
Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

Chapter 1 Table of Contents

<u>Section</u>	<u>Page</u>
I. Equal Employment Opportunity.....	5
A. Definitions	5
B. Prohibited Acts.....	6
C. Employment Practices Covered.....	6
D. Harassment	7
E. Sexual Harassment	7
F. Complaints Regarding Violations	8
II. Accommodations for Individuals with Disabilities.....	10
A. Accommodations for Individuals with Disabilities.....	10
III. Affirmative Action.....	13
A. Agency Responsibilities	13
B. Distribution	13
C. Training.....	13
D. Complaint Procedure	13
E. Affirmative Action	14
F. Requirements of a Recruitment Plan.....	17
G. Requirements of an Affirmative Action Plan	20
H. Agency Affirmative Action Program Assessment	26
I. Human Resource Policy Record	26
IV. Chapter Appendix - Forms and Notices	28

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

[This page intentionally left blank.]

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

Section I Equal Employment Opportunity

Purpose

The purpose of the Equal Employment Opportunity policy (“EEO policy”) is to ensure that all aspects of employment are conducted without regard to race, color, religion, gender, age, national origin, disability, marital status, pregnancy, or political affiliation.

The EEO policy is designed not only to comply with federal and state laws prohibiting discrimination in employment, but to promote and maintain fairness in the LDSS’ hiring and employment practices and the workplace as a whole. The EEO policy encourages affirmative efforts to recruit qualified candidates of every race, color, religion, age, gender, national origin, disability, or marital or pregnancy status, in order to ensure that all people have fair opportunities in employment based solely on their ability.

The EEO policy does not require, and in fact, prohibits, the hiring, promoting, or in any way advancing of anyone based on these factors, the use of quotas for any group, or any effort to favor one group over another.

Scope

This policy applies to all employees, applicants for employment, and contract employees (hereafter “Employee”).

A. Definitions

1. Discrimination

Adverse or unfavorable treatment on the basis of race, color, religion, gender, age, national origin, disability, marital or pregnancy status.

2. Harassment

Verbal, written, or physical conduct that either denigrates or shows hostility towards a person on the basis of that person’s race, color, national origin, age, sex, religion, disability, marital status or pregnancy that:

- a. has the purpose or effect of creating an intimidating, hostile, or offensive work environment;

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- b. has the purpose or effect of unreasonably interfering with an employee's work performance; or
- c. adversely affects an employee's employment opportunities or compensation.

3. Retaliation

Overt or covert adverse employment actions such as reprisal, interference, restraint, discrimination, intimidation, or harassment against an individual who has exercised rights under this policy or opposed actions prohibited under this policy.

4. Sexual Harassment

Any unwelcome sexual advance, request for sexual favors, or verbal, written or physical conduct of a sexual nature by a manager, supervisor, co-worker or non-employee (third party). Sexual harassment includes the giving or withholding of a work-related benefit in exchange for sexual favors, e.g., when subjecting an employee to unwelcomed and severe or pervasive sexual comments, innuendoes, touching, or other conduct of a sexual nature which creates an intimidating or offensive place for employees to work.

B. Prohibited Acts

1. Discriminatory employment action against an employee on the basis of race or gender, color, national origin, religion, age, disability or marital or pregnancy status.
2. Harassment of any employee on the basis of race, color, national origin, age, gender, religion, disability or marital or pregnancy status is prohibited. Any employee who perceives the conduct of co-workers, supervisors, visitors, contractors, customers, and others to be harassing should immediately inform the individual(s) that their conduct is unwelcomed and report the conduct to the supervisor or through the complaint procedure.
3. Retaliation against an employee for making a complaint of discrimination, harassment, or retaliation and for opposing a discriminatory or harassing practice is prohibited.

C. Employment Practices Covered

This policy applies to adverse actions relating to all aspects of the employment relationship:

1. Hiring, demotion, promotion, layoff, and termination;

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

2. Performance management and employee development;
3. Disciplinary actions;
4. Compensation; and
5. Work environment.

D. Harassment

Harassment of an employee on the basis of his or her race, color, religion, age, gender, national origin, marital or pregnancy status, or disability will not be tolerated. Harassment can consist of verbal or non-verbal expressions or gestures as well as acts of a physical nature. Jokes, innuendoes, inclusions or exclusions in activities, comments and other acts that are not inclusive or make the workplace hostile to an employee based on his or her race, color, religion, age, gender, national origin, marital or pregnancy status, or disability fall within this type of prohibited activity.

E. Sexual Harassment

1. Sexual harassment is unwanted advances, requests for favors, or other verbal or physical conduct of a sexual nature when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - b. submission to, or rejection of, such conduct is used as the basis for decisions affecting the individual's employment; or
 - c. such conduct has the purpose or effect of unreasonably interfering with the individual's work, performance, or full participation in the benefits of employment, or creating an intimidating, hostile, or offensive environment for work.
2. Sexual harassment may take many forms and includes:
 - a. physical assault;
 - b. subtle or overt pressure or direct requests for sexual favors;
 - c. inappropriate display of sexually suggestive objects or pictures; and
 - d. a pattern of unwelcome and unwanted conduct that would be offensive to a reasonable person including:

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- (1) unnecessary touching;
- (2) using sexually abusive language or gestures (including remarks about a person's clothing, body or body movements, or sexual activities); and
- (3) teasing and joking of a sexual nature.

F. Complaints Regarding Violations

1. LDSS Complaint Process

Complaints of discrimination, harassment or retaliation should be brought to the attention of the local or Department Human Resources/EEO Officer or the LDSS Director. The report should be made in person; however, a report will also be accepted in whatever other format it is presented. If the person allegedly committing the discriminatory, harassing, or retaliating act is the local or Department Human Resources/EEO Officer or the LDSS Director, the employee may bring the complaint to the Chair of the local Board of Social Services.

Charges will be promptly and thoroughly investigated and corrective actions taken if the charge is founded. If it is determined that a violation has occurred, appropriate relief for the employee bringing the complaint and appropriate disciplinary action, up to and including discharge, against the person(s) who violated this policy will follow.

A non-employee who subjects an employee to harassment in the workplace will be informed of the LDSS policy and appropriate actions will be taken.

In all cases, the LDSS will make follow-up inquiries to ensure that the prohibited conduct has not resumed.

An employee accused of violating the EEO Policy will be fully informed of the allegations and will be able to offer an explanation or defense to the charges. An employee found to be violating this policy will be subject to disciplinary action, including termination.

2. External Complaint Process

- a. Department HR has an EEO complaint investigation procedure that may be used.
- b. The Virginia Commission on Human Rights and the U.S. Equal Employment Opportunity Commission also investigate complaints of discrimination.

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

[This page intentionally left blank.]

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

Section II Accommodations for Individuals With Disabilities

Purpose

The purpose of this policy is to set forth policy in compliance with the Americans with Disabilities Act and all federal and state laws that require accommodations for persons with disabilities.

Scope

This policy applies to all applicants for employment and employees.

A. Accommodations for Individuals with Disabilities

1. The LDSS is committed to providing equal employment opportunities to qualified individuals with disabilities who are otherwise able to perform the essential functions of a job with or without accommodation.
2. Position descriptions will set forth which functions are essential so as not to deny employment opportunities to individuals with disabilities.
3. An individual is considered to have a disability if that individual either:
 - a. has a physical or mental impairment which substantially limits one or more major life activities,
 - b. has a record of such an impairment, or
 - c. is regarded as having such an impairment.
4. Reasonable accommodations will be provided to a qualified employee or applicant with a disability when a request for an accommodation is made.
 - a. A qualified employee or applicant is one who is able to perform essential functions of the job with or without accommodation.

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- b. A request for an accommodation will be denied if the accommodation is not shown to be effective or if it places an undue burden on the LDSS, or if the employee poses a direct threat to the health and safety of himself or herself or others.**

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

[This page intentionally left blank.]

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

Section III Affirmative Action

Purpose

The purpose of this policy is to provide policy and procedures for affirmative action. As a recipient of federal funds, each LDSS must meet the affirmative action requirements of federal law. The reporting and monitoring actions that must be taken are set forth below.

In order to ensure that the objectives of this policy are fulfilled, each LDSS will monitor and report its employment practices in a format prescribed by the Department.

Scope

This policy applies to employment practices that impact all prospective and current employees and volunteers.

A. Agency Responsibilities

B. Distribution

The LDSS is required to distribute the EEO policy to employees and to post the required legal notices concerning equal employment opportunity laws. Among the EEO responsibilities is the legal duty to provide reasonable accommodations to persons with disabilities. The Certification of Disability and Accommodations Required form should be used.

C. Training

The LDSS is responsible for providing appropriate supervisory and employee training covering all aspects of the policy to ensure that employment rules and practices are applied without regard to race, color, religion, gender, age, national origin, disability, marital status, pregnancy or political affiliation.

The training and retraining of supervisors on their responsibilities under the EEO policy is essential.

D. Complaint Procedure

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

The LDSS is responsible for establishing an EEO complaint procedure which is available to all employees regardless of whether they are temporary, part time, or full time, for investigating and resolving complaints brought, and taking prompt remedial action when appropriate. The remedial action taken should correct the wrong committed and protect the victim from further harassment or discrimination.

E. Affirmative Action

1. Commitment to Affirmative Action

The State Department of Social Services strongly endorses equal employment opportunity. All LDSS are required to ensure equal employment opportunity to all of its employees and applicants for employment. Further, the Department encourages effective affirmative action efforts in order to achieve and maintain equal employment opportunity.

Affirmative action is a planned, aggressive, coherent management program to provide for equal employment opportunity. The Affirmative Action Plan (AAP) is the written document through which the LDSS ensures that all persons have equal opportunities in all aspects of employment, including recruitment. The plan should be specifically tailored to the workforce and available skills of the LDSS. It contains specific actions with goals, timetables, responsibilities, and resources to meet identified needs. It is a result-oriented program designed to achieve equal employment opportunity

The LDSS is required to:

- a. Submit a policy statement, which must contain the local director's signature, and a board statement that must be signed by the chairperson of the local board.
- b. Submit an Affirmative Action Program Assessment, Human Resource Policy Record, Local Human Resource Policy Records, and Affirmative Action Documents.
- c. Submit either a Recruitment Plan/Checklist (agencies with 11-20 employees) or an Affirmative Action Plan/Checklist (agencies with 21 or more employees).

2. Types of Affirmative Actions

Each LDSS must make an affirmative effort to achieve equal employment opportunity. The type of action required is determined by the size of the LDSS.

- a. Class I Agencies:

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- (1) Distribute the written policy statement prohibiting discrimination in all phases of employment to all employees.
 - (2) Develop a list of recruitment sources to include predominately minority, female and disability organizations and publications.
 - (3) Maintain records on selection criteria, such as questions asked during the interview, methods used to rank applicants, and written reasons why applicants are not selected.
 - (4) Provide regular EEO training for staff whenever necessary to ensure satisfactory job performance. Provide specific training on recruiting procedures, e.g., bona fide qualifications and impermissible questions.
 - (5) Record and maintain for review the number of community and/or organizational appearances made to promote employment with the LDSS.
 - (6) Notify Department HR of any contact from federal regulatory agencies concerning equal employment or affirmation action.
- b. Class II Agencies:
- (1) Distribute the written policy statement prohibiting discrimination in all phases of employment to all employees.
 - (2) Maintain a written Recruitment Plan.
- c. Class III Agencies:
- (1) Distribute the written policy statement prohibiting discrimination in all phases of employment to all employees.
 - (2) Maintain a written Affirmative Action Plan.

3. Documentation Requirements for Affirmative Action

- a. All required material such as policy statements, Affirmative Action Plans and Recruitment Plans shall be submitted to the Commissioner for approval no later than May 1 of the year in which they are due.

The LDSS may adopt the Affirmative Action Plan used by the local jurisdiction provided that the requirements contained in this chapter are met in such Plan.

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

Therefore, any items not addressed in the local jurisdiction plan must be addressed in a supplement to that plan.

- b. Recruitment Plans and Affirmative Action Plans shall be active for two years. The effective date shall be July 1 of the year in which they are due. Class I agencies shall submit an updated Policy Statement every other year. Class II agencies shall submit an updated Recruitment Plan every other year. All Class III agencies shall submit an updated affirmative action plan every other year.
- c. All Class II agencies shall submit with the updated Recruitment Plan a completed copy of the Recruitment Plan Checklist. All Class III agencies shall submit with the updated Affirmation Action Plan a completed copy of the Affirmative Action Plan Checklist.
- d. An annual report shall be submitted by every LDSS regardless of size to the Department's HR no later than September 1 of each year to cover the period of July 1 to June 30. The annual report shall follow the format for Agency Affirmative Action Program Assessment.

4. Responsibility for Affirmative Action Planning

- a. Responsibilities of LDSS Directors
 - (1) Ensuring that policy statements and plans are updated prior to the expiration date and that all LDSS responsibilities are met;
 - (2) Ensuring that all employees are informed of the provisions of the EEO Policy; and
 - (3) Discussing ways in which employees may assist in implementing the Affirmative Action Plan within the LDSS.
 - (4) Being aware at least 90 days and again at 60 days prior to the date the plan will expire;
 - (5) Issuing guidelines as necessary for discharging its responsibilities and informing the Department's HR of these guidelines;
 - (6) Requesting assistance for meeting the provisions for affirmative action planning;
 - (7) Acquiring information on equal employment opportunity;

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- (8) Providing planning and training on equal employment and affirmative action for LDSS staff, if requested;
 - (9) Helping prepare and distribute information which explains the provisions of the LDSS' and the Department HR discrimination complaint process;
 - (10) Printing and making available information regarding the use of a utilization analysis and setting numerical objectives; and
- b. Responsibilities of the Department's HR:
- (1) Recording the status of each LDSS' plan; and,
 - (2) Conducting periodic reviews of LDSS plans. Such reviews may result in modification of the plan, the numerical objectives section of the plan, or any other section as deemed beneficial to the accomplishment of the objectives of the Affirmative Action Plan.
- c. Responsibilities of the Commissioner:
- (1) Monitoring and supporting the LDSS to accomplish the provisions contained in this section; and
 - (2) Approving LDSS Affirmative Action and Recruitment Plans.

F. Requirements of a Recruitment Plan

1. Employment Parity

The LDSS shall be responsible for the recruitment of qualified minorities and females in order to achieve employment parity, as measured by the utilization analysis.

The Recruitment Plan used by Class II agencies has the following purposes:

- a. To assist the LDSS in developing responsive, flexible, affirmative action recruitment programs;
- b. To assist the LDSS in analyzing profile and utilization data in a timely manner for active recruitment efforts of minorities and females when necessary; and
- c. To assist the LDSS in being able to reasonably predict the number of people that will have to be promoted, trained, or hired during a given time period to

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

ensure an adequate supply of manpower for the restaffing of the local government in an expeditious manner.

2. Communication of EEO Policy and Affirmative Efforts

The Recruitment Plan must contain an effective system of internal and external communication of the EEO Policy for all employees, applicants, and the general public, including, but not limited to, the following:

- a. Posting of federal posters, state posters, and policy statements in conspicuous places throughout the LDSS;
- b. Annually reaffirming the EEO policy so that each employee is aware of the commitment of the LDSS;
- c. Advising, in writing, all recruitment sources of the LDSS' EEO/AA policy;
- d. Including the phrase "An Equal Opportunity/Affirmative Action Employer" in all employment advertisements;
- e. Inclusion of the LDSS' policy statement in the employee handbook, administrative manual(s) and the LDSS' personnel policy and procedure manual(s); and
- f. Recording and maintaining for review the number of community and/or organizational appearances and presentations made by LDSS staff promoting the LDSS' EEO/AA program.

3. Evaluation of Recruitment Efforts

A responsive, flexible recruitment program can only be developed after an analysis is conducted to determine if minorities, females and the disabled are treated equally in all respects.

- a. A utilization analysis will be generated from the Local Employment Tracking System (LETS) on a quarterly basis.
- b. The LDSS must summarize the result of the utilization analysis. Where underutilization is identified, the number of minorities and females needed to achieve the employment parity and the numerical objectives for minorities and females according to EEO-4 Categories must be stated.

4. Recruitment Management

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- a. The plan should state by job title, the person(s) responsible for conducting active recruitment to reach all appropriate sources, including groups which represent minorities, females, and disabled individuals, to obtain qualified employees on a non-discriminatory basis.
- b. The plan should state the person(s), by job title, responsible for developing a list of recruitment sources, for maintaining contacts with organizations which represent minorities, females, and disabled individuals, and who will review and monitor recruitment procedures to ensure that such procedures provide for equal employment opportunity.

5. Interview Panel

The plan should state that all employees who conduct employment interviews, including individuals who serve on an interviewing panel, will be responsible for applying proper interviewing techniques.

6. Recruitment Efforts

The plan should state that when underutilization exists, the LDSS shall undertake appropriate affirmative action to recruit qualified minority and/or female applicants. All vacancies in an EEO-4 Category where underutilization exists must be announced through open recruitment by the Department's HR. Prior to the dissemination of the Recruitment Announcement for a vacancy, the LDSS should:

- a. Review descriptions of job duties to be certain current position classifications are appropriate and accompanying qualifications are job related.
- b. Identify and clearly define all local recruitment procedures and sources to ensure that they provide equal employment opportunity.
- c. Develop job-related interview questions and criteria for assessing responses to interview questions.

d. Recordkeeping:

The Recruitment Plan should state that recordkeeping will be maintained for a minimum of three years by race and sex on applicants who are interviewed and on applicants who are selected. (Note: this date is not to be contained in any individual personnel record.)

e. Assessment of recruitment program effectiveness:

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- (1) The plan should state the person(s) responsible for submitting the LDSS' annual assessment of the recruitment activities report as required in this section.
- (2) The plan should state the person(s) responsible for revising the recruitment plan.

7. Recruitment Plan Checklist

The Recruitment Plan Checklist may be used to help in assessing the effectiveness of the Recruitment Plan.

G. Requirements of an Affirmative Action Plan

The scope of an Affirmative Action Plan must be comprehensive, covering all elements of the organization, personnel policy and management practices. The Affirmative Action Plan is an important, integral element of the LDSS' human resources program and should be considered and managed accordingly.

1. Basic Requirements of an Affirmative Action Plan

- a. Objectives (or goals) to be achieved should be stated in qualitative and quantitative terms;
- b. Specific action steps, or methods, for achieving overall objectives;
- c. Assignment of responsibilities to individuals or organizational units;
- d. Realistic and achievable timetables and target dates; and
- e. A procedure for evaluating the organization's progress toward achieving the objectives and for periodic review and revision of the plan.

2. Example of Affirmative Action Plan Format

Objective: Ensure that all managers and supervisors are fully informed on the LDSS' EEO policy and the programs included the Affirmative Action Plan.

Specific Action Step	Assignment of Responsibility	Target Date	Evaluation Procedure
Provide formal orientation	Director	07/14/2000	Periodic report of

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

on the Affirmative Action Plan to all supervisors.			supervisors completing the orientation.
---	--	--	--

3. Communication of the Plan

The Plan should contain an effective system of internal and external communication of the EEO policy to all employees, applicants, and the general public, including:

- a. Posting of federal posters, state posters and policy statements in conspicuous places throughout the LDSS;
- b. Annually reaffirming the EEO policy so that each employee is aware of the commitment of the LDSS;
- c. Advising in writing all recruitment sources of the LDSS' EEO policy;
- d. Including the phrase, "An Equal Employment/Affirmative Action Employer," in all employment advertisements.
- e. Including the LDSS' policy statement in the employee handbook; and/or
- f. Recording and maintaining for review the number of community and/or organizational appearances and presentations made by LDSS staff promoting the LDSS' EEO/AA Program.

4. Evaluation of the LDSS' Current Policies and Management Practices

- a. The plan must state that the LDSS will report to the Department's HR all complaints alleging discrimination that are filed with any federal agency;
- b. The plan must state that the LDSS will notify the Department's HR of any contact from a federal regulatory agency concerning equal employment or affirmative action; and
- c. The plan must indicate the LDSS' success/failure in attaining numerical goals and objectives in its last affirmative action plan.

5. Delegation of Responsibility

The Affirmative Action Plan should include:

- a. Identification of the designated EEO Officer, by job title for the LDSS; and

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- b. The duties and responsibilities of the EEO Officer:
 - (1) The delegation of the appropriate authority and responsibility to act in the administration of the Affirmative Action Plan; and
 - (2) The assurance that the EEO officer will receive periodic training in the EEO, as needed to enhance job performance.

6. Recruitment

The Affirmative Action Plan should contain language which indicates that:

- a. The LDSS will plan appropriate recruitment efforts to meet projected needs;
- b. The LDSS will conduct active recruitment to reach all appropriate sources to obtain qualified employees on a non-discriminatory basis;
- c. A list of recruitment sources has been developed and is maintained by the LDSS;
- d. The LDSS will emphasize the maintenance of contacts with organizations that support minorities, females, and people with disabilities in order to recruit qualified candidates for classified positions;
- e. All recruitment literature will clearly convey the LDSS' commitment to equal employment opportunity and will include the phrase "An Equal Opportunity/Affirmative Action Employer"; and
- f. The LDSS will review and monitor recruitment procedures to ensure that they provide for equal employment opportunity.

7. Selection

The Affirmative Action Plan should:

- a. Designate the person in the LDSS responsible for reviewing all selection procedures to ensure that such procedures are job related;
- b. State that the LDSS will maintain selection procedures used for each vacancy;
- c. State who will maintain data on selection criteria, including questions asked during the interview, ranking of applicants, the written reasons why applicants are rejected, and correspondence to applicants;

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- d. State who will be responsible for analyzing the flow of applicant information through the selection and appointment process, including analyzing the written reasons why applicants are rejected; and
- e. State that the LDSS will ensure that all employees who conduct employment interviews (including individuals who serve on an interview panel) possess knowledge of proper interviewing techniques.

8. Training

The Affirmative Action Plan should:

- a. State that the LDSS will establish training programs in a non-discriminatory manner and include the training and educational resources that will be used;
- b. Specify the anticipated date(s) when orientation of the affirmative action plan will be conducted within the LDSS. The orientation should include information addressing the administration of the policies and procedures incorporated in the plan, and the federal, state, and local laws relating to equal employment opportunity;
- c. State that the EEO officer, managers and supervisors will receive training in EEO, as needed to ensure satisfactory job performance;
- d. State specifically who will be responsible for annually reviewing the training profiles to ensure that training opportunities are being offered to all eligible employees on an equal basis; and
- e. State that each new employee will receive LDSS policies, information, and brochures on grievance procedures, federal and state EEO complaint procedures, and the standards of conduct at orientation.

9. Record Keeping

The plan should state that records will be maintained by race and sex on the following for a minimum of three years;

- a. Applicants interviewed;
- b. New hires (original appointment, transfer-in, and reemployment);
- c. Separations;
- d. Promotions;

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- e. Lateral transfers;
 - f. Demotions;
 - g. Title changes;
 - h. Redefinitions;
 - i. Training;
 - j. Complaints of discrimination; and
 - k. Standards of conduct offenses.
10. Job Structuring and Upward Mobility
- The plan should:
- a. Specify the person(s) responsible for career counseling and guidance to employees;
 - b. Specify the person(s) responsible for publicizing promotional opportunities within each department and the entire LDSS;
 - c. Specify that an annual review will be made of the race and sex of persons redefined in order to determine if there has been a disparate effect. The LDSS will provide a description of any actions taken to correct any inequity identified; and
 - d. Outline the LDSS' promotion, reclassification, and/or lateral transfer process, indicating each step where discrimination might possibly occur. The LDSS will provide a description of potential actions to be taken should discrimination be found.
11. Numerical Goals and Objectives Assessment
- The assessment should:
- a. Indicate the results of the comparison between the relevant market and the LDSS' work force;
 - b. Summarize, where underutilization is identified, the number of minorities and females needed to achieve employment parity and the numerical objectives for minorities, and females according to EEO-4 categories; and
-

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

- c. Indicate a commitment to analyze factors contributing to underutilization such as the following:
 - (1) Where underutilization is due to disproportionate number of females or minorities lacking minimum qualifications, the LDSS will review the knowledge, skills, and abilities (KSAs) and attempt to determine why minorities or females do not possess the KSAs.
 - (2) Where underutilization is not due to a disproportionate number of minorities and females lacking minimum qualifications, the LDSS shall review its recruitment and selection methods in order to identify points of discriminatory impact.

12. Avenues of Recourse

The Affirmative Action Plan must state that the LDSS:

- a. Makes the information on EEO counseling and the complaint procedures readily available to all employees;
- b. Will provide a system for processing complaints filed internally, e.g., internal complaint procedure, grievance procedure; and
- c. Will readily provide information on the “State Employees Discrimination Complaint Procedure” to all employees and, upon request, to all applicants for employment.

13. Assessment of Program Effectiveness

The Affirmative Action Plan must state:

- a. That the LDSS will provide for a program of conducting exit interviews for any employee terminating employment and the person(s) designed to collect and maintain this information;
- b. The person(s) responsible for analyzing the exit interview information such as reasons given for transfers and separations;
- c. That the LDSS will annually review the affirmative action plan and the revisions will be made as necessary; and
- d. The person(s) responsible for submitting, by September 1 of each year, to the Commissioner of the Department of Social Services an annual report following the Format for Agency Affirmative Action Program Assessment.

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

14. Reasonable Accommodation/Access for the Disabled

The Affirmative Action Plan:

- a. Must indicate that an individual is designated as the LDSS' ADA/504 coordinator and is responsible for coordinating LDSS activities designed to meet the requirements of the Rehabilitation Act of 1973. The 504 coordinator can serve as the liaison with the Virginia Department of Rehabilitative Services, and other pertinent agencies that can provide reasonable accommodation information;
- b. Must state that facilities or programs are accessible to applicants and employees with disabilities;
- c. The plan must state that all employees are afforded the opportunity to voluntarily declare any disabilities they may have; and
- d. Should include the removal of physical barriers that have been or should be undertaken by the LDSS.

H. Agency Affirmative Action Program Assessment

The Agency Affirmative Action Program Assessment form must be used for the Affirmative Action Program Assessment. Class I agencies shall respond to questions 1-6. Class II and III agencies are to answer questions 1-8. This format may be copied or retyped to accommodate the length of the responses.

I. Human Resource Policy Record

Biannually, all LDSS, except those approved as part of jurisdiction-wide plans, are required to inform the Department's HR of the human resource policies, state or local, they are using. This information shall be submitted on the Human Resource Policy Record Form.

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

[THIS PAGE INTENTIONALLY LEFT BLANK.]

Chapter 1 – Equal Employment Opportunity, Disability Accommodation and Affirmative Action

Section IV Chapter Appendix- Forms and Notices