

2012 AZilg Compliance Conference

Pre-Conference Session: AAP 101

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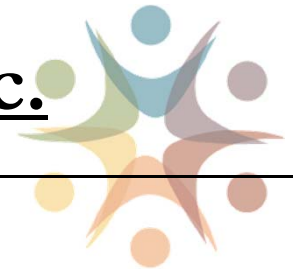
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Overview of Biddle Consulting Group, Inc.



Affirmative Action Plan (AAP) Consulting and Fulfillment	<ul style="list-style-type: none"> • Thousands of AAPs developed each year • Audit and compliance assistance • AutoAAP™ Enterprise software
HR Assessments	<ul style="list-style-type: none"> • AutoGOJA™ online job analysis system • TVAP™ test validation & analysis program • CritiCall™ pre-employment testing for 911 operators • OPAC™ pre-employment testing for admin professionals • Encounter™ Video Situational Assessments (General and Nursing)
EEO Litigation Consulting /Expert Witness Services	<ul style="list-style-type: none"> • Over 200+ cases in EEO/AA (both plaintiff and defense) • Focus on disparate impact/validation cases
Compensation Analysis	<ul style="list-style-type: none"> • Proactive and litigation/enforcement pay equity studies • COMPare™ compensation analysis software
Publications/Books	<ul style="list-style-type: none"> • EEO Insight™: Leading EEO Compliance Journal • Adverse Impact (3rd ed.) / Compensation (1st ed.)
BCG Institute for Workforce Development	<ul style="list-style-type: none"> • 4,500+ members / 220+ webinars / 12,000+ hours of HRCI credit • Free webinars, EEO resources/tools
Nation-Wide Speaking and Training	<ul style="list-style-type: none"> • Regular speakers on the national speaking circuit

BCG Institute for Workforce Development



BCGi Standard Membership (free)

Online community

Monthly webinars on EEO compliance topics

EEO Insight Journal (e-copy)

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Agenda



- **AAP Requirements: A General Overview**

Primary Components of an Affirmative Action Plan

- **Comparison of Incumbency to Availability:** What We Do Look Like Compared to What We “Should” Look Like
- **Comparison of Selection Rates:** How We Got to Where We Are Today
- **Outreach and Recruitment:** How Do We Attract New Talent (Current and Proposed Regulations)



AAP Requirements: A General Overview

Words to Know



AAP – Affirmative Action Plan

EEO – Equal Employment Opportunity

Federal Contractor – Has a contract with the federal government and is subject to EO 11246

Department of Labor (DOL) – Federal governing agency over EEO/Affirmative Action

OFCCP – Office of Federal Contract Compliance Program

EEOC – Equal Employment Opportunity Commission

Establishment – Allocation of employees into an AAP by address

Executive Order (E.O) 11246 – Regulations creating affirmative action

Section 503 of the Rehabilitation Act – AA for qualified ind. with disabilities

VEVRAA – Vietnam Era Veterans’ Readjustment Assistant Act

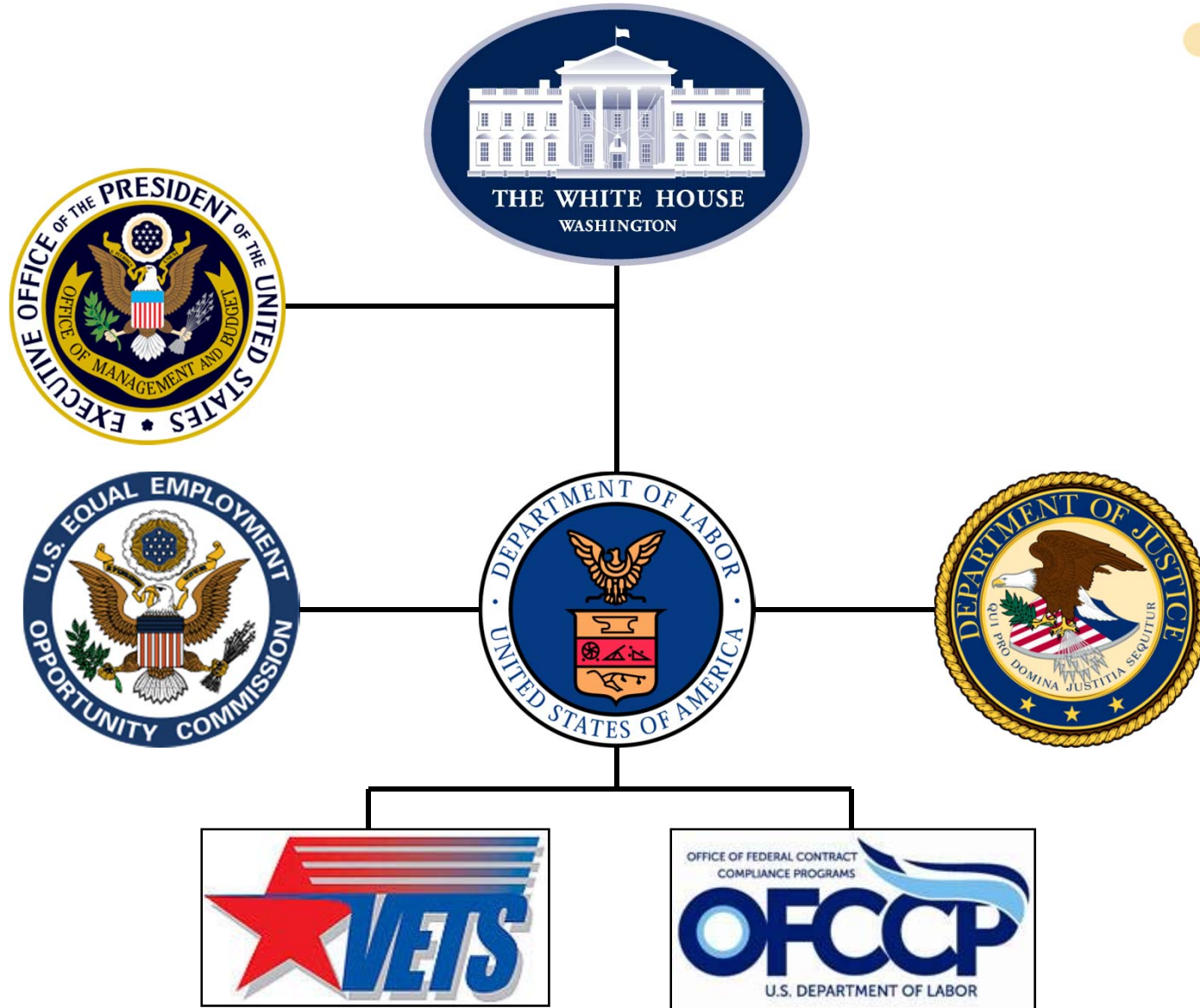
Audit - OFCCP formal review of a contractor’s AAP

Conciliation Agreement (CA) – A contract with the OFCCP to address/resolve identified issues

Notice of Violation (NOV) – A letter identifying potential violations in an audit

SSEG – Similarly Situated Employee Group

Federal Civil Rights Agency Relationship



OFCCP - Chain of Command



What is an AAP and What Does it Include?



An AAP is just like any other business plan . . . only an AAP is related to diversity and equal opportunity. Generally, an AAP includes two (2) primary components:

- AAP for Women and Minorities
 - Narrative
 - Technical Reports
- AAP for Veterans and Persons with Disabilities
 - Narrative
 - Technical Reports (?)



Who Must Create an AAP?



Federal government contractors who meet certain thresholds.

Two types of contracts:

- 1) Supplies and Services
- 2) Construction

Prime Contractors

- Holds a contract with the Federal Government
- *Example:* Motor vehicle company supplying cars to a federal agency

Subcontractors

- Holds a subcontract with a prime contractor supplying goods and services to a prime contractor
- *Example:* The company who supplies tires to the motor vehicle company

Who Must Create an AAP?



AAP for Women and Minorities - Executive Order (E.O.) 11246

Requires Federal contractors who have 50 or more employees and meet one of the following criteria to create an AAP:

- \$50,000 or more in contract revenue during a 12 month period
- Serves as a depository of Government funds in any amount
- A financial institution who issues and pays U.S. saving bonds or saving notes

Who Must Create an AAP?



AAP for Disabled Persons - Section 503 of the Rehabilitation Act of 1974, as amended

Any contract in excess of \$10,000 for personal property and non-personal services (including construction) shall contain a provision requiring that the party contracting with the government shall take affirmative action to employ and advance in employment qualified individuals with disabilities.



Who Must Create an AAP?



AAP for Veterans - Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended

Covered contractors “shall take affirmative action to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam era and any other veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.”



Who Must Be Included in the AAP?



Which employees are included?

- Each employee in the contractor's U.S. based workforce

Who are employees?

- The term 'employee' is broad enough to include part-time, temporary, and full-time employees
- Those employees on your payroll as of snapshot date

How do we allocate employees to plans?

- Include employees in the plan where they are physically located
- Roll employees into their manager's location
- Roll them into the location of their personnel function

How Many AAPs Should Be Developed (and Under What Structure)?



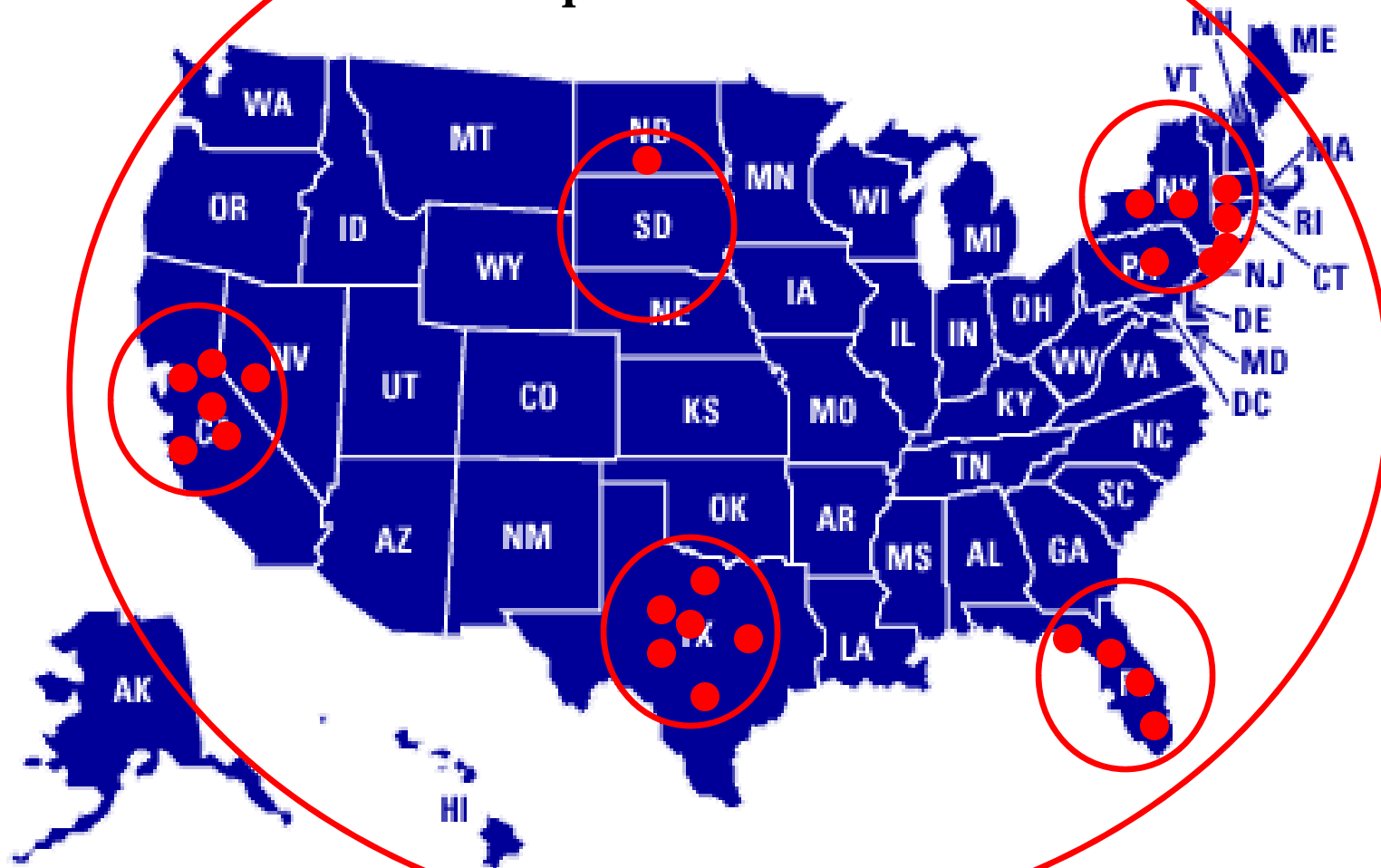
Types of Affirmative Action Plans

- 1) Establishment-based AAP
 - By location
- 2) Function-based AAP
 - By department, division, or business unit
 - Requires permission from the OFCCP
- 3) Roll-Up AAP
 - Regional, state, company-wide, etc.

How Many AAPs Should Be Developed (and Under What Structure)?



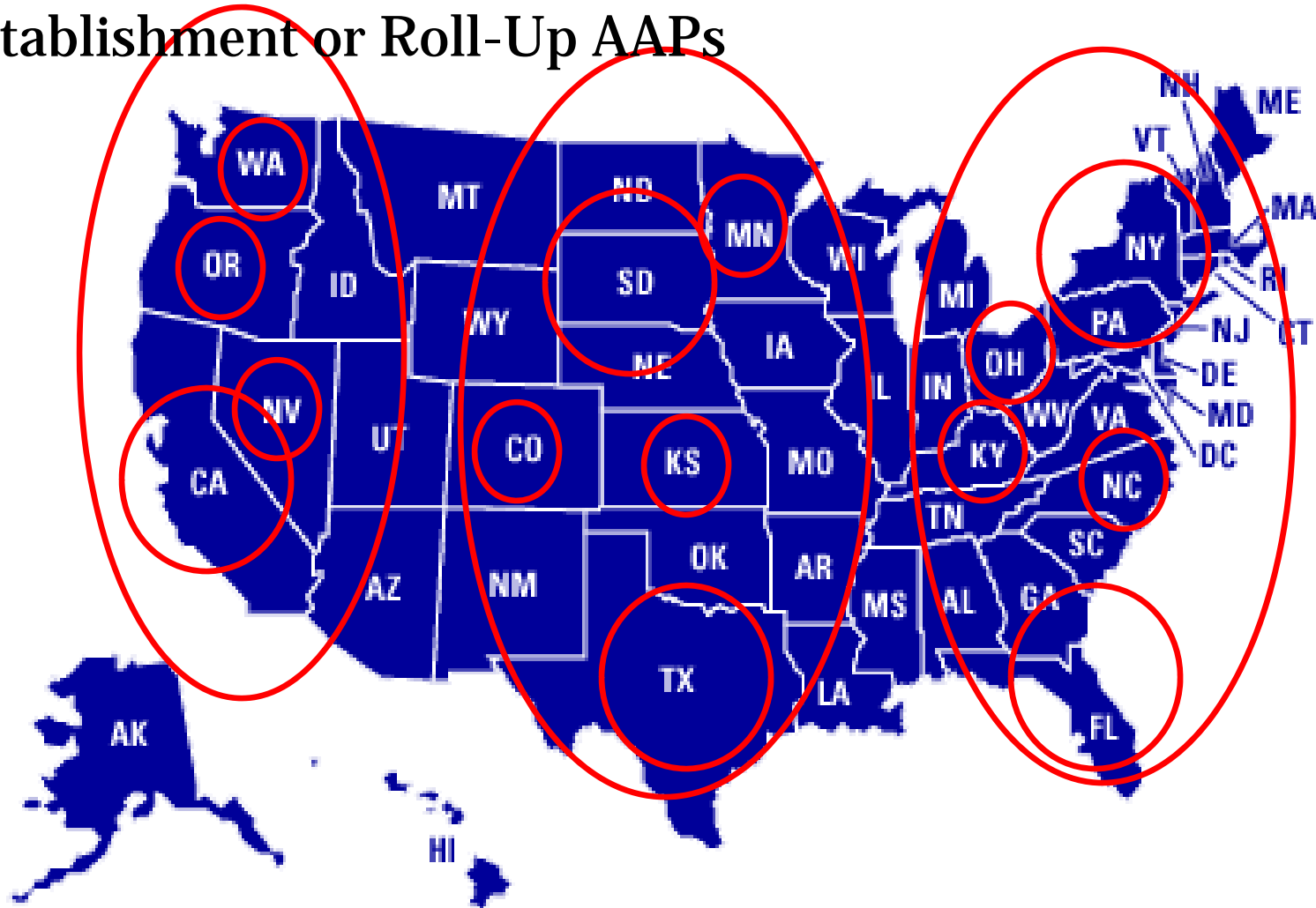
Establishment or Roll-Up AAPs



How Many AAPs Should Be Developed (and Under What Structure)?



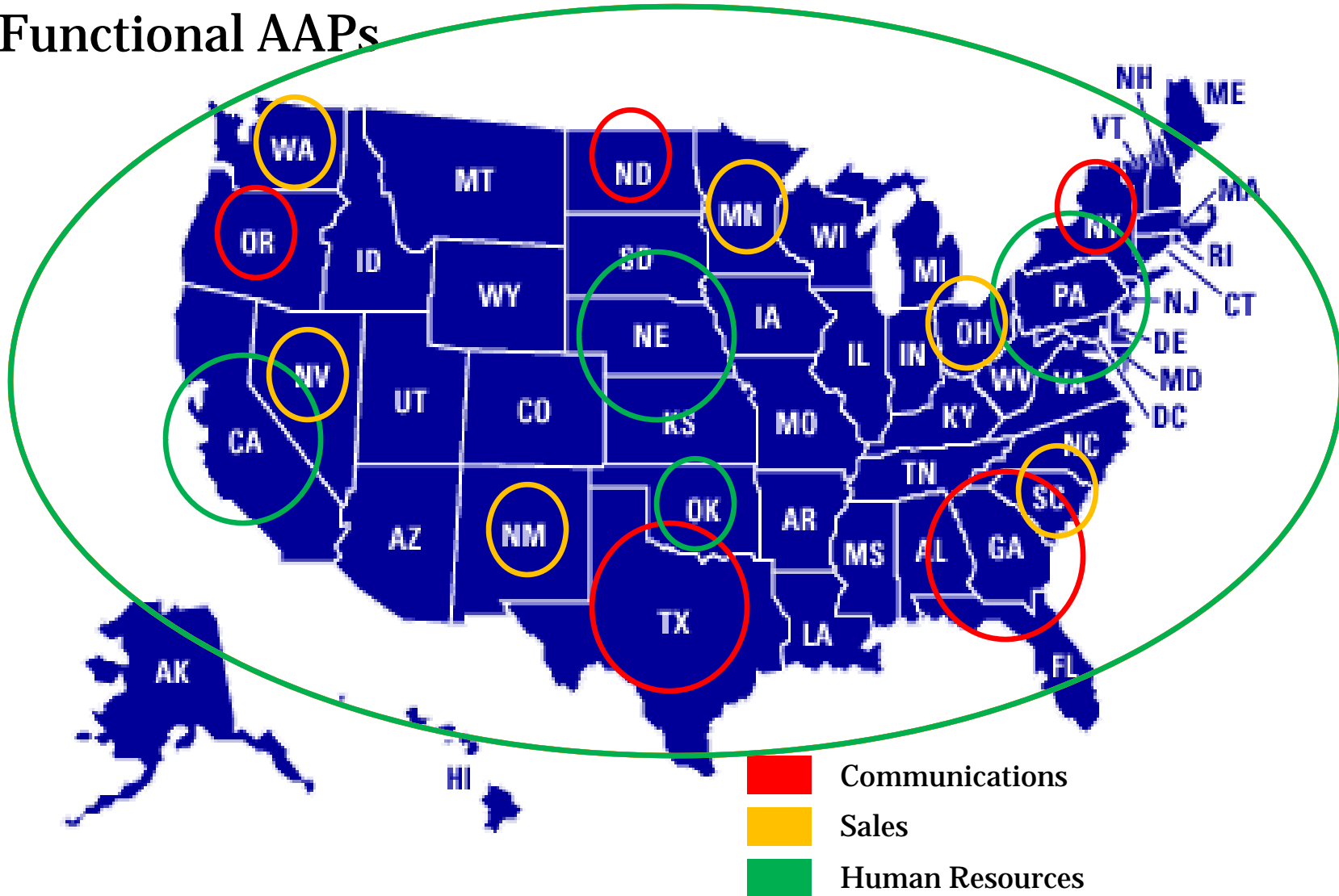
Establishment or Roll-Up AAPs



How Many AAPs Should Be Developed (and Under What Structure)?



Functional AAPs



How Many AAPs Should Be Developed (and Under What Structure)?



Typical Pros and Cons to Rolled-Up/Aggregated/Fx AAPs

Pros	Cons
Easier/Accepted Practice	Increased Audit Exposure
Less Costly	Increased Sample Size = Increased Legal Exposure (Underutilization/Adverse Impact)
Less Work	Greater chance that employees are not similarly situated – “uninterpretable” results



Primary Components of an Affirmative Action Plan

Requirements of an Affirmative Action Plan



Technical Reports (AAP for Women and Minorities)

- ✓ **Workforce Analysis or Organizational Profile** (Ref: 41 CFR 60-2.11(c))
- ✓ **Job group Analysis** (Ref: 41 CFR 60-2.12)
- ✓ **Availability Analysis** (Ref: 41 CFR 60-2.14)
- ✓ **Incumbency vs. Availability** (Ref: 41 CFR 60-2.15)
- ✓ **Placement Goals** (Ref: 41 CFR 60-2.16)

Additional Requirements:

- ✓ Conducting Compensation Analysis
- ✓ Conducting Adverse Impact Analysis

Requirements of an Affirmative Action Plan



Narrative for Women and Minorities (Cont.)

- ✓ Identification of Problem Areas
- ✓ Action-Oriented Programs
 - Programs or steps that the contractor had taken in the past, currently takes, and/or are willing to take in the future to remedy potential problem areas.
 - Document ALL good-faith-efforts
 - Example: XXXX will continue to place an ad in the XXX for campus recruiting
- ✓ Internal Audit and Reporting
 - Monitor all transactions to ensure the non-discrimination policy is carried-out
 - Require internal reporting on a regular basis as to the degree to which EEO objectives are attained
 - Review reports with all levels of management
 - Advise top management of program effectiveness

Requirements of an Affirmative Action Plan

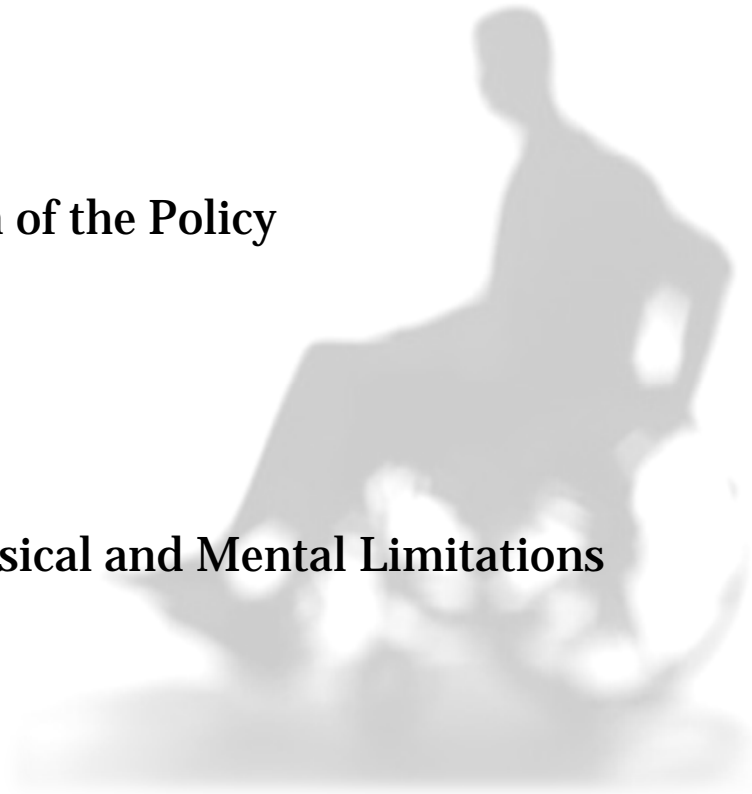


Narrative for Veterans and Persons with Disabilities

Contractor's policies and procedures toward veterans and persons with disabilities

Required Contents:

- ✓ Reaffirmation of EEO/AA Policy
- ✓ Internal and External Dissemination of the Policy
- ✓ Responsibility for Implementation
- ✓ Review of Personnel Processes
- ✓ Physical and Mental Qualifications
- ✓ Reasonable Accommodations to Physical and Mental Limitations
- ✓ Harassment
- ✓ Training



Workforce Analysis



Company Name - Plan Name
Workforce Analysis

Snapshot Date: 12/31/2007

Organizational Unit: Customer Service

Job Code	JobTitle	Total		Total								
		EMP	MIN	EMP	W	AA	H	A	NA	PI	2+	
25070	Customer Service Clerk	10	1	Male	1	0	1	0	0	0	0	0
				Female	9	9	0	0	0	0	0	
25060	Customer Service Clerk Sr	5	1	Male	3	2	0	0	0	0	1	0
				Female	2	2	0	0	0	0	0	0
25010	Customer Service Manager	1	0	Male	0	0	0	0	0	0	0	0
				Female	1	1	0	0	0	0	0	0
Grand Total #		16	2	Male #	4	2	1	0	0	0	1	0
Grand Total %			12.5	Male %	25.0	12.5	6.3	0.0	0.0	0.0	6.25	0.00
				Female #	12	12	0	0	0	0	0	0
				Female%	75.0	75.0	0.0	0.0	0.0	0.0	0.00	0.0

(+) Indicates this job contains employees who are included from another facility.

(-) Indicates this job contains employees included in this plan's Workforce Analysis but who are excluded from the rest of this facility's Affirmative Action plan.



Comparison of Incumbency to Availability (i.e., What We Do Look Like v What We “Should” Look Like)

What We Do Look Like . . .



- Availability analyses are conducted for each location (or FAAP) by “job group”
- Job groups are aggregations of jobs that are similar in “content, wage rate, and opportunity”
- Job groups are used to:
 - Increase sample size to yield meaningful results
 - Reduce the number of analyses conducted
- Job groups should *never* cross EEO categories

Important Note: Be thoughtful when creating job groups. You could be artificially creating problems!

Job Group Analysis



Snapshot Date: 12/31/2010

Job Group Analysis

Job Group: 7-03 - Skilled Machine Operator

EEO			Total				
Cat	Job Code	Job Title	EMP	MALE	FEMALE	WHITE	MIN
7	2700009	Divider Operator	4	4	0	0	4
7	2700151	Ingredient Scaler	3	3	0	0	3
7	2700040	Machine Operator	6	3	3	1	5
7	2700041	Mixer	5	5	0	1	4
7	2700004	Oven Operator	6	6	0	1	5
7	2700015	Racker/Trayer	15	15	0	2	13
7	2701879	Relief Person	14	8	6	0	14
Total (#)			53	44	9	5	48
Total (%)				83.0	17.0	9.43	90.6

What We “Should” Look Like . . .



- What we “should” look like is referred to as the “final availability.”
 - It is an estimate of the number of *qualified* minorities or women available for employment in a given job group
 - It’s a combination of *internal* and *external* data (i.e., factors) used to identify what those qualified to work in the job group are “supposed” to look like
 - In the “comparison of *incumbency* to *availability*” analysis, the final availability will be compared to the job group headcounts to determine the existence of underutilization

What We “Should” Look Like . . .



- External Factor (i.e., census data):
 - Step 1: Define local labor area
 - Step 2: Identify/select census occupation codes (472)
 - Step 3: Mathematically weight census codes based upon representation within each job group
 - Step 4: Identify relevant data other than local (e.g., state/national – if any)

Important Note: Results are only as good as the amount of effort put into this process!

A Cautionary Tale About Local Labor Areas



SF County:

Male: 54.4

Female: 45.6

White: 51.7

Minority: 48.3



True Local Labor Area (SF County, San Jose, Marin, Contra Costa, Alameda):

Male: 51.4

Female: 48.6

White: 59.4

Minority: 40.6

What We “Should” Look Like . . .



Snapshot Date: 12/31/2010

External Availability

AAP:

Job Group: 7-03 - Skilled Machine Operator

Labor Area: National

Cns Cde	Census Code Title	Wght (%)	Raw (%)										Weighted (%)									
			M	F	MIN	W	AA	H	A	NA	PI	2+	M	F	MIN	W	AA	H	A	NA	PI	2+
783	Food and Tobacco Roasting, Baki	62.26	68.3	31.7	39.1	60.9	16.3	16.5	3.0	1.5	0.4	1.4	42.5	19.8	24.3	37.9	10.2	10.3	1.8	0.9	0.2	0.9
784	Food Batchmakers (784) SOC 51	37.74	44.2	55.8	38.4	61.6	11.7	19.9	4.4	1.2	0.2	1.0	16.7	21.1	14.5	23.3	4.4	7.5	1.7	0.4	0.1	0.4

Labor Area: Employee: Tarrant, TX - 57.43 %; Dallas, TX - 42.57 %

Cns Cde	Census Code Title	Wght (%)	Raw (%)										Weighted (%)									
			M	F	MIN	W	AA	H	A	NA	PI	2+	M	F	MIN	W	AA	H	A	NA	PI	2+
783	Food and Tobacco Roasting, Baki	62.26	29.0	71.0	42.6	57.4	20.1	22.5	0.0	0.0	0.0	0.0	18.0	44.2	26.5	35.8	12.5	14.0	0.0	0.0	0.0	0.0
784	Food Batchmakers (784) SOC 51	37.74	32.0	68.0	75.5	24.5	17.1	56.0	2.4	0.0	0.0	0.0	12.1	25.7	28.5	9.2	6.4	21.1	0.9	0.0	0.0	0.0

What We “Should” Look Like . . .



- Internal Factor:
 - Positions are not always filled via external sources
 - It’s also necessary to identify internal sources of availability information
 - Step 1: Identify “Feeders” for all jobs/job groups
 - Step 2: Weight feeders based on historical promotions data (for starters . . . with a heavy dose of personal review and approval)

Target Job Group	Weight	Feeder Job Group
1A – Management	75.0	1B – Middle Management (Directors)
	25.0	1C – Managers/Supervisors

What We “Should” Look Like . . .



Snapshot Date: 12/31/2010

Internal Availability

AAP:

Job Group: 7-03 - Skilled Machine Operator

Plan	Feeder	Wght (%)	Raw (%)									Weighted (%)									
			F	MIN	W	AA	H	A	NA	PI	2+	F	MIN	W	AA	H	A	NA	PI	2+	
	7-05 - Loaders/Checkers	50.00	0.0	85.7	14.3	0.0	85.7	0.0	0.0	0.0	0.0	0.0	0.0	42.9	7.1	0.0	42.9	0.0	0.0	0.0	0.0
	7-06 - Sanitors	50.00	0.0	100.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	50.0	0.0	0.0	50.0	0.0	0.0	0.0	0.0
Total:		100.00											0.0	92.9	7.1	0.0	92.9	0.0	0.0	0.0	0.0

What We “Should” Look Like . . .



- Factor Weights:
 - The weight given to the internal and external availability data (i.e., factors) for each job group
 - Identifies the relative “importance” of each set of data
- Assigning factor weights requires the user ask the following question:
 - “Out of 100 hypothetical movements into this job group, what number do I expect to come from a local recruitment area, reasonable recruitment area, or an internal pool?”

What We “Should” Look Like . . .



Example of *Factor Weights*

JOB GROUP TITLE	EXTERNAL FACTORS		INTERNAL FACTORS	Total
	Recruitment - Area 1 (Local*)	Recruitment - Area 2 (Reasonable**)	Internal	
Sample Plan				
1A - Executives			100.00%	100.00%
1B - Directors and Senior Managers	15.00%	40.00%	45.00%	100.00%
1C - Managers and Supervisors	30.00%	30.00%	40.00%	100.00%
2A - Administrative Professionals	75.00%	5.00%	20.00%	100.00%
2B - Technical Professionals	50.00%	40.00%	10.00%	100.00%
8A - Laborers	100.00%			100.00%

Local Labor Area = 25% El Dorado County; 25% Placer County; 50% Sacramento County

Reasonable = 100% US National Census Data

What We “Should” Look Like . . .



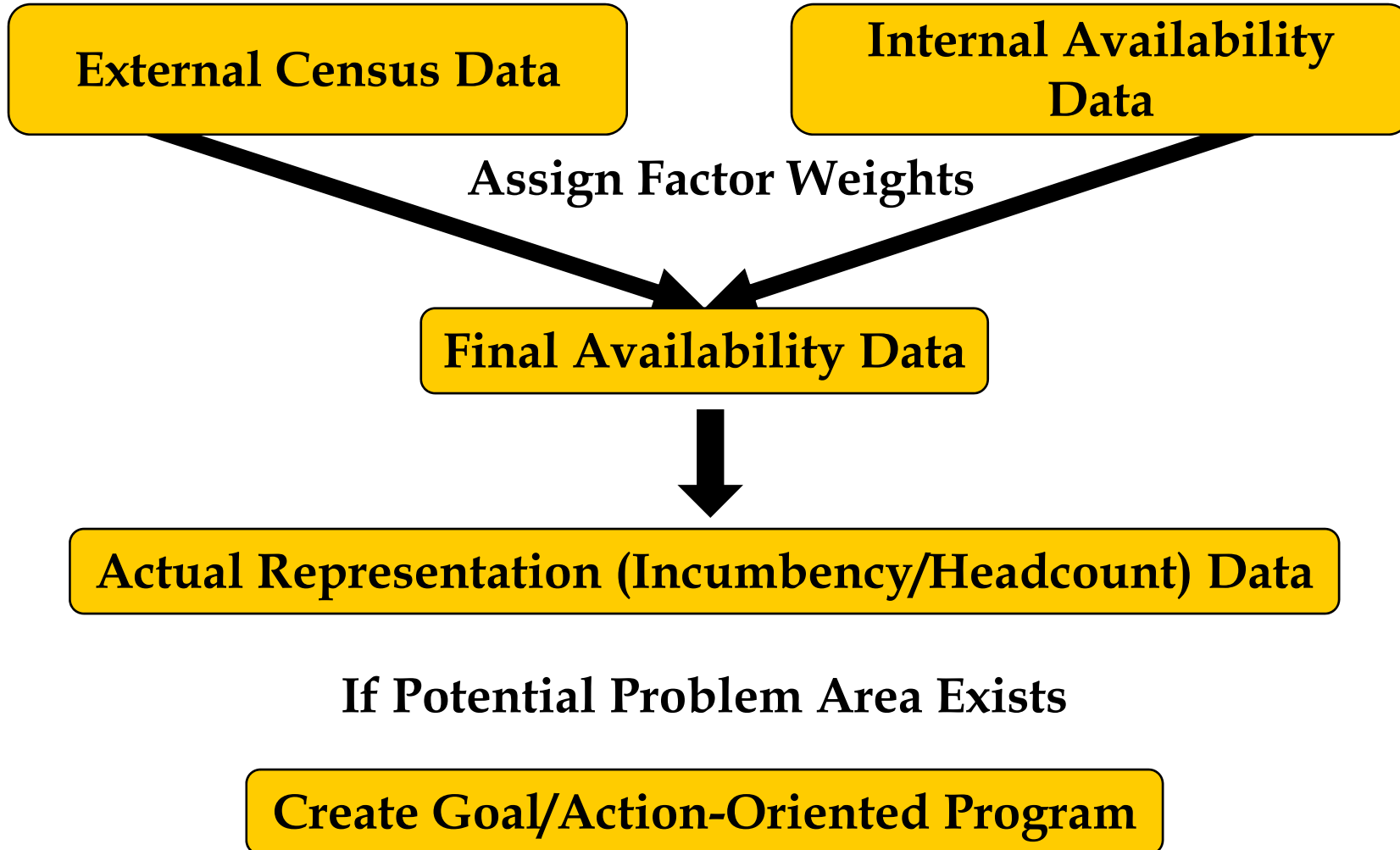
Snapshot Date: 12/31/2010

Availability Analysis

Job Group: 7-03 - Skilled Machine Operator

FACTOR	Raw (%)		FACTOR WEIGHT	Weighted (%)		SOURCE
	FEMALE	MINORITY		FEMALE	MINORITY	
<u>External Factors</u>						
Local	69.9	55.0	50.00	34.9	27.5	Employee: Tarrant, TX - 57.43 %; Dallas, TX - 42.57 %
Reasonable	40.8	38.8	0.00	0.0	0.0	National
<u>Internal Factors</u>						
Feeders	0.0	92.9	50.00	0.0	46.4	Feeders
Final Availability (%)			100.00	34.9	73.9	

Comparison of Incumbency to Availability (Overview)



Comparison of Incumbency to Availability



- Regulations require contractors to compare the percentage of minorities and women in each job group with the availability for those job groups determined in the availability analysis
- When the percentage of minorities or women employed in a particular job group is *less than would reasonably be expected* . . . the contractor must establish a placement goal and create action-oriented programs associated with that goal

Comparison of Incumbency to Availability



- What is “less than would reasonably be expected”?
 - Any Difference: Is there any difference between incumbency and availability?
 - Whole Person Rule: Is the difference between incumbency and availability at least one whole person?
 - 80% Rule: Is incumbency at least 80% of availability?
 - Statistical Significance: Is the difference between incumbency and availability statistically significant?

Comparison of Incumbency to Availability



Company Name - Plan Name

Comparison of Incumbency to Availability and Placement Goals

Job Group: 1B - Directors and Senior Managers
 Test: Whole Person
 Total Employees: 16

	Total	
	FEMALE	MINORITY
Employees (#)	7	1
Employees (%)	43.8	6.3
Availability (%) Goal	51.8	14.7
Test: Whole Person	YES	YES
Add'l Needed to Eliminate Problem Area (#)	1	1

Utilization Test: Whole Person
 Shortfall calculation for Female:

Total Employees (16) x Availability (51.8%) = 8.29 – #of females = 1.29
 Shortfall (to be within one Whole Person) = 1.29 or 1

Comparison of Incumbency to Availability



Statistical Significance

- Least proactive
- Legally-oriented
- Least goals

Any Difference

- Proactive
- Diversity-Oriented
- Most goals/misleading?



80% Test

- Has historical value
- Misleading?

Whole Person

- Focus on tangible issues
- Good with small orgs/job groups
- Balanced

Important Note: Identifying underutilization is NOT a declaration of discrimination. Choose a rule that best represents your organizational size/structure and how it views/perceives affirmative action.

Comparison of Incumbency to Availability

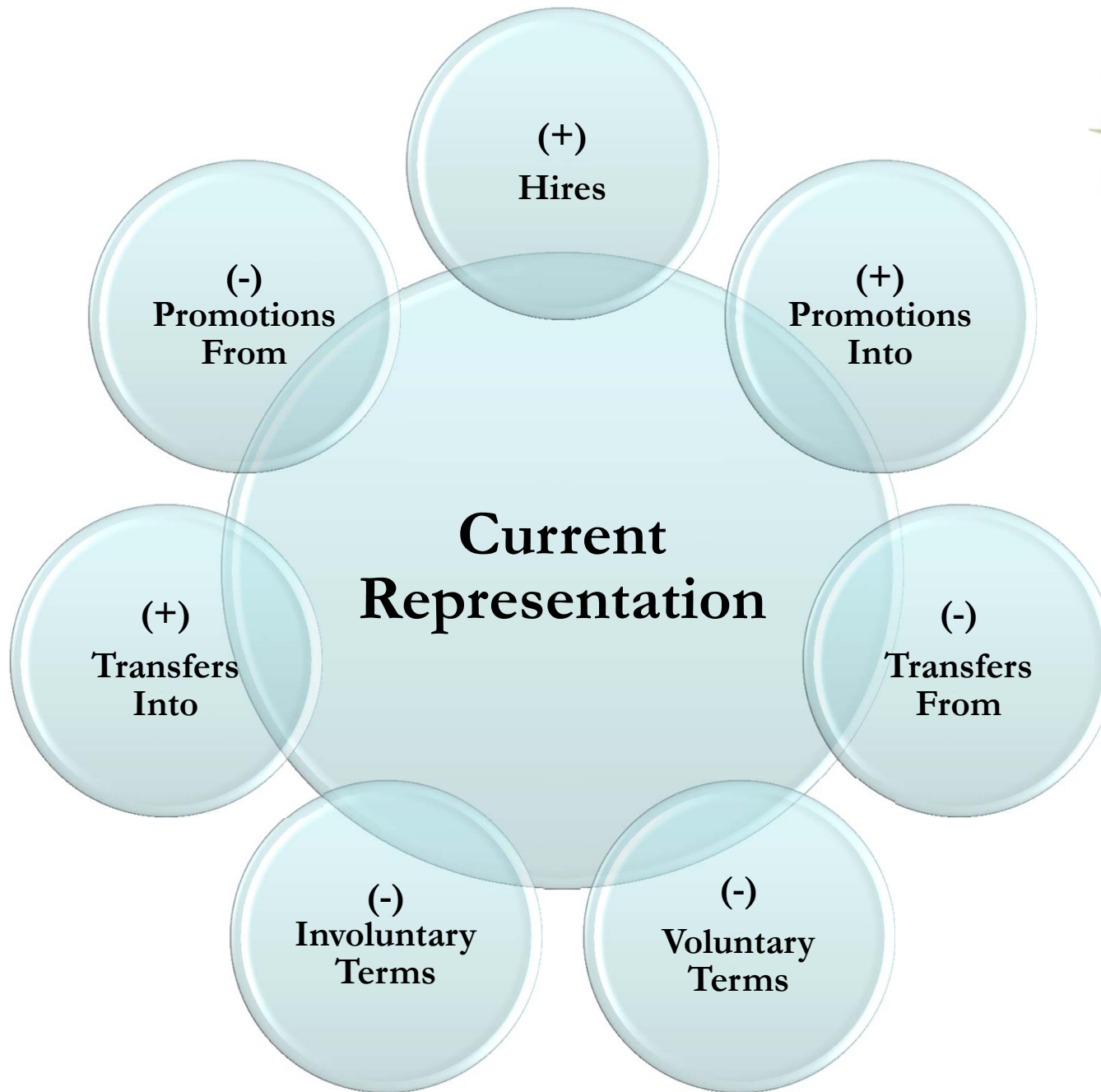


Placement Goals

- Serve as objectives or targets reasonably attainable by means of applying the good faith efforts identified within the AAP
- Placement goals (#) from the *Comparison of Incumbency to Availability* report help to identify the magnitude of the disparity (for prioritization purposes) and are NOT meant to identify quotas or hiring goals.



Comparison of Selection Rates: How We Got to Where We Are Today



Requirements of an Affirmative Action Plan



Example of *Personnel Transaction Report*

Company Name - Plan Name
Personnel Transactions Summary

Snapshot Date: 12/31/2007

Job Group: 4A - Sales Workers

Transaction Dates: 01/01/2007 To 12/31/2007

	<i>Applicants</i>				<i>Hires</i>			<i>Terminations (I)</i>			<i>Terminations (V)</i>		
	MALE	FEMALE	UNKNOWN (GENDER)	TOTAL RACE	MALE	FEMALE	TOTAL RACE	MALE	FEMALE	TOTAL RACE	MALE	FEMALE	TOTAL RACE
White	64	0	0	64	16	0	16	1	0	1	5	0	5
African American	0	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	17	0	0	17	7	0	7	2	0	2	12	0	12
Asian	15	0	0	15	0	0	0	0	0	0	0	0	0
Native American	0	0	0	0	0	0	0	0	0	0	0	0	0
NHOPI	0	0	0	0	0	0	0	0	0	0	0	0	0
Multiple Race	0	0	0	0	1	0	1	0	0	0	0	0	0
Unknown (Race)	0	0	0	0									
Total	98	0	0	98	24	0	24	3	0	3	17	0	17
Total Minority	32	0	0	32	8	0	8	2	0	2	12	0	12

	<i>Promotions From</i>			<i>Promotions Into</i>			<i>Promotions Within</i>		
	MALE	FEMALE	TOTAL RACE	MALE	FEMALE	TOTAL RACE	MALE	FEMALE	TOTAL RACE
White	4	0	4	1	0	1	2	0	2
African American	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	1	0	1
Asian	0	0	0	0	0	0	0	0	0
Native American	0	0	0	0	0	0	0	0	0
NHOPI	0	0	0	0	0	0	0	0	0
Multiple Race	0	0	0	1	0	0	0	0	0
Total	4	0	4	2	0	1	3	0	3
Total Minority	0	0	0	1	0	0	1	0	1

Types of Adverse Impact Analyses (Sample)



Male v. Female			
Analysis	Starting	Completing	Result
Overall (App v. Hired)	Male - 100 Female - 100	Male - 50 Female - 30	2.81 SD
Applied v. External Availability (“barrier” analysis)		Took v. Pass/Fail Interview	
Applied v. Pass/Fail BQs		Avail for Prom v. Prom (promo “from”)	
Took v. Pass/Fail Test		Applied v. Prom (competitive)	
Avail for Interview v. Interviewed		Avail for Term v. Retained (Vol/Invol)	

Selection Rate Comparison



- 2 X 2 Table Comparison
- Impact Ratio Analysis (IRA)
- Fisher Exact / Chi-Square / 80% Test

Men Pass (50)	Men Fail (50)	→ Men Passing Rate (50%)
Women Pass (25)	Women Fail (75)	→ Women Passing Rate (25%)

Results in a value indicating if the observed difference in rates is due to chance (i.e., statistically significant).



Outreach and Recruitment: How Do We Attract New Talent

What are the current requirements for outreach and recruitment?



Contractors shall *list immediately with the appropriate state and local employment service offices all of its employment opportunities*, except if:

- The position is for executive management
- It is a temporary position (i.e., less than 3 days)
- It is a position filled completely from within

Similar requirements for women/minorities/veterans/individuals with disabilities? Pretty straightforward, right?

Wrong!

Proposed Regulatory Changes



There are two (2) proposed rules, currently in the review stages, that will dramatically *change the game* for outreach and recruitment. Both include hiring goals, extensive outreach and recruitment, and are slated for a 2012 release.

- Revisions to the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) – covering “protected” veterans
- Revisions to section 503 of the Rehabilitation Act - covering individuals with disabilities

Behind the Scenes of Proposed Regulatory Changes



- Lack of proper outreach and recruitment has become the number one conciliation agreement (non-data, technical violation)
- Given the results of the recent Presidential election, it is likely that these regulations will be finalized largely in their current (proposed) format.
 - Neither party wants to be perceived as being against veteran/disability hiring
 - Also a financial issue (i.e., the federal government’s desire to get veterans and individuals with disabilities “off government books” and into the private workforce)
 - OFCCP already enforcing as-if the proposed rules are finalized

New Outreach/Recruitment Requirements



- “Perhaps *the most significant substantive changes in the proposed rule address the scope of the contractor’s recruitment efforts* and the dissemination of its affirmative action policies described in paragraphs (f) and (g) of this section.”
- “The proposed paragraph (f) requires that *the employer engage in a minimum number of outreach and recruitment efforts* as described in paragraph (f)(1)...includes a list of additional outreach and recruitment efforts that are suggested in paragraph (f)(2)...a new requirement that the *contractor conduct self-assessments of their outreach and recruitment efforts* in paragraph (f)(3)...and a *clarification of the contractors recordkeeping obligation with regard to its outreach and recruitment efforts* in paragraph (f)(4).”

New Outreach/Recruitment Requirements



The contractor is required to enter into linkage agreements (i.e., written contracts) with *at least* the following:

- Local Veteran’s Employment Representative in the local employment service office nearest the contractor’s establishment.
- One of several other agencies for the purpose of recruitment and developing training opportunities. This list *must* include the Department of Defense Transition Assistance Program (www.dol.gov/vets/programs/tap/tap_fs.htm)
- One of the veteran’s services organizations listed on the National Resource Directory (www.nationalresourcedirectory.gov/employment/job_services_and_employment_resources)

New Outreach/Recruitment Requirements



The contractor is responsible to ensure that they, ***or their contracted 3rd-party service, post positions with the appropriate employment service(s) in the manner required*** (fax, email, hard-copy, database format, follow-up calls, etc.) to properly post and provide priority referral to veterans. Translation:

- ***It is up to the contractor to identify the employment services*** related to their specific needs (i.e., goals) nearest ***each*** of their facilities
- ***There is no standard data structure/process for employment services*** (the employer must contact each service and identify their specific data, format, documentation, process, etc.)
- This will require employers document who they talk to, when, contact information, correspondence, etc.

New Outreach/Recruitment Requirements



- Contractors must also provide state/local employment services with: 1) name of hiring location, 2) status as a federal contractor, 3) contact information for *each* hiring official at *each* location, 4) a request for priority referral of protected veterans, and 5) contact information for any/all 3rd-party employment services used by the contractor
- Although the contractor is always ultimately responsible, most large organizations will use a 3rd-party to meet the aforementioned requirements

New Outreach/Recruitment Requirements



- Contractors must also annually review the “effectiveness” of the outreach/recruitment efforts (this will be included in the Affirmative Action Plans for each location)
- This should include the number of protected veteran/disabled candidates each effort identifies
- “The primary indicator of effectiveness is whether qualified veterans (and individuals with disabilities) have been hired”
- Contractors will be required, annually, to modify their efforts if they are not successful. Translation: Cutting-and-pasting efforts from previous years will no longer be acceptable.

Job Posting Requirements



Verifying job postings is a primary focus with the OFCCP

- Establish an *active* relationship with state/local employment agencies, local Vets/disabled advocacy groups, all groups with whom your organization has created linkage agreements, etc.
- Make sure to identify all agencies local to each of your establishments and how they require postings to be submitted
- Document that relationship (e.g., name, title, agency, phone numbers, when contacted, notes, etc.)
- Follow all posting rules (stay abreast of any/all changes to their posting requirements)



Job Posting Requirements



- Verify postings of any/all third-party organizations . . . and make actual hard-copy printouts of postings
- Track results (i.e., which applicants came from where and what is their gender/race/vet status)
- Evaluate results and make changes when/where necessary



Summary and Conclusion



I will leave you with the following:

- Understand your availability analyses
- Adverse impact in hiring still drives audits (at least the really painful ones)
- Review your outreach and recruitment initiatives . . . what used to be good enough no longer is
- Be proactive about compensation . . . identify and address issues . . . and get your policies/protocols in order (more to come later during the compensation lecture)

Resources



Books

- Adverse Impact and Test Validation: A Practitioner's Guide to Valid and Defensible Employment Testing, 2nd Edition, Dan Biddle
- Compensation Analysis: A Practitioner's Guide to Identifying and Addressing Compensation Disparities, 1st Edition, Patrick Nooren
- Secrets of Affirmative Action Compliance, 9th Edition, William Truesdell

Websites

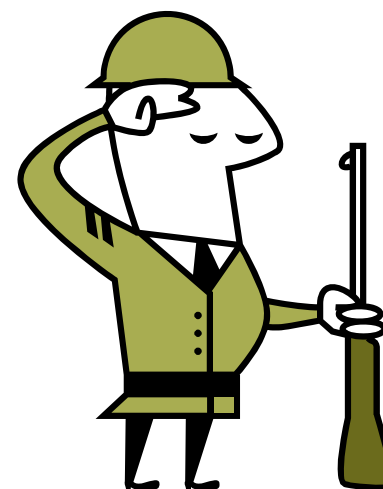
- www.biddle.com
- www.affirmativeaction.com
- www.bcginstitute.org
- <http://www.dol.gov/esa/regs/compliance/ofccp/faqs/iappfaqs.htm>
- www.disparateimpact.com
- <http://www.neli.org/>

Veteran Outreach Programs



<http://www.hirepatriots.com>*
<http://www.hireheroesusa.org>*
<http://www.jobarsenal.com>*
<http://www.nvf.org>*
<http://www.militaryconnection.com>
<http://www.hirevetsfirst.dol.gov>
<http://www.edd.ca.gov>
<http://www.recruitmilitary.com>
<http://www.military.com>
<http://www.gijobs.com>
<http://www.jobbankinfo.org>
<http://www.usajobs.com>
<http://www.militaryjobzome.com>
<http://www.militarystars.com>
<http://www.hireahero.com>
<http://www.jobs.vetfriends.com>
<http://www.civilianjobs.com>

***FREE**



Disability Outreach Programs



- <http://www.business-disability.com/services.aspx> *
- <http://www.earnworks.com>
- <http://jobaccess.org/>
- <http://www.gettinghired.com>
- <http://www.projecthired.org>

***FREE**



