

**11—68.1(19B) Definitions.** The following definitions shall be applied to the rules in this chapter.

“*Affirmative action*” means action appropriate to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity.

“*Availability*” means the extent to which protected class members are qualified or qualifiable to be employed in classes within state and local government job categories.

“*Disabled person*” means any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

“*EEO-4 income bracket*” means the annual salary ranges as defined by the Equal Employment Opportunity Commission. Where employees are paid on other than an annual basis, their regular earnings shall be expanded and expressed in terms of an annual income.

“*EEO-4 report*” means the annual state employment data report as required by the federal Equal Employment Opportunity Commission.

“*Equal employment opportunity*” means equal access to employment or training opportunities regardless of race, creed, color, religion, sex, age, national origin or physical or mental disability.

“*Organizational unit*” means those agency units which lend themselves to the most reasonable system of grouping for analysis even though they may not necessarily coincide with the agency’s administrative divisions.

“*Protected class*” means racial or ethnic minorities, sex, age, creed, color, national origin, religion, mental and physical disability.

“*Racial or ethnic minorities*” means Black, Hispanic, Asian and Pacific Islander, American Indian and Alaskan natives.

“*Relevant labor force*” means that group of persons in the general population of a specified geographic area who are qualified to perform a particular type of work.

“*Sexual harassment*” means persistent, repetitive, or highly egregious conduct directed at a specific individual or group of individuals that a reasonable person would interpret as intentional harassment of a sexual nature, taking into consideration the full context in which the conduct occurs, which conduct threatens to impair the ability of a person to perform the duties of employment, or otherwise function normally within an institution responsible for the person’s care, rehabilitation, education, or training.

“*Sexual harassment*” may include, but is not limited to, the following: (1) unsolicited sexual advances by a person toward another person who has clearly communicated the other person’s desire not to be the subject of those advances; (2) sexual advances or propositions made by a person having superior authority toward another person within the workplace or institution; (3) instances of offensive sexual remarks or speech or graphic sexual displays directed at a person in the workplace or institution, who has clearly communicated the person’s objection to that conduct, and where the person is not free to avoid that conduct due to the requirements of the employment or the confines or operations of the institution; (4) dress requirements that bear no relation to the person’s employment responsibilities or institutional status.

“*State and local government job categories*” means officials and administrators, professionals, technicians, protective service workers, paraprofessionals, administrative support workers, skilled craft workers and service maintenance workers, as defined by the federal Equal Employment Opportunity Commission guidelines.

“*Utilization*” means the extent to which minorities, females, and persons with disabilities are represented within an agency’s work force as compared to their availability in the relevant labor force.

“*Work force*” means an agency or organizational unit’s full-time employees and other than full-time employees.

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