

## AFFIRMATIVE ACTION & COMPLIANCE SERVICES

### DO WE NEED AN AFFIRMATIVE ACTION PLAN?

- \$50,000 or more in federal contracts or subcontracts during a 12-month period and has 50 or more employees (at all locations combined), or
- a depository of government funds in any amount (e.g. any financial institution that is a member of the federal banking system) regardless of how many employees, or
- an issuing or paying agent for US savings bonds and savings notes (e.g., banks, credit unions and any private organizations offering the sale and redemption of US savings bonds)

If your company fits one of the above categories, you are required to prepare an Affirmative Action Plan and file EEO-1 (or equivalent form based on industry) and VETS-100 forms annually. If you have multiple locations, you may be required to complete multiple plans. These materials must comply with the equal opportunity requirements of E.O. 11246, Section 503 of the Rehabilitation Act or the Vietnam Era Veterans Readjustment Assistance Act.

If your government moneys are strictly from Medicare – NO, you are not required to complete an AAP. If you are in the construction industry, you do not have to complete a formal plan, however, you do have Recordkeeping and other requirements.

### EFFECTIVE AFFIRMATIVE ACTION PLANS:

- ◆ Contain appropriate disclaimers and language to help prevent expensive legal problems;
- ◆ Are written in clear reasonable language;
- ◆ Include legally-required narrative and statistics;
- ◆ Meet the requirements of federal law, but also meet the content and format preferences of your OFCCP Region; and
- ◆ Contain exhibits that are frequently requested during an audit.



## OUR APPROACH:

Lake Associates, Inc.'s human resource consultants work **together** with your company's professional staff to achieve organizational goals. We will learn about the staffing and employment practices of your organization and incorporate them into our deliverables. We review and recommend changes to your existing recordkeeping and approaches to recruiting outreach,

community service and "good faith effort."

We bring the focus and attention to your project that daily life in a busy organization does not permit your staff. And we have the resources and expertise to do the job right. We are experienced in preparing single and multi-state affirmative action plans.

## STANDARD AFFIRMATIVE ACTION SERVICES:

- ◆ Individual one-on-one services from an experienced and certified human resource professional. We will meet with your company representatives to decide together your company's compliance situation, conduct specific fact finding and review the organizational structure and employment practices. This includes a site tour and interviews where indicated.
- ◆ Review of your existing AAP (except in first-year plans) to insure that it complies with federal regulations and regional auditors' preferences.
- ◆ Review of related company practices and procedures: purchase order language, vendor certification procedures, new hire orientation checklist, offer of employment letter, terminating employee checklists and letters, exit interview forms, training records, community service and application practices, form and waivers.
- ◆ Review of your current AAP recordkeeping procedures, if any. If your systems are not in compliance, we will provide you with a "turn key" log system, written instructions and training for your staff.
- ◆ Conduct research and compile the crucial data and statistics that affect your AAP including: census data, Job Area Acceptance Ranges, Compensation Analyses, 2-Factor Availability and Impact Ratio Analysis.
- ◆ Prepare an Affirmative Action Plan which will be in legal technical compliance with the equal opportunity requirements of the OFCCP, E.O. 11246, Section 503 of the Rehabilitation Act and the Vietnam Era Veteran's Readjustment Assistance Act:, approved by you.

- ◆ Prepare required Policy Statements on your company's letterhead for posting at all its facilities.
- ◆ Prepare outreach letters on your company's letterhead to be sent to minority recruiting sources within the community.
- ◆ Compile an outreach resource guide specific to your company's population.
- ◆ Prepare written procedures and training for your Purchasing staff regarding vendor certification recordkeeping.
- ◆ Present your AAP, conclusions and recommendations to the chief executive.
- ◆ Provide a written action plan and training to your staff to ensure that the AAP is fully implemented.
- ◆ One-year of unlimited telephone consultation regarding your AAP, including telephone consultation regarding audits of plans we prepare. Assist company in the development of Job Groups, EEO-1 Categories, and Occupational Codes for positions throughout the plan year.

### **SAMPLE AAP CONTENTS**

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| <ul style="list-style-type: none"> <li>• Introduction</li> <li>• Designation of Responsibility</li> <li>• Organizational Profile</li> <li>• Job Group Analysis</li> <li>• Determining Availability</li> <li>• Placement of Incumbents in Job Groups</li> <li>• Comparing Incumbency to Availability</li> </ul> | <ul style="list-style-type: none"> <li>• Placement Goals</li> <li>• Identification of "Problem Areas"</li> <li>• Action-Oriented Programs</li> <li>• Internal Audit and Reporting Systems</li> <li>• Summary of Prior Year Activities and Progress Toward Prior Year Goals</li> </ul> |
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### **SAMPLE AAP EXHIBITS**

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| <ul style="list-style-type: none"> <li>• Recruiting Sources</li> <li>• Advertising Sources</li> <li>• School Recruitment Sources</li> <li>• Advertisement Samples</li> <li>• Job-Posting Samples</li> <li>• Application for Employment Form</li> <li>• Recruiting Source Letter</li> </ul> | <ul style="list-style-type: none"> <li>• Recruiting Source Contact Log</li> <li>• School Contact Log</li> <li>• State Employment Services Contact Log</li> <li>• Salary/Wage Chart</li> <li>• Company Organization Chart</li> <li>• US Bureau of the Census Information</li> </ul> |
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- Applicant Flow Log
- New Hire Log
- Promotion/Transfer Log
- Termination Log
- Summary of Personnel Action
- Drug-Free Workplace Policy
- Sexual Harassment Policy
- Educational Reimbursement Policy
- Sample Employee Newsletter
- Sample Company Brochures
- Purchase Order
- ~~Certification Request~~ (no longer required if PO is in compliance)
- Job Area Acceptance Ranges (JAAR's)
- Impact Ratio Analysis
- EEO – 1/EEO - 6 & VETS-100 Reports
- Employee Handbook
- Affirmative Action Plan for Disabled Workers
- Affirmative Action Plan for Disabled and Vietnam Era Veterans

**Compliance Advisory** – In the November 13, 2000 Federal Register, a substantive overhaul of the 30 year old AAP regulations were published. These changes took place effective December 13, 2000. Our proposals and completed plans comply with the revised OFCCP requirements.

#### **OPTIONAL AFFIRMATIVE ACTION SERVICES:**

**Ad Hoc Services:** Clients may contract with LAI for individual components of the Standards AAP services – such as matching existing positions to the census codes and generating a custom census, preparation of equal pay comparison reports and preparation of statistical sections of AAPs.

**Audits:** Attend meetings, prepare non-technical corrections to the plan, prepare progress reports or other compliance and/or conciliation services.

**Audits:** Mock Office of Federal Contract and Compliance Programs ("OFCCP") audits are offered to identify areas of potential discrimination and internal issues that need to be clarified/corrected in order to protect the Company in the event of an actual OFCCP audit.

**Compliance Checks & Reviews:** Office of Federal Contract Compliance Programs ("OFCCP") Compliance Checks & Reviews. Assist/prepare all required documentation, as well as assist with the preparation of any additional required reports to the OFCCP in regards to compliance check.

**Equal Employment Opportunity Commission (EEOC) Charges:** Investigation and preparation of position paper to the applicable agency (State and Federal). Representation at fact finding.

**EEO-1 Reports:** Preparation and submission of EEO-1 (or equivalent EEO-2, etc.) reports to the applicable federal agency.

**Employment Survey (EO Survey):** Office of Federal Contract Compliance Programs ("OFCCP") Employment Survey. Assistance, preparation, submission of the Survey to the applicable agency.

**Glass Ceiling or Management Review:** Representation during a Glass Ceiling or Management Review. Preparation of required documentation for submission, and assistance with the preparation of any additional required reports to OFCCP in regards to said review.

**Quarterly Reports:** Prepare internal quarterly summary of personnel activities and analysis reports.

**Research:** Policies, procedures and special projects as requested by the Company. In some instances advance notification may be required.

**Resources & Employee Relations:** Investigation of internal complaints. Assistance/guidance to management/human resources regarding disciplinary issues and terminations. Assistance with benefits, compensation and Wage and Hour issues.

**Training:** Subjects could include, but are not limited to, Equal Opportunity/Affirmative Action, Harassment Awareness & Prevention, Compliance with regulations. Training can be customized to meet the needs of the Company.

**Vet 100 Reports:** Preparation and submission of Vet 100 reports to the applicable federal agency.

While Lake Associates, Inc. and its staff provide expert employment law advice and consultation, the materials and suggestions provided do not constitute a legal opinion by Lake Associates, Inc. The facts of each situation need their own individual analysis. Therefore, if you use this information to formulate a policy or to resolve an employee issue, we suggest you consult with your regular corporate counsel before implementation.

Lake Associates, Inc. prepares affirmative action plans (AAP) in accordance with the rules and regulations of the Office Of Federal Contract Compliance Programs which are technically correct. However, each OFCCP auditor has his or her own expectations which may be encountered during an audit. This can cause minor adjustments to be made to your AAP. Lake Associates, Inc. is available to assist you with the OFCCP audit process. The content of this AAP is based upon statistics and other information furnished by the company. Lake Associates, Inc. does not warrant that the company is in legal compliance with the equal opportunity requirements of E.O. 11246, section 503 of the Rehabilitation Act or the Vietnam Era Veterans Readjustment Assistance Act. The role of Lake Associates, Inc. is to provide competent human resource

advice and consulting. We do not provide legal opinions or practice law.