agreements, except where otherwise required by law.

C. Recruitment Procedures

The Equal Opportunity Officer will keep a list of recruitment sources used during the previous fiscal year. These recruitment sources will include:

- Contacting local minority, handicapped, women's and veterans organizations, to the extent such organizations exist;
- Publishing in newspapers of general circulation;
- Utilizing media sources which will reach minorities, women, veterans and handicapped people, to the extent that such media sources are available;
- Posting job opportunities at the Brookline Housing Authority's offices;
- Sending notices of job opportunities to the Massachusetts Department of Housing and Community Development (DHCD), to be included in, and to the extent that DHCD maintains listings of job openings that are made available for the purpose of affirmative outreach.

All recruitment materials will include the phrase "An Equal Opportunity/Affirmative Action Employer." Job positions will be kept open for an amount of time reasonably calculated to allow affirmative action candidates to apply. The Authority shall interview at least three qualified applicants, if available, and will endeavor to include affirmative action candidates among those interviewed.

D. Hiring and Promotion Practices

Any tests or evaluations given in processing or evaluating candidates for employment will be designed to reflect only the job applicant's skills, aptitude or education in relation to the open position. Following a conditional job offer, pre-employment inquiries or examinations regarding physical or mental condition will only be conducted to determine an applicant's ability to perform job related functions, and will only be required of one applicant if required of all entering employees in the job category.

IV. GRIEVANCES

A. Grievance Procedures

Any employee who believes that he/she has been discriminated against by the Brookline Housing Authority in violation of this Policy may file a written grievance with the Executive Director, clearly setting forth the employee's allegation and the remedy sought. The Executive Director will schedule a meeting with the employee and attempt to reach an informal resolution of the matter. If an informal resolution cannot be reached, the Executive Director will convene a formal meeting.

Where an employee's grievance directly relates to the actions of the Executive Director, the Assistant Executive Director shall carry out the responsibilities of the Executive Director described in the paragraph immediately above.

Where an individual grievant is in a collective bargaining unit represented by a recognized labor union, the bargaining representative will be afforded the opportunity to be present at such meetings and any adjustment made shall not be inconsistent with the terms of any agreement then in effect between the Authority and the applicable labor union, except where otherwise required by law.

Within ten (10) business days after the hearing, the Executive Director or the Assistant Executive Director as applicable will inform the employee in writing of his/her decision.

B. Notice

The Brookline Housing Authority shall post, in the main administrative office, a notice stating that any individual who believes that he/she has been denied employment, discharged or discriminated against in compensation or in the terms, conditions or privileges of employment, on the basis of race, color, religion, national origin, sex (including pregnancy, childbirth, and related medical conditions), age (40 and older), familial status, marital status, military service, political beliefs or affiliations, criminal record (inquiries only), disability (physical or mental), sexual orientation, genetic information and gender identity has the right to file a complaint with the Massachusetts Commission Against Discrimination.

V. CONTRACTS

A. Contracts for Goods and Services

The Brookline Housing Authority shall notify MBE and WBE when it solicits proposal to contract for goods or services or construction by:

Consulting such lists of MBE and WBE as are currently available from the Massachusetts Supplier Diversity Office and similar or successor offices;

Advertising in the Massachusetts Goods and Services Bulletin;

Advertising in media sources that will reach minority and women-owned businesses.

B. Construction Contracts

Brookline Housing Authority contracts for goods and services and for the design, construction, renovation or modernization of buildings shall contain a provision disallowing discriminatory practices by the contractor, as required by applicable state and federal law and regulation and such affirmative outreach, hiring goals, and hiring provisions as required by applicable federal and state law and regulation. Contractors shall indemnify the BHA against any action, demand, complaint or claim arising out of contractor's responsibility with regard to any and all matters concerning equal opportunity and affirmative action.

VI. RECORDKEEPING AND REPORTING

The Brookline Housing Authority may request applicants for employment and employees to indicate whether they are minorities, women, veterans or disabled persons, if said request states clearly that the information is for use solely in connection with its affirmative action efforts, will be kept confidential, and is being requested on a voluntary basis.

The Equal Opportunity Officer will keep records of:

- The Utilization Analysis conducted under paragraph III A above;
- The total number of employees hired each fiscal year including a breakdown of the number of minorities, women, veterans and disabled individuals hired;
- A list of recruitment sources utilized during the year;
- The goals established to remedy any Underutilization.

The Equal Opportunity Officer will prepare and submit to the responsible state and federal officials such records and annual or other reports as such officials may require to ascertain compliance with state and federal anti-discrimination laws.

Approved September 10, 2013