



**DirectEmployers
Association**

A Modern Checklist & A Six-Step Strategy for Successful Outreach

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DirectEmployers Association

Outreach – Whose Idea Was This Anyway?

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Differences in Regulatory Architecture

Regulation	Description	EO 11246	Section 503	VEVRAA
§ 60-1.12(a), § 60-2.16(a), § 60-2.17(c)	Good Faith Efforts	Y	N	N
§ 60-300.44(f)(2)(i), § 60-741.44(f)(2)(i)	Outreach & Positive Recruitment	N	Y	Y
§ 60-2.16	Placement Goals	Y	N	N
§ 60-741.45	Utilization Goals	N	Y	N
§ 60-300.45	Benchmarks for hiring	N	N	Y

Differences in Regulatory Architecture (con't)

Regulation	Description	EO 11246	Section 503	VEVRAA
§ 60-300.44(f)(3), § 60-741.44(f)(3)	Effectiveness Reviews	N	Y	Y
§ 60-300.5(a)2, 3	Job Listing	N	N	Y
§ 60-1.12(c), § 60-300.42(a), § 60-741.42(a)	Self-ID - Pre-Offer	Y	Y	Y
§ 60.300.42(b), § 60-741.42(b)	Self-ID - Post-Offer	N	Y	Y
§ 60-1.12(a), § 60-300.80, § 60-741.80	Record Retention	1-2 Years	1, 2 & 3 Years	1, 2 & 3 Years

Good Faith Efforts Are Not Good Enough Anymore

- ❑ Aren't Good Faith Efforts The Requirement?
 - ❑ Good Faith Efforts (GFEs) are only the requirement for your Executive Order 11246 AAP for Minorities and Females (See 41 CFR §§ 60-1.12(b), 60-2.16(a) and 60-2.17(c))
 - ❑ The OFCCP has said that 'Good Faith Efforts are not good enough!'
 - ❑ OFCCP Compliance Officers hardly ever ask for evidence of Good Faith Efforts anymore – they want proof of your 'Outreach and Positive Recruitment,' and they want to see RESULTS!!!

Good Faith Efforts for Executive Order 11246

[41 C.F.R. § 60-1.12(a) Record Retention]

(b) *Affirmative action programs.* A contractor establishment required under § 60-1.40 to develop and maintain a written affirmative action program (AAP) must maintain its current AAP and documentation of **good faith effort**, and must preserve its AAP and documentation of **good faith effort** for the immediately preceding AAP year, unless it was not then covered by the AAP requirement.

[41 C.F.R. § 60-2.16(a) Placement Goals]

(a) Purpose: Placement goals serve as objectives or targets reasonably attainable by means of applying every **good faith effort** to make all aspects of the entire affirmative action program work. Placement goals also are used to measure progress toward achieving equal employment opportunity.

[41 C.F.R. § 60-2.17(c) Action-Oriented Programs]

(c) *Action-oriented programs.* The contractor must develop and execute action-oriented programs designed to correct any problem areas identified pursuant to §60-2.17(b) and to attain established goals and objectives. **In order for these action-oriented programs to be effective, the contractor must ensure that they consist of more than following the same procedures which have previously produced inadequate results.** Furthermore, a contractor must demonstrate that it has made **good faith efforts** to remove identified barriers, expand employment opportunities, and produce measurable results.

Why Do We Have To Do GFEs And/Or Outreach Anyway?

The Traditional Approach: What caused you to declare a “Placement Goal” for Minorities and/or Women? How do you respond?

Potential reasons for the Placement Goal:

- ❑ Inadequate Applicant Flow
- ❑ Good Applicant Flow, But Not Enough “Contender Candidates”
- ❑ Good Applicant Flow, Enough “Contender Candidates,” But Still Setting Placement Goals: The “Historical Baggage” Problem (as availability increases over time)
- ❑ Good Applicant Flow, Enough “Contender Candidates,” Good Selection Rate, No “Historical Baggage,” And Still Setting Placement Goals: The “Retention and Backfill” Problem
- ❑ None of the Above Problems, But Still Setting Placement Goals: Unlawful Employment Discrimination

Why Do We Have To Do GFEs And/Or Outreach Anyway? (con't)

Are Good Faith Efforts really going to help you meet your Placement Goals?

They obviously weren't working or the OFCCP would never have introduced the idea of Outreach and Positive Recruitment in their updated VEVRAA and Section 503 regulations, right?

The OFCCP is looking for RESULTS now – not just the contractor sending a nice letter to all their local resources letting them know they are an “Affirmative Action Employer.”

Six-Step Strategy for Successful Outreach

1. Establish and outline your goals
2. Research local, national, and community-based partners that will help you achieve your goals
3. Turn research into conversation
4. Use an outreach management tool to segment contacts into categories (*i.e. veterans, individuals with disabilities, women, minorities, etc.*), record conversations, and manage your growing partnerships
5. Continue to actively engage with high-value partners
6. Assess partnerships

Outreach and Positive Recruitment for § 503 & VEVRAA

- ❑ Outreach Is Not Electronic – It's All About Communication
 - ❑ Lots of confusion about 'posting' jobs on job boards
 - ❑ Outreach is more than posting jobs
 - ❑ Requirement is local outreach and building relationships with outreach partners
 - ❑ Very difficult to do if you are only sending your jobs through various job boards
 - ❑ What contact information can you provide to the OFCCP as documentation of relationships you have built?
 - ❑ What events can you share in which you have participated?
 - ❑ Sending your jobs to diverse job boards is a 'nice to have,' but it does **not show** that you have built the required relationships

Outreach and Positive Recruitment (con't)

“41 CFR § 60-300.44 and 41 CFR § 60.741.44 Required contents of affirmative action programs.

Acceptable affirmative action programs shall contain, but not necessarily be limited to the following elements:

(f) *External dissemination of policy, outreach, and positive recruitment—*

(1) *Required outreach efforts.* (i) **The contractor shall undertake appropriate outreach and positive recruitment activities** such as those listed in paragraph (f)(2) of this section that are reasonably designed to effectively recruit qualified individuals with disabilities. It is not contemplated that the contractor will necessarily undertake all the activities listed in paragraph (f)(2) of this section or that its activities will be limited to those listed. The scope of the contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.”

(Emphases added).

Outreach Effectiveness Assessment

- **(3) Assessment of external outreach and recruitment efforts.** The contractor shall, on an annual basis, review the outreach and recruitment efforts it has taken over the previous twelve months to evaluate their effectiveness in identifying and recruiting qualified protected veterans. The contractor shall document each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and the contractor's conclusion as to whether each effort was effective. Among these criteria shall be the data collected pursuant to paragraph (k) of this section for the current year and the two most recent previous years. The contractor's conclusion as to the effectiveness of its outreach efforts must be reasonable as determined by OFCCP in light of these regulations. If the contractor concludes the totality of its efforts were not effective in identifying and recruiting qualified protected veterans, it shall identify and implement alternative efforts listed in paragraphs (f)(1) or (f)(2) of this section in order to fulfill its obligations. **(Emphases added).**

Outreach Effectiveness Assessment for IWDs

Outreach/Recruitment Activity	Date of Activity	Description of Activity	Contact Name	Contact Information	Did this activity attract qualified IWD applicants?	Did this activity result in the hiring of qualified IWDs?	Did this activity expand our outreach to IWDs?	Did this activity increase our ability to hire IWDs?	Evaluation	Conclusion
Quarterly meeting with State Vocational Rehabilitation Service Agency	7/14/2020	Briefed Agency re our outreach and recruitment efforts for individuals with disabilities, and re available jobs.	Steven Jones	1234 VR Street, Indianapolis, IN 46201 317-123-4567	Y	Y	Y	Y	Agency representatives will conduct briefings with HR staff regarding reasonable accommodations and analysis of job duties. Agency will post job openings for Contractor beginning in 2021.	Useful meeting. Continue.
Event at Local Community College	6/1/2020	Conducted outreach event to attract students with disabilities and ROTC members to our company.	Jane Doe	5678 Indiana Street, Indianapolis, IN 12345 317-632-4859	N	N	N	N	Insufficient student attendees at event. College failed to advertise event as specializing in seeking individuals with disabilities and Protected Veterans. Consider other educational institutions in the future for recruitment.	Not a good source pool for us. Discontinue.
Became a Member of DirectEmployers Association	6/1/2010	DE's NLx linked to RespectAbility source pool.	Tom Eckhart	7602 Woodland Dr., Suite 200, Indianapolis, IN 46278 317-874-9101	y	y	y	y	DE's partnership with NASWA, the National Assn. of State Workforce Agencies, has allowed us to work with Disabled Veterans' Outreach Program Specialists (DVOPs) where we have jobs available and they work with veterans with significant barriers to employment so we are finding both veterans AND IWDs.	Good source for us. Continue.
Overall Evaluation					N/A	N/A	N/A	N/A	We are very happy with our recruitment efforts since we sourced twice as many IWDs (15% sourced vs. 7% available). However, we were only able to hire one of the 7 persons we sourced, leading us to believe we need to increase the quality of our applicants with disabilities.	Applicant flow good but we need to aim higher for more competitive IWD candidates. In the coming year, we will form partnerships with the following agencies: 1) Easter Seals; 2) National Organization on Disability (NOD); and 3) Autism Speaks.

Outreach Effectiveness Assessment for PVs

Outreach/Recruitment Activity	Date of Activity	Description of Activity	Contact Name	Contact Information	Did this activity attract qualified IWD applicants?	Did this activity result in the hiring of qualified IWDs?	Did this activity expand our outreach to IWDs?	Did this activity increase our ability to hire IWDs?	Evaluation	Conclusion
Job Fair at Hospital	5/1//2020	Recruitment and application drive at VA Hospital	John Smith	1234 VA Street, Indianapolis, IN 46268 317-555-1212	N	N	N	N	X individuals expressed interest, Y qualified individuals submitted applications, 2 conditional offers of employment provided.	Poor source pool for us. Discontinue.
Became a Member of DirectEmployers Association	6/1/2010	Improved job listings with State Workforce Agencies and local Career One Stops (ESDSs)	Tom Eckhart	7602 Woodland Dr., Suite 200, Indianapolis, IN 46278 317-874-9101	Y	Y	Y	Y	Referral of PV job seekers increased dramatically.	Worked with DE to add source codes to our ATS which assisted us in our ability to track where PVs were finding our jobs. Met our job listing requirements per VEVRAA regulations. Continue.
Meeting with Easter Seals		Met to introduce myself and my company and to find additional resources for PVs.	Sharon Watson	146 Wacker Street, Chicago, IL 60601 616-212-4141	Y	Y	Y	Y	Introduced and referred me to three additional PV resources; have meetings scheduled with all three.	Great meeting and great opportunity to find additional assistance in our recruiting efforts. Continue.
Overall Evaluation					N/A	N/A	N/A	N/A	In this AAP Year 2020, the Data Metrics reveal we were not successful in recruiting Protected Veterans to apply in proportions equal to our greater than the 5.9% Benchmark. However, our hiring percentage of Protected Veterans (11%) nonetheless substantially exceeded the applicant flow of Protected Veterans (demonstrating the high quality of the relatively few Protected Veterans available to us). Happily our DirectEmployers membership also increased our Protected Veterans applicant flow, so we did make some progress mid-to-late year to increase our applicant flow over prior years.	While we are generally pleased with the recruitment sources with which we have partnerships, we will discontinue our partnership with the VA Hospital and discontinue our annual job fair there, but will continue our successful DirectEmployers Membership and will increase our recruitment pools by adding the following new ones for Protected Veterans: 1) Easter Seals Dixon Center; 2) Hiring Our Heroes; 3) We Hire Vets

Outreach Assessment FAQs

14. What are contractors' requirements under VEVRAA regulations for conducting outreach and recruitment?

- ❑ The regulations provide examples of outreach and recruitment activities, but retain the flexibility for contractors to choose and utilize the outreach and recruitment activities that work best for them.
- ❑ To determine whether the chosen methods of outreach and recruitment have been successful, the regulations require that contractors **annually assess their outreach and recruitment efforts** and **document this evaluation. (QUARTERLY IS RECOMMENDED).**
- ❑ **The evaluation must include the criteria the contractor used to evaluate the effectiveness of each effort and the contractor's conclusion as to whether each effort was effective.**
- ❑ If the contractor concludes that the totality of its efforts were not effective in identifying and recruiting qualified protected veterans, it must implement alternative outreach and recruitment methods.
- ❑ Contractors must retain their evaluations for three years, to allow them to assess the success of their outreach and recruitment efforts for veterans over time.

Outreach & Positive Recruitment Checklist for Success

- Have you found resources in your labor market area from which to hire diverse candidates?
- Have you built a relationship with outreach resources from which you can fill your job openings?
- Do you inform your resources of job openings when you have external positions available?
- Have you invited your resources to your workplace?
- Have you discussed the types of jobs you are regularly trying to fill?
- Have you invited any of your resources to share candidates with you who are looking for work and would just be perfect for your company?

Outreach & Positive Recruitment Checklist (con't)

- Do you have regular “check-in” calls to keep your name and company top-of-mind? If the OFCCP would call your resources and ask when they had last spoken with you, what would they say? Would they recognize your name or your company?
- Do you hold “Open Houses” at your facility for your Outreach resources and invite your leadership team to give presentations on what your company does, the types of jobs that are regularly available, the types of candidates for which you regularly recruit, i.e., education and experience requirements, physical and/or lifting requirements, etc.?
- Have you held an “Open House” inviting local candidates to visit your office and hear about your company? Include your Hiring Managers to discuss your company culture, ERGs, etc.
- Has your CEO discussed in a video on your corporate website and/or career site why diversity is important to your company?

Outreach & Positive Recruitment Checklist (con't)

- Have you done a video with veterans, individuals with disabilities, people of color, etc., discussing why your company is so welcoming and why they enjoy their work? Is it on your website and/or career site?
- Have you tried to apply for a job at your own company and request an accommodation to see what message you are sending to potential applicants for positions you have available?
- Do you have an accessible website to allow people with disabilities the same opportunities to apply for a job as people who do not have disabilities?
- Do you celebrate the diversity of employees in your company?

Outreach & Positive Recruitment Checklist (con't)

- Do you give each of your ERGs the opportunity to showcase something important to them, during some of the following months:
 - African-American History Month
 - Women's History Month
 - Military Caregiver Month
 - National Disability Employment Awareness Month
 - National Hispanic Heritage Month
 - Asian Pacific Heritage Month
 - Pride Month
 - Or any other month, event, and/or groups you may have
 - Ask them to give presentations, share accomplishments of members of these groups, invite the public to participate, etc.?
 - Showcase some of the following:
 - Native foods
 - Historic attire
 - Dance
 - Crafts

Outreach & Positive Recruitment Checklist (con't)

- ❑ Build relationships with Placement Officers at Historically Black Colleges and Universities (HBCUs); Hispanic American Colleges and Universities (HACUs); Tribal Colleges and Universities (TCUs)
- ❑ Give presentations to students on a regular basis; provide donations for various activities for engineering students, etc.
- ❑ Target hiring of Individuals with Disabilities — it's the only group where you can “target” your hiring needs because disabilities do not discriminate — you will find people in every protected class if you focus on hiring IWDs
- ❑ Build relationships with Veteran representatives at colleges and technical schools; recruit at Veteran Career Fairs
- ❑ Build relationships with Disability placement offices at colleges and technical schools; recruit at Disability Career Fairs

VEVRAA and Section 503 Best Practices for Federal Contractors

- ❑ Create veteran or IWD “affinity” or employee resource groups (ERGs) that encourages veterans, IWDs AND their advocates to join and participate.
- ❑ Understand the range of health issues veterans may face – veterans can have physical impairments such as musculoskeletal injuries and pain, as well as mental health issues such as post-traumatic stress and traumatic brain injury. Being aware of these potential impairments will better prepare you to determine appropriate reasonable accommodations with an applicant or employee should the need arise.
- ❑ Understand and learn about various health issues with which your employees with disabilities suffer. You will be better equipped then to work with applicants who have the same medical impairments.
- ❑ Enlist the assistance of individuals and organizations with a mission to help veterans and IWDs gain employment.

VEVRAA and Section 503 Best Practices (con't)

- ❑ Develop professional relationships with LVERs at your local employment service office (also known as American Job Centers). Here you will also find veterans who suffer from disabilities.
- ❑ Review employment policies and practices to ensure that spouses (and other associates) of protected veterans are not discriminated against in employment because of that relationship.
- ❑ Apply for the U.S. Department of Labor's [HIRE Vets](#) Medallion Award, which recognizes employers for their investments in recruiting, employing, and retaining veterans. The award signals to veterans that recipients are veteran-ready employers.

VEVRAA and Section 503 Best Practices (con't)

- ❑ Enlist the support of professionals in local U.S. Department of Veterans Affairs Medical Center or the Vocational Rehabilitation offices where your jobs are located.
- ❑ Use buddy/mentoring programs. This can work very well for both veterans and IWDs who might also need some assistance in the workplace.
- ❑ Recruit at veteran or disability job fairs.
- ❑ Include the related Military Occupational Specialty (MOS) when advertising jobs.
- ❑ Proactively evaluate personnel data of protected veterans, protected veteran spouses (to the extent data is available), protected veterans with disabilities and other individuals with disabilities – including hiring, promotions, and compensation data – to determine if any unlawful disparities exist.

Mandatory Job Listing – My Favorite Topic!



Just remember the difference this way:

Employers List

States Post



Mandatory Job Listing – Contractor’s Responsibility

- ❑ **Open positions must be listed with the employment service delivery system (ESDS/State Job Bank)**
 - ❑ Exclusions are executive positions, internal positions, positions of three days or less
 - ❑ Listing must be made “at least concurrently” with other recruitment efforts
 - ❑ Companies must inform ESDS/State Job Bank in each state where it has establishments of the company’s status as a federal contractor and must request priority referral of protected veterans
- ❑ Information regarding job openings should be sent to local veteran organizations and organizations supporting individuals with disabilities
- ❑ **Outreach to Local Veteran Employment Representatives (LVERs) is critical.** The OFCCP will contact them to see if relationships have been developed whenever an audit letter is sent

Mandatory Job Listing – State Responsibility



“...The **employment service delivery systems** shall provide OFCCP, upon request, information pertinent to whether the contractor is in compliance with the mandatory job listing requirements of the equal opportunity clause.” 41 CFR 60-300.84

Mandatory Job Listing – Is This Outreach?

Outreach to veteran job seekers must follow USDOL policy

- ❑ **DVOPs** serve only veterans with “Significant Barriers to Employment”
- ❑ **LVERs** do not provide services to individual veterans – role of outreach to employer community & capacity building*

* These are the people with whom you need to concentrate your outreach efforts! These folks are found at the local Career One-Stops where your jobs are sent!

Get your Outreach & Positive Recruitment Checklist [here](#).

THANK YOU!!!



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