

**AFFIRMATIVE ACTION PLAN  
OF  
MADISON COUNTY, ILLINOIS**

**(Revised November 2017)**

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## **I. PURPOSE**

The Madison County Affirmative Action Plan serves as a guide to the County's equal opportunity program. The component parts demonstrate how well the County performed toward meeting its hiring, board composition, and client service patterns for nondiscrimination objectives of the past fiscal year, and provides a blueprint demonstrating how the agency plans to proceed in regards to providing reasonable accommodations and utilizing the talents of minorities, women, physically challenged persons and veterans.

The Affirmative Action Plan was developed to meet the guidelines of the Illinois Department of Human Rights and the parameters and mandates of the various federal funding agencies whose programs the agency administers on a county wide basis.

The Affirmative Action Plan was developed with the intent that it would be used by management staff in their effort to keep the agency in compliance with all state and federal civil rights regulations and mandates.

The goals and objectives stated herein will be vigorously and actively pursued by the Equal Opportunity Officer/Manager and management staff to provide maximum accessibility to minorities, protected class individuals, physically challenged persons and veterans in regards to our programs and services.

## **II. LEGAL BASIS AND SCOPE**

The federal and state EEO laws, rules, and regulations that impact the agency are identified as follows: When there is a discrepancy between federal law and state or local law, the federal law supersedes, unless the state or local law is more stringent.

Federal Law

Title VI of the Civil Rights Act of 1964, 45 CFR Part 80

Section 503 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973, 45 CFR Part 84

Age Discrimination Act of 1975, 45 CFR Part 91

Community Services Assurance under Titles VI and AVI of Public Health Service Act, 42 CFR Subpart G at 124.601 et seq.

Title IX of the education Amendments of 1972

Titles VII and VIII of the Public Health Service Act

Omnibus Budget Reconciliation Act of 1981 (Block Grants)

Title II Americans with Disabilities Act of 1990, 28 CFR Part 35

The Equal Employment Act of 1972

The Equal Pay Act of 1963, amended 1972 and 1978

The Family and Medical Leave Act (FMLA) of 1993

The Drug-Free Workplace Act of 1988

The Civil Rights Act of 1991

#### State Law

Illinois Human Rights Act of 1980, amended 2012

Executive Order 15

Executive Order 16

#### Executive Orders:

Executive Order 11063

Executive Order 11141

Executive Order 11246

Executive Order 11375

### III. DEFINITIONS

Americans with Disabilities Act (42 USC 12101), signed by President Bush on July 26, 1990.

Disabled Individual. Any individual who (A) has a physical or mental impairment that substantially limits one or more major life activities, (B) has a record of such an impairment or (C) is regarded as having such an impairment.

Has a Record of Such an Impairment. Any Individual who has a history of, or has been classified erroneously, as having a mental or physical impairment that substantially limits one or more major life activities.

Is Regarded as Having an Impairment. Any individual who has a physical or mental impairment that does not substantially limit major life activities, but that is treated by an agency as constituting such a limitation; has a physical or mental impairment that substantially limits major life activities toward such impairments; or has none of the impairments defined in paragraphs above but is treated by an agency as having such an impairment.

Major Life Activity. An individual who has the ability to care for him/herself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Physical Accessibility. The combination of elements in the building environment allowing entrance and use by disabled individuals.

Qualified Disabled Individual. In employment, a disabled individual who with reasonable accommodation and within normal safety requirements, can perform the essential functions of the job in question.

Reasonable Accommodation. Enables a qualified disabled individual to perform a particular job successfully depending on the individual circumstance.

Recipient. Any state or its political subdivision, instrumentally of a state or its political subdivision, public or private agency, institution, organizations, or other entity or person to which federal assistance is extended.

Section 504 of Vocational Rehabilitation Act of 1973. Forbids discrimination against disabled individuals by any employer receiving Federal Financial Assistance.

Undue Hardship. Constraints which would prevent an agency or organization from making Reasonable Accommodation.

Section 503 of the Disabled Individuals Act of 1973. Prohibits discrimination against disabled individuals by Federal contractors and requires that Federal contractors take affirmative action to employ disabled individuals.

AA – Affirmative Action. The legal concept mandated under Executive order 11246 which requires an employer to do more than ensure employment neutrality in recruitment, hiring, and promotion of qualified individuals in order to overcome the effects of past systematic exclusion and discrimination.

Affirmative Action Plan. A written document which encompasses the EEO policy and all the actions necessary to create a nondiscriminatory work environment. Including the development of numerical goals for established Affirmative Action Groups which underutilization of such groups has been identified.

Affirmative Action Program (AAP). A written program, meeting the requirements of 41 CFR Part 60.2, in which an employer annually details the steps it will take to ensure equal employment opportunity.

Accessibility. The extent to which a facility is readily approachable and usable by individuals with disabilities.

Adverse Impact. A theory of employment discrimination (also referred to as disparate impact, disparate effect, adverse effect) which occurs when an employer's policy or practice, neutral on its face and in its application, has a negative effect on the employment opportunities of Affirmative Action Groups.

Affirmative Action Groups. For the development of an AAP by a state entity, this refers to African Americans, Hispanics, Females, Asians, Native Americans, and People with Disabilities.

CEO – Chief Executive Officer. The individual ultimately responsible for the operation of an agency.

DHR. Department of Human Rights.

Disability. As used in Section 2520.700 Department Rules of the “disability” means a mental or physical condition (other than pregnancy), lasting six months or longer, that limits the amount or kind of work an individual can perform. Alcohol or drug abusers are specifically included in this definition.

Disparate Treatment. A theory of employment discrimination which occurs when an employer treats protected class employees differently than non-protected class employees in similar situations.

Equal Employment Opportunity (EEO). EEO is achieved when all terms and conditions of employment and management decisions are consistently based on

job related factors, without regard to race, color, disability, national origin, age, religion or sex.

Equal Employment Opportunity Commission (EEOC). DHR's federal counterpart, the agency which implements the Civil Rights Act of 1964 and other statutes.

Final Availability Percent (FAP). The percentage of Affirmative Action Groups that can reasonably be expected to be available for employment.

Handicap. For purposes of nondiscrimination under the Human Rights Act, Section 1-103(l), a handicap is a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic is unrelated to the person's ability to perform the duties of a particular job or position.

Numerical Goal. Means the number of members of an Affirmative Action Group which have been determined to be available to an agency for employment in each of the EEO job categories.

Parity. Achieved when availability and utilization are equal.

Protected Class. Various groups of people protected under the Human Rights Act.

Programmatic Goal. Programmatic goal is an agency's fiscal year strategy to address EEO problem areas or to enhance its affirmative action program through recruitment or training efforts.

Reasonable Accommodation. If an employee or applicant who is disabled has the skills necessary to perform the essential functions of a job, an employer must make reasonable accommodations for that person to do the job.

Underutilization. The number of additional persons in a particular Affirmative Action Group which is necessary to achieve parity with the availability of that group in the labor force.

Recipient. As used herein, specifically refers to the Area Agencies on Aging, contractors, service providers, including any successor assigned or transferee thereof, participating in a federal financially assisted health, welfare and social service and education program.

Service Provider. As used herein, refers to any individual, organization, institution, public or private agency from which or with which a state agency, its local counterpart or subgrantee purchases or otherwise arranges for the provision of services under its program. The term “service provider,” as used herein does not refer to contractors, subcontractors, providers or suppliers from which the recipient purchases material goods or other non-program related services.

Minority. As used herein, refers to American Indians or Alaskan Natives; Asians or Pacific Islanders; African Americans and Hispanics. It should be noted that Federal Regulations make unlawful, discrimination by a recipient of Federal financial assistance against any person, whether or not he/she is a minority, on the grounds of race, color, or national origin.

Beneficiary. As used herein, refers to those persons intended to benefit from health, welfare, and social services programs.

Discrimination. As used herein, refers to exclusion from participation in, denial of the benefits for, or other subjection to discrimination under any program to which Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, the Omnibus Budget Reconciliation Act of 1981 and Title II of the Americans with Disabilities Act of 1990 applies. Accordingly, it may be on the grounds of race, color, national origin, disability, sex, age and/or religion.

Qualified Individual with a Disability. As used herein, means a disabled person who can, with or without reasonable accommodation, perform the essential or the job in question (for employment). With regard to services, a qualified individual with a disability is one who meets the essential eligibility requirement for receipt of such services.

Protected Class. As used herein, is a generic term and refers to all groups or individuals who are specified in the regulations outlined in the legal basis and scope section.

#### **IV. STATEMENT OF POLICY**

##### **A. Affirmative Action in Employment**

It is the policy of Madison County to recruit, hire and promote, in all job classifications, without discrimination because of race, color, creed, religion, sex, age, national origin, sexual orientation, veteran status, marital status, genetic information or disability in order to achieve equality in employment.

For the purposes of this document, the County may use the term “minority” to refer to American Indians or Alaskan Natives, Asians or Pacific Islanders, African Americans, or Hispanics. This document also pertains to the special service groups of youth and elderly, and protected classes of women and disabled individuals.

Madison County will make efforts to hire minority, protected class, and special service group individuals for all job categories so that minority, protected class, and special service group employment in all categories of the workforce will represent a proportionate share of minority, protected class, and special service group individuals in the County’s service area.

Madison County will further ensure that all personnel actions such as rate of compensation, employee benefits, reclassifications and employee training and development programs will be administered without regard to race, color, creed, religion, sex, age, national origin, sexual orientation, veteran status, marital status, genetic information or disability.

If an individual wishes to initiate a charge of discrimination or harassment a Discrimination Complaint Form must be filed within 30 days of the alleged violation. Upon receipt of the form, an investigation will be conducted by Representatives of Personnel Services and the results of the investigation will be made known to the complainant and the County Administrator. See Discrimination Complaint Form Appendix A.

B. Minority Representation on Governing Body and Advisory Committees

The governing body of Madison County, the County Board, is composed of elected representatives from 29 districts which are apportioned throughout the County. The Board Member which represents each district is chosen by the voters of that district. The representation of minorities on the County Board is therefore determined by the electoral process. Madison County assures appointment of minority representatives to its various citizen advisory committees in proportion to their numbers in the County (See Community Development Addendum I.)

C. Support of Minority Business Enterprise

Madison County supports the concept that the opportunity for full participation in our free enterprise system by minority-owned businesses is essential to obtaining social and economic justice. Therefore, businesses are given the opportunity to bid on all County projects and purchases.

D. Services

The County assures that it will actively provide nondiscriminatory outreach, selection, and service to all clients.

E. Contracts

It is the policy of Madison County to require that all companies and agencies under contract to the County practice equal opportunity in employment and adhere to all other requirements of Title VII of the Civil Rights Act of 1964.

F. Reasonable Accommodation

The County will provide reasonable accommodations to disabled employees, board members and clients.

**V. ASSIGNMENT OF RESPONSIBILITY**

A. County Board Chairman

It is the ultimate responsibility of the County Board Chairman to ensure that the Affirmative Action Program meets its goals and objectives. The Personnel Committee and Elected and Appointed Officials are responsible for the activities required at the staff level for administering the Program.

B. Elected Office Holders

Elected Office Holders, as well as Appointed Department Heads, are responsible for the success of the Affirmative Action Program inasmuch as the final selection of applicants is theirs. Further, their responsibilities extend to seeing that minority and female employees are treated fairly in all aspects of their employment.

C. Affirmative Action Officer

A meaningful Affirmative Action Program requires designating an employee of the County as the Affirmative Action Officer to report to the County Board Chairman and Personnel Committee of the County Board on the progress of implementation efforts. Designation of an Affirmative Action Officer by the County Board Chairman was authorized and is the County Administrator for Madison County.

## **VI. AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT AND PROFESSIONAL SERVICES**

- A. In order to assure non-discriminatory recruiting for staff, the following steps will be taken:
1. Employment advertisements will be placed on the Madison County Government website and in those newspapers serving the largest number of minority, protected class, and special service group individuals within Madison County.
  2. Employment openings will be posted with area schools and universities when appropriate.
  3. Maintaining systematic contacts with minority and human relations organizations, as well as community leaders, service providers and spokespersons to encourage referral of qualified minority, protected class, and special service group applicants.
  4. All current employees will be encouraged to refer minority, protected class, and special service group applicants.
  5. Additionally, other recruitment sources will be notified that qualified minority, protected class, and special service group members are being sought for consideration for all professional, para-professional, and other staff positions.
  6. The phrase, "Equal Opportunity Employer" will be used in all issuances seeking new employees.
- B. In order to assure non-discriminatory hiring, all staff members with interviewing, hiring, placement and promotion responsibilities will be instructed that minority, protected class and special service group applicants for all jobs are to be considered without discrimination.

C. In an effort to equalize opportunity for minority, protected class and special service group persons, Madison County will participate in training and internship programs as follows:

1. Madison County will support and participate in available internship and work-related training programs. This will include programs available through local schools, and universities, as well as through the County's Employment & Training Department programs.
2. Minority, protected class and special service group as well as other employees will be encouraged to increase their skills and job potential through participation in available training and education programs. This encouragement will take the form of providing information on available training programs and educational opportunities and offering the option for flexible work scheduling as the need arises.

D. In order to assure non-discriminatory placement and promotion within Madison County, the following provisions are made:

1. All placement and promotion decisions will be made on the basis of qualification for the particular position and demonstrated effective performance in this or similar positions. Seniority as required by the union contracts is required also as a determinant. Such decision will not be made based on race, color, creed, religion, sex, age, national origin, sexual orientation, veteran status, marital status, genetic information or disability. All staff with interviewing and hiring, placement and promotion responsibilities will be so instructed.
2. Minority, protected class and special service group employees who have increased their work-related skills and job potential, will be encouraged to move into other staff positions as they become available.

E. In order to assure non-discriminatory pay, other compensation, and other working conditions, the following statements are made:

1. The rate of pay for all employees will be based on their work duties and responsibilities, demonstrated

effectiveness in work performance, and seniority in the County as well as negotiated pay increases. All pay rates and fringe benefits will be reviewed periodically by the Personnel Committee of the County Board.

2. Current fringe benefits, and any other benefit programs that may be implemented, will be provided on an equal basis to all employees.
  3. Personnel policies and procedures will be implemented and carried-out without regard to race, color, creed, religion, sex, age, national origin, sexual orientation, veteran status, marital status, genetic information or disability.
- F. The Personnel Committee of the Madison County Board will follow through and make whatever changes or additions are necessary to the Affirmative Action Program to assure its effectiveness.
- G. Contracting for professional services by Madison County is limited. However, when opportunities arise, lists of minority, protected class and special service group consultants available from the Illinois Department of Commerce and Community Affairs, the Department of Housing and Urban Development will be used to solicit proposals from minority, protected class and special service group firms as well as the newspapers. (See Community Development Addendum)
- H. Employees who believe that they have been discriminated against, may file a complaint using the grievance or appeal procedure provided by the appropriate union agreement or policy. Individuals, who are not employed by the County and believe that they have been discriminated against, should follow the grievance procedure listed below.

## **VII. ADA POLICY**

Madison County Government does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Madison County Government does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990.

Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to MADISON COUNTY'S designated ADA Compliance Coordinator.

Name: Bruce W Cooper

Title: Human Resources

Address: Madison County Administration Building  
157 North Main Street, Suite 158  
Edwardsville, Illinois 62025

Phone Number: (618) 296-4941 Email: bwcooper@co.madison.il.us

Hours Available: 8:00 to 4:00 Monday – Friday

Individuals who need auxiliary aids or effective communication in programs and services of Madison County Government are invited to make their needs known to the ADA Compliance Coordinator. This notice is available in large print, on audio tape, and in Braille, from the ADA Compliance Coordinator.

### **ADA GRIEVANCE PROCEDURE**

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the County. The County Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Bruce W Cooper  
157 N. Main St. Ste 158  
Edwardsville, IL 62025  
(618) 296-4941

Within 15 calendar days after receipt of the complaint, Bruce Cooper, Human Resources, or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Bruce Cooper, Human Resources, or his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.

If the response by Bruce Cooper, Human Resources, or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to Douglas Hulme, County Administrator, or his designee.

Within 15 calendar days after receipt of the appeal, Douglas Hulme, County Administrator, or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, Douglas Hulme, County Administrator or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Bruce Cooper, Human Resources or his designee, appeals to Douglas Hulme, County Administrator or his

designee, and responses from these two offices will be retained by the County for at least three years.

## **VIII. COMMUNICATION WITH LIMITED-ENGLISH SPEAKING AND HEARING IMPAIRED PERSONS**

Madison County Government will ensure that Limited-English proficient (LEP) and deaf citizens receive an equal opportunity to receive benefit from services through the provision of foreign language interpreters for (LEP) persons and sign-language interpreters and other auxiliary aids for deaf persons. In order to receive services, the ADA Compliance Coordinator should be contacted (see VII ADA Policy). An interpreter will be provided within three working days, if not sooner, from the receipt of the request.

## **IX. LABOR FORCE ANALYSIS**

A. Analysis of External Labor Force - County-wide

In order to assist in the establishment of affirmative goals and objectives for protected class hiring for Madison County, two components of the labor force must be analyzed and compared. The first is the composition of the existing labor force throughout Madison County and the second is the composition of the work force currently employed by Madison County. As it is the policy of the County to select employees who are residents of Madison County, it is reasonable to use statistical data on the County-wide labor force as the basis for analysis.

Labor force information for the County as a whole was obtained from the Illinois State Employment Service and the 2010 U.S. Bureau of the Census. A summary of the data is presented in Table I and II. The most recent information available was selected for comparative analysis.

Although the statistics in Table I and II do not reflect specific employment at individual job classification levels, they do reveal the significant percentage of women in the labor force in Madison County as well as reflect the depressed economic conditions currently plaguing the entire County. The problem of unemployment is particularly acute among the minority population.

B. Analysis of Internal Labor Force - Madison County Government

The second analysis necessary is of the internal, or existing labor force of the Madison County Government. The representation of non-minority males and females, and minority males and females, among current County employees is shown in Table III. Employees are grouped in the main job classification categories of: Group 1 - Administrative and Professional Occupations; Group 2 - Special Technical and Law Enforcement Occupations; Group 3 - Office Supervisory and Clerical Occupations; and Group 4 - Service Occupations. This data is compiled annually by the Payroll Office in order to complete and file the Equal Employment Opportunity Commission Form-4, as required by Federal Law.

C. Labor Force Goal and Objectives

The Madison County Government is a public service body committed to the objectives of equal opportunity and

affirmative action. It can better perform its services to the people of Madison County by having employees who are representative of all the citizens residing in the County. It is, therefore, the goal of this Program to achieve and maintain a representation of protected class employees, reflective of their overall participation in the County-wide labor force, in all four job classification categories. No specific target date for attainment of this goal has been established as the goal of this program is to achieve and maintain a representation of minority and female participation changes as the labor force changes. Rather the goal of the program shall be evaluated and re-verified at least every two years and preferably annually.

## **X. PROGRAM EVALUATION**

The major perceived problem is to achieve a better distribution of minority group members and females in each of the County's four major job classification groups. Any deficiencies in the current staffing pattern will be identified and efforts made to correct those deficiencies.

The major obstacles to correcting these deficiencies would be related to the financial situation of the County Government. As inflation continues to shrink the County's budget, staff growth will be very limited.

Therefore, most deficiencies will have to be corrected through normal employee turnover, which historically is not very rapid. As turnover occurs, however, existing minority group employees and females can be promoted to fill higher level positions and new ones can be hired at entrance levels.

## **XI. ACTIONS TO REMOVE OBSTACLES OF EQUAL OPPORTUNITY**

The Madison County Board, in adopting affirmative action goals, policies and objectives, has made a firm commitment to improve the County's progress in equal opportunity and to become more active in this endeavor through the implementation of an Affirmative Action Program. In attempting to improve the County's affirmative action efforts, obstacles will likely be encountered. These obstacles are being overcome, however. For example, incorporated into the collective bargaining agreement with the union representing

the majority of the County's employees (AFSCME), there is a section on equal opportunity in hiring, promoting and all other employee benefits. Further, through seniority clauses, all employees have the opportunity for upward mobility, as job openings are posted to inform current employees of their existence.

In the area of contracting, Madison County follows the regulations of the State of Illinois and its own bidding procedures which require advertising and seeking bids for all work and products which will cost in excess of an amount determined by the State. Therefore, all work is published in newspapers serving the entire County and surrounding areas so that all contractors have an equal opportunity to bid on and receive contracts.

The County Board has had a banking policy for many years. Basically, it designates each and every bank in the County, by name via Board Resolution, as an authorized depository of County funds. By law, the County Treasurer has the sole authority to determine how much money, available for investment, goes to each bank.