**Section 308.40 Affirmative Action and Civil Rights Compliance**

a) Affirmative Action Exhibits

The Department requires all purchase of service providers to file semiannual affirmative action exhibits with the Department's administrator responsible for affirmative action as required in their contract with the Department.

b) Civil Rights Compliance Review

1) Purchase of service providers will be subject to periodic civil rights compliance reviews conducted by the Department or other appropriate governmental agencies. Such review will be conducted whenever, a report, complaint, or any other information indicates a possible failure to comply with nondiscrimination requirements.

2) In instances where there is a preliminary finding of noncompliance, a reasonable period will be granted to allow the provider to comply. If the provider fails to make a good faith effort to achieve compliance during the period granted, the purchase of service contract shall be terminated.

3) The Department shall order a review when the Illinois Department of Human Rights or the United States Equal Employment Opportunity Commission issues a probable cause finding in response to a complaint.

4) If the results of a review indicate that discrimination has occurred, the service provider will be requested to submit quarterly reports on the status of employment or service delivery.

c) Workforce Analysis

A workforce analysis, as specified in the Purchase of Service Contract, will be required from providers. Should the workforce analysis reflect an underutilization of any of the protected classes (Blacks, Hispanics, Native Americans, Asian Americans and women) in a particular job category or classification, compared to what would reasonably be expected by their presence, with requisite skills, in the labor market, the Department's administrator responsible for affirmative action will make recommendations that good faith efforts be made to correct this employment condition.