



Ohio Administrative Code

Rule 123:1-49-04 Establishment of affirmative action plan.

Effective: October 25, 2020

(A) Each agency shall establish, maintain, carry out and continually evaluate its affirmative action plan designed to promote equal opportunity in every aspect of recruitment, employment, development, advancement, and treatment of employees. The affirmative action and equal employment opportunity unit may issue guidelines which agencies shall use for establishing, implementing and judging an acceptable affirmative action plan as required by Chapter 123:1-49 of the Administrative Code.

(B) An affirmative action plan shall consist of a set of specific, result-oriented procedures designed to promote equal employment opportunity for all state employees and candidates for state employment. Each agency must apply the procedures enumerated in its affirmative action plan in good faith. An agency's affirmative action plan must include an analysis of areas within the agency where the hiring and promotion of minorities and women are deficient. Each agency must establish goals and timetables to correct these deficiencies and increase materially the opportunities of minorities and women at all levels of state government. An agency's affirmative action plan must include an identification and analysis of difficulties the agency has experienced in curing any deficiencies in the employment of minorities and women. Additionally, such plans must set goals to eliminate all artificial barriers regarding the hiring and or promotion of minorities and women.

(C) Each agency shall include in its affirmative action plan such information and analysis which the affirmative action and equal employment opportunity unit may require. This information shall include, but is not limited to, the following:

(1) Statistical evaluation of the agency's workforce and information regarding the labor market composition.

(2) Goals, timetables, supporting data, and affirmative action commitments, and analysis thereof, which must be designed to correct any identifiable deficiencies. Agency goals should be attainable in consideration of the agency's current deficiencies and the results which could be reasonably expected



from full, good faith implementation of the remedial measures identified in its affirmative action plan. If the agency does not meet its goals and timetables, the agency's "good faith efforts" shall be judged by whether it is following its program and attempting to make it work toward the attainment of its goals. Support data for the analysis and program shall be compiled and maintained as part of the agency's affirmative action plan. This data should include applicant flow data and applicant rejection ratios indicating minority status.

(D) Each agency shall submit a written affirmative action plan to the affirmative action and equal employment opportunity unit every three years for review and approval. The affirmative action and equal employment opportunity unit shall review the agency's affirmative action plan to determine if the agency is in compliance with this rule. Where the affirmative action and equal employment opportunity unit finds that the agency has failed to comply with the requirements of this chapter and its obligations, the affirmative action and equal employment opportunity unit shall take such action as may be appropriate.

(E) Agency compliance status shall be determined by reviewing the contents of its plan, the extent of its adherence to its plan, and its good faith efforts to realize the plan's goals within the timetables set for completion. An agency's compliance status shall not be solely determined on the basis of whether the agency reaches all of its goals within the established timetables. The purpose of the agency's establishment and use of goals and timetables is to ensure that it meets its equal opportunity obligation and is not intended and should not be used to discriminate against any applicant or employee because of race, color, religion, sex, national origin (ancestry), military status (past, present or future), disability, age (forty years of age or older), genetic information, or sexual orientation. If an agency fails to submit an affirmative action plan with specific goals and timetables, the affirmative action and equal employment opportunity unit may disapprove the plan. If an agency's affirmative action plan is disapproved, the affirmative action and equal employment opportunity unit shall either return the plan to the agency for revision and resubmission or may set the goals and timetables on behalf of the agency. Additionally, agencies shall submit information updates to the approved affirmative action plan on an annual basis and as requested by the affirmative action and equal employment opportunity unit.

(F) Each agency shall furnish any necessary information and assistance as may be required by the affirmative action and equal employment opportunity unit. Such information shall include statistical



data on minority and women applicant flow, employment, promotion and any other information relevant to the administration of the this chapter. Each agency shall be required to gather such data in a format as the division may require providing an adequate statistical base for determining compliance.

(G) In addition to the general requirements of an affirmative action plan, an agency may:

(1) Provide sufficient resources to administer its equal opportunity program in a positive and effective manner;

(2) Examine recruiting and employee selection and job qualification procedures for bias and eliminate any such procedure found to have a discriminatory impact on minorities or women;

(3) Implement ongoing measures to eliminate prejudice or discrimination based upon race, color, religion, sex, national origin (ancestry), military status (past, present or future), disability, age (forty years of age or older), genetic information, or sexual orientation, from the agency's personnel policies, practices and working conditions, and recommend corrective action against employees who engage in discriminatory practices;

(4) Utilize to the fullest extent the present skills of employees by all means as outlined in the current position description;

(5) Provide substantial opportunities for employees to enhance their skills through on-the-job training, work-study programs, and other training measures so that they may perform at their highest potential and advance in accordance with their abilities;

(6) Communicate the states and the agency's equal employment opportunity policy and program and its employment needs to all sources of job candidates without regard to race, color, religion, sex, or national origin (ancestry), military status (past, present or future), disability, age (forty years of age or older), genetic information, or sexual orientation, and solicit their recruitment assistance on a continuing basis;

(7) Participate at the community level with other employers, with schools and universities, and with



other public and private groups in cooperative action to improve employment opportunities and community conditions that affect employability;

(8) Review and evaluate managerial and supervisory performance regarding the application of the agency affirmative action plan in order to continue affirmative application and vigorous enforcement of the policy of equal opportunity;

(9) Provide orientation, training, and advice to managers and supervisors to assure their understanding and implementation of its equal employment opportunity policy and program;

(10) Inform its employees and recognized employee organizations of its equal employment opportunity policy and program and enlist their cooperation; and,

(11) Schedule new employees to receive orientation and/or training in the states and the agency's equal employment opportunity policy within a reasonable time from the date of hire.