



# Hiring Tracker

## OFCCP Glossary of Essential Terms

It's easy to get caught up in the legal ease of Federal Compliance, so we've compiled a list of commonly used terms and translated them into plain English. Enjoy!

AAP	Affirmative Action Plan
AAP Narrative	The portion of an Affirmative Action Plan where activities to meet AAP goals are identified and discussed. This is a written, as opposed to statistical, component of the AAP. Note: The company's EEO Coordinator, i.e. the person responsible for plan completion is identified within this section. It's important that the person designated as EEO Coordinator has the authority, resources, support of, and access to top management to ensure effective implementation of the Affirmative Action Plan. If the company's coordinator is not sufficiently senior, he/she may be unable to enforce the plan, resulting in audit problems.
AAP Threshold	Organizations employing 50 or more individuals and covered contracts of \$50,000, or more, shall, within 120 days of commencement of a contract, prepare and maintain an affirmative action program at each establishment.
Affirmative Action	The notion of "casting a wider net" to increase the representation of minorities and women in job group areas where affirmative action goals have been established. Affirmative Action is also a generic term for many different types of positive actions undertaken by federal contractors to provide job opportunities for minorities, women, individuals with disabilities, and veterans.
Assessments	Fines imposed by the OFCCP for violations to federal regulations
Affirmative Action Program	A management tool designed to ensure equal employment opportunity. It contains a diagnostic component that includes a number of quantitative analyses designed to evaluate the composition of the workforce of a federal contractor. An affirmative action

program is also a set of written, specific, results-oriented, procedures to which a contractor commits to apply every good faith effort .

Availability Analysis	An estimate of the number of qualified minorities and women available for employment in an AAP job group, expressed as a percentage of all qualified individuals available for employment.
Compliance Manual	A set of published procedures for internal use by the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) or other agency, designed to provide operating instructions to agency personnel.
Compliance Officer (CO)	An individual employed by the OFCCP to enforce affirmative action regulations for federal contractors.
Compliance Check	A brief visit and review of a contractor's efforts to maintain consistent records for affirmative action program reporting. Items reviewed by Compliance Officers include: (1) results under the prior year's affirmative action program; (2) examples of job advertisements, including listings with state employment services; and (3) examples of accommodations made for persons with disabilities.
Compliance Evaluation	A full-blown review of a contractor's workforce demographics and personnel practices to determine if it maintains nondiscriminatory hiring and employment practices and is taking affirmative action to ensure that applicants are employed and that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, or national origin. The Evaluation may consist of any one or a combination of the following procedures: Desk Audit, On site Review or off site analysis.
Desk Audit	Also referred to as an "off-site review". This is an analysis and evaluation of the AAP (or any part) and supporting documentation and other documents related to a contractor's personnel policies and employment actions that may be relevant to determine whether it has complied with requirements and regulations under the Executive Order 11246.
Disabled Individual	Any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such impairment, or (3) is regarded as having impairment.
DOL	Department of Labor- The umbrella agency that oversees the OFCCP
Equal Employment Opportunity (EEO)	Under the Civil Rights Act of 1964, Title VII, was enacted to eliminate all sources of racial discrimination in the U.S. and ensure

	equal employment opportunity in the workplace without regard to race, color, religion, sex, or national origin.
Equal Opportunity Clause	A clause which must be included in each contractor's Government contracts or subcontracts to be in compliance with the Affirmative Action Program for Individuals with Disabilities (41CFR60-741.5).
Equal Opportunity Survey	Each year the OFCCP requests a substantial number of its non-construction contractors to prepare and file an Equal Opportunity Survey for one or more of its establishments. The Survey is a multi-page, multi-part form that provides the agency with compliance data early in the compliance evaluation process. The Survey includes information that allows a more accurate assessment of personnel activities, pay practices, and affirmative action performance. At a minimum, the EO Survey includes: applicants, hires, promotions, terminations, compensation, and tenure by race and gender. The EO Survey is a mandatory form that must be completed by contractors upon receipt of request.
ESDS	Employment Service Delivery System - e.g. MinnesotaWorks.net
Executive Order	An Order issued by the Chief Executive Officer of the United States, i.e., the President, directing the Executive Branch of the government to conduct its business in accordance with the terms set forth by the Order.
Exit Conference	A meeting following a Compliance Evaluation, between a contractor and a Compliance Officer from the OFCCP summarizing the Evaluation process and providing an opportunity for all parties involved to discuss the CO's findings, any alleged violations, and to reach agreement on the steps necessary to comply with the requirements of the contractor's affirmative action program obligations.
Federal Contractor	A organization or firm doing business in the United States, directly or indirectly, with the Executive branch of the Government, which employs 50 or more individuals, and (a) has a covered contract of \$50,000, or more; or (b) has government bills of lading in any 12-month period totaling \$50,000, or more; or (c) serves as a depository of Government funds in any amount; or (d) is a financial institution issuing and paying U.S. savings bonds and notes in any amount (41CFR60-2.1 Off-site Link ).'New' federal contractors must develop AAPs within 120 days from the commencement of their contract (41CFR60-2.1(c) Off-site Link ).
Functional AAP	An AAP based on clearly distinct functional or business units within a

corporate structure as opposed to an AAP based solely on physical location. A functional or business unit may have its own managing official; it may be listed separately on a company's organizational chart; and/or it may operate under separate cost centers. A functional or business unit may also have personnel transactional activities (e.g., applicant flow, hires, promotion, terminations, etc.) that are distinguishable from other parts of the company.

Goals (Placement Rate)	In the Affirmative Action Program, placement goals are established as objectives or targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work, and to measure progress toward achieving equal employment opportunity. The placement goal must, at least, represent the availability estimate derived for women or minorities, as appropriate, for a specific job group (41CFR60-2.16 Off-site Link ). Required component of an Affirmative Action Program.
Impact Ratio Analysis	A comparative analysis in the AAP, performed by job group, for each selection process, for minorities, women, and each race and ethnic group that comprises at least 2% of the relevant labor force, as compared to men and non-minorities. The result of this analysis may indicate an 'adverse impact' for women and/or minorities (see 'Adverse Impact'). Required component of an Affirmative Action Program.
Incumbency to Availability	A method by which a contractor compares the percentage of minorities and women in each job group with availability for those job groups. When the percentage of minorities or women employed is less than expected given their availability percentage in that job group, a placement goal is then established (41CFR60-2.15 Off-site Link ). Required component of an Affirmative Action Program.
Job Group Analysis	A method of combining job titles within the contractor's facility using the criteria of similar content, wage rates, and opportunities. The job group analysis must be annotated to identify the affirmative action program in which the jobs are included, if there are jobs located at another establishment (41CFR60-2.13 Off-site Link ). Required component of an Affirmative Action Program.
Minorities (in the AAP)	The following groups of individuals are considered "minorities" and must be included and covered under a federal contractor's Executive Order 11246 Affirmative Action Program: African Americans, Asians, Hispanics, Native Americans/Alaskan Natives, Native Hawaiians/Pacific Islanders, and females of all minority groups including Caucasians.
Office of Federal Contract Compliance	The lead federal agency within the Employment Standards section of the Department of Labor that administers and enforces Executive

Programs (OFCCP)	Order 11246, affirmative action programs for Minorities and Females, The Rehabilitation Act of 1973, and the Vietnam Era Veterans Readjustment Assistance Act of 1974.
Onsite Investigation	A phase in compliance or other enforcement investigation usually conducted by a Compliance Officer from the OFCCP, or the Equal Employment Opportunity Commission (EEOC), at the employer's facility, to view the work site premises, interview employees, and examine pertinent documents relevant to the complaint or other enforcement matter.
Organizational Display	A detailed graphical, tabular chart, test, spreadsheet, or other presentation of the contractors' organizational structure, indicating: the name of the unit, the job title, gender, race, and ethnicity of the supervisor, total number of males and females, and the total number of male and female incumbents who are: Asians, Hispanics, Native Americans/Alaskan Natives, and Native Hawaiians/Pacific Islanders.
Other Veterans	Veterans, who served in the military, ground, naval, or air service of the United States on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. To identify the campaigns or expeditions, contact the Office of Personnel Management (OPM).
Physical or Mental Impairment	(1) Any physiological disorder, condition, cosmetic disfigurement, or anatomical loss affecting one or more of a person's body systems, such as: neurological, musculoskeletal, respiratory, speech, cardiovascular, etc; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
Prime Contractor	Any person holding a contract in excess of \$10,000, subject to the affirmative action and nondiscrimination obligations of contractors and subcontractors regarding individuals with disabilities
Qualified Disabled Individual	A person with a disability who has the requisite skills, experience, education, and other job-related requirements of the position desired, and who, with or without reasonable accommodation, can perform the essential functions of the position.
Qualified Special Veteran	A special disabled veteran who satisfies the requisite skills, experience, education, and other job-related requirements of the employment position desired or held, and who, with or without reasonable accommodation, can perform the essential functions of the position.

Qualitative Reports	The Quantitative or Statistical reports required for an AAP are: Organizational Display, Job Group Analysis, Availability Analysis, Incumbency vs Estimated Availability Analysis.
Reasonable Accommodation	Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for a specific position. Or, modifications or adjustments to a work environment or to the manner or circumstances under which a job is customarily performed to enable a qualified applicant with a disability to perform the essential job duties.
Record Retention	General: All documentation in support of the Affirmative Action Program must be retained for a period of two years from the date of the action taken, or record made, whichever is later. However, if a contractor has fewer than 150 employees or does not have a Government contract of at least \$150,000, the minimum record retention period is one year from the date of making the record or action taken.
Self-Identification	Individuals with disability: Upon making a job offer, and before the applicant begins employment, the contractor must invite applicants to self-identify as to whether they believe they may be covered and wish to benefit under the affirmative action program.
Special Disabled Veteran	A veteran entitled to compensation under laws administered by the Department of Veterans Affairs, for a disability rated at 30 percent or more; or rated at 10-20 percent of a veteran who has been determined under U.S.C. 3106 to have a serious employment handicap, or a person discharged or released from active duty with a service-connected disability.
Uniform Guidelines On Employee Selection Procedures	Published in 1978 by the Equal Employment Opportunity Commission (EEOC) and other federal agencies, the UGESP provides Guidelines on an employer's use of employee tests and other selection procedures.
VEVRAA	The Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) requires covered federal government contractors and subcontractors to take affirmative action to employ and advance in employment specified categories of veterans protected by the Act and prohibits discrimination against such veterans.
Vietnam Veterans	A person who (1) served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge, if any part of active duty occurred (i) in the Republic of Vietnam between February 28, 1961 and May 7, 1975; or (ii) between

August 5, 1964 and May 7, 1975; or (2) was discharged or released from active duty for a service-connected disability if any part of active duty was performed (i) in the Republic of Vietnam between February 28, 1961 and May 7, 1975; or (ii) between August 5, 1964 and May 7, 1975, in all other cases.

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