OREGON
DEPARTMENT OF CORRECTIONS

Affirmative Action Plan

2009 - 2011 Biennium

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Oregon
Theodore R. Kulongoski, Governor

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DATE: August 27, 2008

TO: Department of Corrections Employees, Applicants, contractors and Vendors

FROM: Max Williams, Director
Mitch Morrow, Deputy Director

SUBJECT: **2009-2011 AFFIRMATIVE ACTION PLAN – Policy Statement**

One of the Department of Corrections' core values is: "We value respecting others." As a part of our mission we have a Code of Ethics that states: "As an employee, volunteer or contract service provider of the Oregon Department of Corrections, I will value and maintain the highest ideals of professional and compassionate public service by respecting the dignity, cultural diversity and human rights of all persons, and protecting the safety and welfare of the public." To this end, the department is committed to creating a work environment that is positive, productive, and free from harassment and discrimination. All employees share in this responsibility.

Managers and employees are accountable for creating and promoting a work environment that is free from any kind of hostility or unwelcome behavior. These principles also apply to our dealings with contractors, volunteers, victims, vendors and the public. We expect managers to participate and encourage others to participate in the agency's activities designed to promote affirmative action. Each manager and supervisor's effectiveness in promoting the Department of Corrections' affirmative action goals and objectives will be a part of their annual performance evaluation.

The Department of Corrections employs a diverse workforce that reflects the diversity found through out the state. Our ability to model diversity is dependent on our ability to attract individuals with a diverse background who are committed to the mission and vision of the agency. Individual success depends on our collective practice of recognizing and respecting the value of human differences. To reach this level of success, every effort will be made to reach out to the broadest-possible labor market. In addition to proactive recruiting efforts, the quality of the work environment is an important part in maintaining a diverse workforce. Equal employment opportunity covers all employment practices, including but not limited to, recruitment, hiring, promotion, transfer, reassignment, training, benefits and separation.

We believe everyone at corrections is a vital part of promoting and achieving diversity in the workplace. As employees, we are committed to ensuring equal employment opportunity for all employees and applicants for employment regardless of their race, religion, color, sex, national origin, age, political opinion or affiliation, marital status, or disability. Success in achieving these goals will aid the department in its vision of "...A diverse, skilled workforce which shares the responsibility for outcomes across organizational boundaries."

In support of these commitments, please reference Department of Corrections' policies:

- Equal Employment Opportunity and Affirmative Action (20.4.1)
- ADA and Reasonable Accommodation (20.5.16)
- Promotion and Maintenance of a Respectful Workplace (20.6.1)
- Code of Ethics (20.1.2)

Introduction

The Oregon Department of Corrections (DOC) is committed to equal employment opportunity and affirmative action. This Affirmative Action Plan provides a comprehensive set of chapters that address everything from the definition of affirmative action to strategies for achieving affirmative action parity goals. The Department of Corrections strives to be proactive in ensuring we are providing equal employment opportunities for citizens and employees, while addressing affirmative action policies and goals.

Overall, this document describes in detail how the Department of Corrections plans to comply with federal and state statutes, Oregon Administrative Rule 105-040-001 - Equal Employment Opportunity and Affirmative Action, the Governor's Executive Order 08-18 Affirmative Action, as well as DOC policy 20.4.1 - Equal Employment Opportunity and Affirmative Action.

This Plan implements the provisions of the State of Oregon's Affirmative Action Plan.

Affirmative action is a method of remedying the effects of past and present discrimination, intended or unintended, which become evident after analysis of present employment practices, patterns or policies. As stated in the Code of Federal Regulations (29 CFR 1608.1) "Congress enacted title VII in order to improve the economic and social conditions of minorities and women by providing equality of opportunity in the work place."

The Department of Corrections Affirmative Action Plan is organized into the following sections.

I. **AGENCY COVER PAGE AND COVER LETTER**

II. **DESCRIPTION OF AGENCY** covers the department's mission. It outlines the agency's structure, major functional units and responsibilities, and includes the agency organizational chart.

III. **AFFIRMATIVE ACTION PLAN** contains the agency affirmative action policy statement from the Director to express commitment to affirmative action and equal employment opportunities establishes the responsibility of management to create and maintain a workplace that includes reasonable accommodation for people with disabilities, and a work environment free of harassment and discrimination. This section addresses the agency procedures incorporated to establish compliance with Oregon Revised Statutes and Governors Executive Orders relating to Affirmative Action.

IV. **ROLES FOR IMPLEMENTATION OF PLAN** outlines our responsibility for EEO/AA and the assignment of responsibilities and management accountability for implementation of the department's Affirmative Action Plan.

V. **2007-2009:** Accomplishments and progress made or lost since the previous biennium. A utilization analysis details the composition of the current workforce. It describes how women, people of color, and people with disabilities, represent in the specific job groups.

VI. **2009-2011:** Describes the agency goals, strategies, program development and implementation.

VII. **Agency Policy Documentation** refers to department policies addressing discrimination, harassment and civil rights complaints.

VIII. This section includes Federal Laws related to AA/EEO.

VIII. Additional appendices contain information used in formulating the Affirmative Action Plan. Detailed statistics and charts on workforce composition are included here.

The Department of Corrections Affirmative Action Plan (AAP) will:

- Reaffirm the department's policy regarding non-discrimination and equal employment opportunity.
- Set forth the specific goals intended to eliminate under-representation of women, people of color, and persons with disabilities.
- Demonstrate our continued good faith effort in providing equal employment opportunity.

The working definitions utilized in this document are in the Appendices Section VIII. Statistical analyses reflect the employment patterns of the department from July 1, 2007 to June 30, 2008. The standard of parity (utilization measured against availability) is determined by the Governor's Office of Affirmative Action.

This plan is effective for the period of July 1, 2009 through June 30, 2011.

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II. Description of Agency and Organizational Structure

Mission, Vision, Core Values

Mission

The mission of the Oregon Department of Corrections is to promote public safety by holding offenders accountable for their actions and reducing the risk of future criminal behavior.

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Implementation of department responsibilities is guided by the following organizational vision and core values:

Vision

- We take a proactive role in the development of criminal justice policy.
- We create partnerships with Oregon communities to hold offenders accountable, engage victims, and enhance the quality of life for the citizens of Oregon.
- We are a committed, creative, and productive organization, which recognizes safety and security as an essential business practice.
- We require sound fiscal management of public resources using outcome-oriented strategies.
- We provide offender programs and resources, which support the department's mission.
- We are a diverse, skilled work force, which shares the responsibility for outcomes across organizational boundaries.

Core Values

- We value our responsibilities.
- We value integrity.
- We value teamwork.
- We value respecting others.
- We value constructive change.
- We value the participation of all.

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Code of Ethics

As an employee, volunteer or contract service provider of the Oregon Department of Corrections, I will value and maintain the highest ideals of professional and compassionate public service by respecting the dignity, cultural diversity and human rights of all persons, and protecting the safety and welfare of the public.

I accept that my fundamental duty is to serve the public; to safeguard lives and property, to protect Department of Corrections incarcerated persons against deception, oppression or intimidation, violence or disorder.

I will be constantly mindful of the welfare of others. To the best of my ability, I will remain calm in the face of danger and maintain self-restraint in the face of scorn or ridicule.

I will be honest and truthful. I will be exemplary in obeying the law, following the regulations of the department, and reporting dishonest or unethical conduct.

I acknowledge that I have been selected for a position of public trust and I will constantly strive to be worthy of that trust and to be true to the mission and values of the Department of Corrections.

DEPARTMENT ORGANIZATION AND FUNCTIONS

The Oregon Department of Corrections was created by the 64th Legislative Assembly in June 1987, and operates under ORS chapter 423. The department's mission originates in the Oregon Constitution, amended in November 1996, to say, "Laws for the punishment of crimes shall be founded on these principles: protection of society, personal responsibility, accountability for one's actions and reformation." The department has custody of offenders sentenced to prison for more than 12 months. Oregon houses offenders in 14 state prisons; the newest prison was opened in September, 2007.

To further focus on safe communities, safe prisons, and a safe workplace, the department created the Oregon Accountability Model. This purposeful plan is designed to change offenders' criminal behavior - during incarceration and post-prison supervision - using evaluation, education, treatment, and work. It begins at the assessment phase during intake and affects offenders throughout incarceration, reintegration, and their time on community supervision. The department's mission of public safety, offender accountability, and crime prevention inspires the model.

The Department of Corrections provides administrative oversight and funding for the community corrections activities of Oregon's 36 counties. Oregon counties manage their own offenders who are subject to jail, parole, post-prison supervision and/or probation. The department provides interstate compact administration and jail inspections as well as central information and data services regarding felons statewide. It is also responsible for evaluating the performance of community corrections.

The department's culture is driven by integrity, respect and teamwork guided by a strong vision that includes leadership, partnerships, and productivity. Department's staff is actively involved in their communities, serving on commissions, participating in volunteer organizations, coaching kids' teams and otherwise giving their time to enhance the quality of life for all Oregonians.

The Oregon Department of Corrections is responsible for the management and administration of all adult correctional institutions and other functions related to state programs for adult corrections. It has six major divisions and a strong relationship with Oregon Corrections Enterprises, a semi-independent state agency.

Central Administration

Central Administration includes the Office of the Director: Planning and Budget, Internal Audits, and the Office of Population Management. The Office of the Director provides overall leadership to the department through the executive management team composed of the five agency division assistant directors and director's office administrators that perform critical agency functions.

Internal Audit provides independent, objective assurance and consulting services through quality audits to add value by increasing efficiency and effectiveness of operations.

The Planning and Budget Unit consists of an administrator and the Budget Office. The unit is responsible for determining the resources necessary to support the existing and growing offender populations, and develops and executes the departments Long-Range Construction Plan. The Budget Office is responsible for managing and coordinating the department's resource identification, budget development, and monitoring activities.

The Office of Population Management, created in June 2006, is responsible for developing and implementing agency inmate population management strategies. The office is responsible for new prison construction, community development, capacity and resource management, inmate classification and special-needs inmates.

AGENCY DIVISIONS

General Services Division

The General Services Division supports much of the day-to-day business of the Oregon Department of Corrections. Facilities Services, Central Distribution (including canteen food purchasing, radio, and warehouse operations), Information Services and Fiscal Services fall under General Services.

Distribution Services is the primary logistics support operation for the department. Distribution Services manages statewide inventory, monitors and disposes of non-expendable assets, develops statewide food service standards and operational oversight related to feeding inmates, and manages the inmate commissary program for all institutions. The Distribution Center, Food Service Administration, Central Canteen, Transportation and Property Management units are located in Salem. Distribution outstation operations are located at Snake River Correctional Institution in Ontario, Two Rivers Correctional Institution in Umatilla and Coffee Creek Correctional Facility in Wilsonville.

Facilities Services for existing institutions is responsible for planning, construction, upgrading, and maintaining correctional facilities, developing policies regarding code compliance and other facility issues, advising Department managers on pertinent land use and governmental joint powers issues and managing the portfolio of leased facilities for the department.

Fiscal Services supports DOC in the following areas: Purchasing and Contracts is responsible for public procurement and contracting. Statewide Business Services provides support to all institutions and program areas with business-related fiscal processes. Central Trust is responsible for all accounting related to inmate trust monies. Central Accounting is responsible for all payables, receivables, intra-agency transactions, accounting, internal reporting and statewide financial reporting. Fiscal Technology Team provides technical support and user training for AFAMIS, the department's accounting system, and TAG, the trust accounting system.

Information Services consists of Operations, Technical Support, and Applications Development and Maintenance. Operations maintains and operates the department's central computer systems and data network. Technical Support supports the end user of technology. Applications writes and maintains the departments centrally managed applications, for example, the Corrections Information System.

Human Resources Division

The Human Resources Division, headed by an assistant director, comprises Employee Relations, Labor Relations, Recruitment and Background Investigations (includes Classification, Compensation and Personnel Records), Professional Development, and Safety and Risk Management Units.

The Human Resources Division manages the personnel-related services of recruitment, affirmative action, employee development and training, employee safety and risk management, organization and leadership development, and consultation and assistance in administering the department´s classification, compensation, human resources policies, and labor contracts.

To meet the department mission and fulfill the objectives of the Oregon Accountability Model, the division develops and implements a comprehensive, full-service human resources program that enables the department to effectively recruit, develop, and retain a highly qualified and rapidly growing workforce of over four thousand employees, volunteers, and contractors.

Public Services Division

The Public Services Division (PSD) was created in June 2006. PSD is comprised of the Office of Inspector General, the Special Investigations Unit, the Security Threat Management Unit, the Hearings Unit, the Office of Research and Evaluation, the Office of Public Affairs and Central Services, the Office of Project Management, the Office of Legal Affairs, Information Security and Grant Administration and Rules Coordination. PSD is led by an Assistant Director who also serves as the agency's Inspector General. Collaboration among the division's units leads to strong partnerships within the agency and between DOC and its external stakeholders.

The Special Investigations Unit (SIU) investigates alleged criminal and administrative misconduct activity including administrative rule violations by inmates, Department of Corrections' staff, contractors, volunteers and inmates' visitors. The Security Threat Management (STM) Unit works to proactively identify inmates who are considered high-alert and potential threats and then manage those inmates.

The Hearings Unit is responsible for disciplinary, involuntary administrative segregation and involuntary Mental Health Infirmary hearings for the Department's inmates in accordance with established rules and relevant case law.

The Office of Project Management was created during the 2003-05 biennium. This office manages implementation of agency-wide and interagency projects and is responsible for providing project direction and support to ensure that critical Department-wide and interagency projects meet established timelines and outcomes.

The Office of Public Affairs is responsible for the overall strategy and high profile Department-wide efforts about government relations, public information and education and community outreach. The staff educates and provides information to the public, the Legislature, employees and the news media about Department plans, activities, and policies.

The Office of Research and Evaluation provides mission-critical information on offender populations, program performance, and policy impact, which is essential for planning, evaluating, and directing the operations of the Department of Corrections.

Transitional Services Division

Transitional Services Division includes Community Corrections Administration, Workforce Development, Religious Services, and Offender Information Sentence Computation (OISC). The division includes the operation of interstate compact, jail inspections, offender records, victim services, and institution programs such as workforce development, education, cognitive programs, and addictions treatment programs.

Through intergovernmental agreements with the counties, Community Corrections oversees, advocates for, and works in partnership with all the community corrections offices throughout the state. The local county community corrections offices provide supervision, services, and sanctions to felony offenders in their communities. These offenders are sentenced to probation by a court, are on parole and/or post-prison supervision after being released from state prison, or they may have been sentenced to prison for 12 months or less and are serving that time locally.

Parole/probation officers monitor the behavior and compliance of more than 32,000 felony offenders living in Oregon's communities, enforcing conditions of supervision set by the court for those on probation and by the Board of Parole and Post-Prison Supervision for those who have been released from prison.

Religious Services provides a wide continuum of religious worship services, study programs, music programs, serious illness/death notifications, and pastoral counseling opportunities to meet the constitutional and legal mandates of the U.S. Constitution, Oregon State Constitution, federal and state legislation, and case law. This unit also provides Crime Victims Services, Community and Faith-Based Re-entry, and runs a Volunteer Program.

The Workforce Development (WFD) unit includes adult literacy and basic skills development, work-based training, and cognitive skill programs. The WFD programs provide a continuum of education, treatment, and training opportunities that address the assessed needs of Oregon's inmate population and allow any inmate/student to enhance their practical/work skills and develop a viable work ethic.

This unit also provides cognitive programs, alcohol and drug treatment programs and oversees the Children of Incarcerated Parents program. This balanced program approach addresses some of the most significant risk factors associated with criminal behavior as well as addressing the barriers to productive participation in work, family, and community life.

The Offender Information and Sentence Calculation Unit (OISC) calculates and updates the length of all prison terms, based on information provided by the courts. OISC also is the repository for all legal files pertaining to offenders who have been, or currently are, under the custody or supervision of the department. The unit is responsible for the maintenance of the department's official offender records.

Operations Division

The Assistant Director of Operations centrally administers Oregon's adult prisons. The division's responsibilities encompass the management of state prisons, inmate physical and mental health treatment, inmate transportation, emergency preparedness, and most inmate work activities.

Health Services is comprised of an administrative unit, which sets policy and long-term direction and a series of operational units representing the health care program at each facility. The health care program at each of the correctional institutions operated by the department is responsible for delivering health care to inmates consistent with policy centrally established by the division. Health Services employs more than 200 health care personnel and manages a number of agreements with health care organizations in communities throughout Oregon and the surrounding states in order to deliver constitutionally adequate health care. Specific programs include: Medical Program, Dental Program, Health Care Records, Radiology Services, Mental Health Services, and Pharmacy Services.

STATE PRISONS

The existing correctional institutions include:

- Coffee Creek Corr Facility (CCCF), Wilsonville
- Columbia River Corr Institution (CRCI), Portland
- Deer Ridge Correctional Institution (DRCI), Madras
- Eastern Oregon Corr Institution (EOCI), Pendleton
- Mill Creek Correctional Facility (MCCF), Salem
- Oregon State Corr Institution (OSCI), Salem
- Oregon State Penitentiary – Minimum (OSPM), Salem
- Oregon State Penitentiary (OSP), Salem
- Powder River Corr Facility (PRCF), Baker City
- Santiam Correctional Institution (SCI), Salem
- Shutter Creek Corr Institution (SCCI), North Bend
- Snake River Corr Institution (SRCI), Ontario
- South Fork Forest Camp (SFFC), Tillamook
- Two Rivers Corr Institution (TRCI), Umatilla
- Warner Creek Corr Facility (WCCF), Lakeview

Oregon Prisons

Coffee Creek Correctional Facility and Intake Center

Coffee Creek Correctional Facility (CCCF) is a 1,360-bed dual-mission facility in Wilsonville that

comprises Oregon Corrections Intake Center for men and women as well as the states only multi-custody full-service women's prison. Coffee Creek's minimum facility opened on October 15, 2001. The medium facility and intake center opened on April 18, 2002.

All inmates entering Oregon's prisons are initially housed at Coffee Creek. During a 22-day assessment period, individual plans are designed for each inmate. Following the development of their corrections plans, inmates are assigned to a prison.

Women serving their sentences at CCCF have access to a full spectrum of programs to prepare them for their transition and re-entry to the community, including parenting programs and an on-site Early Head Start facility to help strengthen families and teach parental responsibility.

Columbia River Correctional Institution

Columbia River Correctional Institution (CRCI) is a 540-bed minimum-security prison located in Northeast Portland. The prison opened in September 1990, and houses 500 male inmates in dormitories. Major program activities for most inmates include community service work, institution support and maintenance work, and educational and cognitive skills classes.

Fifty inmates are housed in a separate living area designed specifically for use as a residential alcohol and drug treatment center. Another 50 participate in the Bridgepoint Program, a residential alcohol, drug and mental health treatment program. Inmates participate in these therapeutic community programs designed to address serious addiction and substance abuse problems.

Deer Ridge Correctional Institution

Deer Ridge Correctional Institution (DRCI) is a men's prison located in Madras with 644 minimum-security beds and 1,240 medium-security beds. Construction began in October 2005, and the first minimum-security inmates arrived in September 2007. The medium-security facility is complete and ready to house inmates. When fully opened, the facility expects to employ between 400-500 people.

Eastern Oregon Correctional Institution

Eastern Oregon Correctional Institution (EOCI) was authorized in 1983 as the first medium-security adult male correctional facility established outside of Marion County. Until its conversion to a prison, EOCI had been a state mental hospital, with most of the buildings originally constructed in 1913. The 1,600-bed facility is Pendleton's second largest employer.

EOCI provides a variety of work opportunities to inmates. The Garment Factory manufactures the internationally recognized "Prison Blues" line of blue denim. The commercial laundry meets the needs of the facility as well as several local public service agencies and large industries. EOCI's physical plant mission is to teach marketable job skills to inmates in the fields of electricity, plumbing, and carpentry. In 1999, the creative arts, woodworking, and metal shops established to provide services to the community.

Blue Mountain Community College provides GED and Adult Basic Education services for the inmates at the prison. EOCI also offers the STEPS to Freedom Program, which is a 4–6 month pre-release alcohol and drug day- treatment program serving 70 inmates. The COPE Program provides mental health day-treatment services to inmates who experience moderate to severe mental health problems and have difficulty adjusting to prison life.

Mill Creek Correctional Facility

Mill Creek Correctional Facility (MCCF) is a minimum-security prison housing 310 inmates. The facility has been operated by the Department of Corrections since 1929. All inmates are within three years of release and most have successfully completed required correctional programs prior to assignment to MCCF. The facility prepares inmates for transition and release to the community by providing a variety of work programs and training opportunities.

Oregon State Correctional Institution
Oregon State Correctional Institution (OSCI), a men's medium-security transitional release facility located three miles east of Salem, established by the 1955 Legislature, became operational June 1, 1959.

The 880-bed facility confines males serving sentences for felony convictions from all counties of Oregon. OSCI focuses on providing transition programs and work skills to inmates who have less than three years to serve but are not suitable for housing in a minimum-security environment. Some of the work and skills training opportunities available to inmates at OSCI include Geographical Information Systems (GIS), Engineering Support Unit (ESU), printing, and telecommunication services for the Oregon Health Plan and the Oregon Secretary of State's Office.

Oregon State Penitentiary
Oregon State Penitentiary (OSP), Oregon's first state prison, was originally located in Portland in 1851. It moved to a 26-acre site in Salem and enclosed by a 25 foot-tall reinforced concrete wall, in 1866. OSP is the state's only maximum-security prison.

The penitentiary accommodates up to 2,150 inmates. Housing for the general inmate population in the penitentiary is in large cell blocks, most inmates assigned to double cells. In addition to its general population housing, the penitentiary also has a disciplinary segregation unit, a special management unit, and an infirmary.

The penitentiary's 196-bed, self-contained Intensive Management Unit provides programs, housing, and control for maximum-custody male inmates who are disruptive or pose a substantial threat to staff and other inmates, as well as those inmates with a sentence of death. Executions, using lethal injection, are conducted at the penitentiary.

Penitentiary inmates may work in Oregon Corrections Enterprises shops including a furniture factory, metal shop, upholstery shop, or the state's third-largest commercial laundry. Several job skills training programs and comprehensive education programs are available.

The **OSP Minimum Facility** (OSPM) occupies the grounds formerly used by the Oregon Women's Correctional Center, re-commissioned in April 2002 to accommodate 176 minimum-custody male inmates. This self-contained unit, managed by the Oregon State Penitentiary, provides support for other DOC facilities.

Powder River Correctional Facility
Powder River opened in 1989 housing 286 adult male inmates. The facility operates a 178-bed alternative incarceration addictions treatment program. Inmates are assigned to institution and/or community-based work programs and to the alternative incarceration addictions treatment program, which follows a strict regimen of work, education, treatment, physical exercise, service to the community and other program activities 16 hours daily. Inmates are also assigned to perform institution-based and/or community-based work projects for governmental, private sector, and non-profit organizations in Baker City and surrounding counties. In addition, inmates serve on fire crews in support of the Oregon Department of Forestry.

Powder River serves as a transition/re-entry facility for selected minimum-security inmates preparing for transition from prison to community.

Santiam Correctional Institution
The Santiam Correctional Institution (SCI) is a minimum-security prison located in southeast Salem that accommodates 425 male inmates in four dormitories. The department has operated the building as a correctional institution since 1977. SCI houses men who are within six months of release. The prison

emphasizes programs that enhance the inmates' chances of successful re-entry into their communities. In addition to transitional programs, the prison's work crews provide inmates with experience at state, county and city agencies, and other department facilities.

Shutter Creek Correctional Institution

Acquired from the Federal Government at no cost to Oregon taxpayers, this former Air National Guard radar station converted to a 230-bed minimum-security prison that opened in February 1990. Shutter Creek Correctional Institution (SCCI) consists of 56 acres and 20 buildings surrounded by forestland and located near North Bend on the Oregon coast. Inmate housing consists of four 50-bed dormitory units in two buildings and a small women's dorm. The Shutter Creek Work Center, managed by SCCI and located in North Bend, provides housing for 50 additional inmates.

The facility accommodates 100 general population male inmates who work on-site in the physical plant, warehouse, laundry, and kitchen areas and provide off-site public service in forests, parks, highways, and beaches.

An additional 180 male and female inmates are participants in the Oregon SUMMIT Alternative Incarceration Program, implemented in March 1994. Offenders volunteer for the intensive cognitive-based program and if successful, they can reduce their prison term by 30 months or less. Inmates evaluated daily that fail to maintain adequate standards of progress return to general population. The Legislature authorized the program and sentence reduction in 1993.

Snake River Correctional Institution

Snake River Correctional Institution (SRCI) is a multi-security facility that opened in August 1991. Although sited for 3,000 beds, in Phase I, only 576 medium-security and 72 minimum-security beds were constructed. In 1995, the Oregon Legislative Assembly approved construction of the remaining 2,352 beds.

The largest prison in Oregon, Snake River has 105 acres inside the perimeter and 23.4 acres of buildings. SRCI has 2,336 medium-security beds, 154 minimum-security beds and 470 special-housing beds, (disciplinary segregation, intensive management, infirmary, administrative segregation and special management units). SRCI employs more than 900 corrections professionals.

South Fork Forest Camp

South Fork Forest Camp (SFFC) stands alone in its unique mission and operation within the Department of Corrections. Established in 1951, following the catastrophic Tillamook Burn, the camp operates in partnership with the State Forestry Department. Inmates housed at SFFC perform numerous reforestation projects in the Tillamook Burn area and are screened, selected, trained and deployed to fight wild fires throughout the state.

SFFC is located east of Tillamook and houses 200 minimum-security inmates. SFFC also operates an on-site salmon/steelhead rearing pond in cooperation with the Department of Fish and Wildlife. The prison's boot shop saves taxpayers approximately $35,000 per year by repairing and recycling boots for the department.

Two Rivers Correctional Institution

Two Rivers Correctional Institution's groundbreaking occurred on April 5, 1997. The institution was substantially complete on March 10, 2000. Operation of the housing units phased in between December 1999 and September 2001 for an inmate capacity of 1,632. In 2004, the addition of 180 beds brought the population up to 1,812. These include 32 additional beds in minimum security, 30 single cells converted to double cells to add 60 beds, and a dormitory unit created in Workforce Development adding 88 beds.

TRCI, designated as an education/work facility for long-term inmates, focuses programs on GED and Adult Basic Education.

Warner Creek Correctional Facility

Warner Creek Correctional Facility (WCCF) is located north of Lakeview. WCCF is a 400 bed minimum-security men's facility, which opened in September 2005.

All inmates housed at WCCF are scheduled for release within three years. Programs and work assignments are designed to facilitate successful reentry into Oregon communities. The facility employs an average of 110 correctional professionals. The facility includes areas for inmate housing, work and education programs, health services, food services, religious services, physical plant, warehouse and storage, vehicle maintenance, a laundry facility, recreational activities, administration and various other functions.

PRISON POPULATION MANAGEMENT PLAN

Because of a rapidly growing inmate population, the state embarked on an ambitious prison construction and expansion program in 1995. The construction schedule is timed to meet the forecasted demand for beds. The Department of Administrative Services Office of Economic Analysis issues an *Oregon Corrections Population Forecast* every six months in April and October. DOC then uses these forecasts to update the Long-Range Construction Plan and population management plan for the biennium.

The inmate population was 13,589 on July 1, 2008, having grown by .54 percent (73 beds) during Fiscal Year 2008. The July 1, 2009 population is expected to be 13,804, 1.8 percent (247) higher than July 1, 2008. Oregon's prison population is expected to grow 4.3 percent (596 beds) in the following biennium (2009-11). The population is expected to reach 14,400 by July 1, 2011.

Junction City will be the next site developed for a men's prison. The institution will have a 525-bed minimum facility and a 1,278-bed medium facility. The 2007 Legislature approved funding for partial design of the facility.

The Oregon Accountability Model

The Oregon Accountability Model encompasses the simultaneous, coordinated and efficient implementation of many Department of Corrections initiatives and projects that provide a foundation for inmates to lead successful lives upon release.

The Oregon Accountability Model has six components. Each of these components stands on its own as a project or a part of the Corrections organization and culture. However, woven together these six separate components form a stronger fiber that strengthens the department's ability to hold inmates/offenders accountable for their actions and DOC staff accountable for achieving the mission and vision of the department.

Components of the Oregon Accountability Model

Criminal Risk Factor Assessment and Case Planning:

With the opening of the new intake center at Coffee Creek Correctional Facility in Wilsonville, the department implemented an enhanced assessment process. The outcome is a corrections plan for every inmate that is tracked throughout an inmate's incarceration and supervision in the community.

The corrections plan is based on mitigating seven criminal risk factors that research indicates predict future criminal behavior. The seven criminal risk factors are:

- Associates
- Substance Abuse
- Community Functioning
- Education and Employment
- Emotional and Mental Health
- Marital and Family Life
- Attitudes

The department provides targeted programs and services to mitigate these risk factors during incarceration and community supervision. When offenders transition successfully back into their communities there is less likelihood that they will commit new crimes.

Staff-Inmate Interactions:
Correctional security practices such as classification, gang management, and housing assignments hold inmates accountable for their actions every day. They ensure that the prisons are safe, civil and productive. A key part of this component recognizes that staff interactions with inmates help shape positive behavior. The department encourages staff to influence inmates' behavior, acknowledge positive change and provide incentives to inmates to change their behavior.

Work and Programs:
To prepare an inmate for living in the community upon release, the Department of Corrections uses the assessments performed at intake to create a corrections plan for each inmate. The plan specifies the correctional programs the inmate should complete before release to best mitigate his identified risks.

Meaningful work is known to contribute to the success of offenders upon release. Many correctional programs contribute to inmates' preparedness for work (education, treatment) and others teach inmates the skills they need to gain employment and succeed in the workplace. Most Oregon state inmates have a job while
incarcerated to give them on-the-job experience.

Children and Families:
The department encourages productive relationships between families and inmates to strengthen ties and increase the likelihood of success upon release. The period of a parent's incarceration provides an excellent opportunity for positive intervention with families at risk.

The department has a strong interest in the children of incarcerated parents because they are five to six times more likely to be incarcerated than are their peers. The department leads a statewide partnership called The Children of Incarcerated Parents Project that has the best interests of children in mind. Project initiatives to date provide inmates with tools for successful parenting and allows opportunities for inmates to practice those pro-social behaviors. Three strategies initially identified are: parent education classes for inmates, a therapeutic child-centered facility serving children of female inmates, and examination of current rules and practices including visiting, mail and phones.

Reentry:
The department is involved in a statewide project that focuses on transition — a seamless movement of offenders from the community to incarceration to community supervision. The project would limit duplication of services and increase effective and efficient use of partnerships. Seven of the department's prisons have been identified as reentry facilities. These prisons are strategically located to encourage reach-in by the community. Connections with the community before release are important factors in offenders' successes on the outside, and may include work, treatment religion, and housing. Reentry prisons will be geared to preparing inmates for release during their last six months of incarceration.

Community Supervision and Programs:
There are more than 30,000 offenders on probation or post-prison supervision in Oregon communities. The department continually works in partnership with each county to develop, deliver and administer best practices regarding supervision, sanctions and programs for offenders and their families in the communities. The goal is to reduce the odds that these offenders will commit new crimes.

The ultimate goal of the Oregon Accountability Model is to improve public safety. The model ties together many concurrent and interrelated efforts of the department and its partners into a cohesive strategy to reduce recidivism and influence inmates into becoming productive citizens.

Agency Director:
Max Williams
2575 Center St NE
Salem, OR 97301
503 945-0927

Governor's Policy Advisor:
Joseph O'Leary

Legal Affairs and Affirmative Action Manager:
Benita Martin-Walls
503 934-1026

Oregon Department of Corrections
Central Administration Organizational Chart
July 17, 2008

OFFICE OF THE DIRECTOR
Director – Max Williams
503-945-0927
Deputy Director – Mitch Morrow
503-945-0927

Oregon Corrections Enterprises
Administrator – Rob Killgore
503-373-7604 ext.260

Executive Assistant
Serena Thompson
503-945-0927

Audits Administrator
Jamie Breyman
503-945-9033

Planning and Budget Administrator
Nathan Allen
503-945-9007
- Budget Office
- Budget Notes
- Performance Measures

Population Mgmt. Administrator
Guy Hall
503-378-6128 ext.222
- Capacity & Resources
- Classifications
- Community Development
- Prison Construction
- Special Needs Population

Operations
Assistant Director
Stan Czerniak
503-945-0950

Westside Institutions
Administrator
Michael Gower
- **CCCF/INTAKE** Superintendent Nancy Howton
- **CRCI** Superintendent Paula Myers
- **SFFC** Superintendent Paula Myers
- **OSCI** Superintendent Gary Kilmer
- **SCI** Superintendent Frank Thompson
- **MCCF** Superintendent Frank Thompson
- **OSP & OSPM** Superintendent Brian Belleque
- **SCCI** Superintendent Tim Causey

Eastside Institutions
Administrator
Sharon Blacketter
- **EOCI** Superintendent Rick Coursey - Acting
- **TRCI** Superintendent Don Mills
- **PRCF** Superintendent Jean Hill
- **SRCI** Superintendent Mark Nooth
- **DRCI** Superintendent Joe DeCamp - Acting
- **WCCF** Superintendent Chuck Seeley

Chief of Security
Jeff Premo
- Transport

Inmate Work Programs Manager
Greg Atkin

Operations Division Policy Manager
Kelley Morton

Chief of Inmate Services
Randy Geer

Health Services
Administrator
Bill Hoefel
- **Mental Health Svcs.** Assistant Admin. Jana Russell
- **Pharmacy Services** Assistant Admin. Patrick Vance
- **Medical Services** Assistant Admin. Heather Villanueva
- **Health Services Budget** Manager Michael Taffe

Human Resources
Assistant Director
Kim Brockamp
503-945-9029

Chief Administrator
Employee Relations & PD
Scott Brewen
- **Professional Development** Assistant Administrator Bob Koreski

HR Operations
Administrator
John Nees
- **Personnel Records** Manager Kim Mitchell

Recruitment & Background Investigations Manager
Lisa Snively

Labor Relations
Administrator
Greg Morton

Safety & Risk
Manager
Eunice Hunt

Transitional Services
Assistant Director
Ginger Martin
503-945-9062

Transition & Release
Administrator
Heidi Steward

Transitional Services
Transition Administrator
Cindy D. Booth

Offender Information and Sentence Computation
Administrator
Rob Persson

Religious Services
Administrator
Tom O'Connor
- Victims Services
- Volunteer Programs

Workforce Development
Administrator
Nichole Brown
- Education
- Cognitive Restructuring
- A & D Programs
- Children of Incarcerated Parents

Community Corrections
Chief
Mark Cadotte
- Community Corr. Act
- Field Services

Interstate Compact
Deputy Compact Admin.
Denise Sitler

Douglas County

Linn County

General Services
Assistant Director
John Koreski
503-945-9017

Facility Services
Administrator
Stephen Poage
- Benchmate
- Deferred Maintenance
- Existing Facilities and Remodels
- Wireless Communication

Distribution Services
Administrator
Don Charlton
- Canteens
- Food Services Administration
- All Warehouses
- Property Control

Fiscal Services
Administrator
Tami Dohrman
- Payroll & Benefits
- Contracts
- Purchasing
- Accounting
- Central Trust
- AFAMIS
- Statewide Business Services

Information Technology Services
Administrator
Lloyd Lowry
- System Operations
- System Development
- System User Support

Public Services
Assistant Director
Colette S. Peters
503-945-9092

Investigations
Chief Investigator
Daryl Borello

Public Services
Chief Administrator
Carolyn Schnoor
- **Hearings** Administrator Alan Scharn
- **Project Management** Manager Mary Philp
- **Research** Administrator Paul Bellatty, PhD
- **Rules** Coordinator Birdie Worley

Public Affairs and Central Support Services

Administrator
Chane Griggs
- **Public Affairs Government Relations Mgr.** Vacant
- **Public Affairs Communications Mgr.** Jennifer Black - Acting
- **Central Support Services** Manager Susan Roberts

Chart Maintained By: Eric Westerfield
Recruitment - Human Resources Analyst

V2

A. Agency Affirmative Action Policy

The Department of Corrections Policies affecting Civil Rights and Equal Opportunity:

- Policy 20.4.1, "Equal Employment Opportunity and Affirmative Action" is State Administrative Policy 105-40-001, and Policy 20.6.1, "Promotion and Maintenance of a Respectful Workplace"; deal with enforcement of Title VII of the Civil Rights Act of 1964. They identify employee rights, describe prohibited forms of discrimination, and outline the process for resolving complaints.

- Policy 20.5.16, "ADA and Reasonable Accommodation" is the federal law "Americans with Disabilities Act". This Policy provides a definition of "disability" and establishes guidelines for reasonable accommodation.

- Policy 20.4.5, "Recruitment and Selection Process" is ORS 240.145(3); 240.250; 240.306; 240.321 (2); 240.99; 249.391; OAR 105-40-010. It establishes the criteria and explains the process to be used for filling vacancies. Gender and race/ethnic diversity composition of the interview panels is established.

Other policies cover management layoff, discipline, grievance, dismissal, position management, performance management, direct and temporary appointments, etc. which are relevant to the implementation of affirmative action measures. The reader is encouraged to refer to these documents when a particular issue is under consideration.

DOC Affirmative Action 20.4.1	
Equal Employment Opportunity and Affirmation Action	20.4.1
Harassment In The Workplace Policy and Complaint Procedure (20.6)	
Promotion and Maintenance of a Respectful Workplace	20.6.1
Persons with Disabilities Policy & Procedure (20.5)	
ADA and Reasonable Accommodation	20.5.16

Other Policies – see Section VII – Appendix A

Department Mission, Vision, and Core Values	20.1.1
Code of Ethics	20.1.2
Code of Conduct	20.1.3
School-to-Work	20.4.13
Recruitment and Selection Process	20.4.5
Management and Injured Workers	20.5.17
Performance Planning	20.5.3
Violence-Free Workplace	20.6.14

B. Status of Contracts to Minority Businesses (ORS 659A.015)

ORS 659A.015 Affirmative action reports to include information on contracts to minority businesses. In carrying out the policy of affirmative action, every state agency shall include in its affirmative action reports under ORS 659A.012 information concerning its awards of construction, service and personal service contracts awarded to minority businesses.

- The Oregon Department of Corrections (ODOC) Purchasing and Contracts complies with all rules and policies pertaining to contracts and agreements with qualified Minority, Women, and Emerging Small Business (MWESB) businesses. The agency Purchasing and Contracts Unit use the Department of Administrative Services, Oregon State Procurement Information Network (ORPIN) system to look for potential vendors and adhere to the appropriate rules. All ODOC contracts and agreements are listed on ORPIN.

- Currently the Department of Corrections does not have any contracts as of June 30, 2008, be it Goods and Commodities, Trade Services, Personal Services, A and E or Public Works/Public Improvement, that have been awarded to a Minority Owned Business as they have not bid.

C. Training, Education and Development

New Employee Orientation

The department offers a 40-hour New Employee Orientation (NEO) program to all employees new to the department, prior employees who have been away from the department for two years or more, and full-time contractors. The NEO program is designed to provide new employees base-line information on the mission, vision, values, concepts, principles, policies and rules of the agency, focusing on the Oregon Accountability Model. Selected functional units, such as Inmate Workforce Development, Security Threat Group Managers, and Emergency Response Managers provide information pertaining to their responsibilities. Skill-based training such as CPR and First Aid is also included. Newly hired staff are expected to successfully complete the NEO program within their trial service period. Additionally, custody series staff are expected to complete the DOC NEO before attending the Department of Public Safety Standards and Training (DPSST) Basic Corrections Academy

Annual In-Service

Each annual 40-hour training program is designed to meet the training requirements for both custody and non-custody employees and contractors. The programs design is based on employee surveys, focus group results, outside regulatory agency requirements, and training need assessments, and the program's design and presentation is intended to further the department's mission and goals while strengthening teamwork and communication among and between staff and functional units.

Preparation for Supervision

This 32-hour National Institute of Corrections course effectively serves as an introduction to supervisory concepts and is designed for those staff who might be seen as or who want to be considered for the next generation of department management.

Management In-Service

Each year a variety of subjects are delivered which are specific to the needs and duties of department management employees. This 16-hour intensively interactive course provides participants with a standard set of knowledge and skills focusing on leadership and decision-making, communication, management of security, legal issues, ethics, and personnel procedures.

Contractor Orientation

This one-day program, specifically designed for the part-time contractor (less than 20 hours per week), provides the information needed for them to work within the department in a manner that is both safe and constructive for the worker, the inmates, and other staff with whom they will have contact. The program includes presentations on work-place safety, professional conduct, working with inmates, including special-need inmates, and institution security practices and protocols.

Director's Academy

The Director's Academy is a one-week long training for management service employees. The agency Executive Management Team, including the director, deputy director, and assistant directors, are the presenters of these leadership classes.

Leadership Training and Succession Planning

Staff Development and Leadership Work Plan (LWP)

At the start of each new performance evaluation cycle, all ODOC managers/supervisors meet with their subordinate staff for a performance evaluation and review of the past year, and develop new goals and objectives for the coming year. The LWP can be integrated into that cycle or can be customized for each staff member at a mutually agreed upon time during the year.

The purpose of this work plan is two-fold:

1. **To further career growth.** ODOC is committed to helping each employee reach his/her full potential. Exploring and discussing career aspirations and goals with subordinates is part of a supervisors job, but should also come at the behest of any member of the DOC staff interested in career development.

2. **For succession planning purposes.** ODOC is committed to preparing staff for future appointments to key positions in the department by offering appropriate training and development activities. If the employee is in a career path, or interested in future appointment to one of the departments key positions, he/she should be advised about the type of knowledge, skills, abilities and leadership qualities management will be looking for in the candidate field. The training and activities should relate to helping the candidate master those requirements in an effort to become as competitive as possible for those future leadership opportunities.

A set of leadership qualities each candidate should possess in order to be successful for key positions follows. Not every target group contains key positions, but all are valid career paths.

Leadership Qualities

1. A Leader is Creative and Resourceful
- Sees beyond the current state of affairs.
- Develops new responses to situations.
- Identifies and applies useful and unique approaches and solutions to problems even when they are presented from other sources.
- Explores innovative solutions, including seeking new and/or improved ways to serve the needs of the department's increasingly diverse inmate population, staff and community.

2. A Leader is Tolerant of Ambiguity and Change
- Deals with unresolved situations, frequent change, delays or unexpected events calmly and with clear reasoning.
- Maintains a mature, problem-solving approach while dealing with conflicting priorities, interpersonal conflict, positional differences, hostility, hazardous conditions or time demands.
- Perseveres with an appropriate course of action, despite obstacles and resistance.
- Responds in a consistent and stable manner during a crisis.

3. A Leader Possesses Self Discipline and Credibility
- Demonstrates ethical standards, credibility and integrity that exemplify the mission, vision and values of the department.
- Fosters a respectful, healthy workplace environment.
- Possesses a high degree of self-control and direction.
- Operates in a manner that effectively represents the department's policies and priorities.
- Follows through with projects and initiatives to ensure their successful completion.

4. A Leader Understands the Political Environment
- Works in a way that is mindful of the political dynamics of state/local government and communities.
- Understands intra- and inter-agency dynamics and how they affect one another.
- Understands that politics influences outcomes and strategically uses or defuses that energy.
- Responds to political mandates and legislative inquiries/initiatives.
- Uses political savvy and influence consistent with the policies and priorities of the department.

5. A Leader Demonstrates Systems Thinking
- Understands that organizations are interdependent and that change to one area of the organization could affect operations in other areas.
- Thinks in terms of each element as part of a complex system.
- Understands the Oregon Accountability Model, both as a philosophical abstract and as a conceptual framework from which to begin the process of fundamentally changing inmate behavior.
- Uses their knowledge in problem solving, planning and change.

6. A Leader Navigates Within the Organization
- Uses information about the organizational climate and key individuals to accomplish organizational goals.
- Recognizes the importance of stakeholders, timing, and group dynamic processes in influencing decisions.

- Identifies support and resistance.
- Adjusts strategies to fit the organizational climate.
- Understands the cyclical nature of government and the functions within it.

7. A Leader Takes Risks

- Knows when and how to question the status quo.
- Listens to diverse ideas and viewpoints.
- Makes strategic and thoughtful evaluations.
- Has the courage to take calculated risks and accept and deal with the outcomes.
- Encourages and rewards informed risk-taking in others.
- Learns from both success and failure.

8. A Leader Recognizes and Develops Staff Potential

- Understands the value of communication and places a high priority on developing professional relationships with staff, labor organizations, inmates, and the community.
- Makes a personal commitment to career development activities that ensure leadership succession.
- Understands the value of diversity in the workplace, recruits the best talent, and maximizes agency performance by using those diverse talents.
- Supports employees in reaching their maximum potential while holding them accountable for the department's mission and values.
- Sets an example by applying the OAM principles of role modeling, reinforcing and redirecting.

9. A Leader Possesses Expertise in Correctional Programs and Fiscal Management

- Has a working knowledge of programs provided by the department and is able to use this knowledge effectively and make it understandable to others.
- Effectively communicates knowledge of the department's programs and financial policies.
- Possesses sufficient financial expertise to manage institution or program budgets and adapt to budgetary changes and other challenges.
- Conducts a rigorous evaluation of fiscal resources, selects the most effective option, and makes difficult funding decisions.

These qualities have been identified for all key positions. If an employee wants to be a candidate for a key position, he/she needs to participate in training and development activities that concentrate in those areas. Working with their supervisor, they should agree on activities that will help them gain experience and knowledge in that area.

Any of the following activities or combinations is possible. Supervisors and employees may decide on other equally effective activities.

- Formal training courses provided by vendors off-site
- Formal training courses provided by vendors or training staff in-house
- On-the-job training
- Special assignments
- Assignments to task forces or workgroups
- Customized individual coaching and/or mentoring
- Pairing with an experienced worker
- Job rotation
- Job shadowing
- Loaned executive programs to other agencies
- Computer-assisted training
- Seminars or lunch time training sessions given by supervisor or division staff
- Obtaining advanced degrees or taking college courses

Activities must also necessarily be limited to available resources. However, creativity and resourcefulness should be used to ensure those activities that can be achieved are pursued.

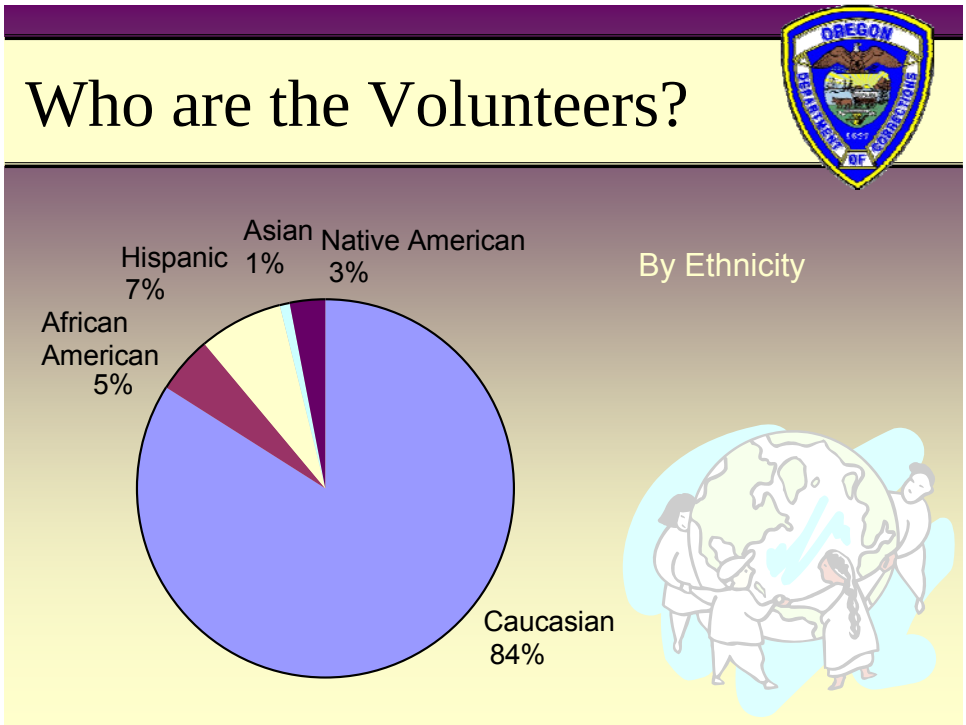
Volunteers

There are currently about 2100 active volunteers who come in regularly to provide service to the incarcerated. They come from every race, socio-economic background, religious/spiritual tradition, educational background, marital status, sexual orientation and culture. Men and women are almost equally represented as volunteers. Their common bond is the desire to make a difference.

Each volunteer is required to complete a self-paced training module and four hours of classroom training. The training emphasis the need to treat everyone with respect and to treat all inmates the same. Religious volunteers are taught that they may not discuss any religious/spiritual tradition but their own. They must refer questions about another tradition to a volunteer from that tradition. Volunteers are made aware that there is a prison culture and how to be effective within that culture.

Quarterly, we publish a Volunteer Newsletter. The purpose of the newsletter is to continue training through targeted articles. The last issue in 2007 featured an article written by the wife of a Hispanic inmate in which she talked about the effects of incarceration on her and her children. The 1st Quarter 2008 newsletter dealt with mental illness in our inmate population. The third quarter newsletter presents the issue of children of incarcerated parents.

It is the goal of the volunteer program to recruit volunteers who best meet the needs of the incarcerated without respect to race, gender, culture, sexual orientation or religious/spiritual background. It is also our goal to promote understanding and tolerance.



The Evolution of Respectful Workplace Training
DOC Professional Development Unit

In 2003, the Oregon Department of Corrections unveiled a cutting edge concept of seamless supervision and successful transition of offenders titled "Oregon's Approach to Offender Accountability," or what involved stakeholders have come to know as the Six Components of the Oregon Accountability Model or OAM.

During the first year of the OAM, institutional staffs were first introduced to the component of **Staff and Inmate Interaction** during their annual in-service training weeks. This component was based upon the three R's; Role Model, Reinforce and Redirect. The OAM presented a unique opportunity for the Oregon DOC's Professional Development Unit. The questions most asked was, "How should we best present the OAM so that from the seasoned veteran to non-institution staff to the newly hired, fresh out of New Employee Orientation staff member, all may envision and appropriately apply the linkages between how their daily interaction and intervention with offenders can ultimately contribute to successful transition?" One way was to build on the foundation of our best correctional practices.

As we look at the three R's, it is the first R, Role Model that calls upon our staff to actively portray appropriate pro-social behavior as an integral part in the success of the OAM. When we talk about role modeling appropriate pro-social behavior and holding ourselves to a true level of civility, we must first look to each other and work toward a truly civil level of respect for what we all bring to the table. In previous years, when society talked about the level of diversity that a company had this typically referred to how many people of color were employed. In Oregon, we have captured a broader definition that paints diversity as what a person's life experiences are, what their work experience is, along with how they were raised (who were their role models), their ethics and their morals. In essence, diversity is what an employee brings to the table or what they have to positively contribute to the successful and ongoing growth of the department.

In January of 2003, the Staff Training and Employee Development section of the ODOC, presented a total of 13 hours of core curriculum dedicated to the Oregon Accountability Model to staff during their annual in-service classes. This resulted in more than 25% of the total curriculum, presented to those staff in attendance, being focused on; recognizing diversity in each other and holding ourselves accountable.

In 2004, the department faced challenges in the form of federal lawsuits and investigations by both internal and external agencies involving sexual harassment and respectful workplace policy violations. As part of the final settlement, for one group of lawsuits, Snake River Correctional Institution hired a Respectful Workplace Monitor (RWM). The RWM position was a two-year temporary hire that would work with Represented Staff and Management to establish consistency in the administrative and investigatory processes while working as a resource along with Human Resources to alleviate staff's fears and to combat the Code of Silence that can sometimes evolve in close-knit work environments such as Corrections. While building upon the previous years teaching, the core curriculum for the 2004 in-service classes provided staff with evidenced-based results of their initial efforts based upon appropriate practices and application of the six components of the OAM.

In an effort to also improve the relationship between represented staff and management, managers throughout the state, were called upon to facilitate and/or co-facilitate a four-hour module entitled, "Our Civil Environment Respectful Work Place: A Sense of Stability." This particular module brought to light many of the challenges that staff encounter in regards to adhering to our policies of; Respectful Workplace, Code of Conduct, Code of Ethics and Violence Free Workplace.

For the 2005 in-service year, in a pro-active and preventative maintenance style to promote a respectful and harassment free work environment, our core curriculum was based upon what has been termed "turning the corner methodology." Six hours was devoted to providing staff with a higher level of explanation by providing the definitions for; diversity, Federal and State law, as it pertains to protected class status, along with a review on ODOC Rules, Policies and Procedures related to workplace harassment, violence free and respectful workplace issues. By the term "turning the corner," random selections of staff were asked to participate in a "needs assessment" during the previous year. In this assessment, in a survey form e-mailed to those selected, staff are asked to rank previous in-service modules based upon what they would like to have as the core curriculum for the next year. In 2004, these staff asked to once again have a presentation on sexual harassment and respectful workplace curriculum. Staff themselves recognized the ongoing need for review. However, and here is where we turn the corner in 2005, staff wanted more information on the administrative and investigatory processes to enable them to better understand what their rights were if involved in this type of situation or so that more importantly they may also be those informed resources for their co-workers. Through three hours of the module, "Professional Boundaries: A Key to the OAM" staff are privy to a thirty-minute taped interview of Director Williams and Deputy Director Mitch Morrow as they have a conversation on the Code of Silence and its detrimental impact on staff morale and ultimately the safety and security of our work environments.

As the 2006 in-service program unfolded, the Oregon Department of Corrections once again took the delivery methodology of their classes to another level. As a way to bridge the rift between Management and represented staff, one of the thirteen strategic initiatives for the 2005-2007 biennium, Enhance Staff Training, emerged. The foundation of this initiative and the driving force behind it was to enable managers to take a more active role in the in-service process.

The core curriculum in 2006, developed by the re-titled and re-organized Professional Development Unit, once again provided focus on recognizing diversity in others, and reinforced the policies on; Code of Conduct, Respectful Workplace, Code of Ethics and Violence-free Workplace.

For the 2007 Annual Training year, Personal Success, Professional Ethics, and Team Effectiveness were all subjects in the Core training. The training was designed to get employees thinking about how off duty behavior can effect reputations at work, and how personal accountability leads to team effectiveness.

The 2008 training year brought about a number of challenges for the Professional Development Unit. Training curriculum was prepared, adjunct instructors were trained, the training calendar was posted, then half way through the year, all but State and Federally mandated training was stopped due to budgetary reasons. Roughly half of DOC's 4,000 employees received training in Professional Boundaries, teams and valuing others, and Respectful Workplace before the training hiatus.

So what is in store for 2009-11? As a department, we once again will focus on a blended approach to learning delivery to help with the budgetary challenges we face and will face in the future but the topics will continue to be those to improve the working relationship between employees. Topic will include What Works, Personal Success, Professional Ethics and Team Effectiveness and a module on Respectful Workplace that incorporates many of the high points from previous year curriculums that have been updated. The ODOC is leading the way in the Governor's training mandate for Domestic Violence, anticipating that all Management Staff and HR employees will be trained by February 2009. Curriculum will also be available for all ODOC staff to attend.

D. Status of Cultural Competency Assessment / Implementation

Reference Appendix H, Governor's Executive Order 05-01 Affirmative Action, repeated I Executive Order 08-18.

> *"Cultural Competency Assessment and Training is a proactive management strategy within a program of Affirmative Action that is designed to reduce discriminatory behaviors and practices that may exist; and*
>
> *The State of Oregon, by and through the agencies, boards and commissions of the Executive Branch, values the principles of equal employment opportunities, affirmative action and diversity and should proactively lead the State on issues of equality and diversity and on the promotion of Affirmative Action.*
>
> *The Director of Affirmative Action shall provide to all state agencies a list of approved firms that provide Cultural Competency Assessment and Training. The services of these firms are intended to enable state agencies to address the following objectives:*
>
> - *The creation of a climate of increased cultural awareness;*
> - *An ability to appropriately identify and respond to cultural and language barriers;*
> - *A common understanding of how all members of the organization should be valued and respected;*
> - *Promotion of managerial skills among diverse populations of employees;*
> - *An understanding of the roles of employers and employees in creating a welcoming environment; and*
> - *The improvement of employee morale."*

Status

Oregon's labor pool diversity coupled with an on-going need to recruit and retain a skilled workforce has made the creation of a culturally competent organization imperative. The demographics of today's workforce continue to change. To maintain a viable workforce, organizations must embrace the competitive edge found in employees with diverse skills, perspectives and backgrounds.

Implementation of a cultural competency program and creation of an inclusive organizational culture can provide a competitive advantage for the Department. Because the greater society is constantly evolving and becoming more diverse and dynamic, while the labor pool is becoming increasingly restricted, every effort should be made to create an effective organizational culture, which maximizes efficiency and productivity, and an individual sense of being valued among all employees.

Methods and Findings

Research to formulate the business case for this concept was completed in three distinct steps:

- Evaluation of the current organization state;
- Definition of the desired organization state; and
- Selection of recommendations to the ODOC Policy Group.

Evaluation of the current organization state

The state of the Department as it relates to diversity and cultural competency is complex. A one-dimensional, somewhat brief and high-level appraisal can only recognize that multiple issues and potential challenges exist around the subject of diversity and cultural competency within the ODOC.

One could easily say that there is not common agreement amongst the 4500 employees of the department as to the preferred outcome of an initiative such as this. Of course, these varied beliefs merely reflect those found in society as a whole, but they have special potency for the agency when one remembers that direct service is being provided in multiple locations by those 4500 employees at all times.

One reasonably recent frame of reference comes from ODOC Religious Services and its sponsorship of Lee Mun Wah's *Unlearning Racism and Sexism* seminar. The seminar's goal was to provide a forum for participants to discover conscious and unconscious ways in which racism has affected their lives. ODOC employees, contractors and volunteers from throughout the department made up the diverse group of seminar participants who completed evaluations of the seminar. ODOC Research Unit assessed the evaluations, which resulted in anecdotal information.

The anecdotal information extrapolated from seminar evaluations by the Research Unit clearly outlines the occurrence of activities which demonstrate a lack of cultural competence on the part of some employees, contractors and volunteers. Numerous first hand stories about incidents of racism, sexism and ageism were reported during the seminar. Additionally, during fiscal years 2000 to 2006, 878 total discrimination claims were filed; 18 percent of all claims resulted in payment. These data should be a component included in a comprehensive assessment of the information regarding discrimination within the workplace.

A moderate amount of difficulty was encountered when attempting to locate statistical information to confirm or refute the need for a cultural competency program. The lack of a comprehensive and integrated Human Resources data base and system hampered this part of our research. In the future, efforts will be required to define the human resource metrics, which clearly substantiate or refute achievement of a culturally competent state for the Department.

Definition of the Desired Organization State

Definitions of cultural competency are numerous and varied with the majority focusing on cultural competency as a process versus a state of being. Although this business case does not provide a Department definition of *cultural competency*, common themes found in most definitions of cultural competency include:

1) Individuals, agencies, or systems; that possess
2) A set of values, beliefs, attitudes, practices and policies, which promote, encourage or facilitate
3) Respect, tolerance and acceptance, of
4) Cultural differences, cultural contexts and cultural needs of oneself or others.

If we were to take this generic definition further towards an ODOC definition, we would want to include concepts such as:

1) Consistently held
2) Sustainable over distance and time
3) Connected to the department mission

Recommendations

In keeping with recommended Implementation Strategies found elsewhere in this plan, it is recommended that the DOC develop and implement a dynamic Cultural Competency program for the following purposes:

- Define *cultural competency* for the Department.
- Provide training to Department employees, contractors and volunteers on the topics of cultural competency and diversity.
- Evaluate the ability of Department policies and procedures to facilitate the development of a culturally competent organization (e.g., Human Resource policies, procedures and practices).
- Develop recruitment and retention practices aimed at hiring and developing individuals from diverse cultural backgrounds. The Department's culture must always be found in pursuit of that ideal state of becoming respectful, inclusive and hospitable for all employees.

Action should be taken to address these components to ensure the workplace for current employees is respectful and tolerant, policies and procedures do not impede the creation of a cultural competent organization, and current employees are retained and future employees with diverse backgrounds, experiences and world-views, are recruited.

Oregon Department of Corrections

2009-2011 AFFIRMATIVE ACTION PLAN

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Managers and employees are accountable for creating and promoting a work environment that is free from any kind of hostility or unwelcome behavior. These principles will also apply to our dealings with contractors, volunteers, victims, vendors and the public. We expect managers to participate and encourage others to participate in the agency's activities designed to promote affirmative action.

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IV. Roles for Implementation of Plan

Responsibilities and Accountabilities

The success of the Affirmative Action Program depends upon commitment and leadership of employees at all levels of the organization.

Director

The director has committed the department to a policy of equal employment opportunity and maintains an active interest in the attainment of affirmative action goals and objectives. The director has overall responsibility to:

- Implement the policy and Affirmative Action Plan.
- Monitor progress toward meeting Affirmative Action Plan goals and objectives.
- Ensure compliance with all applicable federal and state laws, rules, and regulations.
- Ensure division administrators understand they are responsible for participating in and promoting affirmative action activities and for communicating this same responsibility to their subordinate managers and supervisors. The effectiveness of managers and supervisors in promoting the affirmative action activities, goals, and objectives for DOC will be included in the annual performance appraisals. **ORS 659A.012 State agencies to carry out policy against discrimination in employment; evaluation of supervisors; affirmative action reports** (1) states:

  "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 key consideration of the manager's or supervisor's performance."

Communications Manager

- Include articles in the department newsletters, "Corrections Briefings" and "Corrections News", which express the director's commitment to promoting a diverse workforce and environment. Articles relating to equal employment opportunity, affirmative action, and the ongoing development of a diverse workforce, and the efforts and progress made toward meeting department goals in these areas are some examples. Ensure that newsletter articles about employees are non-discriminatory in their portrayal of employees' gender, ethnic heritage, disability, or other non job-related characteristics.

Assistant Directors

The agency assistant directors will be responsible for initiating, administering, and controlling affirmative action activities within their functional area to assure full implementation of the policy. Specific responsibilities are to:

- Establish a positive climate for program success within their sections.
- Hold regular discussions with section managers to be certain they understand and follow the Affirmative Action Plan.

- Ensure that affirmative action implementation activities carry out, as they apply to their units.

- Ensure work performance of subordinate managers and supervisors is evaluated on their affirmative action efforts and results, as well as other criteria, and performance appraisal of each section manager includes a key component evaluating the manager's accomplishments in integrating an appreciation of cultural diversity into the everyday work habits, patterns and thinking of his or her staff. Chief among these responsibilities are to:
  - Accomplish the affirmative action hiring goals for his or her section.
  - Assure staff members are aware of the department's discrimination complaint process, and the appropriateness of using it without fear of retribution.
  - Establish a work environment and culture both supportive of cultural diversity and responsive to customers in the service area.
  - Work whenever possible with community groups and leaders assuring the department is an agency known as committed and responsive to affirmative action and cultural diversity values.

Appointing Authorities

Appointing authorities have primary responsibility for the success of the program through their direct supervisory role. Specific responsibilities are to:

- Become thoroughly familiar with the details of the Affirmative Action Plan as they apply to their section/unit, and monitor progress of hiring and promotions, in relation to goals.

- Communicate the Affirmative Action Plan by
  - informing all new employees of the plan
  - maintaining a readily available copy of the plan for employees to read
  - discussing the plan and the progress being achieved at staff meetings
  - EEO and sexual harassment issues information distributed to staff.

- Provide assistance in the identification of problem areas and establish functional unit objectives to meet affirmative action goals.

- Maintain active involvement, whenever possible, as a representative of the Department of Corrections with local minority organizations, women's organizations, and organizations representing the disabled.

- Review training programs and hiring/promotion patterns to remove impediments to the attainment of goals.

- Put forth individual efforts and achieve results in Equal Employment/Affirmative Action objectives, and have these evaluated via the performance appraisal process.

- Maintain a work environment free from harassment of any kind, and report barriers to affirmative action existing within offices/sections to the appropriate Department of Corrections Human Resources Analyst (includes incidents of reported or known harassment on the basis of sex, race, color, national origin, religion, age, mental or physical disability).

- Take positive steps to recruit and locate qualified women, people of color, and people with disabilities for vacant positions. Select qualified candidates in light of affirmative action goals.

- Attend, and encourage employees to attend, EEO/AA training programs.

- Encourage upward mobility for employees who are women, people of color, and/or people with disabilities by becoming familiar with the career development opportunities which may occur

in the department, by evaluating positions for restructuring or establishing special upward mobility positions, and be reviewing employee training and career plans to determine appropriate development assignments.

Assistant Director, DOC Human Resources Division

- Manage the Affirmative Action Plan and implementation.
- Recognize policy needs and initiate necessary policy changes.
- Review quarterly, the progress the department is making toward achieving their affirmative action goals.
- Recommend the annual goals to the Executive Staff.
- Provide oversight and review of all civil rights (Title VII) complaints of discrimination in employment.

Human Resources Managers/Analysts

The Human Resources Managers/Analysts serve as technical advisor to assigned functional units. Specific responsibilities are to:

- Provide and/or refer employees for counseling related to informal discrimination complaints.
- Maintain statistical information on race, sex, and disability with respect to personnel actions.
- Assist management in ensuring administration of union contracts are in a nondiscriminatory manner.
- Assist management in ensuring internal discrimination complaint procedures are followed.
- Attempt to resolve all discrimination and sexual harassment complaints within assigned units.
- Conduct civil rights investigations where appropriate.

Recruitment and Career Services Unit Manager

- Participate in job fairs and career days with an emphasis on opportunities for women, people of color, and people with disabilities.
    - Participate in minority group meetings/partner with minority groups.
- Evaluate job announcements, applicant testing, hiring practice, employment policies, and report to the Assistant Director, DOC Human Resources Division any having an adverse impact on women, people of color, or people with disabilities.
- Review hiring and promotion patterns, training programs, job descriptions, and work assignments to identify and remove any barriers to equal employment opportunity.

Legal Affairs and Affirmative Action Manager

The Affirmative Action Manager has responsibility for the Affirmative Action Plan and ensures completeness and operational effectiveness of the program. Specific responsibilities are to:

- Develop the written Affirmative Action Plan and Publicize its content internally and externally.

- Keep management informed of the latest developments (law and rule changes, etc.) in the EEO/AA area and measure the effectiveness of the department's program.

- Determine the degree to which the department has attained goals and objectives, indicate need for corrective action if necessary and provide such information to the director, deputy director, and assistant directors on a semi-annual basis.

- Provide an annual update of the Affirmative Action Plan to department administration.

- Serve as a liaison between the department and minority organizations, women's organizations and community action groups concerned with employment opportunities of women, people of color, and people with disabilities.

- Receive complaints of discrimination from employees and applicants with the department Attempt to resolve internal discrimination and sexual harassment complaints and serve as a liaison between the department and Civil Rights enforcement agencies (EEOC and BOLI).

- Keep the Assistant Director, DOC Human Resources Division, and the DOC Director informed of complaint activity and provide advice to the Assistant Director, DOC Human Resources Division and staff on discrimination complaint cases.

Managers and Supervisors

Take steps to select, retain and promote people of color, people with disabilities, women and other protected classes.

- Provide tools and resources for employees to interact with each other from all backgrounds.

- Create and promote a work environment that is free from any kind of hostility or unwelcome behavior.

- Promote Cultural Awareness.

- Involve the manager or supervisor in strategies to evaluate the unit's work force, develop goals for the fair representation of women, people with disabilities and minorities, and sketch timetables for achievement of those goals.

- Evaluate the manager or supervisor annually on his/her contribution to the establishment of a culturally competent work environment.

- Attend meaningful activities related to cultural competency:
    - Training, Workshops
    - Workgroup Meetings
    - Culturally-specific activities.

Internal Monitoring and Evaluation

Responsibilities

- The Assistant Director for Human Resources has overall responsibility to ensure the agency is following Equal Opportunity and Affirmative Action guidelines of the EEOC and the Governor's Office of Affirmative Action. Human Resources policies and practices will be reviewed for compliance.
- The Legal Affairs and Affirmative Action Manager has the responsibility of monitoring, evaluating, and reporting the effectiveness of the Affirmative Action Plan and gives advice and makes recommendations to the Assistant Director for Human Resources and to the Executive Management Team and/or Functional Unit Managers, as needed.
- Hiring managers request lists of applicants appropriate to the recruitment.
- Recruitment and hiring managers monitor the selection of applicants, ensuring that women, people of color, and people with disabilities are considered and selected in accordance with the collective bargaining agreements and applicable statutes policies and rules.

Purpose

- Monitoring affirmative action activity;
- Identifying weak areas of recruitment;
- Improving identified weak areas;
- Identifying long term trends;
- Tracking the retention and departure rates of employees who are women, people of color and people with disabilities; and
- Identify effective affirmative action activities.

Methods for Monitoring and Reporting the Affirmative Action Program

- Maintain affirmative action reports, guides, records, and statistics;
- Analyze statistical reports;
- Evaluate managers performance in all areas of diversity and affirmative action;
- Determine that interview and selection methods are appropriate to each recruitment;
- Compare the number of women, people of color, and people with disabilities hired to the department's goals;
- Discuss employee performance or retention problems with supervisors to identify methods for improvement;
- Conduct exit interviews to learn the reason for resignation and how the department might improve working relationships if applicable; and
- Report on an annual basis to the director of department the progress and efforts made toward accomplishment of goals and objectives, and recommendations for improvement, if necessary.
- Brief administrators and executive staff annually on workforce composition and Affirmative Action progress.

Assessment Tools

- Affirmative action reports generated quarterly by DAS; and
- Statistics on number of BOLI, EEOC and tort claims filed alleging discrimination or harassment.

Oregon Department of Corrections

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Responsibilities and Accountabilities

Director

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- ☐ *Monitor progress toward meeting Affirmative Action Plan goals and objectives.*
- ☐ *Ensure compliance with all applicable federal and state laws, rules, and regulations.*
- ☐ *Ensure division administrators understand they are responsible for participating in and promoting affirmative action activities and for communicating this same responsibility to their subordinate managers and supervisors. The effectiveness of managers and supervisors in promoting the affirmative action activities, goals, and objectives for DOC will be included in the annual performance appraisals.* ***ORS 659A.012 State agencies to carry out policy against discrimination in employment; evaluation of supervisors; affirmative action reports*** *(1) states:*

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Responsibilities and Accountabilities

Assistant Directors

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The agency assistant directors will be responsible for initiating, administering, and controlling affirmative action activities within their functional area to assure full implementation of the policy. Specific responsibilities are to:

- ☐ *Establish a positive climate for program success within their sections.*
- ☐ *Hold regular discussions with section managers to be certain they understand and follow the Affirmative Action Plan.*
- ☐ *Ensure that affirmative action implementation activities are carried out, as they apply to their units.*
- ☐ *Ensure work performance of subordinate managers and supervisors is evaluated on their affirmative action efforts and results, as well as other criteria, and performance appraisal of each section manager includes a key component evaluating the manager's accomplishments in integrating an appreciation of cultural diversity into the everyday work habits, patterns and thinking of his or her staff. Chief among these responsibilities are to:*
  - ☐ *Accomplish the affirmative action hiring goals for his or her section.*
  - ☐ *Assure staff members are aware of the department's discrimination complaint process, and the appropriateness of using it without fear of retribution.*
  - ☐ *Establish a work environment and culture both supportive of cultural diversity and responsive to customers in the service area.*
  - ☐ *Work whenever possible with community groups and leaders assuring the department is an agency known as committed and responsive to affirmative action and cultural diversity values.*

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Responsibilities and Accountabilities

Appointing Authorities

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Appointing authorities have primary responsibility for the success of the program through their direct supervisory role. Specific responsibilities are to:

- ☐ *Become thoroughly familiar with the details of the Affirmative Action Plan as they apply to their section/unit, and monitor progress of hiring and promotions, in relation to goals.*

Communicate the Affirmative Action Plan by:

- ☐ *informing all new employees of the plan*
- ☐ *maintaining a readily available copy of the plan for employees to read*
- ☐ *discussing the plan and the progress being achieved at staff meetings*
- ☐ *EEO and sexual harassment issues information distributed to staff.*

- ☐ *Provide assistance in the identification of problem areas and establish functional unit objectives to meet affirmative action goals.*
- ☐ *Maintain active involvement, whenever possible, as a representative of the Department of Corrections with local minority organizations, women's organizations, and organizations representing the disabled.*
- ☐ *Review training programs and hiring/promotion patterns to remove impediments to the attainment of goals.*
- ☐ *Put forth individual efforts and achieve results in Equal Employment/Affirmative Action objectives, and have these evaluated via the performance appraisal process.*
- ☐ *Maintain a work environment free from harassment of any kind, and report barriers to affirmative action existing within offices/sections to the appropriate Department of Corrections Human Resources Analyst (includes incidents of reported or known harassment on the basis of sex, race, color, national origin, religion, age, mental or physical disability).*
- ☐ *Take positive steps to recruit and locate qualified women, people of color, and people with disabilities for vacant positions. Select qualified candidates in light of affirmative action goals.*
- ☐ *Attend, and encourage employees to attend EEO/AA training programs.*
- ☐ *Encourage upward mobility for employees who are women, people of color, and/or people with disabilities by becoming familiar with the career development opportunities which may occur in the department, by evaluating positions for restructuring or establishing special upward mobility positions, and by reviewing employee training and career plans to determine appropriate development assignments.*

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- ☐ *Were steps taken to improve recruitment, selection, retention, or promotion of People of Color, people with disabilities, women, and other protected classes?*
- ☐ *Did the number of the People of Color, people with disabilities, and women increase in your functional unit since last biennium?*
- ☐ *Were People of Color, people with disabilities, and women promoted within your functional unit in the last year?*
- ☐ *Did the functional unit identify how many generations of employees co-exist within the agency? How many?*
- ☐ *Did the functional unit identify any specific generations where there are challenges in recruitment, retention and promotion?*
- ☐ *Does the manager or supervisor evaluate its unit's work force, develop goals for the fair representation of women, people with disabilities and minorities, and sketch timetables for achievement of the affirmative action goals?*
- ☐ *Does the functional unit's strategy include an ongoing review and evaluation of it's hiring practices?*
- ☐ *Does the functional unit monitor promotional opportunities for equal access?*
- ☐ *Do the goals of the functional unit include enforcing performance evaluation of its management and supervisory personnel on the basis of their involvement in achieving the affirmative action objectives?*
- ☐ *Is the manager/supervisor involved in meaningful activities which provide maintenance of the plan?*
  - *Trainings, Orientations*
  - *Workgroup Meetings*
  - *Cultural Awareness*
  - *Other*
- ☐ *Does the strategy provide tools and resources for employees to interact with each other from all backgrounds? How?*
- ☐ *Does the strategy include a creation of a welcoming environment?*
- ☐ *Does the strategy include job rotation for temporary assignments?*
- ☐ *Are under-represented employees encouraged to participate in job rotations?*
- ☐ *What tools, resources and support does the department provide employees to prepare for job reassignment?*
- ☐ *What tools, resources and support does the employee receive when they do not succeed at achieving permanent reassignment through the job rotation?*

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Communications Manager

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☐ *Include articles in the department newsletters, "Corrections Briefings" and "Corrections News", which express the director's commitment to promoting a diverse workforce and environment. Articles relating to equal employment opportunity, affirmative action, and the ongoing development of a diverse workforce, and the efforts and progress made toward meeting department goals in these areas are some examples. Ensure that newsletter articles about employees are non-discriminatory in their portrayal of employees' gender, ethnic heritage, disability, or other non job-related characteristics.*

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Responsibilities and Accountabilities

Assistant Director, DOC Human Resources Division

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- ☐ *Manage the Affirmative Action Plan and implementation.*
- ☐ *Recognize policy needs and initiate necessary policy changes.*
- ☐ *Review quarterly, the progress the department is making toward achieving their affirmative action goals.*
- ☐ *Recommend the annual goals to the Executive Staff.*
- ☐ *Provide oversight and review of all civil rights (Title VII) complaints of discrimination in employment.*

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Responsibilities and Accountabilities

Legal Affairs and Affirmative Action Manager

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The Affirmative Action Officer has responsibility for the Affirmative Action Plan and ensures completeness and operational effectiveness of the program. Specific responsibilities are to:

- ☐ *Develop the written Affirmative Action Plan.*
- ☐ *Publicize its content internally and externally.*
- ☐ *Keep management informed of the latest developments (law and rule changes, etc.) in the EEO/AA area.*
- ☐ *Measure the effectiveness of the department's program.*
- ☐ *Determine the degree to which the department has attained goals and objectives.*
- ☐ *Indicate need for corrective action.*
- ☐ *Provide such information to the director, deputy director, and assistant directors on a semi-annual basis.*
- ☐ *Provide an annual update of the Affirmative Action Plan to department administration.*
- ☐ *Serve as a liaison between the department and minority organizations, women's organizations and community action groups concerned with employment opportunities of women, people of color, and people with disabilities.*
- ☐ *Serve as a liaison between the department and Civil Rights enforcement agencies (EEOC and BOLI).*
- ☐ *Receive complaints of discrimination from employees and applicants with the department.*
- ☐ *Attempt to resolve internal discrimination and sexual harassment complaints.*

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The Human Resources Division Staff responsibilities are to make good-faith efforts defined as significant measurable attempts to reach affirmative action goals and to carry out the intent of this plan. Such efforts may be demonstrated in the following manner:

- ☐ *Records substantiating that a policy statement committing the agency to equal employment opportunity and affirmative action practices has been issued to the staff. Records substantiating that the agency's Affirmative Action Plan has been made available to all employees.*
- ☐ *Records substantiating that managers and supervisors within the work unit have received Respectful Workplace and Cultural Diversity training.*
- ☐ *Records substantiating the provision of reasonable accommodation to persons with disabilities.*
- ☐ *Records substantiating that all eligible persons are encouraged to receive training regardless of their protected class.*
- ☐ *Records substantiating that part-time, training, and seasonal employment opportunities are made available to protected class persons.*
- ☐ *Records substantiating that the State's EEO policy and Federal EEO policy is posted in the work unit.*
- ☐ *Records substantiating dissemination of the EEO grievance procedure to all staff.*
- ☐ *Documentation of each organizational unit's progress toward meeting goals to address underutilization.*
- ☐ *Records documenting exit interviews and non-discriminatory reasons for leaving.*
- ☐ *Records substantiating actions taken to reduce and/or eliminate illegal discrimination and/or harassment complaints.*
- ☐ *Records documenting the ethnic/gender composition of interview panels.*

(continued)

- ☐ *Records documenting actions or efforts undertaken to meet the State's affirmative action objectives.*
- ☐ *Review of applicant flow and hiring data for all local list position recruitment, and an analysis of adverse impact where it is found to exist;*
- ☐ *An analysis of new hires, promotions, terminations, and protected group members participation in employee training opportunities, to be compared with the problem area analysis conducted at the time of the plan preparation;*
- ☐ *A description of the procedure by which internal reports are reviewed by management;*
- ☐ *A description of the procedures used to inform top management of problem areas and recommended corrective measures;*
- ☐ *Consideration of changes in goals and objectives to meet agency's changing employment needs;*
- ☐ *Establishment of a procedure for evaluating each supervisor's progress toward achieving the goals of the agency's affirmative action plan;*
- ☐ *Analysis of the effectiveness of supplemental certification requests and appointments;*
- ☐ *Analysis of discrimination complaints regarding equal opportunity during the reporting period.*
- ☐ *Review of progress on implementation of programs developed to achieve goals.*
- ☐ *Review composition of interview panel members*
- ☐ *When exit interviews are used, questions should include information about work climate and affirmative action issues.*
- ☐ *Support data shall be compiled and retained by the agency as part of the Affirmative Action Program, to be made available to the Governor's Affirmative Action Office upon request.*

Everyone at Corrections is a vital part of promoting and achieving diversity in the workplace. As employees, we are committed to ensuring equal employment opportunity for all employees and applicants for employment regardless of their race, religion, color, sex, national origin, age, political opinion or affiliation, marital status, or disability. Success in achieving these goals will aid the department in its vision of “. . . a diverse, skilled workforce which shares the responsibility for outcomes across organizational boundaries.”

Oregon Department of Corrections

AFFIRMATIVE ACTION PLAN 2009-2011 BIENNIUM

Responsibilities and Accountabilities

Recruitment and Career Services Unit Manager

One of the Department of Corrections' core values is: "We value respecting others." As a part of our mission we have a Code of Ethics that states: "As an employee, volunteer or contract service provider of the Oregon Department of Corrections, I will value and maintain the highest ideals of professional and compassionate public service by respecting the dignity, cultural diversity and human rights of all persons, and protecting the safety and welfare of the public." To this end, the department is committed to creating a work environment that is positive, productive, and free from harassment and discrimination. All employees share in this responsibility.

Managers and employees are accountable for creating and promoting a work environment that is free from any kind of hostility or unwelcome behavior. These principles will also apply to our dealings with contractors, volunteers, victims, vendors and the public. We expect managers to participate and encourage others to participate in the agency's activities designed to promote affirmative action.

- ☐ *Participate in job fairs and career days with an emphasis on opportunities for women, people of color, and people with disabilities.*
- ☐ *Participate in minority group meetings/partner with minority groups.*
- ☐ *Evaluate job announcements, applicant testing, hiring practice, employment policies, and report to the Assistant Director, DOC Human Resources Division any having an adverse impact on women, people of color, or people with disabilities.*
- ☐ *Review hiring and promotion patterns, training programs, job descriptions, and work assignments to identify and remove any barriers to equal employment opportunity.*

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Oregon Department of Corrections

AFFIRMATIVE ACTION PLAN 200-2011 BIENNIUM

Responsibilities and Accountabilities

Human Resources Manager/Analysts

One of the Department of Corrections' core values is: "We value respecting others." As a part of our mission we have a Code of Ethics that states: "As an employee, volunteer or contract service provider of the Oregon Department of Corrections, I will value and maintain the highest ideals of professional and compassionate public service by respecting the dignity, cultural diversity and human rights of all persons, and protecting the safety and welfare of the public." To this end, the department is committed to creating a work environment that is positive, productive, and free from harassment and discrimination. All employees share in this responsibility.

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The Human Resources Managers/Analysts serve as technical advisor to assigned functional units. Specific responsibilities are to:

- ☐ *Provide and/or refer employees for counseling related to informal discrimination complaints.*
- ☐ *Maintain statistical information on race, sex, and disability with respect to personnel actions.*
- ☐ *Assist management in ensuring administration of union contracts are in a nondiscriminatory manner.*
- ☐ *Assist management in ensuring internal discrimination complaint procedures are followed.*
- ☐ *Attempt to resolve all discrimination and sexual harassment complaints within assigned units.*
- ☐ *Conduct civil rights investigations where appropriate.*

Everyone at Corrections is a vital part of promoting and achieving diversity in the workplace. As employees, we are committed to ensuring equal employment opportunity for all employees and applicants for employment regardless of their race, religion, color, sex, national origin, age, political opinion or affiliation, marital status, or disability. Success in achieving these goals will aid the department in its vision of ". . . a diverse, skilled workforce which shares the responsibility for outcomes across organizational boundaries."

V. 2007 – 2009 Accomplishments

2007-2009 Biennium Goals and Accomplishments

The Department of Corrections Affirmative Action Plan statistics which establish the following 2007 -- 2009 accomplishments are gathered from data provided by the Department of Administrative Services as of June 30, 2008. These Affirmative Action statistics describe the composition and diversity of the department's workforce. They allow senior managers to share the Department's achievements with their management teams to increase awareness of agency successes, while recognizing actions yet to be taken. The quarterly statistics are also available to all department employees to view in the department's public folders.

The department's overall workforce composition has remained comparatively consistent for representation of women and for people of color as compared to the previous biennium. As of June 30, 2008, the total representation of women is at 34.1 percent and the representation of people of color is at 11.1 percent.

Narrative Analysis of Current Workforce

Utilization Analysis

The utilization analysis consists of a review of all job classifications and EEO job categories throughout the department. The purpose of this analysis is to determine whether women, people of color, and people with disabilities are represented at rates roughly equivalent to their availability and participation in the labor force.

EEO Job Category Analysis

The job category analysis is based on a statistical description of the department's total workforce of regular, permanent employees. Positions are grouped within broad categories of similarly related jobs and career fields. The eight categories are designated by the Equal Employment Opportunity Commission of the federal government. The definition of EEO job categories is in Appendix F. Appendix G lists the job classifications used in the Department of Corrections sorted by EEO category.

Group Parity

The standard of measurement is parity figures for protected groups such as people of color, women and people with disabilities. Parity formulas are developed for all state agencies by the Governor's Office of Affirmative Action. Parity is established for major job groups within EEO categories and uses a multi-factor data source. Parity is based on applicant availability, unemployment rates, education figures, and participation in the civilian labor market. Depending on the specific job classification, the workforce statistics may be local, just within the State of Oregon, the Western Region or the entire United States.

Using the Department of Administrative Services (DAS) statistical report printouts, direct comparisons can be made between the total numbers of employees in each job group and the parity standard of equity. Actual numbers of people of color, women or people with disabilities are broken down in each EEO job category. Parity is calculated first for percentages and then the number of people needed to achieve equity.

See Appendix E to reference workforce statistics by EEO category and parity numbers.

Accomplishments and Progress Made or Lost Since Previous Biennium

Employee Workforce Analysis Report

Agency Totals

06/30/06	Total by Gender	Pct by Gender	White	Total POC	African Amer	Hispanic	Asian Pacific	Native Amer	Disabled
Men:	2629	65.9	2323	301	60	154	40	47	18
Women:	1361	34.1	1201	150	26	74	24	25	15
Total: 3990			3524	451	87	228	64	72	33
Percent:			88.3	11.3	2.16	5.71	1.6	1.81	.83

06/3008	Total by Gender	Pct by Gender	White	Total POC	African Amer	Hispanic	Asian Pacific	Native Amer	Disabled
Men:	2900	65.9	2576	324	58	175	46	45	33
Women:	1498	34.1	1333	165	25	83	35	22	15
Total: 4398			3909	489	83	258	81	67	54
Percent:			89	11.1	1.9	5.9	1.8	1.5	1.2

DOC Workforce Representation by EEO Job Categories

A) Officials/Administrators: In key occupations within the department at senior positions, people of color occupy 10.2 percent in upper level management (salary range 31+) and 10.7 percent in mid-level management positions (salary range 24-30). Some jobs occupied by people of color are very critical positions, such as prison superintendent, assistant superintendent and security manager. Senior management parity for people of color is 12.2 percent for upper management and 13.6 percent for mid-level management, according to calculations established by the Governor's Office of Affirmative Action. The DOC is below parity on both.

Women occupy 29.5 percent of upper management and 37.7 percent of mid-level management. These are below the parity goals of 36.6 percent in upper management and 43 percent in middle management. Women occupy critical agency leadership positions, including three of the five assistant directors of agency divisions (Human Resources, Public Services, and Transitional Services). Three prison superintendents are women.

B) Professionals: The second largest EEO job category within the department is professionals. This broad category includes nurses, teachers, counselors, direct line supervisors, lieutenants and captains. People of color are above the parity goal for Physician/Dentist, Hearings Officer, Accounting/Finance, and Researcher. African Americans are above parity in Social Services. Native Americans and Hispanics are above parity for both Nurses and Computer Analysts. Native Americans are above parity for Lieutenants and Captains. People with Disabilities are above parity for Purchasing Agents and Personnel.

Women are above parity in seven of the thirteen Professionals categories; Communications/Editor, Nurses, Purchasing Agency, Researcher, Hearings Officer, Accounting/Finance, and Program Coordinator/Analyst.

C) Technicians: Workers in the technician job category include Health Services Technicians, Dental Technicians, Construction Project Managers, Construction Inspectors, and Electronic Communications Systems Analysts. Women are well represented in this category. 84.4 percent are women, mainly due to the large number of Health Services/Dental and Pharmaceutical Technicians. People of color represent 14.3 percent, over goal by 3.1. People with Disabilities are generally under-represented.

D) Correctional Officer: Correctional officers, corporals and sergeants are in this EEO job category. People of Color are represented well in this field, representing 11.9 percent of this EEO category, above the parity standard of 10.9 percent. This is particularly significant since this is the largest job category in the department, with 2,414 employees. They serve as the backbone of security. This representation surpasses parity goals.

Because this is a non-traditional career field for women, their representation is 19.6 percent, below parity at 22.8 percent. However, women have been making some progress in security occupations, as there are now 473 female correctional officers, corporals and sergeants.

E) Para-Professionals: DOC only has 36 employees in the Para-professional category. People of color are above parity standard of 9.8 percent, achieving 11.1 percent in this category. Women are well below, occupying only 38.9 percent of the 36 positions. Parity for women is set at 58.1 percent.

F) Administrative Support: People of color represent 42 of the 405 administrative support positions, achieving 10.4 percent of the job category, above the parity standard of 9.7 percent. Women are over-represented in administrative support positions at 93.1 percent, as would be expected of traditional gender role career patterns.

G) Skilled Craft: People of Color in skilled craft positions are over-represented when compared to parity figures, Women are under-represented, with only two female employees out of 103 mechanics, carpenters, plumbers, electricians and trades.

H) Service Maintenance: In service and maintenance positions, people of color are under-represented. They represent 19 of the 258 positions held, or 7.4 percent, under goal by 4.2. Women represent 65 of the 258 positions, representing 25.2 percent of the positions.

Affirmative Action statistical data for comparison of the previous biennium to the current statistics is reported in the tables below showing the changes in numbers of employees for Women, People of Color, and People with Disabilities between the 2005-2007 and current 2007-2009 biennia as of June 30, 2008.

Women

EEO-4 Category	Women				
	Total Employees 6/30/08	Number Women 6/30/08	Total Employees 2005-2007	Number Women 2005-2007	% Change in number of Women
A. Officials/Administrators	210	72	180	57	.3
B. Professionals	883	429	813	393	0.1
C. Technicians	88	66	77	53	.2
D. Protective Service Workers	2414	473	2196	441	.1
E. Paraprofessionals	36	14	35	11	.3
F. Administrative Support	405	377	369	340	.1
G. Skilled	104	2	84	2	0
H. Service/Maintenance	258	65	236	64	0
TOTAL AGENCY	4398	1498	3990	1361	.1

2005-07 data from June 30, 2006 - DAS statistics
2007-09 data from June 30, 2008 - DAS statistics

The Department remains strong in the upper-management category, with approximately 32 percent, or 28 of the 88 upper-management positions in the Department filled by women. Although the Department remains below parity in middle-management categories, the Department has seen an increase to 37.7 percent of women in middle-management positions (salary range 24-30). Women represent 46 of the 122 employees in these positions.

Women are under-represented in six of the 14 professional categories utilized in the Department:

- Physician/Dentist/Vet
- Personnel/Employment
- Inspector/Compliance/Investigator
- Computer Analyst
- Security Services
- Lieutenant/Captain

Parity has been achieved in seven of the 14 profession categories utilized in the Department:

- Communication/Editor
- Nurse/Health
- Purchasing
- Social Science
- Attorney/Hearings
- Accounting
- Program Coordinators

Women are under-represented in the Para-Professional categories. As of June 30, 2008, we are at 38.9 percent in this category.

Women also continue to be under-represented in the Skilled Craft Worker categories. There has been a small amount of hiring activity for these positions. However, we currently only have two women in these non-traditional jobs.

Women are under-represented in the Service/Maintenance Worker job categories. As of June 30, 2008, there is a 25.2 percent female workforce versus a parity percentage of 37.8 percent.

People of Color

EEO-4 Category	People of Color				
	Total Employees 6/30/08	Number POC 6/30/08	Total Employees 2005-2007	Number POC 2005-2007	% Change in number of POC
A. Officials/Administrators	210	22	180	20	.1
B. Professionals	883	92	813	86	.6
C. Technicians	88	13	77	11	.2
D. Protective Service Workers	2414	288	2196	264	.1
E. Paraprofessionals	36	4	35	4	0
F. Administrative Support	405	42	369	38	.1
G. Skilled	104	9	84	7	.3
H. Service/Maintenance	258	19	236	21	-.1
TOTAL AGENCY	4398	489	3990	451	.1

2005-07 June 30, 2006 DAS Statistics
2007-09 June 30, 2008 DAS Statistics

The representation of people of color within the Department was 9.5 percent on June 30, 2004. As of July 1, 2007, the number of people of color has increased to 11.1 percent, where it remains as of June 30, 2008.

The largest job occupation group within the Department is the security series. As of June 30, 2008, there were 2,414 correctional officers, corporals and sergeants. Of these, 288 were people of color. People of color represent 12 percent of uniformed, represented security staff versus a parity of 10.9 percent. Parity has been exceeded in representation of Hispanics in the security series.

Of the 163 captains and lieutenants, 10.42 percent are people of color; this is below the parity goal of 15.3 percent. All individual ethnic groups are represented, with parity exceeded in representation of Native Americans. The Department of Corrections management recognizes the importance of continued progress toward building and maintaining strong diversity within the correctional security staff. The Department sees a need to develop a strategy to effectively recruit minority applicants.

In upper-management positions, there were nine people of color on June 30, 2008. They represent 10.22 percent of the 88 senior executive managers, with parity at 12.2 percent. People of color represent 10.6 percent of the Department's middle-management positions, with parity at 13.6 percent. The Department recognizes the need to continue to recruit individuals from all ethnic groups for both upper- management and middle-management positions.

Of note, 2 of the 14 superintendents are People of Color. One oversees the largest facility in the state located in eastern Oregon with 3,000 prison beds. The other oversees two minimum custody facilities in Salem.

In the Professional job category, women, African American and Hispanics represent areas where the Department is doing well in our efforts to reach parity.

In the Technicians category, as of June 30, 2008, the people of color and Hispanics in the Health job category are above parity at 16.88 percent and 11.68 percent, respectively. The Department is above parity in representation of people of color in the Administrative Support category with 10.47 percent on 6/30/08. Parity is 9.7 percent. In this category the Department exceeds the parity for Hispanics with 4.93 percent actual versus parity of 3.6 percent.

People with Disabilities

EEO-4 Category	People with Disabilities				
	Total Employees 6/30/08	Number PWD 6/30/08	Total Employees 2005-2007	Number PWD 2005-2007	% Change in number of PWD
A. Officials/Administrators	210	3	180	3	0
B. Professionals	882	10	813	6	.7
C. Technicians	88	0	77	0	0
D. Protective Service Workers	2414	26	2196	8	2.2
E. Paraprofessionals	36	0	35	0	0
F. Administrative Support	405	8	369	10	-.2
G. Skilled	104	2	84	0	.2
H. Service/Maintenance	258	5	236	6	-.2
TOTAL AGENCY	4397	54	3990	33	.6

2005-07 June 30, 2006 DAS Statistics
2007-09 June 30, 2008 DAS Statistics

Representation of persons with disabilities continues to fall significantly below the target of 6 percent in state agencies. Although roughly 60% of the Department's positions are in security classifications where strict physical standards and requirements exist pursuant to the Department of Public Safety Standards and Training (ORS 259-08-010), the Department continues to strive to improve recruitment efforts toward people with disabilities. Efforts to close the gap include continued meetings with staff of the Vocational Rehabilitation Division to discuss the number of non-security positions that are available, as well as providing education and awareness of the variety of career paths available to individuals within the Department of Corrections. The Recruitment Unit has made progress in establishing better working relationships with both public and private vocational rehabilitation agencies and has found that working one-on-one with disabled individuals is proving to be the best approach to helping them secure employment with the Department.

Under Goal Summary – Change Since Last Biennium

Agency-wide Under Goal on 06/30/06

	Total	Women	PO	C	AFAMER	H	ISPNC	ASIAN	NV	AMER	DISABL
Employee Count	3909	1361	451		87	228		64	72		33
Under Goal		147	33		25	14		39	20		206

Agency-wide Under Goal on 06/30/08

Employee Count	4398	1498	489	83	258	81	67	54
Under Goal		174	42	43	17	35	28	209

Baseline v. Current Summary

This table compares the baseline employee data (at the start of the biennium) with the actual data current-to-date (06/30/08) giving a change in percent toward group parity. This shows the agency progress in reaching parity for the groups in the various job categories and job groups.

The difference between the current group percentage and the baseline percentage
(Chg in PCT from the start of the biennium)

EEO CATEGORY	Women	POC	AfAmer	Asian/Pac	Hispanic	NvAmer	PWD
A Official/Administrator	1.1	.4-	.1-	.1-	.6-	0.3	.6-
B Professionals	.5-	0.1	.2-	0.7	0	.4-	0.4
C Technicians	0.6	1.4	.1-	2.2	.8-	0	0
D Protective Service Workers	.1-	0	0	0.1	0.1	.1-	0.2
E Paraprofessionals	4.0-	2.5	0.3-	0	2.5	0	0
F Administrative Support	0.2	.6-	0	0.7	.2-	.8-	.03-
G Skilled Craft Worker	.1-	1.6	0	0.1	0.8	.1-	.1-
H Service Maintenance Worker	.1-	0.1	.1 -	0.4	.1-	.1-	0.3
	.1-	0.2	0	0.3	0	.2-	0.1

The growth of the department continues to present challenges in our ability to attract and retain people of color in the eastern region of the state where growth has occurred, due to the relatively low percentage of African Americans, Asian/Pacific Island, and Native Americans in the applicant pool. The Recruitment and Career Services Unit has made the following efforts to attract people of color and people with disabilities into our organization:

Job Fairs

In the 2007-2009 biennium, the Recruitment and Career Services Unit has made every effort to represent DOC in a wide variety of Job Fairs in order to both recruit for open positions within the department, but also to make a long term investment in education and training of the public about what working for the department is all about. To accomplish this, we have called upon a wide variety of DOC staff from every background to represent our interests and to reflect the diversity of the organization. In particular, we emphasized women in security, people of color from every job classification and when possible, people with disabilities in an attempt to display to the public the opportunities available to individuals.

Job Fairs and events attended and/or to be attended:

- Boise, ID (Boise State)
- Vancouver
- OHSU Nursing
- Deschutes County
- Employment Dept / The Dalles
- Career Expo / Convention Center Portland
- Native American Career Fair / Convention Ctr Pdx
- Vancouver (Clark College)
- Southwestern OR Community College
- Portland Expo Center / Gun Show
- So. OR Career & Job Expo / Klamath Cty Fairgrnds
- Southern Oregon University / Ashland
- Eugene Gun Show
- Latino Trade Show / Convention Ctr, Portland
- Urban League / Portland
- Salem Area Job Fair - Salem Conference Center
- Recruitment Military / Portland

- Veteran's Career & Military Fair - Camp Rilea
- Hynix Outreach - Eugene
- Veteran's Career Fair - Pendleton
- Nike Career Fair - Distribution Center - Wilsonville
- State of OR Career Fair / Capital Mall
- Idaho Job & Career Fair
- Maximum Connections / World Forestry Ctr, Pdx
- Boise State University Career Fair
- Camp Pendleton Marine Base
- Coronado Naval Base
- Recruitment Military / Portland

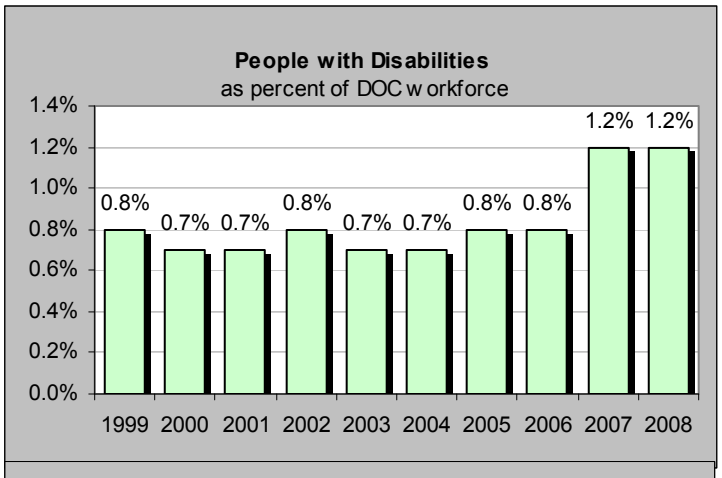
Achieving a diverse and representative workforce is a primary goal of the Recruitment and Background Investigations Unit. Utilization of the many talents residing within the department helps us towards accomplishing that goal. Recruitment continues to look for new ideas to attract minority and applicants with disabilities to our organization, additional internet sites to post vacant jobs to, as well as a School-to-Work program at the high school level to help prepare a new generation of DOC staff.

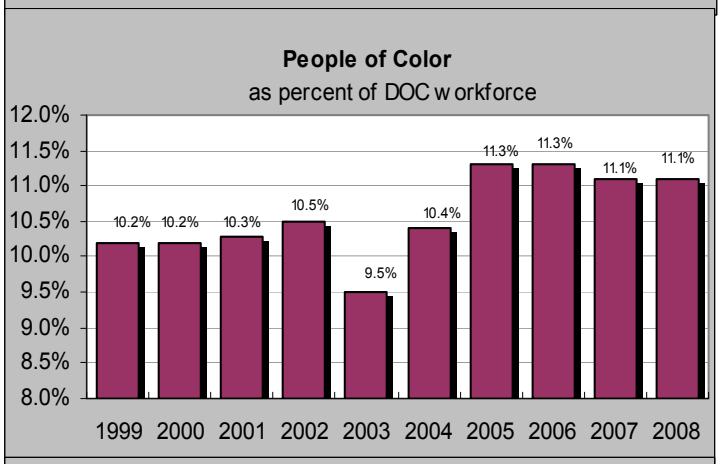
The following charts show the trend over the past ten years for the department in the representation of women, people of color, and people with disabilities. The numbers have made continual growth, but due to the growth in the total number of employees, the percentages of the workforce have not always shown that direction as clearly. The department continues to work toward a goal of reflecting the diversity of the state of Oregon communities and effectively manage the diversity of the inmate population.

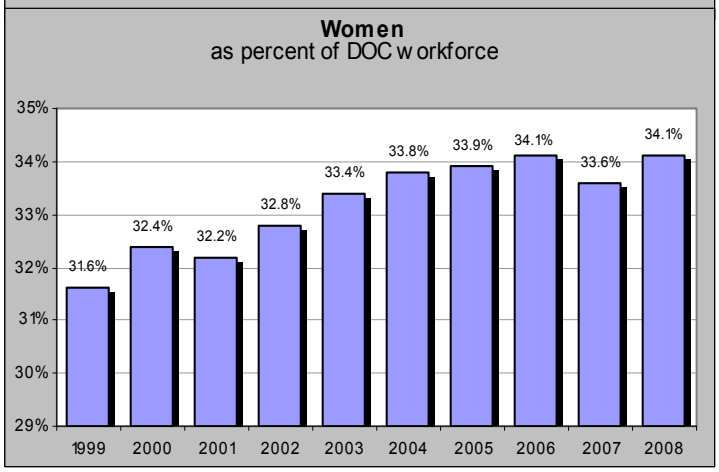
Ten-Year Trend

Number of Women, People of Color, and People with Disabilities

YEAR	Emplys	Women	Percent	POC	Percent	PWD	Percent
1999	3201	1012	31.6%	326	10.2%	26	0.8%
2000	3359	1089	32.4%	343	10.2%	22	0.7%
2001	3346	1076	32.2%	343	10.3%	25	0.7%
2002	3556	1166	32.8%	372	10.5%	27	0.8%
2003	3609	1205	33.4%	343	9.5%	26	0.7%
2004	3803	1285	33.8%	397	10.4%	27	0.7%
2005	3987	1351	33.9%	449	11.3%	30	0.8%
2006	3990	1361	34.1%	451	11.3%	33	0.8%
2007	4083	1374	33.6%	454	11.1%	43	1.2%
2008	4398	1498	34.1%	489	11.1%	54	1.2%







VI. Goals and Strategies for Implementation

2009 – 2011 Development and Implementation of Programs, Goals and Strategies

2009-2011 Biennium Goals and Strategies

As the department continues to experience statewide growth, emphasis will continue to be placed on expanding and maintaining a diverse workforce. Recruitment efforts will focus on obtaining applicants from the various minority populations. As new institutions of all sizes are located in small communities throughout the central, eastern and southern parts of the state, opportunities exist to bring diversity not only to the workplace, but to those small local communities as well. Selection officials will take into consideration protected class status applicants specifically where there is clearly established statistical under-representation and where we are below parity standards in that particular job. The department will continue to review current recruitment strategies for women, people of color and with disabilities to see what actions have been successful in bringing applicants to the department. Each local community provides the DOC with a unique applicant pool from which to draw. The Department will also continue to transfer seasoned professionals into each community, with an increased level of diversity being one intended outcome.

Throughout 2009 and 2011 the biggest driver for increased state correctional system growth, and corresponding increased growth of the state correctional workforce, will be either Ballot Measure 57 or Ballot Measure 61, to be voted on by the people of the State of Oregon during the November, 2008 general election. These two competing measures dealing with drug and property crimes carry vastly different costs. Should either pass, it is predicted that the department will experience rapid growth similar to that experienced when Ballot Measure 11 passed in November, 1994.

Measure 61 will establish new mandatory prison terms for drug, theft, forgery and burglary crimes. It would require $1.1 billion worth of prison construction to make room for between 4,100 and 6,300 inmates who would be added to Oregon's currently existing 13,600 prison population. It also would cost between $161 million and $274 million annually to operate those added facilities, with most of the cost being assumed by staff salaries. An alternative Ballot Measure, number 57, will not impose the same severity of mandatory minimum sentences as Measure 61, but would add 1,400 new inmates to the state prison system by the 2013-15 biennium. Its estimated prison construction cost would be about one-third of BM 61 at $314 million. Beyond construction, BM 57 would drive up state costs by more than $143 million a year, primarily because of longer prison sentences and increased addiction treatment for inmates, again, with most of the cost being assumed by staff salaries.

The sustained expansion of the department's facilities throughout the state will continue to allow us an opportunity to promote more protected class employees and, at the same time, increase diversity in the eastern regions of the state.

The department continues to focus on recruiting women in security positions, people of color in both mid- and upper-level management positions, as well as positions in areas such as health and fiscal services, and persons with disabilities in non-security positions. In addition, we are seeking to place more women into other job categories which are long overlooked as being more traditionally male-oriented. Actual numbers to achieve equity in these positions are determined in the parity goals established by the Governor's Affirmative Action Office. These statistics are received quarterly by the DOC Human Resources Division, analyzed for areas of non-compliance, and reported to the Department's Executive-level Policy Group at standing quarterly presentations.

It has been recommended to the Policy Group that the Department of Corrections utilize the following Affirmative Action/Cultural Competency Implementation Strategy for the 2009-2011 biennium.

AFFIRMATIVE ACTION/CULTURAL COMPETENCY IMPLEMENTATION STRATEGY (**New activities each quarter are highlighted.** All other activities continue from quarter to quarter.):

THROUGH JUNE 30, 2009: Analyze and disseminate quarterly Affirmative Action data; monitor compliance with requirements of the Affirmative Action Plan; meet with Policy Group quarterly. Distribute monthly calendars and proclamations received from Governor's Office, DAS, DHS, using HR managers as local points of contact and Public Affairs for broader distribution.

JULY 1, 2009 – DECEMBER 30, 2009: Develop annual Affirmative Action Plan; analyze and disseminate quarterly Affirmative Action data; monitor compliance with requirements of the Affirmative Action Plan; meet with Policy Group quarterly. Distribute monthly calendars and proclamations received from Governor's Office, DAS, DHS, using HR managers as local points of contact and Public Affairs for broader distribution.

- **Establish multi-level Cultural Competency Advisory Committee made up of relevant stakeholders, or continue to utilize Executive-Level Policy Group for this purpose, depending on Policy Group's preference.**
- **Begin review of agency policies and procedures with Cultural Competency Advisory Committee.**
- **Conduct a review of agency recruitment activities with Cultural Competency Advisory Committee.**
- **Develop first module of veteran staff Cultural Competency training sequence, emphasizing the agency's legal requirements and the value of supporting individual differences within the work force of a large governmental organization.**
- **Develop and deliver first module in Management Service Cultural Competency training sequence, emphasizing the manager's role in meeting the agency's legal requirements and leading the workforce to a recognition of the value of supporting individual employee differences.**
- **Develop training evaluation processes.**
- **Draft and test Cultural Competency survey instrument.**

JANUARY 1, 2010 – JUNE 30, 2010: Analyze and disseminate quarterly Affirmative Action data; monitor compliance with requirements of the Affirmative Action Plan; meet with Policy Group quarterly. Distribute monthly calendars and proclamations received from Governor's Office, DAS, DHS, using HR managers as local points of contact and Public Affairs for broader distribution.

- **Continue multi-level Cultural Competency Advisory Committee made up of relevant stakeholders.**
- **Recommend enhancements to agency recruitment activities with Cultural Competency Advisory Committee.**
- **Deliver first module of veteran staff Cultural Competency training sequence at Annual In-Service Training, emphasizing the agency's legal requirements and the value of supporting individual differences within the work force of a large governmental organization.**
- **Develop continuing modules in veteran staff Cultural Competency training sequence, emphasizing content recommended by the Cultural Competency Advisory Committee.**
- **Develop and deliver continuing modules in Management Service Cultural Competency training sequence, emphasizing content recommended by the Cultural Competency Advisory Committee.**
- **Review training evaluation results with Cultural Competency Advisory Committee.**

- **Administer department-wide Cultural Competency survey instrument.**

JULY 1, 2010 – DECEMBER 31, 2010: Develop annual Affirmative Action Plan; analyze and disseminate quarterly Affirmative Action data; monitor compliance with requirements of the Affirmative Action Plan; meet with Policy Group quarterly. Distribute monthly calendars and proclamations received from Governor's Office, DAS, DHS, using HR managers as local points of contact and Public Affairs for broader distribution.

- Continue multi-level Cultural Competency Advisory Committee made up of relevant stakeholders.
- **Monitor enhancements to agency recruitment activities with Cultural Competency Advisory Committee.**
- **Deliver continuing modules in veteran staff Cultural Competency training sequence, emphasizing content recommended by the Cultural Competency Advisory Committee.**
- Deliver continuing modules in Management Service Cultural Competency training sequence, emphasizing content recommended by the Cultural Competency Advisory Committee.
- Review training evaluation results with Cultural Competency Advisory Committee.
- **Analyze department-wide Cultural Competency survey results with department Policy Group.**

JANUARY 1, 2011 – JUNE 30, 2011: Develop annual Affirmative Action Plan; analyze and disseminate quarterly Affirmative Action data; monitor compliance with requirements of the Affirmative Action Plan; meet with Policy Group quarterly. Distribute monthly calendars and proclamations received from Governor's Office, DAS, DHS, using HR managers as local points of contact and Public Affairs for broader distribution.

- Continue multi-level Cultural Competency Advisory Committee made up of relevant stakeholders.
- Monitor enhancements to agency recruitment activities with Cultural Competency Advisory Committee.
- Deliver continuing modules in veteran staff Cultural Competency training sequence, emphasizing content recommended by the Cultural Competency Advisory Committee.
- Deliver continuing modules in Management Service Cultural Competency training sequence, emphasizing content recommended by the Cultural Competency Advisory Committee.
- **Develop 2011-2013 implementation strategy based on Policy Group recommendations.**

CULTURAL COMPETENCY TRAINING RESULTS DESIRED:

JULY 1, 2009 – DECEMBER 30, 2009: Deliver first module in Management Service Cultural Competency training sequence to 200 agency managers.

JANUARY 1, 2010 – JUNE 30, 2010: Deliver first module of veteran staff Cultural Competency training sequence at Annual In-Service Training to 1000 agency employees. Deliver first module in Management Service Cultural Competency training sequence to 200 additional agency managers.

JULY 1, 2010 – DECEMBER 31, 2010: Deliver first module of veteran staff Cultural Competency training sequence at Annual In-Service Training to 1000 additional agency employees. Deliver continuing modules in Management Service Cultural Competency training sequence to 200 agency managers.

JANUARY 1, 2011 – JUNE 30, 2011: Deliver continuing modules of veteran staff Cultural Competency training sequence at Annual In-Service Training to 1000 agency employees. Deliver continuing modules in Management Service Cultural Competency training sequence to 200 agency managers.

PARITY GOAL RESULTS DESIRED:

Effective with the first quarterly Affirmative Action report of 2011, reduce "Under Goal" totals for the following job groups or categories with currently unmet parity targets:

W omen –

Official/Administrator (Middle Management/Upper Management)

Physician/Dentist

Inspector/Compliance/Investigator (Corrections Inspector/ Investigator)

Social Services (Correctional Counselor/Adult Parole-Probation Officer/Chaplain)

Correctional Officer (CO/Corporal/Sergeant)

Nonsupervisory (Recreation Specialist/Library Coordinator/Test Coordinator)

Mechanic/Boiler Operator (Facility Energy Technician/ Automotive Technician)

Trades (Electrician/Plumber/Welder/PEST/Painter/Carpenter)

Service Maintenance Worker (Supply Specialist/Truck Driver/ Facility Maintenance Specialist/Food Service Coordinator)

People of Color –

Official/Administrator (Middle Management/Upper Management)

Nurse/Health (Pharmacist/Nurse Manager/Nurse Practitioner/ Registered Nurse/Mental Health Specialist)

Social Services (Correctional Counselor/Adult Parole-Probation Officer/Chaplain)

Lieutenant/Captain

Service Maintenance Worker (Supply Specialist/Truck Driver/ Facility Maintenance Specialist/Food Service Coordinator)

African American –

Official/Administrator (Middle Management/Upper Management)

Nurse/Health (Pharmacist/Nurse Manager/Nurse Practitioner/ Registered Nurse/Mental Health Specialist)

Correctional Officer (CO/Corporal/Sergeant)

Administrative Support (OS/Accounting Technician/ESS/Admin Specialists/Medical Record Specialist)

Service Maintenance Worker (Supply Specialist/Truck Driver/ Facility Maintenance Specialist/Food Service Coordinator)

Hispanic –

Official/Administrator (Middle Management/Upper Management)

Lieutenant/Captain

Service Maintenance Worker (Supply Specialist/Truck Driver/ Facility Maintenance Specialist/Food Service Coordinator)

Asian/Pacific Islands –

Computer Analyst (Info Systems Specialist)

Social Services (Correctional Counselor/Adult Parole-Probation Officer/Chaplain)

Correctional Officer (CO/Corporal/Sergeant)

Service Maintenance Worker (Supply Specialist/Truck Driver/ Facility Maintenance Specialist/Food Service Coordinator)

Native American –

Correctional Officer (CO/Corporal/Sergeant)

Disabled –

Official/Administrator (Middle Management/Upper Management)

Nurse/Health (Pharmacist/Nurse Manager/Nurse Practitioner/ Registered Nurse/Mental Health Specialist)

Physician/Dentist

Computer Analyst (Info Systems Specialist)

Program Coordinator/Analyst (Ops and Policy Analyst, Executive Assistant/Program Analyst)

Social Services (Correctional Counselor/Adult Parole-Probation Officer/Chaplain)

Health Technician (Pharmacy Technician/Dental Assistant/Health Services Technician)

Administrative Support (OS/Accounting Technician/ESS/Admin Specialists/Medical Record Specialist)

Mechanic/Boiler Operator (Facility Energy Technician/ Automotive Technician)

Trades (Electrician/Plumber/Welder/PEST/Painter/Carpenter)

Service Maintenance Worker (Supply Specialist/Truck Driver/ Facility Maintenance Specialist/Food Service Coordinator)

To accomplish the above goals and strategies, the following actions for 2009-2011 are recommended:

Recruitment and Selection

Interview Panels Managers and selecting officials will make every reasonable effort to ensure that interview panels are diverse. The department will ensure both hiring and promotion panels, where practical, have membership composed of racial/ethnic and gender diversity. In order to maintain some neutrality for hiring and promotions to management and executive level positions, the panel should include at least one member from outside the functional unit where the vacancy exists. The department provides a Supervisor's Recruitment Guide for hiring managers that delineates the appropriate process for selecting and setting up interview panels.

Newspaper Advertisements In an effort to reach a broad range of job applicants, staff in Human Resources Recruitment and Background Investigations may place ads for vacant positions in major local newspapers within the state such as The Oregonian, The Statesman Journal, The East Oregonian, The Eugene Register Guard, The Hermiston Herald, the Argus Observer, Malheur Enterprise, Baker City Herald, The Record Courier, La Grande Observer, and the Democrat Herald, just to name a few. Newspapers designed to reach all populations will be used. These publications include EL Hispanic News and the Goal Latino for Hispanics; The Asian Reporter for Asians; The Skanner and The Portland Observer for African Americans. Provided there are sufficient funds, national papers published by minority organizations, such as EOE Journal and Affirmative Action Register, may be used as well. Note: Advertisements will be placed when economically feasible.

Online The department will use on-line web sites such as SHRM, Salem News, Craig's List and Monster.com to broaden the range of job applicants.

Job Information Fairs The department will participate, when financial and staffing resources permit, in a multitude of job fairs held around the state focusing on women, people of color, and people with disabilities.

College/University Career Days Employees of the department will attend college and university career days and job recruitment functions, as staffing and finances allow. Each institution will make staff available to attend career days held at community colleges and universities located in their geographical area of the state. Recruitment and Career Services staff has visited with various schools throughout the state.

The department School-to-Work Coordinator coordinates the agencies participation in the School-to-Work week in April that invites students to accompany their parents to work. There is participation throughout the department in providing student with career exploration activities.

Slide Show The department has developed a new slide show showing staff working in some of the primary institutions and in the administration. The slide show is an information tool for showing at career days and job fairs.

Policies The Human Resources staff will ensure that the department's formal, written procedures on selection includes statements to the effect that appointing officials are to seriously consider gender and ethnic status in hiring and promotion decisions where positions exist which are seriously under-represented and the affirmative action goal in this plan has identified this particular job group.

Vacancy Type and Order Where affirmative action goals have been established for the particular classification and representation remains clearly below parity standards, the first priority when considering the type of application to develop, is open competitive. The second would be for advertising the position as a statewide vacancy. Managers should justify reasons to open announcements that are limited to agency promotions. There are a considerable number of potential applicants in the state labor force with work experience in public safety occupations. The diversity of candidates will be increased considerably by opening up the majority of announcements to job applicants in the public arena.

Applicants with Disabilities Job applicants with severe disabilities work with a Job Match Coordinator at the Department of Administrative Services, or a Vocational Counselor to learn of job openings through the H.I.R.E.

Program. The H.I.R.E. Program maintains a database of qualified applicants with disabilities and provides it monthly to agencies for their consideration. The department has facilitated numerous referrals from the H.I.R.E. Program. Recruitment staff meets with Vocational Rehabilitation Counselors regularly to discuss department openings. Additionally, the Recruitment and Career Services staff provides informational interviews to applicants with disabilities interested in qualifying for department career opportunities.

SB 822 Veteran's Points SB 822 established the manner in which state agencies provide preference to qualifying veterans or disabled veterans in scored or un-scored employment application processes. (ORS 408.225-235)

In order to be in compliance of SB 822 both the recruitment unit and the hiring mangers have responsibilities.

Recruitment Unit:
In the initial application screening, the recruitment unit determines if applicants are eligible for veterans or disabled veterans preference points. Eligible veterans will have the appropriate points designated upon the certification list you receive.

Hiring Manager:
Hiring Managers review their certification lists to determine who they will be interviewing.

- In a scored screening, the Veterans points must be taken into consideration when determining where to cut off the certification list.
- In a non-scored screening, all Veterans are interviewed.

Community Organization Outreach The department will maintain a list of minority and women's organizations around the State. For vacant positions showing a serious under-representation of women or minorities, the Recruitment and Career Services Unit will mail job announcements to appropriate community organizations, if they are not getting state vacancy lists or announcements from HRSD, recruitment.

Contact with organizations representing the special interests of people of color will be maintained by having staff from the department attend group meetings and conferences. In addition, the intent is to have senior staff represented at key, influential and large statewide organization conferences which address minority community and employment issues. Staff will pursue the opportunity to meet personally with officials representing minority organizations.

Training

The Department spends a considerable amount of resources on staff training. In making decisions as to who will attend training other than mandatory DOC training, women, people of color and/or people with disabilities will be considered if that career field is clearly under-represented by members of protected classes or if it will enhance the prospects for career advancement and if it provides the Department with an employee developing a needed job skill.

Leadership/Supervisor Training: The Department has developed a Director's Academy leadership training program and is developing a new supervisor training program to be called Management Basic Training. Topics to be covered in the new supervisor training will include affirmative action, diversity, and ADA issues. The leadership training program covers a broad range of subject matter and includes a focus on interpersonal relationships and valuing others. An online resource titled the Human Resource Quick Reference Guides speaks to the topics of Cultural Competency as well as provides links to both the Department's AAP and the State of Oregon AAP, and will be published in 2009.

In-Service Training: Annual in-service training includes a segment on valuing others.

DOC Strategic Initiative-Cultural Competency: The Department has identified Cultural Competency as a Strategic Initiative. A work group has been formed to further promote the work of the AAP. A major part of this work group's plan in promoting Cultural Competency is a strong training effort.

Work Environment

The department will continue to develop ways to maintain a positive and supportive work environment to benefit all employees and the department relative to equal employment opportunity, affirmative action and cultural diversity.

Emphasis will be placed on the importance of the department's Promotion and Maintenance of a Respectful Workplace policy, which prohibits harassment and discrimination in the workplace.

Exit interviews In order to determine if there are problems, patterns, or trends affecting women or minorities in a disparate manner, an exit interview process has been implemented. The results of these exit questionnaires will be reviewed by the Recruitment and Career Services Administrator and will be reported to the Executive Management Team members and functional unit managers as needed.

Other Programs

Reports The department's Affirmative Action Officer will review affirmative action goals and the progress of the entire department, on a quarterly basis. This person will develop and distribute to managers a report based on the DAS Affirmative Action Progress Report, summarizing workforce statistics, on a semi-annual basis.

Correctional Officer Hiring Trends Since correctional officer hiring represents the largest volume, entry level position in the department, a study has been implemented to track selection trends. The test criteria were reviewed to determine if inequities or bias exists for members of protected classes. Data gathered provides numbers and percentage of women and people of color who apply, the numbers which failed the entrance exam, the number interviewed, the numbers and percentage of women and people of color who failed the interview, the pass/fail rate for background checks and the pass/fail rates of physicals. The numbers and percentage of women and minorities who were hired will also be determined. If there is sufficient data and enough staff time, a follow-up study will be done to determine how many of these hires completed trial service as a correctional officer. This study will follow the "Uniform Guidelines on Employee Selection Procedures" of the Equal Employment Opportunity Commission (29 CFR 1607).

Position Descriptions As position descriptions are written and/or revisions made, conditions which might limit or restrict people with disabilities from consideration will either be eliminated or will be clearly justified on the basis of essential duties and basic requirements of the job. Only where there are bona fide requirements should duties be identified which might limit people with disabilities from consideration. Human resources analysts, classification and recruitment staff are to work closely with managers and supervisors to ensure that position descriptions are not inadvertently biased against people with disabilities. Position descriptions of all managers in the department will include affirmative action language.

Bilingual Pay Differential The department will continue to utilize certain staff members to provide language skills for communication and translation purposes. The position description must clearly specify this duty in order to receive pay differential.

Additional staff members need to be identified who have these skills and who can provide translation services. Since a large portion of the inmate population speaks Spanish and languages other than English, there are important safety and security reasons to expand the number of staff members who can exercise these special skills. In the future, the department will consider ways in which specific positions are identified for which language skills are a job requirement, so they can be used for target recruiting and advertising.

Special Observances Functional unit managers are encouraged to address cultural diversity awareness issues through topics at staff meetings, planning special observances in recognition of minorities, encouraging staff participation in special events in the community related to minority heritage and in special training sessions. The emphasis will be placed on resolving problems, combating stereotypes and highlighting the advantages of cultural diversity.

The types of observances include, but are not limited to: Women's Equality Day, Martin Luther King Jr. birthday (January), Cinco de Mayo (May), Native American Indian Heritage Month (September), Women's History Month (March), Black History Month (February), Asian Heritage Month (April or September), Disabilities Month (October), and National American Indian Heritage Month (November).

Internal Dissemination

The Affirmative Action Plan will be brought to the attention of employees in the following ways:

- The director's Affirmative Action Policy Statement shall be disseminated to all staff along with DOC policies, ADA and Reasonable Accommodation and Promotion and Maintenance of a Respectful Workplace available at each worksite outlining the procedure for filing a compliant.
- Affirmative Action progress reports of statistical data by functional unit will be disseminated to superintendents and members of the department's Executive Management Team and posted in an electronic public folder for access by all department staff and managers.
- Affirmative Action accomplishments and diversity issues will be published in the department's employee newsletters and on bulletin boards.
- Recruitment and Career Services Newsletter will include statistics and information regarding diversity.
- New Employee Orientation shall include a two-hour module on a respectful workplace. Primary Level Leadership Training shall include a two-hour module on valuing a diverse workforce. In-service Training also contains a three-hour module on valuing and respecting others.
- The department's policy statement on Affirmative Action and Respectful Workplace will be posted on employee bulletin boards, in public lobbies, employee lounges, and meeting rooms.
- Biennial training will be held with department managers and supervisory staff to inform them of the department's Affirmative Action Plan.
- Meetings will be held with union officials to inform them of the Affirmative Action Plan and to request their continued cooperation.
- Non-discrimination clauses shall remain in all collective bargaining agreements.
- Affirmative action goals and progress will be on the agenda of key departmental staff meetings dealing with personnel.
- Supervisors will conduct meetings with employees to discuss the Affirmative Action Plan.
- Copies of the Affirmative Action Plan distributed to DOC Human Resource Managers and available in each workplace and accessible to employees. Additional copies can be obtained by contacting the DOC Human Resources Division.

External Dissemination

The Affirmative Action Plan will be represented to outside sources through the following means:

- The department's employment advertisements shall state that the Department of Corrections is an "Equal Opportunity/Affirmative Action Employer in compliance with the ADA." Advertising shall occur, when adequate financial resources are available, in local publications frequently read by individuals who fall within a protected class.
- Except in the case of a bona fide occupational qualification, employment advertising shall omit reference to sex, religion, age, and national origin, and shall clearly convey the commitment of the agency to equal opportunity/affirmative action.
- Recruiting sources, including minority, and women's organizations, and organizations for the people with disabilities; churches, community agencies, and colleges shall be informed of the department's equal employment policy.
- Articles and pictures in Department of Corrections' newsletters, publications, and recruitment brochures will include or feature employees in protected classes at various levels and in non-traditional jobs.
- Contractors will be informed of the department's policy of equal opportunity and affirmative action.

- The Assistant Director, DOC Human Resources Division and/or designee(s) shall establish communication and maintain relationships with outside organizations representing the interests of protected classes and individuals in the field of equal employment opportunity.
- Copies of the Affirmative Action Plan will be provided to the Governor's Office of Affirmative Action.
- Copies of the department's Affirmative Action Plan will be distributed to the department labor organizations.
- Copies of the department's Affirmative Action Plan will be provided to other state government agencies upon written request.

Copies of the department's Respectful Workplace, Affirmative Action and Equal Employment Opportunity and related policies are available to the public and state agency personnel on the Department of Corrections internet site: http://www.oregon.gov/DOC/INSPEC/rules_policies/.

VII.

Appendix A

Agency Policy Documentation

- ADA & Reasonable Accommodation Policy
- Discrimination and Harassment Free Workplace
- Workplace Effects of Domestic Violence, Sexual Assault and Stalking
- Employee and Training Policies
- Veterans Preference in Employment
- Other AAP Supporting Policies

2009 – 2011 AFFIRMATIVE ACTION PLAN
DEPARTMENT OF CORRECTIONS

	DEPARTMENT OF CORRECTIONS **Human Resources**	
Title: ADA and Reasonable Accommodation		**DOC Policy: 20.5.16**
Supersedes:	**DOC Policy 20.5.16, "ADA and Reasonable Accommodation" dated 01/01/99**	
Applicability:	**All employees in all functional units**	
Directives Cross - Reference: Americans with Disabilities Act (ADA)		

I. PURPOSE

To establish a process by which the Department of Corrections provides reasonable accommodation for qualified people with disabilities.

II. DEFINITIONS

A. Americans with Disability Act (ADA): Federal law that prohibits discrimination based on disability in recruitment for employment, services by state and local governments, places of public accommodation, transportation and telecommunication services.

B. ADA Coordinator: The department Affirmative Action Officer has been designated the ADA Coordinator for employment pursuant to part 35.107 of the ADA.

C. Applicability: This policy covers activities related to recruitment, new hires, current employees, promotions, and retention of employees with disabilities, agency training, information exchange or social activities.

D. Essential Functions: The ADA does not clearly define "essential." Legislative history says the term means those job tasks that are fundamental to the job, not marginal. Some considerations for determining whether a function is essential are:

1. The position exists to perform the function.

2. There are a limited number of other employees available among whom the performance of the function can be distributed.

3. The function may be highly specialized so the person hired must have the expertise or ability to perform the particular function.

E. Evidence of Essentiality: Includes the employer's judgment of which functions are essential, written job descriptions prepared before advertising or interviewing for the position, time spent on the job performing the function, the consequences of not requiring the incumbent to perform the function, the terms of a collective bargaining agreement, and the current work experience of incumbents in similar jobs.

F. Major Life Activity: Breathing, walking, hearing, seeing, speaking, learning, working or self-care.

G. Mental Impairment: Any mental or psychological disorder or characteristic, including but not limited to developmental disability, head injury, emotional/mental illness or a learning disability.

H. Person with a Disability: A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is perceived as having such an impairment.

I. Physical Impairment: Any physiological disorder, disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, sense organs, respiratory, speech, cardiovascular, digestive, skin or endocrine.

J. Qualified Person with a Disability: A person with a disability who the DOC determines satisfies the requisite skill, experience, education and other job related requirements of the position and who, with or without reasonable accommodation, can perform the essential functions of the position.

K. Reasonable Accommodation: Any reasonable change, modification, or adjustment to the work environment that enables individuals with disabilities to enjoy equal employment opportunities. This may include making facilities readily accessible, job restructuring, modifying work schedules, acquiring equipment or devices, adjusting or modifying examinations, training materials or policies or other similar actions.

L. Undue Hardship: Significant difficulty, expense or impact on the employer when making reasonable accommodations.

III. POLICY

The department is committed to comply with the Americans with Disabilities Act (ADA), which protects qualified applicants and employees with disabilities from unlawful discrimination in recruitment, hiring, promotion, discharge, pay, training, fringe benefits, classification, referral, and other aspects of employment. Additionally, the department shall provide reasonable accommodation unless it can be demonstrated that to do so would cause an undue hardship on the DOC or if it places the individual or others at physical harm or risk.

A. Responsibility for requesting and providing reasonable accommodation under the ADA:

1. The applicant/employee must initiated the request for accommodation, submit any necessary medical documentation that is requested and cooperate in any resulting discussion and evaluation.

2. Prior to interview for a job, the hiring supervisor/manager shall contact each applicant to inform him or her of the interview. All eligible applicants will be advised that reasonable accommodation for the interview will be provided upon request.

   a. If the person applying is a current employee with a known disability, the hiring supervisor/manager may choose to contact the candidate directly to arrange accommodation.

   b. The hiring supervisor/manager will provide applicants with an opportunity to review the position description prior to the commencement of the interview.

3. Offer of conditional employment: Once an employee or applicant is offered a position and the applicant or employee requests an accommodation, the department is responsible for providing the necessary accommodation consistent with the following:

   a. Determine whether or not the person has a disability that qualifies under the ADA by thorough evaluation of medical documentation.

   b. Ensure that the applicant/employee is qualified to perform the essential functions of the job with or without reasonable accommodation.

   c. Review to determine if the accommodation shall enable the individual to perform the essential functions of the job.

      (1) Obtain relevant job and task information through a job analysis.

      (2) Determine if function is essential by review of analysis.

      (3) Explore job modification alternatives by consulting with the individual; identify barriers to job performance and assess how accommodation could overcome those barriers.

      (4) Determine the most effective modification for the individual.

   d. Determine whether the reasonable accommodation would pose an undue hardship for the employer considering:

      (1) The nature and cost of the accommodation.

(2) The financial resources of the State of Oregon and the effect of expenses on the operation of the department.

e. The manager, in consultation with the assigned Human Resources Consultant (HRC) and the ADA Coordinator, shall consider the reasonableness of the proposed accommodations. The HRC shall serve as the contact person for all parties.

f. If approved, implement the most effective accommodation giving due consideration to the preferences of the individual, or notify the individual that the requested accommodation is not reasonable.

g. The individual may accept or reject the decision and/or the specific modifications proposed. The individual may offer additional information and/or may propose alternative accommodations.

h. The ADA Coordinator may consult with appropriate staff, managers, and technical specialists to decide if additional information presented establishes that the individual is qualified under the ADA, or if the proposed alternative is feasible or would cause an undue hardship for the employer.

i. The individual may disagree with the decision or reject the accommodations offered. However, if the employee cannot perform the essential functions as a result of the rejection, the employee shall not be considered a qualified individual with a disability.

j. Temporary conditions may be covered as disabilities depending on the duration and impact of the impairment and the extent it limits major life activities and shall be treated on a case-by-case basis.

B. Technical assistance is available from the department's Affirmative Action Officer. The Affirmative Action Officer shall maintain a resource list outlining where to access sign language interpreters and/or alternative format resources. If there are questions about technical expertise regarding job analysis, worksite analysis, worksite modification or other possible accommodations, managers and/or supervisors shall contact the department's Affirmative Action Officer. The Affirmative Action Officer may contact the Vocational Rehabilitation Division, the Oregon Disabilities Commission or the Oregon Commission for the Blind. IF a question arises as to the determination of reasonableness or about the extent of the department's obligation to provide accommodation in a particular case, the

Affirmative Action Officer may contact the Office of Civil Rights of U. S. Department of Labor for Technical Assistance.

C. Complaint procedure: All complaints shall be handled in accordance with the DOC Policy 20. 6.1, Promotion and Maintenance of a Respectful Workplace.

D. Confidentiality:

1. Information obtained during the accommodation process concerning the medical condition or history of the applicant shall be held as confidential medical records. Access shall only be provided as necessary to the managers involved in the accommodation process; first aid/safety personnel if emergency treatment may be required; and government officials investigating compliance with the ADA, Rehabilitation Act, and Oregon's Civil Rights Laws.

2. Each employee shall decide whether to provide information for possible emergency treatment using the employee Emergency Information Record, PD100Y. The manager/supervisor is responsible for maintaining this information in a confidential manner.

IV. IMPLEMENTATION

This policy shall be adopted immediately without further modification.

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

Statewide Policy

SUBJECT:	Discrimination and Harassment Free Workplace	NUMBER:	50.010.01
DIVISION:	Human Resource Services Division	**EFFECTIVE DATE:**	**01/25/08**

APPROVED: Signature on file with Human Resource Services Division

POLICY STATEMENT: **The State of Oregon is committed to a discrimination and harassment free work environment. This policy outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct.**

AUTHORITY: ORS 174.100, 240.086(1); 240.145(3); 240.250; 240.316(4); 240.321; 240.555; 240.560; 659A.029; 659A.030; Title VII; Civil Rights Act of 1964; Executive Order EO-93-05; Rehabilitation Act of 1973; Employment Act of 1967; Americans with Disabilities Act of 1990**; and 29 CFR §37**.

APPLICABILITY: All employees, state temporary employees and volunteers.

ATTACHMENTS: None

DEFINITIONS: See also HRSD State Policy 10.000.01, Definitions; and OAR 105-010-0000

Collective Bargaining Agreement (CBA): A written agreement between the State of Oregon, (Department of Administrative Services) and a labor union. References to CBAs contained in this policy are applicable only to employees covered by a CBA.

Complainant: A person or persons allegedly subjected to discrimination, workplace harassment or sexual harassment.

Contractor: For the purpose of this policy, a contractor is an individual or business with whom the State of Oregon has entered into an agreement or contract to provide goods or services. Qualified rehabilitation facilities who by contract provide temporary workers to state agencies are considered contractors. Contractors are not subject to ORS 240 but must comply with all federal and state laws.

Discrimination: Making employment decisions related to hiring, firing, transferring, promoting, demoting, benefits, compensation, and other terms and conditions of employment, based on or because of an employee's protected class status.

Employee: Any person employed by the state in one of the following capacities: management service, unclassified executive service, unclassified or classified unrepresented service, unclassified or classified represented service, or represented or unrepresented temporary service. For the purpose of this policy, this definition includes board and commission members, and individuals who volunteer their services on behalf of state government.

Higher Standard: Applies to managers and supervisors. Proactively taking an affirmative

posture to create and maintain a discrimination and harassment free workplace.

Manager/Supervisor: Those who supervise or have authority or influence to effect employment decisions.

Protected Class Under Federal Law: Race; color; national origin; sex (includes pregnancy-related conditions); religion; age (40 and older); disability; a person who uses leave covered by the Federal Family and Medical Leave Act; a person who uses Military Leave; a person who associates with a protected class; a person who opposes unlawful employment practices, files a complaint or testifies about violations or possible violations; and any other protected class as defined by federal law.

Protected Class Under Oregon State Law: All Federally protected classes, plus: age (18 and older); physical or mental disability; injured worker; a person who uses leave covered by the Oregon Family Leave Act; marital status; family relationship; sexual orientation; whistleblower; expunged juvenile record; and any other protected class as defined by state law.

Sexual Harassment: Sexual harassment is unwelcome, unwanted, or offensive sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1) Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, or is used as a basis for any employment decision (granting leave requests, promotion, favorable performance appraisal, etc.); or

2) Such conduct is unwelcome, unwanted or offensive and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include but are not limited to: unwelcome, unwanted, or offensive touching or physical contact of a sexual nature, such as, closeness, impeding or blocking movement, assaulting or pinching; gestures; innuendoes; teasing, jokes, and other sexual talk; intimate inquiries; persistent unwanted courting; sexist put-downs or insults; epithets; slurs; or derogatory comments.

Sexual Orientation under Oregon State Law: An individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

Workplace Harassment: Unwelcome, unwanted or offensive conduct based on or because of an employee's protected class status.

Harassment may occur between a manager/supervisor and a subordinate, between employees, and among non-employees who have business contact with employees. A complainant does not have to be the person harassed, but could be a person affected by the offensive conduct.

Examples of harassing behavior include, but are not limited to, derogatory remarks, slurs and jokes about a person's protected class status.

POLICY

(1) The State of Oregon is committed to a discrimination and harassment free work environment. This policy outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct.

(a) Discrimination, Workplace Harassment and Sexual Harassment. The State of Oregon provides a work environment free from unlawful discrimination or workplace harassment based on or because of an employee's protected class status. Additionally, the state of Oregon provides a work environment free from sexual harassment. Employees at every level of the organization, including state temporary employees and volunteers, must conduct themselves in a business-like and professional manner at all times and not engage in any form of discrimination, workplace harassment or sexual harassment.

(b) Higher Standard. Managers/supervisors are held to a higher standard and are expected to take a proactive stance to ensure the integrity of the work environment. Managers/supervisors must exercise reasonable care to prevent and promptly correct any discrimination, workplace harassment or sexual harassment they know about or should know about.

(c) Reporting. Anyone who is subject to or aware of what he or she believes to be discrimination, workplace harassment, or sexual harassment should report that behavior to the employee's immediate supervisor, another manager, or the agency, board, or commission Human Resource section, Executive Director, or chair, as applicable. A report of discrimination, workplace harassment or sexual harassment is considered a complaint. A supervisor or manager receiving a complaint should promptly notify the Human Resource section, Executive Director, or chair, as applicable.

(A) A complaint may be made orally or in writing.

(B) A complaint must be filed within one year of the occurrence.

(C) An oral or written complaint should contain the following:

(i) the name of the person filing the report;

(ii) the name of the complainant;

(iii) the names of all parties involved, including witnesses;

(iv) a specific and detailed description of the conduct or action that the employee believes is discriminatory or harassing;

(v) the date or time period in which the alleged conduct occurred; and

(vi) a description of the remedy the employee desires.

(d) Other Reporting Options. Nothing in this policy prevents any person from filing a formal grievance in accordance with a CBA, or a formal complaint with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC) **or if applicable, the United States Department of Labor (USDOL) Civil Rights Center**. However, some CBAs require an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.

(e) Filing a Report with the USDOL Civil Rights Center. An employee whose position is funded by the Oregon Workforce Investment Act (WIA), such as employees of the Oregon Workforce One-stop System, may file a complaint under the WIA, Methods of Administration (MOA) with the State of Oregon WIA, MOA Equal Opportunity Officer or directly through the USDOL, Civil Rights Center. The

complaint must be written, signed and filed within 180 days of when the alleged discrimination or harassment occurred.

(f) **Investigation.** The agency, board, or commission Human Resource section, Executive Director, or chair, as applicable, will coordinate and conduct or delegate responsibility for coordinating and conducting an investigation.

(A) All complaints will be taken seriously and an investigation will be initiated as quickly as possible.

(B) The agency, board or commission may need to take steps to ensure employees are protected from further potential discrimination or harassment.

(C) Complaints will be dealt with in a discreet and confidential manner, to the extent possible.

(D) All parties are expected to cooperate with the investigation and keep information regarding the investigation confidential.

(E) The agency, board or commission will notify the accused and all witnesses that retaliating against a person for making a report of discrimination, workplace harassment or sexual harassment will not be tolerated.

(F) The agency, board or commission will notify the complainant and the accused when the investigation is concluded.

(G) Immediate and appropriate action will be taken if a complaint is substantiated.

(H) The agency, board or commission will inform the complainant if any part of a complaint is substantiated and that action has been taken. The complainant will not be given the specifics of the action.

(I) The complainant and the accused will be notified by the agency, board or commission if a complaint is not substantiated.

(g) **Penalties.** Conduct in violation of this policy will not be tolerated.

(A) Employees engaging in conduct in violation of this policy may be subject to disciplinary action up to and including dismissal.

(B) State temporary employees and volunteers who engage in conduct in violation of this policy may be subject to termination of their working or volunteer relationship with the agency, board or commission.

(C) An agency, board or commission may be liable for discrimination, workplace harassment or sexual harassment if it knows of or should know of conduct in violation of this policy and fails to take prompt, appropriate action.

(D) Managers and supervisors who know or should know of conduct in violation of this policy and who fail to report such behavior or fail to take prompt, appropriate action may be subject to disciplinary action up to and including dismissal.

(E) An employee who engages in harassment of other employees while away from the workplace and outside of working hours may be subject to the provisions of this policy if that conduct has a negative impact on the work environment and/or working relationships.

(F) If a complaint involves the conduct of a contracted employee or a contractor, the agency, board, or commission Human Resource section, Executive Director, chair, or designee must inform the contractor

of the problem behavior and require prompt, appropriate action.

(G) If a complaint involves the conduct of a client, customer, or visitor, the agency, board or commission should follow its own internal procedures and take prompt, appropriate action.

(h) **Retaliation.** This policy prohibits retaliation against employees who file a complaint, participate in an investigation, or report observing discrimination, workplace harassment or sexual harassment.

(A) Employees who believe they have been retaliated against because they filed a complaint, participated in an investigation, or reported observing discrimination, workplace harassment or sexual harassment, should report this behavior to the employee's supervisor, another manager, the Human Resource section, the Executive Director, or the chair, as applicable. Complaints of retaliation will be investigated promptly.

(B) Employees who violate this policy by retaliating against others may be subject to disciplinary action, up to and including dismissal.

(C) State temporary employees and volunteers who retaliate against others may be subject to termination of their working or volunteer relationship with the agency, board or commission.

(i) **Policy Notification.** All employees including state temporary employees and volunteers shall:

(A) be given a copy or the location of Statewide Policy 50.010.01, Discrimination and Harassment Free Workplace;

(B) be given directions to read the policy;

(C) be provided an opportunity to ask questions and have their questions answered; and

(D) sign an acknowledgement indicating the employee read the policy and had the opportunity to ask questions.

(i) Signed acknowledgements are kept on file at the agency, board or commission.

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(1) Performance Measure: Percent of employees informed of Policy 50.010.01, prohibited behavior and reporting procedures.

Performance Standard: 100%

(2) Performance Measure: Percent of complaints where prompt, appropriate action is taken following investigation of a substantiated complaint.

Performance Standard: 100%

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

Statewide Policy

SUBJECT:	Workplace Effects of Domestic Violence, Sexual Assault and Stalking	**NUMBER:**	**50.010.04**
DIVISION:	Human Resource Services Division	**EFFECTIVE DATE:**	**2/1/08**

APPROVED: Signature on file with Human Resource Services Division

POLICY STATEMENT: The State shall promote the use of early intervention strategies to avoid or minimize the occurrence and effect s of domestic violen ce, sexual assault or stalking in the workplace. This p olicy is in ad dition to a ny other st atewide policies regard ing workplace violence and/or harassment.

AUTHORITY: ORS 240.145, 240.555, 240.560, Governor's Executive Order 07-17

APPLICABILITY: All employees in Executive Branch agencies subject to ORS 240 (where not in conflict with the applicable collective bargaining agreements)

ATTACHMENTS: None

DEFINITIONS: See HRSD State Policy 10.000.01, Definition s; and OAR 105-010-0000. For the purpose of this policy, the following definitions apply to terms referenced in this policy:

(a) Domestic Violence means coercive behavior used by one p erson in a current or former domestic, intimate, or dating relationship to gain power and control ove r another person in that relationship. This may include physical or sexual assault or the thre at thereof; sexual, emotional or p sychological intimidatio n; verbal abuse; stalking; or economic control.

(b) Sexual Assault means rape, unlawful penetration, or any un wanted touching of a sexual or other intimate part of a person or ca using such a person to touch a sexual or ot her intimate part of the perpetrator f or the purp ose of arou sing or gratifying the sexual desire of either party.

(c) Stalking means intent ional, knowi ng or reckless, repeat ed and un wanted contact with the victim that causes the victim reasonable fear regarding physical safety. Co mmunicative contact (written or verbal) is no t stalking u nless it conveys: 1) a direct or imminent threat to the personal saf ety of the victim, or the victim's immediate family or household members a nd 2) likelihood of unlawful acts.

(d) Batterer, perpetrator, or abuser me ans the individual who commits or t hreatens an act of domestic violence, sexual assault or stalking.

(e) Victim means one who is harmed or is made to suffer fro m acts or t hreats of domestic violence, sexual assault or stalking.

(f) Protective Order mea ns a valid restraining order, stalking order, no-contact

order, or any federal, state, local or tribal court order that restrains a person from contact with the protected person.

(g) Victim Advocacy Provider means a private, non-governmental program that offers support, advocacy, safety planning, counseling, rape crisis centers and battered women's shelters to victims of domestic violence, sexual assault or stalking.

POLICY

(1) The State of Oregon shall promote the use of early intervention strategies to avoid or minimize the occurrence and effects of domestic violence, sexual assault or stalking in the workplace. The existence of a protective order, a criminal proceeding or law enforcement involvement is not necessary to invoke this policy. Domestic violence, sexual assault and stalking are crimes punishable by law.

(a) An agency director shall administer HRSD State Policy 50.010.04, as the agency's policy to address the workplace effects of domestic violence, sexual assault and stalking.

(b) **Training**

(A) All Executive Branch agencies shall provide either a hard copy or electronic version of this policy and related agency procedures, including a resource list, to all current and new employees.

(B) Managers, Supervisors and Human Resource Staff Training

(i) All current managers, supervisors and human resource staff shall complete mandatory training within one year of the original adoption of this policy (February 1, 2008). All managers, supervisors and human resource staff hired after February 1, 2008, shall complete mandatory training within one year of appointment. All managers, supervisors, and human resource staff shall complete refresher training every 5 years thereafter.

(ii) The mandatory training for all agency managers, supervisors and human resource staff shall consist of the information listed in (1)(b)(C) in addition to the following:

(a) responsibilities as an employer;

(b) how to respond when employees self disclose or request referral information;

(c) how to work with a victim advocacy provider to assist identified victims in workplace safety planning; and

(d) how domestic violence, sexual assault or stalking impacts the workplace, productivity, and safety risks to other on-site staff and visitors.

(C) Employee Training

(i) An agency shall provide regular opportunities to all employees to attend voluntary training to learn more about:

(a) the policy and agency procedures;

(b) the characteristics of domestic violence, sexual assault and stalking. Agencies shall request a victim advocacy provider to present training on the characteristics of domestic violence, sexual assault and stalking;

(c) where an employee may request or locate referral information;

(d) support and safety measures available from the agency;

(e) how domestic violence, sexual assault or stalking impacts the workplace, productivity, and safety risks to other on-site staff and visitors; and

(f) other applicable policies and collective bargaining agreement provisions:

- HRSD State Policy 10.030.01, "Support of Employee's Work and Family Needs";
- HRSD State Policy 50.010.01, "Discrimination and Harassment Free Workplace";
- HRSD State Policy 50.010.02, "Violence-Free Workplace";
- HRSD State Policy 50.010.03, "Maintaining a Professional Workplace"; and
- HRSD State Policy 60.000.12, "Statutorily Required Leaves with and without Pay"

(c) Resources

(A) All Executive Branch agencies shall post a copy of this policy and related agency procedures, including a resource list, in each office location in areas of high visibility (such as bulletin boards, break rooms, restrooms, etc.). Agencies should also consider locations that offer private access to this information.

(B) Employees may also obtain resource information by talking with a manager, supervisor or human resource staff.

(C) An agency's resource list shall, at a minimum, include all of the information listed below:

(i) The names of the local domestic violence, sexual assault and/or stalking victim advocacy providers;

(ii) The National Domestic Violence Hotline: 1-800-799-7233 or www.ndvh.org/help/index.html; The National Sexual Assault Hotline 1-800-656-HOPE (4673) or www.rainn.org; The National Center for Victims of Crime - Victim Helpline 1-800-FYI-CALL;

(iii) The Department of Human Services Domestic Violence website's list of victim advocacy providers across the state, www.dhs.state.or.us/abuse/domestic/gethelp.htm;

(iv) The Employee Assistance Program (EAP) local service provider. State agencies with contracts with Cascade Centers, Inc. may use 1-800-433-2320 or www.cascadecenters.com to reach counselors 24 hours each day for intake and referrals to a local victim advocacy provider;

(v) The Oregon Law Help website www.oregonlawhelp.org contains contact information for local legal service offices as well as basic information about protections for gaining employment and housing; and

(vi) Perpetrator Information: Contact the EAP service provider as listed above, or go to http://www.co.multnomah.or.us/dchs/dv/dvman_batt.shtml for a list of batterer intervention programs in Multnomah County. These service providers make referrals to local programs.

(d) **Confidential Request and Referral**

(A) A manager, supervisor, human resource staff or safety personnel shall keep as confidential to the fullest extent permitted by law:

(i) An employee's request for resource or referral information about domestic violence, sexual assault, stalking, and additional security in the workplace;

(ii) Witness reports of a threat or incident of domestic violence, sexual assault or stalking;

(iii) An employee's request for other related assistance from the manager, supervisor, human resource staff, or safety personnel; and

(iv) The report that an employee is a victim of domestic violence, sexual assault, or stalking.

(B) If the law or certain circumstances require disclosure of the above in (A)(i)-(iv), the manager, supervisor, human resource staff or safety personnel will give advance notice to the employee whenever possible before making the disclosure.

(e) **Employee Safety and Support**

(A) If an agency manager, supervisor, safety personnel or human resource staff learns of a threat or possibility of workplace domestic violence, sexual assault or stalking, the agency must take appropriate action to keep all staff safe in the workplace. Refer to policies listed in (1)(b)(C)(i)(f).

(B) If an employee as a victim of domestic violence, sexual assault or stalking requests additional safety measures, the agency shall take additional reasonable safety measures to protect the employee at work or in connection with work as consistent with the agency's operational needs and does not create an undue hardship on the agency. An undue hardship is a significant difficulty and expense to the agency. The agency considers its

size and critical needs when it assesses an employee's request for additional safety and support measures.

(C) Agencies shall comply with all protective orders while the employee is in the workplace. If the parties to a civil protection order are employees of the same agency or work for different agencies in the same building or have on-the-job contact with one another, the pertinent managers will minimize or eliminate contact between the parties, as required by the order or as requested by the victim. Note: protective orders from other states are enforceable in the state of Oregon.

(D) Reasonable safety measures, support and assistance may include but are not limited to the following offerings (as per federal or state law, HRSD State Policy or collective bargaining agreement):

(i) Local advocacy and safety planning resource information;

(ii) Pseudo name and email address for performing work;

(iii) Alternate work schedules, transfer, or reassignment according to applicable policies and collective bargaining agreements;

(iv) Offering alternate parking spaces;

(v) Relocating or adjusting the employee's workstation, worksite or location;

(vi) Screening telephone calls and visitors;

(vii) Changing telephone number(s);

(viii) Alternate methods of receiving a paycheck;

(ix) Leave of absence per state law, policy or collective bargaining agreement;

(x) Sharing a copying of the protective order and a photograph of the abuser with the building security or safety personnel, manager, supervisor or human resource manager to stop the abuser entering the workplace; or

(xi) Other safety measures as appropriate.

(f) **Prohibited Behavior**

(A) **This policy prohibits discrimination and retaliation** against an employee as victim of domestic violence, sexual assault or stalking or requesting or using any provision of this policy. If any employee suffers such retaliation or discrimination, the employee may file a complaint with the human resource manager for investigation and appropriate action.

(B) Any employee who witnesses a threat or incident of domestic violence, sexual assault or stalking at the employee's workplace must report it to his or her manager, supervisor, human resource staff or safety officer immediately.

(C) This policy prohibits the threat of or commission of domestic violence, sexual assault, or stalking by an agency employee on agency premises or during working hours or at an agency-sponsored event. The agency may impose disciplinary action up to and including dismissal, against violators of this policy.

(D) This provision does not limit the authority of any agency to impose discipline or take other appropriate action for conduct that involves the threat or commission of domestic violence, sexual assault, or stalking by an agency employee in off-duty hours.

Performance Measure: Percentage of managers, supervisors and human resource staff receiving mandatory training.

Performance Standard: 100%

	DEPARTMENT OF CORRECTIONS **Human Resources**	
Title:	**Staff Training and Development**	**DOC Policy: 20.7.1**
Supersedes:	**DOC Procedure #71, Employee Training Program dated 9/4/90 and Procedure #14, Membership Fee for Professional/Management Organizations dated 2/1/94**	
Applicability:	**All department employees, volunteers, and contractors**	
Directives Cross-Reference:	**State Policy 50.045.01**	

I. PURPOSE

To describe the responsibilities and services of the department's Staff Training and Development Section, and the responsibilities of supervisors and employees in the professional growth and continuous learning of the workforce.

II. POLICY

The department places high value on developing and realizing the full potential of each employee through investment in their training and professional development to meet changing needs, keep skills up to date, and develop new personal and organizational competencies which further the department mission, vision, and core values. Accordingly:

A. The department's Staff Training and Development Section is responsible to provide within budgeted resources an employee training and development plan and program that meets the training policy requirements and current department training priorities. The Employee Training and Development Section shall:

1. Establish a department Training Advisory Committee (TAC) to provide the Section with consultation and advice to include course content, training delivery modes, training standards, employee development programs, training procedures, and selection of training contractors. The TAC shall include representation from both management and classified staff, as recommended by the functional unit manager, and selected by department Assistant Directors. The committee shall meet at least quarterly.

2. Complete a comprehensive training needs assessment by March 31 of each even-numbered year as the basis of the department's employee training and development budget request and plan for the following biennium. Training program recommendations from all department staff shall be included in the biennial needs assessment and may be included in the biennial training plan.

3. Provide the training and development programs identified in the biennial training plan including the Department of Corrections Orientation program, the annual In-Service Training program, a department

Leadership and Professional Development Program, and other skill-based training courses as identified in the plan and as described in department policies 20.7.2, 20.7.3, and 20.7.4.

4. Develop a biennial training report as part of the department budget request process to include the number of employees and training hours received, number of employees participating in department orientation, annual in-service, leadership development, and selected other courses and information.

5. Maintain employee training records and produce reports or respond to requests for training information.

6. Provide a department liaison to DPSST for the purposes of providing content experts from the department as trainers, advocating for the department's DPSST training requirements, and providing instructional services and input on curriculums, policy, standards, and procedures.

7. Upon request, provide consultation services related to improving the effectiveness and efficiency of teams or work groups through the application of employee and organizational development tools and workshops to the extent that resources and priorities permit. Such services may include team building, conflict resolution, meeting management, group communications, trainer and curriculum development, and contractor selection, and focus groups.

8. Maintain a library of employee and organizational development resource materials such as books, audio and video tapes, and CD-ROMS available for employee or organizational use.

B. Supervisors, in discussion with their employees, shall develop and update annually a written individual employee development plan that provides for the continuous improvement of the employee's job-related knowledge and skills and implement it to the extent that resources permit.

C. Supervisors may provide educational assistance to employees when it directly relates to their job responsibility or future professional growth, or to assist employees in meeting the department's mission and can be accommodated within the assigned budget:

1. When an employee is assigned to attend courses, the department shall reimburse the cost of registration fees, course materials, and necessary travel.

2. When an employee makes a request to attend a class(s), either during or after working hours, the department may reimburse all or part of the costs attendant to the class(s) contingent upon satisfactory completion of the course.

3. Educational assistance to employees may include paid leave. Provisions of the paid leave agreement between the agency and the employee shall be documented and maintained in the employee's personnel file.

D. Upon written request from a management or executive service employee, supervisors may approve one job-related, professional membership per year as their resources permit. Authorization for payment must include the employee name, functional unit, professional organization, and job-related rationale and be forwarded to the department accounting unit. Memberships for classified represented employees must be bargained and identified in the applicable collective bargaining agreement to be approved.

E. Employees, volunteers and contractors are expected to give full attention to and participation in all department training and development programs and courses in which they are enrolled, dress and conduct themselves in a professional manner, and satisfactorily complete the program or course.

III. IMPLEMENTATION

This policy will be adopted immediately without further modification.

DEPARTMENT OF CORRECTIONS **Human Resources**		
Title:	**Orientation Programs**	**DOC Policy: 20.7.2**
Supersedes:	**DOC Procedure #71, Employee Training Program dated 9/5/90**	
Applicability:	**All department employees, volunteers, and contractors**	
Directives Cross-Reference:	**None**	

I. PURPOSE

To provide new employees, volunteers, and contractors with a basic understanding of the department's expectations of their conduct and the department's mission, rules, policies, regulatory requirements, and procedures.

II. POLICY

The department Staff Training and Development Section shall determine and provide the appropriate Department of Corrections Orientation. Accordingly:

A. All supervisors shall enroll new employees or those who have been absent from the department for two or more years in the appropriate program within the first month of their employment;

B. The duration, location(s),curriculum, and schedule for each program shall be determined and announced no less than three months prior to the beginning of each calender year (training year). The curriculum for each program shall be reviewed and approved by the Training Advisory Committee and include at a minimum:

1. Training that familiarizes and explains regulatory requirements;

2. Training that provides an understanding of the department mission and vision and employee expectations related to the department's core values and code of ethics and conduct; and

3. Training that familiarizes and explains department rules, policies and procedures.

C. All department employees are expected to attend, to dress and conduct themselves in a professional manner, and complete the full program; and

D. Functional units may choose to provide a new employee orientation for their facility or institution in addition to, but not in lieu of, the department programs. Units choosing to provide such orientation shall provide the

Staff Training and Development Section a copy of the curriculum and have a course number assigned by the Section.

III. IMPLEMENTATION

This policy will be adopted immediately without further modification.

	DEPARTMENT OF CORRECTIONS **Human Resources**	
Title:	**Annual In-Service Training Programs**	**DOC Policy: 20.7.3**
Supersedes:	**DOC Procedure #71, Employee Training Program dated 9/4/90**	
Applicability:	**All department employees**	
Directives Cross-Reference: **Policy: Leadership and Professional Development Program #20.7.4**		

I. PURP OSE

To provide department managers and employees with the description, requirements, and procedures of the department's annual In-Service Training programs.

II. POLICY

All permanent employees shall participate in at least forty (40) hours of in-service training annually. The department Staff Training and Development Section shall determine, develop, and provide a menu of Annual In-Service Training course offerings based on the biennial training needs assessment and training plan as reviewed by the department Training Advisory Committee. Accordingly:

A. The course offerings shall provide opportunity for individual development or remediation in a variety of delivery methods to maximize the availability of courses and resources and minimize the need for overtime or post relief costs;

B. The Staff Training and Development Section shall publish a list of mandatory training requirements and catalog of course offerings, location, and schedule at least three months prior to the beginning of each calender year (training year);

C. Supervisors, in discussions with employees, shall identify and enroll employees in all mandatory training and/or the most appropriate or applicable in-service course and provide the employee on-duty time for completion of the course;

D. Supervisors and employees may jointly agree upon other job-related training that enhances the employee's ability to support the department mission available from other sources which will meet the requirement of forty hours of annual in-service training based on the employee's individual development plan and as resources permit. The

employee is responsible to submit a record of any such training to the Staff Training and Development Section within five days of successful completion; and

E. The Staff Training and Development Section shall conduct regularly scheduled instructor development courses for those employees interested and approved to become department adjunct trainers. The department training staff shall prepare curriculum and train trainers to deliver courses in fire arms use, cell extraction, and range master duties in their functional units.

F. Each level of the department Leadership and Professional Development Program may be substituted for annual In-Service Training as described in department Policy 20.7.4.

III. IMPLEMENTATION

This policy will be adopted immediately without further modification.

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DEPARTMENT OF CORRECTIONS **Human Resources**		
Title:	**Leadership and Professional Development Program**	**DOC Policy: 20.7.4**
Supersedes:	**N/A**	
Applicability:	**All interested permanent department employees**	
Directives Cross-Reference:	**State Policy 50.045.05** **DOC Policy Annual In-Service Training #20.7.3**	

I. PURPOSE

To provide interested employees with program description, entry requirements, and procedures for enrolling in the department's Leadership and Professional Development Program.

II. POLICY

The department places high value and priority on providing a department Leadership and Professional Development Program to prepare department employees interested in career advancement and leadership positions the knowledge, skills, and work experiences to effectively compete for higher level positions throughout the department. Accordingly:

A. The department Staff Training and Development Section shall develop and deliver a multi-level Leadership and Professional Development Program that meets the requirements of this policy. Each level of the program may substitute for annual department In-Service as described in department Policy 20.7.3:

1. A Primary Level program shall be offered annually. This classroom-based training program is designed to focus on introductory leadership skills and practices, specifically as they are applied in a correctional setting:

   a. Priority enrollment shall be offered to current department management and executive service employees. All such employees are strongly encouraged to complete the Primary Level program; and

   b. Enrollment shall also be offered to department classified represented employees. The enrollment process for these employees shall be determined each year by the Staff Training and Development Section and the Leadership Advisory Committee jointly, and shall be implemented in combination with the enrollment process utilized for all department In-Service training.

2. A Secondary Level program shall be offered annually. This classroom-based training program is designed to allow participants to customize their training activities according to their professional needs. In addition, the Secondary Level program addresses individual career planning so as to assist participants in the further tailoring of career development activities.

3. An Enhancement Level program shall be offered to graduates of the Secondary Level. This experiential level is designed to meet the specific needs of each participant, as identified in the Secondary program and may include:

   a.. A formal cross training, work-out-of-class, or job rotation assignment;

   b. Written learning objectives;

   c. A specific duration, not less than six months; and

   d. Continuation of the individual equivalent may be accepted at any level.

4. Credit for completion of an approved equivalent may be accepted at any level.

B. A Leadership Advisory Committee shall be established to advise and guide the program curriculum, entry requirements, and enrollment process for each level of the program; and

C. The department shall obtain certification of the Leadership and Professional Development Program from the Department of Administrative Services as meeting the requirements of State Policy 50.045.05, Core Curriculum for Oregon State Managers.

III. IMPLEMENTATION

This policy will be adopted immediately without further modification.

	DEPARTMENT OF CORRECTIONS **Human Resources**	
Title:	**Equal Employment Opportunity and Affirmative Action**	**DOC Policy: 20.4.1**
Supersedes:	**N/A**	
Applicability:	**Applicants and state employees**	
Directives Cross-Reference:	**State Administrative Policy 105-40-001**	

I. PURPOSE

The department is committed to achieving a workforce that represents the diversity of Oregon and being a leader in providing fair and equal employment opportunity for all interested applicants and its employees.

II. POLICY

A. Supervisors shall insure:

1. Equal employment opportunities are afforded to all applicants and employees by making employment related decisions that are non-discriminatory.

2. Employment practices are consistent with the state's Affirmative Action Plan and state and federal laws to:

   a. Promote good faith efforts to achieve established department affirmative action goals, which include persons with disabilities;

   b. Take proactive steps to develop diverse applicant pools for position vacancies and assess the diversity of an applicant pool prior to closing a job announcement; and

   c. Make a good faith effort to have diverse representation on screening and interviewing panels to include representation of employees outside the work unit doing the hiring.

B. Persons who believe they have been subjected to discrimination by the department in violation of this policy may file a complaint with the department's Human Resources Division within 30 calendar days of the alleged act, upon knowledge of the occurrence, or when the person should have known.

III. POLICY CLARIFICATION

A. Employment related decisions include, but are not limited to: hiring, promotion, demotion, transfer, termination, layoff, training, compensation, benefits, and performance evaluations.

B. Diverse applicant pools are developed by using proactive steps in outreach strategies which generally include targeted newspapers, professional organizations, employee networks, community organizations, and resume banks.

C. The Department of Administrative services statewide automated affirmative action system establishes goals for each EEO category and ethnic group for the Department of corrections.

D. Nothing in this policy precludes any person from filing a formal grievance/complaint in accordance with a collective bargaining agreement, or with the state's Affirmative Action Office, the Bureau of Labor and Industries, or the Equal Employment Opportunity Commission.

IV. IMPLEMENTATION

This policy shall be adopted immediately without further modification.

	DEPARTMENT OF CORRECTIONS **Human Resources**	
Title:	**Alternate Methods of Filling Positions**	**DOC Policy: 20.4.11**
Supersedes:		
Applicability:	**All Employees (where not in conflict with collective bargaining agreements).**	
Directives Cross-Reference: **Rules:**	**OAR 105-40-050 and 105-40-070**	

I. PURPOSE

To provide appointing authorities with an alternate method of filling positions in situations such as employee development, job sharing, short-term transitioning for training, pending position establishment or change, and to cover employees on leave under certain conditions.

II. POLICY

A. A position may be underfilled with an individual in a lower salary range and classification when there is a reasonable expectation that the employee will meet minimum qualifications of the budgeted position classification within 24 months of appointment made from a certificate or within 12 months of a direct appointment consistent with DOC Policy 20.4.10. Upon meeting position qualification and performance requirements, the employee shall be reclassified to the budgeted level of the position. An employee underfilling shall be advised of the requirements necessary to qualify for reclassification to the budgeted position level.

B. An appointing authority may employ two or more employees in a position as a doublefill for the following purposes:

1. To cover an employee on leave for any reason when a temporary appointment is not appropriate and a vacant position does not exist to address the workload need;

2. Short-term transitioning of employees into impending vacant positions for purposes of training;

3. The position establishment is pending the Position Inventory Control System (PICS) update;

4. When approved and/or directed by Budget and Management Division of DAS to address budget issues; and

5. Job share not exceeding 1.0 FTE: Employees doublefilling positions shall meet the minimum qualifications of those positions and be appointed in

accordance with applicable recruitment and appointment rules, policies or collective bargaining agreements. The double fill method of filling vacancies shall not be used to permanently increase legislatively authorized staffing levels.

C. A position may be crossfilled to a different classification with an equal salary range number providing the position establishment or modification is pending the PICS update.

III. IMPLEMENTATION

This policy will be adopted immediately without further modification.

	DEPARTMENT OF CORRECTIONS **Human Resources**	
Title:	**Department Mission, Vision, and Core Values**	**DOC Policy: 20.1.1**
Supersedes:	**DOC Policy 20.1.1 "Department Mission, Vision and Core Values," dated 7/15/98**	
Applicability:	**All employees, volunteers, and contract service providers**	
Directives Cross-Reference:	**None**	

I. PURPOSE

To provide all employees, volunteers, and contractors with a clear department mission statement, a vision for the desired future, and a core value-set that will provide the day-to-day governance and desired organizational culture for the department.

II. POLICY

The following department mission, vision, and core values are adopted to enable a framework for employee decision-making and personal behavior in the daily conduct of business. All department employees are expected to support and be guided by them.

Mission

The mission of the Oregon Department of Corrections is to promote public safety by holding offenders accountable for their actions and reducing the risk of future criminal behavior.

Vision

We take a proactive role in the development of criminal justice policy.

We create partnerships with Oregon communities to hold offenders accountable, engage victims, and enhance the quality of life for the citizens of Oregon.

We are a committed, creative, and productive organization which recognizes safety and security as an essential business practice.

We require sound fiscal management of public resources using outcome-oriented strategies.

We provide offender programs and resources which support the department's mission.

We are a diverse, skilled work force which shares the responsibility for outcomes across organizational boundaries.

Core Values

We Value:

Our responsibilities

Integrity

Teamwork

Respecting others

Constructive change

The participation of all

III. IMPLEMENTATION

This policy will be adopted immediately without further modification

DEPARTMENT OF CORRECTIONS **Human Resources**		
Title:	**Code of Ethics**	**DOC Policy: 20.1.2**
Supersedes:	**DOC Procedure #40, Code of Ethics (in part), dated 3/5/87**	
Applicability:	**All permanent and temporary employees, volunteers, and contract service providers**	
Directives Cross-Reference:		

I. PURPOSE

To provide employees, volunteers, and contract service providers with a clear understanding of the department's values and expectations for ethical conduct and professional and compassionate public service and to provide the opportunity for each employee, volunteer, and contract service provider to commit to such conduct and service.

II. POLICY

A. All department appointing authorities shall ensure that each permanent and temporary employee and volunteer in their organization has an opportunity to read and sign the attached Code of Ethics, form CD 1382.

B. All department permanent and temporary employees and volunteers shall read and be asked to sign the attached Code of Ethics, form CD 1382, and return it to their supervisor.

C. Supervisors shall forward completed Code of Ethics forms from employees to the department's Personnel Records Unit for permanent retention in the employee's personnel file. Forms for volunteers and contract service providers shall be retained at the work site.

D. Hiring supervisors shall ensure that the selected applicant for permanent or temporary employment sign the attached Code of Ethics, form CD 1382, as a condition of employment with the department. Volunteers shall sign the Code of Ethics as a condition of volunteering for the department.

E. The department's Contracts Office shall include the attached Code of Ethics, form CD 1382, for contract service providers to sign as a condition of contracting with the department.

F. Hiring supervisors sha ll ensure that the applicant selected for promotion within the department sign the attac hed Code of Ethics, form CD 1382, as a condition of promotion.

III. IMPLEMENTATION

This policy will be adopted immediately without further modification.

DEPARTMENT OF CORRECTIONS

CODE OF ETHICS

As an employee, volunteer or contract se rvice provider of t he Oregon Department of Corrections, I will value and maintain t he highest ideals of professional and compassionate public service by respecting the dignity, cultural diversity and human rights of all persons, and protecting the safety and welfare of the public.

I accept that my fundamental duty is to serve the public; to safeguard lives and property, to protect Department of Corrections incarcerated persons against deception, oppression or intimidation, violence or disorder.

I will be constantly mindful of the welfare of others. To the best of my ability, I will remain calm in the face of danger and maintain self-restraint in the face of scorn or ridicule.

I will be honest and truthful. I will be exempl ary in obeying the law, following the regulations of the department, and reporting dishonest or unethical conduct.

I acknowledge that I have been selected fo r a position of public trust and I will constantly strive to be worthy of that trust and to be true to the mission and values of the Department of Corrections.

Signature _____ Date_____

Print Name _____

CD 1382

	DEPARTMENT OF CORRECTIONS **Human Resources**	
Title:	**Code of Conduct**	**DOC Policy: 20.1.3**
Supersedes:	**DOC Rule #33 (Tab #13), "Employee/Inmate-Offender Relationships," dated 01/03/94; DOC Procedure #40; "Code of Ethics," dated 03/05/87; DOC Procedure #72, "Secondary Employment (Moonlighting), Educational Pursuits, or Other Activities" dated 07/25/86**	
Applicability:	**All executive service, management service, classified, and unrepresented employees, and all volunteers and contract service providers**	
Directives Cross- Reference:	**DOC Rule #105 (Tab #22), "Prohibited Inmate Conduct and Processing Disciplinary Actions," DOC Rule #39, (Tab#34), "Release of public Information"**	

I. PURPOSE

To establish a code of conduct for all DOC employees.

II. DEFINITIONS

A. Employees: executive service, management service, classified, and unrepresented employees of the department, temporary employees, volunteers and contract service providers.

B. Inmate/Offender: any person under the supervision of a federal, state, city or local correctional agency who is in custody or on parole, post-prison supervision or probation status.

C. Contraband: any article or thing which an inmate is prohibited by statute, rule or order from obtaining, possessing, or which the inmate is not specifically authorized to obtain or possess or which the inmate alters without authorization.

III. POLICY

Every employee of the Department of Corrections shall constantly strive to attain the highest standards of conduct and professional public service. This requires that employees be faithful to the principles of providing professional services, adhering to the code of ethics and meeting the vision, values, rules, policies and procedures of the department. Employee's conduct must be above reproach and must not impugn the credibility and honesty of the department, its employees, or the corrections profession. Contract service providers and volunteers working in department facilities are expected to conduct themselves according to these same standards.

A. Failure by employees to follow this policy may result in appropriate disciplinary action, up to and including dismissal.

B. It is essential to the orderly operation of the department that employees conduct themselves professionally, in accordance with the following standards:

1. Violation of Directives. Employees shall not knowingly commit or omit acts which constitute a violation of any of the policies, rules, procedures, regulations, directives, or orders of the department.

2. Violation of Law. Employees shall obey all laws of the United States, state, and local jurisdiction in which the employee is present. Should an employee be charged with, arrested for, or convicted of any felony, class A misdemeanor, or traffic violation resulting in a suspended license, that employee must immediately inform his/her supervisor in writing.

3. Reporting for Duty. Employees shall report for duty at the time and place required by assignment or orders and shall be capable of performing all of the essential duties required of their position.

4. Attentiveness to Duty. Employees shall not engage in any activities or personal business that would cause them to neglect their duty. Employees shall remain awake, fully alert, and attentive.

5. Truthfulness. Employees shall be truthful in rendering any report, in giving testimony, or in giving any official statement about any action taken that relates to the employee's employment or position. Every employee is obligated and shall promptly report to the proper line authority any illegal acts, acts that would pose an immediate threat to the safety, security and welfare of staff and inmates, violations of post orders, rules, regulations, policies and procedures. An employee who has knowledge of such conduct by other employees is encouraged to inform those employees committing the act that unless they turn the information in themselves, the employee will have to do it for them. Employees who possess factual knowledge of behavior that should be communicated to the proper authority and choose not to report it may be subject to disciplinary action.

C. Relationships with Inmates/Offenders.

1. All employees shall confine their relationships with inmates/offenders, or their families and friends, to those activities which are within the scope of the employee's duties. Requests for exceptions must be submitted in writing to, and approved by the functional unit manager. Upon receipt of authorization, the employee shall provide a copy to the supervising authority.

2. Employees shall submit written notification to their supervisor as soon as they know a relative, or close personal acquaintance is an offender/inmate within the State of Oregon.

3. Employees shall not become emotionally, romantically, or sexually involved with inmates/offenders, or allow an inmate/offender to engage in any behavior of a sexual nature with another inmate/offender.

4. An employee shall not use brutality, physical violence, profane, obscene, or otherwise abusing language or intimidation toward inmates, and only use the force necessary as defined in "Use of Force" Rule #13.

D. Relationships with Colleagues/Courtesy Toward Others

1. Employees shall, in the performance of their duties, be respectful, courteous, and considerate toward all members of the department and the general public. Employees shall not use terminology that disrespects the dignity or violates the human rights of others. Employees shall not use physical force, threats or intimidation toward fellow employees, family members of employees, or visitors while at a department work site.

2. Employees shall conduct themselves in accordance with DOC Policy 20.6.1, Promotion and Maintenance of a Respectful Workplace.

E. Introduction of Contraband. The introduction of contraband by an employee into or upon any department worksite, without the functional unit manager's knowledge and consent is prohibited. Contraband is defined by Rule 105, Tab 22.

F. Dissemination of Information.

1. The Department of Corrections shall ensure that public records shall be available to all persons consistent with all department procedures and laws governing the disclosure of such records.

2. Employees shall not remove information from files or make copies of records or documents, except in accordance with established procedures or upon proper authorization.

3. Each employee shall maintain the integrity of information received in the course of employment with the department, and not seek information beyond that needed to perform their duties; or reveal such information to anyone not having proper authorization

G. Discrimination/Harassment. All employees shall maintain a work environment that is free from discrimination and/or harassment (see DOC Policy 20.6.1).

H. Drug and Alcohol Free Workplace. The Department of Corrections will maintain a drug/alcohol-free work place through zero tolerance (see DOC Policies 20.6.2, 20.5.18 and applicable collective bargaining agreements).

I. Smoke-Free Workplace. Employees shall not use tobacco products within Department facilities designated as smoke-free and/or where such use has been prohibited (see DOC Policy 20.6.3).

J. Misuse of Official Department Position.

1. Employees shall not use their official department position, identification card or badges for:

   a. Personal or financial gain, or partisan political purpose.

   b. Obtaining privileges not otherwise available to them except in the performance of duty.

   c. Avoiding consequences of illegal acts.

2. Employees shall not lend to another person their uniforms, identification cards, or badges, or permit identification cards or badges to be photographed or reproduced.

K. Gifts, Gratuities, Bribes or Rewards. Employees shall not solicit or accept from any person, business, or or ganization any gift including but not limited to money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainm ent for the benefit of the employee or the department, if it may be reasonably inferred that the person, business, or organization:

1. Seeks to influence action of an offi cial nature or seeks to affect the performance or nonperformance of an official duty, or

2. Has an interest which may be subs tantially affected, directly or indirectly, by the performance or non-performance of an official duty.

L. Conflicts of Interest

1. Employees will not use their official position or office to solicit or receive for themselves or for any member of their household, or for any business with which they or a member of their household is associated, the following:

a. Employment by a contractor currently engaged in a contract with the Department of Corrections.

b. Gifts from anyone known to have a legislative or administrative interest in t he department, its institutions, schools, programs, and se rvices. Legislative or administrative interest is def ined as an economic interest, distinct from that of the gener al public, in one or more bills, resolutions, regulations, proposal s, or other matters subject to the formal vote or offi cial action of a department employee.

c. Financial gain, honoraria, or reimbursement of expenses, other than official salary, except:

(1) when the employee is engaged under a professional services contract that co nforms with other department policies and applicable laws, rules, and regulations, or

(2) when offering services as a speaker or as another participant while representi ng the State of Oregon in an official capacity, in wh ich instance the employee shall only accept reimbur sement of reasonable expenses as specified in the Department of Administrative Services travel policy and applicable collective bargaining agreements.

2. Department employees will not be employed by a contractor engaged in a contract providing services to the department.

3. Employees working for a current or former department contractor shall declare this relationship in writing and forward it to the functional unit manager.

4. All department employees shall declare in writing potential conflicts of interest to their supervisor, as soon as the employee knows a potential conflict exists. A conflict of interest may be any transaction where a person acting in the capacity of a department employee takes any action or makes any recommendation, the effect of which would be to the person's benefit or detriment. The appropriate supervisor shall submit this declaration to the functional unit manager.

5. The functional unit manager shall determine if a conflict of interest exists. The functional unit manager may direct the employee to refrain from engaging in the conduct causing the potential conflict of interest while the matter is under review.

6. If the functional unit manager determines that a conflict of interest exists, he/she shall direct the employee to cease the activity causing the conflict. The functional unit manager may direct an immediate cessation of the activity or designate a reasonable period of time for the employee to dispose of the matter.

7. The functional unit manager shall forward declarations of potential conflicts of interest by employees to the employee's personnel file.

M. Political Activities

1. Employees shall not be involved in promoting or opposing any initiative, referendum or recall petition, ballot measure or candidate while on duty. While on duty, employees shall not prepare any materials used in either support or opposition, distribute advocacy materials or correspondence for political committees, prepare candidate filing forms, voter's pamphlet filings or related correspondence.

2. When acting in an official capacity, employees shall not solicit funds or otherwise act to influence, interfer e with, or affect the results of any initiative, referendum or re call petition, ballot measure or candidate's campaign or election.

N. Unauthorized Use, or Taking of Property. Employees shall not use, remove, or borrow property from t he department for other than official business, unless authorized by the director or designee.

O. Gambling. Employees shall not engage in any form of gambling on duty.

P. Secondary Employment

1. Employees shall not accept se condary employment outside their employment with the D epartment if such em ployment creates a conflict of interest or interferes with the ability of the employee to effectively perform the duties of their position.

2. Any request to work for another state agency must be submitted to the functional unit's human resour ces consultant. The human resources consultant is respons ible for coordinating with the potential second state agency employer to comply with state policy 20.005.20, and DOC Policy 20.2.4, Fair Labor Standards Act, and avoid any potential overtime liability.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

DEPARTMENT OF CORRECTIONS **Human Resources**		
Title: Violence-Free Workplace		**DOC Policy: 20.6.14**
Supersedes:	**None**	
Applicability:	**All employees, volunteers, and contract service providers**	
Reference:	**State Policy: 50.010.02**	

I. PURPOSE

To promote and enhance a safe workplace environment for employees in their dealings with staff, volunteers, contract service providers, and/or the public to reduce the potential risk of violence in the workplace. This policy is not to be used or construed as policy concerning inmate behavior.

II. DEFINITIONS

A. Threats and threatening behavior: Behavior (i.e., physical, verbal or written acts) that express or are perceived as expressing intent to cause physical or psychological harm, or both, against an individual or individuals or to cause damage to property.

B. Violence or violent behavior: The actual carrying out of threatening behavior.

C. Workplace violence: Harassment, threats, threatening behavior, and violent behavior in the workplace.

III. POLICY

A. The Department of Corrections has a zero tolerance for behavior, which, to a reasonable person, is intimidating, hostile, threatening, violent, abusive, or offensive. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical or psychological harm. Also prohibited are acts that express or are reasonably perceived as expressing intent to cause damage to property. Employees who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties or both.

B. Any potentially dangerous situations must be reported immediately to a supervisor or a human resource consultant. Reports may be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be disclosed to others only on a need-to-know basis. Supervisors shall report incidents to a human resources consultant.

C. Retaliation against employees who report or experience workplace violence is prohibited. Any employee found to have engaged in retaliatory action or behavior will be subject to discipline up to and including dismissal.

D. The following measures shall be taken to effectively implement this policy and maintain a safe working environment:

1. Reference checks and reviews of final candidates' backgrounds shall be conducted to reduce the risk of hiring individuals with a history of violent behavior. Reference background checks shall also be conducted on new volunteers and contract service providers.

2. Public access buildings shall, if necessary develop policy or procedures for the safe access of the public into the facility.

3. Training. Employees and managers shall be educated to identify behaviors, which may lead to potentially dangerous situations.

4. Threats or assaults that require attention by security or police shall be reported to the appropriate personnel or agency.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

DEPARTMENT OF CORRECTIONS **Human Resources**		
Title:	**Recruitment and Selection Process**	**DOC Policy: 20.4.5**
Supercedes:	**1/1/01**	
Applicability	**Applicants for DOC positions, Management Service employees, and initial appointment to all classified positions.**	
Directives Cross-Reference: **Rules:**	**ORS 240.145(3); 240.250; 240.306; 240.321(2); 240.99; 249.391; State Rule 105-40-010**	

I. PURPOSE

To establish the criteria and explain the process for filling vacancies.

II. DEFINITIONS

A. Exam: may be in the form of a written exam, interview board, evaluation of experience and training, supervisor's rating or any combination of these.

B. Alternate exam: an exam which is equivalent and used to rate applicants for the same job.

C. Minimum qualifications: minimum experience, training, knowledge and skills for admission to an exam or for successful entry and performance in a class or position, or other pre-screening tools to evaluate applicant's suitability for employment.

D. The retaking of an exam described in III., E., 4. below, applies to only written multiple-choice tests to measure technical/job competency.

E. Temporary correctional security employees: certified applicants, processed through the same pre-screening and application process as all other certified correctional security applicants and are placed on the same applicant list.

F. Certificate of Eligibles List for Correctional Officer is active for six (6) months, unless the functional unit requests differently.

III. POLICY

It is the policy of the Department of Corrections (DOC) to base hiring and promotion decisions on an applicant's relative knowledge, experience and skills, determined by competition without regard to an individual's race, color, religion, sex, marital status, national origin, political affiliation, age, disability or other non-job related factors with proper regard for an individual's privacy.

A. Hiring supervisors shall confer with the Recruitment Unit to develop and prepare a recruitment plan and appropriate marketing/outreach strategies, taking into consideration workforce diversity, and to identify job groups which are under represented so that expanded recruitment efforts can be made to attract a diverse and qualified applicant pool.

1. DOC vacancies are generally filled through open competition. Exceptions may be made consistent with labor agreements to allow selection of employees for lateral transfer, and to provide agency-only promotional opportunities to forward DOC workforce development goals.

2. Hiring supervisor confers with the Recruitment Officer and takes the following steps to initiate a recruitment process:

   a. completes a Recruitment/Certification Request form;

   b. reviews and updates Position Description;

   c. determines method of filing the position;

   d. develops application exam questions;

   e. develops criteria for evaluating candidate responses;

   f. forms a diverse interview panel;

   g. develops interview questions and criteria to evaluate candidate responses; and

   h. conducts employment references.

B. Open competitive recruitment announcements will be open for a minimum of two (2) weeks.

   1. The recruitment announcement shall include job requirements and any special qualifications, salary, selection method, how, when, and where to apply, the length of the recruitment, the type of exam, if any, and the basis and method for an applicant's request for review of disqualification.

   2. Any exams administered shall be competitive, unbiased and of such content as to assist in determining an applicant's qualifications to perform the work

C. An applicant shall complete an official State of Oregon application (PD100) and follow the instructions on the recruitment announcement within the designated time period.

   1. An applicant claiming veteran's preference points must submit as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD214) with the State of Oregon application (PD100).

   2. Clients of the Oregon Department of Human Services programs who meet the eligibility criteria under Administrative Rule 105-40-060, Limited Competitive and Noncompetitive Appointments should apply through the Employment Department for appropriate position vacancies. The applicant must submit proof of current program participation at the request of the appointing authority before a job offer can be made.

3. An applicant who has been certified as severely disabled by the Vocational Rehabilitation Division (VRD) or the Oregon Commission for the Blind (OCB) may apply to the H.I.R.E (Hiring Individuals Ready for Employment) System. The certified applicant works with an OCB or VRD Counselor to learn of vacancies and apply through the open competitive process. H.I.R.E. system qualified candidates will automatically appear at the top of open competitive recruitments with an "HR" next to their names. Their eligibility on generic hiring lists allows them to appear as qualified whether or not the announcement included test questions.

   Hiring supervisors may send H.I.R.E. System applicants a letter offering an interview and include a copy of the position description. If test questions were a part of the announcement, hiring supervisors may also request the questions be answered by a specific date. H.I.R.E System applicants will review the position description to determine whether they meet the special requirements of the position and whether they wish to respond to the test questions. Not responding to the test questions will not eliminate HR candidates from further consideration, but may affect their overall score.

D. Hiring supervisors shall conduct employment reference checks, criminal background and other work-related background investigations on department (employees) applicants and new applicants, to secure further information concerning the applicant's qualifications and to verify statements contained in an application or a statement made in an interview. An adjustment may be made to the applicant's rating if information obtained materially affects the applicant's rating of experience, training, or suitability.

E. DOC employees, other state employees, and members of the public may:

   1. Obtain information regarding DOC employment opportunities by accessing the Internet, accessing the department's web site, accessing the state job-line, visiting a local office of the Employment Department where recruitment announcements are posted or at DOC institutions where recruitment announcements are posted.

   2. Request a review of disqualification within 10 calendar days for not meeting minimum qualifications as directed in the recruitment announcement. Any changes due to a disqualification review shall not affect the previous selection decision(s) concerning other applicants.

   3. Request a review of exam results for reevaluation within 10 calendar days from the date of the grade notice from DOC or the Department of Administrative Services. The review shall be limited to the verification of scoring and any changes due to a review shall not affect the previous selection decisions concerning other applicants.

   4. Retake an exam if more than three (3) months have elapsed since the exam was previously taken and if the recruitment is still open to application. On delegated exams, DOC may determine the time period

before retesting. The most recent score obtained shall determine the candidate's placement on the eligible list or failure to make the list.

F. Human Resources Division may establish and administer recruitment and selection processes for specific positions, including the development and administration of job related screening and assessment tools and methods.

G. Human Resources Division may develop and administer alternate recruitment processes for specific classifications.

H. Correctional offer series applicants take a Work-Style Behavior Survey and a Correctional Officer Test that establishes them on a scored, rank ordered correctional officer applicant list. The Work-Style Behavior Survey is a multiple-choice survey that addresses applicant behavior in the workplace and evaluates applicant suitability to work in DOC's correctional environment. The Correctional Officer Test describes a variety of situations prospective applicants might find themselves experiencing in a correctional workplace. It provides a multiple-choice set of answers from which an applicant can then select the appropriate response.

1. All correctional officer applicants who are not currently permanent DOC employees complete both the Work-Style Behavior Survey and the Correctional Officer Test. Non-DOC applicants for corporal and above take only the Work-Style Behavior Survey.

2. Current DOC employees, unless demoting or pursuing a lateral transfer to correctional officer, must take the Correctional Officer Test to establish them on the scored, rank-ordered list.

3. Individuals eligible for re-employment with DOC and interested in becoming a correctional officer must submit a correctional officer application packet for review by Recruitment. These individuals are exempt from the Work-Style Behavior Survey, but may take the Correctional Officer Test to establish their names on the scored, rank-ordered correctional officer list.

4. Applicants who do not pass the Work-Style Behavior Survey are not eligible to reapply for twelve (12) months after the date they first took the survey. Applicants who pass the Work-Style Behavior Survey but fail the Correctional Officer Test may retake the test six (6) months after they first took the test. Applicants do not have to take the Work-Style Behavior Survey if they pass it the first time. Pursuant to the Public Records Act (ORS 192.410 – 192.505), contents of the survey and test are for DOC use only, and an applicant's survey and test results are not disclosed to the applicant other than written notification of either Accepted or Not Accepted and the test score itself that is provided to the applicant by the Department of Administrative Services in the *Applicant & Examination Notice.*

I. Supervisors may fill permanent positions with temporary employees:

1. If the temporary employees are currently working in the classification of the permanent position and meet the following conditions:

   a. they were initially hired from a random-selection Certificate of Eligibles and interviewed through an open competitive interview process; and

   b. the Certificate of Eligibles from which the temporary appointment was made is still active; and

   c. all temporary employees who meet the above conditions and work in the same classification within the work unit where the vacancy is to be filled are interviewed for the position.

2. If the Certificate of Eligibles from which the temporary appointment was made has expired, or the temporary employees was not hired from a Certificate of Eligibles, then the hiring supervisor or designee shall:

   a. request a Certificate of Eligibles with one or more names; and

   b. add the name(s) of all temporary employee(s) working in the same classification and work unit to the Certificate of Eligibles L

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

DEPARTMENT OF CORRECTIONS **Institutions**		
Title:	**School-to-Work**	**DOC Policy: 20.4.13**
Supersedes:	**N/A**	
Applicability:	**All Employees, Students and Educations**	
Directives Cross-Reference:	**None** **HRSD Policy 40.025-05** **Rule:** **Volunteer Services/Student Interns – Div 015** **Facility Access – Div 016** **Release of Public Information – Div 039** **Visiting (Inmate) – Div 127** **Policy:** **Expectations of DOC Employees – Section 20.1** **Workplace and Safety Management – Section 20.6**	

I. PURPOSE

The department is committed to establish a work-based learning program that is mutually beneficial to department employees, students and educators.

II. DEFINITIONS

Work-based earning is a series of structured learning activities that integrate work site experiences with academic learning and include the following types of assignments:

A. Site Visit: One to three hour tour of the workplace;

B. Job Shadow: Three to six hours of a mentor relationship where student observe daily activities, interview employees at the workplace, and have hands-on experience;

C. Structured Work Experience: 54 hours minimum, not to exceed 18 weeks on-the-job mentor relationship that is linked to the classroom by curriculum and which includes a training agreement with written learning objectives (paid or unpaid);

D. Internship: Three to 18 weeks or a mentor relationship that is a structured project linked to the classroom training agreement with written learning objectives and which culminates in a product or presentation (paid or unpaid);

E. Structured Student Employment: Preexisting student job with a mentor relationship that integrates work site experiences with academic learning and career and must be organized to ensure that work-based learning is meaningful; and

F. Apprenticeship: Two to six years in a (paid) mentor relationship that is supervised, structured to include classroom technical instruction or related training (must be a training agreement between sponsor and apprentice.)

III. POLICY

The Department of Corrections (DOC), as an employer, recognizes the importance of enhancing work-based learning opportunities through creating and maintaining relationships with public and private schools that promote an effective and efficient workforce through a School-to-Work (STW): Career-Related Learning Program.

A. Agency Development

1. The department will development an agency plan which promotes participation in and support of work-based learning activities for students and educators and allows employees the flexibility to participate.

2. The department plan will establish an agency coordinator who will:

   a. Consider the business needs of persons/agencies while creating safe, professional, and meaningful work experience opportunities for student participants.

      (1) Set department-wide parameters which include LEDS, background checks and verification that student is not an inmate visitor or relative.

      (2) Develop an orientation program that will be given to all students prior to any work-based learning assignment as deemed pertinent to the type and duration of the student's assignment.

   b. Ensure that student participants (paid or unpaid) in the program do not displace permanent employees.

   c. Ensure that all persons involved are subject to, possess a working knowledge of, and maintain consistent compliance with all applicable laws, rules, policies and directives which may include, but are not limited to, the following:

      (1) DOC Administrative Rule 015, **Facility Access**;

      (2) DOC Administrative Rule 015, **Volunteer Services/Student Interns**;

      (3) DOC Administrative Rule 053, **Emergency Prepardness**;

      (4) DOC Administrative Rule 039, **Release of Public Information**;

      (5) DOC Policy Section 20.1, **Expectation of DOC Employees**;

      (6) DOC Policy Section 20.6, **Workplace and Safety Management**;

      (7) DOC Administrative Rule 127, **Visiting (Inmate)**.

d. Be applied as consistently as possible throughout the department while ensuring that DOC operational needs, as well as applicable safety and security standards are complied with at all times.

e. Develop a Mentorship Training Program to be presented to the department's STW representatives.

f. Provide orientation and training for all department employees as is pertinent to their level of participation in the department's STW program.

g. Allow involved employees to maintain reasonable flexibility to participate in appropriate activities as required to properly maintain the STW program without hindering the secure and orderly operation of the functional unit involved.

h. Provide orientation and training for school counselors or other educators in order to promote the department as an employer and aid in determining which students are appropriate for participation in the department's STW program.

i. Establish criteria for disqualifying participants who are determined to be "high risk" even though the school counselors or liaison has recommended them for participation.

j. Match the participant with the appropriate position according to their interests and with an appropriate guide/escort/mentor with a knowledge of that position.

k. Provide adequate technology and the necessary equipment to support the STW program in the department.

l. Ensure that the STW program is consistent with and ties to applicable State Program Measures.

m. Manage department data collection and submit appropriate reports.

n. Provide opportunities for leadership and professional development for DOC employees who create successful work-based learning environments for students, educators, and others.

3. Each facility and/or program area will appoint a STW representative/s who will:

a. Ensure that all requirements of this policy are adhered to while ensuring the continued safe and orderly operation of the facility/program area.

b. Establish a procedure providing guidelines for the implementation and administration of the STW program as it affects the facility/program area.

(1) Work with the agency coordinator to match student placements within the facility/program area.

(2) Present Mentorship Training Program to the facility/program area staff participants who are enlisted to provide career related learning experiences to students.

(3) Advocate participation in career related learning activities within the facility/program area.

(4) Consider the needs of the facility/program area to include the safety, security and orderly administration of all involved.

(a) Ensure that the student has completed all necessary forms, reviewed all applicable rules, policies, etc., and been through a student orientation process that is appropriate for the type and duration of the student's assignment.

(b) Ensure that an emergency preparedness plan is in place in the event of an emergency.

(5) Determine when the program fits into the schedule of the facility/program area.

(6) Ensure common understanding of the program mission, goals and standards as they pertain to the facility/program area.

(7) Develop and maintain necessary documentation to ensure the safe, secure and orderly administration of the STW program as it applies to the facility/program area.

(8) Track all facility/program area work-based learning placements and submit a quarterly report to the agency coordinator.

IV. POLICY CLARIFICATION

A. All visiting students participating in the STW program must have current and adequate liability insurance coverage.

1. Participating students in the STW: Career-Related Learning Program (STW/CRL) must have liability/injury protection insurance coverage provided by the participating school.

B. Student participants paid by the DOC will have "Temporary Employee Status" unless hired into an authorized budgeted student worker position.

C. All work-based learning experiences will be arranged through the agency coordinator in advance.

D. All work-based learning experience shall be terminated at the discretion of the mentor or OIC if inappropriate behavior occurs.

V. IMPLEMENTATION

Each correctional institution shall write an operational procedure to ensure all requirements of this policy are adhered to while ensuring the safe and orderly operation of the institution.

DEPARTMENT OF CORRECTIONS **Human Resources**		
Title:	**Performance Planning**	**DOC Policy: 20.5.3**
Supersedes:	**DOC Policy 20.5.3, Performance Planning, dated 7/15/98**	
Applicability:	**All management and executive service employees**	
Directives Cross-Reference:		

I. PURPOSE This policy will assist managers in clarifying performance expectations, promoting achievement and accountability and establishing positive personal relationships. This policy will also assist managers in enhancing and strengthening individual performance to further the mission, vision and values of the department.

II. **POLICY** Managers of the Department of Corrections are people managers first. Necessary job duties include the use of discretion in mutually identifying performance outcomes that support the mission of the department while contributing to successful relationships within the context of a healthy working environment. Accordingly:

A. By September 30 of each year, utilizing the principles below, managers will mutually develop written performance plans, including specific measures which state what is to be accomplished, by whom and when. The plans may focus on either individual or group outcomes.

B. At frequent intervals thereafter, all involved parties will talk with each other about individual and group progress on the agreed upon objectives. Objectives will be re-written as necessary and added if needed. Managers will identify and recognize successes and commit to changes as needed. Training or other resources that will increase successes in the future will also be noted.

C. By September 15 of each following year, all parties will mutually prepare a signed written narrative that assesses progress to date on the previously agreed upon objectives. Managers conclude by beginning again at A.

D. Copies of all annual narratives will be forwarded to the Human Resources Personnel Records unit by the date stated above.

III. **PERFORMANCE PRINCIPLES** Performance planning will be based on the following principles:

A. The performance plan links employee performance with organizational success.

B. The performance plan establishes targets and standards.

C. The performance planning process matches organizational values.

D. The performance planning conversation is continuous and on-going.

E. All performance planning activities are motivational. None are de-motivational.

F. All performance planning activities reinforce positive long-term relationships.

IV. **IMPLEMENTATION**

This policy shall be adopted immediately without further modification.

	DEPARTMENT OF CORRECTIONS **Human Resources**	
Title:	**Management of Injured Workers**	**DOC Policy: 20.5.17**
Effective:	**6/12/03**	**Supersedes: 9/2/03**
Applicability:	**All Department of Corrections Employees**	
Directives Cross-Reference: None		
Attachments:	**SAIF Claims Management, Flow Chart** **DOC Employee Medical Status Report (CD1422)** **DOC Job Description for Temporary Transitional Work** **Letter A, Time-Loss Payments** **Letter B, No Time-Loss Payments** **Letter C, Interim Review and/or Changes in Restrictions** **Letter D, Off-the-Job Injury** **Letter E, End of Temporary Modified Duty** **Employee/Volunteer Report or Incident/Near-Miss/Injury/Illness** **Supervisor's Analysis of Incident/Near-Miss/Injury/Illness** **Continuation of Benefits Employee Notice**	

I. PURPOSE

The purpose of this policy is to establish a Department of Corrections program to return an employee with a compensable work-related injury or illness to an available and suitable position as soon as possible. This program will include provisions for an Early-Return-To-Work (ERTW) program (temporary transitional work/modified duty work) when appropriate and available while the employee is recovering from the on-the-job injury or illness. ERTW guidelines may be applied to employees who sustain an off-the-job injury if temporary modified work is available and appropriate (See Section IV, Policy Clarification, A.).

II. DEFINITIONS

A. Available reinstatement means the injured employee's job at the time of injury/illness, if the position exists, and the employee is released by the treating physician back to his/her regular position regardless of the hiring or assignment of a replacement worker to that position. If the former position no longer exists, the employee will be reinstated in another existing position that is vacant and suitable. Rights of reinstatement will be subject to the provisions for seniority rights and other employment restrictions contained in valid collective bargaining agreements.

B. Available Reemployment refers to another existing position that is vacant and suitable if the employee is disabled from performing the duties of his/her former regular position. Rights of reemployment will be subject to the provisions for seniority rights and other employment restrictions contained in valid collective bargaining agreements.

C. Early-Return-to-Work (ERTW) is a program and process of returning an on-the-job injured employee to a transitional work assignment or temporary modified duty as soon as possible after the treating physician provides a modified duty or restricted duty work release, provided that temporary modified work is available, suitable, and/or appropriate. (See Section IV, Policy Clarification, B.).

D. Suitable reinstatement employment is the position held at time of injury if the employee is not disabled from performing the duties of that position or if that position no longer exists, an existing and vacant position that is most similar to the former position in compensation, duties, responsibilities, skills, location, duration, and shift. Please see Available reinstatement above.

E. Suitable reemployment is an existing and vacant position that meets the injured employees' medical restrictions and for which the employee is qualified to perform the essential functions of the position, with or without accommodation. A suitable position is as similar as practical to the former position in compensation, duties, responsibilities, skills, location, duration, and shift and is within the same or lower salary range as the position held at time of injury. A suitable reemployment position is paid at the rate provided for in the compensation plan for that position. Please see Available reemployment above.

F. Transitional work assignments or temporary modified work is designed to give an employee meaningful work while continuing to heal from an injury or illness. These are not permanent assignments or duties, but transitional work or modified duty assignments designed to meet temporary restrictions placed on the injured employee by the treating physician.

III. POLICY

It is an unlawful employment practice to discriminate against an employee (permanent or temporary) or potential employee with respect to hire, tenure, or any term or condition of employment because the individual has applied for Workers Compensation benefits, invoked, or utilized the procedures provided for in ORS Chapter 656 or has given testimony under the provisions of those laws.

A. Early Return to Work (ERTW):

1. The Department of Corrections shall endeavor to return an on-the-job injured employee to temporary transitional work or modified duty within three working days of an injury, illness, or attending physician's release.

2. The assigned safety manager, in consultation with the on-the-job injured employee's supervisor, will follow the procedures as outlined in Attachment A, "SAIF Claims Management".

3. Temporary transitional or modified duty is typically limited to 30 days. With continued improvement, 30-day extensions are possible but generally ERTW is limited to total of 90 days. During these 30-day extension periods employees shall provide an updated Employee Medical Status Report (within Attachment A) or a treating physician generated medical status statement. Extensions over 90 days may be granted due to major changes in claim status that have occurred during the present

temporary modified duty such as surgery, but the Departments Administrator of Safety & Risk must approve all extensions. Extensions of transitional work or modified duty are limited to 30-day increments or less and will not exceed a total of an additional 90 days due to a major change in claim status. An employee who is not released to return to full unrestricted duty (full release from the attending physician) after completing 90 days of a temporary modified duty assignment (barring possible extensions) will be placed on leave.

4. An employee who has filed a claim for workers' compensation benefits and is in temporary transitional work or temporarily modified duty will receive the same salary or rate of pay at time of injury, including any differentials during the transitional work period, regardless of shift, location, etc, of the transitional work.

B. Workers' Compensation - Reinstatement/Reemployment

1. Reinstatement of the employee to the position at time of injury will be in accordance with the ORS 659A.043 , "Reinstatement of injured worker to former position; certificate of physician evidencing ability to work; effect of collective bargaining agreement; termination of right to reinstatement; when reinstatement right terminates".

2. Reemployment of an injured worker who is disabled from returning to his/her former position will be done in accordance with ORS 659A.046, "Reemployment of injured worker in other available and suitable work; termination of right to reemployment; certificate of physician; effect of collective bargaining agreement". The Departments Administrator of Safety & Risk shall determine suitable and available reemployment options.

C. Statewide Injured Workers List (entry level positions)

1 An employee with a compensable claim who cannot be reinstated or reemployed within the Department of Corrections shall be placed on the Statewide Injured Workers List by the Department's Human Resources Recruitment Division unless the employee is ineligible for placement on such list (see # 3 below).

a. The injured employee shall provide a current detailed PD-100 to the Department's Administrator of Safety & Risk when it has been determined that the injured employee cannot be reinstated or reemployed within the Department of Corrections.
b. The Department of Corrections, Human Resources Recruitment Division shall determine the appropriate classifications based on the supplied PD-100 from the injured employee for posting on the Statewide Injured Worker List.

2 The Department's Human Resources Recruitment Division will remove the injured worker's name from the Statewide Injured Workers List when notified that the worker is no longer eligible for placement or retention on this list (see #3 below).

3 An injured employee shall be ineligible for placement or retention on the State Wide Injured Worker List when the employee has:

a. Refused appropriate modified duty;
b. Declined interviews;
c. Declined offers of suitable employment;
d. Retired;
e. Terminated for cause;
f. Lost reemployment/reinstatement rights for any reason defined under ORS 659A.043 or ORS 659A.046;
g. Otherwise separated from state service;
h. Failed to notify the agency of injury of changes in address, telephone number, return to work status, or medical status; or
i. Been on the list more than three years from the date of injury.

D. Continuation of Benefits

1. The Department will follow the requirements of OAR 659A.063, "State to continue group benefits for injured worker and covered dependents; when ended".

2. Any collections due to overpayment will be enacted in accordance with any applicable collective bargaining agreement, DOC Policy, State of Oregon payroll rules and/or policy, and/or any other applicable OAR or ORS. (Listing order does not construe order of process).

E. Filling a Vacancy

When filling a vacant classification, the Department of Corrections Human Resources Recruitment Division will:

1. Check the State Wide Injured Worker List of qualified injured workers of the appropriate class; and

2. Offer the position to the qualified injured worker who has been on the State Wide Injured Worker List the longest, if qualified for the position; and

3. Notify the agency-of-injury if the injured worker fails to respond or accept the position. The recruitment unit may code the State Wide Injured Worker List with the disposition code that indicates the employee's failure to respond or refusal of the job.

F. Employees will:

1. Report all accidents, incidents, near-miss, and work-related injuries/illness to the supervisor immediately or no later than the end of the work shift whether or not medical care is received or anticipated. If the immediate supervisor is not available, the report will be made to the next level supervisor or the assigned safety manager; and

2. If involved in an accident/incident and/or a near-miss complete an "Oregon Department of Corrections Employee/Volunteer Report of Incident/Near-Miss/Injury/Illness" form CD 1381 (5/02) (attached) to document the accident, incident, injury, illness and/or near-miss that may have occurred during the work shift and forward it immediately upon completion to the supervisor; and

3. Complete a SAIF Corporation 801 Claim form (U:/General-Information/Forms/Safety-Forms, or U:/Human-Resources/Safety & Risk/Safety-Form-Shortcut or downloadable from www.SAIF.com under "Filing a Claim") to file a claim for workers' compensation benefits for an on-the-job injury/illness if the employee has received or intends to receive medical attention and the employee intends to file a claim for workers' compensation benefits (See Section IV, Policy Clarification, C.). This form must be completed immediately or within 24 hours of the time the employee knows he/she will be seeking medical treatment for an on-the-job injury/illness. If the employee has filed a SAIF 827 "Worker's and Physician's Report for Worker's Compensation Claims" at his/her treating physician's office, then the employee will also complete a SAIF 801 form and immediately forward to the assigned safety manager. All SAIF claims will be submitted to SAIF five days from the employer's date of knowledge of the claim. The employee is responsible for completing the SAIF 801 form and forwarding it to the assigned safety manager or designee (if the safety manager is unavailable) for submission to SAIF within this time limit; and

4. Provide the assigned safety manager and/or designee with a medical status report prepared by the attending physician (Within Attachment A or treating physician generated medical status statement) within 24 hours of medical treatment. These medical status report(s) will contain only specific and objective information such as; employee capabilities, limitations, and prognosis so that the assigned safety manger in consultation with the supervisor may determine if there is any temporary modified duty work available; and

5. When off work due to an on-the-job injury, contact the assigned safety manager or designee every week (calling in weekly is normally limited to a four week time period of time loss) to report his/her medical condition. Employees who are off work for extended periods (four weeks or longer) shall contact the assigned safety manager or designee whenever there is a change in medical conditions that affect the return-to-work status. Employees shall also provide physician updates after claim related doctor visits, such as employee capabilities, limitations, and prognosis, so the assigned safety manger in consultation with the supervisor may determine an appropriate transitional work or modified duty assignment when the employee is released to such work; and

6. Provide the assigned safety manager and supervisor with a current phone number, even an unlisted one, and address; and

7. Cooperate with the assigned safety manager, their supervisor, human resource manager, and/or SAIF Corporation in efforts to identify

appropriate modified duty assignments and/or available and suitable work, and report for duty to such assignments; and

8. Be subject to initiation of employment disciplinary processes through failure to cooperate in this program as outlined in this policy.

G. Supervisors will:

1. Investigate all accidents and/or incidents with the aid of the affected employee and/or the assigned safety manager; and

2. Complete the "Oregon Department of Corrections Supervisor's Analysis of the Incident/Near-Miss/Injury/Illness" form CD 1381 (5/02) as soon as it is completed by the employee and provided to the supervisor, and distribute as noted on the form; and

3. Forward the SAIF 801 form to the assigned safety manager for completion (if delivered to the supervisor); and

4. Review the ERTW process with the employee; and

5. Immediately contact the assigned safety manager to initiate the ERTW program when the treating physician releases the on-the-job injured/ill employee to temporary modified work.

H. Assigned Unit Safety Managers will:

1. Complete the SAIF 801 form, forwarding it to SAIF Corporation within five days of knowledge of a claim, and provide a copy to the Department's Administrator of Safety & Risk; and

2. Initiate the ERTW process following the SAIF Claims Management Flow Chart (Attachment A); and

3. Work with the injured worker's supervisor to locate and provide temporary modified transitional work when available and appropriate; and

4. Maintain and provide copies of all approved physician signed job descriptions and letters of job offer to the Department's Administrator of Safety and Risk; and

5. Notify the East or West FMLA/ OFLA coordinator when a claim results in time-loss; and

6. Be the liaison between the treating physician and the department; and

7. Be the liaison between SAIF Corporation and the department; and

8. Notify the Department's Administrator of Safety and Risk when an employee who has sustained a compensable injury and is disabled and/or permanently restricted from performing the duties of the worker's position at time of injury; and

9. Utilize the Workers' Compensation Division's Employee-At-Injury-Program (EAIP) in all applicable situations; and

10. Review the "Oregon Department of Corrections Supervisor's Analysis of the Incident/Near-Miss/Injury/Illness" form CD 1381 (5/02), working with the supervisor to prevent re-occurrences and /or to correct hazardous conditions; and

11. Consult with the Department's Administrator of Safety & Risk in working with the Preferred Worker Program.

IV. POLICY CLARIFICATION

A. Early-Return-To Work and Off-the-Job Injuries:

1. Transitional work assignments or temporary modified work provisions as outlined in III Policy, A, Early Return to Work (ERTW), 2, 3, may be used for off-the-job injured employees if it is possible and/or appropriate to return the off-the-job injured employee to temporary modified work.

2. Employees seeking temporary transitional work or modified duty for an off-the-job injury/illness will provide an "Employee Medical Release Authorization" (within ODOC Medical Status Report, or similar document) prior to any temporary work job offer. This release shall not be construed as a general release of medical information but as an authorization that the employee and treating physician can provide only information necessary to return the off-the-job inured employee to a temporary transitional modified work assignment.

3. The on-the-job injured employee has a higher priority for placement in transitional assignments or temporary modified work and could displace an off-the-job injured employee if there is not sufficient work for both.

4. The rate of compensation (pay) for an off-the-job injured employee working in transitional work or modified duty shall be determined by the assigned Human Resources Manager in consultation with the employee's supervisor.

B. The Department of Corrections has neither the duty nor legal authority to create a position for returning an injured employee back to work.

C. Employees have the legal right not to file a claim for workers' compensation benefits if they so choose. Refusal to sign or file a claim form for an on-the-job injury will be documented by the assigned safety manager and the employee's supervisor. **Note: The Department of Corrections encourages all employees who suspect that they were injured on-the-job to file a claim for workers' compensation benefits.**

V. IMPLEMENTATION

This policy will be adopted immediately without further modification.

DEPARTMENT OF ADMINISTRATIVE SERVICES, HUMAN RESOURCE SERVICES DIVISION

DIVISION 40

FILLING POSITIONS

105-040-0001

Equal Employment Opportunity and Affirmative Action

(1) The State of Oregon is committed to achieving a workforce that represents the diversity of the Oregon community and being a leader in providing its citizens with fair and equal employment opportunities. Accordingly:

(a) State agency heads shall insure:

(A) Equal employment opportunities are afforded to all applicants and employees by making employment related decisions that are non-discriminatory;

(B) Employment practices are consistent with the state's Affirmative Action Plan and state and federals laws to:

(i) Promote good faith efforts to achieve established affirmative action goals, which include persons with disabilities; and

(ii) Take proactive steps to develop diverse applicant pools for position vacancies and assess the diversity of each applicant pool prior to closing a job announcement.

(b) The Department of Administrative Services shall:

(A) Maintain an automated affirmative action tracking system which uses a uniform methodology for communicating affirmative action goals for each state agency. The system shall also communicate goals for hiring persons with disabilities as required by state and federal law;

(B) Produce periodic reports showing hiring opportunities and each agency's progress toward achieving established affirmative action goals as identified in the state wide automated system.

(c) Persons, who believe they have been subjected to discrimination by an agency in violation of this rule, may file a complaint with the agency's designated office within 30 calendar days of the alleged act or upon knowledge of the occurrence.

(2) Employment related decisions include, but are not limited to: hiring, promotion, demotion, transfer, termination, layoff, training, compensation, benefits, and performance evaluations;

(3) Diverse applicant pools are developed by using proactive steps in outreach strategies which generally include targeted newspapers, professional organizations, employee networks, community organizations, and resume banks;

(4) The statewide automated affirmative action system establishes goals for each equal employment opportunity category and ethnic group for each state agency;

(5) Nothing in this rule precludes any person from filing a formal complaint in accordance with a collective bargaining agreement, or with appropriate state or federal agency under the applicable law.

Stat. Auth.: ORS 184.340, ORS 240.145 & ORS 240.250
Stats. Implemented: ORS 240.306 & ORS 243.305
Hist.: PD 2-1994, f. & cert. ef. 8-1-94; HRSD 11-2003, f. 7-15-03, cert. ef. 7-21-03

105-040-0010

Recruitment and Selection Process

Applicability: Classified unrepresented and management service positions, and initial appointment to all classified positions. It is the policy of the State of Oregon to base hiring and promotion decisions on an applicant's relative knowledge, experience, and skills, determined by competition without regard to an individual's race, color, religion, sex, marital status, national origin, political affiliation, age, disability, or other non-job-related factors, with proper regard for an individual's privacy.

(1) An applicant shall complete and submit an official State of Oregon application (PD 100), or an alternative application form approved by the Division, and follow the instructions on the recruitment announcement within the designated time period.

(a) An applicant claiming veteran's preference points must submit as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) with the State of Oregon application (PD 100). Disabled Veterans must also submit a copy of their Veteran's disability preference letter from the Department of Veteran Affairs, unless the information is included in the DD Form 214/215.

(b) Clients of State Department of Human Services programs who meet the eligibility criteria under Administrative Rule 105-040-0060, Limited Competitive and Non-competitive Appointments, may identify themselves as participants by selecting the "AFS" skill code on the State of Oregon application (PD 100). The applicant must submit proof of current program participation at the request of the appointing authority before a job offer will be made.

(2) An appointing authority shall provide the public and state employees a minimum two (2) weeks notice of employment opportunities when filling vacancies other than agency promotions by using the State's Jobs page on the internet and the Employment Department services. Accordingly:

(a) The recruitment announcement shall include job requirements, minimum qualifications from classification specifications and any special qualifications, salary, selection method, how, when, and where to apply, the length of the recruitment, the type of test, if any, and the basis and method for an applicant's request for review of disqualification. Minimum qualifications means minimum experience, training, knowledge and skills required for a position in a classification according to the classification specifications.

(b) Any tests administered shall be competitive, unbiased and of such content as to assist in determining an applicant's qualifications to perform the work.

(3) An appointing authority shall have the authority to verify a statement contained in an application or a statement made in an interview and secure further information concerning the applicant's qualifications. An adjustment may be made to the applicant's rating if information obtained materially affects the applicant's rating of experience, training, or suitability.

(4) Members of the public and state employees may:

(a) Obtain information regarding employment opportunities by accessing the State's Jobs page on the internet and/or visiting a local office of the Employment Department where recruitment announcements are posted;

(b) Request a review of disqualification within 10 calendar days from the date of grade notice for not meeting minimum qualifications as stated in the recruitment announcement. Any changes due to a disqualification review shall not affect the previous selection decision(s) concerning other applicants;

(c) Request a review, in writing, of test results for reevaluation within 10 calendar days from the date of the grade notice from the hiring agency or the Division. The review shall be limited to the verification of scoring, and any changes due to a review shall not affect the previous selection decision(s) concerning other applicants.

(d) Retake a test if more than three (3) months have elapsed since the test was previously taken and if the recruitment is open to application. An appointing authority with delegated recruitment and selection authority may determine the time period before retesting. The most recent score obtained shall determine the candidate's placement on the eligible list or failure to make the list. Retaking of a test applies only to written tests.

(5) The Division may delegate authority to an agency head to establish and administer a recruitment and selection process, for specific positions, which includes the development and administration of tests.

(6) Upon request, the Division may delegate the development and administration of an alternate recruitment process for positions in classifications that have an existing statewide screening process and list of eligibles.

(7) Documentation retention requirements are outlined under HRSD State Policy 40.010.01, Recruitment and Selection Records Retention.

[ED. NOTE: Forms referenced in this rule are available from the agency.]

Stat. Auth.: ORS 184.340 & ORS 240.145(3)
Stats. Implemented: ORS 240.250, ORS 240.306, ORS 240.321 & ORS 240.391
Hist.: PD 2-1994, f. & cert. ef. 8-1-94; PD 3-1995, f. & cert. ef. 11-3-95; HRSD 1-1999, f. & cert. ef. 9-1-99; HRSD 12-2003, f. 7-15-03, cert. ef. 7-21-03

105-040-0015

Veteran's Preference in Employment

Applicability: Recruitment and selection processes for all State of Oregon positions in agencies subject to ORS 240, State Personnel Relations Law, including but not limited to promotional opportunities.

(1) Definitions: (see also HRSD Rule 105-010-0000 Definitions Applicable Generally to Personnel Rules and Policies)

(a) Initial Application Screening: An agency’s process of determining whether an applicant meets the minimum and special qualifications for a position. An Initial Application Screening may also include an evaluation of skills or grading of supplemental test questions if required on the recruiting announcement.

(b) Application Examination: The selection process utilized by an agency after Initial Application Screening. This selection process includes, but is not limited to, formal testing or other assessments resulting in a score as well as un-scored examinations such as interviews and reference checks.

(c) Veteran and Disabled Veteran: As defined by ORS 408.225 and 408.235.

(2) Application of preference points upon Initial Application Screening: Qualifying Veterans whose discharge date is less than 15 years from the date of State employment application and Disabled Veterans are provided with preference points as follows;

(a) Five Veteran’s Preference points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) with the State of Oregon Application; or

(b) Ten Disabled Veteran's points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) with the State of Oregon Application. Disabled Veterans must also submit a copy of their Veteran's disability preference letter from the Department of Veteran Affairs, unless the information is included in the DD Form 214 or 215.

(c) Veteran's and Disabled Veteran's preference points are not added when a Veteran or Disabled Veteran fails to meet the minimum or the special qualifications for a position.

(3) Following an Initial Application Screening the agency generates a list of qualified applicants to consider for Appointment. An Appointing Authority or designee may then:

(a) Determine whether or not to interview all applicants who meet the minimum and special qualifications of the position (including all Veterans and Disabled Veterans); or

(b) Select a group of Veteran and Disabled Veteran applicants who most closely match the agency's purposes in filling the position. This group of applicants may be considered along with non-veteran applicants who closely match the purposes of the agency in filling the position as determined by:

(A) Scored Application Examinations (including scored interviews): If an agency utilizes, after an Initial Application Screening, a scored Application Examination to determine whom to consider further for Appointment, the agency will add (based on a 100-point scale) five points to a Veteran's score or 10 points to a Disabled Veteran's score or;

(B) Un-scored Application Examinations: Un-scored Application Examinations done by sorting into levels (such as "unsatisfactory," "satisfactory," "excellent") based on desired attributes or other criteria for further consideration will be accomplished by:

(i) Advancing the application of a Veteran one level;

(ii) Advancing an application of a Disabled Veteran two levels.

(4) Preference in un-scored interviews: A Veteran or Disabled Veteran who, in the judgment of the Appointing Authority or designee, meets all or substantially all of the agency's purposes in filling the position will continue to be considered for Appointment.

(5) If a Veteran or Disabled Veteran has been determined to be equal to the top applicant or applicants for a position by the Appointing Authority or designee then the Veteran or Disabled Veteran is ranked more highly than non-veteran applicants and, a Disabled Veteran is ranked more highly than non-veteran and Veteran applicants.

(6) Preference described in Sections 2 through 5 of this rule is not a requirement to appoint a Veteran or Disabled Veteran to a position. An agency may base a decision not

to appoint the Veteran or Disabled Veteran solely on the Veteran's or Disabled Veteran's merits or qualifications.

(7) Veteran or a Disabled Veteran applicants not appointed to a position may request an explanation from the agency. The request must be in writing and be sent within 30 calendar days of the date the Veteran or Disabled Veteran was notified that they were not selected. The agency will respond in writing with the reasons for not appointing the Veteran or Disabled Veteran.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth: ORS 240.145(3), 240.250
Stats. Implemented: ORS 408.225, 408.230, 408.235
Hist.: HRSD 3-2007(Temp), f. & cert ef. 9-5-07 thru 3-3-08; HRSD 1-2008, f. 2-27-08, cert. ef. 3-1-08

105-040-0020

Types and Order of Applicant Lists

Applicability: Classified unrepresented, management service, and classified positions, except, where in conflict with a collective bargaining agreement.

(1) The State of Oregon uses a variety of applicant lists (some of which have an established order of use) to facilitate the selection of qualified applicants:

(a) First Consideration: Injured Worker Lists. These lists shall consist of the names of employees with compensable work-related injuries or illnesses that occurred while employed with a state agency in the Executive Branch. The employee must not have waived and reemployment rights in accordance with state workers' compensation laws, OAR 105-050-0020 or an applicable collective bargaining agreement:

(A) These lists are established as follows:

(i) Injured Worker List: by classification, for classifications at or below the injured worker's salary range, for which the injured worker meets the minimum qualifications; and

(ii) Placement on the lists shall be in ascending order by date of injury.

(B) The term of eligibility on the lists shall be until one of the following occurs:

(i) 3 years from date of injury; or

(ii) Until the employee is returned to a suitable position as identified in HRSD State Policy 50.020.03 Reinstatement and Reemployment of Injured Workers; or

(iii) Until an employee loses reemployment rights for reasons listed in ORS 659A.046(3).

(C) The Injured Worker lists shall be used first when filling all vacancies. Exceptions to this consideration are other injured workers with reinstatement rights to their former position and employees entitled to appointment to the position pursuant to provisions or other employment restrictions of a valid collective bargaining agreement between the employer and a representative of the employer's employees. Employees shall be appointed in the order in which they appear on the list if the employee meets the qualifications for the position.

(b) Second Consideration: Agency Layoff Lists. These lists shall consist of the names of permanent (full or part-time) and seasonal employees who have completed initial trial service with the State and have separated from the service in good standing due to layoff or demotion in lieu of layoff:

(A) These lists are established by classification within the category of service as specified in ORS 240.195. The term of eligibility on the list is two years from date of layoff or demotion. An individual shall be removed from the list upon the second refusal of a job offer unless an agency layoff plan allows for additional refusals or when the employee is returned to an equivalent position from which laid off (other than temporary work);

(B) Agency Layoff Lists shall be used when no qualified injured worker is available to fill the vacant position. An employee, on the agency layoff list of the same classification and category of service of the position to be filled, shall be appointed if the employee meets the special qualifications, if any, for the position. Appointments from the list shall be made consistent with the agency's layoff plan.

(c) Third Consideration: Statewide Reemployment Layoff Lists. These lists shall consist of names of permanent (full or part-time) employees in either the management or classified unrepresented service who have separated due to a layoff from state or unclassified executive service employees terminated from state service due to reduction in force. Employees on the Statewide Reemployment Layoff List must have completed initial trial service:

(A) These lists are established by classification. An employee may request placement on the list via his/her agency's personnel office for classifications for which qualified and which are the same classification, or same, equal, or lower salary range number. The term of eligibility on the list shall not be longer than two years from the date of layoff. An individual shall be removed from the list upon the second refusal of a job offer or when a person accepts a position and is returned to work (other than temporary work);

(B) Statewide Reemployment Layoff Lists shall be used when there are no qualified employees on the agency's layoff list or no agency layoff list exists. An agency shall consider employees on the list for the classification and may consider related classifications having similar knowledge and skills as the position to be filled and shall interview those employees who meet the special qualifications, if any, for the position;

(C) Agency promotion lists, statewide promotion lists, statewide transfer lists and open competitive lists may be used to supplement the applicant pool when fewer than five qualified applicants appear on the Statewide Reemployment Layoff List.

(d) The consideration of using other lists shall follow the injured worker, agency layoff, and statewide reemployment layoff lists, at the agency's discretion, with sequence optional:

(A) Agency Promotion Lists shall consist of names of an agency's employees who meet the qualifications for the position and pass the appropriate promotional test, if any. These lists are established by classification. The term of eligibility shall not be less than one month nor more than two years from date of placement or adoption of the list, whichever is later;

(B) Statewide Promotion Lists shall consist of names of eligible state employees who meet the qualifications of the position and pass the appropriate promotional test, if any. These lists are established by classification. The term of eligibility shall not be less than one month nor more than two years from date of placement or adoption of the list, whichever is later. Eligible state employees are current employees in an:

(i) Agency covered by ORS 240; or

(ii) Agency covered by an inter-agency agreement with HRSD that stipulates that the employees are eligible to apply to the statewide promotion list.

(C) Statewide Transfer Lists shall consist of names of eligible state employees who desire a transfer to a position of the same classification, or same, equal, or lower salary range number. These lists are established by classification. Employees may request placement on these lists via their agency's personnel office. The term of eligibility shall be two years from date of application or until the administrator elects to discontinue use of such lists. Eligible state employees are current employees in an:

(i) Agency covered by ORS 240; or

(ii) Agency covered by an inter-agency agreement with HRSD that stipulates that the employees are eligible to apply to the statewide transfer list.

(D) Open Competitive Lists shall consists of names of persons seeking employment with the state who meet the qualifications of the position and pass the appropriate entrance test, if any. In addition, the list will consist of any state employee seeking other employment with the state who has gained regular status in the classification of the position applied for and who meets any special qualification if any, for the position. These lists are established by classification. The term of eligibility shall not be less than one month nor more than two years from the date of placement or adoption of the list, whichever is later.

(2) Documentation retention requirements are outlined under HRSD State Policy 40.010.01, Recruitment and Selection Record Retention.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.340, 240.145 & 240.250
Stats. Implemented: ORS 240.306, 659A.052, 659A.043 & 659A.046
Hist.: PD 2-1994, f. & cert. ef. 8-1-94; HRSD 1-2003(Temp), f. & cert. ef. 1-13-03 thru 7-12-03; HRSD 3-2003, f. & cert. ef. 4-30-03; HRSD 13-2003, f. 7-15-03, cert. ef. 7-21-03; HRSD 1-2007, f. 4-24-07, cert. ef. 5-1-07

105-040-0030

Use of Applicant Lists

Applicability: Classified unrepresented and management service positions, and initial appointment to all classified positions. Not applicable to represented positions where in conflict with a collective bargaining agreement.

(1) It is the policy of the State of Oregon to establish and maintain lists of qualified applicants to facilitate a selection process based upon required knowledge and skills.

(a) The order in which applicant lists are to be used shall be in accordance with Administrative Rule 105-040-0020, Types and Order of Applicant Lists, or as specified in collective bargaining agreements.

(b) Lists of eligibles necessary to provide an adequate number of qualified candidates shall, except for agency layoff or agency informational lists, be established and maintained on the Division's central system.

(c) When a vacant position is to be filled, an appointing authority, when appropriate, shall request a list of qualified applicants and receive a "certificate of eligibles" prior to conducting interviews.

(d) The certificate of eligibles shall be issued in one of the following formats, whichever is applicable:

(A) All applicants listed in rank order from the highest to lowest score;

(B) All applicants who meet the minimum qualifications for the position;

(C) A limited number of applicants selected at random from a list of all applicants who meet the minimum qualifications for the position.

(e) When a certificate of eligibles is issued in rank order from the highest to lowest score, applicants for interviews shall be selected in that same order. When certificates issued

contain tied scores, all applicants with that score shall be offered an interview if one applicant with that score is interviewed.

(f) When a certificate of eligibles is issued for all applicants who meet the minimum qualifications for the position or for a limited number of applicants selected at random from such a list, all applicants shall be interviewed unless a valid screening process is developed and documented to select only the most qualified candidates for interview. If not all qualified applicants are to be interviewed, the job announcement shall inform applicants of the selection process being used. If the selection process includes ranking applicants using a numerical score or any other method of ranking applicants that does not result in a score, veterans' preference points shall be added, where applicable, at the time of ranking.

(g) When a certificate of eligibles is issued for a limited number of applicants selected at random from a longer list of all qualified candidates and the agency has not met its affirmative action goals, the certificate may include the same proportion of protected class candidates as the list of all qualified candidates. An appointing authority may supplement a randomly selected certificate of eligibles in the following manner:

(A) When a random certificate is requested to fill a vacant position for which there is an existing temporary appointment, an appointing authority may interview the temporary employee, or all temporary employees in the agency or work unit, in addition to the candidates listed on the randomly selected certificate of eligibles, provided that the temporary employee is included in the list of all qualified candidates and is performing the same duties of the vacant position.

(B) A randomly selected certificate of eligibles may be supplemented with the names of all qualified candidates who are clients of the Department of Human Services or Juvenile Justice Division programs described under OAR 105-040-0060, Limited-Competitive and Non-competitive Appointments.

(h) The number of candidates on the certificate of eligibles shall be determined by the appointing authority. However, all names with the same score, where scores are used, shall be included.

(i) A related applicant list of a classification having similar knowledge and skills may be used. However, applicants must meet the minimum qualifications for the position being filled.

(j) New and existing applicant lists may be consolidated, as necessary, provided minimum qualifications and the exam requirements are the same.

(k) Except for the expiration of the term of eligibility on an applicant list, any person whose name is removed from a list shall be promptly notified by the Administrator or delegated agency appointing authority of the reason for such removal.

(l) Appointment to a classification from an applicant list will automatically inactivate the applicant from all applicant lists except for agency layoff list, for classifications that:

(A) have a top step salary rate equal to or less than the appointed classification top step salary rate; and

(B) have a salary range number equal to or less than the appointed classification salary range number.

(m) The Administrator or delegated agency may remove a name from an applicant list for reasons including, but not limited to the following:

(A) Failure to respond within a reasonable time period to any inquiry to availability for appointment;

(B) Expiration of the term of eligibility on the list;

(C) Willful violation of these rules or policies, or provisions of the law;

(D) Falsifying statements on the application;

(E) Failure to pass required and job related criminal record or driving record checks;

(F) Cancellation of a list;

(G) Appointment made from a lay-off list to any classification;

(n) A disposition code shall be reported for each candidate appearing on the certificate of eligibles who was invited to interview.

(2) A certificate of eligibles is a list of candidates certified to a position, as a result of submitting of an application and meeting the minimum qualifications on the job announcement, passing the exam, where applicable, and were included in the number requested by the agency.

(3) A disposition code is a standardized code assigned by an appointing authority or designee to an applicant on a Certificate. The code identifies the action taken and if their name is inactivated or removed from the List. Documentation retention requirements are outlined under HRSD State Policy 40.010.01, Recruitment and Selection Record Retention.

(4) A protected class candidate is a female or person of color in one of the following groups:

(a) Asian or Pacific Islander: Persons having origins in any of the peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, The Philippine Islands and Samoa.

(b) African American (not of Hispanic origin): Persons having origins in any of the black ethnic groups.

(c) Hispanic: Persons having origins in any of the Mexican, Puerto Rican, Cuban, Central or South American or other Spanish cultures, regardless of ethnicity.

(d) Native American or Alaskan Native: Persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

(5) "Affirmative action goals" means those goals established in the state's Affirmative Action Plan.

Stat. Auth.: ORS 184.340 & 240.145
Stats. Implemented: ORS 240.010 & 240.306
Hist.: PD 2-1994, f. & cert. ef. 8-1-94; PD 3-1995, f. & cert. ef. 11-3-95; HRSD 1-2000, f. 1-28-00 cert. ef. 2-1-00; HRSD 14-2003, f. 7-15-03, cert. ef. 7-21-03; HSRD 21-2003(Temp), f. & cert. ef. 9-23-03 thru 12-19-03; HRSD 23-2003(Temp), f. 12-19-03, cert. ef. 12-20-03 thru 3-20-04; HRSD 1-2004, f. & cert. ef. 3-5-04

105-040-0040

Types of Appointments

Applicability: Classified unrepresented and management service positions, initial appointment to all classified positions and temporary appointments.

(1) The State of Oregon has a variety of appointment types which are made in accordance with the type of position being filled and the individual needs of the agency. An agency head shall use one of the following methods to appoint persons to state service:

(a) Permanent Appointment: The appointment of a person to a permanent position;

(b) Seasonal Appointment: The appointment of a person to a position which occurs, terminates and recurs periodically or regularly;

(c) Temporary Appointment: The noncompetitive, non-status, appointment of a person for the purpose of meeting emergency, nonrecurring or short-term workload needs of the agency. A temporary employee shall be exempt from all provisions of the State Personnel Relations Law, Administrative Rules and HRSD Policies unless otherwise specified in accordance with HRSD State Policy 40.025.01, Temporary Appointments;

(d) Limited Duration Appointment: The appointment of a person for a study, project, workload need or when position reduction is anticipated.

(A) An appointment made for a study or project shall be for a period not to exceed two years, except when the position is grant funded, but shall expire upon the completion of the study or project or when funding is exhausted.

(B) Appointments made when position reduction is anticipated shall not exceed the end of the current biennium or current season that ends prior to the end of the biennium.

(C) Appointments made for workload need shall be for a period not to exceed two years.

(D) An applicant/employee accepting a limited duration appointment shall be informed of the conditions of the appointment, including employee status at the termination of the appointment, and shall acknowledge in writing acceptance of the appointment under those conditions.

(E) The Limited Duration Agreement model serves as a guide to establish conditions of a limited duration appointment. The agreement will require modification to fit each employee's individual appointment circumstance.

(e) Academic Year Appointment: The appointment of a person to a position which generally conforms to the academic year of mid-September to mid-June. Appointing authorities may extend employment into the period between academic years;

(A) Employees appointed to positions designated as academic year shall be placed on leave without pay during the unextended period between academic years. The employee shall be returned to the position on termination of leave without pay status. Time spent on such leave shall constitute service for purposes of computing vacation accrual rates, recognized service dates and any other purpose where service time is computed except for the period of trial service;

(B) A person accepting an academic year appointment shall be informed of the conditions of the appointment and shall acknowledge in writing acceptance of the appointment under those conditions.

(2) Documentation retention requirements are outlined under HRSD State Policy 40.010.001, Recruitment and Selection Records Retention.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 240.145
Stats. Implemented: ORS 240.306, ORS 240.309, ORS 240.321 & ORS 240.425
Hist.: PD 7-1981, f. & ef. 12-18-81; PD 2-1985(Temp), f. & ef. 7-26-85; PD 1-1986, f. & ef. 1-23-86; PD 2-1989, f. & cert. ef. 12-1-89; PD 2-1992(Temp), f. & cert. ef. 2-21-92; PD 4-1992, f. & cert. ef. 8-12-92; PD 2-1994, f. & cert. ef. 8-1-94, Renumbered from 105-043-0000; HRSD 2-2003(Temp), f. & cert. ef. 1-13-03 thru 7-12-03; HRSD 3-2003, f. & cert. ef. 4-30-03; HRSD 15-2003, f. 7-15-03, cert. ef. 7-21-03

105-040-0050

Direct Appointment

Applicability: Classified unrepresented and management service positions, and initial appointment to all classified positions. This rule provides state agencies an alternative method to the open competitive process when making appointments to positions in state service. Through this alternative method, as in the competitive process, agency heads shall take proactive steps to achieve a diverse workforce representative of the Oregon community as a means of fulfilling their Affirmative Action Plans.

(1) The agency head has the delegated authority and discretion to make direct appointments consistent with the criteria established in (a) and (b) below:

(a) Criteria for direct appointment:

(A) A recent open competitive recruitment results in no suitable candidates as determined, documented, and certified by the agency head. To be considered recent, an open competitive recruitment must have been completed within the previous six (6) months. When a recent statewide or agency promotion recruitment results in no suitable candidates, OAR 105-040-0020, Types and Order of Applicant Lists, requires an open competitive recruitment to be completed before a direct appointment can be made; or

(B) The appointment is made consistent with a court or administrative order, consent decree, court or administrative settlement, or negotiated tort claim settlement; or

(C) The position requires special or unique skills at the professional level. Special or unique skills at the professional level are those which require specialized knowledge typically acquired from college coursework at the bachelor degree level or beyond; or

(D) The position being filled has critical timing requirements affecting recruitment. Critical timing requirements affecting recruitment means that the position is critical to agency operations and there is a demonstrated need to fill the position quickly; and

(b) Minimum Qualifications:

(A) The individual to be direct appointed meets the minimum qualifications of the classification; or

(B) The individual is appointed as an underfill and will meet the minimum qualifications of the position within 12 months of the appointment.

(2) The agency head has the delegated authority and discretion to make direct appointments consistent with HRSD State Policy 30.005.01, Effect of Position Change on Incumbents.

(3) Each direct appointment shall be documented. The documentation shall be retained for a minimum of three (3) years. The documentation shall cite the applicable rule

criteria, results of any open competitive recruitment, the qualifications of the individual selected, and the agency appointing authority authorization signature.

Stat. Auth.: ORS 240.306(5), 240.145(3) & 240.250
Stats. Implemented: ORS 240.145(3), 240.250, 240.306, 240.311 & 240.321(2)
Hist.: PD 7-1981, f. & ef. 12-18-81; PD 4-1982, f. & ef. 7-1-82; PD 1-1985, f. & ef. 3-1-85; PD 1-1986, f. & ef. 1-23-86; PD 1-1989, f. & cert. ef. 2-10-89; PD 2-1989, f. & cert. ef. 12-1-89; Suspended by PD 1-1993(Temp), f. & cert. ef. 2-17-93; PD 2-1993(Temp), f. & cert. ef. 8-27-93; PD 1-1994, f. & cert. ef. 2-23-94; PD 2-1994, f. & cert. ef. 8-1-94; Renumbered from 105-043-0005; PD 3-1995, f. & cert. ef. 11-3-95; HRSD 2-1997, f. & cert. ef. 11-5-97; HRSD 16-2003, f. 7-15-03, cert. ef. 7-21-03; HRSD 23-2003(Temp), f. & cert. ef. 11-25-03 thru 3-23-04; HRSD 2-2004, f. & cert. ef. 3-15-04

105-040-0060

Limited-Competitive and Noncompetitive Appointments

Applicability: Classified unrepresented and management service positions and initial appointment to all classified positions.

(1) It is the policy of the State of Oregon to facilitate the employment of persons who are disabled (as defined by ORS 174.107), economically disadvantaged or unskilled or semi-skilled through a limited-competitive or non-competitive appointment process:

(a) Recruitment for positions using employment programs serving people with disabilities administered by the Division is not limited to the Limited-Competitive and Non-Competitive Classification list. A limited-competitive selection process through such employment programs administered by the Division may be used to facilitate employment of persons with a disability;

(b) Recruitment for the economically disadvantaged and non-competitive appointments is limited to those classifications listed in this rule (Limited-Competitive and Non-Competitive Appointment Classifications List) unless otherwise authorized by the Division. When an appointing authority chooses to make an appointment using limited-competitive or non-competitive selection and appointment procedures, the appointing authority shall:

(A) Report vacancies to the field office of the Employment Department nearest the location of the vacancy when the recruitment is open to the public;

(B) Provide the Employment Department field office with a brief description of any job reported to that office; and

(C) Make affirmative efforts to supplement referrals to create a diverse pool of candidates.

(c) A limited-competitive selection process may be used for economically disadvantaged persons who meet the following criteria:

(A) Clients of the Department of Human Services programs;

(B) Clients of the Juvenile Justice Division programs funded by the state.

(d) The Division shall use the following criteria when reviewing appointing authority requests for additions to the Limited-Competitive and Non-competitive Appointment Classifications List:

(A) The classification requires minimal or no requisite knowledge or skills;

(B) It is impractical to develop an examination; and

(C) It is impractical to follow the normal recruiting process.

(2) A non-competitive appointment is made to designated classifications comprised of unskilled or semi-skilled positions for which there are minimal or no qualifying knowledge or skills, no screening and no ranking. Where more than one candidate is referred, the hiring manager may use a limited-competitive process to select the most qualified.

(3) Limited-competitive appointment may also be used to limit the competition for appointment to non-competitive classes to those persons who meet the criteria outlined in (1)(b)(A) above.

(4) Following is a list of Limited-Competitive and Non-competitive Appointment Classifications:

(a) 0001, Supported Employment Worker;

(b) 0100, Student Office Worker;

(c) 0101, Office Assistant 1;

(d) 0150, Student Professional/Technical Worker;

(e) 0315, Forestry Communications Dispatcher;

(f) 0405, Mail Services Assistant;

(g) 1105, Traffic Survey Interviewer;

(h) 3769, Experimental Biology Aide;

(i) 4101, Custodian;

(j) 4114, Student Worker Labor/Trades/Service;

(k) 4115, Laborer 1;

(l) 4116, Laborer 2;

(m) 4120, Trades/Maintenance Worker 1;

(n) 4125, Litter Patrol Worker;

(o) 4137, Liquor Distribution Worker 1;

(p) 4403, Transporter;

(q) 5515, Property Guard;

(r) 6605, Human Service Assistant 1;

(s) 6701, Student Human Services Worker;

(t) 6725, Habilitative Training Technician 1;

(u) 6750, Group Life Coordinator 1;

(v) 8125, Agricultural Worker;

(w) 8201, Forest Nursery Worker 1;

(x) 8202, Forest Nursery Worker 2;

(y) 8208, Forest Lookout;

(z) 8235, Student/Professional Forester Worker;

(aa) 8319, Fish and Wildlife Technician (Entry);

(bb) 9100, Food Service Worker 1;

Stat. Auth.: ORS 184.340, 240.145(3) & 240.250
Stats Implemented: ORS 240.306, 240.321 & 657.710
Hist.: PD 2-1994, f. & cert. ef. 8-1-94; HRMD 2-1996, f. 3-28-96, cert. ef. 4-1-96; HRSD 17-2003, f. 7-15-03, cert. ef. 7-21-03; HRSD 1-2007, f. 4-24-07, cert. ef. 5-1-07

105-040-0065

Management Service Trial Service Period

(1) Individuals appointed to a position in the Management Service as provided in ORS 240.195 and 240.212 are subject to a trial service period.

(2) A trial service period is the final phase of the hiring process to afford an employee the opportunity to demonstrate the ability to perform the work and provide state agencies the opportunity to confirm qualifications and fitness of an employee for a position.

(3) A state agency head has the authority to establish a trial service period for appointments to positions in the Management Service consistent with the following criteria:

(a) A trial service period is required upon initial appointment or promotion;

(b) A trial service period shall be no less than 6 months but may be up to 12 months based upon specific circumstances that affect the amount of time needed to demonstrate competency. Part-time employees shall serve a trial service period equivalent to that set by the agency for the specified classification on an hourly basis. For example, a 6-month trial service period is equivalent to 1040 hours for a part-time employee;

(c) A temporary appointment made pursuant to ORS 240.309 does not count as any portion of a trial service period upon subsequent appointment to a regular, limited duration, or seasonal status position in the management service;

(d) Upon successful completion of a trial service period, an employee shall gain regular status. A seasonal employee who does not complete trial service in a single seasonal period shall be credited with accumulated service if a break between service periods does not exceed two years.

(4) At the discretion of a state agency head or a state agency appointing authority, a trial service period, of 6 to 12 months, may be established when a regular status employee in any category of state service is appointed to a position in the Management Service by:

(a) Transfer to a different agency; or

(b) Transfer back to the same agency after an absence of more than one year; or

(c) Reemployment with a different agency; or

(d) Reemployment with the same agency after an absence of more than one year; or

(e) Voluntary demotion to a different classification series.

(5) A state agency head or a state agency appointing authority may extend the trial service period by the corresponding total number of days a period of leave with or without pay exceeds 15 calendar days.

Stat. Auth.: ORS 183.335, 183.341, 184.340, 240.250, 240.145(3)
Stats. Implemented: ORS 183.335, 183.341 240.316, 240.410, 240.570(3)
Hist.: HRSD 2-2007, f. 4-24-07, cert. ef. 5-1-07

105-040-0070

Alternate Methods of Filling Positions

Applicability: All employees (where not in conflict with collective bargaining agreements). All positions shall normally be filled at the budgeted salary range level and classification. However, an appointing authority may use the following alternate methods of filling positions to provide for situations such as employee development, job sharing, and short-term transitioning.

(1) Underfill:

(a) A position may be underfilled with an individual in a lower salary range number and classification when there is a reasonable expectation that the employee will meet minimum qualifications of the allocated level of the position within twenty-four (24) months of appointment made from a certificate or within 12 months of a Direct Appointment. Appointment may be from a certificate or as a direct appointment consistent with Administrative Rule 105-040-0050, Direct Appointment. Upon meeting position qualification and performance requirements, the employee shall be changed to the allocated level of the position;

(b) An employee underfilling shall be advised of the requirements necessary to qualify for the position they are underfilling.

(2) Doublefill:

(a) An appointing authority may employ two or more employees in a position as a doublefill for the following purposes:

(A) To cover an employee on leave for any reason when a temporary appointment is not appropriate and a vacant position does not exist to address the workload need;

(B) Short-term transitioning of employees into impending vacant positions for purposes of training;

(C) The position establishment is pending the Position Inventory Control System (PICS) update;

(D) When approved and/or directed by Budget and Management Division to address budget issues, or

(E) Job share not exceeding 1.0 FTE.

(b) Employees doublefilling positions shall meet the minimum qualifications of those positions and be appointed in accordance with applicable recruitment and appointment rules, policies, or collective bargaining agreements;

(c) The doublefill method of filling positions shall not be used to permanently increase legislatively authorized staffing levels.

(3) Crossfill: A position may be crossfilled to a different classification with an equal salary range number providing the position establishment or modification is pending the PICS update.

Stat. Auth.: ORS 184.340 & ORS 240.145
Stats. Implemented: ORS 240.145, ORS 240.012, ORS 240.013, ORS 240.015, ORS 240.250
Hist.: PD 2-1994, f. & cert. ef. 8-1-94; PD 3-1995, f. & cert. ef. 11-3-95; HRSD 3-1996, f. & cert. ef. 8-1-96; HRSD 18-2003, f. 7-15-03, cert. ef. 7-21-03

105-040-0080

Reemployment

Applicability: Classified unrepresented, management service and exempt service employees.

(1) This rule provides state agencies a non-competitive method of reemploying experienced former state employees who separated from state service in good standing.

(a) An appointing authority may non-competitively reemploy classified service unrepresented and management service employees who separate from state service in good standing, voluntarily demote, or are reclassified downward in any agency in the same, equal, or lower classification for which qualified within two years from the effective date of such action;

(b) An appointing authority may non-competitively reemploy an exempt service employee who has been employed full-time for at least 12 months consecutively in such service in a position for which qualified within two years from the date of separation from state service if such separation is in good standing;

(c) Reemployment of an exempt service employee shall occur only after any current collective bargaining unit member has exhausted any right under an applicable collective bargaining agreement and after a current classified unrepresented or management service employee has exhausted layoff and reemployment eligibility under applicable Administrative Rules and HRSD State Policies.

(2) In the event of a subsequent appointment to a classification with a lower salary range, reemployment eligibility continues for the remainder of the two year period for the original classification from which separated.

Stat. Auth.: ORS 184.340, ORS 240.145 & ORS 240.250
Stats. Implemented: ORS 240.590
Hist.: PD 7-1981, f. & ef. 12-18-81; PD 3-1982, f. & ef. 3-1-82; PD 2-1985(Temp), f. & ef. 7-26-85; PD 1-1986, f. & ef. 1-23-86; PD 2-1989, f. & cert. ef. 12-1-89; PD 2-1994, f. & cert. ef. 8-1-94, Renumbered from 105-043-0010; HRSD 19-2003, f. 7-15-03, cert. ef. 7-21-03

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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. National Origin Discrimination Title VII of the Civil Rights Act of 1964

E. Pregnancy Discrimination Title VII of the Civil Rights Act of 1964

F. Race/Color Discrimination Title VII of the Civil Rights Act of 1964

G. Religious Discrimination Title VII of the Civil Rights Act of 1964

H. Retaliation Title VII of the Civil Agency Affirmative Action Policy

I. Sex-Base Discrimination Title VII of the Civil Rights Act of 1964

J. Sexual Harassment Title VII of the Civil Rights Act of 1964

Age Discrimination

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The ADEA applies to employers with 20 or more employees, including state and local governments. It also applies to employment agencies and labor organizations, as well as to the federal government. ADEA protections include:

Apprenticeship Programs
It is generally unlawful for apprenticeship programs, including joint labor-management apprenticeship programs, to discriminate on the basis of an individual's age. Age limitations in apprenticeship programs are valid only if they fall within certain specific exceptions under the ADEA or if the EEOC grants a specific exemption.

Job Notices and Advertisements
The ADEA generally makes it unlawful to include age preferences, limitations, or specifications in job notices or advertisements. A job notice or advertisement may specify an age limit only in the rare circumstances where age is shown to be a "bona fide occupational qualification" (BFOQ) reasonably necessary to the normal operation of the business.

Pre-Employment Inquiries
The ADEA does not specifically prohibit an employer from asking an applicant's age or date of birth. However, because such inquiries may deter older workers from applying for employment or may otherwise indicate possible intent to discriminate based on age, requests for age information will be closely scrutinized to make sure that the inquiry was made for a lawful purpose, rather than for a purpose prohibited by the ADEA.

Benefits
The Older Workers Benefit Protection Act of 1990 (OWBPA) amended the ADEA to specifically prohibit employers from denying benefits to older employees. Congress recognized that the cost of providing certain benefits to older workers is greater than the cost of providing those same benefits to younger workers, and that those greater costs would create a disincentive to hire older workers. Therefore, in limited circumstances, an employer may be permitted to reduce benefits based on age, as long as the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.

Waivers of ADEA Rights
An employer may ask an employee to waive his/her rights or claims under the ADEA either in the settlement of an ADEA administrative or court claim or in connection with an exit incentive program or other employment termination program. However, the ADEA, as amended by OWBPA, sets out specific minimum standards that must be met in order for a waiver to be considered knowing and voluntary and, therefore, valid. Among other requirements, a valid ADEA waiver must:

1. be in writing and be understandable;
2. specifically refer to ADEA rights or claims;
3. not waive rights or claims that may arise in the future;
4. be in exchange for valuable consideration;
5. advise the individual in writing to consult an attorney before signing the waiver; and
6. provide the individual at least 21 days to consider the agreement and at least seven days to revoke the agreement after signing it.

If an employer requests an ADEA waiver in connection with an exit incentive program or other employment termination program, the minimum requirements for a valid waiver are more extensive.

Statistics

In Fiscal Year 2005, EEOC received 16,585 charges of age discrimination. EEOC resolved 14,076 age discrimination charges in FY 2005 and recovered $77.7 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Charge Statistics: Age Discrimination

Disability Discrimination

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules.

An individual with a disability is a person who:

> Has a physical or mental impairment that substantially limits one or more major life activities;
>
> Has a record of such an impairment; or
>
> Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

> Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
>
> Job restructuring, modifying work schedules, reassignment to a vacant position;
>
> Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Title I of the ADA also covers:

> **Medical Examinations and Inquiries**
> Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

Drug and Alcohol Abuse
Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

Statistics

In Fiscal Year 2005, EEOC received 14,893 charges of disability discrimination. EEOC resolved 15,357 disability discrimination charges in FY 2005 and recovered $44.8 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Americans With Disabilities Act Charges

Equal Pay and Compensation Discrimination

The right of employees to be free from discrimination in their compensation is protected under several federal laws, including the following enforced by the U.S. Equal Employment Opportunity Commission (EEOC): the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.

The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Specifically, the EPA provides:

Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment. Each of these factors is summarized below:

> **Skill** - Measured by factors such as the experience, ability, education, and training required to perform the job. The key issue is what skills are required for the job, not what skills the individual employees may have. For example, two bookkeeping jobs could be considered equal under the EPA even if one of the job holders has a master's degree in physics, since that degree would not be required for the job.
>
> **Effort** - The amount of physical or mental exertion needed to perform the job. For example, suppose that men and women work side by side on a line assembling machine parts. The person at the end of the line must also lift the assembled product as he or she completes the work and place it on a board. That job requires more effort than the other assembly line jobs if the extra effort of lifting the assembled product off the line is substantial and is a regular part of the job. As a result, it would not be a violation to pay that person more, regardless of whether the job is held by a man or a woman.
>
> **Responsibility** - The degree of accountability required in performing the job. For example, a salesperson who is delegated the duty of determining whether to accept customers' personal checks has more responsibility than other salespeople. On the other hand, a minor difference in responsibility, such as turning out the lights at the end of the day, would not justify a pay differential.
>
> **Working Conditions** - This encompasses two factors: (1) physical surroundings like temperature, fumes, and ventilation; and (2) hazards.
>
> **Establishment** - The prohibition against compensation discrimination under the EPA applies only to jobs within an establishment. An establishment is a distinct physical place of business rather than an entire business or enterprise consisting of several places of business. However, in some circumstances, physically separate places of business should be treated as one establishment. For example, if a central administrative unit hires employees, sets their compensation, and assigns them to work locations, the separate work sites can be considered part of one establishment.

Pay differentials are permitted when they are based on seniority, merit, quantity or quality of production, or a factor other than sex. These are known as "affirmative defenses" and it is the employer's burden to prove that they apply.

In correcting a pay differential, no employee's pay may be reduced. Instead, the pay of the lower paid employee(s) must be increased.

Title VII, ADEA, and ADA

Title VII, the ADEA, and the ADA prohibit compensation discrimination on the basis of race, color, religion, sex, national origin, age, or disability. Unlike the EPA, there is no requirement under Title VII, the ADEA, or the ADA that the claimant's job be substantially equal to that of a higher paid person outside the claimant's protected class, nor do these statutes require the claimant to work in the same establishment as a comparator.

Compensation discrimination under Title VII, the ADEA, or the ADA can occur in a variety of forms. For example:

> An employer pays an employee with a disability less than similarly situated employees without disabilities and the employer's explanation (if any) does not satisfactorily account for the differential.
>
> A discriminatory compensation system has been discontinued but still has lingering discriminatory effects on present salaries. For example, if an employer has a compensation policy or practice that pays Hispanics lower salaries than other employees, the employer must not only adopt a new non-discriminatory compensation policy, it also must affirmatively eradicate salary disparities that began prior to the adoption of the new policy and make the victims whole.
>
> An employer sets the compensation for jobs predominately held by, for example, women or African-Americans below that suggested by the employer's job evaluation study, while the pay for jobs predominately held by men or whites is consistent with the level suggested by the job evaluation study.
>
> An employer maintains a neutral compensation policy or practice that has an adverse impact on employees in a protected class and cannot be justified as job-related and consistent with business necessity. For example, if an employer provides extra compensation to employees who are the "head of household," i.e., married with dependents and the primary financial contributor to the household, the practice may have an unlawful disparate impact on women.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on compensation or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII, ADEA, ADA or the Equal Pay Act.

Statistics

In Fiscal Year 2005, EEOC received 970 charges of compensation discrimination discrimination. EEOC resolved 889 compensation discrimination charges in FY 2005 and recovered $3.1 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

> Charge Statistics: Equal Pay Act

Other Resources

Here are some links to other sources of information about compensation discrimination. Please be aware that, consistent with the EEOC's general disclaimer statement, the EEOC does not control or guarantee the accuracy or completeness of this outside information, and references to the sites below are not intended to reflect their importance or an endorsement of any views expressed or products or services offered.

Department of Labor's Office of Federal Contract Compliance Programs

- Equal Pay and the Department of Labor
- Best Compensation Practices
- Analyzing Compensation Data: A Guide to Three Approaches

Department of Labor's Women's Bureau

- Ten Steps to An Equal Pay Self-Audit for Employers
- Working Women's Equal Pay Checklist
- Women's Bureau Fair Pay Clearinghouse

Department of Labor's Wage and Hour Division

Employment Litigation Section of the Civil Rights Division of the Department of Justice

National Origin Discrimination

Whether an employee or job applicant's ancestry is Mexican, Ukrainian, Filipino, Arab, American Indian, or any other nationality, he or she is entitled to the same employment opportunities as anyone else. EEOC enforces the federal prohibition against national origin discrimination in employment under Title VII of the Civil Rights Act of 1964, which covers employers with fifteen (15) or more employees.

"With American society growing increasingly diverse, protection against national origin discrimination is vital to the right of workers to compete for jobs on a level playing field," said EEOC Chair Cari M. Dominguez, announcing the issuance of recent guidance on national origin discrimination. "Immigrants have long been an asset to the American workforce. This is more true than ever in today's increasingly global economy. Recent world events, including the events of September 11, 2001, only add to the need for employers to be vigilant in ensuring a workplace free from discrimination."

About National Origin Discrimination

National origin discrimination means treating someone less favorably because he or she comes from a particular place, because of his or her ethnicity or accent, or because it is believed that he or she has a particular ethnic background. National origin discrimination also means treating someone less favorably at work because of marriage or other association with someone of a particular nationality. Examples of violations covered under Title VII include:

Employment Decisions
Title VII prohibits any employment decision, including recruitment, hiring, and firing or layoffs, based on national origin.

Harassment
Title VII prohibits offensive conduct, such as ethnic slurs, that creates a hostile work environment based on national origin. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.

Language

- Accent discrimination
  An employer may not base a decision on an employee's foreign accent unless the accent materially interferes with job performance.
- English fluency
  A fluency requirement is only permissible if required for the effective performance of the position for which it is imposed.
- English-only rules
  English-only rules must be adopted for nondiscriminatory reasons. An English-only rule may be used if it is needed to promote the safe or efficient operation of the employer's business.

Coverage of foreign nationals

Title VII and the other antidiscrimination laws prohibit discrimination against individuals employed in the United States, regardless of citizenship. However, relief may be limited if an individual does not have work authorization.

Statistics

In Fiscal Year 2005, EEOC received 8,035 charges of national origin discrimination. Including charges from previous years, 8,319 charges were resolved, and monetary benefits for charging parties totaled $19.4 million (not including monetary benefits obtained through litigation).

Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII, which covers employers with 15 or more employees, including state and local governments. Title VII also applies to employment agencies and to labor organizations, as well as to the federal government. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Title VII's pregnancy-related protections include:

Hiring

An employer cannot refuse to hire a pregnant woman because of her pregnancy, because of a pregnancy-related condition or because of the prejudices of co-workers, clients, or customers.

Pregnancy and Maternity Leave

An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, if the employer allows temporarily disabled employees to modify tasks, perform alternative assignments or take disability leave or leave without pay, the employer also must allow an employee who is temporarily disabled due to pregnancy to do the same.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave.

Health Insurance

Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. Health insurance for expenses arising from abortion is not required, except where the life of the mother is endangered.

Pregnancy-related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable-and-customary-charge basis.

The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased, or larger deductible can be imposed.

Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

Fringe Benefits

Pregnancy-related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy-related conditions if benefits are provided for other medical conditions.

If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions.

Employees with pregnancy-related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on pregnancy or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Statistics

In Fiscal Year 2005, EEOC received 4,449 charges of pregnancy-based discrimination. EEOC resolved 4,321 pregnancy discrimination charges in FY 2005 and recovered $11.6 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Race/Color Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the bases of race and color, as well as national origin, sex, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Equal employment opportunity cannot be denied any person because of his/her racial group or perceived racial group, his/her race-linked characteristics (e.g., hair texture, color, facial features), or because of his/her marriage to or association with someone of a particular race or color. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. Title VII's prohibitions apply regardless of whether the discrimination is directed at Whites, Blacks, Asians, Latinos, Arabs, Native Americans, Native Hawaiians and Pacific Islanders, multi-racial individuals, or persons of any other race, color, or ethnicity.

It is unlawful to discriminate against any individual in regard to recruiting, hiring and promotion, transfer, work assignments, performance measurements, the work environment, job training, discipline and discharge, wages and benefits, or any other term, condition, or privilege of employment. Title VII prohibits not only intentional discrimination, but also neutral job policies that disproportionately affect persons of a certain race or color and that are not related to the job and the needs of the business. Employers should adopt "best practices" to reduce the likelihood of discrimination and to address impediments to equal employment opportunity.

Title VII's protections include:

Recruiting, Hiring, and Advancement
Job requirements must be uniformly and consistently applied to persons of all races and colors. Even if a job requirement is applied consistently, if it is not important for job performance or business needs, the requirement may be found unlawful if it excludes persons of a certain racial group or color significantly more than others. Examples of potentially unlawful practices include: (1) soliciting applications only from sources in which all or most potential workers are of the same race or color; (2) requiring applicants to have a certain educational background that is not important for job performance or business needs; (3) testing applicants for knowledge, skills or abilities that are not important for job performance or business needs.

Employers may legitimately need information about their employees or applicants race for affirmative action purposes and/or to track applicant flow. One way to obtain racial information and simultaneously guard against discriminatory selection is for employers to use separate forms or otherwise keep the information about an applicant's race separate from the application. In that way, the employer can capture the information it needs but ensure that it is not used in the selection decision.

Unless the information is for such a legitimate purpose, pre-employment questions about race can suggest that race will be used as a basis for making selection decisions. If the information is used in the selection decision and members of particular racial groups are excluded from employment, the inquiries can constitute evidence of discrimination.

Harassment/Hostile Work Environment
Title VII prohibits offensive conduct, such as racial or ethnic slurs, racial "jokes,"

derogatory comments, or other verbal or physical conduct based on an individual's race/color. The conduct has to be unwelcome and offensive, and has to be severe or pervasive. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.

Compensation and Other Employment Terms, Conditions, and Privileges
Title VII prohibits discrimination in compensation and other terms, conditions, and privileges of employment. Thus, race or color discrimination may not be the basis for differences in pay or benefits, work assignments, performance evaluations, training, discipline or discharge, or any other area of employment.

Segregation and Classification of Employees
Title VII is violated where employees who belong to a protected group are segregated by physically isolating them from other employees or from customer contact. In addition, employers may not assign employees according to race or color. For example, Title VII prohibits assigning primarily African-Americans to predominantly African-American establishments or geographic areas. It is also illegal to exclude members of one group from particular positions or to group or categorize employees or jobs so that certain jobs are generally held by members of a certain protected group. Coding applications/resumes to designate an applicant's race, by either an employer or employment agency, constitutes evidence of discrimination where people of a certain race or color are excluded from employment or from certain positions.

Retaliation
Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in an agency proceeding.

Statistics

In fiscal year 2005, EEOC received 26,740 charges of race discrimination. EEOC resolved 27,411 race charges in FY 2005, and recovered $76.5 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Religious Discrimination

Title VII of the Civil Rights Act of l964 prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment. Title VII covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Under Title VII:

> Employers may not treat employees or applicants more or less favorably because of their religious beliefs or practices - except to the extent a religious accommodation is warranted. For example, an employer may not refuse to hire individuals of a certain religion, may not impose stricter promotion requirements for persons of a certain religion, and may not impose more or different work requirements on an employee because of that employee's religious beliefs or practices.
>
> Employees cannot be forced to participate -- or not participate -- in a religious activity as a condition of employment.
>
> Employers must reasonably accommodate employees' sincerely held religious practices unless doing so would impose an undue hardship on the employer. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his religion. An employer might accommodate an employee's religious beliefs or practices by allowing: flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers, modification of grooming requirements and other workplace practices, policies and/or procedures.
>
> An employer is not required to accommodate an employee's religious beliefs and practices if doing so would impose an undue hardship on the employers' legitimate business interests. An employer can show undue hardship if accommodating an employee's religious practices requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, causes co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.
>
> Employers must permit employees to engage in religious expression, unless the religious expression would impose an undue hardship on the employer. Generally, an employer may not place more restrictions on religious expression than on other forms of expression that have a comparable effect on workplace efficiency.
>
> Employers must take steps to prevent religious harassment of their employees. An employer can reduce the chance that employees will engage unlawful religious harassment by implementing an anti-harassment policy and having an effective procedure for reporting, investigating and correcting harassing conduct.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on religion or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Statistics

In Fiscal Year 2005, EEOC received 2,340 charges of religious discrimination. EEOC resolved 2,352 religious discrimination charges and recovered $6.1 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Retaliation

An employer may not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition to the protections against retaliation that are included in all of the laws enforced by EEOC, the Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interference in their exercise of their own rights or their encouragement of someone else's exercise of rights granted by the ADA.

There are three main terms that are used to describe retaliation. Retaliation occurs when an employer, employment agency, or labor organization takes an **adverse action** against a **covered individual** because he or she engaged in a **protected activity**. These three terms are described below.

Adverse Action

An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Examples of adverse actions include:

- employment actions such as termination, refusal to hire, and denial of promotion,
- other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance, and
- any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history.

Even if the prior protected activity alleged wrongdoing by a different employer, retaliatory adverse actions are unlawful. For example, it is unlawful for a worker's current employer to retaliate against him for pursuing an EEO charge against a former employer.

Of course, employees are not excused from continuing to perform their jobs or follow their company's legitimate workplace rules just because they have filed a complaint with the EEOC or opposed discrimination.

For more information about adverse actions, see EEOC's Compliance Manual Section 8, Chapter II, Part D.

Covered Individuals

Covered individuals are people who have opposed unlawful practices, participated in proceedings, or requested accommodations related to employment discrimination based

on race, color, sex, religion, national origin, age, or disability. Individuals who have a close association with someone who has engaged in such protected activity also are covered individuals. For example, it is illegal to terminate an employee because his spouse participated in employment discrimination litigation.

Individuals who have brought attention to violations of law other than employment discrimination are NOT covered individuals for purposes of anti-discrimination retaliation laws. For example, "whistleblowers" who raise ethical, financial, or other concerns unrelated to employment discrimination are not protected by the EEOC enforced laws.

Protected Activity

Protected activity includes:

Opposition to a practice believed to be unlawful discrimination

Opposition is informing an employer that you believe that he/she is engaging in prohibited discrimination. Opposition is protected from retaliation as long as it is based on a reasonable, good-faith belief that the complained of practice violates anti-discrimination law; and the manner of the opposition is reasonable.

Examples of protected opposition include:

- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination;
- Picketing in opposition to discrimination; or
- Refusing to obey an order reasonably believed to be discriminatory.

Examples of activities that are NOT protected opposition include:

- Actions that interfere with job performance so as to render the employee ineffective; or
- Unlawful activities such as acts or threats of violence.

Participation in an employment discrimination proceeding.

Participation means taking part in an employment discrimination proceeding. Participation is protected activity even if the proceeding involved claims that ultimately were found to be invalid. Examples of participation include:

- Filing a charge of employment discrimination;
- Cooperating with an internal investigation of alleged discriminatory practices; or
- Serving as a witness in an EEO investigation or litigation.

A protected activity can also include requesting a reasonable accommodation based on religion or disability.

For more information about Protected Activities, see EEOC's Compliance Manual, Section 8, Chapter II, Part B - Opposition and Part C - Participation.

Statistics

In Fiscal Year 2004, EEOC received 22,740 charges of retaliation discrimination based on all statutes enforced by EEOC. The EEOC resolved 24,751 retaliation charges in 2004, more than were filed during the course of the Fiscal Year, and recovered more than $90 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Sex-Based Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the basis of sex as well as race, color, national origin, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

It is unlawful to discriminate against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of sex and that are not job related.

Title VII's prohibitions against sex-based discrimination also cover:

> **Sexual Harassment**
> This includes practices ranging from direct requests for sexual favors to workplace conditions that create a hostile environment for persons of either gender, including same sex harassment.
>
> **Pregnancy Based Discrimination**
> Title VII was amended by the Pregnancy Discrimination Act, which prohibits discrimination on the basis of pregnancy, childbirth and related medical conditions.

The Equal Pay Act of 1963 requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. Title VII also prohibits compensation discrimination on the basis of sex. Unlike the Equal Pay Act, however, Title VII does not require that the claimant's job be substantially equal to that of a higher paid person of the opposite sex or require the claimant to work in the same establishment.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Statistics

In Fiscal Year 2005, EEOC received 23,094 charges of sex-based discrimination. EEOC resolved 23,743 sex discrimination charges in FY 2005 and recovered $91.3 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

> The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
>
> The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
>
> The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
>
> Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
>
> The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Statistics

In Fiscal Year 2005, EEOC received 12,679 charges of sexual harassment. 14.3% of those charges were filed by males. EEOC resolved 12,859 sexual harassment charges in FY 2004 and recovered $47.9 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Charge Statistics: Sexual Harassment

Trends in Harassment Charges Filed With The EEOC During the 1980s and 1990s

VIII.
Appendices

A. Policy and Plan Dissemination
B. Definitions
C. Program Strategies (Good Faith Efforts) and Internal Monitoring and Evaluation
D. BOLI Contact Numbers
E. DOC Employee Workforce Analysis
F. Equal Employment Opportunity Job Categories and Definitions
G. DOC State Job Group Recruiting Areas
H. Governor's Executive Order 08-18
I. DOC Professional Development AA/EEO Focus Lending Library

2009-2011 AFFIRMATIVE ACTION PLAN
DEPARTMENT OF CORRECTIONS

Appendix

A. Policy and Plan Dissemination

Internal

- The policy must be posted conspicuously and published in internal publications, such as newsletters, handbooks, or policy and procedures manuals for distribution to employees. Copies of the complete Affirmative Action Plan shall be available in each workplace and accessible to employees. An electronic copy will be made available on the Department's web site to all agency employees and other interested parties.
- Special meetings shall be conducted with executive, managerial, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation. Policy statements shall include a clear statement of the agency head's commitment to affirmative action and support for the policy and plan.
- The policy shall be thoroughly discussed in the orientation of employees and internal management training programs.
- Union officials will be informed of the policy and their cooperation will be requested. Non-discrimination clauses should be included in all union agreements, and all contractual provisions will be reviewed to ensure non-discrimination.

External

- Each agency shall put itself on public record as an affirmative action/equal opportunity employer.
- An AA/EEO statement must be included on each job announcement.
- All bidders, contractors, subcontractors, and suppliers of materials shall be notified of the agency Affirmative Action Policy. Notice shall include a statement that the agency will not knowingly do business with any bidder, contractor, subcontractor, or supplier of materials who discriminates against members of any protected class.
- Except in the case of a bona fide occupational qualification, employment advertising shall omit reference to sex, religion, age, and national origin, and shall clearly convey the commitment of the agency to equal opportunity/affirmative action.
- Each agency shall initiate and undertake aggressive and positive activities to ensure that affirmative action goals are met.

Efforts must include, but are not limited to:

- Maintaining frequent and on-going visits with organizations, which represent minorities, women, and persons with disabilities.
- Inclusion of protected groups in pictorial representations for agency publications and advertising.
- Documentation of good faith on-going affirmative action efforts and any other supporting documents.
- Developing long-term strategies aimed at increasing the availability of candidates from protected classes on certificates of eligibles.

Appendix

B. EEO-4 Job Categories and Definitions

Definitions

A. Officials and Administrators:
Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, provide specialized consultation. *Job titles in this category may include: regional, district or area directors; deputy directors; controllers; examiners; wardens; superintendents; sheriff; police and fire chiefs; inspectors; and kindred workers.*

B. Professionals:
Occupations, which require specialized and theoretical knowledge usually, acquired through college training or work experience and other training, which provides comparable knowledge. *This category includes: personnel and labor relations workers; social workers; doctors; analysts; accountants; engineers; employment and vocational rehabilitation counselors; teachers or instructors; police and fire captains and lieutenants; and kindred workers.*

C. Technicians:
Occupations, which require a combination of basic scientific or technical knowledge and manual skill, which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. *This category includes: computer programmers and operators; drafters; surveyors; licensed practical nurses; photographers; radio operators; technical illustrators; highway technicians; science technicians (medical, dental, electronic, physical); assessors; inspectors; police and fire sergeants; and kindred workers.*

D. Protective Service Workers:
Occupations in which workers are entrusted with public safety, security and protection from destructive forces. *This category includes: police patrol officers; fire fighters; guards; deputy sheriffs; bailiffs; correctional officers; detectives; marshals; harbor patrol officers; and kindred workers.*

E. Paraprofessionals:
Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience than is normally required for professionals or technicians. *This category includes: library assistants; research assistants; medical aides; child support workers; police auxiliary workers; welfare service aides; recreation assistants; homemaker aides; home health aides; and kindred workers.*

F. Administrative Support:
Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information, and other paperwork required in an office. *This category includes: bookkeepers; messengers; office machine operators; clerk typists; stenographers; court transcribers; hearings reporters; statistical clerks; dispatchers; license distributors; payroll clerks; and kindred workers.*

G. Skilled Craft Workers:
Occupations in which workers perform jobs, which require special manual skill and a thorough and comprehensive knowledge of the processes, involved in the work, acquired through on-the-job training and experience, or through apprenticeship or other formal training programs. *This category includes mechanics and repairers; electricians; heavy equipment operators; stationary engineers; skilled machining occupations; carpenters; compositors and typesetters; and kindred workers.*

H. Service and Maintenance:
Occupations in which workers perform duties, which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. *This category includes: chauffeurs; laundry and dry cleaning operatives; truck drivers; bus drivers; garage laborers; custodial personnel; gardeners and grounds keepers; refuse collectors; construction workers; and kindred workers.*

EEO-4 Job Categories

A. Officials and Administrators
A01 Middle Management (Salary Range 30 or Below)
A02 Upper Management (Salary Range 31 or Above)

B. Professionals
B01 Engineer/Architect
B02 Communication/Editor
B03 Teacher/Education
B04 Nurse/Health
B05 Physician/Dentist/Veterinarian
B06 Food Service Manager
B07 Purchasing Agent/Analyst
B08 Natural Resource
B09 Social Science/Planner/Researcher
B10 Personnel/Employment
B11 Inspector/Compliance Officer/Investigator
B12 Computer Analyst
B13 Attorney/Hearings Officer
B14 Librarian/Archival Specialist
B15 Accounting/Finance/Revenue
B16 Program Coordinator/Analyst
B17 Social Services
B18 Lieutenant/Captain/Pilot
B19 Right-of-Way Agent/Timber Auditor/Appraiser

C. Technicians
C01 Health
C02 Engineering/Construction
C03 Science
C04 Computer
C05 Audio-Visual
C06 Revenue Agent/Examiner
C07 Agriculture Inspector
C08 Natural Resource
C09 Electronics
C10 Weighmaster
C11 Student Professional/Technical; Office Systems
C12 Safety Inspector
C13 Sergeant
C14 Motor Vehicle Representatives

D. Protective Services Workers
D01 Security Officer
D02 Correction Officer
D03 Trooper/Corporal
D04 Inspector/Investigation
D05 Fire Protection Service Workers

E. Paraprofessionals
E01 Nonsupervisory
E02 Supervisory/Coordinator

F. Administrative Support
F01 Office Assistant/Specialist
F02 Accounting
F03 Office Manager/Motor Vehicle Representative
F04 Administrative Spec/Support Services Supervisor
F05 Other Support Specialist

G. Skilled Craft Worker
G01 Highway Maintenance
G03 Trades/Maintenance Repair
G04 Printing
G05 Mechanic/Boiler Operator
G06 Trades
G07 Skilled Crafts (Salary Range 17 or Below)
G08 Skilled Crafts (Salary Range 18 or Above)
G09 Manual Arts Instructor, Hairdresser, Farm Unit Foreman
G10 Ship´s Position (Salary 15 and Above)

H. Service – Maintenance Worker
H01 Service/Maintenance
H02 Supervisory

Appendix

C. Program Strategies

(Good-Faith Efforts)

For the purpose of this plan, good-faith efforts shall be defined as significant measurable attempts to reach affirmative action goals and to carry out the intent of this plan. Such efforts may be demonstrated in the following manner:

1. Records substantiating that a policy statement committing the agency to equal employment opportunity and affirmative action practices has been issued to the staff. Records substantiating that the agency's Affirmative Action Plan has been made available to all employees.
3. Records substantiating that managers and supervisors within the work unit have received Respectful Workplace and Cultural Diversity training.
4. Records substantiating the provision of reasonable accommodation to persons with disabilities.
5. Records substantiating that all eligible persons are encouraged to receive training regardless of their protected class.
6. Records substantiating that part-time, training, and seasonal employment opportunities are made available to protected class persons.
7. Records substantiating that the State's EEO policy and Federal EEO policy is posted in the work unit.
8. Records substantiating dissemination of the EEO grievance procedure to all staff.
9. Documentation of each organizational unit's progress toward meeting goals to address underutilization.
10. Records documenting exit interviews and non-discriminatory reasons for leaving.
11. Records substantiating actions taken to reduce and/or eliminate illegal discrimination and/or harassment complaints.
12. Records documenting the ethnic/gender composition of interview panels.
13. Records documenting actions or efforts undertaken to meet the State's affirmative action objectives.

Internal Monitoring and Evaluation

Each agency shall monitor their affirmative action program on a continual basis, in preparation for the annual progress reports. Monitoring shall include, but not be limited to the following:

- Review of applicant flow and hiring data for all local list position recruitment, and an analysis of adverse impact where it is found to exist;
- An analysis of new hires, promotions, terminations, and protected group members participation in employee training opportunities, to be compared with the problem area analysis conducted at the time of the plan preparation;
- A description of the procedure by which internal reports are reviewed by management;
- A description of the procedures used to inform top management of problem areas and recommended corrective measures;
- Consideration of changes in goals and objectives to meet agency's changing employment needs;
- Establishment of a procedure for evaluating each supervisor's progress toward achieving the goals of the agency's affirmative action plan;
- Analysis of the effectiveness of supplemental certification requests and appointments;

- Analysis of discrimination complaints regarding equal opportunity during the reporting period.
- Review of progress on implementation of programs developed to achieve goals.
- Review composition of interview panel members
- When exit interviews are used, questions should include information about work climate and affirmative action issues.
- Support data shall be compiled and retained by the agency as part of the Affirmative Action Program, to be made available to the Governor's Affirmative Action Office upon request.

TELEPHONE NUMBERS AND WEB SITE ADDRESSES

Oregon On Line == State Services and Programs - www.oregon.gov

WHAT YOU ARE LOOKING FOR:	AGENCY TYPE	WHAT YOU WILL FIND….	CONTACT INFORMATION
ADA and Disability Oregon Disabilities Commission	State	Technical Assistance Center	800-358-3117 in state only 503-378-3142 http://egov.oregon.gov/ODC/index.shtml
ADA Job Accommodation Network	Federal/ EEOC	Employer assistance identifying potential employee accommodations Hot line – USDOJ	800-526-7234 www.jan.wvu.edu 800-514-0301
Northwest ADA/IT Center	Federal Grant	Answers questions for the Northwest region about disability and ADA-related questions	800-949-4232 503-494-4001 www.nwada.org
American Civil Liberties Union	Non-profit	Civil Liberties- no attorneys-collect return calls	503-227-3186 Portland www.aclu-or.gov
American with Disabilities Act US Department of Justice	Federal	Information Line: Home page:	800-514-0301 www.ada.gov
Better Business Bureau	Private	Consumer Complaints	503-226-3981 – automated system www.thebbb.org
Building Codes Division	State	Statewide building codes and inspections; licensing of trade professionals	503-378-4133 Salem www.filinginoregon.com
Bureau of Census	Federal		www.census.gov
Business Information Center	State	New business information; government permits	503-986-2200 #3 - Salem http://www.filinginoregon.com
Child Labor/Minor Information	State State USDOL	Technical Assistance for Employers Employment Certificate Applications – Federal	971-673-0761 #1 http://egov.oregon.gov/BOLI/WHD/CLU/index.shtml http://egov.oregon.gov/BOLI/WHD/CLU/docs/wh-216-1.pdf http://www.youthrules.dol.gov
Child Support, Division- Department of Justice	State	Employer Reporting Specialist/New Hire form/ Information on Child Support Collection (FAX 1-503-986-6266*)	503-378-2868 Salem 503-986-6072 800-850-0228 www.dcs.state.or.us/employers
Citizen's Representative in Salem	State	Governor's representative/complaints against state agencies	503-378-4582 http://governor.oregon.gov/
COBRA – Portability of Insurance Law Insurance Portability Option – State ERISA – EBSA (Employee Benefits Security Administration)	Federal State Federal	Continuation of insurance coverage Oregon Medical Insurance Pool Pension plans; retirement; profit sharing Publications	206-553-4244 Seattle – COBRA 800-542-3104 (toll free in Oregon) http://www.omip.state.or.us/ 202-219-8776 D.C. – EBSA 866-444-3272 San Francisco Electronic inquiries: www.askebsa.dol.gov

TELEPHONE NUMBERS AND WEB SITE ADDRESSES

Oregon On Line == State Services and Programs - www.oregon.gov

Construction Contractor's Board	State	To register/check registration on a building Contractor	503-378-4621 - Salem http://www.oregon.gov/CCB/index.shtml
Corporation Division	State	To file papers as a corporation, assumed business name or limited partnership. To register as a Notary Public	503-986-2200 option 3 - Salem www.filinginoregon.com 503-986-2200 option 5 – Salem
Davis Bacon	Federal	For rate information contact contracting agency	415-848-6616 http://www.dol.gov/esa/programs/dbra/
Department of Justice	State	Consumer Fraud	877-877-9392 toll free statewide #2 503-229-5576 www.doj.state.or.us/finfraud
Department of Labor	Federal	Wage and Hour Division - technical questions Minimum Wage and Family Leave Posters Toll free line to Washington D.C. Child Labor FMLA Message Hotline WH-380 Medical Verification WH-381 Request for Family Medical Leave	503-326-3057 option 5 Portland 866-4USADOL (866-487-2365) 866-487-9243 (4USWAGE) - D.C. www.wagehour.dol.gov www.youthrules.dol.gov 202-693-0066 http://www.dol.gov/esa/regs/compliance/whd/fmla/wh380.pdf https://www.dol.gov/esa/whd/forms/wh-381.pdf
Department of Revenue	State	Questions/Answers to State tax questions/withholdings	800-356-4222 503-378-4988 Salem http://egov.oregon.gov/DOR/contact_us.shtml
Employment Department	State	Information Affirmative Action Program Alien Labor Certification – LIFE Act Arthur Ayre/Employment Economist BOLI PWR Wage Surveys (Workforce & Economic Research) Oregon Labor Statistics Tax Section Interstate Claims Unit/employee line	800-237-3710 http://egov.oregon.gov/EMPLOY 503-947-1667 503-947-1659 503-947-1268 503-947-1200 503-947-1264 503-947-1488 503-947-1977
Equal Employment Opportunity Commission (EEOC)	Federal	For EEO Publications/Posters Affirmative Action information. Joint Reporting Committee – EEO-1 forms	800-669-3362 206-220-6883 Seattle www.eeoc.gov 866-286-6440
FCRA – Fair Credit Reporting Act	Federal	NW Regional Office/Federal Trade Commission – Consumer Response What Employers Need to Know – Great Info Site	877-382-4357; 206-220-6363 http://www.ftc.gov/bcp/edu/pubs/business/credit/bus08.shtm http://www.ftc.gov/index.shtml

TELEPHONE NUMBERS AND WEB SITE ADDRESSES

Oregon On Line == State Services and Programs - www.oregon.gov

Health Department	State	Vital Records General Information (Lynn – statistics and various other service numbers))	971-673-1109 Portland 971-673-1222 Portland http://www.oregon.gov/DHS/ph/
Information	Federal	Federal Agency information Federal Citizen Information Center	800-688-9889; 800-333-4636 www.firstgov.gov
Information	State	State Agency information – Directory Assistance of State of Oregon Government	503-378-6500 www.oregon.gov
Immigration USCIS: U. S. Citizenship and Immigrations Services	Federal	Information and to order I-9 forms Employer, Business Services	800-375-5283 www.uscis.gov 800-357-2099
Indian Services	State	Legislative Commission on Indian Services	503-986-1067 www.leg.state.or.us/cis/home.htm
Internal Revenue Service	Federal	Federal taxes and withholding Forms distribution center	800-829-1040 #5 800-829-3676 www.irs.ustreas.gov
Insurance Division	State	Rates and Forms Consumer Protection Section – complaints against Insurance companies, not ER's	503-947-7983 503-947-7984 www.cbs.state.or.us/external/ins
Insurance Portability Option	State	Office of Private Health Partnerships (OPHP)	800-542-3104 Toll free in Oregon 503-225-6620 Portland www.oregon.gov/OPHP
Job Corps	Federal	Residential educational/job training program for "at-risk youth"…16/24 yrs	503-326-6800 Portland www.jobcorps.org
Lands, Department of State	State	Lost property/unclaimed wages	503-378-3805 Salem http://egov.oregon.gov/DSL/contact_us.shtml
Legal Research	Private	Web sites for legal research access	www.FindLaw.com www.law.cornell.edu www.willamette.edu/wucl/longlib/
Minority Businesses	State	Certification to bid on government contracts Office of Minority, Women, and Emerging Small Business	503-986-0073 503-887-4349 http://egov.oregon.gov/DCBS/OMWESB/
National Labor Relations Board	Federal	Investigates complaints of Unfair Labor Practice	206-220-6300 Seattle www.nlrb.gov
New Hire Reporting Department of Justice	State	Child Support Enforcement	503-378-2868 http://dcs.state.or.us

TELEPHONE NUMBERS AND WEB SITE ADDRESSES

Oregon On Line == State Services and Programs - www.oregon.gov

NW Immigrant Rights Project		Naturalization classes	800-445-5771 206-587-4009 www.nwirp.com
Office of Special Counsel U.S. Department of Justice	Federal	Investigates discrimination complaints based on the Immigration and Naturalization Act.	800-255-8155 www.usdoj.gov/crt/osc
Office of Federal Contract Compliance Program	Federal	For Federal Contractors	503-326-4112 www.dol.gov/esa/ofcp
Ombudsman for Small Business	State	John R. Booton Workers Compensation Specialist	503-378-4209 egov.oregon.gov/dcbs/sbo/index.shtml
Oregon Department of Motor Vehicles	State		503-945-5000 www.oregon.gov/odot/dmv
Oregon Department of State Lands	State	Lost property/uncollected wages	503-986-5200 http://www.oregon.gov/DSL/index.shtml
OLCC – Oregon Liquor Control Comm.	State	Server License for 18 years or older, to serve, use, or receive money for liquor; information on licenses, obtaining new…	503-872-5000 http://www.oregon.gov/OLCC/index.shtml
Oregon State Bar Referral Service	State	To receive an attorney referral	800-452-7636 www.osbar.org
OROSHA/Oregon Occupational Safety and Health Administration	State	Message Line: Job Safety:	800-922-2689 503-378-3272 http://www.cbs.state.or.us/external/osha/
OSHA/Occupational Safety and Health Administration	Federal	Safety in the workplace/regulations	503-326-2251 – Portland http://www.osha.gov/index.html
Preferred Worker Program – Workers Compensation	State	Return of Injured Workers to work	503-947-7568 www.cbs.state.or.us/external/wcd/communications/publications/3525.pdf
Prevailing Wage Rate Unit/BOLI	State	Proper payment rates Prevailing Wage Rate Booklet	971-673-0839 Portland 971-673-0852 Portland http://www.oregon.gov/boli/whd/pwr
Revenue, Dept. of	State	Questions/Answers to State tax questions/withholdings	800-356-4222 503-378-4988 Salem http://egov.oregon.gov/DOR/index.shtml
SAIF/State Accident Insurance Fund	Non-Profit	Information Employer information for insurance	503-373-8000 800-285-8525 www.saif.com
Small Business Administration		Small business assistance	503-326-2682 Portland www.sba.gov/or

TELEPHONE NUMBERS AND WEB SITE ADDRESSES

Oregon On Line == State Services and Programs - www.oregon.gov

Smokefree Workplace Law	State	Law went into effect 01/01/02	866-621-6107 (toll free) www.oregon.gov/DHS/ph/somkefree/
Social Security Administration	Federal	Disability/Medicare/retirement/benefit verification	800-772-1213 www.ssa.gov
U.S. Department of Education/Office of Student Financial Assistance	Federal	Ombudsman-will speak to ER's with garnishments for the USD of Education only	877-557-2575 www.sfahelp.ed.gov
USDOL	Federal	FLSA/FMLA Posters Employment Standards Administration Wage and Hour Division	503-326-3057 #4 http://www.dol.gov/esa http://www.dol.gov/esa/whd/default.htm
US Postal Service	Federal	Zip Code information/look-up by address	zip4.usps.com/zip4
US Securities and Exchange Commission	Federal	SEC	888-732-6585 Information Line www.sec.gov
VETS USERRA	Federal	Veteran's Employment and Training Services Uniformed Services Employment and Reemployment Act USERRA Ombudsman – Jack Cronise	503-731-3478 Portland ; 503-947-1490 Salem http://www.dol.gov/vets/ www.esgr.org 503-632-3158
Vital Statistics, Health Division	State	Birth/ Death/ Marriage/ Divorce Certificate General info--order by mail/fax/person order by phone Health Division	971-673-1190 www.vitalcheck.com www.oshd.org
Vocational Rehabilitation	State	Rehabilitation services include: Vocational Counseling, Evaluation Skills Training, Job Placement	Contact your local office by phone. www.oregon.gov/DHS/vr
WARN – Worker Adjustment and Retraining Notification Act	Federal	US Department of Labor Office of Work-Based Learning	http://www.dol.gov/dol/compliance/comp-warn.htm
Washington State Labor and Industries	State	Apprenticeship – general information Employment Standards – wage claim Workers Compensation Information/Customer Information	360-902-5320 360-902-5316 #2 800-547-8367 http://www.lni.wa.gov/ 1-800-547-8367
Waste, Fraud & Abuse Government	State	Hotline for possible misuse of state resources	800-336-8218 Audits.Hotline@state.or.us
Workers' Compensation Div.	State	General information Employer Compliance Re-employment assistance Spanish	800-452-0288 888-877-5670 800-445-3948 800-843-8086 www.oregonwcd.org http://www.cbs.state.or.us/external/wcd/

Department of Corrections
Employee Workforce Analysis Report
Data as of 06/30/08

Agency Totals

	Total by Gender	Pct by Gender	White	Total POC	African American	Asian Pacific	Hispanic	Native American	Disabled
Men:	2900	65.9	2576	324	58	46	175	45	39
Women:	1498	34.1%	1333	165	25	35	83	22	15
Total:	4398		3909	489	83	81	258	67	54
Percent:			89%	11.1%	1.9%	1.9%	5.9%	1.5%	1%

Appendix - E

Department of Corrections
Affirmative Action Quarterly Progress Report
by EEO Job Category
(06/30/08)

06/30/08 Statistics		Women				People of Color				African Americans				Hispanics				Asian Amer/Pac Islanders				Native Americans				People w/ Disabilities			
EEO Category	Total Empl	Actual FTE		Parity Goal	PCT	Actual FTE		Parity Goal	PCT	Actual FTE		Parity Goal	PCT	Actual FTE		Parity Goal	PCT	Actual FTE		Parity Goal	PCT	Actual FTE		Parity Goal	PCT	Actual FTE		Parity Goal	PCT
A01) Middle Mgmt	122	46	37.7%	43.0%	52.5	13	10.7%	13.6%	16.6	1	0.8%	4.2%	5.1	4	3.3%	4.7%	5.7	2	1.6%	3.0%	3.7	6	4.9%	1.7%	2.1	1	0.8%	6.0%	7.3
A02) Upper Mgmt	88	26	29.5%	36.6%	32.2	9	10.2%	12.2%	10.7	4	4.5%	5.8%	5.1	1	1.1%	3.5%	3.1	1	1.1%	2.0%	1.8	3	3.4%	1.0%	0.9	2	2.3%	6.0%	5.3
B02) Communication/Editor	1	1	100.0%	41.7%	0.4	0	0.0%	9.6%	0.1	0	0.0%	2.4%	0.0	0	0.0%	3.5%	0.0	0	0.0%	2.8%	0.0	0	0.0%	0.9%	0.0	0	0.0%	6.0%	0.1
B04) Nurse/Health	248	187	75.4%	70.4%	174.6	23	9.3%	11.3%	28.0	0	0.0%	2.5%	6.2	7	2.8%	2.7%	6.7	13	5.2%	5.6%	13.9	3	1.2%	0.5%	1.2	2	0.8%	6.0%	14.9
B05) Physician/Dentist/Vet	39	7	17.9%	33.4%	13.0	6	15.4%	11.4%	4.4	1	2.6%	1.7%	0.7	1	2.6%	2.8%	1.1	3	7.7%	6.6%	2.6	1	2.6%	0.3%	0.1	0	0.0%	6.0%	2.3
B07) Purchasing Agent/Analyst	12	8	66.7%	43.2%	5.2	0	0.0%	5.3%	0.6	0	0.0%	1.1%	0.1	0	0.0%	2.0%	0.2	0	0.0%	1.6%	0.2	0	0.0%	0.6%	0.1	1	8.3%	6.0%	0.7
B09) Social Science/Planner/Resrchr	3	2	66.7%	43.7%	1.3	1	33.3%	10.0%	0.3	0	0.0%	2.4%	0.1	0	0.0%	2.7%	0.1	1	33.3%	3.7%	0.1	0	0.0%	1.3%	0.0	0	0.0%	6.0%	0.2
B10) Personnel/Employment	47	26	55.3%	57.6%	27.1	4	8.5%	11.6%	5.5	0	0.0%	3.0%	1.4	2	4.3%	4.6%	2.2	2	4.3%	2.7%	1.3	0	0.0%	1.4%	0.7	3	6.4%	6.0%	2.8
B11) Inspector/Compliance/Investgtr	24	7	29.2%	48.1%	11.5	2	8.3%	10.7%	2.6	0	0.0%	3.1%	0.7	2	8.3%	3.8%	0.9	0	0.0%	2.7%	0.6	0	0.0%	1.0%	0.2	1	4.2%	6.0%	1.4
B12) Computer Analyst	83	26	31.3%	32.4%	26.9	8	9.6%	13.0%	10.8	1	1.2%	1.5%	1.2	3	3.6%	2.6%	2.2	3	3.6%	8.1%	6.7	1	1.2%	0.8%	0.7	2	2.4%	6.0%	5.0
B13) Attorney/Hearings Ofcr	9	3	33.3%	30.6%	2.8	2	22.2%	7.9%	0.7	0	0.0%	1.6%	0.1	2	22.2%	1.9%	0.2	0	0.0%	3.7%	0.3	0	0.0%	0.7%	0.1	0	0.0%	6.0%	0.5
B15) Accounting/Finance/Revenue	22	12	54.5%	53.0%	11.7	4	18.2%	13.0%	2.9	1	4.5%	2.4%	0.5	1	4.5%	3.6%	0.8	2	9.1%	6.4%	1.4	0	0.0%	0.7%	0.2	0	0.0%	6.0%	1.3
B16) Program Coordinator/Analyst	69	48	69.6%	41.1%	28.4	6	8.7%	9.5%	6.6	1	1.4%	2.4%	1.7	2	2.9%	3.2%	2.2	1	1.4%	3.1%	2.1	2	2.9%	0.8%	0.6	0	0.0%	6.0%	4.1
B17) Social Services	163	77	47.2%	60.0%	97.8	19	11.7%	15.7%	25.6	10	6.1%	5.1%	8.3	7	4.3%	5.7%	9.3	1	0.6%	3.0%	4.9	1	0.6%	1.8%	2.9	0	0.0%	6.0%	9.8
B18) Lieutenant/Captain/Pilot	163	25	15.3%	15.5%	25.3	17	10.4%	15.3%	24.9	7	4.3%	5.0%	8.2	5	3.1%	7.0%	11.4	2	1.2%	1.6%	2.6	3	1.8%	1.8%	2.9	1	0.6%	6.0%	9.8
C01) Health	77	65	84.4%	75.5%	58.1	13	16.9%	13.8%	10.6	1	1.3%	3.0%	2.3	9	11.7%	4.8%	3.7	3	3.9%	5.2%	4.0	0	0.0%	0.8%	0.6	0	0.0%	6.0%	4.6
C02) Engineering/Construction	8	1	12.5%	19.3%	1.5	0	0.0%	8.1%	0.6	0	0.0%	1.2%	0.1	0	0.0%	2.0%	0.2	0	0.0%	3.6%	0.3	0	0.0%	1.3%	0.1	0	0.0%	6.0%	0.5
C09) Electronics	3	0	0.0%	15.0%	0.5	0	0.0%	5.2%	0.2	0	0.0%	0.3%	0.0	0	0.0%	1.8%	0.1	0	0.0%	2.7%	0.1	0	0.0%	0.4%	0.0	0	0.0%	6.0%	0.2
D02) Correction Officer	2,414	473	19.6%	22.8%	550.4	288	11.9%	10.9%	263.1	50	2.1%	2.8%	67.6	173	7.2%	3.9%	94.1	32	1.3%	1.9%	45.9	33	1.4%	2.3%	55.5	26	1.1%	6.0%	144.8
E01) NonSupv - Paraprofessional	36	14	38.9%	58.1%	20.9	4	11.1%	9.8%	3.5	0	0.0%	2.0%	0.7	4	11.1%	3.6%	1.3	0	0.0%	2.6%	0.9	0	0.0%	1.5%	0.5	0	0.0%	6.0%	2.2
F00) Administrative Support	405	377	93.1%	70.3%	284.7	42	10.4%	9.7%	39.3	4	1.0%	1.8%	7.3	20	4.9%	3.6%	14.6	12	3.0%	2.4%	9.7	6	1.5%	1.8%	7.3	8	2.0%	6.0%	24.3
G05) Mechanic/Boiler Operator	39	1	2.6%	12.5%	4.9	3	7.7%	7.5%	2.9	1	2.6%	1.0%	0.4	0	0.0%	2.7%	1.1	1	2.6%	1.7%	0.7	1	2.6%	2.0%	0.8	0	0.0%	6.0%	2.3
G06) Trades	64	1	1.6%	11.5%	7.4	6	9.4%	7.1%	4.5	0	0.0%	1.3%	0.8	5	7.8%	2.7%	1.7	0	0.0%	1.5%	1.0	1	1.6%	1.6%	1.0	2	3.1%	6.0%	3.8
H00) Service/Maintenance Worker	258	65	25.2%	37.8%	97.5	19	7.4%	11.6%	29.9	1	0.4%	1.9%	4.9	10	3.9%	5.1%	13.2	2	0.8%	2.5%	6.5	6	2.3%	2.1%	5.4	5	1.9%	6.0%	15.5
TOTALS	4,398	1,498	34.1%			489	11.1%			83	1.9%			258	5.9%			81	1.8%			67	1.5%			54	1.2%		

Department of Corrections
Quarter Ending 06/30/08
AA Statistics

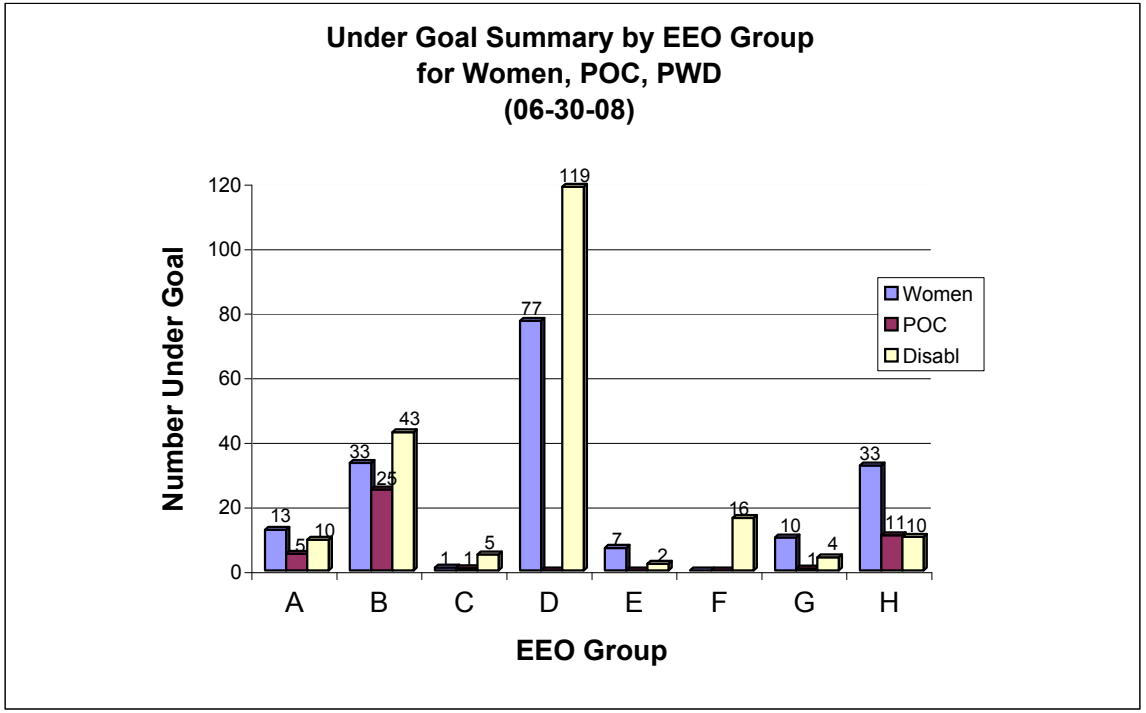
06/30/08 Under Goal Summary

EEO Category	Total Empl	Women		POC		AFAMER		ASIAN/PAC		HISPNC		NVAMER		DISABL	
		Emply Count	Under Goal	Emply Count	Under Goal	Emply Count	Under Goal	Emply Count	Under Goal	Emply Count	Under Goal	Emply Count	Under Goal	Emply Count	Under Goal
A01) Middle Mgmt	122	46	6	13	4	1	4	2	2	4	2	6	0	1	6
A02) Upper Mgmt	88	26	6	9	1	4	1	1	1	1	2	3	0	2	3
B02) Communication/Editor	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
B04) Nurse/Health	248	187	0	23	5	0	6	13	1	7	0	3	0	2	13
B05) Physician/Dentist/Vet	39	7	6	6	0	1	0	3	0	1	0	1	0	0	2
B07) Purchasing Agent/Analyst	12	8	0	0	1	0	0	0	0	0	0	0	0	1	0
B09) Social Science/Planner/Resrchr	3	2	0	1	0	0	0	1	0	0	0	0	0	0	0
B10) Personnel/Employment	47	26	1	4	1	0	1	2	0	2	0	0	1	3	0
B11) Inspector/Compliance/Investgtr	24	7	5	2	1	0	1	0	1	2	0	0	0	1	0
B12) Computer Analyst	83	26	1	8	3	1	0	3	4	3	0	1	0	2	3
B13) Attorney/Hearings Ofcr	9	3	0	2	0	0	0	0	0	2	0	0	0	0	1
B15) Accounting/Finance/Revenue	22	12	0	4	0	1	0	2	0	1	0	0	0	0	1
B16) Program Coordinator/Analyst	69	48	0	6	1	1	1	1	1	2	0	2	0	0	4
B17) Social Services	163	77	21	19	7	10	0	1	4	7	2	1	2	0	10
B18) Lieutenant/Captain/Pilot	163	25	0	17	8	7	1	2	1	5	6	3	0	1	9
C01) Health	77	65	0	13	0	1	1	3	1	9	0	0	1	0	5
C02) Engineering/Construction	8	1	1	0	1	0	0	0	0	0	0	0	0	0	0
C09) Electronics	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
D02) Correction Officer	2,414	473	77	288	0	50	18	32	14	173	0	33	23	26	119
E01) NonSupv - Paraprofessional	36	14	7	4	0	0	1	0	1	4	0	0	1	0	2
F00) Administrative Support	405	377	0	42	0	4	3	12	0	20	0	6	1	8	16
G03) Trades/Maintenance Repair	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
G05) Mechanic/Boiler Operator	39	1	4	3	0	1	0	1	0	0	1	1	0	0	2
G06) Trades	64	1	6	6	0	0	1	0	1	5	0	1	0	2	2
H00) Service/Maintenance Worker	258	65	33	19	11	1	4	2	4	10	3	6	0	5	10
TOTALS	4,398	1498	174	489	42	83	43	81	35	258	17	67	28	54	209

Department of Corrections
Quarter Ending 06/30/08
AA Statistics

Under Goal by EEO Group
6/30/2008

EEO	Women	POC	AfAm	AsnPac	Hispnc	NvAm	Disabl
A	13	5	5	2	4	0	10
B	33	25	10	11	9	3	43
C	1	1	1	1	0	1	5
D	77	0	18	14	0	23	119
E	7	0	1	1	0	1	2
F	0	0	3	0	0	1	16
G	10	1	1	1	1	0	4
H	33	11	4	4	3	0	10
	174	42	43	35	17	28	209



Department of Corrections

Workforce Analysis

Quarter Ending 06/30/08

Quarter Ending 6/30/2008

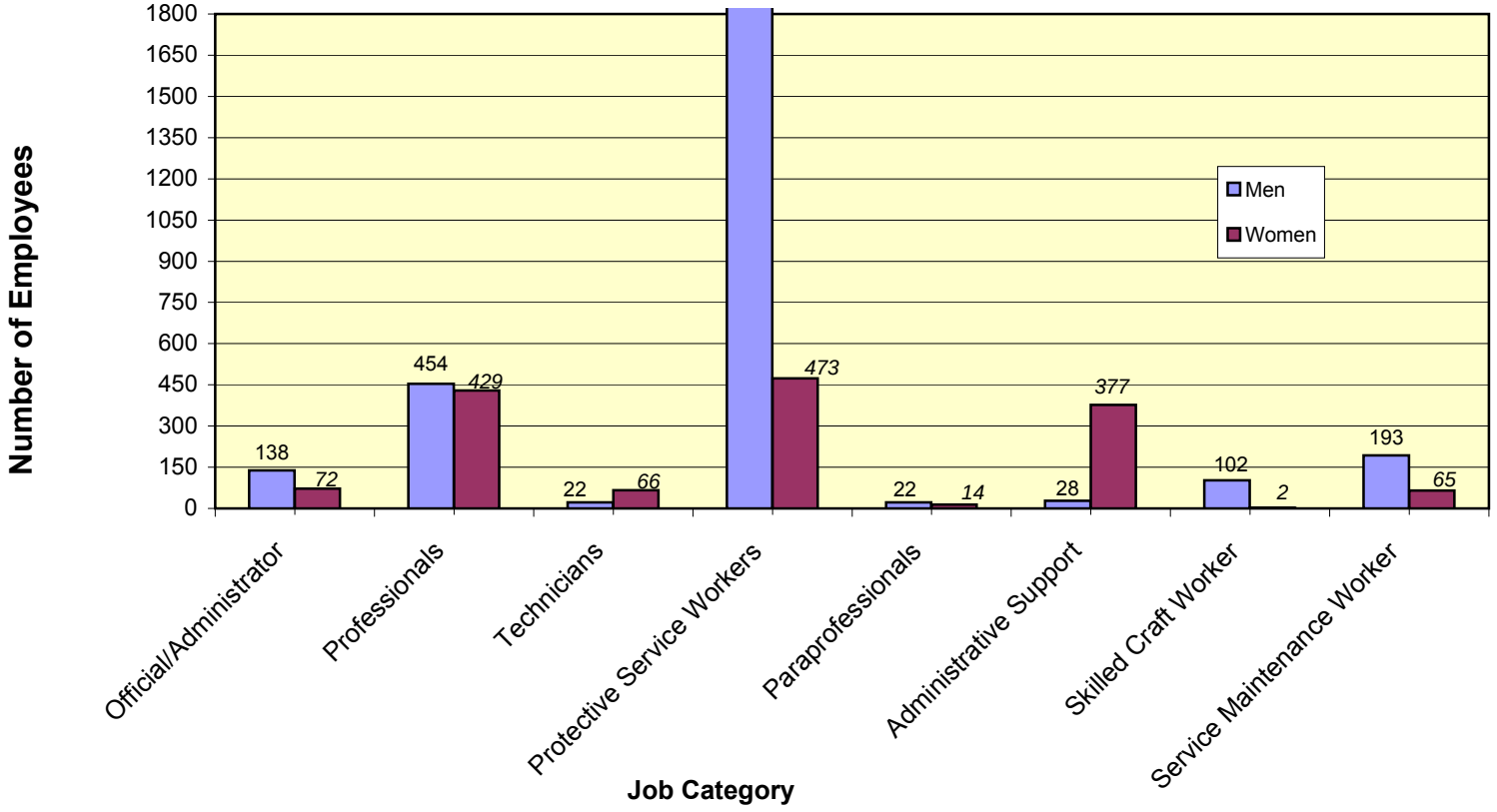
EEO Category		Totals	Men	Women	White	POC	Asian/Pac	AfAmer	Hispnc	NvAmer	PWD
A	Official/Administrator	210	138	72	188	22	3	5	5	9	3
B	Professionals	883	454	429	791	92	28	21	32	11	10
C	Technicians	88	22	66	75	13	3	1	9	0	0
D	Protective Service Workers	2414	1941	473	2126	288	32	50	173	33	26
E	Paraprofessionals	36	22	14	32	4	0	0	4	0	0
F	Administrative Support	405	28	377	363	42	12	4	20	6	8
G	Skilled Craft Worker	104	102	2	95	9	1	1	5	2	2
H	Service Maintenance Worker	258	193	65	239	19	2	1	10	6	5
	TOTALS	**4398**	**2900**	**1498**	**3909**	**489**	**81**	**83**	**258**	**67**	**54**
			65.9%	34.1%	88.9%	11.1%	1.8%	1.9%	5.9%	1.5%	1.2%

		Women	POC	PWD
A	Official/Administrator	72	22	3
B	Professionals	429	92	10
C	Technicians	66	13	0
D	Protective Service Workers	473	288	26
E	Paraprofessionals	14	4	0
F	Administrative Support	377	42	8
G	Skilled Craft Worker	2	9	2
H	Service Maintenance Worker	65	19	5
		1498	**489**	**54**

Department of Corrections

Workforce Analysis

Quarter Ending 06/30/08

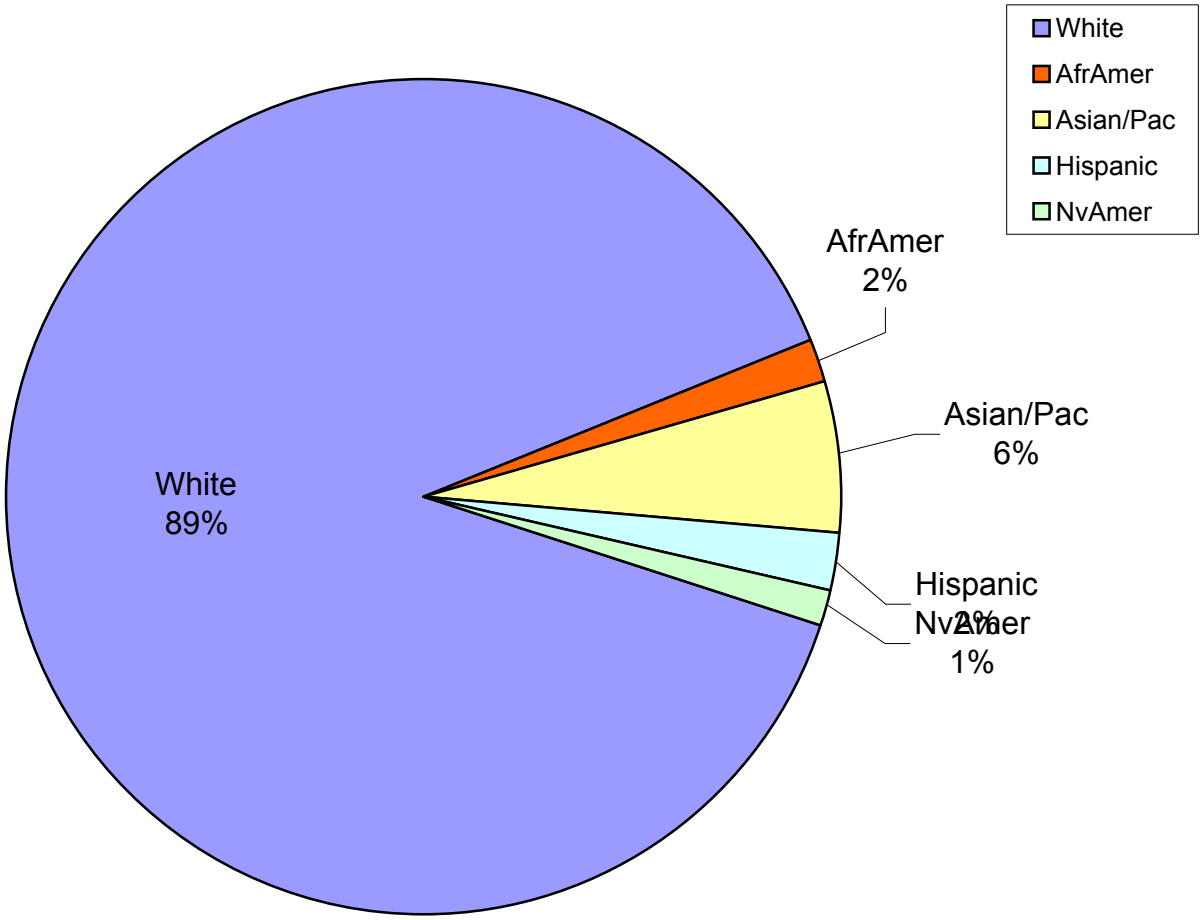


Baseline vs Current Summary
06/30/08

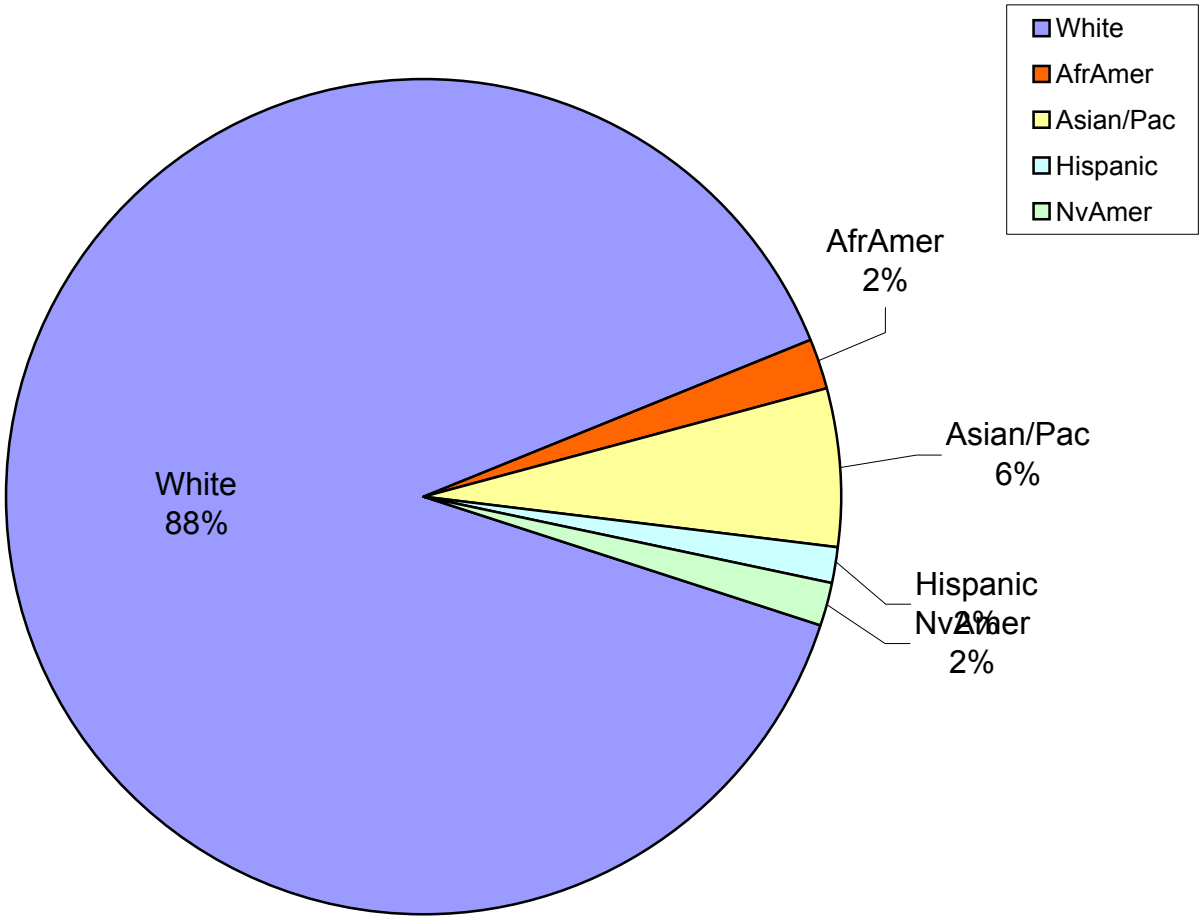
The difference between the current group percentage and the baseline percentage
(Chg in PCT from the start of the biennium)

EEO CATEGORY		Women	POC	AfAmer	Asian/Pac	Hispanic	NvAmer	PWD
A	Official/Administrator	1.1	.4-	.1-	.1-	.6-	0.3	.6-
B	Professionals	.5-	0.1	.2-	0.7	0	.4-	0.4
C	Technicians	0.6	1.4	.1-	2.2	.8-	0	0
D	Protective Service Workers	.1-	0	0	0.1	0.1	.1-	0.2
E	Paraprofessionals	4.0-	2.5	0.3-	0	2.5	0	0
F	Administrative Support	0.2	.6-	0	0.7	.2-	.8-	.03-
G	Skilled Craft Worker	.1-	1.6	0	0.1	0.8	.1-	.1-
H	Service Maintenance Worker	.1-	0.1	.1 -	0.4	.1-	.1-	0.3
		.1-	0.2	0	0.3	0	.2-	0.1

OREGON DEPARTMENT OF CORRECTIONS
WORKFORCE ANALYSIS
WOMEN BY ETHNICITY
June 30, 2008

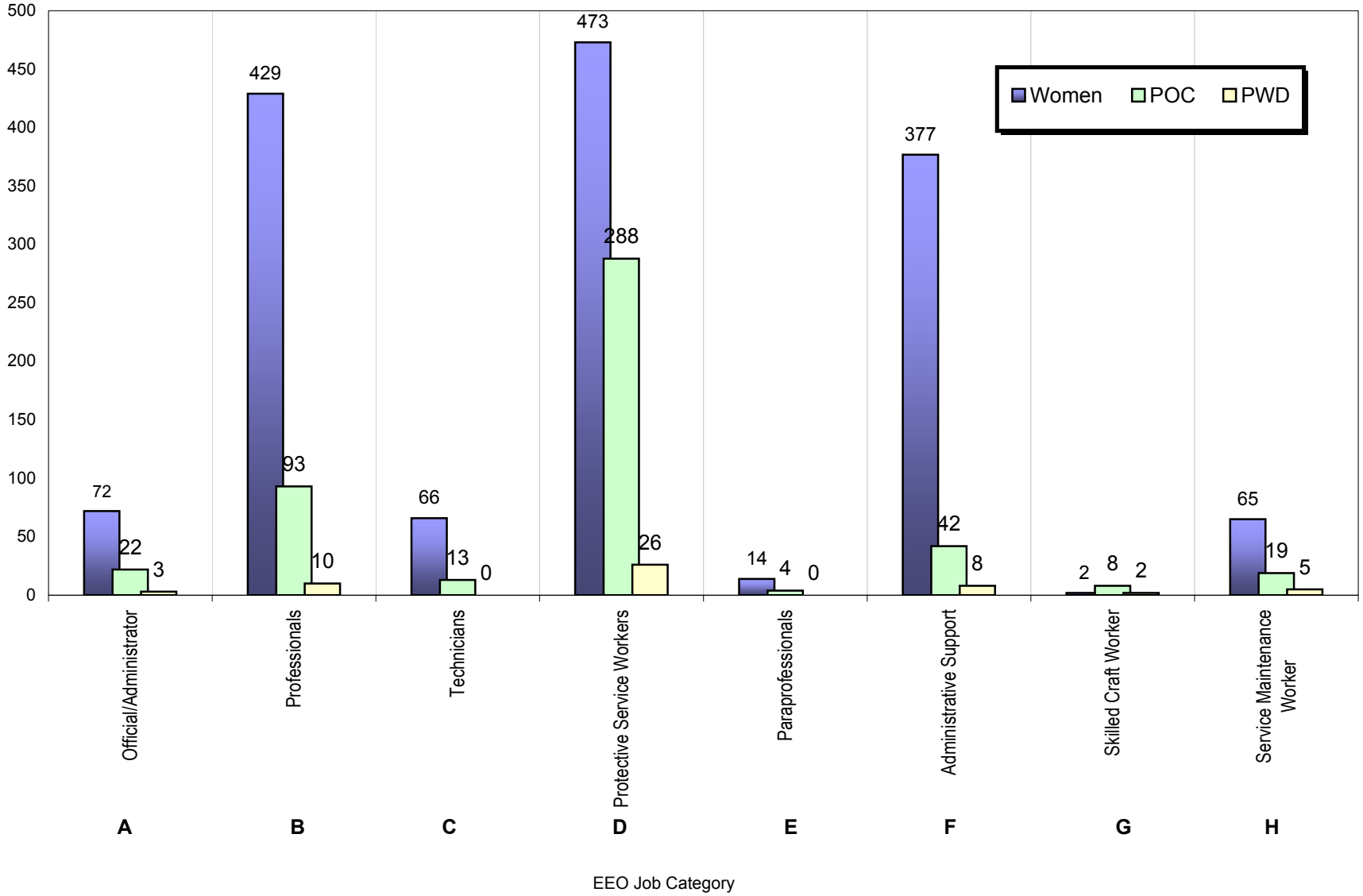


OREGON DEPARTMENT OF CORRECTIONS
WORKFORCE ANALYSIS
MALE BY ETHNICITY
June 30, 2008



Oregon Department of Corrections
Workforce Analysis as of June 30, 2008

Women, People of Color, and People with Disabilities by EEO Category



Appendix

F. EEO-4 Job Categories and Definitions

Definitions

A. Officials and Administrators:
Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, provide specialized consultation. *Job titles in this category may include: regional, district or area directors; deputy directors; controllers; examiners; wardens; superintendents; sheriff; police and fire chiefs; inspectors; and kindred workers.*

B. Professionals:
Occupations, which require specialized and theoretical knowledge usually, acquired through college training or work experience and other training, which provides comparable knowledge. *This category includes: personnel and labor relations workers; social workers; doctors; analysts; accountants; engineers; employment and vocational rehabilitation counselors; teachers or instructors; police and fire captains and lieutenants; and kindred workers.*

C. Technicians:
Occupations, which require a combination of basic scientific or technical knowledge and manual skill, which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. *This category includes: computer programmers and operators; drafters; surveyors; licensed practical nurses; photographers; radio operators; technical illustrators; highway technicians; science technicians (medical, dental, electronic, physical); assessors; inspectors; police and fire sergeants; and kindred workers.*

D. Protective Service Workers:
Occupations in which workers are entrusted with public safety, security and protection from destructive forces. *This category includes: police patrol officers; fire fighters; guards; deputy sheriffs; bailiffs; correctional officers; detectives; marshals; harbor patrol officers; and kindred workers.*

E. Paraprofessionals:
Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience than is normally required for professionals or technicians. *This category includes: library assistants; research assistants; medical aides; child support workers; police auxiliary workers; welfare service aides; recreation assistants; homemaker aides; home health aides; and kindred workers.*

F. Administrative Support:
Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information, and other paperwork required in an office. *This category includes: bookkeepers; messengers; office machine operators; clerk typists; stenographers; court transcribers; hearings reporters; statistical clerks; dispatchers; license distributors; payroll clerks; and kindred workers.*

G. Skilled Craft Workers:
Occupations in which workers perform jobs, which require special manual skill and a thorough and comprehensive knowledge of the processes, involved in the work, acquired through on-the-job training and experience, or through apprenticeship or other formal training programs. *This category includes mechanics and repairers; electricians; heavy equipment operators; stationary engineers; skilled machining occupations; carpenters; compositors and typesetters; and kindred workers.*

H. Service and Maintenance:
Occupations in which workers perform duties, which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. *This category includes: chauffeurs; laundry and dry cleaning operatives; truck drivers; bus drivers; garage laborers; custodial personnel; gardeners and grounds keepers; refuse collectors; construction workers; and kindred workers.*

EEO-4 Job Categories

A. Officials and Administrators
A01 Middle Management (Salary Range 30 or Below)
A02 Upper Management (Salary Range 31 or Above)

B. Professionals
B01 Engineer/Architect
B02 Communication/Editor
B03 Teacher/Education
B04 Nurse/Health
B05 Physician/Dentist/Veterinarian
B06 Food Service Manager
B07 Purchasing Agent/Analyst
B08 Natural Resource
B09 Social Science/Planner/Researcher
B10 Personnel/Employment
B11 Inspector/Compliance Officer/Investigator
B12 Computer Analyst
B13 Attorney/Hearings Officer
B14 Librarian/Archival Specialist
B15 Accounting/Finance/Revenue
B16 Program Coordinator/Analyst
B17 Social Services
B18 Lieutenant/Captain/Pilot
B19 Right-of-Way Agent/Timber Auditor/Appraiser

C. Technicians
C01 Health
C02 Engineering/Construction
C03 Science
C04 Computer
C05 Audio-Visual
C06 Revenue Agent/Examiner
C07 Agriculture Inspector
C08 Natural Resource
C09 Electronics
C10 Weighmaster
C11 Student Professional/Technical; Office Systems
C12 Safety Inspector
C13 Sergeant
C14 Motor Vehicle Representatives

D. Protective Services Workers
D01 Security Officer
D02 Correction Officer
D03 Trooper/Corporal
D04 Inspector/Investigation
D05 Fire Protection Service Workers

E. Paraprofessionals
E01 Nonsupervisory
E02 Supervisory/Coordinator

F. Administrative Support
F01 Office Assistant/Specialist
F02 Accounting
F03 Office Manager/Motor Vehicle Representative
F04 Administrative Spec/Support Services Supervisor
F05 Other Support Specialist

G. Skilled Craft Worker
G01 Highway Maintenance
G03 Trades/Maintenance Repair
G04 Printing
G05 Mechanic/Boiler Operator
G06 Trades
G07 Skilled Crafts (Salary Range 17 or Below)
G08 Skilled Crafts (Salary Range 18 or Above)
G09 Manual Arts Instructor, Hairdresser, Farm Unit Foreman
G10 Ship´s Position (Salary 15 and Above)

H. Service – Maintenance Worker
H01 Service/Maintenance
H02 Supervisory

Appendix

G State Job Group Recruiting Areas

Department of Corrections Equal Employment Opportunity Job Classifications

A. OFFICIALS/ADMINISTRATORS

X7000	Principal Executive/Manager A	A01	Middle Management
X7002	Principal Executive/Manager B	A01	Middle Management
X7004	Principal Executive/Manager C	A01	Middle Management
X7006	Principal Executive/Manager D	A01	Middle Management
Z7519	Clinical Director	A01	Middle Management
X0852	Principal Contributor 2	A02	Upper Management
X/Z7008	Principal Executive/Manager E	A02	Upper Management
X/Z7010	Principal Executive/Manager F	A02	Upper Management
Z7012	Principal Executive/Manager G	A02	Upper Management
Z7014	Principal Executive/Manager H	A02	Upper Management
Z7016	Principal Executive/Manager I	A02	Upper Management

B. PROFESSIONALS

X0865	Public Affairs Specialist 2	B02	Communications/Editor
X0866	Public Affairs Specialist 3	B02	Communications/Editor
C2350	Diagnostician	B04	Nurse/Health
C6214	Institution Registered Nurse	B04	Nurse/Health
C6255	Nurse Practitioner B04		Nurse/Health
C6260	Pharmacist	B04	Nurse/Health
C6268	Clinical Dietician	B04	Nurse/Health
C6531	Mental Health Specialist	B04	Nurse/Health
X6241	Nurse Manager	B04	Nurse/Health
C6257	Phy sicians Assistant	B04	Nurse/Health
U7510	Dentist	B05	Physician/Dentist
Z7511	Supervising Dentist	B05	Physician/Dentist
Z7519	Corrections Physician Specialist B05		Physician/Dentist
X9107	Food Service Manager 2	B06	Food Service Manager
C0438	Procurement & Contract Specialist 3	B07	Purchasing
C0437	Procurement & Contract Specialist 2	B07	Purchasing
C0436	Procurement & Contract Specialist 1	B07	Purchasing
C0435	Procurement & Contract Assistant	B07	Purchasing
C1116	Research Analyst 2	B09	Social Science/Plnr/Rsrchr
C1117	Research Analyst 3	B09	Social Science/Plnr/Rsrchr
X1319	Human Resources Assistant	B10	Personnel/Emply
X1320	Human Resources Analyst 1	B10	Personnel/Emply
X1321	Human Resources Analyst 2	B10	Personnel/Emply
X1322	Human Resources Analyst 3	B10	Personnel/Emply
C1339	Training & Dev Spec 2	B10	Personnel/Emply
X1346	Safety Specialist 2	B10	Personnel/Emply
C1345	Safety Specialist 1	B10	Personnel/Emply
X5239	DOC Inspector 3	B11	Inspector/Compliance/Investgtr
C5238	DOC Inspector 2	B11	Inspector/Compliance/Investgtr
C5237	DOC Inspector 1	B11	Inspector/Compliance/Investgtr
C5232	Investigator 2	B11	Inspector/Compliance/Investgtr
C1488	Info Systems Specialist 8	B12	Computer Analyst
C1487	Info Systems Specialist 7	B12	Computer Analyst
C1486	Info Systems Specialist 6	B12	Computer Analyst
C1485	Info Systems Specialist 5	B12	Computer Analyst
C1483	Info Systems Specialist 3	B12	Computer Analyst
X1518	Supv Corrections Hearing Officer B13		Attorney/Hearings Officer
C1530	Hearings Officer 1	B13	Attorney/Hearings Officer
X5618	Internal Auditor 3	B15	Accounting
C1218	Accountant 4	B15	Accounting
C1216	Accountant 2	B15	Accounting
C1215	Accountant 1	B15	Accounting
X1245	Fiscal Analyst 3	B15	Accounting
C1244	Fiscal Analyst 2	B15	Accounting
C1243	Fiscal Analyst 1	B15	Accounting
C0855	Project Manager 2	B16	Program Coord/Analyst
C/X0813	Program Technician 2	B16	Program Coord/Analyst
C/X0816	Program Representative 1	B16	Program Coord/Analyst
C/X0817	Program Representative 2	B16	Program Coord/Analyst
X0833	Supervising Executive Assistant B16		Program Coord/Analyst

X0873	Ops/Policy Analyst 4	B16	Program Coord/Analyst
X0872	Ops/Policy Analyst 3	B16	Program Coord/Analyst
C/X0871	Ops/Policy Analyst 2	B16	Program Coord/Analyst
C0870	Ops/Policy Analyst 2	B16	Program Coord/Analyst
C0860	Program Analyst 1	B16	Program Coord/Analyst
C0861	Program Analyst 2	B16	Program Coord/Analyst
C6680	Chaplain	B17	Social Services
X6682	Volunteer Program Manager B17		Social Services
C6783	Correctional Counselor B17		Social Services
C6781	Correctional Counselor Entry Level	B17	Social Services
C6787	Adult Parole & Probation Officer B17		Social Services
X6779	Correctional Lieutenant	B18	Lieutenant/Captain/Pilot
X6780	Correctional Captain	B18	Lieutenant/Captain/Pilot

C. TECHNICIANS

C6138	Health Services Technician C01		Health
C6348	Radiological Technologist	C01	Health
C6385	Pharmacy Technician 1	C01	Health
C6391	Dental Assistant	C01	Health
C3268	Construction Project Manager 3 C02		Engineering/Construction
X3269	Construction Project Manager 3	C02	Engineering/Construction
C3265	Construction Inspector	C02	Engineering/Construction
C2169	Communications Systems Analyst 3	C09	Electronics

D. PROTECTIVE SERVICE

C6775	Correctional Officer	D02	Correctional Officer
C6776	Correctional Corporal	D02	Correctional Officer
C6777	Correctional Sergeant	D02	Correctional Officer

E. PARA PROFESSIONALS

C2219	Corrections Library Coordinator E01		Non-supervisory
C6298	Test Coordinator	E01	Non-supervisory
C6519	Corrections Rec Specialist 2	E01	Non-supervisory

F. ADMINISTRATIVE SUPPORT

C0102	Office Assistant 2	F01	Administrative Support
C0103	Office Specialist 1	F01	Administrative Support
C0104	Office Specialist 2	F01	Administrative Support
C0709	Inventory Control Specialist	F01	Administrative Support
C0210	Accounting Technician 1	F02	Administrative Support
C0211	Accounting Technician 2	F02	Administrative Support
C0212	Accounting Technician 3	F02	Administrative Support
X0805	Office Manager 1	F03	Administrative Support
C/X0118	Executive Support Specialist 1	F04	Administrative Support
C0107	Administrative Specialist 1 F04		Administrative Support
C/X0108	Administrative Specialist 2	F04	Administrative Support
C/X0119	Executive Support Specialist 2	F04	Administrative Support
X0113	Support Services Supervisor 2 F04		Administrative Support
X0114	Support Services Supervisor 3 F04		Administrative Support
C0015	Medical Records Specialist	F05	Administrative Support

G. SKILLED CRAFT

C4034	Facility Energy Tech 3	G05	Mechanic
C4033	Facility Energy Tech 2	G05	Mechanic
C4412	Corrections Auto Mechanic	G05	Mechanic
C4409	General Maintenance Mechanic	G05	Mechanic
C4008	Electrician 2	G05	Trades
C4009	Electrician 3	G05	Trades
C4001	Painter	G06	Trades
C4003	Carpenter	G06	Trades
C4005	Plumber	G06	Trades
C4039	Phy/Elec Sec Tech 3	G06	Trades
C4021	Welder 2	G06	Trades

H. SERVICE/MAINTENANCE

C0707	Property Specialist 3	H01	Service/Maintenance
C4101	Custodian	H01	Service/Maintenance
C4103	Custodial Services Coordinator H01		Service/Maintenance
C4107	Corrections Landscaper	H01	Service/Maintenance
C4012	Facility Maint Spec	H01	Service/Maintenance
C4421	Equipment Operator 2	H01	Service/Maintenance
C9120	Corrections Food Service Coordinator H01		Service/Maintenance
X4046	Maintenance & Oper Supv	H02	Service/Maintenance

EXECUTIVE ORDER 08-18

AMENDING EXECUTIVE ORDER 05-01 RELATING TO AFFIRMATIVE ACTION

On January 26, 2005, I issued Executive Order 05-01, relating to affirmative action. That Executive Order directs Agency Directors and Administrators to review and discuss their affirmative action plans, to initiate training on affirmative action issues, to include affirmative action responsibilities in key job descriptions and to conduct Cultural Competency Assessment and Training.

Since the issuance of Executive Order 05-01, many state agencies have met with the Governor's Affirmative Action Office (GAAO) to review and discuss their affirmative action plans. The Department of Administrative (DAS) has concluded an audit of position descriptions for the inclusion of affirmative action duties and has shared audit results with GAAO. In addition, a number of state agencies have completed Cultural Competency Assessment and Training.

Despite these gains, much more can be accomplished. The State of Oregon remains committed to the right of all persons to work and advance on the basis of merit, ability and potential. In order to clarify the provisions of Executive Order No. 05-01, I amend that order as follows.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The GAAO and each Agency Director and Administrator shall review and discuss each agency's affirmative action plan and affirmative action goals to identify resources for improving the hiring and developmental opportunities of underrepresented persons.

2. To continue the State of Oregon's progress in the elimination of the effects of past and present discrimination, intended or unintended, Agency Directors and Administrators shall:

   a. Provide ongoing leadership in implementing agency's affirmative action plan;
   b. Include affirmative action and diversity responsibilities in executive and/or management job descriptions, as appropriate, on or before January 31, 2009;
   c. Ensure that Affirmative Action Representatives attend GAAO's informational trainings to assist Representatives in fulfilling their affirmative action responsibilities;

d. Post each agency's affirmative action policy statement in a visible area. The policy statement shall include contact information for the agency's Affirmative Action Representative;

e. Communicate to all employees about the Affirmative Action resources available within each agency and the important role of Affirmative Action Representatives in responding to employees' concerns of discrimination in the areas of hiring, retention, promotion and career development;

f. Evaluate and assess any trends showing an increase or decrease in discrimination and/or harassment claims; and

g. Work to improve implementation of the agency's affirmative action plan through the use of performance assessments and/or performance evaluations.

3. Under ORS 659A.012, state agencies are "required to include in the evaluation of all management personnel the manager's or supervisor's effectiveness in achieving affirmative action objectives as a key consideration of the manager's or supervisor's performance." Periodically, DAS shall conduct audits of agencies to determine whether management personnel are being evaluated based on effectiveness in achieving affirmative action objectives. Results of this audit shall be provided to GAAO.

4. GAAO will continue to coordinate with DAS in the development and presentation of training designed to improve employees' skills and competency in managing affirmative action and diversity issues.

5. GAAO will continue to monitor agencies' implementation of Cultural Competency Assessment and Implementation Services. Agency Directors and Administrators are strongly encouraged to utilize Cultural Competency Assessment and Implementation Services within their agencies if, in the opinion of GAAO and the Agency Director or Administrator, it is beneficial and appropriate for the agencies to do so.

6. DAS, in conjunction with GAAO and the Oregon Department of Justice, has developed a confidential web-based exit interview survey tool. Agency Directors and Administrators shall allow employees to utilize state equipment to access the Exit Interview survey and shall encourage all employees to complete the survey prior to their transfer or departure.

EXECUTIVE ORDER NO. 08-18
PAGE THREE

7. This Executive Order and Executive Order 05-01 expire on December 31, 2014.

Done at Salem, Oregon, this 19th day of August, 2008.

Theodore R. Kulongoski
GOVERNOR

ATTEST:

Bill Bradbury
SECRETARY OF STATE

EXECUTIVE ORDER 05-01

AFFIRMATIVE ACTION

Pursuant to my authority as Governor of the State of Oregon, I find that:

The State of Oregon consists of people with diverse backgrounds, including different cultures, beliefs and life experiences;

The State of Oregon is committed to the right of all persons to work and advance on the basis of merit, ability and potential.

Affirmative Action is a valuable tool that may enable the State to mitigate the effects of past and present discrimination, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or disabilities;

Cultural Competency Assessment and Training is a proactive management strategy within a program of Affirmative Action that is designed to reduce discriminatory behaviors and practices that may exist; and

The State of Oregon, by and through the agencies, boards and commissions of the Executive Branch, values the principles of equal employment opportunities, affirmative action and diversity and should proactively lead the State on issues of equality and diversity and on the promotion of Affirmative Action.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Director of Affirmative Action and each Agency Director or Administrator shall review and discuss the affirmative action plans and affirmative action goals for their departments to identify resources for improving, if needed, the hiring and developmental opportunities of underrepresented persons.

2. The Director of Affirmative Action will coordinate with the Department of Administrative Services the development and presentation of training designed to improve the skills and competency necessary to effectively manage affirmative action and diversity issues.

3. The Department of Administrative Services, in consultation with the Director of Affirmative Action, shall devise a procedure to examine whether executive service and management service employees have appropriate affirmative action and diversity responsibilities in their position descriptions. The audit procedure shall also review whether employees have been evaluated on their Affirmative Action and Diversity successes and achievements.

Contains Recycled Materials

4. The Director of Affirmative Action shall provide to all state agencies a list of approved firms that provide Cultural Competency Assessment and Training. The services of these firms are intended to enable state agencies to address the following objectives:

    - The creation of a climate of increased cultural awareness;
    - An ability to appropriately identify and respond to cultural and language barriers;
    - A common understanding of how all members of the organization should be valued and respected;
    - Promotion of managerial skills among diverse populations of employees;
    - An understanding of the roles of employers and employees in creating a welcoming environment; and
    - The improvement of employee morale.

Agency Directors and Administrators are encouraged to utilize the services of these firms within their agencies if, in the opinion of the Agency Director in consultation with Director of Affirmative Action, it would be beneficial and appropriate for the agency to do so.

Done this 26th day of January 2005, at Salem, Oregon.

Theodore R Kulongoski
GOVERNOR

ATTEST:

Bill Bradbury
SECRETARY OF STATE

Appendix

I. DOC Professional Development Lending Library

AA/EEO Focus

A Class Divided - Video

Blind Justice: Women and the Law – Video

Building Your Career in Corrections. Video = 20 min.

Change, Challenge & Choices (ACA - Women's role in modern corrections.) Book

Code of Ethics - Video

Communication Means Business - Video An overview of ADA regulations and accessibility for people with hearing, speech and language impairments.

Communication Skills (Resource for corrections supervisors). Video

Conflict Management - Book

Correctional Officer: Problem Solving (first line supervisors). Video = 19 min.

Corrections Ethics: Jerry Hawley. Video

Cosby, Bill on Prejudice - Classic film. "Bill Cosby assumes the role of the consummate bigot and draws on many commonly held stereo-types to drive home his point: There is nothing humorous about prejudice." Video = 22 min.

CPI - Conflict Resolution Series 1 & 2 - Video

Creative Training Tools - Book

Crisis in Crime: OPB February 23, 1988. Video = 1 hr. 26 min.

Cross Gender Supervision (Vol. 3 Issue 5) Video = 28 min.

Cultivating Initiative In Your Staff - Laying the groundwork to accomplishing more with less by developing staff who are self-starters, problem solvers, and independent workers who do not need constant direction. Share your authority without losing control. Video (2 tapes = 2 hrs. 30 min.)

Cultural Sensitivity vs. Client Accountability. Audio

Deal With Difficult People (How to) - Identifies different types of "difficult" people and suggests strategies for dealing with them; includes elements of effective communication, how to be less of a "target." Video (4 tapes = 4 hrs.)

Delivering Effective Training Session (Techniques for Productivity). Book

Effective Listening Skills - Specific techniques to sharpen concentration and help the student hear what people are really saying. Help avoid mistakes, minimize wasted time, and repair strained relationships. Audio (4 tapes = 2 hrs. 30 min.)

Embracing Chaos - Specific things individuals need to know to make good personal and professional decisions. Includes a 5-point self-enhancement program, and specific strategies for taking the initiative. This is a Tom Peters' program. Audio

Enabling the Disabled - Video

Equal Value - Book

Ethics and Conduct - What is expected of officers on and off duty. Video = 20 min.

Ethics in Corrections - 3 Videos & Leaders Guide

Ethics, Value and Conduct - Video

Evaluation: 10 Significant Ways - Book

Excellence in the Public Sector # 1-4 - Video

Eye of the Storm - Video

Federal Corrections Institute - What works and what doesn't work (June 12, 1996). Video

Female Offender In The Community: A Report On Innovative Strategies and Treatment Programs - Recording of a workshop session at the APPA "Sharing a Vision" conference in St. Louis, MO; Summer 1992. Audio = 120 min.

Focused Listening Skills - Audi

Framework For Change: Gordon Graham. (7 tapes each 25 min.) - 1) Awareness, 2) Change, 3) Barriers, 4) Self Talk, 5) Vision, 6) Goals, and 7) Action Plan. Video

Gangs, Community & Corrections - NIC video conference 6-10-98 Video = (2 hrs)

Get Your Point Across in 30 Seconds or Less (How to) - Book

Give Exceptional Customer Service (How to) - 1) How to build a service image and customer loyalty; 2) How to satisfy even your most difficult customers, 3) More ways to make customer contacts positive and profitable and 4) Making it work, superior service in action. Video

Giving and Receiving Criticism - Book

Helping a Growing Dimension of Management. Video = 30 min.

High Impact Leadership (4-part series) - 1) Self-mastery and Maximizing Personal Potential; 2) Utilization of Resources; Focusing and Visioning Techniques; 3) Creativity and Persuasive Communication; 4) Empowering Others. 2 Videos = 2 hr. 30 min.

Homeboys - "A chilling look at the violent lives and bleak futures of street gang members in inner cities throughout America. A series of conversational excerpts that examines the motivations and rituals of these gang members." Video

Interpersonal Communication Skills - Audio

Investigating Child Abuse - Chapter topics include: Causes of Abuse and Neglect; Reporting Laws; Civil and Criminal Liability and Child Sexual Abuse; Interviewing the Sexually Abuse Child; Behavior Clues; Wound Identification; Burn Investigation; Investigating Neglect; Evidence; Poisoning; Problem Diagnosis; Stress Management; Prevention. Textbook

Jobs and Crime: Crime File - NIJ presentation of a panel of experts discussing the relationship between general economic conditions and the crime rate. Video

Less Stress In 5 Easy Steps - How to recognize the signs of stress; methods for 'letting off steam'; how to make stress work for you; how to gain control. Includes physical and mental techniques for relaxation, meditation, and stress reduction. Video = 45 min.

Listen Up - Book

Listen Powerfully (How to) - Specific techniques to sharpen concentration and help the student hear what people are really saying. Help avoid mistakes, minimize wasted time, and repair strained relationships. (Audio series is called Effective Listening Skills.) Video (2 tapes = 2 hrs. 30 min.)

Managing By Values - 2 Audio

Managing Disagreements Constructively - Book

Men, Women and Respect (ACA) - Stopping sexual harassment in correctional facilities. Video = 16 min.

Native American Religious Prayer Aids - Video

Overcome Negativity in the Workplace (How to) - Audio = 4 hrs.

Path of the Warrior - Ethical Divide to Personal & Professional Developing in the Field of Criminal Justice - Book

Please Understand Me - Video = 75 min.

Power Talking Skills - Audio

Powerful Presentation Skills - Covers skill building for presentations, how to change listeners to believers, answering questions. Video

Powerful Audiovisual Techniques - Book

Principles of Discipline - Video

Professional Telephone Skills - How to identify the caller's objectives and objections. Contains techniques for avoiding 'telephone tag'; how to deal with callers who don't speak English well; when to volunteer information. Note: Not as applicable for our profession, but worthwhile for all staff, not just receptionists. Video = 3 hrs.

Religious Freedom Restoration Act In Corrections (Implementing the) (7-22-95) Video = 2 hrs.

Resolving conflicts - Video

Sexual Harassment - Book

Sexual Harassment: It's no Game - Video

Street Gangs - Book

Street Signs - Help in interpreting the graffiti, tatoos, criminal body language and crime-scene indicators from street and prison gangs, Skinheads, bikers, occult followers and other groups. Video = 30 min.

Street Spanish for Law Enforcement - 341 commands, requests or phrases in Spanish. Broken into sections of use such as "domestic situations" and "medical assistance." Not very useful for Pos, except for learning survival words such as "mato lo (kill him!)," and some general use phrases such as "let me see your driver's license." Audio = 45 min.

Street Survival - Book

Subtle Sexual Harassment - Video = 1 hr.

Two Million Women: Domestic Violence - Video

Your Perfect Right - Book