

# Affirmative Action Plan 2015-2017 Biennium

Oregon Department of Transportation  
355 Capital Street NE  
Salem, OR 97301-3871  
Director: Matthew Garrett



## PHOTO CREDITS

### Inside ODOT Monthly Photo Contest Winners and Honorable Mention



**Jill Pearson**

*Mt Howard at Sunrise*



**Ray Lapke**

*Thomas Creek Bridge*



**Ryan Franklin**

*Vine Maple near Deer Creek*



**Robin Marshburn**

*Seal Rock on the Oregon Coast*



**Bryan Zimmerman**

*Poverty Flats*



**Alex Bettinardi**

*View from South Sister*



**Eva Pomicaksek**

*Portland Waterfront*



**Leanne Lockwood**

*Bandon*



**Peter Murphy**

*Suislaw River Bridge in Florence*



**John Link**

*Tioga to Susan Creek*



**Heather Gaona**

*Veteran's Day Flags at Eagle Point Covered Bridge*



**Peter Murphy**

*Wheat Harvest Near Wasco*



**Jesse Threlkel**

*Sunset Lincoln City*



**Kellie Bakanen**

*Astoria Megler Sunset*

### Additional Photos



**Greg Westergaard**

*2014 Internship & Graduate Engineering Programs*



*Graphics and Layout by ODOT Design*

ODOT is an Equal Opportunity and Affirmative Action employer. We do not discriminate on the basis of disability in admission or access to our programs, services, or activities. This publication can be made available in alternate format on request by calling (503)373-7093 or via the Oregon Telecommunications Relay System: 7-1-1 or e-mail: [ODOTeeo@ODOT.state.or.us](mailto:ODOTeeo@ODOT.state.or.us).

# Table of Contents

<b>COVER LETTER</b> .....	vii
---------------------------	-----

## **SECTION I** — Oregon Department of Transportation—Description of Agency

A. Vision, Mission, Values and Goals .....	1
B. Agency Director .....	2
C. Governor’s Policy Advisor for ODOT .....	2
D. & E. Affirmative Action & Diversity Representative .....	3
Organizational Chart.....	3

## **SECTION II** — Affirmative Action Plan

A. Agency Affirmative Action Policy .....	11
B. Diverse Workforce Policy .....	17
C. Training, Education and Development - Education Overview .....	21
1. <i>Employee Training</i> .....	26
a) <i>Diversity Conference</i> .....	39
2. <i>Contractors/Vendors</i> .....	40
D. Programs .....	41
1. <i>College Relations</i> .....	41
a) <i>College Internship Program (CIP)</i> .....	41
b) <i>Graduate Engineering Program (GEP)</i> .....	44
2. <i>Community Outreach Programs</i> .....	46
a) <i>College Relations Diversity Outreach</i> .....	47
b) <i>Summer Litter Patrol Program</i> .....	47
c) <i>The Workforce Development</i> .....	47
3. <i>Social Media</i> .....	47
4. <i>Diversity Awareness Programs</i> .....	51

a) Diversity Council .....	51
b) Celebrating Diversity Through Art .....	52
E. Update: Executive Order 08-18 .....	53
1. Cultural Competency Assessment and Implementation Services.....	53
2. Statewide Exit Interview Survey .....	61
3. Performance Evaluations of All Management Personnel.....	61
F. Status of Contracts to Minority Business (ORS 659A.015) .....	61
G. Education, Policy Dissemination, and Complaint Procedures.....	64

**SECTION III — Roles for Implementing The Affirmative Action Plan**

A. Responsibilities and Accountabilities .....	69
1. Department Director and Executive Leadership Team .....	69
2. Managers and Supervisors .....	69
3. Affirmative Action Officer (Employee Civil Rights & Diversity Manager .....	69
4. All Employees .....	70

**SECTION IV — July 1, 2012 - June 30, 2014 Affirmative Action Plan**

A. Accomplishments.....	71
B. Progress Summary.....	74

**SECTION V — 2015-2017 Affirmative Action Plan**

A. Goals .....	95
B. Strategies.....	98
1. Community and Public Outreach .....	98
2. Management Practices.....	98
3. Training & Development.....	99
4. Marketing.....	100

<b>AFTERWORD .....</b>	<b>101</b>
------------------------	------------

**SECTION VI** — Appendix A: Department Policy Documentation

Americans with Disabilities Act (ADA) and Reasonable Accommodation ..... 104

Discrimination and Harassment Free Workplace Policy ..... 107

Maintaining a Professional Workplace Policy ..... 108

Letters from the Director ..... 109

Equal Employment Opportunity and Affirmative Action Policy ..... 111

EEO/ADA Communications Requirement Policy ..... 114

Diverse Workforce Policy ..... 116

Veteran’s Preference Guidelines ..... 119

New Employee Voluntary Disclosure Form ..... 121

Workforce Development Policy ..... 123

Federal and State Affirmative Action Citations ..... 127

Description of Job Categories ..... 128

Reflecting Diversity in the Selection Process ..... 130

Code of Conduct ..... 133

Complaint Form—EEO Discrimination-Harassment-Workplace ..... 140

**SECTION VII** — Appendix B: Civil Rights Acts

Age Discrimination in Employment Act of 1967 (ADEA) ..... 146

Disability Discrimination: Title I of the Americans with Disability Act of 1990 ..... 148

Equal Pay and Compensation Discrimination: Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964 ..... 154

Genetic Information Nondiscrimination Act of 2008 (GINA) ..... 156

National Origin Discrimination: Title VII of the Civil Rights Act of 1964 ..... 154

Pregnancy Discrimination: Title VII of the Civil Rights Act of 1964 ..... 156

Race/Color Discrimination: Title VII of the Civil Rights Act of 1964 ..... 158

Religious Discrimination: Title VII of the Civil Rights Act of 1964 ..... 160

Retaliation: Title VII of the Civil Agency Affirmative Action Policy ..... 162

Sex-Base Discrimination: Title VII of the Civil Rights Act of 1964 ..... 165

Sexual Harassment: Title VII of the Civil Rights Act of 1964 ..... 166

## TABLES

Table 1. Department Demographics by Total Number of Employees; Women, Minorities, People with Disabilities, and Parity Percentage .....	4
Table 2. Positions by EEO-4 Category for Each Division .....	5
Table 3. Total Hours of Training by EEO Category: Fiscal Year 2013 .....	26
Table 4. Total Hours of Training and Percentage of Training by EEO Category: FY 2014 .....	27
Table 5. Harassment Prevention Training: Attendance by EEO Category Fiscal Years 2013 & 2014 .....	28
Table 6. Domestic Violence, Harassment, Sexual Assault, & Stalking: Attendance by EEO Category Fiscal Years 2013 & 2014 .....	29
Table 7. Respectful Workplace Training: Attendance by EEO Category Fiscal Year 2013 .....	31
Table 8. Respectful Workplace Training: Attendance by EEO Category Fiscal Year 2014 .....	32
Table 9. Interviewing & Selecting Top Performers: Attendance by EEO Category Fiscal Year 2013 .....	34
Table 10. People Skills: Attendance by EEO Category Fiscal Years 2013 .....	35
Table 11. People Skills: Attendance by EEO Category Fiscal Years 2014 .....	36
Table 12. Legal Guidelines for Managers: Attendance by EEO Category Fiscal Year 2013.....	38
Table 13. Diversity Conference: Attendance by EEO Category Fiscal Years 2013 - 2014.....	39
Table 14. College Internship Program (CIP) Demographic Data: 2011-2014 .....	43
Table 15. Graduate Engineering Program (CIP) Demographic Data: 2011-2014.....	45
Table 16: Reimbursable Highway Construction Projects with Final Payments on or before December 31, 2013.....	48
Table 17. Apprenticeship Hours, As A Percentage Of Total Apprentice Hours By Trade, For ROA Projects With Final Payment On Or Before December 31, 2013.....	48
Table 18. Apprentice Hours Reimbursed Compared To The Actual Training Goal, By ODOT Region.....	49
Table 19. Percentage Of Hours Trained On ROA Construction Projects With Final Payment On Or Before December 31, 2013.....	49

Table 20. Percentage Of Work Hours By Year For Minorities On Highway Construction Projects With Final Payment On Or Before December 31, 2013 .....	50
Table 21. Percentage Of Work Hours By Year For Women On Highway Construction Projects With Final Payment On Or Before December 31, 2013 .....	50
Table 22. Building Cultural Competency for Employees Module 1: Attendance by EEO Category Fiscal Year 2013.....	54
Table 23. Building Cultural Competency for Employees Module 1: Attendance by EEO Category Fiscal Year 2014.....	55
Table 24. Building Cultural Competency for Employees Module 2: Attendance by EEO Category Fiscal Year 2013.....	56
Table 25. Building Cultural Competency for Employees Module 2: Attendance by EEO Category Fiscal Year 2014.....	57
Table 26. Building Cultural Competency for Employees Module 3: Attendance by EEO Category Fiscal Year 2013.....	58
Table 27. Building Cultural Competency for Employees Module 3: Attendance by EEO Category Fiscal Year 2014.....	59
Table 28. Building Cultural Competency for Managers Module 2: Attendance by EEO Category Fiscal Year 2013 .....	60
Table 29. Under-Represented Applicant Pool by Number and Percentage: 2013 & 2014 ...	77
Table 30. Promotions: Females and Minorities .....	78
Table 31. New Hires: Females and Minorities .....	79
Table 32. Employees with Disabilities: Management .....	82
Table 33. Employees with Disabilities: Professionals .....	82
Table 34. Employees with Disabilities: Skilled Crafts.....	83
Table 35. Women: Officials and Administrators .....	85
Table 36. Women: Skilled Crafts Positions * .....	85
Table 37. Under-Represented Minorities: Professional .....	86
Table 38. Under-Represented Minorities: Skilled Crafts .....	87
Table 39. Parity by EEO Category by Division .....	88



PHOTO: *Jill Pearson, Mt Howard*

# Cover Letter



**Oregon**

John A. Kitzhaber, M.D., Governor

**Department of Transportation**

Office of the Director

355 Capitol St NE

Salem, OR 97301

Phone: (503) 986-3289

Fax: (503) 986-3432

June 23, 2014

The Oregon Department of Transportation (ODOT) is dedicated to building a well-qualified, diverse workforce that represents the public it serves. Diversity is a core value and a strategic business focus that serves to strengthen creative thinking, collaboration, and problem solving efforts toward the attainment of common state and federal transportation goals.

Affirmative Action and Equal Employment Opportunity (EEO) programs are tools that achieve diversity and to ensure that the work environment is welcoming for all job applicants and employees, and is free of discrimination. Affirmative Action is a legal and essential ingredient in all ODOT recruitment, career development, and promotion opportunities.

The Executive staff; the Human Resources Branch, the Office of Civil Rights; the Employee Civil Rights and Diversity Manager, and the Diversity Council have specific roles to lead the Affirmative Action Plan and monitor progress.

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

**Matthew Garrett**  
Director

**Jerri Bohard**  
Administrator, Transportation  
Development

**Clyde Saiki**  
Deputy Director, Central  
Services

**Tom McClellan**  
Administrator  
Driver and Motor Vehicles

**Gregg Dal Ponte**  
Administrator,  
Motor Carrier Transportation

**Paul Mather**  
Administrator, Highway

**Troy E. Costales**  
Administrator,  
Transportation Safety

**Hal Gard,**  
Administrator  
Rail and Public Transit

**Jane Lee**  
Chief Human Resources  
Officer

**Michael Cobb**  
Manager,  
Office of Civil Rights

**Travis Brouwer**  
Assistant Director of Public  
Affairs



PHOTO: **Ray Lapke**, Thomas Creek Bridge

# Oregon Department of Transportation

## —Description of Agency

### A. Vision, Mission, Values and Goals

**VISION:** 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.

**MISSION:** To provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians.

**VALUES:** These are the values that guide our decision making and which we follow in implementing ODOT’s mission and goals.

- **SAFETY:** We protect the safety of the traveling public, our employees and the workers who build, operate and maintain our transportation system.
- **CUSTOMER FOCUS:** We learn from and respond to our customers so we can better deliver quality, affordable services to Oregonians and visitors. Our customers include travelers, freight movers and others who use our services and facilities.
- **EFFICIENCY:** We strive to gain maximum value from the resources entrusted to us for the benefit of our customers.
- **ACCOUNTABILITY:** We build the trust of customers, stakeholders and the public by reporting regularly on what we are doing and how we are using the resources entrusted to us.
- **PROBLEM SOLVING:** We work with the appropriate customers, stakeholders and partners to find efficient, effective and innovative solutions to problems.

- **DIVERSITY:** We honor and respect our individual differences and we work to ensure that people from diverse backgrounds have equitable opportunities, both internally and externally, to work for and conduct business with ODOT.
- **SUSTAINABILITY:** We balance economic, environmental and community well-being in a manner that protects the needs of current and future generations.

#### GOALS:

- Improve safety.
- Move people and goods efficiently.
- Improve Oregon’s livability and economic prosperity.

#### OUR STRATEGIES:

- Provide outstanding customer service.
- Use innovative program design and technologies to solve transportation problems.
- Improve the return on investment of our transportation funds.
- Attract, retain and develop an outstanding ODOT workforce.
- Engage the public, other state agencies, local governments, business and community leaders in solving transportation problems and planning for the future.
- Increase intermodal linkages to improve access for people and goods.
- Communicate with, educate and inform the public about transportation issues.

## **B. Agency Director**

### **MATTHEW GARRETT**

*Director, Oregon Department of Transportation*  
355 Capitol St. NE, Salem, OR 97301-3871  
503-986-3452

## **C. Governor's Policy Advisor for ODOT**

### **KARMEN FORE**

*Governor's Transportation Policy Advisor*  
355 Capitol St. NE, Salem, OR 97301-3871  
503-986-6531

## **D. & E. Affirmative Action & Diversity Representative**

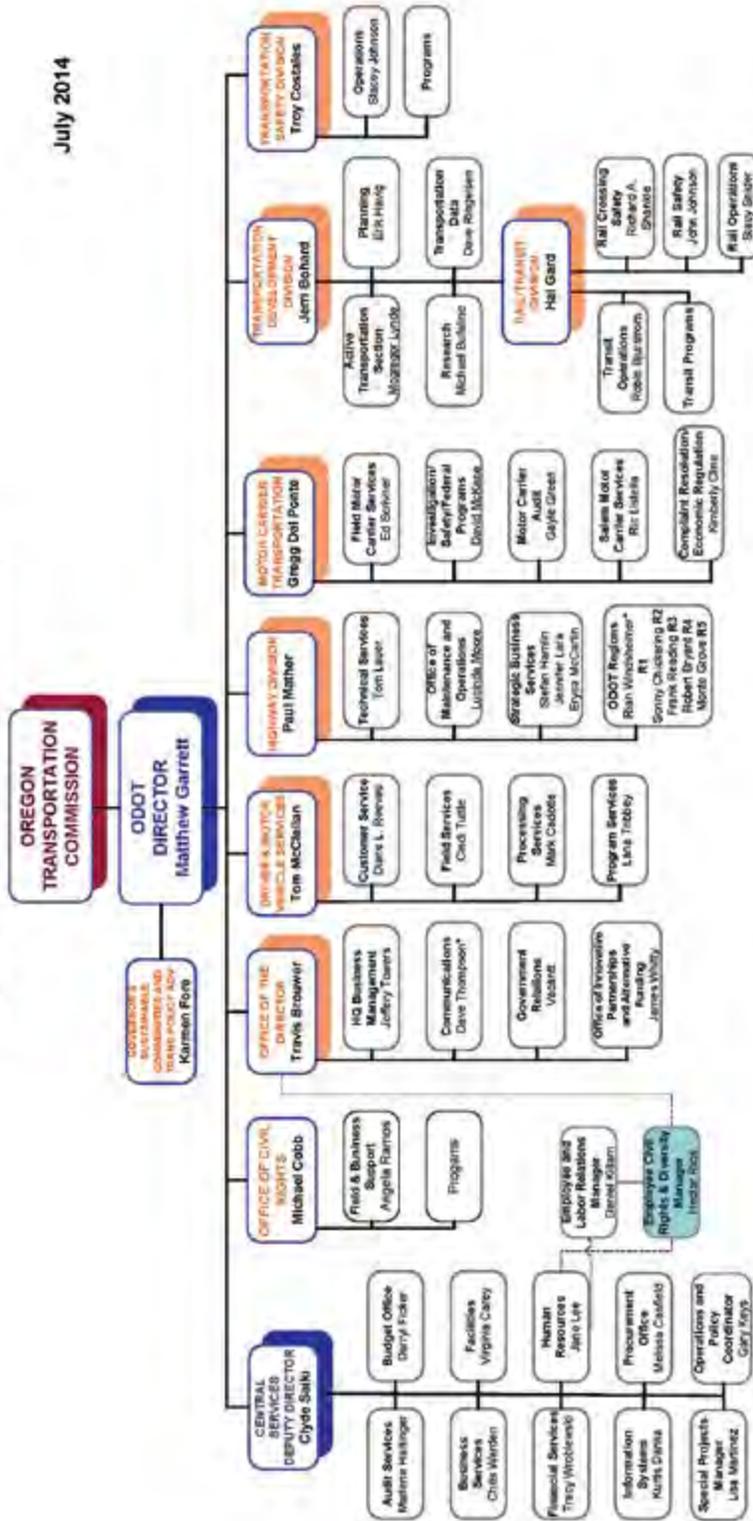
### **HECTOR D. RIOS**

*Employee Civil Rights & Diversity Manager*  
355 Capitol St. NE, Salem, OR 97301-3871  
877-EEO-ODOT  
711-Oregon Relay

# Organizational Chart

## Oregon Department of Transportation

July 2014



\* Interim

Note: The position of Employee Civil Rights and Diversity Manager is a full time position in the Human Resources Office. It reports to the Employee and Labor Relations Manager. The position also has a soft report to the Assistant Director position in the Office of the Director as well as the Chief Human Resources Officer position. The position has full and unfiltered access to the ODOT Director position.

Total Senior Staff	Male	Female	White	Hispanic	Black	Asian P/I	Native American	Disabled
53	33	20	48	2	1	1	1	4
	62.26%	37.74%	90.57%	3.77%	1.89%	1.89%	1.89%	7.55%

# 2014 Workforce Demographics

(Full time, regular employees)

The Oregon Department of Transportation's (ODOT or Department) demographic and parity information provided below is as of the June 30, 2014. Equal Employment Opportunity (EEO) designation of race and gender

is voluntary and visual and may result in undercounts. The demographic information is derived from the state's Position and Personnel Database (PPDB). Parity information is derived from the 1990 U.S. Census data.

**Table 1. Department Demographics by Total Number of Employees; Women, Minorities, People with Disabilities, and Parity Percentage**

	Total Employees	Men	Women	% (Parity 41.4%)	White	%	Minority	% (Parity 11.6%)	Disabled	% (Parity 6.0%)
Central Services	403	220	183	45.4%	364	90.3%	39	<b>9.7%</b>	27	6.7%
Driver And Motor Vehicle	742	216	526	70.9%	593	79.9%	149	20.1%	59	8.0%
Highway Division	2380	1905	475	<b>20.0%</b>	2187	91.9%	193	<b>8.1%</b>	63	<b>2.6%</b>
Motor Carrier Transportation	266	131	135	50.8%	240	90.2%	26	<b>9.8%</b>	26	9.8%
ODOT Headquarters	45	17	28	62.2%	37	82.2%	8	17.8%	6	13.3%
Public Transit/ Rail	43	21	22	51.2%	42	97.7%	1	<b>2.3%</b>	2	<b>4.7%</b>
Transportation Development	126	64	62	49.2%	110	87.3%	16	12.7%	7	<b>5.6%</b>
Transportation Safety	22	7	15	68.2%	18	81.8%	4	18.2%	2	9.1%
<b>ODOT Total</b>	<b>4027</b>	<b>2581</b>	<b>1446</b>	<b>35.9%</b>	<b>3591</b>	<b>89.2%</b>	<b>436</b>	<b>10.8%</b>	<b>192</b>	<b>4.8%</b>
<b>Oregon Labor Force (Note 2)</b>	<b>3.1M</b>	<b>1.5M</b>	<b>1.6M</b>	<b>46.7%</b>	<b>2.5M</b>	<b>77.0%</b>	<b>669K</b>	<b>23.0%</b>	<b>96K</b>	<b>4.8%</b>
<b>Parity</b>				<b>41.4%</b>				<b>11.6%</b>		<b>6.0%</b>

NOTE 1: Numbers in **bolded italics** indicate below parity goal. NOTE 2: Labor force defined as ages 16 and above. NOTE 3: Since the last Affirmative Action Plan, the Public Transit and Rail divisions were combined as a result of a reorganization. This document combines both of them.

The Equal Employment Opportunity Commission (EEOC) categorizes each employment (job) classification into an EEO-4 category. These categories are designated by letters:

A = Officials & Administrators/Executive positions

F = Office/Clerical Support positions

B = Professional positions

G = Skilled Crafts positions

C = Technician positions

H = Service/Maintenance positions

D = This category is for law enforcement employees. ODOT does not have any employees in this category.

See Page 126 for description of each EEO category. Source: Equal Employment Opportunity Commission.

E = This category is for Para-professionals. ODOT does not have any employees in this category.

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

**Table 2. Positions by EEO-4 Category for Each Division**

EEO-4	Class No	Class Title	CEN SVC	DMV	HWY	MCTD	ODOT HQ	PUBLIC TRANSIT/ RAIL	TDD	TRANS SAFETY	TOTAL
A01	X7000	Principal Executive/Manager A		12		1					13
A01	X7002	Principal Executive/Manager B		18	3	7			1		29
A01	X7004	Principal Executive/Manager C		8	67				1		76
A02	X7006	Principal Executive/Manager D	2	8	14	9	2		2		37
A02	X7008	Principal Executive/Manager E	17	1	42	3	2	4	2		71
A02	X7010	Principal Executive/Manager F	7	4	43	1	2		3		60
A02	X7012	Principal Executive/Manager G	3		8				2		13
A02	Z7012	Principal Executive/Manager G	2		4	1	2	1		1	11
A02	Z7014	Principal Executive/Manager H	1	1	3		1		1		7
A02	Z7016	Principal Executive/Manager I			2		1				3
B01	C3144	Professional Land Surveyor 1			14						14
B01	C3148	Professional Engineer 1	1		119				10		130
B01	C3149	Professional Engineer 2			57				4		61
B02	C0864	Public Affairs Specialist 1			1						1
B02	C0865	Public Affairs Specialist 2			4						4
B02	C0866	Public Affairs Specialist 3		1	6		1				8
B02	C3145	Professional Land Surveyor 2			11						11
B02	X0866	Public Affairs Specialist 3			1		4				5
B02	X3149	Professional Engineer 2			18						18
B07	C0435	Procurement And Contract Asst			1						1
B07	C0436	Procurement & Contract Spec 1	4		2						6
B07	C0437	Procurement & Contract Spec 2	9		5						14
B07	C0438	Procurement & Contract Spec 3	20		9			1	1		31
B08	C3521	Geologist 2			9						9
B08	C3522	Geologist 3			8						8
B08	C3523	Geologist 4			2						2
B08	C3845	Environmental Program Coord 1			1						1
B08	C3846	Environmental Program Coord 2			21						21
B08	C3847	Environmental Program Coord 3			33			1	1		35
B08	C8503	Natural Resource Specialist 3			2						2
B08	C8504	Natural Resource Specialist 4			1						1
B08	X8505	Natural Resource Specialist 5			2						2
B09	C1096	Planner 1			1						1
B09	C1097	Planner 2			3						3
B09	C1098	Planner 3			21				5		26
B09	C1099	Planner 4			3				3		6
B09	C1116	Research Analyst 2		1			1				2
B09	C1117	Research Analyst 3			2				1		3
B09	C1118	Research Analyst 4							3		3
B09	C1162	Economist 2							1		1
B09	C1163	Economist 3							1		1

Table 2 continued

EEO-4	Class No	Class Title	CEN SVC	DMV	HWY	MCTD	ODOT HQ	PUBLIC TRANSIT/RAIL	TDD	TRANS SAFETY	TOTAL
B09	C1164	Economist 4							3		3
B09	X1099	Planner 4						1	2		3
B09	X1164	Economist 4							1		1
B10	C1338	Training & Development Spec 1		8	1						9
B10	C1339	Training & Development Spec 2	2	3	1						6
B10	C1345	Safety Specialist 1			4						4
B10	X1320	Human Resource Analyst 1	9								9
B10	X1321	Human Resource Analyst 2	9								9
B10	X1322	Human Resource Analyst 3	12								12
B10	X1346	Safety Specialist 2	1		5		2				8
B11	C5233	Investigator 3		2							2
B11	C5246	Compliance Specialist 1				6					6
B11	C5247	Compliance Specialist 2		6		56					62
B11	C5248	Compliance Specialist 3	1		2	14		3			20
B11	C5832	Rail Compliance Specialist						13			13
B12	C1483	Info Systems Specialist 3	1						3		4
B12	C1484	Info Systems Specialist 4	16	1	3				1		21
B12	C1485	Info Systems Specialist 5	31		26				2	1	60
B12	C1486	Info Systems Specialist 6	41		15				2	1	59
B12	C1487	Info Systems Specialist 7	53		3				1		57
B12	C1488	Info Systems Specialist 8	23								23
B12	X1488	Info Systems Specialist 8			1						1
B14	C2220	Librarian							1		1
B15	C1215	Accountant 1	3								3
B15	C1216	Accountant 2	3								3
B15	C1217	Accountant 3	3								3
B15	C1243	Fiscal Analyst 1		2	1				2		5
B15	C1244	Fiscal Analyst 2	4	3	9			2	4		22
B15	C1245	Fiscal Analyst 3			2				2		4
B15	C5646	Governmental Auditor 1	4								4
B15	C5647	Governmental Auditor 2	4	1							5
B15	X1218	Accountant 4	3								3
B15	X1245	Fiscal Analyst 3	3		4	1	2		1		11
B15	X5617	Internal Auditor 2	4								4
B15	X5618	Internal Auditor 3	3								3
B16	C0854	Project Manager 1		1	3						4
B16	C0855	Project Manager 2	2	2	18						22
B16	C0860	Program Analyst 1	1	1	2			1		3	8
B16	C0861	Program Analyst 2			13		1	1	1	5	21
B16	C0862	Program Analyst 3				1		6	2	3	12
B16	C0870	Operations & Policy Analyst 1	1	8	6			1	1	1	18
B16	C0871	Operations & Policy Analyst 2	12	24	21	5	2	1	2		67

Table 2 continued

EEO-4	Class No	Class Title	CEN SVC	DMV	HWY	MCTD	ODOT HQ	PUBLIC TRANSIT/RAIL	TDD	TRANS SAFETY	TOTAL
B16	C0872	Operations & Policy Analyst 3	2	15	6				2		25
B16	X0856	Project Manager 3			8						8
B16	X0861	Program Analyst 2					3				3
B16	X0862	Program Analyst 3			1		1				2
B16	X0863	Program Analyst 4							1		1
B16	X0871	Operations & Policy Analyst 2					2				2
B16	X0872	Operations & Policy Analyst 3	3	1	8		6				18
B16	X0873	Operations & Policy Analyst 4	1	1	17		1	2	1	1	24
B16	Z0860	Program Analyst 1					1				1
B19	C0761	Right-Of-Way Agent 1			13						13
B19	C0762	Right-Of-Way Agent 2			24						24
C02	C3105	Engineering Specialist 1			4						4
C02	C3106	Engineering Specialist 2			49				9		58
C02	C3107	Engineering Specialist 3			68				2		70
C02	C3136	Civil Engineering Specialist 1			109				5		114
C02	C3137	Civil Engineering Specialist 2	1		49	1			2		53
C02	C3138	Civil Engineering Specialist 3			48				2		50
C02	C3146	Associate In Engineering 1			49						49
C02	C3147	Associate In Engineering 2			68				6		74
C02	C3268	Construction Project Manager 2	6								6
C04	C1482	Info Systems Specialist 2							1		1
C05	C2176	Video Producer	2								2
C05	C2511	Electronic Pub Design Spec 2		1	1						2
C05	C2512	Electronic Pub Design Spec 3	2	1	1				1		5
C05	C2540	Aerial Photographer	1								1
C06	C5112	Revenue Agent 3	3								3
C10	C5857	Motor Carrier Enforcmnt Ofcr 1				57					57
C10	C5858	Motor Carrier Enforcmnt Ofcr 2				13					13
C14	C0331	Transportation Svcs Rep 1	1	214		8					223
C14	C0332	Transportation Svcs Rep 2	1	20		55					76
C14	C0333	Transp Svcs Office Leader		50							50
F01	C0102	Office Assistant 2		40							40
F01	C0103	Office Specialist 1	6	47	1	8					62
F01	C0104	Office Specialist 2	6	108	53	9		1	11	2	190
F01	X0104	Office Specialist 2	1								1
F02	C0211	Accounting Technician 2	4		2	2					8
F02	C0212	Accounting Technician 3	17		1				1		19
F03	C0801	Office Coordinator		1	14	1					16
F03	X0806	Office Manager 2			1						1
F04	C0107	Administrative Specialist 1	9	29	27	1	2	1	2	2	73
F04	C0108	Administrative Specialist 2	2	8	18	5	1	2	2	1	39
F04	C0118	Executive Support Specialist 1	2	3	7				4		16

Table 2 continued

EEO-4	Class No	Class Title	CEN SVC	DMV	HWY	MCTD	ODOT HQ	PUBLIC TRANSIT/RAIL	TDD	TRANS SAFETY	TOTAL
F04	C0119	Executive Support Specialist 2			5		2			1	8
F04	C0323	Public Service Rep 3		33							33
F04	C0324	Public Service Rep 4			1						1
F04	X0107	Administrative Specialist 1	1								1
F04	X0113	Support Services Supervisor 2		13							13
F04	X0114	Support Services Supervisor 3		1							1
F04	X0119	Executive Support Specialist 2			1						1
F04	Z0119	Executive Support Specialist 2	2	1	2	1	3	1	1		11
F05	C0501	Data Entry Operator		38							38
G01	C4131	Sign Technician 1			4						4
G01	C4151	Transp Maintenance Specialst 1			24						24
G01	C4152	Transp Maintenance Specialst 2	1		695						696
G01	C4161	Transp Maintenance Coord 1			73						73
G01	C4162	Transp Maintenance Coord 2			44						44
G01	C4163	Transp Operations Specialist			51						51
G01	C4241	Geotechnical Drilling Spec 2			1						1
G01	C4310	Traffic Systems Tech 2			9						9
G01	C4311	Traffic Systems Tech 3			4						4
G01	X4160	Transportation Maintenance Spv			7						7
G03	C4015	Facility Operations Spec 2	2								2
G04	C2446	Print Services Technician	2								2
G05	C4419	Automotive Technician 2			1						1
G05	C4437	Heavy Equipment Technician 1			35						35
G05	C4438	Heavy Equipment Technician 2			39						39
G05	X4439	Auto/Heavy Equip Repair Suprvr			4						4
G06	C4003	Carpenter	4								4
G06	C4008	Electrician 2			30						30
G06	C4009	Electrician 3			3						3
G06	C4018	Machinist			3						3
G06	X4009	Electrician 3			2						2
H01	C0759	Supply Specialist 2			5						5
H01	C0783	Parts Specialist 2			7						7
H01	C4012	Facility Maintenance Spec	6	1							7
<b>TOTAL</b>			403	742	2380	266	45	43	126	22	4027



PHOTO: **Ryan Franklin**, *Vine Maple Near Deer Creek*



PHOTO: *Robin Marshburn*, Seal Rock on the Oregon Coast

## SECTION II

# Affirmative Action Plan (AAP)

## A. Agency Affirmative Action Policy

Each year all managers review ODOT's Equal Employment Opportunity (EEO)/Affirmative Action (AA) policy as well as the American's with Disabilities (ADA) and Reasonable Accommodation Policy with employees. Additionally, a memo from the Department director is sent to all

managers and posted on employee bulletin boards annually affirming the agency's commitment to EEO and Affirmative Action as well as the Department's commitment to non-discrimination on the basis of disability and our commitment to providing reasonable accommodations.

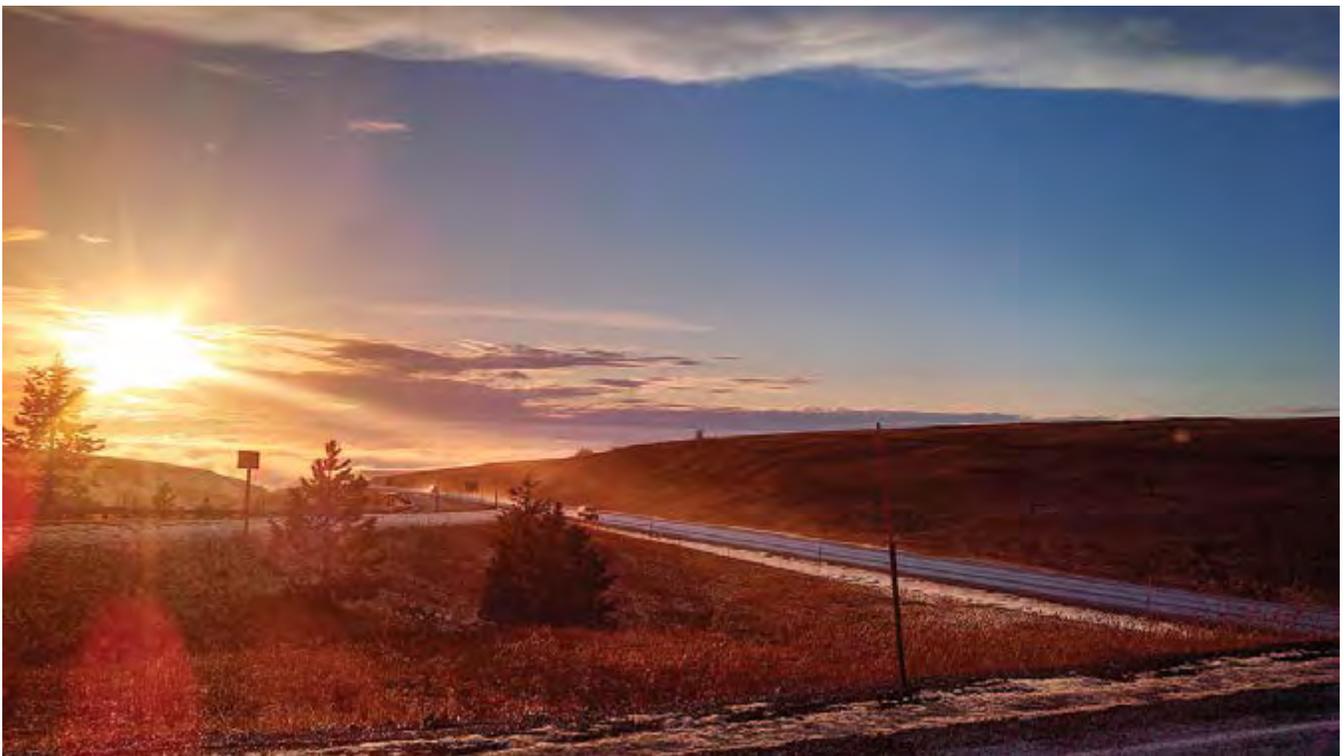


PHOTO: **Bryan Zimmerman**, *Poverty Flats*

 <b>POLICY</b>	NUMBER PER 01-04	SUPERSEDES NEW
	EFFECTIVE DATE 03/01/06	PAGE NUMBER 01 OF 03
	VALIDATION DATE 07/31/2014	
	REFERENCE Executive Order 05-01	
SUBJECT <b>EQUAL EMPLOYMENT OPPORTUNITY / AFFIRMATIVE ACTION</b>	APPROVED SIGNATURE Signature on file	

**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 Employment, Training, and Diversity 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.

*Equal Employment Opportunity and Affirmative Action Policy continued*

**RESPONSIBILITY    ACTION**

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 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**

Toll-free phone: 877- EEO-ODOT  
E-Mail: [odoteeo@odot.state.or.us](mailto:odoteeo@odot.state.or.us)  
FAX: 503-378-3481

**Contact information for ODOT's Chief Human Resource Officer**

Phone: 503-503-986-3700, Toll-free phone: 866-6-ODOT-HR  
E-Mail: [askhr@odot.state.or.us](mailto:askhr@odot.state.or.us)  
FAX: 503-986-3862

*Equal Employment Opportunity and Affirmative Action Policy continued*



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Transportation

Office of the Director

355 Capitol St NE

Salem, OR 97301

Phone: (503) 986-3289

Fax: (503) 986-3432

**DATE:** June 23, 2014

**TO:** All ODOT Employees 

**FROM:** Matthew L. Garrett, Director

**SUBJECT:** Equal Employment Opportunity / Affirmative Action

As the Director of the Oregon Department of Transportation, I want to assure you of my commitment to achieving a diverse workforce and creating a work environment that supports and respects the diverse agency we strive to be.

Through Affirmative Action and Equal Employment Opportunity (EEO) it is our policy that all employees and applicants shall receive fair consideration and treatment in hiring and employment without regard to race, color, religion, gender, age, national origin, disability, or sexual orientation.

Each and every one of us is responsible for creating and contributing to an inclusive and professional work environment that is safe for everyone, free of discrimination, harassment and retaliation. Managers have the added responsibility to provide leadership in this area both in terms of behavior that they themselves model and in the resources they provide to their employees. Additionally, Managers' efforts and accomplishments in creating and sustaining a diverse work environment (Affirmative Action and EEO) will be included in their annual performance appraisals.

It is important for all employees to be an active participant in creating a positive work environment and taking an active role in encouraging as many diverse individuals as possible to apply for job opportunities at ODOT. Word of mouth from you is one of the most powerful ways that we can encourage a diverse array of people to think about ODOT as a preferred employee organization.

To support our efforts, the Office for Employee Civil Rights oversees ODOT's internal process and procedures related to questions, issues or complaints regarding discrimination, harassment and Americans with Disabilities Act (ADA) accommodations. Any employee has a right to get more information regarding these issues or to file a complaint without fear of reprisal by contacting:

Hector Rios  
 Employee Civil Rights and Diversity Manager  
 Transportation Building  
 355 Capitol St NE  
 Salem, Oregon 97301  
 503-373-7093  
[hector.rios@odot.state.or.us](mailto:hector.rios@odot.state.or.us)

Our commitment to EEO and Affirmative Action extends to ODOT's public contracting practices as allowed by public contracting statutes and rules. ODOT will engage in public contracting practices to promote affirmative action goals, policies and/or programs to ensure equal opportunity in employment and business for persons otherwise disadvantaged by the same reasons listed above.

**PLEASE POST ON OFFICE BULLETIN BOARDS**  
 (This memorandum is available in alternate format on request.)

*Matt Garrett letter concerning Equal Employment Opportunity and Affirmative Action Policy*



**Oregon**

John A. Kitzhaber, M.D., Governor

**Department of Transportation**

Office of the Director

355 Capitol St NE

Salem, OR 97301

Phone: (503) 986-3289

Fax: (503) 986-3432

**DATE:** June 23, 2014  
**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 (ADA) of 1990 and the Americans with Disabilities Amendment Act of 2008 (ADAAA).

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 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, and modifying policies or procedures.

Information on specific procedures for requesting accommodations may be found in the HR Handbook on the ODOT Human Resources website, or to request an employment or workplace accommodation, or for any other type of accommodation (program accessibility), contact:

Hector Rios  
Employee Civil Rights and Diversity Manager  
Transportation Building  
355 Capitol St NE  
Salem, Oregon 97301  
503-373-7093  
hector.rios@odot.state.or.us

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

**PLEASE POST ON EMPLOYEE BULLETIN BOARDS**  
(This memo is available in alternative format on request)

*Matt Garrett letter concerning Reasonable Accommodation Policy*

## B. Diverse Workforce Policy

ODOT supports its commitment to a diverse and vibrant workforce through multiple actions and statements. This includes the Department's Diverse Workforce policy as well as having diversity as one of its core values. ODOT recognizes that diversity is not just about Affirmative Action, which is an important tool in addressing historically underrepresented groups, but rather includes the full

spectrum of diverse skills, knowledge and characteristics that employees bring to the workplace. This allows ODOT to continue to meet today's and tomorrow's challenges with new and vibrant ideas. Diversity includes, but is not limited to, generational experiences and perspectives, socioeconomic status, sexual orientation and gender identity, education and cultural heritage.



PHOTO: **Alex Bettinardi**, *View from South Sister*

<b>Oregon Department of Transportation</b>  <b>POLICY</b>	<b>NUMBER</b> <b>PER 09-04-01</b>	<b>SUPERSEDES</b> <b>05/23/05</b>
	<b>EFFECTIVE DATE</b> <b>01/05/11</b>	<b>PAGE NUMBER</b> <b>01 OF 03</b>
	<b>VALIDATION DATE</b>	
	<b>REFERENCE</b> 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 PER 01-04 h) Reasonable Accommodation Policy PER 01-05 i) Discrimination and Harassment-Free Workplace Policy, PER 19-01-02 j) Maintaining A Professional Workplace Policy PER 01-09 k) ODOT Mission Statement and Values	
<b>SUBJECT</b> <b>DIVERSE WORKFORCE</b>	<b>APPROVED SIGNATURE</b> Signature on file with Director, Commission, and History Center Files	

**PURPOSE**

To demonstrate Oregon Department of Transportation's (Department) commitment to achieving the social and organizational benefits inherent in a diverse workforce.

The Department believes a well-trained, diverse workforce is a strategic advantage in strengthening our ability to meet our mission and serve our customers.

**BACKGROUND**

A diverse workforce reflects and recognizes the diversity that is brought to an organization by a wide array of individual characteristics not covered by an Affirmative Action Plan including but not limited to generational, geographic, and socio-economic differences. The diverse makeup of Oregon demands we renew and extend these efforts to maintain our organizational effectiveness and contribute to a high quality of life for all of our citizens.

To assist the Department's efforts the Diversity Council was established in 1999 to provide focused support for the Department's management team in furthering the Department's aspirations for creating a diverse workforce. The Council membership is comprised of employees at various organizational levels and disciplines consisting of management and labor, and varying geographical, ethnic, gender, generational, and disability perspectives. The Council serves as a communications forum; a liaison between the various divisions and the executive management staff; a policy research and development resource; and as a focal point for ongoing information and education on diversity activities, challenges, developments, and successes within the Department. A representative from the Executive Team chairs the Council.

The ODOT Executive Team enlists senior and middle management, and first line supervisors in reinforcing the Department's value that a diverse workforce is everyone's responsibility.

### **POLICY**

As a fundamental business strategy and organizational policy, the Department commits to attracting, hiring, supporting, developing, and retaining a diverse workforce. The Department shall create a work environment that collectively values and benefits from respecting its diverse population and promoting a culture of inclusiveness. This culture includes:

- Recognition of diverse resources and the potential those bring to the organization
- Mutual adaptation by individuals or groups operating in an intercultural workplace
- An equal legitimacy of cultural perspectives
- Effective and appropriate interactions, in a variety of cultural contexts, that support knowledge, skills, and attitudes
- Fostering curiosity, flexible thinking, motivation, innovation, creativity, cooperation, and open-mindedness

All employees are expected to support this policy while carrying out their Department responsibilities. All managers' annual performance appraisal shall include and reflect efforts that the manager has made in supporting and increasing diversity within the work unit and/or Department as a whole.

### **DEFINITION**

**Affirmative Action Plan (AAP):** A plan that focuses on the hiring, training, and promoting of individuals in protected classes that are under represented in the Department's various business units. The AAP does not mandate quotas or extend preferences to any individual based on race, color, religion, gender, or national origin.

**Equal Employment Opportunity (EEO):** Federal and state employment laws prohibit discrimination against individuals who fall into certain protected classes. The Department is required to follow EEO laws.

**Workforce Diversity:** A value that requires a mosaic of people who bring a variety of backgrounds, styles, perspectives, values, and beliefs, different than the dominant constituency, as assets to the group and organization with which they interact. Diversity is one of the Department's core organizational values.

<b><u>GUIDELINES</u></b>	<b><u>RESPONSIBILITY</u></b>	<b><u>ACTION</u></b>
	Managers and Supervisors	Support the values of the Diverse Workforce Policy and the aspirations and efforts identified in the AAP. Action plans centered on increasing the diversity of the workforce shall be included in manager and supervisor performance plans to be reviewed and updated annually. Through their leadership and direct supervisory role, managers have primary responsibility for increasing and maintaining a diverse workforce.
	Human Resources	Working in cooperation with the Governor's Office for Affirmative Action and the Department's Office of Civil Rights, Office of Employee Civil Rights, Human Resources shall be the primary technical resource to managers and employees to carry out the Diverse Workforce Policy.
	Diversity Council	Provide guidance to the Department on implementation of the Diverse Workforce Policy. Details of council operation can be found in the <a href="http://transnet.odot.state.or.us/cs/diversity/Shared%20Documents/Council.aspx?PageView=Shared">Diversity Council Charter and website (http://transnet.odot.state.or.us/cs/diversity/Shared%20Documents/Council.aspx?PageView=Shared)</a> .
	All Employees	Responsible for advocating, creating, and maintaining a positive workplace which supports a diverse work environment. Responsible to promote and foster a diverse, discrimination/harassment-free workplace and be aware of the Department's affirmative action and diversity strategies and goals.

*Diverse Workforce Policy continued*

## C. Training, Education and Development – Education Overview

A positive and respectful work environment is essential for the recruitment of a highly qualified, diverse candidate pool as well as for on-going good employee morale, retention, and productivity. As diversity grows within the ODOT workforce, the need for awareness and mutual respect has also increased. Workforce education is a continuous

process with the threefold objective of enhancing the internal work environment, maximizing the inclusiveness of under-represented persons in ODOT's employment community, and increasing customer service to our growing and diverse customer base.



PHOTO: *Eva Pomicaksek, Portland Waterfront*

<b>Oregon Department of Transportation</b>  <b>POLICY</b>	<b>NUMBER</b> <b>PER 14-04-01</b>	<b>SUPERSEDES</b> <b>PER 14-04-01</b> (01-23-95) <b>PER 14-04-03</b> (05/24/95)
	<b>EFFECTIVE DATE</b> <b>02/12/2007</b>	<b>PAGE NUMBER</b> <b>01 OF 04</b>
	<b>VALIDATION DATE</b> <b>08/26/10</b>	
	<b>REFERENCE</b> ORS 240.145 (3 & 4); ORS 240.551; DAS Policy 50.045.01; FASM 6.15	
<b>SUBJECT</b> <b>WORKFORCE DEVELOPMENT</b>	<b>APPROVED SIGNATURE</b>	

**PURPOSE**

The purpose of this policy is to outline various training and development opportunities for Oregon Department of Transportation (Department) employees. The focus shall be on an employee's current or next likely position within the Department.

**POLICY**

This policy outlines the resources available to employees to assist with performing the duties of their current position and to encourage their career development in state service. The Department provides training opportunities to employees in order to develop proficiency, enhance skills, and encourage development in areas that can be immediately applied in their current position or used in their next likely position. Training resources shall be allocated in an equitable and non-discriminatory manner.

**GUIDELINES**

**WORKFORCE DEVELOPMENT STRATEGIES**

**A. Employee Development Plans and Training**

***Development Plans***

The Department recognizes the importance and benefit of helping guide all employees in their professional growth by providing and supporting development plans that foster individual growth, efficiency, and advancement. As part of this process, managers shall consider whether an employee requires continuing education to maintain a professional license or certification when creating the employee's development plan.

### ***Training***

There are two main types of training available for Department employees.

1. **Internal Training:** The Department offers a wide variety of internal training using various delivery methods.
2. **External Training:** Opportunities include training seminars, business partnerships, educational institutions, or other specific training modes approved by the employee's manager.

## **B. Tuition, Certification, and Professional Licensing Reimbursement**

### ***Tuition***

The Department believes that formal education has a positive impact on an employee and an employee's contribution to the State. The Department supports self-development and educational efforts by providing full or partial reimbursements for many of the expenses associated with attaining a degree (associates, bachelors, masters, and doctorate degrees) or taking additional classes pertaining to one's career. A manager shall consider whether the class is relevant to the employee's current position or next likely position within the Department when determining whether to pay for a class.

### ***Continuing Education***

The Department supports the reimbursement of costs for continuing education programs. A manager shall consider whether the continuing education is relevant to the employee's current position or next likely position within the Department when determining whether to pay for an employee's continuing education program.

For information on how to qualify and apply for tuition reimbursement, refer to DAS Policy 50.045.01, Employee Development and Implementation of Oregon Benchmarks for Workforce Development (<http://www.oregon.gov/DAS/CHRO/docs/advice/p5004501.pdf>).

### ***Professional Certification and Licenses***

The Department supports the professional growth of all employees of the Department by proactively encouraging their ongoing personal development through professional certification programs and various licensing programs. The Department recognizes the quantity and quality of programs available that address the wide spectrum of disciplines and professions applicable to state government and in particular the transportation industry.

The Department follows a cost-sharing approach where the employee pays for one-third of the total cost of obtaining professional certifications and licenses and the Department pays for two-thirds of the total cost. However, on an exception basis, Deputy Directors and Division Administrators have the discretion to authorize up to one hundred percent of

the cost for approved programs that may be undertaken as a part of succession planning, workforce diversity, or mission-critical staff development needs.

Reimbursement for significant Department investments of \$500 or more shall be resolved in the employee's final check (unless otherwise resolved with the Payroll Manager) when an employee voluntarily resigns his/her position within twelve months of completing a professional certification or license program. There shall be a signed written agreement between the employee and manager detailing the specific requirements for repayment.

The Department does not normally pay for professional licenses that are required as a minimum qualification for employment or those that must be obtained within the trial service period for continued employment. A Deputy Director or Division Administrator may approve exceptions, with the concurrence of the Employment and Diversity Manager, based upon unique recruitment, selection, retention, or diversity challenges.

### **C. Succession Planning/Career Planning**

Managers shall prepare employees for career growth and advancement into high-level positions within the Department when appropriate. The succession planning process includes skill assessments, career planning and development, and career advancement mentorship.

### **D. Educational Leave**

On occasion and with approval of the Director or designee, an employee may be granted educational leave with or without pay. Contact your Human Resources Manager for additional information and assistance.

### **E. Developmental and Rotational Assignments**

Developmental and rotational assignments do not require a vacant position to create the employment opportunity. Employees selected for developmental or rotational assignments remain in their permanent position numbers. The manager of the developmental/rotational assignment shall have the funds available to pay the employee's expenses during the assignment. Developmental and rotational assignments generally last for one year but shall not exceed two years.

Both developmental and rotational assignments require completion of the Job Rotation/Developmental Agreement ([http://intranet.pdot.state.or.us/forms/odot/TW1-0654\\_RotationDevelopmental.doc](http://intranet.pdot.state.or.us/forms/odot/TW1-0654_RotationDevelopmental.doc)) form provided by Human Resources.

#### ***Developmental Assignments***

- Developmental assignments provide opportunities to enhance and broaden an employee's skill base.
- Developmental assignments are encouraged when opportunities, resources, and budget allow for structured on-the-job training and mentoring of an employee.

*Workforce Development Policy continued*

- Generally employees assigned to developmental opportunities do not meet the minimum qualifications of the position or are unable to perform the full level of the duties assigned.

***Rotational Assignments***

- Rotational assignments can occur when: 1) a non-permanent workload need exists and the manager would like to use Department employees to handle the workload; 2) a manager wants to cross-train or develop employees in different areas of the business; or 3) there is a need to fill a temporary vacancy.
- Employees chosen for rotational assignments typically meet the minimum and special requirements of the position and are able to perform the full scope of the assigned duties.

**RESPONSIBILITY ACTION**

Manager	Review policy with your staff. Allocate training resources fairly and in an equitable and non-discriminatory way. Respond to any questions about this policy and seek advice from Human Resources if you cannot answer the question yourself. Work with employee to create a development plan. Evaluate what training is required and consider continuing education if needed to maintain license or certification. Negotiate a shared responsibility in payment/reimbursement of training, tuition, and other costs. Complete and submit all paperwork needed for reimbursements.
Employee	Read and familiarize yourself with this policy. Discuss any questions about this policy with your manager. Actively work with your manager to create your development plan. Complete and submit all paper work needed for reimbursements.

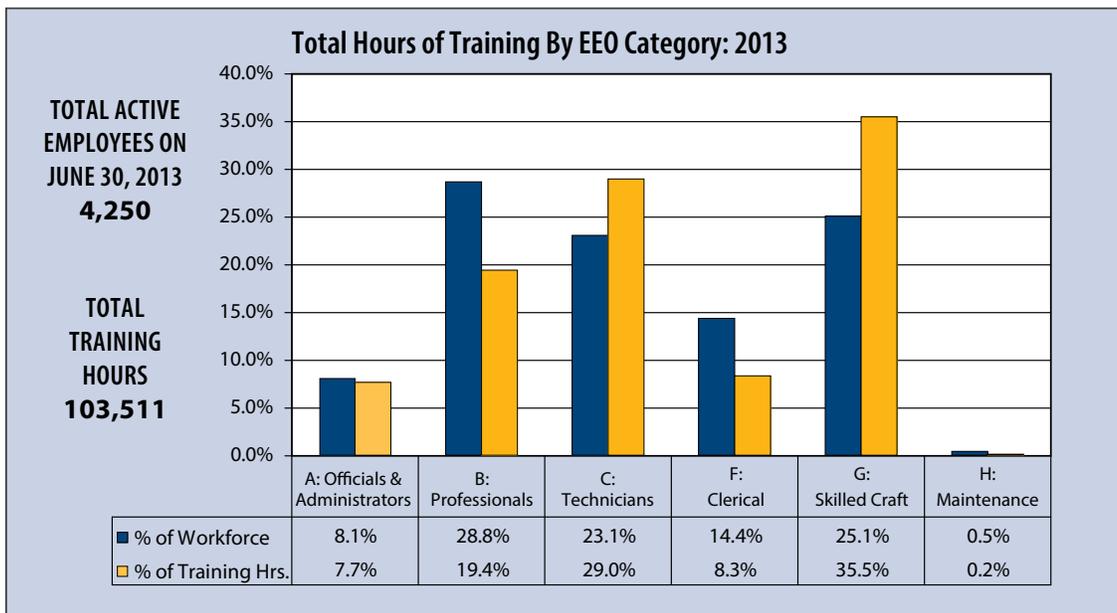
# 1. EMPLOYEE TRAINING:

Training within ODOT is divided between technical training and non-technical training. The training unit within Human Resources continues to provide in-house training opportunities to ODOT employees at all levels across the state. This training includes soft skills training in diversity, cultural competency, conflict resolution, etc.

The tables below reflect the number of employees who received any kind of ODOT training and the total training

hours during fiscal year 2013 and 2014 by EEO categories as well as the percentage of the workforce trained and percentage of hours trained by EEO category. Fiscal year covers the period of a year beginning July 1 to June 30 of the following year. As a result of shifts in the workforce (new hires, retirements, resignations, promotions), the numbers listed in the entire training section fluctuate and are never exact. But most of the trainings have been offered over the last two bienniums; this indicates that a greater percentage of the workforce has been trained, even if the raw numbers decrease.

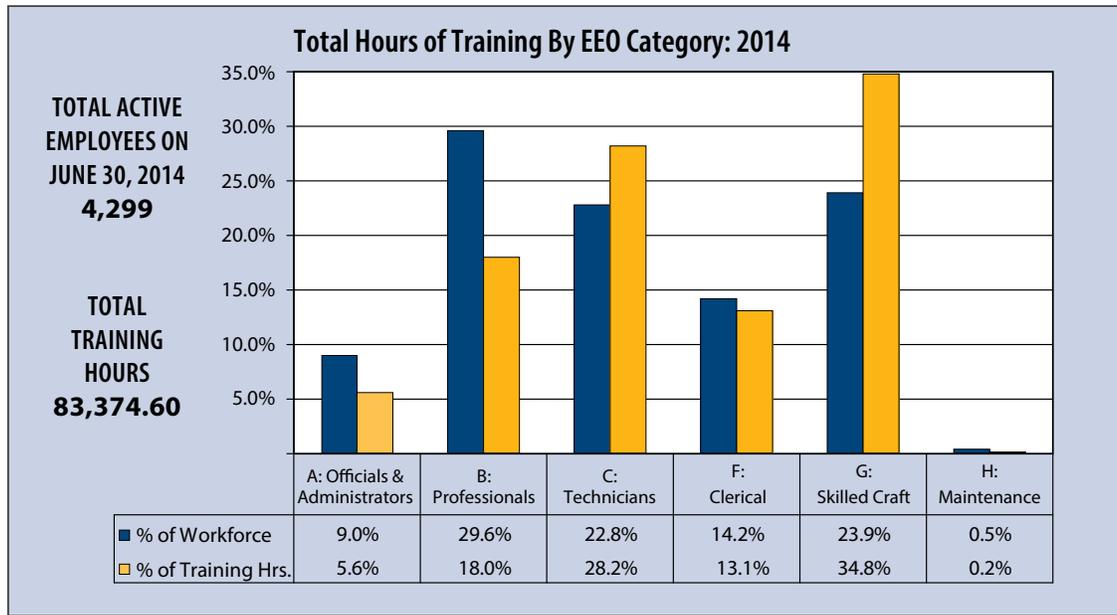
**Table 3. Total Hours of Training by EEO Category: Fiscal Year 2013**



	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
<b>Total Employees</b>	344	1,226	980	613	1,066	21	4,250
<b>Total Training Hrs.</b>	7,966	20,031	30,058	8,561	36,728	167	103,511
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
<b>% of Workforce</b>	8.1%	28.8%	23.1%	14.4%	25.1%	0.5%	100.0%
<b>% of Training Hrs.</b>	7.7%	19.4%	29.0%	8.3%	35.5%	0.2%	100.0%

NOTES: ODOT provided 2,093 hours of training for employees of other agencies and former employees. These numbers include employees who are in seasonal and limited duration positions. Consequently, the total number of employees is larger than the one given in other sections of this plan.

**Table 4. Total Hours of Training and Percentage of Training by EEO Category: Fiscal Year 2014**



	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
<b>Total Employees</b>	388	1,271	981	612	1,027	20	4,299
<b>Total Training Hrs.</b>	4,609	14,696	23,042	10,658	28,447	191	81,643
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
<b>% of Workforce</b>	9.0%	29.6%	22.8%	14.2%	23.9%	0.5%	100.0%
<b>% of Training Hrs.</b>	5.6%	18.0%	28.2%	13.1%	34.8%	0.2%	100.0%

NOTES: ODOT provided 1,733 hours of training for employees of other agencies and former employees. These numbers include employees who are in seasonal and limited duration positions. Consequently, the total number of employees is larger than the one given in other sections of this plan.

## Diversity and Inclusion Training

The following information specifically relates to EEO/AA and diversity training topics within ODOT. These trainings include information about ODOT’s policies regarding a harassment free workplace, equal employment opportunity, respect in the workplace and general diversity issues and concepts.

Classes where the EEO Categories are represented on the chart with zeros indicates that these classes are for managers and supervisors, and that there are no managers in this specific category or that all managers in this category have already taken this course.

### Harassment Prevention for Managers

Harassment Prevention for Managers is a part of core competency training for all managers at ODOT. The tables below reflect the number of employees trained in “Harass-

ment Prevention for Managers” by EEO employment category. While “Harassment Prevention for Managers” training is open to all employees, the target group is supervising managers. As more managers have been trained, the course is offered less frequently, usually twice a year to make sure any new managers are able to take the training within the year. As of June 30, 2014, 83.29 % of all ODOT managers have taken this class.

- Total classes held in Fiscal Year 2013 & 2014: 4
- Percentage of ODOT managers with training on June 30, 2014: 83.29%
- Total Number of Active ODOT Employees on June 30, 2014: 4,303
- Total Number of Supervising Managers on June 30, 2014: 371
- Total Number of Supervising Managers with Harassment Prevention Training: 309
- The zero indicates that there are no managers in this specific category

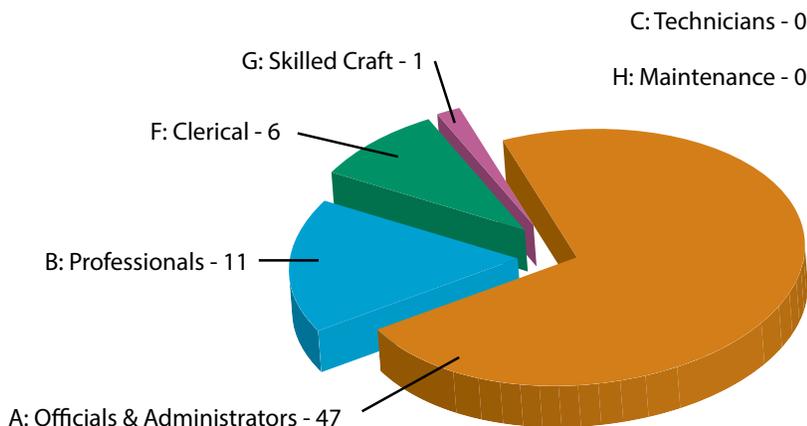
Between July 1, 2010 and June 30, 2012 we had 192 employees take the class. Many of those who have taken the class have since moved onto other employment or retired from ODOT.

EEO Categories	Cumulative Number of Employees Who Have Taken Harassment Prevention Training as of June 30, 2014	
	# Managers & HR Trained	% Managers & HR Staff Trained
A: Officials & Admin.	271	84.69%
B. Professionals	16	76.19%
C. Technicians	0	0
F. Administrative Support	12	70.59%
G. Skilled Craft	10	76.92%
H. Maintenance	0	0
<b>Total Employees Trained</b>	<b>309</b>	<b>83.29%</b>

**Table 5. Harassment Prevention Training: Attendance by EEO Category Fiscal Years 2013 & 2014**

Harassment Prevention Training: Attendance Fiscal Years 2013 & 2014							
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
FY 2013	22	9	0	2	1	0	34
FY 2014	25	2	0	4	0	0	31
<b>Total</b>	<b>47</b>	<b>11</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>65</b>
<b>%</b>	<b>72.3%</b>	<b>16.9%</b>	<b>0.0%</b>	<b>9.2%</b>	<b>1.5%</b>	<b>0.0%</b>	<b>100.0%</b>

**Harassment Prevention Training: Attendance by EEO, Fiscal Year 2013 & 2014**



## Domestic Violence, Harassment, Sexual Assault, & Stalking

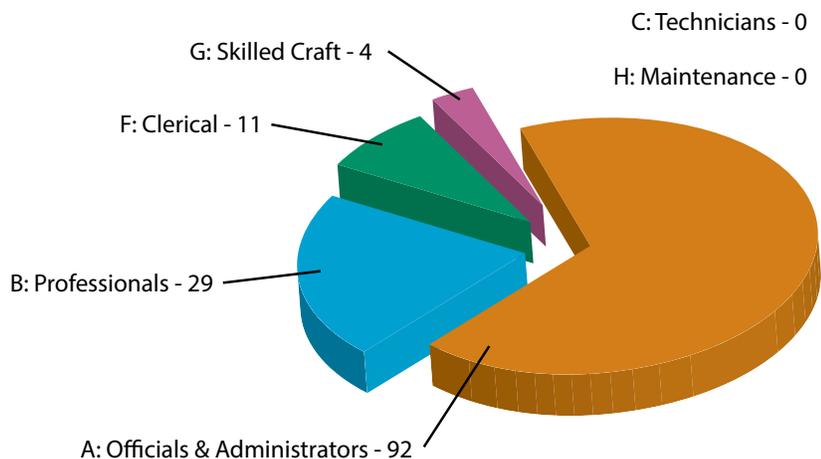
This is an on-line class. There are no scheduled sessions as each employee may take it at his/her own convenience. This class is open to all employees however, it is a mandatory training class for all supervising managers and all of Human Resources (HR) staff. As of June 30, 2012, 76.3 percent of supervising managers and HR had taken this class. In the previous Affirmative Action Plan (2011-2013), "Domestic Violence, Harassment, Sexual Assault, & Stalking" training was at 94 percent of supervising managers. In the past two fiscal years, 136 employees have attended the class. It was a new requirement during the previous biennium. Since that time, there has been a reorganization within ODOT along with retirements and turnover. ODOT continues its ongoing efforts to make sure new managers and HR staff complete this training requirement.

EEO Categories	Cumulative Number of Employees Who Have Taken Domestic Violence, Harassment, Sexual Assault, & Stalking as of June 30, 2014	
	# Managers & HR Trained	% Managers & HR Staff Trained
A: Officials & Admin.	300	92.88%
B. Professionals	56	87.50%
C. Technicians	0	0
F. Administrative Support	20	83.33%
G. Skilled Craft	12	85.71%
H. Maintenance	0	0
<b>Total Employees Trained</b>	<b>388</b>	<b>91.29%</b>

**Table 6. Domestic Violence, Harassment, Sexual Assault, & Stalking: Attendance by EEO Category Fiscal Years 2013 & 2014**

Domestic Violence, Harassment, Sexual Assault, & Stalking: Attendance Fiscal Years 2013 & 2014							
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
FY 2013	51	14	0	7	2	0	74
FY 2014	41	15	0	4	2	0	62
<b>Total</b>	<b>92</b>	<b>29</b>	<b>0</b>	<b>11</b>	<b>4</b>	<b>0</b>	<b>136</b>
<b>%</b>	<b>67.6%</b>	<b>21.3%</b>	<b>0.0%</b>	<b>8.1%</b>	<b>2.9%</b>	<b>0.0%</b>	<b>100.0%</b>

**Domestic Violence, Harassment, Sexual Assault, & Stalking: Attendance by EEO, Fiscal Year 2013 & 2014**



## Respectful Workplace

The purpose of this course is to increase awareness and to highlight the need to create and maintain a respectful, positive work environment. As the "Building Cultural Competency" training has been presented throughout the Department, HR Training has begun to review and update our "Respectful Workplace" training to ensure it supports and complements our other diversity training classes.

The purpose of this training is to provide employees with tools to evaluate and acknowledge workplace/behavioral situations.

### Objectives:

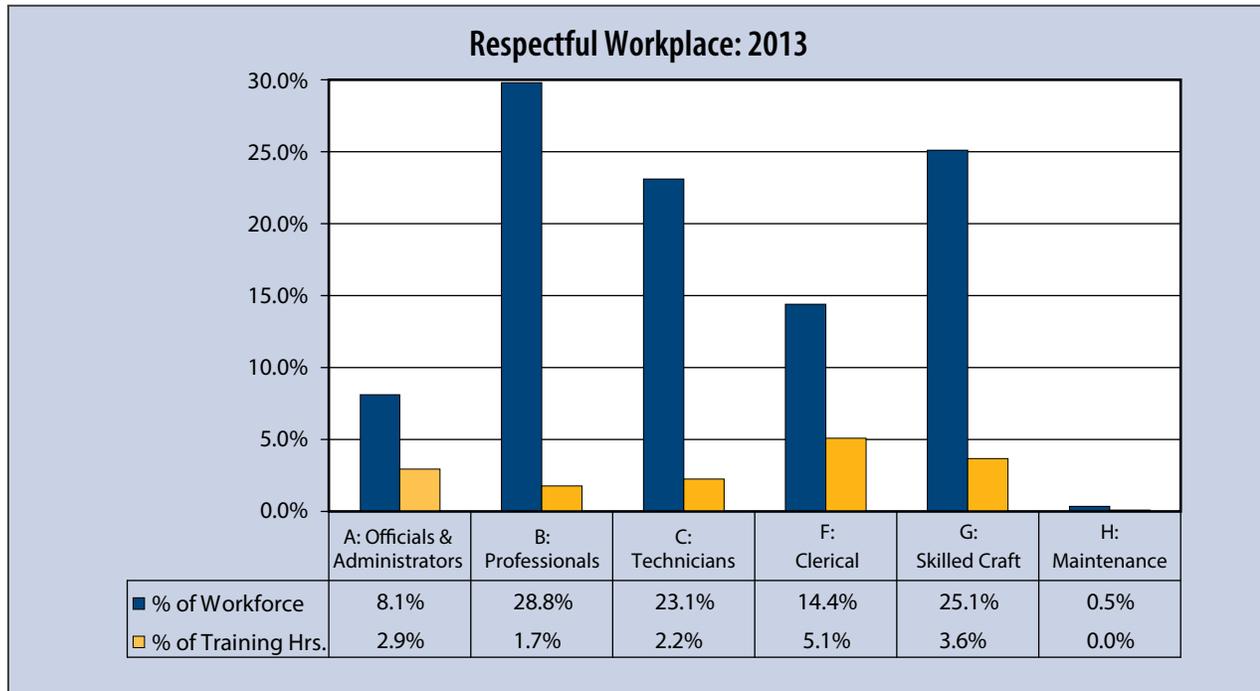
- Define characteristics of a respectful workplace.
- Interpret behaviors and determine best tools to use in each situation.
- Demonstrate skill in acknowledging and responding to behavior through workplace scenarios.
- Identify process for additional follow up.
- Total classes held in FY 2013 & 2014: 15

- Percentage of ODOT Employees who have taken training on June 30, 2014: 15.27%
- Total Number of Active ODOT Employees on 6/30/2014: 4,303
- Number of Employees who attended training: 657

EEO Categories	Cumulative Number of Employees Who Have Taken Respectful Workplace Training as of June 30, 2014	
	# Employees Trained	% of Workforce Trained
A: Officials & Admin.	49	14.5%
B. Professionals	140	11.01%
C. Technicians	182	18.55%
F. Administrative Support	185	30.23%
G. Skilled Craft	99	9.16%
H. Maintenance	2	10%
<b>Total Employees Trained</b>	<b>657</b>	<b>15.27%</b>

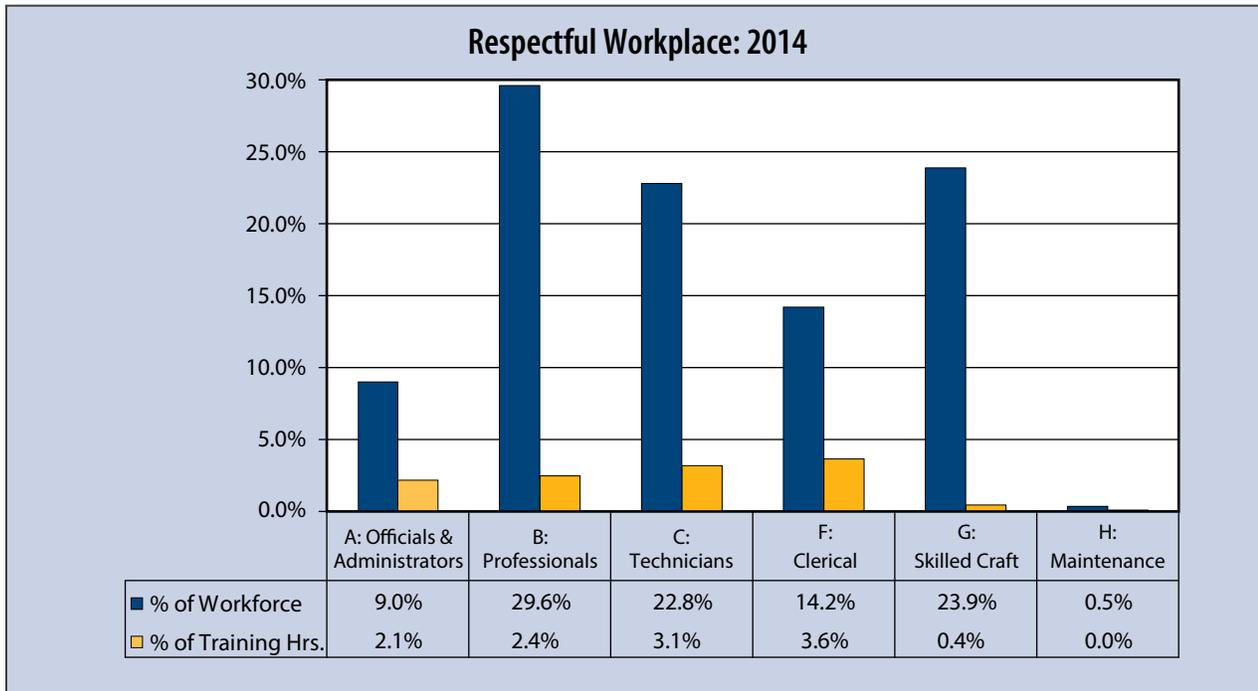
**Table 7. Respectful Workplace Training: Attendance by EEO Category Fiscal Year 2013**

	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	8.1%	28.8%	23.1%	14.4%	25.1%	0.5%	100.0%
% Trained	2.9%	1.7%	2.2%	5.1%	3.6%	0.0%	2.9%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	10	21	22	31	38	0	122
Total Employees	344	1,226	980	613	1,066	21	4,250



**Table 8. Respectful Workplace Training: Attendance by EEO Category Fiscal Year 2014**

	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	9.0%	29.6%	22.8%	14.2%	23.9%	0.5%	100.0%
% Trained	2.1%	2.4%	3.1%	3.6%	0.4%	0.0%	2.2%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	8	31	30	22	4	0	95
Total Employees	388	1,271	981	612	1,027	20	4,299



## Interviewing & Selecting Top Performers

The reference guide includes information on analyzing a job, building a diverse applicant pool, planning for and scheduling behavior-based interviews, conducting effective reference checks, and analyzing information from the entire selection process to make the best decision possible.

In addition to the guide, several new tools have been created to assist hiring managers through the process:

- Attribute checklist/job analysis worksheet.
- Question bank.
- Interview plan template.
- ODOT candidate evaluation matrix.
- Reference check template.
- The zero indicates that there are no managers in this specific category.

The question bank resource was recently updated to include diversity related questions. A best practices recommendation has been shared throughout the Department that all interviews should include at least one diversity related question that is pertinent to the position being filled. A diversity related question is also recommended to be included as part of the reference check questions.

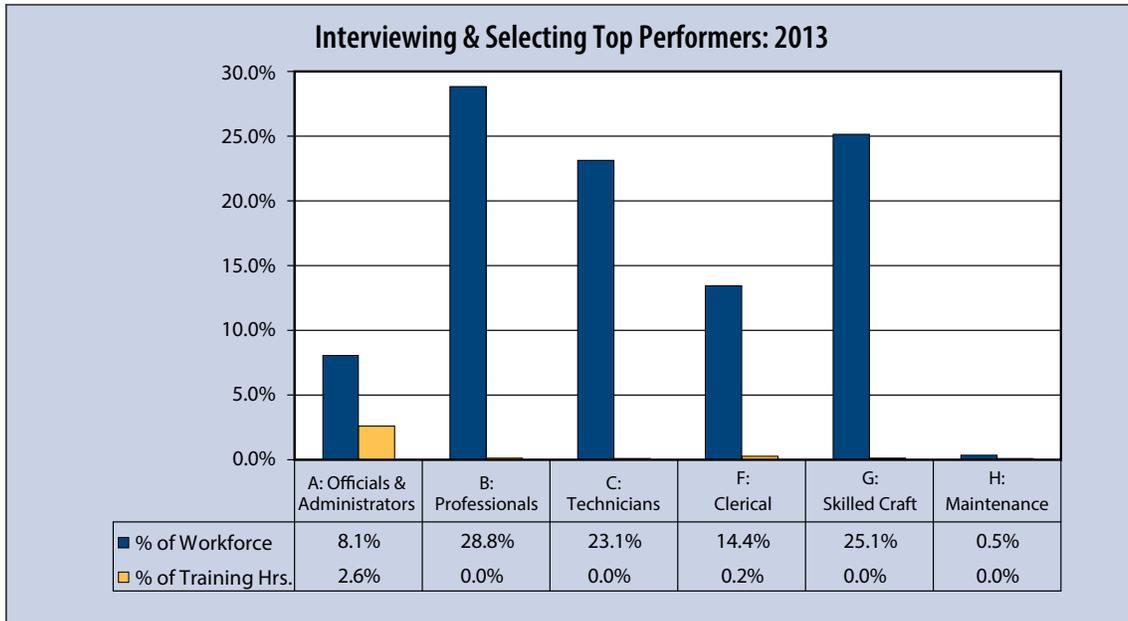
This course is part of the core competency training for all managers.

EEO Categories	Cumulative Number of Employees Who Have Taken Interviewing & Selecting Top Performers Training as of June 30, 2014	
	# Employees Trained	% of Workforce Trained
<b>A: Officials &amp; Admin.</b>	73	21.60%
<b>B. Professionals</b>	18	1.42%
<b>C. Technicians</b>	11	1.12%
<b>F. Administrative Support</b>	9	1.47%
<b>G. Skilled Craft</b>	6	0.56%
<b>H. Maintenance</b>	0	0.00%
<b>Total Employees Trained</b>	117	2.72%

- Total classes held in Fiscal Years 2013 & 2014: 2
- This class has not been offered in calendar year 2014.
- Last class held on June 18, 2013

**Table 9. Interviewing & Selecting Top Performers: Attendance by EEO Category Fiscal Year 2013**

	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	8.1%	28.8%	23.1%	14.4%	25.1%	0.5%	100.0%
% Trained	2.6%	0.5%	0.0%	0.2%	0.0%	0.0%	0.4%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	9	6	0	1	0	0	16
Total Employees	344	1,226	980	613	1,066	21	4,250



## People Skills: Understanding Behavior Styles

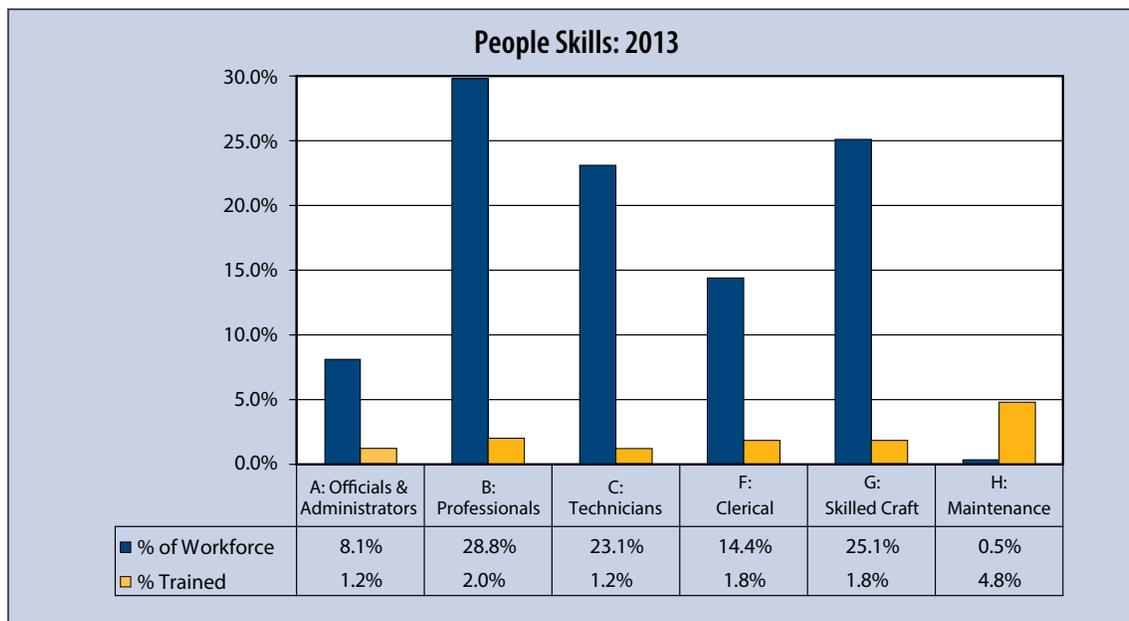
This class enables participants to take an assessment to identify their behavior style and to discover one reason why some people approach work and relationships differently than others. Understanding the patterns of four distinct behavior styles builds a foundation to increase effectiveness in working with other people. Recognizing and understanding the strengths and limitations of each style is one of the keys to improving workplace productivity. "People Skills" emphasizes the importance of understanding oneself and one's impact on others. It also highlights how to adjust your own behavior to meet the needs of others with different behavior styles in order to tap into that person's strengths and talents.

- Total classes held in Fiscal Year 2013: 14

EEO Categories	Cumulative Number of Employees Who Have Taken People Skills: Understanding Behavior Styles Training as of June 30, 2014	
	# Employees Trained	% of Workforce Trained
A: Officials & Admin.	50	14.79%
B. Professionals	143	11.25%
C. Technicians	76	7.75%
F. Administrative Support	67	10.95%
G. Skilled Craft	52	4.81%
H. Maintenance	1	5.00%
<b>Total Employees Trained</b>	<b>389</b>	<b>9.04%</b>

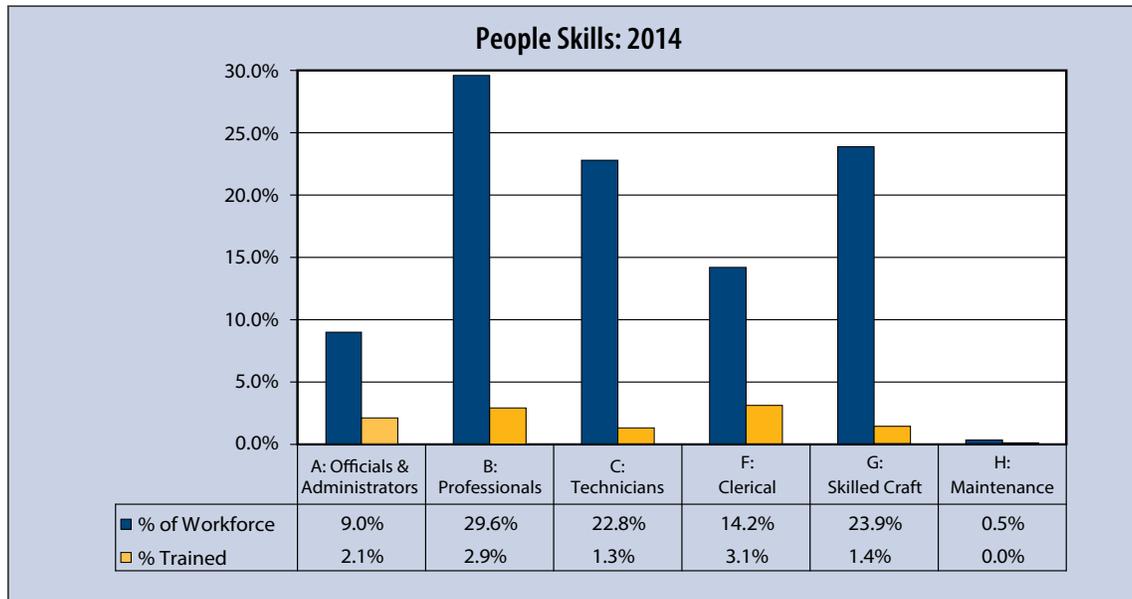
**Table 10. People Skills: Attendance by EEO Category Fiscal Years 2013**

	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	8.1%	28.8%	23.1%	14.4%	25.1%	0.5%	100.0%
% Trained	1.2%	2.0%	1.2%	1.8%	1.8%	4.8%	1.7%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	4	25	12	11	19	1	72
Total Employees	344	1,226	980	613	1,066	21	4,250



**Table 11. People Skills: Attendance by EEO Category Fiscal Years 2014**

	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	9.0%	29.6%	22.8%	14.2%	23.9%	0.5%	100.0%
% Trained	2.1%	2.9%	1.3%	3.1%	1.4%	0.0%	10.8%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	8	37	13	19	14	0	91
Total Employees	388	1,271	981	612	1,027	20	4,299



## Succession Planning and Talent Management

ODOT, like many government agencies, is experiencing the impact of changing demographics on its workforce. As our workforce ages and the economy rebounds, we seek to be proactive in workforce planning and talent management to successfully achieve our mission. Succession planning has been one of ODOT’s top three priorities since 2010. We at ODOT believe that succession planning and diversity are intertwined and strengthen the viability of the Agency. We want our employees to reflect the communities we serve, and operate in an environment that fosters growth and significant career opportunities.

One of the areas that we believe will assist us in our succession planning and diversity efforts is the Recruitment and Selection process. To that end, we have decided to closely monitor this process and determine why women and under-represented populations may be falling out of consideration. We have started asking the hiring managers

to include two steps in their recruitment and selection process.

- Schedule a pre-interview check with their up line managers to discuss questions such as the existing composition of the crew, the type of candidate that would best complement the crew, the make-up of interview panel.
- Request hiring managers to enter interview and selection data into ODOT’s applicant tracking system within 30 days of hire. This step allows us to track of applicant pool that is advancing to the latter stages of the selection process. (See memorandum in Appendix A, page 128.)

As part of these efforts, ODOT has:

- Established an employee engagement survey which will run every two years to capture the data trends amongst the current workforce.
- Proposed changing performance appraisals to a two-part system that combines a simplified

appraisal format (looking back at performance) with a standardized development plan (looking forward at growth).

As related and ongoing measures, ODOT's goals include:

- Continue assessing how to attract more under-represented and female candidates
- Tracking exit interviews and add post-trial service follow-up inquiries.
- Analyze data we have to identify where to invest in outreach, recruitment and training resources

Over the last several years ODOT has been actively engaged in leadership training. The department has sponsored several cohorts of emerging leaders through regionally focused "leadership academies." In 2012 the first "Transportation Leadership Academy (TLA)" was developed with a focus on headquarters, technical services branch and Transportation Development Division employees. This academy is open to any department employee, but is delivered in Salem as a majority of the cohort participants work in the Salem area. The second cohort of approximately 20 employees is currently participating in the TLA

A mid-level manager curriculum began in 2011 as the Highway Leadership Institute, and in 2012 was renamed "Transportation Leadership Institute (TLI)" to more accurately reflect the department's multimodal focus. The TLI provides the next step in leadership development for aspiring senior level managers and principal contributors. Seventeen leaders participated in the first TLI cohort and the current cohort of fourteen will graduate in June of 2015.

In addition, ODOT and a multi agency coalition co-sponsor a transformational leadership program titled ASCENT. The ASCENT program focus is on development of leadership competencies in self and systems awareness, relating, achieving and authenticity that are necessary to lead self, others, teams and organizations in public, complex, and interdependent systems. ASCENT alternates a Manager's

Leadership Program (MLP) and an Aspiring Leaders Program (ALP) each year. One of each cohort were completed in the past two years. The ASCENT staff also invests in training coaches to provide individual coaching and mentoring. This work helps the program reduce costs and become more sustainable as internal coaches can replace external consultants in staffing the program. To date ODOT has five certified coaches and more than thirty ASCENT program alumni.

While training and investing in leadership skills for managers and principal contributors is not the only area critical to succession planning, this investment is a basic building block for creating culture change conducive to attracting, engaging and retaining a diverse workforce.

ODOT has made and will continue making efforts to improve our on-boarding process, reviewing and improving our recruiting marketing plans and developing relevant performance metrics to assist managers in identifying areas of success or those needing improvement.

ODOT plans to continue the current investments in leadership training and will research and pilot a sustainable development plan program for managers and non-supervisory employees. Talent management is a deliberate and systematic effort to encourage individual advancement and knowledge transfer ensuring continuity in key positions, to include management, technical and professional specialist roles. Our strategy is intended to address the issues the organization is facing, such as an aging population, decreases in college graduates with degrees in math and science, an increasingly diverse workforce, imminent retirements, and the public demand for increasing efficiency in government.

We believe that all people have talent that should be identified, advanced and liberated. While current employee performance within a specific job has always been the standard measure of employee success, this talent management initiative seeks to focus on an employee's potential or future performance.

## Legal Guidelines for Managers

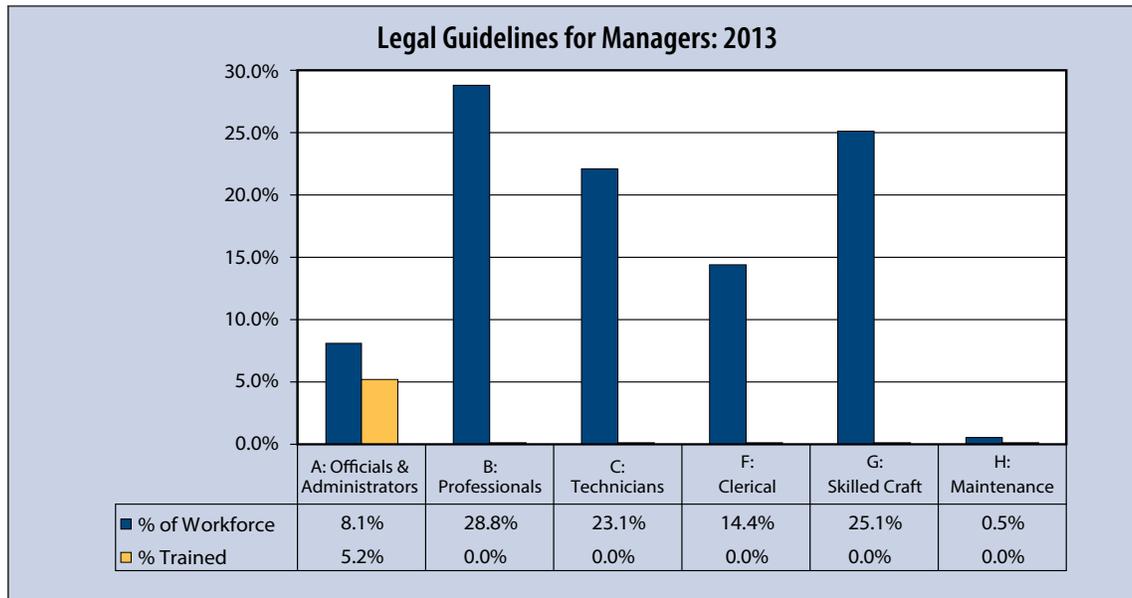
This course is part of the core competency training for all managers. The purpose of this training is to increase knowledge of the Americans with Disabilities Act, Equal Employment Opportunity, Affirmative Action, and other policy and contractual issues that impact managers.

- Total classes held in FY 2013: 1

EEO Categories	Cumulative Number of Employees Who Have Taken Legal Guidelines for Managers Training as of June 30, 2014	
	# Employees Trained	% of Workforce Trained
A: Officials & Admin.	49	0.0%
B. Professionals	140	11.01%
C. Technicians	182	18.55%
F. Administrative Support	185	30.23%
G. Skilled Craft	99	9.16%
H. Maintenance	2	10.00%
<b>Total Employees Trained</b>	<b>657</b>	<b>15.27%</b>

**Table 12. Legal Guidelines for Managers: Attendance by EEO Category Fiscal Year 2013**

	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	8.1%	28.8%	23.1%	14.4%	25.1%	0.5%	100.0%
% Trained	5.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	18	0	0	0	0	0	18
Total Employees	344	1,226	980	613	1,066	21	4,250



Note: This training was not offered in Fiscal Year 2014.

## Diversity Conference

ODOT, through the Diversity Council, Executive Team, ODOT Individual Contributors and support from Human Resources, has been an active co-sponsor for the annual State Diversity Conference for ten years, as of 2014. In fiscal years 2012, 2013 and 2014, we had well over 320 ODOT employees attending each conference. The state-wide conference now includes over 19, up six from 2012, state agency partners who place the same high value on the information shared during this annual two day event. As a result, we have been able to expand the number of state employees able to attend this conference, as well as, expand the scope and depth of diversity workshops offered. This is a significant investment by ODOT in both planning and participant time. ODOT provides financial support for speakers, the venue and internal resources such as, Information Services (audio/visual/technical support) and Reprographics (design/layout, videography, photography & print). In its ongoing commitment to this conference, ODOT has already committed funds and resources to the next two Diversity Conferences that will be held in September 2015 and September 2016. As a result of the increased number of state agencies participating, the 2014 was and 2015 conference will again be a two-day event. This will enable the most employees from each sponsoring agency to attend the conference. We are currently at capacity with the present venue. With

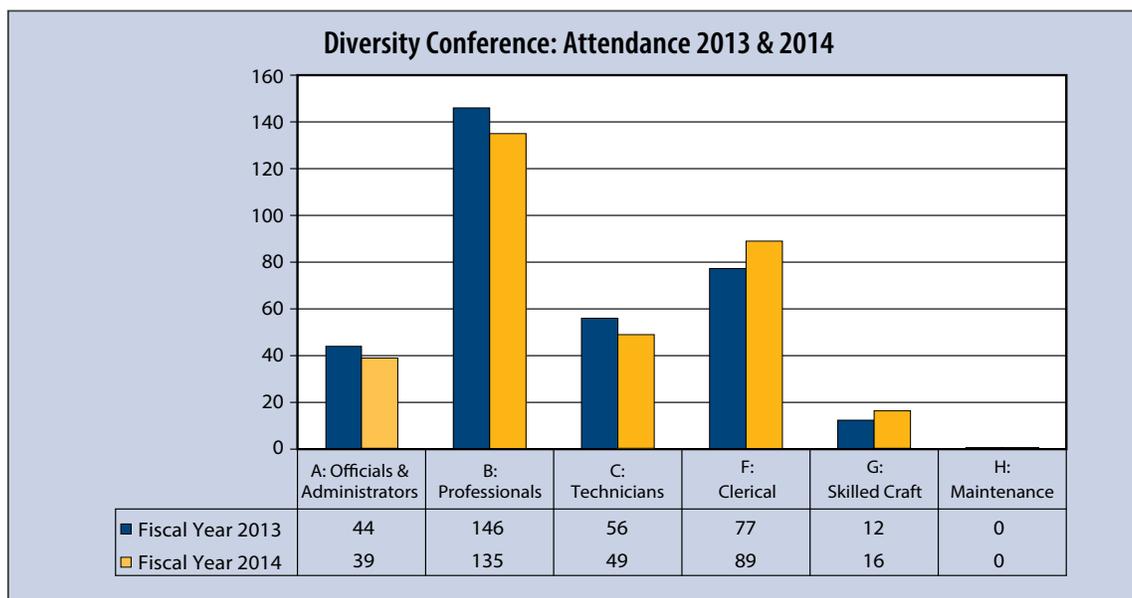
continued interest and growth the planning committee, in conjunction with the sponsoring Agencies, may need to change locations or move to a three day conference in the future.

In addition to the key note speakers, each year the conference covers a variety of topics. Individual workshops have covered: race, culture, gender, sexual orientation, disability/ADA, privilege, intercultural communication, religion, poverty, mental illness, ageism/generational differences, physical characteristics, veterans, unconscious bias, micro and macro aggressions, and stereotyping.

As we continue to expand the outreach to conference participants, ODOT is working to encourage those with seasonal job demands, scheduling restrictions, certified technical skills, skilled crafts and maintenance roles and other time sensitive or critical positions to plan ahead for the conference and free up any scheduling conflicts. We continue to believe that the conference being offered in the transitional fall timeframe and on two days, coupled with advanced marketing, will increase this group of employee's attendance.

**Table 13. Diversity Conference: Attendance by EEO Category Fiscal Years 2013 & 2014**

	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Fiscal Year 2013	44	146	56	77	12	0	335
Fiscal Year 2014	39	135	49	89	16	0	328



## 2. CONTRACTORS/VENDORS:

### Contractor training:

In 2013-2014, the Office of Civil Rights presented Highway Construction Project Civil Rights seminars. The topics covered in each seminar were:

- Responsibilities of Prime contractor, Subcontractor, Project Manager, Inspector and Local Agency
- Disadvantaged Business Enterprises (DBE)
- On-The-Job Training (OJT)/Apprenticeship
- Equal Employment Opportunity (EEO)
- OCR Compliance Audits
- Available Resources

Training was conducted in:

- Portland (Five )
- Bend

- White City
- Roseburg
- Salem (Four)
- La Grande
- Medford

Attendees were from:

- Local government agencies
- Contractors
- ODOT employees
- Consultants

Attendance went from 10 participants to 40+ participants at these events.

Small Business Training, Education, and Technical Assistance:

Please refer to the Workforce Development (D. 2c) and Small Business (F) sections that follow.

## D. Programs

### OUTREACH PROGRAMS OVERVIEW

#### 1. COLLEGE RELATIONS

ODOT uses its College Relations Program to fill the pipeline with talented potential new hires. These programs were developed in part to counter balance the lack of interest in government jobs, individuals leaving the state to seek private sector employment and the inability, due to competition, to entice under-represented job seekers to explore the benefits of state employment.

ODOT has established relationships with 125 colleges and universities around the country and has participated in more than 60 career events each year since the development of College Relations. In the biennium ending on June 30, 2014, ODOT staff participated in an additional 70 career events.

Our efforts to recruit talent from post-secondary institutions have evolved into a comprehensive College Relations program. College Relations for ODOT involves branding the agency as an employer of choice for students in community colleges, four year institutions and graduate schools.

With these intense outreach efforts and enhanced programs, ODOT began seeing measurable improvements immediately. In 2006, 10 candidates applied to our Graduate Engineering Program (GEP). Since then, the number of applicants has increased multi-fold. The recent uptick in the national economy has had the effect of decreasing the number of applicants but with continued outreach over the years we have managed to maintain a strong interest in the GEP with sustaining a high volume in applicants.

##### a) College Internship Program (CIP)

The CIP is designed to allow students matriculating through an accredited post-secondary program the opportunity to gain practical experience. Students may receive training and experience in areas throughout the organization with some experiences starting in the summer and others available as a six month cooperative education experience.

In 2010, there were 413 applicants for the internship opportunities. Budgets cuts in 2011-2012 affected the recruiting efforts for the CIP, resulting in lower number of applicants. While budget cuts have decreased the number of internship positions that are offered through the program, today ODOT continues to hire high achieving college interns from around the country. In 2013, 85 students applied

to the internship program. 26% of those applicants were from an underrepresented class.

Starting in 2011, ODOT shifted its focus from national outreach to an approach concentrating on the Pacific Northwest. Similarly, rather than reaching out to schools outside the region, we opted to focus on educational institutions throughout the Northwest. The most important reasons for this change were:

- The high unemployment rate we had at the time in the Northwest. While the economy has since begun recovering the unemployment rate in this region remains high. ODOT wanted to target the talent that exists in our region while at the same time support our local communities and economy.
- The state of Oregon has gone through a period of fiscal uncertainty in the last three years. While the national outreach yielded some positive results, it was costly to maintain in the long run.
- ODOT wanted to create and foster stronger relationships with different diverse communities in our region.
- We observed a trend of interns from outside the Northwest returning to their original locations upon completion of the internship. Although one of the intents of the internship was to eventually hire interns into a regular position with ODOT, many of them opted to return to their original locations.

While we did change the focus of the CIP to concentrate on the Northwest, over the past several years, we were able to place students from the following schools:

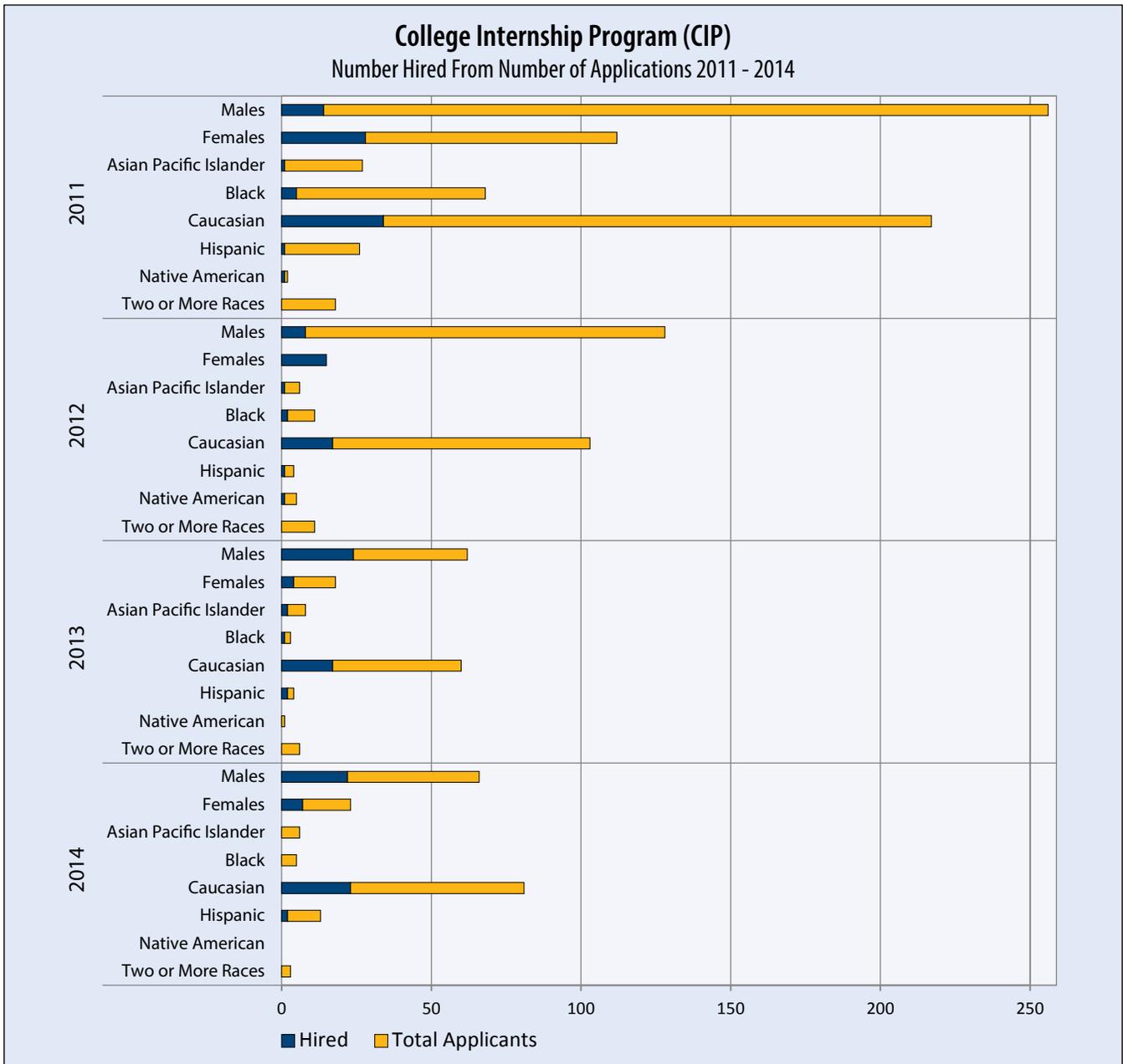
- Boise State University
- California State University – LA
- Cal Poly, Pomona
- Chemeketa Community College
- Chico State University
- Community College of the Air Force
- Edmonds Community College
- Gonzaga University
- Lane Community College
- Linfield College

- Oregon Institute of Technology
- Oregon State University
- Portland Community College
- Portland State University
- Seattle University
- Southern Oregon University
- University of Idaho
- University of Massachusetts
- University of North Carolina – Charlotte
- University of Oregon
- University of Portland
- Washington State University

The CIP placed students in the following technical areas:

- Archiving
- Information Systems
- Auditing
- Intermodal Oregon
- Bridge Engineering
- Maintenance
- Civil Engineering
- Major Projects
- Construction
- Quality Assurance
- Facilities
- Survey
- Geo-Environmental
- Traffic Engineering

**Table 14. College Internship Program (CIP) Demographic Data: 2011-2014**



*Note: Numbers may not add up to the totals as a result of some applicants declining to provide this data.*

	2011			2012			2013			2014		
	Applied	Hired		Applied	Hired		Applied	Hired		Applied	Hired	
<b>Males</b>	256	14	5.5%	128	8	6.3%	62	24	38.7%	88	22	25.0%
<b>Female</b>	112	28	25.0%	15	15	100.0%	18	4	22.2%	23	7	30.4%
<b>Asian Pacific Islander</b>	27	1	3.7%	6	1	16.7%	8	2	25.0%	6	0	0.0%
<b>Black</b>	68	5	7.4%	11	2	18.2%	3	1	33.3%	5	0	0.0%
<b>Caucasian</b>	217	34	15.7%	103	17	16.5%	60	17	28.3%	81	23	28.4%
<b>Hispanic</b>	26	1	3.8%	4	1	25.0%	4	2	50.0%	13	2	15.4%
<b>Native American</b>	2	1	50.0%	5	1	20.0%	1	0	0.0%	0	0	0.0%
<b>Two or More Races</b>	18	0	0.0%	11	0	0.0%	6	0	0.0%	3	0	0.0%
<b>Total Apps. &amp; Hires</b>	<b>376</b>	<b>42</b>	<b>11.2%</b>	<b>145</b>	<b>23</b>	<b>15.9%</b>	<b>85</b>	<b>28</b>	<b>32.9%</b>	<b>112</b>	<b>29</b>	<b>25.9%</b>

## b) Graduate Engineering Program (GEP)

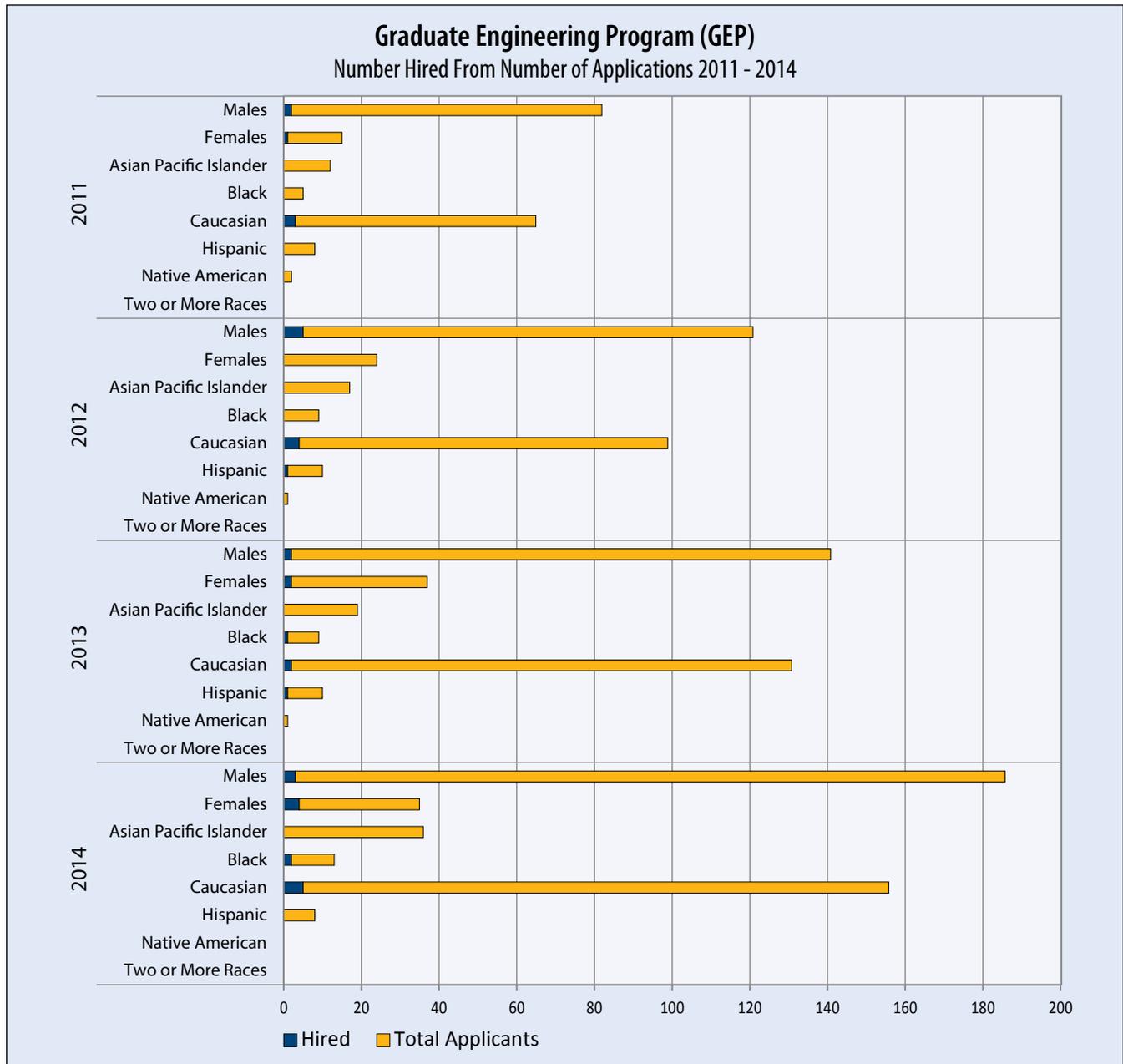
GEP participants are provided rotational assignments throughout ODOT engineering disciplines. It is the goal that participants of the program are prepared to pass the professional engineer (PE) exam upon completion of their qualifying work. ODOT is among the nation's few departments of transportation that continue to have this type of training program. The GEP has been effective at attracting quality applicant pools for full-time permanent positions in engineering.

Until budget cuts, ODOT was able to conduct a national recruitment effort to attract the highest quality and most diverse applicant pools possible. ODOT has successfully managed to offer at least six positions for each year's cohort. The number of available positions for the 2012 cohort was capped at 4 due to budget reductions. As of June 30, 2014, there is no longer a cap. Typically, 6 graduates are hired (1 in each Region and 1 in Technical Services). Depending on business needs, regions may hire more participants as needed or as budget allows.



PHOTO: **Greg Westergaard**, 2014 CIP & GEP Participants on Transportation Day, July 24, 2014

**Table 15. Graduate Engineering Program (GEP) Demographic Data: 2011-2014**



Note: Numbers may not add up to the totals as a result of some applicants declining to provide this data.

	2011			2012			2013			2014		
	Applied	Hired		Applied	Hired		Applied	Hired		Applied	Hired	
Males	186	3	1.6%	141	2	1.4%	121	5	4.1%	82	2	2.4%
Female	35	4	11.4%	37	2	5.4%	24	0	0.0%	15	1	6.7%
Asian Pacific Islander	36	0	0.0%	19	0	0.0%	17	0	0.0%	12	0	0.0%
Black	13	2	15.4%	9	1	11.1%	9	0	0.0%	5	0	0.0%
Caucasian	156	5	3.2%	131	2	1.5%	99	4	4.0%	65	3	4.6%
Hispanic	8	0	0.0%	10	1	10.0%	11	1	9.1%	8	0	0.0%
Native American	0	0	0.0%	1	0	0.0%	1	0	0.0%	2	0	0.0%
Two or More Races	0	0	0.0%	0	0	0.0%	0	0	0.0%	0	0	0.0%
<b>Total Apps. &amp; Hires</b>	<b>213</b>	<b>7</b>	<b>3.3%</b>	<b>181</b>	<b>4</b>	<b>2.2%</b>	<b>145</b>	<b>5</b>	<b>3.4%</b>	<b>97</b>	<b>3</b>	<b>3.1%</b>

## 2. COMMUNITY OUTREACH PROGRAMS

ODOT conducts regular outreach to diverse communities as part of its normal recruitment strategies. Some of these activities include job opening announcements advertised in state, local and out of state publications. In rural communities the job opening announcements are often advertised on local radio stations and employment departments. Additionally, ODOT utilizes a wide variety of websites and targeted lists to advertise openings. Target populations include departments of transportation in other states, colleges and universities nationwide as well as websites and trade groups that represent and cater to specific populations. Examples include but aren't limited to:

- Asianjobs.com
- Louis Stokes Alliance for Minorities
- AsianLife.com
- Latino Professional Network (LPN)
- Career Builder via SmartPost
- Military Hire
- Careers in Government
- National Association of Asian American Professionals
- Community Action Program of East Central Oregon
- National Society of Black Engineers
- Confederated Tribes of the Umatilla
- National Society of Hispanic Professionals
- Coquille Indian Tribe
- National Urban League Career Center
- Craig's List
  - National Black MBA Association
  - disabilitywork.com
  - National Chapter of Black MBA
  - Diversity Recruiters Network
  - National Forum for Black Public Administrators
  - Grand Ronde Tribes
  - NetWorkin'It Willamette Valley
  - HireDiversity.com
  - Oregon Tradeswomen Inc.
  - Hiring Our Heroes
  - Professional Woman Magazine
  - Hire Veterans
  - Society of Women Engineers
  - Hispanic Chamber of Commerce
  - Society of Hispanic Professional Engineers
  - Hispanic Jobs.com
  - Women in Trades
  - IM Diversity
  - Women's Transportation Society
  - Jobdango
  - Youth NOW Job Seekers
  - Youth NOW Job Seekers

### **a) College Relations Diversity Outreach**

During 2012-2013, ODOT worked to maintain existing relationships at Historically Black Colleges and Universities (HBCU) and colleges with a high Hispanic enrollment (as defined by the U.S. Department of Education Accredited Post-Secondary Minority Institutions list). Due to budget and travel restrictions video conferencing was used as a way to connect with students on these campuses.

Although significantly decreased, these relationships continue to garner applicants for the College Internship Program and Graduate Engineering Program.

### **b) Youth Litter Patrol Program**

ODOT hires more than 200 temporary employees for the Youth Litter Patrol (YLP) Program each year. The YLP program was founded in 1971 to help in the highway right-of-way clean up efforts. It is funded through the revenue of custom license plates ordered through the Oregon DMV. Participants in the program are temporary employees over the age of 16 removing litter along state routes and can be employed for up to six months or 1,040 hours. Litter crews typically consist of one crew leader and two or more crew members. Forty ODOT maintenance locations participated in the YLP program in years 2012 – 2014.

There are various scheduling opportunities for YLP workers. Some crews work the entire summer. Others are split into two, six-week periods or work during holidays and spring break. Many ODOT employees began in this program and have gone on to be hired as regular full-time employees in administrative and maintenance positions. The YLP program is a great “gateway” opportunity for employment for all generations. While the program is titled, “Youth Litter Patrol,” many people who are not youth also apply for this program.

### **c) The Workforce Development**

The Workforce Development Program arose from a directive in the 2003-2005 budget guiding ODOT to increase the involvement of Oregon firms and employees, as well as emerging small, women-owned and minority-owned businesses. ODOT created and implemented a Workforce Development Plan as a pilot in 2005-07. This plan sought not only to identify, recruit and train a new and larger qualified construction workforce to fill the need for apprentices or skilled journey-level workers, but also to build sustainable career opportunities for Oregon workers.

In February 2008, ODOT began the Reimbursable Training Initiatives Program (ROA), and as of July 1, 2011, the ROA program was implemented on all projects statewide.

ODOT’s authorization from FHWA allowed the 2013 training goal to be accomplished entirely through the Reimbursable training specification which is equivalent to 10% overall OJT/apprenticeship achieved per project. Each project is evaluated individually using standard goal setting methodology for all applicable federal, federally-assisted, and state projects valued at \$1 million or greater.

*Data from the Contractor’s Monthly Employment Utilization Report.*

## **3. SOCIAL MEDIA**

ODOT conducts regular outreach to diverse communities as part of its normal recruitment strategies. Some of these activities include job opening announcements advertised in state, local and out of state publications. In rural communities the job opening announcements are often advertised on local radio stations and employment departments. With the advent of Social Media, it has become paramount for ODOT to maintain a strong online presence. Most jobs at ODOT are regularly featured in a variety of websites, many of which are specific to the target applicants ODOT seeks. Target populations include departments of transportation in other states, colleges and universities nationwide as well as websites and trade groups that represent and cater to specific populations. Some of those websites include: BlackPerspective.com; MinorityProfessionalNetwork.com; VeteransEnterprise.com; AsianCareerNetwork.com; RecruitDisability.com; Diversity.com; Womensjoblist.com.; DiversityWorkers.com.

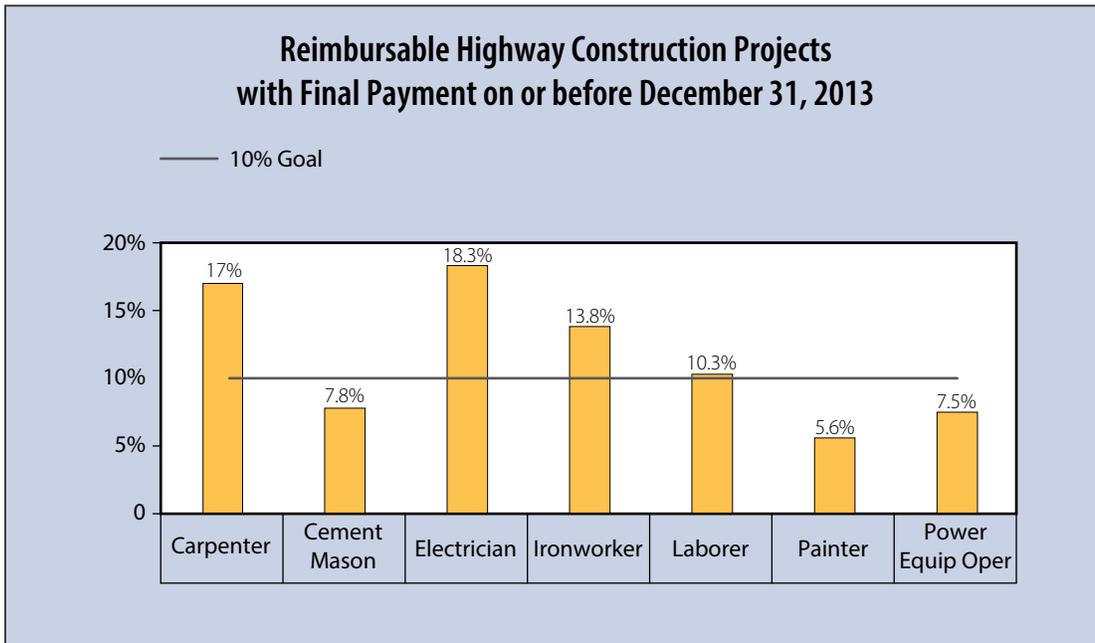
One of the newest tools in ODOT’s recruiting toolbox is social media. The Oregon Department of Transportation has YouTube, Flickr, Twitter, Facebook and LinkedIn accounts. ODOT uses social media to connect with Oregonians on a variety of topics and issues. For recruiting we primarily use Facebook, Twitter and LinkedIn. Recruiters send job announcements to Communications where they are summarized and posted on the social media sites.

Job announcements are very popular on our social media sites. We have about 3,000 followers on Facebook. Every time we post a job announcement, we get an average 440 views per job. Our 16,300 Twitter followers retweet and click through to ODOTjobs.com an average of 31 times per job post. We have 1,240 followers on LinkedIn. Each job announcement is viewed by an average of 1,200 people; this includes our followers and people that our followers have shared the link with.

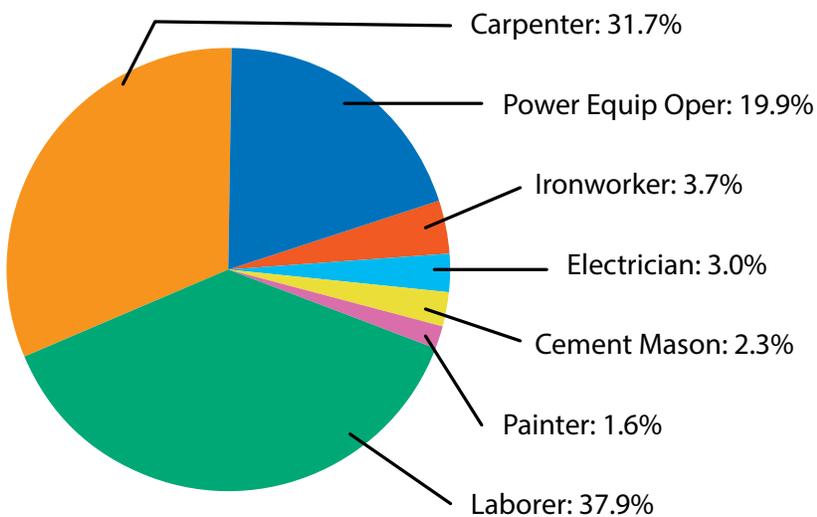
## Craft and Reimbursable Training Initiatives

These initiatives enable contractors to be reimbursed for the expenses they incurred in the training of program participants.

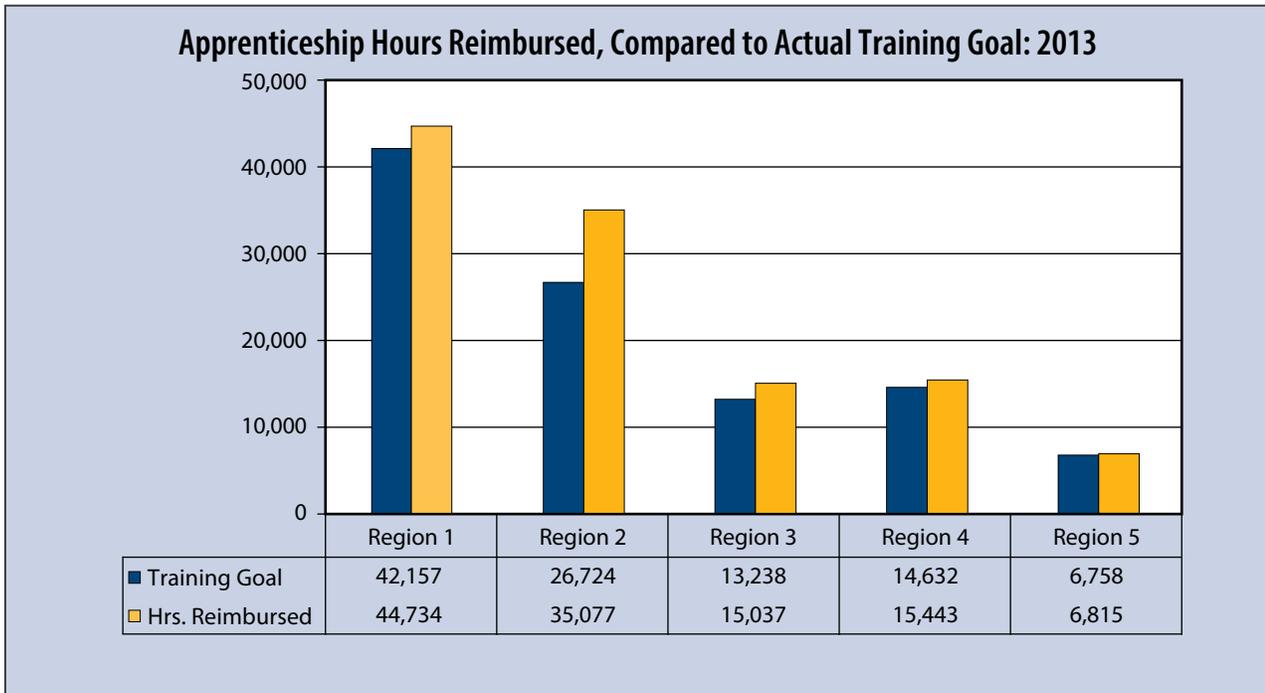
**Table 16. Reimbursable Highway Construction Projects With Final Payments On Or Before December 31, 2013**



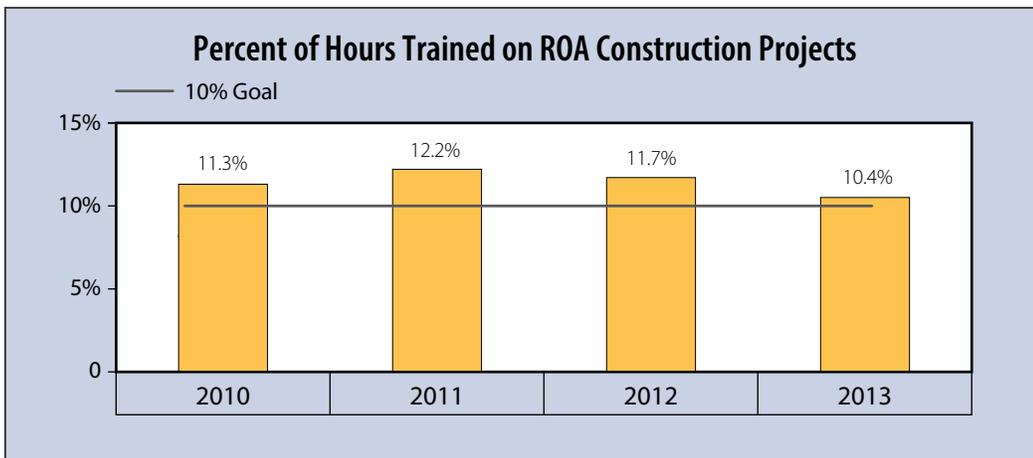
**Table 17. Apprenticeship Hours, As A Percentage Of Total Apprentice Hours By Trade, For ROA Projects With Final Payment On Or Before December 31, 2013**



**Table 18. Apprentice Hours Reimbursed Compared To The Actual Training Goal, By ODOT Region**



**Table 19. Percentage Of Hours Trained On ROA Construction Projects With Final Payment On Or Before December 31, 2013**



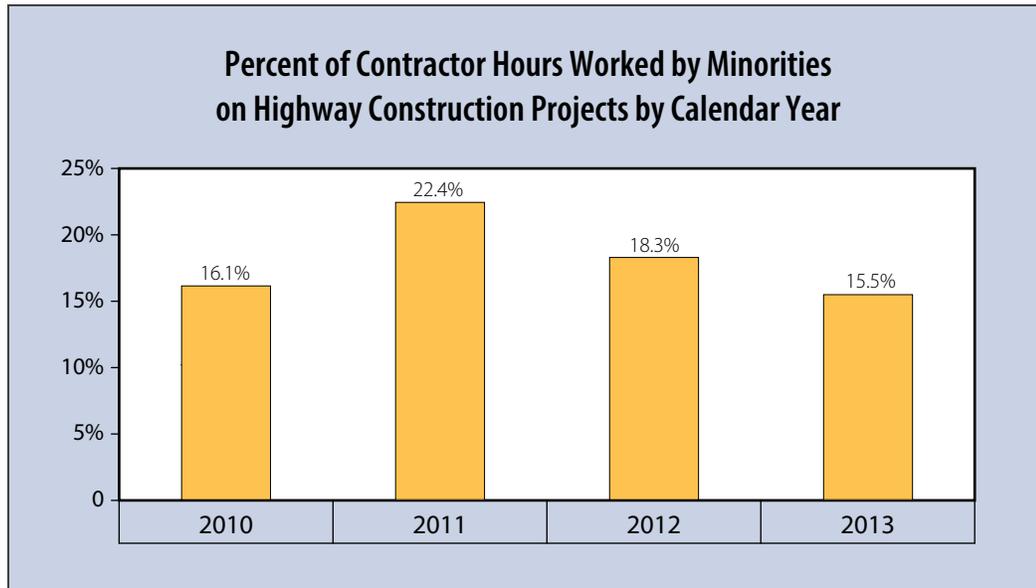
Reimbursable highway construction projects with training requirements and final payment on or before December 31, 2013.

Percent of hours trained based on reimbursed training hours compared to total workforce hours as reported on the Contractors' Monthly Employment Utilization Report.

## Aspirational Diversity Targets

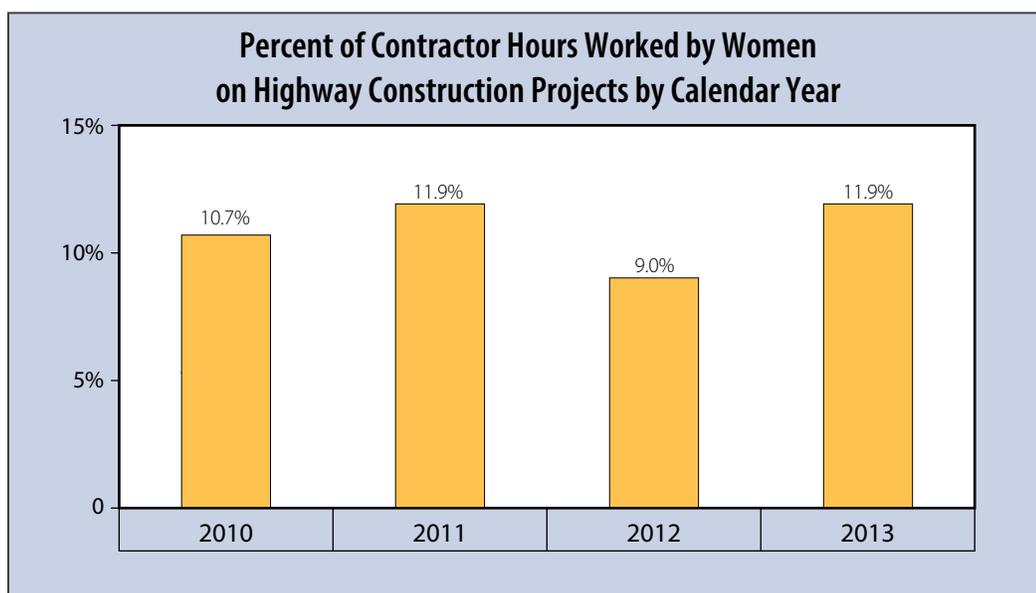
ODOT desires to encourage the highest possible participation of minorities and women in the workforce, and while not binding on the contractor nor its subcontractors, ODOT has established Aspirational Diversity Targets on all federally funded projects.

**Table 20. Percentage Of Work Hours By Year For Minorities On Highway Construction Projects With Final Payment On Or Before December 31, 2013**



Note: Aspirational target (differs by region): 14 - 20% Worked by Minorities

**Table 21. Percentage Of Work Hours By Year For Women On Highway Construction Projects With Final Payment On Or Before December 31, 2013**



Aspirational target: 14% Worked by Women.

## Workforce Supportive Services

Oregon law (ORS 184.866) requires ODOT to expend one-half of one percent up to an amount of \$2.1 million of the federal funds received each biennium by the Department of Transportation pursuant to 23 U.S.C. 140(b), to increase diversity in the highway construction workforce and prepare those interested in entering the highway construction workforce.

ODOT entered into an inter-agency agreement with the Oregon Bureau of Labor and Industries (BOLI) to help provide the supportive services required by the 2009 law. The primary goal of the ODOT/BOLI highway partnership is to increase the effectiveness of ODOT's existing supportive services by raising awareness of training opportunities and encouraging individuals to enter into and complete highway construction training programs. Intergovernmental agreements, partnerships with other agencies and organizations and participation from a variety of groups and individuals shown below have joined to make this initiative successful.

- Portland Community College - pre-apprenticeship, Region 1
- Portland State University – case study assessment
- Straight Path, Inc. – pre-apprenticeship, Region 1
- Portland Youth Builders, Inc. – pre-apprenticeship/ Youth, Region 1
- Cooper & Zietz Engineering, Inc. – all areas of support services statewide
- Oregon & Southern Idaho Laborers – all areas of support services, Regions 2 and 3
- Oregon Tradeswomen, Inc. – pre-apprenticeship, Regions 1, 2, and 3
- Constructing Hope – pre-apprenticeship, Region 1
- North Wasco High School – youth construction camps/classes, The Dalles

- Confederated Tribes of the Siletz Indians – all areas of support services
- Confederated Tribes of Grand Ronde – all areas of support services

## 4. DIVERSITY AWARENESS PROGRAMS

### a) Diversity Council

ODOT's director established the Diversity Council in 1999 to provide focused support for managers in furthering the agency's goals for creating a diverse workforce. The council includes a cross section of ODOT employees who meet every other month and represent the various regions and Departments within the agency. The purpose of ODOT's Diversity Council is to:

- Support ODOT management in the accomplishment of agency diversity efforts.
- Honor the agency's commitment to be an inclusive, creative, innovative and supportive workplace where all employees feel that their contributions are welcomed, valued and considered.
- Increase understanding and appreciation of workforce diversity throughout the agency.
- Reinforce positive behaviors that reflect the strong organizational value of establishing and maintaining a climate of diversity throughout the agency.
- Identify agency needs, gaps and strategies for improvement in the area of diversity.
- Recommend educational and other programs and activities designed to increase diversity and diversity awareness throughout ODOT business lines and practices

ODOT defines Diversity as the variety of backgrounds, styles, perspectives, experiences, values, and beliefs that people contribute to the groups and organizations with which they interact. At ODOT, we believe the best way to serve our diverse customers is to honor and respect our

individual differences. Diversity as one of our core values states, "...we work to ensure that people from diverse backgrounds have equitable opportunities, both internally and externally, to work for and conduct business with ODOT." We believe it makes good business sense to integrate diversity into every aspect of ODOT's work, and the Diversity Council is dedicated to promoting that practice throughout the agency.

Over the last biennium, the Diversity Council:

- Volunteered at and attended the 2013 and 2014 Annual Diversity Conference.
- Continued reviewing progress and discussing opportunities with the ODOT Affirmative Action/EEO Plan, along with strategies and other potential efforts for helping the agency reach goals.
- Responded to and distributed information about a variety of diversity and cultural events around the state to their sections/divisions/units.
- Council members were one of the first groups informed about the third module of Cultural Competency training. Members helped promote this effort and several council members joined as trainers.
- Provided regular activities and events that are avenues for employees to expand their awareness of diversity. This is done through the Diversity Action Teams (DATs).
- DATs continued their work and activities. DATs are groups of individuals located in similar geographic regions, buildings and/or units that are interested in cultural competency.
- Reviewed and updated the charter (May of 2014).

- Developed and published the 2013 Diversity calendar.
- Updated and redesigned the ODOT Diversity intranet website.
- Continued its work incorporating diversity stories in the newsletter. The monthly "Focus on Diversity" column offers information about culture, recruitment, retention and inclusion topics. In addition, several articles were published about the Council and DATs published.
- Continued to support the agency-wide initiative to provide cultural competency training to all employees.

## **b) Celebrating Diversity Through Art**

ODOT is fortunate to have many talented employees who are artists in their off-work hours. The Diversity Council decided to harness that artistic spirit by holding an art event. We looked for artwork that expressed the beautifully diverse geography of our state and the diversity of our employees. The pieces reflect the theme "Honoring the rich differences of our state and our employees."

Employees from throughout the agency submitted photographs of their artwork along with a statement explaining how the submission relates to the theme and ODOT's diversity value. The artwork was published in ODOT newsletters to serve as inspiration for agency-wide diversity conversations. They were posted on the Diversity Council website and made available to employees to use for Diversity Action Team events and efforts. The artwork and statements were envisioned as an educational tool to explore diversity within the organization and to act as a mechanism to engage ODOT employees through an artistic interpretation of ODOT's core value of diversity.

## E. Update: Executive Order 08-18

Governor Kulongoski issued Executive Order 05-01, relating to Affirmative Action. That Executive Order directs Agency Directors and Administrators to review and discuss their Affirmative Action plans, to initiate training on Affirmative Action issues, to include Affirmative Action responsibilities in key job descriptions and to conduct **Cultural Competency Assessment and Training**.

### 1. CULTURAL COMPETENCY ASSESSMENT AND IMPLEMENTATION SERVICES

In October 2009, the Intercultural Competency Institute (ICI) was contracted to conduct a Department-wide assessment of the agency's cultural climate and to design a three-module training program to be delivered to all employees at ODOT. The data gathered from the assessment was used to develop a robust training program that started with management training in the spring of 2010.

**FOLLOW-UP ASSESSMENT:** Starting in July of 2014, Dr. Janet Bennett and Dr. Robert Hayles will conduct a follow-up assessment projected to conclude in October of 2014. The assessment will be used to evaluate the effectiveness of the current program training program and guide ODOT through any adjustments it needs to make to the training program. In addition, it will be an excellent opportunity to assess any attitudinal changes in our workforce as a result of the Building Intercultural Competency Models.

**ODOT TRAINING CORP:** In the fall of 2010, ODOT employees from across the organization were recruited to become cultural competency trainers who deliver employee training to their peers. Their training was provided by Dr. Janet Bennett and Dr. Robert Hayles from ICI. As Training Corp employees have retired or have been unable to continue as trainers due to other job responsibilities we have developed an internal process for adding and training new trainers to the Corp.

The previous Affirmative Action Plan for this past Fiscal Year only included information for Module 1 for employees and managers. Since then, ODOT has rolled out Modules 2 and 3 for employees and Module 2 for Managers.

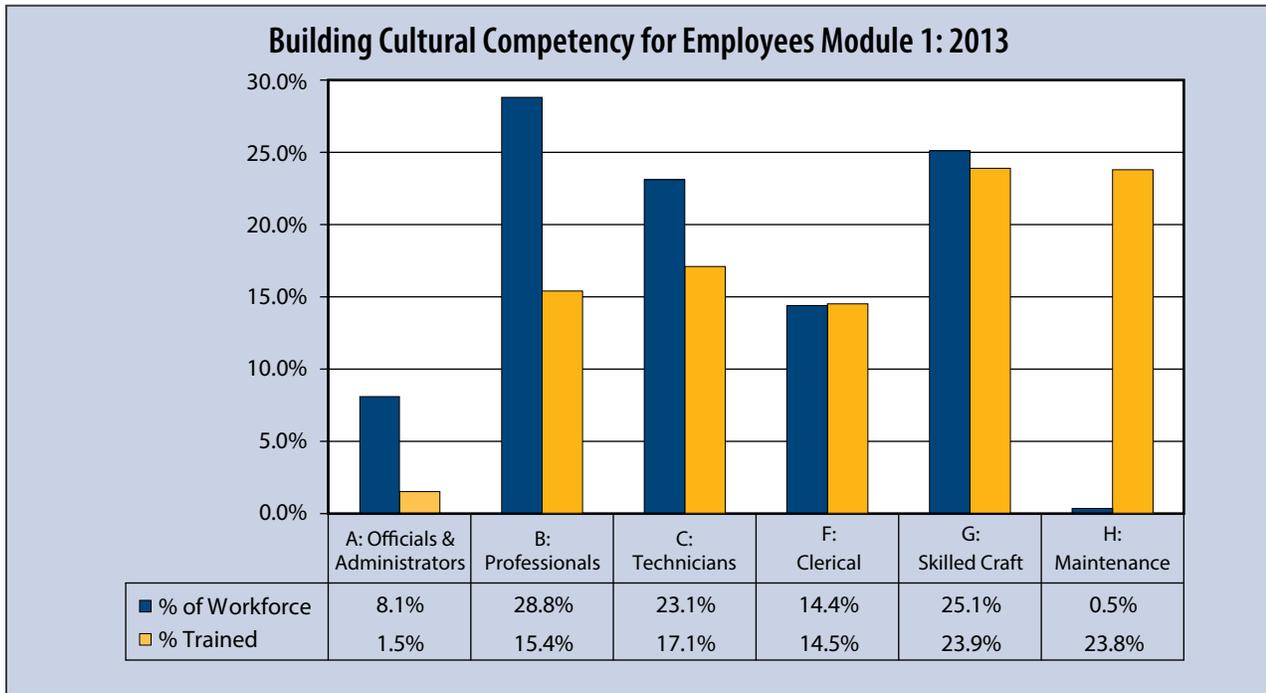
**MANAGEMENT TRAINING:** Management training is conducted by ICI trainers. As of June 30, 2014, 77.36 % of managers have completed Module 1 (287 managers). In the past Fiscal Year, we had indicated that 85% of managers had completed Module 1. As a result of staff changes, that percentage decreased. Further, as of June 30, 2014, 64.15% of managers have taken Module 2. Both modules will continue to be offered on an ongoing basis to ensure all managers have an opportunity to receive the training.

**EMPLOYEE TRAINING:** Employee training is delivered by ODOT trainers. Module 1 training began in December 2010. As of June 30, 2014, 59.28 % of ODOT employees have completed Module 1. Module 2 for employees began in the winter of 2011, but was put on hold due to the statewide training freeze. Module 2 was resumed in the summer of 2012 along with Module 1. Both modules will be provided on an ongoing basis to ensure all employees have an opportunity to receive the training.

EEO Categories	Cumulative Number of Employees Who Have Taken Building Intercultural Competence for Employees, Module 1 Training as of June 30, 2014	
	# Employees Trained	% of Workforce* Trained
A: Officials & Admin.	42	12.43%
B. Professionals	719	56.57%
C. Technicians	655	66.77%
F. Administrative Support	472	77.12%
G. Skilled Craft	653	60.41%
H. Maintenance	10	50.00%
Total Employees Trained	2551	59.28%

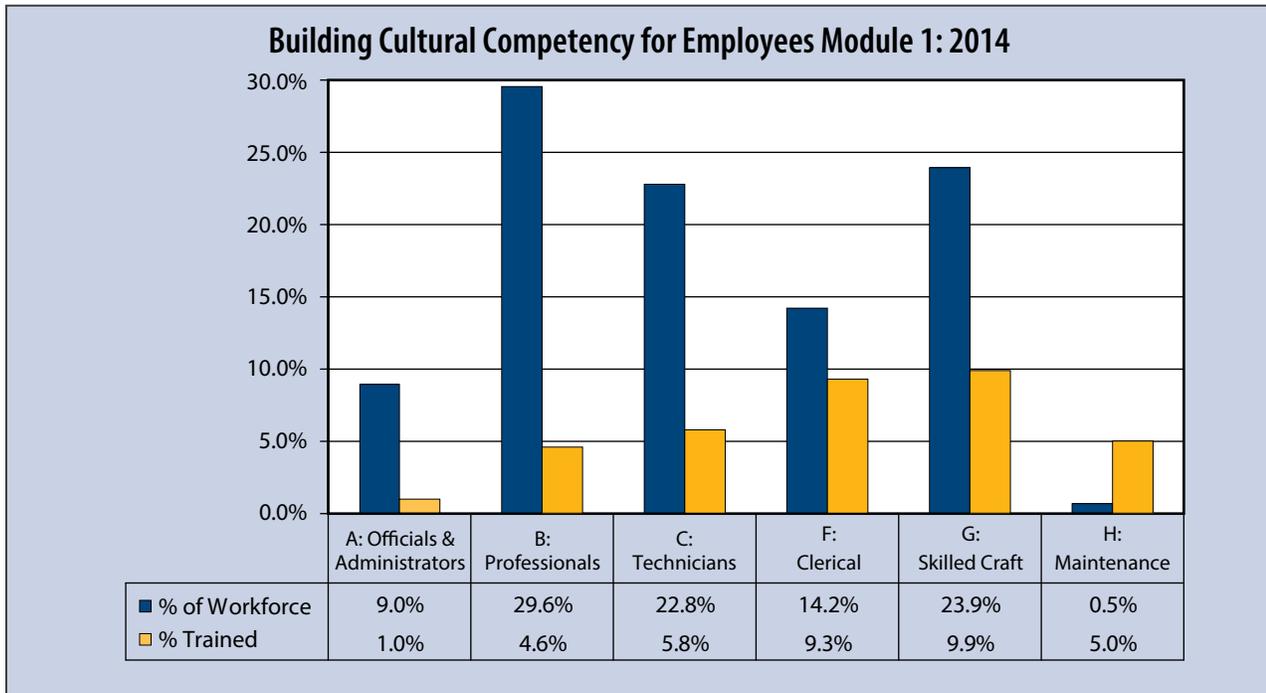
*Percentages are based on EEO category numbers for all ODOT employees, including managers who do not take this course.*

**Table 22. Building Cultural Competency for Employees Module 1: Attendance by EEO Category Fiscal Year 2013**



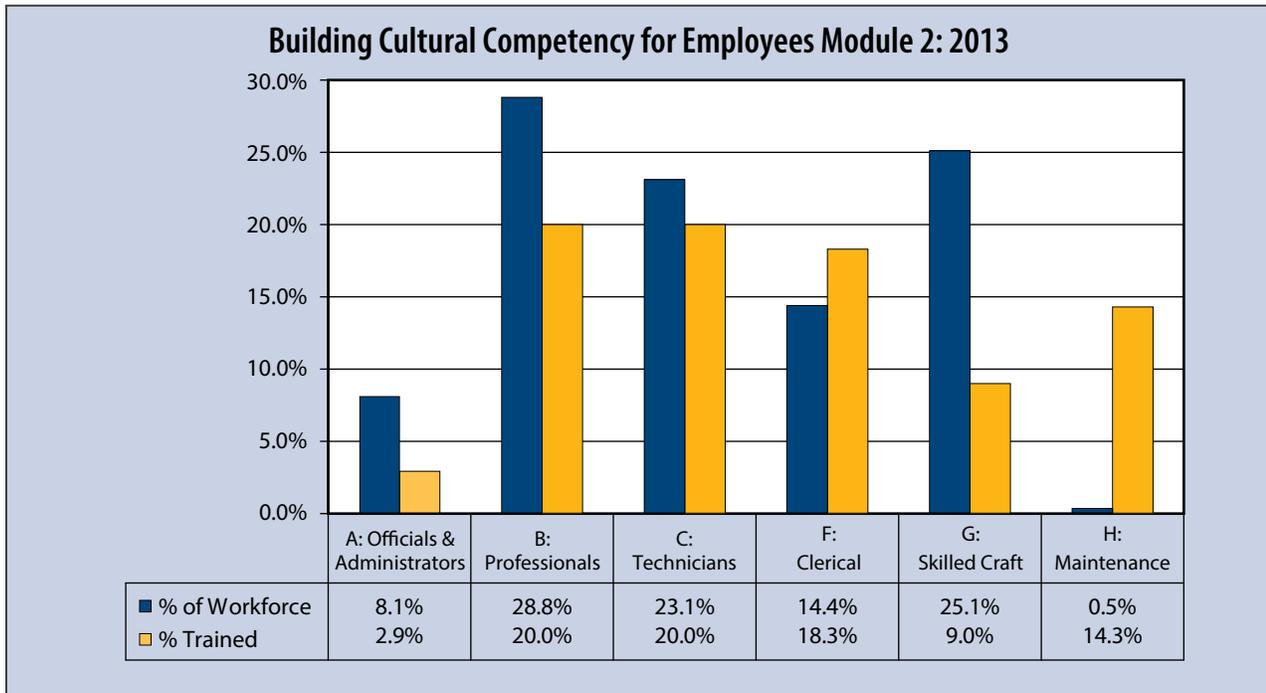
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	8.1%	28.8%	23.1%	14.4%	25.1%	0.5%	100.0%
% Trained	1.5%	15.4%	17.1%	14.5%	23.9%	23.8%	16.7%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	5	189	168	89	255	5	711
Total Employees	344	1,226	980	613	1,066	21	4,250

**Table 23. Building Cultural Competency for Employees Module 1: Attendance by EEO Category Fiscal Year 2014**



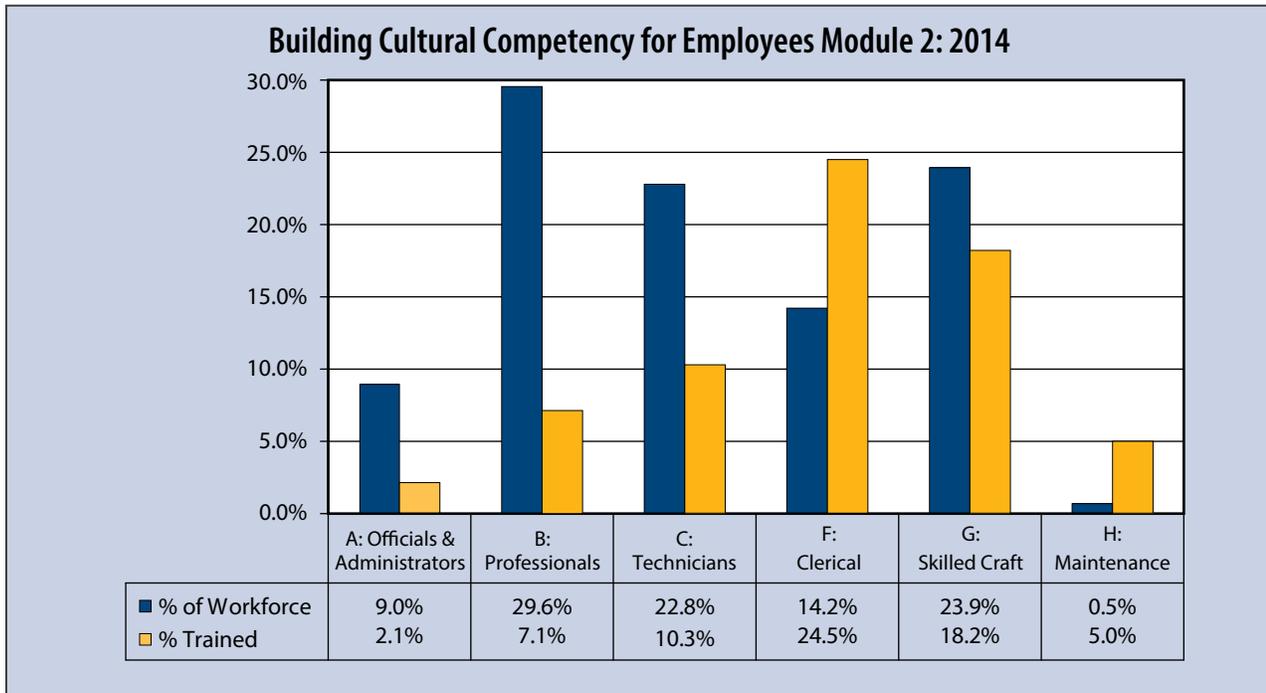
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	9.0%	29.6%	22.8%	14.2%	23.9%	0.5%	100.0%
% Trained	1.0%	4.6%	5.8%	9.3%	9.9%	5.0%	6.5%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	4	58	57	57	102	1	279
Total Employees	388	1,271	981	612	1,027	20	4,299

**Table 24. Building Cultural Competency for Employees Module 2: Attendance by EEO Category Fiscal Year 2013**



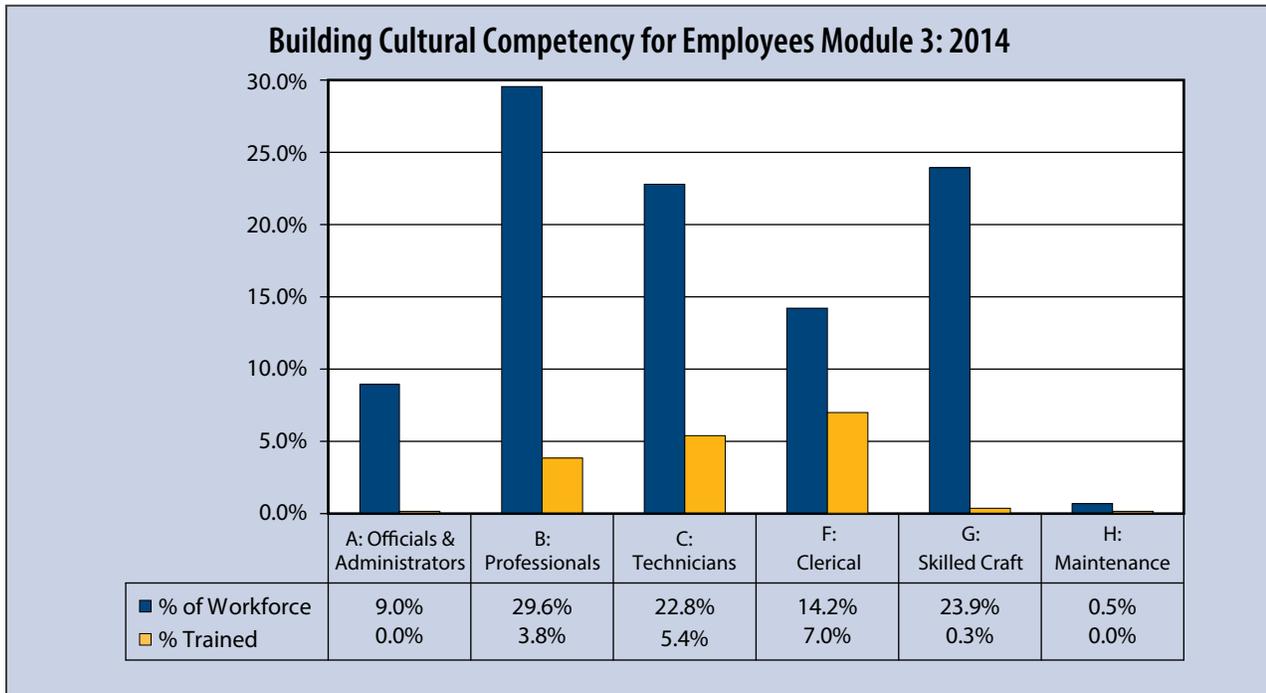
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	8.1%	28.8%	23.1%	14.4%	25.1%	0.5%	100.0%
% Trained	2.9%	20.0%	20.0%	18.3%	9.0%	14.3%	15.6%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	10	245	196	112	96	3	662
Total Employees	344	1,226	980	613	1,066	21	4,250

**Table 25. Building Cultural Competency for Employees Module 2: Attendance by EEO Category Fiscal Year 2014**



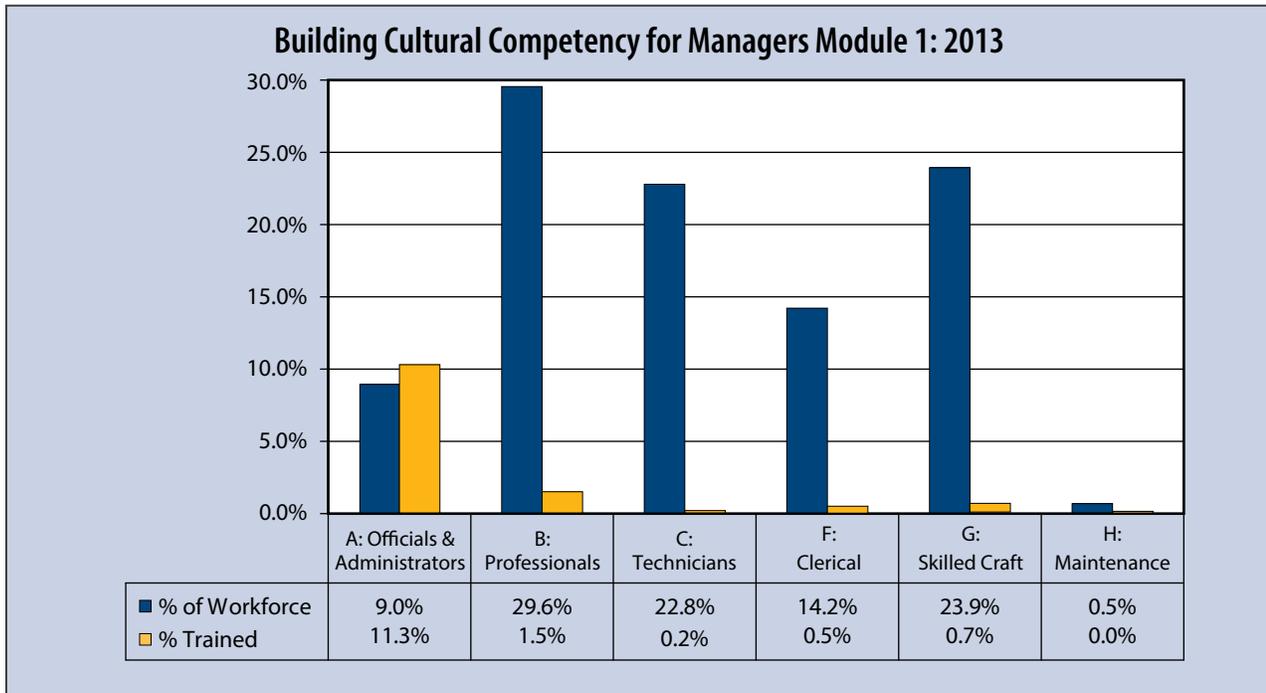
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	9.0%	29.6%	22.8%	14.2%	23.9%	0.5%	100.0%
% Trained	2.1%	7.1%	10.3%	24.5%	18.2%	5.0%	12.5%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	8	90	101	150	187	1	537
Total Employees	388	1,271	981	612	1,027	20	4,299

**Table 26. Building Cultural Competency for Employees Module 3: Attendance by EEO Category Fiscal Year 2014**



	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	9.0%	29.6%	22.8%	14.2%	23.9%	0.5%	100.0%
% Trained	0.0%	3.8%	5.4%	7.0%	0.3%	0.0%	3.4%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	0	48	53	43	3	0	147
Total Employees	388	1,271	981	612	1,027	20	4,299

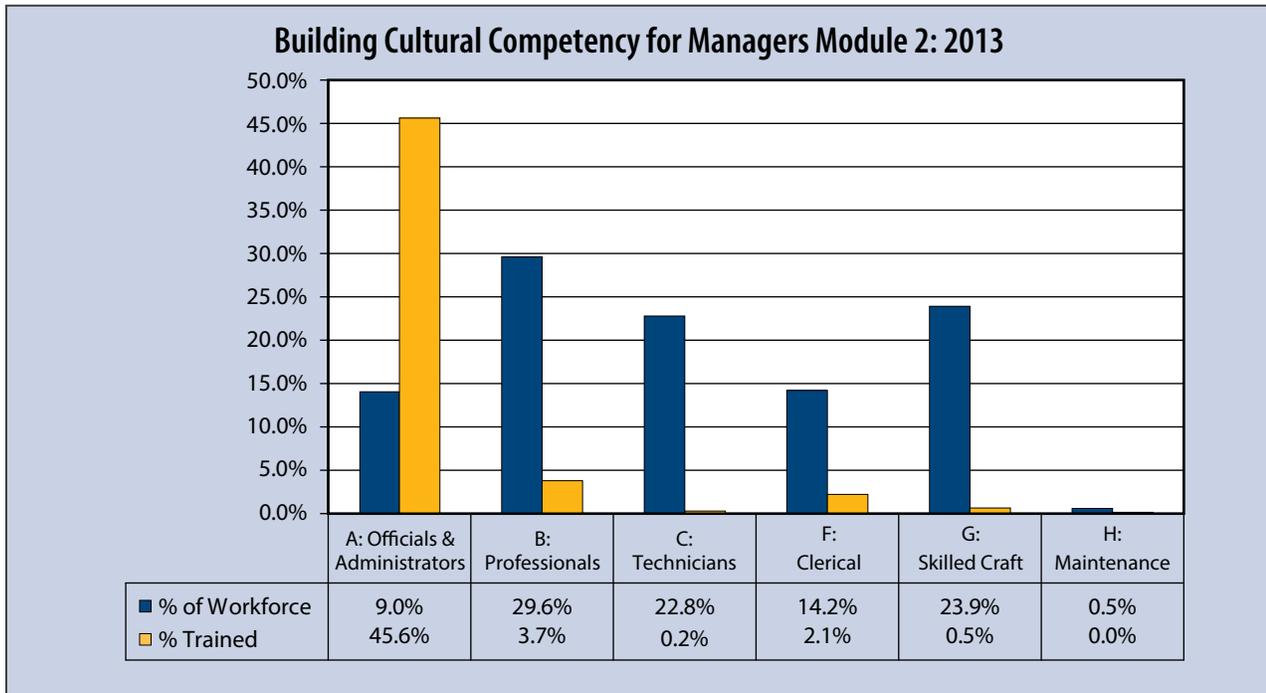
**Table 27. Building Cultural Competency for Managers Module 1: Attendance by EEO Category Fiscal Year 2013**



	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	8.1%	28.8%	23.1%	14.4%	25.1%	0.5%	100.0%
% Trained	12.8%	1.5%	0.2%	0.5%	0.7%	0.0%	1.8%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	44	19	2	3	7	0	75
Total Employees	344	1,226	980	613	1,066	21	4,250

*Building Cultural Competency for Managers Module 1 was not offered in Fiscal year 2014.*

**Table 28. Building Cultural Competency for Managers Module 2: Attendance by EEO Category Fiscal Year 2013**



	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
% of Workforce	8.1%	28.8%	23.1%	14.4%	25.1%	0.5%	100.0%
% Trained	51.5%	3.8%	0.2%	2.1%	0.5%	0.0%	5.7%
	A: Officials & Admin.	B: Professionals	C: Technicians	F: Clerical	G: Skilled Craft	H: Maintenance	Total
Employees Trained	177	47	2	13	5	0	244
Total Employees	344	1,226	980	613	1,066	21	4,250

*Building Cultural Competency for Managers Module 2 was not offered in Fiscal year 2014.*

## 2. STATEWIDE EXIT INTERVIEW SURVEY

Every employee who separates from ODOT is sent information and requested to voluntarily participate in an on-line exit survey. The exit survey is administered by the Department of Administrative Services (DAS). Results are sent from DAS to ODOT upon request. No individuals are identified in the survey questions or results.

Between July 1, 2012 - June 30, 2014, approximately 672 individuals who separated from ODOT were sent the exit survey. Of those 672 individuals, approximately 131 people or 20% responded to the survey. Two of the most common reasons for separating from the Department, accounting for more than 65.76 percent of the responses were:

- Retirement
- Salary (Pay ranges are higher in the private sector for the same work.)

## 3. PERFORMANCE EVALUATIONS OF ALL MANAGEMENT PERSONNEL

Diversity and Affirmative Action are a part of every supervisor's performance evaluation. As of June 30, 2014, 52.5% of ODOT management had current performance appraisals. This percentage is lower than the one listed in the previous Affirmative Action Plan (64.5%). The main reasons are retirement of managers and supervisors, turnover, and new supervisors being hired.

As part of the annual performance evaluation for all employees, position descriptions are reviewed and updated. Many divisions and units, when updating the position description, are now including specific diversity statements as part of the expectations in the position descriptions.

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

The Office of Civil Rights (OCR) oversees the management of Disadvantaged Business Enterprises (DBE), Minority and Women-Owned (M/W), and Emerging Small Business (ESB) programs. This includes ensuring that all aspects of advertising, bidding and awarding of contracts is in compliance with state and federal requirements for these programs. All bidders for contracts with ODOT are required to sign forms assuring non-discrimination and compliance with all applicable EEO and civil rights laws. Additionally, in conjunction with OCR, ODOT's Procurement Office also advertises upcoming contracting opportunities in a variety of publications. A part of the contracting process includes outreach and technical assistance to small businesses. With a focus on the development of small firms as well as contracting opportunities, ODOT has developed a management strategy that is referred to as the "Continuum Strategy."

The "Continuum Strategy" focuses on creating an environment where "young" small firms are identified early on in their business life and are offered training that will encourage certification and provide growth into future years that could culminate in contracts on ODOT projects. The continuum approach is an ongoing process that continues year-to-year and provides a flow of supportive services from early business stages through business maturity. Supportive Service Programs included in ODOT's Continuum Strategy are:

- **MENTOR PROTÉGÉ PROGRAM (GENERAL):** ODOT partners with the Port of Portland in its Mentor Protégé Program. This program provides participants with an interest in highway construction work with training in basic business concepts relating to small firms in the construction industry ODOT funds. Mentor Protégé partnerships, and is

planning on expanding the support to add three more with the goal of supporting six participants going through the training at any given time. This is an annual program.

- **MENTOR PROTÉGÉ PROGRAM (PROJECT SPECIFIC):** This program is geared toward providing training for small firms that have an existing sub-contract with a prime contractor who was the successful bidder on an ODOT construction project. This program focuses more specifically on issues and activities that are “hands-on field” related. ODOT plans to expand the program to more participants as contract opportunities arise
- **QUARTERLY TRAINING WORKSHOPS:** ODOT hosts quarterly workshops and certification events to provide small businesses with a variety of training and technical assistance on topics of value to all small businesses including small business finances, how to do business with ODOT, and how to get certified with the state.
- **BONDING EDUCATION PROGRAM:** Working in concert with the U.S. Department of Transportation, the Northwest Small Business Transportation Resource Center, and the Surety and Fidelity Association of America, a 6-week course will be geared toward educating and assisting small firms in increasing their bonding capacity and access to capital. This need was identified as one of the major barriers facing small businesses in the current economy. The course will continue to be offered.
- **DISPARITY STUDY:** In 2011, ODOT contracted for an update to the 2007 statewide availability and disparity study to evaluate the use of certified DBE firms in ODOT contracting. The study was completed in September 2011, and in October 2011 ODOT applied to the U.S. Secretary of Transportation for a revised waiver based on the results of the updated disparity study. The updated study included a review of utilization of Architect & Engineering firms, and indicated that many groups were significantly underutilized. The waiver allows the agency to deviate from the requirements of 49 CFR Part 26, and provides the ability to set race-conscious goals for ODOT contracts, thereby increasing utilization of small firms in those groups. This process is in compliance with the 2005 ruling of the 9th US Circuit Court of Appeals that required the conducting of a study before race-conscious goals could be set on contracts.

## RESOURCE ASSESSMENT STUDY AND GUIDE

In 2009, ODOT contracted for a project to identify, categorize and document small business assistance resources in the state. The project included projecting ODOT contracting volume for the next three years, comparing the capacity of current small businesses, and identifying the gap between ODOT’s needs and the capabilities of those firms. The final report and a resource guide have been completed and are available on the ODOT webpage at: [http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/sbe/dbe/docs/SmBizResources\\_2010.pdf](http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/sbe/dbe/docs/SmBizResources_2010.pdf).

Since its inception, the guide has expanded in use from ODOT to many other jurisdictions in Oregon, and as ongoing practice, ODOT has granted permission to other jurisdictions to update and modify the data for their particular uses.

- **TURNER SCHOOL OF CONSTRUCTION MANAGEMENT:** Since 2006, ODOT has partnered with Turner in this construction management training program geared toward developing and improving small firms’ skills in basic construction business concepts. Training topics include bidding and estimating, financial management, business planning and personnel topics. On average, 44 firms have graduated each year from this program.
- **DAILY JOURNAL OF COMMERCE (DJC) NETWORKING EVENTS:** These are a series of ongoing networking events started in March 2010, hosted by the DJC and various prime contractors which bring small businesses together with prime contract holders and public agency staff.
- **OREGON ASSOCIATION OF MINORITY ENTREPRENEURS (OAME):** ODOT staff attend regular professional/technical and construction meetings, assist in the planning of the annual OAME Trade-show and Conference, and sit on the board of advisors for this organization. The forum is an excellent venue for outreach to small businesses, presenting upcoming contracting opportunities and ODOT policy changes to the small business community.
- **BUSINESS DEVELOPMENT INSTITUTE (BDI):** This group organizes and coordinates the annual Minority Enterprise Development Week Conference, and provides a forum for interagency discussions regarding assistance to minority-owned businesses.

ODOT employees regularly attend BDI meetings and assist with organization functions.

- **ANNUAL GOAL AND PROJECT-SPECIFIC GOALS:** Per DBE requirements, ODOT calculates annual overall goal and project-specific goals for DBE inclusion based on the availability of DBE firms compared to the work expected to be included in the project. Both race-conscious and race-neutral DBE participation are tracked and reported.
- **MANDATORY PRE-BIDS:** Many of ODOT's projects require a mandatory pre-bid meeting for contractors who intend to submit a bid. Potential subcontractors, including DBE firms, are encouraged to attend these meetings so that they may benefit from the networking opportunities with prime contractors. These networking opportunities foster business relationships between the primes and subcontractors that often result in long-term relationships.
- **MEETINGS WITH THE NATIONAL ASSOCIATION OF MINORITY CONTRACTORS:** Oregon (NAMCO) – ODOT Region 1 meet regularly with members of NAMCO to discuss public contracting issues and attempt to find solutions to problems and barriers. The possibility of future expansion of this forum to include members of other minority advocacy organizations is always being explored.
- **ODOT WEBSITE WITH INFORMATION ON THE DBE PROGRAM:** ODOT maintains a website where information about the DBE Program, including upcoming events, resources and changes in the program, is available to the public: <http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/Pages/index.aspx>
- **SECRETARY OF STATE WEB PORTAL:** A web portal was developed in concert with the Secretary of State as a means for providing information to new or existing small firms. Information topics range from how to start a business to how to successfully conduct business with the state. ODOT's small

business programs are listed to inform small firms of certification types and choice, and associated requirements. The website has been live since August 2012.

## Emerging Small Business Program

The Oregon Legislature created the Emerging Small Business Program (ESB) in the 1989 session (ORS 200.160-200.200) to assist small Oregon companies in overcoming many of the barriers they faced to participate in the state's multi-billion dollar public contracting system. Projects in the program are not to exceed \$100,000, and are proposed by ODOT regional staff for exclusive bidding by certified ESB firms.

As an ongoing process that started in 2010, ODOT's ESB program entered into an intergovernmental agreement with Lane Community College and the Oregon Small Business Development Center (SBDC) Network to provide business management training to certified ESB and DBE contractors who perform in the highway, road, and bridge construction arena. Allied architecture, engineering and professional technical service contractors and related commercial/residential contractors will also be considered for the program. The program's goal is to introduce a significant number of ESB contracting firms to the basics and nuances of small business management thus improving their competitiveness and survivability in the public contracting marketplace and helping them become viable contractors for future ODOT projects. The program is currently operating in five SBDCs around the state, each serving up to 16 qualified firms per term.

While the ESB program is a race and gender-neutral initiative, we openly and aggressively seek the participation of minority and woman-owned businesses which meet the ESB certification criteria. In the last biennium, \$8.8 million in contracts went to ESB firms, and as of June 2014, \$3.5 million have been identified for projects in the current biennium.

## G. Education, Policy Dissemination, and Complaint Procedures

### EEO Educational Opportunities

ODOT offers a variety of educational opportunities to staff throughout the organization, including Equal Employment Opportunity. Some of the training opportunities include:

ODOT - Construction Project Civil Rights And Labor Compliance. This training enhances the knowledge of those who prepare, submit, and review ODOT construction project civil rights and labor compliance related forms to ensure compliance with federal and state laws and regulations. The training explains the rights, roles, responsibilities, and requirements for public works construction contracts including civil rights programs, prevailing wage rate law basics, and compliance expectations.

ODOT - Legal Guidelines For Managers. This training increases participants' knowledge of the laws, contracts, and policies that influence management practices, and

ensures compliance with those laws, contracts, and policies as you manage employees. As part of the outcomes, the participants are able to: explain the purpose and scope of the Americans with Disabilities Act (ADA), Equal Employment Opportunity laws, and Affirmative Action state their ODOT management responsibilities related to those laws and programs explain what collective bargaining agreements (CBAs) are and describe how they impact ODOT's management practices.

As previously described in the training section of this plan, ODOT also offers several modules that cover Intercultural Competence. We offer three modules to employees entitled Building Intercultural Competence (1, 2, and 3). ODOT also delivers the same three trainings but tailored specifically for managers to its supervisory workforce.

Lastly, ODOT offers a variety of trainings that are related to Equal Employment Opportunity including:

- Domestic Violence, Harassment, Sexual Assault, & Stalking
- Maintaining a Harassment Free and Professional Workplace

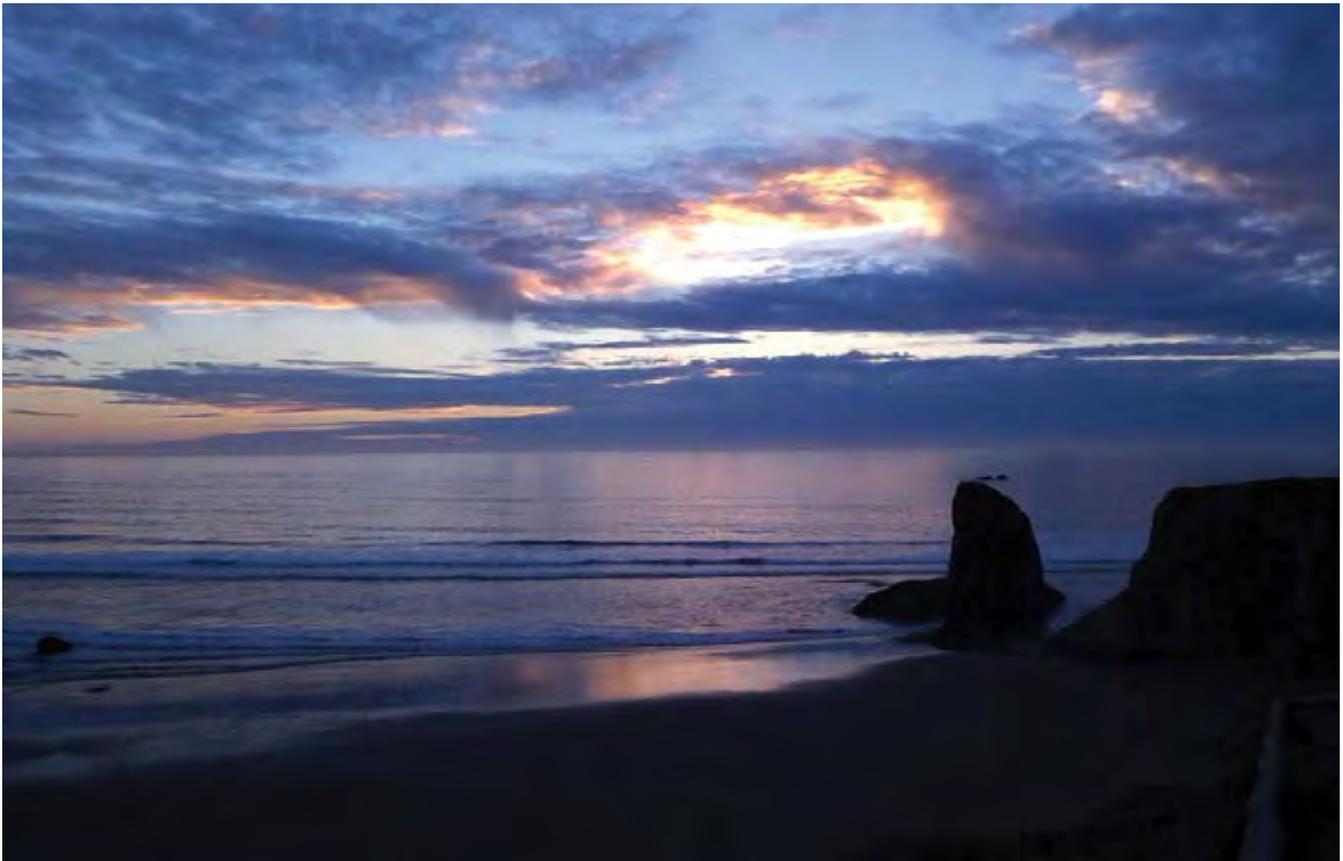


PHOTO: **Leanne Lockwood**, Bandon

- Harassment Prevention For Managers
- Respectful Workplace
- Let's Get Honest

## Communication and Dissemination of ODOT Policies

ODOT is a large and complex organization with close to 4,500 employees working throughout the State of Oregon. As such, it is important to communicate and disseminate the various policies in place to govern our daily affairs and endeavors. At the time of hire, supervisors are responsible for ensuring that their new employees understand all the policies and their applicability. Human Resources staff also conducts regular onboarding sessions for new employees. The policies discussed include ODOT's Equal Employment Opportunity, Affirmative Action, the Ameri-

cans with Disabilities Act, and the Harassment policy to name a few. In addition, all policies are readily available on our intranet site for employees to review and download as necessary. When employees may not have access to computers, they may request them from their supervisor or Human Resources staff. As policies are reviewed and updated, Human Resources staff communicates any changes to supervisors and specifically requests that the updates be shared with employees. Lastly, supervisors are responsible for annual reviews with their employees of ODOT policies.

It should be noted that ODOT is a department of the State of Oregon. Many of the policies ODOT has in place mirror those proscribed by the State. In addition, ODOT reinforces the spirit of those policies with procedures that are applicable to ODOT employees. ODOT also has a robust communications program staffed by the Communications Division. This division employs a variety of avenues to keep employees informed of issues that impact them.

## ODOT's Complaint Procedures

The State of Oregon is committed to a discrimination and harassment free work environment. The Discrimination and Harassment Free Workplace policy outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct. Employees who are subject to or aware of what they believe to be discrimination, workplace harassment, or sexual harassment should report that behavior to the employee's immediate supervisor, another manager, or the agency, board, or commission Human Resource section, Executive Director, or chair, as applicable.

Generally, the Human Resources staff works with supervisors and managers in investigating any complaints related to Harassment and Discrimination. All complaints are taken seriously. Employees engaging in conduct in violation of this policy are subject to disciplinary action up to and including dismissal. Further, supervisors who know or should know of conduct in violation of this policy and who fail to report such behavior or fail to take prompt, appropriate action may be subject to disciplinary action up to and including dismissal.

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

Please refer to the flow chart at on page 67 for additional information on how complaints are addressed.

In addition to the Discrimination and Harassment Free Workplace policy, ODOT and its workforce have two other related policies we use to address complaints that are unrelated to protected class status. One of those them is the "Maintaining a Professional Workplace" policy. This policy refers to the expectation of mutual respect between and among managers, employees, and volunteers. All individuals work together to create and maintain a work environment that is respectful, professional, and free from inappropriate workplace behavior. This policy seeks to foster an environment that encourages professionalism and discourages disrespectful behavior. An employee who is found to be engaging in inappropriate workplace behavior is subject to disciplinary action up to and including dismissal. A supervisor who fails to address inappropriate behavior is also subject to disciplinary action, including dismissal.

The second policy is the Code of Conduct. We believe that public service requires public trust built on the transparency of state government programs and the integrity of employees. This policy was developed to provide guidance on proper business and ethical conduct for ODOT employees. ODOT employees are public officials and, as such, are expected to uphold the public trust.

One of the tools ODOT has made available to its employees is the Decision PLUS model which is meant to assist employees in making defensible business decisions. When making work-related decisions, Decision PLUS asks employees to consider the following questions:

- **P = POLICIES & PROCEDURES:** Is the decision consistent with the Department's policies, procedures, and guidelines?
- **L = LAWS AND REGULATIONS:** Is the decision acceptable under applicable laws, rules, and regulations?
- **U = UNIVERSAL VALUES:** Does the decision conform to the Department's mission, values, and concern for public perception?
- **S = SELF STANDARDS:** Does the decision satisfy my personal definition of right, good, and fair?

Some of the specific activities prohibited by this policy include:

An employee shall not:

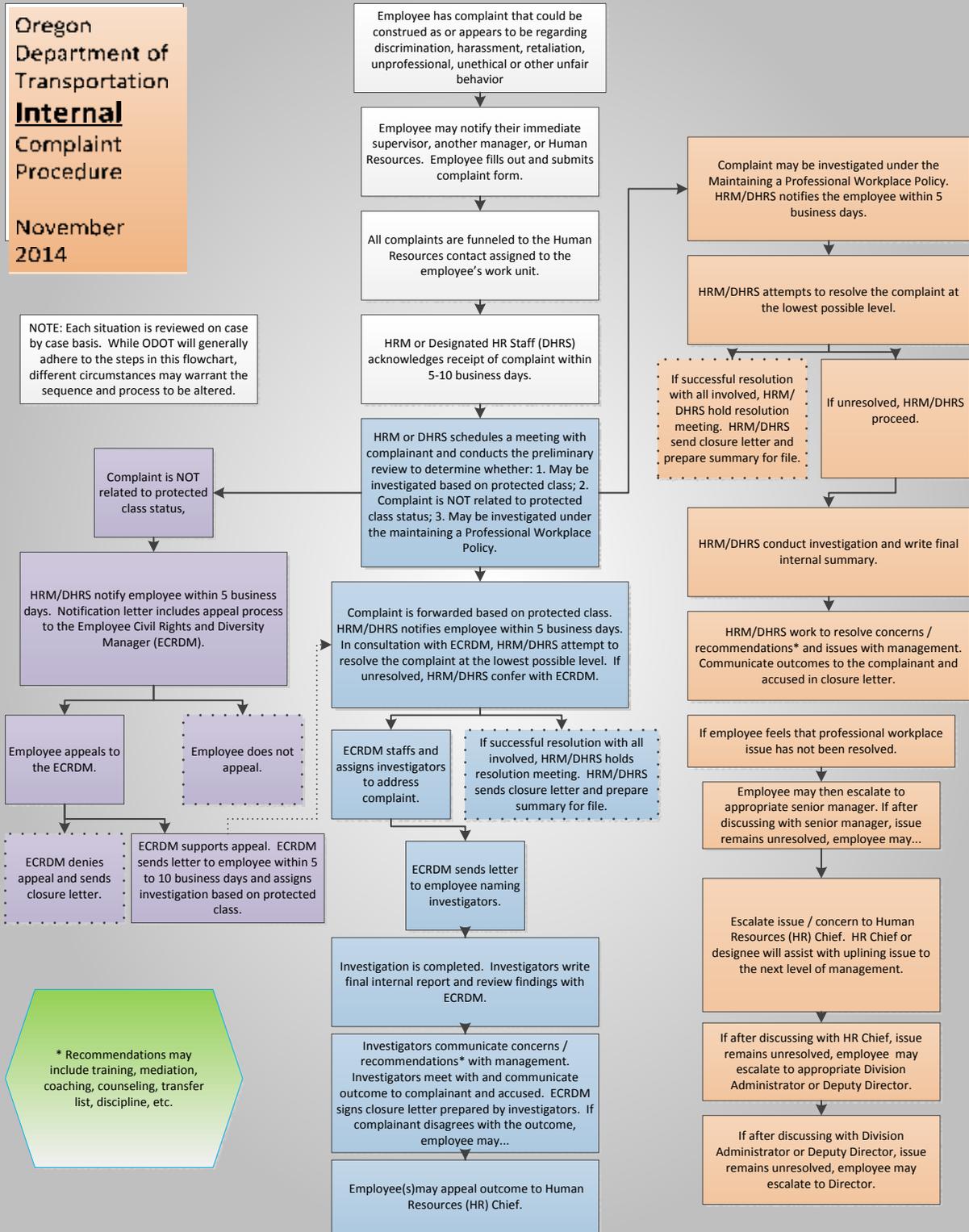
- Engage in an act as a public official outside of his/her official capacity.
- Use the prestige or influence of the State or their position as a public official for private gain or advantage or for the private gain or advantage of another.
- Use state time, information, materials, services, facilities, equipment, vehicles, or supplies for his/her private gain or advantage or the private gain or advantage of another, unless allowed by other policies or a department-approved program.
- Be in a position of direct hierarchical decision-making authority related to the selection, promotion, transfer, grievance resolution, work assignment, work evaluation, or other activities that relate to the terms and conditions of employment of a relative or a member of the household.

Violation of this policy by an employee may result in corrective or disciplinary action, up to and including termination of employment.

**Oregon  
Department of  
Transportation  
Internal  
Complaint  
Procedure**

**November  
2014**

NOTE: Each situation is reviewed on case by case basis. While ODOT will generally adhere to the steps in this flowchart, different circumstances may warrant the sequence and process to be altered.



\* Recommendations may include training, mediation, coaching, counseling, transfer list, discipline, etc.

Internal Complaint Procedure:  
<http://transnet.odot.state.or.us/cs/ODOTHR/Forms/Complaint-Process-Overview-Discrimination-Harassment-Workplace.pdf>

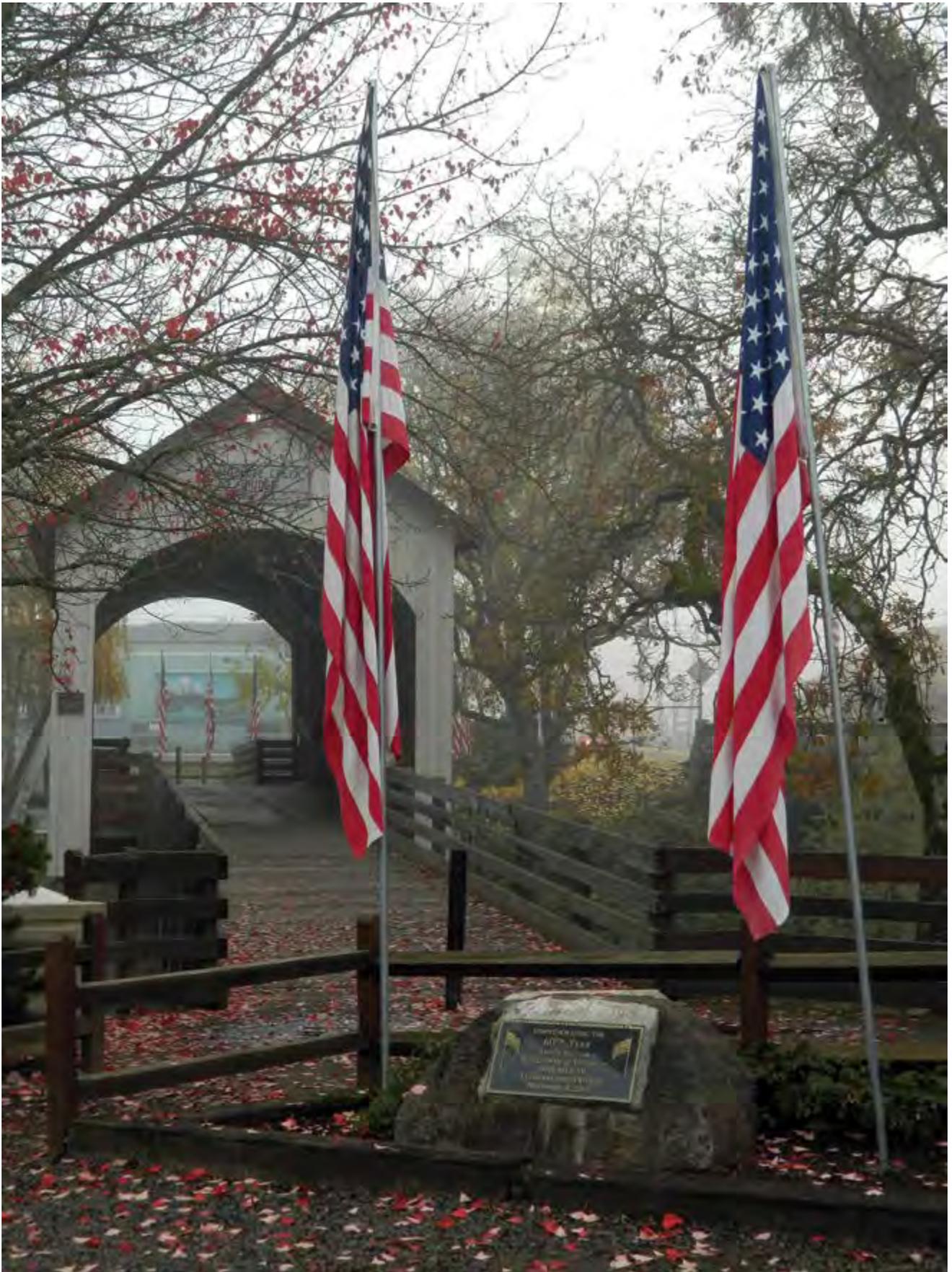


PHOTO: **Heather Gaona**, Veterans Day Flags at Eagle Point Covered Bridge

# Roles for Implementing The Affirmative Action Plan

## A. Responsibilities and Accountabilities

### 1. DEPARTMENT DIRECTOR AND EXECUTIVE LEADERSHIP TEAM

- Set the tone and model for the rest of the Department by their commitment to Equal Employment Opportunity (EEO), Affirmative Action (AA) and the Affirmative Action plan (AAP), through their actions and words.
- Value and promote equal employment opportunities, Affirmative Action, and diversity and inclusion in the workplace.
- Review and discuss the Affirmative Action plan and Affirmative Action goals in their areas of responsibility (division/branch). Identify resources to improve recruitment, hiring and developmental opportunities of under-represented persons.
- Evaluate subordinate managers on their diversity and EEO/AA efforts in their annual performance appraisals.
- Continue the periodic review of policies, procedures, and practices to address any issues that have a negative impact on Affirmative Action.

### 2. MANAGERS AND SUPERVISORS

- Assist the Employee Civil Rights (ECR) & Diversity Manager identify problem areas and eliminate barriers to equal employment opportunity.
- Whenever practical, work in conjunction with the ECR & Diversity Manager and the Training and

Recruitment units to participate in activities and events that support outreach efforts to identify under-represented groups.

- Adhere to ODOT's policy of equal employment opportunity for all employees and ensure the policy is understood, supported and adhered to by their employees.
- Value the principles of equal employment opportunities, Affirmative Action, and diversity and inclusion.
- Promote equity, diversity and inclusion in the workplace.
- Evaluate subordinate managers on their diversity and EEO/AA efforts in their annual performance appraisals.
- Continue the periodic review of policies, procedures, and practices to address any issues that have a negative impact on Affirmative Action.

### 3. AFFIRMATIVE ACTION OFFICER (EMPLOYEE CIVIL RIGHTS & DIVERSITY MANAGER)

- Develop and/or update EEO and Affirmative Action policy statements, AAP methods and internal and external communications for the AAP.
- Help identify and eliminate challenges to Affirmative Action.
- Work with managers and Human Resource personnel to identify solutions to equal employment issues and ensure they fully understand Affirmative Action and EEO policies and procedures.

- Review and discuss the Affirmative Action plan and Affirmative Action goals for the Department and for the individual Divisions with appropriate stakeholders (Executive Leadership Team, Division Administrators, Region Managers, etc.).
- Help identify resources to improve recruitment and developmental opportunities for under-represented persons.
- In conjunction with ODOT’s Office of Civil Rights, act as the EEO and AA representative and liaison for the Department.
- On a quarterly basis monitor EEO/AA employment data to identify trends and problem areas.
- Provide semi-annual Affirmative Action progress reports to the Executive Management Team.
- Coordinate with ODOT’s Recruitment and Training units to develop and present training designed to improve skills and competency to effectively

manage Affirmative Action, equal employment opportunity, and diversity issues.

#### 4. ALL EMPLOYEES

- Report their gender, ethnicity and disability status to accurately reflect the diversity of the Department.
- Support the Departments value of “Diversity and inclusion” by helping to create and advocate a positive workplace that supports a diverse work environment.
- Develop networks, contacts and opportunities which build local connections increasing the ability to recruit and retain new and current employees.
- Be alert and disclose incidents where equal employment opportunities or Affirmative Action decisions have been missed, overlooked or forgotten.



PHOTO: **Peter Murphy**, Suislaw River Bridge in Florence

## SECTION IV

# July 1, 2012 - June 30, 2014 Affirmative Action Plan

## A. Accomplishments

A number of activities that support our equal employment opportunity (EEO)/Affirmative Action (AA) efforts have been undertaken over the past biennium throughout ODOT. The Department took very deliberate actions to attract more diverse applicants. Training materials, web pages and other outreach activities have been updated to enhance ODOT's ability to attract, hire, support, develop, and retain a diverse workforce. The following items are a sample of the activities and efforts ODOT has focused on to further develop and support our Affirmative Action outreach and to support the growing diversity of our workforce.

Reflected activities occurred July 2012 - June 2014. Many of the activities listed started in previous fiscal years and have continued since.

### CONTRACTORS/VENDORS

- ODOT continues utilizing GALT and DePaul Industries for contract temporary services. GALT and DePaul Industries specifically employ individuals with disabilities.
- ODOT continues to place job announcements on community college websites, trade school bulletins and in minority-specific media.
- ODOT (Region 5/District 12) continues to contract with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) office to perform rest area janitorial services at the Deadman's Pass Rest Area.
- ODOT contracts with minority owned business for janitorial services for some of its regional district offices.

### MIDDLE / HIGH SCHOOLS

- ODOT employees across all sectors and regions of the state have participated in elementary school, middle school, high school, diversity, veteran, and college career fairs.
- ODOT employees have visited grade schools, middle schools and high schools for presentations and engineering exercises as part of National Engineering Month activities.
- ODOT continues to have an active relationship with the De La Salle High School in Portland. The program provides professional skills for economically challenged high school students.
- ODOT participated in the "Expanding Your Horizon's" program to promote engineering to middle school girls in Salem.
- In 2013 and 2014, ODOT participated in the National Summer Transportation Institute with Oregon State University. This is a federal program to introduce girls and minorities to careers in transportation.

### COLLEGES

- In addition to trips made to universities and colleges through our outreach programs, employees across the state also participated in college career fairs at:
  - » Blue Mountain Committee College
  - » Boise State University
  - » Confederated Tribes of the Umatilla
  - » Eastern Oregon University
  - » George Fox University

- » Gonzaga University
- » Klamath Community College
- » Lane Community College
- » Linfield College
- » Linn Benton Community College
- » Mount Hood Community College
- » Oregon State University
- » Pacific University
- » Portland Community College
- » Portland State University
- » Southern Oregon University
- » Spokane Community College
- » Treasure Valley Community College
- » Umpqua Community College
- » University of Idaho
- » University of Oregon
- » University of Washington
- » Walla Walla Community College
- » Walla Walla University
- » Washington State University
- » Whitman College
- In 2014, ODOT staff participated in the Asian American Youth Leadership Conference held at Concordia University. Employees talk to students who are considering careers in engineering. Students learn about opportunities within ODOT.
- » Communicating with persons with disabilities
- » Stereotypes
- » Generational differences
- » Veterans returning to the workplace
- » Depression in the workplace
- » Self-disclosure as a person with a non-visible disability
- » In calendar year 2013 there have been close to 100 activities and nine events sponsored by various DATs across the Department.
- ODOT continues providing “Building Cultural Competency” training for all managers and employees. In 2012, Module 2 was released for continued training of our workforce. As of June 30, 2014, 1,199 employees have taken the Module 2 for employees. Furthermore, in Fiscal Year 2014, 147 employees took Module 3. Managers and supervisors have also attended Modules 1 and 2 For Managers. In the Fiscal Year ending in 2013, an additional 75 managers attended Module 1, while in the Fiscal Year ending in 2014, 244 managers attended Module 2.
- ODOT continues participating in the annual Diversity Conference for state employees. In September of 2013 and 2014, 663 ODOT employees attended the conference.
- ODOT is working to incorporate diversity language as a best practice standard into our job descriptions.
- Forty ODOT maintenance locations participated in the Youth Litter Patrol program in years 2012 – 2014.
- A Maintenance Training Program has been developed with the intent to increase the percentage of diverse employees in the Transportation Maintenance Specialist (TMS) crews across the State. The program is made up of approximately 24 months of on the job training in TMS work and technologies. The initial applicant response received around 150 employment applications. Approximately 10% of those applications came from diverse applicants and 12.66% came from women. Of those 150 applicants, 4 have been hired into temporary positions; 5 have been hired into Limited Duration positions; 15 positions may also have been filled from this program.

## WITHIN ODOT

- As part of the Diversity Council, Diversity Action Teams (DATs) have been established in all regions. These teams support the work by the Diversity Council and provide information to employees on a variety of topics:

## COMMUNITY

- Region 1, and Office of Civil Rights and the Office of Procurement continue attending the OAME (Oregon Association of Minority Entrepreneurs) meetings for job leads on ODOT projects.
- Region 1 team did a concerted outreach and work with NAMCO (National Association of Minority Contractors - Oregon).
- ODOT financially supported 2 Region 1 employees – 1 from construction, 1 from maintenance to take part in a year-long leadership development program offered through the Hispanic Metropolitan Chamber of Commerce. This year-long program requires participants to meet once a month to receive training together with a cohort of about 15 to 20 individuals from the private, public and non-profit sectors. The monthly day-long trainings attract subject matter experts who work in a variety of fields to talk about topics including career advancement, leadership and stewardship, how to work with the media, advocacy, public speaking, public sector and government advocacy and more.
- ODOT continues participating in and sponsoring safety fairs throughout the state focusing on issues such as driver safety, bike safety, and seat belt usage. These fairs target diverse groups of individuals and help educate the public about ODOT's varied activities.
- ODOT participates in minority business owners mixer meetings throughout the state.
- ODOT conducts quarterly "How to do Business with ODOT" seminars targeting small business and minority and women owned businesses.
- ODOT staff regularly attend events organized by the Partners in Diversity Program. These programs allow organizations with a commitment to diversity and inclusion the opportunity to come together and share best practices and meet with "new to the area" under-represented professionals and provides a network for those professionals to more readily connect with the community.
- ODOT continues to be one of the primary sponsors of the state Diversity Conference. The number of ODOT employees attending the conference continues to increase each year.
- ODOT continues to participate in the Women in Trades Career fair every year.
- ODOT annually hires temporary employees from the Community Action Program of eastern Oregon (CAPECO). This is a local worker training program for low income or non-traditional employees.
- Through the Office of Civil Rights' Mentor-Protégé Relationships Program, a small construction firm was partnered with a larger one.
- Several ODOT staff members attended the National Engineering Month, spending a few hours in February talking to kids at Pioneer Elementary School in Ontario.
- The Office of Civil Rights helps Tribal members through the program, "Highway Construction Fundamentals". This program provides a strong working knowledge of the construction trades with industry-recognized certifications, including First Aid/CPR, OSHA 10-Hour and Flagging.
- Region 5 hosted Construction and Utilities Career Day. Sponsored by ODOT and the La Grande School District, the event offered young minds a taste of the type of work that often occurs in highway construction, and construction-related trades.
- The Eastern Oregon Construction and Utility Career Day planning committee was thrilled to learn it received a \$500 "Good Works Award" from the Oregon Community Foundation – Eastern Oregon Regional Action Initiative. The funds will go towards the 2015 event, sponsored by ODOT and area schools. The unsolicited grant arrived in response to the success of the 2011 and 2013 Construction and Utilities Career Day events held in La Grande at Region 5 headquarters. More than 300 students and chaperons attended in 2013, a substantial increase over the 200 who attended in 2011. Because there are so few events like this in eastern Oregon, many of the participating 20 schools brought their students more than 100 miles each way to attend.
- Advancing Women in Transportation members in Salem are claiming an overwhelming success for their first-ever capital city event. The noon time event on June 26 attracted nearly 50 people — a standing room only crowd — to hear a panel discussion involving three top female leaders at ODOT. Transportation Development Administrator Jerri Bohard, Technical Services Manager/Chief Engineer Cathy Nelson and Transportation Planning Unit Manager Amanda Pietz focused on emerging issues and gaps in transportation, and added insights gained from their own career paths to enlighten the audience.

- The Department of Motor Vehicles continues its partnership with Chemeketa Community College to place students in various positions as a requisite for practicum or on-the-job experience. The training connection between Chemeketa Community College's Occupational Skills Training program and ODOT's DMV HQ operation has benefited all involved. This partnership has resulted in a track record of training success for students and a steady stream of well-trained applicants for DMV HQ. Many trainees have become successfully employed there. The goal is to help people gain the experience, skills and abilities needed to enter or re-enter the workforce or overcome barriers to employment. This past Fiscal Year, the DMV has used 19 trainees, 13 of whom have become employed with the DMV as either temporary or permanent employees.
- Public Relations staff attend the Diversify The Workforce monthly lunch hour session where a group of women gather to network, exchange job opening information and tackle a topic of interest.
- Job announcements are very popular on our social media sites. We have about 3,000 followers on Facebook. Every time we post a job announcement, we get an average 440 views per job. Our 16,300 Twitter followers retweet and click through to ODOTjobs.com an average of 31 times per job post. We have 1,240 followers on LinkedIn. Each job announcement is viewed by an average of 1,200 people; this includes our followers and people that our followers have shared the link with.

## B. Progress Summary

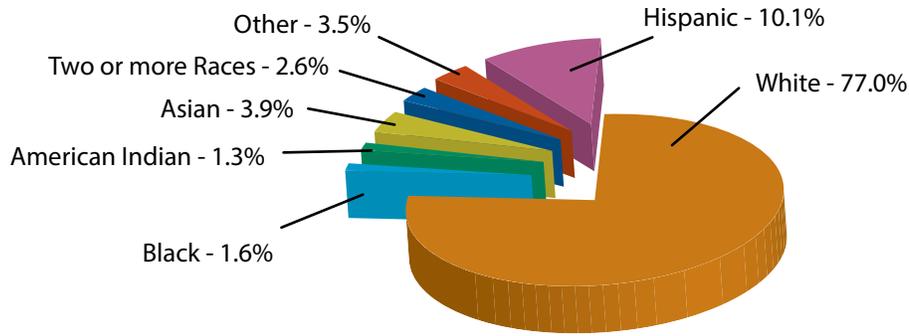
Affirmative Action supports ODOT's mission "To provide a safe, efficient transportation system that supports economic opportunity and livable communities for Oregonians." ODOT recognizes the legal, economic, business and human rights value of diversity and actively pursues strategies for current employees, 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.

The following summaries focus on the agency's progress on Affirmative Action for our applicant pools, new hires, promotions and employment, and highlights current workforce strengths and under-representation by divisions.

As illustrated in the following tables and graphs, the demographics of the State of Oregon have continued to change over the past two decades, and this change has occurred at an accelerated rate over the past few years. The workforce at ODOT does not quite reflect the demographics of the State. There are a number of reasons for this including:

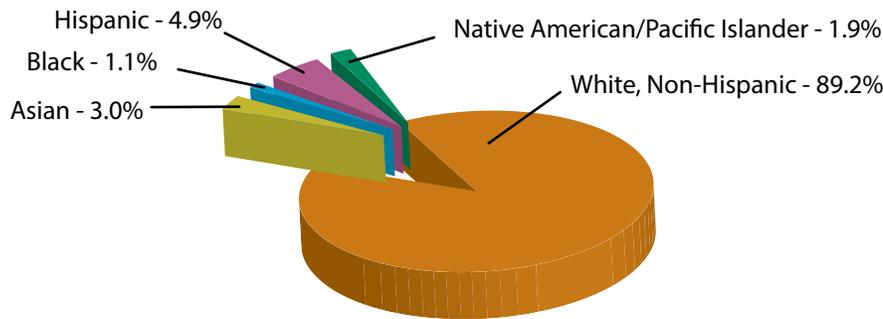
- The changes in the demographics of the State have taken place so rapidly that many employers, including ODOT, have not kept up with these changes.
- Internally at ODOT, we have many employees who reported to be of more than one race. Most of the selected White as the primary race and were therefore included as such in this report.
- The racial/ethnicity terms as used in numerous reporting mechanisms, have created confusion for employees and employers. For example, in some cases other State agencies separate Native Hawaiians from Asian/Pacific Islanders. But in other cases both ethnicities are combined into one.

### Civilian Labor Force by Race (2007-2011)



Source: Worksource Oregon, January 2013 Page 7  
 \* The report from this source separates Asian and Native Hawaiian.  
 Data provided by the Department of Administrative Services does not provide this breakdown.  
 Both ethnicities are combined under Asian (Asian 3.6%, Native Hawaiian 0.3%)

### ODOT Workforce (2014)



ODOT Employees by Ethnicity		
Ethnicity	Total	Percentage
Asian	119	3.0%
Black	44	1.1%
Hispanic	196	4.9%
Native American/ Pacific Islander	77	1.9%
White, Non-Hispanic	3591	89.2%
<b>Grand Total</b>	<b>4027</b>	<b>100%</b>

- Monitor the recruitment and selection process to see at what point employment applicants from protected populations are falling out of consideration for ODOT jobs.
- Monitor employment practices to discern if employees from protected populations are disproportionately and negatively impacted.
- Keep track of information gleaned from exit interviews. Determine if employees from protected populations are leaving at greater rates than others and why is it that they are leaving ODOT.

ODOT has many opportunities to affect changes in the workplace over the next decade. We intend to continue working on many of the same steps we have taken. We have kept the same goals as we had in the previous Affirmative Action Plan as they are still relevant moving forward. One other action we are undertaking in the next twelve months is to analyze data much more closely. Specifically, we want to:

We believe that the information gleaned from these three courses of actions as described above will provide us with important information and help us steer our course into the future.

## UNDER-REPRESENTED APPLICANT POOL PROGRESS AND ANALYSIS

Over the past two fiscal years (2013 and 2014) ODOT has seen a significant increase in the number of overall applicants for open positions at ODOT. This is part due to the unemployment rate in Oregon. As the economy recovers, we may expect that the total number of applicants may decrease. One of the changes we saw in the past biennium is the increase of diverse applicants applying for ODOT's positions. While the change may be slight, it bodes well into the future.

Additionally, the graph and tables include Veterans who apply for employment with ODOT. While we do not have sufficient data to identify a trend, we anticipate that the number of them may increase as more Service personnel return home from abroad.

In June of 2014, ODOT announced it would begin participating in SERVe – the Study for Employment Retention of Veterans – a project funded by the Department of Defense through Portland State University. The goal of this project is to improve the health and well-being of our veteran employees by creating a work environment that is

supportive of our service members in particular, and of all employees in general. The project includes:

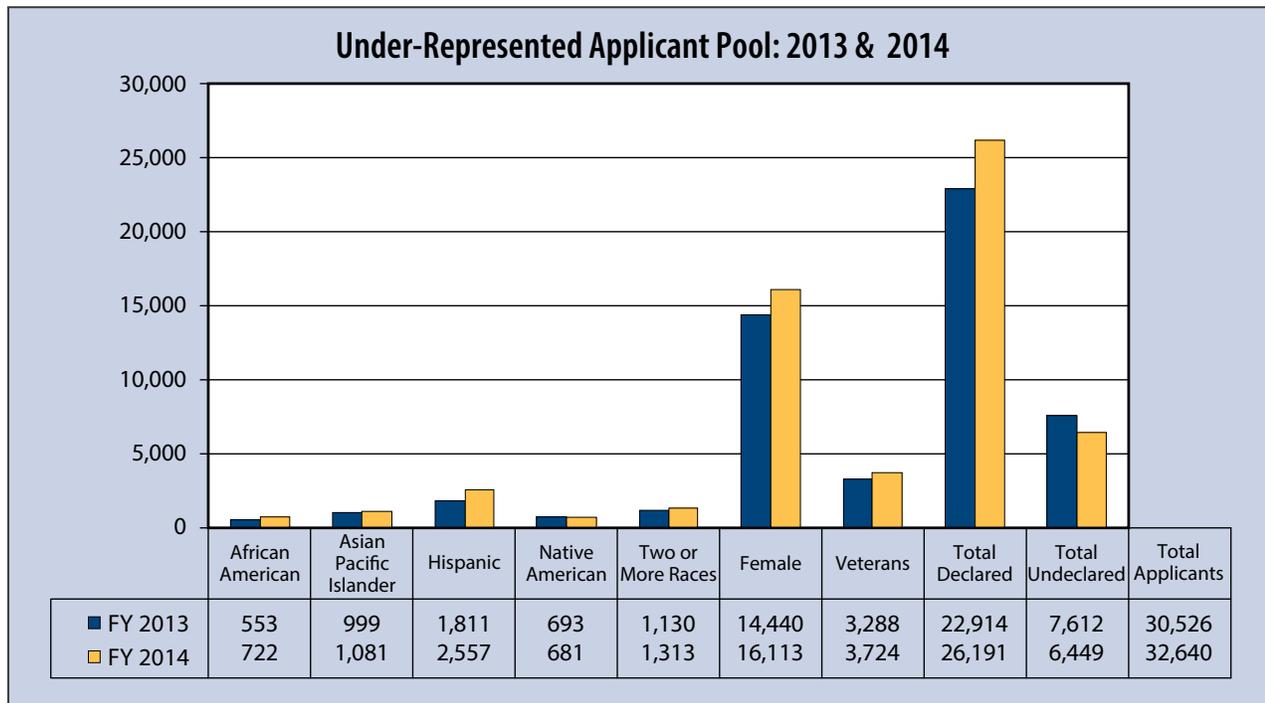
- Online training for all supervisors, targeting how to best support veteran employees.
- Online surveys of veteran employees at three points in time, off company time, and surveys of their spouses and partners, if applicable.

ODOT asked all ODOT supervising managers to participate, whether or not they currently supervise a veteran employee as this is a great opportunity for supervisors and our organization, and will help create a workplace that is supportive and understanding of the benefits of military service.

ODOT also asked that post-9/11 veteran employees sign up as well. While ODOT will not track employee participation, it encouraged all to participate as we believe that this is an important program that is supported by ODOT.

This affirmative action plan includes information for the first time about veterans applying for employment at ODOT. We firmly believe that the SERVe program will assist us in becoming a more diverse organization while reaching out to our veterans.

**Table 29. Under-Represented Applicant Pool by Number and Percentage: 2013 & 2014**



Under-Represented Applicant Pool: 2012-2013 & 2013-2014										
	African American	Asian Pacific Islander	Hispanic	Native American	Two or More Races	Female	Veterans	Total Declared	Total Undeclared	Total Applicants
FY 2013	553	999	1,811	693	1,130	14,440	3,288	22,914	7,612	30,526
FY 2013 %	2.41%	4.36%	7.90%	3.02%	4.93%	63.02%	14.35%	75.06%	24.94%	
FY 2014	722	1,081	2,557	681	1,313	16,113	3,724	26,191	6,449	32,640
FY 2014 %	2.8%	4.1%	9.8%	2.6%	5.0%	61.5%	14.2%	80.2%	19.8%	

**PROMOTION AND NEW HIRE PROGRESS AND ANALYSIS**

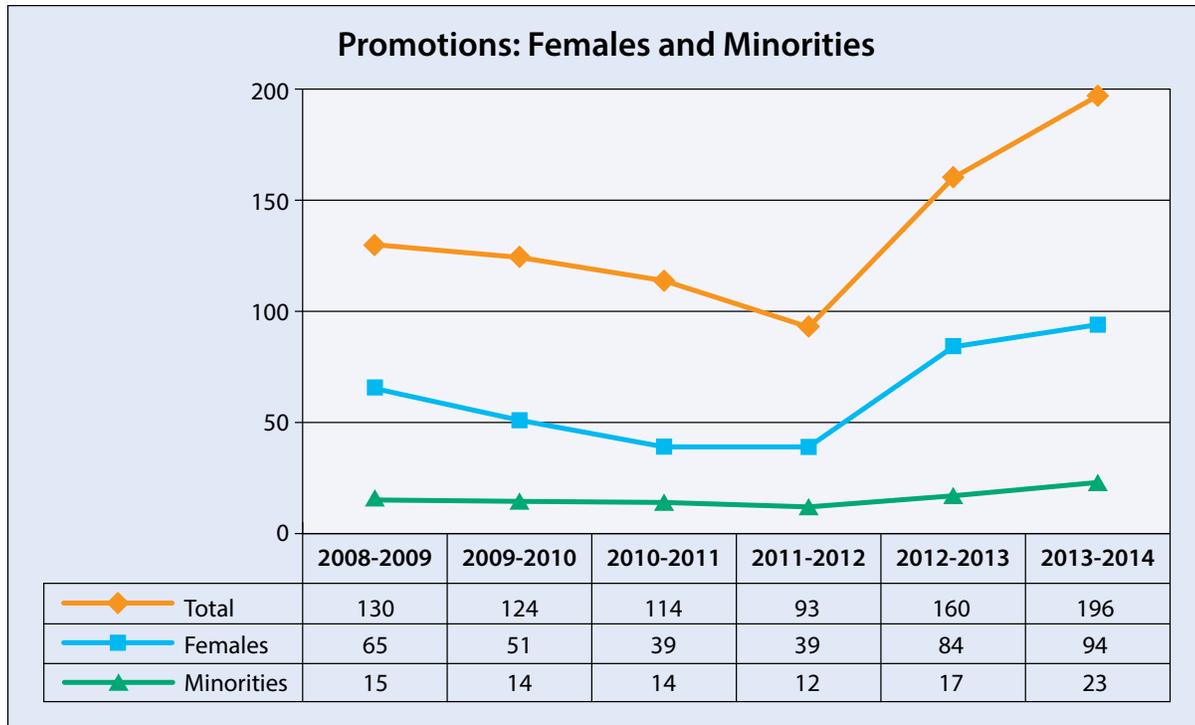
The following information summarizes ODOT’s EEO/AA progress during fiscal years 2008-09, 2009-10, 2010-2011, 2011-2012, 2012-2013, and 2013-2014 in the areas of promo-

tions and new hires, which includes hires as a result of internal and external transfers.

**Table 30. Promotions: Females and Minorities**

There was a decrease in the overall number of promotions across the Department from 2008 to 2012. The number began increasing again at the beginning of this past biennium. While the number of promotions for minorities has remained relatively flat, the number of women who were

promoted more than doubled in 2012-2013 as compared with the previous fiscal year. Combined, this past biennium women and minorities accounted for at least 59% of the promotions in each of the past two years.



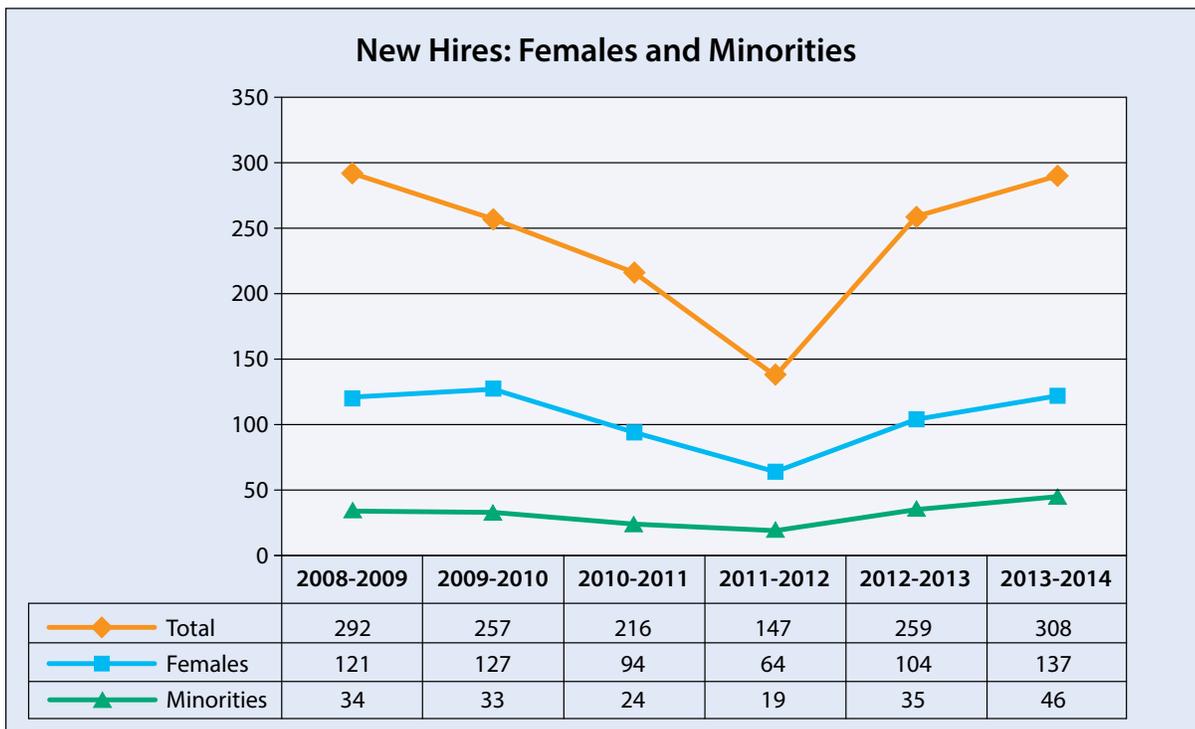
Number Of Employees Promoted						
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Total	130	124	114	93	160	196
Females	65	51	39	39	84	94
Minorities	15	14	14	12	17	23
Asian Pacific Islander	5	2	5	3	6	5
Black	3	1	2	3	1	3
Caucasian	5	8	5	4	6	12
Hispanic	2	3	2	2	4	3
Native American	115	110	100	81	143	173
Two or More Races	0	0	0	0	0	0
Total Minorities	130	124	114	93	160	196

Percentage Of Employees Promoted						
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Females	61.5%	52.4%	46.5%	54.8%	63.1%	59.7%
Minorities	50.0%	41.1%	34.2%	41.9%	52.5%	48.0%
Total	11.5%	11.3%	12.3%	12.9%	10.6%	11.7%
Asian Pacific Islander	3.8%	1.6%	4.4%	3.2%	3.8%	2.6%
Black	2.3%	0.8%	1.8%	3.2%	0.6%	1.5%
Caucasian	3.8%	6.5%	4.4%	4.3%	3.8%	6.1%
Hispanic	1.5%	2.4%	1.8%	2.2%	2.5%	1.5%
Native American	88.5%	88.7%	87.7%	87.1%	89.4%	88.3%
Two or More Races	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total Minorities	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

**Table 31. New Hires: Females and Minorities**

There was an overall decrease in the total number of new hires across the Department which started on Fiscal Year 2009-2010 and hit bottom on 2011-2012. This was in part due to the statewide hiring freeze that was in effect for four to five months during the fiscal year. Since then, the number of hires has increased in each of the previous two

fiscal years. The percentage of women hired during in the last six fiscal years has remained fairly steady at 40-45%. Minority new hires for the same time period also remains fairly steady and has actually increased to 15.52% this past year.



Number Of Employees Hired						
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
<b>Total</b>	314	303	245	175	249	290
<b>Females</b>	126	130	111	64	96	122
<b>Minorities</b>	36	37	26	18	34	45
<b>Asian Pacific Islander</b>	10	12	4	1	8	13
<b>Black</b>	3	6	9	6	7	3
<b>Caucasian</b>	16	12	6	9	14	23
<b>Hispanic</b>	5	3	5	3	6	7
<b>Native American</b>	258	224	192	128	224	262
<b>Two or More Races</b>	0	0	0	0	0	0
	292	257	216	147	259	308

Percentage Of Employees Promoted						
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
<b>Females</b>	53.1%	62.3%	54.6%	56.5%	53.7%	59.4%
<b>Minorities</b>	41.4%	49.4%	43.5%	43.5%	40.2%	44.5%
<b>Total</b>	11.6%	12.8%	11.1%	12.9%	13.5%	14.9%
<b>Asian Pacific Islander</b>	3.4%	4.7%	1.9%	0.7%	3.1%	4.2%
<b>Black</b>	1.0%	2.3%	4.2%	4.1%	2.7%	1.0%
<b>Caucasian</b>	5.5%	4.7%	2.8%	6.1%	5.4%	7.5%
<b>Hispanic</b>	1.7%	1.2%	2.3%	2.0%	2.3%	2.3%
<b>Native American</b>	88.4%	87.2%	88.9%	87.1%	86.5%	85.1%
<b>Two or More Races</b>	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
<b>Total Minorities</b>	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

In both promotions and new hires, women and under-represented minorities are at or near parity, meaning they are being promoted and hired at a higher rate than they are represented in the agency percentage-wise. This is slowly helping us to catch-up to parity in the overall numbers and percentage of women and under-represented minorities.

E = Paraprofessionals,

F = Office/Clerical Support positions,

G = Skilled Crafts positions and

H = Service/Maintenance positions.

## Employment Progress and Analysis

The Equal Employment Opportunity Commission (EEOC) categorizes each employment (job) classification into an EEO-4 category. These categories are designated by letters:

A = Officials and Administrators/Executive positions,

B = Professional positions,

C = Technician positions,

D = Protected Service Workers,

**PARITY:** 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 available base for the protected group. Parity is computed for the state of Oregon as a single employer, not agency by agency. Parity for Oregon is computed as one geographic region, it is not broken down into smaller distinct regions within the state.

To measure performance ODOT analyzes gaps between actual and established parity goals. There is a wide variety of ODOT jobs, classifications and categories within each

division. Gaps between actual and parity goals may or may not exist within a particular division. Likewise, there may be under-represented areas in a particular division that are not clear at a Department-wide level, or there may be divisions that have surpassed parity goals which can also be masked at the Department-wide level.

The following three Department-wide areas were targeted in the 2013-2015 biennium as Affirmative Action goals because the utilization analysis indicated under-representation.

The charts represent where ODOT has and has not been able to make progress in our three identified Affirmative Action goals for the 2013-2015 biennium. Comparison of statewide identified levels of parity for women, under-represented minorities and people with disabilities in the identified EEO classifications are also included as benchmarks.

1. Increasing the number of people with disabilities in administrator positions (salary range 24-31+), professional positions (this includes computer analyst, program coordinator, Right of Way coordinator, etc.) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO A, B, G).
2. Increase the number of women in administrator positions (salary range 24-31+) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO A, G).
3. Increase the number of historically under-represented minorities in professional positions (this includes computer analyst, program coordinator, right of way coordinator, etc.) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO B, G).

## Goal #1 (AAP 2013-2015)

**1. Increasing the number of people with disabilities in administrator positions (salary range 24-31+), professional positions (this includes computer analyst, program coordinator, right of way coordinator, etc.) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO A, B, G).**

*NOTE: Some divisions do not employ staff in some of the EEO categories. For instance, the Motor Carrier Transportation Division does not have currently employees in the EEO G category.*

For ODOT as an organization, there continues to be an under-representation of people with disabilities in administrator, professional and skilled craft positions. However, there are several divisions within ODOT that are continuing to make steady progress in terms of the number of employees with disabilities. ODOT as a whole has improved in this area as well, as compared to the last biennium.

## DIVISIONS THAT ARE NOW NEAR OR ABOVE PARITY FOR PEOPLE WITH DISABILITIES, SINCE THE AAP FOR 2013-2015:

- Motor Carrier (EEO A, B)
- DMV (EEO B)
- Central Services (EEO A, B, G) Improved in all three areas since the last AAP
- Transportation Safety (EEO B)
- ODOT Headquarters (EEO A, B)

## UNDER-REPRESENTED DIVISIONS:

- Highway (EEO A, B, G)
- Driver and Motor Vehicle Services (EEO A)
- Transportation Development (EEO B)

## CHALLENGES include the following:

- Accurately capturing the number of employees with disabilities is one of the most difficult tasks. Disclosing a disability is voluntary. According to the Americans with Disabilities Act (ADA) an employee can qualify as a person with a disability without disclosing their disability or requesting a workplace accommodation. Additionally, based on US 2000 census data, of the 20 percent of Americans that experience a disability, approximately 94 percent of those disabilities are non-apparent or invisible disabilities.
- ODOT has an aging workforce. Individuals who, when hired, did not experience a disability may

acquire a disability over time and not recognize it, and therefore not identify or disclose as a person with a disability.

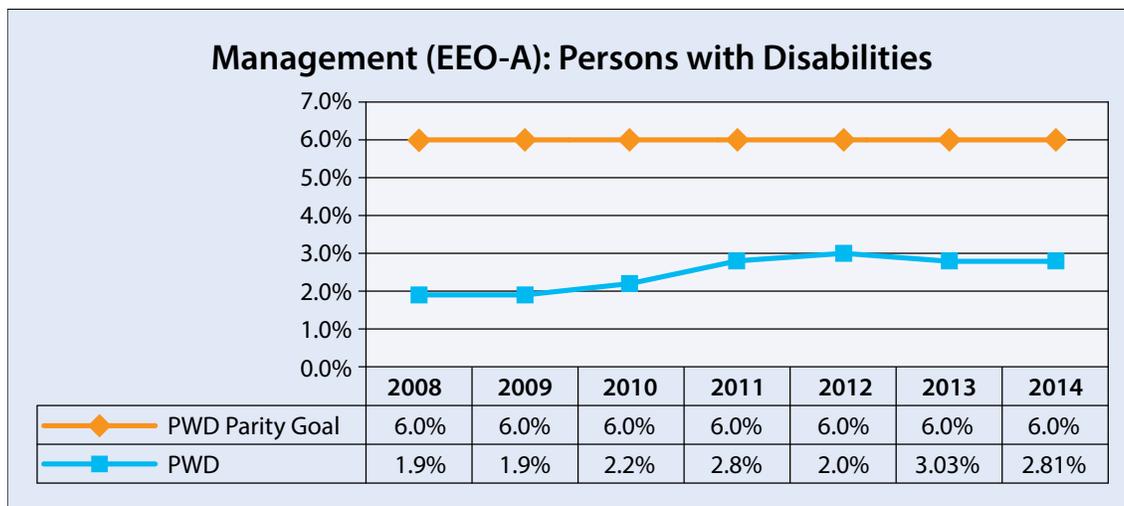
- There is still a societal stigma associated with disabilities. Employees in general feel reluctant to disclose this information for fear that they will be discriminated against as a result of their disabilities.
- ODOT has attempted to address this challenge by gathering better data regarding accommodations being provided so we can more accurately

represent the number and percentage of employees who experience a disability. In July of 2014, Human Resources contacted all employees via email to encourage them to update their EEO records, including whether they have a disability. We received about 20 responses from employees updating their records. Additionally, some DATs have developed a program called “You Count” to educate co-workers about the benefit of identifying as a person with a disability to help ODOT accurately count and reflect the number of employees who do experience some kind of disability.

**Table 32. Employees with Disabilities: Officials and Administrators**

This table reflects the percentage of people with disabilities in management positions. After several years of decline there was a slight uptick in the percentage of

people with disabilities at this level and/or a slight increase in the number of people willing to disclose their disability at this level.

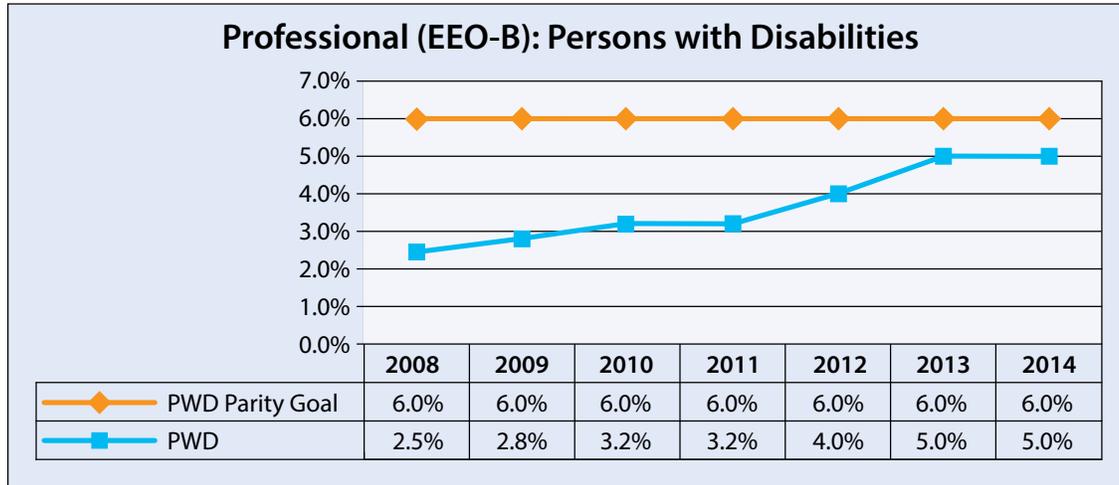


	2008	2009	2010	2011	2012	2013	2014
PWD Parity Goal	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
PWD	1.90%	1.90%	2.20%	2.80%	2.00%	3.03%	2.81%

**Table 33. Employees with Disabilities: Professionals**

This table reflects the percentage of people with disabilities in professional positions. As an organization, ODOT is close to parity in this EEO category for employees with disabilities. Since 2008, there has been a slow and steady increase in the percentage of employees with disabilities

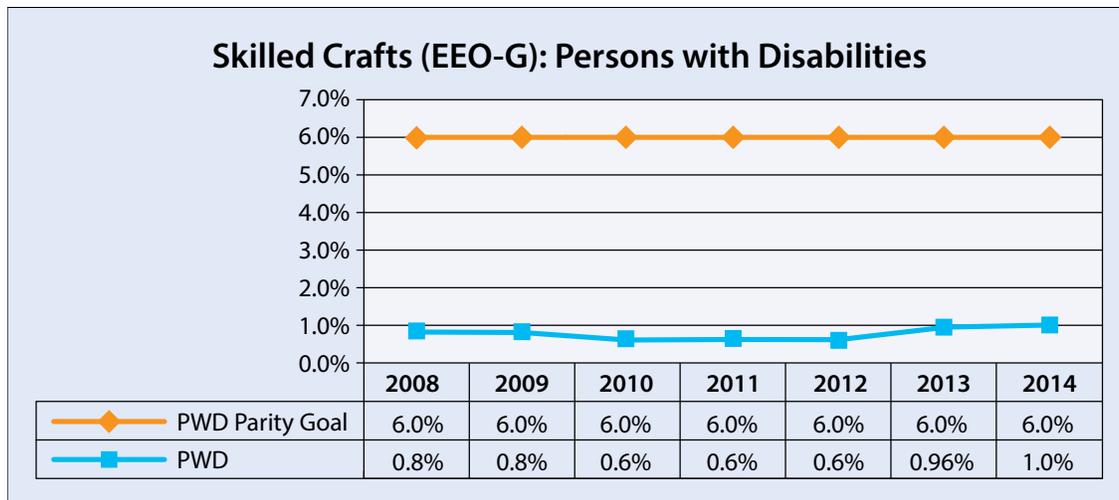
at the professional level to our current 5.0 percent. This increase in part reflects some of the internal work that has been occurring to educate employees about their disability status as well as the on-going outreach efforts to the disability community at large.



	2008	2009	2010	2011	2012	2013	2014
PWD Parity Goal	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
PWD	2.5%	2.8%	3.2%	3.2%	4.0%	5.0%	5.0%

**Table 34. Employees with Disabilities: Skilled Crafts**

This table reflects the percentage of people with disabilities in skilled crafts positions. Historically this is an area with which ODOT has struggled.



	2008	2009	2010	2011	2012	2013	2014
PWD Parity Goal	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
PWD	0.8%	0.8%	0.6%	0.6%	0.6%	0.96%	1.0%

Many positions in skilled craft jobs have a high physical component which can make it difficult for a person with a physical disability to perform the essential functions of the job. It is difficult to determine if the number of identified employees with disabilities in skilled craft positions is an accurate reflection of the true numbers of employees with disabilities in those positions since most disabilities are invisible and employees are not required to disclose their disability.

One way the Department is trying to address this issue is through a more active ADA interactive process around skilled crafts workers injured on the job who then have permanent restrictions or injuries.

## Goal #2 (AAP 2013-2015)

### **2. Increase the number of women in administrator positions (salary range 24-31+) and skilled craft positions (this includes highway maintenance, mechanics, carpenter, plumber, etc.) (EEO A, G).**

*NOTE: Some divisions do not employ staff in some of the EEO categories. For instance, the Motor Carrier Transportation Division does not have currently employees in the EEO G category and will therefore be unable to effect any changes.*

Women continue to be under-represented in administrator/management positions. The previous AA Plan reported that as of June 30, 2012, there were 109 women out of a group of 345 total employees in this EEO category. It further reported that this 31.6% represented a 2.6% increase over the previous reporting period. As of June 30, 2014, of the 320 employees in this category, there are 97 women (30.3 percent) which is a decrease since 2010. The current parity for women is 39.8 percent.

Women continue to be under-represented in skilled craft positions. The previous AA Plan reported that as of June 30, 2012, there were 75 women out of a group of 1,082

total employees in this EEO category. It further reported that this 6.9% represented a 0.1% decrease over the previous reporting period. As of June 30, 2014, of the 1,038 employees in this category, there are 74 women (7.1%) which is a **increase** since 2012. The current parity for women is 18.4%. ODOT continues to try and address this disparity through targeted outreach efforts.

### **DIVISIONS THAT ARE NOW NEAR OR ABOVE PARITY FOR WOMEN, SINCE THE AAP FOR 2013-2015:**

- Driver and Motor Vehicle Services (EEO A)
- Motor Carrier (EEO A) improved since the last AAP and is now above parity in both identified EEO categories.
- Public Transit/Rail\* (EEO A) *\*Since the last AAP, Public Transit and Rail have merged.*
- ODOT Headquarters (EEO A)

### **UNDER-REPRESENTED DIVISIONS:**

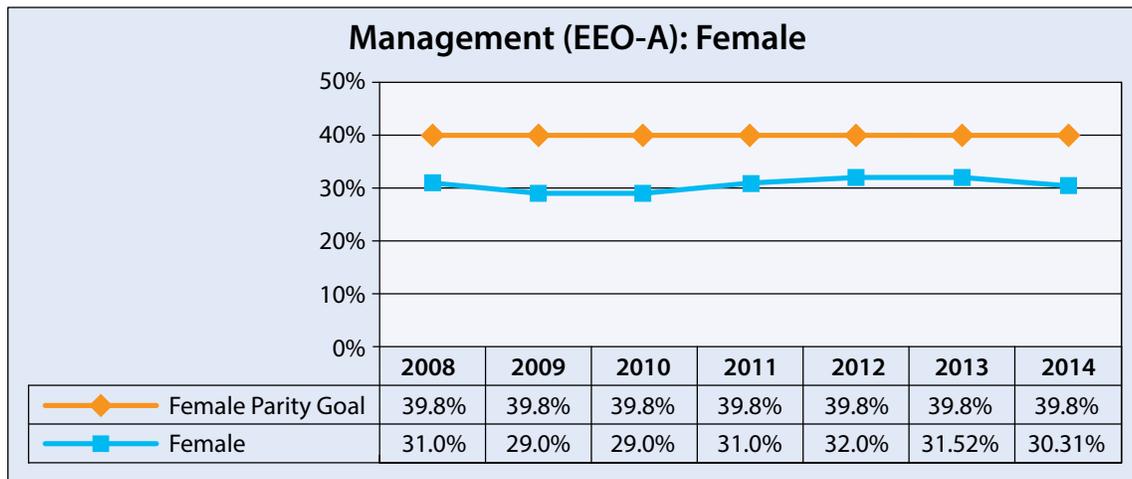
- Highway (EEO A, G)
- Central Services (EEO A, G)
- Transportation Development (EEO A) is closer to parity since the last AAP

### **CHALLENGES include the following:**

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

**Table 35. Women: Officials and Administrator Positions**

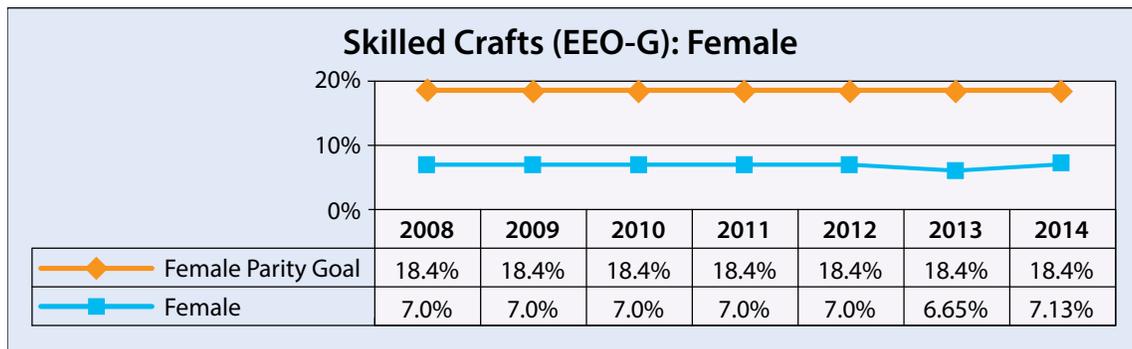
Reflects the percentage of women in management positions (salary range 24-42). The percentage of women at the management level has remained fairly steady over the past six years with a slight decrease over the last two years.



	2008	2009	2010	2011	2012	2013	2014
Female Parity Goal	39.8%	39.8%	39.8%	39.8%	39.8%	39.8%	39.8%
PWD	31.0%	29%	29.0%	31.0%	32.0%	31.52%	30.31%

**Table 36. Women: Skilled Crafts Positions \***

Reflects the percentage of women in skilled crafts positions. There are 1,038 positions in skilled crafts (EEO-G) primarily residing in the Highway Division with a small number in the Central Services Division. The trend for women has remained relatively flat over the last six years. This is an area where we have historically had difficulty finding an effective way to recruit this population for these positions.



(\*Transportation maintenance, mechanic, and trades positions)

	2008	2009	2010	2011	2012	2013	2014
Female Parity Goal	18.4%	18.4%	18.4%	18.4%	18.4%	18.4%	18.4%
PWD	7.0%	7.0%	7.0%	7.0%	7.0%	6.65%	7.13%

## Goal #3 (AAP 2013-2015)

**3. Increase the number of historically under-represented minorities in professional positions (this includes computer analyst, program coordinator, right of way coordinator, etc.) and skilled crafts positions (this includes highway maintenance, mechanics, carpenter, plumber, etc.) (EEO B, G).**

*NOTE: Some divisions do not employ staff in some of the EEO categories. For instance, the Motor Carrier Transportation Division does not have currently employees in the EEO G category and will therefore be unable to effect any changes.*

### **DIVISIONS THAT ARE NOW NEAR OR ABOVE PARITY FOR MINORITIES, SINCE THE AAP FOR 2013-2015:**

- Central Services (EEO G)
- Department of Motor Vehicles (EEO B)

- Motor Carrier (EEO B)
- Public Transit/Rail (EEO B)
- Transportation Safety (EEO B)
- Transportation Development (EEO B)
- ODOT Headquarters (EEO B)

### **UNDER-REPRESENTED DIVISIONS:**

- Highway (EEO B, G)
- Central Services (EEO B)

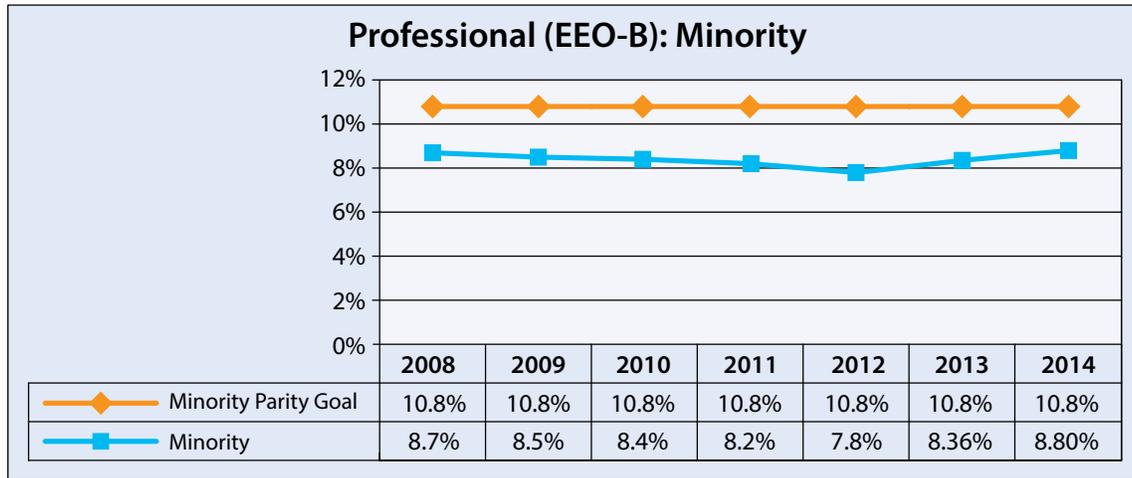
### **CHALLENGES** include the following:

- Attitudinal constraints – perceived and real biases and stereotypes by managers and co-workers about under-represented minorities.
- ODOT has had difficulty building effective and lasting networks into the local communities for recruiting for skilled craft positions. ODOT continues to explore best practices and new ways to reach out to under-represented minority communities.

**Table 37. Under-Represented Minorities: Professional**

Reflects the percentage of minorities, both male and female, in professional positions. Through the fiscal year ending in 2012, there had been a small but consistent decrease in the number and percentage of under-repre-

sented minorities in professional level positions overall in the Department. In the last two years, there is an upward tick in this EEO category. June 30, 2014 marked the highest point this category has reached in the last six years.

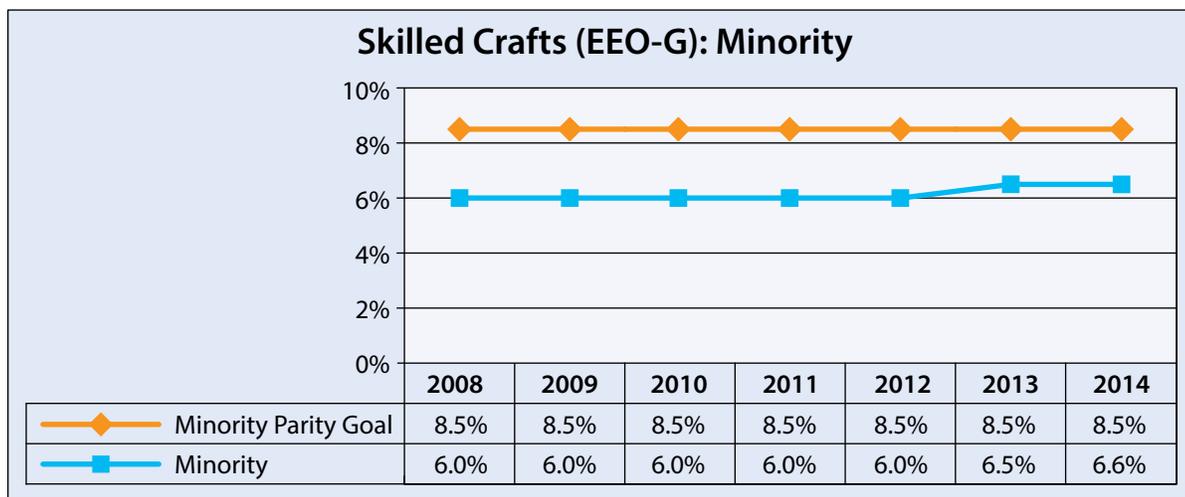


	2008	2009	2010	2011	2012	2013	2014
Minority Parity Goal	10.8%	10.8%	10.8%	10.8%	10.8%	10.8%	10.8%
Minority	8.7%	8.5%	8.4%	8.2%	7.8%	8.36%	8.8%

**Table 38. Under-Represented Minorities: Skilled Crafts**

Reflects the percentage of minorities, both male and female, in skilled crafts positions. Minority female and male representation has remained flat over the last several

years but in the fiscal year ending in 2013, there was a slight increase.



	2008	2009	2010	2011	2012	2013	2014
Minority Parity Goal	8.5%	8.5%	8.5%	8.5%	8.5%	8.5%	8.5%
Minority	6.0%	6.0%	6.0%	6.0%	6.0%	6.5%	6.6%

# Summary of Division Affirmative Action Parity

As stated previously, Affirmative Action parity goals are set for the state of Oregon as one employer. Each EEO category is further broken down and given parity goals for each under-represented group.

Table 39 below highlights ODOT's current workforce strengths and areas of under-representation by division. The division parity and representation data is as of June 30, 2014.

- **CURRENT GROUP COUNT:** Number of under-represented employees in that EEO Category, in that division.

- **CURRENT TOTAL:** Total number of employees in that EEO Category, in that division.
- **PREVIOUS AAP:** Total number of employees above or below parity as identified in the previous Affirmative Action Plan.
- **CURRENT AAP:** Current number of employees above or below parity as of June 30, 2014.

Under-represented areas help us identify areas of emphasis and goals for divisions and hiring managers to consider in their recruitment, hiring, retention, and promotion opportunities.

Areas needing improvement, as reflected by the divisional goals indicated in Section V, are highlighted in **bold text**.

**Table 39. Parity by EEO Category by Division**

NOTE: Some divisions do not employ staff in some of the EEO categories. For instance, the Motor Carrier Transportation Division does not have currently employees in the EEO G category and will therefore be unable to effect any changes.

## Central Services Division

EEO Category	Parity %	Current %	Current Group Count	Current Total	Previous AAP*	Current AAP
<b>FEMALE</b>						
EEO A: Officials & Admin.	39.8%	21.9%	7	32	<b>-1</b>	<b>-6</b>
EEO B: Professionals	41.2%	44.3%	128	289	8	9
EEO C: Technicians	43.6%	17.6%	3	17	<b>-6</b>	<b>-4</b>
EEO F: Clerical	70.3%	90.0%	45	50	not reported	10
EEO G: Skilled Crafts	18.4%	0.0%	0	9	<b>-2</b>	<b>-2</b>
EEO H: Maintenance	37.8%	0.0%	0	6	<b>-2</b>	<b>-2</b>
<b>MINORITY</b>						
EEO A: Officials & Admin.	12.9%	6.3%	2	32	at parity	<b>-2</b>
EEO B: Professionals	10.8%	9.0%	26	289	<b>-6</b>	<b>-5</b>
EEO C: Technicians	9.0%	5.9%	1	17	1	<b>-1</b>
EEO F: Clerical	9.7%	16.0%	8	50	not reported	3
EEO G: Skilled Crafts	8.5%	22.2%	2	9	1	1
EEO H: Maintenance	11.6%	0.0%	0	6	0	<b>-1</b>
<b>DISABLED</b>						
EEO A: Officials & Admin.	6.0%	6.3%	2	32	0	0
EEO B: Professionals	6.0%	7.3%	21	289	0	4
EEO C: Technicians	6.0%	11.8%	2	17	2	1
EEO F: Clerical	6.0%	2.0%	1	50	not reported	<b>-2</b>
EEO G: Skilled Crafts	6.0%	11.1%	1	9	0	0
EEO H: Maintenance	6.0%	0.0%	0	6	0	0

(\*Previous AAP data is from June 30, 2012)

Central Services has met or exceeded parity in employment in all categories for people with disabilities. Central Services is one of two Divisions with skilled craft positions which have been historically difficult for ODOT to recruit women and people with disabilities into. Central Services

has not reached parity in EEO categories EEO A for women and in EEO A and B for minorities. It is continuing its efforts to promote employment of women and historically under-represented minorities in under-represented areas.

### Driver and Motor Vehicles Services Division (DMV)

EEO Category	Parity %	Current %	Current Group Count	Current Total	Previous AAP*	Current AAP
<b>FEMALE</b>						
EEO A: Officials & Admin.	39.8%	67.3%	35	52	15	14
EEO B: Professionals	41.2%	60.5%	49	81	19	16
EEO C: Technicians	43.6%	65.7%	188	286	54	63
EEO F: Clerical	70.3%	78.9%	254	322	not reported	28
EEO H: Maintenance	37.8%	0.0%	0.0%	1	not reported	0
<b>MINORITY</b>						
EEO A: Officials & Admin.	12.9%	17.3%	9	52	1	2
EEO B: Professionals	10.8%	13.6%	11	81	-2	2
EEO C: Technicians	9.0%	26.9%	77	286	43	51
EEO F: Clerical	9.7%	16.5%	53	322	not reported	22
EEO H: Maintenance	11.6%	0.0%	0.0%	1	not reported	0
<b>DISABLED</b>						
EEO A: Officials & Admin.	6.0%	1.9%	1	52	-2	-2
EEO B: Professionals	6.0%	6.2%	5	81	-3	0
EEO C: Technicians	6.0%	4.2%	12	286	-8	-5
EEO F: Clerical	6.0%	12.7%	41	322	not reported	22
EEO H: Maintenance	6.0%	0.0%	0.0%	1	not reported	0

(\*Previous AAP data is from June 30, 2012)

DMV continues to be above parity in all areas for women. This past biennium the DMV reached parity in all areas for under-represented minorities. The DMV has seen a slight

increase and is closer to meeting parity for employees with disabilities.

## Motor Carrier Transportation Division (MCTD)

EEO Category	Parity %	Current %	Current Group Count	Current Total	Previous AAP*	Current AAP
<b>FEMALE</b>						
EEO A: Officials & Admin.	39.8%	59.1%	13	22	2	4
EEO B: Professionals	41.2%	44.6%	37	83	-6	3
EEO C: Technicians	43.6%	45.5%	61	134	6	3
EEO F: Clerical	70.3%	88.9%	24	27	not reported	5
<b>MINORITY</b>						
EEO A: Officials & Admin.	12.9%	0.0%	0	22	-3	-3
EEO B: Professionals	10.8%	9.6%	8	83	-1	-1
EEO C: Technicians	9.0%	11.2%	15	134	-4	3
EEO F: Clerical	9.7%	11.1%	3	27	not reported	0
<b>DISABLED</b>						
EEO A: Officials & Admin.	6.0%	13.6%	3	22	at parity	2
EEO B: Professionals	6.0%	8.4%	7	83	at parity	2
EEO C: Technicians	6.0%	8.2%	11	134	3	3
EEO F: Clerical	6.0%	18.5%	5	27	not reported	3

(\*Previous AAP data is from June 30, 2012)

MCTD has increased the number of women in management positions and is now above parity in the number of women in EEO categories A, B and C. MCTD has remained

at the same parity levels as of June of 2012 in the number of under-represented minorities in all areas. They are at or above parity in all areas for employees with disabilities.

## Public Transit/Rail

EEO Category	Parity %	Current %	Current Group Count	Current Total	Previous AAP*	Current AAP
<b>FEMALE</b>						
EEO A: Officials & Admin.	39.8%	100.0%	2	5	-1	1
EEO B: Professionals	41.2%	100.0%	15	33	-2	6
EEO F: Clerical	70.3%	100.0%	5	5	NA*	1
<b>MINORITY</b>						
EEO A: Officials & Admin.	12.9%	0.0%	0	5	NA*	0
EEO B: Professionals	10.8%	0.0%	1	33	-2	-1
EEO F: Clerical	9.7%	20.0%	1	5	not reported	1
<b>DISABLED</b>						
EEO A: Officials & Admin.	6.0%	0.0%	0	5	NA*	0
EEO B: Professionals	6.0%	0.0%	1	33	at parity	-1
EEO F: Clerical	6.0%	20.0%	1	5	not reported	1

(\*Previous AAP data is from June 30, 2012) 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 is at parity or above for women in all EEO categories. It is close to parity for under-represented minorities in professional positions. While still close

to parity, there was a slight decrease in the number of disabled employees in the EEO B (Professional) category.

## Transportation Safety Division

EEO Category	Parity %	Current %	Current Group Count	Current Total	Previous AAP*	Current AAP
<b>FEMALE</b>						
EEO A: Officials & Admin.	39.8%	0.0%	0	1	N/A*	0
EEO B: Professionals	41.2%	66.7%	10	15	7	4
EEO F: Clerical	70.3%	83.3%	5	6	not reported	1
<b>MINORITY</b>						
EEO A: Officials & Admin.	12.9%	100.0%	1	1	N/A*	1
EEO B: Professionals	10.8%	13.3%	2	15	<b>-1</b>	0
EEO F: Clerical	9.7%	16.7%	1	6	not reported	0
<b>DISABLED</b>						
EEO A: Officials & Admin.	6.0%	100.0%	1	1	N/A*	1
EEO B: Professionals	6.0%	0.0%	0	15	<b>-1</b>	<b>-1</b>
EEO F: Clerical	6.0%	16.7%	1	6	not reported	1

(\*Previous AAP data is from June 30, 2012) N/A - This goal is not applicable since the division does not have any or very few employees in this EEO category.

Transportation Safety is at parity or above for all categories except for people with disabilities in professional positions where they are near parity.

## Highway Division

EEO Category	Parity %	Current %	Current Group Count	Current Total	Previous AAP*	Current AAP
<b>FEMALE</b>						
EEO A: Officials & Admin.	39.8%	17.2%	32	186	<b>-38</b>	<b>-42</b>
EEO B: Professionals	41.2%	28.9%	166	574	<b>-84</b>	<b>-70</b>
EEO C: Technicians	43.6%	18.4%	82	446	<b>-116</b>	<b>-112</b>
EEO F: Clerical	70.3%	88.7%	118	133		25
EEO G: Skilled Crafts	18.4%	7.2%	74	1029	<b>-125</b>	<b>-115</b>
EEO H: Maintenance	37.8%	25.0%	3	12	<b>-2</b>	<b>-2</b>
<b>MINORITY</b>						
EEO A: Officials & Admin.	12.9%	5.9%	11	186	<b>-12</b>	<b>-13</b>
EEO B: Professionals	10.8%	8.0%	46	574	<b>-16</b>	<b>-16</b>
EEO C: Technicians	9.0%	12.8%	57	446	15	17
EEO F: Clerical	9.7%	9.8%	13	133	Not Reported	0
EEO G: Skilled Crafts	8.5%	6.4%	66	1029	<b>-29</b>	<b>-21</b>
EEO H: Maintenance	11.6%	0.0%	0	12	<b>-1</b>	<b>-1</b>
<b>DISABLED</b>						
EEO A: Officials & Admin.	6.0%	1.1%	2	186	<b>-12</b>	<b>-9</b>
EEO B: Professionals	6.0%	3.1%	18	574	<b>-22</b>	<b>-16</b>
EEO C: Technicians	6.0%	4.0%	18	446	<b>-11</b>	<b>-9</b>
EEO F: Clerical	6.0%	10.5%	14	133	<b>Not Reported</b>	<b>6</b>
EEO G: Skilled Crafts	6.0%	1.0%	10	1029	<b>-54</b>	<b>-52</b>
EEO H: Maintenance	6.0%	8.3%	1	12	<b>-1</b>	0

(\*Previous AAP data is from June 30, 2012) Note: \* N/A - This goal is not applicable since the division does not have any or very few employees in this EEO category.

The Highway Division has not met parity in all areas. There have been continuing efforts to develop programs and outreach efforts that more effectively target and successfully recruit women and historically under-represented minorities into all positions in the highway division. However, no one program, plan, or strategy has proven effective except for a program which targeted historically under-represented minority graduate engineering students from historically black colleges and universities. This program was successful in increasing the number of historically underrepresented minorities into professional and technician level positions. However, with the decrease in federal funding for new highway projects these posi-

tions are many of the ones that will be “right-sized” over the next biennium. New and renewed efforts are underway to target skilled crafts positions which are the positions that maintain our roads and highways and will not be eliminated over the next biennium. A promising new option is the Maintenance Trainee Program which has just began in the last few months. The program targets women and under-represented minorities. Judging by the initial response to jobs, ODOT anticipates the program will make a difference. At this point we do not have enough data to anticipate future trends but will by next biennium.

## Transportation Development Division

EEO Category	Parity %	Current %	Current Group Count	Current Total	Previous AAP*	Current AAP
<b>FEMALE</b>						
EEO A: Officials & Admin.	39.8%	41.7%	5	12	<b>-1</b>	0
EEO B: Professionals	41.2%	46.2%	30	65	2	3
EEO C: Technicians	43.6%	35.7%	10	28	<b>-4</b>	<b>-2</b>
EEO F: Clerical	70.3%	81.0%	17	21	not reported	17
<b>MINORITY</b>						
EEO A: Officials & Admin.	12.9%	8.3%	1	12	<b>-1</b>	<b>-1</b>
EEO B: Professionals	10.8%	10.8%	7	65	at parity	
EEO C: Technicians	9.0%	17.9%	5	28	3	2
EEO F: Clerical	9.7%	14.3%	3	21	not reported	3
<b>DISABLED</b>						
EEO A: Officials & Admin.	6.0%	0.0%	0	12	<b>-1</b>	<b>-1</b>
EEO B: Professionals	6.0%	1.5%	1	65	<b>-2</b>	<b>-3</b>
EEO C: Technicians	6.0%	10.7%	3	28	<b>-1</b>	1
EEO F: Clerical	6.0%	14.3%	3	21	not reported	2

(\*Previous AAP data is from June 30, 2012)

Transportation Development meets or exceeds parity in several areas including women and historically under-represented minorities in professional positions, and for historically under-represented minorities in technician positions. All other areas they are close to parity.

## ODOT Headquarters

The ODOT headquarters Division includes Communications, ODOT HQ, and Office of the Director.

EEO Category	Parity %	Current %	Current Group Count	Current Total	Previous AAP*	Current AAP
<b>FEMALE</b>						
EEO A: Officials & Admin.	39.8%	30.0%	3	10	<b>-1</b>	<b>-1</b>
EEO B: Professionals	41.2%	66.7%	18	27	6	7
EEO F: Clerical	70.3%	87.5%	7	8	not reported	1
<b>MINORITY</b>						
EEO A: Officials & Admin.	12.9%	30.0%	3	10	1	2
EEO B: Professionals	10.8%	11.1%	3	27	<b>-1</b>	0
EEO F: Clerical	9.7%	25.0%	2	8	not reported	1
<b>DISABLED</b>						
EEO A: Officials & Admin.	6.0%	0.0%	0	10	at parity	<b>-1</b>
EEO B: Professionals	6.0%	18.5%	5	27	3	3
EEO F: Clerical	6.0%	12.5%	1	8	not reported	1

(\*Previous AAP data is from June 30, 2012.)

ODOT HQ is close to or has exceeded parity in all areas previously identified as goals.



PHOTO: **John Link**, Tioga to Susan Creek

# 2015-2017 Affirmative Action Plan

## A. Goals

### PAST GOALS:

During the past biennium (2013-2015) ODOT's overall long-term Affirmative Action goals were:

1. Increase the number of people with disabilities in administrator positions (salary range 24-31+), professional positions (this includes computer analyst, program coordinator, Right of Way coordinator, etc.) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO A, B, G).
2. Increase the number of women in administrator positions (salary range 24-31+) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO A, G).
3. Increase the number of historically under-represented minorities in professional positions (this includes computer analyst, program coordinator, Right of Way coordinator, etc.) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO B, G).

Overall, ODOT has made some improvement in the number of people with disabilities in the Department and more specifically in professional positions, although not enough to reach parity.

The number of women in administrative positions has increased slightly while that is not the case for women in skilled craft positions. There has been a decrease in the percentage of historically under-represented minorities in professional positions and in the numbers have remained the same with the skilled craft positions.

ODOT will experience high retirement rates due to the ongoing and increasing retirement of employees in the "baby boomers" generation. Additionally, ODOT is in a current four year "right-sizing" plan that will decrease the overall ODOT number of employees significantly because of decreases in state and federal funding. As a result, ODOT faces significant challenges to retain business and institutional knowledge within its ranks while at the same time recruiting new employees with diverse experiences and backgrounds.

### FUTURE ACTION:

### AGENCY GOALS 2015-2017

Reflecting our responsibilities both to the state of Oregon and the Federal Highway Administration, ODOT's long-term Affirmative Action goals will continue to focus on:

1. Increasing the number of people with disabilities in administrator positions (salary range 24-31+), professional positions (this includes computer analyst, program coordinator, Right of Way coordinator, etc.) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO A, B, G).
2. Increase the number of women in administrator positions (salary range 24-31+) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO A, G).
3. Increase the number of historically under-represented minorities in professional positions (this includes computer analyst, program coordinator, Right of Way coordinator, etc.) and skilled crafts positions (this includes Highway maintenance, mechanics, carpenter, plumber, etc.) (EEO B, G).

Although, there was improvement in some employment categories, ODOT should continue to work on increased employment for women, historically under-represented minorities and people with disabilities. Overall, ODOT made some improvement in the number of people with disabilities in the department and more specifically in professional positions, although not enough to reach parity.

The number of women in administrative positions has increased slightly while that is not the case for women in skilled craft positions. There has been a decrease in the percentage of historically under-represented minorities in professional positions and in the numbers have remained the same with the skilled craft positions.

ODOT will continue to experience high retirement rates due to the ongoing and increasing retirement of employees in the "baby boomers" generation. Addition-

ally, due to increasing costs and decreases in state and federal funding ODOT is currently using attrition as a glide path to “right size” the agency to the projected future revenue stream. This “right-sizing” plan will decrease the overall number of employees by about 5% by the end of the current biennium. This reduction in workforce creates a more challenging environment to meet our diversity goals.

## DEPARTMENT/DIVISION GOALS:

In an effort to track ODOT’s progress on a regular basis and to create Affirmative Action goals that reflect the diversity of functions and programs within ODOT we are identifying division goals that will help the entire Department move forward on its three long-term goals.

Currently, there are no identified goals for the Public Transit and Transportation Safety Divisions as they each either have met, exceeded or are near parity in each category. This should not discourage either Division from continuing its efforts of having a diverse and inclusive workforce.

## CENTRAL SERVICES:

- Increase the number of **historically under-represented minorities** in administrator positions (salary range 24-31+) (EEO A) and in professional positions (this includes program coordinator, researcher, and accounting, etc.) (EEO B).
- Increase the number of **women** in technician positions (this includes engineering specialist, construction project manager, audio-visual specialist, etc.) (EEO C).
- Increase the number of **women** in skilled crafts positions (this includes highway maintenance, maintenance repair, mechanic, sign tech, etc.) (EEO G).
- Increase the number of **women** in service and maintenance positions (this includes service maintenance worker) (EEO H).

## HIGHWAY:

- Increase the number of **women, historically under-represented minorities and people with disabilities** in administrator positions (salary range 24-31+) (EEO A).
- Increase the number of **women, historically under-represented minorities and people with disabilities** in professional positions (this includes

computer analyst, program coordinator, right of way coordinator, inspector, engineer, etc.) (EEO B).

- Increase the number of **women and people with disabilities** in technician positions (this includes engineering specialist, construction project manager, right of way specialist, etc.) (EEO C).
- Increase the number of **women, under-represented minorities and people with disabilities** in skilled craft positions (this includes highway maintenance, maintenance repair, mechanic, sign tech, etc.) (EEO G).

## DRIVER AND MOTOR VEHICLES SERVICES DIVISION:

- Increase the number of **people with disabilities** in administrator positions (salary range 24-31+) (EEO A).
- Increase the number of **people with disabilities** in technician positions (this includes transportation services representative, transportation services office leader, etc.) (EEO C).

## MOTOR CARRIER TRANSPORTATION:

- Increase the number of **historically under-represented minorities** in administrative positions (salary range 24-31+) (EEO A).

## TRANSPORTATION DEVELOPMENT:

- Increase the number of **people with disabilities** in professional positions (this includes purchasing agent, computer analyst, program coordinator, inspector, engineer, etc.) (EEO B).
- Increase the number of **women** in technician positions (this includes engineering specialist, construction project manager, right of way specialist, etc.) (EEO C).

All goals are based on reaching parity in the areas of women, historically underrepresented minorities and people with disabilities. All goals are based on employment information as of June 30, 2014. Please see Tables for Department/Division parity under Progress Section IV.

## Measuring Success and Accountability

Measuring Affirmative Action success happens in a variety of ways. Specific actions include:

- Creating and auditing Department and division goals.
- Reviewing outreach efforts.
- Reviewing the diversity of applicant pools quarterly.
- Reviewing Department and division employment data on a quarterly basis as it relates to Department and division goals.
- Sharing employment data related to Department and division goals with division leaders and the executive leadership team semi-annually.
- Ensuring accountability of all managers with supervisory responsibility by evaluating their diversity and Affirmative Action efforts on their annual performance appraisal.

An additional layer of Affirmative Action success that is less easy to measure but is of equal importance is the ability of ODOT to attract and welcome a more diverse workforce, and flourish as a Department.

To accomplish this ODOT will:

- Review employee retention data.
- Review the number of discrimination complaints.
- Review and update training information to meet the needs of managers and employees.

To assist our managers and supervisors throughout ODOT, Human Resources staff has developed a variety of courses available to our staff. These courses are available in a classroom setting as well as online. Human resources staff has designated a number of them as required, as listed below. One of the goals for this coming biennium is to have a completion rate of 80% of each of the courses designated as required. At least 80% of all managers and supervisors will have taken each of the required courses.

### **REQUIRED CLASSROOM COURSES:**

- Building Injury-Free Culture
- Cultural Competency for Managers Module 1
- Cultural Competency for Managers Module 2
- Effective Coaching

- Fiscal & Procurement Responsibilities
- Harassment Prevention for Managers
- Interviewing & Selecting for Top Performers
- Interviewing & Selecting for Top Performers Skills Practice
- Legal Guidelines for Managers
- Reasonable Suspicion (Alcohol & Drug Misuse) in the Workplace

### **REQUIRED ONLINE COURSES:**

- Code of Conduct
- Domestic Violence Awareness
- Position Descriptions
- Emergency Preparedness
- FMLA and OFLA

### **RECOMMENDED CLASSROOM COURSES:**

- Conflict Resolution
- Counseling & Corrective Action
- Crucial Conversations
- Influencing & Building Partnerships
- Legislative & Department Budgeting Process
- News Media Workshop
- People Skills: Understanding Behavioral Styles
- Public Speaking 101

### **RECOMMENDED ONLINE COURSES:**

- NEOGOV Basics for Hiring Managers

Responsibility for successfully meeting our Affirmative Action goals belongs to the entire ODOT community.

## B. Strategies

### ODOT AFFIRMATIVE ACTION STRATEGIES TO SUPPORT OUR GOALS

#### 1. COMMUNITY AND PUBLIC OUTREACH

Manager Responsibilities (MR), HR responsibilities (HR), Employee responsibilities (ER), Shared responsibilities (SR)

- **Participate in local job fairs. (SR)**

Coordinated by Human Resources recruiters and local Human Resources managers.

- **Participate in various civic and community events. (SR)**

ODOT's participation is often coordinated by Human Resources and / or the Office of Civil Rights.

- **Identify and participate in industry and professional associations, including those that target those populations where ODOT has not reached parity in the different EEO categories as identified on this plan. (SR)**

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/>, <http://www.pwcusa.org/>, <http://national.nsbe.org/>.

- **E-mail job announcements to a diverse group of recruitment sources who traditionally provide outreach to women, minority groups, and people with disabilities. (HR)**

Contact your Human Resources recruiter.

- **Participate in school-to-work programs. (SR)**

For more information, contact ODOT's Human Resources recruitment unit.

- **Network with professional associations (in state and out of state) to better market ODOT as a destination employer. (SR)**

#### 2. MANAGEMENT PRACTICES

Manager Responsibilities (MR), HR responsibilities (HR), Employee responsibilities (ER), Shared responsibilities (SR)

- **Conduct regular performance evaluations. (MR)**

Supervisors are responsible for conducting regular performance evaluations so they can promote consistent 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 HR manager.

- **Measure employee Affirmative Action and equal employment opportunity activities. (SR)**

Managers and supervisors, in conjunction with Human Resources, 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. For more information contact your region/division HR manager.

- **Promote an environment of respect and professionalism. (SR)**

Maintain a harassment and discrimination-free workplace. Regularly review policy information in the Human Resource (Manager's) Handbook. For more information contact your region/division HR manager.

- **Forward designated job announcements to Governor's Office - Senior Policy Advisor Director, Diversity & Inclusion, Affirmative Action (HR)**

- **Track our success. (HR)**

Applicant success through quarterly divisional employment data. Provide division administrators with employment data reports every six months to track goal improvement and success. For more information, contact regional HR recruiter, Employee Civil Rights & Diversity manager.

- **Improve general awareness of the state transfer list, reemployment and secondary recall lists and how it can promote career growth. (SR)**

Contact your HR recruiter.

- **Consider rotation/development opportunities when filling job vacancies. (MR)**

Coordinated by your HR recruiter.

- **Monitor applicant pool as applicants progress through the recruitment and selection process.**

In January of 2009, ODOT's executive team asked all hiring managers and supervisors to add a couple of steps in the recruitment of selection process. Both steps were effective immediately and meant to continue to look for ways to improve our skills in attracting and hiring a workforce reflective of our communities. The first step asked hiring managers check in with their upline manager at the start of each recruitment and the purpose of the discussion was around the goal of creating a diverse and competent workforce at every reasonable opportunity. The second step required the hiring manager to enter into Neogov which candidates were interviewed, and which candidate was hired within 30 days of candidate hire. Once we start tracking this information ODOT will be able to identify trends and make better decisions on spending our recruiting resources as we go forward. In addition, this second step may be helpful in identifying any potential barriers that hinder ODOT's ability to recruit and select a diverse workforce. In those areas identified in the goals' section of this plan, work more closely with your Human Resources recruiter to develop a recruitment strategy to target diverse applicants.

Refer to memo from ODOT's Executive Team to all supervising managers issued on January 9, 2014. Memo is included in Appendix A, page 128.

- **In those areas identified in the goals section of this plan, work more closely with your Human Resources recruiter to develop a recruitment strategy to target diverse applicants.**
- **ODOT Human Resources staff has developed diversity questions to be used in interviews. As a best practice standard, ODOT Leadership has set the expectation that supervising managers incorporate at least one diversity question into every interview process.**

### 3. TRAINING & DEVELOPMENT

Manager Responsibilities (MR), HR responsibilities (HR), Employee responsibilities (ER), Shared responsibilities (SR)

- **Identify ODOT and DAS-sponsored management training and development programs to help encourage new and potential supervisory candidates. (SR)**

For information go to: [http://s-salemrev-69/stc/student/psciis.dll?linkid=846229&mainmenu=STUDENT&top\\_frame=1](http://s-salemrev-69/stc/student/psciis.dll?linkid=846229&mainmenu=STUDENT&top_frame=1) or contact HR Training.

- **Identify participants for the Leadership Oregon and similar external development programs. (MR)**

For information go to: <http://www.oregon.gov/DAS/HR/LO/index.shtml> or contact HR Training.

- **Identify and utilize external training programs (e.g., Fred Pryor and Career Track, AMA). Identify and share good programs. (SR)**

- **Identify participants for the Certified Public Manager (CPM) program at Willamette University. (MR)**

For information go to: <http://www.willamette.edu/cpm/overview.htm> or contact HR Training.

- **Offer financial and scheduling support in obtaining professional certifications, licenses and certifications, degree completion and tuition reimbursement programs. (MR)**

For information call HR Training or go to: [http://www.oregon.gov/DAS/administrative\\_restrictions.shtml](http://www.oregon.gov/DAS/administrative_restrictions.shtml).

- **Identify candidates for the Transportation Maintenance Trainee Program and the Highway Leadership Training program. (SR)**

For information contact HR.

- **Sponsor a high school or college intern. (SR)**

For information contact Human Resources recruitment.

- **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. (SR)**

Coordinated by your HR recruiter and ODOT's employment, Training & Diversity Manager.

Contact your local Vocational Rehabilitation Office to explore options around individuals with disabilities you might be available to fill your job needs. (SR)

For more information go to: <http://www.oregon.gov/DHS/vr/officelocation.shtml>

## 4. MARKETING

Manager Responsibilities (MR), HR responsibilities (HR), Employee responsibilities (ER), Shared responsibilities (SR)

- **Promote ODOT as an employer of choice to historically Black colleges and universities. (SR)**

Coordinated by Human Resources recruitment.  
<http://www.oregon.gov/ODOT/CS/HR/working.shtml>.

- **Maintain a strong partnership with the Urban League and/or similar organizations such as the Hispanic Chamber and Native American Youth Authority. (SR)**

For information go to: <http://www.ulpdx.org/>.

- **See what opportunities might exist with “Partners in Diversity” events such as Breakfast of Champions and “Say Hey.” (HR)**
- **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)**
- **Consider working with for-profit business/trade schools through career centers and job placement offices. (HR)**
- **Connect with the OACO (Oregon Advocacy Commissions Office) which houses the Commission on Asian, Black, Hispanic and Women’s groups. (SR)**

<http://governor.oregon.gov/Gov/pdf/forms/brdbook.pdf>.

- **Connect with the Department of Veteran’s Affairs, the Employer Support of the Guard and Reserve or the joint Transition Assistance Program (JTAP). Find out where recruiting events are being held specially targeted towards veterans. (SR)**

# Afterword

**THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT)** is fully committed to the concept and practice of equal opportunity and Affirmative Action in all aspects of employment.

In preparation of this Affirmative Action plan (AAP) ODOT has used terminology such as “under-represented,” “goal,” “barrier,” “struggle,” “problem area,” etc. It should not be construed as an admission by ODOT, in whole or in part, that any problem area exists or that either historically under-represented minorities, women or people with disabilities have been or are presently being underutilized, or discriminated against in any way by ODOT in violation of federal or state fair employment practice laws. Furthermore, nothing contained in this AAP or its supporting data should be construed as an admission by ODOT, in whole or in part, that it has contravened such federal and state employment practice laws.

In developing and implementing the AAP, ODOT has been guided by its established policy of providing equal

employment opportunity. Any goals that ODOT has established herein are not intended as rigid, inflexible quotas that must be met, but rather as targets reasonably attainable by applying good faith effort in implementing this AAP. The use of goals in this AAP is not intended, nor is the effect of such goals intended, to discriminate against an individual or group of individuals with respect to any employment opportunities for which he, she, or they are qualified on the grounds that he, she, or they are not beneficiaries of Affirmative Action themselves. Nothing herein is intended to sanction the discriminatory treatment of any person. Indeed, all employment decisions at ODOT are made based on job-related criteria.

This AAP does not constitute an express or implied contract between ODOT and its employees, job applicants, or other persons. Nothing in this AAP provides any individual or group with a private right of action against ODOT.



PHOTO: **Peter Murphy**, *Wheat Harvest Near Wasco*



PHOTO: *Jesse Threlkel, Sunset Lincoln City*

# Appendix A

## Department Policy Documentation

Americans with Disabilities Act (ADA) and Reasonable Accommodation .....	104
Discrimination and Harassment Free Workplace Policy.....	107
Maintaining a Professional Workplace Policy .....	108
Letters from the Director .....	109
Equal Employment Opportunity and Affirmative Action Policy.....	111
EEO/ADA Communications Requirement Policy.....	114
Diverse Workforce Policy.....	116
Veteran’s Preference Guidelines.....	119
New Employee Voluntary Disclosure Form.....	121
Workforce Development Policy.....	123
Federal and State Affirmative Action Citations .....	127
Description of Job Categories.....	128
Reflecting Diversity in the Selection Process.....	130
Code of Conduct .....	133
Complaint Form—EEO Discrimination-Harassment- Workplace.....	140

 <b>POLICY</b>	NUMBER PER 01-05	SUPERSEDES 03/01/06
	EFFECTIVE DATE 10/23/10	PAGE NUMBER 01 OF 03
	VALIDATION DATE	
	REFERENCE Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990, American with Disabilities Amendments Act of 2008; 49 CFR; 28 CFR;	
SUBJECT <b>AMERICANS WITH DISABILITIES ACT (ADA) AND REASONABLE ACCOMMODATION</b>	APPROVED SIGNATURE Signature on file with Director, Commission, and History Center Files	

**PURPOSE**

The purpose of this policy is to outline the standards regarding the Americans with Disabilities Act (ADA) and Reasonable Accommodation Policy for the Oregon Department of Transportation (Department) and to adopt in its entirety the Department of Administrative Services (DAS) Human Resources Services Division, (HRSD) policy number [50.020.10](#). ADA and Reasonable Accommodation in Employment.

The Department is responsible for complying with the provisions of both the DAS and Department policies.

**POLICY**

The Department shall make sure 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, the Americans with Disabilities Act (ADA) of 1990, and the Americans with Disabilities Amendments Act of 2008. 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:

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

With regard to providing accommodations to employees with disabilities, the Department shall follow the DAS HRSD “ADA and Reasonable Accommodation in Employment” Policy No. 50.020.10.

Provisions of Title II of the ADA, Section 504 obligate the Department to:

- Provide the public with access to programs and services
- Identify barriers that restrict accessibility
- Adhere to ADA Accessibility Guidelines
- Comply with ADA standards for new construction and alterations

For additional information on this policy or to discuss concerns:

Department employees contact:

Department’s EEO/Affirmative Action/ADA Coordinator  
Phone: 503-373-7093, TTY: 503-986-3854, Toll-free: 877-EEO-ODOT  
ODOT’s Chief Human Resource Officer  
Phone: 503-986-4057, Toll-free: 866-6-ODOT-HR

Questions about access to Department services, activities, and programs:

Title VI/Environmental Justice Officer  
ODOT Office of Civil Rights  
503-986-3169

**GUIDELINES**

**RESPONSIBILITY    ACTION**

Human Resources	Provide employment or workplace accommodation information (program accessibility) when requested. Provide information upon request regarding Section 504, ADA Plan.
Human Resources EEO Affirmative Action/ADA Coordinator	In conjunction with Office of Civil Rights, monitor all Section 504, ADA activities. Respond to employee complaints of harassment and discrimination based on disability status.
Office of Civil Rights, Title VI Officer	Monitor agreements with governmental and non-governmental entities that receive federal funds to ensure Section 504, ADA provisions are included. Identify barriers that restrict public accessibility to programs, services and activities. Identify accommodations that can be provided to make programs and services accessible. In conjunction with Equal Employment Opportunity (EEO)/Affirmative

*Americans with Disabilities Act (ADA) and Reasonable Accommodation continued*

**RESPONSIBILITY    ACTION**

	Action/ADA Coordinator, monitor all Section 504, ADA activities. Respond to customer complaints of harassment and discrimination based on disability status
Managers and Supervisors	Understand and follow policy. Make sure, by periodic review, the policy is understood by all employees.
ODOT Procurement Office (OPO) Employee or Individual with a Disability	OPO shall review agreements which involve the receipt of federal funds to ensure compliance with ODOT ADA policies. Seek advice from Division Human Resources Manager if questions occur concerning proper actions. Request 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.

**RESOURCES:**    [ODOT HR Handbook, Workforce Management Chapter, Disability/ADA Section](http://intranet.odot.state.or.us/ODOTHR/HRHandbook/ch_8_sect_10.pdf) (http://intranet.odot.state.or.us/ODOTHR/HRHandbook/ch\_8\_sect\_10.pdf);

[ODOT ADA Accommodation Request Form](http://intranet.odot.state.or.us/ODOTHR/Forms/ADA_ACCOMMODATION_REQUEST_FORM.doc)  
(http://intranet.odot.state.or.us/ODOTHR/Forms/ADA\_ACCOMMODATION\_REQUEST\_FORM.doc);

[ODOT Authorization for Medical Release Form](http://intranet.odot.state.or.us/ODOTHR/Forms/Medical_Release.doc)  
(http://intranet.odot.state.or.us/ODOTHR/Forms/Medical\_Release.doc).

*Americans with Disabilities Act (ADA) and Reasonable Accommodation continued*

 <b>POLICY</b>	NUMBER PER 19-01-02	SUPERSEDES 05/23/05
	EFFECTIVE DATE 12/17/07	PAGE NUMBER 01 OF 01
	VALIDATION DATE 04/08/11	
	REFERENCE Title VII of the Civil Rights Act of 1964, DAS policy 50.010.01	
SUBJECT <b>DISCRIMINATION AND HARASSMENT-FREE WORKPLACE</b>	APPROVED SIGNATURE Signature on file with Director, Commission, and History Center Files	

**PURPOSE**

Adopt the Department of Administrative Services (DAS) Human Resource Services Department, (HRSD) Policy Number 50.010.01 "Discrimination and Harassment Free Workplace" (<http://egov.oregon.gov/DAS/HR/docs/advice/P5001001.pdf>).

**POLICY**

The Oregon Department of Transportation (Department) shall follow the DAS HRSD Discrimination and Harassment Free Workplace Policy No. 50.010.01.

**GUIDELINES**

**RESPONSIBILITY ACTION**

Managers and Supervisors	<p>Understand and follow policy and provide each employee a copy of this policy. Make sure, by periodic review, the policy is understood. Promptly start investigation and take proper action if violations of this policy are reported or suspected.</p> <p>Seek advice from your Division Human Resource Manager if questions occur concerning proper actions.</p>
All Employees	<p>Understand and follow policy. Report any violations of this policy at once to your manager or supervisor.</p> <p>Seek advice from your manager, supervisor, or Division Human Resource Manager if questions occur concerning proper actions.</p>

*Discrimination and Harassment Free Workplace Policy (Statewide Policy No. 50.010.01)*

 <b>Oregon Department of Transportation</b>  <b>POLICY</b>	NUMBER <b>PER 01-09</b>	SUPERSEDES <b>NEW</b>
	EFFECTIVE DATE <b>07/18/08</b>	PAGE NUMBER <b>01 OF 01</b>
	VALIDATION DATE <b>04/08/11</b>	
	REFERENCE DAS Policy 50.010.03	
SUBJECT <b>MAINTAINING A PROFESSIONAL          WORKPLACE</b>	APPROVED SIGNATURE Signature on file with Director, Commission, and History Center Files	

**PURPOSE**

Adopt the Department of Administrative Services (DAS) Human Resource Services Division, (HRSD) Policy Number 50.010.03 "Maintaining a Professional Workplace" (<http://www.das.state.or.us/DAS/HR/docs/advice/P5001003.pdf>).

**POLICY**

The Oregon Department of Transportation (Department) shall follow the DAS HRSD Maintaining a Professional Workplace Policy No. 50.010.03.

**GUIDELINES**

**RESPONSIBILITY    ACTION**

Managers and Supervisors	Understand and follow policy. Make sure, by periodic review, the policy is understood by all employees. Promptly take appropriate action if inappropriate workplace behaviors are reported or observed.  Seek advice from Division Human Resource Manager if questions occur concerning proper actions.
--------------------------	---

All Employees	Understand and follow policy. Promptly take appropriate action if inappropriate workplace behavior is experienced or observed.  Seek advice from Division Human Resource Manager if questions occur concerning proper actions.
---------------	--



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Transportation

Office of the Director

355 Capitol St NE

Salem, OR 97301

Phone: (503) 986-3289

Fax: (503) 986-3432

**DATE:** June 23, 2014

**TO:** All ODOT Employees 

**FROM:** Matthew L. Garrett, Director

**SUBJECT:** Equal Employment Opportunity / Affirmative Action

As the Director of the Oregon Department of Transportation, I want to assure you of my commitment to achieving a diverse workforce and creating a work environment that supports and respects the diverse agency we strive to be.

Through Affirmative Action and Equal Employment Opportunity (EEO) it is our policy that all employees and applicants shall receive fair consideration and treatment in hiring and employment without regard to race, color, religion, gender, age, national origin, disability, or sexual orientation.

Each and every one of us is responsible for creating and contributing to an inclusive and professional work environment that is safe for everyone, free of discrimination, harassment and retaliation. Managers have the added responsibility to provide leadership in this area both in terms of behavior that they themselves model and in the resources they provide to their employees. Additionally, Managers' efforts and accomplishments in creating and sustaining a diverse work environment (Affirmative Action and EEO) will be included in their annual performance appraisals.

It is important for all employees to be an active participant in creating a positive work environment and taking an active role in encouraging as many diverse individuals as possible to apply for job opportunities at ODOT. Word of mouth from you is one of the most powerful ways that we can encourage a diverse array of people to think about ODOT as a preferred employee organization.

To support our efforts, the Office for Employee Civil Rights oversees ODOT's internal process and procedures related to questions, issues or complaints regarding discrimination, harassment and Americans with Disabilities Act (ADA) accommodations. Any employee has a right to get more information regarding these issues or to file a complaint without fear of reprisal by contacting:

Hector Rios  
 Employee Civil Rights and Diversity Manager  
 Transportation Building  
 355 Capitol St NE  
 Salem, Oregon 97301  
 503-373-7093  
[hector.rios@odot.state.or.us](mailto:hector.rios@odot.state.or.us)

Our commitment to EEO and Affirmative Action extends to ODOT's public contracting practices as allowed by public contracting statutes and rules. ODOT will engage in public contracting practices to promote affirmative action goals, policies and/or programs to ensure equal opportunity in employment and business for persons otherwise disadvantaged by the same reasons listed above.

**PLEASE POST ON OFFICE BULLETIN BOARDS**  
 (This memorandum is available in alternate format on request.)

Letter from the Director



**Oregon**

John A. Kitzhaber, M.D., Governor

**Department of Transportation**

Office of the Director

355 Capitol St NE

Salem, OR 97301

Phone: (503) 986-3289

Fax: (503) 986-3432

**DATE:** June 23, 2014  
**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 (ADA) of 1990 and the Americans with Disabilities Amendment Act of 2008 (ADAAA).

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 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, and modifying policies or procedures.

Information on specific procedures for requesting accommodations may be found in the HR Handbook on the ODOT Human Resources website, or to request an employment or workplace accommodation, or for any other type of accommodation (program accessibility), contact:

Hector Rios  
Employee Civil Rights and Diversity Manager  
Transportation Building  
355 Capitol St NE  
Salem, Oregon 97301  
503-373-7093  
hector.rios@odot.state.or.us

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

**PLEASE POST ON EMPLOYEE BULLETIN BOARDS**  
(This memo is available in alternative format on request)

*Letter from the Director*

<b>Oregon Department of Transportation</b>  <b>POLICY</b>	<small>NUMBER</small> <b>PER 01-04</b>	<small>SUPERSEDES</small> <b>NEW</b>
	<small>EFFECTIVE DATE</small> <b>03/01/06</b>	<small>PAGE NUMBER</small> <b>01 OF 03</b>
	<small>VALIDATION DATE</small> <b>07/31/2014</b>	
	<small>REFERENCE</small> Executive Order 05-01	
<small>SUBJECT</small> <b>EQUAL EMPLOYMENT          OPPORTUNITY /          AFFIRMATIVE ACTION</b>	<small>APPROVED SIGNATURE</small> Signature on file	

**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	<p>Coordinate with ODOT's Employment, Training, and Diversity 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"><li>• The creation of a climate of increased cultural awareness;</li><li>• An ability to appropriately identify and respond to cultural and language barriers;</li><li>• A common understanding of how all members of the organization should be valued and respected;</li><li>• Promotion of managerial skills among diverse populations of employees;</li><li>• An understanding of the roles of employers and employees in creating a welcoming environment; and</li><li>• The improvement of employee morale.</li></ul> <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>

*Equal Employment Opportunity and Affirmative Action Policy continued*

**RESPONSIBILITY   ACTION**

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 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**

Toll-free phone: 877- EEO-ODOT  
E-Mail: [odoteeo@odot.state.or.us](mailto:odoteeo@odot.state.or.us)  
FAX: 503-378-3481

**Contact information for ODOT's Chief Human Resource Officer**

Phone: 503-503-986-3700, Toll-free phone: 866-6-ODOT-HR  
E-Mail: [askhr@odot.state.or.us](mailto:askhr@odot.state.or.us)  
FAX: 503-986-3862

*Equal Employment Opportunity and Affirmative Action Policy continued*

<b>Oregon Department of Transportation</b>  <b>POLICY</b>	NUMBER PER 01-10	SUPERSEDES NEW
	EFFECTIVE DATE 02/19/09	PAGE NUMBER 01 OF 02
	VALIDATION DATE	
	REFERENCE CFR 23-Highways; CFR 49-Transportation; CFR 28 Judicial Administration; ADA, Sec 504 of Rehabilitation Act; Title VII	
SUBJECT <b>EEO/ADA COMMUNICATION REQUIREMENTS</b>	APPROVED SIGNATURE 	

**PURPOSE**

The purpose of this policy is to make sure the Oregon Department of Transportation (Department) meets federal requirements for written recruitment materials and publications intended for general use.

**NOTICE REQUIREMENTS**

Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and Federal Highway and Equal Opportunity Commission (EEO) regulations require a statement be printed on recruitment materials and publications that contain general information, if the materials are made available to participants, beneficiaries, applicants, or employees.

This notice shall be included with publications such as recruitment information, brochures, pamphlets, general information publications, manuals, instructional DVD/videos, and posters. These statements do not need to be included on internal or external forms that applicants, beneficiaries, the public, or employees may be required to fill out (employment application forms, Driver and Motor Vehicle Services [DMV] forms, benefit forms, and so on). All pertinent and applicable materials and publications shall include this language by no later than July 2010.

**POLICY**

The following three statements shall be included in all new and revised documents. In printing the statements, they shall be printed using sans serif font (Arial or Verdana); 12-point font is preferred, but it cannot be smaller than 8-point font.

**Statement 1:**      Select a, b, c, d, or e

- a) ODOT is an Equal Employment Opportunity and Affirmative Action Employer; or
- b) ODOT is an Equal Opportunity Affirmative Action Employer; or

- c) ODOT is an EEO and Affirmative Action Employer; or
- d) ODOT is an EEO/AA Employer; or
- e) ODOT/(Division name) is an Equal Employment Opportunity and Affirmative Action Employer.

**Statement 2:**

This information can be made available in an alternative format by contacting (phone number of Division/person responsible for the publication).

**Statement 3:**

ODOT does not discriminate on the basis of disability in admission or access to our programs, services, activities, hiring, and employment practices. Questions: 1-877-336-6368 (EEO-ODOT).

**GUIDELINES**

Upon request and promptly we are required by law to make reasonable efforts to make our "programs and activities" accessible. Enabling access may include translating all or parts of documents, allowing or providing interpreters for the deaf or hard of hearing, preparing advanced copies of instructional DVD/videos, or adding captions to instructional DVD/videos on a case by case basis. The steps taken will depend upon the program or activity with consideration of cost, safety, and other relevant factors.

Best practice with regard to accessible audio/visual media (DVD, videos, and so on) is to produce them with open captions whenever workable. This is not a federal or state requirement. But, providing DVD/videos with open captions enable media productions to be accessible at once to a broad range of people (for example, individuals with hearing impairments or limited English skill) without requiring a request for individualized access or accommodation.

**RESPONSIBILITY ACTION**

Division	Revise material using the requirements described above.
Office of Civil Rights	Give technical advice on policy requirements.
Office of Employee Civil Rights	Give technical advice on policy requirements.

 <b>POLICY</b>	NUMBER PER 09-04-01	SUPERSEDES 05/23/05
	EFFECTIVE DATE 01/05/11	PAGE NUMBER 01 OF 03
	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 PER 01-04 h) Reasonable Accommodation Policy PER 01-05 i) Discrimination and Harassment-Free Workplace Policy, PER 19-01-02 j) Maintaining A Professional Workplace Policy PER 01-09 k) ODOT Mission Statement and Values	
SUBJECT <b>DIVERSE WORKFORCE</b>	APPROVED SIGNATURE  Signature on file with Director, Commission, and History Center Files	

**PURPOSE**

To demonstrate Oregon Department of Transportation's (Department) commitment to achieving the social and organizational benefits inherent in a diverse workforce.

The Department believes a well-trained, diverse workforce is a strategic advantage in strengthening our ability to meet our mission and serve our customers.

**BACKGROUND**

A diverse workforce reflects and recognizes the diversity that is brought to an organization by a wide array of individual characteristics not covered by an Affirmative Action Plan including but not limited to generational, geographic, and socio-economic differences. The diverse makeup of Oregon demands we renew and extend these efforts to maintain our organizational effectiveness and contribute to a high quality of life for all of our citizens.

To assist the Department's efforts the Diversity Council was established in 1999 to provide focused support for the Department's management team in furthering the Department's aspirations for creating a diverse workforce. The Council membership is comprised of employees at various organizational levels and disciplines consisting of management and labor, and varying geographical, ethnic, gender, generational, and disability perspectives. The Council serves as a communications forum; a liaison between the various divisions and the executive management staff; a policy research and development resource; and as a focal point for ongoing information and education on diversity activities, challenges, developments, and successes within the Department. A representative from the Executive Team chairs the Council.

The ODOT Executive Team enlists senior and middle management, and first line supervisors in reinforcing the Department's value that a diverse workforce is everyone's responsibility.

### **POLICY**

As a fundamental business strategy and organizational policy, the Department commits to attracting, hiring, supporting, developing, and retaining a diverse workforce. The Department shall create a work environment that collectively values and benefits from respecting its diverse population and promoting a culture of inclusiveness. This culture includes:

- Recognition of diverse resources and the potential those bring to the organization
- Mutual adaptation by individuals or groups operating in an intercultural workplace
- An equal legitimacy of cultural perspectives
- Effective and appropriate interactions, in a variety of cultural contexts, that support knowledge, skills, and attitudes
- Fostering curiosity, flexible thinking, motivation, innovation, creativity, cooperation, and open-mindedness

All employees are expected to support this policy while carrying out their Department responsibilities. All managers' annual performance appraisal shall include and reflect efforts that the manager has made in supporting and increasing diversity within the work unit and/or Department as a whole.

### **DEFINITION**

**Affirmative Action Plan (AAP):** A plan that focuses on the hiring, training, and promoting of individuals in protected classes that are under represented in the Department's various business units. The AAP does not mandate quotas or extend preferences to any individual based on race, color, religion, gender, or national origin.

**Equal Employment Opportunity (EEO):** Federal and state employment laws prohibit discrimination against individuals who fall into certain protected classes. The Department is required to follow EEO laws.

**Workforce Diversity:** A value that requires a mosaic of people who bring a variety of backgrounds, styles, perspectives, values, and beliefs, different than the dominant constituency, as assets to the group and organization with which they interact. Diversity is one of the Department's core organizational values.

*Diverse Workforce Policy continued*

**GUIDELINES**

**RESPONSIBILITY ACTION**

Managers and Supervisors	Support the values of the Diverse Workforce Policy and the aspirations and efforts identified in the AAP. Action plans centered on increasing the diversity of the workforce shall be included in manager and supervisor performance plans to be reviewed and updated annually. Through their leadership and direct supervisory role, managers have primary responsibility for increasing and maintaining a diverse workforce.
Human Resources	Working in cooperation with the Governor's Office for Affirmative Action and the Department's Office of Civil Rights, Office of Employee Civil Rights, Human Resources shall be the primary technical resource to managers and employees to carry out the Diverse Workforce Policy.
Diversity Council	Provide guidance to the Department on implementation of the Diverse Workforce Policy. Details of council operation can be found in the <a href="#">Diversity Council Charter</a> and website ( <a href="http://transnet.oregon.gov/CS/DIVERSITY/">http://transnet.oregon.gov/CS/DIVERSITY/</a> ).
All Employees	Responsible for advocating, creating, and maintaining a positive workplace which supports a diverse work environment. Responsible to promote and foster a diverse, discrimination/harassment-free workplace and be aware of the Department's affirmative action and diversity strategies and goals.

*Diverse Workforce Policy continued*

## **Veteran's Preference in Employment**

Applicability: Recruitment and selection processes for all State of Oregon positions in agencies subject to ORS 240, State Personnel Relations Law, including but not limited to promotional opportunities.

(1) Definitions: (See also HRSD Rule 105-010-0000 Definitions Applicable Generally to Personnel Rules and Policies.)

(a) Initial Application Screening: An agency's process of determining whether an applicant meets the minimum and special qualifications for a position. An Initial Application Screening may also include an evaluation of skills or grading of supplemental test questions if required on the recruiting announcement.

(b) Application Examination: The selection process utilized by an agency after Initial Application Screening. This selection process includes, but is not limited to, formal testing or other assessments resulting in a score as well as un-scored examinations such as interviews and reference checks.

(c) Veteran and Disabled Veteran: As defined by ORS 408.225 and 408.235.

(2) Application of preference points upon Initial Application Screening: Qualifying Veterans and Disabled Veterans receive preference points as follows;

(a) Five Veteran's Preference points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215), or a letter from the US Department of Veteran's Affairs indicating the applicant receives a non-service connected pension with the State of Oregon Application; or

(b) Ten Disabled Veteran's points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) with the State of Oregon Application. Disabled Veterans must also submit a copy of their Veteran's disability preference letter from the US Department of Veteran Affairs, unless the information is included in the DD Form 214 or 215.

(c) Veteran's and Disabled Veteran's preference points are not added when a Veteran or Disabled Veteran fails to meet the minimum or the special qualifications for a position.

(3) Following an Initial Application Screening the agency generates a list of qualified applicants to consider for Appointment. An Appointing Authority or designee may then:

(a) Determine whether or not to interview all applicants who meet the minimum and special qualifications of the position (including all Veterans and Disabled Veterans); or

(b) Select a group of Veteran and Disabled Veteran applicants who most closely match the agency's purposes in filling the position. This group of applicants may be considered along with non-veteran applicants who closely match the purposes of the agency in filling the position as determined by:

(A) Scored Application Examinations (including scored interviews): If an agency utilizes, after an Initial Application Screening, a scored Application Examination to determine whom to consider further for Appointment, the agency will add (based on a 100-point scale) five points to a Veteran's score or 10 points to a Disabled Veteran's score or;

(B) Un-scored Application Examinations: Un-scored Application Examinations done by sorting into levels (such as "unsatisfactory," "satisfactory," "excellent") based on desired attributes or other criteria for further consideration will be accomplished by:

(i) Advancing the application of a Veteran one level;

(ii) Advancing an application of a Disabled Veteran two levels.

(4) Preference in un-scored interviews: A Veteran or Disabled Veteran who, in the judgment of the Appointing Authority or designee, meets all or substantially all of the agency's purposes in filling the position will continue to be considered for Appointment.

(5) If a Veteran or Disabled Veteran has been determined to be equal to the top applicant or applicants for a position by the Appointing Authority or designee then the Veteran or Disabled Veteran is ranked more highly than non-veteran applicants and, a Disabled Veteran is ranked more highly than non-veteran and Veteran applicants.

(6) Preference described in Sections 2 through 5 of this rule is not a requirement to appoint a Veteran or Disabled Veteran to a position. An agency may base a decision not to appoint the Veteran or Disabled Veteran solely on the Veteran's or Disabled Veteran's merits or qualifications.

(7) A Veteran or a Disabled Veteran applicant not appointed to a position may request an explanation from the agency. The request must be in writing and be sent within 30 calendar days of the date the Veteran or Disabled Veteran was notified that they were not selected. The agency will respond in writing with the reasons for not appointing the Veteran or Disabled Veteran.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth: ORS 240.145(3) & 240.250

Stats. Implemented: ORS 408.225, 408.230 & 408.235

Hist.: HRSD 3-2007(Temp), f. & cert ef. 9-5-07 thru 3-3-08; HRSD 1-2008, f. 2-27-08, cert. ef. 3-1-08;

HRSD 3-2009, f. 12-30-09, cert. ef. 1-1-10

*Veteran's Preference Guidelines continued*

**Employee Voluntary Questionnaire for Self-Identification of:  
Race/Ethnicity, Disability and Veteran Status**

**Employee's Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Employee ID # (your human resource or payroll representative can provide this number):** \_\_\_\_\_

**Gender:** \_\_\_ **Female** \_\_\_ **Male**

Completing this questionnaire is optional; if you do not provide this information it will not subject to any adverse treatment.

Section 1 data is collected as required by the Equal Employment Opportunity Commission. The Department of Administrative Services submits the statewide data in a biennial report to the Equal Employment Opportunity Commission (EEOC). Data in all sections is used for statistical and reporting purposes. The information may be subject to disclosure under federal or state law or rule.

**Anti-Discrimination Notice**

It is an unlawful employment practice for an employer to fail or refuse to hire or discharge any individual, or otherwise discriminate against an individual with respect to the individual's terms and conditions of employment, because of an individual's race, color, religion, sex, national origin, disability or veteran status.

**Section I. Race/Ethnicity\***

Your employer is required to record and report certain nondiscrimination and affirmative action statistics. The state invites employees to voluntarily self-identify their race/ethnicity. This information will be used according to the provisions of applicable federal laws, executive orders and regulations, including those requiring the information to be summarized and reported to the federal government for civil rights enforcement purposes. All race/ethnicity information is collected and reported in five EEO-4 categories: (A) Asian or Pacific Islander, (B) Black, (H) Hispanic, (I) American Indian or Alaskan Native, (W) White, established by the federal government.

If you choose to voluntarily self-identify, please mark the one box describing the race/ethnicity with which you identify:

- \_\_\_ (A) Asian or Pacific Islander: All persons having origins in any of the peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands and Samoa.
  - \_\_\_ (AB) Asian or Pacific Islander, Black
  - \_\_\_ (AH) Asian or Pacific Islander, Hispanic
  - \_\_\_ (AI) Asian or Pacific Islander, American Indian or Alaskan Native
  - \_\_\_ (AW) Asian or Pacific Islander, White
  
- \_\_\_ (B) Black (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa.
  - \_\_\_ (BA) Black, Asian or Pacific Islander
  - \_\_\_ (BH) Black, Hispanic
  - \_\_\_ (BI) Black, American Indian or Alaskan Native
  - \_\_\_ (BW) Black, White
  
- \_\_\_ (H) Hispanic: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
  - \_\_\_ (HA) Hispanic, Asian or Pacific Islander
  - \_\_\_ (HB) Hispanic, Black
  - \_\_\_ (HI) Hispanic, American Indian or Alaskan Native
  - \_\_\_ (HW) Hispanic, White

Revised2/28/2014

EEO-4

- (I) American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- (IA) American Indian or Alaskan Native, Asian or Pacific Islander
  - (IB) American Indian or Black
  - (IH) American Indian, Hispanic
  - (IW) American Indian, White

- (W) White (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa or the Middle East
- (WA) White, Asian or Pacific Islander
  - (WB) White, Black
  - (WH) White, Hispanic
  - (WI) White, American Indian

\*If you choose not to self-identify your race/ethnicity, the federal government requires the employer to determine this information by visual survey and/or other available information.

For agency HR use only:

- AV (Asian or Pacific Islander-Visual assessment)
- BV (Black -Visual assessment)
- HV (Hispanic-Visual assessment)
- IV (American Indian or Alaskan Native-Visual assessment)
- WV (White-Visual assessment)

**Section II: \*\*Disability**  Yes  No  
(Any requests for accommodation for a current or future disability must go through your supervisor and human resources.)

**Section III: \*\*Are you a Veteran of the United States Military Armed Forces**  Yes  No  
(Declaring you are a veteran on this form does not satisfy your obligation to declare veteran status in future employment applications, if you wish to receive veteran's preference points.)

\*\*Providing this information is voluntary.

*This form may be destroyed after the information on this form is entered into the Personnel Data Base.*

Revised2/28/2014

EEO-4

*New Employee Voluntary Disclosure Form continued*

<b>Oregon Department of Transportation</b>  <b>POLICY</b>	NUMBER <b>PER 14-04-01</b>	SUPERSEDES <b>PER 14-04-01</b> (01-23-95) <b>PER 14-04-03</b> (05/24/95)
	EFFECTIVE DATE <b>02/12/2007</b>	PAGE NUMBER <b>01 OF 04</b>
	VALIDATION DATE <b>08/26/10</b>	
	REFERENCE ORS 240.145 (3 & 4); ORS 240.551; OAS Policy 50.045 D); TASM 6.15	
SUBJECT <b>WORKFORCE DEVELOPMENT</b>	APPROVED SIGNATURE 	

**PURPOSE**

The purpose of this policy is to outline various training and development opportunities for Oregon Department of Transportation (Department) employees. The focus shall be on an employee's current or next likely position within the Department.

**POLICY**

This policy outlines the resources available to employees to assist with performing the duties of their current position and to encourage their career development in state service. The Department provides training opportunities to employees in order to develop proficiency, enhance skills, and encourage development in areas that can be immediately applied in their current position or used in their next likely position. Training resources shall be allocated in an equitable and non-discriminatory manner.

**GUIDELINES**

**WORKFORCE DEVELOPMENT STRATEGIES**

**A. Employee Development Plans and Training**

***Development Plans***

The Department recognizes the importance and benefit of helping guide all employees in their professional growth by providing and supporting development plans that foster individual growth, efficiency, and advancement. As part of this process, managers shall consider whether an employee requires continuing education to maintain a professional license or certification when creating the employee's development plan.

### ***Training***

There are two main types of training available for Department employees.

1. Internal Training: The Department offers a wide variety of internal training using various delivery methods.
2. External Training: Opportunities include training seminars, business partnerships, educational institutions, or other specific training modes approved by the employee's manager.

## **B. Tuition, Certification, and Professional Licensing Reimbursement**

### ***Tuition***

The Department believes that formal education has a positive impact on an employee and an employee's contribution to the State. The Department supports self-development and educational efforts by providing full or partial reimbursements for many of the expenses associated with attaining a degree (associates, bachelors, masters, and doctorate degrees) or taking additional classes pertaining to one's career. A manager shall consider whether the class is relevant to the employee's current position or next likely position within the Department when determining whether to pay for a class.

### ***Continuing Education***

The Department supports the reimbursement of costs for continuing education programs. A manager shall consider whether the continuing education is relevant to the employee's current position or next likely position within the Department when determining whether to pay for an employee's continuing education program

For information on how to qualify and apply for tuition reimbursement, refer to DAS Policy 50.045.01, Employee Development and Implementation of Oregon Benchmarks for Workforce Development (<http://egov.oregon.gov/DAS/HR/docs/advice/P5004501.PDF>).

### ***Professional Certification and Licenses***

The Department supports the professional growth of all employees of the Department by proactively encouraging their ongoing personal development through professional certification programs and various licensing programs. The Department recognizes the quantity and quality of programs available that address the wide spectrum of disciplines and professions applicable to state government and in particular the transportation industry.

The Department follows a cost-sharing approach where the employee pays for one-third of the total cost of obtaining professional certifications and licenses and the Department pays for two-thirds of the total cost. However, on an exception basis, Deputy Directors and Division Administrators have the discretion to authorize up to one hundred percent of

the cost for approved programs that may be undertaken as a part of succession planning, workforce diversity, or mission-critical staff development needs.

Reimbursement for significant Department investments of \$500 or more shall be resolved in the employee's final check (unless otherwise resolved with the Payroll Manager) when an employee voluntarily resigns his/her position within twelve months of completing a professional certification or license program. There shall be a signed written agreement between the employee and manager detailing the specific requirements for repayment.

The Department does not normally pay for professional licenses that are required as a minimum qualification for employment or those that must be obtained within the trial service period for continued employment. A Deputy Director or Division Administrator may approve exceptions, with the concurrence of the Employment and Diversity Manager, based upon unique recruitment, selection, retention, or diversity challenges.

### **C. Succession Planning/Career Planning**

Managers shall prepare employees for career growth and advancement into high-level positions within the Department when appropriate. The succession planning process includes skill assessments, career planning and development, and career advancement mentorship.

### **D. Educational Leave**

On occasion and with approval of the Director or designee, an employee may be granted educational leave with or without pay. Contact your Human Resources Manager for additional information and assistance.

### **E. Developmental and Rotational Assignments**

Developmental and rotational assignments do not require a vacant position to create the employment opportunity. Employees selected for developmental or rotational assignments remain in their permanent position numbers. The manager of the developmental/rotational assignment shall have the funds available to pay the employee's expenses during the assignment. Developmental and rotational assignments generally last for one year but shall not exceed two years.

Both developmental and rotational assignments require completion of the Job Rotation/Developmental Agreement ([http://intranet.odot.state.or.us/forms/odot/731-0654\\_RotationDevelopmental.doc](http://intranet.odot.state.or.us/forms/odot/731-0654_RotationDevelopmental.doc)) form provided by Human Resources.

#### ***Developmental Assignments***

- Developmental assignments provide opportunities to enhance and broaden an employee's skill base.
- Developmental assignments are encouraged when opportunities, resources, and budget allow for structured on-the-job training and mentoring of an employee.

- Generally employees assigned to developmental opportunities do not meet the minimum qualifications of the position or are unable to perform the full level of the duties assigned.

**Rotational Assignments**

- Rotational assignments can occur when: 1) a non-permanent workload need exists and the manager would like to use Department employees to handle the workload; 2) a manager wants to cross-train or develop employees in different areas of the business; or 3) there is a need to fill a temporary vacancy.
- Employees chosen for rotational assignments typically meet the minimum and special requirements of the position and are able to perform the full scope of the assigned duties.

**RESPONSIBILITY   ACTION**

Manager	Review policy with your staff. Allocate training resources fairly and in an equitable and non-discriminatory way. Respond to any questions about this policy and seek advice from Human Resources if you cannot answer the question yourself. Work with employee to create a development plan. Evaluate what training is required and consider continuing education if needed to maintain license or certification. Negotiate a shared responsibility in payment/reimbursement of training, tuition, and other costs. Complete and submit all paperwork needed for reimbursements.
Employee	Read and familiarize yourself with this policy. Discuss any questions about this policy with your manager. Actively work with your manager to create your development plan. Complete and submit all paper work needed for reimbursements.

*Workforce Development Policy continued*

## Federal and State Affirmative Action Citations

Presidential Executive Order 11246 (as amended), 11478 (as amended) and 12898

Code of Federal Regulations Title 23 (Highways)

Code of Federal Regulations Title 28 (ADA Title II)

Code of Federal Regulations Title 29 (ADA Title I)

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 and Title II of the Americans with Disabilities Act of 1990 (as amended)

The American with Disabilities Amendments Act of 2008

Oregon Revised Statutes 279.053 and 659.025

State of Oregon Governor's Affirmative Action Executive Order 05-01 and 08-18

# Description of Job Categories

## 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, or provide specialized consultation on a regional, district or area basis. Includes: Department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

## Professionals

Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.

## 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. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.

## Protective Service Workers

Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs,

*Description of Job Categories*

correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.

## **Paraprofessionals**

Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included: research assistants, medical aides, child support workers, policy auxiliary welfare service aides, recreation assistants, homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

## **Administrative Support(Including Clerical and Sales)**

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. Includes: bookkeepers, messengers, clerk-typist, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

## **Skilled Craft Workers**

Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

## **Service-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. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundkeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

Source: <http://www.eeoc.gov/employers/eeo4survey/e4instruct.cfm>

*Description of Job Categories continued*



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Transportation

Human Resources, MS 12

355 Capitol Street NE

Salem, OR 97301

Phone: (503) 986-3700

Fax: (503) 986-3862

**Date:** January 9, 2014  
**To:** ODOT Supervising Managers  
**From:** ODOT Executive Team  
**Subject:** Reflecting Diversity in the Selection Process  
New Recruiting Requirements

As an agency we continue to look for ways to improve our skills in attracting and hiring a workforce which reflects the communities we serve. Background charts with information on diversity hiring are included at the end of this document. To assist the agency in focusing our efforts on the right areas the Executive team has agreed on two changes in the way hiring managers navigate the hiring process. These changes are effective immediately.

First, all hiring managers will participate in a pre-hire check in meeting with their upline manager at the start of each recruitment. This means having a discussion around the goal of creating a diverse and competent workforce at every reasonable opportunity. A list of key things to discuss is included at the end of this memo.

Secondly, the hiring manager (or their designee) will enter into Neogov which candidates were interviewed, and which candidate was hired within 30 days of candidate hire. Because this hasn't been a mandatory step we are not able to use available Neogov reporting tools to track how candidates move through the process. Once we start tracking this information we will be able to identify trends and make better decisions on spending our recruiting resources as we go forward. Basic instructions for completing this step are attached, they are also posted on the HR Recruiting website and, you are encouraged to contact your HR Recruiter for assistance as you decide which of the two entry methods make the most sense for your recruitment.

Your efforts to help us improve our diversity and gather information on our recruitments are critical to sustaining the Agency into the future, and deeply appreciated.

*Reflecting Diversity in the Selection Process: New Recruiting Requirements*

**Pre-hire Checkpoint - Questions to Discuss:**

**Current composition of crew or work group:**

- How much turnover is expected in the future and what skills and knowledge will need to be replaced?
- What attributes would complement the crew or group? (attribute defined as an inherent characteristic, a recurring pattern of thought, feeling or behavior that can be productively applied)
- What customers or public will the position serve, and would it be useful to have those demographics reflected in the crew or work group?

**Interview and selection strategy**

- how to best target advertising and outreach (networking into a variety of local "communities") into all demographics of potential candidates

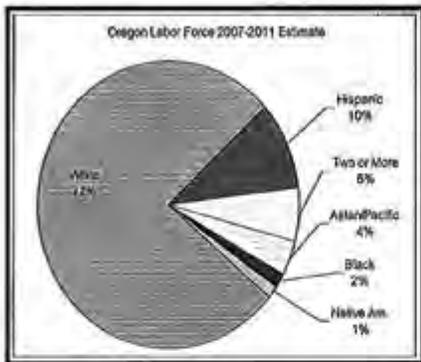
What types of people (i.e., gender, age, ethnicity, position, technical expertise) should be on the interview panel to help identify and select the candidate?

- What types of behavior based questions should the panel focus on to surface whether candidates have the needed attributes? (For example: How will candidate's answers be evaluated, and what consideration will be given to cultural communication differences?)
- How will panel members be briefed and prepared so there is clarity on the desired attributes of the ideal candidate?

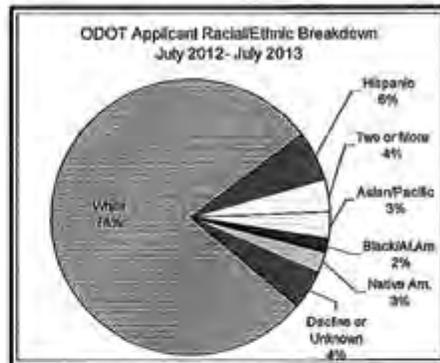
**DATA - Hiring For the Future – Reflecting Diversity in the Selection Process**

When reviewing the numbers on the following charts, it appears that we are not taking full advantage of the opportunities that are being presented to us. Planning our recruitment strategy and tracking the candidates are two strategies designed to improve our awareness and gather information as to how to ensure diversity candidates move through the process appropriately.

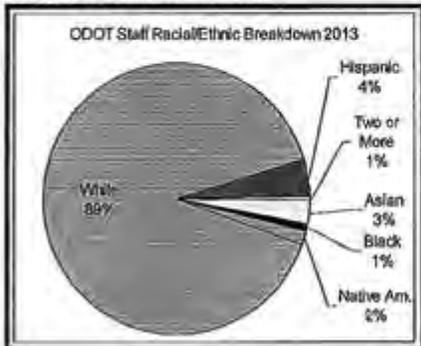
**Who is Available?**



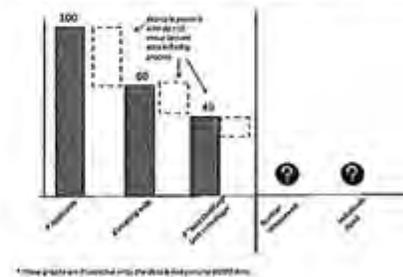
**Who is Applying?**



**Current ODOT Workforce:**



**Measuring Attract and Hire – Blind Spots**



 <b>Oregon Department of Transportation</b>  <b>POLICY</b>	NUMBER PER 01-02-02	SUPERSEDES 02/26/09
	EFFECTIVE DATE 02/11/14	PAGE NUMBER 01 OF 07
	VALIDATION DATE	
	REFERENCE ORS Chapters 240, 244, 823.007, OAR 740-020-0010 to 740-020-0020, DAS Policy HRSD 10.000.01	
SUBJECT <b>CODE OF CONDUCT</b>	APPROVED SIGNATURE Signature on file	

**PURPOSE**

Public service requires public trust built on the transparency of state government programs and the integrity of employees. This policy has been developed to provide guidance on proper business and ethical conduct for Oregon Department of Transportation (Department) employees. The Department expects employees to meet these expectations when making daily business decisions on behalf of the public interest.

In some cases, the Department's work is accomplished by being outsourced to private sector companies or contractors. Therefore, this policy includes an additional focus on a type of conflict of interest known as "revolving door". This term refers to employees leaving the Department to join private sector employers that provide goods or services to the Department or employees joining the Department from private sector employers who provide goods or services to the Department.

**BACKGROUND**

Department employees are public officials who have the privilege and honor of serving the citizens of Oregon. As public officials, they are expected to uphold the public trust. It is the Department's expectation that employees exercise their official powers and use the Department's resources only to advance the public interest and carry out their duties fairly, without bias or favoritism.

Obviously, no policy can prescribe what shall be done on every occasion because circumstances vary. If employees need advice about a particular situation or circumstance, they are encouraged to contact their manager, supervisor, or the Director's Office "Ask ODOT for Employees" representative, before making a decision or taking action.

The Decision PLUS model was developed to assist employees making defensible business decisions. When making work-related decisions, Decision PLUS asks employees to consider the following questions:

- P = Policies & Procedures      *Is the decision consistent with the Department's policies, procedures, and guidelines?*

L = Laws and Regulations	<i>Is the decision acceptable under applicable laws, rules, and regulations?</i>
U = Universal Values	<i>Does the decision conform to the Department's mission, values, and concern for public perception?</i>
S = Self Standards	<i>Does the decision satisfy my personal definition of right, good, and fair?</i>

No aspect of this policy is intended to conflict with the provisions of collective bargaining agreements. For those employees represented by a union, it may be necessary to also consult the current collective bargaining agreement for more information. If a conflict between this policy and applicable contract provisions exist, the contract shall prevail.

Violation of this policy by an employee may result in corrective or disciplinary action, up to and including termination of employment.

### **POLICY**

#### **General Employee Responsibilities**

##### **An employee shall not:**

- Engage in an act as a public official outside of his/her official capacity.
- Use the prestige or influence of the State or their position as a public official for private gain or advantage or for the private gain or advantage of another.
- Disclose confidential Department information to anyone to whom issuance of this information has not been authorized.
- Use state time, information, materials, services, facilities, equipment, vehicles, or supplies for his/her private gain or advantage or the private gain or advantage of another, unless allowed by other policies or a department-approved program.
- When committing state resources, except with prior written permission of his/her manager or supervisor, contract with or purchase from another Department employee or that employee's relatives or a member of household.
- Have, except with prior written permission of his/her manager or supervisor, oversight authority or input in the hiring of, or purchasing from, contractors who are relatives or members of their household.
- Engage in any outside activity or employment knowing that this activity or employment may later be directly or indirectly subject to a control, inspection, review, audit or enforcement by the employee in their official capacity.

*Code of Conduct continued*

- Be in a position of direct hierarchical decision-making authority related to the selection, promotion, transfer, grievance resolution, work assignment, work evaluation, or other activities that relate to the terms and conditions of employment of a relative or a member of the household.
- Exert influence in any employment related action concerning a relative or a member of the household and should avoid even the perception of influence regarding a relative or member of the household.
- Directly or indirectly solicit or receive any gift(s) with a combined total value from a single source in excess of \$50 in any calendar year from anyone who has interest in state business or that the employee should reasonably have known has such interest, or from anyone with whom the Department does business. Nor shall a relative or member of the household of the employee, directly or indirectly solicit or receive any gift(s) with a combined total value from a single source in excess of \$50 from anyone who has interest in state business or that the employee should reasonably have known has such interest, or from anyone with whom the Department does business.

**Managers shall:**

- Insure competitive recruitment processes for employment opportunities wherever possible and appropriate based on DAS and ODOT policies and collective bargaining agreements.

**All employees may:**

- Accept an honorarium as a result of participating in an event in his/her official capacity; he/she shall then turn it over to the Department's Financial Services Branch for deposit into the Department's account.

**Conflict of Interest**

Oregon Revised Statutes (ORS) Chapter 244 defines actual and potential conflicts of interest for all public officials. Those statutes are administered by the Oregon Ethics Commission and additional guidance is provided in "A Guide for Public Officials"

In addition, other statutes and administrative rules, for example ORS 823.007 and Oregon Administrative Rules (OAR) 740-020-0010 to 740-020-0020, relate to the Department's enforcement of economic regulation of motor carriers, apply to conduct or activities which may constitute actual and potential conflicts of interest for Department employees. It is not the intent of this policy to supplant those statutory provisions.

*Code of Conduct continued*

### **The Revolving Door**

When employees of firms which compete for, or have, contracts with the Department come to work for the Department and when Department employees go to work for firms which compete for, or have, contracts with the Department, questions may arise about where information is obtained, what actions are taken, what decisions are made, and whether any unfair competitive benefit or advantage is gained by the employer or employee in both the prior and new employment environment.

The Department's objective is to limit and, when possible, eliminate any perception that there is an advantage gained by a contractor or employee because of job transitions. So, the following policy is adopted and applied based on two categories of employees: outgoing and incoming employees.

#### **Outgoing (Former) Department Employees**

The Department's procurement office shall develop and include language in all procurements and contracts requiring contractors to declare if a former Department employee works for the contractor and an explanation of the role the employee now serves for the contractor. The specification shall specify when and how such declaration shall be made for each procurement, and shall only require such identification within one year of the date such former employee leaves employment with the Department. Each contractor declaration shall include a signed statement by the former Department employee of their proposed role for the contractor in the particular procurement and any resulting contract.

The specification shall also state that use of a former Department employee by the contractor on the same, or substantially similar procurement, for which the employee performed a role or function for the Department, unless mitigated to the satisfaction of the Department, is prohibited for one year following separation of employment with the Department. Roles and functions of particular concern include drafting specifications, reviewing or scoring a bid or proposal, authorizing service or assigning work, or awarding a contract. The Department may decide that the role or procurement is not substantially similar because of differences in location of the project or work, or because of the type and method of procurement, or because the role performed was minor in nature, such as a technical sufficiency review. Examples of mitigation that may, in appropriate situations, be acceptable to the Department include separation of certain decision-making functions on the project, not using the employee in preparation of proposals but allowing them to perform work on a project, and not having the employee have direct contact with Department staff formerly under his/her supervision.

Failure of a contractor to disclose such relationship or to remedy a violation of the specification will result in the rejection of the contractor's bid or cancellation of the contract with the Department as well as being grounds for cancellation of contractor prequalification or designation of a contractor as ineligible for future procurements as not being a responsible bidder.

*Code of Conduct continued*

Also, a person may not have a direct beneficial financial interest in a public contract that was authorized by such person acting in the capacity of a public official or as a member of a board, commission, or other governing body of a public body of which the person was a member when the contract was authorized, for two years after the person ceases to hold a position as a public official. This prohibition does not apply if the person did not take part as a member of the authorizing governing body in the authorization of the contract.

#### Incoming Department Employees

Employees entering employment with the Department may not, for one year following employment with a Department contractor, prepare plans or specifications, review or score a bid or proposal, or award a contract for a Department procurement where their former employer may submit, or has submitted, a bid or proposal, without declaring the potential conflict and receiving a statement of approval or mitigation by the Appointing Authority.

Should a Department employee learn of a contractor/former employer bid or proposal submission on which the employee has worked or may be asked to perform work, he/she shall inform the Appointing Authority at once and take no further action on the procurement or other decision making related to the procurement without approval or mitigation by the Appointing Authority.

#### Supplemental Employment

A Department employee whose current role relates to a regulatory function, a procurement function, or a departmental service for which the employee authorizes or assigns work may not make decisions or take actions on behalf of the Department on a business or activity under which the employee holds a supplemental job or has ownership or part ownership of a business, through or under which the employee derives payment, wages, benefits, or interests.

#### DEFINITIONS

**Appointing Authority:** An officer or agency having power to make appointments to position in the state service or to take other personnel actions.

**Conflict of Interest:** An *actual conflict of interest* is any action, decision, or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private monetary or financial benefit or detriment of the person, the person's relative, or any business with which the person or a relative is associated.

A *potential conflict of interest* is any action, decision, or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private monetary or financial benefit or detriment of the person, the person's relative, or any business with which the person or a relative of the person is associated. Potential conflict of interest is from the perspective of a reasonable person who has knowledge of the relevant facts.

**Gift:** Something of economic value given to a public official or relative or member of the household, including the full or partial forgiveness of indebtedness, which is not extended to

*Code of Conduct continued*

others who are not public officials or the relatives or member of the household of the public official on the same terms and conditions. It is also something of economic value given to a public official or relative of member of the household of the public official, for less than that required from others who are not public officials. It also means something received that the public cannot obtain for the same price or conditions. Gift does not include certain items, including: an employee's salary; presents from relatives or members of the household of the public official; and under certain circumstances, food or beverage consumed by a public official acting in an official capacity.

**Honorarium:** A payment or something of economic value given to a public official in exchange for assistance rendered which custom or propriety prevents the setting of a price. Assistance rendered includes, but is not limited to, speeches or aid given in connection with an event.

**Member of the Household:** Any person who resides with the public official.

**Public Official:** Any person who serves as a Department employee, as an elected official, appointed officer, agent, or in any other capacity, irrespective of whether the person is compensated or not. Private sector companies, contractors, and individuals seeking permits from the Department are not public officials.

**Relative:** The spouse or domestic partner of the public official; any children of the public official or of the public official's spouse or domestic partner; and brothers, sisters, half brothers, half sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren, or parents of the public official or of the public official's spouse or domestic partner.

#### **GUIDELINES**

An employee shall inform his/her manager or supervisor, in writing, of any situations discussed in the above General Employee Responsibilities, Revolving Door, or Supplemental Employment sections. The manager shall respond to employee's inquiry in writing. The manager or supervisor may mitigate the situation by assigning another employee to be responsible for the work or by giving instructions on how to resolve the issue. The manager shall seek the assistance of the Appointing Authority, in consultation with Human Resources, the ODOT Chief Procurement Officer, or an *Ask ODOT for Employees* representative as appropriate.

If an employee believes this policy has been violated or does not agree with an Appointing Authority determination, the employee may provide a summary of the situation and information as to why the employee does not agree to the Deputy Director of Central Services Division (Deputy) to review the determination. The Deputy shall review the situation and respond in a timely manner to the employee.

*Code of Conduct continued*

**RESPONSIBILITY    ACTION**

Managers and Supervisors	Make sure each employee understands the expectations contained in this policy and acts accordingly. Periodically review the Department's mission and values with each unit, crew, or employee team, and discuss and clarify guidelines and instructions contained in this policy. Seek written approval from the Appointing Authority and proper staff on behalf of an employee when mitigation of a situation is requested.
All Employees	Understand and follow this policy. Seek advice from their manager, supervisor, Human Resources Branch, Chief Procurement Officer, or an Ask ODOT for Employees representative if questions occur about proper actions.

**OTHER RESOURCES:**

- 1) **Ask ODOT for Employees:**  
<http://transnet.odot.state.or.us/odot/askforemployees/default.aspx>
- 2) **Decision PLUS Model** located in the Human Resources Handbook Chapter 1, Section 03.  
<http://transnet.odot.state.or.us/cs/ODOTHR/HR%20Handbook/Forms/Chapter.aspx>
- 3) **"Guide for Public Officials"** :  
  
010-10\_PO\_Guid-  
\_active\_links...
- 4) **SUP 10-02 Rental of Fleet Equipment from/to Commercial and Government Sources:**  
<http://transnet.odot.state.or.us/cs/BSS/Policies%20and%20Procedures/SUP%2010-02.pdf>

Code of Conduct continued



**COMPLAINT FORM**  
(Discrimination, Harassment and Workplace Issue Complaint Form)

Our Agency takes complaints of discrimination, harassment, unethical, unfair or unprofessional conduct as serious matters. So that we may properly investigate your concern, you are requested to fill out this form as completely as possible.

**Use this form to document:**

A claim made by an individual regarding a specific act which is alleged to have adversely affected an employee's existing terms or conditions of employment; or

A claim made by an individual alleging that a provision of the Oregon Department of Transportation Policy(ies) has been violated.

**Discrimination and Harassment-Free Workplace PER 19-01-02:**

[http://intranet.odot.state.or.us/ssb/BSS/documents/p&p/PER\\_19-01-02\\_POLICY.pdf](http://intranet.odot.state.or.us/ssb/BSS/documents/p&p/PER_19-01-02_POLICY.pdf)

**Maintaining a Professional Workplace PER 01-09**

[http://intranet.odot.state.or.us/ssb/BSS/documents/p&p/PER\\_01-09\\_POLICY.pdf](http://intranet.odot.state.or.us/ssb/BSS/documents/p&p/PER_01-09_POLICY.pdf)

If you have any questions about the process, please add them to the end of the form.

Please print or type—Attach extra pages if necessary      Date: \_\_\_\_\_

1. Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

2. Please identify the person or people and/or Division/Section against whom / which you are filing this complaint.

Name(s) of Accused: \_\_\_\_\_

Division/Section: \_\_\_\_\_ Phone Number: \_\_\_\_\_

3. Please describe in as much detail as possible (including dates), the nature of your complaint (please attach additional pages if necessary) :

4. How were you adversely/negatively affected?

\_\_\_\_\_

5. Witnesses: List the name and position of those who witnessed the conduct or incident.

\_\_\_\_\_

6. Have you attempted to resolve your concern/complaint? If so, with whom? What happened?

\_\_\_\_\_

7. Please describe any positive solutions you believe can help resolve your concern/complaint.

\_\_\_\_\_

8. Do you believe that the action(s) taken against you were because of your protected class status? If so, how?

\_\_\_\_\_

**Protected Class may include the following (for a complete list, refer to PER 19-01-02 and PER 1-09) and DAS HRSD Discrimination and Harassment Free Workplace Policy No. 50.010.01.:**

**•Age •Color •Disability •Family & Medical Leave •Medical Condition •Religion  
•National origin/Ancestry •Race •Sexual Orientation •Veteran Status**

\_\_\_\_\_

**Please include any documentation you believe is relevant to your complaint.**

This form was filled out by:

- Complainant (employee filing the complaint)
- HR Manager (name) \_\_\_\_\_
- EEO/AA Manager (name) \_\_\_\_\_
- Employment & Labor Relations Manager (name) \_\_\_\_\_
- Other (please specify) \_\_\_\_\_

The information on this form was gathered:

- By phone
- In person
- Submitted by the complainant
- Other (please specify) \_\_\_\_\_

**By signing below, Complainant certifies that he/she has reviewed this complaint (including attachments) to confirm that it is accurate and complete.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

**Return this form to:**  
Your local Human Resources Manager  
or ODOT Employee Civil Rights MS 12  
EEO/ Affirmative Action/ADA Manager  
355 Capitol St NE  
Salem , OR 97301-3871

Questions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please attach or add additional information or questions.





PHOTO: **Kellie Bakanen**, Astoria Megler Sunset

# Appendix B

## Civil Rights Acts

Age Discrimination in Employment Act of 1967 (ADEA) ..... 146

Disability Discrimination: Title I of the Americans with Disability Act of 1990..... 148

Equal Pay and Compensation Discrimination: Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964 ..... 150

Genetic Information Nondiscrimination Act of 2008 (GINA) ..... 152

National Origin Discrimination: Title VII of the Civil Rights Act of 1964..... 154

Pregnancy Discrimination: Title VII of the Civil Rights Act of 1964 ..... 156

Race/Color Discrimination: Title VII of the Civil Rights Act of 1964..... 158

Religious Discrimination: Title VII of the Civil Rights Act of 1964 ..... 160

Retaliation: Title VII of the Civil Agency Affirmative Action Policy..... 162

Sex-Base Discrimination: Title VII of the Civil Rights Act of 1964..... 165

Sexual Harassment: Title VII of the Civil Rights Act of 1964..... 166

# 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

*Age Discrimination in Employment Act of 1967 (ADEA)*

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:

- be in writing and be understandable;
- specifically refer to ADEA rights or claims;
- not waive rights or claims that may arise in the future;
- be in exchange for valuable consideration;
- advise the individual in writing to consult an attorney before signing the waiver; and
- 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.

# 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 or treating unfairly, 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.

*Disability Discrimination Title I of the Americans with Disability Act of 1990*

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 or employees about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions with or without an accommodation. 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.

All medical records or any information obtained must be kept confidential. This includes information that may or may not indicate a diagnosis, treatment course or may not have been generated by a health care professional. For example, an employee's request for a reasonable accommodation would be considered medical information subject to the ADA's confidentiality requirements.

### **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.

The law also protects people from discriminating based on their relationship with a person with a disability (even if they do not themselves have a disability). For example, it is illegal to discriminate against an employee because her husband or child has a disability.

It is 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.

# 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,

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

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.

*Equal Pay and Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964 continued*

# Genetic Information Nondiscrimination Act of 2008

## Genetic Information Discrimination

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits the use of genetic information to discriminate against employees or applicants. The law forbids discrimination under any aspect of employment including hiring, firing, pay, job assignments, promotions, layoffs, training, benefits and/or any other terms/conditions of employment. In addition, the Department of Labor, Health and Human Services strictly restricts the acquisition of genetic information and the disclosure of genetic information

## Definition

Genetic Information includes an individual's genetic test and /or the tests of an individual's family members. It also includes any information about disease, disorder or condition including a family member's known condition. Family medical history is included in the definition of genetic information because it is often misused to determine increased risk of disease, disorder or condition in the future.

## Harassment

Under GINA, it is illegal to harass a person based on their genetic information or genetic information of their relative. Harassing actions include offensive or derogatory remarks, which rise to a level to create a hostile work environment. 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.

## Retaliation

It is unlawful to retaliate against an employee who has filed a discrimination charge based on genetic information; testified on genetic information; or participated in an investigation, proceeding or litigation based on genetic information. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on genetic information.

*Genetic Information Nondiscrimination Act of 2008 (GINA)*

## Exceptions

There are very limited exceptions to an employer obtaining genetic information that do not violate the GINA as follows:

Inadvertent knowledge of genetic information by overhearing an employee's conversation about a family member's conditions/illnesses.

Obtaining genetic information or family medical history through health services, including wellness programs, that are offered on a voluntary basis.

Information obtained as part of the certification process for FMLA/OFLA leave for the employee's own serious health condition or the serious health condition of the employee's family member.

Gaining knowledge through commercially or publicly available documents like newspapers is permitted, as long as the employer is not searching those resources with the intent of finding genetic information.

Acquisition of genetic information through monitoring programs to test the effects of biological toxic substances in the workplace, where monitoring is required by law or the program is voluntary.

Acquisition of information of employees who engage in DNA testing for law enforcement purposes as a forensic laborer or purposes of human remains identification is permitted, but the information may only be used for analysis of DNA markers for quality control to detect contamination.

## Confidentiality

It is unlawful for employers to disclose genetic information about applicants or employees. Employers must keep genetic information confidential and in a file separate from any personnel file. Genetic Information can be kept in the same file as other medical information in compliance with the Americans with Disabilities Act.

# The Immigration Reform and Control Act of 1986 (IRCA) and National Origin Discrimination: Title VII of the Civil Rights Act of 1964

## THE IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA)

### National Origin Discrimination

Whether an employee or job applicant's ancestry or appearance may possibly be Mexican, Ukrainian, Filipino, Arab, American Indian, or any other nationality, he or she is entitled to the same treatment and 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."

The Immigration Reform and Control Act of 1986 (IRCA)

The Immigration Reform and Control Act of 1986 (IRCA) makes it illegal for an employer to discriminate with respect to hiring, firing, recruitment or referral for a fee, based upon an individual's citizenship or immigration status. Employers may not refuse to accept lawful documentation that establishes the employment eligibility of an employee, or demand additional documentation beyond what is legally required.

### 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.

*National Origin Discrimination Title VII of the Civil Rights Act of 1964*

Examples of violations covered under Title VII include:

## Employment Decisions

Title VII prohibits any employment decision, including recruitment, hiring, and firing, pay, training, promotions, benefits 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 or results in adverse employment decisions. 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.

It is also unlawful to retaliate against an individual for imposing employment practices that discriminate based on the IRCA's nondiscrimination requirements or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceedings or litigation under the IRCA.

## 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 legally required work authorization or documentation.

# 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:

## Harassment

Prohibits offensive conduct such as derogatory remarks, that create a hostile work environment based on the condition or results in adverse employment decisions. 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.

## 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 the same options or choices.

*Pregnancy Discrimination Title VII of the Civil Rights Act of 1964*

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.

In addition, pregnant employees may have additional rights under the Family and Medical Leave Act (FMLA) and/or Oregon Family Medical Leave Act (OFLA).

## **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.

# 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

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

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.

# 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

*Religious Discrimination Title VII of the Civil Rights Act of 1964*

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. 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.

# 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.

*Retaliation Title VII of the Civil Agency Affirmative Action Policy continued*

# 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.

# 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

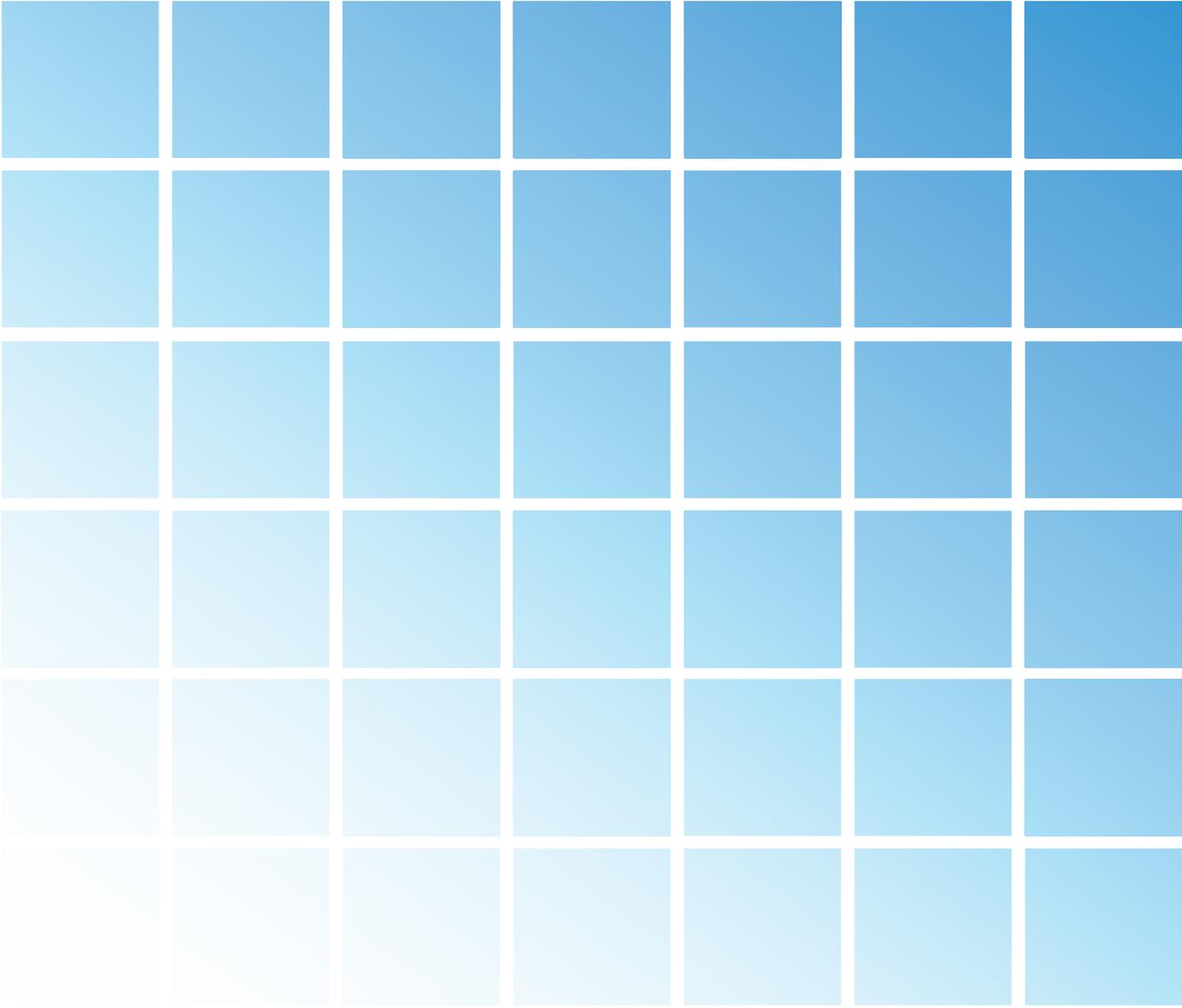
*Sexual Harassment Title VII of the Civil Rights Act of 1964*

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.







# Affirmative Action Plan Authors:

The Oregon Department of Transportation

**Hector Rios**

*Employee Civil Rights & Diversity Manager*