

## **PART II: VETERANS AND INDIVIDUALS WITH DISABILITIES**

### **Policy of Northern Michigan University (41 C.F.R. §§ 60-300.44(a); 60-741.44(a))**

It is the policy of Northern Michigan University to take affirmative action to employ and advance in employment qualified protected veteran employees and individuals with disabilities. Such affirmative action shall apply to all employment practices, including, but not limited to hiring, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. Northern Michigan University will make every effort to provide reasonable accommodations to any physical and mental limitations of individuals with disabilities and to disabled veterans.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any activity protected by state, federal or local anti-discrimination laws including the following activities:

(1) Filing a complaint;

(2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans or Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) or any other federal, state or local law requiring equal opportunity for disabled persons;

(3) Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans or section 503 or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled persons; or

(4) Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

Our obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons.

### **Availability of this Document (41 C.F.R. §§ 60-300.41)**

The full affirmative action program shall be available to any employee or applicant for employment for inspection upon request. Contact the Equal Opportunity Officer, Janet Koski, 105 Cohodas, phone: 906-227-2420, or email: [jakoski@nmu.edu](mailto:jakoski@nmu.edu).

## **Review of Personnel Processes (41 C.F.R. §§ 60-300.44(b); 60-741.44(b))**

### **General Requirements**

Northern Michigan University ensure that all personnel activities are conducted in a job-related manner which provides and promotes equal employment opportunity for all known protected veterans and employees and applicants with disabilities, reviews are periodically made of the examination and selection methods to identify barriers to employment, including but not limited to: hiring, promotion, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay and other compensation, and selection for training.

The University:

- Ensures that its personnel processes do not stereotype individuals with disabilities or protected veterans in a manner which limits their access to jobs for which they are qualified.
- Ensures that applicants and employees with disabilities or protected veterans have equal access to its personnel processes, including those implemented through information and communication technologies.
- Provides reasonable accommodations, unless such accommodations will cause undue hardship, to applicants and employees with disabilities to ensure that equal employment opportunity are extended in the operation of its personnel processes.
- Ensures that information and communications systems are accessible to all employees and applicants with disabilities and protected veterans.

### **Proper Consideration of Qualifications**

Contractors shall review their personnel process to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known individuals with disabilities and protected veterans for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.

In determining the qualifications of a covered veteran, the contractor shall consider only that portion of the military record, including discharge papers, relevant to the specific job qualifications for which the veteran is being considered. To the extent that it is necessary to modify their personnel procedures, contractors shall include the development of new procedures for this purpose in their affirmative action program required under this part.

Data will be maintained listing employees who have been hired and the

accommodations undertaken to enable employees, including disabled veterans, to perform the job.

### **Physical and Mental Qualifications (41 CFR 60-300.44(c); 60-741.44(c))**

To ensure that all physical and mental qualifications and requirements are job-related and promote equal employment opportunity for all known protected veterans and employees and applicants with qualified disabilities, reviews are periodically made of physical and mental qualifications and requirements as they relate to employment, training, and promotion.

Job requirements are reviewed to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

### **Reasonable Accommodation to Physical and Mental Limitations (41 C.F.R §§ 60-300.44(d); 60-741.44(d))**

Northern Michigan University will make reasonable accommodations to physical and mental limitations of applicants and employees with disabilities or who are disabled veterans unless it can demonstrate that the accommodations would impose an undue hardship on the operation of business of the University. In determining the extent of accommodation obligations, business necessity and costs and expenses, among others, are factors that may be considered.

### **Harassment (41 C.F.R. §§ 60-300.44(e); 60-741.44(e))**

Northern Michigan University has developed and implemented a set of procedures to ensure that its employees with disabilities and protected veterans are not harassed due to those conditions.

### **External Dissemination of Policy, Outreach and Positive Recruitment (41 C.F.R. §§ 60-300.44(f); 60-741.44(f))**

Northern Michigan University will continue to review its employment practices to determine whether its personnel programs provide the required affirmative action for employment and advancement of veterans and individuals with disabilities. Northern Michigan University will:

- Initiate and maintain communication with organizations having special interests in the recruitment of and job accommodations for protected veterans and individuals with disabilities.
- Develop internal communication to engage in affirmative action efforts to employ qualified veterans and individuals with disabilities.

- Notify Michigan Works of job opportunities for protected veterans and individuals with disabilities.
- Notify its subcontractors, vendors and suppliers.
- Include, when advertising, “NMU is an EOE including protected veterans and individuals with disabilities” or “NMU is an equal opportunity, affirmative action employer of protected veterans and individuals with disabilities, and is strongly committed to increasing diversity.”

### **Internal Dissemination of Policy (41 CFR 60.300.44 (g); 60-741.44(g))**

In order to gain positive support and understanding for the affirmative action program for protected veterans and individuals with disabilities, Northern Michigan University will implement or continue to implement the following internal dissemination procedures.

- 1) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation.
- 2) Management and supervisory personnel will be advised of the policy.
- 3) Union officials will be informed of the University’s policy, and their cooperation will be requested.
- 4) Accomplishments of all employees will be recognized in University publications and protected veterans and workers with disabilities will be included.
- 5) When employees are featured in employee handbooks or similar publications for employees, veterans and employees with disabilities will be included.

### **Responsibility for Implementation (41 C.F.R. §§ 60-300.44(i); 60-741.44(i))**

As part of its efforts to ensure equal employment opportunity to protected veterans and individuals with disabilities, the Equal Opportunity Officer is responsible for the Affirmative Action Program for Veterans and individuals with disabilities.

- 1) Develop policy statements and internal and external communication techniques for the University.
- 2) Assist management and supervisors in arriving at solutions to EEO/AA problems.
- 3) Design and implement audit and reporting systems that will: (41 CFR 60.300.44(h))

- a. Measure the effectiveness of the University's programs.
  - b. Indicate a need for remedial action.
  - c. Determine the degree to which University objectives have been met.
  - d. Determine whether known veterans and individuals with disabilities have had the opportunity to participate in all University sponsored training, educational, recreational and social activities.
  - e. Ensure the University is in compliance with the Affirmative Action Plan obligations.
- 4) Assist the University in dealings with enforcement agencies.
  - 5) Serve as liaison between the University and organizations concerned with and involved in employment opportunities for individuals with disabilities.

### **Training (41 C.F.R. §§ 60-300.44(j); 60-741.44(j))**

The University trains all employees involved in any way with the recruitment, selection, promotion, disciplinary actions, training, and related processes of individuals with disabilities or protected veterans to ensure commitments to the University's affirmative action goals.

### **Non-Retaliation (41 CFR 60-741.69)**

Retaliation against anyone who files a claim, who is named as a respondent, or who participates in the resolution of a case, regardless of the outcome of the case, is expressly prohibited and could lead to discipline and possible dismissal.

Further information is available from the Equal Opportunity Office, phone: 906-227-2420.

### **Compensation (41 C.F.R. §§ 60-300.21(i); 60-741.21(i))**

Northern Michigan University agrees when offering employment or promotion to protected veterans or individuals with disabilities, the amount of compensation offered will not be reduced because of any disability income, pension, or other benefit the applicant or employee receives from another source.

The University is also committed to abiding with the Pay Transparency Nondiscrimination Provisions. Employees or applicants who have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant will not be discharged or in any other manner be discriminated. Employees who have access to the compensation information of other employees or applicants as part of their essential job functions are informed and trained to not disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) a response to a formal complaint or charge; (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the University's legal duty to furnish the information.

**Affirmative Action Invitation to Individuals with Disabilities (41 C.F.R. §§ 60-741.42)**

Northern Michigan University has developed an affirmative action plan for individuals with disabilities. It is available for inspection during normal business hours by making an appointment with the Equal Opportunity Office, 105 Cohodas, 906-227-2330, email: [jakoski@nmu.edu](mailto:jakoski@nmu.edu).

If you receive a request for an accommodation, need a reasonable accommodation, or have questions contact Human Resources. Submission of this information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (1) the hiring supervisor may be informed to assure consideration for employment under this plan, (2) supervisors and managers may be informed regarding restrictions on work or duties of individuals with disabilities and regarding necessary accommodations, (3) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (4) government officials investigating compliance with the Act shall be informed. If you are disabled, the University would like to include you under the affirmative action program. It would be helpful if you describe (1) any special methods, skills and procedures which qualify you for positions that you might not otherwise be able to do because of your disability, so that you will be considered for any position of that kind, and (2) the reasonable accommodations which could be made to enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

Northern Michigan University has developed an internal complaint procedure to consider complaints of individuals with disabilities. Persons who believe they have been discriminated against because of a disability should contact the Equal Opportunity Officer, 105 Cohodas, phone: 906-227-2420, email: [jakoski@nmu.edu](mailto:jakoski@nmu.edu), who will investigate the complaint and provide a prompt response.

## **Definitions Individual with a Disability (41 C.F.R. §§ 60-741.42)**

“Individual with a Disability” means a person who, (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 an impairment.

For the purpose of this Plan, an individual 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.

“A qualified individual with a disability” means an individual with a disability as defined above who meets the requisite skill, experience, education, and other job related requirements for a particular job and is capable of performing that job, with or without a reasonable accommodation for his or her disability.

## **Affirmative Action Invitation to Veterans (41 C.F.R. §§ 60-300.42)**

### **VOLUNTARY VETERAN DISCLOSURE**

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Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are consistent with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

You may inform us of your desire to benefit under the program at this time and/or at any time in the future.

The information you submit will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if you have a condition that might require emergency treatment; and (iii) Government officials engaged in enforcing laws administered by the OFCCP, or enforcing the Americans with Disabilities Act, may be informed.

If you are a disabled veteran, recently separated veteran, other protected veteran, or Armed Forces service medal veteran, we would like to include you under our affirmative action program. If you would like to be included under the affirmative action program, please tell us.

- Disabled veteran** -- (1) A veteran of the U.S. military, ground, naval or air service 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 (2) A person who was discharged or released from active duty because of a service-connected disability.
- Recently separated veteran** -- any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval or air service.
- Armed Forces service medal veteran** -- any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.
- Active Duty Wartime or Campaign Badge Veteran** – any veteran who served on active duty in the U.S. military, ground, naval or air service during a war, or in a campaign or expedition for which a campaign badge has been authorized under the laws administered by the Department of Defense.
- Not a veteran**
- Choose not to answer**

Thank you for your assistance.  
 Equal Opportunity Office  
 Northern Michigan University  
 Phone: 906-227-2420

### **Definitions - Veteran (41 C.F.R. §§ 60-741.42)**

Northern Michigan University is a Government contractor subject to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended by the Jobs for Veterans Act of 2002, 38 U.S.C. 4212 (VEVRAA), which requires Government contractors to take affirmative action to employ and advance in employment: (1) disabled veterans; (2) recently separated veterans; (3) active duty wartime or campaign badge veterans; and (4) Armed Forces service medal veterans. These classifications are defined as follows:

A "disabled veteran" is one of the following:

- a veteran of the U.S. military, ground, naval or air service 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**
- a person who was discharged or released from active duty because of a service-connected disability.



A “recently separated veteran” means any veteran during the three-year period beginning on the date of such veteran’s discharge or release from active duty in the U.S. military, ground, naval, or air service.

An “active duty wartime or campaign badge veteran” means a veteran who served on active duty in the U.S. military, ground, naval or air service during a war, or in a campaign or expedition for which a campaign badge has been authorized under the laws administered by the Department of Defense.

An “Armed forces service medal veteran” means a veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.