

# State Personnel System



# AFFIRMATIVE ACTION PLANNING GUIDE

Division of Human Resource  
Management

Revised March 2011

DEPARTMENT OF MANAGEMENT  
**SERVICES**



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## **INTRODUCTION**

### **SCOPE AND PURPOSE**

This guide was developed by the Department of Management Services to assist executive branch agencies in developing effective affirmative action (AA) plans for women and minorities. It identifies the AA Plan components and explains how to develop the key elements that comprise each component.

### **APPLICABLE STATUTES/RULES/FEDERAL REGULATIONS**

In accordance with Section 110.112, Florida Statutes, executive agencies must assure equal employment opportunity exists through the development of AA programs to ensure the full utilization of minorities and women compared to the available labor market. Specifically the statute requires:

- ◆ The head of each executive agency to develop and implement an affirmative action plan;
- ◆ Executive agencies to establish annual goals for ensuring full utilization of groups underrepresented in its workforce as compared to the relevant labor market;
- ◆ Appointment of an Equal Employment Opportunity (EEO) Officer; and
- ◆ Agencies to provide the Department of Management Services, Division of Human Resource Management with an annual update on their AA efforts.

Additionally, Chapter 60L-33.007, Florida Administrative Code, outlines the required elements that are to be included in an executive agency's AA Plan.

The State of Florida State Personnel System's affirmative action program is supported by the Equal Employment Opportunity Coordinating Council's "Policy Statement on Affirmative Action Programs for State and Local Government Agencies," under Title 29, Part 1607.17, Uniform Guidelines on Employee Selection Procedures.

Furthermore, the Uniform Guidelines on Employee Selection Procedures establishes guidelines for **all employers** that must comply with the requirements of federal laws prohibiting discrimination based on protected class status. Specifically, employers must maintain records that reflect whether there is adverse impact in its tests and other selection procedures used as a basis for any employment decision. Employment decisions include but are not limited to hiring, promotion, retention, demotion, training, transfer, etc.

### **POLICY**

It is the policy of the State Personnel System, under Section 110.105(2), Florida Statutes, that executive branch agencies ensure that all individuals are afforded the same rights and benefits in employment practices as provided by federal and state law. Additionally, in compliance with Section 110.112, Florida Statutes, agencies must ensure the full utilization of women and minorities within its workforce through the development and implementation of AA programs.

### **WHAT IS AFFIRMATIVE ACTION?**

Actions taken or policies and procedures implemented by an agency committed to achieving and promoting equal employment opportunity. AA in employment that complies with federal law is designed to enhance outreach and recruiting for those EEO groups in which underutilization has been identified. This occurs through implementation of proactive measures designed to find and solicit sources of qualified minority and female candidates in underutilized EEO job groups.

Affirmative action is also used as a tool by management to ensure equal employment opportunity in all phases of employment, which include but are not limited to recruitment, hiring, training, promotion, and termination. Affirmative action does not involve preferential treatment of women and minorities, nor does it require the hiring or promotion of unqualified individuals over a more qualified candidate.

Affirmative Action is a two step process that begins by **first** conducting a statistical analysis of the employer's workforce and its employment actions. Where the analysis reveals disparities, an in-depth examination of the agency's policies, procedures and employment practices should be conducted to identify any impediments which are causing harm to the affected group(s).

The **second** step of the process is initiated once the problem areas have been identified. During this phase employers must develop and implement proactive measures (affirmative action) to remedy the disparities. Examples of proactive measures include, but are not limited to:

- ◆ Developing outreach and recruitment programs to attract underutilized groups;
- ◆ Validating selection instruments in accordance with federal guidelines on employee selection procedures;
- ◆ Establishing placement goals;
- ◆ Providing career advancement training to employees in underutilized groups; and
- ◆ Developing policies and practices to prevent, detect and eliminate discrimination.

## **NARRATIVE COMPONENT**

Affirmative Action Plans are divided into two components, the Narrative and Statistical Analyses. First is a review of the nine key elements within the Narrative component:

- ◆ Cover Page
- ◆ Table of Contents
- ◆ Organizational Profile
- ◆ Affirmation of EEO Policy
- ◆ Dissemination of EEO Policy
- ◆ Responsibility for Implementation
- ◆ Identification of Problem Areas
- ◆ Action-Oriented Programs
- ◆ Internal Audit and Reporting System

### **COVER PAGE**

The following items are included on the cover page. Exhibit 1 provides an example of how this page could appear.

- ◆ Name of agency
- ◆ Title of document "Affirmative Action Plan"
- ◆ Data Year (refers to the time period from which the utilization and employment action figures were pulled)
- ◆ Plan Year (refers to when the affirmative action goals and action-oriented programs will be implemented)
- ◆ Name, title, address and phone number of agency head

- ◆ Name, title, address and phone number of EEO Officer
- ◆ Name, title, address and phone number of person who prepared the plan
- ◆ Signature of the agency head and EEO Officer with a statement indicating the agency head has reviewed and approved the plan.

**SAMPLE**

**Department of Emergency Response  
Affirmative Action Plan**

4550 West Tennessee Street  
Tallahassee, FL 32303

Data Year: July 1, 2009 – June 30, 2010  
Plan Year: July 1, 2010 – June 30, 2011

**Plan Completed by:** Jane Dole, Human Resource Analyst, (850) 425-5557

**EEO Officer:** \_\_\_\_\_  
John Pepper, Director of Administration, (850) 425-6532

**Agency Head:** William Marks, Secretary, Department of Emergency Response,  
(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.

\_\_\_\_\_  
Agency Head Signature

**Exhibit 1: Cover Page**

## TABLE OF CONTENTS

The Table of Contents lists the major sections in the AA Plan and reflects the starting page number for each section. Review the Table of Contents in this guide for an example of how to format this section.

## ORGANIZATIONAL PROFILE

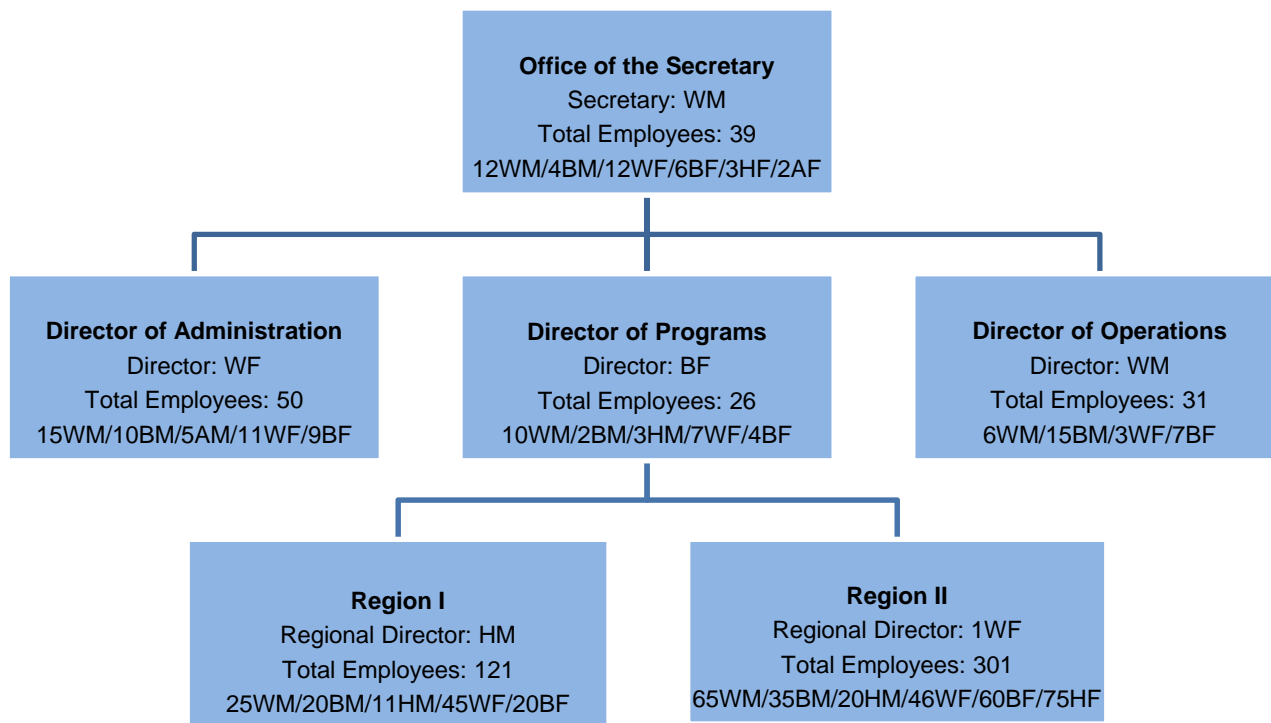
An Organizational Profile is a display of the agency's organizational structure reflected as a graphical chart (Exhibit 2), text, or spreadsheet (Exhibit 3).

The display must identify each organizational unit and show its relationship to other units. A unit is an agency, region, district, division, bureau, etc. For each organizational unit include the:

- ◆ Name of unit
- ◆ Job title, gender, race/ethnicity of the unit supervisor
- ◆ Total number of employees
- ◆ Total number of males and females in each EEO group (White, Black, Hispanic, Asian/Pacific Islander, and American Indian/Alaska Native)

Establish the organizational profile in the same manner in which the AA Plan goals will be established. If goals will be set down to the regional level, the organizational profile should be reflected down to the regional level.

### DEPARTMENT OF EMERGENCY RESPONSE (SAMPLE)



**Exhibit 2: Organizational Profile (graphical chart)**



**SAMPLE**

**DEPARTMENT OF EMERGENCY RESPONSE  
ORGANIZATIONAL PROFILE**

Organizational Level	TOTAL EMP.	MALES						FEMALES						
		White	Black/ African Am	Hispanic/ Latino	Asian/ Pacific Islander	AI/AN	Total Males	White	Black	Hispanic/ Latino	Asian/ Pacific Islander	AI/AN	Total Females	
<b>Office of the Secretary</b>														
Supervisor: Secretary (W/M)	39	12	4				16	12	6	3	2			23
<b>Office of Administration</b>														
Supervisor: Director of Administration (W/F)	50	15	10			5	30	11	9					20
<b>Office of Operations</b>														
Supervisor: Director of Operations (W/M)	31	6	15				21	3	7					10
<b>Office of Programs</b>														
Supervisor: Director of Programs (B/F)	26	10	2	3			15	7	4					11
<b>Region I</b>														
Supervisor: Regional Director (H/M)	121	25	20	11			56	45	20					65
<b>Region II</b>														
Supervisor: Regional Director (W/F)	301	65	35	20			120	46	60	75				181

**Exhibit 3: Organizational Profile (spreadsheet)**

**AFFIRMATION OF EEO POLICY**

Affirmation of the agency’s EEO policies is a narrative statement of its commitment to equal employment opportunity and commitment to maintaining a work environment free of discrimination. The affirmation statement can be written as part of the affirmative action plan narrative or it can be a copy of the signed and dated policy issued by the agency head. Current literature on AA recommends employers reaffirm their policies annually in writing as a sign of their continued commitment to equal employment opportunity. Included is a sample EEO Policy (Exhibit 4) and Anti-Harassment Policy (Exhibit 5).

**SAMPLE**

***DEPARTMENT OF EMERGENCY RESPONSE  
EQUAL EMPLOYMENT OPPORTUNITY POLICY***

The Department of Emergency Response hereby reaffirms our commitment to equal employment opportunity for all employees and applicants without regard to an individual's race, color, sex, religion, national origin, age, disability, genetic information or marital status.

Equal protection against discrimination will be afforded to all in recruitment, hiring, and promotion at all job levels within the department. Other personnel matters (such as compensation, benefits, transfers, retention, discipline, department-sponsored training, education, and social and recreational programs) will also be administered in accordance with equal employment opportunity requirements.

Employment practices will be administered in a nondiscriminatory manner for any qualified employee or applicant with a disability that can, with or without a reasonable accommodation, perform the essential functions of the job. Requests for accommodation may be made through the appropriate servicing personnel office or by contacting the ADA Coordinator, Office of Human Resources, Department of Emergency Response, 4550 West Tennessee Street, Tallahassee, Florida 32399.

Because the department is committed to equal employment opportunity, any form of employment discrimination, including retaliation, is strictly prohibited. No employee may be subjected to retaliation as a result of filing a complaint, testifying, assisting, or participating in an investigation, proceeding, or hearing with regard to discrimination, or otherwise opposing any unlawful discriminatory practice prohibited by the department's policy and related state and federal laws.

It is the department's policy to investigate complaints of discrimination thoroughly and promptly. To the extent allowed by law, the department will keep complaints confidential. If an investigation confirms that unlawful discrimination has occurred, the department will take corrective action. Such action may include discipline up to and including dismissal.

An employee or applicant who believes she or he has been discriminated against or subjected to retaliation has the right to file a complaint. Complaints may be filed with the department's Office of Equal Employment Opportunity at 4550 West Tennessee Street; Tallahassee, Florida 32399; phone number (850) 488-2222; or through the department's local human resource office. Complaints may also be filed with the Florida Commission on Human Relations or the U. S. Equal Employment Opportunity Commission.

*William Marks*  
Secretary

*July 7, 2010*  
Date

*John Pepper*  
EEO Officer

*July 7, 2010*  
Date

**Exhibit 4: EEO Policy**

**SAMPLE**

**DEPARTMENT OF EMERGENCY RESPONSE  
ANTI-HARASSMENT POLICY**

The Department of Emergency Response reaffirms our commitment to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment by anyone, including any manager/supervisor, employee, vendor, or others engaged in business with the department.

Harassment is unwelcome conduct based on an individual's race, color, sex, national origin, religion, disability, age, genetic information or marital status. Harassment becomes unlawful where it: (1) adversely affects tangible job benefits or other employment opportunities; (2) involves repeated actions, comments, or objects that unreasonably interfere with an individual's work performance; or (3) creates an intimidating, hostile, or offensive work environment. Examples of harassment include, but are not limited to, the use of epithets or name calling, derogatory language, slurs, offensive jokes, and other forms of hazing motivated by an individual's race, sex, religion, color, national origin, disability, age or marital status.

Sexual harassment is a form of discrimination based upon a person's gender. It is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical or visual conduct of a sexual nature when: (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as a basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive work environment.

Sexual harassment includes, but is not limited to, unwelcome requests or demands for sexual favors or unwelcome sexual advances; inappropriate nonconsensual touching of another person's body, including but not limited to kissing, pinching, groping, or fondling; repeated requests for dates or invitations to social events; use of sexually degrading words to describe an individual; jokes of a sexual nature; sexually explicit or suggestive objects; and use of inappropriate gestures or body language of a sexual nature.

The department forbids retaliation against anyone who has reported harassment, whether it relates to the harassment against the individual raising the concern or against another individual. Retaliation is also prohibited against anyone cooperating in an investigation.

It is the department's policy to investigate complaints of discrimination thoroughly and promptly. To the extent allowed by law, the department will keep complaints confidential. If an investigation confirms that unlawful harassment has occurred, the department will take corrective action. Such action may include discipline up to and including dismissal. (Note: Any person who has harassed another or retaliated against another may also be subject to civil or criminal liability under state or federal law.)

An employee or applicant who believes she or he has been subjected to harassment has the right to file a complaint. Complaints may be filed with the department's Office of Equal Employment Opportunity at 4550 West Tennessee Street; Suite 235; Tallahassee, Florida 32399; phone number (850) 488-2222; or through the department's local human resource office. Complaints may also be filed with the Florida Commission on Human Relations or the U. S. Equal Employment Opportunity Commission.

*William Marks*  
Secretary

*July 7, 2010*  
Date

*John Pepper*  
EEO Officer

*July 7, 2010*  
Date

**Exhibit 5: Anti-Harassment Policy**

### **DISSEMINATION OF EEO POLICY**

The next plan component is an explanation of the dissemination of the agency's Equal Employment Opportunity policy both within the organization (internally) and to the public (externally). The following are examples of methods that can be utilized to meet policy dissemination requirements; however, it is not a complete list.

#### ◆ INTERNAL

- Publish in the employee handbook
- Post on employee bulletin boards
- Display on agency intranet site
- Disseminate and discuss during new employee orientation sessions
- Reinforce policy and agency commitment during policy orientation sessions with managers and supervisors

#### ◆ EXTERNAL

- Publish in job advertisements and recruiting materials  
**(NOTE: Section 110.211, Florida Statutes** requires all recruitment literature involving state position vacancies contain the phrase **"An Equal Employment Opportunity Employer/Affirmative Action Employer"**)
- Include statement on employment application
- Display on the agency's public website
- Send policy notices to community organizations likely to refer women, minorities and individuals with disabilities
- Include notice in procurement contracts

#### **An example of possible procurement contract language:**

##### Nondiscrimination

The (Name of Agency) is committed to equal employment opportunity; therefore, no person, on the grounds of race, color, national origin, age, sex, marital status, religion, disability or genetic information shall be excluded from participation in, be denied the proceeds or benefits of, or be otherwise subjected to discrimination in the performance of this contract.

## **RESPONSIBILITY FOR IMPLEMENTATION**

As previously stated Section 110.112, Florida Statutes requires the head of each agency to develop and implement an affirmative action plan as a mechanism to ensure equal employment opportunity. Although the ultimate accountability for affirmative action programs rest with the agency head she or he appoints an individual to serve as the agency's Equal Employment Opportunity Officer (EEO Officer). This individual must have the authority, resources and support of and access to top management to ensure effective implementation of the agencies AA programs. The AA Plan should identify the EEO Officer by name, title, and provide a description of his or her duties and responsibilities. The **EEO Officer's duties** typically include, but are not limited to:

- ◆ Determining annual goals;
- ◆ Assisting in the identification and development of effective solutions for affirmative action and equal employment opportunity problems;
- ◆ Monitoring agency compliance which includes the design and implementation of a periodic audit and reporting system;
- ◆ Providing consultation to managers regarding progress, deficiencies and appropriate corrective action;
- ◆ Developing equal employment opportunity policy statements and AA programs;
- ◆ Keeping the agency head informed of EEO progress and reporting potential problems; and
- ◆ Serving as liaison for the agency with enforcement agencies and minority and women organizations.

In addition to the EEO Officer, an agency head may designate responsibility for AA Plan implementation to others within the agency. The individual or individuals should be identified and their specific responsibilities should be outlined in the plan. For example:

### Duties of Directors and Department Heads

- ◆ Assist in identifying problem areas, formulating solutions and setting unit goals and objectives.
- ◆ 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.
- ◆ Periodically audit training programs, hiring and promotion patterns to remove unnecessary impediments.
- ◆ Ensure that managers, supervisors and other employees within their Division understand and comply with the agency's EEO Policies.

### Duties of Managers and Supervisors

- ◆ Take steps to foster and maintain a work environment conducive to achieving equal employment opportunity and a workplace free from discrimination.
- ◆ Afford an opportunity and encourage minority and women employees to participate in all agency sponsored activities, training, etc.

These individuals identified above by no means constitute an exhaustive list of those that could be responsible for AA implementation. Each agency head may chose to identify any group or individual she or he believes should assist with the implementation of AA programs. For instance, an agency comprised of regions and circuits may decide it wants an EEO Coordinator in each location. This individual can act as the point person for coordinating AA activities and/or

assist the regional or circuit director to ensure proper implementation and outreach within her or his area of responsibility. Or the agency head may decide to establish an EEO Committee within each major division to assist with these duties.

### **IDENTIFICATION OF PROBLEM AREAS**

The identification of problem areas is presented in the form of narrative statements. The identification process begins by conducting an in-depth analysis of personnel policies and employment practices to identify any impediments to equal employment opportunity. Additionally, problems may surface during the statistical analyses. Typically these analyses are conducted and arranged within the AA Plan by organizational unit and job group. Some of the areas that are evaluated include:

- ◆ Selection, promotion and reassignment/transfer procedures
- ◆ Recruitment process
- ◆ Workforce utilization
- ◆ Employment actions (hires, promotions, terminations, disciplines, etc.)
- ◆ Applicant flow
- ◆ Training programs

#### Identification of Problem Area Examples:

1. High termination rate for black females located in Region I, EEO job group 02.
2. A significantly higher percentage of minorities are being underutilized in EEO job group 04 compared to non-minorities. The department's requirement that applicants have a higher Florida Basic Abilities Test passing score than required by the training academy may be excluding minorities from the selection process at a disproportionate rate.
3. Impact Ratio Analysis for hires revealed underutilization of women in EEO job group 02. Inadequate recruiting may be the cause of the low female applicant flow rate.

### **ACTION-ORIENTED PROGRAMS**

Once the problem areas have been identified, the next step is to develop Action-Oriented Programs. These programs specify the steps the agency will take to ensure EEO through the elimination of the problems that were identified in the previous step, and to attain the agency's goals and objectives.

An effective program should be designed in such a way to produce measurable results and ensure the agency is doing more than following the same policies, procedures or activities which have previously produced inadequate results.

There are **two** ways in which to write an Action-Oriented Program. It is designed to be either **specific** or **results oriented**.

#### **SPECIFIC ACTION-ORIENTED PROGRAMS IDENTIFY:**

1. What action is to be taken;
2. Who will take/accomplish the action;
3. How it will be accomplished; and
4. When it will be accomplished.

Example 1:

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.

Who: Office of Human Resources

What: Recruitment fairs

When: Fall and spring terms

How: Coordinate with the school's job-placement office

Example 2:

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.

Who: Supervisors/managers

What: Posting job advertisements in minority news media

When: Effective July 1, 2007

How: Working with servicing human resource office

**RESULTS-ORIENTED PROGRAMS:**

1. Are tailored to increase minority group or female representation; or
2. Provide clear documentation that the agency took sufficient action to constitute "good faith effort."

Example:

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

**INTERNAL AUDIT AND REPORTING SYSTEM**

Under this segment of the AA Plan an agency identifies the actual steps involved in its audit and reporting system, not the results of the audit. The audit results are revealed as part of the Problem Identification segment of the AA Plan. An effective audit and reporting system (Exhibit 6) should be designed to periodically:

- ◆ Measure the effectiveness of the agency's programs;
- ◆ Determine the degree to which the agency's goals and objectives have been obtained; and
- ◆ Identify the need for remedial action.

Audit and reporting activities include, but are not limited to:

1. Monitoring records of all employment activities to include hires, transfers, promotions, terminations, discipline and training to ensure the nondiscriminatory policy is being applied.
2. Requiring internal reporting by organizational units on a scheduled basis as to the degree to which EEO objectives are being met.
3. Reviewing results of AA program activities with all levels of management.
4. Advising top management of program effectiveness and making recommendations to improve unsatisfactory performance.

**SAMPLE**

**INTERNAL AUDIT AND REPORTING SYSTEM**

The department's audit and reporting system will include quarterly reports indicating efforts to fulfill our AA Plan responsibilities. If problem areas arise, managers and supervisors are required to report them immediately to the EEO Officer. The agency's audit and reporting system is designed to:

- ◆ Measure the effectiveness of the AA Plan;
- ◆ Document employment activities;
- ◆ Identify problem areas where remedial action is needed; and
- ◆ Determine the degree to which our goals and objectives have been met.

Division and Regional Directors will perform ongoing monitoring of selection decisions involving new hires, promotions, reassignments and transfers to ensure they are being treated in a nondiscriminatory manner. They will also carefully examine all disciplinary actions prior to approval to ensure there are no disparities based on the employee's protected class status. Approval of attendees for career development and professional training opportunities will also be monitored to ensure equitable representation of minorities and women.

EEO Coordinators will submit formal reports to the EEO Officer on behalf of their director on a quarterly basis. These reports will contain information describing the following activities:

1. Outreach and Recruitment efforts (e.g. job fairs, minority and female focused advertisement sources used, etc.);
2. Progress made toward reaching affirmative action goals;
3. Results of their review of new hire, promotion, reassignment and transfer decisions made by supervisors and data by race/ethnicity and sex on actual appointments for each.
4. Results of their review of disciplinary actions and data by race/ethnicity and sex on actual actions;
5. Identification of foreseeable EEO problems and suggestions for solutions;
6. Data on the employees attending career development and professional training opportunities by race/ethnicity and sex; and
7. Information on other EEO program accomplishments.

Upon review of these quarterly reports the EEO Officer shall meet with Directors and their EEO Coordinator to discuss their progress. When problems have been identified the EEO Officer shall collaborate with the parties to develop an action plan to provide for more effective implementation of their EEO programs.

The EEO Officer will also keep the agency head informed of EEO progress and any problems within the various divisions.

**Exhibit 6: Internal Audit and Reporting System**



## **STATISTICAL ANALYSES COMPONENT**

In addition to the narrative component of the AA Plan, employers must complete the statistical analyses that include the five elements listed below. As previously stated, this information is used to identify problem areas that warrant further examination of the agency's policies, procedures and employment practices. It is also used to guide the development of action-oriented programs to address areas in which disparities have been identified.

- ◆ Prior Year's Goals Analysis
- ◆ Availability Analysis
- ◆ Comparing Incumbency to Availability
- ◆ Establishing Placement Goals
- ◆ Analysis of Employment Actions

### **PRIOR YEAR'S GOALS ANALYSIS**

Each year, when the agency updates its AA Plan, it must conduct an analysis of the progress made toward attaining the agency's prior year's goals (Appendix A). This analysis is provided in both a statistical representation of the placements that were made toward the goals and is addressed in a narrative format. The narrative outlines which goals were met and explains any instances in which the agency was unable to meet its goal in a given job group by specifying the good faith efforts that were made in attempting to do so. Also, if there were business reasons that interfered with the agency's ability to reach its goals, be sure to document those reasons (i.e. layoffs, deletion of a bureau, etc.).

This analysis will also assist agencies in designing programs for the current AA Plan year by identifying job groups for which additional "good faith efforts" must be directed.

### **AVAILABILITY ANALYSIS**

The purpose of the availability analysis (Appendix B) is to identify the relevant labor market available for employment in each EEO job group and EEO race/ethnic group. The relevant labor market consists of people that live within the geographic area from which applicants apply or are recruited and meet the required minimum qualifications for the jobs in the EEO job group.

Available Labor Market (ALM) data includes individuals in the civilian labor force who are 16 years of age and older. Generally this analysis is only required when the new census data is released or when the agency goes through reorganization resulting in a change in the geographic area from which applicants apply or are recruited. The percentages produced from this exercise are used as the benchmarks against which utilization of minorities and females are measured.

The Department of Management Services has made the census data available by county on the Human Resource Management website:

[http://dms.myflorida.com/human\\_resource\\_support/human\\_resource\\_management](http://dms.myflorida.com/human_resource_support/human_resource_management). It is located under For State HR Practitioners quick link, Manuals and Guidelines, Affirmative Action Plans Guidelines. Florida State University, a local State Data Center for Census Data, compiled the statistics for the State Personnel System into the eight EEO Job Groups currently designated by the U.S. EEOC.

The data provided includes all of the occupations that fall under each EEO job group. However, each agency has the option of customizing their census data to ensure the occupations utilized within each EEO job group are truly part of their relevant available labor market. For instance, the Department of Health may utilize Computer Programmers, Accountants, Psychologists, Pharmacists, and Lawyers all of which are included under EEO job group 02. However, this job group also includes data on architects, librarians, school teachers, dancers, curators and geological and petroleum technicians which are not occupations utilized by the Department of Health. To obtain customized data, contact one of the local state data centers for assistance. A list of these centers can be found at <http://www.census.gov/sdc/www/flsdc.html>. Note, these centers may charge to customize ALM data.

### **INCUMBENCY TO AVAILABILITY ANALYSIS**

Once the availability data has been compiled, conduct the Incumbency to Availability Analysis (Appendix C and D). This analysis compares the actual percentage of minorities and females within the agency's workforce with their availability calculated in the previous analysis. There are four different methods referenced below that can be utilized to conduct this analysis. An agency can choose either method, but must be sure to identify in its AA Plan which method is being used.

#### Analytical Methods:

- ◆ Any Difference Rule
- ◆ Whole Person Rule
- ◆ 80% Rule
- ◆ Two Standard Deviations Analysis

Upon identifying which analytical method will be used, it must be applied consistently to each EEO job group and should be presented by organizational unit (agency, region, district, division, bureau, etc.). Each agency should determine at what organizational level to set its goals.

State agencies preparing plans in accordance with Section 110.112, Florida Statutes, may perform the Incumbency to Availability Analysis using the following EEO job groups:

- ◆ 01 Officials/Administrators
- ◆ 02 Professionals
- ◆ 03 Technicians
- ◆ 04 Protective Services
- ◆ 05 Paraprofessionals
- ◆ 06 Administrative Support
- ◆ 07 Skilled Craft
- ◆ 08 Service Maintenance

### **Any Difference Rule**

Underutilization is declared whenever the number of females or minorities in an EEO group is less than the expected number based on availability. Under this rule, .2% of a person short is considered underutilization.

The **Any Difference Rule** is applied by determining the difference between the current percentage of employees and their percentage of availability in the relevant labor market. If the current workforce is less than availability, underutilization is declared and a goal is set.

In Exhibit 7 below, when the **Any Difference Rule** is applied, underutilization is declared for Hispanic, Asian/Pacific Islander and females because their respective percentages in the current workforce are less than their availability for these EEO groups.

**OFFICIALS & ADMINISTRATORS**

	TOTAL EMPLOYEES	WHITE	BLACK	HISPANIC	ASIAN/ PACIFIC ISLANDER	AM INDIAN/ ALK NATIVE	TOTAL MINORITY	FEMALE
# Employees	22	11	5	1	4	1	11	4
% Employees	100.0	50.0	22.7	4.5	18.2	4.5	50.0	18.2
% Available	-	51.1	16.2	18.7	19.0	2.0	24.0	53.1
% Difference			6.5%	-14.2%	-0.8%	2.5%	26.0%	-34.9%
Any Difference - Under?			NO	YES	YES	NO	NO	YES
1 Person - Under?			NO	YES	NO	NO	NO	YES

Exhibit 7: Any Person Rule vs. Whole Person Rule

**Whole Person Rule**

Under this method, underutilization is declared when an EEO group’s availability exceeds the current workforce within that group by one or more persons. This rule is based on the premise that the employer cannot recruit less than a whole person.

The formula involves a three step process to determine if underutilization exists:

Steps

- 1. Calculate the difference between the percent of employees and the percent available**

Percent of Employees in EEO Group - Percent of Availability in EEO Group

$$18.2\% - 53.1\% = - 34.9\% \text{ (female EEO Group)}$$

- 2. Calculate what a whole (1) person would equate to as a percentage**

Divide one (1) by the total number of employees in the EEO Job Category:

$$1/22 = 4.5\% \text{ (whole person percentage)}$$

- 3. Determine if underutilization exists**

For those EEO groups that reflect a negative percent difference (workforce is less than availability) determine which group’s percent difference is equal to or greater than the

calculated whole person percentage. For those EEO groups meeting this criteria underutilization is declared and a goal is set.

Negative **34.9%** is greater than the whole person percentage of **4.5%**; therefore, underutilization exists for females.

In Exhibit 7 above, when the **Whole Person Rule** is applied, Hispanics and Females are underutilized because the current workforce is less than availability at a rate equal to or greater than the whole person rate of 4.5%. Therefore, a goal is set for these two groups. Although the Asian/Pacific Islander workforce is less than availability by 0.8%, it is not considered underutilized under the Whole Person rule since 0.8% is less than the whole person rate.

### **80% Rule**

The third method used to compare Incumbency to Availability is the 80% Rule. This rule is also sometimes referred to as the 4/5ths Rule, Impact Ratio Analysis, or Disparate Impact Testing. When using this method, underutilization is declared when the rate of utilization is less than 80% of the EEO groups' availability.

The formula involves a three step process to determine if underutilization exists:

#### **Steps**

**1. Calculate expected number based on percentage of availability in EEO group**

- a. Total number of employees in job group x Percent of availability in EEO group

**2. Calculate 80% of availability**

- a. 80% x Expected number in EEO group (**Result from Step 1**)

**3. Determine if underutilization exists**

The 80% of availability figure obtained in step two is compared to the number of employees utilized in the EEO group being examined. **If the 80% figure is greater** than current utilization in the EEO group, **underutilization exists**, and a goal is set. See Exhibit 8a and 8b and related sample data for an example of this calculation method.

### **Two Standard Deviations Analysis**

The fourth and final analytical method for determining underutilization is the **Two Standard Deviation (2 SD) Analysis**. This is the most accurate and rigorous test of the four cited. The purpose of this test is to determine the statistical significance of any differences that are found. There are precedent setting cases in which the U.S. Supreme Court has ruled that an employer should only be held accountable for numbers that are statistically significant, **meaning it is unlikely the difference occurred by chance, absent discrimination**. One such case is *Hazelwood School District v. U.S.*, 433 U.S. 299 (1977).

**Calculating Standard Deviation and Statistical Significance:**

- n=** Total number of employees in EEO Job Group
- p=** Availability percent in EEO Group
- O=** Observed (Workforce) number utilized
- E=** Expected number utilized (n \* p)
- Z=** number of standard deviations from the mean ( $Z = E-O/ SD$ )

Steps:

1. Calculate standard deviation: **SD=**  $\sqrt{np(1-p)}$
2. Calculate number of standard deviations from the Mean (the expected result):  
**Z = E-O/SD \* -1**

When the E-O is used in the numerator the Z score is negative when the observed or workforce is greater than availability. Given the predisposition of most people to think that a negative value represents the lack of workforce compared to availability, the Z Score is multiplied by (-1) to change the sign of the score.

3. Determine statistical significance of the final Z Score. A Z Score is significant if it equals or exceeds 2 SD (+/-). 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.

See Exhibit 8a and 8b and related sample data for an illustration of the 2 SD test in comparing Incumbency to Availability.

**WORKFORCE SAMPLE DATA**

02 Professionals	Total Employees in Job Group	FEMALES						
		White	Black	Hispanic	Asian	NH/OPI	Am Indian/ Alk Native	2+ Races
<b># Employees</b>	590	191	38	7	6	1	0	0
<b>% Employees</b>	-	32.37%	6.44%	1.19%	1.02%	.17%	0.00%	0.00%
<b># Available</b>	41818	14689	3700	609	640	0	29	236
<b>% Available</b>	-	35.13%	8.85%	1.46%	1.53%	0.00%	.07%	.56%

INCUMBENCY TO AVAILABILITY COMPARISON

<b>Total # in Job Group</b> [= 590 ]	<b>Black Females in EEO Group</b> [= 38]
<b>Black Female Availability %</b> [= 8.85%]	
<b><u>80% Rule</u></b>	<b><u>Two Standard Deviation Analysis</u></b>
<ol style="list-style-type: none"> <li>1. 590 x 8.85% = 52 employees</li> <li>2. 80% x 52 = 42 employees</li> <li>3. 38 employees &lt; 42 Employees</li> </ol> <p>Current utilization of Black employees is 38, which is less than 42. Therefore Blacks <b><u>are underutilized</u></b>.</p>	<ol style="list-style-type: none"> <li>1. <math>SD = \sqrt{(590 * .0885)(1 - .0885)} = \sqrt{(52.22)(.9115)} = \sqrt{47.60} = 6.89</math></li> <li>2. <math>Z = 52.22 - 38 / 6.89 * -1 = -2.06</math></li> </ol> <p>-2.06 exceeds 2 SD (less than -2); Black employees <b><u>are underutilized</u></b>.</p>

Exhibit 8a: 80% Rule and Two Standard Deviation Analysis

**80% Rule:** The example above determines whether Black Females are being underutilized. Following the formula provided earlier, begin by calculating what would represent the number of Available Black Females in the EEO group as it compares to the total number of employees in the job group by multiplying 590 x 8.85% which equals 52 employees.

Next, calculate what 80% of 52 (.80 x 52 = 42) employees would be to determine whether current utilization of Black Females is at least equal to 80% of availability. The result is 42 employees, which is more than our current workforce of 38 employees. In this instance Black Females are underutilized.

**2 SD Analysis:** Using the same sample data begin by first calculating the standard deviation of the sample group. The SD is equal to the square root of the total number of employees in the job group (590) x the percent available in the EEO group being examined (.0885 for Black Females) x the reciprocal of availability (1-.0885). This results in a SD of 6.89.

After calculating the SD, the second step is to calculate the Z Score (number of SD from the Mean) of the Bell Curve. This determines if the numbers are statistically significant. Start by taking the expected number utilized (52.22) – observed number utilized (38) / SD (6.89) \* -1 = **-2.06**.

Finally, if the Z Score result exceeds 2 SD it is unlikely this number occurred by chance, which would result in underutilization. In this case, the Z Score is **-2.06** which exceeds 2 SD; therefore underutilization is declared.

INCUMBENCY TO AVAILABILITY COMPARISON

<b>Total # in Job Group</b> [= 590 ]	<b>Asian Females in EEO Group</b> [= 6]
<b>Asian Female Availability %</b> [= 1.53%]	
<p style="text-align: center;"><b><u>80% Rule</u></b></p> <p>4. 590 x 1.53% = 9 employees                      5. 80% x 52 = 6 employees                      6. 6 employees &lt; 9 Employees</p> <p>Current utilization of Asians (6), which is less than expected utilization (9). Therefore Asians <b><u>are underutilized</u></b>.</p>	<p style="text-align: center;"><b><u>Two Standard Deviation Analysis</u></b></p> <p>1. <math>SD = \sqrt{(590 * .0153)(1 - .0153)} = \sqrt{(9.03)(.9847)} = \sqrt{8.89} = 2.98</math></p> <p>3. <math>Z = 9.03 - 6 / 2.98 * -1 = -1.02</math></p> <p>-1.02 is less than 2 SD; therefore Asians <b><u>are not underutilized</u></b>.</p>

**Exhibit 8b: 80% Rule and Two Standard Deviation Analysis**

Above is another application of the 80% Rule and Two Standard Deviation Analysis. In this instance Asian Females are underutilized when examined using the 80% Rule because the current number of employees (6) is less than expected (9). However, Asian Females are not underutilized when examined using the Two Standard Deviation Analysis because the Z Score (-1.02) does not exceed 2 standard deviations. Since the latter is the more rigorous test, you would defer to the results of the Two Standard Deviation Analysis.

As previously stated, an agency may use either the Any Difference Rule, Whole Person Rule, 80% Rule or Two Standard Deviation Analysis to perform the Incumbency to Availability Analysis. When using the Any Difference Rule underutilization will be declared in each instance in which expected availability exceeds actual employment, regardless of how minute the difference might be. In contrast, under the Whole Person Rule the declaration of underutilization narrows slightly, by considering the fact that the difference between expected availability and those actually employed must equate to at least a whole person for an EEO group to be underutilized.

Alternatively, the 80% Rule has been used as a general “rule of thumb”, serving as a simple method of determining whether a relevant difference exists between the rate of availability and utilization. The difference is considered relevant when an EEO group’s rate of utilization is less than 80% of their rate of availability.

Finally, of the four methods, the Two Standard Deviation Analysis is the only method; that includes a step for confirming the statistical significance of the difference between availability and utilization and whether that difference occurred by chance. In other words, it provides the employer with an indicator (result exceeds two standard deviations) as to whether the difference in question is so large that it is unlikely to have occurred by chance.

As reflected in Exhibit 9 below, a narrative summary should be included with each Incumbency to Availability Analysis. The narrative provides a written explanation of the statistical information.

**SAMPLE**

<b>REGION I INCUMBENCY TO AVAILABILITY ANALYSIS</b>	
Out of 5,380 employees, there are currently 1,675 White females. Representation has decreased from 32.4% in fiscal year 2006-07 to 31.1% in fiscal year 2007-08.	
White female employees are over-represented in 4 out of 8 EEO-4 job groups:	
Protective Services by	+4.9%
Paraprofessionals by	+2.5%
Administrative Support by	+3.1%
Service Maintenance by	+4.8%
White female employees are under-represented in 4 out of 8 EEO-4 job groups:	
Officials/Administrators by	-1.5%
Professionals by	-3.4%
Technicians by	-7.6%
Skilled Craft by	-2.7%
<b><i>(Continue to address each minority group by gender, for example: Black male, Black female, etc.)</i></b>	

**Exhibit 9: Narrative for Incumbency to Availability**

**PLACEMENT GOALS**

Once the Incumbency to Availability Analysis is complete and underutilization has been identified, Placement Goals must be established for minorities and women. When setting goals keep these points in mind:

1. Goals are objectives or targets that are reasonably attainable through “good faith efforts.”
2. Goals may not be rigid and inflexible quotas, which must be met. Quotas, set-asides and preferences are illegal because these methods are contrary to EEO laws.
3. Goals must be measurable and designed to eliminate possible employment discrimination.
4. Goals may not be used to supersede merit selection systems. Affirmative Action programs do not require an appointment of a person who lacks the qualifications to perform the job, nor does it require preference be shown by hiring a less qualified person over a more qualified one.
5. The placement goal must at least be equal to availability.

Affirmative Action (AA) goals are designed to recognize that more must be done to remedy underutilization. More refers to sound recruiting and outreach programs designed to increase the number of qualified minority and women candidates.



### Placement Rate vs. Headcount Target

When establishing placement goals employers have been known to use one of two formats:

1. **Headcount Targets** which are stagnant numerical goals. As such, this type of goal cannot compensate for unexpected growth or decline in the workforce; or
2. **Placement Rates** which reflect a percentage of the workforce based on availability. Use of this method adjusts accordingly when there is an unexpected growth or decline in the workforce.

For instance, if the size of the job group is 100 and availability for Females is 10% the placement goal as a headcount target is 10 Females, while the placement rate is 10%. Suppose that during the AA Plan year the agency unexpectedly experiences growth in the job group resulting in the need to hire an additional 100 people, increasing the workforce to 200 employees. If the placement goal was set at ten people, at the end of the plan year you will not have made progress toward correcting the underutilization, because when incumbency to availability is compared for the next plan year it will still reflect underutilization of Females by 10%. However, had the goal been set at a 10% placement rate, as the workforce increased to 200 employees the number of potential hires based on the placement rate would have increased proportionately, adding an additional 10 potential people based on their availability.

**NOTE: It is also important to be aware that some compliance agencies interpret numerical Headcount Targets as hiring quotas, which is contrary to point number two listed under Placement Goals above.**

### **ANALYSIS OF EMPLOYMENT ACTIONS**

The final statistical analysis to be performed is a review of the agency's Employment Actions (Appendices E and F) to assist in the identification of problem areas. This in-depth analysis of the employers' employment processes determines if there are any selection disparities.

Employment Actions include, but are not limited to:

- ◆ Hires
- ◆ Promotions
- ◆ Terminations/Layoffs
- ◆ Discipline

There are two **Analytical Methods** used in this analysis that have been previously introduced:

1. Impact Ratio Analysis (80% Rule)
2. Two Standard Deviations Analysis

### **Impact Ratio Analysis (IRA)** (a.k.a. 80% Rule, 4/5ths Rule, Disparate Impact Testing)

The purpose of the Impact Ratio Analysis is to determine if there is a substantial difference between the selection rates of Favorably Treated and Less Favorably Treated EEO groups. An adverse IRA is a preliminary indicator of possible discriminatory problems, not proof, of discrimination. It serves as an indicator that an employment activity needs closer study to determine why the disparity exists.

When dealing with **Positive Employment Actions** (Hires, Promotions, or Transfers/Reassignments) the most favorably treated EEO group is the group with the highest selection rate. The following formula is used when calculating IRA for positive actions:

**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 =  $\frac{\text{Less Favorably Treated Group Selection Rate}}{\text{Most Favorably Treated Group Selection Rate}}$

(Most Favorably Treated = **Group with Highest Selection Rate**)

- ◆ **If the resulting ratio is less than 80%, adverse impact is declared.**

When evaluating IRA for **Negative Employment Actions** (Discipline, Terminations or Layoffs) the formula is reversed. In this case the most favorably treated group is the one with the lowest selection rate.

**IRA Steps for “Negative Actions”**

1. Calculate Selection Rate for each EEO group

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

2. IRA =  $\frac{\text{Most Favorably Treated Group Selection Rate}}{\text{Less Favorably Treated Group Selection Rate}}$

(Most Favorably Treated = **Group with Lowest Selection Rate**)

- ◆ **If the resulting ratio is less than 80%, adverse impact is declared.**

**Two Standard Deviations Analysis (Employment Actions)**

You can also determine if there is adverse impact in your employment actions by using the Two Standard Deviations Analysis. Typically this test is applied after the 80% Rule analysis reveals adverse impact to determine if the difference between the selection rates is statistically significant.

**Calculating Standard Deviation and Statistical Significance:**

- SD=** Standard Deviation
- 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:  $Z = E - O / SD * (-1)$

When dealing with positive actions and E-O is used in the numerator, it is the predisposition of most people to view a negative Z Score result to mean fewer people were selected than expected when in fact it means just the opposite; more people were selected than expected. Therefore, when examining positive actions the Z Score is multiplied by (-1) to change the sign of the score.

3. Determine the statistical significance of the Z Score. A Z Score is significant if it equals or exceeds 2 SD (+/-). If the result is significant and negative (equal to or less than -2), then adverse impact is declared. If the Z Score is significant and positive (equal to or greater than +2), adverse impact did not occur, which indicates a lower number of employees were affected than expected when examining a negative action and a higher number of employees were selected than expected when examining a positive action.

### HIRE ANALYSIS

GENDER	APPLICANT POOL	HIRED	SELECTION RATE
Women	85	9	10.59%
Men	40	9	22.5%
TOTAL	125	18	

<p><b><u>IMPACT RATIO ANALYSIS</u></b></p> $\frac{10.59}{22.5} = 47.07\%$ <p>Women are selected at a rate less than 80% than that of men, resulting in <b>adverse impact</b>.</p>	<p><b><u>TWO STANDARD DEVIATION ANALYSIS</u></b></p> <p>1. <math>SD = \sqrt{18(85 / 125)(1 - .68)} = \sqrt{18(.68)(.32)} = \sqrt{3.92} = 1.98</math></p> <p>2. <math>\frac{(18 \times .68) - 9}{1.98} * (-1) = \frac{3.24}{1.98} * (-1) = -1.64</math></p> <p>Since the result is less than 2 SD there is <b>no adverse impact</b>.</p>
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**IRA:** In the above example, start by calculating the selection rate for each EEO group. For positive actions as in this case, simply take the number of selected employees / number in the applicant pool. Here the Selection Rate for Women was calculated by dividing 9 by 85 (9/85) resulting in a rate of 10.59%. Men are 9/40 which equals 22.5%. Next, calculate the Impact Ratio Analysis by dividing the group with the Less Favorable Selection Rate by the group with the Most Favorable selection rate. In this example Men have the highest selection rate so they are the most favored group. 10.59/22.5 is **47.07%**. Since this is clearly less than 80% there is adverse impact for women.

**2 SD TEST:** Using the same sample group we apply the 2 SD Test. By calculating the square root of the total number of employees positively affected (18) x the percent of the protected group in the applicant pool (85/125) or 68% x the reciprocal of availability (32%). The square root of 3.92 is 1.98 SD. To calculate the likelihood that this difference occurred by chance (statistical significance), perform Step 2.

Take the Expected number of persons in the protected group positively affected (18 x .68) – the Observed # of employees in the protected group positively affected (9) and / SD (1.98), resulting in 1.64. Next, multiply 1.64 by -1 for a final result of **-1.64**. Since the number of SD from the mean is less than 2 SD the difference happened by chance, so there is no adverse impact using this method. Since the latter is the more rigorous test, you would defer to the results of the Two Standard Deviation Analysis when determining adverse impact.

PROMOTION ANALYSIS

RACE/ETHNICITY	APPLICANT POOL	PROMOTED	SELECTION RATE
HISPANIC	35	1	2.86%
WHITE	20	5	25%
TOTAL	55	6	

<p style="text-align: center;"><b><u>IMPACT RATIO ANALYSIS</u></b></p> $\frac{2.86\%}{25\%} = 11.4\%$ <p>Hispanics are selected at a rate less than 80% than that of whites, resulting in <b>adverse impact</b>.</p>	<p style="text-align: center;"><b><u>TWO STANDARD DEVIATION ANALYSIS</u></b></p> <p>1. <math>SD = \sqrt{6(35/55)(1-.64)} = \sqrt{6(.64)(.36)} = \sqrt{1.38} = 1.18</math></p> <p>2. <math>\frac{(6 \times .64) - 1}{1.18} * (-1) = \frac{2.84}{1.18} * (-1) = -2.41</math></p> <p>Since the result exceeds 2 SD there is <b>adverse impact</b> for the Hispanic EEO group.</p>
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**IRA:** In the above example start by calculating the Selection Rate for each EEO group. Since this is a positive action simply take the number of selected employees / number in the applicant pool. So in this example the Selection Rate for Hispanics was calculated by dividing 1 by 35 (1/35) resulting in a rate of 2.86%. Whites are 5/20 which equals 25%. Next, calculate the Impact Ratio Analysis by dividing the group with the Less Favorable Selection Rate by the group with the Most Favorable selection rate. In this example Whites have the highest selection rate so they are the most favored group. Take 2.86% / 25% resulting in a figure of **11.4%**. Since this is clearly less than 80% there is adverse impact of Hispanics.

**2 SD TEST:** Using the same sample group calculate the square root of the total number of employees positively affected (6) x the percent of the protected group in the applicant pool (35/55) or 64% x the reciprocal of availability (36%). The square root of 1.38 is 1.18 SD. Next, determine the likelihood of this difference occurring by chance.

Take the Expected number of persons in the protected group positively affected (6 x .64) – the Observed number of employees in the protected group positively affected (1) and / 1.18, resulting in 2.41. Next, multiply 2.41 by -1 for a final result of **-2.41**. Since the number of SD from the mean exceeds 2 SD adverse impact exists for Hispanics. Since the latter is the more rigorous test, you would defer to the results of the Two Standard Deviation Analysis when determining adverse impact.

### DISCIPLINE ANALYSIS

RACE/EHTNICITY	INCUMBENT POOL	DISCIPLINED	SELECTION RATE
BLACK	375	25	6.67%
WHITE	525	25	4.76%
TOTAL	900	50	

<p style="text-align: center;"><b><u>IMPACT RATIO ANALYSIS</u></b></p> <p><math>\frac{4.76\%}{6.67\%} = 71.4\%</math></p> <p>Since the comparison ratio is less than 80%, Blacks are being <b>adversely impacted</b>.</p>	<p style="text-align: center;"><b><u>TWO STANDARD DEVIATION ANALYSIS</u></b></p> <p>1. <math>SD = \sqrt{50(375/900)(1-.42)} =</math>  <math>\sqrt{50(.42)(.58)} = \sqrt{12.18} = 3.49</math></p> <p>2. <math>\frac{(50 \times .42) - 25}{3.49} = \frac{-4}{3.49} = -1.15</math></p> <p>Since the standard deviation is less than 2 SD there is <b>no adverse impact</b>.</p>
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**IRA:** Calculate the Selection Rate for each EEO group. For negative actions simply take the number of affected employees / number in the incumbent pool. The Selection Rate for Blacks is 6.67% (25/375). The White selection rate is 4.76% (25/525). Next, calculate the Impact Ratio Analysis by dividing the group with the Most Favorable Selection Rate by the group with the Less Favorable selection rate. In this example Whites have the lowest selection rate so they are the most favored group. Therefore, 4.76%/6.67% equals **71.4%**. Since this is less than 80% Blacks are adversely impacted in the discipline process.

**2 SD TEST:** Calculate the square root of the total number of employees adversely affected (50) x the percent of the protected group in the incumbent pool (375/900) or 42% x the reciprocal of availability (58%). The square root of 12.18 is 3.49 SD. To determine the likelihood of this difference occurring by chance, we would perform Step 2.

Take the expected number of persons in the protected group negatively affected (50 x .42) – the Observed number of employees in the protected group negatively affected (25) and / 3.49, resulting in **-1.15**. Since the number of SD from the mean is less than 2 SD there is no adverse impact using this calculation method. Since the latter is the more rigorous test, you would defer to the results of the Two Standard Deviation Analysis when determining adverse impact.

**TERMINATION ANALYSIS**

RACE/ETHNICITY	INCUMBENT POOL	TERMINATED	SELECTION RATE
BLACK	40	35	87.50%
WHITE	85	15	17.65%
TOTAL	125	50	

<p style="text-align: center;"><b><u>IMPACT RATIO ANALYSIS</u></b></p> $\frac{17.65\%}{87.50\%} = 20.1\%$ <p>Since the comparison ratio is less than 80%, Blacks are being <b>adversely impacted</b>.</p>	<p style="text-align: center;"><b><u>TWO STANDARD DEVIATION ANALYSIS</u></b></p> <p>1. <math>SD = \sqrt{50(40/125)(1-.32)} =</math>  <math>\sqrt{50(.32)(.68)} = \sqrt{10.88} = 3.30</math></p> <p>2. <math>\frac{(50 \times .32) - 35}{3.30} = \frac{-19}{3.30} = -5.76</math></p> <p>Since the result exceeds 2 SD there is <b>adverse impact</b> for the Black EEO group.</p>
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**IRA:** Calculate the Selection Rate for each EEO group. For negative actions simply take the number of affected employees / number in the incumbent pool. The Selection Rate for Blacks is 87.50% (35/40). The White selection rate is 17.65% (15/85). Next, calculate the Impact Ratio Analysis by dividing the group with the Most Favorable Selection Rate by the group with the Less Favorable selection rate. In this example Whites have the lowest selection rate so they are the most favored group. Therefore, 17.65%/87.50% equals **20.1%**. Since this is less than 80% Blacks are adversely impacted in the termination process.

**2 SD TEST:** Calculate the square root of the total number of employees adversely affected (50) x the percent of the protected group in the incumbent pool (40/125) or 32% x the reciprocal of availability (68%). The square root of 10.88 is 3.30 SD. Next, determine the likelihood of this difference occurring by chance.

Take the expected number of persons in the protected group negatively affected (50 x .32) – the Observed number of employees in the protected group negatively affected (35) and / 3.30, resulting in **-5.76**. Since the number of SD from the mean exceeds 2 SD adverse impact exists using this method as well. Since the latter is the more rigorous test, you would defer to the results of the Two Standard Deviation Analysis when determining adverse impact.

Employment Activity Summary

As previously stated, employers required to comply with federal laws prohibiting employment discrimination must maintain records that reflect whether there is adverse impact in its testing and selection procedures that are used as a basis for any employment decisions.

Some employers choose to conduct the adverse impact analysis, using the information only to identify problem areas and establish their action-oriented programs. These employers typically elect not to include the actual adverse impact analysis in their published affirmative action plan; rather, they provide statistical information on their employment activities similar to that shown in Appendix G.

## **MULTI-YEAR PLANS AND ANNUAL UPDATES**

Agencies have the option to develop a multi-year plan in lieu of completing a new plan each year. Multi-year plans are developed based on projected vacancies, growth, staff reductions, program changes, and any other factors that will contribute to the ability of the agency to achieve its goals. The multi-year plan will contain all of the elements described in this guide.

Once a multi-year plan is issued, an annual update will suffice for reporting requirements during the remaining years of the effective period; provided no changes have occurred to affect the accuracy of the information submitted in the multi-year plan. For instance, when an agency experiences a major reorganization during the effective period of the plan, a new multi-year plan should be developed.

The annual update need only contain the Cover Page, Table of Contents, statistical analyses on Prior Year's Goals and Employment Actions. The narrative component of the plan should explain the statistical analyses to include the agency's progress and/or setbacks toward achieving the goals established in its multi-year plan. Additionally, any items that have changed since the multi-year plan was issued should also be included in the update, for example, a policy statement or an organizational chart.

## **AUTOMATED REPORTS**

The Division of Human Resource Management has developed an Equal Employment Opportunity (EEO) reporting segment within the People First system. This segment includes both Workforce and Utilization reports. These automated reports will provide agencies a valuable management tool to report, analyze and monitor employment actions and workforce demographics. They should also allow agencies to reduce staff time and related costs associated with the manual development of these reports and help meet state and some federal reporting obligations. These reports include:

1. Available Labor Market Analysis
2. Incumbency to Availability Analysis/Goal
3. Adverse Impact Analysis
4. Workforce Summary "Active"
5. Workforce Transaction Summary
6. Workforce Transaction Detail

Workforce Transaction Reports, both Summary and Detail versions, are available for new hires, promotions, demotions, reassignment and separations. The Adverse Impact Analysis report is available for demotions and separations at this time. It is anticipated that other transaction types (e.g. new hires, promotions, etc.) will be added at a future date. In the interim, agencies must continue to manually conduct adverse impact analysis on other employment actions in accordance with the federal Uniform Guidelines for Employee Selection Procedures. Additionally, agencies will continue to manually produce the Prior Year's Goals Analysis report.



## **FEDERAL AA PROGRAM REQUIREMENTS**

Federal laws requiring AA include Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended (29 USC 793); Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974, as amended (38 USC 4212); and the Jobs for Veterans Act of 2002.

This guide does not encompass all of the federal reporting requirements. Therefore, each agency must review its federal contracts and financial assistance (grant) requirements for compliance and reporting obligations to the federal agency providing their funding.

In some instances State and Local governments that receive grants or subgrants of \$25,000 or more are required to submit an Equal Employment Opportunity Plan Short Form to the Department of Justice, Office of Civil Rights. This form can be accessed on the U.S. Department of Justice website: <http://www.ojp.usdoj.gov/about/offices/ocr.htm>.

However, other agencies may be required to include AA Plan components that were not covered in this guide in accordance with one of the following federal regulations governing AA Programs:

- ◆ 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 60-250; Affirmative Action and Nondiscrimination for Special Disabled Veterans and Veterans of the Vietnam Era;
- ◆ Title 41 CFR, Part 60-300; Affirmative Action and Nondiscrimination for Disabled Veterans, Recently Separated Veterans, Other Protected Veterans, and Armed Forces Service Medal Veterans; and
- ◆ Title 41 CFR, Part 60-741; Affirmative Action and Nondiscrimination for Individuals with Disabilities

Based on the above regulations a Job Group Analysis may be required. In this analysis the eight job categories identified in this guide are different from the job groups that would be used to meet the federal requirements. Under the federal regulations job groups must be grouped together based on similar job content, wage rates and opportunities. When jobs are grouped in this manner it could result in small groups of 30 or less, in which at least five people are affected or expected for selection. In these instances agencies may be required to conduct an adverse impact analysis using the Fisher Test in lieu of the Standard Deviation Analysis. Currently, there are split rulings when considering statistical evidence with small samples. Therefore, it is recommended agencies consult with their general counsel to determine when or if it is appropriate to use the Fisher Test.

Additionally, goals must be established using a two factor analysis. These factors include identifying the percentage of minorities or women with the requisite skills in the reasonable recruitment area (relevant labor market from census data); and the percentage of minorities or women among those promotable, transferable, and trainable within the agency.

For more information on the job group and two factor analyses, refer to the online Office of Federal Contract Compliance Programs' Compliance Manual for guidance. Note, the manual still references the eight factor analysis, but the methodology for completing the analysis is the

same for a two factor analysis. The website address for the manual is listed on the resource list for this guide.

# APPENDICES



**Prior Year's Goals Analysis  
Appendix A**

This chart is used to assess the progress the agency had made in reaching its goal for those EEO groups in which underutilization was identified during the previous plan year.

Line 1: **(#Current Workforce)** – This is the numerical breakdown of the agency's workforce at the end of the AA Plan period (June 30<sup>th</sup>).

Line 2: **(%Current Workforce)** – This is the percentage breakdown of the agency's workforce at the end of the AA Plan period (June 30<sup>th</sup>).

Line 3: **(% Prior Year's Goal)** – This figure is obtained from the previous year's plan. It represents the goal established in the EEO job group for the underutilized EEO group.

Line 4: **(Progress (Difference))** – Represents the progress made toward the goal established during the previous plan year. Calculate by subtracting the % of the current workforce from the % Prior Year's Goal to find the difference.

Line 5: **(Goal Met? (Yes or No))** – Indicates a "Yes" for the EEO groups in which the goal was met and a "No" for those groups for which the goal was not attained.

Progress Towards Goal  
Appendix A

EEO 4 Group/ Class Titles	TOTAL	MALES				FEMALES				TOTAL FEMALE	TOTAL MINORITY
		White	Black/ African Am	Hispanic/ Latino	Other	White	Black/ African Am	Hispanic/ Latino	Other		
<b>01 Officials/Administrators</b>											
# Current Workforce											
% Current Workforce											
% Prior Year's Goal											
Progress (Difference)											
Goal Met? (Yes or No)											
<b>02 Professionals</b>											
# Current Workforce											
% Current Workforce											
% Prior Year's Goal											
Progress (Difference)											
Goal Met? (Yes or No)											
<b>03 Technicians</b>											
# Current Workforce											
% Current Workforce											
% Prior Year's Goal											
Progress (Difference)											
Goal Met? (Yes or No)											
<b>04 Protective Services</b>											
# Current Workforce											
% Current Workforce											
% Prior Year's Goal											
Progress (Difference)											
Goal Met? (Yes or No)											
<b>05 Paraprofessionals</b>											
# Current Workforce											
% Current Workforce											
% Prior Year's Goal											
Progress (Difference)											
Goal Met? (Yes or No)											
<b>06 Administrative Support</b>											
# Current Workforce											
% Current Workforce											
% Prior Year's Goal											
Progress (Difference)											
Goal Met? (Yes or No)											
<b>07 Skilled Craft</b>											
# Current Workforce											
% Current Workforce											
% Prior Year's Goal											
Progress (Difference)											
Goal Met? (Yes or No)											
<b>08 Service Maintenance</b>											
# Current Workforce											
% Current Workforce											
% Prior Year's Goal											
Progress (Difference)											
Goal Met? (Yes or No)											

**Availability Analysis  
Appendix B**

The purpose of this analysis is to identify the number of qualified individuals available for employment within each EEO job group and EEO group. This data is used as a comparison against the agency's current workforce to determine if there are any barriers to equal employment opportunity.

Line 1: (**# Available Labor Market**) – This is the number of individuals within the relevant labor market that meet the required minimum qualifications for the job and live in the geographic area from which applicants apply or are recruited.

Line 2: (**% Available Labor Market**) – This is the calculated percentage of individuals within the relevant labor market that meet the required minimum qualifications for the job and live in the geographic area from which applicants apply or are recruited.

Availability Analysis  
Appendix B

EEO 4 Group/ Class Titles	TOTAL ALM	MALES				TOTAL MALES	FEMALES				TOTAL FEMALES	TOTAL MINORITY
		White	Black/ African Am	Hispanic/ Latino	Other		White	Black/ African Am	Hispanic/ Latino	Other		
<b>01 Officials/Administrators</b>												
ALM #												
ALM %												
<b>02 Professionals</b>												
ALM #												
ALM %												
<b>03 Technicians</b>												
ALM #												
ALM %												
<b>04 Protective Services</b>												
ALM #												
ALM %												
<b>05 Paraprofessionals</b>												
ALM #												
ALM %												
<b>06 Administrative Support</b>												
ALM #												
ALM %												
<b>07 Skilled Craft</b>												
ALM #												
ALM %												
<b>08 Service Maintenance</b>												
ALM #												
ALM %												
<b>TOTAL</b>												
ALM #												
ALM %												



**Incumbency to Availability Analysis/Goals (80% Rule)  
Appendix C**

The purpose of this analysis is to compare the actual percentage of minorities and females within the workforce with their calculated availability.

Line 1: **(Workforce #)** – This is the numerical breakdown of the agency’s workforce at the end of the AA Plan period (June 30<sup>th</sup>).

Line 2 **(Workforce %)** – This is the percentage breakdown of the agency’s workforce at the end of the AA Plan period (June 30<sup>th</sup>).

Line 3 **(ALM %)** – This is the calculated percentage of individuals within the relevant labor market that meet the required minimum qualifications for the job and live in the geographic area from which applicants apply or are recruited.

Line 4 **(80% of Expected Availability)** – This number reflects 80% of the calculated expected availability based on the employer’s current workforce and the EEO groups’ representation in the relevant available labor market.

Line 5 **(Underutilized? (Yes or No))** – An analysis is performed using the 80% Rule, Whole Person Rule or the Any Difference Rule. If the result of the analysis reveals a group is underutilized based on the rule application, a “Yes” is reflected. A “No” is reflected if the analysis reveals the EEO group is not underutilized.

Line 6 **(Goal)** – For groups in which underutilization has been declared, a goal is established for the EEO group. Generally the goal is equal to availability.

**Incumbency to Availability Analysis/Goals  
(80% Rule) Appendix C**

EEO 4 Group/ Class Titles	TOTAL EMP.	MALES				FEMALES				TOTAL FEMALES	TOTAL MINORITY
		White	Black/ African Am	Hispanic/ Latino	Other	White	Black/ African Am	Hispanic/ Latino	Other		
<b>01 Officials/Administrators</b>											
Workforce #											
Workforce %											
ALM %											
80% of Expected Availability											
Underutilized? (Yes or No)											
Goal											
<b>02 Professionals</b>											
Workforce #											
Workforce %											
ALM %											
80% of Expected Availability											
Underutilized? (Yes or No)											
Goal											
<b>03 Technicians</b>											
Workforce #											
Workforce %											
ALM %											
80% of Expected Availability											
Underutilized? (Yes or No)											
Goal											
<b>04 Protective Services</b>											
Workforce #											
Workforce %											
ALM %											
80% of Expected Availability											
Underutilized? (Yes or No)											
Goal											
<b>05 Paraprofessionals</b>											
Workforce #											
Workforce %											
ALM %											
80% of Expected Availability											
Underutilized? (Yes or No)											
Goal											
<b>06 Administrative Support</b>											
Workforce #											
Workforce %											
ALM %											
80% of Expected Availability											
Underutilized? (Yes or No)											
Goal											
<b>07 Skilled Craft</b>											
Workforce #											
Workforce %											
ALM %											
80% of Expected Availability											
Underutilized? (Yes or No)											
Goal											
<b>08 Service Maintenance</b>											
Workforce #											
Workforce %											
ALM %											
80% of Expected Availability											
Underutilized? (Yes or No)											
Goal											

**Incumbency to Availability Analysis/Goals (Two Standard Deviation Analysis)**  
**Appendix D**

The purpose of this analysis is to compare the actual percentage of minorities and females within the workforce with their calculated availability.

Line 1: **(Workforce #)** – This is the numerical breakdown of the agency’s workforce at the end of the AA Plan period (June 30<sup>th</sup>).

Line 2 **(Workforce %)** – This is the percentage breakdown of the agency’s workforce at the end of the AA Plan period (June 30<sup>th</sup>).

Line 3 **(ALM %)** – This is the calculated percentage of individuals within the relevant labor market that meet the required minimum qualifications for the job and live in the geographic area from which applicants apply or are recruited.

Line 4 **(Z Score)** – This calculation represents the number of standard deviations from the mean (expected result). This figure is used to determine whether the difference is statistically significant.

Line 5 **(Statistically Significant? (Yes or No))** – A “Y” is reflected if the Z Score is significant and negative, equals or is less than -2 SD, reflecting underutilization exists; Otherwise a “N” is reflected.

Line 6 **(Goal)** – For groups in which underutilization has been declared a goal is established for the EEO group. Generally the goal is equal to availability.

**Affirmative Action Planning Guide**

Incumbency to Availability Analysis/Goals  
(Two Standard Deviation Analysis Chart) Appendix D

EEO 4 Group/ Class Titles	TOTAL EMP.	MALES				FEMALES				TOTAL FEMALES	TOTAL MINORITY
		White	Black/ African Am	Hispanic/ Latino	Other	White	Black/ African Am	Hispanic/ Latino	Other		
<b>01 Officials/Administrators</b>											
Workforce #											
Workforce %											
ALM %											
Z Score											
Statistically Significant? (Y/N)											
Goal											
<b>02 Professionals</b>											
Workforce #											
Workforce %											
ALM %											
Z Score											
Statistically Significant? (Y/N)											
Goal											
<b>03 Technicians</b>											
Workforce #											
Workforce %											
ALM %											
Z Score											
Statistically Significant? (Y/N)											
Goal											
<b>04 Protective Services</b>											
Workforce #											
Workforce %											
ALM %											
Z Score											
Statistically Significant? (Y/N)											
Goal											
<b>05 Paraprofessionals</b>											
Workforce #											
Workforce %											
ALM %											
Z Score											
Statistically Significant? (Y/N)											
Goal											
<b>06 Administrative Support</b>											
Workforce #											
Workforce %											
ALM %											
Z Score											
Statistically Significant? (Y/N)											
Goal											
<b>07 Skilled Craft</b>											
Workforce #											
Workforce %											
ALM %											
Z Score											
Statistically Significant? (Y/N)											
Goal											
<b>08 Service Maintenance</b>											
Workforce #											
Workforce %											
ALM %											
Z Score											
Statistically Significant? (Y/N)											
Goal											

**Employment Action Analysis (Impact Ratio Analysis)  
Appendix E**

**(Positive Actions: New Hires, Promotions, Reassignments/Transfers)**

The purpose of this analysis is to determine if there are any substantial selection disparities in the agency's employment processes.

Line 1: **(# New Hires)** – Persons both with and without previous experience and transfers who were hired for the first time by the agency or rehired after a break in service into a full-time equivalent position.

Line 2: **(# in Applicant Pool)** – The numerical breakdown of the total applicant pool in each EEO job group by race/ethnicity and sex for each organizational unit.

Line 3: **(% Selection Rate)** – The selection rate expressed as a percentage for each EEO group. This % is calculated by dividing the number of New Hires by the number in the Applicant Pool.

Line 4: **(% Impact Ratio)** – This is a comparison of the selection rate of an EEO Group to the most favored EEO group. This percentage is calculated by dividing the selection rate of the less favored EEO Group by the selection rate of the most favored EEO Group (the comparison group being examined).

Line 5: **(Adverse Impact? (Yes or No))** –. If the Impact Ratio percent is less than 80%, then adverse impact exists for the EEO group and a “Yes” is entered. A “No” is entered if the analysis reveals there is no adverse impact.

---

**(Negative Actions: Discipline, Terminations, Layoffs)**

Line 1: **(# Terminations)** – The number of employees in established positions separated from the agency's payroll during the fiscal year.

Line 2: **(# in Incumbent Pool)** – The numerical breakdown of the total number of employees in the affected pool in each EEO job group by race/ethnicity and sex for each organizational unit.

Line 3: **(% Selection Rate)** – The selection rate expressed as a percentage for each EEO group. This % is calculated by dividing the number of Terminations by the number in the Incumbent Pool.

Line 4: **(% Impact Ratio)** – This is a comparison of the selection rate of an EEO Group to the most favored EEO group. This percentage is calculated by dividing the selection rate of the most favored EEO Group by the selection rate of the less favored EEO Group (the comparison group being examined).

Line 5: **(Adverse Impact? (Yes or No))** –. If the Impact Ratio percent is less than 80%, then adverse impact exists for the EEO group and a “Yes” is entered. A “No” is entered if the analysis reveals there is no adverse impact.

**Affirmative Action Planning Guide**

**New Hire Employment Action Analysis (Impact Ratio Analysis)  
Appendix E**

EEO 4 Group/ Class Titles	TOTAL EMP.	MALES					FEMALES					TOTAL MINORITY	Declined To State Race		
		White	Black/ African Am	Hispanic/ Latino	Other	Total Males	White	Black	Hispanic/ Latino	Other	Total Females		Males	Females	Total
<b>01 Officials/Administrators</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Yes or No)															
<b>02 Professionals</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Yes or No)															
<b>03 Technicians</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Yes or No)															
<b>04 Protective Services</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Yes or No)															
<b>05 Paraprofessionals</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Yes or No)															
<b>06 Administrative Support</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Yes or No)															
<b>07 Skilled Craft</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Yes or No)															
<b>08 Service Maintenance</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Yes or No)															

**Employment Action Analysis (Two Standard Deviation Analysis)  
Appendix F**

**(Positive Actions: New Hires, Promotions, Reassignments/Transfers)**

The purpose of this analysis is to determine if there are any substantial selection disparities in the agency's employment processes.

Line 1: **(# New Hires)** – Persons both with and without previous experience and transfers who were hired for the first time by the agency, or rehired after a break in service into a full-time equivalent position.

Line 2: **(# in Applicant Pool)** – The numerical breakdown of the total applicant pool in each EEO job group by race/ethnicity and sex for each organizational unit.

Line 3: **(% Selection Rate)** – The selection rate expressed as a percentage for each EEO group. This percentage is calculated by dividing the number of New Hires by the number in the Applicant Pool.

Line 4: **(Adverse Impact? (Yes or No))** – A statistical analysis is performed using the Two Standard Deviation Analysis or Impact Ratio Analysis. If the result of the analysis reveals adverse impact for a particular EEO group a "Yes" is entered. A "No" is entered if the analysis reveals there is no adverse impact.

Line 5 **(Z Score)** – This calculation represents the number of standard deviations from the mean (expected result). This figure is used to determine whether the difference is statistically significant.

Line 6 **(Statistically Significant? (Yes or No))** – A "Y" is reflected if the Z Score is significant and negative, equals or is less than -2 SD, entered adverse impact exists; otherwise a "N" is entered.

---

**(Negative Actions: Discipline, Terminations, Layoffs)**

Line 1: **(# Terminations)** – The number of employees in established positions separated from the agency's payroll during the fiscal year.

Line 2: **(# in Incumbent Pool)** – The numerical breakdown of the total number of employees in the affected pool in each EEO job group by race/ethnicity and sex for each organizational unit.

Line 3: **(% Selection Rate)** – The selection rate expressed as a percentage for each EEO group. This percentage is calculated by dividing the number of Terminations by the number in the Incumbent Pool.

Line 4: **(Adverse Impact? (Yes or No))** – A statistical analysis is performed using the Two Standard Deviation Analysis or Impact Ratio Analysis. If the result of the analysis reveals adverse impact for a particular EEO group a "Yes" is entered. A "No" is entered if the analysis reveals there is no adverse impact.

Line 5 **(Z Score)** – This calculation represents the number of standard deviations from the mean (expected result). This figure is used to determine whether the difference is statistically significant.

Line 6 **(Statistically Significant? (Yes or No))** – A "Y" is entered if the Z Score is significant and negative, equals or is less than -2 SD, reflecting adverse impact exists; otherwise a "N" is entered.

**Termination Employment Action Analysis  
(Two Standard Deviation Analysis) Appendix F**

EEO 4 Group/ Class Titles	TOTAL EMP.	MALES					FEMALES					TOTAL MINORITY	Declined To State Race		
		White	Black/ African Am	Hispanic/ Latino	Other	Total Males	White	Black	Hispanic/ Latino	Other	Total Females		Males	Females	Total
<b>01 Officials/Administrators</b>															
# Terminations															
# in Incumbent Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Y or N)															
Z Score															
Statistically Significant (Y or N)															
<b>02 Professionals</b>															
# Terminations															
# in Incumbent Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Y or N)															
Z Score															
Statistically Significant (Y or N)															
<b>03 Technicians</b>															
# Terminations															
# in Incumbent Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Y or N)															
Z Score															
Statistically Significant (Y or N)															
<b>04 Protective Services</b>															
# Terminations															
# in Incumbent Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Y or N)															
Z Score															
Statistically Significant (Y or N)															
<b>05 Paraprofessionals</b>															
# Terminations															
# in Incumbent Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Y or N)															
Z Score															
Statistically Significant (Y or N)															
<b>06 Administrative Support</b>															
# Terminations															
# in Incumbent Pool															
% Selection Rate															
% Impact Ratio															
Adverse Impact? (Y or N)															
Z Score															
Statistically Significant (Y or N)															



Termination Employment Action Analysis  
(Two Standard Deviation Analysis) Appendix F

EEO 4 Group/ Class Titles	TOTAL EMP.	MALES					FEMALES					TOTAL MINORITY	Declined To State Race			
		White	Black/ African Am	Hispanic/ Latino	Other	Total Males	White	Black	Hispanic/ Latino	Other	Total Females		Males	Females	Total	
<b>07 Skilled Craft</b>																
# Terminations																
# in Incumbent Pool																
% Selection Rate																
% Impact Ratio																
Adverse Impact? (Y or N)																
Z Score																
Statistically Significant (Y or N)																
<b>08 Service Maintenance</b>																
# Terminations																
# in Incumbent Pool																
% Selection Rate																
% Impact Ratio																
Adverse Impact? (Y or N)																
Z Score																
Statistically Significant (Y or N)																

**Employment Action Activity Summary  
Appendix G**

**(Positive Actions: New Hires, Promotions, Reassignments/Transfers)**

The purpose of this chart is to provide statistical data on the agency's employment activities.

Line 1: **(# New Hires)** – Persons both with and without previous experience and transfers who were hired for the first time by the agency or rehired after a break in service into a full-time equivalent position.

Line 2: **(# in Applicant Pool)** – The numerical breakdown of the total applicant pool in each EEO job group by race/ethnicity and sex for each organizational unit.

Line 3: **(% Selection Rate)** – The selection rate expressed as a percentage for each EEO group. This percentage is calculated by dividing the number of New Hires by the number in the Applicant Pool.

---

**(Negative Actions: Discipline, Terminations, Layoffs)**

The purpose of this chart is to provide statistical data on the agency's employment activities.

Line 1: **(# Terminations)** – The number of employees in established positions separated from the agency's payroll during the fiscal year.

Line 2: **(# in Incumbent Pool)** – The numerical breakdown of the total number of employees in the affected pool in each EEO job group by race/ethnicity and sex for each organizational unit.

Line 3: **(% Selection Rate)** – The selection rate expressed as a percentage for each EEO group. This percentage is calculated by dividing the number of Terminations by the number in the Incumbent Pool.

**New Hire Employment Activity Summary  
Appendix G**

EEO 4 Group/ Class Titles	TOTAL EMP.	MALES					FEMALES					TOTAL MINORITY	Declined To State Race		
		White	Black/ African Am	Hispanic/ Latino	Other	Total Males	White	Black	Hispanic/ Latino	Other	Total Females		Males	Females	Total
<b>01 Officials/Administrators</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
<b>02 Professionals</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
<b>03 Technicians</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
<b>04 Protective Services</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
<b>05 Paraprofessionals</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
<b>06 Administrative Support</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
<b>07 Skilled Craft</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															
<b>08 Service Maintenance</b>															
# New Hires															
# in Applicant Pool															
% Selection Rate															

## GLOSSARY OF TERMS

The following glossary contains terms and definitions for the purpose of providing a basic working knowledge of the terms as used in this manual. Terms used in reference to employment discrimination are often defined by the courts on a case-by-case basis.

**Adverse Impact:** A substantially different rate of selection in hiring, promotion, transfer, training or in other employment related decisions which work to the disadvantage of minorities or women. Adverse impact serves as a preliminary indicator of possible discriminatory problems, not proof of discrimination.

**Affirmative Action (AA):** Actions taken or policies and procedures implemented by an agency committed to achieving and promoting equal employment opportunity. AA in employment that complies with federal law is designed to enhance outreach and recruiting for those EEO groups in which underutilization has been identified. This occurs through implementation of proactive measures designed to find and solicit sources of qualified minority and female candidates in underutilized EEO job groups.

**Affirmative Action Plan:** The written plan which contains a narrative and statistical analysis of the agency's workforce and employment actions to determine if underutilization or other disparities exists. It also includes a description of the proactive measures being implemented (action-oriented programs) to eliminate underutilization and correct disparities to ensure equal employment opportunity.

**Applicant pool:** The group of individuals that apply for a specific job.

**Availability:** The percentage of minorities and women that are among persons in the relevant labor area and/or internal feeder pools having the requisite qualifications to perform the duties of the jobs included in the EEO job group.

**Barrier:** Personnel principle, policy, or practice which restricts or tends to limit the representative employment of applicants and employees, especially minorities, women and individuals with disabilities.

**Department:** The Department of Management Services.

**Equal Employment Opportunity:** The policy of ensuring that all qualified individuals are afforded the same rights and benefits in employment practices as provided by federal, state, and local law.

**EEO Groups:** Refers to the following race/ethnic groups:

- **White (non-Hispanic):** All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **Black or African American (non-Hispanic):** All persons having origins in any of the Black racial groups of Africa.
- **Hispanic:** All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

- **Asian/Pacific Islander (non-Hispanic):** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.
- **American Indian/Alaskan Native (non-Hispanic):** All persons having origins in any of the original North America, and who maintain cultural identification through tribal affiliation or community recognition.

**EEO Job Groups:** The eight designated categories of the EEO-4 report developed by the U.S. Equal Employment Opportunity Commission and applied by the Department for the purpose of data collection are as follows:

- **01 – Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, A.B.C. Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.
- **02 – Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.
- **03 – Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers and weighers), and kindred workers.
- **04 - Protective Service:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.
- **05 – Paraprofessional:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Included: research assistants, medical aides, child support workers,

policy auxiliary welfare service aides, recreation assistants, homemakers aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

- **06 - Administrative Support:** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typist, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.
- **07 - Skilled Craft:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.
- **08 - Service/Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

**Goals:** Percentage placement goals established for minorities and women by organizational unit and EEO job group, where underutilization has been identified.

**Good Faith Efforts:** Refers to an agency's efforts to make all aspects of its affirmative action plan work. It includes outreach and recruitment measures and systematic efforts to assure that selections are made without regard to race, sex or other prohibited factors.

**Impact Ratio Analysis (IRA):** A comparison of the selection rates of different EEO groups from an identified candidate pool. If the selection rate for one group is less than 80% of that for the favored group, adverse impact exists.

**Incumbent pool:** the total number of employees within an organizational unit generally identified by race/ethnicity or gender for purposes of conducting an employment action analysis.

**New Hire:** Persons both with and without previous experience and transfers who were hired for the first time by the agency or rehired after a break in service into a full-time equivalent position..

**Minority:** Those men and women of those EEO groups for whom EEO-4 reporting is required; i.e., Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaska Native.

**Organizational Unit:** A department, region, division, bureau or other organizational entity of an agency that operates as a single unit under a common head.

**Promotion**: Any personnel action resulting in movement to a position affording higher pay and/or greater rank, and/or requiring greater skill or responsibility, or the opportunity to attain such.

**Reassignment/Transfer**: Movement (usually lateral) from one position or function to another.

**Standard Deviation**: A statistical measure used to describe the probability that differences between similarly situated groups (such as in selection rates, wages, etc.) occurred by chance.

**Termination**: Separation of an employee from an agency's payroll.

**Underutilization**: Having materially fewer minorities or women in a particular job group than reasonably would be expected based upon their availability in the relevant labor market.

## RESOURCE LIST

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Sample Affirmative Action Program (AAP), Retrieved from the U.S. Department of Labor, Employment Standards Administration, Office of Federal Contract Compliance Programs website: <http://www.dol.gov/esa/regs/compliance/ofccp/pdf/sampleaap.pdf>

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