

July 6, 2020.

>> July 6, 2020. Webinar. We will begin shortly. The webinar will begin shortly.

>> Please remain on the line the webinar will begin shortly. I am turning over to director craig Leen. Thank you very much Paul for your participation here craig, Patty and Bob thank you for your participation. A lot has happened since we met. We are doing this virtually instead of face to face. It's too bad that we can't be together but we all know why. Here we are virtually almost 600 people right now on this call. We are together in a way virtually to do what we do every year thank you again for participating. Thank you for our sponsors. The sponsors are very important NILG and to our success. They have helped us with the expenses of the virtual

conference and the expenses of the 2020 obviously unable to have because of the COVID emergency's. Thank you very much for all of our sponsors that come with us every year it's very important obviously this year too. The mission of the NILG is very important. I am not going to read all of this. I think many of you have seen this before, but what I want to stress to the presentation is the partnership that we have with OSCC ODEP with disability IN, practitioners, members of regional ILG's and people who live affirmative action and our contractor community all coming together to ensure equal access on discrimination. Thank you for the work you do. Thank you for working with the NILG in these important areas. Thank you to our ILG's there are about 60 ILG's across the

country and across the world. If you are not a member of an ILG please go to the national ILG and find the local contact information for your local ILG. IT'S a great place to exchange information and you show up and you don't have to explain what the national recruiting area. People know what you do and there's a lot of information and comradery. If you are not a member please join. It's very important. NILG's are created as a way of gathering information and presenting it to the agencies so that we can have a good discussion about what is important and to do our jobs. We need your participation in that process so if you are not a member please join them. A lot has happened since the 2019 conference. We have continued work onto our memorandum of understanding of O SCCP. Our

office conversations with craig,
Patty and Dave are great and
ongoing. We will be talking about
a number of the things that we have
discussed and decisions that OSCCP
has made based on the contractor
input this ongoing conversation is
greatly appreciated. I think it's
been very fruitful. Our thanks to
the agencies we work with for
meeting with us face to face in
February. This is an annual event
and it's a great place for us to
know agency in depth and exchange
information. It's better face to
face than on the phone. We are
lucky our meeting happened just
before the COVID emergency hit so
we did have it this year and it was
very successful. Our region
coordinators are working with NILG
chairs on a regular bases to
solicit your input about what is of
concern, and in your affirmative

action and other compliance practices or what kudos are to give to agencies and other practitioners collective information, and very important in the ongoing dialogue that we have with the ILG's. The region coordinators are NILG board members and many thanks for their efforts and many thanks to the NILG chairs with our region coordinators giving us input which is very very useful in the dialogue that we have with the agencies. Since last year our ad hoc advisory counsel has become a permanent fixture of our NILG operations, the advisory counsel is made of SMA's and lawyers and others who are very knowledgeable, and they have given us very good input on how to address technical issues of practice, their soundingboard along with our region coordinators and others working on collaboration

with ILG's and working on the conversations we have with the NILG. Over the course of the year since our last conference we put in six rule making comments and tri-care comes to mind, and thank you and NILG and government for quoting the comments that NILG put in. thank you for other partner groups who are putting comments on things such as 503 and the data collection audit resolution, and the other comments that have gone to this year. We have regular webinars, please attend. They have an excellent disability IN has been there and I had updates on OSDD practice and what is happening and what the look out for. Very informative and very useful. We have enhanced our website please visit national.ilg.org you happen to see the changes there and the information that is there. Thank

you again to our partners to OSCCP and EEOC, disability IN, ODEP and the time they spent with us and the work that we have done together. IN is on the web and we had a very successful conference with the resources and the two groups bring for disability inclusion very important information in the vets space we are working with vets to align the vets EE one filing dates which we hope in lately you saw NILG put information audit extensions, and covert emergency and thank you very much around the total 90 days for the total desk submission and particularly early on when so many practices has so much to do in the COVID emergency's that we desperately needed audit for audit submissions, and information requests that have been granted. I think it's been very successful all around and great

coordination between contractor and the CO and helps these audits move along very nicely I think the general consensus is the OSCC is working very efficiently and that's a great collaboration there. The scheduled letter frequently asked questions on-line OSCCP has recently been updated to reflect OSCPP handling of our audit submissions landing a 30 day extension to the itemized listing information, and the other things listed on the screen and again come from the dialogue that we have been having thank you very much OSCPP that the agency that has made transparency is important the more talk we have earlier on and the better chance we have with understanding with issues early and often, so the discussion before PDN is something that would come out again. This is very important if

for practitioners conversation
round table where OSCPP stands.
It's a review of our practices and
comparing that with the
recommendations of a group of noted
statisticians of noted experts in
this area. This is an ongoing
discussion it's a very interesting
one and we will land more on that
later this month as a webinar
presentation. Good discussions,
there some discussions very
interesting process which is a very
important. It's obviously a very
different one for contractors that
can handle right now. We are
trying to make we mentioned
tri-care already. We focused ILG
recently the mechanics of apple can
promote, still progress. We have a
review focused on those areas
certainly the direct input on
standards of review that are
definitely enough that a contractor

can look in advance of audit how would I look. These folks the more we understand the better better our processes. I hope you had a chance to read it. The past week was very difficult and very important for the country and NILG wants to work with all of you so that we can be as we said in this day part of the solution.

>> I will move on. There are openings coming up on the NILG on our board and our counsel and with an advisory council member, so please go on if you are interested in these opportunities and please go on-line, and this information on the council opening and advisory council member opening information on-line now and watch the fault on the nomination process. The board members we have eight openings almost a third of the board coming up. It's an important time for us

and very interested in people
volunteering, and there's a lot of
work to be done and a lot of work
to be shared, but it's very
creative process and very much like
to see you involved. Thank you for
your time and thank you for your
attendance we are going to be
meeting over the course over the
next couple of months. Please look
at the schedule on-line if you
haven't already signed up with the
webinars coming up in July and
August please do. There's an awful
lot of good information There.
webinars will be recorded
presentations will follow after the
webinar and all of that good stuff.
Please do look at the agenda and
take advantage of the offerings
each one is free. I will post it
over the craig in a moment. Thank
you craig for your participation
with the NILG. We know that you

are moving away or attempting to move away to the inspector general position and we wish you all success in the nomination process and success in the role itself.

Thank you for the time that you have spent with us working on the issues directly related to affirmative action practice. It's been a pleasure to work with you. All right. Leave it there. And craig it's over to you.

>> Thank you Paul. It's a true pleasure to be here with you today I am speaking from OSCPP national office at the Department of labor in my office and you know as much as I wish we could have been at national harbor together. I support the NILG's decision which was a wise one. I want to give special thanks to Tony Cayman. Tony is a dear friend and someone I have known since after becoming a

director. I think if there's anyone who could address an unprecedented situation like this and find a way to move forward in a positive way it would be Tony. My understanding is up to a thousand people maybe listening to this call today. I have such great respect for Tony and Tony used to work at OFCCP in Chicago it's such a pleasure to speak here today as Tony as the chair of the conference. I would like to thank Paul for his kind introductory remarks. I always enjoy watching Paul's power points and outlines and I always have to watch him closely because Paul is a strong advocate for the NILG and we will talk and he will push and occasionally we will and probably more than occasionally actually fairly often we will find food dialogue and discussion that we are

able to come to a way forward.

That's why I was so appreciative of the memorandum of understanding with the NILG. I think it's been phenomenal. I enjoy our periodic calls which are fairly frequent and I enjoy the dialogue an back and forth and it is very important to me that the contractor community be viewed as a partner of OSCCP.

Obviously the agency has an enforcement components to what it does, but it's one of the only agencies in the federal government that has a significant compliance assistance components. I think that through mutual respect with the federal contractors who are doing the patriotic duty patriotic's goal of being a contractor for the United States of America providing important supplies and construction to the United States of America and doing

that committing to affirmative action, and nondiscrimination in employment and promoting equal employment opportunity. I think that's something that is to be honored and respected, and what I have seen at OCCP is almost all the time company's are doing it right. And many of the people on this call who are from company's that devoted their careers in the private sector to equal employment opportunity, and to getting it right at the company level and for that I appreciate what you do. I also know on the call today are many of my colleagues at OCCP and many compliance officers and many managers and leadership and I am so proud to lead this agency. This federal civil rights agency and one of the greatest I believe in American history. The impacts that we make could be felt by many

people who we will never know or
never meet and this is the same
with all of you to the whole
concept of America and the American
dream to me is the idea that anyone
can advance and to the extent
there's obstacles they need to be
removed. Although the country
history has been imperfect and come
up short again and again in it's
reality and meeting those goals it
is the goal and the vision and the
idea of equal employment
opportunity, a country that is
based on a concept, a concept and
important concept that all are
created equal and that we must work
together to move this country
forward and make sure that every
single person is able to have a
part in it. I wanted to also
mention the compensation round
table process and very happy to be
part of that process and I want to

give special recognition to Paul and to bell Hoffman for engaging with the agency to discuss compensation and all the experts that the NILG brought. I remember that day well. It seems a very long time ago a lot has happened since then. It wasn't that long ago and we got together and our director of enforcement, and David gardener one of our experts engaged in a dialogue with many of the experts from NILG and we are continuing that dialogue in that organization there's a part two coming very soon that Paul and I were discussing today. Now, before I get into the body of my remarks I want to -- I hope everyone had a happy July 4th weekend. I want to mention something that I did personal that was very special to me. I mentioned it to you I talked to you before about my daughter

alexandra who's 15 she has profound autism and a substantial intellectual disability. As she gets older I think more and more what will happen when she's 18, 19, 20 what world will we present to her? What opportunities will she have? I wanted you to know I was excited and proud my daughter and my dad who since the NILG has made this seminar and conference free for anyone and anyone could sign up. I believe my dad is on the line. The three of us my dad and myself and my daughter we had been hiking up the C and O path. It's a beautiful trail and national park that everyone should consider doing if you are ever in the DC area. The goal is to hike the 195 trail there and back. That's obviously 389-miles of hiking it's a lot of hiking. I'm learning how much that really is. I will tell you that I

am very proud to tell you my daughter has been done really well. I push her in a push chair similar to the New York marathon I did last year. We are getting her to walk more on the trail and she's been doing that, and my dad has been doing that we reached mile marker hundred yesterday. We hiked late into the evening. We have done two hundred miles of hiking we always go there and back. I was proud of that you are all my friends and I wanted you to know about that, so I had a wonderful weekend and I hope all of you did as well. So now let's talk about what's happening in the country. I want to go right to the two main points. First I want to say that I really appreciate the NILG statement and that came up on the web ex and about systemic racism. About the killings that have occurred

including of George floyd that are so shaken this country OSCCP perhaps more than any other agency in the federal government or any government is dedicated to the elimination of systemic racism and systemic discrimination in employment that's what we do. We do it to comply with the assistance and working with company's to eliminate barriers and the advance equal employment opportunity and we do it through enforcement, and through enforcement we effect many people who we will never meet who have been impacted and harmed by systemic discrimination. I am sure that's why many of you have gone into this field of equal employment opportunity, and you are doing the same thing that we are doing but you doing it in the private sector. You are committed to equal employment opportunity to diversity

an inclusion and to eliminating racism and sexism in employment. I want to thank you all for that and there's a lot of work to do.

Everyone agrees that there's a lot of work to do that's what we have seen over the past month. Let me tell you a little bit about what OCCP is doing so address systemic discrimination. First, we have been talking on all staff calls every week with our compliance officers, our managers are reflecting and how it impacts us individually and whereas a community and as a community and we have heard many voices. Many voices talked about the impact of discrimination on them including many individuals of color who work if our agency who reflected on the impact of discrimination. In addition to that we have taken another look at our compliance

assistance and enforcement efforts to see what we can do to address the system discrimination and employment. Remember systemic discrimination goes beyond animus. Discrimination animus is something we are always looking at and seeking to eliminate. Systemic discrimination goes to policy and practices or other barriers to advancement or employment to prejudices and stereo types and all sorts of things that prevent the example of people based on merit. And that is why it's important to do what we are doing at OCCP and what you are doing at your company's, so we have taken another look at compliance assistance and enforcement. Here's what I have to report from you. First of all we are proud at OCCP of our record year fiscal year 19 in both the area of compliance assistance

through the amount of health desk inquiries and we have done more than ever last year, and in addition to that in remedies recovered for effected class members, and we had for the first time ever we exceeded 30 million-dollars and 40 million-dollars in those recoveries. In addition to that we expanded our early resolution conciliation agreement program. Also known as the early resolution procedures program. ERP program. ERP is the name of the program and ERPA is what comes out of it. I want every company to take another look at the ERPA program. If you have a violation or a problem that we find or a problem area you want to address during ERPA I highly encourage you to do so. As you are going to see when I talk a little bit about what's coming next year

even if situations where you do not have a violation or problem area and you are a company that's a top performer. I want you to consider an alternative to our ERPA program or really part of our ERPA program that we are looking to expand the ERP program. I will talk about that later, but for now before I get to ERPA agreements I want to talk more about ERCA agreements. We have 19 ERCA's that we have done in the past year or so. These ERCA touched 312, 000 employees. \$31.8 millions in back pay and 5 million-dollars in salary judgements and the ERCA program helped the agency reduce it's -- it depends on how you measure I have seen it as low as 8%, but the current statistic is the it's rated down to 12% because of the ERCA program. As time passes more cases become aged. My goal is to have

that percentage under 10% consistently, and we are working toward that by the end of fiscal year 2020. We believe that we will have 30 ERCA's and comprising 55 million-dollars in back pay and covering over 650, 000 employees. That addresses systemic discrimination in employment. That addresses many many people who we will never meet and that will ensure that equal employment opportunity is protected to them. I appreciate company's working with us to do that. The ERCA program is a positive program yes it's needs to be addressed. Sometimes the company doesn't agree with us. They also want to address we are fine. The ERCA program allows us to be done not only through addressing what we found, but compliance assistance and comprehensive enhanced compliance

going forward for the next five years corporate wide, so instead of focusing on individual establishments we are focusing on the entire company. Now that has to be voluntary because under our current regulations we do not typically look at the entire company in an audit and that's why the program is such a great one. Company's can take a step forward and say hey we want to do this enhanced compliance company wide and it gives them an opportunity to do so. It's perfectly voluntary. Many company's are looking at doing that. The secondary, yeah, so first thing is we are looking at expanding that program. So please consider that program particularly if you have an age case or you have a case that you are finding that's difficult to resolve think about the ERCA

program. That maybe a way forward to resolve the matter. Second, promotion focused reviews which Paul touched on. Guidance is coming soon from the agency. We are very committed to promotions focused reviews as you heard me say in the past I do believe that many of our compensation cases are really promotion cases and that often what we are seeing is a failure to promote individuals which is impacting their compensation. And that is something that we want the agency to take a deeper look at. Hence, the focus review. I will tell you the feedback I received including from NILG has some positive. That's not to say that Paul for example who mentioned it in his outline is saying yes do whatever you want in the promotions. Let's do it promotion, promotion, promotion.

He's representing contractors.

Well, what is a promotion? How do you define it? What sort of guidance are you going to provide? Is there going to be able to be feedback. Will there be a dialogue and the answer to that is all yes. We want the promotion focus reviews to be successful. We believe that through the focus reviews company's will be able to remove barriers to advancement and with a particular focus based on the statistics and on the advancement of women of color and people of color generally, minority communities, intersectionality and generally equal employment opportunity and promotions which applies to everybody. We are going to be taking a look in the areas where you see very very well representation of particular groups that OSCCP protects and represents.

So please keep that in mind.

That's one way to address systemic discrimination. Sometimes what you see at company's and this is based on my experience being here at OSCCP you will see you will see individuals with color at high positions in company's. You will see women of color at high positions an company's. When you get right below the top positions which you will often see and we are going to be publishing more guidance on this but in the demographic data you often see a lack of representation of minorities and women of color in those positions. And what that tells me is there's something going on with promotions and if that's something for the agency to look at. That's something that's going to benefit the country as a whole. When ever you have equal employment

opportunity that mean that is most have the most merit advanced. When you are seeing parts of our population that are not in those positions and these were missing out on a lot of talented people. A lot of skilled people who could be filling those posts and we need to take a look at that. We need to make sure that we are including everyone in this American economy and the American dream. I also want to mention people individuals with disabilities and people with disabilities one thing I have seen in the demographic data is that the percentage representation of individuals with disabilities at the high places in company's is lower than it should be by a lot. The promotion of individuals with individuals with disability is an important concept. It's something that needs to happen. If we really

it's not about hiring individual
with disabilities it's important
the agency has been looking at that
in section 503 focus reviews. We
want company's to meet the 8%
utilization rate. We want to see
that continue once the person is
employed by the company. We want
individuals with disabilities to be
granted accommodations. We want
them to have an opportunity to
advance. We don't want them to be
discriminated against in employment
and compensation. I will talk
about that a little later when we
get to the focus release. The next
area we are looking at systemic
discrimination and the elimination
of systemic and the promotion of
equal employment opportunity is
through our contractor and
compliance institute. That's great
things to tell you about CCI.
First of all my understanding is

there are about a thousand people on this call up to a thousand, and I ask each of you to take a look and go on your search engine and Skype in OSCCP CI and look at our course offerings. Right now we are offerings path to compliance and expectations to governance and another course called affirmative action programs. I highly recommend that you take those courses and look at them and anyone can sign up for them. Anyone can sign up for them they are well worth taking. Right now as of July 6th 2020. The total number of user who is have registered for the contractor compliance institute is 20927. 2927. We want more to register and more to take courses. As far as I can tell from our numbers about half of the 2927 that are registered have attempted to take the course. And about 15% or

so have fully completed a course. Let's get those numbers up. Take the course. That shows your commitment to equal employment opportunity. I am not saying you have to it's voluntary. We are looking for ways to show that we get what's happening in the world and we are taking individually to try to improve the situation in our country. Go to the contractor compliance institute and taking these courses and talking to others about them. Each of you spent a lot of time into them so please keep that in mind. In addition to that another thing that we are doing that we are going to be focusing on over the next year is our contractor assistance portal. This is a way for the agency to provide quick guidance to company's who are looking for it. So far out of 69 contractors assistance portal

inquiries received 36 inquiries have been responded to and those are available for everyone to see on the web. In addition to that out of 887 written inquiries received we responded to 867 of them. So this is a way for you to get an answer to the agency in writing and that you can rely on. Likewise we are received 2537 help desk calls this fiscal year. All of these numbers are for this fiscal year. Received and responded to. They talk about 3500 inquiries in one way or another that the agency already responded to this year to provide guidance. If you have a question one thing you all should know from what contractors expect and contractor bill of rights animal researchers inquiry with our help desk or our contractors assistance portal cannot be used against the company

to audit them. That is not the purpose of this contractor assistance portal. The purpose is TO*F you ask question you need and to get an answer after you can rely on that answer. It is to promote equal opportunity encourage company's to ask questions. We will take questions from company's from company's and WORKers and civil rights organizations or groups whoever wants to ask. We want to get the answer right and we want it to be transparent so that everyone is getting the same information so please ask the questions. I want to talk about two other areas before I move on from systemic discrimination and something that you are going to hear your agency talking a lot about this year is our HPCU initiative. I am very proud to be the cochair of the Department of

labor's HBCU White House initiative. My cochair is tina William who is is the OFCC policy director. As you can see OFCC has taken the lead at the Department of labor on the HCU initiative. We will be publishing a report on that and you will see how much the Department is doing in terms of engagement with HBCU's. I am having NILG to consider this as well. Let's do an HBCU initiative for federal contractors. Federal contractors, colleagues, I want everyone to think about what are you doing with HBCU's? Are you doing outreach to HBCU's. There's over a hundred HBCU's in the United States. They are all over the country. People know you know a lot of people heard of Howard or HAMpton or SPELLMAN. They are all over the country and some of them you haven't heard of. They are

important to the United States of America. These were the places that educated African-American's when no one else would so you want to talk about systemic discrimination and look at the HBCU's. Do outreach to HBCU's. Make sure you are recruiting at HBCU's. These are some of the best colleges and Universities in the country and every company, and I understand it is not required. I understand that. But every company should be recording HBCU's. If you are a federal contractor you should be recruiting at HBCU's. If you have one near your establishment you should be recruiting there and going there and doing job fairs and doing outreach. I ask you all to consider that. We are very proud of HBCU's initiative. We want to see it grow significantly in FY 2020 and into FY 2021. Likewise

the agency also you will be seeing guidance on this soon is promoting the HAKU and TCU initiatives for Hispanic American colleges and Universities as well as tribal college and Universities. Both of these initiatives are important as well as a company's should be doing outreach if they are near a HAKU or TCU. I have said at the agency the goal is to go to every single HBCU, HAKU and TCU in the United States to establish a relationship with everyone and then at some point go to everyone and I know it's going to take time. There's a lot of them and of course during COVID we are not going to on site to campuses. Let us engage to everyone. We can do it virtually that's the challenge I have given to my agency. And ultimately in person over time. I challenge federal contractors to do the same.

Lastly, I asked every company to take another look at functional affirmative action program. We have 73 company's. Over the past year we moved all the FAPS to five years agreements. We issued a new FAP directive. We want company's to consider FAPS. I believe that it is a way to address systemic discrimination. I believe that FAPS look at company's the way they do their work. Through lines of business and it doesn't confine a review of the company in an PWEURBment or AP to one geographical area. It's a way for a company to address lines of business across the United States. It's way for OCPP and the company to even more ensure we are similarly comparing similarly situated employees in both and analogy NILG has that is required by title 7. I know sometimes

there's disagreement about whether we are doing that or not? I believe we are. I also believe we can improve what we do by publishing additional guidance, and by reconsidering some of the preconceived notions that we have had in the past. It's always important to take another look to engage with company's to because in the end what's important is that we get it right. So that gives you some details about what the agency is doing to address systemic discrimination in the United States. Other things we are doing is we are going to be increasing the amount of audits open. We are going to be continuing to look for ways to resolve cases promptly so that we get a remedy to those effected quickly. We are going to prioritize alternative dispute resolution where possible although

we will also be ready to go to litigation if necessary so that gives you our program that you will see the agency doing over the rest of FY 20 and into FY 2021. Let me go to the second major event that is occurring which Paul also spoke about is COVID the pandemic. What is the agency doing to address the pandemic and how does that impact systemic discrimination? Let's start at the beginning and when the pandemic started the agency recognized this would have substantial impacts on company's operations and that the most important thing at that moment was the safety and health of employees both the employees of contractors and the employees of OFCCP. You wanted to flatten the curve and make sure that people were safe and healthy. As you saw the agency issued or stapled a message

indicating the agencies commitment to granting extensions and adjustments and we talked to NILG a lot at that time and as you know the agency started writing automatic 30 day extensions because of COVID when we scheduled a case, and we continued to grant a 30 day extension if you proffered your affirmative action program narrative. We also were prepared to give additional extensions if your operations required it. Likewise the agency started focusing on the use of the phone and the use of video conferencing and microsoft teams and different ways to web ex and different ways to engage with the contractor virtually instead of on site and we moved to doing virtual on sites. So let me tell you a little bit about that. It's been extraordinarily successful. The

agency has been more productive than it ever has been. I want to thank the contractor community for engaging with us. We are getting to do reviewed very quickly. We have a lot of consolidations coming down the pike. A number of cases we have been able to close without findings. We have been able to do many focus reviews with positive outcomes. And with helpful compliance assistance and findings and additional information that we obtained about best practices and you can eventually see this in the annual report we issued.

Everything we have been able to do as an agency we continued to do during COVID. We have been able to do that in a manner that respectful of company's. The fact that we go on site to a company that means employee has to come in as well after that could close your risk of

COVID to those employees or to our
O FCCP. We don't want to cause
heightened risk to people so that's
why we have focused on virtual
engagement and virtual audits and
like I said we have been successful
and productive and you are going to
see enforcement numbers this year
that are excellent I believe by the
end of the year. You are going to
see this is one of the most
successful years in OCCP history.
I don't know if it will be as
successful as FY 19 in terms of raw
numbers but I think it will be
relatively close. It may exceed
it. We are continuing to work very
hard at OFCCP. I want to thank the
compliance officer that is on
the phone and my OCFPP colleagues
but particularly the compliance
officers for the great work they
have been doing. I want to thank
each of the company's those who

have been in an audited or focus review. Thank you for engaging with the agency and working with us and I believe that this productivity is because of that engagement, so I want to just give, just again say thank you. One thing that I think is important though to let everyone know it's well documented that minority communities, communities of color and have been more impacted by the pandemic period. We have seen that in the rates of people getting COVID, dying from COVID and the impacts that it's causing on communities of color. We have also seen that in unemployment and they are enforcement actions lay off's four lows, pay cut reductions. I am assuming they are are occurring because the others are occurring. It's very important that the agency look very closely at the pandemic

period. I am counting on all of you are doing this. I am sure you are already doing this as equal employment opportunities at your company's. Please make sure that any impacts of layoffs, furloughs, pay reductions, et cetera are not falling on protected classes. Please make sure that those negative employment actions are fairly distributed across the company. And not harming protected classes. We know from a number of articles that I read from talking to our economists or experts we know that there's an adverse impact to protected classes at least on a macro level, so that is something that the agency is going to look at. I am telling you all this now and we also published we published guidance on this. If you go to our COVID website you will see. Each of you should be giving advice to

your company's in my opinion that they need to be looking closely at the pandemic period and making sure that they are continuing to abide by the principles of equal employment opportunity in all aspects. The agency will be publishing more guidance on that and we will be focusing on that for audit that is cover the period of the pandemic. Now I talked about systemic -- I talked about COVID and how they relate to each other a bit. I want to tell you now about other programs that the agency will be focusing on all of which touch on equal employment opportunities. I want to bring attention to the other programs as they continue to be agency priorities. One is outreach to native American's and doing more work and more focus on areas on or near Indian REservation. Making sure that

American Indians and native American's generally are able to fully participate in equal employment opportunity that America offers. Of course there's a long history of discrimination against native American's. You do not have to go into it. You all know and it is something that is important that the agency focus on. And so I ask each company if you have a moment to go on our website and look at the Indian and native American employment rights program. IN ERP. Type it in OFCCP IN AERP and take a look at it. See what you can do as a company to participate in this program. Take a look at Indian preference. Indian preference is permitted. It's something that's encouraged on or near an Indian reservation. That's based on a historic political relationship between the United States and

Indian tribes. In ensuring the United States lives up to its agreement and commitments to the native American community. One other thing that the agency is looking at. In some portions of the country an Indian country you have a high proportion of native American's compared to the population of native American's across the country. Sometimes it can get up to 20% whereas the population of native American's across the country is about one to two percent. Well, we are looking at both, so for areas where we are looking at Indian country or high percentages of native American's. Please take a look at the Indian preference programs. Make sure that federal contractors are contacts PERO's the local and tribal leadership, and tribal commissions that address employment

on Indian reservations. Please make sure you are engaging with native American leaders and tribal leaders in those areas. That is something that we strongly encourage. We want federal contractors engaging with Indian tribes OCCSP has an mOU with the CTR and that is the counsel of tribal leaders across the United States. We are engaged with CTR. We are renewing that relationship and expanding it and what CTR's told me and the President of CTR is that they want to see more from federal contractors after from OFCCP in term os of that engagement. I am bringing the message to you and we need to do more in this area, likewise for areas of the country where the population of native American's is more like one to two percent. One we do our regression analysis that

we will times see there's not enough native American's to be able to make a finding and using a regression analysis. Even if it's clear they are being discriminated against. So you have a situation where one group let's say for example just hypothetically Hispanics is being favored in employment. Because there's not a lot of native American's there they were not able to take a finding. I want to be clear about that and we told CTR that we are doing that. Agency has started to do cohort analysis and other ways of looking to ensure that we are including native American's in our conciliation agreement. If you are engaging with a compliance officer and they are saying look I understand that there's only 6 native American's in this bag and so there cannot be a finding there

it's impossible to make a two standard deviation finding. We are seeing they are being impacted similarly to the other disfavored groups. Please work with them to include native American's in the, in the remedy. And let me tell you we are going to continue to follow title 7. We are going to be comparing similarly situated people and we are going to make sure that if we do make the findings for native American's that is based on discrimination and from our perspective based on our findings. I know a lot of times company's disagree an often they disagree with the entire findings. I want company's to be open minded an understand that for native American's we will be seeking to include them in our resolutions to the extend we can do so consistent with title 7 principles. Likewise

for other group that is are very small sometimes when you do when you are looking at individuals with disabilities sometimes when you are looking at the intersection of race an gender you May have a group that's not as large. I still would ask that contractors take a look at those individuals an make sure they are being fully included. The agency will be doing so to cohort analysis an also through other statistical tools used to address small groups such as the fishers exact method and others. Please contact Bob who is our director of enforcement who can tell you more about that and please engage with him because it's something that's important to the agency. Next, I wanted to also mention our focused review program. This is a program that I started soon after I joined the agency. This is one that is

close to my heart because I care so deeply about it and I want it to be successful. I want people to see the impact they can make. I had seen across prior administrations an into this administration. --

>> Call dropped.

>> The disability advocate for many years an every job I held and it's something that I think is extraordinarily important to bring more attention to disability inclusion and making sure that people with disabilities are not being discriminated against in employment and a lot of this came from personal experience trying to obtain accommodations for my daughter and then people I met in that and seeing that often it was hard the get accommodations in employment as well for many people that I met through my time as a disability advocate. So we started

with the section 503 focus reviews because people with disabilities were it was clear based on the statistics were not being fully included in this economy an equal important, you had one in five 20% compared to a general labor force participation at 63% an Unemployment rate that the typically general with the employment rate. What's happening now with the pandemic. I'm concerned about people with disabilities an we have a higher unemployment rate now. What does that mean for disabilities an opportunities they have now I am very worried about that the I was worried because the wage gap is the highest one I believe that we deal with it's between 30 and 40 cents on the dollar. Now sometimes when you do intersectional discrimination you May find it even

higher pay gap and such as for women of color sometimes. In terms of a protected class generally individuals with disabilities at a very high wage gap, likewise there were concerns we are not getting the accommodations that we were entitled to as a matter of law. I thought it was something that the agents needed to focus on. We need to bring attention to this issue and so we did. Through the section 503 focus review program. I want to thank the agents for engaging with us on that. I really have to give a lot of thanks to NILG. When I went to the NILG conference two years ago. My first one there were programs on individuals with disabilities. We started to focus on 503 and that grew last year in Milwaukee there were so many programs on section 503 and I know there's beginning to be additional

ones this year virtually and including, and I highly recommend you go Jennifer SHEEHY for the office of disability employment policy. She'S going to be speaking this week please tune in and listen to her. It's OCCP at my time. The section 503 focus reviews. We published a list of best practices. We published information about inclusion programs and we had worded the EDI aWard excellence in disability inclusion aWard to CVS health and Pepsi-Co and congratulations to them again. We are going to be doing a year of engagement with both company's and we are pleased to be doing that likewise. We are finding in our reviewed which we continue to do during the pandemic. We are doing them virtually that company's are responding. When we go on and when we well, when I say on site. When

we do a virtual on site what we are seeing is that companies are addressing these best practices, addressing the concerns that the agency raised and is making a big impact for equal employment opportunity for people with disabilities. At the end of the 503 focus reviews they are going to publish an annual report that discussing the findings and recognize the company that hit the ball out of the park and our top performers in the area of disability inclusion and go over our findings and go over our percentages and give information on the focus review program. You don't have to just believe me when I am saying this. I want them to be successful, but ask Tina Williams OUR head of policy and -- she's the director of policy and she's also the head of our

focused review program, ask her she will tell you. He will tell you. She tells me all the time because I call her a lot and ask her about it how is the focus review going. She tells me it's going very positive. One thing I want to draw your attention to with the focus reviews this is something I have committed and the agency supported me and the Department. I have committed that we are going to continue to do it every scheduling. Always include section 503 focus reviews. If you are not on the list of 500 you maybe on the next list. It's something to focus on likewise a lot of what you learn will be incorporated into our general compliance reviews, so this is something that should be of interest to all of you and I'm sure of it's an interest of all of you because you are committed to equal

employment opportunity for people with disabilities. I want every contractor here. Everyone on the phone please -- and we just sent out a stakeholder message about this. Take a look at the ODEP survey that was sent to federal contractors from west stat. We sent an e-mail about it and it talks about the implementation of disability inclusive workplace by federal contractors and nonfederal contractors. Take a look at this survey because we are going to be laser focused on it. If you want to do something to improve your compliance look at this survey. What do I mean? Well, go to page 3 if you have it or look at it later. There's a figure there percentage of company's implementing recruitment and hiring practices and policies by federal contractor status. One of the questions is

application process is accessible, so federal contractors and other noncontractors were asked do you have an accessible application process? What did they say? Well, it's better for federal contractors which is good but the number is very low. I want all of you to think and guess what the percentage is. What percentage of federal contractor DOS you think have an accessible application process? By the way that's often required by law and I mean this is a broad statement you generally required to have an accessible application process. This is something Frankly something that everyone in the United States should have. What is the percentage. I will tell you what the percentage of all company's is 29.5%. Let me say that again 29.5%. Okay. Well, presumably federal contractors

would be much higher than that and probably other company's are not right? That's what you would think and I would think. Nonfederal contractors were at 30.4%. Other contractors. It's important that's a survey that's done we have a link to it and you can read the methodology. It's 39.3%. It's accessible application process. It should be at least 80 or 90 or so. It's 39. 3, so I said based on this I want to look at the application review. Every focus review for 503 it take a look at let me give you another one federal contractors have a duty a legal duty to actively recruit individuals with disabilities. What do you think the percentage is of federal contractors is self identify as doing so, 38.2% which really makes no sense. I ask them to look into that because it seems

to me if you are a federal contractor you would be at a hundred percent that's what compliance programs are. Tina told me probably what's happening people answering this is not necessarily the EEO officials or diversity inclusion officials at that company. We raise that with Jennifer who is going to be talking later this week. We are going to look at this as we continue to build on this study, but please keep that in mind and make sure that everyone at your company knows that you are actively recruiting people with disabilities and that your application process is acceptable. I am in the going to go through everyone, but if you look atrophying your one and figure two and figure three what you will see is that there is a lot of progress that needs to occur. One

area that the particularly disappointed with is whether company's have a disability employee resource or affinity group because that's one of our best practices after according to this only 7.2% of federal contractors self identify as having a disability employee resource or affinity group that percentage is way too low. I hope it's just not correct. I hope that the people answering it just didn't know. But the main point is make sure that people know to answer those sort of surveys. In addition to that if you happen to be one of these federal contractors that don't have these things in place well here's your fair warning get them in place particularly those that are required by law get those in place. Those that are best practices all they can do is encourage you to get

them in place, but I know I have met so many of you then I know you care deeply about this. So this is a good way to take this survey and go to your CEO or chief operating officer and give it to them and say we need to be able to answer all of these yet. The OCCP director is asking us to be able to answer all of these yes. Please answer them yes. It's going to help individual with disabilities a lot in employment. Let's move to the focus reviews. As you know the VETRA they are focusing on veterans generally of course veterans with disabilities and this year we have expanded our VETRA focus to military spouses. In particular spouses who have protected veteran who is are also protected, but more generally an issue a directive on this we would like company's to look at military spouses generally.

Here are things that you should focus on. When we are looking at veterans generally please look at under employment of veterans. One thing we know that unemployment rate is typically lower than the general unemployment rate. The real issue is ultimately under employment of veterans. Veterans come out of the armed forces with tremendous qualifications and skills and leadership and look I don't need to go on and on. Obviously these are highly desirable people hired based on their experiences and based on their responsibilities and based on their leadership, so please take a look at under employment, make sure that veterans are having a full opportunity to be advanced make sure you are following UCERA. These agencies are not directly entrusted with enforcement of UCERA

and that is vets is also a partner with the NILG and we are a partner with vets UCERA have some overlap and please make sure you have a very robust UCERA program and then also, please make sure you are looking at veterans with disability. One thing we have seen is there a lot of discrimination exists that veterans with disabilities. A lot of stereotypes and a lot of views that are not correct and over generalizations that are Frankly discriminatory and prejudice a lot of the time. It's please veterans with disabilities need a fair opportunity to advance in employment. That's where VETRA and section 503 intersect. The unemployment rate for veteran with disabilities is higher than the general unemployment rate. In general you should be looking at equal opportunity and affirmative

action employment as well.

Military spouses that helps protected veterans, also. It allows them to move from place to place and enhances their equal employment opportunity and military spouses are through licensing requirements are denied the ability because of licensing requirements when they move from place to place. It's something that is focused on as a Department. I ask all of your company's to take a look at.

Internally at OSCPP I am always looking if SWEF someone working with us after they are married to a veteran or a someone married in the military and they have to move particularly based on their military orders or something like that it's important to me that we're including that individual and try to give them an opportunity in a new place. I think every oh

company should have a program like that. If you have someone working on one of your establishments, and they are a military spouse and they have got to move try to help them be able to get a job at the new location. If you have an establishment there. It's support them in employment. So I mentioned the two focus reviews that we are doing right now. 503 is well underway. We have done many of them already. In addition to that the VETRA focus reviews are about to start. They are going to start sending out scheduling letters. We are going to give additional time because of COVID. You are going to be seeing scheduling letters in the next two weeks or so keep that in mind. Now, what's coming next in terms of focus reviews. Well, I talked a little bit about promotion focus reviews already. That's

going to be coming next. Probably in our next scheduling list that's the current idea. Likewise accommodation focus reviews we will release them as the same time. Accommodation focus reviews will look at both disability accommodations and religious accommodations. We believe that you heard me talk a little about disability accommodations it's something that I have experience with because I have been seeking accommodations for my daughter often, particularly when we were not during the pandemic. Any time I go into a restaurant or movie theater my daughter uses a large push chair. I need to get an accommodation there an IEP and requesting accommodations and through this I learned a lot about accommodation request. I have a lot of experience with them in the

agency and OCPP and also with federal contractors it's on our website if you look under about where you have my bio and things like that and you will see a video I did to our employees at OSCCP and or agency and we encourage people to seek accommodations and they will generally be granted and we make sure we are granting them where we should. Generally we should be doing so unless it's not legal or unless it is a true hardship and not consistent with regulations or something like that. Generally we should be granting accommodations, well you should too. For disability accommodations that's pretty well defined one area do you look at religious accommodations those should be granted as well. A lot of religion accommodations are granted. It's a change in policy or schedule that's

not that significant to be able to pursue their religion or practice their religion and be able to go to work. It could be something related to the schedule or Sabbath or services or prayer at a certain times or related to food or diet or religious dress and what people need to wear at certain times based on their religion. It could be related to a lot of items. We are working on an opinion letter in this area. We are going to be publishing guidance. You are all federal contractors you have a duty to not discriminate based on religion. Likewise you have a duty to do outreach. To make sure you are fully accommodating and employing people regardless of religion whether they have religion or no religion or faith or no faith. You are supposed to be open to individuals who are religious.

That's one of our protections and obviously for the company in the first amendment. Take a look at religious accommodations make sure you have a centralized accommodation list for that. Make sure that not every single best practice that we have published for disability accommodations applies to religious accommodations a lot of them do. Anyhow we are going to be publishing guidance on disability accommodations and religious accommodations we are going to be asking company's as part of their affirmative action and nondiscrimination to look carefully we will make sure people are being granted accommodations. One thing about accommodations they always increase productivity. They allow someone to bring their whole self to work. They allow someone to be more productive than they are

generally more positive from being here Who almost three years now they are almost always free and when they have a cost the average cost is not that much. It can be easy if you have a centralized accommodation system. It can be easily amortized. You are supposed to be the top performers in this area. I ask you to take a look at the accommodations it's going to be a big federal contractors focus. To ensure the agency is looking at all ten of the protections one area we are going to be looking at is OBviously discrimination based on sexual orientation and gender identity those are two protections that have been in our executive order for a number of years, and of course there's a recent court decision that addresses that and says that title 7 addresses the super protections as well. They

will also be engaged with us in terms of ensuring the protection of those rights that continues to be a focus of the agency. There's an article published a couple years ago that the OSCCP has been processing complaints based on LGBTQ that is something that the agencies is going to continue to prioritize. Federal contractors are the top performing contractors in the United States in the area of equal opportunity that's why you have compliance divisions and that's why you are on this call. Look at all ten of our protections that includes patriot transparency, there was a violation and a concern about that and to make sure and to remember and to advise everyone that works in your company buy being a federal company to discuss their pay. That's how you find out people are being discriminated,

too. We are going to be looking at all ten protections. A couple more items I want to discuss Anthony said I could go on for hours. You did say that Tony. I am not going to go on for hours. I think I have gone over an hour. I want to go through some other things. I want to bring your attention, too.

Mediation only buds service. Look at OUR remediation program as well as our ombudsman service. Take a special look at our ombudsman service. Mediation comes toward the end of a compliance review process. Let me tell you it's successful they are wonderful ombudsman he has already solved so many different issues that come up during compliance reviews. I think he's going to be at the hundred referral mark by the end of the year. He's getting a lot of referrals so please contact him.

He wants more. It's not like he has too many. If we get a lot of referrals we will expand the program and my experience with Marcus is that the compliance officers really like him. They want to engage with him and so do the regions and districts after every person that contacted me that's a federal contractor that has said something positive. I have yet to get a negative remark. I'm not asking for negative remarks if you have one you can feel free to send them to me. I want to know accurately what the program is doing. The point I am making they have all been positive. Marcus is doing a phenomenal job. We want them to make sure you are getting all the information you need and we want them involved at the end in conclusion. This is before even before you get to the

remediation program. If you think Marcus can help you reach the revolution of a matter and engage them and we ask the compliance officers to do so as well. We are doing internal teaching on negotiation and he's going to be speaking a lot and if any of you have a conference and you like him to know and you I want people to be engaged with their only bud service. I believe it in very strongly. I think it helps lead to quicker outcomes, better outcomes that ultimately lead to more equal employment opportunity. Let me just take one moment to drink a little bit of water because I have been talking a lot. Four principles when I started certainty an efficiency and recognition and transparency. Those are the four principles I have a sign in my office that says CERT with the OCPP

logo. Everyone has it's instilled within each region an district we are all committed to these principles. Transparency I feel like we have been very successful what we have issued directive 2018-08. Take another look at it again. It's been awhile since you looked at it. The principles is one that we are going to share how we select company's. We are going to share our methodology. Two we are going to provide the bases for supplemental information requests because we have a scheduling letter and that's been approved by OMB and company's have commented on it and the NILG has commented on it. We under stand what the cost of that is we are not going to add things to it ad hoc. We have a reason. We are going to give a reason why we are requesting that information we are never going to act in an

arbitrary way. So we are going to we make a finding the initial the we are going to be doing that. We are going to engage with you. You will consider doing an early engage the PDN. We are going to be doing that and my hope is that we do that in every case and that's what I am the compliance officers are on the phone. Let me tell you, you know what group has supported this effort more than anyone it's the compliance officer. I got the idea from a compliance officer that told me that they were not able to share information with the company based on policy. What policy is that show me the policy. It's like unwritten policy. I was like what changed that. I want my compliance officers and more ability to be able to engage with the contractor. They have really responded to that well that's why we have our

ombudsman that's why we have the transparency director. I feel like we are doing a really good job and thank the compliance officers and that's a big part of transparency, and let's be transparent about don't hide the rules we are applying. Publish agreements and published our list of contractors you should see a description of what we found and the statistical evidence and standard deviations if it's a regression an analysis as well as the gap or the shortfall or the you know the practical significance of what we found both statistical and practical significance. We should be providing you the anecdotal evidence that we found that supports what we are doing and we should be providing you a fair description of the remedy that we are asking for. These PDN's this

is my opinion as a director looking at them are so comprehensive now. The reason I do that just so you know when I was a general counsel for the city of coral gables. I know I have been to general counsel, I worked in private practice. If you give someone a document and it has some standard deviations on it an sort of like some general language that we made this finding based on these standard deviations an someone looks at this and they hire an outside counsel and consultant and they say what is this and a lot of times they come back and say we don't agree with it there's nothing here. I want the general counsels, I want the company's. I want you as contractors. I want the NILG and the HoURs that were addressing and dealing with and I want them to see what our findings are. I want

them to be fulsome and I want them to fully explain and they can take it for what it's worth. They can decide to work it out with us which most of them do at this point.

They can contest it and provide us a PDN response and then at the PDN response we can engage. Maybe we will change the PDN maybe we won't issue an OV maybe we will revise the based on the information we get back. I think that this process is very helpful. I continue to support the PDN process as far as transparency. Next recognition. I mentioned the EDI aWards which we are very proud of. We are doing closures with distinction. If we find in a review that a company really has done awesome in STERPLs of equal employment opportunity and the programs and we will close the matter with distinction. We recognize best practices and the

closure letter or in the certificate or some sort of response to the company. We are looking at doing FAP aWards, and when we review a FAB getting a recognition to those FAP's that are highest performing. The voluntary enterprise review program. One thing I am thinking about for the upcoming year. The agency knows about it as well. I want us to find ways that if because I have had many company's come up to many leaders of the company come up on this call come up to me and say craig we have done ten reviews in the last few years an we are getting a closure letter. We had 30 reviews in the last year or two an they got closure letters and I remember leaving that and of course I congratulated them but it worked. I remember coming back here to the agency saying why are we doing

that? It does not seem like a good use of governmental resources to review escalation tab establishment after escalation tab establish. We will publish criteria about this the idea is that if a company has five or six closure within a certain time. Maybe we go through them and do a voluntary wise consolidation agreement. We do a corporate wide one through we can improve equal employment opportunities people keep that in mind another thing we are thinking about is what about a company that is on the scheduling list and you do your review and you find a problem. What if you fine a problem very early even if we send you a scheduling letter. I think this should be a way for the agency in those situations to allow the company to come forward themselves right away and say look there is

what we found. This is what we propose to do to correct it to remedy it and the company engaged on that and do a very early resolution. EUFRPB instead of get ago two year exemption might get a three year exemption we are thinking I want company's forward. Big supporter. You don't have to I am looking for ways to earlier resolutions, do you know it means we can touch more people? My goal is to touch as many people as possible and to improve equal employment opportunity. Efficiency directive. To the director 2020-02. I was going to read the stats because of time I am not going to do that. The stats are incredible. In terms of the reduction of age cases and how much more efficient we are doing as an agency when I started at the end of fiscal year 2017 the age case rate

was 30%. Like I said it's now around 12 and I have seen some measures where it's under 10. The H case has gone down significantly the amount of time it takes has greatly decreased to about an average of 35-40 days and I don't have the number right in front of me I think it used to be something like I have it right here. With an NOV and 68 days for one without a NOV we are down to 35 days generally for all average. Think about that and think about how many more reviews we are going to be able to do. We set up case opening goals and we are going to continue to try to get those resolved quickly. If we have a finding we are going to work it out quickly and get a remedy effected workers that the certainty the last of the four principles or the first if you are using the acronym CERT.

We are doing a comp round table process with NILG and we are going to be seeing more from us soon I robe Bloomberg and the acceptty secretary it's important so that we are reviewing compensation in the correct way that we are making accurate finding and so I wanted to continue engaging the fact. What else did we do we published a new FCCM and our new and not new updated part of me. We published and updated FCCM and updated compliance manual and take a look at it it's available in PDF and HTML it's searchable. That was a big thing that we did and I'm very proud of it. I am proud of the agency for the work they did I think it's phenomenal. No hidden rules that's certainty. That's something that I am committed to. Every time you see a hidden rule being applied to. If you are not

being told or you feel like the agency is not telling you something. Contact me or the ombudsman or contact Bob or Patty and you are going to hear from them in a few seconds. Everyone needs the rules. Self audit. I want company's to be able to self audit. That doesn't mean that we are going to replace our audits with self audit. No we are going to continue audit. Every year you are going to be doing a self audit and reviewing and hiring your compensation and employment practices by knowing how the agency audit you if you find a problem fix it. That's the goal. That's going to effect more time. That's going to make a big impact for equal employment opportunity. Likewise we are going to reaffirm the bill of rights and you are going to be seeing soon a certainty directive from the agency. We are

working on that incorporate these principles. Finally coming up in FY 21. As I mentioned you are going to see an expansion of the ERPA program and moving into the voluntary enterprise wide program. The verification initiative this. is something that the agency is very committed to. Make sure you have your programs in place for every establishment. If you know about the F AB's because we have an agreement with you. Make sure you have them in place the AP's. We are going to be looking at that. We are looking at the check mark that you do with the Sans database. Make sure you have an equal opportunity person doing that check mark. You don't check it incorrectly as a company. It May effect if you get audited it May effect the remedy. You need to make sure you are answering that

truthfully and correctively. I worked with many of you and I'm certain that if you are answering that question you are imagining it. I believe that. We still have to audit it and you always have to verify. What I heard that question is answered by officials that don't know what an affirmative action program is. The answer not applicable or know when you actually have them in place. Make sure you have them in place and two that you are able to answer that question yes because you have them in place. That will be increasing your chances of being audited because you have affirmative action in place. Those companies that don't. It doesn't mean that we have to look at the ones we have in place. We're continuing to work on the ICR the affirmative action initiative

ICR as I mentioned before we are looking at certifications collection of certifications and we are going to use that in our scheduling processes that still coming up and we are still working on that. Likewise construction reviews those are going to be coming up at the end of FY 20 or 2021. We are going to publish a list. The IG has challenged us to identify likely violators, so we are working on that as we speak. I have our GPO or operations division working on that -- working on that and we have a couple really good ideas you will hear more from us later on that (-----had to stop here) (Picked up by another CART provider)