



**U.S. DEPARTMENT OF LABOR**  
**Employment Standards Administration**  
**Office of Federal Contract Compliance Programs**

---

**SAMPLE AFFIRMATIVE ACTION PROGRAM (AAP)**

**The following sample AAP, for an establishment with fewer than 150 employees, is for illustrative purposes only and does not represent the only styles and formats that meet regulatory requirements. AAP job groups in this sample AAP are formulated according to EEO-1 occupational categories as authorized by 41 CFR 60-2.12(e).**

**In preparing an AAP, it should be customized to reflect an employer's organizational structure, policies, practices, programs, and data. In addition to the records an employer is required to compile and maintain to support the AAP [41 CFR 60-1.12 and 60-2.17(d)], the employer should also keep materials evidencing its affirmative action efforts. This may include items such as copies of collective bargaining agreements and other documents that indicate employment policies and practices; copies of letters sent to suppliers and vendors stating the EEO/affirmative action policy; copies of letters sent to recruitment sources and community organizations; and copies of contract language incorporating the EEO clause.**



**U.S. DEPARTMENT OF LABOR**  
**Employment Standards Administration**  
**Office of Federal Contract Compliance Programs**

**FEDERAL CONTRACTOR, INC. (FCI)**  
**EXECUTIVE ORDER 11246**  
**SAMPLE AFFIRMATIVE ACTION PROGRAM**

**Title 41 CFR Section**

Organizational Profile	60-2.11
Workforce Analysis	
Job Group Analysis	60-2.12
Placement of Incumbents in Job Groups	60-2.13
Determining Availability	60-2.14
Comparing Incumbency to Availability	60-2.15
Placement Goals	60-2.16
Designation of Responsibility for Implementation	60-2.17(a)
Identification of Problem Areas	60-2.17(b)
Action-Oriented Programs	60-2.17(c)
Internal Audit and Reporting System	60-2.17(d)
Personnel Activity Data	

DEPARTMENT/WORK UNIT: Administration						MALES							FEMALES						
Job Title	Wage Rate	EEO-1 Cat.	Job Group	Total Employees		Total	White	African American	Asian/Pacific Islander	American Indian/ Alaskan Native	Hispanic		Total	White	Black/ African American	Asian/Pacific Islander	American Indian/ Alaskan Native	Hispanic	
General Manager	S-A	1	1	1		1	1												
Personnel Manager	S-D	1	1	1		1	1												
Executive Assistant	S-J	5	5	1									1	1					
Administrative Assistant	H-8	5	5	1									1	1	1				
File Clerk	H-11	5	5	2		1					1		1				1		
DEPARTMENT TOTAL					6	3	2					1	3	1	1				1

As of 01/01/04

DEPARTMENT/WORK UNIT: Accounting - Billing						MALES							FEMALES						
Job Title	Wage Rate	EEO-1 Cat.	Job Group	Total Employees		Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic		Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	
Controller	S-C	1	1	1		1			1										
Pricing - Billing Manager	S-E	1	1	1		1	1												
General Ledger Accountant	S-F	2	2	1									1	1					
Payroll Administrator	S-H	2	2	1		1	1												
Billing Clerk	H-5	5	5	3		1					1		2	2					
Material Pricing Clerk	H-5	5	5	3		1	1						2	1	1				
Administrative Assistant	H-8	5	5	2									2	1	1				
DEPARTMENT TOTAL					12	5	3		1		1		7	5	2				

## Workforce Analysis

FCI

As of 01/01/04

DEPARTMENT/WORK UNIT: Design					MALES						FEMALES					
Job Title	Wage Rate	EEO-1 Cat.	Job Group	Total Employees	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic
Interior Design Manager	S-E	1	1	1	1	1										
Interior Designer	S-M	2	2	2							2	1			1	
Office Space Planner	S-M	2	2	5	1	1					4	4				
Administrative Assistant	H-8	5	5	2							2	2				
File Clerk	H-11	5	5	2							2	1		1		
DEPARTMENT TOTAL				12	2	2					10	8		1		1

As of 01/01/04

DEPARTMENT/WORK UNIT: Sales - Customer Support				MALES						FEMALES						
Job Title	Wage Rate	EEO-1 Cat.	Job Group	Total Employees	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic
Sales - Customer Support Manager	S-G	1	1	1	1	1										
Pricing Specialist	S-J	2	2	6	5	3	1	1			1					1
Purchasing Agent	S-J	2	2	7	5	5					2	2				
Office Equipment Sales Representative	S-K	4	4	10	8	8					2	2				
Customer Information Sales Representative	H-7	5	5	6							6	4	1	1		
Call Center Agent	H-7	5	5	3	1	1					2	1	1			
Customer Service Complaints Clerk	H-8	5	5	3	1					1	2	1		1		
DEPARTMENT TOTAL				36	21	18	1	1		1	15	10	2	2		1

## Workforce Analysis

DEPARTMENT/WORK UNIT: Installation					MALES							FEMALES						
Job Title	Wage Rate	EEO-1 Cat.	Job Group	Total Employees	Total	White	Black/African American	Asian/Pacific Islander	American Indian/Alaskan Native	Hispanic	Total	White	Black/African American	Asian	American Indian/Alaska Native	Hispanic	Native Hawaiian/Other Pacific Islander	
Installation Manager	S-F	1	1	1	1	1												
Installation Supervisor	S-G	1	1	1	1	1												
Furniture Repair Supervisor	S-G	1	1	1	1	1												
Inventory Control Clerk	H-9	5	5	2							2	1				1		
Systems Specialist	H-9	6	6	12	10	8				2	2	1	1					
Installer	H-10	6	6	18	17	12	2	1		2	1					1		
Furniture Repair	H-10	6	6	13	12	7		3		2	1		1					
Truck Driver	H-11	7	7	8	7	5	1		1		1	1						
Forklift Operator	H-12	7	7	2	2	1	1											
Installer Helper	H-13	8	8	13	12	8	2			2	1			1				
Receiving	H-13	8	8	3	3	2	1											
DEPARTMENT TOTAL				74	66	46	7	4	1	8	8	3	2	1		2		

**FCI**

As of 01/01/04

**Job Group Analysis****Listing of Job Titles**

<b>Job Titles</b>	<b>Job Group Name</b>	<b>EEO-1 Category</b>
General Manager	1	Officials & Managers
Controller		
Pricing-Billing Manager		
Sales – Customer Support Manager		
Interior Design Manager		
Personnel Manager		
Installation Manager		
Installation Supervisor		
Furniture Repair Supervisor	2	Professionals
Interior Designer		
Office Space Planner		
General Ledger Accountant		
Payroll Administrator		
Purchasing Agent		
Pricing Specialist	4	Sales Workers
Office Equipment Sales Representative		



**FCI**

As of 01/01/04

**Job Group Analysis****Listing of Job Titles**

Job Titles	Job Group Name	EEO-1 Category
Executive Assistant	5	Office and Clericals
Administrative Assistant		
File Clerk		
Billing Clerk		
Inventory Control Clerk		
Material Pricing Clerk		
Customer Information Sales Representative		
Call Center Agent		
Customer Service Complaints Clerk	6	Craft Workers
Systems – Specialist		
Installer		
Furniture Repair	7	Operatives
Truck Driver		
Forklift Operator	8	Laborers
Installer Helper		
Receiving		

**FCI**

As of 01/01/04

**Placement of Incumbents in Job Groups**

<b>Job Group</b>	<b>Total # of Incumbents</b>	<b># of Females</b>	<b>Female Incumbency %</b>	<b># of Minorities</b>	<b>Minority Incumbency %</b>
1	9	0	0.0	1	11.1
2	22	10	45.5	4	18.2
4	10	2	20.0	0	0.0
5	30	25	83.3	13	43.3
6	43	4	9.3	15	34.9
7	10	1	10.0	3	30.0
8	16	1	6.3	6	37.5

## Determining Availability

Job Group: 1	Raw Statistics		Value Weight	Weighted Statistics		Source of Statistics	Reason for Weighting
	Female	Minority		Female	Minority		
1. Percentage of minorities or women with requisite skills in the reasonable recruitment area.	41.8%	9.4%	50.0	20.9%	4.7%	2000 Census Data The reasonable recruitment area for this job group is the St. Louis, MO - IL metropolitan statistical area (MSA).	50% of placements into this job group are made from external hires.
2. Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	53.3%	26.7%	50.0%	26.7%	13.4%	The feeder group of promotable employees in Job Group 2 (Fem - 53.3% Min - 26.7%)	50% of placements into this job group are made from internal promotions.
Totals:			100%	47.6%	18.1%	< Final Factor	

## Determining Availability

Job Group: 2	Raw Statistics		Value Weight	Weighted Statistics		Source of Statistics	Reason for Weighting
	Female	Minority		Female	Minority		
1. Percentage of minorities or women with requisite skills in the reasonable recruitment area.	55.6%	12.3%	66.7%	37.1%	8.2%	2000 Census Data The reasonable recruitment area for this job group is the St. Louis, MO - IL metropolitan statistical area (MSA).	66.7% of placements into this job group are made from external hires.
2. Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	20.0%	0.0%	33.3%	6.7%	0.0%	The feeder group of promotable, transferable, and trainable employees in Job Group 4 (Fem - 20.0% Min - 0.0%)	33.3% of placements into this job group are made from internal promotions.
Totals:			100%	43.8%	8.2%	< Final Factor	

## Determining Availability

Job Group: 4	Raw Statistics		Value Weight	Weighted Statistics		Source of Statistics	Reason for Weighting
	Female	Minority		Female	Minority		
1. Percentage of minorities or women with requisite skills in the reasonable recruitment area.	35.8%	8.1%	80.0%	28.6%	6.5%	2000 Census Data The reasonable recruitment area for this job group is the St. Louis, MO - IL metropolitan statistical area (MSA).	Historically, 80% of placements into this job group are made from external hires.
2. Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	29.4%	29.4%	20.0%	5.9%	5.9%	The feeder groups of promotable, transferable, and trainable employees in Job Group 5 and Job Group 6 (Fem - 29.4% Min - 29.4%)	Historically, 20% of placements into this job group are made from internal promotions.
Totals:			100%	34.5%	12.4%	< Final Factor	

## Determining Availability

Job Group: 5	Raw Statistics		Value Weight	Weighted Statistics		Source of Statistics	Reason for Weighting
	Female	Minority		Female	Minority		
1. Percentage of minorities or women with requisite skills in the reasonable recruitment area.	87.5%	17.4%	66.7%	58.4%	11.6%	2000 Census Data The reasonable recruitment area for this job group is the St. Louis, MO -- IL metropolitan statistical area (MSA).	66.7% of placements into this job group are made from external hires.
2. Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	88.0%	48.0%	33.3%	29.3%	16.0%	The feeder group of promotable, transferable, and trainable employees in Job Group 5 (Fem - 88.0% Min - 48.0%)	33.3% of placements into this job group are made from internal promotions.
Totals:			100%	87.7%	27.6%	Final Factor	

**Determining Availability**

Job Group: 6	Raw Statistics		Value Weight	Weighted Statistics		Source of Statistics	Reason for Weighting
1. Percentage of minorities or women with requisite skills in the reasonable recruitment area.	Female	Minority		Female	Minority	2000 Census Data The reasonable recruitment area for this job group is the St. Louis, MO - IL metropolitan statistical area (MSA).	57.1% of placements into this job group are made from external hires.
	5.1%	11.2%	57.1%	2.9%	6.4%		
2. Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.						The feeder groups of promotable, transferable, and trainable employees in Job Group 6 & Job Group 7 (Fem - 6.0% Min - 39.4%)	42.6% of placements into this job group are made from internal promotions.
	6.0%	39.4%	42.6%	2.6%	16.8%		
Totals:			100%	5.5%	23.2%	Final Factor	

Determining Availability

Job Group: 7	Raw Statistics		Value Weight	Weighted Statistics		Source of Statistics	Reason for Weighting
	Female	Minority		Female	Minority		
1. Percentage of minorities or women with requisite skills in the reasonable recruitment area.	6.2%	18.2%	0.0%	0.0%	0.0%		No external placements were made for this job group.
2. Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	6.3%	37.5%	100.0%	6.3%	37.5%	The feeder group of promotable, transferable, and trainable employees in Job Group 8 (Fem - 6.3% Min - 37.5%)	100% of placements into this job group are made from internal promotions.
Totals:	100%	6.3%	37.5%	Final Factor			



## Determining Availability

Job Group: 8	Raw Statistics		Value Weight	Weighted Statistics		Source of Statistics	Reason for Weighting
	Female	Minority		Female	Minority		
1. Percentage of minorities or women with requisite skills in the reasonable recruitment area.	19.1%	26.3%	100.0%	19.1%	26.3%	2000 Census Data The reasonable recruitment area for this job group is the St. Louis, MO - IL metropolitan statistical area (MSA).	100% of placements into this job group are made from external hires.
2. Percentage of minorities or women among those promotable, transferable, and trainable within the contractor's organization.	0.0%	0.0%	0.0%	0.0%	0.0%		No internal placements were made for this job group.
<b>Totals:</b>			100%	<b>19.1%</b>	<b>26.3%</b>	Final Factor	

**Comparing Incumbency to Availability  
and  
Annual Placement Goals**

Job Group	Female Incumbency %	Female Availability %	Establish Goal? Yes/No	If Yes, Goal for Females	Minority Incumbency %	Minority Availability %	Establish Goal? Yes/No	If Yes, Goal for Minorities
1	0.0%	47.6%	Yes	47.6%	11.1%	18.1%	Yes	18.1%
2	45.5%	43.8%	No		18.2%	8.2%	No	
4	20.0%	34.5%	Yes	34.5%	0.0%	12.4%	Yes	12.4%
5	83.3%	87.7%	No		43.3%	27.6%	No	
6	9.3%	5.5%	No		34.9%	23.2%	No	
7	10.0%	6.3%	No		30.0%	37.5%	No	
8	6.3%	19.1%	Yes	19.1%	37.5%	26.3%	No	

\*The 80% rule of thumb was followed in declaring underutilization and establishing goals when the actual employment of minorities or females is less than 80% of their availability. If the female/minority incumbency percent (%) is less than the female/minority availability percent (%) and the ratio of incumbency to availability is less than 80%, a placement goal should be included in the appropriate "If Yes" column.

**FCI**As of 01/01/04

---

## **Designation of Responsibility for Implementation**

### **Responsibilities of the Equal Employment Opportunity Manager:**

The Personnel Manager has the responsibility for designing and ensuring the effective implementation of Federal Contractor, Inc.'s (FCI's) Affirmative Action Program (AAP). These responsibilities include, but are not limited to, the following:

1. Developing Equal Employment Opportunity (EEO) policy statements, affirmative action programs and internal and external communication procedures;
2. Assisting in the identification of AAP/EEO problem areas;
3. Assisting management in arriving at effective solutions to AAP/EEO problems;
4. Designing and implementing an internal audit and reporting system that:
  - a. Measures the effectiveness of FCI's program;
  - b. Determines the degree to which AAP goals and objectives are met; and
  - c. Identifies the need for remedial action;
5. Keeping FCI's General Manager informed of equal opportunity progress and reporting potential problem areas within the company through quarterly reports;
6. Reviewing the company's AAP for qualified minorities and women with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities;
7. Auditing the contents of the company's bulletin board to ensure compliance information is posted and up-to-date; and
8. Serving as liaison between FCI and enforcement agencies.

### **Responsibilities of Managers and Supervisors:**

It is the responsibility of all managerial and supervisory staff to implement FCI's AAP. These responsibilities include, but are not limited to:

1. Assisting in the identification of problem areas, formulating solutions, and establishing departmental goals and objectives when necessary;

**FCI**

As of 01/01/04

---

2. Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer, and termination actions occur; and
3. Reviewing the job performance of each employee to assess whether personnel actions are justified based on the employee's performance of his or her duties and responsibilities.

**FCI**

As of 01/01/04

**Identification of Problem Areas**

<i>Areas of Concern</i>	<i>Corrective Actions</i>
<ul style="list-style-type: none"><li>◆ Underutilization of minorities and women in Job Groups 1 and 4 where external hiring opportunities occurred. Concern regarding low minority and female applicant flow rate resulting from inadequate recruitment for both job groups.</li></ul>	<ul style="list-style-type: none"><li>◆ No later than March 1, 2004, notify management and professional recruitment sources, in writing, of FCI's interest in attracting qualified minorities and women to apply for job openings.</li><li>◆ No later than March 1, 2004, expand FCI's recruitment program to colleges and universities with a significant percentage of minority and female students.</li></ul>
<ul style="list-style-type: none"><li>◆ Underutilization of women in Job Group 8 entry-level blue-collar jobs. Concern regarding low female applicant flow rate resulting from inadequate recruitment.</li></ul>	<ul style="list-style-type: none"><li>◆ No later than January 1, 2004, contact the local YWCA, local vocational school, and training centers to inform them of FCI's interest in attracting qualified female applicants.</li></ul>
<ul style="list-style-type: none"><li>◆ High termination rate for females in Job Group 8.</li></ul>	<ul style="list-style-type: none"><li>◆ Immediately review exit interview survey of terminated females to confirm voluntary reason for leaving.</li></ul>

**FCI**As of 01/01/04

---

**Action-Oriented Programs**

FCI has instituted action programs to eliminate identified problem areas and to help achieve specific affirmative action goals. These programs include:

1. Conducting annual analyses of job descriptions to ensure they accurately reflect job functions;
2. Reviewing job descriptions by department and job title using job performance criteria;
3. Making job descriptions available to recruiting sources and available to all members of management involved in the recruiting, screening, selection and promotion processes;
4. Evaluating the total selection process to ensure freedom from bias through:
  - a. Reviewing job applications and other pre-employment forms to ensure information requested is job-related;
  - b. Evaluating selection methods that may have a disparate impact to ensure that they are job-related and consistent with business necessity;
  - c. Training personnel and management staff on proper interview techniques; and
  - d. Training in EEO for management and supervisory staff;
5. Using techniques to improve recruitment and increase the flow of minority and female applicants. FCI presently undertakes the following actions:
  - a. Include the phrase "Equal Opportunity/Affirmative Action Employer" in all printed employment advertisements;
  - b. Place help wanted advertisement, when appropriate, in local minority news media and women's interest media;
  - c. Disseminate information on job opportunities to organizations representing minorities, women and employment development agencies when job opportunities occur;
  - d. Encourage all employees to refer qualified applicants;
  - e. Actively recruit at secondary schools, junior colleges, colleges and universities with predominantly minority or female enrollments; and
  - f. Request employment agencies to refer qualified minorities and women;

**FCI**As of 01/01/04

---

6. Hiring a statistical consultant to help FCI perform a self-audit of its compensation practices; and
7. Ensuring that all employees are given equal opportunity for promotion. This is achieved by:
  - a. Posting promotional opportunities;
  - b. Offering counseling to assist employees in identifying promotional opportunities, training and educational programs to enhance promotions and opportunities for job rotation or transfer; and
  - c. Evaluating job requirements for promotion.

**FCI**As of 01/01/04

---

**Internal Audit and Reporting System**

The Personnel Manager has the responsibility for developing and preparing the formal documents of the AAP. The Personnel Manager is responsible for the effective implementation of the AAP; however, responsibility is likewise vested with each department manager and supervisor. FCI's audit and reporting system is designed to:

- Measure the effectiveness of the AAP/EEO program;
- Document personnel activities;
- Identify problem areas where remedial action is needed; and
- Determine the degree to which FCI's AAP goals and objectives have been obtained.

The following personnel activities are reviewed to ensure nondiscrimination and equal employment opportunity for all individuals without regard to their race, color, gender, religion, national origin:

- Recruitment, advertising, and job application procedures;
- Hiring, promotion, upgrading, award of tenure, layoff, recall from layoff;
- Rates of pay and any other forms of compensation including fringe benefits;
- Job assignments, job classifications, job descriptions, and seniority lists;
- Sick leave, leaves or absence, or any other leave;
- Training, apprenticeships, attendance at professional meetings and conferences; and
- Any other term, condition, or privilege of employment.

The following documents are maintained as a component of FCI's internal audit process:

1. An applicant flow log showing the name, race, sex, date of application, job title, interview status and the action taken for all individuals applying for job opportunities;
2. Summary data of external job offers and hires, promotions, resignations, terminations, and layoffs by job group and by sex and minority group identification;
3. Summary data of applicant flow by identifying, at least, total applicants, total minority applicants, and total female applicants for each position;
4. Maintenance of employment applications (not to exceed one year); and
5. Records pertaining to FCI's compensation system.



**FCI**As of 01/01/04

---

FCI's audit system includes a quarterly report documenting FCI's efforts to achieve its EEO/AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem areas and are asked to outline their suggestions/recommendations for solutions. If problem areas arise, the manager or supervisor is to report problem areas immediately to the Personnel Manager. During quarterly reporting, the following occurs:

1. The Personnel Manager will discuss any problems relating to significant rejection ratios, EEO charges, etc., with the General Manager; and
2. The Personnel Manager will report the status of the FCI's AAP goals and objectives to the General Manager. The Personnel Manager will recommend remedial actions for the effective implementation of the AAP.

## Personnel Activity Data

EEO-1 Category: Officials and Managers Job Group: 1	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	1		8		1			
Black/African American				1				
Asian/Pacific Islander								
American Indian/ Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)	1		8	1	1			
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	FEMALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American	1							
Asian/Pacific Islander								
American Indian/ Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)	1							

Personnel Activity Data

EEO-1 Category: Professionals Job Group: 2	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	2		6	9			1	
Black/African American			1	1				
Asian/Pacific Islander								
American Indian/ Alaskan Native								
Hispanic			1			1		
Race Missing or Unknown								
TOTAL (count each person once only)	2		8	10		1	1	
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American								
Asian/Pacific Islander								
American Indian/ Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)								

## Personnel Activity Data

EEO-1 Category: Sales Workers Job Group: 4	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American								
Asian/Pacific Islander								
American Indian/ Alaskan Native								1
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)								1
	Voluntary Terminations & Refirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White			1					
Black/African American								
Asian/Pacific Islander								
American Indian/ Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)			1					

## Personnel Activity Data

EEO-1 Category: Office and Clerical Job Group: 5	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	1		5	46				1
Black/African American		1	2	3				
Asian/Pacific Islander			2					
American Indian/ Alaskan Native				1				
Hispanic			1	3				
Race Missing or Unknown								
TOTAL (count each person once only)	1	1	10	53				1
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American								
Asian/Pacific Islander								
American Indian/ Alaskan Native								
Hispanic			1					
Race Missing or Unknown								
TOTAL (count each person once only)			1					

## Personnel Activity Data

EEO-1 Category: Craftworkers Job Group: 6	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	2		15	2	1		1	
Black/African American		1	1	1				
Asian/Pacific Islander			2	1	1			
American Indian/Alaskan Native								
Hispanic	1							
Race Missing or Unknown								
TOTAL (count each person once only)	3	1	18	4	2		1	
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White	1			1				
Black/African American								
Asian/Pacific Islander								
American Indian/Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)	1			1				

Personnel Activity Data

EEO-1 Category: Operatives Job Group: 7	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White					1		1	
Black/African American								
Asian/Pacific Islander							1	
American Indian/ Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)					1		2	
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American								
Asian/Pacific Islander								
American Indian/ Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)								

## Personnel Activity Data

EEO-1 Category: Laborers Job Group: 8	External Hires		External Applicants		Promotions - Into Job Group		Promotions - Within Job Group	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White			19	1			1	
Black/African American	1		3					
Asian/Pacific Islander			1					
American Indian/ Alaskan Native								
Hispanic			4					
Race Missing or Unknown								
TOTAL (count each person once only)	1		27	1			1	
	Voluntary Terminations & Retirements		Involuntary Terminations		Layoffs		Recalls	
	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES	MALES	FEMALES
White								
Black/African American			1					
Asian/Pacific Islander			1					
American Indian/ Alaskan Native								
Hispanic								
Race Missing or Unknown								
TOTAL (count each person once only)			2					



As of 01/01/04

[illegible]

**SAMPLE AAP**



**FCI**

As of 01/01/04

## SECTION 503 & VEVRAA SAMPLE AFFIRMATIVE ACTION PROGRAM

### Title 41 CFR Section

Equal Opportunity Policy Statement For Qualified Individuals with Disabilities and Qualified Protected Veterans	60-250.44(a) 60-741.44(a)
Review of Personnel Processes	60-250.44(b) 60-741.44(b)
Review of Physical and Mental Job Qualification Standards	60-250.44(c) 60-741.44(c)
Reasonable Accommodation to Physical and Mental Limitations	60-250.44(d) 60-741.44(d)
Harassment Prevention Procedures	60-250.44(e) 60-741.44(e)
External Dissemination of Policy, Outreach and Positive Recruitment	60-250.44(f) 60-741.44(f)
Internal Dissemination of Policy	60-250.44(g) 60-741.44(g)
Audit and Reporting Systems	60-250.44(h) 60-741.44(h)
Responsibility for Implementation of AAP	60-250.44(i) 60-741.44(i)
Training to Ensure AAP Implementation	60-250.44(j) 60-741.44(j)
Invitation to Self-Identify	60-250.42 60-741.42

Note: The Veterans Employment Opportunities Act of 1998 (VEOA), Public Law 105-339, effective October 31, 1998, increased the threshold for coverage under VEVRAA from a contract of \$10,000, or more to a contract of \$25,000 or more; extended the law's protections to "veterans who served on active duty during a war or in a campaign for which a campaign badge was authorized; and, provides temporary (up to one year) protection to veterans who do not have a service connected disability, did not see action in a foreign war and did not serve during the Vietnam era.

The Jobs for Veterans Act (JFVA), Public Law 107-288, effective December 1, 2003, increased the threshold for coverage under 38 U.S.C. § 4212 from \$25,000 to \$100,000; grants VEVRAA protection to those veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (62 Fed. Reg. 1209); changes the definition of "recently separated veteran" to include "any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty"; changes "Special Disabled Veterans" to "Disabled Veterans," expanding the coverage to conform to 38 U.S.C. § 4211 (3); and, following publication of the final regulations, requires contractors to post job listings with their local employment service delivery system.

**FCI**

As of 01/01/04

---

The existing VEVRAA regulations do not yet reflect the changes made by the VROA or JFVA. OFCCP is planning to publish for notice and comment regulatory provisions that reflect the new coverage threshold and the additional groups of veterans entitled to protections under VEVRAA in the very near future.

**FCI**As of 01/01/04

---

**Policy Statement - Equal Employment Opportunity for  
Qualified Individuals with Disabilities  
and Qualified Protected Veterans**

It is the policy of Federal Contractor, Inc. (FCI) not to discriminate against any employee or applicant for employment because he or she is a qualified individual with a disability, a disabled veteran, a newly separated veteran, a campaign veteran, or an armed forces service medal veteran (i.e., qualified protected veterans). It is also the policy of FCI to take affirmative action to employ and to advance in employment, all persons regardless of their status as qualified individuals with disabilities or qualified protected veterans, and to base all employment decisions only on valid job requirements. This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship, at all levels of employment.

Employees of and applicants to FCI will not be subject to harassment, intimidation, threats, coercion, or discrimination because they have engaged or may engage in filing a complaint, assisting in a review, investigation, or hearing or have otherwise sought to obtain their legal rights related to any Federal, State, or local law regarding EEO for qualified individuals with disabilities or qualified protected veterans.

As General Manager of FCI, I am committed to the principles of Affirmative Action and Equal Employment Opportunity. In order to ensure dissemination and implementation of equal employment opportunity and affirmative action throughout all levels of the company, I have selected the Personnel Manager as the Equal Employment Opportunity (EEO) Manager for FCI. One of the Personnel Manager's duties will be to establish and maintain an internal audit and reporting system to allow for effective measurement of FCI's programs.

In furtherance of FCI's policy regarding Affirmative Action and Equal Employment Opportunity, FCI has developed a written Affirmative Action Program which sets forth the policies, practices and procedures which FCI is committed to applying in order to ensure that its policy of non-discrimination and affirmative action for qualified individuals with disabilities and qualified protected veterans is accomplished. This Affirmative Action Program is available for inspection by any employee or applicant for employment upon request, during normal business hours, in the Administration Department. Interested persons should contact the Personnel Manager at 555-555-1212 for assistance.

**Roger Wilco**  
**January 1, 2004**  
**Federal Contractor, Inc.**

**FCI**As of 01/01/04

---

### **Review of Personnel Processes**

FCI reviews annually its personnel processes to determine whether its present procedures assure careful, thorough and systematic consideration of the qualifications of known qualified individuals with disabilities and qualified protected veterans. This review covers all procedures related to the filling of job vacancies either by hire or by promotion, as well as all training opportunities offered or made available to employees.

In determining the qualifications of veterans, FCI limits its consideration of a qualified protected veteran's military record, including discharge papers, to only that portion of the record, which is relevant to the specific job qualifications for which the veteran is being considered.

Based upon FCI's review of its personnel processes, FCI will modify the personnel processes when necessary, and will include the development of new procedures in this Affirmative Action Program to ensure equal employment opportunity. To date, no modifications have been necessary.

**FCI**As of 01/01/04

---

### **Review of Physical and Mental Job Qualification Standards**

The physical and mental job qualifications of all jobs were reviewed during calendar year 2003 to ensure that, to the extent that such qualification requirements tend to screen out qualified individuals with disabilities and qualified disabled veterans, job qualifications are consistent with business necessity and the safe performance of the job.

No qualification requirements were identified which had a screening effect. All job qualification requirements were found to be job-related and consistent with business necessity and safety.

FCI will continue to review physical and mental job qualification requirements whenever a job is vacated and the company intends to fill it through either hiring or promotion and will conduct a qualifications review whenever job duties change.

No pre-employment physical examinations or questionnaires are used by FCI's hiring process.

If at any time in the future, FCI should inquire into an employee's physical or mental condition or should conduct a medical examination prior to a change in employment status, FCI affirms that information obtained as a result of the inquiry will be kept confidential, except as otherwise provided for in the Section 503 regulations. The results of the examination or inquiry will be used in accordance with the Section 503 Regulations.

**FCI**As of 01/01/04

---

### **Reasonable Accommodation To Physical and Mental Limitations**

FCI commits to making a reasonable accommodation to the known physical and mental limitations of qualified individuals with disabilities and qualified disabled veterans, unless such accommodation would impose an undue hardship on the conduct of its business. In determining the extent of its obligation, FCI will consider business necessity and financial costs and expenses, among other factors.



**FCI**As of 01/01/04

---

### Harassment Prevention Procedures

Employees of and applicants to FCI will not be subject to harassment, intimidation, threats, coercion, or discrimination because they have engaged or may engage in filing a complaint, assisting in a review, investigation, or hearing or have otherwise sought to obtain their legal rights related to any federal, state, or local law regarding EEO for qualified individuals with disabilities or qualified protected veterans. Any employees or applicants who feel that they have been subject to harassment, intimidation, threats, coercion, or discrimination because of their disability or status as a qualified protected veteran should contact the Personnel Manager at 555-555-1213 for assistance. This policy is communicated to all employees and supervisors annually; most recently on December 1, 2003, and a notice is posted in the personnel office.

**FCI**As of 01/01/04

---

### **External Dissemination of Policy, Outreach and Positive Recruitment**

All subcontractors, vendors and suppliers have been sent written notification of FCI's Equal Employment Opportunity and Affirmative Action policy regarding the employment of qualified individuals with disabilities and qualified protected veterans.

All recruiting sources, including State employment agencies, educational institutions and social service agencies have been informed of the company's policy concerning the employment of qualified individuals with disabilities and qualified protected veterans and have been advised to actively recruit and refer qualified persons for job opportunities.

FCI lists all suitable employment openings with the appropriate local office of the State Employment Service and maintains regular contact with the local Veterans Employment Representative. A copy of FCI's Affirmative Action Policy for qualified individuals with disabilities and qualified protected veterans is provided to the State Employment Service annually.

Formal briefing sessions are held with representatives from recruitment sources and placement agencies, which include facility tours, discussion of current and prospective position openings, job descriptions and required qualifications and explanations of FCI's selection procedures. Formal arrangements have been made to ensure that each recruitment source is provided with timely notice of job opportunities, to ensure that recruitment sources have an opportunity to refer qualified candidates.

FCI participates in local job fairs sponsored by support groups for qualified individuals with disabilities and qualified protected veterans.

The equal employment opportunity clause concerning the employment of qualified individuals with disabilities and qualified protected veterans are included in all nonexempt subcontracts and purchase orders.

**FCI**As of 01/01/04

---

### Internal Dissemination of Policy

Copies of our affirmative action programs will be made available for inspection to any employee or applicant upon request to promote understanding, acceptance and support. Policies are re-emphasized to managers and supervisors annually.

FCI's Affirmative Action policy and the EEO poster are posted on bulletin boards located throughout our facilities and office work areas.

All applicants who believe they are a qualified individual with a disability, as defined in Section 503 of the Rehabilitation Act of 1973, as amended, or who are a qualified protected veteran under the equal employment opportunity provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, have been invited to identify themselves if they wish to benefit under this affirmative action program. Such invitation has been posted on bulletin boards throughout the facility and work areas. Employees may self-identify at anytime.

All employees are advised annually of the company's policy and encouraged to aid in FCI's affirmative action efforts to ensure a fair and effective program.

Briefing sessions are conducted annually for managers and supervisors to review the applicable regulations and to discuss such affirmative action measures as training and reasonable accommodation. The last such meeting was held on December 1, 2003.

When making internal Equal Opportunity audits, implementation of this affirmative action program will be reviewed.

This facility's Personnel Manager has attended State-sponsored workshops, which stressed the use of vocational rehabilitation agencies in hiring qualified individuals with disabilities and qualified special disabled veterans and reasonable accommodation.

Articles (and pictures) regarding accomplishments of employees who are qualified individuals with disabilities and qualified protected veterans shall be included in Company and/or facility publications.

At least once a year the policy is distributed to all employees.

**FCI**As of 01/01/04

---

### **Audit and Reporting Systems**

The Personnel Manager has the responsibility for developing and preparing the formal documents of the AAP. The Personnel Manager is responsible for the effective implementation of the AAP; however, responsibility is likewise vested with each department manager and supervisor. FCI's audit and reporting system is designed to:

- Measure the effectiveness of the AAP/EEO program;
- Document personnel activities;
- Identify problem areas where remedial action is needed; and
- Determine the degree to which FCI's AAP goals and objectives have been obtained.

The following activities are reviewed at least annually to ensure freedom from stereotyping qualified individuals with disabilities and qualified protected veterans in any manner, including that which may limit their access to any job for which they are qualified:

- Recruitment, advertising, and job application procedures;
- Hiring, promotion, upgrading, award of tenure, layoff, recall from layoff;
- Rates of pay and any other forms of compensation including fringe benefits;
- Job assignments, job classifications, job descriptions, and seniority lists;
- Sick leave, leaves or absence, or any other leave;
- Training, apprenticeships, attendance at professional meetings and conferences; and
- Any other term, condition, or privilege of employment.

FCI's audit system includes a quarterly report documenting FCI's efforts to achieve its EEO/AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem areas and are asked to outline their suggestions/recommendations for solutions. If problem areas arise, the manager or supervisor is to report problem areas immediately to the Personnel Manager. During quarterly reporting, the following occurs:

1. The Personnel Manager will discuss any problems relating to significant rejection ratios, EEO charges, etc., with the General Manager; and
2. The Personnel Manager will report the status of the FCI's AAP goals and objectives to the General Manager. The Personnel Manager will recommend remedial actions for the effective implementation of the AAP.

**FCI**As of 01/01/04

---

## **Responsibility for Implementation of AAP**

### **Responsibilities of the Equal Employment Opportunity Manager**

In furtherance of FCI's commitment to Affirmative Action and Equal Employment Opportunity for qualified individuals with disabilities and qualified protected veterans, the Personnel Manager has the responsibility for designing and ensuring effective implementation of FCI's AAP. These responsibilities include, but are not limited to:

1. The development of the AAP for individuals with disabilities and protected veterans, policy statements, personnel policies and procedures, internal and external communication of the policy, and monitoring the effectiveness of these actions;
2. Reviewing all personnel actions, policies, and procedures to ensure compliance with FCI's affirmative action obligations;
3. Reviewing the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hiring, promotion, transfer and termination actions occur;
4. Assisting in the identification of problem areas and the development of solutions to those problems;
5. Monitoring the effectiveness of the program on a continuing basis through the development and implementation of an internal audit- and reporting-system that measures the effectiveness of the program;
6. Keeping the General Manager of FCI informed of equal opportunity progress and problems within the company through quarterly reports;
7. Providing department managers with a copy of the Affirmative Action Program for Qualified Individuals with Disabilities and Qualified Protected Veterans and reviewing the program with them on an annual basis to ensure knowledge of their responsibilities for implementation of the program;
8. Reviewing the company's AAP for qualified individuals with disabilities and qualified protected veterans with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities;
9. Auditing the contents of company bulletin boards annually to ensure that compliance information is posted and is up-to-date;
10. Serving as liaison between FCI and enforcement agencies; and
11. Serving as liaison between FCI and organizations for qualified individuals with disabilities and qualified protected veterans.

**FCI**As of 01/01/04

---

**Responsibilities of Managers and Supervisors**

Managers and supervisors are advised annually of their responsibilities under the company's AAP for qualified individuals with disabilities and qualified protected veterans and of their obligations to:

8. Review the company's Affirmative Action policy for qualified individuals with disabilities and qualified protected veterans with subordinate managers and supervisors to ensure that they are aware of the policy and understand their obligation to comply with it in all personnel actions;
9. Assist in the identification of problem areas, formulate solutions, and establish departmental goals and objectives when necessary;
10. Review the qualifications of all applicants and employees to ensure qualified individuals are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur; and
11. Review all employees' performance to ensure that non-discrimination is adhered to in all personnel activities.

**FCI**As of 01/01/04

---

### **Training to Ensure AAP Implementation**

Training is provided to all personnel involved in the recruitment, screening, hiring, promotion, disciplinary and related employment processes, to ensure that the commitments made in FCI's AAP are implemented. Training sessions were most recently conducted on December 1, 2003.

**FCI**

As of 01/01/04

---

**Invitation to Self-Identify for  
Qualified Protected Veterans**

1. FCI is a federal contractor subject to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, which requires federal contractors to take affirmative action to employ and advance in employment qualified disabled veterans and qualified protected veterans.
2. **An invitation to veterans of the Vietnam era only:** If you are a veteran of the Vietnam era, we would like to include you under our affirmative action program. If you would like to be included under the affirmative action program, please tell us. The term "veteran of the Vietnam era" refers to a person who served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred in the Republic of Vietnam between February 28, 1961, and May 7, 1975 or between August 5, 1964, and May 7, 1975, in all other cases. The term also refers to a person who was discharged or released from active duty for a service connected disability if any part of such active duty was performed in the Republic of Vietnam between February 28, 1961, and May 7, 1975, or between August 5, 1964, and May 7, 1975, in all other cases.

**An invitation to qualified disabled veterans only:** If you are a qualified special disabled veteran, we would like to include you in our affirmative action program. If you would like to be included under the affirmative action program, please tell us. This information will assist us in placing you in an appropriate position and in making accommodations for your disability. The term "qualified special disabled veteran" refers to a veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Department of Veterans Affairs for a disability rated at 30 percent or more, or rated at 10 or 20 percent in the case of a veteran who has been determined by the Department of Veterans Affairs to have a serious employment handicap. The term also refers to a person who was discharged or released from active duty because of a service-connected disability.

**An invitation to both (1) veterans of the Vietnam era and (2) qualified disabled veterans:** If you are a veteran of the Vietnam era or a qualified special disabled veteran, we would like to include you under our affirmative action program. If you would like to be included under the affirmative action program, please tell us. The term "veteran of the Vietnam era" refers to a person who served on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred in the Republic of Vietnam between February 28, 1961, and May 7, 1975 or between August 5, 1964, and May 7, 1975, in all other cases. The term also refers to a person who was discharged or released from active duty for a service connected disability if any part of such active duty was performed in the Republic of Vietnam between February 28, 1961, and May 7, 1975, or between August 5, 1964, and May 7, 1975, in all other cases. The term "qualified special disabled veteran" refers to a veteran who is entitled to compensation (or who, but for the receipt of military retired pay, would be entitled to compensation) under laws administered by the Department of Veterans Affairs, for a disability rated at 30 percent or more, or rated at 10 or 20 percent in the case of a veteran who has been determined by the Department of Veterans Affairs to have a serious employment handicap. The term also refers to a person who was discharged or released from active duty because of a service-connected disability.



**FCI**As of 01/01/04

---

3. You may inform us of your desire to benefit under the program at this time and/or at any time in the future.
4. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended.
5. The information you submit will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of qualified disabled veterans, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if you have a condition that might require emergency treatment; and (iii) government officials engaged in enforcing laws administered by OFCCP, or enforcing the Americans with Disabilities Act, may be informed.
6. If you are a qualified special disabled veteran it would assist us if you tell us about (i) any special methods, skills, and procedures which qualify you for positions that you might not otherwise be able to do because of your disability so that you will be considered for any positions of that kind, and (ii) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, provision of personal assistance services or other accommodations. This information will assist us in placing you in an appropriate position and in making accommodations for your disability.
7. A written copy of this Affirmative Action Program is available for inspection by any employee or applicant for employment, during normal business hours, in the Administration Department. Interested persons should contact the Personnel Manager at 555-555-1212 for assistance.

**Note: Paragraph 6 (ii) above will be omitted if this invitation to self-identify is being extended prior to an offer of employment. This avoids conflict with EEOC's guidance under the ADA, which in most cases precludes asking a job applicant about potential reasonable accommodations prior to a job offer being made.**

**FCI**

As of 01/01/04

### Invitation to Self-Identify for Individuals With Disabilities

1. FCI is a Government contractor subject to section 503 of the Rehabilitation Act of 1973, as amended, which requires Government contractors to take affirmative action to employ and advance in employment qualified individuals with disabilities.
2. If you have a disability and would like to be considered under the affirmative action program, please tell us.
3. You may inform us of your desire to benefit under the program at this time and/or at any time in the future. This information will assist us in placing you in an appropriate position and in making accommodations for your disability.
4. Submission of this information is voluntary and refusal to provide it will not subject you to any adverse treatment. The information provided will be used only in ways that are not inconsistent with Section 503 of the Rehabilitation Act.
5. Information you submit about your disability will be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of qualified individuals with disabilities, and regarding necessary accommodations; (ii) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment; and (iii) government officials engaged in enforcing laws administered by OFCCP or the Americans with Disabilities Act, may be informed.
6. If you are a qualified individual with a disability, we would like to include you under the affirmative action program. It would assist us if you tell us about (i) any special methods, skills, and procedures which qualify you for positions that you might not otherwise be able to do because of your disability so that you will be considered for any positions of that kind, and (ii) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, provision of personal assistance services or other accommodations.
7. A written copy of this Affirmative Action Program is available for inspection by any employee or applicant for employment, during normal business hours, in the Administration Department. Interested persons should contact the Personnel Manager at 555-555-1212 for assistance.

**Note:** Paragraph 6 (ii) above will be omitted if this invitation to self-identify is being extended prior to an offer of employment. This avoids conflict with EEOC's guidance under the ADA, which in most cases precludes asking a job applicant about potential reasonable accommodations prior to a job offer being made.