

Conciliation Agreement  
Between the  
U.S. Department of Labor Office of Federal Contract Compliance Programs  
And  
Ventura Group Incorporated  
19775 Belmont Executive Plaza, Suite 200  
Ashburn, VA 20147

**PART I: General Provisions**

1. This Agreement is between the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), and Ventura Group Incorporated, 19775 Belmont Executive Plaza, Suite 200, Ashburn, VA 20147.
2. The violations identified in this Agreement were found during a compliance evaluation of Ventura Group Incorporated (Ventura) which began on February 12, 2019, and were specified in a Notice of Violation that was issued on November 25, 2019. OFCCP alleges that Ventura has violated 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 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 Ventura 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 Ventura's AAP. Subject of the performance by Ventura of all promises and representations contained herein and in its AAP, all named violations in regard to the compliance of Ventura with all OFCCP programs will be deemed resolved. However, Ventura 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. Ventura 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 Ventura compliance. Ventura shall permit access to its premises during normal business hours for these purposes.
6. Nothing herein is intended to relieve Ventura 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. Ventura 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 Ventura has violated any portion of this Agreement during the term of this Agreement, Ventura 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 Ventura 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 Ventura 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 Ventura to sanctions set forth in Section 209 of the Executive Order, 41 CFR 60-300.66, and/or 41 CFR 60-741.66 and/or other appropriate relief.

## **PART II: Specific Provisions**

1. **VIOLATION:** During the period January 1, 2018 through present, Ventura failed to maintain and/or have available records showing, where possible, the gender, race, and ethnicity of each applicant or Internet Applicant as defined in 41 CFR 60-1.3, as required by 41 CFR 60-1.12(c).

**REMEDY:** Ventura will maintain and/or have available records showing, where possible, the gender, race, and ethnicity of each applicant or Internet Applicant as defined in 41 CFR 60-1.3, as required by 41 CFR 60-1.12(c).

2. **VIOLATION:** During the period January 1, 2018 through present, Ventura failed to perform in-depth analyses of its total employment process to determine whether and where impediments to equal employment opportunity exist, as required by 41 CFR 60-2.17(b). Specifically, Ventura failed to evaluate its personnel activity (applicant flow, hires, terminations, promotions, and other personnel actions) to determine whether there were selection disparities and its selection, recruitment, referral, and other personnel procedures to determine whether they result in disparities in the employment or advancement of minorities or women.

**REMEDY:** Ventura will perform in-depth analyses of its total employment process to

determine whether and where impediments to equal employment opportunity exists, as required by 41 CFR 60-2.17(b). Specifically, Ventura will evaluate its personnel activity (applicant flow, hires, terminations, promotions, and other personnel actions) to determine whether there were selection disparities and its selection, recruitment, referral, and other personnel procedures to determine whether they result in disparities in the employment or advancement of minorities or women.

- 3. VIOLATION:** During the period January 1, 2018 through present, Ventura 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, Ventura 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 2-1 Professionals.

**REMEDY:** Ventura 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, Ventura will make good faith efforts to remove identified barriers, expand employment opportunities, and produce measureable results for females in Job Group 2-1 Professionals.

- 4. VIOLATION:** During the period January 1, 2018 through present, Ventura failed to develop and implement an internal audit and reporting system that periodically measures the effectiveness of its total affirmative action program, as required by 41 CFR 60-2.17(d). Specifically, Ventura failed to monitor its records of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the nondiscriminatory policy is carried out.

**REMEDY:** Ventura will develop and implement an internal audit and reporting system that periodically measures the effectiveness of its total affirmative action program, as required by 41 CFR 60-2.17(d). Specifically, Ventura will monitor its records of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the nondiscriminatory policy is carried out.

- 5. VIOLATION:** During the period January 1, 2018 through present, Ventura 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:** Ventura 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 Ventura, as required by 41 CFR 60-300.5(a)2-6. With its initial listing, and as subsequently needed to update the information, Ventura 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, Ventura shall provide updated information simultaneously with its next job listing.

6. **VIOLATION:** During the period January 1, 2018 through present, Ventura failed to invite applicants to inform it whether the applicant believes that he or she is a veteran protected by VEVRAA in violation of 41 CFR 60-300.42.

**REMEDY:** Ventura shall invite applicants to inform it whether the applicant believes that he or she is a veteran protected by VEVRAA, as required by 41 CFR 60-300.42. More specifically, Ventura shall invite applicants for employment, prior to an offer of employment, to voluntarily identify as a protected veteran. Additionally, Ventura shall invite applicants for employment, after an offer of employment but before applicants begin their job duties, to voluntarily inform it whether the applicant believes that he or she is a protected veteran. Ventura may invite the applicant to also indicate if he or she belongs to one or more of the specific categories of protected veterans, as defined by 41 CFR 60-300.2(q). All invitations to self-identify as a protected veteran will comply with the requirements of 41 CFR 60-300.42(c). Ventura will keep all self-identification information confidential and maintain it in a separate data analysis file, rather than in its personnel or medical files, in accordance with 41 CFR 60-300.42(e).

7. **VIOLATION:** During the period January 1, 2018 through present, Ventura 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). Specifically, Ventura admitted that it did not undertake outreach and recruitment activities that were reasonably designed to effectively recruit qualified protected veterans.

**REMEDY:** Ventura will undertake appropriate external outreach and positive recruitment activities that are reasonably designed to effectively recruit qualified protected veterans, such as those described at 41 CFR 60-300.44(f)(2). Ventura 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). Ventura will document all activities it undertakes to comply with this section, in accordance with 41 CFR 60-300.44(f)(4).

8. **VIOLATION:** Ventura's VEVRAA AAP failed to include all the required contents, as required by 41 CFR 60-300.44. Specifically, Ventura's AAP failed to include the audit and reporting system element described in 41 CFR 60-300.44(h).

**REMEDY:** Ventura will include the audit and reporting system element described in 41 CFR 60-300.44(h) in its VEVRAA AAP, as required by 41 CFR 60-300.44.

9. **VIOLATION:** During the period January 1, 2018 through present, Ventura failed to document and maintain the required data pertaining to applicants and hires, in violation of 41 CFR 60-300.44(k).

**REMEDY:** Ventura will document the following computations or comparisons pertaining to

applicants and hires, on an annual basis, and will maintain this data for three (3) years, as required by 41 CFR 60-300.44(k):

- The number of applicants who self-identified as protected veterans, or who are otherwise known to be protected veterans;
- The total number of job openings and total number of jobs filled;
- The total number of applicants for all jobs;
- The number of protected veteran applicants hired; and The total number of applicants hired.

**10. VIOLATION:** During the period January 1, 2018 through present, Ventura failed to invite its applicants for employment, prior to an offer of employment, to voluntarily self-identify as an individual with a disability, using the OMB-approved form for this purpose, in violation of 41 CFR 60-741.42(a).

**REMEDY:** Ventura shall invite each of its applicants for employment, prior to an offer of employment, to voluntarily inform it whether the applicant believes that he or she is an individual with a disability, as that term is defined in 41 CFR 60-741.2(g)(1)(i) or (ii). All invitations to self-identify will be made using the OMB-approved form for this purpose (available on the OFCCP website). Furthermore, Ventura will keep all self-identification information confidential and maintain it in a separate data analysis file, rather than in its personnel or medical files, in accordance with 41 CFR 60-741.42(e).

**11. VIOLATION:** During the period January 1, 2018 through present, Ventura 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, Ventura admitted that it did not undertake outreach and recruitment activities that were reasonably designed to effectively recruit qualified individuals with disabilities.

**REMEDY:** Ventura 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). Ventura 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). Ventura will document all activities it undertakes to comply with this section, in accordance with 41 CFR 60-741.44(f)(4).

**12. VIOLATION:** Ventura's Section 503 AAP failed to include all the required contents, as required by 41 CFR 60-741.44. Specifically, Ventura's AAP failed to include the audit and reporting system element described in 41 CFR 60-741.44(h).

**REMEDY:** Ventura will include the audit and reporting system element described in 41

CFR 60-741.44(h) in its Section 503 AAP, as required by 41 CFR 60-741.44.

**13. VIOLATION:** During the period January 1, 2018 through present, Ventura failed to document and maintain the required data pertaining to applicants and hires, in violation of 41 CFR 60-741.44(k).

**REMEDY:** Ventura will document the following computations or comparisons pertaining to applicants and hires, on an annual basis, and will maintain this data for three (3) years, as required by 41 CFR 60-741.44(k):

- The number of applicants who self-identified as individuals with disabilities, or who are otherwise known to be individuals with disabilities;
- The total number of job openings and total number of jobs filled;
- The total number of applicants for all jobs;
- The number of applicants with disabilities hired; and
- The total number of applicants hired.

### **Part III: Reporting**

1. Ventura 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. Ventura agrees to furnish the OFCCP, Shanae Moody, Acting Assistant District Director, Arlington District Office at **Ex (7)(C)** @dol.gov with the following four (4) reports:

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

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

The third report will be due on July 30, 2021, and will cover the period of January 1, 2021, through June 30, 2021.

The fourth report will be due on January 31, 2022, and will cover the period of July 1, 2021, through December 31, 2021.

Each report will include the following:

- a. For violation 1: Ventura's applicant flow log in, Microsoft Excel format, to include the applicant's name or applicant identification number, gender, race and/or ethnicity, method of application (e.g. hard copy application/resume, online, fax, etc), date of application, position applied for by job group and job title, whether the applicant was interviewed, final disposition of the applicant, including the reason for non-selection, hire date, if applicable, and job title hired into, if applicable.
- b. For violation 2: Documentation of the results of Ventura's in-depth analyses of its total employment process to determine whether and where impediments to equal employment opportunity exist. At a minimum, this documentation will include:
  - i. Ventura's evaluation of its personnel activity (applicant flow and hires) to determine whether there are selection disparities, including all impact ratio analyses; and
  - ii. Ventura's evaluation of its selection, recruitment, referral, and other personnel procedures to determine whether they result in disparities in the employment or advancement of minorities or women, including all impact ratio analyses by step in the selection process.
- c. For violation 3: Information on Ventura's affirmative action goals for females in job group 2-1 Professionals 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 2-1 Professionals (i.e., total placements and total female placements).
- d. For violation 3: 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.
- e. For violation 4: Ventura's report on its internal audit and reporting system that measures the success of the effectiveness of its affirmative action program for women and minorities. The report will include the following:
  - i. The schedule of the internal reporting as to the degree to which equal employment opportunity and organizational objectives are attained;
  - ii. The schedule, or dates, the report results were reviewed with all levels of management;

- iii. The schedule, or dates, top management was advised of the program effectiveness;
  - iv. The recommendations to improve unsatisfactory performance, if applicable.
- f. For violation 5: 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 Ventura; 2) In the first report, documentation that Ventura advised the appropriate ESDS, with its initial listing, that it is a federal contractor that desires priority referral of protected veterans for job openings at all locations within the state; and 3) In the first report, documentation to confirm that, in its initial listing, Ventura provided the ESDS with the name and address of each of its hiring locations within the state, and the contact information for the Ventura 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 reported to the ESDS, Ventura shall provide updated information simultaneously with its next job listing.
- g. For Violation 5: Copies of all responses received from each employment service delivery system (ESDS) used during the report period.
- h. For violation 6: Documentation to demonstrate that Ventura invited applicants for employment, prior to an offer of employment, to voluntarily identify as a protected veteran, and/or to indicate if he or she belongs to one or more of the specific categories of protected veterans, as defined by 41 CFR 60-300.2(q), including a copy or screen capture of its voluntary self-identification form.
- i. For violation 7: Documentation to verify that Ventura 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 Ventura'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 Ventura's annual assessment of the totality of its outreach activities, when applicable, as required by 41 CFR 60-300.44(f)(3). Ventura should note that 41 CFR 60-300.44(f) lists examples of several resources that may aid contractors in effectively recruiting and employing qualified protected veterans.
- j. For violation 7: Copies of all responses or other related correspondence received from each of the organizations used during the reporting period in efforts to recruit qualified protected veterans.
- k. For violation 8: A description of Ventura's audit and reporting system, effective January 1, 2020, designed to measure the effectiveness of its VEVRAA affirmative action program, including the documented actions taken to comply with the obligations of paragraphs (h)(1)(i) through (v) of this 41 CFR 60-300.44(h).



- l. For violation 9: Documentation of the following computations or comparisons pertaining to applicants and hires, as required by 41 CFR 60-300.44(k):
  - i. The number of applicants who self-identified as protected veterans, or who are otherwise known to be protected veterans;
  - ii. The total number of job openings and total number of jobs filled;
  - iii. The total number of applicants for all jobs;
  - iv. The number of protected veteran applicants hired; and
  - v. The total number of applicants hired.
- m. For violation 10: Documentation to demonstrate that Ventura invited applicants for employment, prior to an offer of employment, to voluntarily inform it whether the applicant believes that he or she is an individual with a disability, as that term is defined in 41 CFR 60-741.2(g)(1)(i) or (ii), using the OMB-approved form for this purpose. Ventura will also submit a copy or screen capture of its voluntary self-identification form.
- n. For violation 11: Documentation to verify that Ventura 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 Ventura'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 Ventura's annual assessment of the totality of its outreach activities, when applicable, as required by 41 CFR 60-741.44(f)(3). Ventura should note that 41 CFR 60-741.44(f) lists examples of several resources that may aid contractors in effectively recruiting and employing qualified individuals with disabilities.
- o. For violation 11: Copies of all responses or other related correspondence received from each of the organizations used during the reporting period in efforts to recruit qualified protected individuals with disabilities.
- p. For violation 12: A description of Ventura's audit and reporting system, effective January 1, 2020, designed to measure the effectiveness of its Section 503 affirmative action program, including the documented actions taken to comply with the obligations of paragraphs (h)(1)(i) through (v) of this 41 CFR 60-741.44(h).
- q. For violation 13: Documentation of the following computations or comparisons pertaining to applicants and hires, as required by 41 CFR 60-741.44(k):
  - i. The number of applicants who self-identified as individuals with disabilities, or who are otherwise known to be individuals with disabilities;
  - ii. The total number of job openings and total number of jobs filled;

- iii. The total number of applicants for all jobs;
  - iv. The number of individuals with disabilities hired; and
  - v. The total number of applicants hired.
3. This Conciliation Agreement shall remain in effect until the review and acceptance by OFCCP of Ventura's final progress report.

**PART IV: Signatures**

This Conciliation Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and Ventura Group Incorporated, 19775 Belmont Executive Plaza, Suite 200, Ashburn, VA 20147.

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

Michael Sierra  
President & Chief Executive Officer  
Ventura Group Incorporated  
Ashburn, VA

DATE: 26 Nov 2019

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

**(b) (6), (b) (7)(E)**  
Compliance Officer  
Arlington District Office  
Mid-Atlantic Region

DATE: 12/05/2019

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

Shanae Moody  
Acting Assistant District Director  
Arlington District Office  
Mid-Atlantic Region

DATE: 12/5/2019