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OFFICE OF DIVERSITY
& EQUAL OPPORTUNITY

DEPARTMENT OF DEVELOPMENTAL SERVICES

AFFIRMATIVE ACTION PLAN

FISCAL YEARS
2012-2013

Runs 10/1/11 - 09/30/13

Elin Howe, Commissioner
Department of Developmental Services
Boston, MA 02118
617-727-5608

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NOTE: This document does not allege to address the requirements of all federal compliance agencies but includes many fundamentals of the Office of Federal Contract Compliance Programs (OFCCP) under Rev. EO 11246.

AGENCIES RECEIVING FEDERAL FUNDS

Agencies receiving federal funds (i.e. a federal contractor or subcontractor, a recipient of federal funds or federal grants or one that has affirmative action obligations to a federal compliance agency) should contact their compliance agency for information regarding any requirements they may have for Affirmative Action Plans.

Meeting requirements of a federal compliance agency will not preclude any agency within the Executive Branch of the Commonwealth of Massachusetts from the requirement to develop an Affirmative Action Plan according to these guidelines.

SECTION 1

INTRODUCTION

All information in this Plan, including salary information, total level of employment, and other statistical data, is confidential and may not be released to a third party without the consent of the Department of Developmental Services.

The terms "availability", "comparison", "parity", "goal", "problem area", "impediment", and "further review" are used to comply with Affirmative Action regulations and are not an admission of any illegal or discriminatory activity, lack of good faith efforts, or impermissible conduct. These terms are used by affirmative action planners to apply good faith efforts to increase the percentage of minorities, females, Vietnam Era Veterans, and persons with disabilities in the workforce.

Beginning with this Affirmative Action Plan cycle, we eliminated the separate section for Vietnam Era Veterans and Persons with Disabilities and we are incorporating these two demographics into the overall plan. We are also embedding the Model Employer Initiative for persons with disabilities into this plan. Doing so serves to focus attention on the analysis of current statistical information. Specifically, focusing attention on their representation in the workforce should create an impetus for more aggressive recruitment and retention practices and the active development and adaptation of programs and services to fully include them in the workplace.

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT

Agency Head	**Name**	**Elin M. Howe**
	Title	**Commissioner**
Agency/Location:	**Department of Developmental Services** **500 Harrison Avenue** **Boston, MA 02118**	
Diversity Officer:	**Name**	**Gerald W. Scott**
	Phone Number	**(617) 624-7751**

The Department of Developmental Services prohibits discrimination in employment on the basis of race, color, creed, religion, national origin, ethnicity, gender, gender identity or expression, age, sexual orientation, Vietnam Era Veteran status, or disability.

I, Elin M. Howe, Commissioner of the Department of Developmental Services, recognize that when the effects of employment practices, regardless of their intent, discriminate and create adverse impact against any group of people action must be taken to ensure that the Agency values employee Diversity, and affords equal opportunity through affirmative action.
Under the legal authority of: Massachusetts General Laws Chapter 151B; Executive Order 526; the Equal Pay Act of 1963; Title VI and Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Equal Employment Opportunity Act of 1972; the Civil Rights Act of 1992; Section 504 of the Rehabilitation Act of 1973; the Americans With Disabilities Act of 1990; the Family and Medical Leave Act of 1993, American with Disabilities Amendments Act 2008. I commit myself and my employees, within the context of these laws, to ensure equitable participation of minorities, women, Vietnam Era Veterans and persons with disabilities in all of its daily operations.

This policy applies to all employment practices and employment programs sponsored by this agency. The Agency shall review, investigate, and where necessary, initiate changes in its processes relative to facilities and programs accessible to the public, including the provision of reasonable accommodation for persons with disabilities. This policy shall also apply to the areas of recruitment, selection, promotions, termination, transfers, layoffs, compensation, training, benefits, reasonable accommodation, and other terms and conditions of employment.

I have designated Gerald W. Scott, a highly placed management official, as Diversity Director/Officer to implement all elements of this Equal Opportunity/Affirmative Action (EO/AA) program. All management employees have personnel responsibility, and shall be designated specific tasks, relative to ensuring its successful implementation. All personnel shall be evaluated on the success of this program the same way as their performance is evaluated relative to other agency goals.

Elin M. Howe
Agency Head Signature

Sept. 2, 2011
Date

AMERICANS WITH DISABILITIES ACT (ADA)
POLICY STATEMENT

Agency/Location:	**Department of Developmental Services** **500 Harrison Avenue** **Boston, MA 02118**	
ADA Compliance Officers:	**Name**	**Gerald W. Scott**
	Phone Number	**(617) 624-7751**

The DEPARTMENT OF DEVELOPMENTAL SERVICES will not discriminate against qualified individuals with disabilities in job application procedures, hiring, terminations, advancement, compensation, job training, and other terms, conditions and privileges of employment. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

An individual with a disability is a person who:

- has a physical or mental impairment that substantially limits one or more major life activities;
- has a record of such impairment; or
- is regarded as having such impairment.

The DEPARTMENT OF DEVELOPMENTAL SERVICES will make a reasonable accommodation for the known disability of a qualified applicant or employee if it does not impose an undue hardship on the agency.

The DEPARTMENT OF DEVELOPMENTAL SERVICES strictly prohibits retaliation against any employee or applicant exercising rights granted by the ADA. Any coercion, intimidation, threats, harassment or interference in the exercise of any employee or applicant's rights granted under the ADA, or of the encouragement of someone else's exercise of rights granted by the ADA, is strictly prohibit. The Commonwealth of Massachusetts **Office of Diversity & Equal Opportunity** has established a uniform grievance procedure known as the Resolution Process for any applicant or employee who has reason to believe that they have been unlawfully discriminated against by the DEPARTMENT OF DEVELOPMENTAL SERVICES on the basis of a disability.

The resolution process is not intended to prohibit an applicant or employee from utilizing the other avenues of redress and a grievant is not required to exhaust the resolution process prior to filing a complaint with an applicable state or federal agency.

Gerald W. Scott

NAME AND TITLE of ADA Coordinator,
DEPARTMENT OF DEVELOPMENTAL SERVICES

SECTION 2

Designation of Affirmative Action and Equal Opportunity Responsibilities

2.1 Chief Executive Officer

The Chief Executive Officer of this agency Elin M. Howe, Commissioner has overall responsibility for ensuring Equal Opportunity and Affirmative Action in this Agency.

2.2 Diversity Director/Officer

The Diversity Director/Officer is a highly placed person who reports directly to the Agency Head. The Diversity Director/Officer is responsible for implementing the Plan and has the day-to-day responsibilities for its development, coordination and monitoring.

The Diversity Director/Officer is provided with sufficient authority, top management support and staffing, in order to execute his/her responsibilities, and is identified in all internal and external communications regarding the agency's program.

The Diversity Director/Officer and appropriate staff work with commitment to this program and possess an ability to work and communicate with others to achieve the Agency's goals. The staff possesses sensitivity and awareness relative to the varied ways in which discrimination occurs, with extensive knowledge and experience in civil rights precepts, policies, rules, regulations and guidelines.

2.2.1 Agency Diversity Officer

The Diversity Officer, in conjunction with the appropriate staff, will be responsible for:

- Planning, developing and implementing AA policies involving the budget, personnel, recruitment, contract compliance and consultant contracts;

- Conducting quarterly audits of hiring and promotion patterns, and training programs, in order to remove barriers to AA goals and objectives;

- Signing off on all Agency appointments and terminations, including layoffs;

- Submitting Agency Reduction in Force proposals to the Secretariat Diversity Director for his/her approval and his/her subsequent submission to the State Director of Office of Diversity and Equal Opportunity;

- Reviewing Agency budget and policies to ensure EO/AA for protected groups and to prevent possible adverse impact on these groups;

- Having quarterly meetings with appointing authorities to review progress toward AA goals;

- Participating in all programs pertinent or particular to the Agency, which may impact on protected group members, especially in the area of the development of policies and procedures (i.e., training, recruitment, classification);

- Scheduling confidential meetings with employees who request information on Agency policies (i.e., promotions and trainings);

- Having periodic meetings and discussions with managers and supervisors to advise them of their responsibilities and their accountability in the area of AA;

- Reviewing the progress of AA goals quarterly to ensure implementation of agency AA policies;

- Meeting with protected group members organizations and organizations concerned with issues of importance to members of protected groups;

- Monitoring and reviewing, where appropriate, the qualifications of all employees to assure that protected group members are given full opportunities for training and promotion;

- Implementing the Persons with Disabilities and Vietnam Era Veterans Programs, the Resolution Process; and

- Utilizing all means authorized by executive order and law, which are necessary and appropriate for carrying out this Agency's Plan.

2.2.2 Secretariat Diversity Director

The Secretariat Diversity Director shall:

- Review Agency Plans within his/her Secretariat to ensure that the plans meet the guidelines of the ODEO, sign off on the plans and submit the plans for approval to the State Director of ODEO for approval;

- Submit Secretariat Plans to the State Director of the ODEO for approval;

- Review Agency reduction in force proposals within his/her Secretariat to ensure that the reduction in force proposals meet guidelines of the ODEO, sign off on the reduction in force proposals and submit the reduction in force proposals to the State Director of the ODEO for approval;

- Recommend approval or disapproval and sign-off on all appointment forms and personnel requisitions;

- Report all disapprovals to the State Director of the ODEO, as defined in Executive Order 526;

- Report to the State Director of the ODEO any problems that he/she experiences in enforcing and administering the Secretariat Plan or Agency Plans within his/her Secretariat, as defined in Executive Order 526
- Require Agency Diversity Officers to submit to the Secretariat information on the status of their Plans on a quarterly basis and, whenever necessary, as determined by the State Director of ODEO.

2.2.3 *Agency Staff Responsibilities*

The Diversity Officer is assisted by Agency staff, as required, which are assigned specific responsibilities with respect to EO/AA.

The individuals listed below are responsible for the areas noted. In the event of information or staffing changes, the Diversity Officer shall communicate such changes in writing to the Office of Diversity and Equal Opportunity and the appropriate Federal Authority as required:

The **Human Resources Director** is responsible for the development of an appropriate mechanism to ensure that protected class individuals are informed of employment opportunities within the Agency and that recruitment sources for protected groups are fully utilized for vacancies.

TITLE	NAME	CONTACT INFORMATION (Address, Phone number, email)
Human Resource Director	Roger Tremblay	600 Washington Street Boston, MA 02111 (617) 348-5122 Roger.Tremblay@state.ma.us
General Counsel*	Marianne Meacham	500 Harrison Avenue Boston, MA 02118 (617) 624-7702 Marianne.Meacham@state.ma.us

*The **General Counsel** and her staff provide legal counsel on EO/AA issues to the Civil Rights Compliance staff and any other staff.

[Only those Agency staff members whose responsibilities are applicable to the Secretariat/Agency should be listed below.]

TITLE	NAME	CONTACT INFORMATION (Address, Phone number, email)
ADA/504 Coordinator	Gerald W. Scott	500 Harrison Avenue Boston, MA 02118 (617) 624-7751 Gerald.Scott@state.ma.us
Chief Financial Officer	Jeanette Maillet	500 Harrison Avenue Boston, MA 02118 (617) 624-7814 Jeanette.Maillet@state.ma.us
Contract Compliance Officer	Dana Roszkiewicz	500 Harrison Avenue Boston, MA 02118 (617) 624-7856 Dana.Roszkiewicz@state.ma.us
Affirmative Market Program	Gerald W. Scott	500 Harrison Avenue Boston, MA 02118 (617) 624-7751 Gerald.Scott@state.ma.us

Coordinator	Gerald W. Scott	500 Harrison Avenue Boston, MA 02118 (617) 624-7751 Gerald.Scott@state.ma.us
EO/AA Coordinator	Gerald W. Scott	500 Harrison Avenue Boston, MA 02118 (617) 624-7751 Gerald.Scott@state.ma.us
Recruitment Coordinator	Gerald W. Scott	500 Harrison Avenue Boston, MA 02118 (617) 624-7751 Gerald.Scott@state.ma.us
Sexual Harassment Officer	Gerald W. Scott	500 Harrison Avenue Boston, MA 02118 (617) 624-7751 Gerald.Scott@state.ma.us
Veteran Coordinator	Gerald W. Scott	500 Harrison Avenue Boston, MA 02118 (617) 624-7751 Gerald.Scott@state.ma.us
Language Access Coordinator	Gerald W. Scott	500 Harrison Avenue Boston, MA 02118 (617) 624-7751 Gerald.Scott@state.ma.us

Supervisory/Managerial Personnel

It is the responsibility of supervisory and management personnel to help implement the Plan. In their role as supervisors they will provide assistance to the Diversity Officer including, but not limited to:

1. Understanding that their work performance is being evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria;

- Informing Diversity Officer of job needs and openings;
- Ensuring that protected group members are provided with EO for hiring, training, promotion, transfer, career counseling and reasonable accommodation;
- Ensuring that all employees are given full opportunities for transfers and promotions;
- Preventing any harassment of employees who are placed through Diversity/Equal Opportunity efforts or who utilize their rights pursuant to the Plan;
- Assisting in the investigation and resolution process of complaints alleging discrimination;
- Assisting in efforts to recruit a diverse workforce and through active participation in career fairs;
- Participating in Brown Bag lunches designed to foster understanding of job opportunities and skill requirements;
- Participating in agency Mentoring Programs.

SECTION 3

Organizational Profile

[(41 C.F.R. § 60-2.11(a)]

This section reflects staffing pattern profiles within each agency. Profiles are used to determine whether barriers to equal employment opportunity exist. They also help to identify organizational units where minorities, females, Vietnam Era Veterans and persons with disabilities are underrepresented or concentrated.

To determine if minorities, females, Vietnam Era Veterans* and persons with disabilities** are fairly represented in the workforce, their representation is compared to their availability. This process includes four steps:

1. Workforce Analysis
2. Job Group Analysis
3. Two Factor Availability Analysis
4. Placement Goals

See Addendums

3. I Workforce Analysis

See Addendum

3.1.1 Department Summary

As of June 30, 2011, the Department of Developmental Services employed 6819 employees. The agency divides its workforce into six organizational units as follows:

- Executive Staff
- Field operations
- Policy, Planning, Autism & Children's Services
- Fiscal and business Management
- General Counsel
- Quality Management

Specifically, we have listed each job title as it appears in applicable collective bargaining agreements or payroll records, ranked from the highest paid to the lowest paid within each of our organizational units, including department or unit supervisors.

We have displayed within each organizational unit for each job title, the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents who are Black, Hispanic, American-Indians or Alaskan natives, and Asian or Pacific Islanders. Finally, we have also supplied a salary range for each job title. We reflect these data on the Workforce Analysis forms that are appended.

3.2 Job Group Analysis
(41 C.F.R. § 60-2.12)

We have supplied below a listing of all Job Groups, listing all job titles in each Job Group and the percentage of minorities, females, Vietnam Era Veteran's and persons with disabilities encumbering each Job Group. We have grouped those jobs having similar content, wage rates and opportunities. As a result, we have grouped the 6819 employees into eight Job Groups, including the following:

State and Local Job Codes	State and Local Job Category Titles
01	Officials/Administrators
02	Professionals
03	Technicians
04	Protective Service Sworn
05	Protective Service – Non Sworn
06	Administrative Support
07	Skilled Craft
08	Service Maintenance

3.3 Two–Factor Availability Analysis
(41 C.F.R. § 60-2.14)

The Availability Analysis estimates the percentages of minorities and females available for employment in each identified Job Groups. This will be used to identify the need to set a "Placement Goal" for either women or minorities, or both. See Attachment AAP Form#3.

3.4 Placement Goals
"Placement Goals" are the most crucial portion of the AAP because they are the culmination of the preceding analyses and because they form a guide for personnel activity during the AAP cycle. See Attachment AAP Form #4

SECTION 4

IDENTIFICATION OF AREAS OF CONCERN

The Department of Developmental Services analyzes its total employment process to determine if impediments to equal employment opportunity exist. If impediments are identified, action-oriented programs, found in Section 5, are used to eliminate them.

Action – Oriented Programs are designed after both the Internal Audit and Reporting System and the Identification of Problem areas are analyzed.

4.1 WORKFORCE ANALYSIS

The Workforce Analysis Summary reports have been reviewed to determine if the selection rates of minorities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the DDS percentage of employees of color is 33.8% as of June 30, 2011.

The Workforce Analysis Summary reports have been reviewed to determine if the selection rates of females in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the DDS percentage of females is 66.5% compared to 66.2 % of non-minorities and 33.5 % of males as of June 30, 2011.

The Workforce Analysis Summary reports have been reviewed to determine if the selection rates of Vietnam Era Veterans in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the DDS percentage of Vietnam Era Veterans is 0.6% as of June 30, 2011.

The Workforce Analysis Summary reports have been reviewed to determine if the selection rates of persons with disabilities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the DDS percentage of people with disabilities is 1.6% as of June 30, 2011.

4.2 APPLICANTS

The Agency considers the composition of applicant flow by minority group, disability Status, veteran status, and sex. The Equal Opportunity guidelines and Affirmative action intentions are considered before positions are filled externally and when promoting or assigning staff to different positions. Applicant Flow has been reviewed and I attest that the referral ratio of women and minorities to the hiring supervisor or manager is in compliance. A number of staff has referred relatives to open vacancies especially in our direct support category, DDS' professional category continues to receive a number of diverse applicants for vacant positions. People with disabilities are encouraged to apply and DDS is working more closely with Massachusetts Rehabilitation Commission for referrals to open positions. The number of Vietnam Era Veterans applying for vacant positions continue to decline.

4.3 HIRING

The Workforce Analysis new hires reports have been reviewed to determine if the selection rates of minorities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. The DDS percentage of people of color hired as of June 30, 2011 is 41.8%.

The Workforce Analysis new hires reports have been reviewed to determine if the selection rates of females in particular job titles or Job Groups approximate the selection rates of non-minorities and males. Percentage of women hired as of June 30, 2011 is 52%.

The Workforce Analysis new hires reports have been reviewed to determine if the selection rates of Vietnam Era Veterans in particular job titles or Job Groups approximate the selection rates of non-minorities and males. As of June 30, 2011 no Vietnam Era Veterans were hired.

The Workforce Analysis new hires reports have been reviewed to determine if the selection rates of persons with disabilities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. As of June 30, 2011 there were no people with disabilities hired.

4.4 PROMOTIONS

The Workforce Analysis promotions reports have been reviewed to determine if the selection rates of minorities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that 28.5% people of color were promoted as of June 30, 2011.

The Workforce Analysis promotions reports have been reviewed to determine if the selection rates of females in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that 34.1% of females were promoted as of June 30, 2011.

The Workforce Analysis promotions reports have been reviewed to determine if the selection rates of Vietnam Era Veterans in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that no Vietnam Era Veterans were promoted as of June 30, 2011.

The Workforce Analysis promotions reports have been reviewed to determine if the selection rates of persons with disabilities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that no persons with disabilities were promoted as of June 30, 2011.

4.5 VOLUNTARY TERMINATIONS

The Workforce Analysis voluntary terminations reports have been reviewed to determine if the selection rates of minorities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the percentage of people of color leaving the Agency is 34.7% as of June 30, 2011.

The Workforce Analysis voluntary terminations reports have been reviewed to determine if the selection rates of females in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the percentage of females leaving the Agency is 72.2% as of June 30, 2011.

The Workforce Analysis voluntary terminations reports have been reviewed to determine if the selection rates of Vietnam Era Veterans in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the percentage of Vietnam Era Veterans leaving the Agency is 0.14 as of June 30, 2011.

The Workforce Analysis voluntary terminations reports have been reviewed to determine if the selection rates of persons with disabilities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the percentage of people with disabilities leaving the Agency is 0.2% as of June 30, 2011..

4.6 INVOLUNTARY TERMINATIONS

The Workforce Analysis involuntary terminations reports have been reviewed to determine if the selection rates of minorities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the percentage of people of color leaving the Agency was 39.8% as of June 30, 2011.

The Workforce Analysis involuntary terminations reports have been reviewed to determine if the selection rates of females in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the percentage of females leaving the Agency was 74.8% as of June 30, 2011.

The Workforce Analysis involuntary terminations reports have been reviewed to determine if the selection rates of Vietnam Era Veterans in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the percentage of Vietnam Era Veterans leaving the Agency was 0 as of June 30, 2011.

The Workforce Analysis involuntary terminations reports have been reviewed to determine if the selection rates of persons with disabilities in particular job titles or Job Groups approximate the selection rates of non-minorities and males. It has been found that the percentage of people with disabilities leaving the Agency was 0.2% as of June 30, 2011.

4.7 OTHER ACTIVITIES

The Agency will review all technical aspects of compliance such as EEO posters and policy statement displays, notifications to labor unions as to the Agency's equal opportunity clause, record keeping and application retention. Appropriate action should be taken when problem areas are identified.

SECTION 5
ACTION- ORIENTED PROGRAMS

The Department of Developmental Services has conducted an evaluation of its policies and programs and has identified the following areas that require special attention.

The hiring of managers of color – Whenever possible the Department of Developmental Services will encourage internally and externally candidates of color to apply for managerial positions. This will be done by advertising vacant positions through the resource list and also encourage internal staff to either apply for vacant positions or refer candidates to open vacant managerial positions.

The results should be when ever a vacancy occurs members of the protected class will apply and become candidates for vacant managerial positions.

> "This agency has developed the above mentioned action - orientated programs tailored, with proper execution, to result in an appropriate increase in minority, female, Vietnam Era Veteran or disability group representation in groups and/or organizational units identified if vacancies occur. Otherwise, this agency will document its good faith efforts to do so."

5.1 Recruitment and Outreach

The DDS is committed to working with the Human Resources Division to review job prerequisites and to determine the validity of job requirements. All efforts are be made to ensure that skill requirements are job related and are consistent with business necessity and the safe performance of the job. The agency considers all qualified applicants for all job categories.

Notification of position vacancies are given to the Diversity at least five (5) working days prior to advertising or circulation of an advertisement seeking candidates to fill the vacancy.

Please use this table to highlight identified areas of concerns and corrective actions to remedy:

Identified Area of Concern	Corrective Action to Remedy
Minorities	
Protective Services Sworn	No current anticipated vacancies
Service Maintenance	No current anticipated vacancies
Vietnam Era Veterans	
Protective	No current anticipated vacancies
Technicians	No current anticipated vacancies
Protective Services Sworn	No current anticipated vacancies
Protective Services Non-Sworn	No current anticipated vacancies
Office/Clerical	No current anticipated vacancies
Service Maintenance	No current anticipated vacancies
Disabled	
O/A	Internal promotions
Pro	Internal promotions
Technicians	No current anticipated vacancies
Protective Services Sworn	No current anticipated vacancies
Protective Services Non-Sworn	Self identification process
Office/Clerical	No current anticipated vacancies
Skilled Craft	No current anticipated vacancies
Service Maintenance	No current anticipated vacancies

To fill non-civil service job classifications, the Diversity Officer will utilize all available sources to reach protected group members. Where there is underutilization of minorities, women, persons with disabilities or Vietnam Era Veterans in any job category, vigorous recruitment efforts shall take place to locate candidates to achieve the diversity objective.

Position vacancy notices are posted for a minimum of ten (10) working days and circulated to organizations that serve persons covered by this Plan. When appropriate, media advertising will be utilized which includes the use of minority media. Each position vacancy notice includes the statement:

"An Equal Opportunity/Affirmative Action Employer"

Sources of recruitment include, but are not limited to:

- Commonwealth Employment Opportunities (CEO) website https://jobs.hrd.state.ma.us/recruit/public/3111/index.do
- Department of Employment and Training Job Bank referral office.
- College and University placement offices with required programs.
- Advertisements in minority, women, Vietnam Era Veteran and persons with disabilities publications. .
- Community organizations located in areas where protected group members reside or frequent.
- Contacts with protected group members working in the respective field or related fields.
- Contacts with community organizations concerned with issues, which affect protected group members.

All unions representing employees of the DDS will be asked to refer qualified persons covered by this Plan.

For Civil Service classifications, protected group members shall be notified of job openings and encouraged to review the C.E.O website. (When there is underutilization of minorities, females, Vietnam Era Veterans or persons with disabilities, in any job category, the DDS shall request the Human Resource Division to apply the provisions of Personnel Administration Rule 10 (PAR. 10). Use of this rule enables a special civil service list to obtain access for minorities or women.

The Recruitment Coordinator will maintain an active listing of recruiting sources. A continuous effort will be made to use, expand and update the list. It is expected that a reasonable percentage of the applicant pool for any job will be composed of protected group members.

A record shall be maintained of the applicants who have applied and have been interviewed for positions showing race, sex, certified Vietnam Era Veterans status, and

whether the person has self-identified as a person with disabilities. See Appendix Section – EO/AA Action Report. The record shall also show the status of their applications.

5.2 Selection

The DDS regularly reviews job descriptions, specifications and classifications to eliminate any artificial barriers.
Specifications for each job title use only requisite job performance criteria. The specifications are nondiscriminatory with respect to race, color, religion, sex (except where sex is a bona fide occupational qualification) and national origin.
Position descriptions and employee specifications are available to all members of management involved in the recruiting, screening, selecting and promoting process.

All personnel having any part in the selection processes are trained to ensure that these processes remain nondiscriminatory.

The DDS will ensure appropriate training for all employees who interview job applicants. Interviewers are trained to restrict interview questions to topics that relate solely to expected job performance, and, to use the same set of objective questions for all candidates, including protected group members, who interview. Records are kept of the questions asked during the interview.

5.3 Hiring

The Diversity has sign-off authority on all appointments. All hiring standards shall be fixed, reasonable, objective and job related.

In cases of underutilization, if a member of a protected group is not hired, a reason for this non-selection Is supplied. A description of the qualifications, which are important or necessary for performance of the job and the basis on which the qualifications were determined to be important or necessary, are noted.

Records pertaining to self-identified persons with disabilities shall be maintained in a separate, confidential file at the ADA/504 Coordinator's Office.

Hiring records are kept for each position filled and shall include the following information:

Fully signed Appointment Authorization Form and ***Hiring*** Package with:

A. Name of selected candidate
B. Name of each applicant who was interviewed
C. Position title
D. Position number
E. Department/Agency

F. Location (address)
G Date vacancy occurred
H Date position was requested
I. Starting date of new position
J. Justification for hiring selected candidate.
K. Reason(s) for non-selection of all other applicants
L. Race, sex, and if available self identification data for self-identification as either a person with disabilities or a veteran of the Vietnam era.

5.4 Employee Training

During the period covered by this Plan, the Diversity Director/Officer and the Human Resources Director/Manager in collaboration with appropriate staff will ensure that all employees attend a Diversity Training Program that enhances respect for diversity in the workplace and has been sanctioned by the Office of Diversity and Equal Opportunity.

The DDS updates required and elective training programs for employees and develops and conduct timely training programs to include; Diversity in the Workplace, Sexual Harassment, The Americans with Disabilities Act, AIDS in the Workplace, and other programs as deemed necessary.

The Diversity Officer shall ensure that protected group members who are already employed in the Agency are informed of opportunities and programs for training and career development.

Supervisors notify all employees of opportunities for training and career development either by posting the relevant information in a conspicuous location or direct memo or enclosing the information in employee pay envelopes or conducting individual and agency-wide training sessions.

Supervisors hold individual conferences with employees to discuss training and career development as part of employees' performance evaluations.

In order to ensure that protected group members are participating in training and career programs, records shall be maintained by Diversity Director/Officer of those receiving training and tuition remission and shall include information on the race, sex, disability and/or Vietnam Era Veteran status of the training participants.

5.5 Promotion

The DDS considers Equal Opportunity guidelines in addition to the purpose of an Affirmative Action program when promoting or assigning staff to different positions or filling positions externally to ensure that a fair promotion procedure is established to benefits all employees.

Job openings and job requirements shall be posted in a conspicuous place. Posting will be required of all positions well in advance of the application deadline in order to ensure that all employees are aware of job vacancies.

5.6 Discipline

All disciplinary actions comply with the DDS' Plan.

When protected group members are disciplined and/or downgraded, the Diversity Officer shall reviews the action before it becomes final to determine if such action represents a failure in programs of the Agency and therefore calls for remedial action.

The DDS' records of all disciplinary actions show race, sex, disability status (disability status records shall only be maintained by the Diversity Director/Officer), and/or Vietnam Era Veteran status, the formal charges, findings, and sanctions imposed.

5.7 Termination/Discharge

All termination/discharge procedures shall comply with the DDS' policies.

When protected group members are terminated, the Diversity Director/Officer shall review the action before it becomes final to determine if such action represents a cause for intervention and remedial action. The Diversity Director/Officer shall conduct an exit interview as part of the termination process.

The DDS' records of all terminations shall show race, sex, disability status, and/or Vietnam Era Veteran status, the formal charges, findings, and sanctions imposed. (Disability status records shall only be kept at the ADA/504 Coordinator's Office.)

5.8 Layoffs

In case of layoffs, employees shall be laid off on a nondiscriminatory basis so that Equal Opportunity principles are maintained. Each Agency has broad discretion in identifying programs and functions for elimination or reduction. Please follow the Redeployment/Layoff Procedures issued by the Office of Diversity and Equal Opportunity.

The Diversity Officer is an integral part of the planning process at the outset. The process is monitored at the agency to identify patterns of adverse impact on protected group members and to ensure that EO/AA laws, rules and regulations are followed so as to minimize potential negative impacts.

Protected groups (minorities, women, Vietnam Era Veterans and persons with disabilities) are not to be laid off in percentages greater than their representation in any job category of the agency's work force. The agency will review agency operations,

together with work force composition and protected group representation, as it determines which functions and personnel are to be reduced.

Functional Responsibilities
Decisions made relative to functional responsibilities do not necessarily determine the specific individuals to be laid off.

Job Title and Job Category
If it appears that layoffs from a particular title would have a disproportionate impact on any protected group, the Agency takes steps to effect reductions from other titles, or some combination of titles and/or functions, so that the potential for adverse impact is diminished or eliminated.

The above projections and preliminary analyses must consider the potential impact of layoffs upon the composition of employees in each title and job category, taken collectively.

Identification of positions to be eliminated will not identify the individuals to be laid off. The agency will take care to see that the actual identification of individuals is deferred until after:

a) affected title blocks have been selected,
b) the number of affected employees in each title has been estimated,
c) these projections have been reviewed and approved by the Agency Head, Agency Diversity Director/Officer, the Secretariat Diversity Director, the Human Resources Division's Office of Employee Relations (OER) and the Director of the Office of Diversity and Equal Opportunity in that order.

If the DDS Diversity Director/Officer identifies the potential for disproportionate impact on any protected group in any EEO-4 job category, that information will immediately be reported in writing to the Appointing Authority. The Appointing Authority shall require the Diversity Director/Officer and Personnel and Labor Relations Representatives to meet jointly to explore alternatives. If matters remain unresolved, the agency should immediately notify the Secretariat Diversity Director/Officer and the Office of Diversity and Equal Opportunity of the anticipated disproportionate layoff impact(s).

All layoff notices will inform employees of their right to appeal layoff decisions to the Office of Employee Relations (OER), the Office of Diversity and Equal Opportunity, the Massachusetts Commission against Discrimination (MCAD) or other forums as appropriate.

SECTION 6

INTERNAL AUDIT AND REPORTING SYSTEM

Quarterly:
To ensure that all components of the Affirmative Action Plan are being met, the DDS Diversity Officer will complete workforce summary, hire, termination and promotions reports accessed through the ODEO DataMart. These reports will be completed on a quarterly basis and submitted electronically to the following individuals for review and approval or rejection: Diversity Officer, Agency Head, or Secretary, Secretariat Diversity Director and Director, Office of Diversity and Equal Opportunity.

These reports shall be reviewed and analyzed by personnel within the Office of Diversity and Equal Opportunity for completeness, detail of information provided, and level of recruitment, training, and program activity. In addition, Agency Name will report all allegations of discrimination including inquires made, in the Internal Complaint section provided in the Quarterly Reports.

Annually:
On an Annual basis the Diversity Officer shall audit the Department of Developmental Services progress in complying with Affirmative Action principles of this document by writing an Annual Narrative report of all its activities. This report shall be sent to the designated personnel within the Office of Diversity and Equal Opportunity for review and approval or rejection consistent with reporting due dates.

In addition, the Diversity Officer audits the Department of Developmental Services progress towards meeting Affirmative Action goals by sending the Office of Diversity and Equal Opportunity designated personnel an updated Excel Spreadsheet of progress made on stated goals. The progress reports are reviewed and if necessary, additional strategies may be recommended to assist the Department of Developmental Services to meet their stated Affirmative Action goals.

SECTION 7

DISSEMINATION and COMMUNICATION

Formal communication mechanisms have been established to disseminate the Statement of Policy to employees, applicants, and the general public.

The Diversity Director/Officer, in conjunction with the appropriate staff, shall see that the following procedures are carried out.

INTERNAL COMMUNICATION

- The Statement of Policy is posted on all bulletin boards where official notices are displayed.
- Meetings with executive, management, and supervisory personnel are conducted to explain the intent of the policy. Individual responsibilities necessary for the effective implementation of the policy will be clarified and AA goals, objectives, policy statements, and new developments will be discussed.
- The Statement of Policy is discussed thoroughly in employee orientation and all training programs. A summary of the key provisions and amendments to the Plan shall be made available during employee orientation.
- Within 30 days after approval of the plan by the Secretariat Diversity Director and the Director of the Office of Diversity and Equal Opportunity, the agency will advise the Office of Diversity and Equal Opportunity of the dates when meetings are scheduled with union officials to inform them of the policy and to request their cooperation. Nondiscrimination clauses shall be included in all union agreements and contracts. Union contract provisions shall be reviewed to ensure they are nondiscriminatory.
- Employees shall be informed that any grievance concerning a violation of EO/AA rights may be addressed through the Resolution Process.

EXTERNAL COMMUNICATION

- The Statement of Policy and summary of the key provisions of the Plan shall be made available to the public upon request to the agency.
- All recruitment sources, contractors, subcontractors, and vendors will be encouraged to refer minorities, women, Vietnam Era Veterans, and persons with disabilities when openings occur.
- All communication with the public in regard to recruitment, jobs, interviews, and employment shall emphasize that the agency is an EO/AA/VEV/Disabled employer.
- The agency employment applications shall include a statement that the agency is an EO/AA/VEV/Disabled employer.
- All applicants for employment shall be informed of the agency's EO/AA/VEV/Disabled commitments.

SIGNATURE PAGE

PLAN DATES
October 1st, 2011 to September 30, 2013
(Fiscal Years 2012 to 2013)

9-2-11

Diversity Officer — Date

9/2/11

Agency Head — Date
Department of Developmental Services

Secretariat Head — Date
Secretariat Name

9/29/11

Secretariat Diversity Director — Date

12/29/2011

SANDRA E. BORDERS — Date
Director
Office of Diversity and Equal Opportunity