

**11—68.3(19B) Planning standards.** Each affirmative action plan shall include, but not be limited to, the following standards:

**68.3(1) Affirmative action statement.** The affirmative action statement shall include, but not be limited to, the following:

*a. Policy statement.* The policy statement shall be a clear and unambiguous declaration of commitment to the principles of equal employment opportunity and affirmative action in the application of all personnel rules, policies, and practices. It shall contain the following or similarly worded language.

(1) The agency prohibits discrimination in its employment policies and practices on the basis of race, creed, color, religion, national origin, sex, age, or mental and physical disability.

(2) The agency is an equal employment opportunity and affirmative action employer.

*b. Administration statement.* The administration statement shall be a declaration of how the agency's affirmative action policy is to be implemented. It shall contain the following:

(1) The name, job title, and work location of the responsible equal employment opportunity or affirmative action official.

(2) The internal system for auditing and reporting.

*c. Signature.* The affirmative action statement shall be signed and dated by the appointing authority.

**68.3(2) Work force analysis.** A work force analysis shall show the numerical and percentile breakdown of the agency's full-time employees, and other than full-time employees, separately by racial or ethnic minorities, sex, and disability. Full-time and other than full-time employees shall be arrayed according to the state and local government job categories with further census occupational subcategory breakdowns as required by the director. For the purposes of confidentiality, disability figures shall be totaled only by an organizational unit covered by an individual affirmative action plan or the department as a whole.

*a. Exemptions.* The work force analysis shall not include elected officials; such officials' immediate secretary, administrative, legislative, or other immediate or firstline aides; and such officials' legal advisor.

*b. Organizational unit.* An agency with a large number of employees may be required to conduct a separate work force analysis for each of its organizational units. The organizational units may be determined by the agency based on the size, geographic dispersion and administrative lines of authority of its work force.

*c. Confidentiality.* An agency may suppress work force data which is likely to identify specific employees and violate their confidentiality.

*d. Analysis report.* The work force analysis shall be reported on forms available from the department. An agency may request approval of a similar report required by another regulatory agency as part of its work force analysis.

**68.3(3) Availability analysis.** An availability analysis shall show the percentile breakdown by racial or ethnic minorities and sex of the relevant labor force arrayed according to their state and local government job categories and relevant subcategories. The analysis shall include an assessment of the relevant available labor force by using the geographic area from which work force recruitment can reasonably occur for each state and local government job category. The geographic area will usually be larger for high-paid or high-ranked classifications for recruitment purposes. The labor force availability of disabled persons shall be based on census reports of persons with a work disability residing in the most relevant geographic area defined by the census bureau.

*a. Organizational unit.* An availability analysis shall be conducted for each organizational unit by an agency which conducted a separate work force analysis pursuant to subrule 68.3(2), paragraph "b."

*b. Analysis report.* The availability analysis shall be reported in a format prescribed by the department. In lieu of completing all parts of the availability analysis form, an agency may submit a similar report required by another regulatory agency, such as a federal funding agency, as part of its availability analysis, if approved by the department.

**68.3(4) Quantitative utilization analysis.** A quantitative utilization analysis shall compare work force analysis with availability analysis to show the numerical and percentile underrepresentation in the agency's work force, if any, by racial or ethnic minorities, sex, and disability.

*a. Rounding.* All partial numerical figures for state and local government job categories that contain .5 or more shall be rounded upward and .49 or less shall be rounded downward to the nearest whole number.

*b. Organizational unit.* A quantitative utilization analysis shall be conducted for each organizational unit by an agency which conducted a separate work force analysis pursuant to subrule 68.3(2), paragraph “b.”

*c. Analysis report.* The quantitative utilization analysis shall be reported in the format prescribed by the department. In lieu of completing all parts of the quantitative utilization analysis format, an agency may submit a similar report required by another regulatory agency, such as a federal funding agency, if approved by the department.

**68.3(5) Qualitative utilization analysis.** A qualitative utilization analysis shall show whether and where an agency’s employment policies and practices do or tend to exclude, disadvantage, restrict or result in adverse impact on the basis of age, sex, disability, and racial or ethnic minorities. It shall also show whether and where effects of prior illegal discrimination are left uncorrected. The analysis may include, but not be limited to, the following areas:

- a.* Recruitment efforts and methods.
- b.* Applicant flow characteristics study.
- c.* Interview, selection, appointment, and placement policies and practices.
- d.* Policies and practices affecting transfers, promotions, and reallocations.
- e.* Selection of employees for training.
- f.* Policies and practices in demotion, discipline, termination, and reduction in force.
- g.* Laws, policies, and practices external to the agency that discourage effective results in affirmative action.

**68.3(6) Goals and timetables.** An agency’s affirmative action goals and timetables shall specify the appropriate actions and time frames in which problems identified under subrules 68.3(4) and 68.3(5) are targeted to be remedied.

- a. Appropriate action.* In setting goals, an agency may consider, but not be limited to, the following:
- (1) Devising a recruitment program in conjunction with the state recruitment coordinating committee authorized under the department.
  - (2) Validating the selection instruments in conjunction with the department.
  - (3) Revising and improving other personnel policies and practices.
  - (4) Providing affirmative action training internally or externally through organizations such as the Iowa management training system.
  - (5) Devising a plan so that agency personnel who impact EEO and affirmative action can have part or all of their performance evaluated on their contribution to meeting the established goals and timetables.

*b. Timetable.* Each agency shall determine the timetable in which it expects to meet its goals. In setting timetables, an agency should consider, but not be limited to, the following:

- (1) Anticipated vacancies and positions.
  - (2) Work force turnover rate.
- c. Organizational unit.* Goals and timetables shall be prepared for each organizational unit by an agency which conducted a separate work force analysis pursuant to subrule 68.3(2), paragraph “b.”

*d. Numerical goals.* Numerical goals shall be established by each agency to remedy any underrepresentation identified in subrule 68.3(4). When setting numerical goals, agencies shall utilize the following procedure:

- (1) Underutilized classes in which women represent more than 70 percent of the relevant available labor force for that occupational subcategory are exempt from this procedure when setting goals for women.
- (2) Annual goals for hires shall be based on underutilization analysis and projected vacancies and set at a percentage rate that is equal to or greater than the labor force availability rate established in subrule 68.3(3).

(3) The percentage rate established in subparagraph (2) of this paragraph shall be multiplied by the projected number of openings anticipated in the following year by occupational subcategory to establish the actual numerical hiring goals for each underutilized subcategory.

(4) Goals established for each occupational subcategory shall be totaled to establish goals for each state and local government job category.

(5) Where projected goals indicate that a period greater than five years is required to remedy any underrepresentation, agencies may be required to revise their goals established in subparagraph (2) of this paragraph.

(6) Goals shall not be rigid and inflexible quotas. They must be targets reasonably attainable through good faith effort and must not cause any group of applicants to be excluded from the hiring process.

**68.3(7) Consolidation.** An agency may consolidate the racial or ethnic minorities and state and local government job categories into broader groupings in conducting its analysis under subrules 68.3(2) to 68.3(6) with department prior approval.

*a. Applicability.* Consolidation is applicable when the agency or organizational unit work force has been analyzed according to all the racial or ethnic minorities or occupational categories, and the resultant figures are determined to be too small for significant statistical analysis.

*b. Racial or ethnic minorities.* The minority racial or ethnic groups may be consolidated into one single group.

*c. Occupational categories.* The occupational categories may be consolidated into one or more groups.

**68.3(8) Comparable plan.** An agency plan which is consistent with 41 Code of Federal Regulations, Chapter 60, Revised Order No. 4, Affirmative Action Guidelines, issued by the Office of Federal Contract Compliance Programs, shall be considered to be in compliance with the aforementioned planning standards if the plan is approved as meeting the requirements of subrules 68.3(2), 68.3(5), and 68.3(6).