Affirmative Action for Women, Minorities and Individuals with Disabilities
Objectives

• Define narrative and statistical components of an affirmative action plan (AAP) for individuals with disabilities (IWD), women and minorities
• Write action-oriented programs
• Develop strategies for agency specific plans to promote the employment of IWD
• Identify parties responsible for AAP implementation and their duties
Objectives

• Create an audit and reporting system
• Identify resources to support the recruiting, hiring and retention of IWD
• Apply analytical methods to conduct statistical analyses
• Articulate the confidentiality requirements of disability status information
Affirmative Action

• A management tool designed to ensure equal employment opportunity (EEO). This includes:
  – Management actions, policies, and procedures designed to achieve EEO
  – Systematic efforts to prevent, detect and promptly eliminate discrimination
  – Recruitment and outreach measures
Affirmative Action; Equal Employment Opportunity

Section 110.112, Florida Statutes requires executive agencies to:

• Develop and implement an affirmative action plan

• Establish annual goals for ensuring full utilization of groups underrepresented in its workforce; including women, minorities and individuals who have a disability as compared to the relevant labor market
Affirmative Action; Equal Employment Opportunity

- Annually report to DMS its progress toward increasing employment among women, minorities and individuals who have a disability.
- Appointment of an Equal Employment Opportunity Officer by agency head.
- **New**: Develop a specific plan that addresses how to promote employment opportunities for individuals who have a disability by January 1, 2017.
Affirmative Action; Equal Employment Opportunity

Section 110.112, now also requires the Department of Management Services, in relation to IWD, to:

- Develop training programs for human resource professionals and hiring managers
- Assist agencies in the implementation of agency-specific plans
- Assist agencies identify and implement strategies for retaining employees who have a disability
Affirmative Action; Equal Employment Opportunity

• Develop and implement programs geared toward individuals who have a disability

• Adopt a rule relating to forms that provide for the voluntary self-identification of individuals who have a disability

• Biannually report to the Governor, the President of the Senate, and the Speaker of the House on the progress of agencies in implementing plans
Affirmative Action;
Equal Employment Opportunity

• Report on the employment levels of individuals who have a disability in the annual workforce report (women and minorities data is already reported)

• Post data on the IWD hiring practices of executive agencies on the department website
DISCLAIMER

Information in this presentation does not encompass all federal reporting requirements. An agency must review its federal contracts and financial assistance requirements for compliance and reporting obligations of the federal agency it deals with.
<table>
<thead>
<tr>
<th>Components</th>
<th>Individuals with Disabilities</th>
<th>Women and Minorities</th>
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<tbody>
<tr>
<td>Cover Page and Table of Contents</td>
<td>X</td>
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<tr>
<td>Organizational Profile</td>
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<td>Policy Statement</td>
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<td>Anti-Harassment Procedures</td>
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### AA Plan Components

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<thead>
<tr>
<th>Components</th>
<th>Individuals with Disabilities</th>
<th>Women and Minorities</th>
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<tr>
<td>Reasonable Accommodation Procedure</td>
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<td>Affirmative Action Training</td>
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<td>Responsibility for Implementation</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Review of Personnel Processes</td>
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<tr>
<td>Review of Physical and Mental Qualifications</td>
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<tr>
<td>Components</td>
<td>Individuals with Disabilities</td>
<td>Women and Minorities</td>
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<tr>
<td>Outreach and Recruitment Assessment</td>
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<td>Audit and Reporting System</td>
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<tr>
<td>Identification of Problem Areas</td>
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<tr>
<td>Action Oriented Programs</td>
<td>X</td>
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<tr>
<td>Data Collection and Analysis</td>
<td>X</td>
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</tbody>
</table>
Common Narrative Components

- Cover Page and Table of Contents
- EEO Policies
- Dissemination of EEO Policy
- Responsibility for Implementation
- AA Training
- Audit and Reporting System
Florida Department of Commerce
Affirmative Action Plan
4550 West Tennessee Street
Tallahassee, FL 32303

Data Year: July 1, 2016– June 30, 2017
Plan Year: July 1, 2017 – June 30, 2018

Plan Completed by: Jane Doe, Human Resource Consultant (850) 425-5557
EEO Officer: John Public, Director of Administration (850) 425-6532
Agency Head: William Marks, Secretary, Department of Commerce, (850) 425-3479

I have reviewed and approved this Affirmative Action Plan and will ensure that all necessary and appropriate steps are taken to ensure that this agency does provide equal employment opportunity to all employees and applicants.

____________________________________
Secretary’s Signature
Table of Contents

• Lists the major sections in the Affirmative Action Plan (AAP) reflecting the corresponding starting page number of each section.
EEO Policies

- Reflect agency’s commitment to Equal Employment Opportunity
- Address discrimination and anti-harassment
- Address individuals with disabilities
- Include a description of how employees file a complaint of discrimination
- Demonstrate executive leadership support

Note: Provide policies in formats that are accessible and understandable to IWD
DISSEMINATION OF EEO POLICY
EXAMPLES

• INTERNAL
  – Published in Employee Handbook
  – Posted on Employee Bulletin Boards
  – Displayed on Agency Intranet Site

• EXTERNAL
  – Published in job advertisements (An Equal Employment Opportunity Employer/Affirmative Action Employer)
  – Published in recruiting materials
  – Displayed on Agency’s Public Internet Site
  – Included in Contracts
Responsibility for Implementation

The Agency Head:

• Directs the development and implementation of the affirmative action plan (AAP).

• Designates specific responsibility for implementation to specific individual(s). Generally this responsibility rests with the:
  – Equal Employment Opportunity Officer
  – Human Resource Director
  – Directors and Department Heads
  – Managers and Supervisors
EEO Officer Duties

• Prepare and oversee AAP and set annual goals
• Monitor and report agency compliance to agency head
  – Includes the design and implementation of a periodic audit and reporting system
• Provide agency-wide perspective on issues related to affirmative action and equal employment opportunity (AA/EEO) and assist in the identification and development of effective solutions for problem areas related to AA/EEO
EEO Officer Duties

• Participate in and/or develop strategies to recruit individuals in protected groups for employment, promotion, and training opportunities

• Provide consultation, technical guidance, and/or training to directors, managers and supervisors regarding best practices in recruitment, selection, and retention, progress on hiring goals, and deficiencies and appropriate corrective action
Human Resource Director Duties

• Provide leadership to HR staff and others to ensure personnel decision making processes adhere to AA/EEO principles

• Ensure development and utilization of selection criteria is objective, uniform and job-related

• Assist in recruitment and retention of IWD, women and minorities and notify directors, managers, and supervisors of existing disparities
Human Resource Director Duties

• Ensure decision making processes regarding personnel actions involving hiring, promotion, discipline, transfer, termination, etc. are made without regard to an individual’s protected class.

• Include responsibility statements supporting AA/EEO on job requisitions and other employment publications.

• Provide EEO Officer support and data necessary to perform duties related to AA/EEO.
Director and Department Head Duties

• Assist in identifying problem areas, formulating solutions to eliminate barriers to EEO and setting unit goals and objectives

• Periodically audit training programs, hiring and promotion patterns to remove unnecessary impediments

• Ensure that managers, supervisors and other employees understand and comply with the agency’s EEO Policies
Director and Department Head Duties

• Review the qualifications of applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner in the hiring and promotion process

• Review the job performance of each employee to assess whether discipline and termination actions are justified based on the employee’s performance of his or her duties and responsibilities
Manager and Supervisor Duties

• Evaluate, recognize, develop and reward employees on a fair and equitable basis.

• Take steps to provide a positive and inclusive work environment that fosters equal employment opportunities and a workplace free from discrimination.

• Afford an opportunity and encourage IWD, minority and women employees to participate in all agency sponsored activities, training, etc.
AA Training

Create a Plan to:

• Train all employees on disability related workplace issues to build an inclusive culture for IWD

• Train managers and supervisors who impact the hiring and retention of employees in the principles of equal employment opportunity and affirmative action to ensure a commitment to the agency’s affirmative action efforts
Audit and Reporting System

• Measures effectiveness of the AAP
• Indicates any need for remedial action
• Determines the degree to which objectives were attained
• Measures compliance with AAP obligations
• Documents the actions taken to comply with AAP obligations and retain the documents
Common Statistical Components

- Availability Analysis
- Incumbency to Availability Analysis/Goals
- Utilization Analysis-Progress
Availability Analysis

• Purpose is to identify the relevant labor market by determining how many IWD are available for employment in each EEO-4 Job Category.
  – It consists of people with the required qualifications for the job in the geographic area from which the employer can reasonably recruit.
Incumbency to Availability Analysis

• Compares the actual percentage of IWD within the workforce with their calculated availability.

• Analytical Methods:
  – Any Difference Rule
  – Whole Person Rule
  – 80% Rule
  – Two Standard Deviations Rule
Placement Goals

Goals are established where underutilization exists and must be:

• Reasonably attainable through “good faith efforts”

• At least equal to availability

• Measurable

• Designed to eliminate possible employment discrimination
Utilization Analysis-Progress

• Evaluates progress made toward reaching the prior year’s goals.

• Assists in designing programs for the current AAP year and helps identify job groups for which additional “good faith efforts” must be directed.
AA Planning for Individuals with Disabilities (IWD)
Narrative Components for IWD

- Policy Statement for IWD
- Review of Personnel Processes
- Review of Physical and Mental Qualifications
- Reasonable Accommodation Procedure
- Agency Specific Plan
Policy for Individuals with Disabilities

• Prohibits discrimination against any employee or applicant for employment because of physical or mental disability

• Prohibits harassment of employees on the basis of a disability and provides for training to prevent harassment and discrimination

• Incorporates commitment to provide reasonable accommodations
Policy for Individuals with Disabilities

• Ensures all employment actions will be administered without regard to disability

• Includes information on an agency’s affirmative action program
Review of Personnel Processes

• Review and make any necessary modifications to personnel processes and include description of review and modifications in AAP

• Do not stereotype IWD

• Make information and communication technologies accessible, even absent a specific request for accommodation
Review of Personnel Processes

• Ensure equal access to personnel processes
  – Application, recruiting and hiring
  – Promotions
  – Training
  – Accommodation requests
  – Accessibility (physical and virtual)
Review of Physical and Mental Qualifications

• The agency’s affirmative action plan shall:
  – Establish and follow a schedule to review all physical and mental job qualification standards
  – Ensure qualification standards are job-related for the position and consistent with business necessity
  – Document review and follow-up actions
Reasonable Accommodation Procedure

• Develop and use written procedures to ensure:
  – Applicants and employees are informed as to how to request an accommodation
  – Managers and supervisors know what to do should they receive an accommodation request
  – Everyone is informed as to how the request will be processed
Reasonable Accommodation Procedure

• Accommodation requests are processed timely
• Individual and agency engage in an interactive process
• A review process is established to ensure denied requests for accommodation are handled in a fair and equitable manner, consistent with the ADA
Agency Specific Plan

Key plan objectives to promote employment opportunities for IWD include, but are not limited to:

- Establishing agency commitment
- Administering an effective reasonable accommodation program
- Improving outreach and recruitment
- Increasing hiring and retention
Establish Agency Commitment Activities

• Appoint senior-level agency officials responsible for overseeing implementation of the plan
• Issue a notice from Agency Head encouraging managers and supervisors to recruit, hire and retain IWD
• Include hiring IWD in the agency performance goals
• Conduct mandatory training for senior leadership, hiring managers and employees on the employment of IWD
Administer an Effective Reasonable Accommodation Program Activities

- Conduct reasonable accommodation training for supervisors and hiring managers on a biannual basis
- Develop online training to inform employees of the proper procedures for requesting reasonable accommodation
- Establish a centralized budget for reasonable accommodations
Outreach and Recruitment Activities

• Review potential sources for candidates with disabilities and initiate at least two partnerships to expand recruitment efforts

• Create a distribution list of organizations that assist IWD in finding employment and post vacancy announcements with those organizations

• Participate in job fairs focusing on IWD

• Establish an internal network of recruiters agency-wide to assist with the recruitment and retention of IWD
Increase Hiring and Retention Activities

• Establish a partnership to fill vacancies with the:
  – Divisions of Vocational Rehabilitation (VR) and Blind Services
  – Disabled Veterans Outreach Program through CareerSource Florida

• Create job training opportunities for IWD in the form of internships, on-the-job training, and unpaid work experience

• Coordinate with VR to enable job shadowing and situational assessment opportunities
Increase Hiring and Retention Activities

• Meet with managers and supervisors of current and past employees with disabilities to identify barriers to retention and strategies to increase retention of employees
• Identify injured employees on workers’ compensation and determine who would benefit from reasonable accommodations and reassignment to allow them to return to work
• Develop strategies to increase return to work outcomes
Resources

- Department of Education, Division of Vocational Rehabilitation
- Department of Education, Division of Blind Services
- Department of Economic Opportunity (Disabled Veterans Outreach Program)
- Abilities Work Help Desk
- Florida Alliance for Assistive Services and Technology
- Agency for Persons with Disabilities
- CareerSource Florida

- The Able Trust
- Employ Florida Market Place
- Project Search
- RESPECT of Florida
- Talent Acquisition Portal (TAP)
- The Arc of Florida
- Employer Assistance and Resources Network on Disability Inclusion (EARN)
- Job Accommodation Network (JAN)
Audit and Reporting System

• Conduct Assessment of Outreach and Recruitment Efforts
  – Did the activity attract qualified applicants with disabilities?
  – Did the activity result in the hiring of qualified individuals with disabilities?
  – Did the activity expand agency’s outreach to individuals with disabilities in the community?
Statistical Components for IWD

• Data Collection
• Availability Analysis
• Incumbency to Availability Analysis/Goals
• Disability Utilization Analysis- Progress
• Disability Requisition Summary
• Disability Personnel Activity
• Adverse Impact Ratio Analysis (optional)
Invitation to Self-Identify

Statistical analyses requires data collection:

• Applicants and employees will be invited to voluntarily self-identify as an individual who has a disability

• Agencies may not compel or coerce an individual to self-identify as having disability

• Data collected must be kept confidential and separate from the job application and cannot be placed in a personnel or medical file
Invitation to Self-Identify

• Managers and supervisors should not have any knowledge of the existence of an applicant or employee’s disability

• A disability should only be “known” to a manager or supervisor if it is obvious, and/or if the employer knows about it from interactions with the employee due to a reasonable accommodation request
Invitation to Self-Identify

• Invitations to self-identify will be issued through the People First and Talent Management Recruitment Systems, using the approved language provided.
Data Collection

• Total number of job openings
• Total number of jobs filled
• Total number of applicants for all jobs
• Number of applicants who self-identify as IWD
• Total number of applicants interviewed
• Number of applicants interviewed who are IWD
• Total number of applicants hired
• Number of applicants hired who are IWD
EEO-4 Job Categories

- 01 Officials/Administrators
- 02 Professionals
- 03 Technicians
- 04 Protective Services
- 05 Paraprofessionals
- 06 Administrative Support
- 07 Skilled Craft
- 08 Service Maintenance
Florida’s Available Labor Market for Individuals with Disabilities

<table>
<thead>
<tr>
<th>Florida</th>
<th>Total</th>
<th>Officials and Administrators</th>
<th>Professionals</th>
<th>Technicians</th>
<th>Protective Service Workers</th>
<th>Para - Professionals</th>
<th>Administrative Support</th>
<th>Skilled Craft Workers</th>
<th>Service Maintenance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Civilian Labor Force (CLF) 16 yrs. and over</td>
<td>8,982,788</td>
<td>838,181</td>
<td>1,716,558</td>
<td>300,243</td>
<td>232,443</td>
<td>450,159</td>
<td>2,468,425</td>
<td>956,513</td>
<td>2,020,266</td>
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<tr>
<td># With Disability</td>
<td>513,214</td>
<td>38,258</td>
<td>73,867</td>
<td>14,429</td>
<td>13,659</td>
<td>27,114</td>
<td>140,915</td>
<td>58,464</td>
<td>146,508</td>
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<tr>
<td>% CLF With Disability</td>
<td>5.7%</td>
<td>4.6%</td>
<td>4.3%</td>
<td>4.8%</td>
<td>5.9%</td>
<td>6.0%</td>
<td>5.7%</td>
<td>6.1%</td>
<td>7.3%</td>
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<tr>
<td># No Disability</td>
<td>8,469,574</td>
<td>799,923</td>
<td>1,642,691</td>
<td>285,814</td>
<td>218,784</td>
<td>423,045</td>
<td>2,327,510</td>
<td>898,049</td>
<td>1,873,758</td>
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<tr>
<td>% CLF No Disability</td>
<td>94.3%</td>
<td>95.4%</td>
<td>95.7%</td>
<td>95.2%</td>
<td>94.1%</td>
<td>94.0%</td>
<td>94.3%</td>
<td>93.9%</td>
<td>92.7%</td>
</tr>
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</table>

Source: U.S. Census Bureau, 2008-2010 American Community Survey
Incumbency to Availability Analysis/Goals

• Analytical Methods:
  – Any Difference Rule
  – Whole Person Rule
  – 80% Rule
  – Two Standard Deviations Rule
Any Difference vs. Whole Person

- **Any Difference Rule** – The number of IWD in a EEO-4 Job Category is less than the expected number based on availability; or
  - The number of females or minorities in a EEO group is less than the expected number based on availability

- **Whole Person Rule** – Availability exceeds employment by one or more persons.
### Department of Emergency Management

Calculating what 1 person equates to as a percentage

Divide the total # of employees in the job group into 1: \( \frac{1}{37} = 2.7\% \)
Disability Utilization Analysis – Progress

• Report Elements:
  – total number of employees
  – number and percent of employees with a disability
  – IWD available labor market %
  – percentage point difference between IWD and availability
  – goal was met (Y/N)
Other AAP Reports

• Disability Requisition Summary
• Disability Personnel Activity
  – Career Service or Career Service Exempt (EOG)
  – Selected Exempt and Senior Management Services
  – Other Personal Services
• Adverse Impact Ratio Analysis (optional)
AA Planning for Women and Minorities
Narrative Components for Women and Minorities

- Organizational Profile
- Identification of Problem Areas
- Action Oriented Programs
ORGANIZATIONAL PROFILE

• Display of the Agency’s Organizational Structure.
  – Graphical chart;
  – Text; or
  – Spreadsheet

• Display must identify each organizational unit and show their relationship to other units.
  – Organizational Unit: Agency, Region, District, Division, Bureau, etc.
ORGANIZATIONAL PROFILE

• For each Organizational Unit include:
  – Name of Unit
  – Job title, gender, race/ethnicity of the unit supervisor
  – Total Number of Male and Female incumbents
  – Total Number of Males and Females in each EEO group (White, Black, Hispanic, Asians/Pacific Islanders, and American Indians/Alaskan Natives)
IDENTIFICATION OF PROBLEM AREAS

• In-depth analysis of personnel policies and practices to identify any impediments to equal employment opportunity.

• Some areas to evaluate:
  – Selection/Promotion/Transfer Procedures
  – Recruitment Process
  – Workforce Utilization
  – Personnel Actions (Hire, Promotion, Termination, Discipline, etc.)
  – Applicant Flow
  – Training Programs
ACTION ORIENTED PROGRAMS

• Designed to eliminate identified problems and to attain established goals and objectives.
• Must be sufficient to ensure that each of the agency’s objectives and the overall intent of EEO are achieved and produce measurable results.
SPECIFIC ACTION ORIENTED PROGRAMS

• Program is one that indicates what the action is, who will accomplish it, how it will be accomplished and when it will be accomplished.
RESULTS ACTION ORIENTED PROGRAMS

• Program is tailored in such a way that proper execution will result either in an increase in minority group or female representation in a job category, if vacancies occur; or

• There will be clear documentation that the agency took sufficient action to constitute “good faith effort”.
ACTION ORIENTED PROGRAM EXAMPLES

• The Office of Human Resources will coordinate with the job placement office at each of the predominately minority or female colleges within the state to conduct recruitment fairs during the Fall and Spring terms.

• Disseminate information on job opportunities to organizations representing minorities, women and employment development.

• Effective July 1, 2007, supervisors/managers will begin working with their servicing Human Resource Office to post all job advertisements in local minority news media.
Statistical Components for Women and Minorities

• Analysis of Prior Year’s Goals
• Availability Analysis
• Incumbency to Availability Analysis/Goals
• Analysis of Employment Actions
## ANALYSIS OF PRIOR YEAR’S GOALS

<table>
<thead>
<tr>
<th>EEO 4 Group/ Class Titles</th>
<th>TOTAL</th>
<th>MALES</th>
<th>FEMALES</th>
<th>TOTAL</th>
<th>TOTAL</th>
<th>TOTAL</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>White</td>
<td>Black/ African Am</td>
<td>Hispanic /Latino</td>
<td>Other</td>
<td>White</td>
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<tr>
<td>01 Officials/Administrators</td>
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<tr>
<td># Current Workforce</td>
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<tr>
<td>% Current Workforce</td>
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<tr>
<td>% Prior Year's Goal</td>
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<tr>
<td>Progress (Difference)</td>
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<tr>
<td>02 Professionals</td>
<td></td>
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<tr>
<td># Current Workforce</td>
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<td>% Current Workforce</td>
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<tr>
<td>% Prior Year's Goal</td>
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<td>Progress (Difference)</td>
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<tr>
<td>Goal Met? (Yes or No)</td>
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</table>
## 2006-2010 AVAILABLE LABOR MARKET ANALYSIS

<table>
<thead>
<tr>
<th>Florida</th>
<th>Total</th>
<th>White alone, Not Hispanic</th>
<th>Black alone, Not Hispanic</th>
<th>AIAN alone, Not Hispanic</th>
<th>Asian alone, Not Hispanic</th>
<th>NHOPi alone, Not Hispanic</th>
<th>SOR, 2+ Races, Not Hispanic</th>
<th>Hispanic</th>
<th>Total</th>
<th>Minority</th>
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</thead>
<tbody>
<tr>
<td><strong>Civilian labor force 16 years and over</strong></td>
<td><strong>Total</strong></td>
<td><strong>8,929,764</strong></td>
<td><strong>5,274,213</strong></td>
<td><strong>1,287,876</strong></td>
<td><strong>18,785</strong></td>
<td><strong>232,239</strong></td>
<td><strong>5,070</strong></td>
<td><strong>113,778</strong></td>
<td><strong>1,997,803</strong></td>
<td><strong>3,655,551</strong></td>
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<tr>
<td>Male</td>
<td></td>
<td><strong>4,673,129</strong></td>
<td><strong>2,790,394</strong></td>
<td><strong>591,955</strong></td>
<td><strong>9,988</strong></td>
<td><strong>119,261</strong></td>
<td><strong>2,628</strong></td>
<td><strong>57,516</strong></td>
<td><strong>1,101,387</strong></td>
<td><strong>1,882,735</strong></td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td><strong>4,256,635</strong></td>
<td><strong>2,483,819</strong></td>
<td><strong>695,921</strong></td>
<td><strong>8,797</strong></td>
<td><strong>112,978</strong></td>
<td><strong>2,442</strong></td>
<td><strong>56,262</strong></td>
<td><strong>864,410</strong></td>
<td><strong>1,772,816</strong></td>
</tr>
<tr>
<td>1 - Officials &amp; Administrators</td>
<td><strong>Total</strong></td>
<td><strong>842,939</strong></td>
<td><strong>605,615</strong></td>
<td><strong>65,105</strong></td>
<td><strong>1,663</strong></td>
<td><strong>20,254</strong></td>
<td><strong>153</strong></td>
<td><strong>9,254</strong></td>
<td><strong>140,895</strong></td>
<td><strong>237,324</strong></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td><strong>516,838</strong></td>
<td><strong>381,155</strong></td>
<td><strong>31,260</strong></td>
<td><strong>1,038</strong></td>
<td><strong>12,614</strong></td>
<td><strong>99</strong></td>
<td><strong>5,252</strong></td>
<td><strong>85,420</strong></td>
<td><strong>135,683</strong></td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td><strong>326,101</strong></td>
<td><strong>224,460</strong></td>
<td><strong>33,845</strong></td>
<td><strong>625</strong></td>
<td><strong>7,640</strong></td>
<td><strong>54</strong></td>
<td><strong>4,002</strong></td>
<td><strong>55,475</strong></td>
<td><strong>101,641</strong></td>
</tr>
<tr>
<td>2 - Professionals</td>
<td><strong>Total</strong></td>
<td><strong>1,714,875</strong></td>
<td><strong>1,170,025</strong></td>
<td><strong>188,025</strong></td>
<td><strong>3,197</strong></td>
<td><strong>66,750</strong></td>
<td><strong>976</strong></td>
<td><strong>20,159</strong></td>
<td><strong>265,743</strong></td>
<td><strong>544,850</strong></td>
</tr>
<tr>
<td>Male</td>
<td></td>
<td><strong>753,183</strong></td>
<td><strong>535,650</strong></td>
<td><strong>59,545</strong></td>
<td><strong>1,142</strong></td>
<td><strong>33,942</strong></td>
<td><strong>467</strong></td>
<td><strong>9,013</strong></td>
<td><strong>113,424</strong></td>
<td><strong>217,533</strong></td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td><strong>961,692</strong></td>
<td><strong>634,375</strong></td>
<td><strong>128,480</strong></td>
<td><strong>2,055</strong></td>
<td><strong>32,808</strong></td>
<td><strong>509</strong></td>
<td><strong>11,146</strong></td>
<td><strong>152,319</strong></td>
<td><strong>327,317</strong></td>
</tr>
</tbody>
</table>

### Notes:
- SOR, 2+ Races, Not Hispanic includes all races, except White alone, Black alone, AIAN alone, Asian alone, NHOPi alone, and Hispanic.
- Minority includes all races, except White alone, Black alone, AIAN alone, Asian alone, NHOPi alone, SOR, 2+ Races, and Hispanic.

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![Florida Department of Management Services Logo](image)
INCUMBENCY TO AVAILABILITY ANALYSIS

• Analytical Methods:
  – Any Difference Rule
  – Whole Person Rule
  – 80% Rule
  – Two Standard Deviations Rule
80% RULE
(a.k.a. 4/5ths Rule, Impact Ratio Analysis, Disparate Impact Testing)

Steps

1. **Calculate Expected # Based on % of Availability in EEO Group**
   
   Total # Employees in Job Category \( \times \) % of Availability in EEO Group

2. **Calculate 80% of Expected Availability**
   
   \(80\% \times \text{# Expected in EEO Group (Result from Step 1)}\)

• **Compare the 80% expected availability figure** to the # of employees in the EEO group being examined. **If the 80% figure is greater** than current utilization (employees) in the EEO group, **underutilization exists**.
TWO STANDARD DEVIATION ANALYSIS

n= Total number of employees in EEO-4 job category
p= Availability percent in EEO group
O= observed (Employees) number utilized
E= expected number utilized (np)
Z= number of standard deviations from the mean (Z = E-O/SD)

Steps:
1. Calculate standard deviation        SD=\sqrt{np(1 - p)}

2. Calculate # of standard deviations from the Mean (the expected result)
   Z = E-O/SD * -1

(This step determines statistical significance (Z score), which is the number of SD by which Observed differs from Expected results)

   If the result is significant and negative, equals or is less than -2, underutilization exists. If the result is significant and positive, equals or is greater than +2, it indicates over-utilization.
ARE WOMEN BEING UNDERUTILIZED?

Total # in job category [=590]  
Utilization of Asian Females in EEO group [= 6]  
Asian Female Availability % [=1.53%]

<table>
<thead>
<tr>
<th><strong>80% Rule</strong></th>
<th><strong>Two Standard Deviations</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 590 x 1.53% = 9 employees</td>
<td>1. $SD = \sqrt{(590 \times 0.0153)(1 - 0.0153)}$</td>
</tr>
<tr>
<td>2. 80% x 9 = 7 employees</td>
<td>$\sqrt{(9.03)(.9847)} = \sqrt{8.89} = 2.89$</td>
</tr>
<tr>
<td>3. 6 employees &lt; 7 employees</td>
<td>2. $Z = \frac{9.03 - 6}{2.98} \times -1 = -1.02$</td>
</tr>
</tbody>
</table>

- Current utilization of Asian Females is 6, which is less than expected, 7. Therefore Asian females are **underutilized**.
- -1.02 is less than 2 SD; therefore, Asian females are **not underutilized**.
Placement Goals

Goals are established where underutilization exists and must be:

• Reasonably attainable through “good faith efforts”
• At least equal to availability
• Measurable
• Designed to eliminate possible employment discrimination
ANALYSIS OF EMPLOYMENT ACTIONS

• Assists in the identification of problem areas through an in-depth analysis of employment processes to determine if there are any selection disparities.

• Employment Actions:
  – Hires
  – Promotions
  – Terminations/Layoffs
  – Discipline

• Analytical Methods:
  – Impact Ratio Analysis (80% Rule)
  – Two Standard Deviations Analysis
IMPACT RATIO ANALYSIS
(a.k.a. 80% Rule, 4/5ths Rule, Disparate Impact Testing)

IRA Steps for “Positive Actions”

1. Calculate Selection Rate for each EEO group

   \[ \text{Selection Rate} = \frac{\text{Number Selected}}{\text{Number in Applicant Pool}} \]

2. IRA = Less Favorably Treated Group Selection Rate
       Most Favorably Treated Group Selection Rate

   (Most Favorably Treated = Group with Highest Selection Rate)

   • If the resulting ratio is less than 80%, adverse impact is declared.
IMPACT RATIO ANALYSIS
(a.k.a. 80% Rule, 4/5ths Rule, Disparate Impact Testing)

IRA Steps for “Negative Actions”

1. Calculate Selection Rate for each EEO group

   Selection Rate = \( \frac{\text{Number Affected}}{\text{Number in Incumbent Pool}} \)

2. IRA = Most Favorably Treated Group Selection Rate
   Less Favorably Treated Group Selection Rate

   (Most Favorably Treated = Group with Lowest Selection Rate)

• If the resulting ratio is less than 80%, adverse impact is declared.
TWO STANDARD DEVIATION ANALYSIS

n = Total number of employees positively/adversely affected (i.e. hired, promoted, terminated, etc.)
p = Percent of protected group in the applicant or incumbent pool
1-p = Percent of group not protected in applicant or incumbent pool
O = observed number employees in protected group positively/adversely affected
E = expected number of persons in protected group positively/adversely affected = (np)
Z= Number of standard deviations from the mean (Z = E-O/ SD)

Steps:
1. SD= \sqrt{np(1− p)}
2. Number of SD from the Mean (the expected result)

Negative Actions Calculation Z= E–O/SD
Positive Actions Calculation Z= E – O/SD * (-1)

This step determines statistical significance, which is the number of SD by which Observed differs from Expected results.
HIRE IMPACT RATIO ANALYSIS

<table>
<thead>
<tr>
<th>GENDER</th>
<th>APPLICANT POOL</th>
<th>HIRED</th>
<th>SELECTION RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women</td>
<td>85</td>
<td>9</td>
<td>10.59%</td>
</tr>
<tr>
<td>Men</td>
<td>40</td>
<td>9</td>
<td>22.5%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>125</td>
<td>18</td>
<td></td>
</tr>
</tbody>
</table>

**80 % RULE**

10.59 = 47.07%
22.5

Women are selected at a rate less than 80% then that of men, resulting in adverse impact.

**STANDARD DEVIATIONS RULE**

1. $SD = \sqrt{18(85/125)(1-.68)} =$

   $\sqrt{18(.68)(.32)} = \sqrt{3.92} = 1.98$

2. $(18\times.68) - 9 * -1 = 3.24 \times -1 = -1.64$
   
   1.98 1.98

Since the result is less than 2 SD there is no adverse impact.
### TERMINATION IMPACT RATIO ANALYSIS

#### 80 % RULE

<table>
<thead>
<tr>
<th>MALES</th>
<th>INCUMBENT POOL</th>
<th>TERMINATIONS</th>
<th>SELECTION RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLACK</td>
<td>40</td>
<td>35</td>
<td>87.50%</td>
</tr>
<tr>
<td>WHITE</td>
<td>85</td>
<td>15</td>
<td>17.65%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>125</td>
<td>50</td>
<td></td>
</tr>
</tbody>
</table>

17.65% = 20.1% 
87.50%

- Since the comparison ratio is significantly less than 80%, blacks are being **adversely impacted**.

#### STANDARD DEVIATIONS RULE

1. \( SD = \sqrt{50(40/125)(1-.32)} = \sqrt{50(.32)(.68)} = \sqrt{10.88} = 3.30 \)

2. \( (50 \times .32) - 35 = -19 = -5.76 \)

- 3.30 3.30

- Since the result exceeds 2 SD there is adverse impact.
RESOURCES

• Department of Labor, Office of Federal Contract Compliance Programs

• Code of Federal Regulations

• U.S. Census Bureau and State of Florida Data Centers
  – http://www.census.gov/
RESOURCES

• Title 41 CFR, Part 60-1; Obligations of Contractors and Subcontractors
• Title 41 CFR, Part 60-2; Affirmative Action Programs for Minorities and Women
• Title 41 CFR, Part 60-3; Uniform Guidelines on Employee Selection Procedures
• Title 41 CFR, Part 60-741; Affirmative Action and Nondiscrimination for Individuals with Disabilities
• EEOC ADA Enforcement Guidance (Pre-employment Disability-Related Questions and Medical Examinations)
Contact Information

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