

NWX-DOL ESA OFCCP

Moderator: Lisa Jordan

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1:00 pm CT

Coordinator: Welcome and thank you all for standing by. At this time, I would like to inform all participants that your lines have been placed on a listen-only mode for the duration of today's presentation. Today's call is also being recorded. If anyone has any objections, you may disconnect at this time. And I would now like to turn the call over to Miss Lisa Jordan. Thank you. You may begin.

Lisa Jordan: Thank you and welcome for joining us today. As the Operator said, my name is Lisa Jordan. I'll be your host, and I'm the Branch Chief of Training and Education and Program Development here at OFCCP.

And before I turn it over to your presenters, first, I would like to welcome two people from our leadership, Michele Hodge, our OFCCP Deputy Director, and Tina Williams, the Director of OFCCP Policy Division.

And I'll turn it over to Michele for some opening remarks. Michele?

Michele Hodge: Hi, everyone. Thank you, Lisa, for that introduction and allowing me to kick off this important Construction Compliance Assistance Training.

I am excited to see the number of participants growing, and I'm very excited to know that we are starting with a very interested Contractor universe on how to remain in compliance or learn what are the best practices that they can use.

So, OFCCP is committed to utilizing increased investment in its budget to strengthen its enforcement efforts and increase construction Contractor commitments to the equal employment opportunity and affirmative action obligations.

This year, OFCCP is reinvigorating its construction industry compliance by taking some key steps, including moving from compliance checks to full compliance evaluation, performing desk audits prior to going on site, and increasing construction worker outreach and Contractor compliance assistance.

Through our construction initiative, OFCCP is seeking to identify and remedy persistent barriers that lock qualified women, minorities, people with disabilities and veterans from accessing good jobs in the industry. We want to ensure that underrepresented groups have access to mentorship and training opportunities so that Contractors are not engaging in occupational segregation by assigning certain groups only to menial jobs like cleanup or flagging, and that Contractors are offering all workers the ability to develop the necessary skills to advance their career in the trades.

As OFCCP enters the construction space, we know that we have a lot to learn from all of you on how we can continue to improve our efforts in the construction industry and specifically, our Contractor compliance assistance effort.

I want to thank Tina, Lisa and the entire Training Branch for all the efforts to bring this dream to fruition. And Tina, I'm going to turn it over to you now.

Tina Williams: I'm going to keep my remarks very brief today and just simply say a welcome, we are excited to roll out this construction effort, and we look forward to working with all of you in the future. You can expect to receive a series of guidance documents being posted to our landing page and other sessions that we'll be scheduling throughout the course of this year.

Lisa Jordan, please take over.

Lisa Jordan: Thank you all. Absolutely. Thanks, Tina. So, let's introduce our presenters for today.

Next slide. And who we have with us today are Victor Rodriguez, and welcome Victor. Victor joined OFCCP in 1993 as a Compliance Officer in the Annapolis office. Since that time, he has worked in various capacities in the Philadelphia and Baltimore District Offices and also worked in the Dallas Regional Office.

Since 2004, he has been with the Northeast Regional Office, and he currently works as the Training and Functional Affirmative Action Program Coordinator.

With him today is Marlene Williams. Marlene started with the Agency in 1987. She held numerous positions throughout her career. She was also a Compliance Officer and Assistant District Director. She worked in the Philadelphia Richmond area and the Mountainside District Offices.

And in 2019, she was promoted to OFCCP's Mid-Atlantic Region, where she's currently works as a Director of Outreach and Education. I welcome them both.

Next slide. We're just going to go over our Agenda. We have quite a bit to cover. Today's presentation will highlight equal employment opportunity and affirmative action obligations of federal Contractors and Subcontractors on federal construction projects, and the new construction scheduling letter and compliance review process.

We have an ambitious, as you can see, Agenda with a lot of information to cover. And at the end of this presentation, we really hope that you will become more familiar with our mission, federal construction, jurisdiction, geographic locations and participation goals, affirmative action obligations and the posting requirements, specific construction Contractor obligations and the 16 Affirmative Action Steps, federal acquisition regulations. Recordkeeping requirements, the pairing for OFCCP compliance evaluations, developing Written Section 503 and VEVRA Affirmative Action Programs and additional requirements.

At the end of the session, we will try to answer all of your questions. At this time or throughout the entire presentation, please use Chat to submit your questions. We will take time at the end to answer them. We may not be able to get to all of the questions, but we will capture all the questions in Chat and respond to them at a later time.

For more in-depth information, we really do invite everyone on this call, if you haven't already, to take the course, Existing or Construction Compliance Reviews, that's in the Contractor Compliance Institute.

Now I'll turn it over to Victor to take it from here.

Victor Rodriguez: Hi, everybody. Good afternoon. My name is Victor Rodriguez, and I'm with the Northeast Region of OFCCP.

So, let me start off with a general overview of OFCCP. OFCCP, protects workers, promotes diversity and enforces the law. OFCCP, holds those who do business with federal government - both Contractors and Subcontractors - holds them responsible for complying with the legal requirements to take affirmative action and not discriminate.

OFCCP enforces, essentially, three laws, the first one being Executive Order 11246, which applies to employers with federal contracts and subcontracts, and federally assisted construction contracts and subcontracts more than \$10,000. It prohibits U.S. employers from discriminating in their hiring and other employment decisions based on a variety of prohibited factors, including race, color, religion, sex, sexual orientation, gender identity and national origin.

Additionally, the Executive Order prohibits federal Contractors and Subcontractors from taking adverse employment action against applicants and employees or asking about something and sharing information about their pay, or in certain circumstances, the pay of others.

The second one that we enforce is Section 503 of the Rehabilitation Act of 1973, as amended, also known as Section 503, which applies to federal contracts and subcontracts of more than 15,000 and prohibits discrimination against job applicants and employees based on disability.

Section 503 includes a 7% utilization goal for employing Individuals with Disabilities. If you have federally-assisted construction contracts, you're not required to comply with Section 503.

The third one is the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended, also known as VEVRA, which applies to federal contracts and CEO contracts of 150,000 or more, and prohibits discrimination in all personal practices for Protected Veterans. VEVRA includes an annual hiring benchmark for Protected Veterans, which is currently 5.6%. If you have federally-assisted construction contracts, you're not required to comply with VEVRA.

All three - Executive Order, Section 503 and VEVRA - all have affirmative action components that require covered Contractors to engage in certain activities, including outreach and recruitment, data collection, self-audits and assessments. Additionally, all three include quantitative measures in the form of user goals or benchmarks. OFCCP implements these three laws through regulations published in 41 CFR Chapter 60, which is the Code of Federal Regulations, which is also available electronically on the website, ECFR.gov.

Next slide. So, before we can begin to define the types of federal construction Contractors, let's address what construction work is.

Construction work can mean many things. It means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways or other changes or improvements to real property, including facilities providing utility services.

The term also includes the supervision, inspection and other on-site functions incidental to the actual construction. There are two types of federal construction Contractors - the Prime and the Subcontractor.

A Prime is defined as any person holding the contract or held the contract subject to the Executive Order, Section 503 or VEVRA.

A Subcontractor in any person holding a subcontract or has held a subcontract under the Executive Order, Section 503 or VEVRA. Subcontracting is the practice of assigning or outsourcing part of the obligations and tasks that are necessary to performance of a government contract.

There are also two types of federal construction contracts. Number 1 is a direct federal construction contract is an agreement or modification to an agreement entered into directly with the federal government through one of its agencies for the purchase, sale or use of personal property or non-personal services, where the term, non-personal services, includes construction services.

For example, a construction contract awarded by GSA, the General Services Administration, to build a federal courthouse would constitute a direct federal construction contract.

The second type is what we call federally-assisted services construction costs. Any agreement or modification which is paid for in whole or in part from funds obtained from federal government but where the federal government, is not party to the construction contract. Federally-assistance contracts can be funded through, for example, federal grants, contracts, loan, insurance or guarantee.

Federally-assisted contracts are administered by a quote/unquote "applicant," which means that the applicant for federal assistance involving the construction contract or other participant to a program involving a construction contract as determined by the regulation of administering agency - federal agency.

The term also includes such persons after they become recipients of such federal assistance. So, an example of this would be a federally-assisted construction contract could be a contract to build highways or bridges that's funded by federal grants to any State Department of Transportation, like Delaware Department, Transportation, and Maryland Department Transportation - like that.

So, I will use the term, "Contractors" and "construction Contractors," to refer to both federal construction Contractors and Subcontractors, as well as federally-assisted construction Contractors and Subcontractors, unless otherwise stated.

So, next slide. Next, we want to talk about geographical locations and goals. There are two types of geographical locations.

First is called the SMSA, or Standard Metropolitan Statistical Area. And then, there's the non-SMSA, which is the non-Standard Metropolitan Statistical Area.

Each area consists of a cluster of counties which are relatively close in proximity. Some cross state lines. More specifically, they're defined as an area set by OMB, the Office of Management and Budget, that refers to a geographical region with a relatively high population density at its core and close economic ties throughout the area.

Now for participation goals for minorities and women under the Executive Order, they're expressed as percentages of hours worked by the Contractors' aggregate workforce by trade in the geographical area or areas where a federal or federally-assisted construction contract project is located.

For example, for women, OFCCP has set a 6.9% goal that applies across the country. So, that for every 100 hours worked by a Contractor's workforce, a woman has to work 6.9 hours for the Contractor to meet its participation goal for women.

For minorities, OFCCP has unique goals for each geographic area, which can be found in what we call the Construction Technical Assistance Guide, and I'll be referring to that under the abbreviation of TAG. That's Construction Technical Assistance Guide, which you can find on our website. So, it's located in the TAG Appendix P on Page 110.

Next slide. So, there are required postings listing the Notices that I want to go through as construction Contractor. They're required by OFCCP. Now, postings that inform applicants and employees of their rights protected by OFCCP, as well as procedures for filing complaints. These Notices must be provided in an accessible format for Individuals with Disabilities.

Under Executive Order, Section 503 and VEVRA, a federal construction Contractor must comply with specific Notices and post requirements. These requirements are crucial to ensuring that Contractors meet their EEO obligations. So, let's review all of these.

First one is every Contractor covered by EEO laws is required to place the "Equal Employment Opportunity Is the Law" poster prominently on its premises for both applicants for employment and employees to read.

Electronic posting of the Notice, which can be posted on your company's intranet or email to employees, is also acceptable for employees who do not work in a physical location of your company. If your company has an electronic application process, you must use an electronic posting that is stored with or part of the electronic application to notify applicants of their rights.

Second one is OFCCP has produced a mandatory Supplement to this - what I just mentioned - the "EEO Is the Law" poster - and the Contractor is required to use this Supplement until the "EEO Is the Law" poster is updated so that they can be consistent with OFCCP's protections. It, too, must be accessible to all applicants and employees as described before - as I just said before.

OFCCP, of course, also requires federal construction Contractors to post what's called the Pay Transparency Notification Provision and include it in all of their handbooks and manuals. This is used to inform applicants and employees of their rights to discuss, disclose and inquire about compensation and compensation information.

The poster requirement may be accomplished by posting the provision electronically or by posting the provision physically in conspicuous places for applicants and employees to see.

Next would be if a federal construction Contractor has what we call a CBA, or Collective Bargaining Agreement, or any other contract with the Union, then the Contractor must give Notice to that Union that the contract is bound by the

laws OFCCP enforces and is committed to taking affirmative action and not discriminate against applicants and employees on any protected basis.

Now, our sample Notice that would satisfy the OFCCP's requirement, you can find that on Construction TAG Appendix E, Page 77.

The next one is that the OFCCP requires Contractors to include Notices in all solicitations and advertisements for employees. It requires them to say that qualified applicants will be considered without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, disability or status as a Protected Veteran. The use of tag lines in job advertisements is the way Contractors provide that Notice. You can find specific examples of tag lines, again in the Construction TAG, Technical Assistance Guide, on Page 11.

Then, Contractors that are covered by VEVRA must list all employment openings with the appropriate Employment Service Delivery System, or ESDS. In general, the term refers to local American job centers or One-Stop centers, and the state workforce agencies. Listing these employment openings is one type of affirmative action the Contractor can take to recruit and hire qualified veterans.

Then, federal construction Contractors are required to give written Notice to OFCCP within 10 working days of awarding a construction subcontract which is in excess of \$10,000. Applicants for construction contracts, federal agency contracting officers and, in some cases, non-construction Contractors are also responsible for providing this Notice to OFCCP.

Now, the completed forms need to be submitted via email to whichever is your OFCCP Regional Office covering the state where the actual work will be

performed. You can find a list of email addresses in the Construction TAG Appendix S, Page 78.

Next slide. Federal construction Contractors must include three types of formal Notices in their bids and contracting documents. Applicants for construction contracts, federal agency contracting officers, and in some cases, non-construction Contractors are also responsible for providing these Notices.

These Notices are: Number 1, the Notice of Requirements for Affirmative Action to Ensure Equal Employment Opportunity, which is under Executive Order 11246. This Notices has two parts: 1) It notifies potential federal construction Contractors of the established minority and female participation goals in the construction trades in the geographical areas where the construction work will be performed; and then, second, it notifies Contractors about the requirements to provide OFCCP with written notification of subcontracts that exceed \$10,000.

Number 2, The Standard Federal Equal Opportunity Construction Contract Specifications, which is also under Executive Order 11246. These specifications, set for specific EEO obligations and Affirmative Action Steps, often known as the 16 Steps to the 16 Affirmative Action Steps for construction contracts.

Construction Contractors implement the contracts specifications to ensure EEO, Equal Employment Opportunity for women or minorities in the construction trades.

The last one is the Equal Employment Opportunity Clauses, which is under all three - Executive Order 11246, Section 503 and VEVRA - all federal construction Contractors must include equal opportunity clauses in their

subcontracts and purchase orders. There is an equal opportunity clause for each of the laws OFCCP enforces.

These Notices must be included in solicitations for offers and bids on all federal and federally-assisted construction contracts and subcontracts in excess of \$10,000. It also includes grants, contracts, subcontracts, loans, insurance and guarantees involving federally-assisted construction. It must also be included in construction subcontracts that are necessary in whole or in part to the performance of a covered non-construction contract.

They are necessary to inform bidders and Contractors of the binding EEO obligations that come with the federal construction contract. The Notices you can find are also available in the Construction TAG. These are in Appendices G, H and I, which go from Pages 80 to 88.

And now I'm going to turn it over to my co-presenter, Marlene Williams.

Marlene Williams: Thank you, Victor, and good afternoon, everyone. I'm Marlene Williams. I'm the Outreach and Education Director for the Mid-Atlantic region, and I will be covering the 16 Affirmative Action Steps. I will be providing you with information and examples to ensure your compliance under our regulations.

So, to ensure equal employment opportunity under the Executive Order, construction Contractors are required to engage in specific Affirmative Action Steps. These are included in the regulations as the 16 Affirmative Action Steps.

They address work environment, outreach and recruitment and training. As a reminder, these actions are required to occur at both the federal and non-federal work sites in the covered areas for as long as the employer has a

covered federal contract or subcontract. And more information can be found in our TAG, starting on Page 21.

Next, I'll cover the recruitment practices. Contractors shall establish and maintain a current list of recruitment sources, and provide Notice to those sources when opportunities occur, and maintain records of responses.

Contractors shall direct these recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students, and minority and female recruitment and training organizations serving the Contractor recruitment area and employment needs.

Contractors should send written notifications to the organizations, describing the openings, screening procedures and tests to be used in the selection process not later than one month before the date for the acceptance of applications for apprenticeships or other training by any recruitment source.

Contractors shall encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after-school, summer and vacation employment to minority and female youth, both on the site and other areas of a Contractor workforce.

And finally, Contractors shall provide immediate written notification to the Director of OFCCP when a Union or Unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor or when a Contractor has other information that the Union referral process has impeded the Contractor's efforts to meet its obligations.

Next is a training requirement on the Sixteen Steps. So, Contractors shall develop on-the-job training opportunities and/or participate in training programs. Contractors should provide Notice of these programs to its list of community organizations that were previously discussed in the other slide. Contractors should maintain documentation of participation, including any support, such as personnel or equipment given through the program.

Now, examples on how to determine your compliance under this requirement: Maintain documentation of the on-the-job training programs that are available for your employees and information regarding who received that training. And another example would be your participation in local apprenticeship programs, such as providing equipment or personnel to assist with a particular session or an event.

Next, we'll go over the EEO policy implementation. So, Contractors should disseminate this EEO policy annually. The policy is shared both externally with Unions, training programs, and internally with supervisors, managers and employees.

The policy can be shared by mailing it out, including in a company's newsletter, your annual report or by posting it on a bulletin board. It can also be shared electronically and placed in the Contractor's handbook for employees.

Contractors must be certain that their Subcontractors are aware of the EEO policy, but also remember when developing your policy, it must include the name and contact information for the company's EEO Officer, and compliance with these requirements, including having a current EEO policy, maintaining evidence such as copies of letters or emails that show it was sent to employees and externally.

Next, we'll cover the personnel operations that you have to follow as well. So, your Contractor shall conduct, at least annually, an inventory and evaluation of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, such opportunities.

A Contractor shall ensure and maintain a workplace that is free of harassment, intimidation and coercion at all sites and in all facilities that the Contractor's employees are assigned to work.

The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall ensure all foremen, superintendents and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain a working environment, with specific attention to minority or female individuals working at job sites or in a facility.

Also, Contractors need to validate all tests and other selection requirements where there is an obligation to do so under 41 CFR Part 60-3 of the Uniform Guidelines on employee selection procedures.

And Contractors shall ensure that the seniority practice, the job classifications, work assignments and other personnel practices do not have a discriminatory effect by continually monitoring all personnel and employment-related activities to ensure that the EEO policy and the Contractor's obligations under these specifications are being carried out.

And finally, Contractors shall ensure that all facilities and company activities are not segregated except single-user toilets and necessary changing facilities shall be provided to ensure privacy between the sexes.

So, when I say facility, I'm referring to your waiting rooms, work areas, other eating areas, time clocks, locker rooms, any dressing areas, drinking fountains, parking lots, transportation and, if applicable, housing, which could be provided to the employees.

Next, I'll discuss the solicitation for your Contractor activity. So, Contractors shall document and maintain a record of all solicitations of offers for subcontracts from a minority and female construction Contractors and suppliers, including circulations of solicitations to minority and female Contractor associations and other business associations.

So, for example of some best practice that you can do to achieve this is documenting use of minority and female Subcontractors, making solicitations to small disadvantaged businesses and disadvantaged business enterprises with the same frequency as solicitation to larger Contractors, and making all records of these solicitations to small, disadvantaged business and disadvantaged business enterprises, minority and women Contractors associations electronically retrievable.

Also under the 16 Affirmative Steps, there's a mandatory recordkeeping requirements that we'll address next. We'll cover what records you need to keep, and then we'll discuss the invitation to self-identify under the three regulations we enforce.

So, being a federal Contractor, as you know, carries with it the responsibility to retain personnel and employment records, and it's necessary for Contractors to maintain these records not only to be in compliance with OFCCP's recordkeeping requirements, but also to just demonstrate your compliance with the EEO obligations. And without solid recordkeeping practices, a

Contractor will not be able to show OFCCP, for example, that it took all the required Affirmative Action Steps. This requirement applies to all locations where the Contractor performs any federal or non-federal construction work.

So, what records do you need to keep? Records that you must keep include, but are not limited to, documenting pertaining to your hiring, assignments, promotions, demotions, transfers, layoffs, terminations, rates of pay or other terms of compensation, selections for training and apprenticeships, your job postings, your job advertisements, your job applications, resumés, tests, the results of the tests and job interview notes.

But there are some records that must be kept confidential and, like a medical file apart from the application, applicant file or the employee's personnel file. And these will be physical examinations that are being done, or anyone who requests a reasonable accommodation.

But for each employee, a Contractor must keep records that include, at a minimum, their name, address, telephone number, Social Security number, their race, their ethnicity, sex, rate of pay, the construction trade, dates of any change in job status, the hours worked per week, location in which the work is being performed, any Union affiliations, employee Identification numbers, if applicable.

So, now we'll discuss the voluntary self-identification and what that means and the documentation that needs to be maintained under the regulations. So, Contractors needs to invite applicants and employees to voluntarily self-identify. Contractors must not use the refusal to self-identify as the basis for adverse treatment, but to be in compliance, Contractors need to protect the confidentiality of the information provided in response to the invitation to self-identify.

The Contractors are required to keep all information on self-identification confidential and maintain it in a data (analysis) file, rather than in the medical or personnel files of the individual employees. It should not be available to anyone involved in making selection decisions.

So, there's three types of self-identification information that falls under our regulations that you need to comply with. So, Contractors who are covered by Executive Order 11246 must invite applicants to identify their sex, race and ethnicity. OFCCP does not mandate a specific time in the selection process when the applicant data must be requested; only that the applicants must be invited to provide the data before the Contractor makes the job offer.

So, now to determine your compliance under this, I'm going to give you five Guidelines to follow:

1) Solicitation of this information should be made as early in the application process as possible. A Contractor should not wait until after assessing basic qualifications or at the interview stage to solicit the information.

And 2) Contractors are required to solicit this demographic information from all applicants. The invitations should state that the submission of such information is voluntary.

3) Once a Contractor determines when to invite applicants to provide this data, all applicants must be given the same opportunity.

4) All data must be preserved, including the data gathered from social and professional networking Websites.

And 5) Contractor may use post-employment records or visual observation when individuals decline to self-identify.

Now, for those Contractors that are subject to Section 503, you must also invite the applicants to self-identify as an Individual with Disabilities. Contractors must offer the opportunity to self-identify as an Individual with Disability at the pre-offer phase of the hiring process and at the post-offer phase of the hiring process.

Contractor should extend this invitation to self-identify to all of its employees within the first year of being subject to Section 503, and Contractor must extend the invitation to self-identify to all of its employees every five years.

During the intervening five years, Contractors are required to remind employees at least once that they may voluntarily update their disability status at any time. And OFCCP regulations under Section 503 requires Contractors to offer the invitation to self-identify using the Voluntary Self-Identification of Disability form, or CC-305. The OMB authorized this form and it's available on our website, and you can also find this in the Construction TAG at Appendix M, Page 104.

Now, for those Contractors that are subject to VEVRA must invite applicants to self-identify as a Protected Veteran. Contractors must offer each applicant the opportunity to self-identify as a Protected Veteran at the pre-offer phase of the hiring process and at the post-offer phase of the hiring process.

But unlike Section 503, the VEVRA self-identification requirement does not extend beyond the post-offer phase. Also, OFCCP VEVRA regs do not mandate that the Contractor use a prescribed form for self-identification purposes.

Although there is not a prescribed form, invitation to identify as a Protected Veteran must contain the following statement: Statement that a company is a federal Contractor required to take affirmative action to employ and advance in employment Protected Veterans under VEVRA, that the information is being requested voluntarily, the information would be kept confidential, and refusals to provide the information will not have an adverse effect on the applicants or employees, and the information will not be used in a manner inconsistent with VEVRA. And it also should include a summary of the relative portions of VEVRA and the Contractor's AEP. But you can find all this information under our TAG under Appendix N, which starts on Page 106.

So, there's some few more additional mandatory recordkeeping requirements that I would go over, the Internet applicant and how to maintain these records as well.

When establishing your recordkeeping practices, Contractors need to devise a system that captures expressions of interest, such as job applications for both traditional and Internet applicants. You must keep records of all traditional and Internet applicants.

Traditional applicants might express interest in employment orally or by completing an application form, depending on your practice. And an Internet applicant is a person who meets each of the following four criteria:

- 1) Submits an expression of interest in employment through the Internet or related electronic data technology;
- 2) Is considered by the Contractor for employment in a particular position;

3) Possesses the basic job qualifications as indicated in the expression of interest;

And 4) Has not withdrawn from consideration at any point in the contract or selection process before receiving an offer of employment.

So, how can you format these records? So, Contractor may maintain paper or electronic records. Regardless how they preserve the records, they must be accessible to OFCCP during a compliance evaluation or a complaint investigation. So, for example, you must make records readily available for review and in a format that is readable and capable of being copied by OFCCP.

And you may transfer the original paper record to an electronic recordkeeping system if the medium used accurately reproduces the paper original and would constitute a duplicate or a substitute copy of that original paper record, but you have the flexibility to determine the form or the format you use to maintain electronic records, such as the application and resume, and you may opt to keep them in your applicant tracking system or to create paper copies. The same is true for maintaining the results of searches conducted on electronic, internal or external resumé databases.

So, how long should you keep these records? So, federal Contractors will need to keep records for at least one or two years, depending on how many employees they have and the size of their contracts.

So, if you have fewer than 150 employees and do not have a contract of \$150,000 or more, then you have a one-year retention requirement for personnel employment records.

But if you have both 150 or more employees and a government contract of at least a \$150,000, then you have a two-year retention requirement for personnel and employment records.

Please note that for Contractors subject to 503 and VEVRA, there is some additional three-year recordkeeping requirements that apply that will be covered later in the presentation. So, at this point, I'm going to turn it back over to Victor so he can begin preparing you for the compliance evaluation. Victor?

Victor Rodriguez: Thanks, Marlene. So, how do you prepare for compliance evaluation? Well, OFCCP develops a list of construction Contractors and Subcontractors in time to go compliance evaluations. These lists are developed using neutral selection procedures.

Neutral criteria at OFCCP may include, but are not limited to include the size of the projects, the length of the project, the number and representation of the Contractor's trade workforce, and other neutral factors focused on companies at higher risk of non-compliance. OFCCP will provide its methodology for neutrally selecting construction Contractors for compliance evaluation.

In July 2021, OMB approved the new scheduling letter, which enables OFCCP to schedule construction compliance reviews like the S&S review, or Supply and Service review, the construction review, scheduling letter, requests for specific records and data from construction Contractors that OFCCP will use to conduct a desk audit prior to the on-site reviews.

OFCCP Contractor Compliance Institute and Website will include Guidance and frequently asked questions on this new compliance review process for all federal construction Contractors.

OFCCP conducts compliance evaluations to determine a few things: Number 1, whether the Contractor's affirmative action efforts comply with regulatory requirements; whether the Contractor has demonstrated good faith efforts in meeting its affirmative action requirements; whether the Contractor's employment policies and practices are free of discrimination; whether the Contractor has provided reasonable accommodations to Qualified Individuals with Disabilities when doing so would not impose an undue hardship on the Contractor; whether the Contractor needs technical assistance to understand the evaluation process or to ensure that its affirmative action efforts are complete and effective and lastly, how to best remedy any discriminatory practices or other regulatory violations.

Contractors should make sure that an officer of the company who is empowered to meet and discuss policy and to make commitments for corrective action is available during the evaluation if corrective action is necessary.

Next slide. So, what is the compliance evaluation? Compliance evaluation may consist of any or more of the following investigative procedures. We have four essential investigative procedures, which I want to discuss.

The first one being a compliance review. Compliance review is a comprehensive analysis and evaluation of the hiring and employment practices of Contractors.

Number two would be what you call an off-site review. An off-site review consists of OFCCP analyzing and evaluating all the parts of a Contractor's required written AEPs, supporting documentation and other documents relative to the determination of whether the contractor has complied with the

requirements of the regulations implementing the Executive Order and/or Section 503 or VEVRA.

Third one is the compliance check. Compliance check is conducted to determine whether the Contractor has maintained records consistent with recordkeeping requirements found in 41 CFR 60-1.12, 60-741.80, and 60-300.80, as applicable.

The fourth one is a focused review. Focused review is restricted to one or more components of a Contractor's organization or one or more aspects of a Contractor's employment practices.

Next slide. Then I want to talk about Section 503 requirements. As I mentioned earlier, construction employers that have a contract or subcontract in excess of 15,000 are required to comply with Section 503. OFCCP Section 503 regulations, you can find them located at 41 CFR Part 60-741.

These requirements prohibit Contractors from discriminating on the basis of disability in employment, which includes failing to make reasonable accommodations for their known physical or mental limitations for Qualified Individuals with Disability.

The Section 503 regulations also require Contractors to engage in affirmative action to employ and advance employment for Qualified Individuals with Disabilities.

In addition, Contractors with 50 or more employees and a contract of (2,000) or more are required to develop an Affirmative Action Program to ensure equal employment opportunity and foster employment opportunities for Individuals with Disabilities.

Next slide. As we discussed previously, covered Contractors are required to include the equal opportunity clause in subcontracts and purchase orders. The Section 503 Equal EO clause is on our Website and in the regulations at 41 CFR Section 60-741.5a. The EEO clause can also be included by reference, including the statement that you can find in our website and in the regulations at 41 CFR Section 60-741.5d.

In addition, Contractors are required to provide Notice to employees and applicants by posting the "EEO Is the Law" poster and its Supplement. Contractors must also include the EEO tag line in advertisements and specifically mention disability. Contractors also must give Notice to Unions or employee organizations representing workers, maintain personal activity records and allow OFCCP access.

Next slide. The required contents of Section 503 Affirmative Action Programs are spelled out in the regulations at 41 CFR 60-741.44.

Now, we'll only discuss a couple of their required AAP items, the first being outreach and recruitment. Contractors are required to engage in outreach to and improvement of peoples of disabilities, Contractors have flexibility to choose the outreach and recruiting methods that best meet their particular needs.

Examples of outreach include and recruitment may include job mentoring. It may also include posting jobs with community organizations that include disabled veterans - excuse me, disabled clients, not veterans.

However, there are a number of examples and resources available on our website and on the Section 503 landing page in the website. Additionally,

Contractors are required to evaluate the effectiveness of each of their outreach and of their outreach or recruitment efforts, and to reach a conclusion as to the effectiveness of the totality of their efforts.

The Contractor's conclusion in this regard must be reasonable as determined by OFCCP. If the Contractor determines that the totality of its efforts were not effective, it must identify and take further steps, such as alternative methods and efforts.

Contractors are also required to maintain all of their records regarding their outreach and recruitment efforts for three years, including their assessments.

Next slide. Another of Section 503a requirements for Contractors is the recordkeeping requirement, which you can find in 41 CFR Section 741.44k. This requires Contractors to document and update annually several quantitative comparisons for the number of Individuals with Disabilities who apply for jobs and to the number of Individuals with Disabilities that they hire.

Specifically, Contractors must track the number of applicants who are Individuals with Disabilities. That is, applicants who have self-identified as Individuals with Disabilities or otherwise known to be Individuals with Disabilities, and 2) the total number of job openings, the number of jobs filled; 3) the total number of applicants for jobs; 4) the number of applicants with disabilities hired; and 5) the total number of applicants hired.

The purpose of this provision is to fill a data gap that previously existed in Section 503, as there was no structured collection requirement regarding the number of Individuals with Disabilities who applied for jobs with Contractors. It made it next to impossible for Contractors and OFCCP to perform even rudimentary evaluations of the availability of Individuals with Disabilities in

the workforce, or to make any sort of objective assessments about the effectiveness of Contractor outreach and recruitment efforts.

This data must be maintained for three years so it can be used by Contractors to assess trends over time with respect to the effectiveness of their efforts to recruit, hire and remove barriers to equal employment opportunity for Individuals with Disabilities.

Next slide. A Contractor's Affirmative Action Program must include the nationwide 7% utilization goal for Qualified Individuals with Disabilities. The goal is derived from the ACS, or American Community Survey data, regarding the availability of Individuals with Disabilities and include them in estimates of those terms, (discouraged) workers with disabilities to account for historical discrimination and for those with disabilities not currently employed due to discrimination or other employment barriers.

The goal provides Contractors with a quantitative yardstick against which to measure the success of their outreach and recruitment efforts and to help them assess whether and where barriers to EEO may still remain.

The regulations require that Contractors apply these goals to each of their job groups on at least an annual basis. In construction, the goals apply to the construction trades workforce and evaluates the representation of Individuals with Disabilities in each trade.

Unlike the Executive Order participation goals that are applied to hours of work, the Section 503 goals are applied to the number of individuals within each trade. When applying the goal, there is an exception for Contractors with 100 or fewer employees. These small Contractors have the option of applying the goal to their workforce as a whole instead of to each trade.

When the goal is not met in one or more job groups, the Contractor must take steps, such as the effectiveness of personnel processes, the effectiveness of outreach and human efforts and the results of any kind of affirmative action program audit. They must take steps to determine whether and where there may be impediments to equal employment opportunity.

If the Contractor identifies any problem areas, it must develop and execute action programs designed to correct them. It's important to note that simply failing to meet the goal is not a violation and does not carry any penalties. The goal is intended to provide a matching tool for analyzing and assessing workplace processes and affirmative action efforts.

Not applying the goal on the annual basis could be a violation. Not doing the other assessments the regulations require to determine if impediments to EEO exist may be a violation. But the mere fact that the goal is not being met, it doesn't constitute a violation.

Lastly, the regulations provide that the goal is not an employment ceiling or quota and should not be used to limit employment opportunities for any Individuals with Disabilities.

And now I'm going to hand it back to my co-presenter, Marlene Williams.

Marlene Williams: Okay, thank you, Victor. Now we're going to discuss the VEVRA requirements as a federal Contractor. So, construction Contractors that have a contract, remember, of \$150,000 or more also must comply with the VEVRA requirements.

These requirements prohibit discrimination on the basis of Protected Veteran status, requires Contractors to list job openings with the employment service delivery system where the openings occur, and require Contractors to engage in affirmative action to employ and advance in employment Protected Veterans.

So, a quick definition when I say Protected Veterans - this includes disabled veterans recently discharged veterans within the last three years, Armed Forces Service Medal veterans and active duty wartime and campaign (badged) veterans.

But again, please remember, if the construction contract that you hold is a federally-assisted contract, then you do not need to comply with VEVRA. Under VEVRA, there's an EEO clause that we will cover next.

VEVRA also has an equal opportunity clause and like the Executive Order, and Section 503 clauses, must be included in covered subcontracts and purchase orders. It may be included by referencing such statements that can be found on our Website and in the regulations that 41 CFR Section 60-300.5b.

In addition, Contractors are required to provide Notice to employees and applicants by posting the "EEO Is the Law" poster and its Supplement. And Contractors also must include the EEO tag line in advertisements, and specifically mention veterans.

Contractor also must give Notice to their Unions or employee organizations representing workers, maintaining personnel activity records, and then allowing OFCCP access. And also, Contractors must list employment opportunities with the appropriate employment service delivery system.

So, now we'll go over your mandatory job requirements. Under VEVRA, Contractors, again, who have \$150,000 or more must list job opportunities with the appropriate Employment Service Delivery System, or ESDS, where the openings occur.

Contractors are required to immediately list all jobs except executive and senior management positions, positions that will be filled from within the Contractor's organizations, and positions lasting three days or less.

Contractors are required to provide job listing information in a format that is usable by the appropriate ESDS, or the Employment Service Delivery System.

In addition, OFCCP, requires Contractors to provide additional information to the Employment Service Delivery System, including your status as a federal Contractor, contact information for the Contractor, official responsible for hiring, and its requests for priority referrals of Protected Veterans.

This additional information will permit the Employment Service Centers to facilitate the priority referral process. So, just as under Section 503, there's an outreach and recruitment component under VEVRA.

So, Contractors with the 50 or more employees and a contract of \$150,000 or more are required to develop a written Affirmative Action Plan for Protected Veterans. The required AAP elements are found on our Website under 41 CFR 60-300, and on our Website is a sample Affirmative Action Program.

As part of this AAP documentation and assessment of your outreach and recruitment efforts needs to be made. OFCCP regulations allow the Contractor the flexibility to choose the outreach and recruitment methods that best meets their particular needs. Contractor must document each of these outreach and

recruitment efforts and must do an annual written assessment of the effectiveness of each one.

The conclusion in this regard must be reasonable as determined by OFCCP. If the Contractor determines that the totality of its efforts was not effective, it must identify and implement alternative efforts. Contractors are also required to maintain all of their records regarding their outreach and recruitment efforts, including their assessment for three years.

Also under VEVRA, there is a data collection requirement. The Contractors are required to document and update annually several quantitative comparisons for the number of Protected Veterans who apply for jobs and the number of Protected Veterans they hire.

Specifically, you must track the following: The number of applicants who are Protected Veterans. That is, the number of applicants who self-identified as a Protected Veterans or who are otherwise known as a protected veteran. Two, the number of job openings and total number of jobs still. Three, the total number of applicants for all jobs. Four, the total number - excuse me, the number of protected veteran applicants hired and the total number of applicants hired.

Now the purpose of this provision is to fill the data gap that previously existed under VEVRAA, as there was no structured data collection requirement regarding the number of protected veterans who applied for jobs with contractors. This made it next to impossible for contractors and for OFCCP, to perform even rudimentary evaluations of the availability of protected vets in the workforce, or to make any sort of objective assessment about the effectiveness of contractors' outreach and recruitment efforts.

The data must be, excuse me, this data must be maintained for three years so that it can be used by the contractors to assess the trends over time, with respect to the effectiveness of the efforts to recruit, hire, and remove barriers to equal employment opportunity for protected veterans. Also under VEVRAA, there's a hiring benchmark that we will discuss next. The VEVRAA regulations require that contractors set an annual hiring benchmark for protected veterans.

And I suspect your first question may be, is this a benchmark or a goal? No, it's not a goal. And your next question could be well, why not Marlene? The difference between this benchmark and a goal, or put it another way - goals like those under executive orders, serve two purposes. They provide a yardstick by which to measure the success of affirmative action efforts, and they are based on availability and so providing an indication of what should be attainable in the contractor workforce absent workplace barriers.

And in the case of protected veterans however, there really is limited data on availability. And the data that is available is for veterans in general, which is a larger group than a subset of protected veterans. So the benchmark is not a goal, as it simply provides a yardstick against which contractors can measure the success of the affirmative action efforts to recruit and hire protected veterans during the (AP) year.

But it cannot be said to be a number that represents the availability of protected veterans in the workforce. And failing to meet this benchmark is not a violation. And it does not carry any penalties. However, failing to establish a benchmark or failing to conduct the required assessment, could be violations. The VEVRAA regulations provide contractors with two options for setting their benchmarks.

The first that I will cover, is simply to use the benchmark the national percentage of veterans in the civilian labor force, which is currently at 5.6%. This number is also posted on our Web site and is updated annually. Or the contractor can establish its own individualized benchmark taking into account these five factors - one, the average percentage of veterans in the civilian labor force for the state where the contractor is located over the last three years, and this information is calculated by the Bureau of Labor Statistics and you can find this as well on our Web site.

Two, the number of veterans over the previous four quarters who were participants in the employment service delivery system in the contractor's state. And this information was tabulated by the Department of Labor's Employment and Training Administration. And three, the applicant ratio and hiring ratio for the previous year, based on the data collection analysis that was required under 41 CFR Section 60-300.44K.

Four, the contractor's recent assessment of the effectiveness of his external outreach and recruitment efforts. And five, any other factors that could be unique to the contractor, such as the nature of the contractor's jobs or its location that might affect the availability of qualified, protected veterans. A contractor using the five-factor individualized approach, must document not only the benchmark it established, but also each of the factors it used, and the significance to each factor. In other words, tell us what your methodology and reasoning were.

Contractors are required to maintain records relative to the benchmark for three years. This allows contractors to take a long term look as they progress in hiring protected veterans. And finally, there are some additional requirements under VEVRAA that we'll discuss. The EEO one component one data collection report, or the EEO-1 report is for contractors and

subcontractors with 50 or more employees, and with a covered contract or subcontract of \$50,000 or more, must submit this annual EEO-1 report with the Equal Employment Opportunity Commission or EEOC.

More information or how to file this form electronically can be found on the EEOC.gov Web site under Employers EEO-1 data collection. This requirement, excuse me, can be found also in our regulations at 41 CFR 60-1.7A. In addition to the EEO-1 report, there's a (VETS) 4212 or federal contractors' veterans' employment report.

And this report collects and makes available to OFCCP, reported data containing on the Vet's 4212 report for compliance enforcement. The contractors and subcontractors with a covered of contract or subcontract, of a \$150,000 or more, must complete and submit the (VETS) 4212 form each year by September 30th, unless otherwise specified on the Web site under DOL.gov/VETSPrograms/VETS4212.

But this information can be found in the (VETS) Regulations at 41 CFR Part 61-300. And then the final requirement is the Notice of Employee Rights under the National Labor Relations Act. Executive Order 13496 requires that cover contractors and subcontractors provide notice to their employees of their rights under the National Labor Relations Act, the law that governs relations between union and employers in the private sector.

The National Labor Relations Act guarantees the rights of employees to organize and to bargain collectively with their employers, to engage in other protected concerted activity, or to choose not to engage in any such activity. Executive Order 13496 does not apply to federally assisted construction contracts. The required notice may be found in Appendix A to 29 CFR Part 471(a) and also in our construction tab Appendix O on page 108.

Now this concludes the concept portion of our presentation. And I will turn this over to Lisa Jordan, to start the question-and-answer session. Lisa?

Lisa Jordan: Thank you, Marlene. And also, thank you, (Victor), for taking the time to walk us through this. So we received about two dozen or more questions in chat. Some of the chat questions were getting answered, but we do want to take a little bit of time to review those questions. So we're just going to break for just two minutes. Do not disconnect from WebEx. Do not disconnect from your phone. Just give us two minutes and then we'll come back to answer most of those questions. So just for a two minute break.

Operator, if you can just put them back into music-only mode for right now, for just two minutes? Thank you.

Coordinator: Thank you. One moment. Thank you all for standing by. The call will now resume.

Lisa Jordan: So we are back and I'm going to turn it over to some familiar voices that started us today, to answer some of your questions. Tina, if you want to start?

Tina Williams: Yes. Absolutely. Wonderful. So we have gotten a number of questions and we continue to receive questions through the chat box. So we will try to get through these as fast as possible. If not, we will collect them, put together answers and as we continue to provide information in terms of additional guidance and updating and making the presentation and slides available, we'll make the answers to the questions available as well.

So one of the questions we got first is what steps is OFCCP taking to ensure that Executive Order 11246 is updated and working to ensure equitable access

for black workers? This is an excellent question. OFCCP does not have the authority to update the executive order. Only the President can do that.

But what we can tell you is that there are a number of other executive orders that this Administration has implemented and issued. OFCCP is actively working on ways to ensure that we are finding our equity within the equitable access space. We are engaging in conversations with multiple people, including within the construction industry, our trade program, women in construction. So we are certainly aware of these issues and we are trying our best to see what OFCCP can do to lend to this movement.

Our federal aid contract also covered by OFCCP, federally assisted construction contracts are covered by Executive Order 11246. If the contract is for more than \$10,000 they are not covered by Section 503 in VEVRAA. I provided a jurisdiction infographic. There was a question in the box about dollar value thresholds and things of that nature. So some of that information is in the chat box.

Which laws and items must a contractor be in compliance with if they only work on some state construction jobs that are federally assisting as a subcontractor? That was a pretty long worded question, but an employer that is a subcontractor to a prime federally assisted construction contract, is covered by Executive Order 11246 if the subcontract is in excess of \$10,000. I will repeat that answer. An employer that is a subcontractor to a prime federally assisted construction contract is covered by Executive Order 11246 if the subcontract is in excess of \$10,000.

Okay? Are these notices and potentially AAPs required if a construction contractor only works on federally assisted contracts? And one of our participants in the chat through the Michigan Department of Transportation

Projects - so to the answer to that question is federally assisted construction contracts of more than \$10,000 are covered by Executive Order 11246. And that such contractors must comply with the Equal Employment obligations of 11246 and its regulations.

Contractors with solely federally assisted construction contracts, do not need to comply with Section 503 and/or VEVRAA. Again, contractors with solely federally assisted construction contracts do not need to comply with 503 and VEVRAA. There was a question about paid sick leave for federal contractors. I'm going to defer you to our colleagues in the wage and hour division. You should be able to find information to your question on their landing page.

I am going to turn the questions over to my colleague, Deputy Director Michele Hodge. And there was a question about one of the unions, Michele. Do you mind taking that one?

Michele Hodge: Yes, I will. The question is (talk) states, unions tend to fight contractors seeking to recruit to me EEO obligations upon unions failing to refer for their EEO obligations. How is this addressed? Well, the 16 affirmative action steps have certain requirements. One is to disseminate your EEO policy to the unions. The other is to notify the Director of OFCCP if the union's referral process is impeding the contractor's efforts to meet its obligations.

I would suggest definitely having a discussion with the union and determining what availability the union has to refer. If for some reason they do not have a sufficient staff of females, the question then becomes can we possibly look in - can we talk about apprenticeship programs and focus on bringing in - sponsoring an apprenticeship program, which is another affirmative action step? Tina, do you want me to take the next one?

Tina Williams: Yes. Sure. You can answer that one. There was a question about the bathrooms for each gender. Is that required? Please take that one, Michele.

Michele Hodge: Okay. Sure. OFCCP regulations provide that contractors are prohibited from making any facilities and employment-related activity available to only members of one sex, except that if the contractor provides restrooms, changing rooms, showers or similar facilities, the contractor must provide same sex for single user facilities.

I would also want to make sure that when you're providing - if you are providing changing rooms and showers with similar facilities, please make sure that they are comparable in nature. Okay? Let's see. The regulations also prohibit contractors from denying transgender employees access to restrooms, changing rooms, showers, or similar facilities designated for use by the gender with which they identify.

Tina Williams: Thank you, Michele. We got another question about small businesses. I posted a link into the chat box. There was another question that we received - is a tribal ID needed for anyone identifying as a Native American? And the answer to that is no. OFCCP's policy is that deference should be given to an individual self-identification, and it should not be questioned or overwritten by an employer based on the employer's visual observation. We also received a question about the intake form. I responded to that question specifically about employee versus employer.

So I think it depends on what your role is and what your question is. If you have a question about perhaps an EEO obligation, then your question may be based on the perspective of an employer or a federal contractor. If you are an employee and you have a question about perhaps the complaint process, then you would select and identify as an employee. Either way, it does not impact

your ability to engage with OFCCP's help desk and we'll be still very happy to assist you.

What if you have 25 employees, but a contract that is over the \$150,000 limit? Records retention would be one or two years. That was the question. Excellent question. If you have fewer than 150 employees or you do not have a contract of at least \$150,000, then your records retention is one year. The two year obligation is for companies that have 150 or more employees, and their contract is more than \$150,000.

So the next question - Michele, why don't you take this one? Could you please provide the clarification on requirements to seek minority and female students?

Michele Hodge: I'm sorry. I was talking while on mute.

Tina Williams: Okay.

Michele Hodge: Okay. So this is simply a requirement to assure that to the extent contractors do outreach to schools, they must also do outreach to schools with minority and female students as well. It is not a requirement to hire students, and it does not override OSHA laws and regulations regarding hazardous work. If you are offering this type of opportunity to students, we ask that you make sure that you're doing it in a broad pool and you're touching the schools in the area. And again, making sure that your outreach is to minority and female students as well.

Tina Williams: Thank you, Michele. We got another question that asks, why doesn't VEVRAA cover all veterans, including those who served during times of peace? And so the basic answer is the categories of veterans covered by

VEVRAA, are determined by statute. So in other words, Congress has made that decision. OFCCP doesn't have the authority to expand the scope of covered veterans beyond what the statute covers. And so that's the simple answer.

And there was another question about - Marlene, I think that you made reference to stating that the number of veteran applicants includes those who self-identify, or who are otherwise known to be veterans. There's no provision in the VEVRAA reg for assessing veteran status other than through the self-ID process. Is OFCCP's formal position that contractors may do so by using other information provided by the applicant, such as military experience listed on a resume or brought up during an interview?

And the general answer is yes, contractors should defer to self-ID. If the contractor has an objective evidence that an individual is a protected veteran, despite failing to self-identify as such, then the contractor can count that individual as a protected veteran. So I think that we've answered a number of the questions that we've gotten through the chat box. We continue to receive more, but in the spirit of time here, we just want to let you know that we will look at the questions, collectively respond to them.

There will also be links provided to our compliance institute. We encourage you to go there to review the courses, to review the pre-recorded sessions. The slides will be available. The recording will be available. So all of this information will be available at some point. Not immediately following this event. But the information will be posted in the next week or two.

Lisa Jordan has so graciously provided information to the Contractor Compliance Institute link, the help desk information, and our Web site. Now we strongly encourage you to visit it as well, for additional information. This

was the start of our new construction efforts for fiscal year '22 with this webinar. And we wanted to let you know that there's much more to come.

We are working on developing a series of webinars that will be delivered to the contracting community. There is going to be additional sub-regulatory guidance to include FAQs, best practices, and additional resources. Deputy Director Michele Hodge and myself, are also going to be trying to find alternative ways to engage with our stakeholder community, both those in the contracting space, those that serve as advocates, the workers' rights spaces, so we're trying to actively find ways to partner with all of our stakeholders on our construction initiative, because our goal is to really make an impact in this space.

OFCCP has not been in the construction space for about five years now. And we are trying - yes, I'm sorry. And we are trying our best to get back into this space actively; we are trying to address issues that have been raised in the past. I know that many of you are aware of our OIG pending recommendation that discusses placement goals.

We are aware that you all are aware of that. And I want you to know that the agency is actively trying to find alternatives to what we can do within that space with a placement, both because the data and Census data is so old. So there are a number of things that we are considering at the time and we will be sure to message this through our (Gov Delivery) as we do.

And thank you so very much for your time and attention today. I'm going to turn it back over to Lisa Jordan. I'd also like to thank all of the presenters today. And Michele, thank you for assisting me and (hear) you as well with answering some of the questions and managing the chat box. I thank you all so kindly. Lisa, if you will, please?

Lisa Jordan: Yes. Thank you, Tina. Thank you, Michele. And thank you, Marlene and (Victor), for taking the time to walk us through this. At this point in time, we're going to close our presentation. We left the contact information slide up where you can find a lot of our information. We tried to provide quite a number of hyperlinks in the chat referencing the Construction Technical Assistance Guide, which is on our Web site and free to download.

So please take advantage of that. And also take an eLearning course that is in our Contractor Compliance Institute portal, which is our eLearning course training forum platform for stakeholders, to take advantage of what we offer. So thank you, everyone and have a great day.

Coordinator: Thank you. That does conclude today's conference. Thank you all for participating. Participants, you may disconnect at this time.

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