

Overview Affirmative Action Program



Lorraine Okada
MANAGING CONSULTING SERVICES

Learning Objectives

AAP

- ▶ To understand AAP and its impact
- ▶ To understand AAP Legal and regulatory requirements

EEO

- ▶ To understand the likeness and difference between EEO and AAP

A Basic Business Decision

- “Do you want to do business with the U.S. Federal Government?”
- “Do you wish to have revenue from doing business with the U.S. Federal government?”



A Basic Business Decision

✓ “No”

Not required
to have a
written
Affirmative
Action Plan.

✓ “Yes”

Required to
have a
written
Affirmative
Action Plan.

Affirmative Action Plan

**Federal
Contractual
obligation to
affirm
responsibility
of EEO Laws.**



Federal Contractors Obligations: Written AAP

- 1. Executive Order 11246 - Opportunity for Women and Minorities**
- 2. Rehabilitation Act of 1973 - Opportunity for Individuals with Disabilities**
- 3. Vietnam Era Veterans Readjustment Assistance Act of 1974 - Opportunity for protected veterans.**

Threshold

▶ Construction

- ▶ Federal contracts over \$10,000
- ▶ A federally assisted construction contract or subcontract over \$10,000
- ▶ Multiple federal contracts totaling \$10,000

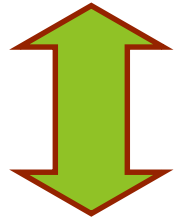
▶ Non Construction (Service or Supply)

- ▶ Federal Contractors or Subcontractors
- ▶ \$50,000 or more
- ▶ 50 or more employees
- ▶ Multiple bills of lading totaling \$50,000 or more

Written Affirmative Action Plan



Foundations of Affirmative Action

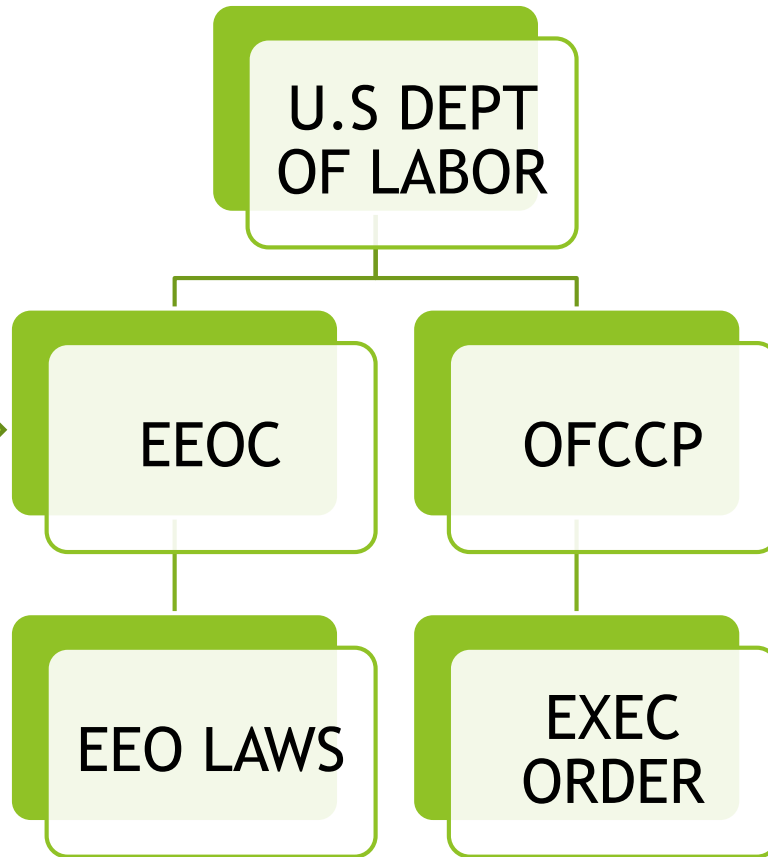
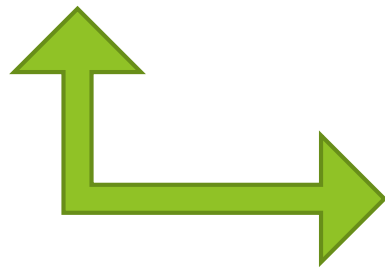


Equal Employment
Opportunity Laws

EEO vs AAP

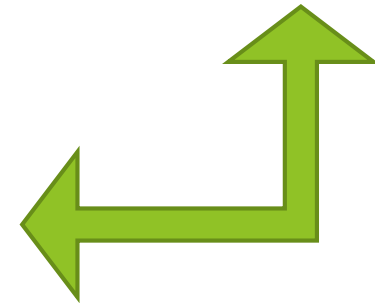
EEO

Enforcement



AAP

Enforcement



EEO vs AAP

EEO

It's the Law!

Enforcement Agency:

Equal Employment
Opportunity
Commission

(EEOC)

Federal Court
Judge

AAP

**Contractual
Mandate!**

Enforcement Agency:

Office of Federal
Contract Compliance
Programs

(OFCCP)

Administrative
Law Judge

EEO vs AAP

EEO: Reactive

Companies must refrain from making any employment or personnel decisions on the basis of race, age, color, religion, sex, sexual orientation, gender identity, national origin, disability, or veteran status.

AAP: Proactive

Companies are required to engage in specific activities to ensure that protected groups have the opportunity to be hired, advanced in employment, and compensated equally.

EEO vs AAP

EEO

EEOC conducts an investigation when a discrimination complaint is filed.

AAP

OFCCP conducts a compliance review, whether or not a discrimination complaint is filed.

EEO Any qualified applicant should have access to the candidate pool.



AAP Require outreach and recruiting to assure minorities and women, disabled and veterans are represented in the candidate pool



EEO vs AAP OUTREACH & RECRUITMENT

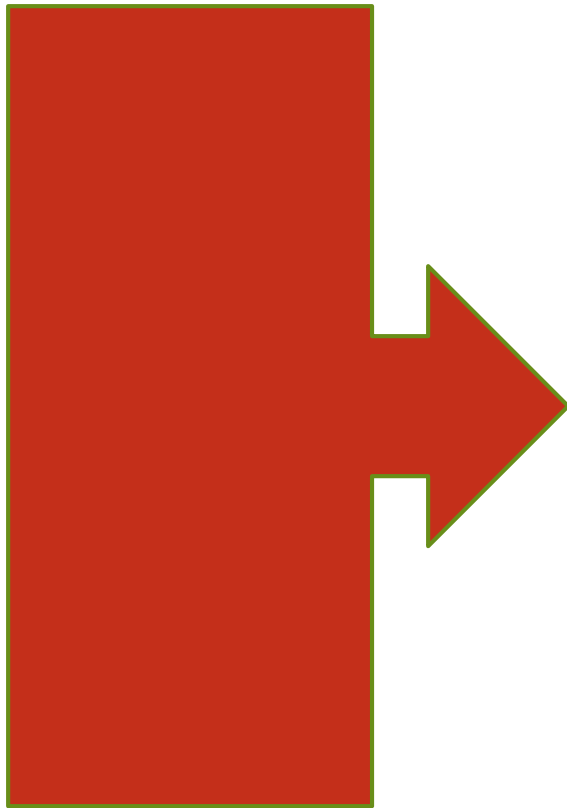
Women & Minorities

IWD's

VETS



EEO & AAP SAME MISSION



STOP
DISCRIMINATION

Obligations of Federal Contractors

Companies reaffirm AAP/EEO commitment to provide equal opportunity..... for employment or advancement in employment, without regard to an individual's race, color, religion, age, sex, sexual orientation, gender identity, national origin, disability or veteran status.

It's Everyone's Responsibility

- ▶ GENERAL MANAGER - Overall Responsibility for EEO / AAP
- ▶ ASS'T MANAGERS - Development & Implementation AAP
- ▶ HUMAN RESOURCES / EEO & AAP Officer - Ensure Compliance of EEP & AAP
- ▶ MANAGERS & SUPERVISORS- EEO / AAP Liaison and Compliance
- ▶ STAFF - Ensure Environment is free of harassment and discrimination

AAP Two-Fold

1. A Plan

- ▶ Why AAP?
- ▶ What should the plan entail?
- ▶ Your role and responsibility

2. An Audit

- ▶ Who administers it?
- ▶ OFCCP
- ▶ What happens when you are audited?

Components of the AAP Plan

● Narrative Component

- ▶ AAP for Minorities & Women
- ▶ AAP for Individuals w/Disabilities
- ▶ AAP for Qualifies Veterans

● Statistical Component

- ▶ Trend Analysis of the workforce
 - ◆ Internal
 - ◆ External

3 Pillars

AAP Statistics Component

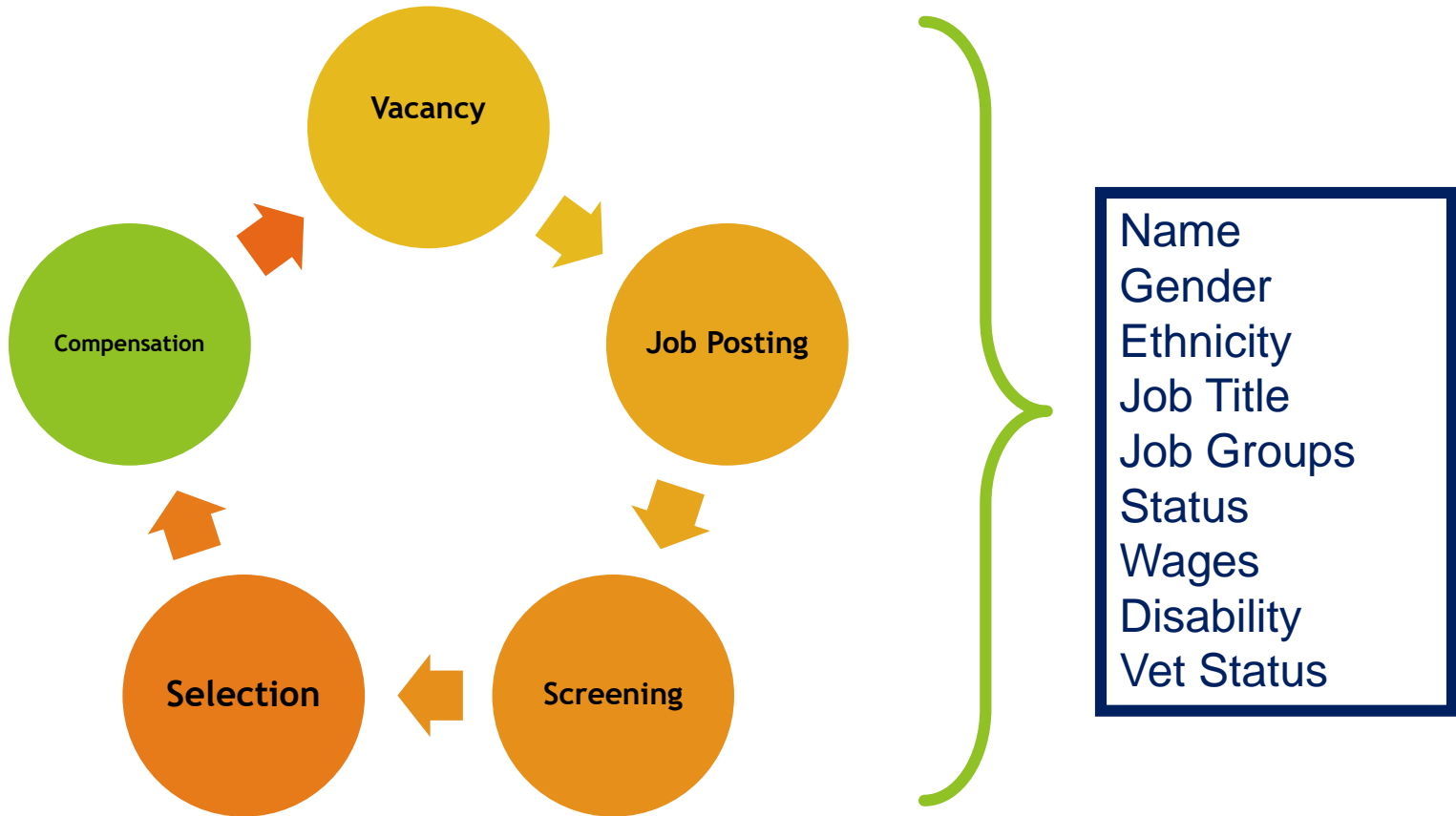
- ▶ **Utilization Analysis** - Analyses your company representation of women and minorities compared to the population.
- ▶ **Impact Ratio Analysis** - Determines if your hiring, promotions or terminations are adverse.
- ▶ **Compensation Analysis** - Identifies pay differences that are not legitimate or job-related

STATISTICAL COMPONENT

THE AAP PLAN

- 1.Track
- 2.Measure
- 3.Plan
- 4.Implement
- 5.Develop

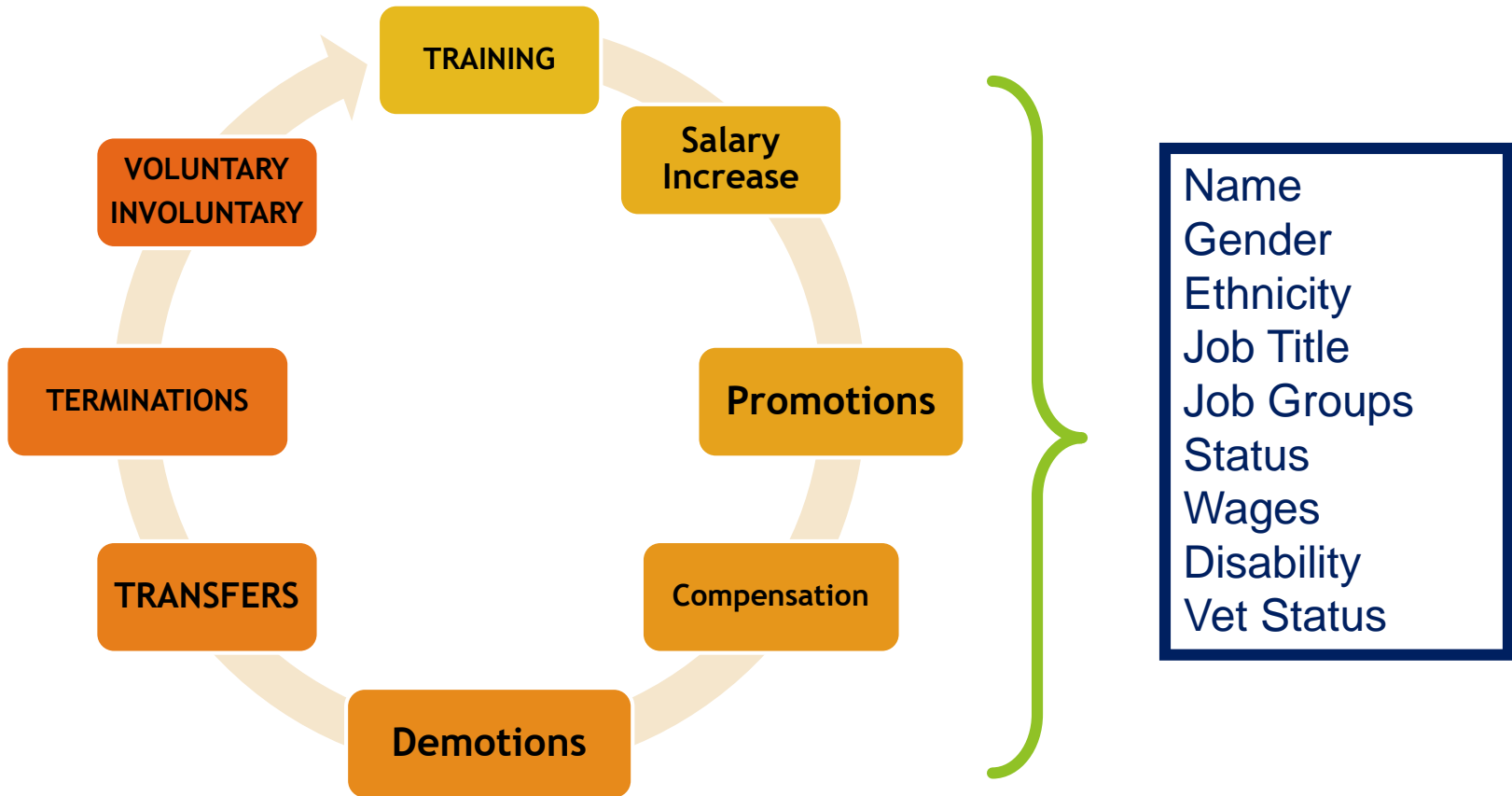
**Track for trend analysis:
All Stages of the employment life cycle
RECRUITING & ONBOARDING**



Track for trend analysis

All Stages of the employee life cycle

ALL PERSONNEL ACTIONS



Tracking and Recordkeeping

- ▶ Postings
- ▶ Applicants
- ▶ New Hires
- ▶ Employees - Status, wages, hrs
- ▶ Promotions
- ▶ Demotions
- ▶ Transfers
- ▶ Separations
- ▶ Compensation
- ▶ Self-identified Vets
- ▶ Self-identified Disability



Name
Gender
Ethnicity
Job Title
Job Groups
Status
Wages
Disability
Vet Status

Section 503 of the Rehabilitation Act AAP for Individuals with Disabilities

- ▶ Utilization Goal (7% of your workforce)
- ▶ Data Collection
- ▶ Invitation to Self Identify
- ▶ Incorporation of the EO Clause
- ▶ Records Access
- ▶ ADAAA

Vietnam Era Veterans' Readjustment Assistance Act

- ▶ Hiring Benchmark - (6.4%)
- ▶ Invite Self Identification -
 - ▶ Applicant Pre-offer
 - ▶ Post Offer
 - ▶ Before employee starts working
- ▶ Data Collection
- ▶ EO Clause
- ▶ Job Listings and Outreach
- ▶ Assess effectiveness of Outreach efforts

Annual VEVRAA Benchmark Effective Dates

Percentage*	Effective Date**	
	From	To
6.4	03/31/2018	—
6.7	03/31/2017	03/30/2018
6.9	03/04/2016	03/30/2017
7	04/21/2015	03/03/2016
7.2	03/24/2014	04/20/2015

The OFCCP Audit

- ▶ Scheduling Letter
- ▶ Itemized List
- ▶ Submit their AAPs and support data
- ▶ 30 days of receipt of the Letter.



Compliance Review



It is a comprehensive analysis:

- ▶ Written affirmative action program (AAP)
- ▶ Hiring and employment practices
- ▶ Results of the affirmative action outreach efforts

DISCRIMINATION

Intentional

Unintentional

Discrimination Likely to Occur:

- ▶ Hiring and firing
- ▶ Compensation, assignment, or classification of employees
- ▶ Transfer, promotion, hrs., layoff, or recall
- ▶ Job advertisements, recruitment & testing
- ▶ Use of company facilities
- ▶ Training and apprenticeship programs
- ▶ Fringe benefits, pay, retirement plans, and disability leave
- ▶ Other terms and conditions of employment.

Types of Discrimination

- ▶ Age
- ▶ Disability
- ▶ Equality
- ▶ National Origin
- ▶ Pregnancy
- ▶ Race/Color
- ▶ Religion
- ▶ Sex

- ▶ Sexual Orientation
- ▶ Sexual Identity
- ▶ Gender
- ▶ Sexual Harassment
- ▶ Retaliation
- ▶ Veteran Status
- ▶ Genetic Information

Guidelines on Employment Selection

- ▶ Work Experience
- ▶ Length of Service
- ▶ Performance Evaluation
- ▶ Educational Background
- ▶ Individual Skills
- ▶ Demonstration of Skills / Abilities
- ▶ Attendance / Punctuality
- ▶ Personal Conduct Record
- ▶ Training History
- ▶ Other Job related facts



