

OFCCP Publishes Second Round of Compliance Evaluation Notices

On March 10, 2008, the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) issued its second round of 5,000 notices to federal contractors that may receive Compliance Evaluations in FY2008. The Agency's first list of 2,500 notices was issued October 2007, bringing the total number of Compliance Evaluation scheduling letters to 7,500 in FY2008.

OFCCP generates its scheduling list through a Federal Contractor Selection System (FCSS) using various sources and analytical procedures, including a mathematical model that ranks contractors based on indicators of potential workplace discrimination. The scheduling list also includes a number of establishments identified through other external federal contract databases as part of OFCCP's *Contracts First Initiative*.

OFCCP has already mailed CSAL scheduling letters (Corporate Scheduling Announcement Letters) to Chief Executive Officers of companies with more than one establishment listed for review in this compliance cycle. The Agency acknowledges that for a variety of reasons, it is possible that establishments other than those identified in CSAL letters may be scheduled for Compliance Evaluations. When a specific establishment has been identified and scheduled, local OFCCP offices send a certified letter to the contractor's Chief Executive Officer, or his designate. Contractors have 30 days after receipt of their Scheduling Letter to submit an Affirmative Action Plan.

Table of Contents

OFCCP Publishes Second Round of Compliance Evaluation Notices	1
New Electronic Employment Verification System Required for Contractors	1
About E-Verify	1
Is Your Company Ready for a Compliance Evaluation?.....	2
Four Capabilities to Look for in an Applicant Tracking System ...	2
Internet Applicant Recordkeeping: Building a Compliant Applicant Tracking Process	3
New 41 CFR Part 60-250 Final Rule for VEVRAA (Vietnam Era Veterans' Readjustment Assistance Act)	4
Veterans Outreach Resources.....	4
Reminder! EEO-1 and VETS-100 Annual Government Filing Due September 30, 2008	4
Join us at the 2008 NILG Conference-Anaheim, Ca, July 29-August 1, 2008	6
Gerstco Goes Green.....	6
Gerstco AAP Workshops	7
OFCCP Produces Record Financial Remedies in FY07	7
Secure Your Company Confidential Information	7
Is Your Affirmative Action Program on Track?.....	8

New Electronic Employment Verification System Required for Contractors

In an effort to continue active enforcement of U.S. immigration laws, President Bush signed into law an amendment to Executive Order 12989, which, when implemented, will require that all government contractors electronically verify the legal work status of new employees and all employees working directly on government contracts. The system "E-Verify" will confirm the legal work status of individuals by matching Social Security Numbers and individuals names with information from various government databases. This Executive Order became effective the day it was signed by President Bush, June 9, 2008.

In response to Executive Order 12989, the Secretary of Homeland Security has deemed its "E-Verify" system as the software system of choice for federal contractors to ensure that the government only does business with employers who agree to verify the legality of all new employees and individuals who perform contract services for government agencies. More than 70,000 employers now use E-Verify on a voluntary basis and more than 4 million employment inquiries have already been processed in FY2008.

Federal departments and agencies within the executive branch of the U.S. government are now enrolling with E-Verify to check the legal work status of their employees. Government agencies, such as, the Department of Defense, NASA, and the Department of Labor, must implement Executive Order 12989 by issuing supporting regulations before contractors are required to use E-Verify. As with all new regulations, there will be a comment period for each agency's regulations.



About E-Verify

The E-Verify System is operated by U.S. Citizenship and Immigration Services in partnership with the Social Security Administration. This free internet-based system allows enrolled employers to determine if new hires and employees have presented valid Social Security numbers and names on I-9 Forms that match government database information.

The government is having success with E-Verify where it is used voluntarily. As marketed, E-Verify has approximately 70,000 employers enrolled with approximately 1,000 additional companies enrolling each week. Of those workers who are legal to work in the U.S., 99.5% are verified instantaneously. For legal workers who have mismatches in their data, the problems are generally resolved within two days.

For more information about E-Verify:
http://www.dhs.gov/xprevprot/programs/gc_1185221678150.shtm
or call the USCIS Verification Division at 1-888-464-4218.

To enroll your company in the E-Verify System:
<https://www.vis-dhs.com/EmployerRegistration>

Is Your Company Ready for a Compliance Evaluation?

OFCCP's Scheduling Letter includes an Itemized Listing of information that Federal contractors must submit for the Desk Audit phase of a Compliance Evaluation. Many of these items may already be included in your Affirmative Action Plan. When a Scheduling Letter is received six months after the AAP effective date, a mid year update is also required. The Itemized List also requests copies of EEO-1 reports for the prior three years, a collective bargaining agreement, if applicable, and workforce compensation information. In assessing your company's state of readiness for a Compliance Evaluation, the following are items to consider:

Employment Records and Recordkeeping - #1 Technical Violation!

OFCCP has reported that recordkeeping requirements are the number one violation during a Compliance Evaluation. Under 41 CFR 60-1.2, Federal Contractors must keep records on all employment activities (hires, promotions, terminations and applications) for two years. Currently, the biggest challenge is applicant recordkeeping. To support the recruiting process and handle the large volume of applicants that now occur because of internet recruiting, many companies must use automated applicant tracking systems (ATS). Since recruiting is the primary focus of any ATS, a contractor should ensure the ATS will support applicant recordkeeping requirements.

Good Faith Efforts

An essential element of Affirmative Action Plans is the articulation of Action-Oriented Programs that have the potential to eliminate identified problems in the AAP, and the establishment of procedures for monitoring problem areas to determine whether these actions are effective.

(Reference: Gerstco's January 2008 Newsletter Page 6.)

A typical component of an action-oriented program is the active recruitment efforts for women, minorities, veterans and people with disabilities. Gerstco has recently updated its list of local and national outreach organizations including Web addresses for all State job boards. Email us to request a copy.

Compensation Analysis

OFCCP's Scheduling Letter includes a request for a compensation summary at the Desk Audit stage of a compliance evaluation. Paragraph 11 of OFCCP's Itemized Listing requests that compensation data be submitted in summary format. Federal contractors may choose how compensation data is submitted and presented by conducting different types of analyses. These analysis include a Means or Median test, a Cohort analysis, a 'Trigger Point' analysis, or other statistical analysis, especially when pay differences may need further explanation.

Gerstco offers a full range of compensation analysis services. Contact us to discuss your needs.

To take advantage of any attorney-client or other legal privilege that may attach and protect the analyses from public disclosure, it is suggested that contractors seek the advice of counsel before conducting compensation analyses.

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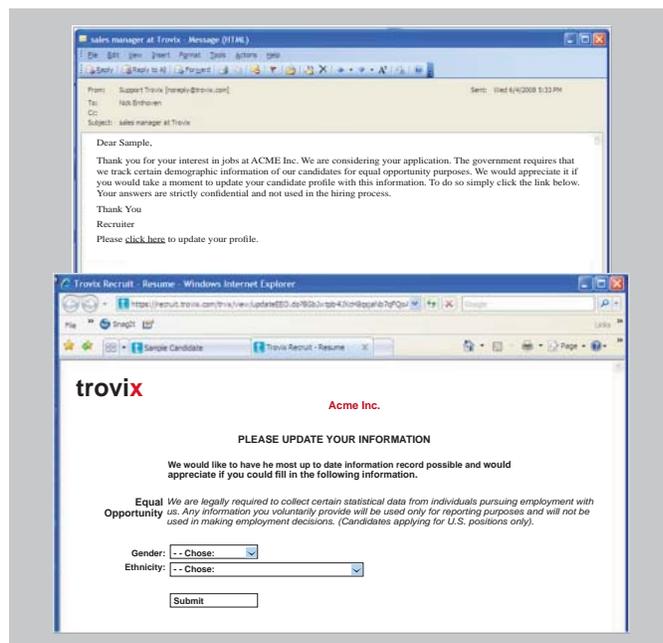
Four Capabilities to Look for in an Applicant Tracking System (ATS)

by Nick Enthoven, Director Product Management, Trovix

The primary purpose of an Applicant Tracking System (ATS) is to support a company's staffing process. Recently the ATS has evolved to be the tool Federal contractors use to meet Internet Applicant recordkeeping requirements. When selecting an ATS it is important to keep in mind four key capabilities that are needed for AAP recordkeeping compliance.

1. Race and Gender Solicitation and Data Collection

Make sure your ATS offers an automated solicitation of race and gender information at various points in the recruitment process including at the time an application is submitted. There should also be a capability to easily email a self ID solicitation to candidates that did not come through the online application process or failed to respond to the self ID question the first time they were asked.



2. Recordkeeping

For internal database searches, make sure your ATS can record each resume added to the database and the date it was added, the position for which each search was made and the substantive search criteria used in the search as well as the search date. The ATS should also record the disposition status for each candidate.

3. Configurable Reporting

In addition, the ATS should have easily configurable reporting and provide information on candidate data collected including race and gender information for each applicant and by various reporting criteria including positions, searches, data ranges and categories of dispositions.

4. Duplicate Candidate Detection

An important aspect of quality affirmative action reporting is sophisticated applicant duplicate detection. Candidates who apply to the same job five times need to be identified so they are not reported as five different applicants, as applicants may change their names (initials, first, middle, or maiden names) and other identifying information.

For more information about Trovix Applicant Tracking System, visit their website: www.trovix.com

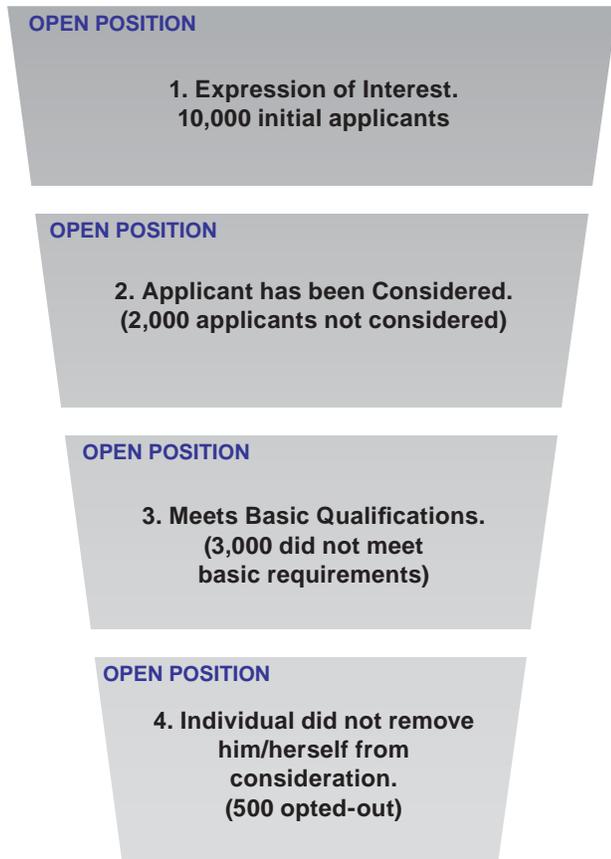
Internet Applicant Recordkeeping: Building a Compliant Applicant Tracking Process

While increased use of internet technologies has benefited the staffing process, the increased volume of applicants has become a major challenge for Federal contractors that must comply with Affirmative Action Internet Applicant requirements. Incorrectly identifying applicants may lead to inaccurate AAP analysis and results of the hiring process. OFCCP has reported that applicant data recordkeeping is still a leading cause of Compliance Evaluation violations.

What should a Contractor do?

For job seekers to be considered an “Internet Applicant,” they must meet OFCCP’s four-part definition, of which, all parts must be satisfied. A first step is to use the four-step criteria to develop procedures that can determine “true applicants” to be reported and analyzed in the Affirmative Action Plan. To support the four criteria, it is critical that applicant records include complete information on the “disposition” of applicants.

OFCCP’s Internet Applicant Internet Definition



Result: 4500 Internet Applicants Analyzed in the AAP

In the above example, a contractor received an expression of interest from 10,000 applicants. However, because of the large volume of applicants, the company was not able to review them all and chose to use a data management technique to reduce the number to be considered by 2,000. Of the remaining 8,000 applicants (10,000-2,000), another 3,000 applicants did not meet basic requirements and were removed, reducing the applicants to be analyzed down to 5,000. Finally, during the recruiting process, 500 applicants removed themselves from consideration. The total number of applicants that satisfied the above four-part criteria was reduced to 4,500.

Things to Consider

Expression of Interest – The contractor may define acceptable protocol for an applicant to express interest in a particular open position. Candidates that do not comply with established protocol may be removed from consideration. (Note: Actual practice must consistently and uniformly follow the protocol.)

Applicant has been Considered – Where there is a very high volume of applicants for a particular position, a contractor may use a data management technique, such as random sampling (every 5th applicant) or absolute numerical limits (first 100) to reduce the number of applicants considered. The sample must be appropriate in terms of the applicant pool at this stage.

Meets Basic Qualifications – The applicant’s expression of interest must indicate that he/she possesses the basic qualifications for the open position. Basic qualifications should be non-comparative, objective and relevant. In cases where the position is not advertised (e.g. external database searching), job requirements should be established in advance, and a record maintained.

Individual Did Not Remove Him/Herself from Consideration – If an applicant has expressed disinterest, failed to respond to an inquiry, or if statements made indicate an incompatible salary requirement, or preference as to position or type of work, or location of work that are different from the job requirements, the company may interpret that the individual has removed himself/herself from consideration.

What can federal contractors do to improve their applicant recordkeeping and analysis?

- ✓ Automate the self identification process. Consider multiple solicitations.
- ✓ Train Recruiters regarding internet applicant recordkeeping obligations.
- ✓ Audit applicant records before the end of the collection period to look for missing data such as ‘disposition’ and low race and gender designators.
- ✓ Choose an ATS that will support AAP requirements (see article on page 2, column 2)
- ✓ Analyze the applicant hire selection process quarterly, or semi-annually.

New 41 CFR Part 60-250 Final Rule For VEVRAA (Vietnam Era Veterans' Readjustment Assistance Act)

OFFCP has released its final rule which revises regulations in 41 CFR part 60-250 implementing the non-discrimination and affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) of 1974, as amended. The final rule revises the mandatory job listing provision to provide that listing employment openings with the state workforce agency job bank or with the local employment service delivery system where the opening occurs will satisfy the mandatory job listing requirement under Part 60-250 regulations.

Prior to July 2007, federal contractors and subcontractors satisfied mandatory job listing requirements by posting job openings on the America's Job Bank (AJB). Last year the US Department of Labor (DOL) discontinued funding for AJB.

Revised regulations in Part 60-250 apply to any federal contract or subcontract of at least \$25,000 entered into before December 1, 2003, or \$100,000 for contracts entered into or modified on, or after December 1, 2003.

How does a Company Meet the Mandatory Job Listing Requirement?

State Job Boards - Each state now has a public career web site where contractors and subcontractors can post open positions, for free, to meet the mandatory job listing requirement. Contractors should maintain records of these job postings for compliance support. *(Please contact Gerstco if you would like a list of State Job Board URL addresses.)*

Third Party Vendors - Although OFCCP has indicated they will not "approve" one company to be the only resource for meeting VEVRAA job listing requirements, many third party vendors have emerged to support Federal contractors with their requirements.

Direct Employers Association - This nonprofit consortium of leading U.S. corporations, in alliance with the National Association of State Workforce Agencies (NASWA), has developed a service called Job Central National Labor Exchange which automatically posts open positions to job boards reaching diversity clients, veterans, and organizations for OFCCP mandatory job listing requirements. Three different services are offered:

- **Free Service:**
Federal contractors can use the Job Central web portal to post jobs directly to State Workforce Career Sites. This is useful to small companies with few job postings, as one web address goes to all 50 State job boards. (To access this free portal go to:
<http://www.jobcentral.com/naswapost.asp>.)
- **\$25/Posting**
To use multiple delivery channels for one job posting, contractors may post jobs at a non-member rate of \$25/posting. To register for this service:
<http://www.jobcentral.com/emplogin.asp?bounce=post>
- **Full Membership**
For contractors with high volumes of employment and job postings, a fully automated posting and recordkeeping process is available with a full membership. Find out about full membership at:
<http://www.jobcentral.com/members.asp>.

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Veterans Outreach Resources

Federal Resources

- Department of Labor, Veteran's Employment and Training Service, www.dol.gov/vets
- Small Business Administration, www.sba.gov
- Department of Veterans Affairs, <http://www.va.gov>

National Organizations

- National Veterans Employment Assistance Service, www.vfw.org
- Non-Commissioned Officers Association (Job Fairs), www.ncoausa.org
- Vietnam Veterans Leadership Program, www.vlpwpa.org
- Disabled American Veterans, www.dav.org
- Vets Resource Network Association, <http://www.militaryusa.com>
- Veterans News and Information Service, <http://www.vnis.com>
- Veteran's Enterprise, <http://veteransenterprise.com>

State and Local Resources

- Web Page with links to all State Job Boards: http://www.careeronestop.org/JobSearch/COS_jobsites.aspx



Reminder! EEO-1 and VETS-100 Annual Government Filing Due September 30, 2008

EEO-1 Reporting

The U.S. Equal Employment Opportunity Commission (EEOC) conducts its annual 2008 EEO-1 Survey for private-sector employers from July 1 to September 30, 2008. This is not a voluntary survey and is required by the Civil Rights Act of 1964. Data collected is used for many purposes, including enforcement, self-assessment, and research. EEOC shares data it gathers with the Department of Labor's Office of Federal Contract Compliance Programs for use in selecting contractors for Compliance Evaluations under regulations for Affirmative Action Programs.

(continued on page five)

Who Must File EEO-1 Reports?

EEO-1 reports must be filed by: (a) employers with federal government contracts of \$50,000, or more and 50 or more employees; and (b) employers who do not have federal government contracts but have 100 employees or more.

Classifying Jobs by EEO-1 Categories

For 2008 reporting, EEOC has prepared a guide to serve as a cross reference between 2000 Census Job Codes and the revised ten (10) EEO-1 job categories which are Executive/Senior Level Officials and Managers, First/Mid Level Officials and Managers, Professionals, Technicians, Sales Workers, Administrative Support Workers, Craft Workers, Operatives, Laborers and Helpers, and Service Workers. This 43-page guide has been designed to assist employers in correctly classifying jobs according to Job Categories on the EEO-1 report. The guide may be downloaded from EEOC's website at, www.eeoc.gov (Job Classification Guide for the EEO-1 Survey Report Beginning in 2007).

EEO-1 Race Designations

The race/ethnic categories for EEO-1 reporting are:

- **Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- **White (not Hispanic or Latino)** - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- **Black or African American (not Hispanic or Latino)** - A person having origins in any of the Black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander (not Hispanic or Latino)** - A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Asian (not Hispanic or Latino)** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **American Indian or Alaskan Native (not Hispanic or Latino)** - A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- **Two or More Races (not Hispanic or Latino)** - All persons who identify with more than one of the above five races (Black/African American, White, Native Hawaiian, Asian, American Indian).

Web Filing Encouraged!

EEOC strongly recommends that EEO-1 reports be submitted through its EEO-1 Online Filing System, or as an electronically transmitted data file. Hard copy (paper) forms will be generated on request only and in instances where Internet access is not available to an employer. Instructions on filing via the Internet are available on EEOC's website at www.eeoc.gov

For more information about Gerstco's EEO-1 and VETS-100 reporting services, please call us at 1-800-700-0937.

Veterans' Employment Reporting (VETS-100)

The Department of Labor's Veterans' Employment and Training Services will begin its VETS-100 Survey on July 1, 2008 for Federal contractors and subcontractors. This is a required annual government filing which is due September 30 each year for contractors with covered contracts under the 1974 Vietnam Era Veterans' Readjustment Assistance Act.

Who Should File?

The VETS-100 filing applies to all Federal contractors and subcontractors with Federal contracts of \$25,000, or more before 2003 and \$100,000 after 2003.

Veterans Categories To Be Reported in 2008

Vietnam Era Veterans: (a) A person who served more than 180 days of active military, navy, or air service, any part of which was during the period of August 5, 1964 through May 7, 1975, and who (1) was discharged or released with other than a dishonorable discharge, or (2) was discharged or released from active duty because of a service-connected disability if any part of his or her active duty was between August 5, 1964 and May 7, 1965; (b) a person who served more than 180 days of active military, navy, or air service, who served within the Republic of Vietnam, any part of which was during the period of February 28, 1961 through May 7, 1975, and who (1) was discharged or released with other than a dishonorable discharge, or (2) was discharged or released from active duty because of a service-connected disability if any part of his or her active duty was between February 28, 1961 and May 7, 1965.

Special Disabled Veteran: A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans Administration for a disability (1) rated at 30 percent or more, or (2) rated at 10 to 20 percent in the case of a veteran who has been determined under section 3106 of Title 38, U.S.C., to have a serious employment handicap or a person who was discharged or released from active duty because of a service-connected disability.

Other Protected Veterans: A veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.

Newly Separated Veterans: A veteran who served on active duty in the US military, ground, naval or air service during the one-year period beginning on the date of such veteran's discharge or release from active duty.

Failure to Submit a VETS-100 Report:

If a covered contractor fails to submit a VETS-100 report, two types of sanctions will be available to the VETS Agency: (1) Information on noncompliance which comes to the attention of the Department of Labor will be provided to the Office of Federal Contract Compliance Programs (OFCCP). This is the Federal agency within the Department of Labor responsible for compliance and enforcement of requirements for Federal contractors. OFCCP will generally attempt to negotiate an acceptable remedy to resolve this violation. In addition, (2) Federal legislation forbids Federal Contracting Officers from awarding or modifying Federal contracts unless current VETS-100 Reports have been submitted. (The Secretary of Labor maintains a database listing the VETS-100 Reports received from Federal contractors, which is available to Contracting Officers.)

(continued on page six)



Join us at the 2008 NILG Conference Anaheim, California July 29 – August 1, 2008

The Pacific Industry Liaison Group will host the 26th Annual National ILG Conference in Anaheim California on July 29 – August 1, 2008 at the Hyatt Regency Orange County, near Disneyland. While the conference organizers are expecting record attendance, there is still time to register on their web-site; www.pacificilg.org

The ILG is a partnership of employer representatives from companies that are Federal government contractors, the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP), and the Equal Employment Opportunity Commission (EEOC).

The annual ILG national conference provides an opportunity for representatives from industry and the federal govern-

ment enforcement agencies to come together to discuss issues of common interest in the equal employment opportunity arena. The theme of the conference this year is "Inclusion, Compliance, Convergence". The Conference Agenda is packed with presentations by EEO AAP experts and government officials on current topics such as OFCCP Compliance, Internet Applicants, Veteran Trends and Outreach, and Constructing Diversity Metrics.

Some of the highlights of the conference include:

- OFCCP Policy Updates - Charles E. James, Sr., Deputy Assistant Secretary, U.S. Dept. of Labor, OFCCP
- EEOC Policy updates - Naomi C. Earp, Chair, EEOC.
- Panel discussion - "Is Diversity Changing the Paradigm? The Capacity of U.S. Educational Systems to Build the Nation's Future Citizenry and Workforce." The panel of respected and noted leaders in the education community will delve into some converging and thought-provoking paradigms for 21st century corporations in discussing the intersection of ideas about the future of affirmative action and diversity in the workplace, building a competitive workforce that allows companies to compete in a global marketplace, and the role of U.S. educational systems in developing talent pipelines.

(continued from page five)

New Veterans Categories for 2009

Recently finalized regulations under the Jobs for Veterans' Act (JVA), will revise reporting requirements in 2009 by changing the categories of veterans on which to report ("VETS-100A"). Additionally, the threshold for contractor coverage under the Act will also change (\$100,000 for federal contracts entered into or modified after December 1, 2003). New reporting categories include: Disabled Veterans, Other Protected Veterans, Armed Forces Service Medal Veterans, and Recently Separated Veterans. Contractors should begin collecting 2009 Veterans' information as of October 1, 2008, using the above Categories.

Filing Electronically

Electronic filing for VETS-100 Reports is strongly encouraged. **REMINDER:**

New VETS URL : Vets100.vets.dol.gov

Please note that this URL is browser specific.

Set up instructions:

1. Open your web browser (com or link you use to access the internet, i.e., Internet Explorer).
2. Select Tools in the browser menu.
3. Select Internet Options
4. Click on the Advanced tab.
5. Scroll down to the Security section
6. Click the box that reads 'Use TLS 1.0'.
7. Click Apply, then OK
8. Go to vets100.vets.dol.gov

For more assistance, contact the VETS-100 helpdesk at (301) 306-6752 or by email at helpdesk@vets100.com

Gerstco Goes Green



Gerstco is taking actions to conserve natural resources and reduce waste wherever possible. To that end, we have implemented a number of initiatives.

AAPs in Electronic Copy (eAAP)

Many companies have the need to send Affirmative Action Plan information (all or part of an AAP) to other locations and offices, retrieve AAP data in a timely way during Audits, and store/archive previous year AAP information. To meet this need and at the same time reduce the materials used during the delivery of AAPs in hard copy, we created the first 'electronic' Affirmative Action Plan (eAAP), which replicates a hard copy Plan. This "eAAP" Affirmative Action Plan is now used by 96% of all our clients, and can be delivered and stored on a CD or transmitted over our secure website which reduces resource consumption even more!

AAP Orientation Meeting Via Web Conference

Gerstco strives to meet with each client annually when the AAP is completed to discuss results and formulate pro-active plans. Ideally we like to meet with our clients face to face but because HR teams are now dispersed over wide geographies, it has become more practical to conduct the review meetings via web conferences. This meeting option allows us to work green and still conduct effective AAP reviews. Approximately 50% of our clients currently request the web Conference meeting option.

AAP Software Training Via Web Conference

While AAP Software training is offered in person at the company site or at Gerstco, more than 90% of our software clients have selected training via web conference. It has proven to be a convenient, effective and efficient educational environment while being very eco friendly.

Gerstco AAP Workshops

Are you new to Affirmative Action and want to learn about new EEO AAP requirements? Consider attending Gerstco's workshop: "Practical Approaches to Strategic Implementation of Your Company's Affirmative Action Program." This intensive two-day program covers the legal basis for affirmative action requirements, an analysis of AAP components, a review of OFCCP enforcement policy, and strategies for formulating new initiatives for AAP program development and implementation. To allow ample time for questions and answers and small group work, registration is restricted to ten participants per session. Past participants consistently found this program to be an excellent learning and sharing opportunity.

Workshop

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

Registration is now open for workshops on:

September 11 & 12, 2008

December 4 & 5, 2008

To register for a workshop visit our website, www.gerstco.com, or call us at 1-800-700-0937 ext. 201.

"The information provided was above and beyond what I expected. The instructor offered great practical experiences and insight."

Other training needs?

If you have other EEO AAP training needs such as recruiter or manager training, we offer short courses in person, via web conferencing or in-house sessions.



Secure Your Company Confidential Information

During the AAP development process, clients must transmit workforce and activity data files to Gerstco. While sending an e-mail with file Attachments is quick and convenient, it may not provide adequate data Security. We suggest choosing a method that offers more protection during data transmission such as:

1. Direct courier of files to Gerstco facilities
2. Express Mail of files to Gerstco facilities
3. Public Key Encrypted files sent as email attachments
4. Retrieval of files by Gerstco from a secure FTP server at Client's facility.
5. Gerstco's secure extranet file server (recommended)

Data security on the Gerstco Extranet is maintained during transmission through Verisign 128-bit SSL technology. Using the Gerstco Extranet also allows clients to securely receive AAP reports and completed AAPs.

OFCCP Produces Record Financial Remedies in FY 07

The U.S. Department of Labor has announced that OFCCP enforcement efforts in Fiscal Year 2007, resulted in a record \$51,680,950 in Back Pay awards and annualized salary and benefits for a record 22,251 American workers who may have been subject to unlawful employment discrimination. A majority of enforcement was in systemic discrimination areas.

DOL has reported that, due to a more effective and efficient process, OFCCP was able to screen a record number of contractor establishments for indicators of potential discrimination.

Fiscal Year	Financial Remedies Obtained	Workers Recompensed by OFCCP Agreement	Compliance Evaluation
2007	\$51,680,950	22,251	4,923
2006	\$51,525,235	15,273	3,975
2005	\$45,156,462	14,761	2,730
2004	\$34,479,294	9,615	6,529
2003	\$26,220,356	14,361	4,698
2002	\$23,975,000	8,969	4,135
2001	\$28,975,000	9,093	4,716
Change from 2001 to 2007	78%	245%	4%



Is Your Affirmative Action Program on Track?

Use the check list below to identify the Affirmative Action Program development and implementation activities that your company has completed this year and the items that are yet to be done.

AAP Development and Implementation Activities Check List

AAP Development

- Establish effective date (beginning of AAP year) for AAP(s)
 - Gather current workforce data needed to develop/update AAP(s)
 - Gather data on applicants, hires, promotions, and terminations for the prior 12-month period
 - Gather information and documentation on affirmative action "good faith efforts"
 - Create AAP(s)
-
-

Problem Area Analysis, Resolution, and Action Plan Development

- Underutilization/Placement Rate Goals
 - Adverse Impact Analysis of Personnel Activities
 - Compensation Discrimination Analysis
 - Other Problem Areas
 - Develop plan to resolve problem areas, including identifying and contacting recruitment sources for women, minorities, individuals with disabilities, and veterans
-
-

AAP Action Plan Implementation

Communication

- Communicate to managers and recruitment staff AAP results, and implementation action plan and strategy

Process Development and Internal Auditing and Monitoring

- Establish/review recordkeeping process for recruitment/selection processes (including applicant tracking, and voluntary self-identification)
- Review job postings/job descriptions to ensure that the stated job requirements are job-related and objective
- Post Employee Notifications (Poster sources: www.laborlawposter.com; www.gneil.com)
- Notify vendors/suppliers/subcontractors of EEO/AAP obligations; "EEO Clause" should be contained in Purchase Orders and vendor and supplier contracts; EO tagline in employment advertising
- Conduct internal audit at mid-year of problem area resolution:
- Progress against AAP goals
- Adverse impact analysis of personnel activities
- Maintain records of outreach activities, including company philanthropy, for organizations for women, minorities, individuals with disabilities, and veterans
- Review company I-9 process to ensure accuracy; establish reminder procedure for individuals with expiring work permits or visas
- List all job openings with the local State Employment Service

Reporting

File annually required reports with the federal government by September 30th:

- EEO-1 Report
 - VETS-100 Report
-
-