

Support Programs for Affirmative Action Compliance

The objective of the Affirmative Action Program (AAP) is to achieve equal employment opportunity for all qualified persons employed by or seeking employment with the DHS, by eliminating discriminatory practices which have had the effect of excluding women, individuals with disabilities, and under represented ethnic groups from the workforce. This shall be realized by taking positive and continuing actions to remove barriers to employment and career development, and by setting goals and timetables for achieving a balanced workforce reflective of the qualified available labor force and extending these efforts to cover services and contractors.

The State Merit System

Many employees in the DHS are covered by the State civil service merit system. In this system, all personnel processes, including hiring, classification, pay, transfer, promotion, temporary assignment, overtime and other actions are covered by civil service rules and regulations, or by collective bargaining agreements.

A civil service position vacancy may be filled from a list of eligible candidates developed by the central personnel agency, the State of Hawaii Department of Human Resources Development (DHRD). Another alternative would be to promote from within the DHS. In either case, appointment to the vacancy is constrained by the civil service procedures. Employee collective bargaining agreements will also apply in promoting employees noncompetitively.

Civil service positions are usually classified by the central personnel agency. The central personnel agency, however, has delegated authority to the DHS for classification of certain classes of positions in DHS. Development of minimum qualification requirements for classes of positions and ascertaining the skills, knowledge, and abilities of specific positions (job analysis) are also done by DHRD with input from DHS. Following classification action, the class is allocated to a salary range within the State's civil service compensation plan.

Since most of our positions are covered by civil service laws and rules, we are bound by legal constraints of the merit system. Moreover, a predominant number of our employees are covered by collective bargaining agreements and its terms and conditions of employment. Therefore, at times we do not have the flexibility needed to select applicants and to design jobs that would result in a substantive and significant achievement in meeting affirmative action goals on a short range basis.

The Departmental Personnel Office's Recruitment and Examination Services Unit has developed uniform written guidelines for interviewing and selecting applicants for positions which include work-related selection procedures and evaluation forms, maintaining records of each interview, developing and standardizing selection criteria, and providing written explanation of reasons for non-selection.

This process shall be periodically reviewed and updated to insure that all its steps are free from sexual and cultural barriers (except bona fide occupational qualifications) and do not exclude, or have the effect of excluding, any person or groups of persons. In addition, the Position Management Services Unit shall be responsible to review the position descriptions to insure that they are updated and reflect actual job needs and responsibilities.

It should be recognized that the primary consideration in the selection process is the ability to do the job. The AAP must be implemented without circumventing the merit system and collective bargaining agreements. However, it is also necessary to recognize that if there are no material differences in the qualifications of candidates, preference is to be given to individuals from under represented groups when filling vacancies on open-competitive basis.

Recruitment of under represented groups for civil service positions on an open competitive basis, depends to a large extent on the availability of, the "desired" ethnic or sexual mix among job applicants. However, there can be no guarantee of a specific composition of candidates on any given civil service eligible list. Therefore, when applicants are referred to DHS for employment consideration, the list of eligibles may not include individuals from the underrepresented ethnic groups within DHS, women, or the disabled.

Despite these barriers to achieving a representative workforce and the rather long-term aspects of achieving our stated goals, the AAP is worthwhile and essential in articulating DHS' commitment to creating equal employment opportunity. This commitment includes a continuing effort to assess personnel processes and to take positive actions toward achieving a balanced and productive workforce.

The process of filling Civil Service positions is controlled by merit system laws and rules. These provisions directly affect the pool of qualified candidates..

Although achievement of goals are contingent upon availability of underrepresented ethnic groups on the merit system lists of eligibles, the department shall seek to achieve our objectives by taking the following ongoing affirmative actions.

A. Recruitment and Selection

1. Departmental vacancy announcements shall be posted on bulletin boards located throughout the department.
2. Only job-related factors may be used in rejecting an applicant for consideration for a vacancy. All rejections and reasons, therefore, shall be reviewed and approved by the Departmental Personnel Officer.

B. Job Structuring and Employee Mobility

1. As appropriate, review present classification structure to identify opportunities for affirmative job restructuring. Such a review can determine where separation of less skilled functions in existing positions might create entry level positions that may offer promotional opportunities for members of underrepresented groups.
2. Trainee and paraprofessional classes with well-defined career patterns will be recommended when feasible.

C. Training and Career Development

1. Realizing that DHS experience and training, in and of itself, may not necessarily ensure upward mobility, employees are encouraged to seek advancement through further study.
2. Training sessions shall be conducted annually for all supervisors and DHS administrators encompassing the areas of:
 - a. Intent and content of the Civil Rights Act of 1964, Civil Rights Act of 1968, Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, Americans With Disabilities Act of 1990 and other applicable federal and state regulations.
 - b. Goals and objectives of the Affirmation Action Compliance Plan.
3. Training for supervisors shall be developed to address the current issues affecting the workplace, such as, but not limited to, harassment prevention, complying with the Americans with Disabilities Act of 1990 and State laws on provisions for Limited English Proficiency.
4. In-service and out-service training programs sponsored by the State shall be announced and posted on bulletin boards located throughout the department's offices. Employees shall be selected for training on a non-discriminatory basis. Training sessions in cultural awareness and managing diversity shall continue, on an on-going basis, to ensure that supervisors and employees attain an understanding of the effects of cultural diversity in the workplace. These courses will be offered to the extent that funding exists for such training.
5. Women and underrepresented ethnic groups shall be afforded every opportunity to participate in management development programs.
6. Self-development efforts shall be encouraged. Individual requests for training shall be given fair consideration, provided that the training requested is job-related and will enhance the employees ability to do the job assigned.

RESPONSIBILITIES in Compliance with Discrimination Guidelines

A. The Director

The Director of the DHS recognizes and accepts the responsibility of ensuring that all program services activities and employment concerns, which directly or indirectly receive or benefit from Federal financial assistance, are available and rendered without regard to race, religion, color, gender, national origin, age, disability, or any other non-merit factor. The Director retains ultimate responsibility for the department's Equal Opportunity Policy.

B. The Civil Rights Compliance Staff

Administrative responsibility for the department's Equal Opportunity Policy and the department's affirmative action program reside with the Civil Rights Compliance Staff, which reports directly to the Departmental Personnel Officer of DHS.

1. Position Description

- a. This position is located in the Personnel Office, DHS.
- b. The incumbent in this position serves as advisor and subject matter specialist to the Departmental Personnel Officer on matters relating to equal employment opportunity, equal opportunity for services and affirmative action; develops, implements, monitors, and maintains the departmental affirmative action program, ensures compliance with Titles VI and VII of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968, as amended; Section 503 and 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act; and all other similar Federal and State laws and regulations; serves as advisor and subject matter specialist to the Director, Deputy Directors, departmental administrators, supervisory personnel, employees and clientele on matters relating to equal employment opportunity, equal opportunity for services, and affirmative action; serves as the department's liaison with the public, Federal and State officials, and others, on all matters pertaining to civil rights.

2. Major Duties and Responsibilities

- a. Serves as the Departmental Affirmative Action Officer (DAAO) and Section 504 Coordinator.
- b. Provides advice, technical assistance and support to the Director, Deputy Directors, departmental administrators and supervisory personnel with regard to interpretation and implementation of Federal and State directives pertaining to equal employment opportunity, equal opportunity for services, affirmative action, and all other civil rights related matters. Receives and investigates oral/written formal/informal complaints of alleged

discrimination by staff, applicants for employment and service recipients/beneficiaries of the DHS.

- c. Serves as subject matter advisor to employees and recipients of DHS services.
- d. Develops, implements, monitors, and maintains the departmental affirmative action program and all other pertinent civil rights compliance programs which govern employee and employment concerns as well as service-related concerns, and ensures that the program's operation complies with Title VI and VII of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968, as amended; the Americans with Disabilities Act; and any other similar Federal and State laws and regulations including and not limited to Limited English Proficiency guidelines.
 - (1) Collects and analyzes data, identifies existing practice(s) which could overtly or inadvertently result in discrimination, and recommends corrective procedures.
 - (2) Develops action-oriented goals and establishes realistic timetables to accomplish them.
 - (3) Develops, implements, and maintains administrative procedures for receiving and processing employment and services complaints.
 - (4) Develops, maintains, conducts, and coordinates orientation and training programs for departmental personnel in areas such as gender bias, ethnic isolation, affirmative action, and so forth.
 - (5) Assures the timely dissemination of information to all departmental administrators, supervisory personnel, and employees, as well as externally to clientele being served by agency program(s) in various languages.
 - (6) Assists program personnel in developing and establishing outreach programs in order to reach minority, women and disabled individuals.
 - (7) Prepares necessary equal employment opportunity and civil rights related reports.
 - (8) In conjunction with the respective administrative personnel, in accordance with Appendix B, ensures that all vendors or other participants receiving or benefiting from Federal financial assistance comply with the requirements of the various civil rights legislation.
(See Appendix H)
- e. Represents the Director when investigating complaints of discrimination in employment, agency programs, activities, and services. Works closely with personnel in staff and/or division program operations. Negotiates and submits recommendations when appropriate to the Director for review.
- f. Work is guided by departmental policy and the interpretation of Federal and State guidelines and periodic consultation with the Departmental Personnel Officer.

C. Division/Staff Officers

1. Each division administrator/staff officer maintains overall responsibility for coordinating civil rights compliance requirements for his/her respective division. Each is responsible for assurance of equal opportunity and implementation of the affirmative action program.
2. Division administrators/staff officers shall receive and investigate written and oral complaints made by employees, applicants for employment or the public regarding employment or services provided by their staff and programs. Complaints which cannot be resolved at the divisional level shall be referred to the Civil Rights Compliance Staff unless Federal procedures provide otherwise. Refer to Section XII. Department Discrimination Complaint Procedures. (See 4.10.1 of DHS Policy and Procedures and Appendix I, J and K)

The Civil Rights Compliance Staff will provide technical assistance to division administrators and staff officers.

D. Administrative and Supervisory Personnel

Administrative and supervisory personnel shall ensure that all subordinates are aware of the Director's Affirmative Action Policy and the department's employee discrimination complaint processing procedures. They shall be responsible for effecting this policy.

1. With regard to equal employment opportunity, equal opportunity for services, and affirmative action:
 - a. Administrative and supervisory personnel shall assist the Civil Rights Compliance Staff:
 - (1) In the development and maintenance of affirmative action and any other civil rights compliance programs.
 - (2) In the development of standard equal employment opportunity and equal opportunity for services compliant procedures.
 - (3) In the development of evaluation schedules for the affirmative action and any other civil rights compliance programs.
 - (4) At all other times for civil rights matters when necessary.
 - b. It is the responsibility of administrative and supervisory personnel to be aware of and to ensure equal employment opportunity, equal opportunity for services, and affirmative action.

2. Administrative personnel who interact with vendors or other participants:
 - 1) Through contractual or other arrangement(s), or
 - 2) by receiving or benefiting from Federal financial assistance shall:
 - a. Provide all such vendors and participants with a written explanation of their responsibilities under various civil rights legislation.
 - b. Require that all such vendors and participants execute, in writing, their assurances to comply with the requirements of various civil rights legislation.

E. Employees

1. It is the responsibility of all employees to be aware of and cooperate in every phase of equal employment opportunity, equal opportunity for services and affirmative action.
2. Any suggestion(s) pertaining to any element(s) of the affirmative action program or any civil rights related matter should be forwarded to the Civil Rights Compliance Officer. It shall be reviewed, held in confidence if specified, and a reply will be forwarded back specifying the action being taken. Acknowledgements will be made public if any quality material(s) is received and if such material contributes to the success of the equal employment opportunity, equal opportunity for services, and affirmative action program, or any other civil rights related matter.
3. Whenever departmental questionnaires are forwarded to employees, it is the responsibility of the employees to answer all questions accurately. The purpose of such questionnaires shall be specified orally or in writing to all employees. All materials and answers will be held in strict confidence and used solely for the purpose originally intended.
4. All employees are responsible for the implementation of the department's equal services opportunity policy. This includes, but is not limited to:
 - a. Equal, courteous treatment of all individuals.
 - b. Assistance in informing individuals of their rights to equal services opportunity and their right to file a complaint if they feel they have been treated unfairly.

Any employee who intentionally obstructs the department's objective of providing equal opportunity for services shall be subject to disciplinary action as appropriate.

Affirmative Action Recruitment Report

1. Title _____
2. Salary Level _____
3. Department _____ Division _____ Branch _____ Unit _____
4. Type of Appointment _____
5. EEO-6 Classification _____
6. Written position announcement prepared ___ yes* ___ no *please attach
7. Written position description prepared ___ yes* ___ no *please attach
8. Announcement published ___ yes* ___ no
 * names of publication/s, referral organization, and/or internal source/s—please attach
9. Were efforts made to determine availability of qualified minorities, women veterans, disabled persons? ___ yes* ___ no**
 *describe on attachment
 **why not
10. How many applications (vitae) received ? _____ Total
 ___ Minority (male and female) ___ Women ___ Non-minority Male
 ___ Disabled Persons ___ Veterans
11. How many applicants were considered (beyond preliminary screening)? _____ Total
 ___ Minority (male and female) ___ Women ___ Non-minority Male
 ___ Disabled Persons ___ Veterans
12. List name, gender, race, national origin of each candidate interviewed and not selected. (please attach)
13. Give name, gender, race and national origin of candidate selected.
 Check if applicable: ___ Present Employee ___ Disabled Person
 ___ Minority ___ Veteran
14. List search committee members:

 Department/Division Head Date

 Administrative Officer Date

 Civil Rights Office Date

 Prepared By: Date

Self-Identification Form

Appendix E

Date _____ Gender M F Position _____

DHS commitment to an environment that is free of discriminatory practices and to take affirmative actions in employment and services is realized through its Affirmative Action Compliance Plan. The Plan and legal* responsibilities to equal opportunity require periodic reports of applicants for jobs and services by race/ethnicity, national origin, gender, disability and status as a veteran. This information is voluntary and is for statistical purposes only. The information is kept confidential and will not be used in any way to evaluate your qualifications.

Please check all applicable categories.

African American Asian Black
 Black (non-Hispanic) Hawaiian Hawaiian (part)
 Hispanic Native American White
 Other, please specify _____ More than one race, please specify _____

National Origin _____ (Country of birth)

Primary Language _____ Secondary Language _____

Additional Languages _____

Level of Verbal Fluency Fluent Good Fair Interpret Yes No

Level of Written Fluency Fluent Good Fair Translate Yes No

American Sign Language Sign Yes No Interpret Yes No

Disabled Veteran Disabled individual (non-Veteran) Neither

If there are any positions or types of positions or services for which you should not be considered, or job duties you cannot perform because of a physical or mental disability, please describe:

Thank you If you wish to volunteer interpreter or translation services, please provide e-mail address

E-mail address _____

*Laws and Regulations, such as Civil Rights Act, Equal Pay Act, Age Discrimination Act, Rehabilitation Act; Education Amendments, Veterans Readjustment Act and so forth.

The Department of Human Services (DHS) is committed to equality of employment, as well as equality in the provision of services by our department. Our employees and applicants for employment and services are entitled to an environment free from discriminatory practices. The DHS requires that management representatives and employees comply with federal and state legislation, government regulations, and executive orders in providing affirmative action and equal employment opportunity. This shall be accomplished without regard to race, color, national origin, religion, gender, age, disability, marital status, arrest and court records, sexual orientation, status as a Vietnam-era veteran or qualified disabled veteran, or other non-merit factors, except where age or gender are bona fide occupational qualifications or disability is a bona fide disqualification. By hiring, compensating, training, promoting, and, in all ways providing equal treatment to employees and applicants for employment on the basis of merit, the effectiveness of our department's operations can be maintained while enhancing the growth of our employees.

Similarly, all services provided to the public by our department shall be on an equal, non-discriminatory basis. No person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any phase or level of the department's programs or activities due to race, color, national origin, age, or disability.

As a part of providing equal employment opportunity, we are also committed to affirmative action in personnel actions. Affirmative steps shall be taken to ensure the full utilization of underrepresented ethnicities, women, and the disabled, in an effort to correct imbalances and inequities in the departmental workforce. The goal is to achieve a workforce with a composition that mirrors the available labor market. Management representatives, shall, therefore, take affirmative action to ensure that minorities and females are introduced into the work force and are considered as promotional opportunities arise, and that disabled individuals are given the opportunity to enter and thrive in our workforce. Limited English Proficiency individuals will be self-identified and provided information relative to free interpreter/translation services.

This policy shall be administered within the parameters of federal and state employment practices laws, civil service merit system rules and regulations, collective bargaining agreements, and other federal and/or state requirements.

Management representatives have the responsibility of assuring that positive steps are taken to comply with this policy, while achieving the objectives of the Department. Discrimination is unlawful and the Department may be adversely affected due to the termination of federal funding. The success of this policy is also dependent on the acceptance, participation, and cooperation of the entire employee population of the Department of Human Services. As the Director of this department, I ask that we all take an active role in supporting and implementing this policy.

Any questions related to the details of this plan should be directed to the departmental Civil Rights Compliance Staff at (808) 586-4955 or gwatts@dhs.hawaii.gov.

Director

Date

PERTINENT POLICIES IN AFFIRMATIVE ACTION

STATE OF HAWAII

From Section 76-1, Hawaii Revised Statutes, State statutes governing civil service employment provide for a personnel system administered in accordance with the following principles:

- (1) Equal opportunity for all regardless of race, sex, age, religion, color, ancestry, or politics. No person shall be discriminated against in any case because of any physical handicap, in examination, appointment, reinstatement, reemployment, promotion, transfer, demotion, or removal, with respect to any position the duties of which, in the opinion of the director of personnel services may be efficiently performed by a person with such a physical handicap; provided that the employment will not be hazardous to the appointee or endanger the health or safety of the appointee's co-workers or others.
- (2) Impartial selection of the ablest person for government service by means of competitive tests which are fair, objective, and practical.
- (3) Just opportunity for competent employees to be promoted within the service.
- (4) Reasonable job security for the competent employee, including the right of appeal from personnel actions.
- (5) Systematic classification of all positions through adequate job evaluation.
- (6) Proper balance in employer-employee relations between the people as the employer and employees as the individual citizens, to achieve a well-trained, productive and happy working force.

A broader set of statutes governing public officers and employees, Chapter 78, General Provisions on Public Service, provides the following:

Section 78-2 states:

"Equal opportunity. No person shall be discriminated against in any case because of any physical or mental handicap, in examination, appointment, reinstatement, reemployment, promotion, transfer, demotion, or removal, with respect to any position the duties of which, in the opinion of the director, may be efficiently performed by a person with a physical or mental handicap; provided, that the employment will not be hazardous to the person appointed or endanger the health or safety of his fellow employees or others.

To promote employment opportunities for the severely handicapped individuals, all departments or agencies of the state and county governments shall develop and implement programs for the selective employment of the severely handicapped individuals. Such programs shall provide for the certification by the state vocational rehabilitation office that the severely handicapped individual possesses the skills necessary to safely perform the duties of the position to which the individual will be placed."

Section 78-2.5 states:

"Arrest record. No applicant for employment by the State or any political subdivision or agency thereof shall be required to answer, either orally or in writing, as a condition precedent to employment, whether or not he has been arrested; provided that this shall not preclude any question concerning any conviction of a crime or the arrest and other circumstances pertaining to the conviction."

Federal and State statutes provide that all persons, regardless of race, color, age, religion, sex, national origin, or disability shall have equal access to positions in the public service limited only by their ability to do the job. It is the purpose of this Affirmative Action Compliance Plan that positions in DHS be made equally accessible to all qualified persons with reasonable accommodation for the disabled. Additionally, limited English proficiency individuals will be advised of their right to free interpreter/translation services.

The Affirmative Action Plan uses employment statistics, organizational analyses, and problem identification to attain affirmative action objectives. This approach includes an analysis of the workforce to determine whether percentages of gender, race, or ethnic groups are substantially similar to the percentages of those groups available in the labor force of the State of Hawaii. Where significant disparities are found, each element of the personnel administration process will be examined to determine, if any, which elements operate to exclude persons on the basis of gender, race, or ethnic group.

**Affirmative Action for
Qualified Individuals with Disabilities and
Qualified Protected Veterans**

It is the practice of DHS not to discriminate against any employee or applicant for employment or services because he or she is a qualified individual with a disability, a disabled veteran, a newly separated veteran, a campaign veteran, or an armed forces services medal veteran (i.e., qualified protected veterans). It is also the practice of DHS to take affirmative action to employ and to advance in employment, all persons regardless of their status as qualified individuals with disabilities or qualified protected veterans, and to base all employment decisions only on valid job requirements. This practice shall apply to all employment actions, including and not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship, at all levels of employment.

Employees of and applicants to DHS will not be subject to harassment, intimidation, threats, coercion, bullying, or discrimination because they have engaged or may engage in filing a complaint, assisting in a review, investigation, or hearing or have otherwise sought to obtain their legal rights related to any Federal, State, or local law regarding EEO for qualified individuals with disabilities or qualified protected veterans.

DHS is committed to the principles of Affirmative Action and Equal Employment Opportunity. In order to ensure dissemination and implementation of equal employment opportunity and affirmative action throughout all levels, DHS Civil Rights Compliance Staff will maintain an internal audit and reporting system to allow for effective measurement of DHS EEO/AACP.

In furthering DHS' practices regarding Affirmative Action and Equal Employment Opportunity, DHS, CRCS has developed a written Affirmative Action Program which sets forth practices which DHS is committed to applying in order to ensure that its policy of non-discrimination and affirmative action for qualified individuals with disability and qualified protected veterans is accomplished. This Affirmative Action Program is available for inspection by any employee or applicant for employment or services upon request, during normal business hours. Interested persons should contact the Civil Rights Compliance Staff at 586-4955 for assistance.

Invitation to Self-identify for Qualified Protected Veterans

1. DHS is subject to the Vietnam Era Veterans' Readjustment Assistance Act, as amended, which requires DHS to take affirmative action to employ and advance in employment qualified disabled veterans and qualified protected veterans.

2. **An invitation to veterans of the Vietnam era only:** If you are a veteran of the Vietnam era, we would like to include you under our affirmative action program. If you would like to be included under the affirmative action program, please tell us.

The term "veteran of the Vietnam era" refers to a person who served on active duty for a period of more than 180 days, and was discharged or released there from with other than a dishonorable discharge, if any part of such active duty occurred in the Republic of Vietnam between February 28, 1961, and May 7, 1975 or between August 5, 1964, and May 7, 1975, in all other cases. The term also refers to a person who was discharged or released from active duty for a service connected disability if any part of such active duty was performed in the Republic of Vietnam between February 28, 1961, and May 7, 1975, or between August 5, 1964, and May 7, 1975, in all other cases.

An invitation to qualified disabled veterans only: If you are a qualified special disabled veteran, we would like to include you in our affirmative action program. If you would like to be included under the affirmative action program, please tell us. This information will assist us in placing you in an appropriate position and in making accommodations for your disability.

The term "qualified special disabled veteran" refers to a 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 Department of Veterans Affairs for a disability rated at 30 percent or more, or rated at 10 or 10 percent in the case of a veteran who has been determined by the Department of Veterans Affairs to have a serious employment handicap. The term also refers to a person who was discharged or released from active duty because of a service-connected disability.

An invitation to both (1) veterans of the Vietnam era and (2) qualified disabled veterans: If you are a veteran of the Vietnam era or a qualified special disabled veteran, we would like to include you under our affirmative action program. If you would like to be included under the affirmative action program, please tell us.

3. You may inform us of your desire to benefit under the program at this time and/or at any time in the future.

4. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with the Vietnam Era Veterans' Readjustment Assistance Act, as amended.

5. The information you submit will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of qualified disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if you have a condition that might require

emergency treatment; and (iii) government officials engaged in enforcing laws administered by OFCCP, or enforcing the Americans with Disabilities, Act, may be informed.

6. If you are a qualified special disabled veteran it would assist us if you tell us about any special methods, skills, and procedures which qualify you for positions that you might not otherwise be able to do because of your disability so that you will be considered for any positions of that kind.

7. A written copy of this AACP is available for inspection by any employee or applicant for employment or services, during normal business hours. Interested persons should contact the Civil Rights Compliance Staff at 586-4955.

Invitation to Self-Identify for Individuals with Disabilities

1. DHS is subject to section 503 of the Rehabilitation Act, as amended, which requires DHS to take affirmative action to employ and advance in employment qualified individuals with disabilities.
2. If you have a disability and would like to be considered under the Affirmative Action Program, please tell us.
3. You may inform us of your desire to benefit under the program at this time and/or at any time in the future. This information will assist us in placing you in an appropriate position and in making accommodations for your disability.
4. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with Section 503 of the Rehabilitation Act.
5. Information you submit about your disability will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of qualified individuals with disabilities, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment; and (iii) government officials engaged in enforcing laws administered by OFCCP or the Americans with Disabilities Act may be informed.
6. If you are a qualified individual with a disability, we would like to include you under the Affirmative Action Program. It would assist us if you tell us about any special methods, skills, and procedures which qualify you for positions that you might not otherwise be able to do because of your disability so that you will be considered for any positions of that kind.
7. A written copy of this Affirmative Action Program is available for inspection by any employee or applicant for employment or services, during normal business hours. Interested persons should contact DHS' Civil Rights Compliance staff at 586-4955 for assistance.

Invitation to Self-Identify for Individuals with Limited English Proficiency

1. DHS is subject to the Civil Rights Act, as amended, and recent State Laws which require DHS to take affirmative action to ensure equal access to programs to people with Limited English Proficiency (LEP)
2. If you are a person whose primary language is not English and wish to self-identify as an individual with Limited English Proficiency and would like to be considered under the Affirmative Action Program, please tell us.
3. You may inform us of your desire to benefit under the program at this time and/or at any time in the future. This information will assist us providing equal access to DHS' programs and services.
4. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways to assist you in understanding your eligibility and rights to services and programs.
5. Information you submit about your LEP will be kept confidential, except (i) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment; and (ii) government officials engaged in enforcing laws administered by OFCCP or the Civil Rights Act and/or State laws may be informed.
6. If you are a qualified, self-identified, LEP individual, we would like to include you under the Affirmative Action Program. It would assist us if you tell us about any special language access needs you might have.
7. A written copy of this Affirmative Action Program is available for inspection by any employee or applicant for employment or services, during normal business hours. Interested persons should contact DHS' Civil Rights Compliance staff at 586-4955 for assistance.

Job Qualification Standards (Review of Physical and Mental Standards)

Physical and mental job qualifications of all jobs will be reviewed during calendar year 2008 to ensure that, to the extent that such qualification requirements tend to screen out qualified individuals with disabilities and qualified disabled veterans, job qualifications will be consistent with business necessity and safe performance of the job.

No qualification requirements will be permitted which have a screening effect. All job qualification requirements will be job-related and consistent with business necessity and safety.

DHS will continue to review physical and mental job qualification requirements whenever a job is vacated and DHS intends to fill it through either hiring or promotion and will conduct a qualifications review whenever job duties change.

When pre-employment physical examinations or questionnaires are used a business necessity will be specified.

If at any time in the future, DHS should inquire into an employee's or clients physical or mental condition or should conduct a medical examination prior to a change in employment or eligibility status, DHS affirms that information obtained as a result of the inquiry will be kept confidential, except as otherwise provided for in Section 503 regulations. The results of the examination or inquiry will be used in accordance with Section 503 Regulations.

Reasonable Accommodation (To Physical and Mental Limitations)

DHS commits to making a reasonable accommodation to the known physical and mental limitations of qualified individuals with disabilities and qualified disabled veterans, unless such accommodation would impose an undue hardship on the conduct of its business. In determining the extent of its obligation, DHS will consider business necessity and financial costs and expenses, among other factors.

VENDOR RELATIONS

Every effort shall be made to distribute the Department's purchasing funds equitably among those agencies or businesses which are found to practice equal opportunity in employment and services. The DHS will attempt to the maximum extent feasible to restrict purchases from or prevent financial rewards to those vendors who are not equal opportunity employers or are not actively pursuing corrective affirmative action. The division/program administrator, with the technical assistance of the Civil Rights Compliance Staff, shall assume the primary responsibility for conducting the following:

- A. Conduct preliminary assessments of existing and proposed vendors utilizing investigations of past litigations, on-site interviews with managers and employees, etc.
- B. Refer any cases of vendors (who are not in compliance with the Equal Employment Opportunity requirements) to the Director of the DHS for action
- C. Discontinuance of agency purchases from vendors legally declared in violation of anti-discrimination laws. Restricted employee and resident purchasing shall also be encouraged
- D. Reinstitution at such time that a vendor achieves compliance to statutory requirements; and
- E. Conduct educational sessions among DHS fiscal purchasing staff regarding prohibitions against employment discrimination and DHS' policy regarding the selection of vendors.

POSTING OF REQUIRED EQUAL OPPORTUNITY NOTICES

The posting of notices and posters is one way of informing employees and applicants for employment of their rights and opportunities. It also serves to reaffirm the Department's commitment to non-discrimination policies.

The following posters shall be permanently displayed in a conspicuous location in all buildings where notices to employees, applicants for employment, and union members are usually posted:

- a. A joint EEOC-OFCCP poster entitled "Equal Employment Opportunity is the Law."
- b. An age discrimination poster pertaining to employees.
- c. DHS poster entitled "Sexual Harassment in Employment is Unlawful."
- d. DHS' "Nondiscrimination" notice.

Federal laws provide that willful violation of the posting requirement is punishable by a fine of not more than \$100 for each separate offense, and can be interpreted as a lack of commitment to non-discrimination policies.

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	Subject DEPARTMENTAL DISCRIMINATION COMPLAINT PROCEDURE	OPR Personnel Office	
		Issue/Revision Date JUL 12 2007	

INTRODUCTION

1.0 PURPOSE

To establish a timely, uniform, and effective means of resolving internal discrimination complaints filed by employees, former employees, applicants for employment and service applicants/recipients. This is to enhance the morale and efficiency of employees, and to encourage public confidence in the Department's commitment towards providing services and benefits exclusive of discriminatory practices.

2.0 REFERENCES AND DEFINITIONS

2.1 REFERENCES

- a. Title VI and VII of the Civil Rights Act
- b. Equal Pay Act
- c. Age Discrimination in Employment
- d. Age Discrimination Act (services)
- e. Section 503 and 504 of the Rehabilitation Act
- f. Titles I and II of the Americans with Disabilities Act
- g. Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act
- h. Civil Rights Restoration Act
- i. Executive Order 11246, as amended
- j. Hawaii Revised Statutes Chapter 76, 78, 371 and 378, Part I
- k. and others

2.2 DEFINITIONS

- a. Applicant for employment - Any person who submits a written application for State employment with the Department of Human Services.
- b. Complaint - An informal or formal (written) claim of discrimination which indicates that a person or group of persons were treated differently, or adversely impacted by action(s) of the DHS, based on one or more memberships in protected groups.
- c. Complainant - Any person who alleges discrimination in the employment process, or in the provision of services and/or benefits.
- d. Department - Department of Human Services

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- e. Discrimination - Any action(s) or lack of action(s) by the DHS, which results in disparate treatment or has an adverse impact on a person or group of persons, on the basis of one or more memberships in protected groups.
- f. External Enforcement Agencies - Government agencies which enforce statutes prohibiting discrimination, and which are responsible for receiving, investigating and adjudicating discrimination complaints. Federal agencies include, but are not limited to, The U.S. Equal Employment Opportunity Commission, U.S. Department of Justice, U.S. Department of Labor, Office of Federal Contract Compliance Programs, and any other federal agency from which the Department receives funding. The State agency is the Hawaii Civil Rights Commission.
- g. Factors Protected by Law - Characteristics of a person or group of persons, which are protected under civil rights laws. For employment, these factors include race, color, national origin, sex, religion, age, disability, arrest and court records, sexual orientation, marital status, veteran status and assignment of income for the purpose of child support obligations. Services, factors include, race, color, national origin, age, sex, religion, disability status, and political beliefs.
- h. Respondent(s) - Any person or group of persons alleged to be responsible for discrimination.
- i. Service Applicant/Recipient - Any person applying for, having the potential for applying, or receiving program benefits or services provided by the Department.

3.0 POLICY

It is the policy of the Department that all employees, former employees, applicants for employment and service potential applicants or applicants/recipients be provided an equal opportunity in the employment process and in the provision of services. In keeping with this policy, complaints of discrimination are to be processed fairly and promptly.

Individuals filing a complaint, or participating in the complaint process have the right to:

- a. Representation by legal counsel, union agent, if appropriate, or designee of their choice.
- b. Confidentiality, provided such confidentiality does not impede the process of fairly and thoroughly investigating the complaint. (An individual will be asked to complete a Consent/Release Form—see APPENDIX B)
- c. Freedom from restraint, interference, coercion, or retaliation in presenting complaints or in providing information in the resolution of problems or complaints.

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- d. Forego this internal complaint process and file a complaint directly with an appropriate external enforcement agency.
- e. Alternative means of participation, such as the provision of an interpreter (e.g. sign or other language), written material in large print, and other reasonable modifications, free of charge.

4.0 SCOPE

This policy and procedure shall apply to all employees, former employees, applicants for employment and potential applicants or applicants/recipients for services provided by the Department.

5.0 RESPONSIBILITIES

5.1 DEPARTMENT HEAD (DIRECTOR)

The Department Head is responsible for the establishment, modification and implementation of the departmental uniform complaint procedure. The Department Head may designate these functions to others.

5.2 PERSONNEL OFFICER

The Personnel Officer shall monitor and oversee the application of this policy and procedure and provide staff services to the Department Head.

5.3 CIVIL RIGHTS COMPLIANCE STAFF

The Civil Rights Compliance Staff (CRCS) of the Personnel Office, shall be responsible for providing technical guidance to management personnel in the resolution of informal discrimination complaints. The CRCS shall also be responsible for receiving, processing and investigating formal internal discrimination complaints.

5.4 MANAGEMENT PERSONNEL

Management Personnel, in consultation with the CRCS, shall be responsible for receiving and resolving informal discrimination complaints by employees and potential service applicants/recipients.

5.5 COMPLAINANTS

Complainants shall follow the provisions of the policy and procedures contained herein.

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6.0 PROCEDURES (Departmental)

6.1 EMPLOYMENT COMPLAINTS

a. Informal Complaints

1. Employees who believe they have been discriminated against, may discuss the matter with their immediate supervisor, division administrator or designee (i.e. management personnel). If employees elect to proceed through the informal complaint process, they should do so within thirty (30) days from the most recent incident of alleged discrimination.
2. Complainants shall be informed that they may forego the informal complaint process and file a formal written complaint directly with the CRCS.
3. After discussing the situation with Complainant, management personnel shall consult with the CRCS in order to conduct an appropriate investigation; prepare a written response to Complainant summarizing the investigative findings; and take remedial measures, if necessary, to address the situation.
4. If the matter is not resolved to Complainant's satisfaction, Complainant may file a formal complaint with the CRCS, in accordance with the procedures outlined below.

b. Formal Complaints

1. Employees or applicants for employment, may file a formal internal complaint in writing with the CRCS. Complaints must be filed within ninety (90) days from the most recent incident of alleged discrimination using the "Departmental Discrimination Complaint Form" (APPENDIX A).
2. Upon receipt of a written complaint, the CRCS shall conduct a fact-finding investigation. The investigation shall include, and is not limited to, contacting the Complainant to clarify or obtain additional facts relative to the complaint, and obtaining information from individuals with apparent knowledge of Complainant's allegations.
3. Upon completion of the investigation, the CRCS shall prepare a written summary of the investigative findings for the Department Head's review

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4. The Department Head shall review the evidence and render a decision in writing, with copies to Complainant and Respondent(s). The decision shall include:
 - (a) Reasons and explanation for the decision; and
 - (b) Alternative avenues of recourse available to Complainant.
5. If the investigation confirms that discrimination occurred, the Department will take immediate corrective action.
6. If complaint is not resolved to Complainant's satisfaction, Complainant may appeal to an appropriate external enforcement agency. Complainants shall be advised that they have a timeframe of 180 days to file a complaint with the Hawaii Civil Rights Commission and 300 days to file same with the Equal Employment Opportunity Commission. Complainants must be advised that they can file concurrent complaints.

6.2 SERVICE COMPLAINTS

a. Informal Complaints

1. Service Applicants/Recipients or potential applicants who believe they have been discriminated against in the application for, or provision of services, may discuss their concerns with the unit supervisor, division administrator, or designee (i.e. management personnel). If Service Applicants/Recipients elect to proceed through the informal complaint process, they should do so within thirty (30) days from the most recent incident of alleged discrimination.
2. After discussing the situation with Complainant, management personnel shall consult with the CRCS in order to conduct an appropriate investigation; prepare a written response to Complainant summarizing the investigative findings; and take remedial measures, if necessary, to address the situation.
3. If the matter is not resolved to Complainant's satisfaction, a formal complaint may be filed with the CRCS, in accordance with the procedures outlined below.

b. Formal Complaints

1. Service Applicants/Recipients, or potential applicants, may file a formal written complaint with the CRCS, within ninety (90) days from the most recent incident of alleged discrimination, using the departmental "Discrimination Complaint Form."

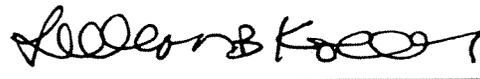
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2. Upon receipt of a written complaint, the CRCS shall conduct a fact-finding investigation. The investigation shall include, and is not limited to, contacting the Complainant to clarify or obtain additional facts relative to the complaint, and obtaining information from individuals with apparent knowledge of Complainant's allegations. These individuals will be asked to complete a Consent/Release Form, APPENDIX B.
3. Upon completion of the investigation, the CRCS shall prepare a written summary of the investigative findings for the Department Head's review.
4. The Department Head shall review the evidence obtained during the investigation and render a decision in writing, with a copy to Complainant and Respondent(s). The decision shall include:
 - a. Reasons and explanation for the decision; and
 - b. Alternative avenues of recourse available to Complainant.
5. If the investigation reveals that discrimination occurred, the Department shall take remedial measures to ensure that Complainant is afforded an equal opportunity to participate in, and benefit from its programs, services and activities.
6. If the matter is not resolved to Complainant's satisfaction, an appeal may be made to an appropriate external enforcement agency.

7.0 IMPLEMENTATION

This Discrimination Complaint Procedure shall be effective as of the date of approval and shall remain in effect until cancelled or superseded by order of the Director.

APPROVED:



Lillian B. Koller, Director

J

STATE OF HAWAII
Department of Human Services

DISCRIMINATION COMPLAINT FORM

NAME _____ SS NO. _____ PHONE _____ PHONE _____
(Last 4 digits only) (Business) (Home)

STREET ADDRESS _____ CITY/STATE _____ ZIPCODE _____

EMPLOYER (Division/Unit) if applicable _____

1. JOB TITLE, if applicable _____

2. BASIS OF ALLEGED DISCRIMINATION (Choose appropriate item/s)

- | | | |
|---|---|---|
| <input type="checkbox"/> Race/color | <input type="checkbox"/> National Origin/Ancestry | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Sex/Gender | <input type="checkbox"/> Breast-Feeding | <input type="checkbox"/> Marital Status |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Arrest/Court Records | <input type="checkbox"/> Age |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Child Support Assignment | <input type="checkbox"/> Citizenship |
| <input type="checkbox"/> National Guard Absence | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Political Belief |

3. Explain briefly what, if anything, you have done about the alleged discrimination.

4. Does your complaint concern alleged discrimination in services delivery? ___ Yes ___ No

5. Does your complaint concern alleged discrimination in employment? ___ Yes ___ No

6. Is the alleged discrimination against you? ___ No ___ Yes, By whom? _____

Discrimination Complaint Form
Page 2

7. Please explain how and why you believe you were discriminated against. Please be SPECIFIC. Please include names, dates, witnesses and places of the incident/s.

(Attach additional sheets if you require more space.)

8. Is the alleged discrimination against others? ___ No ___ Yes, please list, name(s), addresses(s) and phone number(s).

9. What is the specific date or period of time of the alleged discrimination?

10. Please indicate the relief/remedy you are seeking. _____

11. I will notify DHS, Personnel, CRCS, P.O. Box 339, Honolulu, HI 96809-0339, if I change my address or telephone number. I swear or affirm that I have read the above statements and that they are true to the best of my knowledge and belief.

PLEASE COMPLETE, REVIEW, SIGN, DATE AND RETURN TO ABOVE ADDRESS.

Signature _____ Date _____

The purpose of this form is to assist you in filing a complaint with the Department of Human Services. You are not required to use this form, a letter with the same information is sufficient. HOWEVER, THE INFORMATION REQUESTED ABOVE MUST BE PROVIDED, WHETHER OR NOT THE FORM IS USED.

(PLEASE READ THE ATTACHED NOTICE ON DISCRIMINATION COMPLAINTS AND NON-RETALIATION REQUIREMENT.)

NOTICE TO INDIVIDUALS FILING DISCRIMINATION COMPLAINTS

Individuals alleging discriminatory treatment in services and/or employment have a right to file a complaint using the Department of Human Services DISCRIMINATION COMPLAINT FORM, DHS 9004 (rev 06-2007). A letter with the same information requested on the form can be used if necessary. The complaint should be sent to:

STATE OF HAWAII
Department of Human Services
Personnel/CRCS
P.O. Box 339
Honolulu, Hawaii 96809-0339

Tel: (808) 586-4955 TTY: (808) 586-4959
gwatts@dhs.hawaii.gov

Individuals also have a right to seek redress for their complaint through the appropriate

- 1) Collective Bargaining Unit,
- 2) State and Federal Compliance Agencies, and/or
- 3) Civil Court action.

Confidentiality: All information shall be held with strictest confidentiality, and release of information shall be allowed only when necessary to resolve the issue/s in the complaint. A complainant consent release form (DHS 9007) will be required to complete an investigation.

Non-retaliation: Section 704 (a) of the Civil Rights Act of 1964, as amended states:

It shall be an unlawful employment practice for an employer to discriminate against any of his/her employees or applicant/s for employment (or services) because he/she has opposed any practice by this title, or because he/she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

Additionally, laws enforced prohibit recipients of Federal financial assistance from intimidating or retaliating against anyone because he or she has either taken action or participated in action to secure rights protected by these laws. Individuals seeking services and/or employment with the Department of Human Services are advised of this non-retaliation requirement and are instructed to notify the Department's Personnel Office/CRCS, P.O. Box 339, Honolulu, Hawaii 96809-0339, if any attempt at retaliation is made as a result of filing a complaint.

Rights and Responsibilities: (The following list highlights some rights and responsibilities and is NOT all inclusive.)

1. You have the right to have an attorney represent you, at your own expense, or to have any other personal representative of your choice at any level of a grievance. Such representative shall not be a departmental or State EO representative or Personnel Specialist.
2. You have the right to discontinue your complaint at any time by submitting a written statement of withdrawal.

3. You have the right to be notified of each of the steps taken in the complaint procedure, to be notified ahead of time of any inquiry or conference, and to be notified in writing of the decision reached at any level.
4. You have the right to reasonable accommodations, including and not limited to language interpreters/translators, auxiliary aids and/or facilities and parking for individuals with disabilities. You are responsible for requesting required accommodations.
5. At any point in time, you have the right to file your complaint with the State or Federal agencies listed in this notice as appropriate. You are responsible to inquire directly with these agencies regarding the steps necessary for redress.

Following is a list of additional entities where you might file a complaint as appropriate:

State of Hawaii
Hawaii Civil Rights Commission
830 Punch bowl Street, Room 411
Honolulu, Hawaii 96813
Telephone (808) 586-8636

U. S. Department of Labor
Office of Contract Compliance Programs
Prince Kuhio Federal Building, Room 7326
300 Ala Moana Boulevard
Honolulu, Hawaii 96850
Telephone (808) 541-2933

U. S. Department of Health and Human Services
Office of Civil Rights, Region IX
90 7th Street, Suite 4-100
San Francisco, California 94103-6705
Telephone (415) 437-8324

U. S. Department of Agriculture
Office of Civil Rights Food and Nutrition Service Western Region
90 7th Street, Suite 10-100
San Francisco, CA 94103
Telephone (415) 705 1322 TTY (800) 735-2922

U. S. Department of Education
Office of Civil Rights, Seattle Office
915 Second Avenue, Room 3310
Seattle, WA 98174-1099 (206) 220-7900 Fax (206) 220-7887

U. S. Department of Justice
Office of Civil Rights
810 7th Street, NW
Washington, C. C. 20531 (202) 307-0690

NOTICE OF NON-RETALIATION REQUIREMENT

Section 704 (a) of the Civil Rights Act of 1964, as amended states:

“It shall be unlawful employment practice for an employer to discriminate against any of his/her employees or applicant(s) for employment....because he/she has opposed any practice made an unlawful employment practice by this title, or because he/she has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.”

Persons filing charges of employment discrimination are advised of this non-retaliation requirement and are instructed to notify the Department’s Civil Rights Compliance Staff (808) 586-4955 if any attempt at retaliation is made as a result of their filing this complaint.

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CONSENT / RELEASE FORM

Your Name: _____

Address: _____

Please read the information below, initial the appropriate space, and sign and date this form on the lines at the bottom of the form.

I understand that in the course of a preliminary inquiry or investigation it might become necessary for DHS, CRCS, to reveal my identity to persons at the organization under investigation. I am also aware of the obligations of CRCS to honor requests under the Freedom of Information and Privacy Acts. I understand that it might be necessary for DHS to disclose information, including personally identifying details, which it has gathered as a part of its preliminary inquiry or investigation of my complaint. In addition, I understand that as a complainant I am protected by Federal regulations and DHS Policies from retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes.

Initial on line above if
you give consent.

CONSENT GRANTED -- I have read and understand the above information and authorize DHS, CRCS, to reveal my identity to persons at the organization under investigation and to Federal or State agencies that provide financial assistance to the organization or also have civil rights compliance oversight responsibilities that cover that organization. I hereby authorize DHS to receive material and information about me pertinent to the investigation of my complaint. This release includes and is not limited to, applications, case files, personal records, and medical records. This authorization is effective for one year from the date the authorization is signed. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and I do so voluntarily.

Initial on line above if
you deny consent

CONSENT DENIED -- I have read and understand the above information and do not want CRCS to reveal my identity to the organization under investigation, or to review, receive copies of, or discuss material and consent information about me, pertinent to the investigation of my complaint. I understand that this is likely to make the investigation of my complaint and getting all the facts more difficult and, in some cases, impossible, and may result in the investigation being closed.

Signature

Date

Please return completed, signed and dated form to: State of Hawaii
Department of Human Services
PERS/CRCS
P.O. Box 339
Honolulu, Hawaii 96809-0339

Questions may be sent to: gwatts@dhs.hawaii.gov

4

State of Hawaii
Department of Human Services
COMPLAINT WITHDRAWAL FORM

I, _____ hereby WITHDRAW my Discrimination Complaint
signed by me on (Date) _____
Full Name. I am revoking any consent I might have granted
previously for release of information. I am voluntarily revoking this consent and the request for
an investigation and do not wish to proceed with this complaint. I have received no promises,
rewards or concessions which might have influenced me in withdrawing this complaint.

Complainant

Date

Note: Please be advised that no one may intimidate, threaten, coerce, or engage in other
discriminatory conduct against anyone because he or she has either taken action or participated
in an action to secure rights protected by civil rights laws. Any individual alleging such
harassment or intimidation may file a complaint with appropriate internal or external agencies
who will investigate such a complaint if the situation warrants.

**Please help us by checking all statements that apply, sign and date and return to
DHS, PERS/CRCS, P.O. Box 339, Honolulu, HI 96809-0339.**

I, the undersigned, wish to withdraw my complaint of discrimination that I filed against
_____ because:

- ___ 1. I no longer wish to pursue my complaint because the issues I raised are now resolved.
- ___ 2. I no longer believe that I have a discrimination complaint.
- ___ 3. I am currently receiving the benefits I am entitled to receive.
- ___ 4. I understand that the changes in current laws prohibit me from receiving benefits.

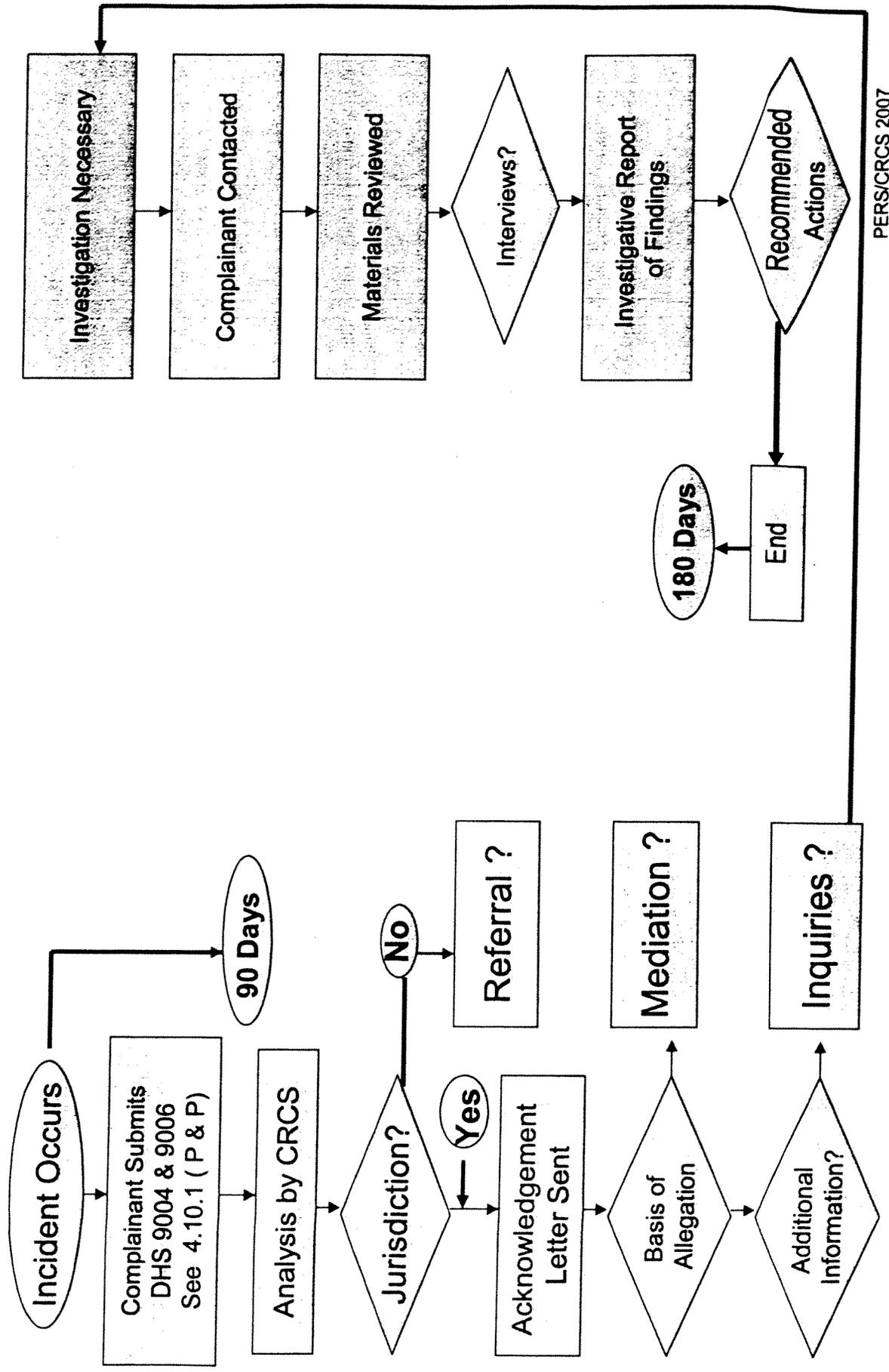
Signature

Date

Questions may be submitted to: gwatts@dhs.hawaii.gov

DHS Discrimination Complaint

Procedures and Timelines



Statistical Data

Information here provides labor market information to assist DHS in evaluating the utilization of minorities and women in our work force and in setting goals to improve such utilization as well as assist in meeting the needs of individuals with limited English proficiency.

In the tables, minority is equivalent to all nonwhite (i.e. total less white). although Hawaii is comprised of all minorities with no ethnic majority, the national definition of minority that is nonwhite is used. Unless otherwise specified, all data are derived from the 2000 Census of Population.

Tables 1-5 show labor force data by gender, race, and minority status for the State of Hawaii and all counties for 2006. Tables 6-10 show that data for 2003.

Tables 11-15 show percent distribution of the civilian labor force by the nine EEO-1 Job Categories and gender, race, Hispanic/Latino origin and minority for the State of Hawaii and its counties. Data in these tables are derived from the Census 2000 Special EEO File Tabulation. U. S. Bureau of the Census. Other tables provide data for major races in combined format. Races Not-Hispanic or Latino include White alone; Black or African American alone in combination with Black or African American and White; American Indian or Alaska Native alone with American Indian or Alaska Native and White; Asian alone with Asian and White; Native Hawaiian and Other Pacific Islander alone with Native Hawaiian or Other Pacific Islander and White; and Balance for the remaining Two or More Races category and individuals reporting Some Other Race.

Additionally, A special EEO File can be found at (<http://www.census.gov/eo2000/index.html> EEO-1 which provides data for 15 racial/ethnic categories for Hawaii.

Labor Market Resources

All labor resources should be considered in establishing goals for the utilization of minorities and women. These include: employed, unemployed and persons of working age who are not in the labor force. Considering the employed as a resource for achieving action program goals, an analysis of DHS own employees—its internal labor market—can assume great significance. DHS' own personnel can contribute most importantly toward correcting under utilization in specific job categories by discarding traditional assignment, transfer, and promotion barriers and by providing equal training opportunities.

Also the potential of those not in the labor force, particularly women, must not be overlooked. For several decades, women have entered and reentered the labor market in response to the availability of all kinds of jobs—nontraditional as well as traditional—improving their utilization in many job categories.

In considering all available labor market resources for action planning, DHS will recognize the fact that job vacancies customarily are filled not only by workers with precisely required skills but also by persons with related, lesser, or even no skills who learn on the job, with or without any formal training.

Areas Covered

The State of Hawaii consists of seven major inhabited islands—Hawaii, Maui, Oahu, Kauai, Molokai, Lanai, and Niihau. It is organized administratively into four (4) counties—the City and County of Honolulu, which encompasses the entire island of Oahu and also designated as a Metropolitan Statistical Area (MSA); Hawaii County, which is geographically synonymous with the island of Hawaii; Maui County, which includes the islands of Maui, Molokai, and Lanai; and Kauai County, which includes the islands of Kauai and Niihau.

Some DHS divisions/branches will recruit from the county in which they are located. DHS' own personnel is the nearest labor resource. However, the labor market for some occupations might require a broader geographical base for recruitment. For such positions, possible labor resources in the entire state should be considered in setting action goals.