

July 1, 2014-June 30, 2015

UNIVERSITY OF CALIFORNIA

Office of the President and Principal Officers of the Regents

AFFIRMATIVE ACTION PROGRAM

For

QUALIFIED INDIVIDUALS WITH DISABILITIES



CONFIDENTIAL TRADE SECRET MATERIALS

The material set forth in the AAP is deemed to constitute trade secrets, operations information, confidential statistical data, and other confidential commercial and financial data, within the meaning of the Freedom of Information Act, U.S.C. 552, Title VII of the Civil Rights Act of 1964 (as amended), 42 U.S.C. 2000e et seq., the Trade Secrets Act, 18 U.S.C. 1905, and 44 U.S.C. 3508, the disclosure of which is prohibited by law and would subject the individual making the disclosure to criminal and/or civil sanctions.

NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY STATEMENT FOR UNIVERSITY OF CALIFORNIA PUBLICATIONS REGARDING EMPLOYMENT PRACTICES

The University of California prohibits discrimination against or harassment of any person employed by or seeking employment with the University on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy¹, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, status as a protected veteran or service in the uniformed services².

University policy prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment. University policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment.

The University of California is an Equal Opportunity/Affirmative Action Employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, disability, age or protected veteran status.

University policy is intended to be consistent with the provisions of applicable State and Federal laws. Inquiries regarding the University's equal employment opportunity policies may be directed to:

Academic: Susan Carlson, Ph.D., Vice Provost – Academic Personnel, UC Office of the President. (510) 987-9479. E-mail: susan.carlson@ucop.edu

Staff and Management: Dwaine B. Duckett, VP – Human Resources, UC Office of the President. (510) 987-0301. E-mail: dwaine.duckett@ucop.edu

This policy statement supersedes the Nondiscrimination and Affirmative Action Policy Statement for University of California Publications Regarding Employment Practices dated June 24, 2010.

¹ *Pregnancy* includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth.

² *Service in the uniformed services* includes service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) as well as state military and naval service.

PRINCIPLES OF
COMMUNITY
**FOR THE UNIVERSITY OF
CALIFORNIA OFFICE OF THE
PRESIDENT**

The University of California Office of the President is committed to promoting an environment that supports every person in an atmosphere of mutual respect, cooperation, professionalism, and fairness. Realization of this commitment requires awareness and active participation by every member of our community.

We strive to be

- **Service-oriented:** We seek to advance the goals of the University through responsive and efficient work practices and communications.
- **Ethical:** We practice integrity in every aspect of our work.
- **Open:** We believe that the exchange of ideas requires mutual respect and consideration of our differences.
- **Diverse:** We embrace diversity in all its forms and we strive for a community that fosters an open, inclusive and productive environment in an atmosphere of mutual respect.
- **Just:** We support fairness, respect for individual dignity and equitable access to resources, recognition and rewards.
- **Caring:** We practice mutual respect, trust and support to foster bonds that strengthen working relationships.
- **Commemorative:** We celebrate the heritage, achievements and diversity of the community and the contributions of our members.

The Office of the President is committed to establishing and enforcing policies that promote our principles of community. These policies include the University of California Personnel Policies for Staff Members (PPSM), local procedures that complement these policies (<http://hrop.ucop.edu/policies/welcome.html>) and applicable University collective bargaining agreements. For further information or inquiries, contact the Office of the President Chief Human Resource Officer.

UNIVERSITY OF CALIFORNIA

AFFIRMATIVE ACTION PROGRAM FOR QUALIFIED INDIVIDUALS WITH
DISABILITIES

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| I. Definitions | 5 |
| II. Policy Statement | 6 |
| III. Review of Personnel Processes | 7 |
| IV. Physical and Mental Qualifications | 8 |
| V. Reasonable Accommodation to Physical and Mental Limitations | 9 |
| VI. Harassment Prevention Procedures | 10 |
| VII. External Dissemination of Policy, Outreach and Positive Recruitment | 11 |
| VIII. Internal Dissemination of Policy | 12 |
| IX. Audit and Reporting Systems | 13 |
| X. Responsibility for Implementation | 14 |
| XI. Training | 15 |
| XII. Utilization Analysis | 16 |

I. DEFINITIONS

Individual with a Disability

Any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. "Substantially limits" means (1) unable to perform a major life activity that the average person in the general population can perform, or (2) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform the same major life activity. Note: In making reasonable accommodation, the University complies with the more stringent definition provided under California law.

II. Policy Statement 41 C.F.R. § 60-741.44 (a)

Under the Affirmative Action obligations imposed by Section 503 of the Rehabilitation Act of 1973, as amended, it is the policy of the OP/POR to provide Equal Employment Opportunities and to advance in employment qualified individuals with a disability. This policy is designed to employ and advance all qualified individuals with a disability at all levels of employment, including the executive level. The policy of providing Equal Employment Opportunities to qualified persons with a disability shall apply to all employment practices including, but not limited to: upgrading, demotion or transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training. OP/POR attempts to comply with all of the rules, regulations, and relevant orders of the Secretary of Labor and the Office of Federal Contract Compliance Programs (OFCCP), issued pursuant to Section 503 of the 1973 Rehabilitation Act, as amended.

The OP/POR's Affirmative Action Program for qualified persons with a disability is reviewed and updated annually. If there are any significant changes in the OP/POR's procedure, or if employee rights or benefits are modified as a result of an annual updating, these changes are communicated to employees and to applicants for employment.

On a strictly voluntary basis, the OP/POR invites all employees who have a disability, and who wish to benefit under the OP/POR's Affirmative Action Program to identify themselves to either their immediate supervisor or to the Affirmative Action Officer. Any individual who identifies himself/herself will not be subjected to any form of harassment or retaliation based on his/her status or self-identification. Further, this self-identification will be kept confidential.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities: (1) filing a complaint; (2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of Section 503 of the Rehabilitation Act of 1973, as amended, or any other Federal, State or local law requiring equal opportunity for disabled persons or; (3) opposing any act or practice made unlawful by Section 503 of the Rehabilitation Act of 1973 or its implementing regulations in this part or any other federal, state or local law requiring equal opportunity for disabled persons; or (4) exercising any other right protected by Section 503 of the Rehabilitation Act of 1973, or its implementing regulations.

III. Review of Personnel Processes 41 C.F.R. § 60-741.44 (b)

The OP/POR reviews annually its personnel processes to determine whether its present procedures ensure careful, thorough and systematic consideration of the qualifications of known qualified individuals with disabilities. This review covers all procedures related to the filling of job vacancies either by hire or by promotion, as well as all training opportunities offered or made available to employees.

Based upon OP/POR's review of its personnel processes, the organization will modify the personnel processes when necessary, and will include the development of new procedures in this Affirmative Action Program to ensure Equal Employment Opportunity.

IV. Physical and Mental Qualifications 41 C.F.R. § 60-741.44 (c)

The physical and mental job qualifications of all jobs have been reviewed and are reviewed as new ones are established to ensure that, to the extent that such qualification requirements tend to screen out qualified individuals with disabilities, job qualifications are consistent with business necessity and the safe performance of the job.

No qualification requirements were identified which had a screening effect. All job qualification requirements were found to be job-related and consistent with business necessity and safety.

The OP/POR will continue to review physical and mental job qualification requirements whenever a job is vacated and the OP/POR intends to fill it through hiring, promotion or transfer and will conduct a qualifications review whenever job duties change.

If at any time the OP/POR should inquire into an employee's physical or mental condition or should conduct a medical examination prior to a change in employment status, OP/POR affirms that information obtained as a result of the inquiry will be kept confidential, except as otherwise provided for in Section 503 of the Rehabilitation Act of 1973 regulations. The results of the examination or inquiry will be used in accordance with the aforementioned regulations:

1. Supervisors, managers, and OP/POR officials may be informed regarding restrictions and accommodations for the work or duties of individuals with a disability.
2. Employees familiar with first aid may be informed, where and to the extent appropriate, if an individual with a disability might require emergency treatment.
3. OFCCP officials investigating compliance with the 1973 Rehabilitation Act

V. Reasonable Accommodation to Physical and Mental Limitations 41 C.F.R. § 60-741.44 (d)

It is the OP/POR's policy to make reasonable accommodations to the physical and mental limitations of employees with a disability and qualified applicants with a disability unless his/her accommodation imposes an undue hardship on the OP/POR's business (41 C.F.R. 60-741.44(d)). In determining the extent of the OP/POR's accommodation obligations, the following factors, among others, are considered:

1. Business necessity; and
2. Financial cost and expense.

Each applicant or employee is dealt with on an individual basis. Reasonable accommodations are made whenever possible and ongoing efforts include revision of facilities to make them accessible. The OP/POR makes every effort to provide suitable employment for those employees who become disabled while employed by us.

VI. Harassment Prevention Procedures 41 C.F.R. § 60-741.44 (e)

Employees of and applicants to the OP/POR will not be subject to harassment, intimidation, threats, coercion, or discrimination because they have engaged or may engage in filing a complaint, assisting in a review, investigation, or hearing or have otherwise sought to obtain their legal rights related to any federal, state, or local law regarding EEO for qualified individuals with disabilities. Any employees or applicants who feel that they have been subject to harassment, intimidation, threats, coercion, or discrimination because of their disability should contact the Affirmative Action Officer for assistance. This policy is posted for employees and applicants to view.

**VII. External Dissemination of Policy, Outreach, and Positive Recruitment 41 C.F.R. §
60-741.44 (f)**

After reviewing and determining that the Affirmative Action policies of the OP/POR provide the required Affirmative Action for the employment and the advancement of qualified individuals with a disability, the OP/POR may undertake the following outreach and positive recruitment activities:

1. Notify all subcontractors, vendors and suppliers of the OP/POR's EEO and AA policy regarding the employment of qualified individuals with disabilities.
2. Inform all recruiting sources, including the State Employment Service, employment agencies, educational institutions and social service agencies of the OP/POR's policy concerning the employment of qualified individuals with disabilities and advise recruiting sources to actively recruit and refer qualified persons for job opportunities.
3. List all suitable employment openings with the appropriate local office of the State Employment Service.
4. Consider holding formal briefing sessions to invite representatives from recruitment sources and placement agencies to tour the facility, discuss current and prospective position openings, job descriptions and required qualifications and explanations of the OP/POR's selection procedures.
5. Consider participating in local job fairs sponsored by support groups for qualified individuals with disabilities.
6. Include the Equal Employment Opportunity clause concerning the employment of qualified individuals with disabilities in all nonexempt subcontracts and purchase orders.
7. Include the Equal Employment Opportunity clause in all job listings / announcements.

VIII. Internal Dissemination of Policy 41 C.F.R. § 60-741.44 (g)

In an effort to promote positive Affirmative Action for qualified individuals with a disability, the OP/POR has developed internal communications that foster understanding, acceptance, and support among the OP/POR's executive, management, and supervisory personnel. Additionally, all other OP/POR employees have been notified and encouraged to take the necessary action to aid the OP/POR in meeting its Affirmative Action obligations. The OP/POR has informed its employees and applicants for employment of its commitment to engage in Affirmative Action to increase the employment opportunities for qualified individuals with a disability.

The OP/POR realizes that a strong outreach program is ineffective without the adequate internal support from management personnel and other employees. In order to ensure greater employee cooperation and participation in the OP/POR's Affirmative Action efforts, the OP/POR has adopted and disseminated an internal policy. This policy's dissemination may include but is not limited to the following:

1. Copies of our AAP for Individuals with Disabilities will be made available for inspection to any employee or applicant upon request to promote understanding, acceptance and support.
2. Policies are re-emphasized to managers and supervisors annually.
3. OP/POR's Affirmative Action policy and the EEO poster are posted on bulletin boards located throughout our facilities and work areas.
4. All employees who believe they are a qualified individual with a disability, as defined in Section 503 of the Rehabilitation Act of 1973, as amended, have been invited to identify themselves if they wish to benefit under this Affirmative Action Program.
5. All employees may be advised annually of the OP/POR's policy and encouraged to aid in Affirmative Action efforts to ensure a fair and effective program.
6. Briefing sessions may be conducted annually for managers and supervisors to review the applicable regulations and to discuss such Affirmative Action measures as training and reasonable accommodation.
7. When making internal Equal Opportunity audits, implementation of this Affirmative Action Program will be reviewed.
8. Articles (and pictures) regarding accomplishments of employees who are qualified individuals with disabilities may be included in OP/POR and/or facility publications whenever available.
9. The policy is communicated and/or distributed to all employees.

IX. Audit and Reporting Systems 41 C.F.R. § 60-741.44 (h)

The OP/POR has designed and implemented audit and reporting systems that:

1. Measure the effectiveness of the OP/POR's programs.
2. Document personnel activities.
3. Identify problem areas where remedial action is needed.
4. Determine the degree to which OP/POR's AAP goals and objectives have been attained.

The following activities are reviewed at least annually to ensure freedom from stereotyping qualified individuals with disabilities in any manner, including that which may limit their access to any job for which they are qualified:

1. Recruitment, advertising, and job application procedures.
2. Hiring, promotion, upgrading, layoff, recall from layoff.
3. Rates of pay and any other forms of compensation including fringe benefits.
4. Job assignments, job classifications, job descriptions, and seniority lists.
5. Sick leave, leaves of absence, or any other leave.
6. Training, attendance at professional meetings and conferences.
7. Any other term, condition, or privilege of employment.

The OP/POR's audit system includes periodic reports documenting internal efforts to achieve EEO/AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem areas and are asked to outline their suggestions/recommendations for solutions. During the reporting, the following occurs:

1. The Affirmative Action Officer will discuss any problems relating to significant rejection ratios, EEO charges, etc., with management.
2. The Affirmative Action Officer will report the status of the OP/POR's AAP goals and objectives to management.
3. The Affirmative Action Officer will recommend remedial actions for the effective implementation of the AAP.

X. Responsibility for Implementation 41 CFR 60-741.44 (i)

These responsibilities are identical to those described in the Affirmative Action Plan for Women and Minorities. Please refer to Page 7 of that Plan.

XI. Training 41 C.F.R. § 60-741.44 (j)

All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes shall be trained to ensure that the commitments in the OP/POR's Affirmative Action Program are implemented.

XII. Utilization Analysis 41 CFR §60-741.45 (a)

In conformance with the changes to the federal regulations effective on March 24, 2014, the OP/POR will conduct a utilization analysis for individuals with disabilities.

The OP/POR has established a utilization goal of 7% for employment of qualified individuals with disabilities for each job group." The utilization goal is to establish a benchmark to measure the University's affirmative action progress. This goal is set as an equal employment opportunity objective attainable by means of applying good faith efforts. It is not a rigid inflexible quota which must be met, nor is to be considered either a ceiling or a floor for the employment of quotas are expressly forbidden.