

# ARIZONA DEPARTMENT OF TRANSPORTATION POLICIES AND PROCEDURES

## PER-17.01 AFFIRMATIVE ACTION IMPLEMENTATION

Effective: April 8, 2019

Supersedes: PER-17.01 (3/13/2014)

Responsible Office: Civil Rights (602) 712-8946

Review: April 8, 2021

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**NOTICE:** This policy and procedure does not create a contract for employment between any employee and the Arizona Department of Transportation. Nothing in this policy and procedure changes the fact that all uncovered employees of the Arizona Department of Transportation are at-will employees and serve at the pleasure of the appointing authority.

### 1.01 PURPOSE

The purpose of this policy is to establish standardized procedures for processing relating to the implementation of ADOT's Affirmative Action Plan.

### 1.02 SCOPE

This policy applies to all Executive, Managerial and Supervisory employees.

### 1.03 AUTHORITY

Federal-aid Highway Act of 1968, Section 22(a)

Title 23 Code of Federal Regulations (CFR) Part 230 – Subpart C, Appendix A, II

### 1.04 DEFINITIONS

Affirmative Action (AA)	A methodology ensuring equal opportunity and equitable treatment for persons regardless of race, color, National Origin, religion, sex or disability in all employment related actions.
Affirmative Action Plan (AAP)	A federally required document providing direction on Affirmative Action efforts to address workplace inequities and compliance requirements.
Affirmative Action Officer (AAO)	A person designated by ADOT Director to develop, educate, coordinate, monitor and report on all Affirmative Action activities.

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Affirmative Action Recruitment	Special recruitment efforts undertaken that would assure that qualified protected class members are well represented in the applicant pools for positions from or in which they have been excluded or substantially underutilized.
Discrimination	A distinction in treatment, whether intentional or unintentional, based on race, color, religion, national origin, disability, age (40 and over), sex, pregnancy or any protected class defined by federal and/or state law <i>and not based on individual merit</i> .
EEO	Equal Employment Opportunity
EEO-4 Report	The annual report which state and local government employers must file with the EEOC regarding the sex and minority status of their work force by job category and salary intervals.
EEO Assurance	A signed document by the Director of ADOT certifying the agency's commitment to providing Equal Employment Opportunity in all employment related actions through Affirmative Action initiatives.
Equal Employment Opportunity Commission (EEOC)	<u>The U.S. Equal Employment Opportunity Commission</u> is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's age, race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. The EEOC has the authority to investigate charges of discrimination against employers who are covered by the law.
Federal Highway Administration (FHWA)	Federal body that provides federal financial funding and technical support to State Transportation Agencies related to highway construction, improvements and

	preservation.
Goals and Timetables	Goals and timetables that are established to correct those areas where females and minorities are underutilized.
OnBase	ADOT’s document management system.
Parity	A condition where representation of an affected group in the workforce, or in the occupational category, job group, or class equals the relevant available civilian labor force.
Talent Acquisition	The State of Arizona’s applicant tracking system that provides automated support for creating personnel requisitions, posting job announcements, reviewing applications, recording interview results, and processing new hires.
Underutilization	Having fewer affected group members in a particular job group than would be reasonably expected based upon their availability. The concept of underutilization includes any numerical disparity, and is not limited by the 80% rule applicable to concept such as adverse impact.
Work Force Analysis	A statistical analysis of the composite of employee by budget code or major organizational unit. It provides a listing of all job titles ranked from the highest to the lowest paid within each budget code and lists the wage/salary grade and the total number of employees’ race, or ethnic origin, sex, veteran and/or disability status by job category and level.

**1.05 BACKGROUND**

Pursuant to the Federal-aid Highway Act of 1968, Section 22(a), each State Transportation Agency shall sign Equal Employment Opportunity (EEO) assurances as a basis for development and administration of an EEO program in accordance with Federal Highway Administration (FHWA) Regulation Title 23 CFR Part 230 – Subpart C, as a recipient of Federal aid. Under Part II,

the development and implementation of an Affirmative Action Plan (AAP) is required. The AAP includes all elements of ADOT's personnel management policies and practices, identification and removal of barriers to employment, collection and analysis of employment data, and a requirement that holds each executive, manager and supervisor accountable for its implementation.

## **1.06 POLICY**

- A. Pursuant to the requirements of Federal Highway Administration regulation Title 23 CFR Part 230 – Subpart C Appendix A Part II, Section II B(1) & C(1), the Director of ADOT is responsible for the overall administration and implementation of the AAP including the following:
1. Issuance of a signed firm policy statement of personal commitment, legal obligations and importance of EEO/AA as an agency goal to the FHWA. This policy statement shall be reaffirmed and updated annually.
  2. Submission of an Affirmative Action Plan to include an Affirmative Action Program Commitment Statement to the FHWA for review and approval.
  3. Appointing of an Affirmative Action Officer (AAO) to be responsible for the direction and implementation of the Affirmative Action Program.
  4. Ensuring accountability of executive, managerial and supervisory staff for the implementation of the AAP.
- B. Pursuant to the requirements of Federal Highway Administration regulation Title 23 CFR Part 230 – Subpart C Appendix A Part II, Section II.A(2) the Affirmative Action Officer's responsibilities shall include but not be limited to:
1. Developing the written Affirmative Action Plan (AAP).
  2. Publicizing contents of the AAP internally and externally.
  3. Assisting managers and supervisors in collecting and analyzing employment data, identifying problem areas, setting goals and timetables and develop programs to achieve Affirmative Action (AA) goals.
  4. Handling, processing and investigating complaints of discrimination.
  5. Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is warranted.
  6. Monitoring recruitment and promotion practices.
  7. Ensuring disciplinary actions are nondiscriminatory.
  8. Advising managers and supervisors on carrying out their EEO and AA responsibilities.
  9. Provide training on EEO/AA Federal and State Employment Laws and Regulations and agency Nondiscrimination policies.

10. Reporting, at least quarterly, to the Director on progress and deficiencies of each Division/District/Unit in relation to agency AA goals.

11. Provide annual updates of the agency’s AA efforts to the FHWA.

C. ADOT Managers and Supervisors shall be responsible for:

1. Ensuring protected group members are provided equal opportunity and equitable treatment for hiring, training, promotion, transfer, career counseling and reasonable accommodation requests.
2. Coordinating with Human Resources strategies for recruiting protected class candidates.
3. Preventing any harassment of employees who are placed through affirmative action rights.
4. Developing strategies for implementing affirmative action policies, programs and goals in their respective areas.
5. Holding subordinate managers and supervisors responsible and accountable for implementing the affirmative action plan.

**1.07 PROCEDURE**

**A. Affirmative Action Plan Development**

Responsibility		Action
Affirmative Action Officer (AAO)		1. Provide annual Affirmative Action Plan (AAP) update: <ol style="list-style-type: none"> <li>a) Coordinate the collection and compiling of workforce data.</li> <li>b) Perform workforce analysis to identify areas of underutilization.</li> <li>c) Develop strategic action plans to address workforce deficiencies and determine goals and timeframes for achieving goals.</li> </ol>
ADOT Director		2. Submit draft for Director’s review and signed approval.
	ADOT Director	3. Reviews and provides signature approval with assurances.
	AAO	4. Submit authorized AAP report to FHWA for approval.

**B. Communicating the AAP**

<b>Responsibility</b>	<b>Action</b>
AAO	<ol style="list-style-type: none"> <li>1. Publicizes FHWA approved AAP both internally and externally.                             <ol style="list-style-type: none"> <li>a) Places on ADOT intranet and internet.</li> <li>b) Educates executive leadership, managerial and supervisory staff on AAP and Workforce Analysis.</li> </ol> </li> <li>2. Coordinates recruitment efforts with respective division management and HR Talent Acquisition Manager for targeted recruitment of protected class candidates.</li> </ol>
Director	<ol style="list-style-type: none"> <li>3. Include implementation of affirmative action policies, initiatives and goals as part of performance evaluations for all executive staff, manager, and supervisors.</li> </ol>

**C. Monitoring the AAP**

<b>Responsibility</b>	<b>Action</b>
AAO	<ol style="list-style-type: none"> <li>1. Designs monitoring system for assessing progress of AAP implementation.</li> <li>2. Reviews recruitment, hiring, and promotion processes to identify and remedy act(s) or practices of discrimination or inequities.</li> <li>3. Performs frequent audits of employment related actions involving protected groups to identify and remedy act(s) or practices of discrimination or inequities.</li> <li>4. Convenes an Affirmative Action Advisory Committee to oversee AAP implementation agency wide.</li> <li>5. Investigates complaints of discrimination, to include complaints of discrimination filed by</li> </ol>

internal and external applicants who believe their non-selection was based on their membership in a protected class.

Note: Applicants and employees who wish to file a complaint of discrimination may do so by submitting an ADOT Discrimination Incident Report (ADIR) through Docusign. For additional information regarding the Civil Rights Office’s complaint process, please review PER-9.02 Nondiscrimination Complaint System Policy.

6. Meets with managers and supervisors, quarterly, to assess their EEO and Affirmative Action Implementation efforts.
7. Reviews disciplinary actions of protected groups to ensure equitable administration.
8. Monitors classification and compensation actions for nondiscriminatory administration.
9. Ensures employment related examinations and evaluations are non-discriminatory.
10. Coordinates proactive affirmative action initiatives/activities, including conducting EEO and diversity training.

**D. Implementation Responsibilities**

<b>Responsibility</b>	<b>Action</b>
Managers and Supervisors	<ol style="list-style-type: none"> <li>1. Implement the AAP.</li> <li>2. Contact the Civil Rights Office to immediately report discrimination and sexual harassment complaints, as well as employee requests for ADA accommodations.</li> <li>3. Coordinate outreach recruitment efforts to protected class candidates through Human Resources.</li> <li>4. Ensure protected group members are provided</li> </ol>

equal opportunity for hiring, training, promotion, transfer, career counseling and reasonable accommodations, when qualified.

5. Prevent harassment of employees who are placed through affirmative action rights.
6. Hold subordinate managers and supervisors responsible and accountable for implementing the AAP.
7. Develop timelines and strategic action plan(s) for implementing the affirmative action policies, programs, and goals.

**E. Reporting on the AAP**

**Responsibility**

**Action**

Affirmative Action Officer (AAO)

1. Collects workforce data from HRIS EEO-4 report for annual reporting requirements.
2. Performs analysis of current workforce to identify representation and utilization of qualified protected groups.
3. Generates draft of annual AAP report for review and approval by Director or Director’s designee 30 days prior to due date.

Note: AAP report is due to FHWA by 10/1 annually.

Director or designee

4. Reviews AAP report draft; signs and returns to AAO for submission to FHWA.

AAO

5. Submits approved AAP report to FHWA.
6. Provide response to any FHWA inquiries or requests for information.

**1.08 Record Retention for Audits**

**1. Recruitment and Placement**



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<b>Responsibility</b>	<b>Action</b>
Affirmative Action Officer (AAO)	1. Conduct periodic, random audits of recruitment and placement.
	2. Conduct targeted audits of specific areas where frequent monitoring is warranted.
Appointing Authorities	3. Disposition all candidates on the hiring list in Talent Acquisition.
	4. Upload offer letters and any relevant comments into Talent Acquisition.
	5. Send interview packets and scoring matrices to Recruiting.
Recruiting	6. Scan interview packets, scoring matrices, and any other documents sent by the Appointing Authorities into OnBase.
Affirmative Action Officer (AAO)	7. Provide quarterly report of conducted audits to Civil Rights Administrator and Chief Human Resources Officer.
	8. Review audit findings with Affirmative Action Advisory Committee for review and corrective action recommendations, where warranted.

**1.09 CORRESPONDING POLICIES**

PER-9.02 Nondiscrimination Complaint System Policy  
MGT-9.02 Records Management, Retention, Destruction, and Storage  
PER-1.02 Recruitment and Selection