

Conciliation Agreement  
Between the  
U.S. Department of Labor Office of Federal Contract Compliance Programs  
And  
USA Environmental Management, Inc.

**I. Preliminary Statement**

The Office of Federal Contract Compliance Programs (OFCCP) evaluated the USA Environmental Management, Inc. (Contractor) federal, federally assisted, and non-federal construction projects located in the Philadelphia, PA – NJ Standard Metropolitan Statistical Area (SMSA) which is comprised of the following county(s) and/or county equivalents: Burlington NJ, Camden, NJ, Gloucester, NJ, Bucks, PA, Chester, PA, Delaware, PA Montgomery, PA and Philadelphia, PA, beginning on March 25, 2022. OFCCP found that USA Environmental Management, Inc. failed to comply with Executive Order 11246, as amended (E.O. 11246 or the Executive Order), Section 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 793 (Section 503), and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (VEVRAA) and their respective implementing regulations at 41 CFR Chapter 60.

OFCCP notified USA Environmental Management, Inc. of the specific violation(s) and the corrective action(s) required in a Notice of Violation (NOV) issued on February 16, 2023.

In the interest of resolving the violations without engaging in further legal proceedings and in exchange for sufficient consideration described in this document, OFCCP and USA Environmental Management, Inc. enter into this Conciliation Agreement (Agreement) and its attachments, and the parties agree to all the terms therein.

**II. General Terms and Conditions**

1. In exchange for USA Environmental Management, Inc's fulfillment of all its obligations in this Agreement, OFCCP will not institute administrative or judicial enforcement proceedings under E.O. 11246, Section 503, and/or VEVRAA based on the violations alleged in the NOV. However, OFCCP retains the right to initiate legal proceedings to enforce this Agreement if USA Environmental Management, Inc. violates any provision of this Agreement, as set forth in Paragraph 11, below. Nothing in this Agreement precludes OFCCP from initiating enforcement proceedings based on future compliance evaluations or complaint investigations.
2. OFCCP may review USA Environmental Management, Inc's compliance with this Agreement. As part of this review, OFCCP may require written reports, inspect the premises, interview witnesses, and examine and copy documents. USA Environmental Management, Inc. will permit access to its premises during normal business hours for these

purposes and will provide OFCCP with all hard copy or electronic reports and documents it requests, including those specified in this Agreement.

3. Nothing in this Agreement relieves USA Environmental Management, Inc. of its obligation to fully comply with the requirements of E.O. 11246, Section 503, VEVRAA, their implementing regulations, or other applicable laws requiring nondiscrimination or equal employment opportunity through affirmative action.
4. USA Environmental Management, Inc. agrees that it will not retaliate against any potential or actual beneficiary of this Agreement or against any person who files a complaint, who has provided information or assistance, or who participates in any manner in any proceeding in this matter.
5. The parties understand the terms of this Agreement and enter into it voluntarily.
6. This Agreement, including its attachments, constitutes the entire Agreement and represents the complete and final understanding of the parties. This Agreement contains all of the terms binding the parties and it supersedes all prior written and oral negotiations and agreements. Any modifications or amendments to this Agreement must be agreed upon in writing and signed by all parties. If an administrative error is found, OFCCP will work in good faith with all parties to make the corrections.
7. This Agreement becomes effective on the day it is signed by the District Director (Effective Date).
8. If one or more provisions of this Agreement is deemed unlawful or unenforceable, the remaining provisions will remain in full force and effect.
9. This Agreement will expire sixty (60) days after USA Environmental Management, Inc. submits its final progress report required in Section VIII, below, unless OFCCP notifies USA Environmental Management, Inc. in writing before the expiration date that USA Environmental Management, Inc. has failed to fulfill all of its obligations under the Agreement. In this instance, the Agreement is automatically extended until the date that OFCCP determines that USA Environmental Management, Inc. has met all of its obligations under the Agreement.
10. If USA Environmental Management, Inc. violates this Agreement:
  - a. The procedures at 41 C.F.R. 60-1.34, 41 C.F.R. 60-300. 63 (2014) and/or 41 C.F.R. 60-741.63 (2014) will govern:
    - i. OFCCP will send USA Environmental Management, Inc. a written notice stating the alleged violations and summarizing any supporting evidence.
    - ii. The USA Environmental Management, Inc. shall have fifteen (15) days from receipt of the notice to respond, except in those cases in which such a delay would

result in irreparable injury to the employment rights of affected employees or applicants.

- iii. If USA Environmental Management, Inc. is unable to demonstrate that it has not violated the Agreement, or if OFCCP's alleges irreparable injury, enforcement proceedings may be initiated immediately without issuing a show cause notice or proceeding through any other requirement.
  - iv. In the event of a breach of this Agreement by the USA Environmental Management, Inc., OFCCP may elect to proceed to a hearing on the entire case and seek full make-whole relief, and not be limited to the terms agreed to in the Agreement.
- b. USA Environmental Management, Inc. may be subject to the sanctions set forth in Section 209 of the Executive Order, 41 C.F.R. 60-1.27, 41 C.F.R. 60-741.66 (2014), or 41 C.F.R. 60-300.66 (2014), and/or other appropriate relief for violating this Agreement.
11. USA Environmental Management, Inc. neither admits nor denies any violation of the Executive Order, Section 503 or VEVRAA, nor has there been an adjudication on the merits regarding any such violation.
  12. OFCCP may seek enforcement of this Agreement itself and is not required to present proof of any underlying violations resolved by this Agreement.
  13. The parties understand and agree that nothing in this Agreement is binding on other governmental departments or agencies other than the United States Department of Labor.
  14. Each party shall bear its own fees and expenses with respect to this matter.
  15. This Agreement is limited to the facts of this case. Neither this Agreement, nor any part of the negotiations that occurred in connection with this Agreement, shall constitute admissible evidence with respect to any OFCCP policy, practice or position in any lawsuit, legal proceeding, administrative proceeding, compliance evaluation or audit, except for legal or administrative proceedings concerning the enforcement or interpretation of this specific Agreement.
  16. All references to "days" in this Agreement, and in the Timeline included as Attachment B, are calendar days. If any deadline for an obligation scheduled to be performed under this Agreement falls on a weekend or a Federal holiday, that deadline will be extended to the next business day.

### **III. Technical Violations and Remedies**

1. **VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to maintain and/or have available records showing the gender, race, and ethnicity of each employee; and where possible, the

gender, race, and ethnicity of each applicant or Internet Applicant as required by 41 CFR 60-1.12(c). Specifically, USA Environmental Management, Inc. failed to keep applicant, testing, interview, hiring or other general personnel or employment records; failed to keep the records for a period of not less than one/two years from the date of the making of the record or the personnel action, whichever occurred later.

**REMEDY:** USA Environmental Management, Inc. will maintain and/or have available records showing the gender, race, and ethnicity of each employee; and where possible, the gender, race, and ethnicity of each applicant or Internet Applicant as defined in 41 CFR 60-1.3, as required by 41 CFR 60-1.12(c).

- 2. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to disseminate the "Pay Transparency Nondiscrimination Provision," using the language prescribed by the Director of OFCCP, to employees and applicants, as required by 41 CFR 60-1.35(c). Specifically, USA Environmental Management, Inc. failed to incorporate the nondiscrimination provision into existing employee manuals or handbooks

**REMEDY:** USA Environmental Management, Inc. will disseminate the "Pay Transparency Nondiscrimination Provision," using the language prescribed by the Director of OFCCP, to employees and applicants by incorporating the nondiscrimination provision into existing employee manuals or handbooks. In order to facilitate the implementation of this requirement, OFCCP has created two versions of the nondiscrimination provision which can be found on OFCCP's website.

- 3. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to state in all solicitations or advertisements for employees placed by or on behalf of the contractor, that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin, as required by 41 CFR 60-1.4(a)(2).

**REMEDY:** USA Environmental Management, Inc. will state in all solicitations or advertisements for employees placed by or on behalf of USA Environmental Management, Inc. that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin, as required by 41 CFR 60-1.4(a)(2).

- 4. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to send to each labor union or representative of

workers with which it has a collective bargaining agreement or other contract or understanding, a notice provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246, as required by 41 CFR 60-1.4(a)(4).

**REMEDY:** USA Environmental Management, Inc. will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice ("EEO is the Law") provided by the agency contracting officer, advising the labor union or workers' representative of USA Environmental Management, Inc.'s commitments under section 202 of Executive Order 11246, as required by 41 CFR 60-1.4(a)(4).

- 5. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to provide written notification to OFCCP within 10 working days of award of any construction subcontract in excess of \$10,000 that was made under a covered federal or federally assisted construction contract, as required by 41 CFR 60-4.2(d)3.

**REMEDY:** USA Environmental Management, Inc. will provide written notification to OFCCP within 10 working days of award of any construction subcontract in excess of \$10,000 that is made under a covered federal or federally assisted construction contract, as required by 41 CFR 60-4.2(d)3. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

- 6. VIOLATION:** During the period April 1, 2021 through March 31, 2022, USA Environmental Management, Inc. failed to physically include the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" and the "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity" containing the applicable goals for minority and female participation in its construction subcontracts in excess of \$10,000, as required by 41 CFR 60-4.3(a)(2).

**REMEDY:** USA Environmental Management, Inc. will physically include the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" and the "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity" containing the applicable goals for minority and female participation in its construction subcontracts in excess of \$10,000, as required by 41 CFR 60-4.3(a)(2).

7. **VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when USA Environmental Management, Inc. or its union had employment opportunities available, and maintain a record of the organizations' responses, as required by 41 CFR 60-4.3(a)7.b.

**REMEDY:** USA Environmental Management, Inc. will establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when USA Environmental Management, Inc. or its union has employment opportunities available, and maintain a record of the organizations' responses, as required by 41 CFR 60-4.3(a)7.b.

8. **VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual, as required by 41 CFR 60-4.3(a)7.c.

**REMEDY:** USA Environmental Management, Inc. will maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual is sent to the union hiring hall for referral and is not referred back to USA Environmental Management, Inc. by the union or, if referred, not employed by USA Environmental Management, Inc., this shall be documented in the file with the reason therefor, along with whatever additional actions USA Environmental Management, Inc. may have taken, as required by 41 CFR 60-4.3(a)7.c.

9. **VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to disseminate its EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting USA Environmental Management, Inc. in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year;

and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed, as required by 41 CFR 60-4.3(a)7.f.

**REMEDY:** USA Environmental Management, Inc. will disseminate it's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting USA Environmental Management, Inc. in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed, as required by 41 CFR 60-4.3(a)7.f.

**10. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to review, at least annually, its EEO policy and affirmative action obligations under the Standard Federal Equal Employment Construction Specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site; and make and maintain a written record identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter, as required by 41 CFR 60-4.3(a) 7.g.

**REMEDY:** USA Environmental Management, Inc. will review, at least annually, its EEO policy and affirmative action obligations under the Standard Federal Equal Employment Construction Specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter, as required by 41 CFR 60-4.3(a) 7.g.

**11. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to disseminate its EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing USA Environmental Management, Inc.'s EEO policy with other Contractors and



Subcontractors with whom USA Environmental Management, Inc. does or anticipates doing business, as required by 41 CFR 60-4.3(a) 7.h.

**REMEDY:** USA Environmental Management, Inc. will disseminate its EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing USA Environmental Management, Inc. EEO policy with other Contractors and Subcontractors with whom USA Environmental Management, Inc. does or anticipates doing business, as required by 41 CFR 60-4.3(a) 7.h.

**12. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to direct recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students, and to minority and female recruitment and training organizations that serving USA Environmental Management, Inc.'s recruitment area and employment needs, as required by 41 CFR 60-4.3(a) 7.i.

**REMEDY:** USA Environmental, Inc. will direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students, and to minority and female recruitment and training organizations serving USA Environmental, Inc.'s recruitment area and employment needs. Not later than one month prior to the date for acceptance of applications for apprenticeship or other training by any recruitment source, USA Environmental, Inc. shall send written notification to organizations as described in 41 CFR 60-4.3(a)7.h, describing the openings, screening procedures, and tests to be used in the selection process, as required by 41 CFR 60-4.3(a)7.i.

**13. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to implement and disseminate its Equal Employment Opportunity (EEO) policy. Specifically, USA Environmental Management, Inc. failed to conduct review, at least annually, of all supervisors' adherence to and performance under USA Environmental Management, Inc.'s EEO policies and affirmative action obligations, as required by 41 CFR 60-4.3(a) 7.p.

**REMEDY:** USA Environmental, Inc. will implement and disseminate its EEO policy. Specifically, USA Environmental, Inc. will maintain copies of memos, letters, reports, minutes of meetings, performance appraisals, and/or interviews with the supervisors regarding their employment practices as they relate to USA Environmental, Inc.'s EEO policy and affirmative action obligations, and written evidence that supervisors were notified when their employment practices adversely or positively impacted the company's EEO and affirmative action posture, as required by 41 CFR 60-4.3(a) 7.p.



**14. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding that USA Environmental Management, Inc. is bound by the terms of VEVRAA, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, protected veterans, as required by 41 CFR 60-300.5(a)10.

**REMEDY:** USA Environmental Management, Inc. will notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding that USA Environmental Management, Inc. is bound by the terms of VEVRAA, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, protected veterans, as required by 41 CFR 60-300.5(a)(10).

**15. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to include (or ensure the inclusion of), in all solicitations and advertisements for employees, a statement that all qualified applicants will be considered for employment and will not be discriminated against based on their protected veteran status, in violation of 41 CFR 60-300.5(a)(12).

**REMEDY:** USA Environmental Management, Inc. will include (or ensure the inclusion of), in all solicitations and advertisements for employees, a statement that all qualified applicants will be considered for employment and will not be discriminated against on the basis of their protected veteran status, in accordance with 41 CFR 60-300.5(a)12.

**16. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding that USA Environmental Management, Inc. is bound by the terms of Section 503 of the Rehabilitation Act of 1973, as amended, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, individuals with physical or mental disabilities, as required by 41 CFR 60-741.5(a)(5).

**REMEDY:** USA Environmental Management, Inc. will notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding that USA Environmental Management, Inc. is bound by the terms of Section 503 of the Rehabilitation Act of 1973, as amended, and is committed to take

affirmative action to employ and advance in employment, and shall not discriminate against, individuals with physical or mental disabilities, as required by 41 CFR 60-741.5(a)(5).

**17. VIOLATION:** During the period of April 1, 2021, through March 31, 2022, USA Environmental Management, Inc. failed to state in all solicitations and advertisements for employees placed on behalf of USA Environmental Management, Inc. that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability, as required by 41 CFR 60-741.5(a)7.

**REMEDY:** USA Environmental Management, Inc. will state in all solicitations and advertisements for employees placed on behalf of USA Environmental Management, Inc. that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability, as required by 41 CFR 60-741.5(a)7.

#### **IV. OFCCP Monitoring Period**

1. **Recordkeeping.** USA Environmental Management, Inc. agrees to retain all records relevant to the violations cited in Sections III above and the reports submitted in compliance with Paragraph 2, below. These records include underlying data and information such as Human Resources Information System (HRIS) and payroll data, job applications and personnel records, and any other records or data used to generate the required reports. USA Environmental Management, Inc. will retain the records until this Agreement expires or for the time period consistent with regulatory requirements, whichever is later.

2. **Contractor Reports.**

USA Environmental Management, Inc. agrees to furnish OFCCP with the following reports during the Monitoring Period according to the following schedule:

a. Progress Report 1: Due on February 15, 2024, covering the period of February 1, 2023, through January 31, 2024.

Documentation of:

- i. A list showing the gender, race, and ethnicity of each employee; and where possible, the gender, race, and ethnicity of each applicant or Internet Applicant during the reporting period.
- ii. A photo showing USA Environmental Management, Inc. disseminate the "Pay Transparency Nondiscrimination Provision," using the language prescribed by the Director of OFCCP, to employees and applicants by posting the provision

electronically or by posting a copy of the provision in conspicuous places available for employees and applicants; and by incorporating the nondiscrimination provision into existing employee manuals or handbooks.

- iii. Advertisement or solicitation showing that USA Environmental Management, Inc. state in all solicitations or advertisements for employees placed by or on behalf of USA Environmental Management, Inc. that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin during the report period.
- iv. A email or letter USA Environmental Management, Inc. sent to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice ("Know Your Rights") provided by the agency contracting officer, advising the labor union or workers' representative of USA Environmental Management, Inc.'s commitments under section 202 of Executive Order 11246 during the reporting period.
- v. A email or letter showing it provided written notification to OFCCP within 10 working days of award of any construction subcontract in excess of \$10,000 that is made under a covered federal or federally assisted construction contract. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed during the reporting period.
- vi. A copy of USA Enviornmental Management, Inc. subcontracts showing that they physically include the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" and the "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity" containing the applicable goals for minority and female participation in its construction subcontracts in excess of \$10,000.
- vii. A current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when USA Environmental Management, Inc. or its union has employment opportunities available, and maintain a record of the organizations' responses during the reporting period.
- viii. A current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual is sent to the union hiring hall for referral and is not referred back to USA Environmental Management, Inc. by the union or, if referred, not employed by USA Environmental

Management, Inc., this shall be documented in the file with the reason therefor, along with whatever additional actions USA Environmental Management, Inc. may have taken during the reporting period.

- ix. Correspondence, Letters, Photos showing USA Environmental Management, Inc. disseminate its EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting USA Environmental Management, Inc. in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
- x. A written record or meeting minutes showing its EEO policy and affirmative action obligations under the Standard Federal Equal Employment Construction Specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- xi. Job Advertisement, Letters and emails showing USA Environmental Management, Inc. disseminate its EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing USA Environmental Management, Inc. EEO policy with other Contractors and Subcontractors with whom USA Environmental Management, Inc. does or anticipates doing business.
- xii. Correspondence and letters showing its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students, and to minority and female recruitment and training organizations serving USA Environmental, Inc.'s recruitment area and employment needs. Not later than one month prior to the date for acceptance of applications for apprenticeship or other training by any recruitment source, USA Environmental, Inc. shall send written notification to organizations describing the openings, screening procedures, and tests to be used in the selection process.
- xiii. Letters, meeting minutes and memos showing USA Environmental Management, Inc. implement and disseminate its EEO policy. Specifically, USA Environmental, Inc. must maintain copies of memos, letters, reports,

minutes of meetings, performance appraisals, and/or interviews with the supervisors regarding their employment practices as they relate to USA Environmental, Inc.'s EEO policy and affirmative action obligations, and written evidence that supervisors were notified when their employment practices adversely or positively impacted the company's EEO and affirmative action posture.

- xiv. Correspondence and letters showing USA Environmental Management, Inc. notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding that USA Environmental Management, Inc. is bound by the terms of VEVRAA, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, protected veterans.
  - xv. Job advertisement and or solicitations showing USA Environmental Management include (or ensure the inclusion of), in all solicitations and advertisements for employees, a statement that all qualified applicants will be considered for employment and will not be discriminated against on the basis of their protected veteran status.
  - xvi. Correspondence and letters notifying each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding that USA Environmental Management, Inc. is bound by the terms of Section 503 of the Rehabilitation Act of 1973, as amended, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, individuals with physical or mental disabilities.
  - xvii. Job Advertisement or solicitation that state in all solicitations and advertisements for employees placed on behalf of USA Environmental Management, Inc. that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability.
- b. Progress Report 2: Due on February 15, 2025, covering the period of February 1, 2024, through January 31, 2025.

Documentation of:

- i. A list showing the gender, race, and ethnicity of each employee; and where possible, the gender, race, and ethnicity of each applicant or Internet Applicant during the reporting period.
- ii. A photo showing USA Environmental Management, Inc. disseminate the "Pay Transparency Nondiscrimination Provision," using the language prescribed by

the Director of OFCCP, to employees and applicants by posting the provision electronically or by posting a copy of the provision in conspicuous places available for employees and applicants; and by incorporating the nondiscrimination provision into existing employee manuals or handbooks.

- iii. Advertisement or solicitation showing that USA Environmental Management, Inc. state in all solicitations or advertisements for employees placed by or on behalf of USA Environmental Management, Inc. that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin during the report period.
- iv. A email or letter USA Environmental Management, Inc. sent to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice ("EEO is the Law") provided by the agency contracting officer, advising the labor union or workers' representative of USA Environmental Management, Inc.'s commitments under section 202 of Executive Order 11246 during the reporting period.
- v. A email or letter showing it provided written notification to OFCCP within 10 working days of award of any construction subcontract in excess of \$10,000 that is made under a covered federal or federally assisted construction contract. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed during the reporting period.
- vi. A copy of USA Enviornmental Management, Inc. subcontracts showing that they physically include the "Standard Federal Equal Employment Opportunity Construction Contract Specifications" and the "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity" containing the applicable goals for minority and female participation in its construction subcontracts in excess of \$10,000.
- vii. A current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when USA Environmental Management, Inc. or its union has employment opportunities available, and maintain a record of the organizations' responses during the reporting period.
- viii. A current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual is sent to the union hiring hall for referral and is not referred back to USA Environmental Management,

Inc. by the union or, if referred, not employed by USA Environmental Management, Inc., this shall be documented in the file with the reason therefor, along with whatever additional actions USA Environmental Management, Inc. may have taken during the reporting period.

- ix. Correspondence, Letters, Photos showing USA Environmental Management, Inc. disseminate its EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting USA Environmental Management, Inc. in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.
- x. A written record or meeting minutes showing its EEO policy and affirmative action obligations under the Standard Federal Equal Employment Construction Specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.
- xi. Job Advertisement, Letters and emails showing USA Environmental Management, Inc. disseminate its EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing USA Environmental Management, Inc. EEO policy with other Contractors and Subcontractors with whom USA Environmental Management, Inc. does or anticipates doing business.
- xii. Correspondence and letters showing its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students, and to minority and female recruitment and training organizations serving USA Environmental, Inc.'s recruitment area and employment needs. Not later than one month prior to the date for acceptance of applications for apprenticeship or other training by any recruitment source, USA Environmental, Inc. shall send written notification to organizations describing the openings, screening procedures, and tests to be used in the selection process.
- xiii. Letters, meeting minutes and memos showing USA Environmental Management, Inc. implement and disseminate its EEO policy. Specifically,



USA Environmental, Inc. must maintain copies of memos, letters, reports, minutes of meetings, performance appraisals, and/or interviews with the supervisors regarding their employment practices as they relate to USA Environmental, Inc.'s EEO policy and affirmative action obligations, and written evidence that supervisors were notified when their employment practices adversely or positively impacted the company's EEO and affirmative action posture.

- xiv. Correspondence and letters showing USA Environmental Management, Inc. notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding that USA Environmental Management, Inc. is bound by the terms of VEVRAA, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, protected veterans.
- xv. Job advertisement and or solicitations showing USA Environmental Management include (or ensure the inclusion of), in all solicitations and advertisements for employees, a statement that all qualified applicants will be considered for employment and will not be discriminated against on the basis of their protected veteran status.
- xvi. Correspondence and letters notifying each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding that USA Environmental Management, Inc. is bound by the terms of Section 503 of the Rehabilitation Act of 1973, as amended, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, individuals with physical or mental disabilities.
- xvii. Job Advertisement or solicitation that state in all solicitations and advertisements for employees placed on behalf of USA Environmental Management, Inc. that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability.

USA Environmental Management, Inc. will submit reports to:

Edward J. Rogers  
District Director  
Robert N.C. Nix, Sr. Federal Bldg.  
900 Market Street  
Room 311  
Philadelphia, PA 19107  
[\[REDACTED\]@dol.gov](mailto:(b) (6), (b) (7)(C)@dol.gov)

USA Environmental Management, Inc. and OFCCP have a common interest in the information being provided in the reports pursuant to this Agreement. To the extent any of the reports USA Environmental Management, Inc. provides in accordance with this agreement are customarily kept private or closely-held, and the USA Environmental Management, Inc. believes should remain confidential under Exemption 4 of the Freedom of Information Act (FOIA) in the event of a FOIA request, USA Environmental Management, Inc. will provide such reports to OFCCP marked as “Confidential”. In the event of a FOIA request, OFCCP will treat any such documents received as confidential documents.

3. **Close of Monitoring Period and Termination of Agreement.** This Agreement shall remain in effect until the monitoring period is completed. The monitoring period will close once OFCCP accepts USA Environmental Management, Inc.’s final progress report as set forth in Part II, Paragraph 10 above. If OFCCP fails to notify USA Environmental Management, Inc. in writing within sixty (60) days of the date of the final progress report that USA Environmental Management, Inc. has not fulfilled all of its obligations under the Agreement, OFCCP will be deemed to have accepted the final report and the Monitoring Period and this Agreement will terminate. If OFCCP notifies USA Environmental Management, Inc. within the allotted time that it has not fulfilled all of its obligations, this Agreement is automatically extended until the date that OFCCP determines USA Environmental Management, Inc. has met all of its obligations under the Agreement.

**V. SIGNATURES**

The person signing this Agreement on behalf of USA Environmental Management, Inc. personally warrants that he or she is fully authorized to do so, that USA Environmental Management, Inc. has entered into this Agreement voluntarily and with full knowledge of its effect, and that execution of this Agreement is fully binding on USA Environmental Management, Inc..

This Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and USA Environmental Management, Inc. Philadelphia, PA 19153-3802

**(b) (6), (b) (7)(C)**

Tracy Smith  
President  
Usa Environmental Management, Inc.  
Philadelphia, PA 19153-3802

DATE: March 23, 2023

**(b) (6), (b) (7)(C)**

Edward J. Rogers  
District Director  
Philadelphia

DATE: March 31, 2023

**(b) (6), (b) (7)(C)**

Tracey Reid  
Assistant District Director  
Philadelphia  
Mid-Atlantic

DATE: March 31, 2023

**(b) (6), (b) (7)(C)**

**(b) (6), (b) (7)(C)**  
Compliance Officer  
Philadelphia  
Mid-Atlantic

DATE: March 31, 2023