

CONCILIATION AGREEMENT

Between

THE U. S. DEPARTMENT OF LABOR

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

and

IBG DISTRIBUTION CENTER

PART I. PRELIMINARY STATEMENT

The Office of Federal Contract Compliance Programs ("OFCCP") evaluated IBG Distribution Center's ("IBG") facility located at 201 Ingram Drive, Roseburg, OR 97470, and found that IBG was not in compliance with 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 implementing regulations at 41 C.F.R. Sections 60-741 and 60-300. OFCCP notified IBG of the specific violations found and the corrective actions required in a Notice of Violations issued on May 7, 2019. In the interest of resolving the violation without engaging in further legal proceedings and in exchange for the good and valuable consideration described in this document, OFCCP and IBG enter into this contract ("Conciliation Agreement" or "Agreement") and agree to all the terms stated below.

PART II. GENERAL TERMS AND CONDITIONS

1. In exchange for IBG's fulfillment of all obligations in Parts III and IV of the Agreement, OFCCP agrees not to institute administrative or judicial enforcement proceedings under Section 503 and VEVRAA based on the violations described in more detail in Part III below. However, OFCCP has the right to initiate legal proceedings to enforce the Agreement itself or to correct and obtain relief for the violation described in Part III if IBG violates this Agreement. Nothing in this Agreement precludes OFCCP from initiating enforcement proceedings based on future compliance evaluations or complaint investigations.
2. IBG agrees that OFCCP may review its compliance with this Agreement. As part of such review, OFCCP may require written reports, inspect the premises, interview witnesses, and examine and copy documents. IBG will permit access to its premises during normal business hours for these purposes and will provide OFCCP with all reports and documents requested.
3. IBG understands that nothing in this Agreement relieves IBG of its obligation to fully comply with the requirements of Executive Order 11246 ("E.O. 11246"), Section 503, VEVRAA, their implementing regulations, and other applicable equal employment laws.

- B. IBG may be subject to the sanctions set forth in 41 C.F.R. 60-741.66 and 41 C.F.R. 60-300.66 and/or other appropriate relief for violation of this Agreement.

PART III. SPECIFIC VIOLATIONS AND REMEDIES

1. VEVRAA – OUTREACH AND POSITIVE RECRUITMENT

- A. **STATEMENT OF VIOLATION:** During the period January 1, 2017 through June 30, 2018, IBG failed to undertake appropriate outreach and positive recruitment activities that were reasonably designed to effectively recruit protected veterans, document these activities, assess their effectiveness, and document its review, in violation of 41 CFR 60-300.44(f).
- B. **OFCCP SPECIFIC FINDINGS:** Specifically, during the review period, IBG's outreach and recruitment activities for protected veterans focused on submitting job postings to community-based organizations without recruitment services rather than recruitment sources that explicitly work with veterans and/or would communicate opportunities to veterans. IBG's assessment of its outreach and recruitment activities did not evaluate its effectiveness in identifying and recruiting candidates or provide evaluative criteria used.
- C. **REMEDY:** IBG will undertake appropriate external outreach and positive recruitment activities that are reasonably designed to effectively recruit protected veterans, such as those described at 41 CFR 60-300.44(f)(2). IBG 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). IBG will document all activities it undertakes to comply with this section, in accordance with 41 CFR 60-300.44(f)(4).

IBG will use the following sources as part of their overall efforts, such as entering into a formal, written relationship with the organizations to accomplish specified objectives like training, referring job applicants, or participating in job fairs targeting protected veterans:

(b) (7)(C)

Regional Veterans' Employer
Representative
State of Oregon Employment Department
Mid-Valley, Coast, and Southern Oregon
Counties
139 4th Avenue SE
Albany, OR 97321-2802

(b) (7)(C) @oregon.gov

(b) (7)(C)

(b) (7)(C)

Employment Coordinator
Vocational Rehabilitation & Employment
US Department of Veterans Affairs
VA Regional Office
100 SW Main, F12
Portland, OR 97204

(b) (7)(C) @va.gov

(b) (7)(C)

- C. **REMEDY:** IBG will 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 CFR 60-741.44(f)(2). IBG will annually review its outreach and recruitment activities, assess their effectiveness, and document this review, in accordance with 41 CFR 60-741.44(f)(3). IBG will document all activities it undertakes to comply with this section, in accordance with 41 CFR 60-741.44(f)(4).

IBG will use the following sources as part of their overall efforts, such as entering into a formal, written relationship with the organizations to accomplish specified objectives like training, referring job applicants, or participating in job fairs targeting qualified individuals with disabilities:

(b) (7)(C)

Workforce and Business Coordinator
Oregon Department of Human Services
Vocational Rehabilitation
500 Summer Street NE E87
Salem, Oregon 97301-1120

(b) (7)(C)@dhsoha.state.or.us

(b) (7)(C)

Business Relations Coordinator
Oregon Commission for the Blind
535 SE 12th Avenue
Portland, Oregon 97214-2408

(b) (7)(C)@cfb.state.or.us

4. SECTION 503 – AUDIT AND REPORTING SYSTEM

- A. **VIOLATION:** During the period of January 1, 2017 through June 30, 2018, IBG failed to design and implement an audit and reporting system that measured the effectiveness of its affirmative action program in accordance with the requirements of 41 CFR 60-741.44(h).
- B. **OFCCP SPECIFIC FINDINGS:** Specifically, during the review period, IBG failed to provide documentation demonstrating that IBG had designed and implemented an audit and reporting system that measured the effectiveness of its qualified individuals with disabilities affirmative action program in accordance with the requirements of 41 CFR 60-741.44(h).
- C. **REMEDY:** IBG will design and implement an auditing and reporting system that measures the effectiveness of its affirmative action program; indicates any need for remedial action; determines the degree to which its objectives have been attained; determines whether known qualified individuals with disabilities had the opportunity to participate in all company-sponsored educational, training and social activities; measures IBG's compliance with the affirmative action program's specific obligations; and documents the actions taken to comply with these obligations, as required by 41 CFR 60-741.44(h)(1). Where the affirmative action program is found to be deficient, IBG will undertake necessary action to bring the program into compliance as required by 41 CFR 60-741.44(h)(2).

PART V. SIGNATURES

This Conciliation Agreement is hereby executed by and between the OFCCP and Ingram Content Group on behalf of IBG Distribution Center (IBG) located at 201 Ingram Drive, Roseburg, OR 97470.

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

Robin Conrad
Director, Operations
IBG Distribution Center
201 Ingram Drive
Roseburg, OR 97470

DATE: 9-9-19

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

(b) (7)(C), (b) (7)(E)

Compliance Officer
Office of Federal Contract
Compliance Programs
Portland Area Office

DATE: 9/10/19

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

Brenda Terreault
Area Office Director
Office of Federal Contract
Compliance Programs
Portland Area Office

DATE: 9/10/19

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

Leigh Jones
District Director
Seattle and Portland Offices
Office of Federal Contract
Compliance Programs
Pacific Region

DATE: 9/20/19