

Office of Federal Contract Compliance Programs



**“MOVING TOWARD
COMPLIANCE” SERIES:**

**THE COMPONENTS OF A
NEW SECTION 503 AAP**



Webinar Presenters

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“Moving Toward Compliance” Series Training Schedule

- Collecting Data – Available on [OFCCP Website](#).
- Components of Section 503 AAP – January 16, 2014
- Components of VEVRAA AAP – February 6, 2014
- Job Listings & Contracts – February 20, 2014
- Goals & Benchmarks – March 6, 2014

Training Objectives

- To be able to:
 - Articulate the new requirements for Section 503 AAPs under the final 503 rule;
 - Identify which sections of a Section 503 AAP are new, revised, or retained without revision;
 - Properly draft a Section 503 AAP that is compliant with the new requirements; and
 - Identify what is required in the first Section 503 AAP after the effective date (the “transitional AAP”);
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Dates to Remember

- September 24, 2013 (published);
 - March 24, 2014 (effective); and
 - Next Affirmative Action Program Cycle.
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Overview of AAP Components

- Policy Statement (60-741.44(a))
 - Review of Personnel Processes (60-741.44(b))
 - Review of Physical and Mental Qualifications (60-741.44(c))
 - Reasonable Accommodation (60-741.44(d));
 - Anti-Harassment Procedures (60-741.44(e));
 - External Dissemination of Policy, Outreach, and
 - Positive Recruitment (60-741.44(f))
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Overview of AAP Components (cont'd)

- Internal Dissemination of Policy (60-741.44(g))
- Audit and Reporting System (60-741.44(h))
- Responsibility for Implementation (60-741.44(i))
- Affirmative Action Training (60-741.44(j));
- Data Collection and Analysis (60-741.44(k));
- Utilization Analysis (60-741.45)



Policy Statement

(41 CFR 60-741.44(a))

- Contractor must affirm its commitment to take affirmative action to employ and advance in employment qualified individuals with disabilities.
- The policy statement must indicate that the top U.S. Executive of the contractor (e.g. CEO, Chief of the U.S. Division of a foreign company) supports the contractor's AAP.



Review of Personnel Processes (41 CFR 60-741.44(b))

- Contractors are required to periodically review their personnel processes to ensure they don't screen out individuals with disabilities.
- Contractors are required to ensure individuals with disabilities (IWDs) have "equal access to its personnel processes," including providing necessary accommodation.
- Contractors are encouraged (but not required) make IT technologies accessible.

Review of Physical and Mental Qualifications (41 CFR 60-741.44(c))

- Unchanged.
- Contractors are required to conduct periodic review of all physical and mental job qualification standards.

Reasonable Accommodation (41 CFR 60-741.44(d))

- Obligation to provide reasonable accommodation is a matter of nondiscrimination (60-741.21(a)(6)).
- If an IWD is having performance problems that may be related to the disability, contractor is required to ask if an accommodation is needed.
- Written reasonable accommodation procedures are not required, but are a best practice.



Anti-Harassment Procedures

(41 CFR 60-741.44(d))

- Unchanged.
- Contractors are required to develop and implement anti-harassment procedures.



External Distribution of Policy

(41 CFR 60-741.44(f)(1)(ii))

- Contractors must send written notification of company policy related to its affirmative action efforts to all subcontractors and request their cooperation.
 - Contractors are required to document that they have satisfied this written notification requirement.
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Outreach and Positive Recruitment (41 CFR 60-741.44(f))

- Contractors must engage in outreach and recruitment of Individuals with Disabilities.
 - Contractors must conduct an annual self-assessment of outreach and recruitment efforts and document such assessment.
 - Contractors are required to document all outreach and recruitment activities and retain these records for three (3) years.
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Sample Assessment of Outreach and Recruitment

Outreach / Recruitment Activity	Date of Activity	Description	Evaluation
Annual meeting with State Vocational Rehabilitation Service Agency (SVRA)	November 15, 2014	Briefed SVRA with FCI's outreach and recruitment efforts for IWDs	SVRA representatives will conduct briefings with FCI management regarding hiring IWDs and reasonable accommodations to expand the inclusion of IWDs in FCI workforce. Also, SVRA will begin posting FCI job openings starting in 2015, which will help expand FCI's IWD applicant pool.
Briefing of Local Disability Advocates (LDA)	September 1, 2014	Briefed representatives of LDA, a local disability advocacy group, regarding FCI's services and job opportunities for IWDs, and provided an FCI facility tour.	LDA will begin sending job applicants to FCI starting in 2015 and include FCI in its list of companies that are undertaking affirmative efforts to hire IWDs. FCI will also participate in LDA activities and LDA-sponsored job fairs in 2015.
Outreach event at Local Community College	October 8, 2014	Conducted outreach event at local community college to attract students who are IWDs	Community college did not have a targeted program specifically designed to attract students who are IWDs, therefore, limited impact in the school. Only 2 students attended event. Consider partnering with other educational institutions.
Participated in Disability Job Fair	November 14, 2014	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.

Criteria for Evaluation:

1. Did the activity attract qualified applicants with disabilities?
2. Did the activity result in the hiring of qualified individuals with disabilities?
3. Did the activity expand FCI's outreach to individuals with disabilities in the community?
4. Did the activity increase FCI's capacity/capability to include individuals with disabilities in its workforce?



Internal Distribution of Policy

(41 CFR 60-741.44(g))

- Contractors are required to incorporate the AA policy in its policy manual, or make it otherwise available to employees
- Contractors with Collective Bargaining Agreements (CBAs) must notify union officials of the AA policy.



Audit and Reporting System

(41 CFR 60-741.44(h))

- Contractors are required to design a self-audit and internal reporting system that will:
 - Measure the effectiveness of the AAP;
 - Indicate any need for remedial action;
 - Determine the degree to which the contractor’s objectives have been reached;
 - Determine whether IWDs have had the opportunity to participate in company sponsored educational, training , recreational, and social activities;
 - Measure the contractor’s compliance with the AAP’s specific obligations.
- Contractors must document all actions taken to comply with audit and reporting requirements and retain such documentation as employment records

Sample Self-Audit Table

AAP Components	AAP Requirements	Compliance (Y/N) and date last inspected/reviewed (if applicable)	Remedial/Follow-up actions necessary (if any)
Policy Statement (§ 60-741.44(a))	EEO policy statement posted on bulletin boards	Y (last inspected on mm/dd/yyyy)	None
	Policy available in a form that is accessible and understandable to IWDs	Y (last inspected on mm/dd/yyyy)	None
	EEO policy indicates top executive support for AAP	Y (policy statement signed by CEO on mm/dd/yyyy)	New CEO starting mm/dd/yyyy. Publish new policy statement.
Review of Personnel Processes (§ 60-741.44(b))	Periodic review of personnel processes	Y (last review conducted on mm/dd/yyyy)	Modify applicant flow logs to include tracking of IWDs during the job application process. Schedule next review of personnel processes on (mm/dd/yyyy)
	Reasonable accommodation provided for applicants and employees who are IWDs	Y (last review conducted on mm/dd/yyyy)	Time and attendance software system is not accessible. Provide alternate means for timekeeping as accommodation for employees who are IWDs. May procure upgrade to an accessible software package.



Sample Self-Audit Table (cont'd)

Review of Physical and Mental Qualifications (§ 60-741.44(c))	Schedule for a review of physical and mental qualification standards	Y	Review scheduled annually – next review will be conducted on mm/dd/yyyy.
	Identify qualification standards that screen out qualified IWDs and ensure they are job-related and consistent with business necessity	Y	No standards identified.
Reasonable Accommodation (§ 60-741.44(d));
Anti-Harassment Procedures (§ 60-741.44(e));
External Dissemination of Policy, Outreach, and Positive Recruitment (§ 60-741.44(f))
Internal Dissemination of Policy (§ 60-741.44(g))
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Responsibility for Implementation (41 CFR 60-741.44(i))

- Unchanged.
- Contractors are required to designate an official responsible for implementation of the AAP.



Training

(41 CFR 60-741.44(j))

- Unchanged.
- Contractors must provide EEO and AA training for employees involved in personnel processes.



Data Collection Analysis

(41 CFR 60-741.44(k))

- Contractors are required to document:
 - number of applicants who self-identified as individuals with disabilities
 - the total number of job openings and jobs filled
 - the total number of applicants for all jobs
 - the number of applicants with disabilities hired
 - total number of applicants hired

SAMPLE DATA COLLECTION

TABLE (41 CFR 60-741.44(k))

	2014	2015	2016
Number of applicants who self-identify as individuals with disabilities pre-offer	25	35	50
Total number of job openings	17	24	32
Total number of jobs filled	17	24	32
Total number of applicants for all jobs	250	520	840
Number of applicants with disabilities hired	0	2	3
Total number of applicants hired	17	24	32



Applicant Flow Logs

NAME	RACE	SEX	IWD? (Y/N)	DATE OF APPLICATION	JOB TITLE	INTERVIEW (Y/N)	ACTION TAKEN (H/NH)

Utilization Analysis (41 CFR 60-741.45)

- Contractors are required conduct a utilization analysis annually
- Compare the representation of IWDs in each job group established for utilization analysis under Executive Order 11246 to the 7% utilization goal
- Contractors with 100 or fewer employees may apply the goal to the workforce as a whole
- Requires contractors to identify whether there are any problem areas and, if so, develop and execute action-oriented programs



Transitional Section 503 AAP

- Contractors can delay compliance with the AAP requirements of Subpart C until their first AAP is due following the March 24, 2014 effective date.
 - The first AAP that contractors will develop after the effective date is considered a transitional AAP.
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Recommended Actions

- Before their next AAP cycle, contractors are strongly encouraged to:
 - Invite applicants to self-identify pre- and post-offer using the approved OFCCP form;
 - Conduct initial self-id survey of employees;
 - Implement documentation procedures for:
 - outreach and recruitment efforts
 - self-audit and reporting systems;
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Recommended Actions (cont'd)

- Conduct documented assessment of outreach and recruitment efforts and implement procedures to conduct such assessment annually;
 - Train employees engaged in key personnel activities;
 - Conduct data analysis related to applicants and hires;
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Recommended Actions

(cont'd 2)

- Draft an EO policy statement showing top executive support for AAP;
- Ensure applicants and employees have equal access to contractor's personnel processes; and
- Conduct annual workforce assessment, apply utilization goal, identify any problem areas, and develop action-oriented programs.



Transitional Section 503 AAP Requirements

- The Transitional AAP must:
- Comply with all existing obligations;
- Address everything that that contractor has done to come into compliance with new requirements that take effect on March 24, 2014; and
- To the extent that the contractor has not achieved full compliance with new requirements, discuss steps that the contractor has to take to come into compliance.

Questions?



Contact Information

- Contact us at 1-800-397-6251
 - Division of Policy, Regulations Line 202-693-0103
 - Email: OFCCCP-Public@dol.gov
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Resources

- [OFCCCP's Web site](#)
 - Frequently Asked Questions
 - Final Rules
 - Contractor Resources
 - Fact Sheet
 - Side by Side Chart of Changes
 - Webinar Slides and Recordings
 - Webinar Registration Links
 - Press Releases
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