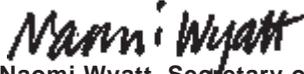


Commonwealth of Pennsylvania
GOVERNOR'S OFFICE
MANUAL

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| Subject: Guidelines for Equal Opportunity Employment Opportunity Plans and Programs | | Number: M410.3 |
| Date: December 18, 2007 | By Direction of:  Naomi Wyatt, Secretary of Administration | |

This manual provides guidelines to state agencies for developing and implementing annual Equal Employment Opportunity Plans and Programs. Agencies are required to use this manual and address all sections when preparing their annual plans and programs.

Staff of the Bureau of Equal Employment Opportunity (BEEO) is available to provide assistance to agencies in all areas of equal employment and will monitor the performance of each agency in this regard.

The Commonwealth can achieve a successful Equal Employment Opportunity Program through the cooperation of Agency Heads, Personnel Officers, Equal Opportunity Managers/Specialists and staff, and all personnel involved in managing state government.

All public officials will be expected to use this manual to implement their program.

Marginal dots have been excluded from this amendment due to major changes.

This manual supersedes Manual M410.3 dated November 1, 1988; Revision No. 1 dated February 21, 1989; Revision No. 2 dated July 17, 1990; and Revision No. 3 dated December 28, 1994.

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INTRODUCTION

In order to establish and maintain effective Equal Employment Opportunity Programs, it is essential to develop detailed, objective plans. The Equal Employment Opportunity Plan is the comprehensive document which addresses all elements of each agency's personnel policies and management practices. It should be developed as a result of cooperative interaction among the various organizational units within an agency, in both the planning and implementation processes.

This manual is divided into two parts:

- Part One is the planning and reporting guide which provides detailed guidelines as the basis for the development of an Equal Employment Opportunity Plan.*
- Part Two identifies the monitoring and reporting requirements which are key elements of a successful Equal Employment Opportunity Program. Part Two also provides the basic criteria to be used in evaluating managerial performance on Employee Performance Reviews.*

The Equal Employment Opportunity Program and Plan represent each agency's efforts to ensure that the agency extends equal employment opportunities to all employees and job applicants.

Objectives of this manual are to:

- Identify the essential elements of an agency Equal Employment Opportunity Plan and Program.*
- Increase management's awareness regarding the equal employment opportunity planning and implementation process.*
- Define roles and responsibilities.*
- Set forth the mission of the Commonwealth's Equal Employment Opportunity Program.*

EQUAL EMPLOYMENT OPPORTUNITY LAWSEQUAL EMPLOYMENT OPPORTUNITY LAWS

Age Discrimination in Employment Act of 1967 prohibits employers of 25 or more persons from discriminating because of age against persons 40 to 64 in any area of employment. It is patterned after *Title VII* in language, structure, and purpose. The Act seeks to promote the employment of older persons based on their ability rather than age and to help employers and workers find ways of resolving problems arising from the impact of age in employment.

Americans With Disabilities Act of 1990 prohibits discrimination against qualified persons with disabilities in employment, public services, transportation, public accommodations, and telecommunication services.

Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex, or national origin, in any term, condition, or privilege of employment. The Act established the Equal Employment Opportunity Commission (EEOC) to administer *Title VII*, one section of this law.

Civil Rights Act of 1964, Title VII, is the most encompassing piece of federal equal employment legislation. While *Title VII* does not explicitly require affirmative action, when there is a finding of discrimination, the Equal Employment Opportunity Commission is guided by remedies outlined by federal courts which include numerical hiring and promotion objectives when necessary.

Education Amendments, Title IX, of the above Act prohibits discrimination on the basis of sex against employees or students of any educational institution receiving federal financial aid.

Title IX is administered by the Office of Civil Rights of the U. S. Department of Health, Education, and Welfare. The most important underlying tenet is that every effort must be made to treat sexes equitably. In employment terms, for instance, a pregnancy is a temporary disability, a male as well as a female is entitled to a leave of absence to care for a newborn child, and fringe benefits must apply equally to both full-time and part-time employees who have worked for at least one academic semester. Hiring, transfers, and promotion opportunities also must be equal.

Civil Rights Act of 1991 reverses seven U. S. Supreme Court decisions issued in the previous two years which were adverse to employment discrimination victims. The Act allows compensatory and punitive damages for victims of intentional discrimination based on sex, religion, or disability and allows for jury trials. It prohibits employers from adjusting or using different standards for evaluating the results of tests based on race, religion, sex, or national origin. The employer must prove "business necessity" or adopt less discriminatory practices, if available, to avoid liability for disparate impact discrimination.

Civil Rights Restoration Act of 1987, enacted March 22, 1988, overturns the Supreme Court's 1984 Grove City ruling and adds protection for persons with contagious diseases, including AIDS.

Equal Employment Opportunity Act of 1972 is an amendment to the *Civil Rights Act of 1964* which barred discrimination on the basis of sex, strengthened the powers of the EEOC, and expanded the EEOC's jurisdiction for enforcement of *Title VII*.

EEOC's jurisdiction was expanded to cover:

1. All private employers of 15 or more persons.
2. All educational institutions, public and private.
3. State and local governments.
4. Public and private employment agencies.
5. Labor unions with 15 or more members.
6. Joint labor-management committees for apprenticeship and training.

Equal Pay Act of 1963 requires all employers subject to the *Fair Labor Standards Act* to provide equal pay for men and women performing similar work, including executive, administrative, and professional employees.

Executive Order 11246 as issued in 1965 and amended by Executive Order 11375 in 1967. This Presidential Executive Order requires all federal government contractors to have written affirmative action plans. The Executive Order carries the weight of law. The amendment extended coverage on the basis of sex.

Pennsylvania Human Relations Act of October 17, 1955, as amended, prohibits certain practices of discrimination because of race, color, religious creed, ancestry, handicap or disability, age, sex, or national origin by employers, employment agencies, labor organizations, and others as herein defined; creating the Pennsylvania Human Relations Commission in the Governor's Office; defining its functions, powers and duties, providing for procedure and enforcement; providing for the formulation of educational programs to prevent prejudice; providing for judicial review and enforcement and imposing penalties.

Rehabilitation Act of 1973 prohibits discrimination against people with a disability and implements the *Architectural Barriers Act of 1968* which requires that facilities be accessible to and usable by persons with a disability.

DEFINITIONS

Adverse Impact. Adverse impact, according to the Federal Uniform Guidelines, exists where “a substantial different rate of selection in hiring, promotion, or other employment decisions, works to the disadvantage of members of a racial, sex, or ethnic group. If such rate is less than 80 percent of the selection rate of the race, sex, or ethnic group with the highest rate of selection, generally this is regarded as evidence of adverse impact.”

Assessment. A process used to review and evaluate current agency conditions and the results of past actions in order to establish a basis for developing an Equal Employment Opportunity Plan.

Career Counseling. Guidance and advice provided to employees or candidates concerning employment opportunities and career advancement.

Career Development. An organized, systematic program of preparing and considering an employee for promotional opportunities.

Complaint. A formal notification of alleged discrimination to the proper authority. The complaint should contain enough information to warrant an investigation and is usually considered filed when it is delivered to the proper official or office. It does not always have to be in writing and the charging party does not have to be identified.

Disability. A physical or mental impairment that substantially limits one or more major life activities of an individual; a record of such impairment or being regarded as having such an impairment.

Discrimination. Unequal treatment of a person or a class of persons. If the result of an action, policy, or practice is unequal treatment of a particular protected class, then that action, policy, or practice is discriminatory. Discrimination may involve a single act or it may involve a continuing policy or practice.

Discrimination Complaint. A written statement alleging unlawful discrimination in the terms and conditions of employment based on race, color, religious creed, ancestry, age, sex, sexual orientation, union membership, national origin, AIDS or HIV status, or disability.

Disparate Impact. Employment practices that are facially neutral in their treatment of different groups but have a significantly adverse effect on a protected group when compared with others.

Disparate Treatment. Employment practices which are applied or administered in a discriminatory manner.

Eight Factor Analysis. Mathematical computations which determine the availability of minorities and/or women for job groups.

Equal Employment Opportunity. A system of employment practices within an employing organization or generally under which individuals are not excluded from any participation, advancement, or benefits because of their race, color, religious creed, ancestry, union membership, age, sex, sexual orientation, national origin, AIDS or HIV status, or disability. An employment system in which neither intentional nor unintentional discrimination exists. This includes, but is not limited to recruitment, selection, appointment, promotion, training, delegation, discipline, and separation.

Equal Employment Opportunity (EEO) Occupational Categories. The standard job categories defined by the Equal Employment Opportunity Commission. The categories are:

1. Officials/Administrators.
2. Professionals.
3. Technicians.
4. Protective Service Workers.
5. Para-Professionals.
6. Office and Clerical.
7. Skilled Craft Workers.
8. Service Maintenance.

Equal Employment Opportunity (EEO) Plan. The written document through which management ensures that all persons have equal opportunities in recruitment, selection, appointment, promotion, training, delegation, discipline, or separation. This plan is specifically tailored to the employer's work force and available skills and contains specific actions with objectives, responsibilities, and resources to meet identified needs.

This plan details the steps that will be taken to ensure equal employment opportunity. An Equal Employment Opportunity Plan requires three elements:

1. A reasonable self-analysis.
2. A reasonable basis for concluding that remedial action is appropriate.
3. The action taken is reasonable in relation to the problems disclosed by the self-analysis.

Grievance. A complaint filed under provisions of a labor contract, the *Personnel Rules*, or the *Civil Service Rules* (see Complaint).

Labor Force. Those persons 16 years or older, employed and unemployed, but seeking work within a designated area.

Labor Force Availability. The number or percent of employable persons in the civilian labor force with required skills and abilities needed by an agency within an area of reasonable recruitment.

Mentoring. Guidance and advice provided by an experienced professional.

Monitoring. A process used to determine the degree to which planned objectives are being achieved.

Objectives. Projections of the desired representation of minorities and women in the work force and conditions in the workplace as a result of the agencies' good faith efforts to make all aspects of the Equal Employment Opportunity Plan work.

Outreach. Efforts exerted to identify and recruit qualified, potential employees who are not currently employed by the Commonwealth.

Permanent Employees. All employees (salaried, wage, full-time and part-time) hired with the expectation of being in an active pay status for more than 12 consecutive months or from nine to 12 consecutive months inclusive on an annually recurring basis.

Recruitment. A tailored and agency-specific program designed to provide candidates with information regarding employment systems, employment opportunities, and assistance in applying for employment. It also indicates outreach efforts to attract candidates.

Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive work environment.

Underutilization. The condition of having fewer members of a specific race/sex group in particular EEO occupational categories than reasonably would be expected by their availability in the labor force.

Utilization Analysis. A comparison, by race and sex, of all permanent employees of skills needed in an agency with the availability of the same skills in the labor force.

Work Force. Number of all permanent employees in an agency.

PART ONE: COMPONENTS OF AN AGENCY EQUAL EMPLOYMENT OPPORTUNITY PLAN

The Equal Employment Opportunity (EEO) Plan is the written document which ensures that all employees and job candidates have equal employment opportunities in recruitment, selection, appointment, training, discipline, delegation, and separation. An EEO Plan is a detailed set of procedures designed to achieve prompt and full utilization of minorities and women at all levels of an organization. The plan also expresses the commitment of the employer to provide equal employment opportunities and avoid discrimination against persons with disabilities and to eliminate discrimination against the older worker.

Each agency's plan should be specifically tailored to the agency's work force and skills available in the relevant work force. It should contain specific actions with objectives, response-bilities, and resources required to meet identified needs and to correct deficiencies. Agency EEO Plans should contain:

- Title Page.
- Transmittal Memorandum from the agency to the Secretary of Administration.
- Policy Statements.
- Dissemination of Commonwealth Policy Statement.
- Responsibilities.
- Utilization Analysis (Eight Point Factor).
- Action Programs.
- Exhibits.

The EEO Plan must be signed by the agency head and submitted to the Bureau of Equal Employment Opportunity for review no later than March 1 of each year.

SECTION ONE. Transmittal Memorandum.

The transmittal memorandum from the agency head to the Secretary of Administration should be a personalized reaffirmation of the agency head's commitment to the EEO Program within the agency; endorsement of the EEO Plan; and his or her expectation of managers to take positive actions to ensure equal employment opportunity for all employees and job applicants.

SECTION TWO. Policy Statement.

The policy statement is a clearly written statement of the agency head's commitment to practices of equal employment opportunity and nondiscrimination as they relate to employment practices including recruitment, selection, appointment, promotion, training, delegation, and discipline. The policy statement must identify both the Equal Opportunity Manager/Specialist and the agency's responsible official for equal employment opportunity, their office locations, telephone numbers, and include the agency's commitment to:

1. Provide a fundamental policy of nondiscrimination for all persons regardless of race, color, religious creed, ancestry, union membership, age, sex, sexual orientation, national origin, AIDS or HIV status, or disability.
2. Take steps to ensure fair and equal employment at every level of government of African Americans, Hispanics, Asians, American Indians, Alaskans, Pacific Islanders, persons with a disability, persons of 40 years of age or older, and women.
3. Ensure that equal employment opportunity affects all employment practices including recruiting, interviewing, hiring, promoting, and training.
4. Require all management personnel to participate in equal employment opportunity planning, implementation, and monitoring.
5. Evaluate management performance relating to the success of the agency's EEO Plan in the same way as other agency objectives are evaluated.
6. Ensure that a worksite free of discrimination and harassment (including sexual harassment) is created and maintained.
7. Ensure provisions for equal employment opportunities for qualified persons with disabilities who are applicants or employees.
8. Provide assurances that in offering employment and promotions to persons with disabilities no reductions in compensation would result because of disability income or other benefits.
9. Provide assurances that the employer will provide reasonable accommodations, when requested, to persons with disabilities who are either employees or applicants.

The policy statement will be reissued annually with each EEO Plan.

Sexual Harassment Policy Statement. Each agency under the Governor's jurisdiction shall issue a sexual harassment policy statement consistent with the content and intent of *Executive Order 1996-14, Prohibition of Sexual Harassment in the Commonwealth*, and with policy guidance received from the Secretary of Administration through the Bureau of Equal Employment Opportunity. Agency sexual harassment policy statements are to be posted and periodic reminders should be sent to staff regarding the policy.

SECTION THREE. Dissemination of Policy Statement and Equal Employment Opportunity Plan.

The following methods for dissemination of the policy statement are recommended; however, agencies may use other methods.

1. Through publications such as policy manuals, employee newsletters, and employee handbooks.
2. At staff meetings with management and supervisory personnel.
3. During both management orientation and training programs.
4. During employee orientations.
5. Posted on bulletin boards which are visible to all employees and job applicants.
6. Through interaction with external recruitment sources used by the agency, including unions, colleges and universities, sororities, and other organizations specializing in the recruitment of minorities, women, and persons with disabilities.
7. Included with employee paychecks.

The EEO Plan is to be distributed to **all** agency managers prior to program implementation. The plan may be disseminated during management orientation and management training programs or at special meetings arranged by the Equal Opportunity Managers/Specialists for that purpose.

The EEO Plan must show how the agency's policy and annual plan will be disseminated. Include samples of letters, memoranda, and publications which indicate compliance with these requirements.

SECTION FOUR. Responsibilities.

The annual EEO Plan should include a brief narrative describing how the responsibilities are distributed within the agency.

Agency Heads. Agency heads are responsible for assigning staff to assist in the development and implementation of programs and systems to achieve the equal employment opportunity objectives of the agency. Agency heads shall designate an Equal Opportunity Manager/Specialist with primary responsibility to develop and implement the agency's equal employment opportunity program. Agency heads should ensure that the Equal Opportunity Manager/Specialist reports directly to the individual who has overall responsibility for the agency's Equal Employment Opportunity Program.

Bureau of Equal Employment Opportunity (BEEO). The BEEO shall develop and promote Equal Employment Opportunity Programs. The bureau will be responsible for developing Commonwealth-wide policies and procedures and design and implement monitoring and reporting systems which measure the effectiveness of agency programs.

Responsible Officials. Responsible Officials shall have the responsibility for the day-to-day operations and implementation of the EEO Plan. This individual is held accountable for ensuring agency compliance with applicable federal, state, and departmental regulations regarding equal employment opportunity.

Management. Deputies, Bureau Directors, and Division Chiefs shall be knowledgeable of their work force characteristics and the utilization analysis process. They should participate in the establishment of objectives and action programs. Managers and supervisors are responsible for maintaining a work climate free of discrimination and harassment, including sexual harassment.

Personnel Officers. Personnel Officers and Equal Opportunity Managers/Specialists shall be responsible for maintaining mutual appropriate working relationships for analyses of furloughs, appointments, terminations, and related personnel functions. The Personnel Officer must ensure that the agency's personnel policies and procedures incorporate the objectives of the Commonwealth's EEO Program. The Personnel Officer and the Equal Opportunity Manager/Specialist should ensure that all managers and supervisors carry out their personnel duties in a fair and equitable manner. The Personnel Office is responsible for assisting in the development and implementation of the agency's Equal Employment Opportunity Plan and Equal Employment Opportunity Training Program.

When an agency receives discrimination complaints from the State Civil Service Commission, the Equal Employment Opportunity Commission, or the Pennsylvania Human Relations Commission, the Equal Opportunity Manager/Specialist should also receive copies of such complaints.

Equal Opportunity Managers/Specialists. Equal Opportunity Managers/Specialists shall be responsible for maintaining appropriate working relationships with Personnel Officers. They shall monitor all aspects of the personnel management system which impact on equal employment opportunity. They are consultants to agency management in identifying problem areas through work force analysis and will assist in administering certain aspects of the Equal Employment Opportunity Program which include:

- Developing and drafting the agency's Equal Employment Opportunity Plan in coordination with the Responsible Official, Personnel Officer, Managers, and Supervisors.
- Training and assisting managers in the use of the Utilization Analysis.
- Developing action plans with managers to correct problem areas in the work force or work environment.
- Providing feedback to senior management regarding new, developing, or recurring patterns of discrimination as well as providing feedback regarding the agency's rate of progress toward achievement of objectives ensuring that exit interviews are administered as appropriate for all employees covered by *Management Directive 505.15, Exit Information Program*.
- Designing, coordinating, and managing the monitoring process to ensure effective implementation of the agency's Equal Employment Opportunity Program.
- Monitoring personnel transactions through utilization of the Equal Employment Review Certificate.
- Providing orientation sessions for managers and supervisors regarding the EEO Plan.
- Assisting the Personnel Officer in the recruitment of minorities, women, and persons with a disability.

Equal Opportunity Manager's/Specialist's Role in Complaint Resolution.

Complaint resolution is a part of the central responsibilities of Equal Opportunity Managers/Specialists. When employees have complaints of discrimination, Equal Opportunity Managers/Specialists are encouraged to resolve these complaints on an informal basis at the lowest organizational level. All complaints of discrimination should be handled in accordance with the following procedures.

Procedure A. Informal Procedures. The following procedures are to be followed by Equal Opportunity Managers/Specialists when resolving discrimination issues on an informal basis:

- 1. Originator/Complainant.** Meets with agency's Equal Opportunity Manager/Specialist regarding alleged act of discrimination.
- 2. Equal Opportunity Manager/Specialist.**
 - a.** Confers with employee and other concerned parties, as required, and attempts to resolve complaint informally.
 - b.** Documents under employee Counseling Log, if able to resolve informally. To ensure uniformity and consistency, the Counseling Log should contain the date of the interview and the informal resolution.
 - c.** If not resolved informally, follows the Formal Procedures in Procedure B. (Form STD-486, Equal Employment Opportunity Discrimination Complaint, is to be completed by the complainant.)

Procedure B. Formal Procedures.

- 1. Originator/Complainant.** Reports complaint to agency's Equal Opportunity Manager/Specialist within **90** calendar days after alleged act of discrimination.
- 2. Equal Opportunity Manager/Specialist.**
 - a.** Confers with complainant and other concerned parties, as required, and attempts to resolve complaint informally.
 - b.** Informs complainant of all other avenues of recourse. Complainant should be told that for a complaint to be considered timely, it must be filed with the State Civil Service Commission within **20** calendar days of the alleged act of discrimination, the Pennsylvania Human Relations Commission within **180** calendar days of the alleged act of discrimination, and the Equal Employment Opportunity Commission within **300** calendar days of the alleged act of discrimination.
- 3. Originator/Complainant.** Documents complaint, if not resolved informally, using Form STD-486, Equal Employment Opportunity Discrimination Complaint.
- 4. Equal Opportunity Manager/Specialist.**
 - a.** Conducts a thorough, efficient, and expeditious investigation of the complaint and prepares a written report with findings and recommendations within 90 workdays, unless prohibited by unforeseen circumstances such as availability of witness, records, intervention by other legal processes, labor relations, Pennsylvania Human Relations Commission, and intervention by federal or Commonwealth Courts, etc.
 - b.** Discusses findings and recommendations for complaint resolution with responsible official and other concerned parties.

5. Responsible Official.

a. Reviews and approves or disapproves recommendations submitted by the Equal Opportunity Manager/Specialist.

b. Arranges a meeting to arrive at a common resolution.

6. Equal Opportunity Manager/Specialist.

a. Documents the complaint and its resolution using Form STD-473, Grievance/Complaint Record.

NOTE: The Office of Administration, Bureau of Equal Employment Opportunity, will monitor this process annually through review of Form STD-473.

b. Notifies complainant, in writing, regarding disposition of the investigation.

c. Monitors to ensure appropriate implementation if corrective action has been determined.

7. Originator/Complainant. Appeals to the Director of the Office of Administration, Bureau of Equal Employment Opportunity, for further review if not satisfied with findings. For an appeal to be considered timely, it must be received by the Office of Administration, Bureau of Equal Employment Opportunity, or postmarked within 20 calendar days from the date of the written notification resulting from the investigation of the complaint.

8. Director, Bureau of Equal Employment Opportunity. Renders the final decision.

Other Avenues of Recourse.

If the complainant has not reached a satisfactory resolution to his or her complaint after a review by the Director of the Bureau of Equal Employment Opportunity, he or she may file a complaint with one of the agencies listed below within the specified time frames:

Agency

Time Frames

PA Human Relations Commission

180 days from date of alleged occurrence

Harrisburg Regional Office
Riverfront Office Center
1101-1125 S. Front Street, 5th Floor
Harrisburg, PA 17104
Voice: (717) 787-9784 - TTY: (717) 787-7279

Pittsburgh Regional Office
301 Fifth Avenue
3rd Floor, Piatt Place
Pittsburgh, PA 15222
Voice: (412) 565-5395 - TTY: (412) 565-5711

Philadelphia Regional Office
110 North 8th Street, Suite 501
Philadelphia, PA 19107
Voice: (215) 560-2496 - TTY: (215) 560-3599

US Equal Employment Opportunity Commission

300 days from date of alleged occurrence

Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107
Voice: (800) 669-4000
Local: (215) 440-2601 - TTY: (215) 440-2610

Pittsburgh Area Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
Voice: (800) 669-4000
Local: (412) 395-5902 - TTY: (412) 395-5904

NOTE: Retaliation against persons who have filed charges, testified, assisted, and participated in any way in any proceeding, investigation, or hearing under the provisions of the Age Discrimination Law or under Title VII of the Civil Rights Act is expressly prohibited and unlawful.

Equal Opportunity Manager's/Specialist's Role in the Furlough Process.

The Equal Opportunity Manager/Specialist is responsible for assisting the Personnel Officer in ensuring that furlough counseling is provided to all employees and for monitoring the placement and recall process for furloughees. Agency heads shall inform the Equal Opportunity Manager/Specialist of detailed personnel actions anticipated with an impending furlough before the furlough is announced so that the Equal Opportunity Manager/Specialist can analyze the effect on minorities and women and advise top management.

The Equal Opportunity Manager/Specialist, in conjunction with the Personnel Officer, shall review the furlough lists and provide the necessary reporting documents to the Office of Administration in accordance with *Management Directive 505.1, Employee Furlough Policy*.

Equal Opportunity Manager's/Specialist's Role in the Performance Evaluation Process.

The Equal Opportunity Manager/Specialist will provide feedback to the agency official responsible for EEO Programs regarding the performance of managers in equal employment opportunity and the Equal Employment Opportunity Plan. The following information should be considered in the evaluation of managers consistent with *Management Directive 540.7, Employee Performance Review*, and by usage of the:

1. Action Programs to implement objectives to assess progress.
2. Equal Employment Opportunity objectives for each bureau to determine performance in achieving its objectives for minorities and women.
3. Interaction with other managers in the overall equal employment opportunity process.

Recruitment/Outreach/Employment Counseling.

Equal Opportunity Managers/Specialists will coordinate recruitment with the Bureau of Equal Employment Opportunity recruitment efforts, outreach and employment counseling, including career mentoring, to ensure the fair and equitable placement of qualified minorities, women, and persons with a disability.

Complement Authorization Request (CAR) Justification Form.

All Equal Opportunity Managers/Specialists will receive copies of all approved CAR Justification forms.

Equal Employment Review Certificate (EERC).

Form STD-483, Equal Employment Review Certificate, is to be used in all agencies under the Governor's jurisdiction to monitor personnel transactions.

SECTION FIVE. Utilization Analyses.

Agencies will perform a utilization analysis to determine whether there is adequate representation of minorities and women in the work force. The analysis will be performed using data collected from the Integrated Personnel/ Payroll System and the standard Commonwealth EEO planning software, including:

Work Force Analysis.

Work Force Analysis is a listing of all job titles, ranked from the lowest paid to the highest paid, within each department or organizational unit. For each job title, the total number of incumbents with a breakdown by race and sex must be listed.

Job Group Analysis.

Job Group Analysis is a grouping of jobs with similar content, wage rates, and promotional opportunities, irrespective of line of progression. The analysis will include, for each job group, the total number of incumbents with a breakdown by race and sex. The job group is the basic unit for the computation of the Availability Analysis, Utilization Analysis, and Objectives.

Availability Analysis.

Availability Analysis estimates the percentages of minorities and women available for employment in each identified job group. It is defined as the percentage of minorities or women who have the skills required for entry into a specific group or who are capable of acquiring them. To determine minority and women availability, the following "Eight Factor Computation Method" will be used and considered:

1. Percentage of minorities in population of labor area surrounding facility and percentage of women among those seeking employment in the labor or recruiting area.
2. Percentage of minorities and women among unemployed in labor area surrounding facility.
3. Percentage of minorities and women in total work force in immediate labor area.
4. Percentage of minorities and women among those having requisite skills in immediate labor area.
5. Percentage of minorities and women among those having requisite skills in reasonable recruitment area.
6. Percentage of minorities and women among those promotable or transferable within facility.
7. Percentage of minorities and women among those providing training in requisite skills.
8. Percentage of minorities and women among those at facility whom contractor can train in requisite skills.

Utilization Analysis.

Utilization Analysis is a comparison of the actual percentage of employment of minorities and women in each job group with the calculated percentage of availability of minorities and women to determine if minorities and women are underutilized in any major job group. Underutilization is defined as having fewer minorities or women in a particular job group than would be reasonably expected by their avail-ability.

Objectives.

Annual percentage objectives will be established for job groups in which underutilization exists. Objectives will not exceed availability. The objectives will be in terms of percentages, not numerical.

SECTION SIX. Action Programs.

Each Equal Employment Opportunity Plan should include a narrative assessment of all personnel policies and management practices which contribute to underutilization of minorities and women and identify areas where improvements can be made to increase the effectiveness of the agency's Equal Employment Opportunity Program. Each agency will also be responsible for implementing initiatives developed and monitored by the Bureau of Equal Employment Opportunity.

SECTION SEVEN. Exhibits.

All agencies shall submit supporting exhibits with their Equal Employment Opportunity Plan, including but not be limited to:

1. Supportive memoranda.
2. Newsletters, publications, policy statements, etc.

**PART TWO: EQUAL EMPLOYMENT OPPORTUNITY PLAN
MONITORING AND REPORTING REQUIREMENTS**

SECTION ONE. Monitoring Requirements.

Monitoring is the method used to determine whether the Equal Employment Opportunity Plan and Programs are being implemented. Internal tracking systems are required to monitor personnel transactions and training opportunities offered to employees.

Annually, the equal opportunity staff will be responsible for producing the written assessment of the programmatic achievements made by the agency. Furlough transactions are to be monitored before they occur in accordance with *Management Directive 505.1, Employee Furlough Policy*. A description of the monitoring process should be provided in the annual Equal Employment Opportunity Plan.

The Equal Opportunity Staff Responsibilities in the Monitoring Process.

1. Ensure implementation of the procedures developed for monitoring realistic hiring objectives and action programs identified in the Equal Employment Opportunity Plan.
2. Establish procedures for documenting problems identified through monitoring.
3. Disseminate the findings of their agency's monitoring reports to its program managers. This enables establishment of realistic objectives and action programs for future equal employment opportunity plans.
4. Analyze the results of exit interviews to determine whether real or perceived discrimination was a factor in employee terminations or transfers and whether job conditions have led to a disproportionately high rate of departures for minorities or women from the agency work force, particularly in management, professional, and technical job categories.

The Bureau of Equal Employment Opportunity's Monitoring Responsibilities.

1. Track the progress of agencies in achieving their objectives.
2. Provide feedback to agencies on the status of Equal Employment Opportunity Plan progress. This may include providing technical assistance on the monitoring process and/or developing action programs to resolve problems identified through the monitoring process.
3. On-site visits to agencies to provide assistance for improving the effectiveness of the Equal Employment Opportunity Program. Agency evaluation/audits will be performed on an as needed basis.

SECTION TWO. Reporting Requirements.

Assessment of Action Programs.Assessment of Action Programs.

This is a narrative assessment of program initiatives implemented during the previous calendar year. The assessment should be included in the agency's annual plan. The assessment should:

1. Restate the program initiatives, objectives, and proposed actions. Include details of progress made on each objective. Assess whether the implementation of each action program was effective or ineffective in achieving the stated objectives. Indicate the actual date of completion of each action program and the person(s) responsible for implementation of the action program.
2. List the objectives and action programs which were not met. Identify and evaluate specific barriers which prevented successful achievement. Develop new action programs, where possible, to achieve objectives which were previously established but unachieved.
3. Identify management practices which need to be addressed in the agency's Equal Employment Opportunity Plan for the next calendar year.
4. Identify good faith efforts made by the agency to increase employment and promotional opportunities for minorities, women, and persons with disabilities.

Grievance and Complaint Report.Grievance and Complaint Report.

List all grievances and complaints of discrimination (including sexual harassment complaints) received by the agency for the preceding calendar year on Form STD-473. Based upon the complaints, both formal and informal, provide detailed comments on cases (if any) which impacted upon the agency's procedures and policies or which set a precedent for changes in management practices.

Furlough and Reinstatement Report. Using Form STD-474, provide statistics on furlough transactions to include:

1. The total number of agency employees furloughed for the reporting period by race and sex.
2. The number of furlougees rehired during the reporting period into the:
 - a. Same or higher pay ranges within the same agency.
 - b. Same or higher pay ranges in other agencies.
 - c. Lower pay ranges in the same agency.
 - d. Lower pay ranges in other agencies.
3. A description of the equal employment opportunity action efforts to redress the impact of furloughs on minorities and women.

Reporting.

The Equal Employment Opportunity Plan should be submitted in duplicate to the Bureau of Equal Employment Opportunity no later than March 1 of each year.

SECTION THREE. Exhibits.

All agencies shall submit supporting exhibits with their Equal Employment Opportunity Plans including, but not be limited to:

1. Supportive correspondence or memoranda.
2. Meeting agenda and minutes for management meetings on equal employment opportunity.
3. Training records.
4. Newsletters and publications.
5. The following reports:

STD-473 – Grievance/Complaint Record
STD-474 – Furlough and Reinstatement Report

Agencies may include additional supportive material not required under this section which they feel demonstrates the agency’s efforts (special recruitment notices, personnel management reviews, etc.), procedures, and policies that attest to the efficiency and effectiveness of the agency’s Equal Employment Opportunity Program.