



**U.S. Department of Labor
Office of Federal Contract Compliance Programs**

OFCCP: The Homestretch

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2008 Accomplishments

- **EEO-1 Categories in the AAP**
- **Online Application Systems: *Providing Equal Opportunity to Individuals with Disabilities***
- **Good-Faith Initiative for Veterans Employment (G-FIVE)**
- **Electronic Recordkeeping**
- **Internet Redesign and FAQ Updates**

Use of EEO-1 in AAPs



- **New Directive posted on September 2, 2008, supplements Interim Guidance and provides additional field enforcement on the use of race and ethnicity categories.**
 - **Workforce Analysis (Organizational Profile 60-2.11)**
 - **Job Group Analysis (60-2.12)**
 - **Utilization Analysis (60-2.13 through 60-2.15)**
 - **Placement of Goals (60-2.16)**
 - **Additional AAP Requirements (60-2.17)**
 - **Support Data (60-2.17(b)(2) and Part 60-3)**

EEO-1 Key Points

- **OFCCP will accept AAPs and supporting records that reflect the race, ethnicity, and job categories outlined in either 41 CFR 60-2 or the new EEO-1 Report, and**
- **OFCCP will not cite any contractor for non-compliance with the EO solely because it utilizes the race, ethnicity, or job categories required by the new EEO-1 Report.**

EEO-1 Directive

Regardless of which categories are used, COs should evaluate whether contractors are:

- (1) permitting individuals to choose to self-identify as belonging to more than one race; and
- (2) obtaining this data either by allowing individuals to select more than one of the single race categories or by allowing individuals to select a two or more races category.

Contractors may collect more detailed data.

EEO-1: Two or More Races

- All individuals identified as belonging to two or more races are considered minorities for purposes of §§ 60-2.13, 60-2.14 2.15, and 2.17.
- Contractors are not expected to set a separate placement goal for individuals identified as belonging to more than one race.
- Disparity analyses (under 60-2.17 and 60-3) are not separately required for individuals identified solely as belonging to two or more races.

Online Application Systems:

*Providing Equal Opportunity to Individuals
with Disabilities*

**Presenter: Naomi Levin, Acting Branch Chief
Policy Development & Procedures**



Contractor EEO Obligations

- **Contractors must ensure that qualified individuals with disabilities and disabled veterans have an equal opportunity to apply and compete for jobs.**
- **This may include providing needed reasonable accommodations, unless doing so would cause undue hardship (significant difficulty or expense).**

Directive Provisions

- **All compliance evaluations will include review of contractor's online application system to ensure equal opportunity is provided to people with disabilities.**
- **OFCCP will retain and investigate individual complaints involving a contractor's online application system.**

Examples of Accessibility Problems

- **Someone with a visual disability may be unable to read the graphics on the contractor's website.**
- **An online application system may not operate with adaptive technology used by people with disabilities.**
- **Company kiosks may be inaccessible to people with mobility impairments.**



Contractor Actions

- **Prominently display a notice of how to obtain reasonable accommodations, including contact and process information**
- **Incorporate “interoperable” technology into the online application system.**
- **Allow people who cannot use the online system because of a disability to apply for a job in an alternate way.**
- **If company kiosks are used, ensure that they are accessible to those with mobility impairments.**

Resources

- **OFCCP**
 - www.dol.gov/esa/ofccp
- **ODEP**
 - www.dol.gov/odep
- **EEOC**
 - www.eeoc.gov
- **Job Accommodation Network (JAN)**
 - www.jan.wvu.edu

The background of the slide is a close-up, slightly blurred image of the American flag, showing the stars and stripes in a draped, wavy pattern. The colors are vibrant, with deep reds, bright whites, and dark blues.

Office of Federal Contract Compliance Programs

Good-Faith Initiative for Veterans Employment (G-FIVE)

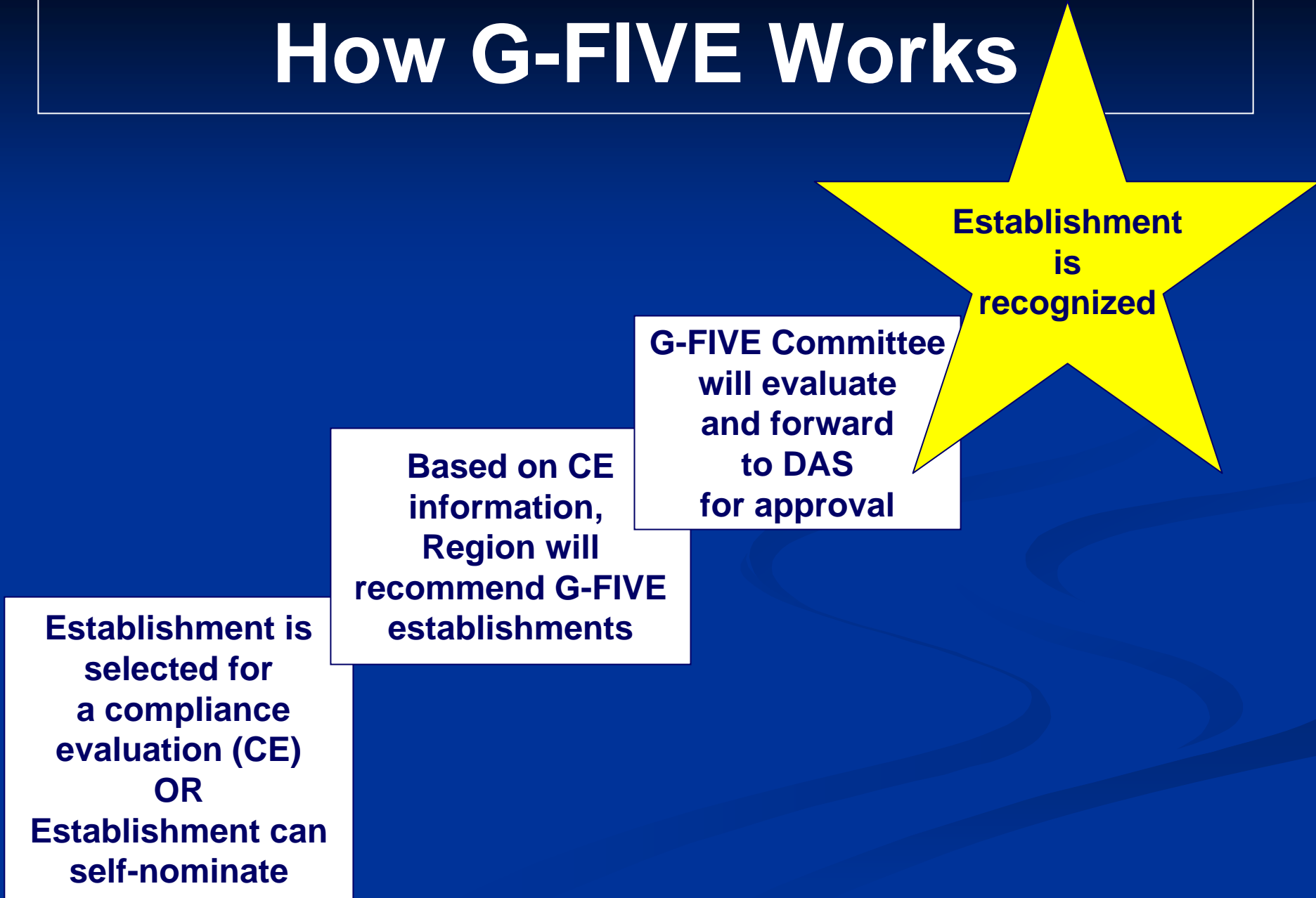
An OFCCP Initiative Supporting America's Heroes

**Presenter: Terry Hankerson, Branch Chief
Regulation Development & Evaluation**

G-FIVE

- **Reaffirms OFCCP's commitment**
- **Recognizes best practices and good faith efforts to employ and advance veterans**
- **Creates contractor incentives**
- **Strengthens partnerships**

How G-FIVE Works



G-FIVE Evaluation Factors

- **Number of veterans in the workforce**
- **Increase in veterans in the workforce**
- **Partnerships with veterans groups**
- **Liaison with State agencies**
- **Recruitment at educational institutions**

G-FIVE Evaluation Factors

- Recruitment efforts, e.g., job listings, advertisements, job fairs
- Compliance by subcontractors
- On-the-job training for veterans
- Affirmative action efforts to attract special disabled or disabled veterans

KEY!

- * NO ADDITIONAL PAPERWORK
- * NOT ALL FACTORS NEEDED

G-FIVE Recognition

- **Company establishment will receive recognition letter and certificate from DAS**
- **Company establishment will be highlighted on OFCCP's webpage**
- **Company establishment will be excluded from an OFCCP compliance evaluation for three years**

Electronic Recordkeeping



Executive Order 11246

- **Any personnel or employment record that is made or kept by the contractor must be “preserved” by the contractor for a minimum of two years.**
- **If the contractor has fewer than 150 employees or does not have a contract of at least \$150,000, the record retention period is a minimum of one year.**

**Presenter: Sandra Dillon, Acting Director
Division of Policy, Planning, and Program Development**

Electronic Recordkeeping



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



New Web-Design

U.S. Department of Labor - Employment Standards Administration (ESA) - Office of Federal Contra... Page 1 of 2

 **U.S. Department of Labor**
Employment Standards Administration

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August 29, 2008 DOL Home > ESA > OFCCP

Office of Federal Contract Compliance Programs (OFCCP)

ESA OFCCP OLMS OWCP WHD

OFCCP Ensures employers comply with nondiscrimination and affirmative action laws & regulations when doing business with the federal government.

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About OFCCP

ESA's Office of Federal Contract Compliance Programs (OFCCP) is responsible for ensuring that contractors doing business with the Federal government do not discriminate and take affirmative action.

- OFCCP Mission Statement

Highlights

- OFCCP Once Again Produces Record Financial Remedies (PDF)
- Press Release – Two New Initiatives
- Use of Race and Ethnic Categories
- Frequently Asked Questions
- More highlights...

Contact Us

- Contact Us: 1-866-4-USA-DOL
TTY: 1-877-889-5627

Most Requested

- E-Laws Federal Contractor Advisor
- Small Business Guide
- Sample Affirmative Action Program AAP
- Employment Resource Referral Directory
- Interim Guidance on the use of Race and Ethnic Categories in Affirmative Action Programs

How To...

- Request Preaward Clearance
- File a discrimination complaint
- Determine that you are a contractor
- Find EEO Cleared Establishment
- Find Construction Goals
- Find the EEO Poster
- File EEO-1 Report
- File a VETS 100

Preaward/EEO Clearance

Laws & Related Materials

- Executive Order 11246
- Section 503 of the Rehabilitation Act
- Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA)
- Americans with Disabilities Act (ADA)
- Regulations at 41 CFR 60
- Guidance Documents
 - Federal Contract Compliance Manual (FCCM)
 - Policy Directives

Resources

- OFCCP Frequently Asked Questions
- Sample Affirmative Action Program AAP
- Employment Law Guide
- Small Business Guide
- Construction Technical Assistance Guide
- eLaws Federal Contractor Advisor
- Referral Directory
- Seminar and Workshop Calendar

Standard
Format for
all ESA





Most current
posted here
with NEW tag

New groups –
such as
Directives. Items
can be found in
several places

OFCCP — Frequently Asked Questions

FAQ Topics

The FAQs in this section are not comprehensive and are not intended to address every aspect of OFCCP programs. Rather, this section contains actual questions OFCCP has received from members of the public. FAQs may be added to this section in the future, and old FAQs deleted or revised when circumstances warrant. For more detailed information, or for information on areas not specifically covered by an FAQ, please consult other sections of the [OFCCP](#) web page. The FAQs are listed alphabetically according to the following categories:

- [The Good-Faith Initiative for Veterans Employment \(G-FIVE\) Initiative](#) 
- [Accessibility of Online Application Systems](#) 
- [Electronic Recordkeeping Systems](#) 
- [Jobs for Veterans Act \(JVA\)](#) 
- [For Employees](#)
- [For Employers](#)
- [Compensation Standards](#)
- [Corporate Management Compliance Evaluation](#)
- [Federal Contractor Selection System \(FCSS\)](#)
- [Functional Affirmative Action Plan \(FAAP\)](#)
- [Internet Applicant](#)
- [Jurisdiction](#)
- [Policy/Regulatory Issues](#)

Homestretch

- **Continue Focus on Systemic Discrimination**
 - **Active Case Management**
- **FCSS Schedule – FY 2009**
- **Compliance Assistance**



Presenter: David Frank, Deputy Director, OFCCP

Active Case Management

- **Streamline procedure that allows OFCCP to maximize resources**
- **Majority of case closed after desk audit**
- **Incorporates quality audit standards to ensure compliance and responsibility to VEVRAA and 503**
- **New Directive forthcoming**

FCSS Schedule - FY 2009

- **First Release – Second Week October 2008**
 - 2500 establishments
- **Second Release – March 2009**
 - 5000 establishments
- **Quality Compliance Evaluations**
 - National 1/50



Compliance Assistance

- **600+ Compliance Assistance events held FY 2008**
 - **Topics range from basic “How to Prepare an AAP” to conducting a statistical analysis**
- **What - Topic Areas?**
- **Where - Workshops, Webinars?**
- **How – Brochures, Flyers, Fact Sheets, Training Materials?**

We want to hear from you!
OFCCP-Public@dol.gov
<http://www.dol.gov/esa/ofccp/>



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Questions?

