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# STATE OF MAINE

Inter-Departmental Memorandum Date March 6, 1975

To Executive Departments, Agencies, Bureaus, etc. Dept.

From James B. Longley, Governor

Dept. Executive

Subject Affirmative Action

The attached is a follow-up to my Executive Order #1, on Affirmative Action dated February 4, 1975. Included are the guidelines for preparing and annually updating Affirmative Action Plans, and the guidelines for compliance reviews to be conducted in each department of the Executive Branch by the State's Affirmative Action Officer and a representative from the Maine Human Rights Commission.

All departments, agencies, etc. with 25 or more employees not having Affirmative Action Plans on file to date, shall submit plans to Patricia Schroeder, State Affirmative Action Officer, Department of Personnel and Rae Ann O'Brien, Maine Human Rights Commission no later than March 31, 1975. Compliance reviews will begin June 1 of this year.

Your full cooperation is strongly requested.



cc: Terry Ann Lunt-Aucoin  
Human Rights Commission

Pat Schroeder  
State Affirmative Action Officer

Shirley Knowles  
Positive Action Committee

MAR 10 1975

GUIDELINES FOR PREPARING  
and updating  
AFFIRMATIVE ACTION PLANS

Revised

18 February 1975

## INTRODUCTION

These guidelines apply to all departments, agencies, bureaus, etc. in the Executive Branch which employ 25 persons or more. They are to be used for the preparation of initial plans, as well as the annual updating of Affirmative Action Plans. Such annually updated plans will be submitted to the State Affirmative Action Officer and the Maine Human Rights Commission no later than October 15th of each year.

Material used in the establishment of these guidelines are as follows: (1) U.S. Department of Labor, Title 41, Chapter 60 Part 60-2, Affirmative Action Programs, as amended July 12, 1974. (Hereafter referred to as Revised Order #4); and (2) Affirmative Action and Equal Employment, A Guidebook for Employers, Volumes I and II, U.S. Equal Employment Opportunity Commission, January 1974. Above mentioned material is available from the Department of Personnel.

## GUIDELINES ON PREPARING AFFIRMATIVE ACTION PLANS -- REVISED

"What is required by Congress is the removal of artificial, arbitrary, and unnecessary barriers to employment when the barriers operate invidiously to discriminate on the basis of racial or other impermissible classification... (Title VII of the Civil Rights Act) prescribes not only overt discrimination but also practices that are fair in form but discriminatory in operation." (U. S. Supreme Court Justice Warren Burger, 1971)

An Affirmative Action Program is a set of specific and result oriented procedures to which a department commits itself to apply every good faith effort. Affirmative Action Plans should be designed in such a way as to insure Equal Employment Opportunity -- the right of all persons to work and to advance on the basis of merit, ability and potential. The following elements are absolutely necessary for an effective Affirmative Action Program as defined in Revised Order #4 and are arranged in the order they should appear in the plan.

### I. POLICY STATEMENT

The Commissioner or Department Head should issue a firm statement of personal commitment, legal obligations and the importance of Equal Employment Opportunity as a department goal. It cannot be merely a "neutral" policy, but instead new goal setting programs with measurement and evaluation factors similar to other major departmental programs. The policy statement should indicate the department head's support of the subject matter, assign overall responsibility and provide for a reporting and monitoring procedure.

In order to be effective, the policy provisions must be enforced by management and all employees must be made aware that Equal Employment Opportunity is a basic departmental policy.

## II RESPONSIBILITY FOR IMPLEMENTATION

Many Affirmative Action Programs are not successful because the individual named to implement them does not have the necessary status, authority, time or staff. The importance you place on your department's program is indicated from the start by the person you place in charge and the authority that position carries.

The Affirmative Action officers' duties should include, but not necessarily be limited to:

- a. Developing a policy statement, a written Affirmative Action Plan, and internal and external communication techniques.
- b. Assisting in the collection and analysis of employment data, identifying problem areas, setting goals and timetables and developing corrective programs to remedy past discrimination and present underutilization of women and minorities.
- c. Designing, implementing and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed.
- d. Reporting, at least quarterly, to the State Affirmative Action Officer in the Department of Personnel on the progress of each of the plan's goals and objectives.
- e. Serving as liason between the department and state regulatory

persons and agencies such as the State Affirmative Action Officer and the Maine Human Rights Commission, as well as women and minority organizations and other community groups.

- f. If a committee is established within the department to aid the Affirmative Action Officer, the responsibilities of that committee should be outlined in this section.

This is an executive or administrative position and as such, should be in the organizational structure so as to have direct access to the Department Head or Commissioner. Such a person should possess a sensitivity and understanding of affected class members and to varied ways in which discrimination limits job opportunities.

### III DISSEMINATION OF POLICY

An effective program depends heavily on supervisor's, employee's and applicant's awareness that such a program exists, what steps are being taken to improve the employment situation, and what procedures may follow in cases of alleged discrimination. Proper dissemination should include at least the following:

a. Internally

1. Special meetings with management and employees.
2. Through the employee orientation program.
3. Dissemination of policy statement to all department employees.
4. Discussion of such policy at management training programs concerning Affirmative Action.

b. Externally

1. All recruiting sources should be notified in writing of department policy and urged to refer minorities and women.
2. Inform media that all ads must be run in male/female columns and will be followed by "An Equal Opportunity Employer, M/F".

3. Communicate to all prospective employees the existence of the Affirmative Action Plan so they can avail themselves of its benefits.

#### IV TECHNICAL COMPLIANCE

This is a section in checklist format necessary to identify the problem areas to be addressed in the plan. This section includes procedures initiated by the department as well as those covering statewide hiring practices, which may be the basis for program recommendations. The section should cover at least the following areas: (SEE NOTE)

- a. Selection process including position descriptions, job specifications, interview procedures, test validation, application forms.
- b. Transfer and promotion practices.
- c. Training and educational assistance and leave.
- d. Seniority provisions.
- e. Apprenticeship programs.
- f. Workforce attitude toward Affirmative Action.
- g. Lack of housing or public transportation.
- h. Totals from applicant flow data.
- i. EEO job classifications with a notation of whether or not women or minorities are utilized or underutilized (women and minorities should be addressed separately).

#### V DEVELOPMENT AND EXECUTION OF PROGRAMS

This section should address program objectives to be initiated by the department, independently or in cooperation with the Department of Personnel. Programs should be designed to correct past and present discriminatory practices where they exist to improve utilization of women and minorities.



Such objectives should cover at least the following areas and should include reasonable timetables for completion: (SEE NOTE)

- a. Recruitment
- b. Selection
- c. Training
- d. Promotion and Job Progression
- e. Grievance procedures

#### VI. ESTABLISHMENT OF GOALS AND TIMETABLES

Numerical goals and timetables are not meant to be rigid quotas which must be met, but instead are reasonable targets which are, with a good faith effort, attainable. Such goals should address areas where different groups in the population are underutilized. Goals should be set according to EEO classifications (Official/Administrators, Professionals, Technicians, Protective Service, Para-Professionals, Office/Clerical, Skilled Crafts, Service/Maintenance) and should be set on an annual basis. Each departmental division should participate in determining annual targets. It may be helpful to set long-range goals as well, which would act as built-in monitoring mechanisms. (SEE NOTE)

NOTE: It is realized that much of the initial responsibility for the success of each department's goals rests in the Department of Personnel. This does not, however, release the department from making every good faith effort at the time of selection.

## VII INTERNAL AUDIT AND REPORTING SYSTEMS

The purpose of these reporting systems is to enable the Affirmative Action Officer to monitor the plan and assess its success or failure. Such a system should be designed to measure the effectiveness of each area covered in the department's Affirmative Action Plan.

Approaches to preparing Affirmative Action Plans are countless. These guidelines have only addressed the basic, essential elements for an effective plan. Because it is the responsibility of the Department of Personnel and the Maine Human Rights Commission to monitor the implementation of Affirmative Action Plans, if there are any questions concerning this material of the preparation or updating of Affirmative Action Plans, contact Patricia Schroeder, State Affirmative Action Officer, Department of Personnel, 289-2821, or Rae Ann O'Brien, Maine Human Rights Commission, 289-2326.

## GUIDELINES FOR COMPLIANCE REVIEW

(To be conducted by the State Affirmative Action Officer and a representative from the Maine Human Rights Commission)

- I. Letter to Commissioner
  - a. Announcement of beginning of review
  - b. Request for desk audit information
    1. Affirmative Action Plan if not on file
    2. Workforce Analysis (lines of progression)
- II. Desk Audit
  - a. Analysis of Affirmative Action Plan
    1. Insure that all points in Revised Order #4 are covered sufficiently in the Plan
  - b. Study the workforce analysis
    1. Determine the utilization of women and minorities
  - c. Analyze population statistics in relation to the workforce analysis
- III. Letter to the Commissioner
  - a. Notice of on-site review (2-3 weeks notice)
  - b. General overview of what will be covered at the on-site review and what kind of information may be requested at that time
- IV. On-Site Review
  - a. Thorough analysis of department's procedures concerning recruiting, hiring, promotion, transfers, terminations, training, compensation, and benefits
- V. Reports on progress and compliance will be submitted to the Governor's office