

Office of Federal Contract Compliance Programs



“Moving Toward Compliance” Series

The Components of a New VEVRAA AAP

Webinar Presenters

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“Moving Toward Compliance” Training Schedule

- Collecting Data – Available on [OFCCP Website](#)
- Components of a New Section 503 AAP – Available on [OFCCP Website](#)
- Components of a New VEVRAA AAP – Today
- Job Listings & Contracts – February 20, 2014
- Goals & Benchmarks – March 6, 2014

Training Objectives

- To enable contractors to:
 - Identify which sections of a VEVRAA AAP are new, revised, or retained without revision;
 - Properly draft a VEVRAA AAP that is compliant with the new requirements; and
 - Identify what is required in the first VEVRAA AAP after the effective date (the “transitional AAP”);

Dates to Remember

- September 24, 2013 (publication date of new regulations);
- March 24, 2014 (effective date); and
- Start date of your next Affirmative Action Program cycle.

“Protected Veteran”

- 41 CFR 60-300.2 provides clarity by defining the term “protected veteran” to describe **any** veteran in **any** veteran category who is protected by the nondiscrimination and affirmative action provisions of VEVRAA.
- Designation of “protected” refers to **all** the individuals and groups of individuals who have rights under Executive Order 11246, Section 503, and VEVRAA.

Overview of AAP Components

- Policy Statement (41 CFR 60-300.44(a));
- Review of Personnel Processes (41 CFR 60-300.44(b));
- Physical and Mental Qualifications (41 CFR 60-300.44(c));
- Reasonable Accommodation (41 CFR 60-300.44(d));
- Anti-Harassment Procedures (41 CFR 60-300.44(e));
- External Dissemination of Policy, Outreach, and Positive Recruitment (41 CFR 60-300.44(f));

Overview of AAP Components (cont'd)

- Internal Dissemination of Policy (41 CFR 60-300.44(g));
- Audit and Reporting System (41 CFR 60-300.44(h));
- Responsibility for Implementation (41 CFR 60-300.44(i));
- Affirmative Action Training (41 CFR 60-300.44(j));
- Data Collection and Analysis (41 CFR 60-300.44(k)); and
- Benchmarks for Hiring (41 CFR 60-300.45).

Policy Statement

(41 CFR 60-300.44(a))

- The contractor must include an equal opportunity policy statement in its VEVRAA AAP.
- The policy must contain certain required statements listed in 41 CFR 60-300.44(a), provide for an audit and reporting system, and assign overall responsibility for the AAP's implementation.
- The policy must indicate that the top U.S. Executive of the contractor (e.g. Chief Executive Officer, or President of the United States Division of a foreign company) supports the AAP.

Review of Personnel Processes (41 CFR 60-300.44(b))

- **Unchanged.**
- Contractors are required to periodically review their personnel processes to ensure protected veterans are afforded equal opportunity in the operation of these processes in hiring, promotions, and training.
- Contractors must develop procedures to facilitate this review. Appendix C provides a set of sample procedures contractors have the option of implementing.

Physical and Mental Qualifications

(41 CFR 60-300.44(c))

- **Unchanged.**
- Contractors must provide and adhere to a schedule for the periodic review of all physical and mental job qualification standards.

Reasonable Accommodation (41 CFR 60-300.44(d))

- As a matter of nondiscrimination, contractor must provide reasonable accommodation to otherwise qualified disabled veterans absent undue hardship.

- If an employee who is a known disabled veteran is having performance difficulties that may be related to the disability, the contractor must:
 - Confidentially inform the employee of the performance problem;
 - Inquire if the problem is related to the disability; and
 - If so, confidentially inquire whether the employee needs accommodation.

Anti-Harassment Procedures

(41 CFR 60-300.44(e))

- **Unchanged.**
- Contractors are required to develop and implement anti-harassment procedures.

External Dissemination of Policy (41 CFR 60-300.44(f))

- Contractors must send written notification of company policy related to its affirmative action efforts to all subcontractors and request appropriate action.
- Contractors must document that they have provided the required written notification.

Outreach and Positive Recruitment (41 CFR 60-300.44(f))

- Contractors are required to engage in outreach and recruitment activities that are “reasonably designed to effectively recruit protected veterans.”
- Contractors must conduct an annual review of these efforts to evaluate their effectiveness.
- Contractors are required to document all outreach and recruitment activities, and their annual review of these activities, and retain these records for three (3) years.

Sample Assessment of Outreach and Recruitment Activities

Outreach/Recruitment Activity	Date of Activity	Description	Evaluation
Listed job openings with local Veteran Advocacy Group.	Ongoing	In addition to listing openings with local Employment Service Delivery System (ESDS), openings are also listed with a local Veteran Advocacy Group.	Received 32 applications from protected veterans, of which 4 were hired. This is an effective activity.
Briefing of Vet-Reps in local community college campus	July 15, 2014	Briefed Vet-Reps of Contractor's services and current hiring needs.	Will begin sending job listings to Vet-Reps for assistance in attracting veteran applicants. This is an ongoing effort and we will monitor the success of this initiative.
Participated in Veteran Job Fair	November 13, 2014	Veteran Job Fair was hosted by local veterans' groups, and over 30 employers participated.	Received 25 applications from qualified veterans. Conducted 15 initial interviews. 10 follow-up interviews were scheduled, which resulted in 3 hires. This is a successful outreach effort.

Criteria for Evaluation:

1. Did the activity attract qualified applicants who are protected veterans?
2. Did the activity result in the hiring of protected veterans?
3. Did the activity expand Contractor's outreach to protected veterans in the community?

Internal Distribution of Policy

(41 CFR 60-300.44(g))

- Contractors are required to incorporate its Affirmative Action policy in its policy manual, or make it otherwise available to employees.
- Contractors who are parties to Collective Bargaining Agreements (CBAs) must notify union officials of the Affirmative Action policy and request their cooperation.

Audit and Reporting System

(41 CFR 60-300.44(h))

- Contractors must design and implement a self-audit and reporting system to:
 - Measure the effectiveness of the contractor’s AAP;
 - Indicate any need for remedial action;
 - Determine the degree to which the contractor’s objectives have been attained;
 - Determine whether known protected veterans have had opportunity to participate in all company sponsored educational, training, recreational, and social activities; and
 - Measure the contractor’s compliance with the AAP’s specific obligations.
- Contractors must document all actions taken to comply with audit and reporting requirements and retain such as employment records.

Sample Self-Audit Table

VEVRAA AAP Components	Requirements	Compliance (Y/N) and date last inspected/reviewed (if applicable)	Remedial/Follow-up actions necessary (if any)
Policy Statement (41 CFR 60-300.44(a))	EEO policy posted on bulletin boards	Y (last reviewed on mm/dd/yyyy)	None
	Policy available in a form that is accessible and understandable to disabled veterans	Y (last reviewed on mm/dd/yyyy)	None
	Policy contains statements required by 41 CFR 60-300.44(a)	Y (last reviewed on mm/dd/yyyy)	None
	Policy indicates top executive support for AAP	Y (last reviewed on mm/dd/yyyy)	None
Review of Personnel Processes (41 CFR 60-33.44(b))	Conduct periodic review of personnel processes	Y (last review conducted on mm/dd/yyyy)	Next review of personnel processes to be conducted on mm/dd/yyyy.

Sample Audit – Personnel Activity

External Hires		External Applicants		Promotions		Transfers		Reassignments	
Total	Vet	Total	Vet	Total	Vet	Total	Vet	Total	Vet
1	0	9	1	1	0	0	0	0	0
Retirements		Terminations		Layoffs		Recalls			
Total	Vet	Total	Vet	Total	Vet	Total	Vet		
0	0	1	0	0	0	0	0		

Responsibility for Implementation

(41 CFR 60-300.44(i))

- **Unchanged.**
- Contractors are required to designate an official responsible for implementation of the AAP.

Training (41 CFR 300.44(j))

- **Unchanged.**
- Contractors must provide EEO and AA training for employees involved in personnel processes.

Data Collection Analysis

(41 CFR 60-300.44(k))

- Contractors are required to document:
 - The number of applicants who self-identified as protected veterans pre-offer;
 - The total number of job openings and jobs filled;
 - The total number of applicants for all jobs;
 - The number of protected veteran applicants hired;
and
 - The total number of applicants hired.

Sample Data Collection Table

Required Data	2014	2015	2016
Number of applicants who self-identify as protected veterans pre-offer	25		
Total number of job openings	32		
Total number of jobs filled	32		
Total number of applicants for all jobs	350		
Total number of protected veteran applicants hired	10		
Total number of applicants hired	32		

Benchmarks for Hiring

(41 CFR 60-300.45)

- Contractors are required to set a hiring benchmark on an annual basis by:
 - Using the national percentage of in the civilian labor force, which will be published and updated annually on the OFCCP website; or
 - Establishing a benchmark using five factors outlined in 41 CFR 60-300.45(2).
- If contractors establish a benchmark using the five-factor approach, they must document consideration of each factor and retain such records for three (3) years.
- Contractors must apply the benchmark to each establishment.

Transitional VEVRAA AAP

- Contractors can delay compliance with Subpart C, including the new VEVRAA AAP requirements, until the beginning of their first AAP cycle following the March 24, 2014 effective date.
- The first AAP that contractors will develop after the effective date is considered a transitional AAP.

Recommended Actions

- Before their next AAP cycle, contractors are **strongly encouraged** to:
 - Invite applicants to self-identify pre- and post- offer using the approved OFCCP form;
 - Implement documentation procedures for:
 - outreach and recruitment efforts
 - self-audit and reporting systems;
 - Conduct documented assessment of outreach and recruitment efforts and implement procedures to conduct such assessment annually;

Recommended Actions (cont'd)

- Train employees engaged in key personnel activities;
- Conduct data analysis related to applicants and hires;
- Draft an EO policy statement showing top executive support for AAP;
- Ensure applicants and employees have equal access to contractor's personnel processes; and
- Establish a hiring benchmark and apply it to the workforce in each establishment.

Transitional VEVRAA AAP Requirements

- The Transitional AAP must:
 - Comply with all existing obligations;
 - Address everything that that contractor has done to come into compliance with new requirements that take effect on March 24, 2014; and
 - To the extent that the contractor has not achieved full compliance with new requirements, discuss steps that the contractor will take to come into compliance.

Questions?

Contact Information

- Contact us at 1-800-397-6251
- Division of Policy, Regulations Line 202-693-0103
- Email: OFCCP-Public@dol.gov

Resources

- OFCCP's [Web site](#)
 - Frequently Asked Questions
 - Final Rules
 - Contractor Resources
 - Fact Sheet
 - Side by Side Chart of Changes
 - Webinar Slides and Recordings
 - Webinar Registration Links
 - Press Releases