



# EEO/AA Compliance Immersion Program Agenda

## **D**ay 1 – Monday

### ***BASIC EEO***

8:00 a.m.      ***CONTINENTAL BREAKFAST***

8:30 a.m.      ***INTRODUCTIONS***

#### ***OVERVIEW***

SOURCES OF RULES GOVERNING WORKPLACE BEHAVIOR

WHERE LAWS COME FROM

OTHER ENFORCEMENT AND COMPLIANCE MECHANISMS

CONSEQUENCES OF VIOLATIONS

THEORIES OF DISCRIMINATION

- Disparate Treatment
- Disparate Impact

OUR FOCUS

- Federal Employment Laws

*Training Exercise #1*

#### ***FEDERAL EMPLOYMENT LAWS***

TITLE VII, CIVIL RIGHTS ACT OF 1964

- Sexual Harassment
- Pregnancy Discrimination Act of 1978

*Training Exercise #2*

- Religious Discrimination

*Training Exercise #3*

SECTION 1981, CIVIL RIGHTS ACT OF 1866

AGE DISCRIMINATION

- Age Discrimination in Employment Act
- Older Workers Benefit Protection Act

*Training Exercise #4*

COMPENSATION DISCRIMINATION

- Equal Pay Act
- Lilly Ledbetter Fair Pay Act

DISABILITY DISCRIMINATION

- Americans with Disabilities Act
  - What Is a Disability?
  - Who is a Qualified Individual with a Disability?
  - Essential Functions

4:30 p.m.      **ADJOURN**

# **D**ay 2 - Tuesday

## ***BASIC EEO (CONTINUED)***

8:00 a.m.      **CONTINENTAL BREAKFAST**

8:30 a.m.      **FEDERAL EMPLOYMENT LAWS (CONTINUED)**

DISABILITY DISCRIMINATION (CONTINUED)

- Reasonable Accommodation
- Undue Hardship
- Direct Threat and Qualification Standards
- Medical Inquiries and Exams

*Training Exercise #5*

GENETIC INFORMATION NONDISCRIMINATION ACT

FAMILY AND MEDICAL LEAVE ACT

- Entitlements
- Eligibility
- Qualifying Reasons
- Notice Requirements
- Enforcement and Remedies

*Training Exercise #6*

WORKPLACE RETALIATION

PROTECTIONS FOR VETERANS

- Vietnam Era Veterans' Readjustment Assistance Act, as amended
- Uniformed Services Employment and Reemployment Rights Act

IMMIGRATION REFORM AND CONTROL ACT

WHISTLEBLOWER PROTECTION

PRIVACY ISSUES

EMPLOYMENT-AT-WILL DOCTRINE

TORT ACTIONS

*Training Exercise #7*

**ESTABLISHING NON-DISCRIMINATORY EMPLOYMENT PRACTICES**

HIRING PROCEDURES

EMPLOYMENT INTERVIEWS

*Training Exercise #8*

PERFORMANCE EVALUATIONS

TERMINATION FOR CAUSE

TERMINATION FOR ECONOMIC REASONS

DOCUMENTATION

**12:00 p.m.      ADJOURN**

***RESPONDING TO CHARGES OF EMPLOYMENT DISCRIMINATION***

**1:00 p.m.      INTRODUCTION**

- Objectives
- Agenda
- Review of Materials

**OVERVIEW OF CHARGE PROCESSING PROCEDURES**

- The EEOC
- Stages in EEO Charge Processing
- Charge Filing
- Initial Assessment of Charge

*Training Exercise #1*

COMPANY'S INITIAL RESPONSE TO A CHARGE

- Notification to Management
- Securing and Preserving Legal Privileges
- Contact EEOC Investigator
- Company Representative's Roles

COMPANY'S INTERNAL INVESTIGATION

- Develop a Plan

*Training Exercise #2*

- Sources of Information
- Witness Interviews

*Video – Conducting an Effective Interview*

**4:30 p.m. ADJOURN**

# **D**ay 3 – Wednesday

## ***RESPONDING TO CHARGES (CONTINUED)***

**8:00 a.m. CONTINENTAL BREAKFAST**

**8:30 a.m. RESPONDING TO THE CHARGE**

- Writing the Position Statement
- Using Exhibits
- Requests for Information

*Training Exercise #3*

MANAGING THE ON-SITE INVESTIGATION

VOLUNTARY RESOLUTION OF CHARGES

- Determining the Company's Position
- Predetermination Settlements
- Conciliation

**12:00 p.m. ADJOURN**

## ***DEVELOPING & DEFENDING COMPLIANT AAPs***

### **1:00 p.m. INTRODUCTION**

- EEO and affirmative action overview
  - What to know *before* developing your AAP(s)
    - AAP component categories
    - AAP cycles
    - AAP structures
    - Employee coverage
- 2007 EEO-1 revisions (race/ethnicity, job categories)

### **DEVELOPING, USING, AND DEFENDING THE ORGANIZATIONAL PROFILE**

- What the Organizational Profile Is and How It Should Be Used
- Preparing an Organizational Display or Workforce Analysis
- How OFCCP Evaluates the Organizational Profile During Compliance Evals

### **4:30 p.m. ADJOURN**

## **D**ay 4 – Thursday

## ***DEVELOPING & DEFENDING COMPLIANT AAPs*** (CONTINUED)

### **8:00 a.m. CONTINENTAL BREAKFAST**

### **8:30 a.m. FORMING AND JUSTIFYING AAP JOB GROUPS**

- What Job Groups Are and How They Are Used Throughout the AAP
- Job Groups and Their Relationship to EEO-1 Job Categories
- Principles To Keep in Mind When Forming Job Groups
- Preparing and Using the Job Group Analysis
- Complying With the Job Group Annotation Requirement
- How OFCCP Evaluates Job Groups During Compliance Evaluations

### **UNDERSTANDING AND CALCULATING AVAILABILITY**

- Availability Defined
- The Important Role Availability Plays in the AAP
- Determining Availability by Individual Race/Ethnicity Groups
- Availability Data Sources and How Each Can Most Effectively Be Used
- Determining Appropriate Recruitment Areas
- Determining Appropriate Occupational Benchmarks
- Estimating and Using External and Internal Availability
- Calculating Final Availability
- How OFCCP Evaluates Contractor Availability Determinations

COMPARING INCUMBENCY TO AVAILABILITY

- Understanding the Process That Leads to Placement Rate Goals
- OFCCP's Four Accepted Methods for Comparing Incumbency to Availability

AFFIRMATIVE ACTION PLACEMENT RATE GOALS

- What a Placement Rate Goal Is and How It Should (and Should Not) Be Used
- OFCCP's Authority To Require Goals for Individual Race/Ethnicity Groups

EXECUTIVE ORDER 11246 AAP NARRATIVE REQUIREMENTS

- What Should and Should Not Be Included in an AAP Narrative
- Assigning Responsibility for AAP Implementation
- Identifying AAP Problem Areas
- Developing and Executing Action-Oriented Programs
- Developing and Implementing Audit and Reporting Systems

DISABILITY AND VETERANS AAP REQUIREMENTS

4:30 p.m.      **ADJOURN**

# **D**ay 5 – Friday

## ***DEVELOPING & DEFENDING COMPLIANT AAPs*** (CONTINUED)

8:00 a.m.      **CONTINENTAL BREAKFAST**

8:30 a.m.      **RESPONDING TO AN OFCCP SCHEDULING LETTER**

- Determining the Proper Scope and Timetable for the Review
- Analyzing and Determining How Desk Audit Transactions Data Will Be Provided
- Analyzing and Determining How Desk Audit Compensation Data Will Be Provided
- Other Pre-Submission Analyses

**OFCCP'S DESK AUDIT ANALYSES & FOCUS ON SYSTEMIC DISCRIMINATION**

- How and When OFCCP Analyzes Workforce Demographic Data
- Systemic Discrimination – What It Means in General and How OFCCP Analyzes for It
- Issues That Commonly Arise During Statistical Analyses of Employment Transactions
- What OFCCP Looks for When Analyzing the Impact of Employment Selection Tests
- Issues That Commonly Arise During Statistical Analyses of Compensation Data

**MANAGING FOLLOW UP REQUESTS FOR DATA**

- Deciding What and How Additional Information Should Be Provided to OFCCP
- Managing the Review Prior to an Onsite Visit

#### COMPLETING THE EVALUATION

- Managing the On-Site Aspect of Compliance Evaluations, Including “Beck” Compliance
- Managing Post-On-Site, Pre-Closure Activities
- How Compliance Evaluations Can Be Closed
- Responding to a Notice of Violation
- Responding to a Pre-Determination Notice
- Resolving Compliance Deficiencies Through Conciliation Agreements
- When Conciliation Fails – OFCCP’s Enforcement Authority and Procedures

#### SEMINAR WRAP-UP AND QUESTIONS

4:30 p.m.

**ADJOURN**



This program has been approved for 32.5 recertification credit hours toward PHR and SPHR recertification through the Human Resource Certification Institute (HRCI). The use of this seal is not an endorsement by HRCI of the quality of the program. It means that this program has met HRCI's criteria to be pre-approved for recertification credit.