

NWX-DOL ESA OFCCP

Moderator: Brenda Stewart
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1:00 pm CT

Coordinator: All participants are in a listen-only mode. Today's conference is being recorded. If you have any objections you may disconnect at this time.

I would now like to turn the meeting over to Ms. Stewart. Ma'am you may begin.

Brenda Stewart: Thank you operator and good afternoon to everyone that has joined us. My name is Brenda Stewart and I am your moderator for today's Webinar.

And congratulations on making it to the last and final installment of OFCCP's Moving Toward Compliance Series.

Throughout this series we've been covering a variety of topics related to the recent changes to the regulations. Those are the Vietnam Era Veterans Readjustment Assistance Act at 41CFR Part 60-300 as well as Section 503 of the Rehabilitation Act and Part 60-741.

During today's training the presenters will provide information on what you as contractors and subcontractors must do to meet your obligations concerning

the hiring benchmark under the VEVRA final rules and 7% national utilization goal under the Sections 503 final rules.

Before I introduce the presenters I'd like to go over a few housekeeping items.

First questions will be directed to all panelists and you can submit your questions at any time throughout the presentation.

We have a panel of subject matter experts that will be reviewing the question and preparing responses so that we can go over it at the end of the presentation.

Also for those of you that need closed captioning services you should be able to maximize your media viewer so that you can see live transcribing.

Next slide, we have two presenters joining us today. And you should be able to see them right now on your camera.

Leo Lestino is a Regulatory Analyst and Ebony Ross is an Equal Opportunity Specialist.

Both are from OFCCP's Division of Policy and Program Development here in the national office. Welcome to Ebony and Leo.

Ebony Ross: Thank you.

Brenda Stewart: During this presentation Leo and Ebony will be conducting a mock technical assistance meeting with a federal contractor.

Now for the first part of the presentation regarding the Section 503 utilization goal Leo will be playing the role of the federal contractor's human resources manager.

During this technical assistance meeting Leo will be directing questions to Ebony to make sure she understands or make sure he understands the new regulations, their impact on his employer and how to ensure they are properly implemented.

For the second part of the presentation regarding the VEVRA hiring benchmark they will switch roles and Ebony will then play the role of the federal contractors human resources manager.

Additionally we will be joined later by Dylan Orr from the Office of Disability Employment Policy or ODEP from here the Department of Labor to talk briefly about outreach and recruitment to individuals with disabilities.

We also have (Terry Burton) from the Veterans Employment Training Services or VETS to talk about outreach and recruitment to veterans.

Today's panel of subject matter experts includes Naomi Levin's from the branch. She is the Branch Chief of Policy as well as Suzan Chastain and Keir Bickerstaffe from the Department of the Solicitor's Office.

Welcome to everyone and now I'll turn the presentation over to Ebony to get us started.

Ebony Ross: Good afternoon everyone and welcome to the final installment in our Moving Forward Compliance Training Schedule.

As you all are well aware we have conducted a series of Webinars designed to help you comply with the new VEVRA and Section 503 regulations.

The first in the series was collecting data and then Leo discussed the components of a new Section 503 and VEVRA AAP.

I discussed a couple of weeks ago job listings and contracts. And you can find all of these Webinars on our Web site.

Now today we will be discussing the Section 503 national utilization goals under Section 503 in the hiring benchmark under VEVRA.

Next slide please, all right so what are our training objectives for today? Today we want contractors to be able to understand the purpose of the 7% national utilization goal under Section 503 and the hiring benchmarks under VEVRA.

We also want contractors to be able to properly establish VEVRA hiring benchmarks using one of two methods, properly applied to Section 503 utilization goal and the VEVRA hiring benchmark and take appropriate action if the goal or benchmark is not met.

Next slide please, all right in so the superstar of the Webinar has made a reappearance, our day to remember slide.

Man: Exactly.

Ebony Ross: Now as you all recall we published in Section - the Section 503 in VEVRA regulations on September 24, 2013. These rules were will become effective March 24, 2014.

We also want contractors to remember the start of their next affirmative action program cycle. And that's because the cycle goals call for phased in compliance.

If you have an AAP under the current regulation you may maintain that AAP until the start of your next affirmative action program cycle after March 24, 2014.

Next slide please, all right so let's get into it. Let's discuss the Section 503 utilization goal.

Next slide please, all right so let's get we're going to talk about the preliminary information. As you all know the utilization goal is a new requirement under Section 503. And you may find those implemented regulations at 41CFR60-741.45.

Now why did we do this? Is what's the purpose of the goal? Well the goal is used as a yardstick against which contractors can measure the representation of individuals with disabilities in their workforce.

And let me explain why such a goal was necessary. Currently under Section 503 we require affirmative action but there's no goal. And in business way since the rules were first published in the 70s.

Over the years we've seen little improvement in unemployment and workforce participation rate of individuals with disabilities.

So the affirmative action process requirement without a quantifiable measure I mean it's insufficient. And so the goal is to measure that, you know, we wondered kind of whether or not equal employment opportunity is occurring.

Therefore we concluded that the establishment of a goal would create more accountability within the contractor's organization and provide a much needed tool to help assess whether they're making progress and where impediments if any exist to employing to qualified individuals with disabilities.

And Leo we want contractors to remember that they must annually evaluate this utilization goal. And I will discuss how the goal should be applied later on in the presentation.

Leo Lestino: Yes thanks Ebony. So I think it would be helpful for us to know how exactly OFCCP came up with this goal.

Ebony Ross: Okay Leo. Well what we did we used the disability data that was collected as part of the American Community Survey. And I won't get into that today.

I mean as I've mentioned in previous Webinars you can check out our FAQs. We update those all the time. So go to our Web site if you want to know more about how we did that and check it out.

Leo Lestino: Okay.

Ebony Ross: All right?

Leo Lestino: That sounds good. Now I just one question and I know the answer to this. We've heard the answer to this question a lot.

Ebony Ross: Okay.

Leo Lestino: But I just, you know, to help set our mind at ease I've heard that the utilization goal is a quota. Is that true?

Ebony Ross: Leo and everybody else out there that is absolutely false. The utilization goal is not a rigid and inflexible - in fact under our Section 503 regulations quotas are forbidden.

So instead the goals are as equal employment opportunity objectives that a contractor should - that should be obtainable by a complying with all of the affirmative action requirements.

Leo Lestino: That's good to hear. That's good to reinforce that that this is not a quota. However when am I supposed to start complying with this portion of the new regulations as a contractor?

Ebony Ross: Leo that's a great question and it's a question that comes up often. You should start complying with the new Affirmative Action requirements of the new regulations at the start of your next Affirmative Action program cycle after March 24, 2013 which is the final rules effective date.

Leo Lestino: Got it.

Ebony Ross: Got it? Next slide please, okay so let's talk about how the Section 503 utilization goal is applied.

So in most instances Leo contractors will apply or must apply the goal to the same job group that they use for their executive order 11246 AAP.

But small contractors -- and those are contractors with a workforce with fewer than 150 employees -- they may have apply the goal to their EE01 job category.

And the EE01 job category are those categories that you see on the employer information EE01 survey. And they include categories such as officials and managers, professionals, technicians, self, office and clerical craft workers, et cetera.

Leo Lestino: Now that's just because we're on the topic of job groups...

Ebony Ross: Okay.

Leo Lestino: ...is there a minimum job group size for the 7% goal?

Ebony Ross: Okay Leo no. There is no minimum job group size for the 7% goal. But we recognize that small contractors may have a hard time applying the goal to job groups, you know, based on size.

So that's why the final rule gives contractors with 100 or fewer employees the option to apply the goal to their - their entire or total workforce instead of their EO11246 job.

Leo Lestino: Got it.

Ebony Ross: All right next slide. Okay so let's take a look at a sample utilization table to see how such an analysis might look in an Affirmative Action program.

Leo Lestino: (Unintelligible).

Ebony Ross: And, you know. I want to emphasize that this is just a sample. You know, and I'm sure you'll say that a couple times too throughout the presentation.

Leo Lestino: A sample.

Ebony Ross: It's just a sample. So let's take a look at what this particular contract did.

Leo Lestino: Okay.

Ebony Ross: So he listed in Column 1 his job groups, job groups one through eight.

Leo Lestino: Right.

Ebony Ross: In the second column he listed the total or it listed the total number of employees per job group. In the third category he listed the number of employees who are individuals with disabilities for job groups.

And then in the fourth column he wrote or documented the percentage of individuals with disabilities per job group.

And he applied that 7% national utilization goal to that percentage to that number in (unintelligible) to determine whether or not the goal was met.

Leo Lestino: Got it.

Ebony Ross: And as you can see I mean this contractor is pretty big contractor.

Leo Lestino: Yes.

Ebony Ross: And in, you know, most of the job groups he exceeded the goal, he met or exceeded the goal. And there is one thing that I want to point out that I didn't point out earlier about this chart.

Now this particular contractor gives you the job group because he had a work force of more than 150...

Leo Lestino: Got it right.

Ebony Ross: ...employees okay?

Leo Lestino: So now yes this contractor seems to be meeting the goal for a lot of their job groups but what about job groups two and four...

Ebony Ross: Okay.

Leo Lestino: ...where they did not meet the goal? What happens when a contractor fails to meet the goal? What are we supposed to do?

Ebony Ross: All right Leo I'm glad you asked. Let's take a look. Next slide please. So first I want you to know Leo in, you know, all other contractors that there is no sanction or fine for not meeting the 7% disability goal okay?

Leo Lestino: Got it.

Ebony Ross: So remember that this goal is not a quota, you know, and it's not a fill in. We don't want to restrict the employment of individuals with disabilities.

Leo Lestino: Right.

Ebony Ross: And additionally a contractor in determining that it failed to meet the goal it doesn't constitute a finding or admission of discrimination in violation of Section 503.

Leo Lestino: Okay. Well okay I understand that failing to meet the goal is not violation in itself. But what should contractors do next after they apply the utilization goal to their job groups? What should they do then?

Ebony Ross: Okay Leo so if the goal isn't met contractors must take steps to determine if -- and I say if -- and where impediments to equal employment for qualified individuals with disabilities exist.

Leo Lestino: Got it.

Ebony Ross: So the final rule requires contractors to affect their affirmative action efforts and develop and execute action orientated programs to correct any identified problem area.

Now what this means is that, you know, the contractor is going to go back over the announcement that he has already done.

Leo Lestino: Okay.

Ebony Ross: Okay? And I think, you know, you kind of went over that analysis when you were doing the presentation...

Leo Lestino: Right.

Ebony Ross: ...on the VEVRA in Section 503...

Leo Lestino: Okay.

Ebony Ross: ...A and B. And so once they do that analysis if they find, you know, any issues or any impediments then they would execute, would develop and execute action orientated programs.

Leo Lestino: Okay.

Ebony Ross: Okay? And so this could include for example reviewing your personal processes. You know, you're required to review those personal processes periodically.

So if you haven't done it in a while you may want to go back, you know, check it out to see if that's an issue if that's impeding the employment of qualified individuals with disabilities.

Leo Lestino: Okay.

Ebony Ross: Now let's look at examples. Next slide please. All right so what you all see on your monitor is a sample of how the identification of problem areas and action oriented programs may look, you know, in an AAP. Again this is just a sample.

So the contractors he listed the job group where the utilization goal was not met from the sample we just showed you. And the goal wasn't met, you know, as you point out Leo in Job Groups 2 and Job Group 4.

Leo Lestino: Right.

Ebony Ross: So this particular contractor he went over the announcement that he had already done and determined that they had limited outreach and recruitment for officials and managers.

And so in the Action Oriented Program column this contractor said okay well we're going to implement additional recruitment efforts to attract officials and managers which is, you know, Job Group 2.

Leo Lestino: Okay. So I understand this is a sample...

Ebony Ross: Right.

Leo Lestino: Going off of the sample should there be problem areas and action oriented programs for every job group where the contractor failed to meet the national utilization goals?

Ebony Ross: Leo I'm glad you asked that question. And if, you know, there - the - their particular job groups for instance in this example Job Group 2 and 4 where the goal wasn't met...

Leo Lestino: Right.

Ebony Ross: ...that doesn't mean, you know, there's a problem.

Leo Lestino: Okay.

Ebony Ross: What it does is just signals, you know, it's a signal for contractors that there might be problem areas.

Leo Lestino: Okay. So is not automatic?

Ebony Ross: It's not automatic.

Leo Lestino: Okay.

Ebony Ross: It's not automatic. And so now that we've talked about the goal and the purpose of the goal and how to apply the goal let's talk about resources that contractors may use to comply with Section 503 utilization goals.

So with us today we have Dylan Orr from the office of Disability Employment Policy or ODEP here the Department of Labor. And he is going to talk to us today about resources to help contractors fulfill their obligation to hire individuals with disabilities. Welcome Dylan.

Dylan Orr: Thank you very much. Thank you Ebony and thank you Leo.

Good afternoon everyone. I am very happy to be joining you today from DOL's Office of Disability Employment Policy.

For those of you who don't know it's our mission at ODEP is to develop and influence policies and practices to increase the number and quality of employment opportunities for people with disabilities.

And were both of course both pleased and poised to offer support to the federal contractor community to achieve the goal for the new Section 503 rulemaking.

I'm here today to give you some resources and best practices around outreach and recruitment for people with disabilities including veterans with disabilities for your business.

Next slide, so three keys to building a pipeline of qualified applicants with disabilities include a recruitment plan that's based around establishing and developing strong and meaningful relationships with new and diverse recruitment sources.

Second, an outreach strategy that reflects your commitment to recruiting and hiring individuals with disabilities, and third meaningful assessment of your efforts and a true willingness to shift gears and try something new if a specific strategy isn't working.

Next slide, now let's turn to some recruitment sources. There's a number of recruitment sources available that federal contractors, managers and employees, particularly those on the recruitment team should be aware of.

Many of those are public recruitment sources.

So many of you may be familiar with the American Job Center Network. DOL funds approximately 3000 American Job Centers across the country that give jobseekers both with and without disabilities training referrals, career counseling, job listings and employment related services.

You likely already have a relationship with your local AJC but perhaps you've not yet considered jobseekers with disabilities as a resource.

We know they jobseekers with disabilities are actively using the services of the workforce system. So the workforce system is a very good partner to consider.

You should also know there's a program called the Disability Employment Initiative operating in the AJC network in 22 states across the country which you can find out more on the ODEP and ECA's Web site.

To find your AJC your local AJC go to www.servicelocator.org.

Another great resource is the state vocational rehabilitation agencies. The Department of Education funds VR agencies in every state to provide employment related support for people with disabilities including job training another individualized services.

The VR system is a ready resource for job candidates with disabilities. To find your state VR agency you can go to the Web site for your on your screen or contact EARN, a resource I'll mention, an ODEP resource that I'll mentioned at the end.

Then we have the Ticket to Work employment networks. Through the Social Security Administration Ticket to Work program employment network are organizations that contract with SSA to accept tickets from beneficiaries of SSI and an SSDI and provide training employment services.

ENs take a variety of forms and are also a valuable resource to consider. To find employment networks in your area go to www.choosework-chooseworktpw.net.

Then finally we have the Workforce Recruitment Program. WRP is an employment program for college students and graduates with disabilities, recent graduates with disabilities.

WRP is cosponsored by ODEP at DOLs and the US Department of Defense and it can be used by both federal government agencies and private employers.

We currently have about 1400 candidates in the database. About 100 of them are veterans. They've been recruited from 275 colleges and universities around the nation so you should consider them as a resource. To find out more about WRP go EARN's Web site at www.askearns.org.

Now I know that was a lot of information on that last slide -- next slide please -- but there's some other resources that you should probably consider.

Educational institutions can be a very important recruitment resource. When thinking about educational institutions you should consider community and technical colleges as well as public and private colleges and universities.

Often colleges offer job training programs, many also disabilities groups and services. A great place to start is with the college's Office of Disability Services.

Most colleges have them and they are often connected to the Career Center.

Then of course we have nonprofit organizations in your recruitment area that can be - and also help you meet your recruitment goals. These include independent living centers some of which receive funding from the Department of Education.

To find E- ILC's as we call them go to www.ilru.org. And of course nonprofit organizations also include disabilities, mental health advocacy and other community based organizations.

These organizations are interacting with people with disabilities on a regular basis if not a daily basis and become and can become an ongoing referral source for your business.

Finally there are number of for-profit companies and public-private partnerships organizations that you may want to consider partnering with many that have job candidates databases and other recruitment resources.

Next slide, so now that we've covered some of the critical recruitment resources I want to spend some time talking about effective practices. How can we do this well?

If a business is serious about recruiting people with disabilities it is critically the first meaningfully commit to building an inclusive workplace culture.

What do I mean by that? This should come from all levels of the organization. And ideas to facilitate this type of culture include establishing a disability or diversity employment research group or business resource group as we call them now and that kind of group can include all employees at all levels of the organization and business and can help in your disability recruitment efforts.

Then of course make it clear - making it clear across company policy and signage that you are an inclusive company with welcoming of people with disabilities will go a very long way.

Establishing strong policies and precedents around things like reasonable accommodations workplace flexibility and information technology accessibility will go a long way to attracting people with disabilities to your business. As they say if you build it they will come.

In the finally including disability as part of the company's diversity policies and activities. In ODEP we say disability is diversity.

It is also important to understand this goes both ways. There are also people with disabilities within every other diverse community.

Next slide, effective practices for outreach and recruitment also include exploring opportunities to establish formal arrangements or informal partnerships with recruitment sources such as though that I discussed before or designating a coordinator for disability outreach or developing, delivering training to your recruitment staff on effective ways to recruit, interview and higher job candidates with disabilities or including individuals with disabilities on your company recruitment team.

Finally participating in an internship and mentorship programs is also very important. We know from research that employers that have internships for people with disabilities are several times more likely to hire people with disabilities than those who do not.

Next slide, finally creating and using accessible online job applications, job boards and social network tools to promote the hiring initiatives and job openings you have.

These are truly the doors to the job application process. If you haven't done an accessibility check of your online application systems this is a good place to start. You certainly don't want to close the front door to the application process let alone any door to qualified applicants with disabilities.

Then of course participating in job and career fairs targeting veterans and other job seekers with disabilities can go a long way.

And consider exploring online job fairs targeting people with disabilities but of course you want to make sure those are accessible.

And finally, committing to meaningful assessment of your efforts and continuous improvement. If something isn't working try something else.

Next slide, finally I want to leave you some additional important resources that we can offer you.

For those of you who don't know about it we at ODEP offer something called the Job Accommodation Network. JAN as we call it is a free service of ODEP and it provides free expert and confidential consultation to both employers and employees on job accommodation as well as other resources for people with disabilities.

You can reach them at www.askjan.org or 1-800-526-7234 or 877-781-9403 TTY.

Then we have the Employer Assistance and Research Network what we called EARN. It's another free service of ODEP and EARN provides resources to help employers recruit, retain and advance individuals with disabilities. You can reach them at www.askearn or 1-855-ASK-EARN.

Finally we have business strategies that work. This is a resource that provides numerous strategies many of which I talked about today organized by seven action or areas that are already used by employers to improve employment for people with disabilities. You can find that resource at www.dol.gov\odep.

And of course please also visit ODEP's Web site at www.dol.gov/odep for a wealth of information and resources related to the employment of people with disabilities.

Please consider us a resource at the ready as you engage in making this historic rule a reality for people with disabilities.

And thank you to OFCCP for the opportunity to be a part of today's Webinar and joining you. And now I'll turn it back over to Brenda.

Brenda Stewart: Thank you Dylan. We do have one question that came in for you. Could you discuss strategies that a contractor could use to encourage applicants and employees to self-ID?

Dylan Orr: Absolutely. This goes back to what I was talking about in terms of building an inclusive workplace culture. If you build it they will come.

So if you create a culture and create policies and practices and make it seem as if you're an employer that wants people with disabilities and they will see you as a place that they can comfortably self-identify.

Moreover if you hire individuals with disabilities they are more likely - other folks are more likely to self-identify.

Brenda Stewart: Okay. Thank you very much.

Dylan Orr: Absolutely.

Brenda Stewart: And now we'll turn it back over to Leo and Ebony.

Leo Lestino: Thanks Brenda. Thank you Dylan. That was excellent and I'm sure our contractors are happy to hear about all of these resources that help them meet that national utilization goal.

But now let's switch gears.

Ebony Ross: Okay.

Leo Lestino: Let's go on to the second part of our presentation for today which is the VEVRA hiring benchmarks.

Ebony Ross: Yes.

Leo Lestino: Next slide please, so before we get any further let's take a minute to talk about why OFCCP decided to require contractors to establish a hiring benchmark.

Ebony Ross: Okay.

Leo Lestino: The benchmark is meant to provide the contractor with a yardstick. And we keep using the word yardstick because it's all about the measures.

Ebony Ross: Okay.

Leo Lestino: It's a measure that they could use to measure their progress and employee protected veterans. The benchmark is a very flexible measure. It is not and I repeat not a rigid and inflexible quota and it is not to be considered either a ceiling or the floor for the employment of veterans.

Ebony Ross: Okay.

Leo Lestino: It's a flexible measure.

Ebony Ross: Now, you know, zooming out even further and it's good to kind of touch base on the reasons why OFCCP does the way - the things that they do right?

Leo Lestino: And it's important to remember the big picture in each of these. And this is actually laid out pretty clearly in the preamble to the new regulations.

The preamble states that the benchmark is intended to raise awareness that veterans are still having to face enormous difficulties when they come home despite the huge sacrifices that they've made.

It's national issue. And as stated in the preamble OFCCP believes that few federal contractors have a very important role in addressing this national issue.

So I want to just kind of touch base on that a little bit...

Ebony Ross: Right.

Leo Lestino: ...the why, the big why right?

Now going back to benchmarks once a contractor establishes a benchmark it can be used as a tool in assessing the effectiveness of the contractor's outreach and recruitment efforts towards protected veterans.

Ebony Ross: Okay Leo. I have a question. So suppose I as a contractor failed to meet the benchmark. Will I get in trouble or be cited for noncompliance?

Leo Lestino: That's an important question Ebony and I'm glad you asked. If you look at the text of the final VEVRA rule it does not describe any additional affirmative action obligations that the contractor must take or any enforcement actions that OFCCP must pursue if the contractor doesn't achieve the benchmark.

Therefore what that means is that contractors will not be subject to an enforcement action or found to be in violation of the regulations for failing to meet the benchmark.

Of course -- and there's that of course right, we expect that as part of your annual recruitment and outreach assessment -- and that's why we said this is a measure -- the contractor would assess why it did not reach the benchmark and adjust its recruitment efforts for the following year based on what they've learned during that assessment.

Ebony Ross: Okay.

Leo Lestino: However and I can't emphasize this enough OFCCP will not take enforcement action solely on the basis of a disparity between the benchmark and actual percentage of veterans hired.

Ebony Ross: That's great to know Leo.

Leo Lestino: I want to make sure that that's clear.

Ebony Ross: Okay. It's clear. Thank you.

Leo Lestino: Failing to meet the benchmark will not be a violation.

Ebony Ross: Thank you.

Leo Lestino: Next slide, now we've gotten the background out of the way let's get down to the specifics right? How are contractors going to establish that hiring benchmark? And let's go straight to 41CFR60-300.45D where we have the two methods.

Ebony Ross: Okay.

Leo Lestino: Okay. The first method is really the method that we estimate the vast majority of you contractors out there will use.

Ebony Ross: Okay.

Leo Lestino: And that that method is the contractors can establish a benchmark that is equal to the national percentage of veterans in the civilian labor force which will be published and updated annually on the OFCCP Web site. This is by far the simpler of the two methods.

Ebony Ross: Okay Leo I have a question on that. So if we use this method do we have to change the benchmark immediately when OFCCP changes the percentage it published on its Web site? I mean if we're in the middle of an AAP cycle...

Leo Lestino: Yes no I understand that concern and...

Ebony Ross: Right.

Leo Lestino: ...and I'm glad you asked. No contractors are not required to do that.

Ebony Ross: Okay.

Leo Lestino: Once the OFCCP publishes an updated percentage contractors should wait until their next AAP cycle to change their hiring benchmarks.

Ebony Ross: So we should wait until our next AAP cycle...

Leo Lestino: Right you don't - you're not required to change your benchmark in the middle of your cycle.

Ebony Ross: Okay.

Leo Lestino: So now that's the first method right? And that's the simplest method. We estimate that the vast majority of you contractors out there will use this method but there's another one.

Ebony Ross: Okay let's talk about that.

Leo Lestino: So let's talk about the second method. The second method allows contractors to establish a benchmark by taking into account five factors. Now let's talk about what these five factors are.

Ebony Ross: Okay.

Leo Lestino: Next slide please. All right so the five factor approach is a method of establishing benchmarks that gives a contractor maximum flexibility to consider these factors in a reasonable manner.

So what the contractor is required to do under this method is to show us that it consider these factors, tell us what factors they found to be significant based on their own circumstances.

And if they decided to use other factors show us and on VEVRA (unintelligible) show us, explain to us how that factor affects the availability of qualified protective veterans.

All right so let's go down the list, let's go down the line of what...

Ebony Ross: All right.

Leo Lestino: ...these factors are one by one okay? Factor one is the average percentage of veterans in the civilian labor force in the state or states where the contractor is located over the preceding three years. This is calculated by the Bureau of Labor Statistics here at the Department of Labor.

Ebony Ross: Okay.

Leo Lestino: Factor two is the number of veterans over the previous four quarters or participants in the employment service delivery system in the state where the contractor is located.

And that is actually tabulated by the Veteran's Employment and Training Service again here at the Department of Labor.

Ebony Ross: Okay.

Leo Lestino: Factor three, and this should seem very familiar to you if you joined us at our last Webinar on the VEVRA AP. Factor 3 is applicant ratio and hiring ratio for the previous year based on the data collected pursuant to 60-300...

Ebony Ross: Forty-four K.

Leo Lestino: ...44K okay? So this was 44K data, our very first one that are going all the way back to the beginning of this series. That's when we discussed data collection. And that's the data from which these ratios will driven - derived from.

Ebony Ross: Okay.

Leo Lestino: So that's factor three. Factor four also should sound familiar...

Ebony Ross: Yes.

Leo Lestino: ...because we discuss this.

Ebony Ross: Yes.

Leo Lestino: Factor four includes the contractors recent assessments of the effectiveness of their outreach and recruitment efforts.

So this is what the assessment that the contractor is required to do under 60-300-44S.

Ebony Ross: Okay.

Leo Lestino: So then, you know, then we discussed this in great detail in our last Webinar regarding VEVRA AAPs. So the questions that this assessment are trying to address are, are the contractors outreach and requirement efforts effective or ineffective?

And if the contractor's overall outreach efforts are ineffective what alternative efforts will the contractor implement?

Ebony Ross: Okay.

Leo Lestino: That should sound very familiar. That's all part of our discussions regarding outreach and recruitment in those AAP Webinars. And as we can see Factors 3 and 4 are somewhat related because that assessment in Factor 4 takes into account applicant and hiring data from 44K...

Ebony Ross: Okay.

Leo Lestino: ...if you remember?

Ebony Ross: I remember that.

Leo Lestino: All right finally the very last factor includes any other factors such as location and the nature of the job openings.

Ebony Ross: Okay.

Leo Lestino: And but not just any other factor. These are factors that would have to the chance to affect the availability of qualified protected veterans.

Ebony Ross: Okay.

Leo Lestino: So that's not just - it's not a wide-open but it has to be something that the contractor can explain affects the availability of qualified protective veterans.

Ebony Ross: Okay. Well Leo I read the regs...

Leo Lestino: Excellent.

Ebony Ross: ...and they say that OFCCP will publish the data for Factors 1 and 2 on its Web site, how? Can you show me?

Leo Lestino: Excellent. That's - I'm glad you read the regs. And yes that is right. The regs do say that the data for Factors 1 and 2 will be published and provided by OFCCP.

And OFCCP has been developing a database that contractors can easily access to get the data that they need for Factors 1 and 2 from our Web site.

It hasn't been released yet and we're updating the data contained in that database. We will let you know as soon as we release it.

Ebony Ross: Okay. Well thanks Leo. I mean that was very helpful with regards to verifying the data required for Factors 1 and 2.

However I'm still unsure of how to actually establish a benchmark using all of these factors. Can you show us?

Leo Lestino: Absolutely. That's what we're about to do next.

Ebony Ross: All right.

Leo Lestino: Let's take a look at a sample of this five factor approach.

Next slide please, all right so here again this is a sample. The regs don't explicitly require that the data be represented in a table like this but this is just one way, just one way that a contractor might represent the data...

Ebony Ross: Okay.

Leo Lestino: ...that could be used for the five factor approach if they are going to establish their own benchmark.

So again just a sample not - this is not explicitly required. You can use this. I want to make sure that that's clear but this is one way.

So let's take a look at what we have here. We have a fictional contractor from Ohio who decided to establish its own benchmark during the transitional AAP year.

Ebony Ross: Can you remind us again of what the transitional AAP is?

Leo Lestino: Exactly. That's - and I'm glad you asked. Again and we've stated this before. OFCCP considers that next AAP that the contractor will publish after it's - the effective date and the transitional AAP.

Ebony Ross: Okay.

Leo Lestino: And contractors will not be found in violation of the new regulations if they can show that they acted reasonably.

So OFCCP understands during this transitional AAP year that there may be partial or incomplete data...

Ebony Ross: Right.

Leo Lestino: ...particularly for 44K and for outreach and recruitment.

So we understand that. And that's why that's what we're using here. And as you can see this particular contractor actually showed that under Factors 3 and 4.

They - it's an transitional year yet incomplete applicant and hiring data, incomplete outreach and recruitment data.

Ebony Ross: Okay.

Leo Lestino: As we expect.

Ebony Ross: All right. So let's say that at this particular point in time that the national percentage of veterans in the civilian labor force is 7.2%. But the contractor decided not to adopt that so they're not going with method one but the contractor decided to go with method two...

Leo Lestino: Okay.

Ebony Ross: ...and establish and establish their own benchmark using the five factor approach. As we stated earlier contractors will be able to quote the data from Factors 1 and 2 right from the OFCCP Web site.

And again we will let you know once that database is live and is ready.

Ebony Ross: Okay.

Leo Lestino: Now the goal here is that contractors would have to show how they arrived at the benchmark based on the consideration of the factors here.

Ebony Ross: Okay.

Leo Lestino: So there has to be reasoning behind it so either the contractor properly considered the factors. Contractors have to explain why if found a particular factor more or less relevant.

If they came up with other factors that they found relevant contractors will have to explain why this other factor affects the availability of qualified protective veterans. And that's straight from the text of the regulations for Factor 5.

Ebony Ross: Okay. Well Leo I see that this is a sample from a transitional AAP. And as you've mentioned in previous Webinars that during in this transitional AAP contractors may have, you know, incomplete data or partial data. Is that going to be okay?

Leo Lestino: Yes. Yes and yes like I mentioned before that is going to be okay. We expect that there might be limited or partial data for applicant and hiring ratios under 44K or outreach and recruitment efforts.

And as you can see here this Ohio contractor actually factored that in but they haven't complete data for Factors 3 and 4.

So let's take a step further. What might the narrative explanation and, you know, it's not explicitly stated in the regulations that this is required but we're expecting that if a contractor decides to go with Method 2 that there will be some type of explanation...

Ebony Ross: Okay.

Leo Lestino: ...some kind of narrative that explains how they arrived at that.

Ebony Ross: Okay.

Leo Lestino: So let's take a look at what the narrative or explanation for this particular contractor might look like.

So we know that this is transitional year as you pointed out. So the contractor has partial limited data for Factors 3 and 4.

Ebony Ross: I see that.

Leo Lestino: Now if you look at Factor 2 again Factor 2 is the number of participants in the Ohio employment service delivery system over the last four quarters.

Factor 2 shows that there are veterans in Ohio, actually thousands of them...

Ebony Ross: Yes I think there's 5000.

Leo Lestino: ...thousands of veterans in Ohio who are seeking employment and have registered with the ESDS okay?

Now Factor 1 also shows that the percentage of veterans in the civilian labor force in the state of Ohio has been steadily rising over the last three years -- 2012 at 7.87%, 2013 at 8.03% and 2014 at 8.72%.

Ebony Ross: Yes.

Leo Lestino: So there's a trend, an upward trend...

Ebony Ross: I see that.

Leo Lestino: ...of the veterans in the civilian labor force for that state.

Now if we look at Factor 5 this contractor also considered another factor.

Ebony Ross: Okay.

Leo Lestino: In this case its location. The contractor established it's located in Dayton, Ohio 12 miles from Wright-Patterson Air Force Base right?

Ebony Ross: Right.

Leo Lestino: So it's proximity to that Air Force Base probably provided this contractor with greater opportunities from local veteran recruitment. And it is likely the percentage of veterans in the local recruiting area is higher than the statewide percentage.

Again this is just an example of the kind of reasoning that should go into the consideration for these factors when you're going to establish your own benchmark.

Ebony Ross: Okay.

Leo Lestino: So in this particular case taking all those factors into accounting incomplete data for Factors 3 and 4 there is a presence of veterans under Factors 2...

Ebony Ross: Right.

Leo Lestino: And you have an upward trend in Factor 1. This particular contractor decided to establish a hiring benchmark that is the average of the last three years of the

percentage of availability of veterans in the civilian labor force of Ohio since that is the most concrete data available for this contractor right, because transitional year.

That really is the most concrete source of data that this contractor might have.

Ebony Ross: Right.

Leo Lestino: So they averaged those last three years and came up with a benchmark of 8.2%.

Ebony Ross: Okay Leo. Thank you. I mean, you know, I guess that I understand what you're thing about the factors. I have a question though.

Leo Lestino: Sure.

Ebony Ross: What type of questions should I be asking as a contractor regarding the data that I find?

Leo Lestino: Okay. So as a contractor if you decide to establish your own benchmark it's all about asking the critical questions.

Ebony Ross: Okay.

Leo Lestino: For example why do I find Factor 1 to be more significant? Well because there's partial limited data for Factors 3 and 4 like we just examined right?

Ebony Ross: Okay.

Leo Lestino: Why not adopt? This is another question that you might ask yourself. Why don't we just adopt the most recent year for 2014 as our benchmark rather than the average?

Well maybe because the increase in the percentage over the last three years has not been consistent. There has not been at the same level. And that computing the average over a period of time might be a more realistic measure...

Ebony Ross: Okay.

Leo Lestino: ...for this particular contractor.

How did Factor 2 influence your decision? Well because it showed that there are thousands of veterans that are looking for employment in the state.

Does the contractor know how - whether many veterans in the local Air Force Base have been applying to jobs and whether it hired any of them?

Well yes and maybe this particular contractor participates in the base transitional assistance program frequently. And they again these are just a sampling of the reasoning...

Ebony Ross: Right.

Leo Lestino: ...that the contractor has to put into these factors.

Ebony Ross: So these are the kinds of questions I should, those why questions?

Leo Lestino: Exactly it's the why questions. So and, you know, that's again, that's the sample. We and we don't expect that you come up with the best approach. We expect a reasonable one.

Ebony Ross: Okay. So okay Leo we've just looked at the, you know, a sample of how the five factor approach might play out in a transitional AAP.

But what about the next AAP cycle...

Leo Lestino: Okay.

Ebony Ross: ...when, you know, we may have more data. Can you show me how the five factor approach would play out then?

Leo Lestino: Okay. Let's do exactly that.

Ebony Ross: Okay.

Leo Lestino: Next slide please, all right so here is the same fictional Ohio contractor and here he presented their year two AP data. They're still trying to establish their own benchmark in their second year.

So as you can see here there's more data available now for the contractor. They have actually collected some data for applicant and hiring ratios.

And you can see it there under Factor 3. And they've been able to do an initial assessment of these the effectiveness of their outreach and recruitment efforts.

Ebony Ross: Okay.

Leo Lestino: And that's in Factor 4.

Ebony Ross: Well Leo it seems that for this year the contractor may consider their applicant and hiring ratio more than they did the year before. So this brings me to a question.

Leo Lestino: Okay.

Ebony Ross: So because there's more data for this next year can I change my methodology for establishing a benchmark in this year based on the five factor approach? Or am I required to stick with last year's methodology?

Leo Lestino: You know, that's a great observation Ebony. And yes there is more data available for this Ohio contractor now and it is here.

And because this is an approach that takes into account data from the factors yes contractors can change their methodology in the next AAP cycle for establishing the benchmarks still based on this five factor approach...

Ebony Ross: Okay.

Leo Lestino: ...as long as they considered the factors and are able to provide the reasonable explanation for their methodology okay?

Ebony Ross: Okay.

Leo Lestino: So let's take a look at what the explanation for this contractor might look like...

Ebony Ross: Okay.

Leo Lestino: Okay? So for year two they do reflect as you see in Factor 3 higher applicant and hiring ratios that the state percentages for the civilian labor force.

This particular contractor indicated that they have an overall effective outreach and recruitment efforts and that they include multiple sources and not just, you know, not just listing their jobs with the ESDS which may mean actually that for this particular contractor Factor 2 plays less significance in their consideration because they have an effective recruitment effort that draws from a varied pool.

Ebony Ross: Okay.

Leo Lestino: Right? They're recruiting from various veteran job fairs and from local colleges. And also because they put - their effective outreach strategy resulted in higher applicant and hiring ratios. They may have placed less significance on Factor 1...

Ebony Ross: Okay.

Leo Lestino: ...especially since their location in a close proximity to an Air Force base gives them a larger pool than those state averages. And that's actually reflecting in the number of applicants in the number of suppliers they have.

Ebony Ross: Okay.

Leo Lestino: So in this particular case this contractor seems to have placed more significance on the applicant and hiring ratios so that they have an effective outreach and recruitment program they said this contractor their method for

this year was to set a hiring benchmark that was the equivalent of their applicant ratio right?

Since this contractor plans on maintaining an effective outreach and improvement program but because the state percentage of veterans in the labor force has decreased slightly if you look at between 2014 and 2015 there was a little bit of a drop...

Ebony Ross: I see that.

Leo Lestino: ...right, in the percentages. And they decided to adopt the applicant pool number instead of the higher hiring ratio number.

Ebony Ross: Got it.

Leo Lestino: Right?

Ebony Ross: Right.

Leo Lestino: Again this is just an example of a reasonable approach that shows the contractor considered the five factors.

Ebony Ross: Got it.

Leo Lestino: And it's different from the approach that they took last year because last year this contractor just decided to average the three years for Factor 1.

Ebony Ross: Okay.

Leo Lestino: Well that's not what this contractor did this year because they have more data. So they decided to go with what the applicant ratio was and adopt that as their benchmark.

Ebony Ross: Okay.

Leo Lestino: Right? It's likely acceptable if they provide the kind of reasoning, the kind of explanation that we just showed here.

Ebony Ross: Right. So I have a question.

Leo Lestino: Yes?

Ebony Ross: There are five factors. Now how do I weigh these factors? Does one way more than the other or should I assign a numerical value to, you know, the factors? How does that work?

Leo Lestino: Okay so the text of the regulations do not require contractors to assign numerical values or numerical weights.

If a contractor can show that it took into account these factors in establishing a hiring benchmark and can provide an explanation of the relative significance of each of these factors in their methodology that would be enough.

Again this is not a rigid hard and fast numerical analysis. We are not requiring you guys to assign numerical weights to each of these factors. That's not the point.

Ebony Ross: Okay.

Leo Lestino: The point is that you reasonably consider the factors and that you're able to explain how you arrived at your benchmark.

Ebony Ross: All right.

Leo Lestino: So how about one more example.

Ebony Ross: Okay one more example.

Leo Lestino: One more example...

((Crosstalk))

Ebony Ross: Make sure that I got it.

Leo Lestino: Okay.

((Crosstalk))

Leo Lestino: Reinforce these concepts. Let's take the contractor from another state.

Ebony Ross: Okay.

Leo Lestino: Okay let's take the state of New York next slide please.

All right so here is a sample of a five factor approach from a fictional contractor in the state of New York for their year two AAP.

It is, you know, it'll become readily apparent as you look at the data before you right now that this contractor really is in a completely different position from our first Ohio contractor.

Ebony Ross: Yes I see that.

Leo Lestino: Yes. So we - it seems that this particular contract has a smaller number of veterans in the New York labor force as represented by the percentages under Factor 1.

Ebony Ross: Right.

Leo Lestino: Right. Also if you looked at their narrative for Factor 4 they're saying that they're redesigning their outreach and recruitment strategy to increase their applicant pool of protective veterans.

This contractor said that they have historically relied on listing jobs with the ESDS and their primary recruitment source but they're planning on doing more.

So it seems like this contractor maybe hasn't had as effective of an outreach and recruitment strategy as our Ohio contractor.

So in establishing its benchmark this contractor will likely find Factors 1 and 3 more significant.

Ebony Ross: Okay.

Leo Lestino: You know, based on these figures it appears that the percentage of veterans in the civilian labor force for New York is smaller and that's actually reflected by their applicant and hiring ratios for this year.

Ebony Ross: Okay.

Leo Lestino: If you look at the figures for Factor 1 and Factor 3 they're all kind of hovering around the same area. However it's also important to note and the contractor needs to factor this in, their hiring efforts have been largely ineffective.

There are veterans as you can see in Factor 2 there's thousands of veterans that are looking for jobs that are registered with the ESDS.

But they have not drawn a significant applicant pool from listing their jobs there. And this becomes very apparent based on their assessment of their outreach and recruitment efforts where they indicate that the ESDS was their primary recruitment source but it seems that they're not getting applicants from there.

Ebony Ross: Right I see that. And I also see that, you know, there seems to be a bigger problem with this contractor than just the, you know, the benchmark issue.

I mean they don't seem to really have a very effective outreach and recruitment strategy.

Leo Lestino: That's exactly right. That's as reflected for this particular fictional contractor. And this really does strike - tend to demonstrate the purpose of having the benchmark and the purpose for why we ask you to do this five factor approach.

It allows you to really see what your progress looks like in employing protective veterans and if you're getting low in applicant ratios it asks you to ask questions.

What does your outreach and recruitment look like? Does that effect your applicant and hiring ratio?

So since - let's go back to this contractor. If you look at Factor 4 this contractor is planning on implementing alternative outreach and recruitment efforts. They want to draw from a wider pool of recruitment sources in addition to listing with the ESDS.

Therefore it seems like this contractor is hoping to increase the number of veteran applicants and hires in the future.

The contractor also recognizes that despite the large number of veterans that are - that participate in the New York ESDS they never see a significant number of applicants from that particular pipeline.

So they probably won't focus less on Factor 2 right? And they said in Factor 5 that their establishment is located in Buffalo. There is no major military installations close by and therefore they have maybe a limited pool of veteran applicants.

And, you know, that may have some significance. But I say only limited significance really. Because if your outreach and recruitment efforts are ineffective to begin with then you have to improve that before you can say that your location is impacting the available...

Ebony Ross: I get that.

Leo Lestino: ...affected veterans right? And that's what this contractor is doing. That's what this contractor is doing.

So after all of that what - how did the contractor arrive with the 5% is the question right?

Ebony Ross: Right.

Leo Lestino: So if you look at the preamble to the new VEVRA regulations there's actually an approach that's suggested in there as to how the contractor can arrive at a benchmark.

Ebony Ross: Okay.

Leo Lestino: So for this particular contractor they started with the average veteran population for the state of New York and this case 4.48%.

So that's the average of 2013, 2014 and 2015 under Factor 1.

So they start with that average 4.48%. They slightly reduce that number to account for the fact that this data is not unlimited to protected veterans but to all veterans.

So maybe they reduce that a little bit to 4.40%. And I just want to emphasize that whatever reductions or increases that you might do there has to be some kind of reason or explanation for it.

Then they average that number with their applicant ratio which is 4.8% which gets us to 4.64%. After all of that and because they're anticipating that they're

going to do more, they're going to conduct more outreach and recruitment, they're expecting more applicants, they're hoping to hire more veterans they're going to bump that up a little bit and that's how they got to the 5% number.

Again this sample approach, this sample methodology is laid out in the preamble to the regs.

Ebony Ross: Yes.

Leo Lestino: But whatever method you do decide to adopt in doing the five factor approach you have to support each step of the method with reasonable explanations.

The contractor would have to provide some reason for whatever percentage reductions or increase you do.

Ebony Ross: Okay.

Leo Lestino: If you supported your methodology with the kind of reasoning and explanation that we just demonstrated here right?

Ebony Ross: Right.

Leo Lestino: The critical questions they would likely be acceptable.

Ebony Ross: Okay. So, you know, I get it. It seems like the goal here is to critical questions and, you know, to decide what factor or to decide why we use the factor or articulate why we use a certain factor.

Leo Lestino: Right.

Ebony Ross: For example why do you think this factor is significant or why is this one less significant so does that sound right?

Leo Lestino: Yes critical questions, asking critical questions that's absolutely right Ebony.

Ebony Ross: Okay.

Leo Lestino: All right that was a long discussion and I'm thankful for you all for bearing with us. But it's important that we demonstrate the kind of reasoning...

Ebony Ross: Right.

Leo Lestino: ...that we're expecting that goes into methods to if you're going to establish your own benchmarking.

All right moving on, next slide please, let's talk about the next step.

Ebony Ross: Okay.

Leo Lestino: It's actually applying the benchmark.

Ebony Ross: All right.

Leo Lestino: So you've established one regardless of what method you use, method one, method two. Now you apply it right?

Ebony Ross: Right.

Leo Lestino: The purpose of the benchmark is to create a quantifiable method by which a contractor measures its progress towards achieving equal employment opportunity for protected veterans.

Generally the benchmark is a forward-looking measure...

Ebony Ross: Okay.

Leo Lestino: ...that should be considered as the contractor moves through its (AAD).

So the hiring benchmark really does apply to a contractor's future hiring at the establishment. The benchmark along with the applicant and hiring data should be considered as a part of the criteria used to assess the contractor's external outreach and recruitment efforts for the previous 12 month period and in the determination regarding the effectiveness of their outreach.

Ebony Ross: Okay. So Leo if a contractor doesn't meet the hiring benchmark...

Leo Lestino: Okay.

Ebony Ross: ...under VEVRA do they have any affirmative obligations to identify any problem areas, you know, if there are any or come up with action oriented programs? I know that's the case under, you know, for Section 503...

Leo Lestino: Right.

Ebony Ross: ...utilization goals. Is that the case for VEVRA?

Leo Lestino: No okay so I'm glad you asked and I know we did discuss, you know, identifying problems areas and national oriented programs under Section 503.

However a big however, under VEVRA a contractor has no affirmative obligations to do something based on its failure to meet the hiring benchmark.

Therefore contractors are not required to do the same things that they're required to do under Section 503.

Ebony Ross: Okay.

Leo Lestino: So nothing in the text of the regulation requires you to identify problem areas and do that kind of analysis, the utilization analysis...

Ebony Ross: Okay.

Leo Lestino: ...that we do under 503.

However contractors are -- and this is a big however -- required to conduct outreach and recruitment efforts. And we would expect that as part of your written annual recruitment and outreach assessment the contractor would assess why it did not reach the benchmark and adjust their recruitment efforts for the following year based on what you learned from your assessments.

Ebony Ross: All right thank you.

Leo Lestino: Okay so now we talked about outreach and recruitment. We talked about the benchmark.

Ebony Ross: Yes.

Leo Lestino: How can we help you reach your hiring benchmarks because that's the goal for all of this?

Ebony Ross: Right.

Leo Lestino: So with us today and it's actually a special privilege for me to introduce a very special speaker, Deputy Assistant Secretary (Terry Girton) from the Veterans Employment Recruiting Service here at the Department of Labor here joining us today and welcome (Terry).

(Terry Girton): Thanks Leo. Thanks for the opportunity to join your forum today. It's so important for your audience to know exactly how Vets can help them meet their veteran hiring goals especially since you've laid out such a great case for why they need to make those targets.

What I'd like to do today is start with some information about the veteran's employment and training services itself and how we execute our programs. And then I'll tell you about the services we provide to veteran's and wrap up with the services that we provide to employers.

Next slide please, this really focuses on three missions. We prepare our separating service members for transition from the military to the civilian workforce. And we do that by teaching three-day employment workshop as part of their transition assistance program, now a mandatory one week coursework for every service member before they separate from the military.

We also then provide them once they have separated with the critical resources expertise and training to assist them in locating and obtaining meaningful careers. We do that through the nationwide network of the American Job Center.

And the last we protect the employment rights of these men and women as they return from either immobilized deployment as a member of the National Guard or reserve or as service members who may be returning to civilian employment after less than five years on active duty.

Next slide please, and just to help you understand a little bit about how we are organized VETS is of course one of the agencies inside the Department of Labor at the federal level.

We provide funds through grants to the state workforce agencies and their state workforce investment board who then sub delegate through their local workforce investment board who provide direct oversight to the local American Job Centers where our service providers are located.

So we at the federal level really only directly supervise down to the state agency but our products and services are delivered at the local community through the American Job Center.

So it's a very decentralized system but we work hard to make sure that the policies and the application are uniform across the network.

Next slide please, speaking of that network you can see here there over 2500 American Job Centers across the country. They are focused with greater density where there are greater population densities. So the distribution probably is not a surprise to you.

I will point out on the last slide of the deck the Web site that is www.servicelocator.org where you can type in your ZIP Code or the ZIP

Code or address of one of your hiring activities and find the nearest American Job Center to them to get connected with our services.

Next slide please. Inside the American Job Centers are a variety of service providers and partners. But you can see just by looking at this list they're also focused on employment assistance through a variety of federal programs. And many are targeted through specific demographics.

And that is where inside there you see the veteran's employment and training programs focused on the veteran population.

Next slide, so there's some pretty impressive numbers on this slide if you look right there in the middle. In program year 2012 alone the Department of Labor served almost 18 million participants in the American Job Center network, 1.4 million of them were veterans, served in a variety of programs all at very strong outcomes.

You can see that nearly 500,000 of those veterans who are unemployed at the time of their program participation found employment within 90 days of program completion so we're very proud of that success rate and driving it up every day. You will be an integral part of continuing that success.

Next slide, so that's provides funding to the states through the Jobs for Veterans State Grant program or JVSG. And with these funds that we provide to the state the states hired two particular types of staff members to work inside those job centers.

The first is the Disabled Veterans Outreach Program Specialist. And this individual is responsible for providing intensive services to meet the

employment needs of eligible veterans with significant barriers to employment.

And that's - there are six different kinds of categories for barriers to employment. They include service disability of 10% or more, homeless veterans, recently separated service members that is within the last three years who have been unemployed for 27 or more consecutive weeks, ex-offenders who have been released from incarceration within the last 12 months, veterans who may lack a high school diploma or significant - equivalent certificate or those who are low income.

So the DVEP works specifically with these veterans who have very challenging circumstances to improve their employability to fill their gaps and then to make sure they are ready for meaningful employment.

The second staff member that we fund is the local veterans employment representative. And these are the people that you as employers are going to want to work with to make sure that you connect to the veterans who are registered in these American Job Centers.

And we'll talk a little bit later about specific services that LBERs can provide to you. So you'll find these two types of staff members in virtually every American Job Center across the country. And they are there particularly to serve the veterans and employers in the local communities.

Next slide please, so here you see a diagram about how the JVSG funded staff fit within those workforce centers. You'll see that they work side by side with the rest of the staff in delivering program support to veterans.

Again the consolidated staff there delivers support to veterans through three particular programs -- core services, intensive services, and training services.

Next slide please, so now that we've talked a little bit about the structure of veterans - of VETS and how we execute our program we're going to drill down a little bit more into what those services are for veterans particularly.

It is important that you know that veterans receive priority service at all Department of Labor deployment and job training programs including the HACs.

They simply have to self-identify as a veteran and they are eligible for priority service. If they are post-9/11 veteran they are eligible to receive what we call Gold Card services for intensive case management services for up to six months regardless of whether or not they have a significant barrier to employment.

And again you see the numbers there over 1.4 billion veteran served. We talk about having about a 1 million and a half veterans registered at any one time in the American Job Center Network.

So if you need to find a veteran we can find a million and a half of them for you on very short notice.

Next slide please, right and now let's talk a little bit about what goes into those boxes of core services, intensive services and training services.

So core services are largely self-directed, therefore individuals who can, you know, are self-motivated and can manage their way through computers and online networks and they include the services that you see here.

Most important is that outreach intake and initial assessment. So when a veteran presents themselves at an American Job Center they are met and they are given an intake survey so that we can help identify whether they qualify for additional services or whether the self-directed services would be best for them.

Next slide, the intensive services, these are those services that will come along with case management either to a Gold Card participant or a veteran with significant barriers to employment.

And they include very comprehensive and specialized assessments of the individual skills and the needs, the development of individual employment plans that are then individually supervised, person - personal employment counseling and career planning, detailed case management and follow-up and intentional training to fill employability and skill gaps and prepare them for skill development programs.

Next slide, those training services include a variety of options. It could be occupational skills, it could be skills upgrading, it could be on-the-job training or many others for folks who have been out of the employment world for a while.

They may need refreshers on basic computer skills, They may need some basic financial literacy program some other things. All of these services are available through the American Job Centers and we work to make sure that they get the training they need to be prepared for the employment opportunities that you provide for them.

Next slide, right now what you've all been waiting for, the services that we provide to employers. So we'd like you to think of our LVERs and our services there in the American Job Centers as sort of this adjunct HR shop for you.

Because we can provide a variety of services for you all free of charge through the AJC that strengthen your outreach to the veteran community and improve the applicant pool that you get back so that we increase your success in hiring qualified veteran candidates.

We can provide you information about the veteran workforce that's registered in an AJC. We can help you and your HR shop right job descriptions in a way that makes them easily understandable by the veterans you're hoping to connect with.

We can help you get your jobs posted in the state workforce database. And by virtue of posting in the state workforce database your connections with the national labor exchange you also get national exposure for those same positions.

We can help you by reviewing applicant's resumes, prescreening them and providing you a list of candidates that reduces your interview ratio from 10 to 1 down to (unintelligible) and we've been very successful with that.

We can provide you places to conduct interviews. And we can provide you a variety of other prescreening and contact support to simplify your outreach to the veterans to strengthen your connection with them and then again to improve your success in actually getting them onboard in your businesses.

Next slide please, just to give you an idea of how that timeframe works, from the point where an individual who is on active duty knows that they will separate within the next year or so from the military they're eligible to (unintelligible) course or the (tap course).

They do have to attend it before they separate. And again as I said the Department of Labor and Vets provides a three-day employment workshop that begins to get them oriented towards post separation to civilian employment.

Once they actually become a veteran then as they separate from active duty they tend to follow one of three paths. They either pursue additional education largely through GI Bill and other VA benefits, they may choose to start their own business as an entrepreneur or franchisee.

We also know that the veterans who start their own business oftentimes make the greatest hirers of veterans in the future so we appreciate that,

Or they may choose to become someone's employee. And that is where we and VETS particularly come in as a way mentioned the new American Job Centers by giving them priority service, Gold Card or intensive services and in cooperation with our partners down at the VA the employment piece of vocational rehab and employment.

And then as you can see looking over at the right side we work closely with employers in the local community, we work with national companies that drive down to their local hiring managers to make sure that you are connected with the veterans in the American Job Centers through our local veterans employment representatives.

And to the degree that you need any assistance in making sure that your jobs are posted in the state workforce job base in the national labor exchange we can provide you assistance there as well.

So it's all about matching between the veterans who are of available in a local community and the employers in that local community who want to hire them. Because it's very clear to us that at the end of the day all of these opportunities to hire veterans are decisions that are made locally with local hiring managers and local veterans and so we're all about trying to make that match easier.

Next slide, so again here for your reference are some electronic tools and materials that you may find useful.

Again let me point out particularly America's Service Locator servicelocator.org where you can find in the nearest American Job Centers to you complete with addresses, phone numbers, on-site service support and sometimes names but sometimes not.

I also want to point out that my next move for veterans it's a really powerful Web site that includes skilled translators that are really a critical point in how civilian employers translate their skill sets to military occupational specialties and how veterans understand how to translate their military occupational skills into languages that civilian employers will understand.

On the last slide I would point out there's American Heroes at Work. It's a wonderful resource for employers as they've increase the number of veterans on their staff.

It presents a number of ways for you to deal with challenges that certain veterans may face in the civilian workplace and just really gives you a better idea of what they may be struggling with while they transition to a new work environment.

So again Leo thank you very much for the opportunity to share this information with your audience. I'll turn it back over to you and see if we have any questions.

Brenda Stewart: Well thank you (Terry) and we appreciate you joining us today and (unintelligible) questions now. We've had quite a few come in through the chat box.

And we do have a question directed to you (Terry). Regarding the resources that you address are the services for free and if so which ones are?

(Terry Girton): They really are for free. All of them are for free. They are your tax dollars at work. And think that's one of the things that makes them especially powerful.

I will point out that the Department of Defense just recently received the results of the survey that they commissioned with the Center for Naval analysis on whether the services provided to veterans through the American Job Centers were reasonably competitive with those that they put as (unintelligible) for fee in their serving communities.

And across the board in 34 different transition and deployment services that they assessed as being best practice they also evaluated the services of the American Job Centers as being the best available.

((Crosstalk))

(Terry Girton): Right. And so we're very proud of that because it was an outside survey that we didn't even pay for. They found that the best services available for veterans all for free. And the services to employees were evaluated the same way, the best that they could find and all for free.

Brenda Stewart: Fantastic. So we have a wealth of resources that will help to get those 1.5 million vets employed.

(Terry Girton): Absolutely.

Brenda Stewart: Okay. Thank you.

(Terry Girton): Sure.

Brenda Stewart: We have other questions that have come in as well and we'll begin addressing those.

So first question to special accommodations need to be stored to report on later?

(Jessica Lynn): This is (Jessica Lynn) from the Solicitor's Office. It's a great question. The regulations require that contractors maintain all employment and personnel records for a certain period of time.

Generally speaking this is two or three years depending on the type of information.

This would include records relating to request for reasonable accommodations. Contractors must make these records available to OFCCP during a compliance evaluation or a complaint investigation.

Brenda Stewart: Thank you (Jessica). And another question this is about the applicant tracking system. And this particular contract is concerned that their contracting system will not have system updates in place before that March 24 date.

How do you suggest they collect the data in the meantime?

(Jessica Lynn): Well I am glad to have an opportunity to clear up some confusion. You are not expected to begin collecting data nor should you begin inviting employees and applicants pre-offer to self-identify as an individual with a disability for protected veterans until the final rules become effective which I hope you all know by now is March 24, 2014.

Brenda Stewart: I think we do.

Okay can someone clarify whether the 150 employees in the workforce applies to 150 employees at the facility, establishment or to the company as a whole?

Naomi Levin: Hi. This is Naomi Levin from OFCCP. Sure that under the executive order companies who have total workforce of 150 or fewer made use as their job groups the EE01 categories.

We have adopted that into 503 with respect to goals. So remember it says you use your executive order job categories.

So if you have a total workforce in the company of 150 or fewer you may use as your job group for 503's goals the EE01 category.

Brenda Stewart: Thank you Naomi. What about using the 80% rule? Can they use that to determine if they've met the 7% goals like they can for the 11246 availability?

Suzan Chastain: This is Suzan Chastain. No under the Section 503 program the way - it works in a way that's different than under the executive orders of client service.

The way it works is that the utilization, how many people in the job group with disabilities is compared to the goal which is the 7% goal.

And then if there's a difference and if the utilization is less than the goal then the contractor needs to determine whether and where there are impediments to equal opportunity.

So this is a different method than under the services applied system in which the - what the contractor does there is you know that they do a utilization analysis that compare the utilization to availability and then determines whether there is a reasonable difference and then so if there is then they establish a goal.

So that's - this is a different approach and that's why the 80% rule is not used.

Brenda Stewart: Thank you for that clarification Suzan. Next question what reporting conforms the VETS 100A and the EE0 change based on the new requirements of selecting pre-and post-hire information? Is that correct and thank you for your answer.

Keir Bickerstaffe: Yes this is Keir. It's a timely question. The VETS 100 form is actually something that is - that goes out under VETS' VETS (Terry Girton)'s shop.

OFCCP does look at those forms when they do their compliance evaluations. But the important note is that that form is actually in the process of perhaps being changed.

There's an NPRN that has just been published to change the format of that form. And I think that the hope is that that form will then work well with the requirements for the self-identification both pre and post-offer for post-offer for the under the new rules.

I did want to make an added point. There was a question that came in about there was some confusion as to whether or not a contractor should be collecting self-ID data for all veterans or for protected veterans specifically for VEVRA because the data that we use in order to form the benchmarks are based on data for all veterans.

And I would like to just clarify that for the self-ID you are just - you're asking for self-identification from protected veterans under VEVRA.

The fact that we use the more general veteran data for the benchmark if there were more reliable data that we could use on the percentage of protected veterans in certain areas we would certainly have used that and we would put that in the rule. Unfortunately that doesn't exist.

So the best available data we have was for all veterans. And that's part of the reason why the benchmark under VEVRA is flexible. There is no penalty for not meeting it.

Contractors are able to set their own benchmarks based on, you know, certain factors that they may feel may be reasonable to consider so that's why the benchmark is structured the way it is with so much flexibility.

Brenda Stewart: Thank you Keir. Next question, what if you believe an employee might be considered disabled but they don't mark on the self - mark that on their self-identification form?

So thinking certain people like diabetics or those with mental health issues won't consider themselves as disabled?

Naomi Levin: Hi. It's Naomi again. We have done under 503 what we do with Executive Order 11246 with respect to race and gender.

And there we say people do not self-identify if you know you can self-identify for them. But you are not allowed to guess. This same would apply here.

So when I hear of conditions like the ones described that generally are what we call hidden disabilities just simply suspecting somebody may have this or that condition or they act strange so maybe they have mental issues is not going to be enough to allow you to self-identify if they choose not to.

You would have to have actual knowledge in some way or somebody who sometimes that happens somebody who has a very obvious disability but simply just chooses not to self-identify.

That would be a case where you may know or if you otherwise have actual knowledge. But no there's no guessing allowed. You can't make those assumptions and make those choices. And people sometimes choose not to self-identify.

Brenda Stewart: Thank you Naomi next question about the benchmark. If you fail to achieve the benchmark by using method one would you be required to then try method two?

Keir Bickerstaffe: No and really welcome the opportunity to clarify this. What the intent of the rule was under VEVRA for the benchmark was to give contractors the choice.

There's two different options that you can choose from. You are free to choose either and, you know, and you're free to try it. You know, you're try it or you can try a different one the next year if you want to. But there's no penalty for choosing one over another.

You can choose the national percentage if you wish or you can choose to do the five factor analysis. You can do either one.

If you fail to meet one there's no requirement to try to meet it doing other method because that's not how the benchmark works.

You know, again the idea with the benchmark is that it's just a tool to measure. If you find that you're not meeting the benchmark then you may want to evaluate. You do have to evaluate your outreach and recruitment efforts to see if they are doing a good job to see if there are alterations that can be made to reach different sources that you haven't been reaching.

But that's the way that this is intended to be structured.

Brenda Stewart: Okay. I'm sure they appreciate that clarification. Next question approximately when will the database being developed by OFCCP be released?

Woman: Well that's an appropriate question under the circumstances. The short answer is soon and the next question is of course how soon?

That's one of a number of things that we've been working hard to get up and running as part of our rollout.

So our expectation is that it will be up and running by the effective date. So that's what our target is and hopefully we'll meet our target.

Brenda Stewart: Hopefully so. And one final question if an employer has a veteran employee that also has a disability is this employee counted as an individual with disabilities and as a veteran or is he counted in just one category but not both?

Keir Bickerstaffe: That person would be counted under both. That person would be a person with a disability under the Section 503 and a protected veteran because disabled veteran is one of the categories of protected veterans under VEVRA so they would count as both.

Brenda Stewart: Okay. Well we certainly appreciate all the responses from our panel of subject matter experts and we've had a lot of questions.

I want to ensure everyone has a clear understanding of the presentation materials today on the goals and benchmarks.

So I want to direct your attention to our next line for contact information. As you can see here we've got the phone number for our direct contact to the help desk as well as to the policy division, regs line and our email address.

So for clarification on anything that was discussed today questions that we didn't have time to address we'll follow the questions regarding the goals and benchmarks please use the phone numbers and the email address on this slide.

We've party given you contact information for VETS. You've seen a wealth of resources there. And if we go to the next slide you can also see where our Web site includes a variety of resources on the FAQs, the final rules, the side by side chart of changes as well as a variety of things.

So please check that Web site and then throughout this presentation I've been sharing the link with you where you can access the recordings where the - posted on our Web site the recordings for previous Webinars as well as the presentation.

And the recording a presentation for today is - should be posted by the end of next week we hope. So check that web site occasionally to see when that's posted.

So in closing I'd like to thank everyone our presenters, Ebony, Leo, (Terry), and Dylan and our subject matter experts. Thank you all for all of the material that you've presented. I'm sure it's appreciated by our audience.

And I want to thank our participants for being loyal and true throughout this series and meeting with us it seems like every day but I know it's only been a few weeks. But we're glad to see this come to an end and know that we've done all we can to get this information out to everyone.

Thank you and please make sure you check our Web site occasionally. They're more Webinars to come on a variety of topics. And we are anxious to ensure that we get you to the information as quickly as possible and keep you

updated on anything that's current and new. Have a great day and see you next time.

Coordinator: Your conference call is - has ended. You may now disconnect. Your conference call has ended and you may disconnect.

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