With over 22 years of helping companies through OFCCP compliance reviews, HudsonMann has acquired a wealth of knowledge on the process. In this book we’ve distilled the insight and best practices gained over this time period.

In this book you’ll find:
- An overview of the OFCCP audit process
- The most common causes of financial remedies
- How to avoid common violations
- and more...

What you won’t find is legal advice (sorry, our lawyers made us say that). While this book captures general information, each company’s response to a compliance evaluation will be different.

Enjoy!
Compliance Evaluations 101

Federal contractors and subcontractors subject to Affirmative Action regulations can be audited by the Office of Federal Contract Compliance Programs (OFCCP). One of the police arms of the U.S. Department of Labor (DOL), OFCCP has a wide berth in reviewing a company’s personnel policies and practices. This chapter outlines the basics of the OFCCP audit process.
The compliance evaluation is OFCCP’s most common method of enforcing Affirmative Action Laws.

Commonly known as audits, these evaluations are a comprehensive review of a company’s hiring and employment practices as well as their written AAP. These reviews can proceed in several stages:

**Pre-audit Notification**

*Your company’s chance to be ahead of the curve*

Many audits are preceded by a Corporate Scheduling Announcement Letter (CSAL) from OFCCP. These communications are addressed to individual establishments that are likely to receive a Compliance Review. Not all audits start with a CSAL and the lack of a CSAL doesn’t mean you won’t be audited.

**Scheduling Letter**

*30 days and counting*

Scheduling letters come via certified mail to the establishment under review. Once the letter is received, the company has 30 days to respond with an initial submission. A sample scheduling letter and itemized request list is included in the resources section of this book.

**Desk Audit**

*The heart and soul of an OFCCP audit*

Desk audits comprise the bulk of most audits. OFCCP will review your AAP and supporting documents to determine your compliance status. Multiple requests for additional information are common during this time. Ranging from days to years in length, many audits end directly after the desk audit.
On-site Review

*Face to face with OFCCP*

If OFCCP elects to conduct an on-site review, additional written notification will be sent in advance. On-site review will typically focus on issues discovered during the desk audit. Employee interviews, facility tours, and an examination of required postings should be expected.

Letter Of Compliance

*The best possible outcome*

If no apparent violations are found, OFCCP will send a closure letter, often referred to as a letter of compliance. These letters simply state that the audit is closed, while reserving OFCCP’s right to alter their findings within 45 days. In most cases the same establishment will not be audited again for two years.

Conciliation Agreements & More

*We’re not done here...*

If OFCCP finds violations of their regulations, they will issue a Conciliation Agreement. These usually consist of a reporting period ranging from 12-24 months wherein the contractor must document compliance. If discrimination or unresolved issues are found, the audit can proceed to mediation, financial settlements, litigation, or debarment.

**Why Me? What Next? And Other Burning Questions**

*OFCCP’s Audit Selection Process*

The Federal Contractor Selection System (FCSS) is used by OFCCP to select which companies and establishments it will review each year. This system incorporates various data sources including EEO-1 information, Dun & Bradstreet data, Federal procurement data, and more. Different statistical thresholds and selection criteria vary from year to year. There is no legal limit to the number of audits conducted per company.

A smaller percentage of audits result from complaint investigations. Covered workers can file complaints with OFCCP and, similar to an EEOC investigation, OFCCP will determine the merits of the complaint and may initiate a number of investigative actions.

OFCCP’s Federal Contract Compliance Manual (FCCM) details the compliance review process. Weighing in at more than 500 pages, it is not considered formal agency policy and is subject to change without public comment.
OFCCP collected over $11.9 million from Federal contractors in FY 2014. Their enforcement database tells us even more about audit trends.

Between Fiscal Year (FY) 2010 and FY 2015, OFCCP completed 23,269 compliance reviews. That’s an average of 3,878 compliance reviews each year. During the same period, they conducted only 814 complaint investigations.

385 construction contractor audits were completed by OFCCP in FY 2014. (Source: USDOL/OFCCP)
Be Prepared

This chapter covers a variety of best practices for ensuring a successful audit experience. You’ll be able to identify key risk areas, common pitfalls, and tips for minimizing the disruptions that an OFCCP audit can cause.
THREE WAYS TO LOSE MILLIONS TO OFCCP

OFCCP collects millions of dollars from Federal contractors each year.

While OFCCP doesn’t levy fines for non-compliance, that is little consolation when writing a big check for back pay to victims of discrimination. Below are the most common causes of financial remedies – and what you can do to avoid them.

Hiring Discrimination

The majority of financial remedies obtained by OFCCP come from instances of discrimination in the hiring process. Over 80% of FY 2014 remedies came from cases of hiring discrimination. A review of OFCCP’s news archives and enforcement database reveals that this long-established trend continues to this day.

Entry-level jobs are among the easiest targets. With high employee populations and low minimum qualifications, hiring practices for these positions are especially at risk. Many of OFCCP’s multi-million dollar settlements include hiring discrimination for entry-level positions.

Remedies: The first step in avoiding hiring discrimination issues is to conduct annual reviews of all hiring and selection activities. An adverse impact analysis (also known as an impact ratio analysis) will reveal statistically significant hiring disparities. These can be performed at the requisition, job title or job group level to zero in on problem areas. One major benefit of an adverse impact analysis is the ability to
discover disparate impact discrimination – cases where a seemingly neutral policy has discriminatory results.

A well-documented hiring process is another key tool in preventing hiring discrimination. Jobs should be filled through a standard process. This allows everyone involved in the hiring process to ensure that discrimination does not enter into the selection process. Training hiring managers and recruiters is simplified and improved through the implementation of a written hiring process.

**Compensation Discrimination**

In FY 2014, OFCCP recovered nearly $1.5 million in back pay and salary adjustments in cases of pay discrimination. While this represents a small portion of their total recoveries, OFCCP is increasing their focus on pay discrimination. In addition to their proposed Equal Pay Report, OFCCP plans to hire additional staff to focus specifically on gender fair pay in the workplace.

*Remedies:* Document your compensation philosophy and procedures. Without a well-defined system for paying employees, it will be much harder to defend differences in compensation. This is especially true if job descriptions or classifications are missing or do not form a solid foundation for your compensation practices.

Conduct an internal pay equity analysis. This analysis focuses on pay disparities by race and gender. The ultimate goal is locating pay disparities and determining whether the differences in pay can be explained by non-discriminatory business reasons. Internal equity analyses vary greatly in their level of sophistication. Cohort analysis, multiple-regression analysis, and anecdotal comparisons are among the methods that can be used. The most appropriate method will depend upon the size of the company and kinds of jobs that are under review.

**Poor Recordkeeping**

Employers do not receive the benefit of the doubt during OFCCP compliance reviews. If OFCCP finds evidence of adverse impact, they can assume discrimination has
occurred unless the selection process can be justified (see 41 CFR 60-3.3). Furthermore, if a company fails to keep appropriate records, OFCCP can “draw an inference of adverse impact of the selection process” (41 CFR 60-3.4). This means that a company without the documentation to defend its hiring decisions or pay practices will likely be found guilty of discrimination.

**Remedies:** An internal or third-party review of processes and documentation is essential to successful recordkeeping. A well-structured review will identify areas for improvement and suggest action plans for addressing them. The key to OFCCP compliance is simple: documentation, documentation, documentation.

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**OFCCP Is Talking About You...**

*Find Out What They’re Saying*

As a Federal agency, OFCCP collects and publishes a variety of public data. If you’ve been audited by the OFCCP recently, chances are there is sensitive information on your company that is available to the public. Here we’ll discuss both the very public and esoteric places that your information is available.

**Press Releases**

If you’ve entered into a financial agreement with OFCCP, expect your company’s name to be on the front page of their website. OFCCP does not offer confidentiality as a part of their settlements. So even if your company settles without admitting guilt, OFCCP will publicize the occasion as a win for the affected workers, equal opportunity, and themselves.

**Class Action Site**

OFCCP’s new **Class Member Locator** site allows victims of discrimination to identify financial or other remedies that may be available to them. This database lists the company name, location, jobs in question and the groups affected by discrimination. It also provides case summaries and conciliation agreements. While the conciliation agreements are redacted, they still provide a high level of detail into the types of violations and remedies required.

**Enforcement Data**

Less publicized, but still accessible, is OFCCP’s enforcement database. This site includes downloadable databases of compliance evaluation and complaint investigation data. Company addresses, number of employees, dates of audits and results are available for perusal.
Mastering the following areas of compliance could cut your chance of a conciliation agreement by more than 50%.

The majority of OFCCP’s findings of violations are in just a few categories. In this section we’ll discuss the most common violations and what you can do to avoid them.

**Mandatory Job Listings:**

One violation that is easy to get is failing to meet your mandatory job listing requirement.

This requirement says you need to post all open positions with the **appropriate employment service delivery system (ESDS)**, also known as your state workforce agency. There are three exceptions to that rule: positions in executive and senior level management, positions lasting three days or less, and positions filled internally. Other than that, if you open a job up externally, you need to be posting it with the ESDS.

Even if you are posting the jobs, it can sometimes be difficult to prove it, so here are three ways to document your efforts to meet this obligation:

### RECORDKEEPING AND OUTREACH VIOLATIONS

**USUAL SUSPECTS**

| FY 2015 conciliation agreements that included recordkeeping and/or outreach violations | 78% |
| Recordkeeping and/or outreach violations as % of all violations (FY 2010-2015) | 53% |
1) Your first and best line of defense against these violations is screenshots, specifically one for every job opening you filled. If that sounds like a lot of work, that’s because it is. Ultimately, though this is your best defense.

2) Posting logs: Keeping compliance logs for which job was posted, when, and with whom can be a great resource. You have to be sure that you are following the state workforce agency’s listing process.

3) Using third-parties – Using third-party services to list your jobs and conduct additional outreach can be a big time saver. That said, not all of them are created equal. Even the best can still produce mixed results during a compliance review. Ultimately, the burden for demonstrating compliance is still on your company, even if you use a third-party vendor. Like any vendor selection, you’ll want to ensure your due diligence. Do some spot checks with the state workforce agencies to ensure that the postings information you provide to your vendor is making it through to the ESDS.

**Good Faith Efforts/Recruitment:**

The next common violation is a lack of good faith outreach efforts. If you want to be found in compliance with this aspect of the regulations, you need two major elements:

1) A narrative explanation of your efforts: At a high level, summarize the efforts you have implemented and the reasons for them. This narrative should tie into the goals set at the beginning of your Affirmative Action Plan year.

2) Source documentation: This includes correspondence logs that have the contact information of the person you work with at each outreach source with dates and times of correspondence. This also includes copies of postings, emails, meeting notes, letters, faxes, and any other kind of documentation.

Examples of outreach include:

- Partnerships with local service organizations
- Partnerships with vocational rehabilitation services
- Recruitment efforts at educational institutions to reach students who are covered veterans
• Job ads targeting veterans & individuals with disabilities
• Encouragement of subcontractor outreach efforts
• Veterans Administration job placement program participation
• On-the-job training opportunities

Keep in mind that using a temp-to-hire process or recruitment process outsourcing (RPO) does not absolve your company of its good faith recruiting obligations. Work closely with your agencies to ensure appropriate outreach, or conduct outreach on your own and point job seekers to the agency.

**Recordkeeping:**

Another major cause for conciliation agreements is poor recordkeeping, particularly regarding applicant data.

Keep in mind that you need to keep:

• 3 years of employment-related data for all of your employees
• 3 years of job seeker and applicant expressions of interest & self-identification information

Many recordkeeping violations center around not giving applicants the opportunity to self-identify their race, gender, veteran, and disability status. We recommend that you provide the opportunity to self-identify as early in the process as is feasible. Waiting until the in-person interview stage will most likely show very small pools of applicants, which can be a red flag to OFCCP.

Temp-to-hire processes can also create issues in applicant tracking. These scenarios can often result in a 1:1 applicant-to-hire ratio. Work with your agencies to ensure they are tracking applicants appropriately. This can allow you to show the appropriate pool of applicants for the positions you filled.
Sometimes, more is more.

The initial urge in preparing for an OFCCP audit can be to limit the submission documents to the bare minimum. While there can certainly be arguments made for this, some commonly requested items can be submitted in addition to the required items. In today’s audits you are almost guaranteed to get a number of additional requests at the very outset. Sometimes these requests come before OFCCP has had a chance to fully review your submission. By anticipating the requests, companies can reduce the impact that the audit has on day-to-day operations.

Consider adding the following to your initial submission:

- **Good Faith Efforts:** Adding both narrative descriptions and original documentation of diverse recruiting efforts is highly encouraged.

- **Job Listing Samples:** Sending in documentation of your compliance with the mandatory job listing requirement is likely to save you time later in the audit. Sometimes a few samples will suffice, though auditors are increasingly requesting documentation of listings for all external hires during the review period.

- **Job Ads with EEO Statement:** All of your external job advertisements should have a tagline identifying your company as an EEO/Affirmative Action employer. Sending in a few examples of this is helpful.

- **Purchase Order:** Your purchase orders and covered subcontracts need to reference the Equal Opportunity (EO) clause from OFCCP’s regulations.

- **Online Accessibility Statements:** OFCCP is intent on ensuring online accessibility for individuals with disabilities. If you have an online applications system, it is a best practice to give notice of how an accommodation can be requested. Screenshots are the best way of documenting this for OFCCP.
Compensation interviews have become commonplace in OFCCP compliance reviews. Are you prepared for the questions they’ll ask?

OFCCP will typically begin the compensation interview with something like the following: “We conducted an analysis of your compensation data, and found an indication of possible discrimination. Thus the reason for this discussion and interview.” While it can be perfectly OK to say, “I don’t know” or “I need to get back to you with an answer,” it’s much better to be prepared in advance. Below are some questions that OFCCP is likely to ask.

**Does your company have written guidelines on compensation administration?**

This fundamental question will set the baseline for the rest of the compensation review. Companies with well-documented policies tend to fare better than companies with very loose compensation practices. Of course, written policies that are not consistently implemented are high on OFCCP’s target list, too. Which leads us to...

**Who determines the starting salary for a new employee for your company?**

Disparities in starting pay can lead to larger disparities over the course of employment. Systems with defined ranges for starting pay and multiple levels of approval tend to fare well in OFCCP audits. Lack of oversight in the setting of starting salaries is a red flag to OFCCP.

**Are there annual performance increases? What is the basis for these increases?**

Difference in performance is recognized as a potentially legitimate reason for salary differences. But like everything else in an audit, you’ll need the documentation to
back it up. Are performance ratings being used and documented? Do similar ratings mean similar increases in pay?

**Do you conduct periodic internal audits of compensation?**

Federal Affirmative Action regulations require annual analysis of pay systems to ensure there are no race- or gender-based disparities in compensation. While there is no mandated format, it helps to conduct analyses similar to those used by OFCCP. This will help you identify areas that may be of concern. If possible, these analyses should be conducted within the context of attorney-client privilege.

**Does your company provide training on compensation administration to managers?**

OFCCP wants to know if the people making compensation decisions have been trained in the Affirmative Action and non-discrimination aspects of compensation. Training that emphasizes the importance of equal opportunity, compliance and documentation can make or break a compensation system.

**May we have a copy of that?**

This may be the most common question of all. If you can’t document it, it didn’t happen. If you say you have a policy, OFCCP will ask for it in writing. Be prepared!

This list only scratches the surface of the questions OFCCP may ask during a compliance review compensation interview. Expect follow up questions in each of these categories to explain the details of how your compensation system works. OFCCP may also ask questions about specific employees, departments or job titles.

Once the interview is complete, OFCCP may send their notes in writing for your review and editing. Your answers are typically then forwarded to statistical teams within OFCCP for additional review. If the valid business reasons you describe explain most differences in compensation, the compensation portion of the audit will typically end. If unexplained compensation differences remain, OFCCP may ask for additional documentation.
Your Next Steps Start Here

This chapter gathers key resources for your convenience. Checklists, sample audit letters, templates and helpful links await.
OFCCP AUDIT CHECKLIST

Ensure you have all of these in place BEFORE you get audited.

REQUIRED & COMMONLY REQUESTED ELEMENTS

☐ Up-to-date Affirmative Action Plans for Women & Minorities (must include Organizational Profile, Job Group Analysis, Availability Analysis, Utilization Analysis, Placement Goals, Personnel Activity, etc.), Individuals with Disabilities, and Veterans

☐ Designation of the person responsible for your Affirmative Action Program

☐ Identification of problem areas upon review of utilization analysis, personnel activity, compensation systems, etc.

☐ Specific action-oriented programs designed to meet placement goals or correct problem areas

☐ Periodic internal audits to measure the effectiveness of your AAP

☐ Job postings with appropriate Employment Service Delivery System (ESDS). Appropriate systems include local employment service offices and state workforce agency job banks. The following positions do not need to be posted: executive and top management, positions filled from within the organization, and positions lasting three days or less.

☐ Documentation of good faith outreach efforts towards veterans, individuals with disabilities, women and minorities

☐ EEO-1 Reports (from the last three years)

☐ VETS-100A Reports (from the last year)

☐ Documentation of collective bargaining agreements, if applicable

☐ Accessibility for individuals with disabilities: parking and entrance, restrooms, application computers/kiosks

☐ Documentation of reasonable accommodations that were requested, and whether or not they were granted

☐ Post EEO & Affirmative Action policy statements where employees and applicants may view them

☐ Executive Order 13496 poster, if applicable

☐ Detailed compensation information for each employee on your Workforce Analysis

☐ Job postings or advertisements with EEO/Affirmative Action tagline

☐ Copies of purchase orders and/or subcontracts with the Equal Opportunity (EO) clause

☐ Policies covering: FMLA, maternity leave, and reasonable accommodations

Visit HUDSONMANN.COM for more OFCCP audit support resources.
Dear (Name of contractor official):

The U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), selected your establishment, functional unit, or corporate headquarters located at (address) for a compliance evaluation or corporate management compliance evaluation (CMCE). We are conducting this compliance evaluation or corporate management compliance evaluation under the authority of Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793 (2006); the affirmative action provisions of the Vietnam Era Veterans’ Readjustment Assistance Act of 1974 and their implementing regulations in 41 CFR Chapter 60. In addition to determining your compliance with these authorities, we will also verify your compliance with the regulations issued by the Veterans’ Employment and Training Service (VETS) requiring contractors covered under Section 4212 to file an annual report on their employment and hiring of protected veterans.

A compliance evaluation is initiated as a compliance review. The compliance review may progress in three phases: a desk audit, an on-site review, and an off-site analysis. OFCCP describes the phases of a compliance review in its regulations at 41 CFR Chapter 60. For the desk audit, please submit the following information:

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4. The VETS regulations require Federal contractors to submit either or both the VETS-100 and the VETS-100A Federal Contractor Report on Veterans’ Employment. See 41 CFR § 61-300.10.
5. 41 CFR §§ 60-1.20(a), 60-300.60(a), and 60-741.60(a).
1. a copy of your current Executive Order Affirmative Action Program (AAP) prepared in accordance with the requirements of 41 CFR § 60-1.40, and 41 CFR § 60-2.1 through § 60-2.17;

2. a copy of your current Section 503 and Section 4212 AAPs prepared in accordance with the requirements of 41 CFR § 60-741.40 through § 60-741.44 and 41 CFR § 60-300.40 through § 60-300.44, respectively; and

3. the support data specified in the enclosed Itemized Listing.

Please submit your AAPs and the support data specified in the enclosed Itemized Listing to the address listed on page one of this letter as soon as possible, but no later than 30 days from the date you receive this letter. Pursuant to 41 CFR § 60-1.12(e), failure to preserve complete and accurate records constitutes non-compliance with your obligations as a Federal contractor or subcontractor. Once the evaluation begins, you are required to maintain all personnel and employment records described in the regulations enforced by OFCCP until the final disposition of the evaluation.  

We encourage you to submit your information in an electronic format to reduce the amount of time it takes to complete our evaluation of your [Insert establishment, functional unit, or corporate headquarters]. Should you opt to email your submissions, use email address ________.

You should be aware that OFCCP may initiate enforcement proceedings if you fail to submit AAPs and support data that represent a reasonable effort to meet the requirements of the regulations in 41 CFR Chapter 60.

Rest assured that OFCCP considers the information you provide in response to this Scheduling Letter as sensitive and confidential. Therefore, any disclosures we may make will be consistent with the provisions of the Freedom of Information Act.

Please contact ________at ____________if you have any questions concerning the compliance evaluation.

Sincerely,

(Name of District Director)
District Director

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6 41 CFR §§ 60-1.12(a), 60-300.80(a), and 60-741.80(a).
ITEMIZED LISTING

Executive Order 11246

1. An organizational profile prepared according to 41 CFR § 60-2.11.

2. The formation of job groups (covering all jobs) consistent with criteria given in 41 CFR § 60-2.12.

3. For each job group, a statement of the percentage of minority and female incumbents as described in 41 CFR § 60-2.13.

4. For each job group, a determination of minority and female availability that considers the factors given in 41 CFR § 60-2.14(c)(1) and (c)(2).

5. For each job group, the comparison of incumbency to availability as explained in 41 CFR § 60-2.15.

6. Placement goals for each job group in which the percentage of minorities or women employed is less than would be reasonably expected given their availability as described in 41 CFR § 60-2.16.

Section 503

7. Results of the evaluation of the effectiveness of outreach and recruitment efforts that were intended to identify and recruit qualified individuals with disabilities (IWDs) as described in 41 CFR § 60-741.44(f).

8. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR § 60-741.44(h).

9. Documentation of the computations or comparisons described in 41 CFR § 60-741.44(k) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, provide the information for at least the first six months of the current AAP year.

10. The utilization analysis evaluating the representation of IWDs in each job group, or, if appropriate, evaluating the representation of IWDs in the workforce as a whole, as provided in 41 CFR § 60-741.45. If you are six months or more into your
current AAP year on the date you receive this listing, please also submit information that reflects current year progress.

Section 4212 (VEVRAA)

11. Results of the evaluation of the effectiveness of outreach and recruitment efforts that were intended to identify and recruit qualified protected veterans as described in 41 CFR § 60-300.44(f).

12. Documentation of all actions taken to comply with the audit and reporting system requirements described in 41 CFR § 60-300.44(h).

13. Documentation of the computations or comparisons described in 41 CFR § 60-300.44(k) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, provide the information for at least the first six months of the current AAP year.

14. Documentation of the hiring benchmark adopted, the methodology used to establish it if using the five factors described in § 60-300.45(b)(2). If you are six months or more into your current AAP year on the date you receive this listing, please also submit information that reflects current year results.

Support Data

15. Copies of your Employer Information Report EEO-1 (Standard Form 100 Rev.) for the last three years.¹

16. A copy of your collective bargaining agreement(s), if applicable. Include any other documents you prepared, such as policy statements, employee notices or handbooks, etc. that implement, explain, or elaborate on the provisions of the collective bargaining agreement.

17. Information on your affirmative action goals for the immediately preceding AAP year and, where applicable (see below), progress on your goals for the current AAP year.²

¹ 41 CFR § 60-1.7.

² 41 CFR § 60-1.12(a), 41 CFR § 60-2.1(c) and 41 CFR § 60-2.16.
For the immediately preceding AAP year, this report must include information that reflects:

a. job group representation at the start of the AAP year, (i.e., total incumbents, total minority incumbents, and total female incumbents);

b. the percentage placement rates (% goals) established for minorities and women at the start of the AAP year; and

c. the actual number of placements (hires plus promotions) made during the AAP year into each job group with goals (i.e., total placements, total minority placements, and total female placements. For goals not attained, describe the specific good faith efforts made to achieve them.

If you are six months or more into your current AAP year on the date you receive this listing, please also submit information that reflects progress on goals established in your current AAP year, and describe your implementation of action-oriented programs designed to achieve these goals. ³

18. Data on your employment activity (applicants, hires, promotions, and terminations) for the immediately preceding AAP year and, if you are six months or more into your current AAP year when you receive this listing, provide the information in (a) through (c) below for at least the first six months of the current AAP year. You should present this data by job group (as defined in your AAP) or by job title.⁴

a. Applicants and Hires: For each job group or job title, this analysis must consist of the total number of applicants and the total number of hires, as well as the number of African-American/Black, Asian/Pacific Islander, Hispanic, American Indian/Alaskan Native, White, and the number of female and male applicants and hires. For each job group or job title applicants for whom race and/or sex is not known, should be included in the data submitted

³ 41 CFR § 60-1.12 and 41 CFR § 60-2.17(c).

⁴ 41 CFR § 60-1.12, 41 CFR § 60-2.11-12, 41 CFR § 60-2.17(b)(2) and (d)(1), and 41 CFR §§ 60-3.4 and 3.15.
However, if some of your job groups or job titles (most commonly, entry-level) are filled from the same applicant pool, you may consolidate your applicant data (but not hiring data) for those job groups or titles. For example, where applicants expressly apply for or would qualify for a broad spectrum of jobs (such as “Production,” “Office,” etc.) that includes several job groups, you may consolidate applicant data.

b. Promotions: For each job group or job title, provide the total number of promotions by gender and race/ethnicity.\textsuperscript{5} Also, include a definition of “promotion” as used by your company and the basis on which they were compiled (e.g. promotions to the job group, from and/or within the job group, etc.). If it varies for different segments of your workforce, please define the term as used for each segment. If you present promotions by job title, include the department and job group from which and to which the person(s) was promoted.

c. Terminations: For each job group or job title, provide the total number of employee terminations by gender and race/ethnicity. When presenting terminations by job title, include the department and job group from which the person(s) terminated.

19. Employee level compensation data for all employees (including but not limited to full-time, part-time, contract, per diem or day labor, temporary) as of the date of the workforce analysis in your AAP. Provide gender and race/ethnicity information and hire date for each employee as well as job title, EEO-1 Category and job group in a single file.\textsuperscript{6} Provide all requested data electronically, if maintained in an electronic format. See Note 1, below.

a. For all employees, compensation includes base salary and or wage rate, and hours worked in a typical workweek. Other compensation or adjustments to salary

\textsuperscript{5} The term “race/ethnicity” as used throughout the Itemized Listing includes these racial and ethnic groups: African-American/Black, Asian/Pacific Islander, Hispanic, American Indian/Alaskan Native, and White.

\textsuperscript{6} 41 CFR § 60-2.17(b)(3) and (d).
such as bonuses, incentives, commissions, merit increases, locality pay or overtime should be identified separately for each employee.

b. You may provide any additional data on factors used to determine employee compensation, such as education, past experience, duty location, performance ratings, department or function, and salary level/band/range/grade.

c. Documentation and policies related to compensation practices of the contractor should also be included in the submission, particularly those that explain the factors and reasoning used to determine compensation.

20. Copies of reasonable accommodation policies, and documentation of any accommodation requests received and their resolution, if any.

21. Your most recent assessment of your personnel processes, as required by 41 CFR § 60-300.44(b) and § 60-741.44(b), including the date the assessment was performed, any actions taken or changes made as a result of the assessment, and the date of the next scheduled assessment.

22. Your most recent assessment of physical and mental qualifications, as required by 41 CFR § 60-300.44(c) and § 60-741.44(c), including the date the assessment was performed, any actions taken or changes made as a result of the assessment, and the date of the next scheduled assessment.

NOTES

NOTE 1: If any of the requested information is computerized, you must submit it in an electronic format that is complete, readable, and useable. Please use caution when submitting large electronic files. Check with the OFCCP Compliance Officer and your system administrator to ensure adherence to administrative and system guidelines.

Note 2: According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1250-0003. We estimate that the average time required to complete this information collection is
27.9 hours per response, including the time for evaluating instructions, searching existing data sources, gathering and maintaining the data needed, and completing and evaluating the collection of information.

Send any comments concerning this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Federal Contract Compliance Programs, Room C-3325, 200 Constitution Avenue, N.W., Washington, D.C. 20210.
ONLINE RESOURCES

From OFCCP:

OFCCP Website

OFCCP Frequently Asked Questions

Employment Referral Resource Directory

Federal Contractor Compliance Manual

Disability Self-Identification forms

From HudsonMann:

Section 503 and VEVRAA Compliance Checklist

Race, Gender, and Veteran Status Self-Identification Template

OFCCP News Blog

Affirmative Action Plan Training from HudsonMann
Want help with Affirmative Action compliance?

http://hudsonmann.com/contact/

Schedule A Custom Demo

HudsonMann’s Affirmative Action outsourcing solution provides complete OFCCP audit support along with:

• Compliant AAP development
• Year-round support
• Custom web portal
• and more...

Contact us today for a demo.