



# Oregon Department of Justice

Ellen F. Rosenblum  
Attorney General  
1162 Court Street  
Salem, OR 97301  
503/378-6002

Affirmative Action Plan  
2019 - 2021



ELLEN F. ROSENBLUM  
ATTORNEY GENERAL



FREDERICK M. BOSS  
DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Justice Building  
1162 Court Street NE  
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Telephone: (503) 378-6002

September 21, 2018

Sophorn Cheang  
Director of Diversity, Equity and Inclusion  
Office of Governor Kate Brown  
900 Court Street NE, Suite 254  
Salem, OR 97301

Dear Ms. Cheang:

Enclosed is the Affirmative Action Plan of the Oregon Department of Justice (DOJ) for the 2019-2021 biennium. DOJ seeks to build awareness among its employees and managers of the value of diversity and inclusion in the workplace and to increase and promote diversity in the work force. DOJ places great importance in the Affirmative Action Plan as a tool to demonstrate DOJ's commitment to diversity and its ongoing activities intended to encourage, promote, and support diversity and inclusion. DOJ expects that all of its employees will strive to create and maintain a respectful and discrimination-free environment. Our office is embarking on training in the areas of cultural competency and implicit bias – so as to ensure fair and equitable treatment of all employees and clients of DOJ. Our plan highlights achievements made during the last biennium and our goals for the future to ensure fair and equitable opportunities for all.

Sincerely,

A handwritten signature in blue ink that reads "Ellen F. Rosenblum".

ELLEN F. ROSENBLUM  
Attorney General





# STATE OF OREGON DOJ AFFIRMATIVE ACTION PLAN 2019 – 2021 BIENNIUM

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## DOJ DESCRIPTION

### MISSION AND OBJECTIVES

The Office of the Attorney General was created in 1891 by state legislative enactment. In 1947, DOJ was established and was then led by the Attorney General.

In general, DOJ and the Attorney General act as the State of Oregon's law firm. It represents and advises all state-elected and appointed officials, agencies, boards and commissions.

The mission of the Oregon DOJ is to serve state government and to support safe and healthy communities throughout Oregon by providing essential justice services.

The Attorney General and our nine divisions are dedicated to:

- Providing ethical, independent and high quality legal services to state government;
- Safeguarding consumers from fraud and unfair business practices;
- Fighting crime and helping crime victims;
- Advocating for vulnerable children;
- Supporting families through the collection of child support;
- Enforcing environmental protections;
- Defending the civil rights of all Oregonians;
- Pursuing justice and upholding the rule of law.

## **AGENCY CONTACTS**

### **AGENCY DIRECTOR**

**Attorney General:**

**Ellen F. Rosenblum  
1162 Court Street  
Salem, Or 97301  
503.378.6002**

### **AGENCY POLICY ADVISOR**

**Deputy Attorney General**

**Frederick M. Boss  
1162 Court Street  
Salem, Or 97301  
503.378.6002**

### **AGENCY AFFIRMATIVE ACTION OFFICER**

**Human Resources Director**

**Bob Koreski  
1162 Court Street  
Salem, Or 97301  
503.947.4348**

### **OFFICE OF THE GOVERNOR**

**Legal Counsel**

**Misha Isaak  
900 Court St. NE  
Salem, Or 97301  
503.378-5539**

### **AGENCY CIVIL RIGHTS DIRECTOR**

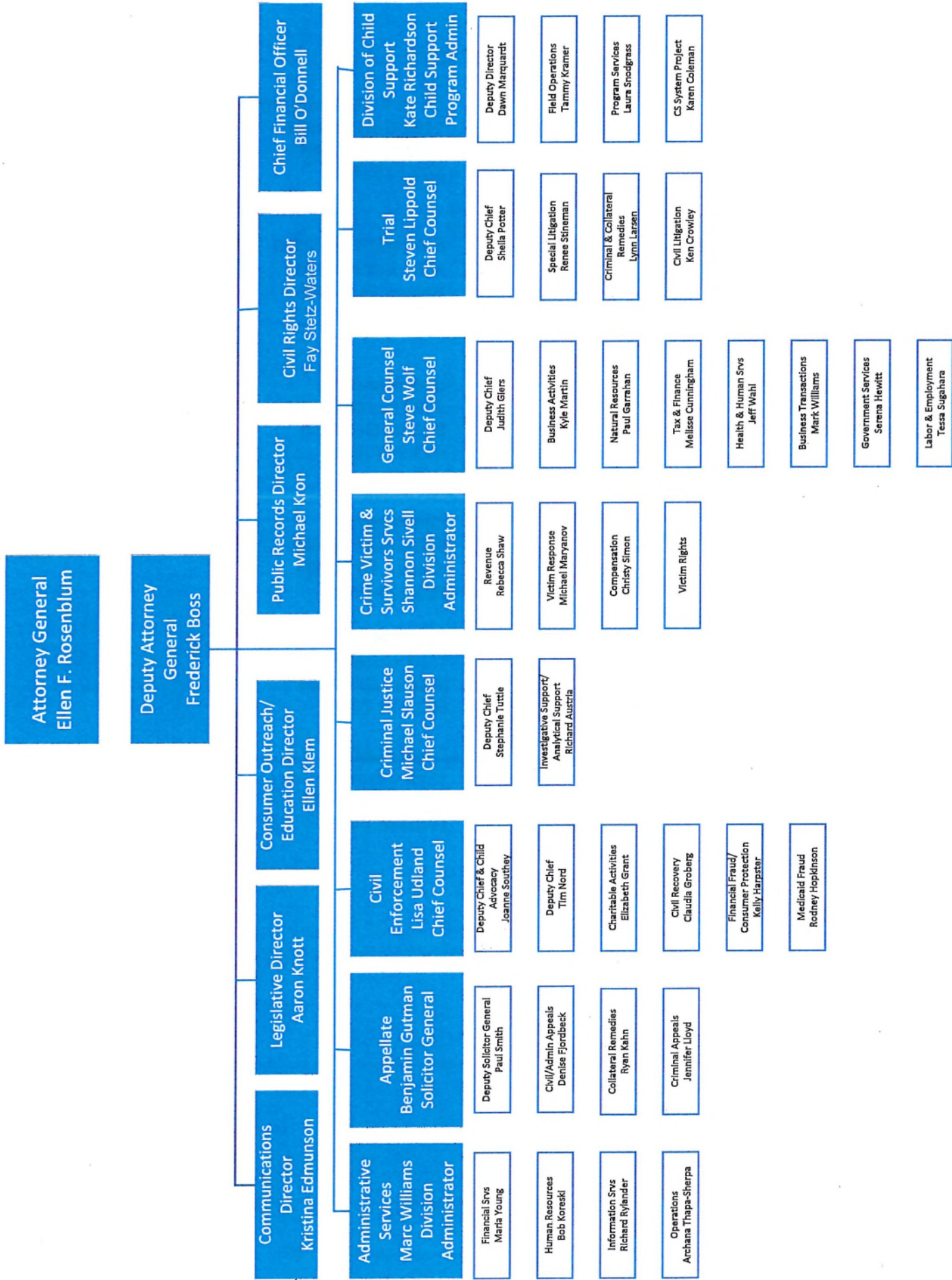
**Director of Civil Rights**

**Fay Stetz-Waters  
1162 Court Street  
Salem, Or 97301  
503.373.7695**

### **CONSUMER PROTECTION AND OUTREACH DIRECTOR**

**Principal Executive  
Manager**

**Ellen Klem  
1162 Court Street  
Salem, Or 97301  
503.378.6002**



## ORGANIZATION CHART





Department of Justice

Justice Building  
1162 Court Street NE  
Salem, Oregon 97301-4096  
Telephone: (503) 378-6002

## DOJ AFFIRMATIVE ACTION POLICY STATEMENT

DOJ represents state government in a variety of settings that involve all Oregonians. It is therefore particularly appropriate that DOJ creates and maintains a diverse workforce that reflects the Oregonians we serve. We are committed to ensuring fair and equal employment opportunities for all persons regardless of race, color, religion, national origin, gender, age, marital status, sexual orientation, physical or mental disability or any other reason prohibited by law or policy of the state or federal government.

All employees of DOJ are expected to create and maintain a respectful, discrimination-free work environment. In addition, management and executive service employees are responsible for ensuring that the work environment is free from harassment and discrimination of any kind. No form of discrimination or harassment will be tolerated.

We are committed to doing more than just practicing non-discrimination in management and employment practices. We are striving to ensure that we have a work environment where employees respect and value each other as individuals and an environment where we treat all employees with dignity and fairness.

DOJ has a Diversity Committee. The Committee educates and informs all employees at DOJ around diversity and inclusion issues and activities.

Employees who feel they have been harassed or discriminated against are encouraged to bring such behavior to the attention of a management representative and/or to use DOJ's discrimination and harassment complaint procedure as outlined in DOJ policy manual.

DOJ is committed to its Affirmative Action Plan. DOJ will work cooperatively with appropriate private groups, federal, state and local government agencies, the Oregon State Bar, educational institutions, and labor organizations in its career development and recruiting efforts to invite people of color and people with disabilities to apply for jobs with DOJ. It is expected that every manager and supervisor will fully support the efforts of DOJ to create and maintain a diverse, high-quality workforce that is representative of the people of the State of Oregon.

A handwritten signature in blue ink, reading "Ellen F. Rosenblum".

ELLEN F. ROSENBLUM  
Attorney General



Department of Justice  
Justice Building  
1162 Court Street NE  
Salem, Oregon 97301-4096  
Telephone: (503) 378-6002

**Agency Affirmative Action Policy Statement**

DOJ is committed to achieving a work force that represents the diversity of Oregon's population and to providing fair and equal employment opportunities. DOJ 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. DOJ 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. DOJ employment practices are consistent with the State's Affirmative Action Plan Guidelines and with state and federal laws, which preclude discrimination.

- 1. Agency Affirmative Action Policy Statement for Individuals with Disabilities** DOJ 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.

DOJ 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. DOJ 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.

- 2. Agency Affirmative Action Policy for Members of Uniformed Services (ORS 659A.082)**

DOJ will not discriminate or tolerate discrimination against any employee because that person is a member of, applies to be a member of, performs, has performed, has applied to perform, or has an obligation to perform service in, a uniformed service. It is also the policy of DOJ 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, or any other reason prohibited by state or federal policy or law.



**3. 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. The responsibility for dissemination of the agency's Affirmative Action Policy Statement and Affirmative Action Plan has been delegated to the Affirmative Action Officer. Such communication is both internal and external, and includes:

**a. Internal Dissemination**

- i. The Attorney General or her designee: Participate in the creation of the plan, and takes responsibility for the effective implementation of the plan.
- ii. Conducts meetings with management and supervisory personnel in which the Attorney General or her designee explains the intent of the Affirmative Action Plan and clearly communicates her personal commitment to and support of equal employment opportunities;
- iii. Distributes the plan to all managerial and/or supervisory staff who have the authority to recruit, hire, train, and/or promote;
- iv. Directs the Deputy Attorney General to review with each manager and/or supervisor their responsibility for achieving the agency's affirmative action goals and objectives and provide other relevant affirmation action information throughout the year;
- v. Directs that the Affirmative Action Policy Statement, Affirmative Action Plan and Grievance Procedure is including as part of each new employee's orientation;
- vi. Directs that the agency's Affirmative Action Policy Statement and Grievance Procedure is posted on employees' bulletin boards; and
- vii. Directs that the agency's Affirmative Action Policy Statement, Affirmative Action Plan, and Grievance Procedure on the agency's website; and that the agency's Affirmative Action Policy Statement, Affirmative Action Plan and Grievance Procedure are distributed to any employee upon request.

**b. External Dissemination**

- i. All recruitment announcements, applications for employment, and newspaper advertisements contain the phrase, "An Equal Opportunity Employer;"
- ii. DOJ Affirmative Action Plan is posted on the agency's Internet site and made available to the public upon request. Copies of the agency's Affirmative Action Policy Statement, Affirmative Action Plan and Grievance Procedure are provided to any person, including job applicants, upon request;
- iii. All bidders, contractors, subcontractors and suppliers are notified of the agency's affirmative action policy. Notices 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.

**4. Monitoring and Reporting System** The Affirmative Action Officer monitors the Affirmative Action Plan on a continual Basis, including, but not limited to:

**a. Monitoring the auditing and reporting system by:**

- i. Maintaining accurate and up-to-date records on all applicants, hires, promotions, transfers, and terminations by sex, race, and EEO-4 categories;
- ii. Reviewing all promotions, transfers, and terminations to be certain that all employees are treated fairly and equitably; and
- iii. Reviewing all selection, promotional, and training procedures to ensure

nondiscrimination in practice.

- b. Reporting quarterly to the Attorney General or her designee 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. Reviewing the effectiveness of managers' and supervisors' efforts to achieve affirmative action goals and objectives as a key consideration in the performance appraisal system as required by ORS 659A.240.
- d. Preparing required updates and evaluations of the Affirmative Action Plan to be submitted to the Governor's Affirmative Action Office. An Affirmative Action progress report will also be prepared and submitted as part of the agency's budget submission.

## **5. Complaint Process regarding Discrimination or Harassment**

The complaint procedure provides an internal method of resolving complaints alleging violations of DOJ nondiscrimination policy. Employees and applicants are encouraged to use the 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 who serves as a witness in support of such a complaint is prohibited by State and DOJ policies (DAS 50-010-01; DOJ 3-21).

### **a. 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. These procedures can be found on the Agency intranet, accessible to all DOJ employees.
- iii. An employee may submit a written complaint to the Affirmative Action Officer 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 Affirmative Action Officer will review/investigate the complaint and provide the employee written notification of the findings within 30 days of receipt. 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.

**b. External Complaint Process**

If an employee is not satisfied with the internal complaint process within the agency and wishes to appeal the agency decision, the employee 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, Suite 1045  
Portland, OR 97232  
Phone Number: 971.673.0764  
Fax Number: 971.673.0765

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.

<b>Eugene</b> <b>Oregon Bureau of Labor and Industries</b> 1400 Executive Parkway, Suite 200 Eugene, OR 97401 Phone Number: 541.686.7623	<b>Medford</b> <b>Oregon Bureau of Labor and Industries</b> 119 N Oakdale Ave Medford, OR 97501 Phone Number: 541.776.6270
<b>Bend</b> <b>Oregon Bureau of Labor and Industries</b> 1645 NE Forbes Rd., Suite 106 Bend, OR 97701 Phone Number: 541.322.2435	<b>Salem</b> <b>Oregon Bureau of Labor and Industries</b> 3865 Wolverine Street NE; Bldg. E, Suite 1 Salem, OR 97305 Phone Number: 503.378.3292

**Portland**  
**Oregon Bureau of Labor and Industries**  
800 NE Oregon St #1045  
Portland, OR 97232  
Phone Number: 971.673.0764

**The Governor's Office of Diversity, Equity and Inclusion**

255 Capitol Street NE, Suite 126

Salem, OR 97301

Phone: 503.378.6833.

Website: <http://governor.oregon.gov/Gov/GovAA/index.shtml>

**U.S. Equal Employment Opportunity Commission**

San Francisco EEOC Office

350 Embarcadero, Suite 500

San Francisco, CA 94105

Phone Number: 1.800.669.4000 Phone Number: 1.800.669.6820 (TTY)

The EEOC does not maintain an office in Oregon. The San Francisco Field Office is open

Monday – Friday

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

**U.S. Department of Labor, Office of Federal Contract Compliance (OFCCP)**

Federal Office Building

620 SW Main Street, Suite 411

Portland, OR 97205

Phone Number: 503.326.4112

Seattle, WA 98121

Phone Number: 206.615.2290

Phone Number: 206.615.2296 (TTY)

DOJ 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 DOJ'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.

Attorney General/Agency Director

Date



September 21, 2018

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

Bob Koreski, Affirmative Action Officer

DOJ

503 947-4348

[Bob.j.koreski@doj.state.or.us](mailto:Bob.j.koreski@doj.state.or.us)

## **DOJ DIVERSITY & INCLUSION STATEMENT**

In our workplace, the people of the Oregon DOJ respect the diverse perspectives, knowledge, and experiences of our coworkers and those seeking to join the organization. We strive to build an inclusive and performance-oriented workplace. All individuals are welcomed and appreciated, leading to increasingly higher levels of fulfillment and success.

DOJ recognizes the many aspects of diversity in our interactions with the people and organizations of Oregon. Our differences lead to a better understanding of the work we do, the people with whom we work and the impact of our work. Our commitment to diversity and inclusion in Oregon's government enhances our dedication to public service. Through the different missions of our Divisions, we are dedicated to upholding the rule of law for all the people of our state. We support a culture that encourages all members of our workforce to thrive and succeed and to treat each other with dignity and fairness.



## **TRAINING, EDUCATION AND DEVELOPMENT PLAN**

DOJ, through training and education, seeks to improve job performance, increase professionalism, and enhance career opportunities in order to conduct its business effectively and efficiently, and to increase equity and inclusion.

### **Areas for Training**

Areas of training focus on training for all DOJ staff; all DOJ supervisors and contractors/vendors.

### **ALL DOJ STAFF**

#### **Workplace Harassment Awareness and Prevention**

All staff, including volunteers, who had not had a DOJ Understanding and Avoiding Workplace Harassment Training within the last year (2015), were required to attend a one hour refresher course. Human Resources facilitated the training sessions regarding the expectations of a respectful workplace. The session included a review of DOJ's Policies: Policy 3-20 Maintaining a Professional Workplace and Policy 3-21 Discrimination and Harassment Free Workplace.

#### **Implicit Bias Training**

Multiple sessions on Implicit Bias were conducted for all DOJ Criminal Justice staff between 2016 and 2018. These sessions were conducted by Professor Erik Girvan from the University of Oregon, as well as the Division Administrator, Michael Slauson and Deputy Chief Counsel, Stephanie Tuttle.

The Oregon State Bar, Appellate Division, offered and presented to DOJ staff, training on "*Beyond Implicit Bias: Beginning the Work of Recognizing and Addressing Structural Racism and Other Forms of bias in the Legal System.*" This was presented on October 18, 2017 in Portland. The training was open to all interested staff. This training was also promoted by DOJ's Diversity and Inclusion Committee.

#### **Diversity Conference**

DOJ is a sponsor of the annual State of Oregon Diversity and Inclusion Conference. The conference showcases local, state and nationally recognized speakers presenting a variety of topics related to diversity and inclusion. 2017 theme was "*Harmony.*" Topics included, but not limited, to racism, unconscious bias and mental health. 2018 conference theme was "*Beyond Tolerance, Leveraging Differences.*" A new track to the 2018 conference, included three sessions specifically designed for management or those interested in management, including Agency Directors from several State agencies.

#### **Americans with Disabilities (ADA)**

DOJ's Labor and Employment Division provided several training sessions on ADA during the last biennium. This training is offered to all DOJ staff.

### **Veteran's Preference**

DOJ's Labor and Employment Division provided training on Veterans preference during the last biennium. This training is offered to all DOJ staff.

### **Access to Justice**

DOJ provides continuing legal education (CLE) focusing on Access to Justice. Courses that have been presented since last biennium include Indian Law, 401: Tribal Agreements; Civil Commitments of the Mentally Ill; Race-the Power of an Illusion: The Difference Between Us. Access to Justice courses are open to all DOJ staff.

### **New Employee Orientation**

All staff new to DOJ are required to attend a new employee orientation that includes an introduction to the Affirmative Action Plan, as well as information on how to access and review the plan. A representative of the Human Resources office also makes a statement that DOJ expects all staff to treat each other with dignity and respect, regardless of gender, sexual orientation, cultural ethnicity, social, economic or religious background, or political beliefs, and that DOJ will not tolerate workplace harassment or discrimination in any form.

### **ALL DOJ SUPERVISORS**

#### **New Supervisor Orientation**

All managers and supervisors new to DOJ receive individual orientation that includes receipt and an overview of DOJ's Affirmative Action Plan, their role and responsibilities in its support and implementation, and an introduction to each of DOJ's policies related to the Affirmative Action Plan.

### **CONTRACTORS/VENDORS**

DOJ does not currently require providers or vendors to orient themselves with the Affirmative Action Plan. DOJ does open up opportunities to minority and women-owned businesses when posting solicitations on Oregon Procurement Information Network (ORPIN). DOJ includes at least one firm registered with the Certification Office for Business Inclusion and Diversity (COBID) when getting competitive quotes from three different vendors.



## **PROGRAMS**

### **Formal Internship Programs**

#### **Honors Attorneys**

The Honors Attorney program is a two-year program designed to provide exceptional recent law school graduates—including those who have served as judicial clerks—with the opportunity to gain public law experience after law school. These are paid positions. Honors Attorneys typically rotate from one division to another after their first year, enabling them to obtain a breadth of experience in diverse areas of the law and with colleagues from different divisions in the office.

Outreach to the Oregon State Bar Diversity & Inclusion Section, nationally to law school career centers, as well as student groups and associations, is conducted to develop a diverse applicant pool. Informational sessions, held onsite at local law schools, also help to attract diverse applicants. Applications are considered by a committee. Fewer than five outstanding applicants are selected and appointed annually. Honors Attorneys are encouraged to seek to continue their employment with DOJ.

#### **Law Clerks**

The Oregon DOJ employs approximately 50-80 law students to provide legal support to Assistant Attorneys General. Under the program the law clerks are assigned to particular divisions and gain experience in public law by working with individual attorneys. The program is intended to provide law clerks with meaningful and practical paid work experience.

Outreach to the Oregon State Bar Diversity & Inclusion Section, nationally to law school career centers, as well as student groups and associations is conducted to develop a diverse applicant pool. Informational sessions, held onsite at local law schools, also help to attract diverse applicants.

### **Informal Internship Programs**

DOJ cooperates when approached by a school or an individual, making no distinction between law and non-law programs. DOJ is developing an intern program for IT candidates to provide experience and assist in building our future candidate base.

### **Mentorship Programs**

The Oregon Supreme Court and the Oregon State Bar have created a New Lawyer Mentoring Program and require newly admitted Oregon lawyers to participate. In response to that requirement, DOJ started a DOJ New Lawyer Mentoring Program to ensure that new attorneys employed by DOJ would have the resources needed to meet the OSB requirement and to be successful at DOJ. The goal of the New Lawyer Mentoring Program is to provide personalized professional guidance to new attorneys. Mentors are selected and paired with a new attorney through a committee. Mentors and mentees are matched based on location, practice areas and other common elements. Additionally, some Divisions assign an informal mentor to all new-to-DOJ attorneys, regardless of prior experience, to provide guidance and support. Mentorships help create uniformity in work, ensures attorneys are provided adequate resources and encourage retention.

A new statewide mentoring program has been established by DAS CHRO and DOJ currently has two executives participating as mentors. Retirement and other forms of employment attrition over the next 5-10 years has heightened the need to preserve institutional memory and experiential knowledge. The purpose of the mentoring program is to give emerging leaders the opportunity and means to develop their skills and knowledge so they are ready to successfully step into important leadership roles to meet this challenge.



## Community Outreach

During this reporting period DOJ's community outreach efforts have affected various groups with programs and activities.

### Attorney General

The Attorney General, Ellen F. Rosenblum, speaks at and attends a wide variety of community events, in order to reach out to diverse sections of our community and engage all of our constituents in discussions about the work of DOJ and to listen actively to the communities' concerns and priorities.

Activities and Presentations beginning 10/1/2016:

- 10/19/2016: Spoke at Voices de la Comunidad Conference in Portland
- 11/03/2016: NAACP Anniversary celebration
- 11/14/2016: Meeting with Kayse Jama and UniteOregon/Fair Shot coalition
- 12/24/2016: Weathered Hands – assembled bags for distribution to the Portland homeless community
- 01/13/2017: Attended a joint Martin Luther King Jr. service with Community Gospel Choir and Congregation Beth Israel
- 01/16/2017: Attended Annual Martin Luther King Jr. Breakfast in Portland.
- 02/07/2017: Spoke to 500+ at the Salem Interfaith Advocacy Day-at-the-Capitol event sponsored by Ecumenical Ministries of Oregon
- 02/21/2017: Conducted Public Hearing in Hillsboro to receive public comment and testimony on behalf of the Attorney General's Police Profiling Task Force
- 03/08/2017: Served on a panel of experts regarding Checks and Balances in the Age of Trump sponsored by the University of Oregon's Wayne Morse Center for Law and Politics, including taking public questions and comments.
- 03/18/2017: Spoke to and participated in an Immigration Symposium at the Lewis and Clark Northwestern School of Law, including hearing from immigrants, attorneys for immigrants and other advocacy groups
- 03/28/2017: Attended Minoru Yasui Day reception and documentary screening regarding Japanese Internment during World War II.
- 04/10/2017: Participated in Woodburn Town Hall meeting and public forum on immigration enforcement and the impact on the community at Woodburn High School along with U.S. Senator Jeff Merkley and Oregon State Representative Teresa Alonzo-Leon. Supported and promoted Saturday patronage of local immigrant owned businesses in Woodburn.
- 04/24/2017: Honored Holocaust victims by observing Yom HaShoah and participating the reading of the names of victims.
- 05/02/2017: Keynote speaker to the Portland Jewish Family & Child Services annual luncheon with a focus on social services for the disabled and elderly, including immigrants both recent and historical.
- 05/17/2017: Attended meeting of the Legislative Commission on Indian Services, and gave a presentation to the Commission regarding Tribal Liaison work at the Oregon DOJ.
- 05/18/2017: Attended the Legislative Commission on Indian Services' Nine Tribes Spring Celebration at Capitol

- June 1, 2017: Attended the 2017 Celebration of Worker Justice awards banquet and introduced and presented honoree Kayse Jama with the award.
- June 6, 2017: Attended Special Olympics Global Business Awards luncheon
- June 16, 2017: Spoke at a Naturalization Ceremony in honor of World Refugee Day at the Jewish Historical Museum
- July 24, 2017: Sponsored a Symposium at the Muslim Educational Trust entitled "Zero Tolerance on Hate" including convening a panel of local experts as well as a keynote speaker Jack Levin from Northeastern University to educate the community regarding hate crimes and hate speech.
- August 23, 2017: Attended the Oregon Commission on Hispanic Affairs celebrating Latino leadership
- August 25, 2017: Spoke at the UniteOregon End Profiling Community Celebration
- September 5, 2017: Participated in and spoke at a rally opposing the repeal of the Dream Act (DACA) organized by CAUSA. Met personally with DACA recipients and engaged their participation in upcoming litigation regarding DACA.
- September 27, 2017: Welcomed the attendees at the Annual State of Oregon Diversity Conference
- October 4, 2017: Attended the Oregon Nikkei Endowment Annual Banquet
- October 19, 2017: Attended the American Immigration Lawyers Association Gala Benefit Dinner
- November 2, 2017: Spoke at the Governor's Annual State-Tribal Summit hosted by the Confederated Tribes of the Siletz.
- November 7, 2017: Met with Shlomi Kofman, Israel's Consul General
- November 11, 2017: Spoke at Islamic Society of Greater Portland dinner and fundraiser
- November 19, 2017: Spoke at Immigration Symposium hosted by Catholic Charities
- January 12, 2018: Attended joint Martin Luther King Jr. service with Community Gospel Choir and Congregation Beth Israel
- 01/15/2018: Attended Annual Skanner Martin Luther King Jr. Breakfast
- 02/20/2018: Conducted a public interview with Holocaust survivor and step-sister to Anne Frank, at the "Historic Event with Eva Schloss"
- 03/05/2018: Toured the Dreamers Resource Center at the Portland Community College's Rock Creek Campus
- 03/20/2018: Met with immigrant students and their families at Reynolds High School and presented the youth with awards for their work advocating for immigrants.
- 03/22/2018: Hosted a reception at the Oregon DOJ's Portland office showcasing impact art by high school aged immigrant youth whose families are affected by immigration.
- 03/24/2018: Participated in Portland Student March for Our Lives protesting gun violence in schools.
- 04/11/2018: Hosted the Conference of Western Attorneys General joint Mexican training luncheon
- 04/13/2018: Spoke at the Conference of Western Attorneys General Mexican training closing ceremonies.
- 06/02/2018: Attended and spoke at a Sikh Community event.



## **Civil Rights**

Several of the Attorney General's office staff meet with community leaders, attend and present at work groups, community celebrations, organizational meetings, education and training events. The purpose of the activities and presentations are to represent the priorities and mission of the Attorney General, Ellen Rosenblum; explain her vision, conduct listening sessions and outreach; build and strengthen working relationships across diverse communities; and provide information about DOJ and its services.

Some of the activities and presentations included, but were not limited to:

- Zero Tolerance on Hate- Sponsored a community-wide symposium at the Muslim Educational Trust in response to the racially motivated Max Train killings. The keynote lecture was sponsored by DOJ and featured a nationally-known expert on hate crimes, Professor Jack Levin. A panel of community experts and representatives was moderated by Special Counsel Kamala Shugar, on behalf of the Attorney General, and featured, among others, the Attorney General's Legislative Director, Aaron Knott. (July 24, 2017)
- Hosted reception for students from Reynolds High School, showcasing art by high school students affected by immigration. This event was developed by Director of Outreach and Education Ellen Klem on behalf of the Attorney General, in partnership with Catholic Charities, El Programa Hispano Católico, and The Collins Foundation. (March 22, 2018)

## **Financial Fraud/Consumer Protection**

The Oregon DOJ Financial Fraud/Consumer Protection Section has augmented its outreach efforts to Oregon's growing minority communities, including translating into Spanish a new downloadable resource for Oregonians who are concerned about a family or household member who is in possession of a gun or other weapon. Oregon's new "Red Flag Law", also called the Extreme Risk Protection Order law, allows a judge to issue an order that permits the court to take weapons away from people who are deemed a risk to themselves or others. The new resource is available online at <https://www.doj.state.or.us/crime-victims/victims-resources/other-resources/oregons-red-flag-law/>

## **Division of Child Support**

The Division of Child Support (DCS) actively participates in outreach with various groups and organizations.

- State of Oregon Diversity & Inclusion Conference
- The State of Oregon Diversity & Inclusion Conference is a statewide initiative put on by multiple agencies, boards, and commissions. Hosted in September each year, DCS sends approximately 50 staff to the conference. In addition, DCS partners with the other DOJ divisions to staff a booth to share information about DOJ's various programs.
- DCS works with the nine federally-recognized American Indian Tribes in Oregon to enhance child support services for tribal families.
- The Division has a statewide Tribal Liaison and 11 local area Tribal Liaisons. Tribal Liaisons with DCS work with each Oregon Tribe to help:
  - Provide technical assistance and training to both Child Support Program and tribal staff
  - Promote Tribal TANF and Tribal IV-D (child support) programs
  - Assist in the development of tribal-specific child support policies and procedures

Activities and events presented at, coordinated by, or attended by DCS Liaisons include:

- State/Tribal Child Support Partnership meeting
- ODAA Child Support Conference
- Region 10 (federal) Child Support meeting
- National Tribal Child Support Enforcement Association Conference
- State Tribal Court Consortium
- Indian Law 401: Tribal Agreements CLE
- Child Support Program Academy
- Training events with various tribes
- State/Tribal Summit
- Outreach visits to various Tribes
- Legislative Commission on Indian Services Fall Gathering and Training
- Tribal Governments Legislative Day
- Klamath Tribes Restoration Celebration

**Veterans:**

DCS has a Military Liaison available to help Oregon veterans and their families with child support matters. The Liaison can answer questions specific to military families and help them take advantage of every opportunity to provide for their children. In addition, the Liaison and DCS staff present at, coordinate, or participate in a variety of military and veteran activities.

- Veterans Expo at the Deschutes County Fairgrounds
- Women Veterans Conference sponsored by ODVA
- Portland Stand Down
- East County Stand Down
- ODVA Veterans Benefits Expo

**Hispanic/Latino Community:**

DCS provides outreach to Oregon's Hispanic and Latino populations. DCS actively participates in the following:

- Spanish community radio and television to discuss the services provided by the Child Support Program
- HispNet (Hispanic Network) quarterly meetings with other state agencies who advocate for the interests of Hispanic clients and staff
- Hispanic Council monthly meetings to discuss current events to help the Hispanic community in Salem and the Portland metro area
- District 16 Diversity Group monthly meetings to discuss diversity topics and activities in Washington County
- National Migrant Education Group semi-annual meetings to discuss issues impacting the Oregon Migrant Community
- Hispanic Metropolitan Chamber of Commerce, which serves more than 300 small businesses in Oregon
- Hispanic Interagency Committee of the Jackson County Community Services Consortium monthly meetings to provide a forum for agencies to meet for the purpose of improving services for the Hispanic people of the Rogue Valley
- Consulate of Mexico in Portland quarterly meetings to discuss issues affecting Oregon and Mexico residents
- Deschutes County Circuit Court and Latino Community Association meetings



## Career Fairs

DOJ conducts regular outreach to diverse communities as part of its normal recruitment strategies. DOJ utilizes a wide variety of websites and targeted lists to advertise openings. Target populations include colleges & universities nationwide as well as websites and groups that represent and cater to specific populations.

Additionally, DOJ representatives attend local career fairs and conduct outreach and on-campus visits:

- Portland Community College Cascade Career and Job Fair (draws a diverse pool of applicants through extensive advertising & promotion in minority publications and networks) in April 2017 & April 2018.
- Informational sessions were held at local law schools during the onset of the Honors Attorney recruitment in 2017 and are scheduled for Fall 2018.
- Portland Community College Career Fair. Approximately 613 students from diverse demographic backgrounds attended in April 2017
- Lewis and Clark Law School. Addressed approximately 20 mostly first year law students to encourage application to our law clerk program in January 2018. Diverse applicants encouraged to apply.
- Willamette University of Law. Addressed approximately 30-35 mostly first year law students to encourage application to our law clerk program in January 2018. Diverse applicants encouraged to apply.
- University of Oregon School of Law. Addressed approximately 50 mostly first year law students to encourage application to our law clerk program in January 2018. Diverse applicants encouraged to apply.
- 2018 Opportunities for Law in Oregon (OLIO) Retreat Moot Court and Career Fair in January 2018. Outreach and recruitment of underrepresented law students for law clerk positions.
- Attended a High School Career Connections career fair in March 2018. Over 1000 high school students attended, representing a diverse populations and backgrounds. Supported students by participating in individual mock interviews and providing feedback and advice regarding resume writing.
- Attended Portland Community College Career Fair in April 2018, with approximately 931 students attending, representing diverse backgrounds.
- Attended Job Fair at Chemeketa Community College in June 2018. Attendees represented diverse backgrounds.

## **Outreach and Education**

DOJ's Director of Outreach and Education Ellen Klem's mission is simple: To prevent financial harm to Oregonians, especially older adults, Oregonians whose first language is not English and students who have incurred significant education-related debt. Her activities include, but are not limited to, the following:

1. Serving as a liaison between the Oregon DOJ, federal, state, and local government entities and officials, tribes, community organizations, advocacy groups, and members of the media
2. Coordinating financial educational campaigns that target vulnerable Oregonians
3. Presenting – on average – once a week to Oregonians
4. Producing and distributing new outreach and educational materials that target vulnerable Oregonians
5. Issuing Scam Alerts to the nearly 15,000 members of the Scam Alert Network

A new task force was created to study hate-motivated crimes. The task force will review current laws and make proposal to strengthen our ability to support victims and bring perpetrators to account for their actions. Over \$9 million dollars in new grant funding has been awarded to significantly expand victim and survivor services throughout Oregon. The 31 new grants will give 30-month monetary awards to:

- Eight of Oregon's federally recognized Tribal Nations for enhanced victim service activities
- Six domestic violence advocacy programs to expand the delivery of community-based advocacy services to survivors of domestic violence through partnerships with local health care providers
- Six county-based human trafficking intervention task forces for multidisciplinary team coordination and advocacy services
- Seven university campuses across Oregon to enhance and expand campus-based qualified service programs for victims and survivors of gender-based violence on Oregon's campuses
- Four Court Appointed Special Advocate (CASA) programs to serve as regional hubs for increased services for local CASA programs.

## **Native American Affairs**

DOJ's tribal relations activities are detailed in DOJ's annual Government to Government report provided to the Governor's General Counsel and the Legislative Commission on Indian Services pursuant to ORS 182.166.

Those activities are coordinated by Special Counsel Kamala Shugar as well as outgoing DOJ Native American Affairs Coordinator, Stephanie Striffler. In addition, the Division of Child support has a tribal liaison, Dawn Marquardt, and the Division of Child support branch offices have staff designated to work with tribes in their area.

### **Activities in 2017-18 included:**

- Attorney General Ellen Rosenblum attended and spoke at the Governor's Annual Tribal Summit, hosted by the Siletz tribe. Several Department representatives attended the Summit, as well as the Annual Training Day held the day before the Annual Summit.



- Stephanie Striffler served on the Oregon State Bar Indian Law Section Executive Committee from 2013-2017, including as Chair in 2015.
- Stephanie Striffler participated in the first “convening of state and tribal judges” held in the Fall of 2015 and has participated in the forum annually since.
- Kamala Shugar attended the Tribal Court State Court Forum in July 2018.
- Kamala Shugar and Stephanie Striffler participated in tribal-state “cluster” meetings of state and tribal staff discussing issues of common interest, in particular the Public Safety Cluster and Cultural Resources cluster (along with Assistant Attorney in Charge Patrick Flanagan of the Environmental and Cultural Resources Enforcement Unit). They also participated in the Legislative Commission on Indian Services “Spring Gathering” where Attorney General Ellen Rosenblum delivered welcoming remarks.
- Stephanie Striffler participated with AUSA Tim Simmons from the U.S. Attorney’s office in providing criminal jurisdiction training to state, local and tribal officers at three locations: DOJ of Public Safety Standards and Training in Salem, on the Warm Springs reservation, and on the Umatilla reservation. Others from DOJ attended, including Sr. AAG Patrick Flanagan and AAG Patrick Aitchison from the Environmental and Cultural Resources Enforcement Unit.
- Every other year, the Attorney General convenes a statewide public law conference for representatives and leaders from all Oregon state agencies on legal matters specific to public agencies and their administration. In October, 2017, Stephanie Striffler partnered with Warm Springs attorney Howie Arnett to present a session on Tribal Relations and the Legal Status of Indian Tribes.
- Stephanie Striffler participated on a panel at the Western Community Policing Institute Symposium “Breaking Down Tribal Jurisdictional Walls” in May 2017.
- Kamala Shugar attended the Coquille Tribe’s Annual Restoration Day celebration in June 2017. Kamala Shugar, Stephanie Striffler and Crime Victim Services Division’s Diana Fleming participated in the Tribal State and Federal Domestic Violence summit at the Umatilla reservation in May 2017. Stephanie Striffler spoke on “Reflections on Government-to-Government Relationships.” Diana Fleming presented “Observations on State Collaboration with Tribal Nations.”
- The Crime Victims’ Services Division formally notified tribal leaders and representatives from all Oregon tribes about a Victim of Crime Act (VOCA) non-competitive funding opportunity for a total of \$2,250,000 ( \$250,000 per tribe), for a 2 year award period beginning April 1, 2018 with no match requirements. Ms. Fleming conducted in-person presentations and teleconferences before tribal leadership and representatives in July and August. The funds will serve a broad range of services for victims such as child abuse, elder abuse, sex trafficking, domestic and sexual violence, and general victim services. A brief overview of the purpose of the federal grant funds and allowable costs were provided.

- Amanda Swanson worked with communities and tribes across the state bringing awareness and building a response to human trafficking. In collaboration with the FBI, CVSD has partnered with the Confederated Tribes of the Umatilla Indian Reservation and the Burns-Paiute Tribes to bring training to their tribal and local service providers, prosecutors, and law enforcement. There are currently representatives from the Confederated Tribes of Grand Ronde and the Burns-Paiute Tribe on the Attorney General's Trafficking Intervention Advisory Committee, with hopes to add representatives from other tribes in the next year. DOJ's Outreach and Education Director Ellen Klem spoke to the Legislative Commission on Indian Services at its May meeting regarding consumer protection issues.
- Division of Child Support key contact Dawn Marquardt, Bend branch manager Brandee Stroud, and Bend case manager and Tribal Liaison Lyssa Warren Wyatt attended the Klamath Tribes Restoration Celebration.
- Patrick Flanagan from the Environmental and Cultural Resources Protection Unit presented at the Oregon Parks and Recreation annual cultural resources training for state employees. Sr. AAG Flanagan also served as an instructor for the DPSST for a statewide Oregon State Police in-service training on cultural resources laws.
- Assistant Attorney in Charge (AAIC) Shannon Dennison, of the Child Advocacy Section, AAIC Shannon Dennison, Civil Enforcement Division, Child Advocacy Section provided ICWA training on May 1, 2017, to the Yamhill County juvenile court community. Yamhill County judicial officers, DHS caseworkers, local tribes (including the Confederated Tribes of Siletz Indians and the Confederated Tribes Grand Ronde), the CASA office, and the defense consortium attorneys were invited to the training.
- Child Advocacy Section Assistant Attorney in Charge Shannon Dennison trained at the 2017 Tribal/State Indian Child Welfare Act Conference at the Chinook Winds Casino and Convention Center in Lincoln City.
- Stephanie Striffler and Dawn Marquardt and other representatives of DOJ attended the film screening and panel discussion sponsored by the Oregon Tribal Court/State Court Judicial Forum, Tribal Law & Policy Institute, and NALSA and the Indian Law Program at Lewis & Clark Law School (*Two Tribes, Two Judges, One Goal – Tribal Justice*)



## **Diversity Awareness Program**

### **Agency-Wide Diversity and Inclusion Committee**

DOJ Diversity and Inclusion Committee meets monthly to identify ways DOJ can continue to meet the committee's mission to promote diversity awareness at all levels. The committee consists of employees across DOJ's Divisions.

Recent activities promoted by the Diversity and Inclusion Committee include:

- Promoted Beyond Implicit Bias Training. Beginning the Work of Recognizing and Addressing Structural Racism and Other Forms of Bias in the Legal System. (September 2017)
- Participated in Opportunities for Law in Oregon (OLIO), a recruitment and retention program for under-represented law students. In January 2018, 38 students and 57 professionals participated in the Employment retreat. Average attendance fluctuates with 52 students and 60 attorney for portions of the retreat.
- Promoted Diversity Speaker Series, Latinx Law Students Association and female Oregon Supreme.
- Attended Court Justices panel discussion, Marion County Bar Association. (March 2018)
- Attended Oregon State Bar Diversity Section at University of Oregon School of Law, on the topic, *White Nationalism's Resurgence, Immigration, & the Lawyer's Voice in the Debate*. (April, 2018)
- Co-sponsored Asian/Pacific American Heritage event showcasing cultural heritage through music and dance. Event was held at the State Capital Mall to promote an inclusive audience. (May 2018)
- Profiled groups representing diverse backgrounds through special communications on DOJ intranet, focusing on nationally recognized dates for celebrations.

### **The Oregon Diversity Conference**

DOJ is a sponsor of the State of Oregon Diversity and Inclusion Conference. DOJ actively encourages employee and manager attendance to the annual conference as one of its primary diversity and inclusion training opportunities. Approximately 180 employees have attended this conference since last biennium. The Attorney General gave the welcoming remarks for the 2017 Diversity and Inclusion Conference.

### **Leadership Development/Training Programs**

The Human Resource Generalists provide continued on-going training to managers during monthly meetings. Training includes: HR practices, collective bargaining agreements, and performance management. Embedded in each of these trainings for managers is an overarching value for diversity and inclusion and acceptance and respect for employees from all backgrounds and walks of life.

## **Status of Executive Order 16-09**

### **RESPECTFUL LEADERSHIP TRAINING**

DOJ, through training and education, seeks to improve job performance, increase professionalism, increase diversity and inclusion, and enhance career opportunities in order to conduct its business effectively and efficiently.

DOJ currently provides leadership training through the Human Resource Generalists, Labor and Employment's Client Training, in-house Continuing Legal Education workshops, and Department of Administrative Services training.

In the coming year, DOJ is embarking on training in the areas of cultural competency and implicit bias, so as to ensure fair and equitable treatment of all employees and clients of DOJ.

DOJ has provided several training sessions between 2016-2018 on Implicit Bias for the employees of the Criminal Justice Division.

## STATEWIDE EXIT INTERVIEW SURVEY

In our goal to continue to make DOJ a place where people want to work. Our exit survey allows departing employees the opportunity to share their honest opinions regarding their work experience with the agency. DOJ 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 coworkers and supervisors.

DOJ runs periodic reports to review the results collected and to perform a data analysis. The data analysis provides an understanding of the degree to which voluntary turnover is preventable.

Over the last biennium, the top reasons employees left DOJ were: 1) career advancement, 2) compensation, and 3) type of work.

Compared to the previous biennium, voluntary resignations surpassed retirements this biennium as the number one reason for leaving DOJ. Specific reasons for resignations varied widely. Additionally, compared to last biennium, work climate (an employee's relationship with co-workers and/or managers, diversity, comfort level), compared to last biennium, has improved. Fewer respondents this biennium indicated the work climate influenced their decision to leave DOJ.

The data shows that 70-90% of respondents were quite satisfied with supervisory relationships, fair and equal treatment, and overall enjoyed working for the agency. Such positive responses tend to indicate an inclusive culture.

The data shows that compared to last biennium, employees who separated believe communication regarding the advancement process needs improvement. With the implementation of a new enterprise Human Resource Information System, the goal is to improve the recruitment process, including timeliness.



## **PERFORMANCE EVALUATIONS OF ALL MANAGEMENT PERSONNEL**

DOJ has incorporated affirmative action objectives as a key consideration for a manager's or supervisor's performance evaluation. Specific examples of the managers' and supervisors' affirmative action objectives and diversity and inclusion successes and achievement are described below. Management personnel receive annual performance evaluations to assess whether they are meeting their affirmative action objectives. Any goals or work plans for future performance are outlined in the evaluation.

Performance objectives for managers include, but are not limited to:

- 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. 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.
- d. Promote and foster a positive, professional and respectful work environment within the agency programs concerning EEO, AA, Diversity, and Cultural Agility. Ensure employees are aware of and follow agency policies and procedures, 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.
- f. Ensure information regarding EEO, AA and Americans with Disabilities (ADA) information is properly displayed on the appropriate boards at the worksite(s).

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

In accordance with State policy and procedure, DOJ posts all requests for bids over \$10,000 to the Oregon Procurement Information Network (ORPIN) which makes the information available to businesses registered with the Certification Office for Business Inclusion and Diversity (COBID).

DOJ solicited a total of 275 requests for bid from January 1, 2017, to July 1, 2018. Of the 275 bids solicited, 260 were exempt from the competitive bidding process as they pertained to litigation, were based on a Statewide Price Agreement, or were Interagency/Intergovernmental Agreements. The remaining 15 bids are composed of 13 contracts for Personal Services over \$10,000, and 2 contracts for Personal Services under \$10,000. Contracts were awarded to 2 new responsive COBID businesses and DOJ continued 1 contract with an existing COBID business.

There were approximately 350 contracts active in the first year and half of the 17-19 biennium totaling \$200,161,510.67 (total value of contracts, not the amount spent on them). There were 3 COBID vendors with active awards from January 1, 2017 to July 1, 2018. The total value of these contracts was \$932,900.00 and the total spend was \$118,443.95.

DOJ will continue to solicit contracts to minority businesses through existing avenues and welcomes any opportunity to increase its exposure to these groups.



## RESPONSIBILITIES FOR AFFIRMATIVE ACTION PLAN IMPLEMENTATION

### Attorney General

The Attorney General is responsible for directing the implementation of DOJ's Affirmative Action Plan. The Attorney General has committed DOJ to a policy of equal employment opportunity and maintains an active interest in the attainment of affirmative action goals and objectives. The Attorney General has assigned the overall responsibility for monitoring and implementing DOJ's Affirmative Action Plan to the Affirmative Action Officer.

### Deputy Attorney General

The Deputy Attorney General deals directly with complaints of discrimination and harassment and ensures that appropriate investigations and corrective actions occur.

### Managers and Supervisors

Division Administrators, Section Managers, Unit Supervisors and other Executive Staff share the responsibility for the success of the Affirmative Action Plan through their direct Department management and policy-making roles.

#### Specific responsibilities of managers and supervisors include:

- Establish and maintain an inclusive work environment free from harassment of any kind that encourages all employees to achieve their full potential.

Become familiar with the details of the Affirmative Action Plan and monitor the progress of hiring and promotions in relation to goals.

Communicate the Affirmative Action Plan by:

- > Maintaining a copy of the plan and having it readily available for employees to read.
- > Routing information to subordinate management personnel and staff on EEO, with disabilities, affirmative action and sexual harassment issues.
- > Holding regular discussions with subordinate managers and employees to ensure that the Affirmative Action Plan is understood and is being implemented.

Provide assistance in the identification of problem areas and recommend program actions to comply with Affirmative Action Plan long-term policies and meet short-term goals.

Ensure that women, people of color, and people with disabilities who are qualified job candidates will be considered for appointment and promotion, consistent with DOJ's Affirmative Action Plan.

Encourage upward mobility for people of color, female employees, and employees with disabilities. This includes addressing career development and training opportunities, as appropriate.

Take proactive steps to locate qualified female and minority candidates, including current DOJ employees, for vacant and future positions.

Attend, direct subordinate supervisors to attend, and encourage employees to attend EEO/AA training activities.

Evaluate the performance of subordinate managers regarding their effectiveness in achieving affirmative action objectives.

### Affirmative Action Officer

DOJ's Human Resources Director, as DOJ's designated Affirmative Action Officer, has these responsibilities:

- Investigate discrimination and sexual harassment grievances and complaints.
- Serve as DOJ's liaison with the Governor's Affirmative Action Officer.
- Assist members of DOJ's Diversity and Inclusion Committee.
- Review applicant flow data to monitor percentage of people of color, females and people with disabilities to assess areas of recruitment that may need further outreach.

- Facilitate periodic review of hiring and promotion patterns, training programs, job descriptions, and work assignments to identify barriers to equal employment opportunity
- Develop reporting tool through new statewide Human Resources Information System, Workday, to provide means for voluntary updates on the Employee Voluntary Questionnaire for Self-Identification of race, ethnicity, gender and disability status.
- Prepare the periodic updates to the Affirmative Action Plan for submittal to the Governor's Office of Diversity & Inclusion.
- Distribute copies of the Affirmative Action Plan to groups and individuals both internally and externally, including the Governor's Diversity & Inclusion Office, Department managers and supervisors, collective bargaining organizations that represent Department employees, and other individuals who indicate an interest in the Affirmative Action Plan. (Copies are available to review in all work locations throughout DOJ by employees and interested members of the public.)
- Provide information to the Attorney General, Executive Staff, and Diversity and Inclusion Committee, as appropriate, regarding DOJ's Affirmative Action Plan monitoring, implementation, and updating procedures.
- Administer DOJ's discrimination, grievance and complaint resolution process.
- Counsel and advise managers and supervisors in administering the collective bargaining agreements and Personnel Rules and Policies in a nondiscriminatory manner.
- Ensure Department compliance with all applicable federal and state laws, rules, and regulations.

### **Diversity and Inclusion Committee**

The Diversity and Inclusion Committee is composed of representatives from divisions across DOJ and has these responsibilities:

- Identify and evaluate methods and actions for integrating diversity and inclusion within DOJ's workforce.
- Recommend actions to integrate valuing diversity throughout the workforce.
- Serve as a conduit to recommend diversity and inclusion ideas from the DOJ staff to DOJ's executive team.

# DOJ WORKPLACE REPRESENTATION REPORT

June 30, 2018

People of Color					
EEO Categories	Total DOJ employees	# of group employed	# of group needed to reach parity	% of goal achieved	Change in # of POC from 06/30/2015
OFFICIAL/ADMINISTRATOR	104	14	14	100%	+3
Upper Management	48	7	8	88%	
Middle Management	56	7	6		
PROFESSIONALS	770	104	90	100%	+5
TECHNICIANS	4	1	1	100%	NC
PROTECTIVE SERVICE WORKERS	24	2	1	100%	NC
PARAPROFESSIONALS	65	7	6	100%	-3
ADMINISTRATIVE SUPPORT	285	61	29	100%	-2
TRADES/MAINTENANCE REPAIR	1	0	0	N/A	NC
SERVICE MAINTENANCE WORKER	3	1	1	100%	NC
<b>Total</b>	<b>1256</b>	<b>190</b>	<b>142</b>		
Women					
EEO Categories	Total DOJ employees	# of group employed	# of group needed to reach parity	% of goal achieved	Change in # of Women from 06/30/2015
OFFICIAL/ADMINISTRATOR	104	64	41	100%	+2
Upper Management	48	24	18	100%	
Middle Management	56	40	24	100%	
PROFESSIONALS	770	536	343	100%	+4
TECHNICIANS	4	2	3	67%	NC
PROTECTIVE SERVICE WORKERS	24	6	6	100%	NC
PARAPROFESSIONALS	65	58	33	100%	+9
ADMINISTRATIVE SUPPORT	285	248	222	100%	-31
TRADES/MAINTENANCE REPAIR	1	0	0	N/A	NC
SERVICE MAINTENANCE WORKER	3	0	1	0%	NC
<b>Total</b>	<b>1256</b>	<b>914</b>	<b>649</b>		
People with Disabilities					
EEO Categories	Total DOJ employees	# of group employed	# of group needed to reach parity	% of goal achieved	Change in # of PWD from 06/30/2015
OFFICIAL/ADMINISTRATOR	104	6	6	100%	+3
Upper Management	48	4	4	100%	
Middle Management	56	2	2	100%	
PROFESSIONALS	770	17	52	33%	+4
TECHNICIANS	4	0	0	N/A	NC
PROTECTIVE SERVICE WORKERS	24	0	1	0%	NC
PARAPROFESSIONALS	65	1	3	0%	NC
ADMINISTRATIVE SUPPORT	285	8	19	42%	-5
TRADES/MAINTENANCE REPAIR	1	0	0	N/A	NC
SERVICE MAINTENANCE WORKER	3	0	0	N/A	
<b>Total</b>	<b>1256</b>	<b>32</b>	<b>81</b>		



## **ANALYSIS OF JULY 1, 2017 to JUNE 30, 2019 ACCOMPLISHMENTS AND PROGRESS**

### **AA/EEO Categories**

The EEO job categories listed below provide detailed information regarding DOJ's standing in meeting Affirmative Action goals as they relate to representing women, people of color, and people with disabilities in the workplace. Within each job category, there are job sub-categories that may be mentioned due to either significant progress or lack of progress. Also mentioned are the unique obstacles encountered in meeting parity goals as well as the proposed actions to address the adverse impact in those areas.

In addition, our workforce data for people of color or people with disabilities reflects those individuals who have so identified themselves or through the visual assessment process (for people of color only). Specifically, due to Federal EEO reporting requirements, those that have declined to self-identify have been designated an EEO ethnicity code as a result of a third-party visual assessment and may not accurately reflect the correct designation. If an employee is the subject of a visual assessment, he or she is given notification of the designation along with instructions on how to dispute it. Data regarding people with disabilities reflects not only individuals that have self-disclosed but those that have been determined to have a qualifying disability through the ADA interactive process.

#### **A. Officials/Administrators**

The Workplace Representation Report shows 104 employees in this category, which includes mid-level management, executive staff, and Attorneys-in-Charge (AIC). DOJ exceeds the parity goal for females by employing 64 females, which results in 100% compliance. This is consistent with data from the previous period wherein compliance was also achieved. Although parity was achieved in this category, it is important to note that there was a decrease in the number of females in Upper Management (-6) since last reporting period; conversely there was an increase in females in middle management (+9). The data also reflects an increase in representation with people of color, with an increase of 3, meeting parity. The data also reflects an increase in representation of people with disabilities, meeting 100% parity. This is a significant improvement over the preceding period.

Upper management positions are generally the most difficult to fill due to specialized requirements and small applicant pools. Turnover in these positions is low. Many of these are AIC positions that require current membership with the Oregon State Bar (OSB) and experience in a specialized area. Demographics of the OSB reflect a lack of diversity, which affects our ability to meet goals. Some of the ways that DOJ is working to attract a more diversified attorney applicant pool is to send job announcements to the Oregon State Bar (OSB) Diversity and Inclusion Section who then shares with other resources. Other sources include social media and the American Bar Association to target attorney applicant pools outside Oregon. Appointments to AIC positions are often made from an internal candidate pool due to the experience required for the positions. DOJ continues to work diligently to increase the diversity in our attorney applicant pool.

#### **B. Professionals**

The Workplace Representation Report indicates that DOJ exceeds women and 104 people of color in this category, and therefore demonstrates 100% compliance. This is consistent with data from the previous reporting period during which compliance was also achieved. Since DOJ has started using Neogov for attorney recruitment, this has provided an avenue for applicants to identify their ethnicity. This reporting period reflected an average of 12% People of Color (POC) who applied for



attorney positions and self-identified, compared to a workforce rate of 10%. The current representation report shows an increase of 4 POC, which suggests recruitment and selection efforts for this group are seeing positive results.

The data also indicates the under-representation of people with disabilities, which is consistent with the previous reporting period. DOJ employs 17 people with disabilities which is an increase of 4 from last reporting period. DOJ will continue to persevere in its efforts to improve representation of this protected class in this job category.

### **C. Technicians**

This category is comprised of 4 employees in the classifications of Revenue Agent 1-3 and 1 employee as a computer Systems Specialist. The Workplace Representation Report shows this category at parity for people of color. It is below parity for women and people with disabilities. There has been no change since last reporting period. DOJ will continue to work diligently to increase representation of woman and people with disabilities in this job category.

### **D. Protective Service Workers**

The 2 employees in this category are primarily Criminal Investigators. The Workplace Representation Reports shows that this category is at parity for women and people of color. There is no change from last reporting period. However, this category is under-represented by one in the people with disabilities category. These positions require experience in special subject areas, Certification and special physical qualifications are required to perform the essential functions of the job. . In addition, there are limited opportunities for hire in this category.

### **E. Paraprofessionals**

The 65 employees in this category are all Paralegals. The Workplace Representation Report shows that this category is above parity for women and at parity for people of color. People with disabilities are underrepresented in this category. DOJ will continue to advertise openings in job boards and publications specific to hiring people with disabilities.

### **F. Administrative Support**

This category is comprised of administrative and clerical support positions, and the supervisors of these positions. There are 285 employees in this category, a decrease in representation of 31 since last reporting period. The overall decrease in headcount reflects vacancy holds during the 2017-19 biennium that were the result of state-wide budget reductions. The Workplace Representation Report shows that this category is above parity for women and people of color and is under-represented by people with disabilities. There was a reduction of 5 people with disabilities since the last reporting period. DOJ remains committed to recruiting and accommodating employees with disabilities.

### **G. Trades/Maintenance Repair**

There is one employee in this category, a Facility Operations Specialist 1. There are no parity goals for this category. There is no change from last reporting period.

### **H. Service Maintenance Workers**

There are three employees in this category. There are no parity goals for this category for people with disabilities. People of Color are at parity. Women are under-represented by one in this category. There is no change from last reporting period.



Although parity was met for virtually all EEO categories, applicant flow for POC in some cases was significantly higher than the workforce representation rate. DOJ will continue to make efforts to increase representation across these categories.

## Recruitment and Selection

Recruitment and selection for positions represented by collective bargaining organizations followed applicable laws and regulations including: Federal civil rights laws, State Personnel Relations Law, particularly ORS 240.306(2), (3) and (7), ORS 240.309, OAR 582-90-010 and 030, OAR 105-040-0001 through 0080, and applicable collective bargaining agreement provisions.

Recruitment and selection for temporary, unclassified unrepresented, management service and executive service positions were accomplished in full adherence to Federal civil rights laws, ORS 240.379, OAR 105040-0001 through 0080, DOJ of Administrative Services (DAS) Personnel Rules and Policies, and DOJ's Affirmative Action Plan.

Schools, colleges, law schools, employment agencies, vocational rehabilitation agencies, and other recruiting sources were used by DOJ and Recruitment Analysts to encourage qualified applicants who are people of color, women, and people with disabilities to apply for all job opportunities. All solicitations for employment included a statement that DOJ is "An Equal Opportunity Employer".

- **Recruitment Strategies:** DOJ's Recruitment Analysts worked with hiring managers to develop recruitment strategies that address specific opportunities to reduce or eliminate under-representation of females, people of color, or people with disabilities in job categories. Strategies included ensuring a diverse representation on interview panels and expanding outreach efforts through use of community outreach programs, DOJ's internet and intranet websites, and internet job posting websites.
- **Law Clerk Recruiting:** DOJ advertises all external job postings through local law school career service sections and publically accessible job boards. In addition, DOJ networks with various law student affinity groups.
- **Attorney Recruiting:** DOJ advertises all external job postings through the Oregon State Bar Diversity & Inclusion Section which networks with various attorney affinity groups.

## Training

Employees receive on-the-job training to allow them to perform their assigned duties to the best of their ability, within the resources available to DOJ. Every attempt is made to authorize participation in educational programs designed to improve job performance and professional competency, regardless of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, sexual orientation, physical or mental disabilities, and without discrimination for any other reason prohibited by law or policy of the state or federal government. DOJ's efforts include, but are not limited to providing educational stipends and authorizing participation in professional conferences, institutes and workshops, including those having a diversity theme. Managers, supervisors, and human resources staff receive training in implementation of the



Department's Affirmative Action Plan and were provided support services as necessary to ensure their success in this area.

- **Employee Development:** Job rotations, underfills and other career-development opportunities have been utilized during this reporting period in an effort to retain and provide additional career paths for our employees.
- **Education and Awareness:** DOJ conducted the following Access to Justice Continuing Legal Education sessions:
  - Indian Law, 401: Tribal Agreements (October 2016)
  - Understanding & Avoiding Workplace Harassment (Jan 2016, June 2016, Jan. 2017, July, 2017)
  - Civil Commitments of the Mentally ill (June 2017)
  - Public Employers: ADA Part I and Part II (Sept. 2017)
  - Indian Country Criminal Jurisdictional Training (Sept. 2017)
- **Miscellaneous Training:** The attorneys in the Labor & Employment Section of DOJ provided training to DOJ employees (and other agencies) on a number of topics including Sexual Harassment, Americans with Disability Act, Understanding Workplace Harassment, Employment Law, and Veteran's Preference. In addition, several of these topics were delivered during the Attorney General's 2017 Public Law Conference in 2017. See Workshop schedule in addendums.
- **Non-Discrimination and Harassment Policy:** DOJ has an updated non-discrimination and harassment policy (Appendix A-2) which includes a complaint procedure for employees to follow. DOJ also conducts mandatory training for all staff, and additional mandatory training for supervisors. During this reporting period, all complaints were promptly investigated and corrective action taken as appropriate.
- **ADA, Reasonable Accommodation:** All new supervisors received training on the Americans with Disabilities Act and reasonable accommodation. Staff requesting accommodation under the ADA were treated fairly, consistently, and were not discriminated against.
- **Affirmative Action Plan Education:** DOJ educates managers about the Affirmative Action Plan, DOJ's goals, and managers' responsibilities. DOJ's executive staff will ensure that subordinate managers are aware of these goals and are actively working to accomplish them.

### Layoffs, Recalls and Disciplinary Actions

DOJ had no layoffs during this reporting period. Terminations, demotions, and disciplinary actions were made without regard to race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, sexual orientation, physical or mental disabilities, and without regard to any other reason prohibited by law or policy of the state or federal government. They were made in accordance with applicable provisions of the State Personnel Relations Law, ORS chapters 240 and 659, DAS Personnel Rules and Policies, and all applicable collective bargaining agreement provisions.

### Employee Compensation and Benefits

All compensation and benefits of temporary, unclassified unrepresented, represented, management service and executive service positions followed the applicable Department of Administrative Services compensation plans, DOJ compensation policy, and applicable provisions of collective bargaining agreements during this reporting period.



DOJ is committed to fair employment practices and non-discrimination, including pay equity for all employees. In support of recent Legislation passed (HB 2005, Pay Equity), DOJ completes pay equity analysis on all applicants. Additionally, DOJ has completed a pay equity survey of all incumbents and will be conducting the same type of analysis in the forthcoming biennium.

### **Affirmative Action Performance Evaluation Criteria for Managers and Supervisors**

All managers and supervisors are responsible for promoting the affirmative action goals and objectives in their divisions/sections/units. The following minimum criteria were applied in the performance evaluation of managers and supervisors regarding their effectiveness in achieving affirmative action objectives:

- Fostering and promoting a diverse workforce and environment, promoting the affirmative action goals and objectives, and ensuring that staff is knowledgeable about DOJ affirmative action and diversity and inclusion strategies.
- Ensuring fair treatment of all persons and giving equal opportunity in selection, training, promotion, performance evaluation (including nonbiased interview questions and selection criteria, and diverse representation on interview panels), work assignment (including encouragement of developmental assignments), classification, compensation, and assignment of overtime.
- Strictly adhering to grievance procedures without retaliation or reprisal against any person filing a complaint of discrimination, or against any person giving testimony or aiding in the resolution of a complaint.
- Resolving formal and informal complaints regarding unlawful discrimination and accommodation issues.
- Ensuring that subordinate staff attends DOJ's mandatory Discrimination and Harassment training.

### **Monitoring and Progress Reporting**

DOJ's records reflecting its progress under this plan were made available for inspection at all times to appropriate state and federal officials during this reporting period. The U.S. DOJ Office for Civil Rights approved DOJ's Equal Employment Opportunity Plan (EEOP) which further demonstrates our success in attracting and retaining women and people of color across all EEO job categories. It should be noted that an updated EEOP is not due until after this reporting period.

### **Grievances and Complaints**

DOJ responded to all complaints and grievances without regard to race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, sexual orientation, physical or mental disabilities, or any other reason prohibited by law or policy of the state or federal government, and in accordance with all applicable provisions of the State Personnel Relations Law, ORS chapters 240 and 659, DAS Personnel Rules and Policies, and collective bargaining agreement provisions. DOJ Policy 3-21 reaffirms DOJ's commitment to discrimination and harassment-free workplace, clarifies the types of conduct that constitute violations of the policy, and provides an effective complaint procedure for those who believe they have observed or been victims of prohibited conduct (see Appendix A-2). All new employees are given a copy of Policy 3-21 and the entire DOJ Policy & Procedures Manual is available for review by all employees through the DOJ Intranet. For employees represented by a collective bargaining agreement, the applicable agreement outlines the grievance procedure employees may follow to file a grievance through the Union.

### **Internal and External Dissemination**

Copies of this plan were distributed to:

- Office of the Governor, Director of Diversity & Inclusion
- Executive Staff
- Human Resources and Payroll Unit employees

- All Department management personnel
- Collective bargaining organizations which represent Department employees

DOJ employees have full and ready access to the Affirmative Action Plan through permanently posted announcements in all Department work places regarding (a) DOJ's Affirmative Action Policy and (b) information stating that they may view the Affirmative Action Plan on the DOJ Intranet Diversity and Inclusion Committee's site.



## GOALS, STRATEGIES, AND IMPLEMENTATION

### JULY 1, 2019–JUNE 30, 2021

#### Goals

DOJ's goals for the coming biennium are to maintain parity where it exists and to resolve Areas where there is underrepresentation.

Specific goals include:

1. Increase recruitment, promotion and retention of employees with disabilities in Professional job categories.
2. Increase recruitment, promotion and retention of individuals that identify as people of color in the job category of Officials /Administrators.
3. Increase recruitment, promotion and retention of individuals who identify as females in the job category of Technician.

#### Identified Challenges

- Although we often have large applicant pools for non-attorney positions, the number of applicants who identify as people of color range from a low of 21% (Technicians), to a high of 30% (Administrative Support).
- The State does not ask applicants to identify if they are disabled and therefore there is no data to determine if applicant pools include people with disabilities.
- Some positions such as Criminal Investigators require greater physical demands to perform the essential functions.
- Employees do not always identify themselves as having a disability at the time of employment. There is not a mechanism in place to prompt employees to update the Employee Voluntary Questionnaire for Self-Identification which asks employees to identify disability status. As a result, reports most likely do not reflect accurate figures for employees with disabilities.
- DOJ is currently without a Diversity, Equity and Inclusion Coordinator.

The following action plan will be the basis for meeting our goals and overcoming challenges in the coming biennium:

#### Recruitment and Selection

- **Job Announcements:** DOJ has used an online recruiting system since January 2010 which has more than doubled most applicant pools and increased DOJ's reach to applicants. Through this system, DOJ will post all vacancies. Advertising will be conducted in publications, on the internet, and through networking with minority-based organizations in an effort to increase diversity and find qualified applicants. DOJ will use websites like LinkedIn and other professional social media and recruiting sites, to advertise



educate individuals about job requirements, application procedures, and required preparation for applying for potential vacancies through advertising and networking.

- **Recruitment Strategies:** DOJ's Recruitment Analysts will work with hiring managers to develop recruitment strategies that will address specific opportunities to reduce or eliminate under-representation of women, people of color, and people with disabilities in job categories. Strategies will include ensuring that there is diverse representation on interview panels, and expanding outreach efforts targeting underrepresented groups.
- **Attorney Recruiting:** DOJ will continue to investigate and develop creative means to increase diversity in attorney positions. External job postings are sent to the OSB Diversity & Inclusion Section, are posted on DOJ's LinkedIn site, circulated to attorney diversity groups and advertised with related organizational job boards. In addition, DOJ has started allowing applicants to apply online through the E-Recruit system to gain larger applicant pools and to start tracking EEO applicant data.
- **Minimum Job Qualifications:** Underfills and job rotation opportunities will be identified and used for developmental purposes when appropriate to broaden the diversity of the qualified applicant pool.
- **Honors Attorney and Law Clerk Programs:** DOJ will continue to advertise nationally with affinitive law school associations and with the Oregon State Bar's Diversity & Inclusion Section to develop diverse applicant pools. Selection committees affirmatively look at candidates from diverse minority backgrounds when narrowing the pool for interviews.
- **Diversity, Inclusion and Equity Coordinator.** DOJ has submitted a Policy Option Package (POP) for a Diversity, Inclusion and Equity Coordinator. This position will be the internal coordinator for EEOC Title V and VII issues relating to Diversity, Inclusion, Equity, Equal Opportunity, Civil Rights and Affirmative Action. The main purpose of this position will be to develop, compose and institutionalize an agency Affirmative Action Plan to improve the workplace culture of all employees. With the recent additional training requirements to the Statewide Policies related to Harassment and Discrimination Free Workplace, DOJ intends to create a more inclusive and discrimination free organizational culture.

## Training

Employees will receive on-the-job training to allow them to perform their assigned duties to the best of their ability, within the resources available to DOJ. Every attempt will be made to authorize participation in educational programs designed to improve job performance and professional competency regardless of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, sexual orientation, physical or mental disabilities, and regardless of any other reason prohibited by law or policy of the state or federal government. Such programs may include, but are not limited to, providing educational stipends and authorizing participation in professional conferences, institutes and workshops. Managers, supervisors, and human resources staff will receive sufficient training for implementation of DOJ's Affirmative Action Plan.



- **Employee Development:** DOJ will use job rotations and other career development opportunities in an effort to retain and provide career paths for its employees.
- **Education and Awareness:** DOJ will continue to support the activities of, and fully consider all recommendations made by the Diversity and Inclusion Committee. DOJ will continue to explore and develop new educational opportunities to increase awareness among all employees of the value of diversity and inclusion. It will continue to require all new employees to attend Avoiding Workplace Harassment training within six months of employment.
- **Non-Discrimination and Harassment Policy:** DOJ has a non-discrimination and harassment policy (Appendix C) and will continue to conduct mandatory training for all staff as well as additional mandatory training for all managers and supervisors. The policy includes a complaint procedure for employees to follow. Complaints will be promptly investigated and corrective action taken when appropriate. DOJ will relay its policy to new employees during New Employee Orientation, and will ensure that new employees receive adequate training.
- **ADA, Reasonable Accommodation:** Supervisors will continue to be trained on the Americans with Disabilities Act and reasonable accommodation to ensure that employees and job applicants are treated fairly and are not discriminated against.
- **Affirmative Action Plan Education:** Managers will be educated on the Affirmative Action Plan, DOJ's AA goals and their responsibilities for goal achievement. DOJ's executive staff will ensure that subordinate managers are aware of these goals and are actively working to accomplish them.

## **Layoffs, Recalls and Disciplinary Actions**

Layoffs, recalls from layoff, terminations, demotions, and disciplinary actions will be processed as needed without regard to race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, sexual orientation, physical or mental disabilities, and without regard to any other reason prohibited by law or policy of the state or federal government, and in accordance with all applicable provisions of the State Personnel Relations Law, ORS chapters 240 and 659, DAS Personnel Rules and Policies, and all collective bargaining agreement provisions.

## **Employee Compensation and Benefits**

Compensation and benefits of temporary, unclassified unrepresented, represented, management service and executive service positions will be established in compliance with the applicable Department of Administrative Services compensation plans, DOJ compensation policy, and all applicable provisions of collective bargaining agreements.

## **Affirmative Action Performance Evaluation Criteria for Managers and Supervisors**

All managers and supervisors will be held accountable for promoting affirmative action goals and objectives within their respective divisions/sections/units. The following minimum criteria are to be applied in the performance evaluations of managers and supervisors regarding their effectiveness in achieving affirmative action objectives (refer to Appendix C):



- How well the manager/supervisor fosters and promotes a diverse workforce and environment, promotes the affirmative action goals and objects, and ensures that his/her staff are knowledgeable about DOJ Affirmative Action and Diversity and Inclusion strategies. How fairly the manager/supervisor treats all persons and gives equal opportunity in selection, training, promotion, performance evaluation (including nonbiased interview questions and selection criteria and diverse representation on interview panels), work assignments (including encouragement of developmental assignments), classification, compensation, and assignment of overtime
- How strictly the manager/supervisor adheres to grievance procedures without retaliation or reprisal against any person filing a complaint of discrimination or against any person giving testimony or aiding in the resolution of a complaint.
- How the manager/supervisor resolves formal and informal complaints regarding unlawful discrimination and accommodations issues.
- How well the manager/supervisor ensures that subordinate staff attends mandatory Avoiding Workplace Harassment training.

### **Monitoring and Progress Reporting**

DOJ's records reflecting its progress under this plan will be available for inspection at any time to appropriate state and federal officials. Periodic affirmative action status reports prepared by the Governor's Office of Affirmative Action will be furnished by DOJ as may be required to comply with applicable orders and regulations.

### **Grievances and Complaints**

The Attorney General and Deputy Attorney General are committed to and fully support DOJ's discrimination complaint process as the optimal means to swiftly resolve any instance of actual or perceived discrimination. DOJ Policy 3-21 reaffirms DOJ's commitment to a discrimination and harassment-free workplace, clarifies the types of conduct that constitute violations of the policy, and provides an effective complaint procedure for those who believe they have observed or been victims of prohibited conduct (refer to Appendix C). All new employees are given a copy of Policy 3-21, and the entire DOJ Policy Manual is accessible and available for review by all employees at any time. For employees represented by a collective bargaining agreement, the applicable agreement outlines the grievance procedure employees may follow to file a grievance through the Union.

### **Internal and External Dissemination**

Copies of this plan will be distributed to:

- Office of the Governor, Director of Diversity & Inclusion
- Executive Staff
- Human Resources and Payroll Unit employees
- All other Department management personnel
- Collective bargaining organizations which represent Department employees.
- Department employees will have full and ready access to the Affirmative Action Plan through permanently posted announcements in all Department work places regarding (a) DOJ's Affirmative Action Policy and (b) information stating that they may view the Affirmative Action Plan on the DOJ intranet at any time. Copies of the Affirmative Action Plan will also be distributed to those who indicate an interest in DOJ's affirmative action policies and procedures, including vendors and contractors.



## **APPENDIX A: State Policy Documentation**

<http://www.oregon.gov/gov/policy/Documents/StateAffirmativeAction.pdf>

## **APPENDIX B: Federal Documentation**

<http://www.oregon.gov/gov/policy/Documents/FederalAffirmativeActionTitleVII.pdf>

## APPENDIX C: DOJ Documentations

### DOJ POLICY 6-25: FILLING ATTORNEY POSITION VACANCIES

#### **Policy 6-25      Filling Attorney Position**

*Effective Date:*    *December 1, 2000*

*Applicability:*    *All full time and part time attorneys*

*References:*

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#### **(1) Process**

The process for hiring AAGs is based on a competitive process.

#### **(2) Vacancies**

Vacancies within DOJ are posted or announced via DOJ's electronic information system. Vacancies which are not limited to application by department employees are announced to women and minority organizations as provided in the Affirmative Action Plan, and otherwise announced and advertised as determined appropriate for each vacancy.

#### **(3) Reassignments**

Nothing in this section shall be construed to prevent the Attorney General or designee from otherwise reassigning personnel within DOJ when such reassignment does not include an upward change in the attorney's classification.

**DOJ REASONABLE ACCOMMODATION POLICIES,  
PROCEDURES & GUIDELINES  
(DAS 50-020.01)**

**EMPLOYEE-RELATED**

**1. Department of Justice Policy**

The Department will provide reasonable accommodation to qualified job applicants and employees with disabilities in all matters of employment, unless such accommodations would cause the Department an undue hardship, in order to:

- a. Ensure equal opportunity in the application and selection processes.
- b. Enable a qualified individual to perform the essential functions of a job.
- c. Enable employees to enjoy equal benefits and privileges of employment.

Consideration of accommodation is to be initiated by the applicable supervisor upon a request for accommodation by an applicant or employee.

**2. Procedures for Making a Reasonable Accommodation Decision**

- a. Look at the particular job involved. Determine its purpose and its essential functions.
- b. Consult with the individual with a disability making the request for reasonable accommodation to find out his or her specific physical or mental disabilities and limitations as they relate to the essential job functions. Identify the barriers to job performance and assess how these barriers could be overcome with an accommodation.
- c. When the need for an accommodation is not obvious, it is permissible to require that the individual with a disability provide documentation of the need for accommodation.
- d. In consultation with the individual, identify potential accommodations and assess how effective each would be in enabling the individual to perform essential job functions. If this consultation does not identify an appropriate accommodation, technical assistance is available from a number of sources (see section 4). There are also financial resources to help with accommodation costs.
- e. If there are several effective accommodations that would provide an equal employment opportunity, consider the preference of the individual with a disability and select the accommodation that best serves the needs of the individual and the Department.
- f. If the individual would prefer to provide his or her own accommodation, this preference should be given first consideration. However, the Department may choose among effective accommodations. (Note: If an individual is willing to provide his or her own accommodation, the Department is not relieved of the duty to provide this or another reasonable accommodation should this individual for any reason be unable or unwilling to continue to provide the accommodation.)
- g. If a particular accommodation being considered would impose an undue hardship due to reasons of undue cost or substantial disruption to the operation of the particular program or service, the consideration needs to include whether there are alternative accommodations that would not impose such hardship.



- h. If the cost of an accommodation would impose an undue hardship on the Department, the individual is to be given the option of providing the accommodation or paying that portion of the cost which would constitute an undue hardship.
- i. Use the appropriate resources identified in the next section, if necessary, to assist in determining reasonable accommodations.
- j. Obtain the concurrence of the Human Resource Manager in any determination of undue hardship.
- k. Maintain documentation of reasonable accommodation determination actions for three years.
- l.

### 3. Guidelines for Making Reasonable Accommodation Decisions

- a. Reasonable accommodation determinations need to be made on an individual basis, taking into consideration two unique factors:
  - ❖ The specific abilities and functional limitations of a particular applicant or employee with a disability, and
  - ❖ The specific functional requirements for a particular job.
- b. A reasonable accommodation must be an effective accommodation.
- c. The reasonable accommodation obligation in employment matters applies only to accommodations that reduce barriers to employment related to a person's disability; it does not apply to accommodations that a disabled person may request for some other reason.
- d. A reasonable accommodation need not be the best accommodation available, as long as it is effective for the purpose of giving the person with a disability an equal opportunity to be considered for a job, to perform the essential functions of the job, or to enjoy equal benefits and privileges of the job.
- e. An accommodation that is primarily for personal use is not required.
- f. The Department may decide to provide accommodations beyond those required by law.
- g. If there is a reasonable accommodation that will enable an individual to perform the essential functions of a job, the Department will provide it, unless to do so would impose an undue hardship in the operation of the Department or fundamentally alter the nature of the specific program.
- h. The Department is obligated to make an accommodation only to the **known** limitations of an otherwise qualified individual with a disability. In general, it is the responsibility of the applicant or employee with a disability to inform the Department that an accommodation is needed to participate in the application process, to perform essential job functions, or to receive equal benefits and privileges of employment.
- i. No discussion of reasonable accommodation with a job applicant is appropriate until a conditional offer of employment has been made **unless**:
  - ❖ The applicant brings up the subject of disability or reasonable accommodation, or
  - ❖ The applicant has a known disability that would appear to interfere with or prevent performance of an essential job function.

### 4. Assistance Available for Making Reasonable Accommodation Decisions and Taking Actions

- a. Managers and supervisors can acquire assistance, as applicable, from available outside resources including but not limited to the following:



- ❖ Job site modification consultations from:
  - ✓ The public or private vocational rehabilitation counselor of the individual with the disability
  - ✓ Oregon Occupational Safety and Health Division, Department of Consumer and Business Services
  - ✓ Preferred Worker Program for relocating injured state workers
  - ✓ SAIF Corporation for work-injured employees
- ❖ Custom job and work site accommodations consultation are available from the (national) Job Accommodation Network, 1-800-526-7234.
- ❖ Other technical assistance regarding such matters as job/work site analysis/modification, vocational assessment, other adaptive aides and equipment, and other matters of accommodation from:
  - ✓ Commission for the Blind, Portland, 971-673-1588
  - ✓ Oregon Disabilities Commission, 503-945-5811
  - ✓ Division of Vocational Rehabilitation, 503-945-5880
- ❖ Assistance regarding all technical matters and accommodation determinations of reasonableness from EEOC's Region X ADA Technical Assistance Center.

b. Internal assistance will be provided to managers and supervisors, including but not limited to obtaining and/or providing:

- ❖ Other alternatives to standard modes of communication from Human Resources, Administrative Services.
- ❖ Equipment availability (purchase, lease, borrow), cost information and acquisition follow-through from Operations, Administrative Services.
- ❖ Training and other information, guidance and assistance from Human Resources, Administrative Services.

## **5. Procedures for Providing Notice of Reasonable Accommodation Availability**

Department recruitment announcements and advertisements and other written recruitment/application communications will provide notice of applicants' rights to request and receive reasonable accommodation in all aspects of the employment recruitment/application processes (i.e., completing applications, taking tests, participating in job interviews, and being considered for appointment to perform essential functions of positions).

## **6. Procedures for Providing Reasonable Accommodations at Meetings, Training and Other Activities**

- a. Department-sponsored employee meeting, training, social and recreational activities are to be held in wheelchair accessible facilities when such activities have the potential to be attended by employees or other persons who require such accessibility.
- b. Supervisors of employees with disabilities, when providing for the employees' meeting and training needs, are to ensure that:
  - ❖ Facilities which are used for meeting and training purposes for employees with wheelchairs are wheelchair accessible or that comparable alternative training is provided.

- ❖ Advance arrangements are made with meeting conveners and training providers to provide other effective reasonable accommodation needs of the employees.

## 7. Examples of Employment-Related Reasonable Accommodations

a. Job design and work environment accommodations for potential new employees in the application,

testing and selection processes may include:

- ❖ Making facilities readily accessible to and usable by an individual with a disability.
- ❖ Administering alternative employment tests.
- ❖ Altering when or how an essential job function is performed.
- ❖ Restructuring a job by reallocating or redistributing nonessential job functions.
- ❖ Obtaining or modifying equipment or devices.
- ❖ Modifying application procedures, examinations, and training materials.
- ❖ Providing qualified readers and interpreters.
- ❖ Providing alternatives to standard forms of written materials, such as by large print, Braille, audio cassette, etc.
- ❖ Allowing an employee to provide equipment or devices that the Department is not required by law to provide.

b. Job design and work environment accommodations for current employees, in addition to the above, may include:

- ❖ Part-time or modified work schedules.
- ❖ Reassignment to a vacant position.
- ❖ Modifying training procedures and materials.

c. Job site and facilities accessibility accommodations to enable employees and qualified potential employees to perform essential job functions and demands may include:

- ❖ Installing a ramp at the entrance to a building.
- ❖ Removing raised thresholds.
- ❖ Reserving parking spaces close to the worksite that are wide enough to allow people using wheelchairs to get in and out of vehicles.
- ❖ Making restrooms accessible, including toilet stalls, sinks soap and towels.
- ❖ Rearranging office furniture and equipment.
- ❖ Making a drinking fountain accessible (for example, by installing a paper cup dispenser).
- ❖ Making accessible, and providing an accessible "path of travel" to equipment and facilities used by an employee, such as copy machines, meeting and training rooms, lunchrooms, and lounges.
- ❖ Removing obstacles that might be potential hazards in the path of people without vision.
- ❖ Adding flashing lights when alarm bells are normally used to alert an employee with a hearing impairment to emergencies.

## 8. Overview of Federal and State Law

a. Reasonable accommodation is any modification or adjustment to a job, an employment practice, or the work environment that makes it possible for an individual with a disability to enjoy an equal employment opportunity.



b. The obligation to provide a reasonable accommodation applies to all aspects of employment.

c. A state agency cannot deny an employment opportunity to a qualified applicant or employee because of the need to provide reasonable accommodation unless it would cause the Agency to incur an undue hardship.

d. Generally, it is the obligation of an individual with a disability to request a reasonable accommodation.

e. A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job without the accommodation, he or she may not be qualified for the job.

## **PROGRAM AND SERVICES-RELATED**

### **1. Department of Justice Policy**

a. The Department will not discriminate on the basis of disability in admission or access to its programs and services.

b. The Department will provide reasonable accommodation to qualified individuals accessing Department programs and services unless such accommodation would result in a fundamental alteration of the program or service or an undue financial or administrative burden.

### **2. Basic Principles in Making Reasonable Accommodation Decisions**

a. Reasonable accommodation determinations need to be made on an individual basis, taking into

consideration two unique factors:

- ❖ The specific abilities and functional limitations of a particular person with a disability who is accessing the program or service, and
- ❖ The specific functional aspects of the particular program or service being accessed.

b. A reasonable accommodation must be an effective accommodation.

DOJ will provide reasonable accommodation to qualified job applicants and employees with disabilities in all matters of employment, unless such accommodations would cause DOJ an undue hardship, in order to:

- a. Ensure equal opportunity in the application and selection processes.
- b. Enable a qualified individual to perform the essential functions of a job.
- c. Enable employees to enjoy equal benefits and privileges of employment.

### **3. Assistance Available for Making Reasonable Accommodation Decisions and Taking Actions**

a. Technical assistance regarding adaptive aides and equipment and other matters of accommodation can be obtained from:

- ❖ Commission for the Blind
- ❖ Oregon Disabilities Commission

b. Assistance regarding all technical matters and accommodation determinations of reasonableness from EEOC's Region X ADA Technical Assistance Center.

c. Internal assistance including but not limited to obtaining and/or providing:.



- ❖ Qualified sign language interpreters by contacting Human Resources
- ❖ Other alternatives to standard modes of communication from Administrative Services
- ❖ Equipment availability (purchase, lease, borrow), cost information, and acquisition follow-through from Operations, Administrative Services
- ❖ Other information, guidance, and assistance from the Human Resources Manager acting as the Department's ADA Coordinator

#### **4. Examples of Program and Services-related Reasonable Accommodation**

- a. Areas in the Department which are frequented by persons accessing Department programs and services are to be posted with notifications:
  - ❖ That the Department does not discriminate on the basis of disability in admission or access to its programs and services.
  - ❖ How individuals with disabilities can obtain information and other assistance in a more accessible format.
  - ❖ How to resolve a grievance alleging Department discrimination on the basis of disability through both the Department's information complaint procedure and enforcement agencies formal complaint procedures.
- b. Department publications advising of the availability of programs and services are to include the same information as listed above.
- c. Hearings and meetings for the public are to be held in wheelchair accessible facilities, and notice of such activities is to include a statement of accessibility and how a person with disabilities can arrange in advance for other accommodations necessary for their effective participation in such activities.
- d. Supervisors and other personnel responsible for having regular contact with clients and/or the public are to be provided training and instruction regarding the Department's reasonable accommodation responsibilities, policy and procedure.

#### **5. Overview of Federal and State Law**

- a. For the purpose of dealings with clients, applicants, and the general public, reasonable accommodation is defined as, "action, reasonably possible in the circumstances to make the regular services of the Department accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental or physical limitation."
- b. Generally, it is the obligation on an individual with a disability to request a reasonable accommodation
- c. A state agency
  - ❖ May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.
  - ❖ May not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters.
  - ❖ Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.
  - ❖ Need not remove physical barriers, such as stairs, in all existing buildings as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility.



- ❖ Can provide the services, programs, and activities offered in the facility to individuals with disabilities through alternative methods, if physical barriers are not removed, such as:
  - ✓ Relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building.
  - ✓ Providing an aide or personal assistant to enable an individual with a disability to obtain the service.
  - ✓ Providing benefits or services at an individual's home, or at an alternative accessible site.
- d. Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, a state agency must provide appropriate auxiliary aids unless such action would result in a fundamental alteration in the nature of a service, program, or activity or an undue financial and administrative burden. However, the Agency must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burden.
- e. A state agency must provide an opportunity for individuals with disabilities to request the auxiliary aids and services of their choice. The Agency is to honor the choice unless it can demonstrate that either:
  - ❖ Another effective means of communication exists,
  - ❖ Use of the means chosen would not be required under law, or
  - ❖ Use of the means chosen would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden.
- f. A qualified individual with a disability has the right to refuse an accommodation

## DOJ POLICY 3-21: DISCRIMINATION AND HARASSMENT BEHAVIOR & COMPLAINT PROCEDURE

### **Policy 3-21          Discrimination and Harassment Behavior**

*Effective Date: June 29, 2007*

*Applicability:          All full, part-time, and temporary employees, and volunteers*

*References:          DAS Policy 50.010.01, SEIU Article 22, OAJA Article 7, CIA Article 3*

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#### **(1) Purpose and Scope**

This policy statement is committed to a discrimination and harassment free work environment. The policy outlines the types of prohibited conduct and procedures for reporting and investigating prohibited conduct.

#### **(2) Policy**

- (a) Discrimination, Workplace Harassment and Sexual Harassment. The State of Oregon provides a work environment free from unlawful discrimination or workplace harassment based on or because of an employee's protected class status. Additionally, the state of Oregon provides a work environment free from sexual harassment. Employees at every level of the organization, including state temporary employees and volunteers, must conduct themselves in a business-like and professional manner at all times and not engage in any form of discrimination, workplace harassment or sexual harassment.
- (b) Higher Standard. Managers/supervisors are held to a higher standard and are expected to take a proactive stance to ensure the integrity of the work environment. Managers/supervisors must exercise reasonable care to prevent and promptly correct any discrimination, workplace harassment or sexual harassment they know about or should know about.
- (c) Reporting. Anyone who is subject to or aware of what he or she believes to be discrimination, workplace harassment or sexual harassment should report that behavior to the employee's immediate supervisor, another manager, the Human Resources section or the Front Office. A report of discrimination, workplace harassment or sexual harassment is considered a complaint. A supervisor or manager receiving a complaint should promptly notify the Human Resources section or the Front Office, as applicable.
  - (i) A complaint may be made orally or in writing.
  - (ii) A complaint must be filed within one year of the occurrence.
  - (iii) An oral or written complaint should contain the following:
    - a. the name of the person filing the report;
    - b. the name of the complainant;
    - c. the names of all parties involved, including witnesses;
    - d. a specific and detailed description of the conduct or action that the employee believes is discriminatory or harassing;



- e. the date or time period in which the alleged conduct occurred; and
- f. a description of the remedy the employee desires.

(Refer to Appendix 3-21 for the Allegation of Employment Discrimination and/or Workplace Harassment form)

(d) Other Reporting Options. Nothing in this policy prevents any person from filing a formal grievance in accordance with a Collective Bargaining Agreement (CBA) or a formal complaint with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC). However, some CBAs require an employee to choose between the complaint procedure outlined in the CBA and filing a BOLI or EEOC complaint.

(e) Investigation. DOJ of Human Resources section or Front Office, as applicable, will coordinate and conduct or delegate responsibility for coordinating and conducting an investigation.

- (i) All complaints will be taken seriously and an investigation will be initiated as quickly as possible.
- (ii) DOJ may need to take steps to ensure employees are protected from further potential discrimination or harassment.
- (iii) Complaints will be dealt with in a discreet and confidential manner, to the extent possible.
- (iv) All parties are expected to cooperate with the investigation and keep information regarding the investigation confidential.
- (v) DOJ will notify the accused and all the witnesses that retaliating against a person for making a report of discrimination, workplace harassment or sexual harassment will not be tolerated.
- (vi) DOJ will notify the complainant and the accused when the investigation is concluded.
- (vii) Immediate and appropriate action will be taken if a complaint is substantiated.
- (viii) DOJ will notify the complainant if any part of a complaint is substantiated and that action will be taken. The complainant will not be given the specifics of the action.
- (ix) The complainant and the accused will be notified by the Human Resources section if a complaint is not substantiated.

(f) Penalties. Conduct in violation of this policy will not be tolerated.

- (i) Employees engaging in conduct in violation of this policy may be subject to disciplinary action up to and including dismissal.
- (ii) Temporary employees and volunteers who engage in conduct in violation of this policy may be subject to termination of their working or volunteer relationship with DOJ.
- (iii) A Department may be liable for discrimination, workplace harassment or sexual harassment if it knows or should know of conduct in violation of this policy and fails to take prompt, appropriate action.
- (iv) Managers and supervisors who know or should know of conduct in violation of this policy and who fail to report such behavior or fail to take prompt appropriate action may be subject to disciplinary action up to and including dismissal.

- (v) An employee who engages in harassment or other employees while away from the workplace and outside of working hours may be subject to the provisions of this policy if that conduct has a negative impact on the work environment and/or working relationships.
  - (vi) If a complaint involves the conduct of a contracted employee or a contractor, DOJ Human Resources section or Front Office must inform the contractor of the problem behavior and require prompt, appropriate action.
  - (vii) If a complaint involves the conduct of a client, customer or visitor, DOJ should follow its own internal procedures and take prompt, appropriate action.
- (g) Retaliation. This policy prohibits retaliation against employees who file a complaint, participate in an investigation or report observing discrimination, workplace harassment or sexual harassment.
- (i) Employees who believe they have been retaliated against because they filed a complaint, participated in an investigation, or reported observing discrimination, workplace harassment or sexual harassment, should report the behavior to the employee's immediate supervisor, another manager, the Human Resources section or the Front Office. Complaints of retaliation will be investigated promptly.
  - (ii) Employees who violate this policy by retaliating against others may be subject to disciplinary action, up to and including dismissal.
  - (iii) Temporary employees and volunteers who retaliate against others may be subject to termination of their working or volunteer relationship with DOJ.
- (h) Policy Notification. All employees, including temporary employees and volunteers, shall:
- (i) be given a copy of this policy;
  - (ii) be given directions to read the policy;
  - (iii) shall be provided an opportunity to ask questions and have their questions answered; and
  - (iv) sign an acknowledgement indicating the employee read the policy and had the opportunity to ask questions.
- a. Signed acknowledgements are kept on file in Human Resources.



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## Appendix 3-21

Effective April 29, 2001

### Discrimination and Harassment Behavior

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State of Oregon  
Department of Justice

### ALLEGATION OF EMPLOYMENT DISCRIMINATION AND/OR WORKPLACE HARASSMENT

TO: \_\_\_\_\_  
Department of Justice  
Administrative Services/Human Resources Section  
1162 Court St NE  
Salem, OR 97301

FROM: \_\_\_\_\_ Employee's Name)  
(Please print or type)

DATE: \_\_\_\_\_

- (1) If your allegation is based on Employment Discrimination and/or Workplace Harassment, please indicate the type of discrimination/harassment you are alleging:

_____ Age	_____ National Origin
_____ Color	_____ Other _____
_____ Disability (ADA)	_____ Race
_____ Gender (Sex)	_____ Religion
_____ Harassment	_____ Retaliation
_____ Harassment (Sexual)	_____ Sexual Orientation

- (2) Date the incident(s) being alleged last took place: \_\_\_\_\_

- (3) What happened? Please state the facts, and include all relevant information such as:

(a) When did the alleged incident(s) happen? If there was more than one event, what was the chronology/timetable of the event(s)/action(s)? (Use additional pages if necessary.)

(b) What specific incident of Employment Discrimination and/or Workplace Harassment is being alleged?

(c) Who was involved? Please include name(s), job title(s), and division(s)/state agency, etc. Are you accusing someone of one or more of the above actions? Please indicate the person's name, title, and Department.

(d) Were there any witnesses? \_\_\_\_\_ Yes \_\_\_\_\_ No

If "Yes", include name(s), job title(s), and division/state agency:

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(e) Where did the alleged incident(s) happen?

(f) Have you told anyone else about the alleged incident(s)? If so, please provide the person's name, title, and the date you told him/her?

(g) Do you have additional documentation (notes, calendars, etc.)?

\_\_\_\_\_ Yes \_\_\_\_\_ No If "Yes", please attach.

(4) What remedy are you requesting?

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DOJ Division/Department: \_\_\_\_\_

Contact Phone Number(s): (Work) \_\_\_\_\_ (Home) \_\_\_\_\_

\*\*\*\*\*

If this form has been completed by someone other than the person filing this complaint, please indicate name and division of person completing this form below, and date completed:

Name: \_\_\_\_\_ Division: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's acknowledgement that above information has been completed accurately:

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*

Thank you for your time and effort to complete this form completely. The Department of Justice takes all allegations of Employment Discrimination and/or Workplace Harassment very seriously. As a result, the above written information will assist us greatly in our investigation. Although all allegations will be promptly and thoroughly investigated; including those received orally, we suggest that you submit any allegation of Employment Discrimination and/or Workplace Harassment in writing to us on this form to facilitate a prompt response.

**For Human Resources  
Use Only**

Received by DOJ Human Resources: \_\_\_\_\_ Date: \_\_\_\_\_

Date Investigation Begun: \_\_\_\_\_ Date Completed: \_\_\_\_\_



## DOJ POLICY 3-26: EMPLOYEE TRAINING

### Policy 3-26 Employee Training

Effective Date: August 1, 2004

Applicability: All regular status employees and temporary law clerks.

References:

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#### (1) Policy

DOJ, through training and education, seeks to improve job performance, increase professionalism, and enhance career opportunities in order to conduct its business effectively and efficiently.

#### (2) Areas for Training

The areas appropriate for training include:

- (a) Orientation of new or newly-assigned employees,
- (b) Technical and professional skills necessary to perform assigned jobs and meet new demands,
- (c) Management skills for management personnel,
- (d) Information System applications,
- (e) Personal development (e.g., written communication, oral communication, time management, customer service), and
- (f) Department policies, practices, and procedures.

#### (3) Approval of Training and Development Requests

- (a) An employee must request and receive approval for training from his or her supervisor (and Associate AG if the training is out of state) before registering and/or attending the training, if the employee desires the state to bear any part of the training costs.
- (b) Division Administrators are responsible for establishing a process for review and approval of requests for training and development, except as follows:
  - (i) Out-of-state programs require approval of the Associate AG (after approval by Division Administrator), and
  - (ii) Out-of-state travel requires approval of the Associate AG (after approval by Division Administrator).
- (c) In approving requests, Division Administrators or their designees shall apply the following guidelines:
  - (i) Available funding,
  - (ii) Benefit to DOJ,
  - (iii) Equitable allocation of funds among personnel,
  - (iv) Other agency priorities, and
  - (v) The requesting employee's work performance record and commitment to the training subject.

#### **(4) Tuition Reimbursement (Not applicable to Law Clerks)**

- (a) Employees requesting assistance for educational coursework (coursework that receives credits from an educational institution) should obtain written approval from a division administrator prior to beginning the coursework.
- (b) The employee must be on regular status within DOJ at the start and at the completion of the educational coursework attended.
- (c) The employee must successfully complete the educational coursework (defined as a "C" grade or its equivalent.)

#### **(5) Law Clerk Training**

- (a) DOJ recognizes that it is of mutual benefit to grant Law Clerks release time from scheduled work hours, either paid or unpaid, to attend specific training opportunities, including CLEs.
- (b) Paid or unpaid release time will be granted at the discretion of the Division Administrator.
- (c) Release time may be paid time if the training subject is directly related to the work of the Law Clerk.



## Attorney General's 2017 Public Law Conference Schedule

<u>Time/Track:</u>	<u>Core Public Law</u>	<u>Advanced Public Law</u>	<u>Contracts/Procurement</u>	<u>HR &amp; Management</u>	<u>General &amp; Extended</u>	<u>Extended</u>
8:15 - 8:35	Opening General Session and Welcome Address - Attorney General Ellen F. Rosenblum					
8:45 - 10:15	1A - Public Law Overview 2017	1B - Crafting an Effective Notice, Final Order, and Settlement for Contested Cases	1C - Getting it Done: Faster, Better, Smoother	1D - 'Conducting Airtight Investigations in 2017	1E - Public Employee Ethics: What You Need to Know for 2017	
10:25 - 11:40	2A - Public Records Overview 2017	2B - Lawfully Entering Private Property: What You Need to Know Today	2C - Interagency and Intergovernmental Agreements: What You Need to Know	2D - "ADA Part I Foundational Concepts	2E - Tribal Relations and Legal Status of Indian Tribes Today	
11:45 - 12:45	Networking Lunch					
12:55 - 1:55	3A - 2017 Advanced Public Records: Retention Issues, Electronic Records Challenges, and More	3B - The Lay Rep Role in a Successful Contested Case Hearing ( <i>Repeat 8B</i> )	3C - The Effective Use of Independent Contractors	3D - "Your Unfair Labor Practice Complaint is Before the Employment Relations Board. Next Steps...	3E - The Oregon Constitution: What You Need To Know	
2:05 - 3:35	4A - Public Meetings: Legal Requirements and Effective Practices for 2017	4B - It's the Foundation for Everything We Do: Statutory Interpretation Part 1	4C - Alternative Construction Contracts for 2017: Design-Build, CM/GC, ESPC, and...	4D - "Handling Whistleblower Claims in the New Biennium		
3:45 - 4:45	5A - The Buck Stops Here: State and Federal Funds, Grants and Debt Collection	5B - Orders in Other Than Contested Cases - Tips and Traps	5C - The Contract is Signed, What Could Possibly go Wrong? Contract Admin Survival Skills for 2017	5D - "Leave Law Landmines - Navigating Challenging Issues		
<b>Wednesday, October 25, 2017</b>						
8:15 - 9:45	6A - Contested Case Process: You've Issued a Notice and Received a Request for Hearing, Now What?	6B - Government Litigation and Record Management in Today's Tech Savvy World	6C - Contracts: Design and Construction 2017 - Fundamentals and Recent Developments	6D - "Veterans Preference	6E - Rulemaking Procedures 2017 (8:15 - 11:25)	
9:55 - 11:25	7A - Top 10: Common Legal Traps For Public Employees	7B - I Thought We Were the Experts! Statutory Interpretation Part 2		7D - "Social Media: Privacy, Speech Rights, and the Workplace	<i>Extended Session</i>	
11:30 - 12:30	Networking Lunch					
12:40 - 1:40	8A - DOJ and You! Getting the Most Out of Your Relationship with the Department of Justice	8B - The Lay Rep Role in a Successful Contested Case Hearing ( <i>Repeat 3B</i> )	8C - Intellectual Property 2017	8D - *ADA Part II - Advanced Scenarios	8E - Rule Writing Skills ( <i>Repeat 9E</i> ) (12:40 - 2:25) <i>Extended Session</i>	
1:50 - 3:20	9A - Best Practices When Interacting with the Legislature	9B - Generating Legal and Effective Public Involvement on Controversial Issues	9C - Information Technology Contracts: What You Need to Know in Today's Evolving Tech Environment	9D - Drafting Effective Discipline Letters	Break 2:25-2:45 9E - Rule Writing Skills ( <i>Repeat 9E</i> )	9F - Investigator Skills for Administrative Proceedings (1:50 - 4:30)
3:30 - 4:30	10A - Hot Topics 2017	10B - Oregon's Marijuana Laws 2017	10C - Communicating Effectively with a Diverse Public	10D - Providing and Obtaining Employment	References (2:45 - 4:30) <i>Extended Session</i>	<i>Extended Session</i>

Key:

Restricted to HR and Management Only

Light Blue: Core and Basic

Dark Blue: Advanced and Specialized

Green: Contracts and Procurement

Yellow: HR & Management

## MANAGEMENT/EXECUTIVE SERVICE PERFORMANCE MANAGEMENT EVALUATION FORM

(Please read instructions before completing review)

Employee Name	Employee ID Number	Position Number
Class Number	Class Title	Working Title
Reporting Period From:	Evaluation For <input checked="" type="checkbox"/> Annual Review	Next Evaluation Date

<b>PERFORMANCE CATEGORY:</b> <b>People Management</b>	<b>PERFORMANCE MEASURE:</b> <b>Personnel Management</b>
<b>EXPECTATIONS/GOALS/OBJECTIVES:</b> <b>Personnel Management:</b>	
<div style="display: flex; justify-content: space-between;"> <div> EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES (4-5)  MEETS EXPECTATIONS/GOALS/OBJECTIVES _____ (3)  DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES (0-2) </div> <div style="text-align: right;"> Points Possible ____5  Points Achieved </div> </div>	
<b>EXAMPLES OF WORK ILLUSTRATING RATING:</b>	

<b>PERFORMANCE CATEGORY:</b> <b>People Management</b>	<b>PERFORMANCE MEASURE:</b> <b>Performance Management of Subordinates</b>
<b>EXPECTATIONS/GOALS/OBJECTIVES:</b> <b>Performance Management of Subordinates:</b>	
<div style="display: flex; justify-content: space-between;"> <div> EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES (4-5)  MEETS EXPECTATIONS/GOALS/OBJECTIVES _____ (3)  DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES (0-2) </div> <div style="text-align: right;"> Points Possible ____5  Points Achieved </div> </div>	
<b>EXAMPLES OF WORK ILLUSTRATING RATING:</b>	



<b>PERFORMANCE CATEGORY:</b> <b>People Management</b>	<b>PERFORMANCE MEASURE:</b> <b>Employee Development</b>												
<b>EXPECTATIONS/GOALS/OBJECTIVES:</b> <b>Employee Development:</b>													
<table style="width: 100%; border: none;"> <tr> <td style="width: 45%;">EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="width: 10%; text-align: center;">(4-5)</td> <td style="width: 45%;">Points Possible</td> <td style="width: 10%; text-align: right;">___5</td> </tr> <tr> <td>MEETS EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="text-align: center;">___(3)</td> <td>Achieved</td> <td style="text-align: right;">___</td> </tr> <tr> <td>DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="text-align: center;">(0-2)</td> <td></td> <td></td> </tr> </table>		EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(4-5)	Points Possible	___5	MEETS EXPECTATIONS/GOALS/OBJECTIVES	___(3)	Achieved	___	DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-2)		
EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(4-5)	Points Possible	___5										
MEETS EXPECTATIONS/GOALS/OBJECTIVES	___(3)	Achieved	___										
DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-2)												
<b>EXAMPLES OF WORK ILLUSTRATING RATING:</b>													

<b>PERFORMANCE CATEGORY:</b> <b>Individual Characteristics</b>	<b>PERFORMANCE MEASURE:</b> <b>Problem Solving</b>												
<b>EXPECTATIONS/GOALS/OBJECTIVES:</b> <b>Problem Solving:</b>													
<table style="width: 100%; border: none;"> <tr> <td style="width: 45%;">EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="width: 10%; text-align: center;">(8-10)</td> <td style="width: 45%;">Points Possible</td> <td style="width: 10%; text-align: right;">___10</td> </tr> <tr> <td>MEETS EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="text-align: center;">___(5-7)</td> <td>Points Achieved</td> <td style="text-align: right;">___</td> </tr> <tr> <td>DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="text-align: center;">___(0-4)</td> <td></td> <td></td> </tr> </table>		EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(8-10)	Points Possible	___10	MEETS EXPECTATIONS/GOALS/OBJECTIVES	___(5-7)	Points Achieved	___	DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	___(0-4)		
EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(8-10)	Points Possible	___10										
MEETS EXPECTATIONS/GOALS/OBJECTIVES	___(5-7)	Points Achieved	___										
DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	___(0-4)												
<b>EXAMPLES OF WORK ILLUSTRATING RATING:</b>													

<b>PERFORMANCE CATEGORY:</b> <b>Managerial</b>	<b>PERFORMANCE MEASURE:</b> <b>Planning/Organizing/Delegating</b>												
<b>EXPECTATIONS/GOALS/OBJECTIVES:</b> <b>Planning/Organizing/Delegating:</b>													
<table style="width: 100%; border: none;"> <tr> <td style="width: 45%;">EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="width: 10%; text-align: center;">(4-5)</td> <td style="width: 45%;">Points Possible</td> <td style="width: 10%; text-align: right;">___5</td> </tr> <tr> <td>MEETS EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="text-align: center;">___(3)</td> <td>Points Achieved</td> <td style="text-align: right;">___</td> </tr> <tr> <td>DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="text-align: center;">(0-2)</td> <td></td> <td></td> </tr> </table>		EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(4-5)	Points Possible	___5	MEETS EXPECTATIONS/GOALS/OBJECTIVES	___(3)	Points Achieved	___	DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-2)		
EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(4-5)	Points Possible	___5										
MEETS EXPECTATIONS/GOALS/OBJECTIVES	___(3)	Points Achieved	___										
DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-2)												
<b>EXAMPLES OF WORK ILLUSTRATING RATING:</b>													

PERFORMANCE CATEGORY: <b>Interactive Skills</b>	PERFORMANCE MEASURE: <b>Cooperation</b>												
EXPECTATIONS/GOALS/OBJECTIVES: <b>Cooperation:</b>													
<table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="width: 20%;">(8-10)</td> <td style="width: 20%;">Points Possible</td> <td style="width: 20%; text-align: right;">___10</td> </tr> <tr> <td>MEETS EXPECTATIONS/GOALS/OBJECTIVES</td> <td>(5-7)</td> <td>Points Achieved</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES</td> <td>(0-4)</td> <td></td> <td></td> </tr> </table>		EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(8-10)	Points Possible	___10	MEETS EXPECTATIONS/GOALS/OBJECTIVES	(5-7)	Points Achieved	_____	DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-4)		
EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(8-10)	Points Possible	___10										
MEETS EXPECTATIONS/GOALS/OBJECTIVES	(5-7)	Points Achieved	_____										
DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-4)												
EXAMPLES OF WORK ILLUSTRATING RATING:													
PERFORMANCE CATEGORY: <b>Work Output</b>	PERFORMANCE MEASURE: <b>Effectiveness and Efficiency</b>												
EXPECTATIONS/GOALS/OBJECTIVES: <b>Effectiveness and Efficiency:</b>													
<table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="width: 20%;">(35-40)</td> <td style="width: 20%;">Points Possible</td> <td style="width: 20%; text-align: right;">___40</td> </tr> <tr> <td>MEETS EXPECTATIONS/GOALS/OBJECTIVES</td> <td>(20-34)</td> <td>Points Achieved</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES</td> <td>(0-19)</td> <td></td> <td></td> </tr> </table>		EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(35-40)	Points Possible	___40	MEETS EXPECTATIONS/GOALS/OBJECTIVES	(20-34)	Points Achieved	_____	DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-19)		
EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(35-40)	Points Possible	___40										
MEETS EXPECTATIONS/GOALS/OBJECTIVES	(20-34)	Points Achieved	_____										
DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-19)												
EXAMPLES OF WORK ILLUSTRATING RATING:													
PERFORMANCE CATEGORY: <b>Job Knowledge</b>	PERFORMANCE MEASURE: <b>Program Knowledge</b>												
EXPECTATIONS/GOALS/OBJECTIVES: <b>Program Knowledge:</b>													
<table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES</td> <td style="width: 20%;">(18-20)</td> <td style="width: 20%;">Points Possible</td> <td style="width: 20%; text-align: right;">___20</td> </tr> <tr> <td>MEETS EXPECTATIONS/GOALS/OBJECTIVES</td> <td>(10-17)</td> <td>Points Achieved</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES</td> <td>(0-9)</td> <td></td> <td></td> </tr> </table>		EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(18-20)	Points Possible	___20	MEETS EXPECTATIONS/GOALS/OBJECTIVES	(10-17)	Points Achieved	_____	DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-9)		
EXCEEDS EXPECTATIONS/GOALS/OBJECTIVES	(18-20)	Points Possible	___20										
MEETS EXPECTATIONS/GOALS/OBJECTIVES	(10-17)	Points Achieved	_____										
DOESN'T MEET EXPECTATIONS/GOALS/OBJECTIVES	(0-9)												
EXAMPLES OF WORK ILLUSTRATING RATING:													



**PART II - INDIVIDUAL EMPLOYEE DEVELOPMENT PLAN**

IDENTIFY DEVELOPMENT GOALS FOR INDIVIDUAL AND HOW THEY WILL BE ACHIEVED.

My supervisor has discussed with me and I understand the performance measures, expectations, goals, objectives and development plan for the next review period.

EMPLOYEE

DATE

SUPERVISOR

DATE

REVIEWER

DATE

**PART III - INTERIM PROGRESS REVIEW**

## INTERIM PROGRESS REVIEW

EMPLOYEE:

DATE:

SUPERVISOR:

DATE:

COMMENTS:

**PART IV - EVALUATION**

## PERFORMANCE MANAGEMENT EVALUATION

		____ 100	
_____ EMPLOYEE	_____ DATE	TOTAL POINTS POSSIBLE	TOTAL POINTS ACHIEVED
		<b>RATING</b>	
_____ SUPERVISOR	_____ DATE	(1) EXCEEDS EXPECTATIONS	(85-100)
_____ REVIEWER	_____ DATE	(2) MEETS EXPECTATIONS	(50-84)
		(3) DOESN'T MEET EXPECTATIONS	(0-49)

