

September 26, 2017

OFCCP Seeks Contractor Input on Making Compliance Assistance More Practical and Collaborative

On September 20, 2017, Michael Best attended the OFCCP Compliance Assistance Town Hall meeting at the Department of Labor Headquarters in Washington, D.C. This was the first of three sessions scheduled to gather input on what contractors believe the OFCCP could do to improve its compliance assistance efforts. There also will be meetings in San Francisco on September 26th, and Chicago on September 28th. In addition to participants from industry, nonprofits, quasi-governmental organizations, and consultants, a number of OFCCP National, Regional and local personnel observed the gathering, listening to the suggestions made during the course of the three and half hour session.

Thomas Dowd, Acting OFCCP Director, welcomed participants, stressing that the OFCCP is sincere in its plans to enhance compliance assistance for contractors. He first assured attendees that despite rumors to the contrary, the OFCCP is committed to its neutral administrative plan in making compliance evaluation selections, and there has not been and will not be any attempt to link seeking compliance assistance and the scheduling of evaluations. He encouraged attendees to think creatively about ways for the agency and contractors to work together, citing as an example but not as an indication it was currently under discussion at the OFCCP, a suggestion he heard at the August 2017 Industry Liaison Group National Conference in San Antonio that attendees at compliance assistance sessions receive a two-year pass on compliance evaluations for their specific facility.

The remainder of the session involved small and large group discussions on ideas for improved OFCCP and contractor collaboration and learning. The meeting facilitator noted all of the suggestions and, after the three town hall meetings are completed, will prepare a report for the agency. In response to questions, Mr. Dowd indicated that the agency would

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consider releasing at least some information about the final report.

Ideas Generating Discussion:

- Increasing use of webinar training – having industry specific and/or shorter, single topic sessions and developing an on-demand library so contractors could access the information as needed when creating and implementing their AAPs.
- Making the OFCCP website more user friendly – perhaps combining a Wiki format (text with hot links to more information and links in the margin to associated ideas) with a “live-chat” feature common in retail websites.
- Forming teams consisting of representatives from contractors and the OFCCP to “beta test” new compliance initiatives.
- Creating more technical assistance documents, including targeted compliance check-lists and sample trainings for managers and employees.
- Developing a Contractor Bill of Rights – establishing what contractors can expect of the OFCCP during compliance evaluations and what the OFCCP can expect of contractors (from an idea originally contributed by Michael Best to a small group discussion).
- Starting compliance evaluations with a project plan that includes anticipated (but flexible) time frames as well as plans for check-ins so that contractor personnel can adjust their workflow to both do their jobs and meet OFCCP deadlines for information requests.
- Offering compliance assistance sessions for applicant tracking vendors – perhaps including certificates of completion and including contractors as presenters to discuss difficulties using current systems.
- Offering in-person, targeted sessions so that those in HR implementing the AAPs could bring relevant internal stakeholders (for example, bringing the Talent Acquisition Manager to a session on conducting internal and external database applicant searches).
- Implementing a hot topics quarterly newsletter or otherwise publicizing issues commonly found in compliance reviews with ideas on how to fix them.
- Implementing a regularly scheduled review of the website to ensure that all materials are up to date and accurately reflect then current law so that users can be sure they have accessed only reliable materials.
- Creating a modified America’s Job Bank, where contractors would input the information for job listings in one place and then it would be sent to the relevant state workforce agencies, allowing multistate contractors to finally be able to meet their job listing requirements without either state by state negotiations or paying a vendor.
- Providing certification credits for viewing of webinars and training attendance.

Knowing that attendees would likely continue to think about the issues after the session, Mr. Dowd encouraged participants to send in any additional ideas they may have for a more practical and collaborative compliance assistance model for the OFCCP.

Related People

Farrah Rifelj

Partner

fnwrifelj@michaelbest.com

T 608.283.0110

Marion Smith

Director of Employment Relations and Compliance

mcsmith@michaelbest.com

T 414.225.2760

Maryelena Zaccardelli

Senior Director of Affirmative Action Plans & Contractor Compliance

mezaccardelli@michaelbest.com

T 202.747.9567