

# MASSACHUSETTS WATER RESOURCES AUTHORITY



## AFFIRMATIVE ACTION PROGRAM

**JANUARY 1, 2015 - DECEMBER 31, 2015**

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**Massachusetts Water Resources Authority  
Affirmative Action Plan**

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## **INTRODUCTION**

The Affirmative Action Plan for the Massachusetts Water Resources Authority (the “MWRA” or “Authority”), is prepared and adopted under Section 7(g) of the Enabling Act, which states:

“The Authority shall develop policies and programs for Affirmative Action in employment, procurement and contracting in accordance with law and consistent with general policies and programs of the Commonwealth.”

The AA Plan was developed to be consistent with federal and state laws and regulations:

Federal Executive Order 11246, as amended.

41 CFR Parts 60-1, 60-2, 60-20, 60-50, 60-250, 60-300, 60-741; Office of Federal Contract Compliance Programs (OFCCP): Affirmative Action Requirements.

The Rehabilitation Act of 1973, as amended.

The Vietnam-era Veterans’ Readjustment Assistance Act of 1974, as amended.

In addition, MWRA’s policies and personnel practices adhere to the nondiscrimination provisions of all applicable federal and state laws, as amended, including the following:

- Title VII of the Civil Rights Act of 1964.
- Civil Rights Act of 1991.
- Age Discrimination in Employment Act of 1967.
- Equal Pay Act of 1963.
- Americans with Disabilities Act of 1990
- Massachusetts General Laws, Chapter 151B.
- Massachusetts Comparable Pay Act.

The AA Plan has been developed by the Affirmative Action and Compliance Unit (AACU) to cover the time period January 1 through December 31, 2015. The Plan includes a results-oriented set of procedures designed to achieve the full utilization of minorities and women in all levels of the MWRA’s workforce and to promote job opportunities for individuals with disabilities and covered veterans. The Plan has been reviewed by the MWRA Board of Directors, voted on and approved for full implementation.

The Massachusetts Legislature created the Massachusetts Water Resources Authority in December 1984 to manage water and sewer services for 2.5 million people and 5,500 businesses in 61 communities. While the Boston Harbor Clean-up is the best known of its projects, MWRA has also completed a modernization of the drinking water system. MWRA also maintains 400 miles of water pipes, aqueducts, and tunnels and 228 miles of sewers. Also, nearly completed are projects to control combined sewer overflows, provide adequate water delivery and meet all federal, state and local water and wastewater standards.

## **II. POLICY STATEMENT**

### **Executive Director's Statement**

Our agency serves citizens in every neighborhood, economic class and cultural group in our service area. MWRA will be in harmony with its social role only when our work environment reflects our broader social aspirations for equal opportunity, justice, personal dignity and cross-cultural respect. To that end, we must take personal responsibility for diversity in our organization and in our community.

All of us at the Massachusetts Water Resources Authority recognize that we must take affirmative action to prevent and to remedy any discriminatory effects of business or employment practices based on race, color, religion, sex, sexual orientation, gender identity and expression, genetic information, national origin, age, ancestry, citizenship, disability, veteran and marital status.

On behalf of the MWRA, its managers and employees, I am committed to taking those steps which ensure equitable participation in our employment opportunities by the members of any protected class group without regard to race, color, religion, sex, sexual orientation, gender identity and expression, genetic information, national origin, age, ancestry, citizenship, disability, veteran status and marital status. We are committed to achieving equal opportunity for all through fair and effective implementation of our affirmative action plan.

Frederick A. Laskey  
Executive Director

## **Board of Directors' Statement**

We, the Board of Directors of the Massachusetts Water Resources Authority, take great pride in our diverse and talented workforce. We recognize that our continued success depends largely on the collective strengths of our employees. Developing the right mix of skills, ideas and individuals requires an unwavering commitment to Equal Employment Opportunity and Affirmative Action. Accordingly, it is our policy to recruit, hire, and advance individuals without regard to their race, color, religion, sex, sexual orientation, gender identity and expression, genetic information, national origin, age, ancestry, citizenship, disability, veteran and marital status.

Our commitment to the principles of Affirmative Action and Equal Employment Opportunity is reflected in all of our policies and procedures from recruitment and hiring to training, compensation, benefits, transfers and promotions. This commitment is based on sound management and business practices, as well as legal requirements.

In keeping with fair employment practices, we will maintain a positive and productive work environment which calls for the highest standard of personal conduct. In accordance with this standard, any type of harassment or discrimination directed toward any employee or applicant for employment on the basis of race, color, religion, sex, sexual orientation, gender identity and expression, genetic information, national origin, age, ancestry, citizenship, disability, veteran and marital status will not be tolerated.

MWRA is committed to Equal Employment Opportunity and Affirmative Action. We expect each employee to be an active partner in this effort by supporting, in word and deed, the spirit and principles of Equal Employment Opportunity and Affirmative Action. Further, we expect that these values will govern the relationships we establish with communities we serve and others with whom we do business. Working together, we can build upon this commitment and create an environment that reflects diversity in its fullest and truest sense.

The Special Assistant, Affirmative Action and Compliance Unit has responsibility for implementing and monitoring the Authority's Affirmative Action and Compliance Plan. Employees are encouraged to contact the Affirmative Action & Compliance Unit directly in order to obtain a copy of the Authority's Policy on Equal Employment Opportunity and Affirmative Action.

### **III. RESPONSIBILITY FOR IMPLEMENTATION**

#### **Senior Management Responsibilities**

The responsibility for achieving affirmative action goals and objectives rests with the Executive Director, the Special Assistant of Affirmative Action and Compliance Unit, the Director of Human Resources, Division/Department Directors and other managers and supervisors.

#### **Affirmative Action and Compliance Staff**

The Special Assistant, AACU is provided with sufficient authority, senior management support, and staff to execute these responsibilities, and is identified in all internal and external communications regarding the AAP. The Special Assistant may propose additional programs and activities to strengthen the MWRA's commitment to equal employment opportunity and affirmative action and to effectively address AAP/EEO matters.

The Special Assistant, AACU in conjunction with the appropriate staff, is responsible for:

- Implementing affirmative action programs.
- Developing policy statements.
- Designing and conducting audit and reporting systems to monitor protected class status for the following:
  - Recruiting
  - Hiring
  - Promotions
  - Transfer
  - Terminations
  - Demotions
- Periodically reviewing, with the Chairman of the Board of Directors and the Executive Director, the progress of senior managers in furthering the achievement of the Authority's goals.
- Serving as a liaison between MWRA and enforcement agencies.
- Acting as a liaison between MWRA and minority organizations, women's organizations and community action groups concerned with employment opportunities of minorities and women.
- Reviewing the MWRA's AAP with managers and supervisors to ensure the policy is understood and followed.

The MBE/WBE Program Manager in conjunction with the appropriate staff is responsible for:

- Administration and monitoring of the MWRA's MBE/WBE/DBE Plan.
- Assisting divisions in the implementation of the MWRA's MBE/WBE/DBE Program.

- Ensuring that the program is consistent with the MWRA's Supplementary Provision for Equal Employment Opportunity, Anti-Discrimination, and Affirmative Action.

### **Line Management Responsibilities**

Managers and supervisors will implement the program in the following ways:

- Assist in identifying problem areas, establishing goals, and developing time lines.
- Maintain open door policy for employees to discuss issues of equal opportunity and affirmative action.
- Meet with other managers, supervisors, and employees to adhere to MWRA EEO/AA policies.
- Assist in the performance of internal audits to determine compliance.
- Evaluate the performance of subordinate managers and supervisors in achieving affirmative action plan objectives.

### **Other Key Staff**

The Director, Human Resources, has developed and implemented appropriate mechanisms to ensure equal employment opportunity for all applicants and employees.

The General Counsel and the Associate General Counsel for Labor & Employment provide legal advice regarding equal employment opportunity and affirmative action as they affect the Authority.

## **IV. EQUAL EMPLOYMENT OPPORTUNITY**

### **Dissemination of the Plan**

MWRA will communicate its equal employment opportunity policies and affirmative action programs to all relevant audiences in the following manner:

#### **Internally**

Communicate to employees the existence of the Affirmative Action Plan and make it available for inspection. Prominently display EEO/AA posters throughout all business locations identifying appropriate staff to contact.

Conduct special meetings with managers, supervisors and employees to explain the intent of the equal employment opportunity policies, discuss individual responsibility for implementation and make clear the Executive Director's support of the policies.

Discuss the policies in employee orientation sessions and reference it in management training sessions.

Include the policies in the Policies and Procedures Manual.

Publicize the policy on the MWRA's internal and external websites, reports and other media.

Publish articles covering EEO programs, updates, and promotions in newsletters and other publications.

Include non-discrimination clauses in union agreements, and work to eliminate contract provisions that may have discriminating effects.

### **Externally**

Communicate to applicants for employment the existence of the Affirmative Action Plan, and make it available for review if requested.

Incorporate the EEO clause in all purchase orders, leases and contracts.

Ensure that both minority and non-minority men and women, and persons with disabilities are represented in recruitment advertisements.

Communicate to all recruitment sources the existence of the Affirmative Action Plan.

## Development and Execution of The Plan

### Development

#### Workforce Analysis

As of November 30, 2014, MWRA employed 1163 people. The MWRA divides its workforce into 30 organizational units in Executive, Administration & Finance (A & F) and Operations as follows:

Board of Directors	A & F - Procurement
Executive - Office of the Executive Director	A & F - Real Property & Environmental Mngmt
Executive - Affirmative Action	Law
Executive - Office of Emergency Preparedness	Operations - A & F
Executive - Internal Audit	Operations - ENQUAD
Executive - Public Affairs	Operations - Facilities Mngmt
A & F - Director's Office	Operations - Laboratory Services
A & F - Rates & Budget	Operations - Planning
A & F - Treasury	Operations - Toxic Reduction & Control
A & F - Controller	Operations - Engineering & Construction
A & F - Risk Management	Operations - Wastewater Operations
A & F - Human Resources	Operations - Water Distribution & Pumping
A & F - MIS	
A & F - Facilities	
A & F - Fleet Services	
Operations - Water & Wastewater O&M	
Operations - Water Treatment & Transmission	
Operations - Operations Support	

Office of Federal Contract Compliance Programs requires that non-construction contracts maintain an organizational profile or a workforce analysis to depict staffing patterns. It is a method to determine whether barriers to equal opportunity exist within an organization.

Pursuant to 41 C.F.R. § 60-2.11(a), the Workforce Analysis Report (Appendix A) lists each job title as it appears in the applicable collective bargaining agreements or payroll records, ranked from the highest paid to the lowest paid within each of the 30 organizational units.

The reports display within each organizational unit for each job title, the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents who are Black, Hispanic, Native American, and Asian. Finally, the reports also supply a wage rate code for each job title.

## Employment Activities December, 2013 - November, 2014

From December 1, 2013 through November 30, 2014, there were a total of 51 new hires at the MWRA, including 11 (22%) females and 15 (29%) minorities. The current race/sex composition of the workforce for minorities of 20.0% is equal to the overall 2014 MWRA workforce staffing goal of 20.0%; however, the current race/sex composition of the workforce for females of 22.6% is below the overall 2014 workforce staffing goal of 25.6%.

A total of 49 promotions occurred within this period, including 7 (14%) female and 10 (20%) minorities. For Affirmative Action Plan reporting purposes, the 49 promotions reflect employee promotions where there has been a change in Job Group as described herein under "Availability Analysis." For the Plan reporting period, there were a total of 86 promotions, including the 49 reflective of a job group change and of that total number, 16 (19%) minorities and 16 (19%) females, were promoted.

A total of 66 terminations occurred within the period, and of these, 11 (17%) were females and 19 (29%) were minorities. Of the total number of terminations, 83% left voluntarily, and of those, 82% were employees who retired and 16% were employees who resigned.

### Availability Analysis

Pursuant to 41 C.F. R. 60-2.11(b), an analysis of all major Job Groups is included in the Plan (see Appendix B Job Group Analysis Report). Those jobs having similar content, wage rates and opportunities had been grouped together into 18 Job Groups:

Administrator A	Management A
Administrator B	Management B
Clerical A	Operator A
Clerical B	Operator B
Engineers A	ParaProfessional
Engineers B	Professional A
Craft A	Professional B
Craft B	Technical A
Laborers	Technical B

Moreover, the 18 Job Groups have been kept sufficiently large enough to make for meaningful statistical analyses. The grouping avoids placing job titles from different EEO-4 categories within the same Job Group, wherever possible. Alternative job groupings were reflected because they do not make substantial differences and do not mask any potential underutilization of minorities or women. This analysis of the major Job Groups on the Availability Analysis forms is shown in Appendix C.

### Action-Oriented Program for Affirmative Employment Opportunities

MWRA is committed to a strong policy of equal employment opportunity and affirmative action and this commitment is clearly expressed in its Affirmative Action Plan, which covers all aspects of the employment process from recruiting and hiring to training and promotion.

MWRA takes affirmative action to ensure that applicants for employment and employees are treated fairly during employment, without regard to their race, color, religion, sex and national origin. MWRA also takes affirmative action steps and make good faith efforts to develop and implement action-oriented programs designed to remove any employment barriers, expand employment opportunities and strive to achieve established workforce staffing goals and objectives.

During the 2015 Affirmative Action Plan year and continuing, MWRA will make good faith efforts to continue to develop and implement an action-oriented program designed to increase employment opportunities, while tailoring the size of its workforce to meet its future mission and maintain organizational efficiency.

The Special Assistant of the Affirmative Action and Compliance Unit, working in conjunction with MWRA Division Directors, will take affirmative steps to establish the following joint accountability good faith efforts to direct their attention toward employee development programs and career counseling initiatives to prepare all interested employees including individuals in targeted EEO groups for consideration of future promotional opportunities, as follows:

- Assist Divisions in efforts to promote qualified employees including minorities and females to fill current or unanticipated vacancies, particularly those positions in underutilized job groups.
- Review the appropriate education, experience and skill requirements for successful job performance.
- Participate in programs, which may impact protected group members, especially in the areas of the development of training and recruitment.
- Schedule confidential meetings with employees who request information on MWRA affirmative action policies, including promotion and training.
- Encourage current employees to take advantage of the above listed training and developmental opportunities, as well as opportunities for promotion.
- Monitor and review, where appropriate, the qualifications of all employees to assure that protected group members are given full opportunities for training and promotion.
- Implement strategic recruitment strategies for underutilized positions likely to require external recruitment.
- Ensure that all promotional opportunities are posted.

Identification of Areas for Special Attention/Goals

Underutilization exists in the following job groups: Administrator A, Administrator B, Clerical B, Engineer A, Craft A, Craft B, Management A, Management B, Operator A, Operator B, and Professional A. Special attention is required to increase the representation of minority and/or females in these job groups by the following:

- Identify any applicable barriers to equal employment opportunity and
- Conduct training/awareness sessions with managers and continue to make them aware of the Affirmative Action Plan elements designed to ensure that the Authority policy and affirmative action program objectives are being followed.

During this affirmative action plan period, there may be 80 opportunities to fill vacant positions. These positions may be filled by new hires, promotions or transfers. For unanticipated position vacancies that occur in other job groups, good faith efforts will be made to attain the established goals for women and minorities. Based on the two-factor availability analysis, the following goals have been set. The chart listed below identifies the goals for those projected vacancies.

Goals for Projected Vacancies							
JOB GROUP ENGINEER A	# Opportunities	% Availability		% Workforce		Goal	
		Minority	Female	Minority	Female	Minority	Female
Total	7	25.75	40.77	25.00	13.89	1	2
JOB GROUP CRAFT A	# Opportunities	% Availability		% Workforce		Goal	
		Minority	Female	Minority	Female	Minority	Female
Total	5	18.62	4.48	11.30	0.00	1	1
JOB GROUP CRAFT B	# Opportunities	% Availability		Workforce		Goal	
		Minority	Female	Minority	Female	Minority	Female
Total	5	24.12	3.78	19.18	2.05	1	1
JOB GROUP MANAGEMENT A	# Opportunities	% Availability		Workforce		Goal	
		Minority	Female	Minority	Female	Minority	Female
Total	3	22.57	19.90	13.89	33.33	1	
JOB GROUP MANAGEMENT B	# Opportunities	% Availability		Workforce		Goal	
		Minority	Female	Minority	Female	Minority	Female
Total	4	25.00	13.89	11.43	20.00	1	
JOB GROUP OPERATOR A	# Opportunities	% Availability		Workforce		Goal	
		Minority	Female	Minority	Female	Minority	Female
Total	1	11.71	6.86	7.69	1.54		1
JOB GROUP OPERATOR B	# Opportunities	% Availability		Workforce		Goal	
		Minority	Female	Minority	Female	Minority	Female
Total	5	27.43	3.77	10.77	4.62		2
JOB GROUP PROFESSIONAL A	# Opportunities	% Availability		Workforce		Goal	
		Minority	Female	Minority	Female	Minority	Female
Total	1	21.30	43.23	11.43	65.71	1	

## **Execution**

### Advertising and Recruitment

- The Special Assistant, AACU, annually submits an ad specifically targeted at a publication that has a high minority and female readership.
- The Director, Human Resources ensures that reasonable recruiting and advertising dollars are being targeted to reach minority and female candidates and conducts an analysis to determine the effectiveness of the employment advertisements.
- Recruiters send vacancy announcements to over 50 public and private recruitment sources. The sources included state employment offices, community organizations, interest groups, and other sources.
- Recruiters distribute literature, attend career fairs, and maintain contact with referral sources to assure a steady flow of qualified protected class applicants.

### Selection

- Human Resources and Affirmative Action staff review existing promotion, transfer, training and selection procedures to ensure equal opportunity.
- Human Resources, Affirmative Action, and Division staff develop selection criteria that do not discriminate or tend to screen out women, minorities, covered veterans and/or individuals with disabilities.
- Human Resources and Affirmative Action staff monitor the selection process to ensure equal opportunity and the absence of adverse impact on protected class applicants.
- Human Resources and Affirmative Action staff review application forms to ensure non-discrimination.
- Managers and Supervisors ensure that employees in protected classes receive equal consideration in all selections.

### Promotion, Transfer, Layoff and Recall

Promotions and transfer policies are designed to provide equal opportunity to all employees regardless of race, color, religion, sex, sexual orientation, gender identity and expression, national origin, age, ancestry, citizenship, disability, veteran and marital status. All employees who demonstrate management potential are encouraged to seek advancement into supervisory or other managerial positions. All employees are encouraged to take advantage of the benefits and financial support provided to them for professional development and continuing education, which may enhance their promotional opportunities.

## Compensation

The principle of equal pay for equal work for all employees is a reality. All employees, including females and minorities, receive compensation in accordance with the same standards. Opportunities for overtime work or otherwise earning increased compensation, when available, is afforded to qualified employees without discrimination based on race, color, religion, sex, sexual orientation, gender identity and expression, genetic information, national origin, age, ancestry, citizenship, disability, veteran and marital status. MWRA does not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.

## Facilities

MWRA maintains all of its facilities on a non-segregated basis. MWRA maintains appropriate facilities for both sexes and handicapped individuals unless the construction of such facilities would create an undue burden on the Authority, its facilities or its operations.

## Training/Career Development

MWRA assures that training programs and seminars are offered to all employees, including members of protected classes on the basis of appropriate and realistic need. All eligible employees are encouraged to participate in the Authority's tuition reimbursement and tuition remission benefit for continued education, career development and job advancement. Training programs are monitored to assure equal opportunity for protected class employees in all training opportunities.

Training needs are re-evaluated annually to determine the areas of highest priority. Emphasis is on programs to increase productivity and meet job requirements.

Human Resources and Division staff have conducted cross-functional training, to facilitate reorganizations and reassignments. This training often requires new skills, licenses and/or certifications.

During calendar year 2015 the Authority will continue to offer, as needed, a series of 6 classes which make up the training component of the Unit 2 and Unit 3 Productivity Improvement Program (PIP) and a series of 12 classes which make up the Unit 1 Administrative Certificate Program (ACP). While PIP and ACP classes are required for employees in designated job titles, classes are available for general enrollment by individuals developing their qualifications for future job openings.

## Consideration of Minorities and Females not Currently in the Workforce

MWRA recruits minorities and women, not currently in our workforce, who have the qualifications and requisite skill for employment. All employees engaged in recruiting are committed to the development of sources of minorities and females from organizations, institutions, community agencies, training schools and colleges.

## Support for Community Action Programs

### School Education Program

The MWRA offers School Education Program presentations for grades K-12. The MWRA School Education Program has provided meaningful educational experiences to a number of students of the MWRA service community, including those in the urban communities of the metropolitan area.

Subjects range from the Quabbin Reservoir and the water distribution system to Deer Island and the transformation of wastewater into effluent. One of the School Education Program's goals and objectives is to increase outreach to the schools in the communities that reflect the diverse population of the MWRA service area. The School Education Program has been instrumental in informing students, and by extension, the general public of these communities, of the operation and work of the MWRA.

## **Sex Discrimination Guidelines**

MWRA does not discriminate against any applicant or employee on the basis of sex in hiring, recruiting, promoting, transferring, layoff, termination, compensation or in selecting employees for training or other related programs.

### Recruiting and Advertising

Job advertisements placed by the MWRA in newspapers and other media for employment do not express a sex preference.

### Job Policies and Practices

- Written personnel policies for affirmative action expressly indicate that there shall be no discrimination against employees on account of sex.
- Employees of both sexes have equal opportunity to any available position which the individuals are qualified to perform.
- MWRA does not make any distinction based upon sex in employment opportunities, wages, hours or other conditions of employment. MWRA contribution for insurance, pension, welfare programs and other fringe benefits is the same for men and women, resulting in equal benefits.
- MWRA does not support distinctions between married and unmarried persons of one sex that are not made between married and unmarried persons of the other sex.
- MWRA provides appropriate and comparable physical facilities to both sexes.
- MWRA does not deny a female employee the right to any job which she is qualified to perform.
- MWRA does not penalize women in their conditions of employment because they require time away from work on account of child bearing.
- MWRA does not specify differences for male or female employees on the basis of sex in either involuntary or optional retirement age.

### Wages

- MWRA's wage schedules do not relate to and are not based on the sex of its employees.
- MWRA does not discriminatorily restrict one sex to certain job classifications.

## **Sexual Harassment**

Acts of harassment by employees are prohibited employment practices under Title VII of the Civil Rights Act of 1964, Massachusetts General Laws, Chapter 151(B) and MWRA policy and are subject to sanctions and disciplinary measures.

It is the goal of the MWRA to promote a workplace that is free from sexual harassment. Sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct is made explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

MWRA's Harassment Prevention Policy, policy HR.21, re-issued January 1, 2014, sets forth procedures for employees to follow and notify management of any sexual harassment violations.

MWRA personnel investigate complaints of sexual harassment in a prompt, thorough and confidential manner, and recommend appropriate discipline up to and including termination for offenders. Employees should feel confident that retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

## **Religion and National Origin Discrimination Guidelines**

MWRA's affirmative action policy prohibits discrimination against employees or applicants for employment on the basis of religion or national origin.

MWRA makes every effort to accommodate the religious observances and practices of employees and prospective employees who regularly observe Friday evening or some other day of the week as their day of religious observance, and/or who observe certain religious holidays during the year and who are conscientiously opposed to performing work or engaging in similar activity on such days when such accommodations can be made without undue hardship on the operation of the Authority's business.

In determining the extent of its obligations under this section, MWRA considers the following factors:

- Business necessity;
- Financial cost and expenses; and
- Resultant personnel problems.

To assure non-discrimination based on religion or national origin, MWRA is engaged in the following activities:

- Internal communications;
- Development of internal procedures described previously;
- Regular notification to employees of EEO policy regarding religion or national origin;
- Utilization of external recruitment sources, including those educational institutions with substantial enrollments of students from various religious and ethnic groups;
- Utilization of religious and ethnic media for institutional and employment advertising.

## **Affirmative Action Program For Individuals With Disabilities**

### **Policy Statement**

The MWRA is committed to take affirmative action to assure equal employment opportunity for qualified individuals with disabilities.

### Definition of Qualified Individual with Disability

A “qualified individual with a disability” is a person who:

- Has a physical or mental impairment that substantially limits a “major life activity”,
- Has a record of such an impairment, or
- Is regarded as having such an impairment and
- Is capable of performing the essential functions of the job with or without reasonable accommodation to his or her disability.

### Pregnancy and Childbirth

Disabilities caused or contributed to by pregnancy, childbirth or other related medical conditions, will be treated the same as disabilities caused or contributed to by other medical conditions.

### Definition of Reasonable Accommodation

A “reasonable accommodation” for a qualified individual with a disability may include, but is not limited to,

- Making existing facilities readily accessible;
- Job restructuring; part-time or modified work schedules; reassignment to a vacant position; modification of equipment or devices; or other similar accommodations.

Note: An accommodation must be reasonable and is not required if it would impose an “undue hardship” on the MWRA.

### Request for Reasonable Accommodations

MWRA commits to making reasonable accommodations to the limitations of qualified individuals with disabilities and qualified disabled veterans, unless such an accommodation would impose on undue hardship on the MWRA’s business.

An employee with a disability may make a request for reasonable accommodations at any time to their supervisor or directly to the Affirmative Action and Compliance Unit or the Director of Human Resources. The Special Assistant of Affirmative Action & Compliance or his or her designee shall be notified of all reasonable accommodation requests by supervisors or managers and shall ensure that reasonable accommodation records are kept separate from individual employee files.

## Communication of Policy

- The Executive Director or his designee will communicate to Division and Department Directors and other managers the MWRA's policy statement concerning employment of qualified individuals with disabilities.
- Where the MWRA conducts employment activities, posters will be prominently displayed setting forth such information regarding the employment of individuals with disabilities as may be required by government agencies.
- The MWRA will ensure that a list of schools, private and state placement agencies and community and social service organizations receive job listings which are externally posted and advertised by the Authority and that the list is reviewed annually.
- The MWRA will continue to notify relevant organizations as well as appropriate public employment agencies and unions, of MWRA's commitment to equal employment opportunity and affirmative action for individuals with disabilities, including veterans.
- A clause concerning the commitment to equal employment opportunity and affirmative action for individuals with disabilities will continue to be included in contracts and purchase orders of \$2,500 or more.
- The MWRA will continue to notify labor unions and (sub) contractors of the commitment to equal employment opportunity and affirmative action for individuals with disabilities and will seek their cooperation and assistance.

## Voluntary Disclosure

An individual may voluntarily self-identify himself/herself as an individual with disabilities by completing the Affirmative Action Data Form, at any time.

Information submitted will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the individual has a condition that might require emergency treatment; and (iii) Government officials engaged in enforcing laws administered by OFCCP, or enforcing the Americans with Disabilities Act, as amended, may be informed.

## Review of Selection Process

All human resources processes shall be reviewed to determine whether present procedures assure careful, thorough and systematic consideration of the job qualifications of disabled applicants and employees for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.

### Consideration of Qualifications

Records are kept by the Human Resources Department identifying those vacancies, including promotions, for which known disabled persons has been considered. Should any known disabled person be rejected for employment, promotion, or training, a record is made and kept of the reason. If such reason is medically related, the record is treated as a confidential medical record.

Where applicants or employees are selected for hire, promotion, or training, MWRA will undertake any reasonable accommodation which makes it possible to place a disabled person on the job. Records are maintained to describe the accommodation; such records are treated as confidential medical records.

### Miscellaneous

- All MWRA job descriptions reflect the essential qualifications and requirements of each job.
- When an opportunity for hiring or promotion occurs, the MWRA will review the applicable job descriptions to ensure that the qualifications are job related and consistent with business necessity and the safe performance of the job.

# Affirmative Action Program for Protected Veterans

## **Policy Statement**

The Authority is committed to take affirmative action to assure equal employment opportunity in every respect for disabled veterans, Armed Forces service medal veterans, recently separated veterans, or other veterans who served during a war, or in a campaign or expedition for which a badge has been authorized.

## **Communication of Policy**

- The Executive Director or his designee will communicate to Division and Department Directors and other managers the Authority's policy statement concerning employment of qualified protected veterans.
- The MWRA will ensure that a list of established veteran's organizations and public and private recruitment services, included in Appendix D of this Plan, including the appropriate local employment service offices, will receive copies of all positions, which are externally posted and advertised by the MWRA, and that this list will be reviewed annually and MWRA will continue to notify veteran's service organizations as well as appropriate public employment agencies of the commitment to equal employment opportunity and affirmative action for protected veterans.
- A clause concerning the commitment to equal employment opportunity and affirmative action for protected veterans will continue to be included in contracts and purchase orders of \$10,000 or more.
- The MWRA will continue to notify labor unions and contractors of the commitment to equal employment opportunity and affirmative action for protected veterans and will seek their cooperation and assistance.
- The MWRA will use the outreach measures it uses for others covered by MWRA's Affirmative Action Program to recruit and employ veterans also covered by this program.
- The MWRA will submit to the Office of the Assistant Secretary of Veterans Employment and Training no later than March 31<sup>st</sup> of each year, a form titled Federal Contract Veterans Employment Report, which shall contain a list of new employees, and those individuals who have self-identified as protected veterans hired during the period covered by the Report.

## Voluntary Disclosure

- Subsequent to making a job offer, but prior to commencing duties, a prospective employee will be offered the opportunity to self-identify as a special disabled veteran, disabled veteran, a veteran of the Vietnam Era or other protected veteran. The MWRA will consider only that portion of the veteran's military record that is relevant to the job for which the veteran is being considered. After beginning employment, an employee may voluntarily self-identify him/herself at any time as a protected veteran.
- Information submitted will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if a veteran has a condition that might require emergency treatment; and (iii) Government officials engaged in enforcing laws administered by OFCCP, or enforcing the Americans with Disabilities Act, as amended, may be informed.

## Review of Selection Process

All human resources processes shall be reviewed to determine whether present procedures assure careful, thorough and systematic consideration of the job qualifications of protected veteran applicants and employees for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.

## Consideration of Qualifications

In determining the qualifications of a covered veteran, MWRA will consider only that portion of the military record, including discharge papers, relevant to the specific job qualifications for which the veteran is being considered.

Records are kept by the Human Resources Department identifying those vacancies, including promotions, for which known disabled persons and protected veterans have been considered. Should any known disabled person or protected veteran be rejected for employment, promotion, or training, a record is made and kept of the reason. If such reason is medically related, the record is treated as a confidential medical record.

Where applicants or employees are selected for hire, promotion, or training, MWRA will undertake any reasonable accommodation which makes it possible to place a disabled person or veteran on the job, that is not an undue hardship. Records are maintained to describe the accommodation; such records are treated as confidential medical records.

## Miscellaneous

- All MWRA job descriptions reflect the essential qualifications and requirements of each job.
- When an opportunity for hiring or promotion occurs, the MWRA will review the applicable job descriptions to ensure that the qualifications are job related and consistent with business necessity and the safe performance of the job.

- The MWRA will not reduce the amount of compensation to veterans by the amount the veteran receives from disability income, pension or other benefits related to his or her status as a veteran.

## **Internal Auditing and Reporting Systems**

Internal auditing and reporting for Affirmative Action is managed through the use of monthly, quarterly, and annual reports generated by AACU and shared with management. Reports reflecting workforce compensation, promotions, transfers and terminations are reviewed to ensure that the policy of non-discrimination and equal employment opportunity is carried out. State and local government information reports (EEO-4) are prepared and submitted in accordance with regulation and written instructions.

## **Internal Complaint Procedure**

The internal complaint procedure provides the opportunity for any individual (employee or applicant) who believes that she or he has been harassed, discriminated against or unfairly treated by the MWRA to file a complaint using the procedures set forth below.

### Filing a Complaint

- The individual alleging discrimination should file a written and signed complaint with the Special Assistant of Affirmative Action and Compliance Unit (form available in AACU), or the Director of Human Resources. Detailed and specific allegations must be provided along with an indication of the action(s) or resolution the individual is seeking.
- The complaint must be filed in as timely a fashion as possible.

### Procedure

- The Special Assistant of Affirmative Action and Compliance Unit and/or Director of Human Resources, will be responsible for accepting complaints of discrimination in writing.
- Upon receiving a complaint of discrimination, a complaint investigator will be assigned, who shall attempt to determine through preliminary fact finding if a formal investigation is warranted.
- Upon determination that an investigation is warranted, a date will be scheduled for an in-depth interview with the complainant and other relevant parties. The complaint investigator shall attempt to bring about a satisfactory resolution with the complainant and appropriate management and make recommendations accordingly.

- Any agreement or resolution may be in writing and if in writing, copies provided to all appropriate parties.
- The complaint resolution process shall be concluded in an expeditious manner. It is the MWRA's intention to resolve all complaints internally and every effort will be made to maintain confidentiality to the extent practicable.
- The complaint investigator will advise the complainant of his or her administrative rights and the right to file a formal charge with a state or federal agency and the time limits imposed on the exercise of these rights.

#### Rejection or Cancellation of the Complaint

The MWRA will indicate when a complaint has been rejected for further processing.

In the event an individual files an external complaint, the MWRA's legal counsel will handle all communications. All investigations shall be conducted in a confidential manner to the extent practicable.

In addition to the above, you may file a formal complaint with the government agencies listed below. Using MWRA's complaint process does not prohibit you from filing a complaint with these agencies.

Massachusetts Commission Against  
Discrimination (MCAD)  
One Ashburton Place, 6<sup>th</sup> Floor  
Boston, MA 02108

Massachusetts Office of Diversity and Equal  
Opportunity  
One Ashburton Place - Rm. 213  
Boston, MA 02108

Springfield Office  
MCAD  
436 Dwight Street - Rm. 220  
Springfield, MA 01103

U.S. Equal Employment Opportunity  
Commission  
JFK Federal Building  
475 Government Center  
Boston, MA 02203

Worcester Office  
MCAD  
455 Main Street - Rm. 101  
Worcester, MA 01608

U.S. Department of Labor  
Office of Federal Contract  
Compliance Programs  
JFK Federal Building - Rm. E235  
Boston, MA 02203

New Bedford Office  
MCAD  
800 Purchase Street - Rm. 501  
New Bedford, MA 02740

## **V. MBE/WBE/DBE Program**

### **Policy Statement**

It is the policy of the Massachusetts Water Resources Authority (Authority) to ensure the equitable participation of Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) and Disadvantaged Business Enterprise (DBEs) in the award of all contracts including contracts for construction, goods/non-professional services (supplies and equipment) and professional services (design selection and consultants).

### **Definitions**

- Minority Business Enterprise (MBE) means an ongoing and independent business enterprise which is owned and controlled by one or more minority persons and meets the Massachusetts Supplier Diversity Office (SDO) criteria specified under 425 CMR 2.03 (d) (and, if applicable, one or more of the provisions of 425 CMR 2.06).
- Women Business Enterprise (WBE) means an ongoing and independent business enterprise which is owned and controlled by one or more women and meets SDO certification criteria specified under 425 CMR 2.03 (d) (and, if applicable, one or more of the provisions of 425 CMR 2.06).
- Disadvantaged Business Enterprise (DBE) means an ongoing, independent small business concern which is at least 51% owned and controlled by one or more individual(s) who are both socially and economically disadvantaged and meets the U.S. DOT eligibility criteria specified under 49 CFR Part 23 and 26 and has certification issued by the federal government or the SDO.

### **Outreach**

The Authority communicates with appropriate advocacy groups and representatives such as SDO, New England Minority Supplier Development Council, Massachusetts Minority Contractors, and National Association of Minority and Women Owned Law Firms, as well as others, to develop new sources of supply, discuss the M/W/DBE Program and develop initiatives designed to enhance the Plan's effectiveness.

### **Monitoring and Reporting**

The Affirmative Action and Compliance Unit will maintain such records, data and information as may be required to document compliance with Authority policies and procedures, and applicable federal, state and local laws and regulations.

MassDEP Procurement Goals

Based upon the Massachusetts Department of Environmental Protection and the Massachusetts Water Pollution Abatement Trust’s 2010 Availability Study, the D/MBE and D/WBE procurement goals for EPA assisted contracts are as follows:

<b>Procurement Categories</b>		
	Construction Goals	Professional Goals
D/MBE	3.4%	3.4%
D/WBE	3.8%	3.8%

Nearly 90 percent of EPA-assisted contracts were for construction with the balance related to engineering, environmental consulting and other services. On this basis MassDEP has utilized the same goals for both construction and professional services. The specific sub-industries such as water and wastewater engineering, etc. accounted for most of the dollars of these prime contracts and subcontracts.

MWRA Procurement Goals

Based upon the Authority’s 2002 Availability Study, the MBE and WBE procurement goals are as follows:

<b>Procurement Categories</b>			
	Construction Goals	Professional Goals	NonProfessional Goals
MBE	7.24%	7.18%	5.61%
WBE	3.60%	5.67%	4.88%

For FY13 the MWRA spent \$7.9 million and \$5.7 million respectively with minority and women owned business. These amounts were 137% and 170% of the respective MBE and WBE targets.