



Affirmative Action Programs and OFCCP Compliance

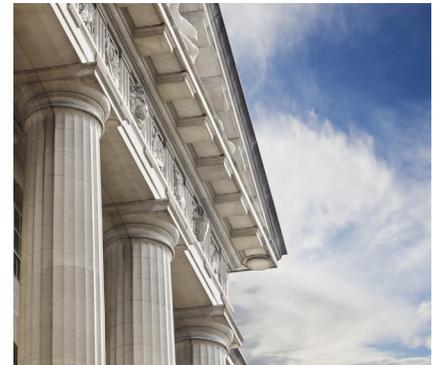
At a Glance

- Veteran team with decades of experience representing government contractors
- Sensitive to budget challenges and offer variety of billing arrangements

Government contracts are often a critical source of business to many companies. However, companies that rely on governmental work are frequently required to comply with federal and state affirmative action and equal employment opportunity requirements (AAP/EEO) to obtain and maintain their government contracts. Due to the complexity of the AAP/EEO laws and regulations as well as aggressive enforcement activities by the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) and other state and local entities, the risks of being audited and found noncompliant have skyrocketed. Consequently, government contractors more than ever need a trusted, experienced partner to assist them in successfully navigating the AAP/EEO regulatory maze.

With decades of experience representing government contractors, Fox's Affirmative Action Practice Group understands the intricacies of complying with Executive Order 11246, Section 503 of the Rehabilitation Act and the Vietnam Era Veterans Readjustment Assistance Act of 1974 and their implementing regulations, as well as the numerous state and local AAP/EEO laws. Our team of attorneys and

paralegals has a proven track record of demonstrating to the government that our clients engage in good faith efforts to ensure equal employment opportunities for women, minorities, individuals with disabilities, veterans and disabled veterans. Our record of success is based on not only staying informed of changes in the law, but also by developing invaluable relationships with the appropriate government agencies.



To assist contractors in successfully meeting their AAP/EEO obligations, our Affirmative Action Practice Group provides the following services to our clients:

- Determining whether a Company is a covered contractor/subcontractor;
- Developing and updating affirmative action plans on an annual basis;
- Reviewing and analyzing employee information as to accuracy, proper job titles/job groups and proper placement in EEO-1 categories;
- Reviewing the definition of applicant as well as the entire application process to ensure AAP/EEO compliance and whether hiring policies and procedures such as criminal background check policies have an adverse impact on protected classifications;
- Maintaining proper employee activity recordkeeping data;
- Providing guidance on the completion of EEO-1 and Vets100/100A reports;
- Preparing analyses as to hires, promotions and terminations to determine if adverse impact exists;
- Providing advice on compensation analysis;
- Performing self-evaluations/audits to ensure AAP/EEO compliance;
- Reviewing employment tests to ensure recent validation;
- Designing functional affirmative action plans, when applicable;
- Determining single/joint entity status and structuring affirmative action plans for employers with multiple locations and facilities;
- Preparing defenses with regard to OFCCP investigations and audits;
- Responding to allegations of individual or systemic discrimination complaints;
- Negotiating conciliation agreements;
- Determining whether litigation is the appropriate course of action;
- Training in-house personnel on satisfying applicable AAP/EEO requirements and to avoid violating anti-discrimination laws; and
- Providing timely alerts as to changes in the AAP/EEO laws and regulations.

In performing these services, we pay meticulous attention to the details and the accuracy of the data submitted so our interactions with the government are streamlined and efficient.

By leveraging our knowledge and experience, our Affirmative Action Practice Group is often able to demonstrate to government regulators that an audit should be closed at the outset, thereby minimizing the expense and time spent dealing with the government.

We are sensitive to the budget challenges our clients face and offer a variety of billing arrangements including:

- flat/project fees for affirmative action plans
- charging by the traditional billable hour, and/or
- using other alternative approaches depending on the client's individualized preferences.

Our veteran team provides these services to companies of all sizes, from small and midsize companies to multinational businesses in a variety of industries, including manufacturing, banking, finance, health care, energy and defense, among others.



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