

Oklahoma Employment Security Commission

Hands in the Sand ~ A Call to Action



~ Working Together to Achieve and Sustain a Well Balanced Workforce ~

Affirmative Action Plan

◆ Diversity

◆ Equal Opportunity

◆ Equal Employment Opportunity

Emma J. Woodford
Civil Rights Administrator
Fiscal Year 2012

**OKLAHOMA EMPLOYMENT
SECURITY COMMISSION**

**Richard McPherson
Executive Director**

**EQUAL EMPLOYMENT OPPORTUNITY
AFFIRMATIVE ACTION PLAN
FY 2012**

**Emma J. Woodford
Civil Rights Administrator**

**WILL ROGERS MEMORIAL
OFFICE BUILDING
PO BOX 52003
OKLAHOMA CITY, OK 73152-2003**

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Oklahoma Employment Security Commission



Richard McPherson, Executive Director

Mary Fallin, Governor

Representing Employers
Douglas R. Major, Ed. D., Commissioner
Gayle Harris, Commissioner

Representing the Public
Rev. W.B. Parker, Chairman

Representing Employees
Rev. Mike Wester, Commissioner
Susan Stoll, Commissioner

THE OKLAHOMA EMPLOYMENT SECURITY COMMISSION

The Oklahoma Employment Security Commission (OESC) is appointed by the Governor of Oklahoma and consists of five (5) members (Commissioners): two Commissioners represent State employers, two Commissioners represent State employees, and one Commissioner represents the general public. The Commissioner which represents the general public is the Chairman of OESC.

OESC has the power and authority to adopt, amend, or rescind such rules as it deems necessary or suitable to administer the Oklahoma Employment Security Act. OESC's role also includes reviewing project proposals and making recommendations regarding plans as well as reviewing and providing input concerning agency workforce problems and needs.

OESC is chaired by Reverend W. B. Parker, Minister and Civic Community Leader. Reverend Parker brings to OESC a wealth of knowledge and experience in planning, marketing and coordinating workforce needs.

OESC Commissioners are as follows:

Rev. W. B. Parker	Chairman
Douglas R. Major	Representing Employers
Gayle Harris	Representing Employers
Susan Stoll	Representing Employees
Rev. Mike Wester	Representing Employees

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Equal Opportunity Employer/Programs

Auxiliary aids and services are available upon request to individuals with disabilities.

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U. S. DEPARTMENT OF LABOR ASSURANCE STATEMENT

As a condition to the award of financial assistance from the Department of Labor, under Title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and,

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR, Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance. **(29 CFR 37.20)**

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THE OKLAHOMA EMPLOYMENT SECURITY COMMISSION POLICY STATEMENT ON EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION

Consistent with Federal and State Laws and Guidelines established for equal employment opportunity and affirmative action, as Executive Director for the Oklahoma Employment Security Commission (OESC), I am affirming my continuing policy to provide equal employment and advancement opportunity in all job classifications of this agency without regard to political or religious affiliation or belief, race, creed, gender, age, color, sex, national origin, or disability so long as the disability does not render the person unable to do the work for which employed, with or without reasonable accommodation.

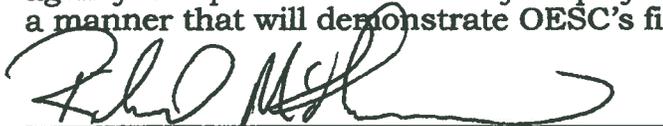
The principles of equal employment opportunity apply to all employment practices and personnel actions throughout OESC, including recruiting, hiring, promotions, demotions, separations, training, transfers, layoffs (RIF), recalls, compensation, benefits and all other terms and conditions of employment.

I want to remind each employee that all personnel actions as well as all decisions relating to employment practices are to be made in accordance with the spirit of equal employment opportunity for all.

We have developed an Equal Employment Opportunity/Affirmative Action Plan to help us achieve our goal of equal employment opportunity for all. Emma J. Woodford, located in Room 512-5 of the Will Rogers Memorial Building, telephone number (405) 557-7255, has been delegated the responsibility of implementing the plan, including monitoring and evaluating our progress, and reporting the results to me.

In addition, Emma J. Woodford is assigned to serve as the Equal Employment Opportunity/Affirmative Action for OESC. She is available to any employee having questions or needing assistance regarding equal employment opportunity or affirmative action in this agency.

My personal commitment to this policy is complete and I accept overall responsibility for achieving equal employment opportunity and affirmative action at all levels within this agency. I expect each and every employee to perform his/her duties and responsibilities in a manner that will demonstrate OESC's firm commitment in this most important area.


Richard McPherson, Executive Director

10/3/11
Date

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POLICY AGAINST SEXUAL HARASSMENT

As the Executive Director for the Oklahoma Employment Security Commission (OESC), I hereby affirm that it is the policy of OESC not to discriminate in any of its employment practices on the basis of race, color, religion, sex, national origin, age, political affiliation or opinion, marital status, or disability so long as the disability does not render the employee unable to do the work for which he/she was employed with or without reasonable accommodation. Any form of unlawful discrimination to which this policy applies is considered very serious and will not be tolerated.

Sexual harassment is a form of unlawful discrimination based on sex. In some circumstances, it may violate other laws (i.e., laws governing criminal assault). Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Conduct prohibited by this policy includes, but is not limited to:

Unwelcome sexual flirtations; advances/propositions for sexual activity; continued or repeated verbal abuse of a sexual nature (i.e., suggestive comments and sexually explicit jokes); sexually degrading language to describe an individual; remarks of a sexual nature to describe a person's body or clothing; display of sexually demeaning objects/pictures; offensive physical contact (i.e., unwelcome touching, pinching or brushing the body); coerced sexual activity and sexual assault. Such conduct is unlawful discrimination based on sex when submission to such conduct is explicitly or implicitly a requirement of the individual's employment; used as a basis for any employment-related decision concerning that individual; or when such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile or offensive work environment.

Employees are absolutely prohibited from engaging in sexual harassing behavior. Any employee, supervisory employee, employee with authority for personnel matters, or other agent/officer of OESC who knows or should have known that an employee of this agency is being subjected to sexual harassment must either take immediate corrective action, or report the facts to an Assistant Administrator or to me. Furthermore, all employees have a duty to immediately report sexual harassment to a Supervisor, Assistant Administrator or directly to me. Appropriate disciplinary measures will be taken against any employee, supervisory employee, or other responsible employee who causes, engages in, encourages, condones or otherwise permits unlawful sexual harassment, as well as, fails to take corrective action in accordance with the above. Such conduct may be grounds for disciplinary action up to and including termination.

Any employee who believes he/she has been the victim of sexual harassment may file a complaint of discrimination based on sex in accordance with OESC's grievance procedures or directly with me. Any employee attempting to penalize or retaliate against another employee for filing a complaint of, or reporting an incident of, or cooperating with an investigation of alleged sexual harassment shall be subject to disciplinary action up to and including termination. **It is the responsibility of all employees in this agency, supervisory and non-supervisory, to adhere to this policy and to use all reasonable efforts to further its goals and spirit.**

A handwritten signature in black ink, appearing to read "Richard McPherson", written over a horizontal line.

Richard McPherson, Executive Director

10/3/11
Date

**RESPONSIBILITY
FOR
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION**

It is the responsibility of the Executive Director to exercise overall responsibility for equal employment opportunity and affirmative action within the Oklahoma Employment Security Commission (OESC). The Executive Director has also designated key personnel to assist in the implementation and monitoring of the program.

Aside from the Executive Director, there are three other critically important areas of responsibility in the Equal Employment Opportunity and Affirmative Action Program:

- A. Equal Employment Opportunity and Affirmative Action Officer;
- B. Line Managers, Supervisors and other Key Staff Members; and,
- C. All Employees

Equal Employment Opportunity/Affirmative Action Officer (EEO/AA Officer)

The Civil Rights Administrator (CRA) for OESC reports directly to the Executive Director and has been delegated sufficient authority and responsibility to ensure implementation of the EEO/AA Program. The CRA-EEO/AA Officer maintains knowledge of Federal/State CR and EO Legislation/regulations; current social and economic conditions and interrelationships of majority and minority groups; grievance investigations; interviewing techniques; and, report writing.

The CRA-EEO/AA Officer is also designated as the State Workforce Investment Act (WIA) Coordinator to handle the State of Oklahoma's coordinated efforts for nondiscrimination and equal opportunity for WIA funds from the United States Department of Labor (USDOL). The CRA-EEO/AA Officer also handles employment related complaints against the agency or its employees without regard to race, color, religion, national origin, sex, age, or disability; serves as liaison between OESC and various State/Federal compliance agencies; and, reviews/updates the EEO/AA Program on a regular basis with guidance and advice from the Executive Director and Executive Staff. The CRA-EEO/AA Officer maintains records, conducts investigations and prepares reports for the evaluation of services provided to applicants, claimants and employees.

Line Managers, Supervisors and other Key Staff Members

Workforce Service Center Managers, State Office Division Chiefs, Managers and Supervisors understand their roles in the EEO/AA Program. The responsibilities of these and other key staff members are clearly stated in the EEO/AA Program Plan as follows:

- A. Assist in the identification of problem areas, and establish unit goals and objectives.
- B. Conduct career counseling with employees, with special attention given to minorities, women, disabled persons and older workers to ensure they have full access to opportunities for career progression (i.e., transfers and promotions).

- C. Provide in-service training for all eligible employees without regard to race, color, religion, national origin, sex, age or disability. In addition, monitor all training programs, as well as hiring and promotion patterns to eliminate any impediments to goal attainment.
- D. Provide training orientation by Workforce Service Center Managers and Supervisors, as well as the CRA and HR Department, for all employees concerning EEO topics and issues.
- E. Schedule regular meetings and training sessions with supervisory staff and employees to keep them abreast of policy changes and program objectives. In addition, maintain regular communication with staff to emphasize the agency's EEO policies, including the policy against harassment of employees.
- F. Maintain an active involvement with organizations that work with or on the behalf of minorities, women, disabled and older workers, as well as community-based agencies and leaders.
- G. The Commission's Legal Staff serves as consultants to the Executive Director, CRA, and Human Resource (HR) Director. The Administrative Staff along with the Legal Staff meet regularly and on an as needed basis to discuss progress and/or problems concerning the EEO/AA Program Plan.

All Employees

Every OESC employee is made aware that they also have a responsibility to ensure the EEO/AA Program is faithfully executed. The EEO/AA Program Plan contains a reminder to all employees of their responsibility to:

- A. Apply all laws, rules, regulations, policies, and procedures fairly and impartially toward all persons, without regard to race, color, creed, sex, age, national origin, disability, religion, or political opinion or affiliation.
- B. Exhibit an attitude of respect, courtesy, and cooperation toward fellow employees and the public.
- C. Aid Supervisors and Managers in carrying out their responsibilities with regard to the EEO/AA Program.
- D. Be familiar with the EEO/AA Plan of Action and make a good faith effort to complete their assigned responsibilities as identified in the plan.

**DISSEMINATION
OF
THE EQUAL OPPORTUNITY/AFFIRMATIVE ACTION PLAN**

Dissemination of the Oklahoma Employment Security Commission's (OESC) written Equal Opportunity/Affirmative Action Plan (EEO/AA Plan) is essential to having an effective EEO/AA Program. The following internal dissemination procedures are utilized to communicate OESC's commitment to the EEO/AA Program Plan:

INTERNAL DISSEMINATION

The Civil Rights Administrator – Equal Employment Opportunity/Affirmative Action Officer (CRA-EEO/AA Officer) ensures all channels for written communication within the agency is made available to supervisory and management personnel as well as all other staff to inform of the EEO/AA Plan and to periodically reaffirm OESC's commitment to nondiscrimination policies and program procedures. Initial dissemination of OESC's policies and procedures is done at the onset of new hire as follows:

1. New employees are given a packet which includes the following:
 - Oklahoma Employee Bill of Rights
 - "EO is the Law" Right to File a Complaint
 - Partisan Political Activities and Rights of Expression Notice
 - State of Oklahoma Merit Rules for Employment Grievance Policy and Procedure
 - Promotional Policy
 - Public Employees Retirement System Handbook
 - Employee Handbooks
 - Employee Service Evaluation Handbook
 - Group Insurance Handbook - Life Insurance
 - Drug Free Workplace Literature
 - Employee Assistance Program Information
 - Presentations are given by designated Key Personnel for each Department to explain the functions of each department and how each employee fits into the overall success of the agency
 - A presentation by the CRA-EEO/AA Officer to discuss the EEO/AA Plan and view videos on Discrimination and Hostile Environment Sexual Harassment
2. A copy of the EEO/AA Plan is made available to all employees, including new employees by notifying Supervisors and Managers, and the HR Department when the plan has been updated on the OESC Employee Intranet for viewing and printing.
3. Meetings are held with Executive Staff to ensure Department Heads, Managers and Supervisors, including new Managers and Supervisors, understand their role and responsibility in developing and maintaining the Plan. This is essential to ensure cooperation and compliance with the implementation and fulfillment of the Plan's goals and objectives.
4. Human Resource Department employees are trained on the EEO/AA Plan in order to answer questions concerning the Plan in the CRA-EEO/AA Officer's absence.
5. Nondiscrimination posters – Equal Employment Opportunity is the Law; Your Rights – Minimum Wage; Federal Law Prohibits Discrimination, etc. will be posted on bulletin boards in reception areas, lounges, state offices and all employment offices where they may be viewed by applicants, claimants and employees.

DISSEMINATION OF PLAN AND POLICY

Dissemination of the Oklahoma Employment Security Commission's (OESC) written Equal Opportunity/Affirmative Action Plan (EEO/AA Plan) is essential to having an effective EEO/AA Program. External communication of the EEO/AA Plan is equally important and the overall success of the Program greatly depends on the support of individuals, institutions, organizations in the community, and the labor force within the field of operation that are likely resources for applicant referrals.

EXTERNAL DISSEMINATION

The Civil Rights Administrator – Equal Employment Opportunity/Affirmative Action Officer (CRA-EEO/AA Officer) ensures the above referenced individuals and organizations, as well as all interested parties, receive notification through the following external dissemination procedures to communicate OESC's commitment to EEO/AA matters and its EEO/AA Program Plan:

1. Letters of notification will be sent to the following Oklahoma agencies and organizations of the availability of the current OESC EEO/AA Program Plan on the agency website. Notice is also included that hard copies are made available upon request
 - The State Human Rights Commission
 - The Urban League of Greater Oklahoma City
 - The NAACP
 - OIC
 - The Hispanic Chamber of Commerce/Cultural Centers
 - The American Indian Chamber of Commerce/Cultural Centers
 - The Vietnamese American Association
2. Hard copies are mailed to the Oklahoma Department of Libraries and the Oklahoma Office of Personnel Management
3. All contractors, subcontractors, and vendors with whom the Commission does business will be notified of the EEO/AA Program Plan assurances.
4. The CRA-EEO/AA Officer is available to statewide and local groups, particularly minority and female groups, to ensure their awareness of the EEO/AA Program Plan.
5. Request for hard copies of the EEO/AA Program Plan are available upon request from all individuals and organizations. Request can be made through the office of the CRA-EEO/AA Officer.

AFFIRMATIVE ACTION FOR DISABLED PERSONS AND OLDER PERSONS

Discrimination of applicants, claimants and employees with disabilities is prohibited by the Oklahoma Employment Security Commission (OESC) and Federal Law. OESC recognizes the self-evident need to provide equal employment opportunity for disabled persons and persons over forty (40) years of age. OESC is committed to comply with all applicable Federal/State Laws and regulations pertaining to prohibited discrimination against any employee, applicant or customer because of disabilities or age.

Persons with disabilities are protected against discrimination under the Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) if they are otherwise qualified. "Qualified" simply means that the individuals have the ability to do the job. The ADAAA broadens the scope of protection available under the ADA by expanding the interpretation and definition of the term "disability" under the ADA of 1990, which prohibits discrimination against disabled workers or job applicants. In employment situations, three groups of people are considered to be disabled and are covered by the ADA, as amended:

- A. People who have physical or mental impairments, which substantially limits one or more major life activities. Blindness and paralysis are obvious examples of disabilities. Less obvious disabilities, such as epilepsy or diabetes, are also covered and are commonly known as "hidden disabilities or episodic impairments."
- B. People who have a record of disabilities, such as heart problems or former treatment for mental illness; or
- C. People who are regarded as having a disability because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity. Examples might include people with a minor curving of the spine or a noticeable limp, which does not affect their job performance or limit a major life activity.

A qualified employee, applicant or claimant with a disability is an individual who with or without reasonable accommodation, can perform the essential function(s) of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials or policies; and, providing qualified readers or interpreters

An employer is required to make an accommodation(s) to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources and the nature and structure of its operation. An employer is not required to lower quality or production standards to make accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

AGE

Federal and state laws protect workers forty (40) years of age or older from arbitrary age discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. The laws do not apply where age is a bonafide occupational qualification.

Recognizing the need to eradicate any and all forms of discrimination in the workplace, OESC's EEO/AA Program Plan is designed to promote employment of older persons on the basis of ability rather than age and to help Managers and Supervisors to meet problems arising from the impact of age on employment.

REASONABLE ACCOMMODATION – RELIGIOUS DISCRIMINATION

The Civil Rights Act of 1964 and 29 CFR 37.6 – Prohibits job discrimination based on religion by any Oklahoma recipient of WIA federal financial assistance, and requires a reasonable accommodation of the “religious practices” of employees and prospective employees.

Religious Practices Defined – According to the guidelines of the Equal Employment Opportunity Commission (EEOC), religious practices include: traditional religious beliefs; moral and ethical beliefs; and, beliefs that individuals hold with the strength of traditional religious views. Essentially, any sincerely held belief comes under this definition.

Reasonable Accommodation/Undue Hardship – The Oklahoma Employment Security Commission (the Commission) and its subsidiaries are required to reasonably accommodate religious practices unless accommodation causes an undue business hardship. Alternatives for accommodation might include substituting work; exchanging employee hours; planning flexible work schedules; transferring employees; and, changing job assignments. In addition, employers might need to accommodate dietary requirements; dress and grooming habits; observation of mourning periods; and other religious practices.

Accommodating Religious Holidays/Sabbath Observances – It is important for employers to be sensitive to the religious obligations of individual employees regarding holiday observances. Penalizing an employee for missing a workday because of such observances would likely constitute discrimination based on religion. Employees should be allowed to take annual leave or unpaid leave on days they wish to observe personal religious holidays. Each request for accommodation of a religious practice will be documented as to the date and nature of the request. Where accommodation is denied because of undue hardship, the employer should keep a full record of the nature of that hardship.

Any employee or WIA and Workforce Oklahoma participant/beneficiary who believes that he or she has been the victim of unlawful religious discrimination or retaliation for complaining of religious discrimination should file a complaint within 180 days to a Supervisor, Manager or Director; file a grievance in accordance with the Commission's grievance procedures; or, file a complaint with Emma J. Woodford, the Commission's Civil Rights Administrator. Complaints of discrimination can also be filed with the U.S. Department of Labor's Director of the Civil Rights Center (CRC). The Workforce Oklahoma Center's Equal Opportunity/Equal Employment Opportunity Officer is available for assistance in filing.

All complaints will be thoroughly investigated and if a conclusion is reached that religious discrimination has occurred, appropriate disciplinary action will be taken. Appropriate action will be taken against any employee who causes, engages in, encourages, condones, or otherwise permits unlawful religious discrimination.

**THE OKLAHOMA EMPLOYMENT SECURITY COMMISSION
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION
FOR TRAINING AND RECRUITMENT**

Training and recruitment in many ways can be considered the cornerstone of affirmative action in providing equal employment opportunity.

Training

The Oklahoma Employment Security Commission (OESC) provides internal/external training opportunities to all employees and applicants on a nondiscriminatory basis. OESC's training opportunities are designed to develop skills that will:

- A. Improve employees' current performance;
- B. Qualify employees for advancement to higher-level positions; and,
- C. Fill job positions that are identified as lines of progression.

Recruitment

The effective and active recruitment of new employees affords OESC the best opportunity to maintain an appropriate workforce balance in all job categories. The agency's continued employment of new staff, even in light of challenges such as the Voluntary Out Benefits Offer (VOBO) for eligible retirees and the transference of the Workforce Investment Act (WIA) Program to the Oklahoma Department of Commerce, was made successful through its recruitment efforts with State/Local organizations, schools and job fairs to discuss opportunities available in Federal/State government. Topics of discussion continue to include job security and fringe benefits focusing on accentuating the importance of dressing properly for interviews and accurately completing employment applications.

OESC's Civil Rights Administrator - Equal Employment Opportunity/Affirmative Action Officer (CRA-EEO/AA Officer) will continue to contact College and University campuses provide information to administration staff, educators and students, particularly fraternities and sororities, about the advantages of working in government and education, in spite of the current economic uncertainties. The CRA-EEO/AA Officer will also continue to become more involved with community organizations to discuss employment opportunities available with OESC, as well as, other employment opportunities throughout the state. The emphasis is still on career planning and job stability.

There are a number of state agencies, educational institutions, small and large organizations, and groups that have offices and facilities across the state which provide recruitment referral services. OESC will continue to use valuable resources such as, the Office of Personnel Management, State Professional Licensing Agencies, Business and Professional Women's Clubs, Minority Business and Professional Organizations, YMCA/YWCAs, the United Way, etc. when making hiring decisions.

**THE OKLAHOMA EMPLOYMENT SECURITY COMMISSION
EVALUATION OF
EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION (EEO/AA)
EFFORTS FOR FISCAL YEAR 2010-2011**

The Oklahoma Employment Security Commission (OESC) began Fiscal Year 2010-2011 with 733 employees of which 229 (31%) were Total Minorities and 493 (67%) Females. The beginning minority populace included 143 (20%) Blacks; 17 (2%) Hispanics; 23 (3%) Asian/Pacific Islanders; and, 46 (6%) American Indian/Alaskan Natives. At the end of the Fiscal Year (FY) OESC had 691 employees of which 219 (32%) were Total Minorities and 459 (66%) Females. The ending minority populace included 134 (19%) Blacks; 17 (2%) Hispanics; 28 (4%) Asian/Pacific Islanders; and, 40 (6%) American Indian/Alaskan Natives.

Total New Hires for FY 2010-2011 were 110 of which 31 (28%) were Blacks; 4 (4%) Hispanics; 6 (5%) Asian/Pacific Islanders; 10 (9%) American Indian/Alaskan Natives; 51 (46%) Total Minorities; and, 71 (65%) Females. OESC did not set promotional goals for the FY; however, 108 employees were promoted of which 78 (72%) were Females. Also included were 24 (22%) Total Minorities consisting of 16 (15%) Blacks; 2 (2%) Hispanics; 4 (4%) Asian/Pacific Islanders; and, 2 (2%) American Indian/Alaskan Natives. There were 152 Employee separations consisting of 105 (6%) Females and 61 (40%) Total Minorities including 40 (26%) Blacks; 4 (2%) Hispanics; 1 (1%) Asian/Pacific Islander; and, 16 (11%) American Indian/Alaskan Natives. There were 7 Demotions of which 4 (57%) were Females and 1 (14%) a Minority (Black).

In FY 2010-2011 the Merit Rules began requiring agencies to submit their goals in percentages. Projected goals are now equivalent to the availability percentages of underutilized minorities and females in each job category. This data is obtained from the Utilization Analysis and Annual Placement Goals Report. Details of the availability percentages for each job category and OESC's projected goals to meet those percentages for FY 2010-2011 are as follows:

A Detailed Review of Hiring Goals by EEO Job Category

Officials/Administrators

The goal to increase utilization of Hispanics to 2.6% was not met. The Personnel Transactions Report reveals that while 4 Hispanics were hired, 4 were separated from employment, thereby reflecting no increase. It is the agency's goal to apply more consistent recruitment efforts toward hiring and promoting Hispanics in this job category. There is no underutilization of American Indian/Alaskan Natives; however, the goal to maintain 4.1% utilization fell slightly short at 3.4%. Projected goals for the other groups are as follows: Blacks reflect a utilization of 13.6%, which surpassed the goal to maintain utilization at 4.3%; Asian/Pacific Islanders reflect a utilization of 2.3%, surpassing the goal to increase utilization to 1.2%; Total Minorities are at 20.5%, well above the goal to maintain that group at 15.4%; and, Females are at 58.0%, also well above the goal set for 38.4%.

Professionals

All goals projected for this job category were met as follows: Blacks are at 19.1%, surpassing the goal to maintain utilization at 5.2%; Asian/Pacific Islanders are at 4.0%, surpassing the goal for 2.7% utilization; the goal of 4.1% for American Indian/Alaskan Natives was surpassed and is currently at 6.4%; Total Minorities reflect a percentage of 31.7%, surpassing the goal set for 17.2%; and, the goal to maintain Females at 54.5% was surpassed and is currently at 68.5%; and, the goal set to maintain utilization of Hispanics at 2.2% was met and this group is currently at 2.2%.

Technicians

OESC established good faith goals to increase the population of minorities and females in this job category as follows: The goal to maintain utilization of Asian/Pacific Islanders at 9.1%, or at a percentage well above the availability rate of 1.8%, was surpassed and is currently at 17.9%. The goal to increase Total Minorities to 21.8% was also surpassed as and current utilization is at 25.6%. The goal to increase Blacks to 8.3% was not met; however, utilization did increase from 3.0% to 5.1%. The goal to increase Hispanics to 2.4% was not met; utilization remains at 0.0%. The goal to increase American Indian/Alaskan Natives to 6.0% was not met, although utilization increased from 0.0% to 2.6%. And, the goal to increase Females to 58.0% was not met as utilization actually decreased from 39.4% to 28.2%. Failure to meet projected goals in this job category is detailed in **"Identification and Analysis of Previous Problem Areas/Corrective Action"**.

Paraprofessionals

Underutilization in this job category was not reflected in FY 2010-2011; however, a goal was set to increase the percentage of American Indian/Alaskan Natives to the 6.0% availability rate. This goal was not met; instead their percentage in the workforce decreased even further and currently reflects underutilization at 2.7%. The percentage of utilization for Hispanics is at 5.4%, well above the 2.4% availability. Asian/Pacific Islanders do not currently reflect underutilization at 1.4%; however, this is slightly below the 1.8% availability rate. Blacks have a good representation at 37.8%, which is well above the 8.3% availability; Total Minorities are at 47.3% in comparison to 28.8% availability; and, Females are at 75.7%, surpassing the 58.0% availability. Decreases in utilization are detailed in **"Identification and Analysis of Previous Problem Areas/Corrective Action"**.

Administrative Support

Underutilization in FY 2010-2011 was reflected for Hispanics and OESC set a goal to increase utilization to 3.1%. That goal was met and surpassed with a current representation of 5.7%. Asian/Pacific Islanders do not currently reflect underutilization; however, their population in the workforce in the job category is at 0.0% compared to the 1.1% availability rate. All other minority and female groups are represented well above their availability rates as follows: Blacks at 14.3% compared to 8.1% availability; American Indian/Alaskan Native at 14.3% compared to 5.3% availability; Total Minorities at 34.3% compared to 21.5% availability; and, Females at 91.4% compared to 69.5% availability.

Skilled Craft Workers/Service Maintenance

There is no current underutilization reflected for Skilled Craft Workers. Blacks remain well represented in this job category at 25.0% compared to 4.8% availability. OESC set goals to increase Total Minorities to 22.0% and surpassed this goal with a utilization of 25.0% as compared to 22.0% availability. The projected goals to increase Hispanics to 6.7%; Asian/Pacific Islanders to 1.2%; American Indian/Alaskan Natives to 5.5%; and, Females to 7.0% were not met; utilization for each of these groups remain at 0.0%. Failure to meet projected goals in this job category is detailed in **"Identification and Analysis of Previous Problem Areas/Corrective Action"**. There were no goals set for Service Maintenance as this job category was not represented in OESC's workforce.

Identification and Analysis of Previous Problem Areas/Corrective Action

Many goals set for the above job categories were not met; however, many were which demonstrates OESC's continued efforts to meet and exceed its EEO/AA goals. The agency established goals to recruit and promote minorities and females resulting in 110 new hires of which 51 (46%) were Total Minorities and 71 (65%) were Females, and 108 promotions of which 24 (22%) were Total Minorities and 78 (72%) were Females. That number; however,

was significantly offset by a reduction in the workforce of 152 employees of which 61 (40%) were Total Minorities and 105 (69%) were Females. OESC will continue to consistently apply every good faith effort to meet and exceed its EEO/AA goals to create a well-balanced/well-represented workforce by hiring and promoting minorities and females.

- 1) To correct problems identified as a continuous need to communicate EEO/AA concepts and policies governing all forms of discrimination, the Civil Rights Administrator – Equal Employment Opportunity/Affirmative Action Officer (CRA-EEO/AA Officer) provided training for Local Workforce Oklahoma Center Managers and key staff as well as Workforce Investment Act/Workforce Investment Board EEO Officers through Webinars and through the cooperation of training staff from other State agencies, such as the Oklahoma Department of Disability Concerns. The trainings provided the opportunity to address the continuous need to make certain all employees understand their role and responsibility to ensure the success of the agency's EEO/AA Program and Plan. Discussions are ongoing between the CRA-EEO/AA Officer and members of Senior Staff to understand the importance of developing and implementing an in-depth training program for Managers and Supervisors, as well as establishing guidelines and timelines for management to disseminate the information to subordinate staff.
- 2) Problems previously identified with recruitment for the Skill Craft Workers and Technicians job categories, as well as for Hispanics and American Indian/Alaskan Natives minority groups continue to be a primary concern for OESC. The agency will renew and accelerate its efforts to alleviate recruitment problems by providing successful job fairs; advertisement in Minority newspapers; posting on bulletin boards; utilizing online resources and the Office of Personnel Management's Recruitment System; meeting with community leaders and Minority organizations to seek referrals and assistance in recruitment; and, meeting with educational institutions to ensure minority and female students are made aware of employment opportunities offered by OESC and other State agencies.
- 3) Education and training of all employees to apply for promotions and upgrades are important and particularly critical for minorities and females. Agency Directors and Division Chiefs, in partnership with the Director of Human Resources, continue their effort to identify positions within the agency needing upgrading and to encourage minorities and females to apply for higher positions matching their knowledge, skills and diversity.
- 4) To address problems related to failure to meet projected goals, as well as, decreases in utilization for minority and female groups, OESC made efforts to alleviate agency funding and spending disparities by offering eligible employees a Voluntary Out Benefit Offer (VOBO), which was effective October 1, 2010 to July 1, 2011, and was in accordance with HB2363. Approximately 80 employees accepted this offer and had exited the workplace on or before June 30, 2011. Several other employees made the decision to retire during that time period but were not part of the VOBO. In addition, OESC began the process to transfer oversight of the Department of Labor's Workforce Investment Act Program (WIA), one of its major programs, to the Oklahoma Department of Commerce. Employees who worked in WIA have been reallocated to other positions within the agency to ensure continued employment. As a result of these two major events, the Executive Director and Senior Staff are engaged in assessing the current workforce to determine the next course of action to continue creating opportunities for remaining staff, particularly minorities and females. Once this assessment is completed and a definite plan has been agreed upon, external recruitment will be aggressively pursued to increase the population of minorities and females in all job categories. Interagency training /cross training and time allotted to

attend outside training will be even more crucial to ensure that employees achieve the greatest amount of benefit from their education and experience. The CRA-EEO/AA Officer will continue providing information on a monthly basis to new hires in an effort to ensure a solid awareness of the agency's EEO/AA Program goals.

Agency officials assigned to address and correct problems with EEO/AA growth and development identified in previous problem areas are: Executive Director and Executive Staff; Human Resources; Division Directors and Training Staff; Program Directors and Managers; Division Chiefs; Workforce Center Managers; Veteran Services and Field Representatives; and, Committee Members with input from Employees. The ultimate responsibility; however, falls to the CRA-EEO/AA Officer to ensure the agency's EEO/AA Program Plan is adhered to and effectively communicated to all staff. The CRA-EEO/AA Officer will continue to work hard to obtain the necessary education and training to apply every good faith effort to achieve the goals set forth in this Plan and in the agency's sustained EEO/AA Program.

Identification and Analysis of Current Problem Areas/Corrective Action

A review of OESC's EEO/AA efforts during the past year demonstrates the agency's commitment and determination to create a balanced workforce. The importance and necessity of applying every good faith effort to increase the minority and female population is even more critical as we assess the data in FY 2011-2012's Utilization Analysis and Annual Placement Goals Report. Current problem areas identified and actions to be taken to alleviate those problems are as follows:

- 1) Blacks are significantly utilized in all job categories except Technicians. The report also highlights the continued challenge for the agency to meet and surpass the availability rate of 8.3% for Blacks; 6.0% for American Indian/Alaskan Natives; and, 58.0% for Females in Technicians. The agency will put forth every good faith effort to correct underutilization of Blacks and Females by contacting Black Newspapers and other organizations such as religious organizations, the NAACP, and minority and female organizations for job applicants.
- 2) Although underutilization of Hispanics in Technicians is not reflected, a comparison of their percentage in the workforce of 0.0% to the availability rate of 2.4% clearly demonstrates underutilization, as does that of Skilled Craft Workers with a workforce percentage of 0.0% as compared to 6.7% availability. Moreover, data reveals that in Officials/Administrators there are 2.6% Hispanics in our field of operation while we only employ 1.1%, and that utilization in Professionals is at 2.2% which is the same as the availability rate of 2.2%. OESC recognizes that our efforts must become more aggressive to increase utilization of this minority group in our workforce. The agency will put forth every good faith effort to correct underutilization of Hispanics by contacting Hispanic Newspapers and organizations such as the Hispanic Chamber of Commerce and the Hispanic Culture Center and Affiliates.
- 3) Asian/Pacific Islanders do not currently reflect underutilization in any job category; however, efforts will continue to be made to increase the population of this minority group in Paraprofessionals to 1.8%; Administrative Support to 1.1%; and in Skilled Craft Workers to 1.2%. The agency will exercise good faith by contacting Asian Newspapers and other Asian-American organizations and affiliates, as well as, State educational institutions.
- 4) American Indian/Alaskan Natives are underutilized in Technicians at 2.6% compared to 6.0% availability; in Paraprofessionals at 2.7% compared to 6.0% availability; and, in Skilled Craft Workers at 0.0% compared to 5.5% availability. Although underutilized only by a small margin of 0.7% in Officials / Administrators, efforts to

increase their population to 4.1% availability will be made. The upside is that this group has a high percentage of utilization in Administrative Support at 14.3% as compared to 5.3% availability, and in Professionals at 6.4% as compared to 4.1% availability. Efforts will continue to be made to increase the population of American Indian/Alaskan Natives in all job categories by contacting Native American Tribal Organizations and the Native American Center and Affiliates.

- 5) Overall utilization of Total Minorities and Females in the workforce continues to be outstanding in all job categories, with the exception of Females in Technicians at 28.2% compared to 58.0% availability, and in Skilled Craft Workers at 0.0% compared to 7.0% availability. Although there seems to always be some difficulty associated with filling vacancies females in these job categories, OESC will continue to apply every good faith effort toward alleviating this problem by contacting female organizations, particularly minority female organizations, and state educational institutions including Private Colleges and Schools.

Percentage of utilization for all other job groups is as follows:

Officials/Administrators

Total Minorities: 20.5% compared to 15.4% availability

Total Females: 58.0% compared to 38.4% availability

Professionals

Total Minorities: 31.7% compared to 17.2% availability

Total Females: 68.5% compared to 54.5% availability

Technicians

Total Minorities: 25.6% compared to 21.8% availability

Paraprofessionals

Total Minorities: 47.3% compared to 21.8% availability

Total Females: 75.7% compared to 58.0% availability

Administrative Support

Total Minorities: 14.3% compared to 5.3%

Total Females: 91.4% compared to 69.5%

Skilled Craft Workers

Total Minorities: 25.0% compared to 22.0% availability

Projected Goals for FY 2011-2012

OESC will continue to strive toward increasing the workforce with minorities and females in all job categories for FY 2011-2012 as follows:

Officials/Administrators

Utilization Analysis and Annual Placement Goals data currently reflects underutilization in this job group for Hispanics. OESC will make every good faith effort to increase this group's utilization to 2.6%. The agency will also continue to maintain current utilization of Blacks at 4.3%; Asian/Pacific Islanders at 1.2%; increase utilization of American Indian/Alaskan Natives to 4.1%; and to maintain utilization of Total Minorities at 15.4%, as well as, that of Females at 38.4%.

Professionals

There is no current underutilization in this job category; however, OESC will continue to maintain utilization of 5.2% Blacks; 2.7% Asian/Pacific Islanders; 4.1% American Indian/Alaskan Natives; 17.2% Total Minorities and 54.5% Females. The agency will put forth every good faith effort to maintain and increase the 2.2% utilization of Hispanics.

Technicians

Utilization Analysis and Annual Placement Goals data reflects underutilization for Blacks, American Indian/Alaskan Natives, and for Females in this job category. To correct underutilization, OESC will continue to put forth every good faith effort to increase Blacks to 8.3%; American Indian/Alaskan Natives to 6.0%; and, Females to 58.0%. Goals are set to maintain utilization of Asian/Pacific Islanders at 1.8% and Total Minorities at 21.8%. Although underutilization is not currently reflected for Hispanics, every good faith effort will be applied toward increasing this group's presence to 2.4%.

Paraprofessionals

OESC is well above the availability rate of 8.3% for Blacks in this job category, as well as, above 2.4% for Hispanics; 21.8% for Total Minorities; and, 58.0% for Females. Therefore, the goal is to maintain these groups at their current percentages and above if possible. Although Asian/Pacific Islanders do not currently reflect underutilization, recruitment efforts will be directed toward increasing utilization to 1.8%. More concentrated efforts will be applied toward eliminating underutilization of American Indian/Alaskan Natives by increasing their percentage to 6.0%.

Administrative Support

OESC achieved and exceeded the overall goal in this job category and will continue to apply efforts to increase, while ensuring utilization does not drop below, the availability rate of 8.1% for Blacks; 3.1% for Hispanics; 5.3% for American Indian/Alaskan Natives; 21.5% for Total Minorities; and, 69.5% for Females. Underutilization is not reflected for Asian/Pacific Islanders; however, efforts will be applied to increase their workforce population to 1.1%.

Skilled Craft Workers/Service Maintenance

Underutilization is not currently reflected for the Skilled Craft Workers job category. Blacks have good representation at 25.0% compared to the 4.8% availability rate, and Total Minorities are at 25.0% compared to 22.0% availability. OESC seeks to maintain percentages above availability for these groups. Further review of the data for the other minorities and females groups reveal that although the margins are not great enough to create underutilization, OESC must concentrate its efforts toward preventing underutilization by increasing representation of Hispanics 6.7%; Asian/Pacific Islanders to 1.2%; American Indian/Alaskan Natives from 5.5%; and Females to 7.0%. There are no goals set for Service Maintenance as this job category is not currently represented in OESC's workforce.

Agency officials assigned to address and correct problems with EEO/AA growth and development identified in previous problem areas are: Executive Director and Executive Staff; Human Resources; Division Directors and Training Staff; Program Directors and Managers; Division Chiefs; Workforce Center Managers; Veteran Services and Field Representatives; and, Committee Members with input from Employees. The ultimate responsibility; however, falls to the CRA-EEO/AA Officer to ensure the agency's EEO/AA Program Plan is adhered to and effectively communicated to all staff. The CRA-EEO/AA Officer will continue to work hard to obtain the necessary education and training to apply every good faith effort to achieve the goals set forth in this Plan and in the agency's sustained EEO/AA Program.

Summary

Great economic upheaval and tremendous escalations in unemployment remains part of the current economic forecast for our nation. Yet in the midst of this, OESC maintains the goal to ensure the success of its EEO/AA Program by assuring that no individual or group of individuals are discriminated against in employment or denied the benefit(s) of any program/activity on the basis of race, color, religion, sex, age, national origin, political affiliation or belief. OESC confers particular consideration to the elimination of artificial and traditional barriers to employment and promotions that have historically provoked acts of discrimination against Women, Minorities and the Disabled.

OESC believes in providing a work culture well suited for growth and development and devotes much time and consideration toward achieving a balanced workforce. The agency faced many difficulties and challenges to its workforce in FY 2010-2011, (i.e., a VOBO and transference of a major program [WIA] to the Department of Commerce). However, OESC has continued to provide opportunities for hiring and promoting minorities and females. To continue to accomplish this, the agency will utilize the provisions of the Fair Employment Practice Act as well as strengthen established relationships with other State and Local Government Organizations; State Universities and Colleges, particularly Langston University, as well as, Vocational-Technical Schools and Private Colleges and Schools; Statewide Chambers of Commerce; the Oklahoma Office of Personnel Management; the Oklahoma Urban League; the NAACP and Affiliates; the ORO Development Corporation; the Latino Community Development Agency, as well as, the Hispanic Culture Center and Affiliates; the Asian and Vietnamese American Associations and Affiliates; Native American Center and Affiliates; Minority and Women's Organizations, such as Business Professional Women's Clubs and National Organizations for Women; Minority Business Organizations; Minority Newspapers; Religious Organization; OESC Partners; and all other Oklahoma State cultural facilities and entities that provide recruitment referral services.

**THE OKLAHOMA EMPLOYMENT SECURITY COMMISSION
AGENCY GRIEVANCE INFORMATION**

The Oklahoma Employment Security Commission (OESC) will abide by the agency's established Grievance Resolution Policy. OESC has elected to supplement the standard internal agency grievance resolution procedures established by the Oklahoma Merit Protection Commission as allowed by 74 O.S. 840-6.2A.

It is the responsibility of the OESC Grievance Manager in cooperation with the Executive Director and Senior Staff members to ensure that Managers and Supervisors discuss the agency's grievance procedures with all staff under his/her management and supervision.

A copy of the Grievance Management Information and Grievance Resolution Policy for probationary or permanent employees should be posted on all employee bulletin boards.

Agency Grievance Manager

OESC's Grievance Manager is Melissa Copenhaver. Ms. Copenhaver's mailing address is the Will Rogers Memorial Building, P.O. Box 53039, Oklahoma City, OK 73152-3039. Her telephone number is (405) 557-7146 and fax number is (405) 557-5320.

Grievance Procedure

For further information on the agency's internal grievance resolution procedure see OESC's Grievance Resolution Policy and Title 74 O.S. 840-6-2 (841.0), Subchapter 19 of the Oklahoma Merit Rules for Employment.

Special Information about Discrimination Grievances

Formerly, step one (1) of the Grievance Resolution Policy could be bypassed in cases of discrimination or sexual harassment and referred directly to Emma J. Woodford, the agency's Civil Rights Administrator - Equal Employment Opportunity/Affirmative Action Officer (CRA-EEO/AA Officer) for investigation. However, except in extreme cases which call for immediate action, OESC has adopted the rule that all complaints should initially be processed through the Grievance Manager and then referred to the CRA-EEO/AA Officer if discrimination or sexual harassment has been alleged.

Employees may also elect to file a formal complaint of illegal discrimination with the U.S. Department of Labor's Director of the Civil Rights Center (CRC). Complaint Information Forms (CIF) and filing instructions are on pages 54-61 of the OESC Equal Employment Opportunity/Affirmative Action Plan.

Filing Time

A formal grievance shall be filed (1) within 20 calendar days of the date of the act or incident; or (2) within 20 calendar days of the date the employee becomes aware of or, with reasonable effort, should have become aware of a grievance issue (Merit Rule 455:10-19-42).

The time limit for filing a formal grievance may be extended if the Executive Director believes the issue in dispute is such that it should be addressed or if the employee could not have otherwise timely filed.

Grievance Form

An OESC grievance form (REV. 12-95) must be used for all formal grievances. The OESC Grievance Form is provided on page 18 of the OESC Equal Employment Opportunity/Affirmative Action Plan.

Oklahoma Employment Security Commission Grievance Form

<p>Instructions for Completion You must complete all questions on this form</p> <ul style="list-style-type: none"> • Please type into fields, print an original and submit the form along with any relevant documents to: Grievance Manager PO Box 53039 Oklahoma City OK 73152-3039 • Do not submit documents which you want returned • For further information on the internal agency grievance resolution procedure see Title 74 O.S. § 840-6-2 (841.9), Subchapter 19 of the Oklahoma Merit Rules for Employment, and the OESC Grievance Resolution Policy. 	<p style="text-align: center;">FOR AGENCY USE ONLY</p> <p>Agency Grievance Number _____</p>
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Last Name _____ First Name _____ MI _____

Employee ID Number: _____

Street Address/PO Box _____

City _____ State _____ ZIP Code _____

Work Phone () _____ Home/Cell () _____

Job Family Descriptor Title _____

Job Family Descriptor Code _____ Pay Band _____ Classified YES NO

Work Location, Department, Division or Section _____

Representative (Name, Address, Phone) _____

Spokesperson – for Group Grievances Only (Name, Address, Phone) _____

I believe the following provision(s) of the Oklahoma Personnel Act, merit rules or other agency policy, procedure or rules were violated (Identify rule by source and number)

Briefly describe actions taken with your supervisor to resolve this dispute informally.

Supervisor Name _____

Date of Action _____

Reason for Grievance (Be specific as to the reason you are filing this grievance and include specific facts, names, dates, places, etc.)

Remedy (Briefly state the remedy or relief you are seeking from this grievance)

Misrepresentation or falsification of this document is a violation of the Oklahoma Personnel Act.

I declare that I have read this grievance and statements contained herein are true to the best of my knowledge and belief.

Signature of Employee _____ Date _____

INTERNAL AUDIT AND REPORTING

An internal monitoring and reporting system has been established to audit, monitor and evaluate progress toward achieving the Oklahoma Employment Security Commission's (Commission) affirmative action goals and eliminating problem areas.

Progress reports are maintained on a quarterly basis to ensure compliance with all activities relating to the Commission's Equal Employment Opportunity Plan of Action (Affirmative Action Plan). These reports survey the current state employment status by race, sex and national origin in addition to identifying areas of hiring and promotional goals and timetable.

Evaluation of the Affirmative Action Plan is conducted in regard to all personnel policies and procedures to identify actual and possible Equal Employment Opportunity (EEO) problems.

The following reports are submitted at the end of each quarter:

- A. Internal reports on EEO problems and progress.
- B. Review and evaluation of EEO programs against the Affirmative Action Plan, making revisions where necessary.
- C. Information/data reports submitted to the Executive Director supporting basic recommendations for future remedial action.

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Employment Security Commission (290)
EEO Category: Official / Administrator

Date: As of June 30, 2011

Job Group: Officials/Administrators

Salary or Pay Band	Job Family Title	Total Emp.	Male					Female								
			Total Male	White	Black	Hisp.	AS/PI	A/IAN	Total Female	White	Black	Hisp.	AS/PI	A/IAN	Total Min.	
93,189	Executive Director	1	1		1							0				1
88,320	Deputy Director	1	1	1								0				0
79,826	General Counsel	1	1	1								0				0
65,852	Director of Internal Audits/Special Programs	1	0									1	1			0
Q	Programs Manager V	7	5	4	1							2	2			1
Q	Information System Administrator III	1	1	1								0				0
P	Human Resource Programs Director I	1	0									1	1			0
P	Information System Administrator II	1	1	1								0				0
P	Programs Manager IV	3	1					1				2	2			1
O	Financial Manager/Comptroller III	1	1	1								0				0
O	Information Systems Manager III	2	0									2	2			0
O	Programs Manager III	25	12	12								13	9	2	2	4
N	Financial Manager/Comptroller I	2	0									2		1	1	2
N	Programs Manager II	5	0									5	3	2		2
M	Programs Manager I	36	13	11			1			1		23	18	5		7
		0	0									0				0
Total for Job Group (number):		88	37	32	2	1	1	1	1	1	1	51	38	10	0	18
Total for Job Group (percent):			42%	36%	2%	1%	1%	1%	1%	1%	58%	43%	11%	0%	1%	20%

OPM-AA/EEO-3 (05/31/2011)

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Employment Security Commission (290)

Date: As of June 30, 2011

EEO Category: Professionals

Job Group: Professionals

Salary or Pay Band	Job Family Title	Total Emp.	Male					Female								
			Total Male	White	Black	Hisp.	AS/PI	A/AN	Total Female	White	Black	Hisp.	AS/PI	A/AN	Total Min.	
79,826	Chief Financial Officer	1	1		1						0					1
73,030	Deputy General Counsel	1	0								1	1				0
60,000	Attorney IV	1	0								1	1				0
54,449	Information System Auditor Supervisor	1	1	1							0					0
34,011	Administrative Programs Officer II	1	0								1	1				0
26,965	Workforce Service Specialist III	9	2		2						7	1	3	1	2	8
25,730	Taxpayer Services Rep. I	2	0								2	2				0
25,349	Workforce Service Specialist III	4	2		1	1					2		2			4
19,202	Administrative Technician III	1	0								1			1		1
O	IS Data Management Analyst V	1	0								1	1				0
N	Civil Rights Administrator II	1	0								1		1			1
N	Budget Analyst IV	1	0								1		1			1
N	Information Systems Manager II	1	1						1		0					1
N	IS Data Management Analyst IV	1	0								1	1				0
N	HR Programs Manager II	2	0								2	2				0
M	Administrative Programs Officer III	8	2	2							6	5			1	1
M	HR Programs Manager I	1	0								1	1				0

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Employment Security Commission (290)

Date: As of June 30, 2011

EEO Category: Technicians

Job Group: Technicians

Salary or Pay Band	Job Family Title	Total Emp.	Male					Female									
			Total Male	White	Black	Hisp.	AS/PI	A/AN	Total Female	White	Black	Hisp.	AS/PI	A/AN	Total Min.		
M	I S Applications Specialist IV	5	1	1								4	4				0
M	I S Operating Systems Specialist III	2	2	2								0					0
L	I S Data Management Analyst II	2	2	1				1				0					1
K	I S Applications Specialist II	13	9	4				4	1			4	4				5
J	I S Applications Specialist I	1	1	1								0					0
J	I S Network Management Specialist II	5	5	4				1				0					1
I	Graphic Artist II	1	0									1	1				0
I	I S Operations Specialist V	1	1			1						0					1
I	Taxpayer Services Rep I	4	2	1				1				2	1	1			2
H	Graphic Artist I	1	1	1								0					0
H	IS Network Technician I	1	1	1								0					0
H	I S Operations Specialist IV	2	2	2								0					0
F	I S Operations Specialist II	1	1	1								0					0
		0	0									0					0
		0	0									0					0
Total for Job Group (number):		39	28	19	1	0	7	18%	3%	1	11	28%	26%	3%	10	0%	10
Total for Job Group (percent):			72%	49%	3%	0%	18%	3%	0%	3%	28%	26%	26%	3%	0%	0%	26%

OPM-AA/EEO-3 (05/31/2011)

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Employment Security Commission (290)

Date: As of June 30, 2011

EEO Category: Paraprofessionals

Job Group: Para-Professionals

Salary or Pay Band	Job Family Title	Total Emp.	Male					Female								
			Total Male	White	Black	Hisp.	AS/PI	A/I/A/N	Total Female	White	Black	Hisp.	AS/PI	A/I/A/N	Total Min.	
26,084	Customer Assistant Representative II	1	1	1								0				0
25,349	Customer Assistant Representative II	3	0									3	1	2		2
21,999	Customer Assistant Representative I	16	5	2	3							11	2	9		12
21,999	Workforce Service Specialist I	4	2		2							2	1	1		3
21,999	Administrative Technician I	1	0									1		1		1
H	Tax Document Examiner III	3	2		1			1				1			1	3
G	Customer Assistant Representative II	9	1	1								8	8			0
G	Offset Press Operator II	1	0									1	1			0
F	Customer Assistant Representative I	21	2		1	1						19	12	4	2	9
F	Optical Imaging Specialist I	1	0									1	1			0
F	Workforce Service Specialist I	14	5	3	2							9	6	2	1	5
		0	0									0				0
		0	0									0				0
		0	0									0				0
Total for Job Group (number):		74	18	7	9	1	1	1	1	0	0	56	32	19	3	35
Total for Job Group (percent):			24%	9%	12%	1%	1%	1%	0%	0%	0%	76%	43%	26%	4%	47%

OPM-AA/EEO-3 (05/31/2011)

JOB GROUP ANALYSIS

Agency Name and Code Oklahoma Employment Security Commission (290)

Date: As of June 30, 2011

EEO Category: Administrative Support

Job Group: Administrative Support

Salary or Pay Band	Job Family Title	Total Emp.	Male					Female							
			Total Male	White	Black	Hisp.	AS/PI	A/AN	Total Female	White	Black	Hisp.	AS/PI	A/AN	Total Min.
45,048	Secretary to the Deputy Director	1	0						1	1					0
19,202	Administrative Technician I	4	0						4	2	1	1			2
19,202	Workforce Service Specialist I	2	0						2	1		1			1
J	Secretary V	2	0						2	1	1				1
I	Administrative Assistant II	9	1	1					8	6	1			1	2
I	Legal Secretary III	1	0						1	1					0
H	Accounting Technician III	1	0						1	1					0
H	Administrative Assistant I	8	1	1					7	4	1			2	3
H	Legal Secretary II	2	0						2	2					0
G	Accounting Technician II	1	0						1	1					0
G	Customer Service Representative III	1	0						1					1	1
F	Administrative Technician III	2	0						2		1			1	2
E	Customer Service Representative II	1	1	1					0						0
		0	0						0						0
	Total for Job Group (number):	35	3	3	0	0	0	0	32	20	5	2	0	5	12
	Total for Job Group (percent):		9%	9%	0%	0%	0%	0%	91%	57%	14%	6%	0%	14%	34%

OPM-AA/EEO-3 (05/31/2011)

Availability Analysis

Agency Name and Code: Oklahoma Employment Security Commission (290)

June 30, 2011
(date)

EEO Category: Official / Administrator

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics	
	Black	Hisp	As/PI	AI/AN	Total Min		Fem	Black	Hisp	As/PI	AI/AN		Total Min
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	3.60	2.30	1.00	4.90	15.10	0.60	2.16	1.38	0.60	2.94	9.06	22.56	Statewide Census 2000 CFL Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.													
3. Other relevant factors	5.40	3.10	1.60	2.90	15.90	0.40	2.16	1.24	0.64	1.16	6.36	15.88	OKC-MSA Census 2000 CFL Data
Total						1.00	4.32	2.62	1.24	4.10	15.42	38.44	
Final Availability							4.3%	2.6%	1.2%	4.1%	15.4%	38.4%	

* (Raw Availability % X Weight Factor = Weighted Availability)

OPM-AA/EEO-4 (05/31/2011)

Availability Analysis

Agency Name and Code: Oklahoma Employment Security Commission (290)

June 30, 2011
(date)

EEO Category: Professionals

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics		
	Black	Hisp	As/PI	AI/AN	Total Min Fem		Black	Hisp	As/PI	AI/AN	Total Min Fem			
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	4.70	2.00	2.20	5.10	17.20	55.60	0.60	2.82	1.20	1.32	3.06	10.32	33.36	Statewide Census 2000 CFL Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.														
3. Other relevant factors	6.00	2.40	3.40	2.60	17.10	52.80	0.40	2.40	0.96	1.36	1.04	6.84	21.12	OKC-MSA Census 2000 CFL Data
Total							1.00	5.22	2.16	2.68	4.10	17.16	54.48	
Final Availability								5.2%	2.2%	2.7%	4.1%	17.2%	54.5%	

* (Raw Availability % X Weight Factor = Weighted Availability)

OPM-AA/EEO-4 (05/31/2011)

Availability Analysis

Agency Name and Code: Oklahoma Employment Security Commission (290)

June 30, 2011
(date)

EEO Category: Technicians

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics	
	Black	Hisp	As/PI	AI/AN	Total Min		Black	Hisp	As/PI	AI/AN	Total Min		Fem
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	7.10	2.20	1.30	7.60	21.90	0.60	4.26	1.32	0.78	4.56	13.14	35.82	Statewide Census 2000 CFL Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.													
3. Other relevant factors	10.20	2.60	2.50	3.50	21.60	0.40	4.08	1.04	1.00	1.40	8.64	22.20	OKC-MSA Census 2000 CFL Data
Total						1.00	8.34	2.36	1.78	5.96	21.78	58.02	
Final Availability							8.3%	2.4%	1.8%	6.0%	21.8%	58.0%	

* (Raw Availability % X Weight Factor = Weighted Availability)

OPM-AA/JEEO-4 (05/31/2011)

Availability Analysis

Agency Name and Code: Oklahoma Employment Security Commission (290)

June 30, 2011
(date)

EEO Category: Paraprofessionals

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics	
	Black	Hisp	As/PI	AI/AN	Total Min Fem		Black	Hisp	As/PI	AI/AN	Total Min Fem		
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	7.10	2.20	1.30	7.60	21.90	0.60	4.26	1.32	0.78	4.56	13.14	35.82	Statewide Census 2000 CFL Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.													
3. Other relevant factors	10.20	2.60	2.50	3.50	21.60	0.40	4.08	1.04	1.00	1.40	8.64	22.20	OKC-MSA Census 2000 CFL Data
Total						1.00	8.34	2.36	1.78	5.96	21.78	58.02	
Final Availability							8.3%	2.4%	1.8%	6.0%	21.8%	58.0%	

* (Raw Availability % X Weight Factor = Weighted Availability)

OPM-AA/EEO-4 (05/31/2011)

Availability Analysis

Agency Name and Code: Oklahoma Employment Security Commission (290)

June 30, 2011
(date)

EEO Category: Administrative Support

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics	
	Black	Hisp	As/PI	AI/AN	Total Min		Black	Hisp	As/PI	AI/AN	Total Min		
					Fem						Fem		
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	7.10	2.90	0.90	6.30	21.20	0.60	4.26	1.74	0.54	3.78	12.72	42.06	Statewide Census 2000 CFL Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.													
3. Other relevant factors	9.70	3.50	1.50	3.80	21.90	0.40	3.88	1.40	0.60	1.52	8.76	27.48	OKC-MSA Census 2000 CFL Data
Total						1.00	8.14	3.14	1.14	5.30	21.48	69.54	
Final Availability							8.1%	3.1%	1.1%	5.3%	21.5%	69.5%	

* (Raw Availability % X Weight Factor = Weighted Availability)

OPM-AA/EEO-4 (05/31/2011)

Availability Analysis

Agency Name and Code: Oklahoma Employment Security Commission (290)

June 30, 2011
(date)

EEO Category: Skilled Craft Workers

Job Group:

Factors	Raw Availability %					Weight Factor	Weighted Availability *					Source of Statistics	
	Black	Hisp	As/PI	AI/AN	Total Min		Fem	Black	Hisp	As/PI	AI/AN		Total Min
1. Percentage of minorities or females having requisite skills in the area which the agency can reasonably recruit.	5.40	7.50	1.60	4.10	22.00	0.60	3.24	4.50	0.96	2.46	13.20	4.38	OKC-MSA Census 2000 CFL Data
2. Percentage of minorities or females promotable, transferable, and trainable within the agency's organization.													
3. Other relevant factors	3.80	5.60	0.70	7.50	21.90	0.40	1.52	2.24	0.28	3.00	8.76	2.60	Statewide Census 2000 CFL Data
Total						1.00	4.76	6.74	1.24	5.46	21.96	6.98	
Final Availability							4.8%	6.7%	1.2%	5.5%	22.0%	7.0%	

* (Raw Availability % X Weight Factor = Weighted Availability)

OPM-AA/EEO-4 (05/31/2011)

Utilization Analysis* and Annual Goals

Agency Name and Code: Oklahoma Employment Security Commission (290)

Date June 30, 2011

Job Group	Incumbents										Utilization*																				
	Total		Black		Hispanic		Asian/Pacific Islander		American Indian/Al.N.		Total Minorities		Female																		
	Blk	Hisp	Blk	Hisp	Blk	Hisp	Blk	Hisp	Blk	Hisp	Blk	Hisp	Blk	Hisp	Blk	Hisp															
Official / Administrator	88	12	1	2	3	51	18	4.3%	13.6%	N	0	2.6%	1.1%	Y	2.6%	1.2%	2.3%	N	0	4.1%	3.4%	N	0	15.4%	20.5%	N	0	38.4%	58.0%	N	0
Professionals	451	86	10	16	29	309	143	5.2%	19.1%	N	0	2.2%	2.2%	N	0	2.7%	4.0%	N	0	4.1%	8.4%	N	0	17.2%	31.7%	N	0	54.5%	88.5%	N	0
Technicians	39	2	0	7	1	11	10	8.3%	5.1%	Y	8.3%	2.4%	0.0%	N	0	1.8%	17.9%	N	0	8.0%	2.6%	Y	8.0%	21.8%	25.6%	N	0	58.0%	28.2%	Y	58.0%
Protective Services	0	0	0	0	0	0	0	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!
Paraprofessionals	74	28	4	1	2	56	35	8.3%	37.8%	N	0	2.4%	5.4%	N	0	1.8%	1.4%	N	0	6.0%	2.7%	Y	6.0%	21.8%	47.3%	N	0	58.0%	75.7%	N	0
Administrative Support	35	5	2	0	5	32	12	8.1%	14.3%	N	0	3.1%	5.7%	N	0	1.1%	0.0%	N	0	5.3%	14.3%	N	0	21.5%	34.3%	N	0	69.5%	91.4%	N	0
Skilled Craft Workers	4	1	0	0	0	0	1	4.8%	25.0%	N	0	6.7%	0.0%	N	0	1.2%	0.0%	N	0	5.5%	0.0%	N	0	22.0%	25.0%	N	0	7.0%	0.0%	N	0
Service Maintenance	0	0	0	0	0	0	0	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!	0.0%	#DIV/0!	#####	#DIV/0!

* Significance Test: Whole Person

OPM-AA/EEO-6
(06/31/2011)

PRESENT STAFFING

Agency Name and Code:

Oklahoma Employment Security Commission (290)

EEO Coordinator:

Emma J. Woodford

As of:

June 30, 2011

Job Categories	MALE										FEMALE									
	TOT EMP	WHITE	BLACK	HISP	AS/PI	A/AN	TOT MALE	WHITE	BLACK	HISP	AS/PI	A/AN	TOT FEM	WHITE	BLACK	HISP	AS/PI	A/AN	TOT MIN	
Official/ Admin	88	32	2	1	1	1	37	38	10	0	1	1	51	18						
% Represented		36.4	2.3	1.1	1.1	1.1	42.0	43.2	11.4	0.0	1.1	2.3	58.0	20.5						
% CLF		53.9	1.8	1.3	0.7	2.7	62.4	31.0	1.8	1.0	0.3	2.2	37.6	15.1						
Professionals	451	103	18	3	7	11	142	205	68	7	11	18	309	143						
% Represented		22.8	4.0	0.7	1.6	2.4	31.5	45.5	15.1	1.6	2.4	4.0	68.5	31.7						
% CLF		37.3	1.8	0.9	1.3	1.8	44.4	45.5	2.9	1.1	0.9	3.3	55.6	17.2						
Technicians	39	19	1	0	7	1	28	10	1	0	0	0	11	10						
% Represented		48.7	2.6	0.0	17.9	2.6	71.8	25.6	2.6	0.0	0.0	0.0	28.2	25.6						
% CLF		32.4	2.2	1.2	0.6	2.5	40.3	45.7	4.9	1.0	0.7	5.1	59.7	21.9						
Protective Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
% Represented		#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!						
% CLF		66.2	4.5	1.7	0.3	7.1	83.3	12.2	1.8	0.5	0.2	1.3	16.7	21.6						
Paraprofessionals	74	7	9	1	1	0	18	32	19	3	0	2	56	35						
% Represented		9.5	12.2	1.4	1.4	0.0	24.3	43.2	25.7	4.1	0.0	2.7	75.7	47.3						
% CLF		32.4	2.2	1.2	0.6	2.5	40.3	45.7	4.9	1.0	0.7	5.1	59.7	21.9						
Admin Support	35	3	0	0	0	0	3	20	5	2	0	5	32	12						
% Represented		8.6	0.0	0.0	0.0	0.0	8.6	57.1	14.3	5.7	0.0	14.3	91.4	34.3						
% CLF		23.5	2.1	0.9	0.3	1.7	29.9	55.3	5.0	2.0	0.6	4.6	70.1	21.2						
Skilled Craft Workers	4	3	1	0	0	0	4	0	0	0	0	0	0	1						
% Represented		75.0	25.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	25.0						
% CLF		73.3	3.4	5.3	0.5	7.0	93.5	4.8	0.4	0.3	0.2	0.5	6.5	21.9						
Service Maintenance	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
% Represented		#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!						
% CLF		40.5	4.8	5.2	0.8	4.8	58.5	28.4	4.1	2.6	0.9	3.7	41.5	31.1						
TOTALS	691	167	31	5	16	13	232	305	103	12	12	27	459	219						
% Represented		24.2	4.5	0.7	2.3	1.9	33.6	44.1	14.9	1.7	1.7	3.9	66.4	31.7						
% CLF		41.7	3.0	2.8	0.7	3.5	53.8	35.4	3.4	1.7	0.6	3.3	46.2	22.9						

OPM-AA/EEO-6

(05/31/2011)

Evaluation of Previous EEO Efforts (NEW HIRES)

Agency Name and Code: Oklahoma Employment Security Commission (290)

As Of: June 30, 2011

		Total New Hires	White	Black	Hispanic	AS/PI	AI/AN	Total Min	Male	Female
Summary										
1. New Hires FY	2009	Number	100	35	8	3	9	55	41	114
										OK
2. New Hires FY	2010	Number	70	29	4	8	8	49	48	71
										OK
3. New Hires FY	2011	Number	59	31	4	6	10	51	39	71
										OK
Total Number for Three Year Period			229	95	16	17	27	155	128	256
Total Percent for Three Year Period		Percent	60%	25%	4%	4%	7%	40%	33%	67%
Total Percent for Current Year		%	54%	28%	4%	5%	9%	46%	35%	65%

NEW HIRES FOR CURRENT REPORTING YEAR ONLY

EEO Categories	Total New Hires	Male						Female							
		White	Black	Hispanic	AS/PI	AI/AN	Total Male	White	Black	Hispanic	AS/PI	AI/AN	Total Fem	Total Min	
Official/Administrator	1						0	1						1	0
Professionals	47	15	4	0	1	4	24	13	6	1	1	2	23	19	
Technicians	9	2			4	1	7	1	1				2	6	
Protective Services	0						0						0	0	
Paraprofessionals	42	2	5			1	8	17	14	1	2	2	34	23	
Administrative Support	11						0	8	1	2			11	3	
Skilled Craft	0						0						0	0	
Service Maintenance	0						0						0	0	
TOTALS	110	19	9	0	5	6	39	40	22	4	1	4	71	51	

OPM-FAX/EEO-1
(05/31/2011)

Personnel Transactions Report

Agency Name and Code: Oklahoma Employment Security Commission (290)

Date: June 30, 2011

Summary	Total	Minority					Male	Female	OK
		White	Black	Hisp	AS/PI	AI/AN			
1. Employees at Beginning of Period (07-01-10)	#	504	143	17	23	46	240	493	OK
	%	69%	20%	2%	3%	6%	33%	67%	OK
2. Employees at End of Period (06-30-11)	#	472	134	17	28	40	232	459	OK
	%	68%	19%	2%	4%	6%	34%	66%	OK
3. Net Increase (decrease)		-32	-9	0	5	-6	-8	-34	OK
4. Personnel Transaction:									
(A) New Hires	#	59	31	4	6	10	39	71	OK
	%	54%	28%	4%	5%	9%	35%	65%	OK
(B) Promotions	#	84	16	2	4	2	30	78	OK
	%	78%	15%	2%	4%	2%	28%	72%	OK
(C) Demotions		7	1				3	4	OK
(D) Separations		152	40	4	1	16	47	105	OK

OK OK

OPM-AA/EEO-8 (05/31/2011)

EEO LAWS

Federal Laws

Civil Rights Act of 1964 (CRA) – as amended in 1972 and 1978, prohibits all forms of discrimination on the basis of race, color sex, religion, or national origin (pregnancy was added in 1978). Title VII, a section of the act, specifically prohibits discrimination in employment. Today, most discrimination charges are filed under Title VII. It has been subject to many differing interpretations by employers, enforcement agencies, and the courts. Title VII applies to all public and private employers with 15 or more employees (**Enforcement: EEOC/DOJ**)

Revenue Sharing Act of 1972 – imposes similar anti-discrimination restrictions Title VII on recipients of federal funds.

Civil Rights Act of 1866 – protects all persons from discrimination because of their race or national origin. This law was enacted shortly after the abolition of slavery but had little effect for the first 100 years. In the last 20 years, however, individuals have won race discrimination suits under this Act. In 1987, the Supreme Court ruled that Arabs and Jews were protected under this law because they were “perceived” as a race. This law provides protection in situations not specifically covered by the CRA of 1964. Unlike the 1964 Act, the 1866 law allows individuals to sue for compensatory and punitive damages, which result in much costlier settlements for employers. Individuals also do not have to follow the time requirements for filing that exist under the 1964 Act. (**Enforcement: FCS**)

Equal Pay Act of 1963 (EPA) – gives men and women the right to earn equal pay for doing substantially the same work. Protection from sex discrimination in wages is guaranteed by this law. To correct inequities, employers must raise the wages of women to that of men. If employers are found guilty of “willful” discrimination, they may have to pay double or triple damages. Pay differences that are legal under the EPA are also valid under Title VII. (**Enforcement: EEOC**)

Age Discrimination in Employment Act (ADEA) of 1967 – amended in 1978 and 1986, protects persons over 40 years of age from discrimination on the basis of age in any terms or conditions or employment. (**Enforcement: EEOC**)

EEO LAWS (Federal)

Rehabilitation Act of 1973 – Section 503 of this Act covers most employers with federal contracts and subcontractors in excess of \$2,500. It prohibits discrimination against any qualified employee or applicant because of a physical or mental disability. In addition, federal contractors and subcontractors must take affirmative action to employ and advance qualified individuals with physical disabilities. Section 504 of the Act covers any program or activity receiving federal financial assistance. Qualified applicants and employees with physical disabilities are protected from discrimination in any employment practices under 504. (**Enforcement: OFCCP**)

Vietnam Era Veterans Readjustment Act of 1974 – requires employers to take “affirmative” steps to employ and promote qualified disabled veterans and Vietnam Era veterans, i.e. OPM Veterans Preference. (**Enforcement: OFCCP**)

Civil Rights Act of 1871 – every person who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, Suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Americans with Disabilities Act of 1990 (ADA) – Title I of the Americans with Disabilities Act of 1990, effective July 26, 1992, prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules. (**Enforcement: EEOC**)

EEO LAWS (Federal)

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters

Civil Rights Act of 1991 – amends Title VII of the Civil Rights Act of 1964; Section 1981 of the Civil Rights Act of 1866; the Attorney’s Fees Awards Act of 1976; the Americans with Disabilities Act of 1990; and, the Age Discrimination in Employment Act of 1976. It addresses such subjects as disparate impact, business necessity, bias after hiring, challenges to consent decrees, timeliness of challenges to seniority systems, mixed motives, expert witness fees, compensatory and punitive damages, jury trial, interest and filing time in action against the federal government, and “race norming” of test scores.

Acronyms

ADA – Americans with Disabilities Act

ADEA – Age Discriminations in Employment Act

CRA – Civil Rights Act

DOJ – Department of Justice

EEOC – Equal Employment Opportunity Commission

FCS – Federal Court Systems

OFCCP – Office of Federal Contract Compliance Programs

OPM – Office of Personnel Management

EEO LAWS

State Laws

Title 25 O.S. 1302 – It is a discriminatory practice for an employer:

- To fail to hire, to discharge, or otherwise to discriminate against an individual with respect to compensation or the terms, conditions, privileges, or responsibilities of employment, because of race, color, religion, sex, national origin, age, or handicap unless such action is related to a bonafide occupational qualification reasonably necessary to the normal operation of the employer's business or enterprise.
- To limit, segregate, or classify an employee in a way which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, color, religion, sex, national origin, age, or handicap unless such action is related to a bonafide occupational qualification reasonably necessary to the normal operation of the employer's business or enterprise. (***Enforcement: HRC***)

Title 74 O.S. 841-2.9 – “No person in Oklahoma State service... shall be appointed to or demoted or dismissed from any position in Oklahoma State service ...because of political or religious opinions or affiliations, race, creed, gender, color, or national origin or by reason of any physical handicap...” (***Enforcement: OMPC***)

Title 74 O.S. 841-2.1 – Requires all entities of Oklahoma State Government to formulate and implement an Affirmative Action Program, and submit the report to OPM (***Enforcement: OPM***)

Title 74 O.S. 954 – Prohibits any department or agency of the State of Oklahoma, or any official or employee of the same for and on behalf of the State of Oklahoma: to refuse to employ or to discharge any person otherwise qualified, because of race, color, creed, national origin, age, handicap, or ancestry; to discriminate for the same reasons in regard to tenure, terms or conditions of employment; to deny promotion or increase in compensation solely for these reasons; to publish an offer of employment based on such discrimination; to adopt or enforce any rule or employment policy which so discriminates as to any employee; or to seek such information as to any applicant or employee or to discriminate in the selection of personnel for training solely on such basis. (***Enforcement: OMPC***)

Title 74 O.S. 840-4.12 – Promotional and entrance examinations – Handicapped persons – Special disabled veterans – Special handicapped persons – Optional hiring procedure for affirmative action goals. (***Enforcement: None – Act is permissive***)

- Allows special disabled veterans to elect to be considered for employment either under Title 74 O.S. 840-4.12 or Sections 401 through 404 of Title 72 of the Oklahoma Statutes.
- Except for the requirement of minimum qualifications specified in applicable job specifications, such severely disabled person shall be exempt from entrance examinations and hiring procedures administered by OPM.

Acronyms

EEO – Equal Employment Opportunity

HRC – The Human Rights Commission

OMPC – The Oklahoma Employment Merit Protection Commission

OPM – Office of Personnel Management

federated registers

Friday
November 12, 1999

Part II

Department of Labor

Office of the Secretary

29 CFR Part 37

Implementation of the Nondiscrimination
and Equal Opportunity Provisions of the
Workforce Investment Act of 1998; Final
Rule

BACKGROUND

The Methods of Administration (MOA) were issued pursuant to the Workforce Investment Act (WIA) of 1998. WIA contains nondiscrimination and equal opportunity requirements. This 1998 law is implemented by proposed interim final regulations for the nondiscrimination and equal opportunity provisions of WIA. These regulations laid down in Title 29 CFR Part 37 apply to recipients of Federal financial assistance under any Title I program and activities of WIA as extended directly or through the Governor or another recipient. This includes the Oklahoma Employment Security Commission (OESC).

The regulations impose general nondiscrimination and equal opportunity requirements, as well as certain affirmative action obligations. Title 29 CFR Section 37.54 and Section 37.55 require the establishment of, and adherence to, an MOA for Oklahoma State programs.

The regulations require the MOA to:

- Be in writing addressing each requirement of Title 29 CFR 37.54(d) with narrative and documentation;
- Be reviewed and updated as required by 29 CFR 37.55; and,
- Give a reasonable guarantee of compliance with Section 188 and Title 29 CFR Part 37

The OESC will notify the Department of Labor's Civil Rights Center (CRC) when its MOA changes. The MOA contains nine (9) requirements which cover equal opportunity (EO) policies. EO assurances, equitable services, program and site access to individuals with disabilities, collection and maintenance of data, monitoring, discrimination complaints and corrective action. The State WIA EO Officer maintains a system of documentation of all materials related to implementing the MOA.

GENERAL PROVISIONS

The MOA has general applicability to all WIA Title I financially assisted programs and/or activities, and Wagner-Peyser financially assisted programs and/or activities administered by the OESC through Local Workforce Investment Areas (LWIAs) and Workforce Oklahoma Centers (WOCs). The document replaces the previously approved State Employment Security Agency (SESA) and Job Training Partnership Act (JTPA) MOAs, under which Oklahoma has been operating the Wagner-Peyser and JTPA programs since 1994.

Implementing regulations published at Title 29 CFR 37 contain the nondiscrimination and equal opportunity provisions of the WIA and generally codify and consolidate requirements under the nondiscrimination and equal opportunity provisions of other federal laws and regulations. They include, but are not limited to, Section 188 of the WIA; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990 (ADA); the Age Discrimination Act of 1975, as amended; and, Title IX of the Education Amendments of 1972, as amended. Title 29 CFR 37 applies to all WIA Title I financially assisted programs and/or activities and prohibits discrimination against individuals on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief. Additionally, recipients must not discriminate against beneficiaries either on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States or his or her participation in any WIA Title I financially assisted programs and/or activities.

Title 29 CFR 37.55 (a) requires the Governor of each State to develop and implement an MOA, which describes the methods by which each State and its recipients give a "reasonable guarantee" that required systems and policies are carried out reflecting actual and continuing nondiscrimination and equal opportunity practices. Each Governor then submits to the Director of the CRC a copy of the State's MOA within 180 days from the date the State becomes subject to Section 188 of the WIA and Title 29 CFR 37. Title 29 CFR 37.55 also requires the Governor of each State to update the MOA as necessary, or at least every biennium, regardless of change, and provide written notification of this update to the CRC.

As directed by the CRC, the MOA is organized into nine (9) elements, with a written narrative and documentation to support each element. A description of the nine (9) elements listed in order as required by Title 29 CFR 37 and CRC guidelines are as follows:

Designate an Equal Opportunity Officer - In accordance with CRC regulations at Title 29 CFR 37.23, all recipients and their sub-recipients of Federal financial assistance under any Title I program and activities of WIA, must designate an Equal Opportunity (EO) Officer. This excludes recipients and service providers with fewer than 15 employees. The EO Officer is responsible for ensuring the recipient and sub-recipients are not violating their nondiscrimination and EO obligations under Title 29 CFR 37. The responsibilities of the EO Officer include, but are not limited to, the development and implementation of the MOA pursuant to Title 29 CFR 37. No designated EO Officer shall have other responsibilities or activities that create a conflict of interest or appearance of a conflict with the responsibilities of the EO Officer. The CRC determinations if a conflict exist.

The State of Oklahoma has designated a State Civil Rights Administrator (CRA) as the State WIA EO Officer to coordinate its EO and nondiscrimination responsibilities under Section 188 of the WIA. The State CRA/EO Officer is responsible for ensuring OESC's Employment Services, Unemployment Insurance Divisions and LWIA recipients administered by the Department are operated in a nondiscriminatory manner. The State EO Officer reports directly to the Executive Director as the Appointing Authority of OESC and has the following responsibilities:

- Development of EO Policy and Training
- Development and Maintenance of the MOA
- Development and Processing of Complaint Policy
- Acting as Liaison with the CRC

Policy Communication and Training – The State Administrative Entity (SAE) and its recipients must develop a system of policy communications and training that ensures staff is aware of, and carries out their EO responsibilities. The effects of policy communication and training should give initial and continuing notice in a format that does not discriminate against employees or program participants.

EO policy has been communicated to WIA grant recipients through the Oklahoma Employment and Training Issuance (OETI), State Office and Local Office (SOLO), and Local Office (LO) memo systems. These systems are also utilized for periodic dissemination of EO related guidelines and information to LWIAs and (WOCs). Posters have been developed in English and Spanish, and have been distributed to all WIA grant recipients for posting. A participant information form has also been developed to ensure applicants, participants, and employees are aware of and have access to the grievance/complaint process.

Staff training on Title 29 CFR 37 is periodically conducted in accordance with the training structure of the CRC Annual Training Conference covering Title 29 CFR 37. Training includes, but is not limited to discussion of the State MOA, MOA development at the LWIA level, the ADA and amendments as they relate to WIA programs, complaint investigations and the proper logging and reporting of complaints.

Nondiscrimination Assurance – The SAE and its recipients must require nondiscrimination and EO statements to be incorporated into all grants, cooperative agreements and other similar applications

The OESC has developed a system for reviewing plans, contracts and other agreements to manage WIA funded programs or activities for compliance with Section 188 of the Act and 37.54 of the implementing regulations. The state's Job Training Plan Pre-approval Review document has been revised/updated to reflect the intent of Title 29 CFR 37. Nondiscrimination and EO assurances are included in contracts between State and grant recipients.

Universal Access – The intent of the State's Governor must be to provide equitable services among substantial segments of the population that are eligible for participation. All recipients must make efforts to provide equitable services among substantial segments of the population eligible for participation in WIA Title I programs and activities. Efforts should include, but not be limited to, outreach actions to broaden the composition of the pool of those considered for participation, members of each gender, various race/ethnic and age groups, and individuals with disabilities.

The State of Oklahoma has provided the LWIAs and WOCs with planning information relative to substantial segments of the eligible population. Such information includes demographic and labor force data on all substantial groups within the eligible population. The State solicits outreach assistance from Community Based Organizations (CBO) and other organizations involved in the business of ensuring equitable distribution of funds and services among targeted groups. CBOs are encouraged to become involved in the WIA planning process by communicating and interacting with local job training entities.

Compliance with Section 504 (Disability Requirements) – The policy and intent of the SAE and its recipients as WIA Title I financially assisted recipients must be to ensure access to all services located in facilities owned, leased, or in any way utilized thereby making provisions to the maximum extent possible for individuals with disabilities.

The OESC distributes information and training on Federal Policy regarding the Americans with Disabilities Act of 1990 (ADA) including policy concerning Reasonable Accommodation. The CRC has provided Webinars concerning ADA and the amendment(s) to the ADA of 1990 under the Americans with Disabilities Act Amendments Act passed by Congress in 2008 and made effective on January 1, 2009. In October 27, 2009, Judge Lloyd Vasquez of the Equal Employment Opportunity Commission (EEOC) will conduct a 2009 Employment

Training Law Workshop at the State office of the OESC. Topics will include, but are not limited to **Title VII, Age Discrimination in Employment Act of 1967, as amended; The Americans with Disabilities Act of 1990, as amended and The Americans with Disabilities Act Amendments Act of 2009; Equal Pay Act of 1963, as amended; and Retaliation.** Participants of this workshop will include the OESC Civil Rights Administrator/State WIA EO Officer; LWIA and Workforce Oklahoma EO Officers; and members of the Oklahoma Alliance for Civil Rights. The State EO Officer will partner with State and Federal EO Organizations and Enforcement Agencies, such as the Oklahoma Alliance for Civil Rights; the Merit Protection Commission; the Oklahoma Department of Rehabilitation Services; the Oklahoma Office of Disability Concerns; the Oklahoma Human Rights Commission; the Equal Employment Opportunity Commission; and, the U.S. Department of Labor Civil Rights Center to provide future ADA, Title I, Title VII, Title VI, and other appropriate training for State EO Officers and Civil Rights Administrators. LWIAs and WOCs are required to continue utilizing self-evaluation guides to ensure physical and programmatic access to WIA programs and activities by individuals with disabilities. LWIAs and WOCs will, in turn, require the completion of self-evaluation guides by local service providers and subcontractors. The State shall continue to administer programs funded under WIA in the most integrated setting possible and shall ensure that communications with disabled individuals are equal to communications with the general applicant pool. The OESC has TDD services in place and ensures that auxiliary aids or services are available at the request of the individual. All LWIAs and WOCs are required to have a TDD/TTY communication system or publish the Relay Oklahoma phone number to ensure accessibility to their services.

Collect and Maintain Data – The SAE and its WIA recipients must collect and maintain records and be able to provide data and reports necessary for CRC to determine the State's compliance with nondiscrimination/EO provisions. The SAE, State LWIAs and State WOCs must also collect and maintain data arrayed by race/ethnicity, sex, age and disability status.

The OESC has developed a system to collect and maintain records and information on applicants, eligible applicants, participants, terminees, employees and applicants for employment pursuant to the WIA regulations. The Performance Accountability for Customer Excellence (PACE) Management Information System is up and running. Information collected shall be stored in such a manner as to ensure confidentiality and shall be used only for the purposes of record keeping and reporting; determining eligibility, where appropriate, for WIA-funded programs or activities; determining the

extent to which the recipient is operating its WIA-funded programs in a nondiscriminatory manner.

The State's PACE-Management Information System (MIS) collects, maintains, analyzes, and disseminates information and reports for review pursuant to requirements for standard deviation calculations. LWIAs and WOCs have been informed of EO data collection requirements, record retention and reporting.

Monitor Title I WIA Recipients and Sub-Recipients for Compliance – The SAE will monitor its programs as well as that of its recipients to ensure compliance and that nondiscrimination/EO provisions are met. Sub-recipients will monitor all service providers to assure compliance and that the provisions of nondiscrimination/EO are met. The SAE will periodically review the efficiency and effectiveness of the monitoring instruments utilized by sub-recipients.

The OESC conducts pre and post-approval compliance reviews of grant applicants for the recipients of Federal financial assistance under WIA. The LWIAs and WOCs are monitored annually to assure compliance with nondiscrimination/EO provisions of the Act and the implementing regulations. The reviews cover fiscal, administrative, management, nondiscrimination/EO, and programmatic aspects of the requirements outlined in the Act and regulations. State policy and the terms and conditions of the contracts between OESC and each LWIA and WOC are also included in the monitoring reviews. OESC reserves the right to conduct unscheduled monitoring reviews when evidence of noncompliance is received. Such evidence may result from desk reviews, discrimination complaints and/or information submitted by grant recipients of community concerns. EO monitoring reviews are received by the State EO Representative for review and/or follow-up action.

Handling Discrimination Complaints – The SAE must establish complaint policies and procedures which include Alternative Dispute Resolutions (ADR) that provide for the prompt and equitable resolution to complaints alleging violations of discrimination and EO. The policies and procedures should be issued to all recipients of Federal financial assistance with instructions for training staff and service providers.

The OESC has developed and published policies and procedures for processing complaints that allege a violation of nondiscrimination and EO provisions of WIA. The policies and procedures provide for the following:

- Prompt and equitable resolution of complaints with provisions for ADR
- Written notification of complaint resolution within 90 days of the filing date
- A statement of the complainant's right to file a complaint with the Director of the CRC
- LWIAs and WOCs to maintain a Discrimination Complaint Log identifying the complainant, the respondent, the filing date, the nature and basis of the complaint and the complaint disposition. The Complaint Log is submitted to the CRC annually according to the annual Directive received from that enforcement entity

Obtaining Corrective Action and/or Applying Sanctions – Recipients of Federal financial assistance must establish procedures for obtaining corrective action, or as necessary, applying sanctions when noncompliance is discovered.

The OESC has developed and published procedures to end and/or redress violations of the nondiscrimination and EO provisions of the WIA Act or the implementing regulations. The procedure provides remedies for discrimination found in compliance reviews as well as the result of complaints, desk reviews, community concerns and information submitted by the LWIAs and WOCs. All CRC required components are contained in these procedures, including specific time frames for completion of corrective actions and the individual responsible for follow up action.

Equal Opportunity Is The Law

It is against the law for the Oklahoma Employment Security Commission (OESC) as a recipient of Federal financial assistance to discriminate on the following bases:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief;
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I-financially assisted program or activity; and,
- The recipient must not discriminate in any of the following areas:
 - a) Deciding who will be admitted, or have access, to any WIA Title I-financially assisted program or activity;
 - b) Providing opportunities in, or treating any person with regard to, such a program or activity; or
 - c) Making employment decisions in the administration of, or in connection with, such a program or activity.

What To Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity:

- You may file a complaint within 180 days from the date of the alleged violation with either:
 - a) The recipient's Equal Opportunity Officer or person who has been designated for this purpose (name, address and phone numbers provided below)

OR

- b) The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient.)

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

**Emma J. Woodford, Civil Rights Administrator/State WIA EO Officer
2401 North Lincoln Blvd.
PO Box 52003**

Oklahoma City, OK 73132-2003

**Voice: (405) 557-7255 or TDD/TTY: 711/(405) 557-5458/(800) 722-0353
OESC - An Equal Opportunity Employer/Programs**

Signature of Applicant

Date

Signature of Intake Worker/Certifier

Date

Igualdad de oportunidades es la ley

Es en contra de la ley para la Comisión de seguridad de empleo de Oklahoma (OESC) como un receptor de Federal asistencia financiera para discriminar en las siguientes bases:

- Contra cualquier individuo en la Estados Unidos, sobre la base de raza, color, religión, sexo, origen nacional, edad, discapacidad, afiliación política o de creencias;
- Contra cualquier beneficiario de programas financieramente asistida en el título I de la ley de inversiones de fuerza laboral de 1998 (WIA), sobre la base de la ciudadanía/estado del beneficiario como un legalmente inmigrantes admitidos autorizados a trabajar en los Estados Unidos, o su o su participación en cualquier título WIA-financieramente asistida programa o actividad; y,
- El destinatario no debe discriminan en cualquiera de las siguientes áreas:
 - a) Decidir que serán admitidos, o tener acceso, a cualquier título WIA-financieramente Asistida programa o actividad;
 - b) la prestación oportunidades en, o cualquier persona con respecto a, un programa de este tipo de tratamiento o actividad; o
 - c) de decisiones empleo las decisiones en la administración de, o en conexión con, como un programa o actividad.

¿Qué hacer si usted cree que tiene Experimentado discriminación

Si se piensa que ha sido víctimas de discriminación en virtud de un título de WIA-financieramente programa de asistencia o actividad:

- Usted puede presentar una queja en un plazo de 180 días a partir de la fecha de la supuesta violación ya sea con:
 - a) la Oficial de la igualdad de oportunidades del destinatario o persona que ha sido designada Esto propósito (nombre, dirección y teléfono números que figura a continuación)

O

- b) el Director, centro de derechos civiles (CRC), Departamento del trabajo de Estados Unidos, 200 de la Constitución Avenue NW, sala N-4123, Washington, DC 20210

Si para presentar su queja ante, el destinatario, debe o bien esperar hasta que el destinatario emite un aviso por escrito de acción final, o hasta 90 días han pasado (lo que sea más rápido), antes de presentación con la civil Centro de derechos (véase la dirección anterior).

Si el destinatario no le otorga una notificación por escrito de Acción final en un plazo de 90 días a partir del día en que se haya presentado su queja, usted no tiene que esperar para que el destinatario emitir la notificación de que antes de presentación un queja con CRC. Sin embargo, debe presentar su queja CRC en un plazo de 30 días el plazo de 90 días (en otras palabras, dentro de 120 días después del día en que se presentó su queja con el destinatario.)

Si el destinatario le da una notificación por escrito de Acción final sobre su queja, pero no estuviera satisfecho con la decisión o resolución, usted puede presentar una queja con CRC. Debe presentar su CRC denuncia en un plazo de 30 días a partir de la fecha en que ha recibido la notificación de final de la Acción.

**Emma J. Woodford, derechos civiles administrador/estado WIA EO oficial
Lincoln de Blvd North 2401.**

PO Box 52003

Oklahoma CityAceptar 73132-2003

Voz: (405) 557-7255 o TDD/TTY: 711/(405) 557-5458/(800) 722-0353

OESC - un empleador/programas de igualdad de oportunidades

Firma del solicitante

fecha

Firma de consumo Trabajador/Certifier

fecha

Complaint Information Form

U.S. Department of Labor
Civil Rights Center



<p>1. Complaint Information: Your telephone number(s) _____</p> <p>State your name and address: _____</p> <p>_____ Home _____ _____ Area Code Number _____</p> <p>_____ Work _____ _____ Area Code Number _____</p> <p>Social Security Number: _____ (disclosure of Social Security Number is voluntary)</p> <p>2. Respondent Information: Telephone Number: _____</p> <p>Provide name and address of agency involved _____</p> <p>_____ Area Code Number _____</p> <p>_____</p> <p>3. What is the most convenient time for us to contact you about this complaint?</p> <p>_____</p> <p>4. To your best recollection, on what date(s) did the discrimination take place?</p> <p>_____</p> <p>Date of first occurrence _____ Date of most recent occurrence _____</p> <p>5. Have you ever attempted to resolve this complaint at the local level?</p> <p>_____ No _____ Yes</p> <p>a. Have you been provided with a final decision at the local level regarding your complaint?</p> <p>_____ No _____ Yes</p> <p>_____ Date of final decision (if any) _____</p> <p>b. Have 90 days elapsed since you filed or attempted to file your complaint at the local level?</p> <p>_____ No _____ Yes _____ Date you filed or attempted to file your complaint at the local level: _____</p> <p>6. Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. Also attach any written material pertaining to your case.</p> <p>_____</p>	<p>7. To the best of your knowledge, which of the following DOL programs were involved? (Check One)</p> <table style="width:100%; border: none;"> <tr> <td><input type="checkbox"/> Workforce Investment Act (WIA)</td> <td><input type="checkbox"/> MSHA</td> </tr> <tr> <td><input type="checkbox"/> Job Training</td> <td><input type="checkbox"/> OSHA</td> </tr> <tr> <td><input type="checkbox"/> Job Corps</td> <td><input type="checkbox"/> WIN</td> </tr> <tr> <td><input type="checkbox"/> Youth</td> <td><input type="checkbox"/> WTW</td> </tr> <tr> <td><input type="checkbox"/> Unemployment Insurance</td> <td><input type="checkbox"/> HOPE VI</td> </tr> <tr> <td><input type="checkbox"/> Apprenticeship</td> <td><input type="checkbox"/> Homeless</td> </tr> <tr> <td><input type="checkbox"/> Older Americans</td> <td><input type="checkbox"/> HUD</td> </tr> <tr> <td><input type="checkbox"/> New Directions</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Displaced Worker</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other. Specify _____</td> <td></td> </tr> </table> <p>*At the local level, these programs may be known by a different name.</p> <p>8. Basis of Complaint. Which of the following best describes why you believe you were discriminated against? (Check)</p> <p><input type="checkbox"/> Race: Specify _____</p> <p><input type="checkbox"/> Color: Specify _____</p> <p><input type="checkbox"/> Religion: Specify _____</p> <p><input type="checkbox"/> National Origin: Specify _____</p> <p><input type="checkbox"/> Gender: Specify [] Male [] Female</p> <p><input type="checkbox"/> Age: Specify Date of Birth _____</p> <p><input type="checkbox"/> Disability: Specify _____</p> <p><input type="checkbox"/> Political Affiliation: Specify _____</p> <p><input type="checkbox"/> Citizenship: Specify _____</p> <p><input type="checkbox"/> Reprisal/Retaliation _____</p> <p><input type="checkbox"/> Other: Specify _____</p> <p>9. Do you think the discrimination against you involved (Check One)</p> <p><input type="checkbox"/> Your job or seeking employment? or</p> <p><input type="checkbox"/> Your using facilities or someone providing/not providing you with services or benefits?</p> <p>If so, which of the following are involved?</p> <p><input type="checkbox"/> Hiring</p> <p><input type="checkbox"/> Transition</p> <p><input type="checkbox"/> Wages</p> <p><input type="checkbox"/> Job Classification</p> <p><input type="checkbox"/> Discharge/Termination</p> <p><input type="checkbox"/> Promotion</p> <p><input type="checkbox"/> Training</p> <p><input type="checkbox"/> Qualification/Testing</p> <p><input type="checkbox"/> Grievance Procedure</p> <p><input type="checkbox"/> Layoff/Furlough</p> <p><input type="checkbox"/> Recall (from Layoff/Furlough)</p> <p><input type="checkbox"/> Seniority</p> <p><input type="checkbox"/> Intimidation/Reprisal</p> <p><input type="checkbox"/> Harassment</p> <p><input type="checkbox"/> Access/Accommodation</p> <p><input type="checkbox"/> Union Activity</p> <p><input type="checkbox"/> Application</p> <p><input type="checkbox"/> Enrollment</p> <p><input type="checkbox"/> Referral</p> <p><input type="checkbox"/> Exclusion</p> <p><input type="checkbox"/> Placement</p> <p><input type="checkbox"/> Benefits</p> <p><input type="checkbox"/> Performance Appraisal</p> <p><input type="checkbox"/> Discipline/Reprimand</p> <p><input type="checkbox"/> Other (Specify _____)</p>	<input type="checkbox"/> Workforce Investment Act (WIA)	<input type="checkbox"/> MSHA	<input type="checkbox"/> Job Training	<input type="checkbox"/> OSHA	<input type="checkbox"/> Job Corps	<input type="checkbox"/> WIN	<input type="checkbox"/> Youth	<input type="checkbox"/> WTW	<input type="checkbox"/> Unemployment Insurance	<input type="checkbox"/> HOPE VI	<input type="checkbox"/> Apprenticeship	<input type="checkbox"/> Homeless	<input type="checkbox"/> Older Americans	<input type="checkbox"/> HUD	<input type="checkbox"/> New Directions		<input type="checkbox"/> Displaced Worker		<input type="checkbox"/> Other. 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<input type="checkbox"/> Displaced Worker																					
<input type="checkbox"/> Other. Specify _____																					
<p>For DOL Use Only</p> <p>CIF received by CRC _____ Accepted _____ Not Accepted _____ Case Number _____</p> <p>By _____ Date _____</p>																					

10. Why do you believe these events occurred?

11. What other information do you think is relevant to our investigation?

12. If this complaint is resolved to your satisfaction, what remedies do you seek?

13. Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint.

<u>Name</u>	<u>Address</u>	<u>Telephone Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Complainant's Signature (NOT VALID unless signed) _____ Date _____

14. Do you have an attorney?

_____ Yes _____ No
If yes, please provide name, address and phone

15. Have you filed a case or complaint with any of the following?

- ___ Civil Rights Division US Dept. of Justice
- ___ US Equal Employment Opportunity Commission
- ___ Federal or State Court
- ___ Your State or local Human Relations/Rights Commission

16. For each item checked in #15 above, please provide the following information:

Agency _____
Date Filed _____
Case or Docket Number _____
Date of Trial or Hearing _____
Location of agency or Court _____

Name of Investigator _____
Status of Case _____

Comments _____

Agency _____
Date Filed _____
Case or Docket Number _____
Date of Trial or Hearing _____
Location of agency or Court _____

Name of Investigator _____
Status of Case _____

Comments _____

U.S. Department of Labor, Civil Rights Center

NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION

Two Federal laws govern personal information to Federal Agencies, including the Civil Rights Center (CRC: the Privacy Act of 1974 (5 U.S.C. 552) and the Freedom of Information Act (5 U.S.C. 552) or "FOIA". Please read this description of how these laws apply to information connected with your complaint. After reading this notice, please sign and return the consent agreement printed on the back of this notice, along with your complaint form.

The PRIVACY ACT protects individuals from misuse of personal information held by the Federal government. The law applies to records that are kept and can be located by the individual's name, social security number, or other personal identification system. Anyone who submits information to CRC in connection with a discrimination complaint should know the following:

- CRC has been authorized to investigate complaints of discrimination on the basis of race, color, national origin, age, and handicap, and in some programs on the basis of sex, religion, citizenship, and political affiliation or belief, in programs that receive Federal funds through the Department of Labor. CRC is also authorized to conduct reviews of federally funded programs to assess their compliance with civil rights laws.
- Information that CRC collects is analyzed by authorized personnel within CRC. This information may include personnel or program participant records, and other personal information. CRC staff may want to reveal some of the personal information to individuals outside the office in order to verify facts related to the complaint, or to discover new facts which will help CRC determine whether the law has been violated. Such information could include, for example, the physical condition or age of a complainant. CRC may also have to reveal personal information to a person who submits a request for disclosure authorized by the Freedom of Information Act.
- Information submitted to CRC may also be revealed to persons outside of CRC because it is necessary in order to complete enforcement proceedings against a program that CRC finds to have violated the law or regulations. Such information could include for example, the name, income, age, marital status or physical condition of the complainant.
- Any personal information you provide may be used only for the specific purpose for which it was requested. CRC requests personal information only for the purpose of carrying out authorized activities to enforce, and determine compliance with, civil rights laws and regulations. CRC will not release personal information to any person or organization unless the person who submitted the information gives written consent, or unless release is required by the Freedom of Information Act.
- No law requires that a complainant reveal personal information to CRC, and no action will be taken against a person who denies CRC's request for personal information. However, if CRC cannot obtain the information needed to fully investigate the allegations in the complaint, CRC may close the case.
- Any person may ask for, and receive, copies of all personal materials CRC keeps in his or her file for investigatory use.

AS A POLICY, CRC DOES NOT REVEAL NAMES AND OTHER IDENTIFYING INFORMATION ABOUT INDIVIDUALS UNLESS IT IS NECESSARY TO COMPLETE INVESTIGATION OR ENFORCEMENT ACTIVITIES AGAINST A PROGRAM WHICH HAS VIOLATED THE LAW. CRC never reveals to the program under investigation the identity of the person who filed the complaint, unless the complainant first gave CRC written permission to do so.

The FREEDOM OF INFORMATION ACT (FOIA) gives the public maximum access to Federal government files and records. Persons can request, and receive, information from many types of records kept by the Government-not just materials that apply to them personally. The Civil Rights Center must honor most requests for information submitted under FOIA, but there are exceptions.

- CRC is usually not required to release information during an investigation or an enforcement proceeding if that release would limit CRC's ability to do its job effectively and
- CRC can refuse to disclose information if release would result in a "clearly unwarranted invasion" of a person's privacy.

PLEASE READ AND SIGN SECTION A OR SECTION B OF THE CONSENT FORM, PRINTED ON THE BACK OF THIS NOTICE, AND RETURN IT TO THE CIVIL RIGHTS CENTER WITH YOUR SIGNED, COMPLETED COMPLAINT INFORMATION FORM.

CONSENT FORM

I have read the Notice about Investigatory Uses of Personal Information, printed on the front of this form. I understand the following provisions of the Privacy Act and Freedom of Information Act, which apply to personal information I reveal to the Civil Rights Center in connection with my complaint:

In the course of investigating my complaint, CRC may have to reveal my identify to staff of the program named in my complaint in order to obtain facts and evidence regarding my complaint;

I do not have to reveal any personal information to CRC, but CRC may close my complaint if I refuse to reveal information needed to fully investigate my complaint;

I may request and receive a copy of any personal information CRC keeps in my complaint file for investigatory uses; and

Under certain conditions, CRC may be required by the Freedom of Information Act to reveal to others personal information I have provided in connection with my complaint.

SECTION A

- YES, CRC MAY DISCLOSE MY IDENTITY IF NECESSARY TO INVESTIGATE MY COMPLAINT. I have read and understand this notice, and I consent for CRC to process my complaint.

(Signature)

(Date)

SECTION B

- NO, CRC MAY NOT DISCLOSE MY IDENTITY, EVEN IF NECESSARY TO PROCESS MY COMPLAINT. I have read and understand the notice, and I do not consent for CRC to disclose my identity during investigation of my complaint. I request that CRC process my complaint, however, I understand that CRC may cancel my complaint if it cannot fully investigate without disclosing my identity. I also understand that CRC may close my complaint if it cannot begin an investigation because I have not consented for CRC to reveal my identity.

(Signature)

(Date)

Hoja De Información Sobre Queja

**Departamento del Trabajo
Centro de Derechos Civiles**



<p>1. Información sobre el querellante Indique su nombre y dirección</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Seguro Social: _____ (esta información es voluntaria)</p>	<p>Teléfono _____</p> <p>Residencia _____ (Area) (Número)</p> <p>Trabajo _____ (Area) (Número)</p>	<p>7. A su entender, cual de los siguientes programas está relacionado con su queja? *</p> <p><input type="checkbox"/> WIA (Ley de Inversión en la Fuerza Trabajadora)</p> <p><input type="checkbox"/> "Job Corps"</p> <p><input type="checkbox"/> Servicio de empleo (Job Service)</p> <p><input type="checkbox"/> Jovenes (Youth)</p> <p><input type="checkbox"/> Seguro de Desempleo (Unemployment Insurance)</p> <p><input type="checkbox"/> Welfare to Work (Bienestar al Trabajo)</p> <p><input type="checkbox"/> Aprendizaje (Apprenticeship)</p> <p><input type="checkbox"/> Envejecientes (Older Americans)</p> <p><input type="checkbox"/> Seguridad y Salud en las Minas (MSHA)</p> <p><input type="checkbox"/> Seguridad y Salud Ocupacional (OSHA)</p> <p><input type="checkbox"/> "New directions"</p> <p><input type="checkbox"/> WIN</p> <p><input type="checkbox"/> Trabajadores Desplazados (Displaced Worker)</p> <p><input type="checkbox"/> Otra: Especifique _____</p> <p><small>* Al nivel local estos programas generalmente se conocen por otro nombre.</small></p>
<p>2. Información sobre el demandado Indique nombre y dirección de la Agencia contra quien usted se queja</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>Teléfono _____</p> <p>_____ (Area) (Número)</p>	<p>8. Base para queja: en su opinión, ¿por cual de las siguientes razones cree usted que ocurrió la discriminación contra usted?</p> <p><input type="checkbox"/> Raza: Especifique _____</p> <p><input type="checkbox"/> Color: Especifique _____</p> <p><input type="checkbox"/> Religión: Especifique _____</p> <p><input type="checkbox"/> Origen Nacional: Especifique _____</p> <p><input type="checkbox"/> Sexo: <input type="checkbox"/> Masculino <input type="checkbox"/> Femenino</p> <p><input type="checkbox"/> Edad: Especifique fecha de nacimiento _____</p> <p><input type="checkbox"/> Incapacidad física o mental: Especifique _____</p> <p><input type="checkbox"/> Afiliación política: Especifique _____</p> <p><input type="checkbox"/> Ciudadanía: Especifique _____</p> <p><input type="checkbox"/> Represalia/intimidación</p> <p><input type="checkbox"/> Otra: Especifique _____</p>
<p>3. ¿Cuál es el lugar y la hora mas conveniente para comunicarnos con usted?</p> <p>_____</p>		<p>9. Cree usted que la acción discriminatoria estuvo relacionada con (Escoja una)</p> <p><input type="checkbox"/> Su trabajo o diligencias para conseguir empleo</p> <p><input type="checkbox"/> El uso de las facilidades o alguien proveyendo/no proveyéndole a usted servicios o beneficios</p> <p>Si es así, cual de las siguientes situaciones están envueltas:</p> <p><input type="checkbox"/> Empleo</p> <p><input type="checkbox"/> Transición</p> <p><input type="checkbox"/> Salario/Sueldo</p> <p><input type="checkbox"/> Clasificación</p> <p><input type="checkbox"/> Promoción</p> <p><input type="checkbox"/> Adiestramiento</p> <p><input type="checkbox"/> Transferencia/Reasignación</p> <p><input type="checkbox"/> Credenciales/Exámenes</p> <p><input type="checkbox"/> Procesamiento de queja</p> <p><input type="checkbox"/> Despido/Suspensión</p> <p><input type="checkbox"/> Reinstalar</p> <p><input type="checkbox"/> Antigüedad</p> <p><input type="checkbox"/> Represalia/Intimidación</p> <p><input type="checkbox"/> Hostigamiento</p> <p><input type="checkbox"/> Acceso/Acomodo</p> <p><input type="checkbox"/> Actividades de la unión</p> <p><input type="checkbox"/> Solicitud</p> <p><input type="checkbox"/> Registro/Matricula</p> <p><input type="checkbox"/> Referimiento</p> <p><input type="checkbox"/> Exclusión</p> <p><input type="checkbox"/> Asignación</p> <p><input type="checkbox"/> Beneficios</p> <p><input type="checkbox"/> Evaluación</p> <p><input type="checkbox"/> Acción disciplinaria/Reprimenda</p> <p><input type="checkbox"/> Otra: Especifique _____</p>
<p>4. Según usted recuerda, ¿ en qué fecha(s) ocurrió la acción discriminatoria?</p> <p>Primera vez _____ Fecha más reciente _____</p>		
<p>5. ¿Ha intentado usted solucionar su queja a nivel local?</p> <p><input type="checkbox"/> NO <input type="checkbox"/> SI</p> <p>a. ¿Le han provisto con una decisión final sobre su queja? Fecha de la decisión final</p> <p><input type="checkbox"/> NO <input type="checkbox"/> SI _____</p> <p>b. ¿Han transcurrido 90 días desde que usted sometió o intentó someter su queja? Fecha en que sometió o intentó someter su queja</p> <p><input type="checkbox"/> NO <input type="checkbox"/> SI _____</p>		
<p>6. Explique brevemente y con claridad que ocurrió y como se discriminó contra usted. Indique las personas que estuvieron envueltas en estos incidentes de discriminación. Asegúrese de indicar de qué manera otras personas han sido tratadas diferente a usted.</p> <p>_____</p> <p>_____</p> <p>_____</p>		
<p>For DOL Use Only</p> <p>CIF received by CRC _____ Accepted _____ Not Accepted _____</p> <p>By _____ Date _____</p>	<p>Case Number _____</p> <p>Date _____</p>	

Departamento del Trabajo Centro de Derechos Civiles

Notificación Sobre Uso De Información Personal

Hay dos leyes que gobiernan el uso de información personal sometida por un ciudadano a una agencia federal, incluyendo la Oficina de Derechos Civiles (CRC): la ley Privacidad (Privacy Act, 5 U.S.C. 552), y la Ley de Libertad de información (Freedom of Information Act, 5 U.S.C. 552). La siguiente información le ayuda a entender mejor estas leyes. Por favor, lea esta Notificación, luego firme y devuelva el formulario adjunto.

La Ley De PRIVACIDAD protege al individuo contra el uso incorrecto de información personal en manos del Gobierno Federal. La Ley aplica a documentos que son mantenidos y que pueden ser identificados a base del nombre de la persona, número de seguro social o algún otro sistema de identificación personal. Las personas que sometan información a la Derechos Civiles deben saber lo siguiente:

- La Oficina de Derechos Civiles está autorizada a investigar quejas de discriminación por razón de raza, color, origen nacional, edad e impedimento físico, y en algunos casos por razón de sexo, religión, ciudadanía, y afiliación política, en programas que reciben fondos Federales de Departamento del Trabajo. La Oficina de Derechos Civiles está también autorizada a conducir inspecciones de programas que reciben fondos Federales para determinar si estos programas están cumpliendo con las leyes de derechos civiles.
- La información recopilada por la Oficina de Derechos Civiles es analizada por personal autorizado. Esta información puede incluir documentos sobre los empleados o sobre los participantes o cualquier otro tipo de información personal. En el transcurso de una investigación, el personal de CRC puede tener la necesidad de revelar parte de esta información a personas fuera de la Agencia. La información revelada podría incluir, por ejemplo, datos sobre la condición física o la edad de la persona. CRC puede tener la necesidad de proporcionar parte de la información personal que posee a cualquier persona que lo solicite bajo los derechos provistos por la Ley de Libertad de información.
- CRC también puede tener la necesidad de proporcionar la información que posee a otras personas fuera de la oficina que estén envueltas en procedimientos contra una agencia o programa. Esto puede incluir información sobre ingreso, edad, estado civil, o condición física del quejante/querellante.
- Toda información personal provista se podrá usar únicamente con el propósito con que fue solicitada. La información ha de usarse en actividades relacionadas con el cumplimiento e implementación de las leyes de derechos civiles. CRC no proveerá la información a ninguna otra organización o personas a menos que la persona que proveyó la información lo autorice por escrito, o a menos que la información sea solicitada bajo la Ley de Libertad de información.
- Ninguna ley obliga al querellante a proporcionarle información personal a CRC, y no se le penalizará si rehusa proporcionar a CRC esta información. Sin embargo, si CRC no logra obtener la información necesaria para investigar la alegación de discriminación, es posible que la investigación tenga que ser cerrada.
- Cualquier persona puede solicitar y podrá obtener copia de material personal que CRC mantiene sobre dicha persona en sus archivos.

COMA NORMA, LA OFICINA DE DERECHOS CIVILES NO REVELA EL NOMBRE U OTRO DATO QUE PUEDA IDENTIFICAR A UN INDIVIDUO A MENOS QUE ESTO SEA NECESARIO PARA COMPLETAR UNA INVESTIGACION O PARA PODER CON MEDIDAS DE IMPLEMENTACION CONTRA UN PROGRAMA QUE HAYA VIOLADO LA LEY. CRC no revelará la identidad del quejante/querellante a una agencia que esté siendo investigada a menos que el querellante lo autorice por escrito.

LA LEY DE LIBERTAD DE INFORMACION proporciona al público máximo acceso a los archivos y documentos de Gobierno Federal. Las personas pueden solicitar y obtener información de varios tipos y de distintas categorías de documentos mantenidos por el gobierno en adición a material de información personal. La Oficina de Derechos Civiles deberá honrar solicitudes de información sometidas bajo la ley de Libertad de información, excepto en las siguientes situaciones:

- CRC normalmente no está obligada a divulgar ciertos documentos durante una investigación o procedimientos de implementación si esto afecta la habilidad de CRC de cumplir con sus responsabilidades; y,
- CRC puede rehusar divulgar información si esto constituye una "invasión de privacidad," claramente innecesaria.

FAVOR DE LEER Y FIRMAR LA SECCION A O LA SECCION B DE ESTA FORMA. DEVUELVALA A LA OFICINA DE DERECHOS CIVILES CON LA FORMA DE INFORMACIÓN SOBRE QUEREALLA/QUEJA.

CONSENTIMIENTO PARA EL USO DE INFORMACION PERSONAL

He leído y entendido la Notificación Personal que me ha provisto la Oficina de Derechos Civiles (CRC). Dicha notificación describe las disposiciones aplicadas a la Ley de Privacidad (Privacy Act) y la Ley de Libertad de información (Freedom of information Act).

- Durante el transcurso de la investigación CRC puede verse en la necesidad de revelar mi identidad a personas de la agencia que esta siendo investigada;
- No estoy obligado(a) a proveerle a CRC información personal, pero mi queja puede ser cerrada si me niego a proveer información necesaria para investigar la misma;
- Puedo solicitar y obtener una copia de cualquier Información personal que CRC mantenga en mi expediente; y,

Bajo ciertas circunstancias, la información personal que yo haya provisto a CRC se puede divulgar bajo la Ley de Libertad de información.

SECCION A

- SI

SI, CRC PUEDE REVELAR MI IDENTIDAD SI ES NECESARIO PARA LA INVESTIGACION DE MI QUEJA. He leído y entendido la Notificació Sobre Uso de información Personal que me ha provisto la Oficina de Derechos Civiles.

(FIRMA)

(FECHA)

SECCION B

- NO

NO, NO DOY MI CONSENTIMIENTO A CRC PARA DIVULGAR MI IDENTIDAD DURANTE LA INVESTIGACION DE MI QUEJA. Deseo que mi identidad se mantenga en confidencia durante la investigación; no obstante entendiendo que si CRC determina que mi consentimiento es necesario para completar la investigación, puede cerrar mi queja si me niego a darlo.

(FIRMA)

(FECHA)

Filing a Charge of Employment Discrimination

Note: Federal employees or applicants for Federal employment should see Federal Sector Equal Employment Opportunity Complaint Processing.

Who Can File a Charge of Discrimination?

Any individual who believes that his or her employment rights have been violated may file a charge of discrimination with EEOC.

In addition, an individual, organization, or agency may file a charge on behalf of another person in order to protect the aggrieved person's identity.

How Is a Charge of Discrimination Filed?

When filing a charge with EEOC, you may be asked to fill out an intake questionnaire that may be submitted by mail or in person at the nearest EEOC office. (*Note: Our online questionnaire will be unavailable each week for up to 30 minutes, Saturday evening or Sunday morning.*) An intake questionnaire or other correspondence **can** constitute a charge under the statutes we enforce **if** it contains all the information required by EEOC regulations governing the contents of a charge and constitutes a clear request for the agency to act. See:

- Memorandum: August 13, 2007 - Timely Notification to Respondents of Receipt of Intake Questionnaires or other Correspondence Constituting Charges
- Memorandum: February 21, 2002 - Notifying Respondents of Receipt of Mail Charges

Individuals who need an accommodation in order to file a charge (*e.g.*, sign language interpreter, print materials in an accessible format) should inform the EEOC field office so appropriate arrangements can be made.

Federal employees or applicants for employment should see Federal Sector Equal Employment Opportunity Complaint Processing.

What Information Must Be Provided to File a Charge?

The complaining party's name, address, and telephone number;

The name, address, and telephone number of the respondent employer, employment agency, or union that is alleged to have discriminated, and number of employees (or union members), if known;

A short description of the alleged violation (the event that caused the complaining party to believe that his or her rights were violated); and

The date(s) of the alleged violation(s).

Federal employees or applicants for employment should see Federal Sector Equal Employment Opportunity Complaint Processing.

What Are the Time Limits for Filing a Charge of Discrimination?

All laws enforced by EEOC, except the Equal Pay Act, require filing a charge with EEOC before a private lawsuit may be filed in court. There are strict time limits within which charges must be filed:

A charge must be filed with EEOC within 180 days from the date of the alleged violation, in order to protect the charging party's rights.

This 180-day filing deadline is extended to 300 days if the charge also is covered by a state or local anti-discrimination law. For ADEA charges, only state laws extend the filing limit to 300 days.

These time limits do not apply to claims under the Equal Pay Act, because under that Act persons do not have to first file a charge with EEOC in order to have the right to go to court. However, since many EPA claims also raise Title VII sex discrimination issues, it may be advisable to file charges under both laws within the time limits indicated.

To protect legal rights, it is always best to contact EEOC promptly when discrimination is suspected.

Federal employees or applicants for employment should see [Federal Sector Equal Employment Opportunity Complaint Processing](#).

What Agency Handles a Charge that is also Covered by State or Local Law?

Many states and localities have anti-discrimination laws and agencies responsible for enforcing those laws. EEOC refers to these agencies as "Fair Employment Practices Agencies (FEPAs)." Through the use of "work sharing agreements," EEOC and the FEPAs avoid duplication of effort while at the same time ensuring that a charging party's rights are protected under both federal and state law.

If a charge is filed with a FEPA and is also covered by federal law, the FEPA "dual files" the charge with EEOC to protect federal rights. The charge usually will be retained by the FEPA for handling.

If a charge is filed with EEOC and also is covered by state or local law, EEOC "dual files" the charge with the state or local FEPA, but ordinarily retains the charge for handling.

How Is a Charge Filed for Discrimination Outside the United States?

U.S.-based companies that employ U.S. citizens outside the United States or its territories are covered under EEO laws, with certain exceptions. An individual alleging an EEO violation outside the U.S. should file a charge with the district office closest to his or her employer's headquarters. However, if you are unsure where to file, you may file a charge with any EEOC office.

For answers to common questions about how EEO laws apply to multinational employers, please see:

- [The Equal Employment Opportunity Responsibilities of Multinational Employers](#)
- [Employee Rights When Working for Multinational Employers](#)

Presentación de un cargo de Discriminación de empleo

Nota: Los empleados federales o los solicitantes de empleo Federal debería ver Federal Sector Equal Employment Opportunity queja Procesamiento.

¿Que puede presentar un cargo de discriminación?

Toda persona que cree que su derecho de empleo se han violado puede presentar un cargo de la discriminación con EEOC.

Además, un individuo, organización o Agencia puede presentar una cargar en nombre de otra persona para proteger a la persona agraviada identidad.

¿Cómo es un cargo de discriminación presentada?

Al presentar un cargo con EEOC, puede que se le pida a llenar una ingesta de questionario que se podrá entregar por correo o en persona en el más cercano de la Oficina EEOC. (Note: *Our online questionnaire will be no está disponible cada semana para hasta 30 minutos, noche del sábado o el domingo mañana*). Un cuestionario de admisión o otra orrespondencia can constituyen un cargo bajo los estatutos que aplicar **Si** contiene todos los información requerida por la EEOC reglamentos que rigen el contenido de un cargo y constituye una clara solicitud de la Agencia actuar. See:

- §Memorando: 13 de agosto de 2007 - notificación oportuna a Encuestados de recibo de consumo cuestionarios o de otra correspondencia Cargos que constituyan
- §Memorando: 21 de febrero de 2002 - notificación de países de Recepción de correo cargos

Personas que necesitan un alojamiento para un cargo de archivos (e.g., sign debe informar la intérprete de lenguaje, materiales impresos en un formato accesible) la Oficina de campo EEOC para hacer arreglos apropiados.

Los empleados federales o los solicitantes de empleo deberían ver Federal Sector de la igualdad de oportunidades de empleo queja procesamiento.

¿Qué información debe estar siempre para presentar un cargo?

De la parte demandante nombre, dirección y número de teléfono;

El nombre, dirección y número de teléfono de la parte demandada empleador, Agencia de empleo o sindicato que se alegue que han de discriminación, y número de empleados (o miembros del sindicato), si se conoce;

Una breve descripción de la supuesta violación (el evento que causado en la parte demandante creer que han sido violados sus derechos); y
La fecha (s) de las presuntas infracciones.

Los empleados federales o los solicitantes de empleo deberían ver Federal Sector de la igualdad de oportunidades de empleo queja procesamiento.

¿Cuáles son los plazos para presentación de un cargo de discriminación?

Todas las leyes impuestas por la EEOC, excepto la ley de igualdad Pay, requieren presentación de un cargo con EEOC antes de una demanda privada puede ser presentada ante el Tribunal. Allí son estrictos límites de tiempo en el que deberán presentarse cargos:

Un cargo deberá presentarse con EEOC dentro de los 180 días desde la fecha de la supuesta violación, a fin de proteger los derechos de la carga del partido.

Este plazo de presentación de 180 días se extiende a 300 días si el cargo también está cubierta por un Estado o la ley contra la discriminación local. Para ADEA cargos, sólo las leyes del Estado ampliación el límite de presentación a 300 días.

Estos límites de tiempo no se aplican a las reclamaciones en el pago de igualdad Actuar, porque en virtud de esa ley las personas no tienen que presentar primero un cargo con EEOC para poder tener derecho a acudir a los tribunales. Sin embargo, desde muchos reclamos de EPA también plantean cuestiones de discriminación de sexo título VII, puede ser aconsejable al archivo cargos bajo ambas leyes dentro de los límites de tiempo indican.

Para proteger los derechos legales, siempre es mejor para ponerse en contacto con la EEOC sin demora cuando se sospecha discriminación.

Los empleados federales o los solicitantes de empleo deberían ver Federal Sector de la igualdad de oportunidades de empleo queja procesamiento.

¿Qué Agencia maneja un cargo que también es cubierto por Estado o ¿Ley local?

Muchos Estados y localidades tienen leyes contra la discriminación y agencias encargadas de la aplicación de esas leyes. EEOC se refiere a estos organismos como "Justo prácticas agencias (FEPAs)." Mediante el uso de "uso compartidos de los acuerdos de trabajo," EEOC y las FEPAs evitar la duplicación de esfuerzo al mismo tiempo garantizar que los derechos de las partes carga son protegido por las leyes tanto federales y estatales.

Si un cargo se presenta con un FEPA y también está cubierto por federal derecho, el "dobles archivos" FEPA el cargo con EEOC para proteger federal derechos. Generalmente se conservará el cargo por el FEPA para el control.

Si un cargo es presentado ante la EEOC y también está cubierto por el Estado o ley local, EEOC "dobles archivos" el cargo con el Estado o la FEPA local, pero normalmente mantiene el cargo para el control.

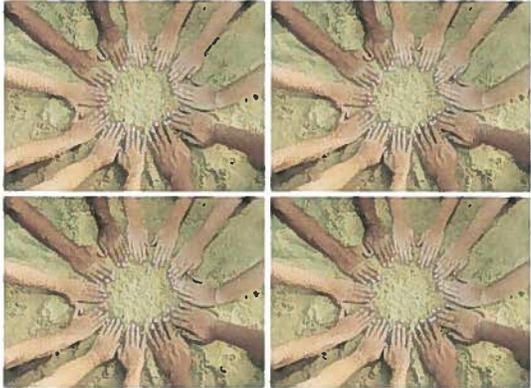
¿Cómo es un cargo presentada de discriminación fuera de los Estados Unidos?

Las empresas con sede en Estados Unidos que emplean los ciudadanos de Estados Unidos fuera de Estados Unidos o en sus territorios están amparadas por las leyes de EEO, con ciertas excepciones. Un individuo que alegue una violación EEO fuera de Estados Unidos debería presentar un cargo con la Oficina de distrito más cercana a la sede de su empleador. Sin embargo, si no está seguro de dónde presentar, usted puede presentar un cargo con cualquier Oficina EEOC.

Para obtener respuestas a preguntas comunes acerca de cómo se aplican a las leyes de EEO los empleadores multinacionales, consulte:

- Las responsabilidades igualdad de oportunidades de empleo de Empleadores multinacionales
- Derechos de los empleados al trabajo para empleadores multinacionales

~ Hands in the Sand ~



~ Working Together ~

**Affirmative Action Plan
2012**



Oklahoma Employment Security Commission
Will Rogers Memorial Office Building
2401 N. Lincoln Boulevard ♦ PO Box 52003
Oklahoma City, OK 73152-2003

*Equal Employment Opportunity Employer
Program auxiliary aids and services are available upon request to individuals with disabilities*