



SAHOURI

I N S U R A N C E

Affirmative Action for Federal Contractors

The term "affirmative action" refers to public and private initiatives to improve development opportunities for women, minorities and other protected classes. In the employment sector, these efforts seek to increase employment opportunities for women, minorities, veterans, the disabled and any other protected classes of employees. The goal is for all individuals to have an equal opportunity for employment, regardless of race, color, religion, sex, national origin, disability or veteran status.

The following three laws requires federal contractors to provide equal employment opportunities:

- Executive Order [11246](#);
- The [Rehabilitation Act of 1973](#); and
- The Vietnam Veterans' Readjustment Assistance Act of 1974 ([VEVRAA](#)).

These laws are administered and enforced by the Office of Federal Contract Compliance Programs ([OFCCP](#)). The OFCCP requires all federal contractors and subcontractors with contracts for \$10,000 or more to have an Affirmative Action Plan (AAP). An AAP must include:

- An analysis of all protected classes of employees;
- A comparison of protected class statistics to the employer's entire population (in order to discover any barriers to equal employment opportunity); and
- Actions to remedy any equal employment opportunity barriers.

Many states also regulate which employers must have AAPs. Contact your local Office of Contract Compliance for more details.

Affirmative Action Requirements

The OFCCP has set specific reporting, notice and recordkeeping requirements to ensure that employers comply with all affirmative action regulations. These requirements apply to all employers covered under federal anti-discrimination laws, regardless of whether a charge has been filed against them.

Reporting Requirements

Employers must report their AAP efforts using the forms described below. If an employer has more than one location, it must file a report for:

- Its headquarters;
- Each of its locations that has 50 or more employees; and
- Each of its locations that have fewer than 50 employee (or a consolidated report that covers each location with fewer than 50 employees).

EEO-1 Form

The EEO-1 form is required for:

- Private employers with 100 or more employees; and

- Federal contractors with 50 or more employees and a contract for at least \$50,000.

The EEO-1 form must be filed annually.

VETS-100 Form

The VETS-100 form must be filed annually by every employer with a federal contract or subcontract that:

- Is for \$25,000 or more; and
- Was awarded before Dec. 1, 2003.

VETS-100A Form

The VETS-100A form must be filed annually by every employer with a federal contract or subcontract that:

- Is for \$100,000 or more; and
- Was awarded or modified on or after Dec. 1, 2003.

Recordkeeping Requirements

Employers must keep copies of any VETS-100 forms for at least two years and copies of any VETS-100A forms for at least one year. In addition, federal contractors and subcontractors must maintain the following records for two years after the later of either the date the records were created or the last date of a personnel action:

- Job descriptions;
- Job postings and advertisements;
- Job offers, applications and resumes;
- Interview notes;
- Tests and test results;
- Written employment policies and procedures; and
- Personnel files.

Contractors with fewer than 150 employees or a contract of less than \$150,000 are only required to keep the personnel and employment records for at least one year.

Notice Requirements

Employers with government contracts must post equal opportunity and affirmative action obligation [posters](#) in prominent locations.

In addition, federal contractors that are subject to affirmative action requirements must include an equal opportunity clause in their government contracts, subcontracts and purchase orders.

Job Postings

In all solicitations or advertisements for employment, federal contractors and subcontractors must state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin or veteran status.

Prohibition on Retaliation

Federal law prohibits employers from harassing, intimidating, threatening, coercing, punishing or discriminating against any individual for filing a complaint, assisting or participating in an investigation or compliance evaluation, opposing unlawful employer practices or exercising any right protected by the laws enforced by the OFCCP.

For more information on affirmative action and your obligations as an employer, visit www.dol.gov/dol/topic/hiring/affirmativeact.htm.

