



Federal Affirmative Action Program Implementation Checklist *(does not include states' requirements)*

CONTRACTOR OBLIGATION	MANDATED BY	FREQUENCY	DESCRIPTION	COMPLIANCE Y/N	DATE REVIEWED	FOLLOW-UP ACTION (IF NECESSARY)
Written Affirmative Action Program (AAP)	<i>41 CFR § 60-1.40; 41 CFR § 60-300.40 (c); 41 CFR § 60-741.40 (b)(3)</i>	Annually	Update and maintain written Women & Minorities, Protected Veterans, and Individuals with Disabilities AAPs. Though there is no completion deadline set by the OFCCP beyond the first AAP year, a good rule of thumb is to have your annual AAP completed within 30 days of the beginning of the AAP year. Yocom & McKee's complete affirmative action plans include all required reporting, but below are listed some items that require additional attention.			
Identification of Problem Areas	<i>41 CFR § 60-2.17(b)(1); 41 CFR § 60-2.17(b)(2); 41 CFR § 60-2.17(b)(3)</i>	Annually	Review the Availability Analysis and Annual Goals reports to determine whether there are problems of minority or female utilization. Contact minority and women organizations, and document results. Those contacts that do not provide good referrals should be dropped, and alternatives should be chosen.			
			Review the Organizational Profile and Job Group Analysis to identify problems in distribution of females and minorities.			
			Review the Disparity/Adverse Impact Analysis to determine whether there are selection disparities. Whether disparity is identified or not, maintain records that describe technology-based (i.e., artificial intelligence, algorithms automated systems, etc.) selection procedures. Review established policies related to promotions, and maintain documentations that describe promotion practices.			
			Review compensation reports, and attempt to identify non-discriminatory factors such as duties, responsibilities, seniority, time-in-position, education, and performance ratings that might explain statistically significant differences in salary. Maintain documentation and policies related to your compensation practices including those that explain the factors and reasoning used to determine compensation. Maintain records on when the compensation analysis was completed, the number of employees the compensation analysis included (must match Org Profile totals) and the number and categories of employees the compensation analysis excluded, the forms of compensation that were analyzed and how the different forms of compensation were separated or combined (e.g. base pay alone, base pay combined with bonuses, etc.), and whether compensation was analyzed by gender and race as required.			



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Outreach & Recruitment of Veterans and Individuals with Disabilities (IWD)	<i>41 CFR § 60-300.44(f)(3)</i> <i>41 CFR § 60-741.44(f)(3);</i> <i>41 CFR § 60-300.44(b); 41 CFR § 60-741.44(b)</i>	Annually	Review results of Data Collection Analysis in your AAP for Veterans & IWD, and review outreach and recruitment efforts of protected veterans and individuals with disabilities. Determine if each recruitment effort is effective in identifying and recruiting qualified protected veterans and individuals with disabilities. Document the review in the Assessment of Outreach & Recruitment Activities in the Veteran & IWD AAP, including documentation of all activities, the criteria used to evaluate the effectiveness of each effort, and whether you found each effort to be effective. Also indicate whether you believe the totality of your efforts were effective, and where they were not, describe your actions in implement and identifying alternative efforts. See the Sample Assessment of Outreach and Recruitment Activities at https://yocom-mckee.com/docs/SampleAssessmentOfOutreach.docx .			
Action Plan	<i>41 CFR § 60-2.17 (c); 41 CFR § 60-2.17(d)(1); 41 CFR § 60-2.17(d)(2); 41 CFR § 60-741.44(h); CFR § 60-300.44(h)</i>	Annually	If underutilization and/or personnel activity disparity exist in the AAP for Women & Minorities, identify recruitment sources that have yielded success, and those that have not. Explain in the Action Oriented Programs section of your Women & Minorities AAP how underutilization and/or personnel activity disparities will be addressed during the coming year.			
			Develop and implement an auditing system that monitors records of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the nondiscriminatory policy regarding women and minorities is carried out. Require internal reporting on a scheduled basis to determine to what degree EEO and organizational objectives are being attained.			
			Develop and implement an auditing system that measures the effectiveness of the contractor's AAPs for Individuals with Disabilities, indicates any need for remedial action, determines the degree to which the contractor's objectives have been attained, determines whether known individuals with disabilities have had the opportunity to participate in all company sponsored events, measure the contractor's compliance the AAP's specific obligations, and documents the actions take to comply with the obligations above. Where the AAP is found to be deficient, document necessary actions your company will undertake to bring the AAP into compliance.			
			Develop and implement an auditing system that measures the effectiveness of the contractor's AAPs for Protected Veterans, indicates any need for remedial action, determines the degree to which the contractor's objectives have been attained, determines whether known protected veterans have had the opportunity to participate in all company sponsored events, measure the contractor's compliance the AAP's specific obligations, and documents the actions take to comply with the obligations above. Where the AAP is found to be deficient, document necessary actions your company will undertake to bring the AAP into compliance.			
Share Results	<i>41 CFR § 60-2.17 (d)(3);</i> <i>41 CFR § 60-217 (d)(4)</i>	Annually	Develop an internal audit and reporting system to review results with management and communicate with top management recommendations to improve unsatisfactory results.			

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Accessibility & Accommodation	41 CFR § 60-741.21 (a)(6), 41 CFR § 60-300.44(b), 41 CFR § 60-741.44(b)	Ongoing	Ensure that individuals with disabilities are given equal access to your company's personnel processes. Review and assess your company's personnel processes annually; include a description of the assessment, any impediments to equal employment opportunity identified through the assessment, and any actions taken as a result of the assessment.			
			Document requests and the resolution of reasonable accommodation due to disabilities and religious practices.			
			Ensure that the workplace is disabled accessible.			
			Assess your company's physical and mental qualification policies, and maintain record of the schedule of the assessment and any actions taken or changes made as a result of the assessment.			
Posters	41 CFR § 60-300.5(a)(9), 41 CFR § 60-741.5(a)(4), 41 CFR § 60-1.4(a), and 29 CFR Part 741, 41 CFR 60-1.35(c), Appendix A to Subpart A	Annually	A copy of the Equal Opportunity Policy Statement found in both your Veterans and IWD AAPs, must be posted conspicuously on bulletin boards, electronic postings, or other appropriate locations. Applicants and employees with disabilities must be provided the notices in a form that is accessible and understandable to the individual. This includes but is not limited to posting a copy of the notice at a lower height viewable by persons in wheelchairs, or providing Braille or large print versions of the notice.			
			The EO 13496 Notice of Employee Rights poster informs employees of Federal contractors and subcontractors of their rights under the NLRA to organize and bargain collectively with their employers and to engage in other protected concerted activity. You may download the poster from: https://www.dol.gov/sites/dolgov/files/olms/regs/compliance/eo_posters/employeerightsposter11x17_2019final.pdf			
			The <i>Know Your Rights: Workplace Discrimination is Illegal</i> and the Pay Transparency Nondiscrimination Provision posters must be posted at the workplace and on company websites, visible to both current employees and applicants; links for both are below: https://www.eeoc.gov/poster?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=#;~:text=For%20screen%20readers%20/%20electronic%20posting https://www.dol.gov/sites/dolgov/files/ofccp/pdf/pay-transp_%20English_formattedESQA508c.pdf			
			Other posters that may not be required for all employers may use the <i>First Step Poster Advisor</i> that guides you to determine which posters you must post. See the second link below for a listing of and direct links to other posters that may be required: https://webapps.dol.gov/elaws/posters.htm?_ga=2.195625700.932422009.1666731069-1674077842.1602853668 https://www.dol.gov/general/topics/posters			

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Availability of AAP for Viewing	<i>41 CFR § 60-300.41 and 41 CFR § 60-741.41</i>	Annually	The Individuals with Disabilities and Protected Veterans affirmative action plan, absent the Data Collection Analysis, must be available for inspection upon request to any employee or applicant. Post on a bulletin board notice that informs applicants and employees of where and between which business hours the AAP is available for viewing. The Women & Minorities narrative and statistical materials need not be made available for viewing. See the sample Notice of Affirmative Action Plan for Individuals with Disabilities, Disabled Veterans, and Other Protected Veterans at https://yocom-mckee.com/docs/NoticeOfAAP.docx .			
Policy Manuals	<i>41 CFR § 60-300.44(a), 41 CFR § 60-741.44(a)</i>	Annually	A copy of the Equal Opportunity Policy Statement found in your Veterans and IWD AAP, must be included in company policy manuals, if any.			
			Ensure that policy manuals also include a religious observance policy, and a Pay Transparency notice. The AAP for Women & Minorities has an Accommodation for Religious Observance and Practice section, a copy of which can be used as a religious observance policy in your company policy manual. The Pay Transparency poster can be found at: https://www.dol.gov/ofccp/pdf/pay-transp_formattedESQA508c.pdf .			
		Ongoing	Ensure that job descriptions contain essential job functions.			
Notification to Labor Unions	<i>41 CFR § 60-300.5(a)(10) and 41 CFR § 60-741.5(a)(5)</i>	Annually or as needed	Ensure that labor unions are being notified of commitment to nondiscrimination. Each labor union with which your company has a current collective bargaining agreement must be notified of your company's commitment to nondiscrimination and affirmative action efforts to employ qualified individuals with disabilities and protected veterans; request their cooperation to these commitments. This notice is required to be sent only once per collective bargaining agreement, unless the agreement is altered, amended, or modified. See the Sample Letter - Disseminated to Union at https://yocom-mckee.com/docs/SampleLetterDisseminatedToUnion.docx .			
Purchase Orders / Contracts	<i>41 C.F.R § 60-300.5(a)(11), 41 C.F.R § 60-741.5(a)(6), 41 CFR § 60-1.4(a), and 29 CFR Part 741, Appendix A to Subpart A</i>	Annually or as needed	Review contracts to ensure that they include the EEO/affirmative action clause. An Equal Employment Opportunity (EEO) Clause for individuals with disabilities, protected veterans, women, and minorities, and a clause relating to employee rights under the National Labor Relations Act (NLRA) must be incorporated in bold print into each non-exempt subcontract. A common practice is to place the clause on all subcontracting documents without assessing on an individual basis whether each subcontractor is covered by affirmative action requirements. See the Purchase Order/Subcontract Clauses at https://yocom-mckee.com/docs/PurchaseOrderSubcontractClauses.docx .			

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Notification to Vendors, Subcontractors & Suppliers	41 CFR § 60-300.44(f)(1)(ii) and 41 CFR § 60-741.44(f)(1)(ii)	Annually or as needed	Inform your vendors and suppliers of their AAP obligations. See Notification to Vendors, Subcontractors and Suppliers under Checklist Details. These regulations require contractors to notify subcontractors, vendors and suppliers of its equal opportunity policy and request appropriate action on their part. See the Sample Letter - Subcontractors, Vendors & Suppliers at https://yocom-mckee.com/docs/SampleLetterSubcontractorsVendorsSuppliers.docx .			
Record Retention Women & Minorities AAP	41 CFR § 60-1.12 (a); 41 CFR § 60-1.12 (b)	Ongoing	Each establishment must preserve its preceding written Women & Minorities AAP and supporting documentation such as progression line charts, seniority rosters (if applicable), applicant flow data, adverse impact analysis reports, promotion data, transfer data, and termination data for Women & Minorities. Personnel and employment records must be preserved for two years from the date of the record or from the date of the personnel action, whichever occurs later. Record retention period is one year if the contractor has fewer than 150 employees or does not have a federal contract of at least \$150,000.			
Record Retention Veterans & IWD	41 CFR § 60-300.44(f)(4), 41 CFR § 60-300.44(k); 41 CFR § 60-300.80; 41 CFR § 60-741.44(f)(4); 41 CFR § 60-741.44(k); 41 CFR § 60-741.80	Ongoing	Each establishment must preserve its preceding written Veterans & IWD AAP and supporting documentation, including applicants and hires.			
			Records relating to veteran and disability status, including personnel records and records pertaining to benchmark, must be retained for three years regardless of the number of employees and the amount of the federal contract.			
Help Wanted Ads	41 CFR § 60-300.5(a)(12), 41 CFR § 60-741.5(a)(7)	Ongoing	Help wanted solicitations must state that all qualified applicants will be considered without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, protected veteran, or disabled status. One abbreviated example the OFCCP uses to meet this obligation is: <i>Equal Opportunity Employer/Vet/Disabled</i> . An unabbreviated version might read: <i>[Company] is an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, religion, color, national origin, sex, sexual orientation, gender identity, age, status as a protected veteran, among other things, or status as a qualified individual with disability.</i>			
Pre-Employment Exams		Ongoing	Review pre-employment exams for selection disparities and have pre-employment tests validated when adverse impact/disparity results indicate statistical adverse impact.			
Military Records		Ongoing	Ensure that military records relevant only to job performance are considered for employment purposes.			



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Employment Service Delivery System (ESDS)	41 CFR § 60-300.5(a)(2)	Ongoing	<p>In addition to advertising you may undertake, you must also list all employment openings with your state employment service delivery system (ESDS), and inform them of your status as an affirmative action employer*. "All employment openings" includes all positions except executive- and top management-level positions, positions that are filled from within the contractor's organization, and positions that last three days or less. Listing with ESDS does not require that you hire any particular applicant.</p> <p>Four pieces of background information must be given to ESDS when first listing jobs and whenever there is a change to any of the following four items:</p> <ul style="list-style-type: none"> • Your company is a federal contractor subject to VEVRAA • You desire "priority referrals" of protected veterans • The name and location of each hiring location within the state • Contact information for the hiring officer at each location, including any 3rd party search companies. <p>The listing must be made in the manner and format permitted by the local ESDS.</p> <p><i>*See the sample Notification to Employment Service Delivery System at https://yocom-mckee.com/docs/NotificationToESDS.docx</i></p>			
Self-Identification	41 CFR § 60-1.12(c)(ii); 41 CFR § 60-300.42(a);; 41 CFR § 60-300.42(b); 41 CFR § 60-300.42(e); 41 CFR § 60-741.42(a); CFR § 60-741.42(b) CFR § 60-741.42(e)	Ongoing	<p>Ensure that applicants are requested to self-identify race, gender, disabled status, and veteran status. A Pre-employment Information Form for Women and Minorities must be given to each applicant to complete. The government allows, but does not require, contractors to visually determine race and sex when applicants refuse to self-identify. Completed Voluntary Self Identification forms should be kept in a file separate from other applicant/employee information. A sample race/sex self ID form can be found at https://yocom-mckee.com/docs/Pre Offer Women and Minorities Self ID.docx.</p> <p>The Vietnam Era Veterans Readjustment Assistance Act requires affirmative action employers to invite all eligible veterans to identify themselves. The Pre-Offer Self-Identification Form for Eligible Veterans must be given to all applicants, and the Post-Offer Self-Identification Form for Eligible Veterans must be given to all new-hires after they have been offered a job but before they begin their first day of work. A copy of the self ID form for veterans can be found at https://yocom-mckee.com/docs/PreandPostOfferVetsSelfID.docx.</p> <p>Section 503 of The Rehabilitation Act requires affirmative action employers to invite all individuals with disabilities to identify themselves. The form at https://www.yocom-mckee.com/docs/DisabledSelf-ID.docx is the only approved form that has been provided by the OFCCP to serve as both the Pre-Employment and Post-Offer Information Forms for individuals with disabilities.</p> <p>Contractors may post an interactive copy of the form as long as the following requirements are met: 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 (with the exception of the footnote and burden statement, which must be at least 10-pitch in size).</p> <p>Completed forms should be kept in a separate "Data Analysis File" - not in personnel or medical files. Please see 60-300.43 (d) for requirements regarding accommodations for disabled veterans.</p>			

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Periodic Survey of Disabled Status	41 CFR § 60-741.42(c)	Every five years and once during interim	Using the form at https://www.yocom-mckee.com/pdfs/DisabledSelf-ID.docx , survey the current workforce for disability status at least once every five years; send out reminders once during the interim. For sample survey language, see https://yocom-mckee.com/docs/SampleInvitationToSelfIdentifyDisabledStatus.docx .			
Internet Applicant Rule	41 CFR § 60-1.13	Ongoing	Ensure that Internet Applicant Rule is enforced during applicant process. Review the regulation under 60-1.3 <i>Definitions</i> on page 35 at https://www.dol.gov/ofccp/regs/compliance/05_20176.pdf , and see https://www.dol.gov/ofccp/regs/compliance/faqs/iappfaqs.htm for FAQs.			
File Your EEO-1 or IPEDS Reports	709(c) of Title VII of the Civil Rights Act of 1964, as amended; 42 U.S.C. § 2000e-8(c); and 29 CFR 1602.7-14 and 41 CFR 60-1.7(a). Title IV of the Higher Education Act of 1965, as amended (20 USC 1094, Section 487(a)(17) and 34 CFR 668.14(b)(19))	Annually (Filing Deadline Varies)	The EEO-1 Component 1 report is a mandatory annual data collection that requires <i>all private sector employers with 100 or more employees and federal contractors subject to written affirmative action plans</i> to submit demographic workforce data, including data by race/ethnicity, sex and job categories. Reporting portal access has been inconsistent for many years now, so it is recommended that you visit https://www.eeocdata.org/eo1 at the beginning of each calendar year.			
			Colleges, universities, and technical and vocational institutions in the United States that participate in the federal student financial aid programs must annually update their institution's Integrated Postsecondary Education Data System survey in Fall, Winter, and Spring of each year. Please visit https://nces.ed.gov/ipeds/report-your-data for more information.			
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File Your VETS-4212 Reports (if applicable)	38 U.S. Code Section 4212; 41 CFR 61-300	Annually by September 30	Contractors and subcontractors who enter into, or modify a contract or subcontract of \$150,000 with the federal government, and whose contract meets the criteria set forth in 38 U.S. Code Section 4212 and 41 CFR 61-300 , are required to report annually on their affirmative action efforts in employing veterans. Data reported through form VETS-4212 is used by OFCCP in compliance evaluations. https://www.dol.gov/agencies/vets/programs/vets4212			
Certify Your AAP	41 CFR § 60-1.40; 41 CFR § 60-300.40 (c); 41 CFR § 60-741.40 (b)(3)	Annually by end of June	Certify on OFCCP's Contractor Portal that you have completed your company's annual AAP(s). https://www.dol.gov/agencies/ofccp/contractorportal			