

## AFFIRMATIVE ACTION

Executive Order 11246 requires most federal contractors to take affirmative action to recruit, hire and promote women and minorities whenever those groups are "underutilized" in the employer's work force. This program is administered and enforced by the Office of Federal Contract Compliance Programs ("OFCCP"). Sheppard Mullin has broad based experience assisting clients who are covered by that Executive Order. This highly specialized area of practice generally involves two categories of legal input and involvement: 1) the affirmative action plan ("AAP") and 2) dealings with the OFCCP.

Sheppard Mullin attorneys are well versed in the complex area of affirmative action plans. This expertise ranges from drafting these plans from scratch to simply reviewing and approving annual updates. Careful drafting and/or review of an AAP is critical to litigation risk reduction, contract compliance, evidentiary issues in Title VII cases and experience based presentation that will efficiently and effectively pass OFCCP scrutiny.

Our attorneys have developed an effective and economical approach to OFCCP audits. Preparation and knowledge are critical to the audit and negotiation process. We guide our clients through this sometimes complicated process, including:

- Preparing for the audit
- Advising managers who are to be interviewed
- Assistance in developing the audit results
- Providing guidance on all stages of dialogue and negotiation with OFCCP representatives

Additionally, we have assisted our clients to prepare AAPs and in-house training programs that not only inform the managers, but also fulfill commitments made in the AAP.