



Technical Assistance Guide for Federal Construction Contractors

This Technical Assistance Guide is designed to help Government contractors and subcontractors comply with the Federal laws and regulations that prohibit Government contractors from discriminating in employment, and require that they undertake affirmative action to ensure equal employment opportunity in their workforces. It is intended for Government contractors who have construction contracts and/or subcontracts. The obligations of Government contractors and subcontractors who hold non-construction contracts differ in significant ways and are covered in a separate guide.

The contents of this guide have been designed to help construction contractors and subcontractors:

- Understand their contractual obligation to comply with the laws administered by OFCCP;
- Understand the role of the OFCCP in enforcing Federal equal employment opportunity and affirmative action laws that apply to Federal contractors and subcontractors;
- Develop written Section 503 and VEVRAA affirmative action programs where appropriate;
- Implement the affirmative action steps that are described in the Standard Federal Equal Employment Specifications published at 41 CFR 60-4.3; and
- Prepare for an OFCCP compliance evaluation.

This Technical Assistance Guide does not create new legal requirements or change current legal requirements. Instead, it reflects the views of OFCCP and is intended to serve as a basic resource document on OFCCP-administered laws. The legal requirements related to equal employment opportunity that apply to Federal supply and service contractors are contained in the statutes, executive orders, and regulations cited in the Guide. Every effort has been made to insure that the information contained in the Guide is accurate and up to date.



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Overview of OFCCP Mission and Program

The Office of Federal Contract Compliance Programs (OFCCP) administers and enforces three equal employment opportunity laws that apply to Federal government contractors and subcontractors supplying goods and services, including construction, to the Federal Government: Executive Order 11246, Section 503, and the affirmative action provisions of VEVRAA. The OFCCP monitors compliance with these laws primarily through compliance evaluations, during which a compliance officer examines the contractor's affirmative action efforts and employment practices. The OFCCP also investigates complaints filed by individuals alleging employment discrimination on the basis of race, color, sex, religion, nation origin, disability or status as a protected veteran.

The OFCCP encourages voluntary compliance and provides technical assistance regarding the requirements of the equal employment opportunity laws that apply to more than 200,000 nonconstruction (supply and service) and construction contractors and subcontractors. The OFCCP maintains a national office in Washington, DC, six regional offices and several district offices within each region throughout the United States. See Appendix B for the addresses and phone numbers of key OFCCP offices.

OFCCP Responsibilities

The OFCCP carries out its enforcement responsibilities by:

- Offering technical assistance (such as this guide) to Federal contractors/subcontractors to help them understand regulatory requirements and the compliance evaluation process;
- Conducting compliance evaluations and complaint investigations of Federal contractors' and subcontractors' personnel policies and practices;
- Forming linkage agreements between contractors/subcontractors and the Department of Labor's employment and training programs, outside organizations and recruitment sources to help employers identify and recruit qualified employees;
- Negotiating agreements, including formal Conciliation Agreements with contractors and subcontractors found in violation of regulatory requirements;
- Monitoring contractors' and subcontractors' progress in fulfilling the terms of their conciliation agreements through periodic compliance reports;
- And when necessary, recommending enforcement actions to the Solicitor of Labor.



Overview of Laws Administered by OFCCP

The OFCCP is responsible for enforcing Federal laws and regulations which prohibit discrimination and require Federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment without regard to race, color, religion, sex, national origin, disability or status as a protected veteran. The OFCCP is responsible for administering:

- ***Executive Order 11246***, as amended, , which prohibits discrimination and requires affirmative action to ensure equal employment opportunity without regard to race, color, sex, religion and/or national origin; and the implementing regulations at ***41 CFR Parts 60-1 through 60-50***. Generally, all contractors and subcontractors holding non-exempt Federal and federally assisted construction contracts and subcontracts exceeding \$10,000 must comply with Executive Order 11246. The regulations implementing the Executive Order establish different affirmative action requirements for construction and nonconstruction (supply and service) contractors. While all covered Government contractors and subcontractors, both construction and nonconstruction, are required to take affirmative action, nonconstruction (supply and service) contractors that meet the 50 employee/\$50,000 contract thresholds are required to develop and maintain a written Executive Order 11246 affirmative action program.
- ***Section 503 of the Rehabilitation Act of 1973, as amended, (Section 503)***, which prohibits discrimination and requires affirmative action in all personnel practices for qualified individuals with disabilities; and the implementing regulations at ***41 CFR Part 60-741***. These requirements apply to contractors and subcontractors with a covered Federal contract or subcontract valued in excess of \$10,000. In addition, the regulations implementing Section 503 require that covered contractors and subcontractors with a Government contract or subcontract of \$50,000 or more and 50 or more employees develop and maintain a written Section 503 affirmative action program.
- ***The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212 (VEVRAA)***, which prohibits discrimination and requires affirmative action in all personnel practices for special disabled veterans, veterans of the Vietnam era, and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized; and the implementing regulations at ***41 CFR Part 60-250¹***. These requirements apply to

¹ The Veterans Employment Opportunities Act of 1998 (VEOA), Public Law 105-339, increased the threshold for coverage under VEVRAA from a contract of \$10,000 or more to a contract of \$25,000 or more, and extended the law's protections to "veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized." The existing VEVRAA regulations do not yet reflect the changes made by the VEOA. OFCCP is planning to publish for notice and comment regulatory provisions that reflect the new coverage threshold and the additional groups of veterans entitled to protections under VEVRAA in the very near future. This Guide refers to the existing regulations, however, nothing prohibits a contractor from applying the same standards to other war or campaign veterans.



contractors and subcontractors with a covered Federal contract or subcontract of \$25,000 or more. In addition, the regulations implementing VEVRAA require that covered contractors and subcontractors with a Government contract or subcontract of \$50,000 or more and 50 or more employees develop and maintain a written VEVRAA affirmative action program.

OFCCP shares enforcement responsibilities with other Federal agencies in the administration of the following laws:

- ***Immigration Reform and Control Act of 1986 (IRCA)***, requires employers to keep certain records (I-9 forms) for the U.S. Immigration and Naturalization Service which verify their employees' eligibility to work in the U.S. (i.e., proof of citizenship or authorization to work).
- ***Title I of the Americans with Disabilities Act of 1990 (ADA)***, prohibits employment discrimination by employers with 15 or more employees against qualified individuals with disabilities. The Equal Employment Opportunity Commission (EEOC) has primary authority for enforcing the ADA, but OFCCP is authorized to act as EEOC's agent in processing and investigating ADA complaints falling within the overlapping jurisdiction of Section 503 and Title I of the ADA.
- ***Title VII of the Civil Rights Act of 1964***, as amended, prohibits employment discrimination on the basis of race, color, national origin, sex and religion. In many instances, employment discrimination claims against a government contractor can be brought under both Executive Order 11246 and Title VII. While EEOC has primary authority for enforcing Title VII, as a result of an April 1999 Memorandum of Understanding, OFCCP is authorized to act as EEOC's agent in processing, investigating and resolving the Title VII component of complaints filed with OFCCP under Executive Order 11246 that allege discrimination of a systemic or class nature on the basis of race, color, national origin, sex or religion.



Commonly Asked Questions

Which construction contractors and subcontractors are subject to OFCCP administered laws?

- A construction contractor or subcontractor is covered under to Executive Order 11246 if they have:
 - ◆ A Federal construction contract or subcontract of over \$10,000;
 - ◆ A federally assisted construction contract or subcontract of over \$10,000;
 - ◆ A construction contract or subcontract of over \$10,000 with a Federal nonconstruction contractor or subcontractor, if the construction contract/subcontract is necessary in whole or in part to the performance of the Federal nonconstruction contract or subcontract; or
 - ◆ Multiple Federal construction contracts or subcontracts of less than \$10,000 that, when added together total more than \$10,000 within any 12 month period or can reasonably be expected to total more than \$10,000 during that time.²
- A construction contractor or subcontractor is covered under Section 503 if they have a construction contract/subcontract in excess of \$10,000.
- A construction contractor or subcontractor is covered under VEVRAA if they have a construction contract/subcontract of \$25,000 or more.

Federally assisted construction contracts and subcontracts are covered under the Executive Order only, and not under either Section 503 or VEVRAA.

² (Note: A very small group of contractors and subcontractors, those holding a total of more than \$10,000 in Federal construction contracts or subcontracts but not holding a single contract or subcontract exceeding \$10,000, are required to comply with the Executive Order but are not required to comply with the EEO and Affirmative Action Specifications detailed at 41 CFR 60-4.3(a)(7). The vast majority of construction contractors and subcontractors are required to comply with both the Executive Order and the EEO and Affirmative Action Specifications, and this Guide is prepared primarily for those contractors and subcontractors.



Federal and federally assisted construction contractors and subcontractors who are subject to OFCCP requirements have a contractual obligation to comply with the applicable OFCCP-administered laws governing equal employment opportunity and affirmative action. **Additionally, covered contractors and subcontractors must comply with these regulations at all work sites. For example, a company with a Federal construction contract in California must not only comply with OFCCP requirements at the California work site where the Federal contract work is being done, but must also comply with the OFCCP requirements at all of the company's work sites throughout the United States.**

Are construction contractors' EEO and affirmative action obligations specified in the contract documents?

Yes. A "Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity (Executive Order 11246)" is to be included in the bid solicitations for all Federal and federally assisted construction contracts and subcontracts in excess of \$10,000. The Notice, which is published at 41 CFR 60-4.2, informs the contractor/bidder of the affirmative action requirements imposed under Executive Order 11246, including the specified goals for minority and female participation.

The construction contractor's EEO and affirmative action obligations are also specified in the Government contract. Every covered Government construction contract and subcontract must contain the equal opportunity clause found at 41 CFR 60-1.4(a), which specifies the obligations imposed under Executive Order 11246. Covered federally assisted construction contracts and subcontracts must incorporate the equal opportunity clause found at 41 CFR 60-1.4(b). In addition, covered construction contracts and subcontracts must incorporate the equal opportunity clauses found at 41 CFR 60-250.5 and 60-741.5, which contain the obligations imposed under VEVRAA and Section 503.

These equal opportunity clauses may be expressly included in each contract or subcontract or incorporated by reference. Importantly, the equal opportunity clauses are deemed to be a part of every covered construction contract and subcontract even if they are not physically incorporated in the contract documents.



In addition to the equal opportunity clauses, Federal and federally assisted construction contracts and subcontracts in excess of \$10,000 must include the "Standard Federal Equal Employment Opportunity Construction Contract Specifications," which are found at 41 CFR 60-4.3. The specifications describe the affirmative action obligations and set forth the specific affirmative action steps the construction contractor must implement in order to make a good faith effort to achieve the goals for minority and female participation that were listed in the bid solicitation.

Note: In the following sections of the Technical Assistance Guide, the term “contract” generally refers to both a *contract and subcontract*; the term “subcontract” generally is not used unless it is necessary to the context. Similarly, the terms “contractor” and “construction contractor” include *subcontractors and construction subcontractors*, as well, unless specified otherwise.

Overview of Construction Contractor Responsibilities

Covered Federal construction contractors must comply with Executive Order 11246, Section 503, and VEVRAA, while federally assisted construction contractors must comply with Executive Order 11246 only.

To comply with Executive Order 11246, contractors must demonstrate good faith efforts to meet their affirmative action goals for the employment of minorities and women in the construction industry. In order to take into account the fluid and temporary nature of the construction workforce, OFCCP does not require construction contractors to develop written affirmative action programs. Instead, OFCCP has established the utilization goals based on civilian labor force participation rates, and has outlined in the regulations good faith steps for construction contractors to follow.

The goals by geographic area are determined by the Deputy Assistant Secretary, OFCCP, and are issued pursuant to 41 CFR 60-4.6. A “Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity” is to be included in the bid specifications for all Federal and federally assisted construction contracts and subcontracts in excess of \$10,000. The Notice sets forth the goals for minority and female participation. The goals are expressed as a percentage of the hours worked by the contractor's aggregate workforce in each trade on all construction work performed in the geographic area, regardless whether the work is Federal, federally assisted or non-federal. Where a contractor performs construction work in a geographic area located outside the geographic area in which it has a covered contract, it shall apply the goals established for the geographic area where the work is actually performed. Goals in the second area also are applicable to both federally involved and nonfederally involved construction work. See the example in (b) below.

(a) Goals for Women: The current goal for the utilization of women is 6.9% of work hours and applies to all of a contractor's construction sites regardless of where the Federal or federally assisted contract is being performed. This goal was originally published in the Federal Register of April 7, 1978, 43 FR 14899, 14900, as Appendix A. Pursuant to a Notice published in the Federal Register of December 30, 1980, 45 FR 85750, 85751, the 6.9% goal was extended indefinitely. A typed transcript of this Federal Register notice appears in Appendix E of this Guide.

(b) Minority Group Goals: Current goals for the utilization of minorities were published in the Federal Register of October 3, 1980, 45 FR 65979, 65984, as Appendix B-80. A typed transcript of this Federal Register notice appears in Appendix E of this Guide. Minority goals are formulated in terms of work hours performed in a specific Standard Metropolitan Statistical Area (SMSA) or Economic Area (EA). For example, ABC Company has a Federal contract for construction work in SMSA X. The goals for SMSA X apply to all of ABC's construction work in SMSA X, both the federally involved and the nonfederally involved construction work. In addition, if ABC Company performs construction work in SMSA Y, it would apply the SMSA Y goals to all its construction work in SMSA Y, whether or not it had a Federal or federally assisted contract in SMSA Y. Although SMSAs were realigned into Metropolitan Statistical Areas (MSAs) as a result of the 1980 census, construction goals continue to be based on SMSAs.

These goals are not a subterfuge for quotas. Quotas are expressly forbidden by law. Affirmative action goals under Executive Order 11246 are targets for recruitment and outreach and should be reasonably attainable by means of applying good faith efforts. The standard of compliance is good faith. Numerical goals do not create guarantees for specific groups, nor are they designed to achieve proportional representation or equal results.

As stated above, construction contractors are **not** required to develop written Executive Order affirmative action programs. In lieu of a written affirmative action program, the regulations enumerate the good faith steps covered construction contractors must take in order to increase the utilization of minorities and women in the skilled trades. These sixteen requirements are discussed in the *Standard Federal Equal Employment Opportunity Construction Contract Specifications* (Executive Order 11246). Construction contractors must document the steps and actions that they take to ensure that these requirements are met. **The specifications are included in covered Federal or federally assisted construction contracts and subcontracts. The specifications are deemed incorporated in all covered contracts by operation of the Executive Order regardless of whether they are incorporated in the solicitation or contract and regardless of whether the contract is written.**

Depending on the size of the construction contractor and the type of relationship it has with the Federal Government, covered construction contractors may have additional responsibilities, such as the following:

- a) Including the provisions of the applicable Executive Order 11246, Section 503 and VEVRAA equal employment opportunity clauses in subcontracts and purchase orders;
- b) Notifying OFCCP about any construction subcontract awards in excess of \$10,000 that are made under covered Federal or federally assisted construction contracts;
- c) Complying with personnel record retention requirements;
- d) Completing and submitting the annual EEO report, Standard Form 100 (also known as the “EEO-1 report”), if the construction contractor or subcontractor has 50 or more employees and a covered contract or subcontract of \$50,000 or more;
- e) Complying with the “Uniform Guidelines on Employee Selection Procedures”, which are published at 41 CFR Part 60-3.
- f) Maintaining a written affirmative action program for qualified individuals with disabilities, qualified special disabled veterans, veterans of the Vietnam Era, and other protected veterans if the contractor has 50 or more employees and a non-exempt Government contract or subcontract of \$50,000 or more;
- g) Completing and submitting the Federal Contractor Veterans’ Employment Report using Form VETS-100; and
- h) Complying with the Immigration Reform and Control Act of 1986.

Each of the affirmative action program specifications and additional compliance requirements for construction contractors are detailed on the following pages.

Sixteen EEO and Affirmative Action Requirements

The *Standard Federal Equal Employment Opportunity Construction Contract Specifications* (Executive Order 11246), which are published at 41 CFR 60-4.3, require federally-involved construction contractors with a construction contract in excess of \$10,000 to take affirmative action steps that are at least as extensive as the 16 affirmative action steps listed in the Specifications. The 16 steps are summarized below. Actions that covered construction contractors are required to take to comply with the steps are included. Examples of suggested or alternative actions that would enable a contractor to comply with the specifications are also listed. The examples listed should not be viewed as being the only possible ways to comply with these specifications. Also, depending on the situation, a contractor may need to take more than one action to comply with the particular specification, as well as take actions that are not specifically listed below.

| EEO AND AFFIRMATIVE ACTION SPECIFICATION #1 |
|--|
| Contractors and subcontractors must maintain a work environment free of harassment, intimidation, and coercion at all sites and in all facilities at which the contractor's employees are assigned. (41 CFR 60-4.3(a)7.a.) |

Contractors must also take specific steps to ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the company's contractual obligation to maintain such a working environment, with specific attention to minorities and women working at all work sites and facilities.

Examples of Actions That Demonstrate Compliance:

- Contractors may produce and distribute copies of policy statements prohibiting harassment to all employees.
- EEO policy statements must be posted at all construction job sites and may be posted at other facilities of the contractor as well.
- Contractors may give supervisory personnel and other employees memoranda and other written instructions addressing the need to maintain a work environment free of harassment, intimidation, and coercion. Copies of such written materials should be retained.
- Contractors may hold meetings to inform supervisory personnel of their duty to carry out the contractor's obligation to maintain a workplace free of harassment, intimidation, or coercion. Minutes or other records of such meetings should be retained.

- Contractors that assign more than one woman to each construction project should retain records of such assignments.
- Contractors may develop formal procedures to handle complaints of harassment and maintain records of such complaints and how the company handled them.
- Contractors' EEO Officers may prepare and retain reports, diaries, analyses, etc., of specific efforts made to monitor the work environment for the presence of any forms of harassment, intimidation, or coercion, such as: verbal, visual or written abuse; physical aggressiveness; assigning women and/or minorities to more difficult or dangerous work than men/non-minorities; or sabotaging of individual's work.
- Contractors may provide harassment awareness training to supervisors or employees. Contractors should retain records of such training which indicate the dates of the training, the names of those conducting the training, the names of those attending the training, and a copy or description of the training materials.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #2

Contractors and subcontractors must establish and maintain current lists of minority and female recruitment sources; provide written notification to minority and female recruitment sources and to community organizations when the contractor or its unions have employment opportunities available; and maintain a record of the organizations' responses. (41 CFR 60-4.3(a)7.b.)

Examples of Actions That Demonstrate Compliance:

- Recruitment sources should include the state employment offices serving the recruitment areas for the company's construction projects, and may also include organizations such as the Job Corps, Urban League, YWCA, National Association of Women in Construction, Neighborhood Youth Corps, Equal Opportunity Programs, Inc., National Organization of Women, LULAC, and Aspira, and others. In addition, local community organizations are extremely effective as employer/employee linkage resources.
- Contractors may maintain files of letters to minority and female recruitment sources announcing the employment opportunities and application procedures. In order to maintain a record of recruitment organizations' responses, contractors may retain any written responses received from the sources or log or otherwise record the responses.
- An applicant flow log may be used by contractors to identify employment solicitations and referrals, and to track the results of the applications. Applicant flow documentation should include copies of correspondence from recruitment sources, copies of job announcements from state employment offices, and copies of notes, diaries, phone logs and/or other written records of contacts with recruitment organizations.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #3

Contractors and subcontractors must maintain current files containing the names, addresses and telephone numbers of each minority or female off-the-street applicant and minority or female referral from a union, recruitment source or community organization and of what action was taken with respect to each individual. Occasionally, contractors/subcontractors will send individuals to the union hiring hall for referral back to the contractor. If the union did not refer the individual to the contractor **or** if the individual was referred but was not hired, the contractor/subcontractor must keep a record of all actions taken, along with the reasons why the referral or hiring did not occur. (41 CFR 60-4.3(a)7.c.)

Examples of Actions That Demonstrate Compliance:

- Contractors should establish files that show the names, addresses, telephone numbers and trades of each minority and female applicant and referral.
- In addition to an applicant flow log, contractors may wish to note on the actual employment application forms what action was taken with respect to each applicant and the reason for non-hire.
- Where an applicant has been referred to the union for referral back to the contractor, contractors should document this action and its results or any follow-up contacts made with the applicant or the union.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #4

Contractors and subcontractors must immediately notify the Deputy Assistant Secretary in writing when the union or unions with which the contractor/subcontractor has a collective bargaining agreement has not referred a woman or minority individual sent by the contractor/subcontractor. Similarly, contractors/subcontractors must notify OFCCP when the contractor/subcontractor has other information that the union referral process has impeded the contractor's efforts to meet its EEO and affirmative action obligations. (41 CFR 60-4.3(a)7.d.)

Examples of Actions That Demonstrate Compliance:

- Contractors should keep copies of all letters to and from the unions, minutes of meetings, etc., related to any claims that the union has impeded the company's efforts to comply with its EEO obligations.
- Contractors should also keep copies of any letters sent to the OFCCP that contain claims of non-referral or claims that a union has impeded the contractor's efforts to comply with EEO obligations.

Note: *Neither the provisions of a collective bargaining agreement, nor the failure by a union with whom the contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the contractor's obligations under the contract specifications, Executive Order 11246, as amended, or the applicable regulations (see 41 CFR 60-4.3(a)5.).*

EEO AND AFFIRMATIVE ACTION SPECIFICATION #5

Contractors and subcontractors must develop on-the-job training opportunities or participate in training programs for the job area(s) which expressly include minorities and women. Contractors' actions must include upgrading programs, apprenticeships and trainee programs relevant to the contractor's employment needs, especially those programs approved by the Department of Labor. Contractors and subcontractors must provide notice of these training opportunities and job programs to recruitment sources, state employment offices and other referral sources that the contractor/subcontractor has compiled under *Specification 2* above. (41 CFR 60-4.3(a)7.e.)

Examples of Actions That Demonstrate Compliance:

- Contractors may maintain records of employees' participation in training programs, including those that are approved or funded by the Department of Labor's Bureau of Apprenticeship and Training.
- Contractors may document any contributions of cash, equipment or personnel provided in support of training or apprenticeship programs.
- Contractors may inform minority and female recruitment sources and schools of these programs in writing. Contractors should retain copies of any such letters.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #6

Contractors and subcontractors must disseminate EEO policies by:

- Providing notice of the policies to unions and training programs and requesting their cooperation and assistance in meeting EEO obligations;
- Including EEO policy statements in all policy manuals and collective bargaining agreements;
- Publicizing these policies in company newsletters, the annual report, etc.;
- Specifically reviewing the policy with all management personnel and with all minority and female employees at least once a year; and,
- Posting the EEO Policy on bulletin boards accessible to all employees at each location where construction work is performed. (41 CFR 60-4.3(a)7.f.)

Examples of Actions That Demonstrate Compliance:

- In addition to including EEO policies in all policy manuals, contractors may include EEO policies in employee handbooks provided to each employee when they are hired (if such a handbook exists).
- Copies of contractors' EEO policies should be posted on bulletin boards that are accessible to all employees at each location where construction work is performed.
- Contractors should document discussions that it has with women and minority employees about EEO policies. For example, employees may be asked to sign a receipt for an employee handbook that contains EEO policies. Employees can be asked to sign a form at a new employee orientation indicating that the company's EEO policies have been reviewed with them.
- Contractors may also keep copies of letters, memoranda and notices to unions and training programs notifying them of the contractor's EEO policies and requirements and requesting their assistance in meeting those obligations.
- Contractors can keep a file containing company newsletters and annual reports which contain descriptions of EEO policies.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #7

At least once a year, contractors and subcontractors must review EEO policies and affirmative action obligations (under these specifications) with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions. These EEO policies and affirmative action obligations must be specifically reviewed with on-site supervisory personnel such as superintendents, general foremen, etc., prior to starting construction work at any job site. Contractor/subcontractor personnel must maintain records that identify the time and place of these meetings, persons attending, subject matter discussed and disposition of the subject matter. (41 CFR 60-4.3(a)7.g.)

Examples of Actions That Demonstrate Compliance:

- Contractors should have written records (memoranda, diaries, minutes of meetings, etc.) that identify the time and place of these meetings, persons attending, subject matter discussed and disposition of the subject matter.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #8

Contractors and subcontractors must disseminate EEO policies externally by including them in any advertising in the news media (including minority and female news media). Contractors and subcontractors must also provide written notification to and discuss EEO policies with, other contractors and subcontractors with whom the contractor/subcontractor does or anticipates doing business. (41 CFR 60-4.3(a)7.h.)

Examples of Actions That Demonstrate Compliance:

- Contractors should have copies of any employment advertisements or job announcements which specifically include the EEO “tagline.” The tagline may state that the contractor is “an equal opportunity employer”, or it may alternately state that all qualified applicants will receive consideration for employment without regard to race, color, religion, gender, or national origin. The tagline should appear in advertisements placed in media targeted towards minority and female readership.
- Contractors should maintain copies of correspondence with subcontractors that notify them of EEO contractual obligations and the contractor’s commitment to compliance.
- Contractors should document meetings with construction industry associations and organizations where the Federal EEO and affirmative action contract obligations and methods for facilitating compliance have been discussed or acted upon.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #9

Contractors and subcontractors must direct recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students and to minority and female recruitment and training organizations serving the contractor's recruitment area and employment needs. Contractors/subcontractors must send notice to its recruitment sources for women and minorities announcing acceptance of applications for apprenticeship or other training. This notice must be sent no later than one month before publication of apprenticeship and training announcements. Notices must describe the openings, screening procedures and tests to be used in the selection process.
(41 CFR 60-4.3(a)7.i.)

Examples of Actions to Demonstrate Compliance:

- Contractors should have written records of contacts (such as written communications, telephone calls or personal meetings) with minority and female community organizations, recruitment sources, schools and training organizations. Records should specify the date of contact, individual contacted, results of the contact and any follow-up efforts.
- Contractors should also document their contacts with local offices of the state employment service, Private Industry Council, vocational/technical schools or high schools with construction related training programs, Displaced Homemaker Programs, Urban League or OIC training and referral programs or other community based organizations.
- If a union is responsible for acceptance into the training programs, contractors should ensure that information is obtained from the union on individuals who were referred from the recruitment sources/organizations that were accepted in the program.
- Contractors should maintain records of written contacts to recruitment sources announcing training and apprenticeship opportunities. Recruitment sources must be notified one month before the company begins accepting applications.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #10

Contractors and subcontractors must encourage current minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority and female youth both at the work site and in other areas of the contractor's work force. (41 CFR 60-4.3(a)7.j.)

Examples of Actions That Demonstrate Compliance:

- Contractors may have copies of diaries, telephone logs or memos indicating contacts (both written and oral) with minority and female employees requesting their assistance in recruiting other minorities and women, and records of the results. Contractors should specifically discuss recommendations for referral with minority and female trade employees.
- Supervisors and crew leaders may keep a log of worker referrals from minority or female employees or recruitment sources.
- Contractors that provide after-school, summer and vacation employment to minority and female youth should maintain records of such employment. Contractors may also retain on file any letters and other documentation of contact with recruitment sources or local state employment agencies regarding these youth employment programs.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #11

Contractors and subcontractors must validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3, the “Uniform Guidelines on Employee Selection Procedures (1978)”. (41 CFR 60-4.3(a)7.k.) Actions for demonstrating compliance vary by the number of people employed by the contractor. (41 CFR 60-3.15A(1)).

Examples of Actions That Demonstrate Compliance:

- Contractors with 100 or fewer employees should collect data to help determine if the test or selection requirement has a possible adverse impact on any race, sex, or ethnic group (see 41 CFR 60-3.15A(1)). These contractors should maintain and have available records showing, for each year:
 - 1) The number of persons hired, promoted and terminated in each trade (e.g., carpenter, brick masons, concrete finishers, ironworkers, mechanics, equipment operators), by sex (gender), and where appropriate, by race and national origin³;
 - 2) The number of applicants for hire and promotion by trade and sex, and where appropriate, by race and national origin; and
 - 3) The selection procedures used (such as standardized testing or unstructured interviews and qualifications review) for each trade.

- Contractors with more than 100 employees should maintain the records listed above and maintain records for each job that show whether the total selection process for each job has an adverse impact on either gender or on any of the following race and ethnic groups: Blacks, American Indians, Asians, Hispanics, and whites other than Hispanics. For guidance on adverse impact determinations, see Appendix B. Contractors should perform adverse impact analyses at least once a year for each group that comprises at least two percent of the labor force in the relevant area or two percent of the applicable workforce. Where a total selection process does adversely impact any of the above referenced groups, contractors should maintain and have available records showing which components of the selection process have an adverse impact. Records regarding individual components of the selection process should be collected for at least two years after the adverse impact has been eliminated. Contractors must validate selection procedures that have an adverse impact, in accordance with the Uniform Guidelines.

³ Records should be maintained for each race and national origin constituting more than two percent (2%) of the labor force in the relevant labor area. Contractors do not need to keep track of race or national origin data if one race or national origin group constitutes more than ninety-eight percent (98%) of the labor force in the relevant area.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #12

At least once a year, contractors and subcontractors must inventory and evaluate all minority and female personnel for promotional opportunities. Contractors must also encourage these employees to seek or prepare for, through appropriate training, etc., promotional opportunities. (41 CFR 60-4.3(a)7.1.)

Examples of Actions That Demonstrate Compliance:

- Contractors may keep written records (memoranda, letters, personnel files, etc.) showing promotional opportunities for women and minorities are reviewed annually.
- Contractors may keep written records documenting that the participation of women and minorities in promotional opportunities is encouraged.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #13

Contractors and subcontractors must ensure that seniority practices, job classifications, work assignments and other personnel practices do not have a discriminatory effect, by continually monitoring all personnel and employment related activities to ensure that EEO policies and contractors' obligations under the contract specifications are being carried out. (41 CFR 60-4.3(a)7.m.)

Examples of Actions That Demonstrate Compliance:

- Contractors may use data collected under *Specification 11* to determine if seniority practices, job classifications, work assignments or other personnel practices have an adverse impact on women and minorities.
- Contractors may wish to audit or examine existing personnel practices periodically or to convene an EEO task force when developing new personnel practices to ensure that EEO obligations are being adequately addressed and incorporated.
- Contractors must ensure current policies are reviewed on a regular basis to identify factors that are not equally applied.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #14

Contractors and subcontractors must ensure that all facilities and company activities are non-segregated except that separate or single-user toilets and necessary changing facilities designed to assure privacy between the sexes shall be provided. (41 CFR 60-4.3(a)7.n.)

The term “facilities” refers to waiting rooms, work areas, eating areas, time clocks, rest rooms, washrooms, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or transportation, and housing facilities provided for employees.

Examples of Actions That Demonstrate Compliance:

- Contractors should offer adequate toilet and changing facilities to all employees to guarantee privacy between the sexes.
- Contractors may compile documents (e.g., flyers, posters, announcements) indicating that information concerning parties, picnics and other company sponsored events has been disseminated equally to all employees.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #15

Contractors and subcontractors must document and maintain records of all solicitations of offers for subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.
(41 CFR 60-4.3(a)7.o.)

Examples of Actions That Demonstrate Compliance:

- Contractors should keep letters or other direct solicitations for subcontracts from minority or female contractors, with a record of the specific responses and any follow-up activities done to obtain price quotations.
- Contractors may have a list of subcontracts they have awarded to minority or female contractors or suppliers, showing the dollar amounts involved.
- Contractors should retain copies of solicitations sent to minority and women's contractor associations or other business associations and state or local governmental agencies.

EEO AND AFFIRMATIVE ACTION SPECIFICATION #16

At least once a year, contractors and subcontractors must conduct a review of all supervisors' adherence to and performance under the company's EEO policies and affirmative action obligations. (41 CFR 60-4.3(a)7.p.)

Examples of Actions That Demonstrate Compliance:

- Contractors may keep copies of performance evaluations, memoranda, letters, reports, minutes of meetings or interviews with supervisors and management personnel about their employment practices as they relate to EEO policy and affirmative action obligations.
- Contractors should also compile any written evidence that supervisors and managers have been notified when their employment practices adversely or positively affected the company's EEO and affirmative action posture.

Additional Requirements

ADDITIONAL REQUIREMENTS - CONTRACT CLAUSES

Contractors or subcontractors with Federal construction contracts or subcontracts must include or reference the following clauses in certain (depending on dollar amount) subcontracts and purchase orders resulting from the contract:

- Executive Order 11246 equal opportunity clause;
- Executive Order 11246 contract specifications clause;
- VEVRAA equal opportunity clause; and
- Section 503 equal opportunity clause.

Federally assisted construction contracts or subcontracts must include or reference the following clauses in certain (depending on dollar amount) subcontracts and purchase orders resulting from the contract:

- Executive Order 11246 equal opportunity clause; and
- Executive Order 11246 contract specifications clause.

Explanation of Requirements:

- Federal construction contractors must include or reference provisions of the Executive Order 11246 equal opportunity clause shown in 41 CFR 60-1.4(a) in each subcontract or purchase order of more than \$10,000 per year resulting from the contract. Federally assisted construction contractors must include or reference provisions of the Executive Order 11246 equal opportunity clause shown in 41 CFR 60-1.4(b) in each subcontract or purchase order of more than \$10,000 per year resulting from the contract.
- Whenever a contractor or subcontractor subcontracts a portion of the work involving any construction trade, the Specifications, including the sixteen EEO and affirmative action program requirements described above and the “Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity” (41 CFR 60-4.2(d)) containing the applicable goals for minority and female participation (see Page 5 of this Guide) must be included in subcontracts larger than \$10,000.
- Regulations implementing the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212), require that contractors include or reference the provisions of the equal opportunity clause for special disabled veterans and veterans of the Vietnam era (at 41 CFR 60-250.4) in each subcontract and purchase order for \$25,000 or

more.⁴ Note: Contractors holding federally assisted contracts are not covered by VEVRAA, and are not required to include this clause.

- Regulations implementing Section 503 of the Rehabilitation Act of 1973, as amended, require that contractors include or reference the equal opportunity clause for individuals with disabilities (at 41 CFR 60-741.5) in each subcontract and purchase order in excess of \$10,000. Note: Contractors holding federally assisted contracts are not covered by Section 503, and are not required to include this clause.

⁴ The Veterans Employment Opportunities Act of 1998 (VEOA), Public Law 105-339, increased the threshold for coverage under VEVRAA from a contract of \$10,000 or more to a contract of \$25,000 or more, and extended the law's protections to "veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized." The existing VEVRAA regulations do not yet reflect the changes made by the VEOA. OFCCP is planning to publish for notice and comment regulatory provisions that reflect the new coverage threshold and the additional groups of veterans entitled to protections under VEVRAA in the very near future. This Guide refers to the existing regulations, however, nothing prohibits a contractor from applying the same standards to other war or campaign veterans.

ADDITIONAL REQUIREMENTS - NOTIFICATION OF AWARD

Contractors and subcontractors must notify OFCCP in writing within 10 working days of the award of any construction subcontract in excess of \$10,000 that is made under covered Federal or federally-assisted construction contracts. Contractors/subcontractors may fulfill this requirement by notifying the nearest OFCCP district office.

Explanation of Requirements:

- Per 60-4.2d(3), written notification must include:
 - ◆ Name, address and telephone number of the subcontractor;
 - ◆ The subcontractor's employer identification number;
 - ◆ Estimated dollar amount of subcontract;
 - ◆ Estimated starting and completion dates of the subcontract; and
 - ◆ Geographic area in which the subcontract is to be performed.

ADDITIONAL REQUIREMENTS - RECORDKEEPING

Contractors and subcontractors must keep records about their entire on-site construction trade work force within each covered area in which they perform any construction work (both Federal and non-Federal).

41 CFR 60-4.3(a)14, 41 CFR 60-1.12(a)

Explanation of Requirements:

- A covered area (also referred to as a geographical area) is the area identified in the solicitation that generated the Federal or federally assisted construction contract or subcontract.
- Any personnel or employment record made or kept by the contractor must be preserved. Federal construction contractors with 150 or more employees and a Government contract of at least \$150,000 must preserve such records for no less than two years from the date of making the record or the date the personnel action occurred, whichever is later. Federally assisted construction contractors, and Federal construction contractors with fewer than 150 employees or a Government contract of less than \$150,000, must retain such records for a minimum of one year from the date they were created or the date the personnel action occurred, whichever is later.
- Relevant records include, but are not necessarily limited to, records pertaining to hiring, assignment, promotion, demotion, transfer, lay offs, terminations, rates of pay or other terms of compensation, selection for training and apprenticeship, results of physical examinations, job postings, job advertisements, applications, resumes, tests, test results, and job interview notes.
- Contractors must keep records that include at a minimum for each employee the name, address, telephone number, social security number, race, gender, rate of pay, construction trade, job title (for example, equipment operator, apprentice trainee, laborer), dates of change in job status, hours worked per week in each indicated trade, locations at which the work was performed, union affiliation if any, and employee identification number if any. The records must be maintained in an easily understandable and retrievable form, however to the extent that existing records satisfy this requirement, contractors are not required to maintain separate records.

ADDITIONAL REQUIREMENTS - EEO-1 REPORT

Contractors and subcontractors with 50 or more employees and with a covered contract or subcontract of \$50,000 or more must submit an annual EEO-1 Report (41 CFR 60-1.7a).

Explanation of Requirements:

- The EEO-1 Report (which identifies employees in job categories by race and sex) is sent to the Joint Reporting Committee (JRC), which is comprised of representatives from the Department of Labor and the Equal Employment Opportunity Commission. Reports must be filed with the JRC by September 30.
- Contractors that maintain a single establishment must only complete one EEO-1 Report yearly.
- Contractors that maintain multiple establishments must file:
 - ◆ One report covering the company's principal or headquarters office;
 - ◆ A separate report for each establishment employing 50 or more people;
 - ◆ A consolidated report for the entire company which includes all employees.
- To request EEO-1 Report forms (Standard Form 100), call (757) 461-1213. The following two pages are a copy of a sample form.

EQUAL EMPLOYMENT OPPORTUNITY

- Equal Employment Opportunity Commission
- Office of Federal 1 Contract Compliance Programs (Labor)

EMPLOYER INFORMATION REPORT EEO-1

1998

O.M.B. No. 3046-0007
EXPIRES 10/31/99
100-214

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**RETURN COMPLETED REPORT TO:
THE JOINT REPORTING COMMITTEE
P.O. BOX 779
NORFOLK, VA 23501**

PHONE: (757) 461-1213

Section A—TYPE OF REPORT

Refer to instructions for number and types of reports to be filed.

1. Indicate by marking in the appropriate box the type of reporting unit for which this copy of the form is submitted (MARK ONLY ONE BOX).

(1) Single-establishment Employer Report

Multi-establishment Employer:

(2) Consolidated Report (Required)

(3) Headquarters Unit Report (Required)

(4) Individual Establishment Report (submit one for each establishment with 50 or more employees)

(5) Special Report

2. Total number of reports being filed by this Company (Answer on Consolidated Report only) _____

Section B—COMPANY IDENTIFICATION (To be answered by all employers)

1. Parent Company

a. Name of parent company (owns or controls establishment in item 2) omit if same as label

OFFICE
USE
ONLY

Address (Number and street)

a.

City or town

State

ZIP code

b.

c.

2. Establishment for which this report is filed. (Omit if same as label)

a. Name of establishment

d.

Address (Number and street)

City or Town

County

State

ZIP code

e.

b. Employer Identification No. (IRS 9-DIGIT TAX NUMBER)

f.

c. Was an EEO-1 report filed for this establishment last year? Yes No

Section C—EMPLOYERS WHO ARE REQUIRED TO FILE (To be answered by all employers)

Yes No 1. Does the entire company have at least 100 employees in the payroll period for which you are reporting?

Yes No 2. Is your company affiliated through common ownership and/or centralized management with other entities in an enterprise with a total employment of 100 or more?

Yes No 3. Does the company or any of its establishments (a) have 50 or more employees AND (b) is not exempt as provided by 41 CFR 60-1.5, AND either (1) is a prime government contractor or first-tier subcontractor, and has a contract, subcontract, or purchase order amounting to \$50,000 or more, or (2) serves as a depository of Government funds in any amount or is a financial institution which is an issuing and paying agent for U.S. Savings Bonds and Savings Notes?

If the response to question C-3 is yes, please enter your Dun and Bradstreet identification number (if you have one):

NOTE: If the answer is yes to questions 1, 2, or 3, complete the entire form, otherwise skip to Section G

Section D—EMPLOYMENT DATA

Employment at this establishment—Report all permanent full-time and part-time employees including apprentices and on-the-job trainees unless specifically excluded as set forth in the instructions. Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered as zeros.

| JOB CATEGORIES | NUMBER OF EMPLOYEES | | | | | | | | | | | |
|---|---------------------------------------|--------------------------------|--------------------------------|----------|---------------------------|-----------------------------------|--------------------------------|--------------------------------|----------|---------------------------|-----------------------------------|--|
| | OVERALL TOTALS (SUM OF COL. B THRU K) | MALE | | | | | | FEMALE | | | | |
| | | WHITE (NOT OF HISPANIC ORIGIN) | BLACK (NOT OF HISPANIC ORIGIN) | HISPANIC | ASIAN OR PACIFIC ISLANDER | AMERICAN INDIAN OR ALASKAN NATIVE | WHITE (NOT OF HISPANIC ORIGIN) | BLACK (NOT OF HISPANIC ORIGIN) | HISPANIC | ASIAN OR PACIFIC ISLANDER | AMERICAN INDIAN OR ALASKAN NATIVE | |
| A | B | C | D | E | F | G | H | I | J | K | | |
| Officials and Managers 1 | S | A | H | P | L | E | | | | | | |
| Professionals 2 | S | A | H | P | L | E | | | | | | |
| Technicians 3 | S | A | H | P | L | E | | | | | | |
| Sales Workers 4 | S | A | H | P | L | E | | | | | | |
| Office and Clerical 5 | S | A | H | P | L | E | | | | | | |
| Craft Workers (Skilled) 6 | S | A | H | P | L | E | | | | | | |
| Operatives (Semi-Skilled) 7 | S | A | H | P | L | E | | | | | | |
| Laborers (Unskilled) 8 | S | A | H | P | L | E | | | | | | |
| Service Workers 9 | S | A | H | P | L | E | | | | | | |
| TOTAL 10 | S | A | H | P | L | E | | | | | | |
| Total employment reported in previous EEO-1 report 11 | S | A | H | P | L | E | | | | | | |

NOTE: Omit questions 1 and 2 on the Consolidated Report.

1. Date(s) of payroll period used: _____ 2. Does this establishment employ apprentices?
 1 Yes 2 No

Section E—ESTABLISHMENT INFORMATION (Omit on the Consolidated Report)

1. What is the major activity of this establishment? (Be specific, i.e., manufacturing steel castings, retail grocer, wholesale plumbing supplies, title insurance, etc. Include the specific type of product or type of service provided, as well as the principal business or industrial activity.)

OFFICE USE ONLY

8.

Section F—REMARKS

Use this item to give any identification data appearing on last report which differs from that given above, explain major changes in composition of reporting units and other pertinent information.

Section G—CERTIFICATION (See Instructions G)

- Check one 1 All reports are accurate and were prepared in accordance with the instructions (check on consolidated only)
 2 This report is accurate and was prepared in accordance with the instructions.

| | | | |
|---|-----------------------------|-----------|--|
| Name of Certifying Official | Title | Signature | Date |
| Name of person to contact regarding this report (Type or print) | Address (Number and Street) | | |
| Title | City and State | ZIP Code | Telephone Number (Including Area Code) Extension |

All reports and information obtained from individual reports will be kept confidential as required by Section 709(e) of Title VII. WILLFULLY FALSE STATEMENTS ON THIS REPORT ARE PUNISHABLE BY LAW, U.S. CODE, TITLE 18, SECTION 1001.

ADDITIONAL REQUIREMENTS - 503 AND VEVRAA

Covered Federal construction contractors and subcontractors must comply with the nondiscrimination and affirmative action requirements of Section 503 and VEVRAA. Additionally, contractors and subcontractors holding a Federal contract of at least \$50,000 and having 50 or more employees must prepare a written affirmative action program for qualified individuals with disabilities, and a written affirmative action program for veterans of the Vietnam era and qualified special disabled veterans. The written affirmative action programs may be developed separately or combined.

These requirements, from Section 503 of the Rehabilitation Act of 1973, as amended, and the Vietnam Era Veterans' Readjustment Act of 1974, as amended, do not apply to federally assisted construction contracts.

Explanation of Requirement:

- ***Equal opportunity clauses.*** Federal contractors must include or reference the Section 503 equal opportunity clause in all subcontracts and purchase orders in excess of \$10,000. Federal contractors must include or reference the VEVRAA equal opportunity clause in all subcontracts and purchase orders of \$25,000 or more.
- ***Invitation to self-identify: individuals with disabilities.*** For individuals with disabilities, the contractor shall, after making an offer of employment to a job applicant and before the applicant begins his or her employment duties, invite the applicant to inform the contractor whether the applicant believes that he or she may be protected by Section 503 and wishes to benefit under the contractor's Section 503 affirmative action program. For individuals with disabilities the contractor may invite self-identification prior to making a job offer only when:
 - ◆ The invitation is made when the contractor actually is undertaking affirmative action for individuals with disabilities at the pre-offer stage; or
 - ◆ The invitation is made pursuant to a Federal, state or local law requiring affirmative action for individuals with disabilities.

For further explanation of self-identification requirements, see 41 CFR Part 60-741.42. There is a sample invitation to self-identify in Appendix B to 41 CFR Part 60-741.

- ***Invitation to self-identify: Vietnam era and special disabled veterans, and any other veterans.*** The invitation to self-identify requirement for **special disabled veterans** mirrors the requirement for individuals with disabilities. Except in limited circumstances, the invitation is to be extended after an employment offer has been made and before the

applicant begins work. The contractor may invite special disabled veterans to self-identify prior to making a job offer only when:

- ◆ The invitation is made when the contractor actually is undertaking affirmative action for special disabled veterans at the pre-offer stage; or
- ◆ The invitation is made pursuant to a Federal, state or local law requiring affirmative action for special disabled veterans at the pre-offer stage.

The contractor must also invite applicants to inform the contractor whether the applicant believes that he or she is a **veteran of the Vietnam era** who may be protected under VEVRAA and wishes to benefit under the affirmative action program. The invitation to veterans of the Vietnam era veterans may be extended at any time before the applicant begins his or employment duties. The invitation to self-identify must inform the applicant that the request to benefit under the contractor's affirmative action program may be made immediately or at any time in the future.

For further explanation of self-identification requirements, see 41 CFR Part 60-250.42⁵. There is a sample invitation to self-identify in Appendix A to 41 CFR Part 60-250.

- *Personnel Practices.* Contractors must review personnel practices to ensure that the qualifications of known protected veterans or individuals with disabilities are given proper consideration for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.
 - ◆ If contractors find that any of these practices have been discriminatory, the practice must be changed and the change must be noted in the contractor's affirmative action program.
 - ◆ Individual personnel actions (including pre-employment testing) should also be carefully documented. Contractors should be able to provide records of every opening for which an individual with disabilities or protected veteran had been considered. Personnel records or employment application forms should identify a specific job opening. If a worker or an applicant who is an individual with a disability or a protected veteran was not selected, contractors should provide a comparison of the qualifications of the person selected with those of the individual with a disability or protected veteran. Records should also indicate what accommodations (if any) were considered to enable the disabled and veteran worker to perform the job.

⁵ The Veterans Employment Opportunities Act of 1998 (VEOA), Public Law 105-339, increased the threshold for coverage under VEVRAA from a contract of \$10,000 or more to a contract of \$25,000 or more, and extended the law's protections to "veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized." The existing VEVRAA regulations do not yet reflect the changes made by the VEOA. OFCCP is planning to publish for notice and comment regulatory provisions that reflect the new coverage threshold and the additional groups of veterans entitled to protections under VEVRAA in the very near future. This Guide refers to the existing regulations, however, nothing prohibits a contractor from applying the same standards to other war or campaign veterans.

- ◆ Concerning protected veterans only, contractors may only use portions of a person’s military record that are job-related. Contractors may not refuse to consider a protected veteran employee or applicant because of a less than honorable discharge unless the person received a dishonorable discharge.
- *Mental and Physical Job Requirements.* Contractors must review all mental and physical job requirements used in selection processes and in medical standards, information and qualifications.
 - ◆ Examples of mental and physical job requirements include job descriptions containing phrases such as “must be able to lift 50 pounds,” or “carry heavy mail bags to and from the accounting department,” or “must be able to tolerate heights.” Other examples may include policy statements about desired weight, height, physical condition, vision, etc. of the employee.
 - ◆ If contractors have any requirements that might screen out an individual with a disability, the requirement can exist only if it relates specifically to the job for which the individual is being considered, it is consistent with a business necessity or is consistent with safe performance of the job.
 - ◆ Except in the following circumstances, it is unlawful under Section 503 and the Americans with Disabilities Act of 1990, 42 U.S.C. 12112(c), for contractors to require a medical examination of an applicant or employee or to make inquiries as to whether an applicant or employee is an individual with a disability or as to the nature or severity of such disability.
 - The contractor may make pre-employment inquiries into the abilities of an applicant to perform job-related tasks, or may ask the applicant to describe or demonstrate how, with or without reasonable accommodation, they will be able to perform job-related functions.
 - The contractor may require a medical examination (and/or inquiry) after making an offer of employment to a job applicant and before the applicant begins his or her employment duties, and may condition an offer of employment on the results of such examination (and/or inquiry), if all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.
- *Reasonable Accommodation.* Contractors must provide reasonable accommodation to the known physical and/or mental limitations of applicants and employees with disabilities or special disabled veterans.

The term *reasonable accommodation* means:

- (i) Modifications or adjustments to a job application process that enable a qualified applicant who is an individual with a disability or a special

disabled veteran to be considered for the position such applicant desires;⁶ or

- (ii) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability or special disabled veteran to perform the essential functions of that position; or
- (iii) Modifications or adjustments that enable the contractor's employee who is an individual with a disability or a special disabled veteran to enjoy equal benefits and privileges of employment as are enjoyed by the contractor's other similarly situated employees who are not individuals with disabilities or special disabled veterans.

◆ *Reasonable accommodation* may include but is not limited to:

- (i) Making existing facilities used by employees readily accessible to and usable by individuals with disabilities and special disabled veterans; and
- (ii) Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities or special disabled veterans.

➤ *Employment Practices Review.* Contractors must undertake appropriate outreach and recruitment activities that are reasonably designed to effectively recruit qualified individuals with disabilities, qualified special disabled veterans, veterans of the Vietnam era, and any other protected veterans. The extent to which a contractor needs to adopt outreach and recruitment efforts depends on all the circumstances, including the contractor's size and resources, and the extent to which existing employment practices are adequate. To comply with this requirement, a contractor may undertake practices such as the following:

- ◆ Contractors should develop a system of internal company communications that fosters acceptance and support of the affirmative action program within their company.
- ◆ Contractors should develop a system of checks and audits to ensure that affirmative action measures are being fully implemented.

⁶ A contractor's duty to provide a reasonable accommodation with respect to applicants who are individuals with disabilities or special disabled veterans is not limited to those who ultimately demonstrate that they are qualified to perform the job in issue. Individuals with disabilities and special disabled veteran applicants must be provided a reasonable accommodation with respect to the application process if they are qualified with respect to that process (e.g., if they present themselves at the correct location and time to fill out an application).

- ◆ Contractors should actively recruit applicants who are individuals with disabilities and protected veterans through schools and training institutions, consumer groups, veterans employment representatives at state employment services, vocational training programs and any other sources that can provide support and assistance (e.g., a state vocational rehabilitation agency).
- ◆ Contractors should include individuals with disabilities in consumer, promotional or recruitment advertising.
- ◆ Contractors should secure the cooperation and understanding of subcontractors and unions, vendors and suppliers.
- ◆ Contractors should review employees' records to see if their abilities are being fully used.
- ◆ Contractors should review employees' records to determine who is eligible for promotion or transfer.

***Note:** This requirement is similar to Reviewing Personnel Practices, but goes beyond demanding equal opportunity by requesting specific affirmative actions from contractors. This element also applies to a broader range of contractor activities.*

- ***Mandatory Job Listing.** Contractors are required under VEVRAA to list with the local State Employment Service all employment openings except executive and top management positions, those positions that will be filled from within the contractor's organization, and positions lasting three days or less. All employment openings includes full-time employment, temporary employment of more than three days' duration, and part-time employment. This requirement can be satisfied by listing pertinent employment openings with the America's Job Bank (AJB). [Http://www.ajb.dni.us](http://www.ajb.dni.us) is the Internet address for the AJB.*

ADDITIONAL REQUIREMENTS - VETS 100 REPORT

Once a year, Federal Government contractors and subcontractors covered under VEVRAA must compile a report of the numbers of special disabled, Vietnam-era, and other war and campaign veterans in their work force by job category and hiring location.⁷ Contractors/subcontractors must also collect data indicating the total number of employees and the number of special disabled, Vietnam-era, and other eligible veterans hired during the reporting period. Contractors and subcontractors must use the VETS-100 form for this report. [41 CFR Part 61-250]

Explanation of Requirements:

- The VETS-100 report must be completed by all Federal Government contractors and subcontractors holding a covered contract of \$25,000 or more.
- Contractors or subcontractors with multiple work establishments must prepare a VETS-100 report for:
 - ◆ The company's principal or headquarters office;
 - ◆ Each hiring location employing 50 or more persons; and
 - ◆ Each hiring location with less than 50 employees or consolidated reports for all hiring locations in each state.

For more information or to request VETS-100 Report forms, visit the VETS-100 website at <http://vets.dol.gov/vets100/>, e-mail the VETS-100 staff at HELPDESK@VETS100.com, call (703) 461-2460, or write to:

U.S. Department Of Labor
Veterans' Employment and Training Service
VETS-100 Reporting
6101 Stevenson Ave
Alexandria, VA 22304

A sample form currently in use as of the publication date of this Guide is on the following page.

⁷ The Veterans Employment Opportunities Act of 1998 (VEOA), Public Law 105-339, increased the threshold for coverage under VEVRAA from a contract of \$10,000 or more to a contract of \$25,000 or more, and extended the law's protections to "veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized." The existing VEVRAA regulations do not yet reflect the changes made by the VEOA. OFCCP is planning to publish for notice and comment regulatory provisions that reflect the new coverage threshold and the additional groups of veterans entitled to protections under VEVRAA in the very near future. This Guide refers to the existing regulations, however, nothing prohibits a contractor from applying the same standards to other war or campaign veterans.

FEDERAL CONTRACTOR VETERANS' EMPLOYMENT REPORT (VETS-100)

WHO MUST FILE

The Vets-100 report is to be completed by all nonexempt federal contractors and subcontractors with contracts or subcontracts for the furnishing of supplies and services or the use of real or personal property for \$25,000 or more. Services include but are not limited to the following services: Utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the government is the purchaser or seller. The existence of \$25,000 or more in federal contracts or subcontracts during a given calendar year establishes the requirement to file a VETS-100 Report during the following calendar year.

WHEN TO FILE

This annual report must be filed no later than September 30. Mail to the address pre-printed on the front of the form.

LEGAL BASIS FOR REPORTING REQUIREMENTS

Title 38, United States Code, Section 4212(d) and PL 105-339, require that federal contractors report at least annually the numbers of: 1) special disabled veterans, 2) veterans of the Vietnam era, and 3) other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized who are in their workforce. Reporting is required by hiring location and includes both the number employed and the number of new hires, within the three categories listed above. The number of veterans employed within these categories is to be broken out by job category and maximum and minimum total employment is to be reported as well.

HOW TO SUBMIT THE VETS-100 REPORTS

Single-establishment employers must file one completed form. All multi-establishment employers, i.e., those doing business at more than one hiring location, must file (A) one form covering the principal or headquarters office; (B) a separate form for each hiring location employing 50 or more persons; and (C) EITHER, (i) a separate form for each hiring location employing fewer than 50 persons, OR (ii) consolidated reports that cover hiring locations within one State that have fewer than 50 employees. Each state consolidated report must also list the name and address of the hiring locations covered by the report. Company consolidated reports such as those required by EEO-1 reporting procedures are NOT required for the VETS-100 report. Completed reports for the headquarters location and all other hiring locations for each company should be mailed in one package to the address indicated on the front of the form.

RECORD KEEPING

Employers must keep copies of the completed annual VETS-100 report submitted to DOL for a period of two years.

HOW TO PREPARE THE FORMS

Multi-establishment employers submitting hard copy reports should produce facsimile copies of the headquarters form for reporting data on each location.

Type of Reporting Organization Indicate the type of contractual relationship (prime contractor or subcontractor) that the organization has with the Federal Government. If the organization serves as both a prime contractor and a subcontractor on various federal contracts, check both boxes.

Type of Form If a reporting organization submits only one VETS-100 Report form for a single location, check the Single Establishment box. If the reporting organization submits more than one form, only one form should be checked as Multiple Establishment-Headquarters. The remaining forms should be checked as either Multiple Establishment-Hiring Location or Multiple Establishment-State Consolidated. For state consolidated forms, the number of hiring locations included in that report should be entered in the space provided. For each form, only one box should be checked within this block.

COMPANY IDENTIFICATION INFORMATION

Company Number Do not change the Company Number that is printed on the form. If there are any questions regarding your Company Number, please call the VETS-100 staff at (703) 461-2460 or e-mail VETS100@DYNACORP.COM.

Twelve Month Period Ending Enter the end date for the twelve month reporting period used as the basis for filing the VETS-100 Report. To determine this period, select a date in the current year between July 1 and August 31 that represents the end of a payroll period. That payroll period will be the basis for reporting Number of Employees, as described below. Then the twelve month period preceding the end date of that payroll period will be your twelve month period covered. This period is the basis for reporting New Hires, as described below. Any federal contractor or subcontractor who has written approval from the Equal Employment Opportunity Commission to use December 31 as the ending date for the EEO-1 Report may also use that date as the ending date for the payroll period selected for the VETS-100 Report.

Name and Address for Single Establishment Employers COMPLETE the identifying information under the Parent Company name and address section.

LEAVE BLANK all of the identifying information for the Hiring Location.

Name and Address for Multi Establishment Employers For parent company headquarters location, COMPLETE the name and address for the parent company headquarters, LEAVE BLANK the name and address of the Hiring Location. For hiring locations of a parent company, COMPLETE the name and address for the Parent Company location, COMPLETE the name and address for the Hiring Location.

SIC Code, DUNS Number, and Employer ID Number Single Establishment and Multi Establishment Employers should COMPLETE the SIC Code, DUNS Number, and Employer ID Number as described below.

SIC Code Enter the four (4) digit SIC Code applicable to the hiring location for which the report is filed. If there is not a separate SIC Code for the hiring location, enter the SIC Code for the parent company.

Dun and Bradstreet I.D. Number (DUNS) If the company or any of its establishments has a Dun and Bradstreet Identification Number, please enter the nine (9) digit number in the space provided. If there is a specific DUNS Number applicable to the hiring location for which the report is filed, enter that DUNS Number. Otherwise, enter the DUNS number for the parent company.

Employer I.D. Number (EIN) Enter the nine (9) digit numbers assigned by the I.R.S. to the contractor. If there is a specific EIN applicable to the hiring location for which the report is filed, enter that EIN. Otherwise, enter the EIN for the parent company.

INFORMATION ON VETERANS

Number of Employees Select any payroll period ending between July 1 and August 31 of the current year. Provide all data for regular full-time and part-time employees who were special disabled veterans, Vietnam-era veterans, or other veterans employed as of the ending date of the selected payroll period. Do not include employees specifically excluded as indicated in 41 CFR 61-250.2(b)(2). Employees must be counted by veteran status for each of the nine occupational categories (Lines 1-9) in columns L, M and N. Blank spaces will be considered zeros.

New Hires Report the number of regular full-time and part-time employees by veteran status who were hired (both veterans and non-veterans) and who were included in the payroll for the first time during the 12-month period ending between July 1 and September 1 of the current year. The totals in columns O, P and Q (Line 10) are required. Enter all applicable numbers, including zeros.

Maximum/Minimum Employees Report the maximum and minimum number of regular employees on board during the period covered as indicated by PL 105-339.

DEFINITIONS:

'Hiring location' means an establishment as defined at 41 CFR 61 250.2(b).

'Special Disabled Veteran' means (A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans' Affairs for a disability (I) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under Section 3106 of Title 38, U.S.C. to have a serious employment handicap or (B) a person who was discharged or released from active duty because of a service-connected disability.

'Veteran of the Vietnam-era' means a person who: (A) served in the military, ground, naval or air service of the United States on active duty for a period of more than 180 days, and was discharged or released therefrom with other than a dishonorable discharge, if any part of such active duty occurred: (i) in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or (ii) between August 5, 1964, and May 7, 1975, in all other cases; or (B) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed (i) in the Republic of Vietnam between February 28, 1961, and May 7, 1975; or (ii) between August 5, 1964, and May 7, 1975, in all other cases.

Other Veterans means veterans who served in the military, ground, naval or air service of the United States on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized. To identify the campaigns or expeditions that meet this criterion, contact the Office of Personnel Management (OPM) and ask for the OPM VETS Guide, Appendix B. A local OPM telephone number may be found in the telephone book under Federal Government or consult Directory Assistance for your area code for the nearest OPM location. For those with Internet access, the information required to make this determination is available at <http://www.opm.gov/veterans/html/vgmedal2.htm>

Public reporting burden for this collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data source, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Department of Labor, Office of Information Management, Room N-1301, 200 Constitution Avenue, NW, Washington D.C. 20210.

ADDITIONAL REQUIREMENTS - I-9 FORMS

Under the Immigration Reform and Control Act of 1986, contractors and subcontractors must maintain I-9 forms to verify that their employees are legally authorized to work in the United States.

Explanation of Requirements:

- OFCCP will review contractors' records to verify the following actions have been performed to comply with this law:
 - ◆ New employees must complete an I-9 form when they start work;
 - ◆ Contractors must check documents that indicate the employee's identity (e.g., driver's license, passport) and eligibility to work (e.g., work visa, social security card);
 - ◆ Contractors must properly complete the verification sections on the I-9 form;
 - ◆ Contractors must keep I-9 forms for at least three (3) years or at least one year after a person leaves the contractor's employment for employees who stay for more than three years; and
 - ◆ I-9 forms must be presented to INS or DOL investigators for inspection upon request.
- An I-9 form must be completed for all contractor employees hired after November 6, 1986, who were still employed with the company on June 1, 1987, and all employees who were hired on or after June 1, 1987. The Immigration Reform and Control Act also prohibits discrimination. Under this law, contractors with four or more employees may not discriminate against any individual (other than an unauthorized alien) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or, in the case of a citizen or intending citizen, because of his or her citizenship status. For more information concerning the anti-discrimination section of this law, write to the Office of the Special Counsel for Immigration-Related Unfair Employment Practices, P.O. Box 65490, Washington, DC 20035-5490. Contractors may also call (202) 307-1501 or 1-800-755-0777.
- I-9 forms may be ordered in bulk from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Contractors may also call (202) 783-3238. Requests for information and questions about the implementation of the Immigration Reform and Control Act can be directed to (202) 307-1501.

Preparing for a Compliance Evaluation

The OFCCP conducts compliance evaluations to determine:

- Whether a contractor's affirmative action efforts comply with regulatory requirements;
- Whether a contractor has demonstrated good faith efforts in meeting its affirmative action requirements;
- Whether a contractor's employment policies and practices are free of discriminatory intent or impact;
- Whether a contractor has provided reasonable accommodation to qualified individuals with disabilities;
- Whether a contractor needs technical assistance to understand the evaluation process or to ensure that its affirmative action efforts are complete and effective; and
- How to best remedy any discriminatory practices or regulatory violations.

When contractors are notified of a compliance evaluation, they are given an overview of the procedures that OFCCP will use to conduct the evaluation. OFCCP compliance officers from regional and district offices will conduct the evaluation. Contractors should make sure that an officer of the company who is empowered to make and discuss policy and to make commitments for corrective action, where necessary, is present during the evaluation.

Contractors can prepare for a compliance evaluation by conducting a self-audit as a component of the affirmative action development process, or responding to inquiries likely to be asked by an OFCCP compliance officer during a evaluation. OFCCP compliance officers may ask to see documented evidence of a contractor's compliance efforts in the following areas:

Audit of Affirmative Action Specifications

- Does the contractor have written documentation of its efforts to comply with each of the 16 EEO and affirmative action specifications shown in the previous section of this Guide?

External Dissemination of Policy

- Has the contractor conspicuously displayed the required EEO poster (available from any OFCCP office) at each work site or company location in areas accessible to both applicants and employees?
- Do the contractor's contracts and purchase order forms display or reference the equal opportunity clauses as required?

Internal Dissemination of Policy

- At the start of each new job, has the contractor reviewed its EEO policy and affirmative obligations with all on-site supervisory and management personnel? Has the contractor kept records of these reviews?
- Have employees been informed of the contractor's commitment to equal employment opportunity for all persons, without regard to religion or national origin?

Community Relations

- What is the equal employment opportunity image of the facility in the community?

Audit of Personnel Operations

- Does the facility have written personnel policies and procedures? Have these policies and practices had an adverse impact on minorities, women, qualified individuals with disabilities, qualified special disabled veterans, veterans of the Vietnam era, or other protected veterans?
- Are job descriptions in written form? Are job criteria objective and job-related?

Maintenance of Records

- Does the contractor maintain proper applicant flow records?
- Does the contractor maintain proper records about terminations and separations?
- Does the contractor maintain a system for identifying minority and female applicants and applicants who are individuals with disabilities and protected veterans for future consideration?

Validation

- Are written employment tests used by the contractor? If so, does the use of the test have an adverse impact on the hiring of minorities, or women? Have tests been validated to ensure that they are valid predictors of an applicant's success in that position?

Directing Recruitment Efforts

- What recruitment sources are used by the contractor? Do these sources refer women, minorities, qualified individuals with disabilities, qualified special disabled veterans and veterans of the Vietnam era?

Effect of Personnel Practices

- Are applicant processing procedures carried out in a uniform, nondiscriminatory fashion?
- Is there a disparity between the separation and termination rate of minorities and women as compared to non-minorities and males; or for individuals with disabilities and protected veterans as compared to individuals without disabilities and those who are not protected veterans? If so, why?
- Are there any restrictions to the granting of fringe benefits, including medical and life insurance, pension and retirement benefits, profit sharing and bonus plans and credit union benefits based on the gender of the employee, status as a protected veteran or status as an individual with a disability?
- Are employment benefits available to the wives and families of male employees also available to the husbands and families of female employees? Are the benefits available to the families of individuals without disabilities and those who are not protected veterans also available to the families of individuals with disabilities and protected veterans?
- Does the contractor employ minorities, women, qualified individuals with disabilities, and protected veterans in each of its crafts? If so, to what extent? If not, what efforts has the contractor made to recruit members of these groups?

Training Programs

- Are training programs, including apprenticeship programs, available to employees without regard to race, sex, or their status as an individual with a disability or protected veteran?

Compensation Disparities

- Do jobs offered by the contractor have similar duties but different pay rates? If so, do minorities or women earn less than their non-minority or male counterparts? Do individuals with disabilities or protected veterans earn less than their counterparts who are not individuals with disabilities or protected veterans?
- Do minorities, women, individuals with disabilities or protected veterans receive lower starting rates of pay than their counterparts with similar education and experience?
- Has the contractor reviewed its salary structure to ensure that it does not discriminate against minorities, women, individuals with disabilities or protected veterans?

Religion/National Origin

- Has the contractor reviewed its employment practices to determine whether members of various religious or ethnic groups receive fair consideration for job opportunities?

- Have reasonable accommodations to the religious observances and practices of employees or prospective employees been made? (In determining the extent of this obligation, at least the following factors will be considered: Business necessity, financial costs and expenses and resulting personnel problems.)
- Have recruiting sources been informed of the contractor's commitment to provide equal employment opportunity without regard to religion or national origin?

Sex Discrimination

- Does the contractor's policy on maternity leave meet regulatory requirements?

Harassment

- Has the contractor implemented policies and procedures to identify and remedy issues of racial, color, religious, national origin, disability, veteran, and/or sexual harassment?

Retirement Policy

- Does the contractor's policy on mandatory or optional retirement age differ based upon the gender of the employee or their status as an individual with a disability or protected veteran?

Having answers and documentation for the above questions will go a long way towards preparing a contractor for an OFCCP compliance evaluation. Contractors should also know that when a compliance evaluation is scheduled, compliance officers will request the following documents for on-site inspection:

- Books, records, payrolls, accounts and other relevant documents, including a list, separated by construction project, of all employees who are members of protected groups who worked during the 12 months preceding this evaluation;
- Documentary evidence of the implementation of each of the specific affirmative action standards set forth in the sixteen specifications;
- A list of all Federal projects, including contract numbers, locations, estimated dollar values, percents completed and projected completion dates;
- A list of all non-Federal projects;
- A copy of the EEO-1 report, where available;
- A copy of the written affirmative action program for qualified individuals with disabilities, and the written affirmative action program for veterans of the Vietnam era, qualified special disabled veterans, and any other protected veterans who served on active duty during a war, or in any campaign or expedition for which a campaign badge has been authorized (for contractors with Federal construction contracts only, not federally assisted construction contracts);

- A copy of the VETS-100 report (for contractors with Federal construction contracts only, not federally assisted construction contracts); and
- Immigration and Naturalization Service (INS) I-9 Forms.

Recognizing Good Faith Effort

Each year OFCCP hosts an award ceremony to recognize and honor those contractors and subcontractors that go well beyond the minimum requirements of the EEO and affirmative action laws.

The Secretary of Labor's **Opportunity 2000 Award**, initiated in 1988, is presented by the Secretary of Labor to honor one contractor for the successful implementation of a significant multi-faceted program ensuring equal employment opportunity and affirmative action within its organization and for the successful implementation of programs supporting these goals in the broader community.

The **Exemplary Voluntary Effort (EVE) Award**, initiated in 1983, is presented by the Deputy Assistant Secretary for Federal Contract Compliance to those contractors that have demonstrated through programs or activities, exemplary and innovative efforts to increase the employment opportunities for employees, including minorities, women, individuals with disabilities and covered veterans.

The **Exemplary Public Interest Contribution (EPIC) Award**, initiated in 1994, is presented by the Deputy Assistant Secretary for Federal Contract Compliance to honor selected public interest organizations that have supported affirmative action and linked their efforts with those of Federal contractors to enhance employment opportunities for minorities, women, individuals with disabilities and protected veterans.

To be eligible for consideration for an EVE or Opportunity 2000 Award, a nominee must be a Federal contractor covered by Executive Order 11246, as amended; Section 503 of the Rehabilitation Act, as amended; and the Vietnam Era Veterans' Readjustment Assistance Act, as amended. Also, nominees must not have any unresolved violations of Federal law, as determined by compliance evaluations, complaint investigations, or Federal inspections and investigations. In addition, the nominee must not have any enforcement actions pending, or be subject to any corrective actions or consent decrees that have resulted from litigation under laws enforced by the Department of Labor. While the EVE Award may be given for a single program or activity, recipients of the Opportunity 2000 Award must have developed and implemented a multi-faceted affirmative action program directed towards the changing demographics of the labor force. This may include involvement in community-based projects that assist in the development of a diverse workforce for the future. The Opportunity 2000 Award nominee may represent a single establishment or the entire corporation.

In past years, Opportunity 2000 and EVE Awards have recognized contractors' efforts that included:

- Recruitment, retention and management training and development programs that shatter glass ceilings and enhance opportunities for women and minorities at all levels of management;
- Innovative outreach and recruitment programs designed to attract minorities, women, qualified individuals with disabilities, and qualified protected veterans;

- Processes which provide individuals basic essential skills needed for employment;
- Programs that motivate and support minorities and women in attaining advanced degrees, and for education in science and technical fields;
- Seminars and conferences that create a greater awareness throughout a company of contributions of employees with learning disabilities; and
- Work place environment strategies that help employees balance work and family responsibilities.

To be eligible for consideration for an EPIC Award, a nominee must be a non-profit public interest organization whose activities support the mission of the OFCCP. Past winners have been recognized for their efforts in non-traditional employment for women, vocational training, literacy training, legal advocacy, scholarship programs, mentoring, and linkage with employment referrals to Federal contractors.

The latest guidance on the eligibility criteria, nomination process and administrative procedures for the Opportunity 2000, EVE, and EPIC Awards can be found on OFCCP's web site at **http://www.dol.gov/dol/esa/public/ofcp_org.htm**, or a copy may be obtained by contacting your local OFCCP office.

Appendix A:

Glossary of Terms

(Adapted from the Federal Contract Compliance Manual)

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| <i>Accessibility</i> | The extent to which a contractor's facility is readily approachable and usable by individuals with disabilities, particularly such areas as the personnel office, job work sites, rest rooms and public areas. |
| <i>Adverse impact</i> | A substantially different rate of selection in hiring, promotion, transfer, training or other employment related decisions for any race, sex or ethnic group. <i>See definition of disparate impact.</i> |
| <i>Affirmative Action</i> | Actions, policies and procedures to which a contractor commits itself that are designed to achieve equal employment opportunity. Affirmative action obligations entail thorough, systematic efforts to prevent discrimination from occurring or to detect it and eliminate it as promptly as possible, and recruitment and outreach measures. |
| <i>Applicant flow log</i> | A chronological compilation of applicants for employment or promotion candidates, showing each individual categorized by race, sex and ethnic group, who applied for each job title (or group of job titles requiring similar qualifications) during a specific period. |
| <i>Business necessity</i> | A defense used by an employer when there is a selection criterion that is facially neutral but which excludes members of one sex, race, national origin or religious group at a substantially higher rate than members of other groups (thus creating an adverse impact). The employer must prove that the requirement having the adverse impact is job-related and consistent with business necessity. |
| <i>Civilian labor force</i> | The aggregate of persons classified as employed and as unemployed in accordance with the criteria established by the Bureau of the Census and the U.S. Department of Commerce. |
| <i>Compliance</i> | Meeting the requirements and obligations imposed by Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, or 38 U.S.C. §4212, and their implementing regulations. |

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| <i>Construction contract</i> | Any contract for the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings or highways, or other changes or improvements to real property, including facilities providing utility services. |
| <i>Construction site</i> | The general physical location of any building, highway or real property undergoing construction, rehabilitation, alteration, conversion, extension, demolition, repair or any other change or improvement, and any other temporary location or facility at which a contractor or other participating party meets a demand or performs a function relating to the contract or subcontract. |
| <i>Contract</i> | Any Government contract or subcontract or any federally assisted construction contract or subcontract. |
| <i>Contractor</i> | Unless otherwise indicated, means both prime contractors and subcontractors. |
| <i>Disparate impact</i> | A theory or category of employment discrimination. Disparate impact discrimination may be found when a contractor's use of a facially neutral selection standard (e.g., a test, an interview, a degree requirement) disqualifies members of a particular race or gender group at a significantly higher rate than others and is not justified by business necessity or job-relatedness. An intent to discriminate is not necessary to this type of employment discrimination. |
| <i>Disparate treatment</i> | A theory or category of employment discrimination. Disparate treatment discrimination may be found when a contractor treats an individual or group differently because of its race, color, religion, sex, national origin, disability or veteran status. An intent to discriminate is a necessary element in this type of employment discrimination, and may be shown by direct evidence or inferentially by statistical, anecdotal and/or comparative evidence. |
| <i>EEO-1 Report</i> | The Equal Employment Opportunity Employer Information Report (also termed Standard Form 100). An annual report filed by certain employers subject to Executive Order 11246, as amended, or to Title VII of the Civil Rights Act of 1964, as amended. This report details the sex and race/ethnic composition of an employer's work force by job category. The EEO-1 Report is filed with the Joint Reporting Committee (JRC), which is composed of OFCCP and EEOC. Instructions for completing the report are |

available from the JRC. The JRC can be reached by calling (757) 461-1213 or by writing: JRC, P.O. Box 779, Norfolk, VA 23501.

Employed

Under criteria established by the Bureau of the Census and the U.S. Department of Commerce, all civilians 16 years old and over who were either:

- a) "at work," meaning those who did any work at all during the reference week as paid employees or in their business or profession, or on their farm, or who worked 15 hours or more as unpaid workers on a family farm or in a family business; or
- b) "with a job but not at work," meaning those who did not work during the reference week but had jobs or businesses from which they were temporarily absent due to illness, bad weather, industrial dispute, vacation, or other personal reasons.

Generally excluded from the category of employed are persons whose only activity consisted of unpaid work around the house or volunteer work for religious, charitable, and similar organizations, or persons on layoff.

Employee

A person employed by a Federal contractor, subcontractor or Federally assisted construction contractor or subcontractor.

Establishment

A facility or unit which produces goods or services, such as a factory, office, store, or mine. In most instances, the unit is a physically separate facility at a single location. In appropriate circumstances, OFCCP may consider as an establishment several facilities located at two or more sites when the facilities are in the same labor market or recruiting area. The determination as to whether it is appropriate to group facilities as a single establishment will be made by OFCCP on a case-by-case basis.

Facially neutral selection standards/criteria

A criterion/process is facially neutral if it does not make any reference to a prohibited factor and is equally applicable to everyone regardless of race, gender or ethnicity, i.e., is not discriminatory on its face.

Federally assisted construction contract

Any agreement or modification thereof between any applicant and a person for construction work which is paid for in whole or in part with funds obtained from the

Government or borrowed on the credit of the Government pursuant to any Federal program involving a grant, contract, loan, insurance or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance or guarantee, or any application of modification thereof approved by the Government for a grant, contract, loan, insurance or guarantee under which the applicant itself participates in the construction work.

Immediate labor area

The geographic area from which employees reasonably may commute to the contractor's establishment. It may include one or more contiguous cities, counties, a metropolitan statistical area (MSA) or parts thereof.

Job area

Any sub-unit of a work force sector, such as department, job group, job title, etc.

Job group

One or a group of jobs having similar content, wage rates and opportunities.

Labor area

Geographic area used in calculating availability. The area may vary from local to nationwide.

Non-compliance

A contractor's failure to adhere to the conditions set out in the contract's equal opportunity clauses and/or the regulations implementing those clauses and/or failure to correct violations.

Pattern or practice discrimination

Employer actions constituting a pattern of conduct resulting in discriminatory treatment toward the members of a class.

Prime contractor

Any person holding a contract subject to Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, or 38 U.S.C. §4212, as amended, and for the purposes of 41 CFR 60-1, Subpart B; 41 CFR 60-250, Subpart B; and 41 CFR 60-741, Subpart D, any person who has held a contract subject to Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, or 38 U.S.C. §4212, as amended.

Reasonable accommodation

A reasonable accommodation can be:

- a) Modifications or adjustments to a job application process that enable a qualified individual with a disability to be considered for the position such applicant desires, and which will not impose an undue hardship on the operations of the contractor's

business; or

- b) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables a qualified individual with a disability to perform the essential functions of the position, and which will not impose an undue hardship on the operation of the contractor's business; or
- c) Modifications or adjustments that enable a contractor's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without a disability, and which will not impose an undue hardship on the operation of the contractor's business.

Special Disabled Veteran

A veteran who:

- a) is entitled to compensation (or who, but for the receipt of military retirement pay, would be entitled to compensation) under laws administered by the Department of Veterans Affairs for a disability that is (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under Section 1506 of the Veterans' Rehabilitation and Education Act Amendments of 1980 to have a serious employment handicap; or
- b) was discharged or released from active duty because of a service-connected disability.

Subcontract

Any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

- a) for the purchase, sale or use of supplies or services or the use of real or personal property, including lease arrangements, which, in whole or in part, is necessary to the performance of any one or more Government contracts; or
- b) under which any portion of the contractor's obligation under one or more Government contracts is performed, undertaken or assumed.

Subcontractor

Any person holding a subcontract, or anyone who has held a subcontract subject to Executive Order 11246, as amended, Section 503 of the Rehabilitation Act of 1973, as amended, or 38 U.S.C. §4212, as amended.

Systemic discrimination

Employment policies or practices that serve to differentiate or to perpetuate a differentiation in terms or conditions of employment of applicants or employees because of their status as members of a particular group. Such policies may or may not be facially neutral, and intent to discriminate may or may not be involved.

Undue hardship

In general, with respect to the provision of a reasonable accommodation, significant difficulty or expense incurred by a contractor. Whether an accommodation is reasonable requires a case-by-case determination.

Validation

Validation is the demonstration of job-relatedness by showing the relationship between the selection procedure and job performance.

VETS-100

The VETS-100 Report is to be completed by all nonexempt federal contractors and subcontractors with contracts or subcontracts for the furnishing of supplies and services or for the use of real or personal property for \$25,000 or more. Title 38, United States Code, Section 4212(d) and PL 105-339, require that federal contractors report at least annually the numbers of: 1) special disabled veterans, 2) veterans of the Vietnam era, and 3) other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized who are in their workforce. Reporting is required by hiring location and includes both the number employed and the number of new hires, within the three categories listed above. The number of veterans employed within these categories is to be broken out by job category and maximum and minimum total employment is to be reported as well. the report is filed.

For more information you may visit the VETS-100 web site at <http://vets.dol.gov/vets100/>, e-mail the VETS-100 staff at HELPDESK@VETS100.com, call (703) 461-2460, or write to:

U.S. Department Of Labor
Veterans' Employment and Training Service
VETS-100 Reporting
6101 Stevenson Ave
Alexandria, VA 22304

Violation

Failure to fulfill a requirement of the Executive Order, Section 503, as amended, or 38 U.S.C. §4212, as amended, or their implementing rules, regulations and orders. The terms “violation” and “deficiency” are often used interchangeably.

Appendix B:

Adverse Impact Determinations

Contractors with 100 or more employees must maintain and have available for each job records and other information showing the impact of the total selection process by identifiable race, sex and ethnic group. 41 CFR 60-3.4B and 3.15A(2)(a). “Total selection process” means the combined effect of all selection procedures leading to the final employment decision. At least annually, contractors with 100 or more employees are required to analyze these data to determine whether the total selection process for each job is having adverse impact. 41 CFR 60-3.15A(2). The adverse impact determinations must be conducted by gender and for each race or ethnic group (e.g., Black, Hispanic, Asian/Pacific Islander, and American Indian/Alaskan Native) that constitutes 2 percent or more of the labor force in the relevant labor area or 2 percent or more of the applicable workforce. If the total selection process has an adverse impact, the impact of the individual components of the selection process also should be analyzed. 41 CFR 60-3.4C and 3.15A(2)(a).

“Adverse impact” is defined in the Uniform Guidelines as “a substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of a race, gender, or ethnic group.” 41 CFR 60-3.16B. Generally, to determine whether the differences in selection rates are sufficiently substantial to be regarded as evidence of adverse impact, the contractor should apply what is commonly referred to as the “4/5ths or 80 percent rule” of the Uniform Guidelines. Under this rule, a selection rate for any race, sex, or ethnic group that is less than 4/5ths or 80 percent of the selection rate for the group with the highest selection rate is generally regarded as evidence of adverse impact. The 80 percent rule is a general rule, and is not dispositive in all situations. The Uniform Guidelines recognize, for example, that sample size and other factors may affect the reliability of the 80 percent rule as a measure of adverse impact.

The 80 percent rule may not be accurate in detecting adverse impact where very large numbers of selections are made. Where the number of selections is very large, relatively small differences in selection rates may nevertheless constitute adverse impact if they are both statistically and practically significant. 41 CFR 60-3.5D. For that reason, where the sample size is very large, tests of practical and statistical significance should be used to assess whether the selection procedure results in adverse impact.

Further, the 80 percent rule may not be a reliable indicator of adverse impact where the number of persons selected and difference in selection rates is very small. For example, if a contractor selected three males and one female from an applicant pool of 20 males and 10 females, the 80 percent rule would indicate adverse impact. The selection rate for women is 10 percent and the rate for men, 15 percent; 10/15 or 66 2/3 percent is less than 80 percent. Yet, the number of selections is too small to warrant a determination of adverse impact in these circumstances. Where the 80 percent rule indicates adverse impact, but the analysis is based on a sample too small to be reliable, evidence of the impact of the procedure over a longer period of time, or evidence concerning the impact of the procedure when used in the same manner elsewhere may be considered when determining adverse impact. 41 CFR 60-3.4D.

A four-step process is used to determine adverse impact:

1. Calculate the rate of selection for each group (divide the number of persons selected from a group by the number of applicants from that group).
2. Observe which group has the highest selection rate.
3. Calculate the impact ratios by comparing the selection rate for each group with that of the highest group (divide the selection rate for a group by selection rate for the highest group).
4. Observe whether the selection rate for any group is substantially less (i.e., usually less than 4/5ths or 80 percent) than the selection rate for the highest group. If it is, adverse impact is indicated in most circumstances.

For example:

| <u>Applicants</u> | <u>Hires</u> | <u>Selection Rate</u> |
|---------------------|--------------|-----------------------|
| 10 American Indians | 2 | 2/10 or 20% |
| 50 Blacks | 20 | 20/50 or 40% |
| 60 Hispanics | 30 | 30/60 or 50% |
| 80 Whites | 48 | 48/80 or 60% |

Comparisons of the selection rate for each group with that of the highest group (Whites) reveal the following impact ratios: American Indians 20/60 or 33%; Blacks 40/60 or 66.6%; and Hispanics 50/60 or 83%. Applying the 80 percent rule, on the basis of the above information, adverse impact is indicated for American Indians and Blacks but not for Hispanics.

If a selection procedure results in adverse impact, the contractor is required to eliminate it or justify its continued use. The contractor can justify using a selection procedure that has adverse impact by showing that the procedure has been validated according to the technical requirements of the Uniform Guidelines. “Validation” is the demonstration of job-relatedness by showing the relationship between the selection procedure and job performance. “Validation in accordance with the Guidelines” means a demonstration that a validity study meeting the standards of the Uniform Guidelines has been conducted and has produced evidence sufficient to warrant the use of the procedure for the purpose intended. 41 CFR 60-3.16X.

Even when a selection procedure with adverse impact has been validated, the contractor is obligated to investigate and consider suitable alternative selection procedures, and suitable alternative methods of using the selection procedure which have as little adverse impact as possible. 41 CFR 60-3.3B. Further, the contractor is required to use the procedure having less impact if it is “substantially equally valid.” 41 CFR 60-3.3B.

There also are circumstances when a contractor may justify using a selection procedure with adverse impact by showing that it is required by “business necessity” (i.e., the contractor must show that the selection procedure is job-related and necessary to the safe and efficient operation of its business).

In sum, the Uniform Guidelines recommend the following actions when adverse impact occurs:

- Modify the assessment instrument or procedure causing the adverse impact.
- Exclude the component procedure causing adverse impact from your selection process.
- Use an alternative procedure that causes little or no adverse impact, assuming that the alternative procedure is substantially equally valid.
- Use the selection procedure that has adverse impact only if the procedure is job-related and valid for predicting successful job performance, and there is no equally effective procedure available that has less adverse impact.

Appendix C:

The Small Business Administration's Ombud Program

The **Small Business Administration (SBA)**, in accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act, has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards in order to receive comments from small businesses about federal regulatory enforcement actions. The SBA Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. Small businesses wishing to comment on the enforcement activities of OFCCP may call 1-888-REG-FAIR (734-3247), or write to the SBA Ombudsman at:

SBA Ombudsman
500 W. Madison St.
Suite 1240
Chicago, IL 60661.

Appendix D:

OFCCP National and Regional Offices

National Office

Office of Federal Contract Compliance Programs
Room C-3325
200 Constitution Avenue, NW
Washington, DC 20210
(202) 693-0101
(202) 693-1304 FAX

Northeast Region

*(Connecticut, Maine, Massachusetts,
New Hampshire New Jersey, New York,
Puerto Rico, Rhode Island, Vermont,
Virgin Islands)*

Regional Office
201 Varick Street, Room 750
New York, NY 10014
(646) 264-3170
(646) 264-3009 FAX

Mid-Atlantic Region

*(Delaware, District of Columbia,
Maryland, Pennsylvania, Virginia,
West Virginia)*

Regional Office
Curtis Center, Suite 750 West
170 S. Independence Mall West
Philadelphia, PA 19106
(215) 861-5763
(215) 861-5769 FAX

Southeast Region

*(Alabama, Florida, Georgia, Kentucky,
Mississippi, North Carolina, South
Carolina, Tennessee)*

Regional Office
61 Forsyth Street, Room 7B75
Atlanta, GA 30303
(404) 893-4545
(404) 893-4546 FAX

Midwest Region

*(Illinois, Indiana, Iowa, Kansas,
Michigan, Minnesota, Missouri,
Nebraska, Ohio, Wisconsin)*

Regional Office
Kluczynski Federal Building, Room 570
230 South Dearborn Street
Chicago, IL 60604
(312) 596-7010
(312) 596-7037 FAX

***Southwest and Rocky Mountain
Region***

*(Arkansas, Colorado, Louisiana,
Montana, New Mexico, North Dakota,
Oklahoma, South Dakota, Texas, Utah,
Wyoming)*

Regional Office
525 South Griffin Street
Federal Building, Room 840
Dallas, TX 75202
(972) 850-2550
(972) 850-2552 FAX

Pacific Region

*(Alaska, Arizona, California, Guam,
Hawaii, Idaho, Nevada, Oregon,
Washington)*

Regional Office
71 Stevenson Street, Suite 1700
San Francisco, CA 94105
(415) 848-6969
(415) 848-6950/6955 FAX

Appendix E:

Federal Register notices regarding participation goals for Minorities and Females

For federal and federally assisted construction contractors, goals are established as a percentage participation rate. The percentage goal established for minority participation must be at least equal to the percentage established for that “economic area” as outlined in the Federal Register, Vol. 45, No. 194, pages 65976-65991, dated Friday, October 3, 1980 (typed transcript of pages 65976-65991 follow). The percentage goal established for female participation is **6.9%** nationwide (see following typed transcript of Federal Register pages 85750-85751, Vol. 45, No. 251, dated Tuesday, December 30, 1980). A Federal Register Final Notice correction was issued on January 23, 1981 (pages 7533 and 7534) making the following corrections to Appendix B-80 published on October 3, 1980:

1. In Economic area 012, New York, NY, SMSA 5460, the goal is 5.8.
2. In Economic area 012, New York, NY, SMSA 5600, delete “NY New York City” following “Westchester.”
3. In Economic area 012, New York, NY, SMSA 5600, the goal is 22.6
4. In Economic area 154, Missoula, MT, SMSA 154, insert “; MT Lake” after “MT Silver Bow.”
5. In Economic area 005, Non-SMSA Counties, “IR” is corrected to “RI.”
6. In Economic area 034, Non-SMSA Counties, “Collecton” is corrected to “Collection.”
7. In Economic area 106, “MO Boone” is the line following “1740 Columbia, MO” rather than preceding it.
8. In Economic area 111, Non-SMSA Counties, on the sixth line, “Spring” is “Springs.”
9. In Economic area 124, on the sixth line, “5TX” is corrected to “TX.”
10. In Economic area 126. On the sixth line, “4TX” is corrected to “TX.”

Contractors may establish higher goals if they desire. Although a contractor is required to make good faith efforts to meet their goals, the goals are not quotas and no sanctions are imposed solely for failure to meet them. The following factors explain the difference between permissible goals, on the one hand, and unlawful preferences, on the other:

- ◆ Participation rate goals are not designed to be, nor may they properly or lawfully be interpreted as, permitting unlawful preferential treatment and quotas with respect to persons of any race, color, religion, sex, or national origin.
- ◆ Goals are neither quotas, set-asides, nor a device to achieve proportional representation or equal results; rather, the goal-setting process is used to target and measure the effectiveness of affirmative action efforts to eradicate and prevent barriers to equal employment opportunity.
- ◆ Goals under Executive Order 11246, as amended, do not require that any specific position be filled by a person of a particular gender, race, or ethnicity; instead, the requirement is that contractors engage in outreach and other efforts to broaden the pool of qualified candidates to include minorities and women.

- ◆ The use of goals is consistent with principles of merit, because goals do not require an employer to hire a person who does not have the qualifications needed to perform the job successfully, hire an unqualified person in preference to another applicant who is qualified, or hire a less qualified person in preference to a more qualified person.
- ◆ Goals may not be treated as a ceiling or a floor for the employment of members of particular groups.
- ◆ A contractor's compliance is measured by whether it has made good faith efforts to meet its goals, and failure to meet goals, by itself, is not a violation of the Executive Order.

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Part 60-4

Construction Contractors, Affirmative Action Requirements

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Final rule.

SUMMARY. The regulations published today clarify the existing requirement in 41 CFR 60-4.1 that a nonexempt construction contractor's total construction workforce is covered under 41 CFR Part 60-4 even though some of the contractor's employees perform work on non-Federal or nonfederally assisted construction contracts or subcontracts and even though such nonfederally related work may occur in geographical areas where the contractor does not currently have work on Federal or federally assisted construction projects.

EFFECTIVE DATE: These regulations shall take effect November 3, 1980.

FOR FURTHER INFORMATION CONTACT: James Cisco, Acting Director, Division of Program Policy, Office of Federal Contract Compliance Programs, Room C-3324, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, Telephone (202) 523-9426.

SUPPLEMENTARY INFORMATION: On September 7, 1979, the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, published for comment in the Federal Register (44 FR 52283) a proposal to clarify 41 CFR Part 60-4, regulations for the construction industry, pursuant to Executive Order 11246, as amended. (30 FR 12319, 32 FR 14303, 43 FR 14888.) Also published for comment was a proposed Notice and Appendix to establish goals for minority employment for each SMSA and EA (44 FR 52348). That Notice and Appendix are published in final form today elsewhere in the Federal Register. Comments were received until November 6, 1979, on each proposal.

One hundred fifty-four written comments were submitted by individuals and groups during the comment period. The comments were directed either to the proposed clarification, the proposed minority employment goals or to both proposals. Each submission has been thoroughly reviewed, and each criticism and each suggestion has been given careful consideration. Additional comments received and postmarked after November 6, 1979, were analyzed and considered, but are not included in the above count. None of the 154 comments dealt with the proposed clarification of 41 CFR 60-4.6, and only 34 dealt with the proposed clarification of paragraph 7q of 41 CFR 60-4.3. The overwhelming majority of the comments dealt solely with the proposed nationwide minority goals contained in the separate September 7, 1979, Federal Register Notice.

Summary of Comments

1. Several contractors and contractor associations objected to coverage of nonfederally involved construction projects. Contractors and their associations contended that the clarifying proposal is in reality a major change in the regulations. They contended further that such coverage would be inflationary, would place them in a poor competitive position with respect to companies without Federal contracts, would make companies reluctant to bid on Federal contracts in the future, and would be an intrusion in private sector affairs.
2. Contractor associations contended that there will be additional and burdensome reporting requirements associated with monitoring activity on private sector projects.
3. Both contractors and individuals recognized the industry's legal obligations to take affirmative action, but objected to the \$10,000 jurisdictional amount for goals coverage; some suggested instead that the jurisdictional amount be raised to \$50,000 or \$100,000.
4. Contractor associations contended that the net result of implementing section 7q and nationwide goals will be a decrease in the number of minority employees, and in some instances "reverse discrimination" as contractors attempt to meet specific goals.
5. One comment proposed that the regulation apply to private sector projects only after a Federal award has been made, i.e. prospectively, and then only to private projects in areas where a contractor has Federal or federally assisted construction.
6. Several public interest groups, advocacy groups, and Government agencies praised the proposal. However they expressed concern about OFCCP's ability to monitor compliance adequately on private sector projects, and called for the establishment of improved employee reporting mechanisms.

Discussion

Some comments suggested that the application of Executive Order affirmative action requirements to nonfederally related construction projects is a new requirement. More specifically, they asserted that paragraph 7q constitutes a substantive change in the regulations rather than a clarification of existing requirements as stated in the September 7, 1979, Federal Register proposal (43 FR 52283). To the contrary, by its expressed terms, the proposal did not establish a new requirement. Rather the proposal simply clarified which goals (that is, the goals of a specific geographical area) are applicable to a contractor's workforce when the contractor is performing construction work in two or more locations and each location is subject to different goals (e.g., two separate SMSAs).

The relevant regulation is 41 CFR 60-4.1, which was promulgated as a final rule on April 7, 1978 (43 FR 14888), and which has been effective since May 8, 1978. That regulation provides, in pertinent part, as follows:

This part applies to all contractors and subcontractors which hold any Federal or federally assisted construction contract in excess of \$10,000. The regulations in this part are applicable to all of a construction contractor's or subcontractor's construction employees who are engaged in onsite construction *including those construction employees who work on a nonfederally funded or nonfederally assisted construction site * * ** (Emphasis added.)

Nothing in the language proposed as paragraph 7q would alter, by extension or otherwise, that basic obligation. Further, the Department of Labor's nationwide goals for female participation in

the construction industry have, since their effective date (May 8, 1978), been applicable to a 'non-exempt contractor's total onsite construction workforce throughout the United States - regardless of whether the total workforce is employed on a federally related or non-federally related project (and regardless of whether there were specific goals in existence for minorities (43 FR 14899)). The regulation is consistent with the general approach under Executive Order 11246 regulations that a contractor's acceptance of a single covered contract makes all of that contractor's workforce and facilities covered unless otherwise specifically exempt. See, for example, 41 CFR Part 60-2 (Revised Order 4) under which each nonconstruction contractor subject to Revised Order 4 must comply with the written affirmative action program requirements at each of its establishments.

This same approach has been applicable to the construction industry since 1971. The Philadelphia Plan, for example, initially was limited to federally involved construction projects. Contractors at the time of a compliance review would shift their minority workers from private sites to federally involved projects. This practice was referred to as "bicycling." The Philadelphia Plan was amended in 1971 to cover the contractor and therefore covered both federally related and private projects. (See Nash, *Affirmative Action Under Executive Order 11246*, 46 N.Y.U.L Rev. 225, 240 (1971).)

The proposal then did not propose to establish new requirements; rather it was designed to eliminate confusion surrounding the phrase "covered area" as that phrase is used in 41 CFR Part 60-4 in referring to the various geographical units where goals have been established. Questions were raised, for example, as to whether a contractor which is awarded a federally involved construction contract in SMSA X should apply the goals established for SMSA X to its non-Federal work in SMSA Y or the goals established for SMSA Y to that non-Federal work in SMSA Y. Paragraph 7q merely was intended to explain that construction contractors and subcontractors were to apply the goals of the SMSA or EA where the contract was actually being performed. The proposed amendment to 41 CFR 60-4.6 was intended to achieve the same purpose. The proposal, as has been stated herein, would achieve the clarification in part by adding a new paragraph q to clause 7 of the Standard Federal Equal Employment Opportunity Construction Contract specifications. Upon reflection, however, paragraph 4 of the specifications appears to be a more appropriate point to add the amendment. Accordingly, paragraph 4 of the specifications has been amended rather than to add a paragraph q to paragraph 7.

The September 7, 1979, **Federal Register** notice did not propose an amendment to 41 CFR 60-4.2. However, paragraph 2 of the "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)" (which follows 41 CFR 60-4.2(d)) also may need clarification on the same point. Accordingly, paragraph 2 of the Notice has been amended to make it clear that a covered construction contractor is subject to the goals applicable to the geographical location where the construction work is being performed and that all its projects, whether or not they are federally involved, are covered by the goal requirement.

The other comments which were received on the proposal and which have been summarized above simply are not on point. Each comment, as indicated above, however, has been considered. In addition those comments also have been treated in the Notice and Appendix regarding minority goals which are published elsewhere in the **Federal Register** today. It has been determined that this document does not contain a major proposal requiring the preparation of a regulatory analysis under Executive Order 12044 (43 FR 12661) or under the Department's guidelines implementing Executive Order 12044.

This document was prepared under the direction and control of Weldon Rougeau, Director, Office of Federal Contract Compliance Programs.

Accordingly, 41 CFR Part 60-4 is amended as set forth below:

Dated: September 30, 1980.

Ray Marshall,
Secretary of Labor.

John N. Gentry,
Under Secretary.

Donald Elisburg,
Assistant Secretary Employment Standards Administration.

Weldon 1. Rougeau,
Director. Office of Federal Contract Compliance Programs.

(Secs. 201, 202, 205, 211, 301, 302, and 303 of E.O. 11246, as amended. 30 FR 12319; 32 FR 14303; 43 FR 46501)

1. 41 CFR 60-4.2(d) is amended by revising paragraph 2 of the "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246)," to read as follows:

§60-4.2 Solicitations.

* * * *

(d) The following notice shall be included in and shall be a part of, all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts in excess of \$10,000 to be performed in geographical areas designated by the Director pursuant to § 60-4.6 of this part (see 41 CFR 60-4.2(a)):

Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity (Executive Order 11246)

1. The Offeror's or Bidder's attention is called to the "Equal Opportunity Clause" and the "Standard Federal Equal Employment Specifications" set forth herein.
2. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered areas are as follows:

| Timetables | Goals for minority participation for each trade | Goals for female participation in each trade |
|-------------------|--|---|
| | Insert goals for each year. | Insert goals for each year. |

These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade and the contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the Executive Order, and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

3. The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within 10 working days of award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; employer identification number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

4. As used in this Notice, and in the contract resulting from this solicitation, the "covered area" is (insert description of the geographical areas where the contract is to be performed giving the state, county and city, if any).

2. 41 CFR 60-4.3(a) is amended by revising paragraph 4 of the Standard Federal Equal Employment Opportunity Construction Contract Specifications (Executive Order 11246) to read as follows:

§ 60-4.3 Equal opportunity clauses.

(a) * * *

**Standard Federal Equal Employment Opportunity Construction Contract Specifications
(Executive Order 11246)**

* * *

4. The contractor shall implement the specific affirmative action standards provided in paragraphs 7 a through p of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered

Construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the Federal Register in notice form and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from Federal procurement contracting officers. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

3. 41 CFR 60-4.6 is amended to read as follows:

§ 60-4.6 Goals and timetables.

The Director, from time to time, shall issue goals and timetables for minority and female utilization which shall be based on appropriate workforce demographic or other relevant data and which shall cover construction projects or construction contracts performed in specific geographical areas. The goals, which shall be applicable to each construction trade in a covered contractor's or subcontractor's entire workforce which is working in the area covered by the goals and timetables, shall be published as notices in the Federal Register, and shall be inserted by the contracting officers and applicants, as applicable, in the Notice required by 41 CFR 60-4.2. Covered construction contractors performing construction work in geographical areas where they do not have a Federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed.

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

Goals for Minority Participation In the Construction Industry

On September 7, 1979, the Department of Labor published in the **Federal Register** (44 FR 52348) a notice requesting comments on proposed employment goals for minority workers in the construction industry. The proposed notice contemplated a single goal for minority employment, and an appendix was attached which proposed goals for minority utilization in each standard metropolitan statistical area and in each economic area. On October 5, 1979, the Equal Employment Opportunity Commission (EEOC) published a related document in the Federal Register (44 FR 57491) requesting comments on the question of whether a specific and separate percentage goal should be established for each minority group.

This final Notice and the Appendix B-80 attached hereto, supersede Appendix B of the Notice issued on April 7, 1978, (43 FR 14899) and corrected on May 5, 1978, (43 FR 19473) and Appendix B-1 of the Notice issued on March 20, 1979, (44 FR 17116) which established goals under Executive Order 11246 for minorities working on construction projects located in certain areas. This Notice is issued pursuant to 41 CFR 60-4.6 and establishes goals under Executive Order 11246, as amended (30 FR 12319, 32 FR 14303 and 43 FR 46501), for minorities in the construction industry.

Background

Executive Order 11246, as amended, prohibits nonexempt Federal and federally assisted construction contractors and subcontractors from discriminating against any employee or applicant for employment because of race, color, religion, sex, or national origin. In addition, such contractors and subcontractors are required to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Section 201 of the Order provides that the Secretary of Labor shall adopt rules, regulations and orders as he deems necessary and appropriate to achieve the purposes of the Order.

Service and supply contractors (i.e., nonconstruction contractors) with at least 50 employees and a contract of at least \$50,000 are required to develop and implement written affirmative action programs (see 41 CFR Part 60-2). These affirmative action programs, among other things, are required to contain separate goals and timetables for minorities and women. The goals reflect the difference between such contractors' rate of utilization of minority and female employees and the availability of those groups in the relevant labor area. Service and supply contractors for a number of years now have been under an obligation to implement the Executive Order's affirmative action requirement in this manner.

A different approach was developed with regard to construction contractors. Unlike service and supply contractors, construction contractors normally have not been required to develop, on an individual basis, written affirmative action programs. Rather, for the construction industry, written affirmative action programs have been developed by the local construction industry itself, subject to approval by the Department of Labor, or the Office of Federal Contract Compliance Programs would develop the affirmative action programs for various geographical

areas. These programs did contain affirmative action goals. Nonexempt construction contractors working in those geographical areas would then be required to comply with the affirmative action programs. This requirement or obligation was imposed by incorporating the written area-wide affirmative action program into the contractor's contract.

All construction contractors traditionally were required to comply with the Executive Order's Equal Opportunity clause, published at 41 CFR 60-1.4(a) and (b), which mandates nondiscrimination and affirmative action. (See Executive Order 11246, § 202 and § 301.) Not all construction contractors were subject to goals and timetables, however, because these area-wide programs were not developed for each geographical area where construction was taking place.

This difference in treatment between construction industry contractors and service and supply contractors resulted because of the limitations of the three basic types of affirmative action programs which the Office of Federal Contract Compliance Programs (OFCCP) designed for the construction industry. The three basic types of affirmative action programs developed for the construction industry were (1) Imposed Plans, (2) Hometown Plans and (3) Special Bid Conditions. One of the basic limitations of these types of plans or affirmative action programs was that they were limited to a specific geographical area or, in the case of Special Bid Conditions, limited to specific construction projects. Accordingly, neither type of affirmative action program provided for a nationwide system of defined affirmative action goals. We turn now to a brief description and analysis of each of these types of plans.

Imposed Plans for the most part were implemented in major metropolitan areas where there was substantial Federal or federally assisted construction, and applied only to those projects which were valued in excess of \$500,000. These areas included at one time or another Philadelphia, Washington DC, San Francisco, St. Louis, Atlanta, Camden, and Chicago. Imposed plans generally were published in 41 CFR Chapter 60 but the Philadelphia Imposed Plan was never codified in the Code of Federal Regulations.

Hometown Plans were tripartite agreements among the contractors and the unions in an area and the local minority community. The three groups would develop a plan for compliance with the Executive Order and present it to the OFCCP for approval. If the OFCCP approved the plan, it constituted the contractors' obligations under the Executive Order and so long as they complied with the plan they also were in compliance with the Order. Presently, there are 27 approved Hometown Plans in operation.

Special Bid Conditions were developed to impose affirmative action obligations on construction contractors which were working on certain high impact projects which were being constructed in an area which was not covered, as a general rule, by a Hometown or Imposed Plan.

These three types of affirmative action plans were not implemented through a regulatory scheme applicable to the construction industry on a nationwide basis. Rather they were included in the solicitations which precede the award of contracts. One of the shortcomings of these approaches was that substantial federally involved construction was being conducted outside of the small number of geographical areas which had either an Imposed or Hometown Plan, and such construction therefore took place without benefit of specific affirmative action requirements. Also, contracting officers were confused by the different types of affirmative action plans and sometimes did not know which ones covered specific geographical areas or

projects. In addition, some contracting agencies, perhaps because of the confusion, did not adhere to the different notices and formats developed by OFCCP. As a consequence, construction contracts frequently were awarded which did not contain the notice indicating that they were subject to the Executive Order even though the contracts were subject to the Executive Order and were to be performed in an area which had either an Imposed or Hometown Plan. The Imposed Plans presented a special problem because a number of contractors sometimes failed to sign the certification which appeared in the appendix in Imposed Plans. Failure to sign the certification frequently was unrelated to the contractors' commitment to the affirmative action requirements. However, the certification was held to be a material part of the bid and those bids which did not contain a signed certification were rejected as nonresponsive. A number of these rejected bids were low bids, and the result was to increase the cost of construction to the Government.

Another deficiency in the old programs was that no specific affirmative action standards were applicable to women in the construction industry.

Under the old procedures, compliance agencies developed Special Bid Conditions for high impact projects for which they had compliance responsibility. OFCCP approved the Special Bid Conditions, but the Bid Conditions were applicable only to the project for which they were approved. Accordingly, if a compliance agency failed to develop Special Bid Conditions for a project for which it had compliance responsibility, the project was not covered by an affirmative action plan (i.e., if the project was not otherwise in an area covered by a Hometown or an Imposed Plan). This would be true even though another project in the same labor market area may have been covered by Special Bid Conditions developed by another compliance agency. The Special Bid Conditions did apply, however, to a covered contractor's entire workforce working in the labor market area where the covered project was located although some employees may not have worked on the project.

To correct the deficiencies and limitations of the different types of affirmative action programs for construction contractors, the Department of Labor on April 7, 1978, published a regulation (presently codified at 41 CFR Part 60-4) governing the employment practices of contractors which had construction contracts in excess of \$10,000. In addition, the Imposed Plans were terminated. Hometown Plans were retained but specified obligations were imposed with which signatories to the plans were required to comply within a certain period of time in order to continue OFCCP's approval of the specific Hometown Plan. (See 43 FR 14890.) The Model EEO Bid Conditions, the procurement device by which the affirmative action obligation under the old system was placed on construction contractors, also were discontinued.

In lieu of these procedures, the April 7, 1978, regulations developed new procedures for Federal agencies and procurement contracting officers to follow in awarding Federal and federally assisted construction contracts. In a separate action on that same day, goals were established for women in the construction industry on a nationwide basis. Although the Imposed Plans were terminated, the regulations continued in effect the goals which had been developed for minority workers under the Imposed Plans until new goals were adopted for such groups by OFCCP. The Imposed Plan goals applied only to minorities; however, a number of the plans defined minority to include minority women.

A key element of that regulation is 41 CFR 60-4.6. With regard to this section of the regulations, the preamble to the April 7, 1978 regulations stated in relevant part as follows (43 FR 14892):

This section requires the Director of OFCCP to issue goals and timetables for minority and female utilization which shall be based on appropriate workforce demographic or other relevant data. The goals shall cover specific construction projects or construction contracts performed in specific geographical areas. * * * It is anticipated that within the very near future OFCCP will propose standards and goals for minority utilization pursuant to 41 CFR 60-4.6 of the regulations published today. Until those goals are published in final form, the goals and timetables applicable under existing OFCCP requirements will continue to be effective.

* * * * *

Section 201 of Executive Order 11246, as amended, mandates the Secretary of Labor to adopt such rules and regulations and issue such orders as he deems necessary and appropriate to achieve the purposes * * * of the Executive Order. Section 202 of the Executive Order requires every nonexempt Federal contractor or subcontractor, including Federal and federally assisted construction contractors and subcontractors (see J 301 of the Order), to take affirmative action.

"The Department of Labor's experience with affirmative action has demonstrated that goals and timetables are the most concrete and effective system for implementing the affirmative action obligation contained in the Executive Order. Since goals and timetables were implemented as an affirmative action requirement, all Federal contractors and subcontractors, except construction contractors have been required to establish goals and timetables for women. Construction contractors, on the other hand, have been required to establish goals for minority workers, and then, only if the construction contract was being performed in a geographical area covered by a Hometown Plan or an Imposed Plan or if the contract was awarded subject to Special Bid Conditions. * * * Unlike nonconstruction contractors, who were and are required to develop detailed affirmative action programs (which include goals and timetables for women and minorities), the only implemented affirmative action obligation imposed on construction contractors had been the goals and timetables established in the Hometown Plans, Imposed Plans, or Special Bid Conditions. Nevertheless, all Government contractors and subcontractors, including construction contractors and subcontractors, agree in every contract to *** "take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex or national origin." (Section 202. cl. 1. Executive Order 11246, as amended.)

* * * * *

A number of methods and procedures for establishing goals and timetables for the construction industry have been considered and the OFCCP has concluded that this Notice form is the most reasonable and efficient way to inform construction contractors of their obligations and to protect workers under the Executive Order. First, the Hometown Plan concept contemplates that contractors, unions, and the local community voluntarily will agree to an affirmative action plan, submit it to the OFCCP for approval and, if approved, compliance with the plan will constitute compliance with the Executive Order. This process is time consuming and does not always guarantee agreement. Indeed, under this process only 62 Hometown Plans have been developed and approved and only 33 presently exist. These plans cover only a small fraction of the cities in the country and only a small portion of Federal and federally assisted construction. Similarly the imposed Plans require long and drawn out proceedings before they are implemented. These proceedings include public hearings in each area where the plan is imposed and subsequent publication in the Federal Register and codification in the Code of Federal Regulations.

Moreover, the hearing process did not always produce reliable data upon which reasonable goals could be based thereby making it necessary for the OFCCP to develop the goals using Census Bureau prepared data. Through this process, seven plans have been imposed.

In order to cover some of the major Federal and federally assisted construction contracts being performed outside of Hometown and Imposed Plan areas, Special Bid Conditions were designed. Under this concept the compliance agencies establish goals and timetables for construction contracts for which they have compliance responsibility and submit the Special Bid Conditions to the OFCCP for approval prior to the time the bids or offers were solicited. Special Bid Conditions unlike Hometown and Imposed Plans, however, are limited to the projects for which they were designed. Accordingly, two projects being in close proximity would require separate Bid Conditions if the projects involved were assigned to different agencies for compliance purposes, or no Bid Conditions at all if the compliance agency did not act prior to the solicitation.

The three affirmative action methods previously used do not allow for an efficient system which provides a fair degree of protection for construction employees. The notice system, on the other hand, allows for the use of the best data available, which was not always forthcoming in hearings, and an efficient and prompt implementation of the goals which result from that data.

* * * *

It was against this background that the Department of Labor published a notice in the **Federal Register** (44 FR 52348) on September 7, 1979, proposing to establish numerical goals for minority utilization in the construction industry pursuant to Section 202 of Executive Order 11246 and 41 CFR 60-4.6. In proposing the goals, the Department of Labor had several concerns. First, there was concern that standards, methodologies and procedures should be established which are not confusing to contracting agencies and procurement contracting officers at both the Federal and State and local government levels (in the case of federally assisted construction). In this connection, it was important that once such standards and methodologies are developed that they conveniently lend themselves to utilization by procurement contracting officers.

Second, it also was important that all covered construction be subject to the numerical goal requirements. In this connection, the Department of Labor was concerned that a system as uniform as possible be established so that all covered contractors are treated equally and that one does not enjoy advantages over others in competing for federally involved construction contracts.

Finally, the Department was concerned that numerical goals be based on a rational, reliable, valid and uniform information base. Accordingly, the Department of Labor proposed to use Census Bureau prepared data and selected the Standard Metropolitan Statistical Area (SMSA) as the standard geographical unit for establishing goals. Where there was no SMSA, the Economic Area (EA) was selected as the standard geographical unit. The numerical goal itself was the minority percentage in the experienced civilian labor force of the SMSA or the EA, whichever is applicable in a given area. Thus, a contractor performing a nonexempt construction contract in an SMSA with a 20 percent minority labor force would have a minority goal of 20 percent for each craft and trade employed by the contractor in the SMSA, and would be required to take every good faith step to ensure that 20 percent of its work hours were performed by minority workers.

One hundred fifty-four written comments were received by the Department of Labor during the comment period. The comments were directed both to the proposed notice regarding minority goals and to the proposed clarification of 41 CFR Part 60-4, published for comment on the same date (44 FR 52283). Each of the comments has been thoroughly reviewed and considered including comments which were received after the closing date. In addition, we have analyzed and given careful consideration to comments received by the Equal Employment Opportunity Commission (EEOC) pursuant to its October 5, 1979 (44 FR 57491), request for public comment on whether the proposed minority goals should be aggregated or disaggregated by individual minority subgroup. The comments received after the closing date and by EEOC are in addition to the 154 comments mentioned above.

Summary of Comments

1. A number of the contractor associations objected to the Economic Area (EA) and Standard Metropolitan Statistical Area (SMSA) as the basic geographical units on which goals are to be established. The associations expressed the view that their contractor members' respective EAs bore neither geographical nor economic relationships to SMSAs. Further, a significant number of associations contended that the commuting patterns in their members' localities were inverse to the models determined by the Bureau of the Census, i.e., the associations asserted that workers travel from EAs to SMSAs for employment opportunities, not from SMSAs (cities) to EAs (rural areas); and that minorities resist traveling to work sites in the large geographical units covered by the EAs from urban centers where they reside. As such, they argued that minority availability will not be sufficient to meet the proposed goals.

2. A number of comments objected to the use of 1970 Census data to determine goal levels. Contractors and contractor associations stressed the need for data that are localized and based on requisite skills of workers. State, Federal and local government officials ("Government") and minority advocate groups contended that 1970 Census data are outmoded. Although these latter groups supported the suggestion that current, local data be utilized, or that 1980 data, when available, be used to set minority goals, they cited different reasons for their conclusions. Some comments also asserted that the 1970 Census data undercounted minorities, and that the resultant goals should, therefore, be higher than those proposed by OFCCP.

3. Government officials and advocacy groups also expressed concern for what they perceived to be a lessening of employment opportunities for minorities in the construction industry. These comments identified specific major cities where the proposed goals would be lower than existing Hometown Plan goals or locally legislated goals or the OFCCP's interim minority goals published at 43 FR 14888. Some comments suggested, and in some instances advocated, adoption of a three-goal concept (central city goal, SMSA goal, and EA goal). Other comments suggested that some form of "targeting" of critical areas would be preferable in order to maintain or increase minority gains in urban areas.

4. Other comments, primarily from contractors, objected to the use of the 64 single goals for all crafts" concept. They contended that a single goal is unrealistic and ignores variations in skill levels and the actual availability of skilled workers.

As indicated above, on October 5, 1979, the Equal Employment Opportunity Commission (EEOC) also published a proposal requesting comments on whether OFCCP's minority goals should be disaggregated. That is, whether there should be separate goals for each minority group. Also, as indicated above, the Department of Labor has analyzed those comments as well.

The comments received by EEOC supporting aggregation may be summarized as follows:

1. Because the construction industry's workforce is not stable due to the fact that "most of the workers are employed for a short duration, and only in specialized skills," separate goals would increase the administrative burdens involved in monitoring and reporting minority hiring and would raise construction costs. Some comments suggested that the paperwork involved would have its greatest impact on small contractors to whom it may be prohibitively expensive.

2. Where total or individual minority group populations are very small, it would be difficult to meet percentage goals. Furthermore, where the total onsite construction workforce is small, goals of less than one percent would be impossible to comply with; nevertheless, contractors would be cited for underutilization. In such instances, goals of less than one percent should be set for all minorities or for particular minorities.

3. Individual minority group goals would require contractors to overlook qualified members of one minority group to hire members from another minority group in order to meet specific goals. One comment described a hypothetical newspaper advertisement seeking members for specific jobs: "Note, blacks need not apply, we have met our goals." Another comment noted "Substantial expense, wasted effort, and loss in productivity results from having to pass over presently available minorities possessing requisite skills simply to satisfy the goal for another minority group."

4. Contractors would have to incur the additional expense of recruiting and training members of specific minority groups in order to meet individual minority group goals.

5. Separate minority group goals would lead to divisiveness among the various minority groups. i.e., to the extent that a particular group believed its goal to be too low, any increases would be perceived as coming at the expense of another group in order that the overall minority goal remain equal to the minority percentage of the experienced civilian labor force. In this regard, some comments stated that only some minority groups would gain leaving others at a significant disadvantage.

The comments received by EEOC opposing aggregation may be summarized as follows;

1. Reporting minority hiring on an aggregate basis can give the appearance of full minority utilization when in fact some minority groups are being totally excluded or seriously underutilized. As a result, a particular minority group might have a disproportionately greater share of job opportunities relative to other minority groups, and the problems of smaller minority groups might be masked by a full utilization figure. In contrast, disaggregation would yield a more accurate data base for the identification of underutilization.

2. Contractors could freely engage in discriminatory practices targeted against particular minority groups and thereby favor or exclude members of a particular minority group and still meet the single minority goal. Disaggregation of goals would effectively reduce contractor opportunities to exercise discriminatory preferences.

In the discussion section below, we will take up the issues raised in these comments.

Discussion

1. Some contractor associations objected to the use of SMSAs and EAs as the basic geographical units for establishing goals. As indicated above, the Executive Order mandates that the Department of Labor promulgate regulations to implement the affirmative action requirement of the Order. Numerical employment goals have proven to be an effective method of achieving equal employment opportunity. Previous affirmative action requirements adopted by OFCCP for

the purpose of placing employment goals on construction contractors left most construction work uncovered because the plans did not lend themselves to widespread use (see discussion of this point above). Moreover, the public hearings and other procedures utilized for the purpose of giving the public an opportunity to provide input did not always produce reliable data on which goals could be based. Consequently, additional research was required to produce the data on which such goals could be based.

The Department, in attempting to improve equal employment opportunity in the construction industry through employment goals, has used a number of different geographical units as the base on which the goals were established. These units have included cities, combinations of cities and counties, SMSAs and an entire state. In addition, and as stated in the Federal Register notice when the goals were proposed (44 FR 52348-52349):

The Department also examined the possibility of using other geographical divisions as goal setting areas. Principally, the Department examined the Federal Wage Survey Areas as a possible geographical base for setting goals. These are contiguous areas which cover the entire country and are based upon the commuting patterns of Federal employees. However, construction trades are not part of the survey and the areas reflect the commuting patterns of Federal employees who usually work at fixed locations.

However, when all objectives are considered (e.g., consistent, uniform and equal treatment of contractors which constantly compete against each other for contracts, uniform and broad protection of employees and applicants for employment, a uniform and reliable data base, and standards and methodologies which can be administered on a coherent basis), the SMSAs and EAs are the geographical units which possess the most positive characteristics and the smallest number of negative characteristics. SMSAs, for example, have been conceptually developed and defined by the Office of Management and Budget. These statistical areas (or geographical units) represent a reasoned judgment as to how metropolitan areas may be defined statistically in a uniform manner using data items that are: (1) widely recognized as indicative of metropolitan character (population, urban character, non-agricultural employment, population density, commuting ties); and (2) available from a body of Federal statistics which has been uniformly and simultaneously collected in all parts of the country, and processed and tabulated according to consistent standards. Thus, if a project is located within an SMSA, it can be concluded that a reasonable commuting area exists within that SMSA, and that goals based on SMSA statistics are accurate. Furthermore, the majority of the United States' population lives in the counties contained in the SMSAs. (For a more complete discussion of the underlying concepts and derivations of SMSAs, see "Standard Metropolitan Statistical Areas." Office of Management and Budget, 1975.)

The "Economic Areas" concept was developed and defined by the Bureau of Economic Analysis in the U.S. Department of Commerce. Economic Areas are viewed as centers of commerce and generally cover areas which include the places of work and residence for most workers. There are 183 such areas, defined along county lines, covering the entire country. Counties were assigned to these economic areas in accordance with commuting patterns based primarily on data gathered by the Bureau of the Census. (For a full explanation of the derivation of EAs, see "The BEA Economic Areas: Structural Changes and Growth 1950- 73," *Survey of Current Business*. November 11, 1975.)

Those comments which contend that the proposed minority employment goals for SMSAs and EAs are too high because construction workers tend to travel from EAs and SMSAs to central cities and that minority workers will not travel to rural and suburban areas are not persuasive. Numerous studies have demonstrated that minorities tend to be concentrated in the central cities. Like other workers, minorities will travel to the areas where the jobs are generated and, according to data obtained from the Bureau of the Census, the construction jobs will be, for the

most part, in the SMSAs and the suburban communities. That data, which reported the dollar value of building construction permits let by political jurisdictions across the country reveal that over 72 percent of the total dollar amount was for projects located outside of the central or core city. Based on the assumption that the greater the dollar value of the construction, the greater the number of jobs to be created, it is reasonable to assume that, with few exceptions, the number of jobs for minorities will be greater in these fringe areas, and the proposed goals should reflect this. In addition, it is a well known fact that construction workers follow the work, even if it means traveling long distances. There is no evidence that this traveling factor is different for minorities than it is for nonminorities. Indeed, there have been instances where minorities have moved to locations in order that they avail themselves of construction employment opportunities.

2. Contractors contended that the minority goals should be by individual trade/craft rather than a single goal for all crafts because to do otherwise ignores the unavailability of minority construction workers, both skilled and unskilled, and makes it virtually impossible for contractors to meet the goal. After giving consideration to the use of individual craft/trade goals, the Department concluded that the "single goal for all crafts" concept reflects the relevant pool from which minority workers can be drawn, and offers a greater opportunity for minorities to work in all construction trades at this time.

Further, the Department of Labor has reviewed the data available on which individual trade/craft goals might be based and finds that they are seriously limited. The 1970 Census has some data on minority participation in the individual trades; however, it reflects pre-1970 employment practices of the construction industry which excluded minorities from working in many trades regardless of their skill. Individual craft data at the county level are unreliable because of the small population samples and the even smaller number of minorities employed in the trades. Such data, therefore, cannot provide an accurate basis for setting appropriate individual craft/trade goal levels.

Bearing in mind that the intent of the goals is an initial measure of the contractors' good faith efforts to increase the employment opportunities for minorities and women. and that many trades have minimal entry education and skill requirements, the single goal approach is appropriate and reasonable. Moreover, the single goal concept is predicated upon the proposition that had it not been for the long-standing exclusion of minorities from the skilled construction crafts, minorities would be represented in these crafts at least to the extent of their representation in the total labor force in a given geographical area. (See, *United Steelworkers of America v. Weber*, 443 U.S. 193.)

3. The Department is sensitive to those comments which state that 1970 Census data are outmoded. The Census data, of course, are collected decennially. Nevertheless, the advantages of the Census data far outweigh the advantages of data which may have been collected more recently. The latest nationwide labor force data, for example, are contained in the 1970 Census of Population. At the request of the Department of Labor, the Bureau of Census has made a tabulation of the 1970 Census data which provides counts of minority and other persons in the experienced civilian labor force. Moreover, the method adopted here for establishing goals lends itself to easy amendment, and it is expected that the goals will be adjusted when the 1980 Census data have been tabulated.

4. Some groups objected that the SMSA and EA goals in some instances were lower than presently existing goals in Hometown Plans or goals retained from the old Imposed Plans. Protection of employees and applicants for employment will not be lessened by the new goals established in the attached Appendix. First, they are affirmative action goals, and contractors are

required to use every good faith effort to meet them. They do not preclude OFCCP from requiring either higher goals or stronger corrective action of individual contractors in specific cases to remedy the effects of past discriminatory practices. Needless to say, Administrative Law judges and courts would not be bound to follow these affirmative action goals when additional relief is necessary to correct discriminatory practices. Second, the Hometown Plan goals are not affected by the goals adopted today. Signatories to current Hometown Plans will continue to follow the Hometown Plan goals (see 41 CFR 60-4.5). Third, Imposed Plans primarily covered and were confined to major metropolitan areas where minority concentrations tend to be high. The percentage goals for minorities in the plans accordingly tended to be high. However, by expanding the geographical area (i.e., from city to SMSA or to EA), the total number of minorities protected by the goals adopted today increases, although there may be some decrease in the percentage level of the goals. Fourth, all nonexempt construction will be subject to the relevant minority numerical goal whereas such requirements now are limited to a relatively small number of major metropolitan areas.

5. The goals published today for minority utilization are based upon both male and female minority representation in the labor force. In addition, a single goal or aggregated goal for all minority groups is adopted. Many useful comments were submitted in response to EEOC's request for public comments on whether an aggregated minority goal or whether disaggregated minority goals should be adopted by OFCCP for construction contractors. The Department and EEOC also have had productive discussions on this issue.

As a consequence, the Department of Labor and EEOC have agreed that disaggregated minority goals - for each race and national origin group, by sex - will be instituted as soon as detailed tabulated 1980 Census data are available. The 1980 Census data are expected to include precise data on a widespread basis for various minority subgroups.

EEOC and the Department of Labor will propose appropriate minority subgroup participation rates below which aggregation will occur in order to ensure meaningful minority subgroup goals for individual contractor workforces.

Minority Goals for New York City

Minority hiring goals as proposed on September 7, 1979, for the five counties comprising the City of New York will not be adopted at this time. The proposed goals will be held in abeyance pending resolution of whether or not the proposed goals conform to the terms of a court order entered in *Percy v. Brennan*, 384 F. Supp. 800 (1975). Until such time as that issue has been resolved, the goals in existence for those counties now will remain effective, and those by trade goals have been published in the Appendix.

Conclusions

Based on all those considerations, the Department of Labor hereby adopts the SMSA as the basic geographical unit for establishing goals and the Economic Area as the geographical unit for those areas located outside of the SMSA's. The goal established for minority utilization for each of these geographical units is the minority civilian labor force percentage for each such-geographical unit.

The latest available nationwide labor force data are contained in the 1970 Census of Population. To prepare the proposed goals, the Bureau of Census has prepared for OFCCP a tabulation of the 1970 Census data that provides counts of minority and other persons in the experienced civilian labor force.

A single minority goal is established for each SMSA and EA without a timetable. Timetables for the achievement of minority goals are not provided because it is assumed that after 10 years of Executive Order and other equal employment opportunity efforts to increase the minority participation in the labor force. These levels should be at least at the 1970 minority force figures. The minority utilization goals adopted today were calculated using the 1970 Census tabulation mentioned above, and are set at the 1970 minority representation in the experienced civilian labor force.

Separate goals are established for each of the SMSA's and for each of the EA's. When a covered construction contract or subcontract is for a project located in an SMSA, the goals for that SMSA apply. When a covered construction contract or subcontract is for a project located in an area outside of an SMSA, the EA goals for that area apply.

The minority (male and female) goals apply to Federal and federally assisted construction contractors and subcontractors which have covered contracts. The goals are expressed as a percentage of the total hours worked by such a covered contractor's or subcontractor's entire onsite construction workforce which is working on any construction site within a relevant area. The goal applies to each construction craft and trade in the contractor's entire workforce in the relevant area including those employees working on private nonfederally involved projects.

The applicable goals for the contractor or subcontractors are the goals for the geographical area where the contract is being performed, and all the work of a Federal or federally assisted construction contractor or subcontractor is covered regardless of whether the work is being performed on a covered contract. Therefore, a contractor with a covered contract in SMSA X would apply the goals for SMSA X for that contract. The same contractor, however, would apply the SMSA Y goals to all its construction work in SMSA Y even though that contractor's contracts in SMSA Y were neither Federal nor federally assisted.

Finally, this notice and Appendix B-80 do not affect contractors which are participating under Hometown Plans approved by OFCCP with respect to contracts being performed in the geographical area covered by the Hometown Plan.

Each contracting agency, each applicant, and each contractor is required to include the appropriate goal set forth below in all invitations for bids or other solicitations for Federal or federally assisted construction contracts or subcontracts in excess of \$10,000.

Accordingly, Appendix B of the Notice issued on April 7, 1978, (43 FR 14899) and corrected on May 5, 1978, (43 FR 19473) and Appendix B-1 of the notice issued on March 20, 1979, (44 FR 27126) which established goals for minority utilization in the construction industry are hereby superseded.

A new Appendix B-80 is hereby issued as set forth below which shall become effective on November 3, 1980.

Dated: September 30, 1980.

Ray Marshall,
Secretary of Labor.

John N. Gentry,
Under Secretary.

Donald E. Elisburg,
Assistant Secretary, Employment Standards Administration.

Weldon Rougeau,
Director, Office of Federal Contract Compliance Programs.

Appendix B-80

Until further notice, the following goals for minority utilization in each construction craft and trade shall be included in all Federal or federally assisted construction contracts and subcontracts in excess of \$10,000 to be performed in the respective geographical areas. The goals are applicable to each nonexempt contractor's total onsite construction workforce, regardless of whether or not part of that workforce is performing work on a Federal, Federally assisted or nonfederally related project contract or subcontract.

Construction contractors which are participating in an approved Hometown Plan (see 41 CFR 60-4.5) are required to comply with the goals of the Hometown Plan with regard to construction work they perform in the area covered by the Hometown Plan. With regard to all their other covered construction work, such contractors are required to comply with the applicable SMSA or EA goal contained in this appendix B-80.

(The minority participation goals by economic area are listed on the following pages)

ECONOMIC AREAS

| STATE | GOAL (percent) |
|-------|----------------|
|-------|----------------|

Maine:

| | |
|--|-----|
| 001 Bangor, ME: | |
| Non-SMSA Counties _____ | 0.8 |
| ME Aroostook; ME Hancock; ME Penobscot; ME Piscataquis; ME Waldo; ME Washington. | |
| 002 Portland-Lewiston, ME: | |
| SMSA Counties: | |
| 4243 Lewiston-Auburn, ME _____ | 0.5 |
| ME Androscoggin. | |
| 6403 Portland, ME _____ | 0.6 |
| ME Cumberland; ME Sagadahoc. | |
| Non-SMSA Counties _____ | 0.5 |
| ME Franklin; ME. Kennebec; ME Knox. ME; Lincoln; ME Oxford; ME Somerset; ME York. | |

Vermont:

| | |
|---|-----|
| 003 Burlington, VT: | |
| Non-SMSA Counties _____ | 0.8 |
| NH Coos; NH Grafton; NH Sullivan; VT Addison; VT Caledonia; VT Chittenden; VT Essex; VT Franklin; VT Grand Isle; VT Lamoille; VT Orange; VT Orleans; VT Rutland; VT Washington; VT Windsor. | |

Massachusetts:

| | |
|--|-----|
| 004 Boston, MA: | |
| SMSA Counties: | |
| 1123 Boston - Lowell - Brockton - Lawrence - Haverhill. MA-NH _____ | 4.0 |
| MA Essex; MA Middlesex; MA Norfolk; MA Plymouth; MA Suffolk; NH Rockingham. | |
| 4763 Manchester-Nashua, NH _____ | 0.7 |
| NH Hillsborough. | |
| 5403 Fall River-New Bedford, MA _____ | 1.6 |
| MA Bristol | |
| 9243 Worcester - Fitchburg – Leominster, MA _____ | 1.6 |
| MA Worcester. | |
| Non-SMSA Counties _____ | 3.6 |
| MA Barnstable; MA Dukes-, MA Nantucket, NH Belknap; NH Carroll; NH Merrimack; NH Strafford. | |

Rhode Island:

| | |
|---|-----|
| 005 Providence - Warwick - Pawtucket, RI: | |
| SMSA Counties: | |
| 6483 Providence - Warwick - Pawtucket RI _____ | 3.0 |
| RI Bristol; RI Kent; RI Providence; RI Washington | |
| Non-SMSA Counties _____ | 3.1 |
| RI Newport. | |

Connecticut (Massachusetts):

| | |
|--|-----|
| 006 Hartford - New Haven - Springfield, CT-MA: | |
| SMSA Counties: | |
| 3283 Hartford - New Britain – Bristol, CT | 6.9 |
| CT Hartford; CT Middlesex; CT Tolland | |
| 5483 New Haven - Waterbury – Meriden, CT | 9.0 |
| CT New Haven. | |
| 5523 New London - Norwich, CT | 4.5 |
| CT New London. | |
| 6323 Pittsfield, MA | 1.6 |
| MA Berkshire. | |
| 8003 Springfield - Chicopee - Holyoke. MA-CT | 4.8 |
| MA Hampden; MA Hampshire. | |
| Non-SMSA Counties | 5.9 |
| CT Litchfield; CT Windham; MA Franklin; NH Cheshire; VT Windham. | |

New York:

| | |
|--|-----|
| 007 Albany - Schenectady - Troy, NY: | |
| SMSA Counties: | |
| 0160 Albany - Schenectady – Troy, NY | 3.2 |
| NY Albany; NY Montgommy, NY Rensselaer, NY Saratoga; NY Schenectady. | |
| Non-SMSA Counties | 2.6 |
| NY Clinton; NY Columbia; NY Essex; NY Fulton; NY Greene; NY Hamilton, NY Schoharie NY Warren; NY Washington; VT Bennington. | |
| 008 Syracuse - Utica, NY: | |
| SMSA Counties: | |
| 8160 Syracuse | 3.8 |
| NY Madison; NY Onondaga; NY Oswego. | |
| 8680 Utica -Rome, NY | 2.1 |
| NY Herkimer; NY Oneida. | |
| Non-SMSA Counties | 2.5 |
| NY Cayuga; NY Cortland; NY Franklin; NY Jefferson; NY Lewis; NY St. Lawrence. | |
| 009 Rochester, NY: | |
| SMSA Counties: | |
| 6840 Rochester, NY | 5.3 |
| NY Livingston; NY Monroe; NY Ontario; NY Orleans; NY Wayne. | |
| Non-SMSA Counties | 5.9 |
| NY Genesee; NY Seneca; NY Yates. | |
| 010 Buffalo, NY: | |
| SMSA Counties: | |
| 1280 Buffalo, NY | 7.7 |
| NY Erie; NY Niagara. | |
| Non-SMSA Counties | 6.3 |
| NY Allegany; NY Cattaraugus; NY Chautauqua; NY Wyoming. PA McKean; PA Potter. | |
| 011 Binghamton - Elmira, NY: | |
| SMSA Counties | |
| 0960 Binghamton, NY - PA | 1.1 |
| NY Broome; NY Tioga; PA Susquehanna. | |
| 2335 Elmira, NY | 2.2 |
| NY Chemung | |
| Non-SMSA Counties | 1.2 |
| NY Chenango; NY Delaware; NY Otsego; NY Schuyler; NY Steuben; NY Tompkins; PA Bradford; PA Tioga. | |
| 012 New York, NY: | |
| SMSA Counties: | |

| | |
|---|------|
| 1163 Bridgeport - Stamford - Norwalk - Danbury, CT _____ CT Fairfield. | 10.2 |
| 3640 Jersey City, NJ _____ NJ Hudson. | 12.8 |
| 4410 Long Branch - Asbury Park, NJ _____ NJ Monmouth | 9.5 |
| 5380 Nassau – Suffolk, NY _____ NY Nassau; NY Suffolk. | 5.8 |
| 5460 New Brunswick - Perth Amboy - Sayreville, NJ. NJ Middlesex _____ | 5.8 |
| 5600 New York NY, NJ . NJ Bergen; NY Putnam; NY Rockland; NY Westchester _____ | 22.6 |

The following goal ranges are applicable to the indicated trades in the counties of Bronx, Kings, New York, Queens, and Richmond.

| | |
|---------------------------|--------------|
| Electricians | 9.0 to 10.2 |
| Carpenters | 27.6 to 32.0 |
| Steam fitters | 12.2 to 13.5 |
| Metal lathers | 24.6 to 25.6 |
| Painters | 28.6 to 26.0 |
| Operating Engineers | 25.6 to 26.0 |
| Plumbers | 12.0 to 14.5 |
| Iron workers (struct) | 25.9 to 32.0 |
| Elevator constructors | 5.5 to 6.5 |
| Bricklayers | 13.4 to 15.5 |
| Asbestos workers | 22.8 to 28.0 |
| Roofers | 6.3 to 7.5 |
| Iron workers (ornamental) | 22.4 to 23.0 |
| Cement masons | 23.0 to 27.0 |
| Glaziers | 16.0 to 20.0 |
| Plasterers | 15.8 to 18.0 |
| Teamsters | 22.0 to 22.5 |
| Boilermakers | 13.0 to 15.5 |
| All others | 16.4 to 17.5 |

| | |
|---|------|
| 5640 Newark, NJ _____ NJ Essex; NJ Morris; NJ Somerset; NJ Union. | 17.3 |
| 6040 Paterson - Clifton - Passaic., NJ _____ NJ Passaic. | 12.9 |
| 6460 Poughkeepsie, NY _____ NY Dutchese | 6.4 |
| Non-SMSA Counties _____ NJ Hunterdon; NJ Ocean; NJ Sussex; NY Orange; NY Sullivan; NY Ulster; PA Pike. | 17.0 |

Pennsylvania:

| | |
|--|-----|
| 013 Scranton - Wilkes-Barre, PA: SMSA Counties | |
| 5745 Northeast Pennsylvania _____ PA Lackawanna; PA Luzerne; PA Monroe. | 0.6 |
| Non-SMSA Counties 0.5 PA Columbia; PA Wayne; PA Wyoming. | |
| 014 Williamsport, PA: SMSA Counties | |
| 9140 Williamsport, PA _____ | 1.0 |

| | |
|---|------|
| PA Lycoming. | |
| Non-SMSA Counties | 0.7 |
| PA Cameron; PA Centre; PA Clearfield; PA Clinton; PA Elk; PA Jefferson; PA Montour; PA Northumberland; PA Snyder; PA Sullivan; PA Union. | |
| 015 Erie, PA: | |
| SMSA Counties: | |
| 2360 Erie, PA | 2.8 |
| PA Erie. | |
| Non-SMSA Counties | 1.8 |
| PA Clarion; PA Crawford; PA Forest; PA Venango; PA Warren. | |
| 016 Pittsburgh, PA: | |
| SMSA Counties | |
| 0280 Altoona, PA | 1.0 |
| PA Blair. | |
| 3680 Johnson, PA | 1.3 |
| PA Cambria; PA Somerset. | |
| 6280 Pittsburgh, PA | 6.3 |
| PA Allegheny; PA Beaver; PA Washington; PA Westmoreland. | |
| Non-SMSA Counties | 4.8 |
| MD Allegany; MD Garrett; PA Armstrong; PA Bedford; PA Butler; PA Fayette; PA Greene; PA Indiana; WV Mineral. | |
| 017 Harrisburg - York - Lancaster, PA: | |
| SMSA Counties | |
| 3240 Harrisburg PA | 6.2 |
| PA Cumberland; PA Dauphin; PA Perry. | |
| 4000 Lancaster, PA | 2.0 |
| PA Lancaster. | |
| 9280 York, PA | 2.2 |
| PA Adams; PA York. | |
| Non-SMSA-Counties | 3.1 |
| PA Franklin; PA Fulton; PA Huntingdon; PA Juniata; PA Lebanon; PA Mifflin. | |
| 018 Philadelphia, PA: | |
| SMSA Counties | |
| 0240 Allentown - Bethlehem - Easton, PA-NJ | 1.6 |
| NJ Warren; PA Carbon; PA Lehigh; PA Northampton. | |
| 0560 Atlantic City, NJ | 18.2 |
| NJ Atlantic | |
| 6160 Philadelphia, PA-NJ | 17.3 |
| NJ Burlington; NJ Camden; NJ Gloucester; PA Bucks; PA Chester; PA Delaware; PA Montgomery; PA Philadelphia. | |
| 8680 Reading, PA | 2.5 |
| PA Berks. | |
| 8480 Trenton, NJ | 16.4 |
| NJ Mercer. | |
| 8760 Vineland - Millville - Bridgeton, NJ | 16.0 |
| NJ Cumberland. | |
| 9160 Wilmington, DE-NJ-MD | 12.3 |
| DE Now Castle; MD Cecil; NJ Salem. | |
| Non-SMSA Counties | 14.5 |
| DE Kent; DE Sussex; NJ Cape May; PA Schuylkill. | |

Maryland:

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| 019 Baltimore, MD | |
| SMSA Counties: | |
| 0720 Baltimore MD | 23.0 |
| MD Anne Arundel; MD Baltimore; MD Carroll; MD Harford; MD Howard; MD Baltimore City. | |

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| Non-SMSA Counties | 23.6 |
| MD Caroline; MD Dorchester; MD Kent; MD Queen Annes; MD Somerset; MD Talbot; MD Wicomico; MD Worcester; VA Accomack; VA Northampton | |

Washington DC:

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|---|------|
| 020 Washington DC: | |
| SMSA Counties | |
| 8840 Washington, DC-MD-VA | 28.0 |
| DC District of Columbia; MD Charles; Montgomery; MD Prince Georges; VA Arlington; VA Fairfax; VA Loudoun; VA Prince William; VA Alexandria; VA Fairfax City; VA Falls Church. | |
| Non-SMSA Counties | 25.2 |
| MD Calvert; MD Frederick; MD St. Marys; MD Washington; VA Clarke; VA Culpepper; VA Fauquier; VA Frederick; VA King George; VA Page; VA Rappahannock; VA Shenandoah; VA Spottsylvania; VA Stafford; VA Warren; VA Westmoreland; VA Fredericksburg; VA Winchester; WV Berkeley; WV Grant; WV Hampshire;. WV Hardy; WV Jefferson; WV Morgan. | |

Virginia:

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| 021 Roanoke-Lynchburg VA: | |
| SMSA Counties: | |
| 4640 Lynchburg, VA | 19.3 |
| VA Amherst; VA Appomattox; VA Campbell; VA Lynchburg. | |
| 6800 Roanoke, VA | 10.2 |
| VA Botetourt; VA Craig; VA Roanoke VA; VA Roanoke City; VA Salem. | |
| Non-SMSA Counties | 12.0 |
| VA Alleghany, VA Augusta; VA Bath; VA Bedford; VA Bland; VA Carroll; VA Floyd; VA Franklin; VA Giles; VA Grayson; VA Henry; VA Highland; VA Montgomery; VA Nelson; VA Patrick; VA Pittsylvania; VA Pulaski; VA Rockbridge; VA Rockingham; VA Wythe; VA Bedford City; VA Buena Vista; VA Clifton Forge; VA Covington; VA Danville; VA Galex; VA Harrisonburg; VA Lexington; VA Martinsville; VA Radford; VA Staunton; VA Waynesboro; WV Pendleton. | |
| 022 Richmond, VA: | |
| SMSA Counties: | |
| 6140 Petersburg - Colonial Heights – Hopewell, VA | 30.6 |
| VA Dinwiddie; VA Prince George; VA Colonial Heights; VA Hopewell; VA Petersburg. | |
| 6760 Richmond, VA | 24.9 |
| VA Charles City; VA Chesterfield; VA Goochland; VA Hanover; VA Henrico; VA New Kent; VA Powhatan; VA Richmond. | |
| Non-SMSA Counties | 27.9 |
| VA Albemarle; VA Amelia; VA Brunswick; VA Buckingham; VA Caroline; VA Charlotte; VA Cumberland; VA Essex; VA Fluvanna; VA Greene; VA Greensville; VA Halifax; VA King And Queen; VA King William; VA Lancaster; VA Louisa; VA Lunenburg; VA Madison; VA Mecklenburg; VA Northumberland; VA Nottoway; VA Orange; VA Prince Edward; VA Richmond; VA Sussex; VA Charlottesville; VA Emporia; VA South Boston. | |
| 023 Norfolk - Virginia Beach - Newport News, VA: | |
| SMSA Counties: | |
| 5680 Newport News-Hampton, VA.... | 27.1 |
| VA Gloucester, VA James City; VA York; VA Hampton; VA Newport News; VA Williamsburg. | |
| 5720 Norfolk - Virginia Beach – Portsmouth VA – NC | 26.6 |
| NC Currituck; VA Chesapeake; VA Norfolk; VA Portsmouth; VA Suffolk; VA Virginia Beach. | |

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| Non-SMSA Counties | 29.7 |
| NC Bertie; NC Camden; NC Chowan; NC Gates; NC Hertford; NC Pasquotank; NC Perquimans; VA Isle of Wight; VA Matthews; VA Middlesex; VA Southampton; VA Surry; VA Franklin. | |

North Carolina:

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| 024 Rocky Mount - Wilson - Greenville NC: | |
| Non-SMSA Counties | 31.7 |
| NC Beaufort; NC Carteret; NC Craven; NC Dare; NC Edgecombe; NC Greene; NC Halifax; NC Hyde; NC Jones; NC Lenoir; NC Martin; NC Nash; NC Northampton; NC Pamlico; NC Pitt; NC Tyrrell; NC Washington; NC Wayne; NC Wilson | |
| 025 Wilmington, NC: | |
| SMSA Counties: | |
| 9200 Wilmington, NC | 20.7 |
| NC Brunswick; NC New Hanover. | |
| Non-SMSA counties | 23.5 |
| NC Columbus; NC Duplin; NC Onslow; NC Pender. | |
| 026 Fayetteville, NC: | |
| SMSA Counties: | |
| 2560 Fayetteville, NC | 26.2 |
| NC Cumberland. | |
| Non-SMSA Counties | 33.5 |
| NC Bladen; NC Hoke; NC Richmond; NC Robeson; NC Sampson; NC Scotland. | |
| 027 Raleigh - Durham, NC. | |
| SMSA Counties: | |
| 6640 Raleigh – Durham | 22.8 |
| NC Durham; NC Orange; NC Wake. | |
| Non-SMSA Counties | 24.7 |
| NC Chatham; NC Franklin; NC Granville; NC Harnett; NC Johnston; NC Lee; NC Person; NC Vance; NC Warren. | |
| 028 Greensboro - Winston Salem - High Point, NC: | |
| SMSA Counties: | |
| 1300 Burlington, NC | 16.2 |
| NC Alamance. | |
| 3120 Greensboro - Winston Salem – High Point NC | 16.4 |
| NC Davidson; NC Forsyth; NC Guilford; NC Randolph; NC Stokes; NC Yadkin. | |
| Non-SMSA Counties | 15.5 |
| NC Alleghany; NC Ashe; NC Caswell; NC Davie; NC Montgomery; NC Moore; NC Rockingham; NC Surry; NC Watauga; NC Wilkes. | |
| 029 Charlotte, NC: | |
| SMSA Counties: | |
| 1520 Charlotte – Gastonia, NC | 18.5 |
| NC Gaston; NC Mecklenburg; NC Union. | |
| Non-SMSA Counties | 15.7 |
| NC Alexander; NC Anson; NC Burke; NC Cabarrus; NC Caldwell; NC Catawba; NC Cleveland; NC Iredell; NC Lincoln; NC Rowan; NC Rutherford; NC Stanley; SC Chester; SC Lancaster SC York. | |
| 030 Asheville, NC | |
| Non-SMSA Counties: | |
| 0480 Asheville, NC | 8.5 |
| NC Buncombe; NC Madison. | |
| Non-SMSA Counties | 6.3 |
| NC Avery; NC Cherokee; NC Clay; NC Graham; NC Heywood; NC Henderson; NC Jackson; NC McDowell; NC Macon; NC Mitchell; NC Swain; NC Transylvania; NC Yancey. | |

South Carolina:

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| 031 Greenville – Spartanburg, SC: | |
| SMSA Counties: | |
| 3160 Greenville –Spartanburg, SC | 16.0 |
| SC Greenville; SC Pickens; SC Spartanburg. | |
| Non-SMSA Counties | 17.8 |
| SC Polk; SC Abbeville; SC Anderson; SC Cherokee; SC Greenwood; SC Laurens; SC Oconee; SC Union. | |
| 032 Columbia, SC | |
| SMSA Counties: | |
| 1760 Columbia, SC | 23.4 |
| SC Lexington; SC Richland. | |
| Non-SMSA Counties | 32.0 |
| SC Calhoun SC Clarendon; SC Fairfield; SC Kershaw; SC Lee; SC Newberry; SC Orangeburg; SC Saluda; SC Sumter | |
| 033 Florence, SC | |
| Non-SMSA Counties | 33.0 |
| SC Chesterfield; SC Darlington; SC Dillon; SC Florence; SC Georgetown; SC Horry; SC Marion; SC Marlboro; SC Williamsburg. | |
| 034 Charleston - North Charleston, SC | |
| SMSA Counties | |
| 1440 Charleston - North Charleston, SC | 30.0 |
| SC Berkeley; SC Charleston; SC Dorchester. | |
| Non-SMSA Counties | 30.7 |
| SC Collection | |

Georgia:

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| 035 Augusta, GA: | |
| SMSA Counties: | |
| 0600 Augusta, GA – SC | 27.2 |
| GA Columbia; GA Richmond; SC Aiken | |
| Non-SMSA Counties | 32.8 |
| GA Burke; GA Emanuel; GA Glascock; GA Jefferson; GA Jenkins; GA Lincoln; GA McDuffie; GA Taliaferro; GA Warren; GA Wilkes; SC Allendale, SC Bamberg; SC Barnwell; SC Edgefield; SC McCormick | |
| 036 Atlanta, GA | |
| SMSA Counties | |
| 0520 Atlanta | 21.2 |
| GA Butts; GA Cherokee; GA Clayton; GA Cobb; GA DeKalb; GA Douglas; GA Fayette; GA Forsyth; GA Fulton; GA Gwinnett; GA Henry, GA Newton; GA Paulding; GA Rockdale; GA Walton | |
| Non-SMSA Counties | 19.5 |
| GA Banks; GA Barrow; GA Bartow; GA Carroll; GA Clarke; GA Coweta; GA Dawson; GA Elbert; GA Fannin; GA Floyd; GA Franklin; GA Gilmer; GA Gordon; GA Greene; GA Habersham; GA Hall; GA Haralson; GA Hart; GA Heard; GA Jackson; GA Jasper; GA Lamar, GA Lumpkin; GA Madison, GA Morgan; GA Oconee, GA Oglethorpe; GA Pickens; GA Pike; GA Polk; GA Rabun, GA Spalding; GA Stephens; GA Towns; GA Union; GA Upson; GA White. | |
| 037 Columbus, GA: | |
| SMSA Counties | |
| 1800 Columbus | 29.6 |
| AL Russell; GA Chattahoochee; GA Columbus. | |
| Non-SMSA Counties | 31.6 |
| AL Chambers; AL Lee; GA Harris; GA Marion; GA Meriwether; GA Quitman; GA Schley; GA Stewart; GA Sumter; GA Talbot; GA Troup; GA Webster. | |

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| 038 Macon, GA: | |
| SMSA Counties | |
| 4660 Macon, GA | 27.5 |
| GA Bibb; GA Houston; GA Jones; GA Twiggs. | |
| Non-SMSA Counties | 31.7 |
| GA Baldwin; GA Bleckley; GA Crawford; GA Crisp; GA Dodge; GA Dooly; GA Hancock; | |
| GA Johnson; GA Laurens; GA Macon; GA Monroe; GA Peach; GA Pulaski; GA | |
| Putnam. GA Taylor; GA Telfair; GA Treutlen; GA Washington; GA Wheeler; GA Wilcox; | |
| GA Wilkinson. | |
| 039 Savannah, GA: | |
| SMSA Counties: | |
| 7520 Savannah, GA | 30.6 |
| GA Bryan; GA Chatham; GA Effingham | |
| Non-SMSA Counties | 29.8 |
| GA Appling; GA Atkinson; GA Bacon; GA Bullock; GA Candler; GA Coffee; | |
| GA Evans; GA Jeff Davis; GA Liberty; GA Long; GA McIntosh; GA Montgomery; | |
| GA Screven; GA Tattinall; GA Toombs; GA Wayne; SC Beaufort; SC Hampton; SC Jasper. | |
| 040 Albany, GA | |
| SMSA Counties | |
| 0120 Albany, GA | 32.1 |
| GA Dougherty; GA Lee. | |
| Non-SMSA Counties | 31.1 |
| GA Baker; GA Ben Hill; GA Berrien; GA Brooks; GA Calhoun; GA Clay; GA Clinch; GA | |
| Colquitt; GA Cook; GA Decatur; GA Early; GA Echols; GA Grady; GA Irwin; GA Lanier; | |
| GA Lowndes; GA Miller; GA Mitchell; GA Randolph; GA Seminole, GA Terrell; GA | |
| Thomas; GA Tift; GA Turner; GA Worth. | |

Florida:

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| 041 Jacksonville, FL: | |
| SMSA Counties | |
| 2900 Gainesville, FL | 20.6 |
| FL Alachua | |
| 3600 Jacksonville, FL | 21.8 |
| FL Baker; FL Clay; FL Duval; FL Nassau; FL St. Johns. | |
| Non-SMSA Counties | 22.2 |
| FL Bradford; FL Columbia; FL Dade; FL Gilchrist; FL Hamilton; FL LaFayette; | |
| FL Levy; FL Marion; FL Putnam; FL Suwannee; FL Union; GA Brantley; GA Camden; | |
| GA Charlton; GA Glynn; GA Pierce; GA Ware. | |
| 042 Orlando - Melbourne - Daytona Beach, FL: | |
| SMSA Counties: | |
| 2020 Daytona Beach, FL | 15.7 |
| FL Volusia. | |
| 4900 Melbourne – Tutusville – Cocoa, FL | 10.7 |
| FL Brevard. | |
| 5960 Orlando, FL | 15.5 |
| FL Orange; FL Osceola; FL Seminole. | |
| Non-SMSA Counties | 14.9 |
| FL Flagler; FL Lake; FL Sumter. | |
| 043 Miami - Fort Lauderdale, FL: | |
| SMSA Counties: | |
| 2680 Fort Lauderdale – Hollywood, FL | 15.5 |
| FL. Broward. | |
| 5000 Miami, FL | 39.5 |
| FL Dade. | |
| 8960 West Palm Beach - Boca Raton, FL | 22.4 |
| FL Palm Beach. | |

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| Non-SMSA Counties | 30.4 |
| FL Glades; FL Hendry; FL Indian River; FL Martin; FL Monroe; FL Okeechobee; FL St. Lucie. | |
| 044 Tampa - St Petersburg, FL | |
| SMSA Counties: | |
| 1140 Bradenton, FL | 15.9 |
| FL Manatee. | |
| 2700 Fort Myers, FL | 15.3 |
| FL Lee. | |
| 3980 Lakeland - Winter Haven, FL | 18.0 |
| FL Polk | |
| 7510 Sarasota, FL | 10.5 |
| FL Sarasota. | |
| 8280 Tampa - St. Petersburg, FL | 17.9 |
| FL Hillsborough, FL Pasco; FL Pinellas | |
| Non-SMSA Counties | 17.1 |
| FL Charlotte; FL Citrus; FL Collier, FL Desoto; FL Hardee; FL Hernando; FL Highlands. | |
| 045 Tallahassee, FL: | |
| SMSA Counties: | |
| 8240 Tallahassee, FL | 24.3 |
| FL Leon; FL Wakulla. | |
| Non-SMSA Counties: | 29.5 |
| FL Calhoun; FL Franklin; FL Gadsden; FL Jackson; FL Jefferson; FL Liberty; FL Madison; FL Taylor. | |
| 046 Pensacola - Panama City, FL | |
| SMSA Counties: | |
| 8615 Panama City, FL | 14.1 |
| FL Bay. | |
| 6080 Pensacola, FL | 18.3 |
| FL Escambia; FL Santa Rosa. | |
| Non-SMSA Counties | 15.4 |
| FL Gulf; FL Holmes; FL Okaloosa; FL Walton; FL Washington. | |

Alabama:

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| 047 Mobile, AL | |
| SMSA Counties: | |
| 5160 Mobile, AL | 26.9 |
| AL Baldwin; AL Mobile. | |
| 6026 Pascagoula - Moss, Point MS | 16.9 |
| MS Jackson. | |
| Non-SMSA Counties | 26.4 |
| AL Choctaw; AL Clarke; AL Conecuh; AL Escambia; AL Monroe; AL Washington; AL Wilcox; MS George; MS Greene. | |
| 048 Montgomery, AL: | |
| SMSA Counties | |
| 5240 Montgomery, AL | 29.9 |
| AL Autauga; AL Elmore; AL Montgomery. | |
| Non-SMSA Counties | 29.9 |
| AL Barbour; AL Bullock; AL Butler; AL Coffee; AL Coosa; AL Covington; AL Crenshaw; AL Dale; AL Dallas; AL Geneva; AL Henry; AL Houston; AL Lowndes; AL Macon; AL Perry; AL Pike; AL Tallapoosa. | |
| 049 Birmingham, AL: | |
| SMSA Counties: | |
| 0450 Anniston, AL | 14.3 |
| AL Calhoun. | |

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| 1000 Birmingham, AL | 24.9 |
| AL Jefferson; AL St. Clair; AL Shelby; AL Walker; AL Etowah | |
| 8600 Tuscaloosa, AL | 20.6 |
| AL Tuscaloosa. | |
| Non-SMSA Counties | 20.7 |
| AL Bibb; AL Blount; AL Cherokee; AL Chilton; AL Clay; AL Cleburne; AL Cullman; AL Fayette; AL Greene; AL Hale; AL Lamar; AL Marion; AL Pickens; AL Randolph; AL Sumter; AL Talladega; AL Winston. | |
| 050 Huntsville – Florence, AL: | |
| SMSA Counties: | |
| 2650 Florence, AL | 11.9 |
| AL Colbert; AL Lauderdale. | |
| 3440 Huntsville, AL | 12.0 |
| AL Limestone; AL Madison; AL Marshall. | |
| Non-SMSA Counties | 11.2 |
| AL Franklin; AL Lawrence AL Morgan; TN Lincoln. | |

Tennessee:

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| 051 Chattanooga, TN: | |
| SMSA Counties: | |
| 1560 Chattanooga, TN – GA | 12.5 |
| GA Catoosa; GA Dade; GA Walker; TN Hamilton; TN Marion; TN Sequatchie. | |
| Non-SMSA Counties | 8.6 |
| AL De Kalb; AL Jackson; GA Chattooga; GA Murray; GA Whitfield; TN Bledsoe; TN Bradley; TN Grundy; TN McMinn; TN Meigs; TN Monroe; TN Polk; TN Rhea. | |
| 052 Johnson City - Kingsport - Bristol, TN-VA: | |
| SMSA Counties: | |
| 3660 Johnson City - Kingsport - Bristol. TN – VA | 2.6 |
| TN Carter; TN Hawkins; TN Sullivan; TN Unicoi; TN Washington; VA Scott; VA Washington; VA Bristol. | |
| Non-SMSA Counties | 3.2 |
| TN Greene; TN Hancock; TN Johnson; VA Buchanan; VA Dickenson; VA Lee; VA Russell; VA Smyth; VA Tazewell; VA Wise; VA Norton; WV McDowell, WV Mercer. | |
| 053 Knoxville, TN | |
| SMSA Counties: | |
| 3840 Knoxville, TN | 6.6 |
| TN Anderson; TN Blount; TN Knox; TN Union. | |
| Non-SMSA Counties | 4.5 |
| KY Bell; KY Harlan; KY Knox; KY Laurel; KY McCreary; KY Wayne; KY Whitley; TN Campbell; TN Claiborne; TN Cocke; TN Cumberland; TN Fentress; TN Grainger, TN Hamblen; TN Jefferson; TN Loudon; TN Morgan; TN Roane; TN Scott; TN Sevier. | |
| 054 Nashville, TN: | |
| SMSA Counties: | |
| 1660 Clarksville - Hopkinsville, TN - KY | 18.2 |
| KY Christian; TN Montgomery. | |
| 5360 Nashville - Davidson, TN | 15.8 |
| TN Cheatham, TN Davidson; TN Dickson; TN Robertson; TN Rutherford; TN Sumner; TN Williamson; TN Wilson. | |
| Non-SMSA Counties | 12.0 |
| KY Allen; KY Barren; KY Butler; KY Clinton; KY Cumberland; KY Edmonson; KY Logan; KY Metcalfe; KY Monroe; KY Simpson; KY Todd; KY Trigg; KY Warren; TN Bedford; TN Cannon; TN Clay; TN Coffee; TN DeKalb; TN Franklin; TN Giles; TN Hickman; TN Houston; TN Humphreys; TN Jackson; TN Lawrence; TN Lewis; TN Macon; TN Marshall; TN Maury; TN Moore; TN Overton; TN Perry; TN Pickett; | |

TN Putnam; TN Smith; TN Stewart; TN Trousdale; TN Van Buren; TN Warren;
TN Wayne; TN White.

055 Memphis, TN:

SMSA Counties:

4920 Memphis, TN-AR-MS _____ 32.3

AR Critteriden; MS Do Soto; TN Shelby; TN Tipton.

Non-SMSA Counties _____ 26.5

AR Clay; AR Craighead; AR Cross; AR Greene; AR Lawrence; AR Lee;
AR Mississippi; AR Phillips; AR. Poinsett; AR Randolph; AR St. Francis; MS Alcorn;
MS Benton; MS Bolivar; MS Calhoun; MS Carroll; MS Chickasaw, MS Clay;
MS Coahoma; MS Grenada; MS Itawamba; MS Lafayette; MS Lee; MS Leflore;
MS Marshall; MS Monroe; MS Montgomery; MS Panola; MS Pontotoc; MS Prentiss;
MS Quitman; MS Sunflower; MS Tallahatchie; MS Tate; MS Tippah; MS Tishomingo;
MS Union; MS Washington; MS Webster. MS Yalobusha; MO Dunklin;
MO New Madrid; MO Pemiscot; TN Benton; TN Carroll; TN Chester; TN Crockett;
TN Decatur; TN Dyer; TN Fayette; TN Gibson; TN Hardeman; TN Hardin;
TN Haywood; TN Henderson; TN Henry; TN Lake; TN Lauderdale; TN McNairy;
TN Madison; TN Obion; TN Weakley.

Kentucky:

056 Paducah, KY:

Non-SMSA Counties _____ 5.2

IL Hardin; IL Massac; IL Pope; KY Ballard; KY Caldwell; KY Calloway. KY Carlisle;
KY Crittenden; KY Fulton; KY Graves; KY Hickman; KY Livingston; KY Lyon. KY
McCracken; KY Marshall.

057 Louisville, KY:

SMSA Counties:

4520 Louisville, KY-IN _____ 11.2

IN Clark; IN Floyd; KY Bullitt; KY Jefferson; KY Oldham.

Non-SMSA Counties _____ 9.6

IN Crawford; IN Harrison; IN Jefferson; IN Orange; IN Scott; IN Washington;
KY Breckinridge; KY Grayson; KY Hardin; KY Hart; KY Henry; KY Larue; KY Marion;
KY Meade; KY Nelson; KY Shelby; KY Spencer; KY Trimble; KY Washington.

058 Lexington, KY

SMSA Counties

4280 Lexington-Fayette, KY _____ 10.8

KY Bourbon; KY Clark; KY Fayette; KY Jessamine; KY Scott; KY Woodford.

Non-SMSA Counties _____ 7.0

KY Adair KY Anderson; KY Bath; KY Boyle; KY Breathitt; KY Casey; KY Clay;
KY Estill; KY Franklin; KY Garrard; KY Green; KY Harrison; KY Jackson; KY Knott;
KY Lee; KY Leslie; KY Letcher; KY Lincoln; KY Madison; KY Magoffin; KY Menifee;
KY Mercer; KY Montgomery; KY Morgan. KY Nicholas; KY Owsley; KY Perry;
KY Powell; KY Pulaski; KY Rockcastle; KY Russell; KY Taylor; KY Wolfe.

West Virginia:

059 Huntington, WV:

SMSA Counties:

3400 Huntington – Ashland, WV-KY-OH _____ 2.9

KY Boyd; KY Greenup; OH Lawrence; WV Cabell; WV Wayne.

Non-SMSA Counties _____ 2.5

KY Carter; KY Elliott; KY Floyd; KY Johnson; KY Lawrence; KY Martin; KY Pike;
KY Rowan; OH Gallia; WV Lincoln; WV Logan; WV Mason; WV Mingo.

060 Charleston, WV

SMSA Counties:

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| 1480 Charleston, WV | 4.9 |
| WV Kanawha; WV Putnam. | |
| Non-SMSA Counties | 4.2 |
| WV Boone; WV Braxton; WV Calhoun; WV Clay; Fayette; WV Gilmer; WV Greenbrier; WV Jackson; WV Monroe; WV Nicholas; WV Pocahontas; WV Raleigh; WV Roane; WV Summers; WV Webster; WV Wyoming. | |
| 061 Morgantown-Fairmont; WV: | |
| Non-SMSA Counties | 2.1 |
| WV Barbour; WV Doddridge; WV Harrison; WV Lewis; WV Marion; WV Monongalia; WV Preston; WV Randolph; WV Taylor; WV Tucker, WV Upshur. | |
| 062 Parkersburg, WV: | |
| SMSA Counties: | |
| 6020 Parkersburg-Marietta. WV-OH | 1.1 |
| OH Washington; WV Wirt; WV Wood. | |
| Non-SMSA Counties | 1.2 |
| WV Pleasants; WV Ritchie. | |
| 063 Wheeling - Steubenville - Wierton, WV-OH: | |
| SMSA Counties: | |
| 8080 Steubenville-Wierton, OH-WV | 4.3 |
| OH Jefferson; WV Brooke; WV Hancock. | |
| 9000 Wheeling, WV-OH | 2.4 |
| OH Belmont; WV Marshall; WV Ohio. | |
| Non-SMSA Counties | 3.0 |
| OH Harrison; OH Monroe; WV Tyler; WV Wetzel. | |

Ohio:

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| 064 Youngstown-Warren, OH: | |
| SMSA Counties: | |
| 9320 Youngstown-Warren, OH | 9.4 |
| OH Mahoning; OH Trumbull. | |
| NonSMSA Counties | 6.7 |
| OH Columbiana; PA Lawrence; PA Mercer. | |
| 065 Cleveland, OH: | |
| SMSA Counties: | |
| 0080 Akron, OH | 7.8 |
| OH Portage; OH Summit. | |
| 1320 Canton, OH | 6.1 |
| OH Carroll; OH Stark. | |
| 1680 Cleveland, OH | 16.1 |
| OH Cuyahoga; OH Geauga; OH Lake; OH Medina. | |
| 4440 Lorain-Elyria, OH | 9.3 |
| OH Lorain. | |
| 4800 Mansfield, OH | 6.3 |
| OH Richland. | |
| Non-SMSA Counties: | |
| OH Ashland; OH Ashtabula; OH Coshocton; OH Crawford; OH Erie; OH Holmes; OH Huron; OH Tuscarawas; OH Wayne. | |
| 066 Columbus, OH: | |
| SMSA Counties: | |
| 1840 Columbus, OH | 10.6 |
| OH Delaware; OH Fairfield; Franklin; OH Madison; OH Pickaway. | |
| Non-SMSA Counties | 7.3 |
| OH Athens; OH Fayette; OH Guernsey; OH Hocking; OH Jackson; OH Knox; OH Licking; OH Marion; OH Meigs; OH Morgan; OH Morrow; OH Muskingum; OH Noble; OH Perry OH Pike; OH Ross; OH Scioto; OH Union; OH Vinton. | |
| 067 Cincinnati, OH: | |
| SMSA Counties: | |

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| 1640 Cincinnati, OH-KY-IN | 11.0 |
| IN Dearborn; KY Boone; KY Campbell; KY Kenton; OH Clermont; OH Hamilton; OH Warren. | |
| 3200 Hamilton-Middletown, OH | 5.0 |
| OH Butler. | |
| Non-SMSA Counties | 9.2 |
| IN Franklin; IN Ohio; IN Ripley; IN Switzerland; KY Bracken; KY Carroll; KY Fleming; KY Gallatin; KY Grant; KY Lewis; KY Mason; KY Owen; KY Pendleton; KY Robertson; OH Adams; OH Brown; OH Clinton; OH Highland. | |
| 068 Dayton, OH: | |
| SMSA Counties: | |
| 2000 Dayton, OH | 11.5 |
| OH Greene; ON Miami; OH Montgomery; OH Preble. | |
| 7960 Springfield, OH | 7.8 |
| OH Champaign; OH Clark. | |
| Non-SMSA Counties | 9.9 |
| OH Darke; OH Logan; ON Shelby. | |
| 069 Lima, OH: | |
| SMSA Counties: | |
| 4320 Lima, OH | 4.4 |
| OH Allen; OH Auglaize; OH Putnam; OH Van Wert. | |
| Non-SMSA Counties | 3.5 |
| OH Hardin; OH Mercer. | |
| 070 Toledo, OH: | |
| SMSA Counties: | |
| 8400 Toledo, OH-MI | 8.8 |
| MI Monroe; OH Fulton; OH Lucas; OH Ottawa; OH Wood. | |
| Non-SMSA Counties | 7.3 |
| MI Lenawee; OH Hancock; OH Henry; OH Sandusky; OH Seneca; OH Wyandot. | |

Michigan:

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| 071 Detroit, MI: | |
| SMSA Counties: | |
| 0440 Ann Arbor, MI | 8.5 |
| MI Washtenaw. | |
| 2160 Detroit, MI | 17.7 |
| MI Lapeer; MI Livingston; MI Macomb; MI Oakland; MI St. Clair; MI Wayne. | |
| 2640 Flint, MI | 12.6 |
| MI Genesee; MI Shiawassee. | |
| Non-SMSA Counties | 16.7 |
| MI Sanilac. | |
| 072 Saginaw, MI: | |
| SMSA Counties: | |
| 0800 Bay City, MI | 2.2 |
| MI Bay. | |
| 6960 Saginaw, MI | 14.3 |
| MI Saginaw. | |
| Non-SMSA Counties | 5.2 |
| MI Alcona; MI Alpena; MI Arenac; MI Cheboygan; MI Chippewa; MI Clare; MI Crawford; MI Gladwin; MI Gratiot; MI Huron; MI Iosco; MI Isabella; MI Luce; MI Mackinac; MI Midland; MI Montmorency; MI Ogemaw; MI Oscoda; MI Otsego; MI Presque Isle; MI Roscommon; MI Tuscola. | |
| 073 Grand Rapids, MI: | |
| SMSA Counties: | |
| 3000 Grand Rapids, MI | 5.2 |
| MI Kent; MI Ottawa. | |

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| 5320 Muskegon - Norton Shores - Muskegon Heights, MI | 9.7 |
| MI Muskegon; MI Oceana. | |
| Non-SMSA Counties | 4.9 |
| MI Allegan; MI Antrim; MI Benzie; MI Charlevoix; MI Emmet; MI Grand Traverse; MI Kalkaska; MI Lake; MI Leelanau; MI Manistee; MI Mason; MI Mecosta; MI Missaukee; MI Montcalm; MI Newaygo; MI Osceola; MI Wexford. | |
| 074 Lansing - Kalamazoo, MI: | |
| SMSA Counties: | |
| 0780 Battle Creek, MI | 7.2 |
| MI Barry; MI Calhoun. | |
| 3520 Jackson, MI | 5.1 |
| MI Jackson. | |
| 3720 Kalamazoo-Portage, MI | 5.9 |
| MI Kalamazoo; MI Van Buren. | |
| 4040 Lansing-East Lansing, MI | 5.5 |
| MI Clinton; MI Eaton; MI Ingham; MI Ionia. | |
| Non-SMSA Counties | 5.5 |
| MI Branch; MI Hillsdale. | |

Indiana:

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| 075 South Bend, IN: | |
| SMSA Counties: | |
| 7800 South Bend, IN | 7.1 |
| IN Marshall; IN St. Joseph, | |
| 2330 Elkhart IN | 4.0 |
| IN Elkhart. | |
| Non-SMSA Counties | 6.2 |
| IN Fulton; IN Kosciusko; IN Lagrange; MI Berrien; MI Cass; MI St. Joseph. | |
| 076 Fort Wayne, IN: | |
| Non-SMSA Counties | 4.4 |
| IN Allen; IN Dekalb; IN Wells; IN Huntington; IN Noble; IN Steuben; IN Whitley; OH Defiance; OH Paulding; OH Williams. | |
| 077 Kokomo-Marion, IN: | |
| SMSA Counties: | |
| 3850 Kokomo, IN | 4.4 |
| IN Howard; IN Tipton. | |
| Non-SMSA Counties | 3.7 |
| IN Cass; IN Grant; IN Miami; IN Wabash. | |
| 078 Anderson-Muncie, IN: | |
| SMSA Counties: | |
| 0400 Anderson, IN | 4.9 |
| IN Madison. | |
| 5280 Muncie, IN | 5.3 |
| IN Delaware. | |
| Non-SMSA Counties | 3.9 |
| IN Blackford; IN Fayette; IN Henry; IN Jay; IN Randolph; IN Union; IN Wayne. | |
| 079 Indianapolis, IN: | |
| SMSA Counties: | |
| 1020 Bloomington, IN | 3.1 |
| IN Monroe. | |
| 3480 Indianapolis, IN | 12.5 |
| IN Boone; IN Hamilton; IN Hendricks; IN Johnson; IN Marion; IN Morgan; IN Shelby. | |
| Non-SMSA Counties | 9.7 |
| IN Bartholomew; IN Brown; IN Daviess; IN Decatur; IN Greene; IN Jackson; IN Jennings; IN Lawrence; IN Martin; IN Owen; IN Putnam; IN Rush. | |

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| 080 Evansville, IN: | |
| SMSA Counties | |
| 2440 Evansville, IN-KY | 4.8 |
| IN Gibson; IN Posey; IN Vanderburgh; IN Warrick; KY Henderson. | |
| 5990 Owensboro, KY | 4.7 |
| KY Daviess. | |
| Non-SMSA Counties | 3.5 |
| IL Edwards; IL Gallatin; IL Hamilton; IL Lawrence; IL Saline; IL Wabash; | |
| IL White; IN Dubois; IN Knox; IN Perry; IN Pike; IN Spencer; KY Hancock; | |
| KY Hopkins; KY McLean; KY Muhlenberg; KY Ohio; KY Union; KY Webster. | |
| 081 Terre Haute, IN: | |
| SMSA Counties: | |
| 8320 Terre Haute, IN | 3.1 |
| IN Clay; IN Sullivan; IN Vermillion; IN Vigo. | |
| Non-SMSA Counties | 2.5 |
| IL Clark; IL Crawford; IN Parke. | |
| 082 Lafayette, IN: | |
| SMSA Counties: | |
| 3920 Lafayette - West Lafayette, IN | 2.7 |
| IN Tippecanoe. | |
| Non-SMSA Counties | 1.5 |
| IN Benton; IN Carroll; IN Clinton; IN Fountain; IN Montgomery; | |
| IN Warren; IN White. | |

Illinois:

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| 083 Chicago, IL: | |
| SMSA Counties: | |
| 1600 Chicago, IL | 19.6 |
| IL Cook; IL Du Page; IL Kane; IL Lake; IL McHenry; IL Will. | |
| 2960 Gary - Hammond - East Chicago, IN | 20.9 |
| IN Lake; IN Porter. | |
| 3740 Kankakee, IL | 9.1 |
| IL Kankakee. | |
| 3800 Kenosha, WI | 3.0 |
| WI Kenosha. | |
| Non-SMSA Counties | 18.4 |
| IL Bureau; IL De Kalb; IL Grundy; IL Iroquois; IL Kendall; IL La Salle; | |
| IL Livingston; IL Putnam; IL Jasper; IN Laporte; IN Newton; IN Pulaski; IN Starke. | |
| 084 Champaign-Urbana, IL: | |
| SMSA Counties: | |
| 1400 Champaign - Urbana – Rantoul, IL | 7.8 |
| IL Champaign. | |
| Non-SMSA Counties | 4.8 |
| IL Coles; IL Cumberland; IL Douglas; IL Edgar; IL Ford; IL Platt; IL Vermilion. | |
| 085 Springfield-Decatur, IL: | |
| SMSA Counties: | |
| 2040 Decatur, IL | 7.6 |
| IL Macon. | |
| 7880 Springfield, IL | 4.5 |
| IL Menard; IL Sangamon. | |
| Non-SMSA Counties | 4.0 |
| IL Cass; IL Christian; IL De Witt; IL Logan; IL Morgan; IL Moultrie; | |
| IL Scott; IL Shelby. | |
| 086 Quincy, IL: | |
| Non-SMSA Counties | 3.1 |
| IL Adams; IL Brown; IL Pike; MO Lewis; MO Marlon; MO Pike; MO Rails. | |

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| 087 Peoria, IL: | |
| SMSA Counties | |
| 1040 Bloomington - Normal, IL | 2.5 |
| IL McLean. | |
| 8120 Peoria, IL | 4.4 |
| IL Peoria; IL Tazewell; IL Woodford. | |
| Non-SMSA Counties | 3.3 |
| IL Fulton; IL Knox; IL McDonough; IL Marshall; IL Mason; IL Schuyler; | |
| IL Stark; IL Warren. | |
| 088 Rockford, IL: | |
| SMSA Counties: | |
| 6880 Rockford, IL | 6.3 |
| IL Boone; IL Winnebago. | |
| 3620 Janesville - Beloit WI | 3.1 |
| WI Rock | |
| Non-SMSA Counties | 4.6 |
| IL Lee; IL Ogle; IL Stephenson. | |

Wisconsin:

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| 089 Milwaukee, WI: | |
| SMSA Counties: | |
| 5080 Milwaukee, WI | 8.0 |
| WI Milwaukee; WI Ozaukee; WI Washington; WI Waukesha. | |
| 6600 Racine, WI | 8.4 |
| WI Racine. | |
| Non-SMSA Counties | 7.0 |
| WI Dodge; WI Jefferson; WI Sheboygan; WI Walworth. | |
| 090 Madison, WI: | |
| SMSA Counties: | |
| 4720 Madison, WI | 2.2 |
| WI Dane. | |
| Non-SMSA Counties | 1.7 |
| WI Adams; WI Columbia; WI Green; WI Iowa; WI Marquette; WI Richland; WI Sauk. | |
| 091 La Crosse, WI: | |
| SMSA Counties: | |
| 3870 LaCrosse. WI | 0.9 |
| Non-SMSA Counties | 0.6 |
| MN Houston; MN Winona; WI Buffalo; WI Jackson; WI Juneau; WI Monroe; | |
| WI Trempealeau; WI Vernon. | |
| 092 Eau Claire, WI: | |
| SMSA Counties: | |
| 2290 Eau Claire, WI | 0.5 |
| WI Chippewa; WI Eau Claire. | |
| Non-SMSA Counties | 0.6 |
| WI Barron; WI Dunn; WI Pepin; WI Rusk; WI Sawyer; WI Washburn. | |
| 093 Wausau, WI: | |
| Non-SMSA Counties | 0.6 |
| WI Clark; WI Langlade; WI Lincoln; WI Marathon; WI Oneida; WI Portage; | |
| WI Price; WI Taylor; WI Vilas; WI Wood. | |
| 094 Appleton - Green Bay - Oshkosh, WI: | |
| SMSA Counties: | |
| 0460 Appleton-Oshkosh, WI | 0.9 |
| WI Calumet; WI Outaramie; WI Winnebago. | |
| 3080 Green Bay, WI | 1.3 |
| WI Brown. | |

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| Non-SMSA Counties | 1.0 |
| MI Alger; MI Baraga; MI Delta; MI Dickinson; MI Houghton; MI Iron; MI Keweenaw; MI Marquette; MI Menominee; MI Schoolcraft; WI Door; WI Florence; WI Fond Du Lac; WI Forest WI Green Lake; WI Kewaunee; WI Manitowoc; WI Marinette; WI Menominee; WI Oconto; WI Shawano; WI Waupaca; Waushara. | |
| 095 Duluth, MN: | |
| SMSA Counties: | |
| 2240 Duluth - Superior, MN-WI | 1.0 |
| MN St Louis; WI Douglas. | |
| Non-SMSA Counties | 1.2 |
| MI Gogebic; MI Ontonagon; MN Carlton; MN Cook; MN Itasca; MN Koochiching; MN Lake; WI Ashland; WI Bayfield; WI Iron. | |

Minnesota:

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| 096 Minneapolis-St. Paul, MN: | |
| SMSA Counties: | |
| 5120 Minneapolis-St. Paul, MN-WI | 2.9 |
| MN Anoka; MN Carver; MN Chisago; MN Dakota; MN Hennepin; MN Ramsey; MN Scott; MN Washington; MN Wright; MN St. Croix. | |
| 6980 St. Cloud, MN | 0.5 |
| MN Benton; MN Sherburne; MN Stearns. | |
| Non-SMSA Counties | 2.2 |
| MN Aitkin; MN Big Stone; MN Blue Earth; MN Brown; MN Cass; MN Chippewa; MN Crow Wing; MN Douglas; MN Faribault; MN Goodhue; MN Grant; MN Isanti; MN Kanabec; MN Kandiyohi; MN Lac Qui Parle; MN Le Sueur; MN McLeod; MN Martin; MN Meeke; MN Mille Lacs; MN Mornson; MN Nicollet; MN Pine; MN Pope; MN Renville; MN Rice; MN Sibley; MN Stevens; MN Swift; MN Todd; MN Traverse; MN Wadena; MN Waseca; MN Watonwan; MN Yellow Medicine; WI Burnett; WI Pierce; WI Polk. | |
| 097 Rochester, MN: | |
| SMSA Counties: | |
| 6820 Rochester, MN | 1.4 |
| MN Olmsted. | |
| Non-SMSA Counties | 0.9 |
| MN Dodge; MN Fillmore; MN Freeborn; MN Mower; MN Steele; MN Wabasha. | |

Iowa:

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| 098 Dubuque, IA: | |
| SMSA Counties: | |
| 2200 Dubuque, IA | 0.6 |
| IA Dubuque | |
| Non-SMSA Counties | 0.5 |
| IL Jo Daviess; IA Allamakee; IA Clayton; IA Delaware, IA Jackson; IA Winneshiek; WI Crawford; WI Grant; WI Lafayette. | |
| 099 Davenport-Rock Island-Moline, IA-IL: | |
| SMSA Counties: | |
| 1960 Davenport-Rock Island-Moline, IA-IL | 4.6 |
| IL Henry; IL Rock Island; IA Scott. | |
| Non-SMSA Counties | 3.4 |
| IL Carroll; IL Hancock; IL Henderson; IL Mercer; IL Whiteside; IA Clinton; IA Des Moines; IA Henry; IA Lee; IA Louisa; IA Muscatine; MO Clark. | |
| 100 Cedar Rapids, IA: | |
| SMSA Counties: | |
| 1360 Cedar Rapids, IA | 1.7 |
| IA Linn. | |
| Non-SMSA Counties | 1.5 |

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| IA Benton; IA Cedar; IA Iowa; IA Johnson; IA Jones; IA Washington. | |
| 101 Waterloo, IA: | |
| SMSA Counties: | |
| 8920 Waterloo-Cedar Falls, IA | 4.7 |
| IA Black Hawk. | |
| Non-SMSA Counties | |
| IA Bremer; IA Buchanan; IA Butler; IA Cerro Gordo; IA Chickasaw; IA Fayette; IA Floyd; IA Franklin; IA Grundv; IA Hancock; IA Hardin; IA Howard; IA Mitchell; IA Winnegago; IA Worth. | |
| 102 Fort Dodge, IA: | |
| Non-SMSA Counties | |
| IA Bueno Vista; IA Calhoun; IA Carroll; IA Clay; IA Dickinson; IA Emmet; IA Greene; IA Hamilton; IA Humboldt; IA Kossuth; IA Palo Alto; IA Pocahontas; IA Sac; IA Webster; IA Wright. | |
| 103 Sioux City, IA: | |
| SMSA Counties: | |
| 7720 Sioux City, IA-NE | 1.9 |
| IA Woodbury; NE Dakota. | |
| Non-SMSA Counties | |
| IA Cherokee, IA Crawford; IA Ida; IA Monona; IA O'Brien; IA Plymouth; IA. Sioux; NE Antelope; NE Cedar; NE Cuming; NE Dixon; NE Knox; NE Madison; NE Pierce; NE Stanton; NE Thurston; NE Wayne; SD Bon Homme; SD Clay; SD Union; SD Yankton. | |
| 104 Des Moines, IA: | |
| SMSA Counties: | |
| 2120 Des Moines, IA | 4.5 |
| IA Polk; IA Warren. | |
| Non-SMSA Counties | |
| IA Adair; IA Appanoose; IA Boone; IA Clarke; IA Dallas; IA Davis; IA Decatur; IA Guthrie; IA Jasper; IA Jefferson; IA Keokuk; IA Lucas; IA Madison; IA Mahaska; IA Marion; IA Marshall; IA Monroe; IA Poweshiek; IA Ringgold; IA Story; IA Tama; IA Union; IA Van Buren; IA Wapello; IA Wayne. | |

Missouri:

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| 105 Kansas City, MO: | |
| SMSA Counties: | |
| 3760 Kansas City, MO-KS | 12.7 |
| KS Johnson; KS Wayandotte; MO Cass; MO Clay; MO Jackson; MO Platte; MO Ray. | |
| 4150 Lawrence, KS | 7.2 |
| 7000 St Joseph, MO | 3.2 |
| MO Andrew; MO Buchanan. | |
| Non-SMSA Counties | |
| KS Anderson; KS Atchison; KS Brown; KS Doniphan; KS Franklin; KS Leavenworth; KS Linn; KS Miami; MO Atchison; MO Bates; MO Benton; MO Caldwell; MO Carroll; MO Clinton; MO Daviess; MO Dekalb; MO Gentry; MO Grundy; MO Harrison; MO Henry; MO Holt; MO Johnson; MO Lafayette; MO Livingston; MO Mercer; MO Nodaway; MO Pettis; MO Saline; MO Worth. | |
| 106 Columbia, MO: | |
| SMSA Counties: | |
| 1740 Columbia, MO; MO Boone | 6.3 |
| Non-SMSA Counties | |
| MO Adair; MO Audrain; MO Callaway; MO Camden; MO Chariton; MO Cole; MO Cooper; MO Howard; MO Knox; MO Linn; MO Macon; MO Miller; MO Moniteau; MO Monroe; MO Morgan; MO Osage; MO Putnam; MO Randolph; MO Schuyler; MO Scotland; MO Shelby; MO Sullivan. | |

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| 107 St. Louis, MO: | |
| SMSA Counties: | |
| 7040 St. Louis, MO-IL | 14.7 |
| IL Clinton; IL Madison; IL Monroe; IL St. Clair; MO Franklin; MO Jefferson; MO St. Charles; MO St. Louis; MO St. Louis City. | |
| Non-SMSA Counties | 11.4 |
| IL Alexander; IL Bond; IL Calhoun; IL Clay; IL Effingham; IL Fayette; IL Franklin; IL Greene; IL Jackson; IL Jasper; IL Jefferson; IL Jersey; IL Johnson; IL Macoupin; IL Marion; IL Montgomery; IL Perry; IL Pulaski; IL Randolph; IL Richland; IL Union; IL Washington; IL Wayne; IL Williamson; MO Bollinger; MO Butler; MO Cape Girardeau; MO Carter; MO Crawford; MO Dent; MO Gasconade; MO Iron; MO Lincoln; MO Madison; MO Maries; MO Mississippi; MO Montgomery; MO Perry; MO Phelps; MO Reynolds; MO Ripley; MO St. Francis; MO Ste. Genevieve; MO Scott; MO Stoddard; MO Warren; MO Washington; MO Wayne. | |
| 108 Springfield, MO: | |
| SMSA Counties: | |
| 7920 Springfield, MO | 2.0 |
| MO Christian; MO Greene. | |
| Non-SMSA Counties | 2.3 |
| KS Allen; KS Bourbon; KS Cherokee; KS Crawford; KS Labette; KS Montgomery; KS Neosho; KS Wilson; KS Woodson; MO Barry; MO Barton; MO Cedar; MO Dade; MO Dallas; MO Douglas; MO Hickory; MO Howell; MO Jasper; MO Laclede; MO Lawrence; MO McDonald; MO Newton; MO Oregon; MO Ozark; MO Polk; MO Pulaski; MO St. Clair; MO Shannon; MO Stone; MO Taney; MO Texas; MO Vernon; MO Webster; MO Wright; OK Craig; OK Ottawa. | |

Arkansas:

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| 109 Fayetteville, AR: | |
| Non-SMSA Counties | 3.3 |
| AR Baxter; AR Benton; AR Boone; AR Carroll; AR Madison; AR Marion; AR Newton; AR Searcy; AR Washington; OK Adair; OK Delaware. | |
| 110 Fort Smith, AR: | |
| SMSA Counties: | |
| 2720 Fort Smith, AR-OK | 5.6 |
| AR Crawford; AR Sebastian; OK Le Flore; OK Sequoyah. | |
| Non-SMSA Counties | 6.6 |
| AR Franklin; AR Logan; AR Polk; AR Scott; OK Choctaw; OK Haskell; OK Latimer; OK McCurtain; OK Pittsburg; OK Pushmataha. | |
| 111 Little Rock-North Little Rock, AR: | |
| SMSA Counties: | |
| 4400 Little Rock-North Little Rock, AR | 15.7 |
| AR Pulaski; AR Saline. | |
| 6240 Pine Bluff, AR | 31.2 |
| AR Jefferson | |
| Non-SMSA Counties | 16.4 |
| AR Arkansas; AR Ashley; AR Bradley; AR Calhoun; AR Chicott; AR Clark; AR Calhoun; AR Cleveland; AR Conway; AR Dallas; AR Desha; AR Drew; AR Faulkner; AR Fulton; AR Garland; AR Grant; AR Hot Springs; AR Independence; AR IZard; AR Jackson; AR Johnson; AR Lincoln; AR Lonoke; AR Monroe; AR Montgomery; AR Ouachita; AR Perry; AR Pope; AR Prairie; AR Sharp; AR Stone; AR Union; AR Van Buren; AR While; AR Woodruff; AR Yell. | |

Mississippi:

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| 112 Jackson, MS: | |
| SMSA Counties: | |
| 3560 Jackson, MS | 30.3 |
| MS Hinds; MS Rankin. | |
| Non-SMSA Counties | 32.0 |
| MS Attala; MS Choctaw; MS Choctaw; MS Clarke; MS Copiah; | |
| MS Covington; MS Franklin; MS Holmes; MS Humphreys; MS Issaquena; | |
| MS Jasper; MS Jefferson; MS Jefferson Davis; MS Jones; MS Kemper; | |
| MS Lauderdale; MS Lawrence; MS Leake; MS Lincoln; MS Lowndes; | |
| MS Madison; MS Neshoba; MS Newton; MS Noxubee; MS Oktibbeha; | |
| MS Scott; MS Sharkey; MS Simpson; MS Smith; MS Warren; MS Wayne; | |
| MS Winston; MS Yazoo. | |

Louisiana:

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| 113 New Orleans, LA: | |
| SMSA Counties | |
| 0920 Biloxi-Gulfport, MS | 19.2 |
| MS Hancock; MS Harrison; MS Stone. | |
| 5560 New Orleans, LA | 31.0 |
| LA Jefferson; LA Orleans; LA St. Bernard; LA St. Tammany. | |
| Non-SMSA Counties | 27.7 |
| LA Assumption; LA Lafourche; LA Plaquemines; LA St. Charles; LA St. James; | |
| LA St. John The Baptist; LA Tangipahoa; LA Terrebonne; LA Washington; MS Forrest; | |
| MS Lamar; MS Marion; MS Pearl River; MS Perry; MS Pike; MS Walthall. | |
| 114 Baton Rouge, LA: | |
| SMSA Counties: | |
| 0760 Baton Rouge, LA | 26.1 |
| LA Ascension; LA East Baton Rouge; LA Livingston; LA West Baton Rouge. | |
| Non-SMSA Counties | 30.4 |
| LA Concordia; LA E. Feliciana; LA Iberville; LA Pointe Coupee; LA St. Helena; | |
| LA West Feliciana; MS Adams; MS Amite; MS Wilkinson. | |
| 115 Lafayette, LA: | |
| SMSA Counties: | |
| 3880 Lafayette, LA | 20.6 |
| LA Lafayette. | |
| Non-SMSA Counties | 24.1. |
| LA Acadia; LA Evangeline; LA Iberia; LA St. Landry; LA St. Martin; | |
| LA St. Mary; LA Vermillion. | |
| 116 Lake Charles, LA: | |
| SMSA Counties: | |
| 3960 Lake Charles, LA | 19.3 |
| LA Calcasieu. | |
| Non-SMSA Counties | 17.8 |
| LA Allen; LA Beauregard; LA Cameron; LA Jefferson Davis LA Vernon. | |
| 117 Shreveport, LA: | |
| SMSA Counties: | |
| 0220 Alexandria, LA | 25.7 |
| LA Grant; LA Rapides. | |
| 7680 Shreveport, LA | 29.3 |
| LA Bossier; LA Caddo; LA Webster. | |
| Non-SMSA Counties | 29.3 |
| LA Avoyelles; LA Bienville; LA Claiborne; LA De Soto; LA Natchitoches; | |
| LA Red River; LA Sabine; LA Winn. | |

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| 118 Monroe, LA: | |
| SMSA Counties: | |
| 5200 Monroe, LA | 22.8 |
| LA Ouachita. | |
| Non-SMSA Counties | 27.9 |
| LA Caldwell; LA Catahoula; LA East Carroll; LA Franklin; LA Jackson; LA La Salle; LA Lincoln; | |
| LA Madison; LA Morehouse; LA Richland; LA Tensas; LA Union; LA West Carroll. | |

Texas:

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| 119 Texarkana, TX: | |
| SMSA Counties: | |
| 8360 Texarkana, TX-Texarkana, AR | 19.7 |
| AR Little River; AR Miller; TX Bowie. | |
| Non-SMSA Counties | 20.2 |
| AR Columbia; AR Hempstead; AR Howard; AR Lafayette; AR Nevada; AR Pike; | |
| AR Sevier; TX Camp; TX Cass; TX Lamar; TX Morris; TX Red River; TX Titus. | |
| 120 Tyler-Longview, TX: | |
| SMSA Counties: | |
| 4420 Longview, TX | 22.8 |
| TX Gregg; TX Harrison. | |
| 8640 Tyler, TX | 23.5 |
| TX Smith. | |
| Non-SMSA Counties | 22.5 |
| TX Anderson; TX Angelina; TX Cherokee; TX Henderson; TX Houston; TX Marion; | |
| TX Nacogdoches; TX Panola; TX Rusk; TX San Augustine; TX Shelby; TX Upshur; | |
| TX Wood. | |
| 121 Beaumont-Port Arthur, TX: | |
| SMSA Counties: | |
| 0840 Beaumont-Port Arthur Orange, TX | 22.6 |
| TX Hardin; TX Jefferson; TX Orange. | |
| Non-SMSA Counties | 22.6 |
| TX Jasper; TX Newton; TX Sabine; TX Tyler. | |
| 122 Houston, TX: | |
| SMSA Counties | |
| 1260 Bryan-College Station, TX | 23.7 |
| TX Brazos. | |
| 2920 Galveston-Texas City, TX | 28.9 |
| TX Galveston. | |
| 3360 Houston, TX | 27.3 |
| TX Brazoria; TX Fort Bend; TX Harris; TX Liberty, TX Montgomery, TX Waller. | |
| Non-SMSA Counties | 27.4 |
| TX Austin; TX Bureson; TX Calhoun; TX Chambers; TX Colorado; TX De Witt; | |
| TX Fayette; TX Goliad; TX Grimes; TX Jackson; TX Lavaca; TX Leon; | |
| TX Madison; TX Matagorda; TX Polk; TX Robertson; TX San Jacinto; TX Trinity; | |
| TX Victoria; TX Walker; TX Washington; TX Wharton. | |
| 123 Austin, TX: | |
| SMSA Counties: | |
| 0640 Austin, TX | 24.1 |
| TX Hays; TX Travis; TX Williamson. | |
| Non-SMSA Counties | 24.2 |
| TX Bastrop; TX Blanco; TX Burnet; TX Caldwell; TX Lee; TX Llano. | |
| 124 Waco-Killeen-Temple, TX: | |
| SMSA Counties: | |
| 3810 Killeen-Temple, TX. | 16.4 |
| TX Belt TX Coryall. | |
| 8800 Waco, TX | 20.7 |
| TX McLermax | |

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| Non-SMSA Counties _____ | 18.6 |
| TX Bosque; TX Falls; TX Freestone; TX Hamilton; TX Hill; TX Lampasas; TX Limestone; TX Milam; TX Mills. | |
| 125 Dallas-Fort Worth, TX: | |
| SMSA Counties | |
| 1920 Dallas-Fort Worth, TX _____ | 18.2 |
| TX Collier; TX Dallas; TX Denton; TX Ellis; TX Hood; TX Johnson; TX Kaufman; TX Parker; TX Rockwall; TX Tarrant; TX Wise. | |
| 7640 Sherman-Denison, TX _____ | 9.4 |
| TX Grayson. | |
| Non-SMSA Counties _____ | 17.2 |
| OK Bryan; TX Cooke; TX Delta; TX Erath; TX Fannin; TX Franklin; TX Hopkins; TX Hunt; TX Jack; TX Montague; TX Navarro; TX Palo Pinto; TX Rains; TX Somervell; TX Van Zandt. | |
| 126 Wichita Falls, TX: | |
| SMSA Counties: | |
| 9080 Wichita Falls, TX: _____ | 12.4 |
| TX Clay; TX Wichita. | |
| Non-SMSA Counties _____ | 11.0 |
| TX Archer; TX Baylor; TX Cottle; TX Foard; TX Hardeman; TX Wilbarger; TX Young. | |
| 127 Abilene, TX: | |
| SMSA Counties: | |
| 0040 Abilene, TX _____ | 11.6 |
| TX Callahan; TX Jones; TX Taylor. | |
| Non-SMSA Counties _____ | 10.9 |
| TX Brown; TX Coleman; TX Comanche; TX Eastland; TX Fisher; TX Haskell; TX Kent; TX Knox; TX Mitchell; TX Nolan; TX Scurry; TX Shackelford; TX Stephens; TX Stonewall; TX Throckmorton. | |
| 128 San Angelo, TX: | |
| SMSA Counties: | |
| 7200 San Angelo, TX _____ | 19.2 |
| TX Tom Green. | |
| Non-SMSA Counties _____ | 20.0 |
| TX Coke; TX Concha; TX Crockett; TX Irion; TX Kimble; TX McCulloch; TX Mason; TX Menard; TX Reagan; TX Runnels; TX San Saba; TX Schleicher; TX Sterling; TX Sutton, TX Terrell. | |
| 129 San Antonio, TX: | |
| SMSA Counties: | |
| 4080 Laredo _____ | 87.3 |
| TX Webb. | |
| 7240 San Antonio, TX _____ | 47.8 |
| TX Bexar; TX Comal; TX Guadalupe. | |
| Non-SMSA Counties _____ | 49.4 |
| TX Atascosa; TX Bandera; TX Dimmit; TX Edwards; TX Frio; TX Gillespie; TX Gonzales; TX Jim Hogg; TX Karnes; TX Kendall; TX Kerr; TX Kinney; TX La Salle; TX McMullen; TX Maverick; TX Medina; TX Real; TX Uvalde; TX Val Verde; TX Wilson; TX Zapata; TX Zavala. | |
| 130 Corpus Christi, TX: | |
| SMSA Counties: | |
| 1880 Corpus Christi, TX _____ | 41.7 |
| TX Nueces; TX San Patricio. | |
| Non-SMSA Counties _____ | 44.2 |
| TX Aransas; TX Bee; TX Brooks; TX Duval; TX Jim Wells; TX Kenady; TX Kyberg; TX Live Oak; TX Refugio. | |
| 131 Brownsville-McAllen-Harlingen, TX: | |
| SMSA Counties: | |
| 1240 Brownsville-Harlingen-San Benito, TX _____ | 71.0 |
| TX Cameron. | |
| 4880 McAllen-Pharr-Edinburg, TX _____ | 72.8 |

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| TX Hidalgo. | |
| Non-SMSA Counties _____ | 72.9 |
| TX Starr; TX Willacy. | |
| 132 Odessa-Midland, TX: | |
| SMSA Counties: | |
| 5040 Midland, TX _____ | 19.1 |
| TX Midland. | |
| 5800 Odessa, TX _____ | 15.1 |
| TX Ector. | |
| Non-SMSA Counties _____ | 18.9 |
| TX Andrews; TX Crane; TX Glasscock; TX Howard; TX Loving; TX Martin; | |
| TX Pecos; TX Reeves; TX Upton; TX Ward; TX Winkler. | |
| 133 El Paso, TX: | |
| SMSA Counties: | |
| 2320 El Paso, TX _____ | 57.8 |
| TX El Paso. | |
| Non-SMSA Counties _____ | 49.0 |
| NM Chaves; NM Dona Ana; NM Eddy; NM Grant; NM Hidalgo; NM Luna; NM Otero; | |
| NM Sierra, TX Brewster; TX Culberson; TX Hudspeth; TX Jeff Davis; TX Presidio. | |
| 134 Lubbock, TX: | |
| SMSA Counties: | |
| 4600 Lubbock _____ | 19.6 |
| TX Lubbock. | |
| Non-SMSA _____ | 19.5 |
| NM Lea; NM Roosevelt ; TX Bailey; TX Borden; TX Cochran; TX Crosby; | |
| TX Dawson; TX Dickens; TX Floyd; TX Gaines; TX Garza; TX Hale; TX Hockley; | |
| TX King; TX Lamb; TX Lynn; TX Motley; TX Terry; TX Yoakum. | |
| 135 Amarillo, TX: | |
| SMSA Counties: | |
| 0320 Amarillo, TX _____ | 9.3 |
| TX Potter; TX Randall. | |
| Non-SMSA Counties _____ | 11.0 |
| NM Curry; NM Harding; NM Quay; NM Union; OK Beaver; OK Cimarron; OK Texas; | |
| TX Armstrong; TX Briscoe; TX Carson; TX Castro; TX Childress; TX Collingsworth; TX | |
| Dallam; TX Deaf Smith; TX Donley; TX Gray; TX Hall; TX Hansford; TX Hartley; TX | |
| Hemphill; TX Hutchinson; TX Lipscomb; TX Moore; TX Ochitree; TX Oldham; TX | |
| Parmer; TX Roberts; TX Sherman; TX Swisher; TX Wheeler. | |

Oklahoma:

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| 136 Lawton, OK: | |
| SMSA Counties: | |
| 4200 Lawton, OK _____ | 14.8 |
| OK Comanche. | |
| Non-SMSA Counties _____ | 10.8 |
| OK Cotton; OK Green; OK. Harmon; OK Jackson; OK Jefferson; OK Kiowa; | |
| OK Stephens; OK Tillman. | |
| 137 Oklahoma City, OK: | |
| SMSA Counties | |
| 5880 Oklahoma City, OK _____ | 10.2 |
| OK Canadian; OK Cleveland; OK McClain; OK Oklahoma; OK Pottawatomie. | |
| Non-SMSA Counties _____ | 9.0 |
| OK Alfalfa; OK Atoka; OK Beckham; OK Blaine; OK Caddo; OK Carter; OK Coat; | |
| OK Custer; OK Dewey; OK Ellis; OK Garfield; OK Garvin; OK Grady; OK Grant; | |
| OK Harper; OK Hughes; OK Johnston; OK Kingfisher; OK Lincoln; OK Logan; OK | |
| Love; OK Major; OK Marshall; OK Murray, OK Okfuskee; OK Pontotoc; OK Roger | |
| Mills; OK Seminole; OK Washita; OK Woods; Ok Woodward. | |

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| 138 Tulsa, OK: | |
| SMSA Counties: | |
| 8560 Tulsa, OK _____ | 10.2 |
| OK Creek; OK Mayes; OK Osage; OK Rogers; OK Tulsa; OK Wagoner. | |
| Non-SMSA Counties _____ | 10.0 |
| OK Cherokee; OK Key; OK McIntosh; OK Muskogee; OK Noble; OK Nowata; OK Okmulgee; OK Pawnee; OK Payne; OK Washington. | |

Kansas:

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| 139 Wichita, KS: | |
| SMSA Counties: | |
| 9040 Wichita, KS _____ | 7.9 |
| KS Butler; KS Sedgwick. | |
| Non-SMSA Counties _____ | 5.7 |
| KS Barber; KS Barton; KS Chase; KS Chautauqua; KS Clark; KS Comanche. KS Cowley; KS Edwards; KS Elk; KS Finney; KS Ford; KS Grant; KS Gray; KS Greeley; KS Greenwood; KS Hamilton; KS Harper; KS Harvey; KS Haskell; KS Hodgeman; KS Kearny; KS Kingman; KS Kiowa; KS Lane; KS McPherson; KS Marion; KS Meade; KS Morton; KS Ness; KS Pawnee; KS Pratt; KS Reno; KS Rice; KS Rush; KS Scott; KS Seward; KS Stafford; KS Stanton; KS Stevens; KS Sumner, KS Wichita. | |
| 140 Salina, KS: | |
| Non-SMSA Counties _____ | 1.5 |
| KS Cheyenne; KS Cloud; KS Decatur; KS Dickinson; KS Ellis; KS Ellsworth; KS Gove; KS Graham; KS Jewell; KS Lincoln; KS Logan; KS Mitchell; KS Norton; KS Osborne; KS Ottawa; KS Phillips; KS Rawlins; KS Republic; KS Rooks; KS Russell; KS Saline; KS Sheridan; KS Sherman; KS Smith; KS Thomas; KS Trego; KS Wallace. | |
| 141 Topeka, KS: | |
| SMSA Counties: | |
| 8440 Topeka, KS _____ | 9.0 |
| KS Jefferson; KS Osage; KS Shawnee. | |
| Non-SMSA Counties _____ | 8.5 |
| KS Clay; Coffey; KS Geary; KS Jackson; KS Lyon; KS Marshall; KS Morris; KS Nemaha; KS Pottawatomie, KS Riley; KS Wabaunsee; KS Washington. | |

Nebraska:

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| 142 Lincoln, NE: | |
| SMSA Counties: | |
| 4360 Lincoln, NE _____ | 2.8 |
| NE Lancaster. | |
| Non SMSA Counties _____ | 1.9 |
| NE Butler; NE Fillmore; NE Gage; NE Jefferson; NE Johnson; NE Nemaha; NE Otoe; NE Pawnee; NE Polk; NE Richardson; NE Saline, NE Seward; NE Thayer; NE York. | |
| 143 Omaha, NE: | |
| SMSA Counties: | |
| 5920 Omaha, NE-IA _____ | 7.6 |
| IA Pottawattamie; NE Douglas; NE Sarpy. | |
| Non-SMSA _____ | 6.3 |
| IA Adams; IA Audubon; IA Cass; IA Fremont; IA Harrison; IA Mills; IA Montgomery; IA Page; IA Shelby; IA Taylor; NE Burt; NE Cass; NE Colfax; NE Dodge; NE Platte; NE Saunders; NE Washington. | |
| 144 Grand Island, NE: | |
| Non SMSA Counties _____ | 1.4 |
| NE Adams; NE Aurther; NE Blaine; NE Boyd; NE Brown; NE Buffalo; NE Chase; NE Cherry; NE Clay; NE Custer; NE Dawson; NE Dundy; NE Franklin; NE Frontier; NE Fumas; NE Garfield; NE Gosper; NE Grant; NE Greeley, NE Hall; NE Hamilton; | |

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| NE Harlan; NE Hayes; NE Hitchcock; NE Holt; NE Hooker; NE Howard; NE Kearney; NE Keith; NE Keya Paha; NE Lincoln; NE Logan; NE Loup; NE McPherson; NE Merrick; NE Nance; NE Nuckolls; NE Perkins; NE Phelps; NE Red Willow; NE Rock; NE Sherman; NE Thomas; NE Valley; NE Webster; NE Wheeler. | |
| 145 Scottsbluff, NE: | |
| Non-SMSA Counties | 5.3 |
| NE Banner; NE Box Butt; NE Cheyenne; NE Dawes; NE Deuel; NE Garden; NE Kimball; NE Morrill; NE Scotts Buff; NE Sheridan; NE Sioux; NE Goshen. | |

South Dakota:

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| 146 Rapid City, SD: | |
| SMSA Counties: | |
| 6660 Rapid City, SD | 3.4 |
| SD Pennington; SD Meade. | |
| Non-SMSA Counties | 7.9 |
| SD Bennett; SD Buffalo; SD Butte; SD Campbell; SD Corson; SD Custer; SD Dewey (Armstrong); SD Fall River; SD Haakon; SD Harding; SD Hughes; SD Hyde; SD Jackson; SD Jones; SD Lawrence; SD Lyman; SD Mellette; SD Perkins; SD Potter; SD Shannon (Washington); SD Stanley; SD Sully; SD Todd; SD Tripp; SD Walworth; SD Washabaugh; SD Ziebach; WY Crook; WY Niobrara; WY Weston. | |
| 147 Sioux Falls, SD: | |
| SMSA Counties: | |
| 7760 Sioux Falls, SD | 1.2 |
| SD Minnehaha. | |
| Non-SMSA Counties | 0.8 |
| IA Lyon; IA Osceola; MN Cottonwood; MN Jackson;. MN Lincoln; MN Lyon; MN Murray, MN Nobles; MN Pipestone; MN Redwood; MN Rock; SD Aurora; SD Beadle; SD Brookings; SD Brule; SD Charles Mix; SD Davison; SD Douglas; SD Gregory; SD Hand; SD Hanson; SD Hutchinson; SD Jerauld; SD Kingsbury; SD Lake; SD Lincoln; SD McCook, SD Miner, SD Moody, SD Sanborn; SD Turner. | |
| 148 Aberdeen, SD: | |
| Non-SMSA Counties | 1.3 |
| SD Brown; SD Clark; SD Codington; SD Day; SD Deuel; SD Edmunds; SD Faulk; SD Grant; SD Hamlin; SD McPherson; SD Marshall; SD Roberts; SD Spink. | |

North Dakota:

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| 149 Fargo-Moorhead, ND-MN: | |
| Non-SMSA Counties | 0.7 |
| MN Becker MN Clay; MN Cass; MN Wilkin; ND Barnes; ND Dickey; ND Eddy; ND Foster; ND Griggs; ND La Moure; ND Logan; ND McIntosh; ND Ransom; ND Richland; ND Sargent; ND Steele; ND Stutsman; ND Traill. | |
| 150 Grand Forks, ND: | |
| SMSA Counties: | |
| 2985 Grand Forks, ND-MN | 1.2 |
| MN Polk; ND Grand Forks. | |
| Non-SMSA Counties | 2.0 |
| MN Beltrami; MN Clearwater MN Hubbard. MN Kittson; MN Lake of the Woods; MN Mahnomen; MN Marshall; MN Norman; MN Pennington; MN Red Lake; MN Roseau; MN Benson; ND Cavalier; ND Nelson; ND Pembina; ND Ramsey; ND Towner; ND Walsh. | |
| 151 Bismarck, ND: | |
| SMSA Counties: | |
| 1010 Bismarck, ND | 0.4 |
| ND Burleigh; ND Morton. | |

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| Non-SMSA Counties | 1.3 |
| ND Adams; ND Billings; ND Bowman; ND Dunn; ND Emmons; ND Golden Valley; ND Grant; ND Hettinger; ND Kidder; ND Mercer; ND Oliver; ND Sheridan; ND Sioux; ND Slope; ND Stark; ND Wells. | |
| 152 Minot, ND: | |
| Non-SMSA Counties | 4.4 |
| MT Daniels; MT Richland; MT Roosevelt; MT Sheridan; ND Bottineau; ND Burke; ND Divide; ND McHenry; ND McKenzie; ND McLean; ND Mountrail; ND Pierce; ND Renville; ND Rolette; ND Ward; ND Williams. | |

Montana:

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| 153 Great Falls, MT: | |
| SMSA Counties: | |
| 3040 Great Falls, MT | 3.2 |
| MT Cascade. | |
| Non-SMSA Counties | 4.1 |
| MT Blaine; MT Broadwater; MT Chouteau; MT Fergus; MT Glacier; MT Hill; MT Jefferson; MT Judith Basin; MT Lewis and Clark; MT Liberty; MT Meagher; MT Petroleum; MT Phillips; MT Pondera; MT Teton; MT Toole; MT Valley; MT Wheatland. | |
| 154 Missoula, MT: | |
| Non-SMSA Counties | 2.7 |
| MT Beaverhead; MT Deer Lodge; MT Flathead; MT Granite; MT Lincoln; MT Madison; MT Mineral; MT Missoula; MT Powell; MT Ravalli; MT Sanders; MT Silver Bow; MT Lake. | |
| 155 Billings, MT: | |
| SMSA Counties: | |
| 0880 Billings, MT | 3.3 |
| MT Yellowstone. | |
| Non-SMSA Counties | 3.3 |
| MT Big Horn; MT Carbon; MT Carter; MT Custer; MT Dawson; MT Fallon; MT Gallatin; MT Garfield; MT Golden Valley; MT McCone; MT Musselshell; MT Park; MT Powder River; MT Prairie; UT Rosebud; MT Stillwater, MT Sweet Grass; MT Treasure; MT Wilboux; MT Yellowstone Nat'l Park; WY Big Horn; WY Hot Springs; WY Park; WY Sheridan; WY Washakie. | |

Wyoming:

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| 156 Cheyenne-Casper, WY: | |
| Non-SMSA Counties | 7.5 |
| CO Jackson; WY Albany; WY Campbell; WY Carbon; WY Converse; WY Fremont WY Johnson; WY Laramie; WY Natrona, WY Platte. | |

Colorado:

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| 157 Denver, CO: | |
| SMSA Counties: | |
| 2080 Denver-Boulder, CO | 13.8 |
| CO Adams; CO Arapahoe; CO Boulder. CO Denver; CO Douglas; CO Gilpin; CO Jefferson. | |
| 2670 Fort Collins, CO | 6.9 |
| CO Larimer. | |
| 3060 Greeley, CO | 13.1 |
| CO Weld. | |

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| Non-SMSA Counties | 12.8 |
| CO Cheyenne; CO Clear Creek; CO Elbert CO Grand; CO Kit Carson; CO Logan; CO Morgan; CO Park; CO Phillips; :CO Sedgwick; CO Summit; CO Washington; CO Yuma. | |
| 158 Colorado Springs-Pueblo, CO: | |
| SMSA Counties: | |
| 1720 Colorado Springs, CO | 10.9 |
| CO EL Paso; CO Teller. | |
| 6560 Pueblo, CO | 27.5 |
| CO Pueblo. | |
| Non-SMSA Counties | 19.0 |
| CO Alamosa; CO Baca; CO Bent; CO Chaffee; CO Conejos; CO Costilla; CO Crowley; CO Custer; CO Fremont; CO Huerfano; CO Kiowa; CO Lake; CO Las Animas; CO Lincoln; CO Mineral; CO Otero; CO Prowers; CO Rio Grande; CO Saguache. | |
| 159 Grand Junction, CO: | |
| Non-SMSA Counties | |
| | 10.2 |
| CO Archuleta; CO Delta; CO Dolores; CO Eagle; CO Garfield; CO Gunnison; CO Hinsdale; CO La Plata, CO Mesa; CO Moffat; CO Montezuma; CO Montrose; CO Ouray; CO Pitkin; CO Rio Blanco; CO Routt; CO San Juan; CO San Miguel; UT Grand; UT San Juan. | |

New Mexico:

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| 160 Albuquerque, NM: | |
| SMSA Counties. | |
| 0200 Albuquerque, NM | 38.3 |
| NM Bernalillo; NM Sandoval. | |
| Non-SMSA Counties | 45.9 |
| NM Citron. NM Colfax; NM De Baca; NM Guadalupe; NM San Juan; NM San Miguel; NM Santa Fe; NM Socorro; NM Taos; NM Torrance; NM Valencia. | |

Arizona:

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| 161 Tucson, AZ: | |
| SMSA Counties: | |
| 8520 Tucson, AZ | 24.1 |
| AZ Pima. | |
| Non-SMSA Counties | 27.0 |
| AZ Cochise; AZ Graham; AZ Greenlee; AZ Santa Cruz. | |
| 162 Phoenix, AZ: | |
| SMSA Counties: | |
| 6200 Phoenix, AZ | 15.8 |
| AZ Maricopa. | |
| Non-SMSA Counties | 19.6 |
| AZ Apache; AZ Coconino; AZ Gila; AZ Mohave; AZ Navajo; AZ Pinal; AZ Yavapai; AZ Yuma. | |

Nevada:

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| 163 Las Vegas, NV: | |
| SMSA Counties: | |
| 4120 Las Vegas, NV | 13.9 |
| NV Clark. | |

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| Non-SMSA Counties | 12.6 |
| NV Esmeralda; NV Lincoln; NV Nye; UT Beaver; UT Garfield; UT Iron; UT Kane; UT Washington. | |
| 164 Reno, NV: | |
| SMSA Counties: | |
| 6720 Reno, NV | 8.2 |
| NV Washoe. | |
| Non-SMSA Counties | 9.2 |
| NV Churchill; NV Douglas; NV Elko; NV Eureka; NV Humboldt; NV Lander; NV Lyon; NV Mineral; NV Pershing; NV Storey; NV White Pine; NV Carson City | |

Utah:

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| 165 Salt Lake City, Ogden, UT: | |
| SMSA Counties | |
| 6520 Provo-Orem, UT | 2.4 |
| UT Utah. | |
| 7160 Salt Lake City-Ogden, UT | 6.0 |
| UT Davis; UT Salt Lake; UT Toole; UT Weber. | |
| Non-SMSA Counties | 5.1 |
| ID Bear Lake; ID Franklin; ID Oneida; UT Box Elder; UT Cache; UT Carbon; UT Daggett; UT Duchesne; UT Emery; UT Juab; UT Millard; UT Morgan; UT Piute; UT Rich; UT Sanpete; UT Sevier; UT Summit; UT Uintah -UT Wasatch; UT Wayne; WY Lincoln; WY Sublette; WY Sweetwater; WY Uinta. | |

Idaho:

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| 166 Pocatello-Idaho Falls, ID: | |
| Non-SMSA Counties | |
| | 4.0 |
| ID Bannock; ID Bingham; ID Blaine; ID Bonneville; ID Butte; ID Camas; ID Caribou; ID Cassia; ID Clark; ID Custer; ID Fremont; ID Gooding; ID Jefferson; ID Jerome; ID Lemini; ID Lincoln; ID Madison; ID Minidoka; ID Power; ID Teton; ID Twin Falls; WY Teton. | |
| 167 Boise City, ID: | |
| SMSA Counties: | |
| 1080 Boise City, ID | 2.3 |
| ID Ada. | |
| Non-SMSA Counties | 4.4 |
| ID Adams; ID Boise; ID Canyon; ID Elmore; ID Gem; ID Owyhee; ID Payette; ID Valley; ID Washington; OR Harney; OR Malheur. | |

Washington:

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| 168 Spokane, WA: | |
| SMSA Counties: | |
| 7840 Spokane, WA | 2.8 |
| WA Spokane. | |
| Non-SMSA Counties | 3.0 |
| ID Benewah; ID Bonner; ID Boundary; ID Clearwater; ID Idaho; ID Kootena; ID Latah; ID Lewis; ID Nez Perce; ID Shoshone; WA Adams; WA Asotin; WA Columbia; WA Ferry; WA Garfield; WA Lincoln; WA Pend Orelle; WA Stevens; WA Whitman. | |
| 169 Richland, WA: | |
| SMSA Counties: | |
| 6740 Richland-Kennewick, WA | 5.4 |
| WA Benton; WA Franklin. | |
| Non-SMSA Counties | 3.8 |

OR Baker; OR Gilliam; OR Grant; OR Morrow; OR Umatilla; OR Union;
OR Wallowa; OR Wheeler; WA Walla Walla.

170 Yakima, WA:

SMSA Counties:

9260 Yakima, WA _____ 9.7

WA Yakima.

Non-SMSA Counties _____ 7.2

WA Chelan; WA Douglas; WA Grant; WA Kittitas; WA Okanogan.

171 Seattle, WA:

SMSA Counties:

7600 Seattle-Everett, WA _____ 7.2

WA King; WA Snohomish.

8200 Tacoma, WA _____ 6.2

WA Pierce.

Non-SMSA Counties _____ 6.2

WA Clallam; WA Grays Harbor; WA Island; WA Jefferson; WA Kitsap; WA Lewis;
WA Mason; WA Pacific; WA San Juan; WA Skaqil; WA Thurston; WA Whatcom.

Oregon:

172 Portland, OR:

SMSA Counties:

6440 Portland, OR-WA _____ 4.5

OR Clackamas; OR Maitnomah; OR Washinton; WA Clark.

7080 Salem OR _____ 2.9

OR Marion; OR Polk.

Non-SMSA Counties:

OR Benton; OR Clatsop; OR Columbia; OR Crook; OR Deschutes; OR Hood River;
OR Jefferson; OR Lincoln; OR Linn; OR Sherman; OR Tillammok; OR Wasco;
OR Yamhill; WA Cowlitz; WA Klickitat; WA Skamania; WA Wahkiakum.

173 Eugene, OR:

SMSA Counties:

2400 Eugene-Springfield, OR _____ 2.4

OR Lane.

Non-SMSA Counties _____ 2.4

OR Coos; OR Curry; OR Douglas; OR Jackson; OR Josephine; OR Klamath;
OR Lake

California:

174 Redding, CA:

Non-SMSA Counties _____ 6.8

CA Lassen; CA Modoc; CA Plumas; CA, Shasta; CA Siskiyou; CA Tehama.

175 Eureka, CA:

Non-SMSA Counties _____ 6.6

CA Del Norte; CA Humboldt; CA Trinity.

176 San Francisco-Oakland-San Jose, CA:

SMSA Counties:

7120 Salinas-Seaside-Monterey, CA _____ 28.9

CA Monterey.

7360 San Francisco-Oakland, CA _____ 25.8

CA Alameda; CA Contra Costa; CA Marin; San Francisco; CA San Mateo.

7400 San Jose, CA _____ 19.6

CA Santa Clara.

7485 Santa Cruz, CA _____ 14.9

CA Santa Cruz.

7500 Santa Rosa, CA _____ 9.1

CA Sonoma.-

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| 8720 Vallejo-Fairfield-Napa, CA | 17.1 |
| CA Napa; CA Solano. | |
| Non-SMSA Counties | 23.2 |
| CA Lake; CA Mendocino; CA San Benito. | |
| 177 Sacramento, CA: | |
| SMSA Counties: | |
| 6920 Sacramento, CA | 16.1 |
| CA Placer; CA Sacramento; CA Yolo. | |
| Non-SMSA Counties | 14.3 |
| CA Butte; CA Colusa; CA El Dorado; CA Glenn; CA Nevada; CA Sierra; CA Sutter; CA Yuba. | |
| 178 Stockton-Modesto, CA: | |
| SMSA Counties:- | |
| 5170 Modesto, CA | 12.3 |
| CA Stanislaus | |
| 8120 Stockton, CA | 24.3 |
| CA San Joaquin. | |
| Non-SMSA Counties | 19.8 |
| CA Alpine; CA Amador; CA Calaveras; CA Mariposa; CA Merced, CA Tuolumne. | |
| 179 Fresno-Bakersfield, CA: | |
| SMSA Counties: | |
| 0680 Bakersfield, CA | 19.1 |
| CA Kent | |
| 2840 Fresno, CA | 26.1 |
| CA Fresno | |
| Non-SMSA Counties | 23.6 |
| CA Kings; CA Madera CA Tulare. | |
| 180 Los Angeles, CA: | |
| SMSA Counties. | |
| 0360 Anaheim-Santa Ana-Garden Grove, CA | 11.9 |
| CA Orange. | |
| 4480 Los Angeles-Long Beach, CA | 28.3 |
| CA Los Angeles | |
| 6000 Oxnard-Simi Valley-Ventura, CA | 21.5 |
| CA Ventura | |
| 6780 Riverside-San Bernardino-Ontario, CA | 19.0 |
| CA Riverside; CA San Bernadino. | |
| 7480 Santa Barbara-Santa Maria-Lompoc, CA | 19.7 |
| CA Santa Barbara. | |
| Non-SMSA Counties | 24.6 |
| CA Inyo; CA Mono; CA San Luis - Obispo. | |
| 181 San Diego, CA: | |
| SMSA Counties | |
| 7320 San Diego, CA | 16.9 |
| CA San Diego. | |
| Non-SMSA Counties | 16.2 |
| CA Imperial | |

Alaska:

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|---|------|
| 182 Anchorage, AK: | |
| SMSA Counties: | |
| 0380 Anchorage, AK | 8.7 |
| AK Anchorage Division. | |
| Non-SMSA Counties | 15.1 |
| AK Aleutian Islands Division; AK Angoon Division; AK Barrow-North Slope Division; AK Bethel Division; AK Bristol Bay Borough; AK Bristol Bay Division; AK Cordova McCarthy Division; AK Fairbanks Division; AK Haines Division; AK Juneau Division; | |

AK Kenai-Cook Inlet Division; AK Ketchikan Division; AK Kobuk Division; AK Kodiak Division; AK Kwskokwim Division; AK Matanuska-Susitna Division; AK Nome Division; AK Outer Ketchikan Division; AK Prince of Wales Division; AK Seward Division; AK Sitka Division; AK Skagaway-Yakutat Division; AK Southeast Fairbanks Division; AK Upper Yukon Division; AK Valdez-Citina-Whittier Division; AK Wade Hampton Division; AK Wrangell-Petersburg Division; AK Yukon-Koyukuk Division.

Hawaii:

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| 183 Honolulu, HI: | |
| SMSA Counties: | |
| 3320 Honolulu, HI | 69.1 |
| HI Honolulu. | |
| Non-SMSA Counties | 70.4 |
| HI Hawaii; HI Kauai; HI Maui; HI Kalowao. | |