AFFIRMATIVE ACTION PLAN

NASHVILLE STATE TECHNICAL COMMUNITY COLLEGE

120 WHITE BRIDGE ROAD

NASHVILLE, TENNESSEE 37209

2005 - 2006

George H. Van Allen
President

Director of Human Resources/
Affirmative Action

EXECUTIVE SUMMARY

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Efforts to enhance the affirmative action program at Nashville State Technical Community College (Nashville State) continue. Relative to employment, local advertising for all full-time faculty and administrative vacant positions is now standard. However, some executive, faculty department head and higher-level positions are advertised nationally (in the *Chronicle of Higher Education*) and locally (*The Tennessean*). Position announcements for vacant positions are sent to staff members at the Tennessee Board of Regents (TBR), TBR constituent institutions, selected historically Black colleges and universities within the surrounding community, and local black and female community organizations, i.e., the Nashville Chapter of the NAACP, the Urban League of Middle Tennessee, and local YWCA job program web sites. All regular, full-time and part-time classified positions not filled through transfer and promotion or an internal search must be advertised in *Career Builder* (local employment paper), Nashville State's web site, JobsLink (the Nashville Area Chamber of Commerce web site), and Nashville State's Placement Office and Human Resources Office bulletin boards. For faculty positions in specific subject areas, the college may advertise on targeted web sites provided by faculty and/or department heads in those specific subject areas.

In 2004-2005, underutilizations amounted to no more than six blacks and four females. Those underutilizations represented four blacks in EEO2 (Faculty), two females in EEO3 (Professional Nonfaculty), one black and one female in EEO5 (Technical/Paraprofessional), and one black and one female in EEO6 (Skilled Crafts). College administrators worked continuously with the Director of Human Resources/Affirmative Action throughout the plan year to reduce the underutilizations in all EEO categories.

This year, underutilizations (in employment) appear in categories EEO2 (Faculty), EEO5 (Technical/Paraprofessional), and EEO6 (Skilled Crafts). The total underutilizations at the college amount to only four blacks. These underutilizations represent one blacks in EEO2 (Faculty), two blacks in EEO5 (Technical/Paraprofessional) and one black in EEO 6 (Skilled Crafts). The college will continue its efforts, during this plan year, to remove all underutilizations in all categories.

The State of Tennessee continues to face budgetary challenges. Vacant positions at Nashville State are filled only when need justifies the hiring of an employee. Goals to remove underutilization of females and blacks, however, are being pursued.

Out of twenty-one non-faculty employee promotions during the plan year, thirteen were female and three were black. When hiring is required by need, college officials make affirmative efforts to ensure that qualified females and blacks are in the pool of applicants to be given due consideration for employment. According to the Steps For Hiring Process, "In cases where there is underutilization, all qualified black/female applicants from the underutilized group must be considered and a minimum of two qualified black/female applicants must be interviewed (unless fewer than two candidates in the underutilized group are qualified)."

The President, vice presidents, deans, and directors are committed to the goals set forth in this plan. Each will work with the Director of Human Resources/Affirmative Action in attaining established goals.

AFFIRMATIVE ACTION POLICY

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Nashville State Community College, an educational institution, is committed to the equitable treatment of all current employees as well as prospective employees regardless of race, color, religion, sex, national origin, age, physical or mental disability, or veteran status. In seeking to provide equal treatment, Nashville State will make every good faith effort to overcome underutilization of minorities and women. The college will comply with all federal, state and local legislation and with all executive orders that support equal opportunity and prohibit discriminatory practices in employment. To those ends, the following guidelines have been endorsed and will be followed:

- 1. All decisions regarding recruitment, hiring, training and promotions of persons in all job titles will be made without regard to race, color, religion, sex, national origin, age, disability or status as a disabled veteran or veteran of the Vietnam Era, except where age and sex are bona fide occupational requirements, or where a specific disability constitutes a bona fide occupational disqualification.
- 2. All employment decisions will be based on the principles of equal employment opportunity that are consistent with our intent to achieve the goals outlined in our Affirmative Action Plan.
- 3. Affirmative action will be taken to ensure that promotion decisions are made in accordance with the principles of equal employment opportunity by imposing only valid requirements for promotional opportunities
- 4. All personnel actions such as compensation, benefits, transfers, layoffs, demotions, college-sponsored training, education, tuition assistance, social and recreational programs will be administered without regard to race, color, religion, sex, national origin, age, disability or status as a disabled veteran or veteran of the Vietnam Era.

The Vice Presidents, Deans, and Directors assist me in administering the provisions of the Affirmative Action Plan. They are responsible for assuring that the college's policy on affirmative action and equal opportunity is carried out within their respective administrative areas.

The Director of Human Resources/Affirmative Action is responsible for monitoring compliance with equal opportunity and affirmative action laws. The Director also coordinates and implements the provisions of Nashville State Technical Community College's Affirmative Action Plan.

George H.	Van	Allen,	President	

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AFFIRMATIVE ACTION PLAN

INTRODUCTION

This document contains the revised Affirmative Action Plan for Nashville State Technical Community College (Nashville State), effective November 1, 2005. The modifications and revisions which are detailed here are consistent with Tennessee Board of Regents policies and applicable federal laws and guidelines. This plan is judged to be in conformity with the requirements of state and federal law.

Traditionally, Nashville State has had a commitment to enhancing human rights and equality in education and employment. This commitment to the ideals of equal rights, equality, opportunity, and affirmative action has been codified in a formal policy statement for many years, with the establishment of the college's Affirmative Action Plan. Modifications to this statement have been made that broaden the scope of its original applications and philosophies. These modifications have culminated in the issuance of this revised statement on Affirmative Action. The revised policy is judged to be in conformity with the regulations of the Office of Federal Contract Compliance Programs (OFCCP) and the Department of Labor (DOL).

Workforce and Job Group Analyses

The Office of Human Resources maintains a database containing a record for each Nashville State employee. Information maintained on each employee's data record includes their work group and EEO category, in addition to other data needed to conduct the Workforce and Job Group Analyses.

Availability Factor Computations

A two-factor analysis to determine areas of underutilization of females and blacks has been conducted as specified in CFR Ch 60-2.11. Source data for this analysis included "Tennessee Affirmative Action Data - 2000 Census," "Nashville MSA Affirmative Action Data - 2000 Census," Affirmative Action Data Supplement 2005, and Southern Regional Educational Bureau Availability Statistics (1997-98 IPEDS Completers).

Underutilization Identification

Data from the Job Group Analyses Forms and the Availability Factor Computation Forms were used to prepare the entries in the Underutilization Identification Forms which compare the number of females and blacks in each job group with the number which would exist at parity. This comparison provides a basis for quantitative determination of underutilization, where it exists.

Projected Job Openings

Hiring patterns and employee termination experience over the past few years, together with information regarding planned organizational changes, were used to estimate, by EEO category, the number of future job openings which may occur over the next five years.

Goals and Timetables

Data from the previously described forms were used to prepare recommendations to the President and executive officers concerning goals and timetables for areas where underutilization exists. The Director of Human Resources/Affirmative Action works with executive officers in the development of specific goals and timetables and is responsible for monitoring and reporting progress and advising the administration.

Determinations of availability of qualified persons or job pool estimates are made by utilizing Tennessee and Nashville census data (2000), SREB graduation data, and (Tennessee) Affirmative Action Data Supplement 2005. No quotas shall be set for the employing of females and blacks; however, goals for the future towards which Nashville State shall strive in good faith and timetables for reaching those goals shall be established. Goals shall not be rigid and inflexible, but shall be targets reasonably attainable by means of applying every good faith effort to make all aspects of the Affirmative Action Plan effective. Goals will be separate for females and blacks.

Assessment of Progress with Respect to Meeting Prior Goals and Timetables

In 2004-2005, underutilizations amounted to no more than six blacks and four females. Those underutilizations represented six blacks in EEO2 (Faculty), two females in EEO3 (Professional Non-faculty) one black and one female in EEO5 (Technical/Paraprofessional), and one black and one female in EEO6 (Skilled Crafts).

This year, the college is underutilized by one black faculty member. Three new black faculty members were hired during the plan year in the 32 advertised faculty positions filled. Although adverse impact testing revealed an adverse impact on minorities (blacks) in this category, the underutilization in this category appears to be related to the number of black applicants for faculty positions. The college is underutilized by two blacks in category EEO5 (Technical/Paraprofessional). The college has 11 filled positions in this EEO category. Though 6 positions in this category were filled last year, the adverse impact on minorities in this category seems to be related to the lack of black applicants for these positions. The college continues to be underutilized by one black in category EEO6 (Skilled Crafts). Adverse impact testing in this category revealed no adverse impact on blacks. The college maintains only six filled positions in this EEO category, and will continue to work towards removing this underutilization when attrition exists.

Regarding adverse impact testing on EEO2 (Faculty) promotions, the pool consisted of only those faculty whose dossiers were actually presented for a given tenure cycle. Faculty promotions at Nashville State resulted in no adverse impact on black or female employees; however, out of eight promotions during the plan year, five were females and one was black.

In all other hiring categories, the college continued to meet its goal and exceed its availability standards for both females and blacks. In those areas where underutilization exists, the college continues its effort to remove underutilizations.

EMPLOYMENT

Hiring Practices

Nashville State shall recruit all employees without discrimination on the basis of race, color, sex, national origin, religion, age, disability, or veteran status. In addition, the college shall seek actively to employ qualified females and blacks, recognizing the benefits to the college of diverse experiences, cultural backgrounds, different points of view, and role models for enriching the learning experience.

The college, affirmatively, shall act to increase the overall employment of females and blacks. The relatively small number of females and blacks qualified in certain fields shall not be used as justification for least-effort actions to recruit. Furthermore, the college shall seek actively to provide employment for females and blacks in key positions which offer opportunities for advancement. Position descriptions and job classifications are written to ensure that females and blacks are not disadvantaged.

Recruitment practices shall be designed so that Nashville State can identify and employ females and blacks. Sources of recruitment shall be developed and maintained by the Director of Human Resources/Affirmative Action in conjunction with the vice presidents. All advertisements and notices of openings shall include a statement of Nashville State's Affirmative Action/Equal Opportunity Policy.

Nashville State is an equal opportunity employer whose applicants are selected on the basis of qualifications judged by proper standards and criteria, including skill, ability, education, knowledge, experience, training, and character. Applications for employment shall conform to all applicable state and federal laws and guidelines. Interviewing and testing, where applicable, shall be the same for all applicants. Irrelevant considerations, such as marital status and parenthood, shall not be used in employment consideration and decisions. Applicants shall not be discriminated against because work experience includes part-time employment. In accordance with the Steps For Hiring Process established in this plan, when the college is underutilized in any EEO category, hiring supervisors are required to interview at least two blacks and/or females who meet the minimum qualifications from the underutilized group.

Permanent Positions

Vacant positions may be filled through transfer, promotion, or an internal/external search. Permanent positions are advertised in-house for five (5) working days prior to beginning an outside search. In cases where no internal candidates are anticipated, positions may be advertised simultaneously (internally/externally).

All regular part-time and full-time professional-level faculty (EEO2) and staff (EEO1, Executive/Administrative/Managerial and EEO3, Professional/Non-Faculty) positions shall be filled through a search conducted by a search committee, comprised of three to five persons, depending on the position. The President, vice presidents and Director of Human Resources/Affirmative Action may serve on or observe the activity of search committees at any time. **Search committees will not be required for classified and hourly positions.**

Temporary Positions

A temporary pool of applications is maintained in the Office of Human Resources for temporary positions. All temporary positions shall be filled in accordance with affirmative action principles. Policies and practices for temporary employment shall be designed to ensure that females and blacks are not underemployed in temporary positions. Advertising for all temporary positions shall be as extensive as reasonably possible.

Compensation, Benefits and Promotions

Compensation, benefits and promotions shall be granted on a nondiscriminatory basis. Temporary and part-time employees shall receive just remuneration without regard to their race or sex. All existing pay scales and salary schedules shall be available from the Office of Human Resources.

A basic data file shall be maintained on each academic and non-academic employee, including name, sex, race, age, date of first employment, years of previous experience, rank or job title at appointment, dates of promotions and subsequent rank or job title, present and past employment status (full-time, part-time, tenured, non-tenured), level of education or training, and unit or department within the college where employed. The Director of Human Resources/Affirmative Action examines these files in detail periodically to determine whether any discrimination exists among females, as a group or as individuals, or against blacks, as a group or as individuals, relative to compensation, benefits, and promotions, with respect to the Equal Pay Act.

Future Plans

One of the major challenges to Nashville State and other higher education institutions in the future will be the ability to generate the resources and commitment needed to make higher education more responsive to the needs and the rights of blacks and females, among others. The task of providing equal representation in employment and education is a difficult undertaking. The fact remains, however, that as long as the number of protected class applicants is proportionately less than market demands for their talents, the possibility for significantly altering patterns of representation in higher education workforces will be minimal. Despite these obvious difficulties, Nashville State will continue to promote policies and actions which are directed toward enlarging the pool of candidates from protected classes and to increase their representation at all levels of the organizational structure. Careful monitoring of advertising plans and acceptable applicant pools will be observed. As directed by the Tennessee Board of Regents, direct contact will be made with females, blacks, and other minority organizations for vacancies in areas which show underutilization. Additionally, the college will follow TBR rules and regulations as set forth in the *Geier Consent Decree*.

Conditions

All employees shall be treated equally with regard to working conditions, job classifications or assignments, work hours, committee responsibilities, office space and equipment, secretarial assistance, parking, annual and sick leave, etc. Care shall be taken to ensure that females and blacks are not appointed automatically to lower ranks or at a lower level of responsibility. Demotions, layoffs, recalls following layoffs, and transfers and promotions shall be made on a nondiscriminatory basis in accordance with the college's affirmative action policies.

FACILITIES AND ACTIVITIES

All facilities shall be open to all persons without regard to sex or minority status, except where separation of the sexes protects the right of privacy in facilities. Equal access to all facilities shall be ensured. All employees and students shall have equal opportunity for participation in educational programs of all kinds. Equal opportunity in the allotment of funding for all programs and the facilities that support them shall be ensured for females and blacks.

Stereotyping or ridiculing a person on the basis of sex or minority identity is strictly against Nashville State's policies and regulations. Sex-role and racial stereotyping are to be avoided by all employees of the college. The changing role of females and blacks shall be affirmed and supported. Such affirmation and support shall by no means be understood to limit the academic freedom to criticize social ideologies.

POLICIES AND PROCEDURES AFFECTING STUDENTS

All applicants for admission to Nashville State shall be processed according to affirmative action guidelines. Nashville State, through the Office of Admissions, shall continue to pursue a policy of positive and vigorous recruitment of black students in order to create a more diverse student population. All admissions policies, procedures, tests, and printed materials shall be reviewed continuously for cultural or sexual bias by the Vice President for Academic Affairs and the Director of Human Resources/Affirmative Action. The process/procedure for awarding financial aid shall be equitable for all groups, regardless of age, sex or minority status.

Equal access shall be assured for enrollment in all courses and participation in all activities. Supportive educational services shall be provided to help all students achieve academic success. Student political, religious and minority organizations, e.g., Black Student Organization, International Student Association, shall be encouraged and diversity shall be promoted. Student employment shall not exclude or discriminate against any student. Special efforts to increase minority opportunities shall be the responsibility of **each** supervisor. Work-study appointments shall not be discriminatory.

Academic and career advising, shall be provided on a nondiscriminatory basis and shall be responsive to the special needs of female and black students. Counselors of both sexes shall be available. Placement services shall be provided in a manner which ensures equal opportunity for placement and employment. Female and black students shall not be discouraged from applying for and interviewing for positions because of sex or minority status.

CONSTRUCTION, SUBCONTRACTING AND PURCHASING

Nashville State shall continue its established program of requiring all contractors to provide employment to any qualified worker without regard to race, color, national origin, sex and age. Further, proof shall be required from contractors indicating that they are, in fact, equal opportunity employers. All subcontractors on college contracts and all suppliers of materials shall be notified of Nashville State's policy of nondiscrimination.

PROCEDURES FOR ENSURING COMPLIANCE

In an effort to comply with the principles of affirmative action and equal employment opportunity, Nashville State has established Steps for Hiring process as its procedure for hiring (see Appendix).

GRIEVANCE COMMITTEE

Consistent with the institutional grievance policy and procedures, the President shall determine the details of the committee such as appointment, committee membership, the term of committee members, etc. The committee appointment process shall allow for peer representation, taking into account the legal distinctions between faculty and non-faculty. The college will develop a pool of committee members. The President may then select a committee from that pool in order to hear an individual grievance.

The Grievance Committee shall be responsible for providing fair and prompt hearings of any grievance that is referred to it as outlined in Nashville State's Employee Grievance and Complaint Procedures.

EMPLOYEE GRIEVANCE AND COMPLAINT PROCEDURES

It is the policy of Nashville State to provide an effective process for the resolution of problems arising from the employment relationship or environment. To this end, a formal grievance and complaint procedure has been established for the use and benefit of all employees.

The Employee Grievance and Complaint Procedures are available in the Office of the President, each vice president's office, the Office of Human Resources, and in the <u>Faculty and Staff Handbook</u> located in Outlook public folders (see Appendix) and on the college's website. The purpose of the procedures is to provide a clear, orderly and effective method through which all employees of Nashville State may process bona fide grievances and complaints.

COURTESY TITLES

Courtesy titles (i.e., Mr., Mrs., Ms., Miss) will be used by staff to address beneficiaries without regard to race, color, or national origin in all communications.

HARASSMENT - SEXUAL OR RACIAL

Harassment in any form will not be tolerated at Nashville State. To that end, Nashville State follows as its policy, TBR Guideline P-080 (see Appendix).

AFFIRMATIVE ACTION POLICY FOR PERSONS WITH DISABILITIES AND VIETNAM ERA VETERANS

STATEMENT OF POLICY

It is the policy and the intent of Nashville State to provide equal opportunity in employment to all persons as provided in the equal employment opportunity policy. Nashville State hereby emphasizes its commitment to equal opportunities for applicants and employees with disabilities, including disabled veterans and Vietnam Era Veterans, and provides a program of affirmative action to ensure equal employment opportunity for such persons. It is the policy of Nashville State to make reasonable accommodations to applicants and employees with physical and mental disabilities throughout the personnel process. Applicants and/or employees who require ADA accommodations should contact the ADA coordinator. They will be required to complete an Employee ADA Self-Disclosure/Accommodations Request form; provide a Certification of Physicians Statement, along with a copy of their current job description, to their treating physician; the treating physician should review their job description prior to completing the physicians statement and mail the completed statement directly back to the ADA Coordinator. The extent of reasonable accommodation will be determined by consideration of efficient operation of the organization and feasible financial costs, as well as the needs of each individual employee or prospective employee with a disability. This policy applies to all phases of the personnel process, including recruitment, hiring, placement, promotion, demotion, transfer, training, compensation, all other employment terms, conditions and benefits, discipline and separation; and the policy applies to all locations of and within the college and to the use of all of its facilities.

To implement the declaration of policy herein, the college commits to the following measures:

- 1. Whenever physical or mental job qualification requirements are applied in the selection of employees for change in employment status such as promotion, demotion or training to the extent that qualification requirements tend to screen out qualified disabled veterans or qualified individuals with disabilities, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job.
- 2. Whenever inquiry is made into an applicant's or employee's physical or mental condition, or a medical examination is required prior to employment or change in employment status, information obtained in response to such inquiries or examination shall be provided by the individual on a self-disclosure basis and kept confidential except that:
 - (a) Supervisors and managers may be informed regarding restrictions in the work or the duties of disabled veterans and individuals with disabilities and regarding necessary accommodations.
 - (b) First aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and
 - (c) Government officials investigating compliance with the laws shall be informed.
- 3. Reasonable accommodation will be made to the physical and the mental limitations of disabled veterans or other employees with disabilities, unless it can be demonstrated through their physicians that such an accommodation is either not necessary or would impose an undue hardship on the

conduct of business. In cases where a request for an accommodation is deemed to be unreasonable, the college may offer an alternative accommodation.

- 4. In offering employment or promotions to disabled veterans, veterans of the Vietnam Era or other individuals with disabilities, the amount of compensation offered will not be reduced because of any disability income, pension or other benefit the applicant or employee may receive from another source.
- 5. Meaningful contacts will be established with appropriate veterans service organizations for such purposes as advice, technical assistance and referral of potential employees.

In addition, each year employees shall have the opportunity to self-disclose their disability and/or veteran status. This policy will be widely disseminated inside the college. Further, the college will consider, through designated grievance procedures, the complaints of any person who feels that she or he has been discriminated against on the basis of disability or veteran status.

Responsibility for implementation and compliance of the policy has been delegated to the college's Director of Human Resources/Affirmative Action, who also serves as the ADA Coordinator. A copy of the Affirmative Action Plan, including specific responsibilities and provisions for implementation, will be made available to any employee who makes a request and is available in the Affirmative Action folder in Outlook public folders.

DISSEMINATION OF POLICY

Nashville State will make known the existence of this information for the employment of persons as follows:

- 1. Publicize the information at least annually in the Affirmative Action Plan.
- 2. Conduct meetings as requested with executive and supervisory personnel to explain the intent of the policy and the individual responsible for effective implementation.
- 3. Schedule departmental meetings, as needed, to discuss the policy and to explain individual employee responsibilities.
- 4. Discuss the information thoroughly in employee orientation and training programs.
- 5. Post the policy on bulletin boards.

The statement of equal opportunity will be disseminated outside the college in the following manner:

- 1. Information will be publicized to recruiting sources including the State Employment Agency, which is a source of locating qualified veterans and individuals with disabilities.
- 2. Subcontractors and suppliers will be notified of the college's purchasing responsibility.

RESPONSIBILITY FOR IMPLEMENTATION OF POLICY

Responsibility for overall development, implementation, coordination, and monitoring of academic and non-academic affirmative action programs rests with the President. He has appointed a Director of Human Resources/Affirmative Action for all employees. He has delegated to the Director of Human Resources/Affirmative Action the responsibility to represent him in matters assuring that the college, through the vice presidents and the Office of Human Resources, is meeting its obligations.

Responsibilities for the affirmative action program for employees with disabilities and veterans include, but are not limited to, the following:

- 1. Developing policy statements and internal and external communication techniques. This shall include advising supervisors that their work performance is being evaluated on the basis of the affirmative action efforts and results, as well as other criteria, and that the college is obligated to prevent harassment of employees placed through affirmative action efforts.
- 2. Identifying problem areas. Designing and implementing monitoring and reporting systems to measure the effectiveness of the program and to indicate need for remedial action.
- 3. Serve as liaison between the college and the OFCCP and DOL. Serve as liaison between the college and organizations of and for persons with disabilities and veterans.
- 4. Review job descriptions to ensure that any mental or physical qualifications that are required by the job are consistent with business necessity and safe job performance.
- 5. Evaluate the total selection process to ensure freedom from stereotyping persons with disabilities, disabled veterans, and Vietnam Era Veterans in ways that deny them access to employment.
- 6. Receive complaints of discrimination or harassment and implement appropriate grievance procedures.
- 7. Arrange for career counseling of employees with known disabilities.
- 8. Encourage utilization of all available resources to continue or to establish on-the-job training programs.

STATISTICAL DATA

ORGANIZATIONAL CHART