

**OKLAHOMA STATE BANKING DEPARTMENT
FISCAL YEAR 2012 POLICY STATEMENT
ON EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION**

Consistent with federal and state laws and guidelines established for equal employment opportunity and affirmative action, I would like to affirm my continuing policy to provide equal employment and advancement opportunity in all job classifications of this agency without regard to race, color, religion, gender, national origin, age, political affiliation or opinion, or disability so long as the disability does not render the person unable to perform the essential job functions for which employed.

The principles of equal employment opportunity apply to all employment practices and personnel actions throughout the agency, including recruiting, hiring, promotions, demotions, separations, training, transfers, layoffs (RIF), recall, compensation, benefits and all other terms and conditions of employment. I want to remind each employee that all personnel actions as well as all decisions relating to employment practices are to be made in accordance with the spirit of equal employment opportunity for all.

We have developed an affirmative action plan to help us achieve our goal of equal employment opportunity for all. Dudley Gilbert (Assistant Deputy Commissioner) and Regina Rainey (Administrative Assistant) located in Oklahoma City, Oklahoma, at (405) 521-2782 have been delegated the responsibility of assisting with the implementation of the plan, including monitoring and evaluating our progress and reporting the results to me.

Affirmative Action and Equal Employment problems are the responsibility of the Commissioner, and all grievance problems are to be reported to the Assistant Deputy Commissioner, Dudley Gilbert, who also serves as the Equal Employment Opportunity/Affirmative Action Officer (EEO/AA Officer) for this agency. He will report any problems to me. The EEO/AA Officer is available to any employee having questions or needing assistance in regards to affirmative action or equal employment opportunity.

My personal commitment to this policy is complete. I accept overall responsibility for equal employment opportunity and affirmative action within this agency. I expect each and every employee to perform his/her duties and responsibilities in a manner that will demonstrate this agency's firm commitment in this most important area.



Signature of Appointing Authority

Mick Thompson, Commissioner
Appointing Authority's Name and Title

8-24-2011
Date

POLICY AGAINST SEXUAL HARASSMENT

It is the policy of the Oklahoma State Banking Department not to discriminate in any of its employment practices on the basis of race, color, religion, gender, age, national origin, political affiliation or opinion, marital status, or disability so long as the disability does not render the employee unable to perform the essential job functions for which employed. Any form of unlawful discrimination to which this policy applies is a very serious matter and will not be tolerated.

Sexual harassment is a form of unlawful discrimination based on sex. In some circumstances, it may violate other laws (e.g. criminal assault). Such behavior is prohibited by the Civil Rights Act of 1965, by the regulatory guidelines of the Equal Employment Opportunity Commission, by applicable state law, the State Merit Rules of Employment, and by this Policy. Conduct prohibited by this policy includes, but is not limited to:

- Unwelcome sexual flirtation;
- Advances or propositions for sexual activity;
- Continued or repeated verbal abuse of a sexual nature, such as suggestive comments and sexually explicit jokes;
- Sexually degrading language to describe an individual;
- Remarks of a sexual nature to describe a person's body or clothing;
- Display of sexually demeaning objects and pictures;
- Offensive physical contact, such as unwelcome touching, pinching, or brushing the body;
- Coerced sexual intercourse;
- Sexual assault.

Such conduct is unlawful discrimination based on sex when submission to such conduct is explicitly or implicitly a requirement of the individual's employment, OR used as a basis for any employment-related decision concerning that individual, OR when such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual Harassment by **any** employee of another will not be condoned or tolerated in the State Banking Department. Employees are absolutely prohibited from engaging in sexual harassing behavior. Furthermore, any supervisory employee, employee with authority for personnel matters, or other agent or officer of this agency who knows or should have known that an employee of this agency is being subjected to sexual harassment must either take immediate corrective action or report the facts to the Deputy Commissioner, the EEO/AA Officer, or to me. *All employees have a duty to immediately report sexual harassment to a supervisor, the Deputy Commissioner, the EEO/AA Officer, or directly to me.*

Appropriate disciplinary measures will be taken against any employee who causes, engages in, encourages, condones, or otherwise permits unlawful sexual harassment, and against any

designated supervisory or other responsible employees who fail to take corrective action as provided above. Such conduct may be grounds for disciplinary action, up to and including termination of employment with this agency.

Any employee who believes that he or she has been the victim of sexual harassment MUST complain about such behavior to any one of the following designated individuals:


**Commissioner,
Deputy Commissioner,
EEO/AA Officer, or
Regional Examiner**

Failure to give notice to one of these appropriate individuals will mean that the Department and its administration are unaware of the alleged harassment and are unable to address the harassment and prevent future harassment.

If the behavior that is the subject of the complaint is being committed by one of the designated individuals to whom notice may be given, the complaint need not be made to such individual, but may be made to any or all of the other designated individuals. All complaints will be held strictly confidential and will be investigated immediately. In order to begin an investigation and correct the harassing behavior, notice MUST be given to one of the designated individuals listed above.

An employee attempting to penalize or retaliate against another employee for filing a complaint, reporting an incident of sexual harassment, or cooperating with an investigation of alleged sexual harassment shall be subject to disciplinary action, up to and including termination of employment.

It is the responsibility of all employees in this agency, supervisory and non supervisory, to adhere to this policy and to use all reasonable efforts to further its goals and spirit.



Signature of Appointing Authority

Mick Thompson, Commissioner

Appointing Authority's Name and Title

8-24-2011

Date

AFFIRMATIVE ACTION EQUAL EMPLOYMENT POLICY

Affirmative Action Principle

Personnel of the Department shall demonstrate a personal awareness and commitment toward affirmative action through specified operational behaviors.

This Department will follow an objective course of action to arrive at an equitable vertical distribution of affected groups at all levels within the organization. All management will be held accountable for the implementation of affirmative action and for assuring equal employment opportunity in all personnel decisions.

Affirmative Action Objective

The Department will maintain practices of an affirmative nature which will increase the vertical and lateral distribution of affected groups throughout the Department by the attainment of an overall staffing profile reflecting quantity of total affected groups employed which are at least equal to their availability in the labor force. The Department will:

- 1) Pursue such affirmative actions as are necessary to ensure that its services are provided on a nondiscriminatory basis.
- 2) Assure that all Department employees have an understanding of the meaning and implication of EEO laws, Executive Orders, and the Department's Affirmative Action Policy.
- 3) Implement a review of personnel actions in accordance with uniform selection guidelines in a manner which will identify the personnel policies and procedures needed in order to be in compliance with these guidelines.
- 4) Pursue such affirmative actions as are necessary to assure that Department employees in the affected classes receive task assignment and training which will provide the opportunity to develop skills to prepare them for administrative positions.

Responsibility for Plan Implementation

The Commissioner has overall responsibility for equal employment opportunity and affirmative action for the Oklahoma State Banking Department. The Commissioner has appointed an Assistant Deputy Commissioner to serve as the Department's EEO/AA Officer.

Duties and responsibilities of the Commissioner include, but are not limited to, the following:

- If the Commissioner determines there is a need to hire additional staff, he will review the agency's budget for available funds and request hiring approval from the proper authority.
- Consistent with the State Banking Department's Policy Statement on Equal Employment Opportunity/Affirmative Action, the Commissioner will provide equal employment and advancement opportunity in all job classifications of this agency without regard to political or religious opinion or affiliation, race, creed, gender, age, color, national origin,

or disability.

- The Commissioner will consider all qualified applicants.

Duties and responsibilities of the State Banking Department's EEO/AA Officer shall include, but are not limited to, the following:

- Develop policy statements, affirmative action programs, and internal and external communications.
- Assist in identifying problem areas and effecting solutions to problems.
- Measure the effectiveness of the agency's affirmative action program.
- Indicate remedial action needed to correct deficiencies.
- Determine the degree to which the agency's goals and objectives have been attained.
- Serve as liaison between the agency and the various state and federal compliance agencies.
- Serve as the agency's outreach and referral resource for minority organizations, women's organizations, organizations for persons with disabilities and older persons, and community action groups concerned with employment opportunities for minorities, women, people with disabilities, and older persons.
- Investigate discrimination complaints and draft recommendations for resolution of discrimination complaints.
- Keep the agency's organizational levels informed of developments in the EEO/AA area.
- Inspect the agency's various worksites to ensure that EEO information is being disseminated and prominently displayed when appropriate.
- Monitor agency personnel practices to ensure that no discriminatory practices exist.
- Perform a periodic review of the agency's training and personnel policies and hiring and promotion patterns to identify any impediments to the attainment of goals and objectives.
- Review the qualifications of all employees to insure that minorities and women are given full opportunities for promotions.
- Perform a periodic review of agency facilities and activities to insure that minorities and female employees are afforded a full opportunity to participate in agency-sponsored education, training, and events.

Supervisors of the State Banking Department consist of the Deputy Commissioner, Assistant Deputy Commissioners, Director of Administration, and Regional Examiners.

Responsibilities of the agency's supervisors regarding the EEO/AA program include:

- Assist in the identification of problem areas and establishment of goals and objectives.
- Conduct at least one PMP counseling coaching session each year for each employee as well as a year-end performance evaluation to ensure every employee has full access to opportunities for career progression.
- Monitor training programs to eliminate any impediments to goal attainment. Recommend employees for training to ensure they have full access to opportunities for career progression.
- Assist in monitoring hiring and promotion patterns to eliminate any impediments to goal

attainment. All final hiring decisions are made by the Commissioner but not without a favorable recommendation from the supervisor(s).

- Attend scheduled staff meetings and quarterly Department “all staff” meetings. Changes or updates to EEO/affirmative action programs or policies are communicated by the Commissioner or the EEO/AA Officer during staff meetings.
- Pursue involvement with organizations that work with or on the behalf of minorities, women, people with disabilities, and older persons, as well as community-based agencies and leaders.

Duties and responsibilities of the Director of Administration include, but are not limited to, the following:

- In the event a vacancy should occur, the Director of Administration will seek to encourage minority applicants by taking such steps as distributing position vacancy notices to minority organizations, women’s organizations, organizations for persons with disabilities and older persons, and community action groups concerned with employment opportunities for minorities, women, people with disabilities, and older persons. Examples include, but are not limited to, notifying minority organizations such as the Urban League and posting vacancy notices in the Black Chronicle Newspaper and with the Oklahoma State Office of Personnel Management.

A copy of the agency’s EEO/AA plan is included in every employee’s personnel manual and is available via the sources outlined in the “Dissemination of Affirmative Action Plan” section of this document. Any updates or changes to the EEO/AA plan are discussed during staff meetings and any written changes are given to employees to include in their personnel manual.

All supervisors and employees of the State Banking Department are aware of their responsibilities regarding the EEO/AA program. Responsibilities are communicated in information provided in employee personnel manuals, at staff meetings, postings on employee information boards, performance evaluations and coaching sessions, as well as agency policies. The EEO/AA plan of the State Banking Department includes information on individuals to contact to report any problems regarding discriminatory practices.

Responsibilities of all employees include:

- Apply all laws, rules, regulations, policies, and procedures fairly and impartially toward all persons, without regard to race, color, religion, gender, age, national origin, political opinion or affiliation, or disability.
- Exhibit an attitude of respect, courtesy, and cooperation toward fellow employees and the public.
- Aid supervisors in carrying out their responsibilities with regard to the EEO/AA program.
- Become familiar with the affirmative action plan and make a good-faith effort to complete assigned responsibilities as identified in the plan.

Job Structuring and Mobility

Employee personnel files contain annual performance evaluation reports and coaching sessions which address employee skills and abilities, performance of work, dependability, initiative, quality, quantity, and accuracy. Reports also contain evaluation of work relations, adaptability, aptitude, ability, willingness to learn, and personal habits. Performance evaluations are conducted annually to review overall job performance and capacity for advancement. Coaching sessions are conducted at least once a year.

Performance evaluations and coaching sessions are conducted not only to address employees' skills and abilities, but to ensure that they have full access to opportunities for career progression.

DISSEMINATION OF AFFIRMATIVE ACTION PLAN

Internal

Channels for written communications within the State Banking Department are available to inform employees of the EEO/AA policy and to periodically reaffirm the agency's commitment to equal employment opportunity and affirmative action. Initial dissemination of the EEO/AA policy is done in such a way that every employee understands his/her responsibilities in the EEO/AA program.

Methods of internal dissemination of the EEO/AA policy are: explanation of EEO/AA policy during new employee orientation; personnel guidelines manual; posting the policy on employee bulletin boards; employee memorandum; staff meetings; access via the Department network; and availability on the State Banking Department's website at www.ok.gov/banking. In addition, the Department's EEO/AA Policy is available upon request.

New employees are provided with a copy of the EEO/AA Policy located in their Personnel Manual and are briefed during orientation on agency goals, responsibilities, and implementation of the Policy. Changes or developments in EEO/AA are addressed in staff meetings or by memorandum. Copies of the Department's EEO/AA policy are available upon request.

External

A copy of the State Banking Department's EEO/AA Policy Statement is submitted to the Office of Personnel Management and is made available to any individual or organization upon request. The Policy is posted in areas of the Department that are accessible to the public and is also available on the State Banking Department's website at www.ok.gov/banking. Copies of the Department's EEO/AA Policy are available to anyone upon request.

ACCOMMODATION OF PERSONS WITH DISABILITIES

The State Banking Department complies with all provisions of the Americans with Disabilities Act and with all standards and regulations pursuant to the Act. The Banking Department office building, located at 2900 N. Lincoln Boulevard, consists of one floor and is handicap accessible.

Consistent with the policy of the State Banking Department, the employment of persons with disabilities in our work force is encouraged. The State Banking Department shall ensure that persons with disabilities are protected against unlawful discriminatory practices and that every effort is made to provide reasonable accommodations for applicants and employees with disabilities.

Qualified individuals with disabilities shall receive equal consideration in job application procedures, hiring, advancement or discharge proceedings, employee compensation, job training, and other terms, conditions, and privileges of employment.

Qualified State Banking Department clients and individuals with disabilities applying for services will have access to all services and activities offered or provided by the State Banking Department.

Employees and those seeking employment with the State Banking Department shall be considered, selected, evaluated, and/or promoted strictly on the basis of job-related criteria.

CONSIDERATION OF OLDER PERSONS

The State Banking Department is aware of federal and state laws protecting workers 40 years of age or older from arbitrary age discrimination in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment. Hiring and promotion decisions within the Department are based on ability without regard to age.

TRAINING AND RECRUITMENT

Training and recruitment are a very important part of the State Banking Department's Affirmative Action Policy in providing equal employment opportunity. The Department's Training Policy is structured so that each employee will have access to education and training allowing them the opportunity for career progression.

It is the State Banking Department's policy to ensure that age, race, gender, color, national origin, political or religious opinion or affiliation, or disability (so long as the employee is able to perform the essential job functions for which employed) are not factors in the selection or non-selection of someone for promotion or to fill a vacant position.

Education and training for examination staff are provided on the job and through various schools and seminars and is commensurate with their level of experience as outlined in the Department's

Training Policy. Examiners attend schools and seminars offered by the Conference of State Bank Supervisors, the National Association of State Credit Union Supervisors, the Federal Deposit Insurance Corporation, the Federal Reserve, the Oklahoma Bankers Association, and the Graduate School of Banking at Colorado and are funded through the Department's budget.

Administrative staff members are encouraged to attend schools and seminars offered by the same organizations mentioned above as well as classes or workshops offered by the Office of Personnel Management through HRDS. Educational opportunities are offered equally to all employees.

The State Banking Department uses several different methods to recruit new employees. Historically, administrative positions have been filled by in-house recruitment and promotion. A new hire is recruited by several different methods such as posting vacancy announcements on the Office of Personnel Management's website, sending vacancy announcements to all state agencies, interagency transfer, review of current resumes and applications on file, contacts made at career fairs, information provided by the Office of Personnel Management on minority availability, personal recommendations, and recruitment through various colleges and universities. All hiring decisions are made by the Commissioner.

EVALUATION OF PRECEDING YEARS' EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION EFFORTS

For FY 2011, the Department intended to hire three new Examiners or Examiner Trainees to include at least one qualified Black, Hispanic, or American Indian/Alaskan Native individual. Position vacancies were posted with the Office of Personnel Management as well as in the *Black Chronicle*. Upon obtaining applications from several individuals, those meeting the degree and background requirements were invited for personal interviews. Only two (2) minority applicants met the degree and background requirements for the positions – both of whom were hired.

After interviewing applicants for the job vacancies, one Examiner position (Paraprofessional Job Group classification) was offered to and accepted by the most-qualified applicant, who was a White male. The remaining two positions were offered as Examiner Trainee positions (Paraprofessional Job Group classification) and filled by two females of American Indian descent.

In an effort to increase awareness of career opportunities with the Banking Department amongst job-seeking minorities, the EEO/AA Officer and the Administrative Assistant attended the one-day 2011 Langston University Career Fair. Employment qualifications, benefits, advancement opportunities, and application procedures were discussed with Langston University students. Job Fair attendees were encouraged to visit the Banking Department and/or submit applications upon completion of their degree programs. No applications have been received from Langston University graduates since our visit.

The State Banking Department is presently operating with a staff of 42 employees. We currently do not have any announced vacancies; however, in the event a vacancy should occur during this reporting period, we will continue to pursue applications from females and minorities so they

will be included in the recruitment and interview process. We will attempt to meet this goal by distributing job vacancy notices to various minority organizations such as the Urban League and posting a vacancy notice in the Black Chronicle Newspaper as well as with the Oklahoma State Office of Personnel Management.

Although not indicated in the statistical analysis of the State Banking Department personnel, it is important to note that 90% of the agency's full-time staff members (38 out of 42 employees) are 40 years of age or older and that at least 16% (seven out of 42) have disabilities.

IDENTIFICATION AND ANALYSIS OF PROBLEM AREAS

The State Banking Department recognizes underutilization of minorities and females. A review of the Agency's "Evaluation of Previous EEO Efforts" for the past three years shows that out of seven new hires, four positions were filled by females – two of whom are American Indian – and one by a Black male.

To eliminate its underutilization, the Department intends to take the following actions:

- Should a vacancy occur, we will seek to ensure minorities and women are in the hiring pool through actions such as distributing position vacancy announcements to minority and women's organizations and pursuing applicants through the Office of Personnel Management;
- All qualified applicants will be considered;
- Consistent with this plan, the most-qualified applicant will be hired without regard to race, color, religion, gender, national origin, age, political affiliation or opinion, or disability so long as the disability does not render the person unable to do the work for which employed.

Expected Goals

It is the goal of the Department to receive more minority applications when a vacancy occurs. More minority applicants will help the Department move closer to an equitable utilization of minorities while maintaining the standard of proficiency and experience currently required for employment.

Potential Barriers / Drawbacks

The Oklahoma State Banking Department often hires individuals who possess both (1) the higher education degree requirement and (2) work experience within the banking industry. A potential barrier to our minority recruitment efforts could be the limited number of minority individuals with banking industry work experience. For example, of the 168 state-chartered banks and 21 state-chartered credit unions regulated by the Department, only 2 institutions have African American management personnel. To overcome this barrier, our last hiring of a minority in the professional category was based on a direct referral from an outside party in addition to posting notices of the position vacancy.

Timetable

The Department has had very little employee turnover during the last decade. When an opening has occurred in the professional category, it has often been filled by a former employee who had left to work in the banking industry. This scarcity of hiring opportunities is not expected to change in the foreseeable future. However, in the event that a vacancy should occur, we will implement the actions and procedures set forth above and in our 2011 Policy Statement on Equal Employment Opportunity / Affirmative Action and this Supplemental Recruitment Plan.

Responsibility for Plan Implementation

The Commissioner has overall responsibility for equal employment opportunity and affirmative action for the Oklahoma State Banking Department. The Commissioner has assigned the Department's EEO/AA Officer, agency supervisors, and Director of Administration to assist in the implementation of the action items described above. These individuals' duties with respect to implementing the action items are described on pages 4, 5, and 6 of this plan.