

Conciliation Agreement
Between the
U.S. Department of Labor Office of Federal Contract Compliance Programs
And
Syplicity Corporation
1560 Wilson Boulevard, Suite 900
Rosslyn, VA 22209

PART I: General Provisions

1. This Agreement is between the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), and Syplicity Corporation, 1560 Wilson Boulevard, Suite 900, Rosslyn, VA 22209.
2. The violations identified in this Agreement were found during a compliance evaluation of Syplicity Corporation (Syplicity) which began on March 21, 2019, and were specified in a Notice of Violation that was issued on December 3, 2019. OFCCP alleges that Syplicity 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 Syplicity 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. In exchange for Syplicity's fulfillment of all its obligations in this Agreement, OFCCP will not institute administrative or judicial enforcement 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) based on the violations alleged in the NOV. However, OFCCP retains the right to initiate legal proceedings to enforce this Agreement if Syplicity violates any provision of this Agreement, as set forth in paragraph 9, below. Nothing in this Agreement precludes OFCCP from initiating enforcement proceedings based on future compliance evaluations or complaint investigations.
5. Syplicity 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 Syplicity's compliance. Syplicity shall permit access to its premises during normal business hours for these purposes.
6. Nothing herein is intended to relieve Syplicity 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. Symplicity 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 Symplicity has violated any portion of this Agreement during the term of this Agreement, Symplicity 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 Symplicity 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 Symplicity 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 Symplicity to sanctions set forth in as applicable, 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 May 1, 2017, through April 30, 2018, Symplicity failed to preserve its documentation of good faith effort for the immediately preceding AAP year, as required by 41 CFR 60-1.12(b).

REMEDY: Symplicity will preserve its AAP and documentation of good faith effort for the immediately preceding AAP year, as required by 41 CFR 60-1.12(b).

2. **VIOLATION:** During the period May 1, 2017, through October 31, 2018, Symplicity 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: On November 1, 2018, Symplicity began listing its employment openings with either the state workforce agency job bank or a local employment service delivery system. Symplicity will continue to 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 Symplicity, as required by 41 CFR 60-300.5(a)2-6. With its initial listing, and as subsequently needed to update the information, Symplicity 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, Symplicity shall provide updated information simultaneously with its next job listing.

- 3. VIOLATION:** During the period May 1, 2017 through October 31, 2018, Symplicity failed to document all activities it undertook to comply with its external outreach and recruitment efforts; and to maintain those documents for a period of three (3) years, in accordance with 41 CFR 60-300.44(f)(4).

REMEDY: On November 1, 2018, Symplicity began documenting all activities it undertook to comply with its external outreach and recruitment efforts. Symplicity will continue to document all activities it undertakes to comply with its external outreach and recruitment efforts; and to maintain those documents for a period of three (3) years, in accordance with 41 CFR 60-300.44(f)(4).

- 4. VIOLATION:** During the period May 1, 2017 through October 31, 2018, Symplicity failed to document all activities it undertook to comply with its external outreach and recruitment efforts; and to maintain those documents for a period of three (3) years, in accordance with 41 CFR 60-741.44(f)(4).

REMEDY: On November 1, 2018, Symplicity began documenting all activities it undertook to comply with its external outreach and recruitment efforts. Symplicity will continue to document all activities it undertakes to comply with its external outreach and recruitment efforts; and to maintain those documents for a period of three (3) years, in accordance with 41 CFR 60-741.44(f)(4).

Part III: Reporting

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

The first report will be due on June 1, 2020, and will cover the period of November 1, 2019 through April 30, 2020. This report will include:

- a. For Violation 1: Information on Symplicity's affirmative action goals effective May 1, 2019. This report will include:
 - i. Job group representation at the start of the AAP year (i.e., total incumbents, total minority incumbents, and total female incumbents);
 - ii. The percentage placement rates (percent goals) established for minorities and women at the start of the AAP year; and
 - iii. The actual number of placements (hires plus promotions) made during the AAP year into each job group with goals (i.e., total placements, total minority placements, and total female placements).
 - iv. For goals not attained, describe the specific good faith efforts made to remove identified barriers, expand equal employment opportunity, and produce measurable results.
- b. For Violation 1: For the job groups where placement goals were not met, copies of all responses or other related correspondence received from each of the organizations used during the reporting period in efforts to achieve the goal set for minorities and women.
- c. For Violation 2: A list of all employment openings that occurred; a) documentation to confirm these openings were listed with the appropriate 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 Symplicity; b) in the first report, documentation that Symplicity 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, Symplicity provided the ESDS with the name and address of each of its hiring locations within the state, and the contact information for the Symplicity 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, Symplicity shall provide updated information simultaneously with its next job listing.
- d. For Violation 2: Copies of all responses received from each employment service delivery system used during the report period.

- e. For Violation 3: Documentation to verify that Symplicity 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 Symplicity's AAP that list: 1) Its outreach activities with supporting documentation; and 2) An assessment of the effectiveness of each activity as required by 41 C.F.R. § 60-300.44(f)(3). Symplicity should note that 41 C.F.R. § 60-300.44(f) lists examples of several resources that may aid contractors in effectively recruiting and employing qualified individuals with disabilities.
- f. For Violation 3: 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.
- g. For Violation 4: Documentation to verify that Symplicity 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 Symplicity's AAP that list: 1) Its outreach activities with supporting documentation; and 2) An assessment of the effectiveness of each activity as required by 41 C.F.R. § 60-741.44(f)(3). Symplicity 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.
- h. For Violation 4: 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 May 31, 2021, and will cover the period of May 1, 2020, through April 30, 2021. This report will include:

- a. For Violation 1: Information on Symplicity's affirmative action goals effective May 1, 2020. This report will include:
 - i. Job group representation at the start of the AAP year (i.e., total incumbents, total minority incumbents, and total female incumbents);
 - ii. The percentage placement rates (percent goals) established for minorities and women at the start of the AAP year; and
 - iii. The actual number of placements (hires plus promotions) made during the AAP year into each job group with goals (i.e., total placements, total minority placements, and total female placements).

- iv. For goals not attained, describe the specific good faith efforts made to remove identified barriers, expand equal employment opportunity, and produce measurable results.
- b. For Violation 1: For the job groups where placement goals were not met, copies of all responses or other related correspondence received from each of the organizations used during the reporting period in efforts to achieve the goal set for minorities and women.
- c. For Violation 2: A list of all employment openings that occurred; a) documentation to confirm these openings were listed with the appropriate 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 Symplicity. 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, Symplicity shall provide updated information simultaneously with its next job listing.
- d. For Violation 2: Copies of all responses received from each employment service delivery system used during the report period.
- e. For Violation 3: Documentation to verify that Symplicity 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 Symplicity'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 Symplicity's annual assessment of the totality of its outreach activities, as required by 41 CFR 60-300.44(f)(3). Symplicity should note that 41 CFR 60-300.44(f) lists examples of several resources that may aid contractors in effectively recruiting and employing qualified individuals with disabilities.
- f. For Violation 3: 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.
- g. For Violation 4: Documentation to verify that Symplicity 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 Symplicity'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 Symplicity's annual assessment of the totality of its outreach activities, as required by 41 CFR 60-741.44(f)(3). Symplicity 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.

PART IV: Signatures

This Conciliation Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and Symplicity Corporation, 1560 Wilson Boulevard, Suite 900, Rosslyn, VA 22209.

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

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

Matthew Small
Chief Executive Officer
Symplicity Corporation
1560 Wilson Boulevard, Suite 900
Rosslyn, VA 22209

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

DATE: 12/9/18

DATE: 1/7/2020