



PRESENTATION

Functional AAPs – Should We Seek Them and How Should We Organize Them

PRESENTERS:

Alissa Horvitz and Joshua Roffman of Roffman Horvitz, PLC



PRESENTATION DATE:

August 1, 2019
9:15 a.m. - 10:30 a.m.



Workshop Description:

A Functional AAP is any affirmative action plan that is not organized by physical location. Under OFCCP's regulations, the default way to prepare AAPs is by physical location. Any contractor wishing to prepare its AAPs other than this default basis must obtain OFCCP's permission, in accordance with its 2013 directive (revised in 2016).

The previous FAAP directives contained disincentives to seek functional AAP approval. For the privilege of doing your AAPs functionally, you were subject to OFCCP scrutiny of any local, state, and federal EEO violations during the previous three years and were guaranteed at least one OFCCP compliance review every three years for your organization. The new directive is significantly more attractive to employers.

Many contractors would be well-served by having some or all of their organization covered by an option other than physical location-based AAPs. This includes "single-establishment" hospitals and universities.

This session will address:

- The old FAAP directives compared to the new FAAP directive
- The FAAP approval process, the types of information that contractors are expected to disclose in the initial application process and in response to OFCCP follow-up questions
- Different ways to set up functional units
- Strategic considerations for the annual preparation of the AAPs themselves
- Strategic considerations involved in submitting a FAAP for audit versus a location-based plan for audit

About the Presenters:

Alissa Horvitz - Alissa A. Horvitz has focused on practicing OFCCP law since 1996. Her experience includes preparing affirmative action plans, representing government contractors before the Office of Federal Contract Compliance Programs (OFCCP). Additional information can be found [here](#).

Joshua Roffman - Joshua S. Roffman has been practicing OFCCP law since 2003. He focuses his practice primarily on advising and overseeing the preparation of affirmative action plans and representing clients in various matters before the Office of Federal Contract Compliance Programs (OFCCP) and the U.S. Department of Labor. Additional information can be found [here](#).