

Gerstco Releases New Comprehensive AAP Software

Includes Integrated Census Job Title Mapping and Census 2000 Data

August 6, 2004 – Cupertino, California. Gerstco Inc. announced the release today of AAPBase® 2005, the most comprehensive desktop software available for generating Affirmative Action Plans (AAPs) on the market. "We have developed a robust tool that follows the natural AAP development process and offers everything EEO AAP professionals need to generate compliant AAPs as well as to manage compliance which is also important," said Sylvia Gerst the President of Gerstco.

Built on a Microsoft FoxPro platform, AAPBase 2005 is highly scalable & flexible making it suitable for companies ranging from small, single AAP sites, to large, multi-site, multi-state firms. AAPBase can maintain several years of historical data for companies with over a million employees.

The core of AAPBase has been commercially available and marketed since 1993 as JOBase Professional Suite and has a track record for compliancy and reliability.

AAPBase® 2005 features include AAP Compliance Reporting, a Wizard for AAP Development, Compensation Analysis, Applicant Monitoring, Census Job Title Mapping, integrated Census 2000 data for labor force analysis, and audit tools. AAPBase 2005 can also generate more than 200 reports such as the Workforce Analysis, Job Group Analysis, Two-Factor Availability, Incumbency to Availability Analyses, AAP Goals Reports, Impact Ratio Analysis, Job Area Acceptance Range Analysis, Annotation Reports and an electronic version of the AAP, called the eAAP.

The eAAP is a fully indexed and searchable exact copy of the Hard Copy AAP in PDF form and is an easy, fast and secure way to submit the AAP to the government, transmit to Managers at other sites and store for historical record keeping.

Automatically Calculate Census 2000 Labor Force Headcounts

External availability factors are calculated using Gerstco's integrated census tool called CENSBase®. To obtain the most accurate calculations, company job titles need to first be mapped to the occupations used in the 2000 Census. This quick process uses the Census Job Title Mapper in AAPBase. Once mapping is completed and recruiting areas are indicated, labor force headcounts are calculated in four simple steps using the entire Census 2000 Special EEO File, the primary benchmark for comparing racial, ethnic, & gender composition of a Federal Contractor's workforce. The results feed directly into the availability form with no manual entry required. CENSBase can also be used as a stand-alone tool.

New Software Video Demonstrations Available at www.gerstco.com

Gerstco announces new video demonstrations are now available on their public web site, www.gerstco.com. The video demonstrations are very short at less than 6 minutes each and don't require any special software to view. Web site visitors can choose to watch an overview presentation, the AAP Guide Wizard presentation, reports presentation or the CENSBase presentation. Many downloadable files are also available on the web site including an 8-page brochure, a list of reports and samples of many reports including the eAAP.

Calendar of Upcoming Events

August 10-11	National ILG Conference & Exhibit (NILG) St. Louis, Missouri
August 31, 2004	EEOCC Breakfast Meeting: 2005 AAP Requirements, San Jose, California
September 13-14, 2004	Northern California Human Resources Association (NCHRA) Annual Conference & Trade Show Oakland, California
October 14-15, 2004	Strategic Implementation of Your Company's Affirmative Action Program San Jose, California
November 30, 2004	EEOCC Breakfast Meeting San Jose, California

Gerstco's New Customer Connection is Online!

In April 2004, Gerstco launched a *Customer Connection* extranet, to provide new online services for EEO AAP professionals. "A steady stream of customers have been registering to either access new information that has been added to the Forum, ask a consultant a question, or send us their data for preparing Affirmative Action Plans," reports April Pruitt, Executive Administrator at Gerstco, who manages the Customer Connection subscription service.

The extranet Forum posts a wide variety of topical EEO AAP information about best practices, compliance strategies and other policy and practical issues.

Customer Connection subscribers are notified via email whenever documents have been added. The Forum also provides a place online for professionals to post questions, receive answers and discuss their issues, confidentially.

Another great extranet service available is the ability to exchange documents securely and quickly. Any data sent to Gerstco's extranet is automatically encrypted using Verisign technology. The Document Exchange feature can be used to send data to Gerstco and receive electronic AAPs and other reports or software upgrades sent by the company. "We just uploaded our documents for our AAP Report and we can't believe how easy it was," wrote one satisfied user.

Subscriptions to the Customer Connection are FREE to Gerstco customers and \$49.95 for other EEO AAP professionals. Visit www.gerstco.com to subscribe online or learn more about this unique EEO AAP online resource.

Documents Recently Added to the Forum

New Documents	Find it in this Forum Category
OFCCP Contractor Data Tracking Responsibility	Applicant
JOBbase 4.5 Bulletin	Software
Notice on OFCCP's Use of Census 2000 Special EEO File for Determining Reasonableness of Availability	Other
Analysis of EEOC Data by Women's Group Finds Jump in Minority Claims Over Decade and the "Women at Work: Looking Behind the Numbers" Report by the National Partnership for Women & Families	Other

Next EEOCC Breakfast Features 2005 AAP Requirements

EEOCC Breakfast meetings are designed to provide a general forum environment where the topics range from AAP compliance and enforcement to regulatory focus and government practices of the Department of Labor's OFCCP. Join us Tuesday, August 31, 2004 for the next EEOCC Meeting featuring 2005 AAP requirements.

Get Ready for 2005 AAP Requirements!

- Use of 2000 Census Data
- New Race Designations
- Applicant Update

2004 EEO-1 & VETS100 Reporting Requirements

National ILG Conference Update

- OFCCP Asst. Secretary Update
- EEOC Chair Update
- New Compliance Developments

Internal AAP Audit Criteria - General Forum

Your chance to ask questions of Gerstco's Staff and network with other EEO Professionals in areas of: AAP recordkeeping, analysis, implementation, and compliance.

For more information or to register for this event, visit www.gerstco.com

Strategic Implementation of your Company's Affirmative Action Program

Join us for a 2-day Workshop, October 14 & 15, 2004 San Jose, California

About the Workshop

The focus of this two-day workshop is developing proactive approaches to putting the Affirmative Action Plan into effect within the organization. Participants will work on formulating strategies for building internal partnerships to support a strong affirmative action policy and producing a highly effective affirmative action program. The program covers the legal basis for the affirmative action requirements, the analysis of the AAP components, a review of OFCCP enforcement policy and new initiatives, development and implementation of an action plan, and internal self-monitoring of the plan.

Workshop Objectives

This unique workshop is designed to . . .

- Provide proven approaches to implementing federal contractor Affirmative Action Programs
- Understand, identify & build business partnerships that can support a strong EEO policy & effective Affirmative Action Program efforts, and
- Develop Company expertise needed to articulate a strategic business focus and rationale for highly effective Affirmative Action Program performance.

Agenda

- The legal Framework – EEO & Affirmative Action Programs
- Affirmative Action Plan Narratives
- Statistical Elements of the AAP
- Applicants for Employment, and Other Recordkeeping & Data Collection Requirements
- OFCCP's 2004 Compliance Strategy
- Top Compliance Issues
- Implementation of the Affirmative Action Program
- AAP Implementing Responsibilities
- Effective Communication of the Affirmative Action Program
- Internal Auditing of the Affirmative Action Program
- Compensation Analysis – A Focus of the OFCCP
- OFCCP's Compliance Evaluation Program

For information or to register visit our website at . . .

www.gerstco.com

Vets-100 Filing Due September 30, 2004

The Department of Labor's Veterans' Employment and Training Service (VETS) collects and compiles VETS-100 report information from Federal contractors and subcontractors annually who receive Federal contracts of \$25,000 or more. This year, as in the past, the filing deadline for 2004 reporting is September 30th. ***This is not voluntary and is required by Title 38, US Code, Section 4212(d) and PL 105-339.*** The following pertains to 2004 filings:

Who must file

All Federal contractors/subcontractors with contracts of \$25,000 or more annually are required to file a VETS-100 report. Contracts cover supplies, services, or real or personal property, for example. Services include and are not limited to: utilities, construction, transportation, research, insurance, and fund depository, *regardless of whether the government is the purchaser or seller.* The existence of \$25,000 or more in Federal contracts or subcontracts during one calendar year establishes the requirement to file the VETS-100 report the following calendar year. VETS-100 2004 reporting website: <http://vets100.cudenver.edu>.

Filing Options:

- 1. Direct entry of information on the VETS-100 website.** This method is appropriate for single establishments and for organizations that submit a small number of forms. Tips to assist web filers can be found at <http://vets100.cudenver.edu>.
- 2. Electronic file submission (diskette).** This is for organizations that submit large numbers of computer-generated forms and those that previously submitted via electronic files. Revised regulations require organizations submitting computer output for 10 or more locations to submit them in the form of an electronic file, rather than hard copy printouts.
- 3. VETS-100 hard copy form submission.** Contractors may receive a hard copy VETS-100 form, or a copy of the form can be obtained from the VETS-100 web site at <http://vets100.cudenver.edu/vetsform.pdf>.

(continued)

VETS-100 Requirements

- Several pending Department of Labor changes to the VETS-100 form have not materialized in terms of adding new reporting requirements for 2004. Therefore, contractors will use the existing (2003) VETS-100 form to submit information on employees and new hires veteran status this year.
- Federal contractors must also include information on a company contact person, including the individual's telephone number and email address to facilitate communication with the VETS-100 Reporting office.
- Additionally, information on 'Newly Separated Veterans' is still optional for 2004 reporting and remains in effect as "... any veteran during the one-year period beginning on the date of such veterans' discharge or release from active duty."

How to submit VETS-100 Forms:

- (a) Single establishment employers must file one completed form.
- (b) Multi-establishment employers must file:
 - i. One form covering the Headquarters office
 - ii. A separate form for each hiring location employing 50 or more individuals; and either,
 1. a separate form for each hiring location with fewer than 50 employees; or
 2. consolidated reports covering hiring locations within one State that all have fewer than 50 employees. Each State consolidated report must list the name and address of the locations covered.

Consolidated reports, such as those required by EEO-1 reporting are not required for VETS-100 reporting. All VETS-100 Reports must be received no later than September 30, 2004.

Annual Government Filing Due September 30, 2004 (EEO-1 Forms)

The U.S. Equal Employment Opportunity Commission (EEOC) is in the process of mailing EEO-1 forms and instructions to private employers at this time for 2004 reporting. This federal Agency is responsible for collecting workforce demographics by race, gender, and ethnic group from private sector employers with 100 or more employees. ***The filing deadline for 2004 EEO-1 forms is September 30, 2004. This is not a voluntary survey, but one required by the Civil Rights Act of 1964.*** Companies who receive forms must respond to the survey by using EEOC's web-based system, or other options, below.

2004 Reporting Requirements: There are no new reporting requirements for EEO-1 reporting this year, even though some changes were proposed in 2003 concerning new standards for classifying employees with regard to their race and ethnicity, and revising EEO-1 Categories. **Accordingly, the current EEO-1 form will be used for 2004.**

Who must file?

(Note: The Employer Information EEO-1 Survey is conducted annually under the authority of Public Law 88-352 and Title VII of the Civil Rights Act of 1964, as amended.)

A) All private sector employers with 100, or more employees: (1) subject to Title VII of the Civil Rights Act of 1964, or (2) have fewer than 100 employees, are subject to Title VII, if the company is owned or affiliated with another company, or there is centralized ownership, control or management, and the entire enterprise employs a total of 100, or more employees, or: B) All federal contractors with 50 or more employees that are prime or first-tier subcontractors and have a contract, subcontract, or Purchase Order amounting to \$50,000, or more, or serve as a depository of Government funds and are not exempt under 41CFR 60-1.5(2). Data for reporting on employee race, ethnic group and gender must be from any Third Quarter pay period (July 1, 2004 to September 30, 2004).

No reports are required for establishments in Puerto Rico, the Virgin Islands, or other American Protectorates. Each year there are changes to EEO -1 submission procedures. The following pertains to 2004 filings:

Filing Methods

Again this year, there are four (4) filing options available:

1. EEOC's web-based filing method (preferred);
2. Filing computer print outs (a Special Reporting Procedure);
3. Using magnetic media; or
4. Filing hard copy forms.

1. Preferred 2004 Filing – EEOC's Web-Based Method

EEOC's prefers its' web-based process which will open August 1, 2004. These are the benefits of this method:

1. no special software is needed – the online form is totally web-based;
2. up to 10 years of EEO-1 data is available for your establishments;
3. data is pre-filled from the previous year to speed up data entry; and
4. privacy is ensured using secure encryption.

Online filing requires a password to login. Passwords will be sent by mail to companies during the last week in July. Please ensure that your company's EEO-1 contact is notified to expect this information. Employment data must include ALL full-time and part-time employees who were employed during the selected payroll period. All reports for a company should be sent in one package to the address in the Survey mail out information.

Questions may be addressed to:

EEO-1 Joint Reporting Committee
P.O. Box 19100, Washington, D.C. 20036-9100
Phone: 1-866-286-6440, Fax: 202-663-7185
TTY: 202-663-7184, Email Customer Service:

e1.techassistance@eeoc.gov

To request an Extension: Submit an email to the address below before September 30, 2004. Include: Company name, number, address, and contact information of the individual responsible for EEO-1 reporting.

e1.extensions@eeoc.gov.

2. Computer Printouts

EEO-1s submitted in computer printout form are a Special Reporting Procedure (SRP). The company MUST have written approval from The Joint Reporting Committee prior to using this format. This format is strictly optional. A letter requesting permission to use this SRP, with an attached test printout in the specific format must be submitted for review and written verification of acceptability, to the following address:

The EEO-1 Coordinator
PRINTSRP
EEO-1 Joint Reporting Committee
P.O. Box 19100
Washington, DC 20036-9100
Telephones: 1-866-286-6440 / 202-663-7184 (TTY)
Fax: 202-663-7185

Basic requirements for single establishments are found at www.eeoc.gov/eeo1survey/compfiling-single.html.

Multi-establishment requirements can be found at: <http://www.eeoc.gov/eeo1survey/compfiling-multi.html>.

3. Magnetic Media Filing Option

This submission, like Computer Printouts, is an EEO-1 Alternate Reporting Format, where a company *must comply* with all EEOC requirements. Employers who use this method must submit a CD or diskette, which has been formatted according to specifications. The CD/Diskette must contain data records for the entire company, including the Headquarters Report and Consolidated Report. **Cartridges and computer tapes may not be submitted.**

Detailed Specifications can be found at the following address:

www.eeoc.gov/eeo1survey/magmedia.html

4. Filing EEO-1 Forms on Hard Copy or Interactive Diskettes:

If employers do not have access to the web, or choose not to use EEOC's online reporting, contact The Joint Reporting Committee at: 1-866-286-6440 (toll-free), or e1.techassistance@eeoc.gov, to request EEO-1 forms.

Answers to EEO-1 Filing Questions Often Asked by Employers

1. *Q. How can I confirm my company's Password and Company Number?*

A. If you cannot locate the 'Company Name and Address' sheet that included your Company Number and Password, please contact the EEO-1 Joint Reporting Committee at 1-866-286-6440 (Toll Free), 202-663-7184 (TTY), 202-663-7185 (Fax), or email: e1.techassistance@eeoc.gov.

2. *Q. Who is required to file the EEO-1 report?*

A. (1) All employers with 100 or more employees; or
(2) All federal government contractors and first-tier subcontractors with 50 or more employees **and** a contract amounting to \$50,000 or more.

3. *Q. What is the distribution for EEO-1 report copies?*

A. If you file online, there is no need to send anything to us. If you request paper forms, mail the signed, original report to the EEO-1 Joint Reporting Committee. Retain a copy of the EEO-1 report for your files.

4. *Q. What is a company's EEO-1 identification number?*

A. The number printed on 'Company Name and Address' sheet or the EEO-1 form as CO=XXXXXXX is the unique identification number assigned to your company. The number indicated in a company's database located in the *EEO-1 Online Filing System* or printed on an EEO-1 form as U=XXXXXXX is the unique identification number for a company establishment. The Unit Number never changes for an establishment. Company Number and Unit Number are used together to identify an establishment within a company.

5. *Q. My company merged with another entity. How should I complete the EEO-1 report?*

A. Please contact the EEO-1 Joint Reporting Committee and provide the name and address of the new parent company.

6. *Q. Does the EEO-1 report require data about job applicants?*

A. No. The EEO-1 report only requires employment data by race/ethnic, gender and job categories.

7. *Q. For the paper EEO-1 form, computer printouts and EEO-1 data file, what general quick check can be made for accuracy of reported employment?*

A. **Single-establishment companies** - The sum on Line 10, Column A, Section D - Employment Data, **must** equal the sum of Line 10 for Columns B-K.

Multi-establishment companies - The total sums indicated on the Headquarters Report, Establishment Report(s), and/or Establishment List (locations employing fewer than 50 employees) **must** equal the employment sums indicated on the Consolidated Report or EEOC Form 352B.

8. *Q. Are first-level supervisors, i.e. supervisors of typing pools, maintenance crews, etc., classified as 'Officials and Managers'?*

A. No. First level supervisors, as described above, must be classified along with those employees under their supervision.

9. *Q. How can I obtain EEOC-approved specifications for EEO-1 alternate reporting formats, i.e., computer printouts, data file; a sample copy of the EEO-1 form, instructions, and the "EEO-1 Job Classification Guide"?*

A. You may print each of the above named documents from the following website: <http://www.eeoc.gov/eeo1survey/>.

10. *Q. May I use employment data from any payroll period during the current survey year?*

A. No. Employment data must be used from one (1) payroll period during the third quarter (July, August or September) of the current survey year.

Employer Comments on Definition of 'Applicant' Pondered by Federal Agencies

Earlier this year, the Equal Employment Opportunity Commission (EEOC) and the US Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) both issued proposed regulations regarding the definition of the term 'applicant'. The proposals were an attempt by the agencies to provide guidance to employers on the

meaning of the term 'applicant' in the context of the use of the Internet and related technologies in the employment recruitment and selection processes.

EEOC's proposed regulations were published in the *Federal Register* on March 4, and public comment on them was due on May 3, 2004. The proposal offers a 3-prong test for determining whether an individual is an applicant, and, therefore, when the employer's record-keeping obligations would apply. Under the proposal, an individual would be considered an applicant in an Internet recruiting environment when: (1) the employer has acted to fill a particular position; (2) the individual has followed the employer's standard procedures for submitting applications; and, (3) the individual has indicated an interest in the particular position. The proposed regulations were written as a series of questions and answers (Q&A) meant to provide further clarification of the existing regulatory requirements contained in the Uniform Guidelines on Employee Selection Procedures (Guidelines) on the definition of an applicant (Q&A #15), and the employer's recordkeeping obligations regarding applicant race and sex data (Q&A #88). Thus, the EEOC proposal seeks to merely clarify the meaning of the existing regulatory requirements in the context of Internet recruiting.

The OFCCP proposed regulations were published on March 29, and the public comment period on them closed on May 28, 2004. The agency's proposal contains four criteria to be used in determining whether an individual is an applicant. An Internet applicant is defined as any individual who: (1) submits an expression of interest in employment through the Internet or related electronic data technologies; (2) the employer considers for employment in a particular open position; (3) possesses the advertised, basic qualifications for the position; and, (4) does not indicate that he or she is no longer interested in employment in the position for which the employer considered the individual.

The four criteria are different from, but not necessarily inconsistent with, those offered in EEOC's proposal. OFCCP sees its proposed regulations as a "conforming regulation" - a refinement of the EEOC proposal, providing more specific interpretive guidance tailored to meet the agency's needs in carrying out its enforcement responsibilities.

In addition to the four criteria for determining who is an applicant, OFCCP's proposal would amend its current recordkeeping regulations. OFCCP's record retention requirements (41 CFR §60-1.12) would be amended to include "on-line resumes or resume databases" as the types of records contractors would be required to maintain for at least two years. Also, the section of the record retention regulations requiring contractors to identify the race and gender of employees and applicants would be amended to include "Internet Applicants" as persons for whom contractors must identify race and gender.

During the past several years the use of the Internet as a recruitment tool and resource has proliferated among many, particularly large, multi-site, companies. In carrying out its enforcement responsibilities, OFCCP found that employer recordkeeping practices in an electronic recruitment and selection environment varied greatly. In many compliance evaluations, the issue of applicant tracking and recordkeeping became problematic, with OFCCP maintaining a broad definition of who was an applicant, and finding the companies to be out of compliance because their recordkeeping practices were not consistent with the agency's applicant definition.

Several employer groups have filed comments with both agencies regarding the proposed regulations, so the agencies are in a period of review of the comments. As the agencies attempt to provide a common definition of who is an applicant, the proposals raise questions about how the final regulations, whatever shape they take, would be applied. For example, since the proposals apply only to Internet recruiting, does it make sense for employers to have different applicant tracking and recordkeeping requirements for Internet and traditional non-Internet recruiting? Will the final regulations be applied retroactively in compliance evaluations? Do employers have an affirmative obligation at some point in the recruitment process to attempt to obtain race and sex data? From whom? By what method?

There is no set timetable for the agencies' review, and it is not certain whether the review will result in any revisions to the two proposed regulations. Additional information about these proposals will be provided as it becomes available.
