



**MAY THE CLAUSE
BE WITH YOUSM**

**FAR 52.222-26 – Equal Opportunity Clause
Executive Order 11246**

Your Instructor

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EQUAL OPPORTUNITY FOR CONTRACTOR EMPLOYEES AND APPLICANTS

- FAR 52.222-26
- Contracts and/or Subcontracts > \$10,000 in value
- 12-month period
- Religious exemption
- Protected Categories:
 - Race
 - Color
 - Religion
 - Sex
 - Sexual Orientation
 - Gender Identity
 - National Origin

APPLICATION

- Contractor will take affirmative action to ensure applicants and employees are treated equally when it comes to:
 - Employment
 - Upgrading
 - Demotion
 - Transfer
 - Recruitment or recruitment advertising
 - Layoff or termination
 - Rates of pay or other forms of compensation; and
 - Selection for training, including apprenticeship

CONTRACTOR REQUIREMENTS

- 1) Posting: post in conspicuous places
- 2) EEO Clause: include EEO language in all solicitation or advertisements
- 3) Pay Transparency: no discharge or in any other manner discriminate related to compensation discussion
 - Exception: disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer

DOCUMENTATION

- Incorporate EEO clause into existing employee manuals or handbooks
- Include Pay Transparency provision in handbooks
- Post electronically or in conspicuous places available to employees and applicants

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OFCCP Compliance:

- Under EO 11246, all federal contracts and subcontracts are covered unless specifically exempted (ex: contracts involving work performed outside the U.S. and contracts involving work on or near an Indian reservation)
- Maintain an Affirmative Action Plan (AAP)
 - Detailed statistical analysis of the demographics of your workforce
 - Description of your goals
 - A list of steps to take toward each benchmark
- Be prepared for an investigation by the OFCCP
- Keep records, including job descriptions, job postings and advertisements, applications and resumes, personnel files, etc
 - Keep records for two years from date record is created
 - Contractors with fewer than 150 employees or a contract less than \$150,000 have to keep records for only one year

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File an EEO-1 Report

- All federal contractors with 50 or more employees that have either 1) a contract, subcontract, or purchase order of \$50,000 or more; or 2) serve as a depository of Government funds in any amount; or 3) is a financial institution that serves as issuing and paying agent or U.S. Savings Bonds and Savings Notes
- Report on the number of employees by race, ethnicity and gender
- The Report must be filed annually

BEST PRACTICES

Recruit to Attract Qualified Candidates

- Identify several “recruitment sources” for women and minorities
- Send the recruitment sources a letter telling them about job openings and invite them to refer qualified candidates
- Monitor whether the recruitment source was able to refer any qualified applicants for the job

BEST PRACTICES

Audit Your Employment Practices

- Periodically perform self-audits
 - Before or shortly after you make an employment decision, such as a hiring or promotion decision
 - Where female and minority workers are or are not within your organization
 - How do your personnel decisions, like hiring, affect women and minorities over a longer period of time (ex: over a year)



QUESTIONS?

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