

3001.

ADMINISTRATIVE REGULATIONS
FOR AFFIRMATIVE ACTION

3001.1 Responsibility

The Director of Staff Diversity/Staff Development shall be responsible for the implementation of the Affirmative Action Policy.

3001.2 Accountability

The Long Beach Community College District believes that in order to effectively address and comply with federal and state guidelines on affirmative action, the Board of Trustees, the classified Personnel Commission, the administration, the Community College Association, the California School Employees Association, the Academic Senate, and selection committee members must recognize that affirmative action is a shared responsibility and must be held accountable for application and enforcement of the policy within their area of authority.

3001.3 Definitions

- A. Affirmative Action Employment Programs. "Affirmative action employment programs" means all the various methods by which equal employment opportunity and proportionate representation is to be achieved for the qualified members of historically underrepresented groups.
- B. Faculty and Staff Diversity Plan. A "faculty and staff diversity plan" is a written document in which a district's work force is analyzed and specific result-oriented plans and procedures for achieving equal employment opportunity and proportionate representation of qualified members of historically underrepresented groups are set forth.
- C. Business Necessity. "Business necessity" means circumstances which justify an exception to the requirements of Section 53021 because compliance with that section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.
- D. Equal Employment Opportunity. "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district.
- E. Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks, and Hispanics. A person shall be included in the group with which he or she identifies as his or her group, but may be counted in only one ethnic group. These

groups shall be more specifically defined by the Chancellor consistent with state and federal law.

- F. Goals and Timetables. "Goals and timetables" means projected new levels of employment of historically underrepresented groups to be worked toward on a specific schedule, given the expected turnover in the work force and the availability of persons who are qualified to perform a particular job through appropriate training or experience or who will become so qualified within a reasonable length of time. Goals are not "quotas" or rigid proportions.
- G. Persons with a Disability. "Person with a disability" 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 an impairment, or (3) is regarded as having such an impairment. A person with a disability is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of such an impairment. A person with a disability is qualified if he or she is able to perform the job with a reasonable accommodation.
- H. Historically Underrepresented Group. "Historically underrepresented group" means any group for which the percentage of persons from that group in the applicable work force is now, and has historically been, significantly lower than the percentage that members of that group represent in the pool of persons who are determined by the Chancellor to be available and qualified to perform the work in question. The Board of Governors has determined that, on a statewide basis, ethnic minorities, women, and persons with disabilities are historically underrepresented groups.
- I. Reasonable Accommodation. "Reasonable accommodation" means the efforts made on the part of the employer to remove artificial or real barriers which prevent or limit the employment and upward mobility of qualified persons with disabilities.
- J. Proportionate Representation. "Proportionate representation" means that the percentage of persons from an historically underrepresented group in the applicable work force is at least equal to the percentage that members of that group represent in the pool of persons who are determined by the Chancellor to be available and qualified to perform the work in question.
- K. In-house or Promotional Only Hiring. "In-house" or "promotional only" hiring means that only existing district employees are allowed to apply for a position.
- L. Screening or Selection Procedure. "Screening or selection procedure" means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

- M. Adverse or Disparate Impact. "Adverse impact" or "disparate impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure, and demonstrates a disproportionate negative impact on a historically underrepresented group as defined in subsection H.

NOTE: Authority cited: Sections 66700, 70901 and 87105, Education Code.
Reference: Sections 87101, Education Code; Section 11092, Government Code; 29 C.F.R. 1602.48 (1981); 29 U.S.C. 793; 41 C.F.R. 60-741-2 (1980).

3001.4 Responsibilities and Duties of the Director of Staff Diversity/Staff Development

- A. Developing and recommending modifications to policies and procedures needed to ensure implementation of the Affirmative Action Policy.
- B. Developing for adoption a District faculty and staff diversity plan which meets the requirements of Title 5, Section 53003.
- C. Developing and implementing plans that will produce the earliest possible results toward attaining affirmative action progress to meet the District's Goals and Timetables.
- D. Assisting staff at all levels in arriving at solutions to affirmative action/equal opportunity problems.
- E. Assisting staff at all levels in identifying affirmative action problem areas and recommending means for resolving them.
- F. Designing and implementing an audit and reporting system that will enable the Director of Staff Diversity/Staff Development to monitor all records of all actions affecting employment and determine the degree to which the District's Affirmative Action Policies and Goals and Timetables are attained.
- G. Serving as liaison between the District and various regulatory agencies.
- H. Assuring that the District is in compliance with federal and state guidelines affecting affirmative action.
- I. Making periodic reports to the Chancellor's Office, state and federal compliance agencies as necessary.
- J. Providing annual written notice to appropriate community organizations concerning the District's Faculty and Staff Diversity Plan and the need for assistance from the community in identifying qualified members of historically underrepresented groups for job openings with the District.

- K. Serving as liaison to minority organizations, community action groups, disabled and women's organizations concerned with employment opportunities and affirmative action.
- L. Working with the Director of Human Resources, and classified Personnel Commission to develop, implement and audit methods of effective recruitment, screening and interviewing, review of job descriptions, selection, training, retraining, transfer and promotion practices, job related testing procedures to ensure that all qualified applicants are allowed to test to comply with affirmative action-equal employment laws, as stipulated in Title 5, Section 53021 and 53024.
- M. Monitoring recruitment and selection processes (job description, recruitment, examinations, interviews, transfers, promotion practices, etc.) eliminating any artificial barrier and non-job related selection procedures.
- N. Conducting regular, not less than annually, discussions with administrators, supervisors, and employees to ascertain that the District Affirmative Action Program is being followed.
- O. Serving on and facilitating the Faculty and Staff Diversity Advisory Committee in implementing the goals and objectives of the Affirmative Action Program.

3001.5

Faculty and Staff Diversity Advisory Committee

- A. The District Faculty and Staff Diversity Plan shall include a Faculty and Staff Diversity Advisory Committee which assists the District to achieve understanding and support of affirmative action/equal employment opportunity policies and programs.
- B. The Faculty and Staff Diversity Advisory Committee shall meet regularly to review affirmative action goals, policies and progress and to make suggestions to the administration through the Director of Staff Diversity/Staff Development to effectuate a more meaningful Staff Diversity Program.
- C. The Advisory Committee shall include two representatives from each of the following groups: CCA, CSEA, Academic Senate, Classified Managers, CHI, Associated Student Body, Administrators, Confidential Employees, representatives at large who represent the disabled, and representatives from individual community organizations whose memberships represent underrepresented groups. This Advisory Committee shall include members of all historically underrepresented groups whenever possible (Title 5, Section 53005).
- D. The functions of the committee shall include the following: assist in monitoring the District's Faculty and Staff Diversity Program, assist in updating the Faculty and Staff Diversity Plan, consult on goals and timetables, assist in recruitment, serve on academic administrative screening committees as non-voting members if the Director of Staff Diversity/Staff Development is not able to serve, represent the Faculty

and Staff Diversity Program to the college staff and community and monitor the success of the program. The committee will also be kept abreast of changes or developments regarding information or regulations affecting affirmative action.

3001.6 Dissemination of Affirmative Action Information

In order to ensure full internal and external communication of the District's policy and regulations, the Director of Staff Diversity/Staff Development shall take the following steps:

- A. The policy and regulations shall be distributed annually to current employees and shall be included in the orientation packets given new employees.
- B. The policy and regulations shall be circulated to all appropriate offices and campuses.
- C. The policy and regulations shall be emphasized in District bulletins and all of the types of media used for the dissemination of information.
- D. Appropriate meetings for administrative and supervisory personnel shall be conducted to explain the responsibilities for effective implementation and to make clear the commitments of the Superintendent-President and Board.
- E. The statement, "An Affirmative Action-Equal Opportunity Employer," shall be placed on all recruitment materials and all employment advertisements and bulletins.
- F. Teacher placement offices, recruitment agencies, minority organizations, community agencies, community leaders, and other interested persons shall be notified of the District's Affirmative Action Program on an annual basis.
- G. District publications shall reflect the affirmative action philosophy.
- H. At least once yearly, a written report shall be prepared and presented to the Board of Trustees at a regularly scheduled meeting.

3001.7 Personnel Analysis

The Director of Staff Diversity/Staff Development shall conduct a thorough analysis of presently employed and employable personnel in the college and the community. This shall include the following steps:

- A. Conduct a workforce analysis to determine statistically the racial, ethnic and sex composition of existing staff by the following seven job categories:
 - 1. Executive/Administrative/Managerial
 - 2. Faculty and Other Instructional Support Services
 - 3. Classified Professional

4. Secretarial/Clerical
 5. Technical and Paraprofessional
 6. Skilled Crafts
 7. Services and Maintenance
- B. Conduct a Utilization Analysis that includes a determination of whether ethnic minorities and women are being underrepresented or underutilized in any job category.

Use the Utilization Analysis to identify imbalances in the various job categories of the District work force. District practices and policies shall be examined to determine the factors contributing to the imbalance. Employment practices within the personnel system which constitute barriers to equal opportunity shall be identified and corrective action taken by all responsible parties to eliminate the barriers.

- C. Survey the labor market to assess the availability for employment of minorities and women who are qualified and available for work in the District. Information shall be gathered (with the assistance of college and university placement services and other appropriate agencies) concerning women and minority applicants.
- D. Establish Goals and Timetables to correct any identifiable imbalances in minorities and women in all employment levels within the District. As changes are noted, revise Goals and Timetables.

3001.8

Employment Procedures

- A. The Long Beach Community College District shall undertake a verifiable Affirmative Action recruitment program for historically underrepresented groups in all job categories which reflect underrepresentation (see Section 3001.3[J]), including categorically funded positions.
- B. Job announcements shall state clearly job specifications setting forth only those required skills necessary to job performances in the required training and experiences related to those skills. The Director of Staff Diversity/Staff Development (or designee) shall be involved in the development and approval of the job announcement and ensure that testing and interview questions are job related.
- C. For purposes of monitoring employment practices from underrepresented groups, all applicants shall be given an opportunity to identify themselves as being a member of an underrepresented group.
- D. In screening applicants, the personnel procedures shall be reviewed by the Director of Staff Diversity/Staff Development to ensure that every artificial and invalid barrier to employment is eliminated. In addition, appropriate personnel shall be involved in minority recruitment efforts.
- E. Promotions or "upward mobility programs" shall be monitored to ensure that goals of the Faculty and Staff Diversity Program are a factor in both equal employment opportunities, and in increasing the number of historically underrepresented groups.

- F. Hiring and promotional opportunities for faculty and administrators shall be publicized in sufficient time to allow for recruitment inside and/or outside the District.
- G. The District shall disseminate notices of faculty, administrative and classified vacancies to educational institutions, placement offices, and other agencies serving historically underrepresented groups.
- H. The District shall publicize classified open hiring and promotional opportunities a minimum of 15 working days.
- I. The District shall publicize classified transfer notices a minimum of 10 working days.
- J. Staff Development shall be provided to ensure that opportunities for personal and professional growth are provided. In doing so, the District shall make training and educational opportunities available to all qualified employees.
- K. The Director of Human Resources shall conduct periodic reviews in updating of promotional eligibility lists, maintain these lists, and make them available for inspection to the Director of Staff Diversity/Staff Development.
- L. In assignments and transfers, consideration shall be given to the development of a staff that is well balanced in terms of race/ethnicity, sex, and disability background.

3001.9 Summary

Goals do not represent any quotas or fixed number or percentages of minority employees, but will provide the District with specific guidelines to follow until a fully integrated staff is a reality. Compliance with this Affirmative Action Program will be measured by positive action and by the rate of progress towards the District's objectives and goals. Lack of progress by any segment of the college will result in review by the Superintendent-President of the college.