

# **MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH**

## **AFFIRMATIVE ACTION PLAN**

**FISCAL YEARS  
2024-2025**

**Plan Effective Dates  
10/1/2023 – 9/30/2025**

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***THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST***

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## **Agencies Receiving Federal Financial Assistance**

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This document does not address the requirements of all federal compliance agencies but does include several components from the Office of Federal Contract Compliance Programs (OFCCP) under Rev. EO 11246.

For state agencies, within the Executive Branch of the Commonwealth who are beneficiaries of federal funds,<sup>1</sup> and are required to submit an Equal Employment Opportunity report, will not be exempt from developing an Affirmative Action Plan, “*in accordance with Executive Order 592.*” The Office of Diversity and Equal Opportunity in the Human Resource Division are available to assist agencies in navigating their federal and state reporting requirements.

However, state agencies are responsible for communicating with their federal partners to inform them of any structural and organizational changes in state government, related to human resource services, of which may have an impact on certain aspects of their federal report.

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<sup>1</sup> A recipient of Federal Funds include, but are not limited to, a federal contractor and/or subcontractor, recipient of federal grants and/or federal funds

## SECTION 1 INTRODUCTION

The Affirmative Action Plan is designed to effectuate federal and state non-discrimination laws and regulations and to ensure compliance with the provisions outlined in Executive Order 592 to eliminate discriminatory barriers in the workplace. The essence of this plan offers **DEPARTMENT OF PUBLIC HEALTH** an opportunity to develop concrete strategies to recruit, hire, promote, and retain employees who are traditionally underrepresented. Moreover, the information in this Plan, including salaries, the total level of employment, and other statistical data, will remain confidential and may not be released to a third party without the consent of the **DPH**.

In this report, we reference terms such as, "availability," "comparison," "parity," "goal," "problem area," "impediment," and "further review" 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 industry experts to increase the percentage of minorities, women, veterans, and persons with disabilities in the workforce.

Lastly, we eliminated the separate section for "*Veterans and Persons with Disabilities*" in order to incorporate them into the overall plan. By adding these groups, we can focus on the analysis of current statistical information and narrow our attention on their representation in the workforce. Further, with this approach, we can create an impetus for more aggressive recruitment, better retention practices, and encourage the active development and adaptation of programs and services that are fully inclusive.

## EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT

**Agency Head:** **Robert Goldstein**  
Commissioner

**Agency/Location:** **Department of Public health**  
250 Washington Street  
Boston, MA 02108

**Diversity Officers:** **Sandra Semedo and Luciana Hayner**  
617-352-4250

The **DEPARTMENT OF PUBLIC HEALTH** prohibits discrimination in employment on the basis of race, color, age, creed, religion, national origin, ethnicity, sex (including pregnancy), gender identity or expression, sexual orientation, genetic information, veteran or disability status.

I, **Robert Goldstein, Commissioner** of **DEPARTMENT OF PUBLIC HEALTH**, 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.

### **Legal Authorities:**

Massachusetts General Laws Chapter 151B; Executive Order 592; 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 1991; Section 504 of the Rehabilitation Act of 1973; Vietnam-era Veterans Readjustment Act of 1974; the Americans With Disabilities Act of 1990; the Family and Medical Leave Act of 1993, American with Disabilities Amendments Act 2008; Genetic Information Nondiscrimination Act, 2008; Public Accommodations Act, 2016; Pregnant Workers Fairness Act, 2018; Massachusetts Equal Pay Act of 2018; Paid Family Medical Leave Act of 2018.

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 commit myself and my employees, within the context of these laws, to ensure equitable participation of minorities, women, veterans, and persons with disabilities in all of its daily operations. Therefore, I have designated **Sandra Semedo and Luciana Hayner**, as **Diversity 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 employees shall be evaluated on the success of this program the same way as their performance is evaluated relative to other agency goals.

Robert Goldstein  
**E-Signature**

Friday, August 11, 2023  
**Date**

## AMERICANS WITH DISABILITIES ACT (ADA) POLICY STATEMENT

**Agency/Location:** **Department of Public Health**  
250 Washington Street  
Boston, MA 02108

**ADA Compliance Officer:** **Shauntay King**  
600 Washington St 7<sup>th</sup> Floor  
Boston, Ma 02111

The **DEPARTMENT OF PUBLIC HEALTH** 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 PUBLIC HEALTH** 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 PUBLIC HEALTH** 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 prohibited. 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 PUBLIC HEALTH** on the basis of a disability.

The resolution process is not intended to prohibit an applicant or employee from utilizing 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.

**Shauntay King** ADA COORDINATOR



## **SECTION 2**

# **Designation of Affirmative Action and Equal Opportunity Responsibilities**

### **2.1 Chief Executive Officer**

The Chief Executive Officer of this agency, **Robert Goldstein** 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. Further, the Diversity Director/Officer is responsible for implementing the Affirmative Action Plan and has 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 are committed to the 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 Secretariat Diversity Director**

The Secretariat Diversity Director shall:

- Review Agency Plans within his/her Secretariat to ensure the plans meet the guidelines of ODEO. After the approval of the plan, they will sign off and submit it to the State Director of ODEO for final approval
- Review Agency Reduction in Workforce Proposals within his/her Secretariat to ensure it meets the guidelines of the Office of Diversity and Equal Opportunity. After signing off on the proposals, the Secretariat Diversity Director will submit it to the State Director of ODEO for final approval
- Recommend approval or disapproval, and sign-off as appropriate on appointment forms and personnel requisitions. If the Secretariat Diversity Director does approve the form, it will report it to the State Director of ODEO, as defined in Executive Order 592

- Report to the State Director of ODEO any problems that he/she experiences in enforcing and/or administering the Secretariat Plan or Agency Plan within his/her Secretariat, as defined in Executive Order 592
- Require Agency Diversity Officers to provide an update of their plans every quarter, and whenever necessary, as determined by the State Director of ODEO

### **2.2.2 Agency Diversity Officer**

The Diversity Officer, with support of the appropriate staff, will be responsible for:

- Planning, developing and implementing AA policies involving personnel, recruitment, contract compliance, and consultant contracts
- Conducting quarterly audits of hiring, promotion patterns, and training programs, in order to remove barriers in reaching AA goals and objectives
- Signing off as appropriate on Agency appointments, including all terminations, and 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 the 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 to the Agency, which may have an impact on protected groups, 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 training)
- 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 Veterans Programs, the Resolution Process, and utilize all means authorized by executive order and law, which are necessary and appropriate for carrying out this Agency's Plan.

### **2.2.3 Agency Staff Responsibilities**

The Diversity Officer is assisted by Agency staff, as required, which are assigned responsibilities concerning Equal Opportunity/Affirmative Action.

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

### **2.2.4 Human Resource Director**

The Human Resource Director is responsible for the development of a proper mechanism to ensure protected groups are informed of employment opportunities within the agency and that recruitment sources are fully utilized for vacancies.

## **Directory of Affirmative Action Plan Responsibilities**

TITLE	NAME	CONTACT INFORMATION (Address, Phone)
Human Resources Director	Sandra DeBow-Huang EOHHS HR Director	600 Washington Street, 7 <sup>th</sup> Floor Boston, MA 02111 617-348-5956
General Counsel <sup>1</sup>	Beth McLaughlin, Esq., General Counsel	250 Washington Street, 2 <sup>nd</sup> Floor Boston, MA 02108 617-624-5209
ADA / 504 Coordinator	Shauntay King ADA Coordinator	600 Washington St 7th Fl Boston, MA 02108 617-894-4352
Chief Financial Officer	Matt Courchene, Chief Financial Officer	250 Washington Street, 2 <sup>nd</sup> Floor Boston, MA 02108 617-624-5200
Contract Compliance Officer	Sharon Dyer, Purchase of Services Director	250 Washington Street, 5 <sup>th</sup> Floor Boston, MA 02108 617-624-5808
Supplier Diversity Officer	Sharon Dyer, Purchase of Services Director	250 Washington Street, 5 <sup>th</sup> Floor Boston, MA 02108 617-624-5808

<sup>1</sup> The General Counsel provides legal counsel on EO/AA issues to the Civil Rights Compliance staff and any other staff.

Diversity Officer	Sandra Semedo, Luciana Hayner Diversity Equity and Inclusion Managers	250 Washington Street, 6 <sup>th</sup> Floor Boston, MA 02108 617-352-4250
Recruitment Coordinator	Tim Wang, HR Liaison	250 Washington Street, 6 <sup>th</sup> Floor Boston, MA 02108 781-531-5161
Sexual Harassment Officer	Sandra Semedo, Luciana Hayner DEI Managers	250 Washington Street, 6 <sup>th</sup> Floor Boston, MA 02108 617-352-4250
Sexual Harassment Officer	Sandra Semedo, Luciana Hayner DEI Managers	250 Washington Street, 6 <sup>th</sup> Floor Boston, MA 02108 617-352-4250
Veterans Coordinator	Sandra Semedo, Luciana Hayner DEI Managers	250 Washington Street, 6 <sup>th</sup> Floor Boston, MA 02108 617-352-4250
Language Access Coordinator	Sujata Ghosh, Office of Health Equity Director	250 Washington Street, 6 <sup>th</sup> Floor Boston, MA 02108  617-429-2767

#### **2.2.4 Supervisory/Managerial Personnel**

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

- Understanding that their work performance is being evaluated on the basis of their EEO 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 equitable 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 AA Plan;
- Assisting in the investigation and resolution process of complaints alleging discrimination;
- Assisting in efforts to recruit a diverse workforce through active participation in career fairs and other talent sourcing events;
- Participating in Lunch and Learns designed to foster understanding of job opportunities and skill requirements, including mentoring and development programs.

## SECTION 3

### Organizational Profile<sup>2</sup>

This section reflects the staffing pattern profiles within each agency. These profiles are used to determine whether barriers to equal employment opportunity exist. They also help to identify organizational units where minorities, women, veterans, and persons with disabilities are underrepresented or concentrated.<sup>3</sup>

To determine if minorities, women, veterans, and persons with disabilities are equally represented in the workforce, their representation is compared to their availability in the Civilian Labor Workforce. This process includes four steps:

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

#### **3.1 WORKFORCE ANALYSIS**

In this section, an agency must include the information that reflects their workforce, since not all agencies have the same organizational units. The information needed for this section is available in HR Analytics. This modeled plan offers two forms to help guide the agency in preparing this section. However, use of these particular forms is not required, and agencies may decide to develop other formats or computer-generated data displays. For compliance purposes, all workforce analysis must be provided in this report.

##### **3.1.1 Department Summary**

As of **7/19/2023**, the **Department of Public Health** has **3,209** employees. The agency will divide its workforce into **13 sections** as follows: Public Health Hospital System (4 hospitals), Bureau of Community Health and Prevention, Bureau of Climate and Environmental Health, Bureau of Family Health and Nutrition, Bureau of Health Care Safety and Quality, Bureau of Health Professional Licensure, Bureau of Infectious Diseases and Laboratory Science, Bureau of Substance Addiction Services, Office of Population Health, Office of Emergency Preparedness and Management, Office of Local and Regional Health, Office of Health Equity and Administration

<sup>2</sup> For more information, please see [41 C.F.R. § 60-2.11 \(a\)](#)

<sup>3</sup> For additional guidance on how to complete this section, please see “Section 3” in the directions we have provided.

## **Workforce Analysis – Summary**

Moreover, we have listed each job title as it appears in applicable collective bargaining agreements or payroll records, ranked from the lowest to the highest paid (or vice versa) within each of our departments, and/or other similar organization units, including department or unit supervisors.

Also, we have displayed within each sections, job titles, the total number of incumbents, the total number of male and women incumbents, and the total number of male and women incumbents who are Black, Hispanic, Asian, American Indian or Alaskan Native, Native Hawaiian or other Pacific Islander, and Two or More Races.

Finally, we have supplied a wage rate (or salary range) for each job title. In the appendix, we reflect this data within the Workforce Analysis forms.

### **3.2 Job Group Analysis<sup>4</sup>**

**To complete this section, please follow the template below:**

Below, we have provided a list of all Job Groups, including all job titles in each Job Group as well as the percentage of minorities, women, veteran, and persons with disabilities incumbent in each Job Group. We have grouped jobs having similar content, wage rates, and opportunities. As a result, we have grouped the 3209 employees into 8 Job Groups, including the following: *[list names of groups]*.<sup>5</sup>

- Officials and Administrators
- Professionals
- Technicians
- Protective Service-Sworn
- Protective Service Non-Sworn
- Office/Clerk
- Skilled Craft
- Service Maintenance

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<sup>4</sup> For more information, please see [41 C.F.R. § 60-2.12](#)

<sup>5</sup> After identifying job groups, please review availability analysis

### **3.3 Two-Factor Analysis<sup>6</sup>**

The Availability Analysis estimates the percentages of minorities, women, veterans and persons with disabilities 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.

Availability is an estimate of the number of qualified minorities, women, veterans and persons with disabilities available for employment in the job group. The purpose of this is to establish a benchmark against which the demographic composition of the agency’s incumbent workforce can be compared in order to determine whether barriers to equal employment opportunity may exist within particular Job Groups.<sup>7</sup>

### **3.4 Placement Goals**

“*Placement Goals*” are the most crucial portion of the AAP because they are the culmination of the preceding analyses and are used as a guide for personnel activity during the AAP cycle. As with any organization, sudden changes occur that are outside the control of the Diversity Officer or Secretariat, such as budget cuts. Therefore, the goals established herein reflect the operational and budget reality within our organization.

Moreover, the establishment of a “*Placement Goal*” does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a Placement Goal is intended to be a technical targeting term used by the agency’s affirmative action planner who seeks to apply good faith efforts to increase in the future the percentage employment of minorities, women, veterans and persons with disabilities in the workforce.

As a result, the agency’s obligation is to demonstrate “good faith efforts” to select minorities, women, veterans and persons with disabilities at the calculated percentage goal.

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<sup>6</sup> For more information, please see [41 C.F.R. § 60-2.14](#)

<sup>7</sup> Please note, unlike the Workforce Analysis (which reported data on minorities and women by individual separate minority group) all further analysis will be reported by “minorities” and women as a whole, and not by separate minority subgroups. Veterans and persons with disabilities will remain the same.

## SECTION 5

### ACTION- ORIENTED PROGRAMS

The **DEPARTMENT OF PUBLIC HEALTH** has evaluated its policies and programs, as listed in Section 3.4 (Placement Goals) and Section 4 above (Items 4.1 to 4.6) and has identified areas of concern which are listed in Comindware.

To correct these deficiencies, please review SECTION 5 described below.

This agency has developed action-oriented programs tailored, with proper execution, to result in an appropriate increase in minority, women, veteran, and persons with disabilities in organizational units identified if vacancies occur. Otherwise, this agency will document its good faith efforts to do so.

After reviewing the programs and services as outlined in items 5.1 to 5.8 in section 5 of the Affirmative Action Plan, I have identified areas of concern and propose the following corrective actions:

<p>DPH Workforce Analysis shows underutilization of Veterans and Persons with Disabilities for Professionals.</p>	<p>1-Increase the percentage of employees who are Veterans by 1% each year by:</p> <ul style="list-style-type: none"> <li>a. Increased engagement &amp; collaboration with Veteran Service Organizations (VSOs).</li> <li>b. Collaborating with VSOs on 2 agency events per year focused on hiring, recruitment, or workplace inclusion.</li> <li>c. Conducting one annual Lunch and Learn event focusing on Veterans, to support a culture of belonging.</li> </ul> <p>2-Increase of 2% for employees who self-identify as Persons with Disabilities by:</p> <ul style="list-style-type: none"> <li>a-Removing the stigma of self-identification through education and messaging.</li> <li>b-Improving informative messaging to staff on the self-identification process, its purpose, and benefits by utilizing ODEIA Self-Identification Informational PowerPoint presentations to share with staff in meetings.</li> <li>c-Launching semiannual self-identification campaigns in collaboration with ODEIA/DEI Manager.</li> </ul>
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<p>DPH Workforce shows underutilization of Veterans and Persons with Disabilities for the Technicians job category.</p>	<p>1-Increase the percentage of employees who are Veterans by 1% each year by:</p> <ul style="list-style-type: none"> <li>a. Increased engagement &amp; collaboration with Veteran Service Organizations (VSOs).</li> <li>b. Collaborating with VSOs on two agency events per year focused on hiring, recruitment, or workplace inclusion.</li> <li>c. Conducting one annual Lunch and Learn event focusing on Veterans, to support a culture of belonging.</li> </ul> <p>2-Increase of 2% for employees who self-identify as Persons with Disabilities by:</p> <ul style="list-style-type: none"> <li>a. Removing the stigma of self-identification through education and messaging.</li> <li>b. Improving informative messaging to staff on the self-identification process, its purpose, and benefits by utilizing ODEIA Self-Identification Informational PowerPoint presentations to share with staff in meetings.</li> <li>c. Launching semiannual self-identification campaigns in collaboration with ODEIA/DEI Manager.</li> </ul>
<p>DPH Workforce Analysis shows underutilization of Veterans, Persons with Disabilities and Females for Protective Service (Sworn).</p>	<p>1-Increase the percentage of employees who are Veterans by 1% each year by:</p> <ul style="list-style-type: none"> <li>a. Increased engagement &amp; collaboration with Veteran Service Organizations (VSOs).</li> <li>b. Collaborating with VSOs on two agency events per year focused on hiring, recruitment, or workplace inclusion.</li> <li>c. Conducting one annual Lunch and Learn event focusing on Veterans to support a culture of belonging.</li> </ul> <p>2-Increase of 2% for employees who self-identify as Persons with Disabilities by:</p> <ul style="list-style-type: none"> <li>a. Removing the stigma of self-identification through education and messaging.</li> <li>b. Improving informative messaging to staff on the self-identification process, its purpose, and benefits by utilizing ODEIA Self-Identification</li> </ul>

	<p>Informational PowerPoint presentations to share with staff in meetings.</p> <p>c. Launching semiannual self-identification campaigns in collaboration with ODEIA/DEI Manager.</p> <p>3- Increase the percentage of employees who are Females in Protective Service (Sworn) positions by 2% each year.</p> <p>a. Increasing the diversity of applicant &amp; interview pools in collaboration with Talent Acquisition &amp; ODEIA.</p>
DPH Workforce Analysis shows underutilization of Veterans and Persons with Disabilities for Protective Service (Non-Sworn).	<p>1-Increase the percentage of employees who are Veterans by 1% each year by:</p> <p>a. Increased engagement &amp; collaboration with Veteran Service Organizations (VSOs).</p> <p>b. Collaborating with VSOs on two agency events per year focused on hiring, recruitment, or workplace inclusion.</p> <p>c. Conducting one annual Lunch and Learn event with a focus on Veterans, to support a culture of belonging.</p> <p>2-Increase of 2% for employees who self-identify as Persons with Disabilities by:</p> <p>a. Removing the stigma of self-identification through education and messaging.</p> <p>b. Improving informative messaging to staff on the self-identification process, its purpose, and benefits by utilizing ODEIA Self-Identification Informational PowerPoint presentations to share with staff in meetings.</p> <p>c. Launching semiannual self-identification campaigns in collaboration with ODEIA/DEI Manager.</p>
DPH Workforce Analysis shows underutilization of Veterans and Persons with Disabilities for the Office/Clerical job category.	<p>1-Increase the percentage of employees who are Veterans by 1% each year by:</p> <p>a. Increased engagement &amp; collaboration with Veteran Service Organizations (VSOs).</p> <p>b. Collaborating with VSOs on two agency events per year focused on hiring, recruitment, or workplace inclusion.</p> <p>c. Conducting one annual Lunch and Learn event focusing on Veterans to support a culture of belonging.</p>

	<p>2-Increase of 2% for employees who self-identify as Persons with Disabilities by:</p> <ul style="list-style-type: none"> <li>a. Removing the stigma of self-identification through education and messaging.</li> <li>b. Improving informative messaging to staff on the self-identification process, its purpose, and benefits by utilizing ODEIA Self-Identification Informational PowerPoint presentations to share with staff in meetings.</li> <li>c. Launching semiannual self-identification campaigns in collaboration with ODEIA/DEI Manager.</li> </ul>
<p>DPH Workforce Analysis shows underutilization of Minorities, Females, Veterans, and People of Disability for the Skilled Craft job category.</p>	<p>1- Increase of 2% for Skilled Craft employees who are People of Color by:</p> <ul style="list-style-type: none"> <li>a. Collaborating with Talent Acquisition &amp; ODEIA on the development of culturally tailored recruitment activities for agency's specific needs.</li> <li>b. Ensuring that all members of hiring teams receive training on how to implement DEI best practices in the hiring process.</li> </ul> <p>2- Increase of 1% for Skilled Craft employees who are females by 1% each year by:</p> <ul style="list-style-type: none"> <li>a. Collaborating with Talent Acquisition &amp; ODEIA on the development of culturally tailored recruitment activities for the agency's specific needs.</li> </ul> <p>3- Increase the percentage of employees who are Veterans by 1% each year by:</p> <ul style="list-style-type: none"> <li>a. Increased engagement &amp; collaboration with Veteran Service Organizations (VSOs).</li> <li>b. Collaborating with VSOs on 2 agency events per year focused on hiring, recruitment, or workplace inclusion.</li> <li>c. Conducting one annual Lunch and Learn event with a focus on Veterans, to support a culture of belonging.</li> </ul> <p>4- Increase of 2% for employees who self-identify as Persons with Disabilities by:</p>

	<ul style="list-style-type: none"> <li>a- Removing the stigma of self-identification through education and messaging.</li> <li>b. Improving informative messaging to staff on the self-identification process, its purpose, and benefits by utilizing ODEIA Self-Identification Informational PowerPoint presentations to share with staff in meetings.</li> <li>c. Launching semiannual self-identification campaigns in collaboration with ODEIA/DEI Manager.</li> </ul>
DPH Workforce Analysis shows underutilization of Veterans, People with Disability, and Minorities for Officials and Administrators.	<p>1-Increase the percentage of employees who are Veterans by 1% each year by:</p> <ul style="list-style-type: none"> <li>a. Increased engagement &amp; collaboration with Veteran Service Organizations (VSOs).</li> <li>b. Collaborating with VSOs on 2 agency events per year focused on hiring, recruitment, or workplace inclusion.</li> <li>c. Conducting one annual Lunch and Learn event focusing on Veterans to support a culture of belonging.</li> </ul> <p>2-Increase of 2% for employees who self-identify as Persons with Disabilities by:</p> <ul style="list-style-type: none"> <li>a. Removing the stigma of self-identification through education and messaging.</li> <li>b. Improving informative messaging to staff on the self-identification process, its purpose, and benefits by utilizing ODEIA Self-Identification Informational PowerPoint presentations to share with staff in meetings.</li> <li>c. Launching semiannual self-identification campaigns in collaboration with ODEIA/DEI Manager.</li> </ul> <p>3- Increase the percentage of Officials and Administrators who are People of Color by 4% each year by:</p> <ul style="list-style-type: none"> <li>a. Increasing the diversity of new hires in job categories where underrepresentation is identified through increased diversity of applicant &amp; interview pools in collaboration with Talent Acquisition &amp; ODEIA.</li> <li>b. Collaborating with Talent Acquisition &amp; ODEIA on the development of culturally tailored recruitment activities for the agency's specific needs.</li> </ul>

<p>DPH Workforce Analysis shows an underutilization of Females, Veterans, and Persons with Disabilities for the Service Maintenance job category.</p>	<ol style="list-style-type: none"> <li>1- Increase the percentage of employees who are Females in Service Maintenance positions by 2% each year.               <ol style="list-style-type: none"> <li>a. Increasing the diversity of applicant &amp; interview pools in collaboration with Talent Acquisition &amp; ODEIA.</li> </ol> </li> <li>2- Increase the percentage of employees who are Veterans by 1% each year by:               <ol style="list-style-type: none"> <li>a. Increased engagement &amp; collaboration with Veteran Service Organizations (VSOs).</li> <li>b. Collaborating with VSOs on two agency events per year focused on hiring, recruitment, or workplace inclusion.</li> <li>c. Conducting one annual Lunch and Learn event focusing on Veterans, to support a culture of belonging.</li> </ol> </li> <li>3- Increase of 2% for employees who self-identify as Persons with Disabilities by:               <ol style="list-style-type: none"> <li>a. Removing the stigma of self-identification through education and messaging.</li> <li>b. Improving informative messaging to staff on the self-identification process, its purpose, and benefits by utilizing ODEIA Self-Identification Informational PowerPoint presentations to share with staff in meetings.</li> <li>c. Launching semiannual self-identification campaigns in collaboration with ODEIA/DEI Manager.</li> </ol> </li> </ol>
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*(Template can be completed in Comindware)*

## 5.1 RECRUITMENT AND OUTREACH

The **DEPARTMENT OF PUBLIC HEALTH** is committed to working with the Human Resources Division in order to review job prerequisites and to determine the validity of the job requirements. All efforts will be made to ensure that the skill requirements are job-related and are consistent with business necessity and the safe performance of the job. The agency will consider all qualified applicants for all job categories.

Where there is an underutilization of minorities, women, persons with disabilities, or veterans in any job category, vigorous recruitment efforts shall take place to locate qualified candidates to achieve the diversity objective.

Position vacancies are posted to MassCareers and circulated to organizations that serve persons covered by this Plan. When appropriate, media advertising will be utilized which includes the use minority media. Each position vacancy notice shall include the statement: "AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER"

Sources of recruitment include, but are not limited to:

- Website of the MassCareers [www.mass.gov/masscareers](http://www.mass.gov/masscareers)
- Website of Indeed (TA posts on a number including ones focus on diverse populations, can these be listed?)
- Mass Hires Department of Career Services
- Social Media, including LinkedIn

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

For position in which Civil Service exams are offered, the Agency will work with the Human Resources Division on an outreach and recruitment plan targeted to minorities, women, persons with disabilities or veterans. Sources of recruitment include, but are not limited to:

- [www.mass.gov/masscareers](http://www.mass.gov/masscareers)
- Agency and Civil Service website
- Social Media
- Minority media outlets and websites
- On site Open Houses
- Virtual Open Houses

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 (5%) 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 a position showing race, sex, Certified Vietnam Era Veterans and Veterans status, and whether the person has self-identified as a person with disabilities. The record shall also show the status of their applications.

## **5.2 SELECTION**

The Agency will regularly review job descriptions, job specifications and job classifications to eliminate any artificial barriers to employment.

Specifications for each job title will use only requisite job performance criteria. The specifications are non-discriminatory with respect to race, color, religion, sex (except where sex is a bona fide occupational qualification), national origin, and veterans and disability status.

Position descriptions and employee specifications are available to all members of management involved in the recruiting, screening, selection and promotion process.

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

This agency will ensure appropriate training for all employees who regularly interview job applicants. Interviewers will be notified at the training sessions and in writing that they are to restrict their questions during the interview, to topics that relate clearly with expected job performance. Interviewers will be cautioned to use the same set of objective questions for protected group members that they use for all others. Records will be kept of the questions asked during the interview. The same criterion is used for all recommendations.

### **5.3 HIRING**

The Diversity Officer shall have sign-off authority, on appointments where AA benchmarks/targets exist. All hiring standards shall be fixed, reasonable, objective and job related.

A record shall be kept for each position filled. A record of persons interviewed, accepted, or refused for each new hire and promotion showing race, sex, disability, and veteran status shall be maintained for review upon request.

In cases of underutilization, if a member of a protected group is not hired, a reason for this shall be supplied to the diversity officer. 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, will be noted.

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

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

- Fully signed Appointment Authorization Form and Hiring Package, with:
  - Name of selected candidate
  - Name of each applicant who was interviewed
  - Position title
  - Position number
  - Department/Agency
  - Location (address)
  - Date vacancy occurred
  - Date position was requested
  - Starting date of new position
  - Justification for hiring selected candidate\*
  - Reason(s) for non-selection of all other applicants\*
  - Race, sex, and if available self-identification data for self-identification as either a person with disabilities or as a veteran.

\*This data is maintained in MassCareers

## **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 will complete all required trainings in MassAchieve to include: Workplace Violence Prevention, Diversity in the Workplace, Sexual Harassment, Domestic Violence and Sexual Assault, The Americans with Disabilities Act, CyberSecurity, and other programs as deemed necessary.

The agency will update EPRS and MassPerform goals to implement career development plans for each employee.

The Diversity Director/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 shall 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 shall 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 kept at the agency's Diversity Office of those receiving training and tuition remission and shall include information on the race, sex, disability and/or veteran status of the training participants.

## **5.5 PROMOTIONS**

The Agency shall be intentional to consider 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 which 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 shall comply with the Agency's Plan. When protected group members are disciplined and/or downgraded, the Diversity Officer shall be informed. The agency's records of all disciplinary actions shall show race, gender, disability status (disability status



records shall only be maintained by the ADA/504 Coordinator), and/or veteran status, the formal charges, findings, and sanctions imposed.

## **5.7 TERMINATION / DISCHARGE**

All termination/discharge procedures shall comply with the Agency's policies. When protected group members are terminated, the Diversity Director/Officer shall be informed. The Diversity Director/Officer shall conduct periodic, (random) exit interviews as part of the termination process with protected group members.

The agency's records of all terminations shall show race, gender, disability status, and/or veteran status, the formal charges, findings, and sanctions imposed. (Disability status records shall only be maintained by the ADA Coordinator.)

## **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 will be followed.

Therefore, it is important that the Diversity Director/Officer be an integral part of the planning process at the outset. The process will be 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, 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 workforce. The agency will review agency operations, together with workforce composition and protected group representation, as it determines which functions and personnel are to be reduced.

Decisions made relative to functional responsibilities do not necessarily determine the specific individuals to be laid off. Where, for example, members of an underrepresented protected group perform functions which are under consideration for elimination, every effort should be made to explore various reallocations of protected personnel to avoid disproportionate layoff impacts.

If it appears that layoffs from a particular title would have a disproportionate impact on any protected group, the Agency will take 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, and c) these projections have been reviewed and approved by the Agency Head, Agency Diversity 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 Agency Diversity 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 Officer, Human Resources and Labor Relations Representatives to meet jointly to explore alternatives. If matters remain unresolved, the agency should immediately notify the Secretariat Diversity Director 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 (ODEO), the Massachusetts Commission Against Discrimination (MCAD) or other forums as appropriate.

After reviewing the programs and services as outlined in items 5.1 to 5.8 above, I have identified areas of concern for which I propose corrective actions listed in Comindware under the "Areas of Concern and Corrective Action" tab.

## **SECTION 6**

### **INTERNAL AUDIT AND REPORTING SYSTEM**

The Diversity Officer / Diversity Director have the responsibility for developing and preparing the formal documents of the Affirmative Action Plan. The Diversity Officer / Diversity Director are responsible for the effective implementation of the Affirmative Action Plan; however, responsibility is likewise vested in each department manager and supervisor. Agency's audit and reporting system is designed to:

- Measure the effectiveness of the Affirmative Action Plan / Equal Employment Opportunity program;
- Document personnel activities;
- Identify problem areas where remedial action is needed; and,
- Determine the degree to which Agency's AAP goals and objectives have been obtained.

The following activities are reviewed to ensure non-discrimination and equal employment opportunity for all individuals without regard to their race, color, creed, religion, national origin, age, sex, (including pregnancy), gender identity, gender expression, sexual orientation, genetics, disability status, or veteran's status.

- Recruitment, advertising, and job application procedures,
- Hiring, promotion, layoff, and
- Any other form, condition, or privilege of employment.

The following documents are maintained as a component of Agency's internal audit process:

- An applicant flow log showing the name, race, sex, date of application, job title, interview status and the action taken for all individuals applying for job opportunities;
- Summary date of applicant flow by identifying, at least, total applicants, total minority applicants, and total women applicants, for each position (Affirmative Action Data Sheet);

#### **QUARTERLY**

To ensure that all components of the Affirmative Action Plan are being met, the Agency's Diversity Director/Officer will complete workforce summary, hire, termination and promotions reports accessed through the HR Analytics. 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 information on parity, employee movement, recruitment, reasonable accommodations, training (attach MassAchieve), and program activity.

## **ANNUALLY**

On an Annual basis the Diversity Director/Officer shall audit the **DEPARTMENT OF PUBLIC HEALTH** 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 Director/Officer shall audit the **DEPARTMENT OF PUBLIC HEALTH** 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 shall be reviewed and if necessary, additional strategies may be recommended to assist the **DEPARTMENT OF PUBLIC** to meet their stated Affirmative Action goals.

The **DEPARTMENT OF PUBLIC HEALTH** audit system includes a quarterly report documenting Agency's efforts to achieve its EEO / AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem area and are asked to outline their suggestions / recommendations for solutions to their Agency Diversity Officer / Diversity Director. If problem areas arise, the manager or supervisor is to report problem areas immediately to the Diversity Officer. During quarterly reporting, the following occurs:

- The Diversity Officer will discuss any problems relating to significant rejection ratios, EEO changes, etc. with the Agency Head; and,
- The Diversity Officer will report the status of the **DEPARTMENT OF PUBLIC HEALTH** Affirmative Action Plan goals and objectives to the Agency Head. The Diversity Officer will recommend remedial actions for the effective implementation of the AFFIRMATIVE Action Plan.

## **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 shall be posted on all bulletin boards where official notices are displayed.
- Meetings with executive, management, and supervisory personnel shall be 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 shall be 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. Non-discrimination clauses shall be included in all union agreements and contracts. Union contract provisions shall be reviewed to ensure they are non-discriminatory.
- Employees shall be informed that any grievance concerning a violation of EO/AA rights may be addressed through the Resolution Process outlined in Executive Order 592. They shall be informed of the process to file such a complaint with the Investigations Center of Expertise (COE).

#### ***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, 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/VET/Disabled employer.
- The agency employment applications shall include a statement that the agency is an EO/AA/VET/Disabled employer.
- All applicants for employment shall be informed of the agency's EO/AA/VET/Disabled commitments.

## Appendix (A)

### Definitions

#### **Federal Protections:**

Pursuant to Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, prohibits discrimination on the basis of race, color, religion, national origin, or sex in all institutions with 15 or more employees – including state and local governments and labor organizations.

**Title VI of the Civil Rights Act of 1964** - ensures that no person on the basis of race, color, or national origin is excluded from participation, is denied the benefit, or subjected to discrimination in any programs, services, or activities that receive federal financial assistance. The application of Title VI applies to entities that receive federal financial support to hire staff and conduct related human resource programs or services.

**Title II of the Genetic Nondiscrimination Act of 2008** - applies to state and local government employers with at least 15 employees, regardless of whether they receive federal financial assistance. This act prohibits employers from discriminating based on an applicant or an employee's genetic information.

**The Age Discrimination in Employment Act of 1967** - prohibits employers from discriminating based on an employee or applicant's age.

**The Equal Pay Act of 1963** – requires employers to provide equal pay to men and women who perform similar work and operate in the same establishment.

**Section 503 and 504 of the Rehabilitation Act of 1973** - states that, “no otherwise qualified individual with a disability in the United States...shall solely by reason of her or his disability, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

**The Americans with Disabilities Act of 1990** - prohibits discrimination against persons with disabilities.

**American with Disabilities Amendments Act of 2008** - “The Act emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis. The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.”

**Vietnam-era Veterans Readjustment Act of 1974** - “prohibits federal contractors and subcontractors from discriminating in employment against protected veterans and requires these employers to take affirmative action to recruit, hire, promote, and retain these veterans.”

**The Family and Medical Leave Act of 1993** – “provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.”

#### **State Protections:**

The Commonwealth of Massachusetts non-discrimination laws and regulations also apply to state agencies. The following state laws and regulations include:

**Massachusetts General Laws Chapter 151B** – prohibits discrimination on the basis of race, color, religious creed, national origin, ancestry, or sex

**Executive Order 526** – An Executive Order signed in 2011, to ensure non-discrimination in diversity, equal opportunity, and affirmative action.

**Executive Order 592** – Revoked Executive Order 526 on October 22, 2020, to advance workforce diversity, inclusion, equal opportunity, non-discrimination and affirmative action in the workforce.

**Public Accommodations Act of 2016** – “prohibits, among other things, making any distinction, discrimination, or restriction in admission to or treatment in a place of public accommodation based on race, color, religious creed, national origin, sex, gender identity, sexual orientation, deafness, blindness, or any physical or mental disability, or ancestry.”

**Pregnant Workers Fairness Act of 2018** – “expressly prohibits employment discrimination on the basis of **pregnancy** and **pregnancy**-related conditions, such as lactation or the need to express breast milk for a nursing child.”

**Massachusetts Equal Pay Act of 2018** – “provides more clarity as to what is considered unlawful wage discrimination and adds protections to ensure greater fairness and equity in the workplace.”

**Paid Family Medical Leave Act of 2018** – most workers in Massachusetts will be eligible to get up to 12 weeks of paid family leave and up to 20 weeks of paid medical leave.

## **APPENDIX (B)**

### **COMPLAINT RESOLUTION PROCESS**

#### **General Policy**

This Agency is committed to providing the opportunity for any protected group members to voice and resolve any alleged infringement of Equal Opportunity or Affirmative Action rights that are assured through state or federal guidelines, executive orders and laws. Accordingly, if any individual feels they have been objectively discriminated, they should contact the Investigations Center of Expertise (COE).

A person who chooses to use the Investigations COE is not precluded from filing a complaint or grievance with other appropriate agencies or authorities, such as to the Massachusetts Commission Against Discrimination (MCAD), the Equal Employment Opportunity Commission (EEOC) and/or other appropriate state or federal authority.

The Office of Diversity and Equal Opportunity serves as a second tier of the reasonable accommodations appeal process. Any employee who has been denied reasonable accommodations request at the agency may file an appeal with the Secretariat or the Office of Diversity and Equal Opportunity.

#### **Procedure**

The Agency Diversity Officer is a highly placed person who partners with the Investigations COE to conduct investigations of agency's policy violations. While doing so, he/she makes and preserves complaint records and ensures that applicable rules, regulations and laws concerning confidentiality and privacy are respected.

Refer to the Executive Order 592 for additional information.

**<https://www.mass.gov/executive-orders/no-592-advancing-workforce-diversity-inclusion-equal-opportunity-non-discrimination-and-affirmative-action>**