

2019-2021 State of Oregon **Affirmative Action Report**



December 2020

Governor's 2019-2021 Affirmative Action Report

Governor Kate Brown

Office of Diversity, Equity, and Inclusion/Affirmative Action

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ACKNOWLEDGEMENTS

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INTRODUCTION

This document concludes the biennial process for agencies to present a report on affirmative action objectives and performance to the governor. The plans fulfill requirements in the Oregon Revised Statutes (ORS) 659A.012 and 182.100, 243.305, 243.315, 659A.015, and 240.379, direction from the governor in [Executive Order No. 16-09](#), Section 503 of the federal Rehabilitation Act of 1973, and Title VI of the federal Civil Rights Act.

The agency affirmative action plans include:

1. A summary and analysis of the agency's workforce demographics for the following protected classes: gender, race and color, disability, and veteran's status;
2. A progress report on affirmative action strategies in the most recent approved plan;
3. A presentation of affirmative action strategies for the coming biennium; and
4. A summary of the contract awards to state-registered, minority-owned businesses.

Agencies make the final affirmative action reports available to the public on agency websites and Oregon State Library.

Affirmative action reports provide a summary and analysis of an organization's commitment to diversity. This report is the state's biennial report on gender, race, disability, and veteran's status in the workforce. The report also measures the representation of these characteristics in the entire workforce, including leadership and supervisory roles and agencies.

The report also examines the representation of race, gender, and geography of the governor's appointments to the state boards and commissions. Other sections include a summary of agency utilization of minority-owned business, civil rights, and discrimination claims from all agencies, as well as updates on several enterprise-level workforce policies. The final section includes findings and recommendations.

This report does not score or evaluate agency affirmative action plans. The governor's affirmative action manager provides ongoing consultation and collaboration with agency affirmative action representatives to create equity strategies. The recommendations are intended to create shared expectations and outcomes across the government and lay a foundation for agencies to take action to create an equitable workplace.

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A MESSAGE FROM GOVERNOR KATE BROWN

To move forward and make transformative change, we must first acknowledge the decisions that have led us here: Oregon has enacted generations of exclusive and racist policies, which continue to perpetuate racial disparities today. These disparities are profound, pervasive, and entirely unacceptable. And while the institution of racism will not be dismantled in one day, I know we can dismantle it the same way that it was built: brick by brick.

To create racial equity, we must transform the makeup of our government to accurately represent the people of Oregon. We must center racial equity as we build the state workforce, as we create the state budget, and as we develop our legislative agenda. We must recruit and promote a diverse mix of people in state agencies, as well as to our boards and commissions, so that the very structures of state government are transformed.

Racial equity is people-centered. True transformation means Oregonians must change how we think about recruitment and advancement, our relationships with colleagues, and how we work on behalf communities. Although the people who benefit from the status quo may feel apathy, resistance, or anxiety around the racial equity conversation, it's key to understanding that a diverse workforce makes state government better; it makes all of Oregon better. Diversity enables employees to bring their varied, valuable perspectives from many different backgrounds and life experiences, helping us create new and better solutions. We must reshape the future of our state for generations to come – to create a future where *everyone* has the chance to thrive.

While changing policies matters immensely on the path to racial equity, another critical factor is how well we support individual employees in making changes. While we dedicate tremendous effort to designing sound policies, we must also apply the same attention and support to ensure our employees are ready and capable of embracing these changes. To fulfill the state's commitment to Oregonians, we cannot ignore the humanity of this endeavor. So, we must work harder to change the culture. We must support our employees of color, who often experience inequities at work and in their community. We must eliminate the barriers to a diverse workforce, an inclusive workplace, and equitable policies and practices.

We must take critical first steps to address and correct disparities in pay and opportunity. In response to the persistence of racial and gender-based disparities in pay and employment opportunities and advancement, in 2017, I signed the pay equity law. As a result, the state has so far

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granted close to 3,500 pay adjustments. Women represent 59% of those adjustments, and people of color represent 13%.

In addition to addressing pay disparities, our efforts to employ more people of color and women are paying off. Women constitute 51% of all Oregonians and represent 54% of the state's workforce. The representation of people of color in the state's workforce is growing, though we still have more work to do. People of color comprise 19% of the state's workforce, which falls short of representing their 24% share of Oregon's population.

In the coming year, I have challenged all agencies to work harder at eliminating barriers to promotion and professional development for women and people of color. Specifically, I am calling on all agencies to recruit and promote more women and people of color into supervisory and leadership roles, as well as continuing to monitor and correct wage disparities.

To further my commitment to racial equity, in fall 2020, I plan to invite all staff to participate in a racial equity survey. The purpose of the survey is to assess the knowledge, skills, and experiences of the state workforce related to race and equity. The information will identify specific ways we can strengthen the way we support our employees as we work to eliminate systemic racism. This work is tremendously important. I offer my thanks to the staff who labored tirelessly to both attract and retain a talented and diverse workforce and to create an inclusive and supportive culture. My office will work with agencies to convene a racial equity learning cohort to create a group of leaders to manage these organizational changes.

Racism and racial disparities impact every part of our culture and our economy. Actions matter. And it is long past time that we take decisive anti-racist action here in the state of Oregon.

Sincerely,
Governor Kate Brown

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EXECUTIVE SUMMARY

The state of Oregon employs a workforce of approximately 42,000 people. The following table reflects the ever-growing number of people who live and work in Oregon. Oregon's population and the state workforce are slowly becoming more diverse. However, today, Oregon is much less diverse than the U.S., overall. Rates vary by age, gender, and race. Twenty-five percent of Oregon's population are people of color. The representation of people of color in the workforce is 19%, and Hispanic people make up 41% of that total.

Representation by Race and Gender in the State Workforce (2018)¹

Racial Categories	Female	Male	All
American Indian/Native Alaska	249	183	432
Asian	898	611	1,509
Black/African American	458	453	911
Hispanic	1,854	1,222	3,076
Native Hawaiian/ Other Pacific Islander	55	49	104
Two or more races	880	551	1,431
White	17,753	15,533	33,286
Limited information available	156	154	310
Totals	22,303	18,756	41,059

For the past several years, the proportion of women in the workforce has increased. Women now comprise 54% of the state's workforce, which is higher than their representation in the state population (50.4%). Other milestones include:

- Over the past five years, the number of people of color in the state workforce has grown.
- The number of firms owned by women and people of color in the state-certified business contracting program now stands at close to 3,500.
- People of color comprise 24% of Oregon's population, and they represent 27% of the appointments to Oregon's board and commissions.
- In 2018, there were 18 settlements for civil rights and discrimination claims, the fewest in 10 years.

There is a cause to celebrate. There is also more to do if Oregon is to fulfill its commitment to having a workforce inclusive of people of color and other marginalized or underrepresented groups at all state employment levels. The promise is also to eliminate institutional and structural barriers

¹ The 2018 is based on the characteristics of the workforce on December 31, 2018.

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that affect employee attraction, selection, engagement, and retention, enabling employment success and career growth for all.

Underrepresentation

This report uses the term “underrepresented” to identify a subset of the workforce (e.g., agency directors, promoted employees, or supervisors) that includes a smaller percentage of a significant subgroup (e.g., people with a disability, women, people of color) than it holds in the workforce or the general population. Specific characteristics of an underrepresented group vary depending on the subgroup.

For example, veterans comprise close to 8% of the population in Oregon. The state workforce comprises 6% veterans. Among supervisors in the workforce, veterans constitute 8%. In this instance, veterans are underrepresented in the workforce and are on par in supervisory positions.

The disparities in the state's workforce on the ensuing list reflect only a systemic issue with recruitment and retention of Black, Asian, indigenous, people of color and tribal members to the state.

Representation by Race in the State Workforce and the Oregon Population

Racial Categories	State's Workforce		Oregon Population ²	
American Indian/Native Alaska	432	1%	41,055	1.0%
Asian	1,509	4%	188,459	5%
Black/African American	911	2%	77,915	2%
Hispanic	3,076	8%	556,397	13%
Native Hawaiian/ Other Pacific Islander	104	0.3%	17,844	0.4%
Two or more races	1,431	4%	154,832	4%
White	33,286	81%	3,147,602	75%
Other race	-	-	6,609	0.2%
Limited information available ³	310	-	-	-
Totals	41,059	-	4,190,713	-

- Among the highest-paid supervisors (top 25%) are women of all racial categories at 41% and men and women of color at 12%.

² Unless noted otherwise, percentages are rounded the closest whole number.

³ This category includes employees who did not provide, declined to provide, or were exempt from providing some demographic information, and are excluded from some demographic summaries.

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- There are 3,442 people in supervisory positions. Women of color represent 7% of supervisors, and men of color hold 6% of those positions.
- Close to 87% of the state's agency directors are white.
- The state's workforce is hiring more people of color and more women but fewer people that report having a disability.

Representation of Races within the Racial Category



Typically, affirmative action reporting emphasizes the importance of hiring a diverse workforce. There are fewer reports of how employers retain diverse workforces—what works to create inclusive, accepting, and adaptable work cultures that make people want to stay.

The way to correct underrepresentation is not just by making the workforce more diverse. Bringing people from different background and life experiences to an organization where otherness is welcomed is a quick fix, not a long-term equity strategy. It is only possible to reverse disparities by uncovering and addressing their root causes; otherwise, the conditions could worsen.

Demographic Highlights

1. By 2020, the diversity of state leadership⁴ with respect to race had grown to 28% from the 72% in 2015. Representation of women in the governor's office continues to exceed 70%. The percentage of people of color in the governor's office has also grown.
2. However, disparities exist in diversity at other levels of leadership. There are close to 3,400 supervisors. Women comprise 54% of the workforce and hold 47% of the supervisory positions in state government. People of color constitute 19% of the workforce but occupy only 13% of supervisory positions. Men hold 59% of the highest paid supervisory positions.
3. The top levels of state employment underrepresent people of color when compared to the state workforce and state population. There are 3,442 people in supervisory positions. Women of color represent 7% of supervisors, and men of color hold 6% of those positions.

⁴ This category includes the entire staff in the governor's office and full-time permanent agency directors. It does include acting or interim directors.

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4. Women, in general, are also underrepresented as supervisors. They represent 47% of supervisors and 54% of the state workforce.
5. In 2015, 16% of the workforce were employees of color. The number grew to 19% by 2018.

Agency Demographic Representation

- Fifteen agencies have 300 or more employees. People of color represent 19% of the entire state workforce. Five agencies employ 65% of this demographic group, yet only employ approximately 40% of the state's workforce.
- Women represent 54% of the state's workforce. Ten of these agencies do not have at least 54% of their workforce represented by women.

Hispanic Representation

- Hispanic workers represent the largest nonwhite racial group in the workforce but are the most underrepresented group across the state workforce (8% of the state's workforce but 13% of Oregon's population).
- More Hispanic women are working in government than any other group of nonwhite women. They are, however, more likely to hold positions that pay less.

Our success in achieving our stated objectives is tied directly to how well we support individual employees in changing how they view and perform their jobs. We dedicate tremendous effort to designing promising policy solutions, but policy change is moot unless we ensure our employees can embrace equity and adapt to change.

Recommendations

There are expectations that the recommendations will lead to a more capable and more committed workforce to advance affirmative action:

1. Continue affirmative action policy implementation.
2. Adopt an affirmative action executive order.
3. Increase production of workforce equity benchmarks.
4. Update the state labor demand study.

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AFFIRMATIVE ACTION UPDATES

There are three additional areas with affirmative action requirements:

1. Gubernatorial appointments to state boards and commission;
2. State contract awards to certain minority-owned businesses.
3. Civil rights and discrimination claims settlements.

The updates appear later in this documents.

STATE LEADERSHIP⁵

Governor's Office

This summary is based on 60 staff in the governor's office in August 2020. There are 3 staff members who did not provide information on their racial identify and are not included in the calculations.

Representation by Race in the Governor's Office

Racial Categories	2015	2020
American Indian/Alaska Native	2%	2%
Asian	2%	4%
Black/African American	5%	4%
Hispanic	3%	9%
Two or More Races	2%	9%
White	86%	75%
No racial information available	-	-

- The governor's staff is 75% female, which exceeds the 54% proportion of women in the state.
- The percentage of people color in the governor's office grew from 13% in 2015 to 18% in 2020.
- In the governor's office, 19% of the most senior positions are held by people of color; and 74% by women.

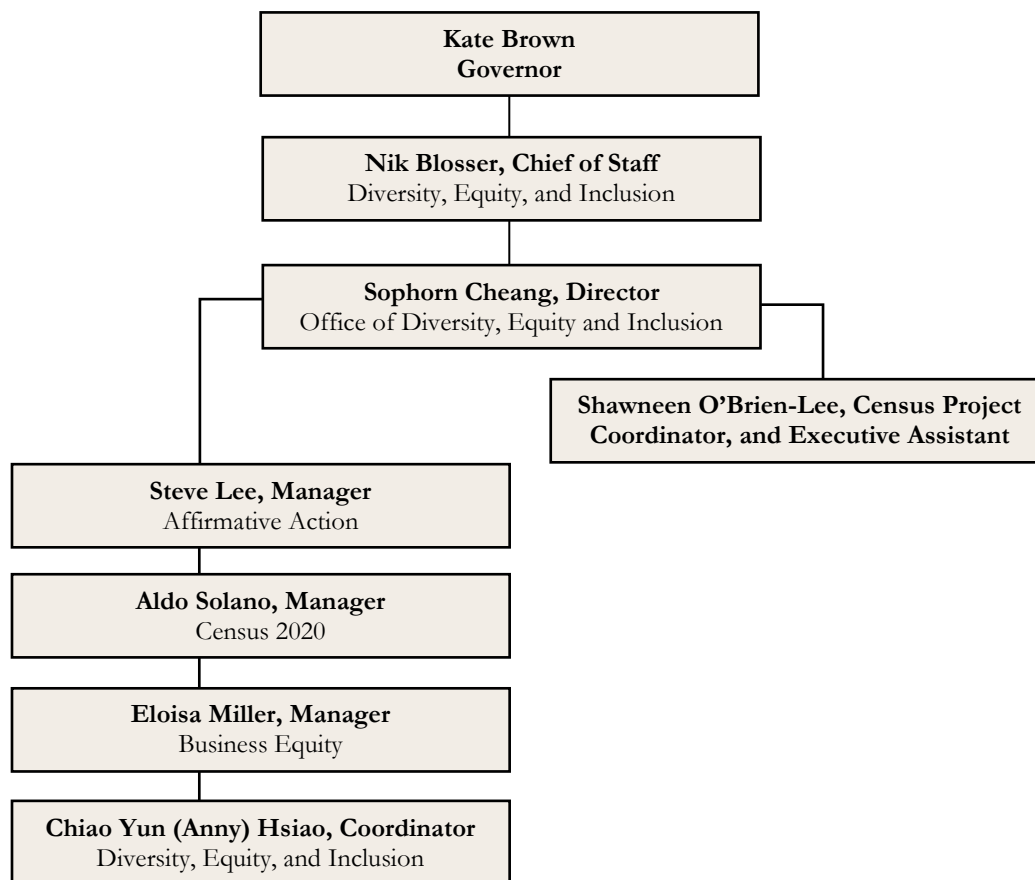
⁵ State leadership includes the staff in the governor's office and full-time permanent directors.

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Governor's Office of Diversity, Equity, and Inclusion/Affirmative Action

The Governor's Office of Diversity, Equity, and Inclusion/Affirmative Action (DEI Office) works with others in the governor's office, state agencies, communities, and other stakeholders to ensure the state increases fairness and opportunity for all Oregonians. The office works for everyone, regardless of age, race, disability, ethnicity, gender identity, marital status, national origin, religion, sexual orientation, or veteran status. Affirmative action plans in Oregon focus on the state's workforce represented in specific protected classes: gender, race and color, disability, and veteran's status.

DEI Office Organizational Chart (October 2020)



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Affirmative Action Program

In the Governor's DEI Office, it is the role of the affirmative action manager to:

1. Enforce the state's policies on nondiscrimination practices and affirmative action.
2. Identify agency goals and review their action plans to measure employment hiring and retention by disability, gender, race, religion, and military status.
3. Provide program guidance for promoting and encouraging equal employment opportunities.
4. Communicate and demonstrate the governor's commitment to equitable opportunities for employment and affirmative action principles.
5. Help agencies comply with mandates on equal employment opportunities, diversity, equity, inclusion, and stakeholder communication and engagement.
6. The manager's responsibilities also include providing guidelines and support for executive branch agencies, boards, and commissions to prepare affirmative action plans for each biennium. The affirmative action manager presents the affirmative action plans to the governor for consideration.

Agency Directors

A notable change between 2015 and 2020 was the increased proportion of women serving as agency directors. The percentage increased from 39% to 45%. There was also a 3% increase in the number agency directors of color.

Agency Directors by Race and Gender (2020)

Racial Categories	All	Female	Pct. All
American Indian/Alaska Native	1	1	2%
Asian	3	-	4%
Black/African American	2	1	1%
Hispanic	3	1	1%
White	64	29	39%
No racial information available	1	1	1%
Totals	74	33	45%

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WORKFORCE DEMOGRAPHICS

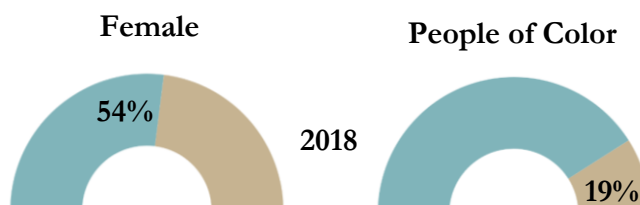
Total Workforce

Workforce Totals for All Branches of Government

Racial Categories	Executive	Legislative	Judicial	Workforce
American Indian/Alaska Native	412	6	14	432
Asian	1,421	16	72	1,509
Black/African American	860	12	39	911
Hispanic	2,902	25	149	3,076
Native Hawaiian/Other Pacific Islander	96	3	5	104
Two Or More Races	1,386	21	24	1,431
White	31,305	388	1,593	33,286
No racial information available	175	56	79	310
Totals	38,724	527	1,975	41,059

In 2018, the state workforce consisted of 41,059 employees. The state workforce consists of all employees in the executive, legislative, and judicial branches of state government. The executive branch employees 94% of the state's workforce.

Race and Gender



Gender and Racial Representation in the Workforce (2018)

Racial Categories	Female		Male		All	
	Actual	Pct.	Actual	Pct.	Actual	Pct.
American Indian/Alaska Native	249	0.6%	183	0.4%	432	1.0%
Asian	898	2%	611	2%	1,509	4%
Black/African American	458	1%	453	1%	911	2%
Hispanic	1,854	5%	1,222	3.0%	3,076	8%
Native Hawaiian/Other Pacific Islander	55	0.1%	49	0.1%	104	0.2%
Two or more races	880	2%	551	1%	1,431	3.5%
White	17,753	43%	15,533	38%	33,286	81%
No racial information available	156	0.4%	154	0.4%	310	0.8%
Totals	22,303		18,756		41,059	

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Between 2015 and 2018, the percentage of people of color in the state's workforce increased to 18% from 16%. During the same period, the representation of women was largely unchanged at 54%.

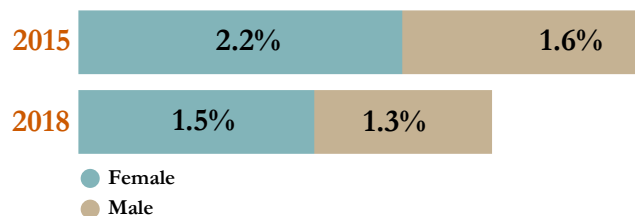
People with Reported Disabilities

Among all women, 3% report having a disability. For men, that number is 3%. In the entire workforce, women with a reported disability represent 2%, and men represent 1%. By racial category, women and multiracial employees have the highest proportion of people with a reported disability (9% and 7%, respectively). Native Hawaiians/Other Pacific Islanders men and women report none.

- By percentage, the Employment Department and Department of Administrative Services employ the most people with disabilities (6% and 5%, respectively).
- Three departments have close to 53% of all people who report having a disability. They are the departments of human services (341 employees; 29% of all), transportation (171; 5%), and the health authority (104; 9%).
- A person with a disability is least likely to work at the Oregon Youth Authority, Department of Forestry, or Department of Corrections. There has been a gradual decrease in the percentage of people with reported disabilities.

Representation of People with Reported Disabilities (2018)

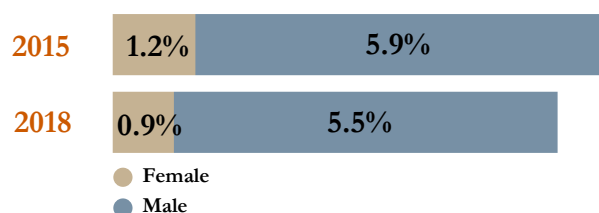
Racial Categories	Female	Male
American Indian/Native Alaska	19	7
Asian	19	13
Black/African American	7	12
Hispanic	23	25
Native Hawaiian/ Other Pacific Islander	-	-
Two or more races	82	40
White	507	410
No racial information available	-	1
Totals	665	507



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Veterans in the Workforce

Men comprise 85% of the veterans working for the state. The Department of Corrections employs the most veterans (582 employees), followed by transportation (366), human services (257). By percentage of its workforce, police (15.4%) and corrections (12.9%) hire the most veterans. The Department of Fish and Wildlife (2.8%), the Department of Human Services (3.0%), and the Department of Justice (3.5%) have the smallest representation of veterans in their workforces.



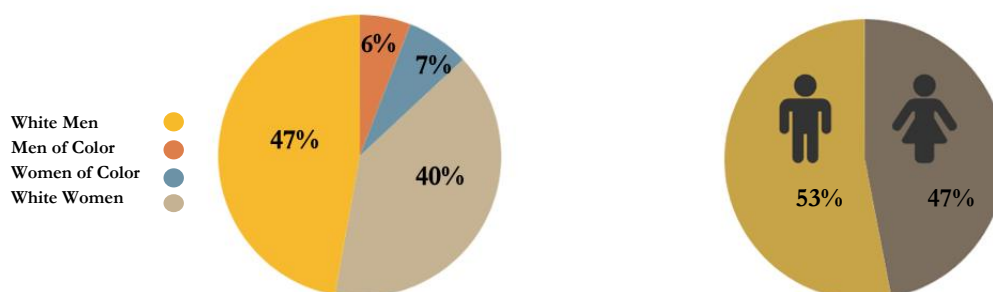
Representation of Veterans in the Workforce

Racial Categories	Female	Male
American Indian/Native Alaska	5	15
Asian	6	37
Black/African American	7	30
Hispanic	16	108
Native Hawaiian/ Other Pacific Islander	-	6
Two or more races	22	66
White	326	1,686
No racial information available		
Totals	382	1,948

Supervisors

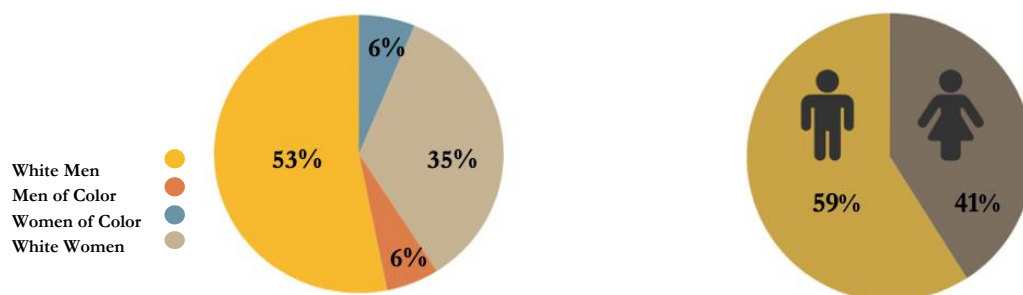
Who makes decisions, has authority and leadership roles represents a key measure of inclusion. Results of the workforce data analysis show that people of color, collectively, are underrepresented among supervisors and among those supervisors with highest pay.

Representation by Gender and Race for Supervisors



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Representation by Gender and Race for Highest Paid Supervisors



BOARDS AND COMMISSIONS UPDATE

The governor made appointments to nearly 300 boards and commissions representing a broad range of areas and issues for the state of Oregon. It is a priority to meaningfully engage communities affected by government decisions.

Appointments by Race from (January 2014-December 2018)

Racial Categories	2014	2018	(+/-)
American Indian/Alaska Native	41	45	10%
Asian	77	87	13%
Black/African American	89	98	10%
Hispanic	105	99	-6%
Native Hawaiian/Other Pacific Islander	0	5	+
Two or More Races	49	84	71%
White	1440	1211	-16%
No racial information available	20	28	40%

- By proportion, people of color on boards and commissions (27%) exceeds their population in Oregon (25%).
- In 2014, the governor granted 44% of board and commission appointments to women. This percentage increased to 46% in 2018. This is less than the representation of women in the state population (50%).
- Over the same period, the governor made 9% fewer overall appointments, but appointed 17% more people of color.

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Representation by Race of Appointments and Oregon Population (2018)

Racial Categories	Appointments	State Pop.
American Indian/Alaska Native	2%	1%
Asian	5%	5%
Black/African American	6%	2%
Hispanic	6.0%	13%
Native Hawaiian/Other Pacific Islander	0.3%	0.4%
Two or More Races	5%	4%
White	74%	75%

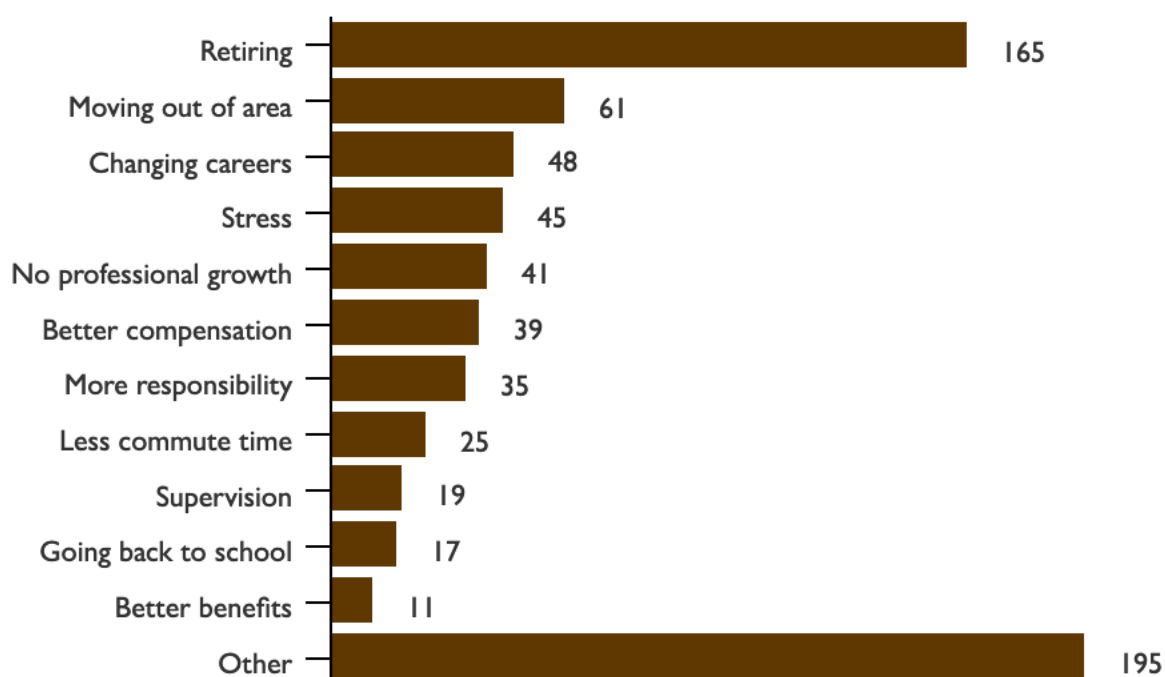
POLICY UPDATES

Exit Surveys

Between January 1, 2019, and October 1, 2019, nearly 365 employees exiting state employment agreed to use a web-based tool to offer feedback regarding their reasons for leaving. They provided 700 responses. Many survey respondents provided more than one reason for leaving their positions. The chart below presents those reasons in order of frequency. Unlike most other reports, 2019 data is the basis for this report. At the time of this report there was no details on the “Other” category.

Reason for Leaving Job

The full production of these metrics will provide the context necessary for agencies to address any inequities.



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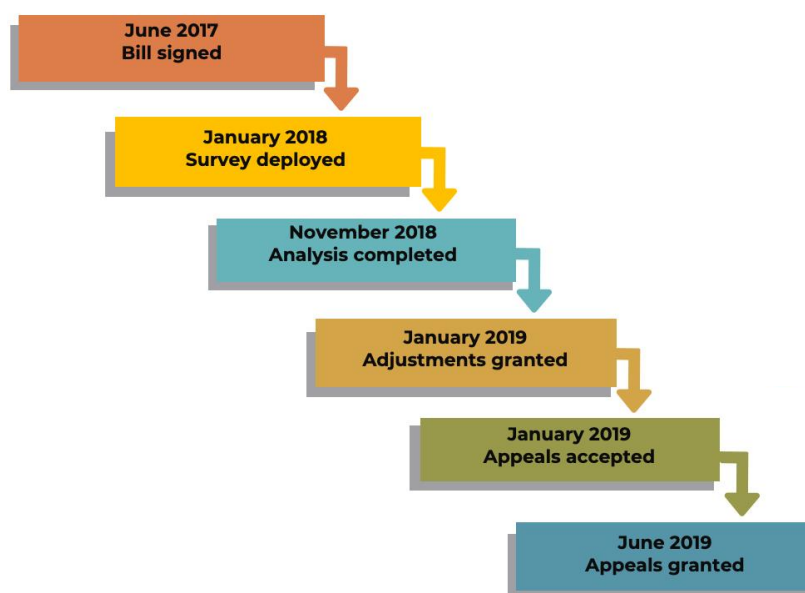
Pay Equity Report

In response to the persistence of racial and gender-based disparities in pay and opportunities for employment and advancement, the state enacted a pay equity law. Now that pay equity has been adopted:

1. Race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability, and age no longer influence compensation.
2. Oregon's state government employees are compensated equitably for performing comparable work.
3. Employers compensate employees or applicants based solely on the factors an employee or applicant controls, such as merit, education, skills, and experience.

The Department of Administrative Services (DAS) is responsible for implementation and oversight for provisions of the law that apply to the state of Oregon's workforce. The Bureau of Labor and Industries is responsible for ensuring that private employers and employment agencies comply with the pay equity law.

Pay Equity Implementation Timeline



- The state invited approximately 37,000 employees to take the Pay Equity Survey⁶. The response rate was 93%.

⁶ Source: DAS, Chief Human Resource Office.

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- After the analysis, the government granted 3,459 pay adjustments. Fifty-nine percent of the pay adjustments went to women. The state awarded 19% of the pay adjustments to people of color.
- The appeals process resulted in 1,163 denials. After re-review, 348 employees saw adjustments in pay.
- The analysis resulted in 3,459 pay adjustments for state employees. Women were granted 59% of those pay adjustments. People of color received 19% of the pay adjustments.

CONTRACT and PROCUREMENT UPDATE

Business Equity Program

Oregon has a series of contract and procurement policies to advance equity, such as specific requirements or targets for contracts awarded to minority-owned businesses certified with a state program.⁷ The business equity manager in the Governor's DEI Office works in partnership with agencies to monitor the extent to which agencies hire Certification Office of Business Inclusion and Diversity (COBID)-certified firms.

COBID Utilization

Year	Contracts			Agency Activity	
	All	COBID	Pct.	Reports	Awards
2015	\$2.9B	\$94.4M	3%	33	23
2016	\$4.2B	\$29.4M	0.7%	34	22
2017	\$2.3B	\$30.7M	1%	35	24
2018	\$2.6B	\$43.7M	2%	33	18

New COBID Applications

Year	2015	2016	2017	2018
	981	988	753	1007

COBID Graduates

Year	2015	2016	2017	2018
	34	25	35	339

⁷ Source: The Department of Administrative Services, Small Business Programs and Policy and Business Oregon, Certification Office of Business Inclusion and Diversity provided data related to contracts and procurement.

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COBID Firm Ownership by Race and Gender

Year	2015	2016	2017	2018	2015-18
Racial Categories	Females				All
Asian Pacific	89	92	110	111	783
Black/African American	81	93	104	114	315
Hispanic	93	103	111	117	1096
Native American	33	31	35	29	435
Subcontinent Asia	21	23	26	26	313
White	1,328	1,359	1,411	1,430	10,149
Other	1	4	6	7	18
Gender Totals	1,646	1,705	1,803	1,834	8,796
Yearly Totals	51%	49%	50%	49%	13,950

AFFIRMATIVE ACTION SUMMARY

Race and Gender

- Fifteen agencies have 300 or more employees. People of color represent 19% of the entire state workforce. Five agencies employ 65% of this group and only employ close to 40% of the workforce.
- Women represent 54% of the state's workforce. Ten of these agencies do not have at least 54% of their workforce represented by women.
- Hispanics/Latinos represent the second-largest racial group in the workforce.
- Hispanic employees are the most underrepresented group across the state workforce (8% of the state's workforce while comprising 13% of Oregon's population).
- The top levels of state employment underrepresent people of color compared to the state workforce and state population. There are 3,442 people in supervisory positions. Women of color represent 7% of supervisors, and men of color hold 5.8% of those positions.
- Women, in general, are also underrepresented as supervisors. They represent 47% of supervisors and 54% of the state workforce.

Wages

- Employee wage data in this reporting period does not reflect the nearly 3,400 salary adjustments made in 2019 that resulted from the pay equity law.

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- Among the highest-paid supervisors (top 25%) are women of all racial categories at 41%, and men and women of color at 12%.
- Pay equity will likely remedy any wage disparity if it is related to comparable pay. Nonetheless, a pay adjustment alone may not solve the problem if a disparity is based on the classifications of positions held by demographic subgroups.

Leadership

- People of color and people with disabilities are underrepresented in senior leadership positions in state government. Ten percent of agency directors and 16% of the governor's office staff are people of color. These groups do not include people who report having a disability.
- Because the top level of agency leadership lacks diversity policy, program and budget decisions do not benefit from the perspectives of people from the communities affected by racial disparities. The lack of inclusion also affects the culture and workforce attraction, selection, engagement, and retention in those organizations.
- There are about 3,400 people in supervisory positions, males comprise 47%, and white females constitute 40%. Exceeding their representation in the workforce, men of color comprise 6%, women of color represent 7% among supervisors.
- Of the highest earners (top 25%) in this group, 53% are white males, 35% are white females, and women and men of color represent 6% each.

Promotions

- Promotions are a category where protected classes do well compared to their representation in the workforce and other affirmative action metrics. In 2018, there were 76 executive promotions. Nine (12%) of those were for women of color, and men of color accounted for 10 (13%). In this category, people of color exceed their 20% representation in the state workforce.
- Also, in 2018, in nonexecutive positions, 61% of the people promoted were women. Women of color received 14% and men of color received 7% of the 2,705 nonexecutive promotions.
- People with a reported disability received 5% of the executive promotions and 3% of the nonexecutive promotions. People reporting a disability represent 3% of the workforce.
- Veterans received 10% of the executive promotions and 7% of the nonexecutive promotions. Veterans comprise 6% of the workforce.

RECOMMENDATIONS

Continue Affirmative Action Policy Implementation

The affirmative action manager will continue to work with agency affirmative action representatives produce the required biennial affirmative action reports and to develop, implement, and evaluate diversity, equity, and inclusion strategies for the state's workforce. Specific actions to support affirmative action require the governor's affirmative action manager to:

1. Enforce the state's policies on nondiscrimination practices and affirmative action.
2. Identify agency goals and review their action plans to measure employment hiring and retention by disability, gender, race, religion, and military status.
3. Provide program guidance for promoting and encouraging equal employment opportunities.
4. Communicate and demonstrate the governor's commitment to equitable opportunities for employment and affirmative action principles.
5. Help agencies comply with mandates on equal employment opportunities, diversity, equity, inclusion, and stakeholder communication and engagement.

Adopt an Affirmative Action Executive Order

On December 31, 2020, Executive Order 17-11, issued by Governor Brown, expires. This recommendation proposes that the governor issue another executive order. Its purpose will be to:

1. Affirm the governor's commitment to affirmative action, wage equity, and workplace diversity, equity, and inclusion.
2. Direct staff and agencies to make workforce equity policy and planning a priority.
3. Develop and support a state workforce that provides access, meaningful services, and improved outcomes for all Oregonians.

The executive order would establish the following workforce equity priorities:

- Outline a path forward for the workforce to advance equity in Oregon.
- Support the organizational change necessary to create a state workforce inclusive of people of color and other marginalized or underrepresented groups across the breadth (functions) and depth (hierarchy) of state employment.
- Require state employment policies and practices to eliminate institutional and structural barriers that impact employee attraction, selection, engagement, and retention and that perpetuate inequitable outcomes for people of color and other underrepresented and marginalized populations.

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- Ensure opportunities for employment success and career growth for all employees so they can provide access, meaningful services, and improved outcomes for all Oregonians.

Increase the Production of Workforce Equity Benchmarks

Oregon does not require affirmative action targets. The goal is to have a state workforce that reflects the diversity of the communities we serve. This diversity should exist across the breadth (functions) and depth (hierarchy) of state government. Most state agencies compare their workforce demographics to U.S. Census Bureau, American Community Survey population, workforce, and labor participation rate estimates. National data is an inadequate measure for parity. A complete picture requires information on labor demand, supply, availability, and forecast for state agencies. For example, agency benchmarks vary by job classifications in an agency workforce, geographic needs, retirements, and community needs for equitable access to state services.

Update the Labor Demand Study

The current dataset the state uses is dated. The state conducted its last parity study before 2000. Meaningful and responsive equity strategies are data-driven and results-based. They stem from understanding the root causes of any disparities or inequities with workforce entry, agency culture, skill- and knowledge-building, promotions, career mobility, and employee retention. Parity studies are akin to a disparity analysis. This issue needs attention if the state wants relevant and meaningful affirmative action.

This recommendation is that state's human resources information system—Workday—obtain or provide access to data that can help agency analysts answer these and similar questions:

- Do applicant pools reflect the general population?
- Do new hires reflect applicant pools?
- Do women and people of color leave state agencies at higher rates?
- Is the rate of advancement among employees equal across race and gender groupings?
- Are certain groups more likely to experience inclusion in the workplace?
- Are people of color clustered in lower-wage classifications, having successfully entered the public sector but held back from upward mobility? Creating pathways for existing employees to move up will help retain talent and enable a workplace culture where equity is operationalized.

Having access to better data could help agencies determine whether the percentages and numbers of the workforce align with the general workforce of the local area, state, or nation. The state could

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accomplish this with an interagency of group policy and research staff, university and workforce researchers, racial equity leaders, strong facilitation, and access to best practices. Such an effort is timely because the 2020 Census will provide beneficial information. Other datasets are available to support a parity study to establish and benchmark indicators of workforce diversity. Parity studies are akin to a disparity analysis. This issue needs attention if the state wants relevant and meaningful affirmative action.

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APPENDICES

Appendix A: Affirmative Action Governing Policies

Oregon Revised Statutes (ORS)

ORS 182.100	The requirement for all appointive authorities for state boards, commissions, and advisory bodies shall implement this policy of affirmative action in their appointments, subject to the legal requirements for each appointment.
ORS 243.305	The policy defines affirmative action as fair and equal employment opportunities and advancement.
ORS 243.315	Directs and monitors affirmative action programs in all state agencies to implement the public policy.
ORS 659A	This statute prohibits unlawful discrimination in employment, public accommodations, and real property transactions; administrative and civil enforcement.
ORS 659A.012	Every state agency shall be required to include in the evaluation of all management personnel, the manager's or supervisor's effectiveness in achieving affirmative action objectives as a consideration of the manager's or supervisor's performance.
ORS 659A.015	Requires affirmative action reports to include information on awards of construction, service, and personal service contracts awarded to minority businesses.
Oregon Executive Order No. 16-09	Promotes diversity and inclusion opportunities for Oregon minority-owned, women-owned, service-disabled veteran-owned, and emerging small businesses.
Oregon Executive Order	Affirms commitment to promote diversity, equity, and inclusion in the workplace and eliminate past and present discrimination, intended, or unintended.

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Section 503 of the Rehabilitation Act of 1973	Prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities and requires employers to take affirmative action to recruit, hire, promote, and retain these individuals.
Title VII of the 1964 Civil Rights Act	This federal law outlaws discrimination based on race, color, religion, sex, or national origin. It prohibits unequal application of voter registration requirements and racial segregation in schools, employment, and public accommodations.

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Appendix B: Closed Statewide Civil Rights and Discrimination Claims

The following tables and data summarize employment-related civil rights and discrimination claims the State of Oregon settled and paid from fiscal years 2014–2018⁸. The purpose of the tables is not to draw attention to a specific agency or particular area of interest; instead, they provide an overview of the more notable patterns in the claims data.

Cost of Closed Civil Rights and Discrimination Claims by Cause (2014-2018)

Causes	2014	2015	2016	2017	2018	Cumulative
Civil Rights - Title 42 USC Section 1983 Actions	-	-	-	\$205,000	-	\$205,000
Discrimination						
Age	\$7,000	-	-	\$20,000	-	\$27,000
Disability	\$175,000	\$212,858	\$76,606	\$144,034	\$180,601	\$789,099
Employment Related Defamation	-	-	-	\$892,844	\$483,484	\$1,376,328
Failure to Employ/Deprivation of Career Opportunity	\$42,001	-	\$31,225	\$89,074	-	\$162,300
Hostile Work Environment	\$248,000	-	-	-	-	\$248,000
Intentional/Reckless Infliction of Emotional Distress	\$5,400	-	-	-	-	\$5,400
Injured Worker	\$86,168	-	\$16,825	\$18,000	\$30,000	\$150,993
Libel/Slander	\$450,000	-	-	-	-	\$450,000
Oregon Family Leave Act/Federal Medical Leave Act	-	-	-	-	\$50,000	\$50,000
Race, National Origin, or Color	-	\$27,500	\$206,175	\$12,000	-	\$245,675
Retaliation	\$106,766	\$132,120	\$168,325	-	\$75,000	\$482,210
Sex	\$327,609	\$20,000	\$20,000	-	-	\$367,609
Sexual Harassment	\$67,500	\$69,500	-	-	-	\$137,000

(Continued)

⁸ Source: Risk Management STARS Enterprise Claims Management System. Department of Administrative Services-Risk Management.

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Sexual Orientation	\$25,000	-	-	\$55,000	-	\$80,000
Union Activity/Weingarten Rights	-	-	\$15,000	-	-	\$15,000
Whistleblowing	\$788,715	\$54,683	\$344,013	\$1,354,895	\$60,878	\$2,603,184
Discrimination - Wrongful Discipline	\$15,516	-	-	-	-	\$15,516
Wrongful Termination/Constructive Discharge	\$137,760	\$103,000	\$290,500	\$536,392	\$7,500	\$1,075,152
Wrongful Failure to Train	-	-	-	-	\$28,800	\$28,800
Totals	\$2,482,434	\$619,660	\$1,168,670	\$3,327,238	\$916,263	\$8,514,265

Cost of Closed Civil Rights and Discrimination Claims by Agency (2014-2018)

Agencies	2014	2015	2016	2017	2018	Cumulative
All State Agencies - All State	\$42,001	-	-	-	-	\$42,001
Architect Examiners Board	-	-	\$7,000	-	-	\$7,000
Blind Commission	\$10,501	-	-	-	-	\$10,501
Bureau of Labor and Industries	-	-	\$10,000	\$25,000	\$15,944	\$50,944
Business Oregon	-	-	\$46,175	-	-	\$46,175
Construction Contractors Board	\$135,000	-	-	-	-	\$135,000
Corrections Enterprise	-	\$68,975	-	-	-	\$68,975
Department of Administrative Services	-	\$18,680	\$212,706	\$223,911	-	\$455,297
Department of Consumer and Business Services	-	-	\$20,000	-	-	\$20,000
Department of Corrections	\$541,667	\$35,000	-	\$427,360	\$46,500	\$1,050,527
Department of Energy	-	\$20,000	-	-	-	\$20,000
Department of Fish and Wildlife	-	-	\$26,305	-	-	\$26,305
Department of Forestry	\$119,169	-	\$31,225	-	-	\$150,394
Department of Human Services	\$254,526	\$30,000	\$400,889	\$182,614	\$125,956	\$993,985

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Department of Justice	\$60,001	\$36,003	\$3,962	\$438,999	-	\$538,965
Department of Transportation	\$147,524	\$69,500	-	\$51,420	\$20,000	\$288,444
District Attorney's Association	\$268,314	\$12,500	\$44,054	-	-	\$324,868
Employment Department	\$462,500	-	-	-	\$92,500	\$555,000
Governor's Office	-	\$95,000	-	\$100,940	-	\$195,940
Health Authority	\$143,231	\$48,145	\$92,000	\$808,820	\$560,362	\$1,652,558
Housing and Community Services	\$208,000	-	-	-	-	\$208,000
Military Department	\$55,000	-	-	\$899,875	-	\$954,875
Public Employees Retirement System	\$30,000	-	-	-	-	\$30,000
Public Utility Commission	-	-	-	-	\$5,000	\$5,000
SAIF Corporation	-	-	-	\$150,000	-	\$150,000
Secretary of State	-	-	\$30,000	-	-	\$30,000
State Police	-	\$65,000	-	-	-	\$65,000
Teacher Standards and Practices Commission	-	\$57,858	-	-	-	\$57,858
Travel Information Council/Oregon Travel Experience	-	\$15,000	\$20,000	-	-	\$35,000
Water Resources Department	\$5,000	-	-	-	-	\$5,000
Youth Authority	-	\$48,000	\$224,353	\$18,300	\$50,000	\$340,653
Totals	\$2,482,434	\$619,660	\$1,168,670	\$3,327,238	\$916,263	\$8,514,265

Number of Closed Civil Rights and Discrimination Claims by Agency (2014-2018)

Agencies	2014	2015	2016	2017	2018	Cumulative
All State Agencies - All State	1	-	-	-	-	1
Architect Examiners Board	-	-	1	-	-	1
Blind Commission	1	-	-	-	-	1
Bureau of Labor and Industries	-	-	1	1	1	3

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Business Oregon	-	-	1	-	-	1
Construction Contractors Board	2	-	-	-	-	2
Corrections Enterprise	-	2	-	-	-	2
Department of Administrative Services	-	2	2	3	-	7
Department of Consumer and Business Services	-	-	1	-	-	1
Department of Corrections	3	2	-	2	2	9
Department of Energy	-	1	-	-	-	1
Department of Fish and Wildlife	-	-	1	-	-	1
Department of Forestry	1	-	1	-	-	2
Department of Human Services	6	3	6	3	7	25
Department of Justice	2	2	1	4	-	9
Department of Transportation	5	1	-	3	1	10
District Attorney's Association	3	1	2	-	-	6
Employment Department	2	-	-	-	2	4
Governor's Office	-	1	-	1	-	2
Health Authority	3	2	4	10	3	22
Housing and Community Services	2	-	-	-	-	2
Military Department	1	-	-	1	-	2
Public Employees Retirement System	2	-	-	-	-	2
Public Utility Commission	-	-	-	-	1	1
SAIF Corporation	-	-	-	1	-	1
Secretary of State	-	-	1	-	-	1
State Police	-	1	-	-	-	1
Teacher Standards and Practices Commission	-	2	-	-	-	2
Travel Information Council/Oregon Travel Experience	-	1	1	-	-	2
Water Resources Department	1	-	-	-	-	1
Youth Authority	-	3	6	3	1	13
Totals	35	24	29	32	18	138

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Yearly Costs for All Closed Claims (2009-2018)

Years	Claims	
	All	Cost
2009	34	\$2,890,407
2010	37	\$2,023,482
2011	36	\$1,172,198
2012	24	\$685,150
2013	22	\$1,305,052
2014	35	\$2,482,434
2015	24	\$619,660
2016	29	\$1,168,670
2017	32	\$3,327,238
2018	18	\$916,263
Totals	291	\$16,590,554