



# Affirmative Action Plan

2023-2023





Oregon

Tina Kotek, Governor

**Oregon Department of Aviation**

3040 25<sup>th</sup> Street SE

Salem, OR 97302-1125

Office: 503-378-4880

Fax: 503-373-1688



Juliet Valdez,  
Affirmative Action Manager  
Office of Cultural Change  
Department of Administrative Services  
155 Cottage St NE  
Salem, OR 97301

Dear Juliet Valdez,

The Oregon Department of Aviation remains committed to affirmative action and equal opportunity and to an active affirmative action program. Our personal commitment to these ideas is represented throughout our agency's Affirmative Action Plan (AAP).

The AAP represents our agency's commitment to equal opportunity and affirmative action in employment and public service consistent with all applicable federal and state laws, including, but not limited to: (ORS [182.100](#), [243.305](#), [243.315](#), and [659](#), [Executive Order 17-11](#), the [Title VII of the 1964 Civil Rights Act](#), and [Section 503 of the Rehabilitation Act of 1973](#).)

This Affirmative Action Plan has our complete authorization and commitment.

Sincerely,

Kenji Sugahara, Director

Kristen Forest, Affirmative Action Representative

# AFFIRMATIVE ACTION PLAN

## 2023-2025 Biennium

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## C. DESCRIPTION OF THE AGENCY

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### 1. AGENCY OVERVIEW

The Oregon Department of Aviation (ODAV) is comprised of a staff of 16 FT Employees. Founded in 1921, ODAV was the first aviation department in the United States and predates the Federal Aviation Administration (FAA). ODAV works in collaboration with cities, counties, business and industry, the State of Oregon, The Oregon Department of Transportation, the Port of Portland and the FAA. ODAV operates and maintains 28 state owned airports of nearly 100 public use airports in Oregon and acts as the State Aviation Specialist by providing:

- Airport management and operation of state airports
- Leadership that connects communities and the state
- Advocacy for airports, pilots and aviation related businesses
- Facilitation of state and federal aviation funding programs
- Oversight of aviation policy and assets as part of the Emergency Management System

### 2. MISSION AND OBJECTIVES

**Mission:** The Oregon Department of Aviation aims to provide an integrated aviation system that benefits all Oregonians by providing infrastructure, financial resources, and expertise to ensure a safe and efficient air transportation system.

**Imperatives:** Oregon Department of Aviation's objectives are derived from our Imperatives:

- To ensure a fiscally stable agency
- To provide pro-active oversight of Oregon's aviation system
- To increase advocacy and awareness for state aviation and
- To pursue agency operation excellence

**Values:** These are the values that guide our decision-making as we aim to implement ODAV's mission.

- Customer Service
- Collaboration
- Integrity
- Passion
- Healthy Relationships

### 3. IDENTIFICATION OF EMPLOYEES

- **Agency Director**

Kenji Sugahara

*Director, Oregon Department of Aviation*

3040 25<sup>th</sup> Street SE, Salem, OR 97302-1125

Tel.: 503-378-2340

- **Governor's Policy Advisor**

Kelly Brooks

- Affirmative Action Representative**

Kristen Forest

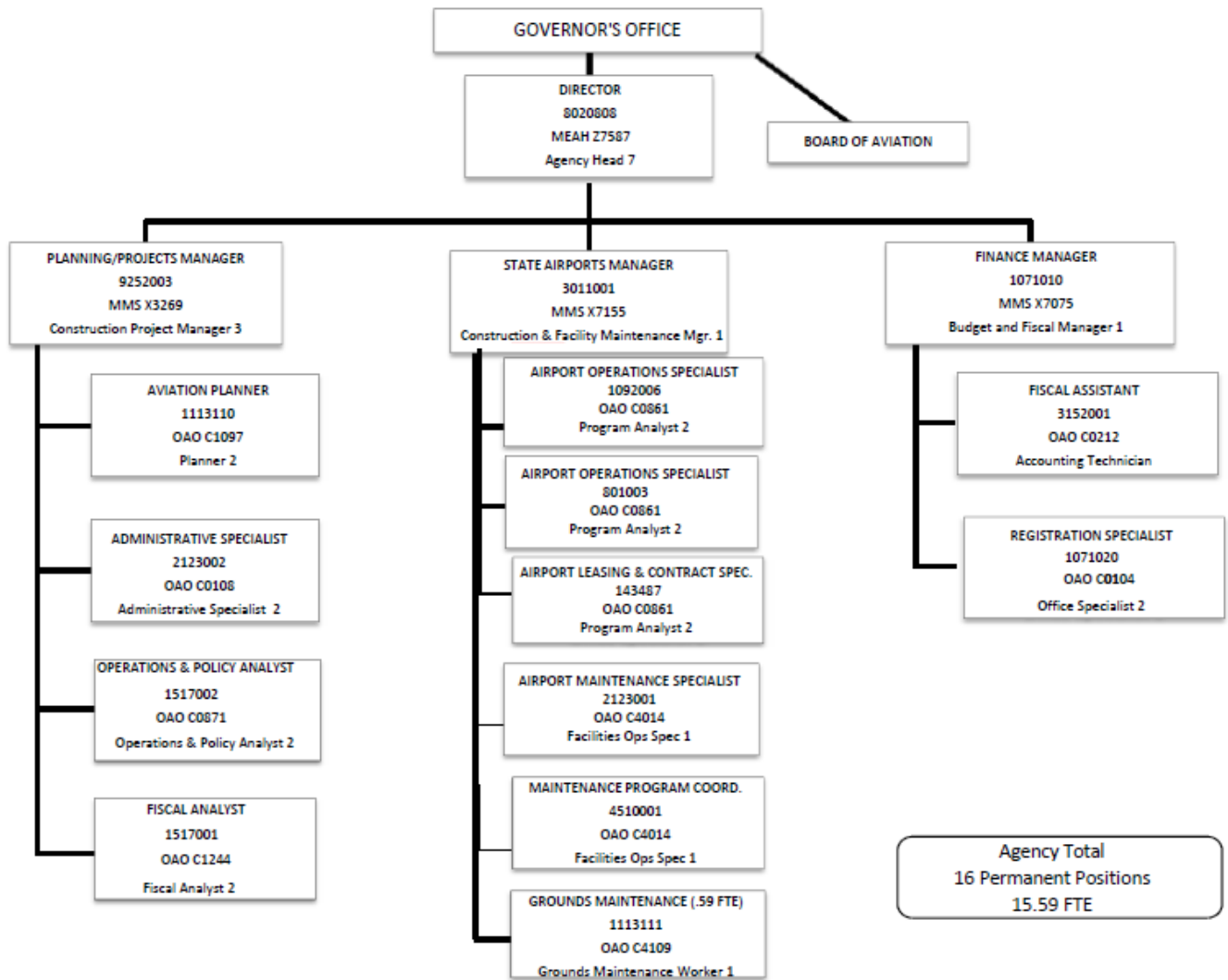
Business and Finance Manager, Oregon Department of Aviation

3040 25<sup>th</sup> Street SE, Salem, OR 97302-1125

Tel.: 503-378-2522

#### 4. ORGANIZATIONAL CHART

##### Organization Chart 2023-25



## D. AFFIRMATIVE ACTION POLICIES

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### 1. AGENCY AFFIRMATIVE ACTION POLICY STATEMENT & AGENCY DIVERSITY AND INCLUSION STATEMENT

#### AGENCY AFFIRMATIVE ACTION POLICY STATEMENT

The Oregon Department of Aviation is committed to achieving a work force that represents the diversity of Oregon's population and to provide fair and equal employment opportunities regardless of a person's race, color, religion, sex, sexual orientation, national origin, marital status, age or disability. ODAV provides a workplace environment that is free from harassment and intimidation. Employment practices are consistent with state and federal laws, which preclude discrimination.

All employees shall be advised of the procedure for lodging a discrimination/harassment complaint, and all employees with concerns of any kind related to affirmative action shall be encouraged to bring them to the attention of the Affirmative Action Representative or the Director. Our internal procedure that supports the statewide policy is located on page 25 of this Affirmative Action Plan.

This revision of ODAV's Affirmative Action Plan is effective July 1, 2023 – June 30, 2025 and shall be evaluated annually or as needed when statewide changes occur. The ODAV's Affirmative Action Representative is Kristen Forest, 503-378-2522.

#### Diversity and Inclusion Statement

It is the policy of the Department of Aviation to be proactive in building a well-qualified, diverse agency that represents the public. Diversity is a core value of ODAV and all the management staff are committed to carrying out this Affirmative Action Plan in hiring, contracting and practicing non-discriminatory behavior in day-to-day actions.

### 2. LOCATION OF AGENCY AFFIRMATIVE ACTION POLICY STATEMENT/DI STATEMENT/STATE AND FEDERAL EMPLOYMENT LAW DOCUMENTS

- Please see the appendix for all state and federal employment law documents.
- These items are accessible to all employees and partners
- The Agency Affirmative Action Policy Statement and plan is posted on the Bulletin Board in the office common area accessible to all employees. All of these documents are also available in this affirmative action plan, please see the table of contents on page 3-5. These documents are also given to new employees during new employee orientation.
- Employees can access these documents electronically in the shared drive or can ask the Affirmative Action Representative for a copy. Employees and partners can also access these documents via the agency website.

### 3. COMPLAINT OPTIONS

ODAV follows the process outlined in the ODAV Policy ODAV-010 titled Harassment-Free Workplace Inappropriate Behavior Policy. Please see entire policy in Appendix A.

- **FORMAL/INFORMAL**



## **Formal**

**For Discrimination.** Anyone who is subject to, or aware of, what they believe to be employment-related discrimination may file a complaint with their immediate supervisor or another manager. The complaint should be written unless the complainant, due to a disability, is unable to file written complaint. The complaint should be filed with the agency within 30 calendar days of the alleged act.

Complaints should include the name of the complainant, the name of the persons alleged to have engaged in the prohibited conduct, a specific and detailed description of the conduct that the employee believes is discriminatory, and a description of the remedy the employee desires.

**For Harassment.** Anyone who is subject to or is aware of harassing behavior should report that information immediately to agency management. If at all possible, the report should be made before the behavior becomes severe. The report may be made orally or in writing to the employee's immediate supervisor or to any other management staff member. If the employee prefers, the report may be given to a manager outside the complainant's work unit. Represented employees may have a union steward accompany the employee during this process during regular work hours.

## **Informal**

All employees with concerns of any kind related to affirmative action, discrimination or harassment are encouraged to bring them to the attention of the Affirmative Action Representative/Business Manager, any manager or the Director.

- **CONTACT INFORMATION**

Agency Affirmative Action Representative:

Kristen Forest

Business & Finance Manager

(503) 378-2522

[Kristen.r.forest@odav.oregon.gov](mailto:Kristen.r.forest@odav.oregon.gov)

Agency Director

Kenji Sugahara

(503) 378-2340

[kenji.sugahara@odav.oregon.gov](mailto:kenji.sugahara@odav.oregon.gov)

HR Representative

Dan Klump

Human Resources, ODOT

(503) 986-4011

[dan.klemp@odot.oregon.gov](mailto:dan.klemp@odot.oregon.gov)

- **COMPLAINT INFORMATION (INTAKE, PROCESSING, TIMEFRAME, NEXT STEPS)**

All supervisors and managers will report complaints and incidents immediately to the appropriate officials.

Investigation. The recipient of a discrimination or harassment complaint shall promptly forward it to the agency Director and or the HR Representative, who will coordinate, or delegate responsibility for coordinating, the agency's investigation in consultation with the affected employee's supervisors, excluding any supervisor who is potentially part of the problem. The complaint will be given prompt and thorough attention with an impartial investigation. If the complaint is substantiated, immediate and appropriate corrective action will be taken. The affected parties shall be informed that the investigation has concluded and that immediate appropriate corrective action will be taken. All personnel can be assured that complaints will be taken seriously and will be investigated as necessary. They will be dealt with in a discrete and confidential manner to the extent possible.

Nothing in this process precludes any person from filing a formal grievance in accordance with collective bargaining agreement or with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC). Timelines for filing complaints with BOLI and EEOC are different from those established in this policy. Contact them directly for specific guidance on filing a formal grievance with them.

- **HOW DO EMPLOYEES ACCESS THE COMPLAINT PROCESS?**

An employee can access the complaint process from their immediate supervisor, any manager, the affirmative action representative, the director or an HR representative.

# E. ROLES FOR IMPLEMENTATION OF AFFIRMATIVE ACTION PLAN

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## 1. ROLES AND RESPONSIBILITIES

### 2. DIRECTOR/MANAGERS

The Director and managers play a leadership role in dedicating the agency to a policy of equal employment opportunity and conveying a sense of that commitment both within and outside of the organization. The Director has overall responsibility for implementing and monitoring the Affirmative Action Plan and for ensuring compliance with all applicable federal and state laws, rules and regulations. Director and Management Responsibilities:

- Foster and promote the importance of a diverse and respectful workplace.
- Periodically review the Affirmative Action Plan and progress toward meeting the agency's affirmative action objectives.
- Review equal employment opportunity and affirmative action objectives.
- Recognize policy needs and initiate necessary changes.
- Extend Outreach to minority construction contractors and their associations to promote their interest in bidding on statewide aviation projects.

### 3. AFFIRMATIVE ACTION REPRESENTATIVE

The Affirmative Action Representative is responsible for implementing and maintaining the agency's affirmative action program and is accountable to the Director.

- Develop and disseminate the Affirmative Action Plan, including the agency's Affirmative Action Policy Statement, and monitor progress and prepare annual updates and modifications, as needed;
- Develop and monitor internal and external communication of the agency's Affirmative Action Policy and Affirmative Action Plan to keep staff informed.
- Develop and advise employees and job applicants of discrimination grievance procedures. Accept all sexual harassment and/or discrimination grievances or complaints filed either internally or externally and refer all complaints to Human Resource Representatives for investigation.
- Serve as the agency's liaison with governmental agencies responsible for the enforcement of civil rights and fair employment laws and regulations;
- Assist in implementation and review of the internal monitoring and review system, using standardized reports and statistical data to measure the effectiveness of the agency's affirmative action program, and indicate the need for remedial action;

- Identify the need for, assist in the development of, and in some instances, conduct affirmative action information sessions for managers, supervisors and employees;
- Share information to management staff on the latest developments on affirmative action issues, including legal decision and their possible impact;
- Report to the Director and the Board any policies or practices that have adverse impact on minorities, women and persons with disability, and any other protected or underrepresented group, or present barriers to equal employment opportunity;
- Periodically review personnel policies and procedures to ensure they reflect the agency's affirmative action commitment;
- Periodically audit minimum job requirements, training programs, and promotion and transfer actions to assure non-discriminatory practices;
- Conduct periodic reviews to assure EEO posters, the Affirmative Action Policy Statement, and Alternate Format poster are properly displayed; and
- Assist in conducting "exit interviews" of employees leaving the agency's concerning work climate and affirmative action issues.

#### **4. ALL ODAV STAFF**

- All ODAV staff are expected to promote and support a positive work environment for people with diverse backgrounds. They are also expected to maintain effective work relationships, respect individual differences and treat everyone with dignity and respect.

#### **5. ACCOUNTABILITY MECHANISMS**

- The effectiveness of managers, the director and the affirmative action representative in promoting affirmative action activities, goals, and objectives for ODAV is included in the annual performance appraisal.
- All ODAV staff are graded on diversity expectations during their annual performance evaluations.

## F. 2021-23 AFFIRMATIVE ACTION PLAN PROGRESS REPORT

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### 1. ACCOMPLISH IN GOAL ATTAINMENT/PROGRESS FOR 21-23 AFFIRMATIVE ACTION PLAN

- The following was the goals established in the 21-23 Affirmative Action Plan along with a description of goal attainment and progress.

**GOAL:** To increase the percentage of ODAV's workforce and leadership positions that represent minority groups and people with disabilities over the course of the 21-23 biennium.

**PROGRESS MEASUREMENT:** To compare the progress of this goal we conducted a Workday analysis of the percentage of all racial categories and people with disabilities in the workforce and management positions in the 21-23 biennium. We then compared these numbers vs. the 19-21 biennium. To conduct this analysis we did a snapshot at the time the report was created.

#### LEADERSHIP POSITIONS

- Percentage of minority race/ethnic groups represented in leadership: The percentage of minorities in leadership positions has increased from 19-21 to 21-23.
- Percentage of people with disabilities in management positions: The percentage of people with a reported disability in leadership has stayed the same from 19-21 to 21-23.

**19-21 Data-** In 19-21 there were three management positions and one director. There were no minority groups represented and no people with disabilities.

**21-23 Data-** In 21-23 there were three management positions, (but one was vacant) and one director position. The percentage of minority race/ethnic groups represented was over 33% and there were no people with disabilities.

#### ODAV'S WORKFORCE

- Percentage of minority race/ethnic groups represented in all of ODAV's workforce has increased from 19-21 to 21-23.
- The percentage of people with disabilities in all of ODAV's workforce has stayed the same since 19-21 to 21-23.

**19-21 Data** In 19-21 there were twelve total staff. 14% were made up of people in racial categories other than white. There were no people with disabilities in the staff.

**21-23 Data-** In 21-23 there were a total of nineteen employees. (14 FTE and 5 Temp) of which 21% represent minority race/ethnic groups and there are no people with a reported disability.

**OVERALL PROGRESS:** This goal of increasing the percentage of racial categories in leadership and in all ODAV staff positions was achieved. The number of people with disabilities was not increased.

# DEMOGRAPHIC ANALYSIS

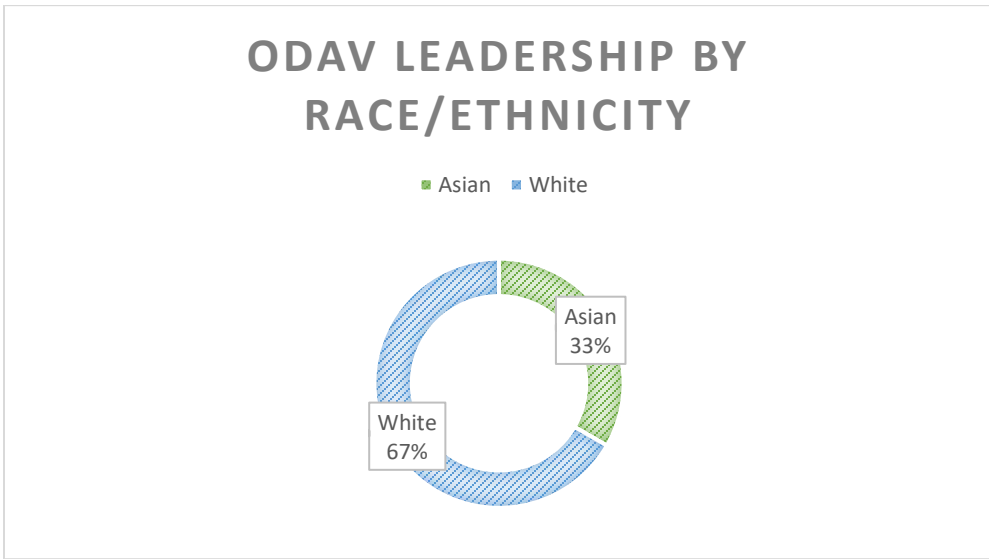
## G. AGENCY LEADERSHIP DATA

### EXECUTIVE/MANAGEMENT

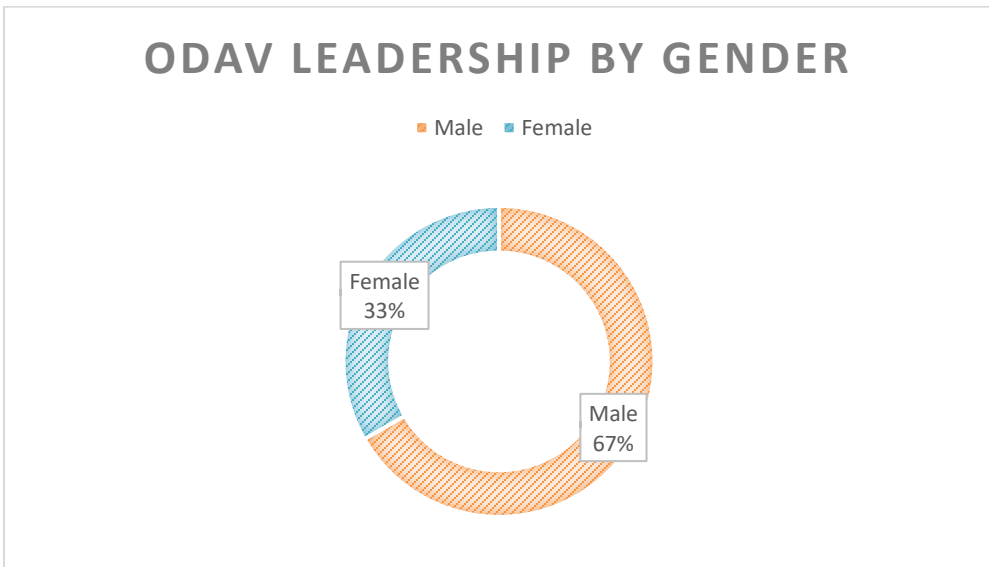
This includes agency director and all management positions.

3 FTE at time of Data Collection.

#### 1. LEADERSHIP BY RACE/ETHNICITY CATEGORIES



#### 2. LEADERSHIP BY GENDER



### 3. LEADERSHIP BY REPORTED DISABILITY AND VETERAN STATUS

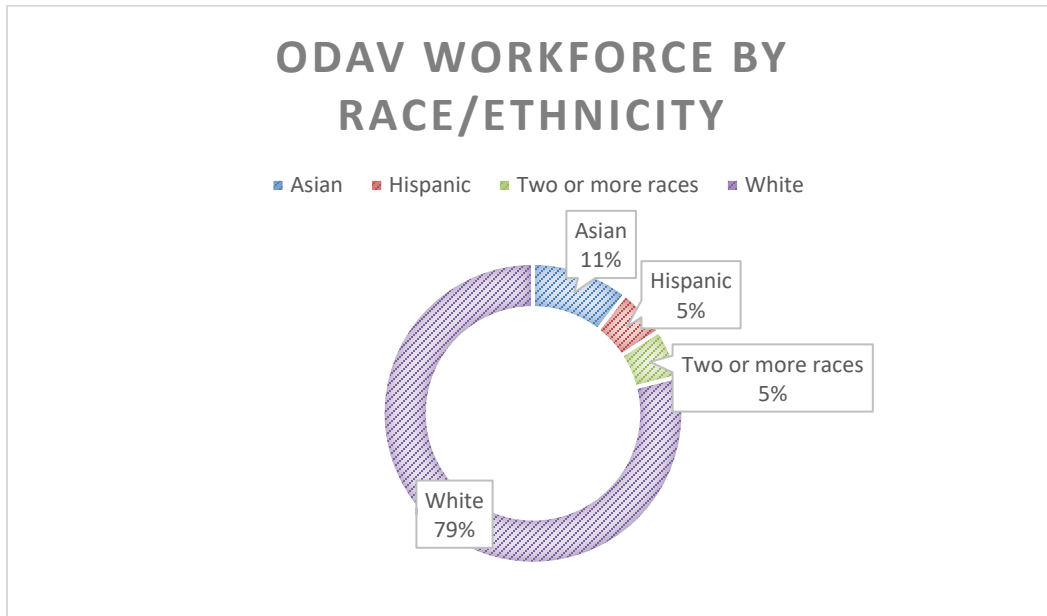
There are no people in leadership positions with a reported disability or veteran status.

## H. WORKFORCE DATA

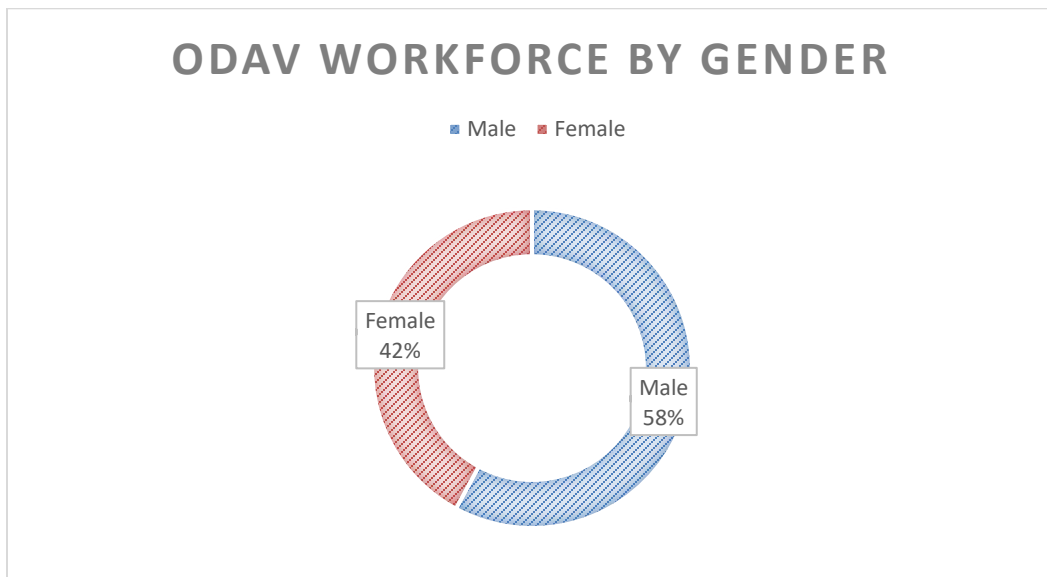
This data is made up off all staff members at ODAV including leadership.

At the time of data collection there were 19 Employees (14 FTE and 5 Temps)

### 1. WORKFORCE BY RACE/ETHNICITY CATEGORIES

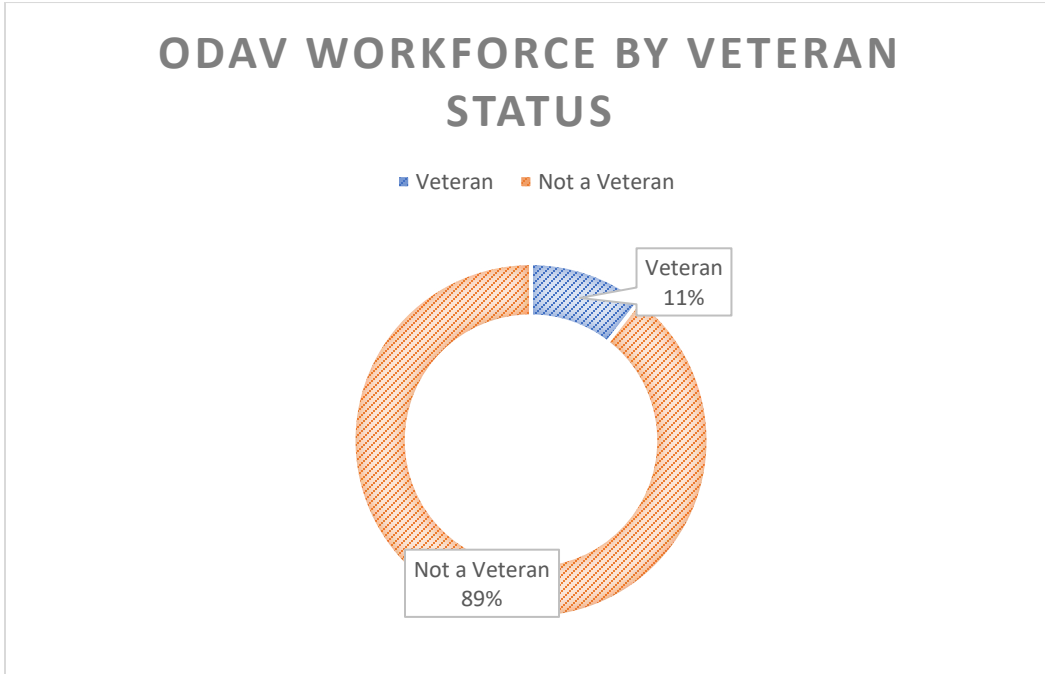


### 2. WORKFORCE BY GENDER





### 3. WORKFORCE BY VETERANS & REPORTED DISABILITY



There are no staff with a reported disability.

## AFFIRMATIVE ACTION PLANS

### I. 2023–2025 AFFIRMATIVE ACTION GOAL

#### 1. GOAL

Build a workforce that represents the diversity of Oregon’s population. Establish an inclusive and authentic agency culture that is supported by leadership, and diversity equity and inclusion policies in all program areas.

#### 2. OUTCOMES

- Establish diversity and equity inclusion policies in all program areas.
- Have a workforce that represents the diversity of Oregon’s population.
- Create a welcoming and authentic culture at ODAV.

#### 3. MEASURES

- Success will be measured by:

- Establishing diversity and equity inclusion policies in all program areas by 23-25.
- Conducting a Workday analysis DEI data and seeing a reflection of diversity of the workforce in all categories including among ethnic groups and people with disabilities.

#### 4. IMPLEMENTATION

Those assigned to help achieve these goals

- The director, and all managers including the affirmative action representative
- All Hiring Managers
- Those that participate in a hiring panel

Accountability Measures

- Annual Employment Evaluations
- Workday Analysis of DEI data

Role of the Affirmative Action Representative

- Assist in implementation and review of the internal monitoring and review system, using Workday reports and statistical data to measure the effectiveness of the agency's affirmative action program, and indicate the need for remedial action.

Role of Director and All Managers

- Using and encouraging staff to use strategies to achieve the affirmative action goal.
- Enforcing the agency's Harassment-Free Workplace Inappropriate Behavior Policy which states that it is the policy of ODAV to provide a work environment free from unlawful discrimination on the basis of race, color, religion, sex, marital status, national origin, disability, age, union membership and activity, or any other factor that an employer is prohibited by law from considering when making employment decisions. For purpose of this policy, prohibited discrimination includes discrimination on the basis of sexual orientation.

## J. 2023-2025 AFFIRMATIVE ACTION STRATEGIES

### 1. RECRUITMENT STRATEGIES

- Encourage minorities to apply for positions in the agency.
- Utilize creative marketing tools that include minority professional organizations and diversity outreach partnerships to advertise vacancies to minorities.
- Attend diversity networking events to meet professionals and promote aviation job opportunities.

- Explore diversity outreach partnerships to increase awareness and promote the benefits of working for ODAV.
- Identify means to strengthen recruitment and retention of minorities including efforts designed to reach agency's affirmative action goals and objectives.
- Post job opportunities on the agency website and consider other methods to increase the reach of job opportunities.

## **2. SELECTION STRATEGIES**

- Periodically review hiring procedures to identify and remove barriers in the attainment of the agency's affirmative action goals and objectives.
- Work to assure that all interview panels have a diverse group of participants to ensure a fair process and consistency in hiring practices.
- Ensuring that interview questions are crafted with an equity lens, meaning that they take into consideration the diverse backgrounds of the potential interview candidates.
- Make hiring decisions in support of agency's affirmative action goals and objectives.
- Continue to conduct a pay equity assessment on all new hires in accordance with HB 2005, the pay equity act to help remove barriers to equal pay.

## **3. RETENTION STRATEGIES**

- Management will strive to support and understand employees' needs.
- Managers will establish individual needs and training requests during annual evaluations, followed by providing training and developmental experiences for employees.
- Each manager will work with their staff to prepare employees for career growth and advancement when appropriate as part of a succession planning process. This will include assessing skills, career planning, development training plan and mentorship.
- The agency will pay attention to positions that are shown to have a lack of retention and will take the steps necessary to correct the problem.

## **4. PROMOTION STRATEGIES**

- Developmental opportunities will be encouraged, such as leadership training and detail assignments, for employees interested in participating in assignments that prepare them for high-level positions.
- When position openings occur in the agency, managers will send staff the recruitment announcements and encourage staff to apply for new positions. The agency will ensure that these promotional opportunities are available people of diverse backgrounds.

## 5. EMPLOYEE ENGAGEMENT

- ODAV will continue to encourage employees to participate in diversity trainings and classes such as the statewide diversity conference.

# MANAGEMENT

## K. LEADERSHIP EVALUATION

ORS 659A.012 requires agencies *to achieve the public policy of the State of Oregon for persons in the state to attain employment and advancement without discrimination because of race, religion, color, sex, marital status, national origin, disability or age, every state agency shall be required to include in the evaluation of all management personnel the manager's or supervisor's effectiveness in achieving affirmative action objectives as a consideration of the manager's or supervisor's performance.*

ODAV has incorporated affirmative action objectives as a key consideration for the manager's performance evaluation. Specific examples of the managers' affirmative action objectives and diversity successes and achievement are described below. Management personnel will receive an annual performance evaluation to assess whether they are meeting its affirmative action objectives. Any goals or work plans for future performance will be outlined in the evaluation.

Sample affirmative action duty descriptions:

- Understand Equal Employment Opportunity (EEO), Affirmative Action (AA), Diversity and Cultural Competency principles, and the agency's AA Plan goals and objectives. Develop and implement strategies to meet goals and objectives; and report annual efforts, successes and/or accomplishments during the period.
- Review hiring, transfers, promotional, developmental/rotational or training practices and procedures to identify and remove barriers in the attainment of the agency's affirmative action goals and objectives.
- Make hiring, transfer and promotional decisions in support of agency's affirmative action goals and objectives. Engage in appropriate recruitment efforts designed to reach agency's affirmative action goals and objectives.
- Promote and foster a positive work environment within the agency programs concerning EEO, AA, Diversity and Cultural Competencies by ensuring employees are aware and follow agency policies and procedures, and address work-related issues and/or concerns immediately and take appropriate action if necessary.
- Attend EEO, AA, and other diversity-related training to provide leadership to staff by being aware of diversity and cultural issues. This also includes supporting employees to attend such programs for further professional development.

- Ensure information regarding EEO, AA and Americans with Disabilities (ADA) information is properly displayed on the appropriate boards at the worksites(s).

## **L. SUCCESSION PLAN**

1. The agency conducted a succession plan in 2019 as part of our Continuation of Operations Plan. In 23-25 ODAV will be updating this plan with new management.

## VI. APPENDIX A- STATE POLICY DOCUMENTATION

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*Available in a single PDF:*

[https://www.oregon.gov/gov/policy/Documents/State\\_Affirmative\\_Action.pdf](https://www.oregon.gov/gov/policy/Documents/State_Affirmative_Action.pdf)

- A. ADA and Reasonable Accommodation Policy
- B. Discrimination and Harassment Free Workplace - *(Statewide Policy No. 50.010.01)*
- C. Employee Development and Implementation of Oregon Benchmarks for Workforce Development *(Statewide Policy 50.045.01)*
- D. Veterans Preference in Employment *(105-040-0015)*
- E. Equal Opportunity and Affirmative Action Rule *(105-040-0001)*
- F. Executive Order 17-11

## VII. APPENDIX B- FEDERAL DOCUMENTATION

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*Available as single PDF:*

[https://www.oregon.gov/gov/policy/Documents/Federal\\_Affirmative\\_Action\\_TitleVII.pdf](https://www.oregon.gov/gov/policy/Documents/Federal_Affirmative_Action_TitleVII.pdf)

- A. Age Discrimination in Employment Act of 1967 (ADEA)
- B. Disability Discrimination Title I of the Americans with Disability Act of 1990
- C. Equal Pay and Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964
- D. Genetic Information Discrimination Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)
- E. National Origin Discrimination Title VII of the Civil Rights Act of 1964
- F. Pregnancy Discrimination Title VII of the Civil Rights Act of 1964
- G. Race/Color Discrimination Title VII of the Civil Rights Act of 1964
- H. Religious Discrimination Title VII of the Civil Rights Act of 1964
- I. Retaliation Title VII of the Civil Agency Affirmative Action Policy
- J. Sex-Based Discrimination Title VII of the Civil Rights Act of 1964
- K. Sexual Harassment Title VII of the Civil Rights Act of 1964

## VIII. APPENDIX C- AGENCY DOCUMENTATION IN SUPPORT OF ITS AFFIRMATIVE ACTION PLAN

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### A. Harassment-Free Workplace Inappropriate Behavior Policy





# Harassment-Free Workplace Inappropriate Behavior Policy

EFFECTIVE DATE 11-1- 2012	NUMBER ODAV-010
SUPERCEDES 10-11-07	PAGE NUMBER 1 of 4
APPROVED SIGNATURE Signature on File at ODAV	

**PURPOSE:** To reaffirm that it is the policy of the Oregon Department of Aviation (ODAV) to prohibit discrimination and workplace harassment; to clarify conduct that constitutes workplace harassment and to provide an effective complaint procedure for employees who believe they have been the victims of prohibited conduct. This policy is intended to protect employees of whatever stature, customers or clients of the agency, contractors and visitors to the worksite.

**POLICY:**

- A. Discrimination. It is the policy of ODAV to provide a work environment free from unlawful discrimination on the basis of race, color, religion, sex, marital status, national origin, disability, age, union membership and activity, or any other factor that an employer is prohibited by law from considering when making employment decisions. For purpose of this policy, prohibited discrimination includes discrimination on the basis of sexual orientation. This policy applies to all matters relating to hiring, firing, transfer, promotion, benefits, compensation and other terms and conditions of employment.
  
- B. Workplace Harassment. It is also the policy of ODAV that all employees, customers, clients, contractors and visitors to the worksite enjoy a work environment that is free from harassing behavior. Employees at all levels of the organization are expected to conduct themselves in a business-like and professional manner at all times and refrain from sexual and other harassment.
  
- C. Penalties. Conduct in violation of this policy will not be tolerated and may result in disciplinary action up to and including dismissal. Managers and supervisors who know or should know of conduct in violation of this policy and fail to report such behavior, or fail to take prompt, appropriate, corrective action, are subject to disciplinary action up to and including dismissal.

**GUIDELINES:**

- A. Workplace harassment is a form of offensive treatment or behavior, which to a reasonable person creates an intimidating, hostile or abusive work environment. This policy prohibits discrimination or harassing behavior based on or because of a person’s national origin, age, sex, race, color, disability, religion, a person’s sexual orientation or protected activity.

- B. Sexual harassment is a form of workplace harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical behavior of a sexual nature when:
- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or is used as a basis for any employment decision (granting leave request, promotion, favorable performance appraisal, etc.); or
  - 2) Such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- C. The following are examples of prohibited behavior (it should be understood that the examples are not meant to be all-inclusive and even one instance of such conduct may constitute harassment):
- 1) Unwelcome touching or closeness of a personal nature, which can encompass leaning over, cornering or pinching;
  - 2) Sexual innuendos, teasing and other sexual talk such as jokes, intimate inquiries, persistent unwanted courting and sexist put-downs or insults.
  - 3) Derogatory remarks, slurs and jokes about a person's national origin, race, color, religion, accent, disability or sexual orientation;
  - 4) Displays of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or a particular person;
  - 5) Intimidation or bullying tactics employed against subordinate employees. This may include deliberate and repeated instances of ostracizing or prejudicial treatment amongst peers in work teams.

#### **NON-RETALIATION:**

- A. This policy prohibits retaliation against employees who bring charges of conduct in violation of this policy or assist in investigating charges, or who report harassing behavior directed at persons other than the employee. Any employee found to have engaged in retaliatory action or behavior will be subject to discipline, up to and including dismissal.

#### **GRIEVANCE/COMPLAINT PROCEDURE:**

- A. For Discrimination. Anyone who is subject to, or aware of, what he or she believes to be employment-related discrimination may file a complaint with his or her immediate supervisor or another manager. The complaint should be written unless the complainant, due to a disability, is unable to file written complaint. The complaint should be filed with the agency within 30 calendar days of the alleged act.

Complaints should include the name of the complainant, the name of the persons alleged to have engaged in the prohibited conduct, a specific and detailed description of the conduct that the employee believes is discriminatory, and a description of the remedy the employee desires.

- B. For Harassment. Anyone who is subject to or is aware of harassing behavior should report that information immediately to agency management. If at all possible, the report should be made before the behavior becomes severe. The report may be made orally or in writing to the employee's immediate supervisor or to any other management staff member. If the employee prefers, the report may be given to a manager outside the complainant's work unit. Represented employees may have a union steward accompany the employee during this process during regular work hours.

All supervisors and managers will report complaints and incidents immediately to the appropriate officials.

- C. Investigation. The recipient of a discrimination or harassment complaint shall promptly forward it to the agency Director, who will coordinate, or delegate responsibility for coordinating, the agency's investigation in consultation with the affected employee's supervisors, excluding any supervisor who is potentially part of the problem. The complaint will be given prompt and thorough attention with an impartial investigation. If the complaint is substantiated, immediate and appropriate corrective action will be taken. The affected parties shall be informed that the investigation has concluded and that immediate appropriate corrective action will be taken. All personnel can be assured that complaints will be taken seriously and will be investigated as necessary. They will be dealt with in a discrete and confidential manner to the extent possible.
1. Nothing in this process precludes any person from filing a formal grievance in accordance with collective bargaining agreement or with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC). Timelines for filing complaints with BOLI and EEOC are different from those established in this policy. Contact them directly for specific guidance on filing a formal grievance with them.

## IX. APPENDIX D- ADDITIONAL FEDERAL DOCUMENTATION

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### A. Agency Specific Federal report requirements

- a. [Federal Aviation Administration \(FAA\) DBE Requirements](#)
  - b. [Office of Civil Rights policies, laws and regulations](#)
  - c. [Oregon Department of Aviation DBE Program](#)
- B. [Executive Order 11246 \(OFCCP regulations\)](#)