

Equal Employment and Affirmative Action Hiring Practices



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Understanding Equal Employment



Equal Employment Opportunity

A term used by the federal government to refer to employment practices that ensure nondiscrimination based on race, color, religion, sex or national origin.

Understanding Equal Employment



Equal Employment Opportunity

- Eliminates discrimination in employment policies and practices
- Provides equal access and opportunity
- Legally mandated

Understanding Affirmative Action



Affirmative Action

A management tool designed to measure a federal contractor's good faith effort to extend equal employment opportunities to women, persons of color, persons with disabilities, and protected veterans.

Understanding Affirmative Action



Persons of Color include:

- **Black/African Americans**
- **Hispanic/Latino Americans**
- **Asian Americans**
- **Native Hawaiian or other Pacific Islander Americans**
- **Native Americans**
- **Alaskan Natives**

Understanding Affirmative Action



Persons with Disabilities include any person who:

- **Has a physical or mental impairment which substantially limits one or more of such person's major life activities;**
- **Has a record of such an impairment; or**
- **Is regarded as having such an impairment without reference to any mitigating measures available to the person.**

Understanding Affirmative Action



Protected Veterans include:

- **Vietnam-era veterans**
- **Disabled veterans**
- **Special disabled veterans**
- **Recently separated veterans**
- **Armed Forces Service Medal veterans**
- **Any other veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized**

What Laws Mandate Equal Employment and Affirmative Action?



Title VII of the Civil Rights Act of 1964, as amended

Makes it unlawful for an employer to hire or discharge any individual, or otherwise to discriminate against any individual with respect to her/his compensation, terms, conditions, or privileges of employment, because of an individual's race, color, religion, sex or national origin. This covers hiring, firing, promotions, and all workplace conduct.

What Laws Mandate Equal Employment and Affirmative Action?



Executive Order No. 11246

- *Requires federal contractors to develop affirmative action programs to employ and advance women and racial minorities.*
- *Prohibits discrimination because of race, color, religion, sex and national origin.*
- *Requires establishment of hiring goals for racial minorities and women.*

What Laws Mandate Equal Employment and Affirmative Action?



Section 402, Vietnam Era Veterans' Readjustment Act of 1974, as amended; and Jobs for Veterans Act of 2002

- *Requires certain federal contractors and subcontractors to develop and implement affirmative action programs to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam era, disabled veterans, recently separated veterans, Armed Forces Service Medal veterans, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.*
- *Does not require the establishment of hiring goals for veterans.*

What Laws Mandate Equal Employment and Affirmative Action?



Section 503, Rehabilitation Act of 1973, as amended

- *Requires federal contractors with contracts over \$10,000 to develop and implement affirmative action programs to employ and advance in employment qualified individuals with disabilities.*
- *Does not require the establishment of hiring goals for persons with disabilities.*

How to Ensure Equal Employment Opportunity in the Workplace



- **Review** Employment Practices
- **Monitor** Selection Process
- **Identify** Retention Problems
- **Accommodate** Special Needs
- **Monitor** Pay Equity

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Effective Hiring Practices

- **Define** the Open Position
- **Recruit** to Obtain an Inclusive, Qualified Applicant Pool
- **Decide** Upon Evaluation Procedure
- **Select** the Most Qualified Candidate
- **Document** the Evaluation Process Results Using Disposition Codes

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Define the Open Position

- **Make sure** the description, qualifications and requirements are related to the knowledge, skills and abilities necessary to succeed in the position
- **Do not tailor** the job description, qualifications, or requirements for a specific individual

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Recruit to Obtain Inclusive, Qualified Applicant Pool

- **Use** multiple forms of advertising, announcements and search strategies designed to find qualified applicants
- **Include** wording that emphasizes your commitment to diversity
- **Include** all available avenues to publicize position
- **Engage** in inclusive recruitment activities
- **Engage** in proactive informational outreach

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Recruit to Obtain Inclusive, Qualified Applicant Pool

- **Post** open position according to established, fair and consistent timeframes
- **Do not post** position in a manner to limit pre-identified applicants
- **Check** your affirmative action goals and recruit accordingly

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Decide upon a Fair Evaluation Process

- **Determine** in advance each process to use, such as pre-screens, interviews, written samples, and other tools.
- **Decide** for each step who will participate and what tool the participant will use.
- **Apply** each evaluation process consistently to all relevant candidates.

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Decide Upon a Fair Evaluation Process

- **Advance** each candidate to the next level of evaluation according to the results of objective screenings
- **Document, document, document**, the results of each evaluation phase.

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When Documenting the Process Results, Ask

- What **evaluation step** did the applicant fail to pass?
- What was the **purpose** of the particular evaluation step?
- What applicant **qualifications** were being reviewed?
- **What did you learn** about the applicant related to the position requirements in this step?

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When Conducting Interviews

Design the questions knowing the answers you want:

- Demonstration of skills, knowledge and ability
- Demonstration of interpersonal skills
- Demonstration of oral and written skills

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When Checking Employment References:

- **Contact** most recent employer in person or by telephone
- **Describe** position to reference provider
- **Ask** prepared open-ended questions
- **Review** personnel file if internal candidate
- **Take** good notes!

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When Conducting Education Verification

- **Call** the registrar of the schools attended to verify dates of attendance and degree, *or*
- **Ask** applicant to have official, sealed transcripts sent directly from institution

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Select Most Qualified Candidate

- Use the results of the **objective and consistent** evaluation process to choose the best qualified candidate
- Successful candidate is the person who **best documented and demonstrated** possession of the required knowledge, skills and abilities to perform the position
- If an equally qualified goal candidate is available, **choose the goal candidate**

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Document the Evaluation Process Results

- Make sure all applicants receive a **proper disposition code**
- **Accurately reflect** the process used
- **Document** the skill-based reason for not selecting other candidates

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Remember

- *Keep* all notes, documentation, resumes, writing samples, test results, applications, etc. of the process for a three year period.
- Do Not write notes on applications.

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Questions?