



Town Hall Action Plan

BASED ON THE 2019 TOWN HALLS

Background

In 2017, the Office of Federal Contract Compliance Programs (OFCCP) hosted three Town Hall meetings following the Government Accounting Office's (GAO) report *Strengthening Oversight Could Improve Federal Contractor Nondiscrimination Compliance*.¹ The report recommended that OFCCP review its compliance assistance efforts to identify opportunities to enhance contractors' understanding of their nondiscrimination and affirmative action obligations. The insights and successful initiatives generated from the 2017 Town Hall² meetings prompted OFCCP to engage with contractors again through Town Hall meetings in 2019.

For the 2019 Town Hall meetings, OFCCP reached out to specific industries and stakeholder communities to assess their compliance assistance needs. Between February 26 and October 23, 2019, OFCCP hosted seven Town Hall meetings.

During the seven sessions, OFCCP sought input from four industries:

- Tech Industry, San Jose, CA, February 26, 2019, and Seattle, WA, February 28, 2019
- Financial Industry and Related Fields, New York, NY, April 9, 2019
- Legal Industry and Related Fields, New York, NY, April 10, 2019
- Educational Institutions, Washington, DC, October 23, 2019

Two of the seven sessions targeted outreach to specific stakeholder communities:

- VEVRAA and USERRA for Veterans, Washington, DC, August 7, 2019
- Native American Outreach, Phoenix, AZ, September 4, 2019

Each session was open to the public and solicited contractor and stakeholder input regarding OFCCP's compliance assistance resources and tools. The Town Hall meetings were advertised via the agency's website, emails to OFCCP website subscribers, and the Department of Labor's Twitter and LinkedIn accounts. Registration was publicly available on OFCCP's website. A mixture of contractors, consultants, academics, human resource professionals, stakeholders, members of the public, and legal representatives attended the sessions. The participants shared their ideas and voiced the compliance issues they encountered regarding equal employment opportunity and affirmative action obligations. OFCCP used this feedback to develop actionable items and recommendations to enhance compliance assistance. The Town Hall meetings also served as opportunities for participants to suggest ways to expand the level of partnership between OFCCP, contractors, and stakeholders.

¹ See GAO's Report, EQUAL EMPLOYMENT OPPORTUNITY: Strengthening Oversight could Improve Contractor Nondiscrimination Compliance, GAO-16-750, Sept. 22, 2016, available at <https://www.gao.gov/products/GAO-16-750> (last accessed January 16, 2020).

² See the 2017 Action Plan Progress available at <https://www.dol.gov/ofccp/TownHalls/ActionPlanProgress.html> (last accessed January 16, 2020).

A professional facilitator guided each session with a set of discussion topics developed by OFCCP. Every Town Hall meeting began with an idea generation segment and was followed by a group discussion designed for the development of actionable recommendations. There were consistent themes across the Town Hall meetings. Based on the general recommendations OFCCP received from these sessions, and taking into consideration these themes, OFCCP developed the following action plan:

1. Update and develop new resources to assist contractors in conducting outreach to diverse talent pools.
2. Provide more compliance assistance and resources for contractors to develop effective affirmative action programs and allow for more dialogue with contractors during compliance evaluations.
3. Enhance avenues for collaboration between contractors.
4. Enhance resources for protected veterans and their spouses, family, and other associates.
5. Enhance resources to increase the effectiveness of the Indian and Native American Employment Rights Program.
6. Enhance resources for disability inclusion.

1. Update and develop new resources to assist contractors in conducting outreach to diverse talent pools.

At every session, the participants expressed commitment to increase diversity and inclusion in their organizations and sought assistance from OFCCP in achieving that goal. OFCCP will continue to assist contractors in achieving diverse and inclusive workforces that demonstrate compliance with their legal obligations. OFCCP will review its current resources, update them, as needed, and develop new resources.

OFCCP will take steps to implement the following action items:

- a. Develop a new webpage on the OFCCP website dedicated to hiring qualified individuals from a diverse talent pool. This webpage will include frequently asked questions (FAQs), best practices, and other resources to assist contractors in their efforts to reach diverse and qualified talent pools.
- b. Provide updated EEO Tabulation data on OFCCP's website when available. OFCCP will work with the U.S. Census Bureau to obtain updated data for EEO Tabulation to assist with determining availability, allowing contractors to better determine the diverse talent in their reasonable recruitment areas.³
- c. Increase collaboration with organizations to keep the Employment Referral Resource Directory up to date. This directory provides contact information for diverse recruitment resources across the country and is used by contractors when advertising openings to candidates from diverse pools.⁴

2. Provide more compliance assistance and resources for contractors to develop effective affirmative action programs and allow for more dialogue between OFCCP and contractors during compliance evaluations.

The goal of OFCCP's resource materials is to provide meaningful compliance assistance to contractors, including assistance in developing and maintaining their affirmative action programs (AAPs). The current resources available to contractors provide generally applicable information. However, in multiple sessions, contractors, consultants, and legal representatives requested a means to explain special situations or aberrations in their data.

OFCCP will take steps to implement the following action items:

- a. Develop new sample AAPs or examples of AAP sections addressing aberrations and presenting additional explanations, as well as updated FAQs.

³ <https://www.dol.gov/ofccp/regs/compliance/Census.html> (last accessed January 16, 2020).

⁴ <https://ofccp.dol-esa.gov/errd/> (last accessed January 16, 2020).

- b. Create messaging to highlight a new compliance officer protocol to facilitate earlier contact with contractors under review to encourage communication concerning anomalies in their submission or data.
- c. Develop and launch the Contractor Compliance Institute. The Contractor Compliance Institute will assist contractors in proactive compliance with their nondiscrimination and affirmative action obligations. This online learning system will allow contractors to take courses to gain knowledge of regulations and policy that cover equal employment opportunity and compliance, including AAPs. The goal of the Contractor Compliance Institute is to provide contractors with an easily accessible platform to expand or refresh their knowledge of their obligations.

3. Enhance avenues for collaboration between contractors.

Town Hall participants expressed a need for more communication and collaboration between contractors. OFCCP will assess and expand its tools and platforms to establish additional areas for collaboration and highlight best practices. OFCCP's current platforms may be able to provide opportunities for contractors to share methods or programs that have successfully increased the diversity of their organizations. OFCCP encourages the sharing of best practices and innovative ideas in contractors' approach to diversity and inclusion. The agency will determine the best methods available to connect contractors.

OFCCP will take steps to implement the following action items:

- a. Review the Compliance Assistance Portal to determine where and how updates can encourage more collaboration between contractors.⁵
- b. Better highlight best practices on OFCCP's website through stakeholder messages.

4. Enhance resources for protected veterans and their spouses, family, and other associates.

OFCCP partnered with the Department of Labor's Veterans' Employment and Training Service (VETS) to host the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA) and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Town Hall meeting. The purpose of the VEVRAA and USERRA session was to solicit ideas on how the two agencies can better assist protected veterans. During the session, OFCCP discovered that many of its resources have not reached veterans and that there are gaps in what is currently available for veterans and contractors.

OFCCP will take steps to implement the following action items:

- a. Develop new resources (*e.g.*, frequently asked questions and best practices for contractors hiring protected veterans). OFCCP will develop material and update existing VEVRAA resources to include links to existing resources from other agencies and community-based organizations (*e.g.* the Career One Stop's military skills translator).
- b. Update the VEVRAA Compliance Assistance and VEVRAA Focused Reviews webpages. These efforts will ensure that protected veterans and contractors have access to tools to assist them in understanding their rights and obligations.
- c. Develop and release new stakeholder messages. OFCCP will address the need for resource awareness by developing notification campaigns highlighting the available tools and resources for veterans.
- d. Develop resources related to spouses, family, and other associates of protected veterans to assist veterans and contractors understand their rights and obligations under OFCCP Directive 2020-01, effective November 8, 2019.

⁵ <https://ofccpcontractor.dol.gov/> (last accessed January 16, 2020).

5. Enhance resources to increase the effectiveness of the Indian and Native American Employment Rights Program (INAERP).

OFCCP partnered with four agencies to host the Native American Outreach Town Hall in September 2019. The Department of Labor's Employment and Training Administration, and two Department of Health and Human Services agencies (the Administration for Native Americans and the Indian Health Services), came together with OFCCP to address how the agencies can better serve the Native American community. The audience was primarily interested in the support OFCCP could provide to Native American job seekers in obtaining employment with federal contractors.

OFCCP will take steps to implement the following action items:

- a. Through INAERP, provide improved guidance on how to lawfully extend a preference in employment to American Indians and Alaska Natives. OFCCP will provide resources on its website for agencies working directly with tribes, tribal communities, and tribal organizations.
- b. Develop best practices guides and FAQs to address work on or near Indian reservations, Indian preference, and a model affirmative action program with an Indian preference component.
- c. Implement a program to connect federal contractors to recruitment sources with Native American job seekers.
- d. Enable procedures to utilize small sample analytical techniques in analyzing employment outcomes during compliance evaluations. OFCCP will also investigate qualitative (anecdotal) differences in qualifications and outcomes for Native American workers vis-à-vis any favored groups.

6. Enhance resources for disability inclusion.

Town Hall participants expressed a need for expanded resources on disability inclusion and sensitivity training. OFCCP will assess and expand its resources on disability, develop best practices, and connect contractors to recruitment sources.

OFCCP will take steps to implement the following action items:

- a. Develop additional best practices for disability accommodations. OFCCP will use lessons learned that are identified during focused reviews conducted under Section 503 of the Rehabilitation Act of 1973, as amended (Section 503), to address challenges where contractors need guidance in meeting their obligation to provide reasonable accommodation. OFCCP will compile best practices and other resources for contractors gleaned from these focused reviews to assist in this area.
- b. Enhance the Section 503 webpage on the OFCCP website with additional resources and educational material.
- c. Develop an annual report on Section 503 Focused Reviews that includes contractor recognitions and general best practices under Section 503.



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