Topics for Today

• About OFCCP
• Submission of Affirmative Action Programs
• Phases of a Compliance Evaluation
• During the Onsite of a Compliance Evaluation
• Closing a Compliance Evaluation
The purpose of the Office of Federal Contract Compliance Programs is to enforce, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government.
Laws OFCCP Enforces

• Executive Order 11246, as amended
  – Implementing regulations at 41 CFR Parts 60-1 through 60-50

• Section 503 of the Rehabilitation Act of 1973, as amended
  – Implementing regulations at 41 CFR Parts 60-741 and 60-742

• The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (38 USC 4212)
  – Implementing regulations at 41 CFR Part 60-300
Notification of Compliance Evaluation

- Scheduling letter sent to establishment via certified mail
- Letter gives establishment 30 days from receipt to submit their written affirmative action programs and supporting documentation
Items Requested

• Copies of current written affirmative action programs
• Copies of last 3 years of EEO-1 reports
• Copy of collective bargaining agreement(s), if applicable
• Report on prior year’s goals
• Personnel activity data
• Compensation data
Organizational profile
Job group analysis
Placement of incumbents into job groups
Determining availability
Comparing incumbency to availability
Placement goals
Designation of responsibility
Identification of problem areas
Action-oriented programs
Internal audit and reporting system
Section 503 and VEVRAA AAPs

- Policy statement
- Review of personnel processes
- Physical and mental qualifications
- Reasonable accommodation to physical and mental limitations
- Harassment
- External dissemination of policy, outreach and positive recruitment
- Internal dissemination of policy
- Audit and reporting system
- Responsibility for implementation
- Training
- Hiring benchmarks – VEVRAA only
- Utilization goal – Section 503 only
- Data collection
EEO-1 Reports

- Contractors and subcontractors with 50 or more employees and a contract or subcontract of $50,000 or more must file EEO-1 Reports with the Joint Reporting Committee.

- Reports are filed annually, no later than September 30.
Personnel Activity Data

- Applicant flow
- Hires
- Promotions
- Terminations
Report on Goals

- Job group representation at the start of the AAP year
- The placement goals established for minorities and women in underutilized job groups at the start of the AAP year
- The actual number of placements (hires plus promotions) made during the AAP year into each job group with goals
Dates of Personnel Activity Data and Report on Goals

• Data must be provided for the preceding AAP year
• If contractor is more than six (6) months into their current AAP year, information must be provided for the current AAP year
Compensation Data

• Annualized compensation data (wages, salaries, commission, and bonuses) by either salary range, rate, grade or level showing the total number of employees by race and gender and total compensation by race and gender

• Information may be provided electronically

• Contractors may submit other information already prepared that would assist OFCCP in understanding the compensation system
Phases of a Compliance Evaluation

- Desk audit
- Onsite investigation
- Offsite analysis
- Notice of findings
• Compliance Officer reviews the written affirmative action programs and personnel activity data
Onsite Investigation

- Onsite investigation offers the Compliance Officer the opportunity to confirm and verify information provided by the contractor and to follow up on any potential problem areas identified during the desk audit.
Entrance Conference

- Provide information and explain the purpose of the compliance review
  - General summary of the contractors EEO/AA obligations
  - Description of the scope of the onsite
  - Length of time for the onsite
  - Description of information needed
  - Need to conduct interviews
- Establish date and time for exit conference
Facility Inspection

• Review working conditions by department or other organizational unit

• Review job functions

• Review posting of EEO poster, policy statements and notice of the location and hours of availability of the Section 503/VEVRAA AAP
Interviews

- Human Resources Staff
- Managers
- Employees
Reviewing Additional Data

• Employment records in job groups where adverse impact has been identified
• Employment records in job groups where potential lack of good faith effort has been identified
• Differences in compensation
• Other requirements
Adverse Impact

- Employment records requested will vary depending on the adverse impact identified, whether in hiring, promotion or termination
<table>
<thead>
<tr>
<th>Internal Placements</th>
<th>External Placements</th>
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<tbody>
<tr>
<td>– Disseminate information about opportunities</td>
<td>– Community-based organizations used</td>
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<tr>
<td>– Provide training opportunities</td>
<td>– Internet websites used</td>
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<tr>
<td>– Mentoring</td>
<td>– Participation in job fairs</td>
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<tr>
<td>– Review selection criteria and selection procedures</td>
<td>– Use of publications or other media for employment</td>
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<td>advertisements</td>
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Compensation

- Copies of compensation policies, including copies of wage scales
- Copies of job descriptions
- Employment records of individual employees
Other Requirements

• Recordkeeping
• Invitations to self-identify as an individual with a disability or protected veteran
• Outreach and positive recruitment efforts for covered veterans and individuals with disabilities
• Listing employment openings with the state employment service
• VETS 100A reports
• EO clause in purchase orders and subcontracts
Recordkeeping

• Executive Order
  – Any personnel or employment record must be kept for a period of not less than 2 years from the date of the making of record or the personnel action involved
  – If the contractor has fewer than 150 employees or a contract for less than $150,000 the minimum record retention period is 1 year

• Section 503 and VEVRAA
  – *New 3 year requirement*
  – Outreach and recruitment efforts
  – Data collection
  – Hiring benchmark requirement – *VEVRAA only*
What are Employment Records?

All documents related to:

- Hiring
- Assignment
- Promotion
- Demotion
- Transfer
- Layoff or termination
- Rates of pay or other terms of compensation
- Selection for training or apprenticeship

- Requests for reasonable accommodation
- Results of any physical examinations
- Job advertisements and postings
- Applications and resumes
- Tests and test results
- Interview notes
Invitation to Self-Identify - Section 503

• **Pre-offer:** invitation to self-identify as an IWD
• **Post-offer:** invitation to self-identify as IWD
• **Employees:** invitation to all employees in first year; and every five years thereafter; at least one reminder in intervening years

• All invitations use form posted on OFCCP Web site
• **Pre-offer**: invitation to self-identify as a protected vet

• **Post-offer**: invitation to self-identify specific veteran category(ies) that the contractor is required to report to VETS on

• Model invitations contractors may use in Appendix B
Outreach

- VetSuccess
  - www.vetsuccess.va.gov
- One-Stop Careers Centers or state and local workforce agencies
  - www.servicelocator.org
- National Resource Directory
  - www.nationalresourcesdirectory.gov
- Disability.gov
  - www.disability.gov/employment
- Job Accommodation Network
  - www.askjan.org
- Employment Assistance Resource Network (EARN)
  - www.askearn.org
Listing Employment Openings With the State Employment Service

- Contractors must list employment openings with the appropriate employment service delivery system where the opening occurs.
- Employment openings includes all positions except for executive and top management, positions filled internally and positions lasting 3 days or less.
- Jobs may be listed with the local employment service office where the opening occurs, or the state workforce agency job bank.
VETS 100A

• The VETS 100A is to be completed by each federal contractor or subcontractor with a contract or subcontract entered into or modified on or after December 1, 2003 in the amount of $100,000 or more

• Report is filed annually with the Veterans Employment and Training Service (VETS)
Contract Clauses

- Contractors must include or reference the following clauses in subcontracts and purchase orders
  - EO 11246 EO clause ($10,000)
  - VEVRAA EO clause ($100,000)
  - Section 503 EO clause ($10,000)
Exit Conference

- Discuss review findings
- Discuss the need for offsite analysis, if necessary
- Discuss when written results will be received
Offsite Analysis

• Compliance Officer evaluates all data gathered during the course of the review, including statistical information, interviews, notes and results of records checks.
Notice of Findings

• No violations
  – Notice of Closure

• Violations
  – Predetermination Notice
  – Notice of Violations
  – OFCCP seeks resolution of violations through a voluntary, negotiated, binding Conciliation Agreement
Questions
How to Contact OFCCP

• OFCCP’s website
  – www.dol.gov/ofccp

• OFCCP’s toll free Help Desk
  – (800) 397-6251

• Columbus District Office
  – (614) 469-5831

  – Carmen Navarro, Acting District Director
  – Veronica A. Minnefield, Assistant District Director