

NEW JERSEY INSTITUTE OF TECHNOLOGY

Affirmative Action Plan

**PART II:
AFFIRMATIVE ACTION PLAN FOR QUALIFIED SPECIAL DISABLED VETERANS,
VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND
OTHER PROTECTED VETERANS**

PART II
AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER PROTECTED VETERANS

TABLE OF CONTENTS

CHAPTER A:	POLICY STATEMENT 41 C.F.R. § 60-250.44
CHAPTER B:	RESPONSIBILITY FOR IMPLEMENTATION 41 C.F.R. § 60-250.44
CHAPTER C:	OUTREACH, POSITIVE RECRUITMENT, AND EXTERNAL POLICY DISSEMINATION 41 C.F.R. § 60-250.44
CHAPTER D:	INTERNAL POLICY DISSEMINATION 41 C.F.R. § 60-250.44
CHAPTER E:	REVIEW OF PERSONNEL PROCESSES AND PHYSICAL AND MENTAL QUALIFICATIONS 41.C.F.R. § 60-250.44
CHAPTER F:	POLICY ON REASONABLE ACCOMMODATIONS 41 C.F.R § 60-250.44
CHAPTER G:	ACTION PROGRAMS 41 C.F.R. § 60-250
CHAPTER H:	COMPENSATION 41 C.F.R. § 60-250.21
CHAPTER I:	SELF-IDENTIFICATION 41 C.F.R § 60-250.42
CHAPTER J:	CONFIDENTIALITY OF MEDICAL INFORMATION 41 C.F.R. § 60-250.23

PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER PROTECTED VETERANS

**CHAPTER A: POLICY STATEMENT
41 C.F.R. § 60-250.44**

It is the policy of NJIT to:

1. Recruit, hire, train, and compensate persons in all applicable administrative, classified, faculty, unclassified, and student job titles without regard to age, ethnicity, creed, disability, atypical hereditary cellular or blood trait, genetic information, marital status, national origin, sex, race, religion, gender preference, gender, sexual orientation or veteran status otherwise prohibited by applicable law.
2. Base decisions on employment so as to further the principles of affirmative action and equal employment opportunity.
3. Ensure that promotion, reappointment, and tenure decisions are in accord with principles of affirmative action and equal employment opportunity by imposing only valid requirements for promotional, reappointment and tenure opportunities.
4. Ensure that all personnel actions including compensation, benefits, layoffs, returns from lay-off, training, education/tuition assistance, social and recreational programs will be administered without regard to age, ethnicity, creed, disability, atypical hereditary cellular or blood trait, genetic information, marital status, national origin, sex, race, religion, gender preference, gender, sexual orientation or veteran status unless otherwise prohibited by applicable law.

Sex Discrimination Policy

The policy obligates NJIT to ensure that all recruitment and employment activities are administered without gender or marital status considerations, except where gender or marriage is a bona fide occupational qualification for the job. Equal employment opportunities will be assured regardless of sex, gender or marital status in all personnel policies, union contracts, training, terms and conditions of employment options. Employees will not be penalized for utilizing established family leave policy for the purpose of child birth, adoption and child care and will be returned to the original job or a position in a like or comparable status and pay. NJIT is required to employ affirmative action steps to recruit women and minorities for jobs where they are underemployed.

Policy Against Discrimination Because of Religion or National Origin

It is the responsibility of NJIT to ensure that all terms and conditions of employment are administered without regard to religion or national origin. NJIT's affirmative action efforts will include outreach designed to recruit, hire, promote, transfer, and retain in all job categories. NJIT has an obligation to foster internal communication and understanding of protected religion and national origin ethnic groups. NJIT will accommodate the religious observance practices of qualified applicants or employees unless they are precluded by business necessity, financial cost or result in an extreme personnel problem.

Disabled Workers Affirmative Action Policy

NJIT is obligated to ensure that all terms and conditions of employment are administered without regard to disability status. As part of this commitment NJIT will take affirmative action to recruit, employ, advance and retrain qualified individuals with disabilities, and ensure that all terms and conditions of employment are made without regard to disability status. Employment procedures and physical/mental job requirements will be evaluated annually. Position vacancies will be listed with the State Employment Service. Dissemination of the compliance requirements of the act will be conducted by NJIT's executive, management and supervisory personnel.

While all personnel concerned with employment and supervision are required to do their part, responsibility for establishing reporting procedures, monitoring, and annual revision and update to ensure compliance and continued implementation of NJIT's Affirmative Action Policy is vested in the Vice President of Human Resources having responsibility for programs and implementation.

Inquires concerning this policy should be directed to the:

Vice President for Human Resources and Executive Director
Compliance, Training and Community Relations
New Jersey Institute of Technology
Fenster Hall, Room 500
Newark, New Jersey 07102
(973) 596-3133

President: _____ Date: _____

Robert A. Altenkirch

PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER PROTECTED VETERANS

**CHAPTER B: RESPONSIBILITY FOR IMPLEMENTATION
41 C.F.R. § 60-250.44**

Responsibility For Implementation Of Affirmative Action Program

Responsibilities for AA/EEO Policy

The President of NJIT has final responsibility for the implementation and effectiveness of the AA/EEO Program. All managers and department heads of NJIT also have the responsibility for the final effectiveness of the AA/EEO Program. The primary responsibility for the implementation of the policy within the university has been delegated to the VPHR Programs.

A. Responsibilities of the Human Resources and Compliance Office

The responsibilities of the Human Resources and Compliance Office include but are not limited to the following:

- Assisting with the development of policy statements, preparing and updating the university's Affirmative Action Plan and preparing the internal and external communications relative to the appropriate AA/EEO activities of NJIT.
- Assisting in the identification of problem areas and establishment of the goals and objectives.
- Maintaining and continuing audit of the university's activities to identify possible problem areas and measure overall effectiveness of the AA/EEO Program, and the implementation thereof, and assisting line management in arriving at solutions to problems.
- Designing and implementing audit and reporting systems: preparing and submitting to the Government EEO Employer Information IPEDS Report.
- Serving as a liaison between NJIT and minority organizations, women's organizations, disability organizations, community action and service program groups concerned with the employment opportunities of minorities, women and disabled.
- Ensuring that appropriate members of management are kept abreast of applicable Federal, State and local laws and regulations pertaining to AA/EEO.

- Auditing of hiring, training and promotion patterns to remove impediments to the attainments of goals and objectives.
- Advising management personnel periodically with respect to progress in attainment of goals and objectives.
- Reviewing the qualifications of all employees to ensure that minorities and women are given full opportunities for transfers and promotions.
- Ensuring that posters are properly displayed: that minorities and women are encouraged to participate in university sponsored educational, training, recreational and social activities; and that all university facilities are, in fact, desegregated.
- Ensuring that managers and department heads are fully aware that their performance is in part based on their adherence to both the spirit and letter of this Program and of their responsibility to prevent harassment of employees placed through affirmative action efforts and to discourage sexist discrimination.
- Ensuring that career counseling is available to all employees.

B. Responsibility of Line Management 41 C.F.R. 60-2.17

It is the responsibility of each manager and department head to assure that all employment conditions are administered on an equal basis within his or her area of control.

This includes, but is not limited to, the following actions:

- Assisting in the identification of problem areas and establishing departmental goals and objectives.
- To the degree feasible, being involved with local minority organizations, women's organizations, community action groups and community service programs.
- Conducting periodic audits of training programs, as well as hiring and promotion patterns in order to remove impediments to the attainment of goals and objectives.
- Assuring that subordinates are following policies.
- Reviewing, when openings occur, the qualifications of employees to ensure that minorities and women are given full opportunity for transfers and promotions.
- Conducting career counseling for all employees upon request.

- Conducting monthly audits to ensure that the manager's and/or department head's are in compliance in areas such as:

- I. Properly displayed posters.
- II. Facilities which NJIT maintains for the use and benefit of its employees to be desegregated both in policy and use.
- III. Managers and department heads made aware that their performance is evaluated on the basis of their equal employment opportunity efforts and results as well as other criteria.

It is the manager's and department head's responsibility to prevent any form of harassment of employees or students on campus.

Training programs to address all significant business and compliance areas are continually under review and revision. The nature of this review is to ascertain which programs can reasonably be done online, presented at new employee orientation, or disseminated across campus using other methods. With respect to the Sexual Harassment program, it is administered and supported by members of the Human Resources, Legal Affairs, and Murray Women's Center professional staff respectively. The development of Sexual Harassment or Staff Harassment Training activities is ongoing.

PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER PROTECTED VETERANS

CHAPTER C: OUTREACH, POSITIVE RECRUITMENT, AND EXTERNAL POLICY DISSEMINATION

41 C.F.R. § 60-250.44

The University's AAP is available to the community by the following process:

- 1) New Jersey Institute of Technology will continue to disseminate information externally to assorted community and state organizations, colleges and schools about AA/EEO matters. The major areas of compliance include: recruitment, publications, community relations, correspondence, and contracts.
- 2) New Jersey Institute of Technology has, and will maintain, liaison with local organizations and institutions that service individuals with disabilities and qualified special disabled veterans, veterans of the Vietnam-era, recently separated veterans, and other protected veterans, (sometimes referred to in this AAP as, "covered veterans") to recruit qualified individuals. All job advertisements published externally state that our organization is an Equal Opportunity/Affirmative Action Employer.
- 3) Policy statements regarding individuals with disabilities and covered veterans will continue to be distributed with the University job listing to local organizations and institutions on a regular basis. New Jersey Institute of Technology also features minorities, women, individuals with disabilities, and covered veteran employees in recruiting literature or other publications when employees are involved in such publications.
- 4) New Jersey Institute of Technology informs all major recruiting sources of its commitment to employ qualified individuals with a disability, and those covered as a disabled or Vietnam Era veteran. The University lists all applicable employment openings at the local office of the New Jersey Workforce Commission (NJWC). These sources are requested to actively recruit and refer individuals with a disability, or qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans, for all applicable positions for which the University hires.
- 5) All recruiting literature contains an equal employment opportunity/affirmative action statement. Additional publications communicate the existence of the University's AAP to all employment candidates to include: *The ABC's of the Hiring Process* and *Diversity Enhancement Program and Affirmative Action/Equal Employment Opportunity*.
- 6) A statement relating the University's EEO policy is provided to all covered subcontractors. The equal employment opportunity clause and reference to the

affirmative action obligations of the contractors regarding individuals with a disability qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans are incorporated in all covered subcontracts, to include the purchase order, as required by law.

PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER PROTECTED VETERANS

**CHAPTER D: INTERNAL POLICY DISSEMINATION
41 C.F.R. § 60-250.44**

The University's Affirmative Action Policy is available to all employees by the following process:

1. Annual Memorandum: Each year the Vice President of Human Resources (VPHR) will send a memorandum reaffirming the AA/EEO Policy Statements to all employees and will continue to include the policy in our organization's policy manual. All publications produced by the University have information for individuals with disabilities.
2. Affirmative Action Program: The University's affirmative action program will continue to be revised annually and distributed by the Affirmative Action Officer to all administration offices. The Equal Employment Opportunity Policy and federally required Equal Employment Opportunity posters affirming our nondiscrimination policy are posted on bulletin boards in public locations.
3. Administration Training: The University's AA/EEO Policy regarding individuals with disabilities, special disabled veterans and veterans of the Vietnam Era is communicated in a special meeting with supervisory personnel to explain the intent of the policy.

It is the University's intent that all administrators and supervisors become familiar with their individual responsibility for effective implementation of the contents of the Affirmative Action Plan. The supervisor's performance evaluation is based, on part, on his or her Affirmative Action and Equal Employment Opportunity efforts.

4. New Jersey Institute of Technology has incorporated its policy statement on equal employment opportunity and affirmative action into printed materials provided to each employee at the time of new employee orientation, as well as on its website.
5. The University informs management employees about the University's equal employment opportunity policy and affirmative action program through University-sponsored training seminars, which include supervisory skills and the hiring process, identify essential compliance and proactive measures for the recruitment, hiring, and promotion of individuals with a disability, and disabled/Vietnam Era veterans.

6. The University conducts special seminars and conferences which may address topics pertinent to affirmative action and equal employment opportunity.
7. The University communicates its affirmative action program to all employees at orientation meetings. The University details employee responsibility, and employees are afforded an opportunity to discuss the program.
8. The University published articles, when appropriate, that cover its equal employment opportunity programs, progress reports, promotions, and other activities in which the participation of individuals with a disability, or of qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans are featured.
9. New Jersey Institute of Technology posts a copy of the University's policy statement on equal employment opportunity and affirmative action at the Human Resources Office and other locations throughout its facilities where employees frequent and gather, as well as on its website.
10. The AAP is available for inspection by any employee or applicant for employment, upon request, at the library on campus during the University's normal business hours or by special arrangement made through the Affirmative Action Officer.
11. Through training and awareness programs, managers and supervisors become more familiar with, and sensitized to, issues of persons with a disability (physical and mental) in order to develop the knowledge and understanding needed to proactively employ, and advance in employment, persons with a disability. The University's management, and other employees engaged in processing employment actions receive additional training on applicable state and federal EEO laws for persons with a disability and qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans. The AAP is reviewed in-depth with employees who work in appropriate human resources positions. In addition, the University clearly outlines each employee's responsibility to assist the University in meeting its affirmative action objectives.
12. The University reviews all contract provisions to ensure they are nondiscriminatory. The University's Purchasing Services reviews its purchase order and invitation to bid, subject to appropriate contract costs and pursuant to appropriate legislation.

**PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS,
VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED
VETERANS, AND OTHER PROTECTED VETERANS**

**CHAPTER E: REVIEW OF PERSONNEL PROCESSES AND PHYSICAL AND
MENTAL QUALIFICATIONS
41.C.F.R. §§ 60-250.44**

New Jersey Institute of Technology exercises a comprehensive commitment to the principles of Affirmative Action and Equal Employment Opportunity. It is our organization's policy not only to comply with all federal, state and local regulations pertaining to Equal Employment Opportunity, but also to develop the true spirit of these acts throughout our organization.

A. GENERAL PROCEDURES

State employment agencies, vocational rehabilitation agencies, school and college placement offices, state education agencies, various community agencies and various advocacy groups will be used as recruiting sources. Documentation of contracts made with these sources will continue to be maintained. Technical assistance on the possible development of on-the-job training opportunities for covered veterans will be made through Veteran Employment Representatives, local Veteran Administration Offices and local Vietnam Era Veterans' organizations.

Consideration is given only to that portion of the covered veteran's military record relevant to the specific job qualifications for which the veteran is being considered.

On-site tours and meetings are available as an outreach to interested rehabilitation agencies to familiarize their advisers and job coaches with the physical and mental features of individual job requirements.

We adhere to a schedule for the review of physical and mental job qualification requirements on an on-going basis. This is done to ensure that, to the extent qualification requirements tend to screen out qualified individuals with disabilities and covered veterans, they are job related, consistent with business necessity, and with the safe performance on the job.

Internal audits are conducted to review and evaluate the specific requirements related to the development of the University's AAP and Equal Employment Opportunity. Internal audits are also conducted on the employment and promotion of qualified individuals with disabilities and covered veterans. Periodic internal audits or compliance reviews ensure a better mechanism for the AAP for individuals with disabilities and covered veterans.

Personnel procedures are reviewed annually to determine that present procedures assure precise and systematic consideration of the essential job function qualifications of known

individuals with disabilities, qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans.

New Jersey Institute of Technology does not reduce the amount of employment or promotion compensation offered to individuals with disabilities or covered veterans because of any disability income, pension, or other benefit the applicant or employee receives from another source.

All requests to waive advertising for specific job positions are approved by the Vice President and reported to the Human Resources Department. A memorandum from the originator of the waiver request must justify the waiver requirements and must accompany the request.

Employment records are reviewed to determine the availability of qualified promotable and transferable individuals with disabilities and covered veterans.

Any individual with disabilities or covered veteran applicant can request a job accommodation. This request is reviewed by University administration and an appropriate decision is made. Information obtained from medical examinations is used only to establish work restrictions and to provide safeguards for persons who might require emergency medical treatment. The information is not used to exclude or otherwise limit employment opportunities of qualified individuals.

Information gathered from medical examinations is kept confidential, except that supervisors and administrators may be informed regarding the restrictions on work duties of individuals with disabilities, and regarding accommodations. Safety and first aid personnel may also be informed.

Through the Department of Human Resources, contacts are made with state and local referral agencies that serve individuals with disabilities and covered veterans. Agencies such as the Department of Vocational Rehabilitation and others are encouraged to have their clients apply for employment.

Every applicant has the opportunity to identify himself or herself as disabled and/or as a covered veteran. All medical information concerning individuals with disabilities or covered veterans will be used only to meet safety requirements and to make reasonable accommodations for any disability. Information regarding ethnicity, disability and sex is both voluntary and, as to disability, confidential.

B. PROPER CONSIDERATION OF QUALIFICATIONS

A periodic review of employment procedures is required to assure a careful, thorough, and systematic consideration of the job qualifications of known applicants with a disability, or qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans. Covered job vacancies include those

filled by hiring or promotion, and or all training opportunities offered or available. The University will disseminate this practice to supervisors and employees.

C. PHYSICAL AND MENTAL QUALIFICATIONS

Physical or mental job qualifications may screen out or tend to screen out qualified individuals with a disability or qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans. A review of such qualifications in the selection of candidates for employment or other changes in employment status such as promotion or training is ongoing. As positions are advertised or reclassified, New Jersey Institute of Technology:

1. periodically reviews physical and mental job qualification requirements with hiring authorities to ensure that they are job-related and consistent with business necessity and the safe performance of the job; and
2. assures that the requirements are related to the specific job(s) for which the individual is being considered, and are job related and consistent with business necessity and the safe performance of the job.

This periodic review ensures that essential and nonessential functions of each job are identified and current. Restructuring of the job specifications and/or description to accommodate a qualified employee's disability may be recommended as a reasonable accommodation when necessary, and will be the responsibility of the hiring department.

Under provisions of the ADA, a medical examination will not be conducted, nor will inquiries be made to determine whether the applicant has a disability or to determine the nature of severity of a disability. Pre-employment inquiries may be made only into the ability of an applicant to perform job-related functions. After an offer of employment has been made and prior to the actual employment of the individual, a medical examination may be required if all entering employees are subjected to such an examination, regardless of disability, and the examination is job-related and consistent with business necessity.

Legislation for federal contractors, and as part of the requirement for this AAP, requires TAMUG to offer applicants for employment the opportunity to self-identify a disability. Such notification is permissible when this information is used affirmatively to seek employment opportunities for a qualified applicant with a disability, whether or not there is a need for a reasonable accommodation.

TAMUG provides this opportunity through information available at the time of application through the Employment Office.

Information obtained from applicants/employees concerning a physical or mental condition is kept confidential, except that:

1. supervisors and managers may be informed regarding only the nature of accommodations or restrictions on work or duties (not the nature of the disability);
2. first aid and safety personnel may be informed when, and to the extent appropriate, if the condition might require emergency treatment; and
3. government officials investigation compliance with the EEO laws will be informed.
4. Members of the NJIT Student Service counseling Center, Disabled Persons Committee, or Human Resources Office may be consulted in order to best utilize the expertise available to the university community. Additionally collective bargaining representatives and the Labor Relations Department may be consulted on matters of accommodation, design of accommodation, and implementation, as the accommodation may change elements of the job responsibilities being informed.
5. OSHA representative on the university campus is consulted when accommodations are requested in any laboratory environment.

PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER PROTECTED VETERANS

**CHAPTER F: POLICY ON REASONABLE ACCOMMODATIONS
41 C.F.R § 60-250.44**

Upon being hired, or at any time after employment, an employee who has self-identified a disability for which a reasonable accommodation is needed, will be provided such a reasonable accommodation by the supervisor to ensure that the employee can adequately perform essential job functions. A determination of what is a reasonable accommodation will be made through a joint effort of the Vice President of the Department of Human Resources and the appropriate management of the affected organization.

Any self-identification of a disability by an employee at time of hire, or at any time after hire, is subject to a procedure of documentation and evaluation of the accommodation(s) required to do the essential function of the job. A supervisor, or staff person, to whom a disclosure of a disability is made, would refer that person to the HR Office. The Vice President of Human Resources, in conjunction with other responsible parties, will make a determination on the request and in coordinating the accommodation.

Faculty members will consult with the Provost's office, Dean or Department Chairperson concerning accommodation issues relating to faculty members..

The university makes reasonable accommodations to the physical and mental limitations of employees or applicants, otherwise qualified, to the extent that such accommodation does not impose an undue hardship on the conduct of its business. The University may consider such factors as financial cost and institutional necessity in determining the extent of an obligation to provide a reasonable accommodation.

**PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF
THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER
PROTECTED VETERANS
CHAPTER G: ACTION PROGRAMS
41 C.F.R. § 60-250**

The VPHR is responsible for the administration of the Affirmative Action Plan and Equal Employment Opportunity policies. The University's written commitment to the principles of affirmative action and equal employment is distributed annually to all employees. The University recognizes that the ultimate success of this undertaking will be largely the result of the good faith efforts detailed in the Action Programs section of this AAP.

The ongoing executive support for the AAP is communicated to all employees, and enlist their adherence to the University's AA/EEO policies and programs. The substance of this AAP to transform commitments to measurable progress is outlined in the following programmatic plans:

1. Post notices of the University's AA/EEO obligations in conspicuous places in order to publicize the Affirmative Action Plan for individuals with disabilities and for covered veterans. The notices will continue to be available to both employees and applicants for employment.
2. Invite all applicants and employees to self-identify as persons with disabilities or covered veterans so our organization can take affirmative action to employ and advance in employment qualified individuals with disabilities and covered veterans.
3. Inform employees of the University's policy concerning the employment of persons with disabilities and covered veterans.
4. Provide information to all employees regarding modifications in the University's policies and procedures.
5. List all suitable employment openings with the appropriate local office of the New Jersey Workforce Commission (NJWC) to provide assistance in locating qualified applicants, where applicable and feasible.
6. Provide training and counseling to all employees, supervisors and administrators in order to gain positive support and understanding of the Affirmative Action Program for individuals with disabilities and for covered veterans.
7. Work closely with local organizations, advocacy groups and institutions servicing individuals with disabilities and covered veterans.
8. Achieve reasonable accommodations by removal of architectural and physiological barriers, modification of the workplace, and/or job duties, providing job aids, etc.

9. Inclusion of AA/EEO clauses will continue in contracts awarded under government prime contracts and subcontracts. Clauses state that the contractor is bound by the terms of Section 503 of the Rehabilitation Act of 1973, as amended, 38 USC 4212 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, and is committed to affirmative action and equal opportunity.

**PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF
THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER
PROTECTED VETERANS**

**CHAPTER H: COMPENSATION
41 C.F.R. § 60-250.21**

It is the policy of New Jersey Institute of Technology that when offering employment or promotion to qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans, the amount of compensation offered will not be reduced because of any income based upon a disability-related and/or military-service-related pension or other disability-related and/or military-service-related benefit the applicant or employee receives from another source.

PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER PROTECTED VETERANS

**CHAPTER I: SELF IDENTIFICATION
41 C.F.R § 60-250.42**

Part I of the following invitation to self-identify is posted in conspicuous places at all sites so that it is easily seen by all applicants. The invitation is extended prior to a job offer being made; however, it is extended pursuant to federal laws which require affirmative action for persons with disabilities, special disabled veterans, and veterans of the Vietnam Era (Rehabilitation Act of 1973, Section 503, as amended and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 4212). After an offer of employment is made, Part I and Part II of the invitation are extended directly and individually to new employees prior to the start of their job duties.

A separate file is maintained on persons who have self-identified. That file is provided to OFCCP upon request. That file is used to identify applicants and employees with known disabilities for purposes of implementing this AAP.

Invitation to Self-Identify: Veterans

Part 1

New Jersey Institute of Technology is a government subcontractor subject to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, which requires government contractors to take affirmative action to employ and advance qualified special disabled veterans, veterans of the Vietnam-Era, recently separated veterans, and other protected veterans. If you are a special disabled veteran or veteran covered by the Act and would like to be considered under the Affirmative Action Program, please tell us.

The term "veteran of the Vietnam era" refers to a person who served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred in the Republic of Vietnam between February 28, 1961, and May 7, 1975 or between August 5, 1964, and May 7, 1975, in all other cases. The term also refers to a person who was discharged or released from active duty 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 between August 5, 1964, and May 7, 1975, in all other cases.

The term "special disabled veteran" refers to a 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 Department of Veterans Affairs for a disability rated at 30 percent or more, or rated at 10 or 20 percent in the case of a veteran who has been determined by the Department of Veterans Affairs to have a serious employment handicap. The term also refers to a person who was discharged or released from active duty because of a service-connected disability.

The term "recently separated veteran" refers to any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.

The term "other protected veteran" refers to a person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.

You may inform us of your desire to benefit under the Program at this time and/or at any time in the future. This information will assist us in placing you in an appropriate position and in making accommodations for your disability if you are a disabled veteran or a veteran covered by the Act. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. Information you submit will be kept confidential except that (1) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans and regarding necessary accommodations; (2) first aid personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment; and (3) government officials engaged in enforcing laws administered by OFCCP or the Americans with Disabilities Act, may be informed. The information provided will be used only in ways that are not inconsistent with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.

If you are a disabled veteran or veteran of covered by the Act, we would like to include you under the affirmative action program. Attached is a summary description of our program.

If you are a special disabled veterans, or a special disabled veteran in combination with a veterans of the Vietnam era, recently separated veterans, and other protected veterans, it would assist us if you tell us about 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 positions of that kind.

Part 2

Applicable only after an offer of employment has been extended.

If you are a special disabled veterans, or a special disabled veteran in combination with a veterans of the Vietnam era, recently separated veterans, and other protected veterans , it would assist us if you tell us about the accommodations which we could make which would enable you to perform the job properly and safety, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, provision of personal assistance services, or other accommodations.

Invitation to Self-Identify: Individuals with Disabilities

Part 1

New Jersey Institute of Technology is a government subcontractor subject to Section 503 of the Rehabilitation Act of 1973, as amended, which requires government contractors to take affirmative action to employ and advance qualified persons with disabilities. If you have a disability and would like to be considered under the Affirmative Action Program, please tell us. You may inform us of your desire to benefit under the Program at this time and/or at any time in the future. This information will assist us in placing you in an appropriate position and in making accommodations for your disability. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. Information you submit will be kept confidential except that (1) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans and regarding necessary accommodations; (2) first aid personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment; and (3) government officials engaged in enforcing laws administered by OFCCP or the Americans with Disabilities Act, may be informed. The information provided will be used only in ways that are not inconsistent with Section 503 of the Rehabilitation Act.

If you are an individual with a disability, we would like to include you under the affirmative action program. Attached is a summary description of our program. It would assist us if you tell us about 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 positions of that kind.

Part 2

If you are a person with a disability, it would assist us if you tell us about the accommodations which we could make which would 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, provision of personal assistance services, or other accommodations.

PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER PROTECTED VETERANS

**CHAPTER J: CONFIDENTIALITY OF MEDICAL INFORMATION
41 C.F.R. § 60-250.23**

1. New Jersey Institute of Technology does not conduct a comprehensive medical examination prior to employment.
2. Confidentiality and use of medical information.
 - (1) Information obtained under this section regarding the medical condition or history of any applicant or employee shall be collected and maintained on separate forms and in separate medical files and treated as a confidential medical record, except that:
 - (i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the applicant or employee and necessary accommodations;
 - (ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
 - (iii) Government officials engaged in enforcing the laws administered by OFCCP, including this part, or enforcing the Americans with Disabilities Act, shall be provided relevant information on request.
 - (2) Information obtained under this section regarding the medical condition or history of any applicant or employee shall not be used for any purpose inconsistent with the Act
3. New Jersey Institute of Technology cooperates with the medical specialist and attending physicians concerning medical evaluations and recommendations appropriate to accommodations that permit an employee to continue to work when an employee acquires a disability. Administration determines work restrictions made necessary by the employee's temporary "short term" disability or by a permanent disability. Supervisors are aware of the employee's work characteristics and are able to identify behavior or job performance that has been adversely affected by physical, mental, or emotional difficulty. Supervisors and administrators may suggest an employee to be examined by a medical authority. A supervisor or manager who seeks clarification regarding an employee's physical, emotional, or mental ability will direct that employee for medical evaluation and reference any known accommodation. The supervisor discusses the accommodation with the disabled individual and the Affirmative Action Officer.

PART II: AAP FOR QUALIFIED SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM-ERA, RECENTLY SEPARATED VETERANS, AND OTHER PROTECTED VETERANS

**CHAPTER K: COMPLAINT PROCEDURES
41 C.F.R. § 60-250.44**

Any applicant for employment or any employee covered under this plan who believes he or she been discriminated against may file a written complaint. The complaint may be made directly to the Human Resources Office, Room 500 Fenster Hall.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of 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 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 section 503 or its implementing regulations in this part or any other Federal, State or local law requiring equal opportunity for disabled persons; or
- (4) Exercising any other right protected by section 503 or its implementing regulations.