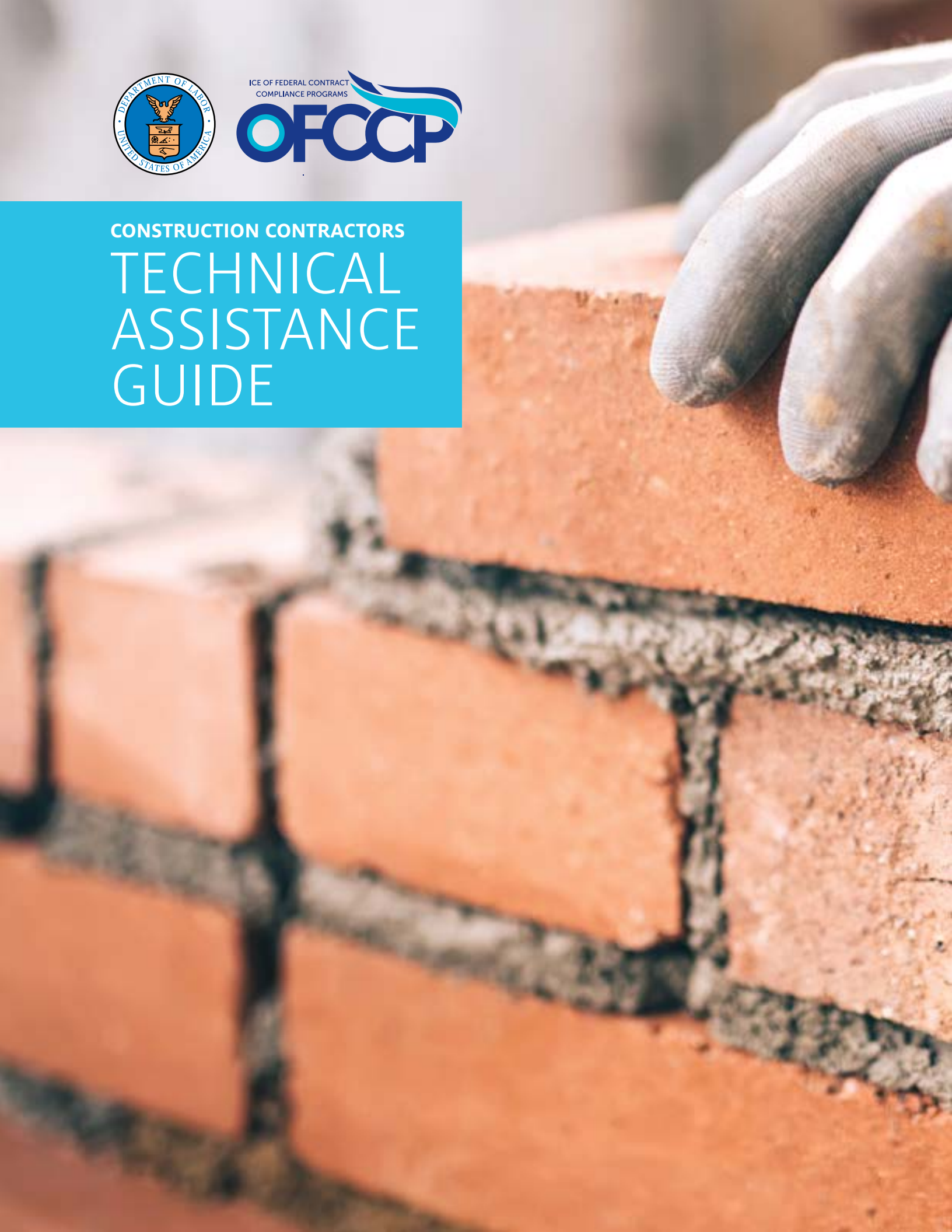

ICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

OFCCP

CONSTRUCTION CONTRACTORS

TECHNICAL ASSISTANCE GUIDE

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Table of Contents

Introduction 2

OFCCP's Mission 3
OFCCP Responsibilities 3

Overview of EEO Legal Authorities 3
Laws Enforced by OFCCP 4
Executive Order 11246, as amended (Executive Order 4
Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) 4
Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) 4
OFCCP's Regulations 5
Legal Notices and Contract Clauses 5
Two General Rules 5

Do Not Discriminate 6
Pay Transparency in Federal Contracting 7
Workplace Rule Defense 8
Essential Job Functions Defense 8

Take Affirmative Action 8
EEO and Pay Transparency Postings and Notices 9
EEO is the Law Poster 10
EEO is the Law Supplement 10
Pay Transparency Nondiscrimination Provision 10
Notice to Unions 10
Job Advertisement Taglines 10
Executive Order 11246 10
Section 503 11
VEVRAA 11
Listing Jobs with the Employment Service Delivery System 11
Immediate Actions 12
Ongoing Actions 12
Notification to OFCCP of Construction Contract Award 12
Mandatory Notices in Bids and Contracting Documents 13
Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) 13
Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246) 13
Equal Opportunity Clauses (Executive Order 11246, Section 503, and VEVRAA) 14

Mandatory Recordkeeping 15
What Records to Keep 15
Invitation to Self-Identify 16
Traditional Applicants and Internet Applicants 17
Internet Applicants 17
Traditional Applicants 17
Format for Keeping Records 17
How Long to Keep Records 18

Participation Goals for Women and Minorities 18
Established Goal for Women 19
Established Goals for Minorities 19
Applying the Goals to a Contractor's Workforce 19
Maintain hours worked at all sites by construction trade 19
Calculate actual participation, by trade 19
Compare actual participation to established goals in every geographical area, by trade 19
Two Types of Areas: SMSAs and Non-SMSAs 20

Sixteen Affirmative Action Steps 21
Recruitment Practices 21
Step 1—Recruit Women and Minorities from Community Organizations, Schools, and Training Organizations 21
Step 2—Encourage Employees to Recruit Women and Minorities 22
Step 3—Track Recruitment Sources 22
Step 4—Track Applicants 23
Step 5—Notify OFCCP if Union Referral Process Impedes EEO 24
Training 24
Step 6—Develop On-the-Job Training Opportunities 24
EEO Policy and Implementation 25
Step 7—Disseminate EEO Policy Externally 25
Step 8—Share EEO Policy with Unions and Training Programs 25
Step 9—Review EEO Obligations with Employees Involved in Employment Decisions 26
Step 10—Annually Review Supervisor Performance with EEO Obligations 27
Personnel Operations 27
Step 11—Evaluate Promotion Opportunities for Women and Minorities 27
Step 12—Ensure a Harassment-Free Workplace 27
Step 13—Conform to the Uniform Guidelines on Employee Selection Procedures (UGESP) 29
Step 14—Monitor Personnel Practices for Unintended Discriminatory Effects 30
Step 15—Ensure Nonsegregated Facilities 31
Contracting Activity 31
Step 16—Document Solicitations from Minority and Female Contractors 31

Written AAPs for Section 503 and VEVRAA 32
Contract and Employee Thresholds That Trigger AAP Coverage 32
Section 503 32
VEVRAA 32
Developing and Updating AAPs 32
Option to Combine Section 503 and VEVRAA AAPs 33
Develop and Maintain AAPs by Geographical Area or Company-Wide 33
Section 503 Utilization Goal and VEVRAA Hiring Benchmark 33
Section 503 Utilization Goal for Qualified Individuals with Disabilities 33
VEVRAA Hiring Benchmark for Protected Veterans 35
Three-year Recordkeeping Requirement for Benchmarks 35
Invitation to Self-Identify 35
Invitation to Voluntarily Self-Identify as an Individual with a Disability (Section 503) 36
Invitation to Voluntarily Self-Identify as a Protected Veteran (VEVRAA) 36
Documenting Compliance with the Invitation to Self-Identify Requirements 37
Written AAP Component: EEO Policy 38
Contents of the EEO Policy Statement 38
What to Do with the EEO Policy Statement 38
Written AAP Component: Disseminate EEO Policy Internally and Externally 38
Purpose of Internal Dissemination 38
Purpose of External Dissemination 39
Table Highlighting Dissemination of Section 503 and VEVRAA EEO Policy 39
Written AAP Component: Review of Personnel Processes 39
Personnel Processes to Review 40
Establishing Procedures for Periodic Reviews 40
Written AAP Component: Review of Mental and Physical Job Qualifications 40
Written AAP Component: Reasonable Accommodation 41
Reasonable Accommodation as Nondiscrimination 41
Reasonable Accommodation as Affirmative Action 41
What Are Reasonable Accommodations? 42
Reasonable Accommodation Procedures 42
Written AAP Component: Develop and Implement Procedures to Prevent Harassment 43
Written AAP Component: Undertake Outreach and Positive Recruitment 43
Annual Assessment of Recruitment Efforts 43
Three-year Record Retention for Outreach and Recruitment 44
Table—Examples of Outreach and Recruitment Sources for Section 503 and VEVRAA 44
Written AAP Component: Design and Implement an Audit and Reporting System 45
Written AAP Component: Designation of Responsibility 45
Written AAP Component: Training 46
Written AAP Component: Data Collection Analysis 46
Three-year Record Retention for Data 46
Data Collected for Analysis 46

Additional Requirements 47
EEO-1 Survey 47
VETS-4212 Federal Contractor Veterans' Employment Report 47
Notice of Employee Rights under the National Labor Relations Act 47

Preparing for a Compliance Evaluation 47

Appendices 52

Appendix A: Glossary of Terms 54

Appendix B: Glossary of Abbreviations 74

Appendix C: The Small Business Administration's Ombudsman Program 75

Appendix D: OFCCP National and Regional Offices 76

Appendix E: Sample Notice to Unions 77

Appendix F: Construction Contract Award Notification Requirement 78

Appendix G: Legal Notices for Bids and Contracting Documents 80

Appendix H: Equal Opportunity Clauses—Incorporation by Reference 87

Appendix I: Equal Opportunity Clauses 88

Appendix J: Understanding OFCCP's Internet Applicant and Traditional Applicant Recordkeeping Requirements Frequently Asked Questions 97

Appendix K: Understanding OFCCP's Internet Applicant and Traditional Applicant Recordkeeping Requirements 99

Appendix L: How to Conduct an Adverse Impact Analysis 101

Appendix M: Invitation to Self-Identify—Section 503 104

Appendix N: Invitation to Self-Identify: VEVRAA 106

Appendix O: Notice of Employee Rights Under the National Labor Relations Act 108

Appendix P: Participation Goals for Minorities and Females 110
Maine 113
Vermont 113
Massachusetts 113
Rhode Island 113
Connecticut (Massachusetts) 114
New York 114
Pennsylvania 116
Maryland 117
Washington DC 117

Virginia 117
North Carolina 118
South Carolina 120
Georgia 120
Florida 121
Alabama 123
Tennessee 124
Kentucky 125
West Virginia 125
Ohio 126
Michigan 127
Indiana 128
Illinois 130
Wisconsin 131
Minnesota 132
Missouri 133
Arkansas 134
Mississippi 135
Louisiana 135
Texas 136
Oklahoma 140
Kansas 140
Nebraska 141
South Dakota 141
North Dakota 142
Montana 143
Wyoming 143
Colorado 143
New Mexico 144
Arizona 144
Nevada 145
Utah 145
Idaho 145
Washington 146
Oregon 146
California 147
Alaska 148
Hawaii 148

Introduction

The Office of Federal Contract Compliance Programs (OFCCP) places a strong emphasis on providing compliance assistance for federal government contractors. OFCCP's compliance assistance comes in many forms. To name a few, OFCCP produces infographics, develops quick reference guides, answers frequently asked questions, and regularly participates in educational seminars. All of the agency's compliance assistance efforts help contractors strive for equal employment opportunity (EEO), as mandated by the laws and regulations that OFCCP enforces.

OFCCP developed this Technical Assistance Guide (TAG) specifically for federal construction contractors. In this guide, "federal construction contractors" or "federal contractors" refers to direct federal construction contractors and subcontractors and federally assisted construction contractors and subcontractors, unless otherwise specified. Use of the word "contract" in this guide may refer to either a contract or a subcontract, but the term "subcontract" is used when necessary to the context.

It is OFCCP's intent for this guide to serve as a valuable self-assessment tool for contractors to review the practices they have in place to eliminate discrimination and achieve their equal employment opportunity goals. At a minimum, this guide aims to help federal construction contractors meet all of their obligations required under the law. It also highlights best practices and provides useful references. This guide addresses the following key objectives for federal construction contractors.

- Understand legal obligations under the laws enforced by OFCCP.
- Comply with federal EEO laws even in the absence of a scheduled compliance evaluation by OFCCP.
- Implement the Standard Federal EEO Construction Contract Specifications, described herein.
- Develop written affirmative action programs when appropriate.
- Prepare for an OFCCP compliance evaluation.

This Technical Assistance Guide does not create new legal requirements or change legal requirements. It is a basic resource document on OFCCP-administered laws. The legal requirements related to equal employment opportunity that apply to federal construction contractors are contained in the statutes, executive orders, and regulations cited in the guide. Every effort has been made to ensure that the information contained in the guide is current and up to date.

OFCCP's Mission

OFCCP protects workers, promotes diversity, and enforces the law. OFCCP holds those who do business with the federal government—including federal construction contractors—responsible for complying with the legal requirements to take affirmative action and not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran. In addition, contractors and subcontractors are prohibited from discharging or otherwise discriminating against applicants or employees who inquire about, discuss or disclose their compensation or that of others, subject to certain limitations.

OFCCP Responsibilities

- Help federal contractors comply with regulatory requirements and understand OFCCP's compliance evaluation process.
- Conduct complaint investigations and compliance evaluations of federal contractors, including examining their personnel policies, actions, and practices.
- Connect federal contractors with the U.S. Department of Labor's employment and training programs, outside organizations, and recruitment sources that help employers identify and recruit qualified employees.
- Negotiate agreements, including formal conciliation agreements, with federal contractors found to be in violation of the laws that OFCCP enforces.
- Monitor federal contractors' progress in fulfilling the terms of conciliation agreements by reviewing periodic compliance reports.
- Recommend enforcement actions to the Solicitor of Labor when necessary.

Overview of EEO Legal Authorities

OFCCP administers and enforces three equal employment opportunity laws that prohibit federal contractors from discriminating against applicants and employees, and require them to take affirmative action. It is a violation of these laws for federal contractors to harass, threaten, coerce, or discriminate against any individual who files a complaint, opposes an act or practice believed to violate one of the laws, participates in an activity related to the administration of the laws (such as a compliance evaluation), or exercises any other right protected by the laws.

OFCCP shares enforcement responsibilities with other federal agencies in the administration of the following laws:

- Title I of the Americans with Disabilities Act of 1990, as amended (ADA), which prohibits employment discrimination by employers with 15 or more employees against qualified individuals on the basis of disability. The Equal Employment Opportunity Commission (EEOC) has primary authority for enforcing the ADA, but OFCCP is authorized to act as EEOC's agent in processing, investigating, and resolving ADA complaints falling within the overlapping jurisdiction of Section 503 and Title I of the ADA. The regulations implementing these procedures are at 41 CFR Part 60-742.
- Title VII of the Civil Rights Act of 1964, as amended, which prohibits employment discrimination on the basis of race, color, religion, sex, and national origin. In many instances, employment discrimination claims against a government contractor can be brought under both Executive Order 11246 and Title VII. While EEOC has primary authority for enforcing Title VII, OFCCP is authorized to act as EEOC's agent in processing, investigating and resolving the Title VII component of complaints filed with OFCCP under Executive Order 11246 that allege discrimination of a systemic or class nature on the basis of race, color, religion, sex or national origin.

Laws Enforced by OFCCP

Executive Order 11246, as amended (Executive Order)

This law prohibits employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, and national origin. Additionally, contractors must take affirmative action to ensure equal employment opportunity in their employment processes. Contractors also must not discriminate against applicants or employees because they inquire about, discuss, or disclose their compensation or that of others, subject to certain limitations. Executive Order 11246 applies to federal construction contractors who meet one or more of the following contract thresholds.

- A direct federal construction contract or subcontract of over $10,000.
- A federally assisted construction contract or subcontract of over $10,000.
- Two or more federal construction contracts or subcontracts of less than $10,000 that, when added together, total more than $10,000 within any 12-month period or can reasonably be expected to total more than $10,000 during that time.
- A construction contract or subcontract of over $10,000 with a federal nonconstruction contractor or subcontractor, if the construction contract/subcontract is necessary in whole or in part to the performance of the federal nonconstruction contract or subcontract.

Executive Order 11246: A very small group of contractors and subcontractors, those holding a total of more than $10,000 in federal construction contracts or subcontracts but not holding a single contract or subcontract exceeding $10,000, are required to comply with the Executive Order but are not required to comply with the requirements of 41 CFR Part 60-4.

Section 503 of the Rehabilitation Act of 1973, as amended (Section 503)

Section 503 prohibits employment discrimination on the basis of disability and requires federal contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. Contractors covered by Section 503 must also make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless the contractor can demonstrate that the accommodation would impose an undue hardship on its business. Section 503 covers federal construction contractors with a direct government contract of more than $15,000. **Section 503 does not apply to federally assisted construction contracts.**

Construction contractors and subcontractors whose sole coverage comes from federally assisted construction contracts and subcontracts are not covered by Section 503 or VEVRAA.

Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA)

VEVRAA prohibits employment discrimination against protected veterans (disabled veterans, recently separated veterans, active duty wartime or campaign badge veterans, and Armed Forces Service Medal veterans). The law also requires contractors to take affirmative action to employ and advance in employment protected veterans. VEVRAA applies to federal construction contractors with a direct government contract of $150,000 or more. **VEVRAA does not apply to federally assisted construction contracts**.

OFCCP's Regulations

OFCCP implements these three laws through regulations published in title 41, chapter 60 of the Code of Federal Regulations (CFR), available electronically at www.ecfr.gov. Parts 60-1 through 60-50 implement Executive Order 11246. Part 60-300 implements VEVRAA, and Part 60-741 implements Section 503. This guide includes many references to the CFR. For example, 41 CFR Part 60-4 **contains the affirmative action requirements that are specific to federal construction contractors under Executive Order 11246**.

Legal Notices and Contract Clauses

Additionally, bid solicitations for all direct federal and federally assisted construction contracts and subcontracts exceeding $10,000 provide notice of obligations that apply to federal construction contractors. Specifically, they contain a "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)." The notice informs potential contractors of the affirmative action requirements imposed by Executive Order 11246, including the specific goals for minority and female participation. The notice is reproduced at **Appendix G** and is published in OFCCP's regulations at 41 CFR 60-4.2(d).

Government contracts further specify the obligations imposed by all three laws. Federal construction contractors will find each law's equal opportunity clause in their contracts, in OFCCP's regulations, and in **Appendix I**. Even if the actual government contract does not include the required clauses, the obligations still apply by operation of the law.

EQUAL OPPORTUNITY CLAUSES

Executive Order 11246 (direct federal contracts)
41 CFR 60-1.4(a)

Executive Order 11246 (federally assisted construction contracts)
41 CFR 60-1.4(b)

Section 503 (direct federal contracts **only**)
41 CFR 60-741.5

VEVRAA (direct federal contracts **only**)
41 CFR 60-300.5

Two General Rules

For a federal construction contractor to be in compliance with its EEO obligations, there are two general rules.

1. Do not discriminate against applicants or employees based on any of the categories protected by the laws described above.
2. Take affirmative action . . .
   a. To ensure equal employment opportunity without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
   b. To employ and advance in employment for qualified individuals with disabilities and qualified protected veterans.

Do Not Discriminate

Contractors must not discriminate against applicants or employees. This requirement lies at the core of OFCCP's laws, which ban discrimination against applicants and employees on the following bases.

- Race
- Color
- Religion
- Sex
- Sexual orientation
- Gender identity
- National origin
- Protected veterans
- Individuals with disabilities
- Discussing, disclosing, or inquiring about one's compensation or the compensation of others, subject to certain limitations explained below in the section on Pay Transparency in Federal Contracting

Are construction contractors and subcontractors required to comply with OFCCP-administered laws at all worksites?

Yes. Covered contractors and subcontractors must comply with these laws at all worksites. For example, a company with a federal construction contract in California must comply with OFCCP requirements not only at the California worksite where the federal contract work is being done but also at all of the company's worksites throughout the United States.

Unlawful employment discrimination shows itself in many forms. It may be discrimination against an individual, or it may be systemic discrimination against a group of individuals who share a common protected characteristic, such as national origin. It may occur through the intentional action of an employer (disparate treatment), such as refusing to hire an applicant because of their religion, or it may occur when a contractor's seemingly neutral policy or practice negatively affects members of a particular group and is not justified by business necessity and job-relatedness (disparate impact). For example, a contractor may screen applicants with strength or agility requirements that exceed the actual requirements necessary to perform the job in question and that disqualify substantially more women than men. Another example that could present disparate impact discrimination is a contractor that relies on "word-of-mouth" recruitment or "tap-on-the-shoulder" promotions that have an adverse impact on members of a particular racial or ethnic group. Unless the contractor can show that the recruitment and promotion practices are related to the job and necessary for the business, then the contractor may be discriminating.

This guide does not address every possible scenario of discrimination. However, following are several more illustrations of unlawful employment discrimination.

- Denial of a reasonable accommodation for a qualified disabled veteran when providing the accommodation would not cause an undue hardship on the contractor.
- Harassment of an employee because of his sexual orientation.
- Refusal to hire applicants because they are transgender.
- Preferring applicants of a particular color or national origin.
- Promoting only members of a particular race into higher-paying positions.

Pay Transparency in Federal Contracting

Executive Order 11246 promotes pay transparency in federal contracting by banning policies that punish employees for talking about pay. Under the Executive Order, it is unlawful discrimination for contractors to terminate or otherwise take adverse action against employees or job applicants for discussing, disclosing, or inquiring about their compensation. This worker protection also applies when an applicant or employee discusses, discloses, or inquires about the compensation of other employees, except in certain circumstances. For those circumstances, OFCCP's regulations provide contractors with two types of defenses for taking an adverse employment action. These defenses are included in the regulations at 41 CFR 60-1.35(a) and (b) and are explained below.

Workplace Rule Defense

Contractors may take adverse action against an employee who violates a general "workplace rule" so long as the rule or policy does not prohibit employees or applicants from discussing or disclosing compensation information. Also, the general workplace rule or policy must be applied uniformly and consistently for it to be a successful defense. Examples of "workplace rules" may include rules on the use of leave and the length of breaks.

Essential Job Functions Defense

Contractors may also take adverse action against an employee who:

- Has access to the compensation information of other employees or applicants as part of their essential job functions, and
- Discloses the information to individuals who do not otherwise have access to it.

This defense does not apply if the employee discloses the compensation information for the following reasons.

- To respond to a formal complaint or charge.
- To further an investigation, hearing, or action, including an investigation conducted by the contractor.
- To furnish the information consistent with the contractor's legal duty.

A job function may be considered essential for purposes of the Pay Transparency defense if either statement below is true:

- Access to compensation information is necessary to perform that function or another routinely assigned business task.
- The function or duties of the position include protecting and maintaining the privacy of employee personnel records, including compensation information.

Take Affirmative Action

Contracts must also take specific affirmative actions to ensure equal employment opportunity under the laws that OFCCP enforces. For all covered contractors, these affirmative steps include publishing and posting notices and EEO policies that make known contractors' affirmative commitment to equal employment opportunity.

In addition, federal construction contractors that are covered by Executive Order 11246—regardless of the number of employees they have—must follow the affirmative action requirements set forth in 41 CFR Part 60-4. Learn more about these 16 affirmative action steps on **page 21**.

For contractors that are covered by Section 503 and VEVRAA and that have 50 or more employees, OFCCP's regulations require a written affirmative action program (AAP). An AAP is a management plan for ensuring equal employment opportunity. It sets forth the policies, practices, and procedures that contractors implement to ensure that all qualified applicants and employees receive equal opportunity in recruitment, selection, advancement, and other benefits and privileges of employment. For details about the written AAP requirement under Section 503 and VEVRAA, please go to **page 32**. Contractors whose sole coverage comes from federally assisted construction contracts have no written AAP requirement.

Required Postings, Listings, and Notices

- The *EEO is the Law* poster (and supplement) and the Pay Transparency Nondiscrimination Provision to inform applicants and employees about their protections from discrimination under federal law.
- Notice to any unions with which the contractor has a collective bargaining agreement of the contractor's equal opportunity obligations.
- Notice to job seekers that the employer is an equal opportunity employer, provided by using taglines in job advertisements.
- Notice to OFCCP by the contractor that it awarded a construction subcontract of more than $10,000.
- Notice to subcontractors of their nondiscrimination and affirmative action obligations, provided by incorporating equal opportunity clauses into subcontracts and purchase orders.
- Under VEVRAA only, notice to the appropriate employment service delivery system that the employer is a federal contractor and that it wants priority referrals of veterans.

EEO and Pay Transparency Postings and Notices

Federal construction contractors must post these notices:

- **"EEO is the Law" Poster**
- **"EEO is the Law" Poster Supplement**
- **Pay Transparency Nondiscrimination Provision**

These postings inform applicants and employees of their rights protected by OFCCP and procedures for filing complaints. Your federal agency contracting officer should provide you with the necessary posters. They are also available in different formats on the OFCCP website and upon request from OFCCP. These notices must be in an accessible format for individuals with disabilities.

EEO is the Law Poster

Every employer covered by EEO laws is required to place the "Equal Employment Opportunity is the Law" poster prominently on its premises, where it can be readily seen by employees and applicants for employment. Electronic posting of the notice (posted on your company's intranet or emailed to employees) is acceptable for employees who do not work at a physical location of your company. If your company has an electronic application process, you must use an electronic posting that is stored with or part of the electronic application to notify applicants of their rights.

EEO is the Law Supplement

OFCCP produced a mandatory supplement to the "EEO is the Law" poster that contractors are required to use until the "EEO is the Law" poster is updated to be consistent with OFCCP's protections. It, too, must be accessible to all applicants and employees as described above.

Pay Transparency Nondiscrimination Provision

OFCCP also requires federal construction contractors to post the Pay Transparency Nondiscrimination Provision and include it in employee handbooks and manuals to notify applicants and employees of their rights to discuss, disclose, and inquire about compensation and compensation information. The posting requirement can be accomplished by posting the provision electronically or by posting copies of the provision in conspicuous places available for employees and applicants. On its website, OFCCP provides a formatted version for posting that includes the OFCCP logo and contact information and an unformatted version for inclusion in employee handbooks and manuals.

Notice to Unions

If a federal construction contractor has a collective bargaining agreement or other contract with a union, then the contractor must give notice to the union that the contractor is bound by the laws OFCCP enforces and is committed to taking affirmative action and not discriminating against applicants and employees on any protected bases. A sample notice that would satisfy this OFCCP requirement is in **Appendix E**.

Job Advertisement Taglines

OFCCP requires contractors to include notices in all solicitations and advertisements for employees that qualified applicants will be considered without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. The use of "taglines" in job advertisements is the way contractors provide that notice.

Executive Order 11246

- A contractor can use the phrase "equal opportunity employer" or "EOE" as a substitute for listing all the protected bases.
- If a contractor wishes to list any of the bases protected by Executive Order 11246 in its tagline, it must list all of them.

Section 503

- Simply using "D" is not an adequate substitute for "disability" in a tagline.
- For those protected by Section 503, the tagline should at a minimum state "disability" so that the tagline will be clearly understood by jobseekers. This is true even if the phrase "equal opportunity employer" or "EOE" is used as a substitute for listing all the protected bases under Executive Order 11246.

VEVRAA

- Simply using "V" is not an adequate substitute for "veteran" or "vet" in a tagline.
- For those protected by VEVRAA, the tagline should at a minimum state "vet" so that the tagline will be clearly understood by jobseekers. This is true even if the phrase "equal opportunity employer" is used to substitute for listing all the protected bases under Executive Order 11246.

Listing Jobs with the Employment Service Delivery System

A contractor that is covered by VEVRAA must list its employment openings with the appropriate employment service delivery system (ESDS). The term "employment service delivery system" is defined at 41 CFR 60-300.2(j). In general, the term refers to local **American Job Centers** (one-stop centers) and state workforce agencies. Listing these employment openings is one type of affirmative action the contractor takes to recruit and hire qualified veterans.

For questions about the appropriate manner and format for providing job listing information, please contact the ESDS.

Contractors must list all employment openings except the following:

- Executive and senior management positions.
- Positions that will be filled from within the contractor's organization, meaning openings for which no consideration will be given to persons outside the contractor's organization, including openings which the contractor proposes to fill from regularly established "recall" lists.
- Positions lasting three days or less.

Contractors have some immediate actions to take as soon as it becomes a federal contractor subject to VEVRAA and some ongoing actions to take for as long as they are a federal contractor subject to VEVRAA.

EXAMPLES OF ACCEPTABLE EEO TAGLINES

Executive Order 11246
Option 1: EOE
Option 2: Equal Opportunity Employer
Option 3: All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

Executive Order 11246 and Section 503
Option 1: EOE including disability
Option 2: Equal Opportunity Employer, including disability
Option 3: EOE: race/color/religion/sex/sexual orientation/gender identity/national origin/disability
Option 4: All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, or disability.

Executive Order 11246, Section 503, and VEVRAA
Option 1: EOE including disability and vet
Option 2: Equal Opportunity Employer, including disability and protected veteran status
Option 3: EOE: race/color/religion/sex/sexual orientation/gender identity/national origin/disability/vet
Option 4: All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.

Immediate Actions

- Notify the ESDS in each state where it performs construction work that it is a federal contractor.
- Notify each ESDS that it desires priority referral of protected veterans for job openings.
- Provide each ESDS with the name and address of each hiring location within the state, as well as the contact information of the contractor official responsible for hiring at each location.
- List all employment openings that exist at the time of the execution of the federal contract with the appropriate ESDS where the opening exists, including employment openings not generated by the federal contract and openings at locations other than the location where the contract work will be performed.
- Submit the listing information in a manner and format permitted by the ESDS so that it can access and use the information to provide priority referral of protected veterans and make the job listings available to job seekers.

Ongoing Actions

- List all employment openings with the appropriate ESDS when openings occur throughout the performance of the contract. Perform this listing at least concurrently with the use of any other recruitment source or effort. Again, submit the listing information in a manner and format permitted by the ESDS.
- If any of the initially disclosed information about hiring locations and contacts changes, update the appropriate ESDS with current information. This can be completed when the contractor next lists a position.
- Maintain records of job listings, or require that any third-party provider of the listing service maintain the records.

Notification to OFCCP of Construction Contract Award

Federal construction contractors are required to give written notice to OFCCP within 10 working days of awarding a construction subcontract more than $10,000. Applicants for construction contracts, federal agency contracting officers, and in some cases nonconstruction contractors are also responsible for providing this notice. (Nonconstruction contractors are subject to this requirement if the construction work is necessary in whole or in part to the performance of the nonconstruction contract.) This notice requirement is in OFCCP's construction regulations at 41 CFR 60-4.2(c).

For federal construction contractors, the notification must be submitted to the OFCCP Regional Office that covers the geographical area in which the work will be performed. OFCCP developed a form for providing the notice, available in **Appendix F**.

Mandatory Notices in Bids and Contracting Documents

Federal construction contractors must include three types of formal notices in bids and contracting documents. Applicants for construction contracts, federal agency contracting officers, and in some cases nonconstruction contractors are also responsible for providing these notices. Nonconstruction contractors are subject to this requirement if the construction work is necessary in whole or in part to the performance of the nonconstruction contract.

- Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)
- Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)
- Equal Opportunity Clauses (Executive Order 11246, Section 503, and VEVRAA)

These legal notices are necessary to inform bidders and contractors of the binding EEO obligations that come with a federal construction contract. The notices are all available in OFCCP's regulations and in Appendices G and I.

Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)

This notice communicates to potential federal construction contractors the established goals for minority and female participation in construction trades in the geographical areas where construction work will be performed. It also informs them about the requirement to provide OFCCP with written notification of subcontracts more than $10,000 that are awarded under the construction contract. The notice appears in OFCCP's regulations at 41 CFR 60-4.2(d).

The notice must be included in the following types of documents to comply with Executive Order 11246.

- Solicitations for offers and bids on all federal and federally assisted construction contracts and subcontracts more than $10,000.
- Grants, contracts, subcontracts, loans, insurance and guarantees involving federally assisted construction covered by 41 CFR Part 60-4.
- Construction subcontracts that are necessary in whole or in part to the performance of a covered nonconstruction contract.

Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)

These specifications set forth specific EEO obligations and affirmative action steps for federal construction contractors. Construction contractors implement the contract specifications to ensure equal employment opportunity for women and minorities in construction trades. The specifications appear in OFCCP's regulations at 41 CFR 60-4.3(a).

WHERE TO FIND CONTRACTING NOTICES IN OFCCP'S REGULATIONS

41 CFR 60-4.2(d). Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)

41 CFR 60-4.3(a). Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)

41 CFR 60-1.4(a). Equal Opportunity Clause for Executive Order 11246 (Direct Federal Contracts)

41 CFR 60-1.4(b). Equal Opportunity Clause for Executive Order 11246 (Federally Assisted Construction Contracts)

41 CFR 60-741.5(a). Equal Opportunity Clause for Workers with Disability

41 CFR 60-300.5(a). Equal Opportunity Clause for VEVRAA Protected Veterans

These notices are also available in Appendices G and I.

The specifications must be included in the following types of documents to comply with Executive Order 11246.

- Solicitations for offers and bids on all federal and federally assisted construction contracts and subcontracts more than $10,000.
- Federal and federally assisted construction contracts and subcontracts in excess of $10,000.
- Grants, contracts, subcontracts, loans, insurance and guarantees involving federally assisted construction covered by 41 CFR Part 60-4.
- Construction subcontracts more than $10,000 that are necessary in whole or in part to the performance of covered nonconstruction federal contracts and subcontracts.

The specifications are deemed incorporated in all covered contracts by operation of Executive Order 11246 regardless of whether they are incorporated in the solicitation or contract and regardless of whether the contract is written.

Equal Opportunity Clauses (Executive Order 11246, Section 503, and VEVRAA)

In addition to the notice and specifications described above, federal construction contractors must include equal opportunity clauses in their subcontracts and purchase orders. There is an equal opportunity clause for each of the laws OFCCP enforces. The full equal opportunity clause for each law appears in OFCCP's regulations and is available in **Appendix I**. A sample for how to incorporate all three clauses by reference is available in **Appendix H**.

These clauses include the general requirements not to discriminate and to take affirmative action. They also contain many of the other posting and notice requirements discussed in this guide, such as listing employment openings and displaying the EEO poster and pay transparency notice.

Direct federal construction contractors must include or reference these equal opportunity clauses in all the subcontracts and purchase orders that flow from the contract and that meet the contract dollar thresholds (more than $10,000 for Executive Order 11246; more than $15,000 for Section 503; and $150,000 or more for VEVRAA).

- Equal Opportunity Clause (Executive Order 11246) at 41 CFR 60-1.4(a)
- Equal Opportunity Clause (Section 503) at 41 CFR 60-741.5(a)
- Equal Opportunity Clause (VEVRAA) at 41 CFR 60-300.5(a)

Federally assisted construction contractors must include or reference the following equal opportunity clause in their subcontracts and purchase orders that flow from the contract are more than $10,000:

- Equal Opportunity Clause (Executive Order 11246) at 41 CFR 60-1.4(b)

Mandatory Recordkeeping

Being a federal contractor carries with it the responsibility to retain personnel and employment records. It is necessary for contractors to maintain these records not only to be in compliance with OFCCP's recordkeeping requirements but also to demonstrate compliance with their EEO obligations. Without solid recordkeeping practices, a contractor will not be able to show OFCCP, for example, that it took all the required affirmative action steps.

What Records to Keep

Federal construction contractors must keep records about their entire on-site construction trade workforce. All personnel or employment records made or kept by a contractor must be preserved. This requirement applies to all locations where the contractor performs any federal or nonfederal construction work.

Records that you must keep include, but are not limited to, documents pertaining to hiring, assignment, promotion, demotion, transfer, layoff, termination, rates of pay or other terms of compensation, selection for training and apprenticeship, job postings, job advertisements, applications, resumes, tests, test results, and job interview notes. Some records must be kept in a confidential medical file apart from the applicant's file or employee's personnel file, such as results of any physical examinations and records relating to requests for reasonable accommodation.

For each employee, federal construction contractors must keep records that include, at a minimum, the name, address, telephone number, social security number, race, ethnicity, sex, rate of pay, construction trade, job title (*e.g.*, "Equipment Operator," "Apprentice Trainee," "Laborer"), dates of changes in job status, hours worked per week in each indicated trade, locations at which the work was performed, union affiliation if any, and employee identification number if any. **To comply with OFCCP's recordkeeping requirements, contractors may use the race and ethnicity categories included in OFCCP's regulations or the categories required for the Employer Information Report EEO-1 (EEO-1 Report).**

USE OF A THIRD-PARTY VENDOR TO RECRUIT, SCREEN OR SELECT APPLICANTS

You, as the federal contractor or subcontractor, remain responsible for complying with OFCCP's recordkeeping requirements if you use a third-party vendor to recruit, screen or select applicants. When using a recruiter for hiring, you may either maintain the records or have the third-party vendor maintain the required records. During a compliance evaluation or complaint investigation, the records must be available to OFCCP in a readable format regardless of who maintained them.

Recordkeeping requirements for federal construction contractors can be found in OFCCP's regulations at 41 CFR 60-1.12(a), 60-4.3(a)14, 60-300.80, and 60-741.80. Contractors must also comply with the Uniform Guidelines on Employee Selection Procedures, which are published at 41 CFR Part 60-3.

RACE AND ETHNICITY CATEGORIES

OFCCP Regulations
African-American/Black, Asian/Pacific Islander, Hispanic, American Indian/Alaskan Native, and White.

EEO-1 Report
Hispanic or Latino, White (Not Hispanic or Latino), Black or African-American (Not Hispanic or Latino), Native Hawaiian or Pacific Islander (Not Hispanic or Latino), Asian (Not Hispanic or Latino), Native American or Alaska Native (Not Hispanic or Latino), Two or More Races (Not Hispanic or Latino).

OFCCP's regulations regarding the race and ethnicity categories to be used by contractors have not changed to reflect the new categories for race and ethnicity categories required for the EEO-1 Report. However, as a matter of enforcement discretion, OFCCP does not cite any contractor for non-compliance with Executive Order 11246 solely because it utilizes the categories required by the EEO-1 Report in records required by OFCCP regulations.

Invitation to Self-Identify

Contractors covered by Executive Order 11246 must invite applicants to identify their sex, race, and ethnicity. OFCCP does not mandate a specific time in the selection process when these applicant demographic data must be requested, only that applicants must be invited to provide the data before the contractor makes a job offer. The following guidelines will assist contractors to be in compliance.

- Solicitation of demographic information should be made as early in the application process as possible. Contractors should not wait until after assessing basic qualifications or at the interview stage to solicit the information.
- Contractors are required to solicit demographic information from all applicants. The invitation should state that the submission of such information is voluntary.
- Once a contractor determines when to invite applicants to provide demographic data, all applicants must be given the same opportunity.
- All demographic data must be preserved, including demographic data gathered from social and professional networking websites.
- Contractors may use post-employment records or visual observation when individuals decline to self-identify.

Direct federal construction contractors subject to Section 503 and VEVRAA must also invite applicants to self-identify as individuals with disabilities or as protected veterans during the pre-offer stage of the selection process. Additional requirements regarding invitations to self-identify exist under Section 503 and VEVRAA. They are detailed in the section on Section 503 and VEVRAA AAPs beginning on **page 32**. More information on recording demographic data is also available in **Appendix J**.

Traditional Applicants and Internet Applicants

OFCCP's recordkeeping requirements reflect the reality that some contractors need to use data management techniques to limit the number of electronic applications they consider for a position. Other contractors may rely on a more traditional, paper-based process. When establishing recordkeeping practices, contractors need to devise a system that captures expressions of interest, such as job applications, for both traditional and internet applicants.

Internet Applicants

A federal construction contractor must keep records on all internet applicants. OFCCP defines "internet applicant" in its regulations. An internet applicant is a person who meets ***each of*** the following four criteria.

- Submits an expression of interest in employment through the internet or related electronic data technologies.
- Is considered by the contractor for employment in a particular position.
- Possesses the basic job qualifications as indicated in the expression of interest.
- Has not withdrawn from consideration at any point in the contractor's selection process before receiving an offer of employment.

For more information about recordkeeping for internet applicants, *see* **Appendix K**.

Traditional Applicants

A federal construction contractor must also keep records on all traditional applicants. Traditional applicants might express interest in employment orally or by completing an application form, depending upon the employer's practice.

Format for Keeping Records

Contractors may maintain paper or electronic records. Regardless of how they are preserved, the records must be accessible to OFCCP during a compliance evaluation or complaint investigation (*i.e.*, readily available for review and in a form or format that is readable and capable of being copied by OFCCP).

Contractors may transfer their original paper records to an electronic recordkeeping system if the medium used accurately reproduces the paper original and would constitute a duplicate or substitute copy of the original paper record.

Contractors have the flexibility to determine the form or format they use to maintain electronic records such as applications and resumes. Contractors may opt to keep them in their applicant tracking system or to create paper copies. The same is true for maintaining the results of searches conducted on electronic internal or external resume databases.

How Long to Keep Records

Federal construction contractors will need to keep records for at least one or two years, depending on how many employees they have and the size of their contract. The clock starts on the later of the date the record was created or the date the personnel action occurred.

For contractors subject to Section 503 and VEVRAA, additional three-year recordkeeping requirements apply. The three-year requirements are discussed below on **pages 35**, **44**, and **46**.

One year

The one-year retention requirement for personnel and employment records applies to contractors that have fewer than 150 employees. It also applies to contractors that do not have a government contract of $150,000 or more.

Two years

The two-year retention requirement for personnel and employment records applies to contractors with both 150 or more employees and a government contract of at least $150,000.

Participation Goals for Women and Minorities

Contractors take specific affirmative actions in pursuit of participation goals established for women and minorities on construction sites. For Executive Order 11246, OFCCP set the goals based on the participation rates of women and minorities in the construction civilian labor force. These goals are not quotas that must be met. Quotas are expressly forbidden by law. Also, the numerical goals do not create set-asides for specific groups, nor are they designed to achieve proportional representation or equal results. Rather, the construction goals under Executive Order 11246 are minimum targets for the participation of women and minorities that should be reasonably attainable by acting in good faith to take the 16 affirmative action steps prescribed by OFCCP. The standard of compliance is good faith.

The Director of OFCCP determines the goals for women and minorities in the construction trades.

Established Goal for Women

For women, OFCCP has set one goal that applies across the country. The current participation goal for women is 6.9% of work hours.

Established Goals for Minorities

OFCCP has set unique participation goals for minorities in every geographical area in the United States. The current goals for minorities are in **Appendix P** of this guide.

Applying the Goals to a Contractor's Workforce

Contractors use the goals as targets for the participation of women and minorities. They also use goals as yardsticks to measure the effectiveness of their affirmative action efforts by comparing the actual participation of women and minorities to the goals set by OFCCP. Each goal is a target percentage of hours to be worked by women or minorities.

There are a few rules about how to use the goals.

Maintain hours worked at all sites by construction trade

Contractors must keep records of hours worked by construction trade for all construction sites in every geographical area where work is being performed.

Calculate actual participation, by trade

Contractors must calculate the actual percentages for the participation of women and minorities, by trade, using the hours worked at every construction site in each geographical area to determine if they met the established goals for that area. Contractors must count hours at all construction sites in the area, regardless of whether the sites are for federal, federally assisted, or nonfederal work.

Compare actual participation to established goals in every geographical area, by trade

A contractor must compare actual participation, by trade, to the established goals for women and minorities in every geographical area where it performs construction work, regardless of whether the work is federal, federally assisted, or nonfederal.

EXAMPLE

OFCCP sets a goal for minority participation of 10% in a particular geographical area. A federal construction contractor performs 100 hours of federal work and 300 hours of nonfederal work in the geographical area, for a total of 400 hours. The contractor measures its progress toward meeting the 10% goal by dividing the hours worked by minorities in each trade by the total number of hours worked in the trade. For laborers, the contractor met the goal because minorities worked 150 of 200 total hours or 75%. For electricians, the contractor met the goal because minorities worked 10 of 50 total hours or 20%. For carpenters, the contractor did not meet the goal because minorities worked 10 of 150 total hours or 6.7%.

Two Types of Areas: SMSAs and Non-SMSAs

OFCCP's construction program has two types of areas: Standard Metropolitan Statistical Area (SMSA) and non-Standard Metropolitan Statistical Area (non-SMSA). Each area consists of a cluster of counties relatively close in proximity. Some areas cross state lines. **Appendix P** organizes the areas by state, showing counties in the United States listed under the economic area to which they belong, and then further designated as "SMSA counties" and "non-SMSA counties." A county near the state line may appear in the area of a different state on the other side of the border.

To determine the goal for a geographical area, federal construction contractors should use **Appendix P** to look up the area or areas that contain the county where work will be performed. As a note, after OFCCP published its goals, SMSAs were realigned into Metropolitan Statistical Areas for use in a subsequent census. However, the geographical areas for OFCCP construction goals continue to be expressed as SMSAs and non-SMSAs.

EXAMPLE

ABC Company does construction work in SMSA X and SMSA Y. It has a federal contract for some of the construction work it does in SMSA X. The 6.9% goal for women and the minority goal for SMSA X apply to all of ABC's construction work in SMSA X, both federal and nonfederal. The 6.9% goal for women and the minority goal for SMSA Y apply to all of ABC's construction work in SMSA Y, even though it has no federal work in SMSA Y.

Sixteen Affirmative Action Steps

Unlike federal supply and service contractors, federal construction contractors are not required to develop written AAPs under Executive Order 11246. To comply with Executive Order 11246, federal construction contractors must make good faith efforts to meet the participation goals by taking the 16 affirmative action steps described in this section, which are part of OFCCP's regulations at 41 CFR 60-4.3(a)7. The construction affirmative action goals and steps are included in the bids and contracting documents described above on **pages 13-14** and **Appendix G**.

The 16 steps listed in this guide do not appear in the order listed in the regulations. Rather, for ease of reference, they appear in the following groups that correspond to critical personnel activities.

- Recruitment Practices
- Training
- Equal Employment Opportunity Policy and Implementation
- Personnel Operations
- Contracting Activity

Listed below are best business practices that would positively enhance the work environment as well as enable a contractor to comply with the specifications. They are listed only as examples and should not be viewed as the only possible ways to comply with these specifications. Construction contractors must document the steps and actions that they take to ensure that these requirements are met.

Recruitment Practices

Step 1—Recruit Women and Minorities from Community Organizations, Schools, and Training Organizations

This step requires the contractor to direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and minority and female recruitment and training organizations serving the contractor's recruitment area and employment needs. The contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process not later than one month before the date for the acceptance of applications for apprenticeship or other training by any recruitment source. Step 1 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.i.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should establish relationships with community organizations, recruitment sources, schools, and training organizations that serve all demographic groups in the recruitment area, including minorities and women. Records of interactions should specify the purpose of establishing a particular relationship and the outcomes the relationship has produced.

- Contractors should document and retain retrievable electronic records on all of their contacts with agencies and programs in the contractor's recruitment area that are responsible for recruiting, referring or training individuals for work in the construction industry, including local offices of the state employment service, local trade union apprenticeship programs, and community organizations that prepare individuals for entry into trade union-sponsored apprenticeship programs, such as vocational/technical schools and high schools with construction-related training programs, Urban League training and referral programs.

- Contractors should maintain retrievable electronic records of their contacts with recruitment sources, including minority, women's, and community organizations, announcing apprenticeship and other training opportunities. Contractors must provide written notification to organizations like those described above about the openings, screening procedures, and tests to be used in the selection process at least one month before applications for those training opportunities are accepted. Contractors should also maintain retrievable electronic records of those notifications.

Step 2—Encourage Employees to Recruit Women and Minorities

This step requires the contractor to encourage present minority and female employees to recruit other minority persons and women, and where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a contractor's workforce. Step 2 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.j.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should maintain electronic diaries, telephone logs or memos indicating contacts (both written and oral) with minority and female employees encouraging them to recruit other minorities and women, and records of the results. Contractors should specifically discuss recommendations for referral with minority and female trade employees.

- Contractors that provide work experience or work exposure opportunities to minority and female youth should maintain electronic records of such activities. Contractors may also retain electronic files of letters and other documentation of contact with recruitment sources and local state employment agencies and community organizations that assist with youth employment programs.

Step 3—Track Recruitment Sources

This step requires the contractor to establish and maintain a current list of minority and female recruitment sources and provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses. Step 3 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.b.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should identify recruitment sources capable of referring qualified applicants, including minorities and women that include construction trade union locals, certified apprentice programs, and state employment offices serving the company's project recruitment areas.

- Contractors should develop relationships with local high school and community college-based skills training programs and organizations that provide effective pre-apprenticeship preparation, such as Women in Trades organizations that help prepare individuals, including women and minorities, for entry into the construction trades.

- Contractors should maintain files of interactions with recruitment sources, including sources for minorities and women, detailing achievements in developing employment and/or training opportunities. Details should include descriptions of initiatives and resulting outcomes.

- Contractors should utilize applicant and hire logs to monitor the source of referrals and to evaluate the effectiveness of recruitment sources. Where contractors are a signatory to collective bargaining agreements, they should use this information to inform union representatives about the impact of union referrals on contractor efforts to provide equal employment opportunity.

Step 4—Track Applicants

This step requires the contractor to maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken concerning each individual. If such individual was sent to the union hiring hall for referral and was not referred back to the contractor by the union or, if referred, not employed by the contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the contractor may have taken. Step 4 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.c.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should establish standard personnel procedures that require creation and retention of records that show the name, address, telephone number, sex, race, ethnicity, trade, source of referral, and action taken concerning each applicant.

- Contractors should post information at each worksite that directs interested parties to the location or website where applications for employment are accepted. Where contractors are signatory to union collective bargaining agreements that require a direct referral, the union trades employed on the project and location and contact information of the respective union halls should be posted at each worksite.

- Where contractors are signatory to trade union collective bargaining agreements that establish referral or hiring hall obligations, contractors should create and retain records that identify the union local(s) involved, union contact persons and their names, addresses and telephone contact information, and the results of referrals showing hires and reasons for those not hired.

- Contractors should establish a standard selection process for all applicants that are trade- and skill-based that includes documentation of the reasons for nonhire.

- Where an applicant has been referred to a union for referral back to the contractor, contractors should retain documentation of this action and its results, as well as any follow-up contacts made with the applicant or the union.

Step 5—Notify OFCCP if Union Referral Process Impedes EEO

This step requires the contractor to provide immediate written notification to the Director of OFCCP when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority person or woman sent by the contractor, or when the contractor has other information that the union referral process has impeded the contractor's efforts to meet its obligations. Step 5 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.d.

NOTE: Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the contractor's obligations under the contract specifications, Executive Order 11246, or the applicable regulations.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should establish standard procedures for making and documenting referrals to and/or requesting referrals from the union or unions that are consistent with the terms of their collective bargaining agreements.

- Contractors should immediately notify the Director of OFCCP through their **local OFCCP District Offices** when they have any information that the union referral process impedes their efforts to meet their EEO obligations.

Training

Step 6—Develop On-the-Job Training Opportunities

This step requires the contractor to develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the contractor's employment needs, especially those programs funded or approved by the U.S. Department of Labor. The contractor shall provide notice of these programs to the sources compiled under Step 3. Step 6 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.e.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should develop on-the-job training opportunities, participate in other training programs offered in the geographical area, or both. These programs and opportunities must expressly include minorities and women. Contractors must provide notice of these training opportunities to their recruitment sources, including the minority and female recruitment sources and community organizations they have identified.
- Contractors should maintain retrievable electronic records of employees' participation in training programs, including those that are approved or funded by the U.S. Department of Labor.
- Contractors should maintain retrievable electronic records of any contributions of cash, equipment or personnel provided in support of training or apprenticeship programs.

EEO Policy and Implementation

Step 7—Disseminate EEO Policy Externally

This step requires the contractor to disseminate its EEO policy externally by including it in any advertising in the news media, specifically minority and female news media, and providing written notification to and discussing the EEO policy with other contractors and subcontractors with whom the contractor does or anticipates doing business. Step 7 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.h.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should establish, as a standard practice, the retention of retrievable electronic records of any employment advertisements or job announcements that include the EEO "tagline," which states the contractor's commitment to its EEO policy. The tagline may state that the contractor is an "equal opportunity employer," or it may state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin. The tagline should appear in all advertisements placed in media, including media directed at minorities and women. Note that if the contractor is covered by Section 503, the tagline must include disability. If the contractor is covered by VEVRAA, the tagline must include protected veteran status. *See* **pages 10-11** of this TAG for acceptable tagline options.
- Contractors should retain retrievable electronic records of correspondence with subcontractors that notify them of their EEO policies and discuss their corresponding contractual obligations.
- Contractors should retain retrievable electronic records of any meetings with construction industry associations and organizations where the federal EEO and affirmative action contract obligations and methods for facilitating compliance have been discussed or acted upon.

Step 8—Share EEO Policy with Unions and Training Programs

This step requires the contractor to disseminate its EEO policy by:

- Providing notice of the policy to unions and training programs and requesting their cooperation in assisting the contractor in meeting its EEO obligations;
- Including it in any policy manual and collective bargaining agreement;
- Publicizing it in the company newspaper, annual report, etc.;

- Specific review of the policy with all management personnel and with all minority and female employees at least once a year; and
- Posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

Step 8 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.f.

Examples of Best Business Practices That Demonstrate Compliance

- In addition to including their EEO policies in any policy manuals, contractors may include their EEO policies in any employee handbooks provided to employees when they are hired.
- Contractors should post their EEO policies in places such as company offices, project sites, and project trailers.
- Contractors should discuss their EEO policies with employees at scheduled intervals, at least annually. Contractors should maintain documentation of employees' acknowledgment of receipt or review of their EEO policies, for example, by asking employees to sign a receipt for an employee handbook that contains the contractor's EEO policy.
- Contractors should retain retrievable electronic copies of emails, letters, memoranda and notices to unions and union apprentice training programs notifying them of the contractors' EEO policies and requirements and requesting their assistance in meeting those obligations.
- Contractors should retain retrievable electronic files containing company newsletters and annual reports which contain descriptions of their EEO policies.

Step 9—Review EEO Obligations with Employees Involved in Employment Decisions

This step requires the contractor to review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel (*e.g.*, Superintendents, General Foremen) before the initiation of construction work at any job site. A written record should be made and maintained identifying the time and place of these meetings, persons attending, the subject matter discussed, and disposition of the subject matter. Step 9 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.g.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should discuss their EEO policies and affirmative action obligations with all employees who have responsibility for employment decisions at scheduled intervals, at least annually.
- Contractors should also discuss their EEO policies and affirmative action obligations with onsite supervisory personnel before construction work begins at any job site.
- Contractors should retain retrievable electronic records of memoranda, diaries, minutes of meetings, etc., that identify the time and place of these meetings, persons attending, the subject matter discussed and disposition of the subject matter. Disposition of the subject matter may include any actions to be taken by participants.

Step 10—Annually Review Supervisor Performance with EEO Obligations

This step requires the contractor to conduct a review, at least annually, of all supervisors' adherence to and performance under the contractor's EEO policies and affirmative action obligations. Step 10 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.p.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should establish standards of performance that measure supervisors' adherence to and performance under their EEO policies and affirmative action obligations.
- Contractors should retain retrievable electronic records of annual evaluations of supervisor performance, as well as memoranda, letters, reports, and minutes of meetings or interviews with supervisors and management personnel about company practices as they relate to EEO policy and affirmative action obligations.
- Contractors should retain retrievable electronic records of company policies and procedures that show how supervisors and managers are notified when their employment practices adversely or positively affected the company's EEO and affirmative action posture.

Personnel Operations

Step 11—Evaluate Promotion Opportunities for Women and Minorities

This step requires the contractor to conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities. Step 11 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.l.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should encourage all employees, including minorities and women, to seek or prepare for promotional opportunities through appropriate training.
- Contractors should retain retrievable electronic records such as memoranda, letters, and personnel files showing how promotional opportunities for all employees are reviewed and inventoried annually.

Step 12—Ensure a Harassment-Free Workplace

This step requires the contractor to ensure and maintain a workplace free of harassment, intimidation, and coercion at all sites, and in all facilities that the contractor's employees are assigned to work. The contractor, where possible, will assign two or more women to each construction project. The contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities. Step 12 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.a.

Examples of Best Business Practices That Demonstrate Compliance

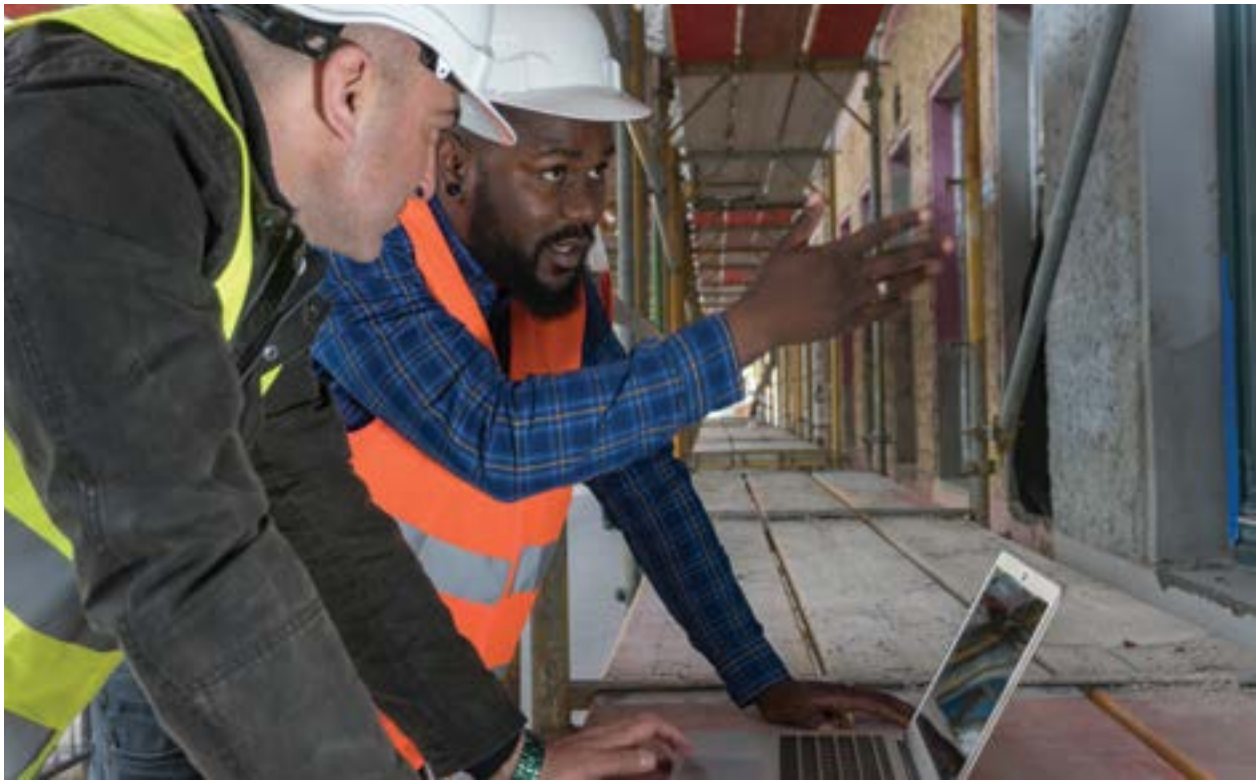
- Contractors should communicate to all personnel that harassment will not be tolerated.
- The contractor should produce and post EEO policy statements prohibiting unlawful harassment at all sites where posting is reasonably possible.
- The contractor should ensure all supervisory personnel are aware of and carry out the contractor's EEO obligation by issuing memoranda and other written instructions addressing the need to maintain a work environment free of harassment, intimidation, and coercion. The contractor should maintain retrievable electronic records of such written materials.
- The contractor should conduct meetings to inform supervisory personnel of their duty to carry out the contractor's obligation to maintain a workplace free of harassment, intimidation, and coercion. The contractor should maintain retrievable electronic records of such meetings.
- Contractors that assign more than one woman to each construction project should retain records of such assignments.
- The contractor should develop formal procedures to take and investigate complaints of harassment. These procedures should include how to file a complaint, where to file the complaint and the name of the person who is responsible for accepting complaints. The contractor should maintain records of such complaints and the results of the investigations.
- The contractor should designate an official (*e.g.*, an EEO officer) to be responsible for creating and retaining reports, diaries, analyses, etc., of the company's specific efforts to monitor the work environment for the presence of any forms of harassment, intimidation, or coercion.
- The contractor should provide harassment awareness training to supervisors and employees and retain records of such training that indicate the dates of the training, the names of those conducting the training, the names of those attending the training, and a copy or description of the training materials.

Step 13—Conform to the Uniform Guidelines on Employee Selection Procedures (UGESP)

This step requires contractors to validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3 (*Uniform Guidelines on Employee Selection Procedures (1978*). Step 13 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.k.

Examples of Best Business Practices That Demonstrate Compliance for Contractors with Fewer Than 100 Employees

- Contractors with fewer than 100 employees should collect data to determine if any selection procedure used has a possible adverse impact on any race, sex, or ethnic group. These contractors should maintain and have available records showing the following information for each year.
  - The number of persons hired, promoted and terminated in each trade (*e.g.*, carpenters, brick masons, concrete finishers, ironworkers, mechanics, equipment operators), by sex and, where appropriate, by race and national origin.
  - The number of applicants for hire and promotion by sex and, where appropriate, by race and national origin.
  - The selection procedures used (such as standardized testing or unstructured interviews and qualifications review).
- Contractors must use the race and ethnicity categories included in OFCCP's regulations or the categories required for the Employer Information Report EEO-1 (EEO-1 Report). For more information on these categories can be found on **page 16**.



Examples of Best Business Practices That Demonstrate Compliance for Contractors with 100 or More Employees

- Contractors with 100 or more employees should maintain the records listed above. Additionally, they should maintain records for each job to show whether the total selection process for each job has an adverse impact on either sex or any of the races and ethnic groups specified in OFCCP regulations or the EEO-1 Report. For information on how to conduct an adverse impact analysis, *see* **Appendix L**.
- Contractors should perform adverse impact analyses at least once a year for each group that constitutes at least 2% of the labor force in the relevant area or 2% of the applicable workforce.
- Where a total selection process for a job has an adverse impact, the contractor should maintain and have available records showing which components of the selection process have an adverse impact.
- Records regarding individual components of the selection process should be collected for at least two years after the adverse impact has been eliminated in the total selection process for a particular job.
- Contractors must validate selection procedures that have an adverse impact on any race, sex, or ethnic group following the Uniform Guidelines on Employee Selection Procedures.

Step 14—Monitor Personnel Practices for Unintended Discriminatory Effects

This step requires contractors to ensure that seniority practices, job classifications, work assignments, and other personnel practices do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the EEO policy and the contractor's obligations under these specifications are being carried out. Step 14 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.m.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should use data collected to determine if seniority practices, job classifications, work assignments or other personnel practices have a discriminatory effect on women or minorities. Contractors should use data collected under Step 14 to determine whether a discriminatory effect exists. For example, a contractor may determine that its practice of assigning work results in substantially more men than women receiving higher-paid work assignments.
- Contractors should audit or examine existing personnel practices periodically to ensure that EEO obligations are being adequately addressed and incorporated in personnel practices.
- Contractors should ensure current policies are reviewed regularly to identify any policies that are not equally applied.

Step 15—Ensure Nonsegregated Facilities

This step requires the contractor to ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes. The term "facilities" refers to waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. Step 15 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.n.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should compile announcements (*e.g.*, flyers, posters, emails) of company-sponsored events such as training, parties or picnics and documentation reflecting that notification has been disseminated equally to all employees.
- Contractors should provide adequate toilet and changing facilities to all employees to guarantee privacy between the sexes.
- Contractors should designate single-user restrooms, changing rooms, showers, and similar single-user facilities as sex-neutral.

Contracting Activity

Step 16—Document Solicitations from Minority and Female Contractors

This step requires contractors to document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations. Step 16 can be found in OFCCP's regulations at 41 CFR 60-4.3(a)7.o.

Examples of Best Business Practices That Demonstrate Compliance

- Contractors should use small disadvantaged businesses or disadvantaged business enterprises as subcontractors and should document their efforts.
- Contractors should make solicitations to small disadvantaged businesses and disadvantaged business enterprises on the same bases as solicitations to larger contractors.
- Contractors should retain retrievable electronic records of all solicitations of offers for subcontracts from construction contractors and suppliers that are small disadvantaged businesses or disadvantaged business enterprises, including circulations of solicitations to minority and women's contractor associations.

Written AAPs for Section 503 and VEVRAA

In addition to following the 16 affirmative action steps explained above to demonstrate compliance with Executive Order 11246, federal construction contractors covered by the written affirmative action requirements of Section 503 and VEVRAA must develop written AAPs to demonstrate compliance with OFCCP's regulations implementing those two laws. Though the requirements for Section 503 and VEVRAA written AAPs are similar, this guide explains important differences.

Note: Section 503 and VEVRAA requirements, including the requirements for written AAPs, do not apply to federally assisted construction contracts.

The AAP requirements for protected veterans are codified in OFCCP's VEVRAA regulations at 41 CFR 60-300, Subpart C.

The AAP requirements for individuals with disabilities are in OFCCP's Section 503 regulations at 41 CFR 60-741, Subpart C.

Contract and Employee Thresholds That Trigger AAP Coverage

Section 503

Federal construction contractors must develop and maintain written Section 503 AAPs if they meet both of the following conditions.

- A federal government contract or subcontract of $50,000 or more
- 50 or more employees.

VEVRAA

Federal construction contractors must develop and maintain written VEVRAA AAPs if they meet both of the following conditions.

- A federal government contract or subcontract of $150,000 or more
- 50 or more employees.

Developing and Updating AAPs

New federal construction contractors subject to Section 503 or VEVRAA AAP requirements must develop the written AAP(s) within 120 days from the start of the contract or subcontract. Section 503 and VEVRAA AAPs are prospective in nature. They establish, in writing, a program for the contractor to follow for one year, with the overall goal of affording equal employment opportunity for individuals with disabilities (Section 503) and protected veterans (VEVRAA).

During the AAP year, the contractor collects certain information and conducts analyses for various required components of the AAP. The analyses help the contractor measure its progress toward equal employment opportunity. On an annual basis, the federal construction contractor must audit and update written AAPs based on that information and analyses, revising the AAPs if a program is ineffective.

Federal construction contractors have a couple of options to consider when developing their written AAPs for Section 503 and VEVRAA.

- Whether to combine their Section 503 and VEVRAA AAPs – or keep them separate.
- Whether to develop AAPs by geographical area or company-wide.

Option to Combine Section 503 and VEVRAA AAPs

Contractors covered by both Section 503 and VEVRAA may choose to combine the AAPs required by the laws into one written document. Below are the two options that contractors have.

- Option 1: Contractors may develop two separate documents, one for each law (*i.e.*, a Section 503 AAP and a VEVRAA AAP).
- Option 2: Contractors may develop a single, combined document that addresses the requirements of both laws.

Develop and Maintain AAPs by Geographical Area or Company-Wide

OFCCP's AAP regulations for Section 503 and VEVRAA instruct contractors to develop an AAP for each of the contractor's establishments. To be in compliance, a federal construction contractor may develop and maintain its Section 503 and VEVRAA AAPs in one of the following two ways.

- Option 1: Company-wide, provided that the AAP can be disaggregated by trade and geographical area so that the Section 503 utilization goal is reported by trade and geographical area.
- Option 2: By geographical area, provided that employment records are collected at the project level by trade and aggregated for the geographical area.

Section 503 Utilization Goal and VEVRAA Hiring Benchmark

Section 503 and VEVRAA require that federal construction contractors aspire to meet percentage targets for the employment of qualified individuals with disabilities and protected veterans in the construction trades. However, failure to meet the goal or hiring benchmark is not a violation of the regulations and will not lead to a fine, penalty, or sanction.

Section 503 Utilization Goal for Qualified Individuals with Disabilities

OFCCP has established a utilization goal of 7% employment of qualified individuals with disabilities for contractors covered by Section 503 written AAP requirements. The goal serves as an objective that should be attainable by complying with all aspects of the AAP components required by OFCCP. The purpose of the goal is to provide contractors a target against which to measure the representation of individuals with disabilities. The disability utilization goal is not a quota. The goal should also not be used as a floor or a ceiling that limits or restricts the employment of individuals with disabilities.

- Federal construction contractors with more than 100 employees must measure the representation of individuals with disabilities within each trade on all construction work covered by a contractor's written AAP.

- Federal construction contractors with 100 or fewer employees have the option to measure the representation of individuals with disabilities within each trade or to evaluate the representation of individuals with disabilities on all construction work covered by a contractor's written AAP.

Either way, contractors must evaluate the utilization of individuals with disabilities as part of every annual AAP update. When the percentage of individuals with disabilities is less than the 7% utilization goal, contractors need to take steps to determine whether and where impediments to equal employment opportunity exist. At a minimum, contractors must identify problem areas by evaluating the AAP components described below, such as the effectiveness of outreach and review of personnel processes. Contractors must develop and execute action-oriented programs to correct any identified problem areas.

ACTION-ORIENTED PROGRAMS

- Modification of personnel processes to ensure EEO for individuals with disabilities.
- Alternative or additional outreach and recruitment activities.

VEVRAA Hiring Benchmark for Protected Veterans

Contractors covered by the VEVRAA AAP requirements must establish a hiring benchmark for protected veterans every year, or adopt the national benchmark provided by OFCCP each year, as part of their AAP update. The VEVRAA hiring benchmark is not a quota but a quantifiable method by which a contractor can measure its progress toward achieving equal employment opportunity for protected veterans.

The VEVRAA hiring benchmark sets a target for hiring protected veterans during one AAP year. To measure its progress, a contractor calculates the percentage of total hires who are protected veterans hired during that AAP year for all construction work covered by a contractor's AAP. This is different than the disability utilization goal analysis, which looks at all individuals with disabilities employed by the contractor, regardless of when they were hired.

Contractors have two options when setting their VEVRAA hiring benchmark each year in the written AAP.

- Option 1: Establish a benchmark equaling the national percentage of veterans in the civilian labor force. OFCCP publishes this percentage every year on its website.
- Option 2: Establish a customized benchmark taking into account at least five factors described in OFCCP's regulations.

SETTING A CUSTOMIZED VEVRAA HIRING BENCHMARK

Contractors who choose to develop a more individualized hiring benchmark instead of using the one published annually by OFCCP must consider the following five factors.

1. The average percentage of veterans in the civilian labor force for the state(s) covered by the AAP, for the previous three years.
2. The number of veterans who participated in the employment service delivery system in the state(s) covered by the AAP, over the previous four quarters.
3. The applicant ratio and hiring ratio for the location(s) covered by the AAP for the previous year.
4. The most recent assessment of the effectiveness of the contractor's outreach and recruitment efforts.
5. Any other factor, such as the nature of the job openings or the location of the construction work that would tend to affect the availability of qualified protected veterans.

Three-year Recordkeeping Requirement for Benchmarks

The benchmarks and methods used to set benchmarks must be documented and the documentation must be maintained for three years.

Invitation to Self-Identify

To be in compliance with Section 503 and VEVRAA, contractors must invite each individual seeking employment to identify whether they are an individual with a disability or a protected veteran. This requirement is key to compliance because contractors need the information collected from these invitations to perform components in their AAPs, such as the disability utilization analysis, annual audit, and evaluation of the effectiveness of outreach and recruitment efforts.

OFCCP's regulations require contractors to make these invitations completely voluntary. Contractors must not use the refusal to self-identify as the basis for adverse treatment.

To be in compliance, contractors need to protect the confidentiality of the information provided in response to the invitation to self-identify. Contractors are required to keep all information on self-identification confidential and maintain it in a data analysis file, rather than in the medical or personnel files of individual employees. It should not be available to anyone involved in making selection decisions. It should be used only to conduct Section 503 and VEVRAA analyses required by OFCCP.

Contractors may harmonize the solicitation of data on race, ethnicity, and sex with the pre-offer invitation to self-identify as an individual with a disability and the invitation to self-identify as a protected veteran.

The requirements for invitations to self-identify under Section 503 and VEVRAA are different, as explained below.

Invitation to Voluntarily Self-Identify as an Individual with a Disability (Section 503)

Contractors must offer the opportunity to self-identify as an individual with a disability at several different phases.

- Contractors must offer it to each applicant at the pre-offer phase of the hiring process.
- Contractors must offer it to each applicant at the post-offer phase of the hiring process.
- Contractors must extend the invitation to self-identify to all of its employees within the first year of being subject to Section 503.
- Contractors must extend the invitation to self-identify to all of its employees every five years.
- During the intervening five years, contractors are required to remind employees, at least once, that they may voluntarily update their disability status at any time.

Some contractors may prefer to create an electronically fillable version of the form used to invite self-identification. OFCCP permits electronically fillable versions, provided that the electronic version meets the following requirements.

- Display the OMB number and expiration date;
- Contain the text of the form without alteration;
- Use a sans-serif font, such as Calibri or Arial; and
- Use at least 11-pitch for font size (except for the footnote and burden statement, which must be at least 10-pitch in size).

OFCCP specifies the minimum size and type of font to ensure the consistency of appearance, ease of reading and the general accessibility of the form. By using the OMB number and date, contractors ensure that job applicants and employees know that the form is an approved government form.

OFCCP's regulations for Section 503 require contractors to offer the invitation to self-identify using the Voluntary Self-Identification of Disability Form (Form CC-305). The Office of Management and Budget authorizes this form, available on OFCCP's website. OFCCP provides the form for the invitation to self-identify in Appendix M.

Invitation to Voluntarily Self-Identify as a Protected Veteran (VEVRAA)

Contractors must offer each applicant the opportunity to self-identify as a protected veteran at two different phases.

- Contractors must offer it to each applicant at the pre-offer phase of the hiring process.
- Contractors must offer it to each applicant at the post-offer phase of the hiring process.

Unlike Section 503, the VEVRAA self-identification requirement does not extend beyond the post-offer phase. Also, OFCCP's VEVRAA regulations do not mandate that contractors use a prescribed form for self-identification purposes.

Although there is not a prescribed form, invitations to identify as a protected veteran must contain the following components:

- A statement that the company is a federal contractor required to take affirmative action to employ and advance in employment protected veterans under VEVRAA;
- A summary of the relevant portions of VEVRAA and the contractor's AAP;
- A statement that the information is being requested voluntarily;
- A statement that the information will be kept confidential;
- A statement that refusal to provide the information will not subject the applicant to adverse treatment; and
- A statement that the information will not be used in a manner inconsistent with VEVRAA.

OFCCP provides an acceptable form for the invitation to self-identify in **Appendix N**. ***Note***: *The version in this guide is more recent than the sample provided as an appendix to OFCCP's regulations.*

Documenting Compliance with the Invitation to Self-Identify Requirements

Recognizing that contractors may have different practices and information technology capabilities, OFCCP permits a range of options for documenting compliance with the invitation to self-identify requirements of Section 503 and VEVRAA.

Paper Invitations. A contractor that invites voluntary self-identification by paper invitations must retain either the hard copies of the completed self-identification forms or electronic copies of the completed paper forms. The contractor must also retain any log, spreadsheet or database that it may have developed to record the data from the self-identification forms.

Electronic Invitations. A contractor that electronically invites voluntary self-identification has several options to document compliance.

- Retain electronic copies of the electronically completed self-identification forms, as well as any log, spreadsheet or database used to record the data from the self-identification forms.
- Retain hard copies of the electronically completed self-identification forms, as well as any log, spreadsheet or database used to record the data from the self-identification forms.
- Retain a detailed log, spreadsheet or database of the data collected from each electronically completed form, without copies of each individually completed form, if the electronic system does not store completed forms. However, the contractor must also be able to demonstrate how it delivered and/or displayed the voluntary invitation to self-identify.

Written AAP Component: EEO Policy

Contractors and subcontractors must develop an EEO policy statement. The EEO policy statement is a written document, usually in the form of a one- or two-page letter or memo addressed to employees and applicants, which explains the equal employment opportunity expectations of the company. The EEO policy statement(s) for protected veterans and individuals with disabilities may be combined with the EEO policy statement regarding race, color, religion, sex, sexual orientation, gender identity, and national origin.

Contents of the EEO Policy Statement

At a minimum, the EEO policy explains that all employment activity such as recruiting, hiring, promotions, training, terminations, layoffs, and pay will be done without regard to disability or protected veteran status and that all employment decisions will be based only on valid job requirements.

The EEO policy should also:

- Include a clear indication of support for the contractor's affirmative action program from the top U.S. executive of the company.
- Provide for an audit and reporting system (explained below).
- Indicate who is in charge of implementing the contractor's affirmative action activities.
- Include a statement that employees and applicants who exercise any right protected by Section 503, VEVRAA, and their implementing regulations will not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in those activities. Protected activities include filing a complaint and assisting or participating in an investigation, compliance evaluation, hearing, or other activity related to the Section 503 and VEVRAA requirements.

What to Do with the EEO Policy Statement

- Review and update it annually as part of the written AAP.
- Post it on bulletin boards accessible to employees and applicants.
- Post it internally and externally, as discussed below.

Written AAP Component: Disseminate EEO Policy Internally and Externally

Once a contractor establishes its EEO policy, it must share the policy internally with employees and managers and externally with outside organizations—including those that may assist and support outreach and positive recruitment for individuals with disabilities and protected veterans.

Purpose of Internal Dissemination

The purpose of the internal dissemination of the EEO policy is to ensure internal support from all levels of managers and employees in matters of employment for individuals with disabilities and protected veterans. Contractors that have developed a meaningful plan for internal dissemination of the EEO policy are able to demonstrate a commitment to an inclusive culture.

Purpose of External Dissemination

The purpose of the external dissemination of the EEO policy is to contribute to outreach and positive recruitment of protected veterans and individuals with disabilities.

Table Highlighting Dissemination of Section 503 and VEVRAA EEO Policy

The table below highlights key requirements for internal and external dissemination of the EEO policy and provides examples of additional actions that contractors can undertake to show compliance.

DISSEMINATION OF EEO POLICY		
	Internal	**External**
The contractor **must** (required)	• Include the EEO policy in its manual or otherwise make it available to employees. • If party to a collective bargaining agreement, notify union officials and/or employee representatives of the policy and request their cooperation.	• Send written notification of the policy to its subcontractors, vendors, and suppliers.
The contractor **should** (recommended)	• Inform all employees and potential employees of its commitment to increase employment opportunities for protected veterans and individuals with disabilities. • Publicize the EEO policy in the company newspaper, magazine, or any other media used by the company. • Conduct special meetings with all levels of management to explain the policy and their role in its implementation. • Discuss the policy during orientations and trainings. • Include protected veterans and individuals with disabilities in photos of employees used by the company. • Include accomplishments of protected veterans and individuals with disabilities in company publications.	• Hold formal briefing sessions with recruitment sources discussing job openings and positions, and establish a referral process that works for all parties. • In efforts directed at educational institutions, include special efforts for protected veterans and individuals with disabilities. • Participate in work-study programs for protected veterans and individuals with disabilities.

Written AAP Component: Review of Personnel Processes

Contractors must review personnel practices to ensure that the job qualifications of applicants and employees who are known protected veterans and applicants and employees with known disabilities are given careful, thorough, and systematic consideration for job vacancies filled either by hiring or promotion and for all training opportunities offered or available.

Personnel Processes to Review

- Contractors should rely on only the portions of a protected veteran's military record that are relevant to the qualification requirements of the opportunity at issue.
- Contractors must periodically review their reasonable accommodation practices and procedures. They should ensure that these procedures are disseminated to all applicants and employees, that requests for reasonable accommodation are promptly handled, and that any necessary reasonable accommodations are provided unless they would impose undue hardship on the company.
- Contractors must periodically review the accessibility of their online or electronic application systems to applicants and employees with disabilities and ensure that necessary reasonable accommodations can be easily requested and are readily provided when requested unless doing so would impose an undue hardship on the company.
- If contractors find that any personnel practices are discriminatory, the practice must be changed and the change must be noted in the contractor's affirmative action program.

Establishing Procedures for Periodic Reviews

OFCCP's regulations provide a set of procedures which contractors may adapt for establishing periodic reviews of personnel actions. "Review of Personnel Processes" is at **Appendix C** to 41 CFR Part 60-300.

- Individual personnel actions (including pre-employment testing) should be carefully documented.
- Contractors should be able to provide records of every opening for which an individual with a known disability or a known protected veteran was considered.
- Personnel records or employment application forms should identify the specific job opening.
- If a worker or an applicant with a known disability or a known protected veteran was not selected, contractors should prepare a statement of the reason for rejection and provide a comparison of the qualifications of the person selected with those of the individual with a disability or protected veteran.
- Records should also indicate the reasonable accommodations (if any) that were considered to enable the individual with a disability or disabled veteran to perform the essential functions of the job.

Written AAP Component: Review of Mental and Physical Job Qualifications

Contractors must provide and adhere to a schedule for the periodic review of all physical and mental job qualification standards to ensure that any qualification standard that screens out or tends to screen out qualified individuals with disabilities or disabled veterans is job-related and consistent with business necessity.

Qualification standards are often found in specific job descriptions and general company policy statements. Examples of common mental and physical job qualification standards include requirements such as "must be able to lift 50 pounds," "must be able to move heavy materials," or "must be able to tolerate heights." Other examples include specific hearing and vision requirements.

Examples of Business Practice Steps That Demonstrate Compliance

- Step 1: Create a schedule for the review of physical and mental job requirements. These requirements are usually in the job description, but it is a good idea to check your job postings as well, if applicable.
- Step 2: Follow your schedule, carefully reviewing any physical or mental job requirements listed for your positions to ensure that, if any exist, they are consistent with what workers do in that job. If the physical or mental requirement is not related to the job and consistent with business necessity, it should be updated or removed.
- Step 3: Include the schedule and the results of your review in your written AAP.

EXAMPLE: Several years ago, workers hand-carried materials in 100-pound packages, and the job description and posting reflected this. Due to changes in suppliers and industry standards, packages are now 30 pounds. The job description and posting should be updated accordingly.

Written AAP Component: Reasonable Accommodation

Federal construction contractors must comply with reasonable accommodation requirements, both as a matter of nondiscrimination and as a matter of affirmative action under Section 503 and VEVRAA.

Reasonable Accommodation as Nondiscrimination

It is unlawful discrimination for a contractor to fail to make reasonable accommodation to the known physical or mental limitations of a qualified job applicant or employee with a disability or disabled veteran unless the contractor can show that the accommodation would impose an undue hardship on the operation of its business.

MORE RESOURCES: OFCCP provides resources to help contractors comply with the reasonable accommodation requirement in its regulations at 41 CFR Part 60-741. **Appendix A** to that part provides "Guidelines on a Contractor's Duty to Provide Reasonable Accommodation." **Appendix B** to that part provides "Developing Reasonable Accommodation Procedures."

It is also unlawful for contractors to deny employment opportunities to qualified applicants and employees with disabilities and disabled veterans based on the need to provide reasonable accommodations.

Reasonable Accommodation as Affirmative Action

To be in compliance with the written AAP component for reasonable accommodation, contractors must be proactive in asking whether employees with known disabilities need reasonable accommodations. If an employee with a known disability has significant difficulty performing the

job and it seems reasonable to conclude that the difficulty is related to the disability, the contractor must take the following steps.

- Confidentially notify the employee of the performance problem.
- Confidentially inquire whether the problem relates to the employee's disability.
- Confidentially inquire whether the employee needs a reasonable accommodation if the employee affirms that the problem is related to the disability.

What Are Reasonable Accommodations?

- Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability or a disabled veteran to perform the essential functions of that position.
- Modifications or adjustments that enable an employee who is an individual with a disability or a disabled veteran to enjoy equal benefits and privileges of employment as are enjoyed by the contractor's other similarly situated employees who are not individuals with disabilities or disabled veterans.
- Modifications or adjustments to a job application process that enable a qualified applicant who is an individual with a disability or a disabled veteran to be considered for the position desired. This includes any accommodations that are needed to enable an applicant with a disability to use a contractor's online or electronic application or testing system. It also includes providing an alternative means of applying or testing if there is not an accommodation that will enable the applicant with a disability to use the online or electronic system.

EXAMPLES OF REASONABLE ACCOMMODATIONS

- Making existing facilities used by employees readily accessible to and usable by individuals with disabilities and disabled veterans.
- Restructuring jobs.
- Offering part-time or modified work schedules.
- Providing reassignment to a vacant position.
- Acquiring or modifying equipment or devices.
- Adjusting or modifying examinations, training materials, or policies.
- Providing qualified readers or interpreters.

Reasonable Accommodation Procedures

Contractors may develop written procedures for processing requests for reasonable accommodation. While this is not a requirement, a written process can help contractors meet the affirmative action and nondiscrimination obligations for individuals with disabilities and disabled veterans. There are several advantages to using written procedures.

- Written procedures help ensure that applicants and employees with disabilities know how to request reasonable accommodations and how those requests will be processed.
- Written procedures also assist managers and supervisors in understanding their roles in the accommodation process if they receive a request, even if the request is informal.
- Written procedures help facilitate faster processing of accommodation requests.

Written AAP Component: Develop and Implement Procedures to Prevent Harassment

As an important part of the contractor's affirmative action program, the contractor must develop and implement procedures to ensure that its employees are not harassed on the basis of disability or because of their status as a protected veteran.

Example Procedures to Prevent Harassment

- Develop a policy plainly stating that harassment on the basis of protected veteran status or disability will not be tolerated. This policy can be combined with other anti-harassment policies, such as policies prohibiting harassment on the bases of race, color, religion, sex, sexual orientation, gender identity, and national origin.
- Include in the policy clear procedures for what employees should do if they believe they or someone they work with has been harassed based on these protected statuses. Establish an easily accessible point of contact who handles these matters so employees know whom to reach and how to reach them.
- Communicate the policy with these procedures to all employees and managers, to ensure that everyone understands that harassment will not be tolerated and what to do if they experience or witness it.
- Take immediate and appropriate action when an employee reports harassment.

Communication of harassment prevention procedures can be achieved in writing, by posting the policy in common areas alongside or as part of the EEO policy, or including it in company handbooks and newsletters. It can also be achieved orally, in regular meetings or employee trainings such as orientation.

Written AAP Component: Undertake Outreach and Positive Recruitment

Federal construction contractors must undertake outreach and positive recruitment activities that are reasonably designed to be effective in recruiting qualified individuals with disabilities and protected veterans.

Annual Assessment of Recruitment Efforts

Contractors must assess their external outreach and recruitment efforts annually, evaluating the effectiveness of their efforts in identifying and recruiting qualified individuals with disabilities and protected veterans and must document this assessment as part of the written AAPs. At a minimum, this documentation should include the criteria used to evaluate each outreach effort and the contractor's conclusion as to whether or not each effort was effective. If the contractor determines that the totality of its outreach and recruitment efforts were not effective, it must identify alternative efforts. See below for examples of alternative outreach efforts contractors may use. When OFCCP evaluates a contractor for compliance, it will assess the reasonableness of the contractor's conclusion as to the effectiveness of its outreach and recruitment efforts.

Three-year Record Retention for Outreach and Recruitment

External outreach and recruitment efforts and analyses must be documented, and the documentation must be maintained for three years.

Table—Examples of Outreach and Recruitment Sources for Section 503 and VEVRAA

<table>
<tr><th colspan="2">EXAMPLES OF OUTREACH SOURCES FOR POSITIVE RECRUITMENT</th></tr>
<tr><th>Individuals with Disabilities</th><th>Protected Veterans</th></tr>
<tr><td>The State Vocational Rehabilitation Service Agency (SVRA), state mental health agency, or state developmental disability agency</td><td>The Local Veterans' Employment Representative in the local employment service office (e.g., the American Job Center) nearest the contractor's construction project worksites</td></tr>
<tr><td>The American Job Center nearest the contractor's construction project worksites</td><td>Veterans' counselors and coordinators ("Vet-Reps") on college campuses</td></tr>
<tr><td colspan="2">The U.S. Department of Veterans Affairs Regional Office nearest the contractor's construction project worksites</td></tr>
<tr><td>Entities funded by the U.S. Department of Labor that provide recruitment or training services for individuals with disabilities, such as the services currently provided through the Employer Assistance and Resource Network (EARN)</td><td>The service officers of the national veterans' groups active in the area of the contractor's construction project worksites</td></tr>
<tr><td>Local Employment Network (EN) organizations (other than the contractor, if the contractor is an EN) participating in the Social Security Administration's Ticket to Work</td><td>The U.S. Department of Defense Transition Assistance Program</td></tr>
<tr><td>Local disability groups, organizations, or Centers for Independent Living (CIL) near the contractor's construction project worksites</td><td rowspan="3">NOTE: While there is some overlap between sources for individuals with disabilities and veterans, it is important to note that these are not necessarily interchangeable. Listed here are just a few of the many resources that may be operating in your area. If you need help identifying the correct point of contact for any of these sources, or you want to know about other sources in your area, call your local OFCCP office. We are here to help!</td></tr>
<tr><td>Placement or career offices of educational institutions that specialize in the placement of individuals with disabilities</td></tr>
<tr><td>Private recruitment sources, such as professional organizations or employment placement services that specialize in the placement of individuals with disabilities</td></tr>
</table>

Written AAP Component: Design and Implement an Audit and Reporting System

Not to be confused with the assessment of outreach efforts, the purpose of an internal audit and reporting system is to provide the contractor with a way to measure the effectiveness of its total written affirmative action program.

This audit includes determining the extent to which the contractor's objectives have been attained and what the contractor will do if they have not been attained. This audit system should also address any analyses conducted by the contractor to ensure individuals with disabilities and protected veterans have not been discriminated against in employment practices such as the following:

- Recruitment, advertising, and job application procedures.
- Hiring, promotion, upgrading, the award of tenure, layoff, and recall from a layoff.
- Rates of pay and any other forms of compensation including fringe benefits.
- Job assignments, job classifications, position descriptions, and seniority lists.
- Sick leave, leaves of absence, or any other leave.
- Opportunities for participation in educational and training activities.
- Apprenticeships.
- Attendance at professional meetings and conferences.
- Provision of needed reasonable accommodations for applicants and employees with disabilities and disabled veterans.

Written AAP Component: Designation of Responsibility

A federal construction contractor must designate an official to direct or manage its affirmative action program, and include in the written VEVRAA and Section 503 AAP(s) a statement identifying that person(s). A description of their duties should also be included in the AAP(s).

Ultimately, the head of the company is responsible for the implementation of the company's AAP. However, he or she will probably designate a management official to serve as the affirmative action officer with the responsibility for carrying out the contractor's AAP implementation and EEO commitments.

The affirmative action officer's identity should appear on all internal and external communications regarding the affirmative action program, including the EEO policy statement discussed earlier in this part. This official is to be given top management support and sufficient staff to manage the implementation of the program.

Compliance with Section 503 and VEVRAA obligations is as important as compliance with obligations under Executive Order 11246. Accordingly, direct construction contractors should take steps to ensure that its personnel, starting with corporate leaders, understand and support a corporate-wide commitment to Section 503 and VEVRAA compliance.

Written AAP Component: Training

All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes must be knowledgeable about the contractor's EEO obligations and affirmative action commitments under Section 503 and VEVRAA.

Written AAP Component: Data Collection Analysis

The purpose of the VEVRAA and Section 503 data collection analysis provisions is to document the number of individuals with disabilities and protected veterans who apply and are hired for jobs with the contractor. This data enables contractors to comply with other required components of the written AAPs. For instance, contractors must use this data when assessing the availability of individuals with disabilities and protected veterans in the workforce and when evaluating the effectiveness of their outreach and recruitment efforts.

Three-year Record Retention for Data

The applicant, hire, and employment opening data described below must be maintained for three years.

Data Collected for Analysis

The VEVRAA data collection analysis requires the contractor to document and update the following information annually as part of its written AAP.

- Total number of applicants for all jobs.
- Total number of applicants hired.
- Number of applicants who self-identified as protected veterans or are otherwise known as protected veterans.
- Number of protected veteran applicants hired.
- Total number of job openings and total number of jobs filled.

The Section 503 data collection analysis requires the contractor to document and update the following information annually as part of its written AAP.

- Total number of applicants for all jobs.
- Total number of applicants hired.
- Number of applicants who self-identified as individuals with disabilities or are otherwise known to be individuals with disabilities.
- Number of applicants with disabilities hired.
- Total number of job openings and total number of jobs filled.

Additional Requirements

EEO-1 Survey

Contractors and subcontractors with 50 or more employees and with a covered contract or subcontract of $50,000 or more must submit an annual EEO-1 Report with the Equal Employment Opportunity Commission. More information, including how to file electronically, may be found at **http://www.eeoc.gov/eeo1survey**. This requirement can be found in OFCCP's regulations at 41 CFR 60-1.7(a).

VETS-4212 Federal Contractor Veterans' Employment Report

The Veterans' Employment and Training Service (VETS) collects and makes available to OFCCP reported data contained on the VETS-4212 report for compliance enforcement. Contractors and subcontractors with a covered contract or subcontract of $150,000 or more must complete and submit the VETS-4212 Federal Contractor Veterans' Employment Report each year by September 30. More information, including how to file electronically, can be found at **https://www.dol.gov/agencies/vets/programs/vets4212**. This requirement can be found in the VETS' regulations at 41 CFR Part 61-300.

Notice of Employee Rights under the National Labor Relations Act

Executive Order 13496 requires that covered contractors and subcontractors provide notice to their employees of their rights under the National Labor Relations Act (NLRA), the law that governs relations between unions and employers in the private sector. The NLRA guarantees the right of employees to organize and to bargain collectively with their employers, to engage in other protected concerted activity, or to choose not to engage in any such activity. Executive Order 13496 does not apply to federally assisted construction contracts. The required notice may be found in Appendix A to 29 CFR Part 471, Subpart A, and in **Appendix O**.

Preparing for a Compliance Evaluation

OFCCP conducts compliance evaluations to determine:

- Whether a contractor's affirmative action efforts comply with regulatory requirements.
- Whether a contractor has demonstrated good faith efforts in meeting its affirmative action requirements.
- Whether a contractor's employment policies and practices are free of discrimination.
- Whether a contractor has provided reasonable accommodations to qualified individuals with disabilities where doing so would not impose an undue hardship on the contractor.
- Whether a contractor needs technical assistance to understand the evaluation process or to ensure that its affirmative action efforts are complete and effective.
- How to best remedy any discriminatory practices or other regulatory violations.

A compliance evaluation may consist of any one or more of the following investigative procedures:

1. A ***compliance review***, consisting of a comprehensive analysis and evaluation of the hiring and employment practices of the contractor, any written AAPs the contractor is required to maintain, and the results of the affirmative action efforts undertaken by the contractor.
2. An***off-site review of records***, consisting of an analysis and evaluation of part or all of any written AAPs the contractor is required to maintain, supporting documentation, and other documents relevant to a determination of whether the contractor has complied with the requirements of the regulations implementing Executive Order 11246, Section 503, and VEVRAA.
3. A***compliance check***, conducted to determine whether the contractor has maintained records consistent with 41 CFR 60-1.12 (Executive Order 11246), 41 CFR 60-741.80 (Section 503), and 41 CFR 60-300.80 (VEVRAA)11, as applicable.
4. A ***focused review***, restricted to one or more components of the contractor's organization, or one or more aspects of the contractor's employment practices.

When contractors are notified of their selection for a compliance evaluation, they are given an overview of the procedures that OFCCP will use to conduct the evaluation. OFCCP compliance officers from regional and/or district offices will conduct the evaluation. Contractors should make sure that an officer of the company who is empowered to make and discuss policy and to make commitments for corrective action, where necessary, is available during the evaluation.

Contractors can prepare for a compliance evaluation by conducting a self-audit as a component of the affirmative action program development process or developing responses to inquiries likely to be asked by an OFCCP compliance officer during an evaluation. OFCCP compliance officers may ask to see documented evidence of a contractor's compliance efforts in the following areas.

Audit of Affirmative Action Steps

- Does the contractor have written documentation of its efforts to comply with each of the 16 affirmative action steps shown above in this guide?

External Dissemination of Policy

- Has the contractor conspicuously displayed the required EEO posters (available on OFCCP's website) at each worksite or company location in areas accessible to both applicants and employees?
- Do the contractor's contracts and purchase order forms display or reference the equal opportunity clauses as required?

Internal Dissemination of Policy

- At the start of each new job, has the contractor reviewed its EEO policy and affirmative obligations with all on-site supervisory and management personnel? Has the contractor kept records of these reviews?

Community Relations

- Does the contractor use or solicit offers for subcontracts from small disadvantaged businesses and disadvantaged business enterprises?

Audit of Personnel Operations

- Does the facility have written personnel policies and procedures? Have these policies or practices had a discriminatory effect on minorities, women, individuals with disabilities, or protected veterans?
- Are job descriptions in written form? Are job criteria job-related?

Maintenance of Records

- Does the contractor maintain proper records of applicant flow?
- Does the contractor maintain proper records about terminations and separations?
- Does the contractor maintain a system for identifying minority and female applicants and applicants who are individuals with disabilities and protected veterans for future consideration?

Validation

- Are written employment tests used by the contractor? If so, does the use of the test have an adverse impact on minorities or women? If so, have tests been validated to ensure that they are valid predictors of an applicant's performance in that position?

Directing Recruitment Efforts

- What recruitment sources are used by the contractor? Do these sources refer minorities, women, individuals with disabilities, and protected veterans?

Effect of Personnel Practices

- Are applicant processing procedures carried out in a uniform, nondiscriminatory fashion?
- Is there a disparity between the separation and termination rates of minorities and women as compared to nonminorities and males; or for individuals with disabilities as compared to individuals without disabilities; or for protected veterans as compared to those who are not protected veterans? If so, why is that?
- Are there there any restrictions to the granting of fringe benefits, including medical and life insurance, pension and retirement benefits, credit union benefits, and profit-sharing and bonus plans based on the sex of the employee, status as an individual with a disability or status as a protected veteran?
- Are employment benefits that are available to the spouses and families of male employees, employees without disabilities, and employees who are not protected veterans also available to the spouses and families of female employees, employees with disabilities, and employees who are protected veterans?
- Does the contractor employ minorities, women, individuals with disabilities, and protected veterans in each of its crafts? If so, to what extent? If not, what efforts has the contractor made to reach out to and recruit members of these groups?

Training Programs

- Are training programs, including apprenticeship programs, available to employees without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran?

Compensation Disparities

- Do jobs offered by the contractor have similar duties but different pay rates? If so, do minorities or women earn less than their nonminority or male counterparts? Do individuals with disabilities earn less than their counterparts who are not individuals with disabilities? Do protected veterans earn less than their counterparts who are not protected veterans?
- Do minorities, women, individuals with disabilities or protected veterans receive lower starting rates of pay than their counterparts with similar education and experience?
- Has the contractor reviewed its pay structure to ensure that it does not discriminate against minorities, women, individuals with disabilities or protected veterans?

Religion/National Origin

- Has the contractor reviewed its employment practices to determine whether applicants are employed, and employees are treated during employment, without regard to their religion or national origin?
- Have reasonable accommodations to the religious observances and practices of employees and prospective employees been made, unless the accommodation would impose an undue hardship on the conduct of the employer's business?
- Have recruiting sources been informed of the contractor's commitment to providing equal employment opportunity without regard to religion or national origin?

Sex Discrimination

- Has the contractor reviewed its employment policies and practices to determine whether they have an adverse impact on the basis of sex and, if so, has the contractor changed those policies or practices or ensured they are job-related and consistent with business necessity?
- Has the contractor terminated or refused to hire women because of pregnancy, childbirth, or related medical conditions, including childbearing capacity?
- Have reasonable accommodations been made where required by law for employees temporarily unable to perform some of their job duties because of pregnancy, childbirth, or related medical conditions?
- Does the contractor have a leave policy (written or unwritten), and does the policy (or the absence of a policy) have an adverse impact on employees of one sex without being consistent with business necessity?
- Are women steered into lower-paying or less desirable jobs on the basis of sex?
- Are seniority lists maintained on the basis of sex?
- Does the contractor exclude women from jobs it believes are dangerous or unsuitable for women to perform?

Harassment

- Has the contractor implemented policies and procedures to prevent, identify, and remedy instances of harassment based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, and status as a protected veteran?

Retirement Policy

- Does the contractor's policy on mandatory or optional retirement age differ based upon the sex or race of the employee or their status as an individual with a disability or protected veteran?

Having answers and documentation for the above questions will go a long way toward preparing a contractor for an OFCCP compliance evaluation. Contractors should also know that when a compliance evaluation is scheduled, compliance officers will specifically request documents and records to review and copy, as necessary. Examples of some of the documents are listed below.

- Personnel activity records on applicants, hires, promotions, and separations during the period to be reviewed identified by race, ethnicity, and sex.
- Payroll records for employees showing rates of pay, hours worked per week and locations where work was performed.
- Evidence documenting the implementation of each of the specific affirmative action steps outlined in the 16 steps.
- Evidence of compliance with the specific Section 503 and VEVRAA obligations for covered construction contractors.
- Evidence demonstrating that the contractor has complied with the applicable equal opportunity and affirmative action clauses for all of the laws that apply to it.
- A list of all federal projects, including contract numbers, locations, estimated dollar values, percentage completed, and projected completion dates.
- A list of all nonfederal projects.
- A copy of the EEO-1 Report, where available.
- A copy of the written affirmative action program for individuals with disabilities, and the written affirmative action program for protected veterans.

APPENDICES

List of Appendices

A. Glossary of Terms

B. Glossary of Abbreviations

C. The Small Business Administration's Ombudsman Program

D. OFCCP National and Regional Offices

E. Sample Notice to Unions

F. Construction Contract Award Notification Requirement

G. Legal Notices for Bids and Contracting Documents

H. Equal Opportunity Clauses – Incorporation by Reference

I. Equal Opportunity Clauses

J. Understanding OFCCP's Internet Applicant and Traditional Applicant Recordkeeping Requirements Frequently Asked Questions

K. Understanding OFCCP's Internet Applicant and Traditional Applicant Recordkeeping Requirements

L. How to Conduct an Adverse Impact Analysis

M. Invitation to Self-Identify: Section 503

N. Invitation to Self-Identify: VEVRAA

O. Notice of Employee Rights Under the National Labor Relations Act

P. Participation Goals for Minorities and Women

Appendix A: Glossary of Terms

Accommodation
See "Reasonable Accommodation (Disability/Disabled Veteran)," "Reasonable Accommodation (Pregnancy)," and "Religious Accommodation."

Active Duty Wartime or Campaign Badge Veteran
A veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the U.S. Department of Defense. *See* 41 CFR 60-300.2(b).

Adverse Impact
Adverse impact occurs when a contractor's use of a facially-neutral policy or selection procedure (*e.g.*, a test, an interview, a degree requirement, a leave or hours policy) disqualifies members of a protected class at a substantially higher rate than others.

Though the terms "adverse impact" and "disparate impact" are sometimes used interchangeably, the Uniform Guidelines on Employee Selection Procedures (UGESP) outlined at 41 CFR 60-3.16B use only the term "adverse impact" and define it as a substantially different rate of selection in hiring, promotion, transferring, training or other employment decision which works to the disadvantage of the members of a race, sex or ethnic group identified in 41 CFR 60-3.4. *See* "Disparate Impact."

Affected Class
A group of people sharing common traits or characteristics (*e.g.*, the same race, sex, or ethnicity) who are the victims of systemic discrimination by a particular contractor during a specific timeframe.

Affirmative Action
Actions, policies and procedures to which a contractor commits itself that are designed to achieve equal employment opportunity. Affirmative action obligations entail thorough, systematic efforts to prevent discrimination from occurring and to detect it and eliminate it as promptly as possible. Affirmative action obligations also require contractors to ensure equal opportunity in their recruitment and outreach efforts.

Affirmative Action Program (AAP)
A management tool designed to ensure equal employment opportunity. The requirements for affirmative action programs that satisfy Section 503 and VEVRAA are outlined in 41 CFR Part 60-741, Subpart C, and 41 CFR Part 60-300, Subpart C, respectively. These include requiring a contractor to annually detail the affirmative steps it has taken and will take in the future to ensure equal employment opportunity. Construction contractors are not required to develop Executive Order 11246 written affirmative action programs, but are required to follow the affirmative action requirements outlined in 41 CFR Part 60-4.

American Indian/Alaskan Native (not Hispanic or Latino)

As defined by the Office of Management and Budget's (OMB's) *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity*, a person with origins in any of the original peoples of North and South America (including Central America), and who maintains cultural identification through tribal affiliation or has community recognition as an American Indian or Alaskan Native.

Americans with Disabilities Act, as amended (ADA) (Title I)

Title I of the ADA (42 U.S.C. 12101 *et seq*.) prohibits private employers with 15 or more employees, state and local governments, employment agencies and labor unions from discriminating against qualified individuals on the basis of disability in job application procedures: hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. Section 503 of the Rehabilitation Act and its implementing regulations apply the ADA's nondiscrimination standards to federal contractors.

Applicant

A person who has indicated an interest in being considered for hiring, promotion, or other employment opportunity. This interest may be expressed in different ways, such as by completing an application or through an oral statement, depending upon the contractor's practice. An employee of a company may also be an "applicant" when he or she has indicated an interest in being considered for another job, promotion or employment opportunity within the company. *See* Question and Answer 15 in the Adoption of Questions and Answers to Clarify and Provide a Common Interpretation of the UGESP, available online at **https://www.eeoc.gov/policy/docs/qanda_clarify_procedures.html**. *See also* "Internet Applicant."

Applicant Flow Data (Log)

A chronological compilation of applicants (including internet applicants) for employment or promotion showing each individual, categorized by race, sex and ethnic group, who applied for each job title (or group of jobs requiring similar qualifications) during a specific period. *See also* "Internet Applicant."

Apprenticeship (Contractor or Industry Specific)

A system of agreement, written or implied, that uses practical experience to train a person in a recognized trade or craft following specified standards.

Armed Forces Service Medal Veteran

Any veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a U.S. military operation for which an Armed Forces Service Medal was awarded pursuant to Executive Order 12985 (61 FR 1209). 41 CFR 60-300.2(c).

Asian (not Hispanic or Latino)

As defined by OMB's *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* (1997), a person with origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent. This area includes, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam. Under the regulations at 41 CFR 60-4.3(a)1.d(iii), the category is called "Asian and Pacific Islander."

Basic Qualifications (Internet Applicant)

Basic Qualifications is a key concept in the definition of an Internet Applicant. To be considered an Internet Applicant, an individual's expression of interest in a position must indicate that "the individual possesses the basic qualifications for the position." As used in the context of the Internet Applicant defined at 41 CFR 60-1.3:

1. "Basic qualifications" mean qualifications:
   (a) That the contractor advertises (*e.g.*, posts on its website in a description of the job and the qualifications involved) to potential applicants that they must possess to be considered for the position; or
   (b) For which the contractor established criteria in advance by making and maintaining a record of such qualifications for the position prior to considering any expression of interest for that particular position if the contractor does not advertise for the position but, instead uses an alternative device to find individuals for consideration (*e.g.*, through an external resume database); and
2. That meet all of the following three conditions:
   (a) The qualification must be noncomparative features of a job seeker. For example, three years of experience in a particular position is a noncomparative qualification; a qualification that an individual has one of the top five years of experience among a pool of job seekers is a comparative qualification.
   (b) The qualifications must be objective; they do not depend on the contractor's subjective judgment. A qualification is objective if a third party, with the contractor's technical knowledge, would be able to evaluate whether the job seeker possesses the qualification without more information about the contractor's judgment. For example, "a bachelor's degree in accounting" is objective while "a technical degree from a good school" is not.
   (c) The qualifications must be relevant to the performance of the particular position and enable the contractor to accomplish business-related goals.

Black or African-American (Not Hispanic or Latino)

As defined by OMB's *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* (1997), an individual, not of Hispanic origin, with origins in any of the black racial groups of Africa.

Business Necessity

A defense used by an employer in a disparate impact case, *i.e.*, when it uses an employment policy or practice, such as a selection criterion, that is facially neutral and consistently applied, but that excludes members of one group (*e.g.*, women or African-Americans) at a substantially higher rate than members of other groups. The employer must prove that a policy or practice that has an adverse impact is job-related and consistent with business necessity. Business necessity may also have to be proven when an employer uses a qualification standard that screens out an individual because of his or her disability. OFCCP uses Title VII, UGESP and ADA standards, as appropriate, when evaluating a contractor's assertion of a business necessity defense.

Coercion

The practice of forcing or pressuring another party to behave in an involuntary manner (whether through action or inaction) by use of threats, intimidation, or other forms of pressure or force.

Collective Bargaining Agreement

Also referred to as "bargaining agreement" and sometimes known as a "labor-management agreement" or "union contract." These terms refer to an agreement between an employer and a union establishing wages, hours, and other terms and conditions of employment for employees in the bargaining unit represented by the union.

Compensation

Any payments made to, or on behalf of, an employee or offered to an applicant as remuneration for employment, including, but not limited to, salary, wages, overtime pay, shift differentials, bonuses, commissions, vacation and holiday pay, allowances, insurance and other benefits, stock options and awards, profit sharing and retirement. *See* 41 CFR 60-1.3.

Compensation Information

The amount and type of compensation provided to employees or offered to applicants, and information affecting the amount and type of compensation provided or offered, including but not limited to:

- The desire of the contractor to attract and retain a particular employee for the value the employee is perceived to add to the contractor's profit or productivity;
- The availability of employees with like skills in the marketplace;
- Market research about the worth of similar jobs in the relevant marketplace;
- Job analysis, descriptions and evaluations;
- Salary and pay structures;
- Salary surveys;
- Labor union agreements; and
- Contractor decisions, statements and policies related to setting or altering employee compensation.

Complaint

An allegation submitted to OFCCP in writing and by, or on behalf of, one or more employees (including former employees) or applicants that alleges the individual or individuals have been victims of discrimination or retaliation that is prohibited by the laws enforced by OFCCP, *i.e.*, Executive Order 11246, Section 503 or VEVRAA, or that the contractor is violating one of these laws or their implementing regulations.

Compliance Check

A compliance evaluation procedure that involves a determination of whether the contractor has maintained appropriate records consistent with the regulations at 41 CFR 60-1.12, 60-300.80 and 60-741.80.

Compliance Evaluation

The investigation and review process used by OFCCP to determine whether a federal contractor is complying with the nondiscrimination and affirmative action employment obligations outlined in 41 CFR Chapter 60. A compliance evaluation consists of any one, or any combination of, the following investigative procedures: compliance review, offsite review of records, compliance check or focused review. *See* 41 CFR 60 1.20 (a), 60-300.60(a) and 60 741.60(a).

Compliance Officer
An OFCCP employee whose primary duties typically include conducting compliance evaluations of federal contractors, investigating discrimination complaints filed against federal contractors, providing compliance assistance to federal contractors, and educating community groups and the public about the laws OFCCP enforces.

Compliance Review
A compliance review is a comprehensive analysis and evaluation of the hiring and employment practices of the contractor, any written affirmative action programs (AAPs) the contractor is required to maintain, and the results of the contractor's affirmative action efforts.

Conciliation
Efforts between OFCCP and a contractor to resolve findings of noncompliance or discrimination, usually through a conciliation agreement. *See* "Conciliation Agreement."

Conciliation Agreement
A binding written agreement between a contractor and OFCCP that details specific contractor commitments, actions or both to resolve the violations outlined in the agreement.

Construction Contract
Any federal or federally assisted contract for the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings or highways, or other changes or improvements to real property, including facilities providing utility services.

Construction Site
The general physical location of any building, highway or other change or improvement to real property which is undergoing construction, rehabilitation, alteration, conversion, extension, demolition or repair; and any temporary location or facility at which a contractor, subcontractor, or other participating party meets a demand or performs a function relating to the contract or subcontract. 41 CFR 60-1.3 (defining "Site of construction").

Construction Work
The construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings or highways; or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection and other on-site functions incidental to the actual construction. 41 CFR 60-1.3.

Contract
See "Government Contract," "Subcontract," "Construction Contract," and "Federally Assisted Construction Contract."

Contracting Agency
Any department, agency, establishment or instrumentality of the U.S. (under Executive Order 11246, limited to the Executive branch of the government), including any wholly owned government corporation, that enters into a government contract subject to the laws enforced by OFCCP. 41 CFR 60-1.3, 60-300.2, and 60-741.2.

Contractor

Unless otherwise indicated, a "prime contractor" or "subcontractor." "Prime contractor" means any person holding a contract, or who has held a contract, subject to Executive Order 11246, Section 503, or VEVRAA. "Subcontractor" means any person holding a subcontract, or who has held a subcontract, subject to Executive Order 11246, Section 503, or VEVRAA. The term "first-tier subcontractor" refers to a subcontractor holding a subcontract with a prime contractor. 41 CFR 60-1.3. *See* "Government Contract," "Subcontract," "Construction Contract," and "Federally Assisted Construction Contract."

Covered Area

The Standard Metropolitan Statistical Area (SMSA) or non-SMSA where a federal or federally assisted construction project is being performed. *See* 45 FR 65976, 65984 and Appendix B-80, October 3, 1980.

Direct Evidence of Discrimination

Proof of a discriminatory reason for an employment decision that does not use inference or presumption. Direct evidence of discrimination is not required in order for OFCCP to find that discrimination occurred.

Disability

With respect to an individual:

1) A physical or mental impairment that substantially limits one or more of an individual's major life activities;
2) A record of such an impairment; or
3) Being regarded as having such an impairment.

See 41 CFR 60-741.2(g) and related definitions.

Disability-Related Question or Inquiry

It is a violation of Section 503 for a contractor to ask disability-related questions of an applicant at the pre-offer stage of the employment process, and such questions may only be asked of employees if they are job-related and consistent with business necessity. *See* 41 CFR 60-741.23. A disability-related question or inquiry is one that is likely to elicit information about the existence, nature or extent of a disability. This includes directly asking whether an applicant has a disability, as well as asking questions that are closely related to disability, *e.g.*, "Do you have a disability?" "Are you able to stand and walk?" and "Will you need a reasonable accommodation to perform this job?" However, an application may ask applicants, pre-offer, to inform the contractor if an accommodation is needed for the *application process*. As part of the contractor's affirmative action obligation, the contractor shall invite applicants to inform the contractor whether the applicant believes that he or she is an individual with a disability as defined in 41 CFR 60-741.2(g)(1)(i) or (ii).

Disabled Veteran

"Disabled Veteran" means:

1) A veteran of the U.S. military, ground, naval or air service 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 Secretary of Veterans Affairs; or
2) A person who was discharged or released from active duty because of a service-connected disability.

See 41 CFR 60-300.2(i).

Disadvantaged Business Enterprise

As defined by the Small Business Administration, disadvantaged business enterprises are for-profit small businesses where socially and economically disadvantaged individuals own at least 51% interest and control management and daily business operations. African-Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis.

Discrimination

See "Disparate Impact," "Disparate Treatment," "Harassment" and "Retaliation." Discrimination may also include failure to provide "Religious Accommodation" or "Reasonable Accommodation."

Disparate Impact

A theory of employment discrimination that focuses on the effect of a practice or policy. Disparate impact discrimination occurs when a contractor's use of a facially-neutral policy or practice (*e.g.*, a test, an interview, a degree requirement, a leave or hours policy) disqualifies members of a protected class at a substantially higher rate than others and is not justified by business necessity and job-relatedness (or it is justified by business necessity but there are less-discriminatory alternatives available that would meet the contractor's need). It is not necessary to prove intent to discriminate under this theory of employment discrimination. The disparate impact theory may be used to analyze both objective and subjective selection standards. Compare "Disparate Treatment." *See also* "Adverse Impact."

Disparate Treatment

Disparate treatment discrimination occurs when a contractor treats an individual or group less favorably on the basis of a prohibited factor (race, color, religion, sex, sexual orientation, gender identity, national origin, disability, status as a protected veteran, or because the individual or group of individuals has disclosed, discussed or inquired about compensation). It is necessary to prove intent to discriminate under this theory of employment discrimination, which is sometimes referred to as "intentional discrimination." Disparate treatment may be proven using direct evidence, circumstantial evidence or a combination of both.

Economic Area

Geographical areas, defined along county lines by the Bureau of Economic Analysis of the U.S. Department of Commerce, that are centers of commerce and generally cover areas that include the places of work and residence for most workers.

EEO Policy

A written statement made by the contractor to commit to the principles of equal opportunity employment.

EEO-1 Report

The *Employer Information Report EEO-1*. An annual report filed with the Joint Reporting Committee (composed of OFCCP and the Equal Employment Opportunity Commission) by certain employers, including federal contractors with 50 or more employees and a prime contractor first-tier subcontract of $50,000 or more, subject to Executive Order 11246. This report details specific information, such as the sex, race and ethnic composition of an employer's workforce by job category. Also termed Standard Form 100.

Employee

OFCCP generally uses the "common-law agency test" for determining who is an employee under the laws OFCCP enforces. The common-law agency test examines the individual worker's relationship to the contractor by assessing the following factors derived from a 1992 U.S. Supreme Court decision, *Nationwide Mutual Insurance Co. v. Darden*:

- The contractor's right to control when, where and how the individual performs the job;
- The skill required for the job; the source of the instrumentalities and tools;
- The location of work; the duration of the relationship between the parties;
- Whether the contractor has the right to assign additional projects to the individual;
- The extent of the individual's discretion over when and how long to work;
- The method of payment;
- The contractor's role in hiring and paying assistants;
- Whether the individual's work is part of the regular business of the contractor;
- Whether the individual is in business; and
- The provision of employee benefits to the individual.

While no one factor will necessarily be decisive, the factors that indicate the extent to which the contractor controls the manner and means of the individual's performance of his or her work will typically be most important in the *Darden* analysis. The Equal Employment Opportunity Commission also relies on this test to determine whether individuals are employees for Title VII and ADA purposes.

Employment Service Delivery System (ESDS)

The Wagner-Peyser Act of 1933 established a nationwide system of public employment offices known as the "Employment Service." As amended, the Act makes the Employment Service part of the One-Stop delivery system. The One-Stop delivery systemalso known as American Job Centers, provides universal access to an integrated array of labor exchange services so that workers, job seekers, and businesses can find the services they need in one stop and frequently under one roof in easy-to-find locations. The U.S. Department of Labor's Employment and Training Administration oversees Wagner-Peyser.

Enforcement

This term typically refers to an administrative or judicial action to compel compliance with Executive Order 11246, Section 503, or VEVRAA and their implementing regulations, or to compel performance of a conciliation agreement or consent decree.

Equal Employment Opportunity Commission (EEOC)

A federal agency responsible for enforcing federal laws that make it illegal to discriminate in employment against a job applicant or an employee because of the person's race, color, religion, sex, national origin, age (40 or older), disability, genetic information or participation in protected activity (*e.g.*, filing a complaint of discrimination).

Equal Opportunity Clause (also referred to as the EO Clause)

The contract clauses published at 41 CFR 60-1.4(a) and (b), 41 CFR 60-300.5(a), and 41 CFR 60-741.5(a) that are required to be included in every covered federal contract and subcontract. The Equal Opportunity clauses outline contractors' responsibilities under Executive Order 11246,

Section 503 and VEVRAA. The applicable EO clauses are considered to be a part of every covered contract and subcontract whether or not they are incorporated or referenced in the contract, and whether or not there is a written contract between the federal agency and the contractor. *See* 41 CFR 60-1.4(e), 41 CFR 60-300.5(e), 41 CFR 741.5(e).

Essential Functions

For purposes of Section 503 and VEVRAA, essential functions are fundamental job duties of the employment position the individual with a disability holds or desires. Essential functions do not include the marginal functions of the position. A job function may be considered essential for any of several reasons, including, but not limited to, the following:

- The function may be essential because the reason the position exists is to perform that function;
- The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or
- The function may be highly specialized so that the incumbent in the position is hired for his or her expertise, or ability to perform the particular function.

Evidence of whether a particular function is essential includes, but is not limited to:

- The contractor's judgment as to which functions are essential;
- Written job descriptions prepared before advertising or interviewing applicants for the job;
- The amount of time spent on the job performing the function;
- The consequences of not requiring the incumbent to perform the function;
- The terms of a collective bargaining agreement;
- The work experience of past incumbents in the job; and/or
- The current work experience of incumbents in similar jobs.

See 41 CFR 60-741.2(i) (Section 503) and 41 CFR 60-300.2(l) (VEVRAA).

Essential Job Functions (pay secrecy)

Essential job functions mean the fundamental job duties of the employment position an individual holds for purposes of evaluating a contractor's essential job functions defense to an allegation that it discriminated against an employee because the employee discussed, disclosed or inquired about compensation (*see* 41 CFR 60-1.35(b)). A job function may be considered essential if:

A job function may be considered essential if:

(i) The access to compensation information is necessary in order to perform that function or another routinely assigned business task; or

(ii) The function or duties of the position include protecting and maintaining the privacy of employee personnel records, including compensation information.

This definition of essential job functions may not be used in other contexts under any of the laws enforced by OFCCP. *See* 41 CFR 60-1.3.

Executive Order 11246

One of the three legal authorities enforced and administered by OFCCP. Executive Order 11246 applies to federal contractors with contracts or subcontracts of more than $10,000. It prohibits these contractors from discriminating in employment based on race, color, religion, sex, sexual orientation, gender identity, or national origin; or because an applicant or employee has

disclosed, discussed or inquired about compensation. The Executive Order also requires that these contractors take affirmative action to ensure equal employment opportunity.

Executive Order 13496

Executive Order 13496 (74 FR 6107, February 9, 2009) requires covered contractors and subcontractors to post a notice informing employees of their rights under the National Labor Relations Act (NLRA). The notice informs employees about:

- Their rights under the NLRA to form, join and assist a union and to bargain collectively with their employer;
- Provides examples of unlawful employer and union conduct that interferes with those rights; and
- Indicates how employees can contact the National Labor Relations Board to ask questions or to file a complaint.

OFCCP assists the U.S. Department of Labor's Office of Labor-Management Standards in enforcing Executive Order 13496.

Federally Assisted Construction Contract

Any agreement—or modification thereof—for construction work which is paid for at least in part with funds obtained from the federal government or borrowed on the credit of the federal government pursuant to any federal program involving a grant, contract, loan, insurance or guarantee; or undertaken pursuant to any federal program involving such grant, contract, loan, insurance or guarantee; or any application or modification thereof approved by the federal government for a grant, contract, loan, insurance or guarantee under which the applicant for funds itself participates in the construction work. *See* 41 CFR 60-1.3. For example, highways and bridges that are constructed, repaired or renovated using funds from the U.S. Department of Transportation are federally assisted construction contracts.

First-Tier Subcontractor

A subcontractor holding a subcontract with a prime contractor.

Focused Review

An on-site review restricted to one or more components of the contractor's organization, or one or more aspects of the contractor's employment practices. *See* 41 CFR 60 1.20(a)(4), 60-300.60(a)(4), and 60 741.60(a)(4).

Fringe Benefits

Benefits that an employer provides to employees in addition to paying their wages or salary. Examples include, but are not limited to:

- Profit-sharing and bonus plans;
- Leave (*e.g.*, annual vacation days, personal days, sick leave);
- Stock options or awards;
- Medical, hospital, accident and life insurance;
- Long-term and short-term disability benefits;
- Severance benefits;
- Pension or other retirement benefits and early retirement incentives; and
- Other terms, conditions, and privileges of employment.

Gender-Based Discrimination
See "Sex Discrimination."

Gender Identity
One's internal sense of one's own gender. It may or may not correspond to the sex assigned to a person at birth and may or may not be made visible to others.

Geographical Area
The Standard Metropolitan Statistical Area (SMSA) or non-SMSA where a federal or federally assisted construction project is being performed. *See* 45 FR 65976, 65984 and Appendix B-80, October 3, 1980.

Goals for Minorities and Women, Construction Contractors (Participation Goals)
Participation goals for minorities and women under Executive Order 11246, expressed as percentages of the hours worked by the contractor's aggregate workforce by trade in the geographic area(s) where a federal or federally assisted construction project is located. *See* 41 CFR 60-4.6. The participation goals tables are found in **Appendix P**.

Goal for Qualified Individuals with Disabilities (Utilization Goal)
The regulations implementing Section 503 establish a utilization goal of 7% for the employment of qualified individuals with disabilities for each job group in the contractor's workforce. Covered construction contractors apply the goal to the same trades they use when applying their participation goals under Executive Order 11246. Contractors with 100 or fewer employees have the option of using their entire workforce instead of job groups or trades. *See* 41 CFR 60-741.45.

Good Faith Efforts
A contractor's appropriate efforts to meet its Executive Order 11246 goals by removing identified barriers, expanding employment opportunities and producing measurable results. *See* 41 CFR 60-2.16(a), 60-2.17(c) and 60-4.2(d)(2).

Government Contract (or Federal Contract)
A government contract is an agreement or modification thereof for the purchase, sale or use of personal property or nonpersonal services between a contracting agency and a person. Personal property includes supplies and contracts for the use of real property (*e.g.*, leases) unless the contract for the use of real property itself constitutes real property (*e.g.*, easements). Nonpersonal services include, but are not limited to, the following services:

- Utility;
- Construction;
- Transportation;
- Research;
- Insurance; and
- Fund depository.

Government contracts do not include:
1) Agreements in which the parties stand in the relationship of employer and employee; and
2) Federally assisted construction contracts.

Harassment

Harassment is unwelcome conduct that is based on a protected characteristic (race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran, or because an individual disclosed, discussed or inquired about compensation). Harassment becomes illegal if it is so frequent or severe that it creates a hostile or offensive work environment or if it results in an adverse employment decision (such as the victim being fired or demoted). Harassment can take the form of slurs, graffiti, offensive or derogatory comments, or other verbal or physical conduct. Sexual harassment may include unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature. OFCCP's regulations prohibit harassment, intimidation, threats or discrimination because the person filed a complaint, participated in an investigation or compliance evaluation, opposed discrimination or exercised a right protected by OFCCP's regulations.

Hispanic or Latino

As defined by OMB's *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* (1997), a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Impact Ratio Analysis (IRA)

A method for identifying personnel activity that should be investigated further. The IRA is a comparison of the selection rates of different racial, ethnic and sex groups within an identified applicant or candidate pool. If the selection rate for one group is less than 80% of that of the group with the highest rate, then the IRA is considered adverse and further investigation or analysis is needed.

Internet Applicant

Any individual as to whom the following four criteria are satisfied:

- The individual submits an expression of interest in employment through the internet or related electronic technologies;
- The contractor considers the individual for employment in a particular position;
- The individual's expression of interest indicates the individual possesses the basic qualifications for the position; and
- The individual does not remove him or herself from further consideration or otherwise indicates that he or she is no longer interested in the position.

Invitation to Self-Identify

An invitation by the contractor extended to employees and applicants for employment, to voluntarily identify their sex, race, ethnicity, disability, and/or protected veteran status. All information obtained in response to invitations to self-identify as an individual with a disability or protected veteran must be kept in a confidential data analysis file outlined in 41 CFR 60-300.42 and 60-741.42.

Job Description

A written statement detailing the duties of a particular job title.

Journey Worker

One who has completed an apprenticeship program or otherwise possesses the full skills and licenses of workers in his or her trade. Historically referred to as "journeyman."

Layoff
The process by which workers are removed from the active payroll to the inactive payroll during, for example, an economic downturn.

Linkage
A relationship between a contractor and an appropriate recruitment or training source. Linkages may assist the contractor in its outreach and recruitment efforts, and aid in compliance with its affirmative action obligations.

Local Veterans' Employment Representative
Local veterans' employment representatives perform outreach to local businesses and employers to advocate for the hiring of veterans.

Mandatory Job Listing
A VEVRAA affirmative action obligation that requires of covered contractors to list their employment openings (with limited exceptions) with the state workforce agency job bank or with the local employment service delivery system (ESDS) where the opening occurs. Contractors must provide information about the job vacancy in a manner and format permitted by the appropriate ESDS, which will allow that system to provide priority referral of veterans protected by VEVRAA for that job vacancy. With their initial listing, contractors must also provide the ESDS with certain information prescribed in the regulations.

Minorities
Minorities include individuals who are Black, Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native. As used in this guide, the term may mean members of these groups in the aggregate or members of an individual group. *See* 41 CFR 60-4.3(a)1.d.

National Origin
National origin includes:

- Actual or perceived birthplace, ancestry, culture, accent or linguistic characteristics common to a specific ethnic group;
- Marriage or association with persons of a national origin group;
- Membership or association with specific ethnic promotion groups;
- Attendance or participation in schools, churches, temples or mosques generally associated with a national origin group; or
- A surname associated with a national origin group.

Native Hawaiian/Other Pacific Islander
As defined by OMB's *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* (1997), a person with origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands. Under the regulations at 41 CFR 60-4.3(a)1.d(iii), Pacific Islanders are combined with Asians. *See* "Asian (not Hispanic or Latino)."

Nonfavored Group
The race, ethnic or sex group(s) with the lower selection rates as compared to the group with the highest selection rate when calculating the impact ratio or the level of the statistical disparity. When calculating the impact ratio of unfavorable actions such as terminations, the nonfavored groups are those with higher selection rates. *See* 41 CFR 60-3.4D.

Objective Criterion
A selection criterion is objective if it is fixed and measurable (*e.g.*, the requirement of a high school degree rather than a "good education"). The central characteristic of an objective criterion is that it can be independently verified, (*i.e.*, different people measuring objective criteria will reach the same results). Compare with "Subjective Criterion."

Off-Site Review of Records
An analysis and evaluation, conducted off the contractor's premises, of the AAP(s) and supporting documentation and other documents related to the contractor's personnel policies and employment actions that may be relevant to a determination of whether the contractor has complied with the requirements of Executive Order 11246, Section 503 and/or VEVRAA. *See* 41 CFR 60 1.20(a)(2), 60-300.60(a)(2) and 60 741.60(a)(2).

On-The-Job Training
An employer-sanctioned training program, usually at the employer's worksite, in which a trainee works under close supervision or with assistance, designed to teach and qualify an individual to perform a job or element(s) of a job.

Pacific Islander (not Hispanic or Latino)
See "Native Hawaiian/Other Pacific Islander."

Person of Two or More Races (Not Hispanic or Latino)
As defined by the EEOC, for purposes of EEO-1 reports, any person who identifies with more than one race category.

Personnel Practices
Practices or actions taken by management related to decisions regarding their employees (*e.g.*, hiring, firing, layoff, promotion, transfer, demotion, compensation, salary increase, salary decrease, work assignments, benefits).

Physical and Mental Job Qualifications
Physical and mental standards that an employer requires an employee or applicant to meet to qualify for the job.

Pregnancy Accommodation
See "Reasonable Accommodation (Pregnancy)."

Pregnancy Discrimination
Discrimination based on pregnancy, childbirth or related medical conditions, including childbearing capacity, which constitutes unlawful sex discrimination under Executive Order 11246. Contractors must treat people of childbearing capacity and those affected by a pregnancy, childbirth or related medical conditions the same for all employment-related purposes—including receipt of benefits under fringe-benefit programs—as other persons not so affected but similar in their ability or inability to work. *See* 41 CFR 60-20.5.

Problem Areas
Aspects of the contractor's employment decisions, policies or practices that raise questions regarding the contractor's compliance with Executive Order11246, Section 503, or VEVRAA.

Prohibited Basis or Prohibited Factor

A basis or factor prohibited by law from being used in making employment decisions. Under Executive Order 11246, as amended, the prohibited bases or factors are race, color, religion, sex, sexual orientation, gender identity and national origin. Under Section 503, the prohibited basis or factor is a disability. Under VEVRAA, the prohibited basis or factor is status as a protected veteran.

Promotion

Any personnel action resulting in the movement to a position affording higher pay, greater rank, change in job title, increase in job grade, an increase in pay requiring greater skill or responsibility, or the opportunity to attain such. A promotion may be either competitive or noncompetitive.

Protected Group or Category

The bases on which applicants and employees are protected from discrimination in employment under the laws enforced by OFCCP (also referred to as "prohibited factors" or "prohibited bases"):

- Race,
- Color,
- Religion,
- Sex,
- Sexual orientation,
- Gender identity,
- National origin,
- Disability, and
- Status as a protected veteran.

Protected Veteran

To be a "protected veteran," a veteran must meet the criteria of one or more of the following four categories:

- Disabled veteran,
- Recently separated veteran,
- Active duty wartime or campaign badge veteran, and
- Armed Forces service medal veteran.

See 41 CFR 60-300.2(q) and related definitions.

Qualified Individual (with a Disability)

An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or desires, and who can perform the essential functions of such position with or without reasonable accommodation. *See* 41 CFR 60-741.2(r). For exceptions to this definition, *see* 41 CFR 60-741.3.

Race or Color

Race or color includes personal characteristics associated with a particular race, such as hair texture, certain facial features, and skin color and complexion. Race or color may also include marriage to or association with a person of a certain race or color, or association with an organization or group that is generally associated with people of a certain race or color.

Reasonable Accommodation (Disability/Disabled Veteran)

A contractor must make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability. A contractor is not required to provide reasonable accommodation to an individual who satisfies only the "regarded as" prong of the definition of disability and does not have a disability or a record of a disability.

The term reasonable accommodation means modifications or adjustments:

- To a job application process that enables a qualified applicant with a disability to be considered for the position the applicant desires;
- To the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
- That enable the contractor's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by the contractor's other similarly situated employees without disabilities.

See 41 CFR 60-741.2(s)(1). For the comparable definition under VEVRAA, *see* 41 CFR 60-300.2(t)(1). For examples of reasonable accommodations, *see* 41 CFR 60-741.2(s)(2) and 41 CFR 60-300.2(t)(2).

Reasonable Accommodation (Pregnancy)

Alternative job assignments, modified duties or other accommodations needed by employees who are unable to perform some of their job duties because of pregnancy, childbirth or related medical conditions. Contractors may be required to provide such accommodations. *See* 41 CFR 60-20.5(c).

Reasonable Accommodation (Religion)

See "Religious Accommodation."

Recall

The process or action by which workers are returned to active employment from layoff.

Recently Separated Veteran

Any veteran discharged or released from active duty in the U.S. military, ground, naval or air service in the last three years.

Recruitment Source

Any person, organization or agency used to refer or provide workers for employment.

"Regarded As" Having an Impairment

This is one of the three prongs of the definition of "disability." An individual is "regarded as" having a physical or mental impairment when the individual is subjected to a discriminatory action because of an actual or perceived physical or mental impairment that is neither transitory (*i.e.*, has an actual or expected duration of six months or less) nor minor – whether or not the

impairment substantially limits, or is perceived to substantially limit a major life activity. *See* 41 CFR 60-741.2(v). An individual who satisfies only the "regarded as" prong of the definition of "disability" (*i.e.*, does not also have an actual disability or a record of a disability) is not entitled to receive reasonable accommodation. *See* 41 CFR 60-741.2(s)(4).

Rehire

To re-employ a formerly employed worker after a complete break in employment status. Compare with "Recall."

Religious Accommodation

A nondiscrimination obligation of a contractor to accommodate the sincerely held religious observances and practices of its current and prospective employees. Typical religious accommodations include—but are not limited to—permitting the wearing of religious head coverings and other religious dress at the workplace, swapping employee shifts or permitting work breaks or time off to allow for religious observance, and modifying an employee's work schedule to permit the observance of the employee's Sabbath. A contractor does not have to accommodate an employee's religious observances or practices if doing so would cause it undue hardship. *See* "Undue Hardship (Religious Accommodation)."

Retaliation

Any adverse action by a contractor against an applicant or employee because he or she:

- Filed a complaint of discrimination;
- Opposed any act made unlawful under any of the laws enforced by OFCCP;
- Assisted or participated in an investigation, compliance evaluation, hearing or any other activity related to the administration or enforcement of any of the laws enforced by OFCCP; or
- Exercised any other rights under OFCCP's laws or any other federal, state or local law requiring equal opportunity.

Adverse actions include employment actions such as termination, demotion or failure to hire. Other actions that are likely to deter a reasonable person from pursuing their rights, including threats and unjustified negative evaluations or references, may also be adverse actions.

Section 503

Section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793). One of the three legal authorities enforced and administered by OFCCP. Section 503 applies to federal contractors with a contract or subcontract of more than $15,000. However, it does not apply to federally assisted construction contracts. Section 503 prohibits covered federal contractors from discriminating in employment on the basis of disability and requires that they take affirmative action to ensure equal employment opportunity. Covered federal contractors and subcontractors with 50 or more employees and a contract of $50,000 or more have additional affirmative action obligations that include the development of a written affirmative action program.

Seniority

Length of employment as determined by the employer's policies or the applicable collective bargaining agreement. Seniority may be defined in various terms (*e.g.*, company seniority, facility seniority, departmental seniority). Employees may have different types of seniority for different purposes (*e.g.*, job bidding rights governed by department seniority and leave accrual rights governed by company seniority).

Sexual Orientation
An individual's physical, romantic and/or emotional attraction to people of the same and/or opposite gender. Examples of sexual orientations include straight (or heterosexual), lesbian, gay and bisexual.

Similarly Situated
Employees are similarly situated when they are comparable on the factors relevant to the investigation or analysis, even if they are not comparable on others. Relevant factors in determining similarity may include tasks performed, skills, effort, level of responsibility, working conditions, job difficulty, minimum qualifications or other objective factors. The determination of which employees are similarly situated is case specific. Thus, employees who are similarly situated for one purpose may not be similarly situated for another.

Standard Form 100
See "EEO-1 Report."

Standard Metropolitan Statistical Area (SMSA)
Statistical area as set by OMB that refers to a geographical region with a relatively high population density at its core and close economic ties throughout the area.

Subcontract
Any agreement or arrangement between a contractor and any person in which the parties do not stand in the relationship of an employer and an employee:

- For the purchase, sale or use of personal property or nonpersonal services which, in whole or in part, is necessary to the performance of any one or more government contracts; or
- Under which any portion of the contractor's obligation under one or more government contracts is performed, undertaken or assumed.

See 41 CFR 60-1.3, 41 CFR 60-300.2(x), and 41 CFR 60-741.2(x).

Subcontractor
Any person holding a covered subcontract. For enforcement purposes, this also includes any person who has held a subcontract subject to Executive Order 11246, Section 503 or VEVRAA. *See* 41 CFR 60-1.3, 41 CFR 60-300.2(y) and 41 CFR 60-741.2(y).

Subjective Criterion
An employment qualification, selection standard or process is subjective if it requires judgment in its application, such that different people applying the standard would not necessarily reach the same conclusion. Whether an applicant is certified to operate a particular machine is objective; whether an applicant has "good machine-handling skills and experience" is subjective. Compare to "Objective Criterion."

Support Data
Statistical data, documentation and other materials regarding a contractor's employment policies, practices and actions used in the development, support and justification of its affirmative action program(s), or used to assess the affirmative action program's effectiveness.

Systemic Discrimination

Systemic discrimination involves a pattern or practice, policy, or class case where the alleged discrimination has a broad impact on an industry, profession, company or geographic area. Examples of systemic practices include discriminatory barriers in recruitment and hiring, discriminatorily restricted access to management trainee programs and high-level jobs, exclusion of qualified women from traditionally male-dominated fields of work, and disability discrimination such as unlawful pre-employment inquiries. There is no specific numeric threshold used to define a systemic case

Termination of Employment

Separation of an employee from the active and inactive payroll.

Terms and Conditions of Employment

All aspects of the employment relationship between an employee and employer, including, but not limited to, hiring, compensation, fringe benefits, leave policies, job placement, work environment, work-related rules, work assignments, training and education, and opportunities for promotion.

Title VII of the Civil Rights Act of 1964 (Title VII)

This law is enforced by EEOC, and its principles generally apply to discrimination cases arising under Executive Order 11246. Title VII prohibits discrimination in employment on the basis of race, color, religion, national origin or sex. Title VII applies to private employers with 15 or more employees. It also generally applies to state and local government agencies, federal government agencies, employment agencies, and labor unions that either operate a hiring hall or have at least 15 members.

Transfer

Movement (usually lateral) of an employee from one position or function to another.

Undue Hardship (Disability)

"Undue hardship" is the only defense for failing to make a reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability. The employer must demonstrate that the accommodation would cause it "significant difficulty or expense" in light of its particular resources and circumstances. Undue hardship refers not only to financial difficulty, but also to reasonable accommodations that are unduly extensive, substantial or disruptive, or those that would fundamentally alter the nature or operation of the business. *See* 41 CFR 60-300.2(aa) and 60-300 Appendix A, and 41 CFR 60-741.2(aa) and 60-741 Appendix A. Whether an accommodation would impose an undue hardship requires a case-by-case determination. *See* 41 CFR 60-300.2(aa)(2) and 60-741.2(aa)(2) for factors to be considered.

Undue Hardship (Religious Accommodation)

"Undue hardship" is the defense for not providing a needed religious accommodation. To demonstrate "undue hardship" a contractor must show that providing the proposed accommodation would pose "more than *de minimis*" cost or burden. Costs to be considered include not only direct monetary costs but also the burden on the conduct of the employer's business. For example, courts have found undue hardship where the accommodation diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, or causes coworkers to carry the accommodated employee's share of potentially hazardous or burdensome work.

Uniformly Applied
Applying employment criteria or processes in the same manner to all similarly situated applicants or employees.

Uniform Guidelines on Employee Selection Procedures (UGESP)
Guidelines developed by the EEOC, U.S. Department of Justice, U.S. Department of Labor and the Civil Service Commission (now the Office of Personnel Management) to provide a single set of principles that are designed to assist employers, labor organizations, employment agencies, and licensing and certification boards to comply with requirements of federal law prohibiting employment practices that discriminate on grounds of race, color, religion, sex and national origin. *See* 41 CFR Part 60-3. Under Executive Order 11246, UGESP were promulgated as regulations with the force and effect of law. UGESP does not apply to Section 503 or VEVRAA.

Validation
The demonstration of job-relatedness by showing the relationship between the selection procedure and job performance. To be validated in accordance with UGESP, the validation studies must meet the technical standards set out in 41 CFR Part 60-3.

Veteran
A person who served in the active military, naval or air service of the U.S., and who was discharged or released therefrom under conditions other than dishonorable. *See* 41 CFR 60-300.2(cc).

VETS-4212 Report
Each contractor and subcontractor subject to VEVRAA is required to file the VETS-4212 report with the U.S. Department of Labor's Veterans' Employment and Training Service (VETS) on an annual basis. The report details the number of protected veterans the contractor employs, or has newly hired, by hiring location and EEO-1 job category. For more information on the VETS-4212, visit **https://www.dol.gov/vets/vets4212.htm**.

VEVRAA
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212). One of the three legal authorities enforced and administered by OFCCP. VEVRAA applies to federal contractors with a contract or subcontract of $150,000 or more. However, it does not apply to federally assisted construction contractors. VEVRAA prohibits covered federal contractors from discriminating in employment based on status as a protected veteran and requires that they take affirmative action to ensure equal employment opportunity. Federal contractors and subcontractors with 50 or more employees and a contract of $150,000 or more have additional affirmative action obligations that include the development of a written affirmative action program.

Violation
Failure to fulfill a requirement of Executive Order 11246, Section 503 or VEVRAA, or their implementing regulations.

White (not Hispanic or Latino)
As defined by OMB's *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity* (1997), an individual, not of Hispanic origin, with origins in any of the original peoples of Europe, North Africa or the Middle East.

Work Assignment
A position or post of duty to which one is assigned or a task one is required to perform.

Appendix B: GLOSSARY OF ABBREVIATIONS

AA	Affirmative Action
AAP	Affirmative Action Program
ADA	Americans with Disabilities Act
CBA	Collective Bargaining Agreement
CFR	Code of Federal Regulations
DOL	Department of Labor
EEO	Equal Employment Opportunity
EEO-1	Employer Information Report
EEOC	Equal Employment Opportunity Commission
EIN	Employer Identification Number
ESDS	Employment Service Delivery System
IRA	Impact Ratio Analysis
NLRA	National Labor Relations Act
OFCCP	Office of Federal Contract Compliance Programs
OMB	Office of Management and Budget
Section 503	Section 503 of the Rehabilitation Act of 1973, as amended
SMSA	Standard Metropolitan Statistical Area
SOL	Solicitor of Labor
Title VII	Title VII of the Civil Rights Act of 1964, as amended
UGESP	Uniform Guidelines on Employee Selection Procedures
VETS	Veterans' Employment and Training Service
VEVRAA	Vietnam Era Veterans' Readjustment Assistance Act, as amended
WHD	Wage and Hour Division

Appendix C: Small Business Administration's Ombudsman Program

U.S. Small Business Administration

Office of the National Ombudsman

The National Ombudsman's mission is to assist small businesses when they experience excessive or unfair federal regulatory enforcement actions, such as repetitive audits or investigations, excessive fines, penalties, threats, retaliation or other unfair enforcement action by a federal agency.

Congress established the Office of the National Ombudsman in 1996 as part of the Small Business Regulatory Enforcement Fairness Act. The Act ensures that businesses, small government entities, and small nonprofit organizations that experience unfair regulatory enforcement actions by federal agencies have a means to comment about such actions.

As an impartial liaison, the Office of the National Ombudsman directs reported regulatory fairness matters to the appropriate agency for high-level fairness review, and works across government to address those concerns, reduce regulatory burdens, and help small businesses succeed.

The National Ombudsman can help:

- If you are a small business or represent one, a nonprofit organization, or a small government entity (population 50,000 or less), and
- If your comment or complaint directly involves a federal agency and federal regulation.

For more information about SBA's Office of National Ombudsman please contact the office at:

Office of Ombudsman
409 3rd St SW
Suite 7125
Washington, DC 20416
Fax: 202-481-5719
TTY/TTD: 800-877-8339
Toll Free: 888-734-3247
Website: **https://www.sba.gov/ombudsman**

Appendix D: OFCCP National and Regional Offices

U.S. Department of Labor

Regional Office Contact Information

Mid-Atlantic Region
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia
U.S. Department of Labor—OFCCP
170 S Independence Mall West
Suite 650 South
Philadelphia, PA 19106
Phone: (215) 861-5765
Fax Line: (215) 861-5769

Midwest Region
Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin
U.S. Department of Labor—OFCCP
230 S Dearborn St
Room 570
Chicago, IL 60604
Phone: (312) 596-7010
Fax: (312) 596-7036

Northeast Region
New Jersey, New York, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Puerto Rico, and Virgin Islands
U.S. Department of Labor —OFCCP
201 Varick St
Room 750
New York, NY 10014
Phone: (646) 264-3170
Fax: (646) 264-3009

Pacific Region
Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, Guam, American Samoa, and the Northern Mariana Islands
U.S. Department of Labor—OFCCP
90 7th St
Suite 18-300
San Francisco, CA 94103
Phone: 415-625-7800
Fax: 415-625-7799

Southeast Region
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee
U.S. Department of Labor—OFCCP
61 Forsyth St SW
Suite 7B75
Atlanta, GA 30303
Phone: 404-893-4545
Fax: 404-893-4546

Southwest and Rocky Mountain Region
Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming
U.S. Department of Labor—OFCCP
525 S Griffin St
Room 840
Dallas, TX 75202
Phone: 972-850-2550
Fax: 972-850-2552

Appendix E: Sample Notice to Unions

Construction contractors subject to OFCCP's equal opportunity clauses have a duty to notify labor unions with which they have collective bargaining agreements that they are bound by their nondiscrimination and affirmative action obligations under Executive Order 11246, Section 503, and VEVRAA. Below is a sample notice that would satisfy this OFCCP requirement under all three laws.

> [**Insert contractor**] is bound contractually by the terms of Executive Order 11246, Section 503 of the Rehabilitation Act, and the Vietnam Era Veterans' Readjustment Assistance Act. Together, these laws require [insert contractor] not to discriminate and to take affirmative action to treat applicants and employees without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability, and status as a protected veteran. Executive Order 11246 also prohibits discharging or in any other manner discriminating against an applicant or employee for discussing, disclosing or inquiring about compensation or compensation information, with limited exceptions. Attached is the EEO is the Law Poster, the EEO is the Law Poster Supplement, and the Pay Transparency Nondiscrimination Provision which [**insert contractor**] uses to provide notice of these rights to applicants and employees.

Appendix F: Construction Contract Award Notification Requirement

Instructions

Construction contractors are required to give written notice to OFCCP within 10 working days of awarding any construction subcontract more than $10,000 at any tier for construction work performed under a federal or federally assisted construction contract, as required by 41 CFR §§ 60-4.1 and 4.2(d)(3). Federal contracting officers, applicants of federal assistance, and covered nonconstruction contractors are also required to give written notice to OFCCP within 10 working days of awarding a construction contract more than $10,000, as required by 41 CFR 60-4.2(c).

Submit completed forms via email to the OFCCP regional office covering the area where the work will be performed. This form is an OMB-approved form and, as such, its content cannot be altered or changed. To be acceptable, all fields must be complete and accurate except those noted as optional.

Northeast
OFCCP-NE-ConstructionAward@dol.gov
Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Puerto Rico, and the Virgin Islands

Mid-Atlantic
OFCCP-MA-ConstructionAward@dol.gov
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia

Southeast
OFCCP-SE-ConstructionAward@dol.gov
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

Midwest
OFCCP-MW-ConstructionAward@dol.gov
Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin

Southwest and Rocky Mountain
OFCCP-SW-ConstructionAward@dol.gov
Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming

Pacific
OFCCP-PA-ConstructionAward@dol.gov
Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, Guam, and the Northern Mariana Islands

Form CC-314
OMB Control Number: 1250-0001
Expires: 04/30/2021

Notification of Construction Contract Award in Excess of $10,000

Prime Contract Number:

Award Notification Submitted on Behalf of (select one):
Federal Agency
Applicant
Contractor

Name of Awarding Federal Agency, Applicant or Contractor:

Contracting Officer, Applicant Representative or Contractor Representative Submitting Notification
First Name:
Last Name:
Telephone Number:
Telephone Extension (optional):
Email:

Contractor Awarded Contract or Subcontract
Name:
Address Line 1:
Address Line 2:
City:
State:
ZIP:
Telephone Number:
Telephone Extension (optional):
Employer Identification Number (EIN):

Contract Information
Dollar Amount of Contract:
Estimated Start Date of Contract:
Estimated Complete Date of Contract:

Geographical area in which the contract is to be performed
State:
County:
City (optional):

The Paperwork Reduction Act of 1995 provides that no person is required to respond to a federal collection of information unless it displays a valid OMB Control Number. The estimated reporting burden to identify the necessary information and send it to OFCCP is 30 minutes. If you have comments regarding the estimated burden, or suggestions for reducing the burden, please send them to the OFCCP, Division of Policy and Program Development, 200 Constitution Avenue, N.W., Room C-3325, Washington, D.C. 20210 and reference OMB Control Number 1250-0001. Please do not send the completed form to this address.

Appendix G: Legal Notices for Bids and Contracting Documents

This appendix reproduces legal notices found in OFCCP's regulations at 41 CFR 60-4.2(d) and 41 CFR 60-4.3(a). More information on when these notices are required can be found in the regulations and on page 13.

41 CFR 60-4.2(d). Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)

The following notice shall be included in, and shall be a part of, all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts in excess of $10,000 to be performed in geographical areas designated by the Director pursuant to 60-4.6 of this part (*see* 41 CFR 60-4.2(a)).

NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE ORDER 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Time tables	Goals for minority participation for each trade	Goals for female participation for each trade
	Insert goals for each year.	Insert goals for each year.

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to

Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of $10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, county and city, if any).

41 CFR 60-4.3(a). Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246)

All Federal contracting officers, all applicants and all nonconstruction contractors, as applicable, shall include the specifications below in all Federal and federally assisted construction contracts in excess of $10,000 and in construction subcontracts in excess of $10,000 necessary in whole or in part to the performance of nonconstruction Federal contracts and subcontracts covered under the Executive order.

STANDARD FEDERAL EQUAL EMPLOYMENT OPPORTUNITY CONSTRUCTION CONTRACT SPECIFICATIONS (EXECUTIVE ORDER 11246)

1. As used in these specifications:
   a. "Covered area" means the geographical area described in the solicitation from which this contract resulted;
   b. "Director" means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;
   c. "Employer identification number" means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941.
   d. "Minority" includes:
      (i) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
      (ii) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
      (iii) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

(iv) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

2. Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of $10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

3. If the Contractor is participating (pursuant to 41 CFR 60-4.5) in a Hometown Plan approved by the U.S. Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan in each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

4. The Contractor shall implement the specific affirmative action standards provided in paragraphs 7 a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered Construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

5. Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

6. In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the U.S. Department of Labor.

7. The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

   a. Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

   b. Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractor or its unions have employment opportunities available, and maintain a record of the organizations' responses.

   c. Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor by the union or, if referred, not employed by the Contractor, this shall be documented in the file with the reason therefor, along with whatever additional actions the Contractor may have taken.

   d. Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

   e. Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under 7b above.

   f. Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at least once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

g. Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as Superintendents, General Foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

h. Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, specifically including minority and female news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

i. Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

j. Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both on the site and in other areas of a Contractor's work force.

k. Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3.

l. Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

m. Ensure that seniority practices, job classifications, work assignments and other personnel practices, do not have a discriminatory effect by continually monitoring all personnel and employment related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

n. Ensure that all facilities and company activities are nonsegregated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

o. Document and maintain a record of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

p. Conduct a review, at least annually, of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

8. Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations (7a through p). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under 7a through p of these Specifications provided that the contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

9. A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and nonminority. Consequently, the Contractor may be in violation of the Executive Order if a particular group is employed in a substantially disparate manner (for example, even though the Contractor has achieved its goals for women generally, the Contractor may be in violation of the Executive Order if a specific minority group of women is underutilized).

10. The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, sexual orientation, gender identity, or national origin.

11. The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

12. The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

13. The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph 7 of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of the Executive Order, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR 60-4.8.

14. The Contractor shall designate a responsible official to monitor all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation if any, employee identification number when assigned, social security number, race, sex, status (*e.g.*, mechanic, apprentice trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

15. Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (*e.g.*, those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

Appendix H: Equal Opportunity Clauses—Incorporation by Reference

Incorporation of **Executive Order 11246** equal opportunity clause by reference in subcontract or purchase order:

- **For direct federal construction contracts—**This contractor and subcontractor shall abide by the requirements of 41 CFR 60-1.4(a). These regulations prohibit discrimination against individuals based on their race, color, religion, sex, sexual orientation, gender identity, national origin, or for inquiring about, discussing, or disclosing information about compensation. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity and national origin.
- **For federally assisted construction contracts—**This contractor and subcontractor shall abide by the requirements of 41 CFR 60-1.4(b). These regulations prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity, national origin, or for inquiring about, discussing, or disclosing information about compensation. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity and national origin.

Incorporation of **Executive Order 11246** and **Section 503** equal opportunity clauses by reference in subcontract or purchase order:

- This contractor and subcontractor shall abide by the requirements of 41 CFR 60-1.4(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals with disabilities and prohibit discrimination against individuals based on their race, color, religion, sex, sexual orientation, gender identity, national origin, or for inquiring about, discussing, or disclosing information about compensation. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, or disability.

Incorporation of **Executive Order 11246**, **Section 503** and **VEVRAA** equal opportunity clauses by reference in subcontract or purchase order:

- This contractor and subcontractor shall abide by the requirements of 41 CFR 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans, prohibit discrimination against qualified individuals with disabilities, and prohibit discrimination against individuals based on their race, color, religion, sex, sexual orientation, gender identity, national origin, or for inquiring about, discussing, or disclosing information about compensation. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability or veteran status.

Appendix I: Equal Opportunity Clauses

This appendix reproduces equal opportunity clauses found in OFCCP's regulations at 41 CFR 60-1.4(a), 41 CFR 60-1.4(b), 41 CFR 60-300.5(a), and 41 CFR 60-741.5(a). More information about the requirements can be found in the regulations and on **page 14** and **Appendix H**.

41 CFR 60-1.4(a). Equal Opportunity Clause for Executive Order 11246 (Direct Federal Contracts)

Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract).

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: *Provided*, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

41 CFR 60-1.4(b). Equal Opportunity Clause for Executive Order 11246 (Federally Assisted Construction Contracts)

Except as otherwise provided, each administering agency shall require the inclusion of the following language as a condition of any grant, contract, loan, insurance, or guarantee involving federally assisted construction which is not exempt from the requirements of the equal opportunity clause.

The applicant hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided*, that if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

(2) [Reserved]

41 CFR 60-300.5(a). Equal Opportunity Clause for VEVRAA

Each contracting agency and each contractor shall include the following equal opportunity clause in each of its covered Government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract).

Equal Opportunity for VEVRAA Protected Veterans

1. The contractor will not discriminate against any employee or applicant for employment because he or she is a disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, or Armed Forces service medal veteran (hereinafter collectively referred to as "protected veteran(s)") in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified individuals without discrimination based on their status as a protected veteran in all employment practices, including the following:
   i. Recruitment, advertising, and job application procedures.
   ii. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring.
   iii. Rates of pay or any other form of compensation and changes in compensation.
   iv. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists.
   v. Leaves of absence, sick leave, or any other leave.
   vi. Fringe benefits available by virtue of employment, whether or not administered by the contractor.
   vii. Selection and financial support for training, including apprenticeship, and on-the-job training under 38 U.S.C. 3687, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training.
   viii. Activities sponsored by the contractor including social or recreational programs.
   ix. Any other term, condition, or privilege of employment.
2. The contractor agrees to immediately list all employment openings which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the contractor other than the one where the contract is being performed, but excluding those of independently operated corporate affiliates, with the appropriate employment service delivery system where the opening occurs. 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 requirement to list jobs with the appropriate employment service delivery system. In order to satisfy the listing requirement described herein, contractors must provide information about the job vacancy in any manner and format permitted by the appropriate employment service delivery system which will allow that system to provide priority referral of veterans protected by VEVRAA for that job vacancy. Providing information on employment openings to a privately run job service or exchange will satisfy the contractor's listing obligation if the privately run job service or exchange

provides the information to the appropriate employment service delivery system in any manner and format that the employment service delivery system permits which will allow that system to provide priority referral of protected veterans.

3. Listing of employment openings with the appropriate employment service delivery system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a *bona fide* job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicants or from any particular group of job applicants, and nothing herein is intended to relieve the contractor from any requirements in Executive orders or regulations regarding nondiscrimination in employment.
4. Whenever a contractor, other than a state or local governmental contractor, becomes contractually bound to the listing provisions in paragraphs 2 and 3 of this clause, it shall advise the employment service delivery system in each state where it has establishments that: (a) It is a Federal contractor, so that the employment service delivery systems are able to identify them as such; and (b) it desires priority referrals from the state of protected veterans for job openings at all locations within the state. The contractor shall also provide to the employment service delivery system the name and location of each hiring location within the state and the contact information for the contractor official responsible for hiring at each location. The "contractor official" may be a chief hiring official, a Human Resources contact, a senior management contact, or any other manager for the contractor that can verify the information set forth in the job listing and receive priority referrals from employment service delivery systems. In the event that the contractor uses any external job search organizations to assist in its hiring, the contractor shall also provide to the employment service delivery system the contact information for the job search organization(s). The disclosures required by this paragraph shall be made simultaneously with the contractor's first job listing at each employment service delivery system location after the effective date of this final rule. Should any of the information in the disclosures change since it was last reported to the employment service delivery system location, the contractor shall provide updated information simultaneously with its next job listing. As long as the contractor is contractually bound to these provisions and has so advised the employment service delivery system, there is no need to advise the employment service delivery system of subsequent contracts. The contractor may advise the employment service delivery system when it is no longer bound by this contract clause.
5. The provisions of paragraphs 2 and 3 of this clause do not apply to the listing of employment openings which occur and are filled outside of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, Wake Island, and the Trust Territories of the Pacific Islands.
6. As used in this clause:

   i. *All employment openings* includes all positions except executive and senior management, those positions that will be filled from within the contractor's organization, and positions lasting three days or less. This term includes full-time employment, temporary employment of more than three days' duration, and part-time employment.

ii. *Executive and senior management means*: (1) Any employee (a) compensated on a salary basis at a rate of not less than $455 per week (or $380 per week, if employed in American Samoa by employers other than the Federal Government), exclusive of board, lodging or other facilities; (b) whose primary duty is management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof; (c) who customarily and regularly directs the work of two or more other employees; and (d) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight; or (2) any employee who owns at least a bona fide 20-percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management.

iii. *Positions that will be filled from within the contractor's organization* means employment openings for which no consideration will be given to persons outside the contractor's organization (including any affiliates, subsidiaries, and parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" lists. The exception does not apply to a particular opening once an employer decides to consider applicants outside of his or her own organization.

7. The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

8. In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

9. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Office of Federal Contract Compliance Programs, provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants who are protected veterans. The contractor must ensure that applicants or employees who are disabled veterans are provided the notice in a form that is accessible and understandable to the disabled veteran (*e.g.*, providing Braille or large print versions of the notice, posting the notice for visual accessibility to persons in wheelchairs, providing the notice electronically or on computer disc, or other versions). With respect to employees who do not work at a physical location of the contractor, a contractor will satisfy its posting obligations by posting such notices in an electronic format, provided that the contractor provides computers that can access the electronic posting to such employees, or the contractor has actual knowledge that such employees otherwise are able to access the electronically posted notices. Electronic notices for employees must be posted in a conspicuous location and format on the company's intranet or sent by electronic mail to employees. An electronic posting must be used by the contractor to notify job applicants of their rights if the contractor utilizes an electronic application process. Such electronic applicant notice must be conspicuously stored with, or as part of, the electronic application.

10. The contractor will notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding that the contractor is bound by the terms of VEVRAA, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, protected veterans.

11. The contractor will include the provisions of this clause in every subcontract or purchase order of $100,000 or more, unless exempted by the rules, regulations, or orders of the Secretary issued pursuant to VEVRAA so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director, Office of Federal Contract Compliance Programs, may direct to enforce such provisions, including action for noncompliance.
12. The contractor must, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their protected veteran status.

41 CFR 60-741.5(a). Equal Opportunity Clause for Section 503

Each contracting agency and each contractor shall include the following equal opportunity clause in each of its covered Government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract).

Equal Opportunity for Workers with Disabilities

1. The contractor will not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ and advance in employment individuals with disabilities, and to treat qualified individuals without discrimination on the basis of their physical or mental disability in all employment practices, including the following:
   i. Recruitment, advertising, and job application procedures;
   ii. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;
   iii. Rates of pay or any other form of compensation and changes in compensation;
   iv. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
   v. Leaves of absence, sick leave, or any other leave;
   vi. Fringe benefits available by virtue of employment, whether or not administered by the contractor;
   vii. Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;
   viii. Activities sponsored by the contractor including social or recreational programs; and
   ix. Any other term, condition, or privilege of employment.

2. The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the act.
3. In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the act.
4. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, Office of Federal Contract Compliance Programs, provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants with disabilities. The contractor must ensure that applicants or employees with disabilities are provided the notice in a form that is accessible and understandable to the individual applicant or employee (*e.g.*, providing Braille or large print versions of the notice, or posting a copy of the notice at a lower height for easy viewing by a person using a wheelchair). With respect to employees who do not work at a physical location of the contractor, a contractor will satisfy its posting obligations by posting such notices in an electronic format, provided that the contractor provides computers, or access to computers, that can access the electronic posting to such employees, or the contractor has actual knowledge that such employees otherwise are able to access the electronically posted notices. Electronic notices for employees must be posted in a conspicuous location and format on the company's intranet or sent by electronic mail to employees. An electronic posting must be used by the contractor to notify job applicants of their rights if the contractor utilizes an electronic application process. Such electronic applicant notice must be conspicuously stored with, or as part of, the electronic application.
5. The contractor will notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, as amended, and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, individuals with physical or mental disabilities.
6. The contractor will include the provisions of this clause in every subcontract or purchase order in excess of $10,000, unless exempted by the rules, regulations, or orders of the Secretary issued pursuant to section 503 of the act, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director, Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.
7. The contractor must, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability.

Appendix J: Understanding OFCCP's Internet Applicant and Traditional Applicant Recordkeeping Requirements Frequently Asked Questions

What other things should I know about applicants and recordkeeping?

What records must be kept from searches of external websites?

Contractors are required to maintain the following records from searches of external websites:

- Resumes of job seekers who meet the basic qualifications of the position who were considered by the contractor.
- Records about the position, such as copies of the job listing or position description for each search of the database.
- Substantive search criteria used for each search.
- Date of each search.

What records must be kept from searches of internal databases?

Contractors are required to maintain the following records from searches of internal websites:

- A copy of each resume submitted.
- A record of the date each resume was submitted.

Do the Internet applicant recordkeeping requirements apply to construction contractors?

Yes, all recordkeeping requirements apply to both supply and service contractors and construction contractors that have federal contracts, subcontracts, federally-assisted construction contracts of subcontracts of more than $10,000.

When should I obtain an applicant's demographic data?

While OFCCP does not mandate a specific time in the selection process when pre-offer demographic data must be requested, contractors must remember these general guidelines:

- Solicitation of demographic information should be made as early in the application process as possible. Contractors should not delay the solicitation so long (*i.e.* after assessing basic qualifications or at the interview stage) that it is no longer feasible to effectively solicit the information.
- Contractors are required to solicit demographic information from all individuals who meet the definition of an Internet applicant or traditional applicant.
- Once a contractor determines when to offer the invitation to provide demographic data, all Internet and traditional applicants must be given the same opportunity.
- Contractors may harmonize the solicitation of demographic data with the pre-offer invitation to self-identify as an individual with a disability and the invitation to self-identify as a protected veteran.

Are all contractors required to invite applicants to self-identify as a protected veteran or person with a disability?

No, only contractors that employ 50 or more workers and have a contract of $50,000 or more are required to invite applicants to self-identify as individuals with disabilities. Additionally,

contractors that employ 50 or more workers and have a contract of $150,000 or more are required to invite applicants to self-identify as protected veterans. Note, federally-assisted construction contractors are not required to offer applicants either of these invitations.

Are there special rules I should know about filing and storing demographic data, especially data on disability?

All demographic data must be preserved, including demographic data gathered from social and professional networking websites. Additionally, demographic data related to disability and veteran status is confidential and must be maintained in a file separate from medical and other personnel files.

If I use a third-party vendor to recruit, screen or select applicants, who is responsible for complying with OFCCP's recordkeeping requirements for Internet or traditional applicants?

You, as the federal contractor or subcontractor, remain responsible for complying with OFCCP's recordkeeping requirements. When using a recruiter for hiring, you may either maintain the records or have the third-party vendor maintain the required records. During a compliance evaluation or complaint investigation, the records must be available to OFCCP in a readable format no matter who maintained them.

In what form or format can I keep electronic applications and resumes?

Contractors have the flexibility to determine the form or format they use to maintain electronic applications and resumes. Contractors may opt to keep them in their applicant tracking system (ATS) or to create paper copies. Regardless of how they are preserved, they must be accessible to OFCCP during a compliance evaluation or complaint investigation (*i.e.*, available and in a form or format that is readable and usable by OFCCP).

In what form or format should I keep the search results of electronic databases (internal and external)?

You, as a contractor, have the flexibility to determine the form or format used to maintain search results of electronic databases. You may opt to keep records of the search results in your applicant tracking system, or opt to create a paper log or file. Regardless of how you preserve your search results, they must be accessible to OFCCP during a compliance evaluation or complaint investigation (*i.e.*, available and in a form or format that is readable and usable by OFCCP).

Do I have to keep unsolicited Internet and traditional applications and their associated records?

Under the Internet applicant definition, a contractor may establish a data management approach to address unsolicited applicants. If your approach is one that does not allow for consideration of unsolicited expressions of interest, then you do not have to keep unsolicited applications or resumes. If, however, your approach is to consider unsolicited applications or resumes then you must maintain all of the applications or resumes.

Under the traditional applicant model, if an applicant submits an unsolicited expression of interest for employment you are obligated to keep the application. This is true regardless of whether you considered the application or resume.

Appendix K: Recordkeeping for Internet Applicants

Who is an applicant?

Internet Applicant
- Submits an expression of interest, such as a job application, resume, or completes screening questions using the internet or any electronic technologies such as fax, email, kiosk or mobile app;
- Is considered for employment by the contractor for a particular position;
- Meets the basic job qualifications based on their application or resume, and
- Has not withdrawn from consideration before receiving an offer of employment.

Traditional Applicant*
- Expresses an interest in a job in writing, or in some limited instances orally; and
- Has not withdrawn from consideration before receiving an offer of employment.

What applicant records to keep?

Internet Applicant
- All expressions of interest that were considered.
- A copy of the basic qualifications for each position.
- Copies of job advertisements or postings for each position.
- Copies of applicant screening questions, interview questions, interview notes, tests, test results, and all other screening tools used to select applicants from each applicant pool.
- Documents resulting from searches of external web sites (*e.g.*, LinkedIn.com, etc.).
- Demographic data.

Traditional Applicant
- All expressions of interest.
- A copy of the qualifications for each position.
- Copies of job advertisements or postings for each position.
- Copies of applicant screening questions, interview questions, interview notes, tests, test results, and all other screening tools used to select applicants from each applicant pool.
- Demographic data.

How long to keep applicant records?

Internet Applicant
Records must be preserved for two years from the time the record was made or the personnel action was taken (whichever is later).

Exception: One year if the contractor has fewer than 150 employees or less than $150,000 in a federal contract or subcontract.

* Non-electronic or non-internet applicant

Traditional Applicant
Records must be preserved for two years from the time the record was made or the personnel action was taken (whichever is later).

Exception: One year if the contractor has fewer than 150 employees or less than $150,000 in a federal contract or subcontract.

What are some of the key terms and definitions I should know?

Expression of Interest in Employment
An applicant expresses interest by taking an affirmative step to obtain a job or a position. An applicant typically expresses interest by sending a resume, filling out an application online, posting a resume on an external resume database, or completing pre-screening questions in a contractor kiosk or online database.

Considered for Employment
A federal contractor "considers" an applicant for a job or position by reviewing the application, resume or profile for substantive information, and assessing that information in light of the qualifications associated with the position.

Basic Qualifications
These are the qualifications the applicant must possess. They are the skills, experience, and attributes the contractor wants to find in the candidate hired for the position. The basic qualifications for the position or job must be in writing, objective, noncomparative, and job related. A contractor must include the basic qualifications in the job listing or advertisement. However, if the contractor does not list or advertise the job, the basic qualifications must be predetermined and reduced to writing or otherwise documented.

Demographic Data
This is information about the person's race, sex, disability, and veteran status. Voluntary self-identification is the preferred method for collecting demographic data. In situations where the person does not self-identify, observer information may be used. However, if a contractor is unsure, the contractor should not guess.

Appendix L: How to Conduct an Adverse Impact Analysis

Contractors with 100 or more employees must maintain and have available for each job records and other information showing the impact of the total selection process by identifiable race, sex, and ethnic group. 41 CFR 60-3.4B and 3.15A(2)(a). "Total selection process" means the combined effect of all selection procedures leading to the final employment decision.

At least annually, contractors with 100 or more employees are required to analyze the data to determine whether the total selection process for each job is having an adverse impact. 41 CFR 60-3.15A(2). The adverse impact determinations must be conducted by sex and for each race and ethnic group (*e.g.*, Black, Hispanic, Asian/Pacific Islander, and American Indian/Alaskan Native) that constitutes 2% or more of the labor force in the relevant labor area or 2% or more of the applicable workforce. If the total selection process has an adverse impact, the impact of the individual components of the selection process also should be analyzed. 41 CFR 60-3.4C and 3.15A(2)(a).

"Adverse impact" is defined in the Uniform Guidelines on Employee Selection Procedures (UGESP) as "a substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of a race, sex, or ethnic group." 41 CFR 60-3.16B.

Generally, to determine whether the differences in selection rates are sufficiently substantial to be regarded as evidence of adverse impact, the contractor should apply what is commonly referred to as the "4/5 rule" or the "80% rule" of the UGESP. Under this rule, a selection rate for any race, sex, or ethnic group that is less than 4/5 or 80% of the selection rate for the group with the highest selection rate is generally regarded as evidence of adverse impact. 41 CFR 60-3.4D.

The 80% rule is a general rule and is not dispositive in all situations. The UGESP recognize that sample size and other factors may affect the reliability of the 80% rule as a measure of adverse impact, as explained below.

Smaller differences in selection rate may constitute an adverse impact if the differences are both statistically and practically significant. For that reason, where the sample size is very large, the contractor should not assume that there is no evidence of adverse impact based on the application of the 80% rule alone. Rather, tests of practical and statistical significance should be used to assess whether the selection procedure results in adverse impact. The UGESP also recognize that smaller differences in selection rate may constitute an adverse impact where a user's actions have discouraged applicants disproportionately on grounds of race, sex, or ethnic group. 41 CFR 60-3.4D.

Conversely, greater differences in selection rate may not constitute an adverse impact where the differences are based on small numbers and are not statistically significant, or where special recruiting or other programs cause the pool of minority or female candidates to be atypical of the normal pool of applicants from that group. For example, if a contractor selected three men and one woman from an applicant pool of 20 men and 10 women, the 80% rule would indicate an adverse impact. The selection rate for women is 10%, and the rate for men, 15%; 10/15 or 66-2/3% is less than 80%. Yet, the number of selections is too small to warrant a determination of an adverse impact absent a further finding of statistical significance. Where the 80% rule indicates an adverse impact but the analysis is based on a sample too small to be reliable, evidence of the impact of the procedure over a longer time period or evidence concerning the impact of the procedure when used in the same manner elsewhere may be considered when determining an adverse impact. 41 CFR 60-3.4D.

A four-step process is used to determine an adverse impact:

1. Calculate the rate of selection for each group (divide the number of persons selected from a group by the number of applicants from that group)
2. Observe which group has the highest selection rate
3. Calculate the impact ratios by comparing the selection rate for each group with that of the highest group (divide the selection rate for a group by selection rate for the highest group)
4. Observe whether the selection rate for any group is substantially less (*i.e.*, usually less than 4/5 or 80%) than the selection rate for the highest group. If it is, an adverse impact is indicated in most circumstances

For example:

Applicants	Hires	Selection Rate
10 American Indians	2	2/10 or 20%
50 Blacks	20	20/50 or 40%
60 Hispanics	30	30/60 or 50%
80 Whites	48	48/80 or 60%

Comparisons of the selection rate for each group with that of the highest group (Whites) reveal the following impact ratios: American Indians 20/60 or 33%; Blacks 40/60 or 66.6%; and Hispanics 50/60 or 83%. Applying the 80% rule, based on the above information, an adverse impact is indicated for American Indians and Blacks but not for Hispanics.

If a selection procedure results in an adverse impact, the contractor is required to eliminate it or justify its continued use. The contractor can justify using a selection procedure that has an adverse impact by showing that the procedure has been validated according to the technical requirements of the UGESP. Validation is the demonstration of job-relatedness by showing the relationship between the selection procedure and job performance. "Validated in accord with [the UGESP] or properly validated" means a demonstration that a validity study meeting the standards of the UGESP has been conducted and has produced evidence sufficient to warrant the use of the procedure for the purpose intended. 41 CFR 60-3.16X.

Even when a selection procedure with an adverse impact has been validated, the contractor is obligated to investigate and consider suitable alternative selection procedures, and suitable alternative methods to using the selection procedure that have as little an adverse impact as possible. Further, the contractor is required to use the procedure having a less adverse impact if it is "substantially equally valid." 41 CFR 60-3.3B.

Under some circumstances, a contractor may be able to justify continued use of a procedure with an adverse impact on a basis other than validity—specifically, where there is a "business necessity" for its continued use. The contractor may meet this requirement by providing evidence that the selection procedure is necessary for the safe and efficient operation of its business.

In sum, the UGESP recommends the following actions when an adverse impact occurs:

- Modify the assessment instrument or procedure causing an adverse impact.
- Exclude the component procedure causing an adverse impact from your selection process.
- Use an alternative procedure that causes less or no adverse impact, assuming that the alternative procedure is substantially equally valid.
- Use the selection procedure that has an adverse impact only if it is properly validated and there is no equally-effective procedure available that has a less adverse impact.

Appendix M: Invitation to Self-Identify—Section 503

Voluntary Self-Identification of Disability

Form CC-305
OMB Control Number 1250-0005
Expires 1/31/2020

Why are you being asked to complete this form?

Because we do business with the government, we must reach out to, hire, and provide equal opportunity to qualified people with disabilities. To help us measure how well we are doing, we are asking you to tell us if you have a disability or if you ever had a disability. Completing this form is voluntary, but we hope that you will choose to fill it out. If you are applying for a job, any answer you give will be kept private and will not be used against you in any way.

If you already work for us, your answer will not be used against you in any way. Because a person may become disabled at any time, we are required to ask all of our employees to update their information every five years. You may voluntarily self-identify as having a disability on this form without fear of any punishment because you did not identify as having a disability earlier.

How do I know if I have a disability?

You are considered to have a disability if you have a physical or mental impairment or medical condition that substantially limits a major life activity, or if you have a history or record of such an impairment or medical condition.

Disabilities include, but are not limited to:

- Autism
- Bipolar Disorder
- Blindness
- Cancer
- Cerebral Palsy
- Deafness
- Diabetes
- Epilepsy
- HIV/AIDS
- Impairments requiring the use of a wheelchair
- Intellectual disability (previously called mental retardation)
- Major depression
- Missing limbs or partially missing limbs
- Multiple sclerosis (MS)
- Muscular dystrophy
- Obsessive compulsive disorder
- Post-traumatic stress disorder (PTSD)
- Schizophrenia

Please check one of the boxes below:

- ☐ YES, I HAVE A DISABILITY (or previously had a disability)
- ☐ NO, I DON'T HAVE A DISABILITY
- ☐ I DON'T WISH TO ANSWER

Your Name _____ Today's Date _____

Voluntary Self-Identification of Disability

Form CC-305
OMB Control Number 1250-0005
Expires 1/31/2020

Reasonable Accommodation Notice

Federal law requires employers to provide reasonable accommodation to qualified individuals with disabilities. Please tell us if you require a reasonable accommodation to apply for a job or to perform your job. Examples of reasonable accommodation include making a change to the application process or work procedures, providing documents in an alternate format, using a sign language interpreter, or using specialized equipment.

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[i] Section 503 of the Rehabilitation Act of 1973, as amended. For more information about this form or the equal employment obligations of Federal contractors, visit the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) website at **www.dol.gov/ofccp**.

PUBLIC BURDEN STATEMENT: According to the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. This survey should take about 5 minutes to complete.

Appendix N: Invitation to Self-Identify: VEVRAA

Voluntary Self-Identification of "Protected" Veteran Status

Why Are You Being Asked to Complete This Form?

This employer is a Government contractor subject to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended by the Jobs for Veterans Act of 2002, 38 U.S.C. 4212 (VEVRAA). VEVRAA requires Government contractors to take affirmative action to employ and advance in employment protected veterans. To help us measure the effectiveness of our outreach and recruitment efforts of veterans, we are asking you to tell us if you are a veteran covered by VEVRAA. Completing this form is completely voluntary, but we hope you fill it out. Any answer you give will be kept private and will not be used against you in any way.
For more information about this form or the equal employment obligations of Federal contractors, visit the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) website at **www.dol.gov/ofccp**.

How Do You Know if You Are a Veteran Protected by VEVRAA?

Contrary to the name, VEVRAA does not just cover Vietnam Era veterans. It covers several categories of veterans from World War II, the Korean conflict, the Vietnam era, and the Persian Gulf War which is defined as occurring from August 2, 1990 to the present.

If you believe you belong to any of the categories of protected veterans please indicate by checking the appropriate box below. The categories are defined on the next page and explained further in an *Am I a Protected Veteran?* infographic provided by OFCCP.

- ☐ I IDENTIFY AS ONE OR MORE OF THE CLASSIFICATIONS OF PROTECTED VETERAN LISTED ABOVE
- ☐ I AM NOT A PROTECTED VETERAN
- ☐ I DO NOT WISH TO ANSWER

Your Name	Today's Date

What Categories of Veterans Are "Protected" by VEVRAA?

"Protected" veterans include the following categories: (1) disabled veterans; (2) recently separated veterans; (3) active duty wartime or campaign badge veterans; and (4) Armed Forces service medal veterans. These categories are defined below.

1) A "disabled veteran" is one of the following:
   - a veteran of the U.S. military, ground, naval or air service 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 Secretary of Veterans Affairs; or
   - a person who was discharged or released from active duty because of a service-connected disability.

2) A "recently separated veteran" means any veteran during the three years beginning on the date of the veteran's discharge or release from active duty in the U.S. military, ground, naval, or air service.

3) An "active duty wartime or campaign badge veteran" means a veteran who served on active duty in the U.S. military, ground, naval or air service during a war, or in a campaign or expedition for which a campaign badge has been authorized under the laws administered by the Department of Defense.

4) An "Armed forces service medal veteran" means a veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

Appendix O: Notice of Employee Rights Under the National Labor Relations Act

The contractor must post the following notice in conspicuous places where employees covered by the National Labor Relations Act engage in activities relating to the performance of the contract, including all places where notices to employees are customarily posted both physically and electronically.

Employee Rights Under The National Labor Relations Act

The NLRA guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity. Employees covered by the NLRA* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board, the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.
- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

Under the NLRA, it is illegal for your employer to:

- Prohibit you from soliciting for a union during nonwork time, such as before or after work or during break times; or from distributing union literature during nonwork time, in nonwork areas, such as parking lots or break rooms.
- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.

- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- Threaten you that you will lose your job unless you support the union.
- Refuse to process a grievance because you have criticized union officials or because you are not a member of the union.
- Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall.
- Cause or attempt to cause an employer to discriminate against you because of your union-related activity.
- Take other adverse action against you based on whether you have joined or support the union.

If you and your co-workers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's Web site: **http://www.nlrb.gov**. Click on the NLRB's page titled "About Us," which contains a link, "Locating Our Offices." You can also contact the NLRB by calling toll-free: 1-866-667-NLRB (6572) or (TTY) 1-866-315-NLRB (6572) for hearing impaired.

*The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).

This is an official Government Notice and must not be defaced by anyone.

Appendix P: Participation Goals for Minorities and Females

For federal and federally assisted construction contractors, goals for minorities and females are established as a percentage utilization or participation rate. The percentage goal a contractor establishes for minority participation must be at least equal to the percentage established for that geographic area as outlined in the list on the following pages. Contractors may establish higher goals if they desire. Although a contractor is required to make good faith efforts to meet its goals, the goals are not quotas, and no sanctions are imposed solely for failure to meet them. The following factors explain the difference between permissible goals and unlawful preferences.

Participation rate goals are not designed to permit, nor may they properly or lawfully be interpreted as permitting, unlawful preferential treatment or quotas on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin.

Goals are not quotas, set-asides, or a device to achieve proportional representation or equal results. Rather, the goal-setting process is used to target and measure the effectiveness of affirmative action efforts to eradicate and prevent barriers to equal employment opportunity.

Goals under Executive Order 11246, as amended, do not require that any specific position be filled by a person of a particular sex, race, or ethnicity. Instead, the requirement is that contractors engage in outreach and other efforts to broaden the pool of qualified candidates to include minorities and women.

The use of goals is consistent with principles of merit, because goals do not require an employer to hire a person who does not have the qualifications needed to perform the job successfully, hire an unqualified person in preference to another applicant who is qualified, or hire a less qualified person in preference to a more qualified person.

Goals may not be treated as a ceiling or a floor for the employment of members of particular groups.

A contractor's compliance is measured by whether it has made good faith efforts to meet its goals and failure to meet goals, by itself, is not a violation of Executive Order 11246.

These goals apply to all of a contractor's construction work sites in the geographic area (whether or not these sites are also the result of a federal contract or are federally assisted contract). The goals apply to

To assist contractors, the participation goals listed in this appendix have been reproduced from the original Federal Register notices from 1980. OFCCP has corrected spelling and punctuation errors in this guide.

The text of the original Federal Register notices for minorities and women respectively can viewed at:

Federal Register, Vol. 45, No. 194, at 65976-65991 (October 3, 1980)

Federal Register, Vol. 45, No. 251, at 85750-85751 (December 30, 1980)

the contractor's total on-site construction workforce, regardless of whether or not part of that workforce is performing work on a federal or federally assisted contract or subcontract.

The contractor's compliance with Executive Order 11246 and the regulations in 41 CFR Part 60-4 will be assessed based on its implementation of the equal opportunity clause and its good faith efforts to meet the goals by undertaking the specific affirmative action obligations required by the specifications outlined in 41 CFR 60-4.3(a). Each goal is a target percentage of hours to be worked by minorities or women. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the contractor must make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from contractor to contractor or from project to project for the sole purpose of meeting the contractor's goals is a violation of the contract, Executive Order 11246, and the regulations in 41 CFR Part 60-4.

The following goals for minority and female participation in each construction craft and trade must be included in all federal and federally assisted construction contracts and subcontracts more than $10,000. This appendix includes the original goals as printed in the Federal Register. The footnotes in this appendix were not part of the original publication; OFCCP added them for this technical assistance guide to assist contractors in identifying their goals. The footnotes correct mistakes and clarify where geographical information has changed since the original publication. They do not change which goal applies to the area.

The goals are organized by economic area codes (established by the U.S. Department of Commerce's Bureau of Economic Analysis), starting with Bangor, Maine (001), and ending with Honolulu, Hawaii (183). OFCCP created the below chart to assist contractors in finding the correct goals for their areas. The chart lists states alphabetically and provides all the economic area codes associated with each state. Some counties may be included in a different state's economic area. For instance, Rockingham County, New Hampshire, is part of the Boston, Massachusetts, economic area.

State	Economic Area Code(s)
Alabama	**037; 047-051**
Alaska	**182**
Arizona	**161-162**
Arkansas	**109-111; 119**
California	**174-181**
Colorado	**156-159**
Connecticut	**006; 012**
Delaware	**018**
District of Columbia	**020**
Florida	**041-046**
Georgia	**035-041; 051**
Hawaii	**183**
Idaho	**165-168**

State	Economic Area Code(s)
Illinois	**080-081; 083-088; 098-099; 107**
Indiana	**057; 067; 075-083**
Iowa	**098-104**
Kansas	**105; 108; 139-141**
Kentucky	**053-054; 056-058; 067; 080**
Louisiana	**113-118**
Maine	**001-002**
Maryland	**016; 018-020**
Massachusetts	**004; 006**
Michigan	**070-075; 094-095**
Minnesota	**096-104**
Mississippi	**013-014; 047; 055; 112**
Missouri	**086; 099; 105-108**
Montana	**152-155**
Nebraska	**142-145**
Nevada	**163-164**
New Hampshire	**003-004; 006**
New Jersey	**012; 018**
New Mexico	**133; 160**
New York	**006-012**
North Carolina	**023-030; 031**
North Dakota	**149-152**
Ohio	**059; 062; 064-070; 076**
Oklahoma	**108-110; 125; 135-138**
Oregon	**167; 169; 172-173**
Pennsylvania	**010-018**
Rhode Island	**005**
South Carolina	**025; 031-035; 39**
South Dakota	**103; 146-148**
Tennessee	**050-055**
Texas	**119-135**
Utah	**159; 163; 165**
Vermont	**003; 006-007**
Virginia	**019-023; 052**
Washington	**168-172**
West Virginia	**016; 020-021; 052; 059-063**
Wisconsin	**083; 088-096; 098**
Wyoming	**145-146; 155-156; 165-166**

GOAL FOR FEMALES

Nationwide Goal _____ **6.9%**

GOALS FOR MINORITIES

ECONOMIC AREAS

STATE _____ **GOAL (percent)**

Maine

001 Bangor, ME:

Non-SMSA Counties _____ 0.8

ME Aroostook; ME Hancock; ME Penobscot; ME Piscataquis; ME Waldo; ME Washington.

002 Portland - Lewiston, ME:

SMSA Counties:

4243 Lewiston - Auburn, ME _____ 0.5

ME Androscoggin.

6403 Portland, ME _____ 0.6

ME Cumberland; ME Sagadahoc.

Non-SMSA Counties _____ 0.5

ME Franklin; ME Kennebec; ME Knox; ME; Lincoln; ME Oxford; ME Somerset; ME York.

Vermont

003 Burlington, VT:

Non-SMSA Counties _____ 0.8

NH Coos; NH Grafton; NH Sullivan; VT Addison; VT Caledonia; VT Chittenden; VT Essex; VT Franklin; VT Grand Isle; VT Lamoille; VT Orange; VT Orleans; VT Rutland; VT Washington; VT Windsor.

Massachusetts

004 Boston, MA:

SMSA Counties:

1123 Boston - Lowell - Brockton - Lawrence - Haverhill, MA-NH _____ 4.0

MA Essex; MA Middlesex; MA Norfolk; MA Plymouth; MA Suffolk; NH Rockingham.

4763 Manchester-Nashua, NH _____ 0.7

NH Hillsborough.

5403 Fail River - New Bedford, MA _____ 1.6

MA Bristol.

9243 Worcester - Fitchburg - Leominster, MA _____ 1.6

MA Worcester.

Non-SMSA Counties _____ 3.6

MA Barnstable; MA Dukes; MA Nantucket, NH Belknap; NH Carroll; NH Merrimack; NH Strafford.

Rhode Island

005 Providence - Warwick - Pawtucket, RI:

SMSA Counties:
6483 Providence - Warwick - Pawtucket RI _____ 3.0
RI Bristol; RI Kent; RI Providence; RI Washington.
Non-SMSA Counties _____ 3.1
RI Newport.

Connecticut (Massachusetts)
006 Hartford - New Haven - Springfield, CT-MA:
SMSA Counties:
3283 Hartford - New Britain - Bristol, CT _____ 6.9
CT Hartford; CT Middlesex; CT Tolland.
5483 New Haven - Waterbury - Meriden, CT _____ 9.0
CT New Haven.
5523 New London - Norwich, CT _____ 4.5
CT New London.
6323 Pittsfield, MA _____ 1.6
MA Berkshire.
8003 Springfield - Chicopee - Holyoke. MA-CT _____4.8
MA Hampden; MA Hampshire.
Non-SMSA Counties _____ 5.9
CT Litchfield; CT Windham; MA Franklin; NH Cheshire; VT Windham.

New York
007 Albany - Schenectady - Troy, NY:
SMSA Counties:
0160 Albany – Schenectady - Troy, NY _____ 3.2
NY Albany; NY Montgomery, NY Rensselaer, NY Saratoga; NY Schenectady.
Non-SMSA Counties _____ 2.6
NY Clinton; NY Columbia; NY Essex; NY Fulton; NY Greene; NY Hamilton, NY Schoharie NY Warren; NY Washington; VT Bennington.
008 Syracuse - Utica, NY:
SMSA Counties:
8160 Syracuse _____ 3.8
NY Madison; NY Onondaga; NY Oswego.
8680 Utica -Rome, NY _____ 2.1
NY Herkimer; NY Oneida.
Non-SMSA Counties _____ 2.5
NY Cayuga; NY Cortland; NY Franklin; NY Jefferson; NY Lewis; NY St. Lawrence.
009 Rochester, NY:
SMSA Counties:
6840 Rochester, NY _____ 5.3
NY Livingston; NY Monroe; NY Ontario; NY Orleans; NY Wayne.
Non-SMSA Counties _____ 5.9
NY Genesee; NY Seneca; NY Yates.
010 Buffalo, NY:
SMSA Counties:
1280 Buffalo, NY _____ 7.7
NY Erie; NY Niagara.

Non-SMSA Counties _____ 6.3
NY Allegany; NY Cattaraugus; NY Chautauqua; NY Wyoming; PA McKean; PA Potter.

011 Binghamton - Elmira, NY:
SMSA Counties:
0960 Binghamton, NY - PA _____ 1.1
NY Broome; NY Tioga; PA Susquehanna.
2335 Elmira, NY _____ 2.2
NY Chemung.
Non-SMSA Counties _____ 1.2
NY Chenango; NY Delaware; NY Otsego; NY Schuyler; NY Steuben; NY Tompkins; PA Bradford; PA Tioga.

012 New York, NY:
SMSA Counties:
1163 Bridgeport - Stamford - Norwalk - Danbury, CT _____ 10.2
CT Fairfield.
3640 Jersey City, NJ _____ 12.8
NJ Hudson.
4410 Long Branch - Asbury Park, NJ _____ 9.5
NJ Monmouth.
5380 Nassau - Suffolk, NY _____ 5.8
NY Nassau; NY Suffolk.
5460 New Brunswick - Perth Amboy - Sayreville, NJ _____ 5.8
NJ Middlesex.
5600 New York NY, NJ _____ 22.6
NJ Bergen; NY Putnam; NY Rockland; NY Westchester.

The following goal ranges are applicable to the indicated trades in the counties of Bronx, Kings, New York, Queens, and Richmond.

Electricians _____ 9.0 to 10.2
Carpenters _____ 27.6 to 32.0
Steam fitters _____ 12.2 to 13.5
Metal lathers _____ 24.6 to 25.6
Painters _____ 28.6 to 26.0
Operating Engineers _____ 25.6 to 26.0
Plumbers _____ 12.0 to 14.5
Iron workers (struct) _____ 25.9 to 32.0
Elevator constructors _____ 5.5 to 6.5
Bricklayers _____ 13.4 to 15.5
Asbestos workers _____ 22.8 to 28.0
Roofers _____ 6.3 to 7.5
Iron workers (ornamental) _____ 22.4 to 23.0
Cement masons _____ 23.0 to 27.0
Glaziers _____ 16.0 to 20.0
Plasterers _____ 15.8 to 18.0
Teamsters _____ 22.0 to 22.5
Boilermakers _____ 13.0 to 15.5
All others _____ 16.4 to 17.5

5640 Newark, NJ _____ 17.3
NJ Essex; NJ Morris; NJ Somerset; NJ Union.
6040 Paterson - Clifton - Passaic, NJ _____ 12.9
NJ Passaic.
6460 Poughkeepsie, NY _____ 6.4
NY Dutchess.
Non-SMSA Counties _____ 17.0
NJ Hunterdon; NJ Ocean; NJ Sussex; NY Orange; NY Sullivan; NY Ulster; PA Pike.

Pennsylvania

013 Scranton - Wilkes - Barre, PA:
SMSA Counties
5745 Northeast Pennsylvania _____ 0.6
PA Lackawanna; PA Luzerne; PA Monroe.
Non-SMSA Counties _____ 0.5
PA Columbia; PA Wayne; PA Wyoming.

014 Williamsport, PA:
SMSA Counties
9140 Williamsport, PA _____ 1.0
PA Lycoming.
Non-SMSA Counties PA _____ 0.7
PA Cameron; PA Centre; PA Clearfield; PA Clinton; PA Elk; PA Jefferson; PA Montour; PA Northumberland; PA Snyder; PA Sullivan; PA Union.

015 Erie, PA:
SMSA Counties:
2360 Erie, PA _____ 2.8
PA Erie.
Non-SMSA Counties _____ 1.8
PA Clarion; PA Crawford; PA Forest; PA Venango; PA Warren.

016 Pittsburgh, PA:
SMSA Counties:
0280 Altoona, PA _____ 1.0
PA Blair.
3680 Johnson, PA _____ 1.3
PA Cambria; PA Somerset.
6280 Pittsburgh, PA _____ 6.3
PA Allegheny; PA Beaver; PA Washington; PA Westmoreland.
Non-SMSA Counties _____ 4.8
MD Allegany; MD Garrett; PA Armstrong; PA Bedford; PA Butler; PA Fayette; PA Greene; PA Indiana; WV Mineral.

017 Harrisburg - York - Lancaster, PA:
SMSA Counties
3240 Harrisburg PA _____ 6.2
PA Cumberland; PA Dauphin; PA Perry.
4000 Lancaster, PA _____ 2.0
PA Lancaster.
9280 York, PA _____ 2.2
PA Adams; PA York.
Non-SMSA-Counties _____ 3.1
PA Franklin; PA Fulton; PA Huntingdon; PA Juniata; PA Lebanon; PA Mifflin.

018 Philadelphia, PA:
SMSA Counties:
0240 Allentown - Bethlehem - Easton, PA-NJ _____ 1.6
NJ Warren; PA Carbon; PA Lehigh; PA Northampton.
0560 Atlantic City, NJ _____ 18.2
NJ Atlantic.
6160 Philadelphia, PA-NJ _____ 17.3
NJ Burlington; NJ Camden; NJ Gloucester; PA Bucks; PA Chester; PA Delaware; PA Montgomery; PA Philadelphia.
8680 Reading, PA _____ 2.5
PA Berks.
8480 Trenton, NJ _____ 16.4
NJ Mercer.
8760 Vineland - Millville - Bridgeton, NJ _____ 16.0
NJ Cumberland.
9160 Wilmington, DE-NJ-MD _____ 12.3
DE New Castle; MD Cecil; NJ Salem.
Non-SMSA Counties _____ 14.5
DE Kent; DE Sussex; NJ Cape May; PA Schuylkill.

Maryland

019 Baltimore, MD:
SMSA Counties:
0720 Baltimore MD _____ 23.0
MD Anne Arundel; MD Baltimore; MD Carroll; MD Harford; MD Howard; MD Baltimore City.
Non-SMSA Counties _____ 23.6
MD Caroline; MD Dorchester; MD Kent; MD Queen Annes; MD Somerset; MD Talbot; MD Wicomico; MD Worcester; VA Accomack; VA Northampton.

Washington DC

020 Washington DC:
SMSA Counties:
8840 Washington, DC-MD-VA _____ 28.0
DC District of Columbia; MD Charles; Montgomery; MD Prince Georges; VA Arlington; VA Fairfax; VA Loudoun; VA Prince William; VA Alexandria; VA Fairfax City; VA Falls Church.
Non-SMSA Counties _____ 25.2
MD Calvert; MD Frederick; MD St. Marys; MD Washington; VA Clarke; VA Culpeper; VA Fauquier; VA Frederick; VA King George; VA Page; VA Rappahannock; VA Shenandoah; VA Spotsylvania; VA Stafford; VA Warren; VA Westmoreland; VA Fredericksburg; VA Winchester; WV Berkeley; WV Grant; WV Hampshire; WV Hardy; WV Jefferson; WV Morgan.

Virginia

021 Roanoke - Lynchburg, VA:
SMSA Counties:
4640 Lynchburg, VA _____ 19.3
VA Amherst; VA Appomattox; VA Campbell; VA Lynchburg.

6800 Roanoke, VA _____ 10.2
VA Botetourt; VA Craig; VA Roanoke VA; VA Roanoke City; VA Salem.
Non-SMSA Counties _____ 12.0
VA Alleghany; VA Augusta; VA Bath; VA Bedford; VA Bland; VA Carroll; VA Floyd; VA Franklin; VA Giles; VA Grayson; VA Henry; VA Highland; VA Montgomery; VA Nelson; VA Patrick; VA Pittsylvania; VA Pulaski; VA Rockbridge; VA Rockingham; VA Wythe; VA Bedford City; VA Buena Vista City; VA Clifton Forge;[1] VA Covington; VA Danville; VA Galax City; VA Harrisonburg; VA Lexington; VA Martinsville; VA Radford; VA Staunton; VA Waynesboro; WV Pendleton.

022 Richmond, VA:
SMSA Counties:
6140 Petersburg - Colonial Heights - Hopewell, VA _____ 30.6
VA Dinwiddie; VA Prince George; VA Colonial Heights; VA Hopewell; VA Petersburg.
6760 Richmond, VA _____ 24.9
VA Charles City; VA Chesterfield; VA Goochland; VA Hanover; VA Henrico; VA New Kent; VA Powhatan; VA Richmond.
Non-SMSA Counties _____ 27.9
VA Albemarle; VA Amelia; VA Brunswick; VA Buckingham; VA Caroline; VA Charlotte; VA Cumberland; VA Essex; VA Fluvanna; VA Greene; VA Greensville; VA Halifax; VA King and Queen; VA King William; VA Lancaster; VA Louisa; VA Lunenburg; VA Madison; VA Mecklenburg; VA Northumberland; VA Nottoway; VA Orange; VA Prince Edward; VA Richmond; VA Sussex; VA Charlottesville; VA Emporia City; VA South Boston.[2]

023 Norfolk - Virginia Beach - Newport News, VA:
SMSA Counties:
5680 Newport News - Hampton, VA _____ 27.1
VA Gloucester, VA James City; VA York; VA Hampton; VA Newport News; VA Williamsburg.
5720 Norfolk - Virginia Beach - Portsmouth VA-NC _____ 26.6
NC Currituck; VA Chesapeake; VA Norfolk; VA Portsmouth; VA Suffolk; VA Virginia Beach.
Non-SMSA Counties _____ 29.7
NC Bertie; NC Camden; NC Chowan; NC Gates; NC Hertford; NC Pasquotank; NC Perquimans; VA Isle of Wight; VA Matthews; VA Middlesex; VA Southampton; VA Surry; VA Franklin.

North Carolina

024 Rocky Mount - Wilson - Greenville, NC:
Non-SMSA Counties _____ 31.7
NC Beaufort; NC Carteret; NC Craven; NC Dare; NC Edgecombe; NC Greene; NC Halifax; NC Hyde; NC Jones; NC Lenoir; NC Martin; NC Nash; NC Northampton; NC Pamlico; NC Pitt; NC Tyrrell; NC Washington; NC Wayne; NC Wilson.

1 Clifton Forge, VA, is now part of Alleghany County, VA.
2 South Boston, VA, is now part of Halifax County, VA.

025 Wilmington, NC:
SMSA Counties:
9200 Wilmington, NC _____ 20.7
NC Brunswick; NC New Hanover.
Non-SMSA counties _____ 23.5
NC Columbus; NC Duplin; NC Onslow; NC Pender.
026 Fayetteville, NC:
SMSA Counties:
2560 Fayetteville, NC _____ 26.2
NC Cumberland.
Non-SMSA Counties _____ 33.5
NC Bladen; NC Hoke; NC Richmond; NC Robeson; NC Sampson; NC Scotland.
027 Raleigh - Durham, NC:
SMSA Counties:
6640 Raleigh - Durham _____ 22.8
NC Durham; NC Orange; NC Wake.
Non-SMSA Counties _____ 24.7
NC Chatham; NC Franklin; NC Granville; NC Harnett; NC Johnston; NC Lee; NC Person; NC Vance; NC Warren.
028 Greensboro - Winston Salem - High Point, NC:
SMSA Counties:
1300 Burlington, NC _____ 16.2
NC Alamance.
3120 Greensboro - Winston Salem - High Point NC _____ 16.4
NC Davidson; NC Forsyth; NC Guilford; NC Randolph; NC Stokes; NC Yadkin.
Non-SMSA Counties _____ 15.5
NC Alleghany; NC Ashe; NC Caswell; NC Davie; NC Montgomery; NC Moore; NC Rockingham; NC Surry; NC Watauga; NC Wilkes.
029 Charlotte, NC:
SMSA Counties:
1520 Charlotte - Gastonia, NC _____ 18.5
NC Gaston; NC Mecklenburg; NC Union.
Non-SMSA Counties _____ 15.7
NC Alexander; NC Anson; NC Burke; NC Cabarrus; NC Caldwell; NC Catawba; NC Cleveland; NC Iredell; NC Lincoln; NC Rowan; NC Rutherford; NC Stanly; SC Chester; SC Lancaster; SC York.
030 Asheville, NC
Non-SMSA Counties:
0480 Asheville, NC _____ 8.5
NC Buncombe; NC Madison.
Non-SMSA Counties _____ 6.3
NC Avery; NC Cherokee; NC Clay; NC Graham; HC Haywood; NC Henderson; NC Jackson; NC McDowell; NC Macon; NC Mitchell; NC Swain; NC Transylvania; NC Yancey.

South Carolina

031 Greenville - Spartanburg, SC:
SMSA Counties:
3160 Greenville - Spartanburg, SC _____ 16.0
SC Greenville; SC Pickens; SC Spartanburg.
Non-SMSA Counties _____ 17.8
SC Polk;[3] SC Abbeville; SC Anderson; SC Cherokee; SC Greenwood; SC Laurens; SC Oconee; SC Union.

032 Columbia, SC:
SMSA Counties:
1760 Columbia, SC _____ 23.4
SC Lexington; SC Richland.
Non-SMSA Counties _____ 32.0
SC Calhoun SC Clarendon; SC Fairfield; SC Kershaw; SC Lee; SC Newberry; SC Orangeburg; SC Saluda; SC Sumter.

033 Florence, SC:
Non-SMSA Counties _____ 33.0
SC Chesterfield; SC Darlington; SC Dillon; SC Florence; SC Georgetown; SC Horry; SC Marion; SC Marlboro; SC Williamsburg.

034 Charleston - North Charleston, SC:
SMSA Counties
1440 Charleston - North Charleston, SC _____ 30.0
SC Berkeley; SC Charleston; SC Dorchester.
Non-SMSA Counties _____ 30.7
SC Colleton.

Georgia

035 Augusta, GA:
SMSA Counties:
0600 Augusta, GA - SC _____ 27.2
GA Columbia; GA Richmond; SC Aiken.
Non-SMSA Counties _____ 32.8
GA Burke; GA Emanuel; GA Glascock; GA Jefferson; GA Jenkins; GA Lincoln; GA McDuffie; GA Taliaferro; GA Warren; GA Wilkes; SC Allendale, SC Bamberg; SC Barnwell; SC Edgefield; SC McCormick.

036 Atlanta, GA:
SMSA Counties:
0520 Atlanta _____ 21.2
GA Butts; GA Cherokee; GA Clayton; GA Cobb; GA DeKalb; GA Douglas; GA Fayette; GA Forsyth; GA Fulton; GA Gwinnett; GA Henry, GA Newton; GA Paulding; GA Rockdale; GA Walton.
Non-SMSA Counties _____ 19.5
GA Banks; GA Barrow; GA Bartow; GA Carroll; GA Clarke; GA Coweta; GA Dawson; GA Elbert; GA Fannin; GA Floyd; GA Franklin; GA Gilmer; GA Gordon; GA Greene; GA Habersham; GA Hall; GA Haralson; GA Hart; GA Heard; GA Jackson; GA Jasper; GA Lamar, GA Lumpkin; GA Madison, GA Morgan; GA Oconee, GA Oglethorpe; GA Pickens; GA Pike; GA Polk; GA Rabun, GA Spalding; GA Stephens;

3 OFCCP notes an error in the original publication. This entry should be for Polk County, North Carolina.

GA Towns; GA Union; GA Upson; GA White.

037 Columbus, GA:
SMSA Counties:
1800 Columbus _____ 29.6
AL Russell; GA Chattahoochee; GA Columbus.[4]
Non-SMSA Counties _____ 31.6
AL Chambers; AL Lee; GA Harris; GA Marion; GA Meriwether; GA Quitman; GA Schley; GA Stewart; GA Sumter; GA Talbot; GA Troup; GA Webster.

038 Macon, GA:
SMSA Counties
4660 Macon, GA _____ 27.5
GA Bibb; GA Houston; GA Jones; GA Twiggs.
Non-SMSA Counties _____ 31.7
GA Baldwin; GA Bleckley; GA Crawford; GA Crisp; GA Dodge; GA Dooly; GA Hancock; GA Johnson; GA Laurens; GA Macon; GA Monroe; GA Peach; GA Pulaski; GA Putnam; GA Taylor; GA Telfair; GA Treutlen; GA Washington; GA Wheeler; GA Wilcox; GA Wilkinson.

039 Savannah, GA:
SMSA Counties:
7520 Savannah, GA _____ 30.6
GA Bryan; GA Chatham; GA Effingham.
Non-SMSA Counties _____ 29.8
GA Appling; GA Atkinson; GA Bacon; GA Bulloch; GA Candler; GA Coffee; GA Evans; GA Jeff Davis; GA Liberty; GA Long; GA McIntosh; GA Montgomery; GA Screven; GA Tattnall; GA Toombs; GA Wayne; SC Beaufort; SC Hampton; SC Jasper.

040 Albany, GA:
SMSA Counties:
0120 Albany, GA _____ 32.1
GA Dougherty; GA Lee.
Non-SMSA Counties _____ 31.1
GA Baker; GA Ben Hill; GA Berrien; GA Brooks; GA Calhoun; GA Clay; GA Clinch; GA Colquitt; GA Cook; GA Decatur; GA Early; GA Echols; GA Grady; GA Irwin; GA Lanier; GA Lowndes; GA Miller; GA Mitchell; GA Randolph; GA Seminole, GA Terrell; GA Thomas; GA Tift; GA Turner; GA Worth.

Florida

041 Jacksonville, FL:
SMSA Counties
2900 Gainesville, FL _____ 20.6
FL Alachua.
3600 Jacksonville, FL _____ 21.8
FL Baker; FL Clay; FL Duval; FL Nassau; FL St. Johns.
Non-SMSA Counties _____ 22.2
FL Bradford; FL Columbia; FL Dade; FL Gilchrist; FL Hamilton; FL Lafayette; FL Levy; FL Marion; FL Putnam; FL Suwannee; FL Union; GA Brantley; GA Camden; GA Charlton; GA Glynn; GA Pierce; GA Ware.

4 OFCCP notes that Columbus, GA, is located in Muscogee County.

042 Orlando - Melbourne - Daytona Beach, FL:
SMSA Counties:
2020 Daytona Beach, FL _____ 15.7
FL Volusia.
4900 Melbourne - Titusville - Cocoa, FL _____ 10.7
FL Brevard.
5960 Orlando, FL _____ 15.5
FL Orange; FL Osceola; FL Seminole.
Non-SMSA Counties _____ 14.9
FL Flagler; FL Lake; FL Sumter.
043 Miami - Fort Lauderdale, FL:
SMSA Counties:
2680 Fort Lauderdale - Hollywood, FL _____ 15.5
FL Broward.
5000 Miami, FL _____ 39.5
FL Dade.[5]
8960 West Palm Beach - Boca Raton, FL _____ 22.4
FL Palm Beach.
Non-SMSA Counties _____ 30.4
FL Glades; FL Hendry; FL Indian River; FL Martin; FL Monroe; FL Okeechobee; FL St. Lucie.
044 Tampa - St Petersburg, FL:
SMSA Counties:
1140 Bradenton, FL _____ 15.9
FL Manatee.
2700 Fort Myers, FL _____ 15.3
FL Lee.
3980 Lakeland - Winter Haven, FL _____ 18.0
FL Polk.
7510 Sarasota, FL _____ 10.5
FL Sarasota.
8280 Tampa - St. Petersburg, FL _____ 17.9
FL Hillsborough; FL Pasco; FL Pinellas.
Non-SMSA Counties _____ 17.1
FL Charlotte; FL Citrus; FL Collier, FL Desoto; FL Hardee; FL Hernando; FL Highlands.
045 Tallahassee, FL:
SMSA Counties:
8240 Tallahassee, FL _____ 24.3
FL Leon; FL Wakulla.

5 OFCCP notes that this county is now Miami-Dade County.

Non-SMSA Counties: _____ 29.5
FL Calhoun; FL Franklin; FL Gadsden; FL Jackson; FL Jefferson; FL Liberty; FL Madison; FL Taylor.

046 Pensacola - Panama City, FL:
SMSA Counties:
8615 Panama City, FL _____ 14.1
FL Bay.
6080 Pensacola, FL _____ 18.3
FL Escambia; FL Santa Rosa.
Non-SMSA Counties _____ 15.4
FL Gulf; FL Holmes; FL Okaloosa; FL Walton; FL Washington.

Alabama

047 Mobile, AL:
SMSA Counties:
5160 Mobile, AL _____ 25.9
AL Baldwin; AL Mobile.
6026 Pascagoula - Moss, Point MS _____ 16.9
MS Jackson.
Non-SMSA Counties _____ 26.4
AL Choctaw; AL Clarke; AL Conecuh; AL Escambia; AL Monroe; AL Washington; AL Wilcox; MS George; MS Greene.

048 Montgomery, AL:
SMSA Counties:
5240 Montgomery, AL _____ 29.9
AL Autauga; AL Elmore; AL Montgomery.
Non-SMSA Counties _____ 29.9
AL Barbour; AL Bullock; AL Butler; AL Coffee; AL Coosa; AL Covington; AL Crenshaw; AL Dale; AL Dallas; AL Geneva; AL Henry; AL Houston; AL Lowndes; AL Macon; AL Perry; AL Pike; AL Tallapoosa.

049 Birmingham, AL:
SMSA Counties:
0450 Anniston, AL _____ 14.3
AL Calhoun.
1000 Birmingham, AL _____ 24.9
AL Jefferson; AL St. Clair; AL Shelby; AL Walker; AL Etowah.
8600 Tuscaloosa, AL _____ 20.6
AL Tuscaloosa.
Non-SMSA Counties _____ 20.7
AL Bibb; AL Blount; AL Cherokee; AL Chilton; AL Clay; AL Cleburne; AL Cullman; AL Fayette; AL Greene; AL Hale; AL Lamar; AL Marion; AL Pickens; AL Randolph; AL Sumter; AL Talladega; AL Winston.

050 Huntsville - Florence, AL:
SMSA Counties:
2650 Florence, AL _____ 11.9
AL Colbert; AL Lauderdale.
3440 Huntsville, AL _____ 12.0
AL Limestone; AL Madison; AL Marshall.

Non-SMSA Counties _____ 11.2
AL Franklin; AL Lawrence AL Morgan; TN Lincoln.

Tennessee

051 Chattanooga, TN:
SMSA Counties:
1560 Chattanooga, TN - GA _____ 12.5
GA Catoosa; GA Dade; GA Walker; TN Hamilton; TN Marion; TN Sequatchie.
Non-SMSA Counties _____ 8.6
AL DeKalb; AL Jackson; GA Chattooga; GA Murray; GA Whitfield; TN Bledsoe; TN Bradley; TN Grundy; TN McMinn; TN Meigs; TN Monroe; TN Polk; TN Rhea.

052 Johnson City - Kingsport - Bristol, TN-VA:
SMSA Counties:
3660 Johnson City - Kingsport - Bristol. TN - VA _____ 2.6
TN Carter; TN Hawkins; TN Sullivan; TN Unicoi; TN Washington; VA Scott; VA Washington; VA Bristol.
Non-SMSA Counties _____ 3.2
TN Greene; TN Hancock; TN Johnson; VA Buchanan; VA Dickenson; VA Lee; VA Russell; VA Smyth; VA Tazewell; VA Wise; VA Norton; WV McDowell, WV Mercer.

053 Knoxville, TN
SMSA Counties:
3840 Knoxville, TN _____ 6.6
TN Anderson; TN Blount; TN Knox; TN Union.
Non-SMSA Counties _____ 4.5
KY Bell; KY Harlan; KY Knox; KY Laurel; KY McCreary; KY Wayne; KY Whitley; TN Campbell; TN Claiborne; TN Cocke; TN Cumberland; TN Fentress; TN Grainger, TN Hamblen; TN Jefferson; TN Loudon; TN Morgan; TN Roane; TN Scott; TN Sevier.

054 Nashville, TN:
SMSA Counties:
1660 Clarksville - Hopkinsville, TN - KY _____ 18.2
KY Christian; TN Montgomery.
5360 Nashville - Davidson, TN _____ 15.8
TN Cheatham, TN Davidson; TN Dickson; TN Robertson; TN Rutherford; TN Sumner; TN Williamson; TN Wilson.
Non-SMSA Counties _____ 12.0
KY Allen; KY Barren; KY Butler; KY Clinton; KY Cumberland; KY Edmonson; KY Logan; KY Metcalfe; KY Monroe; KY Simpson; KY Todd; KY Trigg; KY Warren; TN Bedford; TN Cannon; TN Clay; TN Coffee; TN DeKalb; TN Franklin; TN Giles; TN Hickman; TN Houston; TN Humphreys; TN Jackson; TN Lawrence; TN Lewis; TN Macon; TN Marshall; TN Maury; TN Moore; TN Overton; TN Perry; TN Pickett; TN Putnam; TN Smith; TN Stewart; TN Trousdale; TN Van Buren; TN Warren; TN Wayne; TN White.

055 Memphis, TN:
SMSA Counties:
4920 Memphis, TN-AR-MS _____ 32.3
AR Crittenden; MS De Soto; TN Shelby; TN Tipton.

Non-SMSA Counties _____ 26.5
AR Clay; AR Craighead; AR Cross; AR Greene; AR Lawrence; AR Lee; AR Mississippi; AR Phillips; AR Poinsett; AR Randolph; AR St. Francis; MS Alcorn; MS Benton; MS Bolivar; MS Calhoun; MS Carroll; MS Chickasaw, MS Clay; MS Coahoma; MS Grenada; MS Itawamba; MS Lafayette; MS Lee; MS Leflore; MS Marshall; MS Monroe; MS Montgomery; MS Panola; MS Pontotoc; MS Prentiss; MS Quitman; MS Sunflower; MS Tallahatchie; MS Tate; MS Tippah; MS Tishomingo; MS Union; MS Washington; MS Webster; MS Yalobusha; MO Dunklin; MO New Madrid; MO Pemiscot; TN Benton; TN Carroll; TN Chester; TN Crockett; TN Decatur; TN Dyer; TN Fayette; TN Gibson; TN Hardeman; TN Hardin; TN Haywood; TN Henderson; TN Henry; TN Lake; TN Lauderdale; TN McNairy; TN Madison; TN Obion; TN Weakley.

Kentucky

056 Paducah, KY:
Non-SMSA Counties _____ 5.2
IL Hardin; IL Massac; IL Pope; KY Ballard; KY Caldwell; KY Calloway; KY Carlisle; KY Crittenden; KY Fulton; KY Graves; KY Hickman; KY Livingston; KY Lyon; KY McCracken; KY Marshall.

057 Louisville, KY:
SMSA Counties:
4520 Louisville, KY-IN _____ 11.2
IN Clark; IN Floyd; KY Bullitt; KY Jefferson; KY Oldham.
Non-SMSA Counties _____ 9.6
IN Crawford; IN Harrison; IN Jefferson; IN Orange; IN Scott; IN Washington; KY Breckinridge; KY Grayson; KY Hardin; KY Hart; KY Henry; KY Larue; KY Marion; KY Meade; KY Nelson; KY Shelby; KY Spencer; KY Trimble; KY Washington.

058 Lexington, KY:
SMSA Counties:
4280 Lexington-Fayette, KY _____ 10.8
KY Bourbon; KY Clark; KY Fayette; KY Jessamine; KY Scott; KY Woodford.
Non-SMSA Counties _____ 7.0
KY Adair KY Anderson; KY Bath; KY Boyle; KY Breathitt; KY Casey; KY Clay; KY Estill; KY Franklin; KY Garrard; KY Green; KY Harrison; KY Jackson; KY Knott; KY Lee; KY Leslie; KY Letcher; KY Lincoln; KY Madison; KY Magoffin; KY Menifee; KY Mercer; KY Montgomery; KY Morgan; KY Nicholas; KY Owsley; KY Perry; KY Powell; KY Pulaski; KY Rockcastle; KY Russell; KY Taylor; KY Wolfe.

West Virginia

059 Huntington, WV:
SMSA Counties:
3400 Huntington - Ashland, WV-KY-OH _____ 2.9
KY Boyd; KY Greenup; OH Lawrence; WV Cabell; WV Wayne.
Non-SMSA Counties _____ 2.5
KY Carter; KY Elliott; KY Floyd; KY Johnson; KY Lawrence; KY Martin; KY Pike; KY Rowan; OH Gallia; WV Lincoln; WV Logan; WV Mason; WV Mingo.

060 Charleston, WV:
SMSA Counties:
1480 Charleston, WV _____ 4.9
WV Kanawha; WV Putnam.
Non-SMSA Counties _____ 4.2
WV Boone; WV Braxton; WV Calhoun; WV Clay; Fayette; WV Gilmer; WV Greenbrier; WV Jackson; WV Monroe; WV Nicholas; WV Pocahontas; WV Raleigh; WV Roane; WV Summers; WV Webster; WV Wyoming.
061 Morgantown - Fairmont, WV:
Non-SMSA Counties _____ 2.1
WV Barbour; WV Doddridge; WV Harrison; WV Lewis; WV Marion; WV Monongalia; WV Preston; WV Randolph; WV Taylor; WV Tucker, WV Upshur.
062 Parkersburg, WV:
SMSA Counties:
6020 Parkersburg-Marietta. WV-OH _____ 1.1
OH Washington; WV Wirt; WV Wood.
Non-SMSA Counties _____ 1.2
WV Pleasants; WV Ritchie.
063 Wheeling - Steubenville - Weirton, WV-OH:
SMSA Counties:
8080 Steubenville - Weirton, OH-WV _____ 4.3
OH Jefferson; WV Brooke; WV Hancock.
9000 Wheeling, WV-OH _____ 2.4
OH Belmont; WV Marshall; WV Ohio.
Non-SMSA Counties _____ 3.0
OH Harrison; OH Monroe; WV Tyler; WV Wetzel.

Ohio

064 Youngstown-Warren, OH:
SMSA Counties:
9320 Youngstown - Warren, OH _____ 9.4
OH Mahoning; OH Trumbull.
Non-SMSA Counties _____ 6.7
OH Columbiana; PA Lawrence; PA Mercer.
065 Cleveland, OH:
SMSA Counties:
0080 Akron, OH _____7.8
OH Portage; OH Summit.
1320 Canton, OH _____ 6.1
OH Carroll; OH Stark.
1680 Cleveland, OH _____ 16.1
OH Cuyahoga; OH Geauga; OH Lake; OH Medina.
4440 Lorain-Elyria, OH _____ 9.3
OH Lorain.
4800 Mansfield, OH _____ 6.3
OH Richland.
Non-SMSA Counties: _____ 11.3
OH Ashland; OH Ashtabula; OH Coshocton; OH Crawford; OH Erie; OH Holmes; OH Huron; OH Tuscarawas; OH Wayne.

066 Columbus, OH:
SMSA Counties:
1840 Columbus, OH _____ 10.6
OH Delaware; OH Fairfield; Franklin; OH Madison; OH Pickaway.
Non-SMSA Counties _____ 7.3
OH Athens; OH Fayette; OH Guernsey; OH Hocking; OH Jackson; OH Knox; OH Licking; OH Marion; OH Meigs; OH Morgan; OH Morrow; OH Muskingum; OH Noble; OH Perry OH Pike; OH Ross; OH Scioto; OH Union; OH Vinton.

067 Cincinnati, OH:
SMSA Counties:
1640 Cincinnati, OH-KY-IN _____ 11.0
IN Dearborn; KY Boone; KY Campbell; KY Kenton; OH Clermont; OH Hamilton; OH Warren.
3200 Hamilton - Middletown, OH _____ 5.0
OH Butler.
Non-SMSA Counties _____ 9.2
IN Franklin; IN Ohio; IN Ripley; IN Switzerland; KY Bracken; KY Carroll; KY Fleming; KY Gallatin; KY Grant; KY Lewis; KY Mason; KY Owen; KY Pendleton; KY Robertson; OH Adams; OH Brown; OH Clinton; OH Highland.

068 Dayton, OH:
SMSA Counties:
2000 Dayton, OH _____ 11.5
OH Greene; ON Miami; OH Montgomery; OH Preble.
7960 Springfield, OH _____ 7.8
OH Champaign; OH Clark.
Non-SMSA Counties _____ 9.9
OH Darke; OH Logan; ON Shelby.

069 Lima, OH:
SMSA Counties:
4320 Lima, OH _____ 4.4
OH Allen; OH Auglaize; OH Putnam; OH Van Wert.
Non-SMSA Counties _____ 3.5
OH Hardin; OH Mercer.

070 Toledo, OH:
SMSA Counties:
8400 Toledo, OH-Ml _____ 8.8
MI Monroe; OH Fulton; OH Lucas; OH Ottawa; OH Wood.
Non-SMSA Counties _____ 7.3
MI Lenawee; OH Hancock; OH Henry; OH Sandusky; OH Seneca; OH Wyandot.

Michigan

071 Detroit, MI:
SMSA Counties:
0440 Ann Arbor, MI _____ 8.5
MI Washtenaw.
2160 Detroit, MI _____ 17.7
MI Lapeer; MI Livingston; Ml Macomb; MI Oakland; MI St. Clair; MI Wayne.
2640 Flint, MI _____ 12.6
MI Genesee; MI Shiawassee.

Non-SMSA Counties _____ 16.7
MI Sanilac.

072 Saginaw, MI:
SMSA Counties:
0800 Bay City, MI _____ 2.2
MI Bay.
6960 Saginaw, MI _____ 14.3
MI Saginaw.
Non-SMSA Counties _____ 5.2
MI Alcona; MI Alpena; MI Arenac; MI Cheboygan; MI Chippewa; MI Clare; MI Crawford; MI Gladwin; MI Gratiot; MI Huron; MI Iosco; MI Isabella; MI Luce; MI Mackinac; MI Midland; MI Montmorency; MI Ogemaw; MI Oscoda; MI Otsego; MI Presque Isle; MI Roscommon; MI Tuscola.

073 Grand Rapids, MI:
SMSA Counties:
3000 Grand Rapids, MI _____ 5.2
MI Kent; MI Ottawa.
5320 Muskegon - Norton Shores - Muskegon Heights, Ml _____ 9.7
MI Muskegon; MI Oceana.
Non-SMSA Counties _____ 4.9
MI Allegan; MI Antrim; MI Benzie; MI Charlevoix; MI Emmet; MI Grand Traverse; MI Kalkaska; MI Lake; MI Leelanau; MI Manistee; MI Mason; MI Mecosta; MI Missaukee; MI Montcalm; MI Newaygo; MI Osceola; MI Wexford.

074 Lansing - Kalamazoo, MI:
SMSA Counties:
0780 Battle Creek, MI _____ 7.2
MI Barry; MI Calhoun.
3520 Jackson, MI _____ 5.1
MI Jackson.
3720 Kalamazoo - Portage, MI _____ 5.9
MI Kalamazoo; MI Van Buren.
4040 Lansing - East Lansing, MI _____ 5.5
MI Clinton; MI Eaton; MI Ingham; MI Ionia.
Non-SMSA Counties _____ 5.5
MI Branch; MI Hillsdale.

Indiana

075 South Bend, IN:
SMSA Counties:
7800 South Bend, IN _____ 7.1
IN Marshall; IN St. Joseph.
2330 Elkhart IN _____ 4.0
IN Elkhart.
Non-SMSA Counties _____ 6.2
IN Fulton; IN Kosciusko; IN Lagrange; MI Berrien; MI Cass; MI St. Joseph.

076 Fort Wayne, IN:
Non-SMSA Counties _____ 4.4
IN Allen; IN DeKalb; IN Wells; IN Huntington; IN Noble; IN Steuben; IN Whitley; OH Defiance; OH Paulding; OH Williams.

077 Kokomo - Marion, IN:
SMSA Counties:
3850 Kokomo, IN _____ 4.4
IN Howard; IN Tipton.
Non-SMSA Counties _____ 3.7
IN Cass; IN Grant; IN Miami; IN Wabash.
078 Anderson - Muncie, IN:
SMSA Counties:
0400 Anderson, IN _____ 4.9
IN Madison.
5280 Muncie, IN _____ 5.3
IN Delaware.
Non-SMSA Counties _____ 3.9
IN Blackford; IN Fayette; IN Henry; IN Jay; IN Randolph; IN Union; IN Wayne.
079 Indianapolis, IN:
SMSA Counties:
1020 Bloomington, IN _____ 3.1
IN Monroe.
3480 Indianapolis, IN _____ 12.5
IN Boone; IN Hamilton; IN Hendricks; IN Johnson; IN Marion; IN Morgan; IN Shelby.
Non-SMSA Counties _____ 9.7
IN Bartholomew; IN Brown; IN Daviess; IN Decatur; IN Greene; IN Jackson; IN Jennings; IN Lawrence; IN Martin; IN Owen; IN Putnam; IN Rush.
080 Evansville, IN:
SMSA Counties
2440 Evansville, IN-KY _____ 4.8
IN Gibson; IN Posey; IN Vanderburgh; IN Warrick; KY Henderson.
5990 Owensboro, KY _____ 4.7
KY Daviess.
Non-SMSA Counties _____ 3.5
IL Edwards; IL Gallatin; IL Hamilton; IL Lawrence; IL Saline; IL Wabash; IL White; IN Dubois; IN Knox; IN Perry; IN Pike; IN Spencer; KY Hancock; KY Hopkins; KY McLean; KY Muhlenberg; KY Ohio; KY Union; KY Webster.
081 Terre Haute, IN:
SMSA Counties:
8320 Terre Haute, IN _____ 3.1
IN Clay; IN Sullivan; IN Vermillion; IN Vigo.
Non-SMSA Counties _____ 2.5
IL Clark; IL Crawford; IN Parke.
082 Lafayette, IN:
SMSA Counties:
3920 Lafayette - West Lafayette, IN _____ 2.7
IN Tippecanoe.
Non-SMSA Counties _____ 1.5
IN Benton; IN Carroll; IN Clinton; IN Fountain; IN Montgomery; IN Warren; IN White.

Illinois

083 Chicago, IL:
SMSA Counties:
1600 Chicago, IL _____ 19.6
IL Cook; IL DuPage; IL Kane; IL Lake; IL McHenry; IL Will.
2960 Gary - Hammond - East Chicago, IN _____ 20.9
IN Lake; IN Porter.
3740 Kankakee. IL _____ 9.1
IL Kankakee.
3800 Kenosha, WI _____ 3.0
WI Kenosha.
Non-SMSA Counties _____ 18.4
IL Bureau; IL DeKalb; IL Grundy; IL Iroquois; IL Kendall; IL La Salle; IL Livingston; IL Putnam; IL Jasper; IN La Porte; IN Newton; IN Pulaski; IN Starke.

084 Champaign-Urbana, IL:
SMSA Counties:
1400 Champaign - Urbana - Rantoul, IL _____ 7.8
IL Champaign.
Non-SMSA Counties _____ 4.8
IL Coles; IL Cumberland; IL Douglas; IL Edgar; IL Ford; IL Piatt; IL Vermilion.

085 Springfield-Decatur, IL:
SMSA Counties:
2040 Decatur, IL _____ 7.6
IL Macon.
7880 Springfield, IL _____ 4.5
IL Menard; IL Sangamon.
Non-SMSA Counties _____ 4.0
IL Cass; IL Christian; IL Dewitt; IL Logan; IL Morgan; IL Moultrie; IL Scott; IL Shelby.

086 Quincy, IL:
Non-SMSA Counties _____ 3.1
IL Adams; IL Brown; IL Pike; MO Lewis; MO Marion; MO Pike; MO Ralls.

087 Peoria, IL:
SMSA Counties
1040 Bloomington - Normal, IL _____ 2.5
IL McLean.
8120 Peoria, IL _____ 4.4
IL Peoria; IL Tazewell; IL Woodford.
Non-SMSA Counties _____ 3.3
IL Fulton; IL Knox; IL McDonough; IL Marshall; IL Mason; IL Schuyler; IL Stark; IL Warren.

088 Rockford, IL:
SMSA Counties:
6880 Rockford, IL _____ 6.3
IL Boone; IL Winnebago.
3620 Janesville - Beloit WI _____ 3.1
WI Rock.
Non-SMSA Counties _____ 4.6
IL Lee; IL Ogle; IL Stephenson.

Wisconsin

089 Milwaukee, WI:
SMSA Counties:
5080 Milwaukee, WI _____ 8.0
WI Milwaukee; WI Ozaukee; WI Washington; WI Waukesha.
6600 Racine, WI _____ 8.4
WI Racine.
Non-SMSA Counties _____ 7.0
WI Dodge; WI Jefferson; WI Sheboygan; WI Walworth.

090 Madison, WI:
SMSA Counties:
4720 Madison, WI _____ 2.2
WI Dane.
Non-SMSA Counties _____ 1.7
WI Adams; WI Columbia; WI Green; WI Iowa; WI Marquette; WI Richland; WI Sauk.

091 La Crosse, WI:
SMSA Counties:
3870 La Crosse, WI _____ 0.9
Non-SMSA Counties _____ 0.6
MN Houston; MN Winona; WI Buffalo; WI Jackson; WI Juneau; WI Monroe; WI Trempealeau; WI Vernon.

092 Eau Claire, WI:
SMSA Counties:
2290 Eau Claire, WI _____ 0.5
WI Chippewa; WI Eau Claire.
Non-SMSA Counties _____ 0.6
WI Barron; WI Dunn; WI Pepin; WI Rusk; WI Sawyer; WI Washburn.

093 Wausau, WI:
Non-SMSA Counties _____ 0.6
WI Clark; WI Langlade; WI Lincoln; WI Marathon; WI Oneida; WI Portage; WI Price; WI Taylor; WI Vilas; WI Wood.

094 Appleton - Green Bay - Oshkosh, WI:
SMSA Counties:
0460 Appleton-Oshkosh, WI _____ 0.9
WI Calumet; WI Outagamie; WI Winnebago.
3080 Green Bay, WI _____ 1.3
WI Brown.
Non-SMSA Counties _____ 1.0
MI Alger; MI Baraga; MI Delta; MI Dickinson; MI Houghton; MI Iron; MI Keweenaw; MI Marquette; MI Menominee; MI Schoolcraft; WI Door; WI Florence; WI Fond du Lac; WI Forest WI Green Lake; WI Kewaunee; WI Manitowoc; WI Marinette; WI Menominee; WI Oconto; WI Shawano; WI Waupaca; Waushara.

095 Duluth, MN:
SMSA Counties:
2240 Duluth - Superior, MN-WI _____ 1.0
MN St. Louis; WI Douglas.

Non-SMSA Counties _____ 1.2
MI Gogebic; MI Ontonagon; MN Carlton; MN Cook; MN Itasca; MN Koochiching; MN Lake; WI Ashland; WI Bayfield; WI Iron.

Minnesota

096 Minneapolis-St. Paul, MN:
SMSA Counties:
5120 Minneapolis - St. Paul, MN-WI _____ 2.9
MN Anoka; MN Carver; MN Chisago; MN Dakota; MN Hennepin; MN Ramsey; MN Scott;
MN Washington; MN Wright; MN St. Croix.[6]
6980 St. Cloud, MN _____ 0.5
MN Benton; MN Sherburne; MN Stearns.
Non-SMSA Counties _____ 2.2
MN Aitkin; MN Big Stone; MN Blue Earth; MN Brown; MN Cass; MN Chippewa; MN Crow Wing; MN Douglas; MN Faribault; MN Goodhue; MN Grant; MN Isanti; MN Kanabec; MN Kandiyohi; MN Lac Qui Parle; MN Le Sueur; MN McLeod; MN Martin; MN Meeker; MN Mille Lacs; MN Morrison; MN Nicollet; MN Pine; MN Pope; MN Renville; MN Rice; MN Sibley; MN Stevens; MN Swift; MN Todd; MN Traverse; MN Wadena; MN Waseca; MN Watonwan; MN Yellow Medicine; WI Burnett; WI Pierce; WI Polk.

097 Rochester, MN:
SMSA Counties:
6820 Rochester, MN _____ 1.4
MN Olmsted.
Non-SMSA Counties _____ 0.9
MN Dodge; MN Fillmore; MN Freeborn; MN Mower; MN Steele; MN Wabasha.

098 Dubuque, IA:
SMSA Counties:
2200 Dubuque, IA _____ 0.6
IA Dubuque.
Non-SMSA Counties _____ 0.5
IL Jo Daviess; IA Allamakee; IA Clayton; IA Delaware, IA Jackson; IA Winneshiek; WI Crawford; WI Grant; WI Lafayette.

099 Davenport-Rock Island-Moline, IA-IL:
SMSA Counties:
1960 Davenport - Rock Island - Moline, IA-IL _____ 4.6
IL Henry; IL Rock Island; IA Scott.
Non-SMSA Counties _____ 3.4
IL Carroll; IL Hancock; IL Henderson; IL Mercer; IL Whiteside; IA Clinton; IA Des Moines; IA Henry; IA Lee; IA Louisa; IA Muscatine; MO Clark.

100 Cedar Rapids, IA:
SMSA Counties:
1360 Cedar Rapids, IA _____ 1.7
IA Linn.
Non-SMSA Counties _____ 1.5
IA Benton; IA Cedar; IA Iowa; IA Johnson; IA Jones; IA Washington.

6 OFCCP notes an error in the original publication. Though correctly listed as part of the Minneapolis-St. Paul SMSA, St. Croix County is actually located in Wisconsin, not Minnesota.

101 Waterloo, IA:
SMSA Counties:
8920 Waterloo-Cedar Falls, IA _____ 4.7
IA Black Hawk.
Non-SMSA Counties _____ 2.0
IA Bremer; IA Buchanan; IA Butler; IA Cerro Gordo; IA Chickasaw; IA Fayette; IA Floyd; IA Franklin; IA Grundy; IA Hancock; IA Hardin; IA Howard; IA Mitchell; IA Winnebago; IA Worth.
102 Fort Dodge, IA:
Non-SMSA Counties _____ 0.4
IA Buena Vista; IA Calhoun; IA Carroll; IA Clay; IA Dickinson; IA Emmet; IA Greene; IA Hamilton; IA Humboldt; IA Kossuth; IA Palo Alto; IA Pocahontas; IA Sac; IA Webster; IA Wright.
103 Sioux City, IA:
SMSA Counties:
7720 Sioux City, IA-NE _____ 1.9
IA Woodbury; NE Dakota.
Non-SMSA Counties _____ 1.2
IA Cherokee, IA Crawford; IA Ida; IA Monona; IA Obrien; IA Plymouth; IA. Sioux; NE Antelope; NE Cedar; NE Cuming; NE Dixon; NE Knox; NE Madison; NE Pierce; NE Stanton; NE Thurston; NE Wayne; SD Bon Homme; SD Clay; SD Union; SD Yankton.
104 Des Moines, IA:
SMSA Counties:
2120 Des Moines, IA _____ 4.5
IA Polk; IA Warren.
Non-SMSA Counties _____ 2.4
IA Adair; IA Appanoose; IA Boone; IA Clarke; IA Dallas; IA Davis; IA Decatur; IA Guthrie; IA Jasper; IA Jefferson; IA Keokuk; IA Lucas; IA Madison; IA Mahaska; IA Marion; IA Marshall; IA Monroe; IA Poweshiek; IA Ringgold; IA Story; IA Tama; IA Union; IA Van Buren; IA Wapello; IA Wayne.

Missouri

105 Kansas City, MO:
SMSA Counties:
3760 Kansas City, MO-KS _____ 12.7
KS Johnson; KS Wyandotte; MO Cass; MO Clay; MO Jackson; MO Platte; MO Ray.
4150 Lawrence, KS[7] _____ 7.2
7000 St Joseph, MO _____ 3.2
MO Andrew; MO Buchanan.

7 OFCCP notes that Lawrence, KS, is in Douglas County.

Non-SMSA Counties _____ 10.0
KS Anderson; KS Atchison; KS Brown; KS Doniphan; KS Franklin; KS Leavenworth; KS Linn; KS Miami; MO Atchison; MO Bates; MO Benton; MO Caldwell; MO Carroll; MO Clinton; MO Daviess; MO DeKalb; MO Gentry; MO Grundy; MO Harrison; MO Henry; MO Holt; MO Johnson; MO Lafayette; MO Livingston; MO Mercer; MO Nodaway; MO Pettis; MO Saline; MO Worth.

106 Columbia, MO:
SMSA Counties:
1740 Columbia, MO; _____ 6.3
MO Boone.
Non-SMSA Counties _____ 4.0
MO Adair; MO Audrain; MO Callaway; MO Camden; MO Chariton; MO Cole; MO Cooper; MO Howard; MO Knox; MO Linn; MO Macon; MO Miller; MO Moniteau; MO Monroe; MO Morgan; MO Osage; MO Putnam; MO Randolph; MO Schuyler; MO Scotland; MO Shelby; MO Sullivan.

107 St. Louis, MO:
SMSA Counties:
7040 St. Louis, MO-IL _____ 14.7
IL Clinton; IL Madison; IL Monroe; IL St. Clair; MO Franklin; MO Jefferson; MO St. Charles; MO St. Louis; MO St. Louis City.
Non-SMSA Counties _____ 11.4
IL Alexander IL Bond; IL Calhoun; IL Clay; IL Effingham; IL Fayette; IL Franklin; IL Greene; IL Jackson; IL Jasper; IL Jefferson; IL Jersey; IL Johnson; IL Macoupin; IL Marion; IL Montgomery; IL Perry; IL Pulaski; IL Randolph; IL Richland; IL Union; IL Washington; IL Wayne; IL Williamson; MO Bollinger; MO Butler; MO Cape Girardeau; MO Carter; MO Crawford; MO Dent; MO Gasconade; MO Iron; MO Lincoln; MO Madison; MO Maries; Mississippi; MO Montgomery; MO Perry; MO Phelps; MO Reynolds; MO Ripley; MO St. Francois; MO St. Genevieve; MO Scott; MO Stoddard; MO Warren; MO Washington; MO Wayne.

108 Springfield, MO:
SMSA Counties:
7920 Springfield, MO _____ 2.0
MO Christian; MO Greene.
Non-SMSA Counties _____ 2.3
KS Allen; KS Bourbon; KS Cherokee; KS Crawford; KS Labette; KS Montgomery; KS Neosho; KS Wilson; KS Woodson; MO Barry; MO Barton; MO Cedar; MO Dade; MO Dallas; MO Douglas; MO Hickory; MO Howell; MO Jasper; MO Laclede; MO Lawrence; MO McDonald; MO Newton; MO Oregon; MO Ozark; MO Polk; MO Pulaski; MO St. Clair; MO Shannon; MO Stone; MO Taney; MO Texas; MO Vernon; MO Webster; MO Wright; OK Craig; OK Ottawa.

Arkansas

109 Fayetteville, AR:
Non-SMSA Counties _____ 3.3
AR Baxter; AR Benton; AR Boone; AR Carroll; AR Madison; AR Marion; AR Newton; AR Searcy; AR Washington; OK Adair; OK Delaware.

110 Fort Smith, AR:
SMSA Counties:
2720 Fort Smith, AR-OK _____ 5.6
AR Crawford; AR Sebastian; OK Le Flore; OK Sequoyah.
Non-SMSA Counties _____6.6
AR Franklin; AR Logan; AR Polk; AR Scott; OK Choctaw; OK Haskell; OK Latimer; OK McCurtain; OK Pittsburg; OK Pushmataha.

111 Little Rock-North Little Rock, AR:
SMSA Counties:
4400 Little Rock-North Little Rock, AR _____15.7
AR Pulaski; AR Saline.
6240 Pine Bluff, AR _____31.2
AR Jefferson.
Non-SMSA Counties _____ 16.4
AR Arkansas; AR Ashley; AR Bradley; AR Calhoun; AR Chicot; AR Clark; AR Calhoun; AR Cleveland; AR Conway; AR Dallas; AR Desha; AR Drew; AR Faulkner; AR Fulto; AR Garland; AR Grant; AR Hot Spring; AR Independence; AR Izard; AR Jackson; AR Johnson; AR Lincoln; AR Lonoke; AR Monroe; AR Montgomery; AR Ouachita; AR Perry, AR Pope; AR Prairie; AR Sharp; AR Stone; AR Union; AR Van Buren; AR White; AR Woodruff; AR Yell.

Mississippi

112 Jackson, MS:
SMSA Counties;
3560 Jackson, MS _____30.3
MS Hinds; MS Rankin.
Non-SMSA Counties _____32.0
MS Attala; MS Choctaw; MS Choctaw; MS Clarke; MS Copiah; MS Covington; MS Franklin; MS Holmes: MS Humphreys; MS Issaquena; MS Jasper; MS Jefferson; MS Jefferson Davis; MS Jones; MS Kemper; MS Lauderdale; MS Lawrence; MS Leake; MS Lincoln; MS Lowndes; MS Madison; MS Neshoba; MS Newton; MS Noxubee; MS Oktibbeha; MS Scott; MS Sharkey; MS Simpson; MS Smith; MS Warren; MS Wayne; MS Winston; MS Yazoo.

Louisiana

113 New Orleans, LA:
SMSA Counties:
0920 Biloxi-Gulfport, MS _____19.2
MS Hancock; MS Harrison; MS Stone.
5560 New Orleans, LA _____31.0
LA Jefferson; LA Orleans; LA St. Bernard; LA St. Tammany.
Non-SMSA Counties _____27.7
LA Assumption; LA Lafourche; LA Plaquemines; LA St. Charles; LA St. James; LA St. John the Baptist; LA Tangipahoa; LA Terrebonne; LA Washington; MS Forrest; MS Lamar; MS Marion; MS Pearl River; MS Perry; MS Pike; MS Walthall.

114 Baton Rouge, LA:
SMSA Counties:
0760 Baton Rouge, LA _____ 26.1
LA Ascension; LA East Baton Rouge; LA Livingston; LA West Baton Rouge.
Non-SMSA Counties _____ 30.4
LA Concordia; LA East Feliciana; LA Iberville; LA Pointe Coupee; LA St. Helena; LA West Feliciana; MS Adams; MS Amite; MS Wilkinson.

115 Lafayette, LA:
SMSA Counties:
3880 Lafayette, LA _____ 20.6
LA Lafayette.
Non-SMSA Counties _____ 24.1
LA Acadia; LA Evangeline; LA Iberia; LA St. Landry; LA St. Martin; LA St. Mary; LA Vermilion.

116 Lake Charles, LA:
SMSA Counties:
3960 Lake Charles, LA _____ 19.3
LA Calcasieu.
Non-SMSA Counties _____ 17.8
LA Allen; LA Beauregard; LA Cameron; LA Jefferson Davis LA Vernon.

117 Shreveport, LA:
SMSA Counties:
0220 Alexandria, LA _____ 25.7
LA Grant; LA Rapides.
7680 Shreveport, LA _____ 29.3
LA Bossier; LA Caddo; LA Webster.
Non-SMSA Counties _____ 29.3
LA Avoyelles; LA Bienville; LA Claiborne; LA De Soto; LA Natchitoches; LA Red River; LA Sabine; LA Winn.

118 Monroe, LA:
SMSA Counties:
5200 Monroe, LA _____ 22.8
LA Ouachita.
Non-SMSA Counties _____ 27.9
LA Caldwell; LA Catahoula; LA East Carroll; LA Franklin; LA Jackson; LA LaSalle; LA Lincoln; LA Madison; LA Morehouse; LA Richland; LA Tensas; LA Union; LA West Carroll.

Texas

119 Texarkana, TX:
SMSA Counties:
8360 Texarkana, TX-Texarkana, AR _____ 19.7
AR Little River; AR Miller; TX Bowie.
Non-SMSA Counties _____ 20.2
AR Columbia; AR Hempstead; AR Howard; AR Lafayette; AR Nevada; AR Pike; AR Sevier; TX Camp; TX Cass; TX Lamar; TX Morris; TX Red River; TX Titus.

120 Tyler-Longview, TX:
SMSA Counties:
4420 Longview, TX _____ 22.8
TX Gregg; TX Harrison.
8640 Tyler, TX _____ 23.5
TX Smith.
Non-SMSA Counties _____ 22.5
TX Anderson; TX Angelina; TX Cherokee; TX Henderson; TX Houston; TX Marion; TX Nacogdoches; TX Panola; TX Rusk; TX San Augustine; TX Shelby; TX Upshur; TX Wood.

121 Beaumont-Port Arthur, TX:
SMSA Counties:
0840 Beaumont-Port Arthur Orange, TX _____ 22.6
TX Hardin; TX Jefferson; TX Orange.
Non-SMSA Counties _____ 22.6
TX Jasper; TX Newton; TX Sabine; TX Tyler.

122 Houston, TX:
SMSA Counties:
1260 Bryan-College Station, TX _____ 23.7
TX Brazos.
2920 Galveston-Texas City, TX _____ 28.9
TX Galveston.
3360 Houston, TX _____ 27.3
TX Brazoria; TX Fort Bend; TX Harris; TX Liberty, TX Montgomery, TX Waller.
Non-SMSA Counties _____ 27.4
TX Austin; TX Burleson; TX Calhoun; TX Chambers; TX Colorado; TX De Witt; TX Fayette; TX Goliad; TX Grimes; TX Jackson; TX Lavaca; TX Leon; TX Madison; TX Matagorda; TX Polk; TX Robertson; TX San Jacinto; TX Trinity; TX Victoria; TX Walker; TX Washington; TX Wharton.

123 Austin, TX:
SMSA Counties:
0640 Austin, TX _____ 24.1
TX Hays; TX Travis; TX Williamson.
Non-SMSA Counties _____ 24.2
TX Bastrop; TX Blanco; TX Burnet; TX Caldwell; TX Lee; TX Llano.

124 Waco-Killeen -Temple, TX:
SMSA Counties:
3810 Killeen -Temple, TX. _____ 16.4
TX Bell; TX Coryell.
8800 Waco, TX _____ 20.7
TX McLennan.
Non-SMSA Counties _____ 18.6
TX Bosque; TX Falls; TX Freestone; TX Hamilton; TX Hill; TX Lampasas; TX Limestone; TX Milam; TX Mills.

125 Dallas - Fort Worth, TX:
SMSA Counties
1920 Dallas - Fort Worth, TX _____ 18.2
TX Collin; TX Dallas; TX Denton; TX Ellis; TX Hood; TX Johnson; TX Kaufman; TX Parker; TX Rockwall; TX Tarrant; TX Wise.

7640 Sherman - Denison, TX _____ 9.4
TX Grayson.
Non-SMSA Counties _____ 17.2
OK Bryan; TX Cooke; TX Delta; TX Erath; TX Fannin; TX Franklin; TX Hopkins; TX Hunt; TX Jack; TX Montague; TX Navarro; TX Palo Pinto; TX Rains; TX Somervell; TX Van Zandt.

126 Wichita Falls, TX:
SMSA Counties:
9080 Wichita Falls, TX: _____ 12.4
TX Clay; TX Wichita.
Non-SMSA Counties _____ 11.0
TX Archer; TX Baylor; TX Cottle; TX Foard; TX Hardeman; TX Wilbarger; TX Young.

127 Abilene, TX:
SMSA Counties:
0040 Abilene, TX _____ 11.6
TX Callahan; TX Jones; TX Taylor.
Non-SMSA Counties _____ 10.9
TX Brown; TX Coleman; TX; Comanche; TX Eastland; TX Fisher; TX Haskell; TX Kent; TX Knox; TX Mitchell; TX Nolan; TX Scurry; TX Shackelford; TX Stephens; TX Stonewall; TX Throckmorton.

128 San Angelo, TX:
SMSA Counties:
7200 San Angelo, TX _____ 19.2
TX Tom Green.
Non-SMSA Counties _____ 20.0
TX Coke; TX Concho; TX Crockett; TX Irion; TX Kimble; TX McCulloch; TX Mason; TX Menard; TX Reagan; TX Runnels; TX San Saba; TX Schleicher; TX Sterling; TX Sutton, TX Terrell.

129 San Antonio, TX:
SMSA Counties:
4080 Laredo _____ 87.3
TX Webb.
7240 San Antonio, TX _____ 47.8
TX Bexar; TX Comal; TX Guadalupe.
Non-SMSA Counties _____ 49.4
TX Atascosa; TX Bandera; TX Dimmit; TX Edwards; TX Frio; TX Gillespie; TX Gonzales; TX Jim Hogg; TX Karnes; TX Kendall; TX Kerr; TX Kinney; TX La Salle; TX McMullen; TX Maverick; TX Medina; TX Real; TX Uvalde; TX Val Verde; TX Wilson; TX Zapata; TX Zavala.

130 Corpus Christi, TX:
SMSA Counties:
1880 Corpus Christi, TX _____ 41.7
TX Nueces; TX San Patricio.
Non-SMSA Counties _____ 44.2
TX Aransas; TX Bee; TX Brooks; TX Duval; TX Jim Wells; TX Kenedy; TX Kleberg; TX Live Oak; TX Refugio.

131 Brownsville - McAllen - Harlingen, TX:
SMSA Counties:
1240 Brownsville - Harlingen - San Benito, TX _____ 71.0
TX Cameron.
4880 McAllen - Pharr - Edinburg, TX _____ 72.8
TX Hidalgo.
Non-SMSA Counties _____ 72.9
TX Starr; TX Willacy.

132 Odessa - Midland, TX:
SMSA Counties:
5040 Midland, TX _____ 19.1
TX Midland.
5800 Odessa, TX _____ 15.1
TX Ector.
Non-SMSA Counties _____ 18.9
TX Andrews; TX Crane; TX Glasscock; TX Howard; TX Loving; TX Martin; TX Pecos; TX Reeves; TX Upton; TX Ward; TX Winkler.

133 El Paso, TX:
SMSA Counties:
2320 El Paso, TX _____ 57.8
TX El Paso.
Non-SMSA Counties _____ 49.0
NM Chaves; NM Dona Ana; NM Eddy; NM Grant; NM Hidalgo; NM Luna; NM Otero; NM Sierra, TX Brewster; TX Culberson; TX Hudspeth; TX Jeff Davis; TX Presidio.

134 Lubbock, TX:
SMSA Counties:
4600 Lubbock _____ 19.6
TX Lubbock.
Non-SMSA _____ 19.5
NM Lea; NM Roosevelt ; TX Bailey; TX Borden; TX Cochran; TX Crosby; TX Dawson; TX Dickens; TX Floyd; TX Gaines; TX Garza; TX Hale; TX Hockley; TX King; TX Lamb; TX Lynn; TX Motley; TX Terry; TX Yoakum.

135 Amarillo, TX:
SMSA Counties:
0320 Amarillo, TX _____ 9.3
TX Potter; TX Randall.
Non-SMSA Counties _____ 11.0
NM Curry; NM Harding; NM Quay; NM Union; OK Beaver; OK Cimarron; OK Texas; TX Armstrong; TX Briscoe; TX Carson; TX Castro; TX Childress; TX Collingsworth; TX Dallam; TX Deaf Smith; TX Donley; TX Gray; TX Hall; TX Hansford; TX Hartley; TX Hemphill; TX Hutchinson; TX Lipscomb; TX Moore; TX Ochiltree; TX Oldham; TX Parmer; TX Roberts; TX Sherman; TX Swisher; TX Wheeler.

Oklahoma

136 Lawton, OK:
SMSA Counties:
4200 Lawton, OK _____ 14.8
OK Comanche.
Non-SMSA Counties _____ 10.8
OK Cotton; OK Greer; OK. Harmon; OK Jackson; OK Jefferson; OK Kiowa; OK Stephens; OK Tillman.

137 Oklahoma City, OK:
SMSA Counties
5880 Oklahoma City, OK _____ 10.2
OK Canadian; OK Cleveland; OK McClain; OK Oklahoma; OK Pottawatomie.
Non-SMSA Counties _____ 9.0
OK Alfalfa; OK Atoka; OK Beckham; OK Blaine; OK Caddo; OK Carter; OK Coal; OK Custer; OK Dewey; OK Ellis; OK Garfield; OK Garvin; OK Grady; OK Grant; OK Harper; OK Hughes; OK Johnston; OK Kingfisher; OK Lincoln; OK Logan; OK Love; OK Major; OK Marshall; OK Murray, OK Okfuskee; OK Pontotoc; OK Roger Mills; OK Seminole; OK Washita; OK Woods; Ok Woodward.

138 Tulsa, OK:
SMSA Counties:
8560 Tulsa, OK _____ 10.2
OK Creek; OK Mayes; OK Osage; OK Rogers; OK Tulsa; OK Wagoner.
Non-SMSA Counties _____ 10.0
OK Cherokee; OK Kay; OK McIntosh; OK Muskogee; OK Noble; OK Nowata; OK Okmulgee; OK Pawnee; OK Payne; OK Washington.

Kansas

139 Wichita, KS:
SMSA Counties:
9040 Wichita, KS _____ 7.9
KS Butler; KS Sedgwick.
Non-SMSA Counties _____ 5.7
KS Barber; KS Barton; KS Chase; KS Chautauqua; KS Clark; KS Comanche; KS Cowley; KS Edwards; KS Elk; KS Finney; KS Ford; KS Grant; KS Gray; KS Greeley; KS Greenwood; KS Hamilton; KS Harper; KS Harvey; KS Haskell; KS Hodgeman; KS Kearny; KS Kingman; KS Kiowa; KS Lane; KS McPherson; KS Marion; KS Meade; KS Morton; KS Ness; KS Pawnee; KS Pratt; KS Reno; KS Rice; KS Rush; KS Scott; KS Seward; KS Stafford; KS Stanton; KS Stevens; KS Sumner, KS Wichita.

140 Salina, KS:
Non-SMSA Counties _____ 1.5
KS Cheyenne; KS Cloud; KS Decatur; KS Dickinson; KS Ellis; KS Ellsworth; KS Gove; KS Graham; KS Jewell; KS Lincoln; KS Logan; KS Mitchell; KS Norton; KS Osborne; KS Ottawa; KS Phillips; KS Rawlins; KS Republic; KS Rooks; KS Russell; KS Saline; KS Sheridan; KS Sherman; KS Smith; KS Thomas; KS Trego; KS Wallace.

141 Topeka, KS:
SMSA Counties:
8440 Topeka, KS _____ 9.0
KS Jefferson; KS Osage; KS Shawnee.
Non-SMSA Counties _____ 6.5
KS Clay; Coffey; KS Geary; KS Jackson; KS Lyon; KS Marshall; KS Morris; KS Nemaha; KS Pottawatomie, KS Riley; KS Wabaunsee; KS Washington.

Nebraska

142 Lincoln, NE:
SMSA Counties:
4360 Lincoln, NE _____ 2.8
NE Lancaster.
Non-SMSA Counties _____ 1.9
NE Butler; NE Fillmore; NE Gage; NE Jefferson; NE Johnson; NE Nemaha; NE Otoe; NE Pawnee; NE Polk; NE Richardson; NE Saline, NE Seward; NE Thayer; NE York.

143 Omaha, NE:
SMSA Counties:
5920 Omaha, NE-IA _____ 7.6
IA Pottawattamie; NE Douglas; NE Sarpy.
Non-SMSA Counties _____ 5.3
IA Adams; IA Audubon; IA Cass; IA Fremont; IA Harrison; IA Mills; IA Montgomery; IA Page; IA Shelby; IA Taylor; NE Burt; NE Cass; NE Colfax; NE Dodge; NE Platte; NE Saunders; NE Washington.

144 Grand Island, NE:
Non-SMSA Counties _____ 1.4
NE Adams; NE Arthur; NE Blaine; NE Boyd; NE Brown; NE Buffalo; NE Chase; NE Cherry; NE Clay; NE Custer; NE Dawson; NE Dundy; NE Franklin; NE Frontier; NE Furnas; NE Garfield; NE Gosper; NE Grant; NE Greeley, NE Hall; NE Hamilton; NE Harlan; NE Hayes; NE Hitchcock; NE Holt; NE Hooker; NE Howard; NE Kearney; NE Keith; NE Keya Paha; NE Lincoln; NE Logan; NE Loup; NE McPherson; NE Merrick; NE Nance; NE Nuckolls; NE Perkins; NE Phelps; NE Red Willow; NE Rock; NE Sherman; NE Thomas; NE Valley; NE Webster; NE Wheeler.

145 Scottsbluff, NE:
Non-SMSA Counties _____ 5.3
NE Banner; NE Box Butte; NE Cheyenne; NE Dawes; NE Deuel; NE Garden; NE Kimball; NE Morrill; NE Scotts Buff; NE Sheridan; NE Sioux; NE Goshen.[8]

South Dakota

146 Rapid City, SD:
SMSA Counties:
6660 Rapid City, SD _____ 3.4
SD Pennington; SD Meade.
Non-SMSA Counties _____ 7.9

8 OFCCP notes an error in the original publication. Though correctly listed as a non-SMSA county in economic area 145, Goshen County is in Wyoming, not Nebraska.

SD Bennett; SD Buffalo; SD Butte; SD Campbell; SD Corson; SD Custer; SD Dewey (Armstrong); SD Fall River; SD Haakon; SD Harding; SD Hughes; SD Hyde; SD Jackson; SD Jones; SD Lawrence; SD Lyman; SD Mellette; SD Perkins; SD Potter; SD Shannon(Washington);[9] SD Stanley; SD Sully; SD Todd; SD Tripp; SD Walworth; SD Washabaugh;[10] SD Ziebach; WY Crook; WY Niobrara; WY Weston.

147 Sioux Falls, SD:

SMSA Counties:

7760 Sioux Falls, SD _____ 1.2

SD Minnehaha.

Non-SMSA Counties _____ 0.8

IA Lyon; IA Osceola; MN Cottonwood; MN Jackson; MN Lincoln; MN Lyon; MN Murray, MN Nobles; MN Pipestone; MN Redwood; MN Rock; SD Aurora; SD Beadle; SD Brookings; SD Brule; SD Charles Mix; SD Davison; SD Douglas; SD Gregory; SD Hand; SD Hanson; SD Hutchinson; SD Jerauld; SD Kingsbury; SD Lake; SD Lincoln; SD McCook, SD Miner, SD Moody, SD Sanborn; SD Turner.

148 Aberdeen, SD:

Non-SMSA Counties _____ 1.3

SD Brown; SD Clark; SD Codington; SD Day; SD Deuel; SD Edmunds; SD Faulk; SD Grant; SD Hamlin; SD McPherson; SD Marshall; SD Roberts; SD Spink.

North Dakota

149 Fargo - Moorhead, ND-MN:

Non-SMSA Counties _____ 0.7

MN Becker MN Clay; MN Cass; MN Wilkin; ND Barnes; ND Dickey; ND Eddy; ND Foster; ND Griggs; ND Lamoure; ND Logan; ND McIntosh; ND Ransom; ND Richland; ND Sargent; ND Steele; ND Stutsman; ND Traill.

150 Grand Forks, ND:

SMSA Counties:

2985 Grand Forks, ND-MN _____ 1.2

MN Polk; ND Grand Forks.

Non-SMSA Counties _____ 2.0

MN Beltrami; MN Clearwater MN Hubbard; MN Kittson; MN Lake of the Woods; MN Mahnomen; MN Marshall; MN Norman; MN Pennington; MN Red Lake; MN Roseau; MN Benton; ND Cavalier; ND Nelson; ND Pembina; ND Ramsey; ND Towner; ND Walsh.

151 Bismarck, ND:

SMSA Counties:

1010 Bismarck, ND _____ 0.4

ND Burleigh; ND Morton.

Non-SMSA Counties _____ 1.3

ND Adams; ND Billings; ND Bowman; ND Dunn; ND Emmons; ND Golden Valley; ND Grant; ND Hettinger; ND Kidder; ND Mercer; ND Oliver; ND Sheridan; ND Sioux; ND Slope; ND Stark; ND Wells.

152 Minot, ND:

Non-SMSA Counties _____ 4.4

9 OFCCP notes that Shannon (Washington) County, SD, is now known as Oglala Lakota County.

10 OFCCP notes that Washabaugh County, SD, merged with Jackson County, SD.

MT Daniels; MT Richland; MT Roosevelt; MT Sheridan; ND Bottineau; ND Burke; ND Divide; ND McHenry; ND McKenzie; ND McLean; ND Mountrail; ND Pierce; ND Renville; ND Rolette; ND Ward; ND Williams.

Montana

153 Great Falls, MT:
SMSA Counties.
3040 Great Falls, MT _____ 3.2
MT Cascade.
Non-SMSA Counties _____ 4.1
MT Blaine; MT Broadwater; MT Chouteau; MT Fergus; MT Glacier; MT Hill; MT Jefferson; MT Judith Basin; MT Lewis and Clark; MT Liberty; MT Meagher; MT Petroleum; MT Phillips; MT Pondera; MT Teton; MT Toole; MT Valley; MT Wheatland.

154 Missoula, MT:
Non-SMSA Counties _____ 2.7
MT Beaverhead; MT Deer Lodge; MT Flathead; MT Granite; MT Lincoln; MT Madison; MT Mineral; MT Missoula; MT Powell; MT Ravalli; MT Sanders; MT Silver Bow; MT Lake.

155 Billings, MT:
SMSA Counties:
0880 Billings, MT _____ 3.3
MT Yellowstone.
Non-SMSA Counties _____ 3.3
MT Big Horn; MT Carbon; MT Carter; MT Custer; MT Dawson; MT Fallon; MT Gallatin; MT Garfield; MT Golden Valley; MT McCone; MT Musselshell; MT Park; MT Powder River; MT Prairie; UT Rosebud;[11] MT Stillwater, MT Sweet Grass; MT Treasure; MT Wibaux; MT Yellowstone Nat'l Park; WY Big Horn; WY Hot Springs; WY Park; WY Sheridan; WY Washakie.

Wyoming

156 Cheyenne - Casper, WY:
Non-SMSA Counties _____ 7.5
CO Jackson; WY Albany; WY Campbell; WY Carbon; WY Converse; WY Fremont WY Johnson; WY Laramie; WY Natrona, WY Platte.

Colorado

157 Denver, CO:
SMSA Counties:
2080 Denver-Boulder, CO _____ 13.8
CO Adams; CO Arapahoe; CO Boulder. CO Denver; CO Douglas; CO Gilpin; CO Jefferson.

11 OFCCP notes an error in the original publication. Though correctly placed in the non-SMSA counties for economic area 155, Rosebud County is in Montana, not Utah.

2670 Fort Collins, CO _____ 6.9
CO Larimer.
3060 Greeley, CO _____ 13.1
CO Weld.
Non-SMSA Counties _____ 12.8
CO Cheyenne; CO Clear Creek; CO Elbert; CO Grand; CO Kit Carson; CO Logan; CO Morgan; CO Park; CO Phillips; CO Sedgwick; CO Summit; CO Washington; CO Yuma.

158 Colorado Springs-Pueblo, CO:
SMSA Counties:
1720 Colorado Springs, CO _____ 10.9
CO El Paso; CO Teller.
6560 Pueblo, CO _____ 27.5
CO Pueblo.
Non-SMSA Counties _____ 19.0
CO Alamosa; CO Baca; CO Bent; CO Chaffee; CO Conejos; CO Costilla; CO Crowley; CO Custer; CO Fremont; CO Huerfano; CO Kiowa; CO Lake; CO Las Animas; CO Lincoln; CO Mineral; CO Otero; CO Prowers; CO Rio Grande; CO Saguache.

159 Grand Junction, CO:
Non-SMSA Counties _____ 10.2
CO Archuleta; CO Delta; CO Dolores; CO Eagle; CO Garfield; CO Gunnison; CO Hinsdale; CO La Plata, CO Mesa; CO Moffat; CO Montezuma; CO Montrose; CO Ouray; CO Pitkin; CO Rio Blanco; CO Routt; CO San Juan; CO San Miguel; UT Grand; UT San Juan.

New Mexico

160 Albuquerque, NM:
SMSA Counties.
0200 Albuquerque, NM _____ 38.3
NM Bernalillo; NM Sandoval.
Non-SMSA Counties _____ 45.9
NM Catron; NM Colfax; NM De Baca; NM Guadalupe; NM San Juan; NM SanMiguel; NM Santa Fe; NM Socorro; NM Taos; NM Torrance; NM Valencia.

Arizona

161 Tucson, AZ:
SMSA Counties:
8520 Tucson, AZ _____ 24.1
AZ Pima.
Non-SMSA Counties _____ 27.0
AZ Cochise; AZ Graham; AZ Greenlee; AZ Santa Cruz.

162 Phoenix, AZ:
SMSA Counties:
6200 Phoenix, AZ _____ 15.8
AZ Maricopa.
Non-SMSA Counties _____ 19.6
AZ Apache; AZ Coconino; AZ Gila; AZ Mohave; AZ Navajo; AZ Pinal; AZ Yavapai; AZ Yuma.

Nevada

163 Las Vegas, NV:
SMSA Counties:
4120 Las Vegas, NV _____ 13.9
NV Clark.
Non-SMSA Counties _____ 12.6
NV Esmeralda; NV Lincoln; NV Nye; UT Beaver; UT Garfield; UT Iron; UT Kane; UT Washington.

164 Reno, NV:
SMSA Counties:
6720 Reno, NV _____ 8.2
NV Washoe.
Non-SMSA Counties _____ 9.2
NV Churchill; NV Douglas; NV Elko; NV Eureka; NV Humboldt; NV Lander; NVLyon; NV Mineral; NV Pershing; NV Storey; NV White Pine; NV Carson City.

Utah

165 Salt Lake City - Ogden, UT:
SMSA Counties:
6520 Provo - Orem, UT _____ 2.4
UT Utah.
7160 Salt Lake City - Ogden, UT _____ 6.0
UT Davis; UT Salt Lake; UT Tooele; UT Weber.
Non-SMSA Counties _____ 5.1
ID Bear Lake; ID Franklin; ID Oneida; UT Box Elder; UT Cache; UT Carbon; UT Daggett; UT Duchesne; UT Emery; UT Juab; UT Millard; UT Morgan; UT Piute; UT Rich; UT Sanpete; UT Sevier; UT Summit; UT Uintah -UT Wasatch; UT Wayne; WY Lincoln; WY Sublette; WY Sweetwater; WY Uinta.

Idaho

166 Pocatello - Idaho Falls, ID:
Non-SMSA Counties _____ 4.0
ID Bannock; ID Bingham; ID Blaine; ID Bonneville; ID Butte; ID Camas; ID Caribou; ID Cassia; ID Clark; ID Custer; ID Fremont; ID Gooding; ID Jefferson; ID Jerome; ID Lemhi; ID Lincoln; ID Madison; ID Minidoka; ID Power; ID Teton; ID Twin Falls; WY Teton.

167 Boise City, ID:
SMSA Counties:
1080 Boise City, ID _____ 2.3
ID Ada.
Non-SMSA Counties _____ 4.4
ID Adams; ID Boise; ID Canyon; ID Elmore; ID Gem; ID Owyhee; ID Payette; ID Valley; ID Washington; OR Harney; OR Malheur.

Washington

168 Spokane, WA:
SMSA Counties:
7840 Spokane, WA _____ 2.8
WA Spokane.
Non-SMSA Counties _____ 3.0
ID Benewah; ID Bonner; ID Boundary; ID Clearwater; ID Idaho; ID Kootenai; ID Latah; ID Lewis; ID Nez Perce; ID Shoshone; WA Adams; WA Asotin; WA Columbia; WA Ferry; WA Garfield; WA Lincoln; WA Pend Oreille; WA Stevens; WA Whitman.

169 Richland, WA:
SMSA Counties:
6740 Richland - Kennewick, WA _____ 5.4
WA Benton; WA Franklin.
Non-SMSA Counties _____ 3.8
OR Baker; OR Gilliam; OR Grant; OR Morrow; OR Umatilla; OR Union; OR Wallowa; OR Wheeler; WA Walla Walla.

170 Yakima, WA:
SMSA Counties:
9260 Yakima, WA _____ 9.7
WA Yakima.
Non-SMSA Counties _____ 7.2
WA Chelan; WA Douglas; WA Grant; WA Kittitas; WA Okanogan.

171 Seattle, WA:
SMSA Counties:
7600 Seattle-Everett, WA _____ 7.2
WA King; WA Snohomish.
8200 Tacoma, WA _____ 6.2
WA Pierce.
Non-SMSA Counties _____ 6.1
WA Clallam; WA Grays Harbor; WA Island; WA Jefferson; WA Kitsap; WA Lewis; WA Mason; WA Pacific; WA San Juan; WA Skagit; WA Thurston; WA Whatcom.

Oregon

172 Portland, OR:
SMSA Counties:
6440 Portland, OR-WA _____ 4.5
OR Clackamas; OR Multnomah; OR Washington; WA Clark.
7080 Salem OR _____ 2.9
OR Marion; OR Polk.
Non-SMSA Counties: _____ 3.8
OR Benton; OR Clatsop; OR Columbia; OR Crook; OR Deschutes; OR Hood River; OR Jefferson; OR Lincoln; OR Linn; OR Sherman; OR Tillamook; OR Wasco; OR Yamhill; WA Cowlitz; WA Klickitat; WA Skamania; WA Wahkiakum.

173 Eugene, OR:
SMSA Counties:
2400 Eugene-Springfield, OR _____ 2.4
OR Lane.

Non-SMSA Counties _____ 2.4
OR Coos; OR Curry; OR Douglas; OR Jackson; OR Josephine; OR Klamath; OR Lake.

California

174 Redding, CA:
Non-SMSA Counties _____ 6.8
CA Lassen; CA Modoc; CA Plumas; CA; Shasta; CA Siskiyou; CA Tehama.

175 Eureka, CA:
Non-SMSA Counties _____ 6.6
CA Del Norte; CA Humboldt; CA Trinity.

176 San Francisco - Oakland - San Jose, CA:
SMSA Counties:
7120 Salinas - Seaside - Monterey, CA _____ 28.9
CA Monterey.
7360 San Francisco - Oakland, CA _____ 25.6
CA Alameda; CA Contra Costa; CA Marin; San Francisco; CA San Mateo.
7400 San Jose, CA _____ 19.6
CA Santa Clara.
7485 Santa Cruz, CA _____ 14.9
CA Santa Cruz.
7500 Santa Rosa, CA _____ 9.1
CA Sonoma.
8720 Vallejo - Fairfield - Napa, CA _____ 17.1
CA Napa; CA Solano.
Non-SMSA Counties _____ 23.2
CA Lake; CA Mendocino; CA San Benito.

177 Sacramento, CA:
SMSA Counties:
6920 Sacramento, CA _____ 16
CA Placer; CA Sacramento; CA Yolo.
Non-SMSA Counties _____ 14.3
CA Butte; CA Colusa; CA El Dorado; CA Glenn; CA Nevada; CA Sierra; CA Sutter; CA Yuba.

178 Stockton - Modesto, CA:
SMSA Counties:
5170 Modesto, CA _____ 12.3
CA Stanislaus.
8120 Stockton, CA _____ 24.3
CA San Joaquin.
Non-SMSA Counties _____ 19.8
CA Alpine; CA Amador; CA Calaveras; CA Mariposa; CA Merced; CA Tuolumne.

179 Fresno-Bakersfield, CA:
SMSA Counties:
0680 Bakersfield, CA _____ 19.1
CA Kern.
2840 Fresno, CA _____ 26.1
CA Fresno.

Non-SMSA Counties _____ 23.6
CA Kings; CA Madera; CA Tulare.
180 Los Angeles, CA:
SMSA Counties.
0360 Anaheim - Santa Ana - Garden Grove, CA _____ 11.9
CA Orange.
4480 Los Angeles - Long Beach, CA _____ 28.3
CA Los Angeles.
6000 Oxnard - Simi Valley - Ventura, CA _____ 21.5
CA Ventura.
6780 Riverside - San Bernardino - Ontario, CA _____ 19.0
CA Riverside; CA San Bernardino.
7480 Santa Barbara-Santa Maria - Lompoc, CA _____ 19.7
CA Santa Barbara.
Non-SMSA Counties _____ 24.6
CA Inyo; CA Mono; CA San Luis - Obispo.
181 San Diego, CA:
SMSA Counties:
7320 San Diego, CA _____ 16.9
CA San Diego.
Non-SMSA Counties _____ 16.2
CA Imperial.

Alaska

182 Anchorage, AK:
SMSA Counties:
0380 Anchorage, AK _____ 8.7
AK Anchorage Division.
Non-SMSA Counties _____ 15.1
AK Aleutian Islands Division; AK Angoon Division; AK Barrow-North Slope Division; AK Bethel Division; AK Bristol Bay Borough; AK Bristol Bay Division; AK Cordova McCarthy Division; AK Fairbanks Division; AK Haines Division; AK Juneau Division; AK Kenai-Cook Inlet Division; AK Ketchikan Division; AK Kobuk Division; AK Kodiak Division; AK Kuskokwim Division; AK Matanuska- Susitna Division; AK Nome Division; AK Outer Ketchikan Division; AK Prince of Wales Division; AK Seward Division; AK Sitka Division; AK Skagway-Yakutat Division; AK Southeast Fairbanks Division; AK Upper Yukon Division; AK Valdez-Chitina-Whittier Division; AK Wade Hampton Division;[12] AK Wrangell-Petersburg Division; AK Yukon-Koyukuk Division.

Hawaii

183 Honolulu, HI:
SMSA Counties:
3320 Honolulu. HI _____ 69.1
HI Honolulu.
Non-SMSA Counties _____ 70.4
HI Hawaii; HI Kauai; HI Maui; HI Kalawao.

12 OFCCP notes that Wade Hampton is now known as Kusilvak.

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