



DirectEmployers
Association

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**DirectEmployers
Association**

How Do We “Train” Staff on Affirmative Action?

Jennifer Polcer

DirectEmployers Association

Legal Disclaimer

This presentation is meant to assist in a general understanding of affirmative action regulations in the United States.

It is not to be considered legal or professional advice.

Companies or individuals with particular questions should seek advice of counsel.

POLLING QUESTION

**There is a regulatory requirement to train employees on
“affirmative action.”**

- ☐ Yes
- ☐ No
- ☐ I'm not sure

Agenda



- I. Affirmative Action Programs
- II. Regulatory Requirements on “Training”
- III. Practical Ideas & Solutions
- IV. Available Resources

POLLING QUESTION

In an OFCCP audit, our company has been asked to show/demonstrate/indicate that our company conducted “training.”

- ☐ Yes
- ☐ No
- ☐ I'm not sure
- ☐ We have not been audited

Statutes Enforced by OFCCP



Executive Order 11246, as amended, prohibits discrimination based on race, color, religion, sex, gender identity, sexual orientation and/or national origin and requires affirmative action.







Section 503 of the Rehabilitation Act of 1973, as amended, prohibits discrimination based on disability and requires affirmative action in the employment of qualified individuals with disabilities.



VEVRAA - The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, assertedly prohibits discrimination against specified categories of veterans protected by the Act and requires affirmative action in the employment of such protected veterans.

Graphic Key

Graphic	Represents / Abbreviations
	Executive Order 11246, as amended <ul style="list-style-type: none">• “EO 11246”• “Women & Minorities”
	Section 503 of the Rehabilitation Act of 1973, as amended <ul style="list-style-type: none">• “Section 503”• Individual with disability or IWD
	Vietnam Era Veterans' Readjustment Assistance Act of 1974 <ul style="list-style-type: none">• “VEVRAA” (38 USC § 4212)• Protected Veterans
	Regulation from Title 41 of the Code of Federal Regulations <ul style="list-style-type: none">• “CFR 41” / § = Section• Chapter 60 = Office of Federal Contract Compliance Programs, Equal Employment Opportunity, U.S. Department of Labor



Regulatory Requirements to “Train”



No specific requirement to “train.”



“(j) Training. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes shall be trained to ensure that the commitments in the contractor's affirmative action program are implemented.”

CFR 41 §60-741.44 Required contents of affirmative action programs



“(j) Training. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes shall be trained to ensure that the commitments in the contractor's affirmative action program are implemented.”

CFR 41 §60-300.44 Required contents of affirmative action programs

POLLING QUESTION

My organization conducts training per the regulations.

- ☐ Yes
- ☐ No
- ☐ I'm not sure
- ☐ We do training, but I'm not sure if its enough or the correct content.

Who Shall or Should be Trained at Your Organization?

AAP Education Plan

①

Recruitment Team

②

Hiring Managers / People Managers

③

Human Resources

④

C-Suite



1

Recruitment

What does it mean to be a Federal Government Contractor?

- What are our federal contracts?
- "AAP 101"
- How is data gathered & used?
- Internet Applicant Rule
- Audit Process

What are the company's commitments?

- Self-identification process
- Reasonable accommodation process
- Compensation reviews/analysis
- Review of physical & mental job limitations
- Do we have Placement Goals?
- What is our Protected Veteran Hiring Percentage?

What are my responsibilities?

- Fundamentals of non-discrimination ("EEO")
- Disposition coding
- How do I handle reasonable accommodation requests in the application process?
- Outreach efforts and documentation

2

Hiring Managers/People Managers

What does it mean to be a Federal Government Contractor?

- What are our federal contracts?
- "AAP 101"
- Components of the three different AAPs
- How is data gathered & used?

What are the company's commitments?

- Self-identification process
- Reasonable accommodation process
- Review of physical & mental job limitations
- What is our Veteran Hiring percentage?

What are my responsibilities?

- Fundamentals of non-discrimination ("EEO")
- How do I handle reasonable accommodation requests?
- Outreach efforts and documentation

3

Human Resources

What does it mean to be a Federal Government Contractor?

- What are our federal contracts?
- "AAP 101"
- Have we been audited?

What are the company's commitments?

- Fundamentals of non-discrimination ("EEO")
- Self-identification process
- Reasonable accommodations process
- Compensation reviews/analysis
- Review of physical & mental job limitations

What are my responsibilities?

- When/where is our AAP located?
- What do I do if someone's asks to see it?
- How do I handle reasonable accommodation requests in the application process?

4

C-Suite

What does it mean to be a Federal Government Contractor?

- What are our federal contracts?
- Have we been audited?
- Do we have Placement Goals?
- What is our Veteran Hiring Percentage?
- Where are we with IWD self-identification?

What are the company's commitments?

- Fundamentals of non-discrimination ("EEO")
- Self-identification process
- Reasonable accommodation process
- Compensation reviews/analysis
- Review of physical & mental job limitations

What are my responsibilities?

- How may I be a champion for self-identification?
- How may I support outreach?
- How may I support HR/Compliance?
- CEO support/OFCCP interviews



Sample OFCCP Interview Questions

Questions asked of a **Manager**:

- ☐ “What is the procedure when an employee requests a reasonable accommodation?”
- ☐ “Who is responsible for the outreach and recruitment of individuals with disabilities?”
- ☐ “Explain the application process, whether it is online, in-person or a hybrid system.”
- ☐ “What are the procedures for making the facility accessible for individual with disabilities to participate in any aspect of employment including the application process?”



Sample OFCCP Interview Questions

- ☐ “Does your organization review the prescreening questions to determine whether they provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities for job vacancies filled either by hiring or promotion?”
- ☐ “Is there a process in place for doing this review
- ☐ “Please Explain...”





Sample OFCCP Interview Questions

In an interview with an **employee** who **self-identified** as having had/have a disability:

- ☐ “Are you familiar with the companies employee handbook?”
- ☐ “How do you access the employee handbook?”
- ☐ “Are you familiar with the EEO policies regarding people with disabilities? If yes, please explain.”

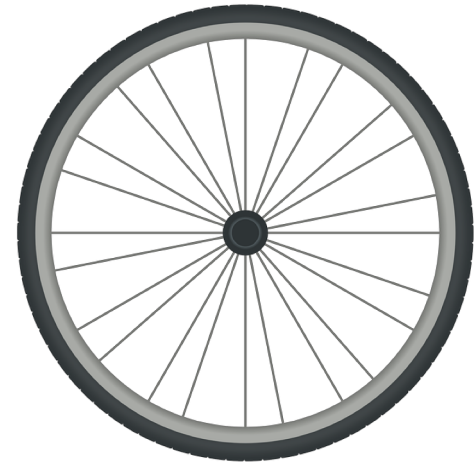


Practical Ideas & Solutions



❑ Integrate EEO/AAP education into existing activities

- New Hire & New Manager Orientation
- Handbook Review
 - EEO Policy / Workplace Respect Policy
 - AA Policy Statement
- Anti-Harassment / Workplace Respect / Civility Training
- Quarterly/Bi-Annual Management Meetings
- Annual Distribution of EEO Policy
- IWD Self-Id Campaigns





Practical Ideas & Solutions

❑ Create EEO/AAP stand alone education

- EEO/AAP course for Hiring Managers
- EEO/AAP course for Recruiters
- EEO/AAP course for C-Suite
- Attend DEAM!
- Attend NILG (National Industry Liaison Group)
 - Report back to staff
- Attend Local ILG Meetings
 - Allow Recruiters to attend, hiring managers, etc.



Practical Ideas & Solutions

Educate to Educate (“Train the Trainer”)

Affirmative Action Professional

C-Suite /
Legal

Head of Recruitment

- Recruiters
 - Q1: Goals & Recruitment Strategy
 - Q2: Outreach Check-in
 - Q3: Outreach Check-in
 - Q4: Year-end review

HR Business
Partners

- Managers
- Staff



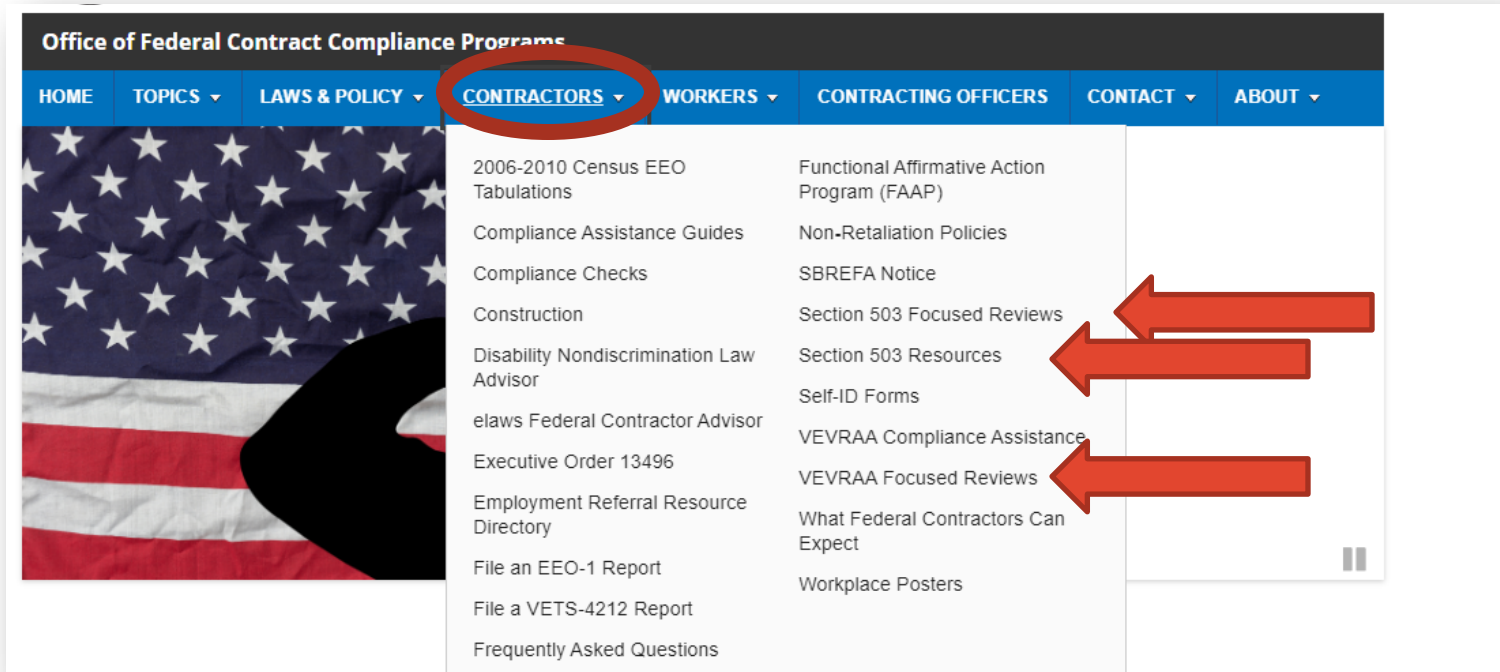
Available Resources - Compliance



OFCCP Website (Currently available)

- Sample AAPs (Section 503 & VEVRAA)
- Section 503 Checklist
- Sample Section 503 Standard Compliance Evaluation Report (SCER)
- Federal Contractor Compliance Manual (FCCM)

Resources From OFCCP



Office of Federal Contract Compliance Programs

HOME TOPICS ▾ LAWS & POLICY ▾ **CONTRACTORS ▾** WORKERS ▾ CONTRACTING OFFICERS CONTACT ▾ ABOUT ▾

2006-2010 Census EEO Tabulations

Compliance Assistance Guides

Compliance Checks

Construction

Disability Nondiscrimination Law Advisor

elaws Federal Contractor Advisor

Executive Order 13496

Employment Referral Resource Directory

File an EEO-1 Report

File a VETS-4212 Report

Frequently Asked Questions

Functional Affirmative Action Program (FAAP)

Non-Retaliation Policies

SBREFA Notice

Section 503 Focused Reviews

Section 503 Resources

Self-ID Forms

VEVRAA Compliance Assistance

VEVRAA Focused Reviews

What Federal Contractors Can Expect

Workplace Posters

Sample AAPs

**OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS (OFCCP)
SAMPLE CONTRACTOR AFFIRMATIVE
ACTION PROGRAM (AAP)
FOR SECTION 503**

(FOR EDUCATIONAL AND INFORMATIONAL PURPOSES ONLY)

**OFFICE OF FEDERAL CONTRACT
COMPLIANCE PROGRAMS (OFCCP)
SAMPLE CONTRACTOR AFFIRMATIVE
ACTION PROGRAM (AAP)
FOR VEVRAA**

(FOR EDUCATIONAL AND INFORMATIONAL PURPOSES ONLY)



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Training Examples Per OFCCP Sample AAP

Action Item

- Assist in the identification of problem areas, formulate solutions, and establish departmental goals and objectives when necessary;
- Ensure qualified applicants and employees with disabilities are treated in a nondiscriminatory manner in all employment practices, including when making selection decisions, such as for hire, promotion, training or to receive awards or bonuses;
- Provide reasonable accommodation to the known physical or mental limitations of qualified individuals with disabilities unless such accommodation would impose an undue hardship on the conduct of its business;
- Maintain confidentiality of any disability-related information obtained regarding any applicant or employee; and
- Ensure that nondiscrimination is adhered to in all personnel activities.

What might
these look like
at your
organization?

Sample Section 503 Standard Compliance Evaluation Report



SECTION IV. DESK AUDIT PART A. ASSESSMENT OF CONTRACTOR SUBMISSION			
Complete this section when you receive the Section 503 affirmative action program and support data.			
Initial Review: Indicate if each component is included in the affirmative action program. Determine if each component is acceptable. Compare the contractor's submission to the requirements in the regulations. If a component is either not included or not acceptable, describe the problem under the summary of acceptability. To resolve the problem, work with the contractor during the desk audit and, if necessary, during the onsite.			
1. Initial Review of AAP	INCLUDED IN AAP? Indicate Y/N	ACCEPTABLE? (text only) Indicate Y/N	If NO, include in Section IV, 3. Below
EEO POLICY STATEMENT 41 CFR 60-741.44(a)	Y	Y	
REVIEW OF PERSONNEL PROCESSES 41 CFR 60-741.44(b)	Y	Y	
REVIEW OF PHYSICAL AND MENTAL JOB QUALIFICATIONS 41 CFR 60-741.44(c)	Y	Y	
REASONABLE ACCOMMODATION 41 CFR 60-741.44(d)	Y	Y	
HARASSMENT PREVENTION 41 CFR 60-741.44(e)	Y	Y	
EXTERNAL DISSEMINATION OF AFFIRMATIVE ACTION POLICY 41 CFR 60-741.44(f)(1)(iii)	Y	Y	
ASSESSMENT OF EACH OUTREACH & POSITIVE RECRUITMENT ACTIVITY 41 CFR 60-741.44(f)(3)	Y	Y	
ASSESSMENT OF TOTALITY OF OUTREACH & POSITIVE RECRUITMENT EFFORTS 41 CFR 60-741.44(f)(3)	Y	Y	
INTERNAL DISSEMINATION OF EEO POLICY 41 CFR 60-741.44(g)	Y	Y	
AUDIT AND REPORTING SYSTEM 41 CFR 60-741.44(h)	Y	Y	
ESTABLISHMENT OF RESPONSIBILITY FOR IMPLEMENTATION 41 CFR 60-741.44(i)	Y	Y	
TRAINING TO ENSURE AAP IMPLEMENTATION 41 CFR 60-741.44(j)	Y	Y	

OFCCP Federal Contract Compliance Manual (FCCM)



FCCM Update Alerts
Table of Contents
Introduction
Chapter 1 Desk Audit
Chapter 2 On-Site Review
Chapter 3 Construction Industry Compliance Program
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SECTION 503 AND VEVRAA	INCLUDED IN AAP? Indicate Y/N	ACCEPTABLE? (text only) Indicate Y/N	If NO, include in Part B. II
EEO POLICY STATEMENT 41 CFR 60-300.44(a); 41 CFR 60-741.44(a)	↑	↑	
REVIEW OF PERSONNEL PROCESSES 41 CFR 60-300.44(b); 41 CFR 60-741.44(b)	↑	↑	
REVIEW OF PHYSICAL AND MENTAL JOB QUALIFICATIONS 41 CFR 60-300.44(c); 41 CFR 60-741.44(c)	↑	↑	
REASONABLE ACCOMMODATION 41 CFR 60-300.44(d); 41 CFR 60-741.44(d)	↑	↑	
HARASSMENT PREVENTION 41 CFR 60-300.44(e); 41 CFR 60-741.44(e)			
EXTERNAL DISSEMINATION OF AFFIRMATIVE ACTION POLICY 41 CFR 60-300.44(f)(1)(ii); 41 CFR 60-741.44(f)(1)(ii)			
ASSESSMENT OF EACH OUTREACH & POSITIVE RECRUITMENT ACTIVITY 41 CFR 60-300.44(f)(3); 41 CFR 60-741.44(f)(3)			
ASSESSMENT OF TOTALITY OF OUTREACH & POSITIVE RECRUITMENT EFFORTS 41 CFR 60-300.44(f)(3); 41 CFR 60-741.44(f)(3)			
INTERNAL DISSEMINATION OF EEO POLICY 41 CFR 60-300.44(g); 41 CFR 60-741.44(g)			
AUDIT AND REPORTING SYSTEM 41 CFR 60-300.44(h); 41 CFR 60-741.44(h)			
ESTABLISHMENT OF RESPONSIBILITY 41 CFR 60-300.44(i); 41 CFR 60-741.44(i)			
TRAINING TO ENSURE AAP IMPLEMENTATION 41 CFR 60-300.44(j); 41 CFR 60-741.44(j)			
DATA COLLECTION METHODS 41 CFR 60-741.44(k); 41 CFR 60-300.44(k)			
SECTION 503 UTILIZATION GOAL AND ANALYSIS 41 CFR 60-741.45			



OFCCP Section 503 Checklist

A. Have you **discussed your commitment** to engage in affirmative action efforts to employ and advance in employment qualified individuals with disabilities in both **employee orientation** and **management training programs**?

CFR 41 § 60- 741.44(g) Internal Dissemination of policy

A. Has your organization **trained** all personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes to **ensure implementation of the commitments** in the contractor's affirmative action program?

CFR 41 §60-741.44 Required contents of affirmative action programs

Available Resources - Training



Job Accommodation Network

- Job Accommodation Toolkit
- Searchable Online Accommodation Resource (SOAR)
- Practical Guide to Understanding the ADA
- JAN on Demand



Employer Assistance & Resource Network on Disability Inclusion

- Recorded Webinars w/ PowerPoint presentations
- Videos
- Online Training
- Mental Health Toolkit



Partnership on Employment & Accessibility Technology

- Training Resources for Leadership, Human Resources, CIO & Procurement, IT, Web Design & Development, Legal Counsel & Regulatory Staff



Office of Disability
Employment Policy

Job Accommodation Network



TOOLS FOR RECRUITERS AND HIRING MANAGERS

For employers who strive to have an diverse and inclusive workforce for people with disabilities, recruiters and hiring managers play a key role because they are often the first people that job applicants interact with and they typically decide which job applicants are right for the job and the work culture. In addition, recruiters and hiring managers play a key role in compliance with the ADA when a job applicant has a disability and needs an accommodation for the application process.

This section of the Toolkit provides information and resources for recruiters and hiring managers, including where to find applicants with disabilities, how to make the application/interview process more accessible and inclusive, the interactive process for applications and interviews, and more.

Where to Find Qualified Applicants with Disabilities

Tips for Making Applications and Interviews More Accessible and Inclusive

Accommodation Process for Applications and Interviews

Role Play Training Videos and Accompanying Presentations

Resources

Important to Note: Confidentiality

- JAN's Interviewing an Individual on the Autism Spectrum
 - PowerPoint Slides
 - Download High Definition (948 MB)
 - Download Standard Definition (489 MB)
- JAN's Hiring an Individual with an Anxiety and Stuttering Disorder
 - PowerPoint Slides
 - Download High Definition (254 MB)
 - Download Standard Definition (70.1 MB)

Employer Assistance & Resource Network on Disability Inclusion



Find trainings and webinars on our Inclusion@Work Framework for Building a Disability-Inclusive Organization

[Learn More](#)



***Featured*
EARN Webinar:**

Rise Up and Be Counted:
Strategies to Increase Self-
identification

[Learn More](#)



***Upcoming*
EARN Webinar:**

Centralized Accommodation
Programs as a Best Practice:
Register Now!

[Learn More](#)



***Featured*
EARN Training:**

Communication of Company
Policies & Practices

[Learn More](#)



***Featured*
EARN Training:**

Lead the Way Inclusive
Business Culture

[Learn More](#)



Partnership on Employment & Accessible Technology

Accessibility Staff Training for Specific Roles

Different job roles within your company will require different training levels and skills. For example, staff who procure [ICT](#) for your workplace need training on requesting accessible products from vendors. Staff in HR and Public Relations need to understand how to make online job applications accessible.

It makes sense to assign training for your employees based on the goals they are expected to achieve. While you want to incorporate some accessibility topics into your overall internal staff development programming, keep in mind that not all training has to take place in-house. Some organizations let their accessibility teams or individuals find external training on their own, and professional consultants are also available for hire, or to conduct internal trainings.

In either case, here are some typical job roles and the accessibility training they should ideally receive:

Leadership

- Facilitates accessibility buy-in across your organization
- Sets the tone for your organization's accessibility mindset
- Makes it easier to establish goals and acquire accessibility-related resources

Recommended Resources:

[Follow—and Join—the Accessibility Leader](#)

[Accessibility: Making the Business Case for Employers](#)

[Communicating Your Commitment to Accessibility](#)

[TechCheck: Accessibility Benchmarking for Your Workplace](#)

[Measuring and Evaluating Progress](#)

[Disability Inclusion Basics](#)

[Digital Accessibility Basics](#)

[Professional Development](#)

Featured Resources

TalentWorks

A free online tool for ensuring your eRecruiting technologies are accessible to job seekers with disabilities.

[Read more](#)

Buy IT!—Your Guide for Purchasing Accessible Technology

This tool helps employers work with vendors to ensure the products they buy are accessible.

[Read more](#)

TechCheck

A powerful but simple tool to help you assess your technology accessibility practices.

[Read more](#)

Policy Matters

Find policy analysis and news related to accessible

Buy IT!

Your Guide for Purchasing Accessible Technology

[Learn More](#)



TalentWorks

Accessible eRecruiting for Employers

[Learn More](#)



Get Started

Why Accessible Technology Matters

[View Guide](#)

Human Resources

- Utilizing accessible job applications and other HR infrastructure tools
- Coordinating accessibility needs for new hires with employees, colleagues and supervisors
- Recruiting applicants with disabilities

Recommended Resources:

[TalentWorks: Recruiting and Accessibility](#)

[Introduction to Inclusive Talent Acquisition](#)

[Disability Inclusion Basics](#)

[Digital Accessibility Basics](#)

[Professional Development](#)

CIO and Procurement Officers

- Communicating with vendors about accessibility policies
- Building accessibility into procurement processes and the ICT lifecycle
- Requesting and evaluating *Voluntary Product Accessibility Templates* (VPATs) and other vendor information
- Requesting *AT* compatibility and other testing results
- Remediation planning

Recommended Resources:

[Buy IT!—Your Guide to Purchasing Accessible Technology](#)

[TechCheck: Accessibility Benchmarking for Your Workplace](#)

[Disability Inclusion Basics](#)

[Digital Accessibility Basics](#)

[Professional Development](#)

Information Technology, Web



Final Tips

❑ Document & Retain ALL “training” efforts!

- Certificates of completion
- Sign-in Sheets / PowerPoint Presentations
- Conference attendance

❑ Check-in on Recruiters, Hiring Managers, HR Staff

- What do you understand your responsibilities to be with regard to our commitment to affirmative action?
- What would you like to know more about?
- How would you handle this situation?
- How would you answer these questions?

Thank you!



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