

**U.S. Department of Labor**

Office of Federal Contract Compliance Programs  
New York District Office  
26 Federal Plaza, Room 36-116  
New York, NY 10278  
(212) 264-7742  
Fax: (212) 264-8166



CONCILIATION AGREEMENT  
BETWEEN  
U.S. DEPARTMENT OF LABOR  
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS  
AND  
MCVAC ENVIRONMENTAL SERVICES, INC.  
481 GRAND AVENUE  
NEW HAVEN, CT 06513  
OFCCP CASE NO. R00204599

**PART I: GENERAL PROVISIONS**

1. This Agreement is between the Office of Federal Contract Compliance Programs (hereinafter OFCCP) and McVac Environmental Services, Inc. (hereinafter McVac Environmental), 481 Grand Avenue, New Haven, CT 06513.
2. The violations identified in this Agreement were found during a compliance review of McVac Environmental's construction worksites in Westchester and Rockland counties, which began on July 20, 2017, and were specified in a Notice of Violations issued on September 21, 2018. OFCCP alleges that McVac Environmental has violated Executive Order 11246, as amended, and its implementing regulations at 41 CFR Chapter 60 due to the specific violations cited in Part II below.
3. This Agreement does not constitute an admission by McVac Environmental of any violations of Executive Order 11246, as amended, and the implementing regulations.
4. The provisions of this Agreement will become part of McVac Environmental's Affirmative Action Program (AAP). Subject to the performance by McVac Environmental of all promises and representations contained herein, all named violations in regard to the compliance of McVac Environmental with all OFCCP programs will be deemed resolved. However, McVac Environmental is advised that the commitments contained in this Agreement do not preclude future determinations of noncompliance based on a finding that the commitments are not sufficient to achieve compliance.
5. McVac Environmental agrees that OFCCP may review compliance with this Agreement. As part of such review, OFCCP may require written reports, inspect the premises, interview witnesses, and examine and copy documents, as may be relevant to the matter under investigation and pertinent to McVac Environmental compliance. McVac Environmental shall permit access to its premises during normal business hours for these purposes.
6. Nothing herein is intended to relieve McVac Environmental from the obligation to comply with the requirements of Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, the Vietnam Era Veterans' Readjustment

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Assistance Act of 1974, as amended (38 U.S.C. 4212), their implementing regulations, and any other equal employment statute or executive order or its implementing regulations.

7. McVac Environmental agrees that there will be no retaliation of any kind against any beneficiary of this Agreement or against any person who has provided information or assistance, or who files a complaint, or who participates in any manner in any proceeding under Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212).
8. This Agreement will be deemed to have been accepted by the Government on the date of signature by the District Director for OFCCP.
9. If, at any time in the future, OFCCP believes that McVac Environmental has violated any portion of this Agreement during the term of this Agreement, McVac Environmental will be promptly notified of the fact in writing. This notification shall include a statement of the facts and circumstances relied upon in forming that belief. In addition, the notification will provide McVac Environmental with 15 days from receipt of the notification to respond in writing except where OFCCP alleges that such delay would result in irreparable injury.

Enforcement proceedings for violation of this Agreement may be initiated at any time after the 15 day period has elapsed (or sooner, if irreparable injury is alleged) without issuance of a Show Cause Notice.

Where OFCCP believes that McVac Environmental has violated this Conciliation Agreement, OFCCP may seek enforcement of this Agreement itself and shall not be required to present proof of the underlying violations resolved by this Agreement.

Liability for violation of this Agreement may subject McVac Environmental to sanctions set forth in Section 209 of the Executive Order and/or other appropriate relief.

## PART II: SPECIFIC PROVISIONS

1. **VIOLATION:** During the period of September 1, 2016 through August 31, 2017, McVac Environmental 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 the contractor or its unions had employment opportunities available, and maintain a record of the organizations' responses, as required by 41 CFR 60-4.3(a)(7)(b).

**REMEDY:** McVac Environmental will establish and maintain a current list of female and minority recruitment sources and community organizations including but not limited to the organizations listed below, and provide written notification to the recruitment sources when McVac Environmental or its unions have employment opportunities available. McVac Environmental will also maintain a record of responses from the organizations, as required by 41 CFR 60-4.3(a)(7)(b). McVac Environmental's written notification to recruitment sources

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and community organizations will include: (1) the construction trade in which the employment opportunity is available, (2) the location of the opportunity, (3) any qualifications needed, (4) the date(s) of the employment opportunity, and (5) the contact information, including name and telephone number, for the designated company official. Appropriate organizations include, but are not limited to the following:

### Westchester County Employment Center

Attn: (b) (6), (b) (7)(C)  
120 Bloomingdale Road  
White Plains, NY 10605  
Telephone: (b) (6), (b) (7)(C)  
E-mail: (b) (6), (b) (7)(C)

### Association of Women Construction Workers of America, Inc.

Attn: (b) (6), (b) (7)(C)  
160-02 Hillside Avenue, (Suite 2A)  
(Queens) Jamaica, New York 11432  
Telephone: (b) (6), (b) (7)(C)  
E-mail: (b) (6), (b) (7)(C)

### JM Murray/Employment Connection

Attn: (b) (6), (b) (7)(C)  
4059 Rte. 281  
Cortland, New York 13045  
Telephone: (607) 756-8070 (Ext: (b) (6), (b) (7)(C))  
E-mail: (b) (6), (b) (7)(C)

### Non-Traditional Employment for Women (New)

Attn: (b) (6), (b) (7)(C)  
243 West 20<sup>th</sup> Street  
New York, New York 10011  
Telephone: (b) (6), (b) (7)(C)  
E-mail: (b) (6), (b) (7)(C)

2. **VIOLATION:** During the period of September 1, 2016 through August 31, 2017, McVac Environmental 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:** McVac Environmental will maintain a current file of 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 what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to McVac Environmental by the union or, if referred, not employed by McVac Environmental, this shall be documented in the file with the reason therefore, along with whatever additional actions McVac Environmental may have taken, in accordance with 41 CFR 60-4.3(a)(7)(c).

3. **VIOLATION:** During the period of September 1, 2016 through August 31, 2017, McVac Environmental failed to 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 McVac Environmental's recruitment and employment needs, as required by 41 CFR 60-4.3(a)(7)(i).

**REMEDY:** McVac Environmental 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 its recruitment area

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and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment sources, McVac Environmental shall send written notifications to organizations such as those recommended below, describing the openings, screening procedures, and tests to be used in the selection process, in accordance with 41 CFR 60-4.3(a)(7)(i).

Westchester County Employment Center  
Attn: (b) (6), (b) (7)(C)  
120 Bloomingdale Road  
White Plains, NY 10605  
Telephone: (b) (6), (b) (7)(C)  
E-mail: (b) (6), (b) (7)(C)

JM Murray/Employment Connection  
Attn: (b) (6), (b) (7)(C)  
4059 Rte. 281  
Cortland, New York 13045  
Telephone: (607) 756-8070 (Ext: (b) (6), (b) (7)(C))  
E-mail: (b) (6), (b) (7)(C)

Association of Women Construction  
Workers of America, Inc.  
Attn: (b) (6), (b) (7)(C)  
160-02 Hillside Avenue (Suite 2A)  
(Queens) Jamaica, New York 11432  
Telephone: (b) (6), (b) (7)(C)  
E-mail: (b) (6), (b) (7)(C)

Non-Traditional Employment for  
Women (New)  
Attn: (b) (6), (b) (7)(C)  
243 West 20<sup>th</sup> Street  
New York, New York 10011  
Telephone: (b) (6), (b) (7)(C)  
E-mail: (b) (6), (b) (7)(C)

4. **VIOLATION:** During the review period of September 1, 2016 through August 31, 2017, McVac Environmental failed to encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of McVac Environmental's work force, as required by 41 CFR 60-4.3(a)(7)(j).

**REMEDY:** McVac Environmental will encourage present minority and female employees to recruit other minority persons and women and, where reasonable, McVac Environmental will provide after school, summer and vacation employment to minority and female youth both on work sites and in other areas of the their work force. McVac Environmental will document this encouragement in writing, and maintain a record in accordance with 41 CFR(FR 60-4.3(a)(7)(j).

5. **VIOLATION:** During the review period of September 1, 2016 through August 31, 2017, McVac Environmental failed to make and maintain a written record identifying the time and place of its, at least annual, meetings to review the company's EEO policy and affirmative action obligations with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions, and with onsite supervisory personnel, prior to the initiation of construction work at its job sites, as required by 41 CFR 60-4.3(a)(7)(g).

**REMEDY:** McVac Environmental will make and maintain a written record of its, at least annual, review of its EEO policy and affirmative action obligations with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions, and with onsite supervisory personnel prior to the initiation of construction work at any job

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site. The written record will identify the time and place of the meetings, persons attending, subject matter discussed, and disposition of the subject matter, in accordance with 41 CFR 60-4.3(a)(7)(g).

6. **VIOLATION:** During the review period of September 1, 2016 through August 31, 2017, McVac Environmental failed to conduct at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities, as required by 41 CFR 60-4.3(a)(7)(i).

**REMEDY:** McVac Environmental will conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities in accordance with 41 CFR 60-4.3(a)(7)(i). McVac Environmental will document this in writing, and will maintain a record of these activities.

7. **VIOLATION:** During the period of September 1, 2016 through August 31, 2017, McVac Environmental failed to conduct a review, at least annually, of all its supervisors' adherence to and performance under McVac Environmental's EEO policies and affirmative action obligations, as required by 41 CFR 60-4.3(a)(7)(p).

**REMEDY:** McVac Environmental will conduct a review, at least annually, of its supervisors' adherence to and performance under McVac Environmental's EEO policies and affirmative action obligations, in accordance with 41 CFR 60-4.3(a)(7)(p). McVac Environmental will document this in writing, and will maintain a record of these activities.

**PART III: REPORTING:**

1. McVac Environmental agrees to retain records pertinent to the violations cited in Part II above, and to the reports submitted in compliance with Paragraph 2, below. These records shall include data and information underlying the required reports, specifically, but not limited to all applications and personnel records. The records will be retained until the expiration of this Agreement or consistent with regulatory requirements, whichever is later.
2. McVac Environmental agrees to furnish the OFCCP with one report. This report is due October 1, 2019 and will cover the period of September 1, 2018 through August 31, 2019.

McVac Environmental will send the progress report to:

U.S. Department of Labor  
Office of Federal Contract Compliance Programs  
New York District Office  
26 Federal Plaza, Room 36-116  
New York, NY 10278  
ATTN: Compliance Officer (b) (6), (b) (7)(E)

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The report must include the following:

Pursuant to Remedies 1, 2 and 3: Documentation of McVac Environmental's efforts to recruit qualified females and minorities for construction craft trade vacancies, including: (a) McVac Environmental's current list of minority and female recruitment sources; (b) notifications to and responses from minority and female recruitment resources on McVac Environmental's current list; (c) notifications to and responses from recruitment sources identified in Remedies 1 and 3 of Part II above; and (d) the number of off-the-street applicants and applicants referred, broken out by trade, gender, hired date and recruitment source.

Pursuant to Remedy 4: Documentation of McVac Environmental's efforts to encourage present minority and female employees to recruit other minority and female trade persons.

Pursuant to Remedy 5: Documentation of the EEO policy and affirmative action review provided at least annually to McVac Environmental's onsite supervisory personnel and employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions, prior to the initiation of construction work at McVac Environmental's job sites. The documentation must include: (a) time and place of the meetings; (b) persons attending; (c) subject matter discussed; and (d) disposition of the subject matter.

Pursuant to Remedy 6: Documentation of McVac Environmental's a) inventory and evaluation at least of all minority and female personnel for promotional opportunities; and b) encouragement of employees to seek or to prepare for available promotions through appropriate training.

Pursuant to Remedy 7: Documentation of McVac Environmental's review, conducted at least annually, of its supervisors' adherence to and performance under the contractor's EEO policies and affirmative action obligations.

- 3. This Conciliation Agreement will remain in effect until the review and acceptance by OFCCP of McVac Environmental's final progress report.

**PART IV: SIGNATURES**

This Conciliation Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and McVac Environmental Services, Inc., 481 Grand Avenue, New Haven, CT 06513.

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

Charles Demers  
Vice President  
McVac Environmental Services, Inc.  
New Haven, CT 06513

DATE: 10/1/18

**(b) (6), (b) (7)(E)**

Compliance Officer  
New York District Office  
OFCCP - Northeast Region

DATE: 10/5/2018

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

Manuel Garcia  
Assistant District Director  
New York District Office  
OFCCP – Northeast Region

DATE: 10/05/2018

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

Konrad Batog  
District Director  
New York District Office  
OFCCP – Northeast Region

DATE: 10/05/2018