

**OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION
FY-10 AFFIRMATIVE ACTION PLAN**

PART ONE

- 1.1 Policy Statements**
- 1.2 Responsibility for Implementation**
- 1.3 Dissemination of Plan and Policy**
- 1.4 Affirmative Action for the Disabled Persons and Older Persons**
- 1.5 Training and Recruitment**
- 1.6 Evaluation of Preceding Years' AA/EEO Efforts**
- 1.7 Identification and Analysis of Problem Areas; Corrective Action**
 - 1.7.1 Areas of Review**
- 1.8 Internal Audit and Reporting**
- 1.9 Discrimination Complaints Investigations**

PART TWO

The Statistical Portion of the Affirmative Action Plan

1.1

**BOARD OF MEDICAL LICENSURE AND SUPERVISION
POLICY STATEMENT
ON
AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY**

Consistent with federal and state laws and guidelines established for affirmative action and equal employment opportunity, I would like to affirm this agency's continuing policy to provide equal employment and advancement opportunity in all job classifications of this agency without regard to political or religious opinion or affiliation, race, creed, gender, age, color, national origin, or physical disability, so long as the physical disability does not render the person unable to do the work for which employed.

The principles of equal employment opportunity apply to all employment practices and personnel action throughout the agency, including recruiting, hiring, promotion, demotions, separations, transfer, layoffs (RIF), recall, compensation, benefits and all other terms and conditions of employment. I want to remind each employee that all personnel actions as well as all decisions relating to employment practices are to be made in accordance with the spirit of equal employment opportunity for all.

We have developed an affirmative action plan to help us achieve our goal of equal employment opportunity for all. Reji T. Varghese, located in the Support Services Department, telephone number 848-6841 Ext. 118, has been delegated the responsibility of implementing the plan, including monitoring and evaluating our progress and reporting the results to me.

In addition, Reji T. Varghese is assigned to serve as the Affirmative Action/Equal Employment Opportunity Officer for this Agency. He or a member of his staff is available for any employee having questions or needing assistance in regards to affirmative action or equal employment opportunity in this agency.

My personal commitment to this policy is complete. I accept overall responsibility for equal employment opportunity and affirmative action within this agency. I expect each and every employee to perform their duties and responsibilities in a manner that will demonstrate this agency's firm commitment in this most important area.

Lyle R. Kelsey, CAE, Executive Director

Date

**BOARD OF MEDICAL LICENSURE AND SUPERVISION
POLICY AGAINST SEXUAL HARASSMENT**

It is the policy of the Board of Medical Licensure and Supervision not to discriminate in any of its employment practices on the basis of political or religious opinion or affiliation, race, creed, color, gender, age, national origin, or by reason of physical disability, so long as the physical disability does not render the employee unable to do the work for which employed. Any form of unlawful discrimination to which this policy applies is a very serious matter and will not be tolerated.

Sexual harassment is a form of unlawful discrimination based on sex. It includes, but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is explicitly or implicitly a requirement of the individual's employment, or used as a basis for any employment decision concerning that individual, or when such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment. Such behavior is prohibited by the Civil Rights Act of 1964, by the regulatory guidelines of the Equal Employment Opportunity Commission, by applicable state laws, the State Merit Rules of Employment, and by this policy. In some circumstances it may also violate other laws (for example, criminal assault).

Sexual harassment will not be condoned or tolerated by the Board of Medical Licensure & Supervision. Any supervisory employee, employee with authority for personnel matters, or other agent or officer of the Board who knows or should have known that any employee is being subjected to sexual harassment must take immediate corrective action or report the facts to me.

Appropriate disciplinary action will be taken against any employee who causes, engages in, encourages, condones or otherwise permits unlawful sexual harassment, and against any supervisory or other responsible employee who fails to take corrective action as provided above. Such conduct may be grounds for termination of employment with this agency.

Any employee who believes that he or she has been the victim of unlawful sexual harassment may complain of sex discrimination in accordance with the agency's grievance procedure.

It is the responsibility of all employees in this agency, supervisory and non-supervisory, to adhere to this policy and to use all reasonable efforts to further its goal and spirit.

Lyle R. Kelsey, CAE, Executive Director

Date

Affirmative Action Plan

1.2 Responsibility for Implementation

A. Appointing Authority's Responsibilities

Ultimate responsibility for achievement of equal employment opportunity and affirmative action within the Oklahoma State Board of Medical Licensure & Supervision through this affirmative action plan and otherwise will be the overall responsibility of the appointing authority, under both the law and principles of sound public administration. He/she will oversee the investigation of complaints and will appoint a lead investigator for this purpose.

B. EEO Officer/Coordinator's Responsibilities.

The Executive Director assigns responsibility for the day to day operation and implementation of this plan to the EEO Officer of the Board whose responsibilities shall include, but are not necessarily limited to the following duties and responsibilities:

1. Develop and recommend guidelines for the affirmative action plan for the Oklahoma State Board of Medical Licensure and Supervision. Update the plan periodically to conform to applicable laws and regulations.
2. Direct the identification of problem areas and assist in arriving at solution to problems.
3. Design and implement reporting systems to measure program effectiveness and determine the degree to which goals have been achieved by the collection, analysis and proper publication of all statistical data required by this plan.
4. Prepare all employment data required by federal law for the State and Local Government Information (EEO-4) Survey and submit report as required for each fiscal year.
5. Serve as the Board's outreach and referral resource for minority organizations, women's organizations, organizations for disabled persons, and older persons, and community action groups concerned with employment opportunities for minorities, women, disabled persons, and older person.
6. Assists the appointing authority or designee in investigation of complaints of discrimination in accordance with the OSBMLS Employee Grievance Procedure Plan.
7. Assist Department Directors, supervisory personnel and all other personnel who need technical advice or administrative support meeting their responsibilities under this plan and under applicable Equal Employment Opportunity Laws and

Regulations, and keep all employees informed of developments in the EEO area.

8. Serve as liaison between the appointing authority and the various state/federal compliance agencies.
9. Develop and implement the internal and external communication system for promoting the equal employment opportunity program of the Board.
10. Develop and recommend guidelines for an internal OSBMLS employee grievance and appeal system.
11. Inspect areas within the Board office to make certain all EEO posters are properly displayed.
12. Monitor the selection process for employees of the Board to insure no discriminatory practices exists.
13. Review all employees' qualifications to insure minorities are given full promotional transfer opportunities.
14. Conduct periodic evaluations of the Boards' equal employment opportunity programs, report findings to the Executive Director, and recommend modifications, including remedial training or disciplinary action.
15. Conduct periodic audits of established Board programs to remove impediments to goal attainment.

C. Supervisor's Responsibilities:

The Department Directors and agency supervisory personnel EEO responsibilities include, but are not necessarily limited to, the following duties and responsibilities:

1. Assist in problem identification and problem resolution.
2. Assist in the establishment of goals and objectives.
3. Conduct regular training sessions with all employees to ensure that policies are being followed.
4. Inform all employees of the importance of their EEO efforts and results and of the role of affirmative action.
5. Prevent harassment of employees through positive affirmative action.
6. Continue to communicate the Board's EEO policies.

D. Employee's Responsibilities:

All OSBMLS employees should faithfully execute their responsibilities of this affirmative action program. Each OSBMLS employee is made aware of this plan by receiving a copy of the OSBMLS Policy Statement and each OSBMLS employee is informed that each department within OSBMLS has a complete copy of the plan. The OSBMLS employees' responsibilities include, but are not limited to, the following:

1. Apply all laws, rules, regulations, policies, and procedures fairly and impartially to all persons without regard to race, sex, age, color, creed, national origin, physical or mental disability, religious affiliation or political opinion or affiliation.
2. Exhibit an attitude of respect, courtesy, and cooperation toward fellow employees, and the public.
3. Aid supervisors and other key staff members in carrying out their responsibilities with regard to the equal employment opportunity program.
4. Be familiar with the affirmative action plan and make a good faith effort to adhere to their assigned responsibilities within the plan.

1.3 Dissemination of Affirmative Action Plans

A. Internal Dissemination

The EEO Policy Statement will be posted on the agency website, on universal drive "O" for unrestricted access and the Plan will be disseminated to managers, supervisors and other key staff with instructions for them to make their respective employees aware of its contents, location and availability to them at all times.

B. External Dissemination

A copy of the EEO Policy Statement will be posted on our website and the Plan will be distributed through the State Publications Clearinghouse of the Oklahoma Department of Libraries. Copies of the plan are available upon request from Reji T. Varghese, Affirmative Action Officer, 5104 North Francis Avenue, Suite C, Oklahoma City, OK 73118, telephone (405) 848-6841.

1.4 Affirmative Action for the Disabled Persons and Older Persons:

A. Disabled persons are protected against discrimination if they are otherwise qualified for the job they seek. "Qualified" simply means that they have the ability to do the job. Three groups of people are considered to be disabled and are covered by this plan and the law:

1. People who have physical or mental impairments which substantially limit their ability to work. Blindness and paralysis are obvious examples of disabilities. Less obvious disabilities, such as epilepsy or diabetes, are also covered and are commonly known as "hidden disabilities".
2. People who have a record of disabilities, such as heart problems or former treatment for mental illness.
3. People who are treated as if they have a disability, even though they actually have no physical or mental impairments. Examples might include people with a minor curving of the spine or a noticeable limp, which doesn't affect their job performance.

B. Federal and state laws protect workers 40 years of age or older from arbitrary age discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. The laws do not apply where age is a bonafide occupational qualification.

1.5 Training and Recruitment

A. Every training opportunity will be made available to all employees on a non-discriminatory basis. The training will develop skills that will improve the employee's current performance, qualify employee for advancement to higher-level positions and to fill positions, which have been identified as line of progression.

B. The active recruitment of new employees affords the best opportunity to maintain an appropriate work force balance within the agency. Every effort will be made to utilize the sub-lists of the Certificate of Eligibles provided by the Office of Personnel Management.

1.6 Evaluation of Preceding Years' AA/EEO Efforts

At the beginning of FY 09 we started out with 21 employees, 7 of which were minorities and 14 females. We had set a goal to hire one (1) minority in the Professionals group and one (1) minority in the Administrative Support group.

During FY 08 the problem areas identified were underutilization of Black, Hispanic and American Indian in Official/Administrative group; underutilization of Hispanic and Asian/Pacific Islanders in Professional group and underutilization of Black, Hispanic and Asian/Pacific Islander in Administrative Support Group.

During FY 2009 we had two (2) openings (one resignation and one termination) - one in the

Professional group and the other in Official/Administrative group. The opening in Official/Administrative group was filled with the promotion of a minority (Asian) employee. The other opening in Professional group is not filled yet. Both separations during FY 2009 were from non-minority group (white).

In the past three years, we have hired three (3) people, one (1) of which was minority and two (2) were female.

In meeting the goals of the AAP and complying with appropriate laws and rules, every effort is made to recruit, hire, and promote minorities, older persons, and the disabled person. Maximum use of the Fair Employment Practices Act (FEPA) is made to hire minorities as identified in this plan. The FEPA remains the primary engine in filling any vacant position within the Agency.

1.7 Identification and Analysis of Problem Areas

Problem areas for the current year have been identified as underutilization of certain races within each job group. The Official/Administrator group has underutilization under Black, Hispanic, American Indian and Female. The Professional group has underutilization under Hispanic and Asian/Pacific Islander. The Administrative Support Group is underutilized under Black, Hispanic and Asian/Pacific Islander.

As far as total minorities, we are not underutilized in any job group.

The agency reaffirms its policy to provide equal employment and advancement opportunity in all job classifications and to commit to lessen the problem areas as identified.

At this time we do not have any anticipated vacancies to fill a full time employee in Official/Administrator group. During FY 2010 we anticipate to fill the vacancy in Professional group and as budget permitting hire a new FTE in Administrative Support group. As openings occur in those job groups, we will utilize the Fair Employment Practices Act certification to correct this underutilization. In addition, should a vacancy occur during the reporting period we will do everything we possibly can to ensure that minorities and females are included in recruiting and interviewing.

Efforts will include advertising in minority publications and notices to minority and women's organizations. Also, we publish our openings on email list serve to all other state agencies including OPM.

Reji T. Varghese, Affirmative Action Officer for the agency has been assigned responsibility for monitoring the problem areas and efforts to correct these areas.

1.7.1 Areas of Review

The review included the following:

A. Imbalances in the work force. Each instance of under utilization was reviewed

separately.

B. The selection process will include position descriptions, interview procedures and final selection process.

C. Work place atmosphere.

D. Recruitment and referral activities.

1.8 Internal Audit and Report

This Agency has 29 authorized full-time positions; however, only 19 positions are filled at this time. The audit and monitoring system will consist of:

A. Recruitment announcements will stress the equal opportunities available to everyone applying for the position.

B. A record of everyone who applies for any vacant position will reflect the applicant's race and sex. The information will be kept confidential and maintained with each position announcement.

C. During in-house training, a summary report will be presented to the employees of the agency. During this training period, suggestions will be requested to improve the equal opportunities available to the personnel of this agency.

1.9 Discrimination Complaints Investigations

Complaints of discrimination will be investigated by an external investigator who meets the requirement of Title 74, Section 840-2.1(F)(1) and OPM Rules 530:10-3-20.