



OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS



ROFFMAN HORVITZ, PLC
LEGAL COUNSELING
FEDERAL CONTRACT COMPLIANCE & EMPLOYMENT DATA ANALYTICS

BANK OF AMERICA ENTERS INTO EARLY RESOLUTION CONCILIATION AGREEMENT WITH U.S. DEPARTMENT OF LABOR TO RESOLVE DISCRIMINATION VIOLATIONS

News Release from the Department of Labor

CHARLOTTE, NC – Bank of America has agreed to pay \$4.2 million in back wages and interest to resolve alleged hiring discrimination violations found at several of the bank’s facilities during routine compliance evaluations by the U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP).

OFCCP alleged that the Charlotte, North Carolina-based bank discriminated against African Americans, Hispanics and women applying for registered phone representative, client service, mortgage underwriter, telephone sales associate and sales specialist positions. These alleged discriminatory practices occurred at Bank of America locations in Pennington, New Jersey; Jacksonville, Florida; Kennesaw, Georgia; and Texas branches in Addison, Fort Worth and Plano.

“This is one of the largest settlements in OFCCP history, and this result will further the goal of equal employment opportunity,” said Office of Federal Contract Compliance Programs Director Craig E. Leen in Washington, DC.

“Federal contractors must comply with equal employment opportunity laws in their hiring and compensation practices,” said Office of Federal Contract Compliance Programs Southeast Regional Director Samuel B. Maiden, in Atlanta, Georgia.

Under the early resolution conciliation agreement, Bank of America will monitor its hiring practices nation-wide. In addition, the bank will take steps to enhance its compliance with Executive Order 11246 and retain a consultant to evaluate policies and procedures related to its hiring processes for a five-year period.

In November 2018, OFCCP launched an effort to resolve supply and service compliance evaluations at the earliest stage possible with corporate-wide compliance and issues a directive (https://www.dol.gov/ofccp/regs/compliance/directives/dir2019_02.html) establishing Early Resolution Procedures (ERP). These procedures allow OFCCP and contractors with multiple establishments to cooperatively develop corporate-wide compliance with OFCCP’s regulatory

requirements and efficiently resolve issues. In turn, contractors are exempt from future evaluations for five years. This conciliation agreement with Bank of America resulted from that ERP directive.

In addition to Executive Order 11246, (https://www.dol.gov/ofccp/regs/compliance/ca_11246.htm), OFCCP enforces Section 503 of the Rehabilitation Act of 1973 (<https://www.dol.gov/ofccp/regs/compliance/section503.htm>) of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (<https://www.dol.gov/ofccp/regs/compliance/vevraa.htm>). These laws, as amended, make it illegal for contractors and subcontractors doing business with the federal government to discriminate in employment because of race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran. In addition, contractors and subcontractors are prohibited from discriminating against applicants or employees because they have inquired about, discussed, or disclosed their compensation or the compensation of others subject to certain limitations. For more information, please call OFCCP's toll-free helpline at 800-397-6251 or visit <https://www.dol.gov/ofccp/>.

If you think you may be one of the applicants eligible for back pay or job opportunities from this settlement, or may know someone who is, please visit the OFCCP Class Member Locator at: <https://www.dol.gov/ofccp/CML>. There you will find information about this and other OFCCP settlements.

The mission of the Department of Labor is to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

Agency Office of Federal Contract Compliance Programs

Date September 27, 2019

Release Number 19-1566-ATL