



## Understanding OFCCP's Internet Applicant and Traditional Applicant Recordkeeping Requirements Frequently Asked Questions

### What other things should I know about applicants and recordkeeping?

#### What records must be kept from searches of external websites?

Contractors are required to maintain the following records from searches of external websites:

- Resumes of job seekers who meet the basic qualifications of the position who were considered by the contractor.
- Records about the position, such as copies of the job listing or position description for each search of the database.
- Substantive search criteria used for each search.
- Date of each search.

#### What records must be kept from searches of internal databases?

Contractors are required to maintain the following records from searches of internal websites:

- A copy of each resume submitted.
- A record of the date each resume was submitted.

#### Do the Internet applicant recordkeeping requirements apply to construction contractors?

Yes, all recordkeeping requirements apply to both supply and service contractors and construction contractors that have federal contracts, subcontracts, federally-assisted construction contracts of subcontracts of more than \$10,000.

## What other things should I know about applicants and recordkeeping?

### When should I obtain an applicant's demographic data?

While OFCCP does not mandate a specific time in the selection process when pre-offer demographic data must be requested, contractors must remember these general guidelines:

- Solicitation of demographic information should be made as early in the application process as possible. Contractors should not delay the solicitation so long (i.e. after assessing basic qualifications or at the interview stage) that it is no longer feasible to effectively solicit the information.
- Contractors are required to solicit demographic information from all individuals who meet the definition of an Internet applicant or traditional applicant.
- Once a contractor determines when to offer the invitation to provide demographic data, all Internet and traditional applicants must be given the same opportunity.
- Contractors may harmonize the solicitation of demographic data with the pre-offer invitation to self-identify as an individual with a disability and the invitation to self-identify as a protected veteran.

### Are all contractors required to invite applicants to self-identify as a protected veteran or person with a disability?

No, only contractors that employ 50 or more workers and have a contract of \$50,000 or more are required to invite applicants to self-identify as individuals with disabilities. Additionally, contractors that employ 50 or more workers and have a contract of \$150,000 or more are required to invite applicants to self-identify as protected veterans. Note, federally-assisted construction contractors are not required to offer applicants either of these invitations.

### Are there special rules I should know about filing and storing demographic data, especially data on disability?

All demographic data must be preserved, including demographic data gathered from social and professional networking websites. Additionally, demographic data related to disability and veteran status is confidential and must be maintained in a file separate from medical and other personnel files.

## What other things should I know about applicants and recordkeeping?

### If I use a third-party vendor to recruit, screen or select applicants, who is responsible for complying with OFCCP's recordkeeping requirements for Internet or traditional applicants?

You, as the federal contractor or subcontractor, remain responsible for complying with OFCCP's recordkeeping requirements. When using a recruiter for hiring, you may either maintain the records or have the third-party vendor maintain the required records. During a compliance evaluation or complaint investigation, the records must be available to OFCCP in a readable format no matter who maintained them.

### In what form or format can I keep electronic applications and resumes?

Contractors have the flexibility to determine the form or format they use to maintain electronic applications and resumes. Contractors may opt to keep them in their applicant tracking system (ATS) or to create paper copies. Regardless of how they are preserved, they must be accessible to OFCCP during a compliance evaluation or complaint investigation (i.e., available and in a form or format that is readable and usable by OFCCP).

### In what form or format should I keep the search results of electronic databases (internal and external)?

You, as a contractor, have the flexibility to determine the form or format used to maintain search results of electronic databases. You may opt to keep records of the search results in your applicant tracking system, or opt to create a paper log or file. Regardless of how you preserve your search results, they must be accessible to OFCCP during a compliance evaluation or complaint investigation (i.e., available and in a form or format that is readable and usable by OFCCP).

### Do I have to keep unsolicited Internet and traditional applications and their associated records?

Under the Internet applicant definition, a contractor may establish a data management approach to address unsolicited applicants. If your approach is one that does not allow for consideration of unsolicited expressions of interest, then you do not have to keep unsolicited applications or resumes. If, however, your approach is to consider unsolicited applications or resumes then you must maintain all of the applications or resumes.

Under the traditional applicant model, if an applicant submits an unsolicited expression of interest for employment you are obligated to keep the application. This is true regardless of whether you considered the application or resume.

## Resources

Where can I learn more?

Find more information and tools at [www.dol.gov/ofccp](http://www.dol.gov/ofccp):

- **Frequently Asked Questions**
- **Sample Affirmative Action Program**
- **Workplace Posters**

Who can I contact for assistance?

Additional assistance is available:

- **Call OFCCP's Toll-Free Help Line 1-800-397-6251 (TTY 1-877-889-5627)**
- **Online at [www.dol.gov/ofccp](http://www.dol.gov/ofccp)**



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**August 2019**

Please note that this Quick Reference Guide provides general information. It is not intended to substitute for the actual laws and regulations governing OFCCP and its enforcement program.