

Conciliation Agreement  
Between the  
U.S. Department of Labor Office of Federal Contract Compliance Programs  
And  
SW Resources, Inc.  
1007 Mary Street  
Parkersburg, West Virginia 26101

**PART I: General Provisions**

1. This Agreement is between the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), and SW Resources, Inc. (hereinafter SW Resources), 1007 Mary Street, Parkersburg, West Virginia 26101.
2. The violations identified in this Agreement were found during a compliance of SW Resources which began on September 21, 2019 and were specified in a Notice of Violation that was issued on August 28, 2019. OFCCP alleges that SW Resources has violated Executive Order 11246, as amended and Section 503 of the Rehabilitation Act of 1973, as amended; 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 SW Resources of any violation of Executive Order 11246, as amended and Section 503 of the Rehabilitation Act of 1973, as amended; and the implementing regulations.
4. The provisions of this Agreement will become part of SW Resources AAP. Subject of the performance by SW Resources of all promises and representations contained herein and in its AAP, all named violations in regard to the compliance of SW Resources with all OFCCP programs will be deemed resolved. However, SW Resources 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. SW Resources 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 SW Resources compliance. SW Resources shall permit access to its premises during normal business hours for these purposes.
6. Nothing herein is intended to relieve SW Resources 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/or 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. SW Resources 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 District Director for OFCCP.
9. If at any time in the future, OFCCP believes that SW Resources has violated any portion of this Agreement during the term of this Agreement, SW Resources 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 SW Resources 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 SW Resources 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 SW Resources to sanctions set forth in Section 209 of the Executive Order and 41 CFR 60-741.66 and/or other appropriate relief.

## **PART II: Specific Provisions**

1. **VIOLATION:** During the period January 1, 2017 through the June 30, 2018, SW Resources 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:** SW Resources will list all employment openings, excluding noncompetitive openings, as they occur, with an appropriate employment service delivery system (ESDS) (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 SW Resources, 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, SW Resources will 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, SW Resources shall provide updated information simultaneously with its next job listing.
2. **VIOLATION:** During the period January 1, 2017 through the June 30, 2018, SW Resources 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 CFR 60–300.44(f).

**REMEDY:** SW Resources will undertake appropriate external outreach and positive recruitment activities, excluding noncompetitive openings, that are reasonably designed to effectively recruit qualified protected veterans, such as those described at 41 CFR 60–300.44(f)(2). SW Resources will annually review its outreach and recruitment activities, assess their effectiveness, and document this review, in accordance with 41 CFR 60–300.44(f)(3). SW Resources will document all activities it undertakes to comply with this section, in accordance with 41 CFR 60–300.44(f)(4). Among its outreach activities, SW Resources may contact the below sources to solicit their assistance and support or contact to similar organizations by sending them its job vacancy announcements:

Gloria Husk  
Founder and Director  
We Have Your Six  
1601 Grand Central Avenue  
Suite 10  
Vienna, West Virginia 26105,  
(304) 966-2040

Amy Long  
Family Assistance Specialist  
Family Assistance Center  
1500 Blizzard Drive  
Parkersburg, West Virginia, 26101  
(b) (6), (b) (7)(C)@mail.mil  
(304) 561-6107

### Part III: Reporting

1. SW Resources 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. SW Resources agrees to furnish the OFCCP with two (2) annual progress reports. The first report shall be due twelve (12) months after the effective date of this Conciliation Agreement and shall cover the ten (10) month period of time beginning on the effective date of this Agreement. The second report shall cover the successive ten (10) month period, and shall be mailed within sixty (60) days after the close of that ten month period. SW Resources will submit the following in each progress report to:

Tracie Brown  
District Director  
U.S. Department of Labor

Office of Federal Contract Compliance Programs  
Room 2103 Federal Building  
1000 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

Each report shall include:

- a. For Violation 1: A list of all employment openings that occurred; a) documentation to confirm these openings were listed with the appropriated ESDS (either the state workforce agency job bank or a local ESDS) where the openings occurred, in a manner and format that allows the ESDS to provide priority referrals of protected veterans to SW Resources; b) in the first report, documentation that SW Resources advised the appropriate ESDS, with its initial listing, that it is a federal contractor that desires priority referrals of protected veterans for job openings at all locations within the state; and c) in the first report, documentation to confirm that, in its initial listing, SW Resources provided the ESDS with the name and address of each of its hiring locations within the state, and the contact information for SW Resources official responsible for hiring at each location. Documentation of the above should include copies of the written notification(s) to the ESDS. Should any of the information in the disclosures change since it was last reported to the ESDS, SW Resources shall provide updated information simultaneously with its next job listing.
  - b. For Violation 1: Copies of all responses received from each employment service delivery system used during the report period;
  - c. For Violation 2: Documentation to verify that SW Resources understood appropriate outreach and positive recruitment activities reasonability designed to effectively recruit qualified protected veterans and that confirms SW Resources conducted an assessment of its efforts. This documentation should include a copy of the sections of assessment of its efforts. This documentation should include a copy of the sections of SW Resources' AAP that list: a) Its outreach activities with supporting documentation; b) An assessment of the effectiveness of each activity; and c) A copy of SW Resources' annual assessment of the effectiveness of the totality of its outreach activities, as required by 41 CFR 60-300.44(f)(3). SW Resources should note that 41 CFR 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. For Violation 2: Copies of relevant correspondence from each of the organizations or other documentation of outreach efforts used during the reporting period in efforts to recruit qualified protected veterans.
3. This Conciliation Agreement shall remain in effect until the review and acceptance by OFCCP of SW Resources' final progress report.

**Termination Date:**

This Conciliation Agreement shall remain in full force and effect until sixty (60) days following SW Resources' submission of the final report, or until such time as OFCCP has deemed that SW Resources has met all conditions of this Agreement.

**Integration Clause:**

This Conciliation Agreement represents the full Agreement between SW Resources and OFCCP and this Agreement supersedes any other agreements, oral or written. In signing this Agreement, neither SW Resources nor OFCCP relies upon any promise, representation of fact or law, or other inducements that are not expressed in this Agreement. This Agreement may be modified only by written agreement of the Parties affected and may not be modified by any oral agreement.

**PART IV: Signatures**

This Conciliation Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and SW Resources, 1007 Mary Street, Parkersburg, West Virginia.

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

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

BETH JAMES  
Interim Board Chair and Executive Director  
SW Resources, Inc.  
Parkersburg, West Virginia

(b) (7)(C), (b) (7)(E)  
Compliance Officer  
Pittsburgh District Office  
Mid-Atlantic Region

DATE: 9-16-19

DATE: 9-23-2019

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

TRACIE BROWN  
District Director  
Pittsburgh District Office  
Mid-Atlantic Region

DATE: 9/23/2019