A background image showing a group of diverse business professionals in an office setting, smiling and engaged in conversation. The image is slightly blurred and has a warm, golden light overlay.

**OFCCP's Current Focus and Issues Uncovered in a Compliance Review**  
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# Agenda

- Office of Federal Contract Compliance Programs (OFCCP) Financial Recoveries
- List of common violations uncovered in an OFCCP compliance review
- New OFCCP developments and focus in compliance reviews
- Applicant resources

## Contractors Must Comply with Following

- Executive Order 11246
- Section 503 of the Rehabilitation Act of 1973
- Section 4212 of VEVRAA



## OFCCP Financial Recoveries

<b>Fiscal Year</b>	<b>Financial Remedies</b>	<b>Workers Recompensed by OFCCP</b>	<b>Compliance Evaluations</b>
<b>2008</b>	<b>\$67,510,982</b>	<b>24,508</b>	<b>4,333</b>
<b>2007</b>	<b>\$51,680,950</b>	<b>22,251</b>	<b>4,923</b>
<b>2006</b>	<b>\$51,525,235</b>	<b>15,273</b>	<b>3,975</b>
<b>2005</b>	<b>\$45,156,462</b>	<b>14,761</b>	<b>2,730</b>
<b>2004</b>	<b>\$34,479,294</b>	<b>9,615</b>	<b>6,529</b>
<b>2003</b>	<b>\$26,220,356</b>	<b>14,361</b>	<b>4,698</b>
<b>2002</b>	<b>\$23,975,000</b>	<b>8,969</b>	<b>4,135</b>
<b>2001</b>	<b>\$28,975,000</b>	<b>9,093</b>	<b>4,716</b>

# Top Issues in Conciliation Agreements

- Record retention
- Applicant Tracking
- Adverse Impact
- No analysis prepared of steps
- Test
- No good-faith efforts
- Compensation inequity
- No opportunity to self-identify as veteran/disabled
- No accommodation made for disabled

## OFCCP Conciliation Agreements – 2007 & 2008

Miscellaneous violations included:

- No auditing system
- Failure to list openings with appropriate local employment authorities
- Reliance on a 3<sup>rd</sup> party to keep records

## 2008 Conciliation Agreement Results (\$5000 +)

<b>Violation</b>	<b># of Companies Impacted</b>
Hiring	73
Recordkeeping	69
Systemic Discrimination	31
Past Performance	18
Recruitment	10
EEO Policy	7
Salary	6
Selection/Testing	5
Placement Goals	4
No Written AAP Goals	2
Written AAP	2
Internet Applicant	2
WFA, Promotion, Termination, Training or Benefits	1

## Protected Class Violation Breakdown

<b>Class Violation Type</b>	<b># of Companies with Violations</b>
# with Female Violations	46
# with Minority Violations	43
# with Veteran Violations	5
# with ADA Violations	2
# with Damages over \$100,000	71
# with Damages over \$500,000	31
# with Damages over \$1,000,000	17
# with Damages over \$5,000,000	2
Top states with violations	California and Ohio

## Record Retention (41 CFR 60-1.12)

- If you have 150 employees and \$150,000 or more in government contracts, you must retain your current AAP and immediately preceding AAP (2 years)
- If you have less than 150 employees or less than \$150,000 in government contracts, you must keep the information for 1 year
- From date of record created or acted upon (whichever is later)
- Keep in mind, that if your location is undergoing an OFCCP, EEOC or other type of audit, no records covering the period being investigated, should be discarded

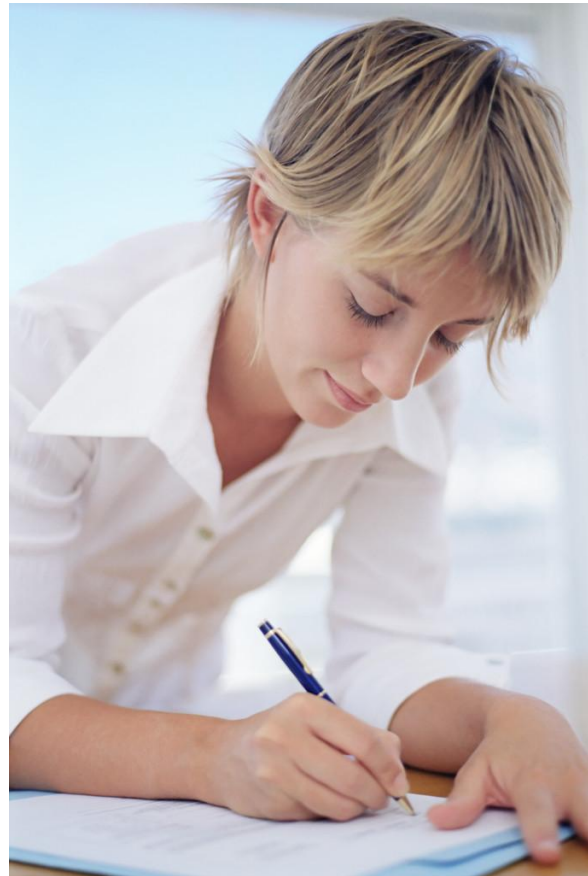
# Electronic Record Keeping

- Original paper records can be transferred to an electronic format if:
  - The medium used accurately reproduces the paper original and would constitute a duplicate or substitute copy of the original paper record under Federal law
  - The record can be converted back into a legible and readable paper copy and provided to OFCCP upon request

# Retention Provisions

- Paper original records may be disposed of any time after the transfer to an electronic record system, provided the electronic record accurately reproduces the paper original record
  
- If contractors use an electronic recordkeeping system, they must ensure that the electronic records comply with the record retention and access regulations. That is, the records must be:
  - Accurate
  - Complete
  - Accessible

# APPLICANT ISSUES



## OFCCP - Definition of an “internet applicant”...

Effective February 6, 2006

Four criteria must be satisfied in order for a job seeker to be considered an “Internet Applicant”

- Individual submits **expression of interest** through Internet or related electronic data technologies
- Contractor **considers** individual for employment in a **particular position**
- Individual’s expression of interest indicates **basic qualifications** for position
- Individual **does not remove him/herself from consideration** prior to job offer

## Common Applicant Tracking Issues

- Not all hires are showing up in the applicant log
- Information on gender and/or race/ethnicity is different between the applicant log and the hire log
- Information regarding plan location differs between the applicant log and the hire log
- Information regarding job group/job title differs between the applicant log and the hire log
- Applicants that do not meet the internet applicant definition are included in the adverse impact analysis
- Applicants for positions not yet filled in the period being analyzed are counted in the applicant pool for the adverse impact analysis

## Common Applicant Tracking Issues

- Disposition information is either unavailable, inaccurate or vague
- Proper documentation on applicants not kept (including interview notes)
- Low applicant to hire ratio

# Applicant Log

Applicant ID	Name	Internal/ External	Date Applied	Hired Date	Req.#	EEO-1/ Job group	Job title	Race	Gender	Source	Disposition
123456	Jane Doe	External	1/2/2008	2/1/2008	P1234	1A	Sr. VP Marketing	White	Female	Employee Referral	Hired
654321	John Smith	External	1/15/08		P4321	5A	Admin. Asst	White	Male	Company Website	Withdrew-passive - could not contact
246810	Jane Brown	External	2/15/08	3/18/08	P2468	2B	Accountant	Black	Female	NABA	Hired
135791	Jack Lewis	External	2/21/08		P1524	3A	Systems Administrator	White	Male	Monster	Did not meet basic qualifications – Years of Experience

# Recordkeeping Requirements

Contractors must retain internet applicant information as follows:

- **All expressions of interest** through the Internet or related electronic data technologies as to which the contractor considered the individual for a particular position



# Recordkeeping Requirements

## Internal Database

- A record of each resume added to the database
- Date each resume was added to the database
- The position for which each search of the database was made
- For each search, the substantive search criteria used
- The date of the search
- Records identifying job seekers contacted regarding their interest in a particular position

## External Database

- A record of the position for which a search was made
- For each search, the substantive search criteria used
- The date of the search
- The resumes of job seekers who met the basic qualification for the particular position who are considered by the contractor, regardless of whether the individual qualifies as an Internet Applicant
- Records identifying job seekers contacted regarding their interest in a particular position

## Recommendations

- Develop a written definition of an internet applicant
- Establish specific policies and procedures to determine which expressions of interest will be considered
- Decide whether you will use data management techniques
  - If so, identify the type of techniques that will be used and conditions for their use
- Decide whether a comparison of work preferences to position requirements will be used to identify withdrawals

## Recommendations

- Establish basic qualifications for all positions
- Establish and implement policies and procedures for searching
  - Internal
  - External
- Monitor adherence to policies and procedures
- Ensure that the technology you use will comply with record-keeping requirements

# HIRING ADVERSE IMPACT



# What should you do if there is Adverse Impact?

- Check to see what might have caused the adverse impact
  - Typographical error
  - Applicants misclassified into the incorrect race, gender, job group
  - Manager making the selection decisions is discriminating

# What should you do if there is Adverse Impact?

- Adverse Impact
  - Ensure that you are comparing complete and accurate data
  - Check for any areas where there is significant disparity (e.g. 2 standard deviations or higher)
  - Run the analysis by job title to determine if adverse impact still exists
  - Conduct a step analysis to determine which stage of the employment process caused adverse impact
  - Validate the procedure, or find an alternative that eliminates the impact

## Step Analysis

- If adverse impact is found in hiring decisions even after the pool of candidates has been refined, a Step Analysis is required to be prepared in order to determine which step of the selection process caused adverse impact
  - Minimum qualifications
  - Phone interview
  - Face-to-face interview
  - Written test
  - Drug test

## Application Process

- Record result of the selection decisions at each step of selection process
  - Selected, Rejected, Withdrew
  - Detailed Reason
    - Did not meet basic qualifications – experience
    - Did not meet basic qualifications – education
    - Others more qualified – experience
    - Others more qualified - education
    - Withdrawal – Active
    - Withdrawal – Passive – Could not contact
    - Withdrawal – Work preferences don't match job requirements - Salary

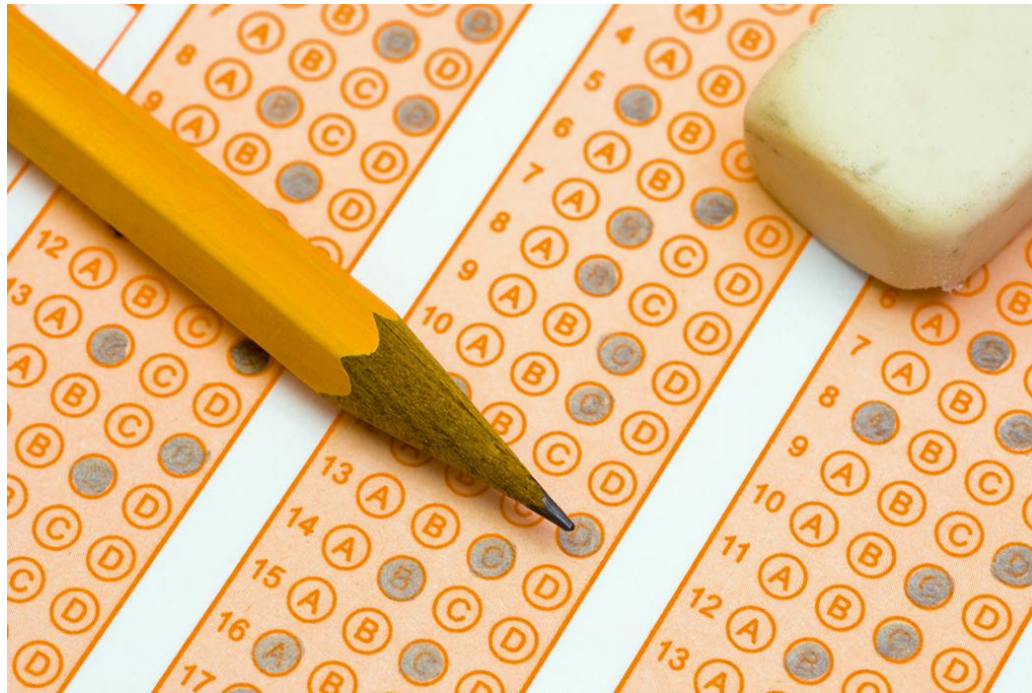
## Bottom-line analysis

Selection Step	Females	Female Selection Rate	Males	Male Selection Rate
1. Meet definition Internet applicant	100	---	100	---
2. Extend job offer	3	3% (3/100)	10	10% (10/100)

# Step Analysis

Selection Step	Females	Female Selection Rate	Male	Male Selection Rate
1. Submit expression of interest	100	----	100	---
2. Meet definition Internet applicant	75	75% (75/100)	70	70% (70/100)
3. Review Resumes for preferred qualifications	15	20% (15/75)	60	86% (60/70)
4. Phone Interview	12	80% (12/15)	40	67% (40/60)
5. Office Interview	5	42% (5/12)	17	43% (17/40)
6. Extend Offer	3	60% (3/5)	10	59% (10/17)
7. Drug Screen	3	100% (3/3)	10	100% (10/10)

# TEST VALIDATION



# Validation

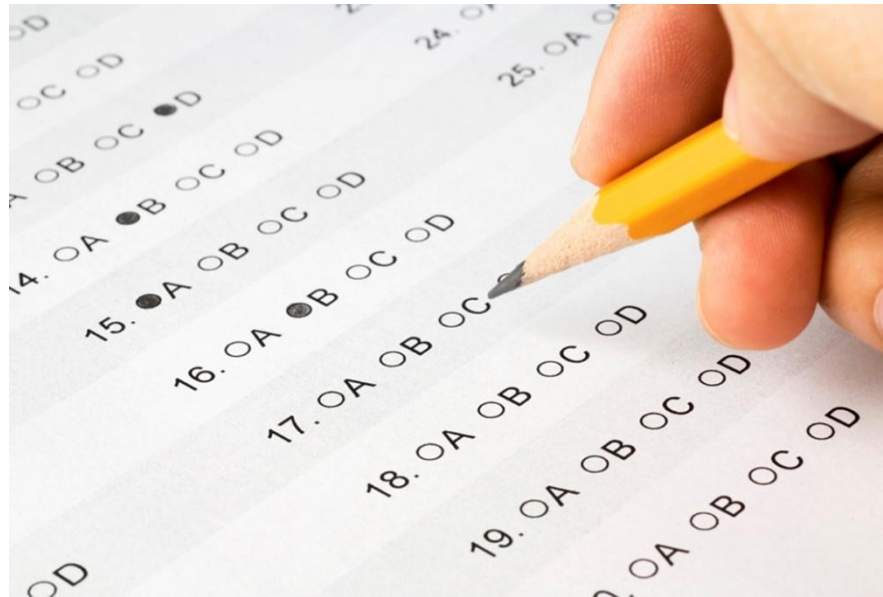
- A test is anything, any device, method, procedure, process, in any format, that a contractor uses to select one or more candidates for a job
- The most important consideration of any test used is validity
- Validity is the extent to which a test measures what it is supposed to measure
- A test can be justified by showing it is job related and necessary for the safe and efficient operation of the business

# Test Caused Adverse Impact?

- Employment Test Validation
  - Does the test adversely affect class individuals?
  - Has the test been validated in accordance with the Uniform Guidelines on Employee Selection Procedures?
  - Interviews also count as tests

## Validation

- If you determine that any steps of employment process produced adverse impact, check to see if the step has been validated
- If the step has been validated, check to see if the job requirements have changed at all since the test was validated



## Adverse Impact Caused by Test

- Whirlpool settled with the OFCCP for \$875,000 and accepting the placement of 48 new hires.
  - Whirlpool used a multiple-choice test as an employment-screening device.
  - OFCCP found that the test screened out a higher proportion of minorities and is not job related and consistent with business necessity.



## Adverse Impact Caused by Test

- Gerber Products, Inc. in Fort Smith, Arkansas agrees to pay \$900,000 to minorities and females for hiring discrimination
  - Hiring disparity was in part caused by inconsistent selection procedures for entry-level (rejected 1,912 minority and female applicants)
  - Used pre-employment tests that negatively impacted minority applicants and was not validated

# COMPENSATION ISSUES



# Item #11 – by Job Title

**XYZ COMPANY**  
**Paragraph 11, Itemized Listing - by Job Title**  
**Analysis Data as of 12/31/2008**

XYZ,DAL

XYZ CORP. DALLAS

<i>Salary Code</i>	<i>Total</i>		<i>Female</i>		<i>Male</i>		<i>Minority</i>		<i>Non-Minority</i>	
	<i>Compensation (\$)</i>	<i>Count (#)</i>	<i>Compensation (\$)</i>	<i>Count (#)</i>	<i>Compensation (\$)</i>	<i>Count (#)</i>	<i>Compensation (\$)</i>	<i>Count (#)</i>	<i>Compensation (\$)</i>	<i>Count (#)</i>
Admin Assistant	35,250	2	0	0	35,250	2	0	0	35,250	2
Assoc. CS	35,250	1	0	0	35,250	1	0	0	35,250	1
Assoc Eng	135,800	4	35,000	1	100,800	3	0	0	135,800	4
Attorney	118,500	3	118,500	3	0	0	118,500	3	0	0
Buyer	40,000	1	0	0	40,000	1	0	0	40,000	1
Cashier	40,000	2	0	0	40,000	2	20,000	1	20,000	1
CSR	21,000	1	21,000	1	0	0	0	0	21,000	1
Deposit Clerk	69,100	3	0	0	69,100	3	0	0	69,100	3
Dir Lending.	155,000	2	0	0	155,000	2	80,000	1	75,000	1
Dir Banking	100,000	1	0	0	100,000	1	100,000	1	0	0
Dir HR	80,000	1	0	0	80,000	1	0	0	80,000	1
EVP Loans	75,000	1	0	0	75,000	1	75,000	1	0	0
Fin Analyst	65,000	1	0	0	65,000	1	0	0	65,000	1
Global Mgr	100,000	1	100,000	1	0	0	0	0	100,000	1
Gen Mgr/EVP	705,000	4	0	0	705,000	4	150,000	1	555,000	3
Lending SVP	165,000	3	55,000	1	110,000	2	0	0	165,000	3

*Total Employees in Plan:*

**31**

**XYZ COMPANY**  
**Tier 1 (5%, 10%, 3 Times Analysis) - by Job Group and Job Title**  
**Female vs. Male**  
**Analysis Data as of 01/01/2008**

Plan: XYZ, DAL

XYZ, CORP DALLAS

Job Title	Job Group	Total		Female			Male			Difference in Average Comp.	Affected	
		Comp. (\$)	Count (#)	Total Comp. (\$)	Average Comp. (\$)	Count (#)	Total Comp. (\$)	Average Comp. (\$)	Count (#)		Group	Female Count (#)
STOCK CLERK	5	40,583	2	40,583	20,291	2	0	0	0	N/A		
ASSISTANT PRODUCTION SUPERVISOR	6	297,641	11	93,541	23,385	4	204,100	29,157	7	-24.68%	Female	4
HIGH RELIABILITY ASSISTANT	6	47,217	2	47,217	23,608	2	0	0	0	N/A		
HIGH RELIABILITY SUPERVISOR	6	28,081	1	0	0	0	28,081	28,081	1	N/A		
MACHINIST SUPERVISOR	6	42,995	1	0	0	0	42,995	42,995	1	N/A		
MAINTENANCE TECHNICIAN	6	197,296	6	0	0	0	197,296	32,882	6	N/A		
PRODUCTION SUPERVISOR	6	267,237	6	66,188	33,094	2	201,049	50,262	4	-51.87%	Female	2
SENIOR TECHNICIAN	6	35,361	1	0	0	0	35,361	35,361	1	N/A		
SUPERVISOR TAPE/REEL	6	24,899	1	24,899	24,899	1	0	0	0	N/A		
TECHNICIAN	6	42,018	2	0	0	0	42,018	21,009	2	N/A		
CAP RACK OPERATOR	7	185,606	9	142,028	20,289	7	43,578	21,789	2	-7.39%	Female	7
CASTING OPERATOR	7	18,201	1	0	0	0	18,201	18,201	1	N/A		
CUTTING OPERATOR	7	43,370	2	21,862	21,862	1	21,508	21,508	1	1.61%	Neither	
FIRE KILNS OPERATOR	7	64,462	3	21,550	21,550	1	42,912	21,456	2	0.43%	Neither	
HIGH RELIABILITY TECHNICIAN	7	226,563	11	139,075	19,867	7	87,488	21,872	4	-10.09%	Female	7
INSPECTOR	7	67,582	3	67,582	22,527	3	0	0	0	N/A		
MARKING OPERATOR	7	41,810	2	41,810	20,905	2	0	0	0	N/A		
NICKEL OPERATOR	7	20,114	1	20,114	20,114	1	0	0	0	N/A		
OPERATOR LEADING & ASSEMBY	7	312,888	15	175,498	19,499	9	137,390	22,898	6	-17.43%	Female	9
SCREENING MACHINE OPERATOR	7	166,657	8	166,657	20,832	8	0	0	0	N/A		

**XYZ COMPANY**  
**Tier 1 (5%, 10%, 3 Times Analysis) - by Job Group and Job Title**  
**Female vs. Male**  
**Analysis Data as of 01/01/2008**

Plan: XYZ, DAL

XYZ, CORP DALLAS

Job Title	Job Group	Total		Female			Male			Difference in Average Comp.	Group	Affected	
		Comp. (\$)	Count (#)	Total Comp. (\$)	Average Comp. (\$)	Count (#)	Total Comp. (\$)	Average Comp. (\$)	Count (#)			Female Count (#)	Male Count (#)
TERMINATION OPERATOR	7	141,321	6	19,657	19,657	1	121,664	24,332	5	-23.78%	Female	1	
TESTING OPERATOR	7	269,036	13	248,381	20,698	12	20,655	20,655	1	0.20%	Neither		
VISUAL INSPECTOR OPERATOR	7	202,412	10	202,412	20,241	10	0	0	0	N/A			
BATCHING OPERATOR	8	20,801	1	0	0	0	20,801	20,801	1	N/A			
FILTERING OPERATOR	8	18,513	1	0	0	0	18,513	18,513	1	N/A			
OPERATOR TAPE/REEL	8	177,411	9	141,113	20,159	7	36,298	18,149	2	9.97%	Male		2
JANITOR	9	19,761	1	0	0	0	19,761	19,761	1	N/A			
<b>Total</b>			192			112			80			37	7

Note: Females are affected when the difference in average compensation is less than or equal to -3%. Males are affected when the difference in average compensation is greater than or equal to 3%.

Conclusion:	Total	Affected	
	(#)	(#)	(%)
Female	112	37	33.03%
Male	80	7	8.75%

Is the percent of Females affected greater than or equal to 10%? Yes

Is the percent of Females affected greater than 3 times the percent of Males affected? Yes

If the OFCCP were to conduct the Tier One Analysis using the same information in this report, the agency would likely conduct further investigations based on the results reported here.

# Compensation Analysis

- If a company does not pass the 5%-10%-3 test, the OFCCP will ask for the following information in order to run a regression analysis:

1)Employee ID number

2)Gender

3)Race

4)Date of hire

5)Date in position

6)Date of birth

7)Current Salary

8)PT/FT Status

9)Exempt/non-exempt Status

10)Job Title

11)Salary grade or band level

12)Employee Location

## Compensation Analysis – Tier 2

- The OFCCP has also changed the way they conduct the cluster regression analysis
  - They will cluster jobs by job group rather than similar pay unless companies supply something else
  - Also they are using age or birth date to get prior work experience
  
- If that cluster analysis sends up a red flag, they will do a full blown multiple regression analysis

## Data Quality Issues Cited by OFCCP

- Numeric and text data mixed in a single column
- Different permutations of same job title
- Unusually large or small numeric values
- Job date before hire date
- Annual salary and hourly wage mixed without explanation
- Part time employees should separate out and make distinction (need to know the number of hours worked)

## Suggestions Regarding Submitting Additional Salary Information

- Ensure the data is a snapshot of employees in the workforce (snapshot date should be the same date used for the additional salary information requested)
- Provide annual pay for salaried staff and hourly rate for hourly employees
- Report base pay, bonuses, commissions and shift differentials separately
- Each employee record should have data for all 12 items; if data is not available, explain the reasons and do not simply omit from submission

## Suggestions Regarding Submitting Additional Salary Information

- Explain which of the 12 items are missing if applicable
- Make variable names self-explanatory
- Clearly identify the following:
  - Full and part-time status
  - Exempt/non-exempt status
  - Union and non-union employees

## OFCCP Recommendations

- Provide additional information if available that would explain differences in pay:
  - Prior job related experience
  - Performance ratings
  - Shift differential pay
  - Locality allowance



# **GOOD-FAITH EFFORTS**

## Good-Faith Efforts

- Consider implementing training and mentoring programs
- Consider tuition reimbursement programs
- Consider contacting predominantly minority/female schools and colleges
- Speak at career days or participate in Job Fairs
- Start intern programs



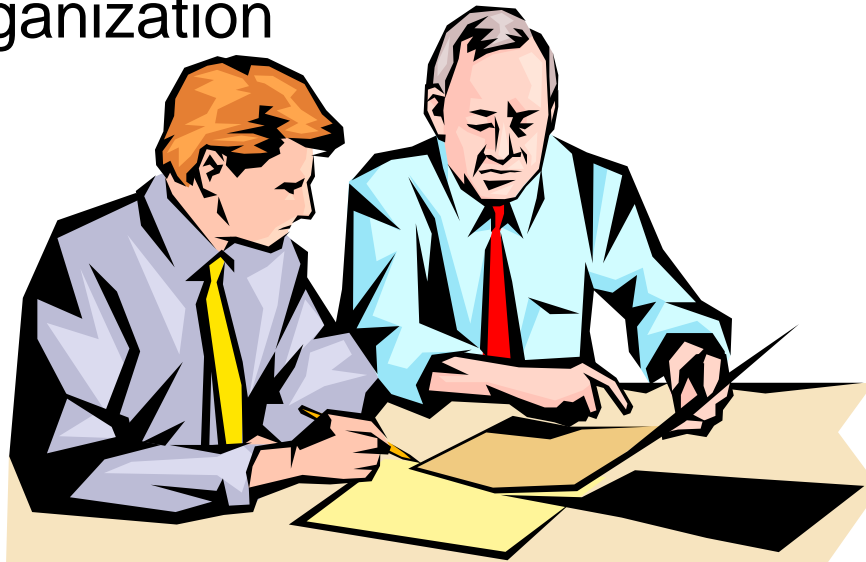
## Good-Faith Efforts

- Promote Employee Referral Program
- Encourage employees to participate in community service projects... Keep logs of activity
- Keep records of all contributions to community organizations



## Good-Faith Efforts

- Use placement offices
- Contact sources of qualified veteran, disabled, female and minority applicants
- Have an annual meeting of your recruiting sources at your facility; give a tour and discuss qualification requirements of your organization



## Are Your Recruitment Efforts Effective?

- Information regarding race/ethnicity/gender must be kept separate from the application
- Does your applicant pool mirror the available qualified workforce?
- Are you using recruiting sources that somehow limit the gender and racial composition of your applicant pool?

## Are Your Recruitment Efforts Effective?

- There should be an “applicant source” column in the applicant log to indicate where the applicant found the job posting
- Take note of whether or not certain recruitment efforts are yielding none to few qualified candidates
- Take note of those recruiting sources that are yielding qualified candidates in the covered groups: Females, Minorities, Disabled, Veterans
- Might need to focus recruitment efforts (e.g. Black Engineer Society, Working Mothers Magazine)

## AAP Audit and Reporting System

- The contractor must design and implement an audit and reporting system that will:
  - Measure the effectiveness of the AAP
  - Indicate any need for remedial action
  - Determine the degree to which the contractor's objectives have been attained
  - Determine whether individuals with known disabilities have had the opportunity to participate in all company sponsored educational, training, recreational and social activities
  - Measure the contractor's compliance with the AAP's specific obligations

# RECENT FOCUS AREAS

# VETERANS



## VEVRAA Requirements

- Required to extend an invitation to voluntarily self-identify
- Required to accommodate a disabled veteran if requested in order to perform essential job duties (unless undue hardship on company)



## VEVRAA Requirements

- Post jobs through job service for all openings except those that
  - Last 3 or fewer days
  - Are filled from within the company
  - Executive/top management positions
  
- Job Service Offices (also referred to as One-Stop Centers) have either a Disabled Veterans Outreach Program (DVOP) specialist or Local Veterans Employment Representative (LVER)

## Outreach Requirement

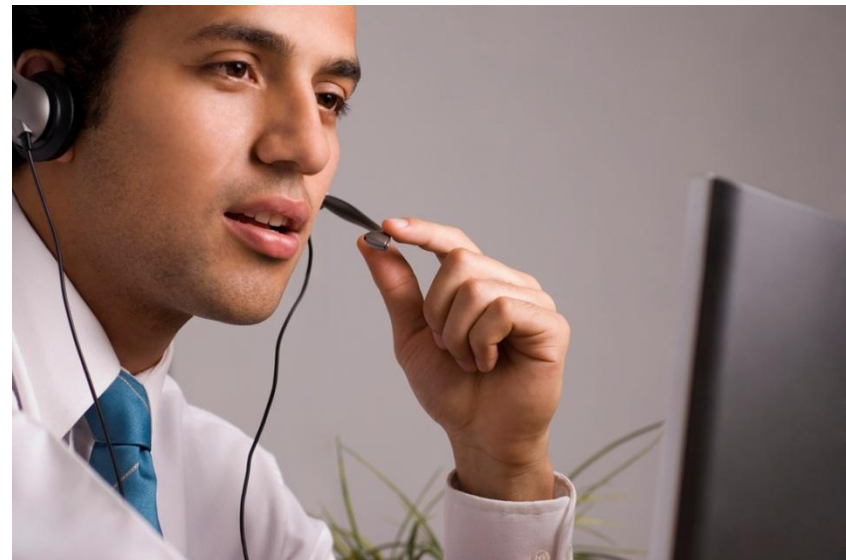
- OFCCP can request to view VETS-100 report in order to determine if contractor is meeting AA obligations to recruit, retain, and promote veterans
- Follow up on job postings if using 3<sup>rd</sup> party vendor
- Posting positions through State Employment Office might be deemed insufficient if VETS-100 figures show no veterans or very small percentage of covered veterans employed by your company

# WEB ACCESSIBILITY



## What is web accessibility?

- Typically refers to making websites usable by people with disabilities so they can use assistive technologies such as
  - Text-To-Speech (TTS) readers
  - Voice-recognition software



# Why is there a Recent Focus on Web Accessibility?

- OFCCP New Directive
- ADA Amendments Act
- Recent Court Cases



# Federal Contractor's Online Application Selection Systems

- OFCCP partnered with ODEP (Office of Disability Employment Policy) and came up with Federal Contractor's Online Application Selection Systems directive signed 7-10-08
  - Ensure that employers using internet systems for applications are compliant for accessibility for persons with disabilities (visually impaired, persons without limbs, persons in a wheelchair that cannot access kiosk due to height)
  - <http://www.dol.gov/esa/ofccp/regs/compliance/directives/dir281.htm>



## New OFCCP Directive

- All OFCCP compliance evaluations will include a review of the contractor's online application systems to ensure that the contractor is providing equal opportunity to qualified individuals with disabilities and disabled veterans
- OFCCP will retain and investigate individual complaints involving a contractor's online application system
- Frequently Asked Questions regarding online application systems

<http://www.dol.gov/esa/ofccp/regs/compliance/faqs/dir281faqs.htm>

## Recommended Website Verbiage

- In compliance with the ADA Amendments Act (ADAAA), if you have a disability and would like to request an accommodation in order to apply for a position **with x company**, please call xxx-xx-xxxx or e-mail [xxxx.xxxx@xcompany.com](mailto:xxxx.xxxx@xcompany.com).



# Things to Review

1. Does your site display its equal employment opportunity policy statement?
2. Does your site provide information on how individuals with disabilities can request reasonable accommodations?
3. Can your site be navigated with a screen reader?
4. Does your site time out after a period of inactivity?
5. Does your site avoid blinking, marquee or other auto-scrolling text which might trigger epileptic seizures?
6. Does your site allow users to skip past repetitive navigation links?
7. Does your site provide captioning for all video and audio content?
8. Do all images on your site have accompanying text description?
9. Can your site be accessed without using a mouse?
10. Does your site provide fully usable online forms, PDF documents and PowerPoint materials, particularly to individuals who use screen readers?

## Court cases

- Target - \$6 million; blind individuals in California can claim up to \$7000 each if they tried to use Target.com and encountered barriers
- iTunes - \$250,000 contribution & will make iTunes U fully accessible by December 31, 2008 followed by the rest of iTunes and iTunes Store by June 30, 2009



## Is Your Website Accessible?

- Contact JAN (Job Accommodation Network)  
<http://www.jan.wvu.edu/>
- (800)526-7234 (V)
- (877)781-9403 (TTY)



## Onsite Review

- Disabled employees
  - Did they request an accommodation?
  - If so, how was the accommodation requested?
  - Does the accommodation allow them to perform the essential duties of their position?
  - How have they been treated since making the request for an accommodation?

# E-VERIFY

## What Federal & State Laws Mandate E-Verify?

- **Executive Order 12989** mandates that beginning January 15, 2009 (**delayed until September 8, 2009**), federal contractors with contracts valued above \$100,000 with a period of performance over 120 days use E-Verify.
- **States mandating the use of E-Verify:**  
AZ, CO, GA, MN, MS, MI, NC, OK, RI, SC & UT
- For a **summary chart and map** showing all federal and state E-Verify laws refer to:

[http://www.lawlogix.com/E-Verify\\_Federal\\_and\\_State\\_Legislation.html](http://www.lawlogix.com/E-Verify_Federal_and_State_Legislation.html)

## When is my company required to enroll in E-Verify?

- When a contractor wins the bid on a federal contract that contains the FAR E-Verify clause, the contractor and any **covered** subcontractors on the project are required to enroll in the E-Verify program within 30 calendar days of the contract or subcontract award date.
- Usage of E-Verify also applies to indefinite-delivery/indefinite-quantity contracts . The FAR rule provides that if the remaining period of performance extends at least **six months** after the final rule effective date, and the amount of work or number of orders expected under the remaining performance period is substantial, then the contract should be modified to include the clause.

## Does the rule apply to subcontracts?

- Only covers subcontractors if a prime contract includes the clause
- Subcontract for services or for construction with a value over \$3,000



## What types of prime contracts are exempt from the rule?

- Contracts that include only commercially available off-the-shelf (COTS) items (or minor modifications to a COTS item) and related services;
- Contracts of less than the simplified acquisition threshold (\$100,000);
- Contracts less than 120 days; and
- Contracts where all work is performed outside the United States.

## My company is required to use E-Verify as a federal contractor for the first time. How do I proceed?

- If your company has not yet enrolled in E-Verify, then you have **30** days from the date of contract award to enroll and **90** days from the date you enroll with E-Verify to initiate verification queries for employees already on your staff who will be working on the contract and to begin using the system to verify newly hired employees.
- After 90-day phase, you will be required to verify newly hired employees within 3 business days of their hire date.\*

## Additional Federal Contractor Obligations

- Use E-Verify for all new hires and employees assigned to the federal contract
- Covered federal contractors must also include verbiage in their subcontracts when applicable
- Required postings

## If my company participates in E-Verify, are we required to notify applicants?

- You are required to post the notice provided by DHS indicating your company's participation in the E-Verify program as well as the anti-discrimination notice issued by the Office of Special Counsel for Immigration-Related Unfair Employment Practices at the Department of Justice.
- “This Employer Participates in E-Verify” Poster
- Right to Work Poster (English)  
<http://www.uscis.gov/files/natedocuments/OSC%20Right%20to%20Work%20Poster%20-%20English.pdf>
- Right to Work Poster (Spanish)  
<http://www.uscis.gov/files/natedocuments/OSC%20Right%20to%20Work%20Poster%20-%20Spanish.pdf>

## May I verify my entire workforce?

- Yes. Federal contractors and subcontractors have the option of verifying their entire workforce, both new hires and existing employees – including those not assigned to a federal contract.



## May I use E-Verify prior to making a job offer to a job applicant?

- No. All users, including federal contractors, are prohibited from using E-Verify prior to a job offer and acceptance by the applicant.



## New Form I-9

- Employers must now be using revised I-9 form
- The USCIS Handbook has been updated to reflect the changes and is available on the USCIS web site at <http://www.uscis.gov/files/nativedocuments/m-274.pdf>
- For a copy of the 12/17/08 final rule visit <http://edocket.access.gpo.gov/2008/pdf/E8-29874.pdf>

# Questions?

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800-538-3277 x 110



# **SOURCES FOR DISABLED AND VETERAN APPLICANTS**

## Veteran Outreach Sources

- Recruit Military <http://www.recruitmilitary.com>
- Hire Heroes USA <http://www.hireheroesusa.org>  
or 866-915-HERO
- Army Reserve <http://www.armyreserve.army.mil>
- Employer Support of the Guard and Reserve  
<http://esgr.org/about.asp>
- Employers Military Hire  
<http://employers.militaryhire.com>

## Veteran Outreach Sources

- Vet Jobs [www.vetjobs.com](http://www.vetjobs.com)
- Intelligence Careers and Defense Careers  
<http://www.intelligencecareers.com/>
- Veterans Enterprise  
<http://www.veteransenterprise.com/>
- Hire Vets First <http://www.hirevetsfirst.gov>

## Veteran Outreach Sources

- Local One-Stop Career Centers 1-877-US2-JOBS <http://www.servicelocator.org/>
- Directory of regional and state offices:  
<http://www.dol.gov/vets/aboutvets/contacts/main.htm>
- State Employment Office  
<http://www.jobbankinfo.org/>
- Other source for local, state and regional contacts  
<http://www.doleta.gov/etainfo/contacts.cfm>

## G-FIVE Initiative

- Good-Faith Initiative for Veterans Employment Initiative
- Recognizes companies' good faith efforts and best practices to employ & advance veterans
- Reaffirm OFCCP's commitment to ensure compliance with the requirements of the VEVRAA
- Creates an incentive for federal contractors and subcontractors to increase their employment of and affirmative action for veterans, and strengthens partnerships between OFCCP and other agencies and veterans groups
- [http://www.dol.gov/esa/ofccp/g\\_five.htm](http://www.dol.gov/esa/ofccp/g_five.htm)

## G-FIVE Initiative

- Exempt contractor establishments from compliance reviews for 3 years
- Exceptions:
  - A complaint suggest EEO issues warrant a compliance review
  - An EEOC or state fair employment practices agency investigation reveals significant EEO issues; or
  - The national Director of OFCCP, acting upon a credible report of a violation of a law enforced by OFCCP determines that a complaint evaluation is warranted.
- The moratorium on compliance reviews apply only to the establishment recording the rating not the company as a whole.

# Survey of Employer Perspectives on Employment of People with Disabilities

	Large	Medium	Small
Companies currently employing disabled	53.1%	22.6%	10.7%
Actively recruit applicants with disabilities	33.8%	16.8%	7.8%
Hired a person with disability in past 12 months	32.6%	8%	5.4%

## Outreach for Disabled

- Workforce Recruitment Program for College Students with Disabilities [www.wrp.gov](http://www.wrp.gov) (federal employers) or employers can request unlimited searches by calling (866) 327-6669 (private sector)
- Job Accommodation Network (JAN) [www.jan.wvu.eduEmployer](http://www.jan.wvu.eduEmployer)
- Employer Assistance and Recruiting Network (EARN) 1-866-327-6669
- ADA Affirmative Disability Action <http://www.abilityjobs.com/>

## Outreach for Disabled

- Department of Veterans Affairs (VA), Vocational Rehabilitation and Employment Service  
[http://www.vba.va.gov/bln/vre/emp\\_resources.htm](http://www.vba.va.gov/bln/vre/emp_resources.htm)
- State Vocational Rehabilitation (VR)
- State Governors' Committees on Employment of People with Disabilities
- Disability Employment 101 (877)-433-7827
- U.S. Business Leadership Network (USBLN)  
[www.usbln.org](http://www.usbln.org)
- ADA Affirmative Disability Action  
<http://www.abilityjobs.com/>

## Outreach for Disabled

- ABILITY Jobs [www.abilityjobs.com](http://www.abilityjobs.com)
- Careers and community for people with disabilities <http://www.gettinghired.com>
- Career-Focused Mentoring for Youth [www.dol.gov/odep/pubs/fact/cfm.htm](http://www.dol.gov/odep/pubs/fact/cfm.htm)
- Cultivating Leadership: Mentoring youth with disabilities [www.dol.gov/odep/pubs/fact/cultivate.htm](http://www.dol.gov/odep/pubs/fact/cultivate.htm)
- Workforce Recruitment Program (WRP) [www.wrp.gov](http://www.wrp.gov)

## Outreach and Resources for Disabled

- Private Sector Internships for Students with Disabilities  
<http://www.aapd.com/disability/internships>
- Strategic Connections: Recruiting Candidates with Disabilities  
[www.dol.gov/odep/pubs/fact/connect.htm](http://www.dol.gov/odep/pubs/fact/connect.htm)
- HireVetsFirst/REALifeline  
[www.hirevetsfirst.gov/reallifelines/index.asp](http://www.hirevetsfirst.gov/reallifelines/index.asp)

## Interview and Hiring Resources for People with Disabilities

- Employers' Guide to Reasonable Accommodations for Job Advertisements and Applications  
[www.jan.wvu.edu/Erguide/Two.htm#A](http://www.jan.wvu.edu/Erguide/Two.htm#A)
- Making the Online Application Process Accessible  
[www.jan.wvu.edu/corner/vol02iss05.htm](http://www.jan.wvu.edu/corner/vol02iss05.htm)
- Tips for Designing Accessible Web Pages  
[www.jan.wvu.edu/media/webpages.html](http://www.jan.wvu.edu/media/webpages.html)

# Interview and Hiring Resources for People with Disabilities

- Focus on Ability: Interviewing Applicants with Disabilities  
[www.dol.gov/odep/pubs/fact/focus.htm](http://www.dol.gov/odep/pubs/fact/focus.htm)
- The Employer's Guide to Reasonable Accommodations for Interview  
[www.jan.wvu.edu/Erguide/Two.htm](http://www.jan.wvu.edu/Erguide/Two.htm)
- Disability Etiquette Tips for Interviews and Speaking Engagements  
[www.jan.wvu.edu/media/etipresent.html](http://www.jan.wvu.edu/media/etipresent.html)
- Interviewing Resources for Employers  
[www.earnworks.com/employers/tools/index.asp#recruit](http://www.earnworks.com/employers/tools/index.asp#recruit)

# Helping Your Employees Achieve Workplace Success

- Effective Interaction: Communicating With and About People with Disabilities in the Workplace  
[www.dol.gov/odep/pubs/fact/effectiveinteraction.htm](http://www.dol.gov/odep/pubs/fact/effectiveinteraction.htm)
- Searchable Online Accommodation Resource (SOAR)  
[www.jan.wvu.edu/soar](http://www.jan.wvu.edu/soar)
- Employer's Practical Guide to Reasonable Accommodation  
[www.jan.wvu.edu/Erguide/Three.htm#D](http://www.jan.wvu.edu/Erguide/Three.htm#D)

# Accommodations for Disabled

- Ideas for accommodations by disability:  
<http://www.jan.wvu.edu/media/atoz.htm>
- Some examples include:
  - Allergies
  - Visual Impairment
  - ADHD
  - Diabetes
  - Depression
  - Cancer

