

Affirmative Action Plan Preparation

Using our own state-of-the-art software program, our team of experts can prepare a standard Affirmative Action Plan (AAP) that requires minimal knowledge of AA planning from your staff.

After you provide us with the required data files in an electronic data format, we perform extensive checks for data accuracy and integrity. Our goal is to provide you with a technically accurate, “audit-ready” plan that is 100% compliant with Office of Federal Contract Compliance Programs (OFCCP) regulations. If this is your first AAP, we will do a Start Point Analysis at no additional charge to create history data necessary for adverse impact and goal attainment reports.

Our plans have been informally praised by OFCCP compliance officers from around the country, and our samples have been used by the OFCCP during Technical Assistance meetings with less experienced affirmative action practitioners.

Your completed plan includes all of the following analyses required by the OFCCP:

- Organizational Profile: Workforce Analysis or Organizational Display
- Job Group Analysis
- Availability Factor Analysis
- Incumbency vs. Estimated Availability Analysis (with statistical significance)
- Placement Goals Report
- Goal Attainment Report
- Compensation Summary Report
- Equal Opportunity (EO) Survey Parts B and C

Adverse impact analyses are performed on:

- Hires and Terminations
- Promotions and Transfers
- Any special personnel actions specific to your organization (i.e., demotions, layoffs)

We also provide several additional reports and checklists as supporting documentation for your plan. You will be provided with all required comprehensive draft narratives in electronic form, which already include the relevant plan statistics and company information. You can then easily customize the narratives to reflect your company’s initiatives and policies. After your plan is delivered, we will follow up with you to review the plan and provide additional guidance as needed.

OFCCP Audit Support

The OFCCP has the authority to audit the employment practices of government contractors and does so through periodic investigations. Audits should be treated with the severity of litigation or an EEOC charge. Berkshire’s experts can guide you through the process to help keep you informed of your rights, correct addressable issues, and lessen the negative impact of OFCCP findings. Partnering with Berkshire Associates during the audit process ensures that your plan will include all required reports and will satisfy even the most particular auditor.

OFCCP Audit Support (continued)

Our experienced consultants can get a current Affirmative Action Plan in place for you in a short time frame—our audit department is experienced in dealing with tight deadlines. If your plan is already in place, we can review the plan and further prepare you with customized adverse impact analyses or generation of research lists for areas with significant adverse impact so you will be ready for the OFCCP's potential inquiry.

We have been instrumental in saving clients thousands of dollars during compliance reviews. Our consultants participate in dozens of audits locally and nationally, and will continue to lead in development and implementation of effective responses to changes in OFCCP practices.

To provide the most effective affirmative action support to clients, Berkshire can provide the following:

- Phone or in-person support before, during, and after compliance checks or reviews, including performance of self- or pre-audit reviews
- A comprehensive plan review, including investigation of areas of significant adverse impact
- Partnering to determine a strategy for addressing the audit, advising you of your rights, and proposing reasonable responses to the OFCCP's requests
- If necessary, we can work directly with the OFCCP on your behalf

Salary Equity Analysis

Given the recent increase in compensation settlements, companies can benefit significantly from analyzing their pay practices, as an enhancement to diversity initiatives and Affirmative Action Planning, or independent of AA planning. Berkshire uses advanced statistical analyses that are accepted by the courts, EEOC, and OFCCP. We go a step further with data refinements and additional statistical techniques to develop successful defenses against potential findings of discriminatory patterns.

Internal salary or pay equity is a vital area of examination in OFCCP compliance reviews, yet not many companies examine their salary data in this way. Every compliance review requires an assessment of pay equity. Detailed analysis conducted by Berkshire's experienced consultants can increase the likelihood of success in audit situations.

Berkshire offers a flexible, customized approach to the internal analysis. Our consultants work with you to determine how to conduct the analysis to best reflect your company's compensation structure. For areas too small for valid statistical analysis, our staff has a wealth of experience conducting cohort analyses to defend your pay practices on an individual basis.

A complete salary equity review can include the following analyses to identify potential areas of liability:

- OFCCP Mock "Self-Audit" Compensation Analysis
 - Tipping Point Test
 - Mini Regression Analysis
- Preliminary Analysis including *t*-tests and Fisher's Exact Tests
- Cohort and Statistical-Based Cohort Analyses
- Correlation and Multiple Regression Analyses