

# Brochure



**THOMAS HOUSTON associates, inc.**  
*Affirmative Action Compliance Consultants*

## SERVICES AND PRODUCTS

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## **ABOUT THOMAS HOUSTON ASSOCIATES, INC.**

THOMAS HOUSTON associates, inc. was founded in 1978 and specializes in preparing Affirmative Action Plans (AAPs) and the preparation and representation of our clients during OFCCP compliance evaluations.

Our Affirmative Action Plan work is tailored to meet the individual needs of each client we serve. We function with great understanding and commitment as we are hands on human resource specialists experienced with the concerns and processes of combining government compliance and astute Human Resource Management. Our reputation is based on the kind of personal attention and effectiveness that we consistently provide. We deliver impeccable results that would otherwise take months of your company's time to complete.

In whatever way we may be of service to you - through our expertise in Affirmative Action, training or general Human Resource consulting - we are committed to making your job easier while helping you achieve your company objectives.

## **ABOUT OUR CEO AND STAFF**

Mr. Thomas H. Nail, our President and CEO, brings 40 years worth of Equal Employment Opportunity and Affirmative Action experience to the table. He has personally represented the firm's clients in more than 450 OFCCP Compliance Evaluations. He has trained THOMAS HOUSTON's internal staff to enhance the firm's capabilities in OFCCP Compliance Evaluations.

THOMAS HOUSTON literally helped write the book on affirmative action compliance. Mr. Nail is a former member of the OFCCP National Liaison Committee that participated in the revisions to the OFCCP Federal Contract Compliance Manual. Mr. Nail and other members of this committee played an important role in this process by stressing the impact of the proposed regulations on practical business operations. Our extensive contacts within the OFCCP allow us to remain current on the important issues that affect our clients.

Our team of experts includes specialists in the fields of human resources, government compliance and investigative research, information technology and compliance evaluation negotiation. The extensive and diverse experience of our staff provides reliable consultation that exceeds industry standards. THOMAS HOUSTON partners with Jude Sotherlund, a noted compensation evaluation expert. Ms. Sotherlund manages the compensation aspects of all client Compliance Evaluations. THOMAS HOUSTON also partners with Jo Bennett of Stevens & Lee in Philadelphia, PA. Ms. Bennett provides legal representation in any Compliance Evaluation where such authority is needed.

We have a highly dedicated and loyal team of employees with over 150 years of combined experience across industries in the areas of affirmative action. The credentials of our staff are broad and include Data Analysis, Database Development, Process and Procedure Development, Organization Assessment, Legal Compliance, Compliance Review and HR Generalists. Many of our staff members have held high-level positions in Human Resources Management.

## **OUR CUSTOMER SERVICE**

THOMAS HOUSTON is dedicated to excellence and exceptional customer service. We strive to be a leader in our industry with strong integrity, high ethical standards, and a track record of proven excellence in performance. Our reputation is based on the kind of personal attention and effectiveness we consistently provide.

Our nationwide base of satisfied clients is attributed to our professional staff's extensive and diverse experience. We are hands-on Affirmative Action Compliance Consultants experienced with the concerns and processes of combining government compliance and astute Human Resource Management.

## **OUR RELATIONSHIP WITH THE OFCCP**

We maintain effective relationships nationwide at all levels within the OFCCP organization. This includes compliance officers, assistant district directors, district directors, regional administrators, and national office contacts up to and including the current Assistant Secretary of Employment Standards Administration (ESA). These contacts have evolved over 35 years of writing AAPs, defending them through the chain of command, and discussing them theoretically and practically with various employees of the OFCCP. We find a cordial relationship with the various OFCCP personnel to be more productive than an adversarial approach. This does not mean, however, that we always agree with the findings of the OFCCP. Instances arise during every compliance review when diplomatic negotiation or legal involvement is needed to bring about the desired benefit to the client.

Of the hundreds of compliance reviews, in which we have participated, approximately 98% have resulted in a finding of "No Deficiency." This compares to the OFCCP's rate of only about 20% of reviews having such an outcome—the contrast speaks for itself.

## **PROFESSIONAL SERVICES**

Our Professional Services provide successful methods for compliance according to the rules and regulations of the OFCCP. Developing an AAP is a tedious and often frustrating process. Our Affirmative Action Project Teams function with a great understanding of these issues. Extensive experience with the concerns and processes of combining government compliance with astute human resource management allows us to alleviate the pressures involved in developing your affirmative action program. All Professional Services are tailored to meet the individual needs of each company we serve.

## **THE BENEFITS OF USING OUR SERVICES**

- ◆ Timely & efficient completion of your company's Affirmative Action Plan
- ◆ Savings in staff, budget, and time
- ◆ Affirmative Action issues in a "no nonsense" format
- ◆ Various reports and tools available
- ◆ Direction for improved use of HRIS systems and data maintenance
- ◆ Reliable, up-to-date, informational resource on affirmative action issues
- ◆ Allows your company to focus on its core competencies

A well-prepared Affirmative Action Plan is not only vital to the successful achievement of your company's affirmative action objectives; it is also your first line of defense in the event of a U. S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP) compliance evaluation.

## **CLIENT CORNER**

Our clients have access to their Affirmative Action Plans and associated reports via their secure Client Corner in our HResource Center. Using a secure username and password, a user is able to view, download and print portions or the entire Affirmative Action Plan (AAP), Management Action Plan (MAP), and Implementation Training presentation. This electronic version of the AAP will be stored for safekeeping and referencing purposes for two full plan years.

## **AFFIRMATIVE ACTION PLAN PREPARATION**

The written Affirmative Action Plan (AAP) is a management tool that documents your company's compliance with 41 CFR §60-2.11 through 41 CFR §60-2.17. This plan or "tool" is designed to assist in the implementation of your company's affirmative action program and should also be used in a diagnostic manner to enhance your company's commitment to EEO/Affirmative Action as required under 41 CFR §60-2.10. Additionally, this plan is the basis for submission to an OFCCP request for affirmative action materials. The written plan includes:

### **QUANTITATIVE ANALYSIS & IDENTIFICATION OF PROBLEM AREAS**

Location Specific:

- ◆ Organizational Profile (Workforce Analysis)
- ◆ Job Group Analysis
- ◆ Placement of Incumbents in Job Groups
- ◆ Determining Availability (Availability Analysis)
- ◆ Comparison of Incumbency to Availability
- ◆ Placement Goals/Utilization by Job Group
- ◆ Representation by Organizational Unit (JAAR)
- ◆ Personnel Activity (Impact Ratio Analysis)
- ◆ Compensation Systems (Comparative Salary Report)

### **REQUIRED NARRATIVES**

- ◆ Minorities and Women
- ◆ Individuals with Disabilities and Covered Veterans

The narrative describes the individual elements of your company's affirmative action program and may be customized to a By Plan (location specific) or Consolidated (company-wide) format.

By Plan Narrative customization includes location specific Identification of Problem Areas and Action-Oriented Programs, Invitation to Self-Identify, EEO Policy Statements, Facility ID Statements, and Designation of Responsibility.

Consolidated Narrative customization includes company-wide Identification of Problem Areas and Action-Oriented Programs. Location specific EEO Policy Statements, Facility ID Statements, and Designation of Responsibility may also be included in this narrative.

## **OUR STEP-BY-STEP IMPLEMENTATION METHOD**

### ***COORDINATION OF DATA***

Our Project Teams orchestrate the development of your affirmative action program: collection and organization of personnel data.

### ***AFFIRMATIVE ACTION PLAN (AAP) GENERATION***

Using your company's data, we customize a written account of your company's affirmative action program as required under 41 CFR §60-2.10.

### ***IMPLEMENTATION & MANAGEMENT ACTION PLAN (MAP)***

We conduct Customized AAP Implementation Training that presents the completed Affirmative Action Plan and our unique Management Action Plan (MAP). Critical issues are summarized and direction for program implementation and compliance is provided.

### ***PROGRAM SUPPORT***

Our Project Teams provide support throughout the entire affirmative action program implementation process and the current AAP year.

## **AAP DELIVERY METHODS**

THOMAS HOUSTON offers our AAP's in electronic (e-AAP) format, web-based distribution or in binders (upon request).

The benefits of our e-AAP and web-based system include:

- ◆ paper reduction
- ◆ ease of use company-wide
- ◆ entire AAP or portions thereof may be posted on company website or intranet
- ◆ individual reports can be extracted and printed as needed
- ◆ fully navigable with zoom-in, zoom-out capabilities

## **MANAGEMENT ACTION PLAN (MAP)**

The Management Action Plan provides a convenient basis for meeting the internal audit and reporting requirements under 41 CFR §60-2.17(d). The MAP includes internal reporting as required under 41 CFR §60-2.17(d) as well as a Summary of Analysis that highlights potential problem areas. The MAP also provides direction in effectively targeting your company's affirmative action efforts and can be used to submit recommendations for improved affirmative action results in accordance with 41 CFR §60-2.17(d). Based on the size of your company, the number of plans and the data provided, the MAP will include:

### **SUMMARY OF ANALYSIS**

- ◆ Company-wide Activity Tables
- ◆ Company-wide Activity Summary
- ◆ Utilization Analysis Summary
- ◆ By Plan Activity Summary
- ◆ Comprehensive Plan Summary
- ◆ Plan Personnel Activity Tables

### **ANALYSIS OF EMPLOYMENT PROCESSES**

- ◆ Utilization Analysis / Goals Report
- ◆ Comparison of Prior and Current Year Availabilities, Utilization, and Shortfall
- ◆ Utilization Representation Graphs
- ◆ Analysis of Affirmative Action Progress
- ◆ Impact Ratio Analysis
- ◆ Departmental Structure
- ◆ Departmental Analysis (JAAR)

### **ACTION ORIENTED PROGRAMS**

### **IMPLEMENTATION AIDS**

### **DATA MAINTENANCE**

### **DEFINITIONS AND TERMS**

### **RESOURCE INFORMATION**

## **AAP IMPLEMENTATION TRAINING**

THOMAS HOUSTON offers a training of the completed Affirmative Action Plan and Management Action Plan that summarizes the effectiveness of your company's affirmative action program and the critical issues to be addressed. The training is designed to assist Compliance and/or Human Resources Managers/staff in program implementation. Direction is also provided for reviewing report results with all levels of management in a "manager friendly" format. The main objective of the Customized AAP Implementation Training is a clear understanding of the current status and plan year objectives of your company's affirmative action program. Communication of program status and objectives to Senior Level Management will help to satisfy the dissemination requirements of the internal audit and reporting system under 41 CFR §60-2.17(d). The training, which may be customized to suit your company's needs, includes:

- ◆ Management Engagement – An overview that begins by stressing the importance of supporting affirmative action as a "customer service" issue as opposed to a government regulation issue. An overall assessment of compliance and direction for improvement is presented as well as the ramifications of non-compliance.
- ◆ Report Interpretation – A detailed review of the reports included in both the Affirmative Action Plan and the Management Action Plan.
- ◆ Action-Oriented Programs – Explanation of the coordination of report results, selected action-oriented programs, and the necessary tools for implementation.
- ◆ Documentation Guidelines – A review of the type of documentation that will result in demonstrated good faith efforts as required under 41 CFR §60-2.17(c).

## **COMPARATIVE SALARY REPORT (CSR)**

Compensation systems analysis has become an extremely important issue in recent OFCCP compliance evaluations and one that your company must be prepared to address. The OFCCP has assumed jurisdiction over pay issues identified during pay equity analysis performed in conjunction with compliance evaluations.

It is very important that your company performs this analysis well in advance of an OFCCP compliance evaluation and takes corrective action where necessary. To accommodate this need, THOMAS HOUSTON can process an independent Comparative Salary Report (normally performed in conjunction with the written Affirmative Action Plan) upon request. Our CSR is designed to address the technical requirements of 41 CFR §60-2.17(b) as well as the standards set forth under Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963.



## **COMPENSATION EVALUATION (AS REQUIRED UNDER §60-2.17(B))**

THOMAS HOUSTON will review the results of the Comparative Salary Report and identify potential problem areas. We will also provide guidance for the research of potential problem areas and orchestrate the preparation of documentation to prove that discrepancies are not the result of decisions based on gender, ethnicity, or race but are attributed to measurable and justifiable components. Recommendations for corrective actions will be made where appropriate.

## **SCHEDULED INTERNAL REPORTING**

41 CFR §60-2.17(d) (2) of the Code of Federal Regulations requires internal reporting on a scheduled basis to determine the degree to which equal employment opportunity and organizational objectives are attained. Scheduled Internal Reporting is a report process that measures the effectiveness of an affirmative action program on a quarterly or semi-annual basis. This package contains updates of some of the same analysis that is part of the annual Affirmative Action Plan. Scheduled Internal Reporting results are compared to results from the beginning of the plan year. Comparison Reports that summarize changes in affirmative action progress are provided. These reports reflect the degree to which equal employment opportunity and organizational objectives are being attained as required under 41 CFR §60-2.17(d). The reports included are:

- ◆ Scheduled Internal Reporting Comparisons
- ◆ Utilization Analysis
- ◆ Analysis of Affirmative Action Progress
- ◆ Impact Ratio Analysis

The Individual Reports or Scheduled Internal Reporting package provide the HR professional and in-line managers with an easy to read evaluation of the company's affirmative action efforts so that mid-course corrections may be made.

## **CUSTOMIZED REPORTING**

THOMAS HOUSTON can customize any existing report design or develop new reports to suit your company's Affirmative Action needs.

## EEO-1 & VETS REPORTING REQUIREMENTS

THOMAS HOUSTON can assist in meeting annual reporting requirements. We will interpret, prepare, and electronically submit collected data for the following required reports:

- ♦ **EEO-1** – The Employer Information EEO-1 Report is required under Public Law 88-352, Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972. All companies with 100 employees or more must file an EEO-1 Report. This report must be filed annually, no later than September 30th.
- ♦ **VETS-100\*** – Title 38, United States Code, Section 4212(d) and PL 105-339 require that Federal Contractors file this report annually, no later than September 30th.
- ♦ **VETS-100A** – The Veterans’ Employment and Training Service (“VETS”) has adopted the VETS-100A Report, which will coordinate with the revised categories of covered veterans in the 2002 Jobs for Veterans Act (JVA).

### VETS-100 VERSUS VETS-100A: WHAT’S THE DIFFERENCE?

The forms differ in two significant respects: (1) with respect to the categories of veterans who are covered; and (2) with respect to the total numbers requested.

If you are required to file both reports, the same number of employees will appear on both reports, but categorized differently depending on their veteran designations.

\*VETS-100 reports are in the process of being phased out due to the date requirements for filing them.



**Reminder:  
Reporting deadline is September 30th**

## **COMPLIANCE EVALUATION SERVICES**

### **DESK AUDIT PREPARATION AND REPRESENTATION**

The process begins once a Scheduling Letter is received from the OFCCP. THOMAS HOUSTON will perform an in-depth review of the Affirmative Action Plan to be submitted. An AAP is prepared including all required information in the itemized listing and is submitted to the OFCCP. This stage of an audit continues until the Audit is closed or becomes an On-Site Audit. The representation at this stage of an audit is usually performed via phone or email between the consultants and the OFCCP. We will:

- ◆ Perform a Data Accuracy Assessment (DAA) on existing plan data. The DAA is our unique process developed to ensure that all personnel transaction data reconciles for the full plan year.
- ◆ Update/correct existing plan data.
- ◆ Coordinate and assist in the research necessary to actively address any problem area that may arise during the desk audit.
- ◆ Coordinate and assist in preparing the necessary attachments as they relate to documented good faith efforts such as – job service postings, EEO/Affirmative Action policy dissemination, etc.
- ◆ Prepare the AAP narrative designed to address specific problem areas in depth therefore minimizing the possibility of an on-site evaluation.

### **COMPLIANCE EVALUATION ON-SITE PREPARATION**

Our consultants will analyze and evaluate the collected materials and documentation to isolate and minimize any problem areas and thoroughly prepare the HR team to interact with the OFCCP Compliance Officer, if necessary. We will orchestrate the preparation of necessary materials and documentation such as:

- ◆ EEO-1 & VETS reports
  - ◆ Required postings
  - ◆ Personnel files and their contents
  - ◆ Applicant tracking
  - ◆ Review selection practices
  - ◆ Job postings
  - ◆ Supporting human resources policies/procedures/practices
-

In addition, we will:

- ◆ Prepare a “point-by-point” streamlined approach to address the items cited in an “on-site” letter
- ◆ Utilize our “unique”, up-to-date checklist to prepare your company’s HR team for any issues that may arise during the on-site compliance evaluation
- ◆ Thoroughly prepare your company’s HR team to interact with the OFCCP Compliance Officer
- ◆ Apprise your company’s managers of what to expect and prepare them for interaction with the OFCCP Compliance Officer

### **COMPLIANCE EVALUATION ON-SITE REPRESENTATION**

THOMAS HOUSTON has a proven track record of over 35 years of successful representation based on a diplomatic approach. A favorable outcome for any compliance evaluation (audit) largely depends on the smooth orchestration of many areas. By exercising the right amount of experience, diplomacy and negotiation skills, our consultants will ensure that all pieces flow together correctly and result in the “best picture” representation of your company.

Each compliance evaluation (audit) is a negotiation process; our objective in each phase of negotiation is the receipt of a “No Apparent Violations” letter by your company. THOMAS HOUSTON will act as an advisor and negotiator throughout all phases of the compliance evaluation (audit). Negotiation phases include:

- ◆ “On-site” letter – Issues may be negotiated and resolved prior to an “on-site” evaluation
- ◆ “On-site” evaluation – Any information request during an on-site evaluation is assessed for applicability and relevance
- ◆ Closure letter OR “Notice of Violation” – No violation is final until the Notice of Violation is issued by the OFCCP
- ◆ “Conciliation Agreement” – Negotiate the terms and conditions of the Conciliation Agreement, submit the reports to the OFCCP and discuss and negotiate acceptance of the submitted report(s)

## **CONCILIATION REPORTING**

In the event an OFCCP Conciliation Agreement is received by your company, THOMAS HOUSTON can:

- ◆ Negotiate the terms and conditions of the Conciliation Agreement
- ◆ Track the reporting dates
- ◆ Notify your company of report deadlines
- ◆ Coordinate the collection of the required data
- ◆ Produce the required progress reports from submitted data
- ◆ Negotiate the acceptance of the submitted reports with the OFCCP

## **“Mock” OFCCP COMPLIANCE EVALUATION (AUDIT)**

THOMAS HOUSTON can emulate any type of OFCCP compliance evaluation. A “mock” compliance evaluation (audit) is an ideal way to comprehensively assess your company’s current compliance status and provide direction for improvement. The different types of “mock” evaluations that can be performed include:

- ◆ Comprehensive AAP Review

A review of a current Affirmative Action Plan which highlights all technical compliance issues.

- ◆ Desk Audit

A review of the written Affirmative Action Plan and supporting documentation to determine whether all elements required under the regulations are included.

- ◆ On-Site Evaluation

A review that is conducted “on-site” to further investigate problem areas identified in the desk audit. This will normally involve an examination of your company’s Human Resources and employment policies and processes, including selection criteria, as well as an inspection of supporting documentation.

- ◆ Off-Site Review of Records/Summary of Findings

An analysis of information gathered during the on-site evaluation followed by a letter outlining areas of non-compliance and corrective action to be taken.

## **EMPLOYMENT ELIGIBILITY VERIFICATION - (FORM I-9)**

Form I-9 is used for verifying the identity and employment authorization of individuals hired for employment in the United States. All U.S. employers must ensure proper completion of Form I-9 for each individual they hire for employment in the United States. This includes citizens and noncitizens.

Both employees and employers (or authorized representatives of the employer) must complete the form. On the form, an employee must attest to his or her employment authorization. The employee must also present his or her employer with acceptable documents evidencing identity and employment authorization. The employer must examine the employment eligibility and identity document(s) an employee presents to determine whether the document(s) reasonably appear to be genuine and to relate to the employee and record the document information on the Form I-9.

The list of acceptable documents can be found on the last page of the form. Employers must retain Form I-9 for a designated period and make it available for inspection by authorized government officers. Upon request, I-9s must also be made available to inspectors from the Department of Home Land Security (DHS). Penalties for failure to properly complete the form I-9 range from \$100 to \$1000 per form.

THOMAS HOUSTON provides assistance in I-9 compliance with our comprehensive analysis of your company's I-9 forms.

## **FORM I-9 ASSESSMENT/AUDIT**

Using your company's payroll records, we can assist you in identifying all employees for whom an I-9 is required. Each I-9 and related supporting documentation is reviewed for completeness and accuracy. A final written assessment is provided that details, by employee, the necessary corrections.

## **I-9 FORM AUDITING CHECKLISTS**

To streamline the process of Form I-9 assessment, Thomas Houston has developed a unique self-stick, removable checklist for in-house use. These I-9 Form Auditing Checklists are now available for purchase and provide a comprehensive method for quick identification of information omitted from I-9 forms.

**Order your I-9 Auditing Checklists on our  
website:**  
[www.thomashouston.com](http://www.thomashouston.com)

## **EMPLOYMENT DISCRIMINATION CHARGE INVESTIGATION**

Discrimination charges can be filed against any company by its employees or applicants. If this situation arises, it warrants careful attention and a well planned response to avoid expense and increased government intervention in your business. Settlements in discrimination cases can be costly and time consuming. If a discrimination charge is filed against your company, a quick and organized reply is mandatory. We provide an objective investigation and response by:

- ◆ Conducting documented investigative interviews
- ◆ Rendering expert opinion and objective analysis
- ◆ Preparing written Position Statements for submission to government agencies
- ◆ Representing your company at fact-finding conferences and hearings

## **TRAINING**

THOMAS HOUSTON has applied over 35 years of experience in the areas of affirmative action and human resources to the development of our training programs. Consistent application of knowledge gained through conducting compliance evaluations for our nationwide client base ensures that our training programs remain current with the "hot issues" in these areas.

Training programs we offer on-site and via webinar format are:

- ◆ Stepping through the Affirmative Action Plan and Audit Process
- ◆ Implementing an Effective Affirmative Action Program
- ◆ Impact Ratio Analysis: What does it reveal?
- ◆ Customized Implementation Training
- ◆ Understanding Compliance Evaluations
- ◆ EEO-1 & VETS Reporting
- ◆ Form I-9 Compliance

Our Self-Paced "**Learning Library**" training programs include:

- ◆ Intro to Affirmative Action
  - ◆ Understanding Compliance Evaluations
  - ◆ EEO/AA and Diversity Basics
  - ◆ Outreach and Recruitment
  - ◆ How to avoid EEO/AA Program mistake in FTA Submission reviews
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## PRODUCTS

THOMAS HOUSTON has over 35 years of experience in affirmative action compliance. We have developed products to assist in the management of affirmative action compliance obligations.

### **ROADMAP TO SUCCESS: 5 STEPS TO PUTTING ACTION INTO YOUR AFFIRMATIVE ACTION PROGRAM**

First in the ROADMAP series, this e-book provides a five (5) step method for the implementation of the overall affirmative action program once the affirmative action plan has been written. The five (5) steps, covered in detail, are: The Basics, Understanding the Regulations, Evaluating the Analyses, Implementing the Analyses, and Developing the Program. The steps incorporate checklists and key observation points for self-evaluation, a comprehensive directory of resources for use in outreach and recruitment, appendices with expanded information on required analyses and reference sources.

Step 1: Reviewing the Basics

Step 2: Understanding the Regulations

Step 3: Evaluating Quantitative Analyses

Step 4: Implementing Qualitative Analyses

Step 5: Developing Your Program

### **ROADMAP TO SUCCESS: BRIEFING MANAGERS ABOUT AFFIRMATIVE ACTION RESULTS, AN HR PROFESSIONAL'S GUIDE**

The second in the ROADMAP series assists the HR Professional design a briefing of Affirmative Action Program results to present to management staff. This e-book provides an overview of Affirmative Action compliance for managers, and an explanation of Affirmative Action Plan analyses including determining utilization by comparing workforce composition to availability, placement rate goals, accomplishment of past year goals, impact ratio analysis, and evaluation of organizational units. The importance of conducting a pay equity analysis is also emphasized.

These resources are offered in an electronic format on our website:  
[www.thomashouston.com](http://www.thomashouston.com).



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**AFFIRMATIVE ACTION IS OUR TOP PRIORITY!**

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