



Appendix F

EEO Policies and Procedures

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I. Affirmative Action and Equal Opportunity

National data analyzed by the U.S. Department of Labor (DOL) reflects that in people of diverse race and ethnicity, women and individuals with disabilities have not shared proportionately in the rewards and opportunities within many industries and occupations. DOL determined, in revising the regulations in 29 C.F.R. Part 30, that more aggressive action is needed to attract, select, and retain qualified applicants into apprenticeship programs, including more individuals of diverse race and ethnicity, women, and individuals with disabilities.

The IBEW-NECA segment of the Electrical Construction Industry has vigorously attempted to maintain an open-door application policy regardless of race, color, ethnicity, religion, national origin, sex, age, disability, and other protected characteristics. The JATC will engage in reasonable equal opportunity and affirmative action measures intended to increase the recruitment of qualified minorities, females, and individuals with disabilities who apply for, are selected, and ultimately become Journeyworkers.

The *electrical training ALLIANCE* has developed, and the JATC has or will be adopting these EEO Policies and Procedures set out in this Appendix F, and the Affirmative Action Plan in Appendix C. The JATC is committed to the concept and practice of Equal Employment Opportunity and Affirmative Action in all aspects of its apprenticeship programs and services. No apprentice or applicant for apprenticeship, or any other participant in JATC programs or services, will be treated differently or otherwise discriminated against on the basis of race, color, religion, national origin, sex, (including pregnancy and gender identity), sexual orientation, age (40 or older), genetic information, disability, or other characteristics or conduct protected by state or local law as set out in the EEO Pledge.

The EEO Policies and Procedures and Affirmative Action Plan are intended to comply with, and shall be interpreted consistent with, the affirmative action obligations under 29 C.F.R. Part 30, Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination in Employment Act (ADEA), Title I of the Americans with Disabilities Act (ADA), the Genetic Information Non-Discrimination Act (GINA) and any other federal, state or local non-discrimination laws applicable to the JATC. If the JATC is or in the future becomes a recipient of federal financial assistance, through grants or otherwise, these policies and procedures will be interpreted to be consistent with the applicable laws, including but not limited to Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act, and Title IX of the Education Amendments.

These EEO Policies and Procedures and the AA Plan will remain in effect until they are updated by the *electrical training ALLIANCE*, or until the JATC determines (based on its annual review) that there is a need to make amendments or revisions. Any and all changes must be submitted to the *electrical training ALLIANCE* and the Registration Agency for approval before implementation.

II. Responsibility for Implementation

The coordination of responsibility for implementation of the EEO/AA Plan and any related policies and practices is assigned by the Committee to the Training Director who shall serve as the JATC's EEO/AA Coordinator. The EEO/AA Coordinator has the full resources, support of and access to JATC, Local Union and Local Chapter leadership to insure effective implementation. The designation of a responsible person, as required by DOL regulations, does not relieve the Committee from its obligation to ensure compliance with 29 C.F.R. Part 30 and applicable laws, or the effective implementation of this EEO/AA Plan.

The duties and responsibilities of the EEO/AA Coordinator include, but are not limited to:

- Monitoring all registered apprenticeship activity to insure compliance with the non-discrimination and affirmative action obligations;
- Developing and implementing EEO/AA policies;
- Developing and implementing internal and external communication techniques;
- Identifying potential problem areas;
- Assisting the JATC and others to arrive at solutions to identified problems;
- Serving as liaison between the JATC and enforcement agencies;
- Serving as liaison between the JATC and organizations, community action groups or other entities concerned with employment opportunities for minorities, women and individuals with disabilities;
- Keeping the JATC, Local Union and Local Chapter informed of the latest developments in the equal opportunity area;
- Meeting with the NECA Chapter and contractors as appropriate to make certain that they are familiar with the latest developments in equal opportunity and addressing issues on the job;
- Maintaining required records;
- Generating and submitting reports as required by the relevant Registration Agency; and
- Designing and implementing auditing and reporting systems that, on an annual basis (as appropriate) will measure the effectiveness of the EEO/AA Plan, determine the degree to which the JATC's goals and objectives are being attained, and identify any need for remedial action. This includes compliance with 29 CFR Part 30 requirements for annual self-evaluation, and validation of all selection procedures to ensure they meet the Uniform Guidelines on Employee Selection Procedures.

III. Dissemination of EEO/AA Plan

The JATC will inform all applicants for apprenticeship, apprentices, and individuals who operate or administer any aspect of the registered apprenticeship program, of its commitment to equal opportunity and its affirmative action obligations. At a minimum, the JATC will:

- Publish its Equal Opportunity Pledge in the Apprenticeship Standards and in other relevant publications, such as the JATC's Rules and Policies; newsletters; recruitment publications and other appropriate publications; other documents disseminated by JATC; or documents that otherwise describe the nature of the sponsorship;
- Post its Equal Opportunity Pledge on its website and bulletin boards, and through electronic media, to ensure that it is accessible to all apprentices and apprenticeship applicants;
- Conduct orientation information sessions for new apprentices, and periodic information sessions for apprentices, JATC staff, instructors and the JATC;
- Provide the EEO/AA Plan to the leadership of the Local Union and NECA Chapter; and,
- Provide copies of the EEO Pledge and other information to participating employers for their employees who are connected with the administration or operation of the apprenticeship program.

IV. Anti-Harassment Training

As part of its efforts, the JATC will provide periodic anti-harassment training for all apprentices, JATC staff, instructors, and Committee members. This training must be attended in-person or be completed via interactive online training. The training must communicate, at minimum, the following: (a) that harassing conduct will not be tolerated; (b) the definition of harassment and the types of conduct that constitute unlawful harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability; and, (c) the right to file a harassment complaint.

The JATC will also take steps, in consultation with the Local NECA Chapter, to ensure that all individuals connected with the administration or operation of the apprenticeship program will receive similar anti-harassment training, including all supervisors and Journeyworkers who work with apprentices.

V. Universal Outreach and Recruitment

The JATC will implement measures to ensure that its outreach and recruitment efforts for apprentices extend to all persons available for apprenticeship within the sponsor's relevant recruitment area without regard to race, color, religion, national origin, sex (pregnancy, gender identity), sexual orientation, age (40 or older), genetic information, or disability. These actions are identified in Appendix C.

VI. Non-Discrimination and Equal Employment Opportunity

The JATC does not, and will not, discriminate against an apprentice or applicant, or any other participants in JATC programs and services, on the basis of race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age (40 or older), genetic information, or disability with regard to any aspect of its apprenticeship programs, including but not limited to recruitment, outreach, and selection procedures, grading, assessment, and advancement; on-the-job opportunities and assignments; rates of pay; imposition of penalties or other disciplinary action and termination; and, any other benefit, term, condition, or privilege associated with apprenticeship.

VII. Selection of Apprentices

The JATC's procedures for selection of apprentices are included in its Standards and Selection Procedures described in Appendix A.

The JATC has reviewed its apprentice selection methods and has determined that they meet the following requirements:

- Compliance with the Uniform Guidelines on Employee Selection Procedures ("UGESP") and 29 C.F.R. Part 30, including the requirements to evaluate the impact of the selection procedures on race, sex, and ethnic groups (Hispanic or Latino/non-Hispanic or Latino); to demonstrate job-relatedness and business necessity for those procedures that may result in adverse impact in accordance with the requirements of UGESP; and to annually review its processes.
- The selection procedures are uniformly and consistently applied to all applicants and apprentices.
- The selection procedures comply with Title I of the ADA and the EEOC's implementing regulations at 29 C.F.R. Part 1630.
- The selection procedures are facially neutral in terms of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability.
- The selection procedures do not screen out or tend to screen out individuals with disabilities or classes of individuals with disabilities on the basis of disability. To the extent this does occur, the standard, test, and other selection criteria, are job related for the position in question and are consistent with business necessity.

VIII. Prohibition of Harassment

The JATC does not tolerate conduct, whether intentional or unintentional or verbal or physical, that results in harassment of an individual or group, or that creates an intimidating, hostile, or offensive work and training environment, on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, or other protected characteristics.

The JATC has developed and implemented procedures to prevent and address harassment of apprentices, including the following activities:

- Communicate to all individuals involved with the Apprenticeship Program that harassing conduct will not be tolerated.

- Provide anti-harassment training to all apprentices, JATC staff, and Committee members, and work with participating Employers to ensure that similar training is provided to all of their employees who have dealings with or supervisor apprentices.
- Make all facilities and apprenticeship activities available without regard to any protected characteristic; and,
- Establish and implement procedures for investigating and resolving complaints of harassment.

The JATC expects its employees, apprentices, and Employers and their employees, to treat each other with respect and dignity. Discriminatory harassment not only hurts the immediate victim but can result in a general atmosphere in which the purpose of the apprenticeship and training program is undermined.

All managers, supervisors, instructors, employees, and apprentices have a responsibility to maintain an environment free of unlawful harassment. JATC employees or apprentices who engage in such conduct will be disciplined, up to and including termination of employment or from the program. Employers who engage in such conduct against apprentices, or who permit their employees to do so, may be denied access to apprentices.

Unlawful discriminatory harassment is defined as unwelcome and unsolicited conduct when:

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; submission to or reject of such conduct is used as the basis for employment decisions affecting the individual; or,
- Such conduct has the purpose of effect or unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of conduct that may be discriminatory harassment if based upon protected characteristics include:

- Epithets, slurs, negative stereotyping, or threatening intimidating or hostile acts that relate to an individual's characteristics:
- Graphic, abusive, degrading, intimidating, or offensive jokes, comments, remarks, or gestures directed at an individual.
- Physical contact or intimidation against an individual;
- Teasing, tricks, gossip, workplace slights;
- Display of pictures, posters, graffiti, objects, or other materials; or,
- Other conduct intended to harass, intimidate, or retaliate against an individual or group based on protected characteristics.

Complaints of harassment should be made under the Complaint Procedures.

IX. Reasonable Accommodation Because of Religion

Under Title VII, the prohibition on discrimination based upon religion includes the obligation to make reasonable accommodations for religious beliefs or practices unless the accommodation would impose an undue hardship. The definition of "undue hardship" for religious accommodations is imposing a more than a *de minimus* burden on the Employer, program, or others.

Apprentices who believe they need a modification or adjustment of any JATC Rules and Policies or other aspects of the apprenticeship because of their religious practices and beliefs should make the request in writing to the EEO/AA Coordinator. If the request involves on-the-job training or an Employer, the request must also be made to that Employer. In some cases, documentation may be needed. Certain requests may require review and approval by the JATC. The ability to accommodate absences from mandatory classes may be limited by the JATC's absence policy and the availability of make-up classes.

X. Retaliation Prohibited

The JATC will not tolerate any form of intimidation, coercion, threats, adverse actions, or other forms of retaliation against an applicant or apprentice who has: (i) made an internal or external complaint of discrimination or harassment on the basis of protected characteristics or other alleged violation of this EEO/AAP or applicable federal, state, or local equal opportunity law, or otherwise opposed any unlawful discriminatory practices; (ii) furnished information to, or assisted or participated in any manner, in any investigation, compliance review, proceeding, or hearing under these policies or under any federal, state, or local equal opportunity law; or, (iii) otherwise exercised any rights and privileges under this EEO/AA Plan, 29 C.F.R. Part 30 or any federal, state, or local equal opportunity law. These are collectively “protected activities”.

All persons contacted in the course of an investigation will be advised that they and other individuals involved in a complaint are entitled to be treated in a professional and respectful manner, and that any retaliation or reprisal against an individual based upon protected activities is prohibited and could result in discipline up to, and including, termination of employment or discharge from the program.

Complaints of retaliation should be made under the Complaint Procedures in Section XVI.

XI. Employer Responsibilities

Employers who provide on-the-job training to apprentices in this program are expected to work cooperatively with the JATC on EEO matters and this EEO/AA Plan. IBEW-NECA apprenticeship programs have always worked cooperatively with contractors and the Local Union to prevent and address discrimination and harassment of apprentices on the job. DOL regulations under 29 C.F.R. Part 30 impose obligations on JATCs concerning on-the-job discrimination and harassment. The JATC will develop new processes, in consultation with the Local NECA Chapter and the Local Union, to address these issues.

Employers are expected to establish their own policies against discrimination, harassment, and retaliation, including procedures for filing, investigating, and resolving of complaints. Employers should understand that under federal, state, and local anti-discrimination laws, they may be responsible for harassment of apprentices by their supervisory employees and under some circumstances, by co-workers. The failure of an Employer to take appropriate action regarding an apprentice’s complaint of discrimination, harassment, or retaliation on the job may result in the contractor being denied access to apprentices in the program.

XII. Americans with Disabilities Act Compliance

The JATC is committed to compliance with the requirements of the ADA and other laws protecting persons with disabilities. The JATC will not discriminate against qualified applicants or persons with disabilities in its application, testing, selection, or training opportunities. Reasonable accommodations will be provided unless they would impose an undue hardship or result in a fundamental alteration of the program.

The JATC is also committed to helping apprentices with disabilities in dealing with Employers that provide on-the-job training. Apprentices who believe they have been subjected to discrimination or denied reasonable accommodation by an Employer should bring the matter to the attention of the EEO/AA Coordinator.

XIII. Mentoring and Other Support for Apprentices

The JATC acknowledges DOL’s concerns that in many industries, including the construction industry, women, minorities, and individuals with disabilities have a higher drop-out or termination rate than others. The JATC recognizes that these traditionally underrepresented groups, as well as others who lack experience with unionized apprenticeship, the building trades, or the electrical construction industry often struggle in their first year. The JATC will seek to address these concerns through the following activities:

- Tracking and monitoring retention rates for women, minorities, and individuals with disabilities, as well as those without prior experience with unionized apprenticeship, the building trades, or the electrical industry;
- Establishing pre-apprenticeship programs for underrepresented or non-traditional applicants;
- Mentoring programs involving instructors, senior apprentices, journeymen, and/or other apprentices;

- Consideration of other best practices for retention in the unionized electrical industry and building trades; and,
- Other actions described Affirmative Action Plan.

XIV. Other Participants in JATC Programs

The JATC is committed to the principles of non-discrimination in all programs and activities of the JATC. The JATC may, consistent with DOL OA and ERISA requirements, engage in certain activities where there are participants other than apprentices or applicants for apprenticeship. Examples may include training programs that are open to Journeyworkers, Employers and their employees involved in apprenticeship, and Pre-Apprenticeship programs. When the JATC directly conducts or oversees any such programs or activities, it will not discriminate on the basis of Protected Characteristics and follow, where applicable, the following provisions of these EEO Policies and Procedures: Non-Discrimination; Harassment; Reasonable Accommodation and Religion; Retaliation; ADA, and Internal Complaint Procedures.

Participants in these programs and activities may or may not be protected under federal or state EEO laws. Nothing in this EEO/AA Plan should be interpreted as waiving any rights of the JATC or creating any enforceable obligations not imposed by law.

XV. Targeted Outreach, Recruitment and Retention

The JATC will undertake action-oriented programs, including targeted outreach, recruitment, and retention activities, designed to correct any problem areas it may identify as a result of the review of its processes and any finding of underutilization of minorities, women, Hispanics or Latinos, and individuals with disabilities, as a result of the analysis.

The JATC makes a good faith effort to increase each year the recruitment, selection, and retention of individuals who are minorities, females, Hispanic or Latino, or individuals with disabilities until its Affirmative Action goals are met. The JATC will engage in the affirmative action activities described in the Affirmative Action Plan (Appendix C).

XVI. Complaint Procedures

A. Internal Complaints

1. All apprentices and applicants for apprenticeship have a right to and are encouraged to report any form of alleged discrimination or harassment that they may encounter in the administration or operation of this apprenticeship program on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, disability, or other protected characteristics, or retaliation for protected activity. This includes any complaints of discrimination, harassment, or retaliation by the JATC, its staff or instructors, or other apprentices, whether in class, on-the-job or otherwise; or that occurs on-the-job by contractors, Journeyworkers, or others.
2. JATC instructors and staff are expected to promptly report to the EEO/AA Coordinator any incident that they observe or learn of that may involve discrimination, harassment, or retaliation in violation of this EEO/AA Plan. Instructors should also act promptly to stop and reprimand any discrimination or harassment that they may observe.
3. All apprentices are encouraged to report to the EEO/AA Coordinator any incident that they observe or learn of that may involve discrimination, harassment, or retaliation of fellow apprentices in violation of this EEO/AA Plan, whether occurring during related instruction or on-the-job.
4. All applicants for apprenticeship and all apprentices will be provided with written note of their right to file a discrimination complaint and the procedures for doing so. Apprentices are not required to use this internal complaint procedure before filing a formal complaint with outside agencies, and filing an internal

complaint does not limit an apprentice's rights to use other complaint procedures.

5. All complaints regarding discrimination or harassment should be submitted to the EEO/AA Coordinator or an individual designated by the EEO/AA Coordinator or the Training Director. Complaints may be made in writing or orally, and anonymous complaints will be accepted. A complaint of harassment may be made by someone who is not the target of harassment. Complaints should be filed as soon as possible after the alleged discrimination in order to allow prompt investigation. Complaints that are made more than 180 days after the date of the alleged discrimination may be accepted for good cause.
6. Complaints of discrimination, harassment, or retaliation will be fully investigated. Complaints and information obtained in the course of an investigation will be treated as confidential to the extent consistent with the JATC's obligations under this EEO/AA Plan. The investigation process may vary based upon the nature of the complaint. For example, when alleged harassment occurs on the job, the JATC will typically notify the Employer, which will typically have the right and duty to investigate and take appropriate action. Employers are expected to notify the JATC when an incident on the job involves apprentices.
7. Any JATC employee or apprentice found to have committed an act of discrimination, harassment, or retaliation will be immediately disciplined. The nature of the discipline imposed will depend on the nature and severity of the misconduct and other factors, up to termination of employment or termination of apprentices from the program.

B. External Complaints

Any apprentice or applicant for apprenticeship who believes that he or she has been or is being discriminated against on the basis of race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, or disability, with regard to apprenticeship, or who believes he or she has been retaliated against, may, personally or through an authorized representative, file a written complaint with the DOL, EEOC, state or local fair employment practices agency, and/or the state apprenticeship bureau. The JATC has posted and distributed the DOL Notice describing "Your Right to Equal Opportunity" and included this notice on its website. A copy is attached as Exhibit A. The details of other rights are included in the Standards and the Rules and Policies.

XVII. Invitation to Self-Identify

The JATC is required under federal regulations to analyze its recruitment, selection, and retention as part of its Affirmative Action Plan (See Appendix C). To assist in this process the JATC will invite applicants and apprentices to voluntarily self-identify their gender, race, ethnicity, and disability using the form set out in Appendix B. This will be done at the time and manner permitted by 29 C.F.R. Part 30. The JATC will not compel or coerce any individual to self-identify. All information on self-identification will be kept confidential and used only for statistical analysis and reporting under the EEO/AA Plan. The JATC may also inquire whether an individual who discloses a disability requires any reasonable accommodations to participate in the apprenticeship program.

The JATC invites applicants and apprentices with disabilities to self-identify by using the appropriate forms as follows:

- When an applicant applies or is considered for apprenticeship, the JATC will provide the applicant with a voluntary form at the same time that it invites the applicant to self-identify with respect to other characteristics.
- At any time after acceptance into the apprenticeship program, but before the individual begins the program, the JATC will provide a copy of the form to each new apprentice.
- The JATC will annually notify all apprentices of their ability to voluntarily self-identify as a person with a disability.

- The JATC will post a copy of the “Voluntary Self-Identification of Disability” form on its intranet in the event an apprentice’s status changes and the apprentice would like to self-identify.

The JATC will also note in its records that an apprentice is an individual with a disability when: (i) the disability is obvious; or (ii) when an applicant or apprentice requests accommodation for a physical or mental impairment that meets the definition of a disability under the ADA. Unless the JATC receives information from an apprentice that a disability has ended, the JATC will continue to include in its records that the person has a disability.

XVIII. Recordkeeping

As part of its EEO/AA obligations the JATC must collect and maintain records, including but not limited to records relating to:

- Selection for apprenticeship, including applications, tests and test results, interview notes, bases for selection or rejection, and any other records required to be maintained under the Uniform Requirements on Employee Selection Procedures (“UGESP”); requirements of Section 30.3, Equal Opportunity Standards;
- The invitation to self-identify as an individual with a disability;
- Information relative to the operation of the apprenticeship program, including but not limited to job assignments in all components of the occupation, promotion, demotion, transfer, layoff, termination, rates of pay, other forms of compensation, conditions of work, hours of work, hours of training provided;
- Any other records relevant to EEO complaints filed with the Registration Agency or with other enforcement agencies;
- Requests for reasonable accommodation; and
- Any other records pertinent to a determination of compliance with 29 C.F.R. Part 30, including those required by 29 C.F.R. §§ 30.5, 30.6, 30.7, 30.8, 30.9, and 30.11.

DOL regulations require that for any record the JATC maintains pursuant to this part, the JATC must be able to identify the race, sex, ethnicity (Hispanic or Latino/non-Hispanic or Latino) and, when known, disability status of each apprentice, and where possible, the race, sex, ethnicity, and disability status of each applicant to apprenticeship, and to supply this information upon request to the Registration Agency. Although DOL prefers voluntary self-identification as the method of collecting information regarding race, gender, ethnicity, and disability, DOL permits other methods to be used, including information provided in post-selection, employment records, or visual observation, if there is a factual basis (such as visual observation of gender or obvious physical disabilities; requests for accommodations; or complaints or comments by the applicant or apprentice disclosing race, gender, ethnicity or disability). The JATC will not guess or assume the gender, race, ethnicity, or disability of an applicant or apprentice.

All required records shall be maintained in accordance with law. The JATC will permit access to the Registration Agency during normal business hours to its places of business for the purpose of conducting EEO compliance reviews and complaint investigations and inspecting, copying such books, accounts, and records, including electronic records, and any other material the Registration Agency deems relevant to the matter under investigation and pertinent to compliance.

XIX. Internal Review of Program Processes and Effectiveness

As required by 29 C.F.R. Part 30, the JATC engages in an annual review to ensure that it is operating the apprenticeship program free from discrimination based on race, color, religion, national origin, sex, sexual orientation, age (40 or older), genetic information, and disability. This review is a careful, thorough, and systematic review of all aspects of the apprenticeship program at the program industry and occupation level, including, but not limited to: Qualifications for apprenticeship; Application and selection procedures; wages;

outreach and recruitment activities; advancement opportunities; promotions; work assignments; job performance; rotations among all work processes of the occupation; disciplinary actions; handling of requests for reasonable accommodations; the program's accessibility to individuals with disabilities, including access to the use of information; and communication technologies.

Following this review, the JATC will include a description of its review as part of the Affirmative Action Plan in Appendix C. The updated report should be part of the AAP.