



YOU JUST GOT A CSAL! *YOUR COMPREHENSIVE ACTION PLAN*

JUSTINE GAYLE – BOOZ ALLEN HAMILTON
GUY BRENNER – PROSKAUER ROSE
RICK HOLT – RESOLUTION ECONOMICS





Justine Gayle

- HR Compliance Senior Manager Booz Allen Hamilton
- McLean, VA
- gayle_justine@bah.com



Guy Brenner

- Partner, Proskauer Rose LLP
- Washington, DC
- gbrenner@proskauer.com



Rick Holt

- Partner, Resolution Economics
- Washington, DC
- rholt@resecon.com

DISCLAIMER

The information provided in this slide presentation is not intended to be, and shall not be construed to be, either the provision of legal advice or an offer to provide legal services, nor does it necessarily reflect the opinions of the speakers or their employers. No client-lawyer relationship between you and the speakers is or may be created by your access to or use of this presentation or any information contained on them. Rather, the content is intended as a general overview of the subject matter covered. Those viewing this presentation are encouraged to seek direct counsel on legal questions.

Step 1: Compose yourself



Step 2: Don't ignore it

- It won't just go away!
- Don't underestimate the work involved
- Spending time now will be well worth it



Step 3: Call some friends



Consider engaging counsel and a labor economist



If you use an AAP vendor, let them know you're going to need their help



Inform others at your company about what's coming and what you are going to need

- Compensation data
- Recruiting information



Figure out who will receive the Scheduling Letter and tell them not to ignore it!



Step 4: Review the scheduling letter

- Figure out what compliance evaluation is coming your way
 - Compliance Check
 - Focused Review
 - Establishment Review
- Pull applicable Scheduling Letter from OFCCP website
 - It will be your preparation guide
- Prepare a task list



Step 5: Get your AAPs in shape

- Must submit AAPs within 30 days of receipt of Scheduling Letter
- Make sure your AAPs are prepared and ready for “prime time”



Step 6: Pick low-hanging fruit

- Establishment review Scheduling Letters seek **22 categories of information**
- Knock out the easy ones and have them ready to go:
 - CBAs
 - EEO-1s
 - Reasonable accommodation policies



Step 7: Adverse impact check

- One OFCCP focus is adverse impact analysis (AIA)
 - Hires, Promotions, Terminations
- Pull data and conduct/review your own AIA
- If there is adverse impact:
 - Check data
 - Figure out issue and prepare explanation



Step 7: (cont'd)

- For hiring adverse impact results, ensure only including “applicants”
 - Are you excluding:
 - Unqualified (based on BQ) candidates
 - Candidates who withdrew
 - Candidates who did not respond to interview requests
 - Candidates who declined offer



Step 8: Compensation!

- Pull compensation data for submission
 - Takes longer than you think
- Develop data extract for OFCCP incorporating all relevant data (and probably nothing else)
- Conduct an OFCCP-style compensation analysis
- Prepare explanation of compensation practices



Step 9: Good faith efforts & outreach

- What have you done to address goals?
 - Collect information documenting your good faith efforts
- Review and prepare Section 503 and VEVRAA outreach and audit and reporting documentation
- Reasonable accommodation requests/resolutions
- Physical/mental qualification assessments



Step 10: Think beyond the letter

- Potential follow-up inquiries (and even an on-site!)
- **Check:**
 - Record-keeping
 - Posters
 - Policies
 - EEO Tag-line
 - Job-posting distribution (ESDS)
 - Subcontractor/union letters
 - Flow-down provisions
 - Everything else!



Step 11: Stay positive!

- You will get through this!



SAVE THE DATE!

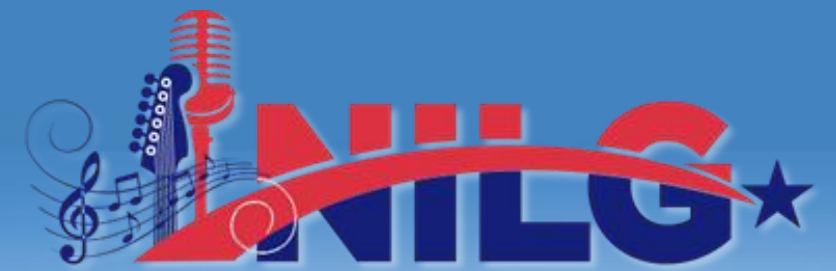
We hope you'll join us at the
NILG 2021 National Conference

August 1 – August 4, 2021
Omni® Nashville Hotel
Nashville, Tennessee

Win a Complimentary
Registration to the NILG 2021
National Conference!

TO LEARN MORE VISIT:

<https://www.nationalilg.org/2021-conference-giveaway/>



2021 NATIONAL CONFERENCE

**STRIKE A CHORD
FOR EQUALITY AND COMPLIANCE**







Thank You

Join the NEW NILG LinkedIn Page to stay current on agency news,
free NILG webinars and national conference updates:

<https://www.linkedin.com/company/nilg>



"The use of this official seal confirms that this Activity has met HR Certification Institute's® (HRCI®) criteria for recertification credit pre-approval."

SHRM PDC # 20-4SXHT
HRCI Activity # 526570