



PENNSYLVANIA GAMING CONTROL BOARD  
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HARRISBURG, PENNSYLVANIA  
17101

**SUBJECT:** Pennsylvania Gaming Control Board  
2023-24 Equal Employment Opportunity Plan

**TO:** All Pennsylvania Gaming Control Board Employees

**FROM:** Kevin F. O'Toole   
Executive Director

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The accompanying Equal Employment Opportunity Plan provides an insight into the Pennsylvania Gaming Control Board's (PGCB) equal employment opportunity plan for its workforce, establishes responsibilities for the implementation of the plan, and defines objectives and action programs toward achieving equal employment opportunity. This is written to outline the PGCB's policy and commitment to equal employment opportunity and fair treatment in regard to all aspects of the agency's employment opportunity and adherence to all applicable state, federal and local laws.

It is the policy of the PGCB that employment actions, including recruitment, selections, appointments, promotions, benefits, discipline, training, employee development and separations will be conducted without regard to race, color, religious creed, age, sex, ancestry, union membership, sexual orientation, gender identity or expression, national origin, HIV/AIDS status or non-job-related disability in accordance with state and federal laws.

Through this plan the PGCB establishes the foundation for an open and equitable personnel system for all employees and job applicants. Members of the PGCB's executive management staff are expected to participate in equal employment opportunity implementation, planning and monitoring for their assigned areas.

The PGCB is committed to equal employment opportunity and its executive management staff endorses the attached plan.

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## **SECTION I**

### **INTRODUCTION**

The Pennsylvania Gaming Control Board (PGCB or Board) was established through the passage of Act 71 of 2004, also known as the Race Horse Development and Gaming Act, and was amended in 2017 to add expanded gaming opportunities. The Commonwealth has tasked the PGCB with the responsibility of regulating and overseeing Pennsylvania's casino industry that produces tremendous economic benefits for its citizens.

The Equal Employment Opportunity Plan (plan) is designed to outline procedures aimed at ensuring that all persons have equal opportunities in recruitment, selection, appointment, promotion, training, delegation, discipline, or separation.

The plan is specifically tailored to the PGCB's work force and includes objectives for maintaining an open and equitable personnel system for all employees and job applicants.

The PGCB is headquartered in Harrisburg, Pennsylvania and is responsible for regulating licensed gaming entities statewide as well as Video Gaming Terminals (VGT's), Interactive Gaming, Fantasy Contests, Sports Wagering and Airport Gaming. The PGCB also has regional offices in Conshohocken, Wilkes-Barre, and Pittsburgh. In addition to supporting equal employment opportunity for its own workforce, the PGCB is committed to working with its licensees, and the other entities with which it does business, to encourage equal employment opportunity within their organizations.

## **SECTION II**

### **EQUAL EMPLOYMENT OPPORTUNITY AND HARASSMENT POLICY STATEMENT**

The right to be free from discrimination and harassment in the workplace is protected by federal, state and local laws. It is, therefore, our collective responsibility as managers, supervisors and employees of the Pennsylvania Gaming Control Board (PGCB) to assure that such discrimination does not occur. Further, it is the affirmative duty of the PGCB, its managers and supervisors to foster a workplace that is fair and impartial in all of its relations with all persons, regardless of race, color, religious creed, age, sex, ancestry, union membership, sexual orientation, gender identity or expression, national origin, HIV/AIDS status or non-job-related disability.

The PGCB shall make every effort to prevent discrimination, promote a diverse and inclusive workforce and to develop an equal employment opportunity program to hire, promote and involve all individuals in every level of employment and decision-making. The PGCB is also responsible for ensuring that reasonable accommodations are made to meet the physical or mental limitations of qualified applicants and employees.

The PGCB realizes that all forms of harassment, including sexual harassment is a problem that should be confronted promptly. Prevention is the best tool for elimination of sexual harassment. It is important to remember that perception of behavior may be an important component of an allegation of sexual harassment. The PGCB will take all steps necessary to prevent sexual harassment from occurring including mandating sexual harassment training for all employees through the Commonwealth SuccessFactors Learning Management System (LMS).

Employees with complaints regarding equal employment opportunity or discrimination, including claims of sexual harassment, are encouraged to contact the appropriate management staff, the Director of Human Resources and Equal Employment Opportunity Officer, at (717) 346-8344, Chief Counsel and PGCB Ethics Officer, at (717) 703-2566 or the Executive Director at 717-214-8918.

## SECTION III

### DISSEMINATION OF EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY STATEMENT

#### A. Internal Dissemination

**The Pennsylvania Gaming Control Board (PGCB or Board) PGCB will disseminate the Equal Employment Opportunity Statement internally by:**

1. Providing a copy to each new employee at their orientation session.
2. Posting the policy on PGCB's bulletin boards at all locations, as well as on the PGCB's IntraHR site.
3. Making all employees aware of the existence of the equal employment opportunity program through periodic distribution of the policy.
4. Provide training on the EEO Policy, diversity and all forms of harassment, including sexual harassment.

#### B. External Dissemination

**The PGCB will disseminate the Equal Employment Opportunity Statement externally by:**

1. Incorporating the equal opportunity policy in purchase agreements, leases and contracts.
2. Through the inclusion of provisions prohibiting discriminatory practices in all contracts.
3. Through the posting of the equal opportunity clause on the Board's website.
4. Through inclusion of the equal opportunity clause on the Board's employment application.

## SECTION IV

### RESPONSIBILITIES FOR IMPLEMENTATION

The PGCB's Equal Employment Opportunity Officer shall be the Director of Human Resources or, when necessary, a designee determined by the Executive Director. In this capacity, the Director of Human Resources has ultimate responsibility for implementation of the PGCB's Equal Employment Opportunity Program. The Director of Human Resources will oversee these duties and responsibilities within the Office of Human Resources.

#### A. DIRECTOR OF HUMAN RESOURCES/EEO Officer

The Director of Human Resources is responsible for:

1. Integrating the Equal Employment Opportunity Policy of the PGCB into the Board's employment policies, procedures and practices.
2. Reaffirming the PGCB's Equal Employment Opportunity Policy in an internal policy statement and directing the posting of the statement in conspicuous locations at all worksites throughout the agency.
3. Administering the PGCB's Equal Employment Opportunity Program.
4. Creating and maintaining a work environment for employees that is free of discrimination and harassment, including sexual harassment.
5. Providing reasonable accommodations where warranted for employees with disabilities.
6. Ensuring that employees comply with the Discrimination Complaint Process and the prevention of sexual harassment policies of the Board.
7. Ensuring that all managers and supervisors carry out their personnel duties in a fair and equitable manner.
8. Ensuring that equal employment opportunity orientation is conducted for new employees.
9. Working with the Office of Chief Counsel in reviewing and formulating responses to discrimination complaints from the Equal Employment Opportunity Commission or the Pennsylvania Human Relations Commission.
10. Reviewing job specifications and performance standards on a continuing basis to ensure that valid job-related requirements and performance expectations are established.

11. Establishing and reviewing selection methods and procedures used by managers and supervisors in hiring, promoting and training employees to ensure that the principles of non-discrimination and equal employment opportunity are applied.
12. Developing, planning, guiding and monitoring the PGCB's Equal Employment Opportunity Program through an annual review and update process conducted by the Office of Human Resources in conjunction with the PGCB's Diversity Officer.
13. Investigating complaints that involve allegations of discrimination based on race, color, religious creed, age, sex, ancestry, union membership, sexual orientation, gender identity or expression, national origin, HIV/AIDS status or non-job-related disability. Submitting those findings and a recommendation to the Executive Director and Administrative Director for review and final approval and advising employees of their rights and appeal procedures.
14. Providing feedback to executive management regarding the performance of Bureau Directors and other managers in the area of equal employment opportunity.
15. Reviewing and analyzing disciplinary actions for possible discriminatory practices. Sharing findings with the Executive Director and Administrative Director.
16. Ensuring the administration of exit interviews to ascertain whether those leaving Board employment do so for non-discriminatory reasons and to take appropriate steps if discriminatory practices are identified.
17. Monitoring all personnel transactions to determine the degree to which planned objectives are being achieved.
18. Ensuring that recruitment efforts achieve appropriate workforce representation.
19. Pro-actively participate in any personnel activities impacting equal employment opportunity within the PGCB.
20. Attend EEO training and conferences on an ongoing basis for updates on EEO laws and regulations.

**B. RESPONSIBILITIES OF DIRECTORS, MANAGERS AND SUPERVISORS**

The responsibilities of the Directors, Managers and Supervisors include, but are not limited to:

1. Providing subordinates with information regarding job opportunities, career development and job enrichment programs.
2. Identifying possible career paths to be taken by employees for upward mobility, training and promotional opportunities.
3. Working with the Office of Human Resources in reviewing and revising position qualifications, if necessary, to accurately reflect job needs as positions become vacant.
4. Reviewing and assuring that nondiscriminatory selection criteria and methods are used in all hiring, promotions and training opportunities.
5. Creating and maintaining a work climate free of discrimination and harassment, including sexual harassment, for all employees.
6. Adhering to the prohibition against retaliation when an employee has filed a complaint or assisted in the investigation of a complaint against the Board.
7. Adhering to the civil rights laws and policies of non-discrimination for all persons (including co-workers, supervisors, subordinates and external patrons).
8. Taking positive action to stop any discrimination or harassment by immediately reporting possible violations to the appropriate management staff and/or the designated Equal Employment Opportunity Officer and by cooperating in any investigation of alleged instances of discrimination or harassment.

**C. EMPLOYEE RESPONSIBILITIES INCLUDE:**

Treating co-workers, supervisors, subordinates and external patrons with respect and dignity regardless of race, color, religious creed, age, sex, ancestry, union membership, sexual orientation, gender identity or expression, national origin, HIV/AIDS status or non-job-related disability.

**D. PGCB'S DISCRIMINATION COMPLAINT PROCEDURE**

The Equal Employment Opportunity Officer is responsible for complaint investigation. To ensure that the PGCB's employees receive equal employment opportunities and work in an environment free from discrimination, the following process is established to resolve discrimination concerns.



All concerns that involve an allegation of discrimination based on race, color, religious creed, age, sex, ancestry, union membership, sexual orientation, gender identity or expression, national origin, HIV/AIDS status or non job-related disability will be processed in accordance with the following procedures.

Step One: The employee who believes that he/she has been discriminated against based on any of the factors listed above will report the complaint to the appropriate management staff or Equal Employment Opportunity Officer.

Step Two: The Equal Employment Opportunity Officer will attempt to confer with the employee as soon as practicably possible after learning of the incident, and meet with the Executive Director, Administrative Director and Office of Chief Counsel to determine the course of investigation.

Step Three: The Equal Employment Opportunity Officer or his/her designee will conduct a preliminary investigation to determine the merits of the case and to seek a prompt resolution. If the situation is resolved informally, the Equal Employment Opportunity Officer will document the results in a confidential file.

Step Four: If the situation is not resolved informally the Equal Employment Opportunity Officer or his/her designee will conduct a formal investigation, proceed with a review of the facts and allegations, and present findings to the Executive Director, and Administrative Director. The Equal Employment Opportunity Officer may recommend a dismissal of the formal complaint if the complaint, on its face, fails to demonstrate a violation of the PGCB's equal employment opportunity policies. The Complainant will be notified when his or her allegations do not rise to that level and be given time to submit more information or clarify his or her allegations. If no submission is received within thirty (30) calendar days the complaint will be closed and Complainant will be notified.

The formal investigation may include, but will not be limited to the following:

- Interviews of the Complainant, the employee against whom the allegations were filed, managers, supervisors and employees who have or could have knowledge of the alleged acts of discrimination. Notes will be taken during all interviews and a formal file note will be prepared documenting such in writing.
- The review of the personnel files of the parties involved, documentation submitted by any party or witness, as well as any other documentation the Equal Employment Opportunity Officer deems necessary for the case. Managers, supervisors, the

Complainant, and the PGCB's employees must cooperate fully with the Equal Employment Opportunity Officer investigation. A failure to do so may result in discipline, up to and including termination.

The investigation, whether preliminary or formal, should be completed within 90 calendar days of the filing of the complaint, unless prohibited by unforeseen circumstances.

Step Five: The Equal Employment Opportunity Officer will submit the findings for review to the Deputy Chief Counsel for Administration. The findings will include the allegations and the respondent's responses to each; a summary of the persons interviewed with an explanation as to whether they were credible and why; and a presentation of the findings of fact, identifying evidence which will assist in proving or disproving each allegation.

Step Six: After review by the Office of Chief Counsel, the Equal Employment Opportunity Officer will submit a report and recommendation to the Executive Director and Administrative Director for review and final approval. The Executive Director will authorize the implementation of corrective actions if necessary. The corrective actions may include, but are not limited to, counseling, a written reprimand, transfer, suspension, dismissal or submission to certain conditions.

If no cause is found, the Complainant and the subject of the investigation will be notified in writing that the evidence did not support the allegation of unfair treatment as defined by the PGCB's EEO policy.

Step Seven: The Equal Employment Opportunity Officer and the Director of the involved Bureau or Office will monitor and follow up on the implementation of the corrective actions.

Step Eight: The Equal Employment Opportunity Officer will document the complaint and its resolution.

The Complainant, if not satisfied with the PGCB's resolution, may appeal to the Executive Director within 20 days from the written notification of the results of the investigation.

**Retaliation against any employee who files a complaint or has any involvement in the process is prohibited. All complaints will be handled discretely. The investigative file, report and supportive documentation will be kept by the Equal Employment Opportunity Officer in a separate, confidential file. Any formal action taken as a result of a policy violation will be kept in the employee's Official Personnel Folder (OPF) file.**

**Other Avenues of Recourse**

The Complainant may also file with one of the agencies listed below:

**PENNSYLVANIA HUMAN RELATIONS COMMISSION**

**REPORTING PERIOD**

**180 days from date of alleged occurrence**

**Harrisburg Regional Office**

333 Market Street, 8th Floor  
Harrisburg, PA 17101-2210  
Voice: (717) 787-9780  
(717) 787-7279: Text Telephone (TT/TTY)  
Office Hours: 8:30 a.m. to 5:00 p.m. M-F

**Philadelphia Regional Office**

110 North 8th Street, Suite 501  
Philadelphia, PA 19107  
(215) 560-2496  
(215) 560-3599 TTY users only  
Office Hours: 8:30 a.m. to 5:00 p.m. M-F

**Pittsburgh Regional Office**

301 Fifth Avenue  
Suite 390, Piatt Place  
Pittsburgh, PA 15222  
(412) 565-5395  
(412) 565-5711 TTY users only  
Office Hours: 8:30 a.m. to 5:00 p.m. M-F

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**REPORTING PERIOD**

**300 days from date of alleged occurrence**

**Philadelphia Area Office**

801 Market Street, Suite 1000  
Philadelphia, PA 19107-3127  
1-800-669-4000

**Pittsburgh Area Office**

William S. Moorhead Federal Building  
1000 Liberty Avenue, Suite 1112  
Pittsburgh, PA 15222  
1-800-669-4000

EEOC American Sign Language 1-844-234-5122

- **Employees covered by a collective bargaining agreement may also utilize the negotiated grievance procedure.**

## **SECTION V**

### **UTILIZATION ANALYSIS**

#### **A. WORKFORCE ANALYSIS SUMMARY**

The PGCB is headquartered in Harrisburg, Pennsylvania with three regional offices in Conshohocken, Wilkes-Barre and Pittsburgh, and has offices in each land based casino in the Commonwealth.

The PGCB is committed to equal employment opportunity in its workforce and to encouraging diversity and inclusiveness in the workforces of those it interacts with, including licensees. The PGCB in maintaining a staffing plan will make a good faith effort to hire applicants in a manner consistent with equal employment opportunity practices.

## B. OCCUPATIONAL GROUP ANALYSIS SUMMARY

Occupational (aka Job Groups) Groups are defined as a group of positions having similar content, wage rates and opportunities. The Occupational Groups identified by the designated Commonwealth Equal Employment Opportunity software for the PGCB are those used by the U.S. Equal Employment Opportunity Commission (EEOC).

These eight categories are the standardized occupational groupings that are provided by the EEOC. The following are the job categories as they are defined in the EEOC Regulations.

**A. Officials/Administrative:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of an agency's operations, or provide specialized consultation on a regional, district, or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy directors, controllers, wardens, superintendents, sheriffs, police and fire chiefs and inspectors, examiners (bank, hearing, motor vehicle, warehouse), inspectors (construction, building, safety, rent-and-housing, fire, ABC Board, license, dairy, livestock, transportation), assessors, tax appraisers and investigators, coroners, farm managers, and kindred workers.

**B. Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, police and fire captains and lieutenants, librarians, management analysts, airplane pilots and navigators, surveyors and mapping scientists, and kindred workers.

**C. Technicians:** 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 through equivalent on-the-job training. Includes: computer programmers, drafters, survey and mapping technicians, licensed practical nurses, photographers, radio operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences), police and fire sergeants, inspectors (production or processing inspectors, testers, and weighers), and kindred workers.

**D. Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police patrol officers, firefighters, guards, deputy sheriffs, bailiffs, correctional

officers, detectives, marshals, harbor patrol officers, game and fish wardens, park rangers (except maintenance), and kindred workers.

**E. Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of staff development and promotion under a "New Careers" concept. Includes: research assistants, medical aides, child support workers, policy auxiliary welfare service aides, recreation assistants, homemaker aides, home health aides, library assistants and clerks, ambulance drivers and attendants, and kindred workers.

**F. Office/Clerical:** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, clerk-typists, stenographers, court transcribers, hearing reporters, statistical clerks, dispatchers, license distributors, payroll clerks, office machine and computer operators, telephone operators, legal assistants, sales workers, cashiers, toll collectors, and kindred workers.

**G. Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairers, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, power plant operators, water and sewage treatment plant operators, and kindred workers.

**H. Service/Maintenance:** 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 grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry-cleaning operatives, truck drivers, bus drivers, garage laborers, custodial employees, gardeners and groundskeepers, refuse collectors, construction laborers, park rangers (maintenance), farm workers (except managers), craft apprentices/trainees/helpers, and kindred workers.

## C. AVAILABILITY AND UTILIZATION ANALYSES

### Methodology:

- A. Availability is defined as "the percentage of minorities or females among those people who have the skills required for entry into a specific Occupational Group, or who are readily capable of acquiring those skills."
- B. The following "Eight Factor Computation Method" assists in determining the potential pool of candidates from which the board may draw members of its staff.
- Factor 1A Percentage of minorities among the general population in the labor area surrounding the Board;
  - Factor 1B Percentage of females seeking employment in the labor area surrounding the Board;
  - Factor 2 Percentage of unemployed minorities and females in the labor area surrounding the Board;
  - Factor 3 Percentage of minorities and females among the total work force in the local labor area;
  - Factor 4 Percentage of minorities and females among those having requisite skills in the local labor area;
  - Factor 5 Percentage of minorities and females among those having skills in reasonable recruitment areas;
  - Factor 6 Percentage of minorities and females transferable within the Board;
  - Factor 7 Percentage of minorities and females that have graduated from institutions that provide training in requisite skills;
  - Factor 8 Percentage of minorities and females that can reasonably be trained in requisite skills in the Board.

Census data used to calculate the availability percentages for some of these factors was taken from the 2010 U.S. Census EEO File as provided by the Commonwealth Office of Administration.



For each Occupational Group we have considered which factor(s) are likely to represent a genuine source of available workers for the Occupational Group during the 2022 Equal Employment Opportunity Plan Year, and with what frequency the factor(s) could be expected to represent availability. We then weighted each factor in accordance with these judgments and computed the final estimate of availability using the factor(s) having a weight other than zero (i.e., considered but determined to be not relevant so not computed).

The availability determination for each Occupational Group was as follows:

## **VI. Program Actions and Objectives**

Consistent with the PGCB's commitment to equal employment opportunity, the Board will contribute to the following program actions and objectives for Plan year 2023-2024:

1. Promote communications within the Board to ensure that all employees are conscious of and sensitive to Equal Employment Opportunity regulations and the Board's desire to create and maintain a workplace climate free from discrimination and harassment.
2. The Equal Employment Opportunity Officer shall monitor personnel transactions on a regular basis to ensure equitable employment practices.
3. Ensure all employees are aware of appeal rights, options, problems, and concerns regarding discrimination issues.
4. The Office of Human Resources shall work with Bureau Directors and other managers to review disciplinary actions and provide advice on those with issues that may be an indication of discrimination and ensure that all employees are given equal consideration with regard to employment actions.
5. The Equal Employment Opportunity Officer shall investigate complaints that involve allegations of discrimination based on race, color, religious creed, age, sex, ancestry, union membership, sexual orientation, gender identity or expression, national origin, HIV/AIDS status, or non job-related disability.
6. The Office of Human Resources shall compile data to facilitate the increase of representation of females and minorities in areas of specific under representation; disseminate that information to Board Members, the Executive Director and Bureau Directors outlining areas of underutilization of females/minorities; and advise them in taking positive steps to improve those deficiencies.
7. The Office of Human Resources shall partner with other PGCB managers and be included in management/employee meetings to promote the Equal Employment Opportunity Program and discuss the Equal Employment Opportunity Plan.
8. The Office of Human Resources shall conduct exit interviews and conduct inquiries into issues presented by respondents that would inhibit the recruitment and retention of qualified individuals.

9. Continue to develop applicable PGCB policies to ensure the inclusion of correct and accurate information regarding all equal opportunity issues.
10. Ensure that all staff participate in annual EEO training through the Commonwealth SuccessFactors Learning Management System.
11. The PGCB, through the Executive Director, shall provide full support to the Equal Employment Opportunity Officer in the implementation of this Equal Employment Opportunity Plan.