

Conciliation Agreement
Between the
U.S. Department of Labor Office of Federal Contract Compliance Programs
And
ViON Corporation
196 Van Buren Street, Suite 400
Herndon, VA 20170

PART I: General Provisions

1. This Agreement is between the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), and ViON Corporation, 196 Van Buren Street, Suite 400, Herndon, VA 22209.
2. The violations identified in this Agreement were found during a compliance evaluation of ViON Corporation (ViON) which began on February 28, 2019, and were specified in a Notice of Violation that was issued on October 24, 2019. OFCCP alleges that ViON has violated Executive Order 11246, as amended; 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 ViON of any violation of Executive Order 11246, as amended; 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 ViON's AAP. Subject of the performance by ViON of all promises and representations contained herein and in its AAP, all named violations in regard to the compliance of ViON with all OFCCP programs will be deemed resolved. However, ViON 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. ViON 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 ViON's compliance. ViON shall permit access to its premises during normal business hours for these purposes.
6. Nothing herein is intended to relieve ViON 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. ViON 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.
9. If at any time in the future, OFCCP believes that ViON has violated any portion of this Agreement during the term of this Agreement, ViON 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 ViON 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 ViON 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 ViON to sanctions set forth in Section 209 of the Executive Order, 41 CFR 60-741.66, and/or other appropriate relief.

PART II: Specific Provisions

1. **VIOLATION:** During the period January 1, 2018, through December 31, 2018, ViON failed to develop and execute action-oriented programs designed to correct any problem areas identified pursuant to 41 CFR 60-2.17(b) and to attain established goals and objectives, as required by 41 CFR 60-2.17(c). Specifically, ViON failed to demonstrate that it made good faith efforts to remove identified barriers, expand employment opportunities, and produce measureable results for females in Job Group 1.2 – First/Mid Officials & Managers.

REMEDY: ViON will develop and execute action-oriented programs designed to correct any problem areas identified pursuant to 41 CFR 60-2.17(b) and to attain established goals and objectives, as required by 41 CFR 60-2.17(c). Specifically, ViON will make good faith efforts to remove identified barriers, expand employment opportunities, and produce measureable results for females in Job Group 1.2 – First/Mid Officials & Managers.

2. **VIOLATION:** During the period January 1, 2018, through December 31, 2018, ViON 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 CFR 60-741.44(f). Specifically, ViON failed to document its annual assessment of the totality of its outreach activities and failed to identify and implement alternative efforts to effectively recruit qualified individuals with disabilities after concluding that three out of its four individual outreach activities were ineffective.
3. **REMEDY:** ViON 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). ViON 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). ViON will document all activities it undertakes to comply with this section, in accordance with 41 CFR 60-741.44(f)(4).

Part III: Reporting

1. ViON 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. ViON agrees to furnish the OFCCP with two reports to Shanae Moody, Acting Assistant District Director, Arlington District Office, at (b) (6), (b) (7)(C)@dol.gov:

The first report will be due on July 30, 2020, and will cover the period of January 1, 2020, through June 30, 2020 and will include the following:

- a. For Violation 1: Information on ViON's affirmative action goals for females in job group 1.2 – First/Mid Officials & Managers effective January 1, 2020. This report should include:
 - i. Job group representation at the start of the AAP year (i.e., total incumbents, and total female incumbents);
 - ii. The percentage placement rates (percent goals) established for females at the start of the reporting period; and
 - iii. The actual number of placements (hires plus promotions) made during the reporting period into job group 1.2 – First/Mid Officials & Managers (i.e., total placements and total female placements). For goals not attained, describe the specific good faith efforts made for females to remove identified barriers, expand equal employment opportunity, and produce measurable results.
- b. For Violation 1: Copies of all responses or other related correspondence received from each of the organizations used during the reporting period to recruit qualified females in job group 1.2 – First/Mid Officials & Managers.
- c. For Violation 2: Documentation to verify that ViON 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 ViON's AAP that list: 1) Its outreach activities with supporting documentation; and 2) An assessment of the effectiveness of each activity. ViON 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.
- d. For Violation 2: Copies of all responses or other related correspondence received from each of the organizations used during the reporting period in efforts to recruit qualified individuals with disabilities.

The second report will be due on February 1, 2021, and will cover the period of July 1, 2020, through December 31, 2020, and will include the following:

- a. For Violation 1: Information on ViON's affirmative action goals for females in job group 1.2 – First/Mid Officials & Managers effective January 1, 2020. This report should include:
 - i. Job group representation at the start of the AAP year (i.e., total incumbents, and total female incumbents);
 - ii. The percentage placement rates (percent goals) established for females at the start of the reporting period; and
 - iii. The actual number of placements (hires plus promotions) made during the reporting period into job group 1.2 – First/Mid Officials & Managers (i.e., total placements and total female placements). For goals not attained, describe the specific good faith efforts made for females to remove identified barriers, expand equal employment opportunity, and produce measurable results.
 - b. For Violation 1: Copies of all responses or other related correspondence received from each of the organizations used during the reporting period to recruit qualified females in job group 1.2 – First/Mid Officials & Managers.
 - c. For Violation 2: Documentation to verify that ViON 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 ViON's AAP that list: 1) Its outreach activities with supporting documentation; 2) An assessment of the effectiveness of each activity; and 3) A copy of ViON's annual assessment of the totality of its outreach activities, as required by 41 C.F.R. § 60-741.44(f)(3). ViON 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.
 - d. For Violation 2: Copies of all responses or other related correspondence 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 ViON's final progress report.

PART IV: Signatures

This Conciliation Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and ViON Corporation, 196 Van Buren Street, Suite 400, Herndon, VA 20170.

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

Tom Frana
Chairman and Chief Executive Officer
ViON Corporation
196 Van Buren Street, Suite 400
Herndon, VA 20170

(b) (7)(C), (b) (7)(E)
Compliance Officer
Arlington District Office

DATE: (b) (6), (b) (7)(C)
10/28/2019

DATE: 10/29/2019

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

Shanae Moody
Acting Assistant District Director
Arlington District Office

DATE: 10/29/2019