

UNIVERSITY OF IDAHO

AFFIRMATIVE ACTION HIRING PROCEDURES

(Based upon the guidelines established by the U. S. Equal Employment Opportunity Commission)

I. Recruitment.

- A. Contact the Affirmative Action Officer (AAO) when notification is received of a possible vacancy.
- B. Analyze and review recruitment procedures for each vacancy to identify and eliminate discriminatory barriers.

Example: Avoid recruitment primarily by "word of mouth" or "walk-ins". This tends to perpetuate the present composition of your workforce in various job categories. Where minorities and females are not well represented, reliance on such recruitment procedures has been ruled by the courts to be a "discriminatory practice." Parham v. Southwestern Bell Telephone Company, 433 F. 2d 421 (8th Cir. 1970); Clark v. American Marine Corp. 304 F. Supp. 603, 606 (E. D. La. 1969).

C. Establish objective measures to analyze and monitor the recruitment process.

- Develop an "Applicant Flow Record" for each job applicant indicating: name, race, color, national origin, religion, sex, referral source, date of application and position applied for. This form should indicate whether a job offer was or was not made and must identify the person making the employment decision. (See attached Applicant Flow Record form.)
- Retain records of successful candidate and all minorities and females not hired for two years.

D. Institute affirmative programs to recruit for all jobs where underutilization has been identified in the Goals and Timetables for your department.

- Maintain an Affirmative (Remedial) Action Applicant File of minority and female applicants not hired who are potential

- F. Clear "Report of Selection" with AAO ten days prior to offering the position to any candidate.

III. Pre-Employment Inquiries.

- A. EEOC and the Courts have found that many common pre-employment inquiries disproportionately reject minorities and females and usually are not job related. Some questions have been explicitly prohibited by courts where the inquiries have been shown to have discriminatory effect; the exact legal status of other questions is still to be determined.

Use these pragmatic guidelines: "Does this question tend to have a disproportionate effect in screening out minorities and females?" "Is this information necessary to judge this individual's competence for performance of this particular job?" "Are there alternate, non-discriminatory ways to secure necessary information?"

- B. Major questions which should be eliminated from pre-employment inquiries (application forms and interviews) or carefully reviewed to assure that their use is job related and non-discriminatory in effect, include:

1. Race, Sex, National Origin. Pre-employment inquiries about race, sex, religion, or national origin are necessary to develop and maintain an Applicant Flow Record. These inquiries do not constitute per se violations of Title VII but such information in personnel files will be examined very carefully should discrimination charges arise. Request information regarding race, sex and national origin in an optional category stating, "The following is requested in order to monitor our affirmative action program and to insure equal employment opportunity. While you are not required to complete this section your cooperation in providing this data is appreciated". (See attached Application form).
2. Citizenship. Because discrimination on the basis of citizenship has an effect of discriminating on the basis of national origin, (except pursuant to national security requirements by a federal statute or executive order), a lawfully immigrated alien who is domiciled or residing in this country may not be discriminated against on the basis of citizenship.
3. Age. Eliminate inquires regarding age unless such information can be proven to be job related. The burden of proof is on the employer to show that the use of such information is non-discriminatory and job-related.