

SECTION I

MMCA AFFIRMATIVE ACTION PLAN WITH CITY OF MINNEAPOLIS

MINNESOTA MECHANICAL CONTRACTORS ASSOCIATION MINNEAPOLIS PIPEFITTERS LOCAL 539 MINNEAPOLIS PLUMBERS LOCAL 15

I. The Affirmative Action Plan contained herein by and between the City of Minneapolis (herein called the City) and the Minnesota Mechanical Contractors Association (MMCA), the Minneapolis Pipefitters Local 539 and Minneapolis Plumbers Local 15, was developed in consultation with the Minneapolis Department of Civil Rights which is also signatory to the plan as the approving agency. Due to the five-year certification it provides to the parties, the plan has also been reviewed and approved by the offices of the Mayor, City Attorney, and the Minneapolis City Council.

II. EEO/AA POLICY

The policy of MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 is to provide equal opportunity to all employees, union members, and applicants for apprenticeship and/or employment in accordance with all applicable equal employment opportunity and affirmative action laws, directives, and regulations of federal, state, and local governing bodies and agencies thereof, specifically including Chapters 139.50 and 141 of the Minneapolis Civil Rights ordinance and the rules and regulations as applicable.

MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will not discriminate against any employee, member, or applicant because of race, color, creed, religion, ancestry, disability, national origin, sex, affectional preference, age (above 18), marital status, or status with respect to public assistance.

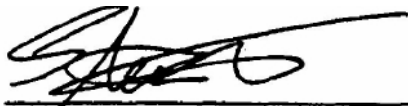
MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will take affirmative action to ensure that all employment and membership practices are free of such discrimination. Such employment and membership practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, referral, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 prohibit harassment of any employee, member, or applicant because of protected class status, including sexual harassment.

MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will commit the necessary time and resources, both financial and human, to achieve the goals of equal opportunity and affirmative action.

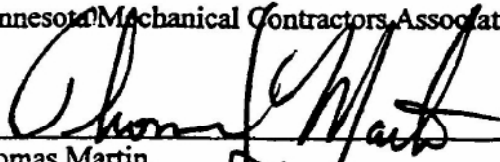
MMCA members will evaluate the performance of their management and supervisory personnel on the basis of their performance in achieving these equal opportunity and affirmative action objectives as well as any other criteria the organization uses. Any MMCA members who do not comply with the equal employment opportunity policies and procedures set forth in this document will be subject to adverse action. Any subcontractor not complying with all applicable equal employment opportunity/affirmative action laws, directives, and regulations of the federal, state, and local governing bodies, or agencies thereof, specifically including chapter 139.50 of the Minneapolis Civil Rights ordinance, will be subject to appropriate legal, sanctions.

MMCA has appointed its Executive Vice President as Equal Employment Opportunity (EEO) Coordinator to assist the equal employment opportunity program. That person is Steven G. Pettersen. If there is any personnel change in this position, MMCA must notify the Director of the Minneapolis Department of Civil Rights of the change immediately and in writing. Responsibilities will include monitoring all affirmative action and equal employment opportunity activities of the MMCA member companies and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15, and reporting the effectiveness of these activities as required by federal, state, and local agencies. If any employee of a member company believes she or he has been discriminated against, they may contact the EEO Coordinator for MMCA, in addition to pursuing the matter through channels established by the member company internally. MMCA's members listed on attached Appendix A shall at all times be considered the contracting parties for purposes of affixing responsibility for compliance with this affirmative action plan. MMCA and its Executive Vice President shall function solely in a representative capacity and shall bear no responsibility for noncompliance by member employers.



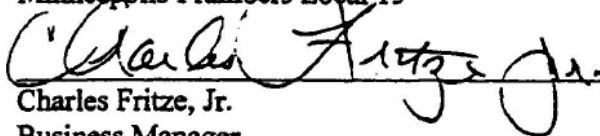
Date 10-18-00

Steven G. Pettersen
Executive Vice President
Minnesota Mechanical Contractors Association



Date 10-19-00

Thomas Martin
Business Manager
Minneapolis Plumbers Local 15



Date 10-17-00

Charles Fritze, Jr.
Business Manager
Minneapolis Pipefitters Local 539

III. RESPONSIBILITIES OF EEO COORDINATOR

The following are the responsibilities of MMCA's employer members. The duties of the EEO Coordinator are to provide advice and assistance to member companies in meeting their responsibilities and to serve as a central clearinghouse for information concerning member companies' compliance with these responsibilities. The duties of the EEO Coordinator are to:

- A. Assist member companies in developing and updating written affirmative action plans and policies consistent with the Affirmative Action Plan.
- B. Implement affirmative action plan, including internal and external dissemination of the policy and plan.
- C. Coordinate recruitment and employment of women, people of color,* and qualified disabled persons.**
- D. Serve as a liaison between MMCA, its member companies, Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15, and the City of Minneapolis.
- E. Conduct and/or coordinate EEO training and orientation of MMCA members' supervisors, managers, and union stewards to inform them of their responsibilities pursuant to the affirmative action plan.
- F. Ensure that managers, supervisors, and stewards understand that it is their responsibility to take action to prevent harassment of protected class employees and applicants for employment.
- G. Ensure that all employees/members of color, female employees/members, and members/employees with disabilities are provided equal opportunity as related to member- or union- sponsored training programs, recreational/social activities, benefit plans, pay, and other working conditions without regard to race, sex, color, handicap, etc.
- H. Receive, investigate, and attempt to resolve any and all EEO complaints, and assist members with complaints as requested.
- I. Monitor and measure contracting parties' progress toward affirmative action goals, and report results to MMCA members and management.
- J. Maintain EEO reports and records, and make them available to appropriate enforcement agencies.
- K. Coordinate the implementation of necessary remedial actions to meet compliance requirements and goals.

*People of color is used in place of the "minority's group members" as defined in the Minneapolis Civil Rights ordinance, Chapter 139.50 (a) (6) as amended.

**Qualified disabled persons as defined by Minneapolis ordinance, Chapter 139.20 as amended. See Appendix A.

- L. Hold regular discussions with member companies, project managers, supervisors, employees, and stewards to ensure that the equal employment policies of MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 are being followed.
- M. Receive and maintain monitoring reports from members to ensure, compliance in such areas as:
 - 1. Employment of women, peoples of color, and qualified disabled persons.
 - 2. Conspicuous display of EEO posters.
 - 3. Discouragement of any form of harassment and intimidation due to protected class status, including sexual harassment.
- N. Survey member companies to develop an aggregate EEO-1 form for internal workforce.

IV. DISSEMINATION OF AFFIRMATIVE ACTION POLICY AND PLAN

A. Internal Dissemination

- 1. The policy statement will be permanently and conspicuously displayed in areas such as association, union, and employee bulletin boards and lunch areas, and will be printed in MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 newsletters and other publications.
- 2. All members and their employees will be furnished a copy of the policy statement and will be notified of location and availability of the affirmative action plan. This policy will be made available to all employees, including part time, temporary, or seasonal employees.
- 3. MMCA and the Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will conduct orientation/training sessions to thoroughly inform members and employees, including apprentices, of the industry's EEO/AA commitment. The Minneapolis Department of Civil Rights will provide assistance as requested.

B. External Dissemination

- 1. MMCA and the Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will notify all recruitment sources and protected class media (see Appendix B) of their equal opportunity policy and encourage them to refer women, persons of color and persons with disabilities to assist in achieving the affirmative action objectives.

2. MMCA shall include on all stationery, letterhead, and advertisements, specific statements relating to its representation of EEO employers.
3. Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 shall include on all stationery, letterhead, and advertisements, specific statements relating to their commitment to pursuing equal employment opportunity and affirmative action for their members.

C. Construction Projects

1. MMCA members will participate in prebid, preaward, and preconstruction conferences at which the company's affirmative action commitment and the subcontractor's responsibilities regarding affirmative action are discussed. In all such forums the city's construction goals for minority and female representation in the workforce on city-assisted projects shall be stressed, and MMCA shall obtain a commitment from all member participants that they will take affirmative action to meet those goals.
2. For each city-assisted project, MMCA members will notify subcontractors, vendors, and suppliers in writing of the affirmative action policy and the project goals that require their supportive action.
3. MMCA members will include the Affirmative Action Clause (Appendix C) in all bid specifications and contracts for city-assisted projects.

V. RECRUITMENT AND RETENTION OF EMPLOYEES

A. Recruitment of Qualifiable People of Color, Females, and Persons with Disabilities.

1. MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will develop contacts with employee development and referral organization(s) and will work with said organization(s) to obtain qualifiable people of color, female and persons with disabilities for this purpose.
2. MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 are committed to encouraging and supporting the retention of all qualified applicants by MMCA's member companies, so that people of color, females and persons with disabilities will have an equal opportunity to become part of the permanent work force in the mechanical (plumbing and pipefitting trades).

B. Construction Projects.

1. MMCA and its members will encourage contractors/ subcontractors to use agencies/organizations that refer women, people of color, and people with disabilities for employment.

2. MMCA members will contact and involve, prior to and throughout construction, employee development and referral organizations or other like resources and organizations for the purpose of recruiting and employing qualifiable persons of color, women, and persons with disabilities into their workforce. MMCA and its members will require utilization of recruitment resources provided by the City of Minneapolis and will disseminate and encourage use of the resources by subcontractors. Records will be maintained of all the utilization required in this paragraph.
3. The respective Joint Apprenticeship Committees will notify the Minneapolis Civil Rights Department of apprenticeship openings, in writing, as they arise.

C. Retention.

A committee of member representatives from MMCA, the Labor Unions, and the City will make efforts and work with appropriate agencies and organizations to increase retention of employees who are women, people of color, or those with disabilities.

A good faith effort will be made by member firms to increase their internal workforce to meet goals consistent with availability of persons of color and females, by job group, as determined by the most recent census data.

VI. INTERNAL EEO COMPLAINT PROCEDURES

MMCA has attached as Appendix D to this plan in outline format, the internal EEO complaint procedures that they have assisted members in developing.

VII. GOALS

MMCA and the Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will make good faith efforts to attain a workforce that ultimately meets or exceeds goals of ten percent (10%) females and fifteen percent (15%) persons of color.

To this end, MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 have established contacts with employee development and referral organizations to assist them in recruiting and obtaining qualified persons of color and females for their workforces. MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 plan to meet or exceed the goals set forth herein as follows:

A. Pipefitting and Plumbing Apprenticeships. MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will place from the below listed organizations, qualifiable people of color and females into their apprenticeship program annually, at the following rates:

	Plumbers	Pipefitters
American Indian OIC	2	2
Summit Academy OIC	2	2
Minneapolis Urban League/LEAP	2	2
Women Venture	2	2
Center for Asians and Pacific Islanders	2	2
CENTRO (Cultural Chicano)	2	2
Minneapolis Rehabilitation Center	2	2

B. Pipefitting Scholarships. The Service Pipefitting trade has a two-year vocational/technical educational requirement before one can be accepted into apprenticeship. MMCA and Minneapolis Pipefitters Local 539, plan to affirmatively address this by committing an annual maximum of \$15,000.00 (fifteen thousand dollars) for scholarship(s) to a 2 year Pipefitting degree program, or other equivalent or better at a local vocational/technical school.

MMCA and Minneapolis Pipefitters Local 539 will work with employee development and referral organization(s) to coordinate the scholarship program. This scholarship program shall start in the January 2001 school year. MMCA will report annually to the City's Department of Civil Rights, the status of the scholarship program.

Summer Work Program. The service pipefitting trade and the plumbing trade typically hires interns to work full time in the summer and part time in during the school year. Historically this has been a useful way to find qualifiable workers, many of whom are able to utilize this experience to establish themselves with the hiring company, and to become part of the permanent workforce. Recognizing this as an in road into permanent employment, MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will work with employee development organizations to recruit qualifiable workers for this program. MMCA and Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 will accept qualifiable people of color, female and persons with disabilities as applicants into the "summer work" program each year, from the below listed organizations, at the following rates:

	Pipefitters	Plumbers
American Indian OIC	2	2
Summit Academy OIC	2	2
Minneapolis Urban League/LEAP	2	2
Women Venture	2	2
Center for Asians and Pacific Islanders	2	2
CENTRO (Cultural Chicano)	2	2
Minneapolis Rehabilitation Center	2	2
Federal FORUM	2	2

Nothing herein shall be understood to prohibit MMCA and/or Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 from establishing and working with other employee development and referral organizations, or from taking other measures in order to obtain qualified people of color and female applicants in the event that any of the above noted organizations fail to provide MMCA and/or the Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 with qualified referrals for the purposes of this agreement, or if MMCA and/or the Minneapolis Pipefitters Local 539/ Minneapolis Plumbers Local 15 finds a more effective means of obtaining said applicants.

A work internship program is also available to those entering or participating in a 2 year heating, ventilating and air conditioning (HVAC) educational program, and, in the spirit of this agreement, qualified persons of color and females will be strongly considered for such positions as they become available.

MMCA members, overall, will maintain good faith, efforts to employ females and persons of color based on goals established by the City of Minneapolis on all City-assisted projects.

VIII. INTERNAL AUDIT AND REPORTING SYSTEM

MMCA member companies will submit certified payroll records by race and sex or submit monthly report forms provided by the City showing:

1. The total number of persons and hours worked on City assisted construction projects by race and sex, and require each of its subcontractors to submit such forms.
2. A narrative explanation of the affirmative actions MMCA and its subcontractors took to achieve the goals if the report shows non-achievement of any goals.
3. MMCA members will submit certified payroll records or monthly reports and other reports as necessary to The City for the purpose of assessing compliance with its contractual agreements, affirmative action plan, and City enforced regulations and related concerns.
4. A compliance audit of this agreement will be conducted as deemed necessary by the City of Minneapolis Department of Civil Rights; to ensure that good faith efforts are being made to meet the goals set forth herein. Signatory parties will meet together to review the audit and ensure compliance with this agreement.

IX. SUBCONTRACTOR RESPONSIBILITIES

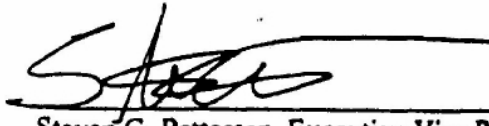
MMCA members will notify subcontractors of their responsibilities for equal opportunity and affirmative action under this plan, and will require them to comply.

X. UPDATING MEMBERSHIP INFORMATION

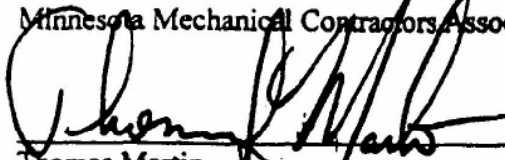
MMCA will notify the Minneapolis Department of Civil Rights, in writing, of any new members that are added to their roles, and that become party to this agreement. Further, MMCA will present the Minneapolis Department of Civil Rights, on a quarterly basis, a current list of members that are party to this agreement.

XI. SIGNATURES TO AGREEMENT

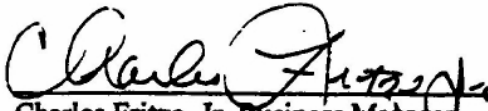
Upon execution of the signatures below, MMCA members will be certified as meeting the requirements for Affirmative Action Plan approval by the City of Minneapolis for a five year period from the date of the signatures, subject to annual review by the City of Minneapolis. Failure to make a good Faith effort to comply with the specifications of this plan may result in the imposition of sanctions pursuant to the Minneapolis Civil Rights Ordinance and related rules and regulations.

 Date 10-18-00

Steven G. Pettersen, Executive Vice President
Minnesota Mechanical Contractors Association

 Date 10-19-00

Thomas Martin
Business Manager
Minneapolis Plumbers Local 15

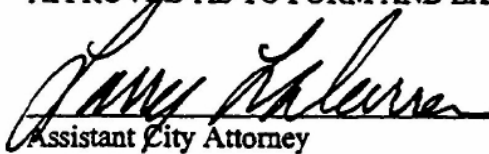
 Date 10-19-00

Charles Fritze, Jr. Business Manager
Minneapolis Pipefitters Local 539


_____ Date _____

Kenneth White, Director
Minneapolis Department of Civil Rights

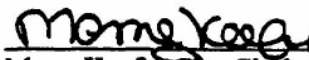
APPROVED AS TO FORM AND EXECUTION:

 Date 9/27/00

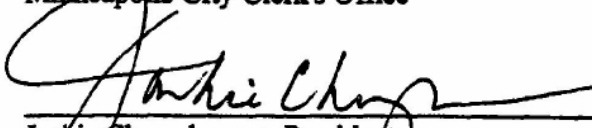
Assistant City Attorney

 Date 10-16-00

Sharon Sayles-Belton, Mayor
Minneapolis Mayor's Office

 Date 10-16-00

Merry Keefe, City Clerk
Minneapolis City Clerk's Office

 Date 10-10-00

Jackie Cherryhomes, President
Minneapolis City Council

MMCA AFFIRMATIVE ACTION PLAN WITH CITY OF MINNEAPOLIS

(ii) Qualified disabled person. "Qualified disabled person" means a disabled person who, with reasonable accommodation, can perform the essential functions required of all applicants for the job or activity in question. (Ord. of 12-30-75, Section 2; 78-Or-206, Section 1, 10-13-78; 82-Or-114, Section 2, 6-25-82; 85-Or-085, Section 1, 4-26-85; 87-Or-040, Sections 1-4,3-13-87; 88-Or-108, Section 1, 6-17-88)

MMCA AFFIRMATIVE ACTION PLAN WITH CITY OF MINNEAPOLIS

139.50 of the Minneapolis Civil Rights Ordinance. Provisions required in contracts with City. (a) Unless exempted by the City, all developers/contractors shall include in every bid spec/contract the following provisions, specifically or by reference:

During the performance of this contract, the contractor/developer agrees as follows:

In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or provisions of Title 7, this contract may be cancelled, terminated or suspended, in whole or in part, and the contractor may be declared ineligible by the Minneapolis City Council for further City contracts in addition to other remedies as provided in Title 7. In addition, the contractor shall be liable for any costs or expenses incurred by the City of Minneapolis in obtaining from other sources the work and services to be rendered or performed or the goods or properties to be furnished or delivered to the City under this contract and for administrative costs incurred in seeking compliance. The City shall have the right to specific performance of this contract. Further, in the event there is probable cause to believe the contractor is in noncompliance with the nondiscrimination clauses of this contract or with any applicable rules or regulations, the City shall withhold up to fifteen (15) percent of said contract price until such time as the contractor is found to be in compliance or in the event that withholding a portion of the contract price is not a feasible alternative, then liquidated damages of five hundred dollars per day for each day that the director shall determine that there is probable cause to believe that the contractor is in noncompliance with this section shall be imposed, or is otherwise adjudicated to be in compliance.

When the official empowered to monitor any affirmative action provision of any contract or part of any contract under this Section 139.50 shall have probable cause to believe that the contractor is not in compliance with any provision of paragraphs (1) through (7) or with the implementing rules, regulations provisions or plans thereto, said official shall notify the department administering said contract and shall engage in conciliation and persuasion to try to eliminate the acts or practices giving rise to such belief.

The contractor will include the provisions of paragraphs (1). through (8) in every subcontract or purchase order, specifically or by reference, unless exempted by rules, regulations or orders of the director or the commission, issued pursuant to Section 139.90, so that such provision will be binding upon each subcontractor order.

The City of Minneapolis shall not enter into contracts or subcontracts in excess of fifty thousand dollars (\$50,000) including contracts and agreements entered into and performed pursuant to powers granted by Minnesota Statutes, Section 273.71 to 273.78 known as the Minnesota Tax Increment Financing Act.

Minnesota Statutes, Chapter 472A, sometimes known as the Municipal Development District Act; and Minnesota Statutes, Chapter 474, known as the Minnesota Industrial Development Act, 474, with any bidder, prospective prime contractor or proposed subcontractor until a written affirmative action plan has been provided to the director or the director's designee and until a pre-award compliance review has been conducted and the director or the director's designee has reported on the ability of the bidder, prospective prime contractor or proposed subcontractor to comply with the provisions of subsection (a) of this section. The director or director's designated City staff shall examine evidence of the past performance of the bidder, prospective prime contractor or proposed subcontractor (entity under review) regarding compliance with the provisions of subsection (a) of this section which should include, but not be limited to the following factors: The record of the entity under review regarding observance of the City of Minneapolis contract compliance rules and regulations, the books, records payrolls and other relevant documents including a list, separated by construction project or work site of all protected-class employees who worked for the entity under review during the period to be reviewed; documentary evidence of the implementation of each of the affirmative action standards set forth in the specifications and evidence demonstrating whether or not the entity under review has complied with subsection (a) (1) of this section or similar equal opportunity clause in contracts with any other governmental body or any other entity. The director or director's designated City staff shall have thirty (30) days after receiving notice of the proposed contract to report to City Council.

With regard to development contracts including but not limited to contracts and agreements entered into and performed and projects financed pursuant to powers granted by Minnesota Statutes, Sections 273.71 to 273.78 known as the Minnesota Tax Increment Financing Act; Minnesota Statutes, Chapter 458, sometimes known as the Port Authority Act; Minnesota Statutes, Chapter 472A, sometimes known as the Municipal Development District Act; and Minnesota Statutes, Chapter 474, known as the Minnesota Industrial Development Act, the jurisdiction of the City of Minneapolis and/or the Minneapolis Community Development Agency under this Section 139.50 shall extend for a period of three years from the start of the contract or until such longer period as may be stated in the contract and shall include jurisdiction over owner-occupants of any project financed pursuant thereto.

(4) EEO/AA POLICY STATEMENT
(Equal Employment Opportunity/Affirmative Action Statement)

This statement is to reaffirm MMCA's policy on providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof, specifically including Chapter 139.50 and 141 of the Minnesota Civil Rights Ordinance and the Rules and Regulations as applicable.

MMCA will not discriminate against any employee or applicant for employment because of race, color or creed, religion, ancestry, national origin, sex, affectional preference, disability, age (40-over), martial status, or status with regard to public assistance.


MMCA will take Affirmative Action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection layoff, disciplinary action, termination, rates of pay or other forms or compensation, and selection for training, including apprenticeship.

MMCA prohibits the harassment of any employee or job applicant on the basis of their protected class status.

MMCA will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action.

MMCA will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of this Company or subcontractors to this company who do not comply with the Equal Employment Opportunity Policies and Procedures set forth in this Statement and plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State and Local governing bodies or agencies thereof, specifically including Chapter 139.50 of the Minneapolis Civil Rights Ordinance will be subject to appropriate legal sanctions.

MMCA has appointed Steven G. Pettersen as EEO Coordinator to manage the Equal Employment Opportunity Program. The responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. If any employee or applicant for employment believes he/she has been discriminated a^gainst please contact the EEO Coordinator.

Signature 
Executive Vice President
MMCA

Date 10-18-00

(12) INTERNAL EEO COMPLAINT PROCEDURE

