

LAWRENCE BERKELEY NATIONAL LABORATORY

**PART II: AFFIRMATIVE ACTION PLAN FOR PROTECTED VETERANS AND
INDIVIDUALS WITH DISABILITIES**

FOR

January 1, 2017 - December 31, 2017

PART II

AAP FOR PROTECTED VETERANS AND PERSON WITH DISABILITIES

TABLE OF CONTENTS

CHAPTER A:	DEFINITION OF “PROTECTED VETERAN AND INDIVIDUALS WITH DISABILITIES” 41 C.F.R. § 60-300.2(n,p,q,r) and 41 C.F.R. § 60-741.2
CHAPTER B:	POLICY STATEMENT 41 C.F.R. §§ 60-300.44(a); 60-741.44(a)
CHAPTER C:	REVIEW OF PERSONNEL PROCESSES 41 C.F.R. §§ 60-300.44(b); 60-741.44(b)
CHAPTER D:	PHYSICAL AND MENTAL QUALIFICATIONS 41 C.F.R. §§ 60-300.44(c); 60-741.44(c)
CHAPTER E:	REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL LIMITATIONS 41 C.F.R. §§ 60-300.44(d); 60-741.44(d)
CHAPTER F:	HARASSMENT 41 C.F.R. §§ 60-300.44(e); 60-741.44(e)
CHAPTER G:	EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE RECRUITMENT 41 C.F.R. §§ 60-300.44(f); 60-741.44(f)
CHAPTER H:	INTERNAL DISSEMINATION OF POLICY 41 C.F.R. §§ 60-300.44(g); 60-741.44(g)
CHAPTER I:	AUDIT AND REPORTING SYSTEM 41 C.F.R. §§ 60-300.44(h); 60-741.44(h)
CHAPTER J:	RESPONSIBILITY FOR IMPLEMENTATION 41 C.F.R. §§ 60-300.44(i); 60-741.44(i)
CHAPTER K:	TRAINING 41 C.F.R. §§ 60-300.44(j); 60-741.44(j)
CHAPTER L:	DATA COLLECTION ANALYSIS 41 C.F.R. §§ 60-300.44(k); 60-741.44(k)
CHAPTER M:	COMPENSATION 41 C.F.R. §§ 60-300.21(i); 60-741.21(i)

CHAPTER A: DEFINITION OF PROTECTED VETERAN AND INDIVIDUALS WITH DISABILITIES

41 C.F.R. § 60-300.2(n,p,q,r) and 41 C.F.R. § 60-741.2

Protected Veterans

Definition of “Protected Veteran” is a veteran who is protected under the non-discrimination and affirmative action provisions of the Act; specifically, a veteran who may be classified as a “disabled veteran,” “recently separated veteran,” “active duty wartime or campaign badge veteran,” or an “Armed Forces service medal veteran.”

A. Definition of “Act”

Act means the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, also referred to throughout this regulation as “VEVRAA.”

B. Definition of a “Disabled Veteran”

For purposes of this affirmative action plan, a “disabled veteran” means:

- (1) A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs; or
- (2) A person who was discharged or released from active duty because of a service connected disability.

C. Definition of “Active Duty War/Campaign Badge Veteran”

In addition, “protected veteran” includes any veteran who served on active duty in the U.S. military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized. A list of qualifying wars, campaigns, and expeditions is available at <http://www.opm.gov/staffingportallvgmedal2.asp> (Appendix A of the U.S. Office of Personnel Management *VetGuide*).

D. Definition of “Recently Separated Veteran”

For purposes of this affirmative action plan, a “recently separated veteran” is 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.

E. Definition of “Armed Forces Service Medal Veteran”

For purposes of this affirmative action plan, an “Armed Forces service medal veteran” is any veteran who, while serving on active duty in the U.S. Military, ground, naval, or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 Fed. Reg. 1209).

Individuals with Disability

The purpose of this part is to set forth the standards for compliance with section 503 of the Act, which prohibits discrimination against individuals with disabilities and requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities.

A. Definition of “Act”

Act means the Rehabilitation Act of 1973, as amended, 29 U.S.C. 706 and 793.

B. Definition of “Qualified Individuals”

Qualified individual means an individual who satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position. See §60-741.3 for exceptions to this definition.

CHAPTER B: POLICY STATEMENT
41 C.F.R. §§ 60-300.44(a); 60-741.44(a)

It is the policy of LAWRENCE BERKELEY NATIONAL LABORATORY and my personal commitment that equal employment opportunity be provided in the employment and advancement for all persons regardless of race, religion, color, national origin, sex, age, sexual orientation/transgender status and status as a protected veteran or individual with a disability at all levels of employment, including the executive level. LAWRENCE BERKELEY NATIONAL LABORATORY does not and will not discriminate against any applicant or employee regardless of race, religion, color, national origin, sex, age, sexual orientation/transgender status and status as a protected veteran and/or individual with a disability to any position for which the applicant or employee is qualified. In addition LAWRENCE BERKELEY NATIONAL LABORATORY is committed to a policy of taking affirmative action to employ and advance in employment qualified protected veteran employees. Such affirmative action shall apply to all employment practices, including, but not limited to hiring, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. LAWRENCE BERKELEY NATIONAL LABORATORY will make every effort to provide reasonable accommodations to any physical and mental limitations of individuals with disabilities and to disabled veterans.

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

- (1) Filing a complaint;
- (2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) or any other Federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans or Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) or any other federal, state or local law requiring equal opportunity for disabled persons;;
- (3) Opposing any act or practice made unlawful by VEVRAA or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled veterans, recently separated veterans, active wartime or campaign badge veterans, or Armed Forces service medal veterans or Section 503 or its implementing regulations or any other federal, state or local law requiring equal opportunity for disabled persons; or
- (4) Exercising any other right protected by VEVRAA or Section 503 or their implementing regulations.

Our obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to all persons regardless of race, religion, color, national origin, sex, age, sexual orientation/transgender status and status as a protected veteran or an individual with disability. LAWRENCE BERKELEY NATIONAL LABORATORY's EEO policy and affirmative action obligations include the full support from Lab Director, Paul Alivisatos.

LAWRENCE BERKELEY NATIONAL LABORATORY will also continually design and implement audit and reporting systems that will measure the effectiveness and the compliance of the AAP, identify the need for remedial actions, determine if objectives were attained, and determine if opportunities to participate in company-sponsored activities were extended to all employees and applicants.

If you have any questions regarding our equal employment opportunity, harassment policies or the complaint procedure, you may contact your local Human Resources representative. Parts of the Affirmative Action Plan may be reviewed, as appropriate, by making an appointment with a local Human Resources representative.

(Signature)

Michael Witherell
Lab Director

7/1/2016

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

To ensure that all personnel activities are conducted in a job-related manner which provides and promotes equal employment opportunity for all known protected veterans and employees and applicants with disabilities, reviews are periodically made of LAWRENCE BERKELEY NATIONAL LABORATORY's examination and selection methods to identify barriers to employment, training, and promotion.

- 1) LAWRENCE BERKELEY NATIONAL LABORATORY periodically conducts a review of its employment processes to ensure thorough and systematic consideration of the job qualifications of 1) known protected veteran applicants and employees; and 2) applicants and employees with disabilities for job vacancies filled either by external hiring or internal promotions/transfers, as well as for all training opportunities available. In order to determine whether an individual is qualified for a particular job, a close examination of the content of the job is made, as well as a review of the job qualifications of known protected veterans and individuals with disabilities, both applicants and employees. In determining the qualifications of a protected veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
- 2) LAWRENCE BERKELEY NATIONAL LABORATORY ensures that its personnel processes do not stereotype disabled persons or veterans in a manner which limits their access to jobs for which they are qualified.
- 3) LAWRENCE BERKELEY NATIONAL LABORATORY ensures that applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communication technologies.
- 4) LAWRENCE BERKELEY NATIONAL LABORATORY provides reasonable accommodations, unless such accommodations will cause undue hardship to the company, to applicants and employees with disabilities to ensure that equal employment opportunity are extended in the operation of its personnel processes.
- 5) LAWRENCE BERKELEY NATIONAL LABORATORY ensures that information and communications systems are accessible to all employees and applicants with disabilities even in the absence of a specific request for accommodation.

CHAPTER D: PHYSICAL AND MENTAL QUALIFICATIONS
41 C.F.R. §§ 60-300.44(c); 60-741.44(c)

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

LAWRENCE BERKELEY NATIONAL LABORATORY's physical and mental job requirements are reviewed to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

Schedule for Review: Any previously reviewed classification will be reviewed again if there is a change in working conditions which affects the job's physical or mental requirements (e.g., new requirements, new equipment, etc.)

**CHAPTER E: REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL
LIMITATIONS**

41 C.F.R §§ 60-300.44(d); 60-741.44(d)

LAWRENCE BERKELEY NATIONAL LABORATORY will make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities or who are disabled veterans unless it can demonstrate that the accommodations would impose an undue hardship on the operation of business. Such reasonable accommodations are implemented in the company's electronic and/or online application systems. The company ensures that qualified applicants and employees with disabilities, who are unable to fully utilize the system, are provided equal opportunities to apply and be considered for all jobs. LAWRENCE BERKELEY NATIONAL LABORATORY will confidentially review performance issues of employees with known disabilities to determine whether a reasonable accommodation is needed when: 1) the employee is having significant difficulty with job performance, and 2) it is reasonable to conclude that the problem is related to the known disability.

CHAPTER F: HARASSMENT
41 C.F.R. §§ 60-300.44(e); 60-741.44(e)

LAWRENCE BERKELEY NATIONAL LABORATORY has developed and implemented a set of procedures to ensure that its employees with disabilities and protected veterans are not harassed due to those conditions. A copy of the sexual harassment policy, which includes a section prohibiting harassment of individuals with disabilities or other veterans, is available for distribution to new as well as to existing employees.

**CHAPTER G: EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND
POSITIVE RECRUITMENT**
41 C.F.R. §§ 60-300.44(f); 60-741.44(f)

Based upon LAWRENCE BERKELEY NATIONAL LABORATORY's review of its personnel policies as described in Chapter B, the following activities will be implemented or continued to further enhance our affirmative action efforts. All activities are the responsibility of the Diversity and Inclusion Manager.

- 1) Initiate and maintain communication with organizations having special interests in the recruitment of and job accommodations for protected veterans and individuals with disabilities.
- 2) Include workers with disabilities when employees are pictured in consumer, promotional, or help wanted advertising.
- 3) Disseminate information concerning employment opportunities to radio and television stations, and to publications that primarily reach protected veterans and individuals with disabilities.
- 4) Provide information emphasizing job opportunities for protected veterans and individuals with disabilities to all local educational institutions, public and private.
- 5) Inform all recruiting sources, in writing and orally, of LAWRENCE BERKELEY NATIONAL LABORATORY's affirmative action policy for protected veterans and individuals with disabilities.
- 6) List with the State Employment Development Department all suitable job openings.

The exemptions for posting jobs are when positions are,

- (1) executive and top management positions,
- (2) positions that will be filled from within the contractor's organization,
- (3) and positions lasting three days or less.

This is an on-going activity. A listing of job opportunities reported to the State Employment Development Department is always kept current.

- 7) Send written notification of LAWRENCE BERKELEY NATIONAL LABORATORY's affirmative action policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part. This includes their obligation to annually file their EEO Reporting form and VETS-4212 form and, for employers with 50 or more employees and contracts of \$50,000 or more, their obligation to develop a written affirmative action plan.
- 8) Conduct formal briefing sessions with representatives from recruiting sources. Include as part of the briefing sessions, facility tours, clear and concise explanations

of current and future job openings, position descriptions, worker specifications, explanations of LAWRENCE BERKELEY NATIONAL LABORATORY's selection process, and recruiting literature. Arrange for referral of applicants, follow up with sources, and feedback on disposition of applicants.

- 9) Participate in veterans "job fairs" and work study programs with Veterans' Administration rehabilitation facilities and schools which specialize in training or educating Protected Veterans.
- 10) LAWRENCE BERKELEY NATIONAL LABORATORY will also grant leaves of absence to employees who participate in honor guards for the funeral of veterans.

CHAPTER H: INTERNAL DISSEMINATION OF POLICY
41 C.F.R. §§ 60-300.44(g); 60-741.44(g)
DISSEMINATION OF POLICY, OUTREACH, AND POSITIVE RECRUITMENT

C. Internal Dissemination of Policy

LAWRENCE BERKELEY NATIONAL LABORATORY undertakes affirmative action regarding individuals with disabilities and protected veterans⁴. Pursuant to 41 C.F.R Part§60-300.44(e) and §60-741.44(e), LAWRENCE BERKELEY NATIONAL LABORATORY has developed and implemented procedures to ensure employees are not harassed due to their status as a protected veteran or individual with a disability. These measures include stating the LAWRENCE BERKELEY NATIONAL LABORATORY's nondiscrimination and harassment policies in LAWRENCE BERKELEY NATIONAL LABORATORY's Regulations and Procedures Manual (RPM), addressing nondiscrimination and harassment in supervisor and manager training courses, and providing a variety of formal and informal complaint resolution options.

The Laboratory policy on Nondiscrimination prohibits discrimination against or harassment of any persons employed by or seeking employment with the Laboratory on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy⁵, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services.⁶ This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and Federal laws and Laboratory policies.

LAWRENCE BERKELEY NATIONAL LABORATORY policy prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in any manner in an investigation or resolution of a complaint of discrimination or harassment. Retaliations include threats, intimidation, reprisals, and /or adverse actions related to employment.

LAWRENCE BERKELEY NATIONAL LABORATORY disseminates its Equal Employment Opportunity/Affirmative Action policies both internally and externally through the following practices:

Posters

In commonly used areas, EEO/AA labor notifications are posted in areas where they can readily be seen by employees and job candidates. Among these notices are (a) the U.S. Department of

Labor poster which informs applicants and employees in English and in Spanish of employment rights of qualified individuals with a disability and protected veterans on the Family Medical Leave Act, (b) the U.S. Equal Employment Opportunity Commission's poster "Equal Employment Opportunity is the Law," and (c) Department of Fair Employment and Housing poster in English and Spanish prohibiting discrimination in employment.

Availability of plan

This written Affirmative Action Program for protected veterans and qualified individuals with a disability is available for all employees or job applicants upon request during regular business hours at the Diversity & Inclusion Office. A copy of the program is posted on the LAWRENCE BERKELEY NATIONAL LABORATORY's website.

Update

The Affirmative Action Program is reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes will be communicated to employees and applicants for employment.

Responsibility for Implementing Policy.

Refer to *Chapter J, Responsibility for Implementation* .F.R. §§ 60-300.44(i); 60-741.44(i)

D. External Dissemination of Policy

Publications

The commitment to affirmative action is publicized by setting forth the policy statement annually and in material/publications used for recruitment purposes. Reasonable Accommodation is described in the Regulations & Procedures Manual (RPM) which includes information on special selection procedures for employees with a disability.

Recruiting Sources

LAWRENCE BERKELEY NATIONAL LABORATORY enlists numerous recruiting sources, including targeted internet sites, non-profit organizations, state agencies and relevant publications. Recruiters also participate in on-going job fairs targeting protected veterans and individuals with disabilities.

To augment its efforts related to the employment and advancement of qualified individuals with a disability and/or protected veterans, LAWRENCE BERKELEY NATIONAL LABORATORY conducts outreach through the State of California Employment Development Department (EDD), Department of Rehabilitation, educational/training agencies, and organizations for individuals with a disability and protected veterans.

In order to gain positive support and understanding for the affirmative action program for Protected Veterans and individuals with disabilities LAWRENCE BERKELEY NATIONAL LABORATORY will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the Diversity and Inclusion Manager. The following policies and procedures are designed to foster support and understanding from LAWRENCE BERKELEY NATIONAL LABORATORY's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid LAWRENCE BERKELEY NATIONAL LABORATORY in meeting its obligations.

- 1) Include the policy in LAWRENCE BERKELEY NATIONAL LABORATORY's policy manual and other in-house publications.
- 2) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the Lab Director's attitude.
- 3) Schedule training sessions for all employees involved in recruiting, selection, promotion, and other related employment issues for protected veterans and individuals with disabilities.
- 4) Discuss the policy thoroughly in both employee orientation and management training programs.
- 5) Inform union officials of the contractor's policy, and request their cooperation.
- 6) Include non-discrimination clauses in all union agreements, and review all contractual provisions to ensure they are non-discriminatory.
- 7) Include articles on accomplishments of protected veterans and individuals with disabilities in Company publications.
- 8) Post the policy on Company bulletin boards, along with LAWRENCE BERKELEY NATIONAL LABORATORY's harassment policy which includes protection from harassment on the basis of disability.
- 9) When employees are featured in employee handbooks or similar publications for employees, include employees with disabilities.

CHAPTER I: AUDIT AND REPORTING SYSTEM
41 C.F.R. §§ 60-300.44(h); 60-741.44(h)

LAWRENCE BERKELEY NATIONAL LABORATORY has developed and currently implements an audit and reporting system that addresses the following:

- 1) Measures the effectiveness of LAWRENCE BERKELEY NATIONAL LABORATORY's overall Affirmative Action Program and whether LAWRENCE BERKELEY NATIONAL LABORATORY is in compliance with specific obligations.
- 2) Indicates the need for remedial action.
- 3) Measures the degree to which LAWRENCE BERKELEY NATIONAL LABORATORY's objectives are being met.
- 4) Whether there are any undue hurdles for individuals with disabilities and other veterans regarding company sponsored educational, training, recreational, and social activities.

CHAPTER J: RESPONSIBILITY FOR IMPLEMENTATION
41 C.F.R. §§ 60-300.44(i); 60-741.44(i)

As part of its efforts to ensure equal employment opportunity to Protected Veterans and individuals with disabilities, LAWRENCE BERKELEY NATIONAL LABORATORY has designated specific responsibilities to various staff to ensure the AAP focuses on all components of the employment system. To that end, the Lab Director, Chief Human Resources and Diversity Officer, Diversity and Inclusion Manager, and those employed as supervisors and managers have undertaken the responsibilities described below.

Lab Director

The Lab Director is responsible for providing top management support for LAWRENCE BERKELEY NATIONAL LABORATORY's AAP. This person issues a memo annually to reaffirm LAWRENCE BERKELEY NATIONAL LABORATORY's Equal Employment Opportunity Policy and to make known to all employees and applicants the commitment of Senior Management to EEO and affirmative action. Additional responsibilities include, but are not limited to:

- 1) Designating appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring LAWRENCE BERKELEY NATIONAL LABORATORY's AAP. Ensuring that these personnel are identified in writing by name and job title.
- 2) Ensuring that designated personnel responsible for all AAP components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
- 3) Imparting the personal direction that ensures total involvement and commitment to equal employment opportunity programs through LAWRENCE BERKELEY NATIONAL LABORATORY's AAP.

Chief Human Resources and Diversity Officer

The Chief Human Resources and Diversity Officer is responsible for overall supervision of the AAP. The Chief Human Resources and Diversity Officer ensures, through the Diversity and Inclusion Manager and department managers and supervisors that all relevant policies and procedures are adhered to. Successful implementation of this program is a basis for evaluating the Chief Human Resources and Diversity Officer's effective work performance. The Chief Human Resources and Diversity Officer's responsibilities include, but are not limited to, the following:

- 1) Presenting all needed recommendations and procedural changes to Senior Management concerning EEO and affirmative action and ensuring that Senior Management is kept informed of LAWRENCE BERKELEY NATIONAL LABORATORY's compliance status.

- 2) Maintaining Company-wide management support and cooperation for LAWRENCE BERKELEY NATIONAL LABORATORY's AAP.
- 3) Collaborating with Senior Management on EEO and AAP issues.
- 4) Assisting line management in arriving at solutions to EEO/AA problems.
- 5) Reviewing results of audit and reporting systems to assess the effectiveness of LAWRENCE BERKELEY NATIONAL LABORATORY's AA programs and to direct corrective actions where necessary.
- 6) Ensuring that the AAP is updated annually for all establishments.
- 7) Providing guidance to managers and supervisors in taking proper action to prevent employees from being harassed in any way, through one-on-one contact, training, and disciplinary action.
- 8) Providing guidance and direction to the Diversity and Inclusion Manager.
- 9) Ensuring that relevant staff, (i.e., Diversity and Inclusion Manager, managers, and supervisors) are aware that their work performance is being evaluated in part on the basis of their equal employment opportunity efforts and results.
- 10) Reviewing the qualifications of all employees to ensure equitable opportunity, based on job-related employment practices, is given to all for transfers and promotions.
- 11) Conducting periodic audits of: 1) training programs and hiring and promotion patterns to remove impediments to the attainment of AAP goals and objectives, and 2) LAWRENCE BERKELEY NATIONAL LABORATORY's sponsored educational, training, recreational, and social activities to ensure that all employees are encouraged to participate in accordance with policies on non-discrimination. Determine whether known protected veterans and employees with disabilities have had the opportunity to participate in all Company-sponsored educational, training, recreation and social activities.
- 12) Reviewing all job descriptions and specifications to ensure they are free of discriminatory provisions and artificial barriers. Ensuring that all requirements are job-related, that they are realistic, and that they reflect the actual work requirements of the essential job duties.
- 13) Ensuring LAWRENCE BERKELEY NATIONAL LABORATORY's VETS-4212 form is filed annually with the Veterans' Employment and Training Service (VETS).

Diversity and Inclusion Manager

The Diversity and Inclusion Manager is responsible for ensuring that the directives of the Lab Director and Chief Human Resources and Diversity Officer are implemented. The Diversity and Inclusion Manager's duties include, but are not limited to, the following:

- 1) Providing direction to LAWRENCE BERKELEY NATIONAL LABORATORY's employees, as necessary, to carry out all actions required to meet LAWRENCE BERKELEY NATIONAL LABORATORY's equal employment opportunity and affirmative action commitments.
- 2) Responsible for the design and effective implementation of the AAP at all establishments.
- 3) Developing, implementing, and maintaining audit and reporting systems to measure effectiveness of equal employment opportunity programs, including those that will
 - a) Indicate need for remedial action,
 - b) Determine degree to which goals and objectives have been obtained.
- 4) Advising management in the modification and development of LAWRENCE BERKELEY NATIONAL LABORATORY's policies to ensure the enhancement of equal employment opportunity for all employees and potential employees within existing equal employment opportunity guidelines.
- 5) Identifying problem areas and establishing procedures, goals and objectives to solve these problems.
- 6) Providing guidelines in the development, preparation, and implementation of career counseling programs for known Protected Veterans and employees with disabilities.
- 7) LAWRENCE BERKELEY NATIONAL LABORATORY conducts periodic audits to ensure that all required posters and the equal employment opportunity policies and AAP are displayed properly. LAWRENCE BERKELEY NATIONAL LABORATORY also conducts audits to ensure that the invitation to self-identify for Protected Veterans and individuals with disabilities pre and post offer, LAWRENCE BERKELEY NATIONAL LABORATORY's equal employment opportunity, and AAP policies are being utilized appropriately and thoroughly communicated.
- 8) Developing policy statements, affirmative action programs, internal and external communication techniques.
- 9) Assisting line management in arriving at solutions to problems.
- 10) Serving as the liaison between LAWRENCE BERKELEY NATIONAL LABORATORY and enforcement agencies.

- 11) Serving as the liaison between LAWRENCE BERKELEY NATIONAL LABORATORY and organizations and community action groups for protected veterans and individuals with disabilities, in addition to ensuring that representatives are involved in community service programs of local organizations for protected veterans and individuals with disabilities.
- 12) Keeping management informed of the latest developments in the equal employment opportunity area.
- 13) Reviewing, reporting on, and updating the AAP annually in accordance with stated policy. Informing employees and applicants of significant changes.
- 14) Working closely with the Chief Human Resources and Diversity Officer and department managers and supervisors in coordinating the effective implementation of all identified affirmative actions.
- 15) Assisting in review and revision of all policies, procedures, and rules to ensure they are not in violation of federal or state laws and regulations.
- 16) Responsible for ensuring overall LAWRENCE BERKELEY NATIONAL LABORATORY's compliance with the AAP.

Managers and Supervisors

In their direct day-to-day contact with LAWRENCE BERKELEY NATIONAL LABORATORY's employees, managers and supervisors have assumed certain responsibilities to help LAWRENCE BERKELEY NATIONAL LABORATORY ensure compliance with equal employment opportunity programs and effective implementation of the AAP. These include, but are not limited to the following:

- 1) Aggressively adhering to LAWRENCE BERKELEY NATIONAL LABORATORY's equal employment opportunity policy.
- 2) Supporting and assisting the Chief Human Resources and Diversity Officer and Diversity and Inclusion Manager in developing, maintaining, and successfully implementing the AAP.
- 3) Completing progress reports regarding the status of affirmative action programs.
- 4) Taking action to prevent harassment of employees placed through affirmative action efforts.
- 5) Assigning employees to significant jobs that might lead to greater personal growth and value, and counsel them with respect to what is needed for upward mobility within the employment structure.

- 6) Ensuring that all interviews, offers of employment and/or wage commitments are consistent with LAWRENCE BERKELEY NATIONAL LABORATORY's policy.
- 7) Implementing the internal promotion and transfer of all employees under their supervision consistent with AAP goals and objectives.
- 8) Assisting in identifying problem areas and providing needed information for establishing and meeting department affirmative action goals and objectives.
- 9) Seeking and sharing information on feasible accommodations, which have been or could be made for known disabilities.

CHAPTER K: TRAINING
41 C.F.R. §§ 60-300.44(j); 60-741.44(j)

LAWRENCE BERKELEY NATIONAL LABORATORY trains all employees involved in any way with the recruitment, selection, promotion, disciplinary actions, training, and related processes of individuals with disabilities or protected veterans to ensure commitment to LAWRENCE BERKELEY NATIONAL LABORATORY's stated Affirmative Action goals.

CHAPTER L: DATA COLLECTION ANALYSIS
41 C.F.R. §§ 60-300.44(k); 60-741.44(k)

LAWRENCE BERKELEY NATIONAL LABORATORY has adopted the current national percentage of veterans in the civilian labor force of 6.9% as its hiring benchmark for protected veterans. LAWRENCE BERKELEY NATIONAL LABORATORY will update its hiring benchmark as new data is published and updated via the OFCCP's website. The 6.9% hiring benchmark is applied to each job group within LAWRENCE BERKELEY NATIONAL LABORATORY.

LAWRENCE BERKELEY NATIONAL LABORATORY also adopted the current national utilization goal of 7.0% for qualified individuals with disabilities. LAWRENCE BERKELEY NATIONAL LABORATORY will update its utilization goal as new data becomes available, updated and published. The 7.0% utilization goal is applied *to each job group* within LAWRENCE BERKELEY NATIONAL LABORATORY.

Goals and/or benchmarks do not require that LAWRENCE BERKELEY NATIONAL LABORATORY hire, promote, train, and/or retain a specified number of individuals with disabilities and/or protected veterans. These goals/benchmarks are not rigid and inflexible quotas which must be met, but are instead targets reasonably by means of applying every good faith effort to make all aspects of the entire AAP work. A goal is a guidepost against which LAWRENCE BERKELEY NATIONAL LABORATORY, a community group, or a compliance agency can measure progress in remedying identified deficiencies in LAWRENCE BERKELEY NATIONAL LABORATORY's workforce.

LAWRENCE BERKELEY NATIONAL LABORATORY has collected the required data and conducted studies to identify areas of opportunities in the employment of protected veterans and individuals with disabilities. LAWRENCE BERKELEY NATIONAL LABORATORY will continue to monitor and update these studies periodically during each AAP year. In each case where the hiring benchmark for protected veterans and/or the utilization goal for individuals with disabilities are not met, affirmative actions, as appropriate, will be taken consistent with the activities mentioned in Chapter F (External Dissemination of Policy and Outreach and Positive Recruitment) and measures described in Chapter H (Internal Audit and Reporting) of this AAP.

Lawrence Berkeley National Laboratory complies with the (3) three-year retention policy per 41 CFR §60-300.44 (k) and 41 CFR §60-741.44 (k).

CHAPTER M: COMPENSATION
41 C.F.R. §§ 60-300.21(i); 60-741.21(i)

It is the policy of LAWRENCE BERKELEY NATIONAL LABORATORY that when offering employment or promotion to protected veterans or individuals with disabilities, the amount of compensation offered will not be reduced because of any disability income, pension, or other benefit the applicant or employee receives from another source.