

EQUAL EMPLOYMENT OPPORTUNITY/ AFFIRMATIVE ACTION HANDBOOK

Prepared by:
Office of Diversity, Inclusion, and Employment Equity

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WHO WE ARE

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The Office of Diversity, Inclusion and Employment Equity promotes the organization's commitment of fair treatment for employees of Penn State Hershey Medical Center (PSHMC) and the Penn State College of Medicine through education and supportive services.

We help to foster equal access to opportunities, programs, facilities, admissions, employment, retention and development, regardless of personal characteristics not related to ability, performance or qualifications.

We help to ensure that all employees are provided with equal employment opportunities regardless of race, color, religion, gender, age, national origin, marital status, sexual orientation, physical disability or veteran status.

We work in conjunction with all levels of management to ensure consistent and fair application of all applicable human resources policies.

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I. RESPONSIBILITY OF THIS OFFICE TO PSHMC's EMPLOYEES

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- ◆ Produce, monitor and maintain PSHMC's employee data base ensuring that data is collected and reported to federal and state agencies as required
- ◆ Provide educational sessions to staff supporting an atmosphere of cultural awareness
- ◆ Assist with assuring that PSHMC's policies of non-discrimination are being adhered to
- ◆ Investigate and help resolve internal reports of discrimination or sexual harassment
- ◆ Assist with the interpretation of the law as it applies to PSHMC's work environment
- ◆ Assist staff with understanding the application of policies

II. POLICIES SURROUNDING AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY

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- ◆ HR05 Affirmative Action in Employment
- ◆ HR07 Conflict Resolutions & Complaints of Unlawful Discrimination and Harassment
- ◆ HR09 Fair Employment Practices
- ◆ HR11 Sexual Harassment
- ◆ HR06 Staff Rights & Responsibilities
- ◆ A-20 HAM Code of Ethical Behavior
- ◆ HR-10-HAM Competence Program
- ◆ HR74 Americans with Disabilities Act Policy

III. WHAT IS MEANT BY AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY?

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The actual term "Affirmative Action" was initially used in 1961 by President John F. Kennedy when he redressed an issue of discrimination that continued despite civil rights laws and constitutional guarantees with regard to Executive Order 10925. Executive Order 10925 addressed the issue of taking affirmative action in employment. He made it clear that, nationally, actual steps needed to be taken to ensure equal treatment. Affirmative Action aims to adjust the employment imbalance of minorities and women. The basic theory is that minorities and women should be present in an employer's workforce in roughly the same percentage as their overall availability for employment. Where minorities and women are not present in the employer's workforce and there is an imbalance with their availability (according to U.S.

Census data), Affirmative Action seeks to bring their representation into alignment through “Good Faith Efforts”.

Equal Employment Opportunity aims to ensure that there is no distinction in treatment and that all people are provided equal access to opportunities in employment. With this in mind Equal Employment Opportunity protects an individual’s civil rights regardless of race, color, religion, gender, age, national origin, marital status, sexual orientation, physical disability or veteran status.

IV. ENFORCEMENT OF AFFIRMATIVE ACTION

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Through Title IV, the Equal Employment Opportunity Commission was established. The Secretary of Labor enforces the Executive Order and develops and issues guidelines and regulations to carry them out. Pursuant to this authority, the Secretary of Labor established the Office of Federal Contracts Compliance Programs (OFCCP). The OFCCP has issued regulations to inform contractors what they must do to comply with the Executive Order. The regulations require government contractors to have an Affirmative Action Plan. OFCCP also conducts compliance reviews on government contractors.

V. MANAGEMENT RESPONSIBILITY

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- ◆ Ensure PSHMC’s Affirmative Action/Equal Employment Opportunity policies are communicated and adhered to
- ◆ Assist in the identification of problem areas and implementation of corrective action
- ◆ Set Affirmative Action goals based on their annual staffing needs
- ◆ Ensure proper documentation of recruiting efforts for each position
 - All related information regarding the employment selection process must be completed and returned to Human Resources (i.e. interview notes, applications/resumes, etc.)
- ◆ Broaden female and minority recruitment base to actively seek qualified female and minority candidates
- ◆ Ensure no discriminatory practices exist in the application of company policies
- ◆ Assume final responsibility for hiring, upgrading, transferring, terminations, counseling and providing equal employment opportunities
- ◆ Broaden management involvement in community organizations to include serving on female and minority organizational boards
- ◆ Inform managers and supervisors that part of their annual performance & merit review is based on their affirmative action performance

VI. PURPOSE OF THE SELF IDENTIFICATION FORM

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Penn State Hershey Medical Center is subject to certain governmental record keeping and reporting requirements for the administration of civil rights laws and regulations. One of the ways to capture a picture of our workforce is to invite our employees to self-identify their race, ethnicity, disability and veteran status on a voluntary basis at the time of hire. As stated this is a voluntary process and failure to comply will in no way subject an individual to adverse treatment. This form is in no way a source to single out anyone for exclusion or inclusion in employment. The information is kept confidential, and does not identify any specific individual. The data will be used in accordance with the provisions of applicable laws, executive orders, and regulations, including those that require the information to be summarized and reported to the federal government for enforcement purposes.

VII. WHAT IS AN AFFIRMATIVE ACTION PLAN (AAP) AND WHY DOES PSHMC HAVE ONE?

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An Affirmative Action Plan identifies actions, policies, and procedures to which PPSHMC commits itself to achieve equal employment opportunity. An Affirmative Action Plan requires: (1) thorough, systematic efforts to prevent discrimination from occurring or to detect and eliminate it as promptly as possible; and (2) recruitment and outreach measures. An Affirmative Action Plan aims to adjust the employment imbalance of minorities and females within our workforce.

Listed below are some of the reasons why PSHMC is engaged in an Affirmative Action Plan:

1. It is a federal requirement, as a government contractor.
2. Non-compliance could result in the loss of our federal contracts and federal funding.
3. It helps to ensure a diversified workforce, which is beneficial to the organization.

VIII. LAWS AND ORDERS

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President Lyndon B. Johnson followed through with developing and enforcing the principal of Executive Order 10925 which addressed the issue of taking affirmative action in employment regardless of race, creed, color or national origin and Executive Order 11246 which included women. There were other equal protection laws passed that made it clear that discrimination was illegal.

Some of the laws and orders that surround the topic of Affirmative Action are:

Age Discrimination in Employment Act of 1967 (ADEA) – Prohibits employers with 20 or more employees from discriminating against workers or job applicants who are 40 years of age or older.

Americans With Disabilities Act of 1990 (ADA) – Prohibits discrimination against individuals with disabilities in employment, public service, public accommodations, and telecommunications.

Civil Rights Act of 1964 (Title VII) – Title VII prohibits discrimination in employment on the basis of an individual’s race, color, religion, sex (including sexual harassment) or national origin.

Equal Pay Act of 1963 – Forbids employers from paying different wages to men and women who are performing equal work.

Presidential Executive Order 11246 – issued by the President in 1965 (as amended by Executive Order 11375) prohibits discrimination on the basis of race, color, religion, sex or national origin by all federal contractors and subcontractors.

Rehabilitation Act of 1973 – The Rehabilitation Act of 1973 requires covered federal contractors with contracts of \$10,000 or more to take affirmative action with respect to qualified individuals with handicaps.

Vietnam Era Veterans’ Readjustment Assistance Act of 1974 – The Vietnam Era Veterans’ Readjustment Assistance Act of 1974 creates an additional protected class of qualified “special disabled veterans” and “veterans of the Vietnam era”.

IX. HOW TO FILE A COMPLAINT

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Below is a list of options available to employees for filing a complaint:

- ◆ Go to the Office of Human Resources Web site at <http://infonet.PSHMC.psu.edu/hr/forms/index.htm> and fill out the Discrimination/Harassment Complaint Form or request the form by calling 717-531-5820
- ◆ Visit the Office of Human Resources at 600 Centerview Drive, Academic Support Building, Room 5200 and request to speak with your Human Resources Liaison or a representative from the Office of Diversity, Inclusion and Employment Equity.
- ◆ Additional Resources:
 - ◆ Department of Public Welfare
Bureau of Equal Opportunity
Room 233, Health & Welfare Building
Harrisburg, PA 17105
 - ◆ PA Human Relations Commission
Harrisburg Regional Office
Riverfront Office Center

1101 S. Front Street, 5th Floor
Harrisburg, PA 17104

- ◆ U. S. Department of Health and Human Services
Office of Civil Rights
Suite 372, Public Ledger Building
150 South Independence Mall West
Philadelphia, PA 19106-9111

Revised 5/2012