

CONCILIATION AGREEMENT

Between

THE U. S. DEPARTMENT OF LABOR

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

and

TURNAROUND WELDING SERVICES, LLC

PART I. PRELIMINARY STATEMENT

The Office of Federal Contract Compliance Programs ("OFCCP") evaluated Turnaround Welding Services, LLC ("Turnaround") facility located at 13207 Airline Highway, Gonzales, Louisiana 70737 and found that Turnaround was not in compliance with the Executive Order 11246, as amended ("E.O. 11246") and the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 USC 4212 ("VEVRAA"), and their implementing regulations at 41 CFR Section(s) 60-1, 60-2, 60-3, 60-4 and 60-300. OFCCP notified Turnaround of the specific violations found and the corrective actions required in a Notice of Violations issued on September 10, 2019. In the interest of resolving the violations without engaging in further legal proceedings and in exchange for the good and valuable consideration described in this document, OFCCP and Turnaround enter this contract ("Conciliation Agreement" or "Agreement") and agree to all the terms stated below.

PART II. GENERAL TERMS AND CONDITIONS

1. In exchange for Turnaround's fulfillment of all obligations in Parts III and IV of the Agreement, OFCCP agrees not to institute administrative or judicial enforcement proceedings under E.O. 11246 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 violations described in Part III if Turnaround violates this Agreement. Nothing in this Agreement precludes OFCCP from initiating enforcement proceedings based on future compliance evaluations or complaint investigations.
2. Turnaround 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. Turnaround will permit access to its premises during normal business hours for these purposes and will provide OFCCP with all reports and documents requested.
3. Turnaround understands that nothing in this Agreement relieves Turnaround of its obligation to fully comply with the requirements of Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, 29 USC 793, the Vietnam Era Veterans' Readjustment

B. Turnaround may be subject to the sanctions set forth in Section 209 of the Executive Order, 41 CFR 60-741.66 and/or 41 CFR 60-300.66 and/or other appropriate relief for violation of this Agreement.

11. This Agreement does not constitute an admission by Turnaround of any violation of E.O. 11246, VEVRAA, or other laws, nor has there been an adjudicated finding that Turnaround violated any laws.

PART III. SPECIFIC VIOLATIONS AND CORRECTIVE ACTIONS

1. **VIOLATION:** Turnaround failed to implement an applicant tracking system for the period of August 1, 2017 through June 30, 2018 in accordance with the requirements of 41 CFR 60-1.12(a), (c). In addition, Turnaround failed to conduct the adverse impact analysis required by 41 CFR 60-3.4 and 60-3.15A.

REMEDY: Turnaround will ensure that its records are collected and maintained in accordance with the requirements of 41 CFR 60-1.12(a), (c) and Part 60-3. Turnaround will implement an applicant tracking system that accurately captures the race, gender and ethnicity of applicants and hires that will allow Turnaround to analyze the pool of applicants for nondiscrimination to monitor adverse impact in the selection process. Turnaround agrees to conduct adverse impact analyses in accordance with the requirements of 41 CFR 60-3.4C and 60-3.15A(2) for each group constituting more than 2% of the labor force in the relevant labor area or 2% of the applicable workforce and maintain records or other information for each group that accurately discloses the impact of its selection procedures. If adverse impact is identified in the total selection process, Turnaround agrees to evaluate each individual component of the selection process for adverse impact and maintain and have available records or other information showing which selection components have adverse impact. If adverse impact is found to exist in any of the individual components of the selection process, Turnaround agrees to validate each such component in accordance with the Uniform Guidelines on Employee Selection Procedures (see 41 CFR 60-3) or utilize selection procedures which do not result in adverse impact.

2. **VIOLATION:** During the period August 1, 2017 through July 31, 2018, Turnaround 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 CFR 60-300.5(a)2-6.

REMEDY: Turnaround will list all employment 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 Turnaround, as required by 41 CFR 60-300.5(a)2-6. With its initial listing, and as subsequently needed to update the information, Turnaround 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 CFR 60-300.5(a)4. Should any of the information in the

disclosures change since it was last reported to the ESDS, Turnaround shall provide updated information simultaneously with its next job listing.

PART IV. REPORTING:

Turnaround will submit various reports to OFCCP, and shall send each report described below to:

Rachel M. Woods
District Director
U.S. Department of Labor/OFCCP
600 S. Maestri Place, Room 805
New Orleans, LA 70130

A. Turnaround will submit two (2) semi-annual progress reports to OFCCP, the first report shall be due seven (7) months from the effective date of this Agreement and shall cover six (6) month period beginning with the District Office Director's signature. The subsequent report shall cover the successive six (6) month period, and shall be mailed thirty (30) calendar days after the close of that six (6) month period. Turnaround will submit the following in each progress report:

- 1) The total number of applicants and hires by applicable race, gender and ethnic group for all positions during the reporting period, including all temporary, part time, and seasonal workers who were referred to and/or assigned to work at Turnaround by a staffing firm or employment agency;
- 2) For all positions, the results of Turnaround's analysis as to whether its total selection process has adverse impact, as defined in 41 CFR 60-3.4D, on those members of groups set forth in 41 CFR 60-3.4B;
- 3) For each case where the total selection process has an adverse impact, as defined in 41 CFR 60-3.4D, the results of Turnaround's evaluation of the individual components of the selection process for adverse impact; and
- 4) The actions taken by Turnaround upon determining that any component of the selection process has an adverse impact on members of groups set forth in subparagraph 1 and/or 2, above.

With respect to the adverse impact analyses, for all progress reports except the first, Turnaround shall combine the data for the current report with the data from the previous report(s) to analyze at least a 12-month period. OFCCP may analyze a period longer than 12 months to determine if adverse impact exists.

B. Documentation demonstrating listing all employment openings with an appropriate employment delivery service system and documentation that Turnaround advised 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 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.

Turnaround will retain records pertinent to the violations resolved by this Conciliation Agreement and to the reports submitted under it, including the underlying information on which the reports are based, until the expiration date of the Conciliation Agreement or consistent with regulatory requirements, whichever is later.

Turnaround agrees not to repeat the above violations.

PART V: SIGNATURES:

This Conciliation Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and Turnaround Welding Services, LLC, 29371 S. Frost Road, Livingston, Louisiana 70754.

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

CLAY LEBLANC,
VICE PRESIDENT OPERATIONS
Turnaround Welding Services, LLC

Date: Sept. 25, 2019

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

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

Compliance Officer
New Orleans District Office

Date: 09/30/2019

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

RACHEL M. WOODS
District Director
New Orleans District Office

Date: 09/30/2019