

The California State University  
Office of the Chancellor  
401 Golden Shore  
Long Beach, CA 90802-4210  
(562) 951-4400

Date: September 10, 2001

Code: HR 2001-22

To: CSU Presidents

From: Jackie R. McClain  
Vice Chancellor  
Human Resources

Subject: Agreement Between the U.S. Department of Labor (DOL) Office of Federal Contract Compliance (OFCCP) and the California State University

Attached is a copy of the agreement between the U.S. Department of Labor (DOL) Office of Federal Contract Compliance (OFCCP) and the California State University. The agreement obligates the CSU to undertake specific activities, some of which are detailed below. The specific implications for the campuses will be discussed in greater detail at the October 24, 2001 meeting of the Human Resources Directors and the fall meeting of EEO Directors.

1. Each campus is required to develop and maintain an affirmative action program that complies with Vietnam Era Readjustment Assistance Act of 1974 (VEVRAA). The DOL approved AAP developed by Long Beach State was distributed at the May 2000 meeting of the EEO directors. This AAP obligates campuses to gather data on the hiring, promotion of veterans, and specifically monitor employment practices to ensure non-discrimination of veterans.
2. The CSU agreed to initiate a series of focus groups of interested veterans on three CSU campuses. If your campus is interested in participating please call Maria Santos at (562) 951-4425, or email her at [msantos@calstate.edu](mailto:msantos@calstate.edu).

(Over)

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**Distribution:**

Chancellor Reed  
Vice Presidents, Academic Affairs  
Vice Presidents, Administration  
Associate Vice Presidents/Deans, Faculty Affairs  
Human Resources Directors  
EEO Directors  
Director, SOSS

3. Each campus is required to invite veterans to self identify. The report on veterans self identification is due to the DOL on April 15, 2002, and must identify by name the veterans who responded to the invitation.
4. Each campus is required to adopt an internal audit and reporting system that meets the requirements of Vietnam Era Veterans Readjustment Assistance Act of 1974.

If you have any questions, please contact Maria Santos in the Employee Relations office at (562) 951-4425. This HR letter is available on the Human Resources Administration web site at: <http://www.calstate.edu/HRAdm/memos.shtml>.

Attachment

JRMcm/ms

**Agreement Between the U. S. Department of Labor  
Office of Federal Contract Compliance Programs**

and

**The California State University System**

**PART I - General Provisions**

1. This Agreement is between the U. S. Department of Labor, Office of Federal Contract Compliance Programs (hereinafter, OFCCP) and the California State University System (hereinafter, CSU).
2. This Agreement does not constitute an admission by the CSU of any violation of the Vietnam Era Veterans Readjustment Assistance Act of 1974 (hereinafter VEVRAA), as amended (38 USC 4212) and implementing regulations.
3. The provisions of this Agreement will become part of the Affirmative Action Program (AAP) of each campus of the CSU. The CSU is advised that the commitments contained in this Agreement do not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance.
4. The CSU agrees that OFCCP may review compliance with this Agreement. As part of such review, OFCCP may require written reports, inspect the premises, interview witnesses, and examine and copy documents, as may be relevant to the matter under investigation and pertinent to the CSU's compliance. The CSU shall permit access to its premises during normal business hours for these purposes.
5. Nothing herein is intended to relieve the CSU from the obligation to comply with the requirements of Executive Order 11246, as amended, and/or Section 503 of the Rehabilitation Act of 1973, as amended (29 USC 793), and/or VEVRAA, as amended (38 USC 4212), and implementing regulations, or any other equal employment statute or executive order or its implementing regulations.
6. The CSU agrees that there will be no retaliation of any kind against any person who has provided information or assistance, or who files a complaint, or who participates in any manner in any proceedings under Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended (29 USC 793), and/or VEVRAA, as amended (38 USC 4212).
7. This Agreement will be deemed to have been accepted by the Government on the date of signature by the Regional Director for OFCCP, unless the Deputy Assistant Secretary, OFCCP, indicates otherwise within 45 days of the Regional Director's signature of this Agreement.

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8. If at any time in the future OFCCP believes that the CSU, including any of its campuses, has violated any portion of this Agreement during the term of this Agreement, the CSU will be promptly notified of that fact in writing. This notification will include a statement of the facts and circumstances relied upon in forming that belief. In addition, the notification will provide the CSU with 15 days from receipt of the notification to respond in writing, except where OFCCP alleges that such a delay would result in irreparable injury.

Enforcement proceedings for violation of this Agreement may be initiated at any time after the 15-day period has elapsed (or sooner, if irreparable injury is alleged) without issuing a Show Cause Notice.

Liability for violation of this Agreement may subject the CSU to sanctions set forth in 41 CFR 60-250.66 and/or other appropriate relief.

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**PART II - Specific Provisions**

On January 26, 2001, OFCCP signed a conciliation agreement with California State University, Long Beach remedying violations found at the Long Beach campus. During those conciliation efforts, California State University, in a "Letter of Intent," agreed to implement certain remedies at each of its campuses. This agreement sets out those system-wide remedies.

- a) **AAP and Good Faith Efforts:** Develop and maintain an acceptable VEVRAA affirmative action program (AAP) at each campus that meets all the requirements of 41 CFR 60-250 and update it on an annual basis.
- b) **Training:** Develop a VEVRAA training module to be included as part of the CSU's management/supervisory basics and legal issues training.
- c) **Self-identification:** Disseminate the procedure for the self-identification of veterans. Special note is made of the guidance in Appendix B to 41 CFR 60-250 in this endeavor.
- d) **Bargaining Agreements & Contract Specifications:** Bargain to include the requisite VEVRAA EEO Clause in all of the CSU's collective bargaining agreements. Include the VEVRAA EEO clause in all relevant contracts and subcontracts, with reference to the VEVRAA regulatory requirements.
- e) **Record-keeping:** Compliance with VEVRAA record-keeping requirements. The CSU agrees to comply with requirements at 41 CFR 60-250.80 as part of its record-keeping commitment. Special note is made of the guidance in Appendix C to 41 CFR 60-250. All required VEVRAA records will be maintained.
- f) **Campus Veteran Focus Groups:** Within 90 days of execution of this agreement, the CSU will issue an invitation for the development of focus groups, as pilot programs at one or more the CSU campuses. The purpose of these focus groups would be to review employment problems encountered by veterans and to explore potential remedies. Known veteran faculty and staff will be approached and invited to participate.

Membership in the focus group will include, but need not be limited to, members of the CSU's veteran community. The focus groups will report directly to the President.

**PART III - Reporting**

The CSU agrees to submit two progress reports to the U.S. Department of Labor, Office of Federal Contract Compliance Programs, Regional Office, 71 Stevenson Street, Suite 1700, San Francisco, CA 94105.

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The first progress report is due April 15, 2002 and shall cover the time period June 1, 2001, through December 31, 2001. The second report is due April 15, 2003 and shall cover the time period January 1, 2002, through December 31, 2002. The reports will be broken out by campus and will address all compliance actions to include but not be limited to the following:

- a) **AAP and Good Faith Efforts (Recruitment):** A report of all employment opportunities listed with the local office of the State of California Employment Development Department (EDD). The report will include all positions that were listed including office, staff and faculty (tenure and non-tenure track) employment opportunities.

Provide the results of recruitment efforts in accordance with 41 CFR 60-250.44(f). Such a report will include at least specific dates of contact, contact persons, number of applicants referred by EDD for employment opportunities, and the disposition of each such applicant. Each referred applicant will be identified by name and covered veteran status, and if hired, date of hire, position and starting salary. If a referred applicant is not hired, the report will include the reason.

- b) **Training:** Efforts taken to disseminate the CSU's VEVRAA AAP through training seminars and the results. List all VEVRAA training provided and specifically identify the person(s) who conducted the training, provide a sample of the training materials disseminated to participants, provide date and location of training, and provide a list of participants by name, job title, department, and covered veteran status.
- c) **Self-identification:** A report of the results of the invitation to veterans to self-identify from each campus of the CSU. The report will identify by name the veterans who responded to the invitation. Also included will be a copy of the latest VETS-100 report accompanied by a list with the name, race and sex (if known) of each covered veteran used to compile the report.
- d) **Bargaining Agreements & Contract Specifications:** Appropriate documentation to demonstrate that the CSU has bargained to include, verbatim or by reference, the VEVRAA EEO Clause at 41 CFR 60-250.5 in all of the CSU's collective bargaining agreements and that it has been incorporated, verbatim or by reference, in all covered contracts and subcontracts, in accordance with 41 CFR 60-250.1(b).
- e) **Record Keeping:** Evidence that an internal audit and reporting system, meeting the requirements of VEVRAA, has been adopted and implemented at each campus. A sample report for each campus covering at least the previous 6-month period, to include records made in accordance with the requirements of 41 CFR 60-250.80.

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- f) **Campus Veteran Focus Groups:** Provide a report on the development of these focus groups including but not limited to: Campus focus groups members (name, position, and veteran status), progress and accomplishments.

This Agreement will remain in full force and effect from the date of this agreement until July 31, 2003.

This Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and the California State University.

Jackie R. McClain 7/27/01  
Date

July 27, 2001  
Date

Jackie R. McClain  
Jackie McClain  
Vice Chancellor, Human Resources  
The California State University

Woody Gilliland  
Woody Gilliland  
Regional Director  
U.S. DOL/OFCCP  
Pacific Region