



**Federal Contracting
Compliance:
Knowing and Applying the
Rules**

PTAC Procurement Symposium 2013

**Brenda J Yamagata
Yamagata and Associates, Inc.**

A blue speech bubble with a white outline, containing the text "What do these companies have in common?". The bubble is positioned in the center of the page and has a tail pointing towards the bottom left.

**What do these
companies have in
common?**



Construction Company



Financial Institution



Real Estate Leasing Company



Commercial Bakery



Employee Leasing Company



Tire Recycling Company



**What do these
companies have in
common?**

Housekeeping



The Fine Print



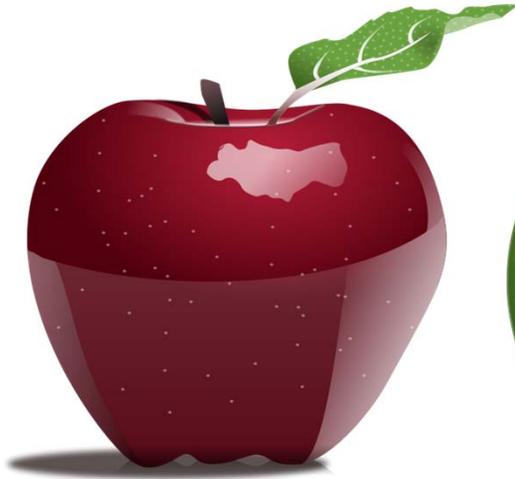
Today's presentation is a source of general information for our friends and colleagues. The content should not be construed as legal advice—you and your organization should not act upon the information in this session without consulting appropriate counsel.

How We'll Work Together

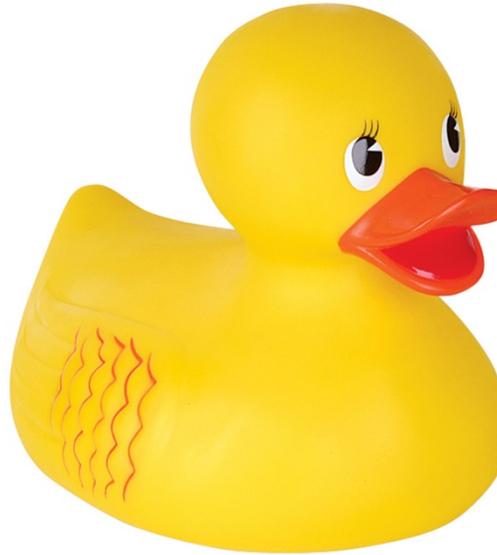
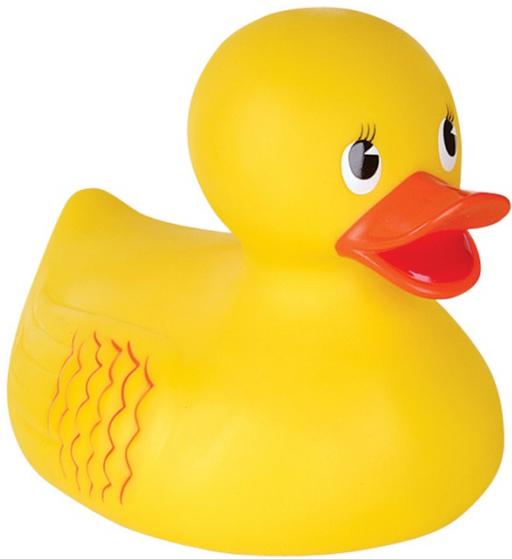
Ask questions

**Share your
experiences—
the positive and
not so positive**





**1 out of 4 U.S.
businesses
contract with
the Federal
government**



**3 out of 4 U.S. workers
are employed by an
organization that
receives Federal funds**



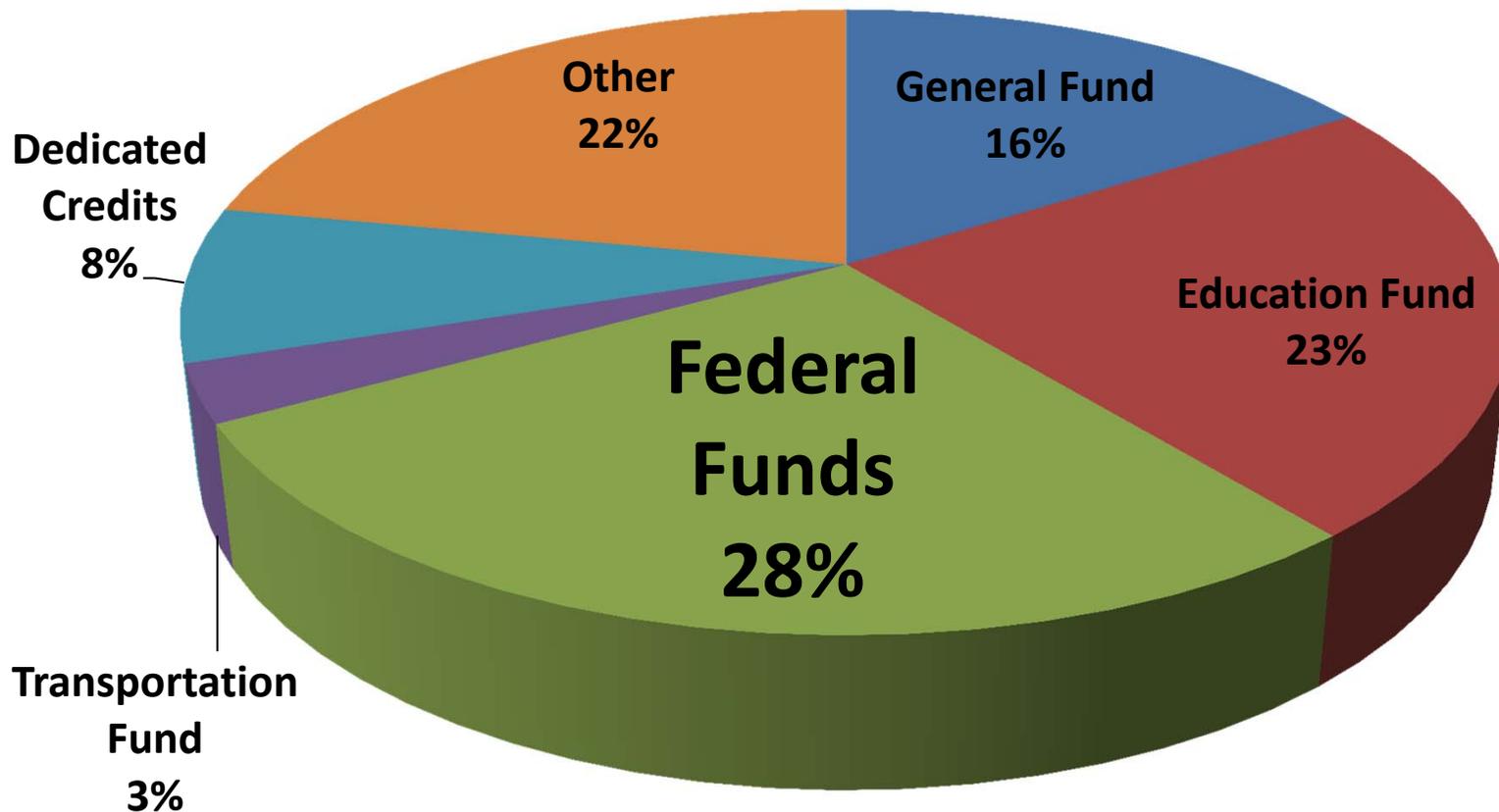
The Federal Impact

2012: \$420 M

2013: \$350 M

Source: Governor's Office of Economic Development: PTAC

FY 2013 Utah State Budget by Revenue Source



Source: Office of the Legislative Fiscal Analyst



Water flows down...

**...so do obligations of
Federal money**



Federal Labor Laws by the Numbers



Changes in Federal Contracting Laws

- **Construction Employment / Documentation**
- **Americans with Disabilities (ADA)**
- **Vietnam Era Veterans' Readjustment Act (VEVRAA)**

The Twos

Two types of Federal contracts:

- **Supply and Service**
- **Construction**

Two types of contractors:

- **Prime Contractors**
- **Subcontractors**

Three Types of AA Plans

- **AAP for Minorities & Women
(E.O. 11246)**
- **AAP for Disabled
(Section 503)**
- **AAP for Protected Veterans
(VEVRAA)**

OFCCP Coverage

	Equal Employment	Disabled	VEVRAA
Basic	Contract(s) greater than \$10,000 (aggregate)	One contract greater than \$10,000	One contract greater than \$100,000
Written AA Plan	50 employees and a contract of \$50,000 or more	50 employees and a contract of \$50,000 or more	50 employees and a contract of \$100,000 or more

Ramifications



- **Reinstatement, forced hires, promotions**
- **Back wages**
- **Termination of contract**
- **Debarment**
- **Criminal prosecution**

Anticipated Construction Regulations

- **Greater oversight**
- **Percentage of benchmarks for women will increase**

ADA (§503) Changes

- **EO Clause**
- **Self-ID: Pre- and Post-Offer**
- **Hiring Benchmarks: 7 percent**
- **Job Postings / Outreach**

ADA (§503) Changes (Cont.)

- **Review of Qualifications**
- **Harassment Statement**
- **Dissemination**
- **Data Collection Analysis**

VEVRAA Changes

- **EO Clause**
- **Self-ID: Pre- and Post-**
- **Hiring Benchmarks: 8 percent**
- **Job Postings / Outreach**

VEVRAA Changes (Cont.)

- **Review of Qualifications**
- **Harassment Statement**
- **Dissemination**
- **Data Collection Analysis**

Equal Opportunity (EO) Clause

- **Effective: March 24, 2014**
- **Very specific wording**
- **Include in contracts, work agreements, purchase orders**

(EO) Clause: ADA / 503

This contractor and subcontractor shall abide by the requirements of 41 CFR 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.

(EO) Clause: VEVRAA

This contractor and subcontractor shall abide by the requirements of 41 CFR 60-300.5(a). This regulation prohibits discrimination against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.



**Looking Ahead:
New regulations
continue the
audit process of
your employee
activities**

Looking Ahead: Buy-In From the Boss



Looking Ahead: Adequate Budget

“If you plan on doing business with the Federal government, budget accordingly.”



-Patricia Shiu, OFCCP Director

Looking Ahead: Legal Partnerships

- **Style**
- **Knowledge**
- **Negotiating skills**
- **When to hold,
when to fold**



Looking Ahead: Job Descriptions



Looking Ahead: Compensation / Pay Equity



Looking Ahead: Supervisor Training



Looking Ahead: Your Public Appearance

Does your
website look
like this?



An Equal Opportunity Employer

Looking Ahead: Employee Population

**Does your
employee
population
look like this?**



Looking Ahead: Reaching Out



Looking Ahead: Posting Your Jobs



Looking Ahead: Recordkeeping



- **Vets, IWDs outreach**
- **Job postings**
- **Disposition: who, when, why**
- **Compensation decisions**



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