


Prepared by the Vice President for Administration.
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EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION


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A9.905 PROCEDURES FOR AFFIRMATIVE ACTION PLAN FOR VETERANS AND
FOR HANDICAPPED INDIVIDUALS

1. Purpose

To provide procedures enabling the University to comply with Sections 1-5 of the Board of Regents Bylaws and Policies and with Executive Policy E1.202 with respect to Federal statutes, rules and regulations which prohibit discrimination toward veterans and handicapped individuals. These procedures are responsive to the following statutes:



a. The Vietnam Era Veterans Readjustment Assistance Act of 1974, Public Law 93-508, as it amends 38 USC 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1972.

b. Sections 503 and 504 of the Rehabilitation Act of 1973.

2. Objective

To prescribe procedures which will enable all University campuses to comply with Federal guidelines for treatment of veterans and handicapped individuals. The following clause, the essence of which is to be included in each covered government contract or subcontract, enunciates the Federal guidelines:

The contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran, veteran of Vietnam era or physically or mentally handicapped in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified disabled veterans and veterans of the Vietnam era and handicapped individuals without discrimination based upon their disability, veterans status, or physical or mental handicap in all employment practices such as the following: Employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation,

and selection for training, including apprenticeship.

NOTE: For complete Guidelines see Title 41 of the Code of Federal Regulations, Chapters 60-250.4 and 60-741.4.

3. Applicability

The provisions of this directive apply to all campuses and separate organizations employing personnel. Campuses may establish additional procedures on Affirmative Action for Veterans and Handicapped Individuals provided that they are in conformance with the provisions of this Procedure.

4. Responsibility for Implementation

Chancellors and Provosts shall insure that these procedures are carried out. The University EEO Officer will serve as advisor and consultant to Campus EEO Officers.

5. Guidelines

a. General

(1) Dissemination

In addition to the current practice of including the clause "Equal Employment Opportunity/Affirmative Action Employer" on University publications relating to employment, Equal Employment Opportunity posters which present the University's responsibilities to contractor should be posted in public and conspicuous places on campus.

(2) Recruitment: The University Personnel Management Office shall incorporate relevant provisions of the Affirmative Action Plan for Veterans and Handicapped into its current instructions on hiring personnel. Recruitment methods which will encourage applications from qualified veterans and handicapped individuals should be developed. Examples of appropriate recruiting sources include but are not limited to: the State Employment Office, the Division of Vocational Rehabilitation, the Veterans Administration and other state or private agencies which are likely to service veterans or handicapped individuals.

(3) Invitation to Veterans and Handicapped Individuals to Identify Themselves

Through the Position Vacancies supplement of the University Bulletin, the University of Hawaii shall invite all applicants and employees who believe themselves to be covered by section 503 and who wish to benefit under this affirmative action program to identify themselves, on a voluntary basis, and shall inform them that such information will be kept confidential and that refusal to provide it will not be used against them:

ALL QUALIFIED PERSONS, ESPECIALLY WOMEN, MEMBERS OF MINORITY GROUPS, VETERANS, AND THE HANDICAPPED, ARE ENCOURAGED TO APPLY FOR POSITIONS LISTED IN THIS BULLETIN. IF YOU ARE A DISABLED VETERAN, A VETERAN OF THE VIETNAM ERA, OR IF YOU ARE HANDICAPPED, WE INVITE YOU TO IDENTIFY YOURSELF, ON A VOLUNTARY BASIS, AND TO GIVE US ADVICE REGARDING PROPER PLACEMENT AND APPROPRIATE ACCOMMODATION. ALL INFORMATION PROVIDED WILL BE KEPT CONFIDENTIAL; REFUSAL TO PROVIDE IT WILL NOT BE USED AGAINST YOU. FORMER APTs WITH REEMPLOYMENT RIGHTS AND CURRENT PERSONNEL IN THE BARGAINING UNIT HAVE PRIORITY FOR SELECTION RIGHTS FOR APT POSITIONS.

Campuses using application forms should incorporate this statement into their forms.

Note: Underline phrases are required by the Labor Department's Office of Federal Contract Compliance as specified by Federal regulations (41 CFR 60-250.6 and 60-741.6). The remainder of the statement is required by other Federal and State rules and regulations.

b. Requirements of Affirmative Action Plan

(1) Audit and Reporting System

Each Campus EEO Officer will develop a procedure by which veterans and handicapped individuals who have identified themselves may provide input regarding their ability to participate in campus

activities throughout their tenure with the campus.

(2) Employment Guidelines

The University shall employ veterans and handicapped individuals on the basis of their qualifications and the job requirements. The University EEO/AA Officer will inform Campus EEO/AA Officers of new policies and/or procedures relating to hiring veterans and handicapped individuals.

- (a) Military Records: In determining the qualifications of a veteran, the hiring administrators shall consider only that portion of the military records, including discharge papers, relevant to the specific job qualifications for which the veteran is being considered.
- (b) Physical and Mental Qualifications: Hiring administrators shall review all physical or mental job qualification and requirements to ensure that they are job-related and are consistent with business necessity and the safe performance of the job.
- (c) Medical Examinations: The hiring administrator is not prohibited from conducting a comprehensive medical examination prior to employment so long as such an examination is used in accordance with the requirements of this plan. If the hiring administrator inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status, such inquiries shall be kept confidential except where supervisors, first aid or safety personnel need to be informed and Government officials, investigating compliance with the Act, shall be informed.
- (d) Accommodation Requirements: Hiring administrators must make a reasonable accommodation to the physical and mental limitations of a disabled veteran or a

handicapped individual. Hiring administrators bear the burden of demonstrating when an accommodation would impose an undue hardship on the conduct of the University's business. In determining the extent of the University's accommodation obligations, the following factors among others may be considered: (1) business necessity and (2) financial expenses.

- (e) Compensation: In offering employment or promotion to disabled veterans, Veterans of the Vietnam era and handicapped individuals, the hiring administrator may not reduce the amount of compensation offered because of any disability income, pension or other benefit the applicant or employee receives from another source.
- (3) Review Procedures: The University Equal Employment Opportunity Officer shall review each campuses' affirmative action plan and each annual update with regard to veterans and handicapped individuals.
- (4) Preemption Clause: Affirmative Action Plans for Veterans and Handicapped Individuals do not preempt University collective bargaining agreements regarding filling of openings or other personnel matters.
- (5) Complaint Procedure

Any applicant for employment or any excluded employee of the University who feels that there has been a violation or discrimination suffered under the provision of the Affirmative Action Plan for Veterans and Handicapped Individuals may refer to University Systemwide Administrative Procedures Manual A9.100 for grievance filing instructions. Veterans may file complaints with Veterans' Employment, Employment Service Division, Hawaii State Department of Labor and Industrial Relations. Handicapped individuals may file with the Office of Federal Contract Compliance Programs. Campus EEO/AA Officers will advise complainants of the time limits of the options available to them.