

EXECUTIVE ORDER 11246 AFFIRMATIVE ACTION PLAN (AAP)

for

**MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT
2411 West 14th Street
Tempe, AZ 85281
(480) 731-8000**

October 1, 2016 - September 30, 2017

PART I: AAP FOR MINORITIES AND WOMEN

**PART II: AAP FOR PROTECTED VETERANS
AND INDIVIDUALS WITH DISABILITIES**

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INTRODUCTION TO PARTS I AND II

BACKGROUND

Maricopa County Community College District comprises 10 colleges, 2 skill centers and numerous education centers, all dedicated to educational excellence and to meeting the needs of businesses and the citizens of Maricopa County, Arizona. Each college is individually accredited, yet part of a larger system - the Maricopa County Community College District, which is one of the largest providers of higher education in the United States.

Maricopa County Community College District offers approximately 954 occupational programs (degrees and certificates), 31 academic certificates and nine academic associate degrees (the associate degrees are available at each of our 10 colleges), and a total of 981 courses.

Maricopa County Community College District is a federal government supply and service contractor subject to the affirmative action requirements of Executive Order 11246, the Rehabilitation Act of 1973 as amended, and the Vietnam Veterans' Readjustment Assistance Act of 1974, Section 4212. Because Maricopa County Community College District has \$50,000 or more in annual contracts with the federal government and employs 50 or more employees, we are required to prepare annual written Affirmative Action Plans (AAP's) for minorities and women, for protected veterans, and for individuals with disabilities for our organization. Failure to comply with these laws and their implementing regulations, which are enforced by the Office of Federal Contract Compliance Programs (OFCCP), can result in debarment of the Company from future contracts and subcontracts.

Affirmative action is a term that encompasses any measure adopted by an employer to correct or to compensate for past or present discrimination or to prevent discrimination from recurring in the future. Affirmative action goes beyond the simple termination of a discriminatory practice.

As stipulated in federal regulations, a prerequisite to the development of a satisfactory affirmative action plan is the evaluation of opportunities for protected group members, as well as an identification and analysis of problem areas inherent in their employment. Also, where a statistical analysis reveals a numeric disparity between incumbency (and/or hiring rates for veterans) and availability, an adequate AAP details specific affirmative action steps to guarantee equal employment opportunity. These steps are keyed to the problems and needs of protected group members. For minorities and women, such steps include the development of hiring and promotion goals to rectify the disparity between incumbency and availability. For protected veterans and individuals with disabilities, such steps will include a thorough review of the company's outreach efforts to determine the effectiveness of such efforts in closing the hiring and/or utilization gaps. It is toward this end that the following AAP of Maricopa County Community College District was developed.

APPLICABLE AFFIRMATIVE ACTION LAWS AND REGULATIONS

Maricopa County Community College District's AAP for minorities and women (Part I) has been prepared according to Executive Order No. 11246, as amended, and Title 41, Code of Federal Regulations, Part 60-1 (Equal Employment Opportunity Duties of Government Contractors), Part 60-2 (Affirmative Action Programs of Government Non-Construction Contractors; also known as "Revised Order No. 4"), and Part 60-20 (Sex Discrimination Guidelines for Government Contractors).

Maricopa County Community College District has developed separately an affirmative action plan for protected veterans and individuals with disabilities (Part II) prepared in accordance with the Rehabilitation Act of 1973, Section 503, as amended and Title 41, Code of Federal Regulations, Part 60-741(Affirmative Action Program for Individuals with Disabilities), the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 4212, as amended, and Title 41 Code of Federal Regulations, Part 60-300 (Affirmative Action Program for protected veterans).

Under [Section 503](#), a business with a federal contract of more than \$15,000 is required to treat qualified individuals with disabilities without discrimination on the basis of their physical or mental disability in all employment practices, and to take affirmative action to employ and advance in employment individuals with disabilities. If the company has at least 50 employees and a single contract of \$50,000 or more, then it must also develop a Section 503 AAP, as described in [41 CFR 60-741, Subpart C](#). Section 503 applies to businesses with federal construction contracts, but not to businesses with federally assisted construction contracts.

Under [VEVRAA](#), a business with a federal contract of \$150,000 or more is required to treat qualified individuals without discrimination based on their status as a protected veteran in all employment practices, and to take affirmative action to employ and advance in employment protected veterans. If the company has at least 50 employees and a single contract of \$150,000 or more, then it must also develop a VEVRAA AAP, as described in [41 CFR 60-300, Subpart C](#). VEVRAA applies to businesses with federal construction contracts, but not to businesses with federally assisted construction contracts.

COVERED GROUPS UNDER AFFIRMATIVE ACTION LAWS AND REGULATIONS

Coverage under affirmative action laws and regulations applies to:

Women and minorities who are recognized as belonging to or identifying with the following race or ethnic groups: Blacks/African Americans, Hispanics/Latinos, Asians/Pacific Islanders, and American Indians/Alaskan Natives.

Any veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or who was discharged or released from active duty because of a service-connected disability.

Recently separated veterans: any veteran currently within three-years of discharge or release from active duty.

Veterans who served on active duty in the U.S. military during a war or campaign or expedition for which a campaign badge is awarded.

Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

An individual with a disability: 1) a person who has a physical or mental impairment that substantially limits one or more of his/her major life activities; (2) has a record of such impairment, or (3) is regarded as having such an impairment.

PROGRAM TERMINOLOGY

The terms, "comparison of incumbency to availability," "deficiency," and "problem area," appearing in this AAP, are terms Maricopa County Community College District is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance whatsoever. Although Maricopa County Community College District will use the terms in total good faith in connection with its AAP, such use does not necessarily signify that the Company agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives.

The comparison of incumbency to availability contained herein is required by Government regulations to be based on certain statistical comparisons. Geographic areas and sources of statistics used herein for these comparisons were used in compliance with Government regulations, as interpreted by Government representatives. The use of certain geographic areas and sources of statistics does not indicate Maricopa County Community College District's agreement that the geographic areas are appropriate in all instances of use or that the sources of statistics are the most relevant. The use of such geographic areas and statistics may have no significance outside the context of this AAP. Such statistics and geographic areas will be used, however, in total good faith with respect to this AAP.

The grouping of job titles into a given job group does not suggest that Maricopa County Community College District believes the jobs so grouped are of comparable worth.

Whenever the term "goal" is used, it is expressly intended that it "should not be used to discriminate against any applicant or employee because of race, color, religion, gender, or national origin," as stated in Title 41 Code of Federal Regulations, Part 60-2.16(e)(2).

This AAP is not intended to create any contractual or other rights in any person or entity.

RELIANCE ON EEOC'S GUIDELINES

Although Maricopa County Community College District does not believe any violation of Title VII of the Civil Rights Act exists, it has developed this AAP in accordance with and in reliance upon the EEOC's Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608.

REPORTING PERIOD

This AAP is designed to cover the following reporting period,

- AAP implementation period: October 1, 2016 – September 30, 2017
- Transaction period: October 1, 2015 – September 30, 2016

STATEMENT OF PURPOSE FOR PARTS I AND II

This AAP has been designed to bring women and men, members of minority groups, protected veterans, and individuals with disabilities into all levels and segments of Maricopa County Community College District's workforce in proportion to their representation in the qualified relevant labor market.

The AAP, therefore, is a detailed, results-oriented set of procedures which, when carried out, results in full compliance with equal employment opportunity requirements through the equal treatment of all people.

The manner in which this is to be accomplished becomes technical and somewhat complicated. There are several reasons for this. First, Maricopa County Community College District is subject to and must address a variety of State and Federal laws and guidelines dealing with equal employment opportunity and affirmative action. These guidelines and requirements are in themselves somewhat technical and complex. In addition, relevant court decisions, which are often useful in interpreting, but sometimes conflicting with these requirements and guidelines, must be taken into account when developing and implementing the AAP. Furthermore, in determining Maricopa County Community College District's current equal employment opportunity and affirmative action position and its desired future achievements, numbers, percentages, statistics, and numerous calculations and computations must come into play.

The technical, legal, and mathematical aspects of the AAP, however, all have one common purpose—to allow us to properly identify three key concepts:

1. Where we stand now,
2. Where we must go,
3. How best to get there.

These three concepts are the Affirmative Action Plan.

CHAPTER 8: IDENTIFICATION OF PROBLEM AREAS
41 C.F.R. § 60-2.17(b)

Terminology

The phrases “comparison of incumbency to availability,” and “problem area” appearing in this chapter are terms Maricopa County Community College District is required by government regulations to use. The criteria used in relation to these terms are those specified by the government. These terms have no independent legal or factual significance. Although Maricopa County Community College District will use the terms in good faith in connection with its AAP, such use does not necessarily signify the company agrees that these terms are properly applied to any particular factual situation and is not an admission of non-compliance with EEO laws, regulations, and objectives. Whenever the term “goal” is used, it is expressly intended that it “should not be used to discriminate against any applicant or employee because of race, color, religion, gender, or national origin,” as stated in Title 41 Code of Federal Regulations, Part 60-2.16(e).

In addition to comparing incumbency to availability within job groups, Maricopa County Community College District has conducted studies to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations). Maricopa County Community College District will continue to monitor and update these studies during each AAP year. In each case where potential problem areas have been identified, affirmative actions, as appropriate, will be taken consistent with any of the action-oriented programs described in Chapter 9 of this AAP.

Goals are established within each of the job groups at no less than the current availability data for the job group.

41 C.F.R. § 60-2.17(b)(1): Workforce by Organizational Unit and Job Group

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of the *Workforce Analysis*.

An analysis of minority and female utilization within each job group was accomplished by a thorough investigation of the *Comparison of Incumbency to Availability* reports.

41 C.F.R. § 60-2.17(b)(2): Personnel Activity

Applicant flow, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between men/women and whites/minorities was accomplished by a thorough examination of transaction data.

See the *Summary of Personnel Transactions Report* for each job group.

41 C.F.R. § 60-2.17(b)(3): Compensation Systems

Compensation analyses were conducted by comparing the salaries for men v. women, and whites v. minorities in each job title.

CHAPTER 9: ACTION-ORIENTED PROGRAMS
41 C.F.R. § 60-2.17(c)

Maricopa County Community College District tailors its action-oriented programs each year to ensure they are specific to the problem identified.

Action-Oriented Program:

The Action-Oriented Programs designed to address the underutilization of women and minorities are listed below. These Action-Oriented Programs will be carried out throughout the AAP year. The Sr. Manager, EEO/AA, with the help of the managers, will be responsible in ensuring that the following are implemented.

Recruitment:

1. Maricopa County Community College District will continue to place advertisements for job opportunities through local job service offices.
2. Due to the extensive technical education and experience required for some positions, Maricopa County Community College District will also continue to place job opportunity announcements in the company website and in other outlets when appropriate.
3. Maricopa County Community College District will continue to post positions internally and externally.
4. Advertisements and job postings will always carry the Equal Employment Opportunity clause.
5. Minority and female applicants will be considered for all positions for which they are qualified.
6. Maricopa County Community College District will participate in job fairs if there are sufficient numbers of openings to warrant participation.
7. Maricopa County Community College District will continue to recruit at several colleges and universities, including Hispanic Serving Institutions and Historically Black Colleges, etc. Maricopa County Community College District targets universities based in part on the high-level of diversity of its student body.
8. Maricopa County Community College District will continue to publish recruiting brochures and company literature to attract minority and female applicants.

Job Specifications/Selection Process:

1. Create or review and update position descriptions that accurately reflect position functions, and are consistent for the same position from one location to another.
2. Create or review and update job or worker specifications that contain academic, experience, and skill requirements that do not constitute inadvertent discrimination. Develop specifications that are free from bias with regard to age, race, color, religion, national origin, disability or veteran status.
3. Approved position specifications and worker specifications will be made available to all members of management involved in the recruiting, screening, selection, and promotion process. Copies may also be made available to recruiting sources.
4. Maricopa County Community College District will continue to use only worker specifications that include job-related criteria.
5. Maricopa County Community College District will continue to carefully select and counsel all personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes to eliminate bias in all personnel actions.

Job Advancement:

1. Maricopa County Community College District will continue to post or announce job opportunities. Maricopa County Community College District's Job Posting Policy System requires postings of all positions up to the Senior Management level.
2. Maricopa County Community College District will continue to make use of the inventory of our current employee skills to prepare them for job opportunities when they become available.
3. Enhance, whenever feasible, formal educational and counseling programs to include professional development and mentoring programs.
4. Establish a promotion pool to identify qualified women and minorities.
5. Review seniority practices to ensure such practices are non-discriminatory and do not have discriminatory effect.
6. All employees are actively encouraged to participate in company-sponsored social and recreational activities.

7. Maricopa County Community College District will continue to use a formal employee evaluation program. The performance appraisal is used for annual reviews for all employees.
8. Employees can choose training courses through the Employee Learn Center and include them in their career development plan.
9. Professional growth program is offered to all salaried employees with at least ninety days of service who are interested in pursuing an undergraduate degree or an advance degree, with certain limitations.

Executive Summary of Affirmative Action Plan Results

Maricopa County Community College District

Summary of Goals and Adverse Impact:

The following table contains the results of the utilization and adverse impact analyses conducted for the 2016/2017 Affirmative Action Plan (AAP) for Maricopa County Community College District. For each analysis, only job groups with potential problem areas (i.e., underutilization or statistically significant findings in a selection procedure) against women and/or total minorities are listed within the AAP.

Placement Goals Summary:

A goal was established if the female/minority incumbency percentage is less than 80% and that difference is at least one whole person from the female/minority availability percentage. The Placement Goal should not be mistaken as a quota. It is a "goal" percentage for females/minorities that Maricopa County Community Colleges should make good faith efforts to reach by increasing its recruiting efforts to find a more diverse and qualified applicant pool. See the Placement Goals Summary for more information.

Adverse Impact:

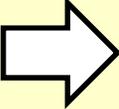
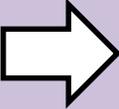
The statistical significance test determines whether chance or something other than chance caused the hiring, promotional, and/or retention rates of the disadvantaged group (e.g., females) to be less than the group with the highest rate (e.g., males). If findings are statistically significant, then the disparity has 5% or less probability of occurring by chance. If adverse impact is found and the findings are significant based on the Fisher's Exact (FE) Statistic, a red highlight will appear. Whenever adverse impact is found, investigation is required to explain why the disparity exists. See the Adverse Impact analyses of each plan for additional information.

**Maricopa County Community College District
Executive Summary
Results on 2016/2017 AAP for Minorities and Women
Employee Data as of 9/30/2016
Transaction Period : 10/1/2015 - 9/30/2016**

Job Group	Total # Empl	Utilization (Shortfall)						Adverse Impact Analyses (Statistical Significance in Selection Rates)									
		Female			Minorities			Hires		Promotions		Terminations (Invol)		Terminations (Vol)		Terminations (All)	
		Avail%	Empl%	Goals	Avail%	Empl%	Goals	Female	Minorities	Female	Minorities	Female	Minorities	Female	Minorities	Female	Minorities
A1 - Executive Management	50	48.7%	52.0%		23.8%	42.0%											
A2 - Senior Management	205	56.0%	57.1%		25.7%	32.2%											
A3 - Deans	61	61.1%	62.3%		23.3%	37.7%											
A4 - First/Mid-Level Management	212	55.3%	51.9%		26.3%	34.0%											
B1 - Faculty	1331	50.1%	54.8%		26.3%	21.0%							2.84	2.19 (Min) 3.32 (B)	2.95	2.00 (Min) 3.27 (B)	
B2 - Faculty - Adjunct Day	3947	47.4%	60.0%		22.9%	18.8%											
B3 - Faculty - Adjunct Evening	4137	47.4%	56.5%		22.9%	18.8%								2.09 (Hisp)		2.09 (Hisp)	
B4 - Faculty - Adjunct Summer Day	1181	47.4%	59.4%		22.9%	18.0%	3										
B5 - Faculty - Adjunct Summer Evening	1363	47.4%	65.1%		22.9%	14.3%	54										
C1 - Librarians	52	84.0%	84.6%		18.1%	23.1%											
D1 - Other Student, Academic and Educational Services	90	62.9%	74.4%		26.4%	41.1%											
E1 - Professionals - Non-faculty	510	60.3%	66.5%		38.3%	36.7%											
F1 - Computer, Engineering & Related Technical Occupations	286	28.1%	30.4%		27.1%	24.8%								2.05 (NA)		2.05 (NA)	
G1 - Athletics/Sports	49	32.4%	24.5%		29.0%	20.4%	1										
G2 - Counseling/Social Service/Legal	53	63.4%	62.3%		32.8%	50.9%								2.11 (NA)		2.11 (NA)	
G3 - Radio, TV and Other Media/Entertainment	24	30.0%	33.3%		33.4%	16.7%	2										
H1 - Office/Admin Support	991	72.4%	79.8%		31.5%	47.6%											
I1 - Maintenance/Construction	96	3.0%	4.2%		43.5%	34.4%							2.44 (B)				
J1 - Production/Transportation	2	12.1%	0.0%		52.1%	0.0%											
K1 - Service - Public Safety	60	28.6%	10.0%	7	24.9%	36.7%											
K2 - Service - Facility/Grounds	142	23.0%	38.0%		73.1%	69.0%											
K3 - Service - Other	13	37.4%	38.5%		34.0%	38.5%											

Appendix A

Sample¹ Tool that may be considered by Strategic Staffing in the Hiring Guidelines to Address Potential Problem Areas

Analyses		Sample Recommended Actions
Adverse Impact	Placement Goals 	<ul style="list-style-type: none"> Inform Hiring Managers/Recruiters of AAP goals for women and minorities. <ul style="list-style-type: none"> Do not allow recruiters or managers to “leap frog” more qualified men/whites with lesser qualified women/minorities: Qualifications should be the key focus. Make sure to regularly evaluate the company’s good faith efforts and make changes if the programs are not effective. Goals should be addressed through outreach and recruitment, not through hiring decisions. <p><u>If you are underutilized in women/minorities, then enhance your qualified applicant pool.</u></p>
	Hires 	<ul style="list-style-type: none"> Review the applicant file and refine the data based on the internet applicant definition. Examples: <ul style="list-style-type: none"> Only include applicants who are associated with the hires in the plan. Applicants do not belong in the file if they applied for a position <i>after</i> the last hire in the 12-month plan period. Applicants should only be listed once unless they applied for and were considered for more than one position. A hired candidate’s race and gender should be reconciled against the original applicant file. Inform Hiring Managers/Recruiters of the adverse impact. <ul style="list-style-type: none"> Do not require numerical results for Hiring Managers/Recruiters, Rather inform them regarding issues and make recommendations. Train all managers/recruiters on the selection process policy. Train all managers/recruiters on proper use of disposition codes for applicants. Hold managers/recruiters accountable for all selection decisions. DOCUMENTATION is KEY! Review the Selection Processes. <ul style="list-style-type: none"> Ensure that all selection processes are validated. Ensure that selection processes are <u>consistently applied</u>.
	Promotions 	<ul style="list-style-type: none"> Inform Managers/Recruiters of any jobs that have adverse impact. <ul style="list-style-type: none"> Train all managers/recruiters on the selection process policy. Hold managers/recruiters accountable to justify all promotion decisions. DOCUMENTATION is KEY! Review Selection Processes. <ul style="list-style-type: none"> Ensure all selection processes are validated. Ensure selection processes are <u>consistently applied</u>.
	Terminations 	<ul style="list-style-type: none"> Inform Managers of any jobs that have adverse impact. <ul style="list-style-type: none"> Train all managers on the selection process. Hold managers accountable to justify termination decisions. DOCUMENTATION is KEY! Conduct a reduction in force (RIF) analysis prior to making termination decisions. Conduct an investigation as to why employees choose to leave the company (e.g., exit interview).
	Compensation 	<ul style="list-style-type: none"> Encourage a proactive analysis with executive and legal counsel approval. Conduct either proactive or reactive analyses. Conduct a Cohort analysis (i.e., file-by-file comparison). Create an analysis strategy. <ul style="list-style-type: none"> Identify the factors/variables that affect compensation. Perform t-test, where applicable. Perform regression analyses, where applicable. Contact a Consultant/Compensation expert to conduct a more in-depth compensation analysis.

¹ For a more complete list of recommended actions, please contact your AAP Consultant/HR Manager.