

**RELEVANT LINKS:**[Personnel Policy Template](#)

## VI. EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION (EEO/AA)

**Overview:** Most public employers include one of the following statements at the end of employment advertisements: “EEO/AA Employer” or “EEO Employer.” Such a tag line indicates to the reader that the city promotes equal employment opportunities and affirmative action in all employment practices at that city. It is a good practice to include an equal employment opportunity statement in the city’s personnel policy. This section discusses the protections generally addressed in a city’s equal employment opportunity policy and what to consider in deciding whether to adopt an affirmative action plan.

### A. Affirmative action plans

Minnesota Rules Section 5000.3400, Subpart 3 defines an affirmative action program as follows: "Subpart. 3. Affirmative action program, ‘Affirmative action program’ means a coherent set of goal-oriented management policies and procedures which implement a contractor’s affirmative action policy including the contractor’s self-examination of its workforce and entire employment practices and policies, availability and utilization analyses, and the establishment of goals and timetables for the correction of any underutilization of women, minorities, and qualified disabled persons identified in the self-analysis."

[Minnesota Rules Section 5000.3400, Subpart 3](#)

The Minnesota Department of Human Rights advises that cities are not required, but are encouraged, to establish and comply with an affirmative action plan.

[Minnesota Statutes 363.073, Subdivision 1](#)

The Federal Government Office of Contract Compliance advises cities receiving federal funding to work directly with the federal agency from which funding is to be received to determine if an affirmative action plan is required.

[Office of Federal Contract Compliance Programs](#)

### B. Protected status

“Protected status” and/or “protected class” both generally refer to groups of people specifically protected from employment discrimination in federal and state law. The groups of people referenced in these laws should be listed within the city’s EEO/AA statement.

#### 1. Civil Rights Act of 1964; Title VII

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, religion, sex, or national origin.

[Title VII of the Civil Rights Act of 1964 - Public Law 88-352](#)

#### 2. Minnesota Human Rights Act

The Minnesota Human Rights Act (MHRA) builds on the U.S. Civil Rights Act of 1964 and offers additional protections to people employed in the state of Minnesota.

The MHRA makes it an unfair employment practice for an employer to discriminate against a person because of race, color, creed, religion, national origin, gender (including pregnancy, childbirth and related medical conditions), marital status, status

[Minnesota Human Rights Act](#)

**RELEVANT LINKS:**

with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age.

## **C. Americans with Disabilities Act**

[Americans with Disabilities Act](#)

Even though individuals with a disability are protected under the Minnesota Human Rights Act, the Americans with Disabilities Act (ADA) provides additional protections for individuals with a qualified disability. Specifically, the ADA prohibits private employers and state and local governments with 15 or more employees from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

Some cities develop a separate policy addressing the steps to be taken in the event that an ADA workplace accommodation needs to be explored. Other cities covered by this law include a general policy statement noting that all requirements of the ADA will be adhered to in employment practices (e.g., necessary accommodations to enable a qualified candidate to interview for a job, job descriptions with essential functions and physical expectations clearly noted, etc.).