



HR GUMBO

a vibrant conference centered around how HR, AAP, Inclusion, and Pay Equity intersect to create a beautifully balanced work culture.



Audit Preparation

Applicant Tracking &
Compliance Integration



Audit Preparation

Applicant Tracking &
Compliance Integration

What are we talking about?

What is the origin story?

Why are we talking about this?

What happens if we don't talk
about this?

Speakers



Bryan Ishmael
Senior Consultant



Paul McTaggart
Consultant



Affirmative Action

Color
Rehabilitation Act
Inclusion
Federal Contractor
Non-segregation

Race
Diversity
Subcontractor
Sexual Orientation
Women's Suffrage

Religion
Great Depression
Disability
Section 503
UGESP

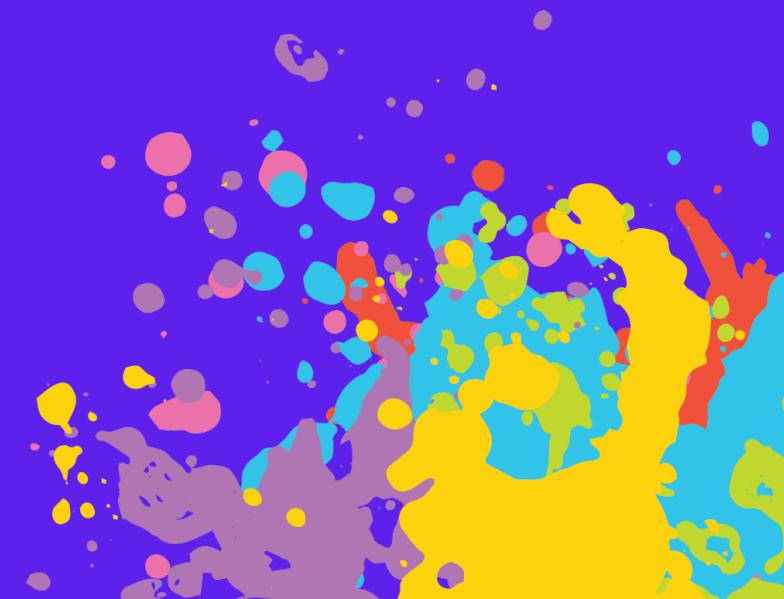
FMLA
Equity
Ethnicity
Gender Identity

Reconstruction
Protected Veteran
Equal Pay for Equal Work
Executive Order 11246
Maternity Leave
1964 Civil Rights Act
Underutilization
VEVRAA
Action-Oriented Programs
Anti-Harassment
Federally-Assisted
Marital Status
EEO-1

Reasonable Accommodation
Direct Federal Contractor
Outreach
Genetic Information Nondiscrimination Act
VETS-4212
Compensation
Good Faith Efforts
Americans with Disabilities Act
National Origin
Equal Employment Opportunity Commission
Department of Labor
Directive 2022-01

What is Applicant Tracking?

The process of documenting the movement of candidates for job opening(s), both internal and external.



Basic Requirements: Applicant Tracking



SYSTEMS IN PLACE



RECORD KEEPING &
DOCUMENTATION



TRAINING

Basic Requirements: *Systems in Place*

1. Applicant Tracking System
- 2. Self-ID & Postings and Notices
3. Processes for Reasonable Accommodations
4. Job Listing/Job Distribution

Common Pitfalls: Applicant Tracking



Paper Resume & Open Applications



- Bias
- Accepting multiple forms of “expression(s) of interest”
- Considered for which job opening(s)?

Self-ID, Postings & Notice Requirements

- Pre & Post-Offer
- Know Your Rights
- Pay Transparency
- EEO Tagline & Notices



Requisitions



- Requisition ID
- Job Listing(s)
- Job Groups & Titles

Requisitions: Job Groups & Titles

| Job Title | EEO Job Category | Job Group |
|-------------------------|------------------|-----------|
| Chief Executive Officer | 1.1 | A |
| Financial Manager | 1.1 | A |
| Financial Manager | 1.2 | A |
| Operations Manager | 1.2 | A |
| Accountant 1 | 2 | A |
| Accountant 2 | 2 | B |
| HR Generalist | 2 | A |
| Electrician 1 | 6 | A |
| Electrician 2 | 6 | B |
| Electrician 3 | 6 | C |

Requisitions: Job Groups & Titles

| Job Title | EEO Job Category | Job Group |
|-------------------------|------------------|-----------|
| Chief Executive Officer | 1.1 | A |
| Chief Operating Officer | 1.1 | A |
| Financial Manager | 1.2 | A |
| Operations Manager | 1.2 | A |
| Accountant 1 | 2 | A |
| Accountant 2 | 2 | B |
| HR Generalist | 2 | A |
| Electrician 1 | 6 | A |
| Electrician 2 | 6 | B |
| Electrician 3 | 6 | C |



Evergreen Requisitions

An **open** position in an applicant tracking system that may not have a pre-defined number of job opportunities and/or closing date

A **single** requisition ID remains open over extended periods of time



NO VACANCY



Internet Applicant



1. The individual submitted an expression of interest in employment through the internet or related electronic data technologies;
2. The contractor **considered** the individual for employment in a particular position;
3. The individual's expression of interest indicated that the individual **possesses the basic qualifications for the position**; and
4. The individual, at no point in the contractor's selection process **prior to receiving an offer of employment** from the contractor, removed himself or herself from further consideration or otherwise **indicated that he/she was no longer interested in the position**.

“Consideration”

Job experience must be listed within a submission of interest for consideration.





What is a Disposition?

Reason(s) for Non-Selection for
any given candidate.

Example: Dispositions

Requisition: **AUDIT202410**
Job Opening: **Auditor (Finance)**

Basic **Objective** Job Qualifications

- A. 3 years of relevant professional experience
- B. Bachelors' degree (Finance)
- C. Understanding Risks & Controls within industry

A. NO
B. NO
C. YES



A. NO
B. NO
C. NO



A. YES
B. YES+
C. YES++
D. YES

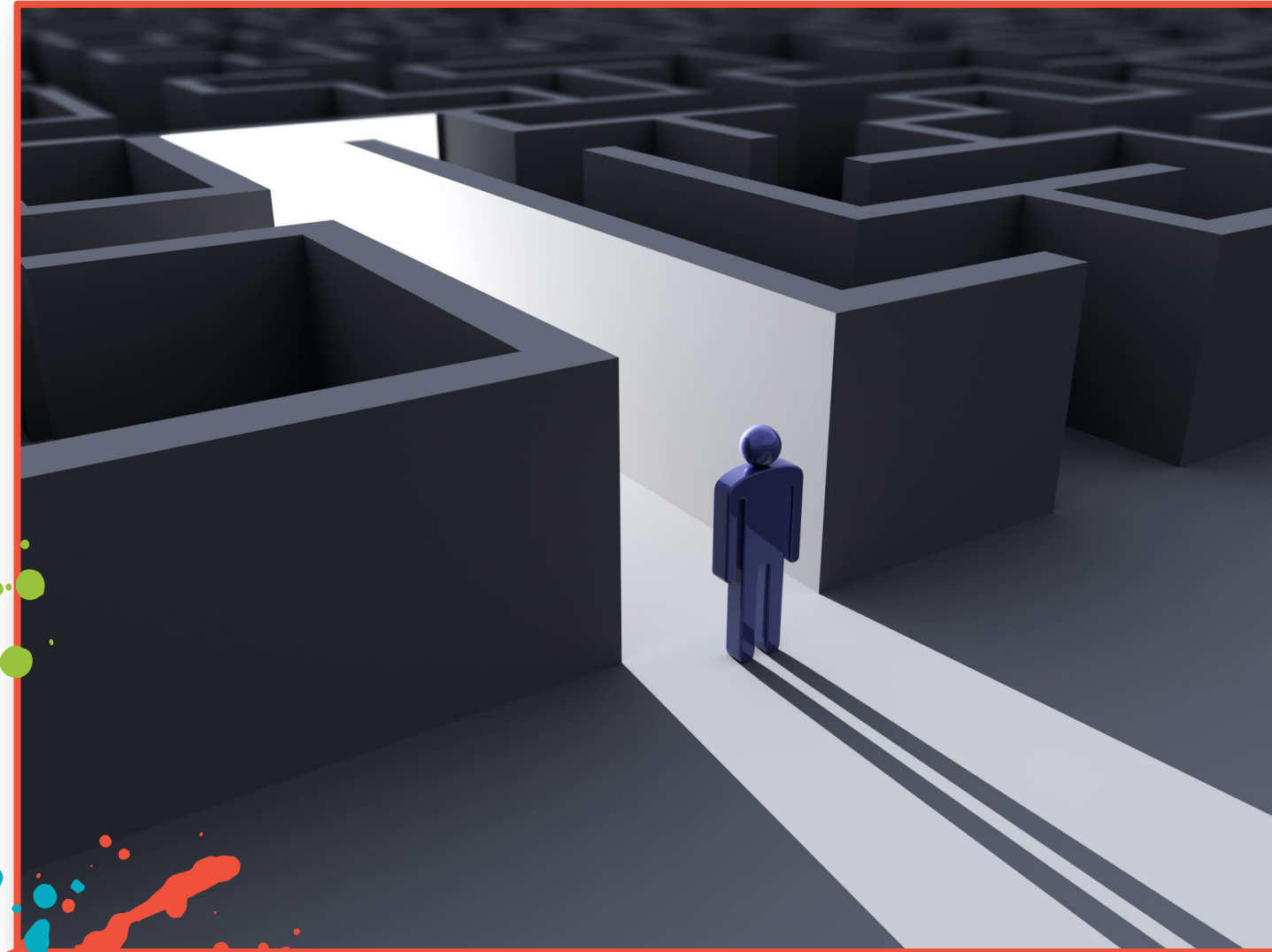




Sample: Proper Dispositions

1. Submission of Interest Not Reviewed/Considered
2. Automatically Disqualified
3. Did Not Meet Basic Qualifications of Job Listed
4. Met Basic Qualifications – Not Selected
5. Applicant Withdrew From Consideration – Pre-Offer
6. Offer Made – Candidate Declined

Sample: Improper Dispositions



1. Not a Good Cultural Fit
2. Not Selected
3. Phone Screen
4. Hiring Manager Interview
5. Overqualified

Case Study: Improper Dispositions



- 500 candidates resulting in 25 new hires within entry-level Job Group (Operatives)
- All hires tied to unique requisitions



Case Study: Improper Dispositions



- 25 candidates with disposition of “Hired”
- Remaining 175 candidates had ambiguous dispositions preventing their removal from “applicant pool”.

E.g., “Not Selected”, “Application Reviewed”, “Phone Screen”



Case Study: Improper Dispositions



- 275 Applicants (**not hired**) remained on Audit Flow Log
- Improper dispositioning created adverse impact for Hispanic or Latino applicants
- **Unwarranted:** candidates did not meet the definition of an “internet applicant”



Hiring & Selection Procedures

- Objective of the policy
- Posting and recruitment guidelines and sources
- Steps of application process

Sample: Hiring & Selection Procedure

Sample Hiring Step Narrative

Step 1

Candidates' submissions of interest(s) to open requisitions are reviewed for qualifications where, depending on requisition, a review may include phone screening with recruiters.

Recruiters: <Recruiter Name #1>, <Recruiter Name #2>, <Recruiter Name #3>

Step 2

Those candidates possessing the basic objective qualifications for open positions are then forwarded to the designated Hiring Manager (HM)

Hiring Managers: <Hiring Manager Name #1>, <Hiring Manager Name #2>






Record Keeping & Documentation

You must maintain at least three (3) years worth of:



- ❑ Targeted Meaningful Outreach Efforts & Job Listings
 - ❑ Self-ID & Postings and Notices
 - ❑ Applicant Profiles/Resumes
 - ❑ Dispositions (Reasons for Non-Selection)
 - ❑ Reasonable Accommodation Request(s)
- 

Soliciting Demographic Information



OFCCP permits contractors to invite “applicants” to self-identify and collect demographic data regarding race, gender, ethnicity, disability and veteran status...”

Training

| | |
|-------------|--|
| Develop | Develop, participate in, and/or upgrade equal employment opportunity/affirmative action training for HR Managers, Supervisors, and Recruiters. |
| Document | Document specific training efforts and topics covered. Track attendees. |
| Communicate | Communicate training obligations and opportunities to HR Managers, Supervisors & Recruiters at least annually. |

Training

- Equal Employment Opportunity Responsibilities
- Reasonable Accommodation(s)
- Anti-Harassment & Non-Retaliation Policies and Procedures
- Maintaining Applicant Flow Log, including walk-in applicants
- Reasons for Non-Selection
- Hiring & Selection Procedures
- HR Manager/Supervisor Training

Keep in Mind . . .

Your employment practices must be uniformly & consistently applied, and neutral in terms of race, ethnicity, gender, and other protected factors...

Case Study: Adverse Impact – New Hires

February 2024

- \$443k = financial remedies
- Systematic Hiring Discrimination

GE Aerospace denied qualified females into Manufacturing Ops Associate positions



GE Aerospace



outsolve.com

Case Study: EEOC Lawsuit

April 2024

Convenience Store Chain Hit with Discrimination Lawsuit

EEOC seeking Sheetz Inc. to offer jobs, back pay, and benefits (retroactively) to applicants denied employment.





Conciliation Agreements

Additional Reporting to OFCCP

New reporting and modifications necessary due to recent conciliatory agreements:

OFCCP MONITORING PERIOD

- Three (3) Year Recordkeeping
- Annual Progress Reports
- Financial Remedy Reporting
- Reports on Job Offers
- Reports on Modifications to Personnel Practices

OFCCP has the right to initiate legal proceedings & CA due to any violations by contractor.

Compliance Integration

1. Utilize capable Applicant Tracking System(s)
2. Clearly define Basic Qualifications for Job Openings
3. Define processes for Reasonable Accommodations
4. Utilize requisitions for each unique job opening
5. Utilize descriptive dispositions for Applicants
6. Ensure Employment Selection Procedures are non-discriminatory, valid, and consistent
7. Investigate causes for disparities
8. Evaluate the effectiveness of outreach efforts



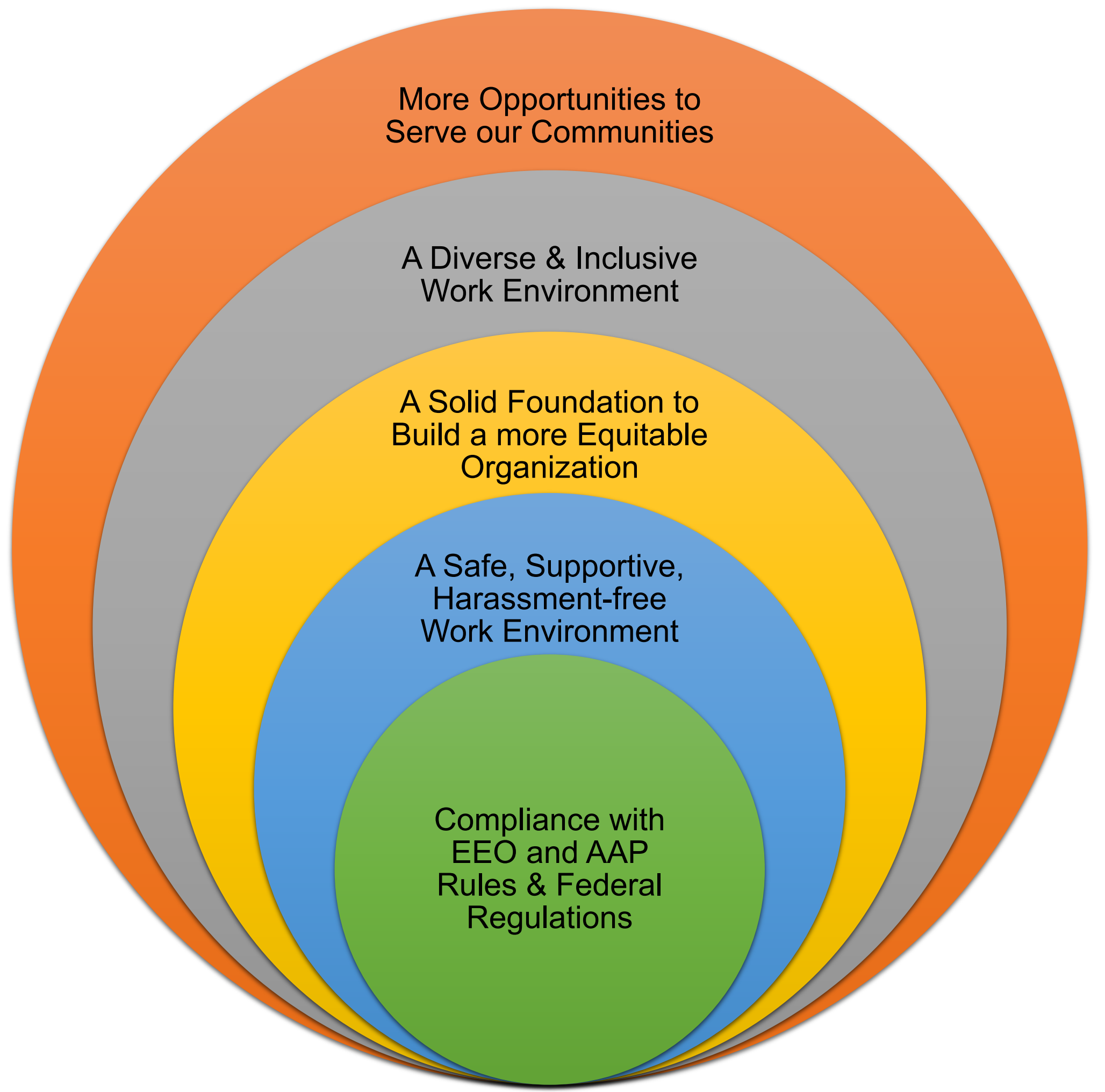
Lessons Learned

In the absence of documentation, the assumption is that the company is guilty of some form of discrimination.





What Are We Achieving?





What Are We Achieving?



