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ASSOCIATION OF CHIEF HUMAN RESOURCE OFFICERS (ACHRO) FALL TRAINING INSTITUTE

Title 5 EEO Update

10/21/2021

PRESENTED BY:

Laura Schulkind & Irma Ramos &
Gregory Smith & Fermin Villegas

Title 5 EEO Update

Association of Chief Human Resource Officers (ACHRO) Fall Training Institute | October 21, 2021

Presented By: Irma Ramos, Greg Smith, Fermin Villegas & Laura Schulkind

The slide features a dark blue background with a light blue and white gradient at the bottom. The LCW logo is in the top right. The title 'Title 5 EEO Update' is centered in large white font. Below it, the event details are listed. A central box contains the presenters' names and titles. At the bottom, logos for San Diego Community College District, North Orange County Community College District, and California Community Colleges are displayed.

LCW LIEBERT CASSIDY WHITMORE

Title 5 EEO Update

Association of Chief Human Resource Officers (ACHRO)
Fall Training Institute | October 21, 2021

Presented By:

- Irma Ramos—V.C. Human Resources, NOCCCD
- Greg Smith—V.C. Human Resources, SDCCD
- Fermin Villegas—Deputy Counsel, State Chancellor's Office
- Laura Schulkind—Partner, Liebert Cassidy Whitmore

SAN DIEGO COMMUNITY COLLEGE DISTRICT

NORTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT
Greatness. Achieved.

California Community Colleges

The slide has a background of a sunset over water. The word 'Agenda' is on the left in a dark blue box. A white box on the right contains a bulleted list of agenda items. The LCW logo is at the bottom left.

Agenda

- Summary of Title 5 EEO Revisions
- Overview of (Draft) Model EEO Plan Revisions
- Overview of Process & Timelines
 - For Final Adoption of Revised Regulations
 - For Introducing the New Model EEO Plan
- What Should Districts Be Doing Now?

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Quick Refresher: Pre-Revision Title 5 EEO Requirements

- **Title 5 Regulations require that districts develop & implement:**
 - **EEO Plans—with certain specified components***
 - In particular steps that demonstrate on-going institutional commitment to diversity
 - **Hiring procedures****
 - **Steps to eliminate underrepresentation based on protected status:*****
 - Indicated by longitudinal data review of employees and applicants; and
 - Indicated by analysis of the available workforce—to the extent availability data provided by State Chancellor

*Section 51010, et seq.

**Sections 53021-53024

***Section 53006



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Quick Refresher: Pre-Revision Title 5 EEO Requirements

- **State Chancellor Enforcement:**
 - **Created EEO Model Plan and guidance**
 - **Annual report of multiple methods to promote equity & diversity**
 - Failure can result in loss of EEO funds
 - **Authority to require implementation of specific measures, if the State Chancellor finds a district lacking regarding:**
 - The EEO Plan strategies component pursuant to section 53024.1
 - Compliance with remedial obligations under section 53006.



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Overview: Key Title 5 EEO Regulation Changes

§ 53002. District Policy Statement:

- The requirement for a policy statement is not new
- However, revised regulations specify required components that reference DEI principles

➤ **Note:** Districts will need to review and revise their policy statements.



Overview: Key Title 5 EEO Regulation Changes

§ 53003, District EEO Plans

- a) The governing board of each community college district shall adopt a district-wide, written EEO plan to implement its equal employment opportunity program. Such plans shall:
 - 1) be developed in collaboration with the district's Equal Employment Opportunity Advisory Committee established pursuant to section 53005;
 - 2) be adopted at a regular meeting of the governing board where it is agendaized as a separate action item, and not part of the consent agenda;



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Overview: Key Title 5 EEO Regulation Changes

§ 53003, District EEO Plans (con't)

- a) The governing board of each community college district shall adopt a district-wide, written EEO plan to implement its equal employment opportunity program. Such plans shall:
 - 3) cover a period of 3 years, after which a new or revised plan shall be adopted; and
 - 4) be submitted to the Chancellor at least 90 days prior to its adoption. Comments received from the Chancellor's Office on the proposed plan must be presented to the governing board prior to adoption.

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Overview: Key Title 5 EEO Regulation Changes

§ 53003, District EEO Plans (con't)

- b) Districts shall annually review their EEO plans and assess progress toward meeting EEO program goals. This annual review shall occur during regular meetings of district governing boards. In the event a district has not met the program goals described in the EEO plan, the district shall adopt a revised EEO plan that specifies the efforts it will employ to meet those goals.

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Overview: Key Title 5 EEO Regulation Changes

§ 53003, District EEO Plans (con't)

- c) EEO plans shall include all of the following elements:
- 1) specific pre-hiring, hiring, and post-hiring EEO strategies the district intends to implement each year over the life of the plan. A district's strategies may include options listed in section 53024.1, and other practices informed by the district's workforce and applicant analyses.
 - 2) a schedule identifying the timetables for implementation of the identified EEO strategies.



Overview: Key Title 5 EEO Regulation Changes

§ 53003, District EEO Plans (con't)

- c) EEO plans shall include all of the following elements:
-
- 9) community college districts shall utilize data available from reliable public and private sources to determine, whether monitored groups are underrepresented within district job categories.
 - 10) methods for addressing any underrepresentation identified pursuant to paragraph (9) of this subdivision.



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Overview: Key Title 5 EEO Regulation Changes

§ 53004, EEO Plan Analyses and Annual Report to Chancellor

- b) District data collection shall allow applicants and employees to identify their gender (including non-binary options), ethnic group identification and, if applicable, disability in a manner prescribed by the Chancellor consistent with state and federal law.

➤ *Note: While not specified: make sure that the request for information clearly states that this is for data analysis purposes only, and will not be shared by anyone involved in the selection process.*



Overview: Revisions to Model EEO Plan

The (draft) revised Model EEO Plan retains the same general structure:

- Organized by “components”
- Components have kept same numbering where possible
- Each component is identified as either “required” or “recommended”
- Each component includes general guidance



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Overview: (Draft) Revisions to Model EEO Plan

- **Plan component 10: A process for gathering information and periodic, longitudinal analysis of the district's employees and applicants**
 - Increased direction and guidance regarding the data collection, analysis and use to identify and address adverse impact
 - Guidance distinguishing "adverse impact" data from "availability data"

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Overview: (Draft) Revisions to Model EEO Plan

- **Plan component 11: A process for utilizing data to determine whether monitored groups are underrepresented within district job categories**
 - Conforms to revised regulation 53003(c)(10) regarding collection of availability data
 - This EEO Plan component is *no longer dormant*
- **Plan component 12: methods for addressing underrepresentation**
 - Conforms to revised regulation 53003(c)(10) regarding collection of availability data
 - This EEO Plan component is *no longer dormant*

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Overview (Draft) Revisions to Model EEO Plan

- **PLAN COMPONENT 13: Specific pre-hiring, hiring, and post-hiring EEO strategies and a schedule identifying the timetables for implementation of the identified strategies**
 - Supported by a Matrix design
 - Includes—but not limited to—all optional methods listed in 53024.1
 - Organized under pre-hiring/hiring/post-hiring categories
 - Provides framework for how to classify alternative initiatives as pre-hiring/hiring/post-hiring



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Overview (Draft) Revisions to Model EEO Plan

- **PLAN COMPONENT 13: Specific pre-hiring, hiring, and post-hiring EEO strategies and a schedule identifying the timetables for implementation of the identified strategies**
 - Requires for each initiative a district plans to undertake during the 3-year life of the plan:
 - Who is responsible
 - What — Description of the initiative
 - When — The year(s) it will be implemented
 - Why — Metrics for evaluating effectiveness



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Overview: Process & Timelines

- **Final adoption of revised regulations**

- Regulations have been adopted by the BOG
- Awaiting approval by Department of Finance
 - Reviewed for potential mandated costs
 - Have authority to block adoption
 - No set procedure or timeline
 - Best estimates.....?



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Overview: Process & Timelines

- **Introduction of new Model EEO Plan**

- Can't be finalized until regulations are approved
- A draft, assuming final approval, has been developed
- The draft is under review—presentation to EEODAC for feedback 10/27
- Timeline for district conversion to new format



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What Should Districts Be Doing Now?

- **Certain obligations are unchanged:**

- **Have your EEO Advisory Committees up and running—**
 - Appointed
 - Trained
 - Meeting and reviewing on your current timeline
- **Keep gathering employee and applicant data**
 - This is not a new obligation. Your ability to conduct longitudinal analysis means that you continue to gather data in a sustained manner.

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What Should Districts Be Doing Now?

- **To hit the ground running:**

- **Assume an expectation for more robust EEO Plans**
 - Start identifying pre-hiring, hiring and post-hiring strategies the district can commit to over the next 3 years

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Thank You!

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