

Affirmative Action/OFCCP Compliance

Our attorneys assist clients who are government contractors and/or subcontractors with all aspects of their affirmative action obligations. We design and develop written affirmative action plans that meet the requirements of the governing federal, state and municipal regulations and ordinances, and guide our clients in ongoing compliance. We work with clients in all aspects of preparation for and provide representation during OFCCP compliance reviews.

Experience

Below is a representative sample of the types of services we provide our clients in connection with affirmative action:

- ✓ Analyzing data including employee census, applicant flow, hires, terminations, promotions, transfers and outreach efforts for a 12-month period and utilizing this data to prepare the client's written affirmative action plan.
- ✓ Working in consultation with the client to create a recruiting strategy including targeted recruitment activities that demonstrate the client's good faith efforts towards its affirmative action goals.
- ✓ Reviewing a client's equal employment opportunity (EEO), recruitment/hiring, FMLA and other personnel policies to ensure the policies comply with federal, state and local non-discrimination laws. When necessary, we work with the client to revise the policies to ensure compliance.
- ✓ Spearheading all aspects of preparation for, and providing representation, during OFCCP compliance reviews. For example, upon receipt of OFCCP information requests, we conduct a detailed analysis of the employer's data and develop strategies to explain any negative inferences that might be drawn from the data. In the event the inferences cannot be reconciled, we assist with the preparation of a response which will set forth affirmative action steps the employer will take to ensure that in the future the data will be reconcilable and negative inferences will not exist.

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- ✓ In the event a client is asked to submit to an on-site review, we partner with the employer's compliance officers and management/directors to prepare them for interviews which will be conducted by OFCCP compliance officers. The preparation primarily consists of advising the employer's compliance personnel how to accurately articulate the employer's policies and practices during the interviews
- ✓ If the OFCCP issues a Notice of Violations citing technical and/or discrimination-based violations, we consult with the client and provide the OFCCP with a response to the alleged violations. If the OFCCP does not conclude the compliance review (i.e., close the file) and proceeds to the conciliation stage of the compliance review process, we negotiate the terms of a conciliation agreement with the OFCCP. After the parties enter into a conciliation agreement, we analyze the data and prepare the progress reports that are required to be submitted to the OFCCP under the terms of the conciliation agreement

Our attorneys have successfully provided these services to clients in both the public and private sector, ranging from public universities and municipalities to manufacturers (both union and non-union) in the private sector.

News, Events, and Publications

Laner Muchin Adds to Growing Firm Roster with Addition of Associates Jolianne S. Alexander and Amber N. Lukowicz

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