

XXI. EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

A. POLICY

AURA is committed to the full development of the human resources that support our missions. We strive to create and maintain a work environment in which people are treated with dignity, fairness, decency and respect. All employees, regardless of their positions, are covered by, and are expected to comply with, this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Management is expected to lead in developing and practicing fairness, appropriate behavior and providing a good work climate for all staff.

AURA is an equal opportunity and an affirmative action employer. AURA complies with all applicable federal, state and local laws prohibiting employment discrimination and expects all individuals to conform to the spirit as well as the letter of all applicable laws and regulations.

AURA prohibits discrimination of any type and affords equal employment opportunities to employees and applicants without regard to race, color, national origin, gender, gender identity and/or expression, sexual orientation, age, religion, pregnancy, lawful political affiliation, disability, veteran status, and/or any other protected class as may be legally established in the jurisdictions in which our Centers/Sites are located. Prohibition against discrimination extends to all personnel actions including:

- Recruitment
- Employment
- Promotion
- Transfer
- Training
- Compensation
- Benefits
- Working Conditions
- Termination and/or Layoff
- Application of Policies

All employment decisions shall be consistent with the principle of equal employment opportunity and only job-related qualifications will be required. All applicants possessing the minimal qualifications for any vacant position will be considered.

Pursuant to Executive Order 13665, The Pay Transparency Act, AURA will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by AURA, or (c) consistent with AURA's legal duty to furnish information. 41 CFR 60-1.35(c)

To accomplish the long-range objectives of its Equal Employment Opportunity/ Affirmative Action (EEO/AA) Policy, AURA recognizes that continued affirmative action must be undertaken. AURA's employment practices will be periodically reviewed to ensure that job opportunities are called to the attention of underutilized group members and that these individuals are offered positions on the same basis as other applicants or employees.

Emphasis will be placed on seeking and encouraging applications from women, minorities, individuals with disabilities, and protected veterans with necessary qualifications and potential.

Placement or promotion activities at all levels will be monitored to ensure that full consideration is given to all qualified employees from under-represented groups. Emphasis will be placed on promotion from within. This provides opportunities for individuals in under-represented groups to compete for placement or promotion at higher skill levels. AURA, under its Affirmative Action Plan, will give special consideration to women, minorities, individuals with disabilities and protected veterans for placement and/or promotion where the individual Center's/Site's availability permits. AURA will take positive strides to employ, advance in employment, and otherwise treat persons covered under the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, without discrimination.

AURA maintains written Affirmative Action Plans and reporting for Women and Minorities as well as Individuals with Disabilities and Protected Veterans. These Plans and reports contain detailed information regarding the specifics of communication, administration and evaluation of all aspects of AURA's EEO/AA activities. They are available at each Center's/Site's Human Resources Office, are updated annually, and maintained for three (3) years. They are available for viewing by scheduling an appointment with the Center/Site Human Resources Office. The reports are considered proprietary and confidential. Any records on complaints, compliance reviews and other required reports are kept for at least three years.

AURA Centers/Sites will seek out affirmative opportunities to provide training and opportunities to assist qualifying women, members of under-represented minority groups, individuals with disabilities and protected veterans who would otherwise not be offered employment or promotion. All employees are encouraged to increase their skills and job potential through participation in available training and educational assistance programs.

AURA's policy invites all applicants and employees who believe themselves to be covered by an Act and who wish to benefit under the Affirmative Action Program to identify themselves. This information shall be voluntarily provided and will be kept confidential. Refusal to provide this information will not subject the applicant or employee to any adverse treatment and will only be used in accordance with the Acts and their regulations.

The program is administered at the AURA facilities in Chile under the customs and laws of Chile.

B. EEO/Affirmative Action Responsibilities

1. The Center/Site Human Resources Managers are designated as the EEO/AA Program Managers, and they are responsible to the AURA Center/Site Directors and the AURA President for all phases of the AURA EEO/AA Program. The EEO/AA Program

Managers shall:

- a. Prepare, under the overall direction of AURA, Equal Employment Opportunity/ Affirmative Action (EEO/AA) policy statements and programs, to include programs for Women, Minorities, Individuals with Disabilities and Protected Veterans.
- b. Establish short- and long-term EEO/AA goals.
- c. Prepare the reports required by local, state and federal regulations.
- d. Provide guidance and assistance to all AURA organizational elements in making the EEO/AA Program a model program.
- e. Disseminate information regarding AURA's program, both internally and externally.
- f. Maintain liaison with government organizations and organizations for individuals with disabilities and protected veterans to establish and develop mutually beneficial relationships;
- g. Identify problems and problem areas and developing recommendations for solutions by pursuance of methods for reasonable accommodations;
- h. Audit employment and relevant procedures to ensure that the program is realistic and effective;
- i. Keep management informed of the latest developments and status of the AURA program by preparation of a formal annual report and informal interim reports as required;
- j. Investigate complaints, should they occur, taking appropriate action, and maintaining records in accordance with Federal, State, and local requirements;
- k. Cooperate with the Department of Labor and supply any pertinent information to them.

2. Each Center/Site Director will:

- a. Ensure the policy is applied without reservation to all actions within their responsibility in regard to conditions and privileges of employment.
- b. Ensure that procedures for monitoring opportunities for utilization of present skills of employees are established and for direction of unnecessary or non-job-related criteria from job qualification requirements.
- c. Cause the AURA Grievance Procedure to be reviewed periodically to ensure it is carried out in accordance with EEO/AA guidelines.
- d. Develop a system for internal program evaluation to include progress reports to be furnished to the EEO/AA Program Manager for compilation.
- e. Ensure Center participation in local community efforts to improve conditions which affect employability.

- f. Assist the AURA EEO/AA Program Managers in dissemination of information, both internally and externally, identification of problem areas and helping to develop solutions; and
 - g. Investigate and attempt to correct the reasons for complaints, should they occur.
3. Each AURA Center/Site Director will appoint a Diversity Advocate for the Center and/or Site. The Advocate's role shall be to serve as a leader to ensure that practices and policies are in place and to advance AURA's commitment to diversity within the AURA organization and throughout the astronomical community. The Advocate shall also serve as the Center's/Site's main liaison with the AURA Committee on Workforce and Diversity.

C. DISSEMINATION OF EEO POLICY

The Affirmative Action Program includes procedures for the dissemination of AURA's EEO/AA policy. The primary objective of this aspect of the program is to ensure awareness and understanding of the program by all employees. It is understood that this is a crucial factor in achieving the goal of Equal Employment Opportunity for AURA.

1. Internal

- a. Each Center/Site will disseminate the EEO/AA Policy to all employees at the time of hire as well as to managers and supervisors who are involved with the appointment, transfer and promotion of personnel.
- b. The AURA EEO/AA Policy will be posted and maintained on the AURA website.
- c. Employee newsletters will contain a reminder that AURA is an Equal Opportunity Employer.
- d. Position descriptions will be established and reviewed as part of the performance evaluation procedure to ensure they contain no language which may be discriminatory.
- e. AURA's EEO/Affirmative Action policy and progress will be reviewed, at least annually, with each Center's/Site's managers and supervisors. AURA's commitment to the policy will be discussed during management, supervisory and employee meetings.
- f. A copy of the Affirmative Action Plan will be available for employees and applicants to review.

2. External

- a. Dissemination of EEO/AA Policy includes publicizing the policy to organizations within the community whose membership includes significant numbers of, or which represent, minorities, women, individuals with disabilities and protected veterans. Continuous contact with such organizations will be maintained by each Center EEO/AA Program Manager for assistance in current recruitment and also to aid in

maintaining the flow of applicants for future openings. All organizations contacted will be advised on AURA's EEO/AA commitment to meeting hiring goals in filling current openings.

- b. Additional recruiting sources will be cultivated as a part of each Center's recruiting program.
- c. Employment advertising will make reference to AURA's Equal Employment Opportunity/Affirmative Action policy and clearly convey AURA's desire to interest all applicants.
- d. All recruiting sources used by AURA will be advised in writing of the policy and urged to include women, minorities, individuals with disabilities and protected veterans in their referrals.
- e. AURA will request appropriate agencies for the handicapped and veterans to assist in making known AURA's policy and will advise such groups of employment opportunities.
- f. Reminders will be sent at least once each year to employment and recruitment sources.
- g. The policy will be included in all contracts and subcontracts that are for more than \$2,500.
- h. Applicants may review the plan, which is available in the Center/Site Human Resources Office.
- i. An annual report will be made stating utilization percentages of women, minorities, individuals with disabilities and protected veterans for each job category. Goals will be set annually based on the availability of target group members. Results, problems, adverse trends or patterns obtained as a result of any of the above procedures will be reported to the Center/Site Director, or a designee, and to the EEO/AA Program Manager(s).
- j. The EEO/AA Program Manager(s), or a designee, generally will review all appointments and promotions of non-minorities or male candidates where a minority or female applicant is available in an underutilized job category.

DEFINITIONS

1. Individual With A Disability

For purposes of the Rehabilitation Act, an individual with a disability is anyone who has a physical or mental impairment, which substantially limits one or more of their major life activities or has a record of such impairment and is regarded as having such impairment. This is consistent with Executive Order No. 11758, and pursuant to Section 503 of the Rehabilitation Act of 1973, as amended, Public Law 92-112, and the 1974 amendments to the Act.

2. A Protected Veteran

According to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended by the Jobs for Veterans Act of 2002, a protected veteran is an individual who fits one of the following classifications:

- a) 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.
 - b) 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.
 - c) 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.
 - d) 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.
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ACCOMMODATIONS

Pursuant to Section 503 of the Rehabilitation Act of 1973, as amended, AURA and its Centers/Sites will provide reasonable accommodation to individuals with disabilities to allow the individual to fulfill the essential duties and responsibilities of the position. Individuals with disabilities who are candidates for employment or existing employees are encouraged to inform the Human Resources Office if they require reasonable accommodation to apply for a job or perform a job. AURA and its Centers/Sites will attempt to accommodate requests for reasonable accommodation to the extent that the request does not impose an undue hardship on the organization. Individuals are requested to respond to the following:

1. Specify the skills and procedures used or intended to be used to perform the job notwithstanding the disability and,
2. Specify the accommodations the individual believes the organization could make which would enable them to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain non-essential duties relating to the job, or other accommodations.

Based on the requirements of the job and to ensure proper placement, AURA may require a physical examination to be conducted on a prospective or current employee to evaluate requested accommodations or restrictions on work or duties or any hazards that could exist for the individual or co-workers. Supervisors and/or managers may be informed regarding restrictions on the work or duties of the person, any potential risks for the individual and/or co-workers and/or regarding necessary accommodations. First aid personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment.

For additional information, see the AURA policy titled, “Americans With Disabilities Act and Reasonable Accommodation.”

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