

**The California State University
Office of the Chancellor
401 Golden Shore
Long Beach, CA 90802-4210
(562) 951-4425**

**Code: Technical Letter 2001-01
HR/Affirmative Action**

Date: March 21, 2001
To: Affirmative Action Directors
From: Maria Santos *MS*
Senior Director
Employee Relations
Subject: **Affirmative Action Plan Update**

The submission date for campus affirmative action plans is June 2001. To allow campuses more time to prepare the plan and incorporate new changes from the Office of Federal Contract Compliance (OFCCP), we are forwarding a CO prepared summary of the recent changes and the official comments on the revisions to 41 CFR 60-1 and 60-2 published in the Federal Register.

According to the Federal Register, the new regulations impose very few, if any, new requirements other than the Equal Opportunity Survey (which is currently not required of Higher Education Institutions). However, a careful review of the new Federal Affirmative Action requirements for Federal Contractors reveal the following changes that may require revisions to your current affirmative action plans:

1. Introduction of "where possible" language concerning the identification of gender, race, and ethnicity for each employee applicant. Previously, the OFCCP only required contractors to provide information on current employees and not applicants. This identification information, however, is still only a voluntary component to the application. A good faith effort to obtain this data is all that is required under the regulations.
2. Contractors may prepare an "Organizational Profile" instead of the current workforce analysis. According to the guidelines, this organizational display can take the form of a "detailed graphical or tabular chart, text, spreadsheet, or similar presentation of the contractor's organizational structure." The difference being, that this organizational display would not require the itemization of individual job titles, or the reporting of gender, race, ethnicity, and salary information by job title. The OFCCP regulations would, however, allow for the campuses to continue using the previous reporting format.

- continued -

Distribution:	Chancellor Reed	Vice Presidents, Administration
	CSU Presidents	Vice Presidents, Academic Affairs
	Vice Chancellor, Human Resources	Assoc. Vice Presidents/Deans of Faculty
	Human Resources Directors	

TECHNICAL LETTER 2001-01
HR/Affirmative Action

3. A revised definition for job group analysis. For job titles to be included in a job group they only must have three elements in common: similar job duties, similar compensation and similar opportunities for advancement within the contractor's workforce.
4. The eight factor analysis for determining availability has been reduced to two factors: (1) The percentage of minorities or women with requisite skills in the reasonable recruitment area; and (2) the percentage of minorities or women among those who are promotable, transferable, and trainable within the contractor's organization. Unfortunately, in order to perform this external and internal analysis, the campus will still end up considering all of the previous eight factors.
5. Change in underutilization nomenclature. New regulations refer to placement goals instead of underutilization. The change, although seemingly minor, actually could prove beneficial during litigation. The campus no longer has to declare that they have "underutilized" a group, but rather did not meet its "placement goals." However, additional language in the regulations has been added to assure that the goals are not intended to offer hiring preferences. Additionally, these "placement goals" need not be expressed in timetables, but rather in flexible percentage goals.
6. The following specific required elements of AA plans have been eliminated:
 - (1) Reaffirmation of the contractor's EEO policy in all personnel matters;
 - (2) Formal internal and external dissemination of the contractor's EEO policy; (3)
 - (3) The requirement to establish goals and objectives by organizational unit and job groups, including timetable for completion.
 - (4) Active support of local and national community action and service programs; and
 - (5) Consideration of minorities and women not currently in the workforce having requisite skills.
7. Additionally, only 4 of the original 10 AA plan "additional required ingredients" have been retained. They are
 - (1) Establishment of responsibilities for implementation of the contractor's AAP;
 - (2) Identification of problem areas by organizational units and job groups;
 - (3) Development and execution of action-oriented programs designed to eliminate problems and further designed to attain established goals and objectives; and

TECHNICAL LETTER 2001-01
HR/Affirmative Action

- (4) Design and implementation of internal audit and reporting systems to measure effectiveness of the total program.

- 8. Self-analysis of potential discrimination is now required. Although most campuses previously performed adverse impact analysis, campuses are now formally required to conduct an adverse impact analysis as part of their Affirmative Action Plan. This represents the movement of the OFCCP from primarily an affirmative action agency to one principally concerned with contractor compliance with non-discrimination laws.

- 9. Finally, the regulations have given the OFCCP more investigative authority up front as they now state that a contractor must make relevant records available to the OFCCP on request.

If you have any questions, please contact Maria Santos or Bill Candella at (562) 951-4425.

This Technical Letter is also on the Human Resources Administration's web site at: <http://www.calstate.edu/tier3/HR-Adm/memos.html>.