



# “Moving Toward Compliance” Series:

## Job Listings and Contracts

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# Webinar Presenters

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- ❑ Ebony Ross, Equal Opportunity Specialist, OFCCP
  - ❑ Lynn White, Program Analyst, OFCCP
  - ❑ Naomi Levin, Branch Chief of Policy, OFCCP
  - ❑ Keir Bickerstaffe, Senior Attorney, Office of the Solicitor
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# “Moving Toward Compliance” Series Schedule

- Collecting Data – Available on OFCCP’s Internet
- Components of a Section 503 AAP – Internet
- Components of a VEVRAA AAP – Internet
- Job Listings and Contracts – TODAY**
- Goals and Benchmarks – March 6, 2014

# Objectives

## □ Understand:

- The mandatory job listing requirement under VEVRAA;
- The information that must be provided to the ESDS under VEVRAA;
- How to post electronic notices of rights and obligations for applicants and employees;
- What to include in job solicitations and advertisements; and
- How to incorporate the EO Clause into subcontracts.

# Dates to Remember:

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- September 24, 2013 (the VEVRAA and Section 503 final rules were published);
  - March 24, 2014 (final rules take effect);** and
  - Next Affirmative Action Program (AAP) Cycle
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# Notices: Employee/Applicant Rights

## EEO is the Law Poster

- States applicant and employee rights;
- States affirmative action and nondiscrimination obligation for qualified employees and applicants with disabilities and protected veterans;
- Provides info on OFCCP laws and how to file complaints for violating those laws.

# Providing the EEO Notices in Accessible Formats

- Under both Section 503 and VEVRAA
  - Applicants or employees with disabilities and disabled veterans must be given the notices in a form that is accessible and understandable.
  - Examples: Braille or large print versions, or posting a copy at a lower height for easy viewing by a person using a wheelchair.



# Electronic Posting of Notices for **Employees** Working Offsite

- ❑ Under both VEVRAA and Section 503:
  - EEO notices may be by posted electronically, for employees working offsite, if computers or access to them are provided that can access the notices; or there is actual knowledge that employees are able to access the electronically posted notices.
  - Electronic notices must be posted in a conspicuous location and format on the company's intranet or emailed to employees.



# Electronic Posting of Notices for **Applicants**

- Under both VEVRAA & Section 503:
  - If electronic application process is used, must post an electronic notice informing applicants of their EEO rights.
  - Notice must be conspicuously stored with, or as part of the electronic application.

# Contractor Solicitations and Advertisements

- ❑ **Under Section 503:** All solicitations or advertisements must state that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability.
- ❑ **Under VEVRAA:** Must state in solicitations and advertisements status as an equal opportunity employer of protected veterans (add “veteran status” or something similar).
- ❑ **EEO Tagline:** Protected veterans or IWDs may be referred to by abbreviations commonly understood by job seekers. "D" and "V" are inadequate. The tagline should at a minimum state "disability" and "vet" to be clearly understood by jobseekers.

## Inclusion of the Section 503 EO Clause in Subcontracts

- EO Clause may be incorporated into subcontracts by reference *only* by citing to 41 CFR 60-741.5(a) **AND** including the below text in bold immediately thereafter:
  - **“This contractor and subcontractor shall abide by the requirements of 41 CFR 60– 741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities.”**

## Inclusion of the VEVRAA EO Clause in Subcontracts

- EO Clause may be incorporated into subcontracts by reference *only* by citing to 41 CFR 60–300.5(a) **AND** including the below text immediately thereafter:
  - **“This contractor and subcontractor shall abide by the requirements of 41 CFR 60–300.5(a). This regulation prohibits discrimination against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.”**

# Live Screen

## Frequently Asked Question (FAQ)

- Can the VEVRAA and Section 503 EO Clauses be combined?

# Mandatory Job Listings and Section 503

- Section 503 has **NO** mandatory job listing requirement.
- Required to take “appropriate outreach and positive recruitment activities.”
- Suggested resources, in paragraph 60– 741.44 (f)(2)(i) may be used to carry out the general outreach and recruitment obligation.

# Mandatory Job Listing Requirement under VEVRAA

- Statutory Requirement.
- Clarifies** longstanding policy that contractor must provide its job listing information in a format that is permitted by the appropriate ESDS.
- Must indicate on job listings status as federal contractor and desire for priority referrals of protected veterans.

## Mandatory Job Listing Requirement under VEVRAA, cont'd

- ❑ Must provide contact info for official responsible for hiring at each hiring location who can verify the information in the job listing.
  - The same applies for external job search organization(s) if used.
  - If information changes since last reported to the ESDS, the contractor must provide updated information simultaneously with its next job listing.



# Summary

## EO Clauses

- Obligations related to posting notices;
- Appropriate job solicitations and advertisements; and
- Incorporating the EO Clause in subcontracts.

## Job Listings

- Mandatory requirement under VEVRAA.

# Questions



# Contact Information

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- Contact us at 1-800-397-6251
  - Division of Policy, Regulations Line 202-693-0103
  - Email: [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov)
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# Resources

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- OFCCP's Frequently Asked Questions
  - Final Rules
  - Contractor Resources
  - Fact Sheet
  - Side by Side Chart of Changes
  - Webinar Slides and Recordings
  - Webinar Registration Links
  - Press Releases
  - Website
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