

Bill No. 3139-07

NO. 32-07-OR

## ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 1, entitled "Administrative Code," Part 12, entitled "Government Review," by the creation of a new Article 1204, governing the periodic audit of diversity within certain County agencies.

**WHEREAS**, there are currently eleven County authorities, twenty County agencies, and at least ten County and non-County nonprofit corporations and associations recognized and sanctioned by and delineated within the Administrative Code of Allegheny County; and

**WHEREAS**, although the County has required its departments to undergo periodic departmental reviews at least once every four years, the only audit requirements that have been placed on the County's authorities, agencies and nonprofit entities have been financial in character; and

**WHEREAS**, while the County has historically had a policy embracing racial, gender, and other diversity in the hiring and personnel practices of and services rendered by all County offices, this policy has never been formally extended to the County's authorities, agencies and nonprofit entities; and

**WHEREAS**, in order to make a meaningful assessment of how well or poorly the County's authorities, agencies and nonprofit entities are meeting the County's lofty diversity expectations, it will be necessary to conduct a comprehensive audit of the diversity policies and practices of each entity;

***The Council of the County of Allegheny hereby enacts as follows:***

### ***SECTION 1.***

The Allegheny County Code of Ordinances, the Allegheny County Code of Ordinances, Division 1, entitled "Administrative Code," Part 12, entitled "Government Review," is hereby amended by the addition of a new Article 1204 as follows:

## **Article 1204**

### **Diversity Review**

#### **§5-1204.01. Diversity Audit of County Authorities, Agencies, and other Entities.**

The following requirements shall apply to all County Authorities delineated in §5-203.01, all County Agencies delineated in §5-215.01, all County and Non-county Nonprofit entities delineated in §5-215.03 of this Administrative Code, and all administrative departments within the County government:

- A. No later than June 1, 2008, the Allegheny County Controller shall complete a diversity audit for all entities bound by the terms of this Section, and shall forward copies of these audits to the Council, Chief Executive and County Manager.
- B. With respect to age diversity, the Controller's audit shall include but not be limited to the following evaluations:
  - i. Whether the entity evaluated has communicated to all staff and students that age discrimination is unlawful in respect of work and study, and will not be tolerated;
  - ii. Whether the entity evaluated has reviewed employment policies and practices to ensure no age-related bias occurs at any stage of the process, from recruitment advertising to decision-making;
  - iii. Whether the entity evaluated has reviewed access to staff development and training to ensure that it is age neutral;
  - iv. Whether the entity evaluated has ensured that promoting age equality is a feature of its staff development program;
  - v. Whether the entity evaluated has effectively evaluated whether age discrimination is taking place with regard to pay or benefits;
  - vi. Whether the entity evaluated has reviewed its normal retirement age;
  - vii. Whether the entity evaluated has implemented a retirement process, ensuring appropriate notification and providing guidance to managers about the retirement process;
  - viii. Whether the entity evaluated has considered extending flexible working options to all staff (if not currently available to all);

- ix. Whether the entity evaluated has reviewed current performance management systems, including appraisal, to ensure age neutrality;
  - x. Whether the entity evaluated has taken steps to ensure that it can provide an accurate age profile of staff across the organization to the extent permitted by applicable law, and whether it has considered how such a profile can be used to inform workforce planning;
  - xi. Whether the entity evaluated has considered the use of age-related monitoring data in recruitment; promotion; training and development; disciplinary; grievance; and exit procedures to the extent permitted by applicable law.
- C. With respect to disability diversity, the Controller's audit shall include but not be limited to the following evaluations:
- i. Whether the entity evaluated has produced a written policy or procedure governing disability equality which sets out how it will meet the general and specific duties under applicable law ;
  - ii. Whether the entity evaluated has involved disabled people in the development and review of the disability equality policy or procedure;
  - iii. Whether the entity evaluated has taken steps to ensure that employees understand what constitutes a disability under applicable law, and their responsibilities thereunder;
  - iv. Whether the entity evaluated has taken a social model approach to disability, which focuses on barriers faced by disabled people;
  - v. Whether the entity evaluated has communicated with contractors about their responsibilities under applicable law to disabled individuals;
  - vi. Whether the entity evaluated has considered the ways in which it can promote positive attitudes towards disabled people both within and outside the entity's organization, and the extent to which these have been implemented;
  - vii. Whether the entity evaluated has established ways in which it can encourage the participation of disabled people in key decision making bodies;

- viii. Whether the entity evaluated has ensured that all staff understand the concept of, and the reasons for making, reasonable adjustments in employment and in its daily activities;
- ix. Whether the entity evaluated has established a means for involving disabled individuals in monitoring and maintaining its disability policies and/or procedures;
- x. Whether the entity evaluated has established a system for collecting and analyzing data pertaining to disability equality;
- xii. Whether the entity evaluated has established a system for reporting both to employees and the public on its progress in implementing its disability equality policies and/or procedures.

D. With respect to racial diversity, the Controller's audit shall include but not be limited to the following evaluations:

- i. Whether the entity evaluated has developed a comprehensive race equality policy and a set of written procedures for implementing and maintaining that plan which sets out how it will continue to meet its duties under applicable law, and that includes and prioritizes desired outcomes, timeframes, and identified those responsible for implementation;
- ii. Whether the entity evaluated has held regular reviews and communicated the findings to all stakeholders and the public;
- iii. Whether the entity evaluated has established a system for collecting and analyzing staff data at various stages of employment and study, consistent with the provisions of applicable law;
- iv. Whether the entity evaluated has actively communicated the requirements of its race equality policy and procedures to staff, the public, contractors with whom the entity works, and agents and others with whom the entity works;
- v. Whether the entity evaluated has taken all reasonable steps to ensure its staff does not discriminate unlawfully;
- vi. Whether the entity evaluated has considered the ways in which it can promote good relations between people of different racial groups, and acted on these ideas;

- vii. Whether the entity evaluated has taken steps to eliminate discrimination, victimization and harassment on the grounds of race in employment and the provision of services.
- E. With respect to gender diversity, the Controller's audit shall include but not be limited to the following evaluations:
  - i. Whether the entity evaluated has taken steps to ensure that it has a written gender equality policy in place;
  - ii. Whether the entity evaluated has made it clear within the entity's organization that less favorable treatment on the grounds of pregnancy and maternity leave constitutes sex discrimination;
  - iii. Whether the entity evaluated has taken steps to eliminate discrimination, victimization and harassment on the grounds of sex in employment and the provision of services;
  - iv. Whether the entity evaluated has undertaken an equal pay audit to establish whether men and women in the same employment are paid the same for like work, work rated as equivalent, and/or work of equal value;
  - v. Whether the entity evaluated has taken steps to eradicate any identified pay gaps.
- F. With respect to sexual orientation diversity, the Controller's audit shall include but not be limited to the following evaluations:
  - i. Whether the entity evaluated has created and made known policies or procedures for governing discriminatory practices based upon sexual orientation;
  - ii. Whether the entity evaluated has ensured that support is available to staff, and that there are appropriate channels to report discrimination on grounds of sexual orientation;
  - iii. Whether the entity evaluated has taken steps to eliminate discrimination, victimization and harassment on the grounds of sexual orientation in all aspects of employment and the provision of services;
  - iv. Updated their arrangements for survivor pension or other benefits consistent with applicable law.

- G. With respect to religious diversity, the Controller's audit shall include but not be limited to the following evaluations:
- i. Whether the entity evaluated has created and made known policies or procedures for governing discriminatory practices based upon religious beliefs;
  - ii. Whether the entity evaluated has taken steps to eliminate discrimination, victimization and harassment on the grounds of religion or belief in all aspects of employment and the provision of services;
  - iii. Whether the entity evaluated has taken steps to ensure its programs and access to services provisions do not discriminate on grounds of religion or belief;
  - iv. Whether the entity evaluated has ensured that there are appropriate channels for staff and the public to report instances of discrimination on the grounds of religion or belief.
- H. With respect to diversity maintenance programs, the Controller's audit shall include but not be limited to the following evaluations:
- i. Whether the entity evaluated has established working groups to steer and monitor progress on all aspects of equality;
  - ii. Whether the entity evaluated has ensured that policies and practices affecting employment meet the requirements of applicable law as it evolves;
  - iii. Whether the entity evaluated has established data collection and analysis mechanisms, and used these to meet any existing statutory monitoring and publishing requirements;
  - iv. Whether the entity evaluated has identified a person or persons to review legislative requirements and identify developments affecting existing policy or practice;
  - v. Whether the entity evaluated has determined how, and to whom, it will convey information on legislative changes within the entity;
  - vi. Whether the entity evaluated has established and made available to staff and/or the public procedures to deal with incidents of direct and indirect discrimination, victimization and harassment;

- vii. Whether the entity evaluated has established clear lines of responsibility, authority and accountability for diversity policy implementation, monitoring, maintenance and refinement within the entity;
- viii. Whether the entity evaluated has ensured that staff are trained on diversity requirements, appropriate to their role and level of responsibility;
- ix. Whether the entity evaluated has ensured that those involved in staff recruitment and providing services are trained to apply diversity requirements to these processes;
- x. Whether the entity evaluated has ensured that all contractors are aware of the entity's diversity policies and expected standards of behavior while carrying out their functions;
- xi. Whether the entity evaluated has ensured its procurement policy and arrangements include diversity dimensions, including:
  - 1. A specific clause on diversity requirements in all procurement contracts
  - 2. Encouragement to suppliers from under-represented groups to endeavor to provide the entity with goods and services through the entity's procurement process;
- xii. Whether the entity evaluated has ensured that plans are in place to consult staff, the public, trade unions, and other relevant groups when policies that may affect them and/or the people they represent are developed or reviewed;
- xiii. Whether the entity evaluated has effectively managed the risk of non-compliance.

**§5-1204.03. Consultants and Other Auditing Agencies Authorized.**

The Allegheny County Controller shall hire outside auditors or other consultants as necessary to complete the audits required under the terms of this Article.

**§5-1204.04. Responsive Comment to Controller's Findings.**

Any entity audited under the terms of this Article shall have ninety (90) days to send comments responsive to the audit required under the terms of this Article to the Controller, Council, Chief Executive, and County Manager.

**§5-1204.05. Diversity Audit of County Authorities, Agencies, and other Entities.**

No County administrative department may be consolidated, merged, modified, or created until the diversity audit required under the terms of this Article is completed for the entity or entities that are to be involved in the consolidation, merger, modification or creation. In the event that a consolidation, merger, modification or creation of a County administrative department is partially completed on the effective date of this Section, no additional action(s) may be completed until the diversity audit required under the terms of this Article is completed for the entity or entities that are to be involved in the consolidation, merger, modification or creation. Any office, department or function altered under the provisions of §5-201.03.B of the Administrative Code of Allegheny County must comply with the provisions of this Article and all applicable provisions of the Home Rule Charter of Allegheny County as a condition of funding the County budget, beginning with fiscal year 2008.

**§5-1204.06. Subsequent Diversity Audit.**

The Allegheny County Controller shall conduct additional diversity audits under the provisions of this Article at least once every three years for each entity subject to the terms of this Article.

***SECTION 2.***

***If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.***

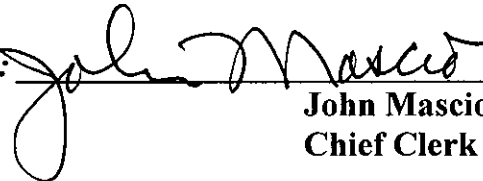
***PRIMARY SPONSORS: COUNCIL MEMBER ROBINSON***

Enacted in Council, this 21st day of August, 2007,

Council Agenda No. 3139-07.



**Rich Fitzgerald**  
President of Council

Attest: 

**John Mascio**  
Chief Clerk of Council

Chief Executive Office \_\_\_\_\_, 2007

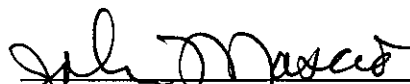
Approved: \_\_\_\_\_

**Dan Onorato**  
Chief Executive

Attest: \_\_\_\_\_

**Donna Beltz**  
Executive's Secretary

I do hereby certify that the foregoing Ordinance, duly engrossed and certified, was delivered by me to the Chief Executive for his approval or disapproval and that the Chief Executive failed to approve or disapprove the same, whereupon, it became law without his approval under the provisions of Section 311.07(E) of the Administrative Code of Allegheny County.

  
**John Mascio**  
Chief Clerk of Council