

Applicant Tracking & Disposition: What Recruiters Need To Know About Their Decisions

*A presentation of the
BCG Institute for Workforce Development (BCGi)
June 12, 2014*



*The following presentation is not to be construed as legal advice.
For specific legal advice please consult your corporate counsel or
a labor attorney.*

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Overview of Biddle Consulting Group, Inc.

Leader in the EEO/AA Consulting Niche	<ul style="list-style-type: none"> • Largest EEO/AAP Consulting Firm (since 1974) • 40-50 EEs
Affirmative Action Plan (AAP) Consulting & Fulfillment	<ul style="list-style-type: none"> • Develop thousands of AAPs for hundreds of contractors • Audit and compliance assistance • Enterprise AAP software used by hundreds of contractors
Assessments	<ul style="list-style-type: none"> • AutoGOJA™ job analysis software (geared for validation) • Test Validation & Analysis Program™ (TVAP) • CritiCall™ call center testing for 911 operators (900+ clients) • OPAC Administrative skills testing (1,000+ clients) • Situational Assessments (General and Nursing) • C4™ call center testing for in/outbound call takers
EEO Litigation Consulting /Expert Witness Services	<ul style="list-style-type: none"> • Over 200+ cases in EEO/AA (both plaintiff and defense) • Focus on disparate impact/validation cases
Compensation Analysis	<ul style="list-style-type: none"> • Proactive and litigation/enforcement pay equity studies • COMPare™ compensation analysis software
Publications/Books	<ul style="list-style-type: none"> • EEO Insight™: Leading EEO Compliance Journal • Adverse Impact Analysis (2nd ed.) / Compensation Analysis (1st ed.)
BCG Institute for Workforce Development	<ul style="list-style-type: none"> • 3,000+ members who receive free webinars and publications • BCGi Platinum™ paid subscription membership w/EEO tools
Nation-wide Speaking and Training	<ul style="list-style-type: none"> • Several consultants on national speaking circuit • Topics include EEO compliance, statistics, and validation

Disclaimer

OFCCP audits are a complex topic

- But they are a VERY important topic
- And one that has significant ramifications...

We are not giving legal advice

This presentation has been designed to benefit all stakeholders in the EEO compliance community

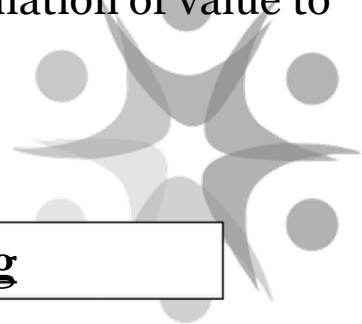


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Agenda

OFCCP Update

Definition of an Internet Applicant

Data Management Techniques & Applicant Data Tracking

Applicant Tracking Recommendations

Disposition Codes

503 and VEVRAA Regulations

Questions & Answers

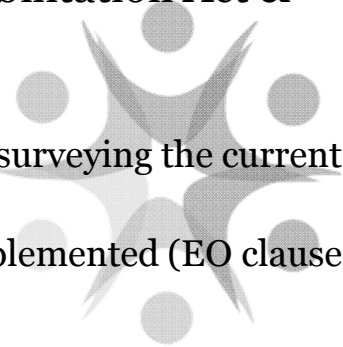
OFCCP Update



OFCCP Updates

Current/Pending Activities & Focus

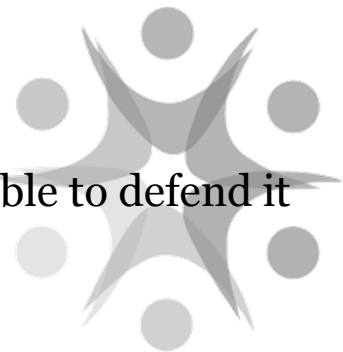
- Compensation: Update
 - Compensation Directive 307 (effective 2/28/2013)
 - Preliminary review of data will be based on contractor's pay range/salary groups or job groups
 - This has not gained very much momentum
- New regulations on Section 503 of Rehabilitation Act & VEVRAA
 - Just kicked off as of March 24, 2014
 - Begin collecting applicant records and surveying the current workforce starting December 31, 2014
 - Current changes have already been implemented (EO clause, EO Policy statement, Job taglines, etc.)



OFCCP Updates

Current/Pending Activities & Focus

- Outreach and recruitment – active linkages
- OFCCP is still aggressively pursuing Recordkeeping and Adverse Impact issues
- Job posting – proof of posting
- Lack of effort in job postings/recruitment is resulting in a high volume of conciliation agreements
- EO clause – make sure you include it
- Desk/On-site audits
- Renewed focus on compensation – be able to defend it




OFCCP Updates

FY 2015 Budget Justification Summary

FY 2013 Enacted		FY 2014 Enacted		FY 2015 Request	
FTE	Amount	FTE	Amount	FTE	Amount
726	\$99,685,000	700	\$104,976,000	710	\$107,903,000

A increase of \$2,927,000 from FY 2014 to FY 2015



OFCCP Updates

FY 2015 Budget Justification Summary

- **Why ask for more \$\$\$?**

- The OFCCP is building on and expanding its efforts in specific enforcement areas that promote these goals:
 - Identifying and addressing systemic pay discrimination to narrow the pay gap between women and men;
 - Focusing on elimination of gender, racial, and ethnicity-based discrimination in the construction trades; and,
 - Assisting veterans and individuals with disabilities to be fairly recruited, hired, paid, promoted, and retained in the workplace.

OFCCP Updates

FY 2015 Budget Justification Summary

- **What is ahead of us?**

- The OFCCP will complete:
 - 3,840 supply and service compliance evaluations
 - 450 construction contractor audits
 - Totaling to 4,290 compliance evaluations
- No specific industry is targeted with the all of the audits they plan on doing.

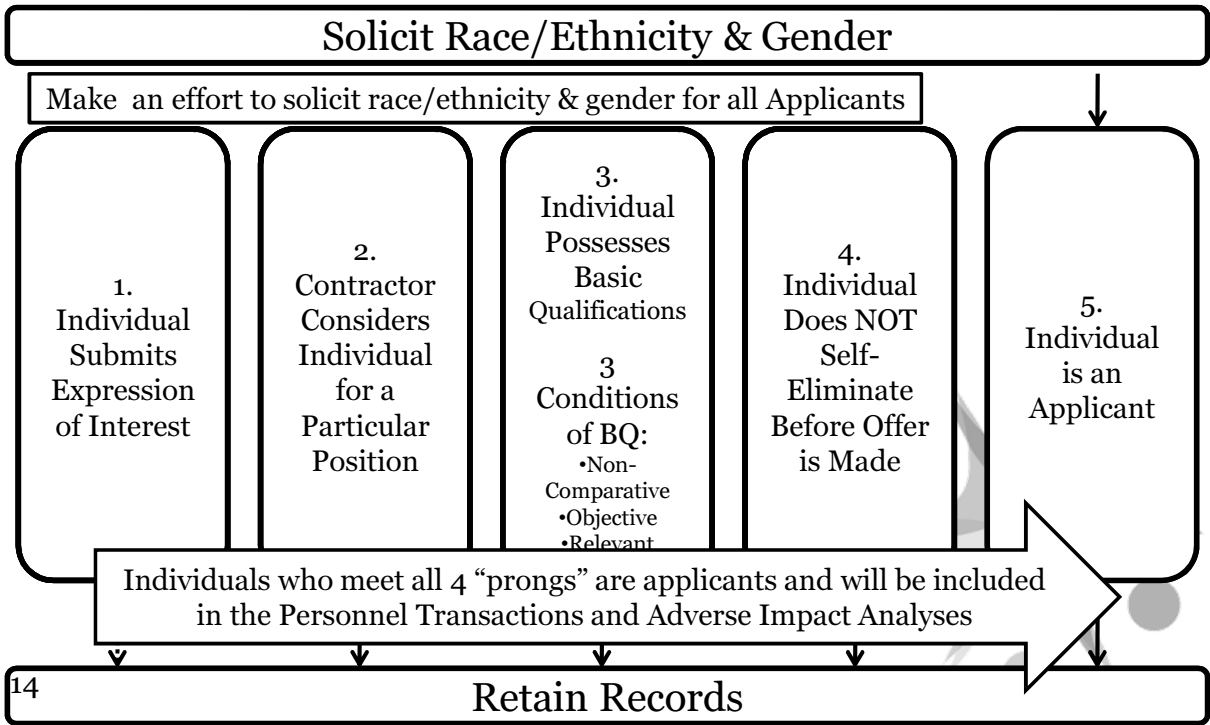


Definition of an Internet Applicant



Definition of an Internet Applicant

—————> Required > Optional

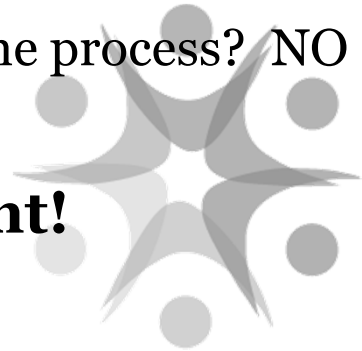


Definition of an Internet Applicant

Things to Consider:

- Did he/she follow protocol regarding submission of the application? YES
- Was the resume reviewed (i.e., considered)? YES
- Did he/she meet the basic qualification? YES
- Did he/she self-withdraw from the process? NO

.... then he/she is an applicant!



Definition of an Internet Applicant

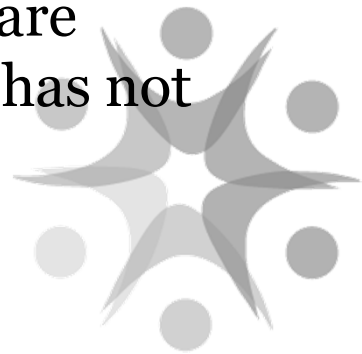
- Basic Qualifications ***must*** be established in advance
 - Maintain a record of BQ(s) that will be used to search a database
- Demographics must be solicited throughout the selection process
- Retain records of those who were considered for a particular position even if they eventually did not become an applicant



Definition of an Internet Applicant

From the FAQ:

“If the contractor does not open the resume as a result of appropriate data management techniques that limit the number of resume "hits" that are reviewed, then the contractor has not ‘considered’ that individual.”



Data Management Technique & Applicant Data Tracking



Data Management Techniques & Applicant Data Tracking

- Random Sampling - small subset drawn at random

1000 Resumes

Give me every 5th
until I get 25

25 Resumes

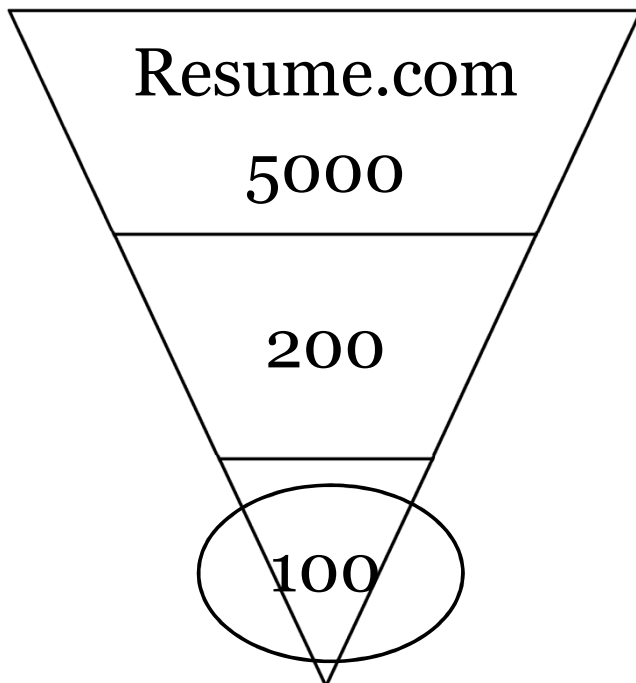
- Absolute Numerical Ceilings - contractor reviews only pre-destined number of resumes
 - Give me the first 100 resumes

Data Management Techniques & Applicant Data Tracking

- Serial/Combination Screening (Example):
 - Position: Emergency Room Nursing Supervisor
 - Basic Qualifications (**must** be pre-established):
 - B.S. in Nursing
 - State Registered Nurse
 - Bi-Lingual in English and Spanish
 - 3 years of emergency room nursing experience
 - 2 years of supervisory experience



Data Management Techniques & Applicant Data Tracking



First 3 BQ's: Degree; RN;
Bi-Lingual

4th BQ: 3 years of
emergency room
experience

5th BQ: 2 years of
supervisory experience

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IMPORTANT! All BQ's must be pre-established

Data Management Techniques & Applicant Data Tracking

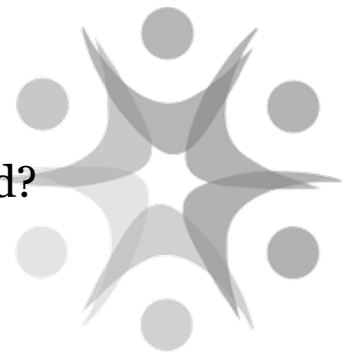
- ATS and HRIS are not talking to each other (i.e., no connection)



Data Management Techniques & Applicant Data Tracking

Issues:

- Identifying the correct applicant pool for the hires
- Information differs from one system to another
 - Race/gender information
 - Location
 - Job title
 - Are there requisitions not filled?



Data Management Techniques & Applicant Data Tracking

Common Data Challenges (During an Audit)

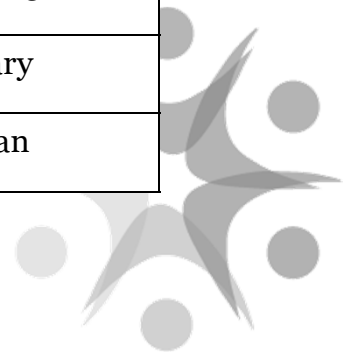
- Hires are not in the applicant pool
- Not enough applicants for the hires
 - Hires > Applicants
 - One to One Ratio
- BEWARE: Total numbers could be deceiving
 - Number of applicants seem appropriate
 - Further review reveals that some hires are ACTUALLY not present in the applicant pool

Data Management Techniques & Applicant Data Tracking

10 Female Applicants with 5 female hires

Applicants = 10
Jane 1
Jane 2
Jane 3
Jane 4
Jane 5
Jane 6
Jane 7
Jane 8
Jane 9
Jane 10

Hires = 5
Jane 1
Jane 2
Jane 3
Mary
Joan



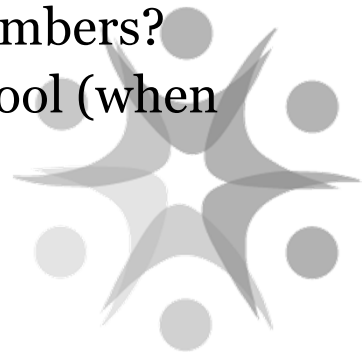
Applicant Tracking Recommendations



Applicant Tracking Recommendations

Artificially force the ATS and HRIS systems to “talk”

- Make it a protocol to transfer requisition numbers in HRIS when applicants get hired
- Create separate reqs # for each job title
- Can the ATS store employee numbers?
- Periodically update applicant pool (when feasible) every time hires occur
- Perform regular self-audit



Applicant Tracking Recommendations

A robust ATS will also track dates in each of the application stages

Req. No.	App. No.	App. Rec.	Written Test	Interview 1	Interview 2	Offer Made	Hired
123	34535	1/23/2012	1/27/2012	2/15/2012			
123	34536	2/5/2012	2/15/2012				
123	34537	2/14/2012	2/15/2012	2/19/2012	3/19/2012		
123	34538	3/8/2012	3/12/2012	3/15/2012	3/19/2012	3/20/2012	3/20/2012
123	34539	3/10/2012	3/12/2012				

Disposition Codes



Disposition Codes

There are two primary reasons (aside from the legal requirement) why it is in the employers best interests to ensure proper use of disposition codes within their ATS:

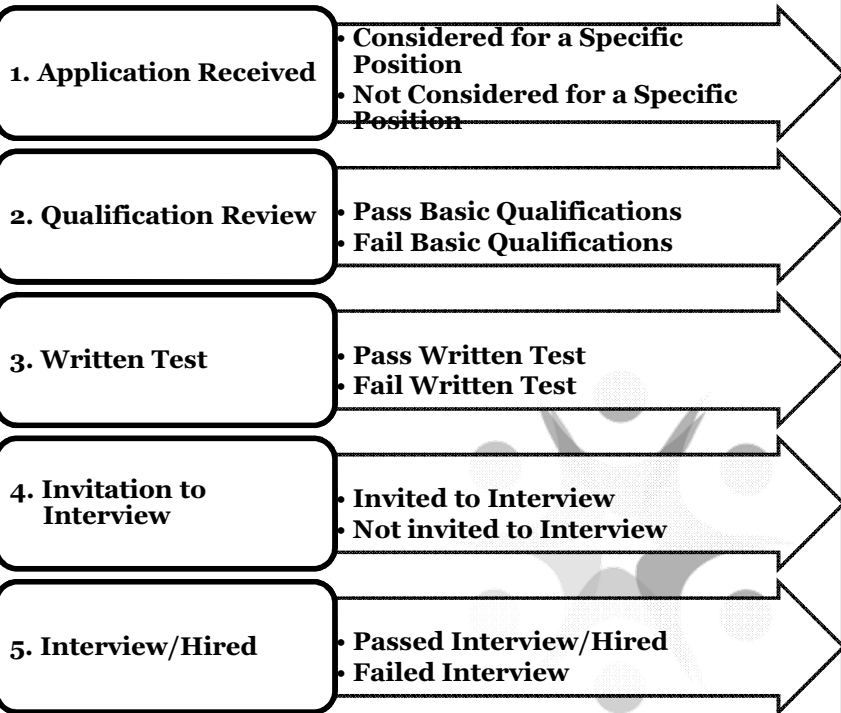
- To “filter-out” individuals who do not meet the definition of applicant
- To conduct adverse impact step analyses necessary to pinpoint specific issues



Disposition Codes

Component “Step” Analyses

- At the heart of a well-developed (compliant) ATS are disposition codes
- A disposition code is a device that identifies ALL specific decisions or actions that have been taken relative to an Applicant



Disposition Codes

Will one set of disposition codes suffice?

Job #1: General	Job #2: Above-Entry	Job #3: Entry-Level
1. Application Screening	1. Application Screening	1. Application Screening
2. Written Test	2. Written Test	2. Data Mgmt Technique
3. Selection for Interview	3. Selection for Interview #1	3. Interview
4. Interview/Hire	4. Interview #1	4. Hire
	5. Selection for Interview #2	
	6. Interview #2	
	7. Post-Offer Assessments	
	8. Hire	

What if all jobs were forced to use the same codes? How would you analyze Interview #2 if the code simply states “Passed Interview”?

Creating Disposition Codes

Step 1: Choose a high-volume, entry-level position

- This will help to prioritize based on legal exposure and number of applicants/hires

Step 2: Create a flowchart of the selection process

- This is helpful in the event of an audit, and will also be beneficial when creating disposition codes

Step 3: Create disposition codes aligned with each step in the selection process

- Balance it when creating enough codes to capture all necessary data, but not too many that can become overly cumbersome
- Codes must allow analysis of each step
- (Ideally) Include secondary codes to track more granular detail (e.g., which BQ did they fail, which post-offer assessment did they fail, etc.)

Step 4: Create additional codes that allow for refinements based on the definition of internet applicant (e.g., withdrawals, not willing, etc.)

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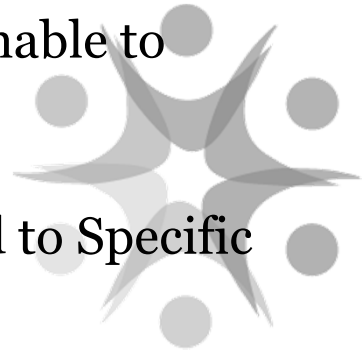
Sample Disposition Codes

- Application Received
- Not an Applicant
 - Did not complete online application process
 - Lied on application
 - Not considered for a specific position
- Not Interested
 - Shift
 - Location
 - Salary
 - Hours

This is just a starting point – specific disposition codes must be created to match your organization’s hiring/selection processes.

Sample Disposition Codes

- Passed Basic Qualification Screening
- Failed Basic Qualification Screening
 - Age
 - Licenses (ex. CDL)
 - Lifting (ex. 50lbs.)
 - Education (ex. Bachelor's Degree)
- Invited to Take Written Test – No Show
- Invited to Take Written Test – Unable to Contact
- Failed Written Test
- Passed Written Test – Forwarded to Specific Requisition



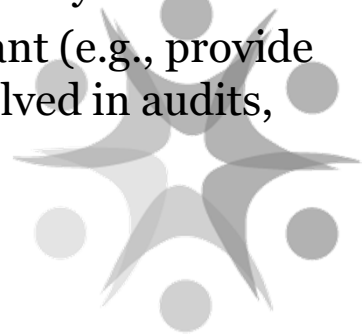
Sample Disposition Codes

- Not Selected for Interview
- Invited for Interview – No Show
- Invited for Interview – Unable to Contact
- Failed Interview
- Offer of Employment – Declined
- Offer Accepted – Failed Drug Test
- Offer Accepted – Failed Medical
- Offer Accepted – Failed Background
- Offer Accepted – No Show
- Offer Accepted – Hired



Recommendations

1. Most ATS have the ability to collect disposition codes (i.e., status)
 - Configure the ATS to collect/retain a history of disposition codes for each applicant
 - Disposition codes should be job specific
 - Train users on the proper use of the system
 - Let users know WHY it is important (e.g., provide AAP/EEO training, get them involved in audits, etc.) - collaborate



Recommendations

2. Ensure that each candidate has the correct disposition code.

- Candidates should at the least be placed in one of the *broad* categories:
 - Candidate withdrew from process
 - Candidate moved on to the next step
 - Contractor rejected the candidate

3. Ensure to let your recruiters know and understand the risk and what's at stake.



New Regulations (What Recruiters Need to Know)



503 & VEVRAA Regulations

Job Listing Requirements

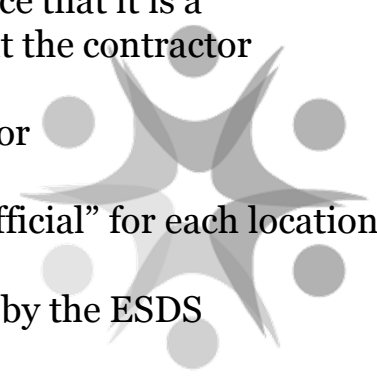
- Contractors are required to list all job openings with the Employment Service Delivery System (ESDS)
- Must track each referral source to measure the effectiveness of outreach efforts

Notices to Employment Service Delivery System (ESDS)

- The new regulations will require that federal contractors/ subcontractors advise the Employment Service that it is a contractor complying with VEVRAA, and that the contractor provide:
 - Indication of being a federal contractor
 - A desire for priority referrals
 - Contact information for the “hiring official” for each location in the state with openings
 - Provide data in the format permitted by the ESDS

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[sample notices to ESDS.pdf](#)



503 & VEVRAA Regulations

Data Collection

- Recruiters need to know that it is a requirement to collect the following:
 - Self-ID form for individuals with disabilities;
[503 Self-ID form.pdf](#)
 - Self-ID form for Veterans;
[VEVRAA Self-ID form.pdf](#)
 - Referral Sources*
Will need to be able to track referral sources from applicants as this will help measure the effectiveness of **each** outreach and recruitment efforts
- Be prepared for new detailed responsibilities that come with the new regulations.

*Not required

Questions.

