



## **AFFIRMATIVE ACTION POLICY STATEMENT**



**April 1, 2005**

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The Oregon Department of Aviation (ODA) is dedicated to developing and improving Oregon's aviation system.

The Department's goals include:

- Developing aviation as an integral part of Oregon's transportation network
- Creating and implementing strategies to protect and improve Oregon's aviation system
- Encouraging aviation related economic development
- Supporting aviation safety and education
- Increasing commercial air service and general aviation in Oregon

### **AGENCY MISSION:**

**Enhance the well being of people in Oregon by advancing aviation.**

The Oregon Department of Aviation serves all public service airports in the state with a staff of 16 professionals. The agency is divided into three divisions:

**State Airports Division** manages, maintains and operates Oregon's 28 state owned airports. These airports range in size from a small dirt strip used primarily for emergencies to a busy reliever airport for the Portland area. All operations, leasing activity, capital improvements and maintenance for these airports are managed through the State Airports Division. In addition, the State Airports Division oversees Oregon's Statewide Aviation System, including: system planning, land use planning, air operations, engineering service, and airport assistance programs.

**Business Division** provides essential operational services to the agency as a whole, as well as to the State Aviation Board. The Business Division is responsible for office and personnel management, legislative coordination, agency web site, administrative rule coordination, pilot and aircraft registration, airport inspection, airport safety, labor relations, affirmative action, NASAO art contest and overall operation of the agency.

**Fiscal Division** maintains the agency's overall budget. The Fiscal Division directs the agency's fiscal operations, including all budgets, contracting and procurement. This Division is responsible for effectively recommending and implementing sound fiscal processes and internal controls, and is the primary point of contact with the Department of Administrative Services shared clients division, and Legislative Fiscal Office.

## **Oregon Department of Aviation**

### **Affirmative Action Statement:**

It is the policy of the Department of Aviation that no person shall be discriminated against because of their race, religion, color, national origin, marital status, sex, age, or mental or physical disability as defined in ORS 240.391.

The Department is committed to affording all persons a fair and equal opportunity for employment and advancement on the basis of their knowledge, skills, and abilities.

ODA will not tolerate discrimination against any person on the basis of race, color, ancestry, gender, national origin, age, family or marital status, sexual orientation, political or religious affiliation, veteran status, physical or mental disability.

An individual who has interviewed for employment, who believes he/she was denied employment based on any discriminatory factors listed above, may review the employment decision with the department. If the concern is not resolved to the satisfaction of the individual, the Affirmative Action Office would be contacted.

The policy shall be adhered to by all Department employees. Management staff will take necessary actions to insure the Oregon Department of Aviation Affirmative Action objectives are attained.

### **RELATED LAWS/REFERENCES**

Oregon Department of Aviation Affirmative Action Plan; Oregon Department of Aviation Harassment in the workplace policy; Department of Administrative Services, HRMD, Administrative Rule 105-40-001, Governor's Executive Order 05-01.

### **Persons with Disabilities Policy and Complaint Procedure:**

It is the policy of the Oregon Department of Aviation to employ and advance in employment qualified individuals with disabilities. The Department shall make reasonable accommodations to the known physical or mental limitations of a participating member of the public, staff, or an agency job applicant, unless to do so would create an undue hardship on the agency, as provided under the Americans with Disabilities Act (ADA).

The Department will make every effort to furnish appropriate and necessary auxiliary aids to ensure that individuals with disabilities will have equal opportunities to participate in activities and to receive the services of the department.

An employee who believes he/she has been discriminated due to their disability should contact the Director of the department. If the issue is not resolved to the employee's satisfaction, they should file a complaint regarding employment with the Equal Employment Opportunity Commission; or a complaint regarding service with the U.S. Department of Justice, Civil Rights Division.

### **Employee Training and Education:**

It is the policy of the Department to provide resources for employees to encourage their career development in state service, as is reasonably and practicable to do. To accomplish this mission, the Department may provide opportunities for training to employees for developing proficiency, enhancing skills and encouraging development in areas of potential advancement. Staff shall be eligible for mandated and required training.

Request for training must have Management approval.



# Harassment in the Workplace Policy

EFFECTIVE DATE November 17, 2004	NUMBER ODA - 010
SUPERCEDES April 1, 2005	PAGE NUMBER -1 of 4-
APPROVED SIGNATURE <u>On file with the agency</u>	

**PURPOSE:** This policy provides instruction and direction to Oregon Department of Aviation employees relating to a harassment free workplace.

**Applicability:** All Oregon Department of Aviation Employees.

This policy has an acknowledgment form, [Attachment A](#), which must be signed by all ODA employees and their supervisors. The form should then be sent to the Office of Human Resources at the Department of Administrative Services where it will be placed in individual personnel files.

**Policy:**

Harassment of any nature - whether because of race, color, national origin, physical or mental disability, age, religion, sex, sexual orientation, marital status, or any other inappropriate reason prohibited by law, union contract, or policy of the State or Federal government - is illegal and unacceptable conduct, and will not be tolerated. Harassment violates human dignity, undermines integrity, and diminishes morale. ODA and the Board of Aviation shall maintain a work environment free from behavior, action or language that may be perceived as harassment. All ODA employees have the responsibility to conduct themselves in accordance with this policy to maintain an environment that is free from harassment.

ODA encourages employees to take action if they are experiencing unwelcome behavior. Employees are encouraged to communicate such concerns in the manner they feel is safe, including, advising the person about their offending behavior.

Harassment is prohibited, whether between managers and subordinates; lead workers and subordinates; or employees and clients, contractors, the public, or co-workers. Managers are expected to be alert to activity in the workplace which may constitute harassment and have a duty to initiate immediate and appropriate action whenever they witness or become aware of interactions or conditions which may be construed as harassment.

Managers shall consult with the Business Manager, Director of ODA and/or Human Resource Manger at DAS to discuss behavior they have observed, or which others have brought to their attention. The reporting manager and the Business Manager shall determine the best approach for addressing the

questionable behavior and determine appropriate, corrective action to be taken, if any. During the investigation of harassment allegations, ODA shall provide confidentiality for both the complainant and the alleged respondent, to the greatest extent possible.

A substantiated incident of harassment, inappropriate behavior, or retaliation for reporting harassment or cooperating in an investigation, shall result in corrective action, which may include disciplinary action, up to and including dismissal of the employee or termination of volunteer assignments.

Managers should avoid developing close personal or romantic relationships with any employee who reports directly or indirectly to them. However, if such a relationship does develop, the Manager shall notify the Director ODA and the Human Resource Manager at DAS.

ODA and the Board of Aviation shall enforce this policy by disseminating the policy to all Department employees for review and signature, and by clearly posting the policy in each division.

**Definitions:**

Discrimination        An act based on prejudice.

Harassment            A form of offensive treatment or behavior which to a reasonable person creates an intimidating, hostile, or abusive work environment. Harassment may include, but is not limited to, verbal harassment, such as racial epithets, ethnic or sexual jokes, and derogatory comments; physical harassment, such as unwanted touching, physical interference with normal work or movement, or assault; visual or audio harassment, such as derogatory or sexually or racially offensive posters, degrading songs, cartoons, or drawings in any form, including written, computer generated or telephonic; and sexual harassment.

Sexual Harassment Any sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- c. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**NOTE:** How the victim feels is important – courts have held that sexual harassment is defined by the victim.

## **Procedure:**

If workplace behavior of a questionable nature, is observed by or reported to a manager, he/she shall immediately consult with the Business Manager and/or Human Resource Manager with DAS. The following steps shall be taken when an employee or manager perceives conduct or action to be harassment of any nature:

### **◆ INTERNAL HARASSMENT/DISCRIMINATION COMPLAINT**

- |   |   |
|---|---|
| Employee                                | 1. Reports incident(s) to his/her manager, director, DAS Human Resource Manager or another manager. Employee may file an oral complaint or written complaint by use of the ODA Harassment Complaint form <b>Attachment A</b> , or any other written memoranda.  |
| Manager                                 | 2. Immediately contacts the Business Manager and Director of ODA, with the oral or written complaint.   |
| Director of Aviation and Office Manager | 3. Jointly determine what action shall be taken. Such action shall include, but may not be limited to: <ul style="list-style-type: none"><li>a. record complaint in writing using the ODA Harassment Complaint form <b>Attachment A</b>;</li><li>b. contact Human Resource Manager at DAS</li><li>c. inform the alleged harasser about the complaint;</li><li>d. investigate the complaint;</li><li>e. determine whether the alleged conduct occurred and the appropriate type and level of corrective action should take place, if any;</li><li>f. implement corrective or disciplinary action pursuant to the collective bargaining agreement and/or State Policy, as appropriate,</li><li>g. respond to complainant and alleged harasser in writing within 30 days of receiving the complaint.</li></ul> |

Filing a harassment complaint with the department does not prohibit the complainant from filing a grievance or a complaint with any other agency of the State or Federal government.

### **OTHER FORMS OF COMPLAINT**

#### **◆ INTERNAL DISCRIMINATION GRIEVANCE**

- |          |  |
|----------|--|
| Employee | 1. May file a discrimination grievance alleging discrimination in the form of harassment, as follows: <ul style="list-style-type: none"><li>a. classified represented employee may file a grievance or charge of discrimination in accordance with Article 22 of the Oregon Public Employee Union (OPEU) collective bargaining agreement, whichever is applicable;</li></ul> |
|----------|--|

- b. classified unrepresented, unclassified unrepresented, management, executive service employees, volunteers, applicants, clients and others may file a discrimination grievance in accordance with ODA policy, grievances.

◆ **EXTERNAL FORMS OF COMPLAINT**

Employee 1. May file a complaint directly with any of the following agencies:

- a. Governor's Affirmative Action Office  
DAS/ Executive Building  
155 Cottage St. NE  
Salem, OR 97301  
(503) 373-7444
- b. Oregon Bureau of Labor and Industry (BOLI)  
Civil Rights Division  
800 NE Oregon Ave. #32  
Portland, OR 97323  
(503) 731-4106 (voice or TDD)
- c. Equal Employment Opportunity Commission (EEOC) Seattle  
District Office  
909 First Avenue Ste 400  
Seattle, WA 98104-1061  
(206) 220-6883 (voice), (206) 220-6882 (TTD)

**References:**

1. Department of Administrative Services Personnel Policy 50.010.01
2. OAR 105.40.001, 105-80-003, 105-80-004, 105-80-006, and 105-80-007
3. OPEU Collective Bargaining Agreement Articles 22, 21, & 20
4. ORS 240.086(1), 145(3), 250, 306(1), 316(4), 321, 555, 560, 243.305, 243.315, 659.030(1) and Title VII, Civil Rights Act 1964
5. Executive Order 93-05

**Attachments:**

**Attachment D: Harassment Complaint Form**

**Attachment A: [Policy Acknowledgment Form](#)**



## *Harassment Complaint Form*

To: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Filing the Complaint: \_\_\_\_\_

Immediate Supervisor: \_\_\_\_\_

Name of person(s) against whom the charge(s) are made: \_\_\_\_\_

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Clearly and concisely state the facts constituting each alleged complaint. When known, include the dates, times, and places of the acts that occurred (use extra paper if necessary):

Name(s) of witness(es): \_\_\_\_\_

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\_\_\_\_\_  
Signature of Person filing Complaint

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Person drafting Complaint,  
If other than complainant

\_\_\_\_\_  
Date

## **Oregon Department of Aviation:**

**Director:** appointed by the Governor, subject to confirmation by the Senate pursuant to ORS 171.562 and 171.565, who holds office at the pleasure of the Governor.

**ORS 835.106**

The department of aviation is under the supervision and control of the director, who is responsible for the performance of the duties, functions and powers of the department.

Robert Hidley, Director  
3040 25<sup>th</sup> St S.E.  
Salem, Or 97302  
503-378-4880 ext 226  
[Robert.Hidley@state.or.us](mailto:Robert.Hidley@state.or.us)

### **State Airport Division**

Charles H. Riordan, State Airport Manager  
3040 25<sup>th</sup> St S.E.  
Salem, Or 97302  
503-378-4880 ext 230  
[Charles.Riordan@state.or.us](mailto:Charles.Riordan@state.or.us)

### **Business Division**

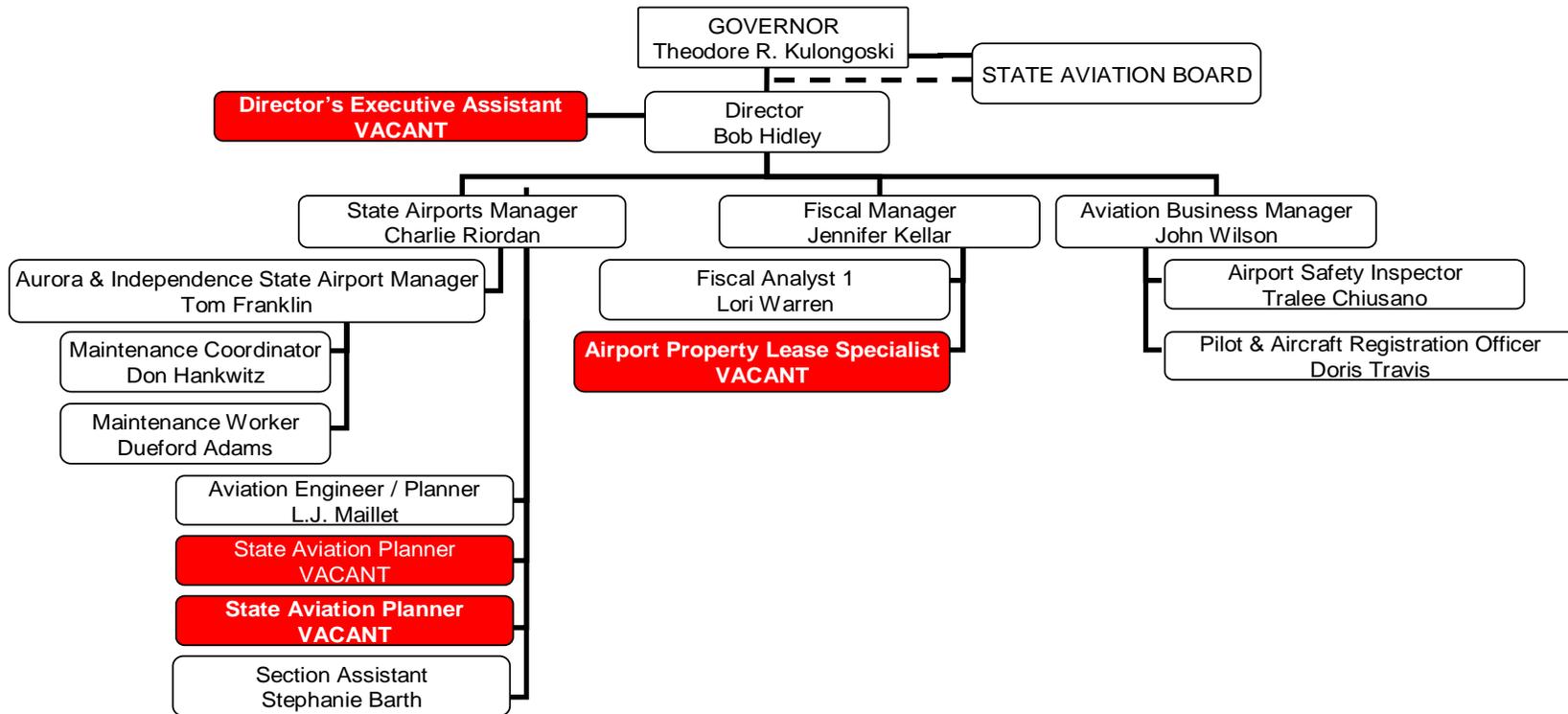
John P Wilson, Business Manager/**Affirmative Action Officer**  
3040 25<sup>th</sup> St S.E.  
Salem, Or 97302  
503-378-4880 ext 228  
[John.P.Wilson@state.or.us](mailto:John.P.Wilson@state.or.us)

### **Fiscal Division**

Jennifer Kellar, Fiscal Manager  
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[Jennifer.Kellar@state.or.us](mailto:Jennifer.Kellar@state.or.us)



# Organization Chart



**ACCOMPLISHMENTS, GOALS AND STRATEGIES:**

This Oregon Department of Aviation staff was hired in compliance with DAS Policy; Division 40: Filling Position; Equal Employment Opportunity and Affirmative Action 105-040-0001. The Department will continue its implementation of the Affirmative Action Plan by exercising impartial and unbiased evaluations of future applications and interviews for employment. The Director will foster and promote the importance of a diverse workplace, free from discrimination and harassment.

**APPENDICES:**

The Oregon Department of Aviation is a small agency there are no charts, or analysis provided.

Submitted by Director of Aviation:

On file with the agency  
Robert W. Hidley, Director

April 1, 2005  
Date