



*HR, Compliance & People Development*

# Checking in on AAP

## August 17, 2017

Presenter: Kaleigh Ferraro

Manager, Affirmative Action Services

Raleigh: 919.878.9222

[www.capital.org](http://www.capital.org)

Greensboro: 336.668.7746

# Background

## **CAI**

- Employers Association w/ 1000+ members
- Served NC companies for over 50 years
- Local resource for HR, compliance, & people development

## **Affirmative Action Division**

- Produced AAPs for over 15 years
- Dedicated resources for AAP preparation
- Provide assistance with all matters of affirmative action compliance
- Consulting, training & audit assistance and support

# **Copy of Presentation Slides**

**Presentation slides will be made available after the webinar. We will follow-up with an email with this information.**

NEW FOR  
2017!

# Veterans – Hiring Benchmarks

- Hiring benchmarks for protected veterans
  - Decreased to 6.7% (from 6.9%)
- Data Collection (hires & applicants)
- Assessments of Outreach & Recruiting



# Individuals with Disabilities

- Section 503 of Rehabilitation Act
  - Utilization Goals – 7%
  - Data Collection (hires & applicants)
  - Assessments of Outreach & Recruiting



# Minimum Wage Increase

- Establishing new Minimum Wage for Contractors
  - EO 13658 signed February 12, 2014 to increase min. wage paid by covered federal contractors to \$10.10/hour (**new rate \$10.20 on Jan. 1, 2017**)
  - Contracts covered:
    - Construction covered by Davis Bacon Act (DBA)
    - Services covered by Service Contract Act (SCA)
    - Concessions not covered by SCA
    - Connection with federal property & lands and offering services for federal employees
  - Effective Jan. 1, 2015

# Paid Sick Leave

- EO 13706 issued September 7, 2015 establishing paid sick leave for federal contractors
  - Contractors covered are same as minimum wage increase
  - Provide up to 7 days of paid sick leave annually
  - Accrued sick leave may be carried over
- **January 1, 2017**



# VETS-4212

- VETS-4212 Reports (prev. VETS-100A)
  - Employers will report on aggregated protected veterans rather than individual veterans classifications by EEO-1 categories
  - Option to report veteran hires and total hires either by EEO-1 categories or in total
  - [VETS Report](#)
- Due September 30, 2017 – Now Open

# EEO-1 Report

- The Employer Information Report EEO-1 (Standard Form 100)
  - Report race/ethnicity and gender information by company location
  - Federal contractors/subcontractors
  - Private employers 100+ employees

# Revised EEO-1 Report

- EEOC published Revised EEO-1 Report (Feb. 1, 2016)
  - Collaboration with OFCCP
  - Revised report to require submission of W-2 earnings by defined pay bands/EEO-1 category
  - [Revised EEO-1 report](#)
- Due March 31, 2018 – No 2017 filing



# LGBT Non-Discrimination

- President Obama signed EO 13672 on July 21, 2014
  - Prohibits federal contractors/subcontractors from discriminating on the basis of sexual orientation or gender identity
  - Update EO clauses and required language in PO's
  - Update EEO/AA policies, handbook and any other documentation where protected classes are listed to include these groups
  - Train managers and personnel responsible for employment decisions on these protected classes
- Final Rule effective April 8, 2015

# Pay Transparency/Secrecy

- President Obama signed EO 13665 on April 8, 2014 to amend EO 11246
  - Prohibit contractors/subcontractors from retaliating against employees & applicants for discussing or disclosing compensation
  - Requires contractors/subcontracts to incorporate prescribed language in handbooks & disseminate to employees & applicants
- **Effective January 11, 2016**



# Pay Transparency Policy Statement

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the contractor's legal duty to furnish information.

# Supplemental Poster (EEO is the Law)

- Address various regulation changes including:
  - VEVRAA & Section 503 regulation changes
  - Gender identity/Sexual Orientation protections
  - Pay Transparency

[EEO\\_Supplement.pdf](#)



# Sex Discrimination Update

- OFCCP released final rule updating guidelines – June 14, 2016
- Update addresses:
  - Protections related to pregnancy, childbirth, related medical conditions
  - Promotes fair pay practices
  - Safeguards works providing caregiving for loved ones
  - Protects transgender employees
  - Prohibits discrimination on sex stereotypes
- **Effective August 15, 2016**

# Jurisdictional Thresholds

- FAR Council reviews dollar threshold every 5 years
- Effective October 1, 2015 contract thresholds were increased
  - VEVRAA: \$150,000 (prev. \$100,000)
    - Includes VETS-4212
  - Section 503: \$15,000 (prev. \$10,000)

## [Jurisdictional Thresholds](#)

# OFCCP Scheduling Letter

- OFCCP Scheduling Letter
  - Major Changes include:
    - Data collection analysis (6 month update) and assessments of outreach & utilization goals for new Section 503 regulations
    - Data collection analysis (6 month update) and assessments of outreach & hiring benchmarks for new VEVRAA regulations
    - Employment Activity data must include race subgroups & # applicants with unknown race/gender
    - Employee level compensation data as of AAP employee date vs. aggregate data previously (request electronically)
  - [Sample letter & listing](#)

# Functional AAPs (FAAP)

- Revised directive effective April 28, 2016 through April 30, 2019
- Minor changes from previous directive
  - Renewal of AAPs - at least 1 FAAP audit
  - Renewal may not warrant conference
  - [https://www.dol.gov/ofccp/regs/compliance/directives/Dir2013\\_01\\_Revision1.html](https://www.dol.gov/ofccp/regs/compliance/directives/Dir2013_01_Revision1.html)
  - New FAQs available



# OFCCP Updates

- **NILG Conference**
- **Compliance Assistance**

<https://content.govdelivery.com/accounts/USDOLOFCCP/bulletins/1b1458a>

- **DOL Fiscal Year 2018 Budget**
- **Audits**
- **Proposal to merge OFCCP & EEOC**

# Overtime Rule

- The effective date of these changes was December 1, 2016.
- The primary position duty tests was to remain unchanged.
- The minimum salary threshold (exempt employees) set to increase to \$913 weekly/\$47,476 annually.
- Injunction issued by federal judge on November 22, 2016

**DOL published RFI on July 26, 2017**

# Fair Pay & Safe Workplaces

- EO 13673 issued on July 31, 2014 regarding Fair Pay & Safe Workplaces
  - Safe Workplaces
    - Contractors (& bidders) would report on violations for 15 labor laws prior 3 years
    - Contractors will require same assurances of subcontractors
  - Paycheck Transparency
    - provide employees documentation each pay period showing hours worked, overtime hours, pay, additions or deductions made
- **Revoked by President Trump March 27, 2017**



# Construction Contractors

- OFCCP's 2016 Spring Regulatory Agenda projected revised regulations for construction contractors
  - Last updated in 1980
  - Expect to propose new method for establishing goals
  - Address VEVRAA/503 updates
- **Was Targeted August 2016  
(on hold)**



# Interested in More Affirmative Action Topics?

**AAP Webinar:** December 6, 2017 (10-11am)  
AAP 101: The Basics

**AAP Class:** October 26, 2017 (9am-4pm)  
What it Takes to Prepare a Compliant AAP

Register at [www.capital.org](http://www.capital.org)

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Questions?

# CAI Contact Information

Main Number: 919-878-9222

Kaleigh Ferraro

919-713-5241

[kaleigh.ferraro@capital.org](mailto:kaleigh.ferraro@capital.org)

Christie Shilling

919-431-6091

[christie.shilling@capital.org](mailto:christie.shilling@capital.org)