

90110 Nondiscrimination and Affirmative Action

(a)

Area agencies shall take affirmative action to ensure that employees and applicants for employment are not discriminated against on the basis of their race, color, religion, creed, national origin, sex, age, or physical or mental handicap, or any other factors which may unlawfully place an individual or group at a disadvantage while employed or while seeking employment. Such affirmative action shall include, but not be limited to, the following: (1) Employment. (2) Promotion. (3) Demotion or transfer. (4) Recruitment or recruitment advertising. (5) Layoff or termination. (6) Rates of pay or other forms of compensation. (7) Selection for training.

(1)

Employment.

(2)

Promotion.

(3)

Demotion or transfer.

(4)

Recruitment or recruitment advertising.

(5)

Layoff or termination.

(6)

Rates of pay or other forms of compensation.

(7)

Selection for training.

(b)

Area agencies shall follow standardized hiring procedures as defined below by the Office. Such procedures shall include but not be limited to: (1) Length of time for filing notices of vacancies. (2) Length of time for advertising positions. (3) Number and types of advertising to be done. (4) Procedures for providing fair consideration to all applicants.

(1)

Length of time for filing notices of vacancies.

(2)

Length of time for advertising positions.

(3)

Number and types of advertising to be done.

(4)

Procedures for providing fair consideration to all applicants.

(c)

Area agencies shall initially submit an affirmative action plan to the Office. Thereafter, area agencies shall annually submit modifications, if any, to the Office of Statewide Health Planning and Development. The affirmative action plan shall include, but not be limited to, the following: (1) A demographic statistical summary of the ethnic groups in the area served by the area agency. (2) A requirement that existing area agency offices, meeting places, and related premises, and existing area agency facilities to be remodeled, shall be accessible to and useable by the

handicapped, including individuals in wheelchairs. (3) An accessibility review-report prepared by the Mobility Barriers Section of the Department of Rehabilitation or by an appropriate local organization certified by this section. An acceptable defense for failure to meet the requirement of this paragraph is the Department of Rehabilitation's failure to compile such a report. (4) Procedures to ensure that reasonable job accommodations are made for disabled employees and applicants. (5) Provision for the accessibility to offices, meeting places, and related premises and transportation. (6) Procedures to ensure that there are no communication barriers that would exclude the disabled. For the purposes of this section, communication barriers shall include the absence of such things as Braille markings on elevators and amplification equipment for telephones. (7) Evidence that meetings are public and are accessible to the public. (8) Evidence that advisory committees, governing bodies or boards of directors are composed of persons representative of the service area including ethnic minorities, women, aged, and the handicapped. (9) Evidence that the area agency posts in a conspicuous place available to employees notices of the policy of nondiscrimination. (10) Name of person within the area agency who will be responsible for the implementation of the affirmative action plan. The responsible person shall: (A) Assist the governing body or board of directors in developing a policy statement. (B) Assist in identifying problem areas. (C) Assist line management in implementing the plan. (D) Design and implement a reporting system that will measure the effectiveness of the affirmative action plan. (11) A work force analysis which identifies for each job title or classification the total number of male and female incumbents in each of the following groups: Blacks, Spanish-Speaking/Spanish Surname, American Indians, Asian and Pacific people (specify), Filipinos, the handicapped, and others. An analysis shall include an

explanation if minorities, women, or handicapped persons are currently being under-utilized in any one or more job classifications. (12) Employment goals which are attainable and which are designed to achieve timely results with respect to the employment deficiencies identified in the workplace analysis. Such goals and timetable with supporting data and the analysis thereof shall also be a part of the area agency's written affirmative action plan and shall be available to the public at the area agency office.

(1)

A demographic statistical summary of the ethnic groups in the area served by the area agency.

(2)

A requirement that existing area agency offices, meeting places, and related premises, and existing area agency facilities to be remodeled, shall be accessible to and useable by the handicapped, including individuals in wheelchairs.

(3)

An accessibility review-report prepared by the Mobility Barriers Section of the Department of Rehabilitation or by an appropriate local organization certified by this section. An acceptable defense for failure to meet the requirement of this paragraph is the Department of Rehabilitation's failure to compile such a report.

(4)

Procedures to ensure that reasonable job accommodations are made for disabled employees and applicants.

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Provision for the accessibility to offices, meeting places, and related premises and transportation.

(6)

Procedures to ensure that there are no communication barriers that would exclude the disabled. For the purposes of this section, communication barriers shall include the absence of such things as Braille markings on elevators and amplification equipment for telephones.

(7)

Evidence that meetings are public and are accessible to the public.

(8)

Evidence that advisory committees, governing bodies or boards of directors are composed of persons representative of the service area including ethnic minorities, women, aged, and the handicapped.

(9)

Evidence that the area agency posts in a conspicuous place available to employees notices of the policy of nondiscrimination.

(10)

Name of person within the area agency who will be responsible for the implementation of the affirmative action plan. The responsible person shall: (A) Assist the governing body or board of directors in developing a policy statement. (B) Assist in identifying problem areas. (C) Assist line management in implementing the plan. (D) Design and implement a reporting system that will measure the effectiveness of the affirmative action plan.

(A)

Assist the governing body or board of directors in developing a policy statement.

(B)

Assist in identifying problem areas.

(C)

Assist line management in implementing the plan.

(D)

Design and implement a reporting system that will measure the effectiveness of the affirmative action plan.

(11)

A work force analysis which identifies for each job title or classification the total number of male and female incumbents in each of the following groups: Blacks, Spanish-Speaking/Spanish Surname, American Indians, Asian and Pacific people (specify), Filipinos, the handicapped, and others. An analysis shall include an explanation if minorities, women, or handicapped persons are currently being under-utilized in any one or more job classifications.

(12)

Employment goals which are attainable and which are designed to achieve timely results with respect to the employment deficiencies identified in the workplace analysis. Such goals and timetable with supporting data and the analysis thereof shall also be a part of the area agency's written affirmative action plan and shall be available to the public at the area agency office.

(d)

Area agency affirmative action plans shall establish a mechanism for the prompt investigation and resolution of all complaints of discrimination in employment practices. Initial attempts at resolution should take place at the area agency. The area agency shall make this complaint process available to all employees or applicants for employment. The complainant shall have the right of appeal from the local decision to the Civil Rights Office of the Office. The area agencies shall, subject to the approval of the Office, establish procedures under which complainants are informed of their rights to file a complaint alleging discrimination in either employment or service in violation of their civil rights with

the Office. This notice shall be posted in the languages of significant numbers (5% or more) of the population residing in the area. Complaints not resolved at the area agency level alleging discrimination in employment by the area agency because of race, color, national origin, creed, sex, age, or physical or mental handicap, will be resolved by the Office's Affirmative Action Complaint Process.

(e)

If the area agency has not developed an acceptable affirmative action plan, the Civil Rights Officer shall notify the Director. The Director will declare the area agency's affirmative action plan non-responsive and notify the Council. If the area agency fails to show good cause for its failure or fails to remedy that failure by developing and implementing an acceptable action plan, the Office shall take appropriate action.