Department of Health
Affirmative Action Plan
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I. Organizational Chart

The Department of Health Organizational Chart is located on the intranet at http://dohiws.doh.state.fl.us/Divisions/Administration/Personnel/ORG_CHART/DOHOrgChart.doc (Exhibit 1).

II. Policy Statement

The department assures to each applicant or employee an equal employment opportunity (EEO) without regard to a person's age, race, color, sex, religion, national origin, marital status or disability except as provided by law or when such requirement constitutes a bona fide occupational qualification necessary to perform the tasks associated with the position. Such equal employment opportunity will be attained using both objective and subjective merit principles and shall apply to agency practices relating to recruitment, examination, appointment, training, promotion, demotion, compensation, retention, discipline, separation, or other employment practice. Exhibits 2 through 5 are copies of the department’s procedures related to equal opportunity in employment and service delivery (http://esetapps2.doh.ad.state.fl.us/PolicyWebSearch/home.aspx). The department’s equal opportunity program is in the process of reorganizing and these procedures are being revised to reflect the changes.

III. Preface

Congress, through Title VII of the Civil Rights Act of 1964, as amended, established a national policy against discrimination in public employment on the grounds of race, color, religion, sex and national origin. Various federal and state laws expanded the coverage to include age and persons with disabilities. The Florida Civil Rights Act of 1992 also includes marital status. Equal employment opportunity reflects the results of an employer’s commitment that all personnel activities will be conducted in a manner that assures equal opportunity for all. Such activities will be based solely on the individual merit of applicants and employees without regard to race, color, religion, sex, age, national origin, disability, or marital status except when a specific sex, age, or physical requirement constitutes a bona fide occupational qualification.

On the state level, Section 110.112, Florida Statutes, established affirmative action and equal employment opportunity policy in the State of Florida and assigns to each agency the following responsibilities:

Develop and implement an affirmative action plan.

Establish annual goals for ensuring full utilization of groups underrepresented in its workforce as compared to the relevant labor market and to design its affirmative action plan to meet its established goals.

The agency head shall appoint an affirmative action, equal employment officer. The responsibilities of this officer include determining annual goals, monitoring agency compliance, and providing consultation to managers regarding progress, deficiencies, and appropriate corrective action.
Report information in its annual workforce report to the Department of Management Services relating to the implementation, continuance, updating, and results of the agency’s affirmative action plan for the previous fiscal year.

Provide to all supervisory personnel of the executive agencies training in the principles of equal employment opportunity and affirmative action, the development and implementation of affirmative action plans, and the establishment of annual affirmative action goals.

The Department of Health updates its affirmative action plan annually. In addition, to assure continuing compliance with state and federal civil rights laws, each County Health Department, CMS Unit and Headquarters Program should carefully review its overall staffing patterns in comparison with its client population to assess the effectiveness of the nondiscriminatory delivery of services to clients. Such efforts should be conducted in conjunction with annual Civil Rights Compliance Reviews, as described in Methods of Administration: Equal Opportunity in Service Delivery.

The major objectives of the department’s equal employment opportunity program are:

1. Prevent discrimination.
2. Employ a greater number of minorities, women, aged and persons with a disability in those job classifications where there is underutilization.
3. Create a workforce reflective of the composition of those individuals in the available labor market.
4. Ensure compliance with all applicable state and federal laws, rules, regulations, and executive orders as they relate to equal employment opportunity and affirmative action.

IV. Introduction

The mission of the Department of Health is to promote, protect and improve the health of all people in Florida. Our vision is a healthier future for the people of Florida.

The following seven values guide our service to customers.

Excellence: We achieve and maintain quality results and outcomes through continuous performance improvement and learning.

Commitment to Service: We dedicate ourselves to provide services unconditionally and without partiality.

Accountability: We take full responsibility for our behavior and performance.

Empowerment: We create a culture that encourages people to exercise their judgment and initiative in pursuit of the organizational goals.
Integrity: Our guide for actions—which incorporates our commitment to honesty, fairness, loyalty, and trustworthiness—is in the best interests of our customers and employees.

Respect: We recognize and honor the contributions of one another in our daily activities and create an environment where diversity is appreciated and encouraged.

Teamwork: We encourage active collaboration to solve problems, make decisions, and achieve common goals.

V. Affirmation of Policy

Affirmative Action reflects any action that is included to correct the effects of past discrimination, to eliminate present discrimination or to prevent future discrimination. The management team within the Department of Health shares the responsibilities for the implementation of the affirmative action program. In order for the affirmative action plan to be successful, managers must be committed to ensuring that each employee, applicant for employment, client and potential client is treated fairly. Managers must ensure that personnel under their span of control are in compliance with applicable laws, rules, regulations and procedures, that personnel are provided with accommodations required by various civil rights laws and that personnel attend equal employment opportunity training and functions. Managers are also responsible for ensuring compliance with civil rights laws, regulations and procedures related to services for clients through monitoring of program functions and accessibility including compliance by contracted service providers. In addition, managers must ensure that employees are provided with a work environment that is free from any form of sexual harassment and that individuals are not sexually harassed when seeking services from the department or its contracted service providers.

Employees, applicants for employment, clients and potential clients may file complaints of discrimination through the Department of Health’s Office of Equal Opportunity, as well as, with external state and federal agencies. Internally employees have 365 days and clients have 180 days from the date of the alleged incident to file a complaint.

VI. Policy Dissemination


VII. Harassment Policy

Every employee has a right to a workplace free of harassment. The department has a policy that specifically addresses sexual harassment (Exhibit 4). This policy states that sexual harassment is illegal and will not be tolerated; and that each employee is entitled to a work environment which is free from any form of sexual harassment and from retaliation against those who oppose or report sexual harassment. Employees or clients who believe they have been subjected to sexual harassment may file a complaint with the Office of Equal Opportunity.
VIII.  EEO/AA Officer Information

The Director of Equal Opportunity is the designated EEO/AA Officer, the ADA Coordinator, Section 504 Coordinator and Title VI Coordinator for the Department of Health and is responsible for directing and integrating State and Federal EEO, Civil Rights and Affirmative Action Laws, Rules and Regulations. This includes the responsibility to manage the process for negotiating and resolving internal and external discrimination complaints, including implementation of a program of mediation.

IX.  Responsibility for Implementation

The Director of Equal Opportunity is required to develop policies and procedures to implement the department’s EEO program and to assure department and contracted service provider compliance with applicable civil rights laws. The director is required to conduct investigations as requested by the Director of Investigations. The officer participates in events, is available to answer inquiries regarding equal opportunity topics and to assist managers and supervisors and others who make hiring decisions. The director is required to promote a culturally diverse workforce and a work environment that allows all employees equal opportunity to achieve their full potential, and to incorporate equal employment principles into the department’s mission and value systems. In addition, the director is charged with aggressively educating and assisting in the department’s efforts in promoting and ensuring equal opportunity in employment and in provision of services. This includes leading the development and implementing a department-wide training program designed to maximize awareness of equal employment issues, the department’s diversity program and workplace communication.

The Office of the Inspector General is required to investigate employee complaints of discrimination and provide findings to the Director of Equal Opportunity.

County health department and children’s medical service directors and administrators are required to ensure that personnel under their supervision are in compliance with applicable laws, rules, regulations and procedures and attend EEO training and functions.

Personnel officers, personnel managers, other department managers and staff designated equal opportunity responsibilities at all organizational levels are required to provide current and new employees with EEO information and the procedure for filing complaints, maintain EEO records as required, and coordinate EEO related reports.

X.  Definitions

Adverse Impact:  A situation in which discrimination results from neutral employment policies and practices which are applied evenhandedly to all employees and applicants, but which have the effect of disproportionately excluding certain EEO groups.  Adverse impact can be determined by the application of the adverse impact test formula, also know as the “80 percent rule.”  Once adverse impact is established, the employer must justify the continued use of the procedure causing the adverse impact as a business necessity.  It is not necessary to prove intent to discriminate to prove adverse impact.

Affirmative Action:  The voluntary steps taken by an agency to promote equal employment opportunity as required by Section 110.112, Florida Statutes, and to address underrepresentation of any EEO group.
Affirmative Action Plan: The written plan which contains an analysis of an agency’s work force and which, upon identification of underrepresentation of an EEO group, sets forth the specific actions, goals, and timetables by which the agency will seek to eliminate the underrepresentation.

Available Labor Market (ALM): The composition of the labor force that has the requisite skills for a specific position, a class of positions or an EEO job category as determined by each agency.

Barrier: Personnel principle, policy, or practice which restricts or tends to limit the representative employment of applicants and employees, especially minorities, women and individuals with disabilities.

Class of Positions: Those positions bearing the same title and pay range due to their similarity in kind or subject matter of work, level of difficulty or responsibility, and qualification requirements.

EEO Groups: Black male, Black females, Hispanic males, Hispanic females, Asian males, Asian females, Pacific Islander males, Pacific Islander females, American Indian/Alaskan Native males, American Indian/Alaskan Native females, White males, and White females identified for the purpose of data collection, when the incidence of representation in any group is at least two percent of the labor force in the available labor area.

White (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East. It includes people who indicate their race as “White” or report entries such as Irish, German, Italian, Lebanese, Near Easterner, Arab or Polish.

Black (not of Hispanic origin): All persons having origins in any of the Black racial groups of Africa. It includes people who indicate their race as “Black, African Am., or Negro,” or provide written entries such as African American, Afro-American, Kenyan, or Haitian.

Hispanic: All persons whose origins are from Spain, the Spanish-speaking countries of Central or South America, the Dominican Republic, or people identifying themselves generally as Spanish, Spanish-American, Hispanic, Hispanic, Latino, and so on or report such entries as Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian. All persons having origins in any of the original peoples of the Far East, Southeast Africa, the Indian Subcontinent, including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

American Indian or Alaskan Native: All persons having origins in any of the original peoples of North and South America (including Central America) and who maintain tribal affiliation or community attachment. It includes people who indicate American Indian, Canadian Indian, French American Indian, Spanish American Indian or who enter the name of an Indian tribe. It also includes people who indicate Eskimo, Aleut, Alaska Indian, as well as entries such as Artic Slope, Iñupiat, Yup’ik, Alutiiq, Egegik and Pribilovian. It includes the Alaska tribes of Alaskan Athabascan, Tlingit, and Haida.
Native Hawaiian or Other Pacific Islander. All persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. It includes people who indicate their race as “Native Hawaiian,” “Guamanian or Chamorro,” Samoan,” and “Other Pacific Islander.”

EEO Job Categories: The position designations applied for the purpose of data collection are as follows:

01 Officials and Administrators: Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency’s operations, or provide specialized consultation on a regional, district or area basis.

02 Professionals: Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge.

03 Technicians: Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or thorough equivalent on-the-job training.

04 Protective Service Workers: Occupations in which workers are entrusted with public safety, security and protection from destructive forces.

05 Paraprofessionals: Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a “New Careers” concept.

06 Administrative Support (Office and Clerical): Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office.

07 Skilled Craft Workers: Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or thorough apprenticeship or other formal training programs.

08 Service Maintenance: Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene, or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery.

Parity: A situation in which the percentage of an EEO group within a given specific position, a class of positions, or an EEO job category is equal to the corresponding percentage in the available labor market.

Underrepresentation: A situation in which the percentage of an EEO group within a given specific position, a class of positions, or an EEO job category is lower than the corresponding percentage in the available labor market.
Underutilization: This term is used two ways in affirmative action planning.

1. A situation in which a person, or EEO group of persons, is underemployed, i.e., employed below the level that would be expected for a person with their qualifications.

2. Underrepresentation where the number of employees in a category is not representative of the available labor market.

XI. Affirmative Action Analysis

This table is a comparison of the department’s workforce with the available labor market. Where disparities exist between the labor market and staff composition, the goal is to increase the number of women and minorities to reflect those percentages in the labor market. Information is presented statewide for the department (Exhibit 7).

The available labor market percentages by place of residence are obtained from the 2000 Census. In developing a local county health department plan the labor force statistics for the county should be considered. The statewide available labor market should be used for central office analyses.

Each EEO category has five lines:

- **Line 1**, the number of employees in each category. For example, statewide in the professional category there are a total of 9088 employees, and 244 Hispanic males.

- **Line 2**, % in category is the percentage of the workforce by EEO category. In the professional category Hispanic male employees are 2.7% of the total.

- **Line 3**, % in available labor market is the percentage of the available labor market represented by each EEO group. The available labor market in the professional category for Hispanic males is 5.2% of the labor market.

- **Line 4**, Variation from available labor market indicates how the workforce compares with the available labor market. If the percentage of the workforce is less that the available labor market a negative number is reflected. The available labor market percentage for Hispanic males in the professional category is (5.2%) which is greater than the department’s professional Hispanic male workforce (2.7%) and therefore there is an under-representation of Hispanic males in the professional category. The table reflects a negative number of -2.5%.

- **Line 5**, Number needed to approximate parity reflects the number of individuals in a category needed for the workforce to be in parity with the available labor market. This is determined by multiplying the total workforce by the variation if a negative number. In the case of Hispanic males in the professional category that number is 229 statewide.

XII. Workforce

This table contains information that describes the agency’s staffing patterns effective June 29, 2007. The table contains the number of active Career Service, Select Exempt Service
and Senior Management personnel listed by race and sex according to the EEO category. Information is presented statewide for the department (Exhibit 8).

Each EEO category has three lines:

Line 1(#) contains the numerical breakdown of the workforce by race, ethnic group and sex. For example, statewide for pay plan 08 (select exempt service) in the category of officials and administrators there is a total workforce of 184 employees with 113 male employees and 71 female employees. Of the 71 female employees 7 are black females.

Line 2 (%, Percent of Subgroup) is the percentage of each race, ethnic group and sex in relationship to the total subgroup. For example, for the statewide analysis, for pay plan 08 in category officials and administrators under the male subgroup the 95 white males are 84.07% of the total male subgroup.

Line 3 (%, Percent of the Workgroup) is the percentage of each race, ethnic group and sex in relationship to the total workforce in the pay plan and category. For example, for the statewide analysis, in the officials and administrators category, in the female subgroup the 5 Hispanic females are 2.72% of the total workforce. White males are 51.63% of this subgroup.

XIII. Current Workforce Analysis by Class Code

This report describes the Department of Health workforce effective June 29, 2007. The report provides a statewide overview by classification code within the eight EEO categories (Exhibit 9). Summaries are provided following each class code.

The sort sequence for this report is as follows:

1. EEO Category
2. Pay Grade within EEO Category
3. Classification Code (lowest to highest) within Pay Grade within EEO Category

This report includes subtotals of career service less than pay grade 20; career service equal to or greater than pay grade 20; select exempt service; and senior management. It also includes the total for each EEO category. For example, on page 7, the total for Officials and Administrators reveals that of the 268 employees in this EEO category 57% or 154 are male and 43% or 114 are female. The report also shows that of the 268 employees 92% or 246 are age 40 or over.

XIV. Workforce 40 and Over

This table reflects the number and percentage of employees 40 and over by EEO category. For example, for the 9088 employees in the category Professionals 6739 or 74.2% of employees are age 40 or above (Exhibit 10).
XV. Applicant Flow Data

The Department of Health conducts applicant flow studies to monitor employment selection results throughout the agency. The studies are based on the “4/5ths rule” that compares the selection ratios of different applicant groups.

The “4/5ths rule” is a four-step process:

1. Calculate the rate of selection for each group (divide the number of persons selected from a group by the number of applicants from that group).

2. Determine which group has the highest selection rate.

3. Calculate the selection ratios by dividing the selection rate for one group by the selection rate for the highest group.

4. Observe whether the selection rate for any group is less than 4/5ths or 80 percent of the selection rate for the highest group.

**EXAMPLE:**

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Hires</th>
<th>Selection Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>80</td>
<td>48/80 or 60%</td>
</tr>
<tr>
<td>Black</td>
<td>40</td>
<td>12/40 or 30%</td>
</tr>
</tbody>
</table>

Selection Ratio: Black 30%, White 60%

30%/60%=50% (50%<80%)

A comparison of the black selection rate (30%) with the white selection rate (60%) shows that the black selection rate is 30/60, or one-half (50%) of the white rate. Since one-half (50%) is less than 4/5ths (80%), the selection rate is less than the expected value and results in adverse impact. When reviewing the applicant flow table, it is important to keep in mind the following:

1. Ratios that involve a small number of selections or applicants may not be statistically valid. However, all data are displayed, even though valid conclusions cannot be inferred from smaller selection ratios.

2. A * on the Adverse Impact row designates selection ratios less than 80%. The closer an adverse percentage (*) is to 80%, the less significant it becomes. A ratio of 0% will appear whenever protected groups have applied, but there has been no selection from that group.

3. Applicant flow studies are based on data provided by People First.

Careful analyses must be made in evaluating applicant flow data. The studies may indicate a need for additional review and validation of selection procedures, or the need for supervisory training on employee interviewing and selection. Also, the data may be distorted by excessive recruitment, multiple applications from the same individuals, or a lack of well-qualified applicants. A discrepancy in the selection ratio does not establish discrimination or unlawful employment practices. However, legitimate nondiscriminatory reasons for business or operational necessity must be demonstrated for practices that have a disproportionate effect on protected groups. The data provided by People First does not reflect which selections are original hires versus some other type hire. Therefore, this study reflects all
hires including original hires, promotions, etc. (Exhibit 11). The applicant flow study includes 3 comparisons.

First the racial and ethnic group comparison is shown in the total hiring actions section. In Broadband Code 11-1021-02, Hispanics had the highest selection rate with a rate of hire of 2.40% and showing a group rate of 100%. Others had a selection rate of 1.25% which was 52.08% of the selection rate for Hispanics. Since this 52.08% is less that 80% there is an * in the line above the %group line to indicate adverse impact. Additionally in this Broadband Code there were no blacks hired so there is no selection rate for black hiring actions which is also an indication of adverse impact for black total hiring actions. Broadband Code 11-1021-02 shows a total of 1011 applicants with 13 individuals hired. Of these 13 individuals hired, 7 were male, 5 were female and 1 individual did not indicate a gender.

The second comparison is males to males and females to females. The comparison for Broadband Code 11-1021-02 indicates Hispanic males had the highest selection rate for males with a rate of 3.64%. This was determined by dividing the 2 Hispanic males hired by the 55 Hispanic male applicants. Other males had a selection rate of 2.56%. When comparing the selection rate for Hispanic males and other males, the selection rate of 2.56% for other males is divided by the selection rate of 3.64% for Hispanic males resulting in a comparative rate of 70.51%. Since this rate is less than 80%, there is adverse impact as indicated by an * on the AdvImp line above the %Group line.

The third comparison is a male to female comparison by the racial or ethnic group. In this example, the selection rate for Hispanic females is 1.43%. Comparing Hispanic males to Hispanic females shows 100% for Hispanic males on the %M/F line and a rate of 39.29% (1.43% ÷ 3.64%) for Hispanic females. Since 39.29% is less than 80% Hispanic females are adversely impacted when compared to Hispanic males as indicated by the * above the 39.29% for Hispanic females. However, when comparing white males and white females the 94.51% rate for white males is not less than 80% and there is no adverse impact.

**XVI. Separations**

These tables represent voluntary and involuntary separations in the department during the period of July 1, 2006 through June 30, 2007 (Exhibits 12 & 13).

These tables compare the number of people in the work force from each EEO group with the number of people separated from each group. These tables are similar to the adverse impact tables for hires. However the logic is reversed in separation situations even though the same ratios may be used to determine whether there is an unacceptable, disparate, or adverse impact. Once adverse impact is discovered the focus in comparing separations is on those EEO groups with the highest separation rate. Ratios that involve small numbers are not statistically valid. Also consideration should be given to the total number of employees in the work force and each subgroup.

Line #WF is the numerical breakdown of the work force as of June 29, 2007, in each EEO job category by white, black, Hispanic, and other, as well as, gender. Exhibit 13 (Involuntary separations) shows a total of 950 other staff employed in the professional category.

Line #Separa is the numerical breakdown of terminations during the period of July 1, 2006 through June 30, 2007, in each category by white, black, Hispanic, and other, as well as, gender. Of the 950 other professionals, 33 were involuntarily separated.
Line %Separation is percentage rate determined dividing the number separated by the number in the workforce. In the case of other professionals, the 33 of the 950 other employees that were involuntarily separated resulted in a separation rate of 3.47%.

Consider lines AdvImpS and % Group together. Line %Group compares the separation rate among the subgroups of total, male, and female. To determine this percentage the separation rate for each member subgroup is divided by the highest separation rate within the subgroup. However, when reviewing separations the focus is on the groups with the highest separation rates. In the case of total professionals, since other employees had the highest separation rate their rate is 100%. The next highest group is black employees with a rate of 43.23%. For separations the focus would be on the groups without an * in the AdvImpS row. In this example, the concern would be others.

Consider lines AdvImp and %M/F together. Line %M/F compares the separation rate between the male and female subgroups and is determined by dividing the separation rate for each group by the rate for the group with the highest separation rate within the subgroup. However, again when looking at separations the focus is on the group with the highest separation rate. In the professional category for involuntary separations when comparing men and women, men had a higher separation rates reflected as 100%.

XVII. Disciplinary Action Reports

This table reflects disciplinary actions reported to the Office of Equal Opportunity for the period of July 1, 2006 through June 30, 2007. Disciplinary actions are required to be reported to the Office of Equal Opportunity by servicing human resource offices by the 10th day of the month following the month of the disciplinary action. This table is also similar to the adverse impact tables for hires. However the logic applied in disciplinary actions situations is the same as is applied for separations. Once adverse impact is discovered the focus in comparing disciplinary actions is on those EEO groups with the highest disciplinary rate (Exhibit 14).

XVIII. Workforce Comparison Charts

Chart 1 reflects the percentage of the current workforce of the Department of Health by race and sex.

Chart 2 represents the percentage and number of employees in Senior Management by race and sex.

Chart 3 reflects the percentage and number of employees in Select Exempt Service by race and sex.

Charts 4 through 15 show the percentage of female and minority employees compared to the available labor market.

Chart 4: Officials and Administrators – Senior Management
Chart 5: Officials and Administrators – Select Exempt Service
Chart 6: Professionals – Select Exempt Service
Charts 16 through 17 are a comparison between 1998, 2004, 2006 and 2007 of staff in senior management service and select exempt service.


XIX. Areas of Concern

Within the department at the statewide level Hispanic males are underrepresented in categories of Officials and Administrators, Professionals, Technicians, Paraprofessionals, Office and Clerical, Skilled Craft and Service Maintenance. Hispanic females are underrepresented in the category of Officials and Administrators and by one individual in the Skilled Craft category. Black males are underrepresented in the categories of Office and Clerical and Paraprofessionals and by one employee in the category of Technicians. Other males are underrepresented in the category of Office and Clerical. White females are underrepresented in the categories of Paraprofessionals, Office and Clerical, Skilled Craft and Service Maintenance. While white males are not the focus of affirmative action plans, the analysis shows that white males are underrepresented in all categories.

XX. Action-Oriented Programs

In an effort to obtain minority applicants, the department advertises pay grade 20 or above open competitive positions in minority publications.