

THE BRASS TACKS: WHAT JOBS NEED TO GO WHERE AND WHY?

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Agenda

- VEVRAA Mandatory Listing Requirements
- Where do “standard” jobs need to go?
- How are Evergreen jobs listed?
- What needs to happen to “Remote” and “Field” positions?
- Who is responsible for temp-to-hire positions?
- Questions?



VEVRAA Mandatory Listing Requirements

The contractor agrees to immediately list all employment openings which exist at the time of the execution of this contract... with the appropriate employment service delivery system where the opening occurs. **LISTING employment openings with the state workforce agency job bank or with the local employment service delivery system where the opening occurs will satisfy the requirement to LIST jobs with the appropriate employment service delivery system.** In order to satisfy the listing requirement described herein, contractors must provide information about the job vacancy in any manner and format permitted by the appropriate employment service delivery system...

VEVRAA: 41 CFR § 60-300.5(a) (2)



Standard Jobs

- Jobs at a company with a designated location
- Company has an office/brick-and-mortar location in that city/state



Standard Jobs



Evergreen Jobs

- Jobs that are always open at a company
- Examples
 - Pharmacies always hiring pharmacists
 - Retail companies always hiring cashiers
 - Insurance companies always hiring sales people



Evergreen Jobs

- Which requisitions do you post on your company website?
 - Evergreen Requisitions?
 - How many “Applicants” are on your Evergreen Requisitions?
 - Do you hire your “Applicants” from an Evergreen Requisition?
 - How are your “Applicants” dispositioned?
- Which jobs are ‘listed’ per your VEVRAA regulatory requirements???
- Do you know if states allow Evergreen Requisitions in their job bank?



Evergreen Jobs

- Linking “Applicants” to requisitions that have not been posted for the purpose of dispositioning them through to hire status:
 - Which requisitions/jobs are listed with the State Workforce Agency or local ESDS?
 - Which “Applicants” are part of your applicant flow records?
- The OFCCP is being very careful in confirming that ALL your jobs are being listed as required with the VEVRAA regulations



Remote and Field Jobs



- Employee can be located anywhere
- No "brick and mortar" location needed for employment
- Many companies are moving to a remote workforce for some job categories
- New territory for the OFCCP



Remote and Field Jobs

- **OFCCP's Response**

- VEVRAA requires that contractors list all employment openings which exist at the time of the execution of the contract, and which occur during the performance of the contract, with the appropriate employment service delivery system (ESDS) where the opening occurs. Typically, the location of a job opening, or where a job opening "occurs," is the location to which the employee must report for work. For a job opening that does not require the employee to report to, or work from, a specific location, a contractor may satisfy the job listing requirement by listing the job opening with the state or local ESDS where the work unit, division, department or supervisor to which the employee will report or be assigned is located.

Source: https://www.dol.gov/ofccp/regs/compliance/faqs/VEVRAA_faq.htm#Q36



Remote and Field Jobs



List jobs at the state
capitols in all 50 states

List jobs at the state
capitols or major cities in
the states where job
resides

List jobs at the corporate
office



Temp-to-hire jobs

Hired
through a
temp agency

Paid through
temp agency's
payroll

Hired by the
company
directly on a
temporary basis

Paid through
company's
payroll

Hired by the
agency and
then hired by
the company



Temp-to-hire jobs



Temp-to-hire jobs

Hired
through a
temp agency

Paid through
temp agency's
payroll

- Federal contractor responsibilities:
 - Temporary employee recruited by staffing agency
 - Jobs must be listed by staffing agency
 - Need a "Cooperation Clause" document in contract with staffing agency
 - Staffing agency must also provide you with applicant flow information from listed job



Temp-to-hire jobs

Paid through
company's
payroll

Hired by the
company
directly on a
temporary basis

- Temporary employee recruited by federal contractor
 - Jobs must be listed by company when recruiting for temporary and then if only that temporary is considered for the permanent position, the job does not have to be listed again...but be very careful with the one-for-one hire ratios



Temp-to-hire jobs

Hired by the
agency and
then hired by
the company

- When converting employee from temp to perm:
 - If temporary employee's job was listed AND if the only candidates for the permanent job are from that original applicant flow, the job does NOT have to be listed for the permanent hire; however,
 - If other candidates could be considered for the full-time job, the job MUST be listed when the full-time position is available.



Questions?



Thank you!



Presenter



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