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OFCCP Alters Method of Computing Total Settlement Awards – Results Plummet

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In its Congressional budget justification for Fiscal Year 2011, the Office of Federal Contract Compliance Programs (OFCCP) revealed that it has changed its method of computing the dollars recovered for contractor employees by the agency.

Since the agency was founded in 1978 it has held the practice of annualizing the wages and salaries of those awards. An award is made when it is determined that illegal discrimination has occurred and back pay is needed to remedy the situation. It can also represent a settlement between the government and its contractor without any admission of wrongdoing on the part of the contractor. The agency contended that annualized compensation reflected the true impact on worker benefits over the course of the entire fiscal year.

In FY 2008, OFCCP reported collections of \$67.5 million in remedies. In FY 2009, the Obama Administration reported recovery of \$9.3 million. That is an 86 percent drop from one year to the next. OFCCP says it hasn't changed its pursuit of remedies, merely the way it is calculating its results.

“The agency’s enforcement efforts corrected unlawful employment discrimination for more than 21,839 American workers. OFCCP negotiated settlements that provided 2,249 new job opportunities for affected workers. In addition to negotiated settlements, in cases where findings of discrimination could not be resolved, the Agency referred 20 cases to the Office of the Solicitor for further enforcement and litigation action.”
“Annualized salaries associated with these new jobs are not included in the aforementioned \$9.3 million in back pay. This change in how the agency reports monetary awards for workers who have been discriminated against will provide transparency.”

During FY 2009 OFCCP completed 4,000 compliance evaluations and conciliation agreements resulted from those evaluations in nearly 700 cases.

<http://www.dol.gov/dol/budget/2011/PDF/CBJ-2011-V2-04.pdf>

Independent Review of E-Verify Shows System Vulnerable to Identity Theft

On January 28, 2010, the Department of Homeland Security posted on its U.S. Customs and Immigration Service web site a report from Westat a research organization specializing in such government studies. It reported that “Currently over 180,000 employers use E-Verify at over 675,000 worksites.” It discovered that employers using E-Verify were “generally satisfied.”

3.3 percent of records submitted to E-Verify result in a report of “Work Authorized” when that is inaccurate. “False negatives” are spotlighted by those opposing the E-Verify system.

“Westat estimates that overall, E-Verify queries result in an accurate response 96 percent of the time and an inaccurate response 4.1 percent of the time. But only 6.2 percent of all E-Verify queries relate to unauthorized workers. Westat estimates that, primarily due to identity fraud, approximately half (54 percent with a plausible range of 37 to 64 percent) of *unauthorized* workers run through E-Verify receive an inaccurate finding of ... *work authorized*.” Those are known as false negatives because no identity problem was discovered. Often, someone has stolen another person’s identity, including Social Security Number, and used it to fool the system into believing there is valid work authorization.

“Even though unauthorized workers receive an *Employment Authorized* response in 3.3 percent of all E-Verify cases, strengthening E-Verify’s ability to better detect and deter identity fraud is a priority.”

Now that federal contractors are required to submit employee information to the E-Verify system, the government is expecting that it will be able to improve on the number of unauthorized workers collecting paychecks. The Department of Homeland Security has continued its efforts to identify, raid and arrest employers who are knowingly hiring illegal workers.

For a copy of the Westat report go to:

<http://www.uscis.gov/USCIS/Native%20Docs/Westat%20Evaluation%20of%20the%20E-Verify%20Program.pdf>

Advanced Degrees in Diversity Offered by University of the Rockies

On February 24, 2010, the University of the Rockies in Colorado Springs, Colorado, announced it would offer Masters and Doctorate degrees with an emphasis on Organizational Diversity. More than 40 percent of students at the University of the Rockies belong to an ethnic or racial minority group.

According to the University press release, this is the first such program in the country.

<http://www.rockies.edu>

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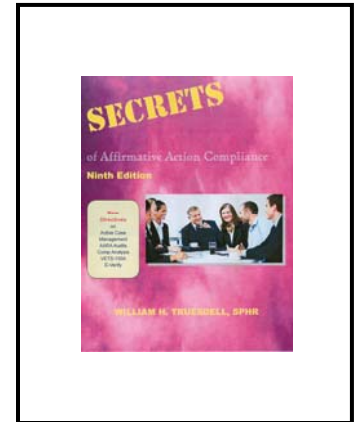
<http://www.EmployeeRetentionManager.com>

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Secrets of Affirmative Action Compliance – 9th Edition

There is now an update to the very popular book on affirmative action compliance. In its 9th edition, *Secrets of Affirmative Action Compliance* offers charts, checklists, examples, recommendations and citations to the federal regulations. All of its content is assembled in a way that readers can get a clear understanding of what the government expects of its supply, service and construction contractors. If you now have, or wish to receive, revenues from federal contracts, this is a reference you can't be without.

<http://www.management-advantage.com/products/AAP9.htm>



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- Top 100 Military Friendly Employers**

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GIJobs.com publishes this list and the top 10 rankings are as follows:

<u>Employer</u>	<u>2008 Employees</u>	<u>Industry</u>
1. Union Pacific Railroad	45,000	Transportation
2. CSX Corporation	34,000	Transportation
3. USAA Financial Services	22,200	Finance
4. BNSF Railway	40,000	Transportation
5. ManTech International Corp	8,000	Defense
6. Johnson Controls	140,000	Automotive
7. Norfolk Southern	30,709	Transportation
8. CINTAS Corporation	30,000	Diversified Svc
9. Southern Company	26,000	Energy
10. ITT Corporation	40,000	Defense

You can find all 100 on their list at <http://www.gijobs.com/2010-top100-military-friendly-employers.aspx>

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California "Kin Care" Leave Requirements Do Not Apply to Uncapped Sick Leave Plans

The California Supreme Court issued its ruling on February 18, 2010, for the case of *McCarther v. Pacific Telesis Group*, (Cal., No. S164692.).

"Employers are not required to provide sick leave. Many employers elect to do so, and many do so in the form of an accrual-based system. Employers may choose to refuse employees the right to use uncapped sick leave to care for relatives, although employers are certainly not precluded from doing so. Indeed, defendants offer compensated personal days off, which may be taken to care for ill relatives..."

"There are employers, like defendants, that elect to provide an uncapped compensated sick leave policy. We conclude that [Labor Code] section 233 does not apply to those types of policies."

Find the entire opinion at <http://www.courtinfo.ca.gov/opinions/documents/S164692.PDF>

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