

Conciliation Agreement  
Between the  
U.S. Department of Labor Office of Federal Contract Compliance Programs  
And  
Valassis Communications Inc. Phil  
300 Mcfintire Drive  
Newark, DE 19711

**PART I: General Provisions**

1. This Agreement is between the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), and Valassis Communications Inc. Phil (hereinafter Valassis).
2. The violations identified in this Agreement were found during a compliance evaluation of Valassis which began on November 3, 2016 and were specified in a Notice of Violation that was issued on November 1, 2018. OFCCP alleges that Valassis has violated Section 503 of the Rehabilitation Act of 1973, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212) and 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 Valassis of any violation of Section 503 of the Rehabilitation Act of 1973, as amended; the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, (38 U.S.C. 4212)] and the implementing regulations.
4. The provisions of this Agreement will become part of Valassis's Affirmative Action Program (AAP). Subject to the performance by Valassis of all promises and representations contained herein and in its AAP, all named violations in regard to the compliance of Valassis with all OFCCP programs will be deemed resolved. However, Valassis 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. Valassis agrees that OFCCP may review compliance with this Agreement. As part of this 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 Valassis's compliance. Valassis shall permit access to its premises during normal business hours for these purposes.
6. Nothing herein is intended to relieve Valassis from the obligation to comply with the requirements of 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), their implementing regulations, or any other equal employment statute or executive order or its implementing regulations.
7. Valassis 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 proceedings under Executive

Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, and/or 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 the signature by the Acting Assistant District Director for OFCCP, unless the Regional Director or the Director of OFCCP indicates otherwise within 45 calendar days of the District Director's signature on this Agreement.
9. If at any time in the future, OFCCP believes that Valassis has violated any portion of this Agreement during the term of this Agreement, Valassis will be promptly notified of that fact in writing. This notification will include a statement of the facts and circumstances relied upon in forming that belief. In addition, the notification will provide Valassis with 15 calendar days from receipt of the notification to respond in writing, except where OFCCP alleges that such a 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 issuing a Show Cause Notice.

Where OFCCP believes that Valassis 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 Valassis to sanctions set forth in 41 C.F.R. § 60-300.66 and/or 41 C.F.R. § 60-741.66 and/or other appropriate relief.

## **PART II: Specific Provisions**

1. **VIOLATION:** During the period May 1, 2015 through October 31, 2016, Valassis failed to immediately list all employment openings with either the state workforce agency job bank or a local employment service delivery system serving the location where the openings occurred in violation of 41 C.F.R. § 60-300.5(a)2-6.

**REMEDY:** On October 1, 2016, Valassis began listing all employment openings with an appropriate employment service delivery system (ESDS). Valassis must continue to list all employment openings as they occur with an appropriate employment service delivery system (either the state workforce agency job bank or a local ESDS) where the openings occur, in a manner and format that will allow the ESDS to provide priority referrals of protected veterans to Valassis as required by 41 C.F.R. § 60-300.5(a)2-6. With its initial listing, and as subsequently needed to update the information, Valassis must also advise the employment service delivery system that it is a federal contractor that desires priority referrals of protected veterans for job openings at all locations within the state, and provide the employment service delivery system with the name and address of each of its hiring locations within the state and the contact information for the contractor official responsible for hiring at each location, in accordance with 41 C.F.R. § 60-300.5(a)4. Should any of the information in the disclosures change since it was last reported to the ESDS, Valassis shall provide updated information simultaneously with its next job

listing.

2. **VIOLATION:** During the period May 1, 2015 through October 31, 2016, Valassis failed to undertake appropriate outreach and positive recruitment activities that were reasonably designed to effectively recruit qualified protected veterans, document these activities, assess their effectiveness, and document its review, in violation of 41 C.F.R. § 60–300.44(f). Specifically, Valassis did not engage in any outreach or recruitment activities designed to effectively recruit qualified protected veterans during the prior year review period of May 1, 2015 through April 30, 2016 and provided evidence of only one effort in the current year review period of May 1, 2016 through October 31, 2016.

**REMEDY:** On October 1, 2016, Valassis began to undertake appropriate external outreach and positive recruitment activities that are reasonably designed to effectively recruit qualified protected veterans, such as those described at 41 C.F.R. § 60–300.44(f)(2). Valassis must annually review its outreach and recruitment activities, assess their effectiveness, and document this review, in accordance with 41 C.F.R. § 60–300.44(f)(3). Valassis must document all activities it undertakes to comply with this section, in accordance with 41 C.F.R. § 60–300.44(f)(4). Among its outreach activities, Valassis may contact the below source to solicit their assistance and support or to similar organizations by sending them its job vacancy announcements:

The State of New Jersey  
Delaware Commission of Veterans Affairs  
802 Silver Lake Blvd.  
Robbins Building, Suite 100  
Dover, DE 19904  
(302) 739-2792

3. **VIOLATION:** During the period May 1, 2015 through October 31, 2016, Valassis failed to undertake appropriate outreach and positive recruitment activities that were reasonably designed to effectively recruit qualified individuals with disabilities, document these activities, assess their effectiveness, and document its review, in violation of 41 C.F.R. § 60–741.44(f). Specifically, Valassis did not engage in any outreach and recruitment activities designed to effectively recruit qualified individuals with disabilities.

**REMEDY:** On October 1, 2016, Valassis began to undertake appropriate external outreach and positive recruitment activities that are reasonably designed to effectively recruit qualified individuals with disabilities, such as those described at 41 C.F.R. § 60–741.44(f)(2). Valassis must annually review its outreach and recruitment activities, assess their effectiveness, and document this review, in accordance with 41 C.F.R. § 60–741.44(f)(3). Valassis must document all activities it undertakes to comply with this section, in accordance with 41 C.F.R. § 60–741.44(f)(4). Among its outreach activities, Valassis may contact the below source to solicit their assistance and support or to similar organizations by sending them its job vacancy announcements:

The Arc of Delaware

2 South Augustine Street, Suite B  
Wilmington, DE 19804  
(302) 996-9400  
Susannah Eaton-Ryan – Director of Employment and Outreach  
(b) (6), (b) (7)(C)

### Part III: Reporting

1. Valassis 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. Valassis agrees to furnish the OFCCP, Arlington District Office, 2300 Clarendon Blvd, Suite 1330, Arlington, VA 22201 with the following reports:

Valassis will submit one (1) report due on December 31, 2019. The report will cover the period December 1, 2018, through November 30, 2019.

Valassis will submit the following:

- a. In reference to Violation 1: A list of all employment openings that occurred during the reporting period to include: 1) Documentation to confirm these openings were listed with the appropriate ESDS (state workforce agency or local ESDS) where the openings occurred, in a manner and format that allows the ESDS to provide priority referrals of protected veterans to Valassis. Should any of the information in the disclosures change since it was initially reported to the ESDS, Valassis shall provide updated information simultaneously with its next job listing.
- b. In reference to Violation 1: Copies of all responses received from each employment service delivery system (ESDS) used during the report period.
- c. In reference to Violation 2: Documentation to verify that Valassis undertook appropriate outreach and positive recruitment activities reasonably designed to effectively recruit qualified protected veterans and conducted an assessment of its efforts. This documentation should include a copy of the sections of Valassis' AAP that list: 1) Its outreach activities with supporting documentation; 2) An assessment of the effectiveness of each activity; and 3) A copy of Valassis' annual assessment of the totality of its outreach activities, as required by 41 C.F.R. 60-300.44(f)(3). Valassis should note that 41 C.F.R. 60-300.44(f) lists examples of several types of organizations that may be enlisted for assistance and support in recruiting and developing on-the-job training opportunities for protected veterans.
- d. In reference to Violation 2: Copies of all responses received from each of the organizations used during the reporting period in efforts to recruit qualified protected veterans.

- e. In reference to Violation 3: Documentation to verify that Valassis undertook appropriate outreach and positive recruitment activities reasonably designed to effectively recruit qualified individuals with disabilities and conducted an assessment of its efforts. This documentation should include a copy of the sections of Valassis' AAP that list: 1) Its outreach activities with supporting documentation; 2) An assessment of the effectiveness of each activity; and 3) A copy of Valassis' annual assessment of the totality of its outreach activities, as required by 41 C.F.R. 60-741.44(f)(3). Valassis should note that 41 C.F.R. 60-741.44(f) lists examples of several resources that may aid contractors in effectively recruiting and employing qualified individuals with disabilities.
  - f. In reference to Violation 3: Copies of all responses received from each of the organizations used during the reporting period in efforts to recruit qualified individuals with disabilities.
3. This Conciliation Agreement shall remain in effect until the review and acceptance by OFCCP of Valassis's final progress report.

**PART IV: Signatures**

This Conciliation Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and Valassis Communications Inc. Phil, 300 McIntire Drive, Newark, DE 19711

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

Chris Page  
Plant Manager  
Valassis Communications Inc. Phil  
300 McIntire Drive  
Newark, DE 19711

Compliance Officer  
OFCCP Arlington District Office

DATE: 11/20/18

DATE: 11-21-2018

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

Shanae Moody  
Acting Assistant District Director  
OFCCP Arlington District Office

DATE: 11/26/2018