

Affirmative Action Terms

Adverse Impact: adverse impact may be found when a selection process for a particular job or group of jobs results in the selection of members of any racial, ethnic, or sex group at a lower rate than members of other groups may. The enforcement agencies will generally regard a selection rate for any group which is less than four-fifths (4/5) or eighty percent of the rate for the group with the highest selection rate as constituting evidence of adverse impact. Depending on the size of the sample and other factors, however, the enforcement agencies could measure adverse impact other than by the "80% rule". In a particular case, of course, the final arbiter of the question would be the federal court.

Affected Class: any group of employees or former employees who are members of a protected group that has suffered or that continues to suffer the effects of unlawful discrimination.

Affirmative Action: a process in which employers identify problem areas in the employment of protected class members, set goals and take positive steps to ensure equal employment opportunities of a protected class where they are underrepresented in an organization in relation to their availability in the labor markets from which recruiting occurs.

Affirmative Action Plan: the written document through which management assures that all persons have equal opportunities in recruitment, selection, appointment, promotion, training, discipline, and related employment areas. The plan is tailored to the employer's work force and the skills available in the labor force. It prescribes specific actions, goals, timetables, responsibilities and describes resources to meet identified needs. The plan is a comprehensive results oriented program designed to achieve equal employment opportunity rather than merely to assure nondiscrimination.

Applicant Flow: the number of applicants applying for a particular job over a given period of time, analyzed by protected class characteristics

Applicant Pool: all candidates who have applied for a job, during the period the job was open, from whom a person is selected to fill the position.

Availability: an estimate of the number of qualified candidates available for employment, from which it is expected to recruit to fill positions in a given job group. Availability estimates are derived from Census 2000 data, unemployment data, educational statistics, higher education demographical data, and other relevant entities, and current promotion-eligible workforce demographics.

Availability Analysis: an analysis that identifies the number of protected-class members available to work in the appropriate labor markets in given jobs.

Bias: a tendency or inclination that prevents objectivity.

Compliance: a situation in which an agency fully meets the requirements of laws, rules, and regulations and court cases which mandate nondiscrimination and affirmative action.

Discrimination: occurs when individuals having a common characteristic such as age, ancestry, color, disability, national origin, race, religious creed, sex, sexual orientation, or veteran status are denied equal privilege or treatment.

Disparate Effect or Disparate Impact: the result of an employment policy, practice, or procedure that, in practical application, has less favorable consequences for a protected class than for the dominant group.

Disparate Treatment: employment practices such as the use of tests or educational requirements, fair and neutral on their face, which are applied or administered in an unfair manner. An example would be using an “old boy network” to hire for jobs even though the positions have been posted.

Diversity: a broad concept that values all people equally, regardless of their differences.

Equal Employment Opportunity: involves the right of persons to apply and be evaluation for employment opportunities without regard to race, color, religion, age, national origin, sex, disability, or Veteran status. It guarantees everyone the right to be considered solely on the basis of his or her ability to perform the duties of the job in question, with, or without reasonable accommodations as appropriate. Equal Employment Opportunity does not involve preferences.

Equal Employment Opportunity Commission (EEOC): the federal government agency mandated to enforce Title VII of the Civil Rights Act of 1964, as amended. The Federal Commission on Equal Employment Opportunity has the power to bring suits, subpoena witnesses, issue guidelines which have the force of law, render decisions, provide legal assistance to complainants, etc., in regard to fair employment.

Ethnicity: a group classification in which members share a unique social and cultural heritage passed on from one generation to the next. Involves customs, language, religion, and other cultural factors.

Goals: good faith, quantitative employment objectives which employers voluntarily set as the minimum progress they can make within a certain time period (usually one year) to correct underutilization of protected classes in their work force.

Good Faith Efforts: broad, active effects to move affirmative action programs beyond the normal; the “extra mile,” pro-active and aggressive recruiting efforts.

Job Title: the particular name or classification of a job.

Labor market: a geographical area from which it is reasonable to expect to recruit employees or, in the case of a promotional appointment from within or from a statewide employment, reemployment or transfer list, the office(s), position(s), position classification(s), employment, reemployment or transfer list from which the promotional appointment is or may be made.

Occupational category: a set of job groups derived from the Equal Employment Opportunity Commission's EEO-6 categories. There are seven occupational categories consisting of job groups with similar sets of primary functions:

- EEO 1 – Executive/Managerial
- EEO 2 – Faculty
- EEO 3 – Non Teaching Professional
- EEO 4 – Clerical
- EEO 5 – Technical/Paraprofessional
- EEO 6 – Qualified Craft
- EEO 7 – Service/Maintenance

Parity: a condition achieved in an organization when the protected class composition of its work force is equal to that in the relevant available labor force.

Protected Classes: protected classes are composed of individuals identified for protection under equal employment laws and regulations. Many of the protected classes historically have been subjected to discrimination.

By alphabetical order, Connecticut's protected classes in employment are:

age, ancestry, color, criminal record, genetic information, learning disability, marital status, past or present history of mental disability, mental retardation, national origin, physical disability, prior protected activity, race, religious creed, sex, sexual orientation, workplace hazards to the reproductive system

Race: a group of people related by common descent or heredity.

Underutilization: a disparity between the employment of members of a racial, ethnic, or gender group in a job or job group and their availability. Underutilization is determined by conducting an availability analysis.

Utilization Analysis: an analysis that identifies the number of protected-class members employed and the types of jobs they hold in the organization.

Workforce Analysis: a listing of each job title as it appears in payroll records, ranked from highest paid to lowest paid within each department.