

CONCILIATION AGREEMENT

Between

THE U. S. DEPARTMENT OF LABOR
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

and

AVNET TX
6700 WEST MORELOS PLACE
CHANLDER, ARIZONA 85226

PART I. PRELIMINARY STATEMENT

The Office of Federal Contract Compliance Programs ("OFCCP") evaluated Avnet TX's ("Avnet") facility located at 6700 West Morelos Place, Chandler, Arizona and found that Avnet is not in compliance with Section 503 of the Rehabilitation Act of 1973, as amended ("Section 503"), and its implementing regulations at 41 C.F.R. Section 60-741. OFCCP notified Avnet of the specific violations found and the corrective actions required in a Notice of Violation issued on December 19, 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 Avnet 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 Avnet'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 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 Avnet violates this Agreement. Nothing in this Agreement precludes OFCCP from initiating enforcement proceedings based on future compliance evaluations or complaint investigations.
2. Avnet 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. Avnet will permit access to its premises during normal business hours for these purposes and will provide OFCCP with all reports and documents requested.
3. Avnet understands that nothing in this Agreement relieves Avnet of its obligation to fully comply with the requirements of Executive Order 11246, as amended ("E.O. 11246"), Section 503, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 ("VEVRAA"), their implementing regulations, and other applicable equal employment laws.

4. Avnet promises not to harass, intimidate, threaten, discriminate, or otherwise retaliate against any individual because the individual: benefits from this Agreement, files a complaint or participates in any investigation or proceeding under E.O. 11246, Section 503, and/or VEVRAA, or engages in any activity listed at 41 C.F.R. § 60-1.32(a).
5. The parties understand the terms of this Agreement and enter into it voluntarily.
6. This document and its attachments contain the complete and final understanding of the parties with respect to the matters referenced herein. This Agreement contains all terms by which the parties are bound and it supersedes all prior written or oral negotiations and agreements. There will be no modifications or amendments to this Agreement unless they are in writing, signed by all parties.
7. If one or more provisions of this Agreement are rendered unlawful or unenforceable, the remaining provisions will remain in full force and effect.
8. This Agreement becomes effective on the day it is signed by the District Director of the Phoenix District Office (the "Effective Date").
9. This Agreement will expire sixty (60) days after Avnet submits the final progress report required in Part IV (D), below, unless OFCCP notifies Avnet in writing prior to the expiration date that Avnet has not fulfilled all of its obligations under the Agreement, in which case the Agreement is automatically extended until the date that OFCCP determines Avnet has met all of its obligations under the Agreement.
10. If Avnet violates this Conciliation Agreement,
 - A. The procedures set forth at 41 C.F.R. § 60-1.34, 60-300.63, and 60-741-63 will govern:
 - 1) If OFCCP believes that Avnet violated any term of the Agreement while it was in effect, OFCCP will send Avnet a written notice stating the alleged violations and summarizing any supporting evidence.
 - 2) Avnet will have 15 days from receipt of such notice to demonstrate in writing that it has not violated the Conciliation Agreement, unless such a delay would result in irreparable injury to the employment rights of affected employees or applicants.
 - 3) If Avnet is unable to demonstrate that it has not violated the Agreement, or if OFCCP alleges irreparable injury, enforcement proceedings may be initiated immediately without issuing a show cause notice or proceeding through any other requirement.

4) OFCCP may seek enforcement of this Agreement itself and is not required to present proof of any underlying violations resolved by this Agreement.

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

PART III. SPECIFIC VIOLATIONS AND REMEDIES

VIOLATION: During the July 1, 2017 through May 1, 2019 review period, Avnet failed to review its outreach and recruitment efforts to evaluate their effectiveness in identifying and recruiting qualified individuals with disabilities, as described in 41 C.F.R. 741.44(f)(3). Specifically, Avnet did not review its outreach and recruitment efforts and was subsequently unable to make a determination of the effectiveness of its efforts.

REMEDY: Avnet will review its outreach and recruitment efforts, on an annual basis, to evaluate its effectiveness in identifying and recruiting qualified individuals with disabilities, as described in 41 C.F.R. 741.44(f)(3). Avnet will document each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and the contractor's conclusion as to whether each effort was effective. Avnet will also implement alternative efforts pursuant to 41 C.F.R. 741.44(f)(1) and 741.44(f)(2) to fulfill its obligations where Avnet concludes that its efforts were not effective.

Avnet agrees this violation will not be repeated.

PART IV: REPORTING

Avnet agrees to retain records pertinent to the violations resolved by this Agreement and submit two progress reports to: U.S. Department of Labor, Office of Federal Contract Compliance Programs, Phoenix District Office, 230 North 1st Avenue, Suite 503, Phoenix, Arizona 85003. The reporting period and due date for the progress report is outlined below:

<u>REPORT</u>	<u>REPORTING PERIOD</u>	<u>DUE DATE</u>
First	Effective Date – June 30, 2020	July 31, 2020
Second	July 1, 2021 – June 30, 2021	July 31, 2021

Each progress report shall contain the following:

1. A list of outreach and recruiting sources Avnet utilized during the review period.
2. The number of qualified individuals with disabilities generated from each source.

3. Documentation of Avnet's evaluation of each outreach effort, including the criteria it used to evaluate the effectiveness of each effort and Avnet's conclusion as to whether each effort was effective.
4. A list of alternative efforts Avnet implemented where outreach and recruitment efforts were not effective.

PART V: SIGNATURES

This Conciliation Agreement is hereby executed by and between the Office of Federal Contract Compliance Programs and Avnet TX, 6700 West Morelos Place, Chandler, Arizona.

DATE: January 7, 2020

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

WILLIAM AMELIO
CEO
Avnet

DATE: 1/13/2020

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

(b) (6), (b) (7)(E)
Compliance Officer
Office of Federal Contract
Compliance Programs
Phoenix District Office

DATE: 1/13/2020

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

MARVIN R. JORDAN
Director
Office of Federal Contract
Compliance Programs
Phoenix District Office