

### **AAP Narrative:**

The portion of an Affirmative Action Plan where activities to meet AAP goals are identified and discussed. This is a written, as opposed to statistical, component of the AAP. There should be four main sections:

- Designation of Responsibility ⓘ for AAP Implementation
- Identification of Problem Areas ⓘ
- Action-oriented Programs ⓘ
- Overview of periodic internal audits ⓘ

The company's EEO Coordinator, i.e. the person responsible for plan completion is Identified within this section. It's important that the person designated as EEO Coordinator has the authority, resources, support of, and access to top management to ensure effective implementation of the Affirmative Action Plan. If the company's coordinator is not sufficiently senior, he/she may be unable to enforce the plan, resulting in audit problems.

### **AAP threshold:**

Organizations employing 50 or more individuals and covered contracts of \$50,000, or more, shall, within 120 days of commencement of a contract, prepare and maintain an affirmative action program at each establishment.

### **Action-oriented Programs:**

A narrative in the Affirmative Action Program that outlines actions designed to correct 'problem areas' identified in the AAP. ([41CFR60-2.17\(c\)](#)). Required element of an Affirmative Action Program.

### **Adverse Impact:**

A negative result of a comparison of selection rates in hires, promotions and other HR activities between protected and non-protected groups. A substantially different rate of selection is generally determined for any race, sex, or ethnic group less than four-fifths (4/5ths) or eighty percent (80%) of the selection rate for the group with the highest selection rate. This '4/5ths' or '80%' rule of thumb is not intended as a legal definition, but is used by government agencies as a practical means of keeping the focus on serious discrepancies.

### **Affirmative Action:**

The notion of "casting a wider net" to increase the representation of minorities and women in job group areas where affirmative action goals have been established.

Affirmative Action is also a generic term for many different types of positive actions undertaken by federal contractors to provide job opportunities for minorities, women, individuals with disabilities, and veterans.

### **Affirmative Action Program:**

A management tool designed to ensure equal employment opportunity. It contains a diagnostic component that includes a number of quantitative analyses designed to evaluate the composition of the workforce of a federal contractor. An affirmative action program is also a set of written, specific, results-oriented, procedures to which a contractor commits to apply every good faith effort ([41CFR60-2.1 Preamble, page 68025](#)).

### **Any Difference Rule:**

This rule states that underutilization exists if there is any difference between the availability of women or minorities, compared to their percentages in the employer's actual workforce.

**Applicant:**

The concept of an applicant is a person who has indicated an interest in being considered for hiring, promotion, or other employment opportunities. This interest may be expressed by completing an application form, or expressed orally, depending upon the employer practice. The precise definition of the term 'applicant' depends upon recruitment and selection procedures.

**Applicant flow statistics:**

Those records kept by an employer indicating the race, sex, source, and disposition of individuals who apply for employment. Required element of an Affirmative Action Program.

**Availability Analysis:**

An estimate of the number of qualified minorities and women available for employment in an AAP job group, expressed as a percentage of all qualified individuals available for employment. The purpose of determining "availability" is to establish a standard against which to measure the demographic composition of a contractor's workforce ([41CFR60-2.14](#)). Required element of an Affirmative Action Program.

**Binomial Distribution:**

The discrete probability distribution of the number of successes in a series of independent trials where all other outcomes have the same probability.

**Compliance Manual:**

A set of published procedures for internal use by the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) or other agency, designed to provide operating instructions to agency personnel.

**Compliance Officer (CO):**

An individual employed by the OFCCP to enforce affirmative action regulations for federal contractors.

**Compliance Check:**

A brief visit and review of a contractor's efforts to maintain consistent records for affirmative action program reporting. Items reviewed by Compliance Officers include: (1) results under the prior year's affirmative action program; (2) examples of job advertisements, including listings with state employment services; and (3) examples of accommodations made for persons with disabilities.

**Compliance Evaluation:**

A full-blown review of a contractor's workforce demographics and personnel practices to determine if it maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, or national origin.

The Evaluation may consist of any one or a combination of the following procedures:

- desk audit
- An on-site review
- An off-site analysis

**Compliance Status:**

Each contractor's compliance with its affirmative action obligations is measured by the OFCCP compliance officer reviewing the nature and extent of its good faith affirmative activities and the appropriateness of those activities to any identified problem areas. Compliance with nondiscrimination obligations is determined by an analysis of statistical data and other information which indicates whether employees and applicants are being treated without regard to their race, color, religion, sex, or national origin ([41CFR60-2.35](#)).

**Corporate Management Compliance Evaluation:**

(CMR) A specialized OFCCP Compliance Evaluation, designed to determine whether there are artificial barriers to the advancement of minorities and/or women into mid-level and senior corporate management positions. The OFCCP may expand the compliance evaluation beyond the headquarters establishment with discretion if it believes problems exist outside the headquarters facility ([41CFR60-2.30](#)).

**Designation of Responsibility for the AAP:**

A narrative that identifies an official of the company who would be responsible for AAP program implementation. ([41CFR60-2.17\(a\)](#)). Required element of an Affirmative Action Plan.

**Desk Audit:**

Also referred to as an "off-site review ". This is an analysis and evaluation of the AAP (or any part) and supporting documentation and other documents related to a contractor's personnel policies and employment actions that may be relevant to determine whether it has complied with requirements and regulations under the Executive Order 11246.

**Direct threat:**

A significant risk of substantial harm to the health or safety of a specific individual or others that cannot be eliminated or reduced by reasonable accommodation, as determined by: (a) the duration of the risk; (b) the nature and severity of the potential harm; (c) the likelihood that the potential harm will occur; and (d) the imminence of the potential harm.

**Disabled individual:**

Any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having impairment.

**Disability exceptions:**

Generally, the terms individual with a disability and qualified individual with a disability do not include: (a) individuals currently engaging in the illegal use of drugs; (b) individuals whose current use of alcohol prevents them from performing the essential functions of a job; (c) individuals who have a currently contagious disease or infection, who would constitute a direct threat to the health or safety of themselves or others ([41CFR60-741.3](#)).

**Discrimination (employment):**

The act or practice of distinguishing between individuals, and making decisions based upon characteristics such as age, race, color, sex, national origin, disability, veteran status, etc., or any other immutable characteristic for purposes of employment and/or employment-related opportunities.

**Disparate Impact:**

Under Title VII of the Civil Rights Act of 1964: The effect of an otherwise neutral employment policy, practice, or procedure resulting in the non-selection or rejection of a group of individuals, i.e., minorities or women, at a higher rate than non-minorities or men.

### **Disparate Treatment:**

Under Title VII of the Civil Rights Act of 1964: Applying employment benefits, or conditions of employment, differently, and unequally, to individuals because of their race, color, religion, age, sex, national origin, disability, or veteran status.

### **EEO-1 Job Categories:**

Broad occupational groupings of job titles for the purpose of classifying job titles in a hierarchical manner. For purposes of the AAP, these ten broad groups are:

- Executive/Senior Level Officials and Managers
- First/Mid Level Officials & Managers
- Professionals
- Technicians
- Sales Workers
- Administrative Support Workers
- Craft Workers
- Operatives
- Laborers & Helpers
- Service Workers

### **EEO-1 Form:**

A required government survey conducted annually under the authority of Public Law 88-352, Title VII of the Civil Rights Act of 1964, for (1) all private employers subject to Title VII of the CRA of 1964 with 100 or more employees, excluding State and local governments, primary and secondary school systems, institutions of higher education, Indian tribes and tax-exempt private membership clubs, other than labor organizations; or (2) subject to Title VII with fewer than 100 employees if the company is owned or affiliated with another company, so that the group legally constitutes a single enterprise and the entire enterprise employs 100 or more employees. In addition, all federal contractors (private employers) who: (1) are not exempt under 41CFR 60-1.5, (2) have 50 or more employees, and (a) are prime contractors or first-tier subcontractors, with a contract, subcontract, or purchase order in the amount of \$50,000, or more; or (b) serve as a depository of Government funds in any amount; or (c) is a financial institution issuing and paying agent for U.S. Savings Bonds and Notes.

Establishments located in the District of Columbia and the 50 states are required to submit Standard Form 100.

### **Employees:**

For purposes of an Affirmative Action Program, this includes part-time, temporary and full time individuals who work for federal contractor. Generally, all "employees" of a federal contractor must be included in some Affirmative Action Program ([41CFR60-2.1](#)).

### **Equal Employment Opportunity:**

(EEO) Under the Civil Rights Act of 1964, Title VII, was enacted to eliminate all sources of racial discrimination in the U.S. and ensure equal employment opportunity in the workplace without regard to race, color, religion, sex, or national origin.

### **Equal opportunity clause:**

A clause which must be included in each contractor's Government contracts or subcontracts to be in compliance with the Affirmative Action Program for Individuals with Disabilities ([41CFR60-741.5](#)).

**Equal Opportunity Survey:**

Each year the OFCCP requests a substantial number of its non-construction contractors to prepare and file an Equal Opportunity Survey for one or more of its establishments. The Survey is a multi-page, multi-part form that provides the agency with compliance data early in the compliance evaluation process. The Survey includes information that allows a more accurate assessment of personnel activities, pay practices, and affirmative action performance. At a minimum, the EO Survey includes: applicants, hires, promotions, terminations, compensation, and tenure by race and gender. The EO Survey is a mandatory form that must be completed by contractors upon receipt of request ([41CFR60-2.18](#)).

**Equal Pay Act of 1963:**

A federal statute requiring employers to compensate men and women equally for performing jobs that substantially require the same responsibility, effort, and working conditions.

**Essential functions:**

The fundamental job duties of the position that a person with a disability holds, or desires. A job function can be considered essential for several reasons, including but not limited to the following: (a) the job exists to perform that function, (b) there are a limited number of employees available to perform the function, and (c) the function may be highly specialized.

**Establishment:**

The smallest operating entity for which records provide information, generally a single physical location, where business is conducted or services performed (i.e. office or physical location).

**Executive Order:**

An Order issued by the Chief Executive Officer of the United States, i.e., the President, directing the Executive Branch of the government to conduct its business in accordance with the terms set forth by the Order.

**Executive Order 11246:**

An Order first issued by President Lyndon B. Johnson in 1965, and supported by all subsequent sitting Presidents, placing the EEO clause into federal contracts, which in part, requires affirmative action as a condition of doing business with the Executive Branch of the Government.

**Exit Conference:**

A meeting following a Compliance Evaluation, between a contractor and a Compliance Officer from the OFCCP summarizing the Evaluation process and providing an opportunity for all parties involved to discuss the CO's findings, any alleged violations, and to reach agreement on the steps necessary to comply with the requirements of the contractor's affirmative action program obligations.

**Fair Labor Standards Act:**

(FLSA) The federal statute establishing minimum wage and overtime pay requirements for all U.S. workers.

**Federal Contractor:**

A organization or firm doing business in the United States, directly or indirectly, with the Executive branch of the Government, which employs 50 or more individuals, and (a) has a covered contract of \$50,000, or more; or (b) has government bills of lading in any 12-month period totaling \$50,000, or more; or (c) serves as a depository of Government funds in any amount; or (d) is a financial institution issuing and paying U.S. savings bonds and notes in any amount ([41CFR60-2.1](#)).

'New' federal contractors must develop AAPs within 120 days from the commencement of their contract ([41CFR60-2.1\(c\)](#)).

**Focused Review:**

An on-site review restricted to one or more areas in the contractor's organization or one or more aspects of the contractor's employment practices.

**Four Fifths Rule (80%):**

A 'rule of thumb' adopted by the OFCCP and other federal agencies under which they generally consider a selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5ths) or eighty percent (80%) of the selection rate for the group with the highest selection rate as a substantially different rate of selection. Required analysis of an Affirmative Action Plan.

**Front Pay:**

A monetary sanction or "remedy" to compensate a victim of employment discrimination. Front pay provides victims of employment discrimination with wages and benefits until a time in the future when a position becomes available for which they are qualified or when reinstatement would be inappropriate. A time limit on front pay can be established.

**Functional AAP:**

An AAP based on clearly distinct functional or business units within a corporate structure as opposed to an AAP based solely on physical location. A functional or business unit may have its own managing official; it may be listed separately on a company's organizational chart; and/or it may operate under separate cost centers. A functional or business unit may also have personnel transactional activities (e.g., applicant flow, hires, promotion, terminations, etc.) that are distinguishable from other parts of the company.

Use of Functional AAPs is subject to OFCCP approval (see [41 CFR 60-2.1\(d\)\(4\)](#)).

**Goals (Annual Placement Rate):**

In the Affirmative Action Program, placement goals are established as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work, and to measure progress toward achieving equal employment opportunity. The placement goal must, at least, represent the availability estimate derived for women or minorities, as appropriate, for a specific job group ([41CFR60-2.16](#)). Required component of an Affirmative Action Program.

**Impact Ratio Analysis (IRA):**

A comparative analysis in the AAP, performed by job group, for each selection process, for minorities, women, and each race and ethnic group that comprises at least 2% of the relevant labor force, as compared to men and non-minorities. The result of this analysis may indicate an 'adverse impact' for women and/or minorities (see 'Adverse Impact'). Required component of an Affirmative Action Program.

**Incumbency to Availability:**

A method by which a contractor compares the percentage of minorities and women in each job group with availability for those job groups. When the percentage of minorities or women employed is less than expected given their availability percentage in that job group, a placement goal is then established ([41CFR60-2.15](#)). Required component of an Affirmative Action Program.

**Internal Auditing of the AAP:**

A narrative in the AAP that describes a federal contractor's own auditing system used to measure AAP program effectiveness ([41CFR60-2.17\(d\)](#)). Required component of an Affirmative Action Program.

**Job Group:**

Any set of job titles with similar wage rates, content, and opportunities.

### **Job Group Analysis:**

A method of combining job titles within the contractor's facility using the criteria of similar content, wage rates, and opportunities. The job group analysis must be annotated to identify the affirmative action program in which the jobs are included, if there are jobs located at another establishment ([41CFR60-2.13](#)). Required component of an Affirmative Action Program.

### **Job Group Factors:**

Revised Regulations (December 2000) simplified the "eight-factor analysis" to two factors required for analysis:

- the percentage of minorities or women with the requisite skills in the reasonable recruitment area
- the percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization

### **Major life activities:**

Functions such as caring for oneself, performing manual tasks, walking, seeing, speaking, working, breathing, and learning.

### **Minorities (in the AAP):**

The following groups of individuals are considered "minorities" and must be included and covered under a federal contractor's Executive Order 11246 Affirmative Action Program: African Americans, Asians, Hispanics, Native Americans/Alaskan Natives, Native Hawaiians/Pacific Islanders, and females of all minority groups including Caucasians.

### **OFCCP:**

The Office of Federal Contract Compliance Programs (OFCCP) is the lead federal agency within the Employment Standards section of the Department of Labor that administers and enforces Executive Order 11246, affirmative action programs for Minorities and Females, The Rehabilitation Act of 1973, and the Vietnam Era Veterans Readjustment Assistance Act of 1974.

### **Off-site Review of Records:**

Also referred to as a "[Desk Audit](#)". This is an analysis and evaluation of the AAP (or any part) and supporting documentation and other documents related to a contractor's personnel policies and employment actions that may be relevant to determine whether it has complied with requirements and regulations under the Executive Order 11246.

### **Onsite Investigation:**

A phase in compliance or other enforcement investigation usually conducted by a Compliance Officer from the OFCCP, or the Equal Employment Opportunity Commission (EEOC), at the employer's facility, to view the work site premises, interview employees, and examine pertinent documents relevant to the complaint or other enforcement matter.

### **Organization Profile:**

A depiction of the workforce demographics within a contractor's affirmative action program used to show the representation of women or minorities by department or other organizational unit ([41CFR60-2.11](#)). Required component of an Affirmative Action Plan.

The contractor can use one of the following methods as its organizational profile:

**Organizational display:**

A detailed graphical, tabular chart, test, spreadsheet, or other presentation of the contractors' organizational structure, indicating: the name of the unit, the job title, gender, race, and ethnicity of the supervisor, total number of males and females, and the total number of male and female incumbents who are: Asians, Hispanics, Native Americans/Alaskan Natives, and Native Hawaiians/Pacific Islanders.

**Workforce Analysis:**

A listing of each job title in a contractor's affirmative action program as it appears in applicable payroll records ranked from lowest to highest paid within each department or other similar organizational unit including departmental supervision. The listing must show, by job title, the total number of individuals, total males and females, and total males and females that are identified as Asians, Hispanics, Native Americans/Alaskan Natives, and Native Hawaiians/Pacific Islanders.

**Other Veterans:**

Veterans, who served in the military, ground, naval, or air service of the United States on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. To identify the campaigns or expeditions, contact the Office of Personnel Management (OPM) under [Federal Government](#).

**Pre-award Review:**

Invoked upon receipt of a contract of \$10 million or more, unless OFCCP has conducted an evaluation and found the contractor to be in compliance with Executive Order 11246, within the preceding 24 months.

**"Problem Areas" in the AAP:**

A narrative in the AAP that identifies the analysis performed to determine if impediments exist to equal employment opportunity. At a minimum the narrative must include: (1) a workforce analysis; (2) personnel activities; (3) compensation system analysis; (4) selection, recruitment, referral, other personnel procedures analyzed; (5) any other areas of impact to the success of the AAP ([41CFR60-2.17\(b\)](#)). Required component of an Affirmative Action Plan.

**Physical or mental impairment:**

(1) Any physiological disorder, condition, cosmetic disfigurement, or anatomical loss affecting one or more of a person's body systems, such as: neurological, musculoskeletal, respiratory, speech, cardiovascular, etc; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Prime Contractor:**

Any person holding a contract in excess of \$10,000, subject to the affirmative action and nondiscrimination obligations of contractors and subcontractors regarding individuals with disabilities ([41CFR60-741\(k\)](#)).

**Qualification standards:**

Personal/professional attributes including the skill, experience, education, physical, medical, safety, and other requirements an individual must meet to be eligible for the position desired, or held.

**Qualified' disabled Individual:**

A person with a disability who has the requisite skills, experience, education, and other job-related requirements of the position desired, and who, with or without reasonable accommodation, can perform the essential functions of the position.

**Qualified special disabled veteran:**

A special disabled veteran who satisfies the requisite skills, experience, education, and other job-related requirements of the employment position desired or held, and who, with or without reasonable accommodation, can perform the essential functions of the position.

**Quantitative Reports:**

The Quantitative or Statistical reports required for an AAP are:

- [Organizational Display](#) ⓘ
- [Job Group Analysis](#) ⓘ
- [Availability Analysis](#) ⓘ
- [Incumbency vs. Estimated Availability Analysis](#) ⓘ

[Workforce Analysis](#) ⓘ is another optional report which you may choose to include.

**Reasonable accommodation:**

Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a specific position. Or, modifications or adjustments to a work environment or to the manner or circumstances under which a job is customarily performed to enable a qualified applicant with a disability to perform the essential job duties.

**Reasonable Person Standard:**

A case law notion used to determine whether one person has committed a civil tort against another person.

**Record Retention:**

General: All documentation in support of the Affirmative Action Program must be retained for a period of two years from the date of the action taken, or record made, whichever is later. However, if a contractor has fewer than 150 employees or does not have a Government contract of at least \$150,000, the minimum record retention period is one year from the date of making the record or action taken ([41CFR60-1.12](#)).

**Applicants:**

The gender, race, and ethnicity of each applicant for employment must be identified by the contractor, 'where possible' ([41CFR60-1.12\(c\)\(ii\)](#)).

**AAPs:**

All AAP records and documentation must be preserved for the immediately preceding year, unless it was not then covered by the AAP requirement.

**Regression Analysis:**

One of the statistical analyses used in compensation analysis (for example) to measure the correlation that various independent variables might have on a dependent variable.

**Relevant Labor Market:**

The geographic or industry area(s) used by an employer in its recruiting for a qualified work force.

**Required Elements of an AAP:**

At the core of an AAP are two sections, [Quantitative Reports](#) ⓘ and the [AAP Narrative](#) ⓘ. Additionally, reporters are encouraged to report applicant flow and complete optional reports.

**Self-Identification:**

Individuals with disability: Upon making a job offer, and before the applicant begins employment, the contractor must invite applicants to self-identify as to whether they believe they may be covered and wish to benefit under the affirmative action program ([41CFR60-741.42](#)).

**Serious Employment Handicap:**

A significant impairment of a veterans' ability to prepare for, obtain, or retain employment consistent with the person's abilities, aptitudes, and interests.

**Special Disabled Veteran:**

A veteran entitled to compensation under laws administered by the Department of Veterans Affairs, for a disability rated at 30 percent or more; or rated at 10-20 percent of a veteran who has been determined under U.S.C. 3106 to have a serious employment handicap, or a person discharged or released from active duty with a service-connected disability.

**Standard Deviation:**

In a compensation analysis, for example, statistical processes that can measure the predicted fluctuation from the expected mean or average.

**Substantially limits:**

With regard to 'working' as a major life activity, the term means significantly restricted in the ability to perform a class or broad range of jobs in various classes compared to an average person having comparable training, skills, etc.

The following factors should be considered in determining whether a person is substantially limited: (a) the nature and severity of the impairment, (b) the duration of the impairment, and (c) the permanent or long term impact resulting from the impairment.

**Title VII:**

That part of the Civil Rights Act of 1964, prohibiting employment discrimination.

**Undue Hardship:**

Any significant difficulty or expense incurred by a contractor with regard to responding and providing a job accommodation, based upon the following factors: (a) the nature and cost of the accommodation needed, including the availability of tax credits and/or outside funding; (b) the overall financial resources of the facility involved, the number of persons employed at the facility, and the effect on expenses and resources; (c) the overall financial resources of the contractor, size of the business with respect to the number of employees, and the number, type, and location of facilities; (d) the type of operation(s) of the contractor, including the composition, structure, functions of the workforce, the geographic 'separateness' and administrative or fiscal relationship of the facility(ies); and (e) impact of the accommodation upon the operation of the facility.

**Uniform Guidelines on Employee Selection Procedures:**

Published in 1978 by the Equal Employment Opportunity Commission (EEOC) and other federal agencies, the UGESP provides Guidelines on an employer's use of employee tests and other selection procedures.

**Value Weight:**

The percentages assigned to each of the factors within a job group . These percentages should express the relative amount of hiring your company does from each factor in staffing a specific job group. For example, if 25% of new employees in a particular job group historically have come from training institutions, you would assign a value weight of 25% to Factor 2 for that job group.

### **Vets-100 Report:**

A required, annual, governmental filing for all nonexempt federal contractors with contracts or subcontracts for supplies and services for \$25,000, or more. This annual report must be filed no later than September 30. Legal basis for filing is: Title 38, United States Code, Section 4212(d) and PL 105-339, which requires that federal contractors report at least annually the numbers of: (1) special disabled veterans, (2) veterans of the Vietnam era, (3) newly separated veterans, and (4) other protected veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. Reporting is required by hiring location and includes the number of new hires within the four veteran categories. The number of veterans employed within these categories must be broken out by job category, and maximum and minimum total employment is to be reported as well. (ref: <http://vets100.vets.dol.gov/>)

### **Vets-100a Report:**

Contractors with a Government contract or subcontract in the amount of \$100,000 or more that was entered into on or after December 1, 2003, are covered by the VETS-100A reporting requirements in the Part 61-300 regulations.

The most obvious difference is the categories of veterans included on each report.

The VETS-100A Report reflects the categories of veterans covered under the JVA amendments and requests that Federal contractors and subcontractors report the number of employees and new hires during the reporting period belonging to the following categories:

- Disabled veterans;
- Other protected veterans (veterans who served on active duty in the U.S. military during a war or in a campaign or expedition for which a campaign badge is awarded);
- Armed Forces service medal veterans (veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985); and
- Recently separated veterans (veterans within 36 months from discharge or release from active duty).

The VETS-100A Report adopts the job categories used on the revised EEO-1 Report, while the VETS-100 Report has a single Officials and Managers job category.

### **Vietnam veterans:**

A person who (1) served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge, if any part of active duty occurred (i) in the Republic of Vietnam between February 28, 1961 and May 7, 1975; or (ii) between August 5, 1964 and May 7, 1975; or (2) was discharged or released from active duty for a service-connected disability if any part of active duty was performed (i) in the Republic of Vietnam between February 28, 1961 and May 7, 1975; or (ii) between August 5, 1964 and May 7, 1975, in all other cases.

### **Waivers:**

An exemption that may be applied by the Deputy Assistant Secretary to application of any contract of the equal opportunity clause in whole or part when there are special circumstances in the national interest ([41hCFR60-741.4\(b\)](#)).