

**INSTRUCTIONS FOR CONTRACTORS
AFFIRMATIVE ACTION REQUIREMENTS**

WISCONSIN CONTRACT COMPLIANCE PROGRAM

PURPOSE

These instructions are intended to aid a contractor in satisfying the equal opportunity/affirmative action requirements specified in the State of Wisconsin contract "Standard Terms and Conditions" section relating to nondiscrimination/affirmative action. A contractor to the State of Wisconsin is obligated to these contract compliance requirements by s. 16.765, Wis. Stats., and ADM 50, Wisconsin Administrative Code. Should these instructions be inconsistent with any provision of Wisconsin law or Administrative Code, the latter apply.

A contractor must send all required information to THE STATE OF WISCONSIN AGENCY WITH WHOM IT IS CONTRACTING. This agency could be any department, commission, board, or other agency of the State of Wisconsin, including the University of Wisconsin, with authority to purchase or contract for equipment, construction work, materials, supplies, or contractual services.

If there are any questions concerning these instructions, the contractor should contact its contracting state agency.

CONTENTS	Page No.
Purpose	1
General Contract Compliance Requirements	2
Contractor's Timeline	2
Wisconsin Affirmative Action Plan Contractor Data (DOA-3784)	3
Exemption From Submitting Affirmative Action Plan	4
Request For Exemption From Submitting Affirmative Action Plan (DOA-3024)	5
Affirmative Action Plan Preparation	6
Equal Employment Opportunity and Affirmative Action Policy Statement	6
Sample Policy Statement	7
Workforce Analysis	8
Sample Balanced Work Force Procedure	9
Workforce Analysis: Contractor (DOA-3022)	10
Affirmative Action Goals	11
Plan Dissemination	12
Internal Monitoring	13
Contractor Use of Subcontractor(s)	14
Contractor's Subcontractor List (DOA-3023)	15
Affirmative Action Plan Review	16
Eligible Contractor:	16
Ineligible Contractor:	16
Confidential Information	16

GENERAL CONTRACT COMPLIANCE REQUIREMENTS

In order to facilitate nondiscrimination and equal opportunity for all workers, Wisconsin law requires contracting vendors (referred to as “contractors”) to agree to equal employment and affirmative action policies and practices. This requirement exists to encourage and foster the employment of properly qualified persons regardless of factors such as race and religion. The Contract Compliance Program (CCP) is the organization within the State of Wisconsin responsible for overall administration of Wisconsin's Contract Compliance Law (s. 16.765, Wis. Stats.). The CCP is a part of the Wisconsin Department of Administration.

Affirmative Action Plan Requirement: An "Affirmative Action Plan (AAP)" is a written document committing the contractor to a program designed to achieve a balanced work force. It contains, at a minimum, sections for a policy statement, a workforce analysis, program goals, an internal monitoring system, and dissemination of the AAP. See *pages 5 through 12 for assistance with AAP preparation, including explanations and samples for each required section.*

An Affirmative Action Plan is required from any contractor who receives a State contract over \$50,000, unless a contractor:

- has fewer than fifty (50) employees;
- is a federal government agency or a Wisconsin municipality;
- has a balanced work force (see definition on page 6); or
- has undergone an audit by the U.S. Office of Federal Contract Compliance Programs within the last year.

The exemption request processes for these criteria and others are explained in detail on page 4.

Unless located in Wisconsin, any universities, states, or local governments who receive State of Wisconsin contracts over \$50,000 must submit Affirmative Action Plans in the same manner as other contractors.

Compliance Law Poster Requirement: All contracts estimated to be over fifty thousand dollars (\$50,000) require the contractor to post in conspicuous places, available for employees and applicants for employment, notices that set forth the provisions of the State of Wisconsin's Contract Compliance Law. These will be provided by the contracting state agency, or can be found at <http://VendorNet.state.wi.us/VendorNet/doaforms/DOA-3031P.doc>.

CONTRACTOR'S TIMELINE

The contractor's Plan or exemption information is due to the contracting state agency within fifteen (15) working days of the award date of the State contract. A Plan must have been prepared or revised not more than one year prior to the award date of the contract. After receiving the contractor's affirmative action information, the contracting agency will review it and contact the contractor within fifteen (15) working days. Contractors are always encouraged to make contact with their contracting agencies regarding affirmative action requirements, progress, or deadlines as desired.



Wisconsin Affirmative Action Plan Contractor Data

Contractor must submit to the State of Wisconsin agency with which it is contracting, along with all other required information:

- This form along with the contractor's Affirmative Action Plan
- or
- The "Request for Exemption from Submitting Affirmative Action Plan" (Form DOA-3024)

Contractor Name		*Federal Employer Identification Number or Social Security Number	
Address (Street)		Contact Name	Phone (Voice) ()
(P.O. Box)		Contact Title	Fax ()
(City - State - Zip)		E-mail	
Commodity		Contracting State Agency	
Total Contract Amount \$	Award Date	Bid, Contract or Purchase Order Number (Required)	

When a contractor complies with the State of Wisconsin's Contract Compliance Law requirements, the contractor may be included in the "*Contract Compliance Program (CCP) Contractor Directory*". This directory is located on a website that is available to State of Wisconsin purchasing staff. The contractor is identified in the directory as an eligible contractor for three years. If an eligible contractor receives another award from the State of Wisconsin prior to expiration of this eligibility, that contractor need not submit other contract compliance information. The contractor is identified in the *CCP Contractor Directory* by name and last four digits of Federal Employer Identification Number (FEIN#) or Social Security Number (SS#). We are requesting your approval to include your company, with the FEIN# or SS#, in this directory.

YOUR PERMISSION IS REQUIRED to list your federal numbers in the *CCP Contractor Directory*.

Please Note: A "No" will mean that your organization will **not** be listed in the directory. This will mean that each time a state agency contracts with your organization for more than \$50,000, the agency must request contract compliance information from you.

- Yes, I consent to the State of Wisconsin using this Federal Employer Identification Number or Social Security Number to identify my business in the "*Contract Compliance Program Contractor Directory*".
- No, I do not consent to the State of Wisconsin using this Federal Employer Identification Number or Social Security Number to identify my business in the "*Contract Compliance Program Contractor Directory*". I understand that by selecting this option, any State of Wisconsin agencies I contract with in the future will need to contact my organization to collect this affirmative action information again.

Name _____ Date (mm/dd/ccyy) _____
Authorized Signature

Name _____ Telephone () _____
Please Print or Type

This form can be made available in alternate formats to individuals with disabilities upon request.

*A Federal Identification number is required to properly identify your business with the contract. Directory listing is optional.

EXEMPTION FROM SUBMITTING AFFIRMATIVE ACTION PLAN

The Wisconsin Affirmative Action Plan requirement does not apply if a contractor satisfies any of the exemption criteria listed below. A contractor who submits an exemption form and is approved will be listed in the Eligible Contractor Directory, which allows all State of Wisconsin agencies to see that the contractor is eligible for business with the State of Wisconsin. If a contractor submits an exemption form but opts not to be included in the Eligible Contractor Directory, any agency wishing to contract with the contractor in the future will need to request its affirmative action information again.

An Affirmative Action Plan is NOT required if the contractor satisfies any of the criteria below:

- If the contractor's state contract is for less than \$50,000, the contractor is automatically exempt.

Procedure: If exempt for this reason, no evidence of exemption is required.

- If the contractor has less than fifty (50) employees, the contractor is a foreign company with a work force of less than fifty (50) employees in the United States, or the contractor is a federal government agency or a Wisconsin municipality, the contractor is exempt.

Procedure: If exempt for one of these reasons, the contractor must submit a "Request for Exemption from Submitting Affirmative Action Plan" (Form DOA-3024, next page) and its "Contractor's Subcontractor List" (Form DOA-3023, page 15).

- If the contractor has a balanced work force (see pages 8-9), the contractor is exempt.

Procedure: If exempt for this reason, the contractor must submit a "Request for Exemption from Submitting Affirmative Action Plan" (Form DOA-3024, next page), its "Contractor Workforce Analysis" (Form DOA-3022, Page 10), supporting labor market information*, its "Contractor's Subcontractor List" (Form DOA-3023, page 15), and a copy of its Equal Employment Opportunity Policy Statement. See "Equal Employment Opportunity and Affirmative Action Policy Statement" (pages 6-7) for preparation instructions.

*Labor Market Information: The contractor must have labor market data to determine if it has a balanced work force. If the contractor does not have this data, it can be found on the Wisconsin WORKnet site, which contains information from the Department of Workforce Development's Office of Economic Advisors, at [http://worknet.wisconsin.gov/worknet/downloads.aspx?menuselection=da&pgm=Affirmative Action](http://worknet.wisconsin.gov/worknet/downloads.aspx?menuselection=da&pgm=Affirmative_Action). The contractor may also obtain this data from State Job Service Offices which are listed in local telephone directories under State Government "Job Service" or "Employment Security" or from the regional U.S. Office of Federal Contract Compliance Programs (OFCCP).

- If the Contractor's Affirmative Action Program was audited by the U.S. Office of Federal Contract Compliance Programs (OFCCP) within the last year and deemed compliant, the contractor is exempt.

Procedure: If exempt for this reason, the contractor must submit a "Request for Exemption from Submitting Affirmative Action Plan" (Form DOA-3024, next page), a copy of OFCCP's Acceptance/Compliance Letter, its "Contractor's Subcontractor List" (Form DOA-3023, page 15), and a copy of its Equal Employment Opportunity Policy Statement. See "Equal Employment Opportunity and Affirmative Action Policy Statement" (pages 6-7) for preparation instructions.

- If a rare situation exists for an emergency or to meet special contracting requirements, the Coordinator of the Contract Compliance Program, on the recommendation of a contracting state agency, may exempt a contractor from Affirmative Action Plan requirements.



Request For Exemption from Submitting Affirmative Action Plan Contract Compliance Program

Instructions to Contractor: By satisfying one of the conditions below, the contractor may request an exemption from submitting an Affirmative Action Plan. An exempt contractor must complete this form and return it to the State of Wisconsin agency with whom the contractor is contracting within fifteen (15) working days of the award date of the contract. Unless the Contractor is notified otherwise by the contracting agency, the contractor may assume that the exemption is approved.

*The State of Wisconsin may use the **Social Security Number (SS#)** or **Federal Employer Identification Number (FEIN#)** indicated on this form to identify your organization in the state's "Contract Compliance Program Directory". This directory is located on a website that is available to State of Wisconsin purchasing offices. We are requesting your approval to include your organization, with the FEIN# or SS#, on this site. Without this approval, each state agency contracting with you for more than \$50,000 must request contract compliance information from you.

Please indicate your approval for this listing: Yes No

Contractor Name		*Federal Employer Identification Number or Social Security Number	
Address (Street)		Contact Name	Contact Phone (Voice) ()
(P.O. Box)		Contact Title	Fax ()
(City - State - Zip)		E-mail	
Commodity		Contracting State Agency	
Total Contract Amount \$	Award Date	Bid, Contract or Purchase Order Number (required)	

II. Exemption Request: The basis for requesting an exemption is that, as of the award date of the contract, the contractor:

(Check as appropriate)

- Has less than fifty (50) employees.
- Is a foreign company with a work force in the United States of less than fifty (50).
- Is an agency of the Federal Government or a Wisconsin municipality.
- Has achieved a balanced work force. If requesting an exemption based on this reason, contractor must submit 1) a completed Workforce Analysis Form (DOA-3022), 2) supporting labor market information, and 3) an Equal Employment Opportunity Policy Statement.
- Has undergone an audit of its Affirmative Action Program within the last year by the Office of Federal Contract Compliance Programs (OFCCP) and has received a letter of compliance. (Contractor must attach a copy of its OFCCP letter and the contractor's Affirmative Action and Equal Employment Opportunity Policy Statement.)

Please be aware that this exemption form should also always be accompanied by the Contractor's Subcontractor List (DOA-3023).

III. We have posted the notice(s) explaining Wisconsin's contract compliance law. Yes No

Authorized Signature	Date (mm/dd/ccyy)
Printed Name	Title
Witness Signature	Date (mm/dd/ccyy)
Printed Name	Title

This form can be made available in alternate formats to individuals with disabilities upon request. Please call the Contract Compliance Program (CCP) at (608) 266-5462 (voice) or (608) 267-9629 (TTY), or write to CCP at 101 East Wilson Street, 6th Floor, P.O. Box 7867, Madison, Wisconsin 53707-7867.

*A Federal Employer Identification number is required to properly identify your business with the contract. Directory listing is optional.

AFFIRMATIVE ACTION PLAN PREPARATION

The Affirmative Action Plan must be current within one year of the award date and include the five sections listed below. Pages 6 through 13 of these instructions describe the sections in detail and provide samples. A contractor may create an acceptable Plan by copying these samples while inserting its own company information.

Each Plan section is important to include because of the specific requirements found in [ADM 50.05\(1\)](#) of Wisconsin's Administrative Code and [PRO-D-3](#) of the State Procurement Manual.

- 1 POLICY STATEMENT** Section 1, See Pages 6 and 7
- 2 WORKFORCE ANALYSIS** Section 2, See Pages 8 through 10
- 3 PROGRAM GOALS** Section 3, See Page 11
- 4 PLAN DISSEMINATION** Section 4, See Page 12
- 5 INTERNAL MONITORING** Section 5, See Page 13

SECTION 1:

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT

A sample Equal Employment Opportunity and Affirmative Action Policy Statement is provided on the following page. If a contractor writes its own policy statement, it needs to include:

- Identification of the contractor by name;
- Commitment to equal opportunity in employment programs for any applicant for employment or any employee by not basing employment decisions on age, race, religion, color, handicap, sex, physical condition, developmental disability, sexual orientation (defined in s. 111.32(13m), Wis. Stats.) or national origin;
- Commitment to affirmative action policies and practices in employment programs to achieve a balanced work force;
- A statement that identifies employment programs to include at least employment, promotion, demotion, transfer, recruitment, compensation, training, layoff and termination;
- Designation of an employee of the contractor as the person responsible for the affirmative action program;
- Provision for holding supervisors and managers accountable for affirmative action initiatives within their respective areas; and
- Commitment to abide by s. 16.765, Wis. Stats., state regulations, and federal laws pertaining to equal employment opportunity and affirmative action during the life of a contract with the State of Wisconsin.

Additionally, this Equal Employment Opportunity and Affirmative Action Policy Statement must be:

- Signed and dated by the contractor's chief executive officer or person responsible for affirmative action in the company as designated by the company's chief executive officer;
- Written on the contractor's letterhead; and
- Available for review by employees and applicants for employment.

SAMPLE POLICY STATEMENT

The following is an example of an Affirmative Action Policy Statement which satisfies minimum compliance requirements. The policy statement must appear on the contractor's letterhead and be dated and signed by the chief executive officer or affirmative action authority.

It is the policy of (NAME OF CONTRACTOR) not to discriminate against any employee or any applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability, sexual orientation or national origin. This policy shall include, but not be limited to, the following: recruitment and employment, promotion, demotion, transfer, compensation, selection for training including apprenticeship, layoff and termination. This company further agrees to take affirmative action to ensure equal employment opportunities.

(NAME OF PERSON AND TITLE) is responsible for planning and implementing our affirmative action program as well as for its day-to-day monitoring of affirmative action related decisions and activities. All personnel who are responsible for hiring and promoting employees and for the development and implementation of programs or activities are charged to support this program. They shall provide leadership in implementing affirmative action goals and initiatives.

During the life of the contract with the State of Wisconsin, (NAME OF CONTRACTOR) shall comply with s. 16.765, Wis. Stats., state regulations and federal laws relating to equal employment opportunities and affirmative action. The company shall continue to work cooperatively with government and community organizations to take affirmative action to ensure equal employment and advancement opportunities.

Typed Name

Signature

Date

Title

SECTION 2:

WORKFORCE ANALYSIS

General: The contractor workforce analysis is a part of each contractor's Affirmative Action Plan. A workforce analysis is also required, along with a Request for Exemption from Submitting Affirmative Action Plan, if the contractor is requesting an exemption based on having achieved a balanced work force.

"Balanced Work Force" means an equitable representation of persons with disabilities, minorities and women in each level (job category) of a work force which approximates the percentage of persons with disabilities, minorities, and women available for jobs at each level from the relevant labor market from which the contractor recruits job applicants. (The next page is designed to assist with balanced work force calculations.)

To fulfill the workforce analysis requirement, the contractor can either complete and submit the Workforce Analysis (Form DOA-3022, page 10) or submit a copy of its federal EEO-1 form. The contractor may define its own job categories. However, the Contract Compliance Program reserves the right to reject the contractor's job categories. The job categories listed on the workforce analysis form are defined in Appendix 5 of the [EEO-1 Instruction Booklet](#).

For each job category, the contractor must report:

- Total number of employees (the number of employees on the contractor's payroll as of any date within one year of receiving its State of Wisconsin contract);
- Number of females;
- Number of minorities. "Minorities" means persons whose race or ethnic group is either:
 - A. American Indian or Alaskan Native: persons with origins in any of the original people of North America who maintain cultural identifications through tribal affiliation or community recognition;
 - B. Asian or Pacific Islander: persons having origins in the Far East, Southeast Asia, the India Subcontinent or the Pacific Islands;
 - C. Black: persons not of Hispanic culture having origins in any of the Black racial groups of Africa; or
 - D. Hispanic: individuals of Mexican, Puerto Rican, Caribbean, Central or South American or other Spanish culture or origin regardless of race.

The contractor is also encouraged to report to the best of its ability:

- Number of persons with disabilities. The Americans with Disabilities Act defines "disability" as:
 - A. a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 - B. a record of such an impairment; or
 - C. being regarded as having such an impairment.

Gathering Disability Data: A contractor shall invite all employees to voluntarily identify themselves as disabled. This invitation shall state that all information is voluntarily provided, that the data will be kept confidential except for the purposes of this affirmative action requirement, and that refusal to provide the information will not subject the employee to any adverse treatment. In the absence of reliable labor market data, the percentage of people with disabilities for whom the contractor should make a reasonable accommodation is 2%.

Minorities and persons with disabilities should also be included in the number for males and females. The percentages of minorities and persons with disabilities represent their part of the total number of employees.

This data must be current within one year of the award date of the State contract.

If the contractor has submitted a workforce analysis previously, the contractor must provide the date of the most recently submitted report and recap the total number of males, females, minorities and persons with disabilities last reported.

SAMPLE BALANCED WORK FORCE PROCEDURE

Compare the contractor's total number of employees with the relevant labor market data for each of the following groups: employees who are female, employees who are minorities, and employees who are disabled.

"Labor Market" means the geographic area in which the contractor recruits applicants for employment. The labor market may be different for various categories of employees. For example, the contractor may recruit laborers from the city in which the contractor is located and professionals on a regional or statewide basis.

For each job category, the contractor's work force should have representation equal to AT LEAST that labor market's percentage of women, minorities, and people who are disabled. This OFCCP guideline is sometimes called the "any difference" rule. Note that all balanced work force calculations described on this page are for the contractor's records only and do not need to be submitted to the contracting State of Wisconsin agency (exception: if requesting an exemption by reason of having a balanced work force, the relevant labor market data must be submitted).

JOB CATEGORIES	EMPLOYEES TOTAL	MALE			FEMALE		
		TOTAL	MINORITY	DISABLED	TOTAL	MINORITY	DISABLED
OFFICIALS AND MANAGERS	1000	500	200	10	500	200	50
PROFESSIONALS	4000	1500	500	40	2500	1000	50
TOTAL	5000	2000	700	50	3000	1200	100

TOTAL OFFICIALS AND MANAGERS	<u>1000</u>
	X
TOTAL LABOR MARKET % FOR FEMALE OFFICIALS AND MANAGERS	<u>42.64%</u>
	÷ 100
# OF WOMEN CONTRACTOR NEEDS TO BE BALANCED	<u>426.4</u>

At left is the calculation to determine the total number of female officials and managers the above sample contractor would need to have to be considered balanced.

This labor market data is fictitious. Actual sources of labor market information for contractors can be found on page 4.

← Round this result UP to the next whole number.

So, this sample contractor's target is 427 total female officials and managers. Since the Contractor employs 500 total female officials and managers, this portion of its work force is balanced. The same process should be used for minorities and persons with disabilities, and applied to each individual job category. Another example follows:

TOTAL PROFESSIONALS	<u>4000</u>
	X
TOTAL LABOR MARKET % FOR MINORITY PROFESSIONALS	<u>39.21%</u>
	÷ 100
# OF MINORITY PROFESSIONALS CONTRACTOR NEEDS TO BE BALANCED	<u>1568.4</u>

In this example, the contractor only employs 1500 professionals who are minorities (500 males plus 1000 females), which is less than the target value of 1569. Ideas to fix this inequity should be present in the contractor's affirmative action goals.

If the contractor finds an area of underrepresentation, it is still recommended to complete the process for the remaining categories. By taking note of which groups of people are underrepresented in any job category, the contractor will know which areas to remedy when coming up with its affirmative action goals. If the contractor instead discovers that it meets the target values for all groups and categories, then that organization has a balanced work force and is therefore exempt from submitting an Affirmative Action Plan (Exemption details are on page 4).



Workforce Analysis: Contractor Wisconsin Contract Compliance Program

General Instructions: The contractor must include a workforce analysis as a part of its Affirmative Action Plan or with its Request for an Exemption from Submitting an Affirmative Action Plan, if the contractor is requesting an exemption based on having achieved a balanced work force. As an alternative to submitting this document, a contractor may submit a copy of its federal EEO-1 form. This information is due to the contracting state agency within fifteen (15) working days after the award date of a contract from the State of Wisconsin.

*The contractor's Federal Identification Number is used to positively identify the employer and location.

Contractor		Bid, Contract & PO Numbers (as applicable)		Date of Analysis		*Federal Employer Identification Number	
JOB CATEGORIES	EMPLOYEES TOTAL	MALE			FEMALE		
		TOTAL	MINORITY	DISABLED	TOTAL	MINORITY	DISABLED
Officials and Managers							
Professionals							
Technicians							
Sales Workers							
Administrative Support Workers							
Craft Workers							
Operatives							
Laborers and Helpers							
Service Workers							
Total							
Total Employment Reported in Previous Analysis Dated:							

Prepared By:

 Signature

 Date

 Telephone Number

 Printed Name

 Title

This form can be made available in alternate formats to individuals with disabilities upon request. Please call the Contract Compliance Program (CCP) at (608) 266-5462 (voice) or (608) 267-9629 (TTY), or write to CCP at 101 East Wilson Street, 6th Floor, P O Box 7867, Madison, Wisconsin 53707-7867.

SECTION 3:

AFFIRMATIVE ACTION GOALS

This section consists of goals that are directed to achieving a balanced work force. Contractors should use the results of the previous section (workforce analysis) to identify areas of opportunities in recruiting processes and create goals in this section that address those opportunities. Each contractor should strive to make goals that identify how it will measure its success and what the target date is.

SAMPLE GOALS

Using the example goal "Advertising position vacancies in minority media":

- *Goal* – Increase our number of minority employees.
- *Measure* – Number of new hires.
- *Target Date* – Achieve balanced work force by 18 months.

A contractor should use its own specific goals, but is welcome to include one or more of these suggested goals.

- Developing a company employee affirmative action committee to advise the chief executive officer on affirmative action issues.
- Reviewing job descriptions to ensure that they reflect actual job duties with reasonable work-related requirements for employment.
- Restructuring jobs, where possible, to encourage appointing trainees.
- Broadening recruitment notices to include community organizations likely to refer women, minorities, and individuals with disabilities.
- Advertising position vacancies in minority media.
- Developing interview teams for all positions using only job-related questions.
- Implementing an exit interview program or an employee assistance program.
- Developing work schedules where feasible which include part-time employment opportunities to encourage the employment of persons for whom full-time employment is difficult.
- Identifying an informal equal employment opportunity complaint resolution procedure.
- Identifying other means to strengthen its recruitment and retention of women, minorities, and individuals with disabilities.
- Conducting onsite training on affirmative action issues and initiatives.
- Committing to recruit and appoint women, minorities, and individuals with disabilities for vacancies in the same percentages as they are available in the labor market when the contractor has turnover or a need to expand its work force.

SECTION 4:

PLAN DISSEMINATION

Each contractor should think about how to get the word out once an Affirmative Action Plan is in place. Making a Plan accessible to employees and business partners can be as simple as handing it out at new employee orientation, posting a copy on each floor of the building, or uploading it to a website. For this section of a Plan, the following provisions are required by [ADM 50.05\(2\)](#) in Wisconsin Administrative Code:

- Equal opportunity and affirmative action issues frequently appear on the agendas of executive and staff meetings. The Plan must specify the frequency of these meetings and with whom they occur.
- All solicitations or advertisements for employment must include a statement comparable to "an equal employment opportunity employer functioning under an Affirmative Action Plan". The contractor should provide at least one copy of an advertisement for employment, or, if one is unavailable, state why.
- All employees must have access to the Affirmative Action Plan for review. The Plan must specify the procedure for employees who wish to review the Plan.
- Any complaints regarding the Affirmative Action Plan may be filed with the Wisconsin Department of Workforce Development's Equal Rights Division or with the Contract Compliance Program.

SAMPLE PLAN DISSEMINATION SECTION

The following is an example of Plan Dissemination that follows minimum compliance requirements. A contractor may write its own dissemination section, or use a copy of this sample while inserting its own information in the blanks.

The Affirmative Action Plan will be made known by the following:

1. Copies of the affirmative action program are posted in conspicuous places within the company facilities.
2. Equal employment opportunity and affirmative action issues are addressed at a (WEEKLY, MONTHLY, BI-MONTHLY, ETC) manager/supervisor meeting, should an issue arise.
3. All solicitations and advertisements for employment will include a statement comparable to: "an equal employment opportunity employer." (IF POSSIBLE, SUPPLY WITH YOUR PLAN A COPY OF AN EMPLOYMENT ADVERTISEMENT)
4. All employees have access to the Affirmative Action Plan for review. A copy of the Plan may be obtained on request from (PERSON AND/OR DEPARTMENT)

All supervisory and management personnel are responsible for implementation of affirmative action initiatives within their areas of responsibility.

Any complaints regarding this Affirmative Action Plan may be filed with the Wisconsin Department of Workforce Development's Equal Rights Division or with the Contract Compliance Program.

SECTION 5:

INTERNAL MONITORING

Once an Affirmative Action Plan is in place, the contractor should be eager to measure its success. The Internal Monitoring section will identify a method or system for regularly evaluating results achieved by the Affirmative Action Plan. This section of the Plan needs to:

- Specify the frequency of reviews, the individual(s) performing the reviews, and the consequences of the reviews.
- Hold supervisory and management personnel responsible, at least through performance appraisals and compensation reviews, for implementing affirmative action initiatives within their areas of responsibility.

NOTE: The contractor must retain a copy of its Affirmative Action Plan, including the forms submitted with it, for purposes of satisfying the Plan dissemination and internal monitoring requirements.

SAMPLE INTERNAL MONITORING SECTION

The following is an example of Internal Monitoring that follows minimum compliance requirements. A contractor may write its own internal monitoring section, or use a copy of this sample while inserting its own information in the blanks.

The Affirmative Action Plan is reviewed (SPECIFY FREQUENCY, I.E. ANNUALLY) to evaluate results achieved by the Plan. (RESPONSIBLE PERSON/PEOPLE) (IS/ARE) responsible for monitoring of the Plan and taking necessary action, including but not limited to reeducating managers and directors responsible for hiring and promotion. Any issues or concerns shall be reported to (PRESIDENT, CEO, OTHER). All (SPECIFY PEOPLE RESPONSIBLE FOR PERFORMANCE APPRAISALS AND COMPENSATION REVIEWS, I.E. MANAGERS OR DEPARTMENT HEADS) are held responsible for implementing affirmative action initiatives within their areas of responsibility.

CONTRACTOR USE OF SUBCONTRACTOR(S)

The contractor is required to notify any subcontractor to comply with the State of Wisconsin's affirmative action requirements in the same manner as the contractor.

It is important that each contractor lists its subcontractors to be compliant with [ADM 50.04\(7\)](#) in Wisconsin's Administrative Code, which requires that each subcontractor submit an Affirmative Action Plan or exemption statement just like the original contractor needs to.

If Contractor is Subcontracting: The contractor can use the "Contractor's Subcontractor List" (Form DOA-3023, next page) to specify its subcontractors. This list is due to the contracting state agency within fifteen (15) working days of the award date of the contract. If the contractor changes its subcontractors at a later date, the contractor must revise and submit its subcontractor list at the time of altering its subcontracting.

For every subcontract over \$50,000, the contractor must give a copy of Wisconsin's contract compliance law poster to the subcontractor to post in a conspicuous place. Copies of the poster are available from the contracting state agency, or can be found at <http://VendorNet.state.wi.us/VendorNet/doaforms/DOA-3031P.doc>. Additionally, the contractor needs to obtain:

- An exemption statement from the subcontractor if it has less than fifty (50) employees or for other reasons noted on the "Request for Exemption from Submitting Affirmative Action Plan" (Form DOA-3024, page 5);

or

- An Affirmative Action Plan from the subcontractor;

or

- A copy of the subcontractor's OFCCP acceptance/compliance letter dated within the last year and its Affirmative Action Policy Statement.

The contractor should acknowledge receipt of these documents and then forward them to the contracting state agency.

If a subcontractor's Affirmative Action Plan is not acceptable, then the contracting state agency will contact the subcontractor and provide technical assistance.

If Contractor is NOT Subcontracting: The contractor must still submit a "Contractor's Subcontractor List" (Form DOA-3023, next page). The box indicating "No" should be marked to show that the contractor will not be subcontracting at this time. If the contractor decides to subcontract at a later date, a new form that lists the subcontractor(s) will need to be submitted, in addition to following the above provisions to obtain contract compliance information from the new subcontractor(s).

Link to online fill and print form: [DOA-3023 Contractor's Subcontractor List](#)



**Contractor's Subcontractor List
 Wisconsin Contract Compliance Program**

Contractor Name	Bid, Contract and Purchase Order Numbers (as applicable)
-----------------	--

INSTRUCTIONS: The contractor will subcontract part of this award: Yes No

1. If no, return this form with the Affirmative Action Plan and Contractor Data (DOA-3784), or the Exemption Statement (DOA-3024), as is appropriate, to the contracting state agency.
2. If yes, complete the information below for each subcontractor before returning.
3. Check "MBE" (Minority Business Enterprise) if the contractor believes that any subcontractor is a certified minority business. s. 16.287, Wis. Stats. defines a minority business as one which is at least 51% owned and operated by a member of a racial ethnic group.
4. The contractor is responsible for forwarding the following information for each subcontractor for a subcontract over \$50,000:
 - A. An Affirmative Action Plan for any subcontractor who has fifty (50) employees; or
 - B. An exemption statement from any subcontractor who has less than fifty (50) employees.
 (The contracting state agency has forms available for this purpose.)
5. The contractor is responsible for sending subcontractor affirmative action information to its contracting state agency within fifteen (15) working days of any subcontracting date.
6. The contractor should use additional sheets to list subcontractors, if necessary.

MBE <input checked="" type="checkbox"/>	Subcontractor Name/City/State	Date of Subcontract	Commodity/Service	\$ Amount
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				
<input type="checkbox"/>				

I certify that the above subcontractors have complied with the State of Wisconsin Affirmative Action Requirements.

Signature

Date

CEO or Authorized Designee Name

Title

AFFIRMATIVE ACTION PLAN REVIEW

When the contracting state agency receives an Affirmative Action Plan, that Plan is reviewed. The agency will look at all parts of the Plan to ensure contractor compliance with Wisconsin Statute and Administrative Code.

Eligible Contractor: If the Affirmative Action Plan is acceptable, the contractor receives a written eligibility notice from the contracting state agency and is designated as an eligible contractor. An eligible contractor is included in the Contract Compliance Program's Contractor Directory for three years. While in this directory, all State of Wisconsin agencies are able to see that the contractor is eligible for business with the State, and the contractor will not need to submit affirmative action information again if it is awarded another State contract within those three years.

Ineligible Contractor: If the Affirmative Action Plan is not acceptable, the contractor receives written notice of the Plan's deficiencies from the contracting state agency within fifteen (15) working days. The contractor then has thirty (30) working days in which to amend the Plan. If a contractor wants guidance, the contractor may seek help from 1) the contracting state agency; or 2) the Contract Compliance Program.

If a contractor refuses to comply or is not responsive to communication and thus fails to submit acceptable affirmative action information, that contractor may be declared an ineligible contractor. If a contractor is declared ineligible, then the Coordinator of the Contract Compliance Program notifies the contractor in writing. An ineligible contractor remains so designated until the Coordinator receives acceptable affirmative action information.

An ineligible contractor:

- May be precluded from selling its goods or services to the State of Wisconsin, including the University of Wisconsin, either directly or through a distributor or other means; and
- May be removed from bidders lists of all state agencies of the State of Wisconsin, including the University of Wisconsin.

Additionally, a state agency may:

- Terminate a contract with an ineligible contractor without liability as the contractor has failed to comply with s. 16.765, Wis. Stats., and ADM 50, Wisconsin Administrative Code, as well as to satisfy the "Standard Terms and Conditions" of its contract; and
- Withhold payment for the incompleting portion or for any materials or services purchased or paid for by the contractor for use in completing the contract work.

CONFIDENTIAL INFORMATION

Generally, the State of Wisconsin's open records and meetings laws (s. 19.31 and s. 19.81, Wis. Stats.) permit confidentiality to a very limited number of documents, for example, records which constitute a trade secret. Usually Affirmative Action Plans required by the State of Wisconsin are not considered confidential documents. Should a contractor believe that part or all of its Affirmative Action Plan is confidential, the contractor must identify clearly to the contracting state agency those pages or sections which it believes contain confidential information. This identification of any confidential information must be given both:

- In a letter to the contracting state agency; and
- On each page that the contractor states contains confidential information.

If a contractor asserts that all or part of its Affirmative Action Plan is confidential, the contractor is responsible for defending its confidentiality under Wisconsin Statutes. The contractor must agree in advance in writing to hold the State of Wisconsin harmless and to provide for any necessary defense of the confidentiality of the contractor's records, if a challenge occurs.

This booklet is available in alternate formats to individuals with disabilities upon request. Please call the Contract Compliance Program (CCP) at (608) 266-5462 (voice) or (608) 267-9629 (TTY), or write to CCP at 101 East Wilson Street, 6th Floor, Madison, Wisconsin 53707-7867.

Send all required information to the State of Wisconsin agency with whom you are contracting.