



FREE CHECKLIST:

Section 503 & VEVRAA

A Comprehensive Step-by-Step Checklist



Implementation Responsibility and Training

Assign responsibility for implementation of affirmative action responsibilities to an official.

- Official's identity "should" appear on all internal and external communications regarding the affirmative action program.
- Official will have necessary senior management support and allocated staff to manage implementation.
- Official shall review and update affirmative action program annually.

Train all employees involved in personnel processes, such as recruitment, screening, selection, promotion, discipline, and related processes to ensure commitments are implemented.

EEO/AA Policy Statement

Ensure the EEO/AA policy statement indicates the CEO's (or the most senior U.S. executive's) support for the affirmative action program.

Ensure the audit and reporting system is addressed in policy.

Assign overall responsibility for the implementation of affirmative action activities and list this person as the individual who reviews and updates the plan annually.

State that the company will recruit, hire, train, promote and ensure that all other personnel actions are administered without regard to protected veteran/disability status.

External Policy Dissemination

Send Affirmative Action Policy Statement to all unions, Subcontractors, and vendors, and request cooperation.

- Create a list of all relevant subcontractors and subcontracting vendors.
- Email EO Policy statement to the entire list.
- Document communications sent to each entity.

Notify labor unions of affirmative action obligations and nondiscrimination obligations.

- Provide labor unions with updated EO Policy and Notices.

- Edit the EEO tagline to include reference to protected veteran and disability status.

- Update contract and purchase order templates, replacing current cite with new required bold language citations.

Equal Opportunity Clause (“EEO is the Law” Poster)

- Ensure that at each location, “EEO is the Law” poster is:
 - Posted on bulletin boards and in areas where applicants and employees have access;
 - Provided in a format that is “accessible and understandable” to individuals with disabilities and protected veterans.

- Ensure that employees working remotely have electronic access to the “EEO is the Law” poster.
 - Verify remote employees have access to a computer, and then email EO Notice to all remote employees or conspicuously place notice on company intranet.
 - Must know that employees can access the electronic version to be compliant.

- Integrate a “conspicuous” link to the notice in online application systems.
 - Provide notice to applicants in a form that is accessible and understandable for individuals with disabilities.
 - Notice must be conspicuously stored with, or as part of, the application.

AAP Availability

- Separate narrative AAP from data metrics requirements for both 503 and VEVRAA.
 - Narrative AAP must be available for employee and applicant inspection.
 - Data metrics do not need to be made available, and should be kept separate from the narrative information.
 - The location and hours that the 503 and VEVRAA Narrative AAP is available must be posted at each establishment.

VEVRAA ESDS Job Listing Requirements

- Verify that job listing information provided to the state job banks or local employment service delivery system (ESDS) is provided in a manner and format “permitted” by those entities.

- Verify any third-party job search organizations utilized by the company meet the listing requirements of each ESDS.

- Create and send a notice to each ESDS providing the following information:
 - Status as a federal contractor,
 - Desire for priority referrals of veterans for job openings at all locations within the state,
 - Name and location of each hiring location within the state,
 - The contact information for the contractor official responsible for hiring at each location or an official with knowledge of the openings, and
 - Contact information for private job search organization(s), if used.
- Send update to the affected ESDS any time the above information changes.

- Continue to list all openings with the appropriate ESDS
 - Exclude executive/senior management jobs,
 - Job openings posted and filled internally only, and
 - Jobs lasting 3 days or less.

- If you are listing a remote position, choose an ESDS based on where the supervisor for that position sits, or where the division/department encompassing that position is located.

Reasonable Accommodation Requirements

- Contractors are encouraged, but not required, to develop written procedures for processing requests for reasonable accommodation for disabled applicants/employees.

- Contractors are required to provide necessary reasonable accommodations to ensure individuals with a disability have equal access to personnel processes.
 - Contractors are encouraged to make information and communication technologies accessible, even absent an accommodation request.

- Contractors are encouraged to seek advice of applicants regarding possible reasonable accommodations.

Additionally, contractors shall:

- Confidentially inquire if an employee's performance problem is related to a disability, and if it is, inquire whether a reasonable accommodation would assist.
- Provide an accommodation, even if it would cause an undue hardship, if funding is available from an alternate source, or provide the individual the option of obtaining the accommodation him/herself or paying the portion of the cost that constitutes the undue hardship.
- Consider re-assignment of the employee to an alternate open position that is equivalent in terms of pay and status where possible, if an accommodation in the current position would cause undue hardship.

Integrating Forms & Technology

Notify the appropriate internal IT professionals of the changes.

Verify appropriate ATS and/or HRIS system is updated to handle the additional data appropriately.

Create confidential "data analysis file" to store disability related self-identification data.

- The data must be kept separate and apart from employee personnel files and medical records.
- Work with IT and ATS vendor to ensure that access to this data is limited to the appropriate individuals (i.e., hiring managers and recruiters should not see this information).

503 Mandated Form General Requirements

Integrate OFCCP-mandated disability self-identification form with paper application materials and online application system.

- If the [OFCCP form](#) is converted to electronic format, it must match the original form verbatim, same form, every time:
 - Display the OMB number and expiration date,
 - Contain the text of the form without alteration,
 - Use a sans-serif font, such as Calibri or Arial, and
 - Use at least 11-pitch for font size (with the exception of the footnote and

burden statement, which must be at least 10-pitch in size).

- Work with IT and ATS vendor to incorporate the OFCCP disability self-identification form.

Pre-Offer Self-Identification

Invite applicants to self-identify during the pre-offer stage when the applicant applies or is considered for employment.

- Provide disability and protected veteran invitations when race/gender self-identification is solicited.
- The pre-offer invitations may be included with the application materials but **MUST** be separate from the application.
- Do not compel or coerce individuals to self-identify.

Draft pre-offer veteran self-identification form and integrate into paper application materials and online application system.

- Invitation for veteran status must state that the company is a Federal contractor required to take affirmative action to employ and advance in employment protected veterans pursuant to VEVRAA; summarize relevant portions of VEVRAA and the company's AAP; advise that information is voluntary and refusal will not subject the applicant to adverse treatment.

Use mandated OFCCP form for the disability self-ID invitation.

Post-Offer Self-Identification

Post-offer invitations must be made prior to applicant beginning his/her job duties.

Integrate self-identification forms into new hire on-boarding materials or post-offer applicant materials available online or in paper form.

Create or revise post-offer veteran self-identification form to incorporate new language and requirements.

- Invitation for veteran status must state that the company is a Federal contractor required to take affirmative action to employ and advance in employment protected veterans pursuant to VEVRAA; summarize relevant portions of VEVRAA and the company's AAP; advise that information is voluntary and refusal will not subject to adverse treatment.

- The post-offer invitations are still voluntary; individuals should not be coerced or forced to complete either form.

Use mandated OFCCP form for the disability self-ID invitation.

Employee Disability Survey

Notify the appropriate internal IT professionals of the changes.

- Ensure collected data is held in separate and confidential “data analysis file” for storage.
- Confirm access to “data analysis file” is limited to those who need access.

Schedule and conduct employee disability survey using OFCCP-mandated self-identification form.

- Must be conducted within five year of compliance with Subpart C of Section 503.
- Draft cover memorandum and/or employee educational materials to accompany form.
- If the [OFCCP form](#) is converted to electronic format, it still must meet the 503 Mandated Form General Requirements.
- Conduct re-solicitation of employee disability status every 5 years.

Draft and send reminder to employees that they may self-identify or update their disability status at any time.

- Reminder must be sent at least once between official solicitations for voluntary employee disability status.

Maintaining Disability Self-ID Data

All self-identification information should be confidentially maintained in a separate “data analysis” file, not in the medical or personnel files of an individual employee.

Retain hard copies or electronic copies of completed forms, if applicable.

Maintain any log, spreadsheet or database used to record results.

Verify that only those who need access to the forms and/or response records have access.

- Specifically ensure that personnel involved in hiring decisions do not have access to the data

If the ATS/HRIS system does NOT store completed forms, the contractor will not have to produce the actual form, but will be expected to provide the data file

- In this case, the contractor must also be able to demonstrate how the invitations were delivered/displayed to allow applicants and employees to self-ID.

Data Collection Requirements

Notify relevant internal IT professionals and ATS vendors of required data collection.

Begin the collection of the following data points:

- Number of protected veteran applicants,
- Number of applicants identifying as disabled,
- Total number of job openings,
- Total number of jobs filled,
- Total number of applicants,
- Number of protected veteran applicants hired,
- Number of applicants identifying as disabled hired, and
- Total number of applicants hired.

Ensure that definitions of what constitutes each data point (e.g., protected veteran applicant, individual with a disability applicant, job opening, and so on) are consistent across your organization and across all reporting.

Report the data collected and include it in a separate data metrics portion of the AAP.¹

Retain data documentation for 3 years.

¹Data will not be available to include in the AAP until the next AAP cycle date after implementing the voluntary self-identification requirements (i.e., if AAP cycle date is 1/1/15, this section of the AAP will be blank for the 2015 AAP; however, this section will contain data for the 2016 plan).

Section 503 Utilization Goal & Analysis

- Apply the utilization goal for individuals with disabilities set by OFCCP (currently 7%) to:
 - Each job group if there are more than 100 employees in the organization, OR
 - The entire workforce if there are 100 or fewer employees in the organization.

- Conduct annual utilization analysis.

- A goal must be set if a job group has less than 7% employment of individuals with disabilities.

- Establish specific action-oriented programs to address any identified problems.
 - Determine if impediments to employment exist by examining personnel processes, effectiveness of outreach and recruitment, audit results, and other relevant areas.
 - Action-oriented programs may include modification of personnel processes, alternative or additional outreach and recruitment, etc.

Protected Veteran Hiring Benchmark Requirements

- Establish annual hiring benchmark for each AAP establishment by either:
 - Using the national percentage of veterans in the civilian labor force as posted on the OFCCP website at the time of the AAP²; or
 - Calculating a different figure using a variety of data sources (e.g., percentage of veterans in the contractor's state for the past 3 years, number of veterans who participated in the state's ESDS over the previous 4 quarters; the applicant and hiring ratios for the establishment; outreach and recruitment assessments).

- Document the benchmark in the AAP and maintain documentation for 3 years.

² DCI recommends using the benchmark set by OFCCP, unless your calculated figure is higher than the OFCCP's benchmark.

Audit & Reporting System

Document the actions taken to comply with audit and reporting requirements, including:

- Measure the effectiveness of the affirmative action program;
- Indicate any identified need for remedial action;
- Determine the degree to which objectives have been obtained;
- Determine if known protected veterans/individuals with disabilities had opportunity to participate in all company sponsored activities;
- Measure compliance with specific affirmative action plan obligations.

Maintain documentation for 2 years.

Periodic Review of Personnel Processes and Mental/Physical Qualifications

Periodically assess existing personnel processes to determine whether they screen out qualified individuals with disabilities or protected veterans.

Describe the review and any necessary modifications to personnel processes or development of new processes and include the description in the AAP.

Create and adhere to a schedule for the review of all physical and mental job qualifications to ensure any qualifications that eliminate applicants are job-related and consistent with business necessity.

With regard to the review of Personnel Processes and Mental/Physical Qualifications, contractors must document:

- The date(s) when the assessment(s) occurred,
- Actions taken as a result of the assessment(s), if any, and
- The date(s) when the next assessment(s) will occur.

Examples of compliant job qualification reviews include:

- Choosing a specified number of job titles a year for review that your organization is comfortable with documenting,
- Reviewing job descriptions before jobs are posted,

- Reviewing requirements for jobs that have changed.

Assessment of Outreach & Recruitment Efforts

- Develop a plan to review the effectiveness of outreach efforts for each affirmative action program.
- Conduct an annual self-assessment of outreach and recruitment.
 - The goal is to investigate whether the sources used to attract and place veterans and individuals with disabilities were effective.
 - Include the 44(k) data collection metrics for the current year and two most recent prior years in the evaluation.
 - Consider additional evaluation options, including conducting a trend analysis to track representation over time and/or calculating return on investment (ROI) for veteran and disability-related events that you sponsored or attended.
- Document evaluation of each outreach/recruitment activity, including:
 - Criteria used³, and
 - Conclusion about effectiveness.⁴
 - Maintain documentation for 3 years.
- If totality of efforts were not effective, you must implement alternatives.

³When available, will be expected to incorporate data from the “data collection analysis” in criteria (i.e., number of veterans/disabled applied vs. hired in comparison with all other applicants and hires).

⁴Method for determining “effectiveness” not specified in regulations; must be “reasonable” to OFCCP.

Recordkeeping

- If the organization has fewer than 150 employees and less than \$150,000 in Federal contracts:
 - Keep any employment or personnel records for one year after the record was made or the personnel action was taken, whichever is later.
- If the organization has more than 150 employees or more than \$150,000 in Federal contracts:
 - Keep any employment or personnel records for two years after the record was made or the personnel action was taken, whichever is later.

- Keep the following records for 3 years:
 - Annual evaluation of outreach and recruitment efforts,
 - Data collection analysis and,
 - VEVRAA hiring benchmark.
- If a complaint, compliance evaluation or enforcement action is initiated, all related records must be kept until a final disposition is obtained.

Providing Documents to OFCCP

- Permit access to records during normal business hours for on-site compliance, evaluation and complaint investigations.
- Provide off-site access, including electronic records.
- Upon request, advise OFCCP of all format(s), including electronic formats, in which records are available. Provide records to OFCCP in the format they choose from those available.
- Determine records likely to be requested by OFCCP (e.g., selection policy, applicant and employee records).
- Identify the formats in which these documents are kept (e.g., paper copy, pdf, and spreadsheet).
- Keep a list of this information for reference purposes in the event of an audit.

VETS-4212 Filing

- Federal contractors and subcontractors with annual contracts of \$100,000 or more must file a VETS-4212 report no later than September 30 of each year. Detailed instructions found [here](#).
 - Report general protected veteran hiring and employment numbers by EEO-1 category.
 - Contractors with 10 or fewer hiring locations have the option of submitting their VETS-4212 report by paper format.
- Contractors with more than 10 hiring locations must file electronically through the VETS' web-based filing system or by mailing the reports saved on an electronic storage device to the address above.