



# The Complete AAP News

## OFCCP Quality Control Measures

Under a new Directive signed by OFCCP Director Charles James on September 17, every 50th non-construction contractor will be subject to an On-site review, regardless of whether the Desk Audit phase indicates systematic discrimination issues may exist. The directive also requires that every 25th non-construction contractor selected receive a “full desk audit” instead of the standard desk review.

The new directive updates the OFCCP’s Active Case Management (ACM) system that was implemented in 2003 to slot reviews into a tiered review process.

The ACM process begins with a standard desk audit which reviews the contractor’s AAP, employment activity and compensation practices. If no systematic discrimination indicators are identified, no further review is conducted and the contractor is issued a closure letter. If indicators of systematic discrimination are found, OFCCP typically requests additional information or proceeds to an on-site review.

The new directive gets Compliance Officers out into the contractor community every 50th audit, regardless of findings of systematic discrimination. Since

the ACM system was implemented, approximately 80% of all audits are concluded with closure letters.

If audited, ask the Compliance Officer if you are one of the 25th or 50th contractors. Review and act on the Additional Obligations materials you received from Yocom & McKee with your AAP, or review this material in the help file with the Complete AAP 2008.

See: <http://www.dol.gov/esa/ofccp/regs/compliance/directives/dir285.htm>

## Use of EEO-1 Categories

On August 14, 2008 the OFCCP released a new directive regarding the use of revised race, ethnic and job categories found in the annual EEO-1 Survey.

The directive clarifies that contractors may continue to use the old EEO-1 job categories, and race/ethnic classifications when preparing their affirmative action

plans.

See <http://www.dol.gov/esa/ofccp/regs/compliance/directives/dir283.htm>

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• *Random OFCCP audits will automatically include an on-site phase*

## New I-9 Guidance

USCIS has revised the Form I-9. The most significant change to the Form I-9 is a reduction in the number acceptable documents on List A, documents which establish both identity and employment eligibility. Employers are required to use the revised Form I-9, labeled "(Rev. 06/05/07)N," for all individuals hired on or after November 7, 2007.

Under the longstanding Memorandum of Understanding (MOU) between the Immigration and Naturalization Service (now USCIS) and the Employment Standards Administration (ESA), Office of Federal Contract Compliance Programs (OFCCP) is authorized to inspect the Form I-9 of federal contractors or subcontractors whenever an on-site review is performed during a compliance evaluation.

On June 9, 2008, Executive Order (E.O.) 12989 was amended to require, as a condition of future contracts, that federal contractors use an electronic verification system to confirm the employment eligibility of new hires and existing personnel assigned to perform work on the new federal contract.<sup>(2)</sup> DHS is authorized to issue implementing regulations for E.O. 12989, but has not yet done so. Once implementing regulations are issued, this Directive may be revised to reflect any necessary changes to OFCCP's Form I-9 inspection procedures.

The most significant change to the revised Form I-9 is the elimination of five documents from "List A" of the "Lists of Acceptable Documents." List A specifies the documents that can be used to establish both identity and employment eligibility. The five documents that have

been eliminated are:

- Certificate of U.S. Citizenship (Forms N-560 or N-561)
- Certificate of Naturalization (Forms N-550 or N-570)
- Alien Registration Receipt Card (Form I-151)
- Unexpired Reentry Permit (Form I-327)
- Unexpired Refugee Travel Document (Form I-571)

One document was added to List A of the List of Acceptable Documents:

- Unexpired Employment Authorization Document (Form I-766)

In addition, all Employment Authorization Documents with photographs have been consolidated as one item on List A:

- Temporary Resident Card (Form I-688)
- Employment Authorization Card (Forms I-688A, I-688B)
- Unexpired Employment Authorization Document (Form I-766)

Pursuant to Federal law, employers are permitted to sign and retain Form I-9 electronically. Public Law 108 390, 11 Stat. 2242 (October 30, 2004)<sup>(5)</sup>. However, each electronically generated Form I-9 must be legible. No change may be made to the name, content, or sequence of the data elements and instructions. No additional data elements or language may be inserted.

Form I-9 must be made available for inspection in their original form, on microfilm, microfiche, or electronically to authorized officials, such as an OFCCP CO. Employers must be given at least three days advance notice before the inspection. Original documents, as opposed to photocopies, may be requested.

See: <http://www.dol.gov/esa/ofccp/regs/compliance/directives/dir284.htm>



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*Yocom & McKee, Inc. is celebrating 20 years of service during the month of October! A special thank you to all our affirmative action software and services clients who have worked with us over the years. We look forward to serving you the next 20 years!*

## Special Feature in The Complete AAP 2008

A new and exciting feature found in the Complete AAP 2008 is the Census Wizard. One of the most tedious tasks when putting together an affirmative action plan is assigning a matching census title to every job in your organization. The Census Wizard will automatically match your jobs to corresponding census titles, using an extensive definitions file that greatly expands on the 472 census titles.

For those hard to match jobs, the Census Wizard can be run in an interactive mode, where the most relevant matches will appear first on a selection list, with definitions for every census title. Key words can be searched within the census titles and definitions. Even the availability percentages for women and minorities is displayed to assist in assigning the most relevant title.

	Fem	Min	Blk	His	Asi	Ami	Hwi	Two +
Local Availability :	57%	21%	7%	11%	1%	1%	0%	1%
Non-Local Availability :	57%	30%	13%	10%	5%	1%	0%	2%