

OREGON GOVERNMENT ETHICS COMMISSION

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**Affirmative Action Plan
2015 – 2017 Biennium**

OREGON GOVERNMENT ETHICS COMMISSION

**AFFIRMATIVE ACTION PLAN
2015-2017 BIENNIUM**

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I. DESCRIPTION OF AGENCY AND ORGANIZATIONAL CHART

Historical Perspective

In 1974, more than 70 percent of the voters approved a statewide ballot measure to create the Oregon Government Ethics Commission (Commission). The ballot measure also established a set of laws (ORS Chapter 244) requiring financial disclosure by certain officials and creating a process to deal with the inevitable question of conflict of interest.

Commission Composition

The Commission has seven volunteer members. Four members are appointed by the Governor upon recommendation of the Democratic and Republican leaders of the Oregon House and Senate. The Governor selects three members directly. All members must be confirmed by the Senate. No more than four of the members may be from the same political party. The law allows members to serve only one four-year term.

The Commission is administered by an executive director selected by the Commissioners. The Commission also employs a program manager, two investigators, two trainers and two support staff who are appointed by the executive director.

Agency Jurisdiction

Government Ethics law: (ORS Chapter 244)

- Prohibits use of public office for financial gain
- Requires public disclosure of financial conflicts of interest
- Requires designated public officials to file annual disclosures of sources of economic interest
- Limits gifts that an official may receive per calendar year
- Applies to all elected and appointed officials, employees and volunteers at all levels of state and local government in all three branches

Lobby Regulation law: (ORS 171.725 to ORS 171.785)

- Requires lobbyists to register
- Requires lobbyists and the clients/employers they represent to file periodic expenditure reports
- Specifies prohibited conduct, such as contingency lobbying

Executive Session provisions of Public Meetings law: (ORS 192.660 and 192.685)

- Authorizes specific, limited reasons for which a public body may meet in a closed session

Mission

The Oregon Government Ethics Commission will impartially and effectively administer and enforce Oregon's government ethics laws for the benefit of Oregon's citizens. The Commission will emphasize education in achieving its mission.

The regulatory jurisdiction of the Oregon Government Ethics Commission covers provisions of ORS Chapter 244, Oregon Government Ethics law; ORS 171.725 to 171.785 and 171.992, Lobby Regulation law; and executive session provisions of Oregon Public Meetings law, ORS 192.660.

The Commission members and staff consider that they are doing their job most successfully if they can help public officials avoid conduct that violates the relevant statutes. They encourage people to inquire into any point of the statutes prior to taking any action that may violate Government Ethics law, Lobbying Regulation law or the executive session provisions of Public Meetings law.

The current executive director of the Oregon Government Ethics Commission is:
Ronald A. Bersin
503-378-5105

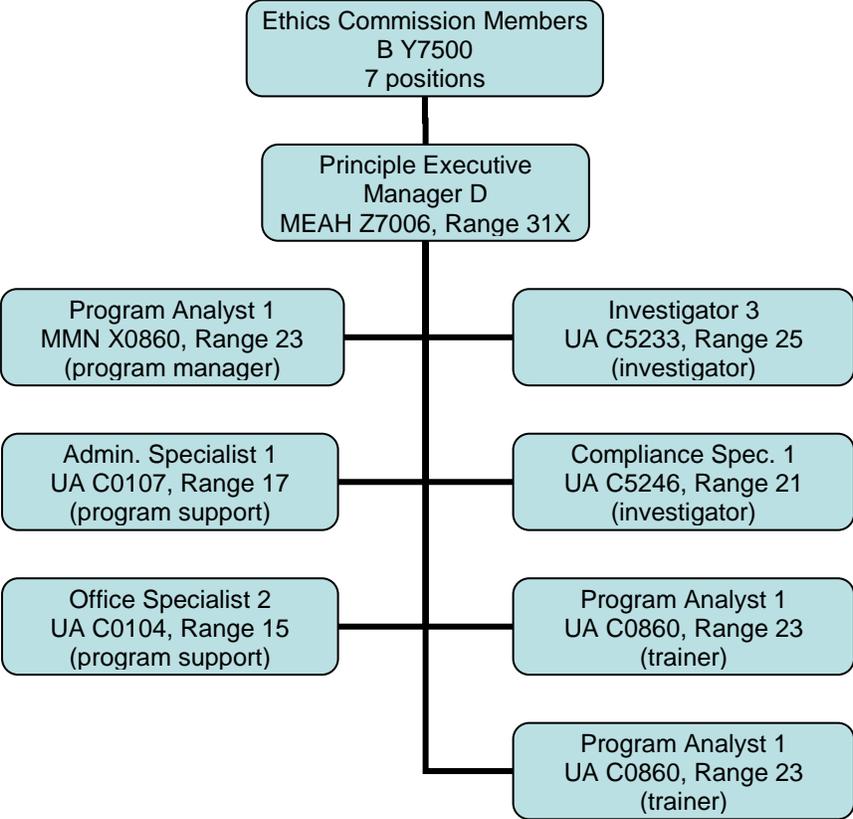
The Governor's Policy Advisor for the Oregon Government Ethics Commission is:
Liani Reeves
503-378-8636

The Affirmative Action Representative for the Oregon Government Ethics Commission is:
Ronald A. Bersin
503-378-5105

There are no FTE with diversity, inclusion, access, or equity designations in their working titles.

Oregon Government Ethics Commission

2015 - 2017 Organizational Chart



II. AFFIRMATIVE ACTION PLAN

A. Agency Affirmative Action Policy

Introduction

The purpose of this plan is to update and maintain the previously initiated affirmative action program for the Oregon Government Ethics Commission (Commission), in keeping with the directive of the Governor, state and federal laws and regulations, executive orders of the President of the United States of America concerning affirmative action, discrimination/non-discrimination guidelines appropriate under the Civil Rights Acts, equal employment opportunity (EEO) policies, and the Americans with Disabilities Act by which our good faith efforts must be directed.

Policy Statement

This policy applies to all employees and Commission members of the Government Ethics Commission. This policy applies to all matters relating to hiring, firing, promotion, benefits, compensation, and other terms and conditions of employment, as well as delivery of Commission services.

The Government Ethics Commission supports the spirit and letter of equal employment opportunity laws, rules and regulations, and affirmative action concepts and the right of all persons to work and advance on the basis of merit, ability, and potential.

The Commission strives to achieve equal employment opportunity and affirmative action objectives through the recruitment, employment and advancement of a diverse workforce, including women, minorities and the disabled. The Commission will not tolerate any form of discrimination or harassment and endeavors to maintain a tolerant and respectful work environment free of hostility or unwelcome behavior.

The Commission is committed to providing citizens and employees, through a program of affirmative action, equal access to programs and services and fair and equal opportunities for employment. In administering its programs, Commission members and employees will not discriminate against any person who is a current or potential user of its services on the basis of race, color, ancestry, gender, national origin, age, family or marital status, sexual orientation, political or religious affiliation, veteran status, physical or mental disability.

All employees shall be advised of the procedure for lodging a discrimination or harassment complaint, and all employees with concerns of any kind related to affirmative action shall be encouraged to bring them to the attention of the Affirmative Action Representative, Ronald A. Bersin, Executive Director, or the chair of the Commission. Our internal procedure for filing complaints and enforcement that supports statewide policy is detailed on page A-4 of this Affirmative Action Plan.

An individual who has interviewed for employment, who believes they were denied employment based on any of the aforementioned discriminatory factors, may file a complaint with the Commission Executive Director on behalf of the Commission. All reported incidents will be investigated promptly, thoroughly, impartially, and discreetly. The investigator will notify the complainant in writing of the results of the investigation. Formal appeals/complaints may also be filed with the state's Affirmative Action Office; the Bureau of Labor and Industries; the Equal

Employment Opportunity Commission at 909 First Avenue, Ste 400, Seattle, WA 98104-1061; or the United States Department of Labor, Office of Civil Rights.

The application of this policy is the responsibility of administrative staff, and as part of the annual performance evaluation, the Commission's Executive Director will be evaluated, in part, on efforts to promote the equal employment opportunity and affirmative action objectives of the agency.

The Commission shall maintain a current copy of the Affirmative Action and Equal Employment Opportunity policy and plan on its web site. The plan will be provided to all potential new employees during the final recruitment process, posted to the Commission's bulletin board in the employees' common area, and will be made available for review by agency employees, interested citizens, and organizations served by the Commission.

This revision of the Commission's Affirmative Action Plan is effective July 1, 2015 and shall be evaluated annually or as needed when statewide changes occur. The Commission's Affirmative Action Representative is Executive Director Ronald A. Bersin, who may be reached by email at ron.a.bersin@oregon.gov or by telephone at 503-378-5105.

Ronald A. Bersin, Executive Director
Oregon Government Ethics Commission

B. Diversity & Inclusion Statement

The Oregon Government Ethics Commission ensures that it creates, maintains and embeds a diverse and inclusive environment and organizational culture throughout the agency in keeping with the Governor's Diversity and Inclusion and Affirmative Action policies. The Ethics Commission also ensures that all Oregonians, regardless of gender, age, race, national origin, color, ethnicity, religion, people with disabilities, sexual orientation, veterans (etc.), have a fair and equal chance for available job opportunities within the agency.

We support the work of the Governor's Diversity & Inclusion and Affirmative Action Office both inside and outside of state government with everyone from state agency heads, human resources and on-the-ground staff to community-based organizations and the general public. This not only identifies systemic barriers and weaknesses that stand in the way of a diverse and inclusive workforce, but also finds and implements effective solutions that will fix the problems and improve the performance and service delivery of state organizations.

While the Oregon Government Ethics Commission was created by state laws, we are working to build an organization that uses the concepts of Diversity & Inclusion, such as problem-solving, innovation, and organizational development, to create a workplace that is stronger, better functioning, and more dynamic and that can deliver the best possible service to the people of Oregon.

C. Training, Education and Development Plan

1. Employees

- Train and inform employees as to their rights and responsibilities under the Commission's affirmative action plan and other Commission policies to eliminate discrimination or harassment on the basis of age, color, marital status, mental or physical disability, national origin, race, religion, sex, sexual orientation, or any reason prohibited by state or federal statute.
- New employees are provided with a copy of the Commission's Affirmative Action and Equal Employment Opportunity policy and plan at the beginning of employment and are encouraged to review and discuss questions or concerns with their supervisor.
- Training may be in the form of formal classes, sharing of information from the Governor's Affirmative Action Office, and/or one-on-one discussions. Managers will be evaluated annually for their adherence to this Affirmative Action Plan.
- The Commission strives to conduct regularly scheduled staff meetings. All staff attend the meeting and if absent, are advised by the Executive Director upon their return of the content of the meeting. Employees' performance is evaluated annually and includes a review of their adherence to this Affirmative Action Plan.
- Succession planning is critical for the seamless transition of employees in key positions. Although the Commission has a very limited number of staff and the positions are diverse, our managers have identified people that could move into these key roles within twelve months. To develop all our employees' skills and give them opportunities to grow within the organization, the Commission will:
 - Provide assistance in identifying career paths;
 - Encourage employees to seek career development and job rotation opportunities;
 - Identify mentors and coaches and promote their use;
 - Offer special project assignments to acquire new skills;
 - Groom top performers for levels of leadership within the organization by giving them exposure to political processes, providing management-level training, and encouraging job shadow activities.
- The Commission posts a copy of the Affirmative Action and Equal Employment Opportunity policy and plan in its common space and on its web site for easy access by employees. Commission recruitment announcements and advertisements identify the Commission as an Equal Opportunity/Affirmative Action employer and include the statement, "...committed to a diverse work force with equal opportunity programs."

2. Volunteers

- The Commission does not utilize volunteers, but if it did, all volunteers would be encouraged to review and discuss the Affirmative Action policy, workplace expectations, and complaint procedures.

3. Contractors and Vendors

- The Commission has historically not used the services of contractors until recently, and in doing so, has engaged the services of a vision impaired individual. Contractors are

advised of and provided access to the Commission's strict adherence to the agency affirmative action plan and diversity and inclusion statement.

D. Programs

The Commission has not participated in special programs and activities during the 2013-15 biennium, but is always dedicated to looking for opportunities to bring people into the workforce, creating opportunities for existing staff, and promoting an environment that is respectful of all people. During the 2015-17 biennium, the Commission will focus on the development of activities to promote programs in the following manner:

1. Internship Program

- Identify tasks well suited for interns and that are related to their career goals;
- Depending on budget constraints, recruit for interns at our local higher educational facilities.

2.. Mentorship Program

- There is limited ability for a broad and specific mentorship program within the agency based upon its small size; however, staff are encouraged to seek guidance and glean experience from team members that have more experience or knowledge within job specific duties. Additionally, the Executive Director fully supports an environment with open door and open idea policies, while encouraging staff to seek growth opportunities within and outside of the agency.

3. Community Outreach Programs:

- Post notices and forward emails that provides information about cultural activities and other information that supports diversity and tolerance;
- Display the Commission's commitment to our Affirmative Action Plan by posting it on our website and by having hard copies available for everyone to read;
- Explore supporting our Affirmative Action commitment by including statements about diversity and tolerance in our public presentations.

4. Diversity Awareness Programs

- Draw upon different sources to advertise our recruitments, such as the electronic state recruiting system, and request that the announcements also be distributed through the Affirmative Action office;
- Communicate to all staff the importance of diversity and how it impacts the Commission's success;
- Ask staff to provide suggestions on ways to improve our diversity performance and then convert that input into action by providing training, and continually evaluating our diversity program;
- Encourage employees to learn new skills and apply them to career advancement opportunities;
- Promote a respectful workplace by offering training on diversity awareness, improving communications, conflict management, and an open invitation to talk about problems and ideas; and
- Create a welcoming environment by encouraging acceptance of people's differences and treating everyone with respect and professionalism whether they are staff or customers.

5. Leadership Development/Training Program(s)

- Encourage employees to learn new skills through cross-training, and to enroll for and complete educational opportunities where agency budget allows, then adapt and apply the new skills to career advancement opportunities;
- Several staff members have engaged in cross training and others have taken advantage of educational opportunities, both of which will provide valuable tools and skills to the employee in their efforts for career advancement.

E. Update: Executive Order 08-18

1. Cultural Competency Assessment/Implementation

Given its small staff (8 FTE), the Commission has not requested or received a Cultural Competency Assessment in the 2013-15 biennium. The Commission's plan to enhance its cultural competence over the 2015-17 biennium will result in:

- People of diverse backgrounds and experience effectively working together;
- People understanding and appreciating one another's differences; and
- People effectively communicating with and being respectful of those differences.

2. Statewide Exit Interview Survey

The Commission has few staff and very little turnover, so there is little data to form a trend analysis. When an employee does leave the agency, an Exit Interview Survey is offered to that person. The Commission will review the results of the surveys, share the remarks with the Executive Director, and take appropriate action.

3. Performance Evaluations of all Management Personnel

As part of the annual performance evaluation, the Commission's management personnel will be evaluated, in part, on efforts to promote the equal employment opportunity and affirmative action objectives of the agency. The Executive Director will identify training events and provide opportunity for staff to participate in those events.

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

The Commission did not participate in any activities that would result in the award of construction, service, or personal service contracts during the 2013-15 biennium and does not anticipate any for the 2015-17 biennium based on the nature of Commissions activities. Contracts, if needed, would be with subject matter experts that are called upon for single-need issues.

III. ROLES FOR IMPLEMENTATION OF AFFIRMATIVE ACTION PLAN

The Commission provides overall direction and resources to support the Affirmative Action Plan. The Commission will foster and promote to employees the importance of a diverse workplace free from discrimination and harassment.

The Commission is committed to the use of Affirmative Action precepts in hiring employees and in making appointments to its membership. The Commission will continue its implementation of the Affirmative Action Plan by exercising impartial and unbiased evaluations of future applications and interviews for employment.

A. Responsibilities and Accountabilities

The Commission entrusts and delegates to the Executive Director the responsibility for implementation and adherence to the Affirmative Action goals to which the Commission is committed.

1. **Directors/Administrators** – The Commission’s Executive Director has overall responsibility for compliance with policy and achievement of the Affirmative Action goals to which the Commission is committed and will provide leadership and monitor progress toward meeting goals and objectives of the diversity and inclusion plan, and ensure compliance with applicable federal and state laws, rules, regulations and executive orders. The Executive Director will develop and communicate agency Affirmative Action policies and procedures to staff and will review and evaluate affirmative action and diverse work environment progress and identify problems. The Executive Director will approve strategies and timetables for meeting goals. The annual performance evaluation for the Executive Director will include evaluation of affirmative action efforts and accomplishments.
2. **Managers and Supervisors** – Not applicable to agency due to the limited number of FTE.
3. **Affirmative Action Representative** – The Commission’s Executive Director serves as the Affirmative Action Officer and is responsible for:
 - Developing and communicating agency policies and procedures related to AA/EEO and preparing and disseminating affirmative action information;
 - Coordinating activities in concert with the Affirmative Action Plan and monitoring progress toward affirmative action goals;
 - Identifying solutions to barriers preventing achievement of the Commission’s affirmative action goals;
 - Assuring that agency recruitments are conducted in compliance with AA/EEO goals;
 - Applying the precepts of affirmative action in day-to-day work and in relations with fellow employees, job applicants, and the general public;
 - Receiving and investigating or referring discrimination complaints to the Commission;
 - Attending equal opportunity, affirmative action, and diversity training in order to be informed of current affirmative action laws and issues and develop knowledge and skill for working with a diverse workforce.

IV. July 1, 2012 – June 30, 2014

A. Accomplishments

The Commission had no staff recruitments during this period, but received two new female and one Hispanic commission member appointments. Three of the seven commission members are female and six of the eight staff are female. None of the commission members or staff at this time are disabled, but the Commission strives to ensure that all Oregonians, regardless of gender, age, race, national origin, color, ethnicity, religion, people with disabilities, sexual orientation, veterans (etc.), have a fair and equal chance for available job opportunities within the agency when available.

Recruitments are conducted in a way that will provide the most diverse candidate pool possible. Every candidate that meets the qualifications and rates highest on the scoring criteria is offered an interview. Interviews are conducted by panels that consist of men and women.

The Commission is currently fully staffed with no vacancies anticipated in the near future.

B. Progress Made or Lost Since the Last Biennium

During the 2013-15 biennium, the Commission has continued to work toward meeting its affirmative action/diversity and ADA goals. Job announcements are sent to the Affirmative Action Office to ensure recruitment information includes outreach to sources representing minorities, women, and persons with disabilities. The Commission is also ever sensitive to the evaluation and improvement of its hiring practices to ensure that we meet our affirmative action and diversity goals.

Commission members and staff ratios have historically remained fairly consistent in terms of the protected classes. The agency is currently comprised of eight staff, two of whom are men and the other six are women, and seven commission members, who number four men and three women. At this time only one person is from a protected class, but the agency is always mindful and open to diversity and ADA goals while recruiting to fill vacancies. The agency is temporarily engaging the services of a contractor to help with a special IT project, and filled that role with a person with a disability.

The Commission's size is small and it experiences very little staffing turnover. The Commission did not participate in any Job Fairs in the last year due to the lack of turnover. The opportunity for promotion within the agency varies because of the diverse nature of the limited positions, but employees are urged to cross-train where possible so that they may take advantage of those opportunities if they do occur.

Cross-training and career developmental opportunities are encouraged. Our goal is to retain our employees by keeping them challenged and giving them room for growth. The small size of our agency requires that more than one person knows a job, so it is important to us to promote those opportunities.

The Commission's budget constraints limit training opportunities for its Executive Director; however, attempts are made for him or his designee to attend the monthly Affirmative Action Meetings in Salem as work schedule allows. Materials received from the affirmative action meetings is distributed to staff and discussed in staff meetings.

The Commission has developed the following strategy for retaining employees:

- Value employees and urge them to participate in decisions that affect their work;
- Treat employees with respect and dignity;
- Support employees in their learning and personal development plans;
- Maintain the Commission's reputation for professionalism by making it an organization people are proud to work within;
- Keep processes as simple as possible so work makes sense to all employees;
- Communicate well and often. Let people know what is happening in the organization;
- Make wise hiring decisions and continually evaluate our hiring practices; and
- Hold people accountable to our respectful workplace and harassment-free policy.

The Commission's strength lies in our employees who know the complex business of providing the best service possible to our customers. We are a very professional organization dedicated to meeting those high expectations every day.

The challenges we face are:

- Communications – We must learn to communicate better. We have a generational span of ages from the 20's to the 60's. At times it seems we speak different languages. We also have differing technological skill levels. The older members sometimes need more help in learning new computer skills and the younger members seem to need help in developing a productive work ethic. We must become more active promoting respectful and sensitive communication.
- Helping employees feel valued – We must increase our appreciation of our hardworking employees in various ways.
- Some of our employees are nearing retirement, so we must continue to focus on our cross-training program so that there will be minimal training impact when those people are gone.

V. July 1, 2015 – June 30, 2017

A. Goals for our Affirmative Action Plan

In the 2015-17 biennium, the Commission will pursue the following goals and strategies:

1. Maintain the Commission's commitment to affirmative action through the continued development and adherence to its Affirmative Action Plan.

Strategy:

- Evaluate and revise policies and procedures as needed to promote the Commission's commitment to affirmative action and equal employment opportunity.
- Assertively recruit qualified persons with disabilities, minorities, women, and other protected classes for position vacancies.

2. Continue communication among staff and Commission members to foster understanding and support for the Commission's commitment to affirmative action.

Strategy:

- Increase staff and Commission member knowledge and awareness of affirmative action through review and discussion of the Affirmative Action Plan. Train and inform employees of their rights and responsibilities under the Commission's Affirmative Action policy.
- Make information regarding diversity training opportunities and attendance at cultural events available to staff. Opportunities will be discussed at staff meetings, posted in common areas and distributed by email to all staff. The Commission will continue to offer and encourage career development, mentorship, training and promotional opportunities to all employees to prepare them for advancement.
- Utilize creative means that are free or low cost to advertise vacancies to people of color, disabled individuals and women. These may include attendance at job fairs, contacting community and specialized ethnic organizations, communicating with higher educational

facilities, posting on various web sites, and using the services of the Governor's Affirmative Action Office.

- Encourage employees to communicate their needs, to suggest additional or alternative methods of promoting our diversity, and to assist in identifying ways we can make our organization more welcoming to all. Encourage employees to expect respectful workplace behaviors and assure that they should not hesitate to report any concerns. Listen and take action on our employee's feedback for creating a more welcoming environment.
 - All staff will continue to identify career development, cross-training, mentorship, temporary and rotation opportunities that will provide advancement in support of the Commission's Business Continuity and Affirmative Action Plans. We will continue to keep cultural diversity in the forefront of all employees.
3. Increase knowledge and skills of the Commission's management staff in applying Affirmative Action and EEO principles and in promoting a diverse workforce environment.

Strategy:

- Ensure that managers understand the Commission's affirmative action goals and responsibilities and assert their role in achieving those goals.
- Support managers' attendance at equal opportunity, affirmative action, and other diversity-related activities or training activities.
- Maintain management performance appraisal reviews used to evaluate managers on their effectiveness in achieving affirmative action objectives.
- Show management's commitment to cultural diversity by being an example of patience, tolerance and respect.

VI. APPENDIX A

- A. ADA & Reasonable Accommodation Policy and Procedures - 50.020.10
- B. Discrimination and Harassment Free Workplace - 50.010.01
- C. Agency Employee and Training Policy
- D. Veterans Preference in Employment - 105.040.0015
- E. Maintaining a Professional Workplace - 50.010.03

All state agencies are required to use DAS's Statewide Policies as noted above. The policies follow this cover page. Please refer to them as well as the agencies internal policies and procedures.

OREGON GOVERNMENT ETHICS COMMISSION

ADA AND REASONABLE ACCOMODATION POLICY

Reference: Rehabilitation Act of 1973; Civil Rights Act of 1991; ORS 182.100; 243.305;243.315; 659.025; 240.379; 659.400, 405, 425; 433.045, 447.233; The Americans with disabilities Act (ADA) of 1990 and public sector provisions (Title II) in 1992; and FED. 42 U.S.C.§12101 *et seq.* Statewide Policy 50.020.01.

Applicability

This policy applies to all applicants, commission members and employees of the Oregon Government Ethics Commission (Commission).

Definitions

Reasonable Accommodation

Is "any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has the same rights and privileges in employment as non-disabled employees."

Person With a Disability

a person, who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment or is regarded as having such impairment.

Undue Hardship

Significant difficulty, expense, or impact on the agency when considered in light of a number of factors that include the nature and cost of the accommodation in relation to the size, resources, and structure of the agency.

ADA Coordinator

The Executive Director is designated as the ADA Coordinator pursuant to part 35.107 of the American's with Disabilities Act.

Policy

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

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

In compliance with ADA guidelines, the Commission will provide special materials, services or assistance to individuals with a disability upon sufficient notice to the Commission office. The Oregon Relay Service – 711 – is available to assist individuals with speech or hearing disabilities. In addition, the Speech to Speech Relay Service supplies Oregon with a toll-free number (1-877-735-7525) to assist individuals whose speech may be difficult to understand. If an individual does not request an accommodation, the Commission is not obligated to provide one.

No employee of the Commission nor any entity contracting with it may coerce, intimidate, threaten, or interfere with any individual who has opposed any act or practice prohibited by the ADA; participated in any investigation; or aided or encouraged others to assert rights granted under the ADA.

An individual who believes they have been discriminated due to their disability should contact the ADA Coordinator, Commission Chairperson, or other Commission member(s). If the issue is not resolved to the individual's satisfaction, they may file a grievance with the:

- U.S. Dept of Justice Civil Rights Division – PO Box 6618, Washington, D.C., 20530
- Equal Employment Opportunity Commission – 1801 L. St. NW #9024, Washington, D.C. 20507

OREGON GOVERNMENT ETHICS COMMISSION

DISCRIMINATION AND HARASSMENT FREE WORKPLACE POLICY

Reference: Statewide Policy 50.010.01, Discrimination & Harassment-Free Workplace Statewide Policy 50.010.03, Maintaining a Professional Workplace

Applicability

This policy applies to all commission members and employees of the Oregon Government Ethics Commission (Commission).

Definitions

Discrimination An act based on prejudice.

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

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

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

Policy

It is the policy of the Commission to maintain a professional workplace in an environment free of discrimination or harassment whereby all employees experience a positive and respectful work environment free from behavior, actions, or language that constitutes discrimination or workplace harassment.

Commission members are committed to providing a work environment free from harassment. Harassment violates human dignity, undermines integrity, and diminishes morale. All Commission members and employees have the responsibility to conduct themselves in accordance with this policy to maintain an environment that is free from discrimination or workplace harassment.

Harassment or discrimination of any nature – whether because of race, color, national origin, physical or mental disability, age, religion, sex, sexual orientation, marital status, or any other reason prohibited by law, union contract or policy of the State or Federal government – is illegal and unacceptable conduct and will not be tolerated.

This policy prohibits retaliation against employees who bring allegations of conduct in violation of this policy or assist in investigating charges, or who report harassing behavior directed at persons other than the employee. This policy also prohibits retaliation against employees who complain that they are the victims of employment related discrimination.

The Commission and its Executive Staff shall enforce this policy by maintaining a current copy of the policy and procedures on its web site for review by all employees and the public at large. All new employees are automatically subject to the provisions of the policy herewith by virtue of employment or by contractual agreement and required to fully comply with the policy. Any substantiated incident of harassment, inappropriate behavior, or retaliation for reporting harassment or cooperating in an investigation, shall result in corrective action, which may include disciplinary action up to and including dismissal of the employee or termination of a contract.

Procedures for Reports or Complaints to Commission Management Concerning Harassment or Discrimination in the Workplace.

The following procedures shall be followed by staff members who wish to bring incidents of alleged harassment or discrimination to the attention of the Commission or Executive Staff.

Step 1

Staff members are encouraged to bring any initial incidents of alleged harassment or discrimination to the attention of the Executive Staff or members of the Commission. Staff members may make an oral complaint or written complaint.

Complaints should include the name of the complainant, the names of the persons alleged to have engaged in the prohibited conduct and the names of witnesses, the date or time period in which the alleged conduct occurred, a specific and detailed description of the conduct that the employee believes is discriminatory, and a description of the remedy the employee is seeking, if any.

The Executive Staff will immediately consult a state personnel manager, Commission Chair or alternate member to report the complaint.

Step 2

Executive Staff or a Commission designee will pursue one of the following courses of action (A or B) depending upon the severity of the alleged incident, and upon whether the staff member bringing the incident to management attention decides to file a formal complaint with the agency concerning the incident or not.

- A. If the staff member is the recipient of the unwanted behavior and does not wish to file a formal complaint with the agency concerning the incident in question, but merely wishes to raise awareness or alert attention to a perceived problem:

1. Management will maintain confidentiality of the staff member making the report and the incident reported to the extent possible, as determined on a case by case basis;
2. The discussion will be documented in a report to the personnel file, Commission Chair or Commission designee;
3. The staff person will be asked to sign the documentation.
4. The Executive Staff will meet with the employee to discuss alternatives for responding to their concerns. This could include coaching, referral or moving forward with an investigation.
5. The Commission Chair or designee will work with Executive Staff to ensure that immediate and appropriate corrective action occurs, as warranted by the incident reported.

B. If the staff member wishes to file a formal complaint with the agency concerning the incident:

1. Executive Staff will review the complaint procedure with the staff member;
2. The staff member will provide the Executive Staff, or other appropriate management personnel with a signed complaint;
3. The persons involved in the incident will be notified and an investigation of the complaint will be initiated by the Executive Staff and/or Commission Chair or designee;
4. Investigations and corrective or disciplinary action will be conducted in accordance with all applicable laws, collective bargaining agreements and State of Oregon policies and procedures;
5. The investigation will determine whether the alleged conduct occurred and will recommend an appropriate type and level of corrective action, if any;
6. The complainant and alleged perpetrator will receive a response in writing within 30 days of receipt of the complaint.
7. Sensitivity to confidentiality concerns will be maintained, however, confidentiality for any of the parties involved cannot be totally guaranteed.

The Commission encourages employees to take action if they are experiencing unwelcome behavior. Employees have the right, and are encouraged, to communicate such concerns and should contact the Commission Chairperson or other Commission member(s). If the issue is not resolved to the employee's satisfaction, they may elect to file a complaint with:

- Oregon Bureau of Labor and Industries, Civil Rights Division – 800 NE Oregon Street #1045, Portland, OR 97232
- Equal Employment Opportunity Commission, Seattle District Office – 909 First Avenue, Ste 400, Seattle, WA 98104-1061

Nothing in this process precludes any person from filing a formal grievance in accordance with a collective bargaining agreement.

Discrimination Complaint Form

Date of File: _____ Date Received by Agency: _____

**To initiate a charge of discrimination or harassment,
this form must be filed within one year or 365 working days of the alleged violation.**

1. Complainant's Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Home Telephone: _____ Business Telephone: _____
2. Agency and/or individual that you believe committed the act(s) of discrimination:
Agency: _____ Department: _____
Individual: _____ Title: _____
3. Complainant was discriminated against because of (check all categories in "A" through "I" that apply to the act(s) of discrimination):
 - a. ___ Age (Please indicate your age.) _____
 - b. ___ Disability (Specify the name of your disability and/or provide a brief description of its symptoms.)

 - c. ___ Familial Status
 - d. ___ Genetic
 - e. ___ Marital Status
 - f. ___ National Origin (Please indicate your national origin.)

 - g. ___ Political Affiliation (Please indicate your affiliation.) _____
 - h. ___ Race/Color (Please check the racial or ethnic group with which you identify.)

- 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.
- ii. _____ **Asian:** All persons having origins in any of the original people of the Far East, Southeast Asia or the Indian subcontinent. This area includes, for example, China, Japan and Korea.
- iii. _____ **Black or African-American:** All persons having origins in any of the black ethnic groups.
- iv. _____ **Hispanic or Latino:** All persons having origins in any of the Mexican, Puerto Rican, Cuban, Central or South America, or other Spanish cultures, regardless of race.
- v. _____ **Native-Hawaiian or Other Pacific Islander:** All persons having origins in any of the original peoples of the Pacific Islands. This area includes, for example, Hawaii, the Philippine Islands and Samoa.
- vi. _____ **White (not of Hispanic origin):** All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.
- vii. _____ **Two or More Races:** All persons claiming origins in more than one of the above racial/ethnic categories.

i. _____ Religion (Please indicate your religion or religious beliefs.)

j. _____ Retaliation

k. _____ Sexual Harassment

l. _____ Sexual Orientation

m. _____ Veteran's Status

4. When did the act(s) of discrimination occur? _____

Date(s)

5. Briefly describe the act(s) of discrimination:

(Please include names, telephone numbers, and job titles of all persons involved in the discriminatory acts you describe.)

(Additional sheets may be attached.)

6. What relief are you seeking?

7. Have you filed a grievance concerning this matter? Yes _____ No _____

If "yes," please provide a copy of the grievance form and all associated documents. Briefly explain the status of the grievance.

8. Has this complaint been filed with any other Federal, State, or local investigative agency?

Yes _____ No _____ If "Yes," complete "A-C" below.

a. Agency: _____ Contact Person: _____

b. Address: _____

City: _____ State: _____ Zip Code: _____

c. Phone Telephone: _____ Date Filed: _____

9. Have you filed a lawsuit concerning this complaint in Federal or State court?

Yes _____ No _____ If "Yes," complete "A and B" below.

d. Name of Court: _____

e. Case Docket Number: _____

I affirm that the information I'm submitting is true to the best of my knowledge and belief.

Signature: _____ Date: _____

Filing with this office does not preclude you from filing with the Governor's Affirmative Action Office, Federal Equal Employment Opportunity (EEOC) or Bureau of Labor and Industries (BOLI) or other federal or state agencies.

OREGON GOVERNMENT ETHICS COMMISSION

EMPLOYEE TRAINING POLICY

Reference: State Policy 50.045.01

Applicability

This policy applies to all commission members and employees of the Oregon Government Ethics Commission (Commission).

Purpose/Policy:

Provide resources and learning opportunities for Commission employees to perform the duties of their current position and to encourage their career development in state service. In accordance with the Oregon Benchmarks and State Policy, it is the goal of the Commission to provide all employees with at least 20 hours of training related to work skills and knowledge each fiscal year.

Definitions:

Training related to work skills – includes formal instruction that relates to an employee's competence to perform their specific job, an employee's work environment, or an employee's state government career.

Job required training – provides knowledge or skills specific to an employee's current job. It is needed for the successful performance of that job. Examples include technical knowledge, use of equipment, software applications, organizational skills and interpersonal skills.

Job related training – provides knowledge or skills an employee needs to meet agency or state performance expectations. Examples include understanding the agency or state mission and values, policies and procedures, customer service standards, safe work practices, valuing diversity and preventing harassment.

Responsibilities:

Director

1. Asses the training needs of the employees on an on-going basis.
2. Develop and implement individual employee development plans that enable employees to successfully perform their jobs and contribute to the achievement of the Commission's mission and goals.
3. Job required and job related training shall be conducted without loss of pay to the employee and the employee shall be paid for the time as time worked.
4. Encourage employees to research training opportunities for consideration.
5. Track training completed by employees.

Employees

1. Identify and research training opportunities that are job required or job related.
Share information with director.
2. Complete and submit a request for training.

V. APPENDIX B

- A. Age Discrimination in Employment Act (ADEA)
- B. Americans with Disabilities Act
- C. Equal Pay and Compensation Discrimination Act
- D. Genetic Information Nondiscrimination Act
- E. National Origin Discrimination
- F. Pregnancy Discrimination
- G. Race/Color Discrimination
- H. Religious Discrimination
- I. Retaliation
- J. Sex-Base Discrimination
- K. Sexual Harassment

The above policies follow this cover page