

**EXECUTIVE ORDER 11246 AFFIRMATIVE ACTION PLAN (AAP)**

**for**

**Texas A&M Engineering Experiment Station**

**1/1/2022 - 12/31/2022**

**PART I: AAP FOR MINORITIES AND WOMEN**

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

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**TEXAS A&M ENGINEERING EXPERIMENT STATION AAP**

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## **INTRODUCTION TO PARTS I AND II**

### **BACKGROUND**

Texas A&M Engineering Experiment Station (TEES) is a member of The Texas A&M University System, one of the largest systems of public higher education in the nation. TEES was established in 1914.

TEES is a federal government supply and service contractor subject to the affirmative action requirements of Executive Order 11246 as amended, the Rehabilitation Act of 1973 as amended, and the Vietnam Veterans' Readjustment Assistance Act of 1974 as amended. Because TEES has \$50,000 or more in annual contracts with the federal government and has 50 or more employees, we are required to prepare annual written Affirmative Action Plans (AAPs) 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 agency 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 occurring 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 an analysis reveals a statistically significant disparity between incumbency and availability, an 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 (university's or agency'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 TEES was developed.

### **APPLICABLE AFFIRMATIVE ACTION LAWS AND REGULATIONS**

TEES Executive Order 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).

TEES 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,

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 **TEES** 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 **TEES** will use the terms in total good faith in connection with its AAP, such use does not necessarily signify that it 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 **TEES**'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 **TEES** believes the jobs so grouped are of comparable worth.

Whenever the term "goal" is used, it is expressly intended that it does "not provide the contractor with a justification to extend a preference to any individual, select an individual, or adversely affect an individual's employment status, on the basis of that person's race, color, religion, sex, sexual orientation, gender identity, 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 **TEES** 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: 1/1/2022 – 12/31/2022
- Transaction period: 1/1/2021 – 12/31/2021

## 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 TEES'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.

The manner in which this is to be accomplished becomes technical and somewhat complicated. There are several reasons for this. First, TEES 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 conflict with, these requirements and guidelines, must be taken into account when developing and implementing the AAP. Furthermore, in determining TEES'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.

**TEXAS A&M ENGINEERING EXPERIMENT STATION**

**PART I: AFFIRMATIVE ACTION PLAN FOR MINORITIES AND WOMEN**

**FOR**

**1/1/2022 - 12/31/2022**



**PART I**

**AAP FOR MINORITIES AND WOMEN**

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## **PART I: AAP FOR MINORITIES AND WOMEN**

### **CHAPTER 1: ORGANIZATIONAL PROFILE**

#### **41 C.F.R. § 60-2.11**

##### **Workforce Analysis/Lines of Progression**

TEES conducted a workforce analysis to identify employees by sex and race/ethnicity in each job title. The data was collected from payroll records dated 12/31/2021.

Job titles are listed by organizational unit and are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles.

For each job title, TEES identified the total number of employees, the number of male and female employees, the total number of minority employees, the male and female minority employees, the total number of employees who are White, Black, Hispanic, Asian, American Indian or Alaskan Native, Native Hawaiian or Pacific Islander, and Two or More races, and the male and female employees within each of these race/ethnic groups.

##### **Lines of Progression**

Developed in conjunction with the workforce analysis is information on TEES's lines of progression. Lines of progression (career ladders/career paths) identify the job titles through which an employee can move to the top of a line. For each line of progression, applicable departments are identified. These are the departments which employ persons in the job titles in the specified line of progression. Some lines of progression are limited to only one department, while others are found throughout several departments.

The lines of progression provide useful information regarding patterns of vertical and horizontal movement throughout our workforce. These patterns will be evaluated to ascertain whether they provide to our employees the optimum career mobility and opportunities for advancement.

See the *Workforce Analysis/Lines of Progression* for the results per organizational unit.

## **CHAPTER 2: JOB GROUP ANALYSIS**

### **41 C.F.R. § 60-2.12**

Although the workforce analysis was conducted individually for every job title, after it was completed, job titles were grouped for the comparison of incumbency to availability and for setting goals. There were several reasons for grouping jobs.

Many job titles are so similar in content that handling them individually in the AAP is not necessary. Grouping together these very similar titles is appropriate for the comparison of incumbency to availability. For many job titles, the availability data that can be collected is limited, and the same data must be used for several related jobs. Therefore, grouping these related titles together is logical. Also, many job titles have so few incumbents in them that identifying disparities between incumbency and availability by job title is meaningless—as problem areas would be identified in terms of fractions of people. By grouping several similar titles and increasing the number of employees involved, a meaningful comparison can be conducted; any identified problem areas are more likely to be in terms of whole people.

The three reasons for grouping job titles (job content, wages, opportunity) all discuss "similar" or "related" jobs. That is the most critical guideline in creating job groups. Above all, the job titles placed into a job group must be more similar or related to each other than the job titles in other job groups.

Job groups must have enough incumbents to permit meaningful comparisons of incumbency to availability and goal setting. No minimum size has been established for this purpose, however, since it is dependent not only on the size of the job group, but also on the size of the availability percentage and the number of minorities or women already employed in the job group.

TEES did not combine job titles with different content, wages, or opportunities if doing so would have obscured problem areas (e.g., job groups which combine jobs in which minorities or women are concentrated with jobs in which they are underrepresented).

**CHAPTER 3: PLACEMENT OF INCUMBENTS IN JOB GROUPS**  
**41 C.F.R. § 60-2.13**

Each job group appears on a Job Group Report with a job group name and number. The report lists each job title in the job group. For each job title, the worksheet provides the following information: EEO reporting category, job title, employee headcounts for each job title, and overall percentages by sex and race/ethnicity as of 12/31/2021.

See the *Job Group Analysis* for the listing of the job titles and the associated race and sex headcounts per job group.

## CHAPTER 4: DETERMINING AVAILABILITY

### 41 C.F.R. § 60-2.14

"Availability" is an estimate of the proportion of each sex and race/ethnic group available and qualified for employment at TEES for a given job group in the relevant labor market during the life of the AAP. Availability indicates the approximate level at which each race/ethnic and sex group could reasonably be expected to be represented in a job group if TEES's employment decisions are being made without regard to sex, race, or ethnic origin. Availability estimates, therefore, are a way of translating equal employment opportunity into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for problem area groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis), identify problem areas, and establish percentage goals to correct the problems.

#### Steps in Comparison of Incumbency to Availability

##### Identify Availability Factors

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the 2018 Census of Population.
  - A. Local labor area: An employee Zip Code Analysis was used to identify the most precise local labor area for (TEES. The final local labor area met the following two (2) conditions: 1) it includes all counties/county sets where 5% or more of the employees/applicants resided, and 2) when summed, those counties/county sets accounted for at least 78% of the total applicants/employees within the at-issue workforce. Smaller contributing counties/county sets are removed (i.e., trimmed) unless they are necessary to reach 78%. Once trimmed, the weights for the remaining counties/county sets were proportionately increased to reach 100%.
  - B. Reasonable labor area: National

See the *Zip Code Analysis* report for the counties included in the local labor area.

Note: Zip code analysis results only apply to job groups where populated census data is available.

2. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization. See the *Internal Availability Analysis* for more detail.

Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights. Weights were never assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This

produced a final availability estimate for each sex and race/ethnic group, as well as for minorities in the aggregate.<sup>1</sup>

See the *Availability Analysis* for the availability breakdown for each job group.

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<sup>1</sup>In most cases, the final availability report (and most other technical reports in this AAP) only includes data/information for females and minorities in the aggregate.

**CHAPTER 5: COMPARING INCUMBENCY TO AVAILABILITY**  
**41 C.F.R. § 60-2.15**

Once final availability estimates were made for each job group, TEES compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of 12/31/2021 and that group's final availability.

See the *Comparison of Incumbency to Availability* for the results per job group.

## CHAPTER 6: PLACEMENT GOALS

### 41 C.F.R. § 60-2.16

TEES has established an annual percentage placement goal whenever it found that minority or female representation within a job group was less than would reasonably be expected given their availability. In each case, the goal was set at the availability figure derived for women and/or minorities, as appropriate for that job group. These goals take into account the availability of qualified persons in the relevant labor area. They also take into account anticipated employment opportunities with our organization. Goals are not rigid and inflexible quotas which must be met, but are instead targets reasonably attainable by means of applying good faith efforts to make all aspects of the entire AAP work. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs (see Chapter 9). Selections will occur only from among qualified applicants. Goals do not require the hiring of a person when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that TEES hire a specified number of minorities or women.

A goal is a guidepost against which TEES, a community group, or a compliance agency can measure progress in remedying identified underutilization in TEES's workforce. By setting realistic goals, TEES should be able to meet the goals, assuming we conduct effective recruitment and advertising efforts to ensure an adequate pool of qualified minority and/or female applicants.

See the *Placement Goals* report for each job group and the *Goals Progress Report* for progress made since the previous AAP.



**CHAPTER 7: DESIGNATION OF RESPONSIBILITY**  
**41 C.F.R. § 60-2.17(A)**

As part of its efforts to ensure equal employment opportunity to all individuals, TEES has designated specific responsibilities to various staff to ensure the AAP focuses on all components of the employment system. To that end, the TEES Interim Director, John E. Hurtado Human Resources & Payroll, the HR Manager, and those employed as supervisors and managers have undertaken the responsibilities described below.

Interim Director TEES

The primary responsibility and accountability for implementing the AAP rests with the Interim Director TEES. The Interim Director TEES has designated the Executive Director, Human Resources & Payroll the responsibility for overseeing, administering, implementing, and monitoring the TEES's policy of equal employment opportunity and affirmative action. This role includes, but is not limited to, the following duties:

1. Designate appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring TEES's AAP. Ensure that these personnel are identified in writing by name and job title.
2. Ensure that those designated personnel responsible for all AAP components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
3. Impart the personal direction that ensures total involvement and commitment to equal employment opportunity programs through TEES's AAP.

Executive Director, Human Resources & Payroll

The Executive Director is responsible for overall supervision of the AAP. The HR Manager ensures, through oversight by the Executive Director and through accountability of all division managers and supervisors, that all relevant policies and procedures are adhered to. The HR Manager's responsibilities include, but are not limited to, the following:

1. Ensure that TEES adheres to the stated policy of equal employment opportunity and monitor the application of equal employment opportunity policies.
2. Ensure that the AAP is reviewed and updated annually in accordance with TEES's stated policy.
3. Participate in periodic discussions with management, supervisors, and all other appropriate personnel to ensure AAP and equal employment opportunity policies are being followed.

4. Review the qualifications of all employees to ensure that equitable opportunity, based on job-related employment practices, is given to all for transfers and promotions.
5. Conduct periodic audits of training programs and hiring and promotion patterns to remove impediments to the attainment of AAP goals and objectives,
7. Periodically review policies and practices in an effort to identify areas to develop solutions.
8. Ensure that recruitment advertising is placed in minority and female-oriented publications, as applicable.
9. Ensure that equal opportunity and affirmative action policy is posted internally.

#### HR Manager

The HR Manager is responsible for ensuring the directives of the Interim Director TEES, and Executive Director, Human Resources & Payroll, are implemented. The HR Manager's duties include, but are not limited to, the following:

1. Provide direction to TEES's employees, as necessary, to carry out all actions required to meet its equal employment opportunity and affirmative action commitments.
2. Review, report on, and update TEES's AAP at least on an annual basis in accordance with stated policy.
3. Design and effectively implement the AAP at all establishments.
4. Review job descriptions and specifications to ensure they are free of discriminatory provisions and artificial barriers. Ensure that all requirements are job-related, that they are realistic, and that they reflect the actual work requirements of the essential job duties.
5. Advise management in the modification and development of TEES's policies to ensure the enhancement of equal employment opportunity for all employees and potential employees within existing equal employment opportunity guidelines.
6. Conduct periodic audits to ensure all required posters and those advertising TEES's equal employment opportunity policies and AAP are displayed and that TEES's equal employment opportunity and AAP policies are being thoroughly communicated.
7. Assist in review and revision of all policies, procedures, and rules to ensure they are not in violation of federal or state laws and regulations.

#### Managers and Supervisors

In their direct day-to-day contact with TEES's employees, managers and supervisors have assumed

certain responsibilities to help ensure compliance with equal employment opportunity programs and the effective implementation of the AAP. These include, but are not limited to, the following:

1. Aggressively adhere to TEES's equal employment opportunity and affirmative action policy.
2. Take action to prevent harassment of employees placed through affirmative action efforts.
3. Ensure that all interviews, offers of employment, and/or wage commitments are consistent with TEES's policy.
4. Implement the internal promotion and transfer of all employees under their supervision consistent with AAP goals and objectives.
5. Assist in identifying problem areas and provide needed information for establishing and meeting department affirmative action goals and objectives.

**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 TEES 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 TEES will use the terms in good faith in connection with its AAP, such use does not necessarily signify the member 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 does "not provide the contractor with a justification to extend a preference to any individual, select an individual, or adversely affect an individual’s employment status, on the basis of that person’s race, color, religion, sex, sexual orientation, gender identity, or national origin" as stated in Title 41 Code of Federal Regulations, Part 60-2.16(e)(2).*

In addition to comparing incumbency to availability within job groups, TEES has conducted studies to identify problem areas in each of its selection procedures (i.e., hires, promotions, and terminations). TEES 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 review of the *Workforce Analysis*.

An analysis of minority and female utilization within each job group was accomplished by a thorough review 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)**

TEES tailors our action-oriented programs each year to ensure they are specific to the problem identified.

Action-Oriented Programs:

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 HR Manager, with the help of the managers and supervisors, will be responsible for ensuring that the following are implemented.

**Recruitment:**

1. TEES will continue to place advertisements of job opportunities through local job service offices and the Texas Workforce Commission.
2. Due to the extensive technical education and experience required for some positions, TEES will also continue to place job opportunity announcements on its website and in local, regional, state, and/or national media when appropriate.
3. Job advertisements will always carry the Equal Employment Opportunity clause.
4. Online applicant screening questions are centrally assigned and monitored by Engineering Human Resources & Payroll.
5. Minority and female applicants will be considered for all positions for which they are qualified.
6. TEES will continue to publish recruiting media where minority and female members of the workforce are included.

**Job Specifications/Selection Process:**

1. Develop position descriptions that accurately reflect position functions and are consistent for the same position from one location to another.
2. Develop 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 sex, age, race, color, religion, national origin, disability, veteran status, sexual orientation, or gender identity.
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.

4. TEES will continue to use only worker specifications that include job-related criteria.
5. TEES 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. Minority and female employees can be made available for participation in career days, youth motivation programs, and related activities in the community, as desired.
2. TEES will continue to post or announce job opportunities. TEES's job posting policy requires postings of all positions for which external candidates are considered.
3. TEES will continue to make use of the inventory of our current employees' skills to determine academic, skill, and experience level of individual employees with respect to promotions.
4. All employees are actively encouraged to participate in employer-sponsored social and recreational activities.
5. TEES will continue to use its formal employee evaluation program. The performance appraisal is used for annual reviews for all employees.
6. Employees can choose training courses through TrainTraq, LinkedIn Learning and ComPsych as part of their career development plan.

**Additional Actions:**

1. All employees are required to complete EEO training within 30 days of hire and again every two years.
2. The sexual harassment regulation commits the agency to a proactive preventive process. **(System Regulation 08.01.01, System Policy 08.01 Civil Rights Compliance, TEES Rule 08.01.01.E1)**
3. New employee orientation and processing includes an overview of employee applicable regulations, policy and rules relative to equal employment opportunities, sexual harassment and promoting a discrimination free workplace.

**CHAPTER 10: INTERNAL AUDIT AND REPORTING**  
**41 C.F.R. § 60-2.17(D)**

Inherent in the AAP is the need for periodic self-assessment of problems encountered, corrective action taken, and progress made. Self-evaluation requires complex record keeping systems on applicants, employees, and components of the AAP itself.

The objective of all record keeping systems is to assess the results of past actions and identify trends, the appropriateness of goals and objectives, the appropriateness and relevancy of identified solutions to problems, and the adequacy of the plan as a whole. In addition, a further objective is to identify the proper corrective actions to be made to appropriate components.

In order to fully achieve the objectives of such a record keeping system, the results of it must lead to follow-up through feedback to managers, supervisors, and staff; through reallocation of resources; through modifications to plans and the record keeping system itself; and/or through appropriate recognition of personal achievements as well as corrective actions for discriminatory acts.

The records that are maintained are the basis for updating the affirmative action plan, including revising the availability data and establishing annual percentage goals. The internal audit and reporting system is used as the basis for evaluating systemic, results-oriented programs and affirmative action efforts.

The TEES' auditing and reporting system periodically measures the effectiveness of its total affirmative action program. The Executive Director, Human Resources and Payroll:

1. Monitors records of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the nondiscriminatory policy is carried out;
2. Requires internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained;
3. Reviews report results with appropriate levels of management; and
4. Advises top management of program effectiveness and submit recommendations to improve unsatisfactory performance.



**Texas A&M Engineering Experiment Station**

**PART II: AFFIRMATIVE ACTION PLAN FOR PROTECTED VETERANS AND  
INDIVIDUALS WITH DISABILITIES**

**FOR**

**1/1/2022 - 12/31/2022**

## PART II

### AAP FOR PROTECTED VETERANS AND INDIVIDUALS WITH DISABILITIES

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**CHAPTER A: POLICY STATEMENT**  
**41 C.F.R. §§ 60-300.44(A); 60-741.44(A)**

It is the policy of TEES and my personal commitment that equal opportunity be provided in the employment and advancement of all persons regardless of race, religion, color, national origin, sex, age, disability, veteran status, sexual orientation and gender identity, including at the executive level. (TEES does not and will not discriminate against any applicant or employee on the basis of race, religion, color, national origin, sex, age, disability, veteran status, sexual orientation, and gender identity for any position for which the applicant or employee is qualified. In addition, TEES is committed to taking affirmative action to employ and advance in employment qualified protected veteran employees and individuals with disabilities. Such affirmative action will apply to all employment practices, including, but not limited to, hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices will be made on the basis of an individual's capacity to perform a particular job and the feasibility of any reasonable job accommodation. TEES will make every effort to provide reasonable accommodations for any physical and mental limitations of individuals with disabilities and disabled veterans.

Employees and applicants will not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any activity protected by state, federal, or local anti-discrimination laws, including the following activities:

- (1) Filing a complaint;
- (2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), or any other federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans; Section 503 of the Rehabilitation Act of 1973, as amended (Section 503); or any other federal, state or local law requiring equal opportunity for individuals with disabilities;
- (3) Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans; Section 503 or its implementing regulations; or any other federal, state or local law requiring equal opportunity for disabled persons; or
- (4) Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

Our obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons regardless of race, religion, color, national origin, sex, age, disability, veteran status, sexual orientation or gender identity. TEES's EEO and affirmative action obligations are fully

supported by TEES Interim Director.

TEES will also continually implement and update audit and reporting systems that measure the effectiveness of the AAP, identify the need for remedial actions, determine if objectives were attained, and determine if opportunities to participate in employer-sponsored activities were extended to all employees and applicants.

TEES is also committed to abiding by the Pay Transparency Nondiscrimination Provision and, therefore, will not discharge or in any other manner discriminate or retaliate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. TEES's employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained not to disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or other action, including an investigation conducted by the employer, or (c) consistent with the TEES's legal duty to furnish the information.

If you have any questions regarding our equal employment opportunity or harassment policies or complaint procedures, you may contact Engineering Human Resources & Payroll. Parts of the Affirmative Action Plan may be reviewed, as appropriate, by making an appointment with this office.

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(Signature)

Nicole Pottberg  
Executive Director, Human Resources & Payroll

1/1/2021

**CHAPTER B: REVIEW OF PERSONNEL PROCESSES**  
**41 C.F.R. §§ 60-300.44(B); 60-741.44(B)**

To ensure that all personnel activities are conducted in a job-related manner which provides and promotes equal employment opportunity for all known protected veterans and employees and individuals with disabilities, reviews are periodically made of our examination and selection methods to identify barriers to employment, training, and promotion.

- 1) TEES periodically conducts a review of its employment processes to ensure the thorough and systematic consideration of the job qualifications of 1) known protected veteran applicants and employees, and 2) applicants and employees with disabilities, for job vacancies filled either by external hiring or internal promotions/transfers, as well as for all training opportunities available. In order to determine whether an individual is qualified for a particular job, the content of the job is closely examined, as well as the job qualifications of known protected veterans and individuals with disabilities, both applicants and employees. In determining the qualifications of a protected veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
- 2) TEES ensures that its personnel processes do not stereotype individuals with disabilities or protected veterans in a manner which limits their access to jobs for which they are qualified.
- 3) TEES ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies.
- 4) TEES provides reasonable accommodations for applicants and employees with disabilities, unless such accommodations will cause undue hardship, to ensure that equal employment opportunity is extended in the operation of its personnel processes.
- 5) TEES ensures that its information and communications systems are accessible to all employees and applicants with disabilities, even in the absence of a specific request for accommodation.

**CHAPTER C: PHYSICAL AND MENTAL QUALIFICATIONS**  
**41 C.F.R. §§ 60-300.44(C); 60-741.44(C)**

To ensure that all physical and mental qualifications and requirements are job-related, reviews are periodically made of these qualifications and requirements as they relate to employment, training, and promotion.

The physical and mental job requirements are reviewed to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

Schedule for Review: Any previously reviewed classification will be reviewed again if there is a change in working conditions that affects the job's physical or mental requirements (e.g., new requirements, new equipment).

**CHAPTER D: REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL  
LIMITATIONS**

**41 C.F.R §§ 60-300.44(D); 60-741.44(D)**

TEES will make every effort to provide reasonable accommodations for the physical and mental limitations of applicants and employees with disabilities unless it can demonstrate that the accommodations would impose an undue hardship on the operation of business. Such reasonable accommodations are provided in our electronic and/or online application systems. TEES ensures that qualified applicants and employees with disabilities who are unable to fully utilize the system are provided equal opportunities to apply and be considered for all jobs. TEES will also confidentially review performance issues involving employees with known disabilities to determine whether a reasonable accommodation is needed when: 1) the employee is having significant difficulty with job performance, and 2) it is reasonable to conclude that the problem is related to the known disability.

Employees may also contact the following at any time to formally request an accommodation:

Name: Nicole Pottberg  
Title: Executive Director, Engineering Human Resources & Payroll  
Phone: 979-458-7699  
Email: [n-pottberg@tamu.edu](mailto:n-pottberg@tamu.edu)

**CHAPTER E: HARASSMENT**  
**41 C.F.R. §§ 60-300.44(E); 60-741.44(E)**

TEEShas developed and implemented a set of procedures to ensure that its employees with disabilities and protected veterans are not harassed due to those conditions. A copy of the discrimination, sexual harassment, and related retaliation policy, which includes the prohibition of harassment of individuals with disabilities and protected veterans, is available for distribution to new as well as to existing employees.



**CHAPTER F: EXTERNAL DISSEMINATION OF POLICY, OUTREACH, AND  
POSITIVE RECRUITMENT**  
**41 C.F.R. §§ 60-300.44(F); 60-741.44(F)**

Based upon TEES's review of its personnel policies as described in Chapter B, the following activities will be implemented or continued to further enhance our affirmative action efforts. All activities are the responsibility of the HR Manager.

- 1) Initiate and maintain communication with organizations having special interests in the recruitment of and job accommodations for protected veterans and individuals with disabilities.
- 2) Include workers with disabilities when employees are pictured in consumer, promotional, or help-wanted advertising.
- 3) Disseminate information concerning employment opportunities to outlets that primarily reach protected veterans and individuals with disabilities.
- 4) Inform all recruiting sources of our affirmative action policy for protected veterans and individuals with disabilities.
- 5) List with the Texas Workforce Commission all job openings for which external applicants will be considered.
- 6) Send written notification of TEES's affirmative action policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part. This includes their obligation to annually file their EEO Reporting form and VETS-4212 form and, for employers with 50 or more employees and contracts of \$50,000 or more, their obligation to develop a written affirmative action plan.
- 7) Provide formal briefing sessions with representatives from recruiting sources. These may include facility tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of our selection process, and recruiting literature. TEES will also make arrangements for the referral of qualified applicants, follow up with sources, and provide feedback on disposition of applicants.
- 8) When feasible, participate in veterans "job fairs" and work study programs with Veterans' Administration rehabilitation facilities and schools which specialize in training or educating protected veterans.
- 9) TEES will also grant leaves of absence to employees who participate in honor guards for the funeral of veterans.

**CHAPTER G: INTERNAL DISSEMINATION OF POLICY**  
**41 C.F.R. §§ 60-300.44(G); 60-741.44(G)**

In order to gain positive support and understanding for the affirmative action program for protected veterans and individuals with disabilities, TEES will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Executive Director, Human Resources & Payroll. The following procedures are designed to foster support and understanding by our executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid us in meeting our obligations.

- 1) Post our equal opportunity policy on our website.
- 2) Post the narrative sections of our affirmative action plans on our website.
- 3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the John E. Hurtado's commitment and support.
- 4) Train all employees involved in the recruitment, selection, promotion, and other related employment functions on affirmative action requirements for protected veterans and individuals with disabilities.
- 5) Ensure the policy is discussed as part of employee orientation and appropriate management training programs.
- 6) Post the policy on workplace bulletin boards.
- 8) When employees are featured in employee handbooks or similar publications for employees, include employees with disabilities.

**CHAPTER H: AUDIT AND REPORTING SYSTEM**  
**41 C.F.R. §§ 60-300.44(H); 60-741.44(H)**

TEES has developed and currently implements an audit and reporting system that addresses the following:

- 1) Measures the effectiveness of our overall affirmative action program and whether we are in compliance with specific obligations.
- 2) Indicates the need for remedial action. Any corrective actions will be the responsibility of the Executive Director, Human Resources & Payroll.
- 3) Measures the degree to which our affirmative action objectives are being met.
- 4) Identifies any undue hurdles for individuals with disabilities and protected veterans with regard to employer sponsored educational, training, recreational, and social activities. This will also include, but is not limited to, reviewing the on-line and electronic application system to determine its accessibility and ensuring that procedures to request accommodations are prominently displayed and that individuals with disabilities can readily obtain the needed reasonable accommodation.

**CHAPTER I: RESPONSIBILITY FOR IMPLEMENTATION**  
**41 C.F.R. §§ 60-300.44(I); 60-741.44(I)**

As part of its efforts to ensure equal employment opportunity to all individuals, TEES has designated specific responsibilities to various staff to ensure the AAP focuses on all components of the employment system. To that end, the TEES Interim Director, John E. Hurtado Human Resources & Payroll, the HR Manager, and those employed as supervisors and managers have undertaken the responsibilities described below.

Interim Director TEES

The primary responsibility and accountability for implementing the AAP rests with the Interim Director TEES. The Interim Director TEES has designated the Executive Director, Human Resources & Payroll the responsibility for overseeing, administering, implementing, and monitoring the TEES's policy of equal employment opportunity and affirmative action. This role includes, but is not limited to, the following duties:

1. Designate appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring TEES's AAP. Ensure that these personnel are identified in writing by name and job title.
2. Ensure that those designated personnel responsible for all AAP components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
3. Impart the personal direction that ensures total involvement and commitment to equal employment opportunity programs through TEES's AAP.

Executive Director, Human Resources & Payroll

The HR Manager is responsible for overall supervision of the AAP. The HR Manager ensures, through oversight by the Human Resources Manager and through accountability of all division managers and supervisors, that all relevant policies and procedures are adhered to. The HR Manager's responsibilities include, but are not limited to, the following:

1. Ensure that TEES adheres to the stated policy of equal employment opportunity and monitor the application of equal employment opportunity policies.
2. Ensure that the AAP is reviewed and updated annually in accordance with TEES's stated policy.
3. Participate in periodic discussions with management, supervisors, and all other appropriate personnel to ensure AAP and equal employment opportunity policies are being followed.

4. Review the qualifications of all employees to ensure that equitable opportunity, based on job-related employment practices, is given to all for transfers and promotions.
5. Conduct periodic audits of training programs and hiring and promotion patterns to remove impediments to the attainment of AAP goals and objectives,
7. Periodically review policies and practices in an effort to identify areas to develop solutions.
8. Ensure that recruitment advertising is placed in minority and female-oriented publications, as applicable.
9. Ensure that equal opportunity and affirmative action policy is posted internally.

#### HR Manager

The HR Manager is responsible for ensuring the directives of the Interim Director TEES, and Executive Director, Human Resources & Payroll, are implemented. The HR Manager's duties include, but are not limited to, the following:

1. Provide direction to TEES's employees, as necessary, to carry out all actions required to meet its equal employment opportunity and affirmative action commitments.
2. Review, report on, and update TEES's AAP at least on an annual basis in accordance with stated policy.
5. Design and effectively implement the AAP at all establishments.
6. Review job descriptions and specifications to ensure they are free of discriminatory provisions and artificial barriers. Ensure that all requirements are job-related, that they are realistic, and that they reflect the actual work requirements of the essential job duties.
5. Advise management in the modification and development of TEES's policies to ensure the enhancement of equal employment opportunity for all employees and potential employees within existing equal employment opportunity guidelines.
6. Conduct periodic audits to ensure all required posters and those advertising TEES's equal employment opportunity policies and AAP are displayed and that TEES's equal employment opportunity and AAP policies are being thoroughly communicated.
7. Assist in review and revision of all policies, procedures, and rules to ensure they are not in violation of federal or state laws and regulations.

#### Managers and Supervisors

In their direct day-to-day contact with employees, managers and supervisors have assumed certain responsibilities to help TEES ensure compliance with equal employment opportunity programs and effective implementation of the AAP. These include, but are not limited to the following:

- 1) Adhering to the equal employment opportunity policy.
- 2) Supporting and assisting the HR Manager and Executive Director, Human Resources & Payroll in developing, maintaining, and successfully implementing the AAP.
- 3) Taking action to prevent harassment of employees who are protected veterans or who have disabilities.
- 4) Assigning employees to significant jobs that might lead to greater personal growth and value, and counselling them with respect to what is needed for upward mobility within the employment structure.
- 5) Ensuring that all interviews, offers of employment, and/or wage commitments are consistent with the AAP.
- 6) Implementing the internal promotion and transfer of all employees under their supervision consistent with AAP goals and objectives.
- 7) Assisting in identifying problem areas and providing needed information for establishing and meeting department affirmative action goals and objectives.
- 8) Seeking and sharing information on reasonable accommodations which have been or could be made for known disabilities.

**CHAPTER J: TRAINING**  
**41 C.F.R. §§ 60-300.44(J); 60-741.44(J)**

TEES trains all employees involved with the recruitment, selection, promotion, discipline, training, and related personnel processes of individuals with disabilities or protected veterans to ensure compliance with affirmative action goals.

**CHAPTER K: DATA COLLECTION ANALYSIS**  
**41 C.F.R. §§ 60-300.44(K); 60-741.44(K)**

TEES has adopted the current national percentage of veterans in the civilian labor force of 5.6% as its hiring benchmark for protected veterans. TEES will update its hiring benchmark as new data is published and/or updated by the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor. The 5.6% hiring benchmark is applied to each job group within TEES.

TEES also adopted the current national utilization goal of 7.0% for qualified individuals with disabilities. TEES will update its utilization goal as new data is published and/or updated by OFCCP. The 7.0% utilization goal is applied to each job group within TEES.

Goals and/or benchmarks do not require that TEES hire, promote, train, and/or retain a specified number of individuals with disabilities and/or protected veterans. These goals/benchmarks are not rigid and inflexible quotas which must be met, but are instead targets that are reasonably attainable by means of applying good faith efforts to make all aspects of the AAP work. A goal is a guidepost against which TEES, a community group, or a compliance agency can measure progress in meeting affirmative action goals and benchmarks.

See the *Hiring Benchmark and Utilization Goals Analyses*.



**CHAPTER L: COMPENSATION**  
**41 C.F.R. §§ 60-300.21(I); 60-741.21(I)**

It is the policy of TEES that when offering employment or promotion to protected veterans or individuals with disabilities, the amount of compensation offered will not be reduced because of any disability income, pension, or other benefit the applicant or employee receives from another source.

TEES is also committed to abiding by the Pay Transparency Nondiscrimination Provision. Employees or applicants who have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant will not be discharged or in any other manner be discriminated or retaliated against. Employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, or (c) consistent with TEES' legal duty to furnish the information.