

Affirmative Action Plan

FY-2011

August 2010

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INTRODUCTION

According to William Yates in his article, "Equity Management – Affirmative Action for the 21st Century," the steps taken by both Presidents Kennedy and Johnson with the establishment of the EEOC and Executive Order 11246 (as amended) "meant that employers not only should, but *must* be proactive in policies and hiring actions – and by extension, in all areas of employment." Yates noted that as a result of the actions taken by Presidents Kennedy and Johnson, employers were to ensure that unlawful discrimination did not occur and that their policies and hiring practices did not work to the disadvantage of members of racial and ethnic minority groups and women of all races. Establishing goals was an attempt to ensure that minimum standards of fairness and equity were established and followed.

However, Yates suggests moving away from an emphasis on meeting perceived quotas to a clearer focus on the original intent of affirmative action. That is, educating people on the potential waste of human talent that occurs as a result of prejudice and discrimination. Equity management stresses positive management and leadership built around a commitment to diversity as a strength rather than a weakness. Equity managers actively seek out individuals who are capable and deserving of opportunity; prepare them for service; ensure that barriers to their progress are leveled; and employ those talented individuals in meaningful ways.

The Secretary of the Environment and Interim Executive Director, J. D. Strong, understands and embraces the equity management approach and expects this focus to bring about a renewed commitment to developing a more diverse workforce – one that will strengthen the agency and make it an example of excellence in affirmative action.

Consistent with Title 74, Section 840-2.1 of the Oklahoma Statutes, this Affirmative Action Plan is submitted annually by the Oklahoma Water Resources Board to the State Office of Personnel Management (OPM). Once approved by OPM, a copy is made available to all OWRB employees for discussion and reference.

To promote external communication, our approved Plan will also be located in the reception area for review by visitors to the Board and other interested parties, and copies of our Plan will also be disseminated to various minority groups, as requested. A copy of the Executive Director's Policy Statement will also be made available to staff on the agency's website and electronically shared folders.

**POLICY STATEMENT ON
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION**

Consistent with federal and state laws and guidelines established for equal employment opportunity and affirmative action, I would like to affirm this agency's continuing policy to provide equal employment and advancement opportunity in all job families of this agency without regard to political or religious opinion or affiliation, race, creed, gender, age, color, national origin, or disability, so long as the disability does not render the person unable to do the work for which employed.

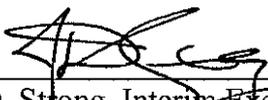
The principles of equal employment opportunity apply to all employment practices and personnel actions throughout the agency including: recruiting, hiring, promotion, demotions, separations, transfers, layoffs (RIF), recall, compensation, benefits and all other terms and conditions of employment. I want to remind each employee that all personnel actions as well as all decisions relating to employment practices are made in accordance with the spirit of equal employment opportunity for all.

We have developed this affirmative action plan to help us achieve our goal of equal employment opportunity. JaNeal Beougher, Human Resources Director and AA/EEO Officer, located in the Executive Administration Division, telephone number 405-530-8804, e-mail address jgbeougher@owrb.ok.gov, has been delegated the responsibility of implementing the plan, including monitoring and evaluating our progress and reporting the results to me.

In addition, Ms. Beougher is assigned to serve as the Affirmative Action Equal Employment Opportunity Officer for this agency and is available to any employee having questions or needing assistance in regards to affirmative action or equal employment opportunity in this agency. She will also be the AA/EEO Coordinator and will have the responsibility of reporting and monitoring procedures and recommending corrective action to insure compliance with our Plan. I have designated Jerry Barnett, Office of the General Counsel, as Grievance Manager for the agency.

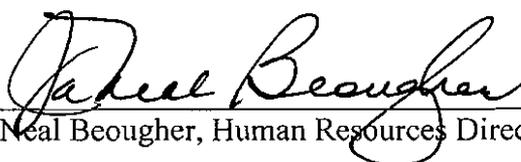
My personal commitment to this policy is complete. I accept overall responsibility for equal employment opportunity and affirmative action within this agency. I expect each employee to perform his/her duties and responsibilities in a manner that will demonstrate this agency's firm commitment in this most important area.

8-24-10
Date



J. D. Strong, Interim Executive Director

8/30/10
Date



JaNeal Beougher, Human Resources Director

POLICY AGAINST SEXUAL HARASSMENT

It is the policy of the Oklahoma Water Resources Board not to discriminate in any of its employment practices on the basis of race, color, religion, sex, national origin, age, political affiliation or opinion, or disability, so long as the disability does not render the employee unable to do the work for which employed, or marital status. Any form of unlawful discrimination to which this policy applies is a very serious matter and will not be tolerated.

Sexual harassment is a form of unlawful discrimination based on sex. In some circumstances, it may violate other laws (for example, criminal assault). Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Conduct prohibited by this policy includes, but is not limited to:

- Unwelcome sexual flirtation;
- Advances or propositions for sexual activity;
- Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes;
- Sexually degrading language to describe an individual;
- Display of sexually demeaning objects and pictures;
- Offensive physical contact, such as unwelcome touching, pinching, or brushing the body;
- Coerced sexual intercourse;
- Sexual assault.

Such conduct is unlawful discrimination based on sex when submission to such conduct is explicitly or implicitly a requirement of the individual's employment, or used as a basis for any employment-related decision concerning that individual, or when such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment will not be condoned. Employees are absolutely prohibited from engaging in sexual harassing behavior. Furthermore, any supervisory employee, employee with authority over personnel matters, or other agent or officer of this agency who knows or should have known that an employee of this agency is being subjected to sexual harassment must either take immediate corrective action or report the facts to an Assistant Administrator or to me. *All employees have a duty to immediately report sexual harassment to a supervisor, an Assistant Administrator, or directly to me.*

Appropriate disciplinary actions will be taken against any employee who causes, engages in, encourages, condones or otherwise permits unlawful sexual harassment, as well as supervisory or other responsible employees who fail to take corrective action as provided above. Such conduct may be grounds for disciplinary action, up to and including termination of employment.

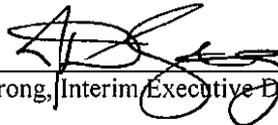
It is the responsibility of all employees in this agency, supervisory and non-supervisory, to adhere to this policy and to use all reasonable efforts to further its goals and spirit.

8.24.10

Date

8/30/10

Date



J. D. Strong, Interim Executive Director



JaNeal Beougher, Human Resources Director

**OKLAHOMA WATER RESOURCES BOARD
AA/EEO ORGANIZATION**

The Interim Executive Director exercises overall responsibility for equal employment opportunity and affirmative action within the Oklahoma Water Resources Board; however, he has designated JaNeal Beougher, Human Resources Director, to assist in the implementation and monitoring of the agency's efforts in this area.

AA/EEO OFFICER AND COORDINATOR (Human Resources Director)

The AA/EEO Officer and Coordinator's duties and responsibilities shall include, but are not necessarily limited to, the following:

- a. Developing affirmative action programs, policy statements, plans and internal communications.
- b. Assisting in the identification of problem areas and effecting solutions to the problems.
- c. Reviewing and implementing auditing and reporting systems to:
 - 1) Measure effectiveness of the agency program;
 - 2) Indicate remedial action needed to correct deficiencies; and
 - 3) Determine the degree to which the goals and objectives have been attained.
- d. Serving as liaison between the Board and various state and federal compliance agencies.
- e. Investigating cases and drafting recommendations for resolution of discrimination complaints.
- f. Identifying/resolving problem areas and establishing goals and objectives as appropriate.
- g. Monitoring the Board's selection process to insure no discriminatory practices exist.
- h. 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.
- i. Consulting and advising supervisors, explaining requirements of EEO and Affirmative Action including the Board's AA/EEO Plan.
- j. Preparing periodic reports and data as requested by the Executive Director and the Office of Personnel Management regarding the agency's AA/EEO Program.
- k. Assisting the Grievance Manager, supervisory personnel and employees in arriving at solutions to complaints.

GRIEVANCE MANAGER (Attorney, Office of the General Counsel)

The fair and impartial processing of discrimination complaints is an important aspect of any effective AA/EEO Program. Aggrieved employees or qualified applicants for employment with the Board who believe they have been discriminated against are encouraged to first consult the appropriate Division Chief, then the Grievance Manager, whenever they seek a resolution to their complaint. The Grievance Manager's duties and responsibilities shall include, but are not necessarily limited to, the following:

- a. Making inquiry into complaints or grievances brought to his/her attention and conducting discussions with the parties involved in an effort to seek a solution to the complaint on an informal basis.
- b. Ensuring prompt resolution of employee grievances by the establishment of specific time periods for each step of the process.
- c. Conducting an impartial review of each grievance issue.
- d. Providing information to ensure that employees be represented by a person of their own choosing in the grievance process.
- e. Providing information on the available rights to file complaints or appeals with appropriate outside enforcement agencies, such as the Merit Protection Commission, the Oklahoma Human Rights Commission and the Federal Equal Employment Opportunity Commission.

DIVISION CHIEFS/SUPERVISORS

Managers and supervisors should understand their roles in the AA/EEO program. The responsibilities of division chiefs and supervisors are listed below. They are also communicated by other means, such as in the performance management process (PMP), and/or periodically covered in training and regular management meetings. Responsibilities for managers and supervisors include:

- a. Assisting in the identification of problem areas and establishment of division AA/EEO goals and objectives.
- b. Monitoring training programs and hiring and promotion patterns to eliminate any impediments to goal attainment.
- c. Conducting career counseling with employees, with special attention given to minorities, women, disabled and older workers to ensure they have full access to opportunities for career progression, i.e., transfers, promotions, training, etc.
- d. Scheduling regular meetings and training with supervisory staff and/or employees to keep them abreast of AA/EEO policy changes and program objectives.
- e. Regular communication with staff to emphasize the agency's AA/EEO policies, including the policy against harassment of employees.

EMPLOYEES

Every employee of the agency should know that they, too, have a responsibility to see that the AA/EEO program is faithfully executed. To insure that fair and impartial treatment is administered at all levels of the Board's affirmative action efforts, it will be every employee's responsibility to:

- a. Apply all laws, rules, regulations, policies and procedures fairly and impartially to all persons, without regard to race, color, sex, age, national origin, physical or mental handicap, religious affiliation or political opinion or affiliation.
- b. Exhibit an attitude of respect, courtesy and cooperation toward supervisors, fellow employees and the public.
- c. Aid supervisors in carrying out their responsibilities with regard to the Board's AA/EEO program.

- d. Be familiar with the Board's Affirmative Action Plan and make a good faith effort to complete their assigned responsibilities identified in the Plan.

POLICY AND PLAN DISSEMINATION

Once approved by OPM, the agency's AA/EEO plan will be made available for employees to review in an electronic format on the "all-share" computer drive. Each new employee will receive a copy of the agency's AA/EEO Policy Statement and Policy Against Sexual Harassment along with directions to the agency's AA/EEO plan on the all-share drive.

The AA/EEO Policy will be posted on the official agency bulletin boards of each office in the agency. In addition, newly appointed first-line supervisors will be made aware of their responsibilities regarding the agency AA/EEO program as soon as possible upon assumption of their duties. Newly assigned employees will also be briefed on the AA/EEO policy and their responsibilities in the AA/EEO program.

External communication of the agency AA/EEO policy is equally important. Overall success of the program depends on the support of individuals, institutions and other organizations in the community, especially those within the immediate labor area that are likely to be resources for applicant referrals. A personal letter from the appointing authority accompanies copies of the approved OWRB AA/EEO Plan to various individuals, institutions, and organizations in our area. These include the following:

Minority Student Program
University of Oklahoma
Norman, OK 73069

Minority Student Program
Oklahoma State University
Stillwater, OK 74074

Minority Student Program
University of Central Oklahoma
Edmond, OK 73034

Urban League of Greater Oklahoma City, Inc.
3017 N. Martin Luther King, Jr. Avenue
OKC, OK 73111

Urban League of Greater Tulsa, Inc.
240 E. Apache,
Tulsa, OK 74106

Moore-Norman Vo-Tech
4701 NW 12th
Norman, OK 73079

Cheyenne-Arapaho Tribes of Oklahoma, Business Committee,
Concho, OK 73022

Governor's Committee, Jobs for Vets
1713 South 14th Street
McAlester, OK 74106
Chad Smith, Principal Chief, and Joe Grayson, Jr., Deputy Principal Chief
Cherokee Nation
P.O. Box 948
Tahlequah 74465-0948

Bill Anoatubby, Governor, Chickasaw Nation of Oklahoma
P.O. Box 1548
Ada, OK 74820

Greg Pyle, Principal Chief, Choctaw Nation of Oklahoma
P. O. Drawer 1210
Durant, OK 74701

In addition, the AA/EEO Plan will be made available to the general public by making hard copies available upon request and by posting the plan on the OWRB website: www.owrb.ok.gov.

EVALUATION OF PREVIOUS YEARS' AA/EEO EFFORTS

The goals and objectives stated in the FY-2010 AA/EEO Plan for the OWRB were placed on an "on-going" timetable in order to indicate a constant and continuing effort on the part of Executive Director and management to diversify the workforce of the OWRB to better reflect the available workforce in the labor market.

With regards to hiring, the first goal was to increase representation of all minority groups and increase the utilization of women in job levels above administrative/clerical support. Of the five (5) new hires during FY-2010, the agency hired one (1) black male in the Professional job group. Also, while not counting as a "hire" for the purposes of the AA/EEO Plan, we contracted with an Hispanic female in the Carl Albert Executive Fellow program in the Professional job group with the intention of making this a permanent hire at the end of the contract period. This would indicate that the agency must continue to advertise and announce positions in such a way as to attract a diverse applicant pool from which to select new hires. The agency has been proactive in its efforts to meet the AA/EEO goals and objectives established, and will continue to seek meetings with department heads and professors of minority colleges and universities in order to better market the OWRB as a viable career path for new graduates in the fields of biology, environmental science, meteorology, geology, and environmental engineering. Also, every effort will be made to hire minority applicants to summer temporary field positions in order to develop an additional pool of potential permanent hires.

Even though the agency did not meet all of its hiring goals, the agency did make small headway in the area of promotions. Of the three (3) promotions during FY-10, one (1) was a minority (1 Black), and two (2) were females. The agency will continue to consider all employees eligible for promotions during FY-11 and will prioritize EEO/AA efforts as decisions are made and as current budgetary constraints allow.

The goals of "program understanding and support" and "upward mobility" opportunities have been met insofar as acceptance and adherence to the AA/EEO policy is concerned. However, these goals do not, in and of themselves, advance the overall objectives of the agency's AA/EEO plan when there remain underutilized positions for females and total minorities within 2 of the 5 EEO categories listed for the OWRB. Therefore, the FY-2011 Goals and Objectives will again seek to address the underutilization of minorities and females that continues to be a high priority for the OWRB.

OWRB FY-2011 GOALS AND OBJECTIVES

1. RECRUITMENT

Objective: To increase the number of minority applicants

<u>Specific Action Steps</u>	<u>Responsible Person(s)</u>	<u>Target Date</u>
Meet with Dept. Heads and Professors of minority Universities to better market the OWRB	AA/EEO Officer/Coordinator	Fall/Spring Semesters
Utilize resources of OPM Equal Opportunity & Workforce Diversity and Applicant Services Units	AA/EEO Officer/Coordinator	Ongoing
Utilize OPM's CAPIP to recruit qualified minority applicants into professional job families	AA/EEO Officer/Coordinator	Ongoing
Increase minority applicant pool through temp program	AA/EEO Officer /Coordinator	Ongoing

2. HIRING

Objective: To increase the representation of underutilized minority groups and to increase the utilization of women on job levels above administrative/clerical support.

<u>Specific Action Steps</u>	<u>Responsible Person(s)</u>	<u>Target Date</u>
Utilize structured interview process to ensure bias is not factored into the ratings	Division Chiefs/Section Heads/ Supervisors	Ongoing
Coach/mentor minorities & female employees for professional career track within agency structure	Division Chiefs/Section Heads/ Supervisors	Ongoing

**OKLAHOMA WATER RESOURCES BOARD
EMPLOYEE GRIEVANCE PROCEDURE**

PURPOSE:

The Oklahoma Water Resources Board acknowledges that employees, by virtue of their state employment, have been granted certain rights, privileges, and considerations that cannot be arbitrarily or capriciously administered. The OWRB has adopted the Internal Agency Grievance Resolution Procedures to ensure that employees have access to a formalized procedure that is consistent with the Oklahoma Personnel Act and Rules of the Oklahoma Merit Protection Commission (455:10-19-1 et seq.) and affords them the opportunity to resolve grievances concerning the administration of such rights.

POLICY:

It is the policy of the OWRB that all permanent classified and regular unclassified employees be given every opportunity, through established steps and procedures, to resolve complaints or grievances in a timely manner that they believe adversely affect their employment or working conditions.

It is also the policy that every effort be made to settle complaints or grievances as quickly as possible. Direct contact on a one-on-one basis between supervisor and employee has always been a policy of the OWRB and thus, the grievance procedure is not intended, nor will it be allowed to become, a barrier to the supervisor/employee relationship.

Employees should submit only grievances made in good faith, expressed in reasonable terms. These should contain causes for the grievance, corrective action desired, and sufficient information and/or documentation, if available, upon which to base these decisions.

In adopting the Internal Agency Grievance Resolution Procedure, the OWRB embraces the policy that, when utilized in good faith by any employee who believes he or she has been unjustly denied any guaranteed rights, the employee shall not be disciplined or otherwise prejudiced in his or her employment for utilizing the procedure outlined in this document.

The gravity of the grievance procedure should not be taken lightly by anyone involved. The decision to file a formal grievance in writing, as well as to defend one's actions against a grievance, is a very serious matter. Therefore, the ultimate decision to proceed with the grievance is a burden that rests squarely on the shoulders of those parties involved.

The MPC's Alternative Dispute Resolution procedure is encouraged where applicable.

OPERATING GUIDELINES:

Operating guidelines including respective steps of the grievance procedure are contained in State Merit Rules for Employment, Subchapter 19, "Internal Agency Grievance Resolution

Procedure," from 455:10-19-2 through 455:10-19-64. These rules comprise MPC's Internal Agency Grievance Resolution Procedure.

RECORD KEEPING REQUIREMENTS:

At the time an employee originates a Formal Grievance Form, a file will be established and maintained by the EEO Coordinator so that copies of all written material related to the formal grievance are preserved.

GRIEVANCES CHARGING DISCRIMINATION:

In accordance with State Merit Rules, special procedures have been designed to handle Grievances Charging Discrimination, including sexual harassment. These procedures must agree with state and federal laws regarding discrimination.

The same deadline for filing (and the 45 day ending time) that applies to other grievances will apply to grievances about discrimination; however, these procedures allow an employee to file a formal written grievance directly with the AA/EEO Officer, bypassing the informal discussion step of the Internal Agency Grievance Resolution Procedure. The AA/EEO Officer will take appropriate steps to resolve this type of complaint immediately. The steps and procedures that apply to other grievances are omitted to be sure alleged violations are investigated promptly and properly.

All alleged violations involving discrimination because of political or religious opinions or affiliations, race, creed, gender, color, age, national origin or handicapped status will be investigated to the fullest extent. Alleged violations stemming from discrimination and/or harassment may also be reported to the Oklahoma Merit Protection Commission or other state and federal agencies handling such complaints.

STATISTICAL ANALYSIS OF OWRB WORK FORCE

A. JOB GROUP ANALYSIS

To determine the utilization of minorities and females, all agency assigned job titles, including managerial, are combined into "job groups". This grouping of job titles is the basis for determining availability, identifying under-utilization, and establishing goals and timetables.

A job group is defined as one or more job titles having similar work content, advancement opportunities, and pay rate. A job group may also be considered a job family.

"Work content" refers to a job's responsibilities and related skills necessary to perform the job. Jobs requiring significantly different entry-level qualifications should not be grouped together.

"Advancement opportunities" refers to jobs which have similar advancement opportunities. "Dead end" jobs which offer little opportunity for advancement should not be grouped with jobs that offer clear advancement opportunities.

"Rate of Pay," should be the least important factor in determining job groupings. However, as a general practice, salaries of job titles within a job group should not vary greatly.

OWRB job groups include: **"Officials/Administrators," "Professional," "Technician," "Para-professional" and "Office/Clerical."**

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Water Resources Board (835)

Date: As of June 30, 2010

EEO Category: Official / Administrator

Job Group: _____

Salary or Pay Band	Job Family Title	Total Emp.	Male						Female						Total Min.
			Total Male	White	Black	Hisp.	AS/PI	AI/AN	Total Female	White	Black	Hisp.	AS/PI	AI/AN	
\$92,655	Executive Director	1	1	1						0					0
\$90,000	General Counsel	1	1	1						0					0
\$87,000-\$89,000	Division Chiefs	4	3	2				1		1	1				1
\$80,000	Director of Water Planning	1	1	1						0					0
\$70,000	Agency Administrator	1	0							1	1				0
Q	Financial Mgr/Comptroller	1	0							1	1				0
		0	0							0					0
		0	0							0					0
		0	0							0					0
		0	0							0					0
		0	0							0					0
		0	0							0					0
		0	0							0					0
		0	0							0					0
		0	0							0					0
		0	0							0					0
		0	0							0					0
Total for Job Group (number):		9	6	5	0	0	0	1		3	3	0	0	0	1
Total for Job Group (percent):			67%	56%	0%	0%	0%	11%		33%	33%	0%	0%	0%	11%

OPM-AA/EEO-3 (06/07/2010)

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Water Resources Board (835)

Date: As of June 30, 2010

EEO Category: Professionals

Job Group: _____

Salary or Pay Band	Job Family Title	Total Emp.	Male						Female						Total Min.	
			Total Male	White	Black	Hisp.	AS/PI	AI/AN	Total Female	White	Black	Hisp.	AS/PI	AI/AN		
\$70,000 - \$80,000	Assistant Division Chiefs	3	1	1						2	2					0
\$70,000 - \$73,211	Attorney IV	2	1	1						1	1					0
\$55,650	Attorney II	1	0							1	1					0
\$30,100 - \$88,600	Environmental Specialist II	15	11	10					1	4	4					1
P	Environmental Program Mgr. III	5	5	3					2	0						2
O	Environmental Program Mgr. II	1	1	1						0						0
O	Engineering Mgr. I	1	1		1					0						1
N	Professional Engineer II	1	1					1		0						1
M	Financial Loan Analyst IV	1	0							1	1					1
M	Administrative Programs Officer III	1	0							1	1					0
M	Public Information Mgr. II	1	0							1	1					0
M	Professional Engineer I	1	1	1						0						0
L	Environmental Program Specialist IV	8	4	4						4	4					0
L	Engineer Intern IV	2	2						2	0						2
L	Accountant IV	1	0							1	1					0
K	Accountant III	1	0							1	1					0
K	Financial Loan Analyst III	1	0							1	1					0

B. AVAILABILITY ANALYSIS

For EEO/AA purposes, availability is defined as the percentage of minorities or females in the relevant recruitment area who have the skills necessary for entry into a specific job group or, who are capable of acquiring such skills. The purpose of the availability analysis is to determine the number of persons by race/ethnicity and sex that is available for employment within each of the job groups. The availability analysis provides the basis for determining whether or not minorities and women are underutilized in the work force and the degree of significance of any such under-utilization.

The availability analysis involves three major steps: (1) determining the sources providing employees to job groups; (2) calculating the number of persons available by race/ethnicity and sex from each source; and (3) determining the relative number of employees provided by each source.

In preparing the OWRB AA/EEO Plan, the "Factor Analysis Method" was used. A majority of OWRB vacancies over the past several years have been filled from outside the agency; however, within the past few years, the agency has sought to fill more career progression positions and promotions from within. Our recruitment efforts to fill positions have been "local" in scope, so we chose to apply Factor 1, "Percentage of Minorities or Females with the Requisite Skills in the Reasonable Recruitment Area," for all job groups, and Factor 2, "Percentage of Minorities or Females Promotable, Transferable, and Trainable within the Agency's Organization" for the applicable job groups. The information on availability of race/ethnicity and females was derived from the U. S. Census Bureau, Census 2000 Civilian Labor Force Special tabulation (<http://www.census.gov/prod/cen2000/doc/lsf3chap8.pdf>) and the current Job Group Analysis provided in the AA/EEO Plan.¹

¹ Office of Personnel Management, "Manual for Affirmative Action Plans in State Government," Revised July 2009, pgs. 22-23

Availability Analysis

Agency Name and Code: Oklahoma Water Resources Board (835)

June 30, 2010

(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	
1. Percentage of minorities or females having requisite skills in the area 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	2000 Oklahoma Census Data
2. 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)

OPM-AA/EEO-4 (06/07/2010)

Availability Analysis

Agency Name and Code: Oklahoma Water Resources Board (835)

June 30, 2010

(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.	6.00	2.40	3.40	2.60	17.10	52.80	1.00	6.00	2.40	3.40	2.60	17.10	52.80	2000 OKC MSA Census Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total							1.00	6.00	2.40	3.40	2.60	17.10	52.80	
Final Availability								6.0%	2.4%	3.4%	2.6%	17.1%	52.8%	

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

Availability Analysis

Agency Name and Code: Oklahoma Water Resources Board (835)

June 30, 2010

(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	
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	10.20	2.60	2.50	3.50	21.60	55.50	1.00	10.20	2.60	2.50	3.50	21.60	55.50	2000 OKC MSA Census Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total							1.00	10.20	2.60	2.50	3.50	21.60	55.50	
Final Availability								10.2%	2.6%	2.5%	3.5%	21.6%	55.5%	

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

Availability Analysis

Agency Name and Code: Oklahoma Water Resources Board (835)

June 30, 2010
(date)

EEO Category: Paraprofessionals

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.	10.20	2.60	2.50	3.50	21.60	55.50	1.00	10.20	2.60	2.50	3.50	21.60	55.50	2000 OKC MSA Census Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total							1.00	10.20	2.60	2.50	3.50	21.60	55.50	
Final Availability								10.2%	2.6%	2.5%	3.5%	21.6%	55.5%	

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

Availability Analysis

Agency Name and Code: Oklahoma Water Resources Board (835)

June 30, 2010

(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	
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	9.70	3.50	1.50	3.80	21.90	68.70	1.00	9.70	3.50	1.50	3.80	21.90	68.70	2000 OKC MSA Census Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors														
Total							1.00	9.70	3.50	1.50	3.80	21.90	68.70	
Final Availability								9.7%	3.5%	1.5%	3.8%	21.9%	68.7%	

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

OPM-AA/EEO-4 (06/07/2010)

C. UTILIZATION ANALYSIS

One of the final steps in preparing the statistical portion of the affirmative action plan is compilation of the "utilization analysis." The utilization analysis is a comparison of the estimated availability percentages calculated in the availability analysis to the actual employment percentages reflected in the job group analysis. This analysis serves as the basis for setting minimum goals and establishing timetables. For example, if the representation of females among incumbents in a particular job group is far enough below the corresponding estimated availability, females should be declared underutilized in that job group and a goal set for the hiring or promotion of females into that job group. The same goal establishment procedure applies to each minority group found to be under represented.

"Underutilized" is defined as having fewer minorities or women in a particular job group than would reasonably be expected by their availability. No method has been universally prescribed for determining when "under-utilization" should be declared. The best guidance seems to be that there should be some statistical significance in the difference between "reasonably expected" utilization (availability X incumbents) and actual utilization.

The OWRB AA/EEO Plan utilized the "80 Percent" method, which declares underutilization to exist if the females or minorities in a job group are less than 80% of their availability or if the number of females or minorities in a job group is zero.¹

The utilization analysis of the OWRB work force on the following page is used to compare the actual employment of minorities and women (from the Job Group Analysis) with their relative availability (Availability Analysis) in the applicable job groups. Where the utilization is less than availability and the agency's significance test is satisfied (the 80% rule), under-utilization is declared, along with goals stated as a percentage of the available workforce in order to reach full utilization of that population.

¹Office of Personnel Management, "Manual for Affirmative Action Plans in Oklahoma State Government," Revised July 2009, p. 28.

Utilization Analysis* and Annual Placement Goals

Agency Name and Code: Oklahoma Water Resources Board (835)

June 30, 2010
Date

Job Group	Incumbents							Utilization*																							
								Black				Hispanic				Asian/Pacific Islander				American Indian/A.N.				Total Minorities				Female			
	Total	Black	Hisp.	AS/PI	AI/AN	Fem.	Total Min	% Avail	% in Cat	Under Util	Goal	% Avail	% in Cat	Under Util	Goal	% Avail	% in Cat	Under Util	Goal	% Avail	% in Cat	Under Util	Goal	% Avail	% in Cat	Under Util	Goal	% Avail	% in Cat	Under Util	Goal
Official / Administrator	9	0	0	0	1	3	1	3.6%	0.0%	Y	3.6%	2.3%	0.0%	Y	2.3%	1.0%	0.0%	Y	1.0%	4.9%	11.1%	N	0	15.1%	11.1%	Y	15.1%	37.6%	33.3%	N	0
Professionals	60	3	0	3	3	20	9	6.0%	5.0%	N	0	2.4%	0.0%	Y	2.4%	3.4%	5.0%	N	0	2.6%	5.0%	N	0	17.1%	15.0%	N	0	52.8%	33.3%	Y	52.8%
Technicians	4	0	0	0	0	0	0	10.2%	0.0%	Y	10.2%	2.6%	0.0%	Y	2.6%	2.5%	0.0%	Y	2.5%	3.5%	0.0%	Y	3.5%	21.6%	0.0%	Y	21.6%	55.5%	0.0%	Y	55.5%
Protective Services	0	0	0	0	0	0	0	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!
Paraprofessionals	3	0	0	0	1	2	1	10.2%	0.0%	Y	10.2%	2.6%	0.0%	Y	2.6%	2.5%	0.0%	Y	2.5%	3.5%	33.3%	N	0	21.6%	33.3%	N	0	55.5%	66.7%	N	0
Administrative Support	9	1	0	1	0	8	2	9.7%	11.1%	N	0	3.5%	0.0%	Y	3.5%	1.5%	11.1%	N	0	3.8%	0.0%	Y	3.8%	21.9%	22.2%	N	0	68.7%	68.9%	N	0
Skilled Craft Workers	0	0	0	0	0	0	0	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!
Service Maintenance	0	0	0	0	0	0	0	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!

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(06/07/2010)

* Significance Test: 80% Method

E. PRESENT STAFFING REPORT

The Present Staffing Report on the following page reflects the distribution and composition of the agency's work force in five EEO categories. This data provides a "snapshot" of the total number of employees agency-wide by race/ethnicity, and sex for each of the applicable EEO categories. The information in this table is used by OPM to compile the statistics for the State of Oklahoma in its annual EEO/AA Statistical Report.

PRESENT STAFFING

Agency Name and Code: Oklahoma Water Resources Board (835)

EEO Coordinator: Ja'Neal Beougher

As of: June 30, 2010

Job Categories	TOT EMP	MALE						FEMALE						TOT MIN
		WHITE	BLACK	HISP	AS/PI	AI/AN	TOT MALE	WHITE	BLACK	HISP	AS/PI	AI/AN	TOT FEM	
Official/ Admin	9	5	0	0	0	1	6	3	0	0	0	0	3	1
% Represented		55.6	0.0	0.0	0.0	11.1	66.7	33.3	0.0	0.0	0.0	0.0	33.3	11.1
% 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	60	33	1	0	3	3	40	18	2	0	0	0	20	9
% Represented		55.0	1.7	0.0	5.0	5.0	66.7	30.0	3.3	0.0	0.0	0.0	33.3	15.0
% 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	4	4	0	0	0	0	4	0	0	0	0	0	0	0
% Represented		100.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
% 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
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	3	1	0	0	0	0	1	1	0	0	0	1	2	1
% Represented		33.3	0.0	0.0	0.0	0.0	33.3	33.3	0.0	0.0	0.0	33.3	66.7	33.3
% 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	9	1	0	0	0	0	1	6	1	0	1	0	8	2
% Represented		11.1	0.0	0.0	0.0	0.0	11.1	66.7	11.1	0.0	11.1	0.0	88.9	22.2
% 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	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		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	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		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	85	44	1	0	3	4	52	28	3	0	1	1	33	13
% Represented		51.8	1.2	0.0	3.5	4.7	61.2	32.9	3.5	0.0	1.2	1.2	38.8	15.3
% 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

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(06/07/2010)

F. PERSONNEL TRANSACTIONS REPORT

This report provides an agency-wide summary of the progress made toward achieving the established affirmative action plan goals for the reporting period. It compares the total number of employees at the beginning and end of the reporting period, and the total number of completed personnel transactions. This data will be used as input for the State of Oklahoma Annual EEO/AA Statistical Report.

Personnel Transactions Report

Agency Name and Code: Oklahoma Water Resources Board (835)

Date: June 30, 2010

Summary		Total	Minority					Total Min	Male	Female
			White	Black	Hisp	AS/PI	AI/AN			
1. Employees at Beginning of Period (7-01-09)	#	90	74	5	0	5	6	16	54	36
	%		82%	6%	0%	6%	7%	18%	60%	40%
2. Employees at End of Period (6-30-10)	#	85	72	4	0	4	5	13	52	33
	%		85%	5%	0%	5%	6%	15%	61%	39%
3. Net Increase (decrease)		-5	-2	-1	0	-1	-1	-3	-2	-3
4. Personnel Transaction:										
(A) New Hires	Actual	5	4	1	0	0	0	1	5	0
	Goal				2			2		2
(B) Promotions	Actual	3	2	1				1	1	2
	Goal									
(C) Demotions		0						0		
(D) Separations		10	6	2		1	1	4	7	3

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G. EVALUATION OF PREVIOUS EEO EFFORTS (New Hires)

This report provides an agency-wide summary of the total number of employees hired over the past three (3) years.

As indicated in the report, there were ten (10) separations from the agency in FY-10 and only five (5) new hires to replace critical positions. As we move forward in FY-11 under the current budget constraints, positions deemed critical to the mission of the agency will be filled and our recruiting efforts will continue as we seek improvements in those areas currently underutilized.

Evaluation of Previous EEO Efforts (NEW HIRES)

Agency Name and Code: Oklahoma Water Resources Board (835)

As Of: June 30, 2010

		Total New Hires	White	Black	Hisp	AS/PI	AI/AN	Total Min	Male	Female	
Summary											
1. New Hires FY	2008	Number	6	3		1	2	3	5	1	
2. New Hires FY	2009	Number	4	3	1			1	2	2	
3. New Hires FY	2010	Number	5	4	1	0	0	1	5	0	
Total Number for Three Year Period			15	10	2	0	1	2	5	12	3
Total Percent for Three Year Period		Percent	100%	67%	13%	0%	7%	13%	33%	80%	20%
Total Percent for Current Year		%		80%	20%	0%	0%	0%	20%	100%	0%

NEW HIRES FOR CURRENT REPORTING YEAR ONLY

EEO Categories	Total New Hires	Male						Female					Total Min	
		White	Black	Hisp	AS/PI	AI/AN	Total Male	White	Black	Hisp	AS/PI	AI/AN		Total Fem
Official/Administrator	1	1					1						0	0
Professionals	4	3	1				4						0	1
Technicians	0						0						0	0
Protective Services	0						0						0	0
Paraprofessionals	0						0						0	0
Administrative Support	0						0						0	0
Skilled Craft	0						0						0	0
Service Maintenance	0						0						0	0
TOTALS	5	4	1	0	0	0	5	0	0	0	0	0	0	1

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(06/07/2010)

**REVIEW OF JOB GROUPS WHERE GOALS WERE NOT ATTAINED AND
IDENTIFICATION OF ANY PROBLEM AREAS**

The following section serves as a supplement to the Personnel Transactions Report and to assess the EEO/AA goals established for each job group; reasons for the failure to meet any of those goals; and proposed corrective measures to be implemented for the coming fiscal year.

Agency Name: Oklahoma Water Resources Board
Date: June 30, 2010
Job Group: Officials/Administrators

Goal Description:

There were no vacancies or goals projected for FY-10 in this job group; however, there were three (3) separations that occurred: One (1) Native American Female and one (1) White Male transferred to the ODEQ; and one (1) White Male retired.

Good Faith Efforts:

As indicated, the agency will continue to make good faith efforts to hire/promote eligible minority/female applicants to fill vacancies in this job group as they occur.

Reason(s) Goal Not Met:

No goals were set for this job group; no vacancies were expected.

Proposed Corrective Measures:

As vacancies occur, we will continue to seek qualified minority and female applicants using all available resources and tools to meet the percentage goal for "Total Minorities" (15.1%) in the Utilization Analysis and Annual Placement Goals report. At the present time, no goal is indicated as necessary for "Females" in this job group.

Agency Name: Oklahoma Water Resources Board
Date: June 30, 2010
Job Group: Professional

Goal Description:

There were no vacancies projected and the goal for FY-10 was to hire one (1) new Hispanic female employee. In actuality, there were five (5) separations: One (1) Black Female and one (1) White Male retired; and one (1) Black Male, one (1) Asian Male, and one (1) White Female resigned. We also hired five (5) new employees: four (4) White Males and one (1) Black Male in this job group.

Good Faith Efforts:

Good faith efforts will continue in the hiring/promoting of minorities and women as vacancies occur within this job group. We have also contracted with the Carl Albert Executive Fellow program and have one (1) Hispanic Female working under that contract that will become eligible for permanent placement in FY-11.

Reason(s) Goal Not Met:

The goal established for FY-10 was only partially met through the Carl Albert Executive Fellow Program, since that person cannot be counted in this report until such time as she becomes a full-time regular employee during FY-11.

Proposed Corrective Measures:

Continue to seek qualified minority and female applicants using all available resources and tools to meet the percentage goals for "Females" (52.8%) as indicated in the Utilization Analysis and Annual Placement Goals report. At the present time, no goal is indicated as necessary for "Total Minorities" in this job group; however, the Hispanic minority group is still underutilized. We shall be correcting this situation in FY-11, as noted above, which will also accomplish the goal indicated for "Females."

Agency Name: Oklahoma Water Resources Board

Date: June 30, 2010

Job Group: Para-Professional

Goal Description:

There were no vacancies or goals projected for FY-10 in this job group; however, there was one (1) separation that occurred: One (1) White Male resigned.

Good Faith Efforts:

As indicated, the agency will continue to make good faith efforts to hire/promote eligible minority/female applicants to fill vacancies in this job group as they occur.

Reason(s) Goal Not Met:

No goals were set for this job group; no vacancies were expected.

Proposed Corrective Measures:

As vacancies occur, we will continue to seek qualified minority and female applicants using all available resources and tools to meet the percentage goals for Black (10.2%), Hispanic (2.6%), and Asian/Pacific Islander (2.5%) minorities, even though there is no percentage goal indicated as necessary for "Total Minorities" or "Females."

Agency Name: Oklahoma Water Resources Board
Date: June 30, 2010
Job Group: Technician

Goal Description:

There were no vacancies or goals projected for FY-10 in this job group; however, one (1) Native American Male did resign during FY-10.

Good Faith Efforts:

As indicated, the agency will continue to make good faith efforts to hire/promote eligible minority/female applicants to fill vacancies in this job group as they occur.

Reason(s) Goal Not Met:

No goals were set for this job group; no vacancies were expected.

Proposed Corrective Measures:

As vacancies occur, we will continue to seek qualified minority and female applicants using all available resources and tools to meet the percentage goal for "Total Minorities" (21.6%) and "Females" (55.5%).

Agency Name: Oklahoma Water Resources Board
Date: June 30, 2010
Job Group: Administrative Support

Goal Description:

There were no vacancies or goals projected for FY-10 in this job group.

Good Faith Efforts:

As indicated, the agency will continue to make good faith efforts to hire/promote eligible minority/female applicants to fill vacancies in this job group as they occur.

Reason(s) Goal Not Met:

No goals were set for this job group; no vacancies were expected.

Proposed Corrective Measures:

As vacancies occur, we will continue to seek qualified minority and female applicants using all available resources and tools to meet the percentage goals for Hispanic (3.5%), and American Indian/A.N. (3.8%), even though there is no percentage goal indicated as necessary for "Total Minorities" or "Females."

**OKLAHOMA WATER RESOURCES BOARD
AFFIRMATIVE ACTION FOR THE DISABLED AND OLDER PERSONS**

The Oklahoma Water Resources Board recognizes the need to provide for equal employment opportunity for the disabled and older persons over 40 years old. In conjunction with the federal and state laws and regulations contained in our Affirmative Action Plan, the Board prohibits discrimination against any employee or applicant because of disabilities or age. The Board's affirmative action for the disabled and older persons is addressed as follows:

DISABLED PERSONS

Persons with disabilities are protected against discrimination if they are otherwise qualified in the job they seek. "Qualified" simply means that they have the ability to do the job. In employment situations, three groups of people are considered to be disabled and are covered by the law:

- A. People who have physical or mental impairments which substantially limit their ability to work. Blindness and paralysis are obvious examples of disabilities. Less obvious disabilities, such as epilepsy or diabetes, are also covered and are commonly known as "hidden disabilities."
- B. People who have a record of disabilities, such as heart problems, or former treatment for mental illness.
- C. People who are treated as if they have a disability, even though they actually have no physical or mental impairments. Examples might include people with a minor curving of the spine or a noticeable limp which does not affect their job performance.

AGE

Federal and state laws protect workers 40 years of age or older from arbitrary age discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. The laws do not apply where age is a bona-fide occupational qualification.

Recognizing the need to eradicate any and all forms of discrimination in the workplace, our EEO/AA program is designed to promote employment of older persons on the basis of ability rather than age and to help managers and supervisors to meet problems arising from the impact of age on employment.

EEO LAWS

Equal Employment Opportunity and Affirmative Action – two distinctly separate terms – have been mandated, defined, regulated or directed on numerous occasions at all levels of government. Listed below are some of our country's noteworthy efforts to ensure equal opportunity over the past century.

Federal Laws

The 14th Amendment of the United States Constitution (ratified 1868) forbids the denial of equal protection under the law.

The 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 30 years, 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 Civil Rights Act 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.

The Civil Rights Act of 1871 – "Every person, who, under color of any statute, subjects, or cause to be subjected, any citizen...to the deprivation of any rights, shall be liable to the person injured..." (Enforcement: Court System)

Equal Pay Act of 1963 – gives men and women the right to earn equal pay for doing substantially the same work. Protection from sex discrimination in wages is guaranteed by this law. 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)

Civil Rights Act of 1964, as amended in 1972 and 1978, prohibits all forms of discrimination on the basis of race, color, religion, sex 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)

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)

Americans with Disabilities Act of 1990 (ADA) – Title I 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)

Family and Medical Leave Act (FMLA) of 1993 – The FMLA was enacted on February 5, 1993. In general, FMLA entitles an "eligible employee" to take up to a total of 12 workweeks of unpaid leave during any 12-month period for the birth of a child and to care for such child, for the placement of a child for adoption or foster care, to care for a spouse or an immediate family member with a serious health condition, or when he or she is unable to work because of a serious health condition. Employees are required to maintain any pre-existing group health coverage during the leave period and, once the leave period is concluded, to reinstate the employee to the same or an equivalent job with equivalent employment benefits, pay and other terms and conditions of employment. (Enforcement: Wage and Hour Division, Department of Labor)

State Laws

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

- (1) To fail 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 the 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. 840.19 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 handicapped persons shall be exempt from entrance examinations and hiring procedures administered by OPM.
- (3) The optional hiring procedure for affirmative action goals (a.k.a. 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 Affirmative Action Plan and that a manifest imbalance exists which justifies remedial action under the act. (Enforcement: No enforcement authority as the act is permissive)