

OKLAHOMA DEPARTMENT OF TRANSPORTATION

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PLAN FY 2012



The Oklahoma Department of Transportation ensures that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or political affiliation, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients and contractors.

TABLE OF CONTENTS

FY 2011 AFFIRMATIVE ACTION PLAN

Equal Employment Policy Statement	
Sexual Harassment Policy Statement	
Compliance with ADA Statement	
Responsibility for AA/EEO Implementation	1
Agency Organization Chart	3
Dissemination of Affirmative Action Plan	4
Affirmative Action for Disabled and Older Persons	5
Training and Recruitment	6
Evaluation of Preceding Year's AA/EEO Efforts	7
Identification and Analysis of Problem Areas – Corrective Action	9
Job Group Analysis	
Availability Analysis	
Utilization Analysis	
Present Staffing Report	
Personnel Transactions Report	
Three-Year Evaluation of Previous EEO Efforts	
Appendix	

OKLAHOMA DEPARTMENT OF TRANSPORTATION AFFIRMATIVE ACTION POLICY STATEMENTS



Equal Employment Policy Statement

Sexual Harassment Policy Statement



Compliance with ADA Statement





STATE OF OKLAHOMA
OFFICE OF PERSONNEL MANAGEMENT
DIVISION OF THE OFFICE OF STATE FINANCE

February 3, 2012

Gary Ridley
Director and Cabinet Secretary of Transportation
Oklahoma Department of Transportation
200 Northeast 21st Street
Oklahoma City, OK 73105-3204

Dear Secretary Ridley:

Based on the review and recommendation of the OPM/OSF Office of Equal Opportunity and Workforce Diversity (EOWD) and the Affirmative Action Review Council, I have approved your agency's FY-2012 Affirmative Action Plan. This action is taken in accordance with the provisions of Title 74 O.S., Section 840-2.1 and Merit Rule 530:10-3-36.

I commend you and your staff on the development of your FY-2012 Affirmative Action Plan. I also wish you success in accomplishing your equal employment opportunity and affirmative action goals and objectives. Please let me know if I may be of further assistance.

Sincerely,


Lucinda Meltabarger, Administrator
Office of Personnel Management/Division of OSF

cc: Gregory Pringle
John White



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N. E. 21st Street
Oklahoma City, OK 73105-3204

To: All ODOT Staff

From: Gary Ridley, Director

Date: January 3, 2012

Re: Policy on Equal Employment Opportunity and Affirmative Action

Consistent with federal and state laws and guidelines established for affirmative action and equal employment opportunity, I would like to reaffirm this Agency's continuing policy to provide equal employment and advancement opportunity in all job classifications in this Agency without regard to:

Race, religion, gender, national origin, age, genetics, political affiliation, veteran's status, and disability, as long as the disability does not render the person unable to perform the essential duties of the position for which employed.

The principles of equal employment opportunity apply throughout the Agency to all employment practices and personnel actions:

recruiting, hiring, promotions, demotions, separations, transfers, layoff (RIF), recall, compensation, benefits and all other terms and conditions of employment. Our annual affirmative action plan helps us achieve our goal of equal opportunity employment for all.

Gregory Pringle, Civil Rights Division Manager, located in the ODOT Central Office, telephone number 405-521-4139, and e-mail address gpringle@odot.org has been delegated the responsibility of implementing the affirmative action plan, monitoring and evaluating progress and reporting the results to me.

We are fully committed to implementation of this policy. We expect all employees to perform in a manner that will demonstrate this Agency's firm commitment to this most important area. I accept overall responsibility for equal employment opportunity and affirmative action within this agency.



Gary Ridley, Director
Oklahoma Department of Transportation

1-12-12

Date

"The mission of the Oklahoma Department of Transportation is to provide a safe, economical, and effective transportation network for the people, commerce and communities of Oklahoma."

AN EQUAL OPPORTUNITY EMPLOYER



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200 N. E. 21st Street

Oklahoma City, OK 73105-3204

To: All ODOT Staff

From: Gary Ridley, Director

Date: January 3, 2012

Re: Prohibition and Prevention of Harassment

Sexual harassment is a form of sex discrimination which violates Title VII Section 703 of the Civil Rights Act of 1964. Additionally, sexual harassment violates Merit Rule 530:10-3-3 and ODOT Policy Directive B-306-3.

The Oklahoma Department of Transportation (ODOT) is committed to maintaining a work environment that is free of discrimination. **This Agency will have no tolerance of harassment by anyone, including any supervisor, co-worker, customer of ODOT or contractor.**

In addition, the agency will not allow employees, customers, contractors or other persons who interact with ODOT to discriminate on the grounds of **race, color, national origin, sex, age or disability.**

ODOT policy and practice forbids discrimination and harassment during or associated with the business of ODOT which is based on race, religion, national origin, sex, age or disability.

Harassment consists of unwelcome conduct, whether verbal, physical or visual, which is based upon a person's protected status, such as race, color, sex (with or without sexual conduct), religion, national origin, age and/or disability.

ODOT will not tolerate any harassing conduct that affects tangible job benefits, unreasonably interferes with an individual's work performance or that creates an intimidating, hostile or offensive working environment.

Sexual harassment elicits special attention. Repeated unwelcome sexual advances, request for sexual favors and physical, verbal or visual conduct based on sex, constitutes sexual harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment;
2. Submission to or rejection of the conduct is used as the basis for an employment decision;

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3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include explicit sexual propositions, sexual innuendos, suggestive comments, sexual oriented "kidding around", horseplay, practical jokes about gender specific traits, display of sexually based gestures or language, displays of foul or obscene printed or visual material and physical contact, such as patting, pinching or brushing against one's body.

All ODOT employees are responsible for helping to insure that harassment of any kind is avoided.

If you feel that you may have experienced or witnessed harassment, immediately inform the appropriate division engineer, division manager or appropriate manager or supervisor. You may also notify Gregory Pringle, Civil Rights Division Manager, at 405-521-4139.

If the supervisor is alleged to be involved in the harassment, the employee who believes he or she is being subjected to harassment may bypass a supervisor in the complaint reporting process.

Any supervisory employee, employee with authority for personnel matters or any other agent or officer of ODOT who knows or who should have known that any employee of the Agency is being subjected to sexual harassment must take immediate corrective action. **Any supervisor or responsible employee who fails to take corrective action is subject to disciplinary action up to and including termination of employment.**

ODOT forbids retaliation against anyone who has reported harassment. ODOT will take the appropriate disciplinary action against any employee, supervisor and/or manager for attempts at coercion and intimidation of or reprisal and retaliation against anyone who participates in an ODOT Civil Rights investigation or anyone who obstructs a Civil Rights investigation by giving false or misleading statements.

The policy of the Oklahoma Department of Transportation is to investigate all such complaints thoroughly and promptly. To the fullest extent possible, ODOT will keep complaints and the terms of their resolution confidential.

Appropriate disciplinary action up to and including termination will be taken if harassment is confirmed by an investigation.

An employee desiring to carry a complaint beyond the scope of administrative remedies available at the Oklahoma Department of Transportation may contact the agencies listed below. These agencies are authorized to investigate complaints, conduct hearings and set penalties for violations in order to assure there is no discrimination on

the basis of race, religion, gender, national origin, age, political affiliation, veteran's status or disability.

Additionally, it is unlawful to retaliate against any individual for opposing employment practices which discriminate based on sex or for filing a discrimination charge, testifying or participating in an investigation, proceeding or litigation under Title VII.

Oklahoma Merit Protection Commission

3545 NW 58th, Suite 360

Oklahoma City, OK 73112

Phone: 405-525-9144

Fax: 405-528-6245

E-mail: mpcinfo@mpc.ok.gov

Oklahoma Human Rights Commission

Jim Thorpe Building, Room 480

2101 N. Lincoln Boulevard

Oklahoma City, OK 73105

Phone: 405-521-2360 or 405-521-3441 or 888-456-2558

Fax: 405-522-3635

Tulsa: 918-581-2733

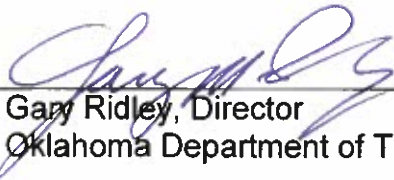
Tulsa: 888-456-2006

U.S. Equal Employment Opportunity Commission

215 Dean A. McGee Ave., Suite 524

Oklahoma City, OK 73102

405-231-4911 or 800-669-4000



Gary Ridley, Director
Oklahoma Department of Transportation



Date



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N. E. 21st Street

Oklahoma City, OK 73105-3204

To: All ODOT Offices

From: Gary Ridley, Director

Date: January 3, 2012

Re: Oklahoma Department of Transportation Compliance with the Americans with Disabilities Act of 1990 (ADA), as amended

This memorandum is to be posted on all office bulletin boards. Administrators and managers are instructed to encourage all employees to read this memorandum.

Title II of the Americans with Disabilities Act of 1990 became effective for all state and local government entities on January 16, 1992. On January 1, 1995, the Oklahoma Department of Transportation implemented a Department Policy on the Americans with Disabilities Act of 1990, as amended.

Each office and facility has been issued a copy of the Oklahoma Department of Transportation Policy A-401-3 which contains the provisions for implementation of the Department's ADA Program. This policy outlines the purpose and scope of the ADA, definitions and examples of reasonable accommodation, request for accommodation by staff and clients and the complaint and appeal procedures.

Staff members with questions regarding the ADA and reasonable accommodation may refer to their immediate supervisor, the division ADA Coordinator or the Oklahoma Department of Transportation ADA Coordinator. The ODOT ADA Coordinator is:

Trinia Mullins, Civil Rights Division
405-521-4140

The responsibilities of the Oklahoma Department of Transportation ADA Coordinator are outlined in ODOT Policy A-401-3. Information regarding the provisions of the ADA and the rights provided by the ADA is available from the Civil Rights Division at the Oklahoma Department of Transportation.

Under the Americans with Disabilities Act, when viewed in their entirety, all programs and services must be accessible to persons with disabilities. Department staff, clients, contractors, and other interested individuals are encouraged to comment regarding their perception of accessibility of the Oklahoma Department of Transportation programs and services.

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Comments and suggestions may be submitted to division ADA Coordinators or to the Oklahoma Department of Transportation ADA Coordinator.

The Oklahoma Department of Transportation is committed to compliance with all ADA provisions. The Department does not discriminate in access to services, programs or employment. Complaints of discrimination based on disability fall under the jurisdiction of the Civil Rights Division at the Oklahoma Department of Transportation.

However, any employee or individual desiring to seek further resolution of a complaint beyond the administrative remedy of the Oklahoma Department of Transportation may do so by contacting either the Oklahoma Human Rights Commission or the U.S. Equal Employment Opportunity Commission as listed below. The time limit for filing a complaint with the Oklahoma Human Rights Commission is 180 days. The time limit for filing a complaint with the U.S. Equal Employment Opportunity Commission is 300 days. Each of these agencies is authorized to investigate, conduct hearings and set penalties for violations to assure that there is no discrimination on the basis of race, color, national origin, religion, sex, age or disability.

Oklahoma Human Rights Commission
Jim Thorpe Building, Room 480
2010 N. Lincoln Blvd.
Oklahoma City, OK 73105
405-521-2360 or 405-521-3441
888-456-2558
Fax 405-522-3635
Tulsa 918-581-2733
Tulsa 888-456-2006

U.S. Equal Employment Opportunity Commission
215 Dean A. McGee Ave., Suite 524
Oklahoma City, OK 73102
405-231-4911 or 800-669-4000
Fax 405-231-4125



Gary Ridley, Director
Oklahoma Department of Transportation



OKLAHOMA DEPARTMENT OF TRANSPORTATION

200 N. E. 21st Street

Oklahoma City, OK 73105-3204

To: All ODOT Staff
From: Gary Ridley, Director
Date: January 3, 2012
Re: Delegation of Authority for Office of Civil Rights Division Director

Notice is hereby given that I have delegated to the Administrator of the Office of Civil Rights Director responsibility for administration and implementation of the Equal Employment Opportunity Program, including the total integration of equal opportunity into all facets of the Oklahoma Department of Transportation, consistent with Code of Federal Regulations (CFR) 23, Subpart 200. Such authority includes, but is not limited to, the following:

- Overall administration of Internal and External Civil Rights Programs;
- Develop a budget sufficient to carry out duties and responsibilities of the Division;
- Develop policies and procedures that enhance equal opportunity and affirmative action that will ensure fair and equitable treatment;
- Acts as Liaison to the Director for governmental concerns and public policy related to EEO Program matters;
- Counsels employees, managers and administrators on equal opportunity matters.

It is hereby directed that the Administrator of the Office of Civil Rights Division is empowered to direct and execute the responsibilities of the Office of Civil Rights Division. This Delegation of Authority is effective with the effective date of the Code of Federal Regulations (CFR) 23, Subpart 200 and shall continue in effect until a rescission order has been issued.

Nothing in the above is intended or shall be interpreted to prohibit the Director of the Oklahoma Department of Transportation from executing any action necessary to further Equal Employment Opportunity Programs.

Done and ordered this 11th day of January, 2012.



Gary Ridley, Director
Oklahoma Department of Transportation

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RESPONSIBILITY FOR AFFIRMATIVE ACTION EQUAL EMPLOYMENT OPPORTUNITY IMPLEMENTATION



RESPONSIBILITY FOR AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY IMPLEMENTATION

Responsibilities of the Appointing Authority

The Director of the Oklahoma Department of Transportation, Mr. Gary Ridley, is the chief administrative officer, policy establisher and principal appointing authority for the Oklahoma Department of Transportation and exercises overall responsibility for equal employment opportunity and affirmative action within the Department of Transportation. Director Ridley has delegated Mr. Gregory Pringle, Division Manager of the Office of Civil Rights Division, as the Affirmative Action and Equal Employment Opportunity Officer for the Department.

This administrative position has the initial and overall responsibility for all programs and activities of the Department including the Equal Employment Opportunity and Affirmative Action Program. The Director shall establish such policies and guidelines as necessary to effectively implement the EEO Program and Affirmative Action Plan, direct the dissemination of such policies and guidelines, and convey support of these to all persons within and outside the Oklahoma Department of Transportation.

Mr. Pringle reports directly to the appointing authority regarding all matters related to the Equal Employment Opportunity Program and Affirmative Action plan. (See: Organization Chart on page 3) Mr. Pringle has overall responsibility for the planning, development, administration, coordination, implementation, monitoring, record keeping and evaluation of the Oklahoma Department of Transportation Equal Opportunity and Affirmative Action Plan.

Responsibilities of the EEO/AA Officer

1. Developing affirmative action programs, plans, policy statements and internal and external communications;
2. Assisting in the identification of problem areas, setting goals and timelines, and developing programs to achieve these goals;
3. Designing and implementing internal audit and reporting systems to:
 - a. Measure the effectiveness of the agency's program;
 - b. Indicate remedial action needed to correct deficiencies;
 - c. Determine the degree to which the agency's goals and objectives have been attained;
4. Serving as liaison between the agency and the various state, federal, and local governments, regulatory agencies, minority, disability and female organizations;
5. Serving as the agency's outreach and referral resource for minority organizations, women's organizations, organizations for disabled and older persons and community action groups concerned with employment opportunities for minorities, women, disabled and older persons;
6. Investigating cases and drafting recommendations for resolution of discrimination complaints;

7. Keeping the agency's various organizational levels informed of legal updates, developments in the EEO and Affirmative Action areas and reporting quarterly to the Director progress of achieving the agency's goals;
8. Inspecting the agency's various worksites to ensure that EEO information is being disseminated and prominently displayed when appropriate;
9. Monitoring the agency's personnel practices to ensure no discriminatory practices exist. Concur in hires and promotions.

Responsibilities of Line Managers/Supervisors

1. Assisting in the identification of problem areas and establishment of unit goals and objectives;
2. Monitoring training programs and hiring and promotion patterns to eliminate impediments to goal attainment;
3. Conducting career counseling with employees with special attention given to minorities, women and older workers to ensure they have full access to opportunities for career progression (i.e. transfers, promotions, training, etc.);
4. Active involvement with organizations that work with or on the behalf of minorities, women, disabled and older persons as well as community-based agencies and leaders;
5. Scheduling regular meetings and training sessions with supervisory staff and/or employees to keep them abreast of policy changes and program objectives and that policies are being followed;
6. Regular communication with staff to emphasize the agency's EEO policies, including the policy against sexual harassment of employees.
7. Actively participate in audits of all aspects of employment in order to remove unnecessary barriers that obstruct the achievement of goals and objectives;
8. Participating in the EEO/AA reviews or audits and/or investigation of complaints alleging discrimination;
9. Conducting and supporting career counseling for all employees;
10. Ensuring that all personnel transactions and compensation are based on an equal and objective analysis of employee qualifications.

Responsibilities of Employees

1. Apply all laws, rules, regulations, policies and procedures fairly and impartially toward all persons without regard to race, color, creed, sex, age, national origin, disability, religion or political opinion or affiliation;
2. Exhibit an attitude of respect, courtesy and cooperation toward fellow employees and the public;
3. Aid supervisors and managers in carrying out their responsibilities with regard to the EEO/AA program;
4. Be familiar with the affirmative action plan and make good faith efforts to complete their assigned responsibilities as identified in the plan.

OKLAHOMA DEPARTMENT OF TRANSPORTATION ORGANIZATION CHART



DISSEMINATION OF AFFIRMATIVE ACTION PLAN



DISSEMINATION OF AFFIRMATIVE ACTION PLAN

Internal Dissemination

1. The plan is considered to be official Agency Policy;
- 2.1. Distribute copies of the Oklahoma Department of Transportation Affirmative Action Plan to each field division and place copies in major office areas located in the central office in Oklahoma City;
- 3.2. Publicize in Access magazine (published quarterly) and other agency publications, annual reports, and make the Affirmative Action Plan available on the Oklahoma Department of Transportation website under the "Civil Rights Information" tab;
- 4.3. Notify each employee of the Oklahoma Department of Transportation Affirmative Action Plan through agency-wide memorandum or similar method;
- 5.4. Discuss the policy and Affirmative Action Program in management and supervisory training programs and periodically discuss the program during Director's meetings with senior staff members;
5. Post the Equal Employment Opportunity Policy Statement on bulletin boards throughout the agency;
6. Make the Affirmative Action Plan available on the intranet.

External Dissemination

1. Inform all recruiting sources of the Oklahoma Department of Transportation's Equal Employment Opportunity Policy and encourage them in the active recruitment and referral of protected group members for all positions;
2. Require contractors conducting business with the Oklahoma Department of Transportation to adopt an Equal Opportunity Policy Statement and include the statement "Equal Opportunity Employer" when placing advertisements in newspapers and other publications;
3. Make copies of the Equal Employment Opportunity Plan available to interested groups and individuals upon request;
4. Post the plan on the Oklahoma Department of Transportation website for public access.

AFFIRMATIVE ACTION FOR DISABLED AND OLDER PERSONS



AFFIRMATIVE ACTION FOR DISABLED PERSONS AND OLDER PERSONS

The Oklahoma Department of Transportation (ODOT) ensures that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of any services, programs, or activities or be discriminated against in any job application procedures, hiring, firing, advancement, compensation, job training and other terms, conditions, and privileges of employment.
(ODOT Policy Directive B-306-7)

ODOT will provide reasonable accommodations for persons with disabilities in accordance with Section 504 of the Rehabilitation Act. This request should be made in conformity with ODOT Policy using the interactive process in order to assist in the performance of essential functions and determine if the request will cause an undue hardship on the agency as a whole. This process includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities.
(ODOT Policy Directive B-306-8)

ODOT ensures compliance with Section 508 of the Rehabilitation Act. This Oklahoma law requires state agencies to make information technologies accessible to individuals with disabilities, unless an undue hardship would be imposed on the agency as a whole, and to allow employee, program participants and members of the general public with disabilities access to and use of information and data that is comparable to the access and use by individuals without disabilities.
(ODOT Policy Directive B-306-9)

TRAINING AND RECRUITMENT



TRAINING AND RECRUITMENT

The Oklahoma Department of Transportation provides training to all staff in a nondiscriminatory manner and is responsible for providing training and employee development activities to all agency employees.

This reporting year, ODOT participated in job fairs and employed college and high school students for summer employment in an effort to direct these students in a career path to the transportation industry. Nine Summer Internship positions from Langston University participated as did 20 high school students in the National Summer Internship Program.

ODOT participated in 9 career fairs as follows:

- Moore Norman Career Fair
- Central Technology Career Fair – Drumright
- OSU Government Employer Career Fair – Stillwater
- OCU Career Fair – Oklahoma City
- OCCC Career Fair – Oklahoma City
- OSU Career Fair – Oklahoma City
- Construction Industry Career Day – OSU Oklahoma City
- ODOT 100 Year Celebration at – Science Museum Oklahoma City
- Federal Executive Board People With Disabilities Career Fair – Langston OKC Campus

ODOT also participated in Advisory Board Meetings at Metro Tech and Canadian Valley Technology Centers. ODOT has provided CADD tours for career technology students from the Canadian Valley Technology Center in Chickasha. ODOT's field Division 5 placed newspaper advertisements in Clinton and Elk City announcing job openings. A brochure was created for public distribution for the Transportation Equipment Operators.

An attempt was made to create an alliance with the only Truck Driving Training Career Tech program in Drumright and Workforce Oklahoma in an effort to fill vacant TEO positions but was met with Field Division disinterest.

EVALUATION OF PRECEDING YEAR'S AA/EEO EFFORTS



EVALUATION OF PRECEDING YEAR'S AA/EEO EFFORTS

During fiscal year 2011, the Oklahoma Department of Transportation hired 206 full-time employees. The Department began this period with 2,387 employees and ended this period with 2,340 employees. The Oklahoma Department of Transportation workforce decreased by 47 employees during the reporting period. The overall goal was to hire 20 minorities and 52 females. The Oklahoma Department of Transportation hired 35 minorities and 22 females. The Department hired 184 males and 22 females.

The Department met 175% of its goal for the hiring of minorities and met 42% of its goal for the hiring of females. Of this number, the minorities hired were: 5 Black, 4 Hispanic, 4 Asian/Pacific Islander and 22 American Indian/Alaska Native. The Department exceeded the goals for American Indian/Alaska Native. The agency met 71% of its goal for Black. The agency met 80% of its goal for Hispanic. The agency met 400% of its goal for Asian/Pacific Islander. The agency met 42% of its goal for Female and met 175% of its goal for Total Minority.

Of the 206 new hires last reporting period, the minorities and females are represented as follows:

Minority	Goal	% of Goal	Total Hired
Black	7	71%	5
Hispanic	5	80%	4
Asian/Pacific Islander	1	400%	4
American Indian/Alaska Native	7	314%	22
Female	52	42%	22
Total Minority	20	175%	35

The makeup of the Oklahoma Department of Transportation workforce is represented as follows for minorities and females:

EEO Group	Male	% Work Force	Female	% Work Force	% Total Work Force
Black	73	3.1%	24	1.00%	4.2%
Hispanic	59	2.5%	9	0.4%	2.9%
Asian/Pacific Islander	23	1.0%	11	0.5%	1.5%
American Indian/Alaska Native	173	7.4%	27	1.2%	8.6%
Female	NA	NA	436	18.6%	18.6%
Male	1,904	81.4%	NA	NA	81.4%
Total Minority	399	14.0%	71	3.0%	17.1%
White	1,576	67.4%	365	15.6%	83.0%

There were 325 promotions within the Oklahoma Department of Transportation in the preceding year. Of these promotions, there were 10 promotions for Black, 7 for Hispanic, 5 for Asian/Pacific Islander, 34 for American Indian/Alaska Native, 41 for Female and 56 for Total Minority.

EEO Group	Promotions	% Total Promotions
Black	10	3.1%
Hispanic	7	2.2%
Asian/Pacific Islander	5	1.5%
American Indian/Alaska Native	34	10.5%
Female	41	12.6%
Male	284	87.4%
Total Minority	56	17.2%
White	269	82.8%

EEO Group	% of ODOT Work Force	% of ODOT Promotions
Black	4.2%	3.1%
Hispanic	2.9%	2.2%
Asian/Pacific Islander	1.5%	1.5%
American Indian/Alaska Native	8.6%	10.5%
Female	18.6%	12.6%
Male	81.4%	87.4%
Total Minority	17.1%	17.2%
White	83.0%	82.8%

Good Faith Efforts at Achieving Last Year's Goals and Timetables

The Oklahoma Department of Transportation hosted 6 summer internship students from Langston University, Oklahoma's only Historically Black College or University (HBCU), in an effort to encourage employment in the transportation industry.

The Department also participated in the Summer Transportation Institute with Langston University. The Summer Transportation Institute involved twenty (20) students from grade levels nine through twelve. This endeavor is shared by the Federal Highway Administration, Federal Motor Carrier Safety Administration, Federal Railroad Administration, Oklahoma Trucking Association and the US Coast Guard. This program exposes and encourages minority and female participants to gain employment in the transportation industry.

The Department of Transportation initiated discussions with the Deputy Director of The Division of Female Offender Operations of the Department of Corrections to explore the possible employment of discharged female offenders to address the persistent underutilization of females in the service maintenance category. Discussions are ongoing this reporting period.

IDENTIFICATION AND ANALYSIS OF PROBLEM AREAS—CORRECTIVE ACTION



IDENTIFICATION AND ANALYSIS OF PROBLEM AREAS – CORRECTIVE ACTION

The Civil Rights Division identified underutilization/problem areas in several EEO categories as listed below and set goals for addressing these areas as follows:

Official/Administrator – This category is underutilized for Black, American Indian, and Female. A goal was set for 3.6% Black, 4.9% American Indian, and 37.6% Female. During the reporting period, one White male was hired or promoted in this EEO category.

Professional – This category is underutilized for American Indian and Female. A hiring goal was set at 5.1% American Indian and 55.6% Female. During this reporting period, 4 White Females, 1 Black Female and 1 Asian/Pacific Islander were hired into this EEO category.

Technician – This category is underutilized for Black and Female. A hiring goal was set for 7.1% Black and 59.7% Female. During this reporting period, 17 White Males, 1 Hispanic Male, 4 American Indian Males, 3 White Females, and 1 Asian/Pacific Islander were hired into this EEO category.

Administrative Support – This category is underutilized for Black. A hiring goal was set for this minority group with a goal of 7.1% Black. During this reporting period, 1 White Male, 9 White Females and 1 American Indian Female were hired into this EEO category.

Skilled Craft Worker – This category is underutilized for Hispanic, American Indian/Alaska Native, and Female. A hiring goal was set for 5.6% Hispanic, 7.5% American Indian/Alaska Native and 6.5% Female. During this reporting period, 8 White Males were hired into this category.

Service/Maintenance – This category is underutilized for Black, Hispanic, Asian/Pacific Islander, and Female. A hiring goal was set for 8.9% Black, 7.8% Hispanic, 1.7% Asian/Pacific Islander, and 41.5% Female. During this reporting period, 114 White Males, 4 Black Males, 3 Hispanic Males, 2 Asian/Pacific Islander Males, 17 American Indian Males, and 2 White Females were hired into this EEO category.

Problem Areas Identified

Training in EEO, diversity management and the identification and prevention of sexual harassment has not been conducted for ODOT personnel. However, during the reporting period training has been developed and is in the process of approval and implementation was scheduled to begin during the last quarter of 2010. However, ODOT's Sexual Harassment Policy has not been updated since 1984 and is outdated.

The training has been precluded by the outdated Sexual Harassment Policy. All attempts by the Civil Rights Division to update and amend this policy were futile. This training may be delayed because of ODOT's apparent flawed Policy Development (A101-2). This policy states that all new Policy Directives and Amendments are to be written by Assistant Directors and reviewed by the Director and the Director's staff prior to adoption. What happened was the Assistant Directors did not write the new or amended policy and more than the Director's staff proffered input into the amendments; sometimes resulting in conflicting beliefs or statements. It is suggested that the Director appoint Sr. Staff members to review the proposed amendments and work with the Civil Rights Division for a final product for the Director to sign for implementation.

The Civil Rights Division has identified underutilization/problem areas in several EEO categories as identified below which will be addressed in the Corrective Action segment. Underutilization was identified in the following EEO categories:

- Official Administrator – Black, American Indian/Alaska Native, Female
- Professional – American Indian/Alaska Native, Female
- Technician – Black, Female
- Administrative Support – Black
- Skilled Craft Worker – Hispanic, American Indian/Alaska Native, Female
- Service Maintenance – Black, Hispanic, Asian/Pacific Islander, Female.

Corrective Action

In order to remedy the problem of underutilization in the areas above, the Oklahoma Department of Transportation has established goals in the areas below:

Official/Administrator – This category is underutilized for Black, American Indian/Alaska Native, and Female. A goal is set at 3.6% Black, 4.9% American Indian/Alaska Native, and 37.6% Female.

Professional – This category is underutilized for American Indian/Alaska Native and Female. A hiring goal is set at 5.1% American Indian/Alaska Native and 55.6% Female.

Technician – This category is underutilized for Black and Female. A hiring goal is set for 7.1% Black and 59.7% Female.

Administrative Support – This category is underutilized for Black. A hiring goal is set at 7.1% Black.

Skilled Craft Worker – This category is underutilized for Hispanic, American Indian/Alaska Native, and Female. A hiring goal is set for 5.6% Hispanic, 7.5% American Indian/Alaska Native, and 6.5% Female.

Service Maintenance – This category is underutilized for Black, Hispanic, Asian/Pacific Islander, and Female. A hiring goal was set for 8.9% Black, 7.8% Hispanic, 1.7% Asian/Pacific Islander, and 41.5% Female.

Actions and Plans to Eliminate Problem Areas

Underutilization in some EEO categories is identified as a problem area for the Oklahoma Department of Transportation. When vacancies occur and are filled, the Department maintains a list of minority newspapers, publications and internet websites in order to allow the agency to better advertise these vacancies to qualified minority candidates who may desire to seek employment at the Oklahoma Department of Transportation. We will review our applicant flow and selection process to determine where corrections need to be made.

Other corrective actions, when appropriate, include but are not limited to:

- Participation in job fairs
- Hiring summer college program participants whose career goals are related to the transportation industry
- Emphasizing the use of the OPM website.

Responsibility for Implementing Each Action Item

The Director shall give final approval of and have ultimate responsibility for all corrective action items and annual goals for the agency. The Director exercises overall responsibilities for Equal Employment Opportunity and Affirmative Action with the Department. Delegation of Authority to the Oklahoma Department of Transportation Civil Rights Division and implementation responsibilities for the Oklahoma Department of Transportation Equal Employment Opportunity Affirmative Action Plan are contained in the ODOT Director's official memorandum on Equal Employment Opportunity and Affirmative Action which is included in this AAP.

EMPLOYMENT PRACTICES

Selection procedures

Selection procedures may consist of written tests; ratings of training and experience; performance tests; physical, educational, and work experience requirements; interviews; oral examinations; application forms and any other type of examination. When a job requires a written test, the Administrator shall administer tests to applicants or employees with disabilities that impair sensory, manual, or speaking skills in formats that do not require the use of the impaired skill, if the applicant or employee notifies the Administrator before the test is administered. Before appointment, applicants may be required to pass a physical examination specified by the Appointing Authority when requirements of the job demand specific physical condition or capabilities. Such physical examinations shall be uniform in nature and applied to all persons in that job within the agency. The responsibility for administering the physical examinations lies with the Appointing Authority.

Announcements

The Administrator shall make public announcements of all entrance examinations in advance of the issuance of certificates. Such announcement shall include the waiting period between the date of the announcement and the release of names of eligible applicants to the appointing authority. An announcement may state the duties and salaries of positions in the jobs for which examinations are to be held; the qualifications required for admission to examinations; the time, place, and manner of application; the proposed relative weights to be given the parts of the examination; and such other information as the Administrator may consider pertinent and useful.

Applications

An application for employment shall be made on a form prescribed by the Administrator and shall be considered part of the examination. The application form solicits information from the applicant regarding residence, veteran preference, education, training, experience, and other eligibility information. The form may also ask for demographic information, such as race, sex, and ethnicity, for statistical analysis and state and federal record keeping and reporting requirements. Demographic information may also be used for special employment programs specifically authorized by law. Information provided by applicants shall be subject to verification. All applications shall be signed in writing or by electronic signature by the applicant certifying the truth of all statements he or she made in the application. Applications must be filed with the Office of Personnel Management on or before the closing date specified in the announcements or postmarked before midnight on that date.

Establishment of minimum qualifications

The minimum qualifications established for each job family level shall constitute the entrance requirements for admission to examinations for classified positions. If an academic requirement will be met within 1 semester or term, an applicant may be admitted to an examination and certified for employment with the condition that the applicant shall meet all requirements for the job at the time he or she reports for duty with an agency.

Disqualifications

Except as provided in 530:10 9 131, an Appointing Authority or the Administrator may permanently or temporarily refuse to certify, disqualify, or remove a person's name from a register if:

- (1) the person lacks any of the education, experience, or certification requirements for the job;
- (2) the person lacks any other requirement established by Oklahoma statute or federal law for the job;
- (3) the person fails any part of an Appointing Authority's background investigation;
- (4) the person made a false statement of material fact in an application for employment or otherwise misrepresented himself or herself during the application process;
- (5) the person has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment process;
- (6) even with reasonable accommodation, the person is unable to perform the duties of the job or position(s) or is unable to do so without risk to himself or herself, the agency, or others beyond that risk normally associated with such duties;
- (7) the person has obtained information regarding examinations to which an applicant is not entitled, or the person has taken part in the development, administration, or correction of the examinations;
- (8) the person is in possession of unauthorized materials or electronic device during an examination;
- (9) the person has failed to submit an application correctly or within the prescribed time limits;
- (10) the person has failed to maintain a record of current address at the Office of Personnel Management as evidenced by the return of a letter by the U.S. Post Office, if properly addressed to the last address of record;
- (11) the person has, within 2 years prior to the date of certification, been discharged for delinquency, misconduct, absenteeism, inability to perform the same type job for which applying or other disciplinary reason or has resigned in lieu of such dismissal from any public or private employer. The Appointing Authority may extend the 2-year restriction for good cause.
- (12) The agency has exercised a selective qualification as established in 530:10 9 74;
- (13) An individual is ineligible for employment due to citizenship or residence requirements as prescribed in 530:10 9 75.

(b) Action initiated by an Appointing Authority under (a)(1), (a)(7), and (a)(9) of this Section shall be subject to the approval of the Administrator. Any person who is disqualified shall be notified in writing of this action and the reason for it. At the appropriate time, the Administrator shall notify an individual of the right to appeal. The party initiating the action, whether the Administrator or an Appointing Authority, shall be independently responsible for justifying the action, for both the nature and accuracy of the supporting information, and for the retention of that information pending appeal of the action.

Required certification of qualifications before promotions, demotions, transfers, and reinstatements

- (a) The Administrator shall certify that a candidate meets the necessary job qualifications of a job family level in the classified service for the purpose of allowing the candidate to be appointed. Subsections (b), (c), and (d) of this Section describe exceptions to these requirements. The Appointing Authority shall use a form made available by, or accepted by, the Administrator to request certification of qualifications. The form solicits information about the candidate's qualifications.
- (b) An employee who is demoted shall meet the minimum qualifications of the lower job to which he or she is demoted unless the demotion is to a job:
 - (1) within the same job family, or
 - (2) in which the employee previously has had permanent status, or
 - (3) in the same job family as and below one in which he or she previously has had permanent status.
- (c) Career progression promotions shall be exempt from subsection (a). The exception shall apply only after an employee has been in a lower level of the job family for an amount of time equal to the difference in the lengths of the experience requirements of the two levels. This exception shall not apply in any case to entry into a job family or where the next higher level is a supervisory position.
- (d) The Administrator may delegate certification of qualifications to an Appointing Authority according to a written agreement made under Section 840 1.15 of the Act and the rules in Part 3 of Subchapter 1 regarding delegation of human resources functions.

Error in certification, scoring, or recording applicant information

An error in certifying, scoring, or recording applicant information, which affects the relative ranking or application status of an applicant for initial or internal appointment, shall be corrected. The error shall be corrected by the Administrator, or if the error was made by an Appointing Authority to whom the Administrator has delegated certification of qualifications, the error shall be corrected by that Appointing Authority. The correction shall not affect a good faith offer of appointment already made that is otherwise in accordance with the Act and Merit Rules. The Appointing Authority who corrects an error shall promptly notify the Administrator of the correction.

Proficiency certificates

- (a) The Administrator shall accept certificates of proficiency issued within the last 12 months by accredited private or public schools, colleges, or the Oklahoma Employment Security Commission in lieu of typing the key entry tests [74:840 4.12]. The proficiency certificate solicits information about the applicant, the typing and/or key entry test upon which the applicant has demonstrated proficiency, and the name and address of the certifying official and agency or school.
- (b) The proficiency certificate shall be based on the results of a performance test which is comparable to the Office of Personnel Management performance test for the same job.

Licensure

If required to be ranked, applicants who have been previously tested and are currently licensed by the State of Oklahoma, shall be rated (ranked) according to training and experience when applying for jobs that require such testing and licensure [74:840 4.12].

Testing for promotions, demotions, transfers, and reinstatements

Examinations for promotion, demotion, transfer, and reinstatement shall not be required unless specified in the agency's promotional plan.

Repeating examinations

- (a) A person may repeat a written test or performance test at intervals that shall be determined and made public by the Administrator;
- (b) The repeat interval for a written or performance test shall apply to both entrance and promotional examinations. The most recent, valid score on a written test will be used. An applicant may request to be certified with a score on a performance test other than the most recent one, provided that the score requested on a test is consistent with guidelines issued and made public by the Administrator. Otherwise, the examination is considered void.

Reviewing examinations

Applicants shall be entitled to inspect their own rating and examination papers maintained in the Office of Personnel Management up to 30 days after the date of the examination. Such inspection shall be permitted only during regular business hours at the Office of Personnel Management and shall include only those materials which would not compromise the security of the selection procedure. Any person who reviews an examination may not participate in the same examination for a period of time designated by the Administrator consistent with guidelines issued and made public by the Administrator.

Identification numbers

An identification number shall be used to identify all test materials of each applicant.

Test results

Applicants who take an examination shall be notified electronically of the results. Applicants who have not provided an e-mail address shall be notified in writing.

Establishment of registers

The Office of Personnel Management shall establish and maintain registers as necessary to provide an adequate supply of qualified eligible for positions in the classified service. The names of such persons shall be placed on the register in the order of their final score except as provided by law for veterans. Registers shall not be open for public inspection.

Duration of registers; periods names may remain on registers

- (a) The Administrator shall determine the duration of each register. After notice to affected eligible, the Administrator may abolish a register or may shorten or extend the time that an eligible's name may remain on a register;
- (b) If an eligible's name is not removed from a register under subsection (a) of this Section or other provisions of the Merit Rules, that eligible's name may remain on the register for a specific class for a period consistent with guidelines issued and made public by the Administrator and applied uniformly to all applicants. Subsequent applications for a job will be accepted only if the register for that job is open for recruitment;
- (c) An applicant's name shall not appear on any register on the basis of a void examination as defined in 530:10 9 37.

Removal of names from registers

- (a) In addition to the reasons set forth in 530:10 9 9, when a written request which states the reason for such action is received from an Appointing Authority or based upon an action of the Office of Personnel Management, the Office of Personnel Management may temporarily or permanently remove an eligible from a register for any of the following reasons:
 - (1) Removal requested by eligible applicant;
 - (2) Appointment through certification to fill a permanent position in the same job;
 - (3) Failure to respond within 7 calendar days exclusive of the date of mailing of a written inquiry by the Appointing Authority relative to availability for appointment. Such inquiry shall include the date and time by which the eligible must contact the Appointing Authority;
 - (4) Failure to respond within 72 hours to an e-mail message from the Appointing Authority relative to availability for appointment. Such inquiry shall include the date and time by which the eligible must contact the Appointing Authority and must be sent to the e-mail address provided by the eligible;
 - (5) Failure to appear for a scheduled interview;
 - (6) Declination of further consideration for selection;
 - (7) Declination of appointment;
 - (8) Failure to report for duty within the time specified by the Appointing Authority. (See 530:10 9 94)
 - (9) Abolition of register by the Office of Personnel Management;
- (b) Any person so affected shall be notified of this action and the reason for it. An eligible may request restoration to the register. If the Office of Personnel Management refuses to restore the eligible's name, such eligible may appeal to the Merit Protection Commission.

Statement of availability

It shall be the responsibility of eligible to notify the Office of Personnel Management of any change in address or other change affecting availability for employment. Whenever an eligible notifies the Office of Personnel Management of conditions which restrict his or her availability

or limit the locations where employment will be accepted, the eligible's name shall be withheld from all certificates which do not meet the stated conditions and locations. At any time, an eligible may file a new statement of conditions under which he or she will be available for employment.

CERTIFICATION

Request for certification

When a new employee is needed to fill a vacancy in a classified position, the Appointing Authority may submit a request for certification to the Office of Personnel Management. The Appointing Authority may submit such a request only after the position has been allocated. The request shall include information necessary in order to issue a certificate, such as job family level and code, type of job, location of work, and certification method requested by the Appointing Authority. With the approval of the Administrator, the Appointing Authority may request certification as provided in 530:10 9 71.

Certification methods

- (a) Availability. The Administrator shall issue certificates which include the names of eligibles whose statements of availability and qualifications match the conditions of employment specified by the Appointing Authority on the request for certification.
- (b) Work location.
 - (1) If the work location is in the central state offices of an agency, the Administrator shall certify available eligible on the basis of register rank only;
 - (2) The Administrator may certify all eligible on a register, regardless of availability, if the conditions of employment are the same for all positions in that job family within the agency.
 - (3) When filling vacancies outside the agency's central state office, an Appointing Authority may request that the Administrator issue a local certificate. A "local certificate" is a subset of eligible applicants on a register who are residents of the locality, i.e., the county where the local office is located or said county and adjacent counties or a group of contiguous counties comprising a service area of an agency [74:840 4.13], and whose conditions of availability for a job correspond to those of the vacant position. On a local certificate, eligible applicants from the locality are ranked by examination score, including any awards of veteran preference, and are certified ahead of other available applicants who live outside the locality.
- (c) Number of names. After receiving a request, the Administrator shall issue a certificate to the Appointing Authority. The certificate shall include the names of the top 10 available eligibles on the register for a job, plus anyone who is tied with the lowest ranked eligible within the hiring rule [74:840 4.13.] At the request of the Appointing Authority, the Administrator may also issue additional names to be considered in accordance with 530:10 9 92.

Selective qualifications

Selective qualifications are job-specific requirements authorized by the Administrator for positions within a particular job family which are consistent with the duties and responsibilities of the particular position being filled. These qualifications may include special experience, education, or measurable competency in a non-English language. When requesting a certificate for a job family, an Appointing Authority may, upon written request to and approval by the Administrator, use any OPM-approved selective qualifications for that job for filling a particular position within that job family. Selective qualifications approved by the Administrator for any job or position shall not reduce or add to the quantity of experience or education in the minimum qualifications established for that job family level.

Certification of alien applicants

An eligible who is not a citizen of the United States and who is certified to an agency for employment under conditions which the applicant cannot legally accept, may be passed for cause.

Life of certificate

If an appointment is not made within 90 calendar days of the date a certificate is issued, such certification shall be voided.

CLASSIFIED APPOINTMENTS

Filling Vacancies

All vacancies in classified positions shall be filled as provided by the Oklahoma Personnel Act and the Merit Rules. All appointments shall be made at a hiring rate established for the job as provided in the agency's salary administration plan. No appointment shall be made to any classified position nor shall the position be otherwise encumbered until the position has been allocated in accordance with the Act and the Merit Rules.

Appointments from certificates

After receipt of a certificate, the Appointing authority may consider and select anyone whose name is within the hiring rule, i.e. the top 10 available eligibles, or anyone whose name is tied with the lowest ranked eligible within the hiring rule [74:840 4.13]. In selecting persons from among those certified, the Appointing Authority shall have the right, and is encouraged to examine applications, reports of investigations and interview eligibles.

- (1) The Appointing Authority shall not deny employment to, and pass over, an available Absolute Preference Veteran except as provided in the Act and this Section and in 530:10 9 131.
- (2) The Appointing Authority may give preference in all cases to persons who have resided in Oklahoma for at least 1 year prior to the date of examination [74:840 4.13].
- (3) The Appointing Authority need not consider any eligible who is currently in probationary status in the classified service, or permanent status within that agency in a job with the same or a higher pay band assignment;

- (4) The Appointing Authority may take action to remove eligibles from consideration only as permitted and provided in the statutes or Merit Rules;
- (5) If the Administrator has certified the names of eligible in addition to those within the hiring rule, and if 1 or more eligibles initially within the hiring rule are removed from consideration in accordance with the Merit Rules, then the next lower eligible(s) may be added to fill in the hiring rule and anyone tied with the lowest such eligible may be considered and selected;
- (6) The Appointing Authority is responsible for making the final selection.

Time limits for entering on duty

An eligible shall be given at least 14 calendar days to report to work. The time permitted, in excess of 14 calendar days, shall be at the discretion of the Appointing Authority, with periods in excess of 30 days approved by the Office of Personnel Management. Eligibles who are unable to report for duty within the time specified by the Appointing Authority will be deemed to have declined the appointment and their names will be removed from the register.

Appointments to noncompetitive classes

- (a) An Appointing Authority of an agency having unskilled, semi-skilled, or similar jobs designated by the Administrator as noncompetitive, may appoint qualified veterans or non-veterans to such jobs in accordance with 530:10 9 71 and 530:10 9 92;
- (b) On certificates issued for noncompetitive jobs, an Appointing Authority may appoint persons not certified by the Office of Personnel Management if the scores of such persons would place them within the hiring rule among those certified. An Appointing Authority shall not deny employment to, and pass over, an Absolute Preference Veteran except as provided in the Act, 530:10 9 92, and 530:10 9 131.
- (c) Applicants for such positions may apply directly to agencies having such positions. Records of applicants shall be maintained by the Appointing Authority in accordance with U.S. Equal Employment Opportunity Commission's guidelines. The Appointing Authority shall notify the Office of Personnel Management of a noncompetitive appointment and enclose a completed application within 30 calendar days after the appointment.

Project indefinite appointments

If the staff of an agency increases as a result of a project contract with another governmental agency or special purposes grant funds, the Appointing Authority shall select such personnel in accordance with 530:10 9 92. These persons shall be informed in writing at the time of appointment as to the terms and conditions of the appointment and the specific contract or grant funding this position. This information will be forwarded to the Office of Personnel Management with the appointment certification. These employees will be appointed for a regular probationary period and upon successful completion of such period shall be subject to all conditions, and eligible for all benefits, set forth in these Rules for permanent employees except that should the project be canceled or completed in less than 3 years, probationary and permanent Project Indefinite Appointment employees shall be released before regular

probationary and permanent employees. Such action shall be subject to reduction-in-force in accordance with 530:10 13 3. Only upon completion of 3 year of Project Indefinite Appointment status, shall these employees become permanent career employees. No employee shall be maintained on a Project Indefinite Appointment for more than 3 years.

Fair employment practices appointments

- (a) This Section establishes procedures for the application of the optional hiring procedure authorized by the Fair Employment Practices Act (FEPA), Section 840 4.12(H) of the Oklahoma Personnel Act, to employ females, Blacks, Hispanics, Asian/Pacific Islanders, and American Indians/Alaska Natives [74:840 4.12(H)(2)].
- (b) An Appointing Authority intending to use the optional FEPA hiring procedure shall indicate that intention on a request for certification along with the targeted group, i.e., gender or race/ethnic category. An FEPA certification shall include a regular certificate with the availability of eligibles and ranking of names determined in accordance with the regular methods described in 530:10 9 71, Certification methods. An FEBA certification shall also include a separate list of the names of the top 10 available members of the targeted group. The Administrator may also include additional names as alternates. The names on this separate list shall be a subset of the regular certificate, and the names on it shall be ranked in the same order as on the regular certificate. If an Appointing Authority has targeted more than one group, a separate list shall be included for each group.
- (c) If the Appointing Authority makes one or more appointments using an FEPA certification, each appointment shall be in accordance with either 530:10 9 92 or the optional FEPA hiring procedure authorized by Section 840 4.12 (I)(H) of the Oklahoma Personnel Act.

Optional Program for Hiring Applicants with Disabilities

- (a) Appointing authorities may employ persons with severe disabilities who are legal residents of Oklahoma through the Optional Program for Hiring Applicants with Disabilities (“Program”) [74:840-4.12]. Program participants shall meet all minimum qualifications of education and experience, but shall be exempt from entrance examinations and hiring procedures administered by the Office of Personnel Management [74:840-4.12]. Program participants shall be certified as having disabilities in accordance with the standards and procedures in subsection (b) of this Section [74:840-4.12]. Persons with severe disabilities are not required to participate in this Program, and they may elect to be considered for employment through regular selection procedures [74:840-4.12].
- (b) The Department of Rehabilitation Services shall certify an applicant as having disabilities according to the definition for “individual with severe disability” in OAC 612:10-1-2, which the Administrator has established as the standard for disability certification, and shall provide electronic or written verification to the applicant and to the Office of Personnel Management.

- (c) The Administrator shall give each Program applicant certified according to (b), a letter of notification of all job family levels for which the applicant has applied and possesses the minimum qualifications of education and experience.
- (d) Letters of notification as described in (c) shall be valid for an initial 12-month period. Applicants may renew eligibility every 12 months by notifying the Office of Personnel Management.
- (e) An applicant for the Program may apply directly to employing agencies. In order to be eligible for appointment to fill a vacant position, an applicant shall be a legal resident of Oklahoma. The applicant shall submit to the Appointing Authority of the employing agency a current letter from the Administrator as described in subsections (c) and (d) indicating the applicant possesses the qualifications of education and experience for the vacancy.
- (f) Persons with severe disabilities hired pursuant to this Program shall be subject to the Merit Rules [74:840-4.12].

Reinstatement to the classified service

- (a) A permanent employee who leaves the classified service is eligible for reinstatement for a period of time equal to the total period of service in a probationary and subsequently permanent status. Previous part-time employment shall be prorated.
- (b) If a permanent employee leaves a classified position to accept a regular unclassified position within 30 calendar days, the period of time the person is eligible for reinstatement shall begin on the date the employee is separated from the unclassified service. The unclassified service shall not add to the period of time the person is eligible for reinstatement.
- (c) If an Appointing Authority elects to appoint a person who is eligible for reinstatement, the person shall be certified according to 530:10 9 10. A test may be required under 530:10 9 35 before his or her reinstatement.
- (d) The Appointing Authority may place the person in probationary status with the agency for the maximum period required for original appointments or for a shorter period. The Appointing Authority may not extend the probationary period. If the Appointing Authority requires a probationary period, the Appointing Authority shall notify the reinstated employee and the Office of Personnel Management in writing of the length of the probationary period before the employee's entry on duty. The Appointing Authority may cancel the probationary period at any time and grant permanent status to the employee.
- (e) Permanent and probationary employees who have been separated as a result of a reduction-in-force shall be eligible for reinstatement for at least 18 months from the date of separation.

DIRECT HIRE AUTHORITY

Purpose

The purpose of the rules in this Part is to establish policies and procedures by which the Administrator may authorize agencies to directly fill positions requiring professional practice licensure and hard-to-fill positions, to establish criteria for identifying professional practice

licensure positions and hard-to-fill positions which shall not require establishment of an employment list of eligible persons or the application of veterans preference...and to establish recordkeeping and reporting procedures and the conditions under which the Administrator may withdraw authorization for agencies to directly hire persons into hard-to-fill positions [74:840-4.13(C)].

- (1) The job family or job families to which the positions have been allocated remain authorized for the agency's use by the Office of Personnel Management;
- (2) The professional practice licensure requirement for the positions is not removed; and
- (3) The authority is not terminated by the Administrator as provided in 530:12-9-121.

Hard-to-fill positions

An Appointing Authority who has been authorized direct hire authority for hard-to-fill positions may retain the authority for 12 months from the date of approval by the Administrator unless the authority is terminated by the Administrator as provided in 530:10-9-121. The Appointing Authority may reapply to continue direct hire authority for additional 12 month periods in the same manner as in the initial request.

DISCIPLINE, DISCHARGE, AND TERMINATION

Purpose

The rules in this subchapter provide standards and guidelines for applying prompt, equitable and suitable discipline. These rules pertain to probationary and permanent classified employees unless otherwise specified by law or the rules in this subchapter.

Definitions

In addition to words and terms defined in the Merit System of Personnel Administration Rules, the following words and terms shall have the following meaning unless the text clearly indicates otherwise.

“Discharge” means the act of terminating the employment relationship of a permanent classified employee who did not voluntarily resign or otherwise forfeit his or her position according to any other statutory provision. Discharge does not include separation due to reduction-in-force.

“Discipline” means informal or formal action to correct infractions of statute, rule, policy, practice or procedure regarding work performance or behavior.

“Involuntary Demotion” means the reclassification of a permanent classified employee from his or her classification to a different classification which has a lower grade assigned, made without the consent of the employee.

Progressive discipline

- (a) Progressive discipline is a system designed to ensure not only the consistency, impartiality and predictability of discipline, but also the flexibility to vary penalties if

justified by aggravating or mitigating conditions. Typically, penalties range from verbal warning to discharge, with intermediate levels of a written warning, suspension or demotion. Absent mitigating circumstances, repetition of an offense is accompanied by a generally automatic progression to the next higher level of discipline [74:840-6.3(B)].

- (b) Based on relevant circumstances, a single incident may justify a higher step of discipline without proceeding through lower steps of discipline.

Appointing authority responsibility

- (a) The appointing authority shall use the progressive discipline phases outlined in this subchapter and may adopt other progressive discipline steps which address the specific needs of his or her agency [74:840-6.3(A)]. The appointing authority shall file a copy of any adopted progressive discipline policy, including revisions, with the Commission. Any adopted progressive discipline policy shall include a general statement certifying that the policy contains minimum requirements which:
 - (1) Ensure the consistency, evenhandedness and predictability of discipline; and
 - (2) Ensure the flexibility to vary penalties if justified.
- (b) The appointing authority shall furnish to each employee a copy of the progressive discipline policy, including revisions, used by the agency.

Supervisor responsibility

Each supervisor shall:

- (1) Inform employees of the agency's progressive discipline policy;
- (2) Apply discipline when necessary that is corrective, progressive in nature, appropriate for the offense, and equitable;
- (3) Consider relevant circumstances when determining the proper disciplinary action; and,
- (4) Use prompt, positive action to avoid more serious disciplinary actions.

Employee responsibility

Each employee has a duty and responsibility to comply with the agency's progressive discipline policy.

Records

- (a) The appointing authority shall maintain documentation of formal discipline in the employee's agency personnel record consistent with the General Records Schedule of the Oklahoma Department of Libraries, Office of Archives and Records.
- (b) An employee shall be given a copy of any formal disciplinary document when it is placed in his or her agency personnel record.
- (c) Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes, Oklahoma Open Records Act, shall govern access to disciplinary documents,
 - (1) An employee shall have a right to review disciplinary documents in his or her agency personnel record.
 - (2) The Commission, because of statutory responsibility, shall have a right of access to disciplinary documents.

- (d) The appointing authority may specify procedures in the agency's progressive discipline policy for the review and removal of disciplinary documents from the employee's agency personnel record. Any such procedures shall be applied consistently and uniformly.

Statistics

- (a) The appointing authority shall maintain statistical information about the number and nature of formal disciplinary actions.
- (b) The appointing authority shall provide to the Commission on a fiscal year basis, a discipline report containing the following information:
 - (1) The number of formal disciplinary actions taken, by type of discipline;
 - (2) The grade, sex and race of each employee receiving formal discipline.
- (c) The discipline report for the previous fiscal year shall be filed with the Commission no later than August 1 of each year.
- (d) Appointing authorities shall submit a report even if no disciplinary actions occurred during the relevant time period.

First phase – informal discipline

- (a) The first phase of progressive discipline shall be informal discipline and may include steps of verbal warning, informal discussion, corrective interview and oral reprimand, etc. This phase shall serve to streamline the progressive discipline system and to bring potential problems to an employee's attention before they escalate. Documentation of informal discipline may be noted and maintained by the supervisor and employee.
- (b) Informal discipline may be given to correct infractions of statute, rule, policy, practice or procedure regarding work performance or behavior. In administering informal discipline, an employee shall be told, as a minimum, of:
 - (1) The nature of the problem which is cause for the discipline and steps which must be taken to resolve the problem; and
 - (2) The consequences of repeated infractions or continuing deficient performance or behavior.

Second phase – formal discipline

The second phase of progressive discipline shall be formal discipline and shall include written reprimand, suspension without pay, involuntary demotion and discharge. An employee may receive formal discipline to correct violations of statute, rule, policy, practice or procedure regarding work performance or behavior. Absent aggravating conditions, formal discipline is normally administered after informal discipline has failed to produce acceptable results. Formal discipline documentation shall include a citation of any other informal or formal discipline which was used in the decision to administer formal discipline.

Written reprimand

- (a) Supervisors may administer a written reprimand to correct violations of statute, rule, policy, practice or procedure regarding work performance or behavior. A written reprimand shall include, as a minimum:

- (1) The date of the written reprimand;
 - (2) The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated;
 - (3) A statement of the act or incident which is cause or reason for the written reprimand;
 - (4) Steps which can be taken to resolve the problem;
 - (5) A citation of any other informal or formal discipline which was used in the decision to administer the written reprimand; and
 - (6) Consequences of repeated infractions or continuing deficient performance or behavior.
- (b) The employee shall be provided an opportunity to respond in writing to the written reprimand. Any response shall be attached to the written reprimand.
- (c) The written reprimand and any response shall be filed in the employee's agency personnel record.

Causes for discharge, suspension without pay or involuntary demotion

Any employee in the classified service may be discharged, suspended without pay for not to exceed sixty (60) calendar days, or demoted by the agency, department, institution, or officer by whom employed, for misconduct, insubordination, inefficiency, habitual drunkenness, inability to perform the duties of the position in which employed, willful violation of the Oklahoma Personnel Act or of the rules prescribed by the Office of Personnel management or by the Oklahoma Merit Protection Commission, conduct unbecoming a public employee, conviction of a crime involving moral turpitude, or any other just cause [74:840-6.5(C)].

Suspension without pay

- (a) General. A permanent classified employee may be suspended without pay for any of the reasons set forth in OAC 455:10-11-14.
- (b) Notice. The employee shall be provided notice of the proposed suspension without pay, by personal service or certified or registered mail. Pending completion of the notice and response opportunity, an employee may be suspended with pay in accordance with rules adopted by the Administrator of the Office of Personnel Management. The notice shall include, as a minimum:
- (1) The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the proposed suspension without pay.
 - (2) The specific acts or omissions which are cause or reason for the proposed suspension without pay;
 - (3) An explanation of the evidence which justifies the proposed suspension without pay, and
 - (4) An opportunity, either in writing or orally, to present reasons why the proposed suspension without pay is improper.
- (c) Final action. Within ten working days after the employee has had opportunity to respond to the proposed suspension without pay, he or she shall be provided written notice of the final action by personal service or certified or registered mail. If the

decision made is to proceed with the suspension without pay, the written notice to the employee shall include as a minimum:

- (1) The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the suspension without pay;
- (2) Grounds for the action;
- (3) A citation or the law or rule under which the action is being taken;
- (4) Effective date and inclusive dates of the suspension without pay;
- (5) A citation of any other informal or formal discipline which was used in the decision to administer the suspension without pay; and
- (6) A statement of the employee's right to file an appeal with the Commission, the 20 calendar time limit for the Commission's receipt of the appeal and the address of the Commission; and
- (7) A copy of the Commission's petition for appeal form.

Involuntary demotion

- (a) General. A permanent classified employee may be involuntarily demoted for any of the reasons set forth in OAC 455:10-11-14.
- (b) Notice. The employee shall be provided notice of the proposed involuntary demotion, by personal service or certified or registered mail. Pending completion of the notice and response opportunity, an employee may be suspended with pay in accordance with rules adopted by the Administrator of the Office of Personnel Management. The notice shall include, as a minimum:
 - (1) The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the proposed involuntary demotion;
 - (2) The specific acts or omissions which are cause or reason for the proposed involuntary demotion;
 - (3) An explanation of the evidence which justifies the proposed involuntary demotion, and
 - (4) An opportunity, either in writing or orally, to present reasons why the proposed involuntary demotion is improper.
- (c) Final action. Within ten working days after the employee has had opportunity to respond to the proposed involuntary demotion, he or she shall be provided written notice of the final action by personal service or certified or registered mail. If the decision made is to proceed with the involuntary demotion, the written notice to the employee shall include as a minimum:
 - (1) The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the involuntary demotion;
 - (2) Grounds for the action;
 - (3) A citation or the law or rule under which the action is being taken;
 - (4) Effective date of the involuntary demotion and the classification and grade to which demoted;
 - (5) A citation of any other informal or formal discipline which was used in the decision to administer the involuntary demotion; and

- (6) A statement of the employee's right to file an appeal with the Commission, the 20 calendar day time limit for the Commission's receipt of the appeal and the address of the Commission; and
- (7) A copy of the Commission's petition for appeal form.

Discharge

- (a) General. A permanent classified employee may be discharged for any of the reasons set forth in OAC 455:10-11-14.
- (b) Pre-termination hearing. Before any permanent classified employee may be terminated, the employee shall be afforded a pre-termination hearing to be held before the appointing authority or his or her designee. A pre-termination hearing shall not be required if the employee is being terminated as part of a reduction-in-force as provided for in Title 74 O.S., Section 840-2.27C.
 - (1) Purpose. The purpose of a pre-termination hearing is to provide the appointing authority or his or her designee with information from which a determination may be made as to whether or not reasonable grounds exist to believe that the charges against the employee are true and whether or not the grounds support the proposed termination.
 - (2) Notice. Notice of the pre-termination hearing shall be provided to the employee by personal service or certified or registered mail at least seven calendar days before the scheduled pre-termination hearing. Pending completion of this notice and the pre-termination hearing, an employee may be suspended with pay in accordance with rules adopted by the Administrator of the Office of Personnel Management. The notice shall include, as a minimum:
 - (A) The statute, rule, policy, practice or procedure of work performance or behavior which was violated and cause for the proposed action;
 - (B) All grounds for the proposed action;
 - (C) A summary of evidence or physical evidence to support each of the stated grounds for the proposed action;
 - (D) A statement of the employee's right to be represented, by an attorney or other person of his or her choice, at the pre-termination hearing; and
 - (E) Date, time and location of the pre-termination hearing.
 - (3) Disciplinary certificate. The appointing authority shall file in the employee's official personnel file at least seventy-two (72) hours before each pre-termination hearing, a certificate to be included in the record stating what disciplinary actions have been taken to comply with progressive discipline prior to the pre-termination hearing and proposed termination and further certifying that all mandatory progressive discipline actions as required by statute or rule have been taken before pre-termination hearing; provided, said certificate shall not be required where grounds for proposed termination are for commission of a criminal offense and/or acts involving moral turpitude [74:840-6.4(B)(3)].
 - (4) Hearing. The pre-termination hearing need not be a full evidentiary hearing and formal rules of evidence shall not apply. The pre-termination hearing shall be

recorded in its entirety. The employee shall be provided a copy of the recording, at no cost, if the employee appeals to the Commission and requests a copy. A copy shall be provided as soon as possible but no later than 14 calendar days after the request is made.

- (5) Legal review. Following the pre-termination hearing, if recommendation for termination is made, recordings of the pre-termination hearing and all evidence in support thereof, shall be reviewed for legal sufficiency by the appointing agency director or his or her designee before termination is final [74:840-6.4(B)(7)].
- (c) Final action. Within ten working days after the pre-termination hearing the employee shall be provided written notice of the final action, by personal service or certified or registered mail. If the decision is made to proceed with the termination, the notice shall include, as a minimum;
- (1) The statute, rule, policy, practice or procedure regarding work performance or behavior which was violated and cause for the termination;
 - (2) All grounds for the termination;
 - (3) A citation of the law or rule under which the termination is being taken;
 - (4) Effective date of the termination;
 - (5) A citation of any other informal or formal discipline which was used in the decision to administer the termination; and
 - (6) A statement of the employee's right to file an appeal with the Commission, the 20 calendar time limit for the Commission's receipt of the appeal and the address of the Commission; and
 - (7) A copy of the Commission's petition for appeal form.

STATISTICAL INFORMATION



Job Group Analysis

Availability Analysis



Utilization Analysis

Present Staffing Report



Personnel Transactions Report

Three-Year Evaluation of Previous EEO Efforts



JOB GROUP ANALYSIS



JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Department of Transportation 345

Date: As of June 30, 2011

EEO Category: Official / Administrator

Job Group:

Salary or Pay Band	Job Family Title	Total Emp.	Male					Female								
			Total Male	White	Black	Hisp.	AS/PI	A/AN	Total Female	White	Black	Hisp.	AS/PI	A/AN	Total Min.	
P	S12B Engineering Manager II	58	48	45		1	2		10	8		1			1	5
O	E12D Admin Prog Officer IV	31	21	18		1	1		10	8	1			1	5	
Q	S12C Engineering Manager III	23	22	21	1			1					1		2	
14	4479 Director, Legal Services	1	1		1			0							1	
OO	8172 Transportation Coordinator	4	3	2	1			1	1	1					1	
P	T23D Transportation Manager IV	8	6	5		1		2	2						1	
14	6161 Deputy General Counsel, CRD	1	0					1	1						0	
O	C32C HR Programs Manager III	2	1	1				1	1						0	
N	D33A Financial Mgr/Comptroller I	1	0					1	1						0	
O	D33C Financial Mgr/Comptroller III	2	0					2	2						0	
Q	D33D Financial Mgr/Comptroller IV	1	0					1	1						0	
R	S12D Engineering Manager IV	11	9	8				2	2	1					1	
O	T23C Transportation Manager III	8	7	7				1	1						0	
21	4812 Deputy Director	1	1	1				0							0	
21	5696 Chief Engineer	1	1	1				0							0	
20	6487 Asst Director, Pre-Construction	1	1	1				0							0	
20	7653 Asst Director, Operations	1	1	1				0							0	

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Department of Transportation 345

Date: As of June 30, 2011

EEO Category: Professionals

Job Group:

Salary or Pay Band	Job Family Title	Total Emp	Male					Female							
			Total Male	White	Black	Hisp.	AS/PI	A/IAN	Total Female	White	Black	Hisp.	AS/PI	A/IAN	Total Min.
14	Project Manager	4	4	3					1	0					1
20	General Counsel	1	1	1						0					0
14	Attorney IV	3	2	2						1	1				0
09	Coop Engineer Trainee XII	8	6	5		1				2	1	1			2
07	Coop Engineer Trainee III	16	13	12					1	3	2		1		2
16	Attorney	2	2	1					1	0					1
12	Internal Audit Manager	1	0							1	1				0
M	IS Network Admin III	2	1	1						1	1				0
L	IS Services Coordinator III	1	0							1		1			1
N	Civil Rights Administrator II	2	1	1						1			1		1
K	Employee Assistance Prog Coordinator	1	0							1	1				0
J	HR Management Specialist II	5	0							5	5				0
K	HR Management Specialist III	2	0							2	2				0
L	HR Management Specialist IV	3	0							3	2	1			1
N	HR Programs Manager II	2	2	2						0					0
J	Video Production Specialist II	2	2	2						0					0

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Department of Transportation 345

Date: As of June 30, 2011

EEO Category: Technicians

Job Group:

Salary or Pay Band	Job Family Title	Total Emp.	Male					Female							
			Total Male	White	Black	Hisp.	AS/PI	A/AN	Total Female	White	Black	Hisp.	AS/PI	A/AN	Total Min.
I	IS Operations Specialist V	1	0							1					1
H	IS Telecommunications Tech II	1	1	1						0					0
J	IS Network Management Spec II	4	3	1	1					1	1				2
K	IS Network Management Spec III	13	12	9	1			1		1	1				3
L	IS Operating Systems Spec II	4	3	3						1	1				1
M	IS Operating Systems Spec III	5	3	3						2	1			1	1
N	IS Operating Systems Spec IV	1	1	1						0					0
K	IS Applications Specialist II	2	1	1						1				1	1
L	IS Applications Specialist III	4	3	3						1	1				0
M	IS Applications Specialist IV	11	6	6						5	3	1		1	2
D	Optical Imaging Specialist I	2	1	1						1	1				0
F	Optical Imaging Specialist II	2	2	2						0					0
H	Optical Imaging Specialist III	1	0							1				1	1
I	Graphic Artist II	1	0							1	1				0
H	Photographer I	1	1	1						0					0
H	Construction/Maintenance Tech III	1	1	1						0					0
F	CADD Specialist I	4	3	2						1	1				1

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Department of Transportation 345

Date: As of June 30, 2011

EEO Category: Administrative Support

Job Group:

Salary or Pay Band	Job Family Title	Total Emp.	Male					Female					Total Min.		
			Total Male	White	Black	Hisp.	AS/PI	A/IAN	Total Female	White	Black	Hisp.		AS/PI	A/IAN
D	E16A Administrative Technician I	1	0					1	1						0
E	E16B Administrative Technician II	12	1	1				11	8					3	3
F	E16C Administrative Technician III	68	1	1				67	58	1	2	1		5	9
G	E16D Administrative Technician IV	1	0					1	1						0
H	E17A Administrative Assistant I	10	0					10	9	1					1
I	E17B Administrative Assistant II	30	1	1				29	24	2	2		1		5
G	E24B Secretary II	8	0					8	7				1		1
H	E24C Secretary III	2	0					2	2						0
I	E24D Secretary IV	2	0					2	2						0
D	F20A Material Management Specialist I	2	1					1	1						1
E	F20B Material Management Specialist II	3	2	1				1	1						1
H	E25B Legal Secretary II	1	0					1	1						0
I	E25C Legal Secretary III	1	0					1	1						0
10	4792 Administrative Assistant to Director	1	0					1			1				1
OO	5781 Executive Assistant to Commission	1	0					1	1						0
Total for Job Group (number):		143	6	4	0	0	0	137	117	5	4	1	10	22	
Total for Job Group (percent):			4%	3%	0%	0%	0%	96%	82%	3%	3%	1%	7%	15%	

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Department of Transportation 345

Date: As of June 30, 2011

EEO Category: Skilled Craft Workers

Job Group:

Salary or Pay Band	Job Family Title	Total Emp.	Male					Female							
			Total Male	White	Black	Hisp.	AS/PI	A/IAN	Total Female	White	Black	Hisp	AS/PI	A/IAN	Total Min.
F	Bindery Worker II	1	0								1				1
H	Bindery Worker III	1	0								1				1
F	Offset Press Operator I	1	1	1							0				0
I	Offset Press Operator IV	1	1	1							0				0
L	Reproduction Services Manager I	1	1	1							0				0
F	Construction/Maintenance Tech I	3	2	2							1	1			0
G	Construction/Maintenance Tech II	5	5	5							0				0
E	Fleet Specialist I	2	2	2							0				0
G	Fleet Specialist II	6	6	5				1			0				1
H	Fleet Specialist III	36	36	31	1	1	1	1	2		0				5
I	Fleet Specialist IV	4	4	3	1						0				1
K	Fleet Specialist V	9	8	6					2	1	1				2
G	Welder II	5	5	4					1		0				1
H	Welder III	9	9	9							0				0
		0	0								0				0
Total for Job Group (number):		84	80	70	2	1	2	2	5	4	2	2	0	0	12
Total for Job Group (percent):			95%	83%	2%	1%	2%	2%	6%	5%	2%	0%	0%	0%	14%

AVAILABILITY ANALYSIS



Availability Analysis

Agency Name and Code: Oklahoma Department of Transportation 345

June 30, 2011
(date)

EEO Category: Official / Administrator

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics		
	Black	Hisp	As/PI	AI/AN	Total Min		Fem	Black	Hisp	As/PI	AI/AN		Total Min	Fem
Percentage of minorities or females having requisite skills in the area 1. which the agency can reasonably recruit.	3.60	2.30	1.00	4.90	15.10	37.60	1.00	3.60	2.30	1.00	4.90	15.10	37.60	Civilian Labor Force 2000 Census EEO Data (Statewide)
Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total							1.00	3.60	2.30	1.00	4.90	15.10	37.60	
Final Availability								3.6%	2.3%	1.0%	4.9%	15.1%	37.6%	

* (Raw Availability % X Weight Factor = Weighted Availability)

Availability Analysis

Agency Name and Code: Oklahoma Department of Transportation 345

June 30, 2011
(date)

EEO Category: Professionals

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics		
	Black	Hisp	As/PI	AI/AN	Total Min		Fem	Black	Hisp	As/PI	AI/AN		Total Min	Fem
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	4.70	2.00	2.20	5.10	17.20	55.60	1.00	4.70	2.00	2.20	5.10	17.20	55.60	Civilian Labor Force 2000 Census EEO Data (Statewide)
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total							1.00	4.70	2.00	2.20	5.10	17.20	55.60	
Final Availability								4.7%	2.0%	2.2%	5.1%	17.2%	55.6%	

* (Raw Availability % X Weight Factor = Weighted Availability)

Availability Analysis

Agency Name and Code: Oklahoma Department of Transportation 345

June 30, 2011
(date)

EEO Category: Technicians

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics		
	Black	Hisp	As/PI	AI/AN	Total Min		Fem	Black	Hisp	As/PI	AI/AN		Total Min	Fem
Percentage of minorities or females having requisite skills in the area 1. which the agency can reasonably recruit.	7.10	2.20	1.30	7.60	21.90	59.70	1.00	7.10	2.20	1.30	7.60	21.90	59.70	Civilian Labor Force 2000 Census EEO Data (Statewide)
Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total						1.00	7.10	2.20	1.30	7.60	21.90	21.90	59.70	
Final Availability							7.1%	2.2%	1.3%	7.6%	21.9%	21.9%	59.7%	

* (Raw Availability % X Weight Factor = Weighted Availability)

Availability Analysis

Agency Name and Code: Oklahoma Department of Transportation 345

June 30, 2011
(date)

EEO Category: Administrative Support

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics		
	Black	Hisp	As/PI	AI/AN	Total Min		Fem	Black	Hisp	As/PI	AI/AN		Total Min	Fem
Percentage of minorities or females having requisite skills in the area 1. which the agency can reasonably recruit.	7.10	2.90	0.90	6.30	21.20	70.10	1.00	7.10	2.90	0.90	6.30	21.20	70.10	Civilian Labor Force 2000 Census EEO Data (Statewide)
Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total							1.00	7.10	2.90	0.90	6.30	21.20	70.10	
Final Availability								7.1%	2.9%	0.9%	6.3%	21.2%	70.1%	

* (Raw Availability % X Weight Factor = Weighted Availability)

OPM-AWEE0-4 (05/31/2011)

Availability Analysis

Agency Name and Code: Oklahoma Department of Transportation 345

June 30, 2011
(date)

EEO Category: Skilled Craft Workers

Job Group:

Factors	Raw Availability %						Weight Factor	Weighted Availability *						Source of Statistics
	Black	Hisp	As/PI	AI/AN	Total Min	Fem		Black	Hisp	As/PI	AI/AN	Total Min	Fem	
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	3.80	5.60	0.70	7.50	21.90	6.50	1.00	3.80	5.60	0.70	7.50	21.90	6.50	Civilian Labor Force 2000 Census EEO Data (Statewide)
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total							1.00	3.80	5.60	0.70	7.50	21.90	6.50	
Final Availability								3.8%	5.6%	0.7%	7.5%	21.9%	6.5%	

* (Raw Availability % X Weight Factor = Weighted Availability)

Availability Analysis

Agency Name and Code: Oklahoma Department of Transportation 345

June 30, 2011
(date)

EEO Category: Service Maintenance

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics		
	Black	Hisp	As/PI	AI/AN	Total Min		Fem	Black	Hisp	As/PI	AI/AN		Total Min	Fem
Percentage of minorities or females having requisite skills in the area 1. which the agency can reasonably recruit.	8.90	7.80	1.70	8.50	31.10	41.50	1.00	8.90	7.80	1.70	8.50	31.10	41.50	Civilian Labor Force 2000 Census EEO Data (Statewide)
Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total						1.00	8.90	7.80	1.70	8.50	31.10	41.50		
Final Availability							8.9%	7.8%	1.7%	8.5%	31.1%	41.5%		

* (Raw Availability % X Weight Factor = Weighted Availability)

UTILIZATION ANALYSIS



Agency Name and Code:

Oklahoma Department of Transportation

345

June 30, 2011

Date

Utilization Analysis* and Annual Goals

Job Group	Incumbents										Utilization*																									
	Total		Black		Hispanic		Asian/Pacific Islander		American Indian/A. N.		Total Minorities		Female																							
	Black	Hisp.	AS/PI	AJ/AN	Fem.	Total	% Avail	% in Cal	Under Util	Goal	% Avail	% in Cal	Under Util	Goal	% Avail	% in Cal	Under Util	Goal																		
Official / Administrator	172	4	4	5	3	33	16	3.6%	2.3%	2.3%	3.6%	Y	3.6%	2.3%	2.3%	2.3%	N	0	4.9%	1.7%	4.9%	Y	4.9%	1.7%	1.7%	4.9%	Y	15.1%	9.3%	9.3%	Y	15.1%	37.6%	19.2%	Y	37.6%
Professionals	343	20	6	11	15	125	54	4.7%	2.0%	2.3%	0	N	2.0%	2.3%	2.3%	3.2%	N	0	5.1%	4.4%	5.1%	Y	5.1%	4.4%	4.4%	5.1%	Y	17.2%	15.7%	Y	17.2%	55.6%	36.4%	Y	55.6%	
Technicians	786	37	24	13	67	110	141	7.1%	2.2%	3.1%	0	N	2.2%	3.1%	3.1%	1.7%	N	0	7.6%	8.5%	0	N	0	7.6%	8.5%	8.5%	0	21.9%	17.9%	Y	21.9%	59.7%	14.0%	Y	59.7%	
Protective Services	0	0	0	0	0	0	0	0.0%	0.0%	0.0%	0	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
Paraprofessionals	0	0	0	0	0	0	0	0.0%	0.0%	0.0%	0	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
Administrative Support	143	5	4	1	12	137	22	7.1%	2.9%	2.8%	0	N	2.9%	2.8%	2.8%	0.7%	N	0	6.3%	8.4%	0	N	0	6.3%	8.4%	8.4%	0	21.2%	15.4%	Y	21.2%	70.1%	95.6%	N	0	
Skilled Craft Workers	84	4	1	2	5	4	12	3.8%	5.6%	1.2%	0	Y	5.6%	1.2%	Y	2.4%	N	0	7.5%	6.0%	7.5%	Y	7.5%	6.0%	6.0%	7.5%	Y	21.9%	14.3%	Y	21.9%	6.5%	4.6%	Y	6.5%	
Service Maintenance	812	27	27	2	99	27	154	6.9%	7.8%	3.3%	Y	Y	7.8%	3.3%	Y	0.2%	Y	1.7%	8.5%	12.1%	0	N	0	8.5%	12.1%	12.1%	0	31.1%	19.0%	Y	31.1%	41.5%	3.3%	Y	41.5%	

* Significance Test: Whole Person

PRESENT STAFFING REPORT



PRESENT STAFFING

Agency Name and Code:

Oklahoma Department of Transportation

345

EEO Coordinator: Gregory Pringle

As of:

June 30, 2011

Job Categories	MALE										FEMALE									
	TOT EMP	WHITE	BLACK	HISP	AS/PI	AI/AN	TOT MALE	WHITE	BLACK	HISP	AS/PI	AI/AN	TOT FEM	WHITE	BLACK	HISP	AS/PI	AI/AN	TOT MIN	
Official/ Admin	172	128	3	3	3	2	139	28	1	1	2	1	33	16						
% Represented		74.4	1.7	1.7	1.7	1.2	80.8	16.3	0.6	0.6	1.2	0.6	19.2	9.3						
% CLF		53.9	1.8	1.3	0.7	2.7	62.4	31.0	1.8	1.0	0.3	2.2	37.6	15.1						
Professionals	343	184	9	7	7	11	218	105	11	1	4	4	125	54						
% Represented		53.6	2.6	2.0	2.0	3.2	63.6	30.6	3.2	0.3	1.2	1.2	36.4	15.7						
% CLF		37.3	1.8	0.9	1.3	1.8	44.4	45.5	2.9	1.1	0.9	3.3	55.6	17.2						
Technicians	786	556	33	21	9	57	676	89	4	3	4	10	110	141						
% Represented		70.7	4.2	2.7	1.1	7.3	86.0	11.3	0.5	0.4	0.5	1.3	14.0	17.9						
% CLF		32.4	2.2	1.2	0.6	2.5	40.3	45.7	4.9	1.0	0.7	5.1	59.7	21.9						
Protective Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
% Represented		#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!						
% CLF		66.2	4.5	1.7	0.3	7.1	83.3	12.2	1.8	0.5	0.2	1.3	16.7	21.6						
Paraprofessionals	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
% Represented		#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!						
% CLF		32.4	2.2	1.2	0.6	2.5	40.3	45.7	4.9	1.0	0.7	5.1	59.7	21.9						
Admin Support	143	4	0	0	0	2	6	117	5	4	1	10	137	22						
% Represented		2.8	0.0	0.0	0.0	1.4	4.2	81.8	3.5	2.8	0.7	7.0	95.8	15.4						
% CLF		23.5	2.1	0.9	0.3	1.7	29.9	55.3	5.0	2.0	0.6	4.6	70.1	21.2						
Skilled Craft Workers	84	70	2	1	2	5	80	2	2	0	0	0	4	12						
% Represented		83.3	2.4	1.2	2.4	6.0	95.2	2.4	2.4	0.0	0.0	0.0	4.8	14.3						
% CLF		73.3	3.4	5.3	0.5	7.0	93.5	4.8	0.4	0.3	0.2	0.5	6.5	21.9						
Service Maintenance	812	634	26	27	2	96	785	24	1	0	0	2	27	154						
% Represented		78.1	3.2	3.3	0.2	11.8	96.7	3.0	0.1	0.0	0.0	0.2	3.3	19.0						
% CLF		40.5	4.8	5.2	0.8	4.8	58.5	28.4	4.1	2.6	0.9	3.7	41.5	31.1						
TOTALS	2340	1576	73	59	23	173	1904	365	24	9	11	27	436	399						
% Represented		67.4	3.1	2.5	1.0	7.4	81.4	15.6	1.0	0.4	0.5	1.2	18.6	17.1						
% CLF		41.7	3.0	2.8	0.7	3.5	53.8	35.4	3.4	1.7	0.6	3.3	46.2	22.9						

OPM-AA/EEO-6

(05/31/2011)

PERSONNEL TRANSACTIONS REPORT



Personnel Transactions Report

Agency Name and Code: Oklahoma Department of Transportation 345

Date: June 30, 2011

Summary	Total	Minority						Male	Female
		White	Black	Hisp	AS/PI	AI/AN	Total		
1. Employees at Beginning of Period (07-01-10)	#	2000	101	71	31	184	387	1921	466
	%	84%	4%	3%	1%	8%	16%	80%	20%
2. Employees at End of Period (06-30-11)	#	1941	97	68	34	200	399	1904	436
	%	83%	4%	3%	1%	9%	17%	81%	19%
3. Net Increase (decrease)		-59	-4	-3	3	16	12	-17	-30
4. Personnel Transaction:									
(A) New Hires	#	171	5	4	4	22	35	184	22
	%	83%	2%	2%	2%	11%	17%	89%	11%
(B) Promotions	#	269	10	7	5	34	56	284	41
	%	83%	3%	2%	2%	10%	17%	87%	13%
(C) Demotions		3	2			1	1	3	
(D) Separations		253	9	7	1	6	23	201	52

OPM-AA/EEO-8 (05/31/2011)

**THREE-YEAR EVALUATION
OF PREVIOUS EEO EFFORTS**



Evaluation of Previous EEO Efforts (NEW HIRES)

Agency Name and Code: *Oklahoma Department of Transportation* 345

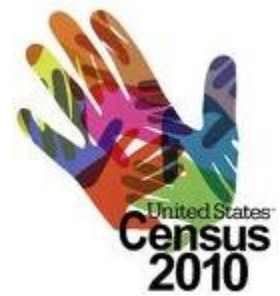
As Of: *June 30, 2011*

Summary		Total New Hires	White	Black	Hisp	AS/PI	A/IAN	Total Min	Male	Female
1. New Hires FY	2009	Number	244	13	12	4	32	61	255	50
2. New Hires FY	2010	Number	87	5	5	1	15	26	101	12
3. New Hires FY	2011	Number	171	5	4	4	22	35	184	22
Total Number for Three Year Period			502	23	21	9	69	122	540	84
Total Percent for Three Year Period		Percent	80%	4%	3%	1%	11%	20%	87%	13%
Total Percent for Current Year		%	83%	2%	2%	2%	11%	17%	89%	11%

NEW HIRES FOR CURRENT REPORTING YEAR ONLY

EEO Categories	Total New Hires	Male						Female						
		White	Black	Hisp	AS/PI	A/IAN	Total Male	White	Black	Hisp	AS/PI	A/IAN	Total Fem	Total Min
Official/Administrator	1	1					1						0	0
Professionals	18	12					12	4	1				6	2
Technicians	26	17		1			22	3		1			4	6
Protective Services	0						0						0	0
Paraprofessionals	0						0						0	0
Administrative Support	11	1					1	9			1		10	1
Skilled Craft	8	8					8						0	0
Service Maintenance	142	114	4	3			140	2					2	26
TOTALS	206	153	4	4	4	2	184	18	1	0	2	1	22	35

APPENDIX



Civil Rights Act of 1964 – as amended in 1972 and 1978 prohibits all forms of discrimination on the basis of race, color, sex, religion, or national origin. (Pregnancy was added in 1978.) Title VII, a section of the Act, specifically prohibits discrimination in employment. Today, most discrimination charges are filed under Title VII. It has been subject to many differing interpretations by employers, enforcement agencies, and the courts. Title VII applies to all public and private employers with 15 or more employees. (Enforcement: EEOC and DOJ)

The State and Local Fiscal Assistance Act of 1972 – Also known as the “Revenue Sharing Act”, this provision of law prescribes that state and local governments receiving federal revenue-sharing are not to discriminate in employment on the basis of race, color, national origin, sex, religion, age, or handicapped status.

Civil Rights Act of 1866 – protects all persons from discrimination because of their race or national origin. This law was enacted shortly after the abolition of slavery but had little effect for the first 100 years. In the last 20 years, however, individuals have won race discrimination suits under this Act. In 1987, the Supreme Court ruled that Arabs and Jews were protected under this law because they were “perceived” as a race. This law provides protection in situations not specifically covered by the C.R.A. of 1964. Unlike the 1964 Act, the 1866 law allows individuals to sue for compensatory and punitive damages, which result in much costlier settlements for employers. Individuals also do not have to follow the time requirements for filing that exist under the 1964 Act. (Enforcement: The Federal Court System)

Equal Pay Act of 1963 – gives men and women the right to earn equal pay for doing substantially the same work. This law guarantees protection from sex discrimination wages. To correct inequities, employers must raise the wages of women to that of men. If employers are found guilty of “willful” discrimination, they may have to pay double or triple damages. Pay differences that are legal under the E.P.A. are also valid under Title VII. (Enforcement: EEOC)

Age Discrimination in Employment Act (ADEA) of 1967 – amended in 1978, 1986 and 1996 protects persons over 40 years of age from discrimination on the basis of age in any terms or conditions of employment. (Enforcement: EEOC)

Rehabilitation Act of 1973 – Section 503 of this Act covers most employers with federal contracts and sub-contracts in excess of \$10,000. It prohibits discrimination against any qualified employee or applicant because of a physical or mental disability. In addition, federal contractors and subcontractors must take affirmative action to employ and advance qualified individuals with physical disabilities. Section 504 of the Act covers any program or activity receiving federal financial assistance. Qualified applicants and employees with physical disabilities are protected from discrimination in any

employment practices under Section 504. (Enforcement: Office of Federal Contract Compliance Programs, OFCCP)

Vietnam Era Veterans Readjustment Act of 1974 – requires employers with federal contracts or subcontractors of \$25,000 or more to take “affirmative” steps to employ and promote qualified disabled veterans and Vietnam Era Veterans, i.e., OPA, Veterans Preference. (Enforcement: OFCCP)

Civil Rights Act of 1871 – “Every person who, under color of any statute, subjects, or causes to be subjected, any citizen...to the deprivation of any right, shall be liable to the personal injured.” (Enforcement: Court System)

Americans with Disabilities Act of 1990 (ADA) – Title 1 of the Americans with Disabilities Act of 1990, effective July 26, 1992, prohibits private employers, state and local governments, employment agencies, and labor unions from discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. An individual with a disability is a person who:

- (1) Has a physical or mental impairment that substantially limits one or more major life activities;
- (2) Has a record of such an impairment; or
- (3) Is regarded as having such an impairment.

(Enforcement: EEOC)

Civil Rights act of 1991 – amends Title VII of the Civil Rights Act of 1964, Section 1981 of the Civil Rights Act of 1866, The Attorney’s Fees Awards Act of 1976, The Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act of 1976. It addresses such subjects as disparate impact, business necessity, bias after hiring, challenges to consent decrees, timeliness of challenges to seniority systems, mixed motives, expert witness fees, compensatory and punitive damages, jury trial, interest and filing time in action against the federal government, and “race norming” of test scores.

Title 25 O.S. 1302 – It is a discriminatory practice for an employer:

- (1) To fail to refuse to hire, to discharge, or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, privileges, or responsibilities of employment, because of race, color, religion, sex, national origin, age, or handicap unless such action is related to a bona fide occupational qualification reasonably necessary to the normal operation of the employer’s business or enterprise.
- (2) To limit, segregate, or classify an employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely

affect the status of an employee, because of race, color, religion, sex, national origin, age, or handicap unless such action is related to a bona fide occupational qualification reasonably necessary to the normal operation of the employer's business or enterprise. (Enforcement: HRC)

Title 74 O.S. 840-2.9 – “No person in the State service...shall be appointed to or demoted or dismissed from any position in the State service...because of political or religious opinions or affiliations, race, creed, gender, color, or national origin or by reason of any physical handicap...” (Enforcement: OMPC)

Title 74 O.S. 840-2.1 – Requires all entities of Oklahoma State Government to formulate and implement an Affirmative Action Program, and to submit the plan report to OPM. (Enforcement: OPM)

Title 74 O.S. 954 – Prohibits any department or agency of the State of Oklahoma, or any official or employee of the same for and on behalf of the State of Oklahoma: to refuse to employ or to discharge any person otherwise qualified, on account of race, color, creed, national origin, age, handicap, or ancestry; to discriminate for the same reasons in regard to tenure, terms or conditions of employment; to deny promotion or increase in compensation solely for these reasons; to publish an offer of employment based on such discrimination; to adopt or enforce any rule or employment policy which so discriminates as to any employee; or to seek such information as to any applicant or employee or to discriminate in the selection of personnel for training solely on such basis. (Enforcement: OMPC)

Title 74 O.S. 840-4.12 – Promotional and entrance examinations – Persons with severe disabilities – Special disabled veterans – Optional hiring procedure for affirmative action goals.

- (1) Allows special disabled veterans to elect to be considered for employment either under 74 O.S. 840-4.12 or Sections 401 through 404 of Title 72 of the Oklahoma Statutes.
- (2) Except for the requirement of minimum qualifications specified in applicable job specifications, such severely disabled persons shall be exempt from entrance examinations and hiring procedures administered by OPM.
- (3) The optional hiring procedure for affirmative action goals (aka – Fair Employment Practices Act) permits agencies of state government to employ protected group members, i.e., Females, Blacks, Hispanics, Asian/Pacific Islanders, and American Indians/Alaskan Natives in competitive and non-competitive jobs. Use of this provision is contingent upon the establishment of an appropriate goal in the agency's AAP and that a manifest imbalance exists which justifies remedial action under the Act. (Enforcement: No enforcement authority as the Act is permissive.)

ODOT Salary Guidelines

Effective July 1, 2009

These salary guidelines are consistent with ODOT Policy B-305-2-(1) and are to be used for compensation decisions.

1. **The Hiring Rate/Minimum Salary Column** – is for employees on probation or trial period and is the minimum salary for employees in that job code.
2. **The Authorized Salary Column** – is the maximum salary Division Engineers or Division Managers are authorized to pay permanent employees without a salary exception approved by the appropriate Director and the Deputy Director/Chief Engineer.
3. **The Maximum Salary Column** – represents the highest salary an employee may be paid with approval of an Assistant Director and the Deputy Director/Chief Engineer.
4. **The Salary Exception Request** – is a written justification detailing why the Division is requesting that an employee be paid above the Authorized Salary. The Salary Exception Request must be approved by the Assistant Director and the Deputy Director/Chief Engineer before any transaction can occur.
5. **Minimum Promotion Pay Increase** – Employees must receive no less than a 5% pay increase upon promotion or career progression unless the new salary would take the employee beyond the amount listed on the Maximum Salary Column.
6. **Maximum Promotion Pay Increase** – Employees may not receive more than a 20% increase upon promotion or career progression unless a higher percentage increase is required to reach the amount listed on the Hiring Rate/Minimum Salary Column.
7. **Minimum Hiring Rate Salary** – Under the provisions of House Bill 1114, effective 7/1/09 the minimum salary for any ODOT employee is \$1525.83 per month (\$18,310/yr or \$8.80/hr). No classified salaries on the Salary Guidelines chart are affected. Ensure Temporary employees (Job Code 0020) are hired in at \$8.80/hr or higher.

Annualized ODOT Salary Guidelines Chart

JFD Title	Level	JFD Code	Pay Band	ODOT Hiring Rate/Minimum Salary	ODOT Authorized Salary	Maximum Salary
Accountant	I	D14A	I	\$33,257.14	\$34,920	\$42,884
	II	D14B	J	\$39,908.57	\$41,904	\$47,146
	III	D14C	K	\$45,794.29	\$48,084	\$51,534
	IV	D14D	L	\$50,377.14	\$52,896	\$56,686
Accounting Technician	I	D50A	F	\$23,268.57	\$24,432	\$32,003
	II	D50B	G	\$24,434.29	\$25,656	\$35,204
	III	D50C	H	\$28,857.14	\$30,300	\$38,724
Administrative Assistant	I	E17A	H	\$28,091.43	\$29,496	\$38,724
	II	E17B	I	\$30,857.14	\$32,400	\$42,884
Administrative Programs Officer	I	E12A	J	\$33,062.86	\$34,716	\$47,146
	II	E12B	L	\$41,931.43	\$44,028	\$56,686
	III	E12C	M	\$47,600.00	\$49,980	\$62,920
	IV	E12D	O	\$57,120.00	\$59,976	\$78,223
Administrative Technician	I	E16A	D	\$18,868.57	\$19,812	\$26,448
	II	E16B	E	\$21,542.86	\$22,620	\$29,094
	III	E16C	F	\$25,405.71	\$26,676	\$32,003
	IV	E16D	G	\$25,405.71	\$26,676	\$35,204
Auditor	I	D12A	I	\$33,257.14	\$34,920	\$42,884
	II	D12B	J	\$39,908.57	\$41,904	\$47,146
	III	D12C	K	\$45,794.29	\$48,084	\$51,534
	IV	D12D	L	\$50,377.14	\$52,896	\$56,686
Automotive/Engine Mechanic	I	F47A	E	\$24,217.14	\$25,428	\$29,094
	II	F47B	G	\$28,080.00	\$29,484	\$35,204
	III	F47C	H	\$32,857.14	\$34,500	\$38,724
	IV	F47D	I	\$36,148.57	\$37,956	\$42,884
	V	F47E	J	\$42,994.29	\$45,144	\$47,146
Bindery Worker	I	E33A	E	\$20,422.86	\$21,444	\$29,094
	II	E33B	F	\$23,485.71	\$24,660	\$32,003
	III	E33C	H	\$28,091.43	\$29,496	\$38,724
Business Manager	I	D30A	K	\$45,794.29	\$48,084	\$51,534
	II	D30B	L	\$50,377.14	\$52,896	\$56,686
CADD Specialist	I	T10A	F	\$29,497.14	\$30,972	\$32,003
	II	T10B	G	\$32,434.29	\$34,056	\$35,204
	III	T10C	I	\$35,691.43	\$37,476	\$42,884
	IV	T10D	J	\$41,040.00	\$43,092	\$47,146
	V	T10E	K	\$46,285.71	\$48,600	\$51,534
	VI	T10F	M	\$50,754.29	\$53,292	\$62,920
Civil Rights Administrator	I	C10A	L	\$43,737.14	\$45,924	\$56,686
	II	C10B	N	\$51,360.00	\$53,928	\$69,843
Construction/Maintenance Technician	I	F41A	F	\$25,074.29	\$26,328	\$32,003
	II	F41B	G	\$27,577.14	\$28,956	\$35,204
Contracting & Acquisitions Agent	I	F14A	H	\$30,811.43	\$32,352	\$38,724
	II	F14B	I	\$34,800.00	\$36,540	\$42,884
	III	F14C	J	\$39,908.57	\$41,904	\$47,146
	IV	F14D	K	\$43,897.14	\$46,092	\$51,534
EAP Coordinator	I	C12A	K	\$37,462.86	\$39,336	\$51,534
Engineer Intern	I	S10A	I	\$34,091.43	\$35,796	\$42,884
	II	S10B	J	\$37,497.14	\$39,372	\$47,146
	III	S10C	K	\$41,245.71	\$43,308	\$51,534
	IV	S10D	L	\$45,428.57	\$47,700	\$56,686
	V	S10E	M	\$49,440.00	\$51,912	\$62,920

Annualized ODOT Salary Guidelines Chart

Engineering Manager	I	S12A	O	\$62,754.29	\$65,892	\$78,223
Engineering Manager	II	S12B	P	\$68,274.29	\$71,688	\$88,393
Engineering Manager (Residency)	II	S12B	P	\$71,680.00	\$75,264	\$88,393
Engineering Manager	III	S12C	Q	\$78,514.29	\$82,440	\$99,884
Engineering Manager (Field)	III	S12C	Q	\$82,445.71	\$86,568	\$99,884
	IV	S12D	R	\$89,314.29	\$93,780	\$112,869
Environmental Programs Manager	I	R25A	N	\$55,862.86	\$58,656	\$69,843
	II	R25B	O	\$64,251.43	\$67,464	\$78,223
Environmental Programs Specialist	I	R20A	I	\$34,571.43	\$36,300	\$42,884
	II	R20B	J	\$39,908.57	\$41,904	\$47,146
	III	R20C	K	\$45,794.29	\$48,084	\$51,534
	IV	R20D	L	\$50,377.14	\$52,896	\$56,686
Environmental/Chemical Lab Scientist	I	R10A	J	\$34,571.43	\$36,300	\$47,146
	II	R10B	K	\$39,908.57	\$41,904	\$51,534
	III	R10C	L	\$45,794.29	\$48,084	\$56,686
	IV	R10D	M	\$50,377.14	\$52,896	\$62,920
Financial Manager/Comptroller	I	D33A	N	\$53,805.71	\$56,496	\$69,843
	II	D33B	O	\$59,188.57	\$62,148	\$78,223
	III	D33C	O	\$68,068.57	\$71,472	\$78,223
	IV	D33D	Q	\$85,520.00	\$89,796	\$99,884
Graphic Artist	I	E43A	H	\$31,542.86	\$33,120	\$38,724
	II	E43B	I	\$34,697.14	\$36,432	\$42,884
	III	E43C	J	\$38,297.14	\$40,212	\$47,146
Highway Sign Technician	I	T27A	E	\$20,548.57	\$21,576	\$29,094
	II	T27B	F	\$24,491.43	\$25,716	\$32,003
	III	T27C	G	\$27,531.43	\$28,908	\$35,204
	IV	T27D	H	\$30,560.00	\$32,088	\$38,724
HR Management Specialist	I	C31A	H	\$33,257.14	\$34,920	\$38,724
	II	C31B	J	\$39,908.57	\$41,904	\$47,146
	III	C31C	K	\$45,794.29	\$48,084	\$51,534
	IV	C31D	L	\$50,377.14	\$52,896	\$56,686
HR Programs Manager	I	C32A	M	\$53,805.71	\$56,496	\$62,920
	II	C32B	N	\$56,491.43	\$59,316	\$69,843
	III	C32C	O	\$66,708.57	\$70,044	\$78,223
IS Administrator	I	B32A	O	\$68,274.29	\$71,688	\$78,223
	II	B32B	P	\$75,942.86	\$79,740	\$88,393
IS Applications Specialist	I	B51A	J	\$40,091.43	\$42,096	\$47,146
	II	B51B	K	\$44,102.86	\$46,308	\$51,534
	III	B51C	L	\$48,514.29	\$50,940	\$56,686
	IV	B51D	M	\$53,371.43	\$56,040	\$62,920
IS Manager	I	B31A	M	\$56,777.14	\$59,616	\$62,920
	II	B31B	N	\$62,457.14	\$65,580	\$69,843
	III	B31C	O	\$68,274.29	\$71,688	\$78,223
IS Network Administrator	I	B22A	L	\$42,308.57	\$44,424	\$56,686
	II	B22B	L	\$46,537.14	\$48,864	\$56,686
	III	B22C	M	\$51,188.57	\$53,748	\$62,920
IS Network Management Specialist	I	B21A	I	\$36,514.29	\$38,340	\$42,884
	II	B21B	J	\$39,908.57	\$41,904	\$47,146
	III	B21C	K	\$43,417.14	\$45,588	\$51,534
	IV	B21D	L	\$47,760.00	\$50,148	\$56,686

Annualized ODOT Salary Guidelines Chart

IS Operating Systems Specialist	I	B30A	K	\$42,708.57	\$44,844	\$51,534
	II	B30B	L	\$48,514.29	\$50,940	\$56,686
	III	B30C	M	\$53,371.43	\$56,040	\$62,920
	IV	B30D	N	\$54,697.14	\$57,432	\$69,843
IS Operations Specialist	I	B10A	E	\$23,897.14	\$25,092	\$29,094
	II	B10B	F	\$26,285.71	\$27,600	\$32,003
	III	B10C	G	\$28,960.00	\$30,408	\$35,204
	IV	B10D	H	\$31,851.43	\$33,444	\$38,724
	V	B10E	I	\$35,040.00	\$36,792	\$42,884
IS Services Coordinator	I	B55A	J	\$33,062.86	\$34,716	\$47,146
	II	B55B	K	\$36,365.71	\$38,184	\$51,534
	III	B55C	L	\$40,000.00	\$42,000	\$56,686
	IV	B55D	M	\$44,000.00	\$46,200	\$62,920
IS Telecommunications Technician	I	B20A	G	\$31,622.86	\$33,204	\$35,204
	II	B20B	H	\$34,788.57	\$36,528	\$38,724
	III	B20C	I	\$36,514.29	\$38,340	\$42,884
Land Surveyor Manager	I	S17A	O	\$61,028.57	\$64,080	\$78,223
	II	S17B	P	\$73,234.29	\$76,896	\$88,393
	III	S17C	Q	\$85,520.00	\$89,796	\$99,884
Legal Secretary	I	E25A	G	\$24,914.29	\$26,160	\$35,204
	II	E25B	H	\$27,405.71	\$28,776	\$38,724
	III	E25C	I	\$30,857.14	\$32,400	\$42,884
	IV	E25D	J	\$33,165.71	\$34,824	\$47,146
Materiel Management Officer	I	F21A	H	\$31,165.71	\$32,724	\$38,724
	II	F21B	I	\$34,285.71	\$36,000	\$42,884
Materiel Management Specialist	I	F20A	D	\$19,074.29	\$20,028	\$26,448
	II	F20B	E	\$21,497.14	\$22,572	\$29,094
	III	F20C	F	\$23,645.71	\$24,828	\$32,003
	IV	F20D	G	\$26,000.00	\$27,300	\$35,204
Offset Press Operator	I	E34A	F	\$22,891.43	\$24,036	\$32,003
	II	E34B	G	\$27,920.00	\$29,316	\$35,204
	III	E34C	H	\$30,457.14	\$31,980	\$38,724
	IV	E34D	I	\$33,508.57	\$35,184	\$42,884
Optical Imaging Specialist	I	E36A	D	\$19,668.57	\$20,652	\$26,448
	II	E36B	F	\$21,634.29	\$22,716	\$32,003
	III	E36C	H	\$25,142.86	\$26,400	\$38,724
Photogrammetrist	I	T60A	I	\$33,908.57	\$35,604	\$42,884
	II	T60B	J	\$39,908.57	\$41,904	\$47,146
	III	T60C	K	\$45,794.29	\$48,084	\$51,534
	IV	T60D	L	\$50,377.14	\$52,896	\$56,686
Photographer	I	E50A	H	\$31,542.86	\$33,120	\$38,724
	II	E50B	I	\$34,697.14	\$36,432	\$42,884
Professional Engineer	I	S11A	M	\$51,908.57	\$54,504	\$62,920
	II	S11B	N	\$59,360.00	\$62,328	\$69,843
	III	S11C	O	\$68,274.29	\$71,688	\$78,223
Professional Land Surveyor	I	S16A	M	\$49,714.29	\$52,200	\$62,920
	II	S16B	N	\$54,685.71	\$57,420	\$69,843
Programs Manager	I	H10A	M	\$51,360.00	\$53,928	\$62,920
	II	H10B	N	\$56,491.43	\$59,316	\$69,843
Public Information Manager	I	E45A	L	\$44,000.00	\$46,200	\$56,686
	II	E45B	M	\$48,388.57	\$50,808	\$62,920

Annualized ODOT Salary Guidelines Chart

Public Information Officer	I	E44A	I	\$33,062.86	\$34,716	\$42,884
	II	E44B	J	\$36,365.71	\$38,184	\$47,146
	III	E44C	K	\$40,000.00	\$42,000	\$51,534
Reproduction Services Manager	I	E37A	L	\$38,994.29	\$40,944	\$56,686
Safety Consultant	I	J31A	H	\$33,062.86	\$34,716	\$38,724
	II	J31B	I	\$38,742.86	\$40,680	\$42,884
	III	J31C	J	\$44,468.57	\$46,692	\$47,146
	IV	J31D	K	\$48,914.29	\$51,360	\$51,534
Secretary	I	E24A	F	\$21,542.86	\$22,620	\$32,003
	II	E24B	G	\$25,405.71	\$26,676	\$35,204
	III	E24C	H	\$28,091.43	\$29,496	\$38,724
	IV	E24D	I	\$30,857.14	\$32,400	\$42,884
	V	E24E	J	\$33,062.86	\$34,716	\$47,146
Training Specialist	I	C41A	I	\$33,257.14	\$34,920	\$42,884
	II	C41B	J	\$39,908.57	\$41,904	\$47,146
	III	C41C	L	\$50,377.14	\$52,896	\$56,686
Transportation Equipment Operator	I	T25A	E	\$22,308.57	\$23,424	\$29,094
	II	T25B	F	\$25,657.14	\$26,940	\$32,003
	III	T25C	G	\$29,508.57	\$30,984	\$35,204
	IV	T25D	H	\$33,920.00	\$35,616	\$38,724
Transportation Manager	I	T23A	M	\$51,360.00	\$53,928	\$62,920
<i>Transportation Manager</i>	II	T23B	N	\$56,491.43	\$59,316	\$69,843
<i>Transportation Manager (Residency)</i>	II	T23B	N	\$62,068.57	\$65,172	\$69,843
	III	T23C	O	\$66,708.57	\$70,044	\$78,223
	IV	T23D	P	\$78,514.29	\$82,440	\$88,393
Transportation Specialist	I	T22A	I	\$33,908.57	\$35,604	\$42,884
	II	T22B	J	\$39,908.57	\$41,904	\$47,146
	III	T22C	K	\$45,794.29	\$48,084	\$51,534
	IV	T22D	L	\$50,377.14	\$52,896	\$56,686
Transportation Superintendent	I	T26A	J	\$38,240.00	\$40,152	\$47,146
	II	T26B	K	\$45,885.71	\$48,180	\$51,534
Transportation Technician	I	T21A	F	\$24,228.57	\$25,440	\$32,003
	II	T21B	G	\$26,651.43	\$27,984	\$35,204
	III	T21C	H	\$29,314.29	\$30,780	\$38,724
	IV	T21D	I	\$32,251.43	\$33,864	\$42,884
Video Production Specialist	I	C42A	I	\$32,308.57	\$33,924	\$42,884
	II	C42B	J	\$35,622.86	\$37,404	\$47,146
	III	C42C	L	\$42,754.29	\$44,892	\$56,686
Welder	I	F48A	F	\$25,577.14	\$26,856	\$32,003
	II	F48B	G	\$28,571.43	\$30,000	\$35,204
	III	F48C	H	\$36,697.14	\$38,532	\$38,724

Oklahoma Department of Transportation
Pay Band Assignment
Unclassified Service
Effective April 1, 2000

Code	Title	Pay Band
0020	Temporary	00
0286	Undergraduate Intern (Carl Albert)	00
0287	Executive Fellow (Carl Albert)	00
0765	Project Manager	14
1347	General Counsel	20
1615	Attorney III	12
1616	Attorney IV	14
1767	Student Employment	00
3146	Senior Financial Accountant (CPA)	12
3999	State Work Incentive Program (SWIP)	00
4479	Chief, Legal & Business Services	14
4553	Asst Director, Fiscal and Programs	19
4792	Administrative Assistant to Director	10
4812	Deputy Director	21
4966	Director	21
5696	Chief Engineer	21
5781	Executive Asst to Commission	00
6161	Deputy General Counsel, CRD	14
6164	Coop Engineer Trainee XII	09
6165	Tort Litigation Adminstrator	14
6168	Coop Engineer Trainee III	07
6487	Asst Director, Pre-Construction	20
7653	Asst Director, Operations	20
7655	Asst Director, Administration	19
7657	Division Engineer	16
8172	Transportation Coordinator	00
9145	Attorney	16
9292	Director of Internal Audit	16
9327	Internal Audit Manager	12
9903	Commissioner	01
XXXX	Cabinet Secretary	21

Oklahoma Department of Transportation
Unclassified Salary Schedule
 Effective April 1, 2000

Pay Band	Rate	Minimum	Midpoint	Maximum
00 *	Annual	\$18,310		\$120,000
	Monthly	\$1,525.83		\$10,000
01 **	Annual	\$3,600	\$5,400	\$7,200
	Monthly	\$300	\$450	\$600
02 ***	Annual	\$7,200	\$10,800	\$14,400
	Monthly	\$600	\$900	\$1,200
03 ***	Annual	\$10,800	\$16,200	\$21,600
	Monthly	\$900	\$1,350	\$1,800
04 ***	Annual	\$14,400	\$21,600	\$28,800
	Monthly	\$1,200	\$1,800	\$2,400
05 ***	Annual	\$18,000	\$27,000	\$36,000
	Monthly	\$1,500	\$2,250	\$3,000
06	Annual	\$21,600	\$32,400	\$43,200
	Monthly	\$1,800	\$2,700	\$3,600
07	Annual	\$25,200	\$37,800	\$50,400
	Monthly	\$2,100	\$3,150	\$4,200
08	Annual	\$28,800	\$43,200	\$57,600
	Monthly	\$2,400	\$3,600	\$4,800
09	Annual	\$32,400	\$48,600	\$64,800
	Monthly	\$2,700	\$4,050	\$5,400
10	Annual	\$36,000	\$54,000	\$72,000
	Monthly	\$3,000	\$4,500	\$6,000
11	Annual	\$39,600	\$59,400	\$79,200
	Monthly	\$3,300	\$4,950	\$6,600
12	Annual	\$43,200	\$64,800	\$86,400
	Monthly	\$3,600	\$5,400	\$7,200
13	Annual	\$46,800	\$70,200	\$93,600
	Monthly	\$3,900	\$5,850	\$7,800
14	Annual	\$50,400	\$75,600	\$100,800
	Monthly	\$4,200	\$6,300	\$8,400
15	Annual	\$54,000	\$81,000	\$108,000
	Monthly	\$4,500	\$6,750	\$9,000
16	Annual	\$57,600	\$86,400	\$115,200
	Monthly	\$4,800	\$7,200	\$9,600
17	Annual	\$61,200	\$91,800	\$122,400
	Monthly	\$5,100	\$7,650	\$10,200
18	Annual	\$64,800	\$97,200	\$129,600
	Monthly	\$5,400	\$8,100	\$10,800
19	Annual	\$68,400	\$102,600	\$136,800
	Monthly	\$5,700	\$8,550	\$11,400
20	Annual	\$72,000	\$108,000	\$144,000
	Monthly	\$6,000	\$9,000	\$12,000
21	Annual	\$75,600	\$113,400	\$151,200
	Monthly	\$6,300	\$9,450	\$12,600

Divide Monthly Rate by 173.33 to get Hourly Rate

Notes:

- * - Min salary on band 00 reflects 2009 min wage per HB 1114 as set by US Dept of Health & Human Services (min hourly rate of \$8.80/hr)
- ** - Pay band 01 for ODOT Commissioners only (Commissioners are exempt from min wage per HB 1114)
- *** - Pay bands 02 thru 05 not currently used - watch for min wage if later used

Oklahoma

Occupations of Civilian Labor Force by Minority Status and Gender
2000 Census EEO Data

Occupation	Sex		Total	White non-Hispanic	Black non-Hispanic	Hispanic	Asian/PI non-Hispanic	AIAN non-Hispanic	Total Minority
All Occupations	Total	# %	1,632,125 100%	1,258,410 77.1%	104,930 6.4%	72,769 4.5%	21,807 1.3%	111,415 6.8%	373,715 22.9%
	Female	# %	753,433 46.2%	577,905 35.4%	55,240 3.4%	27,199 1.7%	10,572 0.6%	53,250 3.3%	175,528 10.8%
Official/Administrator	Total	# %	210,195 100%	178,380 84.9%	7,650 3.6%	4,895 2.3%	2,145 1.0%	10,315 4.9%	31,815 15.1%
	Female	# %	79,090 37.6%	65,105 31.0%	3,860 1.8%	2,000 1.0%	740 0.3%	4,660 2.2%	13,985 6.6%
Professional	Total	# %	262,800 100%	217,535 82.8%	12,300 4.7%	5,285 2.0%	5,820 2.2%	13,485 5.1%	45,265 17.2%
	Female	# %	146,065 55.6%	119,545 45.5%	7,705 2.9%	2,880 1.1%	2,475 0.9%	8,590 3.3%	26,520 10.1%
Technician/Paraprofessional	Total	# %	42,365 100%	33,095 78.1%	3,015 7.1%	930 2.2%	539 1.3%	3,215 7.6%	9,270 21.9%
	Female	# %	25,284 59.7%	19,365 45.7%	2,060 4.9%	425 1.0%	284 0.7%	2,180 5.1%	5,919 14.0%
Protective Service	Total	# %	28,930 100.00%	22,670 78.4%	1,815 6.3%	624 2.2%	149 0.5%	2,435 8.4%	6,260 21.6%
	Female	# %	4,836 16.7%	3,515 12.2%	515 1.8%	139 0.5%	54 0.2%	390 1.3%	1,321 4.6%
Administrative Support	Total	# %	399,220 100%	314,780 78.8%	28,540 7.1%	11,655 2.9%	3,795 0.9%	25,145 6.3%	84,440 21.2%
	Female	# %	279,865 70.1%	220,665 55.3%	20,160 5.0%	7,905 2.0%	2,355 0.6%	18,230 4.6%	59,200 14.8%
Skilled Craft	Total	# %	194,915 100%	152,200 78.1%	7,375 3.8%	11,010 5.6%	1,475 0.7%	14,675 7.5%	42,715 21.9%
	Female	# %	12,660 6.5%	9,315 4.8%	780 0.4%	680 0.3%	340 0.2%	975 0.5%	3,345 1.7%
Service/Maintenance	Total	# %	484,045 100%	333,650 68.9%	42,940 8.9%	37,645 7.8%	7,755 1.7%	41,215 8.5%	150,395 31.1%
	Female	# %	200,800 41.5%	137,345 28.4%	19,630 4.1%	12,740 2.6%	4,255 0.9%	17,695 3.7%	63,455 13.1%
Unemployed	Total	# %	9,655 100%	6,100 63.2%	1,295 13.4%	725 7.5%	129 1.3%	930 9.6%	3,555 36.8%
	Female	# %	4,833 50.1%	3,050 31.6%	530 5.5%	430 4.5%	69 0.7%	530 5.5%	1,783 18.5%

Total Minority was calculated by subtracting Whites non-Hispanics from the Total

NOTE: Estimates may not add to the total due to rounding. For information on confidentiality protection, sampling error, nonsampling error, and accuracy of the data, see <http://www.census.gov/prod/cen2000/doc/sf3chap8.pdf>

Source: US Census Bureau, Census 2000 special tabulation

GLOSSARY OF EEO TERMS AND CONCEPTS

EEO, like any other field, has its own special terminology. The definitions given below will provide a better understanding of any technical language or terms that may be printed in opinions, court decisions or other literature in EEO. Words or phrases bolded within a definition are defined elsewhere in the glossary.

Accessibility – A barrier-free environment in which the mobility of physically disabled persons is not inhibited by external forces such as architectural design.

Adverse Impact (Effect) – Applying certain personnel policies uniformly to all applicants or employees (e.g., word-of-mouth recruiting, diploma requirements, intelligence tests, minimum height requirements) has the effect of denying employment or advancement to members of a **protected class**. **Business necessity** is the only justifiable reason for adverse impact.

Affected Class (See also: **Protected Class**) – Any employee group (for example, minorities and women) that has suffered, and continues to suffer, the effects of unlawful discrimination.

Affirmative Action – The methods and measures taken to correct imbalances in the work force and eliminate the effects of past discrimination employment practices.

Affirmative Action Plan – A planned document containing affirmative steps designed to eliminate discrimination and to overcome the effects of past or present practices, policies or other barriers to equal employment opportunity. Such steps include, but are not limited to the following:

- (1) The establishment of a long-term goal and short range, interim goals and timetables for specific job classifications, all of which should take into account the availability of basically qualified persons in the relevant labor market;
- (2) A recruitment program designed to attract qualified members of the affected group;
- (3) A systematic effort to organize work and redesign jobs in ways that will provide opportunities for persons lacking entry-level knowledge or skills to enter, and with appropriate training, to progress in a career field;
- (4) The initiation of measures designed to assure that members of an affected group who are qualified to perform the job are included within the pool of persons from which a selection official makes a selection;
- (5) A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked into dead-end jobs; and

- (6) The establishment of a system for regularly monitoring and evaluating the effectiveness of the affirmative action program and procedures for making timely adjustments where effectiveness is not demonstrated.

Applicant Flow Record – Written, objective measure used to analyze and monitor the recruiting efforts in an employer’s Affirmative Action Plan. This record shows each job applicant’s name, race, national origin, sex, referral source, date of application, position applied for, whether the job applied for (or any other job) was offered or why it was not offered.

Availability – The presence of women and minorities “ready, willing, and able to work” in the civilian labor force, used in setting goals and determining underutilization. There are several basic measures of availability: **occupational parity, labor force parity, population parity.**

Balanced and Representative Work Force – A work force whose composition at all levels approximates the composition of the relevant civilian labor force in terms of race, sex, and ethnicity.

Bona Fide Occupational Qualification (BFOQ) – A job requirement that permits an employer to legally discriminate on the basis of sex, age, religion, or national origin. Such requirements are rare exceptions. For example, sex is a BFOQ for modeling dresses or working in a women’s locker room. Sex is not a BFOQ, however, for heavy physical work since some women are physically powerful. Race and color are never a BFOQ.

Business Necessity – If an employer’s practices or policies tend to **adversely affect** members of a **protected class**, then the employer must be able to demonstrate that the challenged practices effectively carry out the business purposes they are alleged to serve and that no alternative, nondiscriminatory practices can achieve the safe and efficient operation of its business.

Class Action Suit – A court action on behalf of an affected class alleging an unlawful pattern of discrimination by an employer. A class action suit can be initiated by an individual, a group and/or a government agency.

Compliance – The degree to which state agencies carry out (comply with) their affirmative action plan or federal and state anti-discrimination laws and regulations.

Disabled Veteran – A person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty and who is entitled to a 30 percent disability compensation under the laws administered by the Veteran’s Administration.

Disparate Treatment – Discrimination within the meaning of Title VII of the Civil Rights Act of 1964 that occurs when an employer or other person subject to the Act intentionally excludes individuals from an employment opportunity on the basis of race, color, religion, sex, or national origin. Evidence of exclusion need not be embodied in the employer’s employment policies or practices, however. Whenever similarly situated individuals of a different race, sex, religion, or national origin group are accorded disparate treatment in the context of a similar employment situation, it is reasonable to infer (absent other evidence) that discrimination has occurred. The presence of a discriminatory motive can be inferred from the fact that there were differences in treatment.

Equal Employment Opportunity – Administering all terms and conditions of employment without regard to age, color, disability, national origin, race, religion, or sex.

EEOC Guidelines – Interpretations of Title VII expressed by the Equal Employment Opportunity Commission that do not have the force of law but tend to be supported by the courts. These positions are outlined in various EEOC publications such as “Discrimination Because of Sex,” “Discrimination Because of Religion,” etc.

Employer Information Report EEO-4 – This annual report shows the representation of female and minority employees in an employer’s total work force as well as in standard job grouping (i.e., officials/administrators, professionals, technicians, protective services, paraprofessionals, administrative support, skilled craft, and service maintenance.)

FEPA – The Oklahoma Fair Employment Practices Act, Section 840-4.12(I) of the Oklahoma Personnel Act.

Goals – As part of an affirmative action program, goals to eliminate employment discrimination and effects of past discrimination are required. Goals are specific, temporary, and flexible.

Intent Versus Effect – In EEO law, corporate or personal intentions have no bearing in discrimination. What does count is the effect of what is done. If discrimination has occurred, the intention not to discriminate is of no value in defending one’s position.

Job Relatedness – According to EEO court decisions, any criterion employed to determine whether a person will be hired, fired, transferred, promoted, given a salary increase, and so forth must be directly related to job performance.

Manifest Imbalance – Representation of EEO groups in a specific occupational grouping or grade level in the agency’s work force that is substantially below its representation in the appropriate CLF.

Minority – Persons who appear to belong, identify with, or are regarded in the community as belonging to one of the following racial or ethnic groups:

Black – All persons having origins in any of the Black racial groups of Africa.

Hispanic – All persons Mexican, Puerto Rican, Cuban, Central, or South American or other Spanish culture or origin, regardless of race.

Asian or Pacific Islander – All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

American Indian or Alaska 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. For affirmative action purposes, persons who are reported as American Indian shall verify tribal affiliation by providing a certificate of Degree of Indian Blood from the U.S. Department of the Interior, Bureau of Indian Affairs or by providing the name and address of tribal officials who can verify tribal affiliation.

Occupational Parity – The representation of women and minorities in particular occupational categories in the recruiting area. This has generally been accepted as a primary basis for defining affirmative action **goals** and **underutilization**.

Parity – Statistical parity is the objective of affirmative action efforts. Parity is achieved when the percentage of women and minorities in an organization’s workforce matches the percentage of protected class members available in the labor force.

Physical Disability – A physical or mental impairment which substantially limits one or more major life activities.

Present Effect of Past Practices – The concept of present effects of past practices means that employers are liable today for events and decisions of the past. Because past discriminatory practices prevent women and minorities from acquiring the necessary experience or skills to be promoted or do certain jobs, they are considered to be suffering the present effects of past discrimination.

Prima-Facie Evidence – Evidence that does not have to be proven because it is sufficient on its face or first appearance. For example, if all of a company’s black employees work in the stockroom, all its women employees work in the office, and all its white male employees are supervisors, a compliance agency would consider this prima-facie evidence of discrimination.

Protected Class – Any group (or member of a group) specified in, and therefore protected by, the anti-discrimination laws or the affirmative action obligations of employers. The anti-discrimination laws protect individuals from discrimination because of age, color, disability, national origin, race, religion, or sex. The groups are **racial minorities, women, persons with a disability, disabled veterans, and veterans of the Vietnam era.**

Protected Versus Affected Class (See also: **Affected Class**) – The term protected class describes the people who have been defined by the courts to have felt the brunt of discriminatory employment practices, i.e., women, minorities, the disabled, the 40-plus age group, the Vietnam era and disabled veterans. The term “affected class” refers to a group of people in a specific employment situation who has been discriminated against: people with the same race, sex, color, national origin, or religion who have been denied equal employment opportunity in violation of the law.

Reasonable Accommodation

- (1) Used in connection with **affirmative action** for physically disabled persons. If a physically disabled employee or applicant has the skills necessary to perform a job, an employer must make reasonable accommodations to the physical environment, equipment, schedules, or procedures that would enable the individual to function in the position.
- (2) Used in connection with discrimination because of religion. If an employee needs to be absent for religious reasons, an employer must make reasonable accommodation to grant the employee that absence – even though it may conflict with or differ from the employer’s schedules, standards, or other business conditions unless such absences cause the employer **undue hardship**.

Selection Process – Steps involved in employment or promotion decisions. Generally includes initial screening interviews, completing applications, tests for employment, background and/or reference checks, actual interview for employment and decision whether or not to hire or promote the individual.

Systematic Discrimination – Does not involve any specific action against an individual employee or class of employees, but refers to personnel practices that pervade throughout the organization and have a discriminatory effect. It can exist over a long period of time in an organization and affect hundreds of people and yet not be obvious.

Timetables – The timeframe (in years) set for attaining measurable **goals** in an affirmative action program.

Underutilization – Having fewer minorities or women in a particular job category than would reasonably be expected by their **availability**.

Undue Hardship – In order for an employer to legally refuse to accommodate an applicant's or an employee's physical disability or religious beliefs, the employer must be able to show that such accommodation would place a severe burden on the operation of the business. (See also: **Reasonable Accommodation**)

Unlawful Employment Practice – Any policy or practice that has discriminatory intent or effect.

Veteran of the Vietnam Era – 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. Non-disable veterans of the Vietnam Era are a **protected class** for up to four years after discharge.