

STATE OF OREGON

AFFIRMATIVE ACTION REPORT

2005-2007



Governor
Theodore R. Kulongoski

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October, 2005

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I. Introduction

This report outlines the history, objectives, progress, projects, policies and issues addressed by Governor Kulongoski's Affirmative Action Office (AAO) and is a summarized account from the 2003-05 reports from state agencies. While not all the activities of this office can be included in this report, it provides an outline of the goals, strategies, recommendations for the future, the outcomes from the 2003-2005 Affirmative Action Plans (AAP), and Executive Order 05-01.

The Affirmative Action Office would like to thank the staff of many agencies who collaborated on the plan and who are continuing to educate others and demonstrate the principles of Affirmative Action in the workplace.



II. The Affirmative Action Office

A. What Affirmative Action Is and Is Not

Create an image of a pie in your mind; then cut the pie into quarters. The first quarter represents Equal Employment Opportunity (EEO) – these are civil rights related laws.

The second quarter represents Affirmative Action (AA) – these are initiatives or “actions” aimed at aligning the organization with EEO law.

The third quarter represents Diversity – this is creating an environment that is respectful, safe and free of the “isms” that plague our society (i.e., race, sex, gender identification, age, physical or mental abilities).

The fourth quarter of the pie represents cultural competency and refers to an individual’s actual knowledge, skills and abilities as related to implementing and managing EEO, affirmative action and diversity policies.

The scope of the Affirmative Action Office (AAO) includes monitoring and ensuring equal opportunity in employment for People of Color, women, people with disabilities, and the other protected classes. With this in mind, it is critical to the success of the State of Oregon that those involved in recruitment, selection and promotion processes be aware of statewide Affirmative Action objectives and their respective agency compliance strategies and objectives.

The principles of diversity, including cultural competency, are critical to how we interface with each other on a daily basis in our local communities, businesses, state, and nation. The Affirmative Action staff’s mantra is: “Affirmative Action Works – Diversity Enriches – Cultural Competency Stabilizes.” Affirmative Action encourages employees to respect and value one another in the workplace.

B. The Role and Duties

Governor Kulongoski appointed an Affirmative Action Director to help implement the following directives:

1. To retain and promote employees regardless of race, religion, national origin, age, sex, marital status or disabilities;
2. To ensure that all state employees provide a welcoming environment that is conducive to diversity and productivity;
3. To put into action a strategy of developing and maintaining key relationships with private, public, academic and faith-based organizations;
4. To monitor affirmative action efforts by all executive agencies overseen by the Governor.

C. Mission Statement

The Governor's Affirmative Action Office serves to:

Reaffirm the State's policy of nondiscrimination and affirmative action; identify state agency goals and review their action plans to gauge the status of women, racial/ethnic group members, persons with disabilities, and the other protected classes; provide program specifics for promoting and assuring equal employment opportunity; communicate and demonstrate the Governor's commitment to equal employment opportunity and affirmative action principles.

D. Vision

The State of Oregon Affirmative Action Plan is intended to help create a work environment that will attract and retain employees who represent the broadest possible spectrum of society, which includes, but is not restricted to, women, People of Color, and people with disabilities.

The State of Oregon will not tolerate discrimination or harassment on the basis of race, sex, marital status, religion, national origin, age, natural or physical disability, or any other reason prohibited by state or federal statute. Nor shall any vendor/provider for the State of Oregon discriminate or harass in the above described manners.

Governor Kulongoski believes that the State has a commitment to the right of all persons to work and advance on the basis of merit, ability, and potential. The Governor has assigned authority to the Director of Affirmative Action to oversee the implementation of the State Affirmative Action Program. The Governor also charges and holds accountable Agency Directors and Administrators, for ensuring that his principles of affirmative action are met.

III. Objectives

The objectives of the Affirmative Action office include compliance, equal employment opportunity, diversity, and internal and external public relations. The desired results are:

1. Comply with federal, state, and local mandates.
2. Decrease the number of claims and lawsuits.
3. Environmental shift, both physical and mental.
4. Establish the State of Oregon as a premiere "Employer of Choice".
5. Recruit, retain, promote, and mentor protected classes.
6. Enhance trust and credibility with protected class employees.
7. Enhance trust and credibility within ethnic communities.
8. Enhance the perception of accessibility to state government.
9. Support The Oregon Equation and the Governor's economic development agenda.
10. Emphasize the Governor's vision and commitment to the principles of diversity and affirmative action.

IV. History

A. National

March 6, 1961: in Executive Order 10925, President John F. Kennedy first introduced the phrase “Affirmative Action” (AA) and established the Equal Employment Opportunity Commission (EEOC). President Kennedy favored a form of AA that involved the elimination of discrimination and expansion of educational and employment opportunities.

September 24, 1965: President Lyndon Johnson gave the Department of Labor responsibility for enforcing AA with Executive Order 11246.

1974: President Gerald Ford appointed Art Fletcher, an African American, to be his Deputy of Urban Affairs Advisor. Here Mr. Fletcher became known as the “Father of the Affirmative Action Enforcement Movement”. Mr. Fletcher served as an advisor to Presidents Nixon, Ford, Reagan and George H.W. Bush. Mr. Fletcher was still “The Father of Affirmative Action” and advising many private and public organizations, including one in Portland, until his death on July 12, 2005, at the age of 80.

B. Oregon

January 1963 – Quote from Governor Mark Hatfield’s inaugural speech:

“This year marks the 100th anniversary of the signing of the Emancipation Proclamation. Oregon has pioneered excellent laws in the field of civil and human rights as they apply to employment, housing, and personal services. But it remains for us to implement these in our hearts and in our actions, with particular emphasis on job opportunities for minority youth.”

July 1, 1975 – Affirmative Action was established in the State of Oregon under Governor Robert Straub. Mr. Harold Williams was the first Affirmative Action Director appointed by Governor Robert Straub.

January 1979 – January 1987: Governor Victor G. Atiyeh appointed Ms. Kay Toran as the Affirmative Action Director.

January 1987 – January 1991: Governor Neil Goldschmidt appointed Ms. Kathleen Sadaat as the Affirmative Action Director.

January 1991 – January 1995: Governor Barbara Roberts appointed Ms. Jeanette Pai as the Affirmative Action Director.

January 1995 – January 2003: Governor John A. Kitzhaber appointed Mr. Raleigh Lewis as the Affirmative Action Director.

January 2003 – Present: Governor Ted Kulongoski appointed Ms. Peggy C. Ross as the Affirmative Action Director.

January 2005 – Governor Kulongoski repeated the commitment to Affirmative Action by issuing Executive Order 05-01.

“In addition to economic challenges, we also face a great moral challenge: To make sure that opportunity is an open door through which every citizen can pass – not a revolving door that turns for some and doesn’t budge for others. This is a moral challenge because if we do not defend social justice, tolerance and diversity – then the progress we make on the economic front will be bought with compromised principles and a weakened human spirit.”

Governor Theodore Kulongoski – State of State speech January 2005

V. Affirmative Action Plan Summary from Executive Branch and Oregon University System

Each state agency submits an Affirmative Action Plan to the Governor’s Affirmative Action Office every odd year and, subsequently, compiles a summary for the Governor’s review.

The Affirmative Action Office, with assistance from the Department of Business and Consumer Services, developed a standard report format that is now utilized by all 83 agencies.

VI. Accomplishments and On-Going Programs

A. Cultural Competency Training

As required by Governor Kulongoski’s Executive Order 05-01, the Affirmative Action Office provides assistance to state agencies to facilitate the use of the first-ever cultural competency assessments, trainings and evaluations conducted by external consultants. This is a proactive management strategy designed to identify best practices and to reduce any discriminatory behaviors and practices that may exist. Addressing and achieving cultural competence is an on-going journey not a destination.

The expected outcomes of are:

1. Fewer discrimination issues.
2. Fewer discrimination claims.
3. More welcoming and stable workplaces.
4. Well designed succession planning by all agencies that account for diversity.
5. Awareness by employees of their agency’s Affirmative Action Representative and the reason for their Affirmative Action Plan.
6. More promotions for People of Color, people with disabilities and women.
7. Higher rate of retention for People of Color, people with disabilities and women.

8. Stronger relationships with the Oregon Tribes and increased employment opportunities for tribal members.
9. Communication by employees that the State of Oregon is the Employer of Choice.

There are four agencies currently using the process: Department of Housing and Community Services, PERS, Oregon Youth Authority and Department of Administrative Services. Other agencies are in the process of filling out work orders to begin the process, including the Governor's Office.

B. Affirmative Action Representatives Workshops

The AAO convenes monthly workshops with state agency Affirmative Action representatives to encourage resource sharing and to design education and awareness strategies.

C. Exit Interviews

We are working with the Departments of Administrative Services and Justice to design an exit interview for use in all agencies.

D. Non-traditional Outreach

Forging relationships through non-traditional outreach to ethnic chambers and communities, Oregon Tribes, faith based institutions, ethnic sororities and fraternities, and others similar organizations throughout the state. Forming partnerships with private and public entities nationally and internationally

E. Job Fairs

We continue to encourage all state agencies to participate and work with Administrative Services' Job Fair Representative. The representative communicates information about upcoming job fairs and coordinates the events that allow agencies to share booths and reduce costs. These fairs present opportunities for each agency to highlight career opportunities within their agency and emphasize the importance of diverse employment within state government.

VII. Programs to be Launched by the Affirmative Action Office

A. Cultural Awareness Training for Interview Panelists

Develop cultural awareness training for interview panelists prior to the interview process.

B. Job Opportunities

Build on relationships with universities and colleges that house large populations of People of Color and people with disabilities. Establish and share managerial and director job opportunities.

VIII. Identification of Best Practices within Agencies

The video, *Color of Fear*, is offered to all staff for viewing, followed by a facilitated discussion. The video is about the state of race relations in America as perceived by eight North American men of Asian, European, Latino and African descent.

Networking sessions are provided to inform the public about career opportunities within an agency. These sessions are open to the public. During these sessions attendees are able to: learn about current job openings within the agency, learn how to complete a state job application, and have an opportunity to meet with department employees.

Informational Interviews and PD 100 (employment application form) Reviews are used as a tool to assist individuals interested in learning more about the application and interview process. The applicant may receive suggestions or advice from Human Resources personnel in regards to their acceptance.

The Diversity Events Calendar is made available statewide to those interested. The calendar includes events that promote or support diversity and other related topics.

Annual Cultural Training in one agency has been an on-going mandatory training program for all employees in which attendees learn about ways to enhance cultural awareness.

IX. Recommendations

In reviewing the Affirmative Action Plans from the Agencies, information from the Affirmative Action workgroups, concerns raised by employees of various agencies, and the Discrimination Claims Analysis, we believe it is time for a pragmatic approach to understanding and communicating internal “best practices” of the State. We can then address the operational and motivational systems to engage and motivate all State employees. The Affirmative Action Office recommends the following:

- A. Building on Cultural Competency Assessment and Training.
- B. Targeted Recruitment – using existing Affirmative Action Office lists and building relationships with higher education, local ethnic group contacts, etc.
- C. Improve emphasis on Retention and Promotion opportunities.
- D. Attendance at Affirmative Action Representative Workshops.
- E. Attendance at Job Fairs.
- F. Development of Cultural Trainings for Interview Panelists.
- G. Continue the use of Exit Interviews to examine workplace issues.

X. Governor Ted Kulongoski's Commitment

On January 26, 2005, Governor Ted Kulongoski issued Executive Order 05-01, affirming the commitment of his administration to equity in employment, diversity in the workplace, fairness principles and good faith efforts. It embraces the concept of improving services to citizens who have historically experienced discrimination, intended or unintended, in programs, employment and services provided by state government. Following is the Executive Order:



EXECUTIVE ORDER 05-01

AFFIRMATIVE ACTION

Pursuant to my authority as Governor of the State of Oregon, I find that:

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

The State of Oregon is committed to the right of all persons to work and advance on the basis of merit, ability and potential.

Affirmative Action is a valuable tool that may enable the State to mitigate the effects of past and present discrimination, intended or unintended, on the basis of race, religion, national origin, age, sex, marital status or disabilities;

Cultural Competency Assessment and Training is a proactive management strategy within a program of Affirmative Action that is designed to reduce discriminatory behaviors and practices that may exist; and

The State of Oregon, by and through the agencies, boards and commissions of the Executive Branch, values the principles of equal employment opportunities, affirmative action and diversity and should proactively lead the State on issues of equality and diversity and on the promotion of Affirmative Action.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. The Director of Affirmative Action and each Agency Director or Administrator shall review and discuss the affirmative action plans and affirmative action goals for their departments to identify resources for improving, if needed, the hiring and developmental opportunities of underrepresented persons.
2. The Director of Affirmative Action will coordinate with the Department of Administrative Services the development and presentation of training designed to improve the skills and competency necessary to effectively manage affirmative action and diversity issues.
3. The Department of Administrative Services, in consultation with the Director of Affirmative Action, shall devise a procedure to examine whether executive service and management service employees have appropriate affirmative action and diversity responsibilities in their position descriptions. The audit procedure shall also review whether employees have been evaluated on their Affirmative Action and Diversity successes and achievements.

Office of the Governor State of Oregon



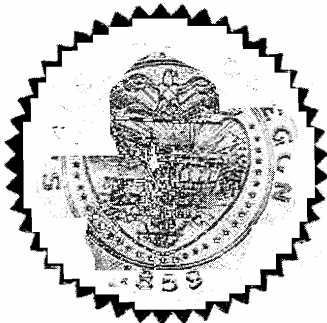
EXECUTIVE ORDER NO. 05-01
PAGE TWO

4. The Director of Affirmative Action shall provide to all state agencies a list of approved firms that provide Cultural Competency Assessment and Training. The services of these firms are intended to enable state agencies to address the following objectives:

- The creation of a climate of increased cultural awareness;
- An ability to appropriately identify and respond to cultural and language barriers;
- A common understanding of how all members of the organization should be valued and respected;
- Promotion of managerial skills among diverse populations of employees;
- An understanding of the roles of employers and employees in creating a welcoming environment; and
- The improvement of employee morale.

Agency Directors and Administrators are encouraged to utilize the services of these firms within their agencies if, in the opinion of the Agency Director in consultation with Director of Affirmative Action, it would be beneficial and appropriate for the agency to do so.

Done this 26th day of January 2005, at Salem, Oregon.



Donald R. Kulongos
GOVERNOR

ATTEST:

[Signature]
SECRETARY OF STATE

XI. Charts

The following Charts show workforce comparison and composition by race/ethnicity, gender, and people with disabilities. In addition, it shows the demographics of the job categories.

Key:

C: Caucasian
A: Asian/Pacific Islander
H: Hispanic
NA: Native American
B: African American
PWD: People with Disabilities
POC: People of Color

Chart 1 – Demographics

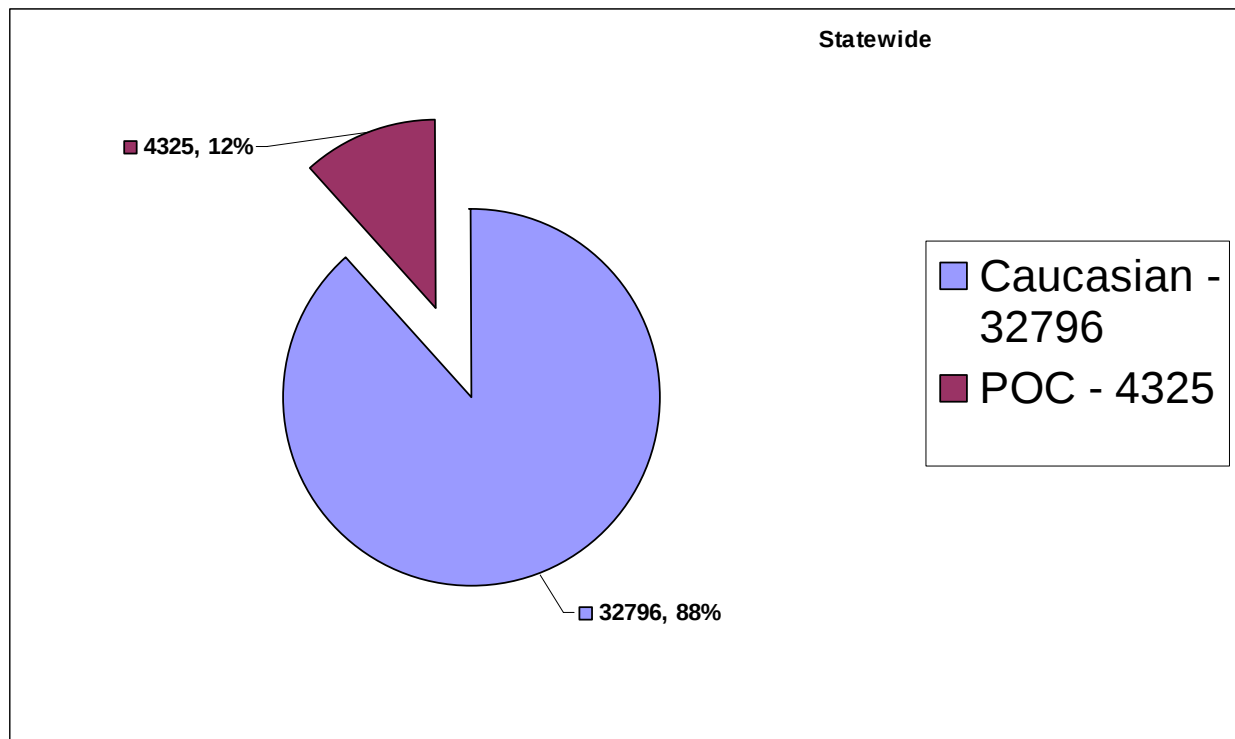


Chart 2 - Management or Above

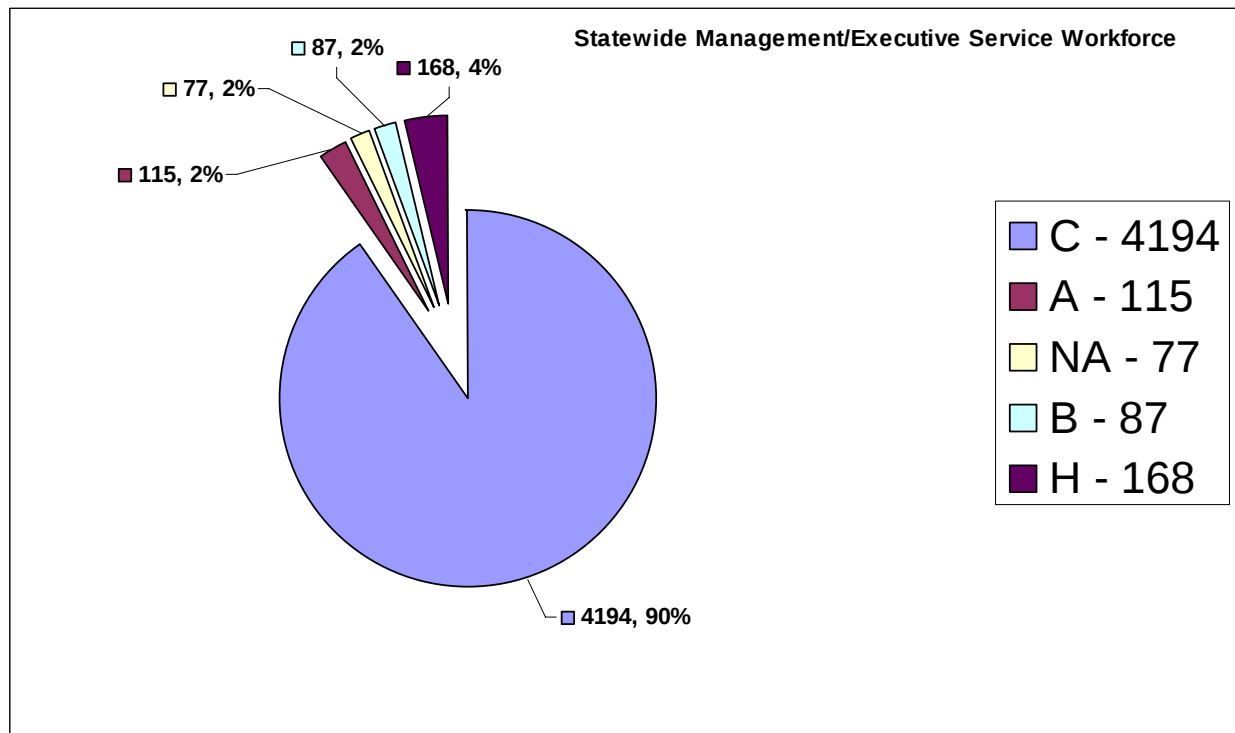


Chart 3

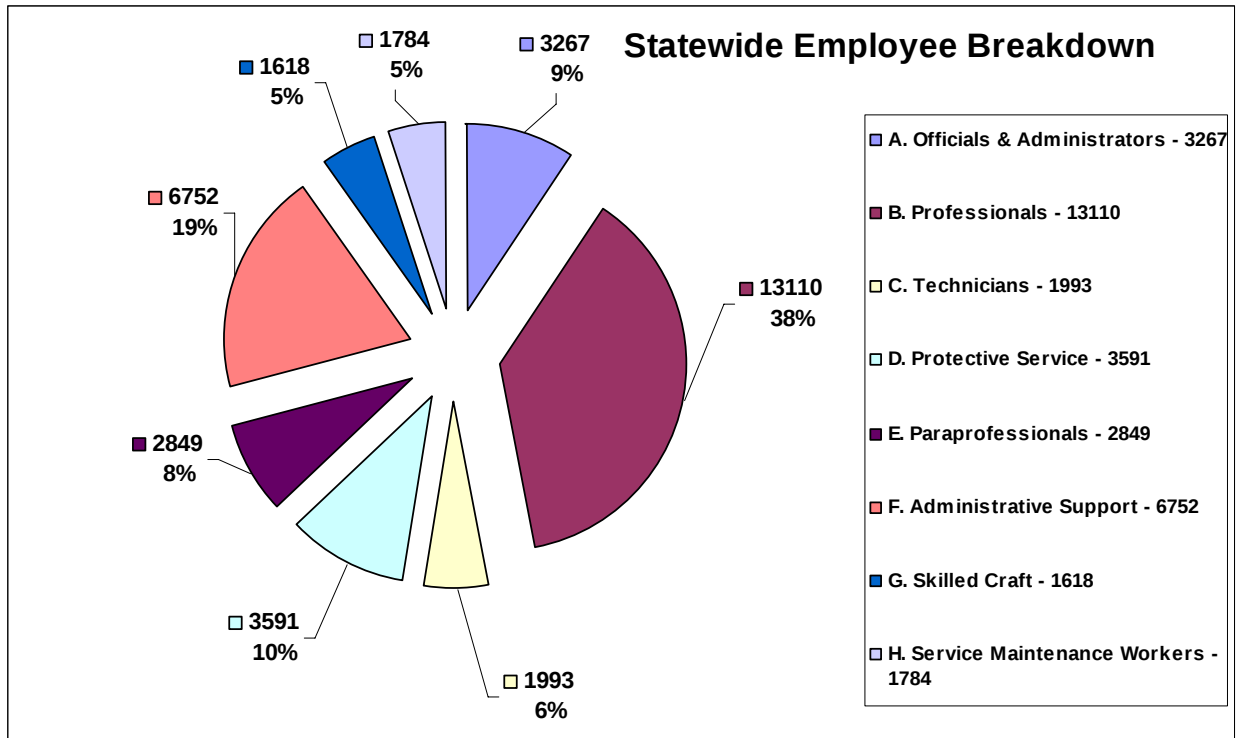


Chart 4

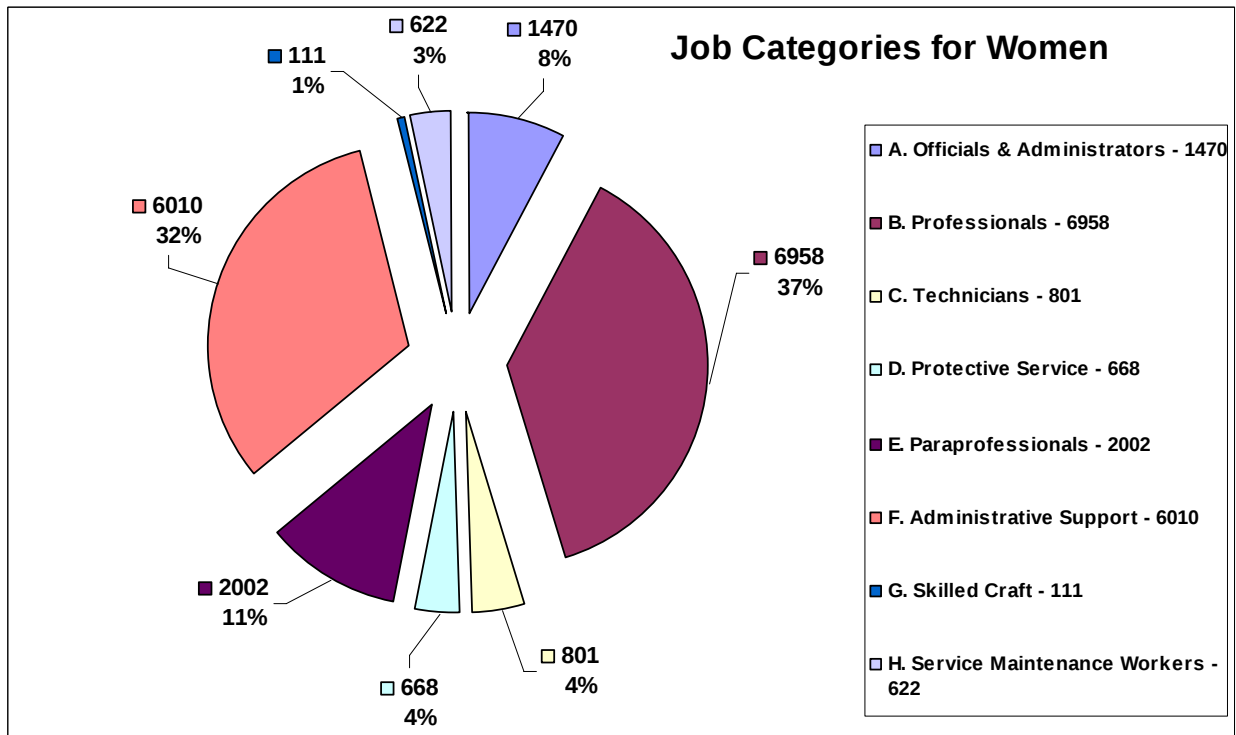


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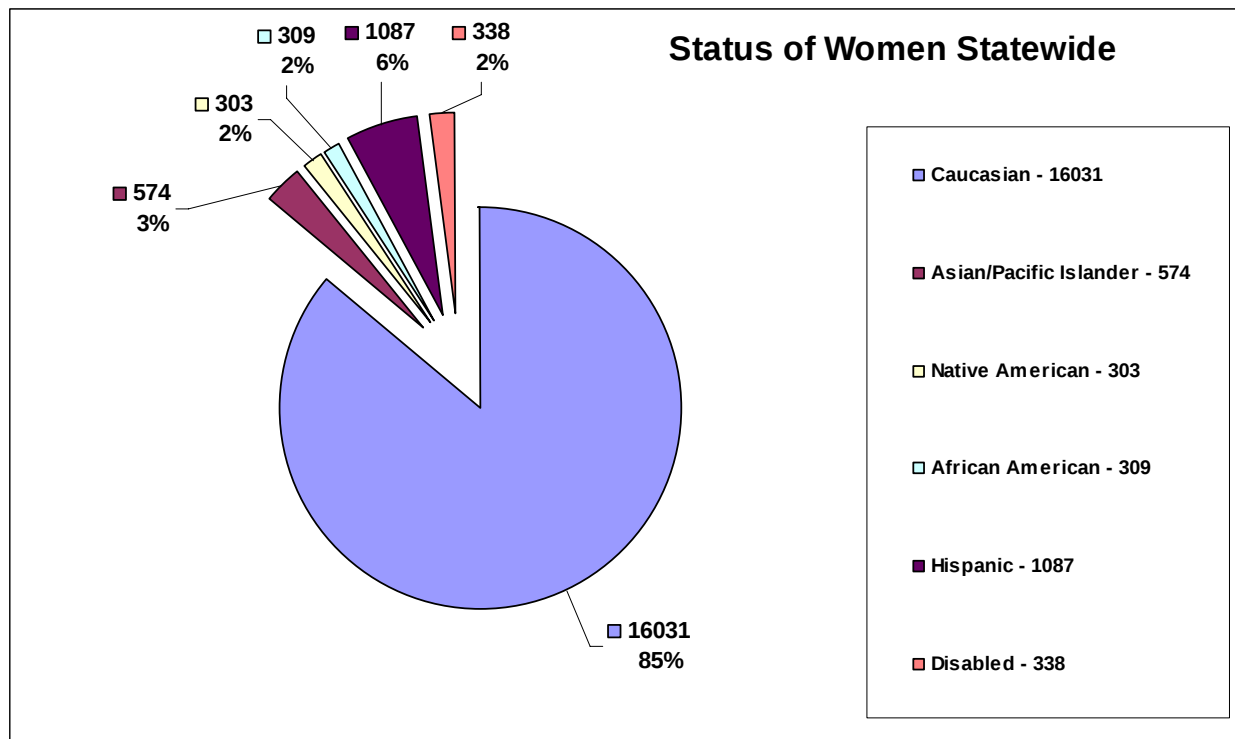


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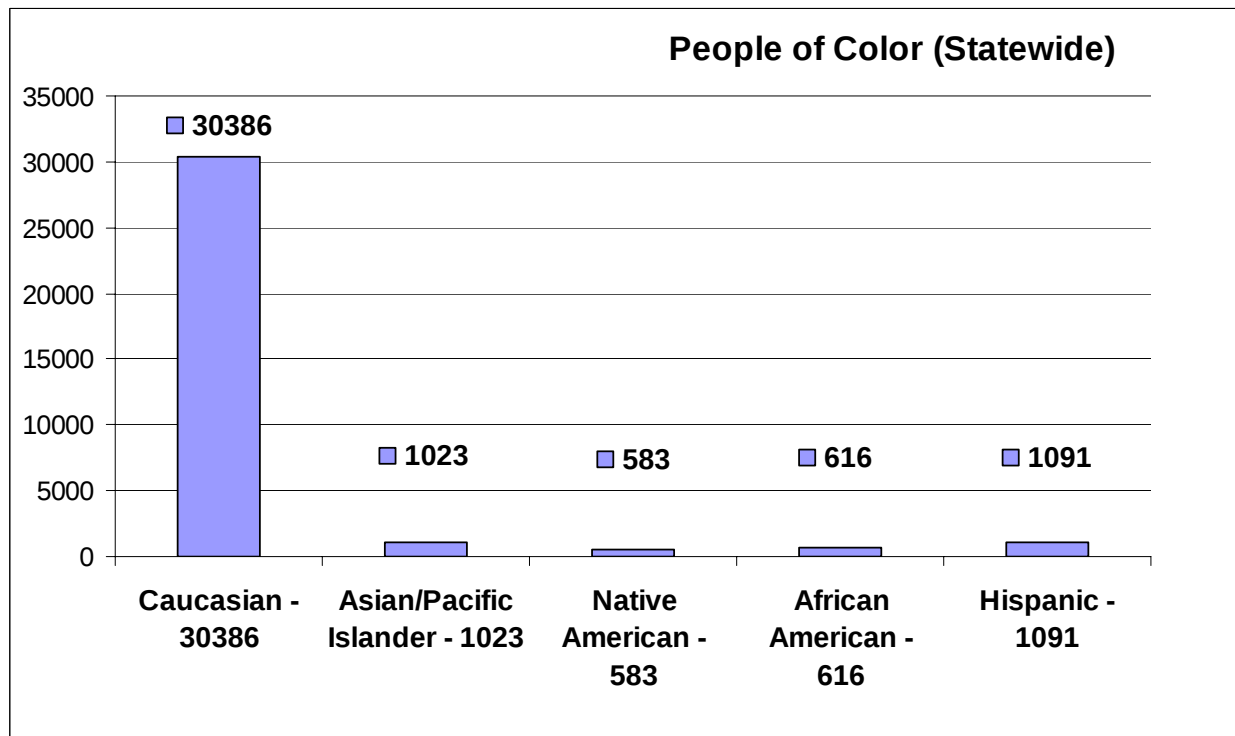


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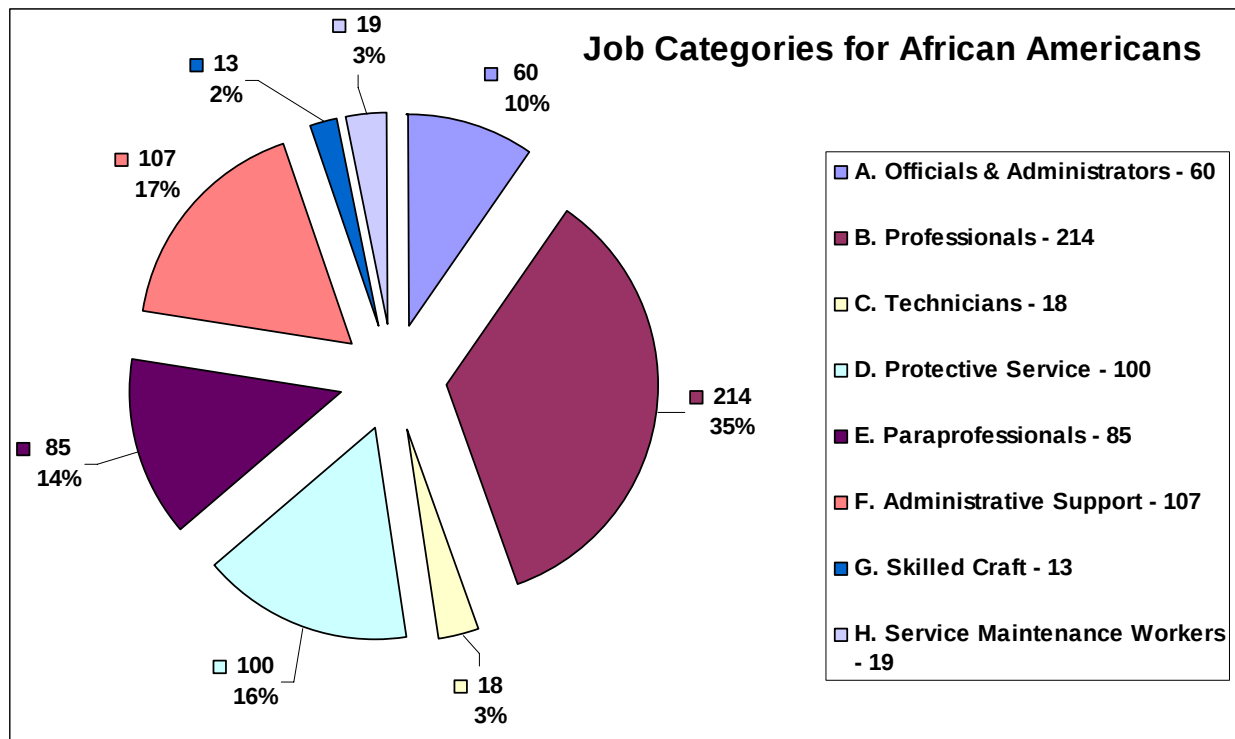


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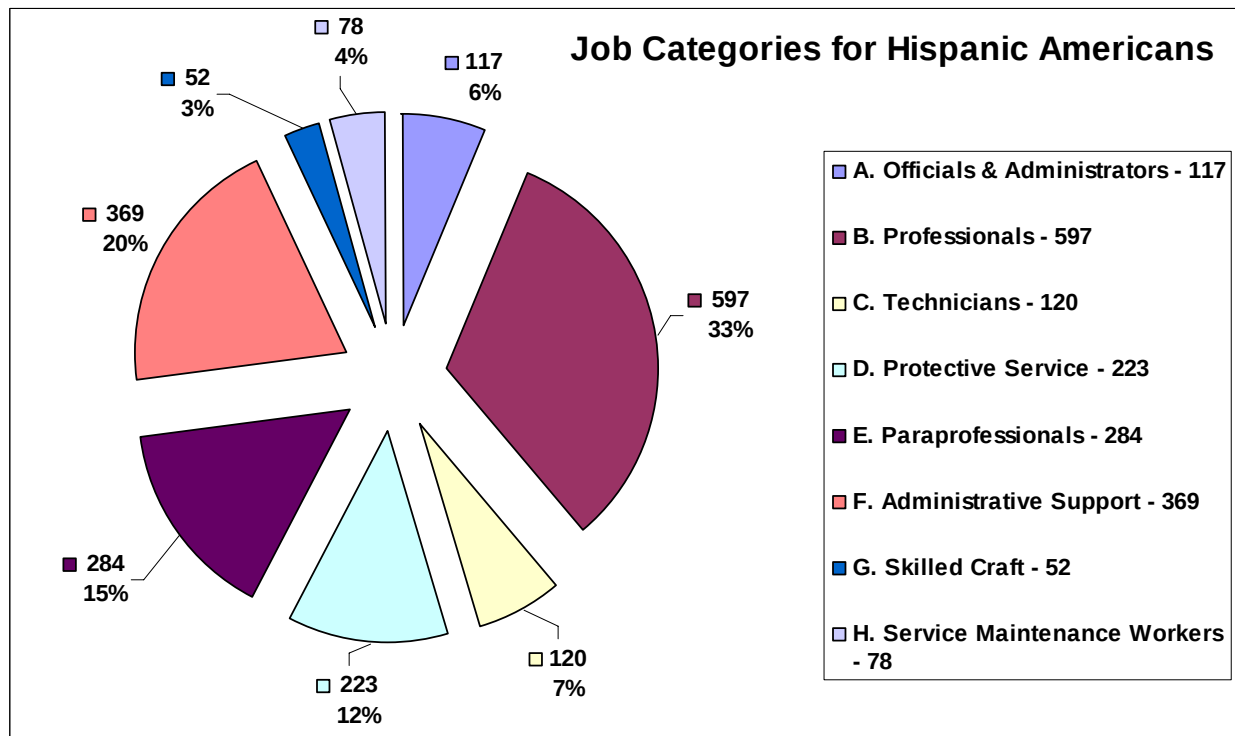


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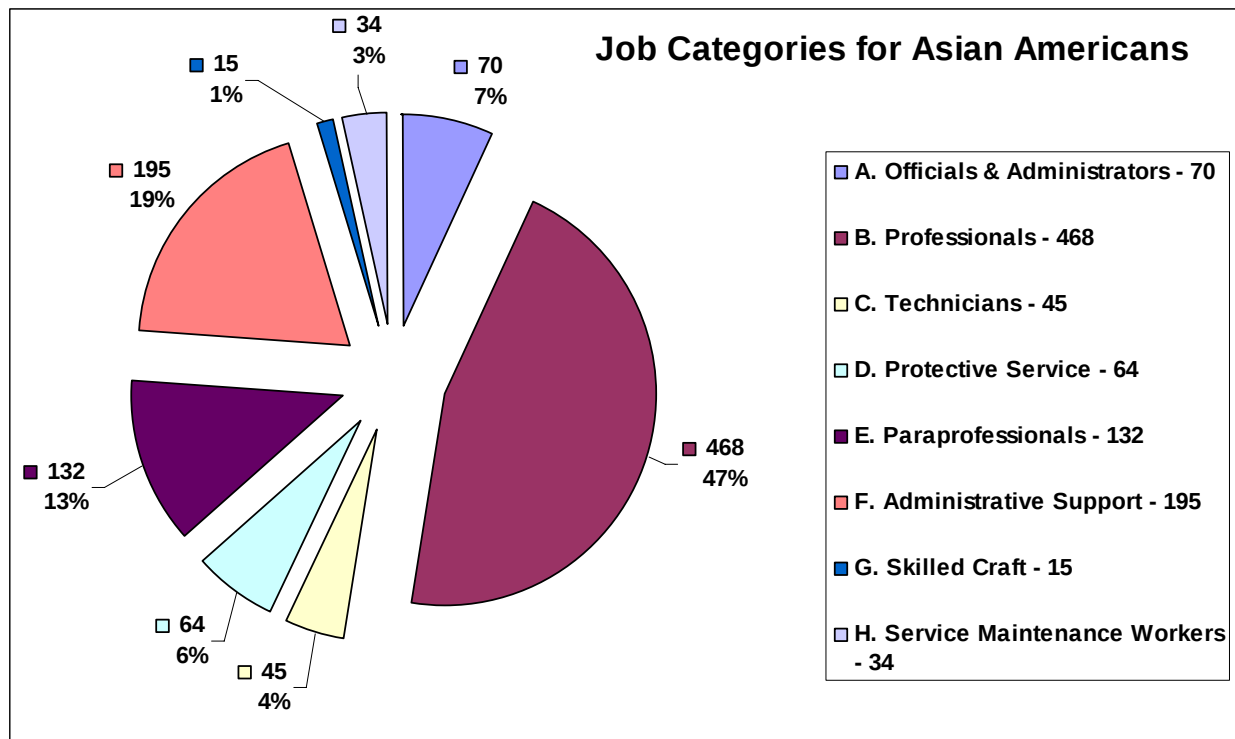


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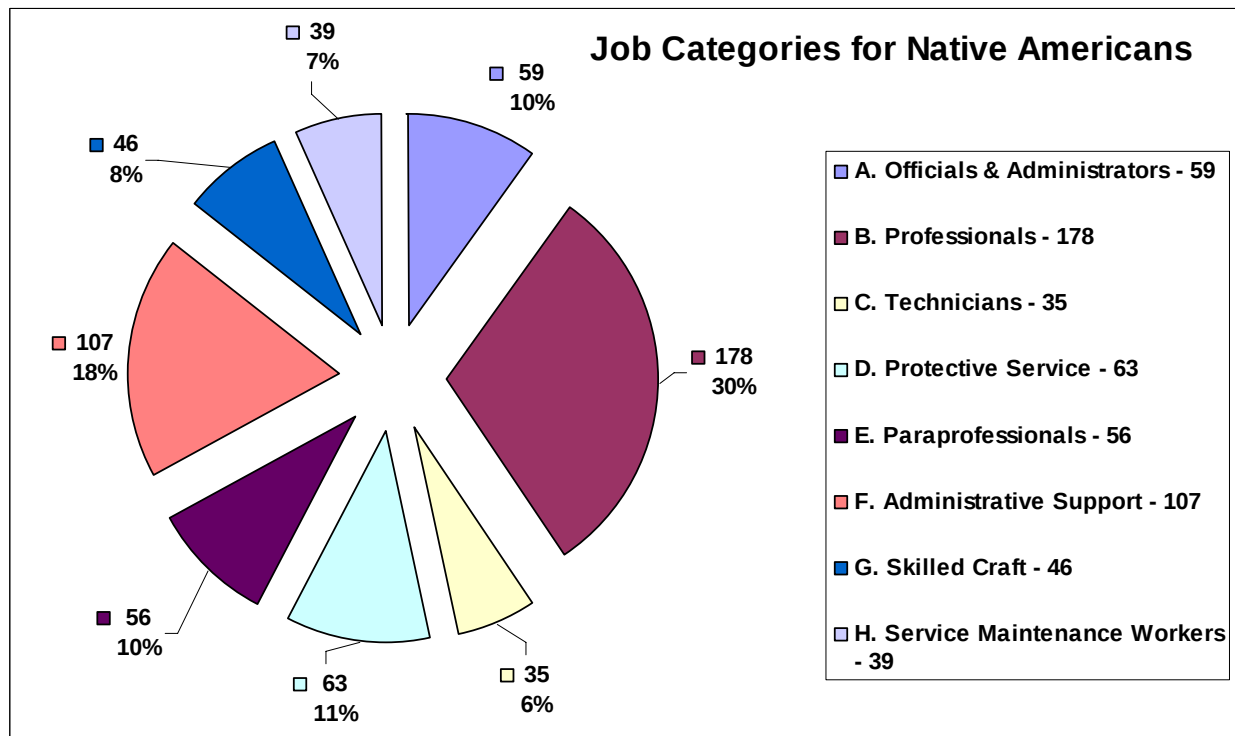


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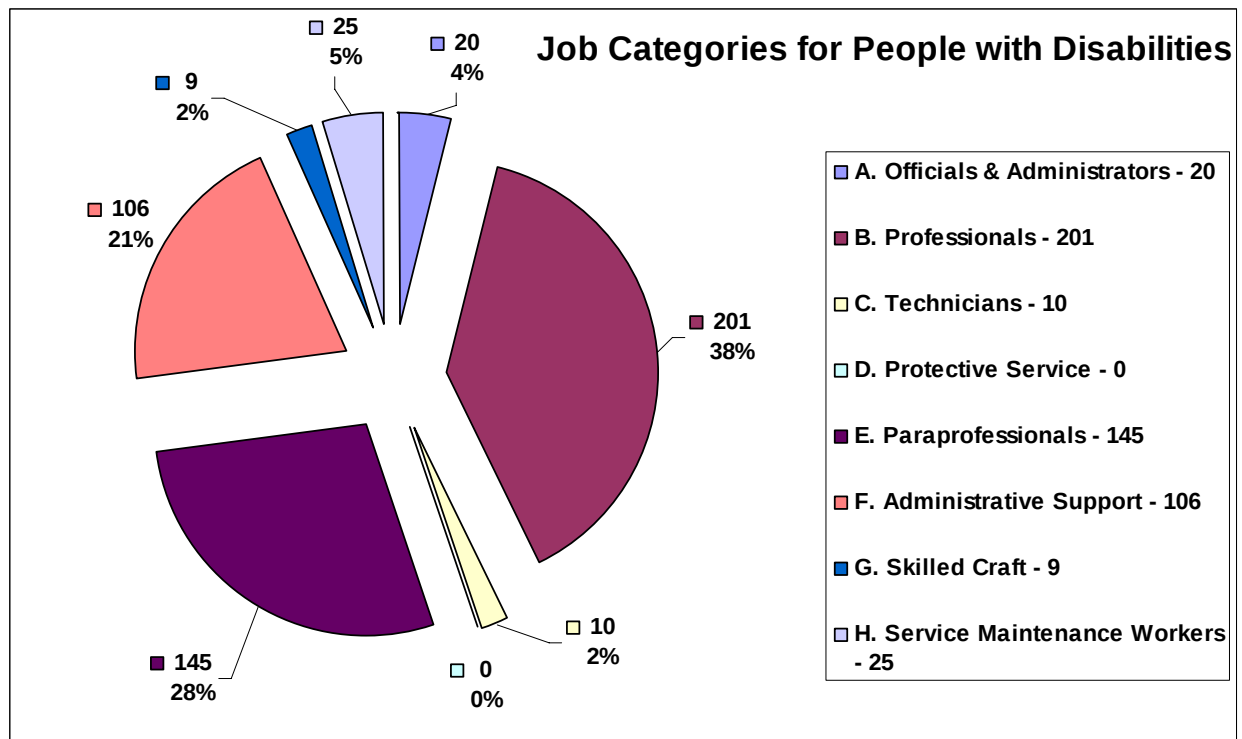


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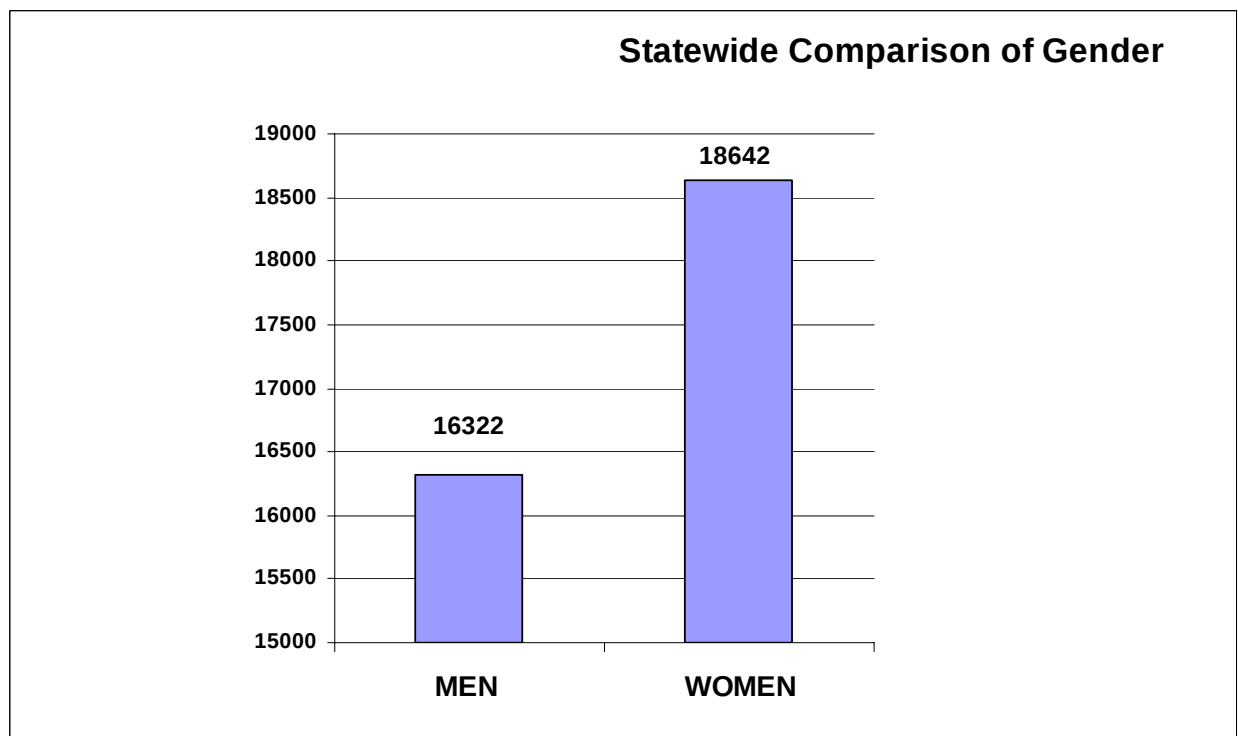


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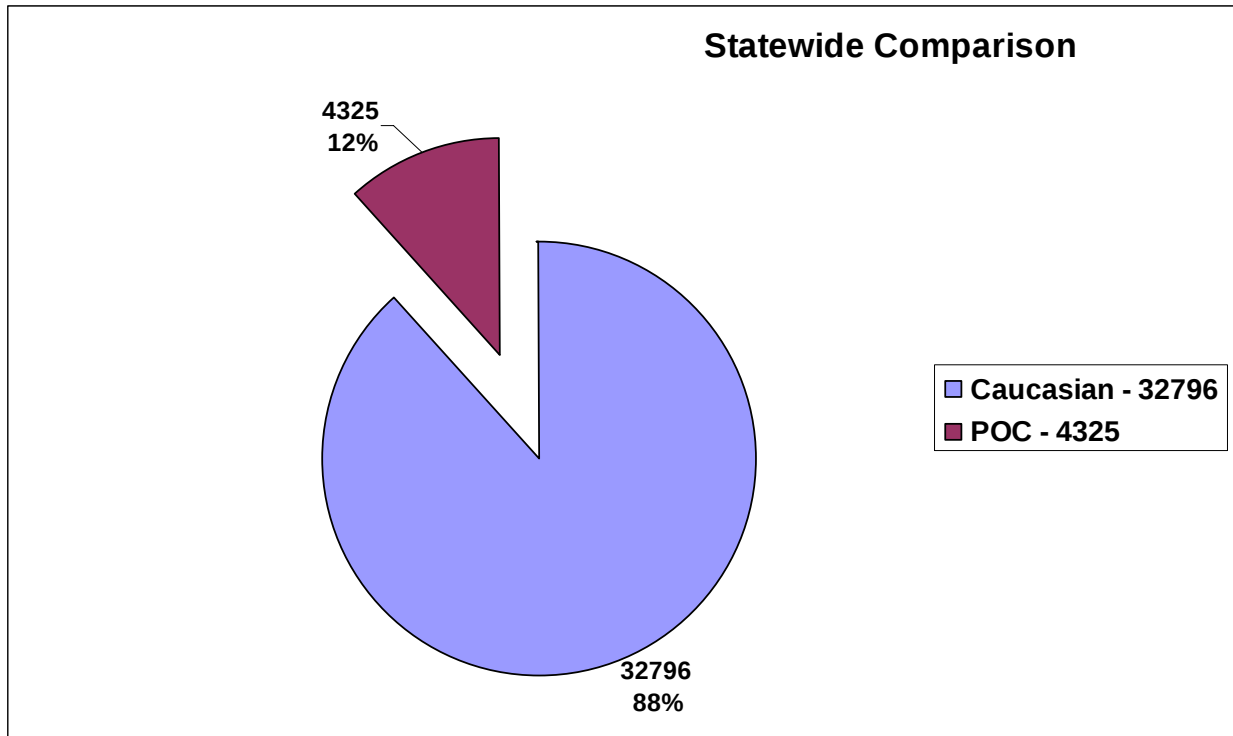


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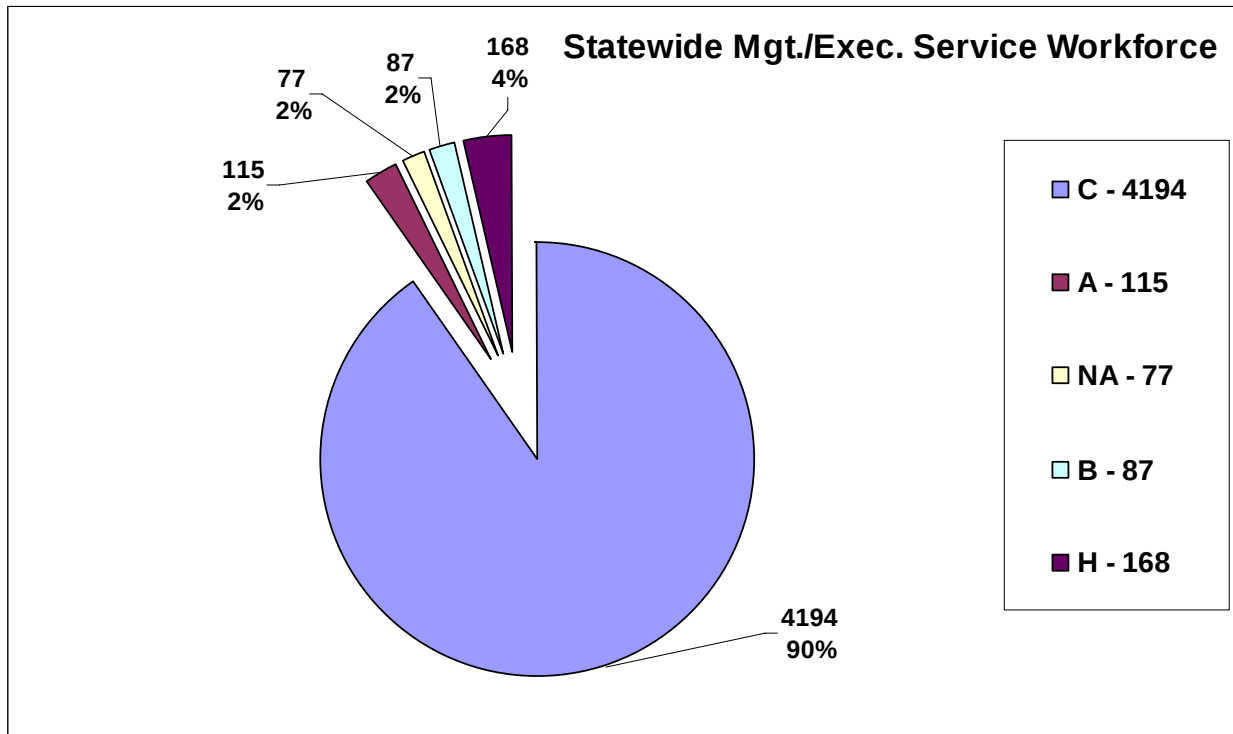


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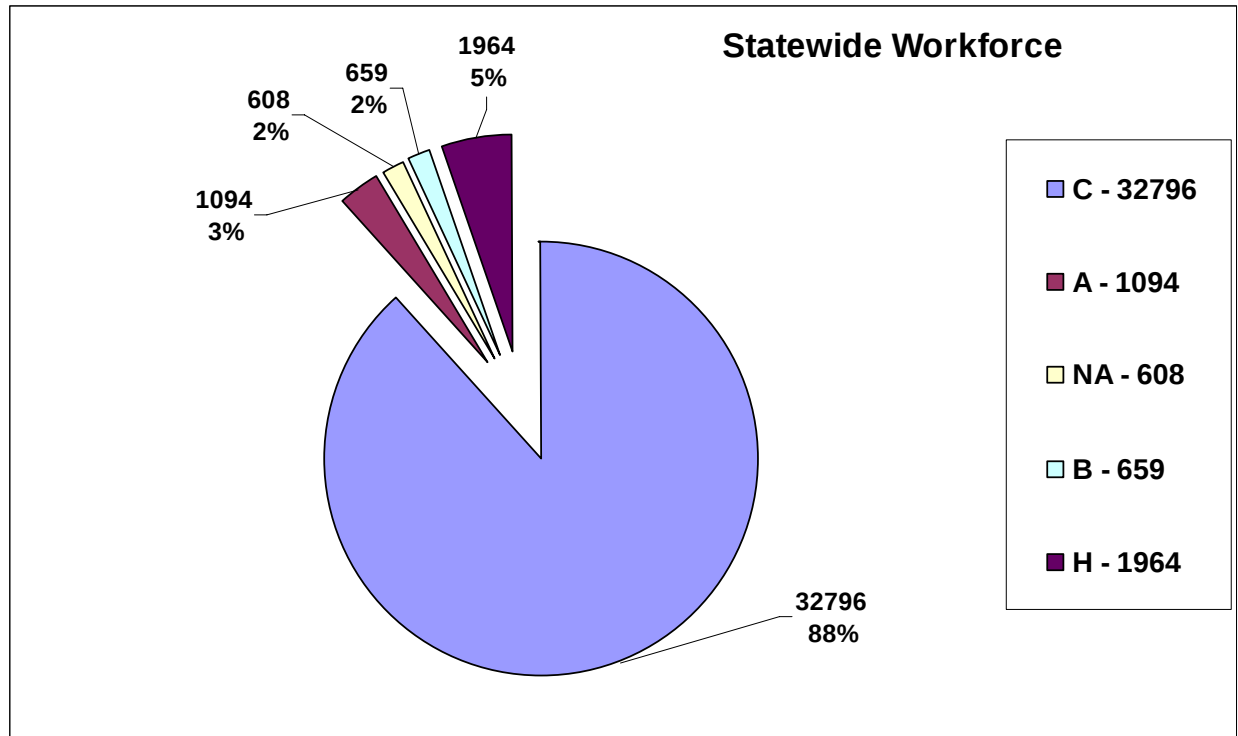


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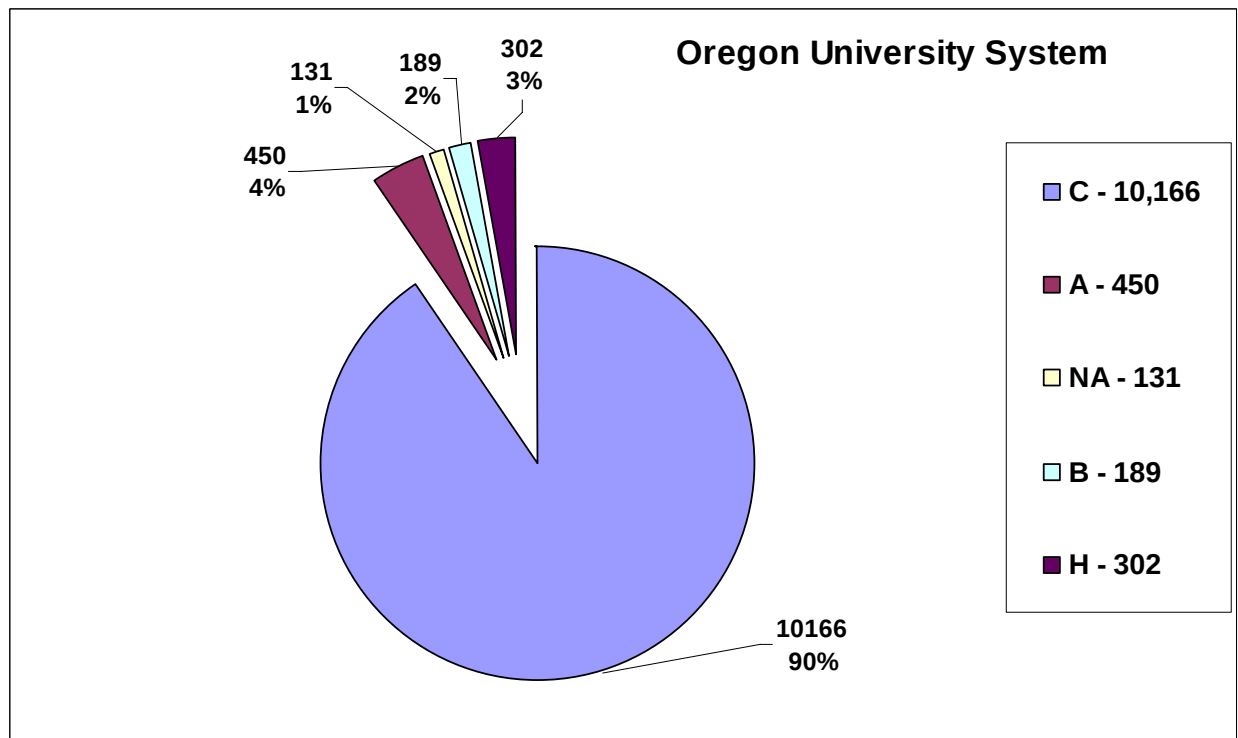


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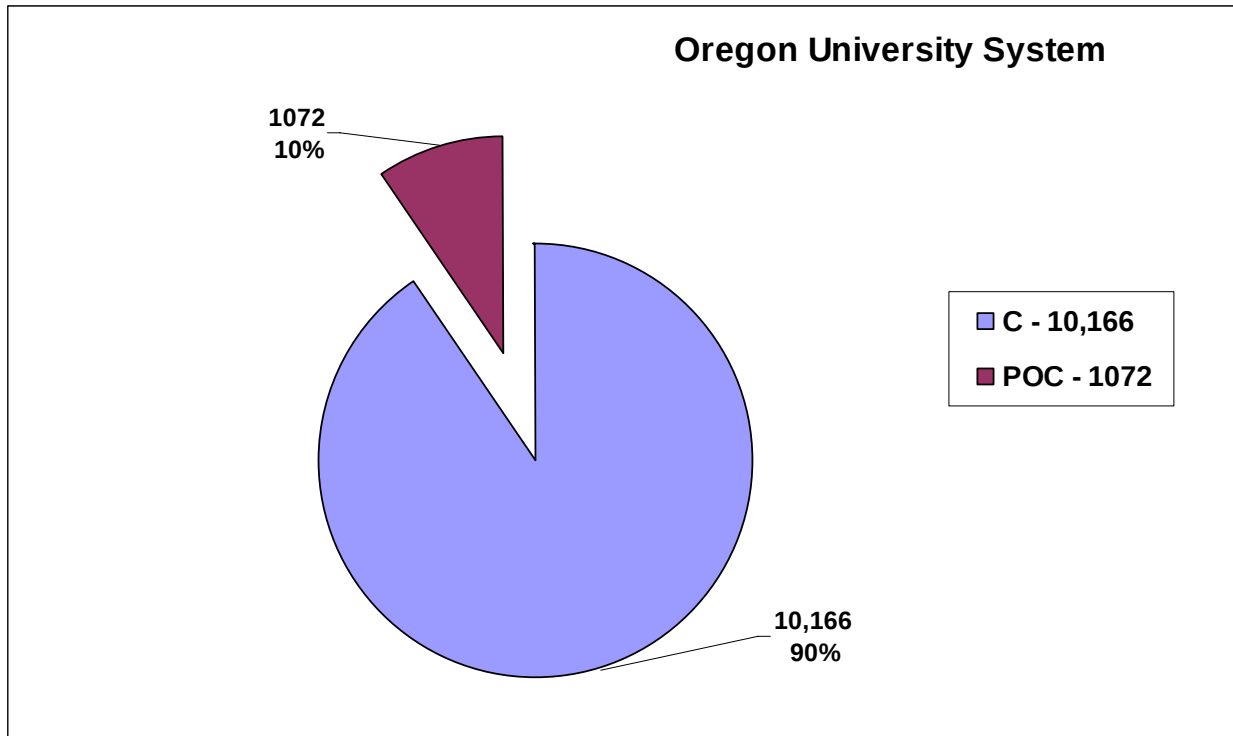


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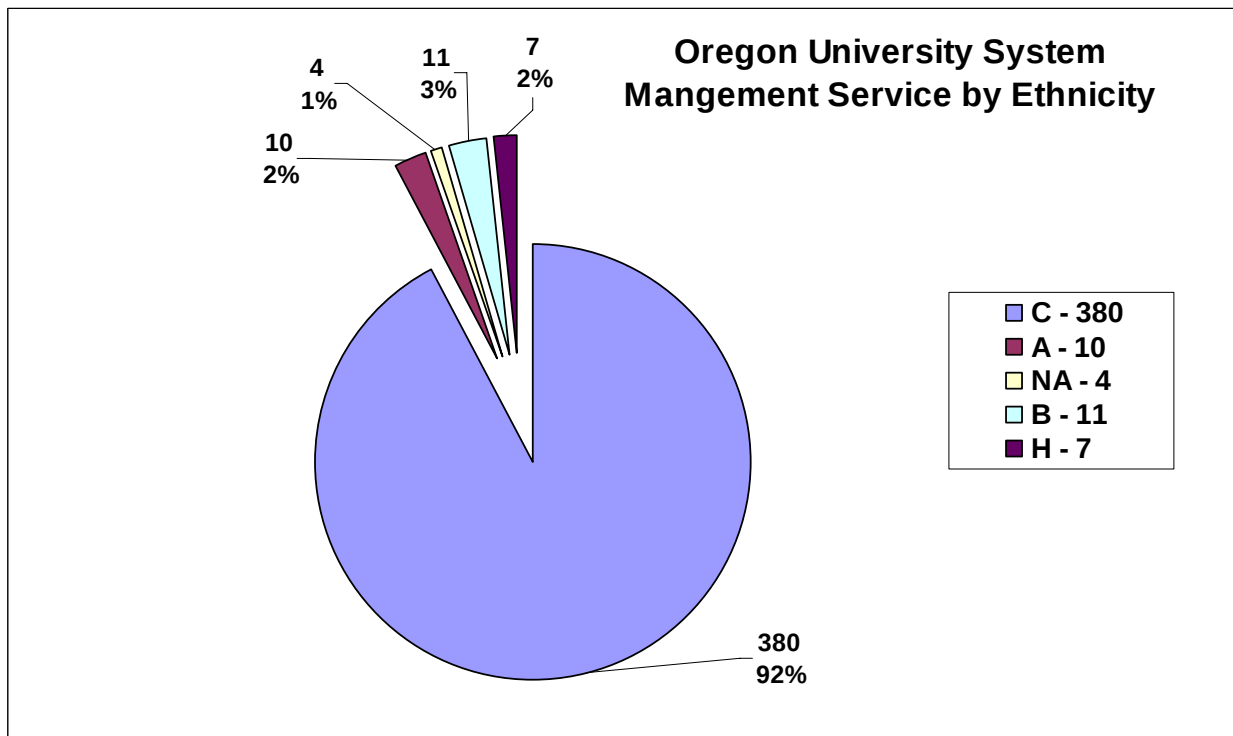


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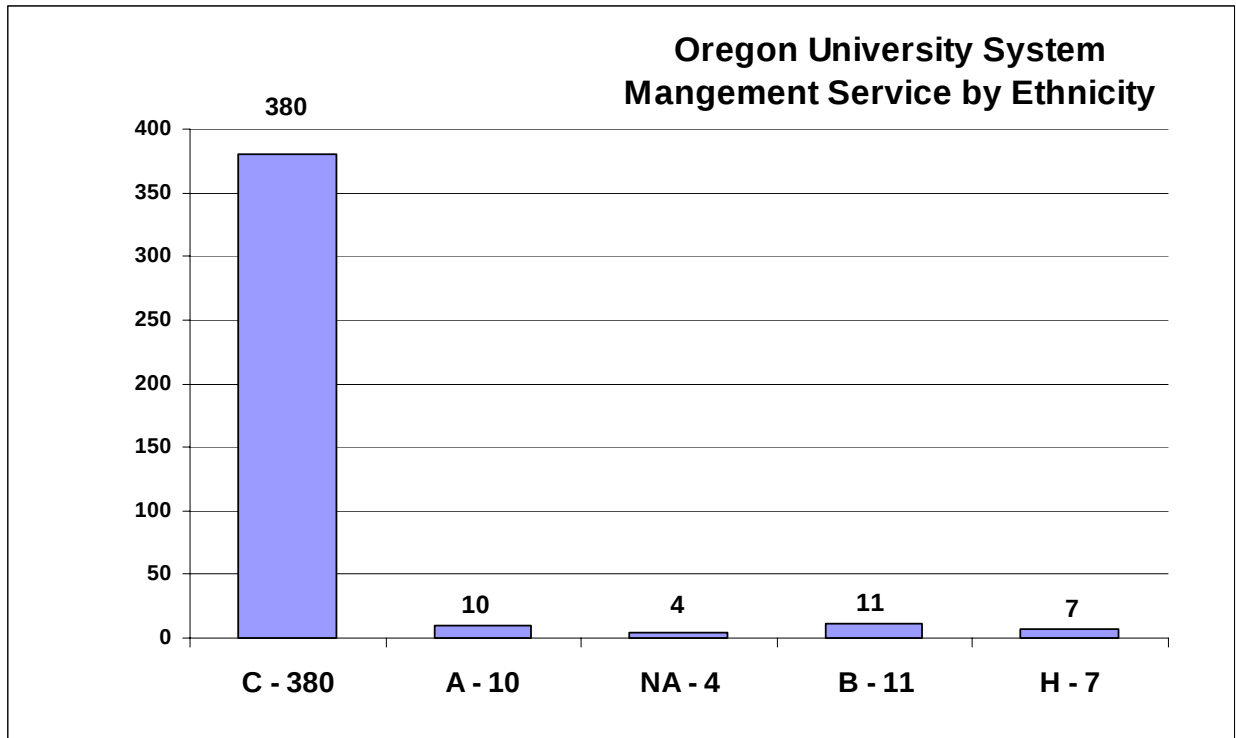


Chart 20 – Demographics

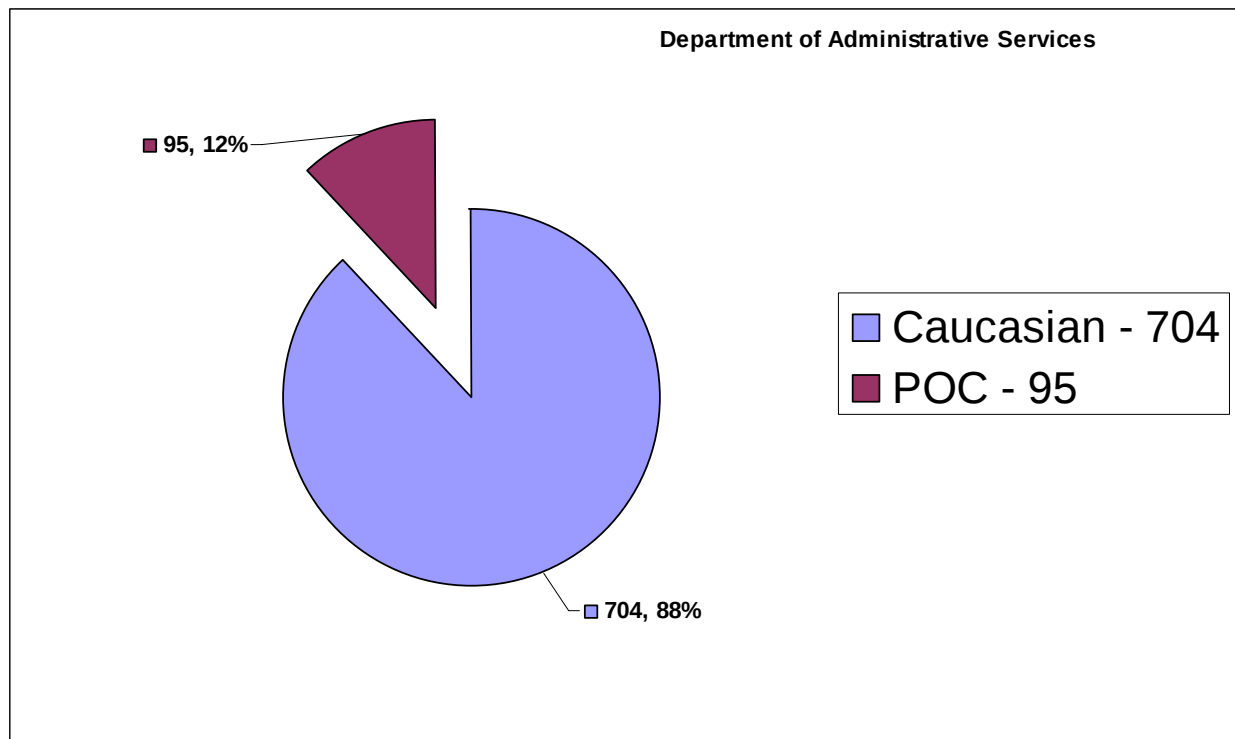


Chart 21 - Management or Above Positions

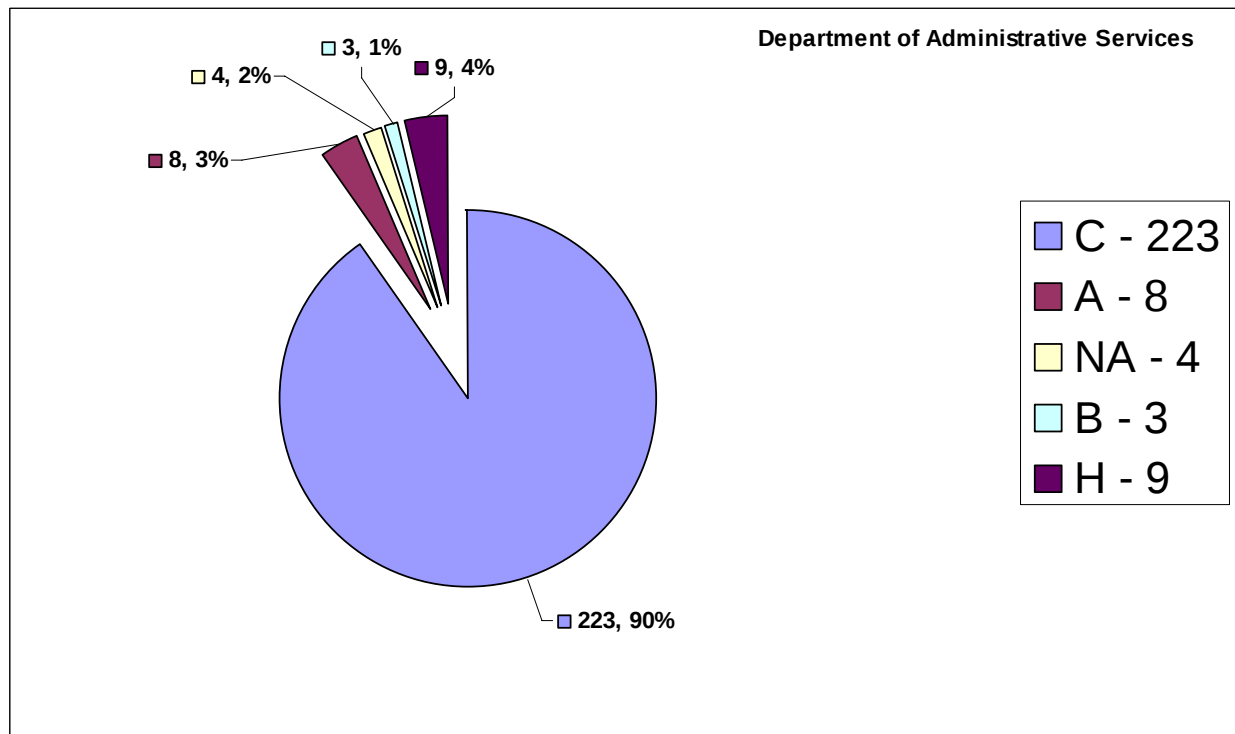


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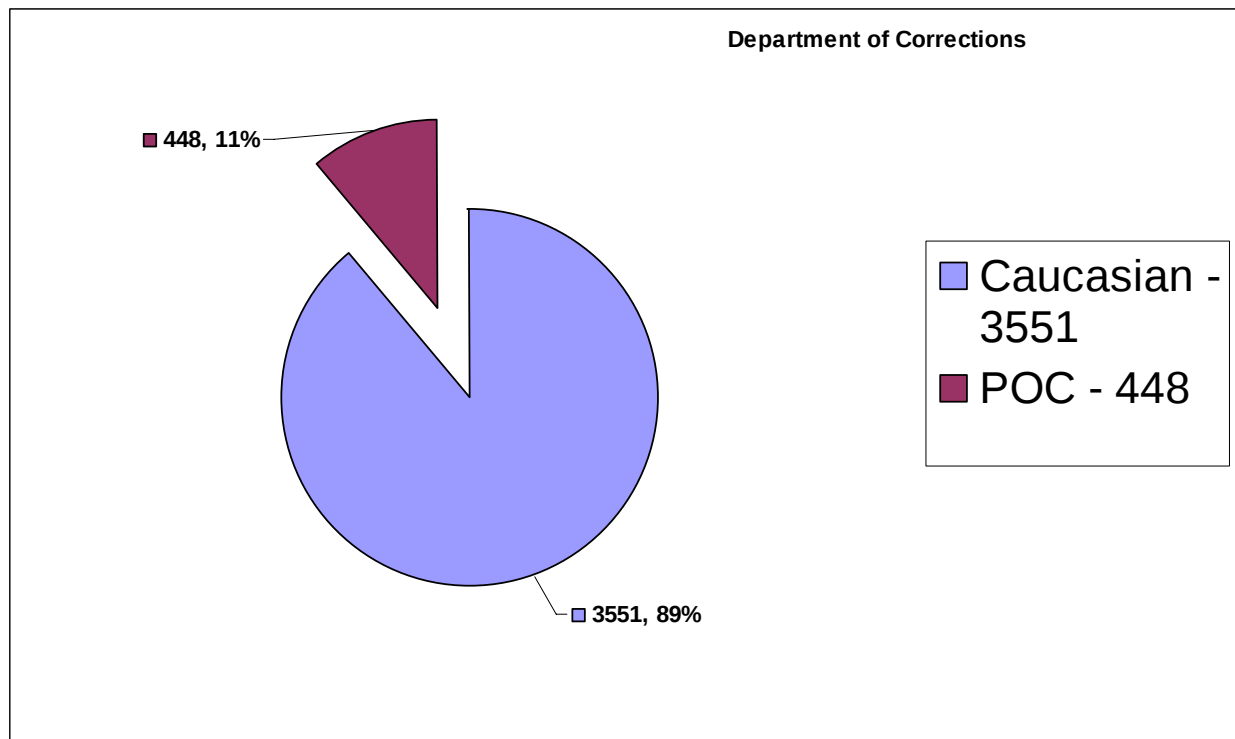


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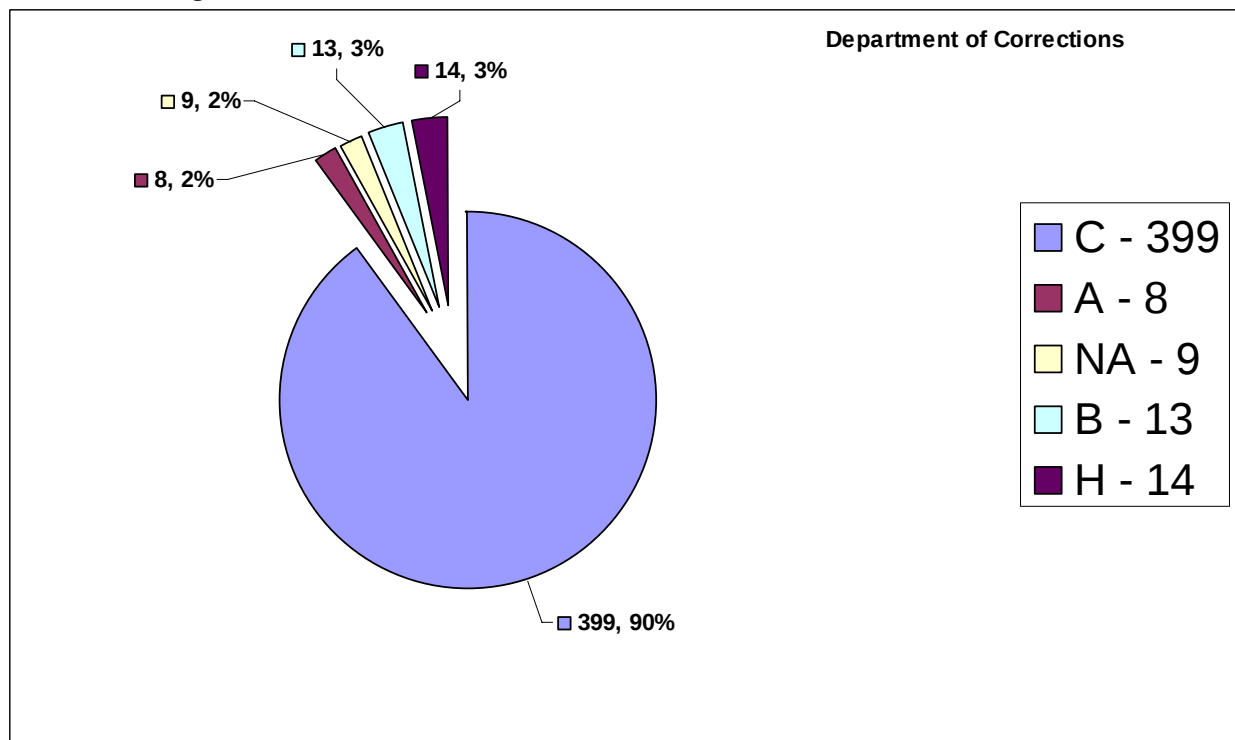


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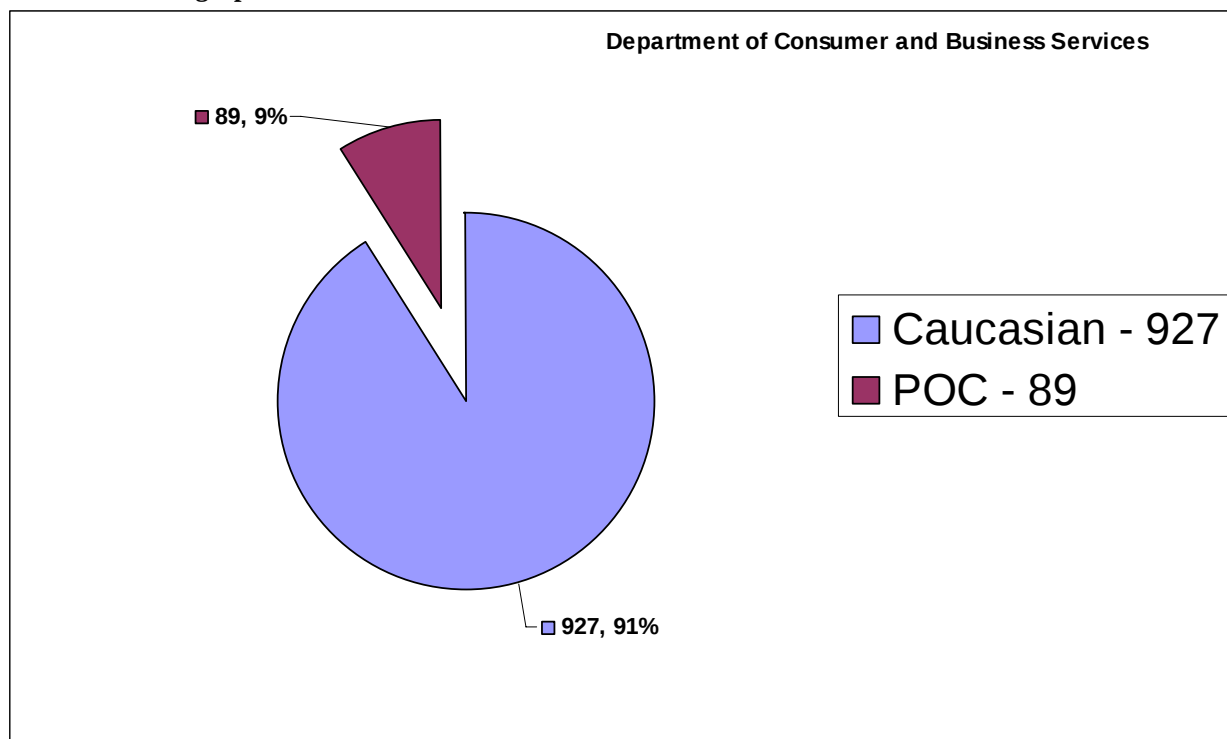


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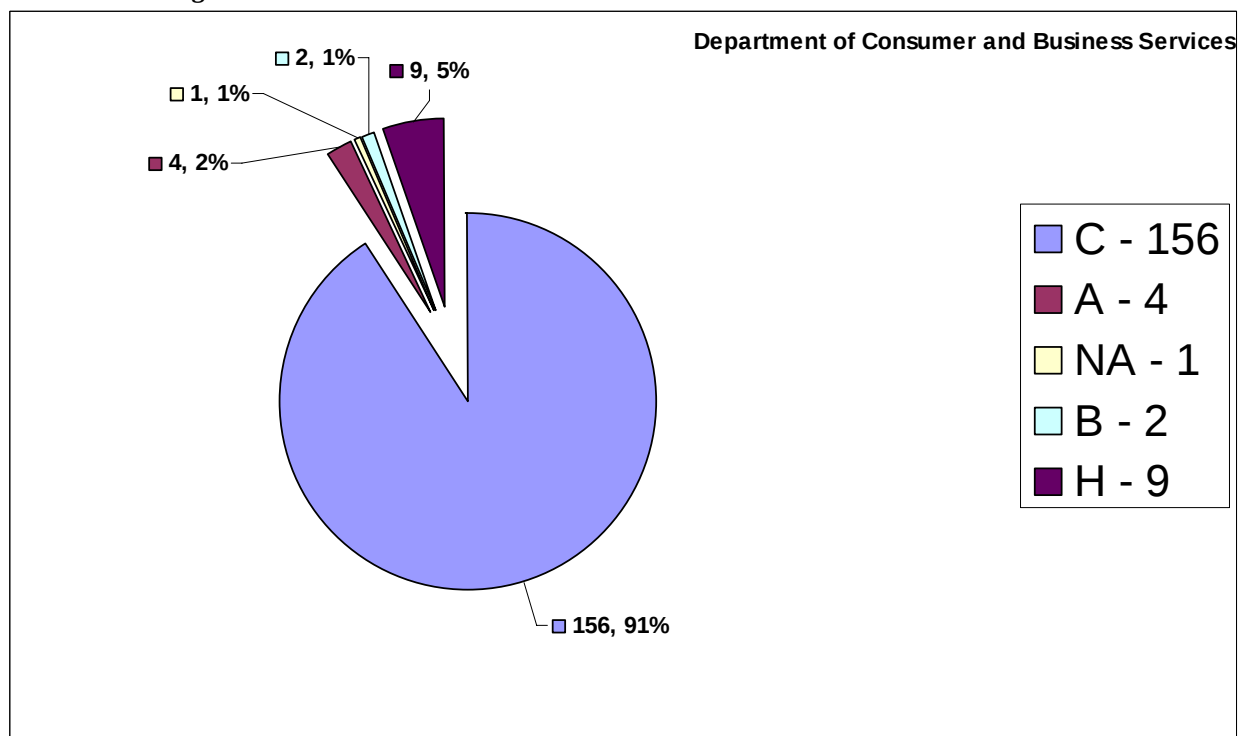


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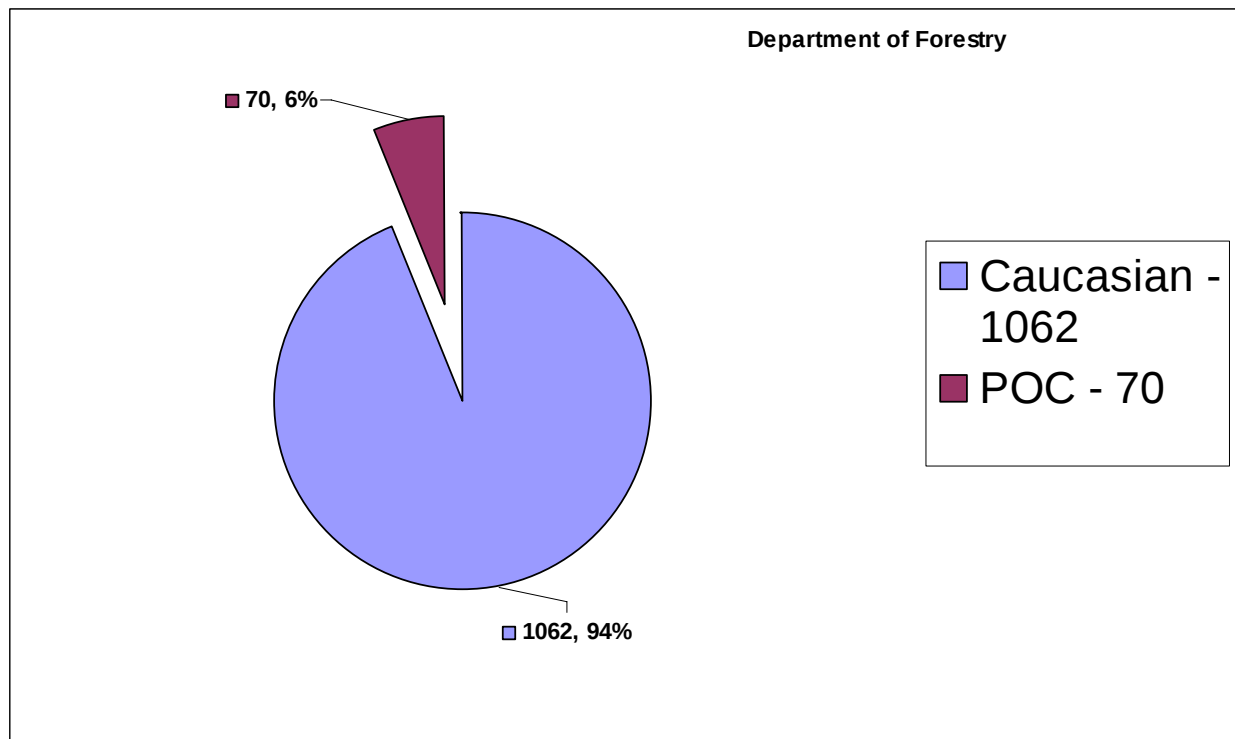


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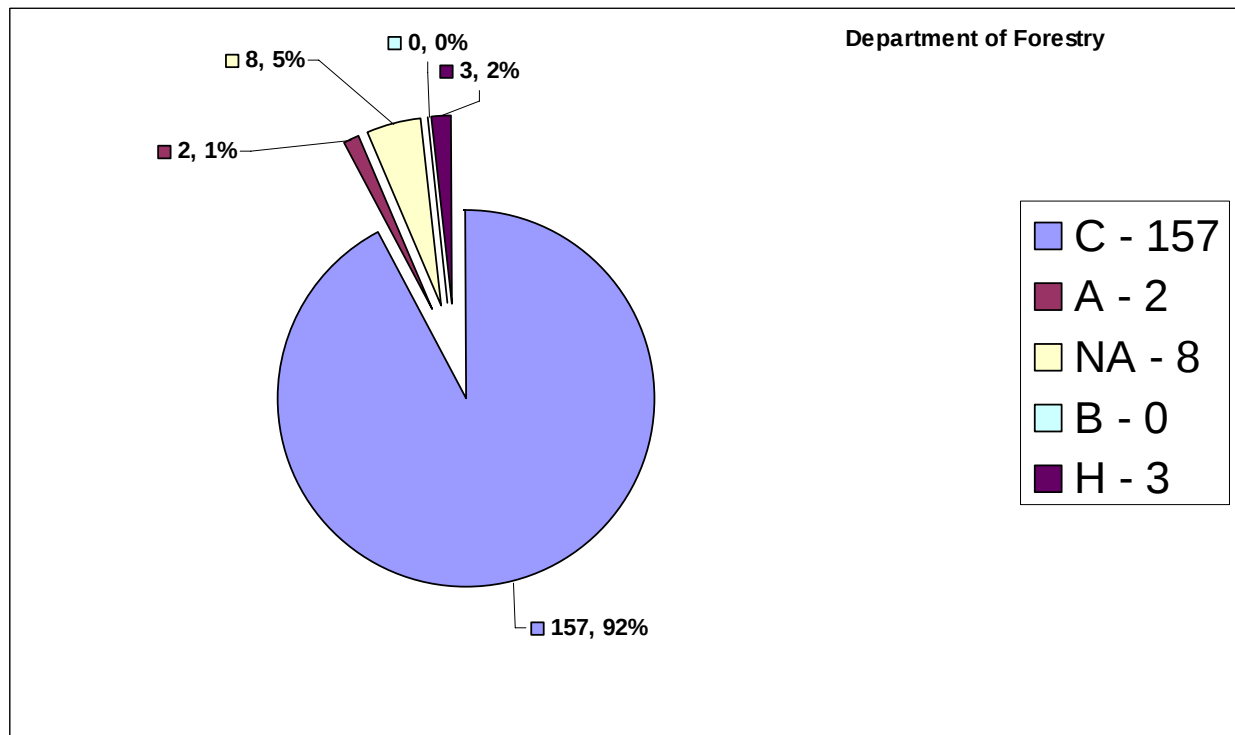


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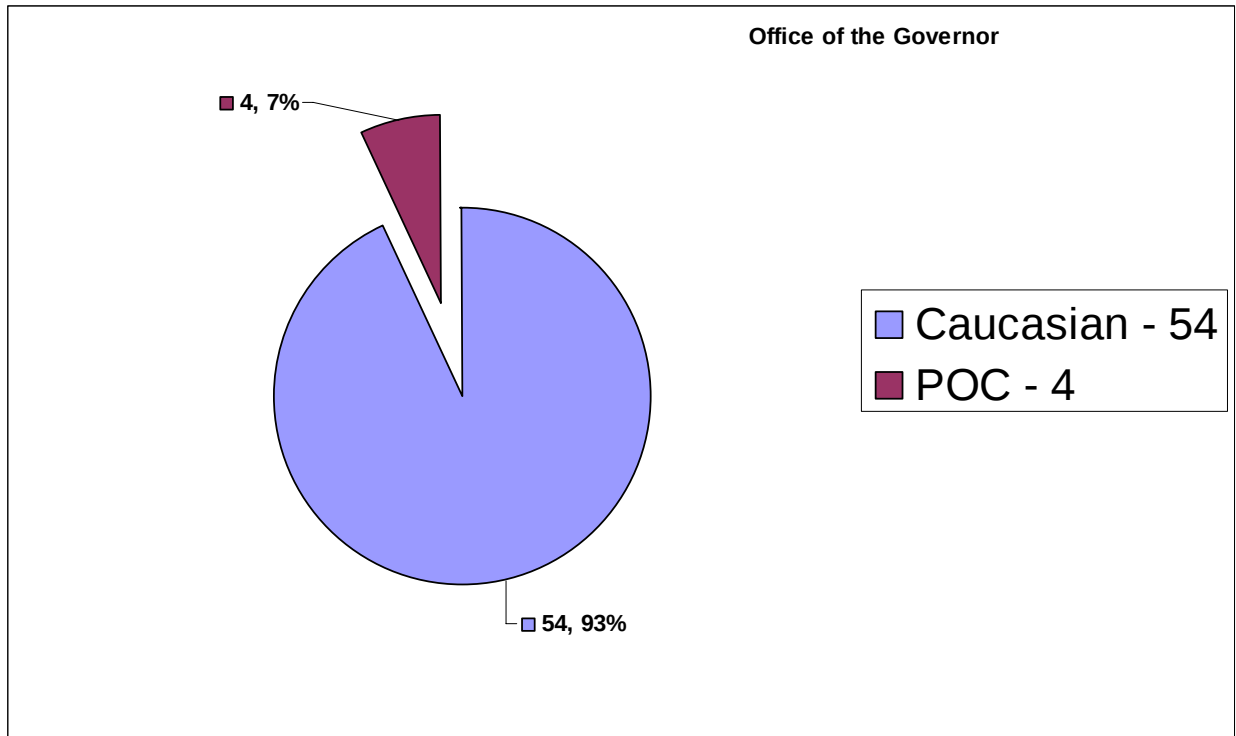


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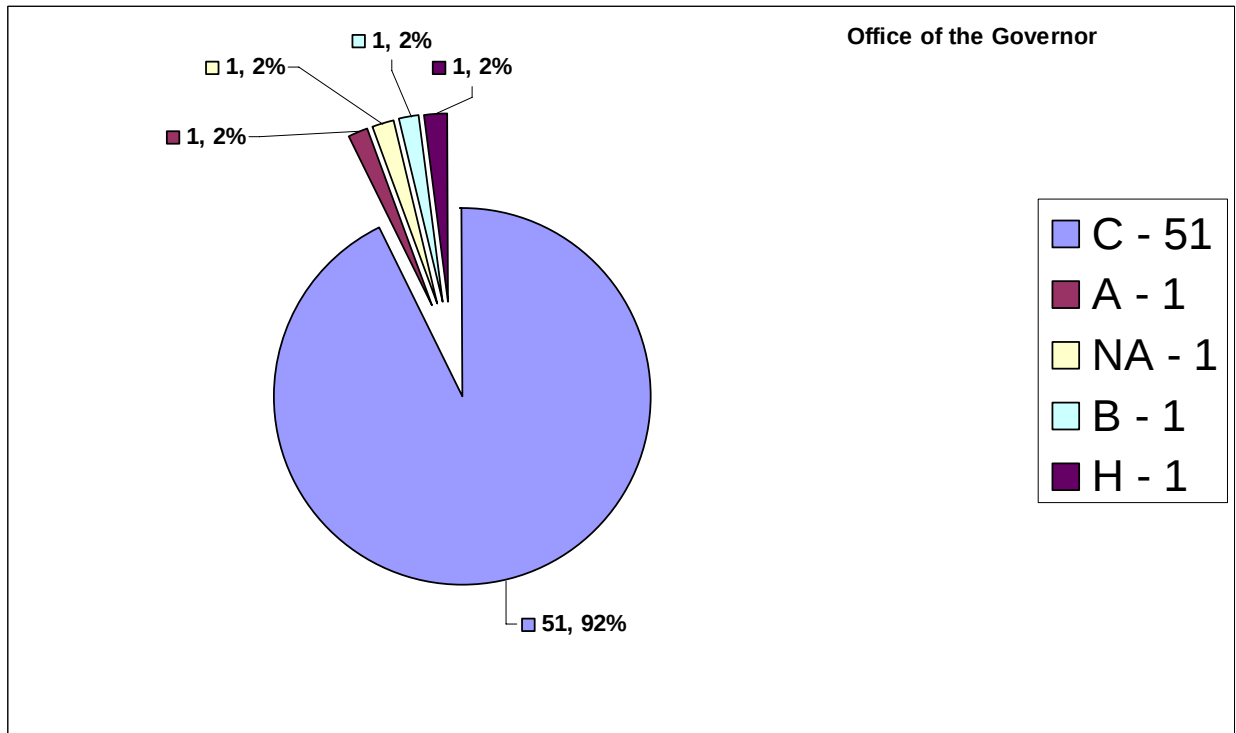


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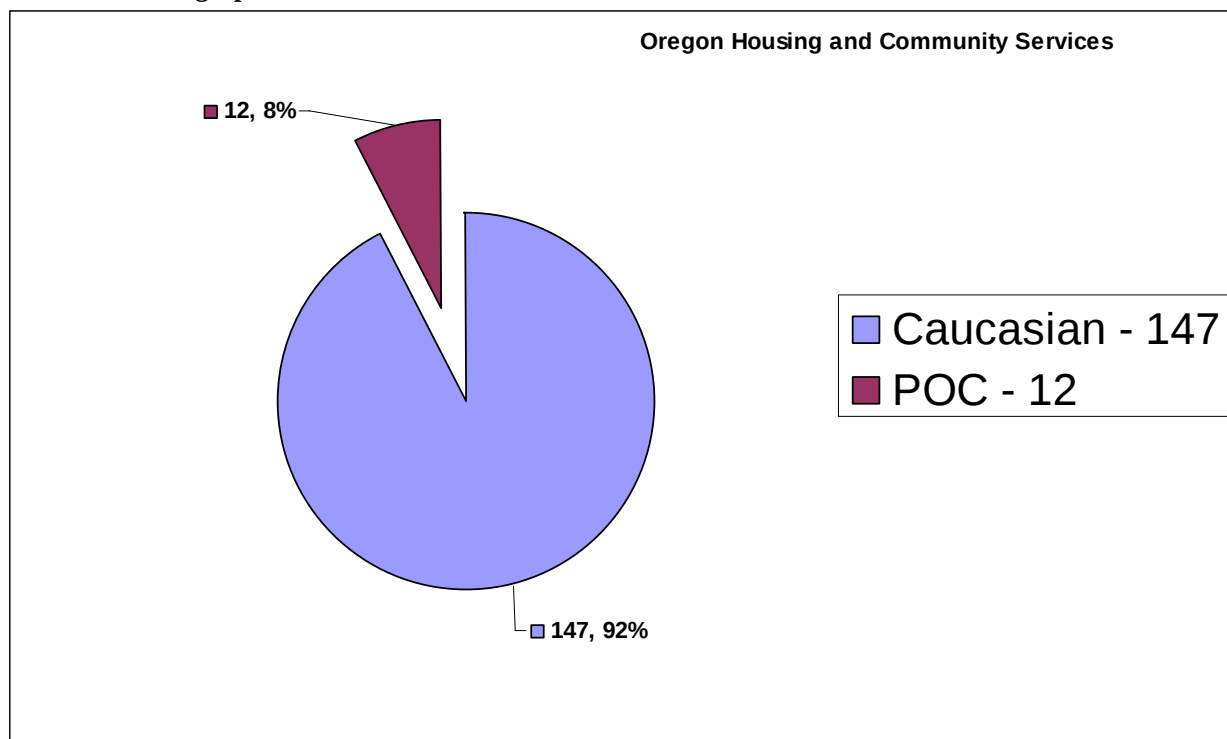


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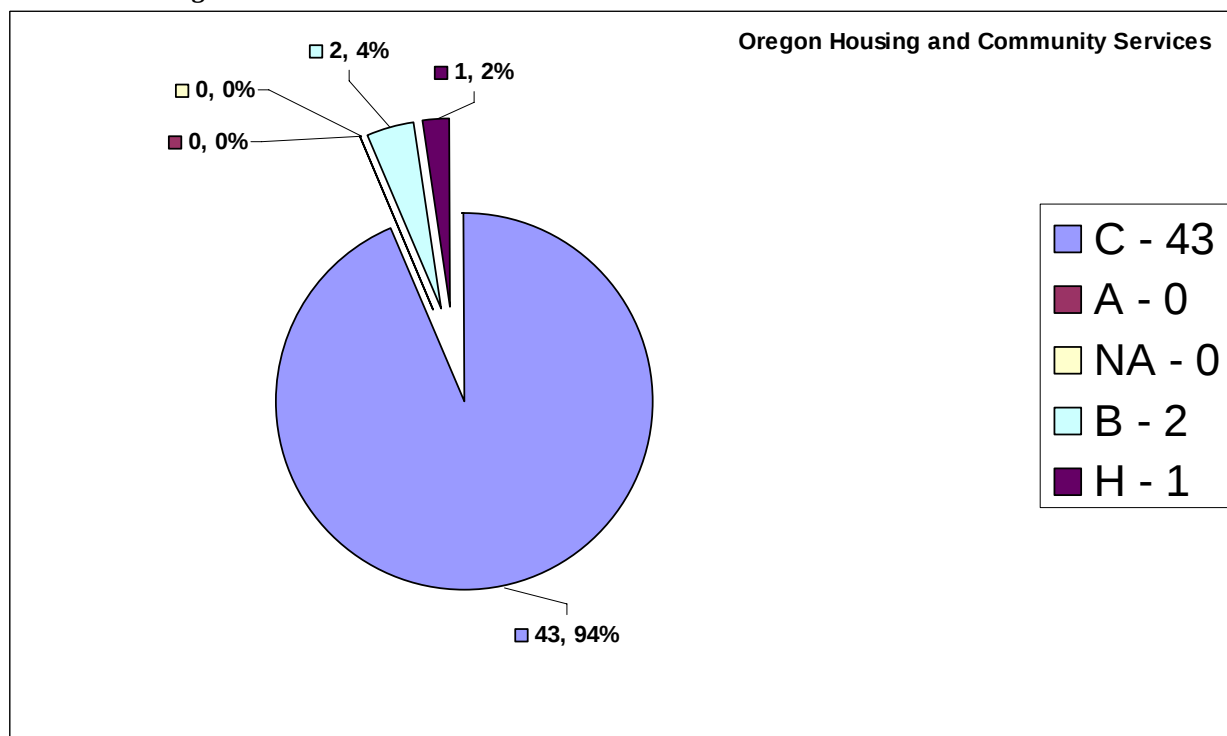


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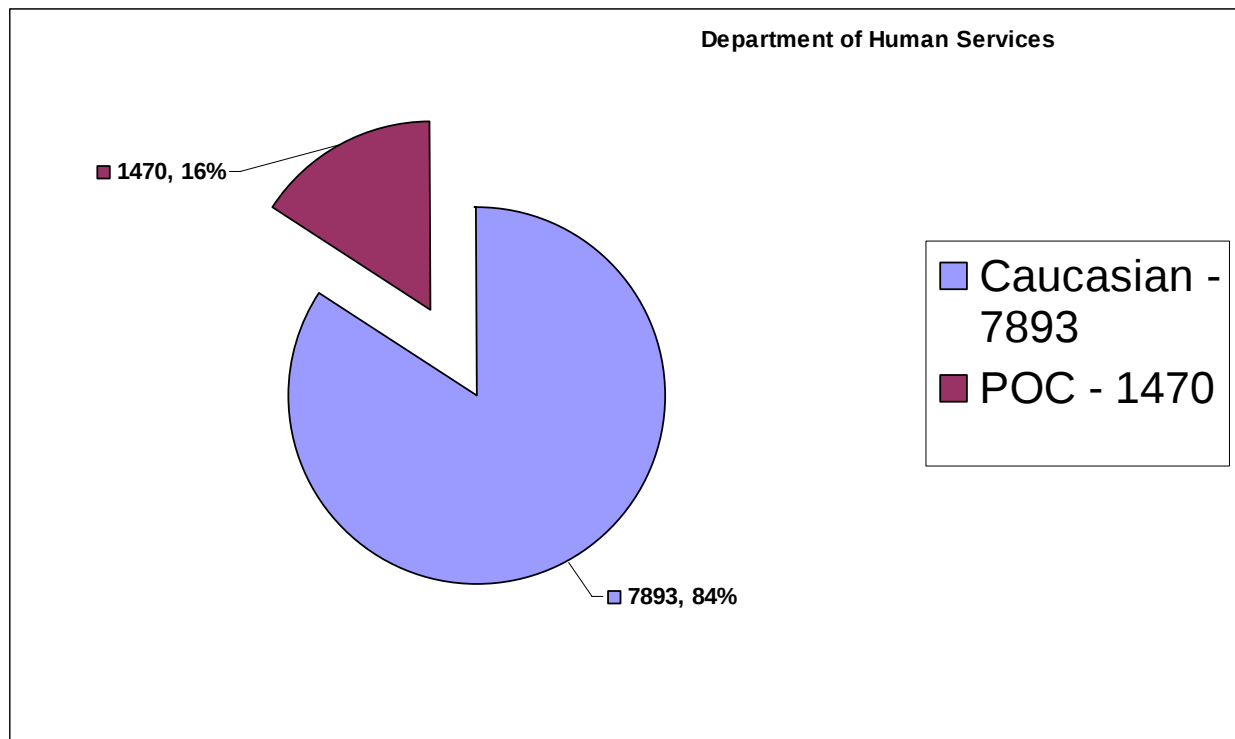


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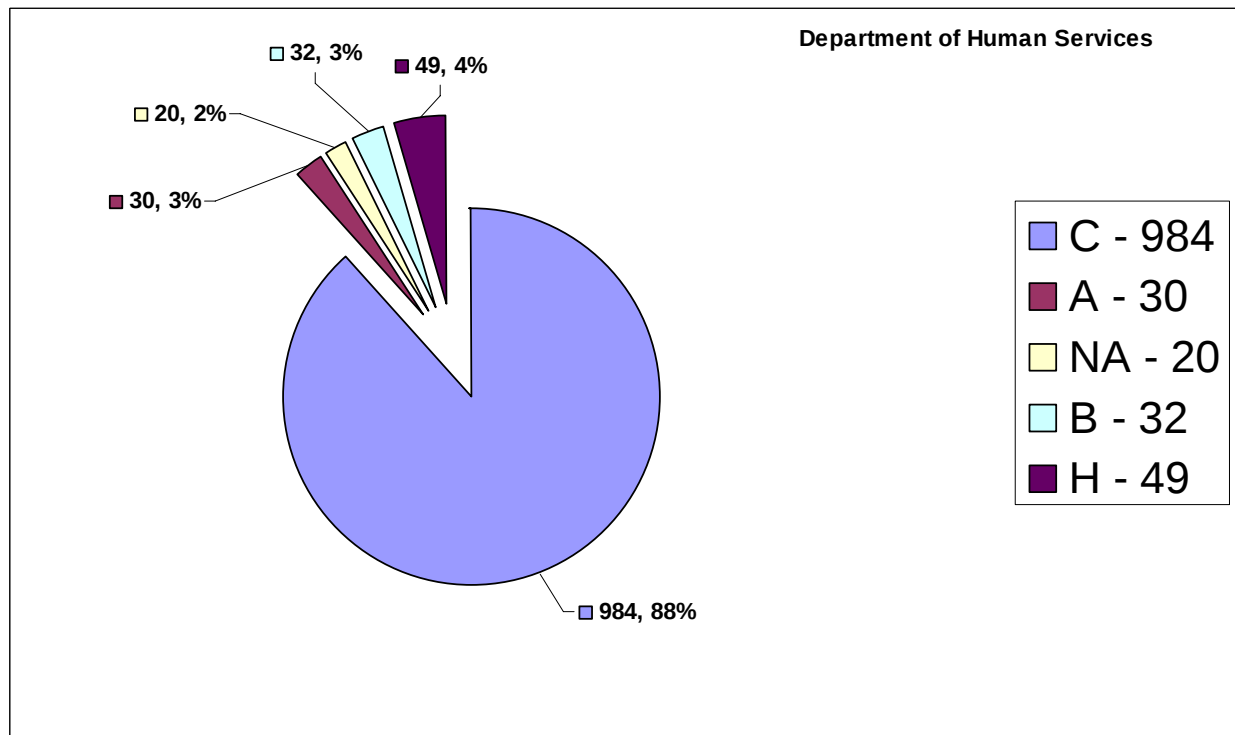


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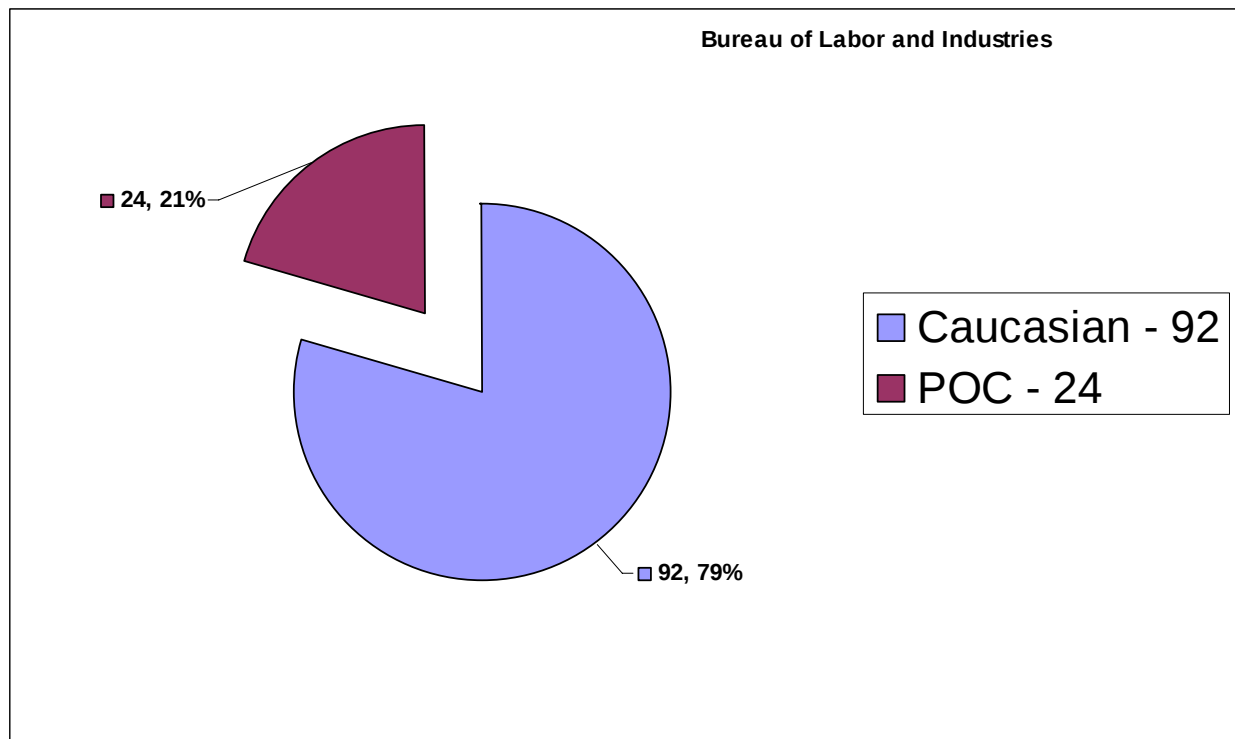


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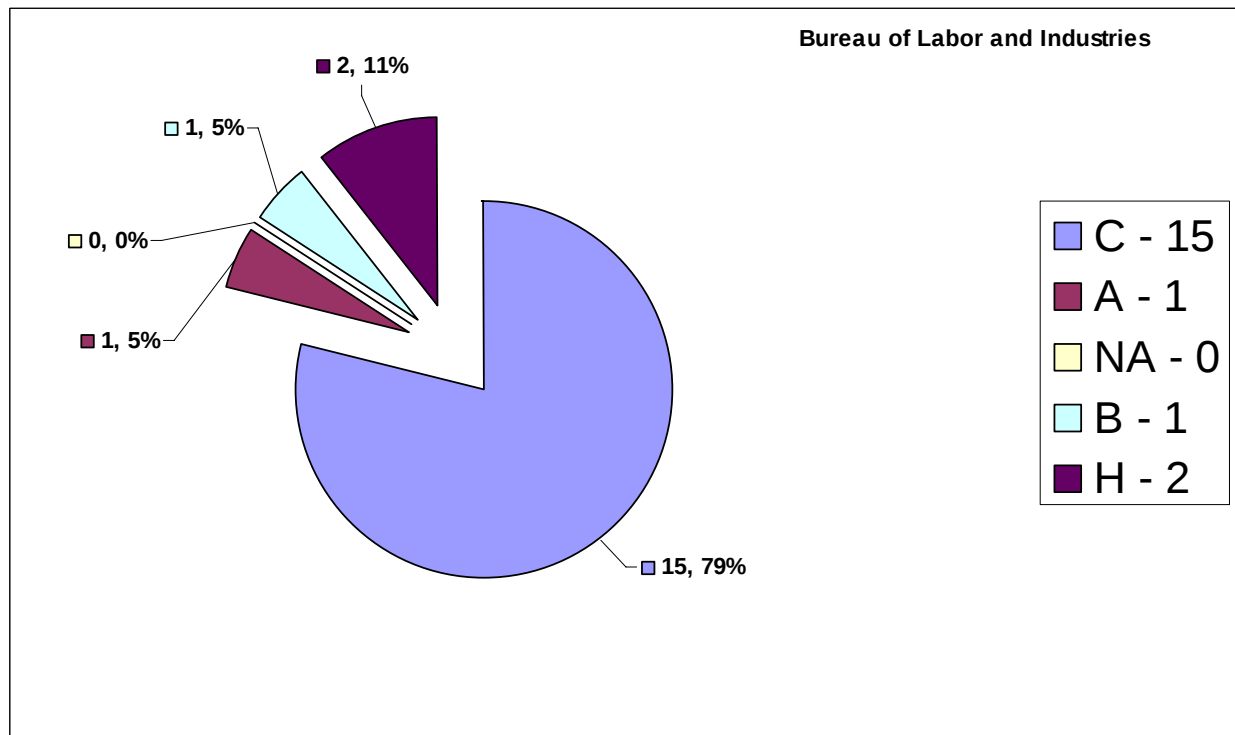


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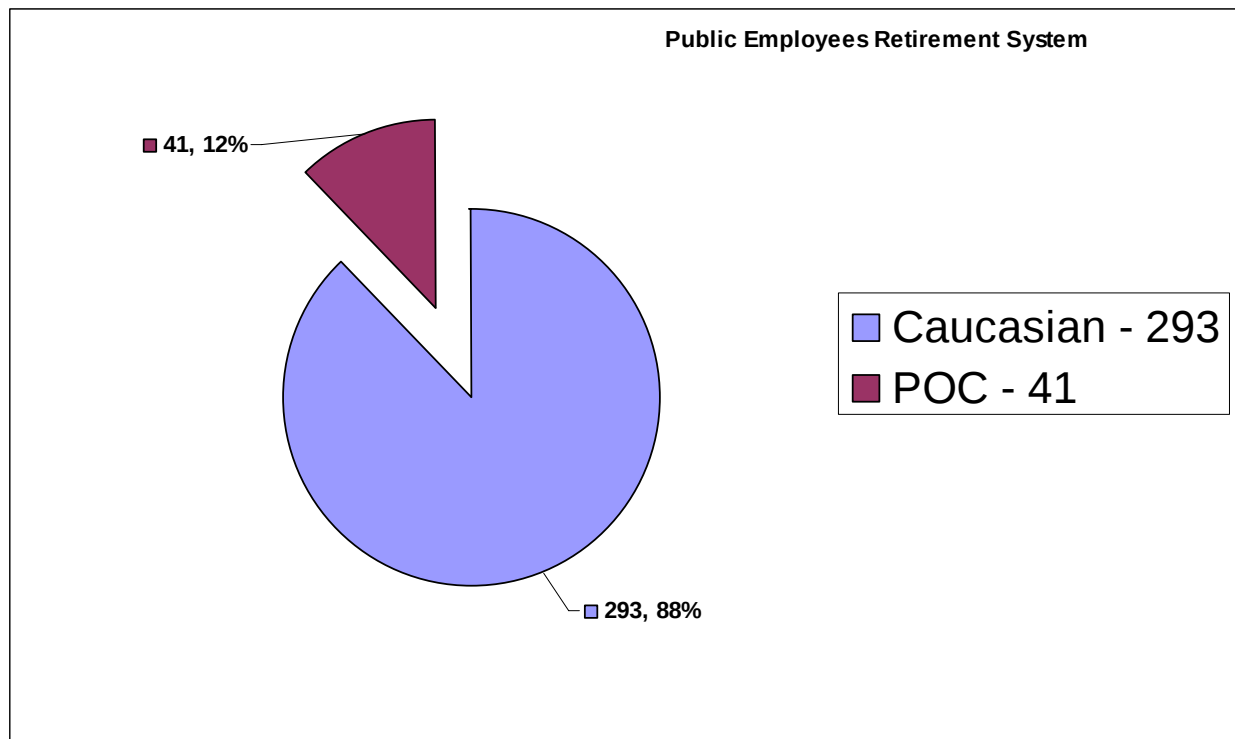


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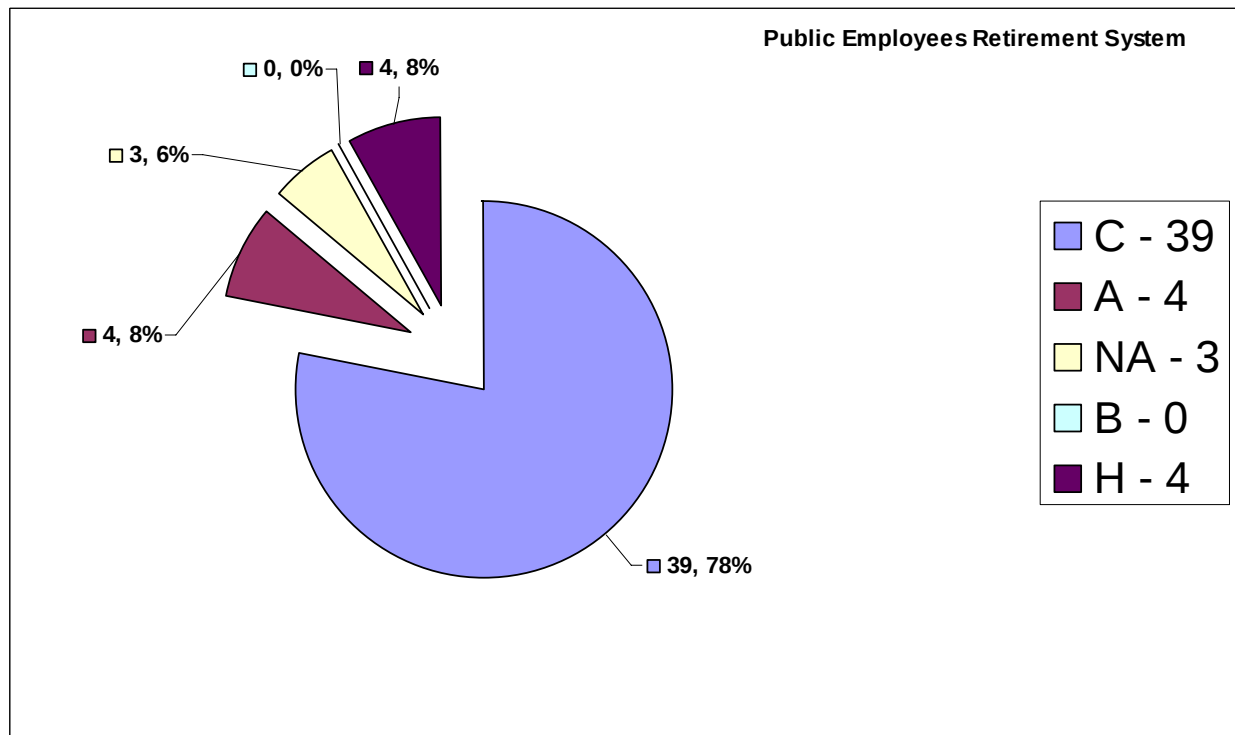


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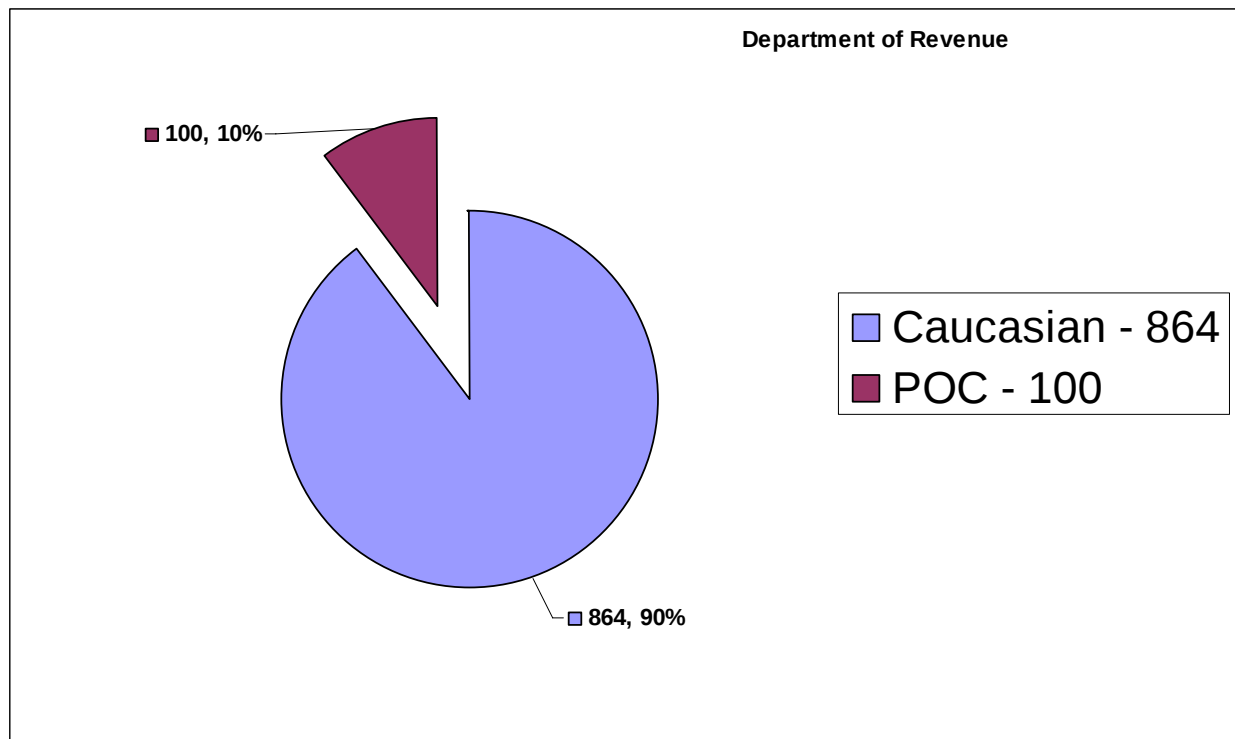


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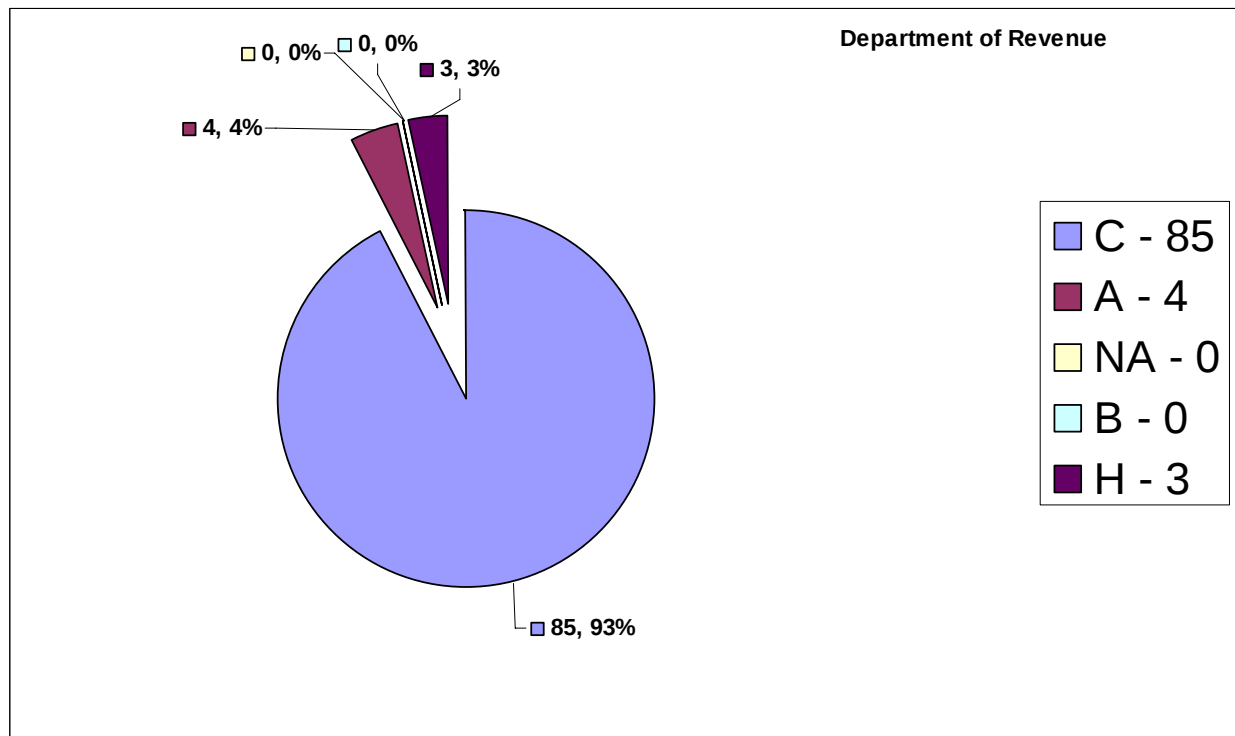


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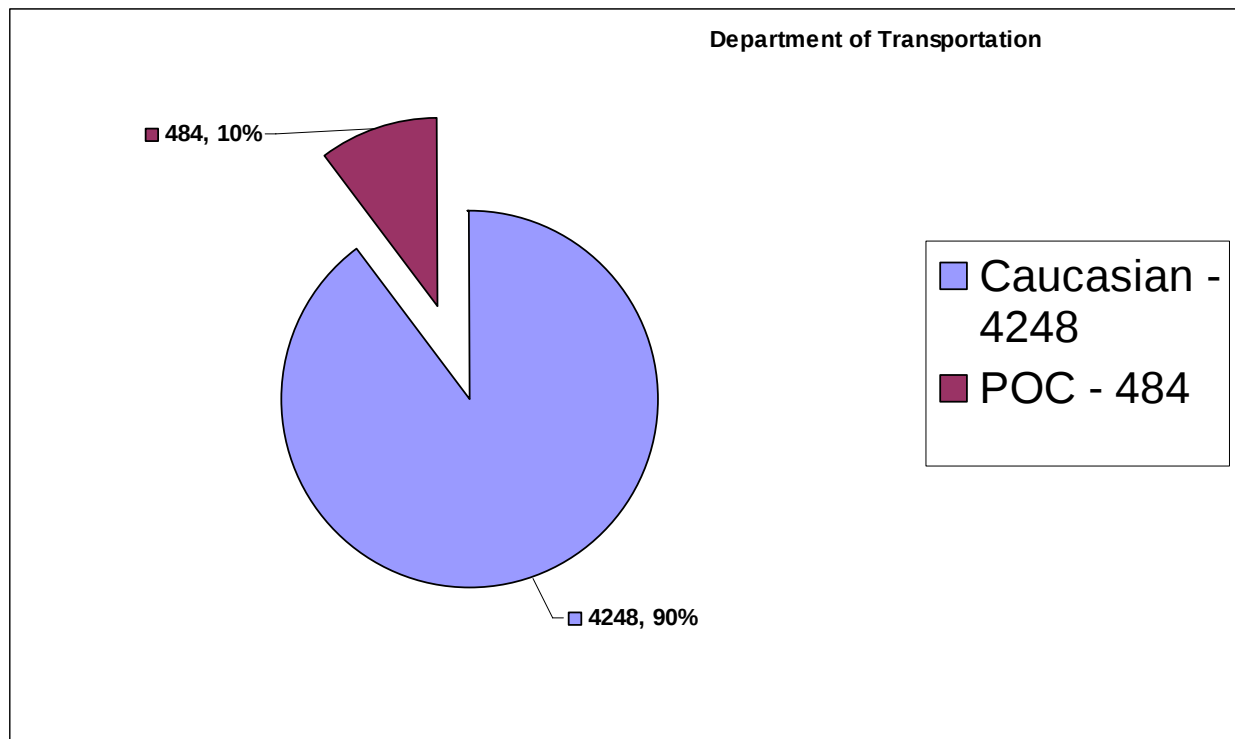


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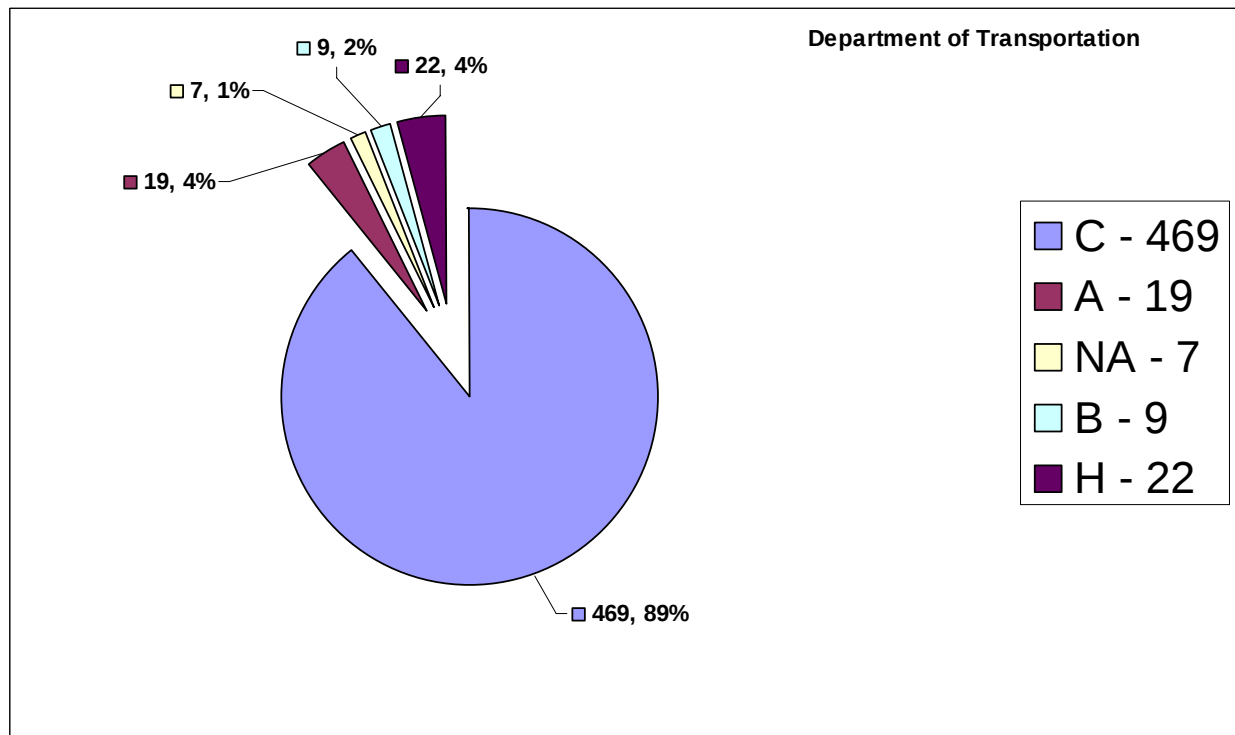


Chart 42 – Demographics

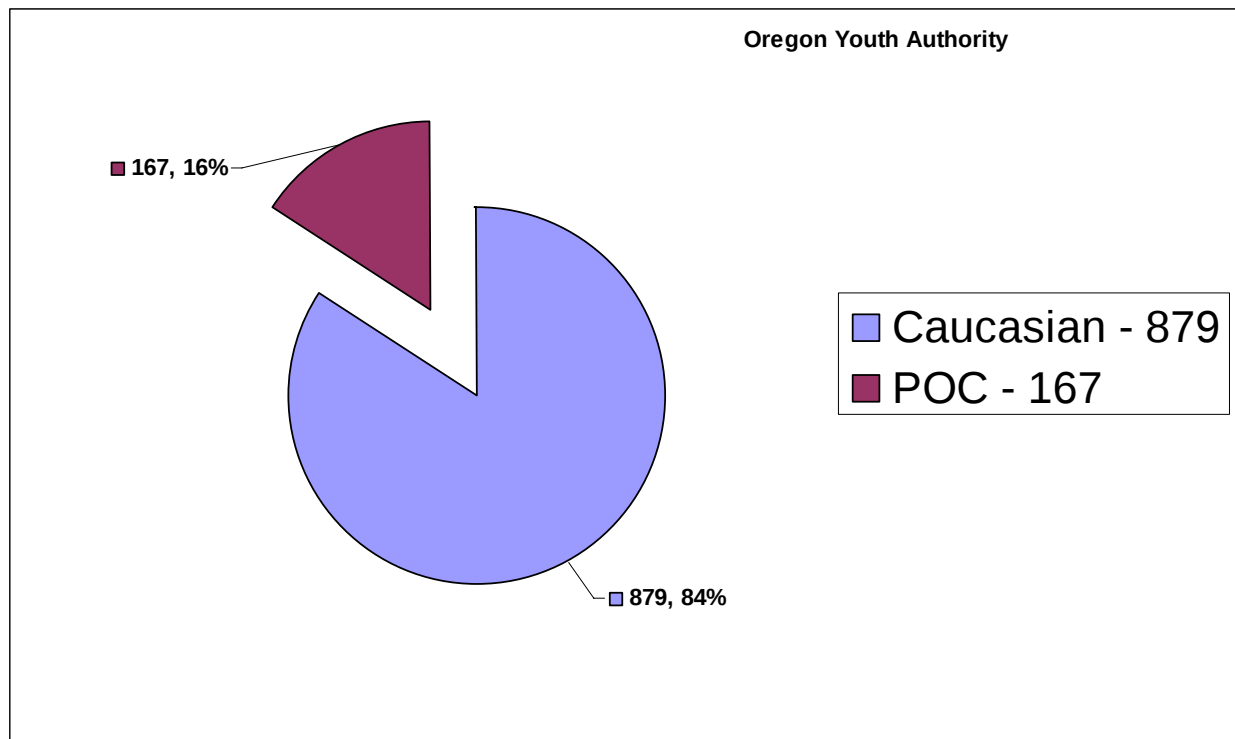
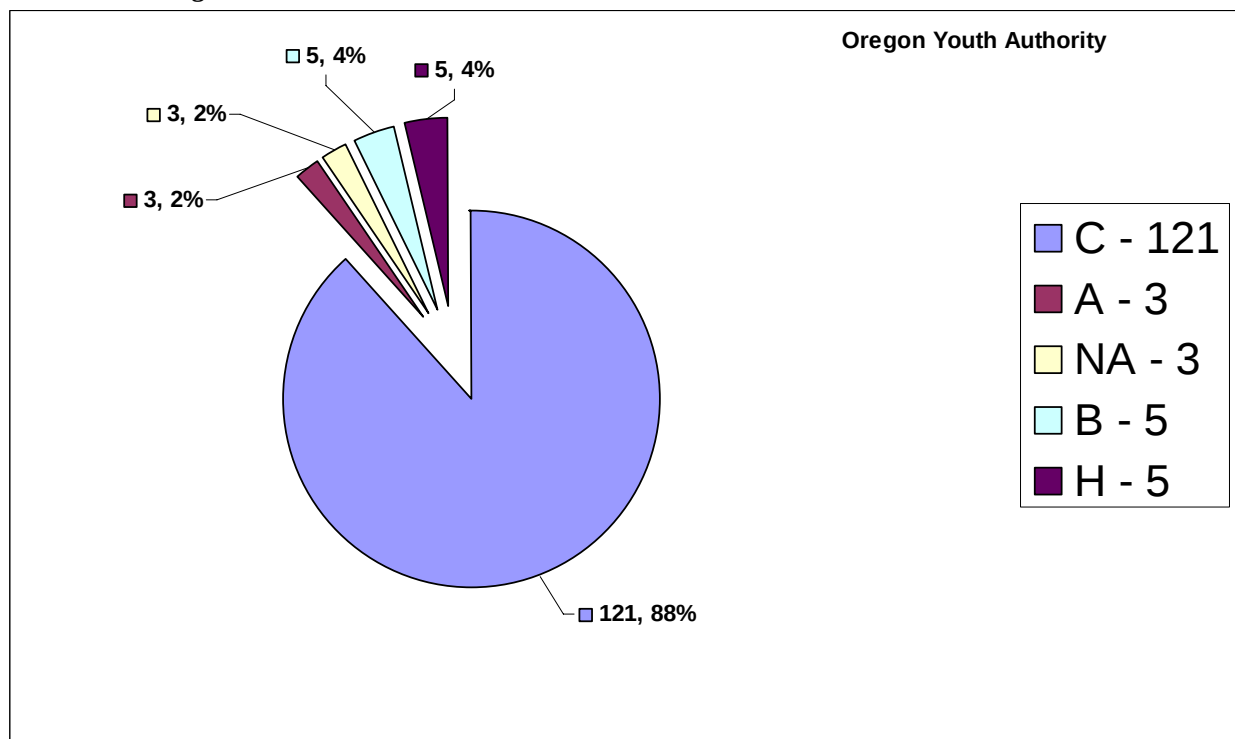


Chart 43 - Management or Above



XII. Glossary

Accessibility: the ability of a person with a disability to approach, enter, and use an employer's facilities easily, particularly such areas as its personnel office, work site, programs, services, benefits, privileges, employment, and public areas.

Adverse Impact: a substantially different rate of selection in hiring promotion, transfer, training, or other employment decisions, which works to the disadvantage of members of a particular group.

Affirmative Action: procedures by which racial/ethnic minorities, women, persons in the protected age category, persons with disabilities, Vietnam era veterans, and disabled veterans are provided with increased employment opportunities. This will also include programs for monitoring progress and problem identification. It shall not mean any sort of quota system.

Affirmative Action Plan: a written document including goals and objectives which delineates the steps an agency will take to provide equal opportunity within its workforce.

Affirmative Action Program: a specific results-oriented program, in an affirmative action plan, designed to provide equal opportunity within the workforce.

Agency: a state agency, department, commission, or board.

American Indian or Alaskan Native: a person with origins in any of the original peoples of North America through tribal affiliation or community recognition.

Applicant Flow Data: a statistical compilation of employment applicants showing the specific numbers of each racial, ethnic, and sex group who applied for each job class (or group of job classes requiring similar qualifications) during a specified time period.

Applicant Pool: total of those persons who have applied for or have been considered for a particular position.

Appointing Authority: a board, commission, officer, commissioner, person or group of persons having the power to make appointments by virtue of a statute or by lawfully delegated authority.

Asian or Pacific Islanders: a person with origins in any of the original peoples of the Far East, Southeast Asia, Hawaiian Native, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, the Philippine Republic, and Samoa.

Availability Analysis: the collection, review, and analysis of data reflecting the percentage of protected group members available for employment in the labor market.

Availability Base: the percentage of protected group members who have or who are capable of attaining the requisite skills for entry into a specific job group in a designated recruitment.

Bona Fide Occupational Qualification (BFOQ): a qualification required for performance of a job that limits the opportunity of persons of a particular sex, religion, or national origin to apply for consideration.

Black/African American (not of Hispanic Origin): a person with origins in any of the black racial groups of Africa who is also not of Hispanic origin.

Caucasian (includes European American and Arab American): a person with origins of the original peoples of Europe, North Africa, or the Middle East who is not of Hispanic origin.

Compliance: Conformity with the requirements set forth in the State of Oregon's Affirmative Action Plan Guidelines, and other State and Federal laws and regulations.

Designee: an individual at the executive level, reporting directly to the agency head, to whom are designated affirmative action duties.

Disabled Veteran: a person entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 percent or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

Division: a division is defined for the purposes of the Affirmative Action Plan Guidelines as any facility, region, district, or section appropriate to a given agency structure and/or workforce depiction.

Employee: any person holding a position in state service subject to appointment by an appointing authority.

Equal Employment Opportunity: the opportunity to obtain employment, promotions and other benefits of employment without discrimination because of race, color, religion, sex, marital status, national origin, age, physical, sensory or mental disability, or status as a disabled Vietnam era veteran.

Goal: a target express as both a number and percentage for placing protected group members in a job group for which underutilization exists.

Hispanic: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin regardless of race. Only those persons from Central and South America countries who are of Spanish origin, descent, or culture should be included in this category. Persons from Brazil, Guyana, Surinam, or Trinidad, for example, would be classified according to their race and would not necessarily be included in the Hispanic category. In addition, the category does not include persons from Portugal who should be classified according to race.

Job Categories: the eight categories designated by the Equal Employment Opportunity Commission for Affirmative Action reporting to federal agencies: Officials and Administrators, Professionals, Technicians, Protective Service Workers, Paraprofessional, Office and Clerical, Skilled Craft, and Service and Maintenance.

Job Class: any position or position class in state service.

Job Group: one or more job classes having similar job duties, salary range, career ladders, and recruitment area and having enough incumbents to allow for a useful utilization analysis (50 or more).

Job Group Analysis: the assessment of data on the percentage of protected group members within a job group to determine if underutilization exists.

Labor Market or Labor Market Area: a geographical area from which an agency may reasonably expect to recruit employees.

Long Term Timetable: a period of time greater than two years, but not exceeding six years.

Minorities/Persons of Color: all persons classified Black/African American (not Hispanic origin), Hispanic, Asian, Pacific Islander, American Indian, or Alaskan Native.

Parity: a condition where percentage of the representation of a protected group in the workforce, occupational category, job group or class equals the percentage of such persons in the availability base.

Persons with Disability: persons with physical, mental or sensory impairments that would normally impede an individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully correctable by medical replacements, therapy or surgical means.

Policy Statement: a written statement, signed by the agency head, declaring and affirming the agency's commitment to equal opportunity and affirmative action.

Problem Area Analysis: an examination designed to determine deficiencies that must be addressed before full participation of protected group members in the workforce can be assured.

Protected Class: refers to group(s) with respect to race, creed, color, national origin, sex, age, marital status, veteran status, or the presence of any sensory or physical disability.

Short Term Timetables: a period of two years or less.

Timetable: a period of time in which a goal is to be achieved.

Underutilization: a condition where the percentage of representation of a protected group in the workforce, occupational category, job group or job classes is less than the percentage of such persons in the availability base.

Upward Mobility: the opportunity to advance to a higher job class.

Utilization Analysis: protected group availability compared to current workforce for the purpose of determining representation of protected groups.

Vietnam Era Veteran: a person who served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975 and was discharged or released there from with other than a dishonorable discharge; or who was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964, and May 7 1975; and who was so discharged or released within 48 months preceding an alleged violation of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, the affirmative action clause, or the regulations issued pursuant to the Act.

Workforce Analysis: a comprehensive inventory of all permanent full time employees at a point in time by race/sex, job classes and occupational category.

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