Construction Contractors – 16 Steps to AA Compliance
Webinar Overview

- OFCCP’s Mission and Legal Authority
- How OFCCP Works
- ARRA Construction Scheduling
- Subcontractor Solicitation Responsibilities
- Construction Contractor Obligations
  - 16 Affirmative Action Steps
  - Section 503 and VEVRAA
- Compliance Assistance
OFCCP’S Mission

Ensure federal contractors comply with the laws and regulations located at 41 Code of Federal Regulations (CFR) Chapter 60 requiring nondiscrimination and affirmative action-

- Executive Order 11246 (EO 11246)
- Section 503 of the Rehabilitation Act (Section 503)
- Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (VEVRAA)
### Legal Authority

<table>
<thead>
<tr>
<th>Executive Order 11246, as amended (EO 11246)</th>
<th>Federal Construction Contractors</th>
<th>Federally-Assisted Construction Contractors</th>
</tr>
</thead>
</table>
| 41 CFR Part 60-1                           | • Contractors and subcontractors with government contracts of more than $10,000  
• Must evidence good faith efforts to increase participation of minorities and women in the skilled trades | • Same obligations as Federal Construction Contractors |

<table>
<thead>
<tr>
<th>Section 503 of the Rehabilitation Act of 1973, as amended (503)</th>
<th>41 CFR Part 60-741</th>
</tr>
</thead>
</table>
| • Contractors and subcontractors with government contracts of more than $10,000  
• Written AAP 120 days after contract starts, if: 1) 50 or more employees AND, 2) contract value is $50,000 or more | No Coverage |
## Legal Authority

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Before 12/1/2003</td>
<td></td>
<td>No Coverage</td>
</tr>
<tr>
<td>• Contractors and subcontractors with single government contract of $25,000 or more</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Written AAP 120 days after contract starts, if: 1) 50 or more employees AND, 2) contract value is $50,000 or more</td>
<td></td>
<td></td>
</tr>
<tr>
<td>After 12/1/2003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Contractors and subcontractors with single government contract of $100,000 or more</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Written AAP 120 days after contract starts, if: 1) 50 or more employees AND, 2) contract value is $100,000 or more</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
How OFCCP Works

• Conducts S&S Compliance Evaluations
  – Pre-Award Review
  – Off-site Review of Records
  – Focused Review
  – Full Compliance Review
  – Compliance Check

• Construction Evaluations

• Conducts Complaint Investigations

• Compliance Assistance Workshops

• Conciliation - Litigation - Debarment
ARRA Construction Scheduling Procedures

• National Office will provide Regions with a list of ARRA-funded construction projects

• Regions/District Offices will:
  – Use list to identify and schedule ARRA-funded construction contractors for compliance evaluations
  – Use the Basic Selection Criteria to select the 3 contractors with the most trade employees and laborers assigned to the project for review

• ARRA construction evaluation procedures are the same as non-ARRA construction procedures

• Mega Projects
ARRA Construction Scheduling Exceptions

• Construction contractors that have previously undergone an ARRA evaluation in the same geographical area

• Construction contractors that have undergone a standard evaluation in the same geographical area within the past 6 months
Solicitations

• 41 CFR 60-4.2 (d)(3)
  The contractor must provide written notification of any subcontract of $10,000 or more to OFCCP within 10 working days of the award

• Notification must list
  – Name, address and phone number of subcontractor
  – Estimated dollar amount of the subcontract
  – Subcontractor employer identification number
  – Estimated starting and completion dates of the subcontract
  – Identification of geographical area where work is to be performed
Basic AA/EEO Obligations of Federal Contractors

- Provide equal employment opportunities and take affirmative action to employ and advance
- Develop an AAP and maintain appropriate records
- Post EEO poster and/or notices
- Provide reasonable accommodations to employees and applicants
- Comply with VEVRAA requirements
- Permit OFCCP access during compliance reviews
- File an annual EEO-1 Report
## Minority and Female Goals

### Covered Crafts

<table>
<thead>
<tr>
<th>COVERED CRAFTS</th>
<th>YEAR GOALS</th>
<th>WORK HOURS</th>
<th>TOTAL MINORITY</th>
<th>FEMALE</th>
<th>HOURS AS A % OF TOTAL</th>
<th>MET ALL GOALS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Min</td>
<td>Fem</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Laborer</td>
<td>18.1</td>
<td>6.9</td>
<td>1000</td>
<td>300</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

**Goals are not quotas**

<table>
<thead>
<tr>
<th>1 - Total Minority</th>
<th>2 - Black (not Hispanic Origin)</th>
<th>3 - Hispanic</th>
<th>4 - American-Indian/Alaskan Native</th>
<th>5 - Asian/Pacific Islander</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min- Minority</td>
<td>Fem - Female</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Poll Question #1

When are contractors required to give written notice to OFCCP of subsequent construction subcontracts?

A. Immediately notify OFCCP of any and all subcontracts awarded in any amount
B. Notify OFCCP in writing within 10 working days of the award of subcontracts over $10,000
C. No notice is necessary
Poll Question #1

When are contractors required to give written notice to OFCCP of subsequent construction subcontracts?

B. Notify OFCCP in writing within 10 working days of the award of subcontracts over $10,000
16 Steps to Affirmative Action Compliance
16 Affirmative Action Steps

- 60-4.3(a)7.a. – No Harassment
- 60-4.3(a)7.b. – Recruitment resources
- 60-4.3(a)7.c. – Applicant Flow Log
- 60-4.3(a)7.d. – Union Relationships
16 Affirmative Action Steps

- 60-4.3(a)7.e. - Training
- 60-4.3(a)7.f. - EEO Policy Dissemination
- 60-4.3(a)7.g. - Mgmt Review of EEO Policies
- 60-4.3(a)7.h. - EEO Policy Dissemination
16 Affirmative Action Steps

• 60-4.3(a)7.i. - Recruitment efforts to minority, female and community organizations

• 60-4.3(a)7.j. - Word of mouth recruitment and summer opportunities

• 60-4.3(a)7.k. - Test Validation

• 60-4.3(a)7.l. - Employee review for promotion and training
16 Affirmative Action Steps

- 60-4.3(a)7.m. - Seniority Practices
- 60-4.3(a)7.n. - No Segregation
- 60-4.3(a)7.o. - Female and Minority Subcontract Solicitation
- 60-4.3(a)7.p. – Supervisor Adherence to EEO Policies
Poll Question #2

Which of the following is correct?

A. Contractors must monitor their minority and female recruitment efforts.
B. Employment decision makers must be aware of the contractor’s EEO policy
C. Contractors and subcontractors must encourage current minority and female employees to recruit other minority and females.
D. All of the above.
Poll Question #2

Which of the following is correct?

A. Contractors must monitor their minority and female recruitment efforts.

B. Employment decision makers must be aware of the contractor’s EEO policy.

C. Contractors and subcontractors must encourage current minority and female employees to recruit other minority and females.

D. All of the above.
Affirmative Action Program
Section 503/VEVRAA
(Does not apply to federally-assisted construction contractors)
503/4212 AAP Requirements

- Policy Statement
- Review of Personnel Processes
- Physical and Mental Qualifications
- Reasonable Accommodations to Physical and Mental Limitations
- Anti-harassment Statement
503/4212 AAP Requirements
(Continued)

• External Dissemination of Policy, Outreach and Positive Recruitment

• Internal Dissemination of Policy

• Audit and Reporting System

• Responsibility for Implementation

• Training

• Mandatory Job Listing (4212)
Poll Question #3

VEVRAA requires federal contractors to:

A. List jobs with the state workforce agency job bank or with the local employment service delivery system in the geographical area where the opening occurs
B. List jobs concurrently with the use of any other recruitment source
C. List all employment openings except executive and senior management, internal hires, and positions lasting three days or less.
D. All of the above
Poll Question #3

VEVRAA requires federal contractors to:

A. List jobs with the state workforce agency job bank or with the local employment service delivery system in the geographical area where the opening occurs
B. List jobs concurrently with the use of any other recruitment source
C. List all employment openings except executive and senior management, internal hires, and positions lasting three days or less.

D. All of the above
Internal Audit

- Federal contractors are required to conduct a self-audit of their employment practices
- An in-depth analysis should examine all personnel activity
Outreach and Recruitment

- Federal contractors and subcontractors are required to take affirmative action to ensure that all individuals have an equal opportunity for employment.

- This includes engaging in outreach in their recruitment.
Employment Standards Administration
Office of Federal Contract Compliance Programs

Technical Assistance Guide for Federal Construction Contractors
May 2009
Compliance Assistance Resources

• Visit OFCCP’s website

• Attend an OFCCP Seminar or Workshop
  – Calendar Online

• Call or Email for Individual Assistance
  – 1-800-397-6251
  – [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov)

• OFCCP Resource Directory

KEY – Does Not Trigger Evaluation
Additional DOL Resources

- Women’s Bureau (WB)
  - 1-866-4-USA-DOL
  - [http://www.dol.gov/wb](http://www.dol.gov/wb)

- Veterans’ Employment and Training Services (VETS)
  - 1-866-4-USA-DOL
  - [http://www.dol.gov/vets](http://www.dol.gov/vets)

- Office of Disability Employment Policy (ODEP)
  - 1-866-ODEP-DOL
  - [http://www.dol.gov/odep](http://www.dol.gov/odep)