§ 152.405 Assurances.

who maintains cultural identification through tribal affiliation or community recognition.

Planning agency means any planning agency designated by the Secretary which is authorized by the laws of the State or States (including the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam) or political subdivisions concerned to engage in area-wide planning for the area in which assistance under this part is to be used;

Secretary means the Secretary of Transportation or an authorized representative of the Secretary within the Department of Transportation;

SMSA means Standard Metropolitan Statistical Area.

Sponsor means any public agency that, either individually or jointly with one or more other public agencies, submits to the Administrator, in accordance with this part, an application for financial assistance, or that conducts a project for airport development or airport master planning, funded under this part;

Underutilization means having fewer minorities or women in a particular job group than would reasonably be expected from their availability in—

(1) The SMSA; or

(2) In the absence of a defined SMSA, in the counties contiguous to the employer’s location, or the location where the work is to be performed, and in the areas from which persons may reasonably be expected to commute.

§ 152.407 Affirmative action plan: General.

(a) Except as provided in paragraph (b) of this section, each of the following shall have an affirmative action plan that meets the requirements of §152.408 and is kept on file for review by the FAA Office of Civil Rights:

(1) Each sponsor who employs 50 or more employees in its aviation workforce.

(2) Each planning Agency which employs 50 or more employees in its agency for aviation purposes.

(3) Each state political division, administering a grant under the AADA to develop standards for airport development at general aviation airports, which employs 50 or more employees in its aviation workforce.

(b) A grantee is in compliance with paragraph (a) of this section, if it is subject to, and keeps on file for review by the FAA Office of Civil Rights, one of the following:

(1) An affirmative action plan acceptable to another Federal agency.
§ 152.409 Affirmative action plan standards.

(a) Each affirmative action plan required by this subpart shall be developed in accordance with the following:

(1) An analysis of the employer’s aviation workforce which groups employees into the following job categories:
   (i) Officials and managers.
   (ii) Professionals.
   (iii) Technicians.
   (iv) Sales workers.
   (v) Office and clerical workers.
   (vi) Craft workers (skilled).
   (vii) Operatives (semi-skilled).
   (viii) Laborers (unskilled).
   (ix) Service workers.

(2) A comparison separately made of the percent of minorities and women in the employer’s present aviation workforce (in each of the job categories listed in paragraph (a)(1) of this section) with the percent of minorities and women in each of those categories in the total workforce located in the SMSA, or, in the absence of an SMSA, in the counties contiguous to the employer’s location or the location where the work is to be performed and in the areas from which persons may reasonably be expected to commute. This data on the total workforce of the applicable area will be supplied to grantees by the FAA. Grantees shall make this data available to the other organizations covered by this subpart. The comparison for minorities must be made only when minorities constitute at least 2 percent of the total workforce in the geographical area used for the comparison.

(3) A comparison, for the aviation workforce, of the total number of applicants and persons hired with the total number of minority and female applicants, and minorities and females hired, for the past year. Where this data is unavailable, the employer shall establish and maintain a system to provide the data, and shall make the comparison 120 days after establishing the data system.

(4) Where the percentage of minorities and women in the employer’s aviation workforce, in each job category, is less than the minority and female percentage in any job category in the workforce of the geographical area used, an analysis, based on the comparison required by paragraph (a)(3) of this section, determining whether any of the following exists:

   (i) Insufficient flow of minority and female applicants.

   (ii) Disparate rejection of minority and female applicants. The FAA generally considers disparate rejection to exist whenever a selection rate for any race, sex, or ethnic group is less than 80 percent of the rate for the race, sex, or ethnic group with the highest selection rate.

(b) Each affirmative action plan required by this part shall be implemented through an action-oriented program with goals and timetables designed to eliminate obstacles to equal opportunity for women and minorities.