of the particular affirmative action program, and procedures for making
 timely adjustments in this program where effectiveness is not
 demonstrated.

(4) The goal of any affirmative action plan should be achievement of genuine
 equal employment opportunity for all qualified persons. Selection under such
 plans should be based upon the ability of the applicant(s) to do the work.
 Such plans should not require the selection of the unqualified, or the
 unneeded, nor should they require the selection of persons on the basis of
 race, color, sex, religion, or national origin. Moreover, while the Council
 believes that this statement should serve to assist State and local employers, as
 well as Federal agencies, it recognizes that affirmative action cannot be
 viewed as a standardized program which must be accomplished in the
 same way at all times in all places.

Accordingly, the Council has not at
 tempted to set forth here either the
 minimum or maximum voluntary steps
 that employers may take to deal with
 their respective situations. Rather, the
 Council recognizes that under applica-
 ble authorities, State and local em-
 ployers have flexibility to formulate
 affirmative action plans that are best
 suited to their particular situations. In
 this manner, the Council believes that
 affirmative action programs will best
 serve the goal of equal employment op-
 portunity.

Respectfully submitted,

Harold R. Tyler, Jr.,
Deputy Attorney General and Chairman of the
Equal Employment Coordinating Council.

Michael H. Moskow,
Under Secretary of Labor.

Ethel Bent Walsh,
Acting Chairman, Equal Employment Oppor-
unity Commission.

Robert E. Hampton,
Chairman, Civil Service Commission.

Arthur E. Flemming,
Chairman, Commission on Civil Rights.

Because of its equal employment op-
portunity responsibilities under the
State and Local Government Fiscal As-
sistance Act of 1972 (the revenue shar-
ing act), the Department of Treasury
was invited to participate in the for-
mulation of this policy statement; and
it concurs and joins in the adoption of
this policy statement.

Done this 26th day of August 1976.

Richard Albrecht,
General Counsel,
Department of the Treasury.

§ 60–3.18 Citations.

The official title of these guidelines is “Uniform Guidelines on Employee
Selection Procedures (1978)”. The Uniform Guidelines on Employee Selection
Procedures (1978) are intended to establish a uniform Federal position in the
area of prohibiting discrimination in employment practices on grounds of
race, color, religion, sex, or national origin. These guidelines have been
adopted by the Equal Employment Opportunity Commission, the Department
of Labor, the Department of Justice, and the Civil Service Commission.

The official citation is:

“Section 60–3, Uniform Guidelines on Em-
ployee Selection Procedure (1978); 43 FR 38295
(August 25, 1978).”

The short form citation is:

“Section 60–3, U.G.E.S.P. (1978); 43 FR 38295
(August 25, 1978).”

When the guidelines are cited in con-
nection with the activities of one of
the issuing agencies, a specific citation
to the regulations of that agency can
be added at the end of the above cita-
tion. The specific additional citations
are as follows:

Equal Employment Opportunity Commission
29 CFR Part 1607

Department of Labor
Office of Federal Contract Compliance Pro-
grams
41 CFR Part 60–3

Department of Justice
28 CFR 50.14

Civil Service Commission
5 CFR 300.103(c)

Normally when citing these guide-
lines, the section number immediately
preceding the title of the guidelines
will be from these guidelines series 1–
18. If a section number from the codi-
fication for an individual agency is
needed it can also be added at the end
of the agency citation. For example,
section 6A of these guidelines could be
 cited for EEOC as follows: “Section 6A,
Uniform Guidelines on Employee Se-
lection Procedures (1978); 43 FR 38295,
(August 25, 1978); 29 CFR Part 1607, sec-
tion 6A.”
PART 60-4—CONSTRUCTION CONTRACTORS—AFFIRMATIVE ACTION REQUIREMENTS

§ 60-4.1 Scope and application.

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 on site construction including those construction employees who work on a non-Federal or nonfederally assisted construction site. This part also establishes procedures which all Federal contracting officers and all applicants, as applicable, shall follow in soliciting for and awarding Federal or federally assisted construction contracts. Procedures also are established which administering agencies shall follow in soliciting and awarding Federal or federally assisted construction contracts. Procedures also are established which administering agencies shall follow in making any grant, contract, loan, insurance or guarantee involving federally assisted construction covered by this Part 60-4.

§ 60-4.2 Solicitations.

(a) All Federal contracting officers and all applicants shall include the notice set forth in paragraph (d) of this section and the Standard Federal Equal Employment Opportunity Construction Contract Specifications set forth in §60-4.3 of this part in all solicitations for offers and bids on all Federal and federally assisted construction contracts or subcontracts to be performed in geographical areas designated by the Director pursuant to §60-4.6 of the part. Administering agencies shall require the inclusion of the notice set forth in paragraph (d) of this section and the specifications set forth in §60-4.3 of this part as a condition of any grant, contract, subcontract, loan, insurance or guarantee involving federally assisted construction covered by this Part 60-4.

(b) All nonconstruction contractors covered by Executive Order 11246 and the implementing regulations shall include the notice in paragraph (d) of this section in all construction agreements which are necessary in whole or in part to the performance of the covered nonconstruction contract.

(c) Contracting officers, applicants and nonconstruction contractors shall given written notice to the Director within 10 working days of award of a contract subject to these provisions. The notification shall include the name, address and telephone number of the contractor; employer identification number; dollar amount of the contract, estimated starting and completion dates of the contract; the contract number; and geographical area in which the contract is to be performed.

(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”