

NOTICE TO NEW SBA BORROWERS

This notice informs recipients of SBA financing of recommended actions to show evidence that they are complying with the requirements of Parts 112, 113 and 117 of SBA Rules and Regulations (13 Code of Federal Regulations). Actual compliance with nondiscrimination regulations can be determined only after a review and examination of all facts, practices and records relating to the operation of the business. A compliance review may be conducted during the life of the loan, especially if a complaint of discrimination is lodged against the business. The records described below, if available, may be reviewed during such compliance review.

Generally, subsections 112.9, 113.5 and 117.9 of SBA's nondiscrimination regulations state that SBA can require any recipient of financial assistance to keep records which would enable SBA to ascertain whether the recipient has complied or is complying with SBA's regulations for the length of the loan. Specifically, SBA may ask recipients to provide application and employment records, current payroll records, or other records usually kept for the prudent conduct of business. Any records (e.g., admission forms, etc.) which show the extent to which members of minority or other protected groups are beneficiaries of the recipient's services, where applicable, may also be examined during the compliance review.

At the time of the initial compliance inquiry, SBA will recommend that the implementation of the employer's equal opportunity program specifically include the following actions.

(NOTE: Where models are provided, they may be used as written or amended to meet the borrower's specific needs, provided the essential meaning of the model is not lost.)

1. Preparation of a written statement and its dissemination to all employees and applicants for employment outlining the employer's policy of extending equal opportunity to all persons without regard to race, color, religion, sex, age, disability, or national origin in such matters as customer service, recruitment, promotions and advancements, training programs, wages and salaries, work schedules, transfers, layoffs, demotions, seniority rights, fringe benefits and utilization of restrooms, lunch rooms, drinking fountains, recreation and parking areas. (See pages 3 and 4.)
2. Specific designation of a responsible official to coordinate and implement the equal employment opportunity policy.

3. Dissemination of equal opportunity information to supervisory personnel and their subordinates, i.e., notice to all supervisory personnel that employee meetings will periodically include discussion of management's equal opportunity policy.
4. Where applicable, written notifications to unions and recruitment sources of your equal opportunity policy; seek incorporation of such policies in union agreements.
5. Posting of SBA posters in conspicuous places, visible to the public, employees and applicants for employment, indicating that your company is an equal opportunity firm.
6. Utilization of "An Equal Opportunity Employer" by-line in all help-wanted advertisements and job orders.

In addition to the recommended actions, SBA suggests that all borrowers and subrecipients of SBA financing take steps to assure the public, and employees or applicants for employment, an equal opportunity. With due regard for the size of your business, select the appropriate items from the enclosed checklist suggestions (pages 6 - 8). The larger your business, particularly in terms of number of employees, the greater the opportunity to employ a wider range of checklist items. You should try to achieve a balanced representation of minority and other protected groups in apprentice and training programs, entry-level, white collar and supervisory occupations.

Should you have any further questions, desire additional information or assistance in connection with the development and implementation of your equal opportunity policies, please contact the U.S. Small Business Administration Office of Civil Rights Compliance at 409 Third Street, S.W., in Washington, DC 20416.

MODEL POLICY STATEMENT

TO: Department Managers
Supervisory Personnel
Employees
Applicants for Employment

SUBJECT: Equal Employment Opportunity

OBJECTIVE: To obtain qualified employees consistent with position requirements; to seek, employ, promote, and treat all employees and applicants for employment without discrimination as to race, color, religion, sex, age, disability, or national origin.

It is the policy of the _____ Company/Corporation to give equal opportunity to all qualified persons without regard to race, color, religion, sex, age, disability, or national origin.

All employment practices are to ensure that all individuals are recruited, hired, assigned, advanced, compensated and retained on the basis of their qualifications, and treated equally in these and all other respects without regard to race, color, religion, age, sex, disability, or national origin. It shall be considered the responsibility of supervisory employees to further the implementation of this policy and ensure conformance of their subordinates. Supervisory personnel as well as those responsible for hiring new employees must take all necessary action in the elimination of possible discrimination towards employees and applicants for employment with _____ Company/Corporation in all categories and levels of employment and employee relations.

Responsibility for seeing that this policy is continuously followed has been assigned to _____ *(name and title of designated official)*.

The designated official shall work with each department and supervisor in furthering its implementation and monitoring the progress being made.

Signature _____

MODEL POLICY STATEMENT

(For Schools, Nursing Homes, and other similar service-oriented businesses)

TO: Department Managers
Supervisory Personnel
Employees, Applicants for Employment
Recipients of Services

SUBJECT: Equal Opportunity

OBJECTIVE: To obtain qualified employees consistent with position requirements, and to ensure that all employees, applicants and clients be treated without discrimination as to race, color, religion, sex, disability, age, or national origin.

It is the policy of _____ to give equal employment opportunity to all qualified persons and to ensure that they are recruited, hired, assigned, advanced, compensated and retained on the basis of their qualifications, and treated equally without regard to race, color, religion, sex, age, disability, or national origin.

All selection procedures, admissions, assignments, and facilities shall be available to all qualified persons who seek services without respect to race, color, religion, sex, disability, age or national origin.

Supervisory personnel and other personnel responsible for hiring and carrying out other selection policies must take all necessary action to eliminate possible discrimination towards employees, applicants for employment, and clients of _____.

Responsibility for seeing that this policy is continuously followed has been assigned to _____ (*name and title of designated official*). The designated official shall work with each department manager and other selecting official in furthering its implementation and monitoring the progress being made.

Signature: _____

MODEL REAFFIRMATION OF POLICY STATEMENT

TO: All _____ Company/Corporation Employees

SUBJECT: Equal Employment Opportunity

Periodically, it becomes desirable and necessary to restate the Company's/Corporation's policy on matters of significance to employees. One such policy concerns equal opportunity.

It is the policy of _____ to provide equality of opportunity for any employee or applicant for employment, irrespective of race, color, religion, sex, age or national origin. Equality of opportunity in employment shall also be extended to those qualified individuals with disabilities who apply for or are employed by this company. I am sure that you are all aware of this policy which has been given added emphasis by legislation enacted by the Federal Government to insure compliance with this principle throughout the country.

The (Company/Corporate) policy, which management is pledged to support, implements the enacted legislation to assure all employees of equal treatment. Through a positive expression of adherence to the principle of equal opportunity, we can achieve success for both the Company and its employees.

Responsibility for the implementation of this policy has been assigned to _____ (*name and title of designated official*).

Signature _____

EQUAL OPPORTUNITY PROGRAM CHECKLIST

1. Although work areas, cafeterias, washrooms and locker areas are not segregated, does any segregation exist by tradition or practice? If so, what action is in order?
2. Do “black islands,” “brown areas,” or female-only departments or sections exist, i.e., are groups of individuals with disabilities, minorities, or females gathered to one side of or are they grouped within the whole group of employees?
3. Do you maintain regular contacts with local groups that are concerned with equal opportunities for minorities, women and people with disabilities?
4. Are you a member, or do you have a personal representative on local committees concerned with equal opportunities for minorities, women and people with disabilities?
5. When you advertise job openings, do you utilize media targeting minorities or other protected groups?
6. Are you utilizing organizations as recruitment sources that can assist you in obtaining qualified applicants from minority and other protected groups?
Examples of such organizations are:
 - a. Urban League
 - b. NAACP
 - c. LULAC
 - d. IMAGE
 - e. Operation SER
 - f. NOW
 - g. Local minority clergy
 - h. United States or State Employment Service
 - i. State and local service organizations focusing on diversity issues
 - j. Organizations concerned with the employment of individuals with disabilities.
7. Are you recruiting applicants from schools with diverse enrollments?
8. Are you reviewing the qualifications of employees from minority and other protected groups to ensure that their talents are being utilized effectively?
9. Do you regularly remind supervisors of their individual responsibilities in implementing the company’s equal opportunity policy?

10. Have you critically examined your employment procedures to ensure unbiased consideration of individuals from minority and other protected groups?
Are your facilities accessible to and usable by individuals with disabilities?
11. Have you considered job tailoring in order to afford an otherwise qualified individual with a disability an opportunity to work for your organization?
12. Are selection procedures for promotion devised to assure consideration of minority and other protected group employees?
13. Do on-the-job training programs include minority and other protected group employees?
14. Does your facility cooperate with and support community vocational training programs?
15. Do you have a training program on the premises to improve the skills of minority and other protected group employees?
16. Does your survey of employees with high potential include members of minority and other protected groups?
17. Do you have written documentation of your requests for applicants from minority and other protected group organizations?
18. Do you maintain a record of your contacts with organizations catering to the concerns of minority and other protected group individuals?
19. Does publicity covering your business and social events of general interest regularly include participants who are from minority and other protected groups?
20. Do you post announcements of new job openings, indicating the fact that such positions are available to all qualified persons?
21. Do you have written job descriptions for different job classifications?
22. Does your pay scale apply equally to all new hires having like qualifications, regardless of race, color, religion, sex, age, disability, or national origin?

23. Have all contractors and subcontractors been advised in writing of the company's equal opportunity policy?
24. Have all employees dealing with the public been advised of your policy to provide service without regard to race, color, religion, sex, disability, age, or national origin?

PLEASE NOTE: The estimated burden for completing this form is one hour per response. You will not be required to respond to this information collection if a valid OMB approval number is not displayed. If you have questions or comments concerning this estimate or other aspects of this information collection, please contact the US Small Business Administration, Chief, Administrative Information Branch, Washington D.C. 20416 and/or Office of Management and Budget, Clearance Officer, Paperwork Reduction Project (3245-0076), Washington, D.C. 20503