



Oregon Board of Chiropractic Examiners

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Salem, OR 97302-6311
503 373-1620

Affirmative Action Plan

July 1, 2015 to – June 30, 2017

Oregon Board of Chiropractic Examiners
Affirmative Action Plan
2015-2017 Biennium

Table Of Contents

I. DESCRIPTION OF AGENCY..... 1

A. AGENCY’S MISSION AND OBJECTIVES..... 1

B. AGENCY DIRECTOR 2

C. GOVERNOR’S POLICY ADVISOR 2

D. AFFIRMATIVE ACTION REPRESENTATIVE..... 2

E. DIVERSITY AND INCLUSION REPRESENTATIVE.....2

F. AGENCY ORGANIZATIONAL CHART 3

II. AFFIRMATIVE ACTION PLAN..... 3

A. AGENCY AFFIRMATIVE ACTION POLICY STATEMENT 4

B. AGENCY DIVERSITY & INCLUSION STATEMENT 10

C. TRAINING, EDUCATION AND DEVELOPMENT PLAN (TEDP)..... 10

1. Employees..... 11

2. Board Members..... 12

3. Volunteers..... 12

4. Contractors/Vendors 12

D. PROGRAMS..... 12

1. Internship Program..... 12

2. Mentorship Program 13

3. Community Outreach Program..... 13

4. Diversity I Program..... 14

5. Leadership Development/Training Program..... 15

E. UPDATE: EXECUTIVE ORDER 08-18..... 15

1. Cultural Competency Assessment And Implementation Services..... 15

2. Statewide Exit Interview Survey 16

3. Performance Evaluations Of All Management Personnel 16

F. STATUS OF CONTRACTS TO MINORITY BUSINESSES (ORS 659A.015)..... 17

III. ROLES FOR IMPLEMENTATION OF AFFIRMATIVE ACTION PLAN..... 17

A. RESPONSIBILITIES AND ACCOUNTABILITIES 17

1. Executive Director 18

2. Employees..... 18

3. Affirmative Action Representative 18

Table of Contents, Cont.

IV. JULY 1, 2013 – JUNE 30, 2015 19

A. ACCOMPLISHMENTS..... 19

B. PROGRESS MADE OR LOST SINCE PREVIOUS BIENNIUM..... 20

V. JULY 1, 2015 – JUNE 30, 2017..... 21

A. GOALS 21

B. STRATEGIES AND TIMELINES FOR IMPLEMENTATION..... 22

VI. APPENDIX A24

 A. AGENCY’S POLICY DOCUMENTATION 24

 B. ADA AND REASONABLE ACCOMMODATION POLICY 24-29

 C. DISCRIMINATION AND HARASSMENT FREE WORKPLACE (STATEWIDE POLICY 50.010.01)

 D. EMPLOYEE AND TRAINING POLICY

 E. VETERANS PREFERENCE IN EMPLOYMENT.....29-30

VII. APPENDIX B30

 A. Age Discrimination In Employment (ADEA)

 B. Disability Discrimination Title 1 of the ADA (1990)

 C. Equal Pay And Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964

 D. Prohibited Employment Policies/Practices

 E. Genetic Information Discrimination Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)

 F. National Origin Discrimination Title VII of the Civil Rights Act of 1964

 G. Pregnancy Discrimination Title VII of the Civil Rights Act of 1964

 H. Race/Color Discrimination Title VII of the Civil Rights Act of 1964

 I. Religious Discrimination Title VII of the Civil Rights Act of 1964

 J. Retaliation Title VII of the Civil Agency Affirmative Action Policy

 K. Sex-Base Discrimination Title VII of the Civil Rights Act of 1964

 L. Sexual Harassment Title VII of the Civil Rights Act of 1964

VIII. APPENDIX C30

I. Description of Agency

A. *Agency's Mission and Objectives*

The Oregon Board of Chiropractic Examiners (OBCE) was created for the purpose of examining and licensing all persons in Oregon who engage in the practice of chiropractic. The Board is also charged with safeguarding the people of the State of Oregon from the dangers of unqualified and improper practice of chiropractic.

Chiropractic means a system of adjusting with the hands the articulations of the bony framework of the human body, and the employment and practice of physiotherapy, electrotherapy, hydrotherapy, and minor surgery. This includes the chiropractic diagnosis, treatment, and prevention of body dysfunction; correction, maintenance of the structural and functional integrity of the neuro-musculoskeletal system, and the effects thereof, or interferences therewith, by the utilization of all recognized and accepted chiropractic diagnostic procedures and the employment of all rational therapeutic measures as taught in approved chiropractic colleges. It is unlawful to practice or attempt to practice chiropractic, or to represent oneself as a Chiropractor, without first being properly licensed by OBCE.

The Board was created in 1915. For many years it consisted of five members (four licensed Chiropractic Physicians, and one member from the general public not associated with the profession). Legislation in 1997 added one doctor and one public member, and the Board's strategic planning process also added a mission focus to "promote quality in the chiropractic profession." All members of the Board are appointed by the Governor to three-year terms and confirmed by the Senate. The Board hires staff to administer all official business, currently employing 5.0 FTE staff (one Office Specialist 1 at .75 FTE, one Administrative Specialist 2 at .75 FTE, one Administrative Specialist 2 at 1.0 FTE, one Compliance/Investigator at 1.0 FTE, one Health Care Investigator at .5 FTE, and the Executive Director at 1.0 FTE). The Board meets approximately ten times a year. The Board is funded solely from fees derived from the licenses it issues and by collection of fines and penalties assessed for violations of statute or rule. Decisions are made in open public meetings where the public is encouraged to attend.

The Board carries out its mission through three major program areas: Examination of Applicants, Licensure and Continuing Education, and Consumer Protection. Through the examination of applicants, the Board accomplishes its legislative mandate to establish standards of service and training and educational qualifications for the rendering of ethical chiropractic services in Oregon. Because the Board believes that regular continuing education ensures the highest quality of professional services to the public, the Board requires that all regular active licensed Chiropractors complete at least twenty hours of continuing education annually, and all regular active licensed Chiropractic Assistants complete at least six hours. The Board protects consumers by promptly investigating all complaints made concerning either the unethical or unlicensed practice of chiropractic in Oregon.

Licensure requires licensees, as public officials, to follow state requirements for reporting

child abuse, to reveal intent to commit a crime or harmful act, and prohibits the disclosure of any other communication without consent (except in certain legal/investigatory situations).

The statutory authority of the Board is contained in Oregon Revised Statutes Chapters 684 (Chiropractors) and 676 (Health Professions Generally). The Board's Oregon Administrative Rules are located in Chapter 811.

B. *Agency Director*

Cassandra C. Skinner, Executive Director
3218 Pringle Road SE, Suite 150
Salem, OR 97302-6311
(503) 373-1620

C. *Governor's Policy Advisor*

Sean Kolmer: (503) 373-1558

D. *Affirmative Action Representative*

Agency Board and Staff Development

Cassandra C. Skinner, Executive Director
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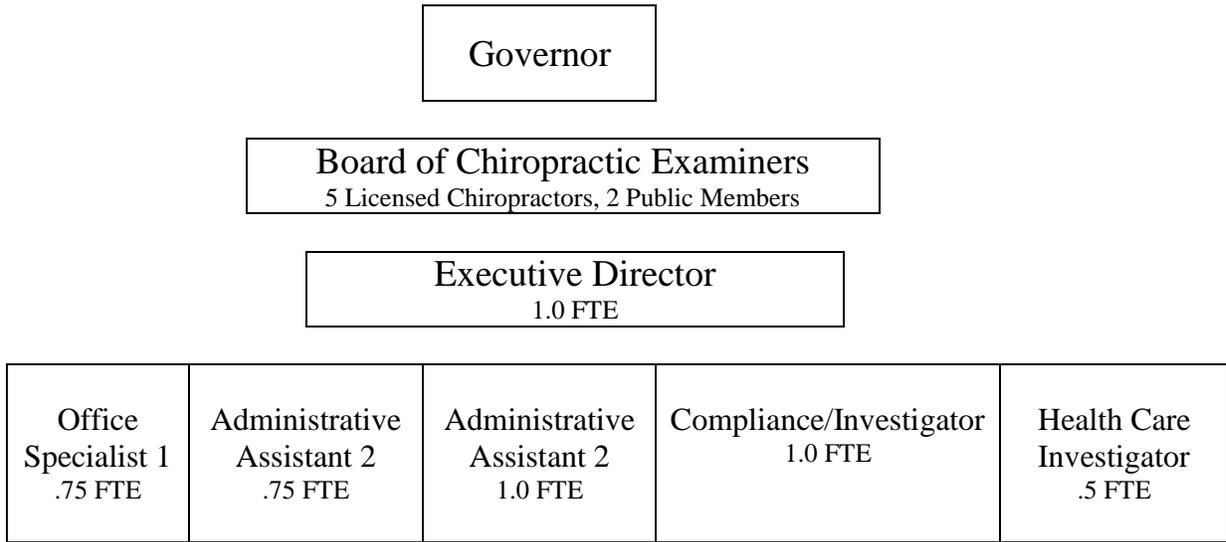
Board Member Recruitment

Kendall Clawson
Appointments, Governor's Office
900 Court Street, Salem, OR 97301
(503) 378-8471

E. *Diversity and Inclusion Representative*

Cassandra C. Skinner, Executive Director
3218 Pringle Road SE, Suite 150
Salem, OR 97302-6311
(503) 373-1620

F. Agency Organizational Chart



II. Affirmative Action Plan

The purpose of this plan is to update and maintain the previously initiated affirmative action program for the Oregon Board of Chiropractic Examiners, in keeping with the directive of the Governor, state and federal laws and regulations, executive orders of the President of the United States of America concerning affirmative action, discrimination/non-discrimination guidelines appropriate under the Civil Rights Acts, equal employment opportunity (EEO) policies, and the Americans with Disabilities Act by which our good faith efforts must be directed.

It is the policy of the State of Oregon that employment without discrimination is recognized as and declared to be a civil right. The State of Oregon is committed to achieving a workforce that represents the diversity of Oregon’s community and is a leader in providing its citizens fair and equal employment opportunity.

Accordingly, the Board shall:

1. Maintain a policy of equal treatment and equality of opportunity in employment for all applicants and employees in its employment decisions, which include, but are not limited to: hiring, promotion, demotion, transfer, termination, layoff, training, compensation, benefits, and performance evaluations.
2. Apply all terms, conditions, benefits, and privileges of employment with the agency to all applicants and employees regardless of race, color, religion, age, sex, sexual orientation, marital status, national origin, political affiliation, disability, or any other reason prohibited by the law or policy of the state or federal government.

3. Adopt and disseminate the Board's Affirmative Action Plan that describes the affirmative action being taken by the agency to ensure equity of employment in a work environment that is free from discrimination.

A. *Agency Affirmative Action Policy Statement*

The Board of Chiropractic Examiners is committed to achieving a work force that represents the diversity of Oregon's population and to providing fair and equal employment opportunities. The Board is committed to an affirmative action program that provides equal opportunities for all persons regardless of race, color, religion, sex, sexual orientation, national origin, marital status, age or disability. The Board provides an environment for each applicant and employee that is free from sexual harassment, as well as harassment and intimidation on account of an individual's race, color, religion, gender, sexual orientation, national origin, age, marital status or disability. The Board employment practices are consistent with the State's Affirmative Action Plan Guidelines and with state and federal laws, which preclude discrimination.

Agency Affirmative Action Policy Statement for Individuals with Disabilities

The Board of Chiropractic Examiners will not discriminate, nor tolerate discrimination, against any applicant or employee because of physical or mental disability in regard to any position for which the known applicant for employment is qualified.

The Board agrees to take affirmative action to employ, advance in employment, and otherwise treat known qualified individuals with disabilities without regard to their physical or mental disabilities in all human resources selection and decision practices, such as: advertising, benefits, compensation, discipline (including probation, suspension, and/or termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training. The Board will also continue to administer these practices without regard to race, color, religion, gender, sexual orientation, national origin, age, marital status or disability. Additionally, all applicants and employees are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under this policy.

Agency Affirmative Action Policy for Members Uniform Services (ORS 659A.082)

The Board of Chiropractic Examiners will not discriminate or tolerate discrimination, against any employee because they are a member of, apply to be a member of, perform, has performed, applied to perform or have an obligation to perform service in a uniformed service.

It is also the policy of the Board to provide an environment for each applicant and employee that is free from sexual harassment, as well as harassment and

intimidation on account of individual's race, color, religion, gender, sex, sexual orientation, marital status, national origin, age, familial status or disability.

Dissemination of the Affirmative Action Policy and Affirmation Action Plan

The impact of the Affirmative Action Plan can be fully realized only to the extent that its provisions are known by those who must apply it and those who benefit from it. With this in mind, the following describes methods used to disseminate the information both internally and externally.

The responsibility for dissemination of the agency's Affirmative Action Policy Statement and Affirmative Action Plan has been delegated to the Affirmative Action Representative. Such communication is both internal and external, and will include, but is not limited to:

a. Internal Dissemination

A statement from the Executive Director to all employees communicating the existence of the plan in order to:

- i. Be aware of the plan and to avail themselves of its benefit; and
- ii. Be aware of individual responsibility for effective implementation of the plan.
- iii. Conduct special meetings in which the Executive Director shall explain the intent of the Affirmative Action Plan and clearly communicate the Executive Director's personal commitment to and support of equal employment opportunity;
- iv. Include the Affirmative Action Policy Statement, Affirmative Action Plan and Grievance Procedure as part of each new employee's orientation;
- v. Post the agency's Affirmative Action Policy Statement and Grievance Procedure on the employee's bulletin board; and
- vi. Post the agency's Affirmative Action Policy Statement, Affirmative Action Plan, and Grievance Procedure on Board's website.
- vii. Distribute the agency's Affirmative Action Policy Statement, Affirmative Action Plan and Grievance Procedure to any employee upon request.

b. External Dissemination

- i. All recruitment announcements, applications for employment, and newspaper will contain the phrase, “THE BOARD OF CHIROPRACTIC EXAMINERS IS AN EQUAL OPPORTUNITY, AFFIRMATIVE ACTION EMPLOYER COMMITTED TO WORK FORCE DIVERSITY.”
- ii. The Board of Chiropractic Examiners’ Affirmative Action Plan is posted on the Board’s website and made available to the public upon request.
- iii. Provide copies of the agency’s Affirmative Action Policy Statement, Affirmative Action Plan and Grievance Procedure to any person, including job applicants, upon request;
- iv. Notify all bidders, contractors, subcontractors and suppliers of the agency’s affirmative action policy. Notices shall include a statement that the agency will not knowingly do business with any bidder, contractor, subcontractor, or supplier of materials that discriminates against members of any protected class.

Monitoring and Reporting System

The Affirmative Action Representative will monitor the Affirmative Action Plan on a continual basis. Monitoring will include, but not be limited to:

- a. Monitoring the auditing and reporting system. Reporting and auditing includes:
 - i. The maintenance of accurate and up-to-date records on all applicants, hires, promotions, transfers, and terminations by sex, race, and EEO-4 categories;
 - ii. The review of all promotions, transfers, and terminations to be certain that all employees are treated fairly and equitably; and
 - iii. The review of all selection, promotional, and training procedures to ensure non-discriminations in practice
- b. Report annually on the effectiveness of the affirmative action program, progress and efforts made toward accomplishing affirmative action goals, and planned action and recommendations for improvement, if necessary.
- c. Prepare updates and evaluations of the Affirmative Action Plan to be submitted to the Governor’s Affirmative Action Office as required. An Affirmative Action progress report will also be prepared and submitted as part of the agency’s budget submission.

1. **Complaint Process regarding Discrimination or Harassment**

The complaint procedure provides a method of resolving complaints involving violation of the Board of Chiropractic Examiners' nondiscrimination policy within the agency. Employees, applicants, licensees and any person may use this complaint process. Retaliation, coercion, reprisal, or intimidation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels or serving as a witness is prohibited.

a. Informal Complaint Process

An employee may notify the Affirmative Action Representative of an issue or concern regarding discrimination in order to raise awareness or put the agency on alert without filing a formal complaint. In these situations:

- i. The employee may ask the Affirmative Action Representative to keep the matter and identity of the employee confidential. (The agency will comply with the request, if possible.)
- ii. The employee will sign documentation stating that he/she wishes his/her identity to remain confidential.
- iii. The discussion will be documented.
- iv. The Affirmative Action Representative will review the information and maintain confidentiality of the employee's identity when it is determined that action is necessary to correct the problem or to prevent a reoccurrence in similar situations.

b. Internal Complaint Process

- i. Any individual who believes he/she has been subjected to unlawful discriminatory actions may file a complaint within 30 calendar days of the alleged incident.
- ii. Represented employees may file a complaint either through the Collective Bargaining Agreement grievance procedure or by using the procedures provided by the agency.
- iii. An employee may submit a written complaint to the Executive Director that explains the basis for the complaint, identifies the alleged discriminating party or parties, the date the discriminatory action(s) occurred, and specifies the relief requested.
- iv. The Executive Director will review/investigate the complaint and provide the complainant written notification of the findings within 30 days or upon completion. If additional time is needed for investigating the allegations or to issue a report of the findings, the

agency will notify the employee in writing of the need for additional time.

v. If the investigation substantiates the complaint, appropriate corrective action will be initiated, including discipline if warranted.

c. External Complaint Process

If an employee is not satisfied with the complaint process within the agency and wishes to appeal to an agency decision, they may contact one of the organizations listed below. Nothing in this policy prevents any person from filing a grievance in accordance with the Collective Bargaining Agreement or a formal complaint with the Bureau of Labor and Industries (BOLI) or Equal Employment Opportunity Commission (EEOC). However, some collective bargaining agreements may require an employee to choose between the complaint procedure outline in the agency's guideline for filing a BOLI or EEOC complaint.

Oregon Bureau of Labor and Industries - Civil Rights Division

State Office Building
800 NE Oregon Street, MS# 32, Suite 1070
Portland, OR 97232
Phone Number: 503.731.4874
Fax Number: 503.731.4069

The Oregon Bureau of Labor and Industries - Civil Rights Division is the Oregon state equivalent of the federal EEOC. As a designated Fair Employment Practices Agency (FEPA), the Oregon Bureau of Labor and Industries - Civil Rights Division may coordinate operations with the EEOC under a work-share agreement. Furthermore, the Oregon Bureau of Labor and Industries - Civil Rights Division investigates state claims that are not covered by federal law or exceed the basic protections of federal law. Individuals filing a charge of discrimination with the EEOC should also file a copy of the charge with the Oregon Bureau of Labor and Industries - Civil Rights Division.

<p>Eugene Oregon Bureau of Labor and Industries 1400 Executive Parkway, Suite 200 Eugene, OR 97401 Phone Number: 541.686.7623</p>	<p>Portland Oregon Bureau of Labor and Industries 800 NE Oregon Street, Suite 1045 Portland, OR 97232 Phone Number: 971.673.0761</p>
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<p>Pendleton Oregon Bureau of Labor and Industries 1327 SE 3rd Street Pendleton, OR 97801 Phone Number: 541.276.7884</p>	<p>Salem Oregon Bureau of Labor and Industries 3865 Wolverine Street NE; E-1 Salem, OR 97305 Phone Number: 503.378.3292</p>
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Governor’s Diversity, Inclusion & Affirmative Action Office

255 Capitol Street NE, Suite 126
Salem, OR 97301
Tel: 503-986-6524
<http://www.oregon.gov/gov/GovAA/Pages/index.aspx>

U.S. Equal Employment Opportunity Commission

Seattle Field office EEOC Office/ Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104
Phone Number: 206.220.6883 Phone Number: 206.220.6882
(TDD)

The EEOC does not maintain an office in Oregon. The Seattle Field Office is open Monday – Friday from 8 a.m. – 4:30pm.

File a Charge of Discrimination: <http://www.eeocomplaint.com/>

Department of Labor, Office of Federal Contract Compliance (OFCC)

1315 SW Fifth Avenue, Suite 1030
Portland, OR 97201
Phone Number: 503.326.4112

The U.S. Department of Labor

Pacific Regional Office 71 Stevenson Street, Suite 1700
San Francisco, CA94105
Phone Number: 503.848.6969

The Civil Rights Office of Health & Human Services

Office of Civil Rights, Region D
2201 Six Avenue, Mail Stop RX-11
Seattle, WA 98121
Phone Number: 206.615.2290 Phone Number: 206.615.2296
(TDD)

The Board of Chiropractic Examiners remains committed to its policy on Affirmative Action and Equal Opportunity and to a rigorous and active affirmative action program. My personal commitment to these ideas is represented in the Affirmative Action Plan. Likewise, the Plan represents the Board's commitment to equal opportunity and affirmative action in employment and public service consistent with all applicable federal and state laws, including, but not limited to: Executive Order 11246; Title VII of the Civil Rights Act of 1964; Sections 503 and 504 of the Rehabilitation Act of 1974; the Vietnam Era Veterans Readjustment Assistance Act; and the Americans with Disabilities Act. This Affirmative Action Plan has my complete authorization and commitment.

Cassandra C. Skinner, J.D., Executive Director

Date

If you have any questions regarding the agency's Affirmative Action Plan please contact the Affirmative Action Representative listed below.

Cassandra C. Skinner, Affirmative Action Representative
Oregon Board of Chiropractic Examiners
503-373-1620
cass.skinner@oregon.gov

B. *Agency Diversity & Inclusion Statement*

The Board of Chiropractic Examiners provides a leadership culture that fosters and embeds diversity and inclusion throughout its operations, both internally with staff and externally with public members, stakeholders and partners by increasing diverse and multicultural perspectives, improving business and service delivery outcomes, increasing certified firm contracting inclusion, improving individual and organizational cultural competencies, improving organizational accountability, maximizing taxpayer dollars, and improving public confidence and community relations.

C. *Training, Education and Development Plan (TEDP)*

1. Employees

The affirmative action and equal employment opportunity policies are made known internally by distribution of the policy to all employees via email. All current employees have access to email, however, if an employee did not have email access, distribution would be via hardcopy. The Affirmative Action Plan and the Equal Employment Opportunity policy are also available on the Board's website. New employees are trained at orientation regarding their rights and responsibilities under the Board's affirmative action plan and other Board policies to eliminate discrimination or harassment on the basis of age, color, marital status, mental or physical disability, national origin, race, religion, sex, sexual orientation, or other any reason prohibited by state or federal statute. They are provided a copy of the Board's Affirmative Action and Equal Employment Opportunity Policy and Plan and encouraged to review and discuss questions or concerns with the Executive Director. Additionally, the Affirmative Action Plan and equal employment opportunity policies are made available and included in each position's internal staff desk manual.

All employees are made aware of any training and information via state e-mail or a staff distribution list on topics related to maintaining a discrimination, harassment, and violence-free workplace and work process. Agency staff will attend training in the areas of AA/EEO, Valuing Diversity and Harassment. Training may be in the form of guest speakers during all-staff meetings, formal classes, sharing of information from the Governor's Affirmative Action Office, and/or one-on-one discussions.

Employee performance evaluations are administered by the Executive Director annually. The Executive Director (the Board's sole management personnel) will be evaluated by the Board annually for adherence to this Affirmative Action Plan.

The Board's recruitment announcements and advertisements identify the Agency as an Equal Opportunity/Affirmative Action employer and include the statement, "THE BOARD OF CHIROPRACTIC EXAMINERS IS AN EQUAL OPPORTUNITY, AFFIRMATIVE ACTION EMPLOYER COMMITTED TO WORK FORCE DIVERSITY."

Because the Agency's staff consists of 5.0 FTE, possibilities for advancement within the Agency are limited due to qualification requirements. Despite these limitations, the Agency will make efforts to ensure that all employees are afforded advancement opportunities by planning for succession. The Executive Director is working to identify people that could move into key positions. In addition, because of the very small size of the agency, much cross-training has been implemented to accommodate key employee absence. This is facilitated through efforts by the Executive Director to incorporate special project assignments in order for employees to acquire new skills. It is the Board's policy to continue and expand this practice for purposes of succession planning, and to provide resources for employees to encourage their career development in state service, as is reasonably practicable to do. To accomplish this, the Board may provide opportunities for training to employees for developing proficiency, enhancing skills and encouraging development in areas for potential advancement. Staff shall be eligible for

mandated and required training. Suggested training opportunities will be considered by the Executive Director for approval. In addition, the Agency utilizes all available state resources for recruiting vacancies and recently hired a new Executive Director who increased age, gender, and sexual orientation diversity among staff members.

The Agency holds regular staff meetings and all staff are required to attend. If a staff member is unable to attend, the Executive Director will fill that person in on the subject matter covered, either in person or through email using notes taken during the meeting.

2. Board Members

The Agency provides new Board Members with a copy of the Affirmative Action Plan. Board Members are invited to participate in cultural diversity training sessions and diverse volunteers for Board subcommittees are actively recruited by Board members.

3. Volunteers

Volunteer training includes a component wherein issues related to ADA accommodations and cultural competency and awareness issues are described and discussed. Volunteers are provided with a copy of the Affirmative Action Plan or directed to the Board's website where the Plan is available for public viewing. In addition, volunteers have access to the affirmative action and equal employment opportunity policies via the Board's Web page (http://cms.oregon.egov.com/OBCE/pdfs/2011-13_obce_affirmative_action_plan.pdf).

The Board has not utilized any volunteers during the 2011-2013 biennium, and it is unclear whether any will be utilized during 2013-2015. Volunteers would be included in the Board's periodic reviews of the Affirmative Action Policy Statement and any regular staff discussion of the Affirmative Action Plan in addition to their initial training.

4. Contractors/Vendors

When contracts are established or renewed, the Board provides contractors/vendors with a copy of the Affirmative Action Plan or directs them to the Board's website where the Plan is available for public viewing.

D. Programs

The Board of Chiropractic Examiners uses a number of approaches in executing a diversity program and bringing new people into the work force, creating opportunities for existing employees, and promoting an environment that is welcoming, tolerant and supportive.

1. Internship Program

The Agency does not currently have an internship program due to insufficient budget resources. However, the Board recognizes the importance of enhancing work-based learning opportunities through creating and maintaining relationships with public and private schools that promote an effective and efficient workforce in state government and would consider employing a college or high school level student intern on an as-needed basis through a program such as the School-to-Work: Career Related Learning Program,

Willamette University MBA Program's Practical Application for Careers and Enterprises Consulting in Non-Profit and Public Organizations (PACE) Program, Salem-Keizer School District's Ready to Learn, Ready to Work Program, or other programs.

The Board shall periodically evaluate the need for an intern as determined by the business needs and available resources of the organization. If and when a need is determined, the agency shall commit to establish a work-based learning program that is mutually beneficial to state employees, students, and educators. The Board will attempt to recruit an intern whose career goals are aligned with the needs of the specified project. The position should offer progressive skill mastery, broad instruction in a variety of elements, workplace mentoring, and instruction in general workplace competencies. In addition, if the opportunity is available, the Board will offer employment within the agency after the program is completed.

2. Mentorship Program

The Board does not have a formal mentorship program for employees, other than the cross-training that is being implemented for succession planning, and new employee training. The Board does have an existing panel of mentors available to assist chiropractors who have been disciplined or reprimanded in addressing the issues they are faced with.

3. Community Outreach Program

The Board of Chiropractic Examiners utilizes community programs such as the Oregon Chiropractic Association, the American Chiropractic Association, the International Chiropractors Association, the Federation of Chiropractic Licensing Boards, the National Board of Chiropractic Examiners, and local university chiropractic programs for soliciting participation and feedback on initiatives affecting consumers and others.

The Board's greatest strength is the quality of and diversity of our employees who differ in age, race, nationality, ability, gender and sexual orientation, and religious beliefs and operates across multiple cultures and languages. The Board encourages its employees to participate in various organizations within their community. The Board is committed to fostering a collaborative working relationship with organizations to various initiatives, such as:

- Regular contact with local groups representing the protected classes.
- Affirmation to such groups that the agency is an equal employment opportunity employer.
- Sharing job opportunities with local ethnic organizations, local ethnic chambers, tribes, faith-based organizations, local ethnic newspapers, etc. in a timely manner.

- Ensure protected classes personnel are aware of promotional opportunities as they arise.

4. Diversity Initiatives Program

The Board is committed to taking steps to establish and embrace relationships with people representing different cultures by:

- Increasing knowledge of the characteristics, experiences, and common beliefs shared by people of different cultures, and disseminating that within the group or community.
- Establishing or embracing relationship with people representing different cultures.
- Fostering respect for diverse ways of doing things.
- Working together with people of other cultures in the State to reach common goals.
- Identifying the benefits of multiple perspectives in achieving the Agency's vision and seeking out potential productive partnerships with those who have such perspectives.
- Acknowledging that each person is unique and brings a unique set of beliefs and experiences. Consequently, identifying the many cultures that each person belongs within results in a complex and rich set of perspectives and histories. In promoting cultural competence, we are embracing:
 - The difference in people.
 - Respect for all and their individual dignity.
 - Culture(s) as core to who one is.

The Board's initiatives and activities to promote diversity include:

- Communicating to all staff in a variety of mediums the importance of diversity;
- Asking staff to focus on the organization and provide suggestions on ways to improve our diversity performance;
- Ensuring that employees are an integral part in the design of Board's efforts to plan and conduct affirmative action/equal employment opportunity and diversity activities;
- Widely disseminate the Board's Affirmative Action Plan goals throughout the agency;
- Making presentations to community organizations such as Oregon Chiropractic Association conferences and higher educational facilities about the work of the Agency which in turn creates interest in the chiropractic profession;
- Assigning adequate resources to the affirmative action/equal employment opportunity activities. The Board will continue to revisit its budget to identify resources for its affirmative action/equal employment opportunity activities;
- Evaluating training resources in intercultural communication to address the communication style across cultures and generational differences within the Board;

- Drawing upon different sources to advertise our recruitments;
- Promoting a respectful workplace by offering training on diversity awareness, improving communications, conflict management, and fostering an open atmosphere to talk about problems and ideas;
- Creating a welcoming environment by fostering an acceptance of people's differences and treating everyone with respect and professionalism whether they are staff, consumer or vendor;
- Posting notices and forwarding e-mails that talk about cultural activities and other information that supports diversity and tolerance;
- Displaying the agency's commitment to the Affirmative Action Plan by publicizing it on the Board website and providing digital and hard copies;
- Providing the State Diversity Survey to applicants and licensees and tracking the racial and ethnic makeup of these individuals so that Board staff may provide consumer referrals reflective of language and cultural needs.

5. Leadership Development/Training Program

The Executive Director is an alumna of Oregon Health Authority's Office of Equity and Inclusion's DELTA (Developing Leadership through Training and Action) program and participates with past and current members as often as possible.

E. *Update: Executive Order 08-18*

1. Cultural Competency Assessment and Implementation Services

Cultural Competency Assessment and Implementation Services – is a proactive management strategy designed to identify best practices and reduce any discriminatory behaviors that may exist within the Board. Through an assessment the Board will enable itself to address: the creation of a climate of increased awareness; appropriately identifying and responding to cultural and language barriers for the Board of Chiropractic Examiner's employees and the public; a common understanding of how all members of the organization should be valued and respected; a promotion of managerial skills among diverse employees; an understanding of the roles of the Board's Executive Director and employees in creating a welcoming environment and the improvement of employee morale.

The Board will work towards implementing a Cultural Competency Assessment within the existing budget limitation. It is anticipated that this assessment will help determine where the Board's culture lies in the spectrum from culturally unaware to culturally competent. A culturally competent organization is able to use the policies, people and resources it has to systematically anticipate, recognize and respond to varying expectations of customers and employees. A culturally competent organization values individuals for their differences instead of expecting individuals to adapt to the organization's culture. The Board, its employees, and customers will immediately benefit from their movement along the spectrum towards cultural competence.

2. Statewide Exit Interview Survey

The Board of Chiropractic Examiners offers an exit interview when employees separate from state employment. The interview includes discussion and follow-up with the Executive Director on any concerns or trends. The Board will ensure that each separating employee is sent the link to the State's exit interview survey as required by Executive Order 08-18, and will encourage employees to complete the survey prior to separation. The survey allows the employee to share their honest opinions regarding their work experience with the agency. As employees change agencies or separate from state employment, the Board is interested in how employees view their tenure and what information and suggestions they can provide related to their experience. The survey covers issues such as: benefits, working conditions, opportunities for career advancement, the quality and quantity of the workload, and relationships with co-workers and supervisors.

The Board will review the results collected and perform a data analysis. The data will provide an understanding of how much of the voluntary turnover is preventable. If the analysis identifies a negative opinion regarding the agency's workplace environment, the Board will use this information as an opportunity to make changes to improve the work environment for the current employees, and improve job satisfaction.

Data obtained from employees leaving the agency provides information critical to:

1. Assess workplace deficiencies;
2. Enhance the work place;
3. Improve employee retention;
4. Achieve a diverse workforce through workforce planning; and
5. Improve any negative feedback from the survey.

Trend analysis is unnecessary due to the limited agency turnover. Instead, exit surveys are viewed in a qualitative manner (as described above) and considered when reviewing position job description and general agency practices.

3. Performance Evaluations of all Management Personnel

The Board of Chiropractic Examiners remains committed to compliance with the Governor's executive orders requiring the inclusion of diversity and affirmative action requirements in position descriptions and annual performance evaluations. The Executive Director is the Agency's sole management personnel. Performance accountability in the areas of Affirmative Action and Diversity will be reviewed during annual evaluations.¹ Any goals or work plans for future performance will be outline in the evaluation.

¹ *To achieve the public policy of the State of Oregon for persons in the state to attain employment and advancement without discrimination because of race, religion, color, sex, marital status, national origin, handicap or age, every state agency shall be required to include in the evaluation of all management personnel the manager's or supervisor's effectiveness in achieving affirmative action objectives as a key consideration of the manager's or supervisor's performance.* Executive Order 08-18.

Executive Director's affirmative action duty descriptions:

- a) Understand Equal Employment Opportunity (EEO), Affirmative Action (AA), Diversity and Cultural Competency principles, and the agency's AA Plan goals and objectives. Develop and implement strategies to meet goals and objectives; and report annual efforts, successes and/or accomplishments during the period;
- b) Review hiring, transfers, promotional, developmental/rotational or training practices and procedures to identify and remove barriers in the attainment of the agency's affirmative action goals and objectives;
- c) Make hiring, transfer and promotional decisions in support of agency's affirmative action goals and objectives. Engage in appropriate recruitment efforts designed to reach agency's affirmative action goals and objectives;
- d) Promote and foster a positive work environment within the agency programs concerning EEO, AA, Diversity and Cultural Competencies by ensuring employees are aware and follow agency policies and procedures, and address work-related issues and/or concerns immediately and take appropriate action if necessary;
- e) Attend EEO, AA, and other diversity-related training to provide leadership to staff by being aware of diversity and cultural issues. This also includes supporting employees to attend such programs for further professional development; and
- f) Ensure information regarding EEO, AA and Americans with Disabilities (ADA) information is properly displayed on the appropriate boards at the worksites(s).

F. *Status of Contracts to Minority Businesses (ORS 659.015)*

The Board of Chiropractic Examiners does not have any contracts, nor contracts that exceed \$5,000, with certified minority businesses (MWESB). Our contracts are with subject matter individual experts who are called upon for single-need issues. For 2013-2015, the Board entered into contracts with 7 males and 3 females. Of the male contractors, 6 were Caucasian and 1 African American. Of the female contractors, 2 were Caucasian and 1 Hispanic. If the Board should have a need in the future, competitive contracts will be posted on the State's ORPIN system to ensure that the pool of responders is as varied as possible.

III. Roles for Implementation of Affirmative Action Plan

A. *Responsibilities and Accountabilities*

The Board of Chiropractic Examiners provides overall direction and resources to support the Affirmative Action Plan. The Board will foster-- and promote to employees-- the importance of a diverse workplace free from discrimination and harassment. The Board is committed to the use of Affirmative Action precepts in hiring employees and in making appointments to its membership. The Board will continue its implementation of the Affirmative Action Plan by

exercising impartial and unbiased evaluations of future employment applications and interviews.

1. Executive Director

The Executive Director plays a leadership role in dedicating the agency to a policy of equal employment opportunity and conveying a sense of that commitment both within and outside of the organization. The Executive Director has overall responsibility for implementing and monitoring the Affirmative Action Plan and for ensuring compliance with all applicable federal and state laws, rules and regulations. Duties include:

1. Foster and promote the importance of a diverse, and discrimination and harassment free workplace, to Agency members and employees. Participate in cultural diversity trainings, orientations, and be an example of cultural awareness;
2. Review equal employment opportunity, affirmative action, and diverse work environment progress and problems at least annually. Approve strategies and timetables for meeting goals; and
3. Ensure that employees receive an orientation on the Agency's affirmative action goals and responsibilities and understand their own responsibilities for helping promote the affirmative action goals and objectives in the Agency.

Annual performance reviews will include ratings on the Director's support and effectiveness of the agency's Affirmative Action Plan.

2. Employees

Employees have an overall responsibility for complying with the Affirmative Action Plan and all applicable federal and state laws, rules, and regulations. Duties also include:

1. Individually model awareness and acceptance of a diverse, and discrimination and harassment free workplace and work process; and
2. Act in a responsible manner if they become aware of any Agency employee engaging in any type of harassment or insensitivity towards internal or external customers and co-workers.

3. Affirmative Action Representative

The Board entrusts and delegates to the Executive Director the responsibility for implementation and adherence to the Affirmative Action goals to which the Board is committed. Additional duties within this capacity include:

1. Work with Board members and staff to make sure they understand their responsibilities for promoting a diverse workforce environment and helping attain the goals of the Agency;
2. Ensure recruitment includes contacting recruitment sources such as minority and women-specific web sites, community agencies, community leaders and schools for the recruitment of people of color, persons with disabilities and women. Emphasize the Agency's support of equal employment opportunity, affirmative action, and a diverse workforce;

3. Ensure that all newspaper advertisements and announcements of employment opportunities contain the notice that the Agency is an Equal Opportunity/Affirmative Action Employer;
4. Discuss the State of Oregon/OBCE Affirmative Action Plan and Policy in New Employee Orientation. Include in the discussion:
 - a. A general overview of the relevant state and federal laws and regulations;
 - b. The role the Agency plays in providing equal employment opportunity; and
 - c. The location of the Agency's Affirmative Action Plan and how it can be utilized.
5. Train and inform all employees at New Employee Orientation concerning their rights and responsibilities under the Agency's affirmative action policy, and other Agency policies to eliminate any harassment based on race, sex, age, religion, sexual orientation, or disability;
6. Review all exit interviews received. If it appears that discrimination or harassment was a factor in employee separation, conduct an investigation and take appropriate action;
7. Evaluate revised and new policies for possible adverse impact on the Agency's commitment to affirmative action and equal employment opportunity;
8. Serve as a liaison between the Agency and the state and federal agencies that protect civil rights;

Annual performance reviews will include ratings on the Executive Director's support and effectiveness of the agency's Affirmative Action Plan.

IV. July 1, 2013 – June 30, 2015

A. *Accomplishments*

- The Agency employs a total of 5.0 FTE and has employed a number of individuals as temporary investigators, including individuals from protected classes.
- The Agency surveys all licensees and applicants for tracking and reporting language and race statistics. Applicant surveys are included in application packets, and licensee survey statistics are included in the Agency communications with licensees. The data is stored in the Agency database and can be queried for various types of information. This has enabled the Agency staff to assist consumers searching for culturally competent services and/or specific languages. In addition, if the Agency gets requests for referrals to specific racial groups we can respond to that. This data also helps with our key committee recruitment efforts.
- The Agency has a chiropractic patient brochure on the website in four languages.

B. *Progress made or lost since previous biennium*

- The number of people of color, people with disabilities, and women employed at the Agency remained the same until the Board's hire of the newest Executive Director, an LGBTQ woman, and the retirement of the former Executive Director.
- There were no promotions of any employees during the previous biennium. However, when promotional opportunities occur, the agency monitors for equal access for people of color, people with disabilities, and women.
- Cross-training and career developmental opportunities continue to be encouraged. The Board's goal is to retain employees by keeping them challenged and giving them room for growth.
- The Board's retention strategy is to:
 - Value our employees and urge them to participate in decisions that affect their work;
 - Treat our employees with respect and dignity;
 - Show our employees the benefits of working for the State of Oregon from pay to health insurance to location;
 - Support our employees in their learning and personal development plans;
 - Carefully maintain the Board's reputation for professionalism by making it a business people are proud to work for;
 - Communicate well and often. Let people know what is happening in the organization;
 - Make wise hiring decisions and continually evaluate our hiring practices;
 - Hold people accountable for adhering to our respectful workplace and harassment-free policy;
 - Encourage employees to avail themselves of promotional and job developmental opportunities within Oregon State Government;
 - Educate all employees and members in their responsibility to promote a working environment free from discrimination;
 - Comply with all federal rules and state laws and regulations regarding the employment of individuals with disabilities; and
 - Facilitate work environment that is attractive to a diverse pool of applicants, retains employees, and is accepting and respectful of employees' differences.
- Agency strengths:
 - The Agency has historically enjoyed a high level of staff retention.
 - Small agency size creates greater ease of communication. It is easy to ensure that everyone is involved in the policies and initiatives of the organization.

- The Agency has internal staff manuals that are updated regularly. This facilitates the passing of knowledge within the agency and mitigates the risk associated with an unexpected/sudden employee departure.
- Some challenges identified:
 - Limited agency size – a fluid retention strategy is somewhat difficult because of the nature of a very small agency. Over the years, the Board has seen a continuing increase in the number of applicants, licensees, and consumer complaints.
 - Each staff member employs a specialized function and is key to the Agency. Thus ensuring staff coverage during staff vacations, holidays and staff illnesses can be challenging.
- If the above challenges are not faced, or if the agency does not maintain a comprehensive retention strategy, we could potentially lose the skill and talent of key employees.
- Prior to the hire of the new Executive Director, the Agency identified that one generation of employees existed within the Agency: the “Baby Boom” generation (born 1946-1964). The Board experienced challenges in recruiting for the Executive Director position and had to open the search twice due to too small of a pool of qualified applicants.
- The current EEO/demographic makeup of the staff is as follows:
 - 3 women, ages 39, 51, 56, all Caucasian, 2 of whom are heterosexual, 1 of whom is bisexual, and 1 of whom is physically disabled;
 - 2 men, ages 39 and 65, 1 of whom is African American, and 1 of whom is Caucasian.
- The Board has utilized the services of several temporary employees of Latino origin in the last biennia. They assisted with investigations.
- The Executive Director and Board have encouraged and recruited chiropractic physicians from protected classes to apply for membership on the Board and on key board committees and sub-committees, such as Peer Review, Rules Advisory and ETSDP (devices & procedures).
- The Agency has made it a priority to attend the next Affirmative Action workgroup in order to learn new strategies to retain/promote employees of protected classes.
- The Executive Director performs an ongoing review and evaluation of the Agency’s hiring practices.

V. July 1, 2015 – June 30, 2017

A. Goals

The Oregon Board of Chiropractic Examiners Affirmative Action and Diversity goals for the 2015-2017 Biennium are:

1. Advertise and recruit for diversity for the Board and the Board’s committees and have demonstrable results.

2. Improve the response rate for the Agency's Race, Ethnicity, and Language Skills questionnaire that are provided to Doctor of Chiropractic and Chiropractic Assistant applicants.
3. Review the Oregon Health Authority's recommendations for culturally appropriate continuing education.
4. Identify and implement a Cultural Competency Assessment within the existing budget limitation.
5. Continue to provide information and opportunities for staff to participate in diversity training and multi-cultural events, and seek new opportunities for working with higher education and local ethnic groups. The Board will continue to develop strategies to recruit, retain and promote a diverse staff. The Board recognizes the value of individual and cultural difference and creates a work environment where talents and abilities are valued. If vacancies occur, OBCE will explore new and different venues to promote a diverse pool of applicants, including attending job fairs and trade shows.
6. Revise, as needed, recruitment and promotion policies and criteria for exceptions that provide the opportunity for the Board to recruit a more diverse population and also provide appropriate advancement opportunities for incumbents, including a focus on the retention of women and minorities.
7. Continue to communicate the importance of diversity in staff meetings and include diversity discussions with staff. The Board utilizes diversity within the workforce by incorporating diverse perspectives into business decisions. The Board will continue to communicate cultural events throughout the area via posting on the employee bulletin board.
8. Continue the focus on developing a work environment that is attractive to a diverse pool of applicants, retains employees, and is accepting and respectful of employees' differences. Respectful workplace behaviors are expected and enforced.
9. Encourage employees to avail themselves of promotional and job developmental opportunities within Oregon State Government.
10. The Executive Director (who is also the Affirmative Action Representative) will be evaluated by the Board annually for her adherence to this Affirmative Action Plan and on the basis of involvement in achieving the affirmative action objectives.

B. *Strategies and Timelines for Implementation*

The Affirmative Action strategies of the State Board of Chiropractic Examiners for the 2015-2017 biennium are to:

1. Educate all employees and members in their responsibility to promote a working environment free from discrimination. Encourage employees to promote a working environment free from discrimination. *Timeline: Ongoing*
2. Disseminate policies to all employees and members, and make policies accessible through a variety of sources. *Timeline: Ongoing*
3. Continue to track applicant and licensee race and language statistics and provide assistance to citizens searching for culturally competent services and/or specific languages. *Timeline: Ongoing*
4. Provide hiring personnel the tools and support needed to make good hiring decisions to attract qualified candidates and achieve affirmative action goals. *Timeline: Ongoing*
5. Comply with all federal and state laws and regulations regarding the employment of individuals with disabilities. *Timeline: Ongoing*
6. Assess the performance of the Executive Director based on their good faith efforts to support and promote the affirmative action plan. *Timeline: In progress*
7. Continue the focus on developing a work environment that is attractive to a diverse pool of applicants, retains employees, and is accepting and respectful of employees' differences. Continue to keep cultural diversity in the forefront of all employees by sending out information sent to us by the Governor's Affirmative Action Office and showing the Executive Director's commitment to cultural diversity by being an example of patience, tolerance and respect.
8. Support employees to attend EEO, AA, and other diversity-related training to provide leadership to staff by being aware of diversity and cultural issues and to further professional development. Encourage staff to sign up for the Cultural-Health E-Newsletter, which is designed to update members on various multicultural health issues affecting communities. *Timeline: Ongoing*
9. Continue to encourage employees to avail themselves of promotional and job developmental opportunities within Oregon State Government. *Timeline: Ongoing*
10. Review all selection, promotional, and training procedures to ensure non-discriminations in practice. Review equal employment opportunity, affirmative action, and diverse work environment progress and problems. *Timeline: Annually or As Needed*

11. Continue to encourage the Board's policy of cross-training and career developmental opportunities. The Agency's goal is to retain employees by keeping them challenged and giving them room for growth. *Timeline: Ongoing*

VI. Appendix A

A. OBCE's Policy Documentation

1. ADA and Reasonable Accommodation Policy

Applicability

This policy applies to all applicants, board members, employees, and contractors of the Oregon Board of Chiropractic Examiners (Board).

Definitions

Reasonable Accommodation

Is "any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has the same rights and privileges in employment as non-disabled employees."

Person With a Disability

A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment or is regarded as having such an impairment.

Undue Hardship

Significant difficulty, expense, or impact on the agency when considered in light of a number of factors that include the nature and cost of the accommodation in relation to the size, resources, and structure of the agency.

ADA Coordinator

The Executive Director is designated as the ADA Coordinator pursuant to part 35.107 of the American's with Disabilities Act.

Policy

It is the policy of the Oregon Board of Chiropractic Examiners (Board) to employ and advance in employment qualified individuals with disabilities. The Board shall make reasonable accommodations to the known physical or mental limitations of a participating member of the public, a consumer of agency services, or an agency job applicant or employee, unless to do so would create an undue hardship on the agency, as provided under the Americans with Disabilities Act (ADA).

Any Doctor of Chiropractic applicant who has a disability and requires some accommodation in taking the Oregon Specifics written examination will need to submit the "Request for Accommodation" form that is provided along with the application. The need for accommodation should be specifically outlined in the "comments" section of the form.

The Board will make every effort to furnish appropriate and necessary auxiliary aids to ensure that individuals with disabilities will have equal opportunities to participate in activities and to receive program services.

In compliance with ADA guidelines, the Board will provide special materials, services or assistance to individuals with a disability upon sufficient notice to the board office. The Oregon Relay Service – 711 – is available to assist individuals with speech or hearing disabilities. In addition, the Speech to Speech Relay Service supplies Oregon with a toll-free number (1-877-735-7525) to assist individuals whose speech may be difficult to understand. If an individual does not request an accommodation, the Board is not obligated to provide one.

No employee of the Board nor any entity contracting with it may coerce, intimidate, threaten, or interfere with any individual who has opposed any act or practice prohibited by the ADA; participated in any investigation; or aided or encouraged others to assert rights granted under the ADA.

An individual who believes they have been discriminated due to their disability should contact the ADA Coordinator, Board Chairperson, or other board member(s). If the issue is not resolved to the individual's satisfaction, they may file a grievance with the:

- U.S. Dept. of Justice Civil Rights Division – PO Box 6618, Washington, D.C., 20530
- Equal Employment Opportunity Commission – 1801 L. St. NW #9024, Washington, D.C. 20507

Applicability

This policy applies to all board members, employees, and contractors of the Board of Examiners of Chiropractic Examiners (Board).

DEFINITIONS

Discrimination An act based on prejudice.

Harassment A form of offensive treatment or behavior which to a reasonable person creates an intimidating, hostile, or abusive work environment. Harassment may include, but is not limited to, verbal harassment such as racial epithets, ethnic or sexual jokes, and derogatory comments; physical harassment, such as unwanted touching, physical interference with normal work or movement, or assault; visual or audio harassment, such as derogatory or sexually or racially offensive posters, degrading songs, cartoons or drawings in any form, including written, computer generated or telephonic; and sexual harassment.

Sexual Harassment Any sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

- b. Submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Policy

It is the policy of the Board to maintain a workplace environment free of discrimination or harassment whereby all employees and contractors experience a positive and respectful work environment free from behavior, actions, or language that constitutes discrimination or workplace harassment.

Board members are committed to providing a work environment free from harassment. Harassment violates human dignity, undermines integrity, and diminishes morale. All board members, employees, and contractors have the responsibility to conduct themselves in accordance with this policy to maintain an environment that is free from discrimination or workplace harassment.

Harassment or discrimination of any nature – whether because of race, color, national origin, physical or mental disability, age, religion, sex, sexual orientation, marital status, or any other reason prohibited by law, union contract or policy of the State or Federal government – is illegal and unacceptable conduct and will not be tolerated.

This policy prohibits retaliation against employees who bring allegations of conduct in violation of this policy or assist in investigating charges, or who report harassing behavior directed at persons other than the employee. This policy also prohibits retaliation against employees who complain that they are the victims of employment related discrimination.

The Board and its Executive Staff shall enforce this policy by maintaining a current copy of the policy and procedures on its web site for review by all employees, volunteers, contractors and the public at large. All new employees, volunteers and contractors are automatically subject to the provisions of the policy herewith by virtue of employment or by contractual agreement and required to fully comply with the policy. Any substantiated incident of harassment, inappropriate behavior, or retaliation for reporting harassment or cooperating in an investigation, shall result in corrective action, which may include disciplinary action up to and including dismissal of the employee or termination of a contract.

Procedures For Reports Or Complaints To Board Management Concerning Harassment Or Discrimination In The Workplace.

The following procedures shall be followed by staff members and volunteers who wish to bring incidents of alleged harassment or discrimination to the attention of the Board or Executive Staff. All references to staff members apply equally to volunteers.

Step 1

Staff members are encouraged to bring any initial incidents of alleged harassment or discrimination to the attention of the Executive Staff or members of the Board. Staff members may make an oral complaint or written complaint.

Complaints should include the name of the complainant, the name of the persons alleged to have engaged in the prohibited conduct, a specific and detailed description of the conduct that the employee believes is discriminatory, and a description of the remedy the employee is seeking, if any.

The Executive Staff will immediately consult a state personnel manager, Board Chair or alternate member to report the complaint.

Step 2

Executive Staff or a Board designee will pursue one of the following courses of action (A or B) depending upon the severity of the alleged incident, and upon whether the staff member bringing the incident to management attention decides to file a formal complaint with the agency concerning the incident or not.

- A. If the staff member is the recipient of the unwanted behavior and does not wish to file a formal complaint with the agency concerning the incident in question, but merely wishes to raise awareness or alert attention to a perceived problem:
1. Management will maintain confidentiality of the staff member making the report and the incident reported to the extent possible, as determined on a case by case basis;
 2. The discussion will be documented in a report to the personnel file, Board Chair or Board designee;
 3. The staff person will be asked to sign the documentation.
 4. The Executive Staff will meet with the employee to discuss alternatives for responding to their concerns. This could include coaching, referral or moving forward with an investigation.
 5. The Board Chair or designee will work with Executive Staff to ensure that immediate and appropriate corrective action occurs, as warranted by the incident reported.
- B. If the staff member wishes to file a formal complaint with the agency concerning the incident:
1. Executive Staff will review the complaint procedure with the staff member;
 2. The staff member will provide the Executive Staff, or other appropriate management personnel with a signed complaint;
 3. The persons involved in the incident will be notified and an investigation of the complaint will be initiated by the Executive Staff and/or Board Chair or designee;
 4. Investigations and corrective or disciplinary action will be conducted in accordance with all applicable laws, collective bargaining agreements and State of Oregon policies and procedures;
 5. The investigation will determine whether the alleged conduct occurred and will recommend an appropriate type and level of corrective action, if any;
 6. The complainant and alleged perpetrator will receive a response in writing within 30 days of receipt of the complaint.
 7. Sensitivity to confidentiality concerns will be maintained, however, confidentiality for any of the parties involved cannot be totally guaranteed.

The Board encourages employees to take action if they are experiencing unwelcome behavior. Employees have the right, and are encouraged, to communicate such concerns and should contact the Board Chairperson or other board member(s). If the issue is not resolved to the employee's satisfaction, they may elect to file a complaint with:

- Oregon Bureau of Labor and Industries, Civil Rights Division – 800 NE Oregon Street #1045, Portland, OR 97232
- Equal Employment Opportunity Commission, Seattle District Office – 909 First Avenue, Ste 400, Seattle, WA 98104-1061

Nothing in this process precludes any person from filing a formal grievance in accordance with a collective bargaining agreement.

2. Discrimination and Harassment Free Workplace – (*Statewide Policy No. 50.010.01*) – *see attached*
3. Veterans Preference in Employment

105-040-0015

Veteran's Preference in Employment

Applicability: Recruitment and selection processes for all State of Oregon positions in agencies subject to ORS 240, State Personnel Relations Law, including but not limited to promotional opportunities.

(1) Definitions: (See also HRSD Rule 105-010-0000 Definitions Applicable Generally to Personnel Rules and Policies.)

(a) Initial Application Screening: An agency's process of determining whether an applicant meets the minimum and special qualifications for a position. An Initial Application Screening may also include an evaluation of skills or grading of supplemental test questions if required on the recruiting announcement.

(b) Application Examination: The selection process utilized by an agency after Initial Application Screening. This selection process includes, but is not limited to, formal testing or other assessments resulting in a score as well as un-scored examinations such as interviews and reference checks.

(c) Veteran and Disabled Veteran: As defined by ORS 408.225 and 408.235.

(2) Application of preference points upon Initial Application Screening: Qualifying Veterans and Disabled Veterans receive preference points as follows;

(a) Five Veteran's Preference points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215), or a letter from the US Department of Veteran's Affairs indicating the applicant receives a non-service connected pension with the State of Oregon Application; or

(b) Ten Disabled Veteran's points are added upon Initial Application Screening when an applicant submits as verification of eligibility a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214 or 215) with the State of Oregon Application. Disabled

Veterans must also submit a copy of their Veteran's disability preference letter from the US Department of Veteran Affairs, unless the information is included in the DD Form 214 or 215.

(c) Veteran's and Disabled Veteran's preference points are not added when a Veteran or Disabled Veteran fails to meet the minimum or the special qualifications for a position.

(3) Following an Initial Application Screening the agency generates a list of qualified applicants to consider for Appointment. An Appointing Authority or designee may then:

(a) Determine whether or not to interview all applicants who meet the minimum and special qualifications of the position (including all Veterans and Disabled Veterans); or

(b) Select a group of Veteran and Disabled Veteran applicants who most closely match the agency's purposes in filling the position. This group of applicants may be considered along with non-veteran applicants who closely match the purposes of the agency in filling the position as determined by:

(A) Scored Application Examinations (including scored interviews): If an agency utilizes, after an Initial Application Screening, a scored Application Examination to determine whom to consider further for Appointment, the agency will add (based on a 100-point scale) five points to a Veteran's score or 10 points to a Disabled Veteran's score or;

(B) Un-scored Application Examinations: Un-scored Application Examinations done by sorting into levels (such as "unsatisfactory," "satisfactory," "excellent") based on desired attributes or other criteria for further consideration will be accomplished by:

(i) Advancing the application of a Veteran one level;

(ii) Advancing an application of a Disabled Veteran two levels.

(4) Preference in un-scored interviews: A Veteran or Disabled Veteran who, in the judgment of the Appointing Authority or designee, meets all or substantially all of the agency's purposes in filling the position will continue to be considered for Appointment.

(5) If a Veteran or Disabled Veteran has been determined to be equal to the top applicant or applicants for a position by the Appointing Authority or designee then the Veteran or Disabled Veteran is ranked more highly than non-veteran applicants and, a Disabled Veteran is ranked more highly than non-veteran and Veteran applicants.

(6) Preference described in Sections 2 through 5 of this rule is not a requirement to appoint a Veteran or Disabled Veteran to a position. An agency may base a decision not to appoint the Veteran or Disabled Veteran solely on the Veteran's or Disabled Veteran's merits or qualifications.

(7) A Veteran or a Disabled Veteran applicant not appointed to a position may request an explanation from the agency. The request must be in writing and be sent within 30 calendar days

of the date the Veteran or Disabled Veteran was notified that they were not selected. The agency will respond in writing with the reasons for not appointing the Veteran or Disabled Veteran.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth: ORS 240.145(3) & 240.250

Stats. Implemented: ORS 408.225, 408.230 & 408.235

Hist.: HRSD 3-2007(Temp), f. & cert ef. 9-5-07 thru 3-3-08; HRSD 1-2008, f. 2-27-08, cert. ef. 3-1-08; HRSD 3-2009, f. 12-30-09, cert. ef. 1-1-10

VII. Appendix B

1. Age Discrimination in Employment Act of 1967 (ADEA) - <http://www1.eeoc.gov/laws/statutes/adea.cfm?renderforprint=1>
2. Disability Discrimination Title I of the Americans with Disability Act of 1990 - <http://www1.eeoc.gov/laws/statutes/ada.cfm?renderforprint=1>
3. Equal Pay and Compensation Discrimination, Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964 - <http://eeoc.gov/laws/statutes/epa.cfm>; <http://www.eeoc.gov/laws/statutes/titlevii.cfm>
4. Genetic Information Discrimination Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) - <http://www.eeoc.gov/laws/statutes/titlevii.cfm>
5. Nation Origin Discrimination Title VII of the Civil Rights Act of 1964 - <http://www.eeoc.gov/laws/statutes/titlevii.cfm>
6. Pregnancy Discrimination Title VII of the Civil Rights Act of 1964 - <http://www.eeoc.gov/laws/statutes/titlevii.cfm>
7. Race/Color Discrimination Title VII of the Civil Rights Act of 1964 - <http://www.eeoc.gov/laws/statutes/titlevii.cfm>
8. Religious Discrimination Title VII of the Civil Rights Act of 1964 - <http://www.eeoc.gov/laws/statutes/titlevii.cfm>
9. Retaliation Title VII of the Civil Agency Affirmative Action Policy - <http://www.eeoc.gov/laws/statutes/titlevii.cfm>
10. Sex-Based Discrimination Title VII of the Civil Rights Act of 1964 - <http://www.eeoc.gov/laws/statutes/titlevii.cfm>
11. Sexual Harassment Title VII of the Civil Rights Act of 1964 - <http://www.eeoc.gov/laws/statutes/titlevii.cfm>

VIII. Appendix C

Report of Race in Chiropractic Profession – DCs

Report of Race in Chiropractic Assistants – CAs

Language Report for DCs

Language Report for CAs

