

UCOP Human Resources Procedures 14 – AFFIRMATIVE ACTION

I. POLICY REFERENCES

UC-PPSM 12, Non-Discrimination in Employment
UC-PPSM 14, Affirmative Action
UC-PPSM 20, Recruitment
UC-PPSM 21, Appointment
UCOP Affirmative Action Plan for Women and Minorities, Individuals with Disabilities, and Covered Veterans

II. GENERAL

Consistent with current federal regulations and University policy requirements, the University maintains and implements an Affirmative Action Program. This program consists of a set of specific and results-oriented programs and procedures by which the University of California Office of the President/Principal Officers of the Regents (UCOP/POR) commits to apply every good faith effort to achieve full utilization of women and minorities. Additionally, the University maintains an Affirmative Action Program to ensure that affirmative action is undertaken for individuals with disabilities and covered veterans (special disabled veterans, Vietnam era veterans, or any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized).

III. RESPONSIBILITY

Senior Vice President - Business and Finance

The Senior Vice President - Business and Finance is the Chief Operating Officer for the University of California, Office of the President (UCOP) and has overall responsibility for affirmative action. The Senior Vice President – Business and Finance has delegated specific authorities and responsibilities for affirmative action as outlined below:

A. Associate Vice President – Human Resources and Benefits

The Associate Vice President – Human Resources and Benefits has oversight responsibility for the UCOP/POR Affirmative Action Plan, and oversees overall implementation of the commitments and objectives outlined in the Plan.

B. Director, UCOP Human Resources

The Director, UCOP Human Resources has responsibility for the development of the UCOP/POR Affirmative Action Plan, including oversight of the monitoring and evaluation activities carried out by the Office of Human Resources. Specifically, the Director’s responsibilities include the following:

1. Administering employee affirmative action programs consistent with established affirmative action objectives.
2. Ensuring that consultations with managers, supervisors, and other employees are conducted regarding the University’s policies governing affirmative action and non-discrimination.
3. Ensuring that appropriate monitoring and reporting systems are developed to measure the effectiveness of UCOP/POR affirmative action and non-discrimination policies, programs, and actions.
4. Ensuring the identification of problem areas and the development of action-oriented programs.

The Director, UCOP Human Resources also has responsibility for implementation within the Office of the President and the Principal Officers of The Regents of the UCOP/POR Affirmative Action Plan with respect to administration of personnel policies, recruitment, hiring, promotion, retention, and training and development. The Director's responsibilities also include the following:

1. Advising Division Heads, Department Heads, Unit Directors/Managers, and Supervisors about the application of personnel policies and their affirmative action implications.
2. Assisting in the identification of problem areas concerning under-utilization.
3. Overseeing systems to collect information that is used to measure the effectiveness of affirmative action programs, identifying any need for remedial action, and determining the attainment of affirmative action goals.
4. Developing and implementing policies and procedures which afford all employees, including women and minorities equal opportunity to participate in all UCOP and POR-sponsored educational, training, recreational and social activities.
5. Ensuring the implementation of policies and procedures governing equal employment opportunity and affirmative action efforts.

C. Affirmative Action Officer

The Affirmative Action Officer is responsible for the development of affirmative action plans, policies and programs at the Office of the President, and has responsibility for the day-to-day implementation of the UCOP/POR Affirmative Action Plan, including the coordination, monitoring, and evaluation of the UCOP Affirmative Action programs, policies, and procedures. The Affirmative Action Officer's responsibilities extend to the Principal Officers of The Regents with respect to the development of the Affirmative Action Plan and related policies, programs and procedures. Specifically, the Affirmative Action Officer's responsibilities include the following:

1. Develop and update the Affirmative Action Plan for the UCOP and the POR consistent with applicable laws, regulations, and University policies.
2. Design and implement audit and reporting systems that will:
 - Measure the effectiveness of affirmative action programs
 - Identify any needs for remedial action
 - Determine the degree to which affirmative action goals and objectives are being attained.
3. Identify problem areas and assist in the development of corrective programs and actions.
4. Develop internal and external communications to provide for broad dissemination of UCOP/POR's non-discrimination and affirmative action policies and procedures.
5. Conduct informal and formal meetings, conferences, workshops, seminars, or individual or group sessions with UCOP/POR employees to communicate information regarding the University's policies, legal requirements, and other issues pertaining to affirmative action and non-discrimination.
6. Conduct informal, confidential mediation and discussion with employees and/or supervisors regarding suspected or alleged discriminatory actions or behavior.

D. Division Heads, Department Heads, Unit Managers

Division Heads, Department Heads, and Unit Managers' responsibilities include the following:

1. Provide for equitable application of all personnel policies and procedures to provide a workplace free of employment discrimination.

2. Afford all employees, including women and minorities, equal opportunity to participate in the UCOP/POR sponsored educational, training, recreational and social activities.
3. Apply good faith efforts to achieve participation rate goals when established.

E. Supervisors

Supervisors' responsibilities include the following:

1. Apply equitably all personnel policies and practices to provide a workplace free of discrimination. Upon request, provide employees with copies of written policy and procedural statements.
2. Circulate internal and external communications to employees regarding affirmative action and non-discrimination policies, procedures, and programs.
3. Implement policies and procedures which afford all employees, including women and minorities, equal opportunities to participate in UCOP/POR sponsored educational, training, recreational, and social activities.

F. Principal Officers of The Regents (POR)

The Principal Officers of The Regents are: The Secretary of The Regents, the Vice President – Legal Affairs and General Counsel of The Regents, and the Treasurer of The Regents

With the assistance as necessary and appropriate from the Director, UCOP Human Resources, the Secretary, the Vice President – Legal Affairs and General Counsel, and the Treasurer of The Regents are responsible for implementing the UCOP/POR Affirmative Action Plan in their respective offices. These responsibilities include administration of personnel policies, recruitment, hiring, promotion and retention, training, compensation and development of administrative procedures to implement the commitments and objectives outlined in the Plan. The Office of the President EEO/Affirmative Action Officer will assist in the development of the programs and procedures designed to meet the POR's affirmative action needs and objectives, and in the identification of problem areas including those resulting from under-utilization. Specifically, responsibilities of the Secretary, the Vice President – Legal Affairs and General Counsel, and the Treasurer of The Regents include the following:

1. Provide for equitable application of all personnel policies and procedures to provide a workplace free of employment discrimination.
2. Apply good faith efforts to achieve goals for minorities and women, when established.
3. Afford all employees, including women and minorities, equal opportunities to participate in all the UCOP/POR sponsored educational, training, recreational, and social activities.
4. With the assistance of the Office of the President Affirmative Action Officer, develop internal and external communications to provide for the broad dissemination of the POR's non-discrimination and affirmative action policies and procedures.

IV. DEFINITIONS

Affirmative Action was first established by the federal government in 1965 through an executive order signed by President Johnson. Affirmative action was developed as a means to reach the ultimate goal of equal employment opportunity. It consists of special efforts to reach out to minorities and women to eliminate under-representation, and to employ covered veterans and individuals with disabilities.

Affirmative Action:

- is legally mandated for federal contractors,

- includes special efforts in recruiting and retaining minorities and women, covered veterans, and individuals with disabilities, and
- is intended to eliminate present effects of past discrimination

Equal Employment Opportunity is a system of employment practices within an organization under which individuals are not excluded from any participation, advancement or benefits because of their race, color, religion, sex, national origin, or other factor which cannot lawfully be the basis for employment action; an employment system in which neither intentional nor unintentional discrimination operates.

Equal Employment Opportunity:

- is legally mandated,
- focuses on eliminating discriminatory employment and human resources policies and practices,
- promotes equal access and opportunity so that no one is excluded from participation, and
- is the ultimate objective of affirmative action programs.

V. AFFIRMATIVE ACTION PLAN

The Affirmative Action Plan is a written document by which UCOP is committed to make good faith efforts to remedy any under-utilization of women and minorities in the workforce. The Plan:

- Reflects UCOP's status as a state and federal contractor, subject to Executive Order 11246, as amended.
- Establishes goals based on labor force availability, to remedy under-utilization of minorities and women.
- Guides outreach and recruitment to assure good faith efforts in creating diverse applicant pools when hiring opportunities arise.
- Provides a tool for departments to evaluate their progress and to make plans for improvement.
- Evaluates employment practices, provides an important tool in preventing and combating employment discrimination, and identifies problem areas relating to gender or ethnicity.
- Sets out positive steps that UCOP/POR takes in order to promote equal employment.
- Communicates UCOP/POR's commitment to equal employment opportunity and affirmative action.
- Provides an overview of UCOP/POR's workforce by gender and ethnicity and determines where women and minorities are under-utilized in its workforce.

Under the Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) guidelines, the University must include the following items in its Affirmative Action Plan (AAP): self-analysis, under-utilization analysis, and establishment of goals.

- I. **Self-Analysis:** Self-analysis, an essential component of the AAP, is designed to assist the University in identifying underutilized areas, developing focused outreach efforts, and implementing Equal Employment Opportunity/Affirmative Action policies.
 - a) **Workforce analysis:** The workforce analysis consists of a listing of all job titles in descending salary order for each department, showing the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents within each ethnic group. The Staff Affirmative Action Office (SAAO) will review the workforce analysis of UCOP/POR personnel once a year.

- b) Job Group Analysis: A job group contains a set of job titles that share similar content, wage rates, and opportunities. As a general practice, job title and job group assignments at UCOP/POR are reviewed and updated as appropriate.
 - c) Availability Analysis: An availability analysis determines the level qualified women and minorities might reasonably be expected to be represented in a job group, based on their availability in the relevant labor area workforce. It defines the relevant labor market for each job group, and it considers a minimum of two factors to determine the overall availability of qualified women and minorities for a job group.
2. **Utilization Analysis**: The utilization analysis is the comparison of incumbents in the UCOP/POR workforce to external availability, by job group. The utilization analysis requires comparison of two sets of data: (1) percentages of women and minorities in the workforce represented in a job group; and (2) percentages of women and minorities available in the relevant job market. An area is considered underutilized when representation of women or minorities falls below its availability.
3. **Establishment of Goals**: As underutilized areas are identified, goals must be set to assure equality of opportunity in job groups where women and minorities are underutilized. Goals are established throughout UCOP by the SAAO. It should be emphasized that while goals are required, quotas are neither required nor permitted. Good faith efforts are the true measure of compliance with this program.

Affirmative action goals are reviewed periodically and progress reports with appropriately adjusted goals are prepared as needed during the affirmative action plan period by the Affirmative Action Officer.

The Affirmative Action Officer also prepares periodic affirmative action progress reports, providing a summary of the distribution of staff personnel in each job group by ethnicity and sex to measure progress towards UCOP's affirmative action goals.

VI. POLICIES AND PROCEDURES FOR AFFIRMATIVE ACTION

The following statements of personnel policy provide a general overview of practices, which are being implemented by UCOP in order to meet its commitment to equal employment opportunity. Personnel policies will conform to UCOP's Non-Discrimination in Employment policy as described below. The details of these policies may be found in the University's *Personnel Policies for Staff Members* and related articles for employees covered by collective bargaining agreements.

A. Non-Discrimination in Employment

It is the policy of the University not to engage in discrimination against or harassment of any person employed by or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or status as a covered veteran (special disabled veteran, Vietnam era veteran, or any other veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized). This policy is intended to be consistent with the provisions of applicable State and Federal laws and University Policies.

B. Affirmative Action Policy

Consistent with its status as a Federal contractor, the University undertakes affirmative action for minorities and women, for persons with disabilities, and for covered veterans (special disabled veterans, Vietnam era veterans, or any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized).

C. Recruitment

As appropriate, the University will recruit both within and outside its work force to obtain qualified applicants. To support career progress of qualified internal candidates, internal recruitment may be utilized so long as it is consistent with equal employment and affirmative action objectives and results in a diverse pool of qualified applicants.

D. Selection

The individual who, in the judgment of the hiring authority, possesses the qualifications required to perform the duties of the position most effectively is to be selected for the position. The hiring authority shall give due consideration to providing promotional opportunities to University employees.

E. Policy on Employment of Relatives (Nepotism)

Subject to the Associate Vice President, Human Resources and Benefits approval, the employment of near relatives in the same department may be permitted when such concurrent employment would be in the best interests of the University. For the purpose of this policy, a near relative is defined as a spouse, parent, child, sibling, step relative, or in-law.

F. Training

Training programs will be open to all employees in accordance with the UCOP Equal Employment Opportunity and Affirmative Action policy. Training programs will not be designed solely to improve skills in existing jobs, but also to develop skills necessary for career development.

The Affirmative Action Officer will continue to develop special training programs for supervisory and other staff to create greater awareness and understanding of issues of employment discrimination. Additionally, the Affirmative Action Officer will continue to provide organizational development consultation to departments to enable employees to fully participate in the organization.

G. Promotion

Promotional opportunities at UCOP are encouraged for all employees regardless of sex or ethnicity. Promotions will be based solely on criteria which are made explicit. Promotion policies are administered in compliance with UCOP's policy on non-discrimination in employment.

H. Termination

Decisions regarding termination and non-renewal of employment will be made in compliance with UCOP's policy on non-discrimination.

I. Work Conditions

Work conditions will be applied in compliance with UCOP's policy on non-discrimination in employment.

J. Salary and Merit Increase

UCOP recognizes and adheres to the principle that no unlawful discrimination will be shown to any employee with respect to salary. Merit increases are to be awarded on the basis of individual performance and improvement in performance. No merit increases may be awarded or denied on a discriminatory basis, in accordance with UCOP's policy on non-discrimination in employment.

K. Leave Policies

Leave policies will be administered in accordance with the UCOP's policy on non-discrimination in employment.

L. Grievance Procedures

UCOP has grievance procedures for staff employees which ensure a fair adjudication of complaints related to conditions of employment. These procedures are described in the various personnel program manuals and collective bargaining agreements.

M. Retaliation

Individuals who believe that they have been discriminated against in violation of University policy or state or federal law may file complaints with appropriate UCOP offices and/or state or federal enforcement agencies. It is contrary to University policy to discriminate against or take any other retaliatory action against any individual because that person has filed a discrimination complaint with a UCOP organization or an external government agency, or has assisted, testified, or participated in a UCOP or agency's investigation. State and federal anti-discrimination laws prohibit discrimination or any other retaliatory action against any individual because that individual has made a charge, testified, assisted, or participated in an investigation under those laws. Employees of the University are expected to adhere to these requirements against discriminatory or retaliatory action.

N. Performance Evaluations

As a part of the performance evaluation procedure at UCOP, all supervisors will be evaluated on their performance in the implementation of the Affirmative Action Plan as it applies to their areas of supervision.

O. Physical Facilities

Appropriate physical facilities are provided for employees and applicants of both sexes.

P. Retirement and Benefits

Retirement and benefit provisions are administered in accordance with the University's policy on non-discrimination.

Q. Seniority Systems

Gender is not a factor in UCOP's seniority systems. Seniority is applied equally to all employees regardless of gender.

VII. DISSEMINATION OF POLICY

The University policy on non-discrimination and affirmative action is communicated to Office of the President employees through various institutional publications. It is also discussed with supervisors and managers at periodic meetings concerning affirmative action progress and program activities. Applicants and various public and private applicant referral sources, such as school placement centers, community agencies, and skills centers, receive the policy by way of the *Employment Opportunities* bulletin, located at <http://jobs.ucop.edu>.