

GLOSSARY OF TERMS AND CONCEPTS

Ability – A present competence to perform an observable behavior or a behavior which results in an observable product.

Accessibility – The extent to which a facility is readily approachable and usable by individuals with disabilities, particularly such areas as the personnel office, worksite and public areas.

Accommodation – See “Reasonable Accommodation.”

Action Item – Specific activity initiated to achieve an objective.

Adaptive Device – Any tool or implement which facilitates greater efficiency by an individual with a disability in the performance of duties.

Adverse Impact – Adverse impact, exists where “ a substantially different rate of selection in hiring, promotions or other employment decisions works to the disadvantage of members of a protected group.” An “inference of adverse impact” occurs in the absence of such data and is determined by calculating the extent of a group’s representation or utilization in a given occupation based on the availability of its members in the relevant labor market.

Affected Group (or Class) – Any group in the population shown to suffer the effects of past or present discrimination.

Affirmative Action – In employment, deliberate and narrowly tailored, specific actions in recruitment, hiring, promotions and other areas which are designed to correct and eliminate the effects of discrimination.

Affirmative Action File – A file maintained by an agency to document affirmative action efforts.

Affirmative Action Officer – An individual in the agency who has primary responsibility for development and maintenance of the agency’s affirmative action plan.

Affirmative Action Plan – A written program in which an employer details the steps it will take, and has already taken, to ensure equal employment opportunity.

Affirmative Action Program – Generally used interchangeably with affirmative action plan. A distinction, however, is sometimes made between a “plan” (the undertaking on paper) and a “program” (the actual efforts).

American Indian/Alaskan Native – All persons having origins in any of the original peoples of North America who maintain cultural identification through tribal affiliation or community recognition.

Americans with Disabilities Act (ADA) – Prohibits discrimination against persons with disabilities in employment, government programs, public accommodation, telecommunications, and transportation.

Applicant – A person who registers personal information and qualifications with the state and who applies for a specific vacancy (K.A.R. 1-2-8).

Applicant Flow Log – A chronological compilation of applicants for employment or promotion, showing the persons categorized by race, sex and ethnic group, who applied for each job title (or group of job titles requiring similar qualifications) during a specific period.

Appointing Authority – A person or group of persons empowered by the constitution, by statute, or by lawfully delegated authority to make human resource decisions that affect state service (K.A.R. 1-2-9).

Architectural Barrier – Any non-job related consideration which excludes from employment individuals otherwise capable of doing the work.

Availability Standard – A percentage figure depicting a group's availability in the relevant labor market who are qualified under valid, job-related criteria.

Back Pay – Compensation for past economic losses, such as lost wages, fringe benefits, etc, caused by discriminatory employment practices.

Barrier – Any obstacle to the realization of a person's full potential.

Bias – A settled and often prejudiced outlook.

Black (Not of Hispanic Origins) – All persons having origins in any of the black racial groups of Africa.

Bona Fide Occupational Qualification (BFOQ) – Any prerequisite which has been demonstrated valid as a qualification for employment.

Burden of Proof – In discrimination cases, the plaintiff must show that an action, practice or policy used by the employer has an adverse impact. Once adverse effect is shown, the burden of proof shifts to the employer who must show that the action, practice or policy is job related.

Business Necessity – Under the Uniform Guidelines on Employee Selection Procedures: “Necessary to the safe and efficient operation of the business, that it effectively carries out the purpose it is suppose to serve and that there are no alternative policies or practices which would better or equally well serve the same purpose with less discriminatory impact”.

Career path – A career path identifies optimum alternative paths of employee progression to positions requiring successively higher levels of skill and the consequent promotional opportunities (K.A.R. 1-2-15).

Chilling Effect – Maintenance by an employer of a work environment or a system of employment practices, the effect of which is to discourage minorities, women or persons with disabilities from seeking employment or advancement.

Civilian Labor Force – Persons 16 years of age or over, excluding those in the Armed Forces, who are employed or seeking employment.

Civil Rights – Rights protected by the U.S. Constitution and various statutes which prohibit discrimination in employment, education, housing, voting, public accommodations and other matters.

Classified Service – All positions in the state service except those which are specifically placed in the unclassified service by K.S.A. 75-2935, as amended, or other sections of the statutes (K.A.R. 1-2-19).

Community Outreach – Activities designed to contact appropriate community groups and persons for the purpose of recruitment.

Compliance – Adherence to laws, court decisions, regulations, executive orders and other legal mandates governing affirmative action and equal employment opportunity.

Concentration – A higher representation of a group of persons in a job category that would reasonably be expected by their presence in the civilian labor force.

Conditions of Employment – This includes, but not limited to, salaries, wages, hours of work, vacation allowances, sick and injury leave, number of holidays, retirement benefits, insurance benefits, prepaid legal service benefits, wearing apparel, premium pay for overtime, shift differential pay, jury duty and grievance procedures.

Congenital Disability – Describes a disability that has existed since birth but is not necessarily hereditary.

Constructive Discharge – An employee’s involuntary resignation resulting from the employer making working conditions for the employee so intolerable that a reasonable person would have felt compelled to resign. An enforcement agency will assert that an employee was constructively discharged where it finds that (1) a reasonable person in the

employee's position would have found the working conditions intolerable; (2) the employer's conduct which constituted the violation against the employee created the intolerable working conditions; and (3) the employee's involuntary resignation resulted from the intolerable working conditions.

Developmental Disability – Any mental and/or physical disability that has an onset before age 22 and may continue indefinitely.

Direct Threat – A significant risk; a high probability of substantial harm to the health or safety of the employee or others.

Disabled Veteran – Any person who separated from the armed services under honorable conditions and has a disability certified by the United States Department of Veterans Affairs as being service connected, has been issued the Purple Heart by the United States government or has been released from active service with a service-connected disability (K.S.A. 75-2955)

Disability – With respect to an individual: (a) a physical or mental impairment that substantially limits one or more major life activities; (b) a record of such an impairment; (c) or being regarded as having such an impairment.

Disadvantaged – A descriptive term referring to those individuals whose access to the benefits of society is severely restricted.

Discrimination – The effect of policies, procedures attitudes and practices which deny equal access and equal opportunities to certain groups of individuals.

Disparate Effect – The tendency for a test, job qualifications or other employment practice to screen out or otherwise limit the employment opportunities of a certain group at a greater rate than others. Also called “adverse effect” or adverse impact”.

Disparate Treatment – Unequal treatment in employment opportunities because of one's race, color, religion, sex, age, ancestry, national origin, disability or veteran's status. Also called “differential treatment”.

EEO-1 Report – An annual report filed with the Joint Reporting Committee by certain employers subject to the Executive Order or to Title VII of the Civil Rights Act of 1964, as amended. This report details the sex and race/ethnic composition of an employer's workforce by job category.

EEO-2 Report – The Equal Employment Opportunity Apprenticeship Information Report: A chronological list of names of all persons who have applied to an apprenticeship program. The information needed to fill out the report must be kept by the apprenticeship sponsor; however, the EEOC no longer requires the filing of EEO-2 reports.

EEO-3 Report – The Equal Employment Opportunity Labor Union Report: A report filed by labor unions. This report is filed with the EEOC Survey Branch and contains information on the sex and race/ethnic composition of union membership and referrals for employment.

EEO-4 Report – The Equal Employment Information Report (EEO-4): A report filed by state and local governments with the State and Local Reporting Committee. This report sets forth the sex and race/ethnic composition of the workforce by job category and annual salary. Frequency of reporting for political jurisdictions varies with their number of full-time employees.

EEO-5 Report – The Equal Employment Opportunity Elementary-Secondary Staff Information Report (EEO-5): A report filed with the School Reporting Committee. This report details the sex and race/ethnic composition, by job category, of elementary and secondary school staffs. Frequency of reporting for school districts varies with their number of pupils.

EEO-6 Report – The Equal Employment Opportunity Higher Education Staff Information Report (EEO-6): A report filed with the Higher Education Reporting Committee by colleges and universities. It details by job category and salary the sex and race/ethnic composition of their faculty and staffs.

EEO-4 Category – Any of the categories designated by EEOC Form 164:

- A – Officials/Administrators
- B – Professionals
- C – Technicians
- D – Protective Services, Sworn
- E – Protective Services, Non-Sworn
- F – Administrative Support (including Clerical and Sales)
- G – Skilled Craft
- H – Service/Maintenance

Employed – Under criteria established by the Bureau of the Census and the U.S. Department of Commerce, all civilians 16 years old and who were either : (a) “at work”, meaning those who did any work at all during the reference week as paid employees or in their business or profession, or on their farm, or who worked 15 hours or more as unpaid workers on a family farm or in a family business; or (b) “with a job but not at work,” meaning those who did not work during the reference week but had jobs or businesses from which they were temporarily absent due to illness, bad weather, industrial dispute, vacation, or other personal reasons. Generally excluded from the category of employed are persons whose only activity consisted of unpaid work around the house or volunteer work for religious, charitable, and similar organizations, or person on layoff.

Employment at Will – The traditional common law doctrine that, absent prior agreement to the contrary, an employer may discharge an employee anytime for any reason except for illegal reasons e.g., an employer’s exercise of this power may be restricted by collective bargaining or other agreement or by specific statutes, including those

prohibiting discrimination on the basis of race, sex or other factors. In some states, courts have imposed additional limits on employment at will by allowing claims for “wrongful discharge” in certain circumstances.

Equal Employment Opportunity - The right of all persons to work and to advance on the basis of merit and ability without regard to race, color, religion, sex, national origin, age, disability, veteran’s status or other factors which cannot lawfully be the basis for employment actions.

Equal Employment Opportunity Commission (EEOC) – The federal agency that enforces Title VII of the Civil Rights Act of 1964, as amended, and other federal civil rights laws.

Essential Function – The fundamental job duties of a position that must be performed with or without an accommodation.

Facially Neutral Selection Standard/Criteria – A criterion/process is facially neutral if it does not make any reference to a prohibited factor and is equally applicable to everyone regardless of race, gender or ethnicity; i.e., is not discriminatory on its face.

Formal Training – A structured program to develop an individual’s job related skills and abilities. Typically classroom training as well as on-the-job training fall into this category.

Fringe Benefits – Compensation for employment other than wages or salary, including, for example, annual and sick leave, medical insurance, life insurance, retirement benefits, profit sharing, bonus points, etc.

Front Pay – Compensation for estimated future economic loss; generally calculated based on the difference between the discrimination victim’s current pay (or for a rejected applicant, the pay he/she should have received) and the pay associated with his/her rightful place. Front pay runs from the time of the settlement (e.g. Conciliation Agreement), hearing or administrative or court order to a certain time in the future set by the settlement, hearing or administrative or court order (usually when the victim attains his/her rightful place) set by the settlement, hearing or court order.

FTE (Full-time Equivalency) – For affirmative action plan purposes, only positions occupied by an employee designated as “A” (active) in the SHARP system are used to calculate FTE. The percent of time worked is based on a standard of 100% or 1.0. For example, an employee who is working 60% and employee who is working 40% of the time would equal 100% or an FTE of 1.0.

Full-Time Position – Any employment position which requires 40 or more hours of work per week.

General Education Development (GED) – A certificate which is recognized by the Kansas Department of Education as being equivalent to a high school diploma.

Glass Ceiling – An artificial barrier to the advancement of women and minorities to decision-making positions.

Goal – Goals are objectives for hiring and promoting protected group members in EEO Categories to correct the lingering effects of past discrimination. Goals are flexible targets used to guide affirmative action efforts during the current plan cycle. Goals are not quotas and cannot be used to discriminate or exclude persons from employment opportunities through reverse discrimination.

Good Faith Efforts – This term refers to an employer's efforts to make all aspects of its affirmative action plan work. Designing and implementing an effective affirmative action plan requires sustained attention. The employer must analyze its employment and recruitment practices as they affect equal opportunity, identify problem areas, design and implement measures to address the problems, and monitor the effectiveness of its program, making adjustments as circumstances warrant. The basic components of good faith efforts are (1) outreach and recruitment efforts to broaden candidate pools from which selection decisions are made to include minorities and women and (2) systematic efforts to assure that selections thereafter are made without regard to race, sex, or other prohibited factors.

Governor's Trainee Program – A position established under the conditions of the Governor's Trainee Program (K.A.R. 1-6-31).

Handicap – Describes a condition or barrier imposed by society, the environment or by oneself.

Harassment – Any repeated behavior, or combination of behaviors, by one or more employees toward another employee or group of employees based on race, color, national origin, religion, sex, disability, veterans status or age and which the affected employee considers to be annoying, insulting, intimidating which causes discomfort and/or which has a detrimental effect on such employees work performance.

Hearing Disability – Hearing loss that prevents understanding of sound through the ear.

Hispanic – All persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

Immediate Labor Area – The geographic area from which employees reasonable may commute to the employer's establishment. It may include one or more contiguous cities, counties, Metropolitan Statistical Areas or parts thereof.

Inference of Adverse Impact – See "Adverse Impact".

Injunctive Relief – A court order requiring a person to perform, or to refrain from performing, a designated act. For example, injunctive relief might be sought by requiring that the employer cease from asking discriminatory questions on its job application.

Job Area – Any subunit of a workforce sector, such as a department, job group, job title, etc.

Job Analysis – A detailed analysis of the important duties, tasks, knowledge and skills which constitute a particular job.

Job Categories – The eight designated categories of the EEO-1 report: officials and managers, professionals, technicians, protective service-sworn, protective service – non sworn, administrative support, skilled craft, and service maintenance.

Job Description – A written statement detailing the duties of a particular job title.

Job Group – One or a group of jobs having similar content, wage rates and opportunities.

Kansas Human Rights Commission (KHRC) – The Kansas State agency that enforces civil right laws.

Labor Area – Geographic area used in calculating availability. The area may vary from local to nationwide.

Labor Force – As defined by the U.S. Bureau of Census: “All persons classified in the civilian labor force plus members of the Armed Forces.”

Learning Disability – A permanent condition that affects the way individuals perceive, retain and express information.

Major Life Activities – Activities that an average person can perform with little or no difficulty. Examples are walking, speaking, breathing, performing manual tasks, seeing, hearing, learning, caring for oneself, working, sitting or standing.

Make Whole Relief – Remedies for discrimination that restore the victim of discrimination to his or her rightful place, i.e. the position, both economically and in terms of employment status, that he/she would have occupied had the discrimination never taken place. Common elements of make whole relief include an award of the position the individual was wrongfully denied, back pay with interest and retroactive seniority.

Mandatory Affirmative Action – Action taken by an employer on the basis of a self-analysis to investigate and correct its employment practices in order to receive or qualify for a federal contract or grant. Also see: “Remedial and Voluntary Affirmation Action”.

Mental Disability – Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Merit Principles – The basic tenets of public personnel administration, including such concepts as open competition for entry, selection on the basis of relative knowledge, skills and abilities, advancement based on relative performance and ability, and fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, national origin, sex, ancestry, age disability or political affiliation.

Minority – For EEO official reporting purposes, the “minority” includes Blacks, Hispanics, Asian or Pacific Islanders and American Indians or Alaskan Natives.

Native Hawaiian or Other Pacific Islander – all persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. (The “Native Hawaiian” does not include individuals who are native to the State of Hawaii by virtue of being born there.) This group would also include the following Pacific Islander groups: Fijian, Kosraean, Melanesian, Micronesian, Northern Mariana Islander, Palauan, Papua, New Guinean, Ponapean, Polynesian, Solomon Islander, Tahitian, Tarawa Islander, Tokelauan, Tongan, Trukese, and Yapese.

Nepotism – No state officer or employee shall advocate, participate in or cause the employment, appointment, promotion, transfer or discipline of a member of the state officer, or employee’s household or a family member. Family member means spouse, parent, child or sibling; sibling, s denoted by the prefix “half”, parent, child or sibling, as denoted by the prefix “step”, foster child; uncle, aunt, nephew, or niece; parent or child of a preceding or subsequent generation, as denoted by the prefix of “grand” or “great”, parent, child, or sibling related by marriage as denoted by the suffix of “in-law”, household member means a person having legal residence in or living in the state officer’s or employee’s place of residence (K.S.A. 1991 Supp. 46-253; implementing K.S.A. 1991 Supp. 46-146(a), as amended by 1992 SB 533, Sec. 1: effective October 19, 1992)

Null Hypothesis (N/H) – Based on the underlying assumption that employers are hiring or have selected persons from the population of available qualified persons on a random basis, such that each person is equally likely to be selected regardless of race, sex, or ethnic identification. Operating from this assumption of random selection, it is appropriate to hypothesize that for a specific race, sex, or ethnic group within a given occupation that the proportion of workers in an agency is equal to the proportion of workers in the relevant labor market for that occupation, such that any deviation may be attributed solely to chance. In the State Affirmative Action Plan Guide for Equal Employment Opportunity, a .05 (20%) level of significance has been adopted. (Adverse impact is defined as occurring when the selection rate for a racial, sex, or ethnic group is less than four-fifths (80%) of the rate for the group with the highest selection ratio.) Thus, the null hypothesis is rejected if the probability of obtaining the observed difference, by chance, is more than 5% and an inference of underutilization is made.

Objective - A statement of a program goal which is to be accomplished through related action items.

Officials/Administrators – An EEO-4 category that encompasses occupations in which employees set broad policies, exercise overall responsibility for execution of those policies or direct individual departments of special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis.

Organizational Unit – (1) Any unit of the agency which is headed by an official who is under the direct supervision of the agency head; (2) units indicated in charts and documents filed with the Division of Budget or the Division of Personnel Services for layoff purposes, or (3) units which may be sub-divisions of larger organizational units headed by officials who are under the direct supervision of the agency head.

Parity – Generally, in EEO matters, the employment of protected group persons in various job categories at rates approximating the rates at which validly qualified members of those groups are available for employment in those job categories.

Pattern or Practice Discrimination – Employer actions constituting a pattern of conduct resulting in discriminatory treatment toward the members of a class. Pattern or practice discrimination generally is demonstrated in large measure through statistical evidence, and can be proven under either the disparate treatment or disparate impact model.

Physical Disability – Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin and endocrine.

Position – A group of duties and responsibilities, assigned or delegated by an appointing authority, requiring the services of an employee on a full-time basis or, in some cases, on a less than full-time basis (K.A.R. 1-2-59).

Position Review – The official study by the agency personnel officer or the Division of Personnel Services of the current or proposed duties and responsibilities of a position (K.A.R. 1-2-61).

Position Description – A description of the duties and responsibilities of a position, and the education, experience, knowledge, skills, and abilities necessary to perform the duties and responsibilities of the position in a satisfactory manner (K.A.R. 1-2-63).

Preferential Treatment – More favorable treatment accorded to one group because of their race, color, religion, sex, age disability, national origin or other factor not related to job performance.

Prima Facie Case – Refers to the initial burden of the complainant to show actions taken by the employer are more likely than not to be discriminatory, if such actions remain unexplained.

Probable Cause – A determination made by an enforcement agency, after an investigation of a charge of employment discrimination, that there is a basis “to believe that the charge is true.” Also known as “reasonable cause”.

Professionals – An EEO-4 category that encompasses occupations which require specialized and theoretical knowledge usually acquired through college training or work experience and other training that provides comparable knowledge.

Protected Group - Any legally recognized group that is specifically protected by statute from discrimination.

Protective Service – An EEO-4 category that encompasses those occupations in which workers are entrusted with public safety, security and protection from destructive forces.

Qualified Individual with a Disability - A person with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and who, with or without a reasonable accommodation, can perform the essential functions of the position.

Quota – In employment law, court-ordered hiring and/or promoting of specific numbers or ratios of minorities or women in positions from which a court has found they have been excluded because of unlawful discrimination.

Race Code – A descriptive term used for reference when identifying a specific ethnic group: White, Black, Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native.

Reasonable Accommodation – Making existing facilities used by employee readily accessible to and usable by individuals with disabilities; and job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials or policies; provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities (K.S.A. 44-1002(k)(1)(2)).

Reasonable Cause – See “Probable Cause”.

Recruitment (or Relevant) Area – The geographic location(s) from which an agency or organization unit draws applicants for employment.

Reinstatement – Rehiring a former permanent state employee within one year of a voluntary termination from the state into a position for which the individual meets the

required selection criteria and which is in the same or similar class as the class in which the individual had permanent status prior to termination (K.A.R. 1-2-73).

Regular Position – Any position other than a temporary position (K.A.R.1-2-70).

Relevant Labor Market – Qualified persons in the recruitment area who are available for employment.

Remedial (Ordered) Affirmative Action - Corrective action(s) deemed necessary by a court or enforcement agency to correct or overcome the effects of past discrimination. What the corrective actions consist of depends largely on the circumstances of the employer, or the discretion of the court or enforcement agency. See also “Mandatory and Voluntary Affirmative Action”.

Resignation - The voluntary termination of employment by an employee (K.A.R. 1-2-78).

Selection Procedure – Any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, physical, education and work experience requirements through structured or unstructured interviews and unscored application forms.

Separation – Severance of an employment relationship. The action to separate from employment may be taken by the employee, the employer, or both.

Selection Rate – The proportion of applicants or candidates who are hired, promoted or otherwise selected for a particular position.

Service/Maintenance – An EEO-4 category that encompasses those occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or groups of public property. Workers in this group may operate machinery.

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment.

Skill – A present, observable competence to perform a learned psychomotor act.

Skilled Craft – An EEO-4 category that encompasses those occupations in which workers perform jobs which require a special manual skill and a thorough and comprehensive knowledge of the process involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs.

Standard Deviation – A statistical measure used to describe the probability that differences between similarly situated groups (such as in selection rates, wages, etc.) occurred by chance.

Standard Occupational Classification (SOC) – This system provides a mechanism for cross-referencing and aggregating occupational-related data collected by social and economic statistical reporting programs. The classification covers all occupations in which work is performed for pay or profit and provides a coding system and nomenclature for identifying and classifying occupations. SOC classifications are the responsibility of the Office of Federal Statistical Policy and Standards.

Subjective Criteria/Procedures – Employment qualifications, selection standards or processes that require judgment in their application, such that different persons applying such criteria/procedures would not necessarily reach the same conclusion. A criterion is subjective if it is not fixed or measurable.

Sub-Unit (As in the State Affirmative Action Plan) – A group of organizational elements that together constitute an agency.

Substantially Limits – Unable to perform, or be significantly limited in the ability to perform, an activity compared to an average person in the general population.

Supervisor – An employee who (a) performs some work which is different from that of the employee's subordinates; and (b) has the responsibility to authorize or recommend in the interest of the employer a majority of the following actions:

- (1) hire, transfer, suspend, promote, demote, dismiss, discipline other employees, and address employee grievances; and
- (2) assign, direct, and conduct performance reviews of the work.

The exercise of this authority and responsibility shall not be of a merely routine or clerical nature but shall require the use of independent judgement.

Systemic Discrimination – Employment policies or practices that serve to differentiate or to perpetuate a differentiation in terms or conditions of employment of applicants or employees because of their status as members of a particular group. Such policies or practices may or may not be facially neutral, and intent to discriminate may or may not be involved. Systemic discrimination, sometimes called class discrimination or a pattern

or practice of discrimination, concerns a recurring practice or continuing policy rather than an isolated act of discrimination.

Targeted Recruiting – Any recruitment activity directed toward any person or group of persons based on race, color, religion, gender, national origin, or age that is not also equally and coincidentally directed toward all other persons.

Technicians – An EEO-4 category that encompasses those occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or equivalent on-the-job training.

Temporary Disabilities – Non-chronic disabilities of short duration that usually have little or no long-term impact. For example, broken limbs, sprains, concussions, appendicitis, common colds or influenza.

Temporary Position – A classified position which is limited to not more than 999 hours of employment in a 12 month period. A temporary position shall not affect the position limitation of an agency.

Test – any performance measure used as a basis for any employment decision.

Title VII – Normally refers to Title VII of the Civil Rights Act of 1964, as amended. Title VII generally prohibits discrimination in employment on the basis of race, color, religion, sex or national origin.

Transfer – A change by an employee from one position to another position with a close similarity of duties, essentially the same basic qualifications, and the same pay grade (K.A.R. 1-2-88).

Unclassified Service – Those positions specifically designated as unclassified by K.S.A. 75-2935, as amended, or other sections of the statutes (K.A.R. 1-2-97).

Underrepresentation (Or Underutilization) – A lower representation of a group of persons in an occupational category's workforce than would reasonably be expected by their presence in the relevant labor market.

Undue Hardship – An action that is excessively costly, extensive, substantial, disruptive or that would fundamentally alter the nature or operation of the business.

Unemployed – Under the criteria established by the Bureau of the Census of the U.S. Department of Commerce, civilians 16 years old or over are considered unemployed if they were: (a) neither "at work" nor "with a job" during the reference week; (b) looking for work during the last 4 weeks; and (c) available to accept a job. Also included as unemployed are persons who did not work at all during the reference week and were waiting to be called back to a job from which they had been laid off.

Uniform Guidelines on Employee Selection Procedures – Guidelines adopted by federal agencies to provide a uniform set of principles governing use of employee selection procedures.

Uniformly Applied – Applying employment criteria/processes in the same manner to members of a particular race, color, religion, sex or national origin group and others.

Upward Mobility – A system for training, educating or otherwise preparing employees for more responsible, higher paying positions of employment.

Utilization Analysis – An analysis conducted by an employer to determine whether minorities, women and persons with disabilities are employed in each major job category at a rate comparable to the availability of qualified minorities, women or persons with disabilities in the relevant labor market for the positions covered by each job category.

Validation – The process for establishing or determining validity of employment related testing instruments, using reliable standards.

Validity – Correctness of a measure, i.e., that it does in fact measure what it purports to measure.

Veteran of the Vietnam Era – A person who (a) served on active duty for more than 180 days, any part of which occurred between August 5, 1964 and May 7 1975 and was discharged or released therefrom with other than a dishonorable discharge; or (b) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964 and May 7, 1975.

Visual Disability – A condition in which a person has loss of vision for ordinary life purposes.

Voluntary Affirmative Action – Actions taken by an employer on the basis of a self-analysis to investigate, then correct its employment practices or practices that appear to have had a disparate impact on the employment of protected group members. The State of Kansas Affirmative Action Plan is voluntary to this extent. However, the participation of individual state agencies in the Plan is mandated by Kansas Executive Order 93-159 and K.A.R. 1-9-18. See also “Mandatory and Remedial Affirmative Action”.

White (Not of Hispanic Origins) – All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

Work Behavior – Any activity performed to achieve the objectives of the job. Work behaviors involve observable (physical) components and unobservable (mental) components. A work behavior consists of the performance of one or more tasks. Knowledge, skills and abilities are not behaviors, although they may be applied to work behaviors.

Workforce – The total FTE (see definition of FTE in this section) of all occupied positions within an agency.

Workforce Analysis – An analysis which reveals the composition of employees in a workforce by protected group status and occupational category.