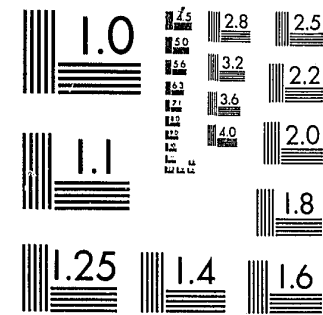


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United States Department of Justice  
Washington, D. C. 20531

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1/12/82



U.S. Department of Justice  
Office of Justice Assistance Research and Statistics  
Office of Civil Rights Compliance



# Guide To The Design and Development of an Equal Employment Opportunity Program



OJARS Civil Rights Compliance Project  
University Research Corporation

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U.S. Department of Justice  
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GUIDE TO THE DESIGN AND DEVELOPMENT  
OF AN EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

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NCJRS

JUN 1 1981

March 1981

ACQUISITIONS

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CONTENTS

Introduction . . . . . 1

What Is an EEOP? . . . . . 2

Who Must Develop an EEOP? . . . . . 4

What Is Required in an EEOP? . . . . . 5

The Process: How To Prepare an EEOP . . . . . 5

    Step 1. The Introduction . . . . . 5

    Step 2. Statement of Management Commitment (Optional) . . . . . 6

    Step 3. Demographic Data and Workforce Analysis . . . . . 7

    Step 4. Analysis of Recruitment and Selection Procedures . . . . . 10

    Step 5. Narrative Statement on Employment Policies and Procedures . . . . . 23

    Step 6. Planned Improvement and Corrective Actions . . . . . 24

Summary . . . . . 28

EEOP Checklist . . . . . 29

This project was supported by Contract No. J-LEAA-019-79 awarded by the Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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### Introduction

This guide is a reference document for agencies that are recipients of Law Enforcement Assistance Administration (LEAA), National Institute of Justice (NIJ), Bureau of Justice Statistics (BJS), or Office of Juvenile Justice and Delinquency Programs (OJJDP) funds. These recipient agencies are required to adhere to the Department of Justice (DOJ) nondiscrimination guidelines, Subpart E: Equal Employment Opportunity Program Guidelines (28 CFR Part 42.301, et seq.).

The information provided in this guide describes the required components of an Equal Employment Opportunity Program (EEO) and explains why the Office of Civil Rights Compliance requires this specific data. The guide illustrates what actions recipient agencies must take to insure compliance by outlining a sequential process for complying with the Subpart E Guidelines. It can also assist recipient agencies in updating personnel management systems and insuring that selection procedures are job-related and valid.

The purpose of this guide is to facilitate the design, implementation, and evaluation of an Equal Employment Opportunity Plan (EEO) that meets all the DOJ requirements. The process of preparing an EEO involves the following activities, which are described in subsequent sections of this document:

- Writing a statement of commitment
- conducting a workforce analysis
- analyzing recruitment and selection procedures
- describing employment opportunities and personnel operations
- planning improvements in personnel operations
- monitoring and evaluating personnel/EEO progress
- implementing new programs.

This guide defines an Equal Employment Opportunity Program, describes the legislative history of the Department of Justice requirements and program guidelines, summarizes these requirements and delineates the activities requisite to the development of an Equal Employment Opportunity Program.

### What Is an EEOP?

An EEOP is a comprehensive document that analyzes the agency's workforce and relevant labor market data and all agency employment practices to determine their impact on the basis of race, sex, or national origin. The EEOP includes a written analysis that:

- provides a statistical profile of the internal workforce, including statistical disparities
- identifies problems in employment practices and procedures
- specifies corrective action
- forms the basis of an ongoing evaluation.

The purpose of an EEOP is to insure full and equal participation of men and women regardless of race or national origin in the workforce of the recipient agency. In an EEOP, every aspect of the agency's personnel policies are scrutinized. Should any evidence of discrimination be found, the EEOP documents the cause and outlines corrective actions.

Because many people regard the requirements of equal employment, or EEO, as a chore--a morass of numbers, a blizzard of paper, a quagmire of regulations--it is important to keep in mind the benefits. Some benefits are:

- The criminal justice system will be more representative of its clients. That should mean better cooperation, better information, better results.
- That is a great untapped pool of skills and experiences that can enhance service delivery and increase overall agency productivity and effectiveness. It should be tapped.
- Time-consuming discrimination complaints should decrease as the causes are removed.
- An agency that has an integrated workforce will benefit from improved community relations and enhanced credibility.

The EEOP is one of the milestones in the evolution of the Federal civil rights compliance effort. It is not voluntary. Subpart E, section 42.302(b) indicates:

The obligation of a recipient to formulate, implement, and maintain an Equal Employment Opportunity Program (EEOP), in accordance with this subpart, extends to State and local police agencies, correctional agencies, criminal court systems, probation and parole agencies, and similar agencies responsible for the reduction and control of crime and delinquency.

Equal employment opportunity, as we use the term in this guide, has its roots in Title VII of the Civil Rights Act of 1964, as amended, although the statutory basis for OCRC operations is section 815(c) of the JSIA. Title VII forbids discrimination based on race, creed, color, religion, sex, or national origin.

Following the passage of the 1964 civil rights legislation, Congress saw that one of the ways to promote compliance with Title VII and facilitate nondiscrimination in programs and projects funded in whole or in part with Federal monies was to write into the enabling legislation provisions embracing the Title VII principles. Since the passage of the Omnibus Crime Control and Safe Streets Act of 1968, the 1973 amendments, the Jordan amendments (1976), and most recently the Justice System Improvement Act of 1979, recipients of LEAA, BJS, NIJ, and OJJDP funds have been required to adhere to the following legislative provision:

No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title. (Section 815(c) of the JSIA).

Enforcement responsibility for recipients of LEAA, NIJ, BJS, or OJJDP funds was formerly vested in the Law Enforcement Assistance Administration. With the passage of the JSIA in 1979, the civil rights provisions of the act and all implementing DOJ civil rights regulations and guidelines were transferred to the newly established Office of Justice Assistance, Research and Statistics (OJARS), Office of Civil Rights Compliance. The OCRC keeps on file a copy of each EEOP submitted by a recipient agency.

Following is a summary of the relevant civil rights compliance milestones for criminal justice agencies:

1964 Civil Rights Act, Title VI and Title VII

1968 Omnibus Crime Control and Safe Streets Act

1971 Griggs v. Duke Power Company

1972 Amendments to Title VII (to extend coverage to State and local governments)

1973 Amendments to Crime Control Act

1976 Jordan Amendments to Crime Control Act

1979 Justice System Improvement Act--(OCRC authority transferred from LEAA to Office of Justice Assistance, Research and Statistics)

The above civil rights legislation describe unlawful discrimination and provide for the enforcement process. Department of Justice Subpart D Regulations: Nondiscrimination in Federally Assisted Programs (28 CFR Part 42) implement the enforcement provisions of the JSIA.

The action component takes the form of Subpart E: Equal Employment Opportunity Program Guidelines. An EEOP must contain a statistical profile of an agency's workforce, which is analyzed to determine whether the composition of the workforce by race, sex, or national origin reflects that of the relevant labor market. If there appear to be substantial differences between the composition of the workforce and the representation of various race, sex, and national origin groups in the available labor force, then it becomes necessary to review the agency's employment procedures to determine the cause of the disparity.

For example, if the selection process results in "a substantially different rate of hiring, promotion, or other employment decisions which works to the disadvantage of members of a race, sex or ethnic group,"\* each component of the selection process must be individually reviewed to determine how it affects each group and what its relationship is to actual job performance. The basic question to ask is: Are selection devices job-related and valid? If the answer is no, an agency must seek alternative selection procedures whether or not existing procedures meet local civil service regulations. Then, strategies for overcoming identified problems are written in terms of short-range, interim, and longterm goals; for example, civil service rule changes, test construction and validation, and so on.

The EEOP always identifies specific problems and institutes procedures necessary to correct them. It may be necessary to hire and upgrade underutilized groups through aggressive recruitment, promotion, training and so on.

#### Who Must Develop an EEOP?

A recipient agency is defined as any State or local unit of government or agency thereof, and any private entity, institution, or organization, to which Federal financial assistance (under the JSIA or Juvenile Justice Act) is extended directly or through such government unit or private entity. Recipient agencies that meet the following criteria are required to prepare an EEOP:

- have 50 or more employees
- received a total of \$25,000 or more in grants or subgrants since 1968
- have 3 percent or more minorities in service population (if less than 3 percent, the EEOP must be prepared to focus on women).

\*"Uniform Guidelines on Employee Selection Procedures." For text, see Federal Register, August 25, 1978.

#### What Is Required in an EEOP?

According to the Subpart E Guidelines, the following are required in an EEOP:

- recipient agency's signed and dated statement of equal employment opportunity goals in the introduction to the EEOP
- an evaluation of opportunities in recipient agency, including:
  - any problem area(s) in the utilization of women and minorities
  - a statistical analysis of present representation of women and minorities in each job category
  - an analysis of all recruitment and selection activities in the previous fiscal year
  - an assessment of housing, transportation, and other external factors that might limit access to qualified female and minority applicants
- a review of employment practices for the previous fiscal year, including:
  - a job classification chart
  - disciplinary actions
  - application forms
  - terminations
  - transfers
  - upgrading and promotions
  - detailed review of employment policies and procedures.

Recipient agencies are also expected to insure the compliance of their subgrantees who receive LEAA, NIJ, BJS, or OJJDP funds.

The EEOP should be rich in both numbers and narrative. It is the core of an ongoing program of self-evaluation. It is also the means by which OCRC can monitor a recipient's progress.

#### The Process: How To Prepare an EEOP

##### Step 1. The Introduction

The introduction to the EEOP contains basic information about the recipient agency as well as an overview of its personnel management and operations. Basic information includes the name, address, and phone number of the grantee; project numbers, names, and funding levels; and names, addresses, and phone numbers of project directors. The personnel management and operations overview includes a brief summary of the ongoing equal employment opportunity efforts; progress in meeting EEO goals and current status of EEO efforts; and the effective date and duration of the EEOP.



The signature page should be signed by the recipient agency head, the EEO officer, and the chief executive of the jurisdiction.

A section on background information may follow or be included in the introduction. The purpose of the background section is to provide the EEOP reviewer with an understanding of the recipient agency and the context in which the plan must be implemented. Following is a list of the kinds of information to be included in the background section:

- agency organizational chart
- narrative description of agency and its mission
- roles and responsibilities of EEO program officials
- description, composition, and selection process of any advisory or EEO coordinating committee(s)
- full text of agency and/or relevant civil service regulations
- full text of written personnel practices or standard operating procedures covering personnel
- narrative summary of personnel practices.

#### Step 2. Statement of Management Commitment (Optional)

This statement of commitment is not required by the Subpart E Guidelines; however, it serves two purposes. First, it is a statement of the recipient agency's intent to comply with the guidelines. Second, it is a way to publicize--without going to the expense of distributing complete copies of the written plan--the agency's commitment to equal opportunity and full participation of women and minorities in all aspects of employment.

The statement of commitment puts everyone on notice--job applicants, current staff, program recipients, and vendors--that the recipient agency practices nondiscrimination and that it deals only with those agencies and organizations that do the same.

But such a statement has no "teeth" if no one knows about it. Therefore, a plan for disseminating this statement should be included in the EEOP. The statement should be circulated inside and outside the agency to all employees, job applicants, vendors, recruitment sources, and the general public. The fact that the recipient agency is an equal opportunity employer must go out in every possible way.

Equal employment opportunity is a fundamental tenet of agency policy. Therefore, a statement committing a recipient agency to that course should be signed by the agency head as well as the EEO officer. This statement enhances the EEOP's goal of facilitating the achievement of full utilization of minorities and women at all levels in an agency's workforce.

#### Step 3. Demographic Data and Workforce Analysis

Thorough statistical analysis is the basis of a well-prepared EEOP. To determine appropriate employment levels, the recipient must determine the race, sex, and national origin characteristics of the relevant labor market as well as its own workforce. This calls for three sets of analyses. The results will provide a baseline for goal setting and for measuring progress.

The first analysis involves compiling a detailed job classification chart. This chart pinpoints employees by job title and salary level. A job classification chart should show:

- each employee's job classification or assignment--by race, sex, and national origin
- principal duties and rates of pay
- number of employees in each--by race, sex, and national origin
- geographical assignment and/or shift where applicable.

Figure 1, which appears on the following page, is a sample job classification chart. Complete copies of job descriptions should be attached for all jobs listed on the job classification chart.

If the recipient agency employs personnel in shifts, the agency must complete a chart for each shift. If the agency employs personnel at different geographical locations, it must complete a chart for each site.

The second data analysis involves compiling relevant labor market statistics to compare with the agency workforce. The relevant labor market for a recipient agency is generally defined as the geographic area(s) from which the majority of the job applicants are drawn.

Understanding the labor market requires first understanding the area in which it is found. That means looking at types of industries and level of industrialization, population characteristics (size, mobility, education and skill levels, age, sex, income, and race or national origin), class structure, local culture and values, job structuring, transportation facilities, housing patterns, educational opportunities, and health care. All of these make up the context within which discrimination can occur.

Labor market data should be reported by race, sex, and national origin for each job category. Data should also be provided on total population and existing unemployment rates by race, sex, and national origin. Normally, these data can be obtained from the planning department in the recipient agency's jurisdiction.





Step 4. Analysis of Recruitment and Selection Procedures

In order to determine the cause of the underutilization of minorities, women, or others, a recipient agency must evaluate how it recruits and selects its employees. This means undertaking additional statistical analyses. Employment data for the previous fiscal year is gathered and categorized by race, sex, and national origin and applied to the following employment activities:

- position descriptions
- recruitment methods and sources
- application forms
- selection process for initial hire and promotion
- training
- discipline
- terminations.

Analyzing these employment activities will help determine which phase of the employment process or condition of employment is causing the underutilization of any group. Following are guidelines for this analysis.

Position Descriptions

Position descriptions provide the basis for all personnel actions-- identifying recruitment targets, selection benchmarks, and test construction and validation efforts.

Position descriptions are developed after job analyses are completed. They outline the jobs in terms of:

- job title
- summary of primary responsibilities
- listing of major tasks
- special conditions under which work is performed
- time devoted to each task
- physical standards for job performance
- minimum qualification standards; that is, knowledge, skills, abilities needed to do job
- special qualifications unique to the job.

An agency must draw up such a chart for all the jobs that existed in the agency in the previous fiscal year. The agency must then analyze the charts to determine whether minimum qualifications or other performance standards disproportionately screened out any group by race, sex, or national origin. If any group was screened out, an agency must determine if the identified factors can be supported by valid job analysis data or constitutes bona fide occupational qualifications.

Under section 42.203(d) of the DOJ Subpart D Regulations,

the use of a minimum height or weight requirement which operates to disproportionately exclude women and persons of Hispanic or Asian descent is a violation of (that) subpart, unless the recipient is able to demonstrate convincingly, through use of supportive factual data, that the requirement has been validated as set forth in the Uniform Guidelines on Employee Selection Procedures (28 CFR 50.14).

Figure 3 is a sample chart for assessing the impact of minimum qualifications.

Figure 3  
Sample Minimum Qualifications Assessment Chart

POSITION: \_\_\_\_\_

QUALIFICATIONS LIST (Modify as appropriate)	SCREENED IN										SCREENED OUT												
	MALE					FEMALE					MALE					FEMALE							
	TOTAL	B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN	TOTAL	B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN	
High School Graduation																							
Age 21-35																							
Height in Proportion to Height																							
No Record of Convictions																							
Honorable Military Discharge																							

Key

- B - Black
- W - White
- H - Hispanic
- A/PI - Asian or Pacific Islander
- AI/AN - American Indian or Alaskan Native

Recruitment Methods and Sources

The recruitment process is the vehicle for reaching out to the relevant labor market and attracting qualified applicants for announced vacancies. It is a critical employment practice. Any bias at this point will be transmitted throughout the selection process.

Recruitment starts with the personnel department issuing a job announcement. The announcement makes known the availability of an opening, indicates where and when to apply for the position, can include salary and benefit information, sometimes indicates total

number of positions to be filled, outlines the selection process, and describes the minimum qualifications needed to apply. Job announcements should contain no reference to race, sex, or national origin unless job-related. In order to encourage minorities and women to apply, the announcement should specify that the agency is an equal opportunity employer.

Outreach recruitment techniques may be used to attract women and minorities, particularly in situations of underutilization or past discrimination, since prospective applicants may be intimidated by conventional hiring practices.

Applicant flow data is used to assess the effectiveness of recruitment activities. Figure 4 may be used for this purpose.

Figure 4  
Sample Applicant Flow Chart

POSITION: \_\_\_\_\_

	MALE					FEMALE				
	B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN
Total Number of Applicants										
Total Accepted										
Total Rejected										

Key

B - Black                      A/PI - Asian or Pacific Islander  
W - White                      AI/AN - American Indian or Alaskan Native  
H - Hispanic

Applicant flow data is analyzed for each position filled during the preceding fiscal year. Data should not consist of all applicants for all vacancies in the aggregate.

If the numbers in the applicant flow chart do not reflect representative numbers of all race, sex, or national origin groups in the relevant labor market, then recruitment methods and sources should be reviewed to determine if announcements are indeed reaching these segments of the population. The agency should make a list of recruitment sources and locations for posting of announcements; and then determine if this list includes minority and female organizations or hiring agencies, media directed at minorities and women, community associations with direct access to the target groups, churches, and so on.

If applications were available in only one location and that location was only accessible to the minority community during other than normal hours (9 a.m. - 5 p.m.), then the agency should determine if this procedure caused fewer minorities and women to apply for the jobs. Frequently, qualified applicants are lost because they cannot reach the proper office to return the completed application form or they are unable to take time off from their present jobs to return applications. Long-term unemployed persons may not have transportation or money for postage stamps. All of these factors should be considered when assessing the effectiveness of recruitment activities.

Application Forms

The recipient agency should review the job application forms it currently uses. Do the forms contain questions addressing:

- marital status?
- arrest records?
- military status?
- number of dependents?
- place of birth?
- family history?
- race?
- nationality?
- religion?
- height?
- weight?
- medical history?
- sex?
- spouse employment and personal data?

Can the agency document that each of these items is job-related? If not, the application form could be discriminatory.

Questions such as the ones listed above can have the effect of discouraging women and minorities from applying for a job. Some of the above questions are required for enrollment in insurance and pension benefits plans. These should be asked after the candidate has been hired.

Other information may be needed for EEO records. If this is the case, it should be stated. An agency could put the questions on a separate form or tear-off section that can be kept apart from the job application. That way, the EEO information will not bias the review of job-related information. The EEO data should be kept confidential.

The agency should then compile all job applications by positions for the previous fiscal year and prepare a statistical chart similar to the one used for reviewing recruitment activities. This chart should include factors from application forms. For those applications that were rejected, the agency should identify the basis for rejection and compare the results by race, sex, and national origin. If any questions disproportionately screened out minorities and/or women, the job-relatedness of those questions must be documented. Figure 5, which appears on the following page, is a sample application assessment chart.



This comparison of total number of applicants for each race, sex, or national origin with the total number hired in each group results in what is referred to in section 4C of the "Uniform Guidelines" as the "bottom line." In effect, the bottom line concept means that where this basic analysis shows adverse impact for any race, sex, or national origin, then an analysis must be undertaken of the impact of each individual component in the selection process. Figure 7 shows a tracking form for data collection and analysis of various components of the selection process.

Figure 7  
Sample Analysis of Selection Process Chart

POSITION: \_\_\_\_\_

Steps in the Selection Process (Modify as Appropriate)	MALE						FEMALE					
	TOTAL	B	W	H	A/PI	AI/AN	TOTAL	B	W	H	A/PI	AI/AN
No. of Applicants												
<b>WRITTEN EXAM</b>												
Total No. Taking												
Total No. Passing												
Total No. Failing												
<b>ORAL EXAM/INTERVIEW</b>												
Total No. Taking												
Total No. Passing												
Total No. Failing												
<b>PHYSICAL AGILITY</b>												
Total No. Taking												
Total No. Passing												
Total No. Failing												
<b>BACKGROUND INVESTIGATION</b>												
Total No. Taking												
Total No. Passing												
Total No. Failing												
<b>PSYCHOLOGICAL TEST</b>												
Total No. Taking												
Total No. Passing												
Total No. Failing												
<b>PHYSICAL EXAM</b>												
Total No. Taking												
Total No. Passing												
Total No. Failing												
No. Certified as Eligible for Job												
No. Offered Employment												
No. Employed												

Key:  
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 H - Hispanic

In some cases, the analysis may reveal no adverse impact. If that is the "bottom line," recipient agencies, in most cases, are not required to examine individual components in the selection process. However, the Subpart E Guidelines require the recipient agency to collect race and national origin data cross-classified by sex on all selection procedures so that an evaluation of employment opportunities can be undertaken. These procedures include, but are not limited to:

- application forms
- written examinations
- oral interviews
- strength and agility tests
- background investigations
- psychological tests
- medical examinations
- performance tests.

The same applies to transfers and promotions. This is a vital part of career development. Transfers can provide the varied experiences that qualify workers for advancement. But bottlenecks can be created. Sometimes the bottlenecks are caused by seniority, but they may also result from lack of access to training and assignments that allow workers to move ahead. Figure 8 below and Figure 9, on the following page, can be used to help identify the sources of bottlenecks.

Figure 8  
Sample Transfer Chart

EMPLOYEE	MALE						FEMALE						CURRENT POSITION	REQUESTED TRANSFER	DATE REQ.	ACTION	
	B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN	DATE DENIED	DATE GRANTED					
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	
11																	
12																	
13																	
14																	
15																	
16																	
17																	
18																	
19																	
20																	

Key:  
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 H - Hispanic

Figure 9  
Sample Promotion Chart

EMPLOYEE	MALE					FEMALE					Internal Promotion	Outside Hire	Number Eligible	Number Promoted	Level of Promotion
	B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN					
TOTAL															

Training

For most new employees, orientation sessions and/or on-the-job training constitute the first exposure to an agency's policies, procedures, and goals. For veteran workers, training means the acquisition of additional skills for advancement. To be equitable, training must be:

- equally available to all
- job-related
- uniformly administered and evaluated.

These criteria are crucial, especially if hiring or promotion is contingent on satisfactory completion of a training program. When training has an adverse impact on one group, the knowledge, skills, and abilities being rated must be shown to be part of the job for which the applicant is being trained. In other words, the training program must be directly related to key tasks to be performed on the job and to qualification standards for satisfactory performance.

To determine the impact of existing training programs, several sets of records should be maintained. Data on each of the following should be compiled by race, sex, and national origin:

- requests for training and dispositions of requests
- number of people going through training
- success rates in training programs
- types of available programs
- availability of programs by shift and location.

Figure 10 is a sample training analysis chart. A separate chart should be drawn up for each shift or geographical location.

Figure 10  
Sample Training Analysis Chart

TYPE OF PROGRAM	MALE										FEMALE													
	B		W		H		A/PI		AI/AN		TOTAL	B		W		H		A/PI		AI/AN		TOTAL		
	Pass	Fail	P	F	P	F	P	F	P	F	P	F	Pass	Fail	P	F	P	F	P	F	P	F	P	F
Entry Level																								
- Skills																								
- Education																								
In Service																								
- OJT																								
- Management																								
- Specialized																								
Academic																								
- Continuing Ed.																								
- Degree Oriented																								

Key

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If any race, sex, or national origin group does not have equal access to training, or if a disproportionate number in any group fail, there may be a discrimination problem. The agency must determine the cause. It could be that the training content is not job-related. Or it could be the instructor's attitudes or fellow students' attitudes. Perhaps the training is sex-segregated, and it should be integrated. Or perhaps the training is equal, and it should be different or special for some groups. Careful analysis will help determine the cause.

Discipline

Every organization has rules that outline grounds for discipline and sanctions to be applied, but sometimes the rules are not equally enforced. If violators in one race, sex, or national origin group suffer more disciplinary actions or more severe sanctions for the same offense than those in another, this is an indication that disciplinary actions are being taken on a selective or unequal basis. Unequal

treatment could affect performance appraisals, promotions, tenure, and transfers. In other words, an entire career could be affected.

That is why an EEOP must include an analysis of disciplinary actions taken in the previous fiscal year. If women and minorities show poorer records than could be expected from their numbers in the workforce, there could be a problem. The agency should draw up a chart that allows for the tracking of disciplinary action by:

- nature of offense
- disciplinary action taken
- race, sex, or national origin of employee.

Figure 11 is a sample chart. (See Figure 12 for Key.)

Figure 11  
Sample Chart for Tracking Infraction  
and Disciplinary Action

Period \_\_\_\_\_ to \_\_\_\_\_

Infraction and Disciplinary Action	MALE					FEMALE				
	B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN
I. Insubordination*										
Reprimand										
Suspension 1-2 days										
Suspension 3-5 days										
Suspension 6-10 days										
Suspension over 10 days										
Demotion										
Reassignment										
Termination										
II. Late for Work										
Reprimand										
Suspension 1-2 days										
Suspension 3-5 days										
Suspension 6-10 days										
Suspension over 10 days										
Demotion										
Reassignment										
Termination										

\* Each basis for disciplinary action as outlined in personnel rules and regulations, standard operating procedures, etc., should be tracked separately.

An agency should draw up one chart for minor infractions and another for major violations.

There are a number of ways to correct discrimination in discipline. Rules should be job-related, not arbitrary. They should be published in two languages where necessary, prominently displayed, and orally reviewed for those who do not read well. Judgments should be consistent and applied uniformly. Appeal and grievance procedures should be set up to insure due process. These should be tracked as in Figure 12.

Figure 12  
Sample Grievance and Appeal Chart

EMPLOYEE	MALE					FEMALE					GRIEVANCE OR APPEAL	ACTIONS TAKEN	REASON FOR ACTIONS
	B	W	H	A/PI	AI/AN	B	W	H	A/PI	AI/AN			
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
16													
17													
18													
19													
20													
TOTAL													

Key

- B - Black
- W - White
- H - Hispanic
- A/PI - Asian or Pacific Islander
- AI/AN - American Indian or Alaskan Native

Terminations

How and why people leave the recipient agency can be a telling indicator of its employment practices. There are many ways an employee may leave:

- Voluntary
  - retirement
  - resignation

- Involuntary
  - mandatory retirement
  - firing
  - layoff.

Some ways of leaving carry with them substantial benefits; for example, pensions or unemployment compensation. Others carry none. Some ways indicate failure on the part of the worker. Others, failure on the part of the agency. Because discrimination could be involved, it is important to determine who is leaving and for what reason. Two ways to find out if discrimination is involved are:

- documented exit interview
- statistical analysis

Section 42.304(e) of the Subpart E Guidelines requires the recipient agency to collect data on the number of employees who were terminated within the preceding fiscal year, identifying by race, sex, and national origin both voluntary and involuntary terminations. Figure 13 is a sample chart for tracking terminations.

Figure 13  
Sample Termination Analysis Chart

TERMINATION MODE	TOTAL	MALE						FEMALE						DATE OF HIRE	DATE OF DEPARTURE
		B	W	H	A/PI	AI/AN	TOTAL	B	W	H	A/PI	AI/AN	TOTAL		
Voluntary															
- Retirement															
- Resignation															
Involuntary															
- Retirement															
- Firing															
- Layoff															
TOTAL															

Key

- B - Black
- W - White
- H - Hispanic
- A/PI - Asian or Pacific Islander
- AI/AN - American Indian or Alaskan Native

In summary, to comply with the provisions of the Subpart E Guidelines, all data compiled for this statistical section must cover the preceding fiscal year and demonstrate that a statistical analysis was conducted to determine the extent to which women and minority persons are underutilized or adversely affected by:

- recruitment procedures
- representation in all job categories
- selection procedures for initial hire and promotion

- position descriptions
- educational requirements
- transfer procedures
- training programs
- terminations.

Although there is no prescribed format for presenting this data, the requirement under 42.303(e) to cross-classify by sex often presents a problem which frequently results in showing females as a classification of minority persons. The definition of "minority persons" under 42.303(e) clearly does not include females as a minority classification, although many females may be minority persons.

Step 5. Narrative Statement on Employment Policies and Procedures

An EEOP must also include a narrative explanation of all agency employment practices. (See the procedures analyzed in step 4.)

Following is an outline of the kind of narrative information to be included in this section of the EEOP:

- Position (job) descriptions: explain how job descriptions were prepared (including job analysis approach) and how the agency insures that all employees know what is expected of them in terms of performance standards.
- Recruitment methods and sources: show sample job announcements; give details on how they are disseminated (inside and outside the agency); cite all referral sources and newspapers as well as any special groups they represent; describe agency outreach methods for women and minorities.
- Application forms: review all questions and justify their relevance and job-relatedness.
- Selection process for initial hire and promotion: specify every test, standard, and interview used; describe how cut-off scores were set; explain if and how each criterion was validated; and describe test administration conditions.
- Training: explain the kinds of training available and to whom; describe training methods, content, length, and purpose; cite standards for success in training; mention any provision for tuition reimbursement.
- Discipline: describe agency's rules and regulations and the sanctions for violating them; explain procedures for imposing sanctions; include grievance and appeal mechanisms.
- Terminations: explain how termination decisions are made and who leaves for what reasons; describe exit interview process; outline the benefits that accrue to those who leave under various circumstances; cite any factors that protect workers against involuntary termination (for example, unions, appeal boards, and civil service regulations).



Where appropriate, this statement should include descriptions of validation studies used to justify the job-relatedness of employee selection procedures. It should also include the impact of various personnel rules and procedures, as appropriate.

Steps 1 through 5 described how an agency collects baseline data on current employment practices, sets up an ongoing recordkeeping system, and pinpoints problem areas that need correcting. The final step describes how an agency outlines its approach to remedying identified problems and deficiencies.

Step 6. Planned Improvements and Corrective Actions

Systemic Modifications

This is the part of the EEOP in which an agency outlines strategies to overcome systemic employment problems and deficiencies. Commonly referred to as an affirmative action program, these activities are often outlined without considering the many details which will determine success or failure.

Section 42.304(g)(1) of the Subpart E Guidelines specifies that where the narrative analysis indicates a need for improvement, the detail steps for improvement must be set out in narrative form. The purpose of such a requirement is to insure that the plan for improvement is not a subjective plan, but rather a definitive program to address problems revealed in the analysis.

This section of the EEOP addresses those personnel problems that are systemic in nature; for example, recruitment, selection, promotional practices, collective bargaining agreements, staff training, revision of personnel rules and regulations, modifications to city charter, and State law.

The following constitute five action items of an EEOP:

- listing those areas that need correcting (goals)
- specifying how the agency plans to correct them (tasks)
- establishing numerical goals
- setting a time limit for each goal
- assigning someone the responsibility for each goal.

Figure 14, on the facing page, is a sample planning chart.

Guidelines for Goal Setting

The overall goal of the EEOP is full participation and utilization of all race, sex, or national origin groups at all levels in the recipient agency's workforce. That means in both hiring and promotion. Agencies must be realistic, however, about both their projected applicant pool and anticipated vacancies when setting hiring and promotion goals.

First, goals must be pegged to anticipated vacancies within the agency. Simply indicating that 50 women and 100 blacks will be hired

Figure 14  
Sample Planning Chart

GOAL	TASK	RESPONSIBLE PARTY	COMPLETION DATE											
			Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
1	A. B. C.													
2	A. B. C.													
3	A. B. C.													
4	A. B. C.													
5	A. B. C.													
6	A. B. C.													

in the next six months is not realistic goal setting. An agency must study turnover and attrition rates, track the flow of promotions, and determine how many entry and higher level positions will open up during a projected time period. Next, the agency must specify what percentage of those slots will go to women and minorities and how long it will take to attain those percentages. The agency must take into consideration the composition of projected applicant pools and the difficulty in attracting qualified applicants. This is realistic goal setting.

An agency must be realistic about the applicant projections. The best of intentions will not work unless the applicant pool contains representative numbers of minorities and women. An agency should refer to its original labor market analysis and see what external factors constitute barriers to the employment of women and minorities in the agency. The agency might need to provide transportation or language translations. It might need to reach out beyond its service area to other labor markets. All this needs to be weighed in agency planning.

Monitoring and Evaluation

An agency must develop not only a plan, but also a system for measuring and monitoring compliance and progress toward achieving goals and objectives. The agency should appoint an EEO officer to monitor

and evaluate the progress and implementation of the EEOP. This person should have top management's support. Sample job tasks include:

- act as in-house resource on all EEO matters
- explain EEOP within the agency and to outside sources
- maintain contact with minority and women's groups
- provide informal counseling for resolving discrimination complaints
- act as liaison with civil rights compliance agencies
- conduct internal audits of EEOP effectiveness
- make periodic progress reports to the agency head
- keep up-to-date on EEO regulations.

The EEOP is a dynamic document. It must be kept current by annually updating statistics on applicants, hirings, promotions, transfers, disciplinary actions, training participation, and terminations. These should be classified by race, sex, and national origin.

Monitoring and evaluation reports should include the following:

- specific actions taken to eliminate or reduce adverse impact on women and minorities
  - list each problem area
  - review previous year's goals
  - list corrective actions
- Actual progress made in achieving goals
  - review previous year's goals
  - analyze current year's hiring and upgrading of personnel by race, sex, and national origin
  - compare progress made against previous goals
  - explain any discrepancies
- specify remaining problem areas and corrective steps to be taken
  - designate responsible parties
  - specify timeframes
  - establish new goals for coming year.

Implementation Strategies. So far, the EEOP is just a piece of paper. Implementation is what brings it to life. A number of implementation suggestions have been made earlier. Some of them are restated below.

Dissemination of Policy. The EEOP is the statement and action policy outlining top management's commitment to full participation and utilization of women, minorities, and other groups in the agency workforce. The heart of that policy is expressed in the statement of

commitment that begins the EEOP. The recipient agency should insure that people both inside and outside the agency are aware of the plan.

Within the agency, publicize the statement in the following ways:

- post on bulletin boards
- print in newsletters and handbooks
- discuss with employees
- train supervisors
- distribute to unions

Outside the agency, distribute the statement to:

- referral and recruitment sources
- unions
- schools
- suppliers and vendors
- civic organizations
- newspapers
- subgrantees and contractors.

Copies of the complete EEOP should be available for anyone to see on demand.

Outreach Procedures. Because qualified women and minority applicants may not automatically apply for advertised vacancies, recipient agencies may have to appeal directly to them. This is called outreach. Some outreach techniques include:

- working through grassroots leaders and organizations
- addressing organized women's and minority groups
- advertising through women's and minority-oriented media (radio, TV, newspapers, magazines)
- recruiting in women's and minority schools or special studies programs
- publishing recruitment material in a second language
- employing women and minority recruiters
- canvassing community centers
- contacting neighborhood churches
- calling on local social service agencies.

These are just a few approaches. In fact, outreach is a form of community organizing. In order for it to work, an agency must know its community and the community's resources.

Training Needs. Training is the process through which workers learn, maintain, and upgrade their skills.

To be effective, training must be pegged to job needs. Training programs should be based on a thorough job analysis. The agency job classification chart and position descriptions lay the groundwork for the content of training programs. An agency must then see to it that everyone who should have access to training does.

#### Summary

The EEOP will not only help the recipient agency achieve civil rights compliance goals, but it will also provide the agency with an excellent way to monitor and shape organizational development.

An EEOP consists, at a minimum, of the following sections:

1. Introduction
2. Statement of Management Commitment (Optional)
3. Demographic Data and Workforce Analysis
4. Analysis of Recruitment and Selection Procedures
5. Narrative Statement on Employment Policies and Procedures
6. Planned Improvements and Corrective Actions.

*The following checklist, similar to one used by OCRC, will help an agency review its EEOP to see that it meets the requirements of the Subpart E Guidelines.*

#### EEOP Checklist

Instruction: Answer all statements by placing a check mark in the appropriate space preceding the statement.

The plus (+) sign indicates critical EEOP elements. All critical elements must be included in the EEOP submission prior to forwarding it to OCRC. The Program Manager is responsible for securing any critical EEOP elements omitted from the applicant's EEOP submission prior to forwarding it to OCRC.

NOTE: All data reported in the EEOP are to be identified by race, sex, and national origin.

Yes No

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | +1. Recipient meets criteria and is required to develop, implement, and maintain a written Equal Employment Opportunity Program pursuant to 28 CFR 42.301 et seq., Subpart E.  |
| <input type="checkbox"/> | <input type="checkbox"/> | +2. Recipient is required to formulate a written EEOP for:   |
| <input type="checkbox"/> | <input type="checkbox"/> | a) females only  |
| <input type="checkbox"/> | <input type="checkbox"/> | b) both minorities and females   |
| <input type="checkbox"/> | <input type="checkbox"/> | +3. EEOP contains a detailed narrative statement explaining the recipient's existing employment practices and procedures, including an explanation of methods used to assess test scores (weights) and an explanation of cutoff scores. 42.304(g)                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. EEOP contains a detailed analysis showing the effect of the recipient's employment practices upon minorities and women. (Refer to section 42.303.) 42.304(g)(1)   |
| <input type="checkbox"/> | <input type="checkbox"/> | +5. EEOP contains a statement setting forth specific steps the recipient will take to achieve full and equal employment opportunity, where self-analysis demonstrates a need for improvement. 42.304(g)(1)   |
| <input type="checkbox"/> | <input type="checkbox"/> | 6. Recipient has validated tests in accordance with the "Uniform Guidelines on Employee Selection Procedures," 28 CFR, ch. 1, pt. 50. If no, recipient has provided reason for using validation procedures other than those established under the "Uniform Guidelines." 42.304(g)(1) |

Yes No

- \_\_\_ \_\_\_ 7. EEOP contains validation report(s) for each test used.
- \_\_\_ \_\_\_ +8. EEOP contains relevant labor market and unemployment data for the applicable hiring area, identifying source of data. 42.304(f)
- \_\_\_ \_\_\_ 9. EEOP contains a dissemination plan (that is, the plan is available to personnel within recipient's agency, to applicants, and to the general public). 42.304(h)
- \_\_\_ \_\_\_ 10. EEOP shows the name of the person(s) responsible for implementing and maintaining adherence to the program and describes his or her specific duties and responsibilities. 42.304(i)
- \_\_\_ \_\_\_ +11. EEOP contains a recruitment program plan for minorities and women. 42.304(g)(2)
- \_\_\_ \_\_\_ +12. EEOP shows the number of persons applying for employment for the preceding fiscal year. 42.304(c)
- \_\_\_ \_\_\_ +13. EEOP shows the number of persons offered employment for preceding fiscal year. 42.304(c)
- \_\_\_ \_\_\_ +14. EEOP shows the number of persons actually hired during the preceding fiscal year. 42.304(c) (If items 12-14 are unavailable, the Program Manager will require the recipient to institute a system for collecting this information.)
- \_\_\_ \_\_\_ +15. EEOP contains a job classification and assignment table or chart for each job category for sworn and nonsworn employees. 42.304(a)
- \_\_\_ \_\_\_ +16. Classification chart contains the number of employees within the job category. 42.304(a)
- \_\_\_ \_\_\_ +17. Classification chart shows the principal duties and rates of pay for each job category. 42.304(a) (Includes an explanation for variances in rates of pay due to performance of additional duties, length of service, and so on.)
- \_\_\_ \_\_\_ +18. EEOP identifies the work shifts ("watches"), showing the number of employees assigned to each shift and the geographic area(s) ("beats") covered by each shift. 42.304(a)
- \_\_\_ \_\_\_ +19. EEOP shows the racial or ethnic mix of geographic area(s) of assignment (includes minority population statistics.) 42.304(1)

Yes No

- \_\_\_ \_\_\_ +20. EEOP shows, by job category, the number of employees applying for and receiving transfers within the preceding fiscal year. 42.304(d)
- \_\_\_ \_\_\_ +21. EEOP shows, by job category, the number of employees applying for and receiving promotions within the preceding fiscal year. 42.304(d)
- \_\_\_ \_\_\_ +22. EEOP contains the number of disciplinary actions taken against employees for the preceding fiscal year. 42.304(b)
- \_\_\_ \_\_\_ +23. EEOP shows the number and types of sanctions imposed upon employees (for example, indefinite suspension, temporary suspension, loss of pay, and written or oral reprimands).
- \_\_\_ \_\_\_ +24. EEOP shows the number of employees terminated within the preceding fiscal year, indicating whether terminations were voluntary or involuntary. 42.304(e)