



CALIFORNIA STATE UNIVERSITY, EAST BAY

Human Resources

**AFFIRMATIVE ACTION PROGRAM
FOR VETERANS AND INDIVIDUALS
WITH DISABILITIES**

AAP Year: September 1, 2004 to August 31, 2005

**Prepared by: Dorian West
Director of Equal Employment Opportunity
Human Resources
California State University, East Bay**

A. Equal Employment Opportunity Policy
41 C.F.R. §§ 60-741.44;-250.1

Because California State University, East Bay ("CSUEB") has federal contracts and/or subcontracts, it is required by federal law to develop a written affirmative action program for special disabled Veterans, Vietnam-Era Veterans and other covered Veterans ("Veterans") and individuals with disabilities in compliance with Section 503 of the Rehabilitation Act of 1973 ("Rehab Act") and the Vietnam Era Veterans' Readjustment Act of 1974 ("VEVRA"). This Program complies with both the VEVRA and the Rehab Act and the President of CSUEB is committed to providing affirmative action to Veterans and individuals with disabilities in accordance with VEVRA, the Rehab Act and CSUEB's Program.

The purpose of CSUEB's Affirmative Action Program for Veterans and individuals with disabilities is to reaffirm CSUEB's continuing commitment to the principles of affirmative action and equal employment opportunity for Veterans and individuals with disabilities, to provide methods for analyzing the effectiveness of the Program and to make necessary changes to achieve affirmative action for Veterans and individuals with disabilities. To aid in this goal, CSUEB maintains an audit and reporting system to determine overall compliance with this Program. This Program governs all aspects of employment, including recruitment, selection, job assignment, promotion, compensation, discipline, termination, access to benefits and training and other personnel actions.

CSUEB will make reasonable accommodations for qualified individuals with known disabilities unless doing so will result in an undue hardship. CSUEB prohibits discrimination and harassment of any individual on the basis of disability and Veteran's status, among other categories. Discrimination or harassment complaints on the basis of disability or Veteran's status, or other protected categories, should be brought to the Director of Equal Employment Opportunity.

Employees can raise concerns and make reports without fear of reprisal, harassment, intimidation, threats, coercion or discrimination because they: (1) file a complaint with CSUEB or with federal, state, or local agencies; (2) assist or participate in investigation, compliance review, hearing, or any other activity related to the administration of any federal, state or local equal employment opportunity or affirmative action statute; (3) oppose any act or practice made unlawful by federal, state or local law requiring equal employment opportunity or affirmative action; or (4) exercise any other employment right protected by federal, state or local law or its implementing regulations.

Overall responsibilities for the implementation of the CSUEB's equal employment opportunity programs and affirmative action compliance activities is assigned to the Director of Equal Employment Opportunity, who may be reached at (510) 885-4918. The policy is available for review at <http://www.CSUEBayward.edu/ODEO/divob.html>.

B. Responsibility for Implementation
41 C.F.R. §§ 60-741.44;-250.6

The Director of Equal Employment Opportunity is designated as the Director of CSUEB's affirmative action activities and has overall responsibility for the Program. The Director of Equal Employment Opportunity is the designated EEO Coordinator and is responsible for implementing, monitoring, and administering the Program.

The Director of Equal Employment Opportunity has been given top management support to manage implementation of this Program. The Director of Equal Employment Opportunity will continue to do the following, as necessary:

1. Develop policy statements, affirmative action programs, and internal and external communication techniques including discussions with managers, supervisors and employees to ensure CSUEB's policies are followed.
2. Advise supervisors through training that they are responsible to prevent employees harassed due to their disability and Veterans' status.
3. Identify problem areas with management in the implementation of the Program, and develop solutions to such problems.
4. Maintain an audit and reporting system to monitor the progress of the Program.
5. Serve as liaison between CSUEB and organizations for disabled persons and veterans.
6. Serve as liaison between CSUEB and the various governmental enforcement agencies, community groups and vocational rehabilitation organizations.
7. Inform management of the latest developments in the affirmative action area.

8. Maintain records and disseminate reports demonstrating the effectiveness of the AAP for individuals with disabilities and Veterans. The Department of Human Resources and the Office of Academic Affairs cooperate with one another in generating data/information for these reports.

C. Internal Dissemination of Policy
41 C.F.R. 60-741.44;-250.6

CSUEB recognizes that even a strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees, who may have had limited contact with individuals with disabilities or with Veterans in the past. To assure greater employee cooperation and participation in CSUEB's efforts with respect to individuals with disabilities and Veterans, CSUEB has developed the following internal procedures to communicate its obligation to engage in affirmative action efforts to employ and advance in employment qualified individuals with disabilities and Veterans. These procedures are designed to foster understanding, acceptance and support among CSUEB's executives, management, supervisory and other employees and to encourage such persons to take the necessary actions to aid CSUEB to meet its obligations.

1. CSUEB includes its equal employment and anti-harassment policy(ies) in its Staff Handbook and Faculty website. CSUEB periodically informs all employees and applicants of its commitment to engage in affirmative action to increase employment opportunities for qualified individuals with disabilities and Veterans. CSUEB schedules special meetings periodically with employees to discuss human resources policies and to explain individual employee responsibilities not to discriminate against or to harass other employees.
2. CSU has met and meets with Union officials and/or employee representatives to inform them of CSU's anti-discrimination and anti-harassment policies, and request their cooperation, as necessary.
3. CSUEB includes individuals with disabilities and Veterans in employee publications, when employees are featured in same.
4. CSUEB informs executive, management, and supervisory personnel to explain, from time to time, the intent of CSUEB's anti-harassment and anti-discrimination policies and individual employee responsibility for effective implementation, making clear the President's attitude.

5. CSUEB discusses the policy thoroughly at both employee and management training programs.
6. The Equal Opportunity and Affirmative Action Statement of policy will be posted on official University bulletin boards.

D. External Dissemination of Policy, Outreach and Positive Recruitment
41 C.F.R. §§ 60-741;-250.6

1. CSUEB informs recruiting services in writing of CSUEB's affirmative action process.
2. CSUEB enlists the assistance and support of recruiting sources to provide meaningful employment opportunities to qualified individuals with disabilities and to Veterans. CSUEB enlists the assistance and support of at least the following organizations in recruiting qualified Veterans:
 - a) Hayward's EDD, which provides special disabled veterans and Vietnam-era veterans priority services in job referrals.
 - b) The Regional Office of the Department of Veterans Affairs - Oakland Vet Center
 - c) Vietnam Vets of California
 - d) California Department of Rehabilitation
 - e) EastBay Works
 - f) Eden Area Regional Occupation Program
 - g) Jobs Consortium
 - h) Rehabilitation Associates, Inc.
 - i) San Francisco Rehabilitation
 - j) Swords to Plowshares
3. CSUEB provides information emphasizing CSUEB job opportunities to educational institutions, both public and private.
4. Representatives from recruiting sources:
 - a. Receive clear and concise explanations of job openings, position descriptions and worker specifications; and
 - b. Are briefed on CSUEB's selection process via CSUEB's website.

In addition, CSUEB's database system allows CSUEB to track where applicants are referred from via the self-identification form attached to the

respective CSUEB application (see Attachments 1 and 2). And, CSUEB provides feedback on disposition of applicants via a letter.

5. CSUEB takes positive steps to attract Veterans, such as specifically inviting Veterans to apply to CSUEB.
6. The Office of Public Affairs will include individuals with disabilities and Veterans when photographs of employees appear in University publications.
7. CSU has notified each labor organization or representative of workers with which it has a collective bargaining agreement or contract understanding that CSU is bound by the terms of the VEVRA and the Rehab Act and is committed to take affirmative action to employ and advance in employment Veterans and individuals with disabilities.
8. CSUEB will send written notification of this policy to all subcontractors, vendors and suppliers, requesting appropriate action on their parts by incorporation by reference in contracts. The nondiscrimination and equal opportunity clause for individuals with disabilities and Veterans will be included in all nonexempt contracts and purchase orders by incorporation by reference.

E. Review of Personnel Processes
41 C.F.R. §§ 60-741.44:-250.6

CSUEB's Human Resources Office ("HR") reviews all position descriptions prepared by organizational units every time there is an opening to confirm that they accurately reflect the assigned duties and responsibilities and to insure that all positions are consistently classified in conformance with California State University's ("CSU"), CSUEB's parent, Classification and Qualification Standards. CSU reviews job classes as needed. In addition, CSUEB HR is responsible for maintaining detailed position descriptions for each position.

Available positions continue to be posted in the weekly CSUEB Bulletin "Current Job Openings," and the website address: <http://www.aba.CSUEBayward.edu/HR/jobline/>. New recruitment sources for staff personnel will be identified for all Units and job groups as necessary and applicable. Special emphasis will be placed on recruitment from agencies that focus on persons with disabilities and all covered veterans. All recruitment material and advertising will indicate that "CSUEB is an Equal Opportunity Employer in conformance with Federal and State regulations, and does not discriminate on the basis of race, color, national origin, religion, gender, sexual

orientation, age or disability. The University is committed to the principles of diversity in employment and to creating a stimulating learning environment for its diverse student body. Ethnic minorities, women, Vietnam-era veterans and individuals with disabilities are encouraged to apply.”

CSUEB insures that its personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities and known Veteran status for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.

CSUEB also insures that personnel processes do not consider irrelevant military records in a manner which limits Veterans’ access to jobs for which they are qualified and do not stereotype individuals with disabilities or Veterans in a manner which limits their access to jobs for which they are qualified.

CSUEB also periodically reviews its processes and makes any necessary modifications to ensure that these obligations are carried out. The following procedures facilitate a review of the implementation of these requirements and are drawn from, among other things, Appendix C of the OFCCP’s Regulations implementing Section 503 of the Rehabilitation Act of 1973.

1. CSUEB annotates the appointment recommendation form of each job requisition to identify applicants with a known disability or known to be a Veteran. The information is quickly retrievable for review by the Department of Labor and by CSUEB officials for use in investigations and internal compliance activities.
2. The personnel or application records of each individual with a known disability or known to be a Veteran include (i) identification of each promotion for which the employee with a disability or Veteran was considered, and (ii) the identification of each training program for which the individual with a disability or Veteran was considered.
3. In each case in which an employee or applicant with a disability and/or of Veteran status is rejected for employment, promotion, or training, CSUEB appends a statement of the reason to the applicant form as well as a description of any accommodations considered if disability was the reason for reject. CSUEB makes this statement available to the applicant or employee concerned upon request.
4. The personnel record contains a description of any accommodation which made it possible to place an individual with a disability or a Veteran on the job. This is kept in confidential personnel files.

5. Individuals with disabilities and Veterans have a number of opportunities to self-identify themselves.
 - a) Post offer and prior to employment, individuals may complete a confidential self-identification form that includes a section on Veteran and disability status.
 - b) CSUEB employees, at their discretion, may also report any changes in status by updating a confidential self-identification form in the Department of Human Resources (see Attachments 3 and 4).
6. Every recruitment is subjected to an affirmative action audit to assure that no discrimination is taken against persons with disabilities and/or Veterans and that affirmative action is taken in recruitment.

F. Physical and Mental Qualifications
41 C.F.R. §§ 60-744:-250.6

CSUEB will review all physical and mental job qualification requirements with hiring authorities and supervisors to ensure that, to the extent qualification requirements screen out or tend to screen out qualified disabled individuals or Veterans, they are job-related and consistent with business necessity and the safe performance of the job.

1. The CSU Chancellor's Office establishes and reviews the physical and mental qualifications and requirements standards for each Systemwide classification.
2. CSUEB Human Resources will review staff position descriptions for appropriateness and consistency with classification standards (a) when the position is created, (b) when a vacancy occurs and recruitment is initiated, and (c) routinely every three years.
3. The hiring authority will identify physical and mental qualifications for faculty positions at the outset of each position search. This position description will be reviewed for appropriateness and consistency and approved by the appropriate Dean of the college and by the Office of Academic Affairs.
4. Pre-employment physical examinations are conducted only post-offer and only for those positions such as University Police for which physical agility and condition is a bona fide qualification requirement as governed by CSU Systemwide classification standards.

G. Reasonable Accommodation of Physical and Mental Impairments
41 C.F.R. §§ 60-741;-250.6

CSUEB makes reasonable accommodation to the known physical or mental limitations of all otherwise qualified individuals with a disability unless it can demonstrate that the accommodation would impose an undue hardship on the operation of our business. If an employee with a known disability is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, CSUEB confidentially notifies the employees of the performance problem and inquires whether the problem is related to the employee's disability. If the employee responds affirmatively, CSUEB confidentially inquires whether the employee is in need of a reasonable accommodation and will begin the interactive process.

Information obtained from applicants/employees concerning a physical or mental condition will be kept confidential, except that a) Supervisors and managers may be informed regarding accommodations or restrictions on work or duties; b) First aid and safety personnel may be informed when, and to the extent appropriate, the condition might require emergency treatment; and c) Government officials investigating compliance with the EEO laws will be informed.

Employees may also contact the following at any time to request an accommodation:

Dorian West
Director Equal Employment Opportunity
Human Resources
25800 Carlos Bee Boulevard Human Resource Department
Hayward, CA 94542
Direct line (510) 885 - 4918
Fax (510) 885 - 4919

H. Harassment
41 C.F.R. §§ 60-741.44

CSUEB has developed and implemented procedures to ensure that its employees with disabilities and Veterans are not harassed because of their disability or Veteran status.

I. Audit and Reporting System
41 C.F.R. §§ 60-741.44;-250.6

CSUEB has the ability to measure its compliance with and the effectiveness of its affirmative action program, whether any remedial action is necessary and whether CSUEB's objectives have been attained, with a few keystrokes.

CSUEB's HR database system allows CSUEB to run reports on such thing as:

1. All job opportunities for a given period of time
2. All applicants for each position
3. From where each applicant was referred
4. The disability and Veteran status of every applicant, if given
5. The reason an applicant is not hired
6. The number of new hires to CSUEB that are disabled, special disabled veterans, Vietnam era veterans, newly separated veterans other protected veterans for a given period of time
7. The number of CSUEB employees that are disabled, special disabled veterans, Vietnam era veterans, newly separated veterans and other protected veterans
8. The names of all CSUEB employees that are disabled, special disabled veterans, Vietnam era veterans, newly separated veterans and other protected veterans
9. The starting, previous and/or current salary for all CSU employees
10. Information on hiring, assignment, promotion, demotion, transfer, lay-off or termination for each CSU employee
11. Selection for apprenticeships ¹
12. Reasonable accommodations given to individuals with disabilities and special disabled veterans

Finally, CSUEB keeps recruitment files for positions, which contain interview notes, for a period of 5 years from the date a position is filled. And, CSUEB keeps personnel files for all CSUEB staff employees indefinitely and for faculty employees for 10 years. Plus, if an employee claims discrimination on the basis of disability, Veteran status or a compliance evaluation is conducted, CSUEB has procedures in place to maintain recruitment files and faculty personnel files until the final disposition of such action if it is beyond the 5 to 10 year period, as applicable. All complaints of compliance evaluations would come to the Director of Equal Employment Opportunity.

¹ Apprenticeships are offered in the same way that jobs are and the relevant records are kept and maintained in the same manner.

It should be noted that whether or not an individual is a Veteran is invisible to those persons making the hiring and/or promotion decisions. The only persons with access to such information are those persons tasked with ensuring CSUEB's compliance with the affirmative action obligations under the VEVRAA, i.e., the Director of Equal Employment Opportunity and the Affirmative Action Officer. Accordingly, CSUEB's personnel processes do not allow for hiring managers to limit disabled and Veterans' access to positions for which they are qualified due to stereotyping.

Where CSUEB finds the affirmative action program to be deficient, CSUEB undertakes necessary action to bring the program into compliance.

This Affirmative Action Program will be reviewed and revised as necessary.

J. Training
41 C.F.R. §§ 60-741.44;-250.6

CSUEB trains all personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes, at least annually, to ensure that the commitments in CSUEB's affirmative action program are implemented as to individuals with disabilities and to Veterans.