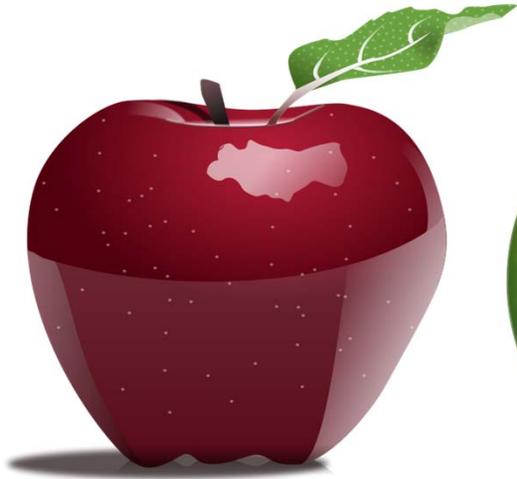


Employing Individuals With Disabilities: The Business Case

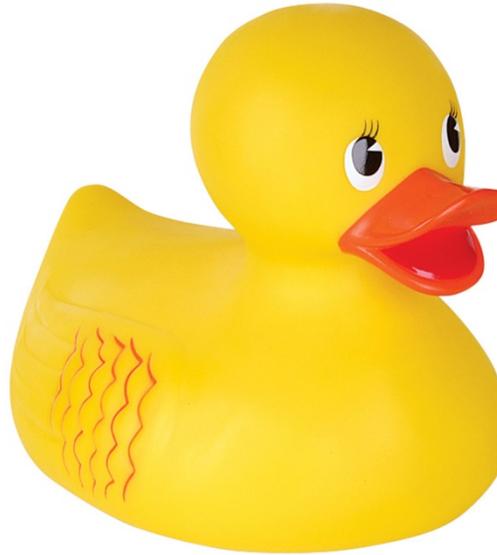
Brenda J Yamagata
Yamagata and Associates







1 out of 4 U.S.
businesses
directly
contract with
the Federal
government



3 out of 4 U.S. workers
are employed by an
organization that
receives Federal funds



The Fine Print



Today's presentation is a source of general information for our friends and colleagues. The content should not be construed as legal advice—please consult with appropriate counsel before acting on materials presented today.



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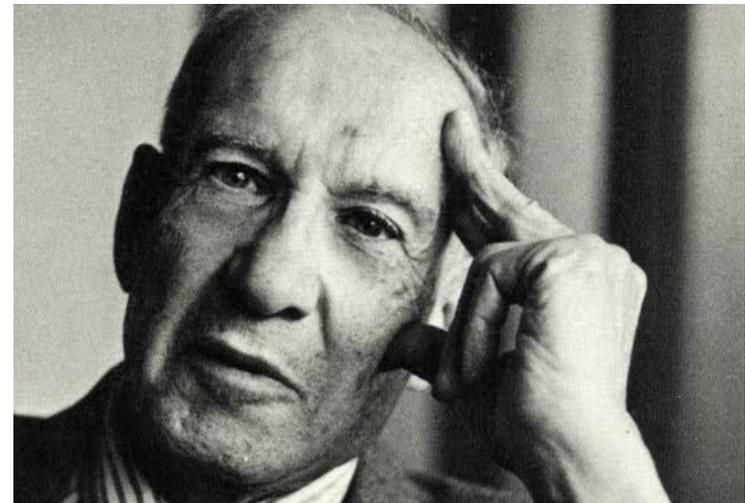
Today's Roadmap

- Individuals With Disabilities (IWDs)—Section 503
- ~~Women and Minorities~~
- ~~Veterans (VEVRAA)~~

Our Shared Objectives

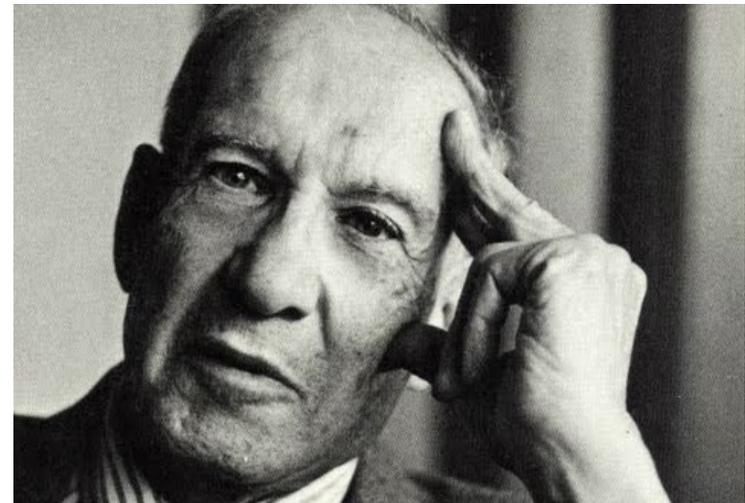
As a leader, reframe your managerial thinking while learning about new Federal recordkeeping regulations

“The bottom line of business is the bottom line.”



Peter Drucker

*“If you don’t
count it, you
can’t measure
it.”*



Peter Drucker

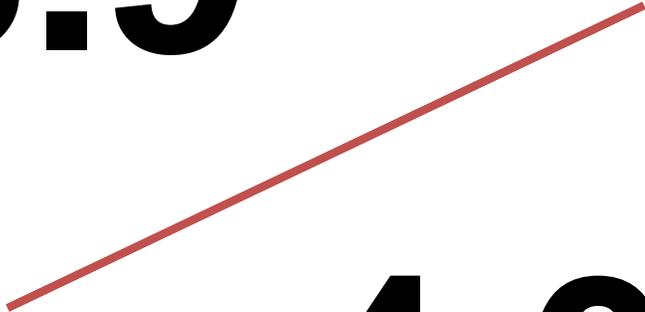


Risk Manager

Utah Unemployment

3.9

4.0



<https://jobs.utah.gov/wi/index/html>

Who Must Create and Maintain AA Plan for IWDs?

1. Government contract: \$50K
2. Bill of lading: \$50K
3. Depository of Federal funds
4. Agent for U.S. savings bonds



Water flows down...

...so do obligations of
Federal money



Transition Year

Community Chest

**GET OUT
OF JAIL, FREE**

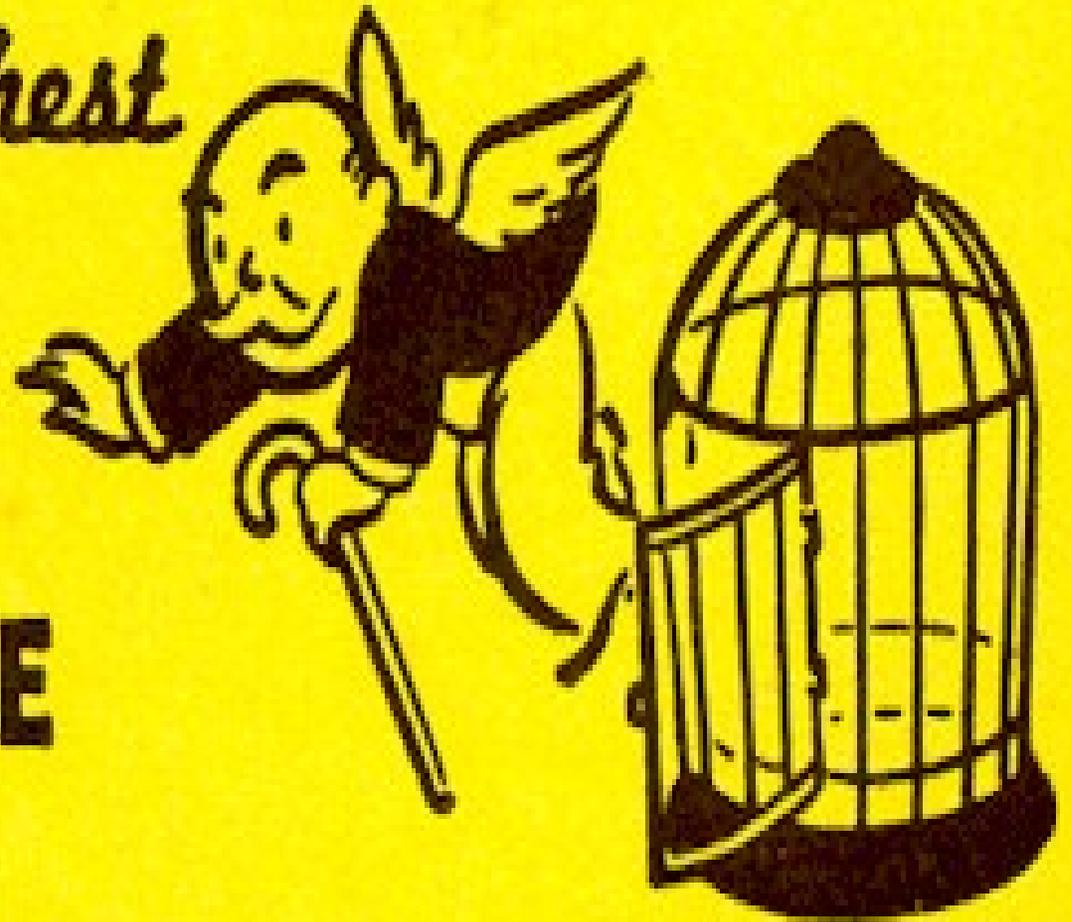


THIS CARD MAY BE KEPT UNTIL NEEDED OR SOLD

© 1951 PARKER BROTHERS, INC.

Community Chest

**GET OUT
OF JAIL, FREE**



THIS CARD MAY BE KEPT UNTIL NEEDED OR SOLD

© 1955 PARKER BROTHERS, INC.

Individuals With Disabilities

Create **aspirational** goals that measure the representation of individuals in the contractor's workforce.

Incorporate by March 24, 2014

- Equal Opportunity Clause
- Policy Statement-Executive Support
- EEO Tagline
- Posting: “EEO is the Law”



503 Requirements

- Pre- and Post- Self-ID
- Post Rights
- Availability of Plans
- Reasonable Accommodation
- Policy Statements



503 Pre/Post Self ID

- Must use OFCCP / OMB approved form
- If formatted for electronic use: include Form number, OMB Control Number, Expiration
- Sans serif, 11 point



503 Requirements

Self-ID Employee Survey:

- First year: Survey entire employee population
- Periodic reminder that employees may change status at any time
- Every five years



503 Requirements

Self-ID Employee Survey:

- Keep information confidential
- Keep survey information separate from personnel / medical files
- Provide information about reasonable accommodations to job seekers



503 Requirements

Self-ID Employee Survey

- Create internal process to record requests and dispositions for accommodations



Posting of 503 Rights

- Rights of applicants and employees; contractor's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants
- No changes available at this time

Availability of AAPs

- 503 plan (without data metrics)
“upon request” to employees and applicants
- May provide electronic access if requestor is able to access electronic version



Evaluations / Surveys

Periodically review personnel processes and make any necessary modifications to ensure that AA obligations are carried out



Evaluations / Surveys

Periodically review personnel processes:

- Physical and mental qualifications
- Reasonable accommodations
- Anti-Harassment Procedures



Evaluations / Surveys

Review (con't)

- External dissemination
- Internal dissemination
- Audit and reporting
- Responsibility of implementation



Evaluations / Surveys

Review (con't)

- Training
- Data collection

Evaluation of Personnel Processes

Components	AA Plan Requirements	Compliance; Date Inspected / reviewed	Remedial / Follow Up
Policy Statement §60-741.44(a))	EEO policy statement posted on bulletin boards	Yes Inspected: 3/24/14	None
	Accessible and understandable to IWDs	No Inspected: 3/24/2014	Change location of statement
	Top executive support	No Inspected: 3/24/2014	New CEO: 5/2014



Outreach / Recruiting

- Annual evaluation
- **Totality** of efforts
- Criteria used to determine effectiveness



Criteria for Outreach/Recruitment

1. Attract qualified IWD applicants?
2. Result in hiring IWDs?
3. Expand contractor's outreach?
4. Increase capacity / capability to include IWDs in workforce?

Assessment of Outreach / Recruitment

Activity	Date	Description	Evaluation
Initial meeting with Executive Director of Utah Governor's Committee on Employment of People with Disabilities	3/25/2014	Participated with Executive Director of Utah Governor's Committee on Employment of People with Disabilities at day-long seminar	Excellent meeting; have agreed to have business liaison from Rehabilitation Services visit our worksite to introduce him/her to our manufacturing operation and discuss placement issues with managers / supervisors; within one month
Job Fair	4/26/2014	IWD Job Fair sponsored by Salt Lake County; South Towne Mall	Very sparse IWD participation—possibly because of job fair location. Spoke to 7 people; none were interested in pursuing current available job opportunities. Will assess future participation due to lack of potential job seekers



Data Collection

- Annual calculation of applicants, job openings and jobs filled, qualified IWDs, number of qualified IWDs hired
- Maintain records for three years

Data Collection Analysis

	2015	2016	2017
Job Seekers who self-identify as IWD, pre-offer	30		
Total number of job openings in establishment	20		
Total number of jobs filled	20		
Total number of applicants for all jobs	375		
Total number of IWDs hired	1		
Total number of applicants hired	20		

Utilization Goals





Determining VEVRAA Utilization Benchmarks

1. National percentage of veterans in civilian labor force
2. Five-factor evaluation



Determining VEVRAA Utilization Benchmarks

1. Average percentage of veterans in labor force in State where contractor is located in past three years
2. Number of veterans, over previous 4 quarters who participated in employment delivery system in State where contractor is located
3. Applicant ratio and hiring ratio for previous year
4. Contractors recent assessments of effectiveness of outreach and recruitment efforts
5. Any other factors: i.e., nature of job openings / locations



VEVRAA Benchmarks

- If 5 factors are used: retain each factor decision for three years
- Apply to contractor's hiring in the AA Plan year by establishment



Utilization Analysis

- Annual
- Compare IWDs by total workforce, EEO-1 group, or AA Plan job group
- Identify problem areas
- Create action-oriented programs
- No sanctions

503 Utilization Thresholds as a Percentage of Employee Population

Number of Employees	Compare Against
Less than 100	Total workforce
Less than 150	Each EEO-1 category
More than 150	Each AA Plan job group

Annual 503 Utilization Analysis

(Total Number of Employees in Establishment: 130)

EEO Job Group	Total # of Emps	# of IWD Emps	Percentage of IWDs	Goal Met?
1.1: Senior Managers	11	0	0%	No
4: Sales	4	1	25%	Yes
5: Admin	30	3	10%	Yes
8: Laborers	40	20	50%	Yes

Identification of Problem Areas

Job groups: utilization goals not met	Problem Areas	Action- Oriented Programs
Job Group 1	Limited outreach; many job seekers not interested in work location	Implement additional recruitment efforts to attract officials and managers

Basic Qualification Screening Questions

Can use; however, Section 503 prohibits contractors from using qualification standards and selection criteria that screen out or tend to screen out an individual with a disability unless contractor can show that the standard is job-related and consistent with business necessity



Essential Functions as Screening Criteria

Cannot use to exclude an individual with a disability if the person can satisfy the criteria with reasonable accommodation.



Template

503 Requirements

Anti-Harassment

- Develop and implement

503 Requirements

Outreach and Recruitment:

- Document outreach and recruitment
- Annual self-assessment
- Retain records for 3 years

503 Requirements

Audit and Reporting System:

- Measure effectiveness
- Remedial action
- Objectives reached
- IWD participation
- Compliance obligations

503 Requirements

Implementation:

- Designate an official

503 Requirements

Training:

- EEO and Affirmative Action training

503 Requirements

Data Collection Analysis:

- Self-identified IWDs
- Total number of job openings and jobs filled
- Total number of applicants
- Number of IWDs hired
- Total number of applicants hired

Utilization Table by Job Group

EEO Job Group	Total Number of Employees	Number of IWD Employees	Percentage of IWDs	7% Goal Met
1	200	15	7.50%	Yes
2	300	12	4.0%	No
4	160	10	6.25%	No
5	400	28	7.00%	Yes
6	500	50	10.00%	Yes
7	1000	85	8.50%	Yes
8	800	58	7.25%	Yes

503 Requirements

Review of Personnel Processes:

- Periodically review
- Equal access to IT personnel processes
- Encouraged: make IT technologies accessible



Reasonable Accommodation

- If: on-line/electronic application system: provide alternative system
- Identification of contact information for accommodation requests



Reasonable Accommodation

- Provide reasonable accommodation to otherwise qualified IWDs, absent undue hardship



Reasonable Accommodation

Employee who is known IWD
having performance issues:

- i. Confidentially inform employee of issue
- ii. Inquire if problem is related to disability
- iii. If so, confidentially inquire whether employee needs accommodation

Self-Audit

Components	AA Plan Requirements	Compliance; Date Inspected / reviewed	Remedial / Follow Up
Policy Statement §60-300.44(a))	EEO policy statement posted on bulletin boards	Yes Inspected: 3/24/14	None
	Accessible and understandable to protected vets	No Inspected: 3/24/2014	Change location of statement
	Top executive support	Yes Inspected: 3/24/2014	N/A

Data Collection Analysis

	2015	2016	2017
Job Seekers who self-identify as protected vets, pre-offer	30		
Total number of job openings	20		
Total number of jobs filled	20		
Total number of applicants for all jobs	375		
Total number of protected vets hired	1		
Total number of applicants hired	20		



Looking Ahead: "To Do" list

Looking Ahead: Buy-In and Support



Looking Ahead: Adequate Budget

“If you plan on doing business with the Federal government, budget accordingly.”



-Patricia Shiu, OFCCP Director

Looking Ahead: Legal Partnerships

- Style
- Knowledge
- Negotiating skills
- When to hold,
when to fold



Looking Ahead: Job Descriptions



Looking Ahead: Compensation / Pay Equity



Looking Ahead: Supervisor Training



Looking Ahead: Your Employee Population

Do your all-hands meetings look like this?



Looking Ahead: Employee Population

Does your
employee
population
look like this?



Looking Ahead: Metrics



- Job seeker specifics
- IWDs
- Job groups
- Disposition: who, when, why
- Comp/Pay

Looking Ahead: Listing Your Jobs



Looking Ahead: Reaching Out



Create
meaningful
relationships
with special
interest
groups

