U.S. Department of Labor
Office of Federal Contract Compliance Programs (OFCCP)

GUAM CONTRACTORS ASSOCIATION
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Provide information to Guam Contractor Association members information on Equal Employment Opportunity (EEO) and Affirmative Action (AA) contractual obligations required of Federal Contractors and Sub-contractors.
PRESENTATION OVERVIEW

- OFCCP Mission Statement.
- OFCCP Regulations.
- Jurisdiction.
- Compliance Evaluation Process.
- Review of the 16 Affirmative Action Requirements.
- Other regulatory requirements.
OFCCP enforces, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government.
HOW THE MISSION IS ACCOMPLISHED

• Compliance Evaluations

• Complaint Investigations

• Technical Assistance
Executive Order 11246:
Promotes and ensures equal opportunity without regard to race, gender, color, religion, national origin, sexual orientation, or gender identity and requires federal contractors to take affirmative action to ensure equal employment opportunity.

Section 503 of the Rehabilitation Act of 1973:
Prohibits discrimination on the basis of disability and requires affirmative action to employ and advance in employment qualified individuals with disabilities.

Prohibits discrimination on the basis of an individual’s status as a protected veteran and requires affirmative action to employ and advance in employment qualified disabled and other protected veterans.
PROTECTED VETERANS
(41 CFR 60-300.2)

- Disabled Veterans.
- Armed Forces Service Medal Veterans.
- Recently Separated Veterans (3 years).
- Active Duty Wartime or Campaign Badge Veteran.
**OFCCP’s JURISDICTION**

- **Executive Order 11246**: Federal or Federally-assisted construction contract in excess of **$10,000**.

- **Section 503**: Federal contract In excess of **$15,000**.

- **VEVRAA**: Federal contract of at least **$100,000** or more.
TYPES OF OFCCP COMPLIANCE EVALUATIONS

- Supply and Service Contractors
- Construction Contractors
Each non-construction contractor must develop and maintain an AAP for each of its establishments if it meets any of the following:

- Has both contracts of $50,000 or more and 50 or more employees.
- Has Government bills of lading which in any 12-month period, total or can reasonably be expected to total $50,000 or more.
• Is a financial institution which is an issuing and paying agent for U.S. savings bonds and savings notes in any amount.

• Serves as a depository of Government funds in any amount.
SUPPLY & SERVICE CONTRACTORS
AFFIRMATIVE ACTION PROGRAM TIMEFRAME
41 CFR 60-2.1(c)

- The AAP must be developed within 120 days from commencement of a contract.
- Covers a 12-month period.
- Contractors may select any 12 month period for the “AAP” year.
- Contractors must update their AAP annually.
CONSTRUCTION EVALUATION PROCESS

1. Scheduling Letter.

2. Onsite Review.
   A. Entrance Briefing.
   B. Review of Records:
      1) 16 AA Requirements Documents.
      2) VETS-100A (if evaluated prior to September, 2015).
      3) EEO-1 (if 50 or more employees).
      4) Employee Work Hours.
      5) Written 503 AAP (if 50 or more employees).
      6) Written VEVRAA (if 50 or more employees, $100,000 or more in contracts).

3. Offsite Analysis.

41 CFR, PART 60-4
CONSTRUCTION CONTRACTORS
Affirmative Action Requirements

SECTION  60 - 4.3(a)7a to 7p

- The Sixteen (16) Affirmative Action Steps
- Each Step Must Be Documented
- Applies To The Trades Workforce
Construction’s 16 AA Steps

**Step 1** – Working Environment
41 Code of Federal Regulations 60-4.3(a)7.a

**Step 2** – Recruitment
41 Code of Federal Regulations 60-4.3(a)7.b

**Step 3** – Applicant Log
41 Code of Federal Regulations 60-4.3(a)7.c

**Step 4** – Union Referrals
41 Code of Federal Regulations 60-4.3(a)7.d
Construction’s 16 AA Steps

**Step 5** – On-the-Job Training
41 Code of Federal Regulations 60-4.3(a)7.e

**Step 6** – Internal Dissemination of EEO Policies
41 Code of Federal Regulations 60-4.3(a)7.f

**Step 7** – Review of EEO Policies
41 Code of Federal Regulations 60-4.3(a)7.g

**Step 8** – External Dissemination of EEO Policies
41 Code of Federal Regulations 60-4.3(a)7.h
Construction’s 16 AA Steps

**Step 9** – Recruitment through CBOs  
41 Code of Federal Regulations 60-4.3(a)7.i

**Step 10** – Recruitment through employees  
41 Code of Federal Regulations 60-4.3(a)7.j

**Step 11** – Test Validation  
41 Code of Federal Regulations 60-4.3(a)7.k

**Step 12** – Promotions  
41 Code of Federal Regulations 60-4.3(a)7.l
Construction’s 16 AA Steps

**Step 13** – Monitor Personnel Practices to Ensure They Do Not Have a Discriminatory Effect
41 Code of Federal Regulations 60-4.3(a)7.m

**Step 14** – Non-Segregated Facilities
41 Code of Federal Regulations 60-4.3(a)7.n

**Step 15** – Solicitations of Offers
41 Code of Federal Regulations 60-4.3(a)7.o

**Step 16** – Review of EEO/AA with Management
41 Code of Federal Regulations 60-4.3(a)7.p
CONSTRUCTION CONTRACTOR’S
FEMALE GOALS

6.9%

Percent of total hours in each trade
GOOD FAITH EFFORTS

What are Good Faith Efforts?

• Program initiatives a contractor takes to meet its minority and female goals to ensure equal opportunity (EEO) for minorities and women.
OTHER REGULATIONS

- **41 CFR 60-20** - Sex Discrimination Guidelines
- **41 CFR 60-50** - Guidelines on Discrimination Because of Religion or National Origin
1. Ensure wages, opportunities, and benefits for females are the same as for males.

2. Ensure women are given time off for maternity leave based on their doctor's certificate, and they are returned to their same or similar position, with no loss of pay or seniority.
Has the company provided religious accommodations?
RECORDS RETENTION
41 CFR 60-1.12

- 1 Year If less than 150 employees
- 2 Years If 150 or more
VEVRAA REQUIREMENTS

1. List all employment openings with either the state workforce agency or a local employment service delivery system.

   Except:
   - Executive & top management positions.
   - Positions filled from within the organization.
   - Positions lasting 3 days or less.

OFCCP Provides Compliance Assistance by:

- Offering personal assistance in person or via phone.
- Conducting seminars.
- Disseminating publications, pamphlets and guides.
OFCCP website:  
http://www.dol.gov/ofccp

Links to other pertinent:

- Websites
- Manuals
- Brochures
- Review procedures
- Fact Sheets
- Forms
- and much, much more
We look forward to working with you

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Questions
And
Answers