

PERSONNEL NOTEBOOK

For Your Most Important Resource—The Human Resource

Prepared By:

HUMAN RESOURCE ASSOCIATES

Personnel Consultants

AFFIRMATIVE ACTION PROGRAMS

Part II. The Process

In our last issue we talked about the AAP controversy and presented a broad outline of the elements in an AAP. We will follow the outline below to examine the process.

Section I. Commitment

Section II. Analysis

- Workforce Analysis
- Job Group Analysis
- Availability Factors
- Utilization Analysis
- Summary

Section III. Affirmative Action

In our next *Personnel Notebook* (Part III), we will present the AAP forms with an explanation of why you can't get them anywhere.

Section I. Commitment

It should include your commitment to equal employment in hiring, promotions, pay, etc. You are required to prepare a written statement showing your belief, support and commitment to the principles of equal opportunity. It should be placed in your employee handbook, sent to your suppliers and vendors, sent to your union (if you have one) and made known to your community. It should be disseminated internally and externally including to all recruitment sources.

The commitment statement should be clear and assertive. It should also include a one-page document for the president's signature condensing all the comments in the commitment section to that single page document to be used for posting. the

purpose here is to create not only a kind of oath, but more so a message to potential candidates that they need not fear being automatically rejected. It's an encouragement for minorities and females to come forth more assertively to truly feel welcomed.

That commitment section must also include the appointment and identification of the company's EEO Officer. Now consider this carefully. The president of the company is legally responsible for carrying out the full intent of the AAP. Everyone including the Department of Labor (DOL) knows that in most cases this is not going to happen. The president or CEO is not going to have enough time to do all that must be done. So he/she may appoint someone as EEO Officer to make these things happen.

However, in doing so, the individual appointed must establish a procedure for keeping the CEO completely aware of all progress, hindrances and schedules of the AAP. The DOL will accept failure of an AAP if a good faith effort was applied and reapplied. But in a case of neglectful failure, they will not accept a statement from the CEO that he/she didn't know the AAP was failing because he/she was too busy and no one told them that the program was failing. The DOL will hold the CEO and the EEO Officer legally liable for the failure. Don't underestimate this statement. I am saying that the appointed EEO Officer can be charged and sued for actions resulting in discrimination and AAP failure. So an internal audit system to assure accurate monitoring of the system and informing the CEO of results must be implemented. An example of a monitoring system might be that the EEO Officer would prepare a monthly update on the activities and

the status of the AAP for the CEO plus hold regular meetings.

Section II. Analysis

Workforce Analysis:

This is a statistical analysis of the company's workforce, separated into geographical areas (different offices). All employees should be ranked on a chart or spreadsheet by their position in the company starting with the president as number 1. The chart should include wages (or a code for wage levels), number of people with this job, their sex and race. The totals will tell you how many minorities and females are in the company.

Job Group Analysis:

Using the same database, identify all employees in the company separated into their respective EEO job groups. The job groups are as follows:

1. Officials and Managers
2. Professionals
3. Technicians
4. Sales Workers
5. Office and Clerical
6. Craft Workers (skilled)
7. Operatives (semi-skilled)
8. Laborers (unskilled)
9. Service Workers

See Page 3 for definitions.

Note: A change in 2001 allows many employers to use their existing workforce organization for reporting the job analysis. Companies with 50 to 150 employees who use them are allowed to use their EEO-1 report which shows a more practical job breakdown. (Note: EEO-1 reports are required of most but not all employers.) At the end of the job analysis you must summarize the employment of all females and minorities by those job groups and express them as a percentage of each group.

Availability Factors:

You must obtain from whatever sources you choose, a statistical breakdown of the labor market

in your area. You can buy these demographic reports, usually based on the most current U.S. Census (2000) or you can obtain a free copy from your local government employment office. The free reports are not as accurate, nor as useful, nor do they carry as many job categories as those purchased.

The demographic reports you acquire will list several job categories and the amount of minorities and females represented in those categories for your labor market area. They will express these amounts as a percentage. These percentages are then divided into eight categories representing the options from which you have to choose those minorities and females you seek. A note: Changes announced in 2001 now allow you to narrow those eight factors down to two factors--1) Percentage of minorities and females available in these job categories outside the company and 2) The number of minorities and females available inside your company.

Let's catch our breath here and review this.

We've now told the world and the U.S. government that we believe in equal opportunity for all. We are whole-heartedly in favor of the concept of offering employment opportunities to females and minorities. We believe in the concepts of reaching out and sharing our opportunities of employment with everyone.

We've appointed someone as EEO Officer and charged them with making this plan work and devising a method of keeping the president always aware of our status.

We examined our entire workforce and identified how many females and minorities are employed here. We looked at how they rank and are paid compared to the entire company. We've looked at all our job categories to see how many females and minorities we have plus which jobs group they're in. So we now know the percentage and location and ranking of all females and minorities in our company.

We then looked at the labor market from which we draw our workforce. We determined how many females and minorities exist in the areas in which we recruit and in which job category they may be found.

So we now know what we have and we know what's available out there. How do we compare? In the overall company does the minority/female percentages approximately equal the total percentage in the overall labor market? In the higher level half of the company, are there any minorities or females? Is their pay comparable to others at that level? If not, why?

Look at the other job categories. Are all the women in clerical jobs? Are all the minorities in entry level and support positions. Why? Is there any representation in technical jobs, professional jobs, management positions? Compare the percentage you have in each category to the percentages available in the labor market. Any significant differences? Identify them and ask why.

Utilization Analysis:

This section is part analysis and part affirmative action. By comparing the availability of females and minorities in the labor market to the actual employment in your company, where do you need to concentrate your efforts during the next year? To seek an approximate match of your hires to their availability, how many of each should you be targeting in each job category? Realistically, what are you going to try to do over the next 12 months to match actuality to availability?

List those items here and indicate the numbers you seek. Remember, these are not quotas, you are seeking a direction and a rough goal.

Summary:

Here's where you do what I've just done. Write a summary statement in narrative form describing what you found in your analysis. Were there any surprises, revelations or answers? Could you identify a problem? (Minorities haven't applied for employment, women haven't applied for training, you're a new high-tech industry and few minorities and/or females are in your field.) Whatever the problem or solutions, bring it all together here in the summary.

Section III. Affirmative Action.

Whew! Now that you've analyzed everything that walks and talks and now that you have discovered so much about the problems, what are you going to do about it? Specifically!

How are you going to recruit, where? Which newspapers, schools, churches, organizations? Who is going to be trained or promoted? What specifically are you going to do? Say it here.

Also, in this section indicate some information and direction for handicapped and veterans.

Is this complicated? Is this controversial? Is this difficult? It certainly is! The government seems to like that. That's why American employers have been in the affirmative action business for over 30 years and AAPs haven't gotten any easier. That's also why most small companies contract their AAP out. But keep this in mind--you are responsible for what they write, so stay close to the process.

In Part III, we will present the forms you can use for your AAP.

*Bill Cook
Human Resource Associates*

HUMAN RESOURCE ASSOCIATES
6050 Greenway Court
Manassas, Virginia 20112-3049
(703) 590-3841 Fax: (703) 590-6437
website: www.consulthra.com
e-mail: hrahtl@consulthra.com

Here are the precise definitions of these categories as outlined in government regulations:

01. Officials and Managers -- Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operations. Includes: officials, executives, middle managers, plant managers, department managers and superintendents, salaried supervisors who are members of management, purchasers, and kindred workers.

02. Professionals - Occupations requiring either a college degree or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots, artists, chemists, designers, editors and writers, economists, engineers, lawyers, mathematicians, registered nurses, personnel and labor relations employees, scientists, and kindred workers.

03. Technicians - Occupations requiring a basis scientific knowledge and manual skill, which can be obtained through about two years of post-high school education such as offered in many technical institutes and junior colleges or through equivalent on-the-job training. Includes: computer programmers and operators, draftspersons, engineering aides, junior engineers, mathematical aides and scientific assistants, and kindred workers.

04. Sales Workers - Exempt employees "exempt" from the overtime and minimum wage provisions of the Fair Labor Standards Act engaged wholly or primarily in direct selling. Includes: advertising agents and sales workers, insurance agents and brokers, stock and bond sales workers, demonstrators, sales workers and sales clerks, grocery clerks, and cashiers/checkers. Sales managers go in 01; sales order clerks or sales correspondents go into 05.

05. Office and Clerical - Includes all clerical-type work regardless of difficulty level where activities are predominantly non-manual, though some manual work not directly involved with altering or transporting the products in included. Includes: bookkeepers, cashiers, messengers and office workers, office machine operators, shipping and receiving clerks, typists and secretaries, telephone and telegraph operators, and kindred workers.

06. Craft Workers (skilled) - Manual workers of a relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining equipment operators, electricians, engravers, job setters (metal), pattern and model makers, stationery engineers, and kindred workers.

07. Operatives (semi-skilled) - Workers who operate machining or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training.

08. Laborers (unskilled) - Workers in manual occupations, which generally require no special training. Perform elementary duties, which may be learned in a few days and require the application of little or no independent judgment.

09. Service Workers - Workers in both protective and non-protective service occupations.