



Legal Alert: OFCCP Update

3/25/2010

As promised, OFCCP Director Patricia Shiu has ramped up enforcement for covered contractors and has expanded the focus of compliance reviews to include a detailed review of contractors' compliance with Section 503 of the Rehabilitation Act and VEVRAA.

- **OFCCP is giving heightened scrutiny to disabled and veterans issues.**

Contractors selected for compliance reviews should be prepared to provide documentation of outreach and positive recruitment for covered disabled individuals and veterans in the event an onsite is scheduled.

- **The contractor should also be able to document outreach and positive recruitment for individuals with disabilities in accordance with Section 503 of the Rehabilitation Act of 1973 as well as VEVRAA.** The OFCCP is reviewing information such as:

- Number of partnerships with local veteran or disabled organizations;
- Established liaisons with the state work force agency job bank and the Department of Vocational Rehabilitation to facilitate postings of job listings;
- The number of veterans and individuals with disabilities hired during the period under review;
- Recruitment efforts at educational institutions to reach potential applicants for qualified covered veterans and/or individuals with disabilities;
- The number of job advertisements in the local community targeting veterans and targeted recruitment of qualified covered veterans and/or disabled individuals during company career days or related activities within local communities;
- Affirmative steps taken to attract qualified special disabled or covered veterans through the nearest Veterans Administration job placement program;
- The number of on-the-job training opportunities provided to covered veterans and disabled employees;
- Lists of veteran and disabled recruitment sources, contacts for these sources and lists of applicants referred from each source, which includes veteran and/or disabled status and disposition.

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Contractors should ensure that their workplaces are accessible for the disabled. Look at your facility and make sure that individuals with disabilities

can access the personnel office, and that reasonable accommodations are in place to ensure disabled individuals can apply for jobs online or in person.

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The contractor should have available names of the employees who have requested an accommodation under the ADA or the Rehabilitation Act, or used FMLA or USERRA. During an onsite investigation, the OFCCP agent may ask to interview these people. OFCCP will permit the contractor's attorney to be present during an interview of management witnesses. However, attorneys will not be permitted to be present during interviews of non-management witnesses.

For further information, contact the Ford & Harrison attorney with whom you normally work or the attorneys in the Affirmative Action Compliance Group including Bennet Alsher, balsher@fordharrison.com, 404-888-3852; Linda Cavanna-Wilk, lcavanna-wilk@fordharrison.com, 212-453-5923; Michelle Harkavy, mharkavy@fordharrison.com, 901-291-1533; and Karen Tyner at kytyner@fordharrison.com, 864-699-1134.