

**Legislative #**

**140727**

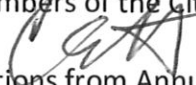


# Office of Equal Opportunity

## Inter-Office Communication

### Station 52 ~ Extension 5051

#### MEMORANDUM:

**TO:** Mayor Ed Braddy, and Members of the City Commission  
**FROM:** Cecil Howard, EO Director   
**RE:** EO Director Recommendations from Annual Hiring Report  
**DATE:** April 10, 2014

During the August 2013 Equal Opportunity Meeting, Commissioner Hinson-Rawls requested that certain provision of the EO Charter be placed on the EOC agenda, specifically, sections 7 and 8 which provide as follows:

(7) Shall monitor all hires, transfers, demotions, promotions, and terminations for compliance with equal opportunity laws, policies, procedures, guidelines, and related matters, and

(8) Shall develop instruments to monitor adherence to diversity and equal opportunity laws, policies, procedures, guidelines, and related matters for city services, programs, activities, employment and purchasing.

After discussion of that item, the Committee took the following action:

**“Direct the Charter Officers to review current practices addressing Sections 7 and 8, of the Equal Opportunity Charter, and submit recommendations during the November EOC meeting regarding additional practices that would be implemented in conjunction with the EO Office to include increased success with exit interviews and increased coordination with employee surveys and other workplace concerns.”**

On October 15, 2013, the Charter Officers met and initiated discussion of the EOC directive. We quickly determined, however, that the effort would consume more than one meeting, so we agreed to a second meeting without coming to any conclusions.

During the November 2013 EOC Meeting, I reported to the Committee that I had initial discussions with some of the Charter Officers and realized that more time was needed. I also reported that the Charter Officers would meet again during November or December, and that I would report on the issue at the January 2014 EOC Meeting.

The Charters met for a second time on November 18, 2013. Present at the meeting were EO Director, Cecil Howard, City Manager, Russ Blackburn, City Auditor Brent Godshalk, City Attorney Nicolle Shalley, and Interim HR Director, Cheryl McBride. During that meeting, I raised

four items that I thought would serve to strengthen EO charter provisions 7 and 8. They were as follow:

1. Hire a Diversity Recruiter.
2. Interview all internal candidates meeting minimum qualifications.
3. Create racially diverse panels for all interviews for supervisor positions and above.
4. Address ways in which separating employees could be more strongly encouraged to do exit interviews with the EO Office.

I then told the group that Recommendation # 4 would take greater effort, because we would have to be creative in getting employees to visit the EO Office when they were in the process of leaving employment with the City. Everyone at the meeting, except Nicolle Shally and Cheryl McBride agreed with the recommendations regarding interviews for internal applicants, and diverse interview panels. We took no action regarding the recruiter, as Russ Blackburn reported that the effort to hire such a person had already been put in place. I decided I would address the exit interview matter with the hiring managers at the annual Affirmative Action Workplan Training that all managers were required to attend. That training will be held this summer.

In response to the action of the Charter Officers on November 18, 2013, Interim HR Manager Audrey Gainey then sent the following email to her staff on December 12, 2013:

**“Just as a reminder and per the direction of our Interim HR Manager, Hiring Managers who are managing process at a manager level or higher, must ensure that they have a diverse panel when interviewing. This should include, at a minimum, one male, one female, one Caucasian and one person of color. This applies to both GG and GRU.**

**Also, for Hiring Manager’s on the GG side who are managing process of a supervisory level or hire, all internal candidates in the applicant pool who meet minimum requirements are to be extended an interview. If the Hiring Manager’s process consist of a SKYPE interview and the internal candidates do not prove to be the most highly qualified as a result, the Hiring Manager is not required to move them forward.”**

This email is proof that at least on the General Government side, the interview/interview panel recommendations had been agreed to and were being implemented.

During the January 2014 EOC, I presented the 2012-2013 Hiring Report that detailed the City’s progress in the hiring of minorities and women during the past year. The report indicated the hiring of employees at the non-supervisory level to be at 68% white and 32% minorities. The hiring at the supervisory rate, however, was substantially less at 85% white, and 15% minority. Due to the supervisory numbers, I submitted five recommendations to the Commission which were either already in place and were being implemented, or had been agreed to by the majority of the Charter Officers in another context. They were as follows:

1. Continue with training and education of hiring managers with Annual Affirmative Action Workplan Workshop with required attendance;
2. Continue with PRAF protocols;
3. Continue with aggressive recruitment strategies and plans including the hiring or a professional recruiter;
4. Interview all internal candidates meeting minimum qualifications; and
5. Create racially diverse panels for all interviews for supervisor positions and above.

During that meeting, Asst. City Attorney, Stephanie Marchman raised concerns regarding the diverse interview panels. The Committee took no action regarding the report, and I prepared to present it during the March 6, 2014 City Commission meeting.

During the March 6, 2014 Commission meeting, I presented the 2014 Affirmative Action Plan to the City Commission and advised the Commission of hiring goals that had been established for minorities and women based upon applicable workforce and availability analyses. During that same meeting, I also presented the FY 2012-2013 Hiring Report, and I advised you that the City Attorney had posed opposition to Recommendations 4 and 5. The Commission took the following action:

**“Request written recommendations for the City Attorney’s Office and other Charter Officers regarding Annual Hiring report recommendations.”**

Pursuant to the City Commission’s action, I took the recommendations back to the March 11, 2014 EOC Meeting and offered a modification to my recommendation regarding diverse interviewing panels. During that meeting, I offered the following recommendation:

**“Substitute the racially diverse hiring panel recommendation, and require that the EO Director (in his discretion) appoint a member of his staff (including himself) to serve on interviewing/hiring panels for all Supervisor and above positions.”**

After discussion, the EOC took the following action:

**“(1) Approve in concept of having the EO Director or a member of his staff serve on hiring panels for the position of supervisor level or above; and (2) continue to pursue this in a manner he sees most appropriate, including, if necessary, bringing to the City Commission for review, including a change of rules and adoption of recommendation requiring diverse hiring panels.”**

This matter is now back before you for consideration. It is my understanding that the City Attorney will present her recommendations and authority, which may include comments and positions from some Charter Officers who had previously agreed to, and begun implementation of the interview/interview panel recommendations. I’m not exactly sure what legal basis the City Attorney premises her opposition upon, as there appears to be no caselaw prohibiting governmental employers from requiring all minimally qualified internal applicants to be



interviewed; nor does there appear to be any caselaw prohibiting interview panels from being diverse.

You asked the City Attorney to present a memo to you by April 10, 2014, and for other charters to do so as well if they so desired. I am therefore submitting to you this memo explaining why you should approve my recommendations # 4 and 5.

**Interviewing Internal Applicants** – As an employer who values the opinions of its workforce, and who “encourages employee development for the purpose of facilitating internal upward mobility through the promotion and transfer process,” it is essential that employees feel they are treated fairly at all times. Many managers would like to assert workload concerns as a reason to not afford internal employees the opportunity to interview for vacant positions. The City Attorney has asserted a similar argument in her opposition to this recommendation. But, workload concerns are not a legitimate legal basis to deny minimally qualified internal applicants the ability to interview for promotional positions. As long as such employees meet minimum qualifications for advertised jobs, and don’t have any misconduct issues, they should be given every opportunity possible to engage in upward mobility with their employer. Further, the City Attorney has not presented any type of statistical analysis showing any excessive burden that would be thrust upon management in its having to interview one or two, or maybe a few other applicants who already work for the City. Sadly, on several occasions that I know of, current employees who met minimum qualifications for advertised positions were not afforded the opportunity to interview for positions, yet the hiring manager tossed out the hiring processes because the other candidates who were selected for interview did not impress enough to get job offers. Imagine the shot to current loyal employees’ psyche!

As EO Director, I have encountered many employees who felt “pigeon-holed” in positions they felt they would never move from. They did everything they were asked to do. They got decent evaluations, they had no misconduct issues, and they met qualifications for jobs that would amount to promotional opportunities. But, in many of those instances, they were not afforded the opportunity to interview for vacant positions. Many of those employees tearfully found their way to my office to complain, but did not want to file complaints for fear of further reprisals. We have an extremely job-scared workforce! **During my tenure as EO Director, I have not seen any position advertised where more than a handful of internal applicants applied, and in most instances, only two or three internals applied.** Therefore, to suggest that approval of the recommendation would result in an excessive burden on management is disingenuous and detrimental to the City’s workforce.

**Diverse Interviewing Panels** - The City Attorney would like to believe that if the city required interview panels to be racially diverse, that would be akin to making race-based job assignments, and therefore violative of law. That theory is an extreme stretch, and one that has no legal precedence. An example of a race-based job assignment would be if I forced an African-American employee to work in a building or branch on the east side of town just because the greater population of citizens on the east side of town were African-Americans, or

if I told my black customer service operators to only assist the black customers, and my white customer service operators to only assist the white customers.

Maintaining diverse interview panels is not the same as making race-based assignments. In fact, in the case of *Bd. of Educ. of Norwalk v. Comm'n on Human Rights & Opportunities*, 266 Conn. 492 (Conn. 2003), the court upheld an affirmative action plan that required racially diverse plans, in stating "presumably, the minority representation requirement was to ensure that minority applicants would have an influential voice on the hiring committee." *In State v. Board of Educ. of Lewiston*, 1980 Me. Super. LEXIS 47 (Me. Super. Ct. Sept. 4, 1980), the court analyzed the Board's affirmative action plan, which "required Defendants to treat fairly females and other minorities applying for jobs." The court found that the plan was "merely cosmetic," for if it were not, "fairness required that the interviewing panel be expanded to include at least one woman. If unable to find a female in a field which had been male dominated for so long, a woman experienced in judging teaching ability could have served on the committee to furnish an informed judgment on the other essential qualification of the job, namely, instructional competence." These cases did not come close to equating diverse interview panels with race-based job assignments. I would urge the City Commission to reject such an interpretation as well.

Interestingly, many local and state governments, school boards and state universities employ diverse interview panels not only as components of their affirmative action plans, but also as best practices. Listed below are some examples:

- Manatee County's plan states, "procedures for selecting applicants will be reviewed, evaluated, and revised as necessary to ensure that they are...administered by interview panels with diverse membership, where possible."
- The City of Arlington, Virginia's affirmative action plan states, "Interview panels should be a reflection of the diversity of the workforce and should have representation of those groups for which the County has employment related goals."
- Washington State's EEO & Affirmative Action Program states, "Establish diverse interview hiring panels; assure applicant pools have representatives of affected groups members before accessing recruitment referrals and certifications."
- The City of Norman, Oklahoma's Recruitment Strategy states. "Assistance to all our operating departments is provided by screening for the most qualified candidates, conducting background investigations, writing interview questions, identifying qualified, diverse interview panel board members; providing interview panel instruction and information packets, and conducting testing and board interviews."
- The City of Minneapolis, Minnesota's Affirmative Action Plan states, "Engage a diverse job interview panel, and brief its members regarding the appropriate interview structure to maintain an equitable and job-related evaluation of each job candidate."

The list goes on and on.....and on.

Further, the following training statement was given by Tampa Attorney Cynthia Sass, a Florida Bar Board Certified Labor & Employment Attorney, and considered one of the top Labor & Employment Lawyers in the State of Florida:

**“Select Diverse Individuals to Serve on Interview Panels. Interview panels can enhance the fairness of the interview process, but they are not required for all positions. Panels should not be used unless there is some diversity, hopefully with diversity at least with respect to age, sex, national origin or race. If it is not possible to convene a diverse interview panel from within the department, then interviewers from outside the department should be selected to complete the panel.”**

Attorney Sass then goes on to drive home a very serious legal point:

**If panel members are too homogenous, they may reach the same unlawful conclusion, even though they have not conspired to reach that result. For example, in Griffis v. City of Norman, 232 F.3d 901 (10th Cir. 2000), an all-white interview board reviewed the employment applications and conducted interviews, with each board member giving each applicant a subjective score during the oral interview, which covered education, training, experience, communication skills, interpersonal relations, problem solving skills, and suitability for position of Communications/Records Supervisor. Each of the board members rated the white applicant higher than the black applicant, even though the white applicant was only a probationary employee, and had recently hired as a records clerk trainee. She had some prior experience with another employer as a dispatcher and jailer. The black applicant had eight years of experience working for the City in the records department, during which time she had received commendations for acting as the Communications/Records Supervisor during her supervisor's extended absences from work. Here, because the defendant contended the black applicant was not as qualified, pretext was inferred from the other facts regarding the applicants' comparative qualifications.”**

Attorney Sass' training comments sum up my concerns as your Equal Opportunity Director. The City Attorney frequently asserts “potential liability” concerns regarding my efforts to bring greater levels of diversity to the City's workforce. The greater potential for liability, however, will more likely be found when the City refrains from taking those measures that are designed to make our processes fairer. Certainly, that could be the case with the continuous use of all white interview panels. I would therefore strongly urge that the City immediately discontinue this practice, and direct the Charter Officer Policy Team to immediately develop a policy requiring that internal applicants who meet minimum qualifications for vacant positions be given an opportunity to interview for such positions, and that all interview panels for positions of supervisor level or above be racially diverse so as to avoid even the slightest hint of unfair treatment.

# **MANATEE COUNTY**



## **EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION PLAN**

## V. RESPONSIBILITY

It is the responsibility of each department head of the Manatee County Board of County Commissioners to encourage and increase diversity in employment and maintain an atmosphere conducive to sound human relations through personal example. All supervisory staff are encouraged to take an active interest in the Affirmative Action Plan. If the Plan is to successfully eliminate all barriers to affirmative action and equal employment opportunity, it must be one that is a product of total commitment and input from all levels to be affected.

### A. **BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners shall have final authority and responsibility for the development and enforcement of the Equal Employment Opportunity Program.

### B. **THE COUNTY ADMINISTRATOR**

The County Administrator shall be responsible for the execution of the County's Equal Employment policy and AAPlan to further such affirmative action objectives using available County resources and personnel.

The County Administrator shall specify those categories targeted as key for improvement by each department, office and group and notify management personnel of such determinations.

With Board approval, establish and publish a formal and effective procedure whereby employees or applicants may make internal complaints of alleged illegal discrimination, harassment or retaliation.

### C. **HUMAN RESOURCES DIRECTOR**

The Human Resources Director shall have the following responsibilities:

1. The Human Resources Director shall appoint a management level staff person who shall have as a primary job responsibility coordinating and monitoring the implementation of the provisions of this Affirmative Action Plan, and who shall be the primary contact with state and federal regulatory agencies regarding this Plan.
2. Provides oversight, through the classification description process, to ascertain and remove all artificial barriers or non-job-related requirements which may exist in job class descriptions and which would have a discriminatory effect upon applicants or employees.
3. Assist other management and supervisory personnel in the identification of problem areas and the development of solutions to implement equal employment opportunity.



4. With the assistance of the County Attorney, oversee the preparation and distribution of such educational materials as may be necessary to adequately inform all employees of their rights and responsibilities as provided in the plan, including the directives issued by the County Administrator.
5. Coordinate the development and conduct of ongoing training programs for managerial and supervisory personnel to ensure understanding of the Equal Employment Opportunity Policy and their responsibilities thereunder.
6. Assist line management in arriving at solutions to EEO problems, when they are discovered.
7. With the aid of the County Attorney, keep the County Administration informed of the latest developments and requirements regarding EEO.
8. Annually review and modify as necessary the County's Affirmative Action Plan, including goals for hiring and promotion and recommend means for accomplishing such goals.
9. Maintain all statistics and data relative to labor market availability and appropriate census data.
10. Perform a work force analysis annually recommending to the County Administrator reclassification of job categories as key positions, as necessary.
11. Disseminate and administer the County's policy on EEO/AA.
12. Identify existing and potential EEO/AA problem areas and develop and recommend solutions to implement affirmative action and equal employment opportunities.
13. Act as liaison for the County in explaining the goals of the Plan to the community.
14. Inform appropriate Directors of the ongoing effectiveness of their Department's/Office's efforts toward affirmative action and recommend improvements as necessary.
15. Develop and monitor a review process of the appointment and promotion of qualified individuals to those job categories which have been identified as key positions throughout various Departments and Offices.
16. Submit an annual statistical report to the County Administrator detailing the status of the County's efforts to comply with the Affirmative Action Plan.
17. Keep and maintain statistics on applicant flow including tracking applicants who were rejected for positions.

18. Conduct a continuous review of class descriptions to ensure job relatedness and eliminate factors that would have an adverse impact on minorities, females and members of other protected groups.
19. Counsel all employees expressing any EEO concerns and take appropriate steps to correct any problems discovered.
20. Develop or otherwise obtain appropriate training programs designed to familiarize Department Heads and key supervisory personnel with the legal status, goals, objectives, and methodologies involved in Affirmative Action Program development and implementation.
21. Develop and disseminate hiring and promotion application and interview procedures which allow for the selection of the most qualified person regardless of protected status.
22. Develop and use supplemental forms to aid in monitoring and evaluating EEO efforts. Such supplemental forms (application or otherwise) will be used exclusively by the Human Resources Department and will, to the extent allowed by law, be confidential.
23. Class specifications will be reviewed, evaluated and revised, as needed, to assure that requirements are job related. All revisions in existing class specifications will be based on a job analysis. The qualifications required will be the minimum needed for entrance into a class rather than desired standards attainable with experience in the class. Discriminatory or non-work-related restrictions on age, gender, physical characteristics, or experience will be deleted.
24. A job analysis will be completed on positions where age and/or gender is a requirement to ascertain whether such requirement is a bona fide occupational qualification. Documentation as to reasons for said requirements will be maintained in the Human Resources Department for public review.
25. In cooperation with the departments, pre-professional or bridge classes will be established to the maximum extent possible to serve as an intake point for persons with a limited amount of formal education.
26. Career ladders and lattices will be identified and/or established to assist movement of capable lower level employees to positions of greater responsibilities as they develop.
27. The classification process will be coordinated closely with the applicant screening process in the operating departments to determine the most valid and practicable type of selection device.
28. Where possible, classification will be restructured to eliminate "dead-end" jobs by combining lower level routine duties with jobs requiring greater skills and performance.

29. Recruitment activities based on attaining established employment goals shall be performed by the Human Resources Department.
30. Application forms will be reviewed and revised as necessary to request only legal, permissible and relevant information.
31. Emphasis shall be placed on recruiting qualified minorities, women, persons 40-70 years of age and persons with disabilities for supervisory and skilled positions.
32. Procedures for selecting applicants will be reviewed, evaluated, and revised as necessary to assure that they are:
  - a. Based on job analysis to determine the knowledge, skills and abilities and other qualifications required are necessary for job performance.
  - b. Validated by technically appropriate methods when practicable.
  - c. Administered under standardized or uniform conditions with uncomplicated instructions.
  - d. Administered by interview panels with diverse membership where possible.
33. Procedures for promotional examinations and selection will be monitored to determine whether minority groups and women are adversely affected and revision will be made as necessary.
34. Certification procedures will be utilized whereby only qualified applicants shall be referred to the department for interviewing and hiring.
35. In evaluating candidates for potential interview, a department will assess each candidate based on the same criteria. Unless waived by the Human Resources Director, where the number of qualified candidates referred to a department is five or less, all candidates must be offered an interview. A panel of candidates referred to a department for interview cannot be rejected in whole unless the department director certifies that none of the candidates met the qualifications for the job.
36. Formal and on-the-job training programs shall be developed to provide an opportunity for employees to develop skills and abilities which will improve their promotability and productivity.
37. Training selection methods and records of participants shall be evaluated to assure that they are nondiscriminatory and are preparing women and minorities for promotions in accordance with Affirmative Action Goals.
38. Exit interviews may take the form of a in person meeting with or may be conducted by use of a written separation survey developed by the Human Resources Department. Exit interviews should include an opportunity for the employees to





Affirmative Action Plan  
For Minorities, Females & Individuals with  
Disabilities  
2011



**Arlington County Government  
Arlington Virginia  
Office of the County Manager  
Human Rights & EEO  
Raul Torres, Esq.  
Asst. County Manager  
Antonio Acevedo, MBA, J.D.  
Program Manager**

population, based on this data when compared to the County workforce there is no evidence of exclusionary employment practices in Arlington County.

#### 1. Applications for employment

Arlington County posted all vacancies on the intranet and the electronic boards of the internet. Applications for open vacancies were accepted from a wide variety of sources. All persons interested in applying for a job with Arlington County were advised to use County's application process. Applications and complete records have been maintained to document equal employment opportunity practices. The Department of Libraries as well as the Department of Human Resources offered use of free computers to apply for jobs with the County.

During the plan year, a total of 21,884<sup>4</sup> applications for jobs were received. Out of these applications, the County filled 301 vacant positions. Using this application data, an adverse impact analysis by race and sex was performed. The results of this analysis indicate that there is a need to continue monitoring applications for Hispanics in job groups for which the County has established placement goals. There is a statistically significant difference between incumbency and availability in these job groups.

The applicant flow, as a whole, is not an area of concern for Blacks, Asians or females. Hispanic applicants continue to fall below their availability for the third consecutive year. It continues to be a recruitment challenge to outreach and increase the Hispanic applicant flow. There was a significant statistical difference in Hispanic applicants for the following job groups: Executives, Senior Administrators, Professionals, Planners, Librarians, Technicians (DTS positions) and Police Officers. The outreach efforts to recruit Hispanics must improve for these job groups.

#### 2. Hires

Arlington County hired 301 individuals in fiscal year 2010. These include 166 minorities (55.15%), 148 females (49.17 %) and 135 (44.85%) non-minority hires. This year there was an increase in the hiring of minorities of 14.38% and of females of 1.60% from the previous fiscal year. The demographics of the County Government workforce still indicate a strong presence of equal opportunity and a commitment towards affirmative action.

In Arlington County, the hiring is conducted under the following non-discriminatory criteria:

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<sup>4</sup> 53.02% of the applicants were residents of the Commonwealth of Virginia, 18% were residents of the State of Maryland, 7% were from the District of Columbia and 2% from the State of Florida.

- (a) Job descriptions have been reviewed to ensure that duties are accurately described; experience and education requirements are strictly job related; and that all incumbents meet minimum job requirements.
- (b) Application forms have been reviewed to make sure all requested information is job related and that application forms comply with applicable laws. All forms state that Arlington County is an equal opportunity employer.
- (c) Interviews are conducted by panels who are briefed on the equal employment opportunity policy.
- (d) Employment selection tests have been validated and administered in non-discriminatory manner.
- (e) Employees are encouraged to refer qualified applicants to the County. The County also has outreach programs to apprise minorities of job openings.
- (f) Final selection is a prerogative of the hiring manager.

The hiring process is designed to provide equal employment opportunity. To the extent that there is a human element administering the system, attention should be paid to the equal opportunity training and education of interview panels and hiring managers. Interview panels and hiring managers should be briefed in equal opportunity laws and affirmative action goals before every recruitment and selection exercise. Interview panels should be a reflection of the diversity of the workforce and should have representation of those groups for which the County has employment related goals.

### 3. Employment Offers

During the plan year the county made 331 job offers and hired 301 individuals. Females received (170) 51.36% of the offers and minorities received (185) 55.89%. There is no indication that the county excludes minorities or females in offers for employment.<sup>5</sup>

### 4. Promotion Practices

County management-initiated promotions are based on performance and job related criteria. A review of promotion data indicates that these practices represent an area of substantial employment opportunity for minority and female employees. In this regard, the offering of training and other developmental opportunities are crucial for a successful practice for the advancement of minorities. Employees are encouraged to contact managers, supervisors and/or the Human Resources Department and the website, at any time, should they desire information relative to other positions within the County. There are several long-term certificate programs available to employees. County training classes are designed to enhance employee growth and development, increase or enhance current job skills and are focused on preparing employees for positions of greater responsibility. Data from those programs will be evaluated and analyzed in the 2012 AAP to assess their impact in the promotion of minorities and females.

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<sup>5</sup> There were 161 offers made to males or 48.64%.

# Equal Employment Opportunity and Affirmative Action Program

Chief of Staff  
2007 – 2011 Fiscal Years



**Washington State  
Department of Transportation**

Chief of Staff  
310 Maple Park Avenue SE  
P.O. Box 47316  
Olympia, WA 98504-7316



## **Chief of Staff Equal Employment Opportunity and Affirmative Action Program**

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### **What is an Equal Employment Opportunity Program?**

An Equal Employment Opportunity (EEO) Program sets forth results-oriented policies and commitments of good faith efforts to attain fairness and equity in the administration of all of Washington State Department of Transportation (WSDOT) employment practices such as recruitment, hiring, pay, benefits, job assignments, leave, promotions, and more. The program promotes the creation of a diverse workforce, and an inclusive, open work environment that is free from discrimination and harassment based on race, color, national origin, creed/religion, gender, age, disability, sexual orientation, and Disabled Veteran, Vietnam Era Veteran, and marital status.

### **What is an Affirmative Action Plan?**

An Affirmative Action (AA) Plan is an integral part of an EEO Program. It details positive steps to overcome the effects of past or present barriers to assure that the WSDOT workforce is reflective of the available labor pools of the communities that we serve. An AA Plan ensures equitable participation, and discourages and remedies discriminatory actions.

### **Why must Chief of Staff have an Affirmative Action Plan?**

Federal regulations (CFR 23 Part 230), State regulations (RCW 41.06.150 and 49.60 and WAC 357-25) and the Governor's Executive Order (93-07) requires WSDOT to prepare, submit, and annually maintain a program promoting affirmative action and equal employment opportunity. WSDOT Executive Order 1014.01 and Chapter 1 of the OEO Desk Manual state, "Each executive manager is to establish and maintain an affirmative action program within the organization he or she is responsible for."

### **How do AA Plans benefit the Chief of Staff beyond compliance?**

- Increases in minorities, females, and an aging population have significantly changed the labor pool. Recruitment strategies that access all available labor markets are the best way WSDOT can attract and retain the best talent.
- More than 50% of the workforce for state DOTs will be eligible for retirement in the next 10 years, double the rate for the nation. ("The Workforce Challenge: Recruiting, Training, and Retaining Qualified Workers for Transportation and Transit Agencies." Transportation Research Board, TR News vol. 229, November – December 2003.)
- Research indicates that promoting equal opportunity and valuing cultural differences can significantly improve organizational performance. Direct and indirect links to the bottom line include an increase in adaptability and flexibility; reduction of costs associated with turnover, absenteeism and low productivity; and increased effectiveness in serving an increasingly diverse customer base. (Lockwood, N.R. [June 2005] Society of Human Resource Management Research Quarterly.)



**How are goals established and progress monitored?**

The affirmative action goal for an affected group is equal to the affected group's availability. Updated availability data is incorporated into OEO's Utilization Analysis reports, for managers and Human Resource Consultants to be able to monitor progress.

**Chief of Staff Affirmative Action Plan Commitments**

**I. Job Structuring and Upward Mobility**

- Support apprenticeship programs and effectively use trainee classifications and in-training appointments to reach a broad applicant pool; conduct outreach to under represented groups.
- Create career development plans for lower grade employees who demonstrate potential for advancement.
  - Example: "In-Training" appointments are opportunities to consider a broadened applicant pool of affirmative action group members and to re-train employees with disabilities; target recruitment for women and minorities in temporary positions which often become a pool for permanent employees and to persons with disabilities that can no longer perform the essential functions of their current positions.
- Provide cross-training opportunities and then consider those who gain skills during those opportunities for future recruitments; utilize opportunities to provide experience to underrepresented employee groups by providing temporary upward appointments to members of underrepresented groups working in higher classifications during absences and acting appointments.

**II. Recruitment, Promotion, and Placement**

- Train employees who conduct employment selection interviews in proper interviewing techniques and select interview panel members who reflect diversity.
- Actively recruit to reach all appropriate sources to obtain qualified employees on a nondiscriminatory basis.
  - Example: Work with HR to utilize other Recruitment Resource lists for advertising available positions.  
(See <http://wwwi.wsdot.wa.gov/HR/MoreRes/DiversityRecruitmentResources.htm>)
- Maintain contacts with organizations and professional societies representing underrepresented groups, and other sources of candidates for technical, professional and management level positions.
  - Example: Regularly advertise WSDOT job opportunities in publications targeting women and minority professional groups; support the Interagency Agreement with the Governor's Committee on Disability Issues and Employment and participate in events sponsored by women and minority professional groups.



## **Chief of Staff Equal Employment Opportunity / Affirmative Action Plan**

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- Assure all job vacancies are posted conspicuously and all employees are encouraged to apply on all jobs for which they feel they are qualified.
- Ensure that qualified applicants in under-utilized affected groups are considered for interviews and review results of the hiring process regularly.
- Evaluate hiring and promotion selection criteria and procedures (evaluations, interviews, written tests, qualification standards, job descriptions, etc.)
  - Example: Establish diverse interview hiring panels; assure applicant pools have representatives of affected group members before accessing recruitment referrals and certifications; include the ability to effectively work in diverse work units and communities and/or communicate in second languages in hiring selection criteria, when appropriate.
- Ensure desirable qualifications for entry level positions are not above "minimum requirements".
- Encourage minorities and females to enter relevant educational and vocational training programs for job tracks where they are underrepresented or not represented.
  - Example: Target colleges with a broader student diversity population and reach the affected groups in all colleges visited would be an effective way to improve the affirmative action profile of the Professional Engineer EEO Group; extend outreach to affected group student populations prior to the visit to encourage participation; focus on schools with high representations of affected group members for career fairs, elementary school demonstrations, and high school visits. Information on student populations is available at: <http://www.k12.wa.us/DataAdmin/default.aspx>.

### **III. Retention and Separations**

- Conduct Exit Interviews with employees leaving WSDOT, selecting interviewers from a diverse team.
- When all employees are disciplined, laid off, discharged or downgraded, review the actions before they become final to ensure bias is not a factor in the decision.
  - Example: Review pending probationary separations to ensure that proper performance management practices were utilized and ensure bias is not a factor in decisions; review pending disability separations to ensure that all effective accommodations have been implemented.

### **IV. Responsibilities, Reviews, and Remedies**

- Make every manager and supervisor responsible and accountable to discharge the EEO program responsibilities described above.
- Collect and report all affirmative action activities to OEO for inclusion in the annual reports to FHWA.



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## HR Recruiting

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Through recruiting, testing and interviewing, we identify qualified applicants to fill job vacancies at all levels within the City organization. This is accomplished by developing recruitment plans, identifying appropriate labor markets, composing and placing advertisements, screening all applications, and developing valid job-related testing and evaluation instruments in compliance with local and federal guidelines. Qualified applicants are given the opportunity to demonstrate their employment strengths through their ability to successfully pass each phase of the selection process. The end results is an eligible list of final candidates for consideration by the hiring supervisor. Assistance to all our operating departments is provided by screening for the most qualified candidates, conducting background investigations, writing interview questions, identifying qualified, diverse interview panel board members, providing interview panel instruction and information packets, and conducting testing and board interviews. The Training & Development Manager performs this work and provides on-the-spot assistance on the day of the interviews, often participating as a panel board member. Additional background investigations, insuring that criteria is met for conditions of employment and final offers are made through this function. The Training & Development Manager represents the City organization at various job and career fairs sponsored by local agencies and educational institutions.

The application area is staffed by an Employment Technician and is the applicant's "first stop" for customers seeking information on City employment and career opportunities. Applicants experience seamless "first-hand" customer service by reviewing our job announcement board, taking screening tests and receiving application packets and information regarding our application and selection process. Applicants may also utilize the [City's Job Posting](#) website, job information telephone line maintained by the Staff or the local cable channel. Job announcements are posted and distributed internally and to external resources. Extensive recruitment and hiring databases are maintained.

### Mission:

- Support City organizational goals by managing training and development to bring about changes in people and processes that improve employee job performance and so contribute to the organization's current and future business objectives including financial performance, quality, customer satisfaction, employee motivation, and resource planning.
- Raise the quality of the City workforce by initiating recruiting and selection strategies that result in the placement of highly qualified individuals who have the educational background, competencies, and/or training potential to perform at above average levels.
- Provide an orientation that will promote "bonding" between the employee and the City organization.
- Demonstrate a "we care" attitude; communicate and support the roles of the Human Resources Department staff, City management, and employees in the human resource process.

Design, manage and provide training programs and development courses for management, supervisory, support staff, and other employees. Administer new employee orientation. Oversee the recruitment and selection of applicants for employment with the City of Norman, ensuring compliance with federal laws and regulations as well as the City of Norman's Personnel Manual and union contracts.

### Goals:

- Provide systematic training and development programs which promote and develop effective leadership, promote management and employee participation and accountability, performance improvement and advancement potential.
- Identify and develop recruiting sources to attract highly qualified applicants.
- Facilitate the development and implementation of selection devices that will identify most qualified and best-suited applicants more accurately, fairly, and consistently.
- Provide all the basic information new employees need to perform efficiently, effectively, and safely on the job.

### Objectives:

- Training and Development: Design and provide management development and supervisory training programs for upper and mid-level managers and front-line supervisors. Develop and implement long-term competency/performance based training and/or certification programs for lead and non-supervisory employees and support staff. Provide long-term basic educational programs aimed at improving reading, writing and math skills. Consult with our management team on issues of human performance improvement. Consistently improve training and develop programs by combination of systematic



# Powered by Diversity



City of Minneapolis  
Affirmative Action Plan



**City of Minneapolis**  
**Affirmative Action Plan (AAP)**  
**January 1, 2009 – December 31, 2013**

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- Encouraging employees to refer qualified individuals for openings.
- Representing the City at recruitment functions, meetings of community groups, local schools, colleges, and training programs, reasserting the City's commitment to equal employment opportunity, affirmative action, and diversity.
- Posting information about the AAP on the City's Web site. Additionally, the Human Resources Department plans to design and develop an intranet site dedicated to communicating the provisions and progress toward the AAP's diversity goals.
- Promoting the representation of female and minority employees in the workforce when using print media for Police and Fire department recruitment ads.

## **B. Employment and Selection Procedures**

- Target indicated areas of underutilization and determine where aggressive recruitment efforts are needed.
- Continually review job specifications for updates and revisions to eliminate nonessential and unrelated artificial barriers and to emphasize job competencies, knowledge, skills, and abilities.
- Use questionnaires, tests, and assessments (including performance tests), and interview questions that are specifically job-related.
- Maintain information concerning an applicant's sex, race, ethnicity, age, or disability as confidential. Confidential information received from an applicant should not be discussed with those persons involved in the initial screening of applications.
- **Engage a diverse job interview panel and brief its members regarding the appropriate interview structure to maintain an equitable and job-related evaluation of each job candidate.**
- In accordance with applicable federal and state laws and regulations, make reasonable accommodations for the physical or mental limitations of an otherwise qualified applicant with disabilities, unless it can be demonstrated that such accommodation would impose an undue hardship on the hiring department's program.
- Compile and maintain applicant flow data on the numbers and percentages of minority, female, older, and disabled individuals who apply for City employment.



### **C. Nondiscrimination in Disciplinary Actions and Terminations**

- Design all procedures to ensure nondiscrimination in disciplinary actions and terminations and to encourage retention of qualified employees.
- HRGs, managers, and supervisors conduct exit interviews to identify actual reasons for separation and problem areas contributing to controllable turnover. Exit interviews forms may be completed online at [www.ci.minneapolis.mn.us](http://www.ci.minneapolis.mn.us).
- Maintain data on terminations and their causes to identify potentially higher termination rates for employees in protected groups.

### **D. Processing Discrimination, Harassment, and Sexual Harassment Complaints**

The City considers all allegations of conduct that violate its policies on discrimination, harassment, and retaliation to be very serious matters. All such allegations are thoroughly investigated.

- Employees have the opportunity to seek either formal or informal resolution of discrimination complaints. Employees may also request the presence of a Human Resources representative during discussions with supervisors or managers.
- Employees are encouraged to report allegations of discrimination or workplace harassment using established policies and procedures, which include reporting such allegations to supervisors, managers, or Human Resources and using the City of Minneapolis' Ethics Report Line. (The Ethics Report Line is a hotline that allows employees to bring these matters to the City's attention either by telephone or by the Internet. Employees may choose to remain anonymous.)
- Dispute resolution processes available to resolve discrimination and harassment complaints are (1) Employee Grievance Policy and Procedure, (2) Respect in the Workplace Discrimination/Harassment Complaint Procedure, and (3) Mediation.
- The Director of Human Resources has responsibility for administering these processes to ensure compliance with City ordinances, policies, and procedures.
- The City Attorney (or designee) reviews and approves the procedural interpretation for legal sufficiency before established formal complaint procedures commence.