

**AFFIRMATIVE ACTION PROGRAM FOR THE EMPLOYMENT OF HANDICAPPED
PERSONS, SPECIAL DISABLED VETERANS AND VIETNAM ERA VETERANS**

I. REFERENCES

- A.** Rehabilitation Act of 1973, Section 503, as amended
- B.** Vietnam Era Veterans Readjustment Assistance Act of 1974, Section 402, as amended
- C.** State of California, Fair Employment and Housing Act

II. RELATED POLICIES

A. UCSD Policy and Procedure Manual (PPM)

Staff Personnel Affirmative Action Program

Student Staff Personnel Affirmative Action Program

200-8 Chancellor's Affirmative Action Advisory Committee

200-8.1 Affirmative Action Personnel Program

230-5 Appeals for Academic Appointees Other than Members of the Academic Senate

230-6 Academic Personnel Affirmative Action Program

B. UCSD Policy and Procedure/Staff Personnel Manual (PPM/SPM)

250-200 Nondiscrimination in Employment

250-201 Affirmative Action

250-210 Recruitment

250-211 Selection

250-764 Rehabilitation

250-765	Medical Separation
A&PS 112	Nondiscrimination in Employment
A&PS 113	Affirmative Action
A&PS 120	Recruitment
A&PS 121	Selection
A&PS 178	Medical Separation
A&PS 180	Rehabilitation
MAP 12	Nondiscrimination
MAP 13	Affirmative Action
MAP 20	Recruitment
MAP 21	Appointment
MAP 78	Medical Separation
MAP 80	Rehabilitation
EXEC 2	Nondiscrimination
EXEC 3	Affirmative Action
EXEC 5	Recruitment
EXEC 6	Appointment
EXEC 23	Rehabilitation

III. BACKGROUND AND DEFINITIONS

The University of California, San Diego, is engaged in an affirmative action employment program, the basic purpose of which is to seek out, employ and promote qualified handicapped academic and staff employees and applicants, special disabled veterans and Vietnam era veterans. It is particularly appropriate for an educational institution to be fully dedicated to this principle and wholly involved in its execution. The underlying processes, to be successful, must be essentially educational by educating ourselves and others to develop attitudes responsive to the needs and aspirations of qualified handicapped persons, special disabled veterans and Vietnam era veterans. Such processes must also reexamine systemic, architectural and other barriers to identify, encourage, and accord such persons due consideration for employment, placement, physical mobility, and promotion in light of their abilities and potential for contribution.

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Section 503 of the Rehabilitation Act of 1973 requires Federal government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 requires Federal government contractors and subcontractors to take affirmative action to employ and advance in employment qualified special disabled veterans and veterans of the Vietnam era. The following definitions have been extracted from the Department of Labor regulations implementing Section 503 of the Rehabilitation Act of 1973 and Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended:

"Handicapped individual" means 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. For purposes of this part, a handicapped individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining, or advancing in employment because of a handicap.

"Special disabled veteran" means (a) a veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Veterans Administration for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under Section 1506 of Title 38 U.S.C. to have a serious employment handicap; or (b) a person who was discharged or released from active duty because of a service-connected disability.

"Veteran of the Vietnam era" means a veteran, any part of whose active military, naval or air service was during the period August 5, 1964, through May 7, 1975, who (i) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty because of a service-connected disability.

IV. POLICY

The University of California, San Diego, will not engage in discriminatory practices against any employee or applicant for employment because of physical or mental handicap, or because the person is a special disabled veteran or veteran of the Vietnam era, in regard to any position for which the employee or applicant for employment is qualified. The University will take affirmative action to employ, advance in employment, and otherwise treat qualified handicapped individuals, special disabled veterans and veterans of the Vietnam era without discrimination based upon their physical or mental handicap, disability, or veteran's status in all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, employee training and development, demotion and separation.

Positive efforts to further written affirmative action personnel programs must be vigorously pursued, must conform to all current legal requirements, and must be consistent with University standards of quality and excellence. The intent of this Affirmative Action Program is to reflect fully the spirit of the law. The Program shall be reviewed by the Office of the President and

approved by the President before it is officially promulgated. The Program shall also be approved as to legal form by the Office of the General Counsel prior to promulgation.

V. PROCEDURES

A. Dissemination of Policy

The Associate Chancellor, in cooperation with the Coordinators of Affirmative Action, is responsible for the internal and external dissemination of information on this Program, its policies and requirements.

1. Internal Dissemination

Program policies and requirements will be disseminated through all management, supervisory and non-supervisory levels of employment through meetings, new employee orientations, the posting of notices on departmental bulletin boards, and through management training programs.

Official campus publications and recognized student newspapers and other media will be utilized to disseminate information on this Program. Publications to be used include the UCSD Times and University Extension's quarterly publications. Program policy will also be disseminated through campus manuals, handbooks, annual reports and other publications on an ongoing basis.

This Program will be available in the Academic and Staff Affirmative Action Offices for inspection by employees, upon their request.

2. External Dissemination

This Program will also be available in the Academic and Staff Affirmative Action Offices for inspection upon request by applicants for employment.

Statement of policy affecting handicapped persons, special disabled veterans and Vietnam era veterans will be disseminated to agencies serving as sources for recruitment and applicant referrals. The agencies include: State employment offices, rehabilitation and education agencies, the Community Service Center for the Disabled, organizations of and for the handicapped, veterans' service organizations, the Veterans' Administration regional office, educational institutions which participate in training for the handicapped, college placement offices, and other local, state and national organizations as appropriate.

Affirmative action personnel policy as relates to handicapped, special disabled veterans and Vietnam era veterans shall be publicized in press releases, publications, and reports which are disseminated externally. Publications utilized

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for recruitment purposes may include: The San Diego Union and Tribune, Voice and Viewpoint, Los Angeles Times, El Sol, Mainstream magazine, and the Chronicle of Higher Education. Local broadcasting and television media will also be used for external dissemination of personnel program information.

3. Outreach Recruitment

Outreach recruitment activities shall be conducted. Targets of recruitment efforts will include those contacts listed above. Lists of employment openings will be provided on a regular basis to the State of California Employment Development Department. The following additional actions will be undertaken to recruit handicapped persons, special disabled veterans and Vietnam era veterans:

Community-based organizations servicing the above target populations will be personally contacted by the Outreach Recruiter and will receive the weekly UCSD Employment Opportunities Bulletin;

Individual meetings with prospective employees from the targeted groups will be conducted to assist with the application process;

Career fairs such as the Abilities Expo and the Veteran's Job Fair and others focusing on the targeted groups will be attended; and,

Other activities such as campus tours and workshops will be provided as needed.

B. Application of Personnel Policies

The following section provides an overview of the focus and application of the University personnel policy with regard to affirmative action for handicapped individuals, special disabled veterans and Vietnam era veterans.

Affirmative Action to employ and advance in employment qualified handicapped individuals, special disabled veterans and Vietnam era veterans is required at all levels of employment. Such affirmative action shall consist of special efforts to assure fair and equitable treatment in all employment practices, including, but not limited to, recruitment, selection, promotion, transfer, salary, merit increase, employee training and development, demotion, and separation.

Whenever physical or mental qualifications are applied to a position, they shall be limited to those qualifications directly related to the satisfactory performance of the duties and responsibilities of the position. In the case of a handicapped individual, the duties and responsibilities of the position shall include reasonable accommodation to the individual's handicap. No portion of a special disabled or Vietnam era veteran's military record may be considered if it is irrelevant to the specific qualifications for the position.

All personnel actions shall be made in accordance with the appropriate University policy. The following additional guidelines shall be observed:

1. Special efforts shall be made to recruit handicapped, special disabled veteran and Vietnam era veteran candidates for consideration for employment. Current methods of recruitment shall be reviewed, and new or modified procedures shall be introduced as necessary in order to broaden the scope of the search. Recruitment shall also be accomplished through regularized contacts with selected schools, sheltered workshops, Veterans' Administration offices and related organizations serving the interests of persons covered under this Program.
2. Selections for appointment and promotions shall be decided in a manner which shall assure continuation of University standards of excellence. No qualified candidate may be denied employment or promotion, nor shall any candidate be selected or promoted in preference to a more qualified candidate, on the basis of handicap, or special disabled or Vietnam era veteran's status. Special efforts shall be made to identify handicapped employees for promotion. In making appointments of staff personnel, first preference must be given to qualified persons on preferential rehire status, and second preference must be given to qualified career employees scheduled for indefinite layoff in accordance with University personnel policy. Otherwise, all qualified applicants from inside and outside the University must be considered.
3. Special efforts shall be made to identify qualified handicapped, special disabled veteran and Vietnam era veteran employees for promotion. Promotion shall be decided in accordance with the appropriate University policy in a manner which shall assure continuation of University standards of excellence. Opportunity for promotion shall be available equally to all eligible employees. No employee may be denied a promotion on the basis of handicap, or special disabled or Vietnam era veteran status, nor shall any employee be selected for promotion in preference to a more qualified candidate solely on this basis. In considering candidates substantially equally qualified for a particular position, the appointing authority shall be mindful of the objectives of this affirmative action personnel program.
4. Special efforts shall be made to identify handicapped individuals and special disabled and Vietnam era veterans for training and development opportunities in order to upgrade skills and enhance their qualifications for promotion. Special orientation programs shall be established for supervisors and administrative officers to assure nondiscriminatory attitudes and actions in the hiring, work assignment, and promotion of handicapped individuals.

C. Reasonable Accommodation

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Where qualified handicapped applicants and employees and qualified special disabled veteran applicants or employees are considered for selection or promotion, the University shall make reasonable accommodation to the individual's physical and mental limitations, unless a demonstrably undue hardship would be imposed on the conduct of business. In determining the extent of accommodation obligations, the following factors among others may be considered: (1) business necessity and (2) financial cost and expenses.

Managers, in conjunction with vocational rehabilitation professionals and the Assistant Coordinators for Affirmative Action, shall determine whether job duties can be changed, whether the work site can physically be modified, or whether technical assistance is necessary for such purposes. Efforts will be made to train staff in the respective personnel offices in methods of job modification and accommodation options.

A plan of structural accommodations to improve accessibility shall be prepared covering campus grounds and buildings, and shall include a description and schedule of activities undertaken or to be undertaken to afford accommodation to handicapped individuals or special disabled veterans -- such as the modification, as needed, of physical facilities. Campus buildings, grounds and facilities shall be studied to identify deficiencies and hazards associated with the free movement and comfort of handicapped persons and special disabled veterans. Buildings need to be evaluated for compliance with the California State Physically Handicapped Law, the American Standard Specifications for "Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped", and other criteria. The campus grounds and environs shall be evaluated in a similar manner, with emphasis placed on curbs, grades, parking lot hazards, leveling ramps, and other factors which interfere with the movement of handicapped persons and special disabled veterans. All new facilities shall be designed and constructed so as to be accessible to and usable by handicapped individuals.

D. Record-Keeping

1. Identification of Handicapped Applicants and Employees

All applicants and employees who believe themselves covered by the definitions of handicapped individual, special disabled veteran or Vietnam era veteran, and who wish to benefit under the affirmative action personnel program, shall be encouraged to identify themselves. This identification shall be voluntary and the information obtained kept confidential except (1) supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals and special disabled veterans, and regarding necessary accommodations, (2) first aid and safety personnel may be informed as appropriate, if the condition might require emergency treatment, and

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(3) government officials investigating compliance with the Act shall also be informed. In the case of applicants, identification may be accomplished via the *Applicant Data Form*; in the case of employees it may be accomplished by the *Affirmative Action Data Transmittal Form*.

The campus may require an applicant or employee to provide medical documentation of claims of disability, or alternatively may require an applicant or employee to undergo a medical examination at the expense of the campus. Such information shall be kept confidential except that (1) supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals and special disabled veterans, and regarding necessary accommodations, (2) first aid and safety personnel may be informed as appropriate, if the condition might require emergency treatment, and (3) government officials investigating compliance with the Act shall also be informed.

2. Records of Individual Personnel Actions

Records shall be maintained for handicapped, special disabled veteran and Vietnam era veteran applicants and employees on individual personnel actions in a manner that will enable response to federal review or inquiry.

Personnel records shall be maintained by the respective personnel office for a period of three years to provide documentation of affirmative action efforts related to this Program. Historical and current statistics required under this Program shall be maintained by the respective affirmative action office for three years.

3. Statistical Records

Data shall be maintained on the numbers of handicapped, special disabled veteran and Vietnam era veteran employees involved in personnel actions, including recruitment, selection, promotion, transfer, merit increase, training and development, demotion, and separation for use in developing analyses as needed and to be able to respond to federal inquiries.

4. Complaints

Records regarding complaints shall be maintained for at least one year, pursuant to Federal requirements.

E. Review, Monitoring and Analysis

1. Ongoing Monitoring of Individual Employment Actions and Job Qualifications

A continuing review of individual employment actions by department heads, managers, or other appropriate supervisory personnel shall be conducted to assure that all such actions are nondiscriminatory and in accordance with University policy.

This ongoing review shall include an examination of the physical and mental requirements of all job qualifications to ensure that, to the extent qualification requirements tend to screen out qualified handicapped individuals, special disabled veterans or Vietnam era veterans, they are job-related and are consistent with business necessity and the safe performance of the job.

2. Annual Review and Analysis of Procedures and Personnel Actions

An annual review shall be undertaken of campus procedures and personnel actions, including recruitment, selection, promotion, transfer, salary and merit increase, training and development, demotion and separation. The purposes of this review are to determine whether present procedures assure equitable participation and thorough consideration of the qualifications of handicapped applicants and employees (e.g., for promotion and training opportunities), to identify problem areas or disparate patterns, and to determine whether any such patterns are caused by discriminatory practices.

To follow-up this review, remedial action, such as modification of practices and procedures, shall be scheduled and undertaken as needed.

F. Annual Program Updating and Reporting

The affirmative action personnel program shall be updated annually and an annual report shall be submitted to the Office of the President by April 1 of each year. This annual report shall discuss the status of the program and the degree to which objectives have been obtained. The report should include a discussion of action-oriented programs and activities, statistical data, and results of the annual review and analysis.

VI. RESPONSIBILITY FOR IMPLEMENTATION

A. Chancellor

The Chancellor of the University of California, San Diego, shall be responsible for the development and administration, in accordance with these guidelines, of a written affirmative action personnel program for the employment of handicapped individuals, special disabled veterans and Vietnam era veterans. This program shall be updated annually and shall include the following elements:

1. Statement of Policy

This statement may incorporate the material in Sections III and IV of the policy and guidelines.

2. Description of Authority and Responsibility

A description shall be included of administrative authority and responsibility for the implementation of the affirmative action personnel program, including the administration of academic and staff personnel programs as they relate to equal employment opportunity and affirmative action. This description shall include specific names of appropriate officials and officers designated to develop and implement the program.

3. Dissemination of Policy and Outreach Recruitment

The affirmative action personnel program or the statement of policy, where appropriate, shall be widely disseminated both internally and externally. The external dissemination contacts shall serve as targets for outreach recruitment activities.

B. Associate Chancellor, Equal Employment Opportunity/Affirmative Action

Under broad delegation from the Chancellor, the Associate Chancellor, Equal Employment Opportunity/Affirmative Action, has the primary responsibility for central guidance of all UCSD programs relating to equal employment opportunity and affirmative action, including this Program.

C. Chancellor's Affirmative Action Advisory Committee (CAAAC)

The CAAAC serves as the principal campus advisory body to the Chancellor on policy and related matters concerning equal opportunity and affirmative action, including this Program.

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D. Vice Chancellors

The Vice Chancellors of Academic Affairs and Business Affairs have been delegated, by the Chancellor, the responsibility for affirmative action in their respective areas. Thus, these Vice Chancellors have been delegated responsibility for the effective implementation and monitoring of all aspects of this Program and its procedures in their respective areas. The Vice Chancellors will involve both the Personnel and Affirmative Action Offices in executing this charge.

E. Departments

Personnel administrators and organizational unit heads are responsible for the implementation of affirmative action policies and procedures affecting the employment, training and advancement of handicapped persons, special disabled veterans and Vietnam era veterans.