

NWX-DOL ESA OFCCP (US)

**Moderator: Sherry West
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1:00 pm CT**

Coordinator: ...and thank you for standing by.

At this time all participant lines are in a listen-only mode and will be for the duration of today's conference call.

Today's conference call is being recorded. If you have any objections please disconnect at this time.

And now I would like to turn the call over to your host for today, Ms. Sherry West. Miss, you may begin.

Sherry West: Thank you, operator, and welcome to everybody. Good afternoon or good morning as the case may be depending where you're at.

My name, of course, is Sherry West. I'm your moderator for today's webinar.

This is really an exciting and historical time for OFCCP. We're really looking forward to sharing information with you regarding the updated requirements for Section 503 of the Rehabilitation Act of 1973.

We're also going to touch just briefly on the changes to the Vietnam Era Veterans' Readjustment Assistance Act of 1974 better known as VEVRAA.

A lot of people throughout OFCCP nationwide and the U.S. Department of labor have worked diligently to bring about the reality of these new regulations. So we appreciate you taking the time to join us. We have a lot of wonderful information for you and we're hoping that you have some good questions for us.

We know that you probably have a lot of questions for our presenters and I want you - if you're not familiar with WebEx, if you look to the right of your screen you should see a chat feature. If the chat feature is not open you can click on that little diamond shape and it should open it up.

At that point you'll see below where you can actually type in a question and send it to all panelists. And we will certainly make every effort - we may not get to everyone's question, but we'll make every effort to answer them. So, please feel free throughout the presentation to enter either questions or comments into the chat feature.

Also, if you need close captioning, that's available down to your right where it says Media Viewer. You also have the ability to the left -- down low -- to expand your screen if you want to do so.

So, I'd like to take this opportunity to give a big welcome to our person who is going to be saying hello to everyone out there from the Social Security Administration and that's Robert Pfaff. He is Acting Deputy Associate Commissioner in the Office of Research Demonstration and Employment Support. He's going to give us welcome and a few remarks.

He began his public service career at the Maryland Disability Determination Services in 1995. And he served four years as a disability claims adjudicator, then as a Unit Supervisor in 1999.

In 2001 Mr. Pfaff was hired by the Social Security Administration, The Office of Disability Programs, when he wrote Disability Policy. In 2004 he transitioned to the Office of Program Development and Research where he led disability research projects and served as the agency's Homeless Outreach and Research Coordinator.

Mr. Pfaff became the Division Director in the Office of Medical in the Office of Medical and Vocational Expertise as Case Management Office in 2012 where he oversaw the adjudication of disability claims.

In 2013 Mr. Pfaff was selected to serve as the Acting Deputy Associate Commissioner in the Office of Employment Support Programs which is now the office of Research Demonstration and Employment Support.

He currently provides support to the Associate Commissioner, David Weaver, in the management of the Ticket to Work Program.

And I want to give a big welcome to Robert.

So, go right ahead, Robert.

Robert Pfaff: Well thank you, Ms. West, I appreciate it, and welcome to all of our participants today.

I'm very pleased to welcome everyone to today's webinar hosted by the Department of Labor's Office of Federal Contract Compliance Programs in response to significant interest expressed by Employment Networks to learn more about the recent revisions to regulations implementing Section 503 of the Rehabilitation Act.

On behalf of David Weaver, the Associate Commissioner of Social Security's Office of Research Demonstration and Employment Support and our Employment Network and State Vocational Rehabilitation Agency audiences, I would like to thank the leadership of the OFCCP for their active collaboration with Social Security on assuring that Employment Networks and their ticket-eligible program customers are able to realize the employment opportunities resulting from the updated rule.

For today's training - for making today's training possible, our thanks to Debra Carr, Director of OFCCP's Division of Policy, Planning, and Program Development; and Margaret Kraak, Branch Chief for Planning and Program Development for making today's training possible.

Our appreciation also extends to the Employment Network leaders who posed the advanced questions sent to today's panel.

This webinar is a combination of a yearlong effort by OSM under Social Security's leadership and guidance to prepare Employment Networks to effectively interface with federal contractor employers and a system in hiring from among the ticket program applicant pool. As part of the yearlong effort, I am pleased to share that with the transmittal this week to OFCCP of the third group of non-profit and workforce Employment networks, we will have 141 Employment Networks registered in the OFCCP Disability and Veterans Community Resource Directory.

Kimberly Vitelli, Division Chief of DOL's Employment and Training Program, and her staff worked closely with us to make our batch referrals into the directory possible. And we would like to thank Kim and her staff for making this occur.

And now I know I speak for all the attendees of today's webinar when I say that I'm really looking forward to hearing from our expert panel.

So, Ms. West, I'll turn it back to you.

Sherry West: Thank you, Robert.

Yes, let me go ahead and introduce you to our presenters for today.

Next slide.

Edward Rogers is the Philadelphia District Director for the Department of Labor's Office of Federal Contract Compliance Programs and he's been with OFCCP since September of 2011. He's got well over 15 years of experience relating to management and civil rights.

As the Philadelphia District Director for OFCCP, Edward oversees the compliance reviews and investigations being conducted by the district office staff. And currently, Edward is also the Acting Regional Outreach Coordinator for the Mid-Atlantic Region.

Leo Lestino is a Regulatory Analyst with the Policy Division here in the National Office. He's been with the National Office Policy Division for more than two years. He has been an EEO professional with the federal government for several years. He is a labor and employment attorney, and he hails from Hawaii.

And I believe I'm turning it over to Edward. Is that correct?

Edward Rogers: That is correct. Thank you so much.

Good day everybody. I'd say afternoon, but as Sherry pointed out earlier, some may still be in the morning so I'll say good day.

We have a great presentation for you. Hopefully you'll find it very information, very positive, and giving you the information that you need.

So I want to start along so we make sure we can cover everything we have.

Let me provide you with an overview of our topic today. We're going to start with some background of OFCCP and what we do and provide a quick overview of Section 503 including why we saw thought it's important to make changes to the regulations implementing a law.

We'll also mention briefly the Vietnam Era of Veterans' Readjustment Assistance Act of 1974 or VEVRAA. Also, this is not our main focus for today so we're going to just briefly touch on that. Then, we're going to talk about some of the key provisions in the new regulations and why you should know about them. And we'll conclude the presentation by responding to your questions.

As we go through the webinar please send in your questions to the chat function as Ms. West pointed out to you earlier.

We do recognize that many of you participating in today's webinar are from Employment Networks that provide career counseling, job placement and ongoing support services to individuals with disabilities who are participants in the Ticket to Work Program. So, in a sense, you are a resource for federal

contractors who are seeking to expand your applicant pool of qualified individuals with disabilities. That's a great job.

However, in another sense you also - you yourself as Employment Networks receive federal contract dollars and maybe federal covered federal contractors. So if you have questions under either hat you might be wearing at this time, please keep those questions and bring them off in the chat feature and we'll try and address them at the end of the presentation.

I'd like to remind all of you that our Web site contains more information on these new regulations and I encourage you to check out the documents posted there. In addition, you'll be able to find a list of contracts for each of your - or contacts I should say, for each of your regional officers.

And our Web site can be found at www.dol.gov/ofccp.

With that let's begin and tell you a little bit about OFCCP, what we are and we do.

Next slide, please.

So, OFCCP is an agency within the United States Department of Labor that enforces three laws prohibiting employment discrimination by federal contractors and subcontractors and requiring affirmative action.

The laws are Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era of Veterans' Readjustment Assistance Act of 1974.

So taken together the three laws we enforce prohibit covered federal contractors from discriminating unemployment on the basis of race, color,

national origin, sex, religion, disability or projected veteran status. In addition, the laws we enforce also require that contractors with contracts that meet a certain monetary threshold and who have a certain minimal number of employees must also develop and maintain written affirmative action programs or AAPs, and must comply with specific affirmative action requirements including outreach to and recruitment efforts, self-monitoring other employment practices, the identification and correction of discriminatory practices, and the identification and removal of barriers to equal employment opportunity.

OFCCP is comprised of a national office in D.C. and a national network of six regional offices with district and area offices in major metropolitan areas throughout the United States and in Puerto Rico and Guam.

We're going to move on to the next slide talking about what does OFCCP do.

Next slide. Thank you.

So, to ensure compliance OFCCP covers a couple different things. As you can see on the slide we conduct compliance evaluations, conduct compliant investigations, provide technical assistance, and engage in outreach and public education.

Let me talk a little bit about that.

So, to ensure that compliance we select about 4000 contractor establishments - - both supply and service contractors -- as well as construction contractors each year and conduct compliance evaluations of their employment practices. This includes practices relating to hiring, job testing, commotions, compensation, reasonable accommodation and termination so that - to ensure

that discrimination has not occurred and that there are no barriers to equal employment opportunity for those people working there or applying there.

To do this we review the contractor's affirmation action plan and other records and we may also decide to go onsite to the contractor facility and interview managers and employees among other things.

We also investigate complaints of discrimination filed by individuals or groups. At OFCCP we work closely with the Equal Employment Opportunity Commission with the OFCCP, the other federal agency that handles discrimination complaints. So we do work - make sure we work with them.

In addition to conducting compliance evaluations, however, and investigating complaints, we also provide free compliance assistance to contractors and educate community based organizations and members of the public to facilitate understanding of and compliance with of the laws we enforce. We're going to make sure we give everybody the resources they need.

So this includes workshops specifically designed for new and would be contractors as well as small businesses who are or aspire to be federal contractors. And we'll show you some of that, hopefully, later where we get in there.

But generally speaking federal contractors and subcontractors are those employers doing business with the federal government. A company or employer is a federal contractor that provides goods or services to a federal agency, receives federal funds for construction project, or is a subcontractor of a federal contractor.

For purposes of this presentation, however, all this information pertains to contractors and subcontractors.

And with that, I'm going to turn it over to Leo as we move on to the next slide.

Leo Lestino: Thank you very much, Ed. Thanks everyone for joining us today.

Now that we've given you a good overview of who OFCCP is and what we do let's zoom in to Section 503 which is actually the focus of today's webinar.

Section 503 of the Rehabilitation Act of 1973 prohibits discrimination by covered federal contractors including subcontractors against individuals on the basis of disability and it requires affirmative action for contractors to employ and advance in employment qualified individuals with disabilities. And this affirmative action obligation involves -- which is what is most relevant to you as Employment Networks -- outreach to and recruitment of qualified individuals with disabilities.

Now all contractors and subcontractors with federal contracts in excess of \$10,000 are subject to the nondiscrimination provisions of Section 503. That's what we call the basic threshold for coverage for the nondiscrimination requirements.

Now, additionally -- with regard to affirmative action -- contractors and subcontractors with contracts of \$50,000 or more and 50 or more employees must create, maintain, and implement a written affirmative action program and this includes the outreach and recruitment obligations that I'm sure most of you want to hear more of. And we'll discuss that later on.

Next slide, please.

So, as you mentioned earlier, VEVRAA or the Vietnam Era of Veterans' Readjustment Assistance Act of 1974 really is the focus of today's presentation, but it's related. So we wanted to touch on it briefly today.

VEVRAA prohibits employment discrimination against certain protected veterans which includes disabled veterans and requires contractors to take affirmative action to employ and advance in employment these protected veterans, and that also just like Section 503 includes a positive recruitment and outreach component. And that's really the reason why we wanted to touch on it briefly because there is some overlap with disabled veterans. But let's go back to Section 503 because that's really what we want to talk about today.

Why did we feel that the regulations implementing Section 503 needed to change?

So Section 503's basic framework which, you know, articulates a contractor's responsibilities with respect to individuals with disabilities -- that includes the nondiscrimination and affirmative action -- has been in place since 1970s and a great deal has changed since then with respect to technology, the way the work is performed and the way companies typically conduct business.

Furthermore the unemployment rate of working-age individuals with disabilities including disabled veterans remains significantly higher than for those without disabilities. And you'll see a lot of this data covered in the preamble portion of the new Section 503 regulations.

So, we felt that there needed to be a significant update. So this is the most significant update that we've done since the 1970s.

What we've done in the new regulations is we updated and strengthened what was existing there primarily with respect to affirmative action obligations. Really, the strengthened 503 regulations will provide contractors and OFCCP with tools that they need to better assess whether and where barriers to equal employment opportunity remain so that they can be reduced or removed. And it really provides contractors with tools needed to assess whether what they're doing -- their outreach and recruitment efforts -- are effective and that they can adjust it if those efforts are not effective.

Next slide, please.

So let's move on to substantive issues with regard to the new Section 503 regulations.

So we published these new regulations in September 24, 2013 and they are effective as of March 24, 2014. So we are now four months into these new regulations being effective.

So what does that mean for you?

Contractors are now required to be in compliance with some of the new nondiscrimination and equal opportunity clause requirements of the new Section 503 regulations. And we'll actually discuss those a little later.

So that includes new definitions, the inclusion of new language in contracts and subcontractors, and new EEO tagline requirements for solicitations and job advertisements. However, it is important to know that in the new regulations we provide some sort of - you can call it a grace period. This is what we call phase in compliance for the affirmation action requirements of the regulations.

So this is the portion of the regulations that addresses requirements that apply only to those contractors that are required to develop written affirmative action programs. So, you know, these are the requirements that include invitation to self-identify as an individual with disability or to have a written AAP or affirmative action program.

So what does this phase in compliance mean?

It means that for those contractors who already have an AAP that was developed under the old rules, they have until the start of their next AAP cycle to come into compliance with the new regulations. So what that means is, for example, a contractor who has an AAP cycle that runs from June of 2013 all the way to June of 2014, they can maintain that AAP until they start their next cycle. This really is meant to make things simpler and smoother for contractors and OFCCP so that they can ensure that only one set of requirements will apply to each AAP during a compliance evaluation and that contractors will have the necessary time to be able to implement the changes that they need to implement to comply with the new affirmative action requirements of the regs.

Again, this phase in compliance or grace period -- if you will -- only applies for those affirmative action requirements. So written AAPs and the new requirement to self-identify with regard to the nondiscrimination, the equal opportunity clause and with the new EEO tagline requirements, those are all effective as of March 24, 2014 and contractors need to be in compliance now with those requirements.

One final note, we are in the process of updating the EEO is the law poster with EEOC, our sister agency. And Ed mentioned them before. We do a lot

with EEOC. We're updating our new posters to reflect the new definitions, so contractors can continue to use the existing poster until a new one is issued and we'll definitely - let everyone know once that new poster is issued.

And with that I'm going to turn it back over to Ed.

Edward Rogers: Thanks, Leo.

So, we're going to talk a little more about the key provisions in Section 503.

So, let's talk about that. Remember, we don't have time to briefly discuss these changes in the new regulations so if you would like additional information or more in-depth information, please make sure you visit our Web site. And as I said, I'm really hoping we're going to get there.

We have an extensive archive of webinars on the new Section 503 regulations including a webinar on the new data collection requirements, a webinar drafting Section 503 AAP, and a webinar on outreach, recruitment, and utilization goals. As I said -- and I'll keep saying this -- time permits and technology cooperates, that's always a good one -- we'll walk you through some of these features and items at the end of the presentation.

Next slide, please.

So, the changes to the equal opportunity or EO clause is going to affect or already have gone into effect -- as Leo was saying -- on March 24, 2014. They're in place now.

Contractors, however, have long been required to conspicuously post the EEO is the law poster or a similar poster informing applicants and employees of their EEO rights.

The new regulations revised the EO clause to provide that a contractor can satisfy its posting obligations electronically for employees with telework agreements or for those who do not work at the contractor's physical locations -- so those remote employees. The new regulations also require that if a contractor uses an electronic or Internet-based application process, an electronic version of the required notice must be conspicuously stored with, or as part of the electronic application. And I'm emphasizing that because that's taken straight out of the language. It has to be conspicuously stored with or as part of the electronic application.

The electronic notice language was added in recognition of the increased use of telecommuting and the Internet -based application process. So, you know, we are trying to make sure we're adjusting for that whole changes in technology and in our life.

Next slide, please.

So we're going to talk a little bit more about the equal opportunity clause.

The new regulations add a new paragraph to the EO clause that requires the contractor to state in job announcements and advertisements that it is an equal employment opportunity employer of individuals with disabilities. This is analogous to the existing requirement under OFCCPs regulations implementing Executive Order 11246 whereas the contractor state that it provides equal opportunity without regard to race, color, religion, sex, or

national origin. So we've just kind of brought it up to speed and brought it up to date.

Next slide, please.

Let's talk about incorporating the equal opportunity clause.

Rather than mandating the inclusion of the entire text of the EO clause in every federal contract and subcontract, the current regulations permit the clause to be incorporated into the contracts by simply referencing it in the contract with a legal citation. It did little to inform or notify subcontractors the nature of their 503 obligations to employ and advance in employment qualified individuals with disabilities and was overlooked - easily overlooked to say the least.

So as a result it wasn't unusual for us at OFCCP to encounter a subcontractor that was unaware of their obligations -- their Section 503 obligations. In order to draw greater attention of this -- to the contractors' obligation under Section 503 but without the burden of including the entire EO clause in every covered subcontract, the new regulations revised the incorporation by reference requirement to require specific text. It's to be set in bold type, the following a reference to Section 503 required by the FAR.

And we're going to read - I'm going to read that to you real quick. You know, the incorporation by reference language reads as follows. "This contractor and subcontractor shall abide by the requirements of 41 CFR 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities."

With that, I'm going to turn it back over to Leo to talk about our voluntary self-identification.

Leo Lestino: Thanks, Ed.

So now we are getting into the affirmative action program requirements of the new regulations. Ed just did a great job going over the new equal opportunity clause requirements. And as we mentioned earlier those requirements, contractors are required to be in compliance with as of March 24, 2014.

Now we're getting into the affirmative action program requirements that contractors have until the start of their next AAP cycle after that March 24 effective date to come into compliance with.

So let's begin with voluntary self-identification. And it's one of the more well-known new requirements of the new Section 503 regulations.

We get a lot of questions about self-identification so hopefully this will be helpful information for you all again.

So there are - hold on just one second. I think we're muted.

Sherry West: No.

Leo Lestino: We're not muted?

Sherry West: No.

Leo Lestino: Okay.

Sherry West: I think folks might be having some difficulty accessing it through their computer.

Leo Lestino: Okay.

This sounds great so hopefully you can all hear me.

Let's move on to voluntary self-identification.

So there are multiple times when self-identification does come up and contractors invite voluntary self-identification of disability from applicants and employees. So there are those three times when that happens -- pre-offer, post-offer, and for current employees.

So what is the goal of self-identification? It really allows contractors and OFCCP to know what is going on in the workforce. So there's been a data gap with regard to demographic information regarding the composition of the workforce or applicant pools that are individuals of disabilities. That is why we implemented these new requirements so that we can get data, so that we can get better information about what the applicant pool out there looks like and what demographics for employers look like as well.

So let's begin with the pre-offer invitation.

Under the new regulations contractors must invite applicants to self-identification as an individual with a disability at the pre-offer stage of the employment process. Now, I want to emphasize that the invitation to self-identification is purely voluntary.

And that is reflected, actually, in the form. We have a required form that all self-identification invitations under Section 503 that contractors are required to use. It's a standardized form that we posted on our Web site. And if you visit our Web site you can find that form there.

All contractors are required to use that OMB-approved form. And in that form it actually provides employees or applicants with the option not to self-identification. So it's purely voluntary.

So now let's go to post-offer.

The new regulations retain the existing post-offer invitation to self-identification. Now, at this stage some who may have felt uncomfortable self-identifying before they received an offer maybe willing to self-identify now that they have an offer particularly if a reasonable accommodation is needed.

So this is an existing requirement. Post-offer invitations were required under the old regulations. They are still required under the new regulations and that they're required to be done with the OMB-approved OFCCP form.

Now another new requirement is with regard to employees. We recognize that disability is not an immutable characteristic like race. Somebody who doesn't have a disability when they are first hired may later get a disability.

The new regulations add an invitation for employees to self-identify so employees - the contractors are required to invite employees to self-identify the first year that they become subject to the self-identification requirements of the new regulations, and then, again, every five years thereafter. So that means that every five years contractors have to somehow invite their employees to self-identify either by corporate email or by posting a notice on

the Internet that anyone can use, or corporate mailings, invite them using the required OFCCP form to self-identify as an individual with disability.

Now, the new regulations also require that somewhere in between each five year period the contractor must remind employees -- at least once within that five year period -- that they can update their disability status with the employer at any time. This, again, can be in the form of an email, or a notice, or on the Web site or on the bulletin board.

So those are the new voluntary self-ID requirements.

Now I see that there was someone who asked a question from the chat box regarding employees who refuse to self-identify. That's just a reality of it. This is a voluntary process. The contractors are required to invite using the form, but employees can't be required to self-identify. So, it's purely voluntary and that's what - that's a goal that we have as an agency, is that employees need to be comfortable doing this.

Now, there's things that a contractor can do to make an environment that's inclusive so that employees will feel like they can self-identify but ultimately a contractor cannot require an employee to fill out that form.

All right. Next slide, please.

So outreach and recruitments. Now this is really some of the most significant changes to the affirmative action program requirements of Section 503 because we've really beefed up and given teeth to the outreach and recruitment requirements for affirmative action programs.

And I'm sure that many of you are very interested in these outreach and recruitment requirements because this is where you play a role. As Employment Networks you can provide contractors with resources to extend their applicant pools to include individuals with disabilities.

So, just by way of review, though, contractors have always been required to conduct outreach and recruitment of individuals with disabilities. But now what they're required to do under the new regulations is implement some significant accountability changes.

So, first, contractors are required to document each of their outreach and recruitment activities. So now they're required to keep documentation of what they're doing, what job fairs are they participating with, which resources have they contacted to extend their applicant pool including whether they've contacted Employment Networks, they're required to maintain documentation of those contacts or whatever those activities are. And then contractors are now required to do an annual written self-assessment of the effectiveness of each and every one of those outreach and recruitment activities.

So, that - this is something new. This is something that we've never had in our old - that we didn't have in our old regulation and this is something that we believe will really facilitate contractor accountability with regard to performing the necessary outreach and recruitment. So, the contractor has to make reasonable conclusions as to whether their outreach and recruitment activities are working, that the set of criteria including data that they're required to collect as to whether they're expanding their applicant pool, are they attracting individuals with disabilities into their workforce, are they getting more applicants.

If a particular effort is not working a contractor has to implement alternate efforts. So it's not just a keep doing what you're doing, you have to do what works. Do the things that work. And if it's not working you have to go and pick something else to do. So, if the contractor determines that the totality of its efforts are not effective, they have to identify and implement alternative efforts.

And now contractors are also required to maintain all of these records regarding outreach and recruitment efforts including that written assessment for a period of three years. And that will become more apparent later on as to why that is.

Next slide, please.

So another significant recordkeeping requirement of the new Section 503 regulations in the affirmative action program section is the new Section 44(k). So this is the data collection analysis portion. This requires contractors to document and update annually several quantitative comparisons for the number of individuals with disabilities who apply for jobs and the number of individuals with disabilities that they actually hire.

So this is a significant beta portion of the new regulations that really enables contractors to see overtime whether their efforts in recruiting individuals with disabilities are effective. So specifically, contractors must track, one, the number of applicants or individuals with disabilities; two, the total number of applicants; three, the number of - the total number of job openings and number of jobs held; four, the total number of individuals with disabilities that they hire; and five, the total number of applicants hired.

So, in the old regulations there was no structured data collection requirement regarding the numbers of individuals with disabilities who applied for jobs with contractors. And that made it impossible for contractors and OFCCP to perform even the most basic evaluations on availability of individuals with disabilities in the workforce or to make any kind of objective assessment as to whether their outreach and recruitment efforts are effective. That with this data they should be able to assess trends over time to see if they are attracting individuals with disabilities into their workforce.

And I think we got a question earlier on as to what you can do as an Employment Network under the new regulations. And this is really where you can come in in terms of reaching out to contractors and offering them your services to be able to help them place individuals with disabilities because they will be looking for that.

They will be looking for resources to be able to hire individuals with disabilities because they'll be required to document that. They'll be required to show us what they've done, who they've contacted. They'll be required to show us their assessment and whether what they're doing is effective. So with all those new requirements, contractors are going to need your help as an Employment Network to be able to meet those obligations.

And with that I'll turn it back over to Ed.

Edward Rogers: Thanks, Leo.

So we're over on the utilization goal piece. And I think everybody has heard about this. It's a critical change and a key factor to our new Section 503 regulations, and, you know, it's that establishment of the 7% utilization goal

for hiring qualified individuals with disabilities and it's really key. So let's talk about a little bit where it came from and where we derive this at.

It came from the American Community Survey Data regarding availability of individuals with disabilities and it includes an estimate of discouraged workers with disabilities and we're - so we can count for historical discrimination and for those with disabilities not currently employed due to discrimination of other employment barriers. So, let's look on a couple of things.

Now, this ACS, American Community Survey, definition of disability is similar to the 503 and ADA definition of disability, but it narrower in scope so we got to keep that in mind. So while it's not perfect data it's the best disability data source available.

With respect to it, though, the regulations require that contractors are going to have to apply this goal to each of their EEO or EO 11246 job groups on an annual basis. There is, however, an exception for the smallest contractors with 100 or fewer employees. They have the option of applying the goal to their workforce as a whole. It's that little piece.

Now, we got to talk about when the goal is not met in one or more of the job groups.

The contractors – the key part - is that they have to make - must take steps assessing their personnel processes. The effectiveness of its outreach and recruitment effort and the results of the affirmative action program audit to determine whether and where there may be impediments to EEO or equal employment opportunity.

So if the contractor identifies any problem areas, it must develop and execute action oriented programs designed to correct that. And Leo was just talking about that. I mean, it's really important that they focus on their outreach and recruitment efforts and then looking at ways to correct those.

So, the goal now for the first time provides contractors with a quantitative yardstick against which they can measure the success of their outreach and recruitment efforts and help them assess whether and where barriers to equal employment opportunity remain. I mean, that's really important because they want to look at it from a cost effective basis. They want to make sure that it has a good value.

So, when the goal is not meant the contractor does have to take some steps. They have to assess their personal processes, the effectiveness, again, of their outreach and recruitment efforts, and the results of their affirmative action program audit so they could determine when, whether, and where there may be impediments to this piece. So if the contractor does identify any problem areas it's got to develop and execute action-oriented programs designed to correct that so they got to take a proactive step to try and get this corrected.

It is really important to know that simply failing to meet the goal is not a violation and it's not going to carry penalties. I mean, that's very key to make sure we have that.

The goals intended to provide a management tool for analyzing and assessing the workplace processes and their affirmative action efforts. I mean, they need to be looking at this and we should all be doing that in a retrospective process.

But not applying the goal on an annual basis that could be a violation. And not doing other assessments, the rule requires contractors to determine if

impediments to equal employment opportunity exists. That may also be a violation so got to keep that in mind.

But, again, the mere fact that the goal is not being met that does not constitute discrimination or violation. You know, I keep going over that to make sure everyone has that clear.

These new regulations do provide that the goal is not an employment floor, it's not a ceiling or a quota and should be not used to limit employment opportunities for individuals with disabilities. It's really important so they're shooting for that. You know, to exceed it, great. Let's try and help them do that.

With that being said let's move over to our contact - or our resource directory.

All right.

Leo Lestino: And actually this is kind of go store of the question that was - that we see coming in over the chat...

Edward Rogers: Okay.

Leo Lestino: ...about being identified as an organization that can help with the recruitment and outreach efforts and this is why we have this resource directory, right?

Edward Rogers: Yes. Oh, definitely. This resource directory and shortly coming up, I'm going to walk everybody through the Web site of how to get in here.

But you can see up here is the actual web address. So it's the www.dol-esa.gov/errd/resources.html.

So, many contractors that we've spoken to they've asked again for this assistance with locating resources for finding and recruiting individuals with disabilities and veterans. So, to provide assistance for that OFCCP working with other DOL agencies created a non-exhaustive directory of groups and organizations that are available to provide the assistance in - with the training, recruiting and hiring of individuals with disabilities and veterans.

Some of you may be on here, some of you may not, but if you wish to get on here there's a couple of things that we can do and we're going to go over that in detail, but be ready. When I have some of this information together I'm going to walk you through what you're going to need when you go to supply this information to us. You're going to need the name of your organization, the contact name of the organization's representative or POC, the street address, city and state, zip code, email address, phone number, web address if it's available, and a description of the work the organization does related to disability or a veteran job training recruitment or placement. And one other item is whether the organization is a for-profit or not-for-profit group.

Inclusion is not automatic, let me tell you that. So you may have all that and send it in. The National Office is going to vet the request for inclusion in the directory. And I'll walk you over to the directory coming up.

But we're going to turn it back over to Sherry and have her talk about some contact information first.

Sherry West: Well thank you, Ed, and yes, as you'll see on the next slide you'll see that we've actually given you a physical address. You also see we've given you an 800 number you can call if you have questions. We also have an email that you can send your emails to if you want to ask a question that way. And, of

course, we have a wonderful Web site -- which I think Ed is going to take you through -- but you can see a spot too where you can sign-up online to get any email blast or any information we send out through mailings so you can stay up-to-date and current.

So, did you want, Ed, to go into the Web site or...

Crosstalk

Sherry West: ...do you want to address a few questions first?

Leo Lestino: I think that's great. I think Ed should...

Sherry West: ...Okay.

Leo Lestino: ...look at the Web site and walk people through on how to navigate there.

Sherry West: Okay, Ed, I'm going to turn it over to you here.

Edward Rogers: Excellent. Thank you.

Sherry West: Okay. So that you have a - the ability to go and pull that up. It may take a few seconds, but you can go ahead and pull up the Web site and walk us through it.

Edward Rogers: I believe we're there. Leo, Sherry, can you confirm?

Sherry West: We definitely are there.

Edward Rogers: Excellent.

Okay, everybody out there. Hopefully you're seeing this and I believe you are. This Web site we have provided so much information on here. It is an outstanding resource and I go out and do presentations to the general public regularly. This is one of my favorite pieces -- to walk everybody through the Web site -- because there's just so much valuable information.

Always I like to start off. You know, this is our landing page for OFCCP. It's part of Department of labor's Web site as you can see up here.

When you come over one thing if you're not subscribed I highly recommend - Sherry just gave you that web address to be able to do it. Rather than do that you can go on to the Web site. First thing you see - is up here, very bold, it used to be hidden, now it's very bold up there, Subscribe to OFCCP Updates.

Go on there. Make that, select that piece. And when you go in there it's not just OFCCP you can get information on. You can sit there and get updates from OSHA, from Wage and Hour, from multiple different -women's bureau, multiple different organizations -- GSA and what not, the White House. It goes through. It's really great, it's a perfect piece. So do that, if you haven't already done it, please.

I'm going to try to walk us through the Web site a little bit just so everybody hear.

So, look at this, find Section 503 and VEVRAA contractor resources. Right on top. We have it sitting out there for everybody to see.

So I'm going to select on there. All right. Here it talks about some of those resources. Boom, boom, boom.

And this is it. OCCP periodically updates this list. So if you want to be part of it, when you come in here you can select on the hyperlink and it will walk you through and allow you to provide information to us so that our National Office can make an assessment to see if you're not already on - if we can add you.

Definitely worth doing.

I'm going to go back a slide. So hold on.

I'm just going to take a second to make sure everybody is there.

All right. So we're still at the very, very top of this piece. But look at this, read the latest Section 503 and VEVRAA FAQs. Always, if you subscribe to the emails you'll get a blast every time we - a new email come out to you telling you when we've updated this. And you can run through.

It talks about general information, effective date and compliance schedule, our overview of the new Section 503 regulations. That is, if after this presentation you have additional questions, need some more information, we're here.

Compliance assistance and education, how can I contact the OFCCP if I have questions.

Implementation questions, talking about compliance schedules, data collection analysis, self-IDs, I mean, it is chock-full of information. You can see it right here. Bam, there's a new utilization. It shows right up.

When we have something new come up there, you can see those news all throughout it. Those come from great questions we get from out in the field. We get those throughout the agency either at the district level or at the

national or regional level. We compile them together and make sure we give everybody that feedback. So, you can always go in and find us.

Leo Lestino: Hey, Ed?

Edward Rogers: Yes, what's up, Leo?

Leo Lestino: If you click back on the Section 503 and VEVRAA contractor resources...

Edward Rogers: Oh, you want the resources. Okay.

Leo Lestino: There's a question - if you click on that link there's a question that came in. It's as to whether the Disability and Veteran Community Resource Directory is the same as the Resource Referral Directory. I think they're referring to the Employment - Employer Referral Resource Directory.

And I want to emphasize that those are two different things. So, if you look at the webpage that Ed is on right now, if you look at the resources by topic there's the - that's the second one from the bottom -- Disability and Veterans Community Resources Directory.

And this is a directory that actually contains specific resources just to help with Section 503 and VEVRAA with regard to individuals with disabilities and veterans. So this is what we - what you can be part of or you might already be a part of when you submit the information to our office to be included in this directory.

So this is focused primarily on individuals with disabilities and veterans. Now, if you just go back one...

Edward Rogers: Give me one second. I want to do that, but I - everybody make sure you know that download directory in Excel format. So when you get it you can - now you have this information then you can send out mailers or do what you need to do to reach out to these organizations.

I'm going to go back one, Leo, (before they are).

Leo Lestino: Yes, okay. So that's separate from the Employment Resources Referral Directory. The link at the bottom, it says ERRD.

So, that is actually for all of our - the affirmative action requirements for Executive Order 11246 as well. So that includes female, minorities, veterans. So all of those are included in the ERRD. So I just want to make sure that folks are aware of the difference between the two.

We are in the future considering merging these two databases, but for now we've separated out the Disability and Veterans Community Resource Directory because the brand new regulations, we wanted to highlight that resource for contractors out there.

Edward Rogers: And, Leo, you know, taking us here it actually always - is one area that I like to point out when I'm talking with everybody with respect to that. Again, we have done a lot of great work in this area and I want to point out that you can sort it. Now, these regions are based upon OFCCPs Regional Directory. So you have those when you look at it.

But you can come in here and list it by state. So you can find your specific state if you're looking for a community resource or if you're looking for a specific name of an organization or a city. So you can come in and get a great

search going if you want to narrow it down rather than having a broad base search. It's really great that we've done that.

So, any other questions there on that, Leo?

Leo Lestino: No. I think it's good.

Edward Rogers: All right. I want to back us up some.

So we've talked about that and we talked about the FAQs. Again, go in and look at that. Here are Section 503 updates.

You know, we have all that information there. There's the self-identification. Look, there's your English version in Word, English version in PDF fillable, you have a Word version in Spanish, and a PDF fillable in Spanish. It makes it all available. So you can go out there, you can pull it off and utilize it.

You have the contractor resources. You can see - mine are highlighted. I go in here a lot and I like to point that out to everybody, you know, that that - how important that stuff is.

All right. I'm going to back up real quick.

So, you know, we turn around and we have a couple of different other things. One other item we talked about - I talked about earlier, the presentations, the webinars, the multimedia archives. Fairly quick, here they all are. You can go back through our history and see what's going on, what webinars we did and replay them for yourself.

If you have additional questions or you want to go over it, you want to hear it again. I mean, you know, I know - Leo, when I was in law school that was one of the things they pointed out to me, is always make sure you know where to find the resources.

Leo Lestino: Oh, and actually, Ed, we have another one. If you go back to the update - Section 503 updates...

Edward Rogers: Okay.

Leo Lestino: ...and scroll down. And you can see attend training, webinars. If you click on that link you'll actually see the archive of all the 503 and VEVRAA training webinars that we've had so far for the public. So these are - include both the audio and PowerPoint of those webinars. It's a great resource if you wanted to go in-depth into any particular topic. Job listings and contracts, goals and benchmarks, creating a Section 503 AAP -- all of those topics we covered in previous webinars and we encourage you as Employment Networks to take advantage of these archived webinars and keep yourself updated on what's going on.

Edward Rogers: Great. I'm glad we got that question because it is important. These webinars are very beneficial, you know, and it's a great resource of information for us to be able to provide this to everybody out there. And you can go back and find it when you need it.

All right? So we're there. I'm going to move back just a little bit more because I do want to keep us on point here.

So you come down, you have the FAQs that we're just talking about, but I want to slide over to the left just a little bit.

And so, find your local office. Let's say you need to have a specific question or you want to have compliance assistance or coordinate with one of your local offices. You don't know them, take it by state. I'm going to pick on my own. I'm going to go to Pennsylvania because I'm located here in Philadelphia. And there we go, Philadelphia District Office.

So it gives our phone number, our address, my information and the information of my two assistant district directors. So, that is our number. You can reach out to us and get a hold of us. You know, we will look to answer you back right away. That information is there for everybody to use. You can see we have our Pittsburg Office and then there's Puerto Rico because it's in alphabetical order.

So that shows how to find them. Make sure you use that. You're accessing this information because it's very beneficial for everybody.

Bear with me. I'm going to scroll us down just a little more. I apologize.

Get down here. So we have lists of seminars, workshops, and the calendar. You can come in and you can select on any other dates and see what's going on in OFCCP. Today is the 13th. Here it is. This is us right now, the new Section 503 of the Rehab Act regulations. It talks about it. It shows what's going on.

And there's multiple other ones you can check that will show up in your area. You just have to see what's going on, see where you can reach out and if there's a new one to attend to.

And if not - again, if you have a specific question or you have a specific need, I gladly advice you to go out to either your District Office or our National Office and somebody will provide you additional assistance, resources, and health. I mean, we're here. That's part of our mandate, is to try and provide the assistance that we can.

Leo, is there anything else that I think I'm missing on here? I'm trying to make sure I'm covering all these pieces for us.

Leo Lestino: I think that's great. Thank you, Ed. I appreciate that overview of the Web site and I hope that folks will take advantage of it.

Edward Rogers: All right. I'm going to turn back over to you Sherry. Give me a second.

Sherry West: Okay, Ed. Thank you.

We are back with the slide that has our contact information. So you can write that down. We want to make sure we have plenty of time to take that information down.

And, Leo, are there additional questions that we need to respond to?

Leo Lestino: Yes. And we did get - at least submit their questions through our chat. We will try to get to them. We did get some questions in advance. We got some good questions during the registration. And there are a couple of questions with regard to Employment Networks and jurisdiction.

Like Ed mentioned earlier some of the Employment Networks may be wearing dual hats. Not only are you a resource for federal contractors, but you may be a covered federal contractor yourself. And really, the question of

whether you are or not is, it depends kind of a question. It really depends on a lot of different factors as to whether you're a covered contractor, or more importantly whether you're a covered contract that needs to develop an affirmative action program.

So, Ed actually showed you resources for who to contact in your state. I would encourage you to contact that local field offices so that you can see if you can talk to someone to help you, walk through the process of determining whether you are a covered contractor or not.

So, now, we got a question of the chat that asks, if not meeting the goal is not a violation, what will motivate an employer to hire individuals with disabilities? And that's a great question.

So like Ed did say, not meeting the goal by itself it won't be a violation, but not conducting outreach and recruitment will be a violation. Could maybe be a violation. Not documenting what outreach and recruitment activities they are doing as a contractor may be a violation. Not conducting the proper assessment of the effectiveness of your outreach and recruitment obligations might be a violation as well. So, all that combined really does push contractors to engage in outreach and recruitment efforts that are effective because they're required to document those efforts, they're required to assess those efforts on an annual basis and as part of their affirmative action program they're required to have that assessment on hand. So that really is what will we believe motivate employers to expand their outreach and recruitment efforts towards individuals with disabilities.

There was one question with regard to Employment Network information on the Employment - on the Disability and Community Resource directory. Now, if your employment - if your info in the directory is incorrect, if there is some

kind of typo, or maybe you moved and you have new contact information, send the correct info to OFCCPPublic@dol.gov.

You'll see that email address up on your - on the slide right now. Send an email to that email address letting us know who you are, what your organization is, what is the name of your organization and your updated contact information that you want to be corrected on the directory. Ed will make sure that that information is correct.

We got another question. And I think this is probably relevant to U.S. and Employment Network.

If a staffing agency as a subcontractor meets - how is the 7% utilization rule applied in co-employment arrangement with staffing agencies? If the staffing agency succeeds in meeting its obligation of 7% and places people with the client employer, does that type of employer get to claim the same worker towards meeting its own affirmative action goals?

So, in applying the goal to your job groups, the data that you're collecting should only be data in your workforce and not in the workforce of another organization that you might have helped. So, you know, those are two different things. And whether or not you're meeting the goal in each job group or in your workforce as a whole has to do with whether in your workforce you are meeting - you are employing or advancing the employment qualified individuals with disabilities. So, no, if you can claim the same worker towards your goals.

With regard to self-ID we got a question as to some state and local governments appear to be using different self-ID forms and requirements.

When are state, county, and local government expected to start using the required form?

Just, real quickly, this - our form that we require is only required for federal contractors. So unless that state and county or local government is a federal contractor that's covered by regulations, they're not required to. We don't have a general requirement nationwide for state and local county governments into using that form.

Now the follow up question with that is that, may federal contractors use the form even if they do not yet have to update their existing affirmative action plan and the answer to that is yes, absolutely. We actually encourage contractors to get a head start and to start thinking about and start implementing the new requirements including the new form even if they have that grace period or their in-depth grace period for compliance. We do encourage them to begin coming into compliance and they are allowed to start using the form even though they are in that grace period.

Is there anything...

Edward Rogers: You know, Leo, that one came in on the chat so I'm not chat if we have...

Leo Lestino: Okay.

So the question is, is there anything in the law or any other section that makes it beneficial financially for the contractors making 7% or exceeding it?

And the answer is, no. There's nothing in the regulations as to some kind of monetary or tax incentive for making the 7% goal. Again, please, as Ed did mention, the 7% national utilization goal is a yardstick. It's meant to measure

your - a contractors progress towards employing qualified individuals with disabilities.

It's a legal requirement for contractors to engage in those efforts under our regulations as a condition of their receipt of federal contract dollars. So while there may not be a monetary incentive towards outreach and recruitment - and again, just meeting the goal isn't a violation in itself, not conducting outreach and recruitment at all may be a violation. So it's a matter of compliance, really, with OFCCPs regulations and capping into the potential of individuals with disabilities as a viable part of the workforce.

(Crosstalk)

Edward Rogers: Good. You have more questions?

Leo Lestino: Yes, there's a couple more questions.

Is there a link to government contractors looking for employees, in other words, a direct connection to potential employers or contractors?

I mean, the most direct resource that we have is the Disability and Employment Community - the Disability of Veteran Community Resource Directory. That allows contractors to look for potential resources in their areas.

Now, it might also be a good idea for you as an Employment Network to reach out to the local OFCCP Office nearest that area where you're serving. Reach out to those compliance offices - in those offices because, I think, Ed can tell you that they often provide suggestions to contractors who are looking to expand their outreach and recruitment efforts. Is that right, Ed?

Edward Rogers: Correct. And a lot of times we sit there when we provide our compliance assistance. We try and have community-based organizations come out so that the contractors get to meet these community-based organizations face-to-face and put a name with the face and turn around and build up their own network because, again, that 7% is a yardstick. We would love to see it, you know, exceed it well beyond that. And we think by putting the contractors in touch with organizations that can provide them assistance in hiring individuals with disabilities, it's great. They can work that out and find out what fits and meets their need wholeheartedly.

Leo Lestino: That's right.

Okay, we got another question from - they hear that employers are looking for a single source to find job seekers with disabilities. Is there such a single source online where you can find job seekers?

And I think, Ed actually provided a link on our Web site. It's not a single source. We provide multiple sources where contractors can conduct outreach and recruitment.

And in that link to - on the front of our Web site for resource Section 503 and VEVRAA resources for contractors, there's a list there of links that you can take advantage of. I don't think there's a single source link where you can find individuals with disability job seekers. But there's many, many, many sources out there.

Edward Rogers: And you have to look at it this way too, Leo. You know, when I worked with the contracting community that's one of the things that they commend. Like, you know, we do everything in in the county. We don't need, you know, we

don't look for individuals that are going to build a bridge, we need accountants or things along that line so when you go through that - so when you go through our Web site and you punch in for your area build that relationship up with that community-based organization to find out who they can provide. You know, what type of candidate they can provide that's going to meet your company's needs, that's going to meet their needs.

So that's why it's always great to utilize that and find some way of building that relationship up with these community-based organizations because that old fashioned method of meeting face-to-face in getting to know people definitely helps. It helps strengthen our relationship and get everybody moving forward.

So I see we have a couple of questions coming in.

Leo Lestino: Yes. So, one question is, is the ERRD for non-profits only?

No. We don't have any sort of qualification that people to be listed in our directory to be non-profits only. We have both for-profits and non-profits there. So it's not a - we don't have a particular requirement with regard to being non-profit or for-profit.

There's also another comment as to it would be helpful for federal contractors to register in a central database when looking to fill positions.

There is no such central database, but federal contractors - the goal of the new regulations is to really provide federal contractors with the flexibility to design an outreach and recruitment strategy that would work best for them in their own particular resources. So they can register in multiple databases if

they need to and if whatever effort they're doing is not working, then they are required to look at other things.

So, maximum flexibility so that they can find what works best for them. It's not just a one size fits all approach to outreach and recruitment, it's really a - they can tailor their efforts based on what's working. And it's really the effectiveness that drives what outreach or improvement strategy that federal contractor is going to employ in increasing their applicant pool of individuals with disabilities.

I don't see any other further questions. I think that's it unless there's any other questions.

Sherry?

Sherry West: I don't see anything showing right this moment.

Ed, do you have anything else?

Edward Rogers: No. The only thing I'd like to remind everybody, if you haven't done it already, go to the Web site, sign up for the emails. They're great, they're very beneficial, and they're going to provide you up-to-date information. So, if you haven't done it already, as soon as you're off this webinar, please go there and sign up for it.

Sherry West: That's an excellent idea, Ed.

And Ed, I want to thank you so much for joining us. Also, I want to thank Leo and Margaret here who's been such a wonderful help. We certainly enjoyed presenting all this information to you.

Feel free to contact us. You have the contact information. And please take advantage of our Web site. Come in and peruse it. It's got so much good information for you.

So, at this time I'm going to be ending the webinar. Goodbye, everyone.

Coordinator: Thank you for your participation on today's conference call. At this time all parties may disconnect.

END