

Imperial Irrigation District

**Affirmative Action Plans
For
Protected Veterans
And
Workers with Disabilities**

**Title 41, Part 60-250, 300
Title 41, Part 60-741**

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I. DEFINITIONS

1. Disabled Veteran – Any 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 Secretary of Veterans Affairs, or who was discharged from active duty because of a service related disability.
2. Veteran of the Vietnam Era – A person who (i) served on active duty in the United States military, ground, naval, or air service for a period of more than 180 days, in the Republic of Vietnam between February 28, 1961 and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) served on active duty in the United States military, ground, naval, or air service for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975, and was discharged or released from such service with other than a dishonorable discharge, or (iii) was discharged or released from active duty in the United States military, ground, naval, or air service for a service-connected disability if any part of such active duty was performed in the Republic of Vietnam between February 28, 1961 and May 7, 1975, or in another place between August 5, 1964 and May 7, 1975.
3. Armed Forces Service Medal Veteran – Any person who, while serving on active duty in the United States military, ground, naval or air services, 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).
4. Other Protected Veteran – Any other veteran who served on active duty in the United States military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, other than Disabled Veterans, Veterans of the Vietnam Era, or Armed Forces Service Medal Veterans.
5. Recently Separated Veteran – refers to any veteran during a three year period beginning on the date of such veteran's discharge or release from active duty from the United States military, ground, naval or air.
6. Covered Veteran – Individually and/or collectively defined as Disabled Veterans, Veterans of the Vietnam Era, Armed Forces Service Medal Veterans, Recently Separated Veterans, and Other Protected Veterans.
7. Individual with a Disability – A person who, generally, (i) has a physical or mental impairment that substantially limits one or more of his or her major life activities, (ii) has a record of such impairment, or (iii) is regarded as having such impairment.

For the purposes of this Plan, an Individual with a Disability is substantially limited if he or she is unable to perform a major life activity that the average person in the general population can perform, or is significantly restricted as to the condition, manner, or duration under which a person can perform a particular major life activity as compared to the condition, manner, or duration under which the average person could perform that same activity.

8. Qualified Veteran – A Covered Veteran, as defined above, who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position that

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such veteran holds or desires to hold and who is capable of performing the essential functions of that position with or without reasonable accommodations made for his or her disability.

9. Qualified Individual with a Disability – An Individual with a Disability, as defined above, who meets the requisite skill, experience, education, and other job-related requirements of the employment position that such individual holds or desires to hold and is capable of performing the essential job functions of that position with or without reasonable accommodation for his or her disability.
10. Covered Individual – Individually and/or collectively defined as a Qualified Veteran or a Qualified Individual with a Disability.

II. REVIEW OF PERSONNEL PROCESSES

(41 C.F.R. §§ 60-250.44(b); 60-741.44(b))

Consistent with Federal regulations, the District has instituted the following procedures to further assure the careful, thorough, and systematic consideration of the job qualifications of employees or job applicants who are known Covered Individuals for job vacancies, promotions, and/or educational or training opportunities and to assure that its personnel practices facilitate the implementation of the District's affirmative action obligations:

1. Prior to posting any position, the District reviews the physical and mental (i.e. knowledge and general abilities) job qualifications of the position to ensure that the job description does not tend to screen out individuals with disabilities or covered veterans for reasons that are not job-related or consistent with business necessity. Additionally, as part of any interactive process, the District conducts a desk audit of the job qualifications for the position to ensure the job description does not discriminate against Covered Individuals.
2. Vacancies are advertised and applications are accepted from any interested individuals. The **District's Employment Application (Attachment 1)** includes a full non-discrimination statement to further assure applicants of the District's policy of equal employment opportunity. The disability or veteran status of any otherwise qualified individual who applies for any vacancy, promotion, transfer, or educational or training opportunity will not factor in these employment decisions.
3. In determining the qualifications of veterans, the District limits its consideration of a veteran's military record, including discharge papers, to only that portion of the record which is relevant to the specific job qualifications for which the veteran is being considered.
4. As known Covered Individuals apply for positions, their personnel forms will be annotated to identify each vacancy or promotion for which they were considered.
5. Where known Covered Individuals are selected for hire or promotion and the District undertakes any accommodation which makes it possible to place them in the job, the District will keep a record of the accommodation in a confidential medical file.
6. Where known Covered Individuals are rejected for employment or promotion the District shall prepare a statement of the reason as well as a description of the accommodations considered. The statement of the reason for rejection (if the reason is medically related), and the description of the accommodations considered, shall be treated as confidential medical records in accordance with the Acts. These materials should be available to the applicant or employee concerned upon request.

This information will be timely retrievable for review by regulatory agency officials and the District staff for use in investigations and compliance activities.

Based upon the District's continual review of its personnel processes, the District will modify the personnel processes when necessary and will include the development of new procedures in this Affirmative Action Program to ensure equal employment opportunity. To date, no modifications have been necessary.

III. REVIEW OF PHYSICAL AND MENTAL JOB QUALIFICATIONS STANDARDS

(41 C.F.R. §§ 60-250.44(c); 60-741.44(c))

The District reviews physical and mental job qualification requirements for District positions when job qualification requirements are established, revised, or a vacancy is posted to ensure that qualification requirements do not screen out Covered Individuals for reasons that are not job-related, consistent with business necessity, or related to the safe performance of the essential functions of the job. Additionally, as part of any interactive process, the District conducts a desk audit of the job qualifications for the position to ensure the job description does not discriminate against Covered Individuals.

To the extent that any physical or mental job qualification measurement tends to screen out Covered Individuals in the selection process or in other change in employment status such as promotion or training, the District will ensure that the requirements are related to the essential job functions of the specific job(s) for which the individual is being considered and are consistent with business necessity and the safe performance of the job.

To date, no qualification requirements were identified which had a screening effect. All job qualifications requirements were found to be job-related and consistent with business necessity and safety.

Pre-employment physical examinations are required of all new District employees following the selection process and a conditional offer of employment. Physical examinations may also be required for promoted or returning District employees in accordance with District policies and procedures. The District affirms that information obtained as a result of the medical examination is kept confidential, except as otherwise provided for in Section 503 regulations. The results of the examination or inquiry are used in accordance with Section 503 regulations.

IV. REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL LIMITATIONS
(41 C.F.R. §§ 60-250.44(d); 60-741.44(d))

The District has made and will continue to make reasonable accommodations, which do not impose undue hardships on its business, to the known physical and mental limitations of otherwise qualified employees and job applicants. In determining the extent of its obligations, the District will consider business necessity and financial costs and expenses, among other factors.

If an individual has a disability or is a disabled veteran, they are encouraged to notify Human Resources Department, Employment Section of any accommodations they might need to perform their essential job functions. Following notification, the District will timely enter into an interactive process to explain what accommodations might be available that would not result in an undue hardship on the District. The purpose of these accommodations is to ensure Covered Individuals are able to perform their essential job functions properly and safely, and might include special equipment, changes in the physical layout of the job, provision of personal assistance services, or other accommodations.

Where an employee who is known to be an Individual with a Disability or Disabled Veteran is having significant difficulty performing their job and the District reasonably concludes that the performance issues may be related to their disability, the District will notify the employee of the performance problem and confidentially inquire whether the problem is related to the employee's disability. If the employee indicates that their disability is impacting their performance, the District will engage in a confidential interactive process with the employee regarding reasonable accommodations necessary to improve performance.

Where job applicants self identify the need for accommodations in the application and hiring process, the District is committed to accommodating modification of the interview process and, as needed, the format of the testing instrument, so long as the accommodation would not impose an undue hardship on the conduct of the District's business. In determining the extent of its obligations, the District will consider business necessity and financial costs and expenses, among other factors.

V. HARASSMENT PREVENTION PROCEDURES

(41 C.F.R. 60-250.44(e); 60-741.44(e))

The District has developed and implemented procedures to ensure that employees of and applicants to the District will not be subject to harassment, intimidation, threats, coercion, stereotyping, or discrimination because they have engaged or may engage in filing a compliant, assisting in a review, investigation, or hearing or have otherwise sought to obtain their legal rights related to any federal, state, or local law regarding EEO for Covered Individuals. Any employee or applicant who feels that they have been subject to harassment, intimidation, threats, coercion, stereotyping, or discrimination because of their disability or veteran status should contact the Officer Employment & Compensation Section at extension 6619 or (760) 482-9619. Employees are also encouraged to file a compliant under **Policy & Procedure 4320, Equal Employment Opportunity and Unlawful Discrimination and Harassment (Attachment 2)**, which forbids harassment against individuals based on protected characteristics. Policy & Procedure 4320 is discussed as part of the District's required non-discrimination training for employees, supervisors, and management of the District, is provided to all employees in their policy manual, and is posted on official District bulletin boards.

VI. EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE RECRUITMENT

(41 C.F.R. 60-250.44(f); 60-741.44(f))

The District's outreach, positive recruitment, and external dissemination efforts will include, where feasible, the following:

1. Subcontractors, vendors, and suppliers of the District will be sent written notification of the District's Equal Opportunity and Affirmative Action policy regarding the employment of Covered Individuals.
2. Recruiting sources, including State employment agencies, educational institutions and social services agencies will be informed of the District's policy concerning the employment of Covered Individuals and will be advised to actively recruit and refer qualified persons for job opportunities.
3. The District lists all suitable employment openings with the appropriate local office of the California Employment Development Department and will maintain regular contact with the local Veteran's Employment Representative and contact for persons with disabilities. A copy of the District's Affirmative Action Policy for Covered Individuals will be provided to the California Employment Development Department annually.
4. The District will enlist the assistance and support of local recruiting sources, social service agencies, and organizations especially knowledgeable about the availability of Covered Individuals.
5. The District will notify local organizations, community agencies, and colleges known to specialize in assisting individuals with disabilities and veterans about the District's policy of affirmative action and, where possible, attend job fairs sponsored by such organizations and agencies.
6. The equal employment opportunity clause concerning the employment of Covered Individuals will be included in all nonexempt subcontracts and purchase orders which are funded by federal government monies under contracts that require the inclusion of such clauses. The District will send written notification of District policy to all contractors, subcontractors, vendors, and suppliers, requesting appropriate action on their part.
7. Formal briefing sessions will be held with representatives from recruitment sources and placement agencies to discuss of current and prospective job openings, job descriptions, required qualifications and explanations of District selection procedures. Arrangements will be made to ensure each recruitment source is provided with timely notice of job opportunities, to ensure recruitment sources have an opportunity to refer qualified candidates.
8. When the District advertises for prospective employees, the advertisement will include an EEO solicitation such as: "The District is an Equal Opportunity/Affirmative Action Employer and actively seeks diversity among its employees." Where appropriate and available consumer and personnel recruitment advertisements which picture District employees will include Covered Individuals.

VII. INTERNAL DISSEMINATION OF POLICY

(41 C.F.R. §§ 60-250.44(g), 60-741.44(g))

The District recognizes that internal support from executive and supervisory management and other employees is necessary to ensure maximum effectiveness of its AAP for Covered Individuals so that its employees' awareness of the needs of individuals with disabilities and veterans will increase. Accordingly, the District will utilize the following procedures to maximize the internal implementation and dissemination of its policy:

1. The District has invited all current employees and will invite new employees who believe they are a Covered Individual, as defined in Section 503 of the Rehabilitation Act of 1973, as amended, or under the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, to self-identify as Individuals with Disabilities or Covered Veterans if they would like to benefit from the AAP. Such invitation will remain posted on official District bulletin boards. Employees may self-identify at anytime. An invitation to self identify is disseminated to all applicants once the District has extended a job offer, but prior to the applicant's first day of employment.
2. The District will communicate to employees its obligation to take affirmative steps to employ, train, and promote Covered Individuals as part of mandatory District training and will encourage employee participation in the plan.
3. Copies of the District's Affirmative Action policy will be included in the District's Policy Manual, posted on the District's website, publicized in District publications, provided to every employee annually, and, along with the EEO poster, are posted on official District bulletin boards.
4. The District will meet with employee representatives and unions to inform them of the policy and to request their cooperation.
5. The District's **Policy & Procedure 4320 - Equal Employment Opportunity & Unlawful Discrimination and Harassment (Attachment 1)**, is provided to all employees at time of hire and is included in the District's Policy Manual. The policy includes a statement that the District will ensure employees and applicants are protected from discrimination and harassment. Additionally, the District has posted on its official bulletin board a copy of the Rehabilitation Act of 1973, as amended, which prohibits discrimination in employment against individuals with disabilities and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974, as amended, which prohibits discrimination against Covered Veterans.
6. Meetings with executive management and supervisory personnel will be conducted to explain the District's policy of affirmative action, provide training on reasonable accommodations, and to communicate to them their responsibility in making the AAP a success. The last such meeting was held on/will be held on April 6, 2009.
7. When conducting internal Equal Opportunity audits, implementation of this affirmative action program will be reviewed.
8. The District's Manager, Human Resources has attended government workshops, which stressed hiring Qualified Individuals with Disabilities and qualified Disabled Veterans and the requirements of providing reasonable accommodation.

VIII. AUDIT AND REPORTING SYSTEMS

(41 C.F.R. 60-250.44(h); 60-741.44(h))

The Manager, Human Resources has the responsibility for developing and preparing the formal documents of the AAP. The Manager, Human Resources is responsible for overseeing the effective implementation of the AAP; however, responsibility is likewise vested with each department manager and supervisor.

The District's audit and reporting system is designed to:

1. Measure the effectiveness of the AAP/EEO program and identify any need for remedial action;
2. Determine the degree to which the District's objectives are being attained. The following activities are reviewed annually to ensure the processes are free from stereotyping Covered Individuals, including limiting their access to any job for which they are qualified:
 - a. Recruitment, advertising, and job application procedures;
 - b. Hiring, promotion, layoff, recall from layoff;
 - c. Rates of pay and any other forms of compensation including fringe benefits;
 - d. Job assignments, job classifications, and job descriptions;
 - e. Sick leave, leaves or absence, or any other leave;
 - f. Training and apprenticeships, and
 - g. Any other term, condition, or privilege of employment.
3. Determine whether Covered Individuals have had the full opportunity to participate in all District sponsored educational and training activities relevant to their position of employment;
4. Measure the District's compliance with the AAP's specific obligations.

To ensure that the audit system is effective, all records concerning applicants and employees who are Covered Individuals will be maintained in the Human Resource system, and all personnel actions involving these employees will be individually maintained and kept in their confidential personnel file. Additionally, all matters related to violation of this AAP should be brought to the attention of the Manager, Human Resources or one of the EEO Officers and will be formally and confidentially addressed.

Managers and supervisors are asked to report any current or foreseeable EEO problem areas within their Department or Unit and are asked to outline their suggestions/recommendations for solutions. If problem areas arise, the manager or supervisor is to report problem areas immediately to the Manager, Human Resources.

The Manager, Human Resources will summarize affirmative action efforts and the status of the District's AAP goals and objectives to assist Covered Individuals, supporting data, and descriptions of any formal complaints will be provided to the General Manager at least annually. The Manager, Human Resources will discuss any problems relating to significant rejection ratios, EEO charges, etc., with the General Manager; and will recommend remedial actions for the effective implementation of the AAP.

IX. RESPONSIBILITY FOR IMPLEMENTATION OF AAP

(41 C.F.R. §§ 60-250.44(i); 60-741.44(i))

A. Responsibilities of the Manager, Human Resources

In furtherance of District's commitment to Affirmative Action and Equal Employment Opportunity for Covered Individuals, the Manager, Human Resources has the responsibility for designing and overseeing effective implementation of District's AAP. The District's executive management is committed to ensuring that the Manager, Human Resources has the support and staff necessary to ensure effective implementation of the District's AAP.

X. RESPONSIBILITY FOR IMPLEMENTATION OF AAP (continued)

(41 C.F.R. §§ 60-250.44(i); 60-741.44(i))

B. Responsibilities of Managers and Supervisors

Managers and supervisors are advised annually of their responsibilities under the Districts' AAP for Covered Individuals and of their obligations, where applicable, to:

1. Review the job qualifications of new or vacant positions before posting them to ensure that they do not tend to screen out Covered Individuals for reasons that are not job-related, consistent with business necessity and the safe performance of the essential functions of the job;
2. Assist in the identification of problem areas, formulate solutions, and establish departmental goals and objectives when necessary;
3. Ensure that Covered Individuals, like all District employees, are treated in a nondiscriminatory manner when hire, promotion, transfer, education or training, disciplinary and termination actions occur; and
4. Review all employees' performance to ensure that non-discrimination is adhered to in all personnel activities.

XI. TRAINING TO ENSURE AAP IMPLEMENTATION

(41 C.F.R. 60-250.44(j), 60-741.44(j))

The District trains personnel involved in the recruitment, screening, selection, compensation, promotion, training, disciplinary, and related processes to ensure that the District's AAP is implemented.

XII. INVITATION TO SELF IDENTIFY

(41 C.F.R. §§ 60-250.42, 60-741.42)

Following an offer of employment but prior to an individual beginning employment duties, the District invites job applicants that believe themselves covered by the Rehabilitation Act of 1973, as amended, or the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, to identify themselves in order to receive the benefits of affirmative action (see **Invitation to Self Identify, Attachment 3**). If an individual identifies themselves as an Individual with a Disability or a Disabled Veteran, the District seeks the advice of the individual concerning any necessary accommodations to allow the individual to perform their job in an interactive process.

Further, invitations to self identify are posted on District bulletin boards, in the District's Policy Manual as part an attachment to the Affirmative Action Policy, and periodically included in employee communications to ensure the ability for employees to self identify at various points throughout their employment.

XIII. COMPENSATION

(41 C.F.R. 60-741.21(i); 60-250.21(i))

In offering employment or promotions, the District does not reduce the amount of compensation offered to a Covered Individual because of any income received from disability-related and/or military service related pension or other disability-related and/or military service related benefit from another source. All District benefit plans will be offered on the same terms and conditions to all employees.

XIV. INTERNAL PROCEDURE FOR HANDLING COMPLAINTS

Any applicant or employee who is a Covered Individual and who feels they have been subject to discrimination based on their disability or veteran status with respect to any employment decision may, pursuant to Policy & Procedure 4320, file a complaint with their supervisor or with the Manager, Human Resources Department. Complaints may also be made directly by contacting California Department of Fair Employment and Housing, the Federal Equal Employment Opportunity Commission, or the Department of Labor's Office of Federal Contract Compliance.

Any complaint will be processed to completion and the affected employee or applicant will be notified of the results timely upon completion of the investigation. All complaints, and any action taken under them, will be kept confidential.

XV. UPDATING OF AFFIRMATIVE ACTION PROGRAM

Unless otherwise revised, this Affirmative Action Plan for employment and advancement in employment of Covered Individuals, will be effective April 7, 2009 and will be annually modified or ratified without changes.

If there are any significant changes in procedures, or extra benefits as a result of the annual update, those changes will be communicated to employees and applicants for employment.