

**UNIVERSITY OF CALIFORNIA
DAVIS**

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

December 31, 2016 – December 30, 2017

Prepared by:

**Office of the Provost and Executive Vice Chancellor
Mrak Hall, Fifth Floor
University of California, Davis
One Shields Avenue
Davis, CA 95616
(530) 752-2065
(530) 752-2400 fax**

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

TABLE OF CONTENTS

		<u>Page</u>
SECTION I	PURPOSE AND POLICY	1
SECTION II	DEFINITIONS	2
SECTION III	APPLICABILITY OF THE AFFIRMATIVE ACTION PROGRAM	4
SECTION IV	DISSEMINATION OF POLICY	5
SECTION V	AFFIRMATIVE ACTION PRACTICES AND PROCEDURES	8
SECTION VI	AUDIT AND REPORTING SYSTEM	11
SECTION VII	RESPONSIBILITY FOR IMPLEMENTATION	12
SECTION VIII	PLAN OF ACTION	13
SECTION IX	COMPLAINT PROCEDURE	15
SECTION X	NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY	16

SECTION I - PURPOSE AND POLICY

Consistent with the provisions of 41 CFR §§ 60-741.43, 60-741.44(a), 60-300.43, and 60-300.44(a), UC Davis is committed to the principles of equal employment opportunity for individuals with disabilities, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans. UC Davis will recruit, train, and promote into all job levels the most qualified individuals without regard to their physical or mental disability or status as a disabled veteran, Armed Forces service medal veteran, recently separated veteran and other protected veteran. Similarly, all other human resource matters including employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training programs, will be administered in accordance with this Policy.

The University's objective in adopting this Affirmative Action Program is to ensure the selection of qualified individuals with a disability, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans at all levels and in all job classifications. UC Davis is resolved to take voluntary, positive, business-oriented action which will contribute to the furtherance of the spirit and intent of federal, state, and local legislation and government regulations by providing affirmative action and equal employment opportunity to qualified individuals with a disability, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans.

Exhibit A (attached as section X) represents a reaffirmation of the University's policy to provide equal employment opportunity to qualified individuals with a disability, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans.

SECTION II - DEFINITIONS

The following definitions are applicable to this program. (See 41 C.F.R. § 60-300.2 (b, c, i, o, q, u) and 60-741.2(g, r)).

A. Definition of “Protected Veteran”

For purposes of this affirmative action plan, a “protected veteran,” means a veteran who is protected under the non-discrimination provisions of the law; specifically, a veteran who may be classified as a “disabled veteran,” “recently separated veteran,” “active duty wartime or campaign badge veteran,” or an “Armed Forces service medal veteran.”

B. Definition of a “Disabled Veteran”

For purposes of this affirmative action plan, a “disabled veteran” means:

- (1) A veteran of the U.S military, ground, naval or air service who is entitled to disability compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or
- (2) A person who was discharged or released from active duty because of a service-connected disability.

C. Definition of “War/Campaign Veteran”

In addition, “protected veteran” includes any veteran who served on active duty in the U.S. military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.

D. Definition of “Recently Separated Veteran”

For purposes of this affirmative action plan, a “recently separated veteran” is any veteran during a three-year period beginning on the date of such veteran’s discharge or release from active duty in the U.S. military, ground, naval, or air service.

E. Definition of “Armed Forces Service Medal Veteran”

For purposes of this affirmative action plan, an “Armed Forces service medal veteran” is any veteran who, while serving on active duty in the U.S. military, ground, naval, or air service, participated in a United States

military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 Fed. Reg. 1209).

F. Definition of “Veteran of the Vietnam Era”

For purposes of this affirmative action plan, a “veteran of the Vietnam era” is any veteran who:

- (1) Served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred:
 - a. In the Republic of Vietnam between February 28, 1961 and May 7, 1975; or
 - b. Between August 5, 1964, and May 7, 1975, in all other cases; or
- (2) Was discharged or released from active duty for a service-connected disability if any part of such active duty was performed:
 - a. In the Republic of Vietnam between February 28, 1961, and May 7, 1975; or
 - b. Between August 5, 1964 and May 7, 1975, in all other cases.

G. Definition of “Disability”

For purposes of this affirmative action plan, an “individual with a disability” means any person who:

- (1) has a physical or mental impairment that substantially limits one or more major life activities;
- (2) has a record of such impairment; or
- (3) is regarded as having such impairment.

A “qualified individual” means an individual who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

SECTION III - APPLICABILITY OF THE AFFIRMATIVE ACTION PROGRAM

Consistent with the provisions of 41 C.F.R. § 60-741.42 and § 60-300.42, individuals are invited to identify themselves as individuals with a disability, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans so that they may benefit from this Affirmative Action Program.

Self-identification data is collected at the time of application for employment and after making an offer of employment to a job applicant, but before the applicant begins his or her employment duties. The information on the form is voluntarily provided by the applicant and is kept confidential. Refusal to provide such information does not subject the individual to any adverse treatment.

SECTION IV - DISSEMINATION OF POLICY

A. Internal Dissemination (41 C.F.R. §§ 60-741.44(g) and 300.44(g)).

UC Davis has developed internal procedures to communicate its obligation to engage in affirmative action efforts to employ and advance in employment individuals with disabilities and protected veterans. The procedures are designed to foster understanding, acceptance, and support among all employees and to encourage them to help UC Davis meet this obligation.

1. The nondiscrimination/affirmative action policy statement and the text of this Plan are made available on the University's website (http://occr.ucdavis.edu/affirmative_action_data.html) and a printed copy is available in the general campus library.
2. The policy statements are available to all employees through the University's website.
3. Information about the program is presented at various meetings.
4. The policies are explained in training and management programs related to recruitment and selection of staff and at faculty development workshops, such as the New Chairs Workshop and Search Chairs Workshop for academic searches.
5. The plan is distributed and discussed with Academic Affirmative Action Unit Heads at annual meetings.
6. Information regarding equal employment opportunity and affirmative action for individuals with disabilities and covered veterans is displayed on bulletin boards and other areas designated for general information.

B. External Dissemination, Positive Recruitment, and Recordkeeping (41 C.F.R. §§ 60-741.44(f), 300.44(f)(4), 60-741.81, 60-300-80, §60-300.5 (a), 60-741.5(a)(4))

1. UC Davis informs all major recruiting sources of our commitment to equal opportunity and affirmative action and provides these sources with a copy of our Equal Employment Opportunity and Affirmative Action Policy Statement. All UC Davis employment openings, other than Executive and top management positions and positions expected to be filled from within the organization, are posted with state employment service offices. These sources are requested to actively recruit and refer individuals with disabilities, disabled veterans,

Armed Forces service medal veterans, recently separated veterans and other protected veterans for all positions for which we hire.

2. All UC Davis employment advertisements and solicitations contain an Equal Employment Opportunity statement. UC Davis communicates the existence of our Affirmative Action Program to all employment candidates and is an equal opportunity employer of protected veterans and individuals with disabilities.
3. When applicable, we use agencies and schools which train or refer individuals with disabilities or disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans to fulfill our affirmative action commitments.
4. Outreach efforts at UC Davis have included hosting career fairs for veterans and establishing meaningful contacts with appropriate organizations for such purposes as advice on proper placement; technical assistance on recruitment and training; and accommodation and referral of potential employees. Organizations include, but are not limited to, the following:
 - a. Employment Development Office – Veterans Group
 - b. Travis Air Force Base
 - c. In Alliance – Developmental Disabilities Group
 - d. Progressive Employment – Developmental Disabilities

The organizations do not have authority to approve or disapprove the acceptability of UC Davis affirmative action programs.

5. All covered purchase orders and contracts contain the federally approved statements about Equal Employment Opportunity requirements for individuals with disabilities, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans.
6. Subcontractors, vendors and suppliers are sent written notification of our Equal Employment Opportunity and Affirmative Action Policy Statement and are requested to take action to comply with the policy. Contracts and sub-contracts will include the legally required equal opportunity clauses.
7. On an annual basis, UC Davis will review the number of applicants who self-identified as individuals with disabilities or as protected veterans and the number of applicants with disabilities or protected veterans that were hired and compare these statistics to the total number of applicants and the total number of applicants hired within each job group. Data for the current year and the prior two years will

be reviewed. Assessment of external outreach and recruitment efforts will be made based on this comparison. If recruitment or hiring of persons with disabilities or protected veterans is deemed insufficient, additional efforts will be made in the following plan year to improve outreach and recruitment efforts.

8. All records of activities related to external outreach, recruitment efforts, data collection analysis and records related to reaching utilization and hiring benchmark goals will be documented and retained for a period of three years.
9. UC Davis notifies all job applicants of their rights in the electronic application process. The electronic applicant notice is a part of the electronic application. UC Davis satisfies its electronic posting obligation by posting notices in an electronic format provided to all job applicants. Computer access is provided in the offices of Human Resources.

SECTION V - AFFIRMATIVE ACTION PRACTICES AND PROCEDURES

A. **Proper Consideration of Qualifications** **(41 C.F.R. §§ 60-741.44(b) and 300.44(b))**

UC Davis reviews its personnel procedures on an on-going basis to assure careful, thorough, and systematic consideration of the job qualifications of known disabled individuals, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veteran applicants for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. UC Davis also provides necessary reasonable accommodations to ensure applicants and employees with disabilities receive equal opportunity in the operation of personnel processes.

B. **Physical and Mental Qualifications** **41 C.F.R. §§ 60-744(c) and 300.44(c))**

UC Davis reviews all physical and mental job qualification requirements with management to ensure that, to the extent qualification requirements screen out or tend to screen out qualified individuals with disabilities, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans, they are job-related and consistent with business necessity and safe performance of the job. This review is conducted as vacancies occur. The review of position descriptions found all job qualification requirements to be job-related and consistent with business necessity and safety.

To the extent that physical or mental job qualification requirements screen out qualified individuals with disabilities, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans in the selection of employees or applicants for employment or other changes in employment status such as promotion and training, UC Davis assures that the requirements are related to the specific job(s) for which the individual is being considered and are job-related and consistent with business necessity and the safe performance of the job. UC Davis relies only on portions of military record relevant to the job opportunity requirements. Information obtained from applicants/employees concerning a physical or mental condition is 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.
- c. Government officials engaged in enforcing laws administered by OFCCP and the Americans with Disabilities Act may be informed.

**C. Reasonable Accommodation to Physical and Mental Limitations
(41 C.F.R. §§ 60-741.44(d), 300.44(d) and 60-741.21))**

UC Davis prohibits all forms of unlawful discrimination based upon an individual's disability. Upon request, UC Davis makes reasonable accommodations to the physical and mental limitations of employees or applicants to the extent that such accommodation does not impose an undue hardship on the conduct of its business.

UC Davis informs all applicants with disabilities through the electronic online job application of reasonable accommodation resources to ensure that all individuals with disabilities who cannot use the online system have equal opportunity to apply and be considered for all jobs.

The University's building planning includes reasonable accommodation to the special needs of individuals with disabilities, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans, including access to the building, utilization of rest room facilities, and mobility requirements within the building and parking locations.

D. Compensation

In offering employment or promotions to individuals with disabilities, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans, UC Davis does not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from other sources.

**E. Harassment
(41 C.F.R. § 60-741.44(e) and 300.44(e))**

UC Davis has developed and implemented procedures to ensure that its employees with disabilities and protected veterans are not harassed because of their disability or protected veteran status.

**G. Data Collection Analysis
(41 C.F.R. §§ 60-741.44(k) and 300.44(k))**

UC Davis will document the following computations or comparisons pertaining to applicants and hires on an annual basis and maintain them for a period of three years:

- a. The number of applicants who self-identified as individuals with disabilities or as protected veterans, or who are otherwise known to be individuals with disabilities or known as protected veterans.

- b. The total number of job openings and the total number of jobs filled.
- c. The total number of applicants for all jobs.
- d. The number of applicants with disabilities hired and the total number of protected veteran applicants hired.
- e. The total number of applicants hired.

**H. Utilization Analysis – Benchmarks for Hiring
(41 C.F.R. § 60-741.45 (d), 60-300.45)**

UC Davis has adopted the national percentage (6.9%) of veterans in the civilian labor force provided by OFCCP, currently as its overall hiring benchmark for protected veterans for the 2015-2016 AAP year. A percentage goal of 7% by job groups for individuals with disabilities has been adopted as a hiring goal.

UC Davis conducted a utilization analysis of individuals with disabilities and protected veterans by job group on an annual basis and maintain the document for a period of three years. The analysis (provided in Exhibits B and C) includes the following:

- a. Job group
- b. Total number of employees per job group
- c. Number of employees who are individuals with disabilities or protected veterans per job group
- d. Percentage of individuals with disabilities or protected veterans per job group
- e. 7% goal met (Y/N) for individuals with disabilities and 6.9% goal met (Y/N) for protected veterans

SECTION VI – AUDIT AND REPORTING
41 C.F.R. §§ 60-741.44(h) and 300.44(h)

UC Davis has designed and implemented a centralized audit and reporting system through the Office of Compliance and Policy that:

1. Measures the effectiveness of its affirmative action program.
2. Indicates any need for remedial action.
3. Determines the degree to which its objectives are being attained.
4. Determines whether individuals with known disabilities and known protected veterans have had the opportunity to participate in all campus-sponsored educational, training, recreational and social activities.
5. Measures its compliance with the affirmative action program's specific obligations.
6. Documents the actions taken to comply with the above obligations and retains these documents as employment records.

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

SECTION VII - RESPONSIBILITY FOR IMPLEMENTATION
41 C.F.R. §§ 60-741.44(i), and 300.44(i)

- A. All UC Davis employees are responsible for complying with its Equal Employment Opportunity/Affirmative Action Policy and in helping implement its affirmative action commitments.
- B. Ultimate responsibility for equal opportunity and affirmative action planning at UC Davis is vested with the Chancellor and the Provost and Executive Vice Chancellor. The Vice Provost of Academic Affairs, Associate Vice Chancellor of Human Resources, Associate Executive Vice Chancellor of Campus Community Relations and the Chief Compliance Officer have overall responsibility for this affirmative action program. These officials have been given the necessary top management support and staff to manage the UC Davis Affirmative Action Plan. These responsibilities include but are not limited to:
1. Developing policy statements, affirmative action programs, and internal and external communications including discussions with managers and employees to ensure that the University's policies are followed.
 2. Advising managers and supervisors that they are responsible for preventing harassment of employees based on legally protected characteristics.
 3. Identifying problem areas with the implementation of the program, and developing solutions to such problems.
 4. Maintaining an audit and reporting system to monitor the progress of the program.
 5. Informing management of the latest developments in the affirmative action area.
- C. Responsibilities of Line Managers
- All UC Davis managers are responsible for implementation of the Affirmative Action Program within their areas of responsibility. This includes monitoring hiring and promotion practices, identifying problem areas, and taking other actions as outlined in this Plan, as necessary.

SECTION VIII - PLAN OF ACTION

UC Davis views its Affirmative Action Program as a results-oriented program designed to enhance the opportunities of qualified individuals with disabilities, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans. UC Davis recognizes that the ultimate success of this undertaking will be largely the result of the “good faith efforts” detailed in this plan of action section for the UC Davis Affirmative Action Plan. There is executive support for the Plan. The substance of the plan to convert commitments to measurable progress is outlined in the following pages.

A. Recruiting

UC Davis is actively seeking qualified individuals with disabilities, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veterans for existing and future employment. In order to improve UC Davis recruitment and increase the flow of qualified disabled applicants, UC Davis will contact local and state employment referral agencies.

UC Davis annually informs its primary recruiting sources of our EEO and affirmative action policies and maintains a file of the sources notified.

The University’s employment application states that we are an equal opportunity employer.

B. Hiring and Selection Decisions

All employees engaged in making hiring and selection decisions are trained to assure nondiscrimination in decision making. Employment decisions are reviewed periodically to monitor results.

C. Promotions and Transfers

All internal candidates for positions are considered without regard to their disability and/or veteran status. All qualified individuals are given equal consideration as opportunities for promotion and transfer occur.

D. Training

Employees with disabilities, disabled veterans, Armed Forces service medal veterans, recently separated veterans and other protected veteran employees are given equal access to all developmental training designed to enhance an employee’s ability to assume positions of greater responsibility. UC Davis will utilize job programs at rehabilitation facilities and/or schools which specialize in the training and education of individuals with disabilities, where appropriate and practical.

E. Subcontracts

All UC Davis contracts include an Equal Employment Opportunity clause, when appropriate.

F. Facilities

UC Davis has made accessible and usable all new construction and remodeled primary function space of existing facilities as required by state law and the Americans with Disabilities Act of 1990. UC Davis inspects existing facilities periodically to identify areas where additional modifications might be made to accommodate disabled employees.

G. Other

UC Davis posts in appropriate locations a copy of the Equal Employment Opportunity/Affirmative Action policy statement.

SECTION IX - COMPLAINT PROCEDURE

41 C.F.R. §60-300.44 (e)

Guidance for reporting or submitting complaints of harassment or discrimination is provided to employees through the University's Harassment and Discrimination Assistance and Prevention Program website at <http://hdapp.ucdavis.edu/>. This office supports the University's enforcement of the University of California Nondiscrimination and Affirmative Action Policy, which is attached as Exhibit A (see section X). This policy applies to complaints raised by disabled individuals and veterans.

(EXHIBIT A)

SECTION X - NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY

University of California
Office of the President
July 3, 2013

University of California Nondiscrimination and Affirmative Action Policy
Regarding Academic and Staff Employment

It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, gender identity, pregnancy,¹ physical or mental disability, medical condition (cancer related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994).² This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and federal laws and University policies.

University policy also prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This 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.

In addition, it is the policy of the University to undertake affirmative action, consistent with its obligations as a Federal contractor, for minorities and women, for persons with disabilities, and for covered veterans.³ The University commits itself to apply every good faith effort to achieve prompt and full utilization of minorities and women in all segments of its workforce where deficiencies exist. These efforts conform to all current legal and regulatory requirements, and are consistent with University standards of quality and excellence.

In conformance with Federal regulations, written affirmative action plans shall be prepared and maintained by each campus of the University, by the Lawrence Berkeley National Laboratory, by the Office of the President, and by the Division of Agriculture and Natural Resources. Such plans shall be reviewed and approved by the Office of the President and the Office of the General Counsel before they are officially promulgated.

This Policy supersedes the University of California Nondiscrimination and Affirmative Action Policy Regarding Academic and Staff Employment, dated June 24, 2010.

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

² *Service in the uniformed* services includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

³ *Covered veterans* includes veterans with disabilities, recently separated veterans, Vietnam era veterans, veterans who served on active duty in the U.S. Military, Ground, Naval or Air Service during a war or in a campaign or expedition for which a campaign badge has been authorized, or Armed Forces service medal veterans.