

Oregon Department of Transportation

Affirmative Action Plan

January 2007

Human Resources

ODOT is an Equal Opportunity and Affirmative Action employer. This publication will be made available in alternate format on request by calling (503) 986-3222 or e-mail: odoteeo@odot.state.or.us or via the Oregon Telecommunications Relay System: 7-1-1.



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
355 Capitol Street NE
Salem, OR 97301-3871

January 2007

The Oregon Department of Transportation (ODOT) is dedicated to a well-qualified, diverse workforce representative of the public it serves. Diversity is an ODOT strategic business value taking advantage of diverse, creative thinking, collaboration, and problem solving toward common State and Federal transportation goals.

To leverage diversity, Affirmative Action provides the tools to ensure that Equal Employment Opportunity (EEO) is available and inclusive of all employees and job applicants, and free of discrimination. Affirmative Action is a legal and essential ingredient in all recruitment, career development, and promotion opportunities.

The Chief Human Resources Officer, Civil Rights Manager, EEO-Affirmative Action Coordinator, and Diversity Council are jointly responsible for leadership in the implementation and monitoring progress of the Affirmative Action Plan.

We, the undersigned, reaffirm our collective commitment and hold all managers and employees accountable to carry out the tenets of this Affirmative Action Plan.

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Director

Doug Tindall
Deputy Director,
Highway

Mike Marsh
Deputy Director,
Central Services

Lorna Youngs
Administrator,
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Communications

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Manager,
Office of Civil Rights

E. Blair Johnson
Chief of Human Resource Officer

Affirmative Action Plan: 2007-2009

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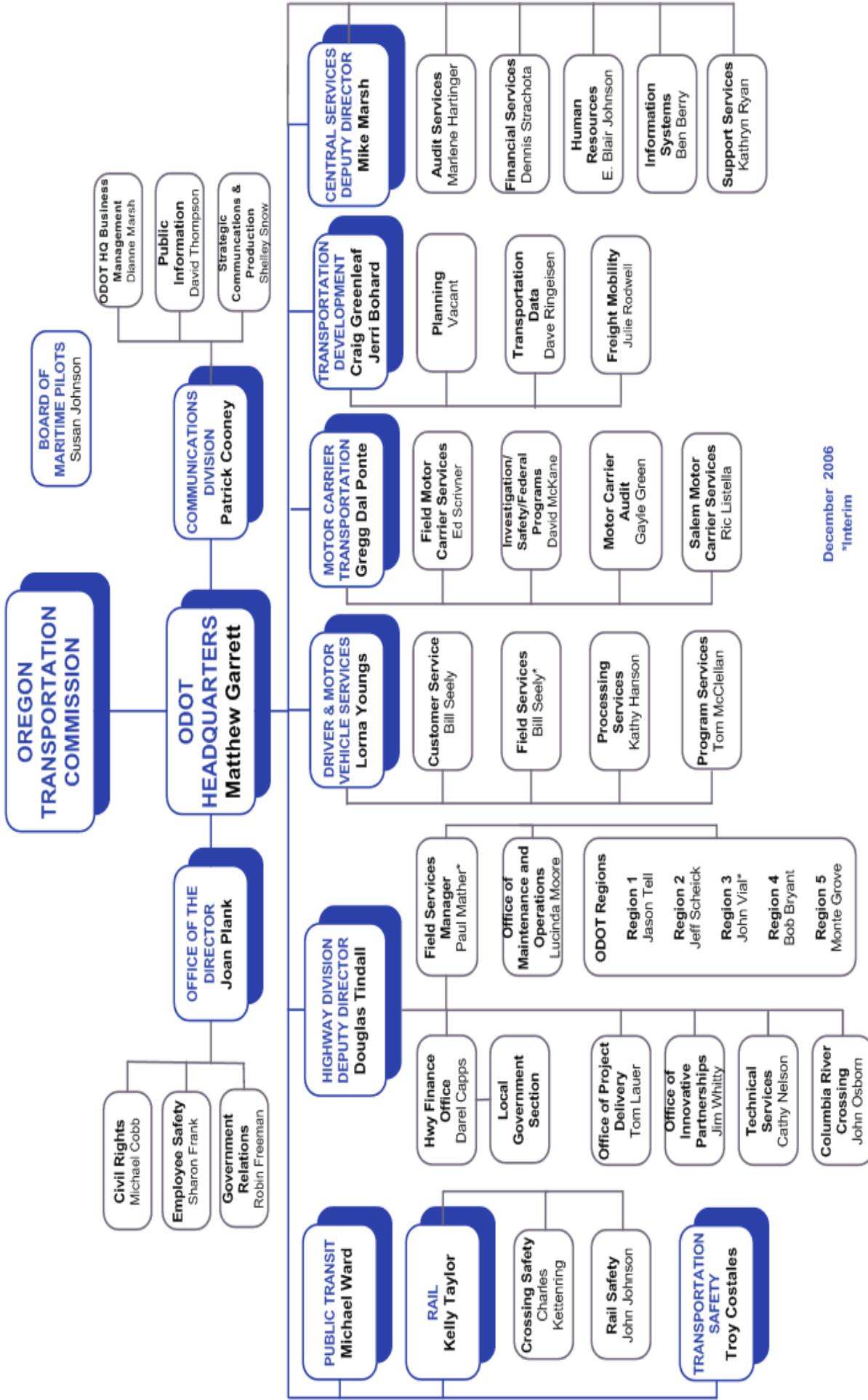
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Oregon Department of Transportation

Organizational Structure and Workforce Demographics

The Oregon Department of Transportation was established in 1969 to provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians. ODOT develops programs related to Oregon's system of highways, roads, and bridges; railways; public transportation services; transportation safety programs; driver and vehicle licensing; and motor carrier regulation.

Oregon Department of Transportation



December 2006
*Interim

Total Senior Staff	48	Male	32	(66.7%)	Female	16	(33.3%)	White	45	(93.8%)	Hispanic	1	(2.1%)	Black	2	(4.7%)	Asian/PI	0	(0.0%)	Disabled	1	(2.1%)
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2006 Workforce Demographics

(Full time employees)

The Department's demographic and parity (note 1) information provided below is as of the September 30, 2006 Oregon Department of Transportation (ODOT) DDR1650, Affirmative Action Report. The Oregon labor pool demographics are derived from the U.S. Census 2000 data.

	Total Employees	Men	Women	% (Parity 41.4%)	White	%	Minority	% (Parity 11.6%)	Disabled	% (Parity 6.0%)
Highway Division	2343	1868	475	20.3%	2152	91.9%	191	8.1%	55	2.3%
Driver and Motor Vehicle	758	204	554	73.1%	631	83.2%	127	16.8%	36	4.7%
Central Services	653	420	233	35.7%	584	89.4%	69	10.6%	20	3.1%
Motor Carrier Transportation	296	161	135	45.6%	274	92.6%	22	7.4%	17	5.7%
Transportation Development	111	57	54	48.6%	101	91.0%	10	9.0%	4	3.6%
Public Transit	14	6	8	57.1%	11	78.6%	3	21.4%	0	0%
Rail	20	18	2	10.0%	20	100%	0	0%	1	5.0%
Transportation Safety	24	7	17	70.8%	22	91.7%	2	8.3%	1	4.2%
Communications and ODOT HQ	33	17	16	48.5%	33	100%	0	0.0%	3	9.1%
ODOT Total	4250	2758	1492	35.1%	3826	90.0%	424	10.0%	138	3.2%
Oregon labor force (note 3)	2.2M	1.1M	1.1M	50.1%	1.9M	85.2%	325K	14.8%	268K	12.2%

Note 1: EEO designation is voluntary and visual and so may result in undercounts

Note 2: Numbers in bolded italics indicate below parity goal

Note 3: Labor force defined as ages 18 – 65 (US Census 2000 Quick Facts)

The following table lists positions by EEO-4 Category for each division

EEO-4	CLASS	CLASS TITLE	CEN SVC	COMM	DMVS	MCTD	TRANSIT	RAIL	HWY	TDD	SAFETY
A01	X7000	Principal Executive/Manager A			24	2			1		
A01	X7002	Principal Executive/Manager B	5		15	9			46	1	
A01	X7004	Principal Executive/Manager C	7		10	1			19	1	1
A01	X0851	Principal Contributor 1				1		1		2	
A01	X7006	Principal Executive/Manager D	15	3	8	6		2	36	3	
A02	X7008	Principal Executive/Manager E	17	1	1	3			57	4	
A02	X7010	Principal Executive/Manager F	15		4	1		1	26	2	
A02	X7012	Principal Executive/Manager G	3						10	1	
A02	Y7500	Board And Commission Member	13	6							
A02	Z7008	Principal Executive/Manager E		1							
A02	Z7012	Principal Executive/Manager G	3	2		1	1	1	5		1
A02	Z7014	Principal Executive/Manager H	2		1				3	1	
A02	Z7016	Principal Executive/Manager I		1					2		
B01	C3144	Professional Land Surveyor 1							17		
B01	C3145	Professional Land Surveyor 2							14		
B01	C3148	Professional Engineer 1	1						133	11	
B01	C3149	Professional Engineer 2	1						57	2	
B01	X3149	Professional Engineer 2							13		
B02	C0864	Public Affairs Spec 1					1		6		
B02	C0865	Public Affairs Spec 2							2		
B02	C0866	Public Affairs Spec 3		3	1				4		
B02	X0865	Public Affairs Spec 2				1					
B02	X0866	Public Affairs Spec 3		2					1		
B07	C0435	Procurement And Contract Asst	1						1		
B07	C0436	Procurement & Contract Spec 1	6						1		
B07	C0437	Procurement & Contract Spec 2	11						8		
B07	C0438	Procurement & Contract Spec 3	23						2	1	
B08	C3521	Geologist 2							14		
B08	C3522	Geologist 3							8		
B08	C3520	Geologist 1							1		

EEO-4	CLASS	CLASS TITLE	CEN SVC	COMM	DMVS	MCTD	TRANSIT	RAIL	HWY	TDD	SAFETY
B08	C3523	Geologist 4							1		
B08	C3822	Environmental Specialist 3							1		
B08	C3846	Environmental Program Coord 2							38		
B08	C3847	Environmental Program Coord 3							27		
B09	C1108	Planner 2							8	1	
B09	C1109	Planner 3	1						28	9	
B09	C1115	Research Analyst 1	2								
B09	C1116	Research Analyst 2			1				1		
B09	C1117	Research Analyst 3				1			1	1	
B09	C1118	Research Analyst 4								2	
B09	C1162	Economist 2	1								
B09	C1163	Economist 3	1								
B09	C1164	Economist 4	1								
B09	X1118	Research Analyst 4	1								
B10	C1338	Training & Development Spec 1			3				1		
B10	C1339	Training & Development Spec 2	5		3						
B10	C1345	Safety Specialist 1		1							
B10	X1319	Human Resource Assistant	9								
B10	X1320	Human Resource Analyst 1	10								
B10	X1321	Human Resource Analyst 2	8								
B10	X1322	Human Resource Analyst 3	12								
B10	X1346	Safety Specialist 2		2					5		
B11	C5233	Investigator 3			7						
B11	C5247	Compliance Specialist 2				54					
B11	C5248	Compliance Specialist 3				9		1			
B11	C5835	Railroad Specialist 1						4			
B11	C5836	Railroad Specialist 2						11			
B11	X5248	Compliance Specialist 3				1			2		
B12	C1483	Info Systems Specialist 3	10							2	
B12	C1484	Info Systems Specialist 4	24		1				1	3	

EEO-4	CLASS	CLASS TITLE	CEN SVC	COMM	DMVS	MCTD	TRANSIT	RAIL	HWY	TDD	SAFETY
B12	C1485	Info Systems Specialist 5	54						7	1	
B12	C1486	Info Systems Specialist 6	53						11	1	
B12	C1487	Info Systems Specialist 7	61							1	
B12	C1488	Info Systems Specialist 8	19								
B14	C2220	Librarian	1								
B15	C1215	Accountant 1	3								
B15	C1216	Accountant 2	3						1		
B15	C1217	Accountant 3	4								
B15	C1243	Fiscal Analyst 1			2				1		
B15	C1244	Fiscal Analyst 2	5		2		1	1	15		
B15	C1245	Fiscal Analyst 3	1			1			4		
B15	C5646	Governmental Auditor 1	6								
B15	C5647	Governmental Auditor 2	5		1						
B15	X1003	Loan Specialist 3	1								
B15	X1218	Accountant 4	3								
B15	X1244	Fiscal Analyst 2								1	
B15	X1245	Fiscal Analyst 3	4								
B15	X5617	Internal Auditor 2	3								
B15	X5618	Internal Auditor 3	2								
B16	C0812	Program Technician 1		1	1		1		3	2	
B16	C0813	Program Technician 2	3						2		
B16	C0817	Program Rep 2	3						2		
B16	C0854	Project Manager 1	1		3				3		
B16	C0855	Project Manager 2			1				30		
B16	C0856	Project Manager 3							1		
B16	C0860	Program Analyst 1	1			2			2		3
B16	C0861	Program Analyst 2	3			1	5	1	10		9
B16	C0862	Program Analyst 3							1		3
B16	C0870	Ops/Policy Analyst 1	2		8	1			6	1	1
B16	C0871	Ops/Policy Analyst 2	8	1	24	3	1		14	3	
B16	C0872	Ops/Policy Analyst 3	2		10				3		

EEO-4	CLASS	CLASS TITLE	CEN SVC	COMM	DMVS	MCTD	TRANSIT	RAIL	HWY	TDD	SAFETY
B16	X0813	Program Technician 2		2							
B16	X0856	Project Manager 3							3		
B16	X0861	Program Analyst 2	1								
B16	X0862	Program Analyst 3	1						1		
B16	X0863	Program Analyst 4							1		
B16	X0871	Ops/Policy Analyst 2			2						
B16	X0872	Ops/Policy Analyst 3	2	3	6		1		12		
B16	X0873	Ops/Policy Analyst 4		2					10	1	
B19	C0761	Right-Of-Way Agent 1							24		
B19	C0762	Right-Of-Way Agent 2							28		
C02	C3105	Engineering Spec 1							6	4	
C02	C3106	Engineering Spec 2							73	9	
C02	C3107	Engineering Spec 3							91	3	
C02	C3136	Civil Engineering Spec 1							122	5	
C02	C3137	Civil Engineering Spec 2							62	1	
C02	C3138	Civil Engineering Spec 3	1						40		
C02	C3146	Associate In Engineering 1							42	2	
C02	C3147	Associate In Engineering 2							89	8	
C02	C3150	Architectural Space Planner	1								
C02	C3268	Const Project Mgr 2	5						1		
C03	C4339	Scientific Instrument Tech 2				2					
C04	C1482	Info Systems Spec 2	2								
C05	C2176	Video Producer	2								
C05	C2511	Electronic Pub Design Spec 2	2		1				2		
C05	C2540	Aerial Photographer	2								
C06	C5112	Revenue Agent 3	2								
C10	C5857	Motor Carrier Enforcement Oftr1	2			76					
C10	C5858	Motor Carrier Enforcement Oftr2	1			16					
C14	C0331	Transportation Services Rep 1			230	9					
C14	C0332	Transportation Services Rep 2			23	67					

EEO-4	CLASS	CLASS TITLE	CEN SVC	COMM	DMVS	MCTD	TRANSIT	RAIL	HWY	TDD	SAFETY
C14	C0333	Trans Services Office Leader 2			52						
E01	C1105	Traffic Survey Interviewer								1	
F01	C0102	Office Assistant 2			45						
F01	C0103	Office Specialist 1	12		48	15		1	11		1
F01	C0104	Office Specialist 2	16	1	117	12			63	13	2
F01	X0103	Office Specialist 1	2								
F01	X0104	Office Specialist 2	1								
F02	C0210	Accounting Tech 1	1								
F02	C0211	Accounting Tech 2	5			2					
F02	C0212	Accounting Tech 3	17						3		
F02	X0213	Supervising Accounting Tech	1								
F03	C0801	Office Coordinator	3		2	3			17		
F03	X0805	Office Manager 1							2		
F03	X0806	Office Manager 2							9		
F04	C0107	Admin Specialist 1	15		34	1	1	1	19	2	1
F04	C0108	Admin Specialist 2	2	1	5	7	1		15	2	1
F04	C0118	Exec Support Spec 1	2		3				8	4	
F04	C0119	Exec Support Spec 2		1					5		1
F04	C0322	Public Service Rep 2			1						
F04	C0323	Public Service Rep 3			40						
F04	C0324	Public Service Rep 4							1		
F04	X0107	Admin Specialist 1		1							
F04	X0112	Support Services Supervisor 1				1					
F04	X0113	Support Services Supervisor 2			21	1					
F04	X0114	Support Services Supervisor 3	2								
F04	X0119	Exec Support Spec 2	3						2		
F04	Z0118	Exec Support Spec 1					1				
F04	Z0119	Exec Support Spec 2	2	3	1	1		1	1	1	
F05	C0501	Data Entry Operator 1			40						
F05	C0531	Word Proc Tech 2				1					

EEO-4	CLASS	CLASS TITLE	CEN SVC	COMM	DMVS	MCTD	TRANSIT	RAIL	HWY	TDD	SAFETY
G01	C4132	Sign Technician 3	5								
G01	C4151	Transp Maintenance Spec 1							49		
G01	C4152	Transp Maintenance Spec 2	7						751		
G01	C4161	Transp Maintenance Coord 1							89		
G01	C4162	Transp Maintenance Coord 2							35		
G01	C4163	Transp Operations Spec							58		
G01	C4240	Geotechnical Drilling Spec 1							1		
G01	C4241	Geotechnical Drilling Spec 2							1		
G01	C4310	Traffic Systems Tech 2							10		
G01	C4311	Traffic Systems Tech 3							3		
G01	X4160	Transp Maintenance Supervisor							23		
G03	C4015	Facility Operations Spec 2	3								
G03	C4123	Trades/Maintenance Coordinator	1								
G04	C2446	Print Services Tech	2								
G05	C4411	Auto Mechanic 2	2								
G05	C4431	Heavy Equip Mechanic 1	49								
G05	C4432	Heavy Equip Mechanic 2	27						5		
G05	X4435	Heavy Equip Repair Supervisor	4								
G06	C4003	Carpenter	6								
G06	C4008	Electrician 2							29		
G06	C4009	Electrician 3	1						5		
G06	X4009	Electrician 3							2		
G06	C4018	Machinist	3								
H01	C0706	Property Specialist 2	3								
H01	C0707	Property Specialist 3	5								
H01	C0777	Parts Supply Specialist 3	7								
H01	C4012	Facility Maintenance Spec	5		1						
H01	C4116	Laborer 2	1						1		

Affirmative Action Plan

A. Agency Affirmative Action Policy

 POLICY	NUMBER PER 01-04	SUPERSEDES NEW
	EFFECTIVE DATE 03/01/06	PAGE NUMBER 01 OF 03
	VALIDATION DATE	
	REFERENCE Executive Order 05-01	
SUBJECT EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION	APPROVED SIGNATURE 	

PURPOSE

The purpose of this policy is to outline the standards regarding Equal Employment Opportunity (EEO) and Affirmative Action (AA) for the Oregon Department of Transportation (Department).

BACKGROUND

The Department consists of people with diverse backgrounds including different cultures, beliefs, and life experiences;

The Department 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 Department 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; and

The Department, by and through its Divisions, Branches, and Regions, values the principles of equal employment opportunities, affirmative action, and diversity.

POLICY

The Department by and through its Division, Regions, and Branches shall value the principles of equal employment opportunities, affirmative action, and diversity.

The Department by and through its Division, Regions, and Branches shall proactively lead on issues of equality and diversity, and on the promotion of Equal Employment Opportunity and Affirmative Action.

All employees and job applicants shall receive fair consideration and respectful treatment in hiring and all employment actions without regard to race, color, religion, gender, age, national origin, disability, or sexual orientation.

The Department shall engage in public contracting practices designed to promote affirmative action goals, policies, or programs for disadvantaged or minority groups to ensure equal opportunity in employment and business for people otherwise disadvantaged by reason of race, color, religion, gender, national origin, age, or physical or mental disability.

GUIDELINES
RESPONSIBILITY ACTION

Department Director and Affirmative Action Officer	Review and discuss the affirmative action plan and affirmative action goals for the Department to identify resources for improving, if needed, the hiring and developmental opportunities of underrepresented persons.
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EEO/Affirmative Action Officer	<p>Coordinate with ODOT's Labor Relations and Training group in the development and presentation of training designed to improve the skills and competency necessary to effectively manage affirmative action, equal employment opportunity, effective human resource management, and diversity issues.</p> <p>The Affirmative Action Officer shall also, through a working relationship with the Governor's Office for Affirmative Action, identify internal or external training resources which address the following objectives:</p> <ul style="list-style-type: none">• 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. <p>In partnership with Human Resources, the EEO/Affirmative Action Officer shall insure that all executive and management service employees have appropriate affirmative action and diversity responsibilities included in their position descriptions and annual performance evaluations.</p>
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All Managers

Value the principles of equal employment opportunities, affirmative action, and diversity. Proactively lead on issues of equality and diversity and on the promotion of EEO/AA.

Include affirmative action and diversity elements in executive and management service performance evaluations. Evaluate subordinate managers on their diversity and EEO efforts in their annual performance appraisals.

All Employees and
Job Applicants

Contribute to a respectful work environment, free of discrimination and harassment.

Contact ODOT's EEO/Affirmative Action Officer (also serving as the agency's and ADA (Americans with Disabilities Act) Coordinator related to concerns of discrimination, harassment, or public access and accommodation.

**Contact information for ODOT's EEO/Affirmative Action Officer /
ADA Public Access Coordinator**

Phone: 503-986-3222, Toll-free phone: 877- EEO-ODOT
Oregon telecommunications relay service: 711
Toll-Free TTY 800-993-8898
E-Mail: odoteeo@odot.state.or.us
FAX: 503-986-3328

Contact information for ODOT's Chief Human Resource Officer

Phone: 503-986-4057, Toll-free phone: 866-6-ODOT-HR
Oregon telecommunications relay service: 711
TTY: 503-986-3854
E-Mail: askhr@odot.state.or.us
FAX: 503-986-3862

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

ODOT has a Procurement Office and the Office of Civil Rights that advertises in a variety of publications. Our recruiting effort is a part of our contracting process. Bidders for contracts with the State of Oregon DOT sign forms assuring non-discrimination. Under separate cover and upon request we can provide:

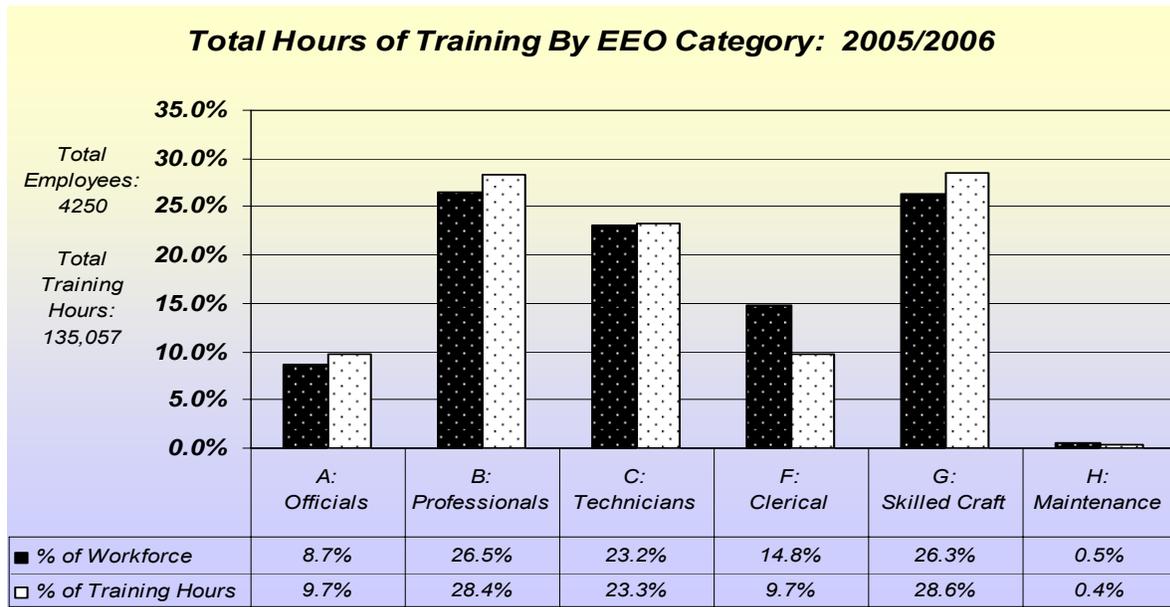
1. Personal Services Contracts Report
2. List of contractors and subcontractors and dollar
3. List of MBE Certifications and Commitments Awards and Payments
4. Semi-Annual DBE Commitments Awards and Payments

C. Training, Education and Development – Education Overview

A healthy and respectful work environment is essential for good employee morale, retention, and productivity. As diversity grows within the ODOT workforce, the need for awareness and mutual respect increases. Workforce education is a continuous process with the threefold objective of improving the internal work environment, improving the inclusiveness of under-represented persons in ODOT's employment community, and improving customer service to our growing and diverse customer base.

The Employment and Diversity unit of Human Resources was an active co-sponsor for the second annual ODOT/DHS Diversity Conference where more than 250 ODOT managers and employees attended in September of 2006. This was the second year of the significant investment by ODOT to partner with another large agency on the statewide conference.

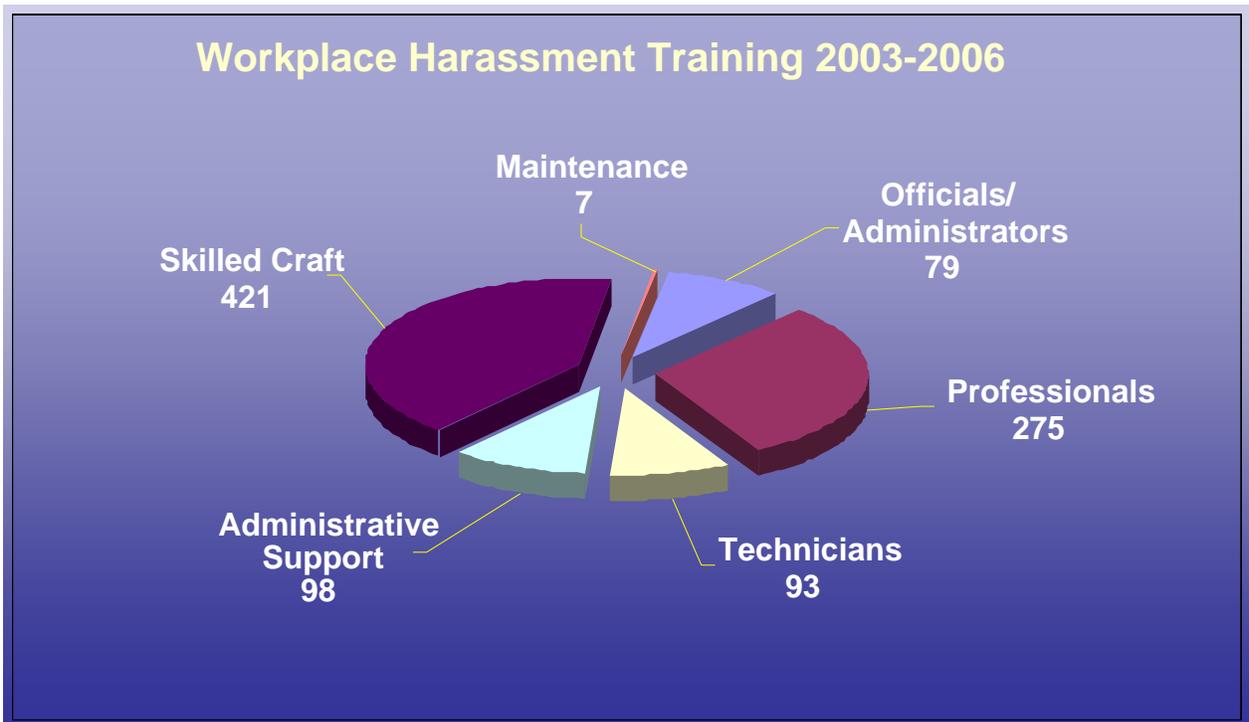
The table below shows the number of employees trained in ODOT during the last fiscal year by EEO categories



Total Employees	369	1128	984	627	1119	23
Total Training Hrs.	13,079	38,292	31,430	13,123	38,619	514

The tables below reflect the number of employees trained in 'Workplace Harassment' during fiscal years 2003-04, 2004-05, and 2005-06. Results are also visually depicted by EEO categories in the "Workplace Harassment Training 2003-2006" graphic below

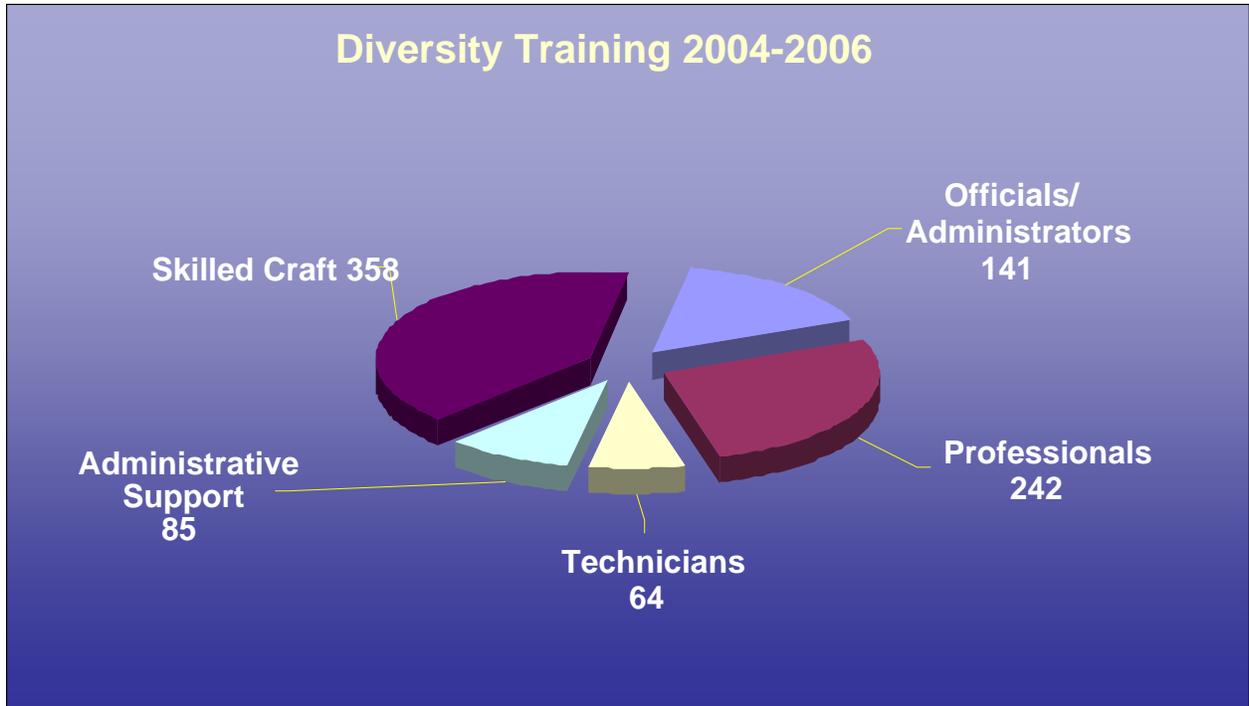
In an effort to keep training content fresh and current, ODOT made the decision to combine the Workplace Harassment and Diversity Basics into a new half-day seminar entitled "Respectful Workplace". This program is in final development and has been piloted in November 2006 with roll out in early 2007.



Attendance FY 2002-03 – FY 2005-06

Fiscal Year	EEO Categories					
	Officials	Professionals	Technicians	Administrative	Skilled Craft	Maintenance
2002/2003	25	62	17	13	116	1
2003/2004	8	10	2	9	14	0
2004/2005	32	119	42	32	173	1
2005/2006	14	84	32	44	118	5

The number of participants attending "Diversity Basics" and the ODOT "Diversity Conference" was tracked during fiscal years, 2004-05 and 2005-06. Attendance for these classes is provided below in both table and graphic formats.



Diversity Basics and Diversity Conference: Attendance FY 2004/2005 and FY 2005/2006

Fiscal Year	EEO Categories					
	Officials	Professionals	Technicians	Administrative	Skilled Craft	Maintenance
2004/2005	56	180	56	47	334	0
2005/2006	85	62	8	38	24	0

HIGH SCHOOL SUMMER ENGINEERING TRAINING PROGRAM 2004-2006

High School Summer Engineering Training Program 2004 -2006												
2004						2005						2006
Apps.	Female	%	Minority	%	Apps.	Female	%	Minority	%	Apps.	Female	%
15	4	26.7%	1	6.7%	27	6	22.2%	6	22.2%	8	3	33%
	Total		Female			Total		Female			Total	
	11		3			18		4			5	
	Ethnic		Male			Ethnic		Female			Ethnic	
	W		8			W		14			W	
	B		0			B		0			B	
	H		0			H		1			H	
	A/PI		0			A/PI		4			A/PI	
	I/AN		0			I/AN		0			I/AN	
	Declined		3			Declined		3			Declined	
Placed	Female	%	Minority	%	Placed	Female	%	Minority	%	Placed	Female	%
4	2	50.0%	1	25.0%	4	2	50.0%	1	25.0%	3	1	33.3%
	Total		Female			Total		Female			Total	
	3		1			2		0			3	
	Ethnic		Male			Ethnic		Female			Ethnic	
	W		2			W		2			W	
	B		0			B		0			B	
	H		0			H		0			H	
	A/PI		0			A/PI		2			A/PI	
	I/AN		0			I/AN		1			I/AN	
	Declined		0			Declined		1			Declined	
Note: 1 student returned												

The High School Summer Engineering Training program focuses on attracting individuals into the field of transportation and related civil engineering. In the last three years, the High School program has produced a minimal applicant pool. Additional effort and analysis will be a part of the agency's 2007 – 2009 Affirmative Action Plan so that progress can be made in this program.

COLLEGE SUMMER ENGINEERING TRAINING PROGRAM 2004-2006

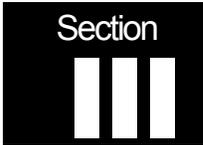
College Summer Engineering Training Program 2004 -2006

2004												2005												2006											
Apps.	Female	%	Minority	%	Apps.	Female	%	Minority	%	Apps.	Female	%	Minority	%	Apps.	Female	%	Minority	%	Apps.	Female	%	Minority	%											
70	14	20.0%	9	12.9%	66	11	16.7%	12	18.2%	55	11	20%	8	16%																					
				Ethnicity				Totals				Ethnicity				Totals				Ethnicity				Totals											
				Male		Female		Male		Female		Male		Female		Male		Female		Male		Female		Male		Female									
				53	9	1	1	40	11	1	0	25	6	37	8	1	0	2	2	33	8	0	0	0	0	0	0								
				1	1	1	2	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
				8	1	8	1	5	1	1	1	1	1	2	2	4	4	4	4	4	4	4	4	4	4	4	4								
				0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
				26	3	26	3	8	2	8	2	8	2	1	1	2	2	2	2	2	2	2	2	2	2	2	2								
Placed	Female	%	Minority	%	Placed	Female	%	Minority	%	Placed	Female	%	Minority	%	Placed	Female	%	Minority	%	Placed	Female	%	Minority	%											
40	8	20.0%	7	17.5%	50	9	18.0%	9	18.0%	51	11	22.0%	8	16%																					
				Ethnicity				Totals				Ethnicity				Totals				Ethnicity				Totals											
				Male		Female		Male		Female		Male		Female		Male		Female		Male		Female		Male		Female									
				16	5	0	0	25	6	0	0	25	6	33	8	0	0	0	0	0	0	0	0	0	0	0									
				0	0	1	1	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0									
				2	1	1	0	1	1	1	1	1	1	2	2	4	4	4	4	4	4	4	4	4	4	4									
				1	0	1	0	5	1	1	1	1	1	2	2	4	4	4	4	4	4	4	4	4	4										
				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0									
				7	0	7	0	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1									
Sixteen returning students (from 2003) and one student from the HSET program in 2003 and 2002 was placed in the 2004 SCET program.												Fifteen returning students (from 2004). Three students from HSET program in 2004 were placed in the 2005 SCET program												Information regarding returning student is unavailable											

The College Summer Engineering Training Program attracted 11 female and 8 minority applicants; 100% of the candidates were placed. The program also attracted 4 Hispanic and 4 Asian/Pacific Islander applicants indicating that program enhancements are producing outreach and professional development opportunities. This will continue to be a focus area in our 2007-09 Affirmative Action Plan

D. Cultural Competency Assessment Update

ODOT will not be using the resources provided by the State. The Diversity Council's goal for 2007 will be a broader delivery of Cultural Competency training for staff, with a pilot program scheduled for ODOT's DMV Division.



Roles for Implementation of Affirmative Action Plan

A. Responsibilities and Accountabilities of ODOT Director

Review and discuss the affirmative action plan and affirmative action goals for the Department to identify resources for improving, if needed, the hiring and developmental opportunities of underrepresented persons.

B. Responsibilities and Accountabilities of Managers and Supervisors

Value the principles of equal employment opportunities, affirmative action, and diversity. Proactively lead on issues of equality and diversity and on the promotion of EEO/AA.

Include affirmative action and diversity elements in executive and management service performance evaluations. Evaluate subordinate managers on their diversity and EEO efforts in their annual performance appraisals.

C. Responsibilities and Accountabilities of Affirmative Action Officer

Review and discuss the affirmative action plan and affirmative action goals for the Department to identify resources for improving, if needed, the hiring and developmental opportunities of underrepresented persons.

Coordinate with ODOT's Labor Relations and Training group in the development and presentation of training designed to improve the skills and competency necessary to effectively manage affirmative action, equal employment opportunity, effective human resource management, and diversity issues.

The Affirmative Action Officer shall also, through a working relationship with the Governor's Office for Affirmative Action, identify internal or external training resources which 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.
- In partnership with Human Resources, the EEO/Affirmative Action Officer shall insure that all executive and management service employees have appropriate affirmative action and diversity

2005-07 Affirmative Action Plan

A. Accomplishments

A number of activities have been undertaken over the past biennium throughout the ODOT organization. Training and workforce development are a continued focus as is the recruitment, selection and retention of a well-trained, diverse workforce. The following items highlight ODOT's efforts to further develop our equal employment opportunity and diversity results.

- Overall, staff retention continues to be a focus. Based upon confidential exit interview information and manager feedback, compensation, health benefits and retirement are the primary reasons for staff leaving the state. There is no information that indicates negative workplace factors as an area of concern.
- ODOT participated in the Oregon Business Magazine “100 Best” survey in 2005 and will undertake an agency wide survey in February 2007. Prior surveys have included employee communications and recognition surveys — all of which provide agency leadership with the ‘temperature’ of the organization and its workforce. Through these surveys we learn a great deal about the organization, employee’s stated priorities and areas for improvement.
- ODOT is currently the only Oregon State Government agency to have a fully-paid membership in the Partners in Diversity Program. This allows us to attend, and potentially host, the Say Hey, CEO Forum, and Breakfast of Champions programs. ODOT is also a regular participant at statewide job fairs, college career days, and similar outreach events.
- Overall, ODOT’s workforce reflects an increase in the number of protected group employees in every group except Native American/Alaskan Native.
- More than 650 hours of training in the diversity, employee civil rights and affirmative action areas has occurred throughout 2005-06 (YTD). That is more than 160 individual class sessions. During the period 2003-2005, a total of 676 staff at ODOT received our “Diversity Basics” training.
- A total of 85% of the existing management teams reviewed the Affirmative Action Plan during facilitated sessions with Human Resources or the EEO/AA Officer, including the Executive Team and Diversity Council.
- The ODOT Employment & Diversity unit has undertaken many efforts to improve understanding and access to the job application system. These efforts have included improved applicant guides and materials; easier to understand job announcements; more complete hiring packets; increased assistance with management in developing interview questions; reorganization of the recruitment section by job family; and increased outreach with

Chemeketa Community College, Portland State University, Oregon Institute of Technology, Portland Community College, Mount Hood Community College, and Oregon State University. Additional improvements have been made to the Summer Litter Patrol Program and improved consistency and service has been developed in our selection tools, most notably a more uniform hiring criteria for dispatcher positions. Finally, ODOT Human Resources conducted seven successful executive recruitments.

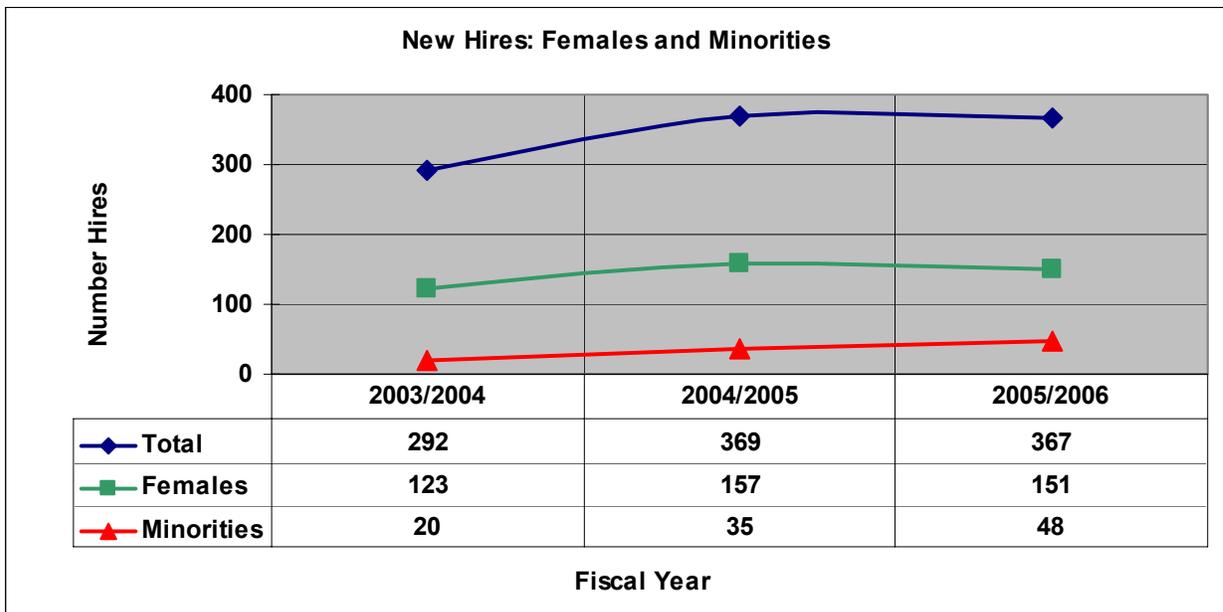
- Since the implementation of the new on-line job application system in June of 2005, applicant pools have increased 30-50% per posting and applicant diversity has increased by 18%.
- Affirmative Action statements are now included in all executive service and management service position descriptions and performance appraisals.

The following information summarizes ODOT's EEO/AA accomplishments fiscal years 2003-04, 2004-05 and 2005-06 in the areas of New Hires and Promotions.

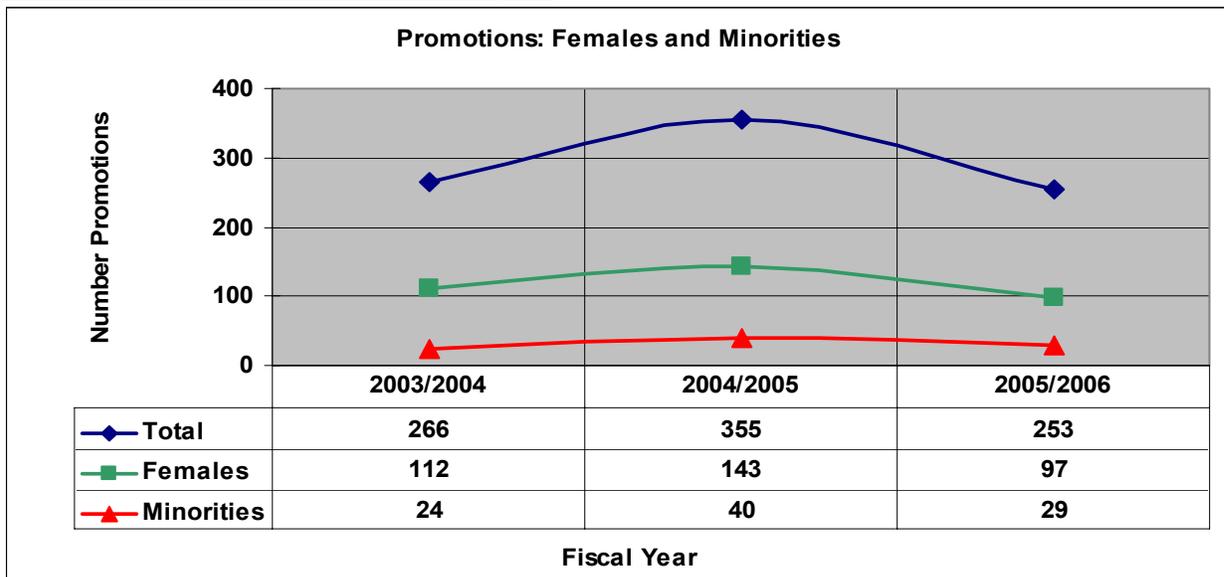
(1) New Hire Accomplishments & Analysis

Compared to the past two fiscal years, ODOT total number of new hires has remained steady between 2004-05 and 2005-06. Since implementation of the new on-line employment application system, applicant pools have increased from 30% to 50% per posting. The agency can now also track applicant flow by several demographic factors, and applicant diversity has increased by 18% since June 2005. Overall the number of new hires is down slightly as is the number of female new hires. Since 2003-04, the number of minority new hires has increased. As we look at our goal areas, several positive trends are noted:

- Five females were selected in the Officials category.
- 38% of the new hires in the Technical category were females; 20% were minorities.
- In the Skilled Crafts 7.6% were females and 8.6% were minorities.
- There were 9 persons with disabilities hired in FY 2005-06.



(2) Promotion Accomplishments & Analysis



In 2005-2006, ODOT experienced an overall decrease in promotions by 29%. This is expected given the artificial inflation of promotions resulting from the highway division restructuring.

However, 97 females and 29 minorities were promoted which demonstrates continued progress toward the agency's affirmative action goals. In the goal areas we can note the following progress:

- In the Officials category 11 females and 1 minority were promoted.
- In the Technician category 21 females and 9 minorities were promoted.
- In the Skilled Craft area 2 females and 2 minorities were promoted.

B. Progress Summary

Affirmative Action supports ODOT's mission "To provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians." Economic opportunity in Affirmative Action is creating a culture and work environment that recognizes the legal, business and moral value of diversity and actively pursues strategies for employees, job applicants, and contractors to attain equity and equality in all employment and contractual opportunities offered by ODOT. Affirmative Action continues to be a positive stimulus and management tool toward the achievement of a diverse workforce in support of ODOT's mission.

This summary focuses on the Department's progress on Affirmative Action goals for employment over the last seven years, 2000 – 2006, and highlights current workforce strengths and under representation by divisions. The following Department-wide areas were targeted for special emphasis because the utilization analysis indicated under representation.

Women and minorities in management

Minorities in professional positions

Women and minorities in skilled craft and maintenance positions

Hiring and retaining qualified people with disabilities

Success in achieving affirmative action goals for employment are often measured by a concept of equity called parity. Parity goals are based on a complex factor analysis. Parity is the percentage of representation of a protected group equal to the percentage of such persons in the availability base for the protected group. Parity is computed for the State of Oregon as a single employer, not agency by agency.

Gaps between actual and parity goals may or may not exist within a particular Division or Region. Likewise, there may be under represented areas in a particular Division or Region that are not clear at a Department-wide level. Division/Region strategies will address specific issues within these organizational units. The following charts show important areas for measuring parity in the ODOT workforce.

1. Under represented Area: Women and minorities in management

There continues to be under representation of women and minorities in management positions. Of the 369 employees in Administrators/Officials positions 105 employees are female (28.5%), current parity for women is 40%. 31 identify themselves as a minority (8.4%). Current parity for minority is 13%. It should also be noted that minorities are under represented in the professional category. Of the 1128 employees in professional positions 106 identify themselves as a minority (9.4%). Current parity for minority is 11.7%.

Under represented Divisions:

- Highway Division
- Central Services Division
- Motor Carrier Division

Barriers include the following:

- The Department has historically filled management vacancies from within; the pipeline has included very few women and minorities. This practice, however, has begun to change over the past 5 to 10 years, primarily for non-engineering management positions. Every effort to consistently conduct open competitive job searches has been undertaken by the agency.
- Past selection procedures failed to draw out minority or female candidates. In response, the agency has consistently performed national searches, targeted searches and outreach via a number of minority publications.
- In the past, the Department has had few formal systems for developing high potential women and minorities from within its workforce. Several programs have been implanted since 2004 to address this issue.

Table 1. Women in management

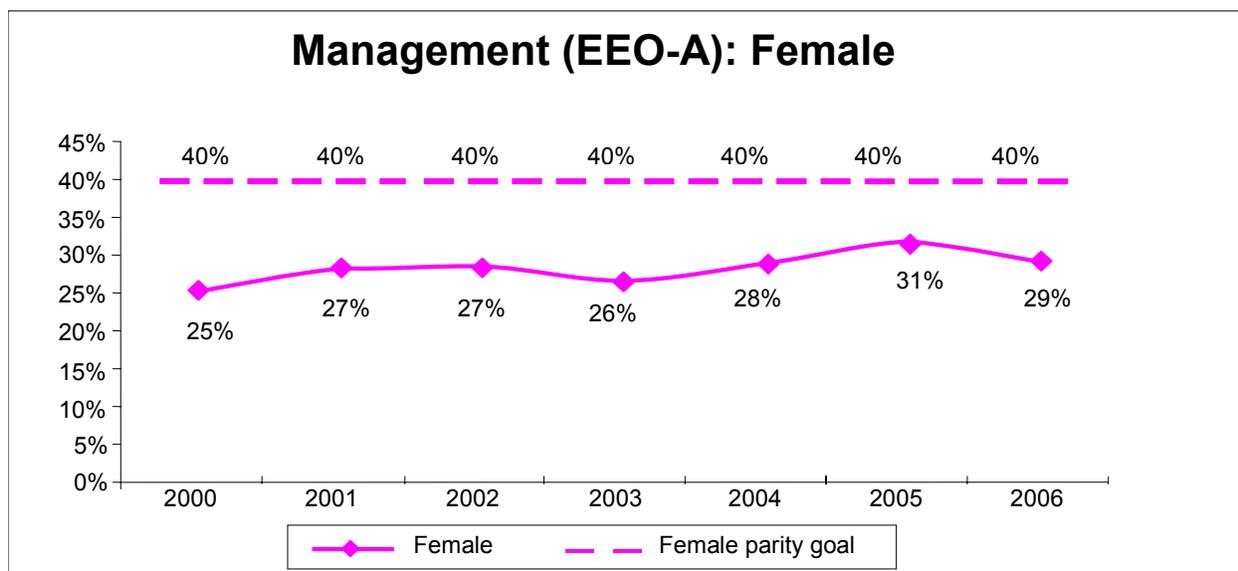


Table 1 reflects the percentage of the management workforce (salary ranges 24 – 42) composed of female staff. The under representation of female managers and parity stands at 44 positions as of September 30, 2006.

Table 2. Minorities in management

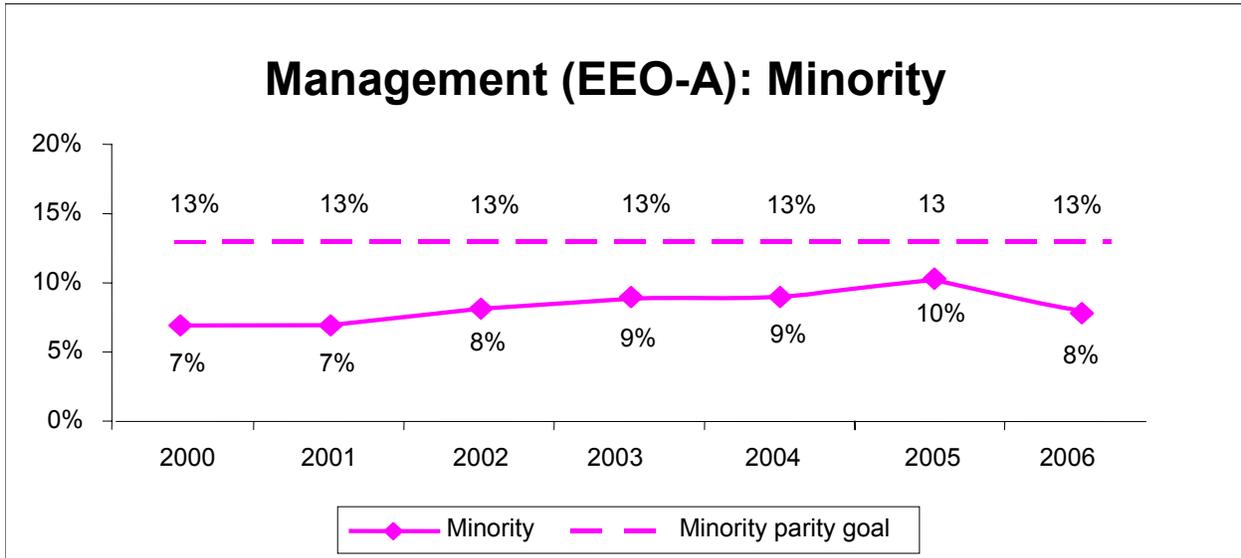
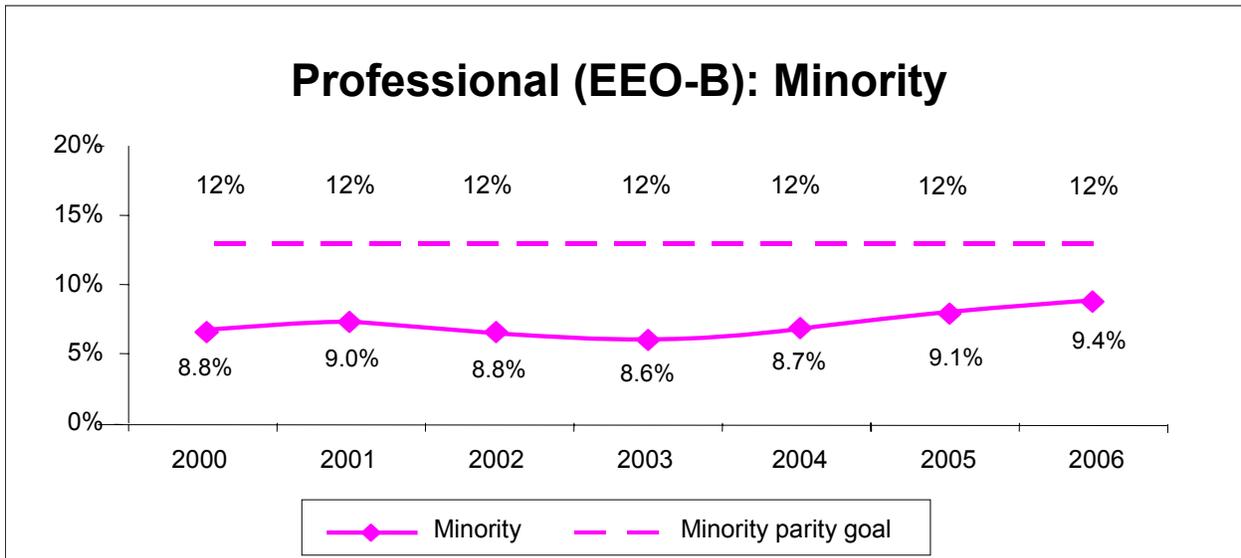


Table 2 reflects the percentage of minorities, both male and female, in management. There was steady growth within the minority managerial ranks from 6.9% in 2000 to 10% in 2005. Now ODOT is showing a decline to 8% and to reach parity requires adding 17 minorities.

Table 3. Minorities in Professional Positions



The combined female and male minority representation in this category has shown a constant rise since 2003 and now stands at 9.4%. To reach the overall goal of 12% requires adding 26 minorities.

2. Under represented Area: Women in Positions as Technicians

Females continue to be under represented in positions as technicians. Out of a total of 984 employees in technical positions, 345 identify themselves as women (35.1%). Current parity is 48.5%.

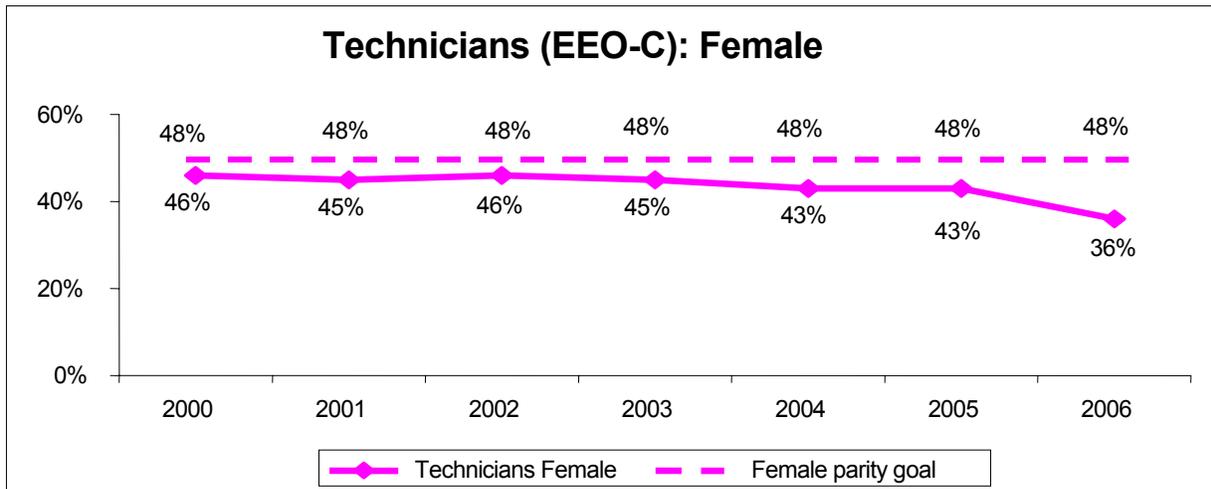
Under represented Divisions:

- Highway
- Central Services
- Transportation Development Division
- Motor Carrier Division

Barriers include the following:

- In some cases, barriers such as pay and location internal to the organization may result in an unintended limitation of the numbers of women entering and promoting into engineering and other technical jobs in ODOT. These factors are being closely monitored and evaluated by agency management and human resource personnel.

Table 4. Women in positions as Technicians



3. Under represented Area: Women and minorities in skilled craft and maintenance positions

Women continue to be under represented in the Skilled Crafts and Maintenance positions. Out of total 1,119 employees in these two combined categories, there are 89 that are women (8.0%). The current parity for women is 22%. Out of the same combined categories, 79 identify themselves as minorities (7.1%). Current parity is 9.5%.

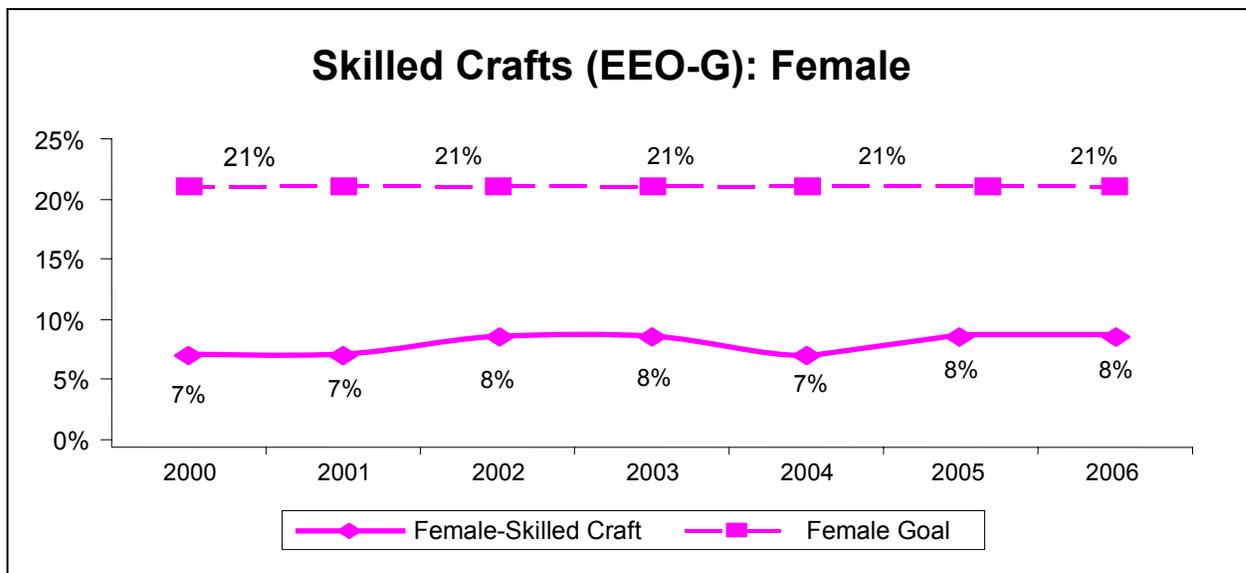
Under represented Divisions:

- Highway Division
- Central Services

Barriers include the following:

- It has been difficult to identify women with the training and/or experience necessary to be competitive for skilled craft and maintenance positions.
- Historically, there have not been many female role models in these career fields; this is changing.

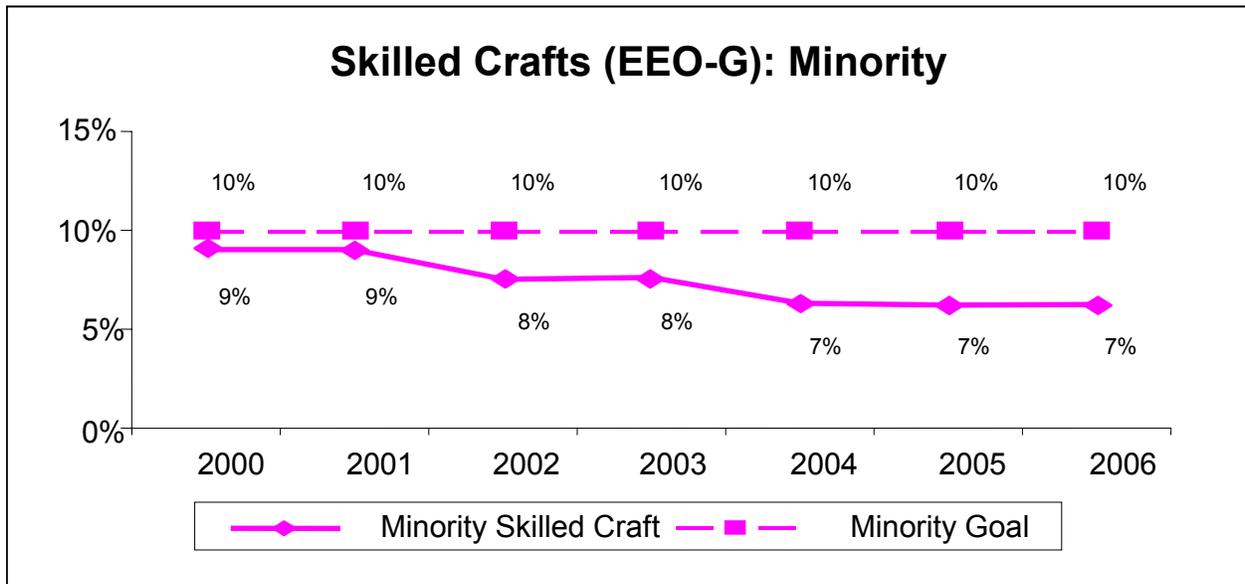
Table 4. Women in skilled crafts *



(* Transportation maintenance, mechanic, and trades positions)

Approximately 1,119 positions are classified in the EEO-G (Skilled Crafts) category primarily residing in Highway Division with a smaller number in Support Services (Central Services Division). The trend for females has remained relatively flat over the last seven years with current under representation of 13% or 145 positions. In the Transportation Maintenance Specialist 1 and 2 classifications, ODOT has 807 positions and 7.7% are female, so ODOT needs to hire 134 more females.

Table 5. Minorities in skilled crafts



After a downward trend minority female and male representation has remained relatively flat over the last several years with a current gap of approximately 3% in the EEO-G Skilled crafts category.

4. Under represented Area: Hiring and retaining qualified people with disabilities

People with disabilities in the workforce are most under represented in the Administrators/Officials and Professional categories. Out of a total 392 Administrators/Officials, 10 identify themselves as a person with a disability (2.7%). Out of 1,128 Professionals, 23 identify themselves as a person with a disability (2%). Current parity for people with disabilities in every category is 6%.

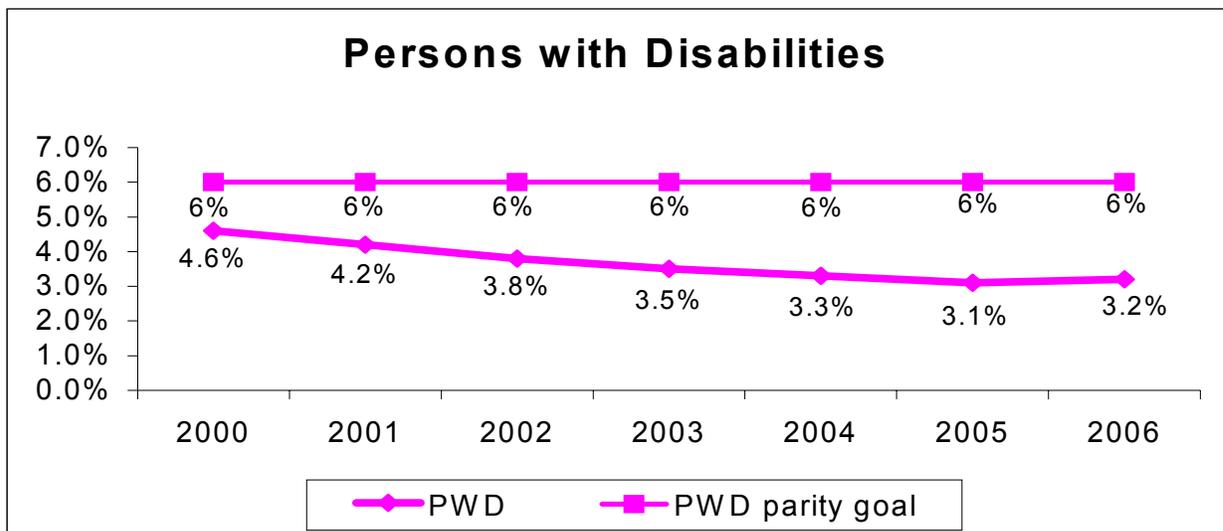
Under represented Divisions:

- Highway
- Driver and Motor Vehicle
- Central Services

Barriers:

- Attitudinal constraints – biases and stereotypes held by hiring managers may contribute to low selection rates.
- Few people with disabilities as role models in the workforce.
- It has been difficult to attract and identify qualified people with disabilities with the training and/or experience necessary to be competitive for Administrators/Officials and Other Professionals.
- Lack of self-disclosure.

Table #8 Persons with Disabilities



Summary of Division Affirmative Action Parity

As stated above, Affirmative Action parity goals are set for the entire state as one employer. Each EEO category is further broken down and given parity goals. Within ODOT, each division's workforce is unique in its demographic makeup. Under represented areas should be areas of emphasis for hiring managers to consider in their recruitment, hiring, retention, and promotion opportunities. The division parity and representation data as of September 30, 2006 is summarized below:

Central Services Division

EEO Category	Parity	Current %	Current Count	Under/Over Goal
<u>Female</u>				
EEO A: Officials	40.4%	30.6%	19 of 62 total	- 6
EEO B: Professionals	32.8%	38.5%	144 of 374 total	+ 21
EEO C: Technicians	48.5%	23.5%	4 of 17 total	- 8
EEO F: Clerical Support	70.3%	82.9%	63 of 76 total	+ 10
EEO G: Skilled Craft	21.8%	0.0%	0 of 103 total	- 22
EEO H: Maintenance	37.7%	14.3%	3 of 21 total	- 5
<u>Minority</u>				
EEO A: Officials	13.0%	6.5%	4 of 62 total	- 8
EEO B: Professionals	11.7%	12.0%	45 of 374 total	+ 1
EEO C: Technicians	14.8%	5.9%	1 of 17 total	- 2
EEO F: Clerical Support	9.7%	18.4%	14 of 76 total	+ 7
EEO G: Skilled Craft	9.5%	4.9%	5 of 103 total	- 3
EEO H: Maintenance	11.6%	0.0%	0 of 21 total	- 2
<u>Disabled</u>				
EEO A: Officials	6.0%	4.8%	3 of 62 total	- 1
EEO B: Professionals	6.0%	2.4%	9 of 374 total	- 13
EEO C: Technicians	6.0%	11.8%	2 of 17 total	+ 1
EEO F: Clerical Support	6.0%	7.9%	6 of 76 total	+ 1
EEO G: Skilled Craft	6.0%	0.0%	0 of 103 total	- 6
EEO H: Maintenance	6.0%	0.0%	0 of 21 total	- 1

Communication Division (includes Office of the Director)

EEO Category	Parity	Current %	Current Count	Under/Over Goal
<u>Female</u>				
EEO A: Officials	40.4%	57.1%	4 of 7 total	+ 1
EEO B: Professionals	32.8%	33.3%	7 of 21 total	at parity
EEO F: Clerical Support	70.3%	100.0%	5 of 5 total	+ 2
<u>Minority</u>				
EEO A: Officials	13.0%	0.0%	0 of 7 total	- 1
EEO B: Professionals	11.7%	0.0%	0 of 21 total	- 2
EEO F: Clerical Support	9.7%	0.0%	0 of 5 total	- 1
<u>Disabled</u>				
EEO A: Officials	6.0%	14.3%	1 of 7 total	+ 1
EEO B: Professionals	6.0%	4.8%	1 of 21 total	- 1
EEO F: Clerical Support	6.0%	20.0%	1 of 5 total	+ 1

Driver & Motor Vehicle Services Division

EEO Category	Parity	Current %	Current Count	Under/Over Goal
<u>Female</u>				
EEO A: Officials	40.4%	57.4%	35 of 61 total	+ 7
EEO B: Professionals	32.8%	65.8%	48 of 73 total	+ 24
EEO C: Technicians	48.5%	64.2%	190 of 296 total	+ 46
EEO F: Clerical Support	70.3%	85.9%	281 of 327 total	+ 51
EEO G: Skilled Craft	21.8%	0.0%	0 total	N/A*
EEO H: Maintenance	37.7%	0.0%	0 of 1 total	N/A*
<u>Minority</u>				
EEO A: Officials	13.0%	16.4%	10 of 61 total	+ 2
EEO B: Professionals	11.7%	11.0%	8 of 73 total	at parity
EEO C: Technicians	14.8%	24.3%	72 of 296 total	+ 28
EEO F: Clerical Support	9.7%	11.0%	36 of 327 total	+ 4
EEO G: Skilled Craft	9.5%	0.0%	0 total	N/A*
EEO H: Maintenance	11.6%	100.0%	1 of 1 total	N/A*
<u>Disabled</u>				
EEO A: Officials	6.0%	3.3%	2 of 61 total	- 2
EEO B: Professionals	6.0%	0.0%	0 of 73 total	- 4
EEO C: Technicians	6.0%	3.7%	11 of 296 total	- 7
EEO F: Clerical Support	6.0%	7.0%	23 of 327 total	+ 3
EEO G: Skilled Craft	6.0%	0.0%	0 total	N/A*
EEO H: Maintenance	6.0%	0.0%	0 of 1 total	N/A*

Motor Carrier Transportation Division

EEO Category	Parity	Current %	Current Count	Under/Over Goal
<u>Female</u>				
EEO A: Officials	40.4%	29.2%	7 of 24 total	- 3
EEO B: Professionals	32.8%	38.9%	28 of 72 total	+ 4
EEO C: Technicians	48.5%	40.3%	64 of 159 total	- 13
EEO F: Clerical Support	70.3%	87.8%	36 of 41 total	+ 7
<u>Minority</u>				
EEO A: Officials	13.0%	4.2%	1 of 24 total	- 2
EEO B: Professionals	11.7%	8.3%	6 of 72 total	- 2
EEO C: Technicians	14.8%	6.9%	11 of 159 total	- 13
EEO F: Clerical Support	9.7%	9.8%	4 of 41 total	at parity
<u>Disabled</u>				
EEO A: Officials	6.0%	4.2%	1 of 24 total	- 1
EEO B: Professionals	6.0%	5.6%	4 of 72 total	at parity
EEO C: Technicians	6.0%	5.7%	9 of 159 total	at parity
EEO F: Clerical Support	6.0%	7.3%	3 of 41 total	+ 1

Note: * N/A this goal is not applicable since the Division does not have any or very few employees in this EEO category.

Public Transit Division

EEO Category	Parity	Current %	Current Count	Under/Over Goal
<u>Female</u>				
EEO A: Officials	40.4%	0.0%	0 of 1 total	N/A*
EEO B: Professionals	32.8%	60.0%	6 of 10 total	+ 4
EEO F: Clerical Support	70.3%	66.7%	2 of 3 total	N/A*
<u>Minority</u>				
EEO A: Officials	13.0%	100.0%	1 of 1 total	N/A*
EEO B: Professionals	11.7%	0.0%	0 of 10 total	- 1
EEO F: Clerical Support	9.7%	66.7%	2 of 3 total	N/A*
<u>Disabled</u>				
EEO A: Officials	6.0%	0.0%	0 of 1 total	N/A*
EEO B: Professionals	6.0%	0.0%	0 of 10 total	- 1
EEO F: Clerical Support	6.0%	0.0%	0 of 3 total	N/A*

Rail Division

EEO Category	Parity	Current %	Current Count	Under/Over Goal
<u>Female</u>				
EEO A: Officials	40.4%	33.3%	1 of 3 total	- 1
EEO B: Professionals	32.8%	6.3%	1 of 16 total	- 4
EEO F: Clerical Support	70.3%	0.0%	0 of 1 total	N/A*
<u>Minority</u>				
EEO A: Officials	13.0%	0.0%	0 of 3 total	N/A*
EEO B: Professionals	11.7%	0.0%	0 of 16 total	- 2
EEO F: Clerical Support	9.7%	0.0%	0 of 1 total	N/A*
<u>Disabled</u>				
EEO A: Officials	6.0%	0.0%	0 of 3 total	N/A*
EEO B: Professionals	6.0%	0.0%	0 of 16 total	- 1
EEO F: Clerical Support	6.0%	100.0%	1 of 1 total	N/A*

Note: * N/A this goal is not applicable since the Division does not have any or very few employees in this EEO category.

Highway Division

EEO Category	Parity	Current %	Current Count	Under/Over Goal
<u>Female</u>				
EEO A: Officials	40.4%	16.0%	31 of 194 total	- 47
EEO B: Professionals	32.8%	30.0%	150 of 500 total	- 14
EEO C: Technicians	48.5%	16.0%	78 of 486 total	- 158
EEO F: Clerical Support	70.3%	89.0%	130 of 146 total	+ 27
EEO G: Skilled Craft	21.8%	8.5%	86 of 1016 total	- 135
EEO H: Maintenance	37.7%	0.0%	0 of 1 total	N/A*
<u>Minority</u>				
EEO A: Officials	13.0%	7.2%	14 of 194 total	- 15
EEO B: Professionals	11.7%	8.2%	41 of 500 total	- 17
EEO C: Technicians	14.8%	10.7%	52 of 486 total	- 20
EEO F: Clerical Support	9.7%	7.5%	11 of 146 total	- 3
EEO G: Skilled Craft	9.5%	7.0%	73 of 1016 total	-24
EEO H: Maintenance	11.6%	0.0%	0 of 1 total	N/A*
<u>Disabled</u>				
EEO A: Officials	6.0%	1.5%	3 of 194 total	- 9
EEO B: Professionals	6.0%	1.6%	8 of 500 total	- 22
EEO C: Technicians	6.0%	4.9%	24 of 486 total	- 5
EEO F: Clerical Support	6.0%	6.8%	10 of 146 total	+ 1
EEO G: Skilled Craft	6.0%	1.0%	10 of 1016 total	-50
EEO H: Maintenance	6.0%	0.0%	0 of 1 total	N/A*

Transportation Development Division

EEO Category	Parity	Current %	Current Count	Under/Over Goal
<u>Female</u>				
EEO A: Officials	40.4%	46.7%	7 of 15 total	+ 1
EEO B: Professionals	32.8%	40.4%	19 of 47 total	+ 4
EEO C: Technicians	48.5%	33.3%	9 of 27 total	- 4
EEO F: Clerical Support	70.3%	86.4%	19 of 22 total	+ 5
<u>Minority</u>				
EEO A: Officials	13.0%	0.0%	0 of 15 total	- 2
EEO B: Professionals	11.7%	12.8%	6 of 47 total	+ 2
EEO C: Technicians	14.8%	7.4%	2 of 27 total	- 2
EEO F: Clerical Support	9.7%	9.1%	2 of 22 total	at parity
<u>Disabled</u>				
EEO A: Officials	6.0%	0.0%	0 of 15 total	- 1
EEO B: Professionals	6.0%	2.1%	1 of 47 total	- 2
EEO C: Technicians	6.0%	3.7%	1 of 27 total	- 1
EEO F: Clerical Support	6.0%	9.1%	2 of 22 total	+ 1

Note: * N/A this goal is not applicable since the Division does not have any or very few employees in this EEO category.

Transportation Safety Division

EEO Category	Parity	Current %	Current Count	Under/Over Goal
<u>Female</u>				
EEO A: Officials	40.4%	50.0%	1 of 2 total	N/A*
EEO B: Professionals	32.8%	66.7%	11 of 16 total	+ 5
EEO F: Clerical Support	70.3%	80.3%	5 of 6 total	N/A*
<u>Minority</u>				
EEO A: Officials	13.0%	50.0%	1 of 2 total	N/A*
EEO B: Professionals	11.7%	0.0%	0 of 16 total	- 2
EEO F: Clerical Support	9.7%	17.0%	1 of 6 total	N/A*
<u>Disabled</u>				
EEO A: Officials	6.0%	0.0%	0 of 2 total	N/A*
EEO B: Professionals	6.0%	0.0%	0 of 16 total	- 1
EEO F: Clerical Support	6.0%	20.0%	1 of 6 total	N/A*

Note: * N/A this goal is not applicable since the Division does not have any or very few employees in this EEO category.

The five-year trend depicted in the tables above indicates the overall demographic composition of ODOT's workforce has not changed significantly toward the goal of reflecting the changing demographics of the state. Given the increase of the average age (47-48 years of age) of the workforce, significant challenges face ODOT to retain business and institutional knowledge and expertise within its ranks.

Section
V

2007-09 Affirmative Action Plan

Goals & Strategies

Future Action

The Diversity Council's goal for 2007 will be a broader delivery of Cultural Competency training for staff, with a pilot program scheduled for ODOT's DMV Division.

The five-year trend depicted in the tables above indicates the overall demographic composition of ODOT's workforce has not changed significantly toward the goal of reflecting the changing demographics of the state. Given the increase of the average age (47-48 years of age) of the workforce, significant challenges face ODOT to retain business and institutional knowledge and expertise within its ranks.

The 2007-09 Affirmative Action Plan (AAP) will continue to focus on the four major goals:

- Women and minorities in management
- Women in positions as technicians
- Women and minorities in skilled craft and maintenance positions
- Hiring and retaining qualified people with disabilities

Affirmative Action will be measured at the Department level in four areas. These same areas will be applied to performance evaluations of all ODOT managers and measured in terms of individual efforts and/or actions in each one of the following strategies:

ODOT Affirmative Action Strategies & Measurement		
Strategy / Measure	Employment & Diversity and Employee Civil Rights Units	Manager accountability
Strategy #1: Advertising & marketing ODOT career opportunities to multi-generational communities, women, minorities, and communities of persons with disabilities.	Develop & implement an annual marketing plan & publish a schedule of attendance to career fairs, civic events, etc. to promote ODOT career opportunities.	Support outreach events from the ECR annual schedule <u>or</u> a school / civic / community event in local vicinity with volunteer managers and employees.

<p>Strategy #2:</p> <p>Education of workforce – Cultural competency & respectful work environment</p>	<p>Schedule & deliver educational classes on diversity, workplace harassment, and disability awareness. Offer technical assistance to managers.</p>	<p>Attend classes. Schedule employees to attend classes. Support & reinforce ODOT policies and diversity education principles.</p>
<p>Strategy #3:</p> <p>Retention – Equity, equality, and economic opportunity in career advancement opportunities</p>	<p>Develop manager toolkit on “how to” coach minority, female, and employees w/ disabilities on career development, potential, etc. Report on department’s retention progress annually.</p>	<p>Encourage career development w/ minority and female employees, and employees w/ disabilities. Offer rotation & development opportunities. Retain and promote qualified employees.</p>
<p>Strategy #4:</p> <p>Recruitment & selection</p>	<p>Provide hiring managers w/ advertising & marketing strategies, behavioral interview training & technical assistance for their underrepresented positions.</p>	<ul style="list-style-type: none"> ➤ Encourage employees to recruit qualified people to apply. ➤ Ensure interview panels are inclusive of gender, generational, disability & ethnic diversity. ➤ Provide equal employment opportunity to all applicants; hire Affirmative Action candidates when they are the best qualified.

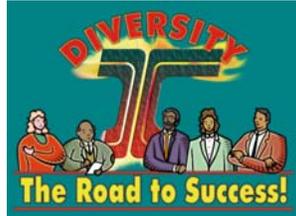
ODOT’s division, region, and section management teams and individual managers will drive the success of the 2007-09 AAP. Success of Affirmative Action will be measured in terms of:

- Establishing a work environment that attracts and welcomes a diverse applicant pool (Strategy # 1, #2, and #4. Outcome - Increased number of minority, female, and disabled candidates.)
- An increase in hiring of qualified minority, female, and persons with disabilities (Strategy #4. Outcome – Department-wide growth of hiring trends in next two biennia.)
- Retention and advancement of qualified minority, female, and persons with disabilities (Strategy #3. Outcome – Department-wide growth of promotion trends and decrease of minority, female, and persons with disabilities resignation and transfer rates over the next two biennia.)
- Accountability: All managers with supervisory responsibility are evaluated on diversity and affirmative action efforts on their annual performance appraisal. (Outcome - Increased percentage of managers evaluated on their efforts, August 2006 audit)

ODOT has developed this affirmative action plan to bring equal employment opportunities for all persons. The plan commits the department to do more than practice non-discrimination in employment. It includes a set of goals, policies, strategies, and actions intended to ensure ODOT’s workforce is representative of the communities we serve.

ODOT Diversity Council

Strategies to Help Supervisors Reach Affirmative Action Goals



In support of the ODOT Affirmative Action Plan, your Diversity Council has amassed a series of strategies for use throughout the organization.

These collected strategies—tools, tactics and programs—have been broken down into four categories: A) Community & Public Outreach, B) Management Practices, C) Training and Development, and D) Marketing. Listed under each strategy are specific actions that can be taken in support of ODOT’s efforts to recruit, train and retain a well-qualified, diverse workforce.

Each item includes either an information link or contact details to help connect you with the resource.

As a reminder, our four Affirmative Action goals are:

1. Increase the number of female and minority managers at ODOT;
2. Increase the number of female technicians (Engineering Specialist, Motor Carrier Enforcement Officer and Transportation Service Representative positions);
3. Increase the number of female and minority staff in the skilled crafts and maintenance areas;
4. Increase the number of employees with disabilities working at ODOT.

Working together with Human Resources, the Diversity Council encourages you to consider the value a diverse workforce brings to the department, our customers and our everyday jobs.

Thank you for your Support!

Strategies to Achieve Goals

Targeted Goal

A. COMMUNITY & PUBLIC OUTREACH - Manager Responsibilities (MR), Shared responsibilities (SR), HR responsibilities (HR)

Identify qualified job candidates through the HIRE System. (HR) <i>Creates employment opportunities for disabled candidates. Contact your Human Resource Recruiter for more information or call (503) 986-3700; Review program details at http://www.oregon.gov/DAS/HR/hire.shtml</i>	4
Participate in local Job Fairs. (MR) <i>Coordinated by your Human Resource Recruiter and ODOT's Employment & Diversity Manager, (503) 378-6796</i>	All
Participate in various Civic and Community Events. (MR) <i>ODOT's participation is often coordinated by Human Resources and the Office of Civil Rights</i>	All
Identify Industry and Professional Associations. (SR) <i>Support sponsorship of events and membership in educational and training programs focused on career professionals (Women in Construction, Women in Transportation Seminar, Public Management Association, for example). Information about these groups can be found at: http://www.nawic.org/ and http://www.pwcusa.org/</i>	1, 2, 3, 4
Mail job announcements to a diverse group of recruitment sources who traditionally provide outreach to women, minority groups, and the disabled community. (HR) <i>Contact your Human Resource Recruiter or call (503) 986-3700.</i>	All
Participate in School-to-Work and Youth Employment outreach programs. <i>For more information contact ODOT's Employment & Diversity Manager, (503) 378-6796</i> (MR)	2, 3, 4
Network with professional associations and career planning groups to better market ODOT as a destination employer – someplace job candidates seek out as an employer. (SR)	All
Use existing Regional Workforce Alliances and Advisory Committees to create interest in employment with ODOT. (SR) <i>For more information go to: http://www.oregon.gov/ODOT/HWY/OTLA/workforcedevelopment.shtml</i>	All
Conduct job applicant orientation sessions to help inform and assist those interested in seeking employment with ODOT. <i>Coordinated by your Human Resource Recruiter and ODOT's Employment & Diversity Manager, (503) 378-6796</i> (HR)	All

Strategies to Achieve Goals

Targeted Goal

B. MANAGEMENT PRACTICES - Manager Responsibilities (MR), Shared responsibilities (SR), HR responsibilities (HR)

Conduct regular Performance Evaluations. (MR) <i>Supervisors are responsible for conducting regular performance evaluations so they can promote the consistent development of performance development and training plans for staff; ensure staff have access to training; and make progress on the Affirmative Action Plan. For more information contact your Region/ Division Human Resource Manager or (503) 986-3700.</i>	All
Measure Affirmative Action and Equal Employment Opportunity activities. <i>Managers and supervisors will track activities that employees are involved with to promote Affirmative Action and Equal Employment Opportunities such as: job fairs, civic events and various forms of outreach as well as be assessed on the EEO/Affirmative Action activity and progress on their individual performance evaluation. For more information contact your Region/ Division Human Resource Manager or (503) 986-3700. (MR)</i>	All
Promote an environment of respect and professionalism (MR) <i>Maintain a harassment and discrimination-free workplace; Regularly review policy information in the Human Resource (Manager's) Handbook; Review quarterly Exit Interview information to identify trends. For more information contact your Region/ Division Human Resource Manager or (503) 986-3700.</i>	All
Forward all job announcements to Governor's Office on Affirmative Action and a variety of social and human service agencies throughout the state. (HR)	All
Track our success (applicant flow and source tracking, track success of Rotation/Development program, AAP progress for example). (HR)	All
Improve general awareness of the state transfer list and how it can promote career growth. (HR) <i>Contact ODOT's Employment & Diversity Manager, (503) 378-6796</i>	All
Consider Rotation/Development opportunities when filling job vacancies. (MR) <i>Coordinated by your Human Resource Recruiter and ODOT's Employment & Diversity Manager, (503) 378-6796</i>	All

Strategies to Achieve Goals

Targeted Goal

C. TRAINING AND DEVELOPMENT- Manager Responsibilities (MR), Shared responsibilities (SR), HR responsibilities (HR)

Schedule supervisory staff for the Management Development Series (MDS) training series offered by DAS. (MR) <i>For more information go to: http://www.oregon.gov/DAS/HR/training.shtml</i>	All
Identify ODOT and DAS-sponsored management training and development programs to help encourage new and potential supervisory candidates. (MR) <i>For information go to: http://s-salemrev-69/stc/student/psciis.dll?linkid=846229&mainmenu=STUDENT&top_frame=1 or contact HR Training at (503) 378-8401.</i>	1, 4
Identify participants for the Leadership Oregon and similar external development programs. (MR) <i>For information go to: http://www.oregon.gov/DAS/HR/LO/index.shtml or contact HR Training at (503) 378-8401</i>	1
Identify and utilize External Training programs (i.e., Fred Pryor and Career Track, AMA); identify and share good programs. (MR)	All
Identify participants for the Certified Public Manager (CPM) program at Willamette University. (MR) <i>For information go to: http://www.willamette.edu/cpm/overview.htm or contact HR Training at (503) 378-8401</i>	All
Offer your financial and scheduling support in obtaining professional certifications, licenses and certifications. (MR) <i>For information call HR Training at (503) 378-8401 or go to: http://www.oregon.gov/DAS/administrative_restrictions.shtml</i>	All
Offer your financial and scheduling support for degree completion and tuition reimbursement programs. (MR) <i>For information call HR Training at (503) 378-8401.</i>	All
Identify candidates for the Transportation Maintenance Trainee Program. <i>For information contact Human Resources at (503) 378-4971. (MR)</i>	3, 4
Sponsor a Promise Intern in the summer (for College Junior and Senior-level students) (MR) <i>For information go to http://www.oregon.gov/DAS/HR/diversity.shtml and contact Human Resources at (503) 378-4971.</i>	1, 2, 4
Consider a high school or college summer internship. (MR) <i>For information contact Human Resources at (503) 378-4971.</i>	1, 2, 4
Use Welfare-to-Work, Workforce Investment Act (WIA), and similar on-the-job-training (OJT) programs to place candidates in apprenticeship or skill building assignments. (HR) <i>Coordinated by your Human Resource Recruiter and ODOT's Employment & Diversity Manager, (503) 378-679</i>	2, 3, 4

Strategies to Achieve Goals

Targeted Goal

D. MARKETING- Manager Responsibilities (MR), Shared responsibilities (SR), HR responsibilities (HR)

Promote ODOT as an Employer of Choice by: Marketing working hours, conditions, benefits and stability afforded to public employees. Marketing the service (not profit) oriented business aspect of working for ODOT. Marketing the public service and making a difference in the aspects of our environment.	All
<i>Coordinated by your Human Resource Recruiter and ODOT's Employment & Diversity Manager, (503) 378-6796 (MR)</i> http://www.oregon.gov/ODOT/CS/HR/working.shtml	
Maintain a strong partnership with the Urban League. (HR) For information go to http://www.ulpdx.org/	All
See what opportunities might exist with “Partners in Diversity” events such as Breakfast of Champions and Say Hey (HR)	All
Consider placing student workers or interns through the Community College partnership program. <i>Coordinated by your Human Resource Recruiter and ODOT's Employment & Diversity Manager, (503) 378-6796(MR)</i>	2, 3, 4
Consider working with OICA (Oregon Independent College Association) and OUS (Oregon University Systems) through career centers and job placement offices. (GEP) Career Centers, etc (HR)	2, 3, 4
Consider working with For-Profit Business/Trade Schools through career centers and job placement offices. (HR)	2, 3, 4
Research OTIA III to determine if the department can “piggy-back” off of the Workforce Development Plan’s marketing strategies. <i>Coordinated by the Office of Civil Rights and ODOT's Civil Rights Manager, (503) 986-5753 (SR)</i>	All
Connect with the OACO (Oregon Advocacy Commissions Office) which houses the Commission on Asian, Black, Hispanic and Women’s groups. (MR) http://governor.oregon.gov/Gov/pdf/forms/brdbook.pdf	All
Continue involvement in the OBLN (Oregon Business Leadership Network) Group. (HR)	All
Promote statewide career opportunities. (HR)	All



Agency Policy Documentation

Letters from the Director

Equal Employment Opportunity and Affirmative Action Policy

Americans with Disabilities Act (ADA) and Reasonable Accommodation

Diverse Workforce Policy

Discrimination and Harassment – Free Workplace Policy

Federal and State Affirmative Action Citations



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
Office of the Director
355 Capitol St. NE, Room 135
Salem, OR 97301

DATE: January 3, 2006
TO: All ODOT Employees and Job Applicants
FROM: Matthew L. Garrett, Acting Director 
SUBJECT: Equal Employment Opportunity / Affirmative Action

As Acting Director of the Oregon Department of Transportation, I reaffirm my commitment to achieve a diverse workforce through equal employment opportunity (EEO) and affirmative action.

All employees and job applicants will receive fair consideration and respectful treatment in hiring and all employment actions without regard to race, color, religion, gender, age, national origin, disability, or sexual orientation.

It is the responsibility of each employee to contribute to a respectful work environment, free of discrimination and harassment. I expect managers to lead proactively and by example in promoting these areas. All managers will be evaluated on their diversity, EEO, and affirmative action efforts in their annual performance appraisals.

Our commitment to EEO and affirmative action extends to ODOT's public contracting practices as allowed by public contracting statutes and rules. ODOT may engage in public contracting practices designed to promote affirmative action goals, policies or programs for disadvantaged or minority groups; to ensure equal opportunity in employment and business for person otherwise disadvantaged by reason of race, color, religion, gender, national origin, age, or physical or mental disability.

Any employee or job applicant who believes that he/she has been the subject of discrimination and/or harassment has the right to file a complaint with:

ODOT EEO - Affirmative Action Officer & ADA Coordinator
1158 Chemeketa Street NE
Salem, OR 97301
Telephone: 1-877-EEO-ODOT (336-6368)
Oregon Telecommunications Relay Service: 7-1-1
E-Mail: odoteeo@odot.state.or.us

PLEASE POST ON OFFICE BULLETIN BOARDS

(This memorandum is available in alternate format on request.)



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
Office of the Director
355 Capitol Street NE
Salem, OR 97301-3871
Telephone (503) 986-3452

DATE: September 25, 2006
TO: All ODOT Employees
FROM: Matthew L. Garrett, Director 
SUBJECT: Reasonable Accommodation Policy

It is the policy of the Oregon Department of Transportation to provide reasonable accommodation to any qualified employee, applicant for employment, volunteer, contractor, or member of the public under the Americans with Disabilities Act of 1990.

Reasonable accommodation will be made on a case-by-case basis for qualified individuals with known physical or mental impairments. It is the responsibility of the individual with a disability to request an accommodation.

Examples of accommodations under the ADA included: use of sign language interpreters, adjusting testing and interview procedures, making publications available in alternative formats such as large print or audio tape, providing assistive listening devices, modifying work schedules or assignments, modifications of equipment, making facilities and offices accessible, reassigning jobs and modifying policies or procedures.

Information on specific procedures for requesting accommodations, management training on the ADA, technical assistance available through the Oregon Disabilities Commission, Job Accommodation Network, etc., may be found in the Department's Section 504/ADA Plan. Copies may be obtained through the Office of Human Resources.

To request an employment or workplace accommodation, or for any other type of accommodation (program accessibility) contact at ODOT Human Resources at (503) 986-3700.

Disputes relating to requests for accommodation shall be resolved in accordance with the Department's discrimination complaint procedures.

PLEASE POST ON EMPLOYEE BULLETIN BOARDS

Oregon Department of Transportation  POLICY	NUMBER PER 01-04	SUPERSEDES NEW
	EFFECTIVE DATE 03/01/06	PAGE NUMBER 01 OF 03
	VALIDATION DATE	
	REFERENCE Executive Order 05-01	
SUBJECT EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION	APPROVED SIGNATURE 	

PURPOSE

The purpose of this policy is to outline the standards regarding Equal Employment Opportunity (EEO) and Affirmative Action (AA) for the Oregon Department of Transportation (Department).

BACKGROUND

The Department consists of people with diverse backgrounds including different cultures, beliefs, and life experiences;

The Department 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 Department 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; and

The Department, by and through its Divisions, Branches, and Regions, values the principles of equal employment opportunities, affirmative action, and diversity.

POLICY

The Department by and through its Division, Regions, and Branches shall value the principles of equal employment opportunities, affirmative action, and diversity.

The Department by and through its Division, Regions, and Branches shall proactively lead on issues of equality and diversity, and on the promotion of Equal Employment Opportunity and Affirmative Action.

All employees and job applicants shall receive fair consideration and respectful treatment in hiring and all employment actions without regard to race, color, religion, gender, age, national origin, disability, or sexual orientation.

The Department shall engage in public contracting practices designed to promote affirmative action goals, policies, or programs for disadvantaged or minority groups to ensure equal opportunity in employment and business for people otherwise disadvantaged by reason of race, color, religion, gender, national origin, age, or physical or mental disability.

GUIDELINES

RESPONSIBILITY **ACTION**

Department Director and Affirmative Action Officer Review and discuss the affirmative action plan and affirmative action goals for the Department to identify resources for improving, if needed, the hiring and developmental opportunities of underrepresented persons.

EEO/Affirmative Action Officer Coordinate with ODOT's Labor Relations and Training group in the development and presentation of training designed to improve the skills and competency necessary to effectively manage affirmative action, equal employment opportunity, effective human resource management, and diversity issues.

The Affirmative Action Officer shall also, through a working relationship with the Governor's Office for Affirmative Action, identify internal or external training resources which 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.

In partnership with Human Resources, the EEO/Affirmative Action Officer shall insure that all executive and management service employees have appropriate affirmative action and diversity responsibilities included in their position descriptions and annual performance evaluations.

All Managers

Value the principles of equal employment opportunities, affirmative action, and diversity. Proactively lead on issues of equality and diversity and on the promotion of EEO/AA.

Include affirmative action and diversity elements in executive and management service performance evaluations. Evaluate subordinate managers on their diversity and EEO efforts in their annual performance appraisals.

All Employees and
Job Applicants

Contribute to a respectful work environment, free of discrimination and harassment.

Contact ODOT's EEO/Affirmative Action Officer (also serving as the agency's and ADA (Americans with Disabilities Act) Coordinator related to concerns of discrimination, harassment, or public access and accommodation.

**Contact information for ODOT's EEO/Affirmative Action Officer /
ADA Public Access Coordinator**

Phone: 503-986-3222, Toll-free phone: 877- EEO-ODOT
Oregon telecommunications relay service: 711
Toll-Free TTY 800-993-8898
E-Mail: odoteeo@odot.state.or.us
FAX: 503-986-3328

Contact information for ODOT's Chief Human Resource Officer

Phone: 503-986-4057, Toll-free phone: 866-6-ODOT-HR
Oregon telecommunications relay service: 711
TTY: 503-986-3854
E-Mail: askhr@odot.state.or.us
FAX: 503-986-3862

Oregon Department of Transportation  POLICY	NUMBER PER 01-05	SUPERSEDES NEW
	EFFECTIVE DATE 03/01/06	PAGE NUMBER 01 OF 02
	VALIDATION DATE	
	REFERENCE Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; 49 CFR 27.13; Section 504/ADA Plan; Oregon Disabilities Commission; Job Accommodation Network	
SUBJECT AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMMODATION	APPROVED SIGNATURE 	

PURPOSE

The purpose of this policy is to outline the standards regarding Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy for Oregon Department of Transportation (Department).

POLICY

The Department shall ensure no qualified individual with a disability shall solely on the basis of his or her disability be excluded from participation under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990. The Department further assures that every effort shall be made to provide non-discrimination in all of its programs and activities regardless of the funding source, including but not limited to those funded by:

- Motor Carrier Safety Assistance Program
- National Highway Traffic Safety Administration
- Federal Transit Administration
- Federal Railroad Administration
- Federal Highway Administration
- State funds

In the event the Department distributes federal funds to governmental entities, the Department shall ensure Section 504/ADA provisions are written into all agreements and shall monitor these agreements for compliance.

It is the policy of the Department to provide reasonable accommodation to any qualified employee, applicant for employment, volunteer, contractor, or member of the public under the Americans with Disabilities Act of 1990 unless the accommodation would impose an undue hardship.

Reasonable accommodation applies to three aspects of employment:

- To assure equal opportunity in the employment process;
- To enable a qualified individual with a disability to perform the essential functions of a job; and
- To enable an employee with a disability to enjoy equal benefits and privileges of employment.

Examples of reasonable accommodations under the ADA include:

- Use of sign language interpreters
- Adjusting testing and interview procedures
- Making publications available in alternative formats such as large print or audio tape
- Providing assistive listening devices
- Modifying work schedules or assignments
- Modifications of equipment
- Making facilities and offices accessible
- Reassigning jobs
- Modifying policies or procedures

For additional information on this policy or to discuss concerns, individuals should contact:

Department's EEO/Affirmative Action Officer

Phone: 503-986-3700, Toll-Free TTY: 800-993-8898, Toll-free phone 877-EEO-ODOT.

ODOT's Chief Human Resource Officer

Phone: 503-986-4057, Toll-free phone: 866-6-ODOT-HR.

GUIDELINES

RESPONSIBILITY

ACTION

Human Resources

Provide employment or workplace accommodation (program accessibility) when requested.

Provide information upon request regarding Section 504/ADA Plan.

Monitor all Section 504/ADA activities.

Human Resources
EO Affirmative Action
Officer

Monitor agreements with governmental entities that receive federal funds to ensure Section 504/ADA provisions are included.

Individual with
Disability

Request any required employment or workplace accommodation (program accessibility).

Request information regarding Section 504/ADA Plan.

Follow discrimination complaint procedures if requested employment or workplace accommodation not provided.

Oregon Department of Transportation  POLICY	NUMBER PER 09-04-01	SUPERSEDES 01/17/01
	EFFECTIVE DATE 05/23/05	PAGE NUMBER 01 OF 2
	VALIDATION DATE	
	REFERENCE a) President's Initiative: One America b) Federal Highway Administration: 23 CFR, PT. 230, Subpart C c) US Department of Transportation: Part 21 d) Oregon Revised Statutes: Affirmative Action Policy, 243.305 and 659.025 e) Governor's Executive Order 05-01 f) ODOT's Affirmative Action Plan g) ODOT's Affirmative Action/EEO Policy Letter h) Reasonable Accommodation Policy i) Discrimination and Harassment-Free Workplace Policy, PER 19-01-02	
SUBJECT DIVERSE WORKFORCE POLICY	APPROVED SIGNATURE 	

PURPOSE

To implement a systematic strategy that integrates the promotion and management of workforce diversity and affirmative action into every facet of the Oregon Department of Transportation's (ODOT's) business.

POLICY

As a fundamental business strategy, and as organizational policy, ODOT commits itself to deliberately achieve and maintain a diverse workforce that collectively values and benefits from respecting its diverse population, and promotes a culture of inclusiveness in all things and in all matters.

BACKGROUND

ODOT has long recognized the need to eliminate the effects of past and present societal discrimination based on race, religion, national origin, age, gender, marital status, disabilities, or other areas necessitated by law. The increasing diversity of Oregon's population demands that we renew and extend these efforts in order to maintain our organizational effectiveness and contribution to a high quality of life for all of our citizens.

In addition to ODOT's recognition that positively managing diversity has an essential business benefit, ODOT is required to comply with a variety of federal, state and organizational laws and policies, as referenced above. Compliance is essential to continued qualification for federal financial assistance.

DEFINITIONS

For purposes of this policy, “workforce diversity” is defined as a situation in an organization wherein a mosaic of people bring a variety of backgrounds, styles, perspectives, values, and beliefs as assets to the groups and organizations with which they interact.

IMPLEMENTATION STRATEGY

ODOT intends to institute this policy through the creativity and initiative of its managers using two significant tools: The ODOT Diversity Council and the Equal Employment Opportunity and Affirmative Action Plans. These are fully described below:

ODOT Diversity Council: A diverse group of ODOT employees representing management, labor, ethnic, gender, generational, and disabled perspectives that serves as a communications forum, a liaison regarding diversity issues between the various divisions and the executive management staff, a policy research and development resource, and as a focal point for on-going information and education on the diversity activities, challenges, developments, and successes within ODOT. A representative from the ODOT Executive Team will chair the council.

Equal Employment Opportunity (EEO) and Affirmative Action (AA) Plan: ODOT’s *Equal Employment Opportunity and Affirmative Action Plan* includes background material, statistical information relative to divisional diversity, requirements, and guidance for developing division and section plans. Goals developed from the plan will be included in manager’s annual performance plans and evaluated in his/her performance appraisal.

RESPONSIBILITY

ACTION

Division Heads	Support the goals and efforts identified in the EEO and AA Plan. The diverse workforce implementation goals will be included in performance plans to be reviewed and updated annually.
Division Head Direct Reports	Support the goals and efforts identified in the EEO and AA Plan. Diverse workforce implementation goals will be included in performance plans to be reviewed and updated annually. Through their leadership and direct supervisory role, managers have primary responsibility for the success of the EEO and AA Plans.
Diversity Council	Guide the organization to accomplish the Diverse Workforce Policy. Details of council operation can be found in the ODOT Diversity Council Charter.
Human Resources	Working in cooperation with the Governor’s Office for Affirmative Action and the ODOT Office of Civil Rights, ODOT Human Resources function as the primary technical resource to ODOT managers and employees to accomplish the Diverse Workforce Policy. The Affirmative Action Officer will revise and update ODOT’s EEO and AA Plans as necessary.

Attachment 1: Diversity Council Charter



Diversity Council Charter

DIVERSITY DEFINED

From the basic policy:

Diversity is a situation in an organization wherein a mosaic of people bring a variety of backgrounds, styles, perspectives, values, and beliefs as assets to the groups and organizations with which they interact.

BACKGROUND

The Oregon Department of Transportation Diversity Council (Council) was established by the Director in 1999. This Charter contains the purpose, principles, goals, basic structure, and operating procedures that will guide the Council's activities.

DIVERSITY COUNCIL PURPOSE

Working in conjunction with the *Affirmative Action Plan* and the *Diverse Workforce Policy* (PER 09-04-01), the Council's purpose is to promote an understanding and appreciation of workforce diversity within ODOT and to reinforce behaviors that reflect a strong organizational value in establishing and maintaining a climate of diversity throughout ODOT and in the communities we serve.

The Council is composed of ODOT employees who represent a cross-section of the agency. The Council advocates, promotes, communicates and reinforces ODOT's diversity efforts and overall workforce development pursuant to the Diversity Council Charter and operates with the full and visible support of ODOT's Executive Staff. External and community resources may often be used to assist the Council.

STANDING GOALS

The goals of this council are to:

- ◆ help create and promote structures, activities, and support systems that will provide ODOT employees with both a clear understanding of diversity and incentives to continuously seek and maintain that diversity;
- ◆ achieve a common understanding within the Department of the meaning of diversity and its practical definition in the work place;
- ◆ ensure that effective communication occurs among employees and supervisors about diversity within ODOT;
- ◆ develop strategies to promote trust & respect among all ODOT employees; and
- ◆ partner with other internal and external organizations on workforce development that supports diversity.

Expected benefits of achieving these goals include:

- ◆ increased productivity from a more motivated and focused workforce;
- ◆ effective recruitment, development and retention of employees;
- ◆ employees who feel valued for their contributions;
- ◆ exceptional quality of interpersonal and intergroup communication;
- ◆ an enhanced positive working environment leading to overall organizational success; and
- ◆ an organization that reflects the population of Oregon and the customers we serve.

AUTHORITY

The Council will serve in an advisory capacity to the Executive Staff and make recommendations for action to improve or further the Department's diversity goals. The Council is expected to be proactive in this role.

- ◆ **ODOT Director and Executive Staff** will set and monitor the overall organizational agenda of the Diversity Council and act on its recommendations.
- ◆ **Senior staff** (Office of Civil Rights Manager and Employment Program Manager) will serve as advisors to the Diversity Council and provide technical support and leadership.

SCOPE OF ACTIVITIES

The focus of the Council is on policy analysis, development and critique, and to serve as a communications liaison within and between ODOT's divisions. The following activities are representative of the range of initiatives the Council might engage in. This list is for illustration purposes and is not intended to be all-inclusive.

Policy Development

OBJECTIVES: To ensure Department policies, procedures and plans are current and in alignment with the Department's direction:

- ◆ review and provide advice on the Diversity Council Charter;
- ◆ review and provide advice on the ODOT Equal Employment Opportunity/Affirmative Action Plan(s);
- ◆ review and provide advice on the ODOT Diverse Workforce Policy; and
- ◆ review and provide advice on the Department's progress on workforce development goals.

Communication and Marketing

OBJECTIVES: In cooperation with the Communications Division, work to ensure that diversity values, benefits, results and opportunities are communicated effectively throughout the Department:

- ◆ partner with the ODOT Human Resources Branch and ODOT Office of Civil Rights, other state agencies, community groups, and other workforce development organizations;
- ◆ identify actions that can be taken: Diversity Council Column in *Inside ODOT*, posting of diversity declarations to *Inside ODOT*; and
- ◆ marketing of Department supported diversity events.

Training and Education

OBJECTIVES: Ensure the availability and accessibility of diversity resources in support of training and education:

- ◆ identify actions that foster recognition and understanding of ODOT's definition of diversity;
- ◆ conduct research and ensure adequate resources for the Diversity Library;
- ◆ conduct research on work environment issues and identify training and education needs; and
- ◆ provide input and recommend actions to improve Department progress on workforce development goals.

Workforce Development

OBJECTIVES: To foster the recruitment and retention of a diverse workforce:

- ◆ obtain statistical information from Human Resources Branch on recruitment, promotion, retention/turnover; and
- ◆ recommend strategies for improvement.

MEMBERSHIP and ROLES

Diversity Council: The Council's membership will consist of one representative from each Division except that DMV and Highway will have two representatives each; taken as a whole, the Council will represent a cross-section of ODOT employees. Members are appointed by the Division Administrator. The membership structure includes one individual from each division (except as noted): Executive Staff (serves as Chair and Executive Sponsor); Central Services; Communications/Director's Office; DMV (1 Headquarters; 1 Field); Highway (2; at least 1 from a Region); Motor Carrier Transportation; Public Transit; Rail; Transportation Development; and Transportation Safety.

Process for Council member and alternate member selection:

- ◆ direct appointment by Division Administrator.

Requirements for Council members:

- ◆ able to fully perform the duties and responsibilities required by the Council;
- ◆ commitment to advance diversity within the organization;
- ◆ reflective of communities/groups we serve;
- ◆ leadership and communication skills;
- ◆ creativity;
- ◆ open-mindedness; and
- ◆ energy and enthusiasm.

Diversity Council members are expected to review the following:

- ◆ ODOT's Affirmative Action Plan;
- ◆ each member's Division Affirmative Action Plan;
- ◆ Diverse Workforce Policy;
- ◆ ODOT diversity video; and
- ◆ Diversity Council Charter.

Council member duties and responsibilities:

Council members function as a two-way conduit of information with a firm understanding of the Department's definition of diversity.

Requirements of Council members:

- ◆ commit to time required for meetings and other associated work;
- ◆ receive information and distribute it to their respective Division Management Teams;
- ◆ distribute minutes to their Division Management Teams;
- ◆ report the status of Council activities to their Division Management Teams;
- ◆ provide information to requestors;
- ◆ facilitate questions or other needs from their Division to the Council; and
- ◆ make presentations to their Division Management Team and other groups within the member's Division at the direction of the Division Manager

Council Roles:

Chair: The Diversity Council Chair must be a member of Executive Staff. The Chair functions as both a representative of the Executive Staff and the primary liaison to the Executive Staff. The Chair leads work plan development, approval of the work plan by the Executive Staff and implementation. The Chair establishes meeting schedules, develops agenda, reviews and approves agenda items and minutes prior to distribution.

Vice Chair: The Vice Chair is normally the agency's Chief Human Resource Officer (CHRO) and assists the Chair in developing the agenda and work plan, provides assistance to the Chair as requested, and leads meetings in the absence of the Chair. The CHRO maintains an Equal Opportunity Employment work atmosphere at ODOT and is a key signatory on the agency's Affirmative Action Plan.

Members: Members will normally serve on the Council for a period of two years. Member replacements should be staggered for continuity purposes. Members will attend and actively participate in all meetings, or ensure that an alternate member attends. All alternate members will have the same voting and discussion rights as primary members when serving as a primary member.

Technical Advisors: Human Resource/Recruitment and Selection and Office of Civil Rights staff serve as technical advisors to the Council. Their roles are defined as follows:

Human Resources:

- ◆ provide program continuity, record keeping and administrative support to Council Chair and Council;
- ◆ coordinate with ODOT Public Affairs to publish diversity recognition events/months, and statewide Diversity Council information notices (as directed by Chair and Council);
- ◆ report to Council on progress made on employment goals, e.g., recruitment, retention, promotion, and special emphasis programs;
- ◆ provide technical consultation on Title VII (Civil Rights Act), ADA, and other employment related laws and policies to Council; and
- ◆ assist in development, planning, and identification of resources for diversity initiatives.

Office of Civil Rights:

- ♦ provide technical consultation on Title VI (Civil Rights Act), Disadvantage Business Enterprise (DBE), external Equal Employment Opportunity (EEO) and other state/federal civil rights programs to Council; and
- ♦ assist in development planning, and identification of resources for diversity initiatives.

OPERATING PRINCIPLES

Communication: Two-way communication flows are represented in the diagram entitled Structure of the Diversity Council. Information flows to and from Executive Staff and the Council. Council members represent their Divisions and are responsible to communicate Council information to their Division Management Teams. In support of Council activities, the Division Management Teams will share information to their Section Managers.

Decision Making: The decision-making process will be achieved by consensus. Decisions that impact fiscal, staffing, policy, or organizational change will be made in the form of recommendations to Executive Staff or the appropriate governing body.

Workplan: The Council will devise and continuously maintain a workplan that will guide its activities. This workplan should draw its content from issues raised by the basic policy, issues raised by Executive Staff, Civil Rights, Human Resources and other workforce development sources clearly related to diversity. The following framework will be used where appropriate, to structure particular workplan items:

- Policy Development
- Communication and Marketing
- Training and Education
- Workforce Development

Meetings: Meetings will normally be conducted at least quarterly.

“Off-line” work: Members can anticipate some “off-line” work to prepare for meetings and research issues.

Subcommittees: As issues are brought before the Council, members can anticipate formation of subcommittees.

Agenda: Prepared in advance by the Chair.

Administrative/Technical Support Staff: Human Resources Branch will provide administrative/technical support to the Council (agenda, minutes, handouts, research, etc.).

Oregon Department of Transportation  POLICY	NUMBER PER 19-01-02	SUPERSEDES 01/22/04
	EFFECTIVE DATE 05/23/05	PAGE NUMBER 01 OF 5
	VALIDATION DATE	
	REFERENCE Title VII of the Civil Rights of 1964; ORS 659.030; DAS Policy 50.010.01	
SUBJECT DISCRIMINATION AND HARASSMENT-FREE WORKPLACE POLICY	APPROVED SIGNATURE 	

PURPOSE

The purpose of this policy is to reaffirm ODOT's policy prohibiting all forms of discrimination and harassment, to clarify conduct that constitutes discrimination and harassment, and to provide an effective complaint procedure for employees who believe they have been victims of, or have observed, such conduct. This policy is intended to protect all agency employees, customers or clients of the agency, contractors, and visitors to the work site.

POLICY

ALL employees are responsible for complying with ODOT's Discrimination and Harassment-Free Workplace Policy.

Discrimination: It is the policy of ODOT to provide a work environment free from discrimination on the basis of race, color, religion, sex, marital status, national origin, disability, age, union membership and activity, or other factors prohibited by law. This policy applies to all matters relating to hiring, firing, transfer, promotion, benefits, compensation, and other terms and conditions of employment.

Workplace Harassment: It is the policy of ODOT that all employees, customers, clients, contractors, and visitors to the worksite enjoy a positive, respectful and productive work environment, free from behavior, actions, or language constituting workplace harassment. Employees at all levels of the organization are expected to conduct themselves in a business-like and professional manner at all times, and refrain from sexual and other forms of harassment.

Consequences: Engaging in discrimination or harassment in any form is considered unacceptable conduct and will not be tolerated. Any employee found to have engaged in discrimination or harassment will be subject to disciplinary action up to and including dismissal. 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, corrective action, are subject to disciplinary action up to and including dismissal.

GUIDELINES

Discrimination: Discrimination is defined as “making a difference in treatment on the basis of other than personal merit.” Simply said, it means treating people differently.

Discrimination is unlawful when carried out because of an individual’s race, color, gender, or other characteristic protected by law and can include any aspect of employment, including:

- Hiring, firing
- Transfer, promotion, layoff, recall
- Recruitment
- Use of company facilities
- Pay, retirement plans, disability leave
- Compensation, assignment, classification
- Job advertisements
- Testing
- Training and apprenticeship programs
- Other terms and conditions of employment

Discriminatory practices can also include but are not limited to:

- Harassment on the basis of race, color, religion, sex, marital status, national origin, disability, age, or union membership and activity.
- Retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices.
- An employment decision based on stereotypes or assumptions about the abilities, traits or performance of individuals of a certain race, color, religion, sex, marital status, national origin, disability, age, or union membership and activity.
- Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability.

Harassment: Harassment is a repeated form of treatment or behavior, which, to a reasonable person, creates an intimidating, hostile, or offensive work environment. It may be sexual, racial, based on national origin, age, disability, religion or other factors protected by law. It may also encompass other forms of hostile, intimidating, disrespectful, humiliating, or offensive behavior, which are not necessarily unlawful discrimination, but are nonetheless prohibited by this Policy.

1. Sexual harassment is a form of workplace harassment and is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical behavior of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or is used as a basis for employment decisions such as granting a leave request, promotion, favorable performance appraisal, etc.
- Such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

2. Unlawful harassment may consist of verbal or physical behavior which relates to an individual's sex, race, color, national origin, religion, age, and/or disability when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
3. Behavior prohibited by this policy (although not necessarily illegal) can include visual, verbal, or physical behavior which, to a reasonable person, is offensive; and/or bullying, intimidating, hostile, or disrespectful behavior, *even if the behavior is unrelated to a legally-protected status*.
4. Behavior that is appropriate in a social setting may not be appropriate in the workplace. The following are examples of prohibited behavior. It should be understood that the examples are not meant to be all-inclusive and even one instance of such conduct, while not necessarily illegal, may constitute harassment.
 - Unwelcome touching of a personal nature, which can encompass leaning over, cornering or pinching another person.
 - Display of explicit or offensive calendars, posters, pictures, drawings, or cartoons which reflect disparagingly upon a class of persons or a particular person.
 - Sexual innuendoes, teasing, and other sexual talk such as jokes, personal inquiries, persistent unwanted courting, and sexist put-downs.
 - Slurs and jokes about a class of persons, such as persons who are disabled, homosexual, or belong to a racial minority.
 - Derogatory remarks about an individual's sex, national origin, race, language, religion, sexual orientation, or accent.
 - Loud, angry outbursts, or profanity which upsets others directly or indirectly.
 - Derogatory, disparaging, offensive, humiliating, disrespectful, or obscene comments, even if unrelated to a person's race, color, sex, national origin, religion, age, disability, or sexual orientation.
 - Knowingly, intentionally, and/or maliciously subjecting an employee, customer, client, contractor, or visitor in the workplace to ridicule, mockery, humiliation, or embarrassment.

NON-RETALIATION

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

PROCEDURE FOR REVIEWING COMPLAINTS

The purpose of this procedure is to provide a system for employees, customers, clients, contractors, or visitors who bring charges of conduct in violation of this policy. Conflict is unfortunately inevitable and is an occasional outcome of human interactions. While there can be positive outcomes of conflict, destructive conflict wastes energy, destroys otherwise productive relationships, and decreases the level of productivity and morale. This procedure is intended to provide informal, impartial, and confidential steps toward conflict resolution. Procedures for the resolution of complaints should be thorough yet expeditious.

Definitions: For purposes of this procedure, the following definitions will apply:

- Complainant: Person who is filing a complaint.
- Offender: Person against whom the complaint is being filed.

Responsibility

Action

Complainant:
Employee

1. Address the complaint with the offender and request that the behavior stop, or if the behavior does not stop, immediately;
2. Report the complaint to your immediate supervisor or the next higher level supervisor if your immediate supervisor is the reason for the complaint.

Note: If you are uncomfortable speaking directly to the offender about the behavior, you are not required to speak to the offender first. You should report the complaint to your immediate supervisor or next higher level supervisor for action.

Not Resolved

3. File a complaint with the Region/Division Human Resource Manager or the Employee Civil Rights Officer.

Note: In the case of unlawful conduct, you may also have the right to file a complaint with the appropriate state or federal agency under the applicable law.

Complainant:
Customer, Client,
Contractor, or
Visitor

Report the incident to ODOT's Citizen Representative located in the Director's Office.

- | | |
|--|---|
| Supervisor | <ol style="list-style-type: none"> 1. Listen to and document the incident or complaint as soon as possible following the report. 2. If present when behavior is being displayed, inform the offending individual of the behavior and direct it to stop. 3. Advise offender of his or her obligation to not retaliate against the complainant and report the incident to the Region/Division Human Resource Manager and/or the Employee Civil Rights Officer for appropriate action steps. 4. On the advice of HR, take immediate, appropriate, corrective action if ensuing investigation supports a finding in violation of this policy. 5. Consider issues related to re-entry to the work site. 6. Continue to monitor the work environment for any inappropriate or illegal behavior. |
| Region/Division
Human Resource
Manager | <ol style="list-style-type: none"> 1. Provide guidance to supervisor/manager. <i>(Where appropriate, may include mediation as an alternative form of dispute resolution.)</i> 2. Investigate complaint. 3. If complaint is verified by investigative findings, make a recommendation to the manager to take appropriate, corrective action. 4. Assist supervisor/manager in resolving re-entry to the worksite issues by identifying climate, communication, training issues, and developing preventative measures. |

Notes

- *Individuals reporting discrimination, harassment, or retaliation should be aware that management may decide it is necessary to take action to address conduct without advance notification to the complainant occurring. This decision will be discussed with the individual. The best course of action, in any case, will depend on many factors and, therefore, the process will remain flexible.*
- *The employer will do its best to protect the privacy and dignity of all parties.*
- *To protect confidentiality of all parties, a complainant and/or witnesses to a violation of policy might not be told what specific action, if any, was taken in response to the complaint. Barring additional proceedings requiring mandatory disclosures, complainant will typically only be informed that appropriate action was taken, or that there was no finding in violation of this policy.*
- *For represented employees, applicable collective bargaining agreements also contain procedures through which complaints of this nature may be addressed.*

Federal and State Affirmative Action Citations

Presidential Executive Order 11246 (as amended) and 11478

Code of Federal Regulations Title 23 (Highways)

Code of Federal Regulations Title 41 (Contracts)

Code of Federal Regulations Title 46 (Shipping)

Code of Federal Regulations Title 49 (Transportation)

Title VI and VII of the Civil Rights Act of 1964 (as amended)\

Section 504 of the Rehabilitation Act of 1973 (as amended)

The Vietnam – Era Veterans Readjustment Act of 1974 (as amended)

Title I of the Americans with Disabilities Act of 1990

Oregon Revised Statutes 279.053 and 659.025

State of Oregon Governor’s Affirmative Action Executive Order 05-01

- 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**
- K. Definition of Federal EEO-4 Job Categories**
- L. Diversity Outreach “Yellow Pages”**

A: Age Discrimination in Employment Act of 1967 (ADEA)

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.

B: Disability Discrimination Title I of the ADA Act of 1990

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.

C: Equal Pay and Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964

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.

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](#)

D: National Origin Discrimination Title VII of the Civil Rights Act of 1964

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.

E: Pregnancy Discrimination Title VII of the Civil Rights Act of 1964

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.

F: Race/Color Discrimination Title VII of the Civil Rights Act of 1964

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.

G: Religious Discrimination Title VII of the Civil Rights Act of 1964

Religious Discrimination

[Title VII of the Civil Rights Act of 1964](#) 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.

H: Retaliation Title VII of the Civil Agency Affirmative Action Policy

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](#).

I: Sex-Base Discrimination Title VII of the Civil Rights Act of 1964

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.

J: Sexual Harassment Title VII of the Civil Rights Act of 1964

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.

K: Definition of Federal EEO-4 Job Categories

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, which is 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.

L: Diversity Outreach “Yellow Pages”

REGION 1 & STATEWIDE RESOURCES

Organization Name	E-Mail/Web Address	Address	Contact Numbers
Affiliated Tribes of Northwest Indians	http://www.atntribes.org/	1827 NE 44th Ave., Suite 130 Portland, OR 97213-1443	PH: (503) 249-5770 FAX: (503) 249-5773
American Jewish Committee	http://www.ajc.org/whoware/Chapters.asp?did=181	1220 SW Morrison Portland, OR 97205	PH: (503) 295-6761 FAX: (No number listed))
Catholic Deaf Community News Letter (Bi-Monthly)	No website available	2838 Burnside St. Portland, OR 97214	PH: (503) 233-8398 (V/TTY) Fax: (503) 736-1383
Centro Cultural of Washington County	http://www.centrocultural.org/English/Programs/CommunityOrganizing.shtml	1110 N. Adair Cornelius, OR	PH: (503) 359-0446 FAX: (503) 357-0183
Disability WORK.com	www.Disabilitywork.com	DisabilityWORK.com 335 N. Duluth Avenue Sioux Falls, SD 57104	PH: 888-221-7606
El Latino de Hoy News	http://www.ellatinodehoy.com/english/	7112 NE Sandy Blvd Portland, OR 97213	PH: (503) 493-1106 FAX: (503) 493-1107
El Hispanic News	http://www.elhispanicnews.com/	PO Box 306 Portland, OR 97207	PH: (503) 228-3139 FAX: (503) 228-3384
iHispano.com	www.iHispano.com	iHispano.com 4265 N. Knox Ave. Suite 300 Chicago, IL 60641	PH: 888.252.1220
Jewish Review	http://www.jewishreview.org/	506 SW 6th Ave. Ste. 606 Portland, OR 97204-1533	PH: (503) 670-2883 FAX: (503) 227-7438

Organization Name	E-Mail/Web Address	Address	Contact Numbers
Just Out	http://www.iustout.com/index.shtml	PO Box 14400 Portland, OR 97293	PH: (503) 236-1252 FAX: (503) 236-1257
Mexican Consulates Office	Carousel of Information Event Schedule	1234 SW Morrison Street Portland, OR 97205	PH: (503) 274-1442 FAX: (No number listed)
NAACP (National Association for the Advancement of Colored People)	http://www.naacp.org/	PO Box 11367 Portland, OR 97211	PH: (503) 284-7722 FAX(No number listed)
National Organization for Women	http://www.now.org/	PO Box 19828 Portland, OR 97219	PH: (503) 452-0272 FAX: (503) 497-9054
Oregon Commission on Asian Affairs	carol.suzuki@state.or.us http://www.oregon.gov/OCAA/contact_us.shtml	Salem, Oregon	PH: (503)-986-1076 FAX(No number listed)
Oregon Commission on Hispanic Affairs	Francisca.e.johnson@ci.eugene.or.us cisca.e.johnson@ci.eugene.or.us	255 NE Capitol St. NE Salem, OR 97310	PH: (503) 378-3725 x 4184 FAX: (503) 378-8282
Oregon Commission for the Blind	E-mail: Leah.Hurst@state.or.us Web site: www.cfb.state.or.us	Leah Hurst Employment Development Coordinator State Employment Specialist in Vocational Education	Phone: (503) 731-3221
Oregon Council for Hispanic Advancement	http://www.ocha-nw.org/location.html	108 NW 9 th Ave. Suite 201 Portland, OR 97209	PH: (503) 228-4131 FAX: (503) 228-0710
Oregon Department of Human Services Voc Rehab	E-mail: Kristina.Kennedy@state.or.us Web site: www.dhs.state.or.us	Kris Kennedy Program Specialist State Employment Specialist in Vocational Education	Phone: (503) 945-5880
Oregon Tradeswomen	Oregon Tradeswomen Inc.	1714 NE Alberta St. Portland, OR 97211	PH: (503) 335-8200 xt.21 FAX: (503) 249-0445

Organization Name	E-Mail/Web Address	Address	Contact Numbers
The Portland Observer Newspaper	http://www.vcpa.com.au/Vic/portland_obs_erver.html	4747 NE MLK Blvd. Portland, OR 97211	PH: (503) 288-0033 FAX: (503) 288-0015
Portland/Seattle Chapter National Black MBA Association	http://www.nbmaa.org	P.O. Box 4143 Portland, OR 97208	PH: 503-327-4420
Society of Women Engineers—Columbia River Section	www.president@swe-columbia-river.org	P.O. Box 219102 Portland, OR 97225-9102	None given
The Skanner Newspaper	http://www.theskanner.com/	415 N. Killingsworth Portland, OR 97217	PH: (503) 285-2900 FAX: (503) 285-5555
Urban League of Portland	http://www.ulpdx.org/	10 N Russell Portland, OR 97227	PH: (503) 280-2600 FAX: (No number listed)
REGION 2			
Confederated Tribes of Grand Ronde	http://www.grandronde.org/	9615 Grand Ronde Rd. Grand Ronde, OR 97347	PH: (503) 879-5211 FAX: (503)879-2117 Toll Free: (800) 422-0232
Confederated Tribes of Siletz Indians	http://ctsi.nsn.us/Employment/employment.html#Employment	201 SE Swan Ave. Siletz, OR 97380	PH: (541) 444-2532 FAX: (No number listed)
Disability Advocates Coalition of Clackamas	http://www.co.clackamas.or.us/socialservices/involved/advocate/dac.htm	PO Box 68369 Oak Grove, OR 97268	PH: (503) 650-8945 FAX: (No number listed)
NAACP (National Association for the Advancement of Colored People)	http://www.naacp.org/	200 NW 53rd St. Suite 57B Corvallis, OR 97330	PH: (541) 738-0738 FAX: (No number listed)
NAACP (National Assoc. for the Advancement of Colored People)	http://www.naacp.org/	541 Willamette St. Eugene, OR 97401	PH: (541) 431-1119 FAX: (No number listed)
NAACP Salem-Keizer Branch	http://www.naacp.org/	P.O. Box 13068 Salem, OR 97309-1001	PH: (503) 566-8876 FAX: (No number listed)

Organization Name	E-Mail/Web Address	Address	Contact Numbers
NW ADA & IT Center	nwada@ohsu.edu	PO Box 574 Portland, OR 97207	Toll Free: (800) 949-4232 V/TTY FAX: (503) 418-0785
Oregon SHHH (Self-help for Hard of Hearing People)	http://www.hearinglossor.org/	PO Box 22501 Eugene, OR, 97402	PH: 541-689-7242 V/TTY FAX: 541- 461-8601
REGION 3			
Confederated Tribes of Coos, Lower Umpqua & Siuslaw	http://www.ctclusi.org	1245 Fulton Ave. Coos Bay, OR 97420	PH: (541) 888-9577 FAX: (541) 888-0302
Coquille Tribe		3050 Tremont North Bend, OR 97459	PH: (541) 756-0904 FAX: (541) 756-0847
Cow Creek Band of Umpqua	http://www.cowcreek.com/	2371 NE Stephens St. Roseburg, OR 97470	PH: (541) 672-9405 FAX: (No number listed)
REGION 4			
Confederated Tribes of Warm Springs	http://www.warmsprings.com/	1233 Veterans St. Warm Springs, OR 97761	PH: (541) 553-1924 FAX: (541) 53-1161
Klamath Tribe	http://www.klamathtribes.org/	501 Chiloquin Blvd. Chiloquin, OR 97624	PH: (541) 783-2219 FAX: (541) 783-2029 Toll Free: (800) 524-9787
REGION 5			
Burns-Paiute Tribe	http://www.harneycounty.com/Paiute.htm	HC-71 100 Pasigo Street Burns, OR 97720	PH: (541) 573-2088 FAX: (No number listed)
Confederated Tribes of Umatilla Indians	http://www.umatilla.nsn.us/	PO Box 638 Pendleton, OR 97801	PH: (541) 276-3165 FAX: (541) 276-3095

ADDITIONAL RESOURCES

OFFICE OF VOCATIONAL REHABILITATION SERVICES (FIELD OFFICES)

<p>Albany Peter Norman 1400 Queen Ave SE, Suite 107 Albany, Oregon 97321 541-967-2022</p>	<p>Astoria Patrick Foster 2703 Marine Drive Astoria, Oregon 97103 503-325-7335</p>	<p>Baker City Mary Tomlinson 1768 Auburn Avenue Baker City, Oregon 97814-3913 541-523-3648</p>
<p>Bend Roger Lemstrom 1230 NE 3rd St., Suite A-152 Bend, Oregon 97701 541-388-6336</p>	<p>Central Portland Janine Delaunay 3945 SE Powell Blvd Portland, Oregon 97202 503-731-3210</p>	<p>Clackamas Nancy DiPasquale 4382 International Way, Suite B Milwaukie, Oregon 97222 503-653-3024</p>
<p>Coos Bay Amy Kincaid PO Box 1113 Coos Bay, Oregon 97420 541-888-7173</p>	<p>Corvallis Peter Norman 545 SW 2nd St., Suite G Corvallis, Oregon 97333 541-757-4131</p>	<p>East Portland Teddy Forester 305 NE 102nd Ave, Suite 200 Portland, Oregon 97220 503-257-4412</p>
<p>East Springfield Ken Thorland 101 30th St Springfield, Oregon 97478 541-726-3525</p>	<p>Gold Beach Amy Kincaid 94145 W 5th Pl – PO Box 1170 Gold Beach, Oregon 97444 541-247-0290</p>	<p>Grants Pass Kelly Franklin 725 NE 7th St, Suite C Grants Pass, Oregon 97526 541-474-3130</p>
<p>Hermiston Mary Tomlinson 940 SE Columbia Dr, Suite A Hermiston, Oregon 97838 541-564-5673</p>	<p>Klamath Falls Kelly Franklin 801 Oak Avenue Klamath Falls, Oregon 97601 541-883-5614</p>	<p>La Grande Mary Tomlinson 1607 Gekeler La Grande, Oregon 97850 541-963-2151</p>
<p>Marion/Polk Alex Usenko, Interim Branch Manager 1701 Liberty Street S. Salem, Oregon 97310 503-378-5334</p>	<p>McMinnville Sandy Cooper 368 NE Norton Lane McMinnville, Oregon 97128 541-472-2116</p>	<p>Medford Kelly Franklin 28 W. 6th St, Suite A Medford, Oregon 97501 541-776-6035</p>
<p>Newport Peter Norman 119 NE 4th St, Suite 1 Newport, Oregon 97365 541-265-7843</p>	<p>North Portland Nancy Conover 4744 N. Interstate Ave. Portland, Oregon 97217 503-280-6940</p>	<p>Ontario Mary Tomlinson 186 East Lane, Suite 1 Ontario, Oregon 97914 541-889-9148</p>

OFFICE OF VOCATIONAL REHABILITATION SERVICES (FIELD OFFICES)		
<u>Pendleton</u> Mary Tomlinson 1555 SW Southgate Pl Pendleton, Oregon 97801 541-278-4161	<u>Roseburg</u> Amy Kincaid 2020 NW Newcastle St. Roseburg, Oregon 97470 541-440-3371	<u>St. Helens</u> Patrick Foster 500 N Hwy. 30, Suite 210 St. Helens, Oregon 97051 503-397-1784
<u>The Dalles</u> Roger Lemstrom 700 Union St., Rm. 128 The Dalles, Oregon 97058 541-298-5573	<u>Tillamook</u> Patrick Foster 4670 E Third Street Tillamook, Oregon 97141 503-842-7873	<u>Washington County</u> Patrick Foster 10777 SW Cascade Blvd. Tigard, Oregon 97223 503-6710-9575
<u>West Eugene Family Center</u> Susan Hauk 2101 W. 11 th Avenue Eugene, Oregon 97402 541-686-7722	<u>Winema Job/Career Center-SCO</u> Sandy Cooper 4001 Winema Place NE, Suite 200 Salem, Oregon 97305 503-399-2301	<u>McKenzie Center (No Client Services)</u> Ken Thorland 2885 Chad Drive Eugene, Oregon 97408 541-686-7878
OREGON DEPT. OF TRANSPORTATION (ODOT) DISTRICT OFFICE MANAGERS		
<u>Twyla J. Olson</u> District 1 Office Manager 4744 N. Interstate Ave. Portland, Oregon 97217 Phone: 503-280-6940 X269 Fax: 503-280-6960 Cell: 503-475-9269 Pager: 503-948-5732 Twyla.j.olson@state.or.us	<u>Jerry Wilbur</u> District 2 Office Manager 1701 Liberty St. S. Salem, Oregon 97302-5158 Phone: 503-378-5334 X231 Fax: 503-373-7549 Cell: 503-881-5196 j.d.Wilbur@state.or.us	<u>Francine Hanes</u> District 3 Office Manager 2885 Chad Drive Eugene, Oregon 97408 Phone: 541-686-7878 X247 Cell: 541-915-5927 Pager: 541-341-0288 Fax: 541-686-7641 Francine.r.hanes@state.or.us

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