



# Beyond Compliance: Leveraging Talent Acquisition to Achieve Affirmative Action Goals

November 14, 2023

**outsolve**

BEYOND COMPLIANCE

# About OutSolve



## Locations

California  
Kentucky  
Louisiana  
North Carolina  
South Carolina

**Established in  
1998**

Celebrating 25  
Years of Success



**Leader in Affirmative  
Action Services**



**Affirmative Action  
Audit Support**



**Diversity, Equity &  
Inclusion Services**



**Pay Equity and  
Compensation Analyses**



**Environmental, Social,  
and Governance  
Solutions**



**E-Learning, Live and  
Webinar Training**

# Today's Presenters



**Beth Montgomery**  
Senior Director,  
Operations/Team Lead



**Renee Arazie**  
Senior Consultant

# Agenda

1. What does it mean to be an Affirmative Action Employer?
2. Recruiters' Role in the Affirmative Action Program: Outreach Review
  - Placement Goals/Benchmarks
  - Good Faith Outreach Efforts
  - Social Media in Recruitment
3. Recruiters' Role in the Affirmative Action Program: Selection
  - Applicant Definition
  - Dispositioning Applicants
  - Selection Decision





# What does it mean to be an Affirmation Action Employer?

# What does it mean to be an Affirmative Action Employer?

- WHAT is an AAP?
- WHY do we need an AAP?
- WHO is responsible?





# WHAT is an AAP?

An affirmative action program is a management tool designed to monitor a federal contractor's employment practices to ensure there are no barriers to equal employment opportunities.

Affirmative action regulations require federal contractors to make good faith efforts to ensure equal employment opportunity.

# WHY do we need an AAP?

- Affirmative action regulations are enforced by the Office of Federal Contract Compliance Programs, or OFCCP.
- The OFCCP audits federal contractors to ensure compliance.
- Risks of non-compliance:
  - Conciliation Agreement
  - Financial Remedies
  - Debarment





# WHO is responsible?

- Team effort:
  - Human Resources
  - Compensation
  - Hiring Managers and Supervisors
  - Talent Acquisition/Recruiters



# **Recruiters' Role in the Affirmative Action Program: Outreach**

# Recruiters' Role in the Affirmative Action Program



## Placement Goals

- Minorities and Females
- Individuals with Disabilities



## Good Faith Efforts

- Targeted Recruitment/Outreach
- Monitoring Effectiveness



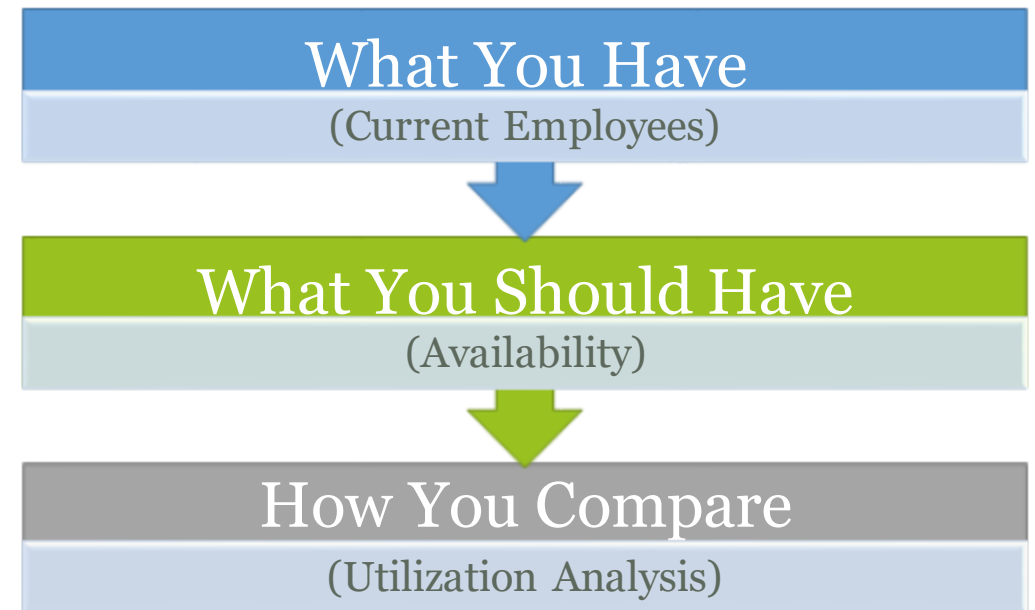
## Hiring Benchmark

- Protected Veterans

# Placement Goals

## Minorities and Females

- How does the race/ethnicity and gender of your workforce compare to the availability of qualified individuals within the recruitment area given similar occupations?
- If not close, a placement goal must be set.
- Placement goals are not quotas!



# Placement Goals

## Individuals with Disabilities

- How does your employment rate of individuals with disabilities compare to the OFCCP provided goal?
- Current goal, as set by the OFCCP is 7%
- Placement goals are not quotas!

# Placement Goals

## Protected Veterans

- The OFCCP has assigned an annual benchmark or hiring goal for protected veterans.
- It is based on the national percentage of veterans in the civilian labor force.
- Current benchmark, as set by the OFCCP is 5.4%



# Good Faith Efforts

## Targeted recruitment/outreach

- Goals are set, now what?
- Contractors must take “action” and make proactive, positive efforts to ensure equal employment.
- Look beyond services provided by job posting vendors, conduct local personal outreach.
- OFCCP Employment Referral Resource Directory  
<https://www.dol.gov/agencies/ofccp/compliance-assistance/outreach/errd>
- Document your efforts.

# Good Faith Efforts

## Best Practices: Recruitment/Outreach

- Hire the most qualified applicant for the job without regard to gender, race/ethnicity, disability or protected veteran status.
- The probability of reaching a placement goal is made possible when a recruiter has generated an applicant pool that is representative of the availability of qualified individuals within the recruitment area.
- Build relationships with outreach sources and get involved in community programs.
- Ask current employees how they heard about your job openings.
- If career fairs are a source, rather than collecting resumes, provide a list of open positions and ask individuals to apply on-line or have a laptop available or have generalized career discussions and only conduct interviews after an application has been submitted.
- Provide alternative methods to apply to anyone requesting an accommodation.
- Cast your net out further!

# Good Faith Efforts

## Examples of organizations for outreach:

- State Vocational Rehabilitation Service Agency
- Employment One-Stop Career Center
- America's Service Locator is transitioning to CareerOneStop
  - <http://www.careeronestop.org>
- Department of Veterans Affairs Regional Office
- Employer Assistance and Resource Network (EARN)
- Local Employment Network
- Local Minority/Women/VETS/Disabled groups
- Career offices of educational institutions
- Department of Defense Transition Assistance Program (TAP)
- Private recruitment resources

# Job Posting/Requisition

Hiring manager notifies you of an open position, now what?

## Best Practices for posting open positions:

- Content of the posting should generally reflect content of the job description
- Use a requisition or numbering system
- Include both required and preferred qualifications
- Repost position if job content has changed, ask applicants to reapply
- Not required, but posting positions internally shows a commitment to providing equal employment opportunity to your employees
- Develop consistent posting process that includes length of time a position is posted
- If you have multiple hires for a requisition, the qualifications should be identical
- Impose time limits on “evergreen” requisitions
- Follow 3-year record retention requirement
- If posting electronically or on a bulletin board, include the correct EOE tagline

# Career Page

- **EOE Tagline**

- Can use abbreviated (EOE/Veterans/Disabled) or expanded version
- Cannot use EOE M/F/V/D

- **Links to required posters**

- Know Your Rights
- Pay Transparency Nondiscrimination Provision

- **Reasonable accommodation statement**

- Applicants must be advised how they may request a reasonable accommodation, if needed
- Display prior to beginning the application process

# Job Listings

## Contractors must list external jobs with state ESDS

- **Inform each state ESDS:**

- You are a federal contractor requesting priority referrals of protected veterans
- Provide address of each hiring location/contact information
- If your recruitment function is outsourced, the contractor must provide contact information so that the state can send referrals
- If any of the information changes, inform the ESDS upon next listing

- **Exceptions:**

- Executive/senior level management
- Jobs filled internally
- Jobs lasting three days or less

- **Not optional!**

- **Includes contractor or temporary conversion jobs**

# Good Faith Efforts

## Monitoring Effectiveness

- On an annual basis, contractors must review the previous 12 months of outreach/recruitment efforts to evaluate effectiveness
- OFCCP does not define an effective source for outreach, instead contractors determine based on their own criteria
- If the evaluation deems a source to be ineffective, you must alter your approach and/or seek additional sources
- Three-year retention requirement

## Sample Assessment of Outreach and Recruitment Activities

Time Period: \_\_\_\_\_

Location: \_\_\_\_\_

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.
Annual meeting with local Disabled Veterans' Outreach Program (DVOP) specialist	December 1, 2014	Briefed DVOP of Contractor's outreach and recruitment efforts. Discussed anticipated openings (and job descriptions) for 2015.	DVOP will conduct training first quarter of 2015 with hiring managers regarding hiring IWDs and reasonable accommodations to expand the inclusion of IWDs in contractor's workforce. Also, Contractor will send 2015 job openings to DVOP.
Participated in Disability Job Fair	October 15, 2013	Disability Job Fair was hosted by the local disability advocacy groups, and over 30 employers participated.	Received 15 applications from qualified individuals with disabilities. 1 was hired. Resumes were retained for consideration in future job openings.

# Best Practices: Monitoring Effectiveness

- Document your efforts. If documentation does not exist, the OFCCP will assume you made no effort.
- Maintain documentation of all outreach efforts including emails, job postings, flyers, and phone calls.
- Save records electronically.
- Your effectiveness monitoring should include the actual number of referrals or hires.
- If you are using an ongoing source, evaluate its effectiveness periodically, vs. once a year.
- Include your evaluation of your recruitment sources as part of your Record Retention Policy.



# **Recruiters' Role in the Affirmative Action Program: Selection**

# Selection Process

**An affirmative action program is a management tool designed to monitor a federal contractor's employment practices to ensure there are no barriers to equal employment opportunities.**

- Can you determine if an individual meets the OFCCP definition of an applicant from your disposition codes?
- Should you be keeping interview notes?
- What's the next step if you find disparity in your selection decisions?

# Applicant Definition

**An Internet Applicant, under the OFCCP definition, is an individual who satisfies the following four criteria:**

- The individual submits an expression of interest in employment through the Internet or related electronic data technologies;
- The contractor considers the individual for employment in a particular position;
- The individual's expression of interest indicates the individual possesses the basic objective qualifications for the position; and
- The individual, at no point in the contractor's selection process prior to receiving an offer of employment, removes himself or herself from further consideration or otherwise indicates that he/she is no longer interested in the position.

<http://www.dol.gov/ofccp/regs/compliance/faqs/iappfaqs.htm>

# Applicant Definition

## Why is this important?

- Disparate impact analysis
- Analysis of who you hired vs. pool of applicants considered
- Compares selection rate by gender and race/ethnicity
- Big numbers are bad numbers statistically
- Indicators of disparity = an assumption of potential discrimination by the OFCCP
- Financial remedies may be required when unable to defend allegations of hiring discrimination

# Dispositioning Applicants

- Every selection decision could come under scrutiny during an OFCCP audit.
- Disposition reasons should be designed to easily “Tell the Tale” of why someone was not selected
  - Who did not meet basic qualifications?
  - Who withdrew from the process and why?
  - Who was not considered due to data management techniques?
- Dispositioning allows contractors to determine if an individual is an applicant or not and if they should be included in the applicant pool for analysis.

# Dispositioning Applicants

## **Best Practices:**

- Ensure reasons for non-selection are documented and maintained
- Follow the 3-year record retention requirement
- For individuals that apply to multiple positions, the disposition reason should indicate the reason for non-selection in each instance
- Monitor and evaluate disposition codes on a regular basis
- Don't allow write in dispositions, but use a drop-down menu
- Track applicants for Contractor/Temp conversions jobs
- Disposition as you go

## Examples of Dispositions

Disposition Code	When to Use	Include in Applicant Pool
Does not meet basic qualifications	Does not possess basic qualifications	No
Application not reviewed	When app is received too late in process or not reviewed due to a Data Management Technique	No
Better Qualified Candidate Selected: Education	Met basic quals, but a stronger individual was selected due to education	Yes
Better Qualified Candidate Selected: Experience	Met basic quals, but a stronger individual was selected due to experience	Yes
Better Qualified Candidates Selected: Interview Skills	Met basic quals, but a stronger individual was selected due to interview skills	Yes
Candidate Withdrew: Salary	Individual is not interested due to compensation pre-offer	No
Candidate Withdrew: Location	Individual is not interested due to location pre-offer	No
Candidate Withdrew: Position	Individual is not interested due to position/company details pre-offer	No
Unable to contact	When an individual fails to respond to repeated attempts to contact	No
No Show	When an individual does not show for an interview, phone screen, etc.	No
Offer rejected: Compensation	Individual rejects offer due to compensation	Yes
Offer rejected: Position	Individual rejects offer due to position/company details	Yes

## Examples of Dispositions

Disposition Code	When to Use	Include in Applicant Pool
Offer rejected: Location	Individual rejects offer due to location	Yes
Offer rejected: Accepted counter-offer	Individual rejects because they accept counter offer from current employer	Yes
Offer rejected: Accepted offer with other employer	Individual rejects to accept offer with a different employer	Yes
Offer withdrawn	When the company withdraws the offer from an individual	Yes
Failed background	When a individual fails any part of the background process	Yes
False hire: did not show for first day	New hire does not show up for orientation/first day of work	Yes
<b>Optional Dependent on Process:</b>		
Failed testing	When an individual fails required pre-employment testing	Yes
Internal candidate ineligible for transfer/promotion	When an internal employee is ineligible to transfer based on policy	Dependent on company policy

# Dispositioning Applicants

**Select the most qualified person to fill an open position ensuring equal employment opportunity**

## **Best Practices:**

- Utilize and document predetermined Data Management Technique (DMT) for large applicant pools
- Use consistent screening questions to determine if job seeker is an applicant
- Search first for basic qualifications, then preferred
- Don't allow requisition to be closed until all candidates are dispositioned
- Transfer hire data from ATS to HRIS, if not automatic
- Follow 3-year record retention requirement



# Q & A Session

# Contact Information

---



**Phone**  
888.414.2410



**Email**  
[info@outsolve.com](mailto:info@outsolve.com)



**Website**  
[outsolve.com](https://outsolve.com)



**Blog**  
[outsolve.com/blog](https://outsolve.com/blog)