

Affirmative Action Guide

Presented by:

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Office of Audit, Risk & Compliance

OBJECTIVES

- Understand Affirmative Action Purpose
- Review legal requirements
- Discuss recruiting/hiring best practices
- Recognize our responsibilities for complying with affirmative action laws



AFFIRMATIVE ACTION

Affirmative Action is the ongoing, good faith effort of an employer to make sure that equal employment opportunities are a reality in the workforce.

- Required by law for continued federal support
- Prohibit discrimination in all personnel actions
- Increase opportunities for underrepresented individuals to be hired/retained

**AFFIRMATIVE
ACTION DOES
NOT PERMIT**

- Quotas
- Treating less qualified individuals more favorably because of race, sex, etc.
- Providing preferences because of race, sex, etc.
- Relying on affirmative action programs over merit selection procedures

AFFIRMATIVE ACTION LAW

- Executive Order 11246 (Race, Color, Sex, Religion, or National Origin, Sexual Orientation, Gender Identity)
- Section 503 of the Rehabilitation Act of 1973 (Individuals with Disabilities)
- Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA)

EXECUTIVE ORDER 11246

Prohibits federal contractors from discriminating in employment decisions on the bases of race, color, sex, religion, national origin, sexual orientation or gender identity

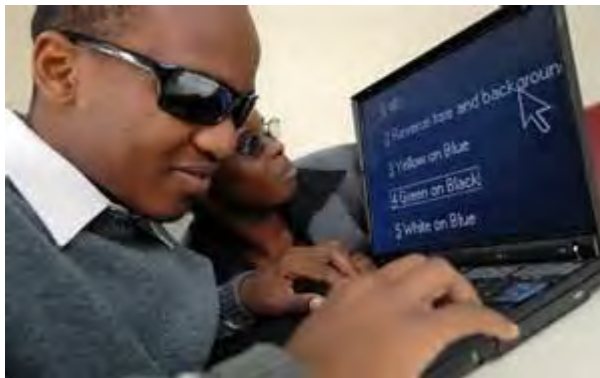


Requires federal contractors to take affirmative action in the recruitment of women and minorities

SECTION 503 OF THE REHABILITATION ACT OF 1973

Prohibits federal contractors from discriminating against individuals with disabilities

Requires contractors to take affirmative action to hire and promote individuals with disabilities



Provides that contractors must invite applicants and new hires to self-identify as an individual with a disability

VEVRAA

Prohibits federal contractors from discriminating against an individual based on their veteran status

Requires contractors to take affirmative action to employ and advance covered veterans



Requires contractors to invite applicants and new hires to self-identify as a protected veteran

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

- Department of Labor agency with responsibility for making sure federal contractors comply with equal opportunity and affirmative action requirements
- Conducts compliance evaluations (audits) to determine whether an organization is following affirmative action laws and can impose penalties

OFCCP REVIEW

Compliance Audit:

Involves in-depth analysis of employment practices such as hiring, promotion, transfer, and termination

Penalties:

Deficiencies found can result in awards of back pay, job placement, and debarment from federal monies

RECRUITING & HIRING BEST PRACTICES

Outreach
Efforts

Job
Descriptions

Advertising
the position

The Hiring
Process

Individuals
with
Disabilities

Protected
Veterans

Retention

OUTREACH EFFORTS

- Regulations require a review of the effectiveness of outreach efforts and adjustments in response
- Track applications received through job fairs, internet ads, journals, search firms
- Work with HR Recruiters to identify advertising opportunities

JOB DESCRIPTIONS

- **Qualifications-** consider limiting required for more preferred and experience in lieu of degree
- **Physical Requirements-** only if necessary to perform the job and should focus on ability to accomplish task, not how to perform
- **Inviting language-** include the statement “protected veterans and individuals with disabilities are encouraged to apply”

ADVERTISING THE POSITION

- **Internal v. external:** If internal only hire- cannot consider any external candidates or need to post as external hire (i.e. former employee learns of vacancy)
- **Temporary v. permanent:** If temporary position has possibility of becoming permanent, either recruit for temporary with permanent qualifications listed (and note in req) or re-announce for permanent position. This is different than promotion or transfer into another position which does not have to be advertised, but applicant tracking record still needs to be maintained.
- **Open, continuous hiring pools:** Identifying cut-off dates or closing the pool and reopening under new requisition establishes a specific applicant pool that is easier to manage for comparison and dispensation of applicants as well as affirmative action reporting

* All external jobs must be posted on [Kansasworks.com](https://www.kansasworks.com)

THE HIRING PROCESS

- **Interviews-** best practice to interview more than one candidate, ask same questions of all and stick to job related topics
- **Implicit bias-** be conscious of pre-judging a candidate based on own prior experiences, stereotypes, cultural influences
- **Changes-** If decide during the process to make a change to the position, such as different title, significant change in duties, FTE status, or professor rank, etc. position needs to be re-posted and invite previous applicants to re-apply

INDIVIDUALS WITH DISABILITIES

Recruiting- targeted efforts, job description that encourages and describes ability to perform

Interview- can ask if able to perform duties of position but should ask of all and should not assume specific inability to perform task

Hire- once hired, work with HR to provide reasonable accommodations if requested

PROTECTED VETERANS

- Recruiting- targeted efforts, post job with Kansasworks, encourage to apply
- Interview-be sensitive to questions regarding military experience but consider how military skills can translate to relatable experience
- Upon hire- explain general office policies and procedures (good idea for all hires) as they may differ from military

CONTINUED EFFORTS: HOW DO WE RETAIN THE VALUABLE EMPLOYEES WE'VE HIRED

Take time to make new employees feel welcome

Provide accommodations if needed

Offer mentoring and/or professional development opportunities

Foster climate of engagement and inclusion

Provide feedback to all- under and over performers

Uphold KUMC commitments to equal opportunity and safety on campus (no discrimination/harassment/violence)

ONGOING BEST PRACTICES

- Review and refine job announcements
- Contact, document and evaluate all IWD/veteran/minority/female outreach efforts
- Engage all employees in the workplace
- Utilize University resources:
 - Human Resources
 - Office of Civil Rights and Title IX
 - DEI Cabinet opportunities, events

QUESTIONS??

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