



**UMassAmherst**  
The Commonwealth's Flagship Campus

**Search Committee  
OFCCP Compliance Training**

**November 2019**

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# OFCCP Mission Statement

At the Office of Federal Contract Compliance Programs (OFCCP), we protect workers, promote diversity and enforce the law. OFCCP holds those who do business with the federal government (contractors and subcontractors) responsible for complying with the legal requirement to take affirmative action and not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran. In addition, contractors and subcontractors are prohibited from discharging or otherwise discriminating against applicants or employees who inquire about, discuss or disclose their compensation or that of others, subject to certain limitations.

# Equal Employment Opportunity

What are the Basic EEO Requirements of a Federal Contractor?

- ✓ Adhere to Affirmative Action & Non-Discrimination policy
- ✓ Post EEO poster in highly visible area
- ✓ Include the EEO tag line in employment advertising
- ✓ Keep search records in accordance with OFCCP requirements
- ✓ Permit OFCCP access to search records during a complaint investigation, compliance evaluation, or audit.
- ✓ File an annual EEO-1 report

# Equal Employment Opportunity

## Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

- ✓ **RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN** – Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.
- ✓ **INDIVIDUALS WITH DISABILITIES** – Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

# Equal Employment Opportunity

- ✓ **DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS** – The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).
- ✓ **RETALIATION** – Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws. Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

# UMass Amherst Affirmative Action & Non-Discrimination Policy

The University of Massachusetts Amherst prohibits discrimination on the basis of race, color, religion, creed, sex, age, marital status, national origin, mental or physical disability, political belief or affiliation, veteran status, sexual orientation, gender identity and expression, genetic information, and any other class of individuals protected from discrimination under state or federal law in any aspect of the access to, admission, or treatment of students in its programs and activities, or in employment and application for employment. Furthermore, university policy includes prohibitions of harassment of students and employees, i.e., racial harassment, sexual harassment, and retaliation for filing complaints of discrimination. The Office of Equal Opportunity and Diversity is responsible for formally administering this policy and its grievance procedure.

# Minimum Qualifications

- Minimum Qualifications are qualifications that were advertised to potential applicants or criteria which the posting text established in advance. In addition, the qualifications must be:
  - Noncomparative features of a job seeker (e.g. three years' experience in a particular position, rather than a comparative requirements such as being one of the top five among the candidates in years of experience);
  - Objective (e.g., a Bachelor's degree in accounting, but not a technical degree from a good school); and
  - Relevant to performance of the particular position.

# Minimum Qualifications

- All basic qualifications must be established prior to the selection process.
- Candidates cannot be considered for hire if they do not meet all minimum qualifications as advertised.
  - No substitutions for education or experience unless clearly advertised in job posting
- Desired personality traits cannot be considered a minimum qualification.

# Reviewing Applicant Pools

- Candidates need to be reviewed in a consistent manner and treated similarly throughout each stage of the search process.
  - Determine evaluation criteria prior to screening applicant pool. All applicants need to be evaluated based on the same criteria.
- When narrowing down the pool, consider feedback from all committee members.
- Dispositioning Applicants
  - Applicants should be dispositioned as the search progresses.
  - Disposition codes should reflect each candidates final outcome of the search.

# Reviewing Applicant Pools

- Social Media & Internet Checks
  - Either all candidates need to be checked or none of the candidates are checked.
  - Keep a detailed record of what internet records and social media accounts were reviewed and what the criteria was for the review. These will be maintained with the official search record.
  - If negative information is found from an internet check, consult with Talent Acquisition Consultant or HRBP to inquire about next steps.

# Interview Practices

- Avoid prohibited interview questions
  - During interviews, avoid questions that OFCCP prohibits, including questions relating to:
    - Age
    - Disability status
    - Race
    - Sexual orientation
    - Family details, planning for a family
    - Arrest history
    - Previous and/or current salary

Only ask questions that assess an individual's interest in performing the position's tasks and ones that determine a candidate's basic qualifications, such as past work experiences, degree(s) attained, job credentials, or certifications.

- Take good notes
  - Notes are required to back up selection decisions, and if we ever go through an audit, the agency handling the review will likely dissect so make sure they are objective, and relate to qualifications.

# Search Record Retention

- Search records must be kept for a period of three (3) years. The time is measured from the time the record was created or from the time of the personnel action associated with that record, whichever is later.
  - If an applicant is selected for hire, the record retention period would be calculated from the date of selection rather than the date of application.
- Record Keepers are responsible for maintaining search documentation.

# Search Record Retention

- Records to be kept:

Records Relating to Accommodations	Physical Examinations
Position Descriptions	Applications and Resumes
Position Postings and Advertisements	Interview Notes (electronic and handwritten)
Hire and Offer Logs	Tests and Test Results (if applicable)
Reasons for Non-Selection/Hiring Memo's	Emails Pertaining to the Search

- Records should be kept in a manner where they are easily and readily accessible should the University ever be audited by the OFCCP.

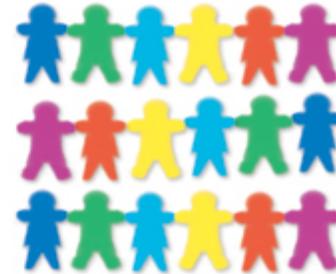
# OFCCP Statistics

## MONETARY RELIEF



Over **\$39 million** – the dollar amount of the monetary relief that OFCCP obtained for employees and job seekers who were discriminated against, January 2017 through September 2018.

## EMPLOYEES RECEIVING MONETARY RELIEF



Over **22,000** – the number of employees and job seekers for whom OFCCP obtained financial relief, January 2017 through September 2018.

## JOB OPPORTUNITIES AND SALARY ADJUSTMENTS



Over **1,200** – the number of job opportunities and salary adjustments for individuals who had suffered discrimination, January 2017 through September 2018.

## SCOPE OF OFCCP'S REVIEWS



Over **1 million** – the number of workers in facilities that OFCCP reviewed for compliance, January 2017 through September 2018.