

Affirmative Action Plan for Individuals with Disabilities



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Florida Department of Veterans' Affairs Affirmative Action (AA) Plan

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Plan Completed By: Leanne Grayston, Human Resource Analyst



EEO Officer:

Leanne Grayston, Human Resource Analyst

Agency Head:

Glenn Sutphin, Lieutenant Colonel, U.S. Army, Retired
Executive Director, Florida Department of Veterans' Affairs

I have reviewed and approved this Affirmative Action Plan for Individuals with Disabilities and will ensure that all necessary and appropriate steps are taken to ensure that this agency does provide equal employment opportunity to all employees and applicants.



Agency Head Signature

SECTION ONE - OVERVIEW

Introduction

The Florida Department of Veterans' Affairs (FDVA) is committed to a policy of equal employment opportunity and to a program of affirmative action to fulfill that policy. This affirmative action plan serves as a guide for all parties responsible to implement FDVA's affirmative action program for individuals with disabilities.

On January 21, 2016, Governor Rick Scott signed into law the Individuals with Disabilities Act, which took effect July 1, 2016. Section 4 of the Act broadens the State's equal employment opportunity policy of ensuring the full utilization of minorities and women to include "individuals who have a disability". This broadened commitment includes requiring executive agencies to develop a plan for the employment of those with a disability as compared to the relevant labor market by January 1, 2017, and to annually report to the Department of Management Services (DMS) its measurable progress toward meeting affirmative action goals and increasing employment of women, minorities and individuals with disabilities.



It is our mission to advocate with purpose and passion for Florida veterans and link them to superior services, benefits and support. To support FDVA in achieving its mission, this affirmative action plan reinforces equal employment opportunity principles. It ensures that all segments of the public have an equal opportunity to enter public service and work in an environment free of unlawful barriers to employment based upon race, color, national origin, sex, religion, disability, age and marital status, except as provided by law.



Policy for Individuals with Disabilities


The Florida Department of Veterans' Affairs (FDVA) is committed to the principles of affirmative action and equal employment opportunity for individuals with disabilities. Therefore, it is the policy of the FDVA not to discriminate on the basis of disability and to take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels within the agency. FDVA will ensure that all employment actions, including but not limited to recruitment; hiring; selection for training; promotion; demotion; termination; layoff; and rates of pay or other forms of compensation, will be administered without regard to disability. FDVA will also provide qualified applicants and employees with disabilities with needed reasonable accommodations, as required by law, and will ensure that all employment decisions are based only on valid job requirements.

FDVA prohibits harassment of employees and applicants on the basis of disability and will conduct training to try to prevent any harassment or discrimination before it occurs. This agency also prohibits retaliation or punishment against employees for filing a complaint; opposing any discriminatory act or practice; assisting or participating in any manner in a review, investigation, or hearing regarding FDVA's employment practices; or otherwise seeking to obtain their legal rights under any Federal, State, or local EEO law requiring equal employment opportunity for individuals with disabilities. Prohibited retaliation includes, but is not limited to, harassment, intimidation, threats, coercion or other adverse actions that might dissuade someone from asserting their rights.

In furtherance of FDVA's policy regarding affirmative action and equal employment opportunity, FDVA has developed a written Affirmative Action Plan (AAP) that sets forth the policies, practices and procedures that FDVA is committed to in order to ensure that its policy of nondiscrimination and affirmative action for qualified individuals with disabilities is accomplished. This AAP is available for inspection by any employee or applicant for employment on our website at www.floridavets.org in the "About Us" section. Persons interested in obtaining a printed copy of the AAP should contact the Human Resources Bureau at (727) 518-3202 x 5579 for assistance.

In order to ensure equal employment opportunity and affirmative action throughout all levels of FDVA, I have designated an employee of the Bureau of Human Resources as the Equal Employment Opportunity (EEO) Officer. The EEO Officer will establish and maintain an internal audit and reporting system that will track and measure the effectiveness of FDVA's AAP and show where additional action is needed to meet the agency's objectives.


 Executive Director 8 MAR 2017
 Date


 EEO Officer 3/4/2017
 Date

Executive Director's Affirmation Statement in Support of Equal Employment Opportunity

The primary mission of the Florida Department of Veterans' Affairs is to advocate with purpose and passion for Florida veterans and link them to superior services, benefits and support. As we strive to meet our statutory responsibility to all Florida veterans, I reaffirm FDVA's commitment to equal opportunity in employment.

Equal opportunity in employment means opportunity for all. All appointments, terminations, assignments, and maintenance of status, compensation, privileges, and other terms and conditions of employment shall be made without regard to an individual's age, sex, race, color, gender, religion, creed, national origin, handicap, marital status, political opinions/affiliations, or disability, unless a specific requirement constitutes a bona fide occupational qualification. FDVA is committed to supporting all employees' freedom to exercise their rights in regard to equal opportunity. Retaliation against employees who engage in a protected activity will not be tolerated.

We honor and advocate for veterans without regard to how or when they served. As a natural extension of this inclusivity, we strive to ensure that every qualified applicant and employee has an equal chance to compete for a place in and contribute to our organization. We will respect and celebrate the diversity of our workforce and demonstrate our commitment to a work environment that honors excellence, fairness, and equity. Furthermore, we will continue to nurture an atmosphere free from all forms of illegal discrimination, hostility, harassment and retaliation.

It is a privilege and an honor to serve our veterans and their families. They deserve no less than our best. I trust that each of you will uphold and practice the principles of equal opportunity as we work tirelessly to support "the most veteran-friendly state in the nation".



Glenn Sutphin
Lieutenant Colonel, United States Army, Retired
Executive Director



Dissemination of Policy

FDVA is committed to ensuring each employee is aware of his/her rights concerning affirmative action and discrimination. Supervisors and managers at all levels are expected to be familiar with FDVA policy 5030.101, Discrimination and Harassment (Including Sexual Harassment), and to communicate the content of this policy to their subordinates. The affirmative action plan and related policies/statements will be disseminated in the following ways:

Internal

1. Copies of the Affirmative Action Plan for Minorities and Women as well as the Plan for Individuals with Disabilities will be distributed via email for employee use and posted on FDVA's intranet.
2. Per FDVA policy 5030.101, each facility and office shall conspicuously post upon its premises a notice approved by the Equal Employment Opportunity Commission on employee rights. The FDVA Human Resources Officer is responsible for ensuring that up to date notices are maintained at each office location.
3. The FDVA Employee Handbook will be updated to include the policy for individuals with disabilities and provided to each employee upon original appointment. A signed acknowledgement of receipt of the handbook is included in each employee's Official Personnel File.
4. The department conducts a training program whereby all employees receive orientation training regarding the Americans with Disability Act, including the process for reasonable accommodation; equal employment opportunity; discrimination; sexual harassment; and heightened sensitivity toward cultural diversity in the workplace. Following orientation, each employee receives annual refresher training on these subjects, which is documented.

External

1. The state employment application forms and recruitment documents/postings shall contain a statement regarding equal employment opportunity and will note that all positions may be filled "with accommodation when necessary".
2. The Department's Affirmative Action Plan for Women and Minorities and the Plan for Individuals with Disabilities and related policies will be made available to interested parties on FDVA's internet site, www.floridavets.org

SECTION TWO - IMPLEMENTATION

Responsibility for Implementation of the Affirmative Action Plan

Executive Director and Senior Staff

In accordance with Section 110.112 Florida Statutes, the Executive Director of the Florida Department of Veterans' Affairs is responsible for the development and implementation of the Department's Affirmative Action Plan. All Division Directors, the Homes Program Director, Senior Managers, and Human Resources staff shall support the Executive Director in implementing the plan.

EEO/AA Officer

The EEO/AA Officer shall be an employee in the Human Resources Bureau and be appointed to this role by the Executive Director after recommendation by the Human Resource Officer. The EEO/AA Officer reports to the Human Resource Officer and the Director of the Division of Administration and has access to the Board of Directors regarding matters relating to EEO/AA.

The EEO/AA Officer's responsibilities include:

1. Development of EEO/AA goals, monitoring, and compliance. This includes consultation with Division Directors, the Homes Program Director, and Bureau Chiefs regarding progress, deficiencies, and appropriate corrective action in achieving Departmental goals.
2. Maintenance of the Department's Affirmative Action Plan and policy statements and publication of their content.
3. Active monitoring of hiring, recruitment, promotion, lay-off, termination, training, and other conditions of employment to ensure compliance with EEO/AA goals and the Department's policy on discrimination and harassment.
4. Development and submission of reports as required by the state and federal governments in the administration of the Department's Affirmative Action Plan.
5. Assistance and cooperation, when needed, with the Office of the Inspector General and General Counsel in the investigation of employment discrimination complaints.
6. Regular communication with the Human Resource Officer regarding EEO/AA progress and potential problems.
7. Compilation of the annual March 31st Affirmative Action Plan Update, which details the Department's status regarding EEO/AA goals and objectives and updates management of the program's progress on any issue previously needing attention. The report will summarize the following processes used to monitor the program:
 - a. Conduct an analysis of the Department's workforce by race and gender
 - b. Report areas of concern to senior management for appropriate action
 - c. Review the effectiveness of programs in support of the Department's goals and objectives
8. Communication with managers/supervisors to ensure their compliance and continued documentation of their subordinates' compliance with annual training requirements in Equal Employment Opportunity; Affirmative Action; Sexual

Harassment; Americans with Disabilities Act (ADA); and Cultural Diversity per FDVA policy 5030.010 Department Staff Development and Training.

9. Maintenance of progress records and complaint files.

Human Resource Officer

The Human Resource Officer oversees and supports the actions of the EEO/AA Officer in the following ways:

1. Assists, when needed, the Inspector General and General Counsel with complaint investigations.
2. Presents the Affirmative Action Plan and annual updates to the Board of Directors for comment, correction, and final approval.
3. Keeps the Executive Director and the Board informed of EEO/AA progress and reports potential problems.
4. Reviews all disciplinary actions (with the assistance of the General Counsel) to ensure they are justified based solely on the employee's performance of his or her duties and responsibilities.
5. Creates and maintains a policy and procedure for reasonable accommodation of applicants and employees under the Americans with Disabilities Act (ADA).
6. Updates and corrects FDVA policy 5030.101 Discrimination and Harassment (Including Sexual Harassment) biannually or when needed.

Bureau Chiefs and Nursing Home Administrators

It is the responsibility of all Bureau Chiefs and Nursing Home Administrators to implement the following aspects of the Department's Affirmative Action Plan and related policies:

1. Monitor and ensure compliance with affirmative action goals in all areas under their authority
2. Ensure that all subordinate managers and supervisors understand FDVA's EEO/AA policies and solicit their full support in achieving the Department's goals and objectives.
3. Monitor all employment actions under their authority, such as hiring, promotion, training, and any other term or condition of employment. The goal is to ensure that no barriers preclude equal employment opportunity based on any legally protected category (gender, race, etc.).
4. Ensure that they, and all managers and supervisors subordinate to them, have completed annual mandatory training in Equal Employment Opportunity; Affirmative Action; Sexual Harassment; Americans with Disabilities Act (ADA) and Cultural Diversity per FDVA policy 5030.010 Department Staff Development and Training.
5. Report immediately any complaint of sexual harassment; hostile work environment; or discrimination to the Human Resources Bureau or the Inspector General.
6. Contact the Human Resources Bureau for guidance upon request for reasonable accommodation from an applicant or current employee.

All Supervisors with Direct Reports

It is the responsibility of all supervisors at any level to implement the following aspects of the Department's Affirmative Action Plan and related policies:

1. Take steps to foster and maintain a work environment conducive to achieving equal employment opportunity and a workplace free from discrimination.
2. Identify barriers to equal employment opportunity and communicate those problem areas to the appropriate manager or authority.
3. Ensure all non-management employees are aware of the Department's policies and commitment to EEO/AA.
4. Ensure that no barriers exist which preclude equal opportunity in hiring, promotion, training, or any other term or condition of employment with the Department.
5. Ensure that they, and all employees under their supervision, have completed annual mandatory training in Equal Employment Opportunity; Affirmative Action; Sexual Harassment; Americans with Disabilities Act (ADA) and Cultural Diversity per FDVA policy 5030.010 Department Staff Development and Training.
6. Report immediately any complaint of sexual harassment; hostile work environment; or discrimination to the appropriate authority.
7. Notify the appropriate Human Resource Analyst or Personnel Technician II upon request for reasonable accommodation from an applicant or current employee.

All Employees Involved with Hiring

It is the responsibility of any employee assisting a hiring committee by reviewing applications; interviewing selectees; or conducting any other actions related to recruitment and selection to implement the following aspects of the Department's Affirmative Action Plan and related policies:

1. Familiarize oneself with the placement rate and recruiting goals outlined in the Plan.
2. If the position to be advertised is affiliated with a recruiting goal, confirm that all parties involved in hiring for the position are aware.
3. Work with the Human Resources staff member assigned to the advertisement to ensure the advertisement reaches members of the targeted EEO group.
4. During the final phase of the selection, if two applicants are equally suited for the position and one is from a group with an affirmative action goal, offer employment to the candidate from the targeted EEO group.
5. Ensure that no barriers exist which preclude equal opportunity in hiring, promotion, training, or any other term or condition of employment with the Department.

SECTION THREE – AVAILABLE DATA

Statistical Analyses

Florida's Chapter 2016-3, Individuals with Disabilities Act, requires state agencies to review and monitor their hiring practices relative to individuals who have a disability and identify strategies to recruit, retain, accommodate, and develop these individuals. The Department of Management Services has adopted rules to provide for the voluntary self-identification of individuals with a disability who are employed by an executive agency. The invitation to self-identify will, in the near future, be available to all State employees and job applicants.

Because data has not yet been collected, this initial plan for individuals with disabilities serves as a planning guide and does not include the rigorous statistical analyses used in FDVA's Affirmative Action Plan for Women and Minorities. It is not possible, at this point, to identify problem areas in the hiring and retention of individuals with a disability. Instead, an overview of Florida's available labor market will be introduced and action-oriented programs will be planned based on an incumbent disabled employee total of zero. This initial plan for individuals with disabilities will be incorporated into the 2015-2020 Affirmative Action Plan update due in April of 2017. By that time, incumbent and applicant data will be available to more specifically identify disparities in hiring and retention practices of disabled individuals as related to the expressed action-oriented goals in this initial plan.

Labor Availability Analysis

The purpose of the availability analysis is to identify the relevant labor market available for employment of disabled individuals in each EEO job group. For the purpose of this plan, availability is defined as the percentage of individuals who voluntarily self-identify as disabled in the Florida available labor market based on the 2008-2010 American Community Survey conducted by the U.S. Census Bureau. This analysis encourages us to strive to mirror the available labor market in the recruitment and retention of individuals with disabilities. See Table 3.1.

Incumbency to Availability Comparison

The Department's current workforce should mirror the representation of voluntarily self-identified individuals with a disability in the available labor market in Florida. This analysis compares the actual percentage of disabled individuals within our Department's workforce with their availability as calculated in the Available Labor Market analysis. There are four statistical methods in use for conducting this analysis. The most accurate and rigorous test is the Two Standard Deviation Analysis (2 SD). The purpose of this test is to determine the statistical significance of any differences found between the Department's workforce and the Available Labor Market. Identifying a statistically significant underutilization of a protected EEO group means that it is unlikely these differences occurred by chance, absent discrimination. This is the method FDVA employs to determine underutilization of women and minorities in its workforce.

As mentioned previously, incumbent data for individuals with a disability will be collected in the near future and will not be available for use until March 2017. For this reason, FDVA's affirmative action goals for individuals with a disability currently must assume an incumbent population of zero and are represented by the percentage of disabled individuals in the available labor market in each EEO group. See the target percentages highlighted in yellow in Table 3.1.

Table 3.1 – Florida’s Available Labor Market for Individuals with Disabilities (Includes Incumbent Goals)

EEO 4 Group / Class Titles	Total ALM	With Disability	No Disability
01 Officials/Administrators			
ALM #	838,181	38,258	799,923
ALM %	9.30%	4.60%	95.40%
02 Professionals			
ALM #	1,716,558	73,867	1,642,691
ALM %	19.10%	4.30%	95.70%
03 Technicians			
ALM #	300,243	14,429	285,814
ALM %	3.30%	4.80%	95.20%
05 Paraprofessionals			
ALM #	450,159	27,114	423,045
ALM %	5.00%	6.00%	94.00%
06 Administrative Support			
ALM #	2,468,425	140,915	2,327,510
ALM %	27.50%	5.70%	94.30%
07 Skilled Craft			
ALM #	956,513	58,464	898,049
ALM %	10.60%	6.10%	93.90%
08 Service Maintenance			
ALM #	2,020,266	146,508	1,873,758
ALM %	22.50%	7.30%	92.70%
TOTAL			
ALM #	8,982,788	513,214	8,469,574
ALM %	100.00%	5.70%	94.30%

* Source U.S. Census Bureau, 2008-2010 American Community Survey

** Target goals for incumbent individuals with disabilities are highlighted in yellow.

EEO-4 Job Group Category Definitions

- 01 – Officials and Administrators** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. The following positions are included in this category at FDVA: Bureau Chiefs; Communications Specialists; Directors; Inspector Generals; General Counsel; Officers; Program Administrators; Program Directors; and Veterans' State Nursing Home Administrators
- 02 – Professionals** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. The following positions are included in this category at FDVA: Accountants; Accounting Administrators and Supervisors; Administrative Assistants; Audit Directors; Budget Analysts and Supervisors; Business Managers; Executive Assistants; Nursing Directors; Food Service Directors; Grants Specialists; Health Operations Managers; Human Resource Analysts; Human Services Counselors; Internal Auditors; Investigation Specialists; Nursing Program Specialists; Operations Consultants, Analysts, Managers, and Reviewers; Personnel Specialists and Technicians; Program Specialists; Purchasing Agents, Analysts, Specialists, and Supervisors; Recreation Therapy Analysts; Registered Nurses and Nursing Consultants; Senior Attorneys; Senior Registered Nurse Supervisors; Social Work Services Program Managers; Utilities and Maintenance Superintendents; and Veterans' Claims Examiners and Veterans' Claims Examiner Supervisors.
- 03 – Technicians** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. The following positions are included in this category at FDVA: Information Technology Specialists and Analysts; Licensed Practical Nurses; and Health Information Specialists.

04 – Protective Service

Occupations in which workers are entrusted with public safety, security and protection from destructive forces. There are no positions included in this category at FDVA.

05 – Paraprofessionals

Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a “New Careers” concept. The following positions are included in this category at FDVA: Certified Nursing Assistants; Fiscal Assistants; Paralegal Specialists; and Therapy Aides.

06 – Administrative Support

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. The following positions are included in this category at FDVA: Executive Secretaries; Receptionists; Senior Clerks; Staff Assistants; and Storekeepers.

07 – Skilled Craft

Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on the job training and experience or through apprenticeship or other formal training programs. The following positions are included in this category at FDVA: Maintenance Mechanics and Maintenance Repairmen.

08 – Service Maintenance

Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. The following positions are included in this category at FDVA: Custodial Workers and Supervisors; Food Production and Support Workers and Supervisors; Groundskeepers; Motor Vehicle Operators; and Support Service Aides.

SECTION FOUR – WORKPLACE ANALYSIS AND GOALS FOR INCLUSION

Workplace Analysis and Goal Setting

This section utilizes the currently available data as a benchmark for assessing FDVA as a workplace inclusive of individuals with disabilities. We also outline possible action-oriented programs that will support affirmative action goals in relation to these individuals when specific agency hiring targets can be determined through statistical analysis.

Affirmative Action Goals

Affirmative action goals help us to measure our success in attracting and employing underrepresented groups. In the case of individuals with disabilities, we can decide where to direct our recruitment efforts once we have determined the current number of incumbents who self-identify as part of this group. This does not preclude us, however, in generating a plan to assess our current environment and set goals to foster and maintain an environment inclusive of disabled individuals.

Overview of FDVA's Workforce and Climate for Disabled Individuals

In general, our Department is a veteran, minority, and female-friendly employer. With a total of 1061 employees as of March 31, 2015, FDVA's workforce was 15.2% veteran¹, 46.18% minority, and 78.23% female. The percentages of minorities and females both exceed the State's available labor market.

Several factors lead us to believe future data will reveal our workplace environment and hiring practices to be inclusive of disabled individuals. These are summarized below.

Commitment to the Employment of Veterans and the Application of Veterans' Preference in Hiring

FDVA demonstrates a serious commitment to the employment of veterans in all of our program areas. Effective June 27, 2016, the FDVA has amended Chapter 55A-7, F.A.C., which govern veterans' preference in appointment and retention in employment. The new rules can be found on the FDVA website at: <http://floridavets.org/benefits-services/veterans-preference/>.

¹ This number is based on an internal count of veteran employees dated December 11, 2014.

In conjunction with the O&M Consultant for Veterans' Preference, the Human Resource Officer and his support staff conducted training sessions throughout 2016 for all hiring managers and staff directly involved in personnel matters. The training included an overview of the veterans' preference rule changes and reinforced the Agency's commitment to the correct application of veterans' preference in recruitment and selection.

With a veteran employee population at over 15% and our general assessment of the number of disabled veteran hires made in the past fiscal year, we can reasonably conclude that our self-identified disabled veteran employees may exceed Florida's available labor market total of 5.7% disabled individuals in one or more of our Divisions once the data becomes available.

Commitment to Causes in Support of Individuals with Disabilities

FDVA's Senior Management Service, Bureau Chiefs, and Homes Administrators routinely and publicly support organizations and causes with an emphasis on individuals with disabilities. For instance, staff in west central Florida are annually invited to join FDVA's cycling team for Honor Ride Florida. Money collected from this event goes to support the purchase of adaptive sports equipment for physically impaired veterans. Leaders also participate in events like the Disabled American Veterans mid-winter conference and sit on the board of the Florida Commission for the Transportation Disadvantaged. Our leaders' participation in such activities sends a message to all employees in support of disabled individuals and helps to foster an inclusive environment throughout the Department.

The Division of Benefits and Assistance

FDVA's Division of Benefits and Assistance works directly with veterans to assist them in claiming the federal benefits they may be due. Much of this work is centered on the disability claims process and access to federally funded medical care. Each day employees in the Division of Benefits and Assistance ensure that our clients with disabilities are given equal access, especially since many of them are themselves service-connected disabled.

Partnership with Blind Services for Kitchen Staff at Emory L. Bennett State Veterans' Nursing Home

For several years, management and the personnel office at Emory L. Bennett State Veterans' Nursing Home has partnered with the Department of Education, Division of Blind Services to recruit individuals with disabilities for kitchen staff vacancies at the home. This partnership has been successful and can be implemented in other areas of the Agency.

Work Sites in Compliance with the Architectural Barriers Act (ABA)

The great majority of FDVA work sites are leased offices in Federal buildings and State owned facilities built with State and Federal funds. Our employees work in environments that were built to conform to ABA standards and offer the highest standards of accessibility.

Introduction and Expansion of FDVA's Workplace Safety Program

In March 2015, FDVA hired a Program Administrator in the Homes Division dedicated specifically to Risk Management and the introduction of a Workplace Safety Program. The Program Administrator initially collected data to establish benchmarks for a successful program. Policies were developed and communicated to the Agency at large. Training was conducted with staff in each Division of the Agency. An agency-specific performance expectation was created and utilized for all annual employee evaluations to reinforce the Department's commitment to safety. Safety Committees were appointed in each Division and meet on a monthly basis to review protocols and identify opportunities for improvement. Workers' Compensation metrics are reviewed and communicated regularly by the Program Administrator and a staff of Risk Managers in the Homes Program to evaluate on-the-job injuries and opportunities for the reduction of worker's compensation claims.

FDVA's Workplace Safety program is focused on a successful return to work for all employees injured on the job. The Program Administrator has done a thorough job of communicating and implementing a successful return to work and modified duty procedure for injured employees. We will continue to refine and expand this program in the coming years. These efforts support employees suffering both temporary and long-term injuries incurred on the job and serve as a model for accommodating the disabilities of all employees.

Continued Refinement of the Existing Reasonable Accommodation Procedure

A tangential and unexpected result of FDVA's introduction of the Workplace Safety Program in late 2015 was an increased awareness by employees of modified duty assignments and the employer's duty to reasonably accommodate pre-existing disabilities protected under the Americans with Disabilities Act (ADA). The staff of the Bureau of Human Resources, including the ADA Coordinator, have worked diligently in the past year to both educate and accommodate managers and front line employees on an ad-hoc basis. Support for these efforts has been provided both by the Program Administrator for Risk Management and the Inspector General's Office. FDVA's ADA training was revised in mid-2016 to provide a clearer explanation of the meaning of reasonable accommodation; include a better-defined procedure for requesting reasonable accommodation; and to clarify the topics of pregnancy and breastfeeding as they relate to the ADA. Future planned efforts will be described in a later section, but we feel that we have made a strong start in creating clarity and fostering an inclusive environment for individuals with disabilities through these modest efforts.

Review of Physical and Mental Qualifications

The most immediate and relevant progress we can undertake as an agency committed to the inclusion and recruitment of individuals with disabilities is a thorough review of physical and mental job qualification standards. The goal is to ensure that all minimum qualifications are free from bias and truly reflect job-related qualifications for the position consistent with business necessity.

The most common example of an innocent violation of the Americans with Disabilities Act (ADA) is a position advertisement that includes a driver's license as a requirement for employment or as a required "position attribute" for the job as it is configured in People First (the State's Human Resources Information System). For example, a registered nurse (RN) at one of our State Veterans' Nursing Homes does not need a driver's license to perform the minimum qualifications for the job. The employee can take a bus or find alternative means to travel to work and still perform all the necessary duties of an RN. It is often found, however, that personnel staff create advertisements that include a driver's license as a minimum requirement for these types of positions or that jobs have erroneously been configured in People First to include this requirement in the "additional position attributes" section.

In the remainder of fiscal year 2016-2017 and the upcoming fiscal year 2017-2018, FDVA pledges a commitment to the following assessments ensure our stated physical and mental job qualification standards are necessary. It is hoped that these activities will eventually be formalized through the introduction of new policy or standard operating procedures. Our current emphasis, however, is to educate staff; prevent common errors; and to rectify existing mistakes.

Additional Checks by Human Resources Staff in Regard to Job Announcements

Personnel Technicians are the primary creators of job vacancy advertisements. Before they are posted, advertisements are reviewed by a Human Resources Analyst at FDVA Headquarters. We propose that a desktop reference and/or checklist be created and utilized for the review of vacancy advertisements in the new Performance and Talent Management portal in People First.

This reference will include steps for evaluating each component of the vacancy announcement relevant to the minimum physical and mental qualifications necessary for the job. Boilerplate job announcement language for the most populous classes should

be included in the reference and promoted by the Human Resources Analysts reviewing announcements. The job announcement language will eliminate non-essential physical and mental requirements and add the phrase “with accommodation when necessary”. It is also understood that boilerplate advertisement language will continue to be utilized to promote the Department’s commitment to equal employment and affirmative action as required by law.

Review and Update of Agency Position Descriptions

Position descriptions are required by 110.2035(5)(a) F.S. The Bureau of Human Resources will assist each Division in reviewing all current position descriptions for unnecessary mental and physical qualifications for the position. This process will impact our leaders and managers and should create greater awareness within each Division of the Individuals with Disabilities Act and its intended effect in practical terms.

Review of the Willingness Questionnaire for Direct Care Staff

All new hires to direct care positions in our Homes Program are required to sign a “willingness questionnaire”. This document was reviewed and updated by our General Counsel in 2015 to ensure it met all of the requirements of the ADA. It will be reviewed once again and revised if necessary to confirm there are no references to unnecessary physical and mental qualifications for direct care positions in our Homes.

Review of Agency Wide Performance Expectations and Job-Specific Performance Expectations

Each year the Board of Directors reviews the language and intent of our four agency-wide performance expectations. The next review will include the consideration of any unnecessary physical or mental qualifications that may be included in these expectations. In addition, the Bureau of Human Resources will assist the Homes Program staff in a review of their standardized job-specific expectations to ensure all mental and physical qualifications are necessary for the position. Guidance and assistance will also be provided on an ad-hoc basis to Divisions that create individualized job-specific performance expectations for their employees.

Review of Personnel Processes

Once the review of job qualifications is completed, it is vital that we review our personnel processes and make any necessary modifications to ensure that individuals with disabilities have equal access throughout the job life cycle.

Application, Recruiting and Hiring Process

The Department of Management Services Human Resource Management Division will launch a new Performance Management and Talent portal in People First, our Human Resources Information System, on January 9, 2017. This is an opportunity to overhaul FDVA's process for recruiting and hiring candidates and to instill an emphasis on individuals with disabilities in each step of the process, much as we already do for veterans' preference. Several areas of operation will require refinement.

Recruitment

It is recommended that all promotional materials developed by the Communications Director and staff be assessed in light of individuals with disabilities. Are these materials accessible to the disabled population and do they reflect our commitment? Are there changes that can be made in our pamphlets and ads that would enhance the experience of disabled job seekers? Are our promotional materials reaching this market?

Application Process

The State of Florida Master Employment application was discontinued effective January 1, 2017. It is already clear that the lack of a paper application creates difficulties for certain groups of potential employees. It is recommended that we work to communicate actions personnel staff can take to ensure physical and virtual accessibility to the application process for vacancies.

Interview and Selection

FDVA 5030.105 Recruiting, Interviewing and Selection Policy and Procedures is due to be revised in 2017. Care will be taken during the rewrite to consider individuals with disabilities. The policy should make clear that job offers should not be rescinded for inappropriate reasons and that disability accommodation is an option when hiring. It is also proposed that training be created and ad-hoc training be conducted by Bureau of Human Resources Staff as needed to prepare hiring committee members to handle any request for accommodation throughout the recruitment and selection process.

Training

The Department's mandatory new hire and annual training already includes an overview of the ADA and the steps involved in requesting a reasonable accommodation. It is recommended that standard operating procedures be developed and made available on the intranet to assist applicants, employees and managers with this process.

Accommodation Requests

One of our Department's weaknesses in equal access to individuals with disabilities is FDVA policy 5030.130 Telecommuting Program. This policy currently authorizes only 11 of 103 positions in the Agency as eligible for the telework program. Telework

can be an effective recruitment and retention strategy, as well as a useful tool for supporting the agency's Continuity of Operations Plan (COOP), improving employee productivity, and reducing office space requirements. In addition, depending on the work being performed, telework may be used as an accommodation for a variety of employee needs, including requests for reasonable accommodations under the ADA. The most critical activities in the strategic design of a successful Telework Program are accurately and realistically identifying suitable positions and then ensuring that the employees filling those positions have the appropriate attributes to telework. It is recommended that the 2018 revision of FDVA 5030.130 includes a thorough review of our positions (excluding direct patient care) to determine if the Agency is able to offer more options for telework as a reasonable accommodation on a case by case basis. The Department should also investigate the possible use of Flexplace and Flextime as options for reasonable accommodation and might consider adding these options to the Telework policy or to include them as part of the proposed reasonable accommodation policy and procedure suggested below.

Reasonable Accommodation Procedure

As mentioned previously, the Bureau of Human Resources has worked diligently in the past year to educate staff regarding the employer's duty to reasonably accommodate disabilities protected under the ADA and to explain and refine the procedure for requesting reasonable accommodation. As a part of this effort, all new employees are required to complete FDVA's ADA intranet-based training within thirty days of hire and existing employees must complete the course once per fiscal year. The training is designed to explain the protections afforded under the ADA; to recognize the responsibility of the FDVA to accommodate persons with disabilities; and to make clear applicants' and employees' rights and responsibilities under the ADA.

Our process is as follows:

1. The applicant or employee has the responsibility to request an accommodation.
 - a. A request can be a statement that an individual needs an adjustment or change in the application process or at work for a reason related to a medical condition.
 - b. The request does not have to include the terms "ADA" or "reasonable accommodation".
 - c. The request does not have to be in writing, although the employer may request documentation.
 - d. A family member, healthcare professional, rehabilitation counselor, or other representative may request a reasonable accommodation on behalf of an individual with a disability.
2. The agency may accept or reject the request or may suggest reasonable alternatives.
3. The agency may request certification and/or testing by a specified health care provider.

4. All requests for accommodations are made on a case-by-case basis. Generally, though, an agency must make a reasonable accommodation, unless the accommodation imposes an undue hardship on the operation of the agency.

Development of Policy and Procedure for Accommodation Requests

Due to the increase in the number of accommodation requests presented to the Bureau of Human Resources and in light of the implementation of the Individuals with Disabilities Act, our short-term goal is to create and implement standardized policy and procedure for accommodation requests. Applicants and employees have limited and general guidelines regarding accommodation in job advertisements and FDVA's ADA training. It is the Agency's obligation to define the process for ensuring that requests are processed timely; ensure the process is interactive; and establish a review process to ensure denied requests are handled in a fair and equitable manner consistent with the ADA. It is also recommended that we make use of the Department of Labor's Job Accommodations Network (JAN); the Divisions of Vocational Rehabilitation and Blind Services; and the Florida Alliance for Assistive Technology for advice on reasonable accommodation requests.

SECTION FIVE – SPECIFIC ACTIONS

FDVA's Plan for Inclusion and Fair Treatment of Individuals with Disabilities

The Florida Department of Veterans' Affairs is committed to the principles of affirmative action and equal employment opportunity for individuals with disabilities. The following sections detail the specific actions our Agency will undertake to promote these principles in the coming years.

Recruitment and Retention

Create a hiring goal for individuals with disabilities for inclusion in the 2017 Affirmative Action Plan update. This goal will also be publicized so that all managers, supervisors, and HR staff are aware.

Increase the rate of recruitment and hiring of individuals with disabilities by issuing a notice from the Executive Director encouraging managers and supervisors to recruit, hire, and retain people with disabilities and describing the Agency's obligation to do so under section 110.112 F.S. The desired outcome is that executive leadership, managers and supervisors will demonstrate a shared commitment to the employment of individuals with disabilities.

Increase outreach and recruitment efforts for individuals with disabilities by expanding our work with the Department of Education, Division of Blind Services to fill vacancies. FDVA will also explore the possibility of building a relationship with the Division of Vocational Rehabilitation for assistance in identifying qualified candidates for job vacancies.

Assess our promotional and recruitment materials' design and use in light of individuals with disabilities to ensure accessibility.

Identify actions for personnel staff to ensure physical and virtual accessibility to the application process for vacancies.

Encourage the use of telework and flexible schedules as reasonable accommodations for disability.

Continue to increase return to work outcomes for injured employees and individuals with disabilities through the refinement and expansion of our Workplace Safety program.

Ensure our work sites maintain compliance with the Architectural Barriers Act.

Reasonable Accommodation

Administer an effective reasonable accommodation program by developing policy and procedure to standardize the process. Update the employee handbook to include reference to the new policy and expand the ADA training to include new procedures. Make use of the Department of Labor's Job Accommodations Network (JAN); the Divisions of Vocational Rehabilitation and Blind Services; and the Florida Alliance for Assistive Technology for advice on reasonable accommodation requests.

Policy and Procedure

Create a desktop reference and/or checklist for the review of vacancy advertisements in the new Performance and Talent Management portal in People First.

Revise and update FDVA 5030.105 Recruiting, Interviewing and Selection Policy and Procedures.

Create and promote a reasonable accommodation policy and standard operating procedure.

Training

Increase accessibility of agency programs, activities, and facilities by educating leadership and ensuring they understand their responsibility for providing equal access to job candidates, agency clients, and employees with disabilities.

Create training and conduct ad-hoc training as needed to prepare hiring committee members to handle any request for accommodation throughout the recruitment and selection process.

APPENDICES

FDVA Equal Employment Opportunity Policy

The Florida Department of Veterans' Affairs (FDVA) hereby affirms our commitment that all appointments; terminations; assignments; retentions; maintenance of status; determinations of compensation; privileges, and other terms and conditions of employment shall be made without regard to an individual's age; sex; race; color; gender; religion; creed; national origin; handicap; marital status; political affiliation; or disability, unless a specific requirement constitutes a bona fide occupational qualification. Equal protection against discrimination will be afforded to all in recruitment, hiring, and promotion at all job levels within the department. Other personnel matters, including but not limited to decisions regarding benefits; transfers; discipline; department-sponsored training; education; and social and recreational programs, will also be administered in accordance with equal opportunity requirements.


Employment practices will be conducted in a nondiscriminatory manner for any qualified employee or applicant with a disability that can perform the essential functions of the job, with or without a reasonable accommodation. Requests for any accommodation may be made through the Human Resources Bureau, 11351 Ulmerton Road., Suite 311-K, Largo, Florida 33778-1630.

Any form of employment discrimination is strictly prohibited. No employee may be subjected to retaliation as a result of making a report; filing a complaint; testifying; assisting or participating in an investigation, proceeding, or hearing with regard to discrimination; or otherwise opposing any discriminatory practice prohibited by FDVA's policy, state and federal law or regulation.

It is FDVA's policy to investigate complaints of discrimination thoroughly and promptly. To the extent allowed by law, FDVA will keep complaints confidential. If an investigation confirms that unlawful discrimination has occurred, FDVA will promptly take corrective action. Such response may include a disciplinary action, up to and including dismissal.


An employee who believes she or he has been discriminated against or subjected to retaliation has the right to file a complaint. Complaints may be filed with FDVA's Equal Employment Opportunity Officer, Human Resources Bureau, 11351 Ulmerton Road, Suite 311-K, Largo, Florida 33778-1630. Complaints may also be filed with the Florida Commission on Human Relations or the U.S. Equal Employment Opportunity Commission.


Executive Director
8 MAR 2017
Date


EEO Officer
3/6/2017
Date

FDVA Discrimination and Harassment Policy

STATE OF FLORIDA DEPARTMENT OF VETERANS' AFFAIRS POLICIES AND PROCEDURES

SECTION Human Resources	NUMBER 5030.101	EFFECTIVE DATE: 10 August 2015
SUBJECT: Discrimination and Harassment (Including Sexual Harassment)		
APPROVED BY: EXECUTIVE DIRECTOR 		

I. AUTHORITY AND REFERENCES

- Title VII, Civil Rights Act of 1992
- Florida Civil Rights Act of 1992
- Age Discrimination in Employment Act of 1967
- Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Section 110.105, Florida Statutes, Employment Policy of the State
- Section 110.1221, Florida Statutes, Sexual Harassment
- Section 760.10, Florida Statutes, Unlawful Employment Activities
- Rule 60L-36.004, Florida Administrative Code, Sexual Harassment (Attachment A)

II. POLICY

This policy is established to ensure all employees of the Florida Department of Veterans' Affairs (FDVA) have a clear understanding of conduct that constitutes discrimination and harassment, and the consequences of engaging in this prohibited conduct. All

appointments, terminations, assignments and maintenance of status, compensation, privileges, and other terms and conditions of employment at FDVA are made without regard to age, sex, race, religion, national origin, political affiliation, marital status, or handicap, except when a specific sex, age, or physical requirement constitutes a bona fide occupational qualification necessary to proper and efficient administration. FDVA promotes a work environment free from harassment that may detract from an employee's ability to perform their job. Violation of this policy may result in disciplinary action up to and including dismissal.

III. DEFINITIONS

- A. Discrimination: differential treatment in conditions of employment based upon race, color, sex (including pregnancy), religion, national origin, age, disability, or marital status.
- B. Harassment: offensive or unwelcome conduct based on race, color, sex (including pregnancy), religion, national origin, disability, or age, severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Examples include, but are not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.
- C. Harassment as Retaliation: the law also prohibits harassment against individuals in retaliation for filing a discrimination charge, testifying or participating in an investigation, proceeding or lawsuit under the Equal Employment Opportunity laws, or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.
- D. Sexual Harassment: unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of a sexual nature from any person directed towards or in the presence of any employee or applicant when:
 - 1. Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment,
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- E. Types of Sexual Harassment: There are two types of sexual harassment.
 - 1. The first, Quid Pro Quo (something for something), occurs when the harasser is in a position of authority and uses that authority to seek sexual favors for job conditions or benefits such as: hiring, promotion, favorable performance evaluations, flexible schedules, no discipline, pay raises or any other privileges. The request for sexual favors may be stated or implied.

2. The second, Hostile Work Environment, occurs when the harasser exhibits hostile misconduct that unreasonably interferes with an individual's work performance or creates an intimidating or offensive work environment. The harasser may or may not be in a position of authority. A co-worker or non-employee of the agency, as well as a supervisor, may be the harasser in hostile environment sexual harassment.
3. Employees are expected to refrain from engaging in intimidating or offensive conduct, and supervisors are expected to put a stop to this conduct when witnessed, regardless of whether an employee voices a concern about the conduct. There is no requirement that an employee ask for the conduct to "stop" (although employees are encouraged to ask for conduct to stop without fear of retaliation).

IV. EMPLOYEE RELATIONSHIPS

- A. FDVA strictly prohibits dating and sexual relationships between supervisors and subordinates.
- B. Other relationships are permitted only if the employees work in separate work units, work outside each other's chain of command, and the relationship does not interfere with the operation of the workplace. These relationships should be reported to an immediate supervisor or human resources representative.

If you have any questions, please contact your supervisor, Human Resources or the FDVA General Counsel/Ethics Officer. Please also review FDVA's Ethics Policy 5030.129, especially the prohibitions on Misuse of Public Position, Conflicts of Interest and Avoiding the Appearance of Impropriety, and Employment of Relatives.

- C. Employees who violate this policy or whose conduct interferes with the operation of the workplace may be subject to disciplinary action, up to and including dismissal from employment.

IV. COMPLAINT PROCEDURE

- A. Filing a Complaint – If you believe you are a victim of discrimination or harassment, you have the right to do any or all of the following:
 1. An employee confronted with discrimination or harassment is encouraged to ask the offending person to cease the offensive conduct immediately. In many cases, this will be sufficient to end the conduct.

2. Make a complaint to any supervisor within your agency. The supervisor is then required to report the complaint to their supervisor and to the FDVA Inspector General immediately. The supervisor shall then take reasonable measures to separate the employee who made the complaint from the alleged perpetrator(s) of the discrimination or harassment, pending completion of the agency investigation (*for example: temporarily reassigning the alleged perpetrator(s) to a different shift assignment*). If appropriate, the supervisor shall request authority from their facility Administrator or Bureau Chief to place the alleged perpetrator(s) on administrative leave with pay pending completion of the agency investigation. The employee who made the complaint must not be adversely affected by the separation or have any change in terms, conditions, or privileges of employment as a result of making a complaint.
3. An employee who wishes to file a formal complaint of discrimination or harassment shall do so in writing. The complaint must be sent to the FDVA Inspector General at the address listed below. The attached Complaint Form (Attachment B) may be used. The complaint must be signed by the complainant and contain at least the following information:
 - a) The name, business address, and telephone number of the person filing the complaint;
 - b) The name of the person(s) who allegedly committed the act of discrimination or harassment and the alleged victim; and
 - c) A clear and concise statement of the facts, including pertinent dates, locations, witness (es) and other evidence in support of the complaint.
4. All complaints of discrimination or harassment can be filed electronically via the FDVA intranet (http://www.fdva.org/FORMS/IG/IG_form1.asp) or faxed or mailed to the FDVA Inspector General:

Inspector General
Florida Department of Veterans' Affairs
11351 Ulmerton Road, Suite 311-K
Largo, Florida 33778-1630
Phone: (727) 518-3202, Ext.5613
Fax: (727) 518-3857
5. Any supervisory or managerial employee who has knowledge of alleged discrimination or harassment shall immediately report the matter directly to the FDVA Inspector General. Failure to do so shall subject the supervisor to disciplinary action, in accordance with Rule 60L-36.004, Florida Administrative Code.

B. Investigation

1. Supervisors and managers should not investigate any allegations of discrimination or harassment themselves, but should immediately report all allegations of discrimination, harassment or improper conduct immediately to the FDVA Inspector General.
2. The FDVA Inspector General or assigned staff shall initiate prompt review of all complaints of discrimination or harassment. If the complaint does not contain all of the information required above, the complainant will be requested in writing to furnish the missing information.
2. All FDVA employees are required to take steps to protect the privacy of those involved during the review and any related investigation, to the extent feasible and permitted by law.
3. The FDVA Inspector General has the authority and discretion to investigate and recommend action on a complaint in the manner he or she considers appropriate, following applicable laws and best business practices. The FDVA Inspector General may investigate a complaint directly, or may request assistance from FDVA Division Directors to assign appropriate personnel to conduct or assist with conducting an investigation.
4. If, after review, it is determined that a complaint is not truly a complaint of discrimination or sexual harassment, but is instead a general employment grievance, a dispute over discipline, or other concern, the FDVA Inspector General shall direct the complainant to the appropriate policy, and document this guidance.
5. The FDVA Inspector General or designee shall investigate complaints of discrimination or harassment, document the findings, and make recommendations for resolution to the appropriate Division Director and the FDVA Deputy Executive Director.

C. Resolution and Response

1. Resolution of a complaint may result in actions other than employee discipline. Sometimes disputes are a result of a misunderstanding or a breakdown of communication, and can be resolved through efforts to improve communication or clarify expectations. Additional education, training, or review of FDVA policies are sometimes warranted. Changes may need to be made to the work environment, conditions of employment, or work procedures. Sometimes it is sufficient that the offending employee apologize to the complainant, and ensure that the conduct is not repeated. All FDVA employees are encouraged to cooperate to create an office environment conducive to productive work.

2. Resolution and Response: The appropriate FDVA Division Director shall determine the appropriate resolution to the complaint. This may require the consensus of more than one Division Director, depending upon the circumstances. The Division Director, or their designee, shall implement the resolution, and prepare a written response to the complaint, using the Response to Discrimination or Harassment Complaint Form (Attachment C). The response shall be reviewed by the FDVA General Counsel prior to submission to the complainant.
3. The Division Director or designee (usually the employee's direct supervisor) shall provide the written response to the complainant, and meet with the complainant to discuss the response, as appropriate.
4. The complainant shall be asked to indicate on the Response Form whether the matter has been satisfactorily resolved, provide comment, and sign the form. If the complainant is unwilling to sign, the designee shall write on the form that the complainant refused to sign, and the date and time the Response was provided to the complainant.
5. Note that the response process is similar to an exit interview, and the satisfaction of the complaining employee (although desired) is not required.

D. Retention

The complaint and the resolution will be maintained by the Inspector General for the period proscribed by the state retention schedule for public documents.

V. DISCIPLINARY ACTION

- A. Any employee of the department who is found to have violated this policy will be subject to disciplinary action up to and including dismissal.
- B. Any employee in a supervisory capacity who has actual knowledge of impermissible discrimination or harassment, or who tolerates the existence of a hostile work environment, and does not take corrective action or report the matter, shall be subject to disciplinary action up to and including dismissal.
- C. Any employee, who knowingly files a false complaint of discrimination, or harassment against another employee, shall be subject to disciplinary action.
- D. It is prohibited to retaliate against any person who has in good faith filed a complaint, opposed a complaint, or participated in any manner in an investigation or proceeding involving allegations of discrimination or harassment. Retaliation by an employee will result in disciplinary action up to and including termination of employment.

VI. NOTICE AND TRAINING REQUIREMENTS

- A. Each FDVA facility and office shall conspicuously post upon its premises, a notice approved by the Equal Employment Opportunity Commission on employee rights, where notices to employees, applicants for employment, and members are customarily posted. The FDVA Human Resources Officer is responsible for ensuring that up-to-date notices are maintained at each office location.
- B. Upon original appointment, each employee of the department shall be furnished a copy of Rule 60L-36.004, Sexual Harassment and this policy. The employee shall be given a reasonable opportunity to read the policy, have it explained, and discuss it. The employee will sign a written statement to this effect, which will be included in their personnel file.
- C. The department shall conduct a training program whereby all employees receive orientation training regarding discrimination, sexual harassment, and heightened sensitivity toward cultural diversity in the workplace.
- D. Each employee will receive annual refresher training on these subjects, which will be documented.

VII. COMPLAINANT'S RIGHT TO SEEK REMEDY OUTSIDE OF THE DEPARTMENT

Employees also have the right to file a complaint with the United States Equal Employment Opportunity Commission within 300 calendar days of the alleged incident, or with the Florida Commission on Human Relations within 365 calendar days of the alleged incident.

- U.S. Equal Employment Opportunity Commission (EEOC): 1-800-669-4000.
- Florida Commission on Human Relations (FCHR): 1-800-342-8170

Attachment A

Florida Administrative Code

Rule 60L-36.004: Sexual Harassment.

(1) Agencies shall not tolerate sexual harassment within the work force. Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature from any person directed towards or in the presence of an employee or applicant when:

- (a) Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(2) Agencies shall make known to their employees that sexual harassment will not be tolerated. Each agency shall make available to employees a copy of this Rule 60L-36.004, F.A.C., and a copy of the agency's procedures for investigating and resolving complaints of sexual harassment. Each employee shall acknowledge understanding and acceptance of this rule and the agency procedure, and documented evidence of the acknowledgement shall be retained in the employee's personnel file.

(3) Agencies shall develop and implement procedures to investigate and resolve complaints of sexual harassment. Agencies shall designate a person or persons to receive complaints of sexual harassment. Complaints shall be reduced to writing, signed by the complainant, and contain at least the following information:

- (a) The name, business address, and telephone number of the person filing the complaint;
- (b) The name of the person who allegedly committed the act of sexual harassment and the alleged victim; and
- (c) A clear and concise statement of the facts, including pertinent dates, locations, witnesses and other evidence in support of the complaint.

If the complaint does not contain all of this information, the agency shall, in writing, request the complainant to furnish it.

(4) Agencies shall initiate prompt review of all complaints. Agencies shall take steps to protect the privacy of those involved during the review and any related investigation.

(5) During an investigation of sexual harassment, agencies shall fully comply with investigatory procedures and rights contained in collective bargaining agreements between the State and the certified bargaining representatives for State employees. If the standard agency procedure conflicts with the collective bargaining agreement, the latter shall prevail.

(6) The filing of a complaint pursuant to agency procedure, regardless of disposition, shall not preclude the complainant from also filing a complaint with the Florida Commission on Human Relations (FCHR) or the Federal Equal Employment Opportunity Commission (EEOC). If the complainant files a

complaint with either the FCHR or the EEOC, and the agency undertakes an investigation to provide information to those entities, the agency need not also conduct the investigation otherwise required by its own procedures; however, an employee who has committed sexual harassment shall be disciplined regardless of the type of investigation.

Attachment B

COMPLAINT OF DISCRIMINATION OR HARASSMENT

Complaints may be filed online on the FDVA intranet (http://www.fdva.org/FORMS/IG/IG_form1.asp), or this form may be used and mailed or faxed to:

**Inspector General
Florida Department of Veterans' Affairs
11351 Ulmerton Road, Suite 311-K
Largo, Florida 33778-1630
Phone: (727) 518-3202, Ext.5613
Fax: (727) 518-3857**

Name of the Person Filing the Complaint: _____

Business Address or Work Location: _____

**Name of the Person Alleged to Have
Committed Discrimination or Harassment:** _____

Name of the Alleged Victim: _____

Complaint (Please provide a clear and concise statement of the facts, including pertinent dates, locations, witnesses and other evidence in support of the complaint. Please attach additional sheets of paper if necessary, and attach any documents you feel are appropriate).

Signature of Person Making the Complaint

Date

Attachment C
**RESPONSE TO COMPLAINT OF
DISCRIMINATION OR HARASSMENT**

(This part to be filled out by the Division Director or designee)

Resolution: _____

Name of Division Director or Designee: _____

Signature of Division Director or Designee: _____ Date: _____

Date Provided to Employee: _____

(This part to be filled out by the Employee Making the Complaint)

- This Resolution is Satisfactory (please comment why)
- This Resolution is Not Satisfactory (please comment why)

Comments: _____

Signature of Employee Date