

NILG

August 18, 2020

>> ANITA CLEMON: HELLO. AND WELCOME TO THE NILG 2020 WEBINAR SERIES. MY NAME IS ANITA CLEMON ON THE NILG BOARD. WE HAVE A FEW HOUSEKEEPING ITEMS BEFORE GETTING STARTED. THIS SESSION IS BEING RECORDED. A COPY OF THE PRESENTATION IS ATTACHED TO THE WEBINAR AND AVAILABLE FOR DOWNLOAD AND A TRANSCRIPT WILL ALSO BE MADE AVAILABLE. YOU SHOULD HAVE RECEIVED A LINK TO CLOSED CAPTIONING. AND IF YOU HAVE QUESTIONS, PLEASE USE THE CHAT FUNCTIONALITY.

BEFORE I INTRODUCE OUR SPEAKERS, I WANTED TO TAKE A MOMENT TO THANK OUR SPONSORS. THE SUPPORT THEY HAVE SHOWN THESE PAST FEW MONTHS HAS BEEN AMAZING. AND IS GREATLY APPRECIATED.

THANK YOU TO THE SPONSORS YOU SEE ON THE SCREEN FOR SUPPORTING THE NILG AND 2020 WEBINAR SERIES.

NOW ON TO OUR SPEAKERS. DR. PATRICK NOOREN IS PRESIDENT OF BIDDLE CONSULTING GROUP, INCORPORATED. PATRICK HAS OVER 20 YEARS OF EXPERIENCE IN THE EEO/AA INDUSTRY AND HAS WORKED WITH HUNDREDS OF CLIENTS OF ALL SIZES TO DEVELOP THEIR AFFIRMATIVE ACTION PLANS AND SUPPORT THEM DURING AUDITS. HE HAS CONDUCTED TRAINING IN CITIES ACROSS THE NATION AND HAS AUTHORED NUMEROUS ARTICLES AND SOFTWARE PROGRAMS IN THE AREA OF AFFIRMATIVE ACTION, DISPARATE IMPACT, TEST VALIDATION, COMPENSATION ANALYSIS AND EEO.

PATRICK IS ALSO THE PRIMARY AUTHOR AND EDITOR OF THE BOOK TITLED COMPENSATION ANALYSIS. A PRACTITIONER'S GUIDE TO IDENTIFYING AND ADDRESSING COMPENSATION DISPARITIES.

NICHOLAS PAUL IS DIRECTOR OF COMPLIANCE FOR KAIROS SERVICES INCORPORATED. NICK IS

RESPONSIBLE FOR DIRECTING KAIROS'S STAFF IN THE PREPARATION AND IMPLEMENTATION PHASES OF AFFIRMATIVE ACTION PROGRAMS FOR CLIENTS. ADDITIONALLY NICK IS RESPONSIBLE FOR THE DEVELOPMENT OF CONTINUING ED OCCASION FOR KAIROS STAFF AND PROVIDES TECHNICAL ASSISTANCE IN EEO AND AFFIRMATIVE ACTION TO CLIENTS. SERVING PREVIOUSLY AS A PROJECT MANAGER AND AFFIRMATIVE ACTION SPECIALIST, NICK HAS ASSISTED CONTRACTORS THROUGH BOTH THE DEVELOPMENT AND IMPLEMENTATION PHASES OF EFFECTIVE WORKPLACE COMPLIANCE STRATEGIES IN AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY. PLEASE JOIN ME IN WELCOMING OUR SPEAKERS. THANK YOU.

DR. PATRICK NOOREN: THANK YOU VERY MUCH. I GENUINELY APPRECIATE THE INTRODUCTION AND WELCOME EVERYBODY TO NICK AND MY PRESENTATION ON AAP METRICS. MY NAME IS PATRICK NOOREN. I WOULD LIKE TO START OUT BY SAYING THANK YOU VERY MUCH TO THE NILG TO TONY THE ENTIRE NILG CREW FOR PUTTING THIS TOGETHER. THIS IS A VERY BIG UNDERTAKING. THIS IS NO SMALL TASK AND TO BE ABLE TO TURN ON A DIME AND PUT SOMETHING LIKE THIS OUT IS AN INCREDIBLE FEAT. I WAS TALKING TO TONY ABOUT THE NUMBER OF ATTENDEES. I THINK WE HAVE 1,100 SCHEDULED FOR THIS PARTICULAR PRESENTATION AND AVERAGING ANYWHERE FROM 6 TO 8 TO 900 PRESENTATIONS IN GENERAL. THAT'S A HUGE NUMBER. MUCH THANKS TO THE NILG AND THE ENTIRE CREW. TO GET THINGS STARTED THIS IS OUR CONTACT INFORMATION. NICK AND I HAVE A CAPTIVE AUDIENCE. WE HAVE YOU EACH FOR ABOUT 70, 75 MINUTES TODAY. AT THE END OF THE PRESENTATION THERE IS NO EXPECTATION THAT YOU WILL ALL BE EXPERTS IN THIS FIELD UNLESS YOU CAME INTO IT AS AN EXPERT IN THIS FIELD. IT'S A MUCH BIGGER AND DEEPER TOPIC TO GO THROUGH THAN WE HAVE TIME FOR TODAY. SO FEEL FREE TO REACH OUT. YOU CAN SEE OUR CONTACT

INFORMATION. EASIEST WAY TO GET AHOLD OF ME IS PNOOREN@BIDDLE.COM AND FOR NICK IT'S NICK@KAIROSSERVICESINC.COM. I'M GOING TO DIVE RIGHT IN BECAUSE WE HAVE A LOT TO COVER TODAY. LIKE I SAID WE HAVE ABOUT 70, 75 MINUTES AND A DECENT NUMBER OF SLIDES. IF WE'RE GOING TOO FAST I'M GOING TO APOLOGIZE IN ADVANCE. WE HAVE A LOT OF QUALITY INFORMATION WE NEED TO GET THROUGH. WE HAVE ALREADY WRAPPED UP THE INTRODUCTIONS. NICK AND I DECIDED IT'S IMPORTANT FOR ANY TOPIC OF SUFFICIENT DEPTH AND BREADTH LIKE THIS YOU NEED TO UNDERSTAND THE REGULATIONS THE PURPOSE THE JURISDICTION THE ENFORCEMENT. NICK IS GOING TO TALK BRIEFLY THE HISTORY OF EEO AND AFFIRMATIVE ACTION AS IT RELATES TO OUR TOPIC TODAY THEN WE'RE GOING TO DIVE DIRECTLY INTO THE METRICS THEMSELVES WHICH ARE INCLUDED WITHIN YOUR AAP AND WHAT THEY SHOW. WE'RE NOT JUST GOING TO TALK ABOUT THE NUMBERS. WE'RE GOING TO DO OUR BEST TO EXPLAIN WHAT THE NUMBERS ARE AND THE VALUE THAT THEY PROVIDE YOU AND YOUR ORGANIZATION. THE PRIMARY METRIC IN AN AFFIRMATIVE ACTION PLAN BEING ULTIMATELY WHAT IS CALLED INCUMBENCY VERSUS AVAILABILITY WHAT I LIKE TO REFER TO WHAT YOU LOOK LIKE VERSUS WHAT YOU SHOULD LOOK LIKE IN AIR QUOTES WHAT YOU SHOULD LOOK LIKE. IT'S CALLED THE INCUMBENCY VERSUS AVAILABILITY. FOR THOSE WHO HAVE BEEN AROUND A LONG TIME IT USED TO BE CALLED UTILIZATION ANALYSIS. AT THE VERY END WE'LL TALK ABOUT DISPARITY ANALYSES. INCUMBENCY VERSUS AVAILABILITY, IDENTIFY WHAT YOU LOOK LIKE AND COMPARE TO WHAT YOU SHOULD QUOTE UNQUOTE LOOK LIKE AS OF A SPECIFIC SNAPSHOT DATE IN TIME, BUT THEY TELL YOU NOTHING ABOUT HOW YOU GOT THERE. THAT'S WHERE YOU NEED TO LOOK AT YOUR PERSONNEL TRANSACTIONS YOUR DETERMINATIONS WHAT IS THE STORY THAT THOSE PERSONNEL TRANSACTIONS TELL AND WHAT IS THE OFCCP GOING TO SEE WHEN YOU

PROVIDE THE DATA.

ALL RIGHT. SO HISTORY PURPOSE REGULATIONS AND ENFORCEMENT AGENCIES. NICK, I'M PLEASED TO HAVE YOU JOIN OUR CONVERSATION.

MR. NICOLAS PAUL: THANK YOU. VERY EXCITED TO BE HERE TODAY. I WAS HOPING TO BE ABLE TO SEE MY AUDIENCE THIS YEAR AS WE ALWAYS DO, BUT TIMES HAVE CHANGED. I AM VERY CONFIDENT WE'RE GOING TO HAVE A WONDERFUL TIME TALKING BACK AND FORTH TODAY. PATRICK AND I HAVE DONE THIS MORE THAN ONE OCCASION BEFORE AND WE WILL BE PROBABLY OFFERING A LITTLE EXTRA TO EACH OTHER AS WE GO ALONG. I'M GOING TO TRY TO KEEP OUR JABS AT EACH OTHER AT A MINIMUM UNLESS THEY ARE JUST TOO MUCH FUN FOR THIS AUDIENCE. WE'LL SEE. BUT WITH THAT SAID YES LET'S JUMP RIGHT IN TO THE HISTORY PURPOSE REGULATION AND ENFORCEMENT. PRIOR TO THE 1960S AMERICA WAS A HEAVILY SEGREGATED NATION. NOT ONLY DID DISCRIMINATION EXIST, BUT IT WAS OFTEN LEGALLY SANCTIONED. ONCE WE MADE TO IT THE 1960S WE SAW A SIGNIFICANT NUMBER OF CHANGES BEGIN TO OCCUR IN OUR COUNTRY. THE ENTRY OF WOMEN INTO THE WORKFORCE, EDUCATIONAL INSTITUTIONS AND GOVERNMENT. THE VIETNAM WAR WAS GOING ON. THERE WAS A LOT OF DISSOLUTION WITH THE FEDERAL GOVERNMENT IN THE WAY POLICIES AND PRACTICES WERE HANDLED. AND AS SUCH, WE SAW THE GROWTH OF THE CIVIL RIGHTS MOVEMENT AND THEN THE CIVIL RIGHTS ACT OF 64, REALLY THE GENESIS OF SO MUCH OF WHAT WE HAVE TO BE THANKFUL FOR TODAY IN THE AREAS THAT WE ALL SPECIALIZE IN. THAT WAS ADOPTED IN THE WAKE OF PRESIDENT KENNEDY'S DEATH IN A VERY GALVANIZED NATION AND PROVIDED DIFFERENT PROTECTIONS AND EMPLOYMENT AND TO INDIVIDUAL GROUPS BASED ON RACE COLOR RELIGION SEX NATIONAL ORIGIN. THIS SAW THE EMPLOYMENT WAS INCLUDED IN TITLE VII AND SAW THE CREATION OF THE EQUAL OPPORTUNITY EMPLOYMENT COMMISSION OR EEOC IN THE CIVIL RIGHTS ACT OF 1964.

PATRICK, YOU HAVE MY -- I'M GOING TO DO STRATEGIC PAUSES. THAT WILL BE THE NEXT SLIDE.

>>DR. PATRICK NOOREN: NO PROBLEM.

>>NICK: EXECUTIVE ORDERS LEADING UP TO MODERN AFFIRMATIVE ACTION OFTEN VERY LITTLE KNOWN WHAT HAPPENED BEFORE 11246, WHICH IS WHAT WE'RE USED TO HEARING. GOES BACK TO THE ROOSEVELT ADMINISTRATION 1941 THE EXECUTIVE ORDER 8802 WHICH OUTLAWED DISCRIMINATION BASED ON CERTAIN FACTORS IN THE FEDERAL GOVERNMENT AND DEFENSE INDUSTRIES. WE SAW 10925 UNDER THE KENNEDY ADMINISTRATION WHICH PROHIBITED DISCRIMINATION BASED ON RACE COLOR CREED NATIONAL ORIGIN AND REQUIRED AFFIRMATIVE ACTION BY FEDERAL CONTRACTORS AND SUBCONTRACTORS, BUT DID NOT HAVE THE TEETH WE SAW UNTIL EXECUTIVE ORDER 11246 UNDER THE JOHNSON ADMINISTRATION WHICH ASSIGNED ENFORCEMENT RESPONSIBILITIES FOR PROTECTED CLASSES UNDER EXECUTIVE ORDER 10925 TO THE DEPARTMENT OF LABOR. WE FINALLY SAW EXECUTIVE ORDER 11375 UNDER THE JOHNSON AS WELL WHICH ADDED SEX AS A PROTECTED CLASSIFICATION. I THINK THERE MIGHT BE A DELAY ON MY END. SO EXECUTIVE ORDER 11246. THESE ARE THE PROTECTIONS THAT MOST OF US ARE USED TO SEEING. OF COURSE, THERE ARE SO MANY TENTACLES THAT COME OFF OF THESE AREAS, BUT WE HAVE RACE COLOR SEX RELIGION NATIONAL ORIGIN SEXUAL ORIENTATION AND GENDER IDENTITY. I'M NOT GOING TO THROW REGS AT YOU ANYMORE THAN YOU ALREADY GET ON A REGULAR BASIS. I'M NOT GOING TO READ THOSE OUT, BUT WE ALREADY KNOW CFR UNDER DIFFERENT SECTIONS, BUT THE ORDER REQUIRES COMPANIES TO TAKE AFFIRMATIVE ACTION FOR FEMALES AND MINORITIES AND PROHIBITS DISCRIMINATION AGAINST APPLICANTS AND EMPLOYEES IN EMPLOYMENT DECISIONS BASED ON THE PROTECTED FACTORS THAT WE HAVE ALREADY DISCUSSED AND PROHIBITS ACTION

AGAINST APPLICANTS FOR DISCUSSING PAY. THAT'S THE PAY TRANSPARENCY NONDISCRIMINATION PROVISION I'M SURE EVERYONE HAS POSTED ON THEIR BULLETIN BOARDS AND ON THEIR INTERNET AND IF NOT MAKE A NOTE. THIS IS CERTAINLY SOMETHING THAT IS BEING LOOKED OUT FOR. PROVISIONS APPLY TO FEDERAL CONTRACTORS AND SUBCONTRACTORS. WE'RE GOING TO TALK A LITTLE BIT MORE ABOUT THOSE AS WE MOVE ON WHO IS WHAT SUBCONTRACTOR PRIME CONTRACTOR ET CETERA. THE REGULATIONS FOR INDIVIDUALS WITH A DISABILITY ARE FOUND IN SECTION 503 OF THE REHABILITATION ACT IMPLEMENTED AT 41 CFR 60 - 741. REALLY THE REGULATIONS REQUIRE YOU TO TAKE AFFIRMATIVE ACTION AND TO PREVENT DISCRIMINATION AGAINST INDIVIDUALS WITH DISABILITIES. INDIVIDUALS WITH DISABILITIES IN CASE YOU ARE NOT AWARE THIS IS A GROUP THAT HAS HISTORICALLY SEEN REPEATED DISCRIMINATION AND REAL DIFFICULTY ENTERING THE WORKPLACE ESPECIALLY PEOPLE WITH PROFOUND DISABILITY. THIS IS SOMETHING VERY NEAR AND DEAR TO THE AGENCY NOW. IT'S NEAR TO MY HEART AS A PROTECTED VETERAN. THAT MOVES US INTO PROTECTED VETERANS VEVRAA. 41 CFR 60 - 300 REQUIRES YOU TO TAKE AFFIRMATIVE ACTION FOR AND PREVENT DISCRIMINATION AGAINST THE FOUR CLASSES OF PROTECTED VETERANS. FOR THOSE OF YOU WHO HAVE EVER ASKED RECENTLY SEPARATED VETERAN MAYBE A CAREER VETERAN. WHAT IS A PROTECTED VETERAN. THEY ARE GOING TO LOOK AT YOU AND SAY WHAT? THAT IS NOT A TERM THAT'S USED BY THE VETERANS ADMINISTRATION. THAT IS SOMETHING THAT IS MORE AGENCY SPECIFIC, BUT JUST LIKE THE DEFINITION OF DISABILITY, THESE WERE WRITTEN INTENTIONALLY TO INCLUDE AS MANY PEOPLE AS POSSIBLE. WITH SPECIFICITY COMES A MUCH MORE NARROWING EFFECT. AND LUCKILY WHEN OFCCP WROTE THESE REGS THEY REALLY TRIED TO BE INCLUSIVE AND WHO WAS INCLUDED. I WILL TELL YOU WITH THE REGULATIONS THEY CHANGED SIGNIFICANT

BACK IF WE REMEMBER THE PROPOSED REGULATIONS BACK IN 2012 THAT WERE IMPLEMENTED AND FOR MOST COMPANIES IN 2014 AND UPWARD TO 15, HUGE STEPS IN DATA COLLECTION AND THE REASON THAT WE SEE THE FOCUSED REVIEWS WE SEE TODAY IS BECAUSE WE AS A COMMUNITY WERE HAVING A HARD TIME COMPLYING WITH THESE REGULATIONS, BUT I THINK THAT COMPANIES WHAT WE HAVE SEEN IS COMPANIES ARE REALLY BEGINNING TO COME AROUND WHERE WE SAW DATA COLLECTION KIND OF OR NOT DATA COLLECTION EXCUSE ME, COMING UP WITH A BLANK, WHERE WE SAW WHERE COMPANIES WERE HAVING ISSUES WITH COLLECTING DATA AND IN 2017 FISCAL YEAR, WE SAW THAT THAT WAS ONE OF THE HIGHEST AREAS NONCOMPLIANCE FOR FEDERAL CONTRACTORS. A LOT OF THAT WAS RELATED TO THESE REGULATIONS THAT HAD BEEN IMPLEMENTED WITHIN THE PREVIOUS COUPLE YEARS.

POINT THERE IS TO REALLY MAKE SURE YOU ARE PAYING ATTENTION TO THESE. THESE ARE NOT THE PRIMARY AREA WHAT WE'RE COVERING TODAY, BUT I WANT TO DO DUE DILIGENCE TO MAKE SURE YOU UNDERSTAND THIS IS ALTHOUGH NOT A HEAVY AREA OF COVERAGE, BUT A VERY IMPORTANT TOPIC.

BACK TO YOU PATRICK.

>>DR. PATRICK NOOREN: LET'S TALK A LITTLE BIT ABOUT THE DEFINITION AND PURPOSE OF AFFIRMATIVE ACTION. IN GENERAL, I'M GOING TO START WITH A TECHNICAL DEFINITION THEN I'M GOING TO GIVE YOU A PRACTICAL DEFINITION THAT I THINK WILL HIT HOME A LITTLE MORE FOR FOLKS. TECHNICAL DEFINITION OF AAP. IT'S A WRITTEN RESULTS ORIENTED PROGRAM. IT'S A STRATEGY IN WHICH A FEDERAL CONTRACTOR DETAILS THE STEPS IT WILL TAKE TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY. INCLUDES GOAL ORIENTED MANAGEMENT POLICIES AND PROCEDURES DESIGNED TO IDENTIFY AND ELIMINATE BARRIERS TO EMPLOYMENT OPPORTUNITIES FOR MINORITIES WOMEN PROTECTED VETERANS AND INDIVIDUALS WITH

DISABILITIES. AT THE END OF THE DAY IT'S SUPPOSED TO BE A ROADMAP DESIGNED TO LEAD CONTRACTORS TOWARDS COMPLIANCE WITH A WIDE VARIETY OF EEO RESULT AND REGULATIONS AND REQUIRED TO BE UPDATED ANNUALLY BECAUSE YOU HAVE MOVEMENT WITHIN YOUR ORGANIZATION. AND THE UTILITY OF THE ANALYTICS, OF THE ANALYSES WITHIN YOUR AFFIRMATIVE ACTION PLAN GET DATED. EACH AND EVERY YEAR YOU HAVE TO UPDATE THOSE ANALYSES. AND THEN INCLUDE A WAY TO TRACK THOSE EFFORTS THAT YOU TAKE TOWARD ADDRESSING ISSUES WITHIN YOUR AFFIRMATIVE ACTION PLAN.

NOW LET'S TALK ABOUT THE PRACTICAL DEFINITION. THIS IS ONE THEY THINK FOR ME. IT JUST HITS HOME A LOT MORE BECAUSE EVERYONE IS FAMILIAR WITH ANY VARIETY OF BUSINESS PLANS WHETHER IT'S MARKETING. WHETHER IT'S SALES. AFFIRMATIVE ACTION PLAN IS JUST LIKE ANY OTHER BUSINESS PLAN. IT'S JUST RELATED TO DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY. ONE OF THE EXAMPLES I BRING UP LET'S SAY YOU ARE A MANAGER IN CHARGE OF A WALMART. YOU HAVE A THEFT PROBLEM. A SHRINKAGE ISSUE. YOU DON'T KNOW WHAT IS GOING ON, BUT YOU KNOW THERE IS GOODS BEING STOLEN FROM YOUR ORGANIZATION. YOU NEED TO FIRST IDENTIFY WHAT IS BEING STOLEN, WHICH DEPARTMENT, WHAT TIME OF DAY, WHAT TIME OF YEAR. IS IT A SPECIFIC SET OF DATES WITHIN THE MONTH. YOU ARE TRYING TO ESTABLISH A BASELINE OF WHAT THAT ISSUE IS WHEN YOU START. THEN YOU MEASURE YOURSELF AGAINST THAT BASELINE AND CREATE A PLAN TO ADDRESS THE AREAS IN NEED. COME UP WITH A STRATEGY TO ADDRESS THE THEFT ISSUE. YOU IMPLEMENT THAT PLAN THEN YOU COME BACK NEXT YEAR TO SEE IF THE PLAN WORKED. IF THE PLAN WORKED IN CERTAIN AREAS AND NOT IN OTHERS YOU MAKE TWEAKS. YOU MAKE CHANGES WHEN AND IF NECESSARY TO GET BETTER RESULTS. IT'S THE EXACT SAME THING WITH THE AFFIRMATIVE ACTION PLAN. YOU



IDENTIFY WHAT YOU CURRENTLY LOOK LIKE. YOU COMPARE THAT WORKFORCE COMPOSITION TO A STATIC BASELINE. THAT'S THE CENSUS DATA WE'LL TALK ABOUT IN A LITTLE BIT. YOU IDENTIFY WHERE YOU HAVE A DIRT OF WOMEN AND MINORITIES. YOU CREATE A PLAN TO ADDRESS THOSE AREAS. YOU IMPLEMENT THE PLAN. YOU COME BACK A YEAR LATER. IF IT WORKED GREAT. KEEP DOING WHAT YOU ARE DOING. IF IT DIDN'T WORK MAKE SOME CHANGES TRY SOMETHING NEW. THAT IS WHAT THE OFCCP EXPECTS YOU TO DO. THIS IS NOT JUST SOME TYPE OF EDUCATIONAL PROGRAM OR SOMETHING YOU ARE IMPLEMENTING OUT OF CURIOSITY. IT'S A BUSINESS PLAN. YOU SHOULD THINK OF IT AS SUCH.

ULTIMATELY A WELL DESIGNED AFFIRMATIVE ACTION PLAN WILL TELL THE STORY OF YOUR ORGANIZATION'S EFFORTS TOWARDS EEO AFFIRMATIVE ACTION AND DIVERSITY. INDICATE WHAT YOUR ORGANIZATION DOES LOOK LIKE. THAT'S YOUR UTILIZATION. IT INDICATES WHAT IT SHOULD LOOK LIKE. I HAVE THAT IN AIR QUOTES. WE'LL TALK ABOUT THAT IN MORE DETAIL THAT'S YOUR EXTERNAL AVAILABILITY YOUR GOALS AND INTERNAL AVAILABILITY AND TRANSACTIONS THAT GOT YOU THERE. LASTLY YOUR WELL DESIGNED AFFIRMATIVE ACTION PLAN IS GOING TO TELL THE STORY OF EVERYTHING YOU ARE DOING WITHIN YOUR ORGANIZATION TO ADDRESS NON JOB-RELATED BARRIERS ADDRESS AREAS WHERE YOU HAVE A SHORTFALL OF WOMEN OR MINORITIES OR PROTECTED VETERANS OR INDIVIDUALS WITH DISABILITY AND IT'S GOING TO ULTIMATELY PUT YOUR BEST FOOT FORWARD. WE FIND TIME AND AGAIN TOO MANY ORGANIZATIONS CONSTRUCT AFFIRMATIVE ACTION PLANS THAT JUST CHECK THE BOX, BUT THEY DON'T PUT YOUR BEST FOOT FORWARD. YOU ARE DOING GREAT THINGS OUT THERE, CONTRACTOR COMMUNITY. AND IT'S YOUR JOB TO MAKE SURE THAT THE OFCCP AND ANY AUDITOR WHO COMES ASKING KNOWS YOU ARE DOING THOSE GREAT THINGS. YOUR AFFIRMATIVE ACTION PLAN SHOULD ABSOLUTELY

BE A WAY TO BLOW YOUR OWN HORN.

MR. NICOLAS PAUL: I WOULD LIKE TO ADD TO THAT AND ANSWER A QUESTION WE HAD ASKED EARLIER. THE BEST -- PATRICK SAID SOMETHING THAT SO RESONATES WITH ME IS THAT SOMETIMES WE JUST GO THROUGH THE MOTIONS OF CREATING THESE. WHEN YOU GO THROUGH THE MOTIONS WITHOUT LOOKING AT THE TOTALITY OF YOUR EFFORTS AND WITHOUT LOOKING AT THE DATA INSTEAD OF PUTTING YOUR BEST FOOT FORWARD TOOTING YOUR HORN SHOWING YOU IN THE OPPOSITE, IT CAN DO THE OPPOSITE OF THAT. AND REALLY CREATE PROBLEMS OR NOT SHOW EVEN SHOW PROBLEMS THAT YOU COULD HAVE OR ISSUES YOU NEED TO ADDRESS. SO SO IMPORTANT.

WE DID GET A QUESTION GIVEN THE EXPANSION OF THE DEFINITION OF ACTIVE DUTY WAR TIME OR. IS IT SAFER FOR CONTRACTORS TO ASSUME A VETERAN IS COVERED FOR AAP COMPLIANCE PURPOSES IS THE QUESTION. THE ANSWER TO THAT IS IN ALMOST ALL CASES A DD FORM 214, IF YOU ARE NOT FAMILIAR WITH THAT, THAT'S WHAT YOU GET WHEN A SOLDIER WILL GET WHEN THEY ETS WILL SHOW WHETHER OR NOT THEY RECEIVED A CAMPAIGN BADGE OR WHETHER THEY ARE COVERED UNDER THE DEFINITION OF ACTIVE DUTY WAR TIME, WHICH WAS EXPANDED BASED UPON IT'S BASICALLY A MEMO THAT THE AGENCY PUT OUT SEVERAL YEARS AGO, WHICH SPECIFIED DURING A PERIOD OF WAR IN THEIR DEFINITION. BUT WHAT I WILL TELL YOU WITH THAT IS ULTIMATELY THE EMPLOYEE HAS TO MAKE THE DECISION. WE DON'T WANT TO MAKE IT FOR THEM. BUT AGAIN THE REGULATIONS WERE WRITTEN INTENTIONALLY VAGUE. SO THERE IS A HIGHER PROBABILITY AS A RESULT THAT THEY WILL BE COVERED. IN FACT, THAT SMALL MEMO OR ADDENDUM THEY PUT OUT THAT DEFINITION INCLUDED SEVERAL HUNDRED THOUSAND MORE VETERANS AT THAT PERIOD OF TIME. I THINK WE DO HAVE A SAFE ASSUMPTION, BUT WE DO WANT TO MAKE SURE THAT THE EMPLOYEE IS ULTIMATELY THE ONE MAKING THAT DECISION WHETHER THEY ARE OR NOT, BUT THE DD

FORM 214 IS A GREAT PLACE TO START. WHO MUST CREATE AND AAP. THERE ARE TWO TYPES OF CONTRACTS EACH WITH AAP THRESHOLDS AND/OR REQUIREMENTS. SUPPLY AND SERVICE. THESE INCLUDE INSTITUTIONS OF HIGHER LEARNING AND WE HAVE CONSTRUCTION CONTRACTS. WE HAVE TWO TYPES OF CONTRACTORS. EACH WITH SEPARATE AAP REQUIREMENTS. I DO NOT WANT TO GET INTO TOO MUCH DETAIL HERE JUST BECAUSE WE COULD REALLY DIVE INTO THESE PRETTY SIGNIFICANTLY WHEN IT COMES TO JURISDICTIONAL THRESHOLDS. I WILL TELL YOU OFCCP CREATED A FANTASTIC INFO GRAPHIC YOU CAN GOOGLE. PULL RIGHT UP WHICH GIVES YOU SOME VERY GOOD BASIC INFORMATION THERE, BUT PRIME CONTRACTORS HOLD A DIRECT CONTRACT WITH THE FEDERAL GOVERNMENT WHERE A SUBCONTRACTORS HOLD A SUBCONTRACT WITH THE PRIME CONTRACTOR THAT IS MEANT TO FULFILL THE PRIME CONTRACT. TYPICALLY FOR GOODS AND SERVICES AND SUCH. IT LOOKS LIKE WE HAVE SOME MORE QUESTIONS. THE QUESTION IS JUST WONDERING WHY ALL COMPANIES DON'T HAVE TO COMPLETE AN AFFIRMATIVE ACTION PLAN -- OOPS. I THINK IT MAY HAVE DISAPPEARED. I THINK IT DISAPPEARED. I DIDN'T FINISH READING IT. I APOLOGIZE. I'M NOT SURE WHAT HAPPENED.

>>ANITA CLEMON: I'M SORRY. IT SAYS WONDERING WHY ALL COMPANIES DON'T HAVE TO COMPLETE AN AFFIRMATIVE ACTION plan AS YOU THINK IT WOULD ENFORCE MORE EQUALITY. IT DEPENDS THE THRESHOLD HAVING TO DEVELOP A WRITTEN AAP UNDER EXECUTIVE ORDER REQUIRES YOU TO BE EMPLOYEES IN YOUR PLAN. IF YOU HAVE SUCH A SMALL NUMBER, I WORK FOR A SMALLER CONSULTING COMPANY, THE NUMBERS IN THE EFFORTS IN THE REQUIREMENTS OF A WRITTEN AFFIRMATIVE ACTION PLAN BECOME RATHER OVER BEARING ON A COMPANY AND FRANKLY, THE ANALYSES THEMSELVES ARE RATHER

MEANING -- NOT VERY MEANINGFUL WHEN YOU HAVE A COMPANY OF MY SIZE, IF YOU HAVE 10, 20 EMPLOYEES. THE ANALYSIS THEMSELVES YOU ARE NOT GOING TO HAVE ANY ADVERSE IMPACT WHEN YOU HAVE ONE IN EVERY JOB GROUP LET'S SAY OR ONE DOING A PARTICULAR JOB TITLE.

>>ANITA CLEMON: THERE IS A QUESTION REGARDING SECOND AND THIRD TIER SUBCONTRACTORS. WONDERING IF THE REGS APPLY TO THEM.

MR. NICOLAS PAUL: THEY DO. AND YES. WE COULD REALLY DIVE INTO THE INTRICATE -- THEY CAN I SHOULD SAY. NOT NECESSARILY THEY DO.

IF YOU HAVE A CONTRACT WITH A SUBCONTRACTOR THAT IS FULFILLING THE OBLIGATIONS OF THE PRIME CONTRACT, THEN YES, YOU COULD BE REMOVED AS A SECOND OR THIRD TIER. ONE OF THE EASIEST WAYS TO DETERMINE WHETHER OR NOT YOU ARE SUBJECT TO THOSE IS GOING TO BE OBVIOUSLY, THE NUMERIC THRESHOLD OF EMPLOYEES YOU HAVE THE DOLLAR THRESHOLD, 50,000, AND WHETHER OR NOT THE WORK THAT YOU ARE DOING IS A PART OF FULFILLING THAT PRIME CONTRACT.

THE EEO CLAUSE THAT YOU FIND IN YOUR WRITTEN CONTRACT WITH THE COMPANY THAT YOU ARE DOING BUSINESS WITH IS ONE OF THE BEST PLACES TO LOOK TO SEE IF YOU MIGHT BE SUBJECT TO THAT OR NOT.

NOT ALWAYS GOING TO BE ACCURATE I CAN TELL YOU.

BUT IT CERTAINLY CAN BE A PLACE TO DETERMINE WHETHER OR NOT YOU MIGHT BE SUBJECT TO THAT.

PATRICK, DID YOU WANT TO ADD ANYTHING ELSE.

>>DR. PATRICK NOOREN: NO, I THINK YOU HIT IT RIGHT ON THE HEAD. IF THE WORK YOU ARE DOING IS A SECOND OR THIRD TIER IS NECESSARY TO THE FULFILLMENT OF THE GOVERNMENT CONTRACT AND YOU MEET THE 50 EMPLOYEE THRESHOLD AND SIZE OF THE CONTRACT IS IN EXCESS OF \$50,000 OR CONTRACTS THEN THE ANSWER IS YES. THE OFCCP WOULD

CERTAINLY SAY YOU ARE REQUIRED TO DEVELOP AN AFFIRMATIVE ACTION PLAN.

MR. NICOLAS PAUL: I KNOW WE ARE GETTING QUITE A FEW QUESTIONS IN. WE CERTAINLY WANT TO ADDRESS THOSE. I THINK WE'RE GETTING MORE AND THEN WE'RE ABLE THAN WE'RE ABLE TO KEEP UP WITH NOW.

>>DR. PATRICK NOOREN: I LOVE IT TOO. I THINK IT MAKES FOR A DYNAMIC PRESENTATION ALTHOUGH WE PROBABLY WON'T BE ABLE TO GET THROUGH OUR SLIDE DECK.

ANITA, I'M ASSUMING WE'LL HAVE THE ABILITY TO PUT TOGETHER SOME WRITTEN RESPONSES TO THE QUESTIONS AND PUT THEM OUT TO EVERYONE.

>>ANITA CLEMON: ABSOLUTELY. HOPEFULLY WE'LL HAVE TIME AT THE END TO ANSWER A FEW FINAL QUESTIONS. WE'LL COMPILE THE LIST AND GET IT OUT TO THE ATTENDEES.

>>DR. PATRICK NOOREN: PERFECT. SO MUCH LIKE EVERYONE ATTENDING HAS ACCESS TO THE PRESENTATION ITSELF AS WELL AS ATTACHMENTS WE'LL MAKE SURE THE QUESTIONS GET ANSWERED AND GET OUT TO ALL THE ATTENDEES AS WELL. ALL RIGHT MOVING ON. I'M GOING TO DIVE INTO THE ACTUAL CONTENT OF THE AFFIRMATIVE ACTION PLAN. THE PRIMARY METRICS THAT WE HAVE ALLUDED TO UP UNTIL THIS POINT.

ALL RIGHT. THE CONTENTS OF AFFIRMATIVE ACTION PLAN. MUST INCLUDE THE FOLLOWING ANALYSES. THERE IS ALSO SOME ADDITIONAL DATA THAT IS REQUIRED WE'LL TALK ABOUT. WE DO NOT HAVE TIME TO GET INTO THINGS LIKE INFORMATION ON INDIVIDUALS WITH DISABILITY AND PROTECTED VETERANS. THERE ARE PRESENTATIONS OR THEY ALREADY HAVE PRESENTATIONS THERE MIGHT BE ADDITIONAL PRESENTATIONS THROUGH THE NILG WEBINAR SERIES THAT CAN TALK ABOUT THAT. WE'RE GOING TO FOCUS ON THE PRIMARY ONES THAT HAVE BEEN IN THERE

FOREVER SINCE INCEPTION. THE WORKFORCE ANALYSIS ALSO KNOWN AS THE ORGANIZATIONAL PROFILE, THE JOB GROUP ANALYSIS, THE PLACEMENT OF INCUMBENTS INTO YOUR JOB GROUPS, WE'LL TALK ABOUT DETERMINING AVAILABILITY, COMPARING INCUMBENCY TO AVAILABILITY AND ULTIMATELY WHERE YOU HAVE GOALS. THEN WE'LL SHOW YOU THAT AND DISCUSS THE PLACEMENT GOALS THEMSELVES.

ALL RIGHT. SO THE FIRST REPORT. THE WORKFORCE ANALYSIS. I WILL SHOW YOU EXACTLY WHAT ONE LOOKS LIKE IN A SECOND, BUT IN GENERAL IT IS AN OVERVIEW OF YOUR WORKFORCE HEAD COUNTS BY DEPARTMENT. SOME TYPE OF ORGANIZATIONAL HIERARCHY. I JUST LIVESIED DEPARTMENT. BUT IN ESSENCE IT'S A HIERARCHICAL GROUPING WITHIN YOUR ORGANIZATION WHERE THERE IS A SUPERVISOR THEN THE PEOPLE UNDERNEATH THEM. IT SHOULD INDICATE A TRUE LINE OF PROGRESSION. AND IT'S USED TO DETERMINE VISUALLY WHERE BARRIERS MAY EXIST TO EQUAL EMPLOYMENT OPPORTUNITY WITHIN AN ORGANIZATION. IT'S WHERE THE OFCCP WILL GO TO CONDUCT KIND OF AN EYEBALL ANALYSIS. THEY WILL LOOK AT INDIVIDUAL DEPARTMENTS. IF YOU HAVE A SAVVY OR SEASONED COMPLIANCE OFFICER THEY MIGHT LOOK AT INDIVIDUAL DEPARTMENTS AND SEE WHY ARE ALL THE WOMEN AND MINORITIES IN THE LOWER PAYING POSITIONS. WHY ARE ALL THE MEN AND WHITES IN THE HIGHER PAYING POSITION BECAUSE EACH WORKFORCE ANALYSIS REPORT INCLUDE THE NAME OF THE UNIT, THE JOB TITLES IN THE ORDER OF WAGE RATE OR SALARY AND THEN FOR EACH JOB TITLE THE NUMBER OF INCUMBENTS BY GENDER AND TOTAL NUMBER OF MALES AND FEMALES WITHIN EACH RACE GROUP. IF WE BRING IT UP RIGHT NOW.

MR. NICOLAS PAUL: I'M GOING TO ADDRESS ANOTHER QUESTION SINCE WE HAVE HAD BACK AND FORTH WITH IT OF THE NEW FORM C 305 TO CONSIDER ALLOWABLE CHANGES TO THE ELECTRONIC VERSION LONG STORY SHORT YOU CAN'T CHANGE THE LANGUAGE IN THE FORM.

YOU CAN CHANGE THE FORMAT A LITTLE BIT BECAUSE NOT ALL ATSSs CAN EXACTLY LAY THIS FORMAT OUT AS YOU SEE IT. AND THE NEW FORMAT EXPIRES IN 2023. BUT AS FAR AS THE LANGUAGE IS CONCERNED, IT ALL NEEDS TO BE THERE AND THERE ARE IN THE OFCCP FAQs A COUPLE OTHER THINGS TO NOTE SUCH AS FONT SIZE AND TYPE OF FONT THAT YOU CAN OR SHOULD USE. AGAIN THAT'S ADDRESSED IN THE FAQs. BUT YES MAKE SURE YOU ARE USING THE EXACT LANGUAGE AS IS ON THE FORM.

>>DR. PATRICK NOOREN: ALL RIGHT THIS IS A SAMPLE WORKFORCE ANALYSIS. NICK, CAN YOU SEE IT.

MR. NICOLAS PAUL: YES.

>>DR. PATRICK NOOREN: PERFECT. JUST IN GENERAL THERE IS A SERIES OF INDIVIDUAL WORKFORCE ANALYSES. IT'S BY ORGANIZATIONAL UNIT. BY JOB AND ORDER OF PAY. IF YOU THINK ABOUT HOW THIS IS SET UP YOU WOULD BE ABLE TO SEE IN A SPECIFIC DEPARTMENT ARE ALL THE MEN AND WHITES AGGREGATED IN THE HIGHER PAY POSITION ARE ALL THE WOMEN AND MINORITIES AGGREGATED IN THE LOWER PAY POSITION. IT'S NOT BASIS FOR DISCRIMINATORY FINDING, BUT IT COULD LEAD TO POTENTIALLY ADDITIONAL QUESTIONS IF THE OFCCP CONDUCTS THAT EYEBALL ANALYSIS I WAS REFERRING TO AND LEADS THEM TO ASK ADDITIONAL QUESTIONS.

ALL RIGHT.

SO THAT IS THE ONE REPORT IN YOUR ENTIRE AFFIRMATIVE ACTION PLAN BROKEN DOWN BY AN ORGANIZATIONAL UNIT, SOME TYPE OF HIERARCHICAL UNIT IN YOUR ORGANIZATION LIKE A DEPARTMENT OR BUSINESS UNIT. THE REST OF YOUR REPORTS ARE ANALYSES WITHIN YOUR AFFIRMATIVE ACTION PLAN ARE GOING TO BE CONDUCTED BY JOB GROUPS. TO UNDERSTAND THAT IN MORE DETAIL WE'RE GOING TO TALK ABOUT INCUMBENCY VERSUS AVAILABILITY. RIGHT NOW. WHAT WE LOOK LIKE COMPARED TO WHAT WE SHOULD LOOK LIKE.

MR. NICOLAS PAUL: PATRICK HAD MENTIONED THAT EARLIER. WHAT WE HAVE AND WHAT WE SHOULD HAVE. I DON'T KNOW IF IT'S JUST ME THAT IS SLOW. I CAN'T SEE THIS ENTIRE SLIDE.

HOPING THAT'S JUST ME.

I'M GOING TO WAIT FOR MAYBE FEEDBACK FROM ONE OF THE PANELISTS HERE JUST TO MAKE SURE THAT BECAUSE IT IS CUTTING OFF ON MY END. I CAN KEEP GOING, BUT I DON'T WANT OUR CROWD TO BE MISSING INFORMATION.

>>DR. PATRICK NOOREN: I SEE THE ENTIRE SLIDE ON MY END.

MR. NICOLAS PAUL: OKAY.

>>ANITA CLEMON: IT IS CUT OFF ON MINE.

MR. NICOLAS PAUL: CAN YOU MINIMIZE AND MAXIMIZE THAT WINDOW PATRICK. OR JUST CHANGE THE SIZE FOR A MINUTE?

>>DR. PATRICK NOOREN: HOW IS THAT.

MR. NICOLAS PAUL: I'M GOING TO GIVE IT THE DELAY IT SOMETIMES NEEDS. IT'S STILL CUT OFF. BUT EVERYONE DOES HAVE THIS PRESENTATION. IT'S ACCESSIBLE UNDER THE HANDOUTS.

YES, I'M QUITE CERTAIN PATRICK DOES HAVE IT MAXIMIZED ON HIS PERSONAL COMPUTER. THAT WAS AN AUDIENCE QUESTION OR STATEMENT. PATRICK, ARE YOU STILL THERE.

>>DR. PATRICK NOOREN: I AM. I'M TRYING TO SEE IF -- NICK, WHAT IS GETTING CUT OFF.

MR. NICOLAS PAUL: ALL OF THE LEFT SIDE TEXT IN THE BOTTOM OF THE SLIDE AS WELL THE FOOTER.

BASICALLY THE FIRST WORD OR SO OR PART OF EACH WORD IS GONE. BUT I THINK I WILL MAYBE LET YOU KIND OF PLAY WITH THAT AND I WILL JUST KEEP GOING AGAIN FOR THE SAKE OF TIME. AGAIN FOR THE AUDIENCE, YOU CAN DOWNLOAD THESE SLIDES. AUGUST 18TH AT 2 PMAAP REPORT METRICS THAT'S IN THE HANDOUTS EX IS IN THE GO TO WEBINAR FIELDS THAT YOU CAN SEE WHERE IT SHOWS YOUR AUDIO CONTROLS AND ALL OF THAT OTHER INFORMATION CHAT ET CETERA.



>>ANTHONY KAYLIN: NICK, IF I COULD ASK THE AUDIENCE TO PLEASE JUST MAXIMIZE ON THEIR OWN SCREEN ON THEIR OWN COMPUTER YOU WILL SEE THE FULL SLIDE. THAT'S BECAUSE IT'S NOT COMING UP FULLY ON YOUR OWN COMPUTERS.

MR. NICOLAS PAUL: THERE WE GO. IT JUST CAME BACK TONY. I THINK THERE MAY HAVE BEEN A HICCUP WITH THE WEBINAR WHEN PATRICK MINIMIZED IT WORKED JUST SO YOU KNOW.

IN CASE WE HAVE THAT AGAIN. ALL RIGHT. SO SIMILAR FROM THE WORKFORCE ANALYSIS BY DEPARTMENT THE JOB GROUP ANALYSIS SHOWS GROUPS OF SIMILAR I'M AIR QUOTING JOBS REGARDLESS OF DEPARTMENT. AND JOB GROUPS ARE CREATED BASED ON THREE CRITERIA THAT THE REGULATIONS GIVE US. THAT'S JOB CONTENT WAGE AND OPPORTUNITY. OPPORTUNITY THINK ABOUT PROGRESSION OFTEN TIMES IN BETWEEN JOB GROUPS. JOB GROUPS MUST BE CREATED MEANINGFULLY AND WHEN CREATED PROPERLY THEY CAN REDUCE THE NUMBER OF ANALYSES THAT NEED TO BE CONDUCTED BY THE COMPANY. YOU CAN BE VERY CREATIVE AND AGAIN THE REGULATIONS WERE VAGUE CONTENT WAGE AND OPPORTUNITY, THAT GIVES US A LOT THAT WE CAN DO, BUT EITHER WAY KNOW THAT WHEN YOU ARE CREATING THESE, THEY SHOULD BE CREATED STRATEGICALLY AND MEANINGFULLY. IT'S VERY IMPORTANT TO UNDERSTAND THAT JOB GROUP CREATION IS A CRITICAL COMPONENT WHEN IT COMES TO SUCCESSFULLY CREATING YOUR AAP AND THE JOB GROUP IS THE BASIC UNIT OF ANALYSIS THAT THE AGENCY USES TO ANALYZE YOUR WORKFORCE. KIND OF LIKE PATRICK MENTIONED EARLIER HE SAID WITH DEPARTMENTS IN THE WORKFORCE ANALYSIS, THEY DON'T REALLY LOOK AT THAT. THERE IS NO ANALYSIS DONE HERE. WHEN YOU SUBMIT YOUR AAP AND SUPPORTING DATA THE JOB GROUPS YOU CREATE ARE MEANINGFUL IN THE AGENCY'S EYES. THEY ARE GOING TO RUN THEIR

ANALYSES BASED ON THOSE. IF YOU SET THEM UP CORRECTLY BASED ON THE CRITERIA THAT THE AGENCY GAVE YOU, YOU SHOULDN'T HAVE A PROBLEM. BUT IF WE DID NOT -- IF WE'RE LESS THAN SUCCESSFUL IN CREATING OUR JOB GROUPS IT COULD LEAD TO PROBLEMS IN YOUR ACTUAL ANALYSES.

>>DR. PATRICK NOOREN: IT'S WORTH MENTIONING NICK THIS IS OFCCP'S FIRST LOOK AT YOUR DATA. IT'S ABSOLUTELY IMPERATIVE THAT FOLKS TAKE THEIR TIME TO CREATE MEANINGFUL JOB GROUPS. THERE IS DIFFERENT STRATEGIES BASED UPON THE SIZES OF YOUR AFFIRMATIVE ACTION PLANS IF YOU ARE MULTI ESTABLISHMENT EMPLOYER. IF YOU ARE CONDUCTING FUNCTIONAL AFFIRMATIVE ACTION PLANS. THERE IS ABSOLUTELY STRATEGIES FOR DEVELOPING FUNDAMENTALLY SOUND JOB GROUPS. IF YOU HAVE AN OPPORTUNITY AND FIND A PRESENTATION OUT THERE WE DON'T HAVE TIME TODAY TO JUMP INTO THE SPECIFICS, BUT YOU SEE THERE IS A PRESENTATION BEING CONDUCTED ON PROPER JOB GROUP CREATION IT'S FUNDAMENTAL TO DEVELOP AND GET AFFIRMATIVE ACTION PLAN. IT'S HIGHLY RECOMMENDED. ARE YOU STILL THERE NICK.

MR. NICOLAS PAUL: I AM. RIGHT NOW WE'RE ON THE JOB GROUP ANALYSIS PDF.

>>DR. PATRICK NOOREN: WHAT YOU SEE HERE AS OPPOSED TO THE WORKFORCE ANALYSIS, A JOB GROUP ANALYSIS, THESE ARE CREATED BY YOU. IN THIS PARTICULAR SAMPLE WE'RE LOOKING AT, THIS IS A JOB GROUP 3 TECHNICIANS EEO CATEGORY IT'S A GROUP OF DIFFERENT TYPES OF TECHNICIANS. THERE ARE DIFFERENT JOB TITLES THAT ARE SIMILAR IN CONTENT WAGE RATE AND OPPORTUNITY THAT WE COMBINED TO CREATE ONE MEANINGFUL ANALYSIS. IF YOU GO BACK TO THE INITIAL PURPOSE OF CREATING JOB GROUPS, REMEMBER, WHEN YOU ARE COMPARING WHAT YOU DO LOOK LIKE TO WHAT YOU SHOULD LOOK LIKE, IF YOU CONDUCT THOSE ANALYSIS ON A JOB TITLE BASIS YOU

MAY HAVE INDIVIDUAL JOBS OF ONE INCUMBENT OR TWO. IF THEY BOTH HAPPEN TO BE WHITE MEN OR TO BE MINORITY WOMEN AND THEN YOU COMPARE THAT POSITION TO CENSUS THAT DATA OR TO YOUR FINAL AVAILABILITY YOU ARE GOING TO YIELD MEANING LESS RESULTS. THAT'S WHY YOU NEED TO CREATE JOB GROUPS. BOLSTERS YOUR SAMPLE SIZES AND YIELDS MEANINGFUL RESULTS WHEN COMPARING YOUR FINAL AVAILABILITY DATA.

MR. NICOLAS PAUL: LET'S JUMP BACK TO THE PRESENTATION.

I'M VERY GRATEFUL FOR PATRICK BY THE WAY. HE VOLUNTEERED TO BE THE PERSON IN CHARGE OF ALL OF THIS. I'M JUST SITTING HERE WITH MY FEET ON THE DESK. NOT REALLY. MY FEET ARE NOT. BUT THEN YOU WOULDN'T KNOW IF WE WERE WOULD YOU.

>>DR. PATRICK NOOREN: NOBODY KNOWS.

MR. NICOLAS PAUL: SORRY.

RIGHT NOW WE'RE IN THE PRESENTER WHAT I'M SEEING PATRICK IS THE PRESENTER MODE SCREEN THAT SHOWS THE NEXT SLIDE AND THE CURRENT SLIDE.

THERE WE GO.

GOOD SO DETERMINING AVAILABILITY. WHAT WE SHOULD LOOK LIKE. SO WHAT A COMPANY SHOULD LOOK LIKE IS A TERM CALLED FINAL AVAILABILITY. FINAL AVAILABILITY IS AN ESTIMATE OF THE QUALIFIED MINORITIES OR WOMEN AVAILABLE FOR EMPLOYMENT IN A GIVEN JOB GROUP AND THE ESTIMATE IS ARRIVED THROUGH A COMBINATION OF INTERNAL AND EXTERNAL DATA THAT HELPS US IDENTIFY WHAT THE JOB GROUP WE'RE ASSESSING SHOULD LOOK LIKE. WE'RE GOING TO GET INTO THE INTERNAL AND EXTERNAL DATA A BIT MORE IN THE FOLLOWING SLIDES AS WE GO ALONG, BUT REALLY WE PERFORM THE ASSESSMENT IN OUR AAPS WHAT IS CALLED IS COMPARISON OF INCUMBENCY TO AVAILABILITY. WE LOOK AT WHAT WE HAVE THAT'S OUR INCUMBENCY COMPARED TO WHAT WE SHOULD HAVE WHICH IS OUR FINAL AVAILABILITY TO DETERMINE

WHETHER WE'RE UNDERUTILIZED. IF WE ARE AND THE UNDER UTILIZATION IS SIGNIFICANT BASED ON THE TEST WE HAVE CHOSEN WE SET A GOAL FOR WOMEN AND OR MINORITIES WHERE THE SIGNIFICANT UNDER UTILIZATION HAS OCCURRED.

SO GETTING INTO THIS A LITTLE BIT MORE WE'RE GOING TO TALK ABOUT EXTERNAL FEEDERS WE HAVE EXTERNAL AND INTERNAL PREVIOUSLY. WE HAVE A FEW STEPS WE NEED TO UNDERTAKE TO ENSURE WE DO THIS PROPERLY. THE FIRST STEP IS TO DEFINE THE LOCAL LABOR AREA. IN OTHER WORDS, WHAT GEOGRAPHY ARE YOU RECRUITING FROM. THE SECOND STEP IS TO IDENTIFY AND SELECT THE CENSUS OCCUPATION CODES FOR THE JOBS IN YOUR WORKFORCE. THERE ARE NEARLY 500 CODES TO CHOOSE FROM. I THINK PATRICK SAID EARLIER THERE IS AN ART TO THIS TO ASSIGNING CENSUS CODES. YOU WILL FIND THAT ONE CODE CAN BE USED FOR EVERY IS RAL JOBS. WE HAVE SEEN SOME COMPANIES THAT USE ONE CODE FOR MAYBE TOO MANY JOBS. MAYBE BUSINESS SPECIALIST TYPE CODES OR ADMINISTRATIVE ASSISTANT. WE NEED TO BE CAREFUL. ALWAYS SELECT THE BEST CODE. THEN THE THIRD STEP IS TO MATHEMATICALLY WEIGH YOUR CENSUS CODE DATA BASED ON THE PROPORTIONAL ON PEOPLE DOING A PARTICULAR JOB. WE DON'T WANT TO ASSIGN EVERYBODY THE SAME WEIGHT IN YOUR CENSUS. LET'S SAY WE HAVE IN A JOB GROUP 20 PEOPLE DOING ONE JOB AND THEN ONE PERSON DOING ANOTHER. WE WOULDN'T WANT TO ASSIGN THE SAME WEIGHT TO THE 20 AS WE DO THE ONE. WE WANT TO WEIGHT THEM PROPORTIONATELY. WE'RE GOING TO DISCUSS THAT MORE. THE FOURTH STEP IS TO IDENTIFY SECONDARY OR TERTIARY CENSUS DATA OTHER THAN YOUR LOCAL DATA FROM WHICH YOU MAYBE RECRUITING SUCH AS COUNTIES, CITIES, MAYBE STATE WIDE OR NATIONWIDE. I WANT TO BE CLEAR THIS IS NOT AN EXACT SCIENCE. IT'S IMPORTANT THAT YOU CAREFULLY CONSIDER THE STEPS, THESE STEPS HERE WE HAVE TO ENSURE YOUR AAP RESULTS ARE MEANINGFUL JUST LIKE WHAT WE SAW

WHEN WE WERE CREATING OUR JOB GROUPS. WE DON'T WHAT TO TRY TO ONE SIZE FITS ALL. WE NEED TO LOOK AT THE DATA. WE NEED TO LOOK AT OUR RECRUITMENT STRATEGIES IN ORDER TO MAKE SURE THAT WE HAVE MEANINGFUL RESULTS FROM OUR AAPS.

>>DR. PATRICK NOOREN: I'M GOING TO WALK US THROUGH A SAMPLE EMPLOYER, A SAMPLE FEDERAL GOVERNMENT CONTRACTOR. THE NAME IS BUSINESS OF THE SUNSHINE STATE. IT'S A FOOD MANUFACTURING FACILITY THAT'S LOCATED IN SAN MATEO. SAN MATEO IS PART OF THE SAN FRANCISCO METROPOLITAN STATISTICAL AREA. I'LL TALK ABOUT THAT IN A SECOND WHAT THAT IS. IT'S RIGHT THERE BORDERING OR NEAR THE BORDER OF THE SAN JOSE METROPOLITAN STATISTICAL IRI CAN'T. THEY HAVE 500 EMPLOYEES LOCATED AT THAT FACILITY. THEY NEED TO ESTABLISH THEIR OWN AFFIRMATIVE ACTION PLAN.

THEY HAVE A BATCH OF COMPUTER PROGRAMMERS AT THIS FOOD MANUFACTURING FACILITY IN OUR EXAMPLE. HERE IS WHAT WE CAN SEE. OUR COMPUTER PROGRAMMERS THIS IS TAKEN DIRECTLY FROM THE MOST RECENT CENSUS DATA. YES, I UNDERSTAND THE CENSUS DATA IS FAIRLY STALE DERIVED FROM SURVEYS CONDUCTED DURING THE FOUR-YEAR PERIOD OF 2,006 THROUGH 2010, OR 5-YEAR PERIOD. BUT COMPUTERS IN THE -- PROGRAMMERS IN THE SAN FRANCISCO MSA ARE 80 PERCENT MALE, 20 PERCENT FEMALE, 42.3 PERCENT WHITE, 1.3 PERCENT BLACK, 3.1 PERCENT HISPANIC. 52 PERCENT ASIAN AND SO ON. IN THE SAN JOSE MSA THEY ARE 78.1 PERCENT MALE. 21.9 PERCENT FEMALE. 30.1 PERCENT WHITE AND SO ON. WHAT YOU NEED TO DO RIGHT OUT OF THE GATE IS IDENTIFY WHAT IS THE MOST APPROPRIATE LOCAL LABOR AREA FROM WHICH YOU WILL DRAW YOUR CENSUS DATA.

AND THE REASON YOU NEED TO DO THIS IS THE CENSUS, THE DECENNIAL CENSUS, THERE IS COMPILED WITHIN THAT A DATABASE YOU CAN IDENTIFY FOR EXAMPLE, WHAT IS THE GENDER RACE ETHNIC COMPOSITION OF ACCOUNTANTS IN SAN FRANCISCO OR ACCOUNTANTS IN

MIAMI OR PORTLAND OREGON OR NEWARK OR PORTLAND, MAINE. YOU NEED TO MAKE SURE WHEN YOU ARE BRINGING EXTERNAL CENSUS DATA INTO YOUR AFFIRMATIVE ACTION PLAN THAT YOU ARE BRINGING IT FROM THE GEOGRAPHIC AREA FROM WHICH YOU DRAW YOUR APPLICANTS, FROM WHICH YOU DRAW YOUR EMPLOYEES. WHAT WE ADVOCATE IS YOU CONDUCT EMPLOYEE OR APPLICANT ZIP CODE ANALYSIS. THIS IS WHERE YOU IDENTIFY WHERE DO YOUR APPLICANTS COME FROM IN YOUR APPLICATION PROCESS. YOU ARE COLLECTING THEIR ZIP CODES. OR IF YOU DON'T HAVE THE ZIP CODES FOR YOUR APPLICANTS YOUR EMPLOYEES. WHERE DO YOUR EMPLOYEES LIVE. THAT IS INFORMATION YOU WILL ABSOLUTELY HAVE. YOU CAN THEN LINK THOSE ZIP CODES TO CENSUS DEFINED AREAS. IN THIS PARTICULAR EXAMPLE HERE WE RAN A ZIP CODE ANALYSIS OF THE 500 EMPLOYEES LOCATED AT BUSINESS OF THE SUNSHINE STATE AND WE CAN SEE THAT 37.2 PERCENT LET'S SAY IS APPLICANTS. 37.2 PERCENT OF THE AM CAMS RESIDE IN SAN MATEO COUNTY. 32.1 PERCENT OF THE APPLICANTS RESIDE IN SAN THAT CLARA. 15.6 PERCENT IN AL AM EDA. 8.7 IN SANTA CRUZ, 5.1 IN SAN FRANCISCO. THEN WE HAVE OTHER I APPLYING FROM OTHER AREAS. OFTEN TIMES WE'LL SEE BAD ZIP CODES. NOT REALISTIC COMMUTING PATTERNS. YOUR JOB IS TO SAY WHAT IS TRULY THE AREA FROM WHICH WE DRAW. THIS IS WHERE THE CONSCIENTIOUS AAP DEVELOPER IS GOING INTO THE DATA ITSELF AND SAYING YOU KNOW WHAT? THE TRUE LABOR AREA FOR US HERE IS SAN MATEO. CLAR. AL AM EDA SANTA CRUZ AND SAN FRANCISCO. THAT'S WHERE I'M GOING TO PULL DATA FROM. WE HAVE A COUPLE STRAGGLERS HERE AND THERE, BUT THAT'S NOT TRULY WHERE WE'RE DRAWING FROM. WE'RE GOING TO TRIM THOSE MISLEADING AREAS AND THEN WHAT IS LEFT IS OUR LOCAL LABOR AREA. GOING TO DRAW OUT CENSUS DATA FROM THE LABOR AREAS BECAUSE AT THE END OF THE DAY YOUR JOB ONE OF YOUR JOBS WHEN DEVELOPING YOUR AFFIRMATIVE

ACTION PLAN IS YOU NEED TO TAKE EACH AND EVERYONE ONE OF YOUR UNIQUE JOB TITLES OR UNIQUE JOB CODES AT YOUR ORGANIZATION AND YOU NEED TO ASSIGN THEM CENSUS CODES. THE GOOD NEWS IS TYPICALLY THIS IS DONE ONCE EVERY TEN YEARS. MAYBE EVEN MORE THAN THAT. MOST PEOPLE WHEN THE NEW CENSUS DATA CAME OUT A DECADE AGO OR ACTUALLY ABOUT SEVEN YEARS AGO THERE WERE ONLY A HANDFUL OF JOBS THAT NEEDED TO BE REMAPPED. ONCE YOU MAP YOUR JOBS TO ONE OF THE 487 CENSUS OCCUPATION CODES TYPICALLY SPEAKING UNLESS YOU CREATE NEW POSITIONS THAT'S A BIG CAKE YOU DON'T NEED TO GO BACK AND CREATE THOSE LINKAGES, BUT THAT IS ABSOLUTELY FUNDAMENTAL TO THEN LINKING YOUR WORKFORCE TO THE APPROPRIATE CENSUS DATA. KEEP IN MIND YOU WANT TO COMPARE THE WORKFORCE -- WHAT THE COMPOSITION OF YOUR ACCOUNTANTS ARE AT THE BUSINESS OF THE SUNSHINE STATE WE WANT TO COMPARE OUR ACCOUNTANTS TO CENSUS DATA FOR ACCOUNTANTS. HOW DO YOU DO THAT? BY ASSIGNING CENSUS OCCUPATION CODES. LET ME MAKE SURE EVERYBODY IS SEEING THIS IN THEIR SCREEN.

MR. NICOLAS PAUL: YES. I COULD SEE IT. WHILE PATRICK IS PULLING THAT UP WE HAD A QUESTION EARLIER ABOUT -- I HAVE SO MANY QUESTIONS ON HERE. I AM SO HONORED TO HAVE THAT MANY. ONE OF THE QUESTIONS THAT WE HAD WERE HOW IMPORTANT IS IT TO BREAK JOB GROUPS UP WHO ARE EXEMPT OR NON EXEMPT PAY STATUS GIVEN OFCCP WILL BE CONDUCTING PAY ANALYSIS BY JOB GROUP. PATRICK, DID YOU WANT TO TAKE THAT ONE.

>>DR. PATRICK NOOREN: IT'S REAL IMPORTANT. REMEMBER THE OFCCP IS GOING TO -- THEIR INITIAL ANALYSES, THE ONES THAT EITHER RING OR DON'T RING THE BELL, SO TO SPEAK ARE BASED UPON HOW YOU AGGREGATED YOUR DATA. SO BEING COGNIZANT OF THAT HELPS YOU TO DRIVE HOW YOU CREATE YOUR JOB

GROUPS AND HOW YOU MIGHT ALIGN YOUR WORKFORCE ANALYSIS AND CERTAINLY CONDUCT ANY PAY ANALYSES. THAT'S A TOPIC FOR ANOTHER DAY, BUT ABSOLUTELY THAT IS SOMETHING YOU WANT TO BE VERY COGNIZANT OF. REMEMBER, CONTENT WAGE RATE AND OPPORTUNITY. TO THE DEGREE PEOPLE ARE WORKING ON DIFFERENT THINGS WITH DIFFERENT OPPORTUNITIES PERHAPS DIFFERENT WAGE RATES THEN THEY SHOULD PROBABLY BE INCLUDED IN DIFFERENT JOB GROUPS.

MR. NICOLAS PAUL: ONE OTHER QUESTION WAS WHO DETERMINES WHICH JOB CODE SHOULD BE UNDER WHICH JOB GROUP? THE ORGANIZATION ITSELF? IF SO WHO AUDITS THESE. YES. THERE ARE MANY DIFFERENT WAYS THAT THAT CAN BE DONE INTERNALLY. TO ANSWER THE QUESTION, WHO SPECIFICALLY, I MEAN THAT'S VERY MUCH UP TO YOU. YOUR ORGANIZATION AND WHO IS GOING TO MAKE THOSE ASSIGNMENTS. AND AS FAR AS MONITORING, AND AUDITING THE CATEGORIES, AGAIN, THAT'S VERY IMPORTANT THAT YOU DO THAT BECAUSE JOBS CHANGE OVER TIME. THAT'S ACTUALLY A PART OF YOUR ANNUAL REQUIREMENTS. TO GO BACK AND REVIEW YOUR JOBS.

SO AS THEY CHANGE YOU MIGHT HAVE TO MAKE ADJUSTMENTS TO THESE TO A JOB GROUP THAT SOMEONE IS IN LET'S SAY IN THE THREE CRITERIA. THAT WAS SIX MINUTES AGO TO PUT THIS IN PERSPECTIVE WE HAVE A DOZEN MORE QUESTIONS JUST IN THAT SIX MINUTES THAT PATRICK WAS EXPLAINING EXTERNAL AVAILABILITY. WE'LL JUMP FOR TIME SAKE, BUT WE'LL GET TO THESE QUESTIONS. I WILL GIVE IT BACK TO YOU PATRICK.

>>DR. PATRICK NOOREN: CAN YOU SEE MY EXCEL SPREADSHEET.

MR. NICOLAS PAUL: I CAN YES.

>>DR. PATRICK NOOREN: THIS IS KNOW A ATTACHMENT YOU WILL RECEIVE IT'S CALLED THE CENSUS CODE TOOLKIT. I CREATED IT A GOOD TEN YEARS AGO TO HELP STAFF WHERE I WORK AT BIDDLE FOR OUR CLIENTS.



I DON'T HAVE ENOUGH TIME TO GET INTO IT IN EXCRUCIATING DETAIL, BUT I'M GOING TO TAKE YOU TO 1 OR 2 OF THE DIFFERENT WORKSHEET WITHIN THIS EXCEL WORK BOOK. WHAT I'M LOOKING AT NOW IS THE OUTLET INDEX OF OCCUPATIONS. IF YOU ARE LOOKING FOR WHAT CENSUS CODE DO I ASSIGN MY HAIRSTYLIST, THE ANSWER WOULD BE CENSUS CODE 4510. HAIRDRESSERS HAIR STYLISTS AND COSMETOLOGISTS. IF THE QUESTION IS IT'S FUNNY THERE IS ABOUT 33,000 -- 34,000 INDIVIDUAL OCCUPATION TITLES. WHEN THE CENSUS WAS BEING CONDUCTED, PEOPLE WERE ASKED WHAT JOB DO THEY WORK IN. THEY WOULD WRITE IN THEIR SPECIFIC JOB TITLE. WELL, AFTER GETTING 33,000 RESPONSES PLUS RESPONSES, THEN THE CENSUS BUREAU NEEDS TO GO THROUGH AND SAY WHICH OF THESE DO I PLUG INTO EACH OF THE 487 CENSUS OCCUPATION CODES SO THAT ORGANIZATIONS CAN ASSIGN ONE OF THOSE CODES TO THEIR JOB TITLES. THIS IS A REALLY HELPFUL TOOL. IT'S NECESSARY TO ASSIGN ONE OF THESE CENSUS OCCUPATION CODES TO EACH ONE OF YOUR UNIQUE JOB TITLES. LET ME MAKE SURE I GET BACK TO HERE.

>>ANITA CLEMON: THERE IS A QUESTION ABOUT THE ORDER OF THE OCCUPATIONAL CODE. COULD YOU SPEAK TO HOW THE PLACEMENT ON THE CODE LIST RELATES TO THE LEVEL IN THE ORGANIZATION?

>>DR. PATRICK NOOREN: YES. THERE IS. THERE IS A LOOSE LINK BETWEEN CENSUS OCCUPATION CODES AND WHAT ARE CALLED EEO CATEGORIES. AND SO IT'S IMPORTANT THAT EVERYONE FAMILIARIZE YOURSELF WITH DIFFERENT EEO CATEGORIES. SO FOR EXAMPLE, THERE ARE MARKETING CODES THAT ARE WITHIN EEO CATEGORY 1 FOR OFFICIALS AND MANAGERS. ENTRY LEVELS OFFICIALTION AND MANAGERS, BUT THERE ARE ALSO MARKETING CODES FOR PROFESSIONALS. IT'S IMPORTANT THAT YOU KNOW ARE THESE PEOPLE OFFICIALS AND MANAGERS, OR ARE THEY PROFESSIONALS WORKING AS MARKETING

PROFESSIONALS. ARE THEY OVERSEEING PEOPLE, OVERSEEING PROJECTS. SO THERE IS A CROSSWALK BETWEEN EEO CATEGORY AND CENSUS OCCUPATION CODE.

I DID NOT -- I THINK THAT IS ACTUALLY -- IT IS INCLUDED WITHIN THE CENSUS CODE TOOLKIT. YOU WILL HAVE THAT INFORMATION AVAILABLE FOR YOU THERE AS WELL.

MR. NICOLAS PAUL: AND SOME ARE VERY CLEAR. SOFTWARE DEVELOPER AS AN EXAMPLE OR ACTUALLY SOFTWARE ENGINEER OR, BUT THEN YOU HAVE SOME HEADER COMPUTER SUPPORT SPECIALISTS THAT ARE NOT AS NECESSARILY CLEAR CUT IN WHAT THEY ARE. THERE ARE SO MANY TECHNOLOGY CODES NOW. YEAH EVEN SALES COMPARED TO MARKETING. YOU COULD HAVE A SALES ENGINEER THAT COULD BE CODED MORE THAN ONE WAY. ENGINEER OR SALES POSITION. AGAIN THAT GOES BACK TO THE ART OF THIS. IT'S BOTH SCIENCE MATH ART. YOU HAVE TO FIND THE BEST WAY TO DO THIS. BUT IN THE END, YOU JUST NEED TO BE ABLE TO JUSTIFY. IT HAS TO MAKE SENSE. IT HAS TO BE LOGICAL WHAT YOU ARE DOING.

>>DR. PATRICK NOOREN: ABSOLUTELY. A HANDFUL OF TIMES IN MY 25 YEARS HAVE I BEEN IN AUDITS WHERE THE OFCCP HAS ASKED ABOUT CENSUS CODE ASSIGNMENTS. IT'S JUST NOT SOMETHING YOU SEE TYPICALLY HAPPEN BECAUSE YOU ARE THE ONES WHO KNOW THE CONTENT OF YOUR POSITIONS. IF THERE IS AN OBVIOUS MISALIGNMENT THAT'S ONE THING. IF THERE IT APPEARS TO THE OFCCP THAT YOU MIGHT BE ATTEMPTING TO LOWER YOUR GOAL REPRESENTATION OR YOUR GOAL BENCHES BY CHOOSING A CODE WITH LESS DIVERSITY THAT MIGHT BE ONE THING. BUT BY AND LARGE, IT'S YOUR RESPONSIBILITY AND YOUR ORGANIZATION'S RESPONSIBILITY TO BE ASSIGNING THE CODES AND 99 TIMES OUT OF 100 THAT'S WHERE IT BEGINS AND ENDS.

ALL RIGHT.

LET'S TALK ABOUT HOW THIS FLESHES ITSELF OUT. WE

HAVE IDENTIFIED OUR GEOGRAPHIC LABOR AREA BY CONDUCTING OUR ZIP CODE ANALYSIS TO SEE WHERE GEOGRAPHICALLY WE DRAW FROM. WE HAVE GONE THROUGH THE PROCESS OF ASSIGNING CENSUS OCCUPATION CODES THAT EACH AND EVERY ONE OF OUR JOB TITLES AND THOSE JOB TITLES ARE PLUGGED INTO JOB GROUPS NOW WE'RE GOING TO CONDUCT OUR ANALYSES, OUR AVAILABILITY ANALYSES BY JOB GROUP. THE EXAMPLE WE'RE LOOKING AT HERE IS FOR THE BUSINESS OF THE SUNSHINE STATE HEADQUARTERS THAT WE TALKED ABOUT EARLIER. THE JOB GROUP IS 703 SKILLED MACHINE OPERATORS. WHAT WE'RE LOOKING AT HERE ON THE SCREEN IS RAW EXTERNAL AVAILABILITY DATA. THIS IS CENSUS DATA 230 CENSUS CODE 783. ROASTING AND BAKING MACHINE OPS. AND 784 FOOD BATCH MAKERS IN THE LOCAL LABOR AREA THAT WE IDENTIFIED THROUGH OUR ZIP CODE ANALYSIS, IN CODE 783, THE CENSUS DATA IS 68.3 PERCENT MEN, 31.7 PERCENT WOMEN, 39.1 PERCENT MINORITY. 60.9 PERCENT WHITE AND SO FORTH. IN OUR LOCAL LABOR AREA CODE 784, FOOD BATCH MAKERS IS 44.2 PERCENT MEN, 55.8 PERCENT WOMEN, 38.4 MINORITY SO FORTH. WE HAVE ALSO IDENTIFIED THAT PERHAPS WE DRAW NATIONALLY ULTIMATELY WE'RE GOING TO GIVE 0 WEIGHT TO THIS FOR THIS PARTICULAR JOB GROUP, BUT WE ALSO FOR SOME JOB GROUPS PERHAPS WE HAVE A NATIONAL RECRUITMENT AREA THE NATIONAL DATA US NATIONAL DATA FOR CENSUS CODE 783 IS 29 PERCENT MEN, 71 PERCENT WOMEN, 42.6 PERCENT MINORITY SO FORTH AND 784 FOOD BATCH MAKERS IS 32 PERCENT MEN, 68 PERCENT WOMEN AND 75.5 PERCENT MINORITY. NICK ALLUDED TO THIS BEFORE THAT WE DON'T JUST GRAB THE CENSUS DATA FOR OUR SPECIFIC CENSUS CODES FROM OUR GEOGRAPHIC RECRUITING AREA AND PLUG IT INTO OUR SYSTEMS AND SAY IT'S ALL EQUALLY IMPORTANT. BECAUSE THE TRUTH OF THE MATTER IS THAT JOB GROUP 703 SKILLED MACHINE GREAT TORS ISN'T JUST 50 PERCENT PEOPLE WORKING IN JOB TITLES ASSIGNED

CODE 783 AND 50 PERCENT PEOPLE WORKING IN JOB TITLES ASSIGNED CODE 784, THERE IS MORE PEOPLE WORKING IN JOBS ASSIGNED CODE 783. SO IF YOU THINK ABOUT IT, WHAT YOU SHOULD LOOK LIKE NUMBER, THE CENSUS DATA FOR 783 IS QUOTE UNQUOTE MORE IMPORTANT. IT'S MORE RELEVANT TO THIS JOB GROUP. IN FACT, 62.3 PERCENT OF THE EMPLOYEES IN THIS JOB GROUP ARE IN JOBS ASSIGNED TO CODE 783. THIS IS ALL MATH THAT'S CONDUCTED BEHIND THE SCENES IF YOU HAVE SOFTWARE. IT TAKES CARE OF THAT ALL ON ITS OWN, BUT IN ESSENCE YOU ARE BASICALLY WAITING WEIGHTING THE CENSUS DATA BASED UPON THE COMPOSITION OF THE JOB GROUP AND HOW MANY PEOPLE ARE IN JOBS ASSIGNED CODE 783 AND HOW MANY IN THE JOB GROUP ARE IN JOBS ASSIGNED CODE 784. IN THIS PARTICULAR EXAMPLE 62.3 PERCENT OF THE EMPLOYEES ARE IN THIS JOB ARE IN JOBS ASSIGNED CODE 783. 30.7 PERCENT OF THE EMPLOYEES ASSIGNED JOB CODE 784. THAT'S HOW WE WEIGHT THE EXTERNAL AVAILABILITY DATA FOR EACH AND EVERY JOB GROUP. THAT CALCULUS IS BEING DONE.  
KNOCK.

MR. NICOLAS PAUL: SHOULD WE BE FROM WHERE WE RECRUIT OR WHERE THE APPLICANTS HIRED ACTUALLY COME FROM? FOR EXAMPLE, IF WE RECRUITED WEST, BUT MOST OF THE -- WE HAVE MORE QUESTIONS. Recruit IN THE MIDWEST, BUT MOST OF THE HIRES COME WITHIN OUR STATE, DO WE LOOK UP THE CENSUS DATA FOR ALL MID WEST STATES WE RECRUITED IN OR ONLY OUR STATES SINCE THAT'S WHERE THE APPLICANTS MOST COME FROM. THAT IS ONE OF THE BEAUTIES OF THE ZIP CODE ANALYSIS. YOU DON'T KNOW WHAT YOU DON'T KNOW.

ONE YEAR TO THE NEXT YEAR'S CHANGE OFTEN. ALTHOUGH THIS PARTICULAR YEAR YOU RECRUITING IN THE AND THE HIRING YOU WERE DOING WAS COMING FROM ONE AREA, BUT THEN IT CHANGES OVER TIME PER A NUMBER OF REASONS AND IT STARTS TO COME FROM ANOTHER YES, IT MAKES SENSE TO USE -- THAT ZIP CODE

ANALYSIS THAT PATRICK WAS DESCRIBING IS ANALYZING THE ZIP CODES OF WHERE PEOPLE ARE COMING FROM.

>>DR. PATRICK NOOREN: YEAH. AND WE HAVE SEEN IT WE HAVE BEEN INVOLVED IN SOME COURT CASES THAT ASK A SIMILAR QUESTION. IF THE THEORY IS THAT THE AFFIRMATIVE -- WHAT WE'RE TRYING TO DO IS COMPARE WHAT WE DO LOOK LIKE TO WHERE WE QUOTE UNQUOTE SHOULD LOOK LIKE. THE FUNDAMENTAL QUESTION IS IF WE'RE RECRUITING FROM THE MIDWEST AND TRYING TO BRING IN APPLICANTS FROM LET'S SAY THE MIDWEST, THEN IDEALLY YOU WOULD PROBABLY WANT TO REPRESENT THE MIDWEST. BECAUSE WHAT HAPPENS WHEN YOU HIRE PEOPLE, WHAT DO THEY DO? THEY MOVE. ALL OF A SUDDEN YOUR APPLICANT ZIP CODE ANALYSIS YIELDS VERY BROAD GEOGRAPHIC RESULTS AND THEN YOUR EMPLOYEE ZIP CODE ANALYSIS EVERYBODY IS CLUSTERED RIGHT AROUND THE ORGANIZATION. THE QUESTION IS ARE WE SUPPOSED TO LOOK LIKE WHERE EVERYBODY MOVED TO OR WHERE WE ACTUALLY DRAW FROM?

I WOULD ARGUE THAT'S -- YOU NEED TO TAKE THAT QUESTION ON YOURSELF. YOU NEED TO SEE WHAT IS THE DIFFERENCE IN THE REPRESENTATION. WHAT ACCURATELY REFLECTS WHAT WE SHOULD LOOK LIKE. I WOULD ARGUE YOU ARE PROBABLY TALKING ABOUT LOOKING AT THE APPLICANT DATA.

ALL RIGHT. HERE IS THE THING. YOU DON'T JUST RECRUIT EXTERNALLY FOR MOST POSITIONS. CERTAINLY SOME POSITIONS MIGHT BE COMPLETELY FILLED VIA EXTERNAL MEANS, BUT WHEN YOU ARE TRYING TO THEOR RATE WHAT YOU SHOULD LOOK LIKE NUMBERS YOU FILL POSITIONS INTERNALLY. YOU NEED TO RUN THE SAME ANALYSIS ON YOUR INTERNAL FEEDER GROUPS BECAUSE POSITIONS ARE NOT ALWAYS FILLED EXTERNAL SOURCES IT'S NECESSARY TO IDENTIFY INTERNAL SOURCES KNOWN AS FEEDERS FOR ALL JOBS AND JOB GROUPS. WHAT YOU NEED TO DO IS WEIGHT THOSE FEEDERS JUST LIKE WE DID WITH THE INDIVIDUAL

CENSUS CODES LIKE 783 AND CODE 784. THOSE WERE WEIGHTED BASED UPON THE COMPOSITION OF THE JOB GROUP AND THE NUMBER OF PEOPLE WITHIN EACH OF THOSE CODES. HERE WE'RE TALKING ABOUT WEIGHTING THE FEEDERS BASED ON THINGS LIKE HISTORICAL PROMOTIONS DATA I PUT DOWN WITH A HEAVY DOSE OF PERSONAL REVIEW AND APPROVAL. THIS IS WHERE IT'S NICE IF YOU HAVE HRIS SYSTEMS THAT TRACK EMPLOYEES THROUGHOUT TENURE AT YOUR ORGANIZATION YOU CAN ASK THE QUESTION. THE FOLKS WHO MOVE INTERNALLY INTO SKILLED MACHINE OPERATORS, WHERE DO THEY COME FROM. IF YOU CAN LOOK BACK OVER THE LAST COUPLE YEARS AND YOU CAN SEE THAT 25 PEOPLE MOVE INTO SKILLED MACHINE OPERATORS FROM SOMEWHERE ELSE IN THE ORGANIZATION, AND THREE OUT OF FOUR CAME FROM ENTRY MACHINE OPERATORS, THAT PARTICULAR JOB GROUP, AND MAYBE ONE OUT OF FOUR COMES FROM OUR LABORS JOB GROUP, THEN THOSE ARE YOUR FEEDERS. AND THEN WHAT YOU DO IS GUESS WHAT? IDENTIFY THE COMPOSITION OF THOSE FEEDERS AND JUST LIKE BEFORE WHERE WE WERE LOOKING AT THE COMPOSITION BEING BASED UPON EXTERNAL CENSUS DATA, NOW WE'RE SEEING THAT THE COMPOSITION IS BASED UPON INTERNAL FEEDERS OR FOR EXAMPLE, ONCE AGAIN FOR OUR JOB GROUP 703 SKILLED MACHINE OPERATORS IN THIS PARTICULAR PLAN WE HAVE BEEN WITH SO -- BAND WIDTH SO FAR THE FEEDERS FOR 703 ARE SEVEN '04. JOB GROUP 704 IS COMPRISED OF 58.1 PERCENT MEN. 41.9 PERCENT WOMEN. 35 PERCENT MINORITY SO FORTH. FEEDER 801 LABORERS IS MADE UP OF 40 PERCENT MEN, 60 PERCENT WOMEN, 29.5 PERCENT MINORITIES JUST LIKE THE CENSUS DATA BEFORE THAT'S RAW INFORMATION. WE NOW NEED TO WEIGHT THOSE FEEDERS BASED UPON WHICH ONE IS MORE IMPORTANT. REMEMBER EARLIER I'M GOING TO GO UP A COUPLE SLIDES WE IDENTIFIED IN THIS PARTICULAR SLIDE I WILL GIVE IT A SECOND TO CATCH UP THAT 75 PERCENT OF THE TIME PEOPLE

MOVED INTO SKILLED MACHINE OPERATORS FROM SOMEWHERE ELSE IN THE ORGANIZATION. THEY COME FROM ENTRY MACHINE OPERATORS AND 25 PERCENT OF THE TIME PEOPLE MOVE INTO SKILLED MACHINE OPERATORS THEY COME FROM 801 LABORERS. GUESS WHAT? THOSE ARE THE WEIGHTS WE APPLY TO THAT AVAILABILITY DATA. JUST LIKE -- AVAILABILITY DATA. JUST LIKE WE DID WITH THE CENSUS DATA. 70 PERCENT OF THE INTERNAL MOVEMENT INTO THIS JOB GROUP COME FROM JOB GROUP 704 AND 25 PERCENT OF THE INTERNAL MOVEMENTS INTO THIS JOB GROUP INTO 703 SKILLED MACHINE ADMINISTRATORS COME FROM JOB GROUP 801.

IT OPERATES JUST LIKE WE DID WITH THE CENSUS DATA FOR IDENTIFYING THE RELATIVE IMPORTANCE OF THE INDIVIDUAL FEEDERS.

LASTLY, I PROMISE WE'RE ALMOST AT THE END OF THIS TANGLED WEB OF DETERMINING THE AVAILABILITY THE LAST THING YOU NEED TO ASK FOR EACH OF THESE INDIVIDUAL JOB GROUPS, WHAT IS THE RELATIVE IMPORTANCE OF EXTERNAL CENSUS DATA VERSUS INTERNAL FEEDER DATA. THOSE ARE YOUR FACTOR WEIGHTS. THAT'S THE WEIGHT GIVEN TO THE INTERNAL AND EXTERNAL AVAILABILITY DATA FOR EACH JOB GROUP. IDENTIFIES THE RELATIVE IMPORTANCE OF EACH SET OF DATA. WHAT YOU ARE DOING IS ASKING THE QUESTION. OUT OF 100 HYPOTHETICAL MOVEMENTS INTO THIS JOB GROUP, WHAT NUMBER DO I EXPECT TO COME FROM A LOCAL RECRUITMENT AREA. MEANING MY LOCALLY EXTRACTED CENSUS DATA. WHAT PERCENT OF THE TIME DO I EXPECT TO FILL POSITIONS IN 703 FROM SOME REASONABLE RECRUITMENT AREA MIGHT BE STATE, NATIONAL. WHAT PERCENTAGE OF THE TIME DO WE FILL POSITIONS IN 703 FROM WITHIN.

THOSE BECOME YOUR FACTOR WEIGHTS IN THIS YELLOW COLUMN HERE.

MR. NICOLAS PAUL: IF I CAN JUMP IN HERE I WAS GOING TO SAY IT'S IMPORTANT TO NOTE THOSE CAN CHANGE OVER TIME. AGAIN, THIS GOES BACK TO MONITORING

THIS ROUTINELY BECAUSE LET'S SAY YOU ARE A NEW COMPANY OR YOU ARE A GROWING COMPANY. YOUR FACTOR WEIGHTS MAY BE VERY DIFFERENT THIS YEAR OR OVER A FIVE-YEAR PERIOD COMPARED TO THE NEXT FIVE-YEAR PERIOD. WE DON'T WANT TO ASSUME THAT THE WEIGHTS THAT WE'RE ASSIGNING TO OUR EXTERNAL AND INTERNAL FEEDERS ARE GOING TO REMAIN STATIC. THAT IS SOMETHING YOU ARE GOING TO NEED TO REASSESS ON AN ANNUAL BASIS.

>>DR. PATRICK NOOREN: NICK, ON THAT NOTE I PROMISE NOT TO TAKE UP TOO MUCH TIME HERE, BUT THAT'S THE SAME TYPE OF QUESTION THAT FOLKS SHOULD BE ASKING ABOUT YOUR EXTERNAL LABOR AREA. WAS A NEW FREEWAY PUT IN THAT NOW ALLOWS US TO ACCESS OTHER AREAS READILY. HAVE YOU HAD SOME TYPE OF PROMOTION FROM WITHIN PROCESS WHERE YOU ARE TRYING TO FOSTER PROMOTING FROM WITHIN. ALL THESE THINGS CAN IMPACT YOUR LABOR AREA, YOUR FACTOR WEIGHTS. THAT'S WHY LIKE HE WE SAID EARLIER IT'S PART ART, SCIENCE YOU GET OUT WHAT YOU PUT IN.

MR. NICOLAS PAUL: SO WE HAVE JOB GROUP -- I WANT TO BE CLEAR. WE'RE GOING TO HOLD QUESTIONS AT THIS POINT BECAUSE WE DO HAVE SO MANY WE WANT TO MAKE SURE WE GET THROUGH THE CONTENT OF OUR SLIDES WITH OUR TIME NARROWING WE'RE GOING TO KIND OF HOLD OFF ON THIS, BUT WE'LL GET TO THEM. CONTINUE TO SEND THEM. JUST KNOW WE'RE NOT GOING TO BE PROVIDING INSTANTANEOUS FEEDBACK. HERE WE HAVE SKILLED MACHINE OPERATORS RAW CENSUS DATA ON THE LEFT AND WEIGHTED ON THE RIGHT. EARLIER WE SPOKE TO EXTERNAL FACTORS WE HAVE A REASONABLE THAT'S NATIONWIDE RECRUITMENT AND LOCAL THAT'S OUR LOCAL AREA. OUR INTERNAL FEEDERS BELOW THAT. IF LOOKING AT FEMALE UNDER THE RAW PERCENTAGES WE CAN SEE THE RATIO 69.9 PERCENT FEMALE AND 55.0 PERCENT MINORITY FACTOR WEIGHT OF 0. FROM THE NATIONAL



RECRUITMENT AREA. FOR LOCAL FEMALE 40.9.  
MINORITY 38.8. WE'RE GOING TO WEIGHT EACH ONE BY  
30 PERCENT. IT'S 12.3 PERCENT.  
30 PERCENT IS 11.6 PERCENT. FOR INTERNAL FEEDERS  
WE'RE GOING TO DO THE SAME MATH TO ARRIVE AT OUR  
WEIGHTING CENSUS DATA.  
WEIGHTING BASED ON THE PROPORTION OF  
REPRESENTATION. WE DON'T WANT TO WEIGHT THESE  
AREAS EQUALLY THEY NEED TO BE WEIGHTED BASED ON  
WHAT IS ACTUALLY OCCURRING. WE'RE GOING TO TALLY  
THOSE UP FOR THE FEMALES GIVES US 44.8 PERCENT  
FEMALE WEIGHTED PERCENTAGE. THAT'S OUR FINAL  
AVAILABILITY WHAT WE SHOULD HAVE BASED ON  
EXTERNAL AND INTERNAL FEEDERS AND THEN FOR  
MINORITIES 35.6 PERCENT MINORITY AVAILABILITY.  
FINAL AVAILABILITY EQUALS THE GOAL. WE COVERED  
THAT EARLIER. COMPARISON OF INCUMBENCY TO  
AVAILABILITY. MOVING RELATIVELY QUICKLY WE HAVE  
SKILLED MACHINE OPERATORS AS JOB GROUP. THE  
TEST USING WHOLE PERSON. IF THERE IS A DIFFERENCE  
THEN A WHOLE PERSON WE'RE GOING TO HAVE A GOAL.  
TOTAL NUMBER OF EMPLOYEES IS 24. WE HAVE 12  
FEMALES THAT ARE 50 PERCENT. 12 OUT OF 24 IS  
50 PERCENT.  
AVAILABILITY IS 44.8. WE HAVE MORE FEMALES  
COMPARED TO OUR AVAILABILITY AT 44.8 PERCENT.  
TEST OF WHOLE PERSON NO GOAL. MINORITIES  
16.7 PERCENT. AVAILABILITY IS 35.6. PERCENT. THERE  
IS A SIGNIFICANT DIFFERENCE. COMPARED TO 35.6. WE  
HAVE A DIFFERENCE OF GREATER THAN ONE WHOLE  
PERSON. A DIFFERENCE OF FIVE NEEDED TO ELIMINATE  
THE PROBLEM AREA.  
I'M MOVING A LITTLE BIT SLOW HERE CAUGHT HALFWAY  
BETWEEN SLIDES.  
COMPARISON OF INCUMBENCY TO AVAILABILITY. THE  
REGULATIONS REQUIRE FEDERAL  
CONTRACTORS -- AFTER WE CONDUCTED OUR  
ASSESSMENT THE REGULATIONS REQUIRE  
CONTRACTORS TO COMPARE THE PERCENTAGE OF

MINORITIES AND WOMEN IN EACH JOB GROUP WITH THE AVAILABILITY TO DETERMINE IF THERE IS A DIFFERENCE. IF THERE IS A DIFFERENCE AND WE HAVE LESS THAN WHAT WOULD BE REASONABLY EXPECTED THEN WE HAVE A PLACEMENT GOAL THAT'S OTHERWISE, KNOWN AS UNDER UTILIZATION AND HAVE TO CREATE AN ACTION ORIENTED PROGRAM ASSOCIATED WITH THOSE GOALS. WHAT IS LESS THAN WOULD BE REASONABLY EXPECTED? WE HAVE DIFFERENT TESTS THAT WE CAN USE. THERE IS AN ANY DIFFERENCE TEST. IS THERE ANY DIFFERENCE BETWEEN INCUMBENCY AND AVAILABILITY WE HAVE THE WHOLE PERSON RULE. IS THE DIFFERENCE BETWEEN INCUMBENCY AND AVAILABILITY AT LEAST ONE WHOLE PERSON. THE 80 PERCENT RULE. OF AVAILABILITY. IS THERE A 20 PERCENT VARIANCE AND STATISTICAL SIGNIFICANCE IS THERE A DIFFERENCE BETWEEN INCUMBENCY AND AVAILABILITY STATISTICALLY SIGNIFICANT. WOULD APPLY TO THAT.

>>DR. PATRICK NOOREN: ALL RIGHT. NICK MENTIONED CONTRACTORS HAVE THE ABILITY TO CHOOSE ONE OF THESE FOUR DIFFERENT RULES. AND TO DO SO, YOU SIMPLY NEED TO ASK THE QUESTION WHERE DO YOU FIT ALONG THIS SPECTRUM FROM FAR LEFT BEING STATISTICAL SIGNIFICANCE TO FAR RIGHT BEING ANY DIFFERENCE. THE STRENGTHS AND WEAKNESSES TO EACH OF THESE STRATEGIES YOU SHOULD BASE UPON SAMPLE SIZE HOW MANY EMPLOYEES DO YOU HAVE, BUT ALSO WHAT IS THE PERSONALITY OF THE ORGANIZATION. WHAT IS THE SIZE OF STRUCTURE, BUT HOW DO YOU PERCEIVE AFFIRMATIVE ACTION. IF THIS IS A REGULATORY OBLIGATION AND WE WANT TO SHOW THE LEAST NUMBER OF GOALS POSSIBLE THEN WE'RE TALKING ABOUT USING A REAL LIFE STATISTICAL SIGNIFICANCE. THE LEAST PROACTIVE LEAST LEGAL -- IT'S LEGALLY ORIENTED AND LEAST GOALS. IF YOU ARE PROACTIVE ORGANIZATION YOU MIGHT SEE SOMETHING WHERE ANY DIFFERENCE IS

YOUR REPRESENTATION AT ALL LESS THAN AVAILABILITY IT'S EXTREMELY PROACTIVE, BUT YOU MIGHT FIND YOU ARE LOOKING AT SETTING GOALS WHERE AVAILABILITY IS 40 PERCENT AND YOU ARE AT 39 PERCENT WOMEN. WHAT WE TALK ABOUT WITH MOST OF OUR CLIENTS IS SOMEWHERE IN THE MIDDLE. WHOLE PERSON RULE BEING VERY BALANCED RULE. ARE YOU AT LEAST ONE WHOLE PERSON AWAY FROM AVAILABILITY? OR THE 80 PERCENT TEST. IS YOUR REPRESENTATION AT LEAST 80 PERCENT OF AVAILABILITY IS YOUR REPRESENTATION OF WOMEN OR MINORITIES AT LEAST 80 PERCENT OF AVAILABILITY. THOSE ARE VERY BALANCED STRATEGIES. IT'S IMPORTANT TO KNOW THAT IDENTIFYING UNDER UTILIZATION IS NOT A DECLARATION OF DISCRIMINATION. YOUR JOB IS TO CHOOSE A RULE THAT BEST REPRESENTS YOUR ORGANIZATIONAL SIZE AND STRUCTURE AND HOW YOU VIEW AFFIRMATIVE ACTION. WRAPPING UP THE COMPARISON OF INCUMBENCY TO AVAILABILITY. IT'S A FAIRLY TANGLED WEB OF DRAWING IN DATA AND WEIGHTING THAT DATA BASED UPON RELATIVE IMPORTANCE AND THEN COMPARING THAT TO YOUR INCUMBENCY. YOU GRAB YOUR EXTERNAL CENSUS DATA FROM THE CENSUS BY LINKING YOUR JOB TO THE INDIVIDUAL OCCUPATION CODES. DRAW IN YOUR INTERNAL AVAILABILITY BY CAN LOOKING AT FEEDERS AND HOW PEOPLE MOVE AROUND WITHIN YOUR ORGANIZATION. ASSIGN FACTOR WEIGHTS BASED UPON THE RELATIVE IMPORTANCE OF EACH. THEN THAT YIELDS THE FINAL AVAILABILITY. YOU COMPARE THAT TO YOUR ACTUAL REPRESENTATION AND WHERE YOU HAVE a shortfall YOU NEED TO CREATE A GOAL OR ACTION ORIENTED PROGRAM. IT ALL GOES BACK TO THE BUSINESS PLAN WE TALKED ABOUT EARLIER. IT'S A STANDARD BUSINESS PLAN. YOU HAVE A BASELINE YOU MEASURE YOURSELF AGAINST THAT BASELINE. WHERE YOU HAVE A SHORTFALL YOU COME UP WITH STRATEGIES YOU IMPLEMENT THOSE STRATEGIES AND CIRCLE BACK LATER TO SEE HOW YOU HAVE DONE.

MR. NICOLAS PAUL: AS FAR AS STRATEGIES AND

RECOMMENDATIONS UNDERSTANDING YOUR AAP METRICS WE SAID THIS MORE THAN ONE TIME REEVALUATE YOUR CENSUS CODES LOOK AT YOUR JOBS. MAKE SURE YOU ARE DETERMINING HAVE THERE BEEN CHANGES TO MY LOCAL LABOR AREAS FEEDERS. DON'T GET STUCK IN THE WEEDS. THAT'S SO TRUE. YOU CAN REALLY FRUSTRATE YOURSELVES SOMETIMES. IT HELPS TO MAYBE TAKE A STEP BACK SOMETIMES AND REALLY DO WHAT MAKES SENSE AS YOU ARE CREATING BOTH ASSIGNING PEOPLE TO CENSUS AND AS YOU ARE CREATING JOB GROUPINGS. PRIORITIZE BIG TICKET ISSUES. YOU MIGHT HAVE ONE JOB GROUP THAT'S UNDER UTILIZED BY 20 AND ANOTHER UNDER UTILIZED BY ONE. THERE SHOULD NOT BE -- WE ARE ALL LIMITED ON TIME AND RESOURCES WE'RE LIMITED ON THAT RIGHT NOW IN THIS PRESENTATION.

FOCUS ON YOUR BIG TICKET ITEMS.

HIRE THE BEST. I DON'T KNOW IF WE SAID THIS. WE PROBABLY SHOULD HAVE ALREADY. IT'S KIND OF OUR DISCLAIMER. REMEMBER WE'RE NEVER HIRING -- WE'RE ALWAYS HIRING THE BEST QUALIFIED APPLICANT AND TRACK ALL YOUR GOOD FAITH EFFORT. DOCUMENT. I KNOW WE'RE RUNNING AGAINST THE CLOCK.

IF WE HAVE TEN MINUTES WE COULD GO THROUGH DISPARITY ANALYSES.

TONY, ANITA, WHAT DO YOU THINK.

MR. NICOLAS PAUL: THEY ARE GOING TO STONE WALL US. IF OUR AUDIENCE WANTS TO STAY, I'M FINE. LET'S KEEP GOING.

>>DR. PATRICK NOOREN: HERE WE GO. WHAT WE TALKED UP TO THIS POINT IS COMPARING WHAT WE LOOK LIKE TO WHAT WE SHOULD LOOK LIKE BASED ON A STATIC SNAPSHOT. SAYS NOTHING ABOUT HOW WE GOT THAT WAY. TO DO THAT WE NEED TO ANALYZE OUR PERSONAL TRANSACTIONS WHAT ARE CALLED DISPARITY ANALYSES. IMPACT ANALYSES. HERE IS WHY. YOUR CURRENT REPRESENTATION REALLY IS THE RESULT OF ALL OF THESE DIFFERENT TYPES OF

TRANSACTIONS AND EVEN MORE THAN I HAVE LISTED  
HERE. IT'S HIRES INTO THE ORGANIZATION.  
PROMOTIONS INTO DIFFERENT JOBS. TRANSFERS FROM  
ONE JOB GROUP TO ANOTHER. TERMINATIONS BOTH  
VOLUNTARY AND INVOLUNTARY AND THEN PROMOTIONS  
FROM JOB GROUPS INTO OTHER JOB GROUPS AS WELL.  
IT'S IMPORTANT TO KNOW WHEN TALKING ABOUT  
ANALYZING PERSONNEL TRANSACTIONS AND  
UNDERSTANDING THE OFCCP GENERALLY SPEAKING  
THERE IS A COUPLE WAYS TO LOOK AT YOUR PERSONAL  
TRANSACTIONS AND TO LOOK AT THEORIES OF  
DISCRIMINATION WITHIN YOUR ORGANIZATION.  
DISPARATE TREATMENT I WON'T BELABOR THIS. THIS IS  
NOT WHAT THE OFCCP GENERALLY SPEAKING  
INVESTIGATES, BUT DISPARATE TREATMENT IS WHERE  
THE PLAINTIFF MUST SHOW THAT THE APPLICANTS WERE  
TREATED DIFFERENTLY INDIVIDUALLY BECAUSE OF THEIR  
RACE, SEX, GENDER, RELIGION AGE OR NATIONAL ORIGIN.  
TYPICALLY INVOLVES SOME TYPE OF DELIBERATE ACTS  
THAT IMPLIES DISCRIMINATORY INTENT. AND  
ULTIMATELY THE PLAINTIFF OR THE OFCCP HAS TO SHOW  
INTENT. IN OTHER WORDS, THE SMOKING GUN. THAT'S  
DISPARATE TREATMENT. WHAT WE'RE TALKING ABOUT  
WITH THE OFCCP IS DIFFERENT. IT'S CALLED DISPARATE  
IMPACT. IT REQUIRES NO INTENT. WE OFTEN HAVE  
CLIENTS ASK ME QUESTIONS LIKE WELL HOW COULD OUR  
MANAGERS POSSIBLY DISCRIMINATE WHEN THEY DON'T  
SEE THE GENDER OR ETHNICITY OF THE APPLICANT? AND  
THE ANSWER IS IT DOESN'T MATTER. IT'S A FACIALLY  
NEUTRAL EMPLOYMENT PRACTICE THAT NONETHELESS  
RESULTS IN A DISPARITY. RESULTS IN A SUBSTANTIALLY  
DIFFERENTIATE OF SELECTION. REGARDLESS OF  
WHETHER YOU KNEW THAT IT WAS A WOMAN OR WAS A  
MINORITY ULTIMATELY YOUR SELECTION PROCESS  
RESULTED IN THESE DISPARITIES. THAT'S WHAT WE'RE  
TALKING ABOUT WITH THE OFCCP. THAT'S WHAT THEY  
ARE LOOKING FOR WHEN THEY ANALYZE YOUR  
PERSONAL TRANSACTIONS AND TO CARRY A DISPARATE  
IMPACT ARGUMENT IT TYPICALLY REQUIRES STATISTICS

TO CARRY THAT INITIAL BURDEN.

WHEN WE TALK ABOUT ANALYZING YOUR PERSONAL TRANSACTIONS WE'RE TALKING ABOUT IN YOUR AFFIRMATIVE ACTION PLAN ARE YOU SUBMITTING DATA LIKE YOU SEE HERE. SUBMITTING DATA BY GENDER AND ETHNICITY FOR EACH AND EVERY JOB GROUP ON APPLICANTS HIRES INVOLUNTARY AND VOLUNTARY TERMINATIONS, PROMOTIONS FROM, PROMOTIONS INTO, PROMOTIONS WITHIN. THIS IS INFORMATION THAT YOU ARE PROVIDING TO THE OFCCP. GUESS WHAT HAPPENS WHEN THEY RECEIVE THIS INFORMATION THEY ARE PLUGGING IT INTO THEIR ANALYSIS TOOL. THEY ARE COMPARING APPLICANTS TO HIRES. AND OTHER TYPES OF ANALYSES. BUT IT'S IMPORTANT FOR YOU TO UNDERSTAND THAT TO CARRY A DISPARATE IMPACT ARGUMENT AN UNLAWFUL EMPLOYMENT PRACTICE BASED ON DISPARATE IMPACT IS ESTABLISHED ONLY IF A COMPLAINING PARTY LET'S SAY IT'S THE OFCCP DEMONSTRATES THAT A RESPONDENT USES A PARTICULAR EMPLOYMENT PRACTICE THAT CAUSES AN ADVERSE IMPACT. SO THEY FOUND A STATISTICALLY SIGNIFICANT DISPARITY IN HIRING RATES BETWEEN TWO GROUPS. AND YOU THE RESPONDENT FAILED TO DEMONSTRATE THAT THAT CHALLENGE PRACTICES JOB RELATE NOT THE POSITION IN QUESTION CONSISTENT WITH BUSINESS NECESSITY. IN OTHER WORDS, YOU FAILED TO PROOF THAT SELECTION PROCESS IS VALID. THERE IS AN END RUN TALKING ABOUT ALTERNATE EMPLOYMENT PRACTICE THAT THE OFCCP OR PRACTICE COULD TAKE, BUT WE'RE NOT GOING TO TALK ABOUT THAT TODAY.

THEY RECEIVE YOUR DATA, PERSONNEL TRANSACTIONS FROM A 12-MONTH PERIOD IN YOUR AFFIRMATIVE ACTION PLAN AND THEY ANALYZE THAT DATA. IF THEY FIND A STATISTICALLY SIGNIFICANT DISPARITY IN HIRING RATES BECAUSE THAT IS THEIR BREAD AND BUTTER THEY ARE GOING TO COME ASKING YOU FOR MORE INFORMATION AND WHETHER THE SELECTION PROCESS USED TO YIELD THOSE DIFFERENCES AND RATES IS VALID. IS IT

JOB-RELATED AND CONSISTENT WITH BUSINESS NECESSITY. THE QUESTION IS DOES THE PRACTICE PROCEDURE OR TEST RESULT IN DISPROPORTIONATE SELECTION RATES BY GENDER RACE ETHNICITY HERE WE'RE TALKING ABOUT THE SAME STATISTICAL ANALYSIS THAT THE OFCCP IS USING FOR ALL DIFFERENT TYPES OF SELECTIONS WHETHER IT BE HIRES, PROMOTIONS, TERMINATIONS. TERMINATIONS IS A SELECTION PROCESS. PEOPLE ARE BEING SELECTED TO EITHER BE TERMINATED OR SELECTED TO BE RETAINED. SO REALLY THEY ARE ASKING A QUESTION LIKE THIS. THEY ARE PUTTING ALL THIS INFORMATION INTO A TWO BY TWO TABLE. 50 MEN PASS A SELECTION PROCESS 50 MEN FAIL. MEN'S PASSING RATE IS 50 PERCENT. IF 25 WOMEN PASS A SELECTION PROCESS AND 75 PERCENT WOMEN FAIL PASSING RATE IS 25 PERCENT. IS THERE IS LARGE ENOUGH DISPARITY IN THOSE TWO RATES TO YIELD STATISTICALLY SIGNIFICANT RESULTS. MEANING IS THAT DIFFERENCE LARGE ENOUGH OR SMALL ENOUGH AS DUE TO CHANCE OR LARGE ENOUGH LIKELY NOT DUE TO CHANCE? IT'S IMPORTANT TO KNOW. DISCRIMINATION REALLY CAN IMPACT ANY GROUP. WE HAVE SEEN TIME AND TIME AGAIN IN THE LAST SEVERAL YEARS AND MORE SO NOW THAN EVER THAT THE OFCCP IS GOING WHERE THE DATA TAKES THEM. THEY ARE GOING WHERE THE DATA LEADS THEM. LOOKING TO SEE IS THERE IMPACT NEGATIVELY AGAINST WHITES. IS THERE IMPACT NEGATIVELY AGAINST MEN. IS IT WHITES BEING IMPACTED COMPARED TO AFRICAN AMERICANS OR WHEN COMPARED TO ASIANS. IS IT BLACKS BEING COMPARED TO ASIANS IT'S YOUR JOB TO ASK THE QUESTION. WHICH GROUP IS THE HIGHEST GROUP. COMPARE TO IT. ARE THERE DISPARITIES THAT NEED TO BE EXPLAINED. ALL RIGHT. SO IN THAT INITIAL REVIEW PROCESS BY THE OFCCP THE QUESTION IS DID THEY FIND ANYTHING THAT CROSSED THAT LINE IN THE SAND. DID THEY FIND ANY INDIVIDUAL ANALYSIS LET'S CALL IT A SELECTION RATE IN HIRING WHERE MEN WERE SIGNIFICANTLY HIGHER THAN WOMEN. IF SO THEN THEY

MET THEIR INITIAL BURDEN THEY CAN START COMING BACK AND ASKING FOR ADDITIONAL DATA. CAN ASK ABOUT THE SELECTION PROCESS. IS THERE A TEST THAT'S USED IN THE PROCESS. TELL ME ABOUT ALL THE INDIVIDUAL STEPS. AND THE INVESTIGATION GETS STICKY. THE AUDIT GETS STICKY. IF THERE IS NO SIGNIFICANT DIFFERENCE THEN INITIAL BURDEN IS NOT MET AND LIKELY DEPENDING ON THE SELECTION PROCESS THERE IS NO VALIDATION REQUIRED. AND THE INVESTIGATION TYPICALLY THE AUDIT TYPICALLY ENDS MORE SMOOTHLY.

THAT REALLY IS THE BIG TICKET LINE IN THE SAND FOR HOW WELL THESE THINGS GO.

I'M GOING TO KEEP GOING. I SEE WE HAVE PRETTY MUCH EVERYBODY STILL IN ATTENDANCE. I WILL WRAP THINGS UP QUICKLY I PROMISE. GOING TO TALK JUST ABOUT STEP ANALYSES. IT'S IMPORTANT FOR EVERYBODY ONTO UNDERSTAND THE IMPORTANCE OF BEING ABLE TO ANALYZE THE INDIVIDUAL STEPS IN YOUR SELECTION PROCESS. WHEN THE OFCCP REQUESTS AND THEN RECEIVES YOUR PERSONNEL TRANSACTIONS DATA, IT IS IN THE AGGREGATE. IT IS 12 MONTHS OF DATA THAT JUST LOOKS AT APPLIED VERSUS HIRED. BUT UNLESS IT'S SOME ENTRY LEVEL POSITION WHERE YOU CAN FOG A MIRROR IT'S LIKELY THAT YOU HAVE STEPS WITHIN THAT SELECTION PROCESS. AND THE QUESTION IS WHICH STEPS ARE DRIVING THE IMPACT. THIS IS WHERE WE COULD HAVE A TWO-DAY SESSION JUST ON USING YOUR APPLICANT TRACKING SYSTEM AND DISPOSITION CODES. THIS IS HOW YOU CAN TRACK YOUR APPLICANTS THROUGH YOUR ENTIRE SELECTION PROCESS, BUT HERE IS WHERE IT STEMS FROM TITLE 7 OF 1964 AND 91 CIVIL RIGHTS ACT. UNLAWFUL EMPLOYMENT PRACTICE BASED ON DISPARATE IMPACT IS ESTABLISHED UNDER THIS TITLE ONLY IF A COMPLAINING PARTY DEMONSTRATES A RESPONDENT USES A PARTICULAR EMPLOYMENT PRACTICE THAT CAUSES DISPARATE IMPACT.

IMPORTANT NOTE. ENFORCEMENT AGENCIES HAVE THE



RIGHT TO INVESTIGATE THE PRACTICES PROCEDURES AND TEST THAT YOU USE TO SCREEN APPLICANTS EVEN IF THERE IS NOT OVERALL ADVERSE IMPACT. EVEN IF APPLIED VERSUS HIRED YIELD NO SIGNIFICANT DISPARITIES BETWEEN MEN AND WOMEN OR WHITES AND MINORITIES OR INDIVIDUAL MINORITY GROUPS THEY CAN ASK QUESTIONS ABOUT THE INDIVIDUAL STEPS. THAT STEMS FROM A SUPREME COURT CASE FROM A WHILE AGO AT THE TEND OF THE DAY IT'S INCUMBENT UPON YOU THE EMPLOYER THIS IS NOT JUST A FEDERAL CONTRACTOR THING THIS IS AN EMPLOYER THING YOU HAVE TO BE ABLE TO TRACK EVERY ONE OF YOUR APPLICANTS THROUGH YOUR ENTIRE SELECTION PROCESS SUCH THAT YOU CAN ANALYZE EVERY STEP IN THE SELECTION PROCESS.

ABSOLUTELY IMPORTANT. AND HERE IS WHY. IT'S IN YOUR BEST INTEREST BY THE WAY. YES, IT IS REQUIRED BY LAW. BUT IT'S IN YOUR BEST INTEREST. HERE IS WHY. THIS OVERALL ROW UP AT THE VERY TOP IN RED OVERALL WE SEE STARTING IN 100 MEN START 50 MEN ARE HIRED. 100 WOMEN START. 30 WOMEN ARE HIRED. THAT'S A SIGNIFICANT DIFFERENCE. 2.81 STANDARD DEVIATION NEGATIVELY IMPACTING WOMEN. THE OFCCP IS GOING TO SEE THAT WHEN YOU SUBMIT THE DATA TO THEM. THE QUESTION THEY ARE GOING TO ASK IS TELL ME ABOUT THE SELECTION PROCESS. AND WHERE IN THE SELECTION PROCESS DO WE FIND THE IMPACT. YOUR JOB BEHIND THE SCENES IS TO SES THAT OUT BECAUSE YOU ALMOST HAVE A STRATEGY THEN TO ADDRESS THAT POTENTIAL ISSUE. LET'S LOOK AT THE BASIC QUALIFICATIONS SCREEN. THIS IS THE PEOPLE WHO APPLIED FOR THE POSITION. YOU EVALUATE THEIR BASIC QUALIFICATIONS IT'S NOT IN THE DQs. MEN AND WOMEN DO PRETTY SIMILARLY IN THE EVALUATION OF THE DQs. EVERYBODY THAT PASSES OR COMPLETES THE DQs 79 MEN 77 WOMEN IS SUBJECTED TO SOME KIND OF A TEST. LET'S CALL IT A PHYSICAL ABILITY TEST. 79 MEN TAKE THE PHYSICAL ABILITY 65 PASS. 77 TAKE 35 PASS. THAT'S A HUGE DIFFERENCE IN RATE JUST ON

THAT TEST. IT WASN'T THE INTERVIEW. WE CAN SEE IT WASN'T IN THE PAST INTERVIEW OFFERED A JOB. IT WAS ALL LOADED UP ON THAT PHYSICAL ABILITY TEST. WHY IS THAT IMPORTANT. ASIDE FROM BEING LEGALLY REQUIRED WHY WOULD AN EMPLOYER WANT TO CONDUCT A STEP ANALYSIS BECAUSE ADVERSE IMPACT ALONE DOES NOT EQUAL DISCRIMINATION. THIS IS SOMETHING THE OFCCP FORGETS QUITE OFTEN. THEY SEE OFTEN TIMES AT LEAST INITIALLY THAT WE HAVE A STATISTICALLY SIGNIFICANT DISPARITY. THERE IS SOMETHING GOING ON. NOW, IT MIGHT BE THAT THAT IS THE CASE, BUT THAT IS NOT WHERE THE LAW IS. WHAT THE LAW STATES IS IF YOU HAVE THAT STATISTICALLY SIGNIFICANT DISPARITY, BUT IT'S IF IT'S COUPLED WITH SUFFICIENT JOB-RELATEDNESS OR VALIDITY YOU HAVE THE LEGAL DEFENSE ABILITY FOR THOSE DECISIONS. THAT'S NOT DISPARATE IMPACT DISCRIMINATION. IF YOU CAN PIN THE IMPACT ON A SPECIFIC STEP, IF YOUR APPLICANT TRACKING SYSTEM HAS THOSE DISPOSITION CODES, AND YOUR RECRUITERS AND HIRING MANAGERS ARE USING THOSE DISPOSITION CODES SUFFICIENTLY AND ACCURATELY AND USING THEM ALL THE TIME AND YOU HAVE THE ABILITY TO ANALYZE THOSE INDIVIDUAL STEPS, THEN YOU CAN MUSTER VALIDITY DEFENSE BASED UPON THE STEP DRIVING THE IMPACT. IN THE ABSENCE OF THIS THE ENFORCEMENT AGENCY IS ALLOWED TO USE THE OVERALL ANALYSIS AND WE SAW HOW THAT WAS NOT IN YOUR FAVOR.

MR. NICOLAS PAUL: I'M GOING TO TRY TO SUMMARIZE THIS AS FAST AS WE CAN. AFFIRMATIVE ACTION COMPLIANCE DOESN'T HAPPEN IN A BUBBLE AT ALL. ACHIEVING YOUR GOALS NECESSITATES COLLABORATION BETWEEN YOUR MANAGER SUPERVISORS DECISIONMAKERS HUMAN RESOURCES COMPENSATION ET CETERA. EVERYONE NEEDS TO BE IN ON THIS. CAN'T JUST BE AN HR FUNCTION. DISPARITIES NEED TO BE DISCUSSED TOGETHER. BASED ON ORGANIZATIONAL GOALS.

IN THE END YOU HAVE TO KNOW YOUR DATA AS WELL. I DON'T KNOW IF WE STRESSED THIS ENOUGH, BUT KNOWING YOUR DATA REVIEWING IT ENSURING IT MAKES SENSE THESE ARE THE THINGS AND MAKING SURE THAT WHAT YOU HAVE DONE TO YOUR DATA REFLECTS THE WAY YOUR ORGANIZATION IS ACTUALLY FUNCTIONS, IF YOUR DATA IS NOT CLEAN, IF CODES ARE CENSUS CODES ARE NOT CORRECT. WEIGHTS ARE NOT ASSIGNED CORRECTLY, ANALYSES AREN'T RUN CORRECTLY EXCUSE ME THE ANALYSES YOU RUN COULD BE SEVERELY COMPROMISED AND COULD REALLY CREATE PROBLEMS DOWN THE ROAD IF YOU FIND YOURSELF IN A COMPLIANCE EVALUATION. FOCUS ON THE BIG TICKET ITEMS AREAS OF ADVERSE IMPACT. SIGNIFICANCE. LARGE SHORTFALLS LOOK FOR THOSE. ENTRY LEVEL HIRING IS THE ACHILLE'S HEEL. YOU HAVE A LOT OF PEOPLE IN A PARTICULAR JOB GROUP WITH A LOT OF TURNOVER WITH VERY LITTLE EDUCATIONAL OR EXPERIENCE REQUIREMENTS THOSE ARE AREAS YOU WANT TO FOCUS ON. FINALLY REMEMBER TO DOCUMENT. ALL THE GOOD THINGS YOU ARE DOING ARE MEANINGLESS IF YOU DON'T HAVE A RECORD OF IT. SO MANY COMPANIES ARE DOING SO MANY GOOD THINGS EVEN THE SMALLEST THING. JANE WENT AND VOLUNTEERED EIGHT HOURS THIS WEEK AT THIS PARTICULAR ORGANIZATION ADVANCES THE EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES. THAT SHOULD BE DOCUMENTED. THE SMALLEST THINGS IN THEIR TOTALITY CAN MAKE A VERY BIG DIFFERENCE IN HOW YOU ARE PERCEIVED BY THE AGENCY. FINALLY THE LAST SLIDE. OFCCP IS VERY ACTIVE, EXTREMELY ACTIVE. DON'T THINK COVID SLOWED THEM DOWN. I THINK IT MAY HAVE SPED THEM UP WITH FOCUS REVIEWS. IT'S EASIER WHEN YOU ARE ABLE TO LOG INTO A TEAMS MEETING OR GO TO WEBINAR WHATEVER. THEY ARE EXTREMELY ACTIVE. IT'S IMPERATIVE ON YOUR PART YOU UNDERSTAND EVALUATING ALL THESE THINGS WE COVERED TODAY. WE DIDN'T GET INTO COMPENSATION. EXTREMELY

IMPORTANT AREA WHEN IT COMES TO FINANCIAL RENUMERATION FOR THE AGENCY. NOT A LOT OF CASE THEIRS, BUT THE CASES THEY DO GET ARE BIG TICKET ITEMS. EVIDENCE OF OUTREACH RECRUITMENT. DATA AND ANALYSES. HIGH VOLUME POSITIONS THOSE ARE WHERE YOU HAVE A LOT OF RISK AND AUDIT AND REPORTING YOUR GOOD FAITH EFFORTS AGAIN SHOWING EVERYTHING YOU ARE DOING. TOTALITY OF EFFORTS IS GOING TO MAKE A DIFFERENCE. I KNOW THIS MAY SOUND OBVIOUS THE NOTE AT THE BOTTOM I'M TELLING YOU I HAVE RUN INTO SO MANY PEOPLE. HAVE YOU GOT TO READ YOUR AFFIRMATIVE ACTION PLANS. YOU WOULD BE SURPRISED. I WOULD CHALLENGE EVERYONE ON THIS CALL TODAY. GO THROUGH THE NARRATIVES. YOU WOULD BE SHOCKED SOMETIMES WHAT IS IN THERE OR MAYBE WHAT IS EVEN ASSIGNED TO YOU IN THOSE. TAKE YOUR TIME TO DO IT. IT'S REALLY AN HOUR USUALLY TO GET THROUGH THE NARRATIVES, THROUGH THE ANALYSES. MAYBE MORE IF YOU FIND ISSUES, BUT JUST TO GO THROUGH THE AAP ITSELF CAN USUALLY BE DONE WITHIN AN HOUR AND FROM THERE YOU CAN DEVELOP YOUR ACTION ORIENTED PROGRAMS.

>>DR. PATRICK NOOREN: I KNOW WE'RE RUNNING LATE IT'S WORTH MENTIONING. NOTHING RAISES THE HAIR ON THE BACK OF THE COMPLIANCE OFFICER'S NECK MORE THAN SEEING AN AAP NARRATIVE THAT'S OUT OF DATE, THAT'S CUT AND PASTE THAT USES OTHER ORGANIZATION'S NAMES IN IT OR SAMPLE COMPANY ABC. IT'S IMPORTANT THAT YOU KNOW THAT THIS IS WHAT IS BEING EVALUATED AND IT'S UP TO YOU TO PUT YOUR BEST FOOT FORWARD.

MR. NICOLAS PAUL: YES SO TRUE. APPLICANT DATA. WE DIDN'T SAY IT, BUT YOUR APPLICANT DATA FOCUS ON YOUR APPLICANT DATA FOR GOODNESS' SAKE. IF THE AGENCY SEES GOOD APPLICANT DATA, THAT'S WHERE THEY LIKE TO GO FIRST IN AUDITS. IF THEY SEE THAT AND IT'S NOT GREAT IT GIVES THEM AN IDEA WHAT THE

REST OF THE AUDIT IS GOING TO LOOK LIKE.  
IT CAN CHANGE THE NARRATIVE.  
WITH THAT BEING SAID TO WRAP THINGS UP WE  
GENUINELY APPRECIATE IT. I KNOW WE WENT OVER. I  
PERSONALLY APOLOGIZE FOR THAT. IT'S HARD TO  
REIGN ME IN WHEN WE GET GOING. WE LOVE TALKING  
ABOUT THIS STUFF. WE REALLY APPRECIATE EVERYONE  
STAYING. WE HOPE YOU WILL JOIN US AT THE 2021  
NATIONAL CONFERENCE AT THE OMNI NASHVILLE HOTEL  
IN NASHVILLE TENNESSEE. GREAT CITY. GREAT  
FACILITY. HOPEFULLY YOU CAN MAKE IT OUT THERE.  
ONCE AGAIN THANK YOU TO OUR SPONSORS.  
AND THANK YOU.

>>ANITA CLEMON: PATRICK AND NICK THANK YOU SO  
MUCH FOR ALL OF THE TIME THAT YOU SPENT WITH US  
TODAY. THANK YOU FOR SHARING YOUR KNOWLEDGE  
WITH US. WE HAVE SEVERAL QUESTIONS THAT WE'LL BE  
FORWARDING YOUR WAY TO GET ANSWERS TO. WE HAD  
QUITE A FEW FOLKS STAY ON TO HEAR EVERY LAST BIT  
OF WHAT YOU NEEDED -- WHAT YOU HAD TO SAY.  
AS PATRICK MENTIONED WE DEFINITELY WANT TO SEE  
YOU IN 2020 IN NASHVILLE. WE ALSO WANT TO AGAIN  
THANK OUR SPONSORS FOR STICKING WITH US DURING  
THE ONLINE WEBINAR SERIES. AND WE THANK ALL OF  
YOU WHO WERE IN ATTENDANCE TODAY. HAVE A GREAT  
DAY. STAY SAFE AND HEALTHY.

>>DR. PATRICK NOOREN: ABSOLUTELY THANKS,  
EVERYONE.  
MR. NICOLAS PAUL: THANK YOU EVERYONE GOOD-BYE.