



Biddle Consulting Group's Best Practices Checklist

The following best practices checklist is designed to help ensure that the company, at a minimum, be annually compliant with Affirmative Action Planning (AAP) regulations

✓ AAP Development Requirements

Women and Minorities:

- AAP for Women and Minorities:** Annually complete an AAP for women and minorities if the federal contract/subcontract is at least \$50,000 and there are at least 50 employees in the organization (or a depository of Government funds, or issuing and paying agent for U.S. savings bonds and notes).
- Technical Reports:** Complete annual updates to the Workforce Analysis, Job Group Analysis, Incumbency vs. Availability, and Placement Goals in your AAP.
- Analyses of Personnel Decisions:** Conduct Adverse Impact analyses of selection procedures, including hire, termination, and promotion activities. Investigate any potential problem areas discovered via the analyses.
- Goals Progress:** Perform Placement Goals analysis (i.e., Goals Progress report). If any goals are not met, document explanations as to why and evaluate outreach efforts.
- Compensation:** Complete annual review of compensation practices. This ensures that there are no pay discrepancies between men/women and minorities/non-minorities. If pay discrepancies are present, prepare rebuttal statements for each job in question.

Protected Veterans:

- AAP for Protected Veterans:** Annually complete an AAP for protected veterans if the federal contract/subcontract is at least \$100,000.
- Hiring Benchmark:** Establish a hiring benchmark or use the current national percentage of veterans in the **Civilian Labor Force (CLF)**, which is currently set at 7.0%. Conduct analysis of hires who are protected veterans against the benchmark. Analysis can be conducted by establishment.
- Data Collection:** Collect data on 1) total number of job openings, 2) total number of applicants, 3) total number of applicants who are protected veterans, 4) total number of jobs filled (hires+promotions+transfers), 5) total number of hired applicants (hires+competitive promotions), and 6) total number of hires who are protected veterans.
- Results of the Effectiveness of Outreach and Recruitment:** Keep a running list of all outreach and recruitment programs/activities that the company initiated or participated in. List the activity, the date of the activity, a brief description of the activity, and the company's evaluation of the activity (e.g., did the activity attract qualified protected veteran applicants, did it result to hiring a protected veteran, etc.). *See sample on the last page of this document.*
- Policy Statement:** Annually update the Policy Statement. Ensure that the Policy Statement indicates support from the company's top executive(s). Distribute and/or post Policy Statement in conspicuous places to ensure that employees and applicants are aware of the company's commitment to equal employment opportunity (EEO) and affirmative action (AA).



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Individuals with Disabilities:

- AAP for Individuals with Disabilities:** Annually complete an AAP for persons with disabilities if the federal contract/subcontract is at least \$10,000.
- Utilization Goals:** Conduct utilization analysis of individuals with disabilities against the 7.0% aspirational goal. Analysis can be conducted by job group or by workforce (if there are 100 or fewer employees)
- Data Collection:** Collect data on 1) total number of job openings, 2) total number of applicants, 3) total number of applicants who are individuals with disabilities, 4) total number of jobs filled (hires+promotions+transfers), 5) total number of hired applicants (hires+competitive promotions), and 6) total number of hires who are individuals with disabilities.
- Results of the Effectiveness of Outreach and Recruitment:** Keep a running list of all outreach and recruitment programs/activities that the company initiated or participated in. List the activity, the date of the activity, a brief description of the activity, and the company's evaluation of the activity (e.g., did the activity attract qualified individuals with disabilities applicants, did it result to hiring an individual with disability, etc.). *See sample on the last page of this document.*
- Policy Statement:** Annually update the Policy Statement. Ensure that the Policy Statement indicates support from the company's top executive. Distribute and/or post Policy Statement in conspicuous places to ensure that employees and applicants are aware of the company's commitment to EEO and AA.

For All AAPs:

- Narrative:** Complete annual updates to the narrative. Ensure that the narrative contains current information (e.g., Designation of Responsibilities, Internal Audit, Outreach and Good Faith Efforts, etc.)
- Internal Audit:** Periodically review processes, policies, and data. Ensure that processes and policies are in conjunction with the company's affirmative action obligations. Ensure that appropriate data are collected and analyzed.



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Beyond AAP Development



AAP Implementation

Voluntary Self-Identification (Self-ID)

Solicit Demographic Information:

- Utilize a voluntary self-ID form to solicit race and gender information of all employees. For employees who refuse to self-ID, immediate supervisors/managers may visually identify the employee(s)' gender and/or race.
- Utilize a voluntary self-ID form, as provided and approved by the OMB, to solicit disability status within twelve (12) months of becoming subject to Section 503 of the Rehabilitation Act. There is no such requirement for protected veterans, but it is recommended that contactors should follow the same procedure.
- Utilize a voluntary self-ID form, as provided and approved by the OMB, to solicit disability status of all employees every five (5) years. There is no such requirement for protected veterans, but it is recommended that contactors should follow the same procedure.
- Send a reminder at least once during the five (5)-year interval regarding voluntary self-ID to solicit disability status of all employees. Use the same self-ID form provided and approved by the OMB. There is no such requirement for protected veterans, but it is recommended that contactors should follow the same procedure.

Voluntary Self-Identification (Self-ID) for Applicants:

Pre-Offer: Solicit Demographic Information:

- Utilize a voluntary self-ID form to solicit race and gender information of all job seekers/applicants. Ensure self-ID form contains option for those who would like to decline to self-ID.
- Utilize a voluntary self-ID form, as provided and approved by the OMB, to solicit disability status of all job seekers/applicants. Ensure self-ID form contains option for those who would like to decline to self-ID.
- Utilize a voluntary pre-offer self-ID form to solicit veteran status of all job seekers/applicants. Ensure self-ID form contains option for those who would like to decline to self-ID.
- Inquire as to reasonable accommodation(s) if job seeker/applicant self-ID'd as disabled.

Post-Offer: Solicit Demographic Information:

- If needed, utilize a voluntary self-ID form to solicit race and gender information of all new hires.
- Utilize a voluntary self-ID form, as provided and approved by the OMB, to solicit disability status of all new hires. Ensure self-ID form contains option for those who would like to decline to self-ID.
- Utilize a voluntary post-offer self-ID form to solicit veteran status of all new hires. Ensure self-ID form contains option for those who would like to decline to self-ID.
- Inquire as to reasonable accommodation if job applicant self-ID'd as disabled.



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All Other:

- EEO Policies:** Provide updates to EEO policies and post where applicants and employees have access to view them.
- Referral Sources:** Evaluate all applicants' referral sources especially for veterans and persons with disabilities. Is there enough traffic coming from the current referral sources? Is it time to look for other referral sources?
- I-9 Forms:** Annually audit I-9's to ensure completion.
- E-Verify:** Enroll in E-Verify. Ensure that required clause is included in sub-contracts. Check this site for exemptions and other requirements: (<http://www.uscis.gov/faq-page/e-verify-far-federal-contracts-affected-rule>)
- Reasonable Accommodations:** Ensure proper documentation of accommodations made for employees and/or applicants with physical and/or mental disability. Document all requests for reasonable accommodations and the corresponding results for such requests.
- EEO Tagline:** Ensure that all solicitations or advertisements for employment include the required EEO tagline. For example: EOE /Vet/Disability. Add "sexual orientation" and "gender identity" if using a descriptive tagline.
- Vendor Notifications:** Annually send out letters to all vendors (with business transactions amounting to \$10,000 or more) notifying them that you are a federal contractor, and therefore, they too, might need to fulfill some federal requirements. Ensure that the EO clause is included (either in its entirety or by reference) in the letter.
- Union Notifications:** Annually send out letters to all labor organizations to inform them of the company's commitment to affirmative action and to employ (and not discriminate against) veterans and individuals with disabilities.
- Employment Sources:** Develop active relationship with employment sources. Know your contact and periodically check that job openings are properly posted by your employment sources. View these job postings from an applicant's perspective and periodically take screenshots of postings for additional documentation.

Outreach Programs and Good Faith Efforts:

- Evaluate the effectiveness of the current outreach programs and good faith efforts for women and minorities, protected veterans, and individuals with disabilities. Think outside the box and develop new and possibly more effective outreach programs and/or good faith efforts. Update the list to reflect the most current activities.
- Continuously establish and document outreach efforts toward minority, female, veteran, and disabled organizations. Retain copies of all letters and communication sent to the outreach organizations.
- Document all contributions and volunteer time spent with community outreach programs.

EEO and Labor Law Posters:

- Post "EEO is the Law" poster where applicants and employees have access to view them. Ensure that all other state and federal labor law posters are posted in conspicuous places. "EEO is the Law" posters can be found here: <http://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm>
- Notice of the EEO rights can now be posted electronically. However, ensure that employees are provided with computers or must have actual knowledge that the electronic copy of the poster is accessible.

Relations Between Unions and Employers:

- Inform employees of their rights under the National Labor Relations Act (NLRA)
- Post prescribed employee notice in plants and offices where employees covered by NLRA perform contract-related activity
- Reference 29 CFR 471 in all non-exempt Federal contracts, subcontracts, and purchase orders.



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All Other (cont.)

Job Posting:

- Verify that all external job openings are forwarded to the appropriate State Employment Delivery Systems (ESDS) in a manner deemed appropriate by the State Employment Office. This requirement does not apply to jobs for top Executives/Managements, job assignments lasting three (3) days or less, or internal job openings only available to internal applicants).
- Advise the State Employment Service that the company is a contractor complying with the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) and provide 1) indication that it is a federal contractor; 2) a desire for priority referral; and 3) contact information for the "hiring official" for each location in the state with openings.
- Retain all internal job postings and newspaper ads to document EEO tagline requirements.

✓ Other Proactive Steps

- Flow Logs:** Periodically review applicant flow logs (i.e., internal and external), new hires, terminations, and promotions (i.e., job change). Ensure accuracy of the data and update as necessary.
- Job Descriptions:** Review job descriptions to determine job-relatedness and update as required.
- Job Requirements:** Review the mental and physical requirements established for each job. Ensure that the physical and mental requirements are job-related and consistent with business necessity.
- ILG Meetings:** Attend local Industry Liaison Group meetings. Sign up at <http://www.nationalilg.org>

Documentation:

- Document and retain files containing reasons for terminations, non-hires or non-promotions, and any other personnel activities/decisions.
- Document and retain files containing reasons for starting salaries and other compensation-related decisions.

Recordkeeping:

- Records pertaining to self-calculated benchmark must be retained for three (3) years.
- All AAP and other AAP-related records must be retained for two (2) years or longer if the at-issue AAP is still part of an open audit and/or other EEO investigation.

Evaluation of Outreach and Recruitment (Sample):

Activity	Date	Brief Description	Evaluation
Annual Meeting with State Vocational Rehabilitation Service Agency (SVRA)	March 1, 2014	Met with SVRA to inform of Company's outreach and recruitment efforts for IWD's	SVRA will begin posting all of Company's job openings starting in 2015 to expand Company's applicant pool
Veterans Job Fair held at Hilton Hotel	April 25, 2014	Participated at local job fair aimed at counseling veterans on employment applications and inclusion of veterans in the workforce	Received 25 applications on the spot which resulted to hiring 2 qualified veterans.
Annual meeting with Company's Hiring Managers and Recruiters	July 20, 2014	Meeting also included a training on Company's AAP obligations.	Discussed, brainstormed and received great ideas on other Outreach and Recruitment activities and programs that the Company can initiate/participate in. Will implement these ideas sometime in the 3 rd quarter of 2014.



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Preparing for a Desk Audit

- Don't panic. Inform and provide a copy of the audit letter to your AAP consultant and/or other office personnel (i.e., those who should be involved in this type of activity).
- Prepare copies and lists of job postings, outreach and recruitment programs, and other Good Faith Efforts for the at-issue timeframe.
- Prepare copies of the last three (3) years of the EEO-1 reports.
- Prepare a copy of the most recent VETS-4212 report.
- Prepare a copy of the Collective Bargaining Agreement (if the audited location has union employees).
- Prepare a list of individuals who requested reasonable accommodation, the respective request, the result of such request, and the reason(s) why the request was not granted.
- Review and familiarize yourself with the AAP reports. Ensure that the data is correct. Contact consultant if additional training is needed.
- Review analysis results with the AAP consultant. Identify and discuss how to address potential issue(s) (if any exist).
- Know that additional analyses or data refinements **might** be needed before the AAP can be submitted.
- Respond in a timely manner to resolve issues with the data raised by the consultant (e.g., one hire to one applicant, hires not found in the applicant file, missing applicants, etc.).
- Know your compliance officer. Create a rapport. Acknowledge receipt of the audit letter and let the compliance officer know that you take your responsibilities seriously and will ensure timely response to the audit.
- Communicate with the compliance officer any deviations from the timely and complete submission of the audited AAP.
- Submit all requested reports, documents, and data to the OFCCP in a timely manner.
- If additional information or data is requested by the compliance officer, contact the AAP consultant to discuss before submission.
- Ensure that copies of contracts, PO's, and invoices include reference to the required EO clauses (or the entirety of the EO clauses is included).
- See "Beyond AAP Development" section of this document for other required documents and activities.