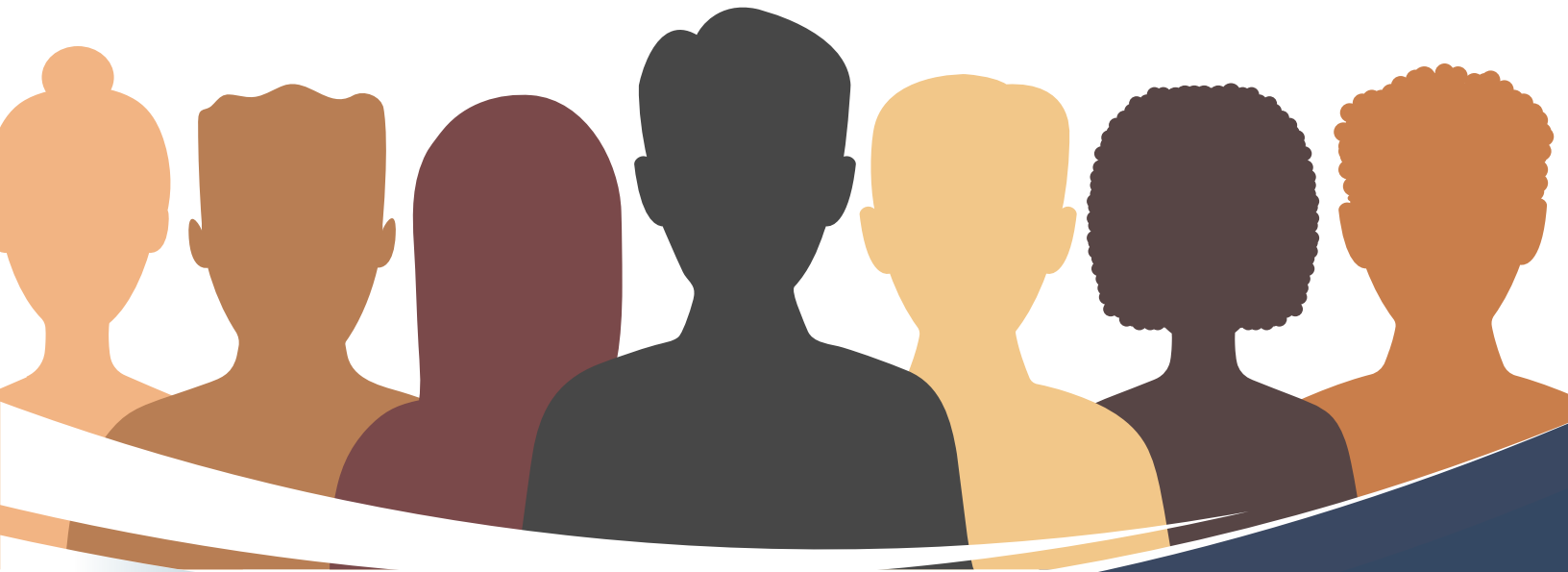




Affirmative Action Plan

2025-2027





Oregon

Tina Kotek, Governor

Oregon Department of Aviation

3040 25th Street SE
Salem, OR 97302-1125
Office: 503-378-4880
Fax: 503-373-1688



Juliet Valdez,
Affirmative Action Manager
Office of Cultural Change
Department of Administrative Services
155 Cottage St NE
Salem, OR 97301

August 1, 2024

Dear Juliet Valdez,

The Oregon Department of Aviation remains committed to affirmative action and equal opportunity and to an active affirmative action program. Our personal commitment to these ideas is represented throughout our agency's Affirmative Action Plan (AAP).

The AAP represents our agency's commitment to equal opportunity and affirmative action in employment and public service consistent with all applicable federal and state laws, including, but not limited to: (ORS [182.100](#), [243.305](#), [243.315](#), and [659](#), [Executive Order 17-11](#), the [Title VII of the 1964 Civil Rights Act](#), and [Section 503 of the Rehabilitation Act of 1973](#).)

This Affirmative Action Plan has our complete authorization and commitment.

Sincerely,

Kenji Sugahara, Director

Kristen Forest, Affirmative Action Representative

AFFIRMATIVE ACTION PLAN

2025-2027 Biennium

Table of Contents

A.	Cover Page	1
B.	Cover Letter	2
C.	Description of the Agency.....	6
1.	Agency Overview	6
2.	Mission and Objectives.....	6
3.	Identification of Employees.....	6
4.	Organizational Chart.....	7
D.	Affirmative Action Policies.....	7
1.	Agency Affirmative Action Policy Statement/Diversity and Inclusion Statement.....	7
2.	Location of Documents.....	8
3.	Complaint Options.....	8
E.	Roles for Implementation of Affirmative Action Plan.....	11
1.	Roles and Responsibilities	11
2.	Director/Managers	11
3.	Affirmative Action Rep	11
4.	All ODAV Staff.....	12
5.	Accountability Mechanisms.....	12
F.	2023-25 Affirmative Action Plan Progress Report	13
G.	Agency Leadership Data	15
1.	Executive/Management	15
H.	Workforce Data	16
1.	Race/Ethnicity.....	16
2.	Gender	16
3.	Veteran Status/Reported Disability.....	17
4.	Generations	17

I. 2025-27 Affirmative Action Goal.....	18
1. Goal.....	18
2. Outcomes	18
3. Measures	18
4. Implementation.....	18
J. 2025-27 Affirmative Action Strategies.....	19
1. Recruitment.....	19
2. Selection	19
3. Retention	19
4. Promotion.....	20
5. Employee Engagement.....	20
K. Leadership Evaluation.....	20
1. Management Evaluations.....	21
L. Succession Plan	21
1. Completion Date.....	21
VI. Appendix A- State Policy Documentation & Resources.....	22
VII. Appendix B- Federal Policy Documentation & Resources	22
VIII. Appendix C- Agency Documentation in support of its Affirmative Action Plan.....	22
A. Oregon Department of Aviation Harassment-Free Workplace Inappropriate Behavior Policy.....	23
IX. Appendix D- Additional Federal Documentation.....	26

C. DESCRIPTION OF THE AGENCY

1. AGENCY OVERVIEW

The Oregon Department of Aviation (ODAV) is comprised of a staff of 16 FT Employees. Founded in 1921, ODAV was the first aviation department in the United States and predates the Federal Aviation Administration (FAA). ODAV works in collaboration with cities, counties, business and industry, the State of Oregon, The Oregon Department of Transportation, the Port of Portland and the FAA. ODAV operates and maintains 28 state owned airports of nearly 100 public use airports in Oregon and acts as the State Aviation Specialist by providing:

- Airport management and operation of state airports
- Leadership that connects communities and the state
- Advocacy for airports, pilots and aviation related businesses
- Facilitation of state and federal aviation funding programs
- Oversight of aviation policy and assets as part of the Emergency Management System

2. MISSION AND OBJECTIVES

Mission: The Oregon Department of Aviation aims to provide an integrated aviation system that benefits all Oregonians by providing infrastructure, financial resources, and expertise to ensure a safe and efficient air transportation system.

Imperatives: Oregon Department of Aviation's objectives are derived from our Imperatives:

- To ensure a fiscally stable agency
- To provide pro-active oversight of Oregon's aviation system
- To increase advocacy and awareness for state aviation and
- To pursue agency operation excellence

Values: These are the values that guide our decision-making as we aim to implement ODAV's mission.

- Customer Service
- Collaboration
- Integrity
- Passion
- Healthy Relationships

3. IDENTIFICATION OF EMPLOYEES

- **Agency Director**

Kenji Sugahara

Director, Oregon Department of Aviation

3040 25th Street SE, Salem, OR 97302-1125

Tel.: 503-378-2340

- **Governor's Policy Advisor**

Kelly Brooks

- **Affirmative Action Representative**

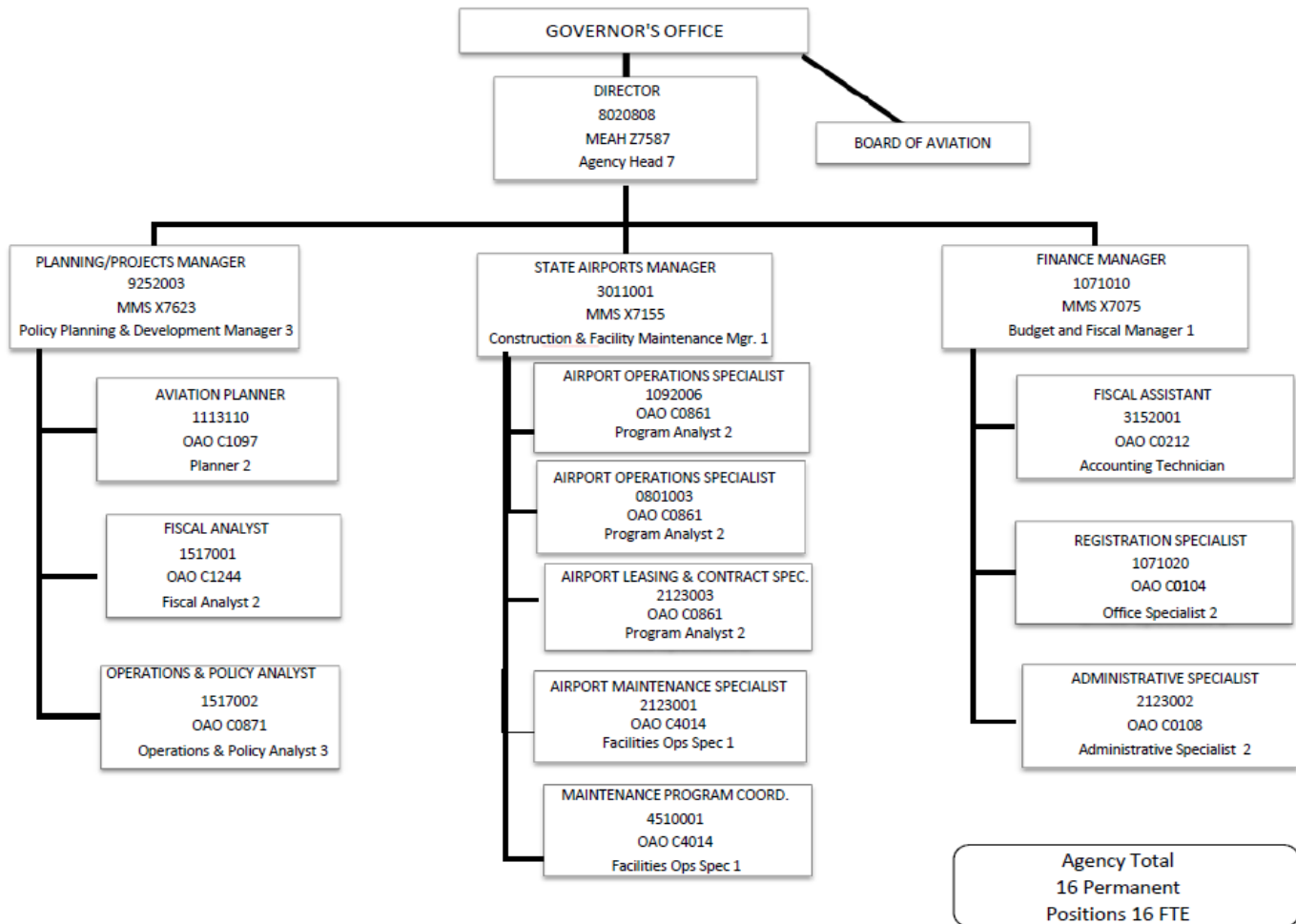
Kristen Forest
 Business and Finance Manager, Oregon Department of Aviation
 3040 25th Street SE, Salem, OR 97302-1125
 Tel.: 503-378-2522

- **Lead for COBID Contracting and Procurement**

Alex Thomas
 Planning & Programs Manager
 3040 25th Street SE, Salem, OR 97302-1125
 Tel.: 971-375-2357

4. ORGANIZATIONAL CHART

Organization Chart 2025-27



D. AFFIRMATIVE ACTION POLICIES

1. AGENCY AFFIRMATIVE ACTION POLICY STATEMENT & AGENCY DIVERSITY AND INCLUSION STATEMENT

AGENCY AFFIRMATIVE ACTION POLICY STATEMENT

The Oregon Department of Aviation is committed to achieving a work force that represents the diversity of Oregon's population and to provide fair and equal employment opportunities regardless of a person's race, color, religion, sex, sexual orientation, national origin, marital status, age or disability. ODAV provides a workplace environment that is free from harassment and intimidation. Employment practices are consistent with state and federal laws, which preclude discrimination.

All employees shall be advised of the procedure for lodging a discrimination/harassment complaint, and all employees with concerns of any kind related to affirmative action shall be encouraged to bring them to the attention of the Affirmative Action Representative or the Director. Our internal procedure that supports the statewide policy is located on page 27 of this Affirmative Action Plan.

This revision of ODAV's Affirmative Action Plan is effective July 1, 2025 – June 30, 2027 and shall be evaluated annually or as needed when statewide changes occur. The ODAV's Affirmative Action Representative is Kristen Forest, 503-378-2522.

Diversity and Inclusion Statement

It is the policy of the Department of Aviation to be proactive in building a well-qualified, diverse agency that represents the public. Diversity is a core value of ODAV and all the management staff are committed to carrying out this Affirmative Action Plan in hiring, contracting and practicing non-discriminatory behavior in day-to-day actions.

2. LOCATION OF AGENCY AFFIRMATIVE ACTION POLICY STATEMENT/DI STATEMENT/STATE AND FEDERAL EMPLOYMENT LAW DOCUMENTS

- Please see the appendix for all state and federal employment law documents.
- These items are accessible to all employees and partners
- The Agency Affirmative Action Policy Statement and plan is posted on the Bulletin Board in the office common area accessible to all employees. All of these documents are also available in this affirmative action plan, please see the table of contents on page 3-5. These documents are also given to new employees during new employee orientation.
- Employees can access these documents electronically in the shared drive or can ask the Affirmative Action Representative for a copy. Employees and partners can also access these documents via the agency website.

3. COMPLAINT OPTIONS

ODAV follows the process outlined in the ODAV Policy ODAV-010 titled Harassment-Free Workplace Inappropriate Behavior Policy. Please see entire policy in Appendix A.

- **FORMAL/INFORMAL**

Formal

For Discrimination. Anyone who is subject to, or aware of, what they believe to be employment-related discrimination may file a complaint with their immediate supervisor or another manager. The complaint should be written unless the complainant, due to a disability, is unable to file written complaint. The complaint should be filed with the agency within 30 calendar days of the alleged act.

Complaints should include the name of the complainant, the name of the persons alleged to have engaged in the prohibited conduct, a specific and detailed description of the conduct that the employee believes is discriminatory, and a description of the remedy the employee desires.

For Harassment. Anyone who is subject to or is aware of harassing behavior should report that information immediately to agency management. If at all possible, the report should be made before the behavior becomes severe. The report may be made orally or in writing to the employee's immediate supervisor or to any other management staff member. If the employee prefers, the report may be given to a manager outside the complainant's work unit. Represented employees may have a union steward accompany the employee during this process during regular work hours.

Informal

All employees with concerns of any kind related to affirmative action, discrimination or harassment are encouraged to bring them to the attention of the Affirmative Action Representative/Business Manager, any manager or the Director.

- **CONTACT INFORMATION**

Agency Affirmative Action Representative:

Kristen Forest

Business & Finance Manager

(503) 378-2522

Kristen.r.forest@odav.oregon.gov

Agency Director

Kenji Sugahara

(503) 378-2340

kenji.sugahara@odav.oregon.gov

HR Representative

Dan Klump

Human Resources, ODOT

(503) 986-4011

dan.klump@odot.oregon.gov

- **COMPLAINT INFORMATION (INTAKE, PROCESSING, TIMEFRAME, NEXT STEPS)**

All supervisors and managers will report complaints and incidents immediately to the appropriate officials.

Investigation. The recipient of a discrimination or harassment complaint shall promptly forward it to the agency Director and or the HR Representative, who will coordinate, or delegate responsibility for coordinating, the agency's investigation in consultation with the affected employee's supervisors, excluding any supervisor who is potentially part of the problem. The complaint will be given prompt and thorough attention with an impartial investigation. If the complaint is substantiated, immediate and appropriate corrective action will be taken. The affected parties shall be informed that the investigation has concluded, and that immediate appropriate corrective action will be taken. All personnel can be assured that complaints will be taken seriously and will be investigated as necessary. They will be dealt with in a discrete and confidential manner to the extent possible.

Nothing in this process precludes any person from filing a formal grievance in accordance with collective bargaining agreement or with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC). Timelines for filing complaints with BOLI and EEOC are different from those established in this policy. Contact them directly for specific guidance on filing a formal grievance with them.

- **HOW DO EMPLOYEES ACCESS THE COMPLAINT PROCESS?**

An employee can access the complaint process from their immediate supervisor, any manager, the affirmative action representative, the director or an HR representative

E. ROLES FOR IMPLEMENTATION OF AFFIRMATIVE ACTION PLAN

1. ROLES AND RESPONSIBILITIES

2. DIRECTOR/MANAGERS

The Director and managers play a leadership role in dedicating the agency to a policy of equal employment opportunity and conveying a sense of that commitment both within and outside of the organization. The Director has overall responsibility for implementing and monitoring the Affirmative Action Plan and for ensuring compliance with all applicable federal and state laws, rules and regulations. Director and Management Responsibilities:

- Foster and promote the importance of a diverse and respectful workplace.
- Periodically review the Affirmative Action Plan and progress toward meeting the agency's affirmative action objectives.
- Review equal employment opportunity and affirmative action objectives.
- Recognize policy needs and initiate necessary changes.
- Extend Outreach to minority construction contractors and their associations to promote their interest in bidding on statewide aviation projects.

3. AFFIRMATIVE ACTION REPRESENTATIVE

The Affirmative Action Representative is responsible for implementing and maintaining the agency's affirmative action program and is accountable to the Director.

- Develop and disseminate the Affirmative Action Plan, including the agency's Affirmative Action Policy Statement, and monitor progress and prepare annual updates and modifications, as needed;
- Develop and monitor internal and external communication of the agency's Affirmative Action Policy and Affirmative Action Plan to keep staff informed.
- Develop and advise employees and job applicants of discrimination grievance procedures. Accept all sexual harassment and/or discrimination grievances or complaints filed either internally or externally and refer all complaints to Human Resource Representatives for investigation.
- Serve as the agency's liaison with governmental agencies responsible for the enforcement of civil rights and fair employment laws and regulations;
- Assist in implementation and review of the internal monitoring and review system, using standardized reports and statistical data to measure the effectiveness of the agency's affirmative action program, and indicate the need for remedial action;

- Identify the need for, assist in the development of, and in some instances, conduct affirmative action information sessions for managers, supervisors and employees;
- Share information to management staff on the latest developments on affirmative action issues, including legal decision and their possible impact;
- Report to the Director and the Board any policies or practices that have adverse impact on minorities, women and persons with disability, and any other protected or underrepresented group, or present barriers to equal employment opportunity;
- Periodically review personnel policies and procedures to ensure they reflect the agency's affirmative action commitment;
- Periodically audit minimum job requirements, training programs, and promotion and transfer actions to assure non-discriminatory practices;
- Conduct periodic reviews to assure EEO posters, the Affirmative Action Policy Statement, and Alternate Format poster are properly displayed; and
- Assist in conducting "exit interviews" of employees leaving the agency's concerning work climate and affirmative action issues.

4. ALL ODAV STAFF

- All ODAV staff are expected to promote and support a positive work environment for people with diverse backgrounds. They are also expected to maintain effective work relationships, respect individual differences and treat everyone with dignity and respect.

5. ACCOUNTABILITY MECHANISMS

- The effectiveness of managers, the director and the affirmative action representative in promoting affirmative action activities, goals, and objectives for ODAV is included in the annual performance appraisal.
- All ODAV staff are accountable to diversity expectations during their quarterly performance reviews.

F. 2023-25 AFFIRMATIVE ACTION PLAN PROGRESS REPORT

1. ACCOMPLISH IN GOAL ATTAINMENT/PROGRESS FOR 23-25 AFFIRMATIVE ACTION PLAN

- The following was the goal established in the 23-25 Affirmative Action Plan along with a description of goal attainment and progress.

GOAL: Build a diverse workforce that represents the diversity of Oregon’s population. Establish an inclusive and authentic agency culture that is supported by management, and diversity equity and inclusion policies in all program areas.

PROGRESS MEASUREMENT:

- To compare the progress of this goal we conducted a Workday analysis of the percentage of all racial categories, gender, reported disability status, generation, and reported veteran’s status in the ODAV workforce in the 23-25 biennium. We then compared these numbers vs. the population in Oregon based on the most recent Oregon Census and the State of Oregon Employment Department. To conduct this analysis, we did a snapshot at the time the report was created.
- For the second part of the goal, we measured if the agency had established diversity equity and inclusion policies in all program areas during the biennium.

ODAV’S WORKFORCE

Minority Race/Ethnic Groups

- **ODAV Data-** Percentage of minority race/ethnic groups represented in ODAV’s workforce was 20% in 23-25.
- **Oregon Data-** In Oregon 38.4% of the population is a member of a minority race/ethnic group.

Reported Disability

- **ODAV Data -** The percentage of people with reported disabilities in ODAV’s workforce is zero.
- **Oregon Data-**General disability rates in Oregon are 12.8% to 14.6%. Data was not found on the percentage of reported disabilities in the Oregon workforce.

Veteran Status

- **ODAV Data** - The percentage of reported veteran's in ODAV's workforce was 13% in 23-25.
- **Oregon Data**-7.4% of the adult population in Oregon are veterans.

Gender

- **ODAV Data** - In 23-25 67% of the ODAV workforce were male and 33% were female.
- **Oregon Data**- Women represent 48% of those employed in Oregon.
- **ODAV Data** - In 23-25 ODAV workforce fell into the following 3 generations:
 - 40% of staff are millennials (born between 1981-1996)
 - 33% of staff are generation X (born between 1965-1980)
 - 33% of staff are baby boomers (born between 1947-1964)
- **Oregon Data**-Oregonians in the workforce are broken down by generation as follows.
 - 22% are generation Z (born between 2000-2018)
 - 27% are millennials (born between 1981-1996)
 - 20% are generation X (born between 1965-1980)
 - 20% are baby boomers (born between 1947-1964)

OVERALL PROGRESS:

- For the first part of the goal ODAV has built a diverse workforce but in comparison to Oregon as a whole does not match or exceed the diversity of the state in all areas. ODAV staff is less diverse than Oregon by race and ethnicity and has fewer female workers and people with a reported disability than Oregon as a whole. ODAV has more veterans by percentage than the adult population of Oregon. Staff at ODAV represent a diverse group of generations.
- For the second part of the goal which was to establish diversity equity and inclusion policies in all program areas during the biennium, ODAV completed a DEI plan on June 1st, 2024, which sets the framework for Diversity Equity and Inclusion in all program areas.

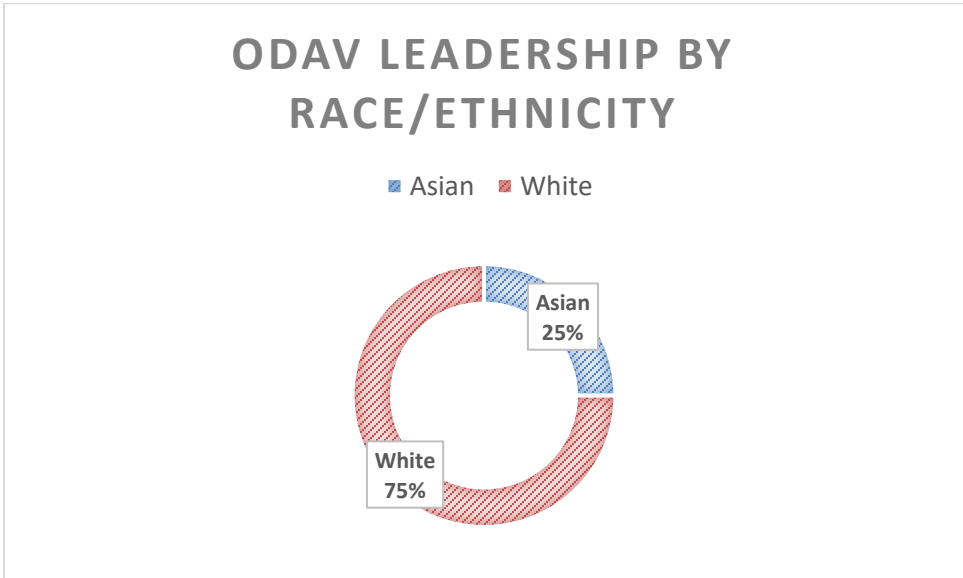
DEMOGRAPHIC ANALYSIS

G. AGENCY LEADERSHIP DATA

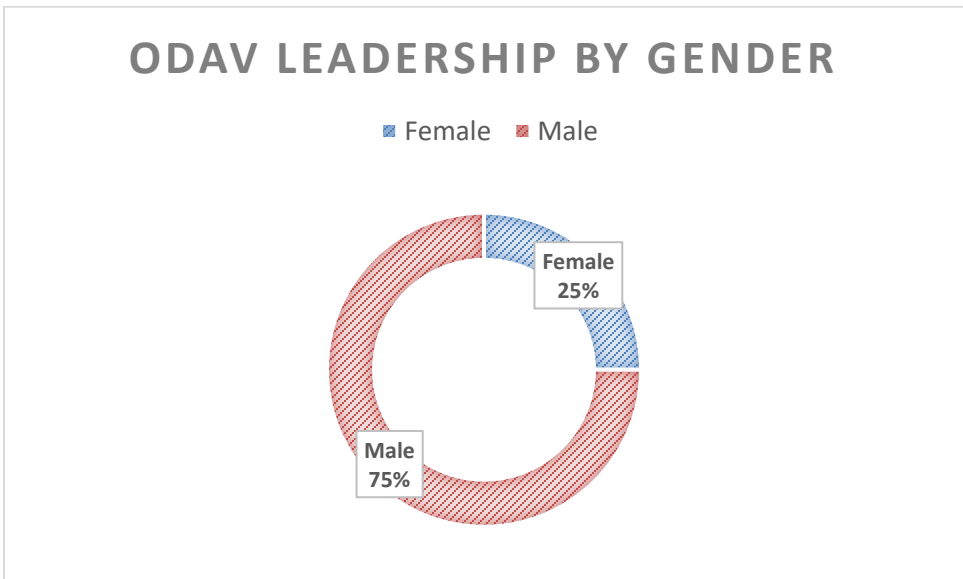
EXECUTIVE/MANAGEMENT

This includes agency director and all management positions (4 FTE).

1. LEADERSHIP BY RACE/ETHNICITY CATEGORIES



2. LEADERSHIP BY GENDER



3. LEADERSHIP BY REPORTED DISABILITY AND VETERAN STATUS

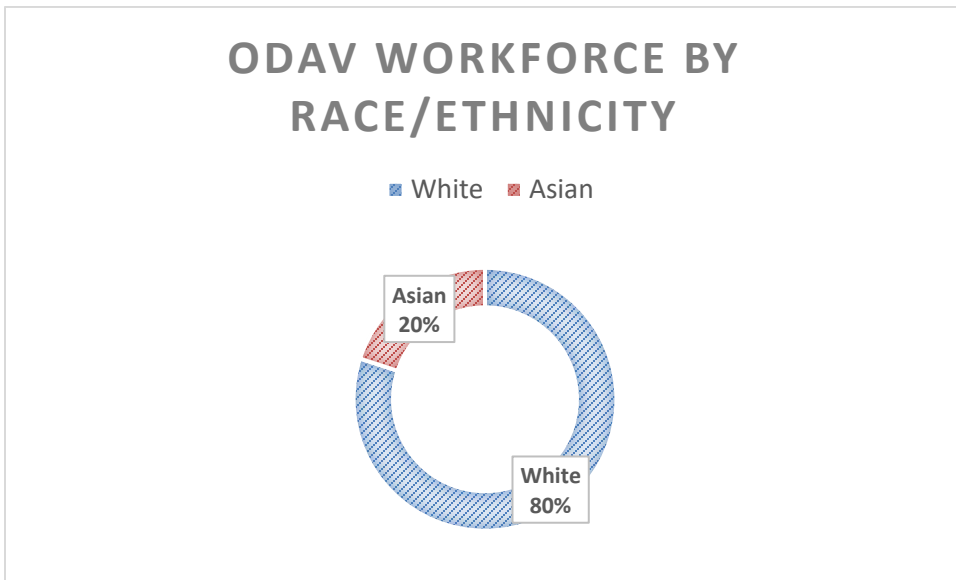
There are no people in leadership positions with a reported disability or veteran status.

H. WORKFORCE DATA

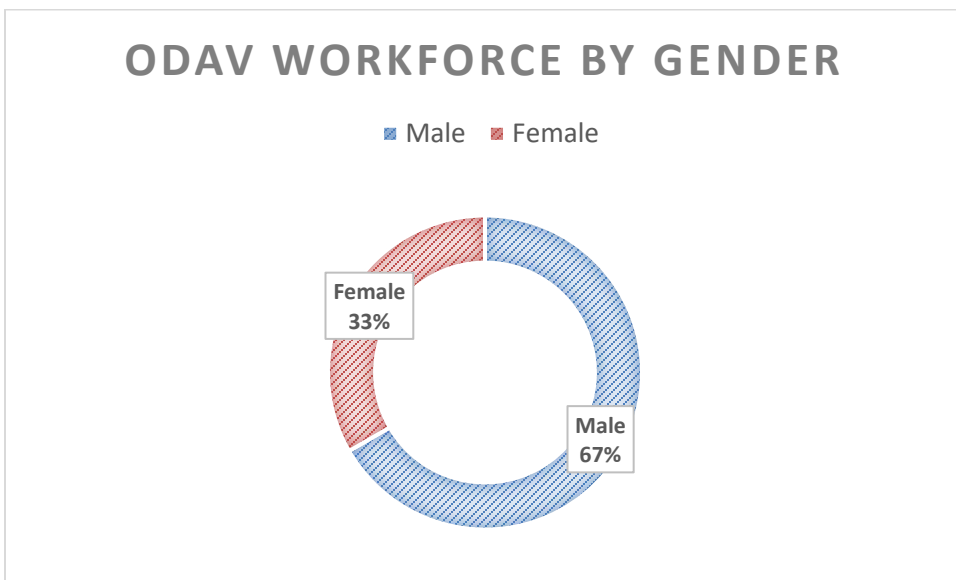
This data is made up off all staff members at ODAV including leadership.

At the time of data collection there were 16 Employees

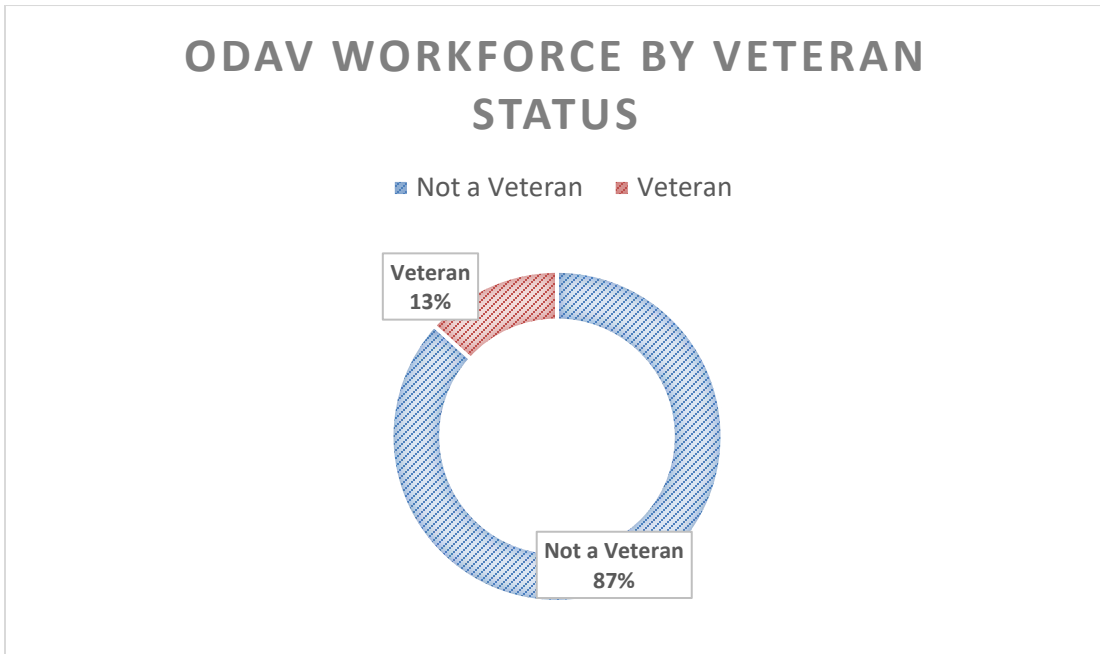
WORKFORCE BY RACE/ETHNICITY CATEGORIES



WORKFORCE BY GENDER

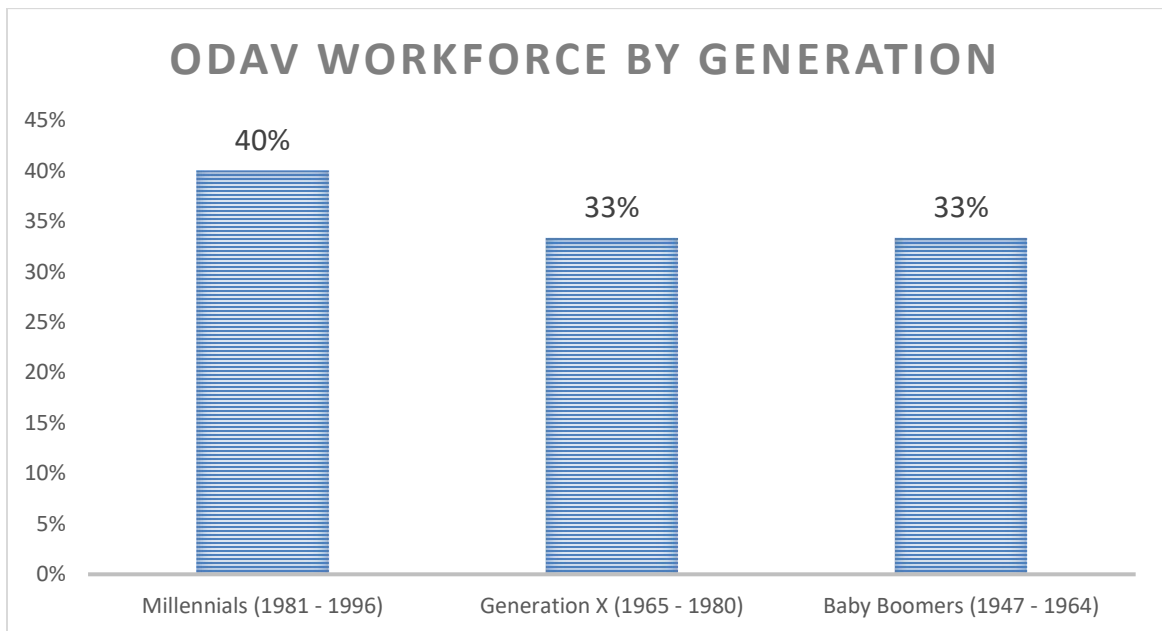


WORKFORCE BY VETERANS & REPORTED DISABILITY



There are no staff with a reported disability.

WORKFORCE BY GENERATION



AFFIRMATIVE ACTION PLANS

I. 2025–2027 AFFIRMATIVE ACTION GOAL

1. GOAL

The goal of the affirmative action plan is two-fold.

- 1. To encourage diversity in aviation by supporting aviation education programs throughout the state.
- 2. Create an environment of diversity, equity and inclusion backed by agency leadership and supported by agency policies that aligns with the State’s DEI Action Plan.

4. OUTCOMES

- An increase in diversity in aviation education programs.
- Updated Agency policies that reflect the agency’s DEI plan.
- A welcoming and authentic culture at ODAV.

5. MEASURES

Success will be measured by:

- ODAV’s involvement in aviation education programs throughout the state.
- Establishing diversity and equity inclusion policies in all program areas by 25-27.
- Retention of a diverse ODAV workforce.

6. IMPLEMENTATION

Those assigned to help achieve these goals

- The director, and all managers including the affirmative action representative.

Accountability Measures

- An accounting of ODAV’s involvement in aviation education programs during the 25-27 biennium.
- Feedback from Quarterly staff check ins.
- Workday Analysis of DEI data and retention data.

Role of the Affirmative Action Representative

- Assist in implementation and review of the internal monitoring and review system, using Workday reports and statistical data to measure the effectiveness of the agency’s affirmative action program, and indicate the need for remedial action.

Role of Director and All Managers

- Using and encouraging staff to use strategies to achieve the affirmative action goal.
- Enforcing the agency's Harassment-Free Workplace Inappropriate Behavior Policy which states that it is the policy of ODAV to provide a work environment free from unlawful discrimination on the basis of race, color, religion, sex, marital status, national origin, disability, age, union membership and activity, or any other factor that an employer is prohibited by law from considering when making employment decisions. For purpose of this policy, prohibited discrimination includes discrimination on the basis of sexual orientation.

J. 2025-2027 AFFIRMATIVE ACTION STRATEGIES

• DIVERSITY IN AVIATION EDUCATION STRATEGIES

- Conduct outreach to understand the education needs of the aviation community.
- Use this outreach to help define an Aviation Education Outreach plan, the goal of which will be to help expose students of diverse backgrounds to job opportunities and get them excited about aviation.
- Encourage a diverse range of youth to seek education opportunities in aviation.
- Utilize creative marketing tools that include minority youth and diversity outreach partnerships to advertise education opportunities to a diverse range of individuals.
- Attend and provide support for aviation youth outreach events to meet youth and promote aviation education opportunities.
- Explore diversity outreach partnerships to increase awareness and promote the benefits of working in aviation.
- Post aviation education opportunities on the agency website and consider other methods to increase the reach of aviation opportunities for youth.

• CREATING ENVIRONMENT OF INCLUSION STRATEGIES

- Creating an environment of inclusion starts with the agency culture, and creating a positive work environment, that includes team building, retention strategies and employee engagement. The following are the strategies ODAV will continue to implement:
- **RETENTION STRATEGIES**
 - Management will strive to support and understand employees' needs.
 - Managers will establish individual needs and training requests during quarterly check-ins, followed by providing training and developmental experiences for employees.

- Each manager will work with their staff to prepare employees for career growth and advancement when appropriate as part of a succession planning process. This will include assessing skills, career planning, development training plan and mentorship.
 - The agency will pay attention to positions that are shown to have a lack of retention and will take the steps necessary to correct the problem.
- **PROMOTION STRATEGIES**
 - Developmental opportunities will be encouraged, such as leadership training and detail assignments, for employees interested in participating in assignments that prepare them for high-level positions.
 - When position openings occur in the agency, managers will send staff the recruitment announcements and encourage staff to apply for new positions. The agency will ensure that these promotional opportunities are available people of diverse backgrounds.
- **EMPLOYEE ENGAGEMENT**
 - ODAV will continue to encourage employees to participate in diversity trainings and classes such as the statewide diversity conference.
 - ODAV will continue to provide an open-door policy in which staff are encouraged to bring to managers any questions, concerns, or suggestions for improvement.
 - ODAV will continue to cultivate a welcoming environment in the agency.

DEI POLICY UPDATE STRATEGIES

- Periodically review procedures and policies to ensure that they align with the agency’s affirmative action goals and objectives and the Agency’s DEI plan.
- Ensuring that policies are developed with ODAV’s equity lens which consists of asking the following questions:
 - a. What are the unintended impacts of this decision?
 - b. How will this decrease or increase equity?

MANAGEMENT

K. LEADERSHIP EVALUATION

ORS 659A.012 requires agencies to *achieve the public policy of the State of Oregon for persons in the state to attain employment and advancement without discrimination because of race, religion, color, sex, marital status, national origin, disability or age, every state agency shall be required to include in the evaluation of all management personnel the manager's or supervisor's effectiveness in achieving affirmative action objectives as a consideration of the manager's or supervisor's performance.*

ODAV has incorporated affirmative action objectives as a key consideration for the manager's performance evaluation. Specific examples of the managers' affirmative action objectives and diversity successes and achievement are described below. Management personnel will receive an annual performance evaluation to assess whether they are meeting its affirmative action objectives. Any goals or work plans for future performance will be outlined in the evaluation.

Sample affirmative action duty descriptions:

- Understand Equal Employment Opportunity (EEO), Affirmative Action (AA), Diversity and Cultural Competency principles, and the agency's AA Plan goals and objectives. Develop and implement strategies to meet goals and objectives; and report annual efforts, successes and/or accomplishments during the period.
- Review hiring, transfers, promotional, developmental/rotational or training practices and procedures to identify and remove barriers in the attainment of the agency's affirmative action goals and objectives.
- Make hiring, transfer and promotional decisions in support of agency's affirmative action goals and objectives. Engage in appropriate recruitment efforts designed to reach agency's affirmative action goals and objectives.
- Promote and foster a positive work environment within the agency programs concerning EEO, AA, Diversity and Cultural Competencies by ensuring employees are aware and follow agency policies and procedures, and address work-related issues and/or concerns immediately and take appropriate action if necessary.
- Attend EEO, AA, and other diversity-related training to provide leadership to staff by being aware of diversity and cultural issues. This also includes supporting employees to attend such programs for further professional development.
- Ensure information regarding EEO, AA and Americans with Disabilities (ADA) information is properly displayed on the appropriate boards at the worksites(s).

L. SUCCESSION PLAN

1. In 23-25 ODAV updated its succession plan, and it has been submitted to the DAS strategic Initiatives & Enterprise Accountability.

2. VI. Appendix A- State Policy Documentation & Resources

- Affirmative Action Policy (*ORS 182.100*)
- Policy of affirmative action and fair and equal employment opportunities and advancement (*ORS 243.305*)
- Unlawful Discrimination in Employment, Public Accommodations and Real Property Transactions; Administrative and Civil Enforcement (*ORS 659A.012, 659A.015*)
- Statewide Diversity, Equity, and Inclusion Action Plan
- Executive Order 22-11
- ADA and Reasonable Accommodation Policy (*Statewide policy 50.020.10*)
- Discrimination and Harassment Free Workplace (*Statewide policy 50.010.01*)
- Duties of Administrator (*ORS 240.145*)
- Rules Applicable to Management Services (*ORS 240.250*)
- Recruitment and Selection (*Statewide policy 40.010.02*)
- Veterans Preference in Public Employment (*ORS 408.230*)
- Equal Opportunity and Affirmative Action Rule (*105.040.0001*)

VII. APPENDIX B- FEDERAL DOCUMENTATION & RESOURCES

- 2023 EEO-4 Data Collection Instruction Booklet (eeocdata.org)
- Age Discrimination in Employment Act of 1967 (ADEA)
- Disability Discrimination Title I of the Americans with Disability Act of 1990
- Genetic Information Discrimination Title II of the Genetic Information

Nondiscrimination Act of 2008 (GINA)

- Equal Pay and Compensation Discrimination Equal Pay Act of 1963
- Title VII of the Civil Rights Act of 1964

VIII. APPENDIX C- AGENCY DOCUMENTATION IN SUPPORT OF ITS AFFIRMATIVE ACTION PLAN

A. Harassment-Free Workplace Inappropriate Behavior Policy



Harassment-Free Workplace Inappropriate Behavior Policy

EFFECTIVE DATE 11-1- 2012	NUMBER ODAV-010
SUPERCEDES 10-11-07	PAGE NUMBER 1 of 4
APPROVED SIGNATURE Signature on File at ODAV	

PURPOSE: To reaffirm that it is the policy of the Oregon Department of Aviation (ODAV) to prohibit discrimination and workplace harassment; to clarify conduct that constitutes workplace harassment and to provide an effective complaint procedure for employees who believe they have been the victims of prohibited conduct. This policy is intended to protect employees of whatever stature, customers or clients of the agency, contractors and visitors to the worksite.

POLICY:

- A. Discrimination. It is the policy of ODAV to provide a work environment free from unlawful discrimination on the basis of race, color, religion, sex, marital status, national origin, disability, age, union membership and activity, or any other factor that an employer is prohibited by law from considering when making employment decisions. For purpose of this policy, prohibited discrimination includes discrimination on the basis of sexual orientation. This policy applies to all matters relating to hiring, firing, transfer, promotion, benefits, compensation and other terms and conditions of employment.

- B. Workplace Harassment. It is also the policy of ODAV that all employees, customers, clients, contractors and visitors to the worksite enjoy a work environment that is free from harassing behavior. Employees at all levels of the organization are expected to conduct themselves in a business-like and professional manner at all times and refrain from sexual and other harassment.

- C. Penalties. Conduct in violation of this policy will not be tolerated and may result in disciplinary action up to and including dismissal. Managers and supervisors who know or should know of conduct in violation of this policy and fail to report such behavior, or fail to take prompt, appropriate, corrective action, are subject to disciplinary action up to and including dismissal.

GUIDELINES:

- A. Workplace harassment is a form of offensive treatment or behavior, which to a reasonable person creates an intimidating, hostile or abusive work environment. This policy prohibits discrimination or

harassing behavior based on or because of a person's national origin, age, sex, race, color, disability, religion, a person's sexual orientation or protected activity.

- B. Sexual harassment is a form of workplace harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical behavior of a sexual nature when:
- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or is used as a basis for any employment decision (granting leave request, promotion, favorable performance appraisal, etc.); or
 - 2) Such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- C. The following are examples of prohibited behavior (it should be understood that the examples are not meant to be all-inclusive and even one instance of such conduct may constitute harassment):
- 1) Unwelcome touching or closeness of a personal nature, which can encompass leaning over, cornering or pinching;
 - 2) Sexual innuendos, teasing and other sexual talk such as jokes, intimate inquiries, persistent unwanted courting and sexist put-downs or insults.
 - 3) Derogatory remarks, slurs and jokes about a person's national origin, race, color, religion, accent, disability or sexual orientation;
 - 4) Displays of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or a particular person;
 - 5) Intimidation or bullying tactics employed against subordinate employees. This may include deliberate and repeated instances of ostracizing or prejudicial treatment amongst peers in work teams.

NON-RETALIATION:

- A. This policy prohibits retaliation against employees who bring charges of conduct in violation of this policy or assist in investigating charges, or who report harassing behavior directed at persons other than the employee. Any employee found to have engaged in retaliatory action or behavior will be subject to discipline, up to and including dismissal.

GRIEVANCE/COMPLAINT PROCEDURE:

- A. For Discrimination. Anyone who is subject to, or aware of, what he or she believes to be employment-related discrimination may file a complaint with his or her immediate supervisor or another manager. The complaint should be written unless the complainant, due to a disability, is

unable to file written complaint. The complaint should be filed with the agency within 30 calendar days of the alleged act.

Complaints should include the name of the complainant, the name of the persons alleged to have engaged in the prohibited conduct, a specific and detailed description of the conduct that the employee believes is discriminatory, and a description of the remedy the employee desires.

- B. For Harassment. Anyone who is subject to or is aware of harassing behavior should report that information immediately to agency management. If at all possible, the report should be made before the behavior becomes severe. The report may be made orally or in writing to the employee's immediate supervisor or to any other management staff member. If the employee prefers, the report may be given to a manager outside the complainant's work unit. Represented employees may have a union steward accompany the employee during this process during regular work hours.

All supervisors and managers will report complaints and incidents immediately to the appropriate officials.

- C. Investigation. The recipient of a discrimination or harassment complaint shall promptly forward it to the agency Director, who will coordinate, or delegate responsibility for coordinating, the agency's investigation in consultation with the affected employee's supervisors, excluding any supervisor who is potentially part of the problem. The complaint will be given prompt and thorough attention with an impartial investigation. If the complaint is substantiated, immediate and appropriate corrective action will be taken. The affected parties shall be informed that the investigation has concluded and that immediate appropriate corrective action will be taken. All personnel can be assured that complaints will be taken seriously and will be investigated as necessary. They will be dealt with in a discrete and confidential manner to the extent possible.
 - 1. Nothing in this process precludes any person from filing a formal grievance in accordance with collective bargaining agreement or with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC). Timelines for filing complaints with BOLI and EEOC are different from those established in this policy. Contact them directly for specific guidance on filing a formal grievance with them.

IX. APPENDIX D- ADDITIONAL FEDERAL DOCUMENTATION

A. Agency Specific Federal report requirements

- a. [Federal Aviation Administration \(FAA\) DBE Requirements](#)
 - b. [Office of Civil Rights policies, laws and regulations](#)
 - c. [Oregon Department of Aviation DEI Plan](#)
- B. [Executive Order 11246 \(OFCCP regulations\)](#)