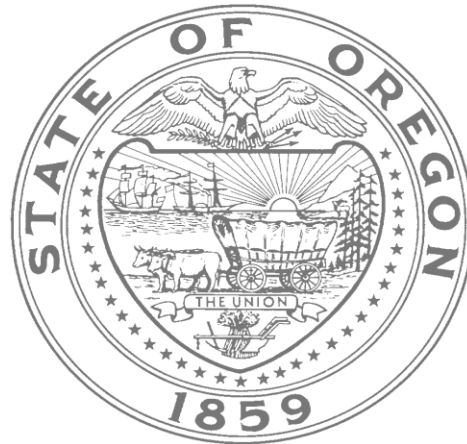


# AFFIRMATIVE ACTION PLAN



## Occupational Therapy Licensing Board

Felicia Holgate, Executive Director  
800 NE Oregon St., Suite 407  
Portland, OR 97232  
971-673-0198

### Affirmative Action Plan July 1, 2011 – June 30, 2013

*"We hold these truths to be self-evident, that all People\* are created equal,  
that they are endowed by their Creator with certain unalienable Rights,  
that among these are Life, Liberty, and the Pursuit of Happiness."*

*-- U.S. Declaration of Independence*



# Oregon

Theodore R. Kulongoski, Governor

**Occupational Therapy Licensing Board**

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Sept. 30 2010

Peggy Ross, Director  
Governor's Affirmative Action Office  
155 Cottage Street NE  
Salem, OR 97301

RE: 2011-13 Occupational Therapy Licensing Board Affirmative Action Plan

Dear Ms. Ross:

As the Executive Director of the Occupational Therapy Licensing Board (Board), we recognize and appreciate the benefit of Affirmative Action. We pledge our commitment to promote best practices in support of equal employment opportunity and to achieve the full and fair contribution of minorities, women, people with disabilities, older persons, and all protected classes found to be underutilized in the workforce.

The Board has had no staff changes during the last two years and continues to obtain multicultural training. To meet the objectives of our Affirmative Action and Equal Employment Opportunity initiative, the Board has prepared an Affirmative Action Plan and Policy Statement that will serve to help prevent and help eliminate discrimination of all protected classes.

We pledge to uphold and support compliance with the Board's Affirmative Action Plan and Policy, to ensure equality and avoid discrimination, and to promote a workforce that is representative of the population as a whole.

Thank you for your continued direction and support.

Respectfully submitted,

Felicia Holgate  
Executive Director

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1.

**DESCRIPTION OF AGENCY**

**A. Mission and Objectives**

The Occupational Therapy Licensing Board’s (Board) mission is to protect the public by supervising occupational therapy practice and to assure safe and ethical delivery of occupational therapy services. The Board was created in 1977 and authorized by ORS 675.210 to license and regulate occupational therapists in Oregon. The Board licenses all Occupational Therapists and Occupational Therapy Assistants in the state. The Board:

- Establishes education, training, examination, licensing, and renewal requirements.
- Reviews, approves or denies applications.
- Reviews and investigates complaints, which could result in disciplinary action ranging from a civil penalty to revocation of license; or informal action such as education, review, or visit to facility.
- Drafts and adopts administrative rules.
- Reviews and approves audits of continuing education for licensees.

**B. Agency Executive Director:**

Felicia Holgate, Oregon Occupational Therapy Licensing Board  
800 NE Oregon Street, Suite 407 Portland, OR 97232

**C. Governor’s Policy Advisor:**

Claudia Black, Governor’s Office, State Capitol Building  
900 Court Street NE Salem, OR 97301 Ph: 503-378-3111 [Claudia.Black@state.or.us](mailto:Claudia.Black@state.or.us)

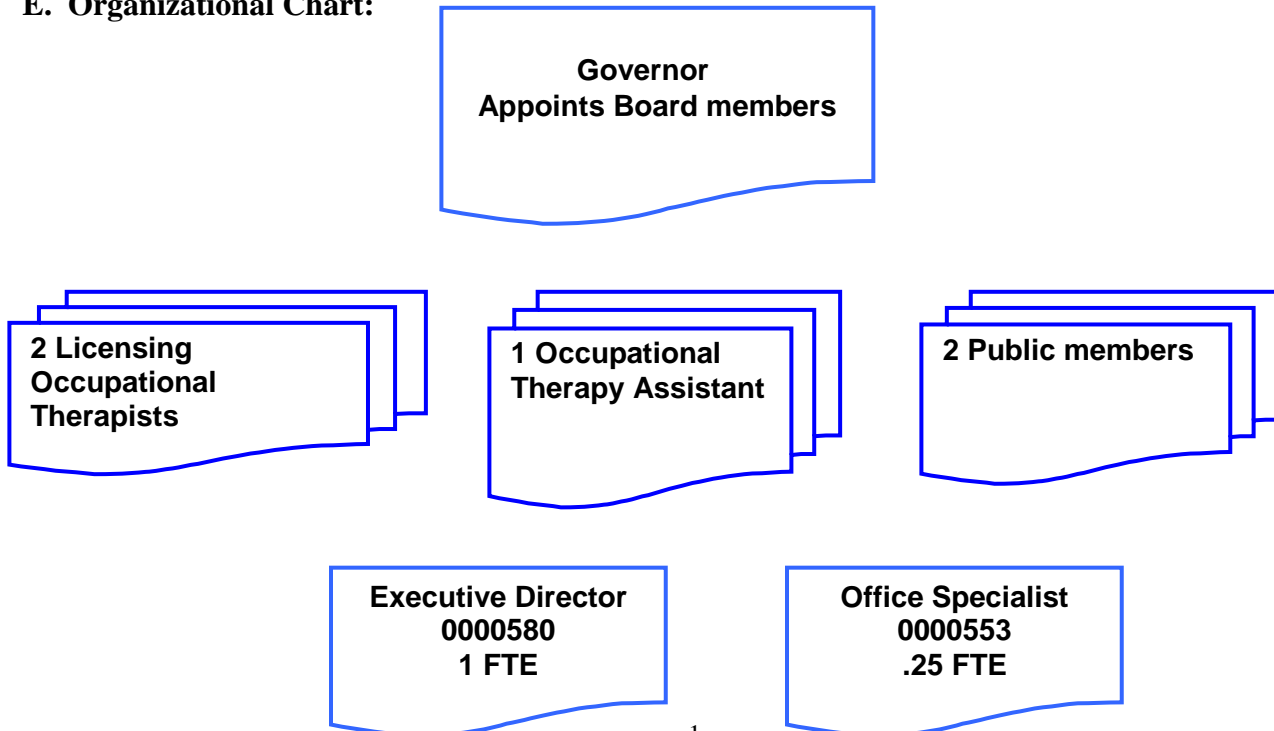
**D. Agency Affirmative Action Representative:** Felicia Holgate Ph: 971-673-0196

**Federal and state EEO job categories:**

**1 FTE Director:** Management, Executive Director hired and works for the Board

**.25 FTE part-time staff:** Office Specialist Both are white women, no staff changes in the last 2 years

**E. Organizational Chart:**



## II.

## AFFIRMATIVE ACTION PLAN

### A. Agency Affirmative Action Policy

#### Introduction

The purpose of this plan is to update and maintain the previously initiated affirmative action program for the Occupational Therapy Licensing Board (Board) in keeping with the directive of the Governor, state and federal laws and regulations, executive orders of the President of the US concerning affirmative action, discrimination/non-discrimination guidelines appropriate under the Civil Rights Acts, equal employment opportunity (EEO) policies, and the Americans with Disabilities Act.

#### Policy Statement

The Occupational Therapy Licensing Board will not tolerate discrimination or harassment on the basis of age, color, marital status, mental or physical disability, national origin, race, religion, sex, sexual orientation, or any reason prohibited by state or federal statute. Nor shall the Board do business with any vendor/provider for the state of Oregon who discriminates or harasses in the above-described manner. All personnel actions of the Board, and all licensing actions and disciplinary actions shall be administered according to this policy.

All staff of the Board shall adhere to the Affirmative Action Policy and Plan. Supervisory and management staff, in particular, shall assure that the intent as well as the requirements are implemented in all employee relationships and personnel practices. In addition, it is the duty of every employee of the Board to create a job environment atmosphere which is conducive to non-discrimination policies and free of any form of discrimination or harassment. The application of this policy is the individual responsibility of all administrative and supervisory staff, and each shall be evaluated on his/her performance in achieving this affirmative action policy as well as in other job performance criteria. The Affirmative Action Plan is posted on the Board's website and a hard copy is available at the Board office. The Affirmative Action Policy Statement is posted on the bulletin board where all other required posters are located. Failure to meet Affirmative Action standards is subject to disciplinary action.

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 Executive Director. Internal procedure supports the statewide policy is located in this plan.

It is further the policy of the Board to establish and maintain this program of affirmative action to provide for a method of eliminating any effects of past or present discrimination, intended or unintended, which may be indicated by analysis of present employment patterns, practices, or policies.

#### Duration of Plan

This revision of the Board's Affirmative Action Plan is effective July 1, 2010 and shall be evaluated annually or as needed when statewide changes occur.

The Board's Affirmative Action Representative is Felicia Holgate, Direction, 971-673-0198.

## **B. Training, Education and Development Plan and Schedule of:**

### **1. Employees Staff**

- a. Train and inform managers, supervisors, and employees at New Employee Orientation as to their rights and responsibilities under the Board's affirmative action plan and other Board policies to eliminate discrimination or harassment on the basis of age, color, marital status, mental or physical disability, national origin, race, religion, sex, sexual orientation, or any reason prohibited by state or federal statute.
- b. Managers and employees will attend trainings in the areas of AA/EEO, Valuing Diversity and Harassment. Training may be in the form of formal classes, sharing of information from the Governor's Affirmative Action Office, attending AA meetings and/or one-on-one discussions. Managers will be evaluated annually for their adherence to this Affirmative Action Plan.
- c. Half (1 Employee) of the Board's workforce is eligible to retire within the next five years. Succession planning is critical for the seamless transition of employees in key positions. Upper level manager and Board are working to prepare for and help a transition for a new Executive Director.
- c. It is the policy of the Board to provide resources for employees to encourage their career development in state service, as is reasonably practicable to do. To accomplish this mission, the Board may provide opportunities for training to employees for developing proficiency, enhancing skills and encouraging development in areas for potential advancement. Staff shall be eligible for mandated and required training. Suggested training opportunities will be considered by management.
- d. The training plan is designed to reinforce the mission and values of the Board. Employees are given an opportunity to participate in the following training:
  - ◆ Developing Job Skills – opportunities to developing proficiency, enhancing skills and encouraging development in areas for potential advancement.
  - ◆ Increase staff and board member knowledge and awareness of affirmative action through review and discussion of the Affirmative Action Plan.
- e. Train and inform managers and employees of their rights and responsibilities under the policy.
- f. Make the complete Affirmative Action Plan available and accessible to all board members, employees and contractors.
- g. New employees are provided the Board's Affirmative Action and Equal Employment Opportunity policy and plan and encouraged to review and discuss questions or concerns.
- h. The Board will continue to educate managers and staff and focus on developing a work environment that is attractive to a diverse pool of applicants, retain employees and is accepting and respectful of employee's differences.
- i. The Board posts a copy of the Affirmative Action and Equal Employment Opportunity policy and plan on its web site and a copy is available to each new employee as part of their orientation.
- j. The Board's recruitment announcements and advertisements identify the Agency as an Equal Opportunity/Affirmative Action employer and include: "The Occupational Therapy Licensing Board is an equal opportunity, affirmative action employer committed to work force diversity".

**2. Board Members:** Provide new Board Members with a copy of the Affirmative Action Plan or direct them to the Board's website where the Plan is available for public viewing and invite them to participate in the Board's cultural diversity training sessions.

**3. Providers and Volunteers:** The Board does not have any Providers or Volunteers.

**4. Vendors:** When contracts are established or renewed, the Board provides vendors with a copy of the Affirmative Action Plan or directs them to the Board's website where the Plan is available.

## **C. Programs**

The Board uses a number of approaches in executing a diversity program and bringing new people into the work force, creating opportunities for existing employees, and promoting an environment that is welcoming, tolerant and supportive. Some of the initiatives and activities include:

- Communicating to all staff in a variety of ways the importance of diversity;
- Asking staff to focus on the organization and provide suggestions to improve our diversity.
- Making presentations to community organizations like the state Association meetings and conferences and higher educational facilities about the Board creating interest in our jobs;
- Drawing upon sources to advertise recruitments such as the new state recruiting system E-Recruit, and increase awareness of openings by contacting minority and community organizations.
- Promoting a respectful workplace by offering training on diversity awareness, improving communications, conflict management, and an open atmosphere to talk about problems and ideas;
- Creating a welcoming environment by fostering an acceptance of people's differences and treating everyone with respect and professionalism whether they are staff or customer;
- Posting notices and forwarding e-mails that talk about cultural activities and other information that supports diversity and tolerance;
- Displaying the agency's commitment to the Affirmative Action Plan by publicizing it on their website and having hard copies available at the Board office. Note: There is No Internship program

## **D. Update: Executive Order 08-18**

### **1. Cultural Competency Assessment and Implementation Services**

As part of the Board's 2011-2013 Affirmative Action Plan, the agency will increase multicultural training through staff meetings and strive to seek diversity and cultural competency within our staff and Board Members. We will seek additional training occur in the 2011-13 biennium.

The Board with a staff of 1.25 does not plan implementing a Cultural Competency Assessment at this time and with existing budget limitation. We recognize that a culturally competent organization is able to use the policies, people and resources it has to systematically anticipate, recognize and respond to varying expectations of customers and employees. A culturally competent organization values individuals for their differences instead of expecting individuals to adapt to the organizations culture. The Board will continue to benefit from working toward having cultural competence.

The Board will plan to enhance cultural competence in the 2011-2013 Biennium. Implementation results in:

- People of diverse backgrounds and experience effectively working together;
- People understanding and appreciating one another's differences;
- People effectively communicating with and being respectful of those differences; and

The plan will focus on:

- Licensees understanding and appreciating the value of the Board's requirements.
- Greater awareness among the members of the Board's workforce;
- Enhance effective communication and utilizing differing strengths;
- Identifying training events that all employees will enjoy and participate in; and
- An increased respect for and understanding of diverse cultures within the workforce.

The Board will benefit by:

- Utilizing unique strengths and perspectives to solve problems and enrich the work environment;
- Creating a climate of cultural awareness and a welcoming environment that honors diversity;
- Making a stronger and more cohesive workforce rallied together by a common goal of success;
- Having a greater understanding of the world in which we work and the customers we serve; and
- Preventing and overcoming misunderstandings, lost opportunities and conflict.

2. **Statewide Exit Interview Survey:** The Board will offer exit interviews to departing staff and follow-up with the Director on any concerns or trends. The Board will ensure departing employee to go to the State link for the exit interview survey monkey required by the Governor’s Affirmative Action Office
3. **Performance Evaluations of all Management Personnel:** The Board remains committed to compliance with the Governor’s executive orders requiring the inclusion of diversity and affirmative action requirements in position descriptions and annual performance evaluations. Performance accountability in the areas of Affirmation Action and Diversity will be reviewed during annual evaluations.
4. **Status of contracts to Minority Businesses (ORS 659A.015):** The Board does not have any contracts that exceed \$5,000 with minority businesses. The majority of our contracts are with subject matter experts that are called upon for single-need issues.

### **III. Roles for Implementation of Affirmative Action Plan**

#### **A. Responsibilities and Accountabilities**

##### **1. Director**

- a. Foster and promote to employees the importance of a diverse and discrimination and harassment free workplace. Participate in cultural diversity trainings, orientations, and be an example of cultural sensitivity.
- b. Meet as needed, with the Board’s Human Resource Manager to review equal employment opportunities, evaluate affirmative action and diverse work environment progress, and identify problems. Approve strategies and timetables for meeting goals.
- c. Annual performance reviews will include ratings on the Director’s support and effectiveness of the agency’s Affirmative Action Plan.
- d. Hold managers accountable for participating in and promoting affirmative action activities and for communicating this same responsibility to their subordinate supervisors and employees. The effectiveness of managers and supervisors in promoting the affirmative action activities, goals and objectives for the Board will be included in their annual performance appraisals. ORS 659.025(1) states:

*“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, handicap 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 key consideration of the manager’s or supervisor’s performance”.*

2. **Managers and Supervisors:** *The Director is the only manager/supervisor so the same information above applies here.*
  - a. Foster and promote to employees the importance of a diverse and discrimination and harassment free workplace.
  - b. Managers and supervisors will receive an orientation on the Board’s affirmative action goals, understand their own responsibilities, and evaluate how well they are achieving the Board’s affirmative action goals and objectives. They will attend cultural competency training, attend orientations, and promote cultural awareness.
  - c. Subordinate supervisors will be evaluated on their effectiveness in carrying out the responsibilities they have for participating in and promoting affirmative action activities.

- d. In undertaking these evaluations, managers will consider how well the supervisor fosters and promotes a diverse workforce, how well s/he promotes the affirmative action goals and objectives, and that his/her staff are knowledgeable about the Board policies and procedures that encourage a welcoming environment.
- e. Inform applicants for vacant positions that the Board is an equal employment employer committed to workforce diversity. Have a copy of the Board's Affirmative Action Plan available for applicants to review on request.
- f. Work with the Human Resources Section to utilize State of Oregon procedures and rules in filling vacancies.
- g. Attend equal opportunity, affirmative action and other diversity-related training in order to be informed of current issues.
- h. Display the Board's Affirmative Action Policy Statement and have available a hard copy of the Affirmative Action Plan in the office. An electronic copy of the Board's Affirmative Action Policy Statement will also be maintained on the Board website.
- i. Act in a timely manner if they become aware of any Board employee engaging in any type of harassment.
- j. Periodically report to employees on the Board's progress in attaining its' affirmative action goals and on other affirmative action matters.
- k. Be held accountable for promoting affirmative action on their annual performance evaluations.

### **3. Affirmative Action Officer/ Human Resources Manager and/or Designee**

- a. *The Executive Director is the only manager.* The Director and supervisor promotes a diverse workforce environment and helps attain the AA goals of the Board; encourage the retention of existing employees and create new learning opportunities for them.
- b. The Executive Director reports on the AA plan with one-on-one staff meetings; obtains support for changes to reach goals/objectives; responds to AA issues, attends AA meetings.
- c. Emphasize the Board's support of equal employment opportunity, affirmative action and the benefits of a diverse workforce.
- d. Place the statement "The Occupational Therapy Licensing Board is an equal opportunity, affirmative action employer committed to work force diversity" on every announcement and in every advertisement.
- e. Train managers to have diverse interview panels including, when possible, one member who works outside the hiring section/division and one member from a protected class.
- f. Research training opportunities and topics for presentation to all staff. Actively participate in those trainings.
- g. Have hard copies and/or electronic copies of the Board's Affirmative Action Policy Statement and Plan available for review by all staff. Make hard or electronic copies available to applicants for employment on request. Recommend changes to the Plan and update it as required. Compile statistics and keep management informed of the Board's AA status during management meetings. Solicit comments how to assist in promoting affirmative action activities and how best to create a more diverse workforce.
- h. Discuss the State of Board's Affirmative Action Plan and Policy in New Employee Orientation. Make the orientation as welcoming as possible. Include in the discussion:
  - Expectations surrounding a respectful workplace, what it means to agency and employee.
  - Commitment to supporting the personal and professional growth of our employees.
  - Encourage to contribute and participate in agency activities to agency to meet objectives.
  - Keep doors always open for questions and concerns.

- i. Train and inform managers, supervisors and employees at New Employee Orientation as to their rights and responsibilities under the Board's affirmative action policy and other Board policies to eliminate any harassment based on race, sex, age, religion, sexual orientation, or disability.
- j. Respond to and investigate complaints. Enforce policies and procedures.
- k. Offer the Statewide Exit Interview Survey to all terminated employees. Analyze for trends. If it appears that discrimination or harassment was a factor in employee separation, conduct an investigation and take appropriate action. Inform the Executive Director of the results.
- l. Evaluate revised and new policies for possible adverse impact on the Board's commitment to affirmative action and equal employment opportunities.
- m. Serve as a liaison between the Board, the state and federal agencies that protect civil rights.

#### **IV. JULY 1, 2008-JUNE 30, 2010**

##### **A. Accomplishments**

1. There have been no hiring, recruitment or promotions. If there are any they will be conducted in a way that will provide the most diverse candidate pool possible. Every candidate that met the qualifications and rated highest on the scoring criteria would be offered an interview. Interviews would be conducted by panels that consisted of both men, women, and co-workers.
2. The Director continues to attend as many AA meetings, prepare policies and plans and report to the Board. The Director also attended several trainings in 2009 and plans to in 2010.
3. If there are any announcements we will attempt to reach a diverse audience by placing them on the state's job page, and on the Board's website.
4. The Board would make prospective employees feel welcome at the Board by placing emphasis on creating a comfortable interview atmosphere. The interview team would introduce themselves, have water, paper and pencils available, give plenty of time to the candidate for organizing their thoughts, etc.
5. Management staff is proactive in communicating the importance of diversity with the staff, and includes diversity discussions in periodic one to one meetings. Note: There is only one part-time staff and one Director who meet periodically and talk daily. The Affirmative Action Representative is the Director who attends training to learn more about fostering cultural competency and multi-cultural organizational development. Management staff makes an effort to communicate cultural events throughout the area.
  - The Director attended the Generations in the Workplace which provided insights and tips that increased awareness of how different people can work toward common goals.
  - Periodically attended the Affirmative Action statewide monthly meetings.
  - The Director attended the Portland Juneteenth Day and other cultural/diversity events. The Director who is herself an immigrant lived overseas in Madagascar, Morocco, Sri Lanka and Mexico and continues to respect and seek opportunities to celebrate diversity in her life through friendships, reading, films and cultural events and contact with people of diverse backgrounds.

##### **B. Progress**

Cross-training and career developmental opportunities are encouraged. The goal is to retain employees by keeping them challenged and giving them room for growth. The small size of our agency requires that more than one person knows a job. A detailed Desk Manual was updated.

The Board continues to strive to create a culturally diverse staff though there is only 1.25 FTE and no changes in staff. Since July 1, 2009 there has been no recruitment. There has been no turnover.

The Board's strategy for retaining our employees is simple:

- Value employees and urge them to participate in decisions that affect their work;
- Treat employees with respect and dignity;
- Show employees the benefits of working for the State of Oregon from pay to health insurance to location;
- Support employees in their learning and personal development plans;
- Carefully maintain the Board's reputation for professionalism by making it a business people are proud to work for;
- Communicate well and often. Let people know what is happening in the organization;
- Make wise hiring decisions and continually evaluate our hiring practices; and
- Hold people accountable for adhering to our respectful workplace and harassment-free policy.

The agency's strength lies in its employees and licensees. We are a professional organization that lives with high expectations every day. Some challenges faced:

- Learn to communicate better. Not only between our younger and older staff members, but those who are more technologically advanced than others.
- Keep positive attitudes – the pay cuts and furloughs have had a negative effect on our employees. Helping employees feel valued is difficult.

If these challenges are not faced, we could potentially lose some of our more senior knowledgeable employees as well as our talented younger employees.

## **V. JULY 1, 2011-JUNE 30, 2013**

### **A. Goals for Affirmative Action Plan / Programs**

1. The Board will continue to provide information and opportunities for staff to participate in diversity training and multi-cultural events. The Board will continue to develop strategies to recruit, retain and promote a diverse staff. The Board recognizes the value of individual and cultural difference and creates a work environment where talents and abilities are valued.
2. Management staff is proactive in communicating the importance of diversity in staff meetings, and includes diversity discussions in communications with staff. The Board utilizes diversity within the workforce by incorporating diverse perspectives into business decisions. Management will also continue to attend required training to participate in the development and implementation of a program that fosters cultural competency and multi-cultural organizational development. Management staff will continue to make greater effort to communicate cultural events throughout the area.
3. HR is incorporated in the role of the Director and supported by the Board, will continue to educate and guide Managers in creating applicant pools and interviewing processes that are welcoming to all people, and helping them understand the benefits of a diverse workforce and supporting the Affirmative Action Plan. The Director and Board will actively participating in recruitment and selection activities and include AA performance measures on evaluations.
4. All managers will support activities that develop a work environment that is attractive to a diverse pool of applicants, retains employees, and is accepting and respectful of employees' differences. A welcoming environment will be created a number of ways - by sharing e-mail activity notices from the Governor's Affirmative Action Office, posting posters and flyers in the office common area, encouraging employees to share their thoughts and ideas, responding to issues quickly and efficiently, etc. Respectful workplace behaviors will be expected and enforced. Expectations will be presented using formal training, written policies and procedures, and/or one-on-one counseling.

5. Managers will also utilize employee retention ideas that include offering flexible schedules, having open door policies, listening respectfully and responding quickly to problems. Managers will be evaluated on their compliance with the agency's AA objectives by rating them on their annual performance evaluation.

## **B. Strategies and time lines for achieving our goals**

Summer 2010: The Director will present the 2011-2013 Affirmative Action Plan to the one part time employee one to one and via e-mail to all Board Members.

Winter 2010: The Director, in the role as HR Manager will request employee's assistance in identifying ways to be more welcoming and meet the goals of this plan.

Spring 2011: The Director as HR Manager will update the Board on the Board's affirmative action and recruitment statistics and discuss how to increase diversity.

Ongoing: The Director will post recruitments on the state's E-recruit system and other diversity websites and continually monitor the welcoming environment.

Ongoing: The director will listen and take action on our employee's feedback for creating a more welcoming environment; continue to keep cultural diversity in the forefront of all employees by sending out information sent to us by the Governor's Affirmative Action Office and showing management's commitment to cultural diversity by example of patience, tolerance and respect.

Ongoing: The Director will encourage staff to sign up for the Cultural-Health E-Newsletter. The E-Newsletter is designed to update members on various local multicultural health issues.

Ongoing: The Director will continue to meet with staff to discuss effective options for outreach to students and those interested in Occupational Therapy as a profession.

## **Employee and Training Policy**

**PURPOSE/POLICY:** Provide resources and learning opportunities for the Board employees to perform the duties of their current position and to encourage their career development in state service. In accordance with the Oregon Benchmarks and State Policy, it is the goal of the Board to provide all employees with at least 20 hours of training related to work skills and knowledge each fiscal year.

**DEFINITIONS:** Training related to work skills – includes formal instruction that relates to an employee’s competence to perform their specific job, an employee’s work environment, or an employee’s state government career.

Job required training – provides knowledge or skills specific to an employee’s current job. It is needed for the successful performance of that job. Examples include technical knowledge, use of equipment, software applications, organizational skills and interpersonal skills.

Job related training – provides knowledge or skills an employee needs to meet agency or state performance expectations. Examples include understanding the agency or state mission and values, policies and procedures, customer service standards, safe work practices, valuing diversity and preventing harassment.

### **RESPONSIBILITIES:**

#### Director

1. Asses the training needs of their employees on an on-going basis.
2. Develop and implement individual employee development plans that enable employees to successfully perform their jobs and contribute to the achievement of the Board’s mission and goals.
3. Job required and job related training shall be conducted without loss of pay to the employee and the employee shall be paid for the time as time worked.
4. Encourage employees to research training opportunities for consideration.
5. Schedule and provide agency-wide training programs that meet common needs.
6. Provide info on internal and external training programs, services, resources and opportunities.
7. Track training completed by employees.

#### Employees

1. Identify and research training opportunities that are job required or job related.  
Share information with manager.

## 5. Veterans Preference in Employment 105-040-0015: Veteran's Preference in Employment

Applicability: Recruitment and selection processes for all State of Oregon positions in agencies subject to ORS 240, State Personnel Relations Law, including but not limited to promotional opportunities. (1) Definitions: (See also HRSD Rule 105-010-0000 Definitions Applicable Generally to Personnel Rules and Policies.)

(a) Initial Application Screening: An agency's process of determining whether an applicant meets the minimum and special qualifications for a position. An Initial Application Screening may also include an evaluation of skills or grading of supplemental test questions if required on the recruiting announcement.

(b) Application Examination: The selection process utilized by an agency after Initial Application Screening. This selection process includes, but is not limited to, formal testing or other assessments resulting in a score as well as un-scored examinations such as interviews and reference checks.

(c) Veteran and Disabled Veteran: As defined by ORS 408.225 and 408.235.

(2) Application of preference points upon Initial Application Screening: Qualifying Veterans and Disabled Veterans receive preference points as follows;

(a) Five Veteran's Preference points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215), or a letter from the US Department of Veteran's Affairs indicating the applicant receives a non-service connected pension with the State of Oregon Application; or

(b) Ten Disabled Veteran's points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) with the State of Oregon Application. Disabled Veterans must also submit a copy of their Veteran's disability preference letter from the US Department of Veteran Affairs, unless the information is included in the DD Form 214 or 215.

(c) Veteran's and Disabled Veteran's preference points are not added when a Veteran or Disabled Veteran fails to meet the minimum or the special qualifications for a position.

(3) Following an Initial Application Screening the agency generates a list of qualified applicants to consider for Appointment. An Appointing Authority or designee may then: (a) Determine whether or not to interview all applicants who meet the minimum and special qualifications of the position (including all Veterans and Disabled Veterans); or 10

(b) Select a group of Veteran and Disabled Veteran applicants who most closely match the agency's purposes in filling the position. This group of applicants may be considered along with non-veteran applicants who closely match the purposes of the agency in filling the position as determined by:

(A) Scored Application Examinations (including scored interviews): If an agency utilizes, after an Initial Application Screening, a scored Application Examination to determine whom to consider further for Appointment, the agency will add (based on a 100-point scale) five points to a Veteran's score or 10 points to a Disabled Veteran's score or;

(B) Un-scored Application Examinations: Un-scored Application Examinations done by sorting into levels (such as "unsatisfactory," "satisfactory," "excellent") based on desired attributes or other criteria for further consideration will be accomplished by:

(i) Advancing the application of a Veteran one level;

(ii) Advancing an application of a Disabled Veteran two levels.

(4) Preference in un-scored interviews: A Veteran or Disabled Veteran who, in the judgment of the Appointing Authority or designee, meets all or substantially all of the agency's purposes in filling the position will continue to be considered for Appointment.

(5) If a Veteran or Disabled Veteran has been determined to be equal to the top applicant or applicants for a position by the Appointing Authority or designee then the Veteran or Disabled

Veteran is ranked more highly than non-veteran applicants and, a Disabled Veteran is ranked more highly than non-veteran and Veteran applicants.

(6) Preference described in Sections 2 through 5 of this rule is not a requirement to appoint a Veteran or Disabled Veteran to a position. An agency may base a decision not to appoint the Veteran or Disabled Veteran solely on the Veteran's or Disabled Veteran's merits or qualifications.

(7) A Veteran or a Disabled Veteran applicant not appointed to a position may request an explanation from the agency. The request must be in writing and be sent within 30 calendar days of the date the Veteran or Disabled Veteran was notified that they were not selected. The agency will respond in writing with the reasons for not appointing the Veteran or Disabled Veteran.

[ED. NOTE: Forms referenced are available from the agency.] Stat. Auth: ORS 240.145(3) & 240.250; Stats.

Implemented: ORS 408.225, 408.230 & 408.235; Hist.: HRSD 3-2007(Temp), f. & cert ef. 9-5-07 thru 3-3-08; HRSD 1-2008, f. 2-27-08, cert. ef. 3-1-08; HRSD 3-2009, f. 12-30-09, cert. ef. 1-1-10

## **6. Other agency documentation in support of its affirmative action plan**

### **Persons with Disabilities Policy and Complaint Procedure:**

It is the policy of the Board to employ and advance in employment qualified individuals with disabilities. The Board shall make reasonable accommodations to the known physical or mental limitations of a participating member of the public, a consumer of agency services, or an agency job applicant or employee, unless to do so would create an undue hardship on the agency, as provided under the Americans with Disabilities Act (ADA).

The Board will make every effort to furnish appropriate and necessary auxiliary aids to ensure that individuals with disabilities will have equal opportunities to participate in activities and to receive the services of the department.

Definition of Person with a disability: A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment. The Agency Administrative Director is designated as the ADA Coordinator pursuant to part 35.107 of the American's with Disabilities Act.

In compliance with ADA guidelines, the Board will provide special materials, services or assistance to individuals with a disability upon sufficient notice to the Board office. For the hearing impaired, the Board may be contacted through Oregon Relay at 1-800-735-1232.

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- An employee, volunteer, provider, or vendor who believes he/she has been discriminated due to their disability should contact the Administrative Director or Executive Director. If the issue is not resolved to the employee's satisfaction, they should file a complaint regarding employment with the Equal Employment Opportunity Commission; or a complaint regarding services with the U.S. Department of Justice, Civil Rights Division.

### **Harassment In The Workplace Policy And Complaint Procedure**

(1) Discrimination prohibited. It is the policy of the Occupational Therapy licensing Board to provide a work environment free from unlawful discrimination on the basis of race, color, religion, gender, sexual orientation, marital status, national origin, disability, age (18 or older), or because of the race, color, religion, gender, sexual orientation, marital status, national origin, disability or age of any other person with whom the individual associates, or any other factor that an employer is prohibited by law from considering when making employment decisions (protected class status). This policy applies to all matters relating to hiring, firing, transfer, promotion, benefits, compensation, and other terms and conditions of employment.

(2) Workplace harassment prohibited. It is also the policy of the Occupational Therapy Licensing Board that all employees should enjoy a work environment that is free from unlawful harassment (harassment based on the employee's protected class status). All employees are expected to refrain from sexual and other unlawful harassment.

(3) Retaliation prohibited. This policy prohibits retaliation against employees who report violations or potential violations of this policy or assist the Board in investigating matters raised under this policy. It also prohibits retaliation for testifying, assisting or participating in an investigation, proceeding or hearing conducted by the Oregon Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC).

(4) Penalties. Conduct in violation of this policy will not be tolerated, and may result in disciplinary action up to and including dismissal. Also, managers and supervisors who know or should have known of conduct in violation of this policy and who fail to promptly report such behavior are subject to disciplinary action up to and including dismissal.

(5) Harassment definition and examples: Harassment is conduct or a display (verbal, physical or visual) that demeans or shows hostility or aversion toward an individual or group because of the person's or group's race, color, religion, gender, sexual orientation, marital status, national origin, disability, age, or other protected class status and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

(a) Examples of prohibited harassment may include (these examples are not meant to be all-inclusive): epithets, jokes, slurs, negative stereotyping, demeaning comments or labels, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, sexual orientation, marital status, national origin, disability, age, or other protected class status; written or graphic material that puts down or shows hostility or dislike toward an individual or group because of race, color, religion, gender, sexual orientation, marital status, national origin, disability, age, or other protected class status and is placed on walls, bulletin boards, computers or elsewhere on the employer's premises, or accessed or circulated in the workplace, electronically or otherwise.

(b) Sexual harassment is a form of unlawful 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 used as a basis for any employment decision (e.g., granting a leave request, promotion, favorable performance appraisal); 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.

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(3) Examples of prohibited sexual harassment may include (these examples are not intended to be all-inclusive): unwelcome touching or closeness of a personal nature, including sexual contact, leaning over, cornering, pinching, sexual innuendoes, teasing and other sexual talk such as jokes, intimate inquiries, persistent unwanted courting, sexist put-downs or insults, sexually suggestive comments, inappropriate use of state communication systems including email, internet and telephone, and written or graphic material of a sexual or sexist nature. See also the examples under part (a) above.

(6) Complaint Procedure:

(a) Complaint. An employee who is subject to or is aware of conduct which violates or might violate this policy should report that information immediately to his/her immediate supervisor, the Executive Director, the Human Resources Manager, or the Board Chair (if the complaint is against the Executive Director). If at all possible, the report should be made before the behavior becomes severe. The complaint should be reported verbally or in writing within 30 calendar days of the alleged act, preferably earlier. However, complaints filed late will still be investigated pursuant to this policy to the extent possible. All supervisors and managers shall promptly report complaints and incidents in violation of or potential violation of this policy, or reported to the supervisor/manager as being or potentially being in violation of this policy, to the Executive Director, the Human Resources Manager, or the Board Chair (if the complaint is against the Executive Director).

Complaints should include the name of the complainant, the name(s) of the person(s) alleged to have been discriminated against or harassed (if different from the person bringing the complaint), the name(s) of the person(s) alleged to have engaged in the prohibited conduct, a specific and detailed description of the conduct that the employee believes is discrimination or harassment, and a description of the remedy the employee desires.

(b) Investigation. The recipient of a discrimination or harassment complaint shall promptly forward it to the Executive Director (or to the Board Chair in the event the complaint is about the Executive Director), who will coordinate in consultation with Human Resources, or delegate responsibility for coordinating, the Occupational Therapy Licensing Board's investigation. The complaint will be given prompt and thorough attention including an initial inquiry into whether discrimination or harassment has occurred, steps to prevent any ongoing discrimination or harassment, and an impartial investigation. If the complaint is substantiated, prompt and appropriate corrective action will be taken. The affected parties will be informed that the investigation has

concluded and, if the complaint is sustained, that appropriate corrective action will be or has been taken. All personnel can be assured that complaints will be taken seriously, will be investigated as necessary, and will to the extent possible consistent with applicable laws, rules, policies and investigatory needs, be dealt with in a confidential manner

(c) Other complaints and grievances. Nothing in this policy precludes any person from filing a grievance in accordance with the SEIU Collective Bargaining Agreement, or a complaint with BOLI and/or the EEOC, or a lawsuit. Timelines for filing grievances, lawsuits, and/or complaints with BOLI/EEOC are different from those established in this policy. Employees should contact SEIU, private counsel, or BOLI/EEOC directly for specific guidance on filing deadlines and procedures.

## **Appendix VI Agency's Policy Documentation**

1. ADA and Reasonable Accommodation Employment (No 50.020.10)
2. Discrimination and Harassment free Workplace (No 50.010.01)
3. Agency Employee and Training Policy
4. Maintaining a Professional Workplace (No. 50.010.093)
5. Veterans Preference in Employment
6. Other agency documentation in support of its affirmative action plan.

## **VII Appendix B**

- A. Prohibited Employment Policies/Practices
- B. Age Discrimination in Employment Act of 1967 (ADEA)
- C. Disability Discrimination Title I of the Americans with Disability Act of 1990
- D. Equal Pay and Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964
- E. National Origin Discrimination Title VII of the Civil Rights Act of 1964
- F. Pregnancy Discrimination Title VII of the Civil Rights Act of 1964
- G. Race/Color Discrimination Title VII of the Civil Rights Act of 1964
- H. Religious Discrimination Title VII of the Civil Rights Act of 1964
- I. Retaliation Title VII of the Civil Agency Affirmative Action Policy
- J. Sex-Base Discrimination Title VII of the Civil Rights Act of 1964
- K. Sexual Harassment Title VII of the Civil Rights Act of 1964