



AFFIRMATIVE ACTION PLAN FOR WOMEN AND MINORITIES

Tarleton State University

State of Texas Agency Number 713

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EEO Contact: Angela Brown, MS, PHR
Affirmative Action Officer
Department of Human Resources
Box T-0510
Stephenville, Texas 76402
(254) 968-9128

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INTRODUCTION

Tarleton State University is an equal opportunity employer and educator. In support of equal opportunity, Tarleton has developed an Affirmative Action Plan (AAP) for women and minorities, which follows the topics suggested by the U.S. Labor Department Office of Federal Contract Compliance Programs (OFCCP) regulations, Title 41 C.F.R. § 60, as necessary components of an effective, result-oriented affirmative action program.

The Affirmative Action Plan for Women and Minorities is organized into interdependent sections, with each section set forth topically. For ease of accessibility, all sections are summarily listed, with page numbers, in the Table of Contents at the beginning of this document.

To ensure every employee has a clear understanding of the key terms and key laws associated with Tarleton's AAP, we have included a "Definition of Terms" section as a reference.

While this document is not considered an employment contract between Tarleton and its employees, Tarleton views the principle of equal employment opportunity as a vital element in the employment process and as a hallmark of good management.

To ensure equal employment opportunity is achieved through good faith efforts, Tarleton has established various levels of responsibility to both direct and oversee its affirmative action efforts. The Director of Human Resources, **Ms. Angela Brown**, has been designated as the Affirmative Action Officer (AAO) for Tarleton. The AAO is responsible for monitoring affirmative action efforts, providing equal opportunity training, and recommending the use of outside resources, where applicable. Individual managers and supervisors are responsible for ensuring that their employment decisions comply with principles embodied in Tarleton's Equal Employment Opportunity/Affirmative Action Statement and all applicable state law, federal law, The Texas A&M University System Policies and Regulations, and Tarleton State University Rules and Procedures. The President of this institution bears the final responsibility for ensuring that equal employment and affirmative action receive a sufficient level of attention and management support. Finally, each employee is responsible for bringing to the attention of the President, or his designee, any employment decision that he or she feels conflicts with the law.

The inclusive dates of this AAP are from January 1, 2012 through December 31, 2012.

A copy of the Affirmative Action Plan for Women and Minorities is available online at the Human Resources web site or provided in print upon request from the Department of Human Resources by calling (254) 968-9128, emailing employment@tarleton.edu, or by sending a written request to Department of Human Resources, Box T-0510, Stephenville, Texas 76402.

I. STATEMENT OF POLICY

Tarleton State University is governed by a strong commitment to equal employment opportunity and affirmative action, and this commitment is clearly expressed in its Affirmative Action Plan. It is the policy of Tarleton State University to provide employment, training, levels of compensation, transfer and promotion opportunities, demotion, layoffs, terminations, and other employment actions without regard to race, color, religion, sex, national origin, age, disability status, or status as a Protected Veteran.

Tarleton State University is committed to maintaining and improving a comprehensive program ensuring the University complies with state and federal equal employment opportunity and affirmative action guidelines. All administrators, faculty, and staff members shall commit themselves to support Tarleton's equal employment and educational admissions objectives.

In developing the affirmative action program, Tarleton State University commits to:

- Recruiting, hiring, training, and promoting persons in all job classifications without regard to their protected category, or any other non-job-related characteristic.
- Ensuring decisions regarding promotions are in accordance with equal employment opportunity requirements by imposing only valid, job-related requirements for such promotions.
- Ensuring all personnel actions relating to compensation, benefits, transfers, terminations, training, work conditions, and educational attainment are administered in a nondiscriminatory manner.
- Ensuring candidates representing all protected categories are reasonably recruited for job vacancies. Advertisements will not express a preference for applicants of a particular protected category.
- Ensuring related rules and procedures clearly include that there will be no discrimination on the basis of protected category status.

II. DESIGNATION OF RESPONSIBILITY - 41 CFR 60-2.17(a)

The President of Tarleton State University is responsible for the implementation and administration of the AAP. As the chief administrator of the AAP, the President has delegated to the vice presidents, executive directors, deans, department heads, program directors, managers, supervisors, and faculty the authority and responsibility for carrying out this plan at each corresponding level.

As specified in the Equal Employment Opportunity/Affirmative Action Statement, the Affirmative Action Officer (AAO) is charged with the administrative responsibility for ensuring compliance in both faculty and non-faculty employment activities. In fulfilling these responsibilities, the AAO will:

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1. Serve as liaison between Tarleton and The Texas A&M University System's Office of Equal Opportunity and Diversity, and between Tarleton and outside regulatory/enforcement agencies.
2. Prepare the annual AAP.
3. Review, or ensure the review of, all faculty and non-faculty hiring and promotion activities for compliance purposes.
4. Require all Tarleton employees to complete an on-line discrimination training within the first 30 days of hire and every two years.
5. Refer employee complaints to the appropriate individual, assist in the investigation of discrimination allegations and complaints being handled through the grievance procedure.
6. Disseminate the AAP statement, per the dissemination plan, to all employees annually.
7. Recommend affirmative action goals to the President.
8. Monitor personnel actions and determine the degree to which goals and objectives have been attained.

The Executive/Administrative/Managerial Officers of Tarleton State University will:

1. Review and affirm on an annual basis the principles and institutional plan of affirmative action.
2. Ensure that women and minority employees are encouraged and given equal opportunities for transfers and promotions.
3. Encourage women and minority employees to participate in all Tarleton sponsored educational and social activities.
4. Require supervisors to take actions to ensure that employees in protected categories are not harassed or retaliated against.
5. Work with local minority organizations, women's organizations, community action groups, and community service programs.

Tarleton State University will ensure an appropriate climate or environment by:

1. Recognizing our obligation to provide a work atmosphere free from harassment and intimidation. Forms of sexual harassment, such as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature, that hinders Tarleton's recruitment and retention efforts will not be tolerated.

2. Agreeing to make reasonable accommodations to the religious observances/practices of employees who regularly observe Friday evening and Saturday, or some other day of the week, as their Sabbath, and/or who observe certain religious holy days during the year, when such accommodations can be made without undue hardship on the conduct of the University's business.
3. Agreeing to make reasonable accommodations to ensure compliance with the Americans with Disability Act when an employee makes such a request. In determining the extent of the hardship such accommodations might make, the University considers the following factors; (a) business necessity; (b) financial costs and expenses; and (c) resulting staffing problems.
4. Ensuring its education and training programs provide equal access to all employees as we give employees the skills to make sound decisions regarding hiring and promoting without regard to protected status.

III. IDENTIFICATION OF PROBLEM AREAS 41 CFR 60-2.17(b)

Tarleton State University has conducted a thorough analysis of its personnel actions (hires, promotions and terminations) for the 12-month period 1/1/2011 through 12/31/11. Where potential problems have been identified, Annual Placement Goals have been established and affirmative actions, as appropriate, will be taken consistent with any of the action-oriented programs described in Section V. The following information was considered in conducting the analysis.

1. Workforce Analysis – 41 CFR 60-2.17(b)(1)

Tarleton State University conducted a workforce analysis to identify employees by job title, sex and race in each organizational unit (department). Job titles are listed by organizational unit from lowest paid to highest paid.

Tarleton State University carefully analyzed the workforce analysis to identify problem areas needing correction, such as concentration or segregation of women or minorities by organization unit, job, or pay.

2. Job Group Analysis – 41 CFR 60-2.17(b)(1)

In accordance with 41 CFR 60-2.12(b), Tarleton State University has organized job titles into job groups based upon similarity in content, wage rates and opportunities. For a complete listing of job groups, see Section VII.

Tarleton State University reviewed the workforce by job group to determine if problems exist in terms of women or minority employment in any job group, or of women or minority distribution in

different jobs within any job group. Annual Placement Goals have been established for job groups where incumbent women or minority employment is significantly less than estimated availability for those particular positions.

3. Personnel Activity – 41 CFR 60-2.17(b)(2)

Applicant flow, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between men/women and whites/minorities was accomplished by a thorough examination of transaction date. In order to avoid meaningless results, Impact Analyses were conducted only if there were at least 5+ transactions that occurred in the job group.

4. Compensation Systems – 41 CFR 60-2.17(b)(3)

Compensation analyses were conducted by comparing the mean salaries for men/women and whites/minorities in each job group. Seniority with the university and within the job were also considered as moderating factors.

5. Selection, Recruitment, Referral and Other Personnel Procedures – 41 CFR 60-2.17(b)(4)

Tarleton State University annually reviews its policies and procedures related to the selection, recruitment and referral of women and minorities for employment or promotion. The selection of new employees is based on objective, job-related criteria which can be consistently applied and quantifiably measured. The AAO reviews and approves each hiring action to ensure consistency. In addition to a review of the process, the hiring action must be approved up through the appropriate vice president/executive director. Search committees are generally used for faculty and administrative searches to ensure equal opportunity is afforded to every qualified applicant. Where problems are identified, the hiring department submits a concise justification for any deviation from procedure and the AAO, or designee, provides additional training or instruction.

6. Other Areas Impacting Success of Affirmative Action – 41 CFR 60-2.17(b)(5)

The department of Human Resources reviews and evaluates recommended/requested job classification actions and compensation activities to ensure that positions with the same title have the same basic value and are, in fact, comparable in terms of essential job content, required educational level and necessary experience criteria.

IV. ACTION-ORIENTED PROGRAMS 41 CFR 60-2.17(c)

Tarleton State University has instituted action-oriented programs to eliminate identified problem areas and to help achieve specific affirmative action goals. These programs include:

1. An audit is conducted each year on all position descriptions to ensure they accurately reflect position functions and are consistent for the same position from one department to another.
2. When new positions are established or existing positions are reclassified, job requirements are validated to ensure academic qualifications or credentials, experience, physical and skills requirements in themselves do not constitute inadvertent discrimination.
3. Approved position descriptions are made available to members of management involved in the recruiting, screening, selecting and promoting process.
4. Vacant positions may be advertised with the following or other appropriate organizations or publications to encourage minority and female applicants:
 - a. Texas Workforce Commission
 - b. The Chronicle of Higher Education
 - c. HigherEd.Com
 - d. The Hispanic Outlook
 - e. Black Issues in Higher Education
 - f. Other minority publications
 - g. American Association of University Women
 - h. Colleges and universities with high minority or female enrollment
5. Statistical data is collected voluntarily from applicants to determine whether or not a representative applicant pool is established.
6. A record of employment activities, including the justification for hiring a particular applicant for a particular job, and the recruiting efforts undertaken in relation to that job, is established through a compliance review between the hiring manager and the Department of Human Resources.
7. Search committees are generally used for faculty and administrative positions to encourage diverse viewpoints in hiring decisions.
8. A current employment listing is posted on the Tarleton web site. While all Tarleton employees have access to the web site, this notification listing ensures that Tarleton employees, including women and minorities, are made aware of job openings and have the opportunity, through the University's promotion/transfer process, to apply for a better paying position.

9. All employees are informed of and actively encouraged to participate in the University's social, cultural, and recreational activities.
10. Department heads will submit written justification to the AAO to support the promotional decision.
11. Dissemination Plan

The Affirmative Action Plan (AAP) and policies related to equal employment opportunities are considered to be open records, available for public inspection. In addition, the institution will take proactive steps to ensure the public knows that Tarleton State University is an Equal Employment Opportunity/Affirmative Action (EEO/AA) institution of higher education. Some of the methods used to inform the public are:

A. Internal Dissemination

- a. On an annual basis, the Texas A&M University System Chancellor and Tarleton State University President distribute a memorandum reaffirming the System's and the University's commitment to affirmative action to all employees.
- b. The AAP is published on the university web site and notice is sent to all employees via electronic mail of its availability.
- c. The statement that Tarleton State University is an EEO/AA institution of higher education will be documented in the Faculty/Administrative Staff Handbook, the Staff Handbook, the Student Handbook and on the Tarleton State University web site. Any supplemental affirmative action information during the course of the year will be disseminated through electronic mail, the Human Resources web page, and memoranda to department heads or supervisors. A copy of the Affirmative Action Plan for Women and Minorities is available online at the Human Resources web site or provided in print upon request from the Department of Human Resources by calling (254) 968-9128, emailing employment@tarleton.edu, or by sending a written request to Department of Human Resources, Box T-0510, Stephenville, Texas 76402.
- d. Tarleton's affirmative action efforts are incorporated into new employee orientation and various management trainings held throughout the year.

B. External Dissemination

- a. In accordance with the University's publications guidelines, all appropriate publications and printed materials will state the shortened version of the institution's EEO/AA Statement: "Tarleton State University, an Equal Employment Opportunity and Affirmative Action Employer and Educator, is

committed to excellence through diversity."

- b. Federally funded contracts, leases and purchase orders will contain the shortened version of the EEO/AA statement.
- c. The EEO/AA statement is on Tarleton's employment application form.
- d. Written notification of the University's EEO/AA policy will be sent to all subcontractors, vendors, and suppliers as appropriate.
- e. Recruitment information, including videos and other electronic media, position announcements, and advertising will contain Tarleton's EEO/AA statements as appropriate.

In addition to implementing the above mentioned action items, Tarleton will ensure that its position descriptions and salary structures are accurate and up-to-date.

1. Each position description is reviewed when a vacancy occurs, and many are updated before the position is posted. In this way, accurate, up-to-date information is reflected in both the requisition/advertisement and the position description, and department heads and supervisors become fully involved in all aspects of the recruitment, screening, selection and promotion process.
2. Special attention is given to education and experience requirements, as well as necessary skills, to ensure that all information included in the job posting is essential. This seeks to exclude anything that might constitute inadvertent discrimination. If it is determined that a position is incorrectly classified, then a reclassification study of the position is undertaken, with the concurrence of the hiring department, before recruitment efforts begin.

V. REPORTING AND INTERNAL AUDITING SYSTEMS – 41 CFR 60-2.17(d)

The Director of Human Resources/Affirmative Action Officer has the responsibility for developing and preparing the formal documents of the AAP and for the effective implementation of the AAP.

Responsibility is likewise vested with each department manager and supervisor. Tarleton's compliance process is designed to:

- Monitor the effectiveness of the AAP/EEO program;
- Monitor records of all personnel activities, including referrals, placements, transfers, promotions, terminations and compensation at all levels;
- Identify problem areas where remedial action is needed; and
- Determine the degree to which Tarleton's AAP goals and objectives have been obtained;
- Review results with all levels of management;

- Advise top management of program effectiveness and submit recommendations for improvement.

The following documents are maintained as a component of Tarleton's internal audit process:

1. An applicant flow log showing the name, race, gender, date of application, job title, interview status and the action taken for all individuals applying for job opportunities;
2. Summary data of external hires, promotion, resignation, and terminations by job group and by gender and minority group identification;
3. Summary data of applicant flow by identifying, at least, total applications, total minority applicants, and total female applicants for each position;
4. Maintenance of employment applications (not to exceed two years); and
5. Records pertaining to Tarleton's compensation system.

VI. DEFINITION OF TERMS

Affirmative Action: Actions, policies, and procedures undertaken by Tarleton State University in recruiting, hiring, promotions and all other personnel actions that are designed to achieve equal employment opportunity and eliminate the present effects of past discrimination. Affirmative action requires: (1) thorough, systematic efforts to prevent discrimination from occurring or to detect and eliminate it as promptly as possible; and (2) recruitment and outreach measures.

Affirmative Action Officer (AAO): responsible for monitoring affirmative action efforts, coordinating equal opportunity training, and recommending the use of outside resources, where applicable. Charged with administrative responsibility for ensuring compliance in both faculty and non-faculty employment activities this individual also functions as Tarleton's custodian of employment records, ensuring that all reporting requirements necessary to comply with the Affirmative Action Plan are met.

Affirmative Action Plan (AAP): detailed set of objectives and plans designed to achieve prompt and full utilization of minorities and women at all levels and in all areas of the covered work force.

Applicable Labor Area: the domain (local, regional, state, or national) in which a particular job is advertised.

Applicant: An applicant is one who 1) either submits a written application or an expression of interest in employment through the Internet or related electronic data technologies; 2) is considered by the University for employment in a particular position; 3) has an expression of interest that indicates the individual possesses the basic qualifications of the position; and 4) at

no point in the selection process prior to receiving an offer of employment removes himself or herself from consideration or otherwise indicates that (s)he is no longer interested in the position.

Applicant Flow Log: A chronological listing that records each applicant who applies for employment or promotion. Data includes applicant's name, race, national origin, gender, referral source, date of application, job title applied for and disposition.

Availability: The availability of minorities or women for a job group means the percentage of minorities or women among persons in the relevant labor area and/or internal feeder pools having the requisite qualifications to perform the positions included in the job group. Availability figures are used in determining whether underutilization exists, and determining the level of the goal.

Discrimination: Illegal treatment of a person or group of persons based on race, sex, or membership in another protected class.

Disparate Impact: Use of an otherwise neutral selection standard, such as a test, an interview, or a degree requirement, that unintentionally disqualifies members of a particular race or gender at a significantly higher rate than others and is not justified by business necessity or job-relatedness.

Disparate Treatment: Treating an individual or group of any protected class differently with the intent to discriminate.

EEOC Equal Employment Opportunity Commission: federal commission which handles discrimination and harassment complaints, investigations, and legal action on behalf of employees.

The Integrated Postsecondary Education Data System (IPEDS) Job Categories: formerly the EEO-6, and established by EEOC for institutions of higher education, such job categories are defined as follows:

Executive/Administrative/Managerial (1)

Includes all persons whose assignments require primary (and major) responsibility for the management of the institution, or customarily recognized department or subdivision thereof, and whose assignments customarily and regularly require the exercise of discretion and independent judgment in the performance of work directly related to management policies or general business operations of the institution, department, or subdivision.

Faculty (2)

Includes all persons whose specific assignments customarily are made for the purpose of conducting instruction, research, or public service as a principal activity (or activities),

and who hold academic-rank titles of professor, associate professor, assistant professor, instructor, lecturer, or the equivalent of any one of these academic ranks.

Other Professional (support/service) (3)

Includes persons whose assignments would require either require a college degree or experience of such kind and amount as to provide a comparable background, and who are staff members with assignments requiring specialized professional training.

Clerical and Secretarial (4)

Includes all persons whose assignments typically are associated with clerical activities or are specifically of a clerical nature.

Technical and Paraprofessional (5)

Includes all persons whose assignments require specialized knowledge or skills which may be acquired through experience or academic work, such as is offered in many two-year technical institutes, junior colleges, or through equivalent on-the-job training, and who perform some of the duties of a professional or technician in a supportive role, but have less formal training and/or experience than that normally required for professional status.

Skilled Crafts (6)

Includes all persons whose assignments typically require special manual skills and a thorough, comprehensive knowledge of the work processes involved, acquired through on-the-job training/experience or through apprenticeship or other training programs.

Service/Maintenance (7)

Includes persons whose assignments require limited degrees of previously acquired skills and knowledge and in which workers perform duties which result in or contribute to the comfort, convenience, and hygiene of personnel and the student body, or which contribute to the upkeep and care of the institution's buildings, facilities, or grounds.

Federal Laws:

1. Age Discrimination in Employment Act of 1967 (ADEA) (29 USC 621-633a)

Prohibits employers of 20 or more persons from discriminating against persons age 40 and over in any area of employment on account of age. Complaints are investigated by the EEOC.

2. Americans with Disabilities Act (ADA) of 1990 (42 USC 12101-12213)

(47 USC 225,611)

Targets discrimination against the disabled in employment (Title I), public services and transportation, and public accommodations and services operated by private entities. The main focus of Title I of the ADA is to prohibit discrimination against qualified individuals with disabilities. A "qualified individual with a disability" is "an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires."

3. Civil Rights Act of 1866 (42 USC 1981)

This law, known as section 1981, guarantees all persons the same right to make and enforce contracts that "white citizens" enjoy. Race is covered but gender and religion are not.

4. Title VII, Civil Rights Act of 1964 (As Amended by the EEO Act, 1972)

(42 USC 2000e-2000e-17)

Prohibits discrimination on the basis of race, color, religion, gender, or national origin. Covers all employers with 15 or more persons, all educational institutions, both public and private, state and local governments, public and private agencies, labor unions with one or more members and joint labor-management committees for apprenticeship and training. Prohibits practices identified by statistically determined adverse impact as well as intentional unequal treatment.

Decisions concerning hiring, placement, training, promotion, termination and layoff are covered.

Title VII established the EEOC (Equal Employment Opportunity Commission) to enforce the law. The amendment in 1972 enables the EEOC to enforce Title VII through court action.

5. Civil Rights Act of 1991 (CRA)

Provides additional remedies and protection, in addition to those previously available under Title VII, to applicants, employees, and former employees who contend they are victims of employment discrimination.

6. Executive Order 11246 (As Amended by Executive Order 11375)

(30 Fed. Reg. 12319)

Requires an Affirmative Action Plan from all federal contractors and subcontractors with contracts over \$50,000 and 50 or more employees, which must develop and implement written programs to be monitored by the Department of Labor. Revised order 4 covers underrepresentation of females and minorities and Rule 401:274 Executive Order 11246 is enforced through compliance reviews during which an employer's Affirmative Action Plan and supporting EEO policies and practices are closely scrutinized.

7. Equal Pay Act of 1963 (29 USC 206d)

Requires that all employers subject to the Fair Labor Standards Act provide equal pay for men and women performing work substantially similar in skill, effort, responsibility, and working conditions, unless wage differentials are due to bona fide systems of seniority, merit, output or some business factor other than gender.

8. Family and Medical Leave Act of 1993 (29 USC 255 and 260)

Eligible employees are entitled to a maximum of 12 weeks of leave during the fiscal year for the birth of a child, placement of a child for adoption or foster care, an employee's serious health condition, or caring for a spouse, child or parent with a serious health condition.

9. Rehabilitation Act of 1973 (as amended) (29 USC 706, 791-795r)

This act is designed to promote the employment of disabled individuals. It bans discrimination on the basis of visible and non-visible disabilities which substantially limit one or more major life activities. Further, employers must actively pursue opportunities to employ qualified disabled individuals and modify their facilities to accommodate them. Disabled individuals are defined as persons who have a record of physical or mental impairment, history of alcoholism, asthma, diabetes, epilepsy and other diseases.

10. Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended (38 USC 4212)

The law requires that employers with Federal contracts or subcontracts of \$25,000 or more provide equal opportunity and affirmative action for Vietnam era veterans, special disabled veterans, and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.

Job Groups

Executive Officers (001) – President, Vice President, Associate Vice President, Assistant Vice President, Executive Director, or equivalent

Academic Officers (003) – Dean, Academic Department Head

Managerial Officers (071) – Director, Manager

Executive Administrative Officers (072) – Other executive staff (non-supervisory)

Faculty Administrators (073) – Faculty with program oversight

Faculty (074)

Professional-Supervisory (075) – Assistant Directors, Managers, Supervisors, or equivalent

Professional (076)

Clerical/Secretarial (077)

Technical/Paraprofessional (078)

Skilled Crafts (079)

Service (080)

Maintenance (083)

Point Factor Analysis Plan: Developed by Tarleton's Department of Human Resources, the plan is used for evaluating positions and assigning salary grades.

Protected Class/Categories: Although there is no single definition, this usually refers to segments of the general population, which have been determined by law to constitute legitimate minority groups. Protected class/category is subject to interpretation and can refer to any, a part, or all of the following: race, color, religion, sex, or national origin under Title VII; persons who are age 40 and over under the Age Discrimination in Employment Act; the disabled under the Americans with Disabilities Act of 1990; women and minorities under Executive Order 11246; and veterans under the Vietnam Era Readjustment Assistance Veteran Act of 1974.

Reasonable Recruitment: A good faith effort made to extend the broadest possible search for candidates in protected categories in light of constraining factors, such as cost, size of applicant pool, and urgent need to fill a vacancy.

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Underrepresentation: Having fewer minorities or women in a particular job group than would reasonably be expected by their availability in the applicable labor area.

Utilization Analysis: An examination of data from the Department of Labor, the Texas Workforce Commission, and other regional and national sources, in comparison to the Workforce Analysis, to determine if protected category individuals are being employed at a percentage equivalent to the percentage available within the applicable labor area.

Workforce Analysis: A listing of job titles from lowest to highest paid within each department that indicates the number of individuals in protected classes as well as other classes that are employed by Tarleton.