

The New Regulations



Changes to Section 503 and VEVRAA

Presenter:

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- OFCCCP
 - Background
 - Effective Date
 - Key Provisions of the Regulations
 - Questions & Answers
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What is OFCCP?

- Federal civil rights enforcement agency
- Jurisdiction over federal contractors and subcontractors
 - Nondiscrimination
 - Affirmative Action

What does OFCCP do?

- Conducts compliance evaluations
 - Conducts complaint investigations
 - Provides technical assistance
 - Engages in outreach and public education
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Section 503

Section 503 prohibits employment discrimination on the basis of disability by Federal government contractors and subcontractors. Section 503 also requires that covered contractors take affirmative action to employ and advance in employment qualified individuals with disabilities.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA), prohibits employment discrimination against protected veterans by covered Federal contractors and subcontractors, and requires that they take affirmative action to employ and advance in employment these veterans.

Why Change?

- Framework unchanged since the 1970's.
 - Unemployment rate of individuals with disabilities remains significantly higher.
 - Many veterans face substantial obstacles in finding civilian employment.
 - Revisions intended to enhance contractor accountability for compliance and ultimately increase employment opportunities.
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The New Regulations

- Update and strengthen the regulations to aid contractors in the recruitment and hiring of protected veterans and IWDs and facilitate compliance with the law.
- Increase contractor accountability for meeting their Affirmative Action (AA) obligations.

Phased in Compliance

- Effective date: March 24, 2014
- Contractors with existing Affirmative Action Programs (AAP) on the effective date may wait to come into compliance with the new affirmative action requirements as part of their standard AAP review and updating cycle.
- Must comply with other revised requirements by the effective date.



New Regulations

Key Provisions

503: Inviting Self-Identification

- Pre-offer: invitation to self-identify as IWD.
- Post-offer: invitation to self-identify as IWD.
- Employees: invitation to all in first year, and every five years thereafter. At least one reminder in intervening years.
- All invitations use form posted on OFCCCP Web site.

503: Utilization Goal

- Establishes a nationwide 7% utilization goal.
 - Apply goal to each job group annually, except if 100 or fewer employees may apply it to entire workforce
 - If goal not met, determine if impediments to EEO exist. Must take action to correct any identified problems.
 - Failure to meet goal is NOT a violation.
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VEVRAA: Inviting Self-Identification

- Separate inquiry regarding disabled vet status eliminated.
- Pre-offer: invitation to self-identify as a protected vet.
- Post-offer: invitation to self-identify specific veteran category(ies) that the contractor is required to report to VETS on.
- Model invitations contractors may use in Appendix B.

VEVRAA: Hiring Benchmarks

- Contractors must set an annual hiring benchmark.
- Is the benchmark a goal?
- Two methodologies for setting the benchmark:
 - National percentage of veterans in the civilian labor force, or
 - Establish an individual benchmark using five-factors identified in the regulations.
- 3 year recordkeeping requirement

VEVRAA: Job Listing Requirement

- **Mandatory Job Listing**
 - Requires that contractors provide job listings “in a manner or format permitted by the appropriate employment service delivery system [ESDS].”
- **Information Provided to State Employment Services**
 - Contractors must provide additional information including status as a federal contractor, contact information, its request for priority referrals, and update information, as necessary, when submitting new job listings.

Equal Opportunity Clause

- Contractor Solicitations and Advertisements
- New paragraph requires contractors to state in job solicitations and advertisements that it is an equal opportunity employer of protected veterans and individuals with disabilities

Outreach and Recruitment

- Requires outreach and recruitment; provides examples; and retains contractor flexibility.
- Requires documentation of activities and annual written assessment of the effectiveness of each of its activities.
- If totality of efforts not effective, must identify and implement alternative efforts.
- Retain these records for 3 years.

Data Collection Analysis

- Requires contractors to document and update annually:
 - Number of protected veteran/ IWD applicants;
 - Total number of applicants for all jobs;
 - Total number of job openings and jobs filled;
 - Number of protected veteran/ IWDs hired; and
 - Total number of applicants hired.
- Must maintain these records for 3 years.

Implications of the New Regulations

- Regulations re-emphasize the importance of outreach and recruitment of people with disabilities and protected veterans.
- Increasing contractor interest in sources of potential qualified applicants who have disabilities or are protected veterans.
- Increasing contractor interest in best practices to recruit, hire, and retain IWDs and vets.



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Questions?
