

United States Department of Labor

Office of Federal Contract Compliance Programs

Office of Federal Contract Compliance Programs (OFCCP)

Executive Order 11246

EEO and Affirmative Action Guidelines for Federal Contractors Regarding Race, Color, Gender, Religion, and National Origin

BASIC PROVISIONS

Since 1965, the U.S. Department of Labor's Office of Federal Contract Compliance Programs (**OFCCP**) has been committed to ensuring that Government contractors comply with the equal employment opportunity (**EEO**) and the affirmative action provisions of their contracts.

OFCCP administers and enforces [Executive Order 11246](#), as amended, which prohibits federal contractors and federally-assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin.

The Executive Order also requires Government contractors to take affirmative action to insure that equal opportunity is provided in all aspects of their employment.

AFFIRMATIVE ACTION REQUIREMENTS

Each Government contractor with 50 or more employees and \$50,000 or more in government contracts is required to develop a written affirmative action program (AAP) for each of its establishments.

A written affirmative action program helps the contractor identify and analyze potential problems in the participation and utilization of women and minorities in the contractor's workforce.

If there are problems, the contractor will specify in its AAP the specific procedures it will follow and the good faith efforts it will make to provide equal employment opportunity.

Expanded efforts in outreach, recruitment, training and other areas are some of the affirmative steps contractors can take to help members of the protected groups compete for jobs on equal footing with other applicants and employees.

ENFORCEMENT AND COMPLIANCE

Compliance Reviews

OFCCP conducts compliance reviews to investigate the employment practices of Government contractors. During a compliance review, a compliance officer examines the contractor's affirmative action program; checks personnel, payroll, and other employment records; interviews employees and company officials; and investigates virtually all aspects of employment in the company.

The investigator also checks to see whether the contractor is making special efforts to achieve equal opportunity through affirmative action. If problems are discovered, OFCCP will recommend corrective action and suggest ways to achieve equal employment opportunity.

Complaint Investigations

Individuals may file complaints if they believe they have been discriminated against by federal contractors or subcontractors. Complaints also may be filed by organizations on behalf of the person or persons affected.

Complaints must be filed within 180 days from the date of the alleged discrimination, although filing time can be extended for a good reason.

If a complaint filed under Executive Order 11246 involves discrimination against only one person, OFCCP will normally refer it to the EEOC. Cases involving groups of people or indicating patterns of discrimination are generally investigated and resolved by OFCCP. Complaints may be filed directly with any of OFCCP's regional or district offices throughout the country, or with OFCCP in Washington, D.C.

Compliance Assistance

To help contractors understand their contractual obligations for EEO and affirmative action, OFCCP provides technical assistance. District office staff offers guidance to contractors on how to develop an affirmative program through company seminars, training programs held in conjunction with industry liaison groups, and one-on-one consultations on affirmative action practices and procedures.

Enforcing Contract Compliance

When a compliance review discloses problems, OFCCP attempts to work with the contractor, often entering into a conciliation agreement. A conciliation agreement may include back pay, job offers, seniority credit, promotions or other forms of relief for victims of discrimination. It may also involve new training programs, special recruitment efforts, or other affirmative action measures.

When conciliation efforts are unsuccessful, OFCCP refers the case to the Office of the Solicitor for enforcement through administrative enforcement proceedings. A contractor cited for violating EEO and affirmative action requirements may have a formal hearing before an administrative law judge.

If conciliation is not reached before or after the hearing, sanctions may be imposed. For example, a contractor could lose its government contracts or subcontracts or be debarred, i.e., declared ineligible for any future government contracts.

Further Information

For more information about contract compliance, filing complaints, or compliance assistance, contact any of OFCCP's regional or district offices. All offices are listed in telephone directories under U.S. Department of Labor, Office of Federal Contract Compliance Programs.

WORKER RIGHTS

UNDER EXECUTIVE ORDER 13658

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

FEDERAL MINIMUM WAGE FOR CONTRACTORS

\$10.15

PER HOUR

EFFECTIVE JANUARY 1, 2016 – DECEMBER 31, 2016

MINIMUM WAGE

On February 12, 2014, the President signed Executive Order 13658, Establishing a Minimum Wage for Contractors. The Executive Order requires that parties who contract with the Federal Government pay workers performing work on or in connection with covered Federal contracts at least: (1) \$10.10 per hour beginning January 1, 2015; and (2) beginning January 1, 2016, and annually thereafter, an amount determined by the Secretary of Labor in accordance with the Executive Order. The Executive Order hourly minimum wage in effect from January 1, 2016 through December 31, 2016 is \$10.15.

TIPS

Covered tipped employees must be paid a cash wage of at least \$5.85 per hour effective January 1, 2016 – December 31, 2016. If a worker's tips combined with the required cash wage of at least \$5.85 per hour paid by the contractor do not equal the hourly minimum wage for contractors (noted above), the contractor must increase the cash wage paid to make up the difference. Certain other conditions must also be met.

ENFORCEMENT

The Wage and Hour Division (WHD) has offices across the country to help. WHD can answer questions, in person or by telephone, about your workplace rights and protections. We can investigate employers and recover wages to which workers may be entitled. All services are free and confidential. The law also prohibits discriminating against or discharging workers who file a complaint or participate in any proceeding under the Executive Order. If you are unable to file a complaint in English, WHD will accept the complaint in any language.

ADDITIONAL INFORMATION

- Executive Order 13658 establishes that the Order applies only to new Federal construction and service contracts, as defined by the Secretary in the regulations.
- Workers with disabilities whose wages are governed by special certificates issued under section 14(c) of the Fair Labor Standards Act must receive no less than the full minimum wage rate as established by the Executive Order.
- Some workers are excluded. For example, some workers who provide support "in connection with" covered contracts for less than 20 percent of their hours worked in a week may not be entitled to the Executive Order minimum wage. Certain full-time students, learners, and apprentices who are employed under subminimum wage certificates are not entitled to the Executive Order minimum wage. Certain occupations are also exempt from the Executive Order minimum wage.
- Some state or local laws may provide greater worker protections. Employers need to comply with both.



For additional information:

1-866-487-9243



www.dol.gov/whd/govcontracts

[Editor's note: On August 27, 2013 the Office of Federal Contract Compliance Programs (OFCCP) announced new rules outlining how federal contractors should handle their affirmative action and nondiscrimination obligations for protected veterans and for individuals with disabilities. These rules, in large part, mirror each other and fundamentally alter the rules for compliance with [Section 503 of the Rehabilitation Act of 1973](#) covering persons with disabilities and [The Vietnam Era Veterans' Readjustment Assistance Act](#) which governs protected veterans.

The changes include:

- Applying the "internet applicant" rule to the new rules so that electronic applications and inquiries will be handled the same way they are handled for other groups covered by affirmative action (race, color, religion, sex or national origin); Changing the 2-year record-keeping requirement to 3-years; Removing the requirement in the disabilities rule to review all physical and mental job qualification standards on an annual basis and replacing it with a requirement for contractors to establish their own schedule for reviewing job qualifications.
- *Although some aspects of the rules were made less onerous, the final versions of both rules include significant requirements for employers. Under each rule, the OFCCP requires employers to achieve specific numeric goals to document compliance. For example, the final disabilities rule still requires that 7 percent of all persons in each of the organization's job groups be individuals with disabilities. It also requires that contractors compare the number of individuals with disabilities (IWD) who apply to the number of IWD that are hired, and keep those records for three years for audit purposes.]*

Policies/Procedures/Processes

- Developed equal employment opportunity (EEO) policy statements and communicated the AAP for minorities and women, veterans and disabled with all managers and supervisors at all levels to ensure that the policy is understood and followed in all employment actions.
- Audited the contents of the company's internal and external communications to ensure compliance information is posted and up-to-date (e.g., job descriptions, online and print job advertisements, affirmative action posters).
- Reviewed recruitment, advertising and job application procedures to ensure nondiscrimination and equal employment opportunity.
- Posted job with state workforce agency job bank or with the local employment service delivery system where the opening occurs to satisfy the requirement to list jobs with the appropriate employment service delivery system.
- Reviewed hiring, promotion, upgrading, award of tenure, layoff, recall from layoff processes to ensure nondiscrimination and equal employment opportunity.
- Reviewed rates of pay and any other forms of compensation including fringe benefits to ensure nondiscrimination and equal employment opportunity.
- Reviewed job assignments, job classifications, job descriptions and seniority lists to ensure nondiscrimination and equal employment opportunity.
- Reviewed paid leave, leaves of absence or any other leave policies to ensure nondiscrimination and equal employment opportunity.
- Reviewed training, apprenticeships, attendance at professional meetings and conferences, and any other term, condition or privilege of employment to ensure nondiscrimination and equal employment opportunity.

Records

- Maintained applicant flow log showing the name, race, sex, date of application, job title, interview status and the action taken for all individuals applying for job opportunities.
- Maintained summary data of external job offers and hires, promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification.
- Maintained summary data of applicant flow at least identifying total applicants, total minority applicants and total female applicants for each position.
- Maintained employment applications (not to exceed two years). Records that must be retained include, for example, advertisements, job postings, applications, resumes, interview notes, requests for reasonable accommodations, tests and test results, personnel files, rates of pay and other compensation, selection for

training or apprenticeship, and other information regarding hiring, transfers, promotions, layoffs and terminations.

- Maintained records pertaining to company compensation design and system.

Reports/Actions

- Completed quarterly reports documenting company's efforts to achieve its EEO/AAP responsibilities.
- Managers and supervisors reported any current or foreseeable EEO problem areas and outlined their suggestions/recommendations for solutions. HR manager discussed any problems relating to significant rejection ratios, EEO charges, etc., with senior management.
- HR manager reported the status of the company's AAP goals and objectives to senior management.
- HR manager recommended remedial actions for the effective implementation of the AAP.
- Filed EEO-1, VETS 100 and VETS 100A reports annually.

Affirmative Action Plan Contents

- Organizational profile including the following:
- Job group analysis listing of all organizational units job titles, EEO-1 or OFCCP regulation race category, and job group name.
- Utilization analysis including the following:
 - Placement of incumbents in job groups by number and percentages of females and minorities.
 - Determine availability for each job group by percentage of minorities or women and veterans or disabled with requisite skills in the reasonable recruitment area. Also determine percentage of minorities and women among those promotable, transferable and trainable within the company's organization. (Provide raw statistics, value weight, weighted statistics, source of statistics, reason for weighting.)
- Comparison of incumbency percentages of females and minorities to availability for each job group.
- Placement goals established, reasoning indicated. [Example: If the female/minority incumbency percent (%) is less than the female/minority availability percent (%) and the ratio of incumbency to availability is less than 80%, a placement goal was created for that job group.]
- Additional required elements:
 - Designation of responsibility for implementation of affirmative action program.
 - Identification of problem areas and action-oriented goals established.
 - Internal audit and reporting system established.
- Support data included for all job groups by race and gender categories including external hires, external applicants, promotions into job group, promotions within job group, voluntary terminations and retirements, involuntary terminations, layoffs, and recalls.
- Applicant flow log included with candidate names, race/ethnicity, gender, date of application, job title, interviewed (Y/N), action taken and date (H/NH).
- Analysis of affirmative action program progress from prior year AAP to current year AAP. Analysis is by job group, female and minorities goal placement rate percentage and actual placement rate percentage, and analysis of good faith efforts.
- Other additional programs (optional).

The following guidelines established for nondiscrimination because of religion, national origin, veteran status or disabilities:

- | | |
|--|---|
| • Policy statement—equal employment opportunity. | • External dissemination of EEO policy. |
| • Review of personnel processes. | • Internal dissemination of EEO policy. |
| • Review of physical and mental job duties. | • Audit and reporting system. |
| • Reasonable accommodation. | • Establishment of responsibility for AAP implementation. |
| • Harassment prevention and prohibition against retaliation. | • Training to ensure AAP implementation. |
| | • Sample invitation to self-identify. |

- See more at:

<https://www.shrm.org/templatestools/samples/hrforms/pages/affirmativeactioninternalaaapchecklist.aspx#sthash.nmSAJtFj.dpuf>

SAMPLE AFFIRMATIVE ACTION PROGRAM (AAP)

The following sample AAP is for illustrative purposes only and does not represent the only styles and formats that meet regulatory requirements. While this sample has been constructed around a company with less than 150 employees, thereby allowing the AAP job groups to be formulated according to OFCCP occupational categories as authorized by 41 CFR 60-2.12(e)¹, it may be used as a guide for larger employers.

When preparing an AAP, it should be customized to reflect an employer's organizational structure, policies, practices, programs, and data. Usually a separate AAP is required for each establishment. In appropriate circumstances, an establishment may include several facilities located at two or more sites if the facilities are in the same labor market or recruiting area.

In addition to the records an employer is required to compile and maintain to support the AAP [41 CFR 60-1.12 and 60-2.17(d)], the employer should also keep materials evidencing its affirmative action efforts. This may include items such as copies of collective bargaining agreements and other documents that indicate employment policies and practices; copies of letters sent to suppliers and vendors stating the EEO/affirmative action policy; copies of letters sent to recruitment sources and community organizations; and copies of contract language incorporating the regulatory EEO clause [41 CFR 60-1.4].

¹ Employers may use the EEO-1 categories for this purpose. See footnote 2 for further discussion.

FEDERAL CONTRACTOR, INC. (FCI)
EXECUTIVE ORDER 11246
SAMPLE AFFIRMATIVE ACTION PROGRAM

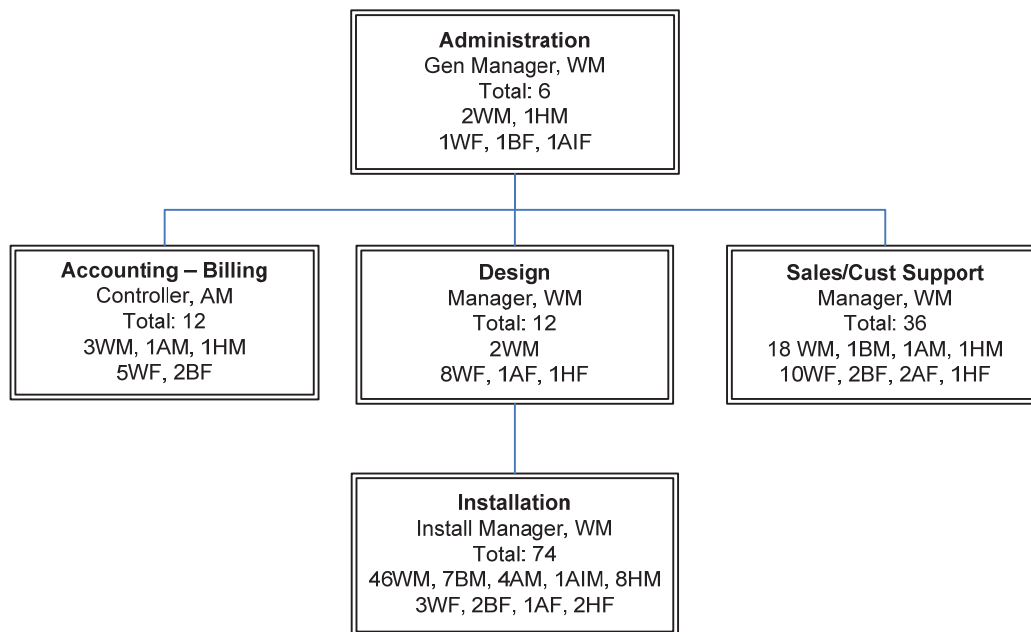
	Title 41 CFR Section
Organizational Profile	60-2.11
Job Group Analysis	60-2.12
Utilization Analysis	
Placement of Incumbents in Job Groups	60-2.13
Determining Availability	60-2.14
Comparing Incumbency to Availability	60-2.15
Placement Goals	60-2.16
Additional Required Elements	60-2.17
Designation of Responsibility for Implementation	60-2.17(a)
Identification of Problem Areas	60-2.17(b)
Action-Oriented Programs	60-2.17(c)
Internal Audit and Reporting System	60-2.17(d)
Support Data	60-2.17(b) and 60-3
General Requirement (optional inclusion in AAP)	
Guidelines on Discrimination because of Religion or National Origin	60-50

Organizational Display

The **Organizational Display** is a detailed chart of the contractor's organizational structure. For each organizational unit, the display must indicate the following:

- The name of the unit and the job title, race and gender of the unit supervisor
- The total number of male and female incumbents and the total number of male and female incumbents in each of the following groups: Blacks, American Indians, Asians, Hispanics, and whites other than Hispanics².

Federal Contractor, Inc. (FCI)



Note that the organizational display shows each department, the race/sex of the supervisor(s) and employees within each department, and how all of the departments relate to each other.

² OFCCP's regulations regarding the race, ethnicity, and job categories to be used by contractors have not changed to reflect the new categories required for the EEO-1 Report. However, OFCCP will accept AAPs and supporting records that reflect the categories outlined in either 41 CFR Part 60-2 or the new EEO-1 Report. For more information, see OFCCP's Directive at <http://www.dol.gov/esa/ofccp/regs/compliance/directives/dirindex.htm>

Workforce Analysis

DEPARTMENT/WORK UNIT: Administration					MALES					FEMALES						
Job Title	Wage Rate	EEO-1 Category (EEO-1 Form or OFCCP regulations)	Job Group	Total Employees	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic
General Manager	S-A	1	1	1	1	1										
Personnel Manager	S-D	1	1	1	1	1										
Executive Assistant	S-J	5	5	1							1	1				
Administrative Assistant	H-8	5	5	1							1		1			
File Clerk	H-11	5	5	2	1					1	1				1	
DEPARTMENT TOTAL				6	3	2				1	3	1	1		1	

Workforce Analysis

DEPARTMENT/WORK UNIT: Accounting - Billing					MALES					FEMALES						
Job Title	Wage Rate	EEO-1 Category	Job Group	Total Employees	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic
Controller	S-C	1	1	1	1			1								
Pricing – Billing Manager	S-E	1	1	1	1	1										
General Ledger Accountant	S-F	2	2	1							1	1				
Payroll Administrator	S-H	2	2	1	1	1										
Billing Clerk	H-5	5	5	3	1					1	2	2				
Material Pricing Clerk	H-5	5	5	3	1	1					2	1	1			
Administrative Assistant	H-8	5	5	2							2	1	1			
DEPARTMENT TOTAL				12	5	3		1		1	7	5	2			

Workforce Analysis

DEPARTMENT/WORK UNIT: Accounting – Design					MALES			FEMALES								
Job Title	Wage Rate	EEO-1 Category	Job Group	Total Employees	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic
Interior Design Manager	S-E	1	1	1	1	1										
Interior Designer	S-M	2	2	2							2	1				1
Office Space Planner	S-M	2	2	5	1	1					4	4				
Administrative Assistant	H-8	5	5	2							2	2				
File Clerk	H-11	5	5								2	1		1		
DEPARTMENT TOTAL				12	2	2					10	8		1		1

Workforce Analysis

DEPARTMENT/WORK UNIT: Sales – Customer					MALES					FEMALES						
Job Title	Wage Rate	EEO-1 Category	Job Group	Total Employees	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic
Sales – Customer Support Manager	S-G	1	1	1	1	1										
Pricing Specialist	S-J	2	2	6	5	3	1	1			1					1
Purchasing Agent	S-J	2	2	7	5	5					2	2				
Office Equipment Sales Representative	S-K	4	4	10	8	8					2	2				
Customer Information Sales Representative	H-7	5	5	6							6	4		1		
Call Center Agent	H-7	5	5	3	1	1					2	1	1			
Customer Service Complaints Clerk	H-8	5	5	3	1					1	2	1		1		
DEPARTMENT TOTAL				36	21	18	1	1		1	15	10	2	2		1

Workforce Analysis

DEPARTMENT/WORK UNIT: Installation					MALES					FEMALES						
Job Title	Wage Rate	EEO-1 Category	Job Group	Total Employees	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic
Installation Manager	S-F	1	1	1	1	1										
Installation Supervisor	S-G	1	1	1	1	1										
Furniture Repair Supervisor	S-G	1	1	1	1	1										
Inventory Control Clerk	H-9	5	5	2							2	1				1
Systems Specialist	H-9	6	6	12	10	8				2	2	1	1			
Installer	H-10	6	6	18	17	12	2	1		2	1					1
Furniture Repair	H-10	6	6	13	12	7		3		2	1		1			
Truck Driver	H-11	7	7	8	7	5	1		1		1	1				
Forklift Operator	H-12	7	7	2	2	1	1									
Installer Helper	H-13	8	8	13	12	8	2			2	1			1		
Receiving	H-13	8	8	3	3	2	1									
DEPARTMENT TOTAL				74	66	46	7	4	1	8	8	3	2	1		2

**Job Group Analysis:
Listing of Job Titles**

Job Titles	Job Group Name	EEO-1 Category
General Manager	1	Officials & Managers
Controller		
Pricing-Billing Manager		
Sales – Customer Support Manager		
Interior Design Manager		
Personnel Manager		
Installation Manager		
Installation Supervisor		
Furniture Repair Supervisor		
Interior Designer	2	Professionals
Office Space Planner		
General Ledger Accountant		
Payroll Administrator		
Purchasing Agent		
Pricing Specialist		
Office Equipment Sales Representative	4	Sales Workers

Job Group Analysis:
Listing of Job Titles

Job Titles	Job Group Name	EEO-1 Category
Executive Assistant	5	Office and Clericals
Administrative Assistant		
File Clerk		
Billing Clerk		
Inventory Control Clerk		
Material Pricing Clerk		
Customer Information Sales Representative		
Call Center Agent		
Customer Service Complaints Clerk		
Systems – Specialist	6	Craftworkers
Installer		
Furniture Repair		
Truck Driver	7	Operatives
Forklift Operator		
Installer Helper	8	Laborers
Receiving		

Utilization Analysis:
Placement of Incumbents in Job Groups

Job Group	Total # of Incumbents	# of Females	Female Incumbency %	# of Minorities	Minority Incumbency %
1	9	0	0.0	1	11.1
2	22	10	45.5	4	18.2
4	10	2	20.0	0	0.0
5	30	25	83.3	13	43.3
6	43	4	9.3	15	34.9
7	10	1	10.0	3	30.0
8	16	1	6.3	6	37.5

**Utilization Analysis:
Determining Availability³**

Job Group: 6	Raw Statistics		Value Weight	Weighted Statistics		Source of Statistics	Reason for Weighting
	Minority	Female		Minority	Female		
1. Percentage of minorities or women with requisite skills in the reasonable recruitment area	18.4%	40.2%	10%	1.84%	4.02%	2000 Census Data	
2. Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	20.1%	44.6%	90%	18.09%	40.14%		
Totals:			100%	19.93%	44.16%	Final Factor	

³ The example is of one job group only. Contractors must conduct an analysis of each of the job groups and determine availability for each [41 CFR 60-2.12 – 60-2.14]. Please note that the chart includes fictionalized numbers designed for illustrative purposes.

Utilization Analysis:
Comparing Incumbency to Availability
and
Establishing Placement Goals

Job Group	Female Incumbency %	Female Availability %	Establish Goal? Yes/No	If Yes, Goal for Females	Minority Incumbency %	Minority Availability %	Establish Goal? Yes/No	If Yes, Goal for Minorities
1	0.0%	47.6%	Yes	47.6%	11.1%	18.1%	Yes	18.1%
2	45.5%	43.8%	No		18.2%	8.2%	No	
4	20.0%	34.5%	Yes	34.5%	0.0%	12.4%	Yes	12.4%
5	83.3%	87.7%	No	*	43.3%	27.6%	No	
6	9.3%	5.5%	No		34.9%	23.2%	No	
7	10.0%	6.3%	No		30.0%	37.5%	No	*
8	6.3%	19.1%	Yes	19.1%	37.5%	26.3%	No	

*The 80% rule of thumb was followed in declaring underutilization and establishing goals when the actual employment of minorities or females is less than 80% of their availability. If the female/minority incumbency percent (%) is less than the female/minority availability percent (%) and the ratio of incumbency to availability is less than 80%, a placement goal should be included in the appropriate "If Yes" column.

Designation of Responsibility for Implementation

Responsibilities of the Equal Employment Opportunity Manager:

The Personnel Manager has the responsibility for designing and ensuring the effective implementation of Federal Contractor, Inc.'s. (FCI's) Affirmative Action Program (AAP). These responsibilities include, but are not limited to, the following:

1. Developing Equal Employment Opportunity (EEO) policy statements, affirmative action programs and internal and external communication procedures;
2. Assisting in the identification of AAP/EEO problem areas;
3. Assisting management in arriving at effective solutions to AAP/EEO problems;
4. Designing and implementing an internal audit and reporting system that:
 - a. Measures the effectiveness of FCI's program;
 - b. Determines the degree to which AAP goals and objectives are met; and
 - c. Identifies the need for remedial action;
5. Keeping FCI's General Manager informed of equal opportunity progress and reporting potential problem areas within the company through quarterly reports;
6. Reviewing the company's AAP for qualified minorities and women with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities;
7. Auditing the contents of the company's bulletin board to ensure compliance information is posted and up-to-date; and
8. Serving as liaison between FCI and enforcement agencies.

Responsibilities of Managers and Supervisors:

It is the responsibility of all managerial and supervisory staff to implement FCI's AAP. These responsibilities include, but are not limited to:

1. Assisting in the identification of problem areas, formulating solutions, and establishing departmental goals and objectives when necessary;

2. Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer, and termination actions occur; and
3. Reviewing the job performance of each employee to assess whether personnel actions are justified based on the employee's performance of his or her duties and responsibilities.

Identification of Problem Areas

<i>Areas of Concern</i>	<i>Corrective Actions</i>
<ul style="list-style-type: none"> Underutilization of minorities and women in Job Groups 1 and 4 where external hiring opportunities occurred. Concern regarding low minority and female applicant flow rate resulting from inadequate recruitment for both job groups. 	<ul style="list-style-type: none"> No later than March 1, 2010, notify management and professional recruitment sources, in writing, of FCI's interest in attracting qualified minorities and women to apply for job openings. No later than March 1, 2010, expand FCI's recruitment program to colleges and universities with a significant percentage of minority and female students.
<ul style="list-style-type: none"> Underutilization of women in Job Group 8 entry-level blue-collar jobs. Concern regarding low female applicant flow rate resulting from inadequate recruitment. 	<ul style="list-style-type: none"> No later than January 1, 2010, contact the local YWCA, local vocational school, and training centers to inform them of FCI's interest in attracting qualified female applicants.
<ul style="list-style-type: none"> High termination rate for females in Job Group 8. 	<ul style="list-style-type: none"> Immediately review exit interview survey of terminated females to confirm voluntary reason for leaving.

Action-Oriented Programs

FCI has instituted action programs to eliminate identified problem areas and to help achieve specific affirmative action goals. These programs include:

1. Conducting annual analyses of job descriptions to ensure they accurately reflect job functions;
2. Reviewing job descriptions by department and job title using job performance criteria;
3. Making job descriptions available to recruiting sources and available to all members of management involved in the recruiting, screening, selection and promotion processes;
4. Evaluating the total selection process to ensure freedom from bias through:
 - a. Reviewing job applications and other pre-employment forms to ensure information requested is job-related;
 - b. Evaluating selection methods that may have a disparate impact to ensure that they are job-related and consistent with business necessity;
 - c. Training personnel and management staff on proper interview techniques; and
 - d. Training in EEO for management and supervisory staff;
5. Using techniques to improve recruitment and increase the flow of minority and female applicants. FCI presently undertakes the following actions:
 - a. Include the phrase "Equal Opportunity/Affirmative Action Employer" in all printed employment advertisements;
 - b. Place help wanted advertisement, when appropriate, in local minority news media and women's interest media;
 - c. Disseminate information on job opportunities to organizations representing minorities, women and employment development agencies when job opportunities occur;
 - d. Encourage all employees to refer qualified applicants;
 - e. Actively recruit at secondary schools, junior colleges, colleges and universities with predominantly minority or female enrollments; and

- f. Request employment agencies to refer qualified minorities and women;
- 6. Hiring a statistical consultant to help FCI perform a self-audit of its compensation practices; and
- 7. Ensuring that all employees are given equal opportunity for promotion. This is achieved by:
 - a. Posting promotional opportunities;
 - b. Offering counseling to assist employees in identifying promotional opportunities, training and educational programs to enhance promotions and opportunities for job rotation or transfer; and
 - c. Evaluating job requirements for promotion.

Internal Audit and Reporting System

The Personnel Manager has the responsibility for developing and preparing the formal documents of the AAP. The Personnel Manager is responsible for the effective implementation of the AAP; however, responsibility is likewise vested with each department manager and supervisor. FCI's audit and reporting system is designed to:

- Measure the effectiveness of the AAP/EEO program;
- Document personnel activities;
- Identify problem areas where remedial action is needed; and
- Determine the degree to which FCI's AAP goals and objectives have been obtained.

The following personnel activities are reviewed to ensure nondiscrimination and equal employment opportunity for all individuals without regard to their race, color, gender, religion, or national origin:

- Recruitment, advertising, and job application procedures;
- Hiring, promotion, upgrading, award of tenure, layoff, recall from layoff;
- Rates of pay and any other forms of compensation including fringe benefits;
- Job assignments, job classifications, job descriptions, and seniority lists;
- Sick leave, leaves or absence, or any other leave;
- Training, apprenticeships, attendance at professional meetings and conferences; and
- Any other term, condition, or privilege of employment.

The following documents are maintained as a component of FCI's internal audit process:

1. An applicant flow log showing the name, race, sex, date of application, job title, interview status and the action taken for all individuals applying for job opportunities;
2. Summary data of external job offers and hires, promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification;
3. Summary data of applicant flow by identifying, at least, total applicants, total minority applicants, and total female applicants for each position;
4. Maintenance of employment applications (not to exceed one year); and
5. Records pertaining to FCI's compensation system.

FCI's audit system includes a quarterly report documenting FCI's efforts to achieve its EEO/AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem areas and are asked to outline their suggestions/recommendations for solutions. If problem areas arise, the manager or supervisor is to report problem areas immediately to the Personnel Manager. During quarterly reporting, the following occurs:

1. The Personnel Manager will discuss any problems relating to significant rejection ratios, EEO charges, etc., with the General Manager; and
2. The Personnel Manager will report the status of the FCI's AAP goals and objectives to the General Manager. The Personnel Manager will recommend remedial actions for the effective implementation of the AAP.

**Support Data:
Personnel Activity**

OFCCP Category: Officials and Managers Job Group: 1	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	1		8		1			
Black/African American				1				
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)	1		8	1	1			
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American			1					
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)			1					

**Support Data:
Personnel Activity**

OFCCP Category: Professionals Job Group: 2	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	2		6	9			1	
Black/African American			1	1				
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic			1			1		
Race Missing or Unknown								
TOTAL (count each person once only)	2		8	10		1	1	
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American								
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)								

**Support Data:
Personnel Activity**

OFCCP Category: Sales Workers Job Group: 4	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American								
Asian/Pacific Islander								
American Indian/Alaskan Native								1
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)								1
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White			1					
Black/African American								
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)			1					

**Support Data:
Personnel Activity**

OFCCP Category: Office and Clerical Job Group: 5	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	1		5	46				1
Black/African American		1	2	3				
Asian/Pacific Islander			2					
American Indian/Alaskan Native				1				
Hispanic			1	3				
Race Missing or Unknown								
TOTAL (count each person once only)	1	1	10	53				1
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American								
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic			1					
Race Missing or Unknown								
TOTAL (count each person once only)			1					

**Support Data:
Personnel Activity**

OFCCP Category: Craftworkers Job Group: 6	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	2		15	2	1		1	
Black/African American		1	1	1				
Asian/Pacific Islander			2	1	1			
American Indian/Alaskan Native								
Hispanic	1							
Race Missing or Unknown								
TOTAL (count each person once only)	3	1	18	4	2		1	
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	1			1				
Black/African American								
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)	1			1				

**Support Data:
Personnel Activity**

OFCCP Category: Operatives Job Group: 7	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White					1		1	
Black/African American								
Asian/Pacific Islander							1	
American Indian/Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)					1		2	
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American								
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)								

**Support Data:
Personnel Activity**

OFCCP Category: Laborers Job Group: 8	External Hires		External Applicants		Promotions - Into Job Group		Promotions – Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White			19	1			1	
Black/African American	1		3					
Asian/Pacific Islander			1					
American Indian/Alaskan Native								
Hispanic			4					
Race Missing or Unknown								
TOTAL (count each person once only)	1		27	1			1	
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American			1					
Asian/Pacific Islander			1					
American Indian/Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)			2					

Applicant Flow Log

*Legend: Y – Yes N-No H – Hired NH – Not Hired

Support Data

ANALYSIS OF AFFIRMATIVE ACTION PROGRAM PROGRESS: ☐ PRIOR YEAR AAP ☐ CURRENT YEAR AAP

JOB GROUP*		GOAL PLACEMENT RATE (%)**	ACTUAL PLACEMENT RATE (%)***	ANALYSIS OF GOOD FAITH EFFORTS
	MINORITY			
	FEMALE			
	MINORITY			
	FEMALE			
	MINORITY			
	FEMALE			
	MINORITY			
	FEMALE			
	MINORITY			
	FEMALE			
	MINORITY			
	FEMALE			
	MINORITY			
	FEMALE			
	MINORITY			
	FEMALE			

* JOB GROUPS WHERE GOALS ARE REQUIRED

** GOAL PLACEMENT RATE EQUALS AVAILABILITY PERCENTAGE RATE FOR MINORITIES OR FEMALES AS APPLICABLE

*** ACTUAL PLACEMENT RATE FOR MINORITIES OR FEMALES FOR A PARTICULAR JOB GROUP IS EQUAL TO THE NUMBER OF MINORITY OR FEMALE PLACEMENTS DIVIDED BY THE TOTAL NUMBER OF PLACEMENTS. FOR EXAMPLE, IF JOB GROUP A EXPERIENCED 45 FEMALE PLACEMENTS OUT OF 90 TOTAL PLACEMENTS, THE ACTUAL PLACEMENT RATE FOR FEMALES IS (45/90=.50) OR 50%.

Guidelines on Discrimination Because of Religion or National Origin

It is the policy of FCI, Inc. to take affirmative action to insure that applicants are employed, without regard to their religion or national origin. Such action includes, but is not limited to the following employment practices: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation and selection for training.

Employment practices have been reviewed to determine whether members of the various religions and/or ethnic groups are receiving fair consideration for job opportunities. Attention has been directed toward executive and middle management levels.

1. The policy concerning FCI's obligation to provide equal employment opportunity without regard to religion or national origin is communicated to all employees via employee handbooks, policy statement and the Affirmative Action Program.
2. Internal procedures have been developed in this program to insure that FCI's obligation to provide equal employment opportunity without regard to religion or national origin is being fully implemented. **[LIST PROCEDURES]**
3. Employees are informed at least annually of FCI's commitment to equal employment opportunity for all persons, without regard to religion or national origin.
4. Recruiting sources have been informed of our commitment to provide equal employment opportunity without regard to religion or national origin.
5. Employment records of all employees are reviewed to determine the availability of promotable and transferable employees.
6. Contacts with religious and ethnic organizations will be made for purposes of advice, education, technical assistance and referral of potential employees as necessary to accomplish the purpose of this program.
7. FCI engages in recruitment activities at educational institutions with substantial enrollments of students from various ethnic and religious groups.
8. Ethnic and religious media may be used for employment advertising.

Reasonable accommodations to the religious observances and practices of employees or prospective employees will be made, unless doing so would result in undue hardship. In determining whether undue hardship exists, factors such as the cost to the company and the impact on the rights of other employees.

**FEDERAL CONTRACTOR, INC. (FCI)
SECTION 503 & VEVRAA
SAMPLE AFFIRMATIVE ACTION PROGRAM**

Title 41 CFR Section

Policy Statement - Equal Employment Opportunity for Individuals with Disabilities and Protected Veterans	60-250.44(a), 60-300.44(a) 60-741.44(a)
Review of Personnel Processes	60-250.44(b), 60-300.44(b) 60-741.44(b)
Review of Physical and Mental Job Qualifications	60-250.44(c), 60-300.44(c) 60-741.44(c)
Reasonable Accommodation	60-250.44(d), 60-300.44(d) 60-741.44(d)
Harassment Prevention (and Prohibition Against Retaliation)	60-250.44(e), 60-300.44(e) 60-741.44(e)
External Dissemination of EEO Policy	60-250.44(f), 60-300.44(f) 60-741.44(f)
Internal Dissemination of EEO Policy	60-250.44(g), 60-300.44(g) 60-741.44(g)
Audit and Reporting System	60-250.44(h), 60-300.44(h) 60-741.44(h)
Establishment of Responsibility for AAP Implementation	60-250.44(i), 60-300.44(i) 60-741.44(i)
Training to Ensure AAP Implementation	60-250.44(j), 60-300.44(j) 60-741.44(j)
Sample Invitation to Self-Identify	60-250.42, 60-300.42, 60-741.42

Policy Statement - Equal Employment Opportunity for Individuals with Disabilities and Protected Veterans

It is the policy of Federal Contractor, Inc. (FCI) not to discriminate against any employee or applicant for employment because he or she is an individual with a disability or a protected veteran, (*i.e.*, disabled veteran, Armed Forces service medal veteran, recently separated veteran, or other veteran who served during a war, or in a campaign or expedition for which a campaign badge has been authorized). It is also the policy of FCI to take affirmative action to employ and to advance in employment, all persons regardless of their status as individuals with disabilities or protected veterans, and to base all employment decisions only on valid job requirements. This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship, at all levels of employment.

Employees and applicants of FCI will not be subject to harassment on the basis of disability or status as a protected veteran. Additionally, retaliation, including intimidation, threats, or coercion, because an employee or applicant has objected to discrimination, engaged or may engage in filing a complaint, assisted in a review, investigation, or hearing or have otherwise sought to obtain their legal rights under any Federal, State, or local EEO law regarding individuals with disabilities or protected veterans is prohibited.

As General Manager of FCI, I am committed to the principles of Affirmative Action and Equal Employment Opportunity. In order to ensure dissemination and implementation of equal employment opportunity and affirmative action throughout all levels of the company, I have selected the Personnel Manager as the Equal Employment Opportunity (EEO) Manager for FCI. One of the Personnel Manager's duties will be to establish and maintain an internal audit and reporting system to allow for effective measurement of FCI's programs.

In furtherance of FCI's policy regarding Affirmative Action and Equal Employment Opportunity, FCI has developed a written Affirmative Action Program which sets forth the policies, practices and procedures that FCI is committed to in order to ensure that its policy of nondiscrimination and affirmative action for qualified individuals with disabilities and qualified protected veterans is accomplished. This Affirmative Action Program is available for inspection by any employee or applicant for employment upon request, during normal business hours, in the Administration Department. Interested persons should contact the Personnel Manager at 555-555-1212 for assistance.

Roger Wilco
January 1, 2009
Federal Contractor, Inc.

Review of Personnel Processes

FCI reviews annually its personnel processes to determine whether its present procedures assure careful, thorough and systematic consideration of the qualifications of known individuals with disabilities and protected veterans. This review covers all procedures related to the filling of job vacancies either by hire or by promotion, as well as all training opportunities offered or made available to employees.

In determining the qualifications of veterans, FCI limits its consideration of a protected veteran's military record, including discharge papers, to only that portion of the record, which is relevant to the specific job qualifications for which the veteran is being considered.

Based upon FCI's review of its personnel processes, FCI will modify the personnel processes when necessary, and will include the development of new procedures in this Affirmative Action Program to ensure equal employment opportunity. To date, no modifications have been necessary.

Review of Physical and Mental Job Qualification Standards

The physical and mental job qualifications of all jobs were reviewed during calendar year 2009 to ensure that, to the extent that such qualification requirements tend to screen out qualified individuals with disabilities and qualified disabled veterans, job qualifications are consistent with business necessity and the safe performance of the job.

No qualification requirements were identified that are likely to have a screening effect. All job qualification requirements were found to be job-related and consistent with business necessity and safety.

FCI will continue to review physical and mental job qualification requirements whenever a job is vacated and the company intends to fill it through either hiring or promotion and will conduct a qualifications review whenever job duties change.

No pre-employment physical examinations or questionnaires are used by FCI's hiring process.

If at any time in the future, FCI should inquire into an employee's physical or mental condition or should conduct a medical examination, FCI affirms that such inquiries or exams will be conducted in accordance with the Section 503 regulations and that information obtained as a result of the inquiry or exam will be kept confidential, except as otherwise provided for in the Section 503 regulations. The results of the examination or inquiry will only be used in accordance with the Section 503 Regulations.

Reasonable Accommodation to Limitations Due to Disability

FCI commits to making reasonable accommodation to the known physical or mental limitations of qualified individuals with disabilities and qualified disabled veterans, unless such accommodation would impose an undue hardship on the conduct of its business. FCI also commits to engaging in an interactive process with the person requesting the accommodation (or their representative), as needed, to determine an appropriate accommodation. Undue hardship will be determined by assessing whether the requested accommodation would cause significant difficulty or expense, as provided for in the Section 503 regulations.

Harassment Prevention and Prohibition Against Retaliation

Employees and applicants of FCI will not be subject to harassment because of disability or their status as a protected veteran. If an employee or applicant believes that he/she has been subject to harassment, he/she may file a complaint with the Personnel Manager's office. Any employee or applicant who believes that they have been subject to harassment because of their disability or status as a protected veteran should promptly contact a manager in their chain of command, or promptly contact the Personnel Manager at 555-555-1213 for assistance.

Retaliation, including intimidation, threat, or coercion, against an employee or applicant because they have objected to discrimination, engaged or may engage in filing a complaint, assisted in a review, investigation, or hearing or have otherwise sought to obtain their legal rights under any Federal, State, or local EEO law regarding individuals with disabilities or protected veterans is prohibited. Any employee or applicant who believes that they have been subject to retaliation because of their disability or status as a protected veteran should contact the Personnel Manager at 555-555-1213 for assistance.

This policy is communicated to all employees and supervisors annually; most recently on December 1, 2008, and a notice is posted in the personnel office.

External Dissemination of Policy, Outreach and Positive Recruitment

All subcontractors, vendors and suppliers have been sent written notification of FCI's Equal Employment Opportunity and Affirmative Action policy regarding the employment of qualified individuals with disabilities and qualified protected veterans. All recruiting sources, including State employment agencies, educational institutions and social service agencies have been informed of the company's policy concerning the employment of qualified individuals with disabilities and qualified protected veterans and have been advised to actively recruit and refer qualified persons for job opportunities.

FCI lists all suitable employment openings with the appropriate employment service delivery system where the openings occur and maintains regular contact with the local Veterans Employment Representative. A copy of FCI's Affirmative Action Policy for qualified individuals with disabilities and qualified protected veterans is provided to the State Employment Service annually.

Formal briefing sessions are held with representatives from recruitment sources and placement agencies, which include facility tours, discussion of current and prospective position openings, job descriptions and required qualifications and explanations of FCI's selection procedures. Formal arrangements have been made to ensure that each recruitment source is provided with timely notice of job opportunities, to ensure that recruitment sources have an opportunity to refer qualified candidates.

FCI participates in local job fairs sponsored by support groups for individuals with disabilities and veterans.

The equal employment opportunity clause concerning the employment of qualified individuals with disabilities and qualified protected veterans are included in all non-exempt subcontracts and purchase orders.

Internal Dissemination of Policy

Copies of our affirmative action programs will be made available for inspection to any employee or applicant upon request to promote understanding, acceptance and support. Policies are re-emphasized to managers and supervisors annually.

FCI's Affirmative Action policy and the EEO poster are posted on bulletin boards located throughout our facilities and office work areas.

All applicants have been invited to identify themselves as an individual with a disability, as defined in Section 503 of the Rehabilitation Act of 1973, as amended, and/or as a protected veteran under the equal employment opportunity provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, if they wish to benefit under this affirmative action program. Such invitation has been posted on bulletin boards throughout the facility and work areas. Employees may self-identify at anytime.

All employees are advised annually of the company's policy and encouraged to aid in FCI's affirmative action efforts to ensure a fair and effective program.

Briefing sessions are conducted annually for managers and supervisors to review the applicable regulations and to discuss such affirmative action measures as training and reasonable accommodation. The last such meeting was held on December 1, 2008.

When making internal Equal Opportunity audits, implementation of this affirmative action program will be reviewed.

This facility's Personnel Manager has attended State-sponsored workshops, which stressed the use of vocational rehabilitation agencies in hiring qualified individuals with disabilities and qualified disabled veterans and the provision of reasonable accommodation.

Articles (and pictures) regarding accomplishments of employees who are individuals with disabilities and protected veterans shall be included in Company and/or facility publications.

At least once a year the policy is distributed to all employees.

Audit and Reporting Systems

The Personnel Manager has the responsibility for developing and preparing the formal documents of the AAP. The Personnel Manager is responsible for the effective implementation of the AAP; however, responsibility is likewise vested with each department manager and supervisor. FCI's audit and reporting system is designed to:

- Measure the effectiveness of the AAP/EEO program;
- Document personnel activities;
- Identify problem areas where remedial action is needed; and
- Determine the degree to which FCI's AAP goals and objectives have been obtained.

The following activities are reviewed at least annually to ensure freedom from discrimination or stereotyping of individuals with disabilities and protected veterans in any manner, including that which may limit their access to any job for which they are qualified:

- Recruitment, advertising, and job application procedures;
- Hiring, promotion, upgrading, award of tenure, layoff, recall from layoff;
- Rates of pay and any other forms of compensation including fringe benefits;
- Job assignments, job classifications, job descriptions, and seniority lists;
- Sick leave, leaves or absence, or any other leave;
- Training, apprenticeships, attendance at professional meetings and conferences; and
- Any other term, condition, or privilege of employment.

FCI's audit system includes a quarterly report documenting FCI's efforts to comply with its EEO/AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem areas and are asked to outline their suggestions/recommendations for solutions. If problem areas arise, the manager or supervisor is to report problem areas immediately to the Personnel Manager. During quarterly reporting, the following occurs:

1. The Personnel Manager will discuss any problems relating to significant rejection ratios, EEO charges, etc., with the General Manager; and
2. The Personnel Manager will report the status of the FCI's AAP goals and objectives to the General Manager. The Personnel Manager will recommend remedial actions for the effective implementation of the AAP.

Responsibility for Implementation of AAP

Responsibilities of the Equal Employment Opportunity Manager

In furtherance of FCI's commitment to Affirmative Action and Equal Employment Opportunity for individuals with disabilities and protected veterans, the Personnel Manager has the responsibility for designing and ensuring effective implementation of FCI's AAP. These responsibilities include, but are not limited to:

1. The development of the AAP for individuals with disabilities and protected veterans, policy statements, personnel policies and procedures, internal and external communication of the policy, and monitoring the effectiveness of these actions;
2. Reviewing all personnel actions, policies, and procedures to ensure compliance with FCI's affirmative action obligations;
3. Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer and termination actions occur;
4. Assisting in the identification of problem areas and the development of solutions to those problems;
5. Monitoring the effectiveness of the program on a continuing basis through the development and implementation of an internal audit- and reporting- system that measures the effectiveness of the program;
6. Keeping the General Manager of FCI informed of equal opportunity progress and problems within the company through quarterly reports;
7. Providing department managers with a copy of the Affirmative Action Program for Qualified Individuals with Disabilities and Qualified Protected Veterans and reviewing the program with them on an annual basis to ensure knowledge of their responsibilities for implementation of the program;
8. Reviewing the company's AAP for individuals with disabilities and protected veterans with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities;
9. Auditing the contents of company bulletin boards annually to ensure that compliance information is posted and is up-to-date;

10. Serving as liaison between FCI and enforcement agencies; and
11. Serving as liaison between FCI and organizations for individuals with disabilities and protected veterans.

Responsibilities of Managers and Supervisors

Managers and supervisors are advised annually of their responsibilities under the company's AAP for individuals with disabilities and protected veterans and of their obligations to:

1. Review the company's Affirmative Action policy for individuals with disabilities and protected veterans with subordinate managers and supervisors to ensure that they are aware of the policy and understand their obligation to comply with it in all personnel actions;
2. Assist in the identification of problem areas, formulate solutions, and establish departmental goals and objectives when necessary;
3. Review the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur; and
4. Review all employees' performance to ensure that nondiscrimination is adhered to in all personnel activities.

Training to Ensure AAP Implementation

Training is provided to all personnel involved in the recruitment, screening, hiring, promotion, disciplinary and related employment processes, to ensure that the commitments made in FCI's AAP are implemented. Training sessions were most recently conducted on December 1, 2008.

Invitation to Self-Identify for Protected Veterans

Note: The regulations at CFR 60-300.42 permit the contractor to invite veterans to self-identify at different stages in the employment process. Accordingly, use the language in paragraph 2 of the sample Invitation to self-identify below that best fits your affirmative action program, the veterans' status (disabled veterans, Armed Forces service medal veterans, recently separated veterans, or other veterans who served during a war, or in a campaign or expedition for which a campaign badge has been authorized), and the timing of the invitation (pre-offer or post offer). See also: CFR 60-250.42, as appropriate.

1. FCI, Inc. is a Government contractor subject to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (VEVRAA) which requires Government contractors to take affirmative action to employ and advance veterans in employment. VEVRAA prohibits discrimination and requires affirmative action in all personnel practices regarding protected veterans. The statute covers disabled veterans, Armed Forces service medal veterans, recently separated veterans, and other veterans who served during a war, or in a campaign or expedition for which a campaign badge has been authorized.
2. **An invitation to veterans:** If you are a recently separated veteran, other protected veteran, or Armed Forced service medal veteran, we would like to include you under our affirmative action program. If you would like to be included under the affirmative action program, please tell us. The term "recently separated veteran" refers to any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty. The term "other protected veteran" refers to a person who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized, under laws administered by the Department of Defense. The term "Armed Forces service medal veteran" refers to any person who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (62 FR 1209).⁴

An invitation to disabled veterans only: If you are a disabled veteran, we would like to include you in our affirmative action program. If you would like to be included under the affirmative action program, please tell us. This information will assist us in placing you in an appropriate position and in making any necessary accommodations for your disability. The term "disabled veteran" refers to a veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to

⁴ Additional information about the Armed Forces service medal is found at:
<http://www.opm.gov/veterans/html/vgmedal2.asp>.

compensation) under laws administered by the Secretary of Defense, or was discharged or released from active duty because of a service-connected disability.

An invitation to both: If you are a disabled veteran, recently separated veteran, other protected veteran, or Armed Forces service medal veteran, we would like to include you under our affirmative action program. If you would like to be included under the affirmative action program, please tell us. [Include definitions of veteran categories].

3. You may inform us of your desire to benefit under the program at this time and/or at any time in the future.
4. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.
5. The information you submit will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if you have a condition that might require emergency treatment; and (iii) Government officials engaged in enforcing laws administered by OFCCP, or enforcing the Americans with Disabilities Act, as amended, may be informed.
6. **[Insert a brief summary of the relevant portion of affirmative action program for protected veterans.]** A written copy of this Affirmative Action Program is available for inspection by any employee or applicant for employment, during normal business hours, in the Personnel Department. Interested persons should contact **[NAME, TITLE]**, at **[PHONE NUMBER]** for assistance.
7. If you are a disabled veteran it would assist us if you tell us about (i) any special methods, skills, and procedures that qualify you for positions that you might not otherwise be able to do because of your disability so that you will be considered for any positions of that kind, and (ii) any accommodations that we could make that would enable you to perform the job, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, provision of personal assistance services or other accommodations. This information will assist us in placing you in an appropriate position and in making accommodations for your disability.

Invitation to Self-Identify for Individuals With Disabilities

1. FCI is a Government contractor subject to Section 503 of the Rehabilitation Act of 1973, as amended, which requires Government contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities.
2. If you have a disability and would like to be considered under the affirmative action program, please tell us.
3. You may inform us of your desire to benefit under the program at this time and/or at any time in the future. This information will assist us in placing you in an appropriate position and in making any necessary accommodations for your disability.
4. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with Section 503 of the Rehabilitation Act.
5. Information you submit about your disability will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of qualified individuals with disabilities, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment; and (iii) government officials engaged in enforcing laws administered by OFCCP or the Americans with Disabilities Act, as amended, may be informed.
6. If you are a qualified individual with a disability, we would like to include you under the affirmative action program. It would assist us if you tell us about (i) any special methods, skills, and procedures that qualify you for positions that you might not otherwise be able to do because of your disability so that you will be considered for any positions of that kind, and (ii) any needed accommodations that would enable you to perform the essential functions of the job, including special equipment, changes in the physical layout of the job, elimination of marginal job duties, provision of personal assistance services or other accommodations.
7. A written copy of this Affirmative Action Program is available for inspection by any employee or applicant for employment, during normal business hours, in the Administration Department. Interested persons should contact the Personnel Manager at 555-555-1212 for assistance.

Affirmative Action Plan Multi-Factor Self-Identification Form

This form provides you with information about why certain information is being asked of you as well as the collection data itself. This form covers all factors related to annual reporting as a federal contractor as well as data necessary to update our annual Affirmative Action Plan. None of this information is used in any way to make employment related decisions. The four factors being covered in this form are:

1. Race & Ethnicity
2. Gender
3. Veteran Status
4. Disability Status

Definitions Affirmative Action: Voluntary Self-Identification of Race & Ethnic Identity

- *Hispanic or Latino*
A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- *White (Not Hispanic or Latino)*
A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- *Black or African American (Not Hispanic or Latino)*
A person having origins in any of the black racial groups of Africa.
- *Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)*
A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- *Asian (Not Hispanic or Latino)*
A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- *American Indian or Alaska Native (Not Hispanic or Latino)*
A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- *Two or More Races (Not Hispanic or Latino)*
All persons who identify with more than one of the above five races.

Definitions for Affirmative Action: Voluntary Self-Identification of Veteran Status

This employer is a Government contractor subject to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended by the Jobs for Veterans Act of 2002, 38 U.S.C. § 4212 (VEVRAA), which requires Government contractors to take affirmative action to employ and advance in employment: (1) disabled veterans; (2) recently separated veterans; (3) active duty wartime or campaign badge veterans; and (4) Armed Forces service medal veterans. These classifications are defined as follows:

- *Disabled Veteran*
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.

Affirmative Action Plan Multi-Factor Self-Identification Form

- *Recently Separated Veteran*

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.

- *Active Duty Wartime or Campaign Badge Veteran*

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.

- *Armed Forces Services Medal Veteran*

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.

Protected veterans may have additional rights under USERRA—the Uniformed Services Employment and Reemployment Rights Act. In particular, if you were absent from employment in order to perform service in the uniformed service, you may be entitled to be reemployed by your employer in the position you would have obtained with reasonable certainty if not for the absence due to service.

For more information, call the U.S. Department of Labor’s Veterans Employment and Training Service (VETS), toll-free, at 1-866-4-USA-DOL.

As a Government contractor subject to VEVRAA, we are required to submit a report to the United States Department of Labor each year identifying the number of our employees belonging to each specified “protected veteran” category. If you believe you belong to any of the categories of protected veterans listed above, please indicate by checking the appropriate box below.

YOUR NAME: _____ DATE: _____

I BELONG TO THE FOLLOWING CLASSIFICATIONS OF PROTECTED VETERANS (CHOOSE ALL THAT APPLY):

- ☐ DISABLED VETERAN
- ☐ RECENTLY SEPARATED VETERAN
- ☐ ACTIVE WARTIME OR CAMPAIGN BADGE VETERAN
- ☐ ARMED FORCES SERVICE MEDAL VETERAN
- ☐ I am a protected veteran, but I choose not to self-identify the classifications to which I belong.
- ☐ I am NOT a protected veteran.

If you are a disabled veteran it would assist us if you tell us whether there are accommodations we could make that would enable you to perform the essential functions of the job, including special equipment, changes in the physical layout of the job, changes in the way the job is customarily performed, provision of personal assistance services or other accommodations. This information will assist us in making reasonable accommodations for your disability.

Affirmative Action Plan Multi-Factor Self-Identification Form

3. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.
4. The information you submit will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if you have a condition that might require emergency treatment; and (iii) Government officials engaged in enforcing laws administered by the Office of Federal Contract Compliance Programs, or enforcing the Americans with Disabilities Act, may be informed.
5. ***The affirmative action program will only summarize this information as a company and will not identify individual's names. This summary will be compared to the national average as required by the OFCCP.***

Definitions for Affirmative Action: Voluntary Self-Identification of Disability

Why are you being asked to complete this form?

Because we do business with the government, we must reach out to, hire, and provide equal opportunity to qualified people with disabilities. To help us measure how well we are doing, we are asking you to tell us if you have a disability or if you ever had a disability. Completing this form is voluntary, but we hope that you will choose to fill it out. If you are applying for a job, any answer you give will be kept private and will not be used against you in any way.

If you already work for us, your answer will not be used against you in any way. Because a person may become disabled at any time, we are required to ask all of our employees to update their information every five years. You may voluntarily self-identify as having a disability on this form without fear of any punishment because you did not identify as having a disability earlier.

How do I know if I have a disability?

You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history or record of such an impairment or medical condition.

Disabilities include, but are not limited to:

- Blindness
- Deafness
- Cancer
- Diabetes
- Epilepsy
- HIV/AIDS
- Cerebral palsy
- Muscular dystrophy
- Multiple sclerosis (MS)
- Impairments requiring the use of a wheelchair
- Missing limbs or partially missing limbs
- Autism
- Schizophrenia
- Bipolar disorder
- Major depression
- Post-traumatic stress disorder (PTSD)
- Obsessive compulsive disorder
- Intellectual disability (previously called mental retardation)

Reasonable Accommodation Notice

Federal law requires employers to provide reasonable accommodation to qualified individuals with disabilities. Please tell us if you require a reasonable accommodation to apply for a job or to perform your job. Examples of reasonable accommodation include making a change to the application process or

Affirmative Action Plan Multi-Factor Self-Identification Form

work procedures, providing documents in an alternate format, using a sign language interpreter, or using specialized equipment.

Section 503 of the Rehabilitation Act of 1973, as amended. For more information about this form or the equal employment obligations of Federal contractors, visit the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) website at www.dol.gov/ofccp (<http://www.dol.gov/ofccp>).

PUBLIC BURDEN STATEMENT: According to the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. This survey should take about 5 minutes to complete.

Affirmative Action: Voluntary Self-Identification of all four Factors

I have all of the definitions on the previous page or referred to them as I completed the following table. Please check all that apply:

RACE OR ETHNIC IDENTITY	GENDER	VETERAN STATUS	DISABILITIES
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> Male	<input type="checkbox"/> Vietnam Era Veteran	<input type="checkbox"/> YES, I HAVE A DISABILITY (or previously had a disability)
<input type="checkbox"/> White (non-Hispanic or Latino)	<input type="checkbox"/> Female	<input type="checkbox"/> Disabled Veteran	<input type="checkbox"/> NO, I DON'T HAVE A DISABILITY
<input type="checkbox"/> Native Hawaiian or Pacific Islander (not Hispanic or Latino)	<input type="checkbox"/> Transgender	<input type="checkbox"/> Special Disabled Veteran	
<input type="checkbox"/> Asian (not Hispanic or Latino)		<input type="checkbox"/> Recently Separated Veteran	
<input type="checkbox"/> American Indian or Alaskan Native (not Hispanic or Latino)		<input type="checkbox"/> Armed Forces Service Medal Veterans	
<input type="checkbox"/> Two or More Races (not Hispanic or Latino)		<input type="checkbox"/> I am not a veteran	<input type="checkbox"/> I am not disabled
<input type="checkbox"/> I do not wish to Identify	<input type="checkbox"/> I do not wish to Identify	<input type="checkbox"/> I do not wish to Identify	<input type="checkbox"/> I do not wish to Identify

Your name: _____

Today's Date: _____