



## AFFIRMATIVE ACTION AND OFCCP COMPLIANCE SERVICES FOR FEDERAL CONTRACTORS

Duane Morris Employment, Labor, Benefits and Immigration Practice Group attorneys offer practical counseling designed to help our clients achieve their business objectives, comply with federal, state and local laws and regulations, develop best practices and resolve potentially disruptive labor and employment disputes. Our lawyers aggressively promote client interests before the U.S. Department of Labor, including the Office of Federal Contract Compliance Programs (OFCCP), the U.S. Equal Employment Opportunity Commission (EEOC), the federal Wage and Hour Division, all other state and federal agencies, in state and federal courts and in mediation and arbitration proceedings.

In addition to traditional labor and employment issues, federal contractors have regulatory compliance requirements that uniquely affect their businesses and require experienced and practical counsel to navigate. Duane Morris routinely works with federal contractors to ensure compliance with all applicable affirmative action requirements, including under Executive Order 11426, VEVRAA and Section 503 of the Rehabilitation Act, as well as various other employment-related laws and regulations applicable to contractors with particular types of contracts with the federal government, such as the Davis-Bacon Act, Service Contract Act and federal contractor minimum wage and paid sick leave requirements, among many others.



## RANGE OF SERVICES

Duane Morris attorneys have extensive experience assisting a wide range of federal contractors across numerous industries, including New York Stock Exchange-listed companies and multinational conglomerates, as well as sole proprietors and small, closely held family businesses, governmental entities, hospitals, universities, trade associations, churches and other nonprofit organizations.



### Our services include:

- ▶ Affirmative action plan preparation
- ▶ Compliance
- ▶ OFCCP audit defense
- ▶ Compensation/pay equity analysis
- ▶ Employment discrimination investigations
- ▶ Code of ethics and business conduct employment policies
- ▶ Employment and contractor agreements
- ▶ Severance agreements
- ▶ Restrictive covenant agreements
- ▶ Employee and management training on compliance with OFCCP and EEOC affirmative action requirements, harassment prevention and diversity, equity and inclusion programs
- ▶ Handbook and policy development
- ▶ Wage-and-hour investigations
- ▶ Leave of absence and other employee policy reviews
- ▶ Employee relations

**Federal contractors frequently ask us for assistance in the following areas:**

**Affirmative action plans.** Our lawyers regularly oversee the creation, updating and implementation of annual affirmative action plans. We work closely with clients to structure affirmative action plans for technical compliance that can withstand potential OFCCP audits.

**Reporting.** We assist in the analysis and support needed to satisfy external reporting requirements of various federal and state laws. Duane Morris lawyers often consult on clients' government reporting obligations and are well-versed in EEO-1 and VETS-4212 reporting requirements, as well as state demographic and pay data reporting requirements.

**Audits.** We represent clients in all stages of OFCCP audits, including desk audit support, on-site representation for OFCCP visits, in-depth reviews of selection and compensation practices, conciliation and enforcement proceedings.

**Continuing education and training.** We provide clients with a full range of continuing education support and advice, including periodic training related to the full scope of affirmative action compliance (e.g., outreach and recruiting, applicant tracking and recordkeeping, compensation, internal promotions/mobility).

**Pay equity.** Our lawyers have deep experience advising clients on pay equity analysis, both through an OFCCP/Equal Pay Act (i.e., establishment-based) lens as well as broader analysis consistent with applicable state law. In addition to guiding and overseeing statistical compensation analysis, we assist clients in developing strategies to resolve potential issues and minimize risk of liability.



**Diversity, equity and inclusion.** We offer a wide range of services related to diversity, equity and inclusion, including developing D&I mission statements, policies and practices, reviewing corporate strategic plans to ensure that D&I are considered with respect to recruiting, hiring, retention and promotion, designing and implementing D&I training programs and other educational opportunities on equal employment opportunity, implicit bias, generational issues and cultural competencies and implementing programs to support the success of D&I programs such as mentoring, work allocation, performance reviews and best practices for leadership. We also have extensive experience working with organizations, under attorney-client privilege, to conduct an assessment of current D&I efforts, the level of inclusiveness of diverse employees in the organization and the overall strengths and weaknesses of existing D&I programs.



**OFFICE LOCATIONS & REACH**



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- Lake Tahoe
- Las Vegas
- Los Angeles
- Miami
- New York
- Newark
- Philadelphia
- Pittsburgh
- San Diego
- San Francisco
- Silicon Valley
- Washington, D.C.
- Wilmington

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- Hanoi
- London
- Myanmar
- Shanghai
- Singapore

- > Also satellite offices, including Bangor and Portland, Maine; and Seattle, Washington
- > Alliances in Mexico and Sri Lanka
- > Leadership position with international network of independent law firms

**FOR MORE INFORMATION, PLEASE CONTACT:**

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