



AFFIRMATIVE ACTION PLAN

I. PURPOSE

A. PURPOSE

The Indian River County Sheriff's Office (IRCSO) is an equal opportunity employer. No applicant or current agency member shall be discriminated against in any phase of employment or promotional opportunity because of race, color, religion, sex (including pregnancy), gender identity, sexual orientation, national origin, age (over 40), disability or genetic information. Veterans, service members, their spouses and their family members are encouraged to apply for employment. The Indian River County Sheriff's Office strives to promote equal employment opportunities and has created this plan to provide guidance. This Affirmative Action Plan is a plan of inclusion rather than exclusion. "Equal Employment Opportunity" can be defined as the method used by the employer to identify and eliminate all barriers within the personnel management system which limit the ability of minority and female members to reach their full potential.

This Affirmative Action Plan is an integral element of the agency's personnel management system and precludes preferential treatment, quota systems for arbitrary proportional representation, or reduction in job-related qualifications solely to increase minority or female employment. All aspects of the agency's personnel management system are administered without regard to race, color, religion, sex (including pregnancy), gender identity, sexual orientation, national origin, age (over 40), disability or genetic information (except where sex, age, or physical requirements constitute a documented bona fide occupational qualification) or any other non-merit factor.

This Affirmative Action Plan is the Sheriff's commitment to equal employment opportunity for all applicants and members, and also provides a system for measuring the agency's effectiveness.

The Indian River County Sheriff's Office exercises equal employment opportunity to:

- a. Recruit, hire and promote all job classifications without regard to race, color, religion, sex (including pregnancy), gender identity, sexual orientation, national origin, age (over 40), disability or genetic information. All employment decisions are made with equal opportunity principles in mind.
- b. Ensure that all personnel actions are administered in a non-discriminatory manner.
- c. Ensure that all member benefits and facilities of the Indian River County Sheriff's Office are available to all members on an equal and non-discriminatory basis.

- d. Ensure that heightened emphasis is continuously placed on the recruitment and promotion of qualified veterans, females and minorities.

This Program represents an affirmation of the Indian River County Sheriff's Office that local, state and federal laws and regulations implementing equal employment opportunity objectives shall be fully complied with, not only by meeting the letter of the law and its requirements, but also by carrying out the spirit and intent of the law.

B. RESPONSIBILITIES

To assure support and success of this Affirmative Action Plan and to meet the established objectives, IRCSO has assigned specific responsibilities to the following members:

Sheriff

The Sheriff has the ultimate responsibility for the success of the Affirmative Action Plan. He will assure effective communication of, and conformance with, the requirements of this Plan, and assure that Supervisors and members of Command Staff take such action as is necessary to achieve the Plan's objectives.

Chief Operating Officer

The Chief Operating Officer shall serve as the Equal Employment Opportunity Officer. The Chief Operating Officer shall have the authority to administer and ensure compliance with the Sheriff's Office Affirmative Action Plan.

Command Staff Members and Supervisors

Command Staff members and supervisors will adhere to IRCSO's Affirmative Action Plan, in both spirit and intent, and are responsible for achieving progress towards the goals and objectives of the Plan in their respective units. Specifically, Command Staff Members and Supervisors will:

- a. Participate with the Sheriff, Chief Operating Officer and other Command Staff members to identify and correct problem areas.
- b. Ensure that all employment decisions, including development of job knowledge and skill requirements, interviews, offers of employment and compensation commitments, assignments, training and evaluation, and employee relations are consistent with IRCSO personnel practices and equal employment opportunity principles.
- c. Ensuring that all staff understand and work within Federal and State laws, as well as IRCSO policies and procedures, aimed at equal employment opportunity.
- d. Initiating steps to facilitate and maintain a work climate that is conducive to achieving equal opportunities and a workplace free from discrimination and harassment.

All Employees

IRCSO employees are responsible for supporting a work climate that is conducive to achieving equal employment opportunities and that is free of any form of discrimination or harassment.

II. POLICIES

A. EQUAL EMPLOYMENT OPPORTUNITY POLICY

IRCSO provides equal employment opportunities to all employees and applicants in accordance with applicable federal, state and local laws. Through adoption and dissemination of this Plan to employees, IRCSO commits to an inclusive, results-oriented, equal employment opportunity environment aimed at a diverse workforce free of illegal discrimination and harassment.

B. ANTI-DISCRIMINATION POLICY

IRCSO will take positive measures toward eliminating artificial barriers to employment and achieving equal opportunity through its implementation and coordination of IRCSO's Affirmative Action Plan, and through its review and evaluation of hiring and promotional policies and procedures.

It is the policy of IRCSO that all persons be afforded equal access to positions in public service based on their ability to do the job. Hiring will be made on the basis of job-related criteria, and all employment decisions will be made on the basis of merit, in conformity with principles of equal opportunity.

IRCSO considers violation of this policy, on the basis of any EEO-protected categories, to constitute misconduct that undermines the integrity of the employment relationship. Corrective action up to and including dismissal shall be taken against individuals who violate any provision of this policy.

C. ANTI-HARASSMENT POLICY

IRCSO is committed to providing a workplace free of harassment; is strongly disapproving of and will not tolerate these types of illegal acts against employees, citizens or any other persons who the employees of the Agency come into contact. IRCSO will not tolerate any action that illegally harasses, disrupts or interferes with another's work performance or creates an intimidating, offensive or hostile work environment. IRCSO encourages its employees and contractors to respect the differences of others. All are expected to act in a responsible, professional manner and to contribute to a productive work environment that is free from harassing or disruptive behaviors.

This policy unequivocally extends to all forms of harassment based on the criteria set forth in "section II. Discrimination". IRCSO considers harassment on the basis of any of these categories to constitute misconduct that undermines the integrity of the employment relationship. Individuals who violate this policy will receive corrective action that can range from agency intervention to formal discipline, including termination. Harassing behavior includes, but is not limited to:

- Verbal conduct, such as epithets, defamatory, abusive or insulting comments, taunting, mockery, heckling, slurs, jokes, stories, disparaging terms or unwanted sexual advances, flirtations or comments.
- Physical conduct, such as impeding or blocking movement, gestures, physical interference with normal work movement, unwelcome touching or assault.
- Visual conduct, such as derogatory or sexually oriented posters, photographs, letters or other writings, email, cartoons, graffiti, or drawings.
- Nonverbal conduct, such as staring, leering, intimidation, winks or other gestures.

In addition to the above, sexual harassment shall include unwelcome, unwanted, sexual advances or overtures, requests for sexual favors and other verbal, physical or body language of a sexual nature. The actions above will be considered sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting that individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

D. ANTI-RETALIATION POLICY

Retaliation is defined as unlawful punishment or adverse action of an employee because that employee reported unlawful discriminatory conduct, participated in an investigation of discrimination or engaged in other protected conduct. The most obvious types of retaliation include denial of promotion, refusal to hire, denial of job benefits, demotion, suspension and discharge. Other types of retaliation may include threats, reprimands, negative evaluations or harassment. The source of retaliation may be from a manager or supervisor toward an employee or from one employee or group of employees toward another employee.

IRCSO recognizes that the ability to communicate, report and oppose illegal activity is the singular most effective tool employees and applicants have to prevent and stop such activity. If retaliation for reporting or opposing illegal activity were permitted to continue without remedy it would have a chilling effect upon employees and applicants who speak out against, or oppose, such activity.

IRCSO does not tolerate any acts of retaliation. IRCSO employees are forbidden to retaliate against any employee or applicant who reports any violation of this Equal Employment Opportunity policy. Corrective action, up to and including dismissal, shall be taken against individuals in violation of any provision of the policy.

E. RESPONSIBILITIES

All IRCSO employees, including Command Staff members and supervisors, have the responsibility to:

- Understand and abide by the IRC SO Equal Employment Opportunity Policy and comply with its terms.
- Respect the differences of others.
- Contribute to a harassment-free environment by acting and behaving in an appropriate, respectful and professional manner.
- Immediately report any violations of this policy, which the employee personally observes or has knowledge of. Complaints should be made in a timely manner.
- Cooperate completely in any investigation of violations of this policy.

All Command Staff members and supervisors have additional responsibility to be proactive and:

- Foster a work environment free of discrimination and harassment.
- Eliminate personal biases from employment decisions and practices.
- Ensure employment, performance or conduct decisions and practices are based on a consistent set of criteria that is applied equally to all employees and not based on non-job-related factors.
- Ensure that stereotypes do not create a "glass ceiling" to advancement of persons historically excluded from middle and upper management positions.
- Keep consistent documentation on all employees.
- Take each complaint concerning violations of this policy seriously. Failure to report an incident of harassing or discriminatory conduct is itself a violation of this policy.
- Ensure that all employees are aware of this policy and the procedures for communicating a complaint.
- Take corrective action if an investigation results in a finding that this policy has been violated.
- Make a referral to the IRC SO Employee Assistance Program where appropriate.
- Prohibit retaliation against an employee or applicant who has complained of a violation of this policy, or who has participated in an investigation of a complaint under this policy.
- Respect confidentiality to the greatest extent possible by only sharing information regarding complaints and investigations with those who have a "need to know."

F. COMPLAINT RESOLUTION PROCEDURES

1. IRC SO Complaint Procedures

IRC SO complies with federal and Florida state laws and regulations regarding EEO practices. Suspected violations of EEO policy will be investigated vigorously. Employees and applicants are encouraged to attempt resolution of complaints as quickly as possible at the lowest and least formal level. However, if deemed inappropriate in the judgement of the individual, he or she may pursue resolution at a higher level. The most important consideration should be resolution of the issue in a prompt and fair manner. Complaints should be made within 30 days, if possible, after the complainant becomes aware of the alleged violation. Complaints may be verbal or written. A written notification of receipt of the complaint will be issued by the EEO Officer and forwarded to the complainant no later than five business days after receipt by the EEO Officer. The following procedures may be utilized by a Complainant:

a. Resolution at the Department Level

An employee can discuss the complaint/issue and seek a remedy with his/her immediate supervisor. If the complaint/issue is not resolved, or the behavior of the employee's

supervisor is an issue. The employee is encouraged to pursue resolution through discussion within the chain of command up to the Sheriff.

b. Internal Complaints

Any employee may file an internal complaint with the Internal Affairs Unit at internalaffairs@ircsheriff.org or Human Resources at humanresources@ircsheriff.org.

The Chief Operating Officer or Internal Affairs Unit shall investigate complaints with due diligence in accordance with Policy/Procedure. Confidentiality shall be maintained to the greatest extent possible, recognizing the rights of the complainant, the accused and all third-party witnesses. No employee shall be subjected to intimidation, coercion or retaliation of any kind as a result of filing a complaint pursuant to this policy or as a result of being a witness in an investigation.

2. External Compliance Agencies

In addition to the above procedure, employees and applicants always have the option of filing a complaint with either, or both, the Florida Commission on Human Relations and the United States Equal Opportunity Commission.

3. Guidelines for Resolution of Discrimination or Harassment

These guidelines and complaint resolution procedures are developed for the purpose of providing assistance to employees, applicants for employment or services, command staff members, supervisors and respondents, to help successfully resolve problems of discrimination or retaliation.

a. Employees

Employees seeking resolution of any alleged act of discrimination or harassment should:

- Act immediately after determining that a problem exists.
- Consider resolving the issue at the lowest level possible.
- Notify your supervisor immediately or contact the Chief Operating Officer.
- Ask the supervisor and/or Chief Operating Officer to explain the different options available to you.
- Provide documentation and names of witnesses.
- Clearly state the alleged act in question and the remedy sought, as well as an explanation of when and where the act occurred.
- Not share information with other employees.

b. Supervisors

When an employee approaches a supervisor with a concern of discrimination or harassment, the supervisor should:

- Listen objectively to the concerns and remedy being sought by an employee. Allow the employee to fully express their concerns and determine what action the

employee wants taken. Determine what the issues are (date, time, place, witness, documentation records).

- Advise the employee of the impact of any confidentiality concerns such as the possibility that a guarantee total confidentiality may not be possible based on the particulars of the situation or resolution being sought.
- Assure employees that any form of retaliation is prohibited.
- Establish and maintain and/or assist with establishment and maintenance of files that include allegation, investigation conducted and actions taken.
- Contact the Chief Operating Officer or Internal Affairs Unit for guidance and advice, including the different options that might be available to resolve the incident.
- Handle all allegations in a confidential manner and share information on a need-to-know basis.
- Determine if a referral to the Employee Assistance Program is necessary or if any other referral can be made.
- Supervisors must take proactive measures to prevent or stop all forms of harassing behavior.

c. Employment Applicants

Any applicant for employment who feels he/she has been discriminated against should contact the Chief Operating Officer at humanresources@ircsheriff.org.

d. Service Provider Applicants

Any applicant for service who feels he/she has been discriminated against shall be provided with appropriate information by the department involved, as well as the procedures to pursue his/her issue within the respective department.

e. Respondents

Once an allegation of discrimination has been filed, and an investigation is initiated with the potential for adverse findings, the respondent has the right to:

- An investigation that is thorough and objective.
- Notification of the charge and the right to respond to and rebut the charge.
- Provide documents and witnesses to support his/her perspective.
- Assurance that all information will be handled confidentially to the extent possible, on a need to-know basis.
- Notification of the findings of the investigation and the opportunity to discuss proposed disciplinary action.

- Be advised of management's obligation to investigate individuals that management reasonably suspects made false allegations and to take appropriate corrective action, where applicable.
- Be informed that no record of such allegations shall be retained in any of the employee's personnel files.

Once the allegation of discrimination has been filed the respondent has a duty to:

- Meet with the investigator, respond to all inquiries and answer questions truthfully.
- Keep all information confidential to the extent permitted by law.
- Not retaliate against individuals who participated in the investigation.

III. EQUAL EMPLOYMENT FOR PERSONS WITH DISABILITIES

A. PURPOSE

IRCSO is committed to providing equal employment opportunities to persons with disabilities. IRCSO shall not discriminate against any applicant or employee because of physical or mental disability in regard to any position for which the applicant or employee is qualified. This commitment shall include, but not be limited to, hiring, promotion, working out-of-class, training, demotion or transfer, recruitment, recruitment advertising, layoff or termination and rates of pay and other forms of compensation. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. IRCSO will make every effort to provide reasonable accommodations to individuals with disabilities in accordance with Americans with Disabilities Act (ADA). The ADA Coordinator is the Chief Operating Officer.

B. REASONABLE ACCOMODATIONS

IRCSO is committed to make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities. IRCSO's procedure for the same is as follows:

1. WHO IS PROTECTED

The law covers qualified applicants and employees with legally qualifying disabilities. A qualified individual is defined as an individual with a legally qualifying disability with the skill, experience, education and other job-related requirements of a position held or sought, and who, with or without reasonable accommodation, can perform the essential functions of the job.

The definition of a person that may have a disability under the ADA:

- A person with a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning).
- A person that has a history of a disability (such as cancer that is in remission).
- A person believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she does not have such an impairment).

2. WHAT IS A REASONABLE ACCOMODATION

A reasonable accommodation is a modification or adjustment to a job, employment practice or work environment that enables a qualified individual with a disability to perform the essential functions of the position. Each request for a reasonable accommodation is considered on a case-by-case basis, so that one accommodation may be offered at a particular job or location, but may not be available for a different job or location. Accommodation request must be reasonable and should not pose an undue hardship on IRCSO. Undue hardships are also determined on a case-by-case basis, and could include anything that is unduly costly, extensive and disruptive or which fundamentally alters the nature or operation of IRCSO business.

3. RIGHTS AND RESPONSIBILITIES UNDER THE LAW

a. Applicants

- IRCSO will provide equal employment opportunity for qualified applicants with disabilities to enable them to participate in the job application process and to be considered for a job.
- Reasonable accommodations will be provided, as needed, to ensure that individuals with disabilities have equal opportunity in the application and selection process, unless to do so would be an undue hardship or pose a direct threat to the health and safety of the applicant or others.
- IRCSO is not required to accommodate individuals who are not otherwise qualified for the position that they seek.

b. Employees

- The law prohibits discrimination in all employment practices, including, but not limited to, promotion, transfer, termination, compensation, job assignments, leave of absence, benefits, training activities and any other terms, conditions or privileges of employment.
- IRCSO will provide reasonable accommodations to qualified employees with disabilities unless to do so would be an undue hardship or pose a direct threat to the health and safety of the employee or others.

- The process of determining whether an accommodation can be made requires an interactive process in which the employee, the supervisor and the employee's health care provider actively work with the Chief Operating Officer.

c. Medical Inquiries

- IRCSO may ask a job applicant or employee about his or her ability to perform job-related functions and may respond to an applicant's or employee's request for reasonable accommodation.
- IRCSO may require medical documentation to evaluate a request for reasonable accommodation by an employee or applicant.

d. Confidentiality

Medical-related information shall be kept confidential to the extent required by law. Medical related information may be shared with those who have a need-to-know, or if, for instance, a disability requires emergency treatment.

4. HOW TO REQUEST A REASONABLE ACCOMMODATION

In general, it is the responsibility of the individual with a disability, or a designee, to inform IRCSO that an accommodation is needed.

a. Applicants

- Applicants in the application and selection process should request a reasonable accommodation by contacting the Human Resources Unit or Recruiting Team member at the number or address on the job posting as soon as it is known that an accommodation will be needed.
- IRCSO may require medical documentation to evaluate a request for reasonable accommodation.

b. Employees

- Request a reasonable accommodation by notifying the supervisor in writing.
- The supervisor forwards the original request to the Command level supervisor and sends a copy to the ADA Coordinator.
- When the necessary information is received, the ADA Coordinator will review to determine if the employee is a qualified individual with a disability, and if so, whether an accommodation is appropriate.
- The ADA Coordinator will confer with the employee's supervisor or may contact the employee's health care provider to review the requested accommodation or other alternatives. The ADA Coordinator will also contact the employee to discuss the requested accommodation or alternatives.

- The ADA Coordinator may require the employee to provide medical documentation.
- This process will be completed as quickly as possible. However, if the information provided is incomplete or unclear, the process may be delayed.
- The ADA Coordinator will review the recommended action with the Command level supervisor and will notify the employee of the agency's decision.
- If accommodations are not agreed upon, the ADA Coordinator, the command level supervisor and the employee will meet to reach a final decision.

IV. WORKFORCE ANALYSIS

A. EEO-4 REPORTING

Biennial IRCISO submits to the EEOC an EEO-4 report with demographic workforce data, including data by race/ethnicity, sex, job category, and salary band as required under section 709 (C) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8 (C), 29 CFR 1602.30 and .32-.37.

The agency uses the data for self-assessment to ensure agency workforce demographics are consistent with the demographics of Indian River County.

B. EMPLOYMENT GOALS CRITERIA

The Chief Operating Officer shall refer to the EEO-4 Report when determining employment goals. Goals shall not consist of rigid and inflexible quotas which must be met, but shall be targets reasonably attainable by means of applying good faith effort to make all aspects of the EEOP work. Anticipated expansion, contraction and turnover of the work force shall be considered when establishing timetables to meet goals and commitments. Where necessary, separate specific goals for each protected group shall be established.

V. ACTION STEPS

A. ACTION STEPS

1. RECRUITMENT AND SELECTION

Initiate and continue outreach efforts to attract the most qualified candidates for employment who represent the diverse community we serve. Continued emphasis will be given towards attracting all underrepresented groups. Increase recruitment efforts to attract a broad and diverse candidate pool for position in all categories.

a. Outreach strategies for Veteran and Service Member recruitment:

- Career fairs

- College and agency functions
- Public liaison at community functions (advisory boards and committees)
- Seeking novel and innovative means to identify and approach prospective applicants

2. TRAINING AND DIVERSITY

In collaboration with other departments, the Recruitment Team and Human Resources Units will continue training and education opportunities such as:

- Customized Department Training Programs
- Diversity-training

3. CAREER DEVELOPMENT AND RETENTION

IRCSO remains committed to professional development, exploring enhanced online technology as a cost-effective way to open doors for training and educational opportunities, and ensuring that all supervisors work with individual employees to achieve career development plans.

4. AUDIT REPORTING AND ANALYSIS

IRCSO shall biennially, prepare a report which analyzes the distribution of protected class members in each major job category.

IRCSO shall, within twelve months of its adoption of their EEOP, and thereafter, no less than annually, analyze its job advertisements, recruitment efforts, referral and employment records, and training and educational programs, to assist with a determination of whether its efforts and policies are helping IRCSO to achieve its goal of a diverse workforce that is free of all forms of discrimination, harassment and retaliation. IRCSO shall biennially complete an analysis and prepare a report that summarizes such analysis, determines the effectiveness of IRCSO's EEOP and make recommendations for future efforts that will assist IRCSO with maintaining a diverse workforce that is free of all forms of discrimination, harassment and retaliation.

5. POLICY DISSEMINATION

The IRCSO EEOP and EEO-4 Report will be disseminated internally to IRCSO members through PowerDMS and externally to the public on the agency website www.ircsheriff.org.

6. EQUAL EMPLOYMENT OPPORTUNITY POSTERS

Any posters required by Title VII, Fair Labor Standards Act, Americans with Disabilities Act, etc., concerning equal employment, age discrimination, equal pay, and the disabled, shall be displayed at all agency work locations.

VI. APPENDIX

IRCSO APPLICANT & EMPLOYEES HIRED DATA

218 applications were received for all positions within the agency in FY 2024/2025. This is a decrease of 21% from FY 2023/2024. The decrease is due to the pre-screen process implemented in FY 2023/2024 which excludes applicants that do not meet eligibility requirements prior to submittal of an application. The following are the highest percentages of applicants/positions:

Sworn Law Enforcement Deputy – 48 (22%)

Sworn Corrections Deputy – 29 (13%)

LE Academy Sponsorships/Deputy Trainee – 21 (10%)

Civilian Corrections Assistants – 29 (13%)

Call Takers – 22 (10%)

The remaining 69 applications (32%) were a combination of job specific non-sworn positions.

30% of those who applied for a position in FY 2024/2025 were hired. There was a total of 66 new hires in FY 2024/2025. The majority of applicants not hired were due to the following: a position not being available or the applicant did not pass some aspect of the testing or background investigation conducted on all applicants.

B: EEO OCCUPATIONAL JOB CATEGORIES

Officials and managers: Occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle management, plant managers, department managers and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, railroad conductors and yard masters, ship captains, mates and other officers, farm operators and managers and kindred workers.

Professionals: Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physical scientists, physicians, social scientists, teachers, surveyors and kindred workers.

Technicians: Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through 2 years of post-high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers, drafters, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science) and kindred workers.

Sales: Occupations engaging wholly or primarily in direct selling. Includes: advertising agents and sales workers, insurance agents and brokers, real estate agents and brokers, stock and bond sales workers, demonstrators, sales workers and sales clerks, grocery clerks, and cashiers/checkers and kindred workers.

Service Workers: Workers in both protective and non-protective service occupations. Includes: attendants (hospital and other institutions, professional and personal service, including nurse's aides, and orderlies), barbers, char workers and cleaners, cooks, counter and fountain workers, elevator operators, firefighters and fire protection, guards, doorkeepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, amusement and recreation facilities attendants, guides, ushers, public transportation attendants, and kindred workers.

Administrative Support Workers: Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, collectors (bills and accounts), messengers and office helpers, office machine operators (including computer), shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants and kindred workers.

Craft Workers (skilled): Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, painters (construction and maintenance), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, arts occupations, hand painters, coaters, bakers, decorating occupations and kindred workers.

Operatives (semiskilled): Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, sewers and stitchers, dryers, furnace workers, heaters, laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painters (manufactured articles), photographic process workers, truck and tractor drivers, knitting, looping, taping and weaving machine operators, welders and flame cutters, electrical and electronic equipment assemblers, butchers and meat cutters, inspectors, testers and graders, hand packers and packagers and kindred workers.

Laborers (unskilled): Workers in manual occupations which generally require no special training who perform elementary duties that may be learned in a few days and

require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, groundskeepers and gardeners, farmworkers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations and kindred workers.

C. GLOSSARY

Affirmative Action: Positive steps taken by an employer which contribute toward greater employment opportunities for minorities, females, the elderly, and the disabled. In federal employment, extra effort must be made to include qualified women, minorities, and employees over 40, and the disabled at grade levels and in job categories where they are underrepresented.

Age Discrimination: A claim of discrimination based on age by an individual who is at least 40 years of age at the time of the alleged discriminatory act.

Basis: A basis is the "reason" alleged for discrimination. An EEO complainant must assert a basis, or reason, when bringing forward a complaint. Bases (protected groups) under EEO are: race, color, national origin, religion, age, sex (gender), sexual orientation, physical or mental disability, and reprisal.

Complaint: A complaint is an allegation of illegal discrimination that is handled through an administrative procedure. A complaint may result when an employee believes he or she has been unfairly treated because of race, color, national origin, religion, age, gender sexual orientation or physical/mental disability. The allegation itself is not proof that illegal discrimination has taken place. The investigation that follows the acceptance of issues from a formal complaint will provide the basis for a determination as to whether or not illegal discrimination has, in fact, occurred.

Complainant: An employee, a former employee, or an applicant for employment who files a formal complaint of discrimination based on his/her race, color, religion, sex, national origin, age (40), physical or mental disability and/or reprisal.

Disability: As used in reference to the EEO arena, and as defined in the Rehabilitation Act, means a person who has:

- A physical or mental impairment that substantially limits one or more of a person's major life activities; or,
- A history of such impairment; or
- Who is regarded as having such an impairment.

Discrimination: Any act or failure to act, impermissibly based in whole or in part on a person's race, color, religion, sex, national origin, age, physical or mental handicap, and/or reprisal, that adversely affects privileges, benefits, working conditions, results in EEO Counselor, or had a disparate impact on employees or applicants.

Equal Employment Opportunity: The goal of laws which make some types of discrimination in employment illegal. Equal employment opportunity will become a reality when each U.S. citizen has an equal chance to enjoy the benefits of employment. EEO is not a guarantee of employment for anyone. Under EEO law, only job related factors can be used to determine if an individual is qualified for a particular job. Ideally, EEO laws and Affirmative Action programs combine to achieve equal employment opportunities. See EEO law, Affirmative Action, and Affirmative Action Plan/Affirmative Employment Plan.

Equal Employment Opportunity Commission (EEOC): The Federal agency with overall responsibility for federal sector complaints. The EEOC issues policy and regulations on the discrimination complaint system, holds hearings and makes findings and recommendations on discrimination complaints; and, makes final decisions on discrimination complaints that have been appealed. It also reviews, upon request, decisions of negotiated grievances and Merit Systems Protection Board (MSPB) appeals if they include issues of discrimination.

Equal Employment Opportunity Laws: Five laws which prohibit discrimination on the basis of race, color, religion, sex, national origin, physical handicap and mental handicap in any terms, conditions, or privileges of employment. The five EEO laws are:

- The Equal Pay Act of 1963, as amended.
- Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 and the Pregnancy Disability Act of 1978.
- The Rehabilitation Act of 1973, as amended.
- The Age Discrimination in Employment Act of 1967, as amended.
- The Civil Rights Act of 1991.

Ethnic Group: A group of people who share a common religion, color, or national origin. Irish-Americans, Mexican-Americans, German-Americans, Italian-Americans, Hindus, Moslems, and Jews are examples of ethnic groups. Some members of ethnic groups participate in the customs and practices of their groups, while others do not. Discrimination based on these customs and practices may be illegal under EEO law. See Minority.

Job Related: Essential to job performance. The knowledge, skills, abilities, and experience necessary to perform a particular job. Tests are job related if they test whether an applicant or employee can perform the job in question. A rule or practice is job related if it is necessary for the safe and efficient performance of a particular job. For example, a rule prohibiting employees from wearing loose, flowing clothing around high speed rotating equipment is job related. However, the same rule applied in an office with no rotating equipment is not job related, and may have a disparate impact on some ethnic minorities.

Minority: The smaller part of a group. A group within a country or state that differs in race, religion or national origin from the dominant group. According to EEOC guidelines, minority is used to mean four particular groups who share a race, color or national origin. These groups are:

- **American Indian or Alaskan Native.** A person having origins in any of the original peoples of North America, and who maintain their culture through a tribe or community.
- **Asian or Pacific Islander.** A person having origins in any of the original people of the Far East, Southeast Asia, India, or the Pacific Islands. These areas include, for example, China, India, Korea, the Philippine Islands, and Samoa.
- **Black (except Hispanic).** A person having origins in any of the black racial groups of Africa.
- **Hispanic.** A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- The many peoples with origins in Europe, North Africa, or the Middle East make up the dominant white population. Of course, many more minority groups can be identified in the American population. However, they are not classified separately as minorities under EEO law. It should be noted that women are not classified as a minority. However, they have experienced the same kind of systematic exclusion from the economy as the various minorities. Thus, they are considered as having "minority status" as far as the law is concerned.

Protected Class: The groups protected from the employment discrimination by law. These groups include men and women on the basis of sex; any group which shares a common race, religion, color, or national origin; people over 40; and people with physical or mental handicaps. Every U.S. citizen is a member of some protected class, and is entitled to the benefits of EEO law. However, the EEO laws were passed to correct a history of unfavorable treatment of women and minority group members.

Quota: Fixed hiring and promotion rates based on race, sex, or other protected class standards which must be met at all costs. In extreme cases, the courts have assigned quotas to some employers who have continued to practice illegal discrimination. The agency or any other employer cannot use quotas to meet their affirmative action goals unless a court orders it. Quotas are considered discriminatory against males and other non-minority people.

Reasonable Accommodation: Any change in the work environment, in the way things are customarily done, or in the application process that enables a person with a disability to enjoy equal employment opportunities. The three general categories of reasonable accommodation are changes to: (1) job application process to permit people with disabilities to be considered for jobs; (2) enable people with disabilities to perform the essential functions of a job; and (3) give people with disabilities equal access to the benefits and privileges of employment.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature based on one or more of the following conditions
a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual
c) Such conduct has the purpose

or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Under Represented: Inadequately represented in the work force of a particular activity. This term is used to describe the extent to which women and minorities are represented in particular grade levels and job categories. The percentage of women and minorities in the labor market is used as a standard to determine under representation.

Under Utilized: To use less than fully; below potential use. This term is often applied to categories of employees who are working at jobs that do not make use of their skills and abilities, although they may have been hired for those skills and abilities. When an employee is consistently assigned to "dead end" jobs, he or she may be underutilized because they are often seen as able to perform only limited tasks.