



Affirmative Action Plan Guide

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Affirmative Action Guidelines

INTRODUCTION

The DAS Office of Cultural Change has developed guidelines for the Affirmative Action Plan (AAP) to be used by all Executive Branch agencies. This guidance is consistent with the directives required by the Governor. (ORS 182.100, 243.305, 243.315, ORS 659, and 240.379, Executive Order No. 16-09, 17-11, 22-11 and Section 503 of the Rehabilitation Act of 1973).

Background

The Office of Cultural Change (OCC) was established in 2020 to partner with the Governor's Office in leading efforts to dismantle the legacy of racism in Oregon. State leadership pledged their commitment to prioritize racial equity in their work and in August 2021, [the Statewide Diversity, Equity, and Inclusion \(DEI\) Action Plan](#) was created, making Oregon one of the first states in the nation to create a statewide DEI action plan. The current plan has three key visions:

- **By dismantling** institutional and structural racism in state government, we will see huge impacts in historically and currently underserved and under-resourced communities.
- **By building** a more equitable state, everyone has the opportunity to thrive, and everyone's voice is heard.
- **By ensuring** an inclusive and welcoming state, we can celebrate our collective diversity of race, ethnicity, culture, color, disability, gender, gender identity, marital status, national origin, age, religion, sex, sexual orientation, socio-economic status, veteran status and immigration status.

In Oregon state government, affirmative action directives have been a top priority for 17 years, beginning with the first executive order (EO) issued in 2005 by former Gov. Kulongoski. EO 05-11 initiated training on affirmative action. Since then, there have been four amendments to EO 05-11, the most recent being EO 22-11. DEI, affirmative action, and equal employment opportunity are intentional efforts and require long-term work involving continuous, stable and sustainable guidance from all levels of state government.

EO 22-11 serves as an accountability mechanism and is an element of the statewide DEI Action Plan. When using the framework of Affirmative Action within DEI, we will build a more diverse workforce and create a more inclusive workplace.

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TIMELINE

Oregon Revised Statute 659A.012 – 659.015 requires agencies to carry out policy against discrimination in employment. The DAS Office of Cultural Change will partner with agencies to track these efforts by providing Affirmative Action Plan (AAP) guidance and support. Agencies must include their AAP with their Agency Request Budget (ARB). The timeline used to develop your AAP follows the [Statewide Budget Instructions](#) and will be released in March 2024 which requires agencies to:

1. An evaluation of all management personnel, and their effectiveness in achieving affirmative action objectives as a key consideration of their performance.
2. Affirmative action objectives and agency performance of the current biennium and those for the following biennium.
3. Information concerning its awards of construction, service and personal service contracts awarded to minority businesses.

The DAS Cultural Change Office will use each agency's plan to prepare a statewide report to the Legislature that includes progress toward goals for the 2023-25 biennium and projected goals for the 2025-27 biennium.

If you have questions or would like additional support in the development of your agency's Affirmative Action Plan, contact the Office of Cultural Change at cultural.change@das.oregon.gov or call the Affirmative Action Manager at 971-375-8408.

AAP Development Process Overview:

Like the budget development process, AAP development is structured in phases to organize and coordinate efforts with key partners. Each phase focuses on specific activities that will guide your agency in completing and submitting the final narrative for your AAP. Since your AAP must be included with your ARB, the development of the AAP should be coordinated with the agency's budget development process. **Refer to the [appendix section](#) for a visual representation of the AAP process.** Below is an outline of the AAP process.

Phase 1- Planning

- January 2024:
 - Agencies' Affirmative Action Representatives begin checking in with Affirmative Action Manager about their Affirmative Action Plans.
- February to March 2024:
 - Affirmative Action Representatives and Affirmative Action Manager begin collecting and reviewing agency's workforce data, identify how it aligns with DEI Plan, and plan for next steps.

Phase 2 – Drafting

- April to June 2024:
 - Affirmative Action Representatives and Affirmative Action Manager continue reviewing workforce data, draft narrative and identify how it relates to legislative concepts and policy option packages.
 - Affirmative Action Plan should be developed in coordination with the agency budget development process.

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- July to August 2024:
 - Complete drafting Affirmative Action Plan narrative. Affirmative Action Plan is due to Office of Cultural Change on the day your ARB is due. Due dates can be found in [Budget Instructions](#).
 - Affirmative Action Plan should be developed in coordination with the agency budget development process.

Phase 3: Review and Build Out

- September to October 2024:
 - Affirmative Action Plans are reviewed by OCC and returned to agencies with feedback and comments.

Phase 4 – Final Decisions

- November 2024:
 - Affirmative Action Manager available for follow-up meetings as agencies prepare to submit AAP with their legislative concepts and packets to Department of Administrative Services.
- December 2024:
 - Dec. 1: the Governor's Recommended Budget is released.

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AFFIRMATIVE ACTION PLAN CONTENTS

Guidelines differ for agencies with 10 or fewer full-time equivalents and 11 or more full-time equivalents, and both are outlined in this document. You may structure your AAP in a narrative that best represents your agency or organize using the outline below.

Plan Submission:

Your AAP is due on the same date that your ARB is due. It is recommended that your plan not exceed 35 pages, excluding appendices. Email your plan in a digital Word file document to cultural.change@das.oregon.gov, for review and feedback from the Affirmative Action Manager.

Reflection questions to help you get started:

- How has your agency aligned EO 22-11 with your Affirmative Action initiative?
- Did you meet your goals, or are you on track to meet them?
- How are you tracking progress?
- How are you aligning your Affirmative Action Plan with your DEI Plan and Strategic Plan?

Agencies with 11 or More Full-Time Equivalents (FTEs)

Cover Letter:

1. Official agency letterhead
2. Body of letter
3. Signature of agency director, administrator or interim

Plan Cover Page:

1. Agency name
2. Biennium years
3. Agency logo or seal

Body of the Plan:

1. Agency overview
2. Agency mission and objectives
3. Identification of the following agency employees:
 - a. Agency director/administrator
 - b. Governor's policy advisor for your agency
 - c. Affirmative Action Representative (include title and contact information)
 - d. Equity leader(s), which is a person(s) with diversity, "inclusion," "access," "equal opportunity," "multicultural," or "equity" in their job title (include title and contact information)
 - e. Lead for COBID contracting and procurement (include title and contact information)
4. Agency Organizational Chart

Roles for Implementation of Affirmative Action Plan:

1. Roles and responsibilities

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2. Accountability mechanisms
3. Executive staff
4. Management staff
5. Other staff

Current Biennium Affirmative Action Progress Report:

1. Indicate progress towards strategies and goals presented in the current Affirmative Action Plan.
2. How are you aligning your Affirmative Action Plan with your DEI Plan and Strategic Plan?
3. Leadership evaluation report¹: Oregon Revised Statute 659A.012 requires agencies to carry out policy against discrimination in employment and requires an evaluation of all management personnel, and their effectiveness in achieving affirmative action objectives as a key consideration of their performance.
 - a. Document how your agency has complied with this requirement to evaluate all management personnel.
 - b. If the evaluation has not occurred, explain why. Provide details on how and when your agency will fulfill the requirement.

Workforce Demographic Data and Analysis²:

The Equal Employment Opportunity Commission (EEOC) requires that State and Local Government with *100 or more employees* report demographic workforce data tables.

1. As of June 30, 2023, and June 30, 2024, for the following³
 - a. Employees by race/ethnicity:
 - i. Supervisors and non-supervisors
 - ii. Job category⁴, age (generation), gender, reported disability status, and reported veterans' status. Agencies may provide information on additional characteristics if the information is typically reported by the agency.
2. During July 1, 2022, to June 30, 2023; and July 1, 2023, to June 30, 2024
 - a. Promotions by race/ethnicity:
 - i. Supervisors and non-supervisors by race/ethnicity and gender
 - b. New Hires⁵ by race/ethnicity:
 - i. Employees hired into permanent full-time positions by job category, age (generation), gender, reported disability status, and reported veterans' status.

Demographic Data Template available. Contact the Affirmative Action Manager for template.

¹ Samples are available in appendix.

² This report does not require a parity analysis for agency workforce. The Office of Cultural Change will update the parity study for the 2023-2025 Affirmation Action Biennial Report.

³ Requirement for agencies with 100 or more employees. Agencies with fewer than 100 employees are not required to report.

⁴ Job categories are Officials-Administrators; Professionals; Technicians; Protective Service; Paraprofessionals; Administrative Support; Skilled Craft; and Service Maintenance. Definitions in Appendix 1.

⁵ Are persons, both with and without previous experience and transfers, who were hired for the first time in the jurisdiction or rehired after a break in service for permanent full-time employment.

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Next Biennium Affirmative Action Plan:

1. Establish strategies and goals for your agency that are specific, measurable and achievable. Use the workforce demographic data to inform your plans. How are you aligning your Affirmative Action Plan with your DEI Plan and Strategic Plan?
 - a. Goals
 - i. What would improve, eliminate, mitigate or enhance the condition? What specific activities will you execute to achieve your goals?
 - b. Outcomes or Results
 - i. Outcomes may predict the observable changes in the short term (e.g., one year) that are likely to produce positive results in the long-term (three to five years).
 - c. Measures
 - i. What tools or resources are necessary to accomplish the goal(s)?
 - ii. How will you measure success?
 - d. Implementation
 - i. Who is assigned to help achieve the goals?
 - ii. What accountability measures keep track of progress in achieving goals?
 - iii. What role is played by the director and executive staff?
 - iv. What is the role of managers and supervisors?
 - v. What is the role of the Affirmative Action Representative?
 - vi. What is the role of the agency equity leader?
2. Identify the strategies to achieve the Affirmative Action goals, outcomes, measures and implementation for the next biennium. Examples of strategies are:
 - a. Recruitment
 - i. Targeted outreach and engagement
 - ii. DEI presentations, training, or activities (may include, but are not limited to, career fairs, community or trade-specific events)
 - iii. Application process
 - iv. Internship program
 - b. Selection
 - i. Hiring process
 - ii. Hiring panels
 - iii. Interview process
 - c. Retention
 - i. Mentorship program
 - ii. DEI training
 - iii. Career development
 - d. Employee Engagement
 - i. Make note of any employee-led equity, diversity, inclusion council, committee, or designated group (include charter, work plan, or other organizational information as an appendix)
 - ii. Employee Resource Groups, and affinity groups
 - e. Employee surveys

Complaint Options

1. Formal/informal

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2. Contact information
3. Complaint information (intake, processing, timeframe, procedure)

Succession Plan:

1. As part of Governor Kotek's expectations, agencies are required to have an agency succession plan in place. More information about Governor Kotek's expectations can be found here: <https://www.oregon.gov/das/Pages/Strategic-initiatives-and-enterprise-accountability.aspx>. A succession planning toolkit can be found online at: <https://www.oregon.gov/das/HR/Pages/success-plan.aspx>. Plans should be submitted to DAS Strategic Initiatives & Enterprise Accountability.
 - a. Indicate whether your agency has a succession plan.
 - b. If your agency has not done a succession plan, explain.

Contracting:

1. ORS 659A.015 requires affirmative action reports to include information on awards of construction, service, and personal service contracts awarded to minority businesses.
 - a. Number of contracts with minority or women-owned businesses
 - b. If zero contracts were awarded to minority or women-owned businesses, explain why.
 - c. Go to the Procurement Equity Disparity Study Data Dashboard to view your agency's COBID Certified⁶ contracts and procurements awarded during the period between July 1, 2017 and June 30, 2022.
<https://www.oregon.gov/das/Procurement/Pages/equity-disparity-dashboard.aspx>

Appendix:

- Includes any additional references, processes, policies and procedures used to develop your AAP
- Agency documentation in support of your AAP (not an exhaustive list):
 - Internal policies and procedures for implementation of Affirmative Action Plan goals around recruitment, retention development, advancement

Agencies with 10 or Fewer Full-Time Equivalent (FTEs)

Cover Letter:

1. Official agency letterhead
2. Body of letter
3. Signature of agency director, administrator or interim

Plan Cover Page:

1. Agency name

⁶ Contracts indicated "COBID Certified" were awarded to vendors which actively held at least one certification type through the Office for Business Inclusion and Diversity (COBID) at any point during the study period. State COBID certifications include the Minority business Enterprise Program, the Women Business Enterprise Program, the Service-disabled Veteran Business Enterprise Program, the Emerging Small Business Enterprise Program, the Federal Disadvantaged Business Enterprise Program, and the Federal Airport Concessions Disadvantaged Business Enterprise Program.

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2. Biennium years
3. Agency logo or seal

Affirmative Action Policy Statement

1. Describes your agency's commitment to Affirmative Action

Summary Statement

1. Indicate progress towards Affirmative Action objectives and agency performance of the current biennium and share plans for the following biennium
2. How are you aligning your Affirmative Action Plan with your DEI Plan and Strategic Plan?
3. Leadership evaluation report: Oregon Revised Statute 659A.012 requires agencies to carry out policy against discrimination in employment and requires an evaluation of all management personnel, and their effectiveness in achieving affirmative action objectives as a key consideration of their performance.
 - a. Document how your agency has complied with this requirement to evaluate all management personnel.
 - b. If the evaluation has not occurred, explain why. Provide details on how and when your agency will fulfill the requirement.

Complaint Options

1. Formal/informal
2. Contact information
3. Complaint information (intake, processing, timeframe, procedure)

Succession Plan:

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 - a. Indicate whether your agency has a succession plan.
 - b. If your agency has not done a succession, explain.

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AFFIRMATIVE ACTION RELATED POLICIES AND RESOURCES

If you have questions or would like additional support in the development of your agency's Affirmative Action Plan, contact the Office of Cultural Change at cultural.change@das.oregon.gov or call the Affirmative Action Manager at 971-375-8408.

State Policies and 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)

Federal Policies and Resources:

- [2023 EEO-4 Data Collection Instruction Booklet \(eocdata.org\)](#)
- [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](#)
 - National Origin Discrimination
 - Discrimination
 - Race/Color Discrimination
 - Religious Discrimination
 - Sex-Based Discrimination
 - Sexual Harassment
- [Retaliation Title VII of Civil Agency Affirmative Action Policy](#)
- [Executive Order 11246](#) (OFCCP regulations)

JOB CATEGORY DEFINITIONS

Officials – Administrators: Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

Professionals: Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment, and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors, and mapping scientists, and kindred workers.

Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers, and weighers), and kindred workers.

Protective Service: Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.

Paraprofessionals: Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a New Careers concept. Included: research assistants, medical aides, child support workers, policy auxiliary welfare service aides, recreation assistants, homemaker aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

Administrative Support: Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists,

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stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

Skilled Craft: Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

Service – Maintenance: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities, or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and drycleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

APPENDIX 2

LEADERSHIP EVALUATION SAMPLES

What we currently read:	Sample Leadership Evaluation:
<p>Leadership Evaluation The Executive Director’s (ED) annual evaluation generally takes place during a board meeting within the first quarter of each new year and the evaluation includes a comprehensive review of the Executive Director’s effectiveness in achieving affirmative action objectives.</p>	<p>Leadership Evaluation The Executive Director’s (ED) annual evaluation generally takes place during a board meeting within the first quarter of each new year and the evaluation includes a comprehensive review of the Executive Director’s effectiveness in achieving affirmative action objectives. Strategy 1 of the plan is to build a more diverse workforce. The ED's role was to attend 4 community-based outreach events during the biennium. Review of the latest evaluations show that the ED's participation resulted in an increase of job applications from racially diverse groups. The recruitment team measured results by reviewing the lead source of racially diverse job applicants, during this biennium. Lead source is how job applicants heard about the agency. The report showed that the racially diverse pool of applicants selected 1 or more of the 4 community-based outreach events that the ED attended. Moving forward, the ED has agreed to continue this effort in the next biennium. Next steps are to evaluate the candidate experience for racially diverse job applicants at our agency.</p>

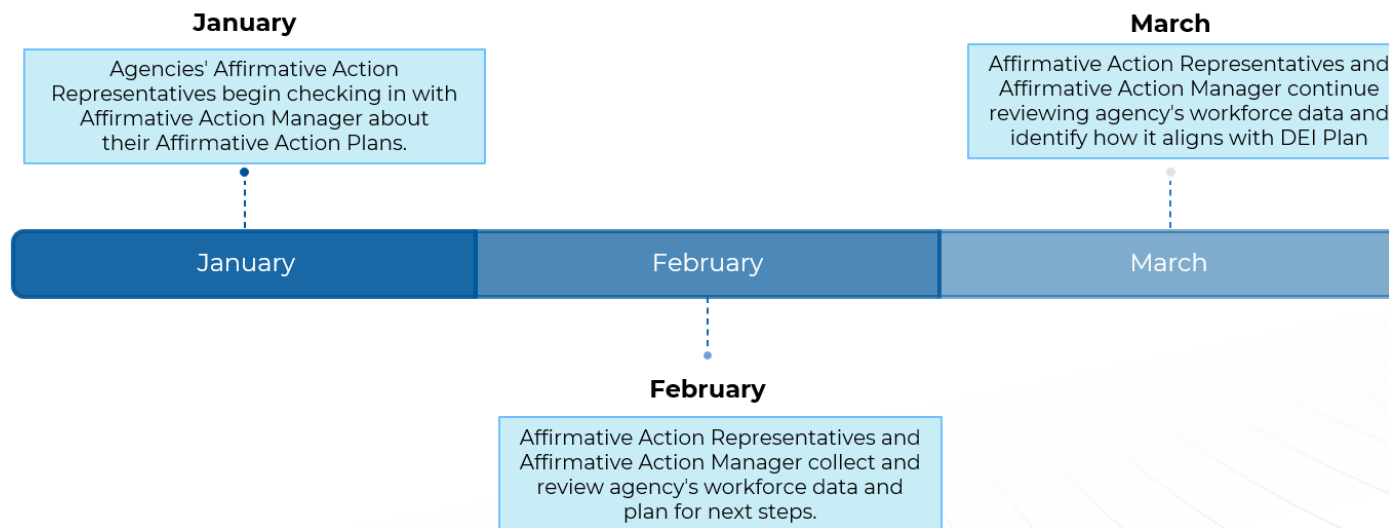
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What we currently read:	Sample Leadership Evaluation
<p>Responsibility and Accountability Leadership Team:</p> <ul style="list-style-type: none">• Promote and set the tone for the rest of the agency on the importance of a diverse and respectful workplace.• Encourage the establishment of training programs that support affirmative action objectives.	<p>Responsibility and Accountability Leadership Team:</p> <ul style="list-style-type: none">• Promote and set the tone for the rest of the agency on the importance of a diverse and respectful workplace.• Encourage the establishment of training programs that support affirmative action objectives. <p>Evaluation:</p> <ul style="list-style-type: none">• During the first year of the biennium, the agency leadership team participated in a 3-day training program focused on building inclusion within their teams. One focus area of the training included how to implement strategy 1 of the agency's Affirmative Action Plan, to build a more diverse workforce and create an inclusive workplace. A goal under this strategy was for leadership to demonstrate support in advancing Affirmative Action. During the training, each leader was tasked to identify an action they could commit to that would advance strategy 1. Then during each quarterly check-in, leaders reported their progress. By the end of the first year of the biennium, 60% of leaders reported progress. Actions included reviewing workforce demographic data during the intake process of each recruitment; offering team members to lead an activity that promotes inclusion during each weekly meeting; implementing a meeting culture that enforces no meetings on Fridays to promote Fridays as focus time.

Phase 1 | Planning

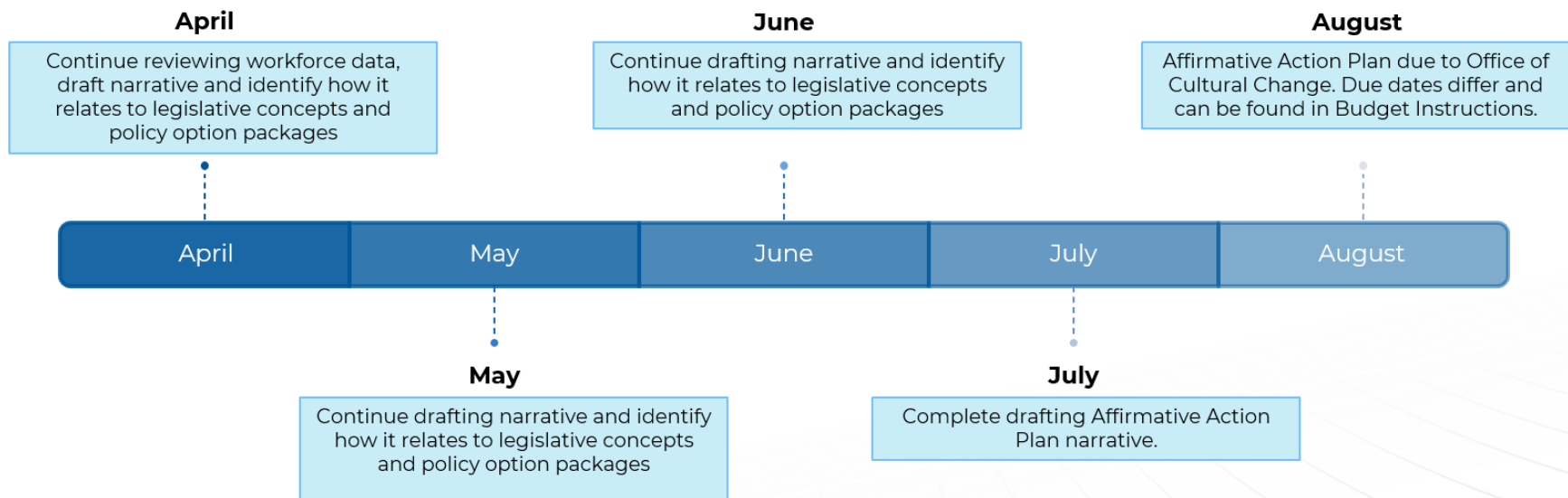


Oregon Revised Statute 659A.012 requires agencies to carry out policy against discrimination in employment. In practice, this requires agencies to include their Affirmative Action Plan (AAP) with their Agency Request Budget (ARB). The statewide Affirmative Action Manager will apply the Budget and Legislative Concept Timeline to the AAP process.



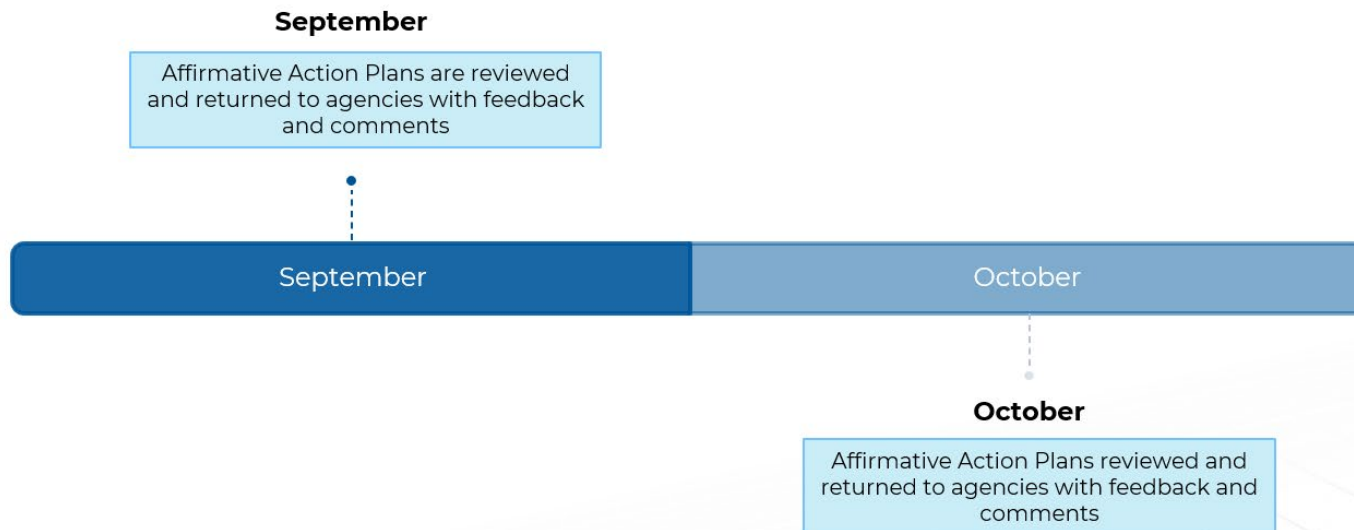


Phase 2 | Drafting





Phase 3 | Review & Build Out





Phase 4 | Final Decisions

November

Affirmative Action Manager available for follow-up meetings as agencies prepare to submit legislative concepts and packets to Department of Administrative Services

November

December

December

Governor's Recommended Budget released

ACRONYMS

AAP – Affirmative Action Plan

AAR – Affirmative Action Representative

ARB – Agency Request Budget

COBID – Certification Office for Business Inclusion and Diversity

DAS – Department of Administrative Services

DEI – Diversity, Equity, and Inclusion

DEIB – Diversity, Equity, Inclusion and Belonging

EEO – Equal Employment Opportunity

EO – Executive Order

FTE – Full-Time Equivalent

OCC – Office of Cultural Change

ORS – Oregon Revised Statute