

ACTION PLAN/CHECKLIST FOR OFCCP NEW REGULATION REQUIREMENTS DUE BY MARCH 24, 2014

Equal Opportunity Clause (State Notifications) – 41 C.F.R. § 60-300.5(a)

<u>Action Item</u>	<u>Deadline</u>	<u>Date Completed</u>	<u>Persons Responsible</u>
Verify that job listing information provided to the state job banks or local employment service delivery systems (ESDS) is provided in a manner and format “permitted” by those entities.	24-Mar-14		
Notice to ESDS in every state in which the company does business stating: (1) the company’s status as a federal contractor; (2) the desire for priority referrals of veterans for job openings at all locations within the state; (3) the name and location of each hiring location within the state; and (4) the contact information for the “contractor official” responsible for hiring at each location.	24-Mar-14		
If the company utilizes outside job search companies — including temporary employment agencies — provide the ESDS with the contact information for these job search companies.	24-Mar-14		

Additional Notes

As noted above, contractors will be required to list their open positions with each employment service office in any manner and format permitted by each office. This rule applies to both contractors and any private job listing services that contractors engage to help them satisfy their mandatory job listing obligations. As a practical matter, the mandatory job listing requirement has been enforced in this manner for some time. If they are not doing so already, contractors should be taking steps to ensure they (or their vendors) are complying with state job posting requirements.

The “contractor official” may be one of several people within the company, but must be able to verify the information set forth in the job listing and must be able to receive priority referrals.

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Equal Opportunity Clause (“EEO is the Law” Poster) – 41 C.F.R. §§ 60-300.5(a) and 60-741.5(a)

<u>Action Item</u>	<u>Deadline</u>	<u>Date Completed</u>	<u>Persons Responsible</u>
Ensure that at each location, “EEO is the Law” poster is provided in a format that is “accessible and understandable” to people with disabilities and disabled veterans.	24-Mar-14		
For employees who work remotely, ensure they have access to the “EEO is the Law” poster electronically. Electronic notices for employees must be posted in a conspicuous location and format on the company’s intranet or sent via email.	24-Mar-14		
Integrate a “conspicuous” link to the “EEO is the Law” poster in online application systems.	24-Mar-14		

Additional Notes

Making the poster “accessible and understandable” to people with disabilities will be situation-specific for each contractor. Common examples include providing Braille or large print versions of the notice, posting the notice for visual accessibility to persons in wheelchairs, or providing the notice electronically or on a computer disc. Braille and large print versions can be ordered from EEOC at:

<http://www1.eeoc.gov/eeoc/publications/index.cfm>

With regard to online application systems, OFCCP states that the “notice must be conspicuously stored with, or as part of, the electronic application.” We are interpreting this to mean that the contractor must at a minimum include a prominent link to the poster as part of their application system. The poster (and the required supplement) can be accessed here:

http://www1.eeoc.gov/employers/upload/eeoc_self_print_poster.pdf

http://www1.eeoc.gov/employers/upload/eeoc_gina_supplement.pdf



Equal Opportunity Clause (Other Issues) – 41 C.F.R. §§ 60-300.5 and 60-741.5

<u>Action Item</u>	<u>Deadline</u>	<u>Date Completed</u>	<u>Persons Responsible</u>
As applicable, notify each labor organization that the company is a federal contractor and is committed to take affirmative action to employ and advance in employment, and shall not discriminate against, protected veterans and individuals with disabilities.	24-Mar-14		
Edit the EO “tagline” in all job postings to include a reference to protected veteran status and disability status.	24-Mar-14		
Edit EO Clause references in covered subcontracts and purchase orders to include the specific bold text required by the regulations (see below).	24-Mar-14		

Additional Notes

A full EO tagline would read “All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, protected veteran status, or disability status.” It is unclear at this time whether an abbreviated tag line, such as “[Company] is an equal opportunity employer. M/F/D/V,” will suffice.

The bold EO Clause text required by the regulations is:

“This contractor and subcontractor shall abide by the requirements of 41 CFR 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.”

“This contractor and subcontractor shall abide by the requirements of 41 CFR 60-300.5(a). This regulation prohibits discrimination against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.

OFCCP has indicated that contractor can combine the EO clause as :

"This contractor and subcontractor shall abide by the requirements of 41 CFR §§ 60-1.4(a), 60-300.5(a) and 60-741.5(a). These regulations prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, or national origin. Moreover, these regulations require that covered prime contractors and subcontractors take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, national origin, protected veteran status or disability."



Accommodation for Online Application Process – 41 C.F.R. § 60-741.21

<u>Action Item</u>	<u>Deadline</u>	<u>Date Completed</u>	<u>Persons Responsible</u>
If using an online application system, ensure that a process is in place for applicants who cannot fully utilize that system to request an accommodation with the application process.	24-Mar-14		

Additional Notes

Many contractors currently satisfy this requirement by including a prominent statement on the front page of their online application system that includes instructions on requesting a reasonable accommodation to complete the application process.

Consider documenting this review of the online application system and testing whether procedures that are in place to request an accommodation are actually working.

OFCCP also states that it is a “best practice” to make online job application systems accessible and compatible with assistive technologies used by individuals with disabilities.

